

GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

MACKEREL MANAGEMENT COMMITTEE

Hilton Clearwater Beach Resort Clearwater Beach, Florida

June 22, 2016

**VOTING MEMBERS**

- Pamela Dana.....Florida
- Leann Bosarge.....Mississippi
- Doug Boyd.....Texas
- Roy Crabtree.....NMFS, SERO, St. Petersburg, Florida
- Myron Fischer (designee for Patrick Banks).....Louisiana
- Martha Guyas (designee for Nick Wiley).....Florida
- John Sanchez.....Florida
- David Walker.....Alabama

**NON-VOTING MEMBERS**

- Kevin Anson (designee for Chris Blankenship).....Alabama
- Dale Diaz.....Mississippi
- Dave Donaldson.....GSMFC
- John Greene.....Alabama
- Kelly Lucas (designee for Jamie Miller).....Mississippi
- Campo Matens.....Louisiana
- Robin Riechers.....Texas
- Greg Stunz.....Texas
- Ed Swindell.....Louisiana
- Roy Williams.....Florida

**STAFF**

- Steven Atran.....Senior Fishery Biologist
- Assane Diagne.....Economist
- John Froeschke.....Fishery Biologist - Statistician
- Douglas Gregory.....Executive Director
- Beth Hager.....Administrative Officer
- Morgan Kilgour.....Fishery Biologist
- Ava Lasseter.....Anthropologist
- Mara Levy.....NOAA General Counsel
- Emily Muehlstein.....Fisheries Outreach Specialist
- Ryan Rindone.....Fishery Biologist/SEDAR Liaison
- Claire Roberts.....EFH Specialist
- Bernadine Roy.....Office Manager
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- Bryan Schoonard.....GIS Analyst
- Carrie Simmons.....Deputy Director

**OTHER PARTICIPANTS**

1 Patrick Banks.....LA  
2 Anna Beckwith.....SAFMC  
3 Randy Boggs.....Orange Beach, AL  
4 Steve Branstetter.....NMFS  
5 Eric Brazer.....Reef Fish Shareholders Alliance  
6 Shane Cantrell.....Galveston, TX  
7 Jocelyn D'Ambrosio.....NOAA GC  
8 David Dale.....NMFS  
9 Brian Dinning.....Tampa, FL  
10 Traci Floyd.....MS DMR  
11 Bill Kelly.....FKCFA  
12 Mike Larkin.....NMFS  
13 Rich Malinowski.....NMFS  
14 Dave Naumann.....Sarasota, FL  
15 Bart Niquet.....Lynn Haven, FL  
16 Dennis O'Hern.....FRA, FL  
17 Bonnie Ponwith.....SEFSC  
18 Steve Tomeny.....Port Fourchon, LA  
19  
20 - - -  
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PAGE 30: Motion in Action 1 to combine and make Alternatives 2 and 3 the preferred alternatives. The motion carried on page 31.

PAGE 31: Motion to request the SEFSC provide the SSC with updated OFL and ABC yield streams for Gulf migratory group king mackerel for the 2017/2018 to 2019/2020 fishing seasons. The motion carried on page 32.

- - -

1 The Mackerel Management Committee of the Gulf of Mexico Fishery  
2 Management Council convened at the Hilton Clearwater Beach  
3 Resort, Clearwater Beach, Florida, Wednesday morning, June 22,  
4 2016, and was called to order by Chairman Pamela Dana.

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

10 **CHAIRMAN PAMELA DANA:** I would like to convene the Mackerel  
11 Management Committee, and you can find that in Tab C, Number 1.  
12 Has everyone had the opportunity to review the agenda?  
13

14 **MR. JOHN SANCHEZ:** I will make a motion that we adopt the  
15 agenda, and if, I may, I would like to reserve a little time  
16 during Other Business to discuss updating OFL and ABC yield  
17 streams, a little discussion on that during Other Business.  
18

19 **CHAIRMAN DANA:** We will add that to Other Business. Is there  
20 any other -- Do I have a second to approve the agenda? We've  
21 got a second. Is there any other business to be added to the  
22 agenda? Seeing none, is anyone opposed to the agenda? The  
23 agenda passes.  
24

25 Has everyone reviewed the minutes? Do we have any changes to  
26 the minutes? Is there a motion to approve? John Sanchez moves  
27 and Martha Guyas seconds. We are going to move now into the  
28 Action Guide and Next Steps, which you will find under Tab C,  
29 Number 3. The first item to discuss is the Options Paper for  
30 CMP Amendment 29, Allocation Sharing and Accountability Measures  
31 for King Mackerel. It's Tab C, Number 4. Ryan, can you walk us  
32 through that?  
33

34 **OPTIONS PAPER: CMP AMENDMENT 29: ALLOCATION SHARING AND**  
35 **ACCOUNTABILITY MEASURES FOR GULF KING MACKEREL**  
36

37 **MR. RYAN RINDONE:** Yes, ma'am. This amendment focuses on  
38 allocation sharing options, and it started by pulling out Action  
39 8 out of Amendment 26, which you guys approved for submittal to  
40 the Secretary, and Action 8 talked about reallocation between  
41 the commercial and recreational sectors for Gulf kingfish.  
42

43 I will direct you guys to the purpose and need, which is Section  
44 1.2, and it's on page 4 of the document. The purpose for this  
45 action is to review and consider changes to the recreational and  
46 commercial allocations and associated accountability measures  
47 for Gulf group kingfish.  
48

1 The need is to achieve optimum yield, while ensuring overfishing  
2 does not occur in the CMP fishery, thereby increasing social and  
3 economic benefits of the fishery through sustainable and  
4 valuable harvest of kingfish in accordance with Magnuson. Do  
5 you guys like the way that that looks, or do you have any  
6 proposed changes?

7  
8 **CHAIRMAN DANA:** Any proposed changes from the committee? Okay.  
9 We can continue.

10  
11 **MR. RINDONE:** So we will take that as the purpose and need is  
12 good to go. All right. Then I will go ahead and take you guys  
13 on down to Chapter 2, which is our proposed management  
14 alternatives. Action 1 in Chapter 2, and this is on page 7 of  
15 the document is our new version of Action 8 from Amendment 26.

16  
17 We have added a couple of additional alternatives in here, and  
18 we will walk through those. The no action alternative would be  
19 to not establish any form of quota sharing system between the  
20 sectors, and it would maintain the current recreational and  
21 commercial allocations for Gulf kingfish, which are 68 percent  
22 to the recreational sector and 32 percent to the commercial  
23 sector.

24  
25 Alternative 2 is the same as Alternative 4 from Amendment 26,  
26 or, as some have called it, the Bosarge Alternative, and it  
27 would conditionally transfer a certain percentage, indicated in  
28 Options 2a through 2d, of the stock annual catch limit to the  
29 commercial sector, until such a time that the recreational  
30 landings reach a predetermined threshold, and this is indicated  
31 in Options 2e through 2g. If this threshold is met, the  
32 recreational and commercial allocations would revert back to the  
33 68 percent for the recreational sector and 32 percent for the  
34 commercial sector at the beginning of the following recreational  
35 fishing year, which would be July 1.

36  
37 In order for Alternative 2 to function, if you guys were to  
38 prefer it, you would need to select one of Options 2a through d  
39 and one of Options 2e through f. Options 2a through d, again,  
40 refer to what percentage of the stock ACL would be transferred  
41 to the commercial sector, and we have options for 5, 10, 15, and  
42 20 percent.

43  
44 Then e through f refers to the recreational threshold, at which  
45 if the recreational sector lands either 80, 90, or 100 percent  
46 of its ACL, then the allocations would revert back to the  
47 current status quo. Are there any questions on that?

48

1 **CHAIRMAN DANA:** Okay. Continue, please.

2  
3 **MR. RINDONE:** Okay. Alternative 3 is similar to Alternative 2,  
4 except that, if the threshold is met, the allocations don't  
5 change back, and I will explain why. I actually have a little  
6 PowerPoint presentation to show you guys that helps explain  
7 this, but I will read it out, since this is the first time  
8 you're seeing it.

9  
10 If the stock ACL is not met in a fishing year, then a carryover  
11 credit would be -- We would establish a carryover credit derived  
12 from the difference between the total pounds of king mackerel  
13 landed in both sectors and the stock ACL for that same fishing  
14 year, and so basically the leftovers.

15  
16 In the following fishing season, the credit would transfer to  
17 the ACL for the sector which met or exceeded its ACL from the  
18 ACL for the sector which did not. This carryover credit would  
19 only apply if a minimum percentage of the stock ACL was not  
20 harvested in a given fishing year, indicated in Options 3a  
21 through 3c, basically meaning there has to be at least a certain  
22 amount left to do anything, and only a percentage of the  
23 unharvested ACL from the previous fishing year would make up the  
24 carryover credit, Options 3d through 3f.

25  
26 That's basically meaning, of the leftovers, only a defined  
27 portion of that would go to the sector that's catching its ACL.  
28 The carryover credit would only be valid for a single fishing  
29 year. Again, with this, you're going to have to pick one of  
30 Options 3a through 3c and one from 3d through 3f if you want  
31 alternative 3 to work.

32  
33 For the ACL threshold, the amount that has to be left to do  
34 anything at all, I have listed 15, 20, and 25 percent. Then  
35 Options 3d through 3f are the amount of the leftovers to carry  
36 over. I have listed 20, 30, and 40 percent. Bernie or  
37 Charlotte, if you guys could put that PowerPoint up there, that  
38 would be great. I am going to move to the podium for a second.

39  
40 Just to use an example, we will use the 2016/2017 fishing year,  
41 and our stock ACL is 9.21 million pounds. The commercial ACL  
42 shown here is 32 percent of the stock ACL. For the sake of  
43 argument, we're going to assume that the commercial catch will  
44 be equal to the commercial ACL, because, as the landings history  
45 shows us, it generally is.

46  
47 The recreational sector ACL is 68 percent of the stock ACL, and  
48 the recreational catch is shown here. Now, for the sake of this

1 demonstration, I am allowing the recreational catch to vary by  
2 20 percent of the average for the last five years, just because  
3 the recreational landings also vary. Another caveat though for  
4 the recreational catch is that the last five years include the  
5 landings from the Florida East Coast Zone, and Amendment 26,  
6 using the data from the stock assessment, indicated that that  
7 was part of the Atlantic migratory group, and so the landings  
8 from over there and the effort is now part of the South  
9 Atlantic, and so these numbers for the recreational catch are  
10 probably a little high.

11  
12 You also need to remember that we have increased the bag limit  
13 for the recreational sector from two fish to three fish, and so  
14 recreational landings should go up somewhat from that as well,  
15 anywhere from 0.2 to 10 percent, depending on which method of  
16 estimation you want to use.

17  
18 The total catch is obviously commercial and recreational catch  
19 combined, and the percent of the stock ACL remaining, shown  
20 here, is 31 percent, basically meaning that the difference  
21 between 6,356,000 pounds and 9.21 million pounds is 31 percent  
22 left over.

23  
24 Now, the amount that you're setting as a threshold here to  
25 determine whether you do anything at all is determined in this  
26 box. For the sake of argument, I chose 15 percent, and you guys  
27 can choose what you're comfortable with, but, just for this, I  
28 chose 15 percent. That means if there is at least 15 percent of  
29 the stock left, there is going to be a carryover credit.

30  
31 The actual millions of pounds of leftovers is shown right here  
32 in the red circle, and, right here at the end, we see the  
33 millions of pounds to be added to the commercial ACL in the  
34 following year. Now, one thing that you guys are going to have  
35 to determine -- For kingfish, we're assuming it's being added to  
36 the commercial ACL, since the recreational sector is not  
37 catching theirs, but one thing you guys are going to have to  
38 determine is what does it mean to actually catch your ACL? Does  
39 it mean that you've caught 100 percent of it? Does it mean that  
40 you've caught say 95 or 90 percent?

41  
42 If you're looking for a suggestion, I might offer 90 percent,  
43 just to consider, because of variations in landings. When we're  
44 getting these data in and we get the commercial logbook data in,  
45 we don't have all the trip ticket data yet for the commercial  
46 sector, and so those numbers could be off by a little bit. The  
47 recreational landings can vary by almost eleven-and-a-half  
48 percent, as far as the probabilistic standard error is concerned



1 around those, and so, if you're catching 90 percent of your ACL,  
2 you're probably getting after it pretty well.

3  
4 The amount of this that you carry over to the following year to  
5 the sector catching its ACL, in this case the commercial sector,  
6 is determined in Options e through g, and I think I had 20, 30,  
7 40 or 30, 40, and 50 percent. If you guys want more, pick more.  
8 If you want less, pick less.

9  
10 This is the amount that goes to the next fishing season, the  
11 2017/2018 season, and so let's add that line. Again, this is  
12 the amount that was left over from the previous fishing year.  
13 We're going to carry that over to the commercial sector, which  
14 now equals 32 percent of the stock ACL plus the carryover, and  
15 the recreational sector equals 68 percent minus the carryover,  
16 and so a couple of things here.

17  
18 The actual allocations between the sectors haven't changed.  
19 They are just offset by whatever the carryover credit is. Does  
20 that make sense? That's a key difference between Alternatives 2  
21 and 3. I see some heads nodding. Okay.

22  
23 We are still allowing the recreational landings to vary by 20  
24 percent. In this case, let's say the recreational guys get  
25 after it a little bit better the next year and they've caught  
26 more fish. Only 14 percent of the stock ACL is left this time,  
27 and so that means it's lower than 15 percent and there is no  
28 carryover, and that's shown here. The recreational landings in  
29 2017/2018 were too high to allow a carryover the following year.

30  
31 Let's go to 2018/2019. Again, no carryover, because we had less  
32 than 15 percent of the total stock left, and so the commercial  
33 sector ACL in 2018/2019 is just 32 percent of the stock ACL.  
34 The recreational sector is just 68 percent, and we're still  
35 allowing the landings to vary. Let's say this time we have  
36 about 31 percent remaining again. That's higher than 15  
37 percent, and so that means that there's a carryover, and that's  
38 the amount of the carryover at 30 percent, 815,000 pounds.  
39 That's the amount that would be added the following year, and I  
40 have more line of this, but does everybody kind of get how this  
41 works?

42  
43 One of the things to consider with this is that, the more you  
44 allow to carry over, the greater the likelihood that you won't  
45 have successive annual carryovers, and so, if you're allowing  
46 say 60 or 70 percent of the remainder in a given year to carry  
47 over to the following year, you increase the likelihood of  
48 catching so much of the total stock ACL that you cross into that

1 threshold that you've established that determines whether you do  
2 anything or not.

3  
4 What that means is if you're carrying over say 70 percent, you  
5 might have routinely less than 15 percent of the stock ACL  
6 remaining at the end of that fishing year, which means you're  
7 going to have carryover in year one and nothing in year two and  
8 carryover and then nothing and it's going to be like that.

9  
10 If that's fine by you, then you can move more at one time. If  
11 want it to be more repetitive, like every year something is  
12 getting moved over, then maybe you don't transfer quite so much.  
13 Has everybody got this? Nobody is saying no and so okay.

14  
15 **DR. STEVE BRANSTETTER:** Maybe it's semantics, but why would you  
16 subtract from the recreational sector the carryover of unused  
17 fish from the previous year? If you had fish to give away, to  
18 add to the commercial quota, why would you penalize the  
19 recreational sector?

20  
21 **MR. RINDONE:** This allows you to stay underneath the ABC, and so  
22 the ABC is equal to the ACL. If we're not having to change the  
23 ABC, then we don't have to go to the SSC and we don't have to  
24 involve them at any level with this. This is something that  
25 just happens automatically.

26  
27 I think where you're going goes into what Dr. Crabtree had  
28 proposed at the previous meeting, and that's actually in  
29 Alternative 4, but, since the recreational sector is not using  
30 that ACL, or their portion of the stock ACL, taking it from  
31 there and giving it to the commercial sector, to a degree,  
32 doesn't affect them unless they get close to catching their ACL.

33  
34 If that ends up being the case, then there are measures in place  
35 to prevent their season from closing, because we're talking  
36 about not doing anything if as much as 15 percent or greater,  
37 depending on what you guys want, of the ACL is remaining, and so  
38 that prevents their season from closing, and we've got an Action  
39 2 that talks about that as well.

40  
41 **CHAIRMAN DANA:** Steve, how do you see this alternative  
42 penalizing the recreational fishery versus the alternative  
43 before it, Number 2, which takes percentages and just takes it  
44 from the recreational and gives it to the commercial? I mean  
45 how do you see one penalizing the recreational rather than both  
46 or neither?

47  
48 **DR. BRANSTETTER:** I think they're very similar. I mean it's

1 fish that aren't being caught, but, as Ryan just mentioned, that  
2 makes Alternative 4, going back to the SSC, is kind of where I  
3 was going with this, was you change your ABC on an annual basis  
4 if you wanted to do it this way, but I guess I'm -- I really  
5 don't care. I won't be here, but you're providing a pat on the  
6 back for a sector to exceed its ACL. You're going to give them  
7 a benefit, and now you're going to take a hit on the other  
8 sector that stayed under its ACL, simply because they don't have  
9 enough interest to harvest their quota. To me, that seems a  
10 little counterintuitive.

11

12 **CHAIRMAN DANA:** Thanks.

13

14 **MS. ANNA BECKWITH:** Ryan, I've got a question. The recreational  
15 fishing year starts on July 1 and ends on June 30, and you may  
16 have said this, and I may have missed it. Go back through the  
17 timing for when that fishing year's information would be  
18 finalized for the recreational and at what point that would be  
19 finalized to make this decision.

20

21 **MR. RINDONE:** That actually brings up my next point, which was  
22 another decision that you guys would have to make if you decided  
23 to go with this alternative, and that is are you comfortable  
24 using estimates of the final wave's landings, say Wave 3  
25 landings, in order to estimate where the landings are going to  
26 be and determine what the carryover credit would or would not be  
27 for the next fishing year.

28

29 In order to do this in a timely fashion, we would need to  
30 estimate Wave 3 landings, at a minimum, because, if we were to  
31 wait, it's forty-five days before they come in. Then there is  
32 QA/QC, and so we could be looking at a couple of months before  
33 we have -- We would be looking at say the end of August before  
34 we have those Wave 3 recreational landings finalized. Then NMFS  
35 would still have to issue a temporary rule to reflect the  
36 adjustment to the ACL, and so, at that point, you're well into  
37 the fishing season.

38

39 With the changes that were made to the ACLs in the Gulf, and  
40 especially with the commercial zone quotas in Amendment 26, my  
41 hypothesis would be that, short-term, that might not even  
42 matter, but one day it might matter, and so it would be better  
43 to have this all worked out ahead of time, as far as how you're  
44 going to deal with it, now, than to have a problem that you have  
45 to fix later. If you guys choose to go with Alternative 3, to  
46 some degree, I would encourage you to consider whether or not  
47 you're comfortable using estimates of those Wave 3 landings as a  
48 surrogate for the actual landings, and that's something that we

1 could just add to the discussion.

2

3 **CHAIRMAN DANA:** Martha Guyas.

4

5 **MS. MARTHA GUYAS:** I guess, along those lines, I mean how much  
6 do the Wave 3 estimates typically deviate from the final  
7 numbers? Then I guess my other question would be how do we deal  
8 with Texas? Would it just be an estimate going in, since we  
9 wouldn't have landings from Texas and any other state that's not  
10 doing MRIP?

11

12 **MR. RINDONE:** I don't know specifically how much they vary, but  
13 I can get that figured out for you all by full council.

14

15 **CHAIRMAN DANA:** Leann Bosarge.

16

17 **MS. LEANN BOSARGE:** I just wanted to say thanks to Ryan for  
18 doing all of this, and you know when I was crafting the motion  
19 to start this document, I only wanted one alternative in there,  
20 that one from the document we took final action on, and I got  
21 some pushback, from I think Myron and Dr. Crabtree, and I'm glad  
22 they did, because I think this really does give us a suite of  
23 options to look at and get in the weeds with and figure out if  
24 this will work or if it won't, and I think there's some options  
25 that may be better than what we had in the last document,  
26 depending on how we line them out, but the point I wanted to  
27 make was that you said that in the Alternative 2, under this  
28 action, that it does change the allocations.

29

30 I don't know and maybe there is a miscommunication somewhere,  
31 but when I came up with that proposal, my whole basis was I  
32 don't want the allocation to change, the actual 32/68. Those  
33 stay the same. There will be a conditional transfer each year,  
34 but it's conditional. That 68 percent is still the recreational  
35 sector's, and, if everything lines up, then they will transfer  
36 us, for that year, a certain portion of it, whatever we decide,  
37 a certain percentage, but it's still theirs. They're only  
38 letting us fishing it for that year.

39

40 If we bump up against the thresholds and all the safeguards that  
41 we've put in place, then it's still 68 percent theirs and 32  
42 percent ours, and we've got to back off of it. Do you see what  
43 I'm saying? I just wanted to make sure that is clear.

44

45 **MR. RINDONE:** If that was the case, then that's a little  
46 different than I guess what we had understood. We had  
47 understood it to be that that percentage would transfer from the  
48 stock ACL to the commercial sector and, by default, from the

1 recreational sector, until that threshold was met. It wouldn't  
2 be like an every year thing. It would persist until that  
3 threshold was met, if ever, by the recreational sector.

4  
5 If it's something that you want to be on an annual basis, then  
6 we will need to rewrite that portion of Alternative 2, but I  
7 think, functionally, it operates the same, because it still  
8 relies on that threshold trigger to determine whether that  
9 conditional transfer stops or not, but, effectively, what it is,  
10 it's moving that ACL from one sector to the other for a certain  
11 period of time, until something happens. If you want it to be  
12 done on a more annual basis, we can change that.

13  
14 **CHAIRMAN DANA:** Mara.

15  
16 **MS. MARA LEVY:** Thank you. I understand the hesitancy to say  
17 that you are changing the allocation, but, in reality, both of  
18 these do that. Leann's alternative does that. It's  
19 conditional. It has a trigger that would automatically, without  
20 any further council action, shift it back if that threshold is  
21 met. This does it too, but it just does it on an annual basis,  
22 and so we can say it's not an allocation change, but, when you  
23 look at what you are actually allowing each sector to harvest,  
24 it is an allocation change for that year.

25  
26 I just think -- I get it. I get that allocation shifts are  
27 sensitive, but let's not sort of just put the blinders up and  
28 say this is not an allocation change, because it really is, and  
29 I think we need to evaluate it in that manner when we're  
30 thinking about fair and equitable and all of those things.

31  
32 I think both of these have -- They both equally get at what you  
33 want to do, and there is the other alternative that Ryan hasn't  
34 talked to you about yet that also tries to get at that, but we  
35 should just acknowledge what it's doing.

36  
37 **CHAIRMAN DANA:** Roy and then Myron Fischer and then Anna  
38 Beckwith.

39  
40 **DR. ROY CRABTREE:** Ryan, what happens -- I think, at least in  
41 the runaround gillnet fishery, there's a payback. If they went  
42 over, but there was still some carryover, the payback would just  
43 be deducted out of the carryover or something like that?

44  
45 **MR. RINDONE:** We could certainly talk about doing that. We  
46 haven't put something like that in the document yet for the  
47 runaround gillnet fishery.

1 **CHAIRMAN DANA:** Ryan, have you answered that question? Yes?  
2 Myron Fischer.

3  
4 **MR. MYRON FISCHER:** Ryan, when we get yield streams, or I guess  
5 I should say when we get projections of the stock ACL, is it  
6 based on catching the entire TAC? My concern is that we are  
7 going to start using that buffer, that 31 percent that  
8 recreational is not harvesting, and we will start now harvesting  
9 it. I am just worried -- What is going to happen to the ACL  
10 projections in the future? If we're already accounting for  
11 those fish being caught in the projection models, then I guess  
12 there is no change, but obviously we will be harvesting at a  
13 higher rate.

14  
15 We have always talked, I think since my first day, seventeen or  
16 eighteen years ago -- Bob Zales talked about the mackerel  
17 fishery just being flat-lined. It doesn't matter what you do to  
18 it, but it's going to be around a ten-million-pound TAC, and  
19 here we are, all this time later, and it's 9.21. It's still  
20 around ten-million pounds, and we're not harvesting a sizeable  
21 part of the population.

22  
23 I am just fearful that, if we start harvesting that buffer, that  
24 we could see this population dropping, and I don't know how that  
25 is calculated. If we're already accounting for the full  
26 harvest, that's fine, but, if we're not accounting for it, we  
27 will be working on that buffer.

28  
29 **CHAIRMAN DANA:** Ryan.

30  
31 **MR. RINDONE:** Thank you. The models assume that you're going to  
32 catch every pound of ACL that is afforded to you in a given  
33 year. If you don't catch 9.21 million pounds in the 2016/2017  
34 fishing season, then the 8.88 million pounds that's estimated  
35 that you can catch for the following fishing season isn't going  
36 to be accurate, and it's going to be offset by whatever was left  
37 over.

38  
39 It could be that it should actually be higher, and, of course,  
40 things like recruitment can make that vary, but we usually need  
41 a stock assessment to tell us that information. Those  
42 consistent underages, if you will, those years of underharvest,  
43 can compound through time, to a degree, but you still have to  
44 consider migration out of the Gulf of Mexico and natural  
45 mortality, et cetera. There are other things that are going to  
46 cause some of those fish to move, but, generally speaking, the  
47 model assumes that, yes, you're going to catch every ounce of  
48 that ACL every year. If you don't, then the next one is wrong.

1  
2 **MR. FISCHER:** Okay, and so you would assume, or you would think,  
3 that no matter what alternative is taken that there is no  
4 biological implications, that it's really just how we allocate  
5 to the different sectors.

6  
7 **MR. RINDONE:** So long as the stock ACL is not exceeded,  
8 biological effects should be minimal on the stock's ability to  
9 persist, because what we're accounting for is this harvest.  
10 We're assuming that this is going to be taken out. Now, you're  
11 going to be harvesting more fish, and so that's bad for those  
12 fish, obviously, but, for the stock as a whole, as long as we  
13 don't exceed the ACL, the stock should be healthy.

14  
15 **CHAIRMAN DANA:** Anna.

16  
17 **MS. BECKWITH:** Thank you. For Alternative 3, it seems like, if  
18 I heard you right, that a temporary rule would be required every  
19 year, and I'm curious what the timing on that would be, versus  
20 Alternative 2, where it would be action taken once at the  
21 beginning to create it and then once to stop it, if a threshold  
22 was met.

23  
24 That would be the only two times a council action would be  
25 required, but, for Alternative 3 with the issues of finalizing  
26 the recreational data or using the estimates and then having to  
27 go through a temporary rule, is that way more cumbersome to  
28 achieve basically the same end, or what would be the timing?

29  
30 **MR. RINDONE:** It creates an administrative burden on the  
31 Southeast Regional Office or on NMFS to issue that adjustment to  
32 the ACL every year. For Alternative 2, council action is  
33 required to create it, but the measures are already provided  
34 within that rule to end if certain conditions are met. In this  
35 case, it's the recreational sector crossing a landings  
36 threshold, and so the council wouldn't have to take any action  
37 to end the measure that they created. It would happen on its  
38 own.

39  
40 Then the same goes with Alternative 3. The council would take  
41 the measure to start it, and then it would persist until the  
42 council changed it, but the burden would be on NMFS to issue the  
43 rules to update the ACL every year. Does that outline the  
44 difference between the two?

45  
46 **CHAIRMAN DANA:** I will take one more question on this, if there  
47 is one. Otherwise, I will have you move into Alternative 4.  
48 Then we're moving to Alternative 4.

1  
2 **MR. RINDONE:** Alternative 4 states that -- This is the  
3 alternative that was proposed by Dr. Crabtree at the previous  
4 meeting. It states that if the stock ACL is not met in a  
5 fishing year that the SSC will be convened to consider  
6 increasing the ABC for the following fishing year only.

7  
8 If the SSC recommends increasing the ABC, the amount of the  
9 increase would be added to the ACL of the sector which met its  
10 ACL in the previous fishing year. Consideration of an ABC  
11 adjustment by the SSC would only be requested if a minimum  
12 percentage of the stock ACL was not harvested in a given fishing  
13 year, and this is shown in Options 4a through 4c.

14  
15 If one of Options 4a through 4c is not chosen as preferred and  
16 the stock ACL has not been landed, then the SSC will consider  
17 raising the ABC, by default. Then we have the same threshold  
18 options that we used in Alternative 3 in Alternative 4. That  
19 actually -- Where it says "must choose one", that should just  
20 say "choose one". Are there any questions on Alternative 4?

21  
22 **MS. BECKWITH:** Ryan, just to be clear, this would require the  
23 Southeast Science Center to provide new projections for that  
24 following year for the SSC to consider, correct?

25  
26 **MR. RINDONE:** Yes, it would have to -- They would have to  
27 provide the projections, the SSC would have to meet, they would  
28 have to agree on a new ABC, and then whatever the difference was  
29 would go to the sector that's catching its ACL. Again, you guys  
30 would have to at least verbally tell us what it means to catch  
31 your ACL. Does that mean you've landed at least 90 percent of  
32 it? Does it mean you've landed all 100 percent of it? We need  
33 to have some discussion as to what that actually means if you're  
34 going to go with Alternatives 3 or 4.

35  
36 **CHAIRMAN DANA:** Martha Guyas.

37  
38 **MS. GUYAS:** To me, it probably 90 percent seems like it would be  
39 safe, but I guess I think Alternative 4 sounds like what we  
40 discussed yesterday for red snapper, that potential carryover  
41 idea, where we bring the SSC back together and they would  
42 increase the ABC.

43  
44 **CHAIRMAN DANA:** Kevin Anson.

45  
46 **MR. KEVIN ANSON:** It's not specific to Alternative 4, but it  
47 kind of goes back to the question regarding the timing of data  
48 that I think that Ms. Beckwith had kind of alluded to, inasmuch



1 as having the previous year's landings information and then  
2 going through the decision making process and waiting for the  
3 data to come through to determine at least what the initial, the  
4 preliminary, landings are and then issuing those pounds. Is  
5 there going to be any zone that kind of gets left out or -- I am  
6 trying to look at, since we have these zones and different dates  
7 and such, potentially are we going to be shorting a zone,  
8 because they're going to be primarily fished or gone through  
9 most of their fishing season by the time those extra pounds are  
10 released?

11  
12 **MR. RINDONE:** That's actually a really interesting question,  
13 because we have more ACL or more quota available now per zone,  
14 or we're thinking we're going to once Amendment 26 goes through.  
15 We have more quota available per zone than we did previously.  
16 Even though we have a smaller geographic footprint for the  
17 migratory group, there are fewer resource users within that  
18 footprint.

19  
20 Depending on how everything shakes out with that, it could be  
21 that some zones experience longer spring seasons, or spring  
22 seasons for the first time, like the southern hand line  
23 component of the commercial kingfish fishery is going to be more  
24 likely to experience a spring season now, if Amendment 26 is  
25 approved, than it would have before.

26  
27 Even the Northern Zone may even experience a spring season, to  
28 some degree, but we just don't know the answer to that yet.  
29 It's possible, and so those zones may actually still be open in  
30 the latter half of the commercial fishing year. I am assuming  
31 that, based on the historic effort though in the Western Zone,  
32 that that will be caught before that fishing year is halfway  
33 over.

34  
35 **CHAIRMAN DANA:** Okay. Moving to Alternative 5.

36  
37 **MR. RINDONE:** Alternative 5 is the sunset provision that you  
38 guys had talked about for this style action in Amendment 26, and  
39 it's verbatim the same thing. It just says to establish a  
40 sunset provision for any modification in sector allocations.  
41 After the predetermined time period, any modifications in sector  
42 allocations would revert back to the status quo sector  
43 allocations of 68 percent and 32 percent recreational and  
44 commercial. We have three options here that would sunset any  
45 modifications to allocations after five, ten, or fifteen years.

46  
47 Just to rehash, Ms. Guyas had said that she thought that 90  
48 percent was okay for our determination of a sector having met

1 its ACL, and, if you guys are comfortable with that, then we can  
2 include that in the discussion of Alternatives 3 and 4. The  
3 same is true for Alternative 4 as it was for Alternative 3, with  
4 trying to determine if you want to estimate landings for that  
5 wave, instead of waiting for those landings to come in in order  
6 for any ACL adjustments to be more timely, as opposed to having  
7 to wait for the data to come in and QA/QC and then have NMFS  
8 issue the temporary rule. If you guys are okay with estimation,  
9 some discussion about that would also help, for the record.

10  
11 **CHAIRMAN DANA:** Steve Branstetter.

12  
13 **DR. BRANSTETTER:** I guess we wouldn't have Wave 2 data until the  
14 middle of June, at which point, if you waited that late, it  
15 would be very difficult to get a temporary rule in place. If it  
16 comes in during the middle of June, then there's a potential for  
17 the Western Zone to be closed by the time we could get the  
18 numbers calculated and get a rule done. It may not be closed,  
19 but they would open under one quota and close under another.  
20 You may be estimating both Wave 2 and 3, although I suspect Wave  
21 2 is very small for recreational.

22  
23 **CHAIRMAN DANA:** Leann.

24  
25 **MS. BOSARGE:** As far as Martha's recommendation for the 90  
26 percent, I would be in support of that as a recommendation for  
27 assuming you have met your ACL. I think that sounds like a  
28 reasonable number to go with.

29  
30 As to some of these questions on timing, which we seem to have a  
31 lot of, maybe in the next iteration of this document, maybe we  
32 can get some kind of analysis and charts that will show us some  
33 timing, in black and white, on some of these items, so we can  
34 look at it and say, okay, logistically, that one is not going to  
35 work. Maybe we can streamline things a little bit.

36  
37 **CHAIRMAN DANA:** Thanks, Leann. Does anyone on the committee  
38 have a different percentage that they want to offer up or is 90  
39 percent the consensus? All right, Ryan, we will move with the  
40 90 percent. Mara.

41  
42 **MS. LEVY:** Just a question about Alternative 5. Was this a  
43 carryover from what was in the previous -- When we're talking  
44 about a sunset provision, in the context of what we have now,  
45 are we talking about that would apply to any one of the other  
46 alternatives? Does that mean that we would sunset the  
47 Alternative 3 that has that yearly shifting? Okay.

1 **MR. RINDONE:** The other thing that the IPT will need from you  
2 guys, at least some discussion about, is the degree to which  
3 you're comfortable with landings being estimated for obviously  
4 at least Wave 3 and perhaps Wave 2 as well.

5  
6 Wave 2 landings are typically among the lower of the season, and  
7 it would not make up, or have not historically made up, a very  
8 large portion of the recreational landings. It's in the spring,  
9 and the fish are obviously a migratory species. They're moving  
10 around, but they're in lower numbers at that point off of Gulf  
11 waters. If you guys are comfortable with estimating Waves 2 and  
12 3 for the purposes of making Alternatives 3 and 4 functional,  
13 some discussion on that would help.

14  
15 **CHAIRMAN DANA:** Martha.

16  
17 **MS. GUYAS:** Again, I guess, to me, I think it would helpful to  
18 see how consistent we are in our estimates versus the final  
19 numbers. If they're pretty close to each other, then that gives  
20 me some comfort, but if they deviate pretty wildly, then that  
21 might give me some pause.

22  
23 **MR. RINDONE:** I will bring that back to full council.

24  
25 **CHAIRMAN DANA:** Greg Stunz.

26  
27 **DR. GREG STUNZ:** Thank you for letting me address your  
28 committee, and I just have a question. It's kind of related to  
29 the waves and when we get the information. Ryan, with these  
30 upticks in the recreational fishery -- The last data point we  
31 have here is 2014. When do we get the final data? In other  
32 words, I would be interested to see where we are for 2015. Are  
33 we still on that steep incline coming from the recreational  
34 sector? When could we expect to see that?

35  
36 **MR. RINDONE:** We haven't seen the big pulse of landings this  
37 past fishing season that we saw with the previous fishing season  
38 that saw that 53 percent increase in recreational landings or 63  
39 percent. My ACL monitoring page is not coming up quickly, but  
40 it's a good bit behind. As of Wave 3, I think we were about a  
41 million pounds behind the previous year, or as of it would  
42 actually be Wave 6, but we were about a million pounds behind,  
43 because the recreational season for kingfish goes Wave 4, 5, 6,  
44 1, 2, 3, since the season starts on July 1.

45  
46 By the end of Wave 6, or the end of December, we were about a  
47 million pounds back. There could have been any number of  
48 reasons why last year was such a banner year for the

1 recreational sector, and having some of the safeguards in place  
2 with these different alternatives, like the threshold trigger to  
3 revert back to the status quo allocations in Alternative 2, and  
4 then the buffers that are de facto in place for Alternative 3,  
5 and the optional buffer that you have for Alternative 4, that  
6 helps prevent the recreational sector from getting into a  
7 condition where it would see its season shortened for a year.

8  
9 **CHAIRMAN DANA:** Leann.

10  
11 **MS. BOSARGE:** While we're on this action item, it sounds like  
12 timing may be an issue on some of these, based on the semantics  
13 and the process that it's got to go through, and what I did like  
14 about some of the more flexible alternatives, 3 and 4, is that,  
15 unlike Alternative 2, there is a threshold, but, when the  
16 threshold is met, it doesn't stop all together forever. It goes  
17 kind of back and reevaluates things on a yearly basis and looks  
18 at it again and says, well, was there enough room the next year  
19 and was this a fluke thing and this and that.

20  
21 I thought, well, that's cool and maybe we could go with the  
22 Alternative 3 or 4, but if there's timing issues with 3 and 4,  
23 so that we can get all the analysis we need, is it possible to  
24 do something like that with Alternative 3? In other words, if  
25 the threshold is met, if you have some conditional transfer each  
26 year, and we said that if the threshold is met, that's it, all  
27 bets are off and everything stops, could it mimic 3 and 4, in  
28 the sense that, if the threshold is met, then the next year the  
29 conditional transfer is decreased by some percentage?

30  
31 Like if we said we were going to do a 15 percent transfer, and  
32 that pushed us up against the threshold, then the next year it  
33 drops down to a 10 or a 5 percent transfer? Is that something  
34 that we could do, to make it mirror some of the other  
35 alternatives that may have timing issues, because of the  
36 process?

37  
38 **MR. RINDONE:** Mathematically, sure. That can be done. That's  
39 just a changing of the wording of how the three options of that  
40 particular alternative function. Right now, it's a hard stop,  
41 but it could be changed to be a hard stop for a year with this  
42 caveat. Say the amount to be transferred is halved, and I am  
43 just being arbitrary on that. If you wanted to change the  
44 verbiage of Alternative 2, we could definitely do that.

45  
46 **CHAIRMAN DANA:** John Sanchez.

47  
48 **MR. JOHN SANCHEZ:** I think you had said 3, but I was assuming

1 you meant 2, and I just wanted to clarify.

2

3 **CHAIRMAN DANA:** Mara.

4

5 **MS. LEVY:** I just have a question about that. I mean I guess we  
6 could talk about what that would look like, but, if you're still  
7 relying on needing recreational landings to see if you've hit  
8 that threshold and you need to bump it down, do you get into  
9 those same timing issues, unless it's like, well, we'll defer  
10 that until the next year, because, if you still need that  
11 information for the year that's coming up to know whether to  
12 bump it down, then it seems like you're back in that do have  
13 enough time. I could see it if it was like we know and so then  
14 the following year we fix it. Then you don't have that, and so  
15 I guess we would have to talk about exactly how it would work.

16

17 **CHAIRMAN DANA:** Kevin.

18

19 **MR. ANSON:** Thank you. Just one brief comment. I figured I  
20 would bring it up at committee rather than full council, but,  
21 going back to the issue of semantics and some of the verbiage in  
22 here, relative to the sensitivity of allocation, I am wondering  
23 if we might want to consider, like in Alternative 5 and other  
24 places, in the other alternatives, but this is the easiest one  
25 to refer to.

26

27 In that first sentence, it says modifications in the sector  
28 allocations, when you might want to consider for any  
29 modifications in sector quota shares and then all those  
30 allocation references that would actually be referring to the  
31 alternatives that we're talking about in the document, they  
32 might be referred to as quota shares. Then the actual  
33 allocations that we have, the 68/32, would stay as allocation.

34

35 **CHAIRMAN DANA:** Thanks, Kevin. In the interest of time, I think  
36 -- First of all, I appreciate the work you've put into this,  
37 Ryan. If there is no other changes to these alternatives as  
38 they currently read, I think Ryan has his marching orders to  
39 prepare something for us in the next meeting, and so I'm going  
40 to ask that we now move into Action 2, which is adjust the  
41 recreational accountability measure for Gulf migratory group  
42 king mackerel. Ryan.

43

44 **MR. RINDONE:** For Action 1, there were some changes that were  
45 discussed. Are these changes that you guys would like to see  
46 reflected in the document at full council, because I think we  
47 can accomplish that, or is this something that you want us to  
48 take back and then bring to the next council meeting?

1  
2 **CHAIRMAN DANA:** John Sanchez.  
3  
4 **MR. SANCHEZ:** Yes, but, if it's not too tall of an order and you  
5 could do it for full council, that would be great.  
6  
7 **MR. RINDONE:** Okay.  
8  
9 **CHAIRMAN DANA:** You're a dynamo, Ryan. You really are. You're  
10 awesome. We're going to shoot for full council for some  
11 clarification and detail. Action 2, Ryan.  
12  
13 **MR. RINDONE:** Action 2 would adjust the recreational  
14 accountability measure for Gulf kingfish, and this is basically  
15 just a safeguard that's in place because of what we're  
16 attempting to do in Action 1, and we already talked about all  
17 the safeguards that are built into the alternatives in Action 1  
18 to prevent the recreational season from not being 365 days long.  
19  
20 Just to go through this, Alternative 1 is the no action  
21 alternative, which would retain the current in-season  
22 recreational accountability measure, and this states that if the  
23 recreational landings reach or are projected to reach the  
24 recreational ACL, as adjusted in Action 1, if adjusted in Action  
25 1, the bag limit would be reduced to zero for the remainder of  
26 the fishing year. That's what we currently have.  
27  
28 Alternative 2 says to replace the current in-season  
29 accountability measure with a post-season accountability  
30 measure, whereby, if the recreational ACL, as adjusted in Action  
31 1, is exceeded, the bag limit would be reduced to two fish per  
32 person per day for the following fishing year only. After the  
33 following fishing year, if the ACL was not exceeded again, and  
34 this is the recreational ACL we're talking about, the bag limit  
35 would be put back to three fish per person.  
36  
37 Alternative 3 states that we would again replace the current in-  
38 season accountability measure with a post-season one, whereby,  
39 if the recreational ACL, as adjusted in Action 1, is exceeded,  
40 then the length of the following fishing season would be reduced  
41 by the amount necessary to ensure the landings don't exceed the  
42 ACL. The difference here is whether the length of the season is  
43 shortened or whether the bag limit is reduced.  
44  
45 **CHAIRMAN DANA:** Mara.  
46  
47 **MS. LEVY:** Thank you. With respect to Alternative 2, what  
48 happens the following year if the ACL is exceeded again?

1 Meaning you went down from three to two fish. You're at two  
2 fish and then it's exceeded again. What mechanism would we have  
3 at that point to then make sure it wasn't exceeded again? Has  
4 that been discussed?

5  
6 I think that, if we end up looking at something like Alternative  
7 2, and it ends up becoming someplace that the council wants to  
8 go as preferred, that we have to think about what else would be  
9 necessary, because I don't think you could do this alone and  
10 ensure that you actually have an accountability measure in place  
11 that would prevent you from exceeding the ACL in the future.

12  
13 **CHAIRMAN DANA:** Ms. Guyas.

14  
15 **MS. GUYAS:** Regarding Alternative 2, we had an accountability  
16 measure like this for red grouper that we got rid of, and I'm  
17 going to tell you that it was a hot mess. I don't know if was  
18 written exactly like this, but I think the bag limit was set at  
19 three. Then, if we went over the ACL, it dropped down to two,  
20 but only for that year.

21  
22 Then if we thought that we were within the ACL, I think it  
23 popped back up to two or up to three, and there was mass  
24 confusion, mass confusion, about what the bag limit was, and I  
25 think some of it was we weren't getting MRIP information as  
26 quickly as we thought we could or we would like, and so the bag  
27 limit would start at three and then it would go down to two in  
28 the middle of the year, and it was kind of a mess.

29  
30 I certainly understand the desire to keep the fishery open year-  
31 round, but I just wonder if it's worth maybe even potentially  
32 adding another alternative that would do this, but just hold it  
33 at two. If we go over, then you just stay at two until the  
34 council takes another action, just so that you don't have this  
35 yo-yo between bag limits that confuses people.

36  
37 **CHAIRMAN DANA:** We could either have a motion to consider but  
38 reject Alternative 2 or you could have a motion to add  
39 Alternative 4 and the language that you offered.

40  
41 **MS. GUYAS:** I will wait for now. Let's see if anybody wants to  
42 talk about it in public comment. Then, at full council, maybe I  
43 will come back with something, but I think Leann wants to talk  
44 to you.

45  
46 **CHAIRMAN DANA:** Leann Bosarge.

47  
48 **MS. BOSARGE:** I wasn't real keen on this when I read it, because

1 it seems like the recreational sector is going to get punished  
2 for something that they didn't do. They essentially shared  
3 their quota with the commercial sector and somehow it -- I guess  
4 what I'm wondering though is -- In all the options that we're  
5 looking at in the first action -- Ryan, when you showed us those  
6 numbers, at the last meeting, I guess, I think it was, on  
7 average, about three-million pounds of mackerel being left in  
8 the water every year, roundabout, and you went through an  
9 example just a minute ago and showed us this and that and the  
10 other, but this speaks to the recreational ACL.

11  
12 Can there be something there that is -- I don't know if it will  
13 make a difference, but the overall ACL, I don't -- I mean they  
14 would have to blow something out of the water for that overall  
15 ACL, because we're not transferring all the fish, or am I  
16 missing the point?

17  
18 **CHAIRMAN DANA:** Ryan.

19  
20 **MR. RINDONE:** Thank you. You're right that we're not  
21 transferring all the fish from the recreational ACL. Depending  
22 on which alternative you were to choose in Action 1, only a  
23 portion of their ACL is being moved over, but their landings, at  
24 least currently, are still well underneath that.

25  
26 The reason that we're having to consider changing the  
27 accountability measures is because we're considering the changes  
28 we are in Action 1, instead of just saying we're going to do a  
29 hard allocation shift and we're going to change the allocations  
30 from X percent to X percent. Because we're talking about  
31 something different, this is why we're considering what we have  
32 here.

33  
34 Again, if the bag limit thing unnerves some folks and you don't  
35 like that, then we can trash that one or we can change it to be  
36 more palatable. In Alternative 3, which would just reduce the  
37 following fishing year by the amount necessary to ensure that  
38 the landings don't exceed the ACL, the trick on that one is  
39 that, if the recreational sector catches its ACL in a given  
40 year, under anything that happens in Action 1, they get all  
41 those fish back.

42  
43 The odds of their season, in the following fishing year, being  
44 reduced are almost nil, because if they meet it or exceed it,  
45 they get everything back that they have given to the commercial  
46 side under Alternative 3 here. Does that make sense to  
47 everybody? They kind of go hand-in-hand.

48



1 **CHAIRMAN DANA:** Myron.

2  
3 **MR. FISCHER:** Ryan, I know they go hand-in-hand, but it's just a  
4 very hard sell, and the opportunity does exist that the  
5 recreational sector transfers fish and then is penalized with an  
6 accountability measure because they did exceed their harvest.  
7 It's going to be difficult to explain why their season is being  
8 cut, but yet they had to give away fish. I still think the  
9 concept works, but we just have to tie it all together. It's  
10 your opinion that you don't think it will ever be exceeded, but  
11 I think you need something in the document that ties it  
12 together.

13  
14 **CHAIRMAN DANA:** Chairman Anson and then Dr. Crabtree.

15  
16 **MR. ANSON:** I want to get back to one of the points that Ryan  
17 just discussed relative to Action 2 as requirement because we're  
18 doing Action 1 in the document. I mean we could establish  
19 accountability measures regardless of what we're doing in Action  
20 1. I mean is that correct, Ryan? We're not doing Action 2  
21 because we're doing Action 1. We're just doing it as a  
22 backstop, because we have started this process with quota  
23 sharing under Action 1. Is that right? I mean we can establish  
24 accountability measures today, if we wanted to, for the  
25 recreational sector.

26  
27 **MR. RINDONE:** With what we're talking about doing in Action 1  
28 though with moving -- After the start of the season, moving some  
29 portion of the ACL around, depending on what you choose, the in-  
30 season recreational accountability measure becomes more  
31 difficult to actually implement.

32  
33 Again, we don't know what our recreational landings are going to  
34 be, for certain, until we get all that wave data in, which is  
35 why we talked about all the estimation stuff before. By  
36 shifting the AM to a post-season accountability measure, now  
37 we've got the information and can make the decision, as opposed  
38 to trying to figure out if we should do something in-season  
39 without having all the data, and that's where this change is --  
40 That's why we've determined this change is likely necessary.  
41 Does that make sense?

42  
43 **CHAIRMAN DANA:** Dr. Crabtree.

44  
45 **DR. CRABTREE:** I think what you're trying to do -- If you have  
46 the status quo with the in-season closure, and then you  
47 temporarily shift off some of their fish, they could end up  
48 being closed down, in effect, if the landings were much higher

1 than you expected that year, but, by making the accountability a  
2 post-season the next year, then you're able to pull the  
3 temporary transfer back. If their catches went up so much, you  
4 still might need to close them, but the odds are, when you pull  
5 that back, that would be enough to prevent the closure from  
6 happening, but you want to make sure that you have the ability  
7 to get back the temporary transfer before you have to implement  
8 an accountability measure, and I think that's what this is  
9 trying to get at.

10  
11 **CHAIRMAN DANA:** Any other comments from the committee? Any  
12 action that we want to take or do we want to bring this into  
13 full council for further discussion or action? Okay. In the  
14 interest of time, we are going to defer more discussion or  
15 action to the full council on Action 1 and 2. Chairman Anson, I  
16 know that we're into the lunch timeframe. We have one more  
17 amendment that has only -- I think it will be relatively short,  
18 and I know that John had other business. How do you want to  
19 handle that?

20  
21 **MR. ANSON:** We can go ahead for an extra ten or fifteen minutes.

22  
23 **CHAIRMAN DANA:** Okay. Mara.

24  
25 **MS. LEVY:** Thanks. Just real quickly, I just wanted to say that  
26 I wanted to introduce a newer attorney from our office, Jocelyn  
27 D'Ambrosio, and she is going to come sit in my place for the  
28 discussion of this CMP Framework 5. She's been the one working  
29 with NMFS and council staff on it, and so I'm going to give her  
30 the opportunity to sit up here and take my place. Thanks.

31  
32 **CHAIRMAN DANA:** Okay. If everyone can turn to Tab C, Number 5,  
33 we're going to go into the Modifications to the Pelagic  
34 Commercial Permit Restrictions in the Gulf of Mexico. I believe  
35 there's just one action with three alternatives to consider.  
36 Ryan, do you want to take us through that?

37  
38 **OPTIONS PAPER: FRAMEWORK AMENDMENT 5: MODIFICATIONS TO**  
39 **COMMERCIAL KING MACKEREL PERMIT RESTRICTIONS IN THE GULF**

40  
41 **MR. RINDONE:** Sure. Thank you. The purpose and need for this  
42 document is on page 2, and this was brought to the council by  
43 the CMP AP, and the purpose of this action is to eliminate  
44 permit restrictions unique to commercial king and Spanish  
45 mackerel permit holders in the Gulf, and the need for this  
46 proposed action is to standardize vessel permit restrictions  
47 applicable after a commercial quota closure, remove restrictions  
48 on recreational fishing, and reduce the potential for regulatory

1 discards in Gulf kingfish.

2  
3 Basically, commercial vessels cannot have recreational fishing  
4 activity occurring on them when the commercial season is closed,  
5 and what the commercial folks that were on the AP, generally  
6 speaking, were wanting to do is just to be able to  
7 recreationally fish for kingfish using their commercial vessel  
8 when the recreational season is open. These aren't fish that  
9 are going to be sold or anything. They just want to go out and  
10 catch some fish for themselves.

11  
12 Right now, kingfish and Spanish are the only species that we  
13 manage that you are not allowed to do that, and so this  
14 framework action seeks to affect change to that particular rule.

15  
16 If we go down to Action 1, which is the only action that we have  
17 here -- Before we leave the purpose and need, something else.  
18 The South Atlantic has determined that they want to play ball  
19 with this framework action as well and then, by doing this  
20 together with the South Atlantic, it reduces the administrative  
21 burden on NMFS from having to issue two different rules for what  
22 is essentially the same permit on both sides.

23  
24 Some proposed edits to the purpose and need would be to remove  
25 references to just the Gulf and for it to be the general Gulf  
26 and Atlantic CMP fishery. If the committee is okay with that,  
27 we can make that change.

28  
29 **CHAIRMAN DANA:** I see no objection, Ryan.

30  
31 **MR. RINDONE:** All right. We will head back down then to Action  
32 1. Again, this is the only action we have, and we have three  
33 alternatives. Alternative 1 is no action. It would not modify  
34 the restrictions applicable to commercial kingfish or Spanish  
35 fishermen, and kingfish and Spanish would not be able to be  
36 retained aboard a vessel with an applicable federal commercial  
37 permit when the commercial season is closed and, for king  
38 mackerel, in the zone in which that commercially-permitted  
39 vessel is fishing, except when that vessel also holds a charter  
40 vessel or headboat permit and is operating in a for-hire  
41 capacity.

42  
43 Alternative 2 is specific to kingfish and says that -- It says  
44 that we would remove the restriction on retaining the  
45 recreational bag limit of kingfish on a vessel for the federal  
46 pelagic commercial permit for king mackerel that's fishing  
47 recreationally when the Gulf of Mexico commercial zone in which  
48 the vessel is fishing is closed. With the inclusion of the

1 South Atlantic, we would just delete "Gulf of Mexico" from  
2 Alternative 2, and that would make it applicable to the Gulf and  
3 the Atlantic migratory groups of kingfish.

4

5 **CHAIRMAN DANA:** John Sanchez.

6

7 **MR. SANCHEZ:** Is there a reason why we didn't just say king  
8 mackerel and Spanish mackerel in like Alternative 2 and then not  
9 even have an Alternative 3?

10

11 **MR. RINDONE:** Just in case you guys wanted to do it for one and  
12 not the other, we broke them up.

13

14 **MR. SANCHEZ:** It doesn't make much sense to me.

15

16 **CHAIRMAN DANA:** Perhaps there is a motion for Alternative 4 that  
17 would combine them both or we could have a preferred of 2 and 3.

18

19 **MR. RINDONE:** You could prefer both 2 and 3.

20

21 **MR. SANCHEZ:** Whatever is the most direct route to get them  
22 together. If it's a preferred for Alternative 2 and 3, I will  
23 move that we do that. So you're done, Ryan.

24

25 **CHAIRMAN DANA:** Proceed, Ryan.

26

27 **MR. RINDONE:** Thank you. Alternative 3 would remove the  
28 restriction on retaining the recreational bag limit for Spanish  
29 on a vessel with a federal pelagic commercial permit for Spanish  
30 when the Gulf commercial Spanish fishing season is closed, and,  
31 again, here, since the South Atlantic is also going to be  
32 involved, we would just delete where it says "Gulf of Mexico",  
33 and then that would apply to the Gulf and the Atlantic groups of  
34 Spanish.

35

36 **CHAIRMAN DANA:** Any discussion by the committee? Anna Beckwith.

37

38 **MS. BECKWITH:** Ryan, was there some alternative language that  
39 you guys were also going to present to the Gulf?

40

41 **MR. RINDONE:** The language that you guys had seen was not the  
42 final language that we actually put into our briefing book,  
43 because your briefing book was a little bit ahead of ours, and  
44 so we sent you guys the most current thing we had at the time,  
45 but there were some language tweaks, and this was one of the  
46 easier ways we thought we could make it homogenous across both,  
47 since that's what was anticipated.

48

1 Again, if you guys want to just leave it as Alternative 2 and 3  
2 and prefer both, you can do that. If you want to combine them,  
3 combine them. At this point, you have considered a reasonable  
4 range.

5

6 **CHAIRMAN DANA:** NOAA Counsel.

7

8 **MS. JOCELYN D'AMBROSIO:** Thank you. One of the reasons why  
9 there was a separated-out Alternative 2 for king and Alternative  
10 3 for Spanish was just the direction from the advisory panel.  
11 It had been to look at king mackerel. When we looked at the  
12 regulation, we saw that it applied to both king and Spanish, and  
13 so we added them as separate alternatives.

14

15 Another consideration, which is referenced in this paper, is  
16 that, at least for the Gulf migratory unit of Spanish mackerel,  
17 it's currently managed under a stock ACL. This restriction  
18 actually wouldn't really take effect, practically speaking,  
19 because there wouldn't be a situation, under the AMs, where the  
20 commercial sector would be closed but the recreational sector  
21 would be open, and so, once the landings are projected to reach  
22 the stock ACL, both sectors would close, and so that, legally  
23 speaking, in the Gulf, would mean that this restriction isn't  
24 currently working.

25

26 If those regulations were to change and you were to manage under  
27 separate sector ACLs, then this would allow you to make the  
28 change sort of preemptively. You would have to go back and  
29 standardize across king and Spanish mackerel. By including the  
30 South Atlantic, which doesn't have stock ACL for Spanish  
31 mackerel, then it allows the council to sort of evaluate the  
32 differences in how those species are managed by keeping the two  
33 alternatives.

34

35 **CHAIRMAN DANA:** Thank you for the clarification. Leann.

36

37 **MS. BOSARGE:** Anna, I'm not sure if we decided to put you all in  
38 this or not, but are you thinking about tweaking this document  
39 on your side a good bit before we add you to this, just out of  
40 curiosity?

41

42 **MS. BECKWITH:** No, we want to keep this simple. In fact, we  
43 actually don't see this having a lot of effect on our side, but  
44 we just see it as -- We're onboard for minimizing the complexity  
45 of regulations, and we see that, for our fishermen, it will give  
46 them a chance to fish recreationally on the Gulf side, and so,  
47 no, we're not real interested in tweaking. We had just seen a  
48 different version of language, but the same concept, and that's

1 fine.

2

3 **CHAIRMAN DANA:** I will go ahead and entertain motions, if there  
4 are any.

5

6 **MR. SANCHEZ:** To make Alternative 2 and 3 the preferred.

7

8 **CHAIRMAN DANA:** I have a motion to make Alternative 2 and  
9 Alternative 3 in 2.1, Action 1, the preferred alternative. Do I  
10 have a second? Any discussion? Doug Boyd.

11

12 **MR. DOUG BOYD:** A question for Ryan, and I apologize for not  
13 knowing this, but does the king mackerel fishery for commercial  
14 have the same restrictions that are on the commercial fishermen  
15 in the red snapper IFQ program or with red snapper, where you  
16 have VMS and you have hail-in and hail-out and you have to land  
17 them at a certified landing place, a dealer, any of that kind of  
18 stuff?

19

20 **MR. RINDONE:** The fish have to be sold to a licensed dealer, but  
21 there are no VMS requirements or the associated measures with  
22 VMS.

23

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

25

26 **CHAIRMAN DANA:** Myron Fischer.

27

28 **MR. FISCHER:** Thank you, Madam Chair. During the discussions of  
29 writing this up, has any arrived at the solution of how these  
30 boats, due to where they typically dock, how they will be  
31 covered by the MRIP or the state systems to have their fish  
32 available to be sampled, because most commercial docks don't  
33 fall under the infrastructure of the list of where samplers show  
34 up for recreational sampling.

35

36 **CHAIRMAN DANA:** That's a good question. Ryan, do you know, or  
37 Dr. Crabtree?

38

39 **DR. CRABTREE:** That's been a long-standing issue with allowing  
40 this kind of thing, and anywhere we have commercial vessels  
41 bringing in recreational bag limits, that is a bit of a problem.  
42 I think the assumption here is it's a negligible amount of fish  
43 and would fall within the MRIP error of the estimate anyway,  
44 which is suspect is probably true, but I do think, if a  
45 commercial vessel comes into a commercial dock and has a  
46 recreational bag limit onboard, it likely falls through the  
47 cracks and it isn't going to be found.

48

1 **CHAIRMAN DANA:** Leann.

2  
3 **MS. BOSARGE:** Myron, to that point, in our area, the commercial  
4 guys that would be coming in and out that are fishing  
5 recreationally on that commercial boat that day, they're  
6 actually going to use -- Most of the time, they use a public  
7 boat ramp. In fact, every time, that I know of, they're using a  
8 public ramp. They're coming in and out of a public ramp, and so  
9 they would be sampled there.

10  
11 **CHAIRMAN DANA:** Any further discussion on the motion? **Seeing**  
12 **none, is there any opposition to the motion? The motion passes**  
13 **that in Action 1 to combine and make Alternatives 2 and 3 the**  
14 **preferred alternatives.** Unless I am incorrect, that concludes  
15 this particular amendment, and I know, John, you had other  
16 business. Can you handle that briefly?

17  
18 **OTHER BUSINESS**

19  
20 **MR. SANCHEZ:** Of course that's entirely up to everybody else. I  
21 would like to make a motion to request that the Southeast  
22 Fisheries Science Center provide the SSC with updated OFL and  
23 ABC yield streams for Gulf migratory group king mackerel for the  
24 2017/2018 to 2019/2020 fishing seasons.

25  
26 **CHAIRMAN DANA:** Okay. One moment while we get this on the  
27 board. John is going to slowly repeat his motion.

28  
29 **MR. SANCHEZ:** All right. **Motion to request that the Southeast**  
30 **Fisheries Science Center provide the SSC with updated OFL and**  
31 **ABC yield streams for Gulf migratory group king mackerel for the**  
32 **2017/2018 to 2019/2020 fishing seasons.**

33  
34 **CHAIRMAN DANA:** We've got a motion. Do I have a second? Martha  
35 Guyas seconds. Any discussion? John, can you tell us the  
36 rationale for your motion?

37  
38 **MR. SANCHEZ:** In the interest of getting data more routinely and  
39 more frequently, given this fishery. It's just data gathering  
40 stuff, more information.

41  
42 **CHAIRMAN DANA:** Any further discussion? Bonnie Ponwith.

43  
44 **DR. BONNIE PONWITH:** Just for clarification on the intention,  
45 developing those projections isn't -- That really doesn't  
46 qualify as gathering data, and so --

47  
48 **MR. SANCHEZ:** For the record, I guess it's more to address the

1 underharvest issue.

2

3 **CHAIRMAN DANA:** Doug Gregory.

4

5 **EXECUTIVE DIRECTOR DOUG GREGORY:** If I understand it right,  
6 since we're not taking the full ACL every year, and that was the  
7 assumption in the stock assessment when the original projections  
8 were made. The new projections would take into account that the  
9 full ACL was not taken, and so, presumably, it would provide us  
10 with higher projected landings that could be taken in the future  
11 two years.

12

13 **CHAIRMAN DANA:** Any other discussion on this motion? Bonnie  
14 Ponwith.

15

16 **DR. PONWITH:** Just one more point about the developing these  
17 projections. Again, it's been said before, in another committee  
18 meeting, but it's worth raising, is that when you generate these  
19 projections, the projections have the highest value to decision  
20 making the closer they are to the last stock assessment. The  
21 farther you get out from that stock assessment, the more  
22 uncertainty those projections are, because you're projecting  
23 something that is far into the future, and, right now, we are  
24 looking, I believe, at having a king mackerel stock assessment  
25 on the SEDAR schedule. I believe it's for 2018.

26

27 **CHAIRMAN DANA:** Doug Gregory.

28

29 **EXECUTIVE DIRECTOR GREGORY:** Ryan, the original projections in  
30 the last king mackerel stock assessment, what years did they go  
31 to? Does this include those same years or is this an extension  
32 of those years?

33

34 **MR. RINDONE:** The projections from the last stock assessment  
35 ended in 2019/2020, like for the 2019/2020 fishing year. Mr.  
36 Sanchez's motion would just update the backend of the  
37 projections that were already provided by the previous  
38 assessment.

39

40 **CHAIRMAN DANA:** Okay. I am calling the vote. There is a motion  
41 to request the SEFSC provide the SSC with updated OFL and ABC  
42 yield streams for Gulf migratory group king mackerel for the  
43 2017/2018 to 2019/2020 fishing seasons. **Is there any opposition  
44 to the motion? Seeing none, the motion passes.** This concludes  
45 our committee.

46

47 (Whereupon, the meeting adjourned on June 22, 2016.)