

GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

REEF FISH MANAGEMENT COMMITTEE

Hilton Clearwater Beach Resort Clearwater Beach, Florida

JUNE 20-21, 2016

VOTING MEMBERS

- 10 John Greene.....Alabama
- 11 Kevin Anson.....Alabama
- 12 Leann Bosarge.....Mississippi
- 13 Doug Boyd.....Texas
- 14 Roy Crabtree.....NMFS, SERO, St. Petersburg, Florida
- 15 Pamela Dana.....Florida
- 16 Dale Diaz.....Mississippi
- 17 Myron Fischer (designee for Patrick Banks).....Louisiana
- 18 Martha Guyas (designee for Nick Wiley).....Florida
- 19 Kelly Lucas (designee for Jamie Miller).....Mississippi
- 20 Campo Matens.....Louisiana
- 21 Robin Riechers.....Texas
- 22 John Sanchez.....Florida
- 23 Greg Stunz.....Texas
- 24 Ed Swindell.....Louisiana
- 25 David Walker.....Alabama
- 26 Roy Williams.....Florida

NON-VOTING MEMBERS

- 29 Dave Donaldson.....GSMFC
- 30 Captain Jose Jimenez.....USCG

STAFF

- 33 Steven Atran.....Senior Fishery Biologist
- 34 Assane Diagne.....Economist
- 35 John Froeschke.....Fishery Biologist - Statistician
- 36 Douglas Gregory.....Executive Director
- 37 Morgan Kilgour.....Fishery Biologist
- 38 Ava Lasseter.....Anthropologist
- 39 Mara Levy.....NOAA General Counsel
- 40 Emily Muehlstein.....Fisheries Outreach Specialist
- 41 Kathy Pereira.....Meeting Planner/Travel Coordinator
- 42 Charlene Ponce.....Public Information Officer
- 43 Ryan Rindone.....Fishery Biologist/SEDAR Liaison
- 44 Bernadine Roy.....Office Manager
- 45 Charlotte Schiaffo.....Research and Human Resource Librarian
- 46 Carrie Simmons.....Deputy Director

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2 Patrick Banks.....LA
3 Luiz Barbieri.....GMFMC SSC
4 Jeff Barger.....Ocean Conservancy, Austin, TX
5 Anna Beckwith.....SAFMC
6 Randall Bibler.....FWC DLE
7 Holly Binns.....Pew Charitable Trusts, Tallahassee, FL
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PAGE 40: Motion in Action 2.2 to move Alternative 4 to considered but rejected. The motion carried on page 40.

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PAGE 66: Motion in Action 2 to specify spawning months as April through June. The motion carried on page 67.

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PAGE 90: Motion in Action 1 to add, under Alternative 3, Option 3c, every five years, and in Action 2, to add Option 2d, every five years. The motion carried on page 90.

PAGE 90: Motion in Action 2 to clarify that vessels are presumed to be under the program unless they exercise some affirmative action to opt out. The motion carried on page 90.

PAGE 93: Motion in Action 3, Alternative 5a, to change 2012 to 2013. Option 5a is average landings for years 2003 to 2012, excluding landings in 2010. The motion carried on page 94.

PAGE 110: Motion to remove harvest tags from the document for use as an allocation tool and keep it as an enforcement validation tool. The motion failed on page 114.

PAGE 119: Motion to ask staff to evaluate the recreational for-

1 hire red snapper season to open April 20 through May 31 and
2 reopen in September, and open June 1 through June 30, and reopen
3 October 1 until the projected end of the season. [The motion](#)
4 [carried on page 120.](#)
5
6 [PAGE 134:](#) Motion to recommend to change the language in Action
7 3, Preferred Alternative 3, from 219,000 pounds to 159,300
8 pounds after 2018. [The motion carried on page 134.](#)
9
10 [PAGE 138:](#) Motion in Action 4 to change the Preferred
11 Alternative from Alternative 4 to Alternative 2. Alternative 2
12 is set the hogfish minimum size limit at fourteen inches fork
13 length. [The motion carried on page 139.](#)
14
15 [PAGE 140:](#) Motion that the council approve Amendment 43, Hogfish
16 Stock Definition, SDC, ACL, and Size Limit, and that it be
17 forwarded to the Secretary of Commerce for review and
18 implementation, and deem the codified text as necessary and
19 appropriate, giving staff editorial license to make the
20 necessary changes in the document. The Council Chair is given
21 the authority to deem any changes to the codified text as
22 necessary and appropriate. [The motion carried on page 141.](#)
23
24 [PAGE 149:](#) Motion in Action 2.1 to change the preferred
25 alternative from Alternative 2a to Alternative 3. [The motion](#)
26 [failed on page 152.](#)
27
28 [PAGE 153:](#) Motion to recommend the council approve Amendment 45,
29 Extend or Eliminate the Sunset Provision on Sector Separation,
30 and that it be forwarded to the Secretary of Commerce for review
31 and implementation, and deem the codified text as necessary and
32 appropriate, giving staff editorial license to make the
33 necessary changes in the document. The Council Chair is given
34 the authority to deem any changes to the codified text as
35 necessary and appropriate. [The motion carried on page 153.](#)
36
37 [PAGE 154:](#) Motion that the council assemble an ad hoc advisory
38 panel of private boat recreational fishermen and charge them to
39 develop fair and effective ways to mitigate the red snapper
40 derby and populate this committee and convene them for their
41 first meeting after hearing results from the Recreational Angler
42 Focus Group. [The motion carried on page 166.](#)
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44 [PAGE 170:](#) Motion that the council begin a plan amendment to
45 specify ACL and MSY proxy for vermilion snapper. [The motion](#)
46 [carried on page 171.](#)
47
48 [PAGE 183:](#) Motion to direct staff to start a framework action to

1 develop a method to carry over the unharvested red snapper ACL
2 to the following season. [The motion carried on page 184.](#)

3
4 [PAGE 184](#): Motion to recommend the council establish an ad hoc
5 workgroup, with the Executive Director's discretion in
6 appointments, to assist the SSC in addressing MSY proxies. [The](#)
7 [motion carried on page 189.](#)

8
9 [PAGE 190](#): Motion to ask the council to direct the Science &
10 Statistical Committee, for its August 2016 meeting, to review
11 analyses for red snapper at Fmax, F 20 percent SPR, F 22 percent
12 SPR, and F 24 percent SPR and provide advice regarding the risk
13 of overfishing if any of these potential reference points were
14 used for red snapper, given their life history characteristics,
15 and new scientific information regarding the generic
16 relationship between life histories and productivity. [The](#)
17 [motion carried on page 194.](#)

18
19 - - -
20

1 The Reef Fish Management Committee of the Gulf of Mexico Fishery
2 Management Council convened at the Hilton Clearwater Beach
3 Resort, Clearwater Beach, Florida, Monday afternoon, June 20,
4 2016, and was called to order by Chairman Johnny Greene.

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

10 **CHAIRMAN JOHNNY GREENE:** I'm going to go ahead and call the Reef
11 Fish Committee together. I will remind you that this is a
12 committee of the whole, and speak up and let's get through this
13 committee meeting, so we can get out of here Friday on time, if
14 not early.

15
16 With that, we have Adoption of the Agenda. Are there any
17 additions, deletions, or changes to the agenda that anyone would
18 like to bring forward at this time? Seeing none, I have one.
19 In triggerfish, we're just going to, in Item V, Tab B, we were
20 going to swap the Tab 6(b) presentation with 19(a). We're going
21 to just flip those around. That's all we're going to do.
22 Anybody else? All right. Seeing no objections, we will approve
23 the agenda as written.

24
25 Item Number II, Approval of the Minutes, is there any changes or
26 additions to the minutes? Seeing nobody jumping up and down
27 with that, is there any opposition? Seeing none, we will move
28 on.

29
30 Item Number III is Action Guide and Next Steps that staff put
31 together. I appreciate that document. I find it very helpful,
32 and it is available for you under Tab B, Number 3. With that,
33 we will move on to Item Number IV, Draft Amendment 36A, Red
34 Snapper IFQ Modifications, and that will be Tab B, Number 4,
35 Review of Draft Amendment, and Dr. Lasseter.

36
37 **DRAFT AMENDMENT 36A - RED SNAPPER IFQ MODIFICATIONS**
38 **REVIEW OF DRAFT AMENDMENT**
39

40 **DR. AVA LASSETER:** Thank you, Mr. Chairman. We have brought you
41 a Draft Amendment 36A. If we could scroll down to page 1, I'm
42 just going to give a little refresh as where we are in this
43 document, which is summarized on page 1.

44
45 At your January meeting this year, the council decided to
46 further evaluate the ideas that were under 36 as a whole, one
47 amendment, and you split the amendment into 36A and 36B, and you
48 also expanded the scope of the amendment to apply to both the

1 red snapper program and the grouper-tilefish IFQ program.

2
3 For 36A, the items to include were the enforcement of all
4 commercial reef fish trips, addressing quota held in inactive
5 accounts, and giving NMFS the authority to withhold IFQ
6 allocation before an expected quota reduction. Those three
7 items were placed in 36A, with the remaining list of items that
8 were originally under consideration in 36 placed in 36B.

9
10 This Chapter 1 has been expanded. There is a summary, a
11 background, of the red snapper IFQ program and some information
12 on the number of vessels by state that are landing red snapper
13 each year since the program began, a little summary of the
14 grouper-tilefish IFQ program, which is a multispecies program,
15 in contrast to the red snapper program, and so you have both
16 individual species groupings, species groupings that encompass
17 numerous species, and some vessels, number of vessels, landing
18 around the Gulf for each of the species categories there.

19
20 Then the purpose and need is on page 7. The purpose of this
21 action is to consider modifications to improve the performance
22 of the red snapper IFQ and grouper-tilefish IFQ programs. The
23 need is to prevent overfishing, to achieve, on a continuing
24 basis, the optimum yield from federally-managed fish stocks, and
25 to rebuild the red snapper stock that has been determined to be
26 overfished. Our primary purpose here is modifying features of
27 the program to improve performance of these two IFQ programs.

28
29 Let's go to Chapter 2, Action 1, which begins on page 13.
30 Action 1 addresses the commercial-permitted reef fish vessel
31 hail-in requirement. Currently, all vessels with a commercial
32 reef fish permit are equipped with VMS, and, if they're going to
33 land IFQ species, they are required to hail out before leaving
34 port and to hail in, and the purpose of the hail in, of course,
35 is to allow enforcement officers to meet the vessel up at dock
36 and watch the offloading. It's for enforcement and validation,
37 essentially.

38
39 Currently, this hail-in requirement is only for vessels that are
40 going to land the IFQ species, and the council has expressed
41 interest in expanding that requirement to all commercial vessels
42 with a reef fish permit that are landing species, whether or not
43 they're IFQ species.

44
45 We have here three alternatives. Of course, our Alternative 1
46 is taking no action. It's the status quo, where, currently,
47 anybody with a reef-fish-permitted vessel that's going to land
48 an IFQ species must hail-in at least three hours, but no more

1 than twenty-four hours, in advance of landing. You have to land
2 at an approved landing site, and there's other requirements as
3 well.

4
5 Alternative 2 and 3 would expand this requirement. Again, it
6 only applies to vessels that have a commercial reef fish permit.
7 Alternative 2 proposes, for those reef-fish-permitted vessels,
8 to require them to hail-in for any commercially-caught reef fish
9 species, for any fish caught within the management unit.

10
11 Alternative 3 would require those same vessels, commercial-reef-
12 fish-permitted vessels, to hail-in if they are carrying any
13 commercially-caught species outside of reef fish, and so it
14 could be coastal migratory pelagics or -- We've left it wide
15 open at the time to any commercially-caught species.

16
17 I wanted to turn it over to just a moment to -- We do have some
18 comments from the Law Enforcement Committee that pertain to this
19 action specifically, and so I'm actually going to turn this over
20 to Steven Atran for just a moment.

21
22 **MR. STEVEN ATRAN:** Thank you, Ava. The Law Enforcement
23 Committee reviewed this amendment at their March meeting, the
24 Law Enforcement Technical Committee, I mean. They were not in
25 favor of expanding the hail-in and hail-out requirements. One
26 of the reasons they gave was they felt that the expansion would
27 increase the number of vessels to the point where the workload
28 would be overwhelming, but, beyond that, they noted that IFQ
29 vessels are required to have VMS systems.

30
31 Other non-IFQ vessels don't need those, and IFQ vessels must
32 land at an approved IFQ landing spot, which is a subset of the
33 total number where other vessels could land. The increase in
34 the number of vessels and the increase in the number of possible
35 landing locations, they felt would just make this an unworkable
36 alternative.

37
38 **DR. LASSETER:** Okay. Thank you, Steven. I do want to point out
39 that we did provide the Law Enforcement Committee with some
40 background information. I was not at the meeting, and so I
41 think there may have been some confusion in regards to their
42 recommendation. It is actually already required that all reef
43 fish vessels have VMS, and so that is already in place. For the
44 Alternative 2, this does already overlap with all of those that
45 do have VMS.

46
47 If we scroll down just a bit, to Table 2.1.1, I want to point
48 out who we're talking about, how many potential additional

1 vessels we could be talking about here, and, again, Alternative
2 2 is going to be those landing reef fish, and Alternative 3 is
3 landing any commercially-caught fish. Table 2.1.1 provides the
4 number of commercial reef fish permits for whether they have
5 landings from IFQ species or not. We currently have a total of
6 868 valid or renewable reef fish permits. In the year 2015, 794
7 reef fish permits were also associated with IFQ accounts, and so
8 out of the total of 868 permits.

9
10 The number of vessels with those reef fish permits that actually
11 made reef fish landings in the year 2015 was 533, and so there's
12 different ways to look at the numbers of vessels, whether or not
13 they've been making landings. We just picked 2015, the most
14 recent year, but we're trying to get at the sense of how many
15 additional vessels could we possibly be considering. I'm going
16 to turn it over for a question for a moment.

17
18 **MR. ROY WILLIAMS:** Thank you, Ava. Ava, you show there that's
19 533 vessels with reef fish landings, but then, when I go down
20 here to the permits, there is 763 active IFQ accounts, and so
21 some vessels have multiple accounts, I guess, for some reason?

22
23 **DR. LASSETER:** If we scroll down a couple more lines, you can
24 actually see the reef fish permits where there were IFQ
25 landings. That's only 485. Yes, there is definitely many more
26 accounts than there are permits and then, of course, landings.

27
28 Also, we have to keep in mind that, after the programs were in
29 place for five years, any U.S. citizen or resident alien could
30 technically own shares and buy and sell allocation, but they
31 can't location allocation, of course, but this allowed for
32 public participation, and a lot of people have divided up their
33 assets and created new accounts and put a vessel as its own
34 account or kept their vessel with their account. That's why we
35 provided this information to look at in different ways, because
36 people structure their accounts and their assets in different
37 ways in the program.

38
39 **MR. WILLIAMS:** Thank you.

40
41 **DR. LASSETER:** Okay, and so, as another way to look at this,
42 this is just the number of permits we could be looking at. If
43 we scroll down a little further, to Table 2.1.2, here we can see
44 the number of trips by year that were taken that harvested --
45 Trips with any reef fish, by year, is the first column. Trips
46 taken that actually landed IFQ species, and I want to point out
47 that grouper-tilefish began in 2010, and so 2007 to 2009 would
48 have been I think red snapper alone.

1
2 Then the proportion of reef fish trips with IFQ species -- No,
3 this is actually -- It's lower than 100 percent, and so it's the
4 landed grouper-tilefish as well, and the difference in the
5 number of trips, and so this gives a different approach to look
6 at what could be the increase in enforcement needs for these
7 vessels.

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

10
11 **DR. ROY CRABTREE:** Steve Atran, you said that they were
12 concerned this was going to be a big workload issue, but it
13 looks to me like if we required it for all reef fish trips that
14 there's not really that many trips, right?

15
16 **DR. LASSETER:** I would like to point out that we provided the
17 Law Enforcement Committee just an outline of what we were
18 talking about. At the time, we did have the information in
19 those two tables. Jessica Stephen provided those relatively
20 recently, and so that's why I feel like perhaps the Law
21 Enforcement Committee could benefit from maybe meeting and
22 talking about this again.

23
24 I think the point about the VMS already being on reef-fish-
25 permitted vessels somehow was overlooked, and, also, if they
26 could consider the issue with this information, with these
27 numbers in place, perhaps they would --

28
29 **DR. CRABTREE:** This would require them to hail-in and hail-out,
30 but it would not require them to land at one of the approved IFQ
31 landing sites, right?

32
33 **DR. LASSETER:** Currently, the way it is written, no. The way
34 the IPT has laid this out is that the information that would be
35 provided at hail-in would include date, time, and location of
36 landing, but not necessarily one of the approved landing
37 locations, unless the council is interested in putting the
38 additional restriction that they land at an approved landing
39 location, and we could add that in, and their vessel
40 identification number.

41
42 Right now, this is just requiring the hail-in, but it's not
43 necessarily requiring that those vessels land at those existing
44 approved landing locations or request permission to get a new
45 location authorized.

46
47 **MS. MARTHA GUYAS:** I was just going to say, if we're going to
48 have the Law Enforcement Committee look at this again, I feel

1 like the landing site was part of the issue. I mean if the
2 people are hailing-in and they're going to a place that
3 enforcement can't get to, it's not really doing us much good,
4 and so I don't know if it's worth posing the question to them of
5 would they want to see these landings occurring at an approved
6 site or was that something that we should be looking at? I
7 don't know, but I imagine that, if you expand it to all of these
8 reef fish holders, that you're going to have a whole lot of
9 sites that aren't on their list, and I think that may be part of
10 the issue for them.

11
12 **CHAIRMAN GREENE:** Good point. Any further discussion? Mr.
13 Williams.

14
15 **MR. WILLIAMS:** Just one quick one. A charter boat that also has
16 a reef fish permit and an IFQ account, how are they impacted?
17 If they're going charter fishing, let's say, out of Destin
18 during the summer months, because they have that permit, do they
19 have to do a hail-in/hail-out, or would they only have to do
20 that when they're commercial fishing?

21
22 **DR. LASSETER:** When that vessel leaves port, they must hail out
23 and declare the purpose of that trip, if it's charter or
24 commercial.

25
26 **DR. CRABTREE:** If it's charter, they're done. It's only if
27 they're commercial that they have to do the rest of it.

28
29 **CHAIRMAN GREENE:** Thank you. Dale.

30
31 **MR. DALE DIAZ:** Dr. Lasseter, I see in the document that you say
32 for Alternative 3 that you don't have the information at this
33 time. Are you all actively working to get the information for
34 Alternative 3, or is that something we'll see in the future?

35
36 **DR. LASSETER:** I have not requested how many total vessels are
37 landing any commercial species, but, as we move forward, we
38 would definitely need to include for the analysis, but I don't
39 have it. I have not requested it, but I can say, the way it's
40 written now, you're talking about CMP and -- Any commercially-
41 caught species would, of course, include lobster, and it would
42 include state-managed species. Is there an additional
43 alternative you would like to see analyzed that would be between
44 these? Would there be a benefit or a reason to require
45 commercial-reef-fish-permitted vessels to hail in when they're
46 landing something from a different FMP? I guess the IPT would
47 like feedback from you, if you would like to see something else
48 examined.

1
2 **MR. DIAZ:** To respond, I mean what's kind of going through my
3 mind is that I think, more than likely, the law enforcement
4 comments, I believe, will probably be accurate for Alternative
5 3, but I think it would be a good idea for them to go ahead and
6 review Alternative 2, based on the new information that's
7 available, and so I say leave it like it is for right now, but,
8 at some point, we might want to take Alternative 3 out and put
9 it in considered but rejected.

10
11 **CHAIRMAN GREENE:** Thank you. Mr. Walker.

12
13 **MR. DAVID WALKER:** I was just going to say that hail-in and
14 hail-out seems like a good idea if it closes some loopholes. I
15 would just like to know, from National Marine Fisheries Service,
16 how much more work it would be and how easy it would be to add
17 this requirement.

18
19 **DR. CRABTREE:** Based on what I'm seeing for reef fish, it's not
20 that many more trips, and it would be all right. The location
21 of landing gives me a little concern, because, if it's not going
22 to be a certified landing site, then, without some -- They could
23 put almost anything down there that might not be informative to
24 law enforcement. I don't know how much of a problem that is,
25 but, just looking at it, David, it looks to me like it's around
26 a 10 or maybe 15 percent increase in the number of trips. That
27 doesn't seem to be that onerous, but I think getting law
28 enforcement to look at these extra numbers and seeing what they
29 think on it probably is a good idea.

30
31 **CHAIRMAN GREENE:** Thank you. Mr. Walker.

32
33 **MR. WALKER:** I was just going to speak to some of the loopholes.
34 You know I've had some people that had discussion of people with
35 no IFQ shares coming in with reef fish at night and unloading
36 the fish and, not having the hail-in or hail-out requirement,
37 there was no way to check them. I just thought I would add
38 that, just closing some of these loopholes.

39
40 **CHAIRMAN GREENE:** Is there further discussion? Myron.

41
42 **MR. MYRON FISCHER:** Just for information from Roy, Roy, is there
43 like an infrastructure index of all the fish houses, rather than
44 I'm saying I'm going to just land in -- Do you all have one
45 complex index of not only IFQ, but all potential fish houses?

46
47 **DR. CRABTREE:** Well, we have dealer permits and information
48 associated with them. That would be as close as we have, and

1 they're required to sell to someone who has a dealer permit, and
2 so we should know who their dealers are. Can I ask a question?

3
4 There is a difference I see with Alternative 2 and Alternative
5 3. Alternative 2 says "commercially-caught reef fish from Gulf
6 waters". Alternative 3 says "commercially-caught species" and
7 it doesn't say from Gulf waters, which seems to imply if they
8 were fishing in Alaska that they would still have to do this.

9
10 **DR. LASSETER:** I think that that was -- Somebody had made a
11 comment to the IPT, and the person that reviewed this section
12 just missed accepting another edit. They should both say "from
13 Gulf waters", I believe.

14
15 **CHAIRMAN GREENE:** I saw a hand back there at the staff table
16 from Jessica.

17
18 **DR. JESSICA STEPHEN:** I just wanted to add that, while we have
19 the list of dealer locations, the dealer sites aren't always the
20 landing locations. In IFQ, they are two separate lists, and so
21 just keep that in mind.

22
23 **CHAIRMAN GREENE:** Thank you. Is there further discussion?
24 Seeing none, Dr. Lasseter.

25
26 **DR. LASSETER:** Okay. If there's no further discussion on Action
27 1, we will move to Action 2, which begins on page 17, and Action
28 2 addressed inactivated IFQ shareholder accounts. NMFS staff,
29 in addressing these accounts, has asked us to differentiate
30 between two different concepts. In the IFQ program, you have
31 some people, some accounts, that may not be accessed -- The
32 person may not go in, log in, to the computer for some period of
33 time. That could be a whole year that maybe they haven't
34 touched their account, and NMFS would regard that account as
35 inactive.

36
37 We want to differentiate that what we're talking about here in
38 this action are inactivated accounts, accounts that have never
39 been activated in the current system, and the reason that
40 distinction, that we're trying to make that really clear, is we
41 don't want people who maybe have not logged into their account
42 for a while, they've been sick, they've had some illness,
43 thinking that the council or NMFS is trying to take away their
44 shares.

45
46 What we're really addressing here are accounts that have never
47 been opened, never been accessed, since they were created, since
48 those accounts were set up, and some amount of initial shares

1 were put into those accounts.

2
3 We've talked about this a few times at the meeting. The council
4 has expressed interest in doing something with the shares that
5 are in these accounts that have never been accessed since one or
6 the other programs have been implemented.

7
8 Now, when we first raised this with red snapper, I want to say
9 it was about 1.5 percent of the quota. It was an amount of the
10 quota where, in the five-year review for red snapper, one of the
11 recommendations was for the council to look at these shares.
12 Towards achieving optimum yield, the council may want to do
13 something about these shares, with the annual allocation
14 associated with them, that are just sitting there.

15
16 Since we've started talking about this at the council, the
17 amount of shares have decreased. Other commercial fishermen
18 have been going out and tracking down some of these guys. The
19 addresses are all provided online of shareholders, and so the
20 amount of pounds in these accounts has decreased, and so let's
21 take a look at that first. Table 2.1.1 on the top of page 19
22 provides the actual number of these completely inactivated
23 accounts. Nobody has ever logged into them.

24
25 The amount of shares, as a proportion of the 100 percent quota,
26 and the equivalent pounds, given the 2016 quota, and so this
27 would be the annual allocation for this year, 2016, for each of
28 these either IFQ program or the share categories within the
29 grouper-tilefish program. We can see, as a total of the
30 grouper-tilefish IFQ program, you've got less than 1 percent of
31 all of the program shares are held in these fifty-five
32 inactivated accounts. For the year 2016, we're talking about
33 less than 14,000 pounds spread across those different share
34 categories.

35
36 For the red snapper program, there is forty-nine of these
37 inactivated accounts, representing just under half a percent of
38 the quota. For the year 2016, we're talking 29,000 pounds, and
39 so the amount of pounds has really gone down since we first
40 started talking about this, but that's almost 30,000 pounds.

41
42 I'm not sure if the council wants to continue addressing these
43 inactive accounts or not, but we have had a change in the volume
44 of pounds that is still in these accounts, although now we have
45 integrated the grouper-tilefish program on this, too. That's
46 kind of the amount of quota that we're talking about.

47
48 If we can scroll back up to the top of page 17 again, to address

1 these shares held in these inactivated IFQ shareholder accounts,
2 the IPT identified -- We broke this action down into three sub-
3 actions. The first action, Action 2.1, would be returning these
4 inactivated IFQ shares to NMFS. Which shares are we going to do
5 and when would that be done?
6

7 Action 2.2 is going to be how to redistribute those shares, the
8 method of redistribution. Then, finally, the Action 2.3 is
9 going to concern defining small participants, which is going to
10 be one of the alternatives that is in the Action 2.2.
11

12 You can see how there is several decision points for addressing
13 what to do with these inactivated IFQ shareholder accounts, and
14 so we'll start with Action 2.1, returning the shares to NMFS.
15 Our Alternative 1 is taking no action and just allowing those
16 IFQ shares held in these accounts to remain unused, and it is
17 possible that other commercial fishermen will continue to reach
18 out to these inactivated account shareholders and obtain the
19 shares.
20

21 Alternatives 2, 3, and 4, the first part addresses which program
22 or both programs this would apply to, which program NMFS would
23 take the inactivated account shares, and so Alternative 2 would
24 be for the red snapper IFQ program only. Alternative 3 is the
25 grouper-tilefish IFQ program only, or Alternative 4 for both the
26 red snapper and the grouper-tilefish IFQ program.
27

28 The options are the same for each of the alternatives, and they
29 pertain to when this would actually occur. Option a is the
30 shares from whichever program would be returned to NMFS on the
31 effective date of the final rule implementing this Amendment
32 36A. Option b would provide one year following that date, that
33 effective date, of implementing this amendment, and so it would
34 give one extra year for possibly other fishermen to locate these
35 shareholders and obtain these shares. Are there any questions
36 on these alternatives, first?
37

38 **MR. FISCHER:** Ava, again, it's for information. Does the
39 general public know who these people are with these shares?
40

41 **DR. LASSETER:** It is possible for somebody in the general public
42 to identify who they are. You can go to NMFS's IFQ program
43 webpage, in the frequent FOIA request page, and you can see the
44 name of every shareholder and how many shares that they hold in
45 each category, and I believe NMFS put an extra column in there
46 that identifies these inactivated accounts. I am pretty sure
47 those are flagged. I see Jessica raising her hand.
48

1 **DR. STEPHEN:** Yes, they're flagged, and I believe they're called
2 "initial" on that page, instead of inactivated. It also gives
3 the address that we last had on record for the shareholders.

4

5 **MR. FISCHER:** But, to this date, those people still own those
6 shares?

7

8 **DR. LASSETER:** Correct.

9

10 **CHAIRMAN GREENE:** Mr. Walker.

11

12 **MR. WALKER:** I was just going to say this seems kind of simple,
13 but it could be complicated, and I do think the giving them one
14 year of time after this is implemented, at least give them one
15 year of grace time to do something with those accounts.

16

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

18

19 **DR. GREG STUNZ:** Ava, I just have a clarifying question. I
20 guess the forty-nine red snapper individuals or whoever owns --
21 Are they responsive or are they not? I'm just trying to figure
22 out who they are. Is it people that don't even know they have
23 these shares from an inheritance or something or -- That might
24 influence how we decide how to do it.

25

26 **DR. LASSETER:** I think part of it is that people don't know who
27 they are. These are the ones that have still not been tracked
28 down, but, in forty-nine accounts, you've got 28,000 pounds.
29 Some you would have more, but some of these have very little,
30 and it's possible that the person just didn't think it was worth
31 going into. I mean what the individuals that hold those
32 accounts -- Why they don't access them, I couldn't really speak
33 to, but I know that NMFS has been engaged also. It's not just
34 the commercial fishermen tracking them down, but NMFS sent a
35 letter. Jessica probably knows this off the top of her head
36 better than I do.

37

38 Since 2012, NMFS began posting the IFQ accounts with that
39 initial indicator on the page. They also sent out -- All IFQ
40 program accounts were contacted by mail and/or phone by January
41 of 2012. NMFS has been working to try to identify these holders
42 as well, and my understanding is that these are the accounts
43 that are still fruitless.

44

45 **CHAIRMAN GREENE:** Leann.

46

47 **MS. LEANN BOSARGE:** I actually pulled that up to look at here a
48 while back, a few months ago, and it did look, to me, as an

1 outsider looking in, when you went and found the line items on
2 that spreadsheet that were the initial accounts that had never
3 been activated, a lot of them did have a very small, small
4 percentage associated with them, and so it seemed, to me, the
5 logical response would be that, well, yes, they were initially
6 given some share, but that share was so small that it wasn't
7 worthwhile for them to actually go and stay and be a red snapper
8 fisherman anymore. Do you see what I'm saying?

9
10 But they never took the initiative to actually try and sell it
11 to somebody or lease it to somebody, but, having said that,
12 since we started discussing this around this table -- I
13 remember, when we took this out to the public the first time,
14 the number of pounds, I think, was about 62,000 pounds that were
15 in those accounts that had never been activated, and it looks
16 like industry is doing a pretty efficient job of hunting those
17 down and either purchasing that share or doing something with it
18 to get that quota actively fished again, because that has come
19 down by about half.

20

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

22

23 **MR. WALKER:** I just had a question. Are the receipt of these
24 closed, inactive accounts -- Are they receiving any kind of
25 certified mail, where they have to sign for this?

26

27 **DR. LASSETER:** I would have to ask NMFS.

28

29 **DR. STEPHEN:** What we did in 2012 was we sent out certified mail
30 to all of the IFQ shareholders at the time. That was due to the
31 citizenship requirement. Most of these, we do not get returned.
32 There probably are a handful of these that we had returned as no
33 longer having a good address or not signed for. We keep track
34 of those, and I can look up the exact numbers when I get back to
35 the office, but that's the last information we have on record
36 for them.

37

38 **CHAIRMAN GREENE:** Thank you. That was in 2012?

39

40 **DR. STEPHEN:** We did it in 2012. Since then, that's when it was
41 about 1.5 percent of the inactivated shares was sitting there,
42 and it's obviously decreased significantly from then. We
43 occasionally will send out more information, trying to get ahold
44 of them again.

45

46 **CHAIRMAN GREENE:** Thank you. Is there further discussion? Dr.
47 Crabtree.

48

1 **DR. CRABTREE:** As to the one year following the effective date,
2 I mean I can sort of see the logic behind that, but the reality
3 is we could send the proposed rule and the notifications and the
4 Fishery Bulletin and all of that to these accounts before this
5 thing became effective, and so, if they're getting anything and
6 paying any attention, they're going to know this is coming.

7
8 We went through something like this in the South Atlantic with
9 wreckfish, and that's how we handled it there, and there weren't
10 that many people, but they did -- Several of them activated
11 their accounts and sold out. They hadn't been fishing, and so
12 I'm not sure you really need to do the one year after the
13 effective date. It seems, to me, if they're out there, that
14 they would get the information and the notice.

15
16 I wouldn't be surprised if some of the initial account holders
17 have passed away and things. I mean they're just gone, and
18 we're not going to reach them, and we don't know where they are
19 anymore.

20
21 **CHAIRMAN GREENE:** Thank you. Is there further discussion? Dr.
22 Lasseter.

23
24 **DR. LASSETER:** To add on to that then, staff is always happy if
25 you would like to remove or minimize in any way the alternatives
26 provided. Is this the first time that this document has been
27 brought to you with actions and alternatives? This is the IPT
28 proposing it to you. If there some refinements you feel are
29 appropriate, please do contribute them.

30
31 **DR. CRABTREE:** Just, personally, I don't think Options 2a and 2b
32 are necessary. I think you could just do it on the effective
33 date of the final rule, but I don't feel all the strongly about
34 it, and, David, if you feel we really need to have that, that's
35 fine, but --

36
37 **MR. WALKER:** I would like to hear some comment, public comment,
38 from the fishermen.

39
40 **CHAIRMAN GREENE:** Thank you. Are there further comments? Okay.
41 Seeing none, Dr. Lasseter.

42
43 **DR. LASSETER:** Okay. Let's move on to Action 2.2, which begins
44 on page 20. The next sub-action for Action 2 is how to
45 redistribute these shares, and so, in the Action 1, you would
46 have decided which program and the timeline for it. Now the
47 shares have been returned to NMFS, and how are they going to be
48 redistributed?

1
2 Alternative 1, our no action alternative, would not redistribute
3 them. The remaining alternatives provide different mechanisms
4 for distributing the shares. Alternative 2 would redistribute
5 the shares from each share category equally among all
6 shareholders of the share category, and so, again, with the red
7 snapper program, there's only one species in the program, red
8 snapper, and that's it. Grouper-tilefish, you have individual
9 species categories and multispecies categories.

10
11 What Alternative 2 is stating is that, for each of the share
12 categories from which shares are brought back from those
13 inactivated accounts, all of the shares for each share category
14 will be redistributed just to the existing shareholders of that
15 same share category. However, it does say "equally among all
16 shareholders of that share category", and so it's not in
17 proportion to their existing holdings. It's spread out equally
18 among the shareholders of that share category.

19
20 Alternative 3 would redistribute the shares from each share
21 category according to the proportion of shares held by
22 shareholders of that share category at the time the shares were
23 returned to NMFS, and so, it's similar to Alternative 2, except,
24 for each share category, instead of distributing the shares
25 equally amongst all the shareholders that have large, small, any
26 amount of shares of that share category, it would distribute it
27 just the way each year's annual allocation is distributed, which
28 is based on existing shareholdings, which are a proportion, a
29 percentage, of the quota.

30
31 Alternative 4 would redistribute these shares equally among
32 small participants. This alternative is taking all of the
33 shares from all the share categories as a whole and then
34 redistributing those equally among all of the individuals and
35 entities that are defined as small participants, and that will
36 be our next action, Action 2.3.

37
38 This alternative comes from one of the original items requested
39 for examination in Amendment 36. That was to consider
40 reallocating the shares from these inactive accounts to these
41 small participants and new entrants, and so, here, we've
42 included the small participants, but we're going to have to
43 define who those are, and so that will be the next action.
44 That's Alternative 4.

45
46 Finally, Alternative 5 would not redistribute the shares, but
47 rather distribute the annual allocation associated with those
48 shares. It's basically putting annual allocation in the

1 accounts of small participants, however they are defined, and
2 they will be defined in the next action.

3
4 Again, it would be this NMFS quota bank would need to be created
5 to execute this, and then there's two options. Option 5a would
6 distribute the allocation equally among all the small
7 participants. 5b would distribute the red snapper allocation
8 equally among the small participants who are fishing and landing
9 red snapper in the eastern Gulf.

10
11 Again, this is another one of the items that came from your
12 original list of items for consideration in Amendment 36, which
13 was to consider redistribution of quota to address the bycatch
14 problem in the eastern Gulf, and so that's where that part of
15 that alternative came from. Is there any discussion or
16 questions on those alternatives?

17
18 **CHAIRMAN GREENE:** Mr. Walker.

19
20 **MR. WALKER:** Roy, has the National Marine Fisheries Service done
21 this in other areas?

22
23 **DR. CRABTREE:** I don't think we have with any of the IFQ
24 programs here, but I can't speak to other places. Now, as I
25 said earlier, in the wreckfish fishery, we had inactive, latent
26 accounts that never fished, and so we amended the plan and we
27 were going to revoke those accounts. Most people sold out
28 before that provision ever became finalized, but we may have
29 revoked an account or two there and redistributed it, but I
30 can't remember how the redistribution occurred.

31
32 **MR. WALKER:** I would just like to hear more from the fishermen
33 on this. I was a member of the ad hoc panel, the red snapper ad
34 hoc, when we developed the profile, and I think the discussion
35 we had at the time was, at the end of five years, it would be
36 distributed proportionally, but that's been ten years now, and
37 so I would like to hear from the fishermen.

38
39 **CHAIRMAN GREENE:** Thank you. Mr. Boyd.

40
41 **MR. DOUG BOYD:** A question on Table 2.2.1, under the red snapper
42 IFQ program. It says forty-nine inactivated accounts and 0.47
43 and some change percentage. How many shares does that 0.47
44 represent?

45
46 **DR. LASSETER:** That is the shares, and so shares are always in a
47 proportion of the quota, and allocation is in pounds,
48 represented by the shares. What you're looking at there, for

1 red snapper, is just less than half a percent. That's the
2 shares. It's half of a percent of all the quota is held in
3 forty-nine accounts, those forty-nine accounts. Those shares,
4 0.47 percent of shares, in the quota for this year represents
5 28,938 pounds of allocation that can be used in 2016 for red
6 snapper.

7

8 **MR. BOYD:** Okay. Thank you.

9

10 **CHAIRMAN GREENE:** Dr. Stunz.

11

12 **DR. STUNZ:** Ava, I remember some discussion, and I'm sorry, but,
13 in reading all of this material, it all runs together, and back
14 on Alternative 5, that 5b and the redistribution, we had some
15 discussion, and I don't remember if it was here or what we were
16 reading or where, but about snapper showing up for commercial
17 fishermen that don't have snapper shares, and obviously there is
18 discard issues with that. Is that where we're going with 5b, or
19 is this discard issue not captured in these redistribution
20 alternatives?

21

22 **DR. LASSETER:** This Option 5b was included because of that
23 discussion at the council table. Through your discussions about
24 this increased discard issue in the eastern Gulf, the council
25 included as an item in Amendment 36 to consider a modification
26 that could provide some additional quota to vessels in the
27 eastern Gulf. One of those said from inactivated accounts, use
28 that quota, and so that's where this one came from.

29

30 **DR. STUNZ:** Okay. That's what I am kind of remembering, but
31 then I'm confused of why it's small participants. Why wouldn't
32 that be any participant that doesn't have snapper IFQ?

33

34 **DR. LASSETER:** It was from the item that we had gotten from you
35 that said it was to provide -- Use the inactivated accounts to
36 provide quota to small participants and new entrants and for
37 bycatch issues in the eastern Gulf. It was one of the longer
38 items that you had that had several items in it. We could
39 definitely separate those out and just completely remove the
40 small participants part of that one, and it could be just for
41 vessels fishing in the eastern Gulf, or it could tie somehow to
42 small participants more broadly.

43

44 Again, this is your first time seeing these actions and
45 alternatives. We tried to design them to reflect the items that
46 you have requested us to look at and put some of these issues in
47 there, but, yes, if there's ways to tease them out for us to
48 look at, we would appreciate that feedback. We can do that.

1
2 **CHAIRMAN GREENE:** To that point, Mr. Gregory?
3
4 **EXECUTIVE DIRECTOR DOUG GREGORY:** Yes, and I think, Greg, this
5 does not include people who are catching red snapper as bycatch
6 who are not participating in the IFQ, and so it doesn't go all
7 the way to addressing that issue of bycatch. Is that correct?
8
9 **DR. STUNZ:** That's more of what I was talking about, and I don't
10 know if we want to go there or not. I'm just trying to see if
11 this is a way to solve that problem.
12
13 **DR. LASSETER:** For the parameters of the IFQ program, I don't
14 see how you would. If people are catching red snapper, but they
15 don't have a commercial reef fish vessel and an IFQ account,
16 then I'm not sure that this would be the place to address that
17 issue.
18
19 **CHAIRMAN GREENE:** Mr. Williams.
20
21 **MR. WILLIAMS:** Thank you, Mr. Chairman. Somebody suggested to
22 me, and I don't remember who it was, or I would credit him, but
23 that these unused shares be distributed to eastern Gulf grouper
24 fishermen in the proportion of their grouper landings, because
25 they're the ones -- They all got inadequate allocations after
26 red snapper have recovered, and there's just not enough red
27 snapper for them to cover what they're catching as bycatch, and
28 so it seemed like a pretty reasonable idea, but I will be darned
29 if I can remember who suggested it to me.
30
31 **CHAIRMAN GREENE:** Thank you. Greg.
32
33 **DR. STUNZ:** To that point, that's kind of along the lines of
34 what I was thinking, Roy, but then you would still need to have
35 a permit to land the snapper, right, at that point? I am
36 getting totally confused here.
37
38 **DR. LASSETER:** I think what Mr. Williams is talking about is the
39 grouper-tilefish program and the red snapper IFQ program. You
40 have a lot of overlap in vessels, like 80 to 90-plus percent
41 even in vessels, and so a lot of the shares for red snapper
42 initially were distributed more to the west and not as much in
43 the east. Red snapper was rebuilding, and we didn't have the
44 landings going on for this coast, right off of here, for those
45 vessels to be getting that landing history. Their landing
46 history was dominated by grouper.
47
48 There was a fisherman that suggested to Roy that you could use

1 the quota from these accounts to provide quota to those grouper
2 IFQ fishermen. They have accounts and they are landing grouper.
3 They are catching red snapper, but they don't have quota for it,
4 and so they're throwing it back. Did I capture that?

5

6 **MR. WILLIAMS:** Yes.

7

8 **CHAIRMAN GREENE:** Dr. Crabtree, to that point.

9

10 **DR. CRABTREE:** Then I guess, somehow, the formula for
11 distributing it would be based on the amount of grouper IFQ that
12 they had, for example, and so the guys who are fishing, who have
13 a lot of grouper IFQ, would proportionally get more. Although,
14 when I look at the amounts of fish we're talking about here,
15 which I think will go down, because probably some of these
16 accounts will activate when we go through this, I'm not sure
17 it's actually enough pounds to really solve a problem, but I
18 understand the logic with that.

19

20 Just looking at the amounts of some of these, I am not sure
21 something like a quota bank or some of these elaborate schemes
22 really are justifiable. I'm not sure it's enough fish to be
23 worth spending the administrative time and effort of figuring it
24 all out.

25

26 **CHAIRMAN GREENE:** Martha.

27

28 **MS. GUYAS:** I'm good. I think my point has been made.

29

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

31

32 **MR. WALKER:** I would just like to add -- I would like to hear
33 from the fishermen again on this too, but I understand we're
34 talking about the bycatch off the eastern Gulf, but you've got
35 to also look at where the biomass is and where the potential
36 could be for higher bycatch. That's just something I would like
37 to add in there, and I would like to hear from the fishermen on
38 their thoughts on that, because I'm sure there may be some
39 grouper -- Some people in the western or central Gulf who could
40 probably use a few grouper.

41

42 **CHAIRMAN GREENE:** Thank you. Any further discussion? I would
43 like to bring up one point as well. Whenever you're talking
44 about moving these shares to different participants, be careful
45 of your quota caps as well. I guess we would have to look at
46 that. If a person has the maximum amount, they certainly would
47 not be eligible to receive that, and so please bear that in mind
48 as you move forward. Anybody else? All right, Dr. Lasseter.

1
2 **DR. LASSETER:** Thank you, Mr. Chairman. The final sub-action
3 for Action 2 is Action 2.3. It starts on page 22, and this
4 addresses that defining small participants. Currently, there is
5 no definition of a small participant in the commercial IFQ
6 programs, and some of the items for consideration in Amendment
7 36 -- You see the previous sub-action, but also some of the
8 items that are included in 36B address quota redistribution or
9 doing something for these small participants, new entrants or
10 small participants, but how do we define that?

11
12 We would need to first define that in some way, in order to use
13 it for management, and so that's what Action 2.3 addresses. The
14 first section -- Following implementation of these programs, and
15 specifically in February of 2011 for the finance programs, the
16 council passed several motions establishing a potential finance
17 program for each of the commercial IFQ programs.

18
19 These programs were intended for entry-level fishermen and
20 fishermen fishing from small vessels, and the purpose of these
21 finance programs, which are still not up and running, but would
22 be to provide these entry-level fishermen, those fishing from
23 small boats, a way to finance and obtain shares from other
24 fishermen.

25
26 In the council's motions establishing these programs or the
27 intent for NMFS to create these program, an entry-level
28 fisherman was defined as a federal commercial reef fish permit
29 holder who has not purchased, previously held, or holds grouper-
30 tilefish IFQ shares in excess of the percentage of shares that
31 produces 8,000 pounds of annual allocation, or, for red snapper,
32 possesses IFQ shares in excess of the percentage of shares that
33 produces 4,000 pounds.

34
35 The definition for fishermen who fish from small vessels uses
36 the same two parameters in terms of volume of shares held in
37 allocation, but it adds on the vessel parameters, which is a
38 permit holder who fishes from a vessel whose length, as defined
39 in the reef fish permit, is less than or equal to forty-five
40 feet, and then, again, who have not purchased, previously held,
41 or holds the same volume of pounds as the entry-level fishermen
42 definition.

43
44 Then an additional parameter was that the participation in the
45 finance program should be limited to fishermen who hold quota
46 shares representing no more than 12,000 pounds of allocation
47 combined across the two programs. That was just kind of a
48 limiting factor across the two.

1
2 In establishing these definitions, at the time, in 2011, the
3 council was intending for the smallest participants in the
4 programs to benefit, to be the primary beneficiaries, of these
5 finance programs, these financing opportunities, and that was
6 part also in the council's discussion and their motions
7 specifically, was for these small participants.

8
9 Based on more recent council discussions, the primary
10 characteristics that we've heard for defining a small
11 participant, the way the council members have discussed it, has
12 been someone who is actually actively engaged in fishing. They
13 possess a commercially-permitted reef fish vessel, and they are
14 making landings of IFQ species, but none of those three really
15 get at the "small" element of it, right, but those are the
16 things that we're hearing you talk about a lot when you're
17 talking about these small participants. They are definitely
18 participating in the program.

19
20 We have these other two definitions, this entry-level and
21 fishermen from small vessels, but there may be additional
22 characteristics that the council wants to look at for
23 identifying these small participants.

24
25 We also want to take care, and this goes for NMFS is going to
26 need to actually implement any kind of regulations that come out
27 of this, but we need to be able to identify the participants who
28 qualify as small participants based on the way that the IFQ
29 program stores, organizes, and monitors information about the
30 programs, or else we're going to need the council to help us
31 come up with ways to verify participation, verify that these are
32 small participants.

33
34 The IPT really grappled with how to define these small
35 participants, and we are hoping that -- We have provided this
36 list for you, and we're hoping that it can be used for further
37 discussion around the the table here on how we can come up with
38 alternatives to define small participants. What features, what
39 characteristics, are important to the council for defining these
40 small participants? Let me take a moment just to see if there's
41 any questions there before I get into --

42
43 **MR. WALKER:** Once again, I would like to hear from small
44 businesses on this one, too. I'm just trying to see what we're
45 actually trying to accomplish here. I mean I know there's
46 people in the industry that are maybe halfway up the cap or a
47 third of the way up the cap, and that's just something to take
48 into consideration, but I would like to hear from the small

1 businesses.

2
3 **CHAIRMAN GREENE:** Thank you. Is there further discussion?
4 Seeing none, Dr. Lasseter.

5
6 **DR. LASSETER:** Okay, and so these aren't really ordered in an
7 official way, but they kind of start broad, and they don't
8 really get to the small aspect of the participant, but are just
9 some of these more broad characteristics that we've gleaned from
10 your discussions.

11
12 Then they get down into some more specific kind of heavy,
13 quantitative needs for determining who these individuals are,
14 but I will kind of go through them, and stop me at any time if
15 you would like to discuss some of them.

16
17 Potential characteristics -- I will also point out that these
18 are not mutually exclusive. They would likely be built on each
19 other, although there may be one thing that you just feel is the
20 way to go, but, first off, possesses a commercial reef fish
21 permit on a vessel that is associated with the same shareholder
22 account. That might be a component, might be a characteristic,
23 of how you want to define a small participant.

24
25 An entity who owns and operates a single permitted vessel, as
26 opposed to a fleet operator, as opposed to somebody who has
27 multiple vessels under their name. An entity who has a single
28 IFQ shareholder account and is not associated with or related to
29 another IFQ account, shareholder, or entity. This item really
30 brings out the importance to specify whether small participants
31 would be defined at an individual or business-level entity, or
32 can they be both? We have to think about it in that way as
33 well. A lot of the shareholder accounts, a lot of them are in
34 the names of individuals. A lot of them are in the names of
35 businesses.

36
37 The next item is a small participant could be someone who does
38 not own shares, but buys, leases, allocation and makes landings
39 of any IFQ species, and, of course, there could be options that
40 put a timeframe on that of within the last two years, three
41 years, four years, five years, a range of years within the last
42 few years as well.

43
44 Another item is an individual who has made landings of at least
45 one IFQ-managed species within some time period of the past on
46 the vessel associated with the shareholder's account.

47
48 The next item gets to the idea of if the participant is landing

1 more than what they receive in shares at the beginning of the
2 year, and so an individual has landed more pounds of IFQ
3 allocation than the amount of allocation received at the
4 beginning of the year, from the shares held, and, again, another
5 timeframe provided, in each of the past two, three, four, five
6 years, for example.

7
8 Here, we were trying to get at the idea that we also hear in the
9 council discussion of is the participant actively fishing their
10 allocation or are they leasing most of it, and this is a
11 question the IPT has for the council. This actively fishing is
12 in a couple of the items for consideration in here and in 36B,
13 and we need help defining that.

14
15 The next one, small participant would be someone who has landed
16 more pounds of IFQ allocation or some determined portion than
17 the amount of allocation transferred through the account in a
18 given year. Again, it's another way to look at it, based on the
19 way that the information is stored and maintained in the system.
20 This is something that we could look at.

21
22 The next two items pertain to the finance program definitions
23 that are provided on the previous page. You could define a
24 small participant as someone who is eligible to participate in
25 one or both of these programs. Next, a small participant could
26 be someone who does not own shares in excess of some determined
27 amount of shares for any share category that the council may
28 want to define, and we will take a moment to just flip over to
29 the next page, Table 2.2.2.

30
31 You can get a sense of the small share category. You can see
32 now there are several lines there. Usually, all of these share
33 bins, these different amounts of shares, in the annual reports,
34 are aggregated. Those are just all called small. NMFS staff
35 has broken that out for you, so that you can get a sense of the
36 number of accounts, by share size, for each of these different
37 programs. We could establish, with rationale, some size limit
38 of a shareholding that could determine somebody as a small
39 participant.

40
41 If we scroll back up to the bottom of page 23, I've got two more
42 bullets. The next one would look at, for a small participant,
43 across all share categories in both programs. The small
44 participant has greater than zero shares in at least one share
45 category, meaning that they are a shareholder. They held some
46 amount of shares in some category, but they do not possess more
47 than an amount of shares, percentage of shares, that produces an
48 amount of pounds gutted weight across all share categories, and

1 staff could provide some alternatives, some ranges, for this as
2 well, but it's a way to define quantity of shares for what would
3 be small.

4
5 Then, finally, the last one would be somebody who qualifies as a
6 small participant for all share categories of the IFQ programs,
7 and this is a qualifier that is put on because somebody may
8 qualify -- If you look at the programs individually, separately,
9 somebody may be a small participant, very small, in red snapper,
10 but may be a large shareholder in the grouper-tilefish program,
11 and so you may want an additional qualifier that says, okay,
12 well, you may be small in this one, but you can't be considered
13 a large participant in another program, or else you're not a
14 small one in this one.

15
16 These are some different ways of looking at small participant,
17 and you can see -- I hope I conveyed how complex it actually is
18 for us to address this, and so I would like to turn it over for
19 discussion. Any comments?

20

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

22

23 **DR. CRABTREE:** I am coming back to what Roy Williams brought up
24 with the grouper, and I'm wondering if maybe we shouldn't think
25 more -- I mean we're thinking of small participants, and I guess
26 we're trying to think of economic benefit to the small players,
27 but I'm thinking maybe it would be worth making the goal here of
28 overall bycatch reduction, which would be different, and I
29 wonder if we could do some sort of analysis of, if we did
30 distribute the snapper that comes out of this to grouper IFQ
31 holders, based on how much grouper quota they have, how much we
32 think that might actually impact snapper discards in that
33 fishery.

34

35 Then I'm wondering if, in the red snapper guys, if they have
36 grouper bycatch that may occur and they don't have quota to
37 cover that, and I don't know if you could get a significant
38 amount of bycatch reduction from this or not, but I think it is
39 another way to look at it that we haven't really thought about,
40 and it seems like you could look at the logbooks and some of the
41 discard reportings, and maybe you could take a look at it, but
42 it seems like a worthwhile idea, to me.

43

44 **CHAIRMAN GREENE:** Mr. Williams.

45

46 **MR. WILLIAMS:** Would it be worthwhile for me to offer a motion
47 to do that, just to be included for future discussions?

48

1 DR. CRABTREE: I would probably second it.
2
3 MR. WILLIAMS: My motion would be to redistribute red snapper
4 shares, and it's understood that it's the shares that we're
5 talking about here, but the red snapper shares among shallow-
6 water grouper fishermen in the eastern Gulf in proportion to
7 their shallow-water grouper landings.
8
9 CHAIRMAN GREENE: We have a motion on the floor. Is there a
10 second for the motion?
11
12 DR. CRABTREE: I think the motion would be to add an alternative
13 that evaluates that, and I would ask Roy that we also evaluate
14 distributing the grouper that's generated from this to the
15 snapper guys, because I don't know how many snapper guys have
16 grouper bycatch because they don't have grouper shares.
17
18 MR. WILLIAMS: That's a good --
19
20 DR. CRABTREE: I have never looked at it, and that might also
21 address some of the who is getting the fish fairness things that
22 I'm sure would come up, and so could you add to look at it both
23 ways?
24
25 MR. WILLIAMS: Yes, and so should it say then to redistribute
26 snapper shares among shallow-water grouper fishermen in the
27 eastern Gulf in proportion to their landings and vice versa? Is
28 that good enough?
29
30 DR. CRABTREE: Somehow redistribute grouper shares among the red
31 snapper.
32
33 MR. WILLIAMS: Redistribute grouper shares and --
34
35 DR. CRABTREE: And tilefish. Grouper means grouper and
36 tilefish, I guess.
37
38 MR. WILLIAMS: Grouper and tilefish.
39
40 DR. CRABTREE: I don't know if this is a good idea to do or not,
41 but I think it's worth taking a look at and seeing, could you
42 actually make a dent in some of the discards issues.
43
44 MR. WILLIAMS: Among the red snapper fishermen, yes.
45
46 CHAIRMAN GREENE: Mr. Williams, is that your motion?
47
48 MR. WILLIAMS: Yes, it is.

1
2 **CHAIRMAN GREENE:** Is there a second for this motion? Dr.
3 Crabtree seconds it. Is there discussion? Leann.
4
5 **MS. BOSARGE:** Just for clarification in your motion, Roy, you're
6 talking about the inactivated, the never been activated?
7
8 **MR. WILLIAMS:** Yes, in the context of what we were talking about
9 here, those that -- The half percent of grouper shares that have
10 never been activated and so on.
11
12 **DR. LASSETER:** Could we add the action and alternatives? It's
13 to add an alternative to Action 2.2. Is that okay?
14
15 **MR. WILLIAMS:** Yes.
16
17 **DR. CRABTREE:** If I could, I think, Roy, instead of saying
18 "shallow-water grouper fishermen", it ought to reflect the
19 grouper-tilefish shareholders. I mean that's what we're talking
20 about, right? It's looking at the guys who have grouper IFQ,
21 and we can look at how many shares they have and those kinds of
22 things and do it that way.
23
24 **MR. WILLIAMS:** Sure. I thought the red snapper was probably
25 mostly captured by the shallow-water guys, and that's why I
26 stuck "shallow-water" in there, but maybe not.
27
28 **DR. CRABTREE:** I think, when they do the analysis, that's what I
29 want to see, where are the discards occurring and where could we
30 make the most bang, and I don't know if the red snapper guys are
31 having discard issues with grouper or not. Maybe they're not
32 and it doesn't work both ways, but I don't think anybody has
33 looked at it.
34
35 **MR. WILLIAMS:** So you would have it read then to redistribute
36 red snapper shares among grouper-tilefish fishermen?
37
38 **DR. CRABTREE:** Yes, just among grouper-tilefish shareholders, I
39 guess.
40
41 **MR. WILLIAMS:** So, where it says "shallow-water grouper
42 fishermen" --
43
44 **DR. CRABTREE:** Replace that with "grouper-tilefish
45 shareholders", I guess.
46
47 **MR. WILLIAMS:** Yes, grouper-tilefish shareholders.
48

1 **DR. CRABTREE:** Red snapper fishermen means red snapper
2 shareholders. Before people get too wound up who are listening,
3 it might turn out to be a terrible idea. I don't know, but I
4 think it's worth taking a look at and see, and, if we do have
5 fishermen out there that are tossing dead fish over the side,
6 because they don't own quota, and this could somehow reduce some
7 of that, that seems to fit with the purpose and need, because
8 it's going to help rebuild the stock and help reduce overfishing
9 and do some good things. I would take the eastern Gulf part out
10 of that, because it's really among the shareholders.

11
12 **MR. WILLIAMS:** That's fine, yes.

13
14 **CHAIRMAN GREENE:** Okay. We're trying to get it right. Ms.
15 Levy, do you have something?

16
17 **MS. LEVY:** Do we want to say in proportion to their grouper
18 landings or not say how it would be -- I don't know, but it
19 still has shallow-water grouper in there, and it seems
20 inconsistent with changing everything to generally grouper.

21
22 **MR. WILLIAMS:** So take the shallow-water grouper out? Is that
23 what you're suggesting?

24
25 **MS. LEVY:** Yes, and replace it with "grouper-tilefish" or
26 something.

27
28 **MR. WILLIAMS:** Grouper-tilefish would be fine.

29
30 **CHAIRMAN GREENE:** Okay. Mr. Williams, is that your motion?

31
32 **MR. WILLIAMS:** It's our motion.

33
34 **CHAIRMAN GREENE:** I agree. Nice team effort here. Okay. Any
35 further discussion? Mr. Matens.

36
37 **MR. CAMPO MATENS:** Does anybody have any idea how many fishermen
38 are included in this shallow-water grouper? If I've done the
39 math right, we're talking about around 4,000 snapper. I am all
40 for reducing bycatch.

41
42 **CHAIRMAN GREENE:** Dr. Lasseter.

43
44 **DR. LASSETER:** So, yes, we have information on the -- I wouldn't
45 want to limit it to just shallow-water grouper, because, again,
46 that's a species category within the program. There's also gag
47 is a separate category and red grouper is a separate category,
48 but the number of vessels making landings of any of these

1 species categories, we're looking at 300-plus, easily, and we're
2 talking about, the volume of quota, for all of the grouper-
3 tilefish program, of 13,600 total pounds, potentially divided
4 over 350 vessels. I'm sorry. That's grouper divided by -- For
5 red snapper, 28,900 pounds divided over 350.

6

7 **MR. MATENS:** That's about twelve fish a boat.

8

9 **DR. LASSETER:** 400 vessels.

10

11 **MR. MATENS:** I am kind of free-ranging with this, but it doesn't
12 seem like it's worth it for twelve fish a boat, but, if I've
13 also done the math correctly, 28,000 pounds is \$100,000 to
14 \$150,000 worth of fish. Is that correct also?

15

16 **MR. FISCHER:** Yes.

17

18 **MR. MATENS:** Thank you. I'm not speaking against it. I am all
19 for the reduction of bycatch, but I just wanted to see if I
20 could get my hands around how big the elephant is. Thank you.

21

22 **CHAIRMAN GREENE:** Thank you. Any other discussion? We have a
23 motion on the floor. **Is there any opposition to the motion on**
24 **the floor? Seeing no opposition, the motion carries.** Dr.
25 Lasseter.

26

27 **DR. LASSETER:** Thank you, Mr. Chairman. Okay. So, given your
28 last motion, and I heard some discussion from Roy that this
29 would be potentially about addressing bycatch, is there interest
30 in providing the shares or the annual allocation resulting from
31 the shares to these small participants? Right now, we don't
32 have -- We have an action, but we don't have alternatives.
33 Staff needs some assistance in outlining how you see small
34 participants. If this is something we should pursue, could you
35 help us get a better handle on how you would define small
36 participants?

37

38 **CHAIRMAN GREENE:** Thank you. Is there discussion to aid staff
39 here? Does anybody want to jump into the small participant
40 discussion? Dr. Crabtree.

41

42 **DR. CRABTREE:** I think it -- I mean, partly, I look at the
43 amount of fish, and I wonder if it wouldn't just be easiest to
44 just divvy it up equally among everyone, but I do think --
45 Because of the notion of trying to do reduce discards, we may
46 see an analysis of this and it's, like Camp said, it's not
47 enough fish and it won't do anything and it's not worth it. I
48 don't know.

1
2 This is an awful lot of stuff, and, when I've thought of small
3 participants, I've just thought of it in terms of shareholders
4 with relatively low amounts of -- They own relatively no amounts
5 of shares, and so I guess that's what Table 2.2.2 looks at.

6
7 With red snapper there, you could go through those bins and add
8 up how many people we're talking about, and you know roughly how
9 many pounds there are, and you could decide at what point
10 there's just not enough pounds to go beyond that, I guess, and I
11 don't know if we used what's called small here under bins --
12 Have you added up how many guys that is?

13
14 **DR. LASSETER:** I haven't, but I could do it quickly, if you
15 would like.

16
17 **DR. CRABTREE:** Say it's 200 guys and we have 28,000 pounds, that
18 would be a hundred pounds each. It's 300 guys? So it would be
19 less than that each.

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

23
24 **MR. WILLIAMS:** Something just occurred to me. If you were going
25 to distribute those in the manner that Roy was just talking
26 about, would those go to the vessel permit holder or would they
27 go to the account holder, which, as we saw, are not the same?

28
29 When we talked about it earlier, we saw that there were a lot
30 more account holders than there were vessel permit holders,
31 which surprised me a little bit, but if you're going to give
32 them out in the way you talked about, you're just going to give
33 them equally out to everybody, do you give them to the vessel
34 permit holder or -- I guess you would give it to the account
35 holder. I don't really know where you would give it.

36
37 **DR. CRABTREE:** When I read "shareholders" here, that's something
38 different from accounts. Now, when I look at Table 2.2.2, this
39 is accounts and not numbers of shareholders, because we know a
40 lot of shareholders have multiple accounts, but when we're
41 talking divvy it up among shareholders, which is what most of
42 these alternatives seem to do, that's different from the
43 accounts, but it would mean you have to own some number of
44 shares, but it would be a different number than the number of
45 accounts. If you're just a vessel owner with a permit and you
46 don't own any shares, then, unless we do something different, I
47 don't think we're giving those guys anything out of this.

48

1 **CHAIRMAN GREENE:** Jessica.
2
3 **DR. STEPHEN:** I just want to clarify how the IFQ system works.
4 If you have a vessel and you want to harvest an IFQ species, it
5 is associated with an IFQ account. You have more accounts than
6 -- Let me start this over again.
7
8 A vessel has to be associated with an account, and that is based
9 on the permit holder's name. If a permit holder with the exact
10 same name owns more than one vessel, both of those vessel
11 accounts are associated with that IFQ account, and so you can
12 have a shareholder that has multiple vessels or you can have
13 shareholders who have no vessels. Did that help clarify that?
14
15 **MR. WILLIAMS:** Yes, but if we told you to take that 30,000
16 pounds of unused red snapper and distribute it equally among --
17 How would you distribute them?
18
19 **DR. STEPHEN:** The way the IFQ system works now, when we talk
20 about distributing things equally -- For example, if there was a
21 quota increase this year, we distribute things proportionally
22 among those who have shares. It would be equally among those
23 accounts that have shares. Now, if an entity is a participant
24 in more than one account, they would receive under each of those
25 accounts, and so remember the entity is down to the human
26 individual level, which does not equate with an IFQ account,
27 which can hold shares.
28
29 **CHAIRMAN GREENE:** Dr. Crabtree.
30
31 **DR. CRABTREE:** Now, someone who is not a shareholder and just
32 leases quota, allocation, every year would be an account holder,
33 but not a shareholder, right?
34
35 **DR. STEPHEN:** Correct. We call those allocation-only holders.
36 It's the same type of account in the system, because any account
37 at any point in time could gain shares, but we do differentiate
38 them in the annual reports as those accounts that do not hold
39 shares, but are buying allocation or leasing allocation.
40
41 **DR. CRABTREE:** Those allocation holders, if you wanted to get
42 these shares to people who are fishing, but don't own any
43 shares, that's those guys? They're the guys who are leasing
44 every year and don't have any shares, and so, if you took this
45 and gave it to them, they would then become shareholders.
46
47 **DR. STEPHEN:** Those numbers are not in this table.
48

1 **DR. CRABTREE:** I think, if you want to look at doing some things
2 like that, that's the kind of things we need to tell them to
3 take a look at. If you want to try and distribute this to the
4 guys who are just leasing -- They're fishing, but they don't own
5 any shares, and they can tease that out, apparently, but we need
6 to tell them that you want to look at that.
7
8 **CHAIRMAN GREENE:** Thank you. Is there discussion? It seems
9 like a good concept, but I don't know how the -- Mr. Williams.
10
11 **MR. WILLIAMS:** Could we add another alternative to -- Is this
12 Action 2.2, Ava?
13
14 **DR. LASSETER:** For the method of redistributing?
15
16 **MR. WILLIAMS:** Yes.
17
18 **DR. LASSETER:** That is 2.2, yes.
19
20 **MR. WILLIAMS:** Could we add another action to 2.2 that -- Let's
21 just make it red snapper, to begin with, because it's going to
22 be too complicated. It's already too complicated for me. That
23 we redistribute unused red snapper shares to the -- What do you
24 call the account holders who only lease?
25
26 **DR. STEPHEN:** Allocation-only.
27
28 **MR. WILLIAMS:** To the allocation-only account holders. Well,
29 that's enough. I don't know how to --
30
31 **DR. CRABTREE:** I will second the motion, for discussion.
32 Jessica, do we have -- We must have grouper allocation-only
33 account holders, right?
34
35 **DR. STEPHEN:** Correct. We have them for both programs.
36
37 **DR. CRABTREE:** As the seconder, Roy, could I ask that we go
38 ahead and look at it for both? We're going to need to make
39 decisions on all of this.
40
41 **MR. WILLIAMS:** Yes, I have no objection to that, Roy. I was
42 just trying to figure it out simply and then --
43
44 **DR. CRABTREE:** All right, and so red snapper and grouper-
45 tilefish shares. Then, if I could, it seems to me, although,
46 until we look at it, we won't know, but these would be small
47 participants, I am guessing.
48

1 **DR. LASSETER:** I will need to talk with Jessica some more about
2 this, but my understanding is some people have created new
3 accounts and completely put a vessel that they maybe own under a
4 separate account, and that account would not show that it has
5 any shares. I am seeing heads nodding from the commercial guys
6 in the back.

7
8 That account may not hold any shares, but the person who
9 actually controls that account does, and so the program is --
10 Since shares opened up to public sale, people are using the
11 ability to create these additional accounts in their business
12 practice. It's a way to organize things.

13
14 That's making it difficult for us. While it has benefits for
15 them, it does make it difficult in the system to identify which
16 of these entities, account holders, are completely not
17 associated with somebody else. Jessica, can you maybe speak to
18 that?

19
20 **DR. STEPHEN:** One of the things that we have to think about are
21 the related accounts, which is, in essence, what Ava was talking
22 about, and so you might want to have some stipulation that these
23 allocation-only account holders are not related to an account
24 that has shares, and we do have the capability of determining
25 that. It's not necessarily an easy process, but we can do it.

26
27 **CHAIRMAN GREENE:** Thank you. Is there further discussion? We
28 have a motion on the floor. Is there further discussion?
29 **Seeing no further discussion, is there any opposition to the**
30 **motion on the floor? Seeing none, the motion carries.** Dr.
31 Lasseter.

32
33 **DR. LASSETER:** Okay. Small participants. This is the only part
34 of the document, in the actions and alternatives, that we don't
35 have alternatives laid out for it, because we're struggling with
36 it, and so I'm still not quite sure how the IPT can go forward
37 with this. Does anybody want to propose something for small
38 participants? Do you not want to consider it? We're always
39 happy to remove alternatives.

40
41 **CHAIRMAN GREENE:** Thank you. Is there discussion on defining
42 small participants? Does anybody want to take a stab at it this
43 afternoon? Mr. Williams.

44
45 **MR. WILLIAMS:** I was going to suggest we move -- Well, it seems
46 to me like these last two motions have tried to deal with that a
47 little bit, in an indirect manner. Not so directly as what was
48 going on here, but I think it's really complex in trying to

1 figure out what a small participant is, and it's probably going
2 to just waste an awfully lot of time. **I would offer a motion to**
3 **move Alternative 4, redistribute shares equally among small**
4 **participants, to the considered but rejected section.**

5

6 **CHAIRMAN GREENE:** Will you repeat your motion?

7

8 **MR. WILLIAMS:** It's just to move Alternative 4 to considered but
9 **rejected in Action 2.2.** The other one, 5, has that idea of the
10 quota bank. I don't know exactly what to do with that. I
11 thought I would keep it separate.

12

13 **CHAIRMAN GREENE:** I understand. We have a motion on the floor.
14 Mr. Williams, is that correct?

15

16 **MR. WILLIAMS:** Yes.

17

18 **CHAIRMAN GREENE:** Is there a second to this motion? It's
19 seconded by Mr. Matens. Is there further discussion? **Seeing no**
20 **further discussion, is there any opposition to the motion on the**
21 **floor? Seeing none, the motion carries.** Dr. Lassetter. Mr.
22 Williams.

23

24 **MR. WILLIAMS:** Mr. Chairman, as I'm reading through 5, I guess
25 we have exactly the same problem. We've got Option a is to
26 distribute the allocation equally among small participants, and
27 Option b is to distribute the allocation equally among small
28 participants who are fishing and landing. We've still got the
29 problem of the definition.

30

31 I am not opposed to the idea of a quota bank, but I don't know
32 about this small participant thing. **I just don't know that it's**
33 **going to work very well, and so I'm just going to take a shot**
34 **and suggest that we move Alternative 5 to the considered but**
35 **rejected section. In Action 2.2, to move Alternative 5 to**
36 **considered but rejected.**

37

38 **CHAIRMAN GREENE:** Mr. Williams has a motion. Mr. Williams,
39 that's your motion, correct?

40

41 **MR. WILLIAMS:** Yes.

42

43 **CHAIRMAN GREENE:** Okay. Is there a second for this motion?
44 It's seconded by Mr. Matens. Any further discussion? Mr. Diaz.

45

46 **MR. DIAZ:** Roy, I probably agree with you, and it's probably
47 where we're going to have to go. I would have liked to have
48 this out to get a chance to get some comments though before we

1 take it out. That's my only reluctance to it.

2
3 I think you're right that it's going to be difficult to deal
4 with, and I don't know if we can. I doubt we're going to have
5 very many people at public comment on Wednesday on this, but, if
6 the document is still alive, it's still in there, between now
7 and the next meeting, maybe we could get some comments and see.
8 That's my only reluctance, and so I just wanted to state that.

9
10 **CHAIRMAN GREENE:** Thank you. Is there further discussion?
11 **Seeing no further discussion, is there any opposition to the**
12 **motion on the floor? Seeing one in opposition, the motion**
13 **carries.** Dr. Crabtree.

14
15 **DR. CRABTREE:** That would mean Action 2.3 would no longer be
16 necessary, correct?

17
18 **DR. LASSETER:** Yes.

19
20 **CHAIRMAN GREENE:** Okay. Thank you. Any further questions or
21 comments before we move on? Dr. Lasseter.

22
23 **DR. LASSETER:** Thank you, Mr. Chairman. We will remove the Sub-
24 Action 2.3 for the next version, and, if you do want to come
25 back and address this again, we can always bring it back to you,
26 and I will point out that you do also have the existing
27 definitions for your new entrant and your small-boat fishermen
28 as well that you can always use as a go-to.

29
30 Moving on past 2.3, the last action of the document is Action 3.
31 It starts on page 25, and this action pertains to retaining
32 annual allocation before a quota reduction. This action mirrors
33 the framework action that passed at the end of 2015, where NMFS
34 withheld a portion of the commercial sector's red snapper IFQ
35 allocation before Amendment 28 went in place. That was a
36 temporary action, through a framework action, and so this
37 action, in a full plan amendment, proposes to grant NMFS that
38 authority officially, more permanently.

39
40 The Alternative 1, again, is our no action alternative. At the
41 beginning of each year, 100 percent of the red snapper and
42 grouper-tilefish annual allocation is distributed to
43 shareholders.

44
45 Alternative 2 would provide the Regional Administrator the
46 authority to withhold the amount of red snapper or grouper-
47 tilefish annual allocation before distribution at the beginning
48 of the year in which a commercial quota reduction is expected to

1 occur. Withheld red snapper and grouper-tilefish annual
2 allocation will be distributed to shareholders if the effective
3 date of the final rule implementing the quota reduction has not
4 occurred by -- Then we've provided two options, June 1 and
5 August 1. It's a simple action granting the authority to the
6 Regional Administrator or not, and so there's no further
7 alternatives, and I will turn it over for discussion.

8
9 **CHAIRMAN GREENE:** Any discussion by the committee? Mr. Matens.

10
11 **MR. MATENS:** To this issue, I mean I'm all for it, but I was
12 wondering what the industry thought of the two dates of June 1
13 and August 1, whether there was a preference.

14
15 **CHAIRMAN GREENE:** Thank you, Mr. Matens. Mr. Walker, would you
16 like to respond?

17
18 **MR. WALKER:** That's kind of what my comment is. It addresses
19 what's done on the commercial side, but how will this be
20 accounted for on the recreational side?

21
22 **CHAIRMAN GREENE:** Leann.

23
24 **MS. BOSARGE:** I was trying to recall the comments from the
25 commercial red snapper fishermen when we took this to the public
26 in Mississippi, and I believe what they had said was, you know,
27 look, don't push it out to us in the last quarter of the year.
28 That makes it pretty tough on us, and so I think we would
29 probably have to get some feedback from the public, since both
30 of these are -- Neither one of these are in the fourth quarter
31 of the year. June 1 or August 1, I think we probably have to
32 get some feedback from the fishermen on which they would prefer
33 and how far out they're willing to go.

34
35 **CHAIRMAN GREENE:** Thank you. Dr. Crabtree.

36
37 **DR. CRABTREE:** Generally speaking, when we use this authority,
38 our goal would be to get it to them as quickly as we could.

39
40 **CHAIRMAN GREENE:** Thank you. I think Leann kind of captured
41 some of it, because I know that they really didn't want it late
42 in the year. As Dr. Lasseter pointed out, she picked a couple
43 of dates, but if, there are some other dates that the industry
44 feels strongly about, they can certainly bring it up at public
45 testimony. Okay. Is there further discussion on Action 3?
46 Seeing none, Dr. Lasseter.

47
48 **DR. LASSETER:** Thank you, Mr. Chairman. That completes all of

1 the actions in the document. We did provide the Law Enforcement
2 Committee recommendations. Are there any further changes,
3 additions, or modifications to the program? If not, we should
4 just continue working on the document?

5
6 **MR. ED SWINDELL:** I have one clarification, and that is going
7 back to Action 2.2 and Alternative 4. Is that still in the
8 document? That was also eliminated? Thank you.

9
10 **CHAIRMAN GREENE:** Thank you for your question. Any further
11 comments before we leave this? Seeing none, that will wrap us
12 up, I believe. With that, we will -- We're kind of running a
13 little bit behind schedule here, but we're going move right on
14 into the next item, which is Options Paper for Amendment 46,
15 Modify the Gray Triggerfish Rebuilding Plan. The first item is
16 Review of Options Paper, Tab B, Number 6, and, Dr. Simmons, are
17 you ready?

18
19 **OPTIONS PAPER FOR AMENDMENT 46 - MODIFY GRAY TRIGGERFISH**
20 **REBUILDING PLAN**
21 **REVIEW OF OPTIONS PAPER**
22

23 **DR. CARRIE SIMMONS:** Thank you, Mr. Chairman. I have a short
24 presentation, if we could just put that up. I think this
25 presentation was emailed out this morning, and it's also on the
26 website, under the options paper. This is Tab B-6(a).

27
28 I just want to provide a brief overview of where we are and why.
29 The issue is we started a rebuilding plan that was initiated by
30 the council in 2013, and it aimed to rebuild this stock by the
31 end of 2017. We had a new standard assessment that came out,
32 SEDAR 43, in 2015, and that determined the population of gray
33 triggerfish is not rebuilding on schedule. It remains
34 overfished, but it was no longer undergoing overfishing.

35
36 Currently, we have a very draft options paper. Dr. Mike Larkin
37 is going to go through a recreational decision tool that was
38 reviewed by the SSC here in a minute. We don't currently have a
39 commercial decision tool completed yet, and so we're still at
40 the early stages of this document.

41
42 I have some questions at the end of this presentation that we
43 really need you to think about and focus on that will determine
44 the targets that we need to rebuild this fishery, if we're going
45 to go with eight, nine, or ten years, and what the ACLs will be,
46 so we know what percent reduction we need to achieve, and so I
47 will be asking you for that feedback, hopefully, by the end of
48 this meeting anyways, by Friday.

1
2 In the current actions we have right now, we're looking at
3 modifying the rebuilding plan and establishing sector ACLs and
4 ACTs, and those are closely linked, depending on the rebuilding
5 plan the council selects. We currently have three actions that
6 look at modifying the recreational management measures,
7 modifying the fixed closed season, the bag limits, and the
8 minimum size limit, and we currently have two actions that look
9 at modifying the commercial management measures. That is
10 modifying the closed seasons and modifying the trip limits.

11
12 For modifying the rebuilding plan, we had three different yield
13 streams that the SSC recommended for the eight, nine, and ten-
14 year rebuilding periods, as well as a Tmin, which is the minimum
15 time needed to rebuild the stock, and that would prohibit
16 harvest starting in 2017. Obviously that's the most
17 conservative alternative that we have currently in the
18 amendment, and that would rebuild the stock -- It's estimated to
19 rebuild the stock in six years, or by the end of 2022.

20
21 That estimates that there's not going to be any harvest of gray
22 triggerfish, and so no landings, but that does not take into
23 account discard mortality. That's estimated to be low for gray
24 triggerfish, but we think this alternative still would be very
25 difficult to achieve, but this is what is estimated to come out
26 of the stock assessment. With no fishing, the stock would
27 rebuild in six years, or by the end of 2022.

28
29 Alternative 3 would modify the rebuilding plan to rebuild the
30 stock in eight years, or by the end of 2024. Alternative 4
31 would modify the rebuilding plan to rebuild the stock in nine
32 years, or by the end of 2025, and Alternative 5 would modify the
33 rebuilding plan to rebuild the stock in ten years, or by the end
34 of 2026.

35
36 I don't have all the tables of the various yield streams in this
37 presentation, but we can go to those after you hear about the
38 decision tool. This just kind of provides an overview of what
39 we're currently looking at for the ACLs and ACTs. We currently
40 have our no action Alternative 1.

41
42 Alternative 2 goes along with the rebuilding time for eight
43 years, which would prohibit harvest starting in 2017, until the
44 stock is rebuilt in six years. Alternative 3 uses the SSC's
45 recommended rebuilding period of eight, nine, and ten years, and
46 it corresponds with those rebuilding time periods with an annual
47 increasing ABC, and those are recommended starting in 2017
48 through 2019. Those are recommended to rebuild the stock in

1 eight, nine, and ten years for the options underneath
2 Alternative 3.

3
4 We have, for each of those sub-options, buffers between the ACLs
5 and ACTs, and those were done using the council's ACL/ACT
6 control rule. The buffers that came out of those, based on the
7 recent four years of landings, was an 8 percent buffer between
8 the commercial ACL and ACT, and the recreational was a 20
9 percent buffer between the recreational ACL and ACT.

10
11 Then Alternative 4 also uses the SSC's recommended rebuilding
12 time period of eight, nine, or ten years, but it corresponds to
13 the mean for the sub-options, and so we would be holding a
14 constant catch, or those catch levels would be held constant
15 under those sub-options. Option a would be for eight years,
16 Option b for nine years, and Option c for ten years.

17
18 This is just an overview of where we currently are. For the
19 recreational sector, we have a closed season of June 1 to July
20 31. We have a two-fish per angler bag limit within the twenty
21 reef fish aggregate, and we have a fourteen-inch fork length
22 minimum size limit, and then that's what we currently have in
23 the document that we're considering modifying.

24
25 Then, for the commercial sector, we have the same fixed closed
26 season of June 1 to July 31. We have a twelve gray triggerfish
27 commercial trip limit that was originally in pounds, but that
28 was converted to number of fish, for law enforcement purposes,
29 when we worked on Amendment 37 in 2012 and 2013. That's when we
30 did that, and then the fourteen-inch fork length minimum size
31 limit.

32
33 Just a little bit of information about this species, since I
34 worked on them for eight years, and I'm the last item at the end
35 of the day and everybody is exhausted, but to tell you about the
36 oldest fish recorded was sixteen years. The typical maximum age
37 for gray triggerfish is eleven years. Males are significantly
38 larger than females. That's been well-documented, and both
39 sexes are reproductively mature by age-two, around ten-inches
40 fork length. Peak spawning is between June and July, but they
41 are fecund, have eggs, between the months of May through August.

42
43 Then this is what I worked on for my dissertation. We
44 documented some very atypical spawning behavior for gray
45 triggerfish compared to other pelagic broadcast spawners, such
46 as red snapper, vermilion snapper, et cetera.

47
48 What we found was that male gray triggerfish establish

1 territories and build demersal nests in the sediment. You can
2 see this is a picture of a female on a nest, guarding eggs here,
3 in the presentation. Then the males will form harems with one
4 to five females on a nest, and they will swim around guarding
5 them around the reef.

6
7 We documented females defend the nest for twenty-four to forty-
8 eight hours, and they aerate the eggs. This is an unusual type
9 of behavior, and when the council originally set up the closed
10 season for fishing in June and July, that was based on this
11 unusual behavior as well as recreational effort being high
12 during these months as well, and so that's a little bit of
13 background.

14
15 This is another reason I think the stock assessment is having
16 trouble capturing some of the independent information about this
17 species, and so, after hatching, the larvae and juveniles spend
18 four to seven months in the pelagic zone. This is another
19 unusual aspect for this species, and they are found to be
20 closely associated with sargassum mats before recruiting into
21 benthic habitat. That's just a little bit of excitement for
22 you, some harems, on Monday afternoon.

23
24 Some considerations for rebuilding times, the SSC recommended
25 these yield streams for eight, nine, and ten-year periods, and
26 those correspond with the OFLs and ABCs. Currently, what's
27 unusual is that the nine and ten-year rebuilding yield streams
28 are currently higher than status quo. Yet, we're still
29 overfished. This is due to the longer rebuilding time periods
30 assuming a higher recruitment.

31
32 We've been overfished, or the stock assessments have estimated
33 this stock has been overfished, since 2008. This will be the
34 second rebuilding plan I have been working on for the council,
35 and the Magnuson-Stevens Act specifies a time period for
36 rebuilding the fishery, and that is as short as possible, taking
37 into consideration the needs of the communities, and so those
38 are things we should keep in mind as you start thinking about
39 what rebuilding time you want to look at for this stock.

40
41 These are some decisions points I would like to come back to
42 after Mike talks about the recreational decision tool. We will
43 have Dr. Mike Larkin here in a minute.

44
45 What rebuilding time period is the council leaning towards?
46 What corresponding ACLs and ACTs are going to go with that
47 rebuilding period? That will help us decide what reductions we
48 need for the recreational and commercial management measures,

1 and so I will stop there and see if there's any questions.

2
3 **CHAIRMAN GREENE:** Thank you. Any questions? Okay. Seeing
4 none, I guess we'll move into the presentation, into the next
5 item, which will be Tab B, Number 6, on the decision tool.

6
7 **PRESENTATION ON GRAY TRIGGERFISH RECREATIONAL DECISION TOOL**

8
9 **DR. MIKE LARKIN:** Here is the recreational decision tool.
10 Really, a lot of you have probably been down this road before
11 and seen this before, but it gives you the options up here of,
12 for example, month, if you want to eliminate a month, the whole
13 month or just certain days of month. What this does is this
14 reduces the landings.

15
16 Let me show you this other slide here. This is the prediction
17 of future landings here, and so the blue line and then the red
18 dots to show each month, and then there's also confidence
19 intervals around those, because I was able to -- If I know the
20 distribution and the mean of the landings for each month, I was
21 able to bootstrap them and develop confidence intervals.
22 Really, I'm trying to show you the mean and then the upper bound
23 and the lower bound, and those landings are incorporated back
24 into the model here.

25
26 The first one here, if you look at seasonal closures, you can
27 choose whatever you want, certain days of the month or the whole
28 month, for example, if I want to close the whole month of June
29 here. You can see, down here, these landings will be reduced.
30 That's based on percent reductions we calculated from the
31 dockside intercepts from knowing the monthly landings as well as
32 knowing the size limits. Increasing the size limit, how much
33 will that reduce the landings, as well as the bag limits.

34
35 Down here, Number 2, selected minimum size limit, you can, for
36 example, go to an eighteen-inch fork length minimum size limit,
37 and you can see it reduces all the landings for all months here.
38 Then bag limits, you have a two-fish bag limit, and so you can
39 just reduce it down to one. You can kind of pick and choose the
40 different seasonal closures and size limits and bag limits.

41
42 Then, down, here, is actually the summary of the landings per
43 month here, once they're impacted by whatever you chose. Then
44 this sums up the landings here in this cell. Then, down here,
45 its going through the alternatives that Carrie went through.
46 Then, down here, you can see, from that different range of ACLs
47 and ACTs, how are they -- Is there an overage or not? For
48 example, if I -- The yellow means there was an overage.

1
2 For example, you can see, under Alternative 4a, under the
3 current -- If I close June and I do a sixteen-inch fork length
4 and a bag limit of one fish per person, there is an overage in
5 Alternative 4a for the ACL, Alternative 3a, and Alternative 2.
6 Alternative 2 is zero. Then, down here, is the annual catch
7 target. You can see there is an overage for the ACL, and is
8 there a predicted overage for the ACT? Then, down here, if you
9 go a little further, you can see how the landings track through
10 time.

11
12 Then you can see the different lines represent the different
13 ACTs, in this case. Then, over to the right, next to it, is the
14 predicted closure date, and so exactly what is the date that
15 it's predicting when it crosses that line. The blue-dashed line
16 here is actually the landings, and then you can see the landings
17 over here on the Y-axis. Then the month is down here on the X-
18 axis.

19
20 You can see, for the different range here of ACTs, one is the
21 predicted closure date and how many days in a season. Then, if
22 you go down a little bit further here, this is also giving you
23 an option for total removals. Let's say you increase the size
24 limit and you reduce the landings by 50,000 pounds. You go from
25 fourteen inches to fifteen inches, and the landings are reduced
26 -- I am just giving you a hypothetical example of 50,000 pounds.

27
28 What I did down here is, once those landings are reduced, for
29 example with a size limit, you can convert those landings to
30 numbers of fish by dividing by the -- I took the current average
31 weight, which is 2.4 pounds whole weight. That gives you the
32 discards, and so that's where you get 115,000. Then, using the
33 recent assessment, SEDAR 43, apply a discard mortality rate,
34 which is 5 percent for the recreational sector.

35
36 Down here, you can look at, as you do different options here,
37 what's the number of discards, what's the number of dead
38 discards here, and then the landings is basically taking up this
39 cell here, the total number of pounds, and, again, dividing by
40 the current average weight and converting that into numbers of
41 fish.

42
43 You can look at your total removals, which is the total removals
44 from harvest, from landings, plus the dead discards. It's just
45 something to consider as you change different options. What is
46 the total removals? Are you hitting the ACT or are you hitting
47 the ACL?

48

1 Then, down here, just to give you more options here, using that
2 -- If you go back to the upper bound, the 95 percent confidence
3 interval here, and the lower bound, the two dashed lines, this
4 is -- If you assume that you actually will meet that upper bound
5 of landings, you can see the closure is a lot sooner. The
6 landings are predicted to be a lot higher.

7
8 If you think the landings are going to be in that lower bound,
9 that's what this table is down here. The upper bound and the
10 lower bound and total removals, and I know I'm going through
11 this kind of fast. Really, you can start to configure different
12 options and see how the landings turn out. Then you can then
13 see what ACLs and ACTs you exceeded, and then you can see how it
14 tracks through time. Any questions about the decision tool?

15
16 Also, I'm doing a report on this through our office, and so that
17 will be attached as an appendix to the amendment in the future,
18 to really go into the details of the calculations that went into
19 this. That's it, and I will take any questions.

20
21 **CHAIRMAN GREENE:** Okay. Thank you. Any questions? Okay. I
22 don't see any. Thank you. Luiz, did the SSC have any comments
23 that you would like to weigh in at this point, please, sir?

24

25 **SSC REVIEW OF DECISION TOOL**

26

27 **DR. LUIZ BARBIERI:** Thank you, Mr. Chairman. Nothing that I
28 need to go into detail about. In general, the SSC really liked
29 the decision tool. They thought that it was very helpful in the
30 way that it was set up. It was easy to change the options and
31 give you an idea of the outcome, but, of course, behind the
32 interface, there is an extra little model that runs, and the SSC
33 had a few suggestions.

34

35 You can find a list of those in our report. They are just
36 technical details, suggestions for Mike, to sort of work on the
37 existing model and make some adjustments, so the results are
38 more in line with what we believe would be most helpful to you,
39 but, in general, we liked the decision tool and did not have any
40 major concerns with it. We asked Dr. Larkin to make those
41 modifications and come back to present the revised decision tool
42 to the SSC at the first opportunity.

43

44 **CHAIRMAN GREENE:** Thank you. Any questions for Dr. Barbieri?
45 Seeing no questions -- Chairman Anson.

46

47 **MR. KEVIN ANSON:** Do you have a sense, Dr. Barbieri, as to what
48 impact those changes would have? I mean can we start looking at

1 using this and kind of -- Go ahead and putting in some various
2 combinations, and, when the final product comes, will it be just
3 very similar?
4

5 **DR. BARBIERI:** I took some notes here summarizing some of the
6 main issues that the SSC discussed at the meeting. For example,
7 at this point, the decision tool model does not account for
8 effort shifting due to closed seasons, changes in average sizes
9 during stock rebuilding, or changes in fishing effort, and so,
10 again, it's perhaps just expanding the scope of those different
11 options that could be chosen there, so we can see the combined
12 effect of some of this model and what the results are.
13

14 The model has been tested retrospectively, but it assumes that
15 state waters will close when federal waters will close. That's
16 not necessarily a huge issue, but we've got to verify that that
17 assumption is held.
18

19 Those are the main issues that the committee felt could be
20 worked on, and hopefully Dr. Larkin will be able to bring a
21 revised and updated decision tool that we'll review and make
22 comments again.
23

24 **CHAIRMAN GREENE:** Okay. Dr. Barbieri, did I hear you correctly
25 say that the model assumes that the states will follow the
26 federal guidelines on the opening of seasons? Is that correct
27 or did I misunderstand you?
28

29 **DR. BARBIERI:** No, that is correct, and I will ask Dr. Larkin to
30 clarify if that's really a misinterpretation or not, but that
31 was our understanding of how the model structured behind that
32 interface.
33

34 **DR. LARKIN:** Yes, that's correct. It assumes that the states
35 will follow the federal closure.
36

37 **CHAIRMAN GREENE:** Thank you. Is there discussion?
38

39 **MS. GUYAS:** Just a question, and it's a general one. I think
40 it's a Mike question. Can you tell me where we are so far this
41 year with triggerfish landings? It seems like, the past few
42 years, part of the problem that we've had is we've been in this
43 hole of quota overages that we can't quite seem to dig ourselves
44 out of.
45

46 **DR. LARKIN:** I wish I could answer that. We're still waiting on
47 Wave 1 landings. There was a big delay. They had some issue in
48 the Northeast, and so we haven't got Wave 1, but I do actually

1 expect it this week, but, yes, it's been variable. Wave 1
2 landings have been high and low in previous years, and so,
3 unfortunately, I can't answer that right now, but, once I get
4 Wave 1, we will post it to our site right away, Wave 1 of 2016.
5

6 **CHAIRMAN GREENE:** Thank you. Anything else, Martha?
7

8 **MS. GUYAS:** Just a comment, I guess. That, again, affects kind
9 of what goes into this model. I mean, if we end up with a
10 compressed season, then that kind of changes the game. That's
11 just another variable in the mix.
12

13 **DR. BARBIERI:** To that very point, Mr. Chairman, I think Ms.
14 Guyas is correct. I mean if we were to summarize, and perhaps I
15 didn't make myself clear enough, it's that the SSC did not have
16 any major concerns about the model, but there are some of these
17 parameter choices and configuration scenarios that the committee
18 felt should be visited before you proceed and actually apply
19 this as part of the options that are being considered for the
20 rebuilding plan. We would like actually to ask Dr. Larkin to
21 return and give us a new presentation with the updated
22 parameters in the revised model.
23

24 **CHAIRMAN GREENE:** Thank you. Dr. Larkin.
25

26 **DR. LARKIN:** If I can make a quick comment. The effort shifting
27 is certainly a difficult thing to address, because it does
28 assume there is no effort shifting, and so I think what I'm
29 going to have to do is throw it on the council's doorstep, in
30 terms of, if you close on this day, do you expect the next day
31 to be double or triple or 10 percent higher or 20 percent,
32 because I really don't have a good sense of effort shifting.
33

34 I think what I would have to build into the model is just an
35 option for the user to decide effort shifting, and so I just
36 want to make that statement. It's a difficult question to
37 answer, and so I'm going to have to, I guess, let the user
38 define it.
39

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

42 **MR. ANSON:** So there could be some significant differences
43 between charter boats and private recreational boats relative to
44 that question or item. Is that something that you can kind of
45 put both in there or you're just going to say that it includes
46 both and you just kind of do it in your head, the math, so to
47 speak, as far as what difference or what that impact that will
48 be? At certain times of the year, there's very little effort

1 going on in the charter industry, at least in the Panhandle and
2 Alabama area, and so there won't be much of an impact there when
3 you change the dates, but, for private recreational, there could
4 be.

5
6 **DR. LARKIN:** That brings up a point I should have addressed
7 earlier, but the model breaks up the landings by mode, by
8 headboat, by charter, and by private. I tried to break it up by
9 Texas separately, but there wasn't a large enough sample size,
10 and so I pooled the Texas charter with the MRIP charter and the
11 Texas private with the MRIP private, but, anyway, I can
12 certainly build it so you could not only have user-defined, you
13 decide the effort shifting, and I could also build it by each
14 mode as well.

15
16 If you think the effort shifting would be greater for private,
17 would be greater than it would for charter, I could certainly
18 build that into it, to give the option, or I could just have one
19 variable for effort shifting or break it down by mode, and so I
20 guess I would punt it over to you. What would you suggest?

21
22 **MR. ANSON:** If it's not too difficult, I would suggest or would
23 like to see by mode.

24
25 **CHAIRMAN GREENE:** Thank you. Is there further discussion? Dr.
26 Barbieri.

27
28 **DR. BARBIERI:** Mr. Chairman, to that point that Mr. Anson made,
29 I mean we're not trying to be prescriptive, of course, as the
30 SSC on how the model is to be configured and those options and
31 not to push too hard on Dr. Larkin. The model is very well set
32 up. The decision tool is very good, but those issues -- You
33 need to understand what the capabilities versus the limitation
34 are of the model, so we can have those discussions in a way that
35 informs your decisions going forward. As you see the results of
36 the model, they are like any projection-type model. We will
37 have caveats associated with that. As soon as you understand
38 what those are, you can take those into account in making your
39 management decisions.

40
41 **CHAIRMAN GREENE:** Thank you. Any further discussion? Okay.

42
43 **DR. BARBIERI:** Thank you, Mr. Chairman.

44
45 **CHAIRMAN GREENE:** Thank you, Dr. Barbieri. We need to get some
46 guidance here on the rebuilding plan. I thought it was
47 interesting that, if you completely shut it down, it took six
48 years. You can still have some harvest at eight years, and it

1 didn't seem to be that big of a difference, but there's a lot to
2 it that I don't understand, and I don't want to let my ignorance
3 shine completely all the way through this early in the meeting,
4 but we need to come up with something, eight years, nine years,
5 ten years. Does anybody want to weigh in on that? Martha.

6
7 **COMMITTEE RECOMMENDATIONS**

8
9 **MS. GUYAS:** I am just trying to think about the sequencing in my
10 head. The last assessment that we had had data through 2014 or
11 2013? Do you know?

12
13 **MS. GUYAS:** Okay, through 2014. We just added another
14 assessment to our calendar that would start in 2017, and maybe
15 it would have data through 2016 or 2015, something of that
16 nature, and this would probably take effect next year? Okay.

17
18 **DR. SIMMONS:** 2013 was the terminal year of information, but
19 that wasn't the terminal year for all the indices. There were
20 some other indices that stopped in 2007. That was discussed
21 under the SEDAR Committee, that they thought might be
22 informative, if those could be included in the next assessment.

23
24 **CHAIRMAN GREENE:** Ms. Levy.

25
26 **MS. LEVY:** Thank you. It wasn't clear to me exactly where you
27 were going when you were talking about deciding on the
28 rebuilding plan time and the catch levels and such, because from
29 what I -- This looks like it's a draft options paper, and so
30 were we talking about picking preferreds, because it seems a
31 little bit premature to do that.

32
33 We have alternatives for each of the rebuilding plans. We have
34 alternatives for catch levels that are either leaving it the
35 same or doing what is, I guess, consistent with what's in these
36 rebuilding plans, although we did have a discussion about not
37 raising the TAC, because that seems inconsistent with not making
38 adequate progress, and so I guess it just wasn't clear to me
39 where you were going at this point with looking at the
40 alternatives.

41
42 **DR. SIMMONS:** I was just trying to get an idea of where the
43 council might be going with this, because, right now, once we
44 get the decision tools done, with all the different alternatives
45 we have for the rebuilding time and the ACLs and ACTs, we're
46 going to end up with a huge number of options, and all those
47 different options are going to meet an eight-year rebuilding
48 time period, a nine-year rebuilding time period, or a ten-year

1 rebuilding time period.

2
3 I was trying to see if there's any way we could weed out some of
4 these alternatives, if they're not reasonable in order to
5 rebuild this stock, or if want to consider all of these and have
6 a large number of options that would meet the rebuilding time
7 for each of those time periods for each of the recreational and
8 commercial components.

9
10 You can look at the decision tool and see, at the bottom, for
11 the ACL and ACT targets, all the different alternatives we have
12 there and which one of those changes meets the needs of those
13 alternatives, and we can certainly put tables in that address
14 that. I was just trying to get, from the council, if there's
15 any way we could take out anything they wouldn't want to be
16 considering further at this time.

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

19
20 **MS. LEVY:** I think that, from my perspective, the way to go to
21 narrow down the options is for the council to look at the
22 ACL/ACT catch level options that allow an increase in total
23 allowable catch, because, even though these rebuilding plans
24 somehow indicate that that can happen, I am having a difficult
25 time figuring out how we could rationally justify it when the
26 council was just notified that we were making inadequate
27 progress towards rebuilding.

28
29 You could potentially pick a timeframe that doesn't require that
30 you decrease the current total allowable catch, but I'm not sure
31 how we could justify increasing it, especially since some of
32 these are like double, more than double, when we're looking at
33 the ten-year timeframe. That would be the place that I would
34 suggest focusing on, is Action 2.

35
36 **CHAIRMAN GREENE:** Thank you. Any further discussion? Okay.
37 Anything else before we leave gray triggerfish? Dr. Crabtree.

38
39 **DR. CRABTREE:** Following the guidance that Mara just gave us, I
40 am going through here, and it appears to me that that would
41 eliminate Alternative 3, Option b, and Alternative 3, Option c,
42 for sure, and Alternative 4 -- Well, maybe not, but that looks
43 like the two. **I would move that we remove Action 2, Alternative**
44 **3, Option b and c to considered but rejected.**

45
46 **CHAIRMAN GREENE:** We have a motion going up on the board. We
47 have a motion on the board, and I believe it's correct. Is
48 there a second for this motion? Second by Mr. Matens. Is there

1 discussion? Mr. Anson.

2
3 **MR. ANSON:** Going to Ms. Levy's comment, I can understand that
4 the stock needs to be rebuilt, but the same data that is telling
5 us that it needs to be rebuilt and it's been overfished and it
6 continues to be overfished is the same data that now is saying
7 that we can have increasing ABCs in the nine and ten-year plan,
8 and so I mean it's -- I can see the logic, but we're trying to
9 use the data to modify and come up with a new rebuilding plan,
10 but that same data is also telling us that, because of an
11 anticipated increase in recruitment levels, that we're able to
12 maximize or increase the ABC through a nine and ten-year
13 rebuilding plan.

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

16
17 **DR. CRABTREE:** But I think that's the problem. As I recall, all
18 those projection scenarios that had us going up in the catch
19 assumed that the recruitment bounces way up, and the recruitment
20 hasn't bounced way up at any time in recent years, and I don't
21 think there's much -- I haven't seen anything to indicate to me
22 that it's going to, but it still leaves you with the problem of
23 we've got a stock that's not making adequate progress towards
24 rebuilding, and how can our response to not making adequate
25 progress be to increase the catches?

26
27 **MR. ANSON:** I would just say that it's, again, the same science
28 that's telling you that you need to come up with a new
29 rebuilding plan is now telling you that you can increase your
30 ABCs later on.

31
32 The terminal year, 2013, Doug just confirmed there was an
33 increase, and so here we are, three years post that 2013
34 increase, and pretty much the general consensus in the northern
35 Gulf is that gray triggerfish are everywhere, and so I know
36 we're having to deal with the data, and the data is through
37 2013, but, anecdotally, we have to kind of put in some data to
38 cover for those years that have occurred since, but trying to
39 look at it from that perspective and then from the assessment
40 side and what the science and what the data showed in the
41 assessment -- That's all I'm saying, is that, on the one hand,
42 it's telling us that it's overfished and we need a new
43 rebuilding plan, but, on the other hand, it says that in year
44 nine and ten that we can increase the ABCs.

45
46 **DR. CRABTREE:** I get that, but that's only the case if you
47 believe that recruitment is going to jump way up higher than
48 anything we've seen in recent years, and I'm not aware of any

1 real evidence that we have that suggests that's happening. If
2 you had some hard evidence that recruitment has in fact jumped
3 way up like that, but I'm not aware of anything, and so I think
4 it still leaves you with a real problem in terms of how you can
5 respond to a stock not making adequate progress by killing more
6 fish. I think that's a tough one.

7

8 **CHAIRMAN GREENE:** Ms. Levy.

9

10 **MS. LEVY:** I mean I guess I would just say that, from what I've
11 seen from the SSC discussions about this and the record that's
12 being produced with respect to the assessment -- I mean the
13 assessment came out and said it's still overfished, we're not
14 making adequate progress, we're not going to rebuild by our
15 rebuilding target, and there was an assumption, or a choice that
16 was made, to extend this low recruitment thing for five years
17 and then bump it up to what we would consider normal or high
18 recruitment.

19

20 That was a judgment call, but that, to me, is different than
21 what the assessment said with regard to the status of the stock,
22 and I think we just need to be careful when we're talking about
23 the record we're developing here. If somehow we can develop a
24 record that's going to justify higher catch levels when we're
25 not making adequate progress, okay, but, to me, that seems like
26 a really tough hill to climb.

27

28 Then the Fisheries Service is going to be in the position of
29 having to say, no, we can't implement this, because we don't
30 have the record to support it and it doesn't meet the National
31 Standard Guidelines and the requirements of the Act.

32

33 **CHAIRMAN GREENE:** Thank you. Any further discussion? Mr.
34 Williams.

35

36 **MR. WILLIAMS:** I have heard the stories, as Kevin has alluded
37 to, about there being a lot of gray triggerfish in the northern
38 Gulf. On the other hand, if there are no signals that
39 recruitment is improving -- This is the kind of species that I
40 hadn't realized, until Carrie just told us, that this was a
41 bedding species, apparently like a bass.

42

43 If it's a bedding species, the fecundity is probably pretty low
44 on these fish, and so I would think that that kind of a fishery
45 would take a while to recover, that there wouldn't be much of a
46 -- It would take a while for the stock to increase. They're not
47 like species that produce millions of eggs. They're probably a
48 relatively low fecundity, and it's going to take a while for the

1 spawning stock to build back up, I would think, and so,
2 reluctantly, I'm going to support Dr. Crabtree's motion.

3
4 **CHAIRMAN GREENE:** Thank you for making all the arguments of why
5 I think we need to move the stock assessment up to tomorrow for
6 gray triggerfish. With that, we have a motion on the floor. Is
7 there any further discussion? Martha.

8
9 **MS. GUYAS:** I kind of feel like we're in a tough place with this
10 as well. To Kevin's point, I mean something doesn't add up.
11 The information that we have in front of us is not corroborating
12 what fishermen are seeing on the water. We have some major
13 holes in the information that we have in front of us,
14 unfortunately, but, I mean, at the same time, we hear what Roy
15 is saying, and I feel like we don't really have much of a
16 choice, and so I guess I'm going to have to support the motion
17 as well.

18
19 **CHAIRMAN GREENE:** Thank you. Any further discussion? David.

20
21 **MR. WALKER:** I was just going to add a comment. I mean, as any
22 fish that we release, it must have the lowest mortality of any
23 fish that we catch, any reef fish, with release mortality.

24
25 **CHAIRMAN GREENE:** I agree with you. I think they could live in
26 a wet paper sack for a week. All right. Any further
27 discussion? **Is there any opposition to the motion on the board?**
28 **Seeing no opposition, the motion carries.** Leann.

29
30 **MS. BOSARGE:** Let me preface by saying this is not what you
31 would probably expect me to throw out there, because I usually
32 err on the side of caution when it comes to the conservation,
33 but I am thinking about streamlining this document and things
34 that we may consider or may not consider, and I haven't heard
35 much feedback from the council that would be in support of
36 stopping all fishing, halting all fishing, for this species, in
37 order to rebuild it within a certain timeframe.

38
39 I would offer a motion that would remove that alternative, with
40 Mara's blessing, from Action 1. It would be Alternative 2 in
41 Action 1. Mara, can we do that? Is that something that
42 Magnuson says we have to consider?

43
44 My rationale here is that this is a kind of special situation,
45 in that we do have a stock assessment that was presented and,
46 yes, it was blessed as the best science available, but, on the
47 same token, there was a caveat that we're not sure that you want
48 to use this for management purposes. I don't know that we would

1 want to go to this extreme to stop all fishing. I don't mean
2 Alternative 1. That's the no action. It's Alternative 2. It's
3 whichever one ends all fishing.

4

5 **CHAIRMAN GREENE:** Ms. Levy.

6

7 **MS. LEVY:** I think that needs to be in there for analytical
8 purposes. The requirements of the Act are that we rebuild the
9 stock in the shortest time possible, taking into account the
10 needs of the fishing community and the biology of the stock, but
11 this is the shortest time possible, and so I mean it is, if you
12 want to rebuild in the shortest time possible, a fishing
13 mortality of zero is a reasonable alternative, and I think, for
14 analytical purposes, to compare it to the other alternatives,
15 that it really should be in there as something that you've
16 considered.

17

18 Obviously you don't have to pick it if we justify why this is
19 not the shortest time possible, taking into account the needs of
20 the biology of the stock and the fishing communities, et cetera,
21 but it really is -- It's the Tmin that the guidelines set up.
22 This is the shortest time.

23

24 **DR. SIMMONS:** Just to clarify something you said earlier, the
25 SSC reviewed the assessment in October of 2015, and then the
26 council wrote a letter and asked them to look at different low-
27 recruitment scenarios, and there was, I think, about six
28 different scenarios that they looked at and they made
29 recommendations on.

30

31 Those recommendations are what you have before you in this draft
32 options paper, and those, I believe, were slightly different
33 yield streams than what was reviewed in October of 2015, and so
34 I think there was some modifications made to the projections
35 than what was first reviewed, and I know there was some
36 contention at that meeting in October, but I think there were
37 some changes made by the analysts and some projections that were
38 done and reviewed by the SSC, and so I think what you have
39 before you was the best information we had on how to deal with
40 recruitment at that time.

41

42 **CHAIRMAN GREENE:** Thank you. Martha.

43

44 **MS. GUYAS:** Just so I'm clear, so Action 1, Alternative 2, this
45 six-year rebuilding plan, matches up with Action 2, Alternative
46 2, which is shut down the fishery? Okay. Thank you.

47

48 **CHAIRMAN GREENE:** Leann.

1
2 **MS. BOSARGE:** I'm not sure I ever got a second, but, if Mara
3 says we need to leave it in the document, then we need to leave
4 it in the document, and so I will withdraw the motion.

5
6 **CHAIRMAN GREENE:** Thank you. The motion has been withdrawn.
7 Any further discussion? Okay. I guess this is going to wind us
8 up for triggerfish. Chairman Anson, we are at 5:24, and we have
9 mutton snapper to go into. Do you want to order sandwiches and
10 make a late night out of it or do you want to pick it up
11 tomorrow?

12
13 **MR. ANSON:** We will adjourn for today is my recommendation.

14
15 (Whereupon, the meeting recessed on June 20, 2016.)

16
17 - - -

18
19 June 21, 2016

20
21 TUESDAY MORNING SESSION

22
23 - - -

24
25 The Reef Fish Management Committee of the Gulf of Mexico Fishery
26 Management Council reconvened at the Hilton Clearwater Beach
27 Resort, Clearwater Beach, Florida, Tuesday morning, June 21,
28 2016, and was called to order by Chairman Johnny Greene.

29
30 **CHAIRMAN GREENE:** We will call the Reef Fish Committee back to
31 session here. We're going to pick up where we left off
32 yesterday afternoon. We didn't quite make it through our
33 scheduled events, and so we will move forward in the next action
34 item, which will be Mutton Snapper ACLs and Management Measures
35 and Dr. Froeschke.

36
37 **MUTTON SNAPPER ACLS AND MANAGEMENT MEASURES**
38 **REVIEW OF DRAFT OPTIONS PAPER**

39
40 **DR. JOHN FROESCHKE:** Good morning. Tab B, Number 7 is the
41 document, and I prepared a short presentation to bring you up to
42 speed on this document. It's the first time you've seen this.
43 You had a presentation in October on some of this, and so I'm
44 just going to outline the actions we've described so far. I'm
45 hoping that you can give some input on the range of actions and
46 alternatives.

47
48 A brief background on this stock, it's a single stock in the

1 Southeast Region, and so both the South Atlantic and the Gulf.
2 However, it's not a jointly-managed species. Each region has
3 their own ACL. We have an 18 percent apportionment of the total
4 stock.

5
6 The stock is not overfished, nor undergoing overfishing. The
7 stock assessment was completed and presented last May, and so
8 it's been a bit of time. The SSC of both the South Atlantic and
9 the Gulf Council reviewed it at that time and accepted the
10 projections for harvest from 2016 through 2020, and so that's
11 the good news.

12
13 The more challenging part of it is that, although the stock is
14 not undergoing overfishing nor overfished, the projections
15 recommend fairly substantial reductions in OFL and ABC, and so,
16 again, I just sort of went through this. The SSC accepted it.
17 Both the Gulf and South Atlantic SSC has reviewed and accepted
18 that.

19
20 This table shows the OFL and ABC recommendations for the stock
21 in 2016 through 2020. To orient you, the current ABC is 1.13
22 million pounds, so as compared to the 692,000 pounds for the
23 stock, it's a fairly substantial reduction. The Gulf portion is
24 18 percent of that, and so this is what the Gulf apportionment
25 looks like. It's an increasing yield schedule. It's modestly,
26 5,000 pounds or so, in the Gulf, but that's the direction that
27 we're headed, based on the stock assessment, and so the first
28 action would sort of be looking at adjusting the annual catch
29 limits based on the stock assessment.

30
31 However, some things to think about in the stock assessment are
32 the terminal year of this stock assessment was 2013. By the
33 time management would be place, it would be probably 2017. The
34 stock assessment makes some assumptions about the harvest level
35 in 2014 and 2015 for those projections. We do have updated
36 actual numbers. If those numbers are vastly different from the
37 projections, it could affect the ACLs.

38
39 We've talked about that with the South Atlantic. The South
40 Atlantic prefers not to incorporate the new numbers and just go
41 with what we have. One of the things I will be asking for your
42 recommendations is if you concur with that or if you prefer
43 something different, and I have a couple of charts to sort of
44 illustrate how that might go.

45
46 This chart shows three things. It shows the stock landings in
47 the white bars in 2014 and 2015. It shows the estimated
48 landings in 2016, and the green bars show the ACL, essentially,

1 and so what you can see is in 2014 and 2015 we were under. In
2 2016, we're likely slightly over, based on the assumption that
3 the projected ACL would be put in place.

4
5 This is sort of just the difference of those, and so you can see
6 that difference. There is some uncertainty. The way the stock
7 assessment language says, it's the projections for 2014 and 2015
8 are based on current fishing mortality. Since we were fishing
9 under the stock ACL, it's a little bit uncertain, to me, if we
10 were under what the projections assumed or if we're actually
11 about right or if we're slightly over, but it might -- If we
12 were in fact under, it could raise the allowable catch in the
13 projections going forward, which would likely be desirable,
14 given that they're fairly substantial cuts.

15
16 That's something to think about, and I don't know the answer,
17 but one recommendation could be that the IPT gets together and
18 figures all of this out and works with the FWC to do the
19 assessment. This is just a quick summation of that.

20
21 The projections for 2016 through 2020, and obviously you
22 wouldn't have these in place by 2016, and, in the document, it
23 shows the change in ACLs range from in the 35 to 40 percent
24 range from current, and so it's a fairly substantial decrease.

25
26 Concurrently with this, FWC is putting in place their own
27 management regulations for state waters. The current minimum
28 size limit is sixteen inches. They are recommending moving that
29 up to eighteen inches, reducing the bag limit from ten fish to
30 three fish within the aggregate snapper bag limit, and then
31 replace the May/June commercial harvest with three fish during
32 the spawning season, which is April to June. Then, during the
33 non-spawning season, it would be a 300-pound commercial trip
34 limit.

35
36 The South Atlantic essentially concurs. They had a meeting last
37 week, and their actions and alternatives are essentially
38 following this outline, as I understand it. Given that this is
39 a South Florida species and it crosses jurisdictions, one of the
40 objectives may be to try to harmonize management throughout this
41 region.

42
43 The document that we have in front of you, we have four actions
44 pertaining to mutton snapper and then there is one action in
45 there pertaining to gag, considering raising the minimum size
46 limit.

47
48 The first action would be establishing these ACLs for the Gulf,

1 based on the assessment. The following actions would consider
2 spawning seasons, recreational bag limits, commercial trip
3 limits, and size limits.

4
5 Depending on your preference, and I don't know if you want to
6 just go through action-by-action. I am happy to do that. This
7 presentation was just sort of meant to orient you on the
8 business at hand regarding mutton snapper. Is there any
9 questions?

10
11 **CHAIRMAN GREENE:** Committee, any questions for Dr. Froeschke on
12 this presentation? Do we want to go through the document
13 action-by-action, or are you guys satisfied with what you've
14 seen this morning? Martha.

15
16 **MS. GUYAS:** Whatever everybody wants to do on that one, but I
17 was just going to chime in a little bit, to follow up on John.
18 As he mentioned, our commission is considering a suite of
19 changes for mutton snapper, and they're going to be discussing
20 these on Thursday, and so I may have more information if the
21 commission has put forward a draft rule that's either the same
22 or different than what you all just saw on the screen. I will
23 have more at full council.

24
25 **CHAIRMAN GREENE:** Okay, and I guess this would be like some of
26 the other grouper stuff that we've done, in trying to assign
27 some type of harmony between the two councils and the FWC. Is
28 that the --

29
30 **MS. GUYAS:** Yes, I think that would be preferable. We've heard
31 from a lot of stakeholders, both at the South Florida workshops
32 and efforts that we did over the past few years, and with these
33 directed mutton snapper workshops, that we really need to have
34 the same regulations across the board, and so we held some
35 workshops, I think back in February in South Florida.

36
37 A few of those were in conjunction with the South Atlantic
38 Council, which is where most of the federal waters landings come
39 from, and we got a lot of good feedback from people. A lot of
40 it was that regulations need to be the same across the board.

41
42 **CHAIRMAN GREENE:** Thank you. Any further comments? Seeing
43 none, we will move on and we will pick up today's agenda.

44
45 **DR. FROESCHKE:** Do you want to go through the actions or --

46
47 **CHAIRMAN GREENE:** Just a second, Dr. Froeschke. I didn't hear
48 anyone that wanted to go through it action-by-action. We can,

1 if anyone so desires, but, as Martha noted, there will be some
2 more information coming from her commission on Thursday. Unless
3 anyone has a burning desire to go through it action-by-action,
4 we will just move on.

5
6 **DR. FROESCHKE:** Could you provide some guidance of what you want
7 us to do between now and the next meeting on this document? Do
8 you want us to wait until we get more information from the South
9 Atlantic and Florida or --

10
11 **CHAIRMAN GREENE:** Martha.

12
13 **MS. GUYAS:** Whatever we need to do to keep moving forward, I
14 think. It would be nice, if we're going to implement new
15 regulations, to try to do them around the same time as they are
16 going into place in the Atlantic and in state waters, just to
17 minimize confusion. Again, this is something that we've heard
18 from people about for many years now that we've been going
19 through this process, and so I don't know if you're looking for
20 preferreds. I don't think we have the analysis yet.

21
22 **DR. FROESCHKE:** No, and I was just looking to see if the range
23 of actions and alternatives you feel are appropriate. They
24 mostly mirror what's being done in the South Atlantic, and
25 certainly the alternatives that have been selected by the South
26 Atlantic and FWC are available in the document. It doesn't
27 sound like there is any other far-reaching things that you're
28 interested in at this time.

29
30 **CHAIRMAN GREENE:** Thank you. Leann.

31
32 **MS. BOSARGE:** Martha, what is that timeline for the regulations
33 for FWC and the South Atlantic?

34
35 **MS. GUYAS:** Our commission, again, meets on Thursday, and they
36 will be looking at a draft rule. Then, assuming they move
37 forward with something on Thursday, then their final action
38 would be in September. I want to say it would be somewhere
39 around the week of Labor Day. Yes, it's late in the week of
40 Labor Day.

41
42 The 8th and 9th is their next meeting, and that's where they would
43 take final action, and so then we would put in place final
44 regulations. It would be as soon as probably sometime in
45 November, but we can push it back, potentially, too, to try to
46 choose a time when we think federal regulations would be going
47 in place as well. We can figure that out.

48

1 **CHAIRMAN GREENE:** Doug Gregory.

2
3 **EXECUTIVE DIRECTOR GREGORY:** Thank you, Mr. Chairman. I just
4 wanted to point out to the council that our mutton snapper
5 fishery in the Gulf is a lot smaller than the one in the
6 Atlantic. I think it's 18 percent of the total ACL, but ours is
7 primarily commercial fishing.

8
9 With the Atlantic, it's primarily recreational, and so,
10 particularly with the commercial regulations, we need to take a
11 close look at the alternatives relative to our fishery as
12 opposed to theirs, because a 300-pound trip limit is very
13 restrictive for the Gulf side, where it may not be as
14 restrictive for the Atlantic side.

15
16 The other thing is I think we benefit from seeing the analyses
17 that the South Atlantic Council does. We could simplify our
18 approach, because I doubt the utility of analyzing sixteen,
19 seventeen, eighteen, nineteen, and twenty-inch size limits. I
20 mean a one-inch difference is not going to make a whole lot of
21 difference in either the reproductive capability or the weight
22 or the impact on the fishery, and we can probably simplify our
23 document some if we wait and see some of the analyses that have
24 been done.

25
26 **CHAIRMAN GREENE:** Thank you. To that point, Martha.

27
28 **MS. GUYAS:** Just on the commercial trip limit, I kind of
29 misspoke a little bit in saying that we were recommending
30 consistent regulations totally across the board for mutton
31 snapper, because, for commercial, we're not recommending a 300-
32 pound trip limit for the Gulf, because of the longline fishery.
33 We were concerned that that would just cause unnecessary dead
34 discards, and so a lot of those guys, we've spoken to them.

35
36 We had a workshop in St. Petersburg specifically, since that's
37 where a lot of those guys are based, and they're primarily
38 targeting grouper, but there are certain times of year where
39 they're bringing in mutton snapper as well, and so, based on
40 that, we're not recommending a trip limit in the Gulf.

41
42 **CHAIRMAN GREENE:** Thank you. Mr. Williams.

43
44 **MR. WILLIAMS:** Doug Gregory or John, can we speed up this
45 process by going through this document today and have that out
46 of the way, so that we don't have to do this at the next
47 meeting? Are we going to have to look at this document next
48 time if we don't look at it this time?

1
2 **DR. FROESCHKE:** Yes, at some point, we will need to go through
3 the actions.
4
5 **MR. WILLIAMS:** It seems to me then we ought to go through it,
6 just to speed the process up. That's my two-cents.
7
8 **CHAIRMAN GREENE:** Thank you. Ms. Beckwith.
9
10 **MS. ANNA BECKWITH:** Just to Leann's question, I was going to say
11 that we, during our meeting last week, we went ahead and picked
12 preferred alternatives for public hearings, and so our public
13 hearings will happen in August, and so that's where we are.
14
15 **CHAIRMAN GREENE:** Thank you. Leann.
16
17 **MS. BOSARGE:** If nothing else, I say let's look at that -- If
18 Doug says most of this fishery is commercial on the Gulf side,
19 let's at least look at the commercial actions, since we're in
20 Clearwater and Martha said that these fishermen are out of St.
21 Pete. We may get some public testimony on it, and so refresh
22 our memories of what we're looking at here.
23
24 **DR. FROESCHKE:** I can be brief, and the actions are pretty
25 straightforward, and so it shouldn't take a lot of time.
26
27 **CHAIRMAN GREENE:** Okay. Let's go ahead and go through it.
28 Let's just go through the whole document, the action items.
29
30 **DR. FROESCHKE:** Okay. Action 1, Chapter 2, and this is
31 establish Gulf-apportioned ACLs for mutton snapper. Again, it's
32 18 percent. The current ABC is 1.13 million pounds. The stock
33 assessment, as I indicated, has been approved, and there's
34 substantial reductions in that from 2012 through 2020.
35
36 The way that it's currently done, and is consistent in the
37 alternatives, is the annual catch limit is equal to the
38 acceptable biological catch, and then the Gulf's is 18 percent
39 of that.
40
41 Alternative 2 essentially adopts that yield schedule, where the
42 ACL is the 18 percent of the total ABC, and the control rule was
43 used to establish an ACT that would be used as the management
44 target. You can see those numbers on the table, and so these
45 would be the far-right column.
46
47 The Alternative 3, the primary difference in Alternative 3 is it
48 does not use an ACT. The ACT values are equivalent to the ACL

1 values in Alternative 3. The difference, from a management
2 perspective, is that, if we were to go with Alternative 3, as
3 soon as you hit that value, then you have to use your
4 accountability measures, whereas, in Alternative 2, you would
5 have a slight buffer, and so there's minor variations. You
6 don't have to have accountability measures enacted immediately
7 at that level, and so that's the major difference in that.
8 Otherwise, the numbers are the same. If there's no questions, I
9 can go on to Action 2. Again, there is no sector allocation in
10 this, and so this is a joint commercial and recreational ACL in
11 the Gulf.

12
13 Action 2 deals with recreational bag limits. We have a suite of
14 options in here, ranging from retaining within the ten-fish
15 recreational snapper aggregate bag limit. Alternative 2 has
16 four options of two fish, three fish, four fish, or five fish
17 per day. Alternative 3 is the same options, but it applies
18 during just the spawning period. We have in the document
19 currently May and June. I believe the South Atlantic has
20 adopted April and June as their spawning period.

21
22 What the South Atlantic has done is they have just set a year-
23 round three-fish bag limit within the ten-fish aggregate, and
24 that would be corresponding to Alternative 4, Option 4b. We
25 have two fish through five fish as the range of alternatives,
26 and so, in short, you could separate -- You could have a
27 spawning set of regulations, non-spawning, or consistent year-
28 round.

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

31
32 **MR. ROBIN RIECHERS:** John, the South Atlantic did April through
33 June and a three-fish bag, and so you basically chose
34 Alternative 3b, but your spawning season is different. Is that
35 correct? Okay. Is there some reason we wouldn't want to --
36 Obviously spawning issues can be different, but, as we're trying
37 to think about matching, Martha, do you have any notion of where
38 your commission is going to end up with that?

39
40 **MS. GUYAS:** I think, at least the recommendation on the table
41 for our commission to consider right now, is just three fish
42 year-round for the recreational side. Now, we have recommended
43 a spawning-season-specific limit for commercial, and that's
44 where that April through June comes in, but it would seem
45 appropriate here to modify Alternative 3 to specify those
46 spawning months as April through June. I can do that in a
47 motion if that helps. **I will make a motion to modify Action 2,**
48 **Alternative 3 to specify the spawning months as April through**

1 **June.**
2
3 **MR. RIECHERS:** I will second.
4
5 **CHAIRMAN GREENE:** We have a motion going up on the board. It's
6 been seconded by Mr. Riechers.
7
8 **DR. FROESCHKE:** You might want to just make that Action 2
9 throughout.
10
11 **MS. GUYAS:** Yes, we can do that. So, in Action 2, to specify
12 the spawning months as April through June.
13
14 **CHAIRMAN GREENE:** I believe the motion is correct. We've had
15 discussion about it. Any other comments? Mr. Swindell.
16
17 **MR. SWINDELL:** Why is it then -- How did May even get in the
18 picture? Is it May through June in the Gulf of Mexico, instead
19 of April?
20
21 **MS. GUYAS:** Right now, in the Atlantic and in all state waters,
22 there is a spawning season restriction for commercial harvest.
23 Basically, it goes down to the recreational bag limit, and that
24 occurs during May and June. Those are some of the peak spawning
25 months for mutton snapper, and this is a species -- They
26 aggregate in large aggregations that are known, but the South
27 Atlantic Council is discussing expanding that to be April
28 through June. They spawn from usually April through later into
29 the summer, maybe even into the fall, around the full moon.
30
31 **CHAIRMAN GREENE:** Okay. Thank you. Any further discussion? We
32 have a motion on the floor. **Is there any opposition to the**
33 **motion? Seeing no opposition, the motion carries.**
34
35 **DR. FROESCHKE:** We can move to Action 3, which addresses
36 commercial trip limits in the Gulf. There are three
37 alternatives, the no action and -- The two action alternatives
38 are similar in structure to what we had before. Alternative 2
39 addresses -- A regular season would be essentially these non-
40 spawning months, and we have three options of 300, 400, and 500
41 pounds. It sounds like FWC would retain essentially no action,
42 no trip limit, which is what we currently have.
43
44 Alternative 3 would apply just during the spawning season that
45 we just discussed and then ranging from two fish, three fish,
46 ten, twelve, or no retention. That's the range that we
47 currently have. Does that seem adequate?
48

1 **CHAIRMAN GREENE:** Thank you. Is there discussion? Martha.
2
3 **MS. GUYAS:** I guess I would make the same motion here, and I
4 don't know if it's cleaner to just do like one motion for the
5 whole document. **In Action 3, I would move to specify the**
6 **spawning months are April through June.**
7
8 **MR. RIECHERS:** Second again.
9
10 **CHAIRMAN GREENE:** We have a motion going up on the board. It's
11 seconded by Mr. Riechers. Is there any further discussion?
12 **Seeing no discussion, is there any opposition to the motion?**
13 **Seeing no opposition, the motion carries.**
14
15 **DR. FROESCHKE:** Action 4 addresses minimum size limit for mutton
16 snapper in the Gulf. We have the current is a sixteen-inch
17 total length minimum size. We have four action alternatives of
18 seventeen, eighteen, nineteen, and twenty. It's my
19 understanding that the South Atlantic and Florida are electing
20 to go with what would be here the Alternative 3 of eighteen
21 inches total length.
22
23 One thing to think about, in terms of the analysis of the
24 document, is when we we looked at this before, as Doug
25 indicated, the recreational landings are very low, and so it's
26 going to be likely impossible to really analyze these, and so
27 what we've done in the past is looked at the South Atlantic's
28 recreational landings as a proxy to ours, to evaluate these
29 alternatives.
30
31 **CHAIRMAN GREENE:** Thank you. Is there discussion? Seeing no
32 discussion, Dr. Froeschke.
33
34 **DR. FROESCHKE:** Last action, and I will be brief. This
35 addresses the gag minimum size limit for the commercial sector.
36 The commercial size limit is currently twenty-two inches total
37 length. In the state and the South Atlantic, it's twenty-four
38 inches total length. There was some concerns about increasing
39 discards with raising it. However, more recent evidence
40 suggests that that's perhaps likely to be minor, and it would
41 achieve consistency in South Florida.
42
43 We have two alternatives, the one no action to retain or
44 Alternative 2 is to increase it to twenty-four inches. In this
45 case, we only have two alternatives, and the rationale is that
46 really this is a minimal biological impact, and it's to achieve
47 consistency and simplify management, and so twenty-three,
48 twenty-five, twenty-six, all those sort of iterations, didn't

1 really seem necessary, and so that's what we have before you at
2 this time.

3

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

5

6 **MR. RIECHERS:** Just a question to both John and Martha. Martha,
7 are you anticipating then in full council coming back, because
8 of the timing you discussed, with whatever preferreds that you
9 know at that time? Obviously we're thinking about matching.
10 There could be differences in that, and I am just wondering,
11 from an analysis standpoint, if we're better off walking away
12 with some preferreds, the preferreds that we want to have, to
13 get public testimony on those, so that we can meet more closely
14 that time table that you all are talking about.

15

16 **CHAIRMAN GREENE:** Go ahead, Martha.

17

18 **MS. GUYAS:** I can certainly do that. My plan, at least, was to
19 update you all as to where the commission landed on this and
20 then to make sure that whatever they come up with is in this
21 document, but if it's helpful to indicate preferreds, then we
22 can certainly do that. I know that sometimes we're hesitant
23 about doing that when we don't have the analysis in front of us.

24

25 **MR. RIECHERS:** I agree with that. The only thing is, just like
26 the eighteen inches a while ago, if everyone else is settling on
27 that and we think that's where we're going to settle, part of
28 the analysis is the consistency, and so we can certainly help
29 build some record from that perspective, realizing that we don't
30 have the full analysis and the analysis could tell us something
31 different as well.

32

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

34

35 **DR. CRABTREE:** Consistency is fine and all, but my memory is
36 like 70 percent of the commercial catch is coming off of
37 longline vessels. Is that approximately correct in the Gulf?

38

39 **DR. FROESCHKE:** I think so, but I don't have that number off the
40 top of my head.

41

42 **DR. CRABTREE:** So I mean it is substantially different than the
43 South Atlantic, where there is no longline catch of it, and I
44 don't know what the discard mortality for those fish off of
45 longline vessels is, but I suspect it's really high, and so this
46 may be a case where we need to not be consistent, because it
47 just isn't going to work on that part of the fishery, and so I
48 would have reservations about even having a minimum size limit

1 really in something like that, where you have very high discard
2 mortality. One, I doubt they're catching many small fish to
3 begin with, but I would be suspect that the discard mortality is
4 pretty high off of longline vessels.

5

6 **CHAIRMAN GREENE:** Mr. Riechers.

7

8 **MR. RIECHERS:** Well, Roy, that's in Table 2.3.2. It's about 75
9 percent, just doing my quick math here, of your total landings.

10

11 **DR. CRABTREE:** So it's, as Doug pointed out earlier, it's a very
12 different fishery in the Gulf than in the South Atlantic, and we
13 need to be careful that we don't put consistent things in place
14 when they may not make sense in the Gulf.

15

16 **CHAIRMAN GREENE:** Thank you. John Sanchez.

17

18 **MR. JOHN SANCHEZ:** Backing up a second to the 300-pound trip
19 limit, do we have any landings records per trip for the Gulf
20 commercial, just to get an idea of what that would do?

21

22 **DR. FROESCHKE:** Yes, I think we do. That's part of the analysis
23 we would prepare.

24

25 **CHAIRMAN GREENE:** Thank you. Mr. Swindell.

26

27 **MR. SWINDELL:** Is there any -- What type of commercial fishing
28 is done in the South Atlantic? There is some, I assume.

29

30 **CHAIRMAN GREENE:** Dr. Crabtree.

31

32 **DR. CRABTREE:** It's vertical line gear, either bandit or just --

33

34 **CHAIRMAN GREENE:** Mr. Gregory.

35

36 **EXECUTIVE DIRECTOR GREGORY:** I just want to point out that the
37 Gulf Council, many years ago, I think in the early 2000s, closed
38 a major spawning area for mutton snapper in the South Florida
39 area, and that's what is called Riley's Hump. The population in
40 the Keys has increased since that closure, and that's in Gulf
41 waters, and that's something that we've done that's been very
42 beneficial to the population.

43

44 **CHAIRMAN GREENE:** Thank you. Any further discussion? Is there
45 any desire to go back and try to pick a preferred, as Mr.
46 Riechers had mentioned earlier, on some of this stuff, or do we
47 want to wait until full council?

48

1 **MS. GUYAS:** If it was up to me, I would say wait until full
2 council, if that's what we want to do.

3

4 **CHAIRMAN GREENE:** Mr. Gregory.

5

6 **EXECUTIVE DIRECTOR GREGORY:** Thank you for bearing with me, but
7 I would suggest waiting until we get some analyses. I mean it
8 bothers me to be choosing preferred options when we don't know
9 why April was chosen and why 300 pounds was chosen. What's the
10 analysis?

11

12 One thing we're facing, and this is the reason that John
13 suggested asking for new projections, which the South Atlantic
14 Council doesn't want to do, but we're facing a 40 percent
15 decrease in the ABC for mutton, even though it's not overfished
16 or undergoing overfishing. This would be a question for the
17 stock assessment, but what happened to create that kind of
18 decrease, when the population is apparently relatively healthy?

19

20 We need analyses to say what can we do to prevent a closure or
21 this is what kind of closure we'll have with these kinds of
22 regulations. Those are important analyses, to me, that would
23 really shape what decisions you make.

24

25 **CHAIRMAN GREENE:** Thank you. Steven Atran.

26

27 **MR. STEVEN ATRAN:** In response to Doug's question about what
28 happened to cause that decrease, at least part of the reason, if
29 not the entire reason, is the stock assessment that was done in
30 2011 set ABC at the yield at F 40 percent SPR. OFL was at F 30
31 percent SPR. The more recent assessment that we're working on
32 now used the ABC control rule, which used the probability
33 distribution function and a P* of 0.30, and so there was two
34 completely methodologies we used for setting ABC.

35

36 **CHAIRMAN GREENE:** Thank you. Dr. Barbieri.

37

38 **DR. BARBIERI:** Just to add to what Mr. Atran just pointed out,
39 what happened was stock assessments are uncertain things, and we
40 learn as we move the science forward, and so, for the previous
41 stock assessment, we actually had some issues with some of the
42 model parameters.

43

44 Primarily, the selectivity functions and the catchability
45 functions within the model were very difficult to estimate or
46 very uncertain, and so we ended up with an estimate of stock
47 productivity that was much higher in the previous assessment.
48 This next one, because it was an update and we had the

1 opportunity to work with the model, we adjusted the functions
2 for both catchability and selectivity. We were able to get a
3 more realistic estimate of stock productivity.

4
5 It is unfortunate that unintended consequences, that we ended up
6 with a reduction in what the landings had been set at, but it
7 was really one of those things that, the more we refine and
8 learn about how to set those parameters, the more realistic our
9 estimates of stock productivity are, and we can set the landings
10 at a sustainable level.

11
12 **CHAIRMAN GREENE:** Mr. Anson.

13
14 **MR. ANSON:** Dr. Barbieri, before you sit down, I have a question
15 regarding your statements then relative to the yield streams.
16 Did that parameter change or those changes you made to the
17 parameters, is that what influenced an increasing yield stream
18 through 2020?

19
20 **DR. BARBIERI:** No, that has more to do with the recruitment
21 estimates, projections of recruitment coming into the fishery,
22 and that the stock would continue increasing over time, and so
23 we're getting more recruitment inputs, and that's causing the
24 yield stream to be progressively increasing during that
25 projection period. Is that your question about the projections?

26
27 **MR. ANSON:** Yes, and I guess species are different, and I
28 understand that, but, oftentimes, when we look at several other
29 species that we deal with, and one of them happens to be another
30 red snapper species, but, when we go through time, there is
31 always a declining yield stream, and I just thought it was
32 curious that we would see an increasing yield stream.

33
34 **DR. BARBIERI:** Right, and this is a common sort of confusion
35 that happens, a complication for us, in assessing -- Especially
36 for you in managing fisheries. Stocks naturally go through
37 cycles of productivity, up and down and up and down, fluctuating
38 around a steady state, and so you're going to have periods when
39 there are pulses in recruitment that are stronger. When that
40 happens, your projections are going to show a positive
41 increasing trend.

42
43 If the stock is going through a period of lower recruitment,
44 that might last five or six or ten years sometimes. You're
45 going to end up with a decreasing trend, and so it's one of
46 those things that, just because of natural fluctuations in the
47 environment and those cycles of productivity in stocks, and I
48 know that for you it becomes very confusing, because, if you

1 want to manage a constant catch level, that becomes a
2 complication.

3
4 **MR. ANSON:** If memory serves me correctly, for red snapper, we
5 always seem to be going back to an average, and the average is
6 much lower than the recruitment streams or indices seem to
7 indicate here recently, where we've had an increase, but it's
8 always the average that's used, and the average is much lower.
9 The historical average is much lower than our recent time
10 series, and so that's all. Again, I was trying to understand
11 the subtleties between the two, and so thank you.

12
13 **DR. BARBIERI:** Yes.

14
15 **CHAIRMAN GREENE:** Thank you. Any further discussion? Dr.
16 Froeschke, are you needing any more information or are you good?

17
18 **DR. FROESCHKE:** No.

19
20 **CHAIRMAN GREENE:** Okay. Thank you. I guess we will pick some
21 of this stuff back up at full council. At that particular
22 point, we will move forward more with the mutton snapper. With
23 that, I will focus our attention over to today's agenda, which
24 will pick up the next action item, which will be Draft Amendment
25 41, Red Snapper Management for Federally-Permitted Charter
26 Vessels. The first item will be Review of Draft Amendment, Tab
27 B, Number 9(a) and (b), and Dr. Lasseter.

28
29 **DRAFT AMENDMENT 41 - RED SNAPPER MANAGEMENT FOR FEDERALLY-**
30 **PERMITTED CHARTER VESSELS**
31 **SSC RECOMMENDATIONS**

32
33 **DR. LASSETER:** Thank you, Mr. Chairman. We have brought you a
34 Draft Amendment 41, but we actually have a presentation that we
35 will go through, but, rather than jumping in and out of the
36 presentation, we have some SSC comments.

37
38 For the first time since being formed, the Special Socioeconomic
39 SSC was convened with the Standing SSC, and Amendments 41 and
40 42, which will be presented shortly, were reviewed with the
41 group, and there was some discussion, and so I thought I would
42 turn this over to Luiz, as our SSC representative, to provide
43 their recommendations.

44
45 **DR. BARBIERI:** I would be glad to. Thank you, Mr. Chairman.
46 Yes, the SSC reviewed Amendments 41 and 42 and had a number of
47 questions. We had a very good representation of the
48 socioeconomic component. There is a specific socioeconomic SSC

1 that has more expertise along those lines, and they had a bunch
2 of questions, but the standing committee as well.

3
4 We recognize that this in the early stages still of development,
5 and so we are trying to understand how this thing is being
6 developed in this very early stage, and we would like to stay
7 involved throughout the process and be able to provide input as
8 we go forward, but a few of the comments that came up was the
9 absence of individual landings histories is a challenge to
10 adoption of an IFQ or a PFQ program for charter vessels, and so
11 this is a challenge, of course, for anybody, and it's going to
12 be difficult for you to handle.

13
14 The committee also felt that goals and objectives should be
15 further developed regarding this amendment, and these goals and
16 objectives should then inform the council's decision pertaining
17 to the design features of any allocation-based program, and so,
18 basically, it was for the committee, reading the narrative and
19 the purpose and the goals of the amendment, to have a clearer
20 picture of what you intend to accomplish with the amendment as
21 presented and what are the features that you would like to see
22 addressed more specifically. Ava, should I go ahead with 42 as
23 well?

24
25 **DR. LASSETER:** Actually, let's hold off on the 42 until Assane
26 is presenting, if that's okay.

27
28 **DR. BARBIERI:** So just these comments, Mr. Chairman, complete my
29 summary of SSC input.

30
31 **CHAIRMAN GREENE:** Okay. Thank you. Any further questions or
32 comments? Okay, Dr. Lasseter.

33
34 **REVIEW OF DRAFT AMENDMENT**

35
36 **DR. LASSETER:** Thank you, Mr. Chairman. If we could put up the
37 PowerPoint presentation. The Reef Fish Draft Amendment 41, red
38 snapper management for federally-permitted charter vessels,
39 we've brought you a revised draft. Just as a reminder context,
40 this amendment, one, would affect red snapper only, and, two, is
41 directed towards the charter vessels which would not be included
42 in the Southeast Region Headboat Survey, which are addressed in
43 Amendment 42. That's what we're talking about here, are charter
44 vessels and red snapper.

45
46 I wanted to start with the purpose and need section of the
47 document, and this is just the purpose part, and, also, I wanted
48 to highlight this because of the SSC's comments that the

1 document further develop the goals and objectives.

2
3 Currently, the document states that the purpose of this action
4 is to develop a management approach for federally-permitted Gulf
5 reef fish charter vessels to harvest red snapper that provides
6 flexibility, reduces management uncertainty, improves economic
7 conditions, and increases fishing opportunities for federal
8 charter vessels and their angler passengers.

9
10 Now, at the most recent Charter For-Hire Red Snapper AP meeting,
11 the AP members provided some goals and objectives, which we
12 reviewed when I provided the summary of their meeting, and so I
13 have underlined the main objectives in the statement as well
14 that also overlap or were repeated by the AP as well, and so
15 most of what the AP had recommended are incorporated in the
16 existing purpose and need statement.

17
18 There were a couple of additional goals from them, which
19 actually do relate to those existing ones in some way, but these
20 were additional ones that weren't encompassed in the previous
21 slide. One of them was to enhance sustainability of the red
22 snapper population by improving catch monitoring, adhering to
23 quotas, and reducing dead discards, which the improving catch
24 monitoring and adhering to quotas is similar to the reducing
25 management uncertainty, or that's contributing to that goal of
26 reducing management uncertainty.

27
28 Then the other one was to promote fleet stability through the
29 ability to select fishing days, and that could also be a product
30 of the flexibility goal, and so these are similar to the goals
31 that are already in the purpose and need, but I wanted to just
32 call attention to these additional ones. As stated, this is
33 currently your purpose statement in the document. Are there any
34 comments to it before I go on or any modifications or anything?

35
36 **CHAIRMAN GREENE:** Leann.

37
38 **MS. BOSARGE:** Not a modification, but I do like what the AP put
39 out about the reducing the dead discards, and I think that does
40 go to the conservation portion of it. We like to try and
41 mention that somewhere in our purpose and need, and it might be
42 down here in the need section, and I don't know, but I do think
43 that that is going to be definitely an advantage of going to a
44 different management system where there is more flexibility in
45 when they go, and, therefore, they probably will have less dead
46 discards.

47
48 **DR. LASSETER:** Are you proposing to add this to the purpose

1 statement?

2
3 **MS. BOSARGE:** Well, I don't know how exactly you would word it,
4 and so that's why I don't want to make the motion, per se. I
5 haven't thought out how to word it, but I think you could fit it
6 in there somewhere.

7
8 **DR. LASSETER:** Then I also just want to point out that the goals
9 and objectives that are identified for the program, council and
10 NMFS staff would eventually be reviewing this program, and we
11 want the goals and objectives to be such that we can collect
12 information about it and evaluate as to whether or not progress
13 is being made towards those goals, and so I probably should have
14 pointed that out at the beginning of the discussion.

15
16 **CHAIRMAN GREENE:** Thank you. Mr. Williams.

17
18 **MR. WILLIAMS:** So what is the status of those additional goals
19 from the AP? Are they automatically added to the document?

20
21 **MS. BOSARGE:** No, we haven't added -- When the AP makes
22 recommendations, we present the recommendations to you. You did
23 request that some parts of the recommendations be incorporated
24 in the document, and we have done so, but at the time that we
25 presented and when I have discussed the purpose and need, no
26 further motions were made and no direction was given.

27
28 **MR. WILLIAMS:** The additional goals that you presented in the
29 slide following this were developed between now and the last
30 meeting though, right?

31
32 **DR. LASSETER:** No, these were at the most recent Charter AP
33 meeting, which was in March of this year, if I remember
34 correctly, March or April. They had come up with a list of
35 goals, and I did point out that they're similar to the ones that
36 are already in there, and I did provide that slide just for
37 assisting discussion, to kind of get it going, to give you
38 something to start talking about.

39
40 I am not sure if -- Since they are similar to what's already in
41 there, you may not want to just incorporate them word for word,
42 but it kind of gives you a sense of what the AP is thinking in
43 terms of what their goals are how they see the program's
44 objectives, and then you can see what's already currently in the
45 purpose and need statement. These may be acceptable goals for
46 you, or you may want to modify them. I just wanted to provide
47 opportunity for discussion.

48

1 **CHAIRMAN GREENE:** Thank you. Is there further discussion?
2 Seeing none, Dr. Lasseter.

3
4 **DR. LASSETER:** Okay. We will move on to the Action 1. The
5 Action 1 addresses what type of allocation-based management
6 approach would be pursued through this document, and this figure
7 is provided in the document as well. The document is also set
8 up where you have a Section A, which has three actions in it.
9 This is Action 1. These actions would pertain to any program
10 that is selected and developed.

11
12 Then there's a Section B, C, and D. Section B is going to
13 address a fishing quota program, which would be Alternative 2 in
14 Action 1. Section C will address actions that support
15 Alternative 3, and Section D will be for Alternative 4, and so
16 that's just the overview. That's the structure of the document.

17
18 The Alternative 1, the traditional management, the measures that
19 we're currently using, bag limits, seasons, minimum size limits,
20 those can be modified through the framework action process, and
21 so, if the council is interested in pursuing modifying those
22 traditional management measures, we can develop a framework
23 action to support those, and we have brought you a white paper
24 outlining the alternatives, the potential, for modifying these
25 and included the recent analyses that have been done to support
26 modifying the seasons or the bag limits. We will get to that
27 after we go through the document.

28
29 I want to start with the fishing quotas, the Alternative 2
30 there. The document includes two types of fishing quota
31 programs, IFQs, individual fishing quotas, and PFQs, permit
32 fishing quotas.

33
34 IFQs would be very similar to how the commercial programs are
35 set up currently in the Gulf and how most of the IFQ programs in
36 the states are set up. You have a system of shares and
37 allocation.

38
39 A share is a share of the quota. You can think of it that way,
40 a share of the quota. A share is always a percentage. It's
41 always expressed as a percentage. Shares are durable. They
42 stay with whoever is the business entity, individual, to whom
43 they were assigned. They remain with that entity unless they
44 are transferred or sold. Shares are always a percentage.

45
46 As the quota changes, that percentage could be a different
47 amount of pounds, and so allocation refers to the amount of
48 pound of quota represented by those shares, that proportion of

1 the quota held by a shareholder. Shares is a share of the
2 quota. It's always a percentage, and allocation is always going
3 to be in pounds in these programs.

4
5 Unused allocation expires at the end of the year. It just goes
6 away, but the shares are durable. They stay with that
7 shareholder, who will then receive a new distribution of
8 allocation, the pounds associated with how many shares are held,
9 at the beginning of the year, and so the allocation amount, the
10 pounds, will change if the overall quota changes, while the
11 amount of shares, percentage of the quota, stays the same. I
12 wanted to really make that clear and explain that, because
13 that's going to be a little different when we get to the
14 Alternative 3.

15
16 **DR. STUNZ:** Ava, I'm hoping you can explain this a little
17 better, because maybe I've had a misunderstanding for some time.
18 I am just not clear. I understand what you said about the share
19 and how that relates to how much allocation the individual
20 person gets, but, when you say shares -- When you have a share
21 of the fishery, is that just there is not multiple shares that
22 are somehow indexed to that quota, but you just have a share of
23 that percentage, right?

24
25 **DR. LASSETER:** No, you have your shares are a percentage, and so
26 you don't have five shares. You have point-zero-however-much
27 percent of the quota. That, given a certain amount of quota,
28 could be five, ten, fifteen, 100, or 200 pounds, but share is
29 always a percentage, and there is a maximum 100 percent for each
30 of the IFQ program species groupings.

31
32 **DR. STUNZ:** So then a share could also just be that you are a
33 participant in that quota system. It's not like a stock where
34 you own more of the company if you have more shares, but you
35 just are a participant. Your share doesn't have anything to do
36 -- You don't have multiple shares, in other words. You are just
37 sharing in that quota. Is that right or is that wrong?

38
39 **DR. LASSETER:** You wouldn't have multiple shares. You could
40 have more shares or less shares, and so, for example, in the red
41 snapper program, an entity is allowed to have up to 6 percent,
42 have shares totaling 6 percent of the whole quota. There is a
43 maximum share cap for each of the programs in the species
44 groupings that is a maximum amount, and so you don't have six
45 shares. You have the maximum cap would be 6 percent of the
46 quota.

47
48 **CHAIRMAN GREENE:** Thank you. Is there further discussion?

1 Seeing none, Dr. Lasseter.

2
3 **DR. LASSETER:** Thank you, Mr. Chairman. That is the shares and
4 allocation would apply to either the IFQ option or this PFQ.
5 Again, the IFQs is very similar to the way the commercial
6 programs are structured. Option 2b is PFQs, permit fishing
7 quotas. PFQs would use the same system of shares and
8 allocation, but, rather than those shares being assigned to an
9 individual, an individual fishing quota, they would be assigned
10 to the permit, permit fishing quota. Is that clear?

11
12 **CHAIRMAN GREENE:** Mr. Williams.

13
14 **MR. WILLIAMS:** To the vessel permit?

15
16 **DR. LASSETER:** The vessel permit, yes. The charter vessel
17 permit. Again, the shares would be durable. They would remain
18 with the permit, attached to the permit. If the permit was
19 transferred, those shares would go with that permit, but the
20 shares are durable.

21
22 In contrast, the Alternative 3, which you had us add at the last
23 council meeting, is permit fishing allocations. That's how
24 we've titled it, how we've named it. In contrast to shares and
25 allocation, the PFAs would use allocation only, and that
26 allocation, as we discussed at the last meeting, would be
27 recalculated annually.

28
29 Rather than using shares, which are durable, which pretty much
30 fix in time that distribution, unless transferability is
31 allowed, the allocation would be recalculated continually, and
32 it would, depending on how you decide to allocate in Action 3,
33 that same equation would be used, but any changes in the fleet,
34 in terms of permits being transferred from one area to another,
35 would then be reflected in this new distribution of the
36 allocation. PFQs and IFQs are shares and allocation. PFAs are
37 annual allocation only.

38
39 **CHAIRMAN GREENE:** Mr. Riechers.

40
41 **MR. RIECHERS:** I am not really seeing the difference between the
42 permit fishing allocation and the permit fishing quota, and
43 while I realize we may have asked you to add it, I'm not certain
44 that I now see any different at all. It's tied to the permit.
45 You said it would readjust, and so you get X share. It's tied
46 to a permit. A permit gets sold to another -- You mentioned
47 geographically. It goes from Texas to Florida, and it's still
48 tied to the permit. It's only going to get the share that it

1 was allowed before, unless you want to readjust based on what
2 they caught in the last year, which I mean, theoretically, most
3 people are going to catch as close to their share total as they
4 can, and so help us out.

5
6 **DR. LASSETER:** One is -- I think there were a couple of comments
7 that the AP made. One, they were concerned about the durable
8 quality of the shares, of these fishing privileges just being
9 distributed at one point in time and then those last and that's
10 it and the allocation then would just be distributed from it.

11
12 They wanted something more adaptive and dynamic that would
13 reflect changes in the fleet, and they also responded that this
14 was due to some of the criticisms they've heard in the
15 commercial program, where participants have left the fishery and
16 yet still have retained their shares.

17
18 Not only were they just wanting the permit fishing quota, but
19 they wanted to take a step further and not have that more
20 durable, lasting rights, and I'm going to turn it to Mara for a
21 moment.

22
23 **MS. LEVY:** I think one of the big differences is when you do the
24 share distribution. You don't change that, and so people get
25 their shares. They have them. The allocation associated with
26 that share is going to change.

27
28 With the allocation only, each year, you're looking at what
29 different vessels are going to get allocated, and if, for
30 example, you use the allocation that depends about where you're
31 home based and you change your home base, then the allocation
32 you might get would be reflected in that, whereas, if you just
33 got your share, based on where you were in Florida, and then you
34 moved to Texas, you're still going to have that same share.
35 We're not going to redistribute shares every year and
36 recalculate how they should be distributed.

37
38 **MR. RIECHERS:** You wouldn't under a permit either, because it's
39 tied to the permit. It's not tied to a specific geographic
40 location.

41
42 **MS. LEVY:** But you have a number of different alternatives for
43 how to distribute shares and/or allocation, and one of those is
44 tied to the geographic base of the vessel, which is tied to the
45 permit. If you have a permit that is tied to a vessel that's
46 home-based in Tampa, that might give you a different allocation
47 than if you have a vessel that's tied to a permit that's home-
48 based in Galveston.

1
2 **MR. RIECHERS:** But after initial allocation of shares, I don't
3 think it makes a difference is what I'm saying.
4
5 **MS. LEVY:** For shares, but the permit fishing allocation is only
6 allocation. You are never going to get a share. Each year,
7 you're just going to get the pounds of fish that you're allowed
8 to have. You never get that percentage of the quota as an
9 initial distribution.
10
11 **MR. RIECHERS:** I appreciate the very gray distinction here, but
12 what I would say is I mean all of these are fishing quota
13 systems. Calling it a permit fishing quota is not really any
14 different than calling it a permit fishing allocation. It's not
15 really any different.
16
17 There may be subtleties in how we're going to go about doing it,
18 but let's just keep that in mind. In addition, I -- I see what
19 you're suggesting, but I am not certain how, in practicality,
20 it's going to work out.
21
22 **DR. LASSETER:** If I could add one more of the other features to
23 it. It's that we have an action in here concerning voluntary
24 participation, and that's the other driver that the AP
25 mentioned, that they wanted to allow people to either opt in or
26 opt out of the program. By having shares, that would be more
27 tricky, because they would only be distributed one time.
28
29 By having the permit fishing allocation, and allocation is
30 recalculated and distributed regularly, some people could
31 participate, could opt out of participating, could not join, and
32 then transfer that permit. That permit goes to someone that
33 that new owner wants to participate, and they would be able to
34 do so, and so it would allow vessels to participate or not
35 participate, and so that was part of the impetus for this as
36 well.
37
38 **CHAIRMAN GREENE:** Dr. Crabtree, to that point?
39
40 **DR. CRABTREE:** Yes, and I think the PFAs are quite different
41 from either the IFQs and the PFQs. One of the logistic problems
42 I see with the PFAs is, because you're doing the whole
43 allocation over again every year, and that's going to be a
44 process that you have to go through. Where is the boat? Has it
45 moved? Here's the allocation formula and all that kind of
46 thing.
47
48 Then my understanding is there's an appeal process that goes

1 with the allocations, which, according to my notes, is ninety
2 days each year, and so you're talking multiple months to go
3 through that allocation every year, whereas, with the IFQs and
4 PFQs, either the vessel or the permit or the shareholder,
5 however you do it, has a specific share, and so you know what
6 the quota is, and you just calculate how much allocation they
7 get every year.

8
9 If they move or various things like that change, they still have
10 their shares, and it's straightforward administratively, and you
11 don't go through all the appeals again, because you've already
12 done the allocation.

13
14 **CHAIRMAN GREENE:** Thank you. Leann, I skipped over you. I'm
15 sorry. Thank you for being patient.

16
17 **MS. BOSARGE:** That's okay. I was going to say, to me, it's
18 easier to think about the difference in this one versus IFQ by
19 thinking about passenger capacity, because have a formula,
20 essentially, that we're looking at to figure out what your
21 allocation would be.

22
23 It may be based on home port, a combination of home port and
24 passenger capacity, and then some blanket across-the-board for
25 every boat option, and so, if you transferred the permit from a
26 six-pack boat to something that has a higher capacity, then that
27 may affect that you may get a slightly larger allocation that
28 year, now that you have a boat that can handle more people, and
29 so it could change from year to year, as opposed to the share,
30 where it's done once.

31
32 **CHAIRMAN GREENE:** Thank you. Ms. Guyas.

33
34 **MS. GUYAS:** I think Roy's comments about the process here have
35 me a little concerned. It sounds like it could be pretty
36 cumbersome from year to year, and I guess I would wonder what
37 the AP and the industry -- How they're seeing this operate on
38 the ground.

39
40 I mean it sounds like, from what Roy is saying, there would have
41 to be some time where the fishery is closed and nobody is
42 fishing, so that this process can go forward and we can figure
43 out where everybody is and who is fishing what and so on, and I
44 guess I'm just wondering if that's been discussed.

45
46 **DR. LASSETER:** Actually, yes. The issue with the PFAs and
47 needing the time to calculate all of that, what staff is
48 proposing, because it's so cumbersome and the process would have

1 to start so early the year before, and, if you did allow
2 voluntary participation, that would even move it back even
3 farther, so perhaps not calculating it every year, but perhaps
4 every three years. Then you would only have to be doing the
5 calculations and the appeals process -- That's a potential
6 workaroud that staff came up with for that issue. We have not
7 actually officially included it in the document, but we just put
8 it out there as an idea for you.

9

10 **CHAIRMAN GREENE:** Mr. Boyd.

11

12 **MR. BOYD:** I think it's fair to consider that there will be a
13 consolidation of the fleet. That's one of the stated objectives
14 of an IFQ, is right-sizing or whatever you want to call it. How
15 would a downsize of the fleet, say 30 percent or 40 percent, be
16 affected in each one of these alternatives?

17

18 **DR. LASSETER:** Actually, reducing overcapacity is one of the
19 goals of the commercial IFQ programs, but it's not one of the
20 goals in this program, and so we're not looking for reducing
21 overcapacity, and the idea of distributing all -- All of the
22 alternatives for distributing shares or allocation, at the
23 moment, are appearing to be to all charter vessels, and so I
24 don't think it would be the same issue as in a program where you
25 are trying to reduce capacity, although I am going to let
26 somebody else comment.

27

28 **DR. CRABTREE:** I mean the for-hire sector is in a limited-entry
29 program now, and so there is some gradual reduction in the
30 number of permits, just because every year a couple of people
31 don't renew their permit and it goes away.

32

33 I don't think under, for example, a permit fishing quota that it
34 would be any different. You would still have the same number of
35 permits. They would have some quota associated with that
36 permit, and that permit would be transferable with its quota,
37 but it would still exist, and, as long as whoever owns the
38 permit renews it, there wouldn't be any consolidation or fleet
39 reduction under that kind of scenario, any more than there is
40 under the current permit moratorium.

41

42 Now, if you did an individual fishing quota that was fully
43 transferable, then it might be that you would have transfers of
44 quotas in a way that resulted in some consolidation, but I don't
45 think all of these do that, necessarily.

46

47 **CHAIRMAN GREENE:** Thank you. Mr. Anson.

48

1 **MR. ANSON:** Along the same lines as Doug is getting at, I am a
2 little concerned, I guess, not so much in consolidation, but in
3 transfer of permits from one region to another and the
4 portability of the shares that go with that and the
5 corresponding allocation and what impact that might have within
6 the local fleet that that permit gets transferred to.

7
8 If you get people that want to buy multiple permits, and they
9 bring them back to their home port and they have higher shares
10 associated with them, then maybe the other boats that are there
11 -- That could disrupt the local boats and create some undue
12 hardship, I guess, and competition, and so I'm just wondering if
13 there was any discussion at the AP level relative to reviewing,
14 on a three or five-year basis, under Alternative 2, those
15 permits relative to the historical region's level of harvest.

16
17 **DR. LASSETER:** Not directly. What the AP discussed was that
18 they did want that flexibility, I guess, to recalculate the
19 allocation, and so that was more why they did not want the IFQs
20 and the PFQs, was because it locked things in, at times, and so
21 that was more their interest in creating this other alternative.

22
23 **CHAIRMAN GREENE:** To that point, Dr. Crabtree?

24
25 **DR. CRABTREE:** Yes, and there would be -- The statute requires
26 these five-year reviews of IFQ-type programs, which would apply
27 here, and I personally think, for the PFA program, that it would
28 be worth having an Option 3c that would be five years to change
29 the allocations, and it would coincide with the five-year
30 review, which makes some sense to me.

31
32 **CHAIRMAN GREENE:** Hang on. I've got quite a show of hands here.
33 Mr. Fischer.

34
35 **MR. FISCHER:** Thank you, Mr. Chairman. I realize we're going
36 through a presentation and not going through the document step-
37 by-step, and so I'm trying to reserve some of my comments for
38 later, but, to add to this, we have a little reservation about
39 the regional concept, because of boats that travel the Gulf.

40
41 We sell quite a few out-of-state charter permits. You have
42 fished Louisiana waters and you come to Louisiana some, and how
43 do you handle when the charter boats travel states and what
44 they're doing with their local allocation? We could discuss
45 that later in the document, when we get to it, but you're
46 assigned a -- Ava looks puzzled.

47
48 If you assign fish based on the Orange Beach area, but then you

1 come to Louisiana to prosecute your fishery for some portion of
2 the year, how does that fit into the puzzle? We're just looking
3 to solve problems before we get there.

4
5 **DR. LASSETER:** Actually, I can speak to that. There is no
6 allocation to a region proposed here. The regional component in
7 the Action 3 would still allocate to the vessels, and so where
8 the vessels fish would not be important or relative to the
9 program.

10
11 **MR. FISCHER:** But they would receive their allocation based on
12 their home port.

13
14 **DR. LASSETER:** Not their home port. There is an alternative
15 that would use the regional landings as one component, but it
16 would still be allocated to those individual vessels. The
17 vessel moves. It's able to. It doesn't affect the data
18 collection or the landings. That vessel is given those either
19 shares or allocation and then it fishes them however it chooses
20 to.

21
22 **CHAIRMAN GREENE:** Thank you. Mr. Diaz.

23
24 **MR. DIAZ:** I just wanted to say something off of Kevin's
25 comment. I think Kevin said that permits might transfer and
26 cause more competition in an area, and I was thinking about it
27 from the other point of view, is that there might be some areas
28 that maybe aren't high-catch areas, where those permits leave
29 those areas to areas that have more people, more passengers, and
30 there could be areas of the Gulf that recreational fishermen
31 can't access those fish on a charter vessel, because the permits
32 -- It doesn't make sense to keep them there. Thank you.

33
34 **CHAIRMAN GREENE:** Thank you. Mr. Boyd.

35
36 **MR. BOYD:** In Alternative 2 and Alternative 3, would a
37 referendum be required in both of those?

38
39 **DR. LASSETER:** We believe so, yes. The guidance we've gotten
40 from Mara is that even a PFA would be, according to the
41 definition of Magnuson, would still qualify as an IFQ-type
42 program and would trigger the need for a referendum, yes.

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

45
46 **DR. CRABTREE:** The other side to the vessels moving around
47 though, of course, is presumably they're moving to somewhere
48 where they think they conduct their business more efficiently

1 and be more profitable and provide a better service to the
2 anglers who want to go out on the boat. In that sense, giving
3 these vessels flexibility is kind of what we're talking about,
4 and, to the extent that improves their businesses and
5 profitability and all, that is a benefit.

6
7 Now, I understand there may be local impacts and disruptions,
8 like Kevin said, but, overall, more flexibility and more
9 economic efficiency should result in more net benefits to the
10 nation, and so it's just something to think about.

11
12 **CHAIRMAN GREENE:** Thank you. Mr. Anson.

13
14 **MR. ANSON:** Going back to a comment that Roy had mentioned
15 earlier about the five-year review period that is under the
16 commercial IFQ program, my sense is that this is strictly a --
17 When the calendar hits five years, the review and the
18 recalculation would occur, and it's not following the same
19 review process, because we're a little behind schedule as far as
20 the five-year review of the commercial IFQ, and so I just wanted
21 to make sure that that's clear and that's how it's being looked
22 at in the document.

23
24 **DR. LASSETER:** The way I would interpret this is, yes, when
25 allocation needs to be calculated and redone, it would happen
26 automatically at that time. Our timeline, as far as
27 accomplishing the reviews, yes, would be within the same time
28 period, but it would not be completed with quite the same
29 efficiency, I assume.

30
31 **CHAIRMAN GREENE:** Dr. Lucas.

32
33 **DR. LUCAS:** I don't mean to jump topics here, Ava, but, on the
34 previous slide, Alternative 4, you had harvest tags. How does
35 the PFAs differ from a harvest tag system?

36
37 **DR. LASSETER:** That is a very good question, and we brought this
38 up at the AP, because staff saw -- The idea that they were
39 presenting, this new PFA kind of idea, to us, it seemed
40 essentially the same as harvest tags and how staff came up with
41 the idea of one alternative being this harvest tag program.

42
43 I would actually suggest -- I would like to broach it to the
44 council that, because they are so similar, that we not consider
45 any more a harvest tag, an exclusive harvest tag program, and
46 modify those actions to be addressing harvest tags as an
47 enforcement and validation tool. Would they be paper or would
48 they be physical tags? We would modify those actions in that

1 way, and so that is one of my suggestions, if the committee
2 supports it.

3
4 **CHAIRMAN GREENE:** Thank you. Does anybody else have a comment
5 or a concern? Mr. Diaz.

6
7 **MR. DIAZ:** This is kind of minor, but I was going to recommend
8 just a wording change on Action 1, Alternative 1. It's pretty
9 descriptive right now. We're describing these traditional
10 management measures specifically. I noticed, in 42, they're
11 just real general, and I think it would be better to be less
12 specific in this instance.

13
14 For the second sentence, it could read to continue to manage
15 federally-managed charter vessels with seasons, size limits, bag
16 limits, et cetera, instead of what we're doing now, because that
17 could change, and hopefully that's just a recommendation for an
18 edit and it doesn't need a motion, I wouldn't think.

19
20 **CHAIRMAN GREENE:** Thank you. Anything else for the committee?
21 Okay. I guess we will continue on with the presentation.

22
23 **DR. LASSETER:** Okay. These are the main allocation-based
24 management approaches under consideration in this document, and
25 I didn't hear any support for removing the harvest tags, and so
26 maybe that will come up later, but we'll go ahead and move on.

27
28 Here is -- We briefly reviewed this, but this is the actual
29 Action 1 with the Alternative 2, with your 2a and 2b, your IFQ
30 and PFQ. Alternative 3 is the PFA program, and I don't believe
31 I need a motion for this, or you may want to discuss it, but if
32 staff could go ahead and add these proposed options, and we
33 would also like to add Dr. Crabtree's suggestion for the five
34 years as well, and this then would enable staff to have more
35 time between calculating these allocations for the process.
36 Then, finally, Alternative 4 there is the harvest tag program,
37 which is addressed in Section D.

38
39 Action 2 addressed program participation, and we have modified
40 the wording of the alternatives to reflect the motion and the
41 discussion from the last council meeting, and so Alternative 1,
42 it would not be voluntary program. The red snapper management
43 program will apply to all charter vessels with a valid or
44 renewable federal for-hire permit for reef fish.

45
46 Alternative 2 would establish the program as a voluntary
47 program, and so establish a voluntary red snapper management
48 program for charter vessels. The program would include only

1 charter vessels with a valid or renewable federal for-hire
2 permit for reef fish who elected to join the red snapper
3 management program for charter vessels.

4
5 An endorsement to the federal for-hire permit for reef fish
6 would be issued to those for-hire permit holders who elected to
7 join the red snapper management program for charter vessels.
8 Any charter vessel that opts out of the red snapper management
9 program will not be able to harvest red snapper.

10
11 Opportunities to join or opt out of the red snapper management
12 program for charter vessels are offered, and there are options
13 there of only once at the beginning of the program. You're in
14 or out, and this option would need to be selected if a share and
15 allocation program was selected. Option 2b and 2c is every year
16 or every three years, allowing vessels to opt in and opt out.

17
18 That's the way the alternative is worded now. I wanted to raise
19 one issue that has come up. For participation being voluntary,
20 is no one in unless they join? Does the action have to be the
21 charter operators actually join or are all charter operators
22 automatically in unless they opt out? It's a subtle
23 distinction, but the AP made a recommendation that they wanted
24 operators to have to take that action themselves and join.

25
26 NMFS staff was concerned about this, that it could complicate
27 the appeals process. People miss the mailing or whatnot, and
28 there could be some issues, and NMFS wants the requirement to be
29 that you take yourself out of the program, and so those are
30 different ways to look at it, and so I wanted to bring that up
31 for discussion here and get some feedback on how you envision
32 the program.

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

35
36 **MR. RIECHERS:** Having lived through some of these development of
37 programs like this in the past, I think you're really going to
38 want to have the take yourself out approach, because, as you
39 suggest, or as might have been suggested by the IPT team or
40 National Marine Fisheries Service, there will be people who, for
41 whatever reason, didn't get the mail and didn't get the notice
42 and didn't in some way do that, and it's much easier, from just
43 an overall logistical standpoint, for them to be included as
44 opposed to excluded, unless they take an action.

45
46 Then, if they are included and some period of time goes by and
47 you have some sort of qualifier or they're notified and then
48 they choose to take a different option -- I just think that,

1 from the outset, would be better. I think it would just end up
2 with a lot less appeals cases and having to deal with appeals
3 trying to get in, trying to get back in, after they've been
4 excluded.

5

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

7

8 **DR. CRABTREE:** I agree with Robin. I think it should be set up
9 that you're in unless you take an action to opt out. I would
10 also suggest that we add an Option 2d, which would be every five
11 years.

12

13 **CHAIRMAN GREENE:** Thank you. Any further discussion? Seeing
14 none, Dr. Lasseter.

15

16 **DR. LASSETER:** Thank you, Mr. Chairman. Then, moving on to the
17 next action, Action 3, distribution of quota to charter vessels,
18 and we have a lot of alternatives here, and so I will review
19 them as briefly as I can.

20

21 Alternative 1, no action, would not distribute quota to the
22 charter vessels. Alternative 2 would distribute quota equally
23 among all charter permit holders. Alternative 3 would
24 distribute quota based on the passenger capacity of charter
25 vessels.

26

27 Alternative 4 has two options to distribute quota based on
28 passenger capacity, but aggregating vessels in tiers of similar
29 passenger capacity ranges and allocating that way. Alternative
30 2 was recommended by the AP, not at their most recent meeting,
31 but their previous meeting. This was their recommendation.
32 Since then, at the last meeting, they made several other
33 recommendations about how to allocate, and they did not address
34 this one again.

35

36 We also have some other new alternatives that have since been
37 addressed that seem to be the direction the council would be
38 more interested in addressing, and so staff would like to know
39 if we should continue to include this alternative in this
40 document. Let me go through the rest of them, and then we can
41 come back to this one. I see a question.

42

43 **CHAIRMAN GREENE:** Dr. Simmons.

44

45 **DR. SIMMONS:** Thank you, Mr. Chairman. Sorry to interrupt, but
46 I think we do need some motions on this document. I think we
47 kind of passed over the voluntary action and then the five
48 years, and so if we could get those motions up there and make

1 sure everybody is clear, so we don't have to come back to this
2 committee and have any confusion. I'm sorry, but we do need
3 some motions. Thank you.

4
5 **CHAIRMAN GREENE:** Thank you. We need to add a few motions in
6 for some of the stuff we've been talking about previous, about
7 the five-year stuff. Does somebody want to jump in there and
8 take a stab at it? Dr. Crabtree.

9
10 **DR. CRABTREE:** I believe we want a motion that adds, under
11 Action 1, an Alternative 3c, every five years, and, under Action
12 2, an Alternative 2d of every five years. I think you can just
13 make all of this in one motion. I believe that's my motion, Mr.
14 Greene.

15
16 **CHAIRMAN GREENE:** Thank you. Is there a second for this motion?
17 It's seconded by Mr. Williams. **Is there any opposition to the**
18 **motion? Seeing no opposition, the motion carries.** Dr.
19 Crabtree.

20
21 **DR. CRABTREE:** Then I would make a motion to clarify, under
22 Action 2, that vessels are presumed to be in the program unless
23 they exercise some affirmative action to opt out.

24
25 **CHAIRMAN GREENE:** I assume that affirmative action will be
26 described in this document moving forward.

27
28 **DR. CRABTREE:** Yes, and I'm thinking that vessel would have to
29 notify us in writing if they want out.

30
31 **CHAIRMAN GREENE:** But that will be laid out for them within this
32 document.

33
34 **DR. CRABTREE:** Somewhere along the way of the rules of the
35 program, it would be laid out how to do that and when you would
36 have to do it.

37
38 **CHAIRMAN GREENE:** Thank you. Is there a second for this motion?
39 Seconded by Leann. Everyone is clear on what the intent of this
40 is? **Is there any opposition to this motion? Seeing no**
41 **opposition, the motion carries.** Mr. Boyd.

42
43 **MR. BOYD:** I would like to ask for clarification. In
44 Alternative 2, Action 2, it states that if you opt out that you
45 will not be able to harvest red snapper. Does that mean,
46 period, you cannot harvest any red snapper at all or that you
47 can't fish for red snapper outside of this program?

48

1 **DR. LASSETER:** This alternative reflects the discussion from the
2 last council meeting, and that discussion, and it was the AP's
3 recommendation, was that if you are not participating in the
4 program, you forfeit your vessel's rights to harvest red snapper
5 entirely. If you opt out, you are not authorized to harvest red
6 snapper at all.

7

8 **DR. CRABTREE:** As a charter vessel.

9

10 **MR. BOYD:** As a charter vessel. What's the purpose of opting
11 out then, if you're going to take away your rights, your own
12 rights?

13

14 **DR. LASSETER:** The AP felt that there would be some individuals
15 in areas where red snapper is not often encountered, such as the
16 Florida Keys, who would not participate and would opt out. The
17 allocation that they would have received could be used for other
18 vessels, and so this was the AP's idea, but, in the discussion
19 that the council had at the last meeting, it was pointed out,
20 and this might be what Roy is going to say, that not many people
21 would be likely to.

22

23 **MR. BOYD:** What Dr. Crabtree talked about a while ago was that
24 you could move and go to an area where there is more snapper
25 activity and more business, and so it seems to me that this
26 alternative really restricts the rights of people more than
27 anything, and I understand that it says voluntary, but I just
28 don't feel like it's appropriate. Thank you.

29

30 **CHAIRMAN GREENE:** Dr. Crabtree.

31

32 **DR. CRABTREE:** I am not sure the voluntary business is necessary
33 either and that it doesn't create a lot of bureaucratic hurdles,
34 but I think the idea was that, if somebody has a charter boat
35 and they decide they're going to go New Jersey and fish for
36 blueline tilefish for the next three years, that then that
37 vessel wouldn't get any allocation assigned to it, and so it
38 would be available to those vessels that remain in the Gulf of
39 Mexico.

40

41 If a guy has a permit and lives in the Florida Keys, but almost
42 never fishes in the Gulf, and, when he does, he doesn't fish for
43 red snapper, he could opt out, and so the quota that would have
44 been assigned to him is now assigned to the remainder of the
45 fleet. I think that's what they're getting at.

46

47 Now, I suspect it is an insignificant amount of fish we're
48 talking about, but I think, if you create a situation where

1 transferability is very limited, I can kind of see where they're
2 getting at that. They don't want vessels to get quota that they
3 can't transfer when they have no intentions of fishing it.

4
5 **CHAIRMAN GREENE:** Thank you. I was at that AP when that idea
6 was brought up, and it was exactly as characterized. There are
7 certain areas where they just don't fish for them, but they have
8 to have that permit, or, if they wanted to travel in other
9 places and come back and potentially pick up down the road, they
10 could. It was in no way trying to limit them, but it was just
11 an opportunity for them to opt out. Leann.

12
13 **MS. BOSARGE:** Dr. Crabtree made my point.

14
15 **CHAIRMAN GREENE:** Mr. Fischer.

16
17 **MR. FISCHER:** Thank you, Mr. Chairman. The difficulty is going
18 to be if you choose a and opt out of the entire program or we
19 choose d, to opt out for five years. If fish move into his
20 region or he relocates slightly and he's catching snapper, it's
21 a bad situation. He can't harvest fish. He has his reef fish
22 permit and he's excluded from harvesting.

23
24 Therefore, what I'm getting to, is if there's no fees involved,
25 I don't know who would opt out. I think we have a large item
26 that's going to be a lot of discussion and a lot of analysis for
27 something that is not going to accomplish a lot of goals,
28 because anyone who thinks about this won't be opting out.

29
30 **CHAIRMAN GREENE:** Dr. Crabtree.

31
32 **DR. CRABTREE:** So this is what you need to think about. I
33 understand the reservations that folks seem to have with
34 transferability, but the more you restrict transferability, the
35 more you are building inefficiencies into the program, because
36 you're preventing quota from being transferred to the people who
37 need it, and that's the tradeoff here.

38
39 While I understand some people have reservations with the value
40 that goes along with transferability, if you want a flexible,
41 efficient program, you really need transferability to ensure
42 that the vessels who need the quota get it.

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

45
46 **MR. RIECHERS:** Would that same theory apply to cross-sector
47 trading, Roy?

48

1 **DR. CRABTREE:** Well, that's a good question, Mr. Riechers, and I
2 guess that depends on how you look at it.

3
4 **CHAIRMAN GREENE:** Thank you. Is there further discussion?
5 Seeing none, Dr. Lasseter.

6
7 **DR. LASSETER:** Thank you, Mr. Chairman. Let's go back to Action
8 3. We're in the distribution of quota to charter vessels,
9 reviewing the alternatives, and so we just covered Alternative
10 4. Alternative 5 would distribute the quota based on average
11 landings of charter vessels in each geographic region using --
12 Then there's two options. Option 5a is 2003 to 2012 and Option
13 5b is the same equation that was used in Amendment 40. It's 50
14 percent of 1986 to 2013 and 50 percent of 2006 to 2013.
15 Landings from the year 2010 are excluded from both of these
16 options, all of the formulas.

17
18 The IPT would like to recommend that you consider modifying
19 Option 5a to reflect the 2013 terminal year, and so this
20 original Option 5a is a remnant from some data that we had
21 available from an earlier analysis that went through the year
22 2012, and so that was the data we brought in a previous draft
23 and proposed alternatives at that time.

24
25 You have since added the Option 5b, but I neglected to point out
26 that we still had that one option with a different year, and so,
27 unless there's a rationale for using 2012 as the terminal year,
28 as opposed to 2013, the IPT would like to recommend that you
29 make this modification.

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

32
33 **DR. CRABTREE:** I think we ought to make that modification, and
34 do you need a motion to do that?

35
36 **DR. LASSETER:** Yes.

37
38 **DR. CRABTREE:** Then I would move that in Action 3, Alternative
39 5a, we change 2012 to 2013.

40
41 **CHAIRMAN GREENE:** Thank you. Is there a second for this motion?
42 Second by Mr. Diaz. Is there any discussion? Ms. Guyas.

43
44 **MS. GUYAS:** Just a question. I mean why 2013 as the terminal
45 year again? Is it just because --

46
47 **DR. LASSETER:** That was what was used in Amendment 40, sector
48 separation, and so if you -- If there is a reason you would like

1 to use even more recent years as well, we could entertain
2 motions for that as well.

3
4 **CHAIRMAN GREENE:** Thank you. Is there further discussion?
5 **Seeing no further discussion, is there any opposition to the**
6 **motion on the floor? Seeing none, the motion carries.** Mr.
7 Diaz, I had you on the list next. Are you still wishing to
8 speak? He declines. Any further discussion before we continue
9 on? Dr. Lasseter.

10
11 **DR. LASSETER:** Thank you, Mr. Chairman. We have three more
12 alternatives in Action 3. Alternative 6 would distribute the
13 quota based on Alternatives 2, 3, and 5, using one of the
14 following options.

15
16 Alternative 2, again was equal distribution amongst all charter
17 vessels. Alternative 3 is distribution based on passenger
18 capacity, and Alternative 5 is using regional history of
19 landings. Then the options vary.

20
21 The percentage that each one of those factors is weighted, and
22 so Option 6a weights each of those three equally. Option 6b
23 weights Alternative 2, the equal distribution the most, at 50
24 percent and then 25 percent capacity and 25 percent regional
25 history. Option 6c weights the passenger capacity the most, at
26 50 percent, with 25 percent each of equal distribution and
27 regional history. Finally, Option 6d weights the regional
28 history the most, at 50 percent, with 25 percent for passenger
29 capacity and equal distribution.

30
31 Alternative 7 would distribute the quota by auction, which is
32 required for consideration by Magnuson, and all eligible
33 participants are allowed to place bids. Alternative 8 is
34 similar to the Alternative 6, in that it's mixing different
35 approaches. Alternative 8 would distribute a portion of the
36 quota by auction and the remainder by the distribution method
37 selected among Alternatives 3 through 5. If you selected this
38 alternative, you would also select which amongst the
39 Alternatives 3 through 5 that would represent the complementing
40 proportion of allocation besides the auction.

41
42 Option 8a would allocate 25 percent through auction and the
43 remaining 75 percent by the alternatives that were selected as
44 preferred between 2 to 5. Option 8b is 50 percent by auction
45 and 50 percent by those other methods, and 8c is 75 percent by
46 auction and 25 percent by the other methods. These are all of
47 the alternatives in Action 3.

48

1 **CHAIRMAN GREENE:** Dr. Crabtree.
2
3 **DR. CRABTREE:** Ava, is it clear in the document, when we say
4 passenger capacity, that we're referring to the permit-specified
5 passenger capacity on the permit and not the Coast Guard?
6
7 **DR. LASSETER:** There's a discussion in the document that talks
8 about the different permit passenger capacities, the Coast Guard
9 versus the permits. What has not been decided by the council is
10 -- It has not been clarified, but staff is going with the
11 assumption that it would be the lower of your permit or your
12 COI, and so there is a discussion on that, because some of them
13 you have actually -- Your permit may have a larger capacity, but
14 your COI doesn't allow so much, and so the council has not made
15 that decision clear yet, but there is discussion on that issue
16 in the document.
17
18 **DR. CRABTREE:** Okay, and so I guess we need to clarify that, and
19 I think it does make sense to use the lower of the two
20 capacities, because that would reflect what the vessel is
21 actually able to carry at this time, right?
22
23 **DR. LASSETER:** It would. The IPT has discussed this somewhat.
24 I think it would also depend though on which type of program was
25 selected, because, if you pick an IFQ program with the shares, I
26 think you could then definitely go with the lower, but if you
27 are going to redo the allocation, then those permits may
28 transfer to another vessel. I think you may want -- I am not
29 explaining this well. Excuse me. Say you have a vessel with a
30 permit that allows a much larger passenger capacity than what
31 their -- Let me let Mara answer this. I am wrapping my words
32 up.
33
34 **MS. LEVY:** I am not going to answer it, but it's just, to me, if
35 you have, for example, a permit passenger capacity that's
36 greater than the COI passenger capacity, it says right now you
37 can take the lesser of the two, but, at some point in the
38 future, potentially, you could take the greater of the two.
39
40 The decision is, if you're going to give out shares that are
41 based on the passenger capacity, if you give the lower of the
42 two, then, even if they transfer it to a vessel that can
43 accommodate the passenger capacity, they're still going to have
44 shares associated with the lower COI.
45
46 If you're going to recalculate allocation every year, like
47 you're just doing an allocation only, then it seems like the
48 lesser of the two, in a sense, reflects more what the current

1 harvest is going to be each year, because if they can only take
2 ten passengers, based on the COI, then their allocation would
3 reflect that, even if their passenger capacity was forty. I
4 think you just have to think about how you're locking people in,
5 based on what the permit actually allows them to fish versus
6 what they're allowed to fish right now, based on their COI.

7
8 **CHAIRMAN GREENE:** Thank you, and where this came from is there
9 are some COI vessels that do dolphin cruises, and they have a
10 certificate of inspection issued by the Coast Guard for seventy-
11 five people, but their permit is only for forty passengers, and
12 we're trying to get to the permit associated by the Fisheries
13 Service with that and not the Coast Guard certificate, because
14 there is a discrepancy there, and I think that's where a lot of
15 this confusion comes from. Dr. Crabtree.

16
17 **DR. CRABTREE:** I think that's right, and so the way it makes
18 sense to me is that, if we went with the IFQ or the PFQ, it
19 would be based on the permit passenger capacity, but, if we went
20 with the PFA, where you're defining the allocation periodically,
21 it would be based on the lowest of the two. That way, if the
22 guy upgrades the vessel, he would then be allocated more fish to
23 reflect that, provided he stays within his original permit
24 capacity, and that's how it makes sense to me at least.

25
26 **CHAIRMAN GREENE:** Thank you. Mr. Fischer.

27
28 **MR. FISCHER:** Thank you, Mr. Chairman. Ava, do we have data or
29 does this data exist that would show us historically how many
30 passengers -- Like from the charter boat survey, the average
31 passengers on six-pack boats? It might be 5.1 or 4.8, but it
32 shouldn't exceed six, obviously. Then if we had the average
33 passengers on overload boats, and, if that data exists, that
34 might be germane to this discussion.

35
36 **DR. LASSETER:** I have been looking into it. Kevin requested it
37 at the last meeting. What we have are the data from the angler
38 intercepts and not from the actual 10 percent charter survey. I
39 was told that that had a lower response rate, but I would look
40 into it, follow up, and see how those data look.

41
42 Now, there will be -- There is a lot of charter boats with a
43 passenger capacity larger than six though, and so the data that
44 we do have does show six in some areas, but eight or ten --
45 There are charter vessels with larger capacities.

46
47 **MR. FISCHER:** Right, and I'm aware the headboat survey asked
48 that as one of their questions, but that's 42, and so it would

1 have nothing to do with -- I was just wondering if there would
2 be comparable data for the charter boats that we could look at,
3 that we could work into this, because it's obvious that people
4 don't book up to their capacity every day, and I think six-pack
5 boats are more prone to take five or six. Some of the overload
6 multi-passenger boats might be certified for forty, but take
7 fifteen. I'm just looking at the fairness and how to equate it,
8 if data exists that could support this.

9
10 **DR. LASSETER:** We could definitely see what data is available in
11 MRIP and the charter survey. We have some of it preliminarily,
12 but, again, that is a sample. It is a small part, and so it's
13 not something that -- We could look at it as a trend in each
14 region, more or less what passenger capacity are they picking in
15 a region, and see if it reflects the regional landings, but it's
16 a small, small -- The sample sizes are pretty small.

17
18 **CHAIRMAN GREENE:** Thank you. Dr. Crabtree.

19
20 **DR. CRABTREE:** In terms of for purposes for allocating, I don't
21 think you could link specific passengers to a specific permit,
22 saying this is how many this particular permit takes, on
23 average, because I don't think the data is complete enough to
24 allow you to do that.

25
26 **MR. FISCHER:** Right, Roy, and I would agree with that, but we
27 may find that six-pack boats take 5.1 and multi -- It would give
28 us some data to back up what we're accomplishing.

29
30 **DR. CRABTREE:** Right. I think you can get fleet-wide averages,
31 but you just can't tie to specific permits.

32
33 **CHAIRMAN GREENE:** Is there any other discussion? I just had one
34 point that I wanted to bring up. There are some vessels who do
35 own multiple permits, who have bought other permits, and a
36 vessel may own two or three.

37
38 If it is the intent to have one permit associated with one
39 vessel, then we need to be careful, so we don't get into a
40 permit stacking situation, where a vessel may have went and
41 bought three permits and they're associated with one vessel. I
42 don't think that was the intent, but it was brought to my
43 attention that that could be, and I wanted to throw that out.
44 In all fairness, I certainly don't want to hold anything back,
45 and so keep that in mind as we move forward as well.

46
47 One thing, to Myron's comment about passenger capacity and
48 averages, no matter what your average is, if you have a

1 passenger boat that carries forty and there is a Gulf-wide
2 average of fifteen, I still have to mandate forty passengers, to
3 be compliant with my COI, and I have done so accordingly, and
4 there is an added expense that goes along with that. I'm not
5 sure where we're going with this fleet-wide average type of
6 thing, but just be cautious of that, because that would be
7 sensitive to some of those people who do have those boats and
8 understand that accordingly. Mr. Fischer.

9
10 **MR. FISCHER:** Yes, Mr. Chairman, and I was just trying to get
11 data to back up some decisions, but, on your comment about
12 stacking, do you think that should be addressed in one of the
13 action items, because that has been brought up in the past, and
14 it may be something we would have to address.

15
16 **DR. CRABTREE:** To that point, I don't believe right now, under
17 the current permit system, that you can put more than one
18 charter boat permit on a vessel. I don't believe it will allow
19 you to transfer another permit to it, and so, unless there's a
20 glitch, that should not be allowable.

21
22 Now, a vessel could have multiple permits moved on and off of it
23 over the course of the year, but I don't believe at any one time
24 that a vessel would be able to have more than one charter boat
25 permit attached to it, and so, in that sense, I don't think
26 stacking can happen right now.

27
28 **CHAIRMAN GREENE:** Thank you. I just wanted to bring it up. Any
29 further discussion? Okay, Dr. Lasseter.

30
31 **DR. LASSETER:** Thank you, Mr. Chairman. Those are all of the
32 actions for this Section A. These three actions would pertain
33 to any of the programs selected in the Action 1. Then we move
34 into Section B. Again, B is for these IFQ and PFQ. C will be
35 the PFA and Section D is the harvest tags.

36
37 Section B is for the quota programs. These use shares and
38 allocation. Action 4, for IFQs and PFQs, addresses the
39 transferability and maintenance of shares, and so Alternative 1
40 would not allow the transfer of shares. Alternative 2 states an
41 account must have a charter/headboat permit for reef fish to
42 receive transferred shares and to keep shares.

43
44 Alternative 3 is an account must have a charter/headboat permit
45 for reef fish to receive shares, but not to maintain shares once
46 they are obtained, and this would pertain to an IFQ program
47 only, because the PFQs, of course, they would be attached with
48 the permit.

1
2 Alternative 4 is do not place restrictions on transferring or
3 maintaining shares. Again, this action is about transferability
4 when there is shares and allocation. Is there any discussion on
5 that action?

6
7 **CHAIRMAN GREENE:** Dr. Crabtree.

8
9 **DR. CRABTREE:** One of the things we've heard about quite often
10 in the commercial fishery is shareholders who don't have
11 vessels, and so, if we selected Alternative 2 here, that would
12 mean that everyone who would be a shareholder would have to own
13 a vessel, and that would address that. Am I correct, Ava?
14 Okay.

15
16 **CHAIRMAN GREENE:** Thank you. Mr. Anson.

17
18 **MR. ANSON:** I am wondering, Dr. Crabtree. You know we're
19 talking about potentially about four times as many vessels that
20 are in the commercial IFQ program, and certainly, at the start-
21 up, there were some issues with trying to keep track of
22 everything and getting the system down right, but, as far as
23 staff and such and devoting the resources there within the
24 agency, I mean how much of a burden would this be, thinking of
25 four times the amount of vessels and all the transactions and
26 the number of transactions potentially that could take place?

27
28 **DR. STEPHEN:** With regard to that, once we build the system,
29 we're attached directly to the permit database, and so having it
30 linked to the permit doesn't mean additional on our end once
31 it's first developed, and we've worked out the kinks of that
32 from the commercial program. It's been going strong, and that
33 works now, and so it's not any additional burden to make sure
34 the maintenance had to be with the permit.

35
36 **DR. CRABTREE:** I would also point out, if this is an IFQ-type
37 program, there would be cost recovery, and so there would be
38 additional funds coming in to support the operation of the
39 system.

40
41 **CHAIRMAN GREENE:** Thank you. Dr. Stunz.

42
43 **DR. STUNZ:** Roy, related to your last comment on the IFQ and the
44 cost recovery, does the PFQ have those same -- I assume you're
45 talking about that 3 percent cost recovery, and does it have
46 that?

47
48 **DR. CRABTREE:** Yes, I think it would be subject to the same cost

1 recovery rules.

2

3 **CHAIRMAN GREENE:** Thank you. Is here further discussion?

4

5 **DR. LASSETER:** Then let's move on to the next action, Action 5.
6 Action 5 addresses the transferability of allocation, and so we
7 have -- Excuse me.

8

9 **CHAIRMAN GREENE:** Mr. Anson.

10

11 **MR. ANSON:** Sorry, but, going back to that statement regarding
12 cost recovery, as I understand it, in the commercial IFQ, that's
13 based on the average sale price per pound, and then that's 3
14 percent of the annual quota. If that's correct, how would it be
15 calculated in the charter? Is it the same way, just the average
16 price of a commercial pound?

17

18 **DR. CRABTREE:** In the commercial fishery, it is based on ex-
19 vessel value, and we're not allowed to take more than 3 percent,
20 which right now, we recover 3 percent. Now, I think we're going
21 to come to the issue, in this fishery, because there is no real
22 ex-vessel value, because the fish aren't being sold, and so how
23 do you assign a value to the fish and what's the basis for cost
24 recovery, and that's something that we're going to have to
25 figure out, I think. It's not as straightforward in this case.

26

27 **CHAIRMAN GREENE:** Dr. Stunz.

28

29 **DR. STUNZ:** Just to clarify my earlier question, Roy, I asked
30 you on the PFQs, but the PFAs, and I guess, for that matter,
31 harvest tags, and would a cost recovery apply to all of these
32 different allocation-based management strategies here?

33

34 **DR. CRABTREE:** I think they're all considered limited access
35 privilege programs, and so they would all be subject to cost
36 recovery provisions.

37

38 **CHAIRMAN GREENE:** Ava, to that point.

39

40 **DR. LASSETER:** Yes, and I just wanted to add that, currently, in
41 41, that is in the Section 2.5. It just talks about the
42 additional actions, but it is a full-developed action in
43 Amendment 42, and so Assane will be delving into that a little
44 bit more, but they are still working on how to define what the
45 cost recovery would be based on, but I think we'll come to that
46 discussion in Amendment 42.

47

48 **CHAIRMAN GREENE:** Myron.

1
2 **MR. FISCHER:** Ava, you said in Amendment 42, but we still have
3 to discuss it in this amendment.
4
5 **DR. LASSETER:** We will. Right now, the document is really
6 focusing on these early actions. There is a Section 2.5 in the
7 document that addresses other actions for an allocation-based
8 program. We haven't fleshed all of those out into full actions,
9 but they're just like a bulleted list of other actions that we
10 will need to address.
11
12 **MR. FISCHER:** Sure, and I just want to make a comment for
13 thought. I know we're modeling some of this off of the
14 commercial program, where their value is what they sell their
15 fish for, and it doesn't have to be 3 percent. That's a
16 maximum, from my understanding, and so you can reduce it. It's
17 not to have a burden on the fishermen, but your ex-vessel of a
18 charter boat, of a fish coming off the boat, is what he sold the
19 trip for. It's his booking.
20
21 It's just something to think about, that you could base it off
22 of what his sale for that trip was, and then you don't worry
23 about what's the local price for every species in his box for
24 that trip. Not to burden him. Like I said, you don't have to
25 go to the 3 percent. It could be some fraction of that.
26
27 **CHAIRMAN GREENE:** Dr. Crabtree.
28
29 **DR. CRABTREE:** But we do have to recover the cost of running the
30 program. If that's less than 3 percent, okay, but, if it's not,
31 then we would recover the entire 3 percent, but I agree with you
32 that there's a variety of ways that you could define ex-vessel
33 value here, and it's not necessarily the price per pound. It
34 could be something more creative.
35
36 **CHAIRMAN GREENE:** Thank you. Mr. Boyd.
37
38 **MR. BOYD:** Roy, since these are new programs that we're about to
39 develop, does Magnuson allow for us to recover more than 3
40 percent on new programs, or is that just in the old IFQ program?
41
42 **DR. CRABTREE:** No, the cost recovery is still limited to that.
43 Now, it does allow you, I think in the initial allocations, to
44 auction things off, and there are provisions about where the
45 funds raised from auctions -- I think, aren't there, Mara,
46 provisions for royalties?
47
48 **MS. LEVY:** It's the same provision.

1
2 **DR. CRABTREE:** It's the same provision, and so the only other
3 way I know of that you could do a collect cost would be through
4 auctions, and I think you could have an initial auction or you
5 could have periodic auctions that, when you purchase shares
6 through an auction, you get them for X number of of years and
7 then it's auctioned off again, and that money goes into -- Does
8 it go into a different fund?
9
10 **DR. STEPHEN:** It's the general fund.
11
12 **DR. CRABTREE:** The General Treasury?
13
14 **DR. STEPHEN:** Yes, and do you have that, Mara?
15
16 **MS. LEVY:** The provision is auctions and other programs, and it
17 talks about auctions or the collection of royalties, and it says
18 that revenues generated through such a royalty program, so for
19 royalties, are deposited in the limited access administration
20 fund established in another section and available subject to
21 annual appropriations, and so I haven't looked into it. It's
22 not clear to me whether it means it goes in that fund but then
23 Congress can do what they want with it or it goes in that fund
24 and it goes to the Fisheries Service. I haven't teased that
25 out.
26
27 **DR. CRABTREE:** We have never done that, and so we would have to
28 figure that out, if that's where the council wants to go. Cost
29 recovery, we know how that works, and we know how to get the
30 money and all that, but, if you decide you want to go with an
31 auction, we will have to figure those things out.
32
33 **MR. BOYD:** Thank you.
34
35 **CHAIRMAN GREENE:** To be clear, it can be cost recovery and
36 auction?
37
38 **MS. LEVY:** The cost recovery is required. You have to collect
39 the cost, up to the 3 percent cap. The auction, or royalties,
40 that's the optional thing that you're considering in terms of
41 allocation.
42
43 **CHAIRMAN GREENE:** Thank you. With that, I'm going to turn it
44 over to Chairman Anson to take a break. How long?
45
46 **MR. ANSON:** Fifteen minutes.
47
48 **CHAIRMAN GREENE:** A fifteen-minute break starting now, and so at

1 10:45, let's be back. We've got a lot to go, and we're way
2 behind schedule.

3

4 (Whereupon, a brief recess was taken.)

5

6 **CHAIRMAN GREENE:** We are going to keep working our way on
7 through Amendment 41. Dr. Lasseter is going to carry us on from
8 here.

9

10 **DR. LASSETER:** Thank you, Mr. Chairman. I think we left off --
11 We just reviewed Action 4, which is the transferability and
12 maintenance of shares, and so we're on Action 5, the
13 transferability of allocation. Again, we're in Section B, these
14 quota programs, IFQs and PFQs, those that use both shares and
15 allocation.

16

17 Action 5, transferability of allocation, Alternative 1 would not
18 allow the transfer of allocation among participants.
19 Alternative 2, allocation can be transferred to any accounts in
20 the program. The account receiving the allocation must have a
21 charter/headboat permit for reef fish.

22

23 Alternative 3 is allocation can be transferred to any account in
24 the program. The account receiving the allocation does not need
25 to have a charter/headboat permit for reef fish. Then, finally,
26 Alternative 4, there are no restrictions on the transfer of
27 allocation. Again, this was addressing whether or not the
28 allocation could be transferred amongst program participants.
29 Are there any questions?

30

31 **CHAIRMAN GREENE:** Ms. Levy.

32

33 **MS. LEVY:** Can you just tell us a little more about the
34 difference between Alternative 3 and 4? I can't recall whether
35 there's any discussion about it, but, if you don't need to have
36 a permit to receive the allocation, I am wondering what the
37 difference is between that and just having no restriction on the
38 transfer.

39

40 **DR. LASSETER:** I am not really sure. We may need to think about
41 this some more. Jessica, you worked on this section. Could you
42 provide some additional clarification?

43

44 **DR. STEPHEN:** I am looking at it now. I think we might have
45 originally had this with transferability and maintenance of
46 allocation, maybe, and so that might be where there would have
47 been a difference between the two. I need to look a little bit
48 more into it.

1
2 **MS. LEVY:** I would suggest, and I will look at it as well, but
3 if there really is no substantive difference, then maybe at full
4 council we could just get rid of one of them.

5
6 **CHAIRMAN GREENE:** Okay. Thank you.

7
8 **DR. LASSETER:** That sounds like a good idea, getting rid of
9 alternatives. Okay. Moving on to the next action, we have lots
10 of actions and lots of alternatives. Here we go. We're still
11 in Section B, IFQs and PFQs. This Action 6 addresses caps on
12 shares, the maximum amount of shares that a participant, an
13 entity, could hold.

14
15 Alternative 1, no action, do not cap the amount of shares that
16 one participant can hold. Alternative 2 is no participant may
17 hold shares equaling more than the maximum shares issued during
18 initial apportionment for a participant.

19
20 Alternative 3 is no participant shall own shares which comprise
21 more than some percentage of the total charter vessel quota, and
22 the IPT has not provided values for this at this time. Let me
23 pause there for a moment.

24
25 **CHAIRMAN GREENE:** Myron.

26
27 **MR. FISCHER:** Thank you, Mr. Chair. Ava, by participant, are we
28 meaning an individual, because if an individual purchases
29 another vessel, he should be purchasing those shares associated,
30 or do we mean a participant to be per permit? That would make a
31 difference.

32
33 **DR. LASSETER:** This action is responding to a requirement in
34 Magnuson where you can't allow anybody to have an excessive
35 share in the fishery, and so it would depend on how you want to
36 define that. Then it would be at the individual level. NMFS
37 needs to be able to track who has ownership, part ownership, of
38 different entities, and so it goes to the individual level,
39 person. They would not be able to own more than -- Even if they
40 had multiple permits or businesses.

41
42 **CHAIRMAN GREENE:** Thank you. Any further questions or
43 discussion? Seeing none, Dr. Lasseter.

44
45 **DR. LASSETER:** Okay. For the Alternative 3, the IPT did not
46 have values. We didn't know what to propose for this -- To have
47 an alternative that just has a value, does the committee have
48 any recommendations of what they would like to look at?

1
2 **CHAIRMAN GREENE:** Mr. Fischer.
3
4 **MR. FISCHER:** You are asking on Alternative 3? It's obvious we
5 have to -- We can't cap it below the largest individual right
6 now, and then, if you want to allow -- The conversation is going
7 to be do we want him to be able to grow his business some, and
8 so you could go some percent over the largest share.
9
10 What that percent is, I mean that's what the committee would
11 have to decide, but if you cap it at the highest quota holder,
12 then he has no room to grow, and all this transfer and that, he
13 can't take part in any of it, except the selling side. I think
14 you want to allow some growth, and so we have to come up with,
15 although small, some room where we could add percentages to the
16 largest. Thank you.
17
18 **CHAIRMAN GREENE:** Dr. Crabtree.
19
20 **DR. CRABTREE:** It seems to me, Ava, that we need to have some
21 idea of what the largest participant's share would be, and then
22 we could look at that and decide if that seems unreasonably low,
23 and we might decide to set it higher than that, but, without
24 knowing what any of this are, I'm not quite sure how to get at
25 it.
26
27 **CHAIRMAN GREENE:** Mr. Fischer.
28
29 **MR. FISCHER:** But, unlike the commercial industry, where some
30 entities possessed a lot of shares going in, we're just looking
31 at these blocks and I'm sure we have boats that are not
32 headboats. We have some charter boats with a large capacity,
33 and they may have some owners on a few boats, but diluted
34 amongst the 1,000 or 1,300 permits, I don't think there's anyone
35 that's going to have an excessively high percentage, compared to
36 the commercial industry.
37
38 **CHAIRMAN GREENE:** Mr. Anson.
39
40 **MR. ANSON:** You might just want to say three times the maximum,
41 whatever that maximum is, and just say it's three times. If a
42 person has two permits now, and that's their cumulative share,
43 then it would be six, and so they could provide the room type of
44 thing and just use it as an arbitrary number, regardless of what
45 the actual percentage is.
46
47 **CHAIRMAN GREENE:** Dr. Crabtree.
48

1 **DR. CRABTREE:** Just remember that we're never arbitrary. That's
2 against the law.
3
4 **MR. ANSON:** Well, without -- I mean I was just saying that,
5 looking at their ability to move up, that they would move up two
6 times more than what they could have been if they were at that
7 maximum level.
8
9 **CHAIRMAN GREENE:** Thank you. Any further discussion? Ms. Levy.
10
11 **MS. LEVY:** I just wanted -- I think this is the -- Was this the
12 last action in this section, Ava? Before we move from this
13 section, I think that we're probably going to need to add an
14 action that talks about caps on what I will call use. We have
15 called them allocation caps, but I think you can probably have
16 different ways to cap use without necessarily capping
17 allocation. We've had some internal discussions about the
18 usefulness of capping allocation versus capping landings, which
19 is another way to measure use.
20
21 I think we're going to need to add another action that has
22 alternatives that consider some sort of caps on use of these
23 shares, of the allocation, of the actual use of the privilege,
24 and not just what you're holding as your shares.
25
26 **CHAIRMAN GREENE:** Okay. Thank you. Is there any further
27 discussion? Okay, Dr. Lasseter.
28
29 **DR. LASSETER:** Okay. Thank you, Mr. Chairman. That concludes
30 the Section B, and so we will move on to Section C, which
31 addresses actions pertaining to the permit fishing allocation
32 program.
33
34 Action 7 addresses transferability of allocation. Again, there
35 is no shares here, and so there is no transferability of share
36 actions, but just transferability of allocation. Alternative 1
37 is do not allow the transfer of allocation among the
38 participants. Alternative 2 is allocation can be transferred to
39 any account in the program. The account receiving the
40 allocation must have a charter/headboat permit for reef fish and
41 endorsement. Alternative 3 is there are no restrictions on the
42 transfer of allocation. Is there any discussion or questions?
43
44 Hearing none, we will move on. The next action, Action 8,
45 addresses caps on allocation. This is similar to the action
46 that Mara just recommended that we add for the previous section,
47 Section B, and so Alternative 1 is do not cap the amount of
48 allocation that one participant can hold.

1
2 Alternative 2 is no participant may have allocation equaling
3 more than the maximum allocation issued during initial
4 apportionment for a participant, as defined in Action 3.
5 Alternative 3 is no participant may have allocation equaling
6 more than some percentage of the total charter vessel quota, and
7 I guess I want to turn this back to Mara. Mara, is this similar
8 to what you would want us to add for the previous section?

9
10 **MS. LEVY:** Similar, but, again, I think, if you have a cap on
11 shares, you can think about different ways to do a cap on use as
12 well, and so you could have similar things. Grouper-tilefish
13 has a cap on allocation, or use. You could consider other
14 things, like I said, and not just a cap on allocation, but,
15 instead, a cap on actual landings, which would be a cap on use.

16
17 I just think we should consider putting an alternative in the
18 IFQ portion that's a cap on use and then decide what that kind
19 of cap should be. Should it be a cap on allocation or should it
20 be a cap on landings? We can explore some different
21 alternatives about how to address that.

22
23 **CHAIRMAN GREENE:** Thank you. Is there any further discussion?
24 Okay, Dr. Lasseter.

25
26 **DR. LASSETER:** Thank you, Mr. Chairman. Moving on, after caps
27 of allocation, we finish the permit fishing allocation section
28 and we move into Section D, harvest tag program. Again, the IPT
29 has recommended that we tweak these types of actions to more
30 reflect their use as an enforcement and validation tool. That
31 could be more applicable to the document.

32
33 Right now, in the document, what we have is Action 9 for harvest
34 tags. It addresses transferability of those tags. Alternative
35 1 is harvest tags may not be transferred. Alternative 2 is
36 harvest tags may be transferred by surrendering the tags to a
37 NMFS tag bank, from which other program participants may obtain
38 the tags by either lottery, as Option a, or auction, Option b.

39
40 Alternative 3 is harvest tags may be transferred to any other
41 participant in the program, and Alternative 4, there are no
42 restrictions on the transferability of harvest tags. Is there
43 any discussion or questions on this action?

44
45 **CHAIRMAN GREENE:** Dr. Crabtree.

46
47 **DR. CRABTREE:** I am just trying to think about, from a practical
48 matter, how we could really restrict transfers of harvest tags.

1 You would issue all these tags, and it would be pretty tricky
2 then to make sure that whoever fishes is who the tag was
3 actually issued to. It just seems like a difficult thing to do.
4

5 Aside from that, I'm not sure what harm it does, although I am
6 sure that somebody will come up with something, to have them
7 transferred, but it would be a difficult thing, I think, to
8 force compliance with.
9

10 **CHAIRMAN GREENE:** Thank you. Is there any discussion? Dr.
11 Stunz.
12

13 **DR. STUNZ:** I can just follow up on the comment to harvest tags.
14 I don't know, Roy, if you're thinking about hard paper tags or
15 something like that, but there are electronic means, and you
16 probably could track that fairly efficiently. Now, as far as
17 the transfer occurs, I haven't thought that far, but, at least
18 from the ability of having an electronic tag, plus you could
19 tick those off. If they don't get used, you know right away how
20 many you've got and you could redistribute or whatever.
21

22 **CHAIRMAN GREENE:** Thank you. Ms. Guyas.
23

24 **MS. GUYAS:** I was just going to say if you wanted to restrict
25 transfer that you could print permit numbers or something like
26 that on them. We do something similar for a couple of our
27 fisheries with trap certificates and trap tags for lobster.
28 It's more expensive, I think, to do it that way, but it's
29 doable.
30

31 **CHAIRMAN GREENE:** Thank you. Any further discussion? Okay, Dr.
32 Lasseter.
33

34 **DR. LASSETER:** Thank you, Mr. Chairman. Okay. Finally, Action
35 10 is our last action in the document, at present. It addresses
36 caps on tags. Alternative 1, there is no cap on the amount of
37 harvest tags that a participant can hold. Alternative 2 is no
38 participant may hold more harvest tags than represented by some
39 as yet undefined proportion of the total charter vessel quota at
40 any point in time.
41

42 Alternative 3 is no participant may hold and/or use more than
43 some proportion, to be defined, of the total charter vessel
44 quota cumulatively throughout a calendar year. Alternative 4 is
45 no participant may hold harvest tags equaling more than the
46 maximum number of tags issued to any one participant during the
47 quota apportionment, and that's going back to Action 3. Are
48 there any questions or discussion?

1
2 Then I will keep going. Finally, we have one more slide. We
3 have not added this action in the document yet, but we're
4 proposing it for a new action that would go in Section A, if the
5 council is interested in having tags as an enforcement and
6 validation tool. Such an action could look at -- Alternative 1
7 is do not use harvest tags. Alternative 2 is use harvest tags
8 as an enforcement and validation tool and options provided for
9 them being physical tags or electronic tags.

10
11 **CHAIRMAN GREENE:** Mr. Fischer.

12
13 **MR. FISCHER:** Thank you, Mr. Chairman. If we're going to go
14 with these as options, I think then we need to add the option as
15 a combination, because you have a physical tag that's numbered
16 and then also turn that number in on your electronic report.
17 The physical tag would serve its purposes, meaning you have to
18 have all your fish physically tagged. If you're boarded, that's
19 -- We continually say enforcement and validation, but we really
20 need to add management. That's part of management.

21
22 Not exceeding your quota is part of management, and then we need
23 it for validation also, of course, and so it has multiple uses,
24 but, this way, the fish can be tracked from the actual catch in
25 the fish box, to the dock, into the wheelbarrow, to the fish
26 cleaning table.

27
28 While the fish cleaner is cleaning the fish, it could still have
29 the tag in it, and so it could be tracked throughout the whole
30 process, where the electronic tag, it's difficult to sort it
31 out, once it's on the cleaning table, of what fish is what.
32 There is reasons we could go with this combination and let it be
33 fleshed out as the document moves forward.

34
35 **CHAIRMAN GREENE:** Thank you. Mr. Diaz.

36
37 **MR. DIAZ:** I'm not sure if it goes here or not, but one thing is
38 when does the physical tag be applied is the importance for an
39 enforcement tool. In other areas where they use tags, you have
40 to tag that animal immediately, and so, if an enforcement
41 officer comes up and you're in possession of an animal and it's
42 not tagged, you're in violation, regardless. Thank you.

43
44 **CHAIRMAN GREENE:** I certainly concur with you, Mr. Diaz. Any
45 other discussion? Mr. Williams.

46
47 **MR. WILLIAMS:** Are you going to add this section? Is that the
48 plan?

1
2 **DR. LASSETER:** We do plan to. In the Section 2.5, this has
3 already been discussed in there, in the list of other actions
4 we're going to need. My purpose of bringing it up at this point
5 was the IPT would like to make the document as less complex as
6 possible, and so we would propose the idea of removing harvest
7 tags as a program and modifying those actions and alternatives
8 to reflect how you would actually use harvest tags in any of the
9 other selected programs, and so this was kind of a demonstration
10 of the direction that we would go if you did direct us to do
11 that.

12
13 **MR. WILLIAMS:** So what do you need from us now?

14
15 **DR. LASSETER:** As Dr. Lucas pointed out, there is really
16 difference between the harvest tags and PFA, and, if the
17 committee agrees on it, I would recommend removing harvest tags
18 as an allocation-based management alternative and incorporating
19 it in the document as a validation and enforcement tool,
20 something like that.

21
22 **MR. WILLIAMS:** We should have a motion then, I think, on that,
23 right? **Then I would offer a motion that we remove harvest tags**
24 **from the document as use as an allocation tool and keep it as an**
25 **enforcement validation tool.** Does that look like what you want,
26 Ava?

27
28 **DR. LASSETER:** That looks great. If we could just change the
29 word "allocation tool" to "allocation program", because we're
30 talking about one of the programs in Action 1.

31
32 **MR. WILLIAMS:** **That's fine.**

33
34 **DR. LASSETER:** Then I think staff will understand the intent of
35 the motion.

36
37 **CHAIRMAN GREENE:** Thank you. Is there a second for this motion?

38
39 **MR. SWINDELL:** I'll second it.

40
41 **CHAIRMAN GREENE:** It's seconded by Mr. Swindell. Is there any
42 further discussion? Mr. Fischer.

43
44 **MR. FISCHER:** What section? Could we see what section we're
45 removing?

46
47 **DR. LASSETER:** Could we put the PowerPoint back up? Currently,
48 harvest tags are this Alternative 4 under the Action 1, and so

1 that's proposing harvest tags as its own allocation-based
2 management program. Through discussions, and as Dr. Lucas also
3 pointed out, there is really no difference in how these would be
4 administered, and so what we're proposing is, since there also
5 seems to be consensus that harvest tags are desired to be used
6 for an enforcement validation tool, as a component to another
7 allocation-based program, we remove Alternative 4 from here, but
8 we use actions and alternatives, and they would be placed in
9 Section A though, that address harvest tags as an enforcement
10 validation too, whether or not to use physical or electronic
11 tags and when they need to be affixed, these types of decision
12 points.

13
14 **MR. FISCHER:** So we're not totally removing harvest tags from
15 the document. We're really shifting it from being its own
16 Alternative 4 and placing it in these other subparts.

17
18 **CHAIRMAN GREENE:** Okay, Ms. Guyas.

19
20 **MS. GUYAS:** Something about the wording of this motion maybe is
21 kind of strange to me, because I feel like, if we're going to
22 use these tags, and we're going to use them for enforcement and
23 validation, I mean, ultimately, you're going to have to allocate
24 them. Something about this is strange to me. I think I
25 understand what we're trying to do, but we're still going to be
26 allocating them. They're still going to be -- I don't know.

27
28 **CHAIRMAN GREENE:** Mr. Riechers.

29
30 **MR. RIECHERS:** I am thinking along the same lines as Martha. I
31 mean the one part that I guess is a little bit confusing -- I
32 mean I certainly understand the use of tags, and it is very
33 similar, and we could use tags as a vehicle to execute those
34 other programs, but there is another step here, where you could
35 use tags really to define your overall program, and Alternative
36 2 under the harvest tag program is the one thing that's missing
37 if we do this motion.

38
39 I am trying to figure out a way, from a staff perspective, if we
40 could still keep that notion alive in Alternative 2, so that we
41 don't lose it at this point in time, because I think it is an
42 option that differentiates doing away with it and just umbrella-
43 ing it, where Alternative 2, lottery and auction, also have a
44 way of helping to distribute those tags. Now, we have auctions
45 in the other previous systems, but we don't have lotteries in
46 the other previous systems.

47
48 **DR. LASSETER:** I apologize, Mr. Riechers, but I am very

1 confused. I got a little confused with the actions and the
2 alternatives you were referencing. Could you say that one more
3 time?
4

5 **MR. RIECHERS:** Alternative 2, as you suggest to do away with
6 that entire thing, or as Roy suggested to do away with that, you
7 are losing some of what was in the previous option.
8

9 **DR. LASSETER:** We could definitely retain that kind of an
10 alternative. My intent is recommending not to have this be the
11 title of a stand-alone allocation-based approach, but, in the
12 actions that would be pertaining to harvest tags, there could
13 definitely be an alternative for people that could just
14 surrender tags back to the program, and that would definitely go
15 with -- It would be supportive of the voluntary program
16 participation. If people had tags that they didn't want to use,
17 that definitely seems like an alternative that could be worked
18 into the discussion of tags.
19

20 **MR. RIECHERS:** Does the maker of the motion accept that just as
21 a by discussion part of the motion?
22

23 **MR. WILLIAMS:** Yes, I do, Robin. I don't have any problem with
24 that.
25

26 **CHAIRMAN GREENE:** Thank you. I had a couple of other people.
27 Dr. Crabtree.
28

29 **DR. CRABTREE:** I guess my question is I'm not clear exactly what
30 the motion is now. What did you just accept?
31

32 **MR. WILLIAMS:** Well, we're going to get rid of that Section D in
33 that first alternative that divided this into IFQ, PFQ, PFA, and
34 then harvest tags, and so harvest tags will be out as an initial
35 allocation tool, but we would still retain it as a way to
36 enforce any of the allocations that were made within whatever
37 program we choose. We could still use harvest tags and
38 surrender them to a NMFS tag bank, from where other people could
39 obtain the tags. It's not going to be an initial allocation
40 tool, but it could be a mechanism within the program to
41 equitably and efficiently distribute allocation.
42

43 **CHAIRMAN GREENE:** Thank you. Ms. Levy.
44

45 **MS. LEVY:** I guess it's not clear to me how -- That action about
46 surrendering them to NMFS goes to the transferability of the
47 tags, but it's not clear to me how you do that apart from
48 deciding the transferability of the allocation.

1
2 Meaning, if you're deciding that people can or cannot transfer
3 allocation, the tags might automatically go with that transfer
4 in some way that we would have to work out, but I don't know how
5 you could do it independently. It's not its own -- I am trying
6 to figure out how it would be its own independent somehow
7 surrender of tags that is not somehow linked to the people's
8 allocation.

9
10 **DR. LASSETER:** I am envisioning it as an alternative that we
11 could add to the transferability actions within there. Just as
12 an idea, it sounds like Mr. Riechers wants to maintain that idea
13 in the document somewhere, and so I think we could find a -- It
14 doesn't have to be -- That could be an alternative of
15 transferability.

16
17 **MS. LEVY:** So what you're saying is a transferability back to
18 NMFS. That's the whole surrender to NMFS thing? I guess I'm
19 just trying to --

20
21 **DR. LASSETER:** I will add this alternative also came about as a
22 way to -- Rather than having participants exchange tags, or even
23 the allocation, amongst themselves, it would be a way that --
24 Okay, you don't allow transferability, but, if you're not going
25 to use them, you can give them back to NMFS.

26
27 You don't charge how much they would be worth, but then they get
28 distributed back from NMFS through another mechanism, and so I
29 think that was the intent of the alternative, and so I think it
30 would be appropriate in the transferability actions as an
31 alternative.

32
33 **CHAIRMAN GREENE:** Mr. Riechers, to that point.

34
35 **MR. RIECHERS:** As I hear the discussion from Mara and others, I
36 actually think we may be doing this in reverse order of what we
37 should be trying to do. Maybe we should be trying to umbrella
38 the enforcement side under the current tag option. Then that
39 may also then play into those other options, as opposed to maybe
40 trying to merge them like we're trying to do now.

41
42 Roy, I apologize, but I think I'm going to end up voting against
43 the motion, now that I hear more about. I'm just trying to
44 figure out -- I mean tags are -- I think we need to know a lot
45 more about the tag program if we're going to go down that road,
46 because we haven't even figured out how we might actually
47 establish that tag and what it would look like and how people
48 would obtain it, and so, at this point, I think I'm now inclined

1 to probably leave it in the document as it is.

2
3 **CHAIRMAN GREENE:** Dr. Stunz.

4
5 **DR. STUNZ:** Both Martha and Robin made my points. I am fine if,
6 later down the line, I think we decide we move this under PFAs
7 or wherever it makes sense, but, currently, I think we're too
8 early in the document to exclude the harvest tags, and I'm a big
9 proponent of leaving that in at this point. At least it gives
10 us flexibility in some discussion points to have, with future
11 analyses and things, but I would prefer to see that harvest tag
12 alternative remain in the document.

13
14 **CHAIRMAN GREENE:** Mr. Boyd.

15
16 **MR. BOYD:** Both Robin and Dr. Stunz made my points, and so I
17 don't need to elaborate.

18
19 **CHAIRMAN GREENE:** Thank you. Any further discussion? Okay. We
20 have a motion on the floor. **By a show of hands, all those in**
21 **favor, please raise your hand; all those opposed, like sign.**
22 **It's seven to seven and the motion fails.** With that, we will
23 pick up our discussion.

24
25 **DR. LASSETER:** That completes my review of the document. We did
26 bring you a white paper at the last meeting. Staff was
27 requested to kind of review the analyses that have been done on
28 modifying the bag limits, fishing seasons, minimum size limits.

29
30 You have previously considered these either for the recreational
31 sector as a whole or for the charter fleet, and this would be
32 the direction you would go if you did select Alternative 1 in
33 the Action 1, to continue using these traditional management
34 measures, and they would be executed through a framework action,
35 and so we've put together this document, and I am actually going
36 to turn it over to Dr. Froeschke to review the document briefly.

37
38 **REVIEW OF TRADITIONAL RECREATIONAL RED SNAPPER MEASURES**

39
40 **DR. FROESCHKE:** Good morning. The analyses within this document
41 are really just a compilation of things that have been done
42 already and presented to you at some point in the past. If you
43 chose to go in this direction, I suspect we could work together
44 and provide the updated numbers.

45
46 The documents, really I put together three things, with Ava's
47 help, bag limits, size limits, and seasons, and, depending on
48 your objectives, I am just going to summarize briefly the

1 expected changes. With respect to the bag limits, we currently
2 have a two-fish bag limit in federal waters. What was discussed
3 was one fish. Previously, partial bag limits have been
4 discussed and not selected, for various reasons, and so I'm just
5 going to sort of go through.

6
7 In Table 1.2.2, that's a table that estimates the change in
8 landings as a percentage and then the corresponding increase in
9 season length, going from two-fish to a one-fish bag limit.
10 What you will see is an increase of approximately 63 percent in
11 the season length. This assumes that no high-grading occurs.

12
13 If you make the assumption that high-grading occurs and the
14 average sizes of the fish increases by approximately one pound,
15 Table 1.2.3 has those updated numbers, and essentially you would
16 have a 30 percent reduction in landings over the same season, or
17 a corresponding increase in season length to 42 percent. If
18 that was your main objective, was to increase the season length,
19 those are the numbers on that. Any questions on this part?

20
21 Fishing seasons, we've talked about this. Really, my
22 interpretation of this is that changing the fishing season, you
23 could either do it in a time of the year when the catch rate was
24 lower. That would be one way to extend the season. A second
25 idea that was discussed is the concept of split seasons, where
26 you have some portion of the quota assigned to a split season,
27 you can calculate the landings, and then open the season for the
28 remainder of the year necessary to catch the quota.

29
30 The advantage to this is that it seems like it would reduce the
31 potential for exceeding the ACL, and it would perhaps give
32 different areas opportunities at more convenient times or
33 perhaps times that weren't peak, and so the season could be
34 extended out.

35
36 One other thing I will just mention briefly, but the way we
37 currently prosecute the season in June, that's the season when
38 the water temperature, at least the gradient and the
39 thermocline, is maximized, which can contribute to increased
40 discard mortality. If we were to move this perhaps early in the
41 year or later in the year, when this difference is smaller, it's
42 possible that there could be some minor reduction in discard
43 mortality, and so those fish could then be converted into
44 retained fish.

45
46 **CHAIRMAN GREENE:** Hang on just a second. Mr. Diaz.

47
48 **MR. DIAZ:** Thank you, Dr. Froeschke. I like the way for the one

1 fish. You're actually saying, if we account for some high-
2 grading, then 42 percent, and that's a hard number, and so
3 charter fishermen that are trying to evaluate what's the best
4 thing for their business, they could apply that, and that helps
5 them make a decision.

6
7 For these other methods, if it's possible if we can give you
8 some scenarios where they might also get some information where
9 they can figure out how it impacts their business, I would like
10 to try to do that. If we were to give you some scenarios of
11 some split seasons, could you evaluate those and tell us what
12 gains could be made off of those specific examples?

13
14 **DR. FROESCHKE:** My tentative answer is yes, although I am going
15 to defer to the Regional Office, maybe Nick.

16
17 **DR. NICK FARMER:** Can you repeat the question, please?

18
19 **MR. DIAZ:** If we were to give you some examples of some split
20 seasons for charter boats, could you let us know how many days
21 could potentially be gained and what fishermen might actually
22 get out of that? Fishermen that are out there trying to figure
23 out what's the best thing for their business, they could say,
24 well, look, if we did one fish, we get 42 percent more days. If
25 we did a split season, potentially we might get -- A split
26 season might give us X number more days of opportunities, and so
27 they could just compare the two and see what potential gains
28 they could get.

29
30 **DR. FARMER:** Yes, and I mean I guess the challenge in that
31 assumption would be how the catch rates vary by time of year.
32 We've got a little bit more information on that coming from this
33 season, since it's a little bit longer than it has been in years
34 past for that mode of fishing, and so there might be some
35 opportunities there to look into it, but you would be forced
36 into some tenuous assumptions as to how catch rates would vary,
37 and I suspect that a lot of that variability would have maybe
38 less to do with the red snapper stock and more to do with the
39 weather and availability of days fished, but one of the benefits
40 of this program for the for-hire fleet is that they can go out
41 on days that are good weather days, and so it provides you that
42 flexibility.

43
44 I think one of the things that constrains catch rates in a way
45 right now, in this fixed season that we have, is that there may
46 be some days in there that are eliminated for fishing due to
47 weather conditions in certain states. If you take that away,
48 the benefits of that flexibility may cancel out the benefits of

1 a split season with different time periods, but it's certainly
2 something we could look into and write up as to what the
3 assumptions are and what sort of benefits you might receive from
4 it.

5
6 **MR. DIAZ:** To that point then, what I'm hearing you say is that
7 you can look at it and come back to us and let us know what you
8 can figure out. I did call one of the charter vessels that has
9 been active here at the council and just ask him to give me an
10 example of a split season that might work for the Mississippi
11 fleet, but I would love to hear some comments from Dr. Dana or
12 Mr. Greene, if they have some recommendations.

13
14 Basically, what he said is to start something towards the later
15 part of April, and so I'm going to say the 20th of April, through
16 May and then pick up September 1 and run out a season as long as
17 they could, and so that basically was what I had gotten from
18 him, and so could you try to evaluate that for us and have it
19 for the next meeting?

20
21 **DR. FARMER:** Yes, I'm sure we could probably look into that.

22
23 **MR. DIAZ:** Then, like I say, if Dr. Dana or Johnny has some
24 other alternative split seasons that they think might be good
25 for folks in their area, and we might hear some public testimony
26 too, to give us some ideas. I think that just helps people that
27 are trying to evaluate these things decide.

28
29 I have had some charter fishermen tell me that they can sell a
30 trip in June and July. They've got plenty of customers, and
31 that's not a problem. If they had fish at alternate times of
32 the year, it would be something else they could market, and so
33 there might be some advantages there, too. Thank you, Dr.
34 Farmer, and thank you, Mr. Greene.

35
36 **CHAIRMAN GREENE:** Okay. Thank you. Just to your point, I mean
37 April 15 or 20 through May and then picking up in September
38 would probably be fine with my area, but I would like to hear
39 some public testimony on that. Dr. Dana, did you want to weigh
40 in?

41
42 **DR. DANA:** October is a strong timeframe for us, and I would
43 like to talk to some of our fleet, but we have always looked
44 toward the fall, if we had an additional season opening.

45
46 **CHAIRMAN GREENE:** Thank you. Dr. Crabtree.

47
48 **DR. CRABTREE:** So you're talking about fishing in spring and

1 fall and not being able to fish red snapper in the summer, which
2 is contrary to everything I think I've ever heard in public
3 testimony from the charter fleets in those areas. They've
4 always said they need the summer.

5
6 **DR. DANA:** I didn't say spring. The season that we have in the
7 summer is -- I mean it's traditional that our customers know to
8 come during that timeframe for the red snapper, but fall would
9 be an additional opening, if we had like another opening, for
10 us.

11
12 **CHAIRMAN GREENE:** Thank you. Mr. Riechers, thank you for being
13 patient.

14
15 **MR. RIECHERS:** I was going to first ask John, because we've done
16 this analysis before. As I'm recalling, it was when we were
17 looking at a fall season or adding some days in the fall. As
18 I'm recalling it, I think both -- Obviously the overall fishing
19 pressure declines during that time of year, as well as I think
20 our catch rates went down, if I'm recalling correctly, in that
21 analysis. There is some previous analysis in the council
22 archives, if you will, that will at least help kick start this
23 discussion.

24
25 **CHAIRMAN GREENE:** Mr. Anson.

26
27 **MR. ANSON:** Depending on how long ago that analysis was done, we
28 also must keep in consideration, to Dr. Crabtree's point, about
29 these other species being open during the summertime, and now
30 we're in a situation when amberjack is closed and triggerfish is
31 closed during the June time period, and so you take away red
32 snapper, and there's not many other fish, in my neck of the
33 woods, that you can fill up a bucket with.

34
35 **MR. RIECHERS:** To that point, I wasn't trying to suggest that we
36 actually make a motion to shift the season or anything like
37 that. I was just following up on Dale's point of actually
38 getting the data back in front of us that would help us in
39 understanding what that change in fishing seasons may do to
40 length of days and seasons.

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

43
44 **DR. CRABTREE:** To this motion, are we just talking about the
45 for-hire or are we talking about private or --

46
47 **MR. DIAZ:** Just for hire.

48

1 **DR. CRABTREE:** Should we clarify that in the motion?
2

3 **MR. DIAZ:** Sure, and so it would be to ask staff to evaluate the
4 for-hire red snapper season to open on April 20 through May 31
5 and September 1 until the projected end of the season. We might
6 get, in public testimony, that we hear from charter boats that
7 this is a bad idea, for some of the reasons that has been
8 mentioned around the table. I am just trying to get some
9 information out in front of some people to see where they can
10 evaluate what alternatives they might have if we go down a
11 traditional management route. Thank you.
12

13 **CHAIRMAN GREENE:** Okay. We have a motion on the floor. Is
14 there a second for this motion? Second by Dr. Lucas. Ms.
15 Guyas.
16

17 **MS. GUYAS:** Just a suggestion. I mean if we're wanting to look
18 at alternative season options here, would it make more sense to
19 get one of those decision tools, if that's a possibility, where
20 you can kind of tinker with it and look at different time
21 periods, rather than trying to move forward with something like
22 this? I don't know how possible it is, but I would just assume
23 it would be a pretty uncertain decision tool, but --
24

25 **CHAIRMAN GREENE:** Dr. Crabtree.
26

27 **DR. CRABTREE:** Anything that moves the fishery out of June,
28 where it's been, is going to have very high uncertainty with it.
29 I can tell you that. I mean we can talk about how much
30 investment of time it would take to do a decision tool and
31 whether that's worthwhile or not, but I'm not sure about that.
32

33 When you start opening up the fishery at times of the year when
34 it hasn't been open in the past, and it's never been open in
35 those times of year with just the for-hire sector, and so
36 there's a great deal of uncertainty about it.
37

38 **CHAIRMAN GREENE:** Mr. Diaz.
39

40 **MR. DIAZ:** I am going to try to modify my motion. I don't know
41 if a decision tool is something that's going to be built or not,
42 but I did hear Dr. Dana say something about October was very
43 important, and so to add another split season to be evaluated,
44 and let it be from June 1 through June 30 and then, Dr. Dana,
45 October 1 until the season is projected to end? Would that
46 satisfy your October --
47

48 **DR. DANA:** October is a big fishing season for us, because we

1 have the rodeo. However, September 1 is a good -- I'm talking
2 more about the fall, if you're going to have a reopening, but
3 the April 20 through May 31 would not be a preferred for our
4 area. The summertime would be the preferred opening.

5
6 **MR. DIAZ:** Okay.

7
8 **CHAIRMAN GREENE:** Mr. Diaz, is your motion on the board correct?

9
10 **MR. DIAZ:** That is fine.

11
12 **CHAIRMAN GREENE:** Okay. The seconder agrees? Okay. We've had
13 some discussion around this. **Is there any opposition to the**
14 **motion on the board? Seeing no opposition, the motion carries.**
15 Okay, Dr. Froeschke.

16
17 **DR. FROESCHKE:** The last bit I have in this document is the size
18 limit, and, in terms of season length, the impacts are fairly
19 equivocal, and it really depends more on what your management --
20 The discussion really deals more with yield per recruit and
21 spawning potential ratio. I'm not certain, in terms of yield
22 per recruit, if that was the management target. It's fairly
23 flat across the thirteen to eighteen-inch range, which seems the
24 only range which would be likely.

25
26 In terms of spawning potential ratio, the bigger the fish, the
27 bigger the SPR, which, biologically, can be beneficial, although
28 it's not certain that that would achieve anything more desirable
29 in terms of extending the seasons or things like that. I think
30 the more complicated consideration would be how to use size
31 limits, season lengths and bag limits in concert, such that you
32 could get additional benefits greater than just one of those
33 alone, if that were possible. It's not completely clear how we
34 could analyze that a priori, but, if that's something you're
35 interested in, we'll try.

36
37 **CHAIRMAN GREENE:** Thank you. Any discussion? Seeing none, Dr.
38 Froeschke, I guess this wraps up your -- Okay. That will move
39 us out of Action Item Number VII and move us on into Action Item
40 Number VIII, which would be Draft Amendment Number 42, Federal
41 Reef Fish Headboat Management, Review of Draft Amendment, Tab B,
42 Number 11, and Dr. Diagne.

43
44 **DRAFT AMENDMENT 42 - FEDERAL REEF FISH HEADBOAT MANAGEMENT**

45
46 **DR. DIAGNE:** Thank you, Mr. Chair. If I may, I would also start
47 by asking Dr. Barbieri to summarize the SSC and Socioeconomic
48 SSC's comments on Amendment 42. Thank you.

1
2 **SSC COMMENTS**
3

4 **DR. BARBIERI:** Absolutely, Dr. Diagne. It's my pleasure, Mr.
5 Chairman, if you are ready. Just like our set of comments
6 regarding Amendment 41, the SSC only had a few minor comments
7 about Amendment 42, recognizing that this is still in a fairly
8 early stage of development and that we still need to get a lot
9 of your input and suggestions and that may be modified along the
10 way.

11
12 Some of those comments the SSC wanted to make were the metric
13 used to determine the cost recovery fees should be carefully
14 selected, to mitigate the incentives to underreport the value on
15 which the fees would be based. I remember some of the
16 discussion this morning about recovery fees, that industry may
17 be reacting differently to implementation of those recovery
18 fees, depending on their understanding of how that process is
19 going to be accomplished.

20
21 Also, the design of the management plan should be consistent
22 with stated purpose and need for these actions, and this is
23 consistent with our recommendation for Amendment 41 that
24 basically we just recommend, and this came primarily from the
25 Socioeconomic SSC, that you make the purpose and need for this
26 very clear, so that there can be universal understanding of what
27 exactly you are trying to accomplish, and that's going to
28 facilitate the process of implementation greatly. That, Mr.
29 Chairman, completes my set of comments and recommendations from
30 the SSC regarding Amendment 42.

31
32 **CHAIRMAN GREENE:** Thank you. Any questions for Dr. Barbieri?
33 Seeing none, thank you.

34
35 **DR. BARBIERI:** Thank you, Mr. Chairman.

36
37 **CHAIRMAN GREENE:** Dr. Diagne.

38
39 **REVIEW OF DRAFT AMENDMENT**
40

41 **DR. DIAGNE:** Thank you, Mr. Chair. To discuss Amendment 42 with
42 you today, I will not go action-by-action. I will essentially
43 include the AP recommendations, the ones that they offered to
44 the council, and I would note that the Chair of the AP, Randy
45 Boggs, is here, and he will answer your questions, if you have
46 some questions relative to the AP discussions. I will just
47 emphasize some of the major points in this amendment for your
48 consideration.

1
2 The first thing that we would like to note is that, during the
3 last council meeting, you approved the motion to establish a
4 control date of December 31, 2015. That control date has been
5 published, and, essentially, we have to, I guess, emphasize the
6 point that the control date will essentially do one thing. I
7 will make certain that landings beyond December 31, 2015 would
8 not be considered when it comes to the initial allocations of
9 shares, should you decide to continue with this program.

10
11 Perhaps there has been some confusion with maybe some members of
12 the public that the control date decides who gets in and who
13 doesn't get in. It just sets a date beyond which essentially
14 landings would not be considered.

15
16 One of the things that we need to discuss, and perhaps
17 reemphasize, is the fact that, if we look at Amendments 41 and
18 42, the only objective criterion that we have for a clear
19 separation between the two universes would be the availability
20 of catch histories, meaning, on one side, we have vessels that
21 have participated in the Beaufort Survey. That would be then
22 Amendment 42. On the other side, we would have all the other
23 for-hire vessels, vessels with federal for-hire permits that is.

24
25 This amendment, in its title, attempts to make that clear, in
26 the fact that this is an amendment for headboat survey vessels,
27 meaning that, to participate in Amendment 42, or in the program
28 that you are designing, catch histories have to be available,
29 and, further, available by the control date that has been
30 recently published. Now on to some of the actions and the main
31 point of highlighting the AP recommendations.

32
33 In their discussions, the AP indicated that they are in favor of
34 an individual fishing program, fishing quota program, an IFQ-
35 type program. They did not express interest for this PFQ, tying
36 the shares directly to the permit, and, with the understanding
37 that, of course, designing an IFQ program with transferability
38 provisions that reflects your intent can achieve the purpose
39 needed.

40
41 In terms of the species to be considered, the AP is in favor of
42 including all five species, which is consistent with the only
43 preferred that the council has selected in this document so far,
44 and so include all five major reef fish species.

45
46 Concerning this opting in and opting out, meaning the voluntary
47 option which is available in the program, the AP recommendation
48 is for the design of a program that would be all inclusive,

1 meaning all survey vessels would participate in this program.
2 Essentially, they favor having a program that is mandatory, and
3 so nobody would opt out, if you would.

4
5 One of the actions included in Amendment 42 offers the
6 opportunity to choose between an endorsement and a permit,
7 meaning splitting the for-hire permits into two, having a
8 headboat permit and a charter permit. The AP recommendation
9 here is to establish an endorsement. They didn't favor
10 splitting the permit. Rather, they were in favor of
11 establishing an endorsement.

12
13 In terms of the allocation to the headboat survey vessel
14 component, the AP recommended that the council considers using
15 50 percent of the longest time series and 50 percent of the last
16 five years, and the longest time series is 2004 to 2015, and the
17 last five years is within that same timeframe.

18
19 One of the issues considered in Amendment 42 has to do with the
20 metrics to use to distribute the annual allocation and also to
21 report. The AP recommendation would be to consider distributing
22 the annual allocation in pounds, but allowing participants in
23 this program to report in numbers of fish.

24
25 Now we can discuss a little bit of the initial apportionment of
26 shares. Here, the AP recommendation is in favor of allowing
27 each participant to select their best years within the timeframe
28 of the last five years, meaning 2011 to 2015, and allowing each
29 participant to pick their best years, and the initial allocation
30 could be based on that.

31
32 Perhaps here we have an opportunity to make the program more
33 inclusive, and, by that, I mean we could widen the time interval
34 and allow participants to select their best years during the
35 last ten years of the catch histories available. If, as a
36 council, you agree with this, we would add an option that would
37 allow folks to choose their best years within the time
38 intervals, going from 2006 to 2015. That would make the program
39 more inclusive.

40
41 For the distribution of shares, the document included options
42 for equal distribution, proportional distribution, based on
43 catch shares, and also some consideration for auctions. The AP
44 recommendation is to go through initial apportionment based on
45 the catch histories, meaning they are in favor of proportional
46 initial allocation. They did not support the equal
47 distribution, because it would not reflect the catch histories
48 that they have. Also, they did not support auctions, and they

1 recommend that the alternative considering auctions be moved to
2 considered but rejected.

3
4 Looking at the motions that the AP passed, when it comes to the
5 transferability of shares and the maintenance of shares, the
6 transferability of annual allocation and their maintenance, the
7 general sense here is that the AP would like to keep the shares
8 and the annual allocation primarily within their component,
9 meaning those should be available for fishing by participants in
10 the headboat survey vessel programs.

11
12 That is why, for the transferability options that they
13 recommended, they assigned it and required that one needs to
14 have a valid or renewable for-hire reef fish permit and also
15 have an endorsement or permit, whichever you decide to go with
16 in this program.

17
18 One more thing that we have to discuss, and Dr. Barbieri
19 mentioned the SSC comments when it comes to cost recovery, is we
20 are still looking at the best metric to use when it comes to the
21 value, because, in the Act, it is mentioned that up to 3 percent
22 of the ex-vessel value, and obviously that has a commercial
23 program in mind, because, for a headboat program or a for-hire
24 program, there is really no ex-vessel value, to speak of.

25
26 We are still looking at this, but one of the options that
27 perhaps we could consider would be to use the commercial ex-
28 vessel value as a proxy and collect up to 3 percent of the
29 value, of the amount landed, by the headboat sector.

30
31 The AP discussed also a new action that is not in the document
32 at this time. They discussed the possibility of allowing new
33 entries, and they passed a motion, and their motion essentially
34 would allow vessels with a passenger capacity of forty-nine
35 passengers or more to apply for an endorsement, assuming that we
36 established an endorsement, on an annual basis. That is the AP
37 motion, but, looking at this now, the objective criterion that
38 we used, meaning participation in the headboat survey and having
39 landings history, over there, the threshold, when it comes to
40 vessel capacity, was fifteen passengers or more.

41
42 The forty-nine passengers here is really, I guess, arbitrary, in
43 a sense. Why not thirty-eight and why not fifty-one? With
44 respect to that, I don't know too much of what to make of this.

45
46 In a nutshell, these are some of the recommendations made by the
47 AP. In general, they support keeping the shares and annual
48 allocations in the fishery, so to speak, and that is why they

1 want the permit and the endorsement to be eligible to be
2 transfers of shares and/or allocation. They do not support
3 auctions, and they do not support equal distributions, and they
4 are in favor of an individual fishing quota program. I will
5 stop here and try to answer your questions, and Mr. Boggs is
6 also here if you have questions for him. Thank you.

7

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

9

10 **DR. STUNZ:** Thanks, Assane. I've got a question for you
11 concerning the EFP that was recently completed, and I know we
12 got a report a few meetings ago, but are we expecting a final
13 report from that? Obviously that would be informative for some
14 decision making here. When do you expect to have that, if there
15 is going to be one?

16

17 **DR. DIAGNE:** Yes, and I will just make one comment and then ask
18 Dr. Stephen to answer. The final report is expected by the end
19 of this year, and I will ask Dr. Stephen to comment on the
20 timeline further.

21

22 **DR. STEPHEN:** For the Headboat Collaborative, we've just been a
23 little bit understaffed and overworked, but it's in progress,
24 and we hope to have it, from our end, by the end of the year.
25 We are waiting for some economic analysis that will be delivered
26 by outside of the agency.

27

28 **CHAIRMAN GREENE:** Thank you. Are there further comments? Mr.
29 Riechers.

30

31 **MR. RIECHERS:** Assane, you mentioned cost recovery, and you
32 mentioned possibly using commercial ex-vessel value. Wouldn't
33 we have some other information that would get at the value of
34 those fish, to those trips? I mean I would think there would be
35 some other methods, and I would also ask -- I would first ask
36 the question about other methods. Secondly, I would ask the
37 question of has the SSC dealt with that? Then, thirdly, I would
38 pose the question -- If we haven't thought about methods, we do
39 know that some of the fish from the commercial sector are moving
40 into the charter sector, and there is a value associated with
41 those, and so would we look at that as well?

42

43 **DR. DIAGNE:** In a general sense, at the national level, yes, Mr.
44 Riechers, that is a valid point. In fact, yes, we are looking
45 at different metrics, and some of the metrics that we are
46 looking at would be the annual allocation, but, of course, that
47 will come later, as people start trading, should you allow
48 trade.

1
2 We are also looking at the fees that would be collected by
3 headboat operators and prorating those and extracting, if you
4 would, a portion of that for cost recovery.

5
6 As far as commercial fish moving into the for-hire sector, we
7 don't have that here in the Gulf, yes, but, in Alaska, you have
8 what is known as guided anglers fish, by which commercial IFQ
9 owners could sell fish to guideboats, and they would take people
10 on their boats and go fishing. For the purpose of cost recovery
11 on guided angler fish, the metric used is the commercial ex-
12 vessel value of the fish.

13
14 If we were to think, again, about cost recovery, what is the
15 purpose? The purpose is to collect the actual cost of
16 administering the program. In a sense, really, provided that
17 the metric that you choose is not too low, other metrics would
18 lead you to the same end result. What would fluctuate would be
19 where you would be in terms of percentages between I guess --
20 Capped at 3 percent, because that's the requirement in the Act.

21
22 If your starting metric is too high, perhaps your percentage is
23 going to be on the lower end, but, if the metric was lowered,
24 then the percentage would increase, keeping in mind that we are
25 capped at 3 percent, and so, yes, we are looking at those
26 alternatives, and the SSC's comment was for us to be careful, so
27 people would not underreport, for example, if we chose something
28 like the fees paid by passengers.

29
30 **CHAIRMAN GREENE:** Thank you. Any further questions? Okay. Mr.
31 Williams.

32
33 **MR. WILLIAMS:** Assane, how many years of headboat reported
34 landings do we have? How far back do they go? I know you're
35 concentrating on the more recent ones, but how far back in
36 history can we go?

37
38 **DR. DIAGNE:** It goes as far back as 2004, but I will let Dr.
39 Stephen jump in and add to that.

40
41 **DR. STEPHEN:** I think we have a longer timeframe back for
42 landings, but not associated to a vessel. In 2004, I believe
43 that's where we started associating landings with vessels, so
44 you can see vessel history.

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

47
48 **MR. DIAZ:** Assane, I noticed, when I was reading through the

1 document, and you might want to elaborate on this a little bit
2 more, but the terminal year that's in there now is 2014, and
3 that was the first year of the Headboat Collaborative? Is that
4 right? Then I believe there was some discussion that that was
5 the highest headboat landings between like 2001 and 2014.

6
7 When we go to figure out how to divide up the fish between 41
8 and 42, the charter boats that would be in 41 were held to short
9 seasons during those years, which were nine or ten days, and
10 then the collaborative got a fixed percentage, which was the
11 highest set of landings. Do you all talk about that at the AP
12 meeting any?

13
14 **DR. DIAGNE:** The AP may have discussed that, but, listening to
15 some of the discussions earlier, I think we are going to add, in
16 terms of allocating red snapper, because it applies only to red
17 snapper and the remainder is for the entire recreational quota,
18 at least an alternative that would reflect what was done in
19 Amendment 40, essentially, and we are still going to look at
20 adjustments, if you would, to be made to account for the EFP at
21 the time.

22
23 **MR. DIAZ:** Thank you.

24
25 **CHAIRMAN GREENE:** Thank you. Any further questions or
26 discussion? Seeing none, Dr. Diagne.

27
28 **DR. DIAGNE:** Mr. Chair, that's all I have for Amendment 42.
29 Thank you.

30
31 **CHAIRMAN GREENE:** Thank you. Okay. Anything else for Amendment
32 42 before we break for lunch? Chairman Anson, I will turn it
33 over to you.

34
35 **MR. ANSON:** All right. Thank you. Since we're about fifteen
36 minutes behind, we will come back at 1:30.

37
38 (Whereupon, the meeting recessed on for lunch on June 21, 2016.)

39
40 - - -

41
42 June 21, 2016

43
44 TUESDAY AFTERNOON SESSION

45
46 - - -

47
48 The Reef Fish Management Committee of the Gulf of Mexico Fishery

1 Management Council reconvened at the Hilton Clearwater Beach
2 Resort, Clearwater Beach, Florida, Tuesday afternoon, June 21,
3 2016, and was called to order by Chairman Johnny Greene.

4
5 **CHAIRMAN GREENE:** Next is Amendment 43, Hogfish Stock
6 Definition, SDC, ACL, and Size Limit. We're going to pick up on
7 Tab B, Number 13, Review of Draft Amendment, and Mr. Atran.

8
9 **FINAL ACTION - AMENDMENT 43 - HOGFISH STOCK DEFINITION, SDC,
10 ACL, AND SIZE LIMIT
11 REVIEW OF DRAFT AMENDMENT**

12
13 **MR. ATRAN:** Thank you, Mr. Chairman. The council is scheduled
14 to take final action on this amendment, and so your decisions
15 now will be the final recommendations to the council. There are
16 five actions, and I will try to go through them fairly quickly.
17 Is Luiz Barbieri in the room, because I do want him to speak
18 before we get to Action 3. We can go with Action 1 and 2
19 anyway.

20
21 Action 1 is on page 16. I'm sorry that I don't have a
22 presentation. I am going straight from the document, and it's
23 marked definition of the management unit. It's the decision of
24 where to set the geographic location for the boundary between
25 the Gulf stock of hogfish and the Atlantic/Florida Keys stock,
26 which is the responsibility of the South Atlantic Council.

27
28 There are four alternatives. The preferred alternative is
29 Alternative 2, which is to set the boundary south of Cape Sable,
30 at a line extending west 25 degrees, 9 minutes North latitude to
31 the outer boundary of the EEZ.

32
33 The South Atlantic Council is also working on their own hogfish
34 amendment for their stock, and so we need to be in agreement
35 with the preferred alternative on this item. As of this morning
36 at least, we are in agreement. This is the same preferred
37 alternative that the South Atlantic Council is going with.

38
39 **CHAIRMAN GREENE:** Do we have any discussion on Action 1, page
40 16? Is there any discussion about this? I know we had talked
41 to the Coast Guard in the past, and the South Atlantic concurs
42 with this. Is there any desire to do anything different here?
43 Seeing none, Mr. Atran.

44
45 **MR. ATRAN:** Thank you. Action 2 is on page 19, and, Charlotte,
46 while I'm speaking, if you could, if you could scroll down to
47 the table that's at the bottom of the page. I think it's a
48 little bit more descriptive than trying to read the

1 alternatives.

2

3 This is for setting the status determination criteria, and
4 that's what are we going to use as a proxy for maximum
5 sustainable yield, are we going to use for the maximum fishing
6 mortality threshold, and what are we going to use for the
7 minimum stock size threshold.

8

9 At the moment, we do have a maximum fishing mortality threshold,
10 which is fishing at a rate that exceeds F 30 percent SPR, but we
11 have not defined MSY or minimum stock size threshold.

12

13 The preferred alternative in here is Preferred Alternative 3,
14 which would base all of those items on 30 percent SPR. Our
15 proxy for MSY would be the equilibrium yield when fishing at a
16 rate of F 30 percent SPR. The maximum fishing mortality
17 threshold would continue to be the rate of F 30 percent SPR.

18

19 For minimum stock size threshold, there are three options, and,
20 in order of the smallest buffer between the MSY level and the
21 MSST level, we start with Option 3a. That uses the formula that
22 we've been using for many of the stocks, which is based on
23 natural mortality. It's one minus M times the spawning stock
24 biomass at 30 percent SPR, where M equals 0.179. That would put
25 the MSST at about 82 percent of the SSB level.

26

27 The preferred option here is Option 3b, which is to set the
28 minimum stock size threshold at 75 percent of the SSB 30 percent
29 level. That's to provide a little bit more separation between
30 the MSY and the MSST level, in order to avoid any spurious
31 determinations of an overfished stock. Then Option 3c would set
32 the MSST at 50 percent of the spawning stock biomass at 30
33 percent SPR, which is the lowest that we could go.

34

35 As I said, the preferred option in here is Option 3b, and this
36 table that I put up on the screen shows you relatively how these
37 various alternatives differ in terms of stock biomass and what
38 the yields would be. For example, you look at the MSY row, the
39 first row, and Alternative 1 is not defined, but Alternative 2,
40 which would say don't use the proxy and use the actual stock
41 assessment-generated estimate of MSY, would estimate an MSY of
42 about 1.69 million pounds, if I'm reading that correctly.

43

44 Your preferred alternative to using the 30 percent SPR is just
45 slightly below that, at 1.62, and then, if you were to go with
46 Alternative 4, which is the most conservative, it would be 1.46,
47 and so not a whole lot of difference in the maximum sustainable
48 yield.

1
2 If you go down to the equilibrium yield, where it says
3 equilibrium SSB, you can see that, even though the yield doesn't
4 change that much, the amount of fish that would be in the water,
5 the spawning stock biomass, goes up quite a bit as you in these,
6 from 1.027 million pounds for Alternative 2, 1.591 million
7 pounds for the preferred alternative, and 2.215 million pounds
8 for Alternative 4, the most conservative.

9
10 Then, in terms of the minimum stock size threshold, where the
11 stock would be declared overfished, I won't read all the
12 numbers. It's just, under Preferred Option b, that would be
13 1.193 million pounds, which looks like, from the 1.591 -- I
14 guess it's around a 400,000-pound buffer between the MSY and
15 MSST, and that's right smack in the middle of range of possible
16 buffers. If you want more explanation about exactly what MSY,
17 MSST, and MFMT are, I would be willing to talk about it, but I
18 think we've talked about that before. With that, I will turn it
19 over to you, Mr. Chairman.

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

23
24 **MR. ATRAN:** Thank you. The preferred on that will continue to
25 be Alternative 3, which is to base everything on 30 percent SPR
26 and MSST would be 75 percent of MSY.

27
28 The next action is Action 3, annual catch limit and annual catch
29 target, if you choose to use it, and it's on page 23. We do
30 have a wrinkle here that I need to tell you about. The council
31 had selected a preferred Alternative 3, which, as worded, as the
32 council had approved it, it was to say a constant catch will be
33 set at 219,000 pounds whole weight, based upon the constant
34 catch ABC recommendations for the years 2016 to 2018 of the SSC.

35
36 Then this next section is where we ran into a problem. The ACL
37 will remain at 219,000 pounds after 2018, until modified by
38 rulemaking. Now, last winter, the SSC had looked at stocks that
39 have declining yield streams and had passed a motion that said
40 that, when we have a declining yield stream, if, at the end of
41 the projected yield, there is no new yield stream to go by, then
42 the ABC would drop down to the equilibrium level, until there is
43 a new assessment.

44
45 Based on that, if you look just at the top of the screen, which
46 is the previous alternative for annual changes in ACL, you can
47 see we have the annual estimates. This is Alternative 2 and not
48 the preferred alternative, but you can see we had 240,000

1 pounds, 216,000 pounds, 200,000 pounds. Then, after 218,000, it
2 would drop down to 159,300 pounds.

3

4 In talking with the NMFS Regional Office staff, and they have
5 consulted with NOAA General Counsel, because the SSC had passed
6 that motion about reverting to equilibrium ABC if we don't have
7 a new projection, if you want to retain Preferred Alternative 3,
8 we would have to replace that line that says it will remain at
9 219,000 pounds with one that says, for ACL, for the years
10 following 2018, we will revert to the equilibrium yield of
11 159,000 pounds, until modified by rulemaking.

12

13 This may not have any functional issue. Florida FWC is planning
14 to do a hogfish assessment, I guess an update assessment, in
15 2018, and so we may have a new yield stream before that ever
16 kicks in, but there is a possibility, if there is a delay, of at
17 least temporarily dropping down to that equilibrium yield under
18 the preferred alternative.

19

20 Just to quickly go through these, Alternative 1 is no action.
21 We are currently at an ACL of 208,000 pounds whole weight and an
22 ACT of 179,000 pounds whole weight, but the ACT doesn't do
23 anything with hogfish. We're not using it.

24

25 Alternative 2 would use the annual ABC under a continuously
26 changing ACL. By the way, ACL is being set equal to ABC in all
27 of these, and I just went over the numbers there. It would
28 start at 240,400 pounds and drop down to 200,000 pounds. Then,
29 if there's no new projections after 2018, 159,000 pounds.

30

31 Alternative 3 is based on the constant catch ABC for those three
32 years, which is 219,000 pounds, which is the average of those
33 three years put together. Then, after 2018, as I've said, if
34 you want to retain this, we'll have to change the preferred
35 alternative to say that, after 2018, the ACL would drop to
36 159,300 pounds.

37

38 Alternative 4 would just set it at that equilibrium level of
39 159,300 pounds right away and just remain at that until future
40 rulemaking. There is also two options that go with each of the
41 alternatives that are pretty much the same for each alternative.
42 That refers to the annual catch target, or ACT. In each of
43 these, Option a says the ACT will not be defined and Option b
44 says that the ACT will be based upon the ACL/ACT control rule,
45 which says that ACT would be set at 87 percent of ACL.

46

47 As I said before, we're not using the ACT for anything with
48 hogfish. The accountability measures in place for hogfish state

1 that if, in a given year, the ACL is exceeded, in the following
2 year, NMFS will monitor landings and close the fishery to both
3 the commercial and recreational fishery, at such time as it's
4 projected necessary to keep the ACL from being exceeded. Our
5 accountability measures only look at the ACL and not at the ACT.

6
7 In addition to Preferred Alternative 3a, which is the constant
8 catch ACL, you also have a preferred Option 3a, which is not to
9 define the ACT, because it's not needed. Like I said, that's
10 the one quirk, is that we have to change that wording about what
11 happens after 2018 if there is no new assessment. We may or may
12 not have a new assessment in time to avoid that becoming an
13 issue. Mr. Chairman.

14
15 **CHAIRMAN GREENE:** Thank you. Council, how would you like to
16 proceed from here? We need to make a change. Ms. Guyas.

17
18 **MS. GUYAS:** I am wondering, can we ask the SSC to reevaluate
19 this? I mean I think this is difficult. We're in a situation
20 now where our ACL is over 200,000 pounds. We're not in an
21 overfished or undergoing overfishing situation.

22
23 We potentially had talked about that constant catch ACL that was
24 a little bit higher than that, but then we would drop down to
25 about 160,000 pounds three years from now. It doesn't make any
26 sense how we would have this drastic drop, and I don't know that
27 we will have the assessment in time to avoid having this
28 159,000-pound ACL in 2019, based on if the assessment is
29 starting in 2018, but I think Luiz wants to come up to the
30 podium and talk about that.

31
32 **CHAIRMAN GREENE:** Okay, Dr. Barbieri.

33
34 **DR. BARBIERI:** Thank you, Mr. Chairman. This is one of those
35 situations that I brought up to your attention this morning, in
36 answering Chairman Anson's question about increasing or
37 decreasing projection yield streams and cycles in stock
38 productivity.

39
40 What happens is, at the time, right before the last assessment
41 for hogfish, the stock was at pretty high abundance, but that
42 abundance is projected to decrease over time. When you look at
43 the recruitment inputs, depending on whether you are on the
44 ascending part of that stock increasing or decreasing, you are
45 going to have different streams of recruitment.

46
47 For us, from the technical scientific perspective, it's just
48 making sure that we provide you with catch advice that is

1 sustainable, that will not cause the stock to undergo
2 overfishing.

3

4 Because those recruitment streams are decreasing over time,
5 there is no way for us to overcome that. Three years, and I
6 think that originally this was a five-year, perhaps, or was it
7 just three, yield stream, but we also varied the amount of time
8 that we provide years of projections for the yield streams, and
9 that has to do with the uncertainties that we evaluate in the
10 assessment and in the parameters that you use to configure the
11 projections.

12

13 There are some assessments that we have more confidence in and
14 we feel more confident in giving you a longer, usually five-
15 year, projection period. There are some for which we know
16 already that we don't have good inputs and we don't have as much
17 confidence, and we know that the further off you are from that
18 first year of implementing this year stream, the more uncertain
19 that estimate is, and so we're giving you a shorter time period
20 for those assessments that are more uncertain.

21

22 In this case, the issue is, if you want to -- If you had chosen
23 to fish at the yield at the F ABC for each one of those years,
24 you would have progressively decreasing ABCs over time, and
25 therefore ACLs, because that was a decreasing yield time series.

26

27 Since you chose to go with constant catch, we really don't have
28 any other option. Something that is an average up here may not
29 be sustainable three years from now as the abundance of the
30 stock has decreased to a level that no longer has the same level
31 of productivity, and so it sounds complicated, and it's one of
32 those things that I think the best solution for this issue would
33 be for us to prioritize that we're going to have an assessment,
34 an update assessment, of hogfish and that we have control over
35 that. We can have that in place so we can reevaluate what the
36 productivity of the stock is and provide you a fresh yield
37 stream for ABC and ACL.

38

39 **CHAIRMAN GREENE:** Thank you. Any questions? Dr. Crabtree.

40

41 **DR. CRABTREE:** Dr. Barbieri, this was an FWC/FWRI assessment,
42 right?

43

44 **DR. BARBIERI:** Yes.

45

46 **DR. CRABTREE:** Do you see a -- This is scheduled for when on the
47 SEDAR schedule to redo this one? Do you know?

48

1 **DR. BARBIERI:** I don't recall. I don't know if Mr. Rindone is
2 here.
3
4 **DR. CRABTREE:** I guess the key to address Martha's concern is we
5 need to make sure we have a new assessment before these catch
6 levels go down in 2019, and so I think it's something to kind of
7 file away in your work plan.
8
9 **DR. BARBIERI:** Yes, exactly.
10
11 **CHAIRMAN GREENE:** Ms. Guyas.
12
13 **MS. GUYAS:** I feel like that's -- I mean we're going to have to
14 make this a priority, especially if we end up increasing the
15 size limit here and we end up getting in a situation where we're
16 catching this ACL faster because the average size of the fish is
17 larger coming in, and so I just want to avoid getting into quota
18 trouble if we can, especially with a stock that's doing well, by
19 all accounts.
20
21 **DR. BARBIERI:** Fortunately, I know the guy who makes the
22 decision about the order of those assessments that are conducted
23 by the institute, and so it's easy for me to contact him and
24 make sure that he understands the issue fully, and I will make
25 sure I do that, Ms. Guyas.
26
27 **CHAIRMAN GREENE:** Okay. Thank you. Any further comments?
28 Okay, Mr. Atran.
29
30 **MR. ATRAN:** Okay. So everybody is understanding that, if the
31 full council stays with this preferred alternative, that we will
32 need to make that change in the wording for what happens after
33 2018? Is that correct? Okay. Then the next section is Action
34 4, which is size limits.
35
36 **DR. CRABTREE:** I would make a committee motion to change the
37 wording of the 219,000 pounds -- It needs to go to 159,000. **I**
38 **would move that we change the language in Preferred Alternative**
39 **3 and change the 219,000 pounds after 2018 and change that to**
40 **159,300 pounds after 2018.** Okay. That's the motion.
41
42 **CHAIRMAN GREENE:** Thank you, Dr. Crabtree. There's a motion on
43 the floor. Is there a second for this motion? It's seconded by
44 Ms. Bosarge. I think we've had pretty good discussion about
45 this. **Is there any opposition to the motion on the floor before**
46 **you? Seeing none, the motion carries.** With that, Mr. Atran.
47
48 **MR. ATRAN:** Thank you, and that will remain as the preferred

1 alternative. The next section is Action 4, which deals with
2 minimum size limits. If Emily Muehlstein is ready to give
3 public comments, I am just going to just briefly summarize the
4 alternatives. This was the most contentious item when we went
5 out to public hearings and when we got comments.

6
7 Basically we have four alternatives, no action, which is to
8 leave the size limit at twelve inches fork length. Alternative
9 2 would raise it to fourteen inches. Alternative 3 would be
10 fifteen inches, and the preferred Alternative 4 would raise the
11 hogfish size limit to sixteen inches.

12
13 There is a table a little bit down, Table 2.4.1, and basically
14 this indicates that if you increase the size limit that you will
15 -- If you increase it to at least fourteen inches, you will
16 essentially give the fish an extra year to spawn. If you
17 increase it to fifteen or sixteen inches, you could get up to
18 two extra years of spawning before they become eligible to be
19 caught.

20
21 However, when we went to public hearing, there was a lot of
22 concern about the sixteen-inch size limit, and so, if Emily is
23 ready, I think it might be a good idea to get the public
24 comments at this time.

25
26 **CHAIRMAN GREENE:** Okay, Emily.

27
28 **PUBLIC COMMENTS**

29
30 **MS. EMILY MUEHLSTEIN:** I am happy to do that, and I can also
31 sort of -- There was some other comments about some of the
32 actions, but they were a little ancillary to this one, and so I
33 will go ahead and give the summary of all the comments that we
34 received.

35
36 We hosted two in-person public hearings and one webinar, and
37 then we collected online comment as well. Our first public
38 hearing was in Naples, and we had five people attend that
39 meeting. Just to sort of backtrack a little bit to Action 1, in
40 Naples, regarding the stock boundary, those people supported
41 Preferred Action 1, Alternative 2, which would set that boundary
42 at Cape Sable. They said that that boundary was in no-man's
43 land, where very few people fish, and I think, down in Naples,
44 they're more affected by that boundary than most metropolitan
45 areas.

46
47 Next, when it came to the size limit in Naples, everybody in
48 Naples agreed that jumping from a twelve-inch minimum size limit

1 to a sixteen-inch minimum size limit was way too large of a
2 jump.

3
4 They argue that, since the stock is healthy, it's not even
5 necessary, and they expressed some concern that an increase in
6 the size limit would actually increase discard mortality for a
7 while, as spear fishermen sort of had to adjust, to redial in
8 what the change in the size limit looked like. However, they
9 did say that if there had to be some sort of size limit increase
10 that they were suggesting a fourteen or fifteen-inch minimum
11 size limit, rather than up to that sixteen-inch.

12
13 Then, finally, in Naples, attendees suggested that if the
14 council really feels like they need to slow the harvest of
15 hogfish, then potentially a bag limit reduction would be more
16 appropriate than a size limit change.

17
18 Then we hosted a meeting in St. Pete. We had sixteen people
19 attend that meeting, and I do want to note that, pretty much
20 across the board, everybody was in agreement with one another.
21 There was just a couple of minor things that were different, but
22 it was kind of neat to hear everybody in that room with the same
23 opinions.

24
25 Regarding the stock boundary, there was support, again, for the
26 preferred alternative. Regarding Action 2, which is I believe
27 the one you guys -- No, you were just talking about Action 3,
28 but, regarding Action 2, it was argued that the information
29 that's being funneled up MRIP couldn't be correct.

30
31 The hook and line harvest numbers were questioned there, because
32 it shows a pretty large portion of the harvest is hook and line
33 for hogfish, which may or may not be the actual truth, and the
34 people at that meeting said that there's pretty much no way that
35 it's possible that such a vast proportion of the landings were
36 from hook and line anglers, because that sort of hook-and-line
37 targeting is kind of a new thing for hogfish.

38
39 It was asked that the SSC go ahead and take a second look at how
40 conservative the ABC level is that they are setting, because
41 they were worried that maybe that landings information was
42 wrong.

43
44 Moving on to Action 3, there was support for the highest catch
45 levels that the council can possibly set. Then, for Action 4,
46 which deals with that size limit, again, most people were pretty
47 concerned about a jump all the way to sixteen. They argued that
48 that drastic increase is not necessary, because the stock is

1 healthy.

2
3 The commercial fishermen in the audience argued against the
4 preferred alternative that would increase that size limit to
5 sixteen, and they reasoned that nearly 80 percent of the fish
6 that they harvest commercially are under that sixteen-inch size
7 limit and that restaurants and consumers would be forced to use
8 imports if that size limit was increased so dramatically.

9
10 Then many people in the audience argued that potentially a
11 fourteen-inch minimum size limit was appropriate, but that the
12 limit shouldn't go above fourteen inches.

13
14 Then, finally, in St. Pete, regarding Action 5, which deals with
15 that regulation change to disallow the use of powerheads, some
16 people in the audience asked the council just to leave it alone.
17 It's not really messing with anybody. Potentially people don't
18 really harvest hogfish with powerheads, or target them with
19 powerheads, and so it might not be worth changing is what we
20 heard there.

21
22 Then, finally, at our webinar, it was said that half of the
23 commercial harvest is under sixteen inches and it's ridiculous
24 to increase that size, because it would make regulations
25 consistent with the South Atlantic. People didn't think that
26 that was a good enough rationale to increase that size limit so
27 dramatically, especially in light of the fact that the stock is
28 considered to be healthy.

29
30 Then fishermen on that webinar also asked the council to
31 consider separate allocations for hogfish for the commercial and
32 recreational sectors.

33
34 Then, moving on to the written comments that we received online
35 in the past couple of weeks, and these are actually since the
36 January council meeting, when we first talked about this, but
37 support for Action 4, Preferred Alternative 4. That's the size
38 limit action, and that was support for an increase to the
39 sixteen inches, with rationale that there is not enough meat on
40 a twelve to fourteen-inch fish.

41
42 About half of the commercially-harvested hogfish are smaller
43 than sixteen inches, and so, again, we heard that increasing the
44 size limit to sixteen would deprive the American consumer.
45 Concern was expressed that increasing the size limit would
46 increase discard mortality. Making rules that are consistent
47 with the South Atlantic is not a good rationale for increasing
48 the size limit. Since the hogfish stock is not overfished, a

1 size limit increase is unnecessary. Then, again, some support
2 for the increase to a fourteen-inch minimum size limit, and so
3 those online comments pretty closely mirror the ones that we
4 heard in person.

5
6 Then, finally, some of the other comments that we got online
7 that pertain to hogfish were the suggestion to allocate hogfish
8 between commercial and recreational fishermen, and so have
9 separate allocations for those two groups, and also a request
10 that the council reconsider the charter/headboat permit
11 moratorium.

12
13 I guess there are some folks that are doing some spearfishing
14 charters and things and are finding it hard to target fish in
15 state waters, and so they sort of reasoned that, because permits
16 are expensive and they were originally given to people that were
17 lucky enough to be in the business at the time, many licenses
18 are owned by out-of-state folks, and, additionally, the original
19 moratorium was supposed to be temporary and considered some sort
20 of exemption for guideboats that were fishing with less than
21 four passengers, and so they were kind of asking that the council
22 reconsider that. That concludes my summary of comments.

23
24 **CHAIRMAN GREENE:** Thank you, Emily. Any questions? Okay. Is
25 there further discussion about the size limit? Ms. Guyas.

26
27 **REVIEW OF DRAFT AMENDMENT (CONTINUED)**

28
29 **MS. GUYAS:** Thank you. I attended those public hearings with
30 Emily and Steven, and I thought they went really, really well.
31 We had a lot of really great discussions about the size limit
32 and other things. **Based on those comments, I would move that we**
33 **change the preferred alternative in Action 4 to Alternative 2.**

34
35 **MR. WALKER:** I will second.

36
37 **CHAIRMAN GREENE:** Okay. We have a motion going up on the board,
38 and it was seconded by Mr. Walker. It's to change the preferred
39 alternative from 4 to Alternative 2. Is there any discussion?
40 Ms. Guyas.

41
42 **MS. GUYAS:** I guess, just to reiterate what Emily said. A lot
43 of folks commented, and this was recreational and commercial.
44 They thought fourteen was more appropriate. It does give an
45 extra year of spawning time.

46
47 One of the things that I thought was interesting was there was a
48 concern about increased discards. We went to sixteen because

1 it's such a vast change in the search image that people are
2 using when they're going out to shoot hogfish, and so they see a
3 lot of fourteen now, and they felt like discards would be less
4 of an issue at that size, and so I thought that was interesting.
5 Then, also, the commercial guys that were there talked about
6 some of their trip information and about how few fish that they
7 harvest that are over sixteen.

8

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

10

11 **MR. SANCHEZ:** Thank you, Mr. Chairman. Also, some of the
12 concerns that we heard on the south side and South Atlantic and
13 southern Florida, I don't think they're shared up on the west
14 coast, in the Gulf, and so this makes sense, and that's why I
15 seconded this and support it. It makes a lot more sense. Even
16 though we were striving for uniformity in the Keys, there is
17 clearly this is an instance where the overwhelming set of folks
18 from the Gulf would prefer the fourteen, and it just doesn't
19 make sense for consistency's sake, and so I support it.

20

21 **CHAIRMAN GREENE:** Thank you for that. Any further discussion?
22 **Is there any opposition to the motion on the floor before you?**
23 **Seeing none, the motion carries.** Okay, Mr. Atran.

24

25 **MR. ATRAN:** Thank you. There is one more action, and that's
26 Action 5, which is on page 34, and this deals with a provision
27 that allows the use of powerheads to harvest hogfish in the
28 stressed area. We ended up this way because we used to have two
29 lists in the Reef Fish FMP, one of fish in the management unit
30 and the other of fish that were in the fishery, but not the
31 management unit.

32

33 Only the species in the first unit were subject to the
34 prohibition. Over time, everything in the second list either
35 got dropped out of the Reef FMP or got moved over to the first
36 list. We finally ended up with just hogfish and a couple of
37 other species, and we eliminated the distinction between the two
38 lists, but the exemption for hogfish remained on the books, and
39 so this is kind of a relic of some regulations that don't exist
40 anymore.

41

42 As was pointed out earlier, probably nobody uses powerheads to
43 harvest hogfish. I don't know if you could, and so this was jus
44 some bookkeeping to try to clean up an unnecessary regulation.
45 There is only two alternatives in here. Alternative 1 would
46 leave that exemption in place, and Alternative 2 would remove
47 the provision that exempts hogfish from the prohibition on the
48 use of powerheads to take reef fish in the stressed area, and

1 Alternative 2 is the preferred alternative.

2
3 **CHAIRMAN GREENE:** Thank you. Any discussion on Action 5?
4 Seeing none, will leave Alternative 2 as our preferred. Mr.
5 Atran.

6
7 **MR. ATRAN:** That completes the actions that are in the
8 amendment. Now we also have codified text. I don't know if the
9 Regional Office wants to go over the codified text or if you
10 want me to.

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

13
14 **REVIEW OF CODIFIED TEXT**

15
16 **MS. LEVY:** I just would point out that it's going to change,
17 because we modified the language of the preferred alternative as
18 to the ACL, and so, right now, it just has it set at the
19 constant ACL, and so we're going to have to change that to
20 reduce it down. Then you just changed the size limit, and so
21 you can take a look at it in the briefing book, but we're going
22 to have to modify those and then give you a new version, or, if
23 we don't get a new version, we're just going to have to give
24 staff license to edit it like we normally do.

25
26 Also note that the analysis in the document is going to change,
27 at least for the first -- I guess it was the second action, with
28 the ACLs, to reflect that you are going to have that decrease
29 after 2018, and so we're going to have to edit the document to
30 reflect that.

31
32 **CHAIRMAN GREENE:** So how do you advise us to go forward from
33 here? Should we just wait until full council?

34
35 **MS. LEVY:** You can forward with the normal language about giving
36 staff editorial license or you can wait until full council and
37 just see if we can provide that codified text. They are pretty
38 simple changes. I mean we're changing the size limit and we're
39 adding the piece about the reduction, and so I think, if you
40 look at the codified text now, you can see what would actually
41 change there when we make the modifications.

42
43 **CHAIRMAN GREENE:** Thank you. Committee, how would you like to
44 proceed? Crickets. Ms. Guyas.

45
46 **MS. GUYAS:** There's a motion on the board just waiting for
47 somebody to make it. I will read it. **The motion is to approve**
48 **Amendment 43 and that it be forwarded to the Secretary of**

1 Commerce for review and implementation and deem the codified
2 text as necessary and appropriate, giving staff editorial
3 license to make the necessary changes in the document. The
4 Council Chair is given the authority to deem any changes to the
5 codified text as necessary and appropriate. I guess this would
6 be to recommend that the council approve Amendment 43.

7
8 **DR. DANA:** Second.

9
10 **CHAIRMAN GREENE:** Thank you. We have a motion on the floor.
11 It's been seconded. **Is there any opposition to the motion on**
12 **the floor? Seeing none, the motion carries.**

13
14 That will complete hogfish, and we will move on to the next
15 action item, which will be Amendment 45, Extend or Eliminate the
16 Sunset Provision in Sector Separation, Review of Draft
17 Amendment, Tab B, Number 16, and Dr. Diagne.

18
19 **FINAL ACTION - AMENDMENT 45 - EXTEND OR ELIMINATE THE SUNSET**
20 **PROVISION ON SECTOR SEPARATION**

21
22 **DR. DIAGNE:** Thank you, Mr. Chair. We are going to discuss Reef
23 Fish Amendment 45. It is Tab B, Number 16, but perhaps, before
24 we go into reviewing the amendment, could I turn it over to Ms.
25 Muehlstein, so she can review the public comments?

26
27 **CHAIRMAN GREENE:** Thank you. Ms. Muehlstein.

28
29 **PUBLIC COMMENTS**

30
31 **MS. MUEHLSTEIN:** Okay. Thank you. We hosted seven hearings
32 across the Gulf on Amendment 45 and a webinar, and then we also
33 collected a pretty good number of comments online. As usual, we
34 received mixed opinions across the Gulf.

35
36 In some locations, the sentiment seemed pretty evenly split, and
37 then some locations weighed heavily in one direction or the
38 other. Across the Gulf, we mostly heard support expressed
39 either for the no action alternative or for Alternative 3, which
40 would eliminate the sunset provision for section separation. We
41 will go through each one of the public hearings first and then
42 share the thoughts that we heard online.

43
44 We started in St. Petersburg, Florida, and we had twenty-three
45 people attend that meeting. Generally, comments in St. Pete
46 were pretty evenly split. Of those who supported the no action
47 alternative, they were disappointed that the council was
48 reconsidering the sunset, especially since comments are and have

1 been overwhelmingly against sector separation.
2
3 Additionally, it was reasoned that there had been no added
4 accountability or data collection as a result of sector
5 separation. Sector separation has caused a rift between charter
6 and private anglers, who feel that the council favors commercial
7 and charter interests.
8
9 Anglers object to the privatization of the resource, and it was
10 argued that, according to the Magnuson-Stevens Act, you must
11 treat all anglers the same and cannot allocate between private
12 anglers and for-hire reef fish permit holders.
13
14 In St. Pete, those who supported Alternative 3 reasoned that
15 that sector separation was working well for the for-hire fleet
16 and that they asked the council for more time to develop
17 Amendments 41 and 42. The for-hire operators argue that they
18 are providing access to the public anglers who don't have their
19 own boats and they actually caught less fish and were more
20 profitable as a result of that headboat pilot program.
21
22 Generally, everyone was unhappy about the short private seasons,
23 and there was support for allowing the states to manage the
24 private recreational anglers, and there was also some support
25 expressed for a private recreational angler advisory panel and
26 for a higher bag limit.
27
28 Moving on to Biloxi, Mississippi, we had forty-seven attendees
29 there. Comments in Biloxi were mostly in favor of Alternative
30 3. Those who did support the no action alternative in Biloxi
31 reasoned that the Magnuson-Stevens Act only defines two sectors.
32 Additionally, the effects of sector separation needed to be
33 evaluated before that program is made permanent, and then those
34 that supported Alternative 3 in Biloxi reasoned that the
35 moratorium on charter permits separated the sectors to begin
36 with and that historical access for the non-boat owning public
37 needs to be preserved through sector separation. It was also
38 noticed that, within the state water seasons, private anglers
39 have more access than the federally-permitted charter holders do
40 under sector separation.
41
42 Moving to Panama City, there were thirty-six people that
43 attended that meeting. Comments there were also primarily in
44 favor of extending sector separation for some period of time.
45 Some of the captains expressed that sector separation was
46 working, and the for-hire operators appreciated the extended
47 federal season, but were not in support of IFQs or catch share
48 programs or intersector trading being used in the industry.

1
2 Those who were in support of the no action alternative in Panama
3 City argued that private anglers needed a longer federal season
4 and that sector separation pits charter and private anglers
5 against one another.

6
7 Moving to League City, Texas, where we had sixty-eight
8 attendees, comments there were pretty well split amongst the
9 supporters of the no action alternative and then supporters of
10 Alternative 3, which would eliminate the sunset. Of those
11 people who supported the no action alternative, they reasoned
12 that sector separation is controversial and that the sunset
13 should remain, so that the social and economic effects of the
14 program can be analyzed first. Sector separation inevitably
15 leads to catch shares and further privatization of the fishery.

16
17 Further, sector separation violates the Magnuson-Stevens Act,
18 which states that conservation and management measures shall not
19 discriminate among residences. Sector separation benefits a few
20 at the expense of many, and, since red snapper belongs to the
21 entire population of the United States, all participants in the
22 fishery should have the same season and the same access.

23
24 Those people in League City who supported Alternative 3 reasoned
25 that sector separation leads to better accountability in the
26 charter sector and the charter fleet actually underharvested
27 their annual catch limit, due to sector separation. Sector
28 separation also increases economic certainty for businesses and
29 levels the playing field for those federally-permitted vessels.

30
31 Some of the other comments that I heard in League City included
32 that states do a better job of managing the fishery and the
33 council favors commercial interests. The council uses flawed
34 data. The private anglers need to work on their own management
35 plan, and private anglers are poaching fish from federal waters
36 when the state season is open. Also that June is way too windy
37 in Texas, and so private anglers need to be able to choose when
38 they want to fish.

39
40 Moving to Mobile, Alabama, where we had forty-six people attend
41 the meeting, again, in Mobile, the comments were pretty evenly
42 split. Those that supported the no action alternative asserted
43 that sector separation is unfair and it's causing a divide. The
44 declining access to the fishery is a problem, and sector
45 separation is short-term fix to a long-term problem.

46
47 In Mobile, those that supported an extension of the sunset
48 provision mentioned that the permit moratorium effectively cut

1 off historical catch and charter fishermen used to harvest most
2 fish than they currently do. Sector separation helps the
3 fishery and the industry, and it makes the charter fleet more
4 accountable. There was also support for state management
5 expressed in Mobile and also support for electronic logbooks.

6
7 Moving over to Corpus Christi, Texas, where we had fifty-two
8 people attend, nearly all the comments in Corpus Christi
9 supported the no action alternative. Those that supported that
10 no action alternative reasoned that sector separation is forcing
11 charter and private fishermen to fight amongst themselves. The
12 economic impacts that come from the recreational industry are
13 much larger than those that come from the commercial industry.
14 Additionally, if the sunset is eliminated, then the Texas
15 charter boat industry will be gutted, because they won't get
16 enough fish. Finally, the public resource shouldn't be
17 privatized at the expense of private anglers.

18
19 Those in Corpus Christi that did support Alternative 3 said that
20 sector separation reduces economic uncertainty for the for-hire
21 sector and it allows each group to create management systems
22 that work best for them. I

23
24 n addition to those amendment-specific comments in Corpus
25 Christi, we also heard support for regional management, because
26 there are no snapper in state waters and the federal fisheries
27 data is not good enough for management. The red snapper stock
28 should be managed as a separate east and west zone.
29 Additionally, it was stated that the council doesn't listen to
30 the public and even ignored their own advisory panel when
31 voting. Private recreational anglers need to fix their broken
32 management system by developing their own management program.

33
34 Next, we go to Gretna, Louisiana, and there were seventeen
35 people that attended that meeting, and opinions in Gretna were
36 pretty well split, again. Those supporting Alternative 1, the
37 no action alternative, said that anglers fishing from charter
38 boats are no different than the private anglers, but they are
39 being divided and conquered. The effects of sector separation
40 should be analyzed before it's put into place for perpetuity,
41 and the council went against their own advisory panel's advice
42 to begin with.

43
44 Those who supported Alternative 3 in Louisiana stated that,
45 while the for-hire industry is under a permit moratorium, the
46 private recreational sector has been growing unchecked.
47 Amendment 30B forced federally-permitted vessels to fish
48 offshore, while state seasons have been expanding. Under

1 separate management, the for-hire component of the fishery was
2 37 percent under their annual catch target. Rather than tearing
3 down a program that is working, the council should start working
4 on solutions for all components of the fishery. There was also
5 support for giving management over to the state, which has
6 proven to be more competent.

7
8 Finally, we hosted a webinar, and there were fourteen people on
9 the webinar, and, again, we heard pretty split opinion there.
10 Those that supported no action believed that the historical data
11 used to determine the current allocation did not reflect
12 accurate catch levels and that private anglers should in fact
13 have a larger portion of the catch than they were given under
14 Amendment 40.

15
16 Then those who supported Alternative 3 during the webinar
17 pointed out that the status quo didn't work and that sector
18 separation will allow fishermen the chance to solve the problems
19 that they've been having.

20
21 I will move on then to a summary of the written comments we
22 received. We got quite a few written comments. I think there
23 was upwards of 300 when I did this summary on Friday, and a lot
24 of them were amendment-specific, but you will see, as I sort of
25 get to the end of this, that a lot of them were just sort of
26 general management suggestions, and I have sort of filed them in
27 a different compartment, but I'm going to go ahead and summarize
28 them for you guys anyways.

29
30 In those online comments, there was a lot of support for the no
31 action alternative. I would say the majority of those online
32 comments were in support of no action, and those who did express
33 support for no action said that sector separation is unfair and
34 unpopular. The nine-day season is unacceptably short. Private
35 anglers should have the same opportunity to fish as any other
36 type of angler. Sector separation is stealing from the public
37 to privatize the resource and give it to a for-profit industry.

38
39 State guideboats should not have been excluded from sector
40 separation. The program needs to be reviewed and evaluated
41 prior to consideration of extension. The council should abide
42 by their three-year commitment. Sector separation is a
43 disservice to private anglers, who provide more economic benefit
44 than the charter and commercial anglers.

45
46 It is too soon to seek the removal of the sunset provision.
47 Recreational fishermen should have a longer season than charter
48 fishermen. The allocation of red snapper amongst sectors is

1 disproportionate. Private anglers should not be forced to pay
2 for extra opportunities to fish on charter and commercial dude
3 trips.

4
5 Sector separation is discriminatory and disallows fair access to
6 the resource. Recreational fishermen have lower discards than
7 commercial fishermen and should be the one reaping those
8 benefits. Recreational fishermen build reefs and restore the
9 fishery, and, again, should be able to reap those benefits.

10
11 The value of the charter permits has raised dramatically, due to
12 the manipulation of regulations. Sector separation was illegal
13 to begin with, because it allocates between components of the
14 fishery rather than fishermen, and the Magnuson-Stevens Act does
15 not define the charter operators as a recreational fisherman and
16 federal for-hire reef fish permit holders are not United States
17 fishermen. The anglers fishing from those for-hire boats are
18 indeed the fishermen.

19
20 Recreational anglers outnumber all others, but were
21 unrepresented by fisheries management policy. The quota should
22 be distributed so that each sector gets an equal number of days
23 to fish. The council has created controversy between sectors
24 who used to work together. Charter and private anglers should
25 have the same regulations, and it is unconstitutional to gift a
26 public resource to a select few.

27
28 We did receive some comments in support of Alternative 3 in our
29 written public comments that we received online, and those who
30 supported the removal of the sunset provision reasoned that
31 sector separation is needed and was long overdue. The charter
32 boat sector should be protected, so that anglers without their
33 own boats can fish.

34
35 Charter vessels and headboats should be able to move forward
36 with their own fisheries management plans in Amendment 41 and
37 42. The industry wants to become more accountable. Charter
38 fishermen need more time to gather data, so better management
39 decisions can be made, and sector separation has allowed charter
40 businesses to grow.

41
42 Since we received so many comments that had content in them that
43 was not amendment-specific, I will just go through those really
44 quickly, so that I can make sure that you guys get to hear
45 those. The other comments that we received were that the
46 federal fisheries management system is corrupt and that anglers
47 have lost their faith in our system.

48

1 Support for regional management was expressed. Support for
2 state-based management was expressed. Support for the Graves
3 Bill, H.R. 3094, was also expressed. The recreational red
4 snapper season needs to be much longer. It is hard to find an
5 opportunity to fish in such a short season. The nine-day season
6 puts anglers at a significant safety risk when people are forced
7 to fish in inclement weather.

8
9 The short red snapper season has caused effort shifting and
10 inshore fisheries are now in decline, because we have forced
11 people to stop fishing offshore. Non-compatible state seasons
12 shorten the federal season for private anglers. The short
13 private season is disproportional to the commercial and charter
14 seasons. The council needs to get better fisheries data.

15
16 Consider collecting input on stock health from local fishermen.
17 Private and charter fishermen should report their catch. Red
18 snapper should be a sportfish. Red snapper should not be
19 harvested commercially. The red snapper stock is healthy and
20 the annual catch limit should be increased. The red snapper
21 population has overtaken the Gulf and is damaging other reef
22 fish populations.

23
24 Discarding red snapper during the closed season is frustrating.
25 Restrictive rules and seasons encourage illegal fishing.
26 Bycatch from shrimping and commercial fishing has a greater
27 impact on fish stock health than recreational fishing does.

28
29 Red snapper should be managed with a tag system. Give each
30 private angler twenty-five tags and allow them to harvest two
31 fish per day in a three-month time period. Consider opening the
32 private recreational season on weekends only. Amberjack should
33 not be closed during the red snapper season. Recreational
34 anglers should be allowed to fish all year long. Charter boats
35 should be fishing under the commercial annual catch limit.

36
37 Consider closing the fishery entirely until the red snapper
38 stock is healthy. Charter boats are hurting the fisheries.
39 Commercial fishermen don't report their catch honestly. The
40 council favors commercial interests. The council should listen
41 to a majority of fishermen rather than a few big shots.

42
43 Restaurants on the Gulf Coast serve farm-raised and imported
44 fish, while commercial red snapper are exported. The commercial
45 industry overfishes red snapper and feeding the country with a
46 resource should not be a priority.

47
48 Catch share systems give a public resource to a select few, and,

1 finally, U.S. citizens should not be denied their basic rights
2 to access a natural resource. That concludes my summary of all
3 of the comments that we heard on Amendment 45 and beyond.

4
5 **CHAIRMAN GREENE:** Thank you, Emily. Dr. Dana.

6
7 **DR. DANA:** Thank you, Chairman Greene. Emily, that was a good
8 overview, but, as a clarification, I covered the AP that was in
9 Panama City, and Assane was there. We counted just under sixty.
10 You had thirty-seven. We counted just under sixty folks there,
11 and I have them all listed. It's not with me right now. It's
12 at my house, but I have them all listed and what their comments
13 were, and half of them were from the Panama City fleet or from
14 Panama City. The other half were from Destin, with the
15 exception of one person from Port St. Joe. Of all of those
16 folks that came, there were only two that were opposed to either
17 extending or eliminating the sunset for sector separation.

18
19 **CHAIRMAN GREENE:** Thank you, Dr. Dana. Mr. Diaz.

20
21 **MR. DIAZ:** Thank you, Emily. That was a good summary of public
22 comments. I appreciate your hard work. Also, I just wanted to
23 make a number adjustment for the Mississippi meeting. If memory
24 serves me correctly, I think there were seventeen people in
25 attendance at the Mississippi meeting, instead of thirty-seven.
26 Thank you.

27
28 **MS. MUEHLSTEIN:** Okay, and so I'm trying to talk to Assane here,
29 and it sounds like, because we generate reports, that Assane's
30 numbers are the number of people that spoke and not the number
31 that attended, and it turns out that my numbers are the number
32 of people that attended and not the number that spoke, and so if
33 Assane was the lead on the meeting, I guess that was the number
34 of people that spoke, and so I apologize for that.

35
36 Then, just to clarify, Dr. Dana, in my record, it said comments
37 in Panama City were primarily in favor of extending sector
38 separation, and so that would be to eliminate the sunset. Are
39 we on the same page there?

40
41 **DR. DANA:** We're on the same page.

42
43 **MS. MUEHLSTEIN:** Okay. Good. Thank you. I just wanted to make
44 sure. It's hard. The language kind of got confused, as we were
45 doing these hearings, about extending the sunset or extending
46 sector separation, which are two -- It's complicated, and so I
47 just wanted to make sure that we were on the same page.

1 **CHAIRMAN GREENE:** Thank you. Any further comments? Okay, Dr.
2 Diagne.

3
4 **REVIEW OF DRAFT AMENDMENT**
5

6 **DR. DIAGNE:** Thank you, Mr. Chair. Onto the review of Amendment
7 45 itself, this is a single-action amendment, and the action is
8 on page 6 in the document. As you recall, the council did
9 select a preferred alternative during a previous meeting.

10
11 The preferred alternative selected by the council is Alternative
12 2, and your preferred option is Option 2a. Essentially, it
13 would extend the separate management of the federal for-hire and
14 private angling components for an additional three calendar
15 years, meaning that sector separation would be extended through
16 the end of the year 2020. That is the preferred alternative and
17 option that you have selected. Thank you.

18
19 **CHAIRMAN GREENE:** Thank you, Dr. Diagne. Is there committee
20 discussion? Mr. Sanchez.

21
22 **MR. SANCHEZ:** If it's appropriate, I would like to make a motion
23 that we remove the sunset provision for sector separation and
24 continue the separate management of federal for-hire and private
25 angling components. That would be Alternative 3. I will make a
26 motion.

27
28 **CHAIRMAN GREENE:** Thank you. We have a motion going up on the
29 board to move Alternative 3 as the preferred. Okay, Mr.
30 Sanchez. Is your motion correct on the board?

31
32 **MR. SANCHEZ:** Yes, I mean preferred -- We're at final action,
33 and so I'm just making a motion that we go ahead and remove the
34 sunset provision.

35
36 **CHAIRMAN GREENE:** Thank you. Mr. Walker seconded the motion.
37 Any discussion? The intent is to change the preferred from
38 Alternative 2, Option 2a, to Alternative 3. Am I incorrect, Mr.
39 Sanchez? Is that your intent?

40
41 **MR. SANCHEZ:** Whatever gets it removed.

42
43 **CHAIRMAN GREENE:** Thank you. Mr. Walker, you are fine with
44 this?

45
46 **MR. WALKER:** Yes.

47
48 **CHAIRMAN GREENE:** Okay. Any discussion about the motion on the

1 floor? Mr. Riechers.

2
3 **MR. RIECHERS:** I'm obviously going to speak against the motion,
4 but, more importantly, I'm going to go ahead and make the
5 substitute motion to move to have the preferred alternative be
6 **Alternative 1 as the substitute.** Mr. Sanchez and I have been in
7 these camps before.

8
9 **CHAIRMAN GREENE:** Mr. Riechers, is your motion on the board
10 correct as written? Okay. It was seconded by Mr. Matens. Any
11 discussion? Mr. Williams.

12
13 **MR. WILLIAMS:** I'm curious. Is there room for one more motion?
14 There's only one left, unless I want to create a new one. **I'm**
15 **going to offer a substitute to make Option 2b, five calendar**
16 **years, as the preferred motion.** I speak in favor of that
17 because I know the remaining year-and-a-half that we have is not
18 going to do it.

19
20 **CHAIRMAN GREENE:** Hold on, Mr. Williams. Let's get the motion
21 correct. Okay, Mr. Williams. Is your motion on the board
22 correct?

23
24 **MR. WILLIAMS:** That is correct.

25
26 **CHAIRMAN GREENE:** Is there a second for this motion? It's
27 seconded by Ms. Bosarge. Is there discussion?

28
29 **MR. WILLIAMS:** I speak in favor of this because we all know that
30 we can't get Amendments 41 and 42 done in the next year-and-a-
31 half, and that's when it expires, and so we have to do
32 something. Alternative 3 might get us there. I'm not sure. It
33 probably will, but, just to be sure that the council doesn't
34 have to go all through this again, why don't we go ahead and
35 extend it to five calendar years? That would take it until the
36 2022 fishing year, to be sure that we don't have to come back
37 and do another extension sometime, and so that's why I offered
38 this.

39
40 **CHAIRMAN GREENE:** Thank you. Is there further discussion? Mr.
41 Riechers.

42
43 **MR. RIECHERS:** We've certainly had some of this discussion
44 around the table before regarding this amendment, and the reason
45 why I am moving towards a no action alternative is, as we've
46 gone down this road of IFQs in the commercial industry -- We had
47 a five-year review that's now dragged on to about ten, much to
48 the chagrin of people on both sides of that equation.

1
2 Part of it is we had a headboat pilot that we have yet to see
3 the report on, and it would be interesting to see what that
4 report tells us. Now, certainly it was done by a group of folks
5 who are going to support it from a conceptual perspective, but
6 we heard this morning there was some economic analysis that was
7 going to be brought to us, and I think that would be interesting
8 to see.

9
10 The other part is, just as a general concept, we would be
11 privatizing another 25 percent of this fishery, assuming we move
12 on with 41 and 42, and that's certainly the track we seem to be
13 on.

14
15 As Mr. Sanchez and I have talked across the table before, while
16 he is support of that notion, I am not as much in support of
17 grandfathering or also giving those windfall profits that would
18 occur with that, and there are some other ways this council
19 could step back and think about doing any of these IFQ programs,
20 if wanted to do those, where those wouldn't necessarily be
21 granted that way.

22
23 In addition, my colleague down here from NMFS earlier today was
24 talking about market efficiencies and how, if you allow
25 basically the market to move and transferability to occur, then
26 you really get that market efficiency you need, and certainly
27 what we've done is we've only gotten half the loaf in any of
28 these programs we've talked about so far.

29
30 We basically have truncated the market, and we haven't allowed
31 those to move around, and so I really think we need to step
32 back, before we do any more of these, and think about how we're
33 going to do them and how we're really going to approach this, if
34 we are going to go down this IFQ route, and really create an
35 umbrella that would do it in all respects and not just do it a
36 little bit piece by piece by piece, because that's what we're
37 doing now, and, in fact, what it's done is fragmented the
38 industry and fragmented the sectors, and it's not moving in the
39 direction that we want it to go.

40
41 **CHAIRMAN GREENE:** Thank you. Dr. Stunz.

42
43 **DR. STUNZ:** Robin made a few of my points, but I don't speak in
44 favor of this motion, and I prefer the Alternative 1, but I
45 think it's jumping the gun a little bit. We haven't really seen
46 any analyses or review or evaluation for the current program
47 that we've got in place.

48

1 In addition, you know I know we don't tabulate these scores, and
2 I have no idea why. Being a scientist, I just like to see
3 numbers. I mean we look at stock assessments and things like
4 that based on the numbers, and so a group of us went back and
5 just calculated what does that look like.

6
7 I mean we're looking at roughly 93 percent of the public input
8 is against this, or 7 percent for it, and so, in that light and
9 that strong opposition, I am favoring -- I am not speaking in
10 favor of this alternative and speaking in favor of Alternative
11 1.

12
13 **CHAIRMAN GREENE:** Thank you. Any further discussion? Seeing no
14 further discussion, we have a motion on the floor before you.
15 **If you are in favor of this motion, please raise your hand,**
16 **seven; all those opposed, please raise your hand. The motion**
17 **fails eight to seven.**

18
19 That will revert back to the motion before that. In Action 2.1,
20 to change the preferred alternative from Alternative 2 to
21 Alternative 1. We've had some discussion around the table. Is
22 there any further discussion? **All those in favor in Action 2 to**
23 **change the alternative to Alternative 1, please raise your hand;**
24 **all those in opposition, please raise your hand. The motion**
25 **fails.**

26
27 That will revert back to the original motion. The original
28 motion is, in Action 2.1, to change the preferred alternative
29 from Alternative 2a to Alternative 3. Any discussion? **Seeing**
30 **no discussion, all those in favor, please raise your hand; all**
31 **those opposed, please raise your hand. The motion fails.**

32
33 I guess that reverts back to where we were before, which the
34 preferred alternative would remain as Preferred Alternative
35 Option 2a. Any further discussion? Seeing no further
36 discussion, I guess we will go back to Dr. Diagne. This was a
37 single action. Is there anything else that we need to go
38 through?

39
40 **DR. DIAGNE:** No, Mr. Chair, but, in your briefing book, you have
41 the codified text. After review, if the council so plans to,
42 you can recommend to send this to the Secretary for approval.

43
44 **CHAIRMAN GREENE:** Okay. Any further discussion? Ms. Levy.

45
46 **REVIEW OF CODIFIED TEXT**

47
48 **MS. LEVY:** Thank you. I did want to point out, in the codified

1 text, generally what is changing in there is the terminal year
2 of this. Where it used to say 2017, it says 2020, and then it
3 goes back to being together starting in 2021.

4
5 I will say that we found a small mistake in the regulations
6 related to the annual catch targets. When it talked about
7 reverting back to using the total catch target, ACT, it said we
8 were going to revert back to using the total quota, and the
9 language for that is in the quota section, but it also got put
10 in the ACT section, and so you will see, in this text, that
11 there's also a fix there, where we refer to going back to the
12 total ACT and not the quota anymore. It was a mistake putting
13 that piece in the ACT section.

14
15 **CHAIRMAN GREENE:** Okay. Thank you for that update on the
16 codified text. Ms. Bosarge.

17
18 **MS. BOSARGE:** If we can get that motion back up on the board, I
19 will make that motion. **My motion is to recommend the council**
20 **approve Amendment 45, Extend or Eliminate the Sunset Provision**
21 **on Sector Separation, and that it be forwarded to the Secretary**
22 **of Commerce for review and implementation and deem the codified**
23 **text as necessary and appropriate, giving staff editorial**
24 **license to make the necessary changes in the document. The**
25 **Council Chair is given the authority to deem any changes to the**
26 **codified text as necessary and appropriate.**

27
28 **CHAIRMAN GREENE:** Thank you. Is there a second? Mr. Sanchez
29 seconds the motion. Is there any discussion? **Seeing no**
30 **discussion, is there any opposition? Seeing no opposition, the**
31 **motion carries.**

32
33 That will wrap us up with Amendment 45, and we are scheduled for
34 a break at 3:15. Mr. Chairman, would you like to take a break
35 now or continue on until 3:15?

36
37 **MR. ANSON:** Let's go ahead until 3:15.

38
39 **CHAIRMAN GREENE:** All right. The next action item is Ad Hoc
40 Advisory Panel for Recreational Red Snapper Management and Mr.
41 Williams.

42
43 **AD HOC ADVISORY PANEL FOR RECREATIONAL RED SNAPPER MANAGEMENT**

44
45 **MR. WILLIAMS:** Thank you, Mr. Chairman. This is something
46 we've talked about off and on for the last several meetings, and
47 I mean we all know there's a lot of dissatisfaction with the way
48 that the private boat red snapper fishery is being managed.

1 Their season is very short and they're all trapped, just like
2 the commercial fishery used to be and the charter boat fishery
3 was trapped in a derby that they really don't want to be in.

4
5 I think we have to try to figure out a way to get them out of
6 the derby. Now, I know there is another group that's working on
7 this now, but they are mostly -- I think Ken described them as a
8 group of like-minded individuals that -- I don't think they
9 include many private people, and I think we really need to put
10 together a group of private boat fishermen from around the
11 entire rim of the Gulf of Mexico and ask them how they would
12 like to be managed.

13
14 Now, in my opinion, some kind of tagging operation just seems
15 intuitively obvious, but I know the council has considered it
16 prior to the time I got to the council, came back to the
17 council, and that it was, for whatever reason, resoundingly
18 rejected. However, when we were in Austin last time, we heard
19 some fishermen speaking in favor of it. They brought it up.
20 One of the very early speakers in Austin, one of the private
21 boat fishermen, brought it up and suggested some kind of tagging
22 program.

23
24 I don't know if that's the right thing to do or not. I would
25 probably, personally, vote for a tagging program, but what I
26 think we need to do is to ask these private boat anglers to get
27 together in an advisory panel and look at a series of
28 alternatives, different ways to manage this fishery, and figure
29 out how they would like to be managed.

30
31 I know that the Gulf Focus Group is working on it. Certainly
32 they will have something I think, toward the end of the year is
33 what we were told last time. We could take whatever work
34 product they have and put it in front of these guys and then ask
35 staff to generate some alternatives for them and ask them to
36 generate their own alternatives as to how they would like to be
37 managed.

38
39 I think we ought to give these private boat people a shot at
40 figuring out what they want to do, and, toward that end, if I
41 could, Mr. Chairman, I would like to offer a motion, if I
42 haven't managed to lose it already.

43
44 **My motion would simply be to assemble an ad hoc advisory panel**
45 **of private boat recreational fishermen and charge them to**
46 **develop fair and effective ways to mitigate the red snapper**
47 **derby.** Having said that, I think this is, in the long term,
48 about far more than red snapper. I mean we have vermilion

1 snapper that have a problem, amberjack, gray triggerfish. There
2 aren't any of our reef fish fisheries, perhaps with the
3 exception of gray snapper, that really can stand a lot more
4 fishing effort in it. They are mostly saturated, in terms of
5 effort, and this is going to be -- The problem is most acute in
6 red snapper, but it's a problem in gag grouper. It's a problem
7 in red grouper as well.

8
9 We have to find other ways to manage these fisheries other than
10 just size limits and seasons and bag limits, because, where the
11 problem is acute, as in red snapper, they're just not working,
12 and so I would like to go to the basic fishermen and ask him or
13 her, how do you think we could do this better and try to get
14 their input on it, and so, Mr. Chairman, that's my motion, and
15 thank you for entertaining me.

16
17 **CHAIRMAN GREENE:** Thank you, Mr. Williams. We have a motion the
18 floor before you. Is there a second for this motion? Seconded
19 by Ms. Bosarge. Is there discussion? Dr. Stunz.

20
21 **DR. STUNZ:** Like Roy mentioned, I know we've been talking about
22 this for a long time, and, Roy, I agree, and I could support
23 your motion in a way, but I have a couple of comments. As we
24 probably all saw from Ken Haddad's letter that came around about
25 the status of the two groups that are forming or have been
26 formed and have actually met several times -- By the way, there
27 are private recreational anglers on those groups. I have been
28 to one of them, and many people around this table and in the
29 audience have been there, and I can assure you there are pure
30 private recreational anglers being involved in that process.

31
32 What Ken Haddad had asked, and I happen to agree with, is that
33 we move slow here. I mean look at Data Collection. Since I
34 have joined that committee, we've been at that for five years.
35 Things happen slowly around here, and they've only been at this
36 for six months, and I think they've made a lot of progress,
37 relatively speaking, from the way that the council moves.

38
39 I think that we need to give them just a little bit more time.
40 I am all about this ad hoc panel and forming it, but I would
41 like to see them form it after the first of the year, and that
42 was what he was requesting in the letter, and I think that will
43 allow them to meet and get their thoughts together, and that can
44 form the basis of maybe where this group goes, or at least
45 provide them with some input. I could support the motion. I
46 don't know if maybe you would consider amending it to hold off
47 on this just until the end of this year.

48

1 **MR. WILLIAMS:** If I may, Mr. Chairman, I think, just from a
2 practical standpoint, it's unlikely that you have them assembled
3 before the first of the year. How many meetings do we have left
4 this year, two? Two meetings, and so you might choose -- You
5 could put out an advertisement or you could choose them, I
6 suppose, at the next meeting, but it's unlikely they would meet
7 before the first of the year.

8
9 **CHAIRMAN GREENE:** Dr. Stunz.

10
11 **DR. STUNZ:** I would prefer to wait. I mean if they wanted to --
12 If the staff, Doug, began to do things, I wouldn't be in favor
13 of calling for the AP nominations until after the first of the
14 year and these guys have met.

15
16 I mean one of the things that I learned or what really caught my
17 attention in this public testimony that we just heard on 45 was
18 how disenfranchised the private recreational angler is, and it's
19 beyond just complaining about the Gulf Council and NOAA and the
20 usual complaints. This is serious. We have pretty much lost
21 them. We're at the tipping point here, and I think they're
22 making such good progress. I don't want anything to get in the
23 way. I perfectly will support a motion like this if we just
24 hold off until the first of the year. I would support this one
25 now if we put verbiage in there that we populate it at the
26 beginning of the year.

27
28 **CHAIRMAN GREENE:** Thank you. Dr. Crabtree.

29
30 **DR. CRABTREE:** Mr. Gregory, is that pretty accurate that, even
31 if this motion was approved, that we would solicit names and we
32 probably wouldn't be able to convene this group until when, the
33 end of the year or early next year?

34
35 **EXECUTIVE DIRECTOR GREGORY:** Right. We could appoint the
36 members at the August meeting. Now, one thing that we had
37 decided in our process that's different than in the past for the
38 AP appointments is to, I guess in closed session, make a
39 preliminary set of appointments. That would be done in August,
40 and, between August and October, we would send that list out to
41 the state enforcement people for background checks and then come
42 back to the council in October for the final appointments. The
43 actual appointments won't be made until October, and then we
44 could have a meeting after the October council meeting.

45
46 **DR. CRABTREE:** Yes, and that -- I am just -- I mean it seems to
47 me that we're all in agreement that we want to do this, but it's
48 just an issue of when. I am trying to find some way to see if

1 we can't come to a consensus on it, rather than be divided on
2 it, and I wonder if there's not a way we could agree to go ahead
3 and start the process of pulling this group together, but with
4 the understanding that we're not going to convene a meeting of
5 it until we get the recommendations that come from the focus
6 group, which I believe are expected to come to us by the end of
7 the year, as far as I know.

8
9 I wonder if we couldn't agree to go ahead and start the process
10 of putting this group together, but we're not going to convene
11 them to meet until after the recommendations come, which puts us
12 early next year sometime, because I worry a little bit, Greg, if
13 we wait until next year to do this, then we're going to be at
14 our February meeting. By the time we go through the process
15 Doug just laid out, we're probably not convening this group for
16 a year, and it seems to me it would be better to get those
17 recommendations and then get this group together pretty quickly
18 thereafter, so we keep this momentum going and make something
19 good come out of this.

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

22
23 **DR. STUNZ:** I would offer a substitute motion that might fix
24 some of this, and it's exactly Mr. Williams' motion. While
25 she's editing that, Doug, I don't see any reason that the staff
26 could not start preparing this, but what I would like to add to
27 the end of that motion is: Populate that committee at the
28 January meeting and/or after we hear the results -- If someone
29 wants to help me craft this, but from the Recreational Angler
30 Focus Group.

31
32 **CHAIRMAN GREENE:** Mr. Gregory, to that point.

33
34 **EXECUTIVE DIRECTOR GREGORY:** So we will advertise for people to
35 apply for this near the end of the year, October or November, or
36 even sooner, but not make the appointments until January, the
37 initial appointments.

38
39 **CHAIRMAN GREENE:** Dr. Crabtree.

40
41 **DR. CRABTREE:** But we would start the process of soliciting
42 names and putting it together towards the second half of this
43 year, so that we could come in at the January meeting and go
44 ahead and --

45
46 **EXECUTIVE DIRECTOR GREGORY:** Correct.

47
48 **CHAIRMAN GREENE:** Mr. Sanchez.

1
2 **MR. SANCHEZ:** I am inclined to support the January notion of
3 this. It's just a matter of what's going to happen in January.
4 It's a long time from here to January. We just went through the
5 sunset discussion and went full circle with that one and ended
6 up where we started, and so it's pretty clear we all kind of
7 stand where we stand on these issues, but I have known Ken
8 Haddad a long time, and he's very sincere, I think, in what he's
9 proposing and trying to accomplish here, and I support him to
10 that end, because it is Ken, but I also want to see something
11 happen in January.

12
13 Not just to start to populate it in January, but let's start to
14 do something, so that, come January or the appropriate time, and
15 I will ask that as a question to staff, but when can we actually
16 do something with this group, meaningful, so we can hit the
17 ground running by January-ish? I don't mean start populating it
18 and then maybe we get around to doing something in March.
19 What's the timing on all of that, so I can understand exactly
20 what's going to happen with this motion? Not everybody at once.

21
22 **CHAIRMAN GREENE:** Mr. Swindell.

23
24 **MR. SWINDELL:** I have been here a few short months now, and
25 we've been working on this advisory panel since that first
26 meeting I had in I think Galveston, and I just still don't
27 understand why we can't come to grips with having an advisory
28 panel for private recreational fishing interests. I don't know
29 why it has to be an ad hoc. What is the purpose of an ad hoc
30 advisory panel? Why not make it a full advisory panel? Make it
31 last.

32
33 We could use this advisory panel for almost anything, but, right
34 now, we want it for red snapper. That's what we're after, and I
35 don't understand why we have to wait. Mr. Sanchez, I would like
36 to see us at least appoint the advisory panel in January, if
37 nothing else. I would rather have it as soon as possible.
38 We've been waiting way too long for this information.

39
40 We are constantly getting emails, all the time, by people that
41 want us to have an advisory panel for recreational, and so there
42 are people out there that really want to be able to come and
43 help us make decisions on the recreational side. I have never
44 been in favor of having, quote, a focus group out there working
45 to put something together for us. I want to see the names. I
46 want to find out more about the person individually before I
47 vote on who is going to serve for us on an advisory capacity and
48 not a focus group. No offense, but I think these people are

1 trying to get something done. I just want an advisory panel as
2 soon as we can get it. Thank you.

3

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

5

6 **MS. BOSARGE:** I was just looking at the logistics of it, Greg,
7 and I do agree with Dr. Crabtree, and I guess you're on the same
8 page, that once Ken's group comes forward with those
9 recommendations that we want to have a group ready to look at
10 those ad chew on them and analyze them and give us some feedback
11 and give us some direction.

12

13 If we go your route and we don't populate the committee until
14 January, then we go into closed session in January and we
15 populate it. Then we turn those names over to the states for
16 background checks. We would get that information back not until
17 April, at the next meeting. Hopefully everybody passed the
18 background check and we don't have to do anything and we can
19 just bless it at that point, but, if not, then we have a panel
20 that's somewhat populated, but not completely populated, and we
21 revisit it again in June, and so then we're a year from now, if
22 we don't start the populating process until January.

23

24 Would you be okay with starting the populating process at our
25 October meeting, so that maybe we could bless it in January and
26 we would have the recommendations from Ken at that point and we
27 could start moving?

28

29 **CHAIRMAN GREENE:** Dr. Stunz.

30

31 **DR. STUNZ:** To that point, Mr. Chairman, I just -- The January
32 is sort of, I guess, in a way, arbitrary. I just want to have
33 the results from the focus group first, because they might come
34 up with some suggestions and recommendations which might
35 structure how we want to do this committee, based upon whether
36 it's tags or -- By the way, they're really thinking outside the
37 box on this committee, and, depending upon what type of
38 management scenarios that they are coming up with, it might
39 influence who we put on this panel. Ken was requesting that
40 it's going to take them to the end of the year to have that
41 process done, and so that's why I am selecting January.

42

43 **CHAIRMAN GREENE:** Okay. I have a couple of people on the list.
44 Ms. Guyas.

45

46 **MS. GUYAS:** I have a couple of things. Let me see if I can
47 remember all of them. One I think was to Greg's previous
48 comment about -- I am losing it now. It's been too long now. I

1 forget what I was going to say, but I will support the
2 substitute motion. I agree with his comment just now about
3 wanting to see what this group comes up with, because it could
4 potentially drive some of the appointments, maybe, that we put
5 on this panel.

6
7 This focus group does have a lot of people on it. I think that
8 hopefully they are thinking outside the box, and they have been
9 some of the council's biggest critics, and so let's see what
10 they can come up with. Hopefully they can come up with some
11 novel ideas that we can pitch to this group.

12
13 **CHAIRMAN GREENE:** Thank you. Mr. Diaz.

14
15 **MR. DIAZ:** I would like to see what the focus group comes up
16 with also, but I think January is at least one meeting too long.
17 I tend to agree with what Leann said. I think it would be
18 better for us to have this AP up and ready to go for when we're
19 ready to schedule them for a meeting.

20
21 If we wait until January, I mean we may have some results from
22 this focus group, and we might have to wait two meetings to get
23 this group up and running, and then you know we've wasted
24 several months, and so I think, if we're going to -- I would
25 just like to have the group ready to go for when we're ready to
26 put them to work, and so I agree with Leann.

27
28 **CHAIRMAN GREENE:** To that point, Dr. Stunz?

29
30 **DR. STUNZ:** To that point, Mr. Chairman. Dale, yes, that's a
31 completely logical solution. As I said, I'm not stuck on
32 January, but so then how about we get rid of the January in
33 there and we say populate the committee after hearing results
34 from the Recreational Angler Focus Group.

35
36 **MR. DIAZ:** To that point, Mr. Chairman?

37
38 **DR. STUNZ:** Sorry. Populate this committee and convene them for
39 their first meeting after hearing results from --

40
41 **CHAIRMAN GREENE:** Go ahead, Dale.

42
43 **MR. DIAZ:** I think it -- I would have preferred to have it
44 populated for the October meeting, rather than to wait on the
45 focus group. Then, once it's populated, that group is ready for
46 us to call them into a meeting. If we wait until after we hear
47 the focus group stuff, it's going to take us two council
48 meetings to accomplish this.

1
2 We're putting probably at least four months of inefficiencies
3 into this decision, and so that would be -- I would speak
4 against the way it's currently crafted, but, if it was to
5 populate it at the October meeting, I think I could live with
6 that, because then, at the January meeting, if the focus group
7 stuff is there, we could put them to work right after the
8 January meeting. Thank you.

9
10 **CHAIRMAN GREENE:** Thank you. I've got Dr. Crabtree.

11
12 **DR. CRABTREE:** I think I like the motion the way it was, and I
13 read the word "populate" to mean that we make final appointments
14 to the panel and it's ready to go, and so I read, the way this
15 was, that we were going to form this panel at the January
16 meeting and whatever preliminary work we had to do prior to
17 January to do that, we would do ahead of time. If we could do
18 it at January, form this panel, and then go, I would be fine
19 with that.

20
21 **CHAIRMAN GREENE:** Hang on. I've got a whole list of people
22 here. Mr. Swindell.

23
24 **MR. SWINDELL:** You know, one of the things that I'm concerned
25 about is if this focus group has been working for six months,
26 how fast are they going to work in this advisory panel for us?
27 We want some response from them quicker than six months. I
28 would hate to have to wait for advice, for us to bring
29 information to the advisory panel asking them to review
30 something, and we've got to wait six months for them to come
31 back to us? I would have a tendency not to vote for any of
32 these people. Thank you.

33
34 **CHAIRMAN GREENE:** Mr. Walker.

35
36 **MR. WALKER:** I don't see any reason to keep delaying it.
37 Populate the panel in October and it's just going to be more
38 than one meeting. I'm sure they're not going to meet for one
39 meeting and decide what they're going to want. It's going to
40 take several meetings, and they can take what the focus group
41 had.

42
43 The focus groups can bring names forward to help populate the
44 panel. Let's keep moving forward. Let's not keep stalling it.
45 I mean I've said this -- This was in Key West last year and
46 everybody kept saying we need more time, we need more time.
47 When the focus group is done working, you form the AP, the ad
48 hoc, and bring forward -- Let them start to work. Let them

1 start communicating and coming up with ideas and work in
2 conjunction with the focus group. Bring everything to their
3 table. Don't leave any tools and quit delaying.

4
5 **CHAIRMAN GREENE:** Thank you. Mr. Riechers.

6
7 **MR. RIECHERS:** It's just the way people are reading this motion.
8 I thought the change that was made by Greg actually allowed you
9 to do what I think others were suggesting, which is, at the next
10 meeting, possibly make the first cut of those people. The
11 following meeting, after it goes through law enforcement, you
12 make the final vote. They're ready to go then for the first of
13 the year, but the condition is you convene them the first time
14 after you get those results, which we expect around the first of
15 the year.

16
17 Obviously we're all reading the words here a little bit
18 differently. I don't know how we reflect that in discussion or
19 how we make it clearer as to what the intent is, but that's the
20 way I read the current motion.

21
22 **CHAIRMAN GREENE:** Dr. Stunz.

23
24 **DR. STUNZ:** To that point, that's my intent. If someone wants
25 to help me craft that to ensure that's the intent, but I'm about
26 to give up here.

27
28 **CHAIRMAN GREENE:** Dr. Crabtree.

29
30 **DR. CRABTREE:** If we're all in agreement with what Robin laid
31 out as the intent, then I'm good with that, but that means we
32 start getting the list together and checking them out and we get
33 this group finalized and ready to meet. As long as we're all
34 understanding that's what it is -- If Mara has got some ideas on
35 wordsmithing, that's fine, but I'm in agreement, I think, with
36 the intent Robin just laid out.

37
38 **CHAIRMAN GREENE:** Doug Gregory.

39
40 **EXECUTIVE DIRECTOR GREGORY:** Robin just saved me from jumping in
41 the middle of this. That's the way I was reading it, that we
42 would advertise after this meeting and come back with a
43 preliminary list for the council's consideration in August and
44 so the background check between August and October and then come
45 back in October and appoint the committee, but they wouldn't
46 meet until after that final phrase had been accomplished.

47
48 **CHAIRMAN GREENE:** Doug Boyd.

1
2 **MR. BOYD:** Mr. Gregory said exactly what I was going to say. I
3 thought that's what he indicated they would do several minutes
4 ago.

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

7
8 **MR. ANSON:** I'm fine with this. Just to address a couple of
9 comments, first to Mr. Swindell's comment about your readiness
10 and eagerness to move forward and questioning, I guess, the
11 length of time that these outside groups are taking.

12
13 I went to one of these meetings, or these groups' meetings, a
14 few weeks ago, and these people, for the most part, historically
15 have just participated in the fishery just by going fishing, and
16 they have not been engaged in the process, and so a part of it
17 is education of those individuals of the process, of the history
18 and the background and of management, and limitations, as well
19 as opportunities within management, and so it takes a while to
20 get them up to speed, so to speak, and so, whether it's six
21 months or eight months or nine months, you've just got to give
22 them a little time.

23
24 To that, I want to recognize Ken Haddad and the folks that are
25 assisting him in getting those folks together and trying to talk
26 about the issues in a very serious and formal process, as much
27 as that can be achieved in that type of an environment.

28
29 I just, again, appreciate Ken's willingness to take that on, to
30 get to this point, and to bring like-minded folks. We will see
31 what they produce, as to what kind of minds they have, but they
32 are like-minded folks that are concerned about the fishery and
33 where it's gotten to, and so I too am looking forward to some
34 neat ideas and some progressive thinking.

35
36 I also want to commend Mr. Williams on his persistence of this
37 issue and trying to accommodate his request and such, as he is
38 going to be leaving us, but, anyway, I am in support of this
39 substitute motion.

40
41 **CHAIRMAN GREENE:** Mr. Swindell, to that point, and then Myron
42 will be next.

43
44 **MR. SWINDELL:** Just what are we expecting? What kind of results
45 are you expecting from the focus group? What are they going to
46 give? Are they going to report something to the council? I
47 mean who has asked them for what? I'm just trying to figure out
48 what are we waiting for them to tell us. Thank you.

1
2 **CHAIRMAN GREENE:** Mr. Anson.

3
4 **MR. ANSON:** Ken is the audience, I think, and he can address it
5 at public testimony, or come up here to the podium, but my sense
6 is that they're going to try to offer some ideas from their
7 perspective on their needs and their wish list and such. I
8 don't know much else. I mean it's trying to wrap their minds,
9 again, around the issue, around the process, and come up with
10 some ways that they feel like would be appropriate to address
11 their needs and their concerns.

12
13 **MR. SWINDELL:** Not on the red snapper fishery issue, but on how
14 to operate an advisory panel? I mean I'm a little confused as
15 to what we're expecting for them to do for us.

16
17 **MR. ANSON:** They're going to come up with a suite of ideas,
18 recommendations, from their perspective, from the group that
19 they put forward, as to what the council can do in order to
20 address these issues that we're talking about, whether it's the
21 red snapper fishery or if it's some other fishery and their
22 access to it, and so that's what I anticipate that they will
23 bring forward.

24
25 Then that could be very helpful for this group that we put
26 together as well, and they might be populated with some of the
27 same individuals, and there might be some other individuals on
28 there, but at least I think that they will be able to provide
29 some good talking points that our group will be able to take
30 forward.

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

33
34 **MR. FISCHER:** Thank you, Mr. Chairman. I think the unknown
35 issue on the substitute motion is the date you're going to hear
36 the results from this group, and they would be holding up -- Now
37 you have a non-council group meeting and holding up the
38 progress, based on when their results are going to be ready, and
39 if maybe you could add a date certain, whoever made and seconded
40 the motion, if they would be able to create a date certain.
41 Maybe during the break, something like this could come, and we
42 could vote on it after the break, but it's an unknown right now.

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

45
46 **DR. CRABTREE:** Well, I mean it is a little open-ended, but I
47 think we all understand that if we get -- I think we're
48 expecting to get something from this group the end of this year

1 or early next year, and if that becomes substantially delayed,
2 then I think we're likely going to move forward.

3
4 You know what's holding us back on doing something with the
5 private recreational side is a lack of any common view as to
6 where to go with it, and, for us to succeed in managing that
7 sector, we're going to have to have some consensus that we can
8 get all the states to buy into, so that we have one management
9 strategy we're going to follow with them that everybody gets
10 onboard now, rather than all these different seasons and this
11 hodge-podge of management that we have now, which I think nobody
12 is happy with, but, if you ask me what's the alternative, I am
13 not sure what people will buy into and where we can get to, but
14 I think the understanding here is that we want to get something
15 from this group by the end of this year or early next year. If
16 that gets substantially delayed, then my expectation is we would
17 likely move on ahead.

18
19 **CHAIRMAN GREENE:** Mr. Riechers.

20
21 **MR. RIECHERS:** I am going to kind of address a little bit of
22 Ed's, and feeding off of what Roy just said. Ed, I think,
23 several meetings back, when this came up, I spoke to it, and I
24 wasn't certain what this group, the current group that's
25 meeting, or even this group would do for us, because we've got
26 numerous reports and past groups that have met and laid out kind
27 of a laundry list of different options that could be looked at
28 and used, all of them somewhat constrained by the current
29 landings system, the current way we approach the fisheries
30 management aspect of the recreational fishery, a host of
31 reasons.

32
33 I don't know that it's going to change the current seasons or
34 anything like that, but what I think the group is at least
35 trying to do is get their head together and speak as one voice,
36 if they can. There is a lot of different nuances of those
37 voices, from the Keys all the way to Brownsville, Texas, as you
38 go across the Gulf, and I think they're trying to get their arms
39 around some of those differences and some of those desires.

40
41 Whether they will come forward with anything, I don't know that
42 I necessarily -- Fair and effective, I don't know exactly what
43 that means, but they will obviously come together and bring us
44 some suggestions and then our group will meet and chew on those
45 suggestions that this group brings forward.

46
47 **CHAIRMAN GREENE:** Okay. Thank you. I think we've had a good
48 discussion about this. Ms. Levy is going to save us all.

1
2 **MS. LEVY:** No, but I just wanted to -- I think we all know this,
3 and we understand it, but I just want to emphasize that this
4 Recreational Angler Focus Group is not a council AP, and so
5 we're kind of -- They're going to come with recommendations and
6 all of that, and that's fine. They can present recommendations
7 as a public comment, be a part of the public commenting, but I
8 just want to make sure, for the public, that there is a
9 difference between this group and an AP that the council
10 appoints, because that AP is a council group.

11
12 It follows the public procedure and is actually providing direct
13 advice to the council, whereas this would be more of a public
14 comment type of recommendations that would be submitted for your
15 consideration.

16
17 **CHAIRMAN GREENE:** Thank you, Ms. Levy. I have withheld my
18 comments, and will do so. However, I will tell you that I do
19 not like any motion of this type of nature that does not have
20 some type of date certain mentioned in there. There is no
21 guarantee that we will receive that report. With that, I will
22 go ahead and put it up for a vote. There is a substitute motion
23 on the floor. **Is there any opposition against the motion?**
24 **Seeing three in opposition, the motion carries.** With that, we
25 are up to our scheduled break time. We will take a fifteen-
26 minute break and resume fifteen minutes from now.

27
28 (Whereupon, a brief recess was taken.)

29
30 **CHAIRMAN GREENE:** We're going to pick up the next action item,
31 which will be the Standing Reef Fish SSC Report, Tab B, Number
32 19, and SSC Representative, and I guess that will be Dr.
33 Barbieri again.

34
35 **STANDING AND REEF FISH SSC REPORT**
36 **SEDAR 45 VERMILION SNAPPER STANDARD ASSESSMENT**

37
38 **DR. BARBIERI:** Yes, Mr. Chairman. It's me again. I have a
39 brief presentation, in this case, to help guide the discussion,
40 and I'm going to try to keep this as brief as possible. Of
41 course, you already have, as part of your briefing book package,
42 you have our full report, which goes into a lot more detail
43 regarding these items.

44
45 The first item for us to discuss is SEDAR 45, the Vermilion
46 Snapper Standard Assessment that was just completed, and it was
47 reviewed by the SSC. Just a reminder, a refresher, for you
48 that, for standard assessments, those assessments, just like

1 updates, they are not reviewed by CIE reviewers. They are just
2 reviewed by the SSC, and so we take these reviews very, very
3 seriously, and not that we don't take all of them, but we try to
4 go into a heck of a lot more detail regarding these types of
5 reviews, because we are really the only ones providing you with
6 that level of review before recommendations.

7
8 The stock was determined to be not overfished and not undergoing
9 overfishing. The assessment model was the SS3, Stock Synthesis
10 3, Model, using a statistical catch at age type of approach.
11 The stock-recruitment relationship was not properly estimated by
12 the data available, using the data available, and so the
13 assessment was based on proxy reference points. In this case,
14 it was 30 percent SPR.

15
16 This is a critical recommendation from the SSC in accepting the
17 analytical team's suggestion of 30 percent SPR. At the last
18 assessment of vermilion snapper, we had an Fmax level of proxy
19 instead of using 30 percent SPR, due to some of the technical
20 issues within the assessment model. In this case, just to
21 clarify, we are using 30 percent SPR reference points.

22
23 The SSC considered application of the P* method according to our
24 ABC control rule, but then decided against it, basically
25 because, as we go through our ABC control rule, one of the main
26 points that we want to evaluate is whether the assessment
27 properly captures the level of uncertainty that is expected to
28 exist within that assessment, and, in this case, we knew that
29 there were several issues that couldn't be explicitly integrated
30 into the model or accounted for in the uncertainty assessment,
31 and so we decided to forego application of our ABC control rule
32 and make a recommendation of ABC based on yield at 75 percent of
33 F 30 percent SPR. For OFL, it was the yield at F 30 percent
34 SPR.

35
36 Here, you have the results in that table. That same table is in
37 your report as well. The resulting yield streams are declining,
38 and so the SSC decided to, at your direction, provide a five-
39 year constant catch ABC as well as the regular ABC and OFL yield
40 streams at the constant F level, and so you can see there, on
41 the left, the two columns for OFL and ABC at constant F and then
42 the constant catch ABC on the right.

43
44 That is pretty much what I had planned, Mr. Chairman, in terms
45 of discussion of the vermilion snapper standard assessment,
46 SEDAR 45, and I will pause there if there any questions
47 regarding this item.

48

1 **CHAIRMAN GREENE:** Thank you, Dr. Barbieri. Any questions? Mr.
2 Atran.

3
4 **MR. ATRAN:** Thank you. I don't know if you want to address this
5 now or wait until Dr. Barbieri completes his report, but, if you
6 look at those ABCs under both constant catch and constant catch,
7 they're all lower than the current ACL. Currently, we have a
8 3.42-million-pound ACL, and so we are going to have to start an
9 action to revise ACLs for the vermilion snapper stock. I am not
10 sure if we need a motion to do that or not, but it's something
11 we need to do.

12
13 The other thing, as Dr. Barbieri pointed out, is that, in this
14 assessment, they used an MSY proxy of 30 percent SPR.
15 Previously, they had used Fmax. They had also used 30 percent
16 another time in the past. In our FMP, I believe it's Amendment
17 23, which was the vermilion snapper rebuilding plan back when we
18 thought the stock was overfished, the council had actually
19 rejected proxies and had stated that we should actually use the
20 point estimate of MSY rather than a proxy.

21
22 I believe we should go with whatever the SSC is recommending,
23 which is 30 percent SPR, but, in order to do that, that requires
24 a full plan amendment, and so we have a couple of ways we could
25 go with that.

26
27 Number one, it's already in the process of being addressed in
28 Amendment 45, which is the MSST and MSY proxy amendment that
29 we've been working on. That's going kind of slow, and so there
30 will be a disconnect between when the ACLs get changed and when
31 the proxy gets changed.

32
33 The other thing is we could do those together in the same
34 action, but that means that the ACLs and the proxy would have to
35 be a new plan amendment, and so I would leave it up to you to
36 decide which you prefer us to do, do a plan amendment, in order
37 to simultaneously change the proxy and the ACLs, or just do a
38 framework action on the ACLs now and the proxy will change
39 whenever we're able to finally get finished with that MSST
40 amendment.

41
42 **CHAIRMAN GREENE:** Thank you. You said we were going to do
43 something to revise the ACL because of the constant catch. Is
44 that something to this species specifically or all species?

45
46 **MR. ATRAN:** No, and it doesn't matter whether you do the
47 constant catch or the constant F. Right now, our ACL is 3.42
48 million pounds. You can see we're going to be at, next year,

1 either 3.21 or 3.11 million pounds for the ABC, and so we're
2 above the ABC right now, or what will be the ABC, and so we need
3 to take an action to change our ACLs.

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

6
7 **MS. LEVY:** When you were talking about doing a plan amendment or
8 doing a framework, I guess I'm just wondering how we separate
9 needing to respecify the MSY from then actually adopting these
10 ABC and OFL recommendations and the catch levels. It seems like
11 they need to happen at one time, ideally, and so I mean my
12 suggestion would be to do it all in a plan amendment.

13
14 **CHAIRMAN GREENE:** Okay. Thank you. Ms. Levy has advised us
15 that we probably should go down the road of a plan amendment
16 here. Anybody want to dive into initiating a plan amendment?
17 Dr. Barbieri.

18
19 **DR. BARBIERI:** Not to that point exactly, Mr. Chairman, but just
20 as a piece of advice. I mean, as you look at this plan
21 amendment, you might want to think about the language there that
22 specifies what your OFL metric is, because the case of having a
23 direct point estimate of MSY, as Mr. Atran discussed earlier,
24 that is something that sometimes cannot be obtained.

25
26 For example, in the case of this assessment, if we were to use,
27 to be tied directly to an estimate of MSY, the SSC most likely
28 would have been unable to accept this as the best available
29 science, because there was no informational content in the data
30 to estimate MSY directly. This is why we are recommending a
31 proxy, because that estimation could not be achieved.

32
33 What happened since we -- I don't know when that amendment was
34 originally put together with that FMP, but what happens is, for
35 all the assessments that come before you, usually at the
36 assessment workshop stage, the analytical team will look at the
37 ability to estimate MSY.

38
39 Sometimes they go with it and actually provide the review panel
40 or the SSC with an estimate of MSY, which the review panel or
41 the SSC may or may not accept, depending on issues with the data
42 or the estimation procedures used, you know will the ability of
43 the data content there be enough for that estimation to be
44 produced.

45
46 In those cases, we go with an MSY direct estimate. In other
47 situations, when we cannot estimate them, we actually recommend
48 a proxy, SPR-based proxy, reference point instead of going to a

1 direct MSY estimate, and so there is a technical issue here
2 about our ability to estimate MSY that I think you should be
3 cognizant of as you review that FMP, because, in many cases, in
4 the vast majority of the cases, more than 90 percent of the
5 assessments that are presented to you, they do not have a direct
6 MSY estimate. Usually we have to recommend proxies, because we
7 can't estimate the stock recruitment parameters.

8
9 **CHAIRMAN GREENE:** Thank you. Now I'm really confused. I've
10 done real good today, but right now -- Ms. Levy is advising that
11 we should look at a plan amendment, but Dr. Barbieri is saying
12 we need to be careful with the proxies and that sort of stuff,
13 and so somebody raise their hand and come up with something
14 quick, because I don't know what to tell you to do. Mr.
15 Williams.

16
17 **MR. WILLIAMS:** It sounds like we need to do a plan amendment,
18 right? That's how I am -- I don't understand much of this, but
19 I understand a little of it, and so I'm going to -- **I will offer**
20 **a motion that the council begin a plan amendment, and I will**
21 **probably need Steve's help here. The council begin a plan**
22 **amendment to specify ABC, ACL, and FMSY proxies for vermilion**
23 **snapper. Steve, is that -- Tell me what I need to put in here.**

24
25 **MR. ATRAN:** Okay. The council begin a plan amendment to specify
26 the -- Take the ABC out. The council doesn't specify that. The
27 SSC does. To specify ACL and MSY proxy for vermilion snapper.

28
29 **MR. WILLIAMS:** FMSY proxy.

30
31 **MR. ATRAN:** Just MSY proxy, I think, because that will cover the
32 whole range of what's covered under that 30 percent SPR.

33
34 **MR. WILLIAMS:** **For vermilion snapper.**

35
36 **MR. ATRAN:** For vermilion snapper.

37
38 **CHAIRMAN GREENE:** Okay. Mr. Williams, is that your motion?

39
40 **MR. WILLIAMS:** Yes.

41
42 **CHAIRMAN GREENE:** Is there a second for this motion? It's
43 seconded by Mr. Walker. I have one question. Does it have to
44 be for vermilion snapper or is there any utility in doing this
45 for other species? Mr. Atran.

46
47 **MR. ATRAN:** We are doing it for other species. That's what the
48 Amendment 45 MSST and MSY proxy amendment is doing, and we

1 should be coming to final action on that amendment sometime next
2 year also. It's just that we're probably not going to be on the
3 same timetable as the amendment that changes the ACL.

4
5 As Mara said, technically, we're going to be in violation of how
6 the ABC is supposed to be specified for a short period of time
7 if we just do it the way we're doing it right now, which is to
8 do those things in two separate actions. Doing them together in
9 the same action, we don't have that issue of being out of sync.

10
11 **CHAIRMAN GREENE:** Okay. Thank you. We have a motion on the
12 floor, and we've had discussion. Any further discussion on the
13 motion? **Seeing no further discussion, is any opposition to the**
14 **motion on the floor? Seeing none, the motion carries.** Dr.
15 Barbieri, did you have anything --

16
17 **DR. BARBIERI:** Not any more on vermilion snapper

18
19 **CHAIRMAN GREENE:** Okay. Mr. Atran, did you -- Okay. So you've
20 got more presentation to go, is that correct?

21
22 **DR. BARBIERI:** Yes, just a few more slides, Mr. Chairman.

23
24 **CHAIRMAN GREENE:** Thank you, Dr. Barbieri, again.

25
26 **GROUPE-TILEFISH IFQ FIVE-YEAR REVIEW (MARKET POWER ANALYSIS)**

27
28 **DR. BARBIERI:** I am going to have to be fairly brief about this,
29 because this is completely outside of my area of expertise, but
30 one other item reviewed by the SSC primarily by the
31 Socioeconomic SSC, was this evaluation of the IFQ five-year
32 review for the commercial IFQ program, that is grouper-tilefish,
33 and that was accomplished by Dr. Glenn Mitchell. He presented
34 an analysis of market power under quota share and quota
35 allocation caps to the Socioeconomic and the Standing and Reef
36 Fish SSCs.

37
38 Some of the issues that were evaluated by Dr. Mitchell were in
39 term of the relevant market. Has activity allowed participants
40 in this IFQ to exercise market power? Basically, the conclusion
41 of his analysis was that, no, he couldn't detect anything in
42 there that would indicate a disproportionate market power for
43 participants of this commercial IFQ program.

44
45 Then, regarding the market power, does it exist under the
46 current accumulation caps? You may remember Dr. Lasseter this
47 morning, and Dr. Diagne as well, talking about the issue of how
48 the current IFQ programs are structured and whether you have

1 caps for participants to hold shares in general and in regard to
2 different species groups.

3
4 Basically, the second part of Dr. Mitchell's analysis was to
5 evaluate whether -- Even though, in general, the market power
6 was not detected in his analysis, whether that could be detected
7 relevant to specific species groups and accumulation caps, and,
8 again, his conclusion was that, no, that is not existing.

9
10 Then he went on to make some recommendations. Regarding the
11 quota share, no apparent inefficiency is caused by the current
12 caps on quota share, and so relevant cap would be on the
13 aggregate holdings for all IFQ-related Gulf of Mexico reef fish,
14 which has a cap of 15 percent.

15
16 **DR. MIKE TRAVIS:** Just to clarify, you said the current cap is
17 15 percent. That's not the current cap. That was just a
18 recommendation that Dr. Mitchell made in his analysis.

19
20 **DR. BARBIERI:** Okay. Can you tell us what the current cap is?

21
22 **DR. TRAVIS:** They vary by species.

23
24 **DR. DIAGNE:** The current caps we have are by species or species
25 groups. For example, in the grouper-tilefish, we have one for
26 tilefish and one for red grouper, et cetera.

27
28 **DR. BARBIERI:** My understanding is that there is a cap for the
29 aggregate of all the species and there is a cap within species
30 groupings.

31
32 **DR. DIAGNE:** Yes, and perhaps it was just the way in which the
33 recommendation was framed, but we have, let's say, species or
34 species group specific caps, but part of the recommendation
35 would be along the lines of what you discussed, that an
36 aggregate cap of around 15 percent would not result in any
37 market power, and so that's the point you were making.

38
39 **DR. BARBIERI:** Yes, and thank you so much. Next, then you guys
40 might want to help me with this one as well, which is the caps
41 by species groups, according to him, were not necessary, and, at
42 a minimum, cap at the current level of 7 percent, or whichever
43 is higher. That was a recommendation, correct? Okay. Any
44 questions?

45
46 **CHAIRMAN GREENE:** Ms. Beckwith.

47
48 **MS. BECKWITH:** Luiz, can you define "market power" for me, just

1 so I can put it all in perspective?

2
3 **DR. BARBIERI:** Actually, I could probably not do a good enough -
4 - I'm being honest, because I might as well -- Can we get one of
5 the economists here? Then you get one of the correct don't-
6 kill-the-messenger kind of things. Gentlemen.

7
8 **DR. TRAVIS:** That is an excellent question. The answer is
9 market power simply means the ability of a particular
10 individual, business, or other entity to dominate or control a
11 market by the ability to control production and thereby control
12 prices in the market.

13
14 **CHAIRMAN GREENE:** Okay. Thank you. Mr. Anson.

15
16 **MR. ANSON:** I guess, Dr. Travis, this slide here -- It seems
17 like these two bullets are opposite one another. Not necessary,
18 but, at minimum cap at the current level of 7 percent, and so
19 could you provide some clarification on that?

20
21 **DR. TRAVIS:** I didn't put together these slides, just to let you
22 know.

23
24 **DR. BARBIERI:** No, those are my slides. My understanding, and I
25 apologize for not -- This is one of those things that perhaps
26 next time we can have the Chair of the Socioeconomic Panel come
27 and give the presentation, because it requires a level of
28 understanding. I guess that's how you guys feel when I talk
29 about stock assessments. I think that everything is so exciting
30 and you guys are like, oh, come on, Luiz, this presentation was
31 very hard for me to go through. Please, Assane.

32
33 **DR. DIAGNE:** Essentially, the information provided by Dr.
34 Barbieri is in line with the report provided by Dr. Mitchell and
35 also in line with the recommendations. These two bullets, what
36 they simply say would be that, given our current conditions, the
37 caps by a species level or species groups would not be
38 necessary, because there is, at the end of the day, no evidence
39 of any market power.

40
41 However, if one wanted to still consider them, then caps on the
42 order of the 7 percent would be still okay. Really, the bottom
43 line is, given the programs that we have in the Gulf, meaning
44 red snapper and grouper-tilefish, and given the existing caps
45 that we have, there is no evidence, to date, that there is
46 market power. That's all.

47
48 **CHAIRMAN GREENE:** Mr. Anson.

1
2 **MR. ANSON:** Dr. Diagne, was there anything in the report that
3 mentioned what the maximum should be, based on the current
4 fishery, or was that not analyzed or could not be analyzed?
5

6 **DR. DIAGNE:** No, if the caps that you currently have are
7 essentially not leading to any market power, and, if you recall,
8 our caps were based on the largest amount assigned to a single
9 entity during initial apportionment, and, so, really, there is
10 really no use in looking at higher level caps, if you would.
11

12 **CHAIRMAN GREENE:** Thank you. Any further discussion? Okay.
13

14 **DR. BARBIERI:** If not, I am glad to say let's move on to the
15 next slide.
16

17 **CHAIRMAN GREENE:** Okay, Dr. Barbieri.
18

19 **SSC MEMBERS SERVING AS COUNCIL STATE DESIGNEES**
20

21 **DR. BARBIERI:** The topic that we discussed was -- Mr. Atran had
22 given me a list of the topics that he felt would be the most
23 relevant to bring up regarding SSC discussion, and this is
24 something that was presented to the committee regarding --
25 Apparently there is a recommendation, potential recommendation,
26 that a current SSC member serves simultaneously as a council
27 member.
28

29 Apparently, according to Mr. Atran, the council has requested
30 that the SSC provide some feedback to you regarding our thoughts
31 regarding this issue, and the SSC discussion was that no major
32 concerns, but the committee felt that this could represent a
33 potential conflict of interest regarding the strictly scientific
34 versus the management component of the two bodies.
35

36 For example, the SSC member/council designee might end up voting
37 twice on the same issue. We are, as an SSC, still operating
38 under Roberts Rules, and we have a voting system, just like what
39 you have here, and so you would have voting on issues regarding
40 the motions that come before the SSC. In many cases, the same
41 topics are revisited here by you and then have that vote again.
42 Basically, it's an undue perception of power regarding decision
43 making on specific issues.
44

45 However, there was one SSC member from our Socioeconomic Panel
46 who actually has served as both an SSC member and a council
47 member in the Mid-Atlantic, and, personally, he did not feel
48 that this represented a conflict of interest. He was able to

1 function in both of those bodies without any problem, but this
2 gives you the scope of discussion that the SSC had regarding
3 this issue, although there were no major concerns, and we are
4 going to leave it up to you to make that final decision. I will
5 pause again, Mr. Chairman.

6
7 **CHAIRMAN GREENE:** Thank you, Dr. Barbieri. Any questions or
8 discussion? Dr. Ponwith.

9
10 **DR. PONWITH:** Thank you, Mr. Chair. Of course, I don't have a
11 vote in any of this, and I certainly appreciate the reflections
12 of the SSC. To me, just from a science standpoint, the ability
13 to segregate the decision making process from a management
14 perspective, from the decision making process from the science
15 perspective, I believe builds a much more rich approach to
16 accomplishing both of those, and it's actually reflected in the
17 way that NOAA is established right now.

18
19 We have separate chains of command for the management side of
20 the work that we do and separate chains of command from the
21 science side, and, again, it's so that those two things can
22 function independently of one another but inform one another.
23 In my view, that's been a constructive organization for us.

24
25 **CHAIRMAN GREENE:** Thank you for your comments. Any further
26 discussion? Okay. Dr. Barbieri.

27
28 **METHODS TO ADDRESS RECREATIONAL RED SNAPPER ACL UNDERHARVEST**

29
30 **DR. BARBIERI:** Thank you, Mr. Chairman. The last item for
31 discussion today from the SSC is how to handle the recreational
32 red snapper ACL underharvest. Two basic approaches are being
33 considered, and you know all of this, but opening a supplemental
34 season later in the year, when underharvest occurs, or carry
35 over the underharvested ACL to the following season.

36
37 Basically, the SSC recommended the second option there, that we
38 felt that it would be better to carry over that underharvest to
39 the next year, and the reason being basically all the
40 complications associated with the length of different state
41 seasons for red snapper and the unpredictability that that would
42 lend to the process of really being able to evaluate what could
43 be harvested during that supplemental season later in the year
44 and then the risk of having that supplemental season cause some
45 kind of overharvest that would put us back in terms of what the
46 quota would be available for the following year.

47
48 We felt that, from a data collection perspective and from a

1 probable cause of potential problems for next year's ABC and ACL
2 determination, that it would be easier for you to go with Option
3 Number 2. Whatever option you decide to go forward with, we
4 recommend that you institute this on a pilot basis for three
5 years, so we can evaluate the performance of this metric and
6 then provide some feedback and readjustment, if necessary.

7

8 **CHAIRMAN GREENE:** Thank you. Mr. Diaz.

9

10 **DR. DIAZ:** Dr. Barbieri, I did read you all's report, and I
11 fully understand the complications of all the things that come
12 in with trying to do a supplemental season. Did you all happen
13 to discuss the fact that now we have sector separation in place,
14 and I guess last year is kind of a good example.

15

16 The charter/for-hire group did not reach their ACT. They were
17 slightly under it, and we could have a situation -- I guess the
18 complicating factor is how the waves hit, because, right now,
19 their season, I believe, stretches into Wave 4, and we probably
20 don't get those numbers until so late in the year that it's
21 difficult, but, anyway, that's kind of -- I was the one that
22 originally brought this up, and I was just trying to figure out
23 a way where we could get these guys more days on the water is
24 all I was trying to do, but did you all specifically talk about
25 the separate sectors or did you all talk about the private
26 recreational and the charter/for-hire in one group?

27

28 **DR. BARBIERI:** My recollection, and Mr. Atran was at the meeting
29 and so he can help refresh my memory if I am misremembering
30 something, but my recollection is that we treated this as just
31 one whole group, and the discussion was fairly preliminary. We
32 didn't have a detailed presentation on this that would go over
33 different scenarios or start organizing different options for us
34 to evaluate, and so we may have missed some of these other
35 issues.

36

37 We tried to keep our advice also really relative to the
38 technical and scientific components of this. Of course, you are
39 the body that manages the fishery and can best address what
40 those management needs are with trying to provide advice, in
41 terms of what would be the potential technical complications
42 associated with implementation of either one of these options,
43 and so we have missed that perspective. That wasn't really
44 fully evaluated by us.

45

46 **CHAIRMAN GREENE:** Okay. Thank you. Kevin.

47

48 **MR. ANSON:** Thank you, Mr. Chair. While Dr. Barbieri is up at

1 the podium, he might be able to weigh in on this, but, Steven,
2 could you give an update as to where we are with Amendment 44,
3 relative to the work the council has to do and what staff has to
4 do, potentially, to bring it to the council and then what the
5 SSC would have to do, once we hand it over? Can you provide an
6 update on that, please?

7
8 **MR. ATRAN:** Yes. Well, first of all, Amendment 44 is combining
9 a couple of actions that the council asked staff to work on.
10 The first was on red snapper. Some of you may remember that
11 last year we asked the Science Center and the SSC to evaluate a
12 number of different MSY proxies for red snapper, from 26 percent
13 down to 20 percent, and that analysis was done by the Science
14 Center.

15
16 It was presented to the SSC, I believe in May of last year, and,
17 without remembering the exact details, the SSC felt that the
18 current proxy of 26 percent SPR, that there was no reason to
19 deviate from that at this time. However, we were going to start
20 an action to give the council, through a plan amendment, the
21 option of changing the proxy if they wished.

22
23 At the same time, we were starting work on a more generic
24 amendment to try to make sure that we had MSY proxies and
25 minimum stock size thresholds and maximum fishing mortality
26 thresholds for all of our reef fish species, even the ones where
27 we really have very little data on, simply because the Magnuson-
28 Stevens Act requires that we have those, or the National
29 Standards. I forget which, but one of those does.

30
31 Since they were related to each other, we combined those into
32 one larger action, and that's been going a little bit slowly. I
33 am starting to try to pick it up again now, and I did present
34 the draft options paper, in its current format, to the SSC at
35 this last meeting, to see if they had any input that might help
36 me improve on it. I'm really not that satisfied with where I am
37 right now on it.

38
39 The SSC took a look at it. We started getting into some
40 discussions about what are appropriate levels of SPR or other
41 MSY proxies, and I don't know if you wanted to get into the
42 discussion of maybe forming a separate panel or not, but the SSC
43 has requested that we bring this up again at the next meeting
44 for further discussion.

45
46 **CHAIRMAN GREENE:** Kevin.

47
48 **MR. ANSON:** I don't know, and, Dr. Barbieri, you might be able

1 to provide a little bit more light, but perhaps that's the best
2 way forward. If you need some help or they can provide some
3 more clear information, I guess, in the help of the development
4 of the plan amendment to come back to the council, but, Dr.
5 Barbieri, do you have any comments on that?
6

7 **DR. BARBIERI:** Yes, I would be glad to look into that. My
8 preference, and that, I think, is the general feeling within the
9 SSC, is that, instead of having this as just a subcommittee
10 within the SSC, that we can expand the group a bit more to
11 integrate other people, from the Science Center, for example.
12 It would be great to get their participation in this process and
13 other scientists outside of the SSC currently who may have done
14 a disproportionate amount of work looking at those issues of
15 stock recruitment and carrying capacity and compensatory reserve
16 and reproductive capacity of stocks and all of that. They can
17 come and help us address those issues.
18

19 I believe Mr. Atran mentioned that it would be -- For that to go
20 ahead this way, we would have to have your authorization to
21 proceed, that we would discuss this at our next meeting and
22 potentially develop a preliminary list of potential participants
23 and discuss some of the potential terms of reference and charge
24 of the group. Then they will be bringing this back to you for
25 your evaluation and final approval.
26

27 **CHAIRMAN GREENE:** Thank you. Mr. Atran.
28

29 **MR. ATRAN:** Just to make sure we clarify and see if Mara is in
30 agreement, but my understanding is that we don't need any
31 special permission if we were to form an ad hoc group composed
32 solely of SSC members and perhaps also including council staff
33 or NMFS staff, but, if we wanted to go outside and have
34 scientists from universities or other areas or have other folks
35 be on this ad hoc committee, we would have to come to the
36 council and ask the council to formally create that committee
37 and appoint these folks to it. Is that correct in my
38 interpretation?
39

40 **MS. LEVY:** Yes, I think if you're going to involve outside
41 people, non-federal employees and non-council staff and Science
42 Center staff and your current SSC, that you would need to form a
43 new AP, so that they could meet under the meeting procedures.
44

45 **MR. ATRAN:** Okay, and just one other thing, a little bit of
46 maybe perhaps anecdotal, but, during this discussion, I happened
47 to mention that, way back in the late 1990s, when we were
48 putting together our Generic Sustainable Fisheries Act

1 Amendment, which was our first attempt to assign these proxies
2 and MSST and whatnot to everything, we had two ad hoc, and we
3 called them Finfish Stock Assessment Panels, to review all of
4 these proxies and what might be appropriate.

5
6 There's not too many people left who were on those committees.
7 I know Doug had actually chaired one of them, Doug Gregory. I
8 am not sure who else is left from there, but I think maybe what
9 we had in mind was maybe not going as much in depth as we did
10 back then, but sort of running along the same lines of looking
11 at all the species that we manage, or at least all the reef fish
12 species, and trying to determine the most appropriate status
13 determination criteria and proxies to use for them.

14
15 **CHAIRMAN GREENE:** Thank you. Ms. Beckwith.

16
17 **MS. BECKWITH:** Thanks. Luiz, can you explain to me what sort of
18 information the SSC would be able to use to temporarily increase
19 the ABC on an overfished stock that's in a rebuilding plan, if
20 there was a leftover ACL to carry over? How would that work?

21
22 **DR. BARBIERI:** I don't know is the short answer. Basically, we
23 decided that we would discuss it. There are several options,
24 and, if you were to look at the verbatim transcripts of our
25 discussion, you are going to see that there were different
26 possible scenarios there that were considered, but the committee
27 basically did not get to any in-depth discussion, thinking that,
28 if we got direction from you that this is the whatever procedure
29 you want us to go forward with, any of these options, that we
30 would pursue a more in-depth discussion of different ways to get
31 there.

32
33 There were, from the committee, a whole number of different
34 issues, like, for example, accounting for natural mortality. If
35 you have some biomass of fish in one year, some of those fish
36 are going to be dying naturally between that year and the next,
37 and so, for example, there might be a reduction, just due to
38 natural mortality between one year and the other, but there are
39 other things that potentially could be taken into account, and
40 we did not go into a whole lot of detail on those issues.

41
42 **CHAIRMAN GREENE:** Thank you. Martha.

43
44 **MS. GUYAS:** I could be remembering this wrong, because I think
45 it was from before I was on the council, but, a few years ago,
46 maybe around the year of the oil spill, didn't the council ask
47 the SSC to just run new projections basically every year, before
48 they were calculating the season? I mean I would think that

1 this would kind of be along those lines, potentially, if we're
2 just basically asking for a new -- It looks like Roy wants to
3 chime in on that. Maybe I am remembering that not quite right.

4
5 **DR. CRABTREE:** No, we have done this before, and we did it by
6 rerunning the projections with the actual landings in it, and so
7 the rebuilding plan right now is set up with the ACL, assuming
8 that's caught. We have a 20 percent buffer in place that's just
9 there to make sure we don't go over the ACL.

10
11 For at least the last couple of years, that has resulted in this
12 being more than a million pounds below the ACL, and so those
13 fish aren't being caught, and so, with probably some discount
14 applied, they should be able to bump up the catches in the
15 following year.

16
17 What Dale was getting at in finding a way to get these guys some
18 more days, I think carrying some fraction of that uncaught quota
19 over to the next year is the best way to do that. It's
20 effectively similar to what would happen if you reran the
21 projections, but it's only being done on a one-year basis, and
22 we would have to figure out, as you said, some amount of
23 discount, because we would be unlikely to carry over all of the
24 uncaught fish, because some of them would die from natural
25 mortality, but there would also be some growth.

26
27 So you would have to sort that out, but I think that's a
28 worthwhile thing to do, and I think we ought to start working on
29 -- I don't know if this would be a framework or an amendment,
30 but a procedure to -- We will have to work closely with the SSC
31 to figure out how to do that and make that happen, because I
32 think that's our best bet right now for dealing with the buffer.

33
34 **CHAIRMAN GREENE:** Thank you. Mr. Atran.

35
36 **MR. ATRAN:** Another difference from what happened in 2010 is,
37 when we just do that straight rerun the projections, all of the
38 years change, from the current year out to 2032, the rebuilding
39 target for red snapper. The other thing that changes is that,
40 in 2010, that adjusted the ACLs or ABCs, because we didn't have
41 ACLs back then, for both sectors at the same time, so it would
42 keep our allocation.

43
44 What we're talking about here is if the -- Say for example the
45 recreational sector, the private recreational sector, under
46 harvests what it's been allocated. We could just carry the
47 underage over for them. The other sectors would still be bound
48 by whatever they have, unless they also had an underage.

1
2 One thing, and now this is to the committee, but if you want a -
3 - I think it's obvious you want us to proceed with some sort of
4 action on this. Both of these approaches have a lot of moving
5 parts. If you want us to work on options for both of them, we
6 can, but, if you want us to just concentrate on one of the
7 methodologies, I think we could do a little bit more
8 comprehensive job on that one, but it's up to you. If you want
9 us to produce some sort of workable approaches for both methods,
10 we can, or just one method.

11
12 **CHAIRMAN GREENE:** Thank you. Dale.

13
14 **MR. DIAZ:** I guess this question is for Dr. Crabtree or anybody
15 that can help. I might have two things running together. I
16 think the idea that you brought up is a very good one, Dr.
17 Crabtree, and I am probably thinking of mackerel, but I was
18 thinking we had started a document to do that. If we haven't, I
19 think we ought to -- I would be prepared to make a motion right
20 away to start that document, just in case the charter fleet
21 finds itself in that situation this year. I guess it could
22 happen with the recreational, too. We would have a way to deal
23 with that.

24
25 **DR. CRABTREE:** For the last couple of years, everyone has been
26 under their ACL. The commercial fishery has, the charter and
27 the for-hire and the private guys, and so they've all been
28 under, and presumably there could be some carryover in all of
29 it. I don't think the supplemental season later in the year is
30 workable, because of the time delays involved and all of the
31 other issues we've encountered, and so I think we ought to purse
32 the carryover for all of these sectors and start working out how
33 that would work.

34
35 **CHAIRMAN GREENE:** Dale.

36
37 **MR. DIAZ:** I would like to make a motion. I will take a minute
38 to try to craft something while the rest of the discussion is
39 going on, but, anyway, I would like to make a motion in a couple
40 of minutes to start that process.

41
42 **CHAIRMAN GREENE:** Okay. We will come back to you on that.
43 Kevin.

44
45 **MR. ANSON:** To follow on Dr. Barbieri's summary of this group,
46 to convene this group, I thought I heard you say that you were
47 going to go ahead and come up with a list of names from these
48 outside agencies and entities at the next meeting. Did I

1 misunderstand you?
2

3 **DR. BARBIERI:** No, you did not. Basically, the idea -- We
4 discussed this informally at our last meeting. We wanted to
5 float the idea right in front of you, to bring this before you.
6 If you give us direction to proceed with that, and if you're
7 okay with us proceeding with that, we're going to, at the next
8 meeting, address it more formally as an item on our agenda for
9 our next meeting.

10
11 **CHAIRMAN GREENE:** Thank you. Doug Gregory.

12
13 **EXECUTIVE DIRECTOR GREGORY:** Mara, just so I didn't
14 misunderstand, forming a group like this, a working group, is
15 something -- You said to make it compatible with all of the
16 different regulations. I mean that's something we could do, I
17 could do, as the Director. As long as we advertise and do
18 everything correctly, we don't need to come to the council and
19 have people appointed like we do an AP or an SSC, do we?

20
21 **MS. LEVY:** Yes, because you -- I mean the reason that these
22 advisory panels and SSCs and council committees are exempt from
23 the FACA, the Federal Advisory Committee Act, is because they're
24 appointed by the council and they follow the meeting procedures
25 that are set out in the Act. You run into problems with having
26 to comply with FACA if you don't actually establish an advisory
27 panel, and we don't want to do that. That requires all sorts of
28 authorizations and things like that.

29
30 **EXECUTIVE DIRECTOR GREGORY:** In the past, we have formed working
31 groups of people that I approved their travel. Our SOPPs say I
32 can approve travel for consultants and contractors and whoever,
33 and the working group reports to the SSC, which reports to the
34 council. I mean we follow all of the same procedures of holding
35 a meeting, but could I, as the council representative, appoint
36 these people and still be within the law? I am just curious.

37
38 **MS. LEVY:** I guess I would need to look at exactly what the
39 SOPPs say, because it would have to be a council-appointed
40 advisory panel. If there is some authority for you to appoint
41 an advisory panel for the council, then we could look at that,
42 but I would need to look more closely at what your authority is
43 in the SOPPs.

44
45 **EXECUTIVE DIRECTOR GREGORY:** Just to that point, then we're
46 going to have to totally relook at these working groups that
47 we've been forming all along, because we haven't been coming to
48 the council for each working group for explicit appointments. I

1 mean they've been ad hoc working groups. They meet one or two
2 times and they go away.

3
4 **MS. LEVY:** I guess we would need to talk more about who is on
5 these working groups and what exactly they're doing, because
6 it's sort of hard for me to look at it in the abstract, but we
7 could talk about exactly what's happening.

8
9 **CHAIRMAN GREENE:** Mr. Anson.

10
11 **MR. ANSON:** At this juncture though, in light of your research
12 into the topic, Mara, to address Dr. Barbieri's concern, I think
13 we would probably need to make a motion at this meeting to go
14 ahead and say that we're going to allow you all to have this
15 working group and then we will be looking to you for names or
16 should we just -- We will have to advertise, I guess, at that
17 point, if it comes back that we need to advertise to meet some
18 sort of the Act requirements.

19
20 **MS. LEVY:** I am not sure you need to advertise. I just think
21 that it needs to be a council advisory panel, because, when you
22 form those, they automatically are exempt from the other law.

23
24 **CHAIRMAN GREENE:** Thank you. Is there further discussion? Dr.
25 Crabtree.

26
27 **DR. CRABTREE:** So what are we doing in terms of carryover,
28 because we seem to be hopping around amongst some different
29 issues.

30
31 **CHAIRMAN GREENE:** Mr. Diaz is working on a motion, to come
32 forward with that in a moment.

33
34 **MR. DIAZ:** I think, Mr. Chair, she is putting my motion up on
35 the board. **My motion would be to direct staff to start a**
36 **framework action to develop a method to carry over unharvested**
37 **ACL to the following year.**

38
39 I specifically did not put only red snapper in there. If
40 there's a way to do this where we can use it for any appropriate
41 fishery, I think that would be preferred, but I would like to
42 hear some comments, if that's not workable, and I will see if I
43 get a second. Thank you.

44
45 **CHAIRMAN GREENE:** Thank you. We have a motion on the floor. Is
46 there a second for this motion? It's seconded by Dr. Stunz. Is
47 there further discussion? I think it's pretty straightforward
48 what the intent here is. Any further discussion? **Seeing none,**

1 is there any opposition to the motion on the floor before you?
2 Seeing none, the motion carries. Mr. Anson.

3
4 **MR. ANSON:** To address Dr. Crabtree's second question about what
5 are we doing here, or first question, and the other part of that
6 question is to address the issue that Dr. Barbieri brought up,
7 and so that would be a motion to establish an ad hoc advisory
8 panel or advisory workgroup to assist the SSC in addressing the
9 MSST and MSY questions related to what's been drafted in
10 Amendment 44, I guess. I don't know if I can make the motion,
11 but go ahead, Doug.

12
13 **EXECUTIVE DIRECTOR GREGORY:** We do need to sit down and talk
14 about the scientists, because what you're seeing coming out of
15 the SSC is basically more conservative recommendations year
16 after year, partly because of the problem with the way the
17 assessments are coming out and not being able to estimate MSY,
18 for whatever reason.

19
20 There does need to be a working group or some group of experts
21 to sit down and try to work through this conundrum that I see
22 the scientific community having, and it's not specific to 44,
23 necessarily. It's a broader discussion that's needed, and so
24 did you say the SSC has discussed this and it's part of their
25 recommendation to us?

26
27 I do want to pursue something like that. I don't know the best
28 way to go forward, and we can do it more -- Obviously we've got
29 to do it more formally now, given the advice we've gotten, but
30 there is a need to sit down and talk about how to interpret
31 these analyses.

32
33 We're getting Fmax that tell us that SPR can be 12 percent. I
34 mean it's a whole suite of things. SPR was developed on
35 biomass. We are using it on egg production now. Is it apples
36 and oranges? We can't calculate MSY, yet the basis of the
37 Magnuson Act is MSY, and so, yes, there is a serious need here
38 for an in-depth discussion, and so anything we can do to help
39 that happen, we will do.

40
41 **DR. BARBIERI:** Mr. Chairman, if I may, just as a point of
42 clarification, real quickly, to Mr. Gregory's point, I mean this
43 is the whole intent of what the SSC wanted to address by
44 bringing in some external expertise as well and joining us, and
45 the Science Center, in evaluating a bunch of these issues.

46
47 I mean, in reality, MSY, the maximum sustainable yield, if that
48 is used for your overfishing level, your OFL, that metric is

1 supposed to be risk-neutral. ABC is already supposed to
2 integrate some uncertainty, a reduction from OFL to ABC, some
3 uncertainty due to scientific uncertainty, but, when you go from
4 a direct MSY estimate to an MSY proxy, you are really also
5 integrating into that MSY proxy some assessment of risk that the
6 council is willing to take, to say we're going to use a
7 substitute for something that we cannot actually estimate.

8
9 All of this has implications, from the science perspective, and
10 from the management perspective as well, and I think that the
11 SSC's intention would be to create a summary document, working
12 with staff and the Science Center, and to bring that before you
13 for your evaluation and discussion.

14
15 **CHAIRMAN GREENE:** Thank you. Dr. Crabtree.

16
17 **DR. CRABTREE:** One thing, I think in the motion, it's MSST and
18 not MST. There is this bigger issue of MSY proxies and things,
19 which we need a workgroup, and it gets complicated and all that.
20 There is what I regard as a fairly simple issue, which is
21 redefining our minimum stock size thresholds for stocks that
22 have very low natural mortality rates.

23
24 It seems, to me, that we ought to separate those two issues,
25 because I think the redefining the minimum stock size threshold
26 is a pretty straightforward, relatively simple thing to do. We
27 were able to do it in the South Atlantic Council very quickly,
28 in a pretty simple plan amendment.

29
30 I think the whole issue with MSY proxies is going to take a
31 considerable amount of time, and remember the issue with the
32 MSST affects whether stocks are overfished or not overfished,
33 which affects your accountability measures and whether paybacks
34 are triggered and things, and so I think it's something we need
35 to address, and it could have some real implications, in some
36 cases, that could create some difficult situations.

37
38 My suggestion to you would be to set this group up to deal with
39 the MSY proxies, but let's move ahead with redefining our MSSTs
40 for some of these low-natural-mortality stocks.

41
42 **CHAIRMAN GREENE:** Thank you. Mr. Atran.

43
44 **MR. ATRAN:** We started out that way, but, depending upon how you
45 define low M -- If you define it as say below 0.1, we only have
46 two stocks where we have M below 0.1, red snapper and I forget
47 what the other one is, and so it hardly seems like it's going to
48 save any time to --

1
2 **DR. CRABTREE:** I have suggested this before, but go get the
3 South Atlantic amendment where we did it and pull out that range
4 of alternatives and things. Where we went with that is we
5 didn't set any of the minimum stock size thresholds closer to
6 BMSY than 75 percent of it. We came up with a range of
7 alternatives, and we got it done.
8
9 **MR. ATRAN:** We did start out using that amendment as the
10 prototype. There are some issues with trying to copy them, one
11 of them being that they already had MSSTs for all their stocks
12 or they were doing some revisions, instead of establishing them
13 for the first time.
14
15 Another one is that, the way they did it, there was a sudden
16 breakoff. You might have a stock that all the stocks are going
17 to have a 25 percent buffer up until a certain point and then,
18 all of a sudden, you jump back down to a 15 percent buffer and
19 then gradually go up again. Like I said, we were using that.
20 We did identify some issues with their amendment, and so we were
21 trying to work around those issues.
22
23 **CHAIRMAN GREENE:** Okay. Thank you. We have a motion on the
24 board. I don't even remember who made this motion.
25
26 **MR. ATRAN:** It hasn't been made officially.
27
28 **MR. ANSON:** I offered it. I didn't necessarily offer it as a
29 motion, but it has not been seconded.
30
31 **CHAIRMAN GREENE:** Thank you. We have a motion on the board. Is
32 it correct as written, Mr. Anson? Is there a second for this
33 motion? It's seconded. Okay. Any further discussion? Mr.
34 Anson.
35
36 **MR. ANSON:** Just as long as, I guess, to Dr. Crabtree's point,
37 that -- I mean, if there are a couple of stocks, as Steven
38 pointed out, is it worthwhile then to -- The low-M stocks, to do
39 them separate or just leave them where they are with the rest of
40 them? Dr. Crabtree, do you have any thoughts?
41
42 **DR. CRABTREE:** I think we ought to go back to where we were,
43 with the way the South Atlantic Council looked at it, and come
44 back to that. I think we're making this more complicated than
45 it needs to be, and I don't think MSST needs to be lumped into
46 this working group. I think we can get this done.
47
48 **CHAIRMAN GREENE:** Mr. Anson.

1
2 **MR. ANSON:** I guess I will amend the motion to just read "MSY",
3 and that's what we'll have the working group establish to look
4 at, but, yet, the plan amendment will need to be separated, the
5 MSST from MSY, as it's currently labeled. That's my
6 interpretation, then. So that might need a separate motion to
7 go ahead and do that, since we've already established the plan
8 amendment, and so I will just leave this motion as it is right
9 now.

10
11 **CHAIRMAN GREENE:** Okay. Doug Gregory.

12
13 **EXECUTIVE DIRECTOR GREGORY:** Luiz, are your thoughts to bring in
14 people who are not already within National Marine Fisheries
15 Service or on the SSC? Are we getting ahead of ourselves,
16 because, at the SSC, the discussion was to have a discussion
17 about forming a working group at the next SSC meeting, but what
18 are your thoughts on the workgroup? If we're not bringing in
19 people from Timbuktu, it's a much simpler process. We don't
20 have to go through, I don't think, a formal appointment process.

21
22 **DR. BARBIERI:** We did not have anybody from Timbuktu in mind, by
23 the way, but I don't know. I mean this is something that it is
24 an emerging issue, in general. As you mentioned, it spills
25 nationally. It has been proposed as an issue to be discussed at
26 the National SSC Meeting, because we have so much variability in
27 the types of stocks and the life history patterns and the way
28 the different councils are using proxies.

29
30 Because the science has been moving forward, there are a whole
31 bunch of new developments that have come up that are better
32 informing determination of those proxies, and so we didn't
33 really put any more thought than this. I would like to have,
34 and this was just conversation at the SSC meeting with the rest
35 of the membership, but I would like to have the Science Center
36 well represented there, basically because they have a lot of
37 expertise that deals not just with Gulf of Mexico stocks, but
38 South Atlantic, ICCAT, and Highly Migratory, so they can give us
39 a breadth of knowledge about this, in terms of usage of MSY
40 proxies, that I think would be helpful. I hadn't thought about
41 going beyond that at this point.

42
43 **EXECUTIVE DIRECTOR GREGORY:** My point is if it involves people
44 we're already working with and it's a subunit of the SSC, like
45 the original working group was, we can just go forward and start
46 doing it. We don't need to go through a formal process. If
47 we're going to bring in other scientists from other SSCs or
48 other regions of the country, then I think we do have to follow

1 the more formal process, and we will probably be looking at what
2 else is going on nationally, and I know NMFS has been having
3 national stock assessment meetings, and incorporating some of
4 that.

5
6 **DR. BARBIERI:** To that point, Mr. Chairman. Perhaps then we can
7 start just as an SSC plus Science Center participation, a
8 working group, and keep it simple for this first iteration. We
9 can see what we produce with that approach and then expand the
10 discussion further if we feel it would be necessary.

11
12 **CHAIRMAN GREENE:** Mr. Anson.

13
14 **MR. ANSON:** I guess I offered this motion or put up this motion
15 primarily based on the discussion that Mara provided relative to
16 your comments that you thought it was appropriate. Not just
17 you, but you thought it was appropriate that outside folks,
18 outside of National Marine Fisheries Service and the SSC
19 members, but people who have expertise in these other areas that
20 would help, and that's why I offered this, is because I thought
21 you -- I thought I heard that you thought it would be a nice
22 thing to have or a need to have these people on here to provide
23 some alternative positions, maybe, at looking at information
24 from their perspective, and so that's why I offered this, to try
25 to address the issue that Mara then was getting at relative to
26 advertising and getting the council to approve the membership.

27
28 **CHAIRMAN GREENE:** Thank you. Dr. Barbieri.

29
30 **DR. BARBIERI:** Just specifically to that point, Chairman Greene.
31 This is something that, if we have the flexibility to be more
32 inclusive, of course we can think bigger, in terms of
33 participation. That might be advantageous. It's very difficult
34 for us to predict all of those issues ahead of time, but that
35 was the initial thought, because this is a very, very relevant
36 issue that I think is going to -- You're going to be facing this
37 issue repeatedly for the foreseeable future.

38
39 **CHAIRMAN GREENE:** Thank you. Dr. Lucas.

40
41 **DR. LUCAS:** I think, Mr. Gregory, that was my thought. I didn't
42 want to limit them in scope. If they wanted to have that -- If
43 they found somebody that had some expertise somewhere that they
44 wanted to include, giving them the flexibility to include that
45 would be great, but, like you said, they were still planning on
46 having that discussion. When they have that discussion, at
47 least they would have the flexibility to include those people
48 and reach out to a wider group of scientists.

1
2 **CHAIRMAN GREENE:** Thank you. We have a motion on the floor, and
3 it was seconded. We've had discussion, a lot of discussion.
4 Ms. Bosarge.
5
6 **MS. BOSARGE:** Have we come to a conclusion on whether we want to
7 let -- There is two options, and I just want to make sure that I
8 understand. We could let the SSC go ahead and form their
9 working group of SSC members with the Science Center members and
10 do like a first round of analysis on this or discussion and
11 then, if they feel they need some more, we can form this group.
12
13 The second avenue is go ahead and us, I guess, form it with no
14 working group within the SSC and then push that out from there.
15 I guess my question is which one kind of gets it off the ground
16 faster?
17
18 **CHAIRMAN GREENE:** Mr. Diaz.
19
20 **MR. DIAZ:** I don't know if this solves it or not, but if this
21 motion was to give the Executive Director the discretion to form
22 the group, then that might solve what we need to do. Then, if
23 Doug needs the discretion to bring in outside people, he would
24 have it, and we will have dispensed with it. Thanks.
25
26 **CHAIRMAN GREENE:** A friendly amendment here by Mr. Diaz, I
27 guess.
28
29 **MR. ANSON:** As the maker of the motion, I would agree to Mr.
30 Diaz's, the smarter of the two of us, by the way, as it was
31 pointed out yesterday, to accept his suggestion.
32
33 **DR. BARBIERI:** Chairman Greene, just from a technical
34 perspective, I think what we're really talking about is MSY
35 proxies.
36
37 **CHAIRMAN GREENE:** Mr. Anson, is that your motion?
38
39 **MR. ANSON:** I think that will work.
40
41 **CHAIRMAN GREENE:** Dr. Lucas seconded it. Are you fine with the
42 changes? Okay. We've had good discussion around the table
43 about this. Any further discussion? **Seeing none, is there any**
44 **opposition to the motion on the floor before you? Seeing none,**
45 **the motion carries.** Dr. Barbieri, do you have anything else?
46
47 **DR. BARBIERI:** No, Mr. Chairman. That completes the SSC Report
48 for the Reef Fish Committee. Thank you for your attention, and

1 I'm looking forward to completing some of the other items for
2 next time.

3
4 **CHAIRMAN GREENE:** Thank you. I had one more question by Mr.
5 Walker.

6
7 **MR. WALKER:** Are you going to be here during full council?
8

9 **DR. BARBIERI:** I can be, yes. Do you want me to?
10

11 **MR. WALKER:** Yes, I would like that.
12

13 **DR. BARBIERI:** Absolutely.
14

15 **CHAIRMAN GREENE:** Thank you, Dr. Barbieri, again. Anything
16 else? Dr. Lucas.

17
18 **OTHER BUSINESS**
19

20 **DR. LUCAS:** If we have moved on to Other Business, I do have
21 something, and I apologize, Chairman Greene. I meant to tell
22 you this at break, but I got tied up. In having discussions
23 over the past couple of days, and playing off of something that
24 the South Atlantic did, I worked with some people to craft a
25 motion. It does play off of some of what we were just
26 discussing, but it's a little more red-snapper-specific here.

27
28 Just in talking to people who attended the South Atlantic
29 Council meeting and talking with scientists, in light of some
30 new information, new peer-reviewed literature and stuff that has
31 come on -- In working to look at this, and I will read the
32 motion.

33
34 **The motion is to ask the council to direct the Science &**
35 **Statistical Committee, for its August 2016 meeting, to review**
36 **additional assessment analyses for red snapper at Fmax, F 20**
37 **percent SPR, F 22 percent SPR, and F 24 percent SPR and provide**
38 **advice regarding the risk of overfishing if any of these**
39 **potential reference points were used for red snapper, given**
40 **their life history characteristics, and new scientific**
41 **information regarding the generic relationship between life**
42 **histories and productivity.**

43
44 Whereas I wasn't at the South Atlantic's meeting or whatever, I
45 know they've had some discussion, and I think maybe Florida may
46 have even been the person who offered it, and I'm not sure, but
47 just, as new information comes to light, as scientists, we like
48 to consider these things in the face of this new information,

1 and so I would like to offer this up, and we can discuss it if
2 we get a second.

3
4 **CHAIRMAN GREENE:** Okay. We have a motion on the floor by Dr.
5 Lucas. Is there a second for this motion? Second by Mr. Anson.
6 Is there further discussion? Mr. Anson.

7
8 **MR. ANSON:** Following up on the South Atlantic's lead, I guess,
9 at their meeting last week, as Dr. Lucas mentioned, they posed
10 these questions to their SSC, and this motion looks very similar
11 to motions that have been offered or sent to our SSC over the
12 last couple of years.

13
14 The question was asked, I think in light of, for the South
15 Atlantic's case, at least, in light of their most recent
16 assessment, and so there was new information, obviously, from
17 the previous assessment.

18
19 That assessment kind of showed what some of the reproductive
20 characteristics of red snapper are or is on the South Atlantic
21 side, and so they felt like asking those questions of their SSC,
22 specific to these SPR levels, and so, after some conversation
23 during a lunch here this week -- I was with Dr. Lucas, and we
24 felt like it might be appropriate, based on, again, the
25 information through the South Atlantic's assessment on red
26 snapper, but, in light of the issue of new science and new
27 information since the last time this was taken to the SSC, that
28 that might offer or provide a little bit more chance for
29 discussion among the Gulf's SSC membership.

30
31 **CHAIRMAN GREENE:** Thank you, Mr. Anson. Dr. Crabtree.

32
33 **DR. CRABTREE:** The issue at the South Atlantic Council is
34 they've got a new red snapper assessment, and the proxy over in
35 the South Atlantic is 30 percent SPR. They wanted to see runs
36 done at Fmax, essentially. Now, when the last Gulf assessment
37 was done, we did get runs at Fmax, and we saw all that
38 information. The South Atlantic hasn't seen any of that, and so
39 that's what they asked for.

40
41 I don't think that qualifies as any new scientific information
42 relative to this issue, and the situation with the South
43 Atlantic assessment is that their new assessment, unlike past
44 ones, is based on a steepness of approximately one, which is the
45 same as the last couple of assessments we have over here, and so
46 I think asking to see what Fmax would look like was pretty
47 reasonable, but that's something we've already seen and already
48 gone through over here.

1
2 I don't really have any objection if you want to ask the SSC to
3 comment on that, again, but I don't think there's anything new
4 from the South Atlantic assessment that is going to shed any
5 particular light on that. Luiz can correct me if he disagrees,
6 but I think they're in a similar situation. They just haven't
7 seen those runs yet.

8
9 **CHAIRMAN GREENE:** Thank you. Is there further discussion? Dr.
10 Stunz, you were next.

11
12 **DR. STUNZ:** I just was thinking maybe this -- With the new
13 committee we were just talking about, this could be something
14 for them to consider, if you've got some other outside experts
15 that might provide some input.

16
17 My understanding was that it wasn't just that we've looked at
18 this in the past, and I've been obviously been a proponent of
19 something like this and reducing that SPR, but there is new
20 scientific information out there, it's my understanding, and I
21 haven't had a chance to thoroughly look through it yet, that
22 might shed some light on different ways that you look at SPR and
23 what that means in terms of management implications. I don't
24 know if we want to get into that long discussion now, but that's
25 also, I believe, the intent of Dr. Lucas's motion.

26
27 **CHAIRMAN GREENE:** Thank you. Mr. Williams.

28
29 **MR. WILLIAMS:** Dr. Crabtree said that we do have these
30 assessment analyses for Fmax. Do we also have them for F 20,
31 22, and 24 to look at or do those have to be new runs?

32
33 **DR. CRABTREE:** I think there were a variety of runs done, but I
34 don't specifically remember what.

35
36 **CHAIRMAN GREENE:** Mr. Atran, to that point.

37
38 **MR. ATRAN:** All of these were analyzed in I believe it was May
39 of 2015 and reviewed by the SSC at that time.

40
41 **CHAIRMAN GREENE:** Thank you. Ms. Guyas.

42
43 **MS. GUYAS:** I think Greg answered my question, and that was, is
44 there new information that's germane to the Gulf? If there is,
45 then I'm cool with this. If it's just based on the South
46 Atlantic did this and so let's do it too, then we have already
47 been there.

48

1 **CHAIRMAN GREENE:** Dr. Crabtree.
2
3 **DR. CRABTREE:** Let me be clear that maybe there is some new
4 scientific information. I am just not aware of it, but that
5 doesn't mean there is not some.
6
7 **CHAIRMAN GREENE:** Dr. Lucas.
8
9 **DR. LUCAS:** I think the thought was that some of the new
10 information that's come out might change their advice regarding
11 the risk.
12
13 **CHAIRMAN GREENE:** Thank you. Dr. Stunz.
14
15 **DR. STUNZ:** That was my point.
16
17 **CHAIRMAN GREENE:** Thank you. Is there further discussion about
18 the motion? Mr. Williams.
19
20 **MR. WILLIAMS:** Could I ask where that information is? I mean
21 who is generating that kind of stuff?
22
23 **DR. LUCAS:** It was just a general discussion with some new
24 literature that had come out and changed kind of some of the
25 thinking in terms of, well, maybe, looking at this, there is a
26 possibility that risk might be different.
27
28 **CHAIRMAN GREENE:** Okay. Thank you. Anyone else? Mr. Atran.
29
30 **MR. ATRAN:** Just a little wordsmithing. When you say "review
31 additional assessment analyses", I don't think you mean to
32 actually do new assessments. That obviously can't be done
33 between now and the next SSC meeting. What I am hearing is
34 there is some new information, and I don't know if it's the
35 published literature or the gray literature, and if we can
36 identify those sources, those new information sources, and
37 present those to the SSC and ask them if it changes their view
38 on these alternative proxies, and is that correct?
39
40 **CHAIRMAN GREENE:** Thank you. Dr. Lucas.
41
42 **DR. LUCAS:** I mean I also had one other thought. If they don't
43 want to have them do this for August, if we want to wait on this
44 working group that they may or may not form, I mean I am happy
45 to amend the motion to do that. I know there's a lot on their
46 plate, and so it's not that time sensitive. We can have the new
47 working group do it as well.
48

1 **CHAIRMAN GREENE:** Okay. Thank you. Mr. Gregory.
2
3 **EXECUTIVE DIRECTOR GREGORY:** If you put this forward like this,
4 we'll have it on the SSC agenda to discuss, and that will give
5 impetus to what Dr. Barbieri was saying we need. If we don't
6 form a working group before August, we could certainly do one
7 very quickly after that.
8
9 **CHAIRMAN GREENE:** Okay. Thank you. **Do you wish to remove the**
10 **words "additional assessment" out of there? Okay.** Can you read
11 the motion and make sure it's correct as you wish?
12
13 **DR. LUCAS:** I think that's fine. Kevin, you were the second.
14 Does that look fine to you?
15
16 **MR. ANSON:** Yes.
17
18 **CHAIRMAN GREENE:** Okay. The motion on the board is correct.
19 Any further discussion? **Seeing no further discussion, is there**
20 **any opposition to the motion on the floor before you? Seeing**
21 **none, the motion carries.** I didn't have anything under Other
22 Business. Is there any other business to come before the Reef
23 Fish Committee?
24
25 **MR. ATRAN:** I have one thing related to this.
26
27 **CHAIRMAN GREENE:** Mr. Atran.
28
29 **MR. ATRAN:** Maybe Luiz already knows where this literature is,
30 but if anybody knows the specific publications that this is
31 dealing with, if you would let me know, either give me the
32 reference or actually send me a copy, that would be very useful
33 to me.
34
35 **CHAIRMAN GREENE:** Okay. Thank you. Last call for any other
36 business. Steve Branstetter.
37
38 **DR. STEVE BRANSTETTER:** Thank you, Mr. Chairman. A bit of
39 housekeeping. I am putting together action lists here and
40 things, but I am going to assume that we had an action -- The
41 council had requested an action in the past for looking at
42 different red snapper buffers and fall seasons. Is that now off
43 the table with this new carryover? The council or the committee
44 has never really said no to that. I mean we talked about the
45 limitations of it, but I'm just wondering if we can take that
46 off of our to-do list.
47
48 **CHAIRMAN GREENE:** Thank you. Mr. Diaz.

1
2 **MR. DIAZ:** I would kind of like to have a discussion on that. I
3 heard Dr. Crabtree's comments, and, Dr. Crabtree, I respectfully
4 disagree with you on that. Right now, the way we're doing the
5 private rec recreational season, it is hitting in the third
6 wave, and we do get those numbers in September, and I think
7 there could potentially be -- If there was a significant
8 underage in the recreational sector, there is the potential to
9 do a second season for them.

10
11 It would be a lot harder for the charter/for-hire sector now,
12 because they're carrying into the fourth wave, and we probably
13 won't get that information until sometime in November, and it
14 would probably be too late to do anything, the way we're
15 currently doing that, but who knows how we're going to be doing
16 this stuff in the future?

17
18 I mean we might have different seasons and -- I am just trying
19 to figure out ways where we can get people more access to fish
20 everywhere we can. If the group decides that this is a lot more
21 work for the staff than what we potentially might get for a
22 gain, I guess it can come off the table, but I still think
23 there's potential for us to have tools in the toolbox to handle
24 situations that we might encounter in the future. Thank you.

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

27
28 **DR. CRABTREE:** I hear what you're saying, but it seems to me,
29 Dale, that, by far, the best way to handle this is to carry it
30 over. The fall season is just going to be very difficult to do.
31 I guess we could look at it, but we keep trying to look at so
32 many things that it bogs us down in terms of getting things
33 done, and so I guess, if you really want to look at that, okay,
34 but it seems to me the best solution to it is to carry it over.
35 Then you can set up seasons in advance.

36
37 The trouble with the second season is it's going to be short
38 notice, and people aren't going to know if it's coming or not
39 coming. We won't have all the landings in, because, at least
40 this year, they're fishing into -- The forty-six-day season,
41 they're fishing into July, and so you won't really have all of
42 the landings, because you don't get the July/August wave until
43 October, generally speaking.

44
45 That's on the charter boats, much less the private, and so it's
46 just a lot of problems and all with doing it, whereas the
47 carryover seems much more straightforward, to me, and you can
48 put it into the regular season there and bump the days up. If

1 you want to have a fall season, you can decide all of that in
2 advance.

3
4 I don't have any objection to looking at it, but I just don't
5 think it's going to work out as well, and it's one more thing
6 that we're asking staff to pull into this, which will slow the
7 whole thing down, and that's really the only consideration.

8
9 **CHAIRMAN GREENE:** Thank you. Anything else? Okay. Any further
10 business to come before the Reef Fish Committee? Seeing none,
11 we will stand adjourned.

12
13 (Whereupon, the meeting adjourned on June 21, 2016.)

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15 - - -
16