

GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

REEF FISH MANAGEMENT COMMITTEE

Hilton Riverside Hotel New Orleans, Louisiana

August 11, 2015

**VOTING MEMBERS**

- John Greene.....Alabama
- Martha Bademan (designee for Nick Wiley).....Florida
- Doug Boyd.....Texas
- Roy Crabtree.....NMFS, SERO, St. Petersburg, Florida
- Myron Fischer (designee for Randy Pausina).....Louisiana
- Kelly Lucas (designee for Jamie Miller).....Mississippi
- Campo Matens.....Louisiana
- Robin Riechers.....Texas
- David Walker.....Alabama
- Roy Williams.....Florida

**NON-VOTING MEMBERS**

- Kevin Anson.....Alabama
- Leann Bosarge.....Mississippi
- Glenn Constant.....USFWS
- Pamela Dana.....Florida
- Dale Diaz.....Mississippi
- Dave Donaldson.....GSMFC
- Bob Perkins.....USCG
- John Sanchez.....Florida
- Greg Stunz.....Texas
- Ed Swindell.....Louisiana

**STAFF**

- Steven Atran.....Senior Fishery Biologist
- Assane Diagne.....Economist
- John Froeschke.....Fishery Biologist/Statistician
- Doug Gregory.....Executive Director
- Karen Hoak.....Administrative and Financial Assistant
- Ava Lasseter.....Anthropologist
- Mara Levy.....NOAA General Counsel
- Emily Muehlstein.....Fisheries Outreach Specialist
- Ryan Rindone.....Fishery Biologist/SEDAR Liaison
- Bernadine Roy.....Office Manager
- Charlotte Schiaffo.....Research & Human Resource Librarian
- Carrie Simmons.....Deputy Director

**OTHER PARTICIPANTS**

- Pam Anderson.....Panama City Beach, FL

1 Tom Ard.....Orange Beach, AL  
2 Anna Beckwith.....SAFMC  
3 Ellen Bolen.....Ocean Conservancy  
4 Steve Branstetter.....NMFS  
5 Theo Brainerd.....SEFSC  
6 Bubba Cochrane.....Galveston, TX  
7 Jim Cowan.....LSU, Baton Rouge, LA  
8 Tracy Floyd.....MDMR, Biloxi, MS  
9 Brad Gorst.....Palm Harbor, FL  
10 Peter Hood.....NMFS  
11 Gary Jarvis.....DCBA, Destin, FL  
12 Pam Jarvis.....Destin, FL  
13 Gary Jennings.....American Sportfishing Association  
14 Mike Jennings.....Freeport, TX  
15 Bill Kelly.....FKCFA, FL  
16 Kristen McConnell.....EDF  
17 Kimberly Miller.....OMB  
18 Bart Niquet.....Lynn Haven, FL  
19 Gary Reisner.....NOAA  
20 Katie Semon.....LA  
21 Bob Spaeth.....SOFA, Madeira Beach, FL  
22 Jessica Stephen.....NMFS  
23 Steve Tomeny.....Port Fourchon, LA  
24 Bill Tucker.....Dunedin, FL  
25 Russell Underwood.....Lynn Haven, FL  
26 Tom Wheatley.....Tampa, FL

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29

30 The Reef Fish Management Committee of the Gulf of Mexico Fishery  
31 Management Council convened at the Hilton Riverside Hotel, New  
32 Orleans, Louisiana, Tuesday morning, August 11, 2015, and was  
33 called to order at 8:30 a.m. by Chairman Johnny Greene.

34  
35 **ADOPTION OF AGENDA**  
36 **APPROVAL OF MINUTES**  
37 **ACTION GUIDE AND NEXT STEPS**  
38

39 **CHAIRMAN JOHNNY GREENE:** Good morning. I will call the Reef  
40 Fish Committee together. You have a copy of the agenda in front  
41 of you and is there any additions to the agenda? Seeing no  
42 additions, the agenda will be adopted as written.

43  
44 Approval of the Minutes, is there any changes or additions or  
45 deletions to the minutes? Seeing none, the minutes will be  
46 approved as written.

47  
48 Item Number III, Action Guide and Next Steps, Tab B, Number 3,

1 has been presented for your review and will certainly be helpful  
2 to me as we go through the day. We will move on to Agenda  
3 Number IV, Public Hearing Draft Amendment 39, Regional  
4 Management, Tab B, Number 4, and Dr. Lasseter.

5  
6 **PUBLIC HEARING DRAFT AMENDMENT 39 - REGIONAL MANAGEMENT OF**  
7 **RECREATIONAL RED SNAPPER**  
8

9 **DR. AVA LASSETER:** Thank you, Mr. Chairman. Regional Management  
10 of Recreational Red Snapper, this is Tab B, Number 4, and so  
11 looking at the action schedule, what we want to accomplish for  
12 this portion of the agenda is to review all of the actions and  
13 alternatives in the updated draft you've been provided.

14  
15 We now have the Chapters 3 and 4, the affected environment and  
16 the effects sections, completed, the first draft, and so we  
17 would like the committee to review the preferred alternatives  
18 and select a preferred alternative for Action 2. If there is  
19 any further discussion on the timeline as well -- We understand  
20 that we are going to do an additional round of public hearings  
21 in October, soon after the October meeting, and so let's go  
22 ahead and move on to Action 1, which begins on page 9 of your  
23 document.

24  
25 This Action 1 is defining the form of regional management,  
26 structure, that the council is interested in and so, of course,  
27 Alternative 1, we do not have regional management and current  
28 federal regulations apply to all federal waters of the Gulf.

29  
30 Alternative 2 was the alternative for delegation, which has  
31 previously been considered by the council. Your current  
32 preferred alternative is Alternative 3, which would establish a  
33 regional management program where each state or group of states,  
34 as your regions, is going to submit proposals to NMFS and these  
35 proposals are going to describe the conservation equivalency  
36 measures that the region will adopt for its portion of the  
37 recreational sector ACL that will be allocated in a further  
38 action.

39  
40 I want to point out that if a region does not participate or its  
41 plan is determined by NMFS to not satisfy the requirements for  
42 conservation equivalency, then the recreational harvest of red  
43 snapper in federal waters adjacent to that region would be  
44 subject to the federal default regulations for red snapper,  
45 which are currently, the status quo regulations, a two fish bag  
46 limit and the minimum size -- This amendment is being changed.  
47 Then the season would be set by NMFS, depending on the portion  
48 of allocated quota.

1  
2 Preferred Alternative 3 is your current preferred. The  
3 difference between 3 and 4 is that 4 would require an additional  
4 step of review prior to the proposals being submitted to NMFS.  
5 A technical review committee would be created by the council and  
6 this committee would be responsible for reviewing the proposals,  
7 returning to the regions that they needed additional work, and  
8 then ultimately sending them to NMFS for final review.

9  
10 I will point out that this Alternative 4 is similar to what the  
11 summer flounder management program at the Atlantic States does.  
12 They have their Summer Flounder Review Board.

13  
14 The idea under all of these alternatives is that the EEZ,  
15 federal waters, stay open coast-wide, Gulf-wide, and that  
16 landings will be based -- Enforcement will be primarily  
17 landings-based.

18  
19 Alternative 5 provides some options for sunseting the program  
20 and you did previously, when delegation was your preferred  
21 alternative, have a sunset option selected when the preferred  
22 alternative was switched and the sunset was not selected.  
23 That's Action 1 and is there any discussion?

24  
25 **CHAIRMAN GREENE:** Is there discussion by the committee? Dr.  
26 Crabtree.

27  
28 **DR. ROY CRABTREE:** I still would like to hear a little  
29 discussion about the merits of Alternative 3 versus Alternative  
30 4. It still seems, to me, there would be a lot of benefit in  
31 having a technical review group that consists of folks from the  
32 states involved in looking at some of these things, rather than  
33 just have the Fisheries Service and have us just render an  
34 opinion on it. It seems this would be beneficial in terms of  
35 keeping us all on the same page and more consensus and things  
36 and I don't know, Mr. Chairman, if we want to go through the  
37 whole document before we offer motions or do you want to --

38  
39 **CHAIRMAN GREENE:** I think we just go through them one at a time  
40 and just go that route, I would imagine.

41  
42 **DR. CRABTREE:** I would offer a motion to change our preferred  
43 alternative to Alternative 4.

44  
45 **CHAIRMAN GREENE:** Okay. They are getting the motion on the  
46 board and is there a second to the motion? It's seconded by Mr.  
47 Williams. Dr. Crabtree.

48

1 **DR. CRABTREE:** If I could, I mean I think for this to work that  
2 it's going to be real important for all of the states to  
3 thoroughly understand what the other states are doing and how  
4 they're calculating it and to feel like everybody is doing  
5 things consistently and everybody is being handled fairly.

6  
7 It seems to me that Alternative 4 would do a better job towards  
8 getting us to that point and I don't think it necessarily has to  
9 tack all that much more time on the process.

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

12  
13 **MR. ROBIN RIECHERS:** Roy, I know you've suggested this  
14 alternative before and certainly, in some respects, I am  
15 starting to warm up to this alternative more. I think part of  
16 what would be helpful, and I think it's an effort that we can  
17 make between now and the next meeting, and I think it will help  
18 determine whether or not it would be a preferred or not, but  
19 that's actually outline that timeline a little bit better and  
20 thank about the makeup and composition of the technical review  
21 committee, so that it's actually a little more clear as to how  
22 that's going to function.

23  
24 With that in mind, I think I will support the motion and try to  
25 help us get to a point at the next meeting where we have some of  
26 that in place and can either be added to the document or can be  
27 held to the side, but we all have an understanding of how that's  
28 going to work.

29  
30 **CHAIRMAN GREENE:** Martha.

31  
32 **MS. MARTHA BADEMAN:** Thanks. Yes, I share a lot of Robin's  
33 concerns, I guess, and questions. I think our primary concern  
34 has been with the timeline for this and what that looks like,  
35 because I think it would clearly have to be longer than the one  
36 that's for the current preferred alternative, which is already  
37 pretty lengthy once you consider the legwork that it would take  
38 even to get to July 1 for the state that has a plan that they  
39 are submitting or I guess preparing to submit. I would like to  
40 see some more details.

41  
42 **CHAIRMAN GREENE:** Okay. Any further discussion? Dr. Crabtree.

43  
44 **DR. CRABTREE:** I think that's fair enough and I think we can  
45 certainly ask staff to try and work that into this timeline and  
46 see how much difference it makes, but you know if we get into a  
47 situation where there are disagreements about how it's going to  
48 work between the Fisheries Service and a state and all, that's

1 going to really drag things down, but I think that's a fair  
2 enough concern to ask staff to look at the timeline and see what  
3 that would do to it.

4  
5 **CHAIRMAN GREENE:** Okay. Seeing no further discussion, we have a  
6 motion on the floor. **All those in favor, please raise your**  
7 **hand; all those opposed like sign. The motion carries six to**  
8 **two.** Dr. Lasseter.

9  
10 **DR. LASSETER:** Thank you, Mr. Chairman. I will add a note here.  
11 If we could scroll down just a little bit to the section that  
12 starts "Requirements of Conservation Equivalency" and it's on  
13 page 13 in your document.

14  
15 I just want to point out that there's a statement in here: In  
16 addition, the timeline allows the state or region an opportunity  
17 to submit a revised CPE for approval. If the -- This is the  
18 important part. If the proposed management measures extend  
19 beyond the range analyzed in this amendment, then NMFS may  
20 recommend preparing an appropriate documentation for the  
21 applicable laws to support the decision. This would basically  
22 be a NEPA analysis-type document.

23  
24 I just wanted to encourage the council if there's anything that  
25 you can think of that you may want to do, please do add it into  
26 the document, so that we can get the analysis done and it could  
27 be included in your repertoire that could go faster through the  
28 process.

29  
30 Then on the next page, if we could scroll down just a little  
31 bit, here is the timeline as it stands for the Preferred  
32 Alternative 3 and so we will have staff work up the potential  
33 timeline for Alternative 4 by the next meeting as well.

34  
35 If we scroll down a little bit more, on page 16 of your  
36 document, and this is still in Action 1, we have a map of the  
37 proposed boundaries between the regions and I wanted to clarify,  
38 for staff's understanding in writing the analyses for these  
39 documents, that, and I remember Myron saying this and bringing  
40 this up in the October 2014 meeting, that the state license that  
41 you possess determines the regulations that you would be fishing  
42 under and do I understand that -- Do we understand that  
43 correctly? Okay.

44  
45 So if anybody could conceivably be fishing in the portions of  
46 the EEZ, as long as they are open and they have not been closed  
47 by NMFS, which would be under two circumstances, if the region's  
48 conservation equivalency plan has been determined not consistent

1 or they have exceeded their quota in a previous year and it's  
2 been closed by NMFS.

3  
4 Possession of red snapper in any state waters will require  
5 possession of that state's saltwater license and is that also  
6 correct? Can people fish in the state waters of other states?  
7 That's something staff is not entirely clear on.

8  
9 **MR. RIECHERS:** I will try to answer it. Yes, a Texas resident  
10 could fish in Louisiana, assuming he has a Louisiana license.

11  
12 **DR. LASSETER:** So you must have the state license of the state's  
13 waters that you're fishing in, but then as long as you're in the  
14 EEZ, the regulations that apply to you are dictated by the state  
15 license that you are in possession of?

16  
17 **MR. RIECHERS:** It's dictated by where you would be encountered  
18 by the law enforcement officer. If you are encountered by a  
19 Louisiana officer in Louisiana waters and with a Louisiana  
20 license, you would be going by Louisiana rules.

21  
22 **CHAIRMAN GREENE:** I think the question would be if you have a  
23 Texas state license and a Louisiana license and you're in  
24 federal waters and one state is open and one state is closed.  
25 Dr. Crabtree.

26  
27 **DR. CRABTREE:** Mara can keep me straight on this, but my  
28 understanding is if you're going to land those fish in Texas  
29 that you can fish in the EEZ off of Louisiana and you don't have  
30 to have a Louisiana license to fish in the EEZ off of Louisiana.  
31 You just have to have your Texas license for when you land.

32  
33 Now, if you're talking fishing in state waters of Louisiana,  
34 which, by the way, is out to three miles, right, Myron, then you  
35 would be required to have a Louisiana state license to do that,  
36 but not in the EEZ. At least that's my understanding and is  
37 that correct, Counselor?

38  
39 **MS. MARA LEVY:** I don't know if that's the way everybody was  
40 thinking around the table, but that's the way I thought we  
41 talked about envisioning it, is let's focus on the EEZ. If  
42 you're in state waters, that's a whole different ballgame, but  
43 in the EEZ, you can fish wherever it's open and then the  
44 regulations that apply are dictated by where you are landing  
45 those fish.

46  
47 **CHAIRMAN GREENE:** Mr. Williams.

48

1 **MR. ROY WILLIAMS:** If two boats, say one from Texas and one from  
2 Louisiana, are fishing in the EEZ off of Texas and if Texas and  
3 Louisiana have different regulations, different size and bag  
4 limits, whose regulations are they bound by then? They are  
5 fishing in the EEZ off of Texas, but one is a Louisiana boat and  
6 one is a Texas boat and whose rules do they have to follow?

7  
8 **DR. LASSETER:** If I may answer, my understanding, so that we're  
9 clear in the document, is that the regulations you would be  
10 fishing under would be according to the state license that you  
11 are in possession of, if you're in the EEZ.

12  
13 **MR. WILLIAMS:** Let me just point out, and this harkens back to  
14 Florida was sued by a shrimper by the name of Freeman Bateman  
15 because we -- At the time, Florida did not recognize exactly the  
16 same boundaries of the Tortugas Shrimp Sanctuary that the  
17 federal government recognized and we applied that regulation --  
18 Florida applied its boats, its state-registered boats,  
19 regardless of where they fished, and it ended up resulting in  
20 Freeman Bateman having to follow a different set of regulations  
21 in the EEZ than boats from Alabama and Mississippi and he sued  
22 and he won over that and Florida was enjoined from enforcing  
23 that.

24  
25 To me, it's setting up a parallel situation, where a boat from  
26 Alabama or say the boat from Louisiana and the boat from Texas  
27 are both fishing in the federal waters off of Texas and they are  
28 bound by two different sets of regulations. It seems, to me,  
29 that it brings up an equal protection issue.

30  
31 **MS. LEVY:** In the summer flounder regulations, which is the  
32 model that I think we were trying to kind of follow, with a few  
33 differences, it's where the fish are landed. I guess you could  
34 make the argument, as someone who is enforcing regulations out  
35 on the water, that if you're fishing wherever you are in the EEZ  
36 and you are only licensed to land in one state, that presumably  
37 that's where you would have to go, but there is an inference  
38 there, right, but really the regulations, the way that I  
39 envision them being written, would be you are subject to the  
40 regulations in the state in which you land.

41  
42 Do you see what I'm saying about the inference if you only have  
43 the license to land in one place? But I really think  
44 enforcement in this case was supposed to be at the dock and then  
45 we started getting into this whole states can close areas and  
46 things like that and you ended up having to have potential on-  
47 the-water enforcement, but if there were none of those closed  
48 areas and things like that, it would really be a landing



1 enforcement type of scenario.

2

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

4

5 **DR. CRABTREE:** Yes, I think that's right, with the exception of  
6 the closed area. We're going to enforce this stuff at the dock  
7 and I think the difference with the Tortugas example is in this  
8 case there aren't going to be any conflicting federal  
9 regulations and we're going to lay all of this out in the  
10 fishery management plan that this is how it works and I guess in  
11 the rule that comes out of this ultimately that this is how it  
12 works and so I think we don't get in that.

13

14 If you had a vessel that had both a Louisiana license and a  
15 Texas license, the regulations that would apply to that vessel  
16 would depend on where it landed. If it's going back to Texas,  
17 then it's got to follow those Texas rules. Now, this is going  
18 to be a real problem with any kind of enforcement out on the  
19 water, but most of the enforcement of these recreational rules  
20 is at the dock and that's the way it's going to be.

21

22 We already have a big enforcement problem with recreational  
23 rules, because we've got inconsistent seasons between states and  
24 the EEZ and, in my judgment, I think this is an improved  
25 situation over that. At least when you check a vessel at the  
26 dock, there will be no question about what regulations apply to  
27 that vessel, as opposed to now. It all depends on where they  
28 say they caught the fish.

29

30 **CHAIRMAN GREENE:** Myron.

31

32 **MR. MYRON FISCHER:** Thank you, Mr. Chair. I would go back to  
33 state water question that came up about licenses and yes, the  
34 federal government recognizes a different boundary for the three  
35 inner states, for Louisiana, Mississippi, and Alabama, than it  
36 does for Florida and Texas and state waters, regardless of what  
37 you are fishing for -- You could be fishing spotted seatrout or  
38 -- If you're in state waters, you need a state license and I am  
39 sure you need the same for all five states.

40

41 **CHAIRMAN GREENE:** Ms. Bademan.

42

43 **MS. BADEMAN:** I was going to ask Ava and the Law Enforcement AP  
44 looked at this, right, a long time ago? I can't remember if  
45 they had concerns about it or what their thoughts were.

46

47 **DR. LASSETER:** I looked up the minutes from October of 2014 and  
48 I wish we had Lieutenant Commander Brand here. He discussed

1 that at length in October and his biggest concern was the closed  
2 area issue and how enforcement would be conducted if multiple  
3 closed areas were enacted, but he felt that as long as  
4 enforcement was primarily dockside that that was not an issue,  
5 as long as there was the consistent regulations and everybody  
6 has a CEP that's approved and there would be no inconsistent  
7 regulations between state and federal waters and that makes  
8 enforcement acceptable to be primarily dockside.

9  
10 The problem with enforcement is when you have those inconsistent  
11 state and federal waters, because he said that it's difficult to  
12 identify the jurisdiction of where the fish was caught and so  
13 that was his primary concern.

14  
15 **CHAIRMAN GREENE:** Chairman Anson.

16  
17 **MR. KEVIN ANSON:** Thank you, Mr. Chair. I am not on your  
18 committee, but just to follow up a little bit on the discussion  
19 of landing enforcement, I think, in my mind at least,  
20 enforcement would be expanded not just at landing, but it's  
21 actually in the state waters.

22  
23 If you have two states, adjoining states, that have different  
24 bag limits, let's say, and you were a fisherman transiting  
25 through to land your fish, it's a possession and so if you're  
26 outside of the possession or if your bag is outside of that  
27 particular state's bag limit, then you could be issued a ticket  
28 at that time too and so it's just beyond enforcement at the dock  
29 and it's also on the water as well within the state's  
30 jurisdiction as well.

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

33  
34 **DR. CRABTREE:** In state waters.

35  
36 **MR. ANSON:** That's correct and so it increases the time, if you  
37 will, of encounter of enforcement.

38  
39 **CHAIRMAN GREENE:** Okay. I appreciate that comment, because I  
40 was fixing to go into that very thing as well. Any other  
41 discussion? Mr. Walker.

42  
43 **MR. WALKER:** I just have a question. Say if you're fishing out  
44 of Orange Beach or Destin and you catch some snapper on the way  
45 out and then you're fishing for tuna in Louisiana, somewhere  
46 south of Port Eads or somewhere, and the weather turns bad and  
47 you don't have the Louisiana license, but it's a safety at sea  
48 issue for you to get back to your port in Alabama or Florida and

1 you go into Port Eads, are you going to be in violation?  
2

3 **CHAIRMAN GREENE:** Anyone want to take a stab at it?  
4

5 **DR. CRABTREE:** I mean technically you would be in violation, but  
6 I think there is some officer discretion that is applied at  
7 times and so I am not sure exactly how that would work. If you  
8 got chased in -- I mean we could have that situation now, I  
9 guess, in theory, with different regulations, but that's  
10 something I suppose we could ask law enforcement and the Coast  
11 Guard how they would deal with that or the states could confer  
12 with their state agencies about how they would deal with a  
13 situation like that and we could come back to that at the next  
14 meeting, but it does seem to me that you would technically be in  
15 violation if you brought those fish in.  
16

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

19 **MR. FISCHER:** Thank you, Mr. Chair. Fortunately, in Louisiana,  
20 you could call and get a license on the 800 number before you  
21 make port.  
22

23 **CHAIRMAN GREENE:** Okay. Anybody else? Mr. Perkins.  
24

25 **MR. BOB PERKINS:** I am sorry. I am filling in for Jason today  
26 and I'm not sure exactly what all was said at the LE  
27 subcommittee meeting, but as far as needing to land a vessel  
28 where you're not really supposed to be landing it is something  
29 the Coast Guard recognizes.  
30

31 A landing law like that, I don't think unless you're taking the  
32 fish off the boat -- Because it would be the same thing with a  
33 commercial vessel. A commercial vessel is inferred to have  
34 landed the fish when they sell them at a fish house and so if he  
35 has a mechanical problem and he goes in someplace where he has  
36 no intention of selling the fish there, then he hasn't landed  
37 those fish yet and the same thing with a boat.  
38

39 If you had to duck inside for weather or something and you  
40 weren't offloading the boat or you weren't getting off the boat  
41 and you were just riding out a storm in a port and then got back  
42 underway and were going home to Florida with them and you were  
43 off of Louisiana, then I don't see it being an issue.  
44

45 **CHAIRMAN GREENE:** Okay. That's an interesting point. Being in  
46 Alabama and Florida, where we have three miles versus nine  
47 miles, we have a big corner that sticks out and so if I am  
48 coming in from the EEZ from a southeasterly heading and heading

1 toward Alabama and I cut through the Florida corner and I have  
2 not landed those fish, but I am transiting state waters, how  
3 does that apply?  
4

5 **MR. PERKINS:** If this is truly going to be listed as a landing,  
6 the officers may ask you where you caught the fish and they may  
7 want to look at your GPS and see where you were fishing at and  
8 we do that all the time now with boats, looking at the GPS to  
9 figure out where they've been fishing.

10  
11 Obviously there is some officer discretion there and if the  
12 officer wanted to give you a bad time about it, I'm sure he  
13 could, but I don't see that being a big issue.

14  
15 **CHAIRMAN GREENE:** Thank you. I just wanted to make note that we  
16 may need to look at the landed definition to make sure that it  
17 is consistent with what Mr. Perkins has given us, because if you  
18 are landing in state waters, I think he's correct that that's  
19 where you unloaded your fish.

20  
21 If you are traveling or transiting, that's something a little  
22 different and I just wanted to make sure that everybody  
23 understands that. Dr. Crabtree.

24  
25 **DR. CRABTREE:** I think this, in part, will depend on how the  
26 state regulations read. If, for example, in your case, when  
27 Florida closes, if they prohibit possession in state waters and  
28 you enter state waters and you are in possession, I think you're  
29 in violation, unless Florida put some sort of transit provision  
30 in it. I think this is something that the state directors would  
31 have to confer with their state enforcement groups, because it  
32 seems, to me, it's more a state enforcement matter.

33  
34 **MR. GREENE:** I agree and that's where I was going, because a lot  
35 of it is possession limits now and now you have landed and  
36 possession. Ms. Bademan, did you want to --

37  
38 **MS. BADEMAN:** Yes and I think we would have to clarify that it's  
39 possession in or on the waters of the state. I think I'm with  
40 Kevin here. I think law enforcement needs the ability to stop  
41 people in state waters and check and see what's going on and it  
42 shouldn't just be limited to actually when they actually park at  
43 the dock, in my opinion.

44  
45 **CHAIRMAN GREENE:** The reason I bring this up is because I can  
46 see a situation where someone is saying they are in possession  
47 of fish, but they just haven't landed them yet and then it  
48 becomes a loophole and I am just trying to make sure that that's

1 brought up now, because I could certainly see how that could be  
2 an issue down the road. Anything else? Dr. Lucas.

3  
4 **DR. KELLY LUCAS:** Our law enforcement in Mississippi has  
5 traditionally -- It's a discretionary call. If you were coming  
6 back from Louisiana and you cut across Mississippi waters going  
7 back into Alabama and they clearly see your trajectory is  
8 heading that way, they have pretty much allowed you just to go  
9 on. Now, if you're coming like into port in Mississippi, that  
10 is when they're going to make the call. It's fairly  
11 discretionary, knowing that we have that kind of transit  
12 corridor, and so our law enforcement makes that call when  
13 they're out on the water.

14  
15 **CHAIRMAN GREENE:** Thank you. I appreciate the discussion and I  
16 just wanted to make sure, because that could be an issue down  
17 the road. Anything else? Dr. Lasseter, I guess we're back to  
18 you now.

19  
20 **DR. LASSETER:** Thank you, Mr. Chairman. Let's move on to Action  
21 2, which begins on page 17 of your document. This action  
22 addresses if regional management is to be implemented while the  
23 separate components of the recreational sector are still in  
24 effect and how does the council want to address and reconcile  
25 those components?

26  
27 The Alternative 1, this is what we have now. For the years 2015  
28 to 2017, separate component ACTs are allocated for the federal  
29 for-hire and private angling components and this was specified  
30 in Amendment 40. Right now, we have the recreational sector ACL  
31 apportioned between components, for the next two more years.

32  
33 Then there is alternatives for how the council wishes to change  
34 or modify in response to regional management going forward and  
35 so Alternative 2 -- We added remove the sunset to all of the  
36 alternatives, at the request of the council at the last meeting.

37  
38 Alternative 2 would extend the separate management of the  
39 separate components and so it essentially removes the sunset and  
40 the separate components continue to be managed separately and  
41 this amendment, regional management, would apply to the private  
42 angling component only and this private angling component would  
43 be managed by each region under regional ACLs or ACTs, however  
44 the codified text will be written, and based on the allocation  
45 that will be selected in a subsequent action.

46  
47 The federal for-hire component would be managed Gulf-wide,  
48 potentially under the management measures that are under

1 development in Amendments 41 and 42 that you have initiated.

2  
3 This is where we get a little confusing. Alternative 3 is your  
4 voluntary option for your region to continue sector separation  
5 or not and so again under this alternative the sunset is removed  
6 and the sunset must be removed so that you can go ahead and  
7 implement regional management.

8  
9 This alternative would extend the separate management of the two  
10 components, but this amendment would apply to both components.  
11 It's the regions that want to manage both of those components at  
12 the regional level. Those regions that do not want to manage  
13 both components and that only want to manage the private angling  
14 component within their region would do so and the corresponding  
15 allocation for the federal for-hire component from that state or  
16 region would be managed collectively with the other states that  
17 are not managing the for-hire component under a set of Gulf-wide  
18 regulations we assume that would be developed in Amendment 41 or  
19 42.

20  
21 Alternative 4, we have had some confusion at the IPT level as to  
22 the intent of the council and so I want to call attention to  
23 this alternative. Again, this one also has to remove the sunset  
24 in order to modify how you are allocating the recreational  
25 sector ACL, but this one would end the separate management of  
26 the components and regional management would apply to the entire  
27 recreational sector.

28  
29 The private angling and federal for-hire components would be  
30 managed by each region under regional ACLs based on the  
31 allocation selected in a subsequent action. Now, the sticking  
32 point that the IPT would request clarification is whether or not  
33 the council intends this alternative to mean that applying to  
34 the entire recreational sector means that that state or region  
35 is going to manage both components as a single unit or is this  
36 another form of voluntary sector separation at the regional  
37 level, where a state or region could propose, in its CEP, to  
38 manage them separately?

39  
40 In that case, the difference between 3 and 4 would be in 3 that  
41 the region decides to manage either or both and in 4 -- I am  
42 confusing myself. In 3, if they do -- I apologize.

43  
44 Perhaps it's easier if I go and look and these tables that we  
45 have and can we scroll down just a little bit? I am struggling  
46 to explain this. It's page 21 in your document. We have a  
47 figure of how Alternative 3 works and this will be a little  
48 clearer.

1  
2 Here is Alternative 3 and we would have the recreational sector  
3 ACL that would be divided into regional and private angling  
4 component ACLs and for states that want to manage the private  
5 angling component only, their portion of the quota that would be  
6 allocated to the for-hire component goes back into an allocation  
7 pool to be managed coast-wide, Gulf-wide.

8  
9 Those regions that intend to manage the component separately,  
10 and the example I used here was Louisiana and Alabama, you would  
11 see that there would be separate private angling component and  
12 for-hire component ACLs established for that region and these  
13 were just examples of which states did or didn't do it.

14  
15 Alternative 4, if we scroll back up just a little bit, the way  
16 we initially interpreted this was that the recreational ACL  
17 would be divided into the five regional ACLs. The question is  
18 do each of those regional ACLs -- Must they be managed as a  
19 single unit or do you understand this alternative to mean that  
20 the region could propose to do its own sector separation? In  
21 this case, the region would manage both at the regional level  
22 and the for-hire part would not go to a separate allocation. I  
23 hope that was clear. I know it's very confusing and is there  
24 any discussion on that?

25  
26 **CHAIRMAN GREENE:** Mr. Williams.

27  
28 **MR. WILLIAMS:** Ava, do Alternatives 3 and 4 both have the effect  
29 of making Amendments 41 and 42 moot?

30  
31 **DR. LASSETER:** I would think definitely Alternative 4, because  
32 they are managing at the regional level and so the region is  
33 going to establish whatever management measures are permissible  
34 within this amendment. It's required to set your season and  
35 your bag limit and all regions have agreed to adopt the federal  
36 minimum size limit, which is being evaluated in Action 4.

37  
38 Under Alternative 3, I understand that yes, those parts of the  
39 for-hire component ACL -- If a state or region is not going to  
40 manage the for-hire, Amendments 41 and 42 could apply to those  
41 vessels that are not managed. I would need to go back and  
42 discuss this some more with the IPT, because really Alternative  
43 2 seems the cleanest way to pursue 41 and 42 and so I am not --  
44 I think it could be possible in Alternative 3 and I see Mara is  
45 going to chime in.

46  
47 **MS. LEVY:** I think that's going to depend on what 41 and 42 do,  
48 because the problem or potential issue I see with Alternative 3

1 and having 41 and 42 apply is that the states could make a  
2 different decision each year as to whether they want to manage  
3 the for-hire sector and whether they don't and so then you have  
4 people going in and out and if you eventually go down the line  
5 with the headboats or whatever of doing an IFQ-type program --  
6 Do you see what I'm saying?

7  
8 You would have to allocate to certain people and so it would  
9 just depend what management you're choosing in 41 and 42 and  
10 whether it would allow the for-hire vessels to either go in or  
11 out every year, depending on what the state decide each year,  
12 because you would never know until they submit their plan for  
13 that year what their intent is to do with that particular  
14 portion of vessels. It seems really complicated.

15  
16 **CHAIRMAN GREENE:** Mr. Riechers.

17  
18 **MR. RIECHERS:** I would just remind everyone that we put a sunset  
19 in 40 and this is a regional management document and we're  
20 trying to move it forward and it's ahead of 41 and 42 now and so  
21 we could reach a point where 41 and 42 are less germane or more  
22 germane, depending on our selections here, but that's what we've  
23 got to do, is go ahead and answer the question to Ava regarding  
24 at least what I thought her question was of what was the past  
25 meaning in Alternative 4.

26  
27 As I understand the past meaning of Alternative 4, and as I  
28 think we've talked about it around the table, it was the one  
29 that was giving the flexibility to the states in regards to how  
30 they were going to manage that charter-for-hire fleet.

31  
32 It would allow you to either do it or don't do it, based on your  
33 selective state notion. 3 is a similar notion, but it's  
34 assuming a conservation equivalency as well as a predetermined  
35 allocation if you went down the road of 3, but 4 was the one  
36 that gave the greater flexibility or at least I believe that's  
37 how we've talked about it in the past. I would look to other  
38 committee members to see how they remember that.

39  
40 **CHAIRMAN GREENE:** Dr. Crabtree.

41  
42 **DR. CRABTREE:** This is how I understood it, that Alternative 3  
43 is the one that gives the state flexibility, but they have to  
44 stay within that predetermined allocation. My understanding of  
45 Alternative 4 is that sector separation goes away and it's not  
46 an option.

47  
48 If you want to read it, as Robin just did, that it gives the



1 state flexibility, but there is not a predetermined allocation,  
2 then I think what the state would have to do would be to come  
3 back to the council and say we want to do it and we want to have  
4 this allocation and the council would have to do a NEPA document  
5 and go through a plan amendment process and then put that  
6 allocation in place for that state, because we wouldn't have  
7 done any analysis or any NEPA work.

8  
9 That seems, to me, to be beyond what we're doing here and so my  
10 read on 4 is just that sector separation ends when this  
11 amendment becomes effective and it's not an option for a state.  
12 They could always come to the council and ask the council to  
13 amend the plan to make it an option.

14  
15 Alternative 3, what's confusing and complicated, to me, is this  
16 notion that a state could decide to manage the federally-  
17 permitted for-hire vessels separately from the private vessels  
18 based on the allocation in Amendment 4. That I get. It's the  
19 notion of or the for-hire component could be managed under a  
20 Gulf-wide kind of management thing that I hadn't thought about  
21 in the past and that seems complicated and I don't recall when  
22 we really talked about that. Maybe that works, but it is  
23 getting awfully complicated.

24  
25 I think, Roy, I agree with Mara that what happens with 41 or 42  
26 we'll have to determine at the time we do it and I guess, since  
27 those amendments are going to come after all of this is done, we  
28 could make a change to the whole deal of regional management at  
29 that point if we decided to go another path, but I don't have  
30 enough understanding of where we're heading with either one of  
31 those amendments at this point to know how it would fit into  
32 this.

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

35  
36 **MR. CAMP MATENS:** Thank you, Mr. Chairman. As I look at this,  
37 and maybe I need some help here, but does Alternative 3 and 4 or  
38 3 or 4 allow the states to have different days at sea  
39 regulations for the charter fleet and the private fleet?

40  
41 **CHAIRMAN GREENE:** Dr. Lasseter.

42  
43 **DR. LASSETER:** If I may answer, yes. You would be allowed to  
44 continue sector separation and it would depend on your  
45 conservation equivalency plan. It would have to be approved,  
46 the measures, and you could set separate seasons and bag limits.  
47 The federal minimum size limit would have to stay the same and I  
48 don't believe we have considered additional modifications

1 between the two components.

2  
3 Really, I will point out the crucial language in Alternative 4,  
4 as it's on the board and it's not clear in the document, but the  
5 "as a single unit". It's bolded and italicized. With or  
6 without that phrase is what we're trying to get feedback on and  
7 whether that phrase should be included in there or not.

8  
9 **CHAIRMAN GREENE:** Mr. Riechers.

10  
11 **MR. RIECHERS:** Thank you, Mr. Greene. Given Roy's discussion of  
12 this and given the new language italicized on the screen, though  
13 not necessarily in our documents here, certainly that clarifies  
14 that Alternative 4 is basically having the reading that Dr.  
15 Crabtree has suggested.

16  
17 I am fine with that narrow reading of 4, because 3 does -- 4 and  
18 3 would be similar or basically the same otherwise, with you  
19 allowing the flexibility of the states in 3 to either opt in  
20 regionally or opt in conservation equivalency and then basically  
21 determine whether you are managing one or both sectors and then,  
22 if you are, setting those ACLs, if you're managing both, if  
23 you're choosing to do it that way.

24  
25 I think what has confused 3 is all that ACL language underneath  
26 it and while it needs to be there in the description, I am not  
27 certain it needs to be in the actual alternative, though I am  
28 not going to mince words over that now at this point, because I  
29 don't think -- If it helps explain what we're trying to do,  
30 that's fine, but I think that's just part of the explanation.

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

33  
34 **MR. ANSON:** Thank you, Mr. Chair. I am not on your committee,  
35 but going back to Camp's question, Dr. Lasseter, for  
36 Alternatives 3 and 4, I believe Mr. Matens, and he can correct  
37 me if I'm wrong, but he asked if in both of those alternatives  
38 does the state have the ability to establish different season  
39 lengths for the two components, for 3 and 4. I understand for  
40 3, for sure, but 4, I am thinking it's more of one unit and so  
41 they have one set season for both components or that's my --

42  
43 **DR. LASSETER:** That is the point that we're trying to clarify  
44 and so the reason "as a single unit" -- That's been added. I  
45 added that, actually, to request clarification, because the IPT  
46 -- We were not quite understanding whether or not that phrase  
47 should be in there. Leaving that phrase in there supports Dr.  
48 Crabtree's understanding of this alternative and not having that

1 in there, a state or region could then propose to manage them  
2 separately. It's just a little confusing if you did want to  
3 manage them separately, Alternative 3, but, actually,  
4 Alternative 3 puts the federal for-hire Gulf-wide and not at the  
5 regional level.

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

8  
9 **DR. CRABTREE:** Yes and I think Alternative 4 -- We need that  
10 "single unit" language in there and so my read of the answer to  
11 Camp's question is under Alternative 3 the answer is yes, the  
12 state could manage them differently, in accordance with the  
13 allocation established in Amendment 40, but under Alternative 4,  
14 they could not, without coming back to the council and asking  
15 the council to amend the plan and put a provision in that allows  
16 them to do that and I think that's the most straightforward way  
17 to read this. I guess what Ava wants to know is, is that where  
18 we all are in terms of our understanding of this?

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

21  
22 **DR. LASSETER:** I am sorry, but I think it's easiest if we look  
23 at the figures and, again, looking at the figure for Alternative  
24 3, which is on page 21 for you, the region -- Yes, regions that  
25 do manage both can establish separate regulations for both and  
26 those that do not would be managed Gulf-wide. Then, yes, if we  
27 include that "as a single unit" language for Alternative 4, then  
28 sector separation is not an option. Now, there was an  
29 alternative proposed at the last meeting that was kind of a  
30 hybrid between these, but that motion did not pass.

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

33  
34 **DR. CRABTREE:** Just for the sake of trying to be clear, let me  
35 make a motion that we accept the language in Alternative 4 to  
36 include the phrase "single unit". If I get a second, I will --

37  
38 **CHAIRMAN GREENE:** We have a motion and Ms. Bademan seconds it.

39  
40 **DR. CRABTREE:** That would clarify to staff that Alternative 4  
41 means that the states can't manage them separately under this  
42 amendment.

43  
44 **CHAIRMAN GREENE:** Okay. Is everybody understanding what we're  
45 doing?

46  
47 **DR. CRABTREE:** The motion is to accept the language in  
48 Alternative 4 to include the phrase "as a single unit".

1  
2 **CHAIRMAN GREENE:** I believe the motion on the board is correct.  
3 Any further discussion? **Is there any opposition to this motion?**  
4 **Camp, are you in opposition or discussion?**  
5  
6 **MR. MATENS:** I speak against this motion. I think I can see  
7 that Louisiana's ability, and I am certainly not speaking for  
8 the other states, but to do this would be a value to both our  
9 private sector and our charter sector.  
10  
11 **CHAIRMAN GREENE:** Dr. Crabtree.  
12  
13 **DR. CRABTREE:** Then that would be Alternative 3 and if we choose  
14 Alternative 3 as the preferred, then the states would be able to  
15 choose to manage them separately or not.  
16  
17 **MR. MATENS:** May I speak to that?  
18  
19 **CHAIRMAN GREENE:** Yes.  
20  
21 **MR. MATENS:** Is there more support for Alternative 4 if the  
22 states could manage these things separately or am I off-base  
23 here?  
24  
25 **DR. CRABTREE:** Well, then it's not clear to me what the  
26 difference between 3 and 4 is, other than with 4 you wouldn't be  
27 specifying what the allocation is, but I don't think we can do  
28 that without going through an analysis of all the allocations  
29 and everything, which hasn't been our intent to do that. I  
30 think that significantly complicates things.  
31  
32 **MR. MATENS:** Uncomplicating it would have Alternative 3 be the  
33 preferred and is that correct?  
34  
35 **DR. CRABTREE:** That would be the alternative that would allow  
36 the states to manage them separately.  
37  
38 **CHAIRMAN GREENE:** **Okay. The motion carries with one in**  
39 **opposition.** Dr. Lasseter.  
40  
41 **DR. LASSETER:** Thank you, Mr. Chairman. Then if we could go  
42 back to the document, it's page 17 in your document and the  
43 first paragraph of the discussion and I just want to highlight  
44 something there.  
45  
46 **CHAIRMAN GREENE:** Hold on, Dr. Lasseter. There were some  
47 questions, but I think we've clarified it now and please.  
48

1 **DR. LASSETER:** Thank you, Mr. Chairman. Right there, the  
2 highlighted part, I just wanted to point out that this action,  
3 regional management and sector separation, is only applicable in  
4 the event this amendment is implemented while the separate  
5 components of the recreational sector are still in effect.

6  
7 I have heard some confusion about this and so I just wanted to  
8 make that clear, that this action is in here because we  
9 currently have separate components. The recreational sector ACL  
10 is divided through the year 2017 and so we need this action so  
11 the council can advise us how you want us to address those  
12 separate components and how the ACL should be divided.

13  
14 **CHAIRMAN GREENE:** Mr. Riechers.

15  
16 **MR. RIECHERS:** So, Ava, now that we've kind of settled that,  
17 that kind of begs the question, and based on your last comment,  
18 it begs the question that if we were to -- Because of things  
19 taking as long as they sometimes do, if this were not to be  
20 implemented and the sunset provision hit and there was a state  
21 that wanted to manage their separate units, but didn't  
22 necessarily want to go by the Amendment 40 overarching  
23 percentages, and I think that's what the motion that failed was  
24 trying to do, was give the states the option to look at that,  
25 but also create some locked in time windows that they would be  
26 looking for that allocation percentage. I mean does that make  
27 sense, in that that's kind of maybe another option that we need  
28 to put in here? I think that's what the motion was trying to do  
29 the last meeting, but it failed.

30  
31 **DR. LASSETER:** I think I heard two separate things. I guess we  
32 have not discussed at the IPT level if regional management is  
33 not implemented until after the sunset would there be an option,  
34 but my understanding is right now, when sector separation  
35 sunsets, unless the council takes action to address that, all  
36 actions in Amendment 40 end at that time.

37  
38 If you did then want to consider state or regional level sector  
39 separation, we will have to take that up and work that into the  
40 amendment again as an option. If we recall in an earlier  
41 version, there was an alternative where states or regions could  
42 adopt separate management measures for the separate components  
43 within their region.

44  
45 **CHAIRMAN GREENE:** Okay. Any further discussion? Dr. Lasseter.  
46 I'm sorry. Myron.

47  
48 **MR. FISCHER:** But if we were progressing and this was on the

1 verge of being implemented, to where the state, regardless of  
2 which route was taken, and the sunset on 40 was coming up, the  
3 council could extend it for a brief period until -- There is  
4 nothing precluding the council from extending that sunset for  
5 some period to take this into account.

6  
7 **DR. LASSETER:** Through an appropriate action.

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

10  
11 **DR. CRABTREE:** Yes, you could, but that action would be a plan  
12 amendment. To remove the sunset requires a plan amendment.

13  
14 **CHAIRMAN GREENE:** Okay. Any further discussion? So it sounds  
15 like it would take a plan amendment to do that and as long as it  
16 takes us to do those --

17  
18 **DR. LASSETER:** I had understood from Mara that it still needs to  
19 be determined or explored what kind of document would be  
20 required and what type of analysis. No? It's been decided?  
21 Okay.

22  
23 **MS. LEVY:** Right and so I think it needs to be a plan amendment,  
24 but I mean really, in terms of timing, if it was a plan  
25 amendment that had one action about removing or not removing a  
26 sunset provision, I mean the extra time we're talking about is  
27 the Magnuson sixty-day comment period on the Notice of  
28 Availability and so it's not like it has to be a year-and-a-  
29 half-long process to remove the sunset.

30  
31 **CHAIRMAN GREENE:** Okay. Any further discussion? Seeing none,  
32 Dr. Lasseter.

33  
34 **DR. LASSETER:** Thank you, Mr. Chairman. This is the one action  
35 that we do not have a preferred alternative for and we would  
36 like to begin preparing the document to file the DEIS and can I  
37 open it up for discussion? Is there any interest in selecting a  
38 preferred at this time?

39  
40 **MR. WILLIAMS:** Mr. Chairman, I would like to move that  
41 **Alternative 2 be our preferred alternative.**

42  
43 **CHAIRMAN GREENE:** We have a motion going on the board now. We  
44 have a motion on the board and do we have a second for the  
45 motion?

46  
47 **DR. CRABTREE:** I'll second it.

1 **CHAIRMAN GREENE:** Second by Dr. Crabtree. Is there discussion?  
2 Mr. Riechers.

3  
4 **MR. RIECHERS:** I am going to speak against the motion. You know  
5 as we try to work towards the regional management notion, we  
6 obviously have had considerable discussion about the flexibility  
7 for individual regions to have charter and the private angling  
8 component under the umbrella. **With that, I would move Preferred**  
9 **Alternative 4 as a substitute motion.**

10  
11 **CHAIRMAN GREENE:** Okay. We have a substitute motion going on  
12 the board to make Alternative 4 the preferred alternative and is  
13 there a second? It's seconded by Ms. Bademan. Is there  
14 discussion? Mr. Williams.

15  
16 **MR. WILLIAMS:** I speak against that and for the original motion  
17 for Alternative 2. We have had great success in managing the  
18 charter and headboat sectors this year. Under the exempted  
19 fishing permit, some of those headboats were able to get eight  
20 or nine-month seasons out of red snapper. They were able to  
21 optimize the use of red snapper both for themselves and for  
22 their customers and for the general public and I think we're  
23 backing up if we don't continue with that program in some format  
24 and the same with the charter boat sector.

25  
26 This year we had I think a forty-five-day season or something  
27 like that for the charter boat sector and the private boat  
28 sector gobbles up theirs in ten days or two weeks and so I think  
29 the charter boats and the headboats have benefited from sector  
30 separation and from federal management and I think they would  
31 prefer that.

32  
33 I know I would prefer that and I think the public in general  
34 receives more benefits from a federally-managed charter and  
35 headboat sector and I speak in favor of that and against the  
36 motion.

37  
38 **CHAIRMAN GREENE:** Dr. Crabtree.

39  
40 **DR. CRABTREE:** I think Roy makes some really good points and we  
41 have had hundreds of charter boat captains testify before us and  
42 the vast majority of them have not wanted to be managed under  
43 the states and I think we ought to respect that, from what we've  
44 heard, and so I am probably going to vote against the substitute  
45 motion.

46  
47 **CHAIRMAN GREENE:** Is there further discussion? Mr. Fischer.

48

1 **MR. FISCHER:** Alternative 4 doesn't preclude this from  
2 happening. It just gives that regional flavor of what's best in  
3 that region, because, as we have seen, the amount of charter  
4 boats and the amount of recreational boats, private boats,  
5 throughout the Gulf differs and the needs for both differ and by  
6 going to Alternative 2, you are forcing it to have a regional  
7 management plan that doesn't make use of all the faculties  
8 involved. Things are different in different parts of the Gulf  
9 and that's what this whole program was about.

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

12  
13 **MS. LEVY:** So just to clarify, based on the discussion we had  
14 before, Alternative 4 wouldn't allow the states, at this  
15 particular time, to manage the two components separately. It  
16 would be one unit and then I guess in the future we were saying  
17 if the state wanted to ask the council to divide them and give  
18 them a new allocation that we could do that, but when Amendment  
19 39 actually went into place and was implemented, the state's  
20 only option at that time would be to manage them as a single  
21 unit under Alternative 4.

22  
23 **CHAIRMAN GREENE:** Okay. Any further discussion? Mr. Boyd.

24  
25 **MR. DOUG BOYD:** This is confusing, but, as I see it, Action 2  
26 gives the states no option and -- Excuse me. Alternative 2  
27 gives no option to the states for true regional management of  
28 both components. Alternative 4 does give them the potential for  
29 that. It doesn't necessarily give them that authority right  
30 now, but it gives them -- They still retain the potential to do  
31 it.

32  
33 **CHAIRMAN GREENE:** Ms. Levy.

34  
35 **MS. LEVY:** But Alternative 3 would give them that authority as  
36 soon as you implement Amendment 39. Now, it would be under an  
37 allocation that we've already determined is appropriate and so  
38 you wouldn't have to go through that process again, but there is  
39 the alternative in there that would give the states that  
40 discretion and that authority as soon as Amendment 39 is  
41 implemented, if that's what you all are trying to do.

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

44  
45 **MR. RIECHERS:** Mara and Roy, certainly you made some good  
46 points, but, unfortunately, because of Alternative 3 being  
47 written the way it has been written now, there are certainly  
48 winners and losers between states in regards to that allocation



1 and so if there was one that had greater flexibility, which the  
2 only alternative we have is Alternative 4 at this point in time.  
3 That's the reason I put forward Alternative 4, because  
4 Alternative 3 -- You have some states, based on their charter  
5 allocations, are going to end up having windfall profits  
6 associated with those charter allocations or losses, depending  
7 on where you sit, given that overall Gulf allocation.  
8

9 I don't disagree that obviously we have heard from a lot of  
10 folks who are looking for some separate management options and  
11 ways to extend the season and I understand that business model.  
12 We all understand that business model of having greater  
13 certainty, but we're also trying to manage -- The other greater  
14 certainty that people want too is those bait stands and those  
15 people who are also putting beds in hotels, et cetera, all the  
16 things that go along with the whole private angling community  
17 and the benefits associated with that. Again, just given the  
18 alternatives we have, that's why I went towards Alternative 4 as  
19 opposed to Alternative 2.  
20

21 **CHAIRMAN GREENE:** Dr. Lucas.  
22

23 **DR. LUCAS:** I am going to let Dr. Lasseter speak, because what I  
24 was about to speak about, I think she's going to clarify.  
25

26 **DR. LASSETER:** Actually, the way Alternative 3 would work is you  
27 would use the formula from Amendment 40 for determining the  
28 component allocations at the regional level, but we would apply  
29 that region or state's proportion of landings. We would use  
30 that state's proportion of landings between the two components  
31 and apply it to the formula.  
32

33 **MR. RIECHERS:** Ava, I just may suggest that we make that real  
34 clear, because when it says "component allocation in Amendment  
35 40", it certainly, at least to me, infers the overall  
36 overarching allocation and so --  
37

38 **DR. LASSETER:** I apologize and that is my bad. I have notes in  
39 here.  
40

41 **MR. RIECHERS:** No, there's no issue there at all. It's just  
42 that, obviously as we read these different scenarios, we can all  
43 read into them a little more or less than what may have been the  
44 intent and so good clarification and I don't know where that  
45 leaves us regarding what's on the board, but thank you for that  
46 clarification.  
47

48 **CHAIRMAN GREENE:** Say it one more time, Dr. Lasseter.

1  
2 **DR. LASSETER:** I apologize. This is poorly written and I do  
3 have some notes in here about how to tweak it. The formula,  
4 based on the years that would be used, 50 percent of the average  
5 historical landings from the longest time series and 50 percent  
6 of the shortest, minus those -- In 40, it only subtracted one of  
7 those two years, 2010 or 2006 and I forget. We would use that  
8 formula, but apply it to that -- Rather than Gulf-wide, as  
9 Amendment 40 has done, apply it to that region's landings  
10 between components, private and federal for-hire.

11  
12 You wouldn't have a difference between what the Gulf-wide  
13 average was. You would be using your region's average  
14 historical landings for each component and I will be sure to  
15 make that language much more clear with the IPT when we get  
16 back.

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

19  
20 **DR. CRABTREE:** So it's that formula and those years and for each  
21 state that's going to give a different allocation and so I  
22 suspect -- Robin brought up Texas and I think 80 percent of the  
23 catch in Texas, maybe more than 80 percent, is for-hire and then  
24 in other states -- Louisiana, I suspect, where the for-hire  
25 component is much smaller, it would be a different answer, just  
26 so we're all clear on that.

27  
28 **CHAIRMAN GREENE:** Okay. Now back to the muddy situation. Mr.  
29 Williams.

30  
31 **MR. WILLIAMS:** Mr. Chairman, I know it's unusual to request a  
32 roll call vote at the committee level, but I know there's a lot  
33 of people listening out there that would like to know how each  
34 of us are voting on this and so I'm going to request a roll call  
35 vote and I have advised Doug and so he is prepared to do it.

36  
37 **CHAIRMAN GREENE:** Okay. Well, in light of Preferred Alternative  
38 3, we have a motion on the board, a substitute motion, for  
39 Alternative 4 and I guess we need to go to a roll call vote on  
40 this particular motion. Mr. Gregory.

41  
42 **EXECUTIVE DIRECTOR GREGORY:** What I have is the roll call sheets  
43 for the entire council and I have indicated which are members of  
44 the committee and I will use the sequence on the roll call  
45 sheet, just for the committee members, but I will call on the  
46 Chairman last. Mr. Riechers.

47  
48 **MR. RIECHERS:** Yes.

1  
2 **EXECUTIVE DIRECTOR GREGORY:** Mr. Fischer.  
3  
4 **MR. FISCHER:** Yes.  
5  
6 **EXECUTIVE DIRECTOR GREGORY:** Mr. Matens.  
7  
8 **MR. MATENS:** Yes.  
9  
10 **EXECUTIVE DIRECTOR GREGORY:** Ms. Bademan.  
11  
12 **MS. BADEMAN:** Yes.  
13  
14 **EXECUTIVE DIRECTOR GREGORY:** Dr. Crabtree.  
15  
16 **DR. CRABTREE:** No.  
17  
18 **EXECUTIVE DIRECTOR GREGORY:** Mr. Walker.  
19  
20 **MR. WALKER:** No.  
21  
22 **EXECUTIVE DIRECTOR GREGORY:** Mr. Williams.  
23  
24 **MR. WILLIAMS:** No.  
25  
26 **EXECUTIVE DIRECTOR GREGORY:** Ms. Lucas.  
27  
28 **DR. LUCAS:** Yes.  
29  
30 **EXECUTIVE DIRECTOR GREGORY:** Mr. Boyd.  
31  
32 **MR. BOYD:** Yes.  
33  
34 **EXECUTIVE DIRECTOR GREGORY:** The motion passes six to three.  
35  
36 **CHAIRMAN GREENE:** Okay. The motion carries and we will move on.  
37 Okay, Dr. Lasseter.  
38  
39 **DR. LASSETER:** Thank you, Mr. Chairman. That was the worst part  
40 and it's all smooth sailing from here. Let's move on to Action  
41 3. That was really hard to explain. Action 3 begins on page 22  
42 of your document and this action is to establish the regions for  
43 management and you recently added the Preferred Alternative 5  
44 and you switched from Alternative 4 to Preferred Alternative 5,  
45 which would be to establish five regions representing each Gulf  
46 state, which may voluntarily form multistate regions with  
47 adjacent states.  
48

1 This alternative does provide additional flexibility compared  
2 with Alternative 4, if you do want to join together, and also  
3 Preferred Alternative 5 is similar to the summer flounder model  
4 that we're kind of modeling this on. They also have the  
5 opportunity to join states together into a multistate region.  
6 Is there discussion or comments on your preferred alternative or  
7 any of the alternatives?

8  
9 Hearing none, we will move on to Action 4, which begins on page  
10 25 of your document. Originally, we had discussed that the  
11 regions would be able to modify or establish the regional bag  
12 limit, season structure, season start date, whether it's going  
13 to be weekends only or whatnot, and the minimum size limit.

14  
15 Through further discussions, the committee and council realized  
16 the problems inherent with having multiple size limits across  
17 the Gulf in terms of the stock assessment and so the committee  
18 has selected as its current preferred alternative Alternative 3,  
19 which will reduce the federal minimum size limit to fifteen  
20 inches total length. Is there any further discussion on this  
21 action?

22  
23 Hearing none, moving right along to Action 5. It begins on page  
24 28 of your document and so this is our closures in federal  
25 waters of the Gulf and so Alternative 1, no action, regions may  
26 not establish closed areas in federal waters adjacent to their  
27 region.

28  
29 Your current preferred alternative is Alternative 2. A region  
30 may establish closed areas within federal waters adjacent to  
31 their region in which the recreational harvest of red snapper is  
32 prohibited and then there were two options there which the IPT  
33 had previously provided as a mechanism to enable a more  
34 analytical analysis. We needed something to kind of describe  
35 and compare.

36  
37 However, the IPT did come up with a proposed Alternative 3 and  
38 if the council is interested in this, we would recommend  
39 adopting this proposed Alternative 3 and removing the options  
40 under Preferred Alternative 2 and so let me read proposed  
41 Alternative 3: A region may close all federal waters adjacent to  
42 their region in which the recreational harvest of red snapper is  
43 prohibited. All federal waters adjacent to a region must be  
44 either open or closed.

45  
46 The difference is between the underlined words primarily, the  
47 closed areas, multiple, under Preferred Alternative 2, whereas  
48 Preferred Alternative 3 says all or nothing, at any one time. I

1 am going to open it up for discussion.

2  
3 **CHAIRMAN GREENE:** Okay. Is there discussion? Dr. Crabtree.

4  
5 **DR. CRABTREE:** My understanding too is that if we go down this  
6 path and a state closes this area that it's closed to anyone who  
7 is recreationally fishing, regardless of what state they are  
8 from, so that if Louisiana closed the EEZ off of Louisiana, it  
9 would be closed to folks from Mississippi and so these would  
10 effectively -- We would be creating commercial fishing only  
11 zones and that's what these are and I just wanted to make sure  
12 that everybody's understanding of that -- That these are going  
13 to be closed areas that only commercial fishermen are allowed to  
14 fish in and that we all have a common understanding.

15  
16 **CHAIRMAN GREENE:** Mr. Matens.

17  
18 **MR. MATENS:** Thank you, Mr. Chairman. I have always been  
19 uncomfortable about this and I guess I'm not certain of why. My  
20 position has been, and I really would like to hear whether other  
21 people think I'm wrong, is the EEZ is kind of a free and open  
22 zone and we do stock assessments and we worry about the fish out  
23 there and we would only be constrained as to where you land the  
24 fish. I really would like to have a biologist explain to me why  
25 this is something we should pursue.

26  
27 **CHAIRMAN GREENE:** Dr. Crabtree.

28  
29 **DR. CRABTREE:** Well, I share your concerns with it and I don't  
30 think we should pursue this. The goal of regional management  
31 was to eliminate exactly the type of situation that this is  
32 creating and it's going to come with a whole host of enforcement  
33 issues and it's going to mean a state can close potentially an  
34 area that's very important to the residents of another state to  
35 fish in and I think it's going to create a host of problems for  
36 us.

37  
38 Now, in past meetings, I have made motions to choose Alternative  
39 1 as the preferred, but that's never passed, but -- We can have  
40 some more discussion, but I would be prepared to make that  
41 motion again, unless someone else wants to.

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

44  
45 **MR. WILLIAMS:** Given my friend Camp's concerns about this, I  
46 would like to move that Alternative 1 be our preferred  
47 alternative.

48

1 **CHAIRMAN GREENE:** We have a motion to make Alternative 1. Is  
2 there a second for this motion? Second by Camp. Any further  
3 discussion? Mr. Riechers.

4  
5 **MR. RIECHERS:** Camp, certainly, as Dr. Crabtree indicated, he  
6 had reasons why he has promoted Alternative 1. I think you've  
7 heard others around the table suggest that Alternative 2 may  
8 have some viability and in fact some ability to allow those  
9 states with larger coastlines to manage and close areas and  
10 certainly, within the context of our state, by having our  
11 inshore waters open, we have maintained some -- I mean what Dr.  
12 Crabtree is talking about is the enforceability of offshore to  
13 inshore and that's been enforceable now.

14  
15 Florida has talked about having zones, because they have a long  
16 coastline. We just want the tool and the availability to do  
17 that, if need be. We have been able to have a longer season  
18 because in fact they catch fewer fish per angler hour in the  
19 inshore waters, as opposed to offshore, and so there are some  
20 benefits to that as well, where you might be able to manage your  
21 seasons and manage for different outcomes if you have that  
22 availability.

23  
24 **CHAIRMAN GREENE:** Dr. Crabtree.

25  
26 **DR. CRABTREE:** Just to the issue of zones, I think we talked  
27 about this at the last meeting, and I don't think you were with  
28 us at the last meeting, but -- I don't know if this is in the  
29 document and we need to make it clear, but a state could, in  
30 their conservation equivalency plan, say the season in this  
31 portion of our state is this and the season in this portion of  
32 our state is this, I think.

33  
34 This is about closing the EEZ as opposed to state waters and  
35 that's kind of different than zones and we, from the get-go,  
36 when we talked about this, as Camp pointed out, this was about  
37 landings and enforcing things at the dock and based on landings.  
38 There are a lot of benefits to doing that.

39  
40 We have had this situation with one season in the EEZ and  
41 different ones in state waters for some time and I guess it's  
42 debatable whether that has worked from an enforcement  
43 perspective. I sure hear a lot about all kinds of enforcement  
44 problems with it and we see landings of red snapper in some  
45 states that don't have any fishery in state waters, but when  
46 they open state waters, there are landings there and so unless  
47 there are unknown pockets of red snapper they're fishing, I  
48 think we still have a real issue with policing these zones and

1 so I would like to support Camp and Mr. Williams's motion.

2  
3 **CHAIRMAN GREENE:** Thank you. Dr. Lasseter.

4  
5 **DR. LASSETER:** I just wanted to add to something that Dr.  
6 Crabtree pointed out. At the bottom of page 28, the beginning  
7 of the last paragraph, it does state that a region may establish  
8 regional fishing zones.

9  
10 The idea there is that it's still landings-based and so in  
11 certain areas, you allow possession and landing and that extends  
12 through state waters out into the EEZ. The EEZ remains open and  
13 you're just closing -- You're establishing where in your state  
14 waters you would allow landings to occur in different seasons,  
15 but there would not be an inconsistency between your state and  
16 federal waters.

17  
18 I also wanted to point out that Jason Brand, in October of 2014,  
19 raised some enforcement issues with this as well and I don't  
20 know if you could speak to that.

21  
22 Then also, when Kiley Dancy was here in January of 2015, earlier  
23 this year, she discussed the summer flounder model and she  
24 talked about that there weren't the enforcement issues, because  
25 they did not have the inconsistency between the state and  
26 federal regulations. However, the Atlantic Commission does have  
27 the authority to enforce closures in state waters, which is  
28 enforcement that we do not have and so that was a slightly  
29 different situation, but there had been expressed concerns for  
30 enforcement for preserving the ability to have different  
31 regulations between state and federal waters. Thank you.

32  
33 **CHAIRMAN GREENE:** Thank you and that's part of the reason I  
34 brought up the conversation earlier about possession and  
35 transiting and so on and so forth. If you take a state like  
36 Florida and you want to divide it up into two or three sections  
37 and you are in possession of one area and you're right on one of  
38 those lines, it's going to be a mighty difficult thing.

39  
40 I remember talking to Lieutenant Commander Brand and he was  
41 saying if you're going to make a line that it needs to be at a  
42 27 degrees, 30 minute type of mark or something along those  
43 lines. I certainly don't want to speak for the Coast Guard and,  
44 Mr. Perkins, would you like to weigh in on this or if you don't,  
45 it's no problem, but --

46  
47 **MR. PERKINS:** From an enforcement standpoint, what he is saying  
48 is just you have to make it something that we can consistently -

1 - You know if it's a strange line from one point to another,  
2 then you've got to interpolate on charts and stuff and it just  
3 makes it easier if you just give us a lat/long that we can work  
4 off of, a straight line.

5  
6 **CHAIRMAN GREENE:** Okay. Thank you. Any further discussion?  
7 Mr. Matens.

8  
9 **MR. MATENS:** Thank you, sir. Really this thing kind of got  
10 ahead of me. I really wanted more of a discussion on why this  
11 was an advantage to anyone and if it is, I might be more  
12 comfortable with it. Having this all of a sudden become a  
13 motion and vote is not what I intended. If I understand it  
14 correctly, Robin, this is something that is important to you and  
15 your state and is that correct?

16  
17 **MR. RIECHERS:** Well, I think yes. As we've talked about this  
18 throughout the whole evolution of this regional management  
19 document, this is one of the tools in the toolbox, as we've  
20 referred to it, and it gives the ability for states with long  
21 coastlines especially to possibly manage differently.

22  
23 It also gives the states with shorter coastlines to possibly  
24 close their EEZ waters to extend their season for more days, if  
25 they are catching fewer fish in state waters. Again, the whole  
26 notion is where they are landed is where they're counted, but as  
27 far as closing and opening, you have as much flexibility as you  
28 can have with that.

29  
30 Again, it still has to go through -- If it's a conservation  
31 equivalency, it will still have to go through those discussions  
32 and it will still have to basically suggest that you're counting  
33 the landings appropriately and all of those things.

34  
35 **MR. MATENS:** To that point, sir, you make a very good point and  
36 I am certainly in favor of states managing their own fishery,  
37 more than I am in favor of some level of discomfort that I may  
38 have about this. I mean I wouldn't want a situation where  
39 Louisiana would irritate you guys by closing off everything west  
40 of Louisiana and so, again, thank you so very much for your  
41 comment.

42  
43 **CHAIRMAN GREENE:** Okay. We have a motion on the floor and is  
44 there any further discussion? Mr. Fischer.

45  
46 **MR. FISCHER:** Thank you, Mr. Chair. I am well aware this is a  
47 red snapper document, but the reason I support the preferred or  
48 possibly even the new proposed, but I speak against Alternative



1 1 is a different species, but just a couple of years ago, we saw  
2 Florida have a need to close or segregate part of their coast  
3 for grouper fishing, to where they had an opening in one  
4 section.

5  
6 If this were species-wide, it would make such a challenge  
7 easier. It would give states, like was just stated, with long  
8 coastlines the ability to manage up and down their coast. We  
9 may not have that issue, but it would not want to deprive it  
10 from the other states and so, to that, I speak against the  
11 motion on the board.

12  
13 **CHAIRMAN GREENE:** Okay. We have a motion on the floor and we're  
14 going to go ahead and vote it up or down. **All those in favor,**  
15 **please raise your hand; all those opposed like sign. The motion**  
16 **fails three to six.** Dr. Crabtree.

17  
18 **DR. CRABTREE:** I guess, if this is where we're going, I would  
19 like to have Mara comment about how this would work exactly,  
20 because it's not clear to me that what we're going to have here  
21 is an adequate NEPA analysis and so it does then seem to me that  
22 a state would have to come back to the council saying we want to  
23 close the EEZ for this amount of time and then we would have to  
24 go through a framework or something and I don't know, Ava, if  
25 that's addressed in here.

26  
27 **DR. LASSETER:** No, I don't believe it is and what we're really  
28 requesting or really hoping is that if there's anything that you  
29 region may wish to consider that it be explicitly included here,  
30 so that we can at least have an analysis at this stage, which is  
31 why we did add that proposed Alternative 3, because I understand  
32 that to be what Texas may be interested in, although I may be  
33 wrong. I am not sure if you wanted to close just areas within  
34 the federal waters, but we really are encouraging for anything  
35 that you may want to consider -- Let's get it analyzed here, to  
36 the extent possible, and that could help things further down the  
37 line.

38  
39 **CHAIRMAN GREENE:** Mara.

40  
41 **MS. LEVY:** The one comment I will make is if a state comes  
42 forward with a plan that includes closing the EEZ in addition to  
43 looking at the NEPA type analysis that's already in the document  
44 and whether the agency would need to supplement that analysis,  
45 the agency would also have to do a rulemaking, right, because to  
46 actually close those federal waters, the agency would need to do  
47 a rulemaking saying these areas are closed for this type of  
48 fishing from this time to this time. It's not going to be as

1 simple as a plan approval and there would have to be another  
2 regulatory process in there as well.

3

4 **CHAIRMAN GREENE:** Mr. Williams.

5

6 **MR. WILLIAMS:** Ava, under proposed Alternative 3, where it says  
7 a region may close all federal waters adjacent to their region,  
8 in that -- Does that refer to each state as being a region or  
9 would say a state like Florida be able to close the south  
10 portion and keep the upper portion open and then vice versa, in  
11 order to try to --

12

13 **DR. LASSETER:** Again, if you are just closing areas of your  
14 state, including state waters, and so you want to only allow  
15 landings, we'll say in Florida, in the Panhandle in one season  
16 and then off of west Florida at a different time, Florida would  
17 just establish those season dates when possession of red snapper  
18 and landing of red snapper are permissible in those separate  
19 regions in state waters.

20

21 There is no need to close the EEZ in that case and that is  
22 discussed in the third paragraph under the discussion. What  
23 this is talking about is closing parts or all of the EEZ off of  
24 a region and here we're using the term "region" to refer to  
25 however regions were selected in Action 3.

26

27 What Preferred Alternative 2 would allow is any region could  
28 close parts, areas, within federal waters, but leave its state  
29 waters open and so that introduces the different regulations  
30 between state and federal waters.

31

32 **MR. WILLIAMS:** Then under Alternative 3 then, Florida could  
33 close the Panhandle and Big Bend state waters and the federal  
34 zone, in order to try to keep some red snapper for the southern  
35 portion of the state.

36

37 **DR. LASSETER:** No, again, actually Alternative 1 allows Florida  
38 to have those multi-zone management and so I'm going to read  
39 from that third paragraph: A region may want to establish sub-  
40 regional fishing seasons for red snapper, such that the season  
41 is open in one part of the region while closed in another and  
42 vice versa.

43

44 A region would be able to do so under Alternative 1, provided  
45 the region's delegation or CEP is active, as it has been  
46 approved. Establishing sub-regional fishing seasons is possible  
47 under Alternative 1, because the region would specify where red  
48 snapper may be landed within the region and where landings are

1 prohibited.

2  
3 With active regional management, you don't have the inconsistent  
4 regulations, because its anglers are able to fish when it's open  
5 in state waters and the federal waters off of the area of state  
6 waters that is closed. Again, the idea is that the EEZ stays  
7 open under Alternative 1 and that a state establishes when and  
8 where landings may be made, possession of landings may occur  
9 within state waters. Again, we're sticking to the idea of  
10 primarily landings-based enforcement.

11  
12 **CHAIRMAN GREENE:** Okay, Martha.

13  
14 **MS. BADEMAN:** This might make this even more confusing, Roy, but  
15 so we have, of course, in Florida some species that are managed  
16 regionally, I think like scallops and snook and those kinds of  
17 things.

18  
19 What Ava is describing is a little bit different from the way  
20 that we manage those and so with scallops and snook, when one  
21 area is closed, you may not possess scallops and snook in that  
22 area at all and for snook, that extends into federal waters and  
23 so this would be different than that. You could still have red  
24 snapper in federal waters off of the closed zone, just so long  
25 as you come back into state waters in an open zone. It's a  
26 little bit different than what we have done in the past and  
27 whether that's a good thing, I don't know.

28  
29 **CHAIRMAN GREENE:** Myron.

30  
31 **MR. FISCHER:** Thank you, Mr. Chair, and I just have a question  
32 for Ava, just for clarity. The closure of an area off of a  
33 region, that would be something established in their annual plan  
34 and that would not be anything we're deciding here today and  
35 that would be -- We are just giving the rights to be able to do  
36 that and then when a state or a region submits its plan, it  
37 would illustrate what its intent is.

38  
39 **DR. LASSETER:** Exactly. If you retain Preferred Alternative 2,  
40 then in the CEPs, being our preferred alternative, the region  
41 would declare and specify in the CEP where those closed areas  
42 are, et cetera. It would provide the details and then that  
43 would have to go through the review process.

44  
45 **MR. FISCHER:** Okay. Thank you.

46  
47 **CHAIRMAN GREENE:** Mara.

48

1 **MS. LEVY:** So I just wanted to -- I don't know if there's  
2 confusion between Preferred Alternative 2 and proposed  
3 Alternative 3, but the proposed Alternative 3 is an all-or-  
4 nothing proposition. If a state is going to decide to close the  
5 EEZ or the region adjacent to the region, it's going to be all  
6 of the EEZ and so there is no discretion about closing different  
7 pockets or areas off of a particular region, whereas Alternative  
8 2 is giving those regions or states discretion about closing  
9 particular areas of the EEZ.

10  
11 **MR. WILLIAMS:** Mara, let me follow up then. I am a little slow  
12 on this. Could Florida close all of the EEZ from Tampa Bay  
13 southward for a portion of the year under Alternative 3 and  
14 leave the rest of the EEZ open? They could not?

15  
16 **MS. LEVY:** No, under Alternative 3, it's saying if you choose to  
17 close the EEZ that you're closing it all off --

18  
19 **MR. WILLIAMS:** The entire EEZ off of Florida would be closed?

20  
21 **MS. LEVY:** Right. Alternative 2 is the one that gives them the  
22 more discretion and I think we did that for analytical purposes,  
23 so you can analyze what would happen or the potential impacts, I  
24 guess, if each state were allowed to close its entire EEZ, which  
25 is a very -- We can define that, but in Alternative 2, which is  
26 much more discretionary, it's like you could close four areas or  
27 you could close one area and so there's a lot more uncertainty  
28 with Alternative 2.

29  
30 **CHAIRMAN GREENE:** Okay. I guess this begs the question of does  
31 anyone want to pick up the proposed alternative and add it to  
32 the document or not? Okay. Seeing nobody waving their hands, I  
33 guess we will go back to Dr. Lasseter.

34  
35 **DR. LASSETER:** Okay. Then my only other -- If we could stay  
36 there just one moment, but also the options under Preferred  
37 Alternative 2. Did you want those to be retained in the  
38 document? You haven't selected a preferred for either one of  
39 those.

40  
41 **CHAIRMAN GREENE:** Well, if we don't have to pull them out now, I  
42 suppose we should just leave them in and continue on. If  
43 someone wants to pick it up later, they can, but we're going to  
44 move on. Mr. Boyd.

45  
46 **MR. BOYD:** Just a clarification. Did the council vote to put in  
47 these two options of 2a and 2b or not?

48

1 **DR. LASSETER:** Okay. So when we first restructured this  
2 document, we had this still as your Preferred Alternative 2 and  
3 just a region may establish closed areas within federal waters  
4 adjacent to their region. For analytical purposes, as Mara just  
5 explained also, the IPT needed to come up with a reasonable  
6 range of alternatives in order to analyze.

7  
8 We came up with these options and there was also a whole other  
9 alternative that proposed a Gulf-wide boundary of nine miles out  
10 and I believe it was twenty miles out. There were like four  
11 options and at the last meeting, the council did elect to remove  
12 that to considered but rejected.

13  
14 Again, that alternative, the purpose of it when the IPT came up  
15 with, was to allow us to have some defined structure to compare  
16 and contrast the potentials for different areas to be closed and  
17 so these options were really originally for us to enable the IPT  
18 to analyze the alternative.

19  
20 If Proposed Alternative 3 was included, having Alternative 2 and  
21 Alternative 3 would be sufficient for us to conduct our  
22 analysis. I don't feel like we really need 2a and 2b, but there  
23 doesn't seem to be interest right now in adding proposed  
24 Alternative 3 and perhaps we could take that up later in full  
25 council.

26  
27 **CHAIRMAN GREENE:** Okay and so 2a and 2b are proposed?

28  
29 **DR. LASSETER:** They are. They have been in the document since  
30 last time, but to answer Mr. Boyd's question, they were part of  
31 the range of alternatives that the IPT came up with to try to  
32 help us analyze the possibilities of Alternative 2. I don't  
33 think they're very strong. I will take responsibility for them.  
34 I came up with them, but just as a way to kind of structure the  
35 possibilities, so that we can analyze them.

36  
37 The IPT did come up with the proposed Alternative 3, and I  
38 thought that was much stronger, as a way to compare the options  
39 of either closing everything or having areas closed. It just  
40 enables our analysis.

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

43  
44 **DR. CRABTREE:** Just so we're clear, if a state -- If we go with  
45 our current preferred, if a state comes to us with a  
46 conservation equivalency plan that includes closure of the EEZ,  
47 we're going to have to go through a rulemaking process and I  
48 think the council will have to go through a framework and will

1 have to do a NEPA document.

2  
3 It's likely to take about six months to go through that and so  
4 if a state wants to go down this path, they're going to really  
5 have to put that closure in place and leave it, because they're  
6 not going to be able to come in with their plan every year and  
7 change it, or we're going to already be way into the next season  
8 by the time we go through it. I can't figure a way around that.

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

11  
12 **MR. RIECHERS:** Roy or even Steve, how do we implement the Texas  
13 closure each year? I think it's basically because we have a  
14 closure implemented with dates certain and then we basically  
15 alter that if we need to. I think we do have at least an option  
16 in place that allows us to use that as a model, in some  
17 respects.

18  
19 **DR. CRABTREE:** I think you're right about that and I think once  
20 we have a NEPA analysis to support it and we know what's coming  
21 and it's a routine thing that we can do that, but if it's  
22 something that changes in magnitude or is unpredictable, but  
23 somewhere along the way, a NEPA document is going to have to  
24 analyze the impacts of it and once we have that, then I think it  
25 can move more quickly.

26  
27 **MR. RIECHERS:** I understand the notion of that as it moves  
28 forward if it changes every year that you're going to have to go  
29 through public comment and some sort of process to make those  
30 changes, but if it weren't to change every year, you basically  
31 set it in place and then we have that ability to maintain that  
32 kind of structure for some length of time, until one would want  
33 to change it.

34  
35 **DR. CRABTREE:** I think that's right.

36  
37 **CHAIRMAN GREENE:** Mr. Gregory.

38  
39 **EXECUTIVE DIRECTOR GREGORY:** Dr. Crabtree, just some  
40 clarification. The IPT put Options 2a and 2b in there so they  
41 could do some NEPA analysis upfront and I think the presumption,  
42 at least in my mind, is if that's done, then the NEPA analysis  
43 is not needed subsequently when the state wants to do something  
44 within those parameters.

45  
46 I thought what you just said would be, regardless of Options 2a  
47 and 2b, the state or the agency would have to go through a NEPA  
48 analysis whenever the state made a proposal like this and if

1 that is true, then wouldn't it be simpler to take 2a and 2b out  
2 and just have this generic statement, since you've got to go  
3 through a NEPA analysis anyway at that point in time? Or do I  
4 misunderstand it?

5  
6 **DR. CRABTREE:** Well, I will probably need to talk more with Mara  
7 and our NEPA people about it, but it seems to me that even with  
8 Option 2a or b in there, and if we choose one of those as the  
9 preferred, it's going to be a pretty open and rather vague NEPA  
10 analysis, because it's for up to six months or no more than 50  
11 percent and we don't know for how long and we don't know where  
12 and I am just not sure it's going to be a sufficient analysis  
13 with what we have here to keep us from needing to supplement it,  
14 but we can look at that when we get there, but I am just not  
15 sure exactly how that's going to work, but I want to prepare  
16 folks that it could well be that when we come time to do this  
17 actually that we do have to do some sort of supplemental NEPA  
18 analysis to cover it.

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

21  
22 **MR. RIECHERS:** Roy, certainly if it helps the notion of a NEPA  
23 analysis now to create a set of options that -- Let's just say  
24 would umbrella all of the different options and at least give us  
25 those extremes, so that in some respects you can do a  
26 programmatic NEPA analysis at a higher level, even though you  
27 may not have the specifics underneath, if we need to keep 2a and  
28 2b in there for that and add Alternative 3 and add Alternative  
29 4, then we probably should do that now, but I would let you go  
30 ahead and have that conversation with some of your folks to make  
31 that determination.

32  
33 Obviously NEPA is a process and what you're trying to do is  
34 notify people of some of the alternatives that could be  
35 considered and are being considered.

36  
37 **DR. CRABTREE:** Yes and it just gets into a lot of possible  
38 permutations, because you've got five states and each state may  
39 do it different and so the combinations get so complicated that  
40 it's very difficult to do an adequate analysis of it. Part of  
41 this is going to depend on how long do you all want to spend  
42 working on this, but I will ask my staff and Mara to investigate  
43 this more carefully.

44  
45 **CHAIRMAN GREENE:** Okay. Mr. Boyd.

46  
47 **MR. BOYD:** Let me go back to my question for Ava. Option 2a and  
48 2b are proposed and they are proposed?

1  
2 **DR. LASSETER:** No, they have been in the document for at least a  
3 couple of times. They were here at the last meeting and you  
4 removed a different alternative completely and sent it to  
5 considered but rejected.

6  
7 These options have been there in order to enable us to narrow  
8 some ideas of how closed areas within federal waters could be,  
9 because just that statement is completely open and so having  
10 those options enables the tech staff and the IPT to have some  
11 kind of structure with which to compare and analyze effects,  
12 potential effects.

13  
14 If you selected Option 2a and areas of the Gulf council only be  
15 closed for up to half of the year, it gives us some kind of  
16 structure against which to discuss and compare effects and so  
17 that is the purpose of additional alternatives.

18  
19 Again, I want to emphasize if there's something that you know  
20 that your region may want to do, I would encourage it to be in  
21 the appropriate place in the document, so that we've at least  
22 done as much analysis as we can at this point. That is why we  
23 suggested the proposed Alternative 3, because that is basically  
24 what we understand Texas is interested in doing, but we could be  
25 wrong.

26  
27 **MR. BOYD:** All right and so proposed Alternative 3 is proposed  
28 and the other two suboptions are in the document?

29  
30 **DR. LASSETER:** Yes.

31  
32 **MR. BOYD:** I am not opposed to those, but my question is how did  
33 those get into the document at this point? I guess I am  
34 confused. Did they get in because it was a NEPA request that  
35 they were put in and they were just put in or did the council  
36 put them in there when it happened?

37  
38 **DR. LASSETER:** The way it works when you have an action is we  
39 had your preferred alternative. When we restructured the  
40 document, we needed to find a home for this and so we created a  
41 separate action.

42  
43 We need to have a reasonable range of alternatives and so the  
44 IPT developed alternatives that could be analyzed, as best we  
45 could, as best we could design some alternatives, and then we  
46 brought them back to you.

47  
48 We discussed them at the last meeting and we removed -- You were



1 not interested in pursuing the Gulf-wide closures of a certain  
2 distance from shore, which that idea had come from a paper Bob  
3 Shipp had written, and so we did move that to considered but  
4 rejected.

5  
6 You are free to remove these, move these also to considered but  
7 rejected, but they are options, a reasonable range of options,  
8 for the IPT to analyze the potential effects on the affected  
9 environment of this preferred alternative.

10

11 **MR. BOYD:** Thank you.

12

13 **CHAIRMAN GREENE:** Okay. We are running way behind schedule and  
14 I'm going to try to keep moving on. I certainly don't want to  
15 stop any discussion, but at this point, I don't see any time  
16 that we're going to stop and take a break and so if you need to,  
17 do it at your own leisure. We need to keep moving on. Dr.  
18 Lasseter.

19

20 **DR. LASSETER:** Then we will move on to Action 6, which begins on  
21 page 31 of your document, and this is apportioning the  
22 recreational ACL, which we now have a sector ACL, which is also  
23 the quota, among the regions.

24

25 I will point out the Alternative 1, no action, is to retain what  
26 you currently have and that's the recreational sector ACL is  
27 divided between the private angling component and the federal  
28 for-hire component for the years 2015 to 2017. This alternative  
29 would not divide the recreational sector ACL among regions.

30

31 The remaining alternatives propose how you would apportion the  
32 recreational sector ACL or component ACLs, depending on the  
33 preferred alternative in Action 2, among the regions and your  
34 alternatives are very similar to the range of alternatives for  
35 allocation in Amendment 40 and your current preferred  
36 alternatives almost reflect exactly your preferred alternatives  
37 for the allocation formula in 40.

38

39 You have Preferred Alternative 5, which would be to apportion  
40 the recreational sector ACL or component ACLs among the regions,  
41 based on 50 percent of average historical landings for the  
42 longest time series and 50 percent of average historical  
43 landings for the shorter period of time, the most recent, 2006  
44 to 2013.

45

46 You also have selected Preferred Alternative 6, to exclude  
47 landings from both 2006 and 2010. I will point out that the  
48 only difference between your preferred alternative here and the

1 one selected in 40 was that you only excluded landings from one  
2 of those years and it has slipped my mind which one.

3  
4 **CHAIRMAN GREENE:** Okay. Thank you. Any discussion on Action 6?  
5 Ms. Bademan.

6  
7 **MS. BADEMAN:** Just a question. The percentages in the days  
8 estimates that are under this action, they are for the  
9 recreational sector as a whole, right, like assuming that that  
10 whole chunk went over there?

11  
12 **DR. LASSETER:** Yes.

13  
14 **MS. BADEMAN:** I am assuming they would be different though if  
15 sector separation was applied before regional management and is  
16 there a way to get that information before we go to public  
17 hearings, because if we do go down that road, I think people  
18 probably would want to know that.

19  
20 **DR. LASSETER:** Yes. Okay and so we will work on combining the  
21 options and alternatives in Action 2 and the potential  
22 apportionments in the ACL with Preferred Alternative 5 and 6.  
23 Yes, we will get that before the public hearings.

24  
25 **CHAIRMAN GREENE:** Any further discussion? Dr. Crabtree.

26  
27 **DR. CRABTREE:** So if you look at Table 2.6.6, and this is the  
28 table that estimates the number of days the various states would  
29 have, and if you look at under Preferred Alternative 5, it  
30 indicates a season of seventeen days for Alabama and thirteen to  
31 nineteen for Florida and forty-six for Louisiana and 132 for  
32 Mississippi and fifty-six for Texas.

33  
34 There are some real inequities in terms of how many days the  
35 various states get and I think you need to have some discussion  
36 about why it's fair and equitable for fishermen in Alabama and  
37 Florida to have significantly shorter seasons than those in  
38 Louisiana, Texas, and Mississippi.

39  
40 I haven't heard much discussion of that, but that's really the  
41 crux of this and I think that we're going to hear about this  
42 from the public and we're going to need to build a record for  
43 why this is the appropriate allocation and why we're effectively  
44 shifting much more of the harvest over to the western Gulf, it  
45 looks like, because there is not much in the document at this  
46 point to justify the allocation.

47  
48 **CHAIRMAN GREENE:** Dr. Lucas.

1  
2 **DR. LUCAS:** Dr. Crabtree, I am not exactly sure about how that  
3 discussion goes, but in looking at all the previous historical  
4 measurements made on allocation by this council, it's always  
5 based on landings and historical landings and all that. It's  
6 not generally based on time or giving a percentage of time and  
7 it seems to be based on historical landings.

8  
9 I think that's the route we all went down, was looking at  
10 historical landings to base the allocation or apportionment  
11 among states, because that's what we had to go with and that  
12 seems to be the historical method by the council, is to look at  
13 those historical landings.

14  
15 **DR. CRABTREE:** Well, that's true that we've used historical  
16 landings quite a bit, but in this case, it makes a real shift in  
17 the fishery and it has very different impacts on fishermen,  
18 depending on where they live.

19  
20 I don't think it's an adequate rationale to say, well, that's  
21 what we've done in the past. I mean I think you have to explain  
22 why it's fair and equitable that fishermen in some states are  
23 going to have much shorter seasons than fishermen in other  
24 states and I just haven't heard an explanation for why that is  
25 fair and equitable. I don't know and maybe Kevin and Martha can  
26 explain how it's fair, but I have not heard that.

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

29  
30 **MR. RIECHERS:** Well, Roy, I mean certainly fair and equitable  
31 can be in the eyes of the beholder, in some respects. What we  
32 can say is that -- What can be recognized by looking at these  
33 time series of landings is there has been an overall shift in  
34 some of this fishery from the west to the east.

35  
36 Some of that came as this fishery became more managed and the  
37 season became more truncated and has continued to be more  
38 truncated and so you're continuing to see some of that shift.  
39 What the regional management concept is trying to move us  
40 towards is some ability for each individual state and/or the  
41 regions is to manage their days that they end up with in a way  
42 that's more beneficial for them.

43  
44 The ultimate in regional management would be for us to get to  
45 the point where we're managing it off the biology that each  
46 state is seeing off of their coastline and then combining that  
47 overall into a Gulf-wide strategy, or at least a check-in on a  
48 Gulf-wide basis at some point in time, every X number of years.

1  
2 When you talk about equity here, it's not completely equitable  
3 that Texas and Louisiana, specifically Texas, has been losing in  
4 this whole fishery management notion of shifting allocations  
5 through time, based on management scenarios.  
6

7 If you have looked at our state recently, it's not because we  
8 don't have people and it's not because we don't have people  
9 going fishing. It's because of how the seasons have been set  
10 and how the weather is dictated over in the Gulf.  
11

12 Now, that being said, I don't want to take any more landings or  
13 anything away from the States of Alabama and Florida. They have  
14 got fishermen who need to capture those fish as well and so I  
15 think what we've attempted to do here was take both a long-term  
16 approach looking at landings and weight it by 50 percent and  
17 then the most recent five years and weight that by 50 percent,  
18 so that you're at least weighting both structures, the long-term  
19 time series as well as a weighting towards the most recent  
20 years, to help come up with some allocation.  
21

22 It's not going to be completely equal, because it's not the last  
23 five years, and so it's kind of weighting both of those factors,  
24 in some respects, to try to reach a fair and equitable --  
25 Certainly I will say, as far as the numbers of days here, those  
26 have only most recently been added to the document, even though  
27 we've been talking about this for quite some time, and so I  
28 think it is important that people see what those numbers  
29 actually do and I am glad they have been added now, but we've  
30 been talking about these and these percentages for a couple of  
31 years now and so I'm glad we will be able to go out and show the  
32 public what we're going to actually have for seasons.  
33

34 **CHAIRMAN GREENE:** Dr. Lucas.  
35

36 **DR. LUCAS:** Dr. Crabtree, to add to the discussion, I am not  
37 sure what we have now is fair and equitable either and so I mean  
38 given that we've got states with different distances from their  
39 shoreline, three nautical miles from the middle states,  
40 recognized by the feds, and you've got nine nautical miles in  
41 Texas and Florida, which gives them the ability to get to the  
42 resource better than it does in Mississippi, and I've also got  
43 the fact that the NOAA contractor stood across the table from me  
44 and said, I'm quite sure we have never really captured  
45 Mississippi's landings correctly and so I mean I'm not sure we  
46 have fair and equitable now and we're just trying to base it on  
47 what tools we have available to us to make these decisions.  
48

1 **CHAIRMAN GREENE:** Ms. Bademan.

2  
3 **MS. BADEMAN:** I think Roy queued me up and asked why I thought  
4 that Alternative 5 or the preferred alternative is the way to go  
5 and I don't think that Florida was going to get onboard with  
6 that alternative. I have suggested in here to add Alternative 8  
7 that starts everybody at a level playing field. I can't see  
8 what the days estimates would be for that, but it seems to me  
9 that that's the fairest way to go.

10  
11 One of the questions that I do have for if we do one of these  
12 landings-based allocations is what do you do with Mississippi,  
13 because clearly that data is a mess and if we have a situation  
14 where Mississippi has a 132-day season and Florida and Alabama  
15 are in the teens, we've got some issues.

16  
17 Not to pick on Mississippi, but just to acknowledge the data  
18 issues that are out there and so I don't know that the  
19 resolution is for that, but I would like to see, I think, a  
20 situation where everybody is kind of starting on an even playing  
21 field and you can take your allocation and do what you want with  
22 it and perhaps you can stretch those days out with setting the  
23 season that works better for your anglers and you can stretch  
24 out the days and you can compress them into a time where  
25 everybody wants to go, but it's up to you and I think that's the  
26 whole point of this document.

27  
28 **CHAIRMAN GREENE:** To that point, Dr. Crabtree.

29  
30 **DR. CRABTREE:** Yes and I think that -- I wasn't able to find the  
31 number of days for Alternative 8 either and it's not listed, I  
32 guess, in one of the tables and so I think, Ava, that's  
33 something that we need to get in one of the tables.

34  
35 **DR. LASSETER:** It's in the text.

36  
37 **DR. CRABTREE:** It's in the text somewhere? I think it would be  
38 good to put it in a table somewhere so that people don't have to  
39 search for it. Mississippi is going to be a challenge, because  
40 the percent standard error on the catch estimates for  
41 Mississippi are very large and so when you track your landings  
42 from year to year, they are likely to fluctuate quite a bit from  
43 year to year and that's going to pose, I think, a real challenge  
44 to deal with.

45  
46 I know that Mississippi is looking at some alternative ways to  
47 estimate catches and some improvements to that and I think  
48 that's going to be important for us to work with Mississippi to

1 try to address it.

2  
3 I am not trying to tell you one way or another what the  
4 allocation ought to be, but I am just looking at -- I know I am  
5 going to get questions from people about how is this fair that  
6 some states are getting a lot more days than others and I am  
7 struggling with that one now and there is just not much in the  
8 actual document justifying how we got to this allocation and I  
9 think we're going to have to beef that up, because I think  
10 ultimately that's going to be the part of this amendment that  
11 people are going to focus on.

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

14  
15 **MR. ANSON:** Thank you, Mr. Chair. Just going back to Dr.  
16 Crabtree's point relative to the states and the fishermen within  
17 the respective states when they look at this document and trying  
18 to make that decision of what is fair and equitable, I think a  
19 couple of points have already been brought up here and I would  
20 just quickly restate them.

21  
22 From the state's perspective, there might be a chance in  
23 regional management to try to apportion some allocation or save  
24 some of that allocation, the Gulf-wide catch, if you will,  
25 within a respective state and kind of stabilize it in that  
26 respect, when you have states that are non-compliant and in  
27 situations where you don't have an increasing stock, there is no  
28 chance for increasing the number of days in that situation,  
29 where a state will go non-compliant and increase their bag rates  
30 and such and state catches go up.

31  
32 That erodes other states that don't have that luxury and so  
33 that's what this document provides, is it provides some  
34 stability in that regard. I think in these numbers you need to  
35 also take into account that the calculation, I believe, is based  
36 on total landings and so when you look at Texas, for instance,  
37 and they have fifty-six days, yes, that's a lot of days in that  
38 regard relative to federal season days, but that compresses all  
39 the 365 state catches into that fifty-six and so they go from  
40 365 state catches down to fifty-six state and federal and so you  
41 have to just kind of -- When you look at those numbers, you have  
42 to just be wary of those subtleties.

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

45  
46 **MR. FISCHER:** Thank you, Mr. Chairman. I think this has  
47 probably been the hardest action item to settle on. It's just  
48 been a struggle. Percents just change and as the document gets

1 delayed, it's always the next year's data comes out and it's a  
2 couple of percent different.

3  
4 We've had issues from the tables weren't exactly correct, and I  
5 think it was 103 percent when you added it up on the first  
6 table, and then we had the proportioning out of the headboats in  
7 the Panhandle and the Alabama area and there's always something  
8 changing the percents, once you've settled on them.

9  
10 This was the solution after a couple of years of debate and so  
11 it didn't come easy and as far as a disparity, we just voted in  
12 Amendment 40, where the fishery went from a nine-day season to  
13 suddenly one group got forty-four days and one got ten, using  
14 the exact same years.

15  
16 If it's a disparity for one amendment, it probably would be for  
17 another amendment also, but those were the dates and the council  
18 went that route and this amendment is using the same dates to  
19 mirror and what's good about using these historical landings,  
20 which was brought up just briefly, is it's back when the fishery  
21 was simple.

22  
23 It uses historical dates before closures and before the  
24 inconsistent state regulations and it works its way up to where  
25 we are this past couple of fishing seasons and so it takes  
26 everything into account through the fishery and weighs them  
27 equally and this is the results.

28  
29 **CHAIRMAN GREENE:** To that point?

30  
31 **DR. CRABTREE:** Yes and just to -- I mean it's different though  
32 than the Amendment 40, because you've got to take into account  
33 that, yes, what we're calling the private subcomponent had a  
34 ten-day season in federal waters, but they were able to fish  
35 year-round in some states and I think 150 or 200 days in  
36 Louisiana.

37  
38 It's an oversimplification to say they only get a ten-day  
39 season, whereas the anglers who are fishing off of for-hire  
40 vessels, they can only fish during that federal season and the  
41 difference between those two estimates would be much less if  
42 that was the result. That's not the case here, because these  
43 season estimates -- I mean those are the only days that these  
44 guys are going to have to fish, because this is assuming state  
45 and federal waters close at the same time.

46  
47 It is a little different than what happened with Amendment 40,  
48 because to say what the season length is for a private angler

1 now depends on where he lives and where he fishes.

2

3 **CHAIRMAN GREENE:** Dr. Lucas. Go ahead, Mr. Fischer.

4

5 **MR. FISCHER:** You know we accept it's different, but we're using  
6 the same guidelines and we're using the same strategy -- By not  
7 calling on me, I lost my train of thought on it, but we're -- It  
8 is a different scenario, but it does mirror and I will pick it  
9 back up.

10

11 **CHAIRMAN GREENE:** I apologize, Mr. Fischer. Dr. Lucas.

12

13 **DR. LUCAS:** I wanted to echo a little bit of what Myron said.  
14 When I first came to the Department of Marine Resources, this  
15 discussion was already underway about how to do the allocation  
16 and it was painful and to say that nobody was happy when we  
17 left, nobody was happy. Everybody had issues and had challenges  
18 and it was not an easy decision. We didn't pull it out of a hat  
19 and we struggled to get there and we beat our heads on the wall  
20 and everything else.

21

22 You know finally when nobody was happy, we really felt like we  
23 must have achieved something, because either everybody is happy  
24 or nobody is happy. When nobody was happy, it was like, well,  
25 at least we're all on the same playing field here and it's not  
26 one person who is more happy with the situation than anybody  
27 else.

28

29 In Mississippi, recognizing that our numbers had never been  
30 correct and we're having to choose things off of historical  
31 landings, yes, that's when we implemented the mandatory  
32 electronic reporting for all recreational fishermen, so that we  
33 could try to get more accurate data, if that's how choices are  
34 going to be made.

35

36 When I look at something like Alternative 8, I am not seeing  
37 how, if you just said, hey, everybody be consistent, I think you  
38 would achieve the same thing. It would be the same amount of  
39 days for everybody, which essentially should be what we have  
40 now, but because everybody is so unhappy, that's why every state  
41 has gone inconsistent. I am not sure how 8 gets you there.

42

43 **CHAIRMAN GREENE:** Ms. Bademan.

44

45 **MS. BADEMAN:** I have two things. Ava, can you tell us where the  
46 days estimate for Alternative 8 is, what page it's on, and then  
47 on 8, I don't think that the season would be -- I guess it could  
48 be the same across all five states, but, again, it comes down to



1 what you do.

2  
3 If you set your season at a time that's the low effort time,  
4 then you're going to have longer days. You're going to have a  
5 longer season. If you put it right when everybody is out on  
6 their boat, you know Memorial Day Weekend or something like  
7 that, then yes, you're going to blast through your quota pretty  
8 quick and it's going to be faster and so it does depend on what  
9 I think each state does.

10  
11 **DR. LASSETER:** It begins on page 35, the last paragraph,  
12 Alternative 8, and it goes on to the next page and Dr. Farmer  
13 conducted the analyses and he used three scenarios and so it  
14 explains these three scenarios and how he came up with those  
15 proportions and the third scenario uses the observed catch rates  
16 and average fish weights for all sectors and components based on  
17 a nine-day season and so that's the only timeline we have right  
18 now for these proportions, but I will see if I can get further  
19 information on season length from them, but I believe that's why  
20 we didn't have a table.

21  
22 **CHAIRMAN GREENE:** Okay. Ms. Bosarge.

23  
24 **MS. LEANN BOSARGE:** I am not on your committee and so thanks for  
25 entertaining my question. I am trying to put all of the  
26 different pieces of this together based on what your committee  
27 has picked their preferreds to be at this point and so I have a  
28 question.

29  
30 I know that you all chose the Alternative 4 as the preferred in  
31 the action where it allows -- It would allow the states to  
32 manage both the for-hire and the private angler sector, but  
33 together and they can't separate the two out and they are  
34 together and so if that route is chosen and then you had some  
35 debate over whether to allow the states to close federal waters,  
36 a portion of federal waters, or not close federal waters -- So  
37 if they manage both components together and they are allowed to  
38 close federal waters and leave state waters open, now we've said  
39 that they can't distinguish between the two groups and manage  
40 them separately, but we didn't manage them separately at the  
41 federal level for a long time and yet, we didn't allow for-hire  
42 boats to fish in state waters when state waters were open and  
43 federal waters were closed.

44  
45 Are we setting ourselves up for a scenario here where that could  
46 happen if we have all of these preferreds that we're going with  
47 now, where you could have federal waters closed off of one state  
48 and they keep their state waters open and they are managing both

1 components and they're not separating them out, but somewhere,  
2 maybe tied to some permit or tied to some, I don't know,  
3 capacity of the vessel or something, there's a stipulation that  
4 says these boats can't fish in state waters? Is that possible  
5 somehow?  
6

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

9 **MS. LEVY:** If a state comes in with a conservation equivalency  
10 plan and it's approved, then what the regulations would provide  
11 is that the federal default regulations, which would include the  
12 30B type regulation that says you can't fish in state waters,  
13 wouldn't apply to those vessels that are landing in that state.  
14 If everyone has a conservation equivalency plan that's approved,  
15 that provision wouldn't apply.  
16

17 **MS. BOSARGE:** I understand 30B, which is our regulation, would  
18 not apply. What I am asking is being managed as two sectors  
19 together, can there still be some sort of stipulation by the  
20 state that somehow accomplishes the same thing?  
21

22 **MS. LEVY:** Not under what was selected as the current preferred,  
23 meaning they would have to be managed as a single unit. If the  
24 plan came in and said we're not going to let federally-permitted  
25 charter vessel headboats fish in state waters and we're closing  
26 the EEZ, then I don't know that that's something that would get  
27 approved as consistent with this plan.  
28

29 **CHAIRMAN GREENE:** Okay. Any further discussion? Dr. Crabtree.  
30

31 **DR. CRABTREE:** One more question. Ava, it seems that I recall  
32 at the last meeting that we talked about, with respect to the  
33 state-by-state allocations, how we would deal with a change in  
34 the recreational catch accounting that was calibrated back and  
35 changed the historical timeline and whether we would just  
36 recalibrate the catches and then recalculate the allocations and  
37 apply it or whether we would have to come in and go through a  
38 whole plan amendment to change things. Am I dreaming or did we  
39 talk about that at the last council meeting?  
40

41 **DR. LASSETER:** If I am understanding correctly, the document has  
42 been updated with the most recent calibration numbers and is  
43 that what you are speaking to?  
44

45 **DR. CRABTREE:** It has, but there are going to be more  
46 recalibrations. All of the states -- Alabama is trying a  
47 different way to survey red snapper catches and Louisiana has  
48 got a survey that they are benchmarking against MRIP and

1 Mississippi is trying something. There is a mail effort survey  
2 coming and so it's quite likely that there are going to be  
3 further changes that will require calibrations to the time  
4 series.

5  
6 If, for example, Alabama went to a different catch series for  
7 red snapper, we would have to calibrate that in some fashion and  
8 what I am getting at is whether we want to specify in the  
9 document that once a calibration is accepted as the best  
10 available science and applied that these allocations just  
11 recalculate or do we want to have to come back in and go through  
12 the whole plan amendment process with new alternatives and all  
13 of that or not.

14  
15 I don't think we've addressed that anywhere and obviously these  
16 calibration decisions, like everyone said, they are very  
17 difficult and they are very painful and they take a long time  
18 and so I think some clarity on how we want to handle that would  
19 be helpful and whether you just want to, once it's accepted by  
20 the SSC and applied to an updated stock assessment, that we  
21 would then recalibrate all of these numbers and here are the new  
22 allocations and they just go in place without us having a big  
23 long debate about it and going through a formal NEPA analysis  
24 and everything.

25  
26 **DR. LASSETER:** Possibly related to that, we currently have a 20  
27 percent buffer to create the ACT that is Gulf-wide and it's been  
28 my understanding that as some of the states -- Louisiana is  
29 working on validating the LA Creel with MRIP this year and so  
30 there could be a potential in the future to be modifying the ACT  
31 regionally and so I kind of understood that those kinds of  
32 decisions would coincide with examining accountability measures  
33 in a separate action, unless there is something we should put  
34 here.

35  
36 **DR. CRABTREE:** I am not thinking of those as related. The  
37 buffer issue is already in the regulations and we would have to  
38 go through the process to change it, but we could specify in the  
39 amendment and make it clear that we're specifying a series of  
40 years and that if the historical time series of landings is  
41 recalibrated or changed and accepted as the best available  
42 science, then that new -- Those numbers would be re-estimated  
43 and they would be changed.

44  
45 **CHAIRMAN GREENE:** Okay. Anybody else? Any more clarification?  
46 It's pretty confusing. Okay, Dr. Lasseter.

47  
48 **DR. LASSETER:** I do think that that would need to be a further

1 discussion for the council and perhaps we could work up some  
2 language for you to consider. Okay. If there is nothing  
3 further on Action 6, we will move on to our last action in the  
4 document, Action 7, which begins on page 37 of your document.

5  
6 This addresses post-season accountability measures and so your  
7 current, no action, Alternative 1, is to retain what you have,  
8 which is the overage adjustment. Should the entire Gulf-wide  
9 recreational sector ACL be exceeded in a given year, reduce the  
10 following year's ACL by the full amount of the overage, unless -  
11 - Then there is some caveats. Unless the best scientific  
12 information available determines that a greater, lesser, or no  
13 overage adjustment is necessary and, also, this is only  
14 applicable while the red snapper are overfished, based on the  
15 most recent Status of U.S. Fisheries Report to Congress.

16  
17 This would be no matter which region exceeds its portion of the  
18 recreational sector ACL. If the entire sector ACL is exceeded,  
19 the overage would come off the top and then the regions would be  
20 apportioned their quota and then to the quota, the ACT is  
21 applied. The buffer is applied to create the ACT and it's the  
22 ACT on which the seasons would be set, so that you have that bit  
23 of buffer for uncertainty and you should not exceed your ACL,  
24 but you set your season for your ACT. That's Alternative 1.

25  
26 Your preferred alternative is Alternative 2, which, again, the  
27 same caveats, that overage adjustments only apply when red  
28 snapper is overfished, based on the Report to Congress, but the  
29 overage adjustment would apply just to the region that had  
30 exceeded its ACL and contributed to the entire sector ACL going  
31 over.

32  
33 Alternative 3 and 4 both relate if you do not continue with your  
34 current Preferred Alternative 4. If you continue with your  
35 current Preferred Alternative 4 in Action 2, where you were  
36 managing -- Each region is managing as a single unit all of its  
37 recreational anglers, then these alternatives would not be  
38 applicable, because you would not have component ACLs, but  
39 Alternative 3 would provide for the component that exceeds its  
40 component ACL -- The overage adjustment would be taken from that  
41 component. Alternative 4, if you have both component and  
42 regional ACLs, the respective ACL that is exceeded -- In the  
43 event the entire sector ACL is exceeded, the most specific  
44 component would be responsible for paying back the overage.

45  
46 Again, for all of Alternatives 2 through 4, the overage would be  
47 deducted from the regional ACL and/or component ACL, unless the  
48 best scientific information available determines that a greater,

1 lesser, or no overage adjustment is necessary. We always have  
2 that qualifying phrase in there and I will turn it over for  
3 discussion.

4

5 **CHAIRMAN GREENE:** Any discussion? Mr. Anson.

6

7 **MR. ANSON:** Dr. Crabtree, relative to buffers and relative to  
8 the new programs that states are rolling out for better data  
9 collection, and they have their own timeline for approval and  
10 acceptability within the MRIP toolbox, how could the buffer be  
11 changed? Would that require an amendment, a framework action,  
12 or such relative to a state, in monitoring their specific ACL,  
13 if that's what is selected -- Could that monitoring then be used  
14 and then could the state, after a couple or two or three years  
15 of running that program, prove that it can eat into that buffer  
16 and can that be changed through amendment or framework action?

17

18 **DR. CRABTREE:** I think it can be done through a framework and so  
19 I think if a state gets an alternative catch accounting  
20 methodology certified by the MRIP program and that's what we're  
21 agreed they're going to use and if they can demonstrate that the  
22 probability of going over is significantly changed, then we  
23 could readdress the buffers at that time.

24

25 **CHAIRMAN GREENE:** Any further discussion? Okay, Dr. Lasseter,  
26 is there anything else?

27

28 **DR. LASSETER:** If there is no modifications to Action 7, no  
29 further discussion, that is what we have for the amendment and  
30 thank you, Mr. Chairman. I'm sorry. One more thing. I just  
31 want to remind everybody of public hearings. Right now, we are  
32 planning to schedule them immediately after the October meeting.  
33 We are working to get the DEIS prepared to file. Is there any  
34 further discussion on the envisioned timeline for when you would  
35 be interested in taking final action, so we can schedule when we  
36 need to file the DEIS?

37

38 **CHAIRMAN GREENE:** Committee? Seeing no direction from the  
39 committee --

40

41 **DR. LASSETER:** Okay. If there seems to be no hurry, then we're  
42 going to consider filing it in November after the public  
43 hearings.

44

45 **CHAIRMAN GREENE:** Any objections to November? Mr. Anson.

46

47 **MR. ANSON:** If you filed it in November, Ava, what -- So we  
48 would have all the comment period closed and the comments

1 received and what time would that be?

2  
3 **DR. LASSETER:** I am going to ask Dr. Branstetter to answer this.

4  
5 **DR. STEVE BRANSTETTER:** Push come to shove, we can probably get  
6 a DEIS filed and published sometime in October and so the  
7 comment period would still be open through November, but the  
8 council can take action without the DEIS being final, as long as  
9 you recognize that if some red flag comes up from either public  
10 comment or from EPA or someone else that it would have to come  
11 back to the council for additional action in the future, but I  
12 like Ava's suggestion of postponing the publication of it until  
13 we can cross the T's and dot the I's.

14  
15 **DR. LASSETER:** If I may speak, staff will be very busy with the  
16 public hearings that we're going to run in October, which is why  
17 if we could submit by mid-November, November 15<sup>th</sup> or so, that  
18 would be ideal.

19  
20 **CHAIRMAN GREENE:** Okay. I am not seeing any objections and I  
21 think that will be fine. Okay, Chairman Anson, we are way  
22 behind schedule and do you want to take a break now or keep  
23 going? It's your call.

24  
25 **MR. ANSON:** I think one or two people would like to take a break  
26 and so let's go ahead and take a break. Let's do it in ten  
27 minutes.

28  
29 (Whereupon, a brief recess was taken.)

30  
31 **CHAIRMAN GREENE:** I believe we have a quorum at the table and  
32 we're going to go ahead and get started. We've got a lot to do.  
33 We're going to pick up on Updated Options Paper - Framework  
34 Action to Set the Recreational for Gag. This will be Tab B,  
35 Number 5.

36  
37 **UPDATED OPTIONS PAPER - FRAMEWORK ACTION TO SET GAG RECREATIONAL**  
38 **SEASON AND GAG AND BLACK GROUPER MINIMUM SIZE LIMITS**

39  
40 **MR. STEVEN ATRAN:** Thank you, Mr. Chairman. This is a revised  
41 options paper. There were substantial changes made to the  
42 previous options paper and I will try to be brief, since we're  
43 behind schedule.

44  
45 The last time the council met, we had numerous alternatives for  
46 modifying the ACL and ACT. However, because of concerns that  
47 catch rates seem to have declined lately, which were borne out  
48 by the CPUE indices analysis that was done for the last council

1 meeting, the council decided to keep the existing ACL and ACT  
2 catch levels.

3  
4 There is another gag assessment, and I believe it's an update  
5 assessment, that is scheduled for 2016 and we should get the  
6 results of that in January of 2017. That's just to give you a  
7 little bit of a timeframe for when we'll get the next  
8 assessment.

9  
10 We moved all of that ACL and ACT changes to considered but  
11 rejected. However, the council did ask that we consider a size  
12 limit change for gag and black grouper in this and the idea was  
13 to get consistency with the South Atlantic Council, which has a  
14 twenty-four-inch size limit. We have a twenty-two-inch size  
15 limit.

16  
17 On those size limits, we only have two alternatives. NEPA  
18 normally likes to see more than two, but we felt that the scope  
19 of having only two alternatives met with the objective for  
20 considering them and it would simplify the set of alternatives  
21 if we can do just those two alternatives, twenty-two or twenty-  
22 four inches.

23  
24 Action 1 is the gag recreational minimum size limit and it's on  
25 page 8 of the document and, again, we just have two  
26 alternatives. No action would leave the size limit at twenty-  
27 two inches and Alternative 2 would increase it to twenty-four  
28 inches total length.

29  
30 Looking at the growth rates that were in the stock assessment,  
31 the gag reach twenty-two inches when they are about three-and-a-  
32 half years old and it takes them about half a year to grow up  
33 twenty-four inches and so there would be a short-term reduction  
34 in catch rates, most likely.

35  
36 We did look at what the release mortality is. The release  
37 mortality in the most recent stock assessment was reduced from  
38 the previous one. Headboats and charter boats are considered to  
39 have an average release mortality of about 16 percent and the  
40 private recreational vessels are estimated to have an average  
41 release mortality of about 12 percent and so if we increase the  
42 size limit, there will be some increased discards and dead  
43 discards due to that increase, but also we will be extending the  
44 length of the season and so there will be less of a closed  
45 season when there will also have to be regulatory discards.  
46 Given that the fish only takes about six months to grow from  
47 twenty-two to twenty-four inches, we felt that any change in  
48 dead discards is probably not going to be a major issue.

1  
2 Black grouper, we did the same thing as a separate action,  
3 increase the recreational minimum size limit. This is on page  
4 9. Alternative 1, no action, we would leave it at twenty-two  
5 inches and Alternative 2 is to set the recreational minimum size  
6 limit at twenty-four inches. Again, this would be for  
7 consistency.

8  
9 By the way, the twenty-four inches originally came from earlier  
10 stock assessments that had determined that the size at 50  
11 percent female maturity occurred at about twenty-four inches.  
12 The most recent stock assessment for gag put it at twenty-two  
13 inches. I think that's probably just variability in the data as  
14 far as whether it occurs at twenty-two or twenty-four inches.

15  
16 With black grouper, the 50 percent size at maturity is a little  
17 bit larger. It's about thirty-four inches, but, again, our  
18 primary objective here was to look at consistency of regulations  
19 with the South Atlantic and black grouper are not overfished and  
20 so there is no problem with having to reduce the fishing effort  
21 for that reason.

22  
23 Again, on the release mortality, there is a lot of uncertainty  
24 for release mortality rate for black grouper. The last black  
25 grouper stock assessment had used a base discard mortality rate  
26 of 20 percent, but it evaluated mortality rates all the way  
27 between 10 percent and 90 percent. It did find that the  
28 assumption of what mortality rate is used does make a difference  
29 in the results. However, right now there is a lot of  
30 uncertainty.

31  
32 There is another black grouper assessment scheduled in the near  
33 future and that will be reevaluated. Again, the black grouper  
34 only takes about half a year to grow from twenty-two to twenty-  
35 four inches and so we're only talking about a small amount of  
36 time when the stock would be subject to possibly increased dead  
37 discards.

38  
39 Action 3 is modifications to the gag recreational fishing  
40 season. These alternatives are basically the same as what you  
41 looked at in the previous version, except they were modified to  
42 look at what the season length would be under different size  
43 limits rather than under different ACLs.

44  
45 Alternative 1, no action, would retain the recreational gag  
46 season of July 1 through December 2, period, or shorter, if the  
47 ACL is reached in a quicker time period, which doesn't appear to  
48 be the case currently.



1  
2 Preferred Alternative 2, you selected this as a preferred  
3 alternative at the last council meeting, would remove that  
4 December 3 to 31 fixed season. The reason that's in place is  
5 because when the rebuilding plan was first put in place with a  
6 July 1 opening, that first year it was determined that the ACL  
7 would be filled on December 3 and so NMFS implemented a December  
8 3 to 31 season.

9  
10 The way they did it, it ended up being a fixed closed season.  
11 There is no reason for us to have that season in place today and  
12 so the preferred alternative would remove that and allow the  
13 season to run until the end of the year or until the ACL is  
14 reached, whichever occurs first. That would be in combination  
15 with one of the other alternatives.

16  
17 Alternative 3 would -- It says remove the January through June  
18 gag seasonal closure and that's for consistency with the way the  
19 actual regulation is worded. The regulations tell you when the  
20 season is closed and not when it's open, but effectively that  
21 would say we would open the season on January 1 and then run  
22 until the ACL is met or until the end of the year, whichever  
23 comes first.

24  
25 Since this would include the February and March closed season on  
26 waters beyond fifty fathoms, we included three options for how  
27 to deal with that with respect to gag. Option 3a is gag would  
28 be treated the same as the other shallow-water grouper. In  
29 other words, during those two months, the season would be closed  
30 beyond the twenty-fathom boundary, but it would be open inside  
31 the twenty-fathom boundary, as long as those months are  
32 otherwise option to gag fishing.

33  
34 Option 3b would remove the closed season completely for gag, so  
35 that you could fish for them regardless of depth during those  
36 two months, if those two months are otherwise open, and Option  
37 3c would go the other way. It would close the gag for February  
38 and March in all waters.

39  
40 Since we're talking about the recreational fishery, a large  
41 chunk of the recreational fishery does occur in waters shallower  
42 than twenty fathoms and that is reflected in the tables I will  
43 get to in a moment which discuss the estimated season length.

44  
45 Alternative 4, rather than say we're going to start on January 1  
46 and run until the season closes, it says we want the season to  
47 be open through December 31 and so how far back do we have to  
48 back calculate to determine what the appropriate opening date

1 would be and, again, there is those same three methods for how  
2 to deal with the February and March closed season if it's within  
3 the gag season are taken into consideration.

4  
5 On pages 14 and 15, the estimates of season length -- I want to  
6 emphasize these are only estimates and they are based upon a  
7 single year. The first six months, catch rate estimates are  
8 based upon the year 2009, and that was the last year that  
9 February and March was open completely to recreational fishing,  
10 and the last six months are based upon landings during 2013 and  
11 so these will have to be revisited, but at the moment, they are  
12 our best estimate of how long the seasons would be.

13  
14 If you look at Table 2.3.1, which is on the bottom of page 14,  
15 this is for Alternative 3, which would open the season on  
16 January 1, and then there are three methods of how to deal with  
17 the twenty-fathom closure.

18  
19 If we keep the twenty-two-inch size limit, we estimate that if  
20 gag is treated the same as the other shallow-water grouper that  
21 you could fish for them beyond twenty fathoms, but not shoreward  
22 during that period. We estimate that the season would run from  
23 January until the end of August, August 27, 239 days.

24  
25 If we allow the season to be open in all waters during February  
26 and March for gag, you only lose a few days, again because most  
27 of the fishery is occurring in shallow waters. We estimate a  
28 January 1 to August 23, 235 days. If we had the season closed  
29 to all fishing, regardless of depth for gag during those two  
30 months, we would estimate a January 1 to January 31 two-month  
31 closure and then an April 1 to October 6 opening, for a total of  
32 about 220 days.

33  
34 We also included ACT estimates. The accountability measure for  
35 gag recreational fishing states that if the ACL is exceeded in  
36 any given year, then in the following year the closure would be  
37 based upon when the ACT is projected to be met. Otherwise, it's  
38 when the ACL. We haven't met the ACL closure this current year  
39 or last year and so that wouldn't be in place and I am just  
40 going to concentrate on the ACL closures.

41  
42 If the size limit is raised to twenty-four inches, then, again,  
43 if we treat gag the same as the other shallow-water grouper in  
44 regards to the twenty-fathom closure, we would be open from  
45 January 1 until December 9, 343 days.

46  
47 If we allow gag to be open completely during those two months,  
48 regardless of depth, we would go from January 1 to November 30,

1 334 days, and if we were to close February and March to gag  
2 fishing completely, regardless of depth, then we project there  
3 would not be an ACL closure and we would be open until the end  
4 of the year and that would be 306 fishing days, after you pull  
5 out those two months of closed seasons. That's all for  
6 Alternative 3, which is for a January 1 opening.

7  
8 For Alternative 4, which is the next table, Table 2.3.2, this is  
9 the one where we're trying to get the season to be open through  
10 December 31 and then back-calculating what the opening date  
11 would be. If we keep the twenty-two-inch size limit, we would  
12 estimate that the opening date would be May 28, May 28 through  
13 December 31, and that's after the February and March period and  
14 so that would have no effect on the season.

15  
16 Alternative 3a and 3b and 3c are all identical, because the  
17 February and March closed season doesn't play any factor in that  
18 estimate.

19  
20 If we raise the size limit to twenty-four inches, then under  
21 Alternative 3, under Option a, which is the twenty-fathom  
22 closure is in effect and no fishing beyond twenty fathoms, but  
23 you can fish shoreward of that during February and March, we  
24 would project that the season would open on February 6 and go  
25 through the end of the year, to 329 days.

26  
27 If we were to open up the season completely during those two  
28 months for gag, then we would lose it looks like about thirteen  
29 days and have the season open on February 19 and then go to the  
30 31<sup>st</sup> of December. If we were to have those two months closed to  
31 all fishing, and this is identical to Option c in Alternative 3,  
32 we would have no ACL closure and we project that the gag season  
33 would be open year-round except for those two months, 306 days.

34  
35 Again, these are estimates and these estimates would have to be  
36 revisited prior to implementation, but at the moment, they are  
37 our best estimate of what the season lengths would be under the  
38 various alternatives and options.

39  
40 **CHAIRMAN GREENE:** Okay. We need to select some preferreds here  
41 at this point. I guess we'll go back to page 8, which would be  
42 Action 1, the gag minimum size. Does anyone wish to choose a  
43 preferred here? Ms. Bademan.

44  
45 **MS. BADEMAN:** For Action 1, I will make a motion that we select  
46 Alternative 2 as the preferred.

47  
48 **CHAIRMAN GREENE:** We have a motion to select Alternative 2 as

1 the preferred and it was seconded by Mr. Walker. Any  
2 discussion? Ms. Bademan.

3  
4 **MS. BADEMAN:** Based on what Steve explained, it sounds like this  
5 is not going to have a big impact in terms of discards and it  
6 would make us consistent with the South Atlantic for gag and  
7 then potentially for black, if we do that in the next action.

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

10  
11 **DR. LUCAS:** I would just speak against the motion. The  
12 fishermen that I've talked to in our area, that area that are  
13 out fishing, twenty-four seems find to them and there doesn't  
14 seem to be a real problem with it. They seem to have some  
15 heartburn with changing to twenty-two, especially just to  
16 satisfy the South Atlantic.

17  
18 I realize they're in the northern Gulf and so that kind of  
19 affects Florida more than it would our area. Right now, with  
20 having different regulations on the South Atlantic side and on  
21 the Gulf side, how are you all currently dealing with it? Do  
22 you all see a lot of problems?

23  
24 **MS. BADEMAN:** There are a lot of problems in the Keys and just  
25 to be clear, this motion would change it to twenty-four. I  
26 think you were saying it would change it to twenty-two.

27  
28 **DR. LUCAS:** Right. Keeping it at twenty-two. I'm sorry.

29  
30 **MS. BADEMAN:** Yes and so we've heard a lot about -- There is a  
31 lot of confusion with grouper regulations in particular in south  
32 Florida in the Keys. The map that I showed, and I think we were  
33 talking about South Florida stuff last time, shows kind of how  
34 all the jurisdictions come together and for state waters, we  
35 lump Monroe County, which is the Keys, into Atlantic, but there  
36 is still a lot of confusion about where were the fish caught  
37 versus where they're landed and so that does simplify things  
38 quite a bit to have that consistent size limit.

39  
40 Also, it looks like, if people are interested in this, it looks  
41 like if we do twenty-four that we have the potential to do a  
42 significantly longer season, if that's something folks are  
43 interested in. I will throw that out there as well.

44  
45 **CHAIRMAN GREENE:** Any further discussion? Mr. Gregory.

46  
47 **EXECUTIVE DIRECTOR GREGORY:** Originally, the council was  
48 considering twenty-four inches because of the size of maturity

1 being at twenty-four inches. We were going from eighteen inches  
2 to twenty-four inches and at the time, the recreational fishery  
3 in Florida was concerned that that large of a jump in size limit  
4 would unduly restrict their harvest and so they lobbied for a  
5 twenty-two-inch size limit and that's where that came from.

6  
7 Things have changed since then. The size at maturity is between  
8 twenty-two and twenty-four and we don't know if that's because  
9 of data differences or if indeed the size at maturity has gone  
10 down, which is a normal thing to expect in a population that's  
11 being fished and being fished heavily. Indeed, gag apparently  
12 has been, given the reports we get from the industry. Twenty-  
13 four inches would definitely be a conservation step for the  
14 fishery.

15  
16 **CHAIRMAN GREENE:** Okay. Any further discussion? We have a  
17 motion on the board and I guess we'll vote it up or down. **All**  
18 **those in favor, please raise your hand; all those opposed like**  
19 **sign. The motion carries seven to one.**

20  
21 Okay. That takes care of Action 1 and I guess we need to move  
22 on to Action 2, if anyone would like to select a preferred  
23 there. It's on the bottom of page 9. Ms. Bademan.

24  
25 **MS. BADEMAN:** For Action 2, I will make a motion to select  
26 **Alternative 2 as the preferred alternative.** My reasons are  
27 similar to the arguments for gag.

28  
29 **CHAIRMAN GREENE:** Okay. We have a motion going on the board in  
30 Action 2 to make Alternative 2 the preferred. Is there a second  
31 for this motion? It's seconded by Mr. Williams. Noting the  
32 similar discussion earlier, is there any further discussion  
33 about this? Okay. **Is there any opposition to this motion?**  
34 **Seeing no opposition, the motion carries.**

35  
36 From there, we will go to Action 3 and attempt to select a  
37 preferred there. Does anyone wish to select a preferred at this  
38 point?

39  
40 **MS. BADEMAN:** I was just going to say we have one for Action 3  
41 now, but it does seem like a lot of things have changed with the  
42 size limit analysis and so it's maybe something to think about  
43 over the next few days and then potentially into October.

44  
45 **CHAIRMAN GREENE:** Okay. Yes, that's one of the reasons I was  
46 asking about it, because there was a lot of information in  
47 there. Seeing no desire to change the preferred, but noting  
48 that we may want to look over that, I guess there is one other

1 action item or was that it?

2

3 **MR. ATRAN:** That was it.

4

5 **CHAIRMAN GREENE:** Okay. Anything else before we leave gag  
6 grouper and black grouper size limits? Seeing none, Mr.  
7 Chairman, I don't know that it be worthwhile to jump into  
8 Amendment 28 right here before lunch, but that is your call. I  
9 can certainly pick up some of the other stuff down the agenda if  
10 staff is ready, but I will leave that decision to you.

11

12 **MR. ANSON:** Perhaps maybe, so we keep it consistent and stay  
13 focused on the topic, perhaps maybe moving up one of the agenda  
14 items, maybe Yellowtail Snapper Draft Framework Action. Ryan,  
15 are you ready for that?

16

17 **CHAIRMAN GREENE:** With that, we will postpone Amendment 28  
18 discussion until after lunch and we will pick up on Action Item  
19 VIII, Draft Framework on Yellowtail Snapper, and Mr. Rindone.

20

21 **DRAFT FRAMEWORK ACTION - MODIFY GEAR RESTRICTIONS FOR YELLOWTAIL**  
22 **SNAPPER**

23

24 **MR. RYAN RINDONE:** Thank you, Mr. Chairman. Since this is the  
25 first time you guys are seeing this, I will go through some of  
26 the big highlights in the document, so that everybody is kind of  
27 up to speed.

28

29 This was part of the whole South Florida management initiative  
30 that got parsed out because it's something that the Gulf Council  
31 could address on its own without any input or without any  
32 additional review by the South Atlantic Council and it kind of  
33 puts us on par with what they have going on in that South  
34 Florida region.

35

36 This framework action looks to modify the gear requirements for  
37 yellowtail in the Gulf and we only have one action in here, but  
38 before we get to that, I wanted to just kind of give you guys  
39 some background.

40

41 This particular framework action is only looking at making a  
42 management change for commercial fishermen and this has a lot to  
43 do with the efficiency with which that portion of the fishery is  
44 prosecuted and so the way these guys fish for yellowtail is they  
45 have a chum slick that they put out behind the back of the boat,  
46 using a large net that goes from one side of the back of the  
47 boat to the other and the chum floats back behind the boat and  
48 the yellowtail come up and they feed on the chum and the

1 fishermen literally cane pole these yellowtail right off the  
2 surface, within fifteen feet of the boat, usually.

3  
4 When they are dehooking these fish, they are putting them in a  
5 jig and I actually have a picture of it that I can send around  
6 to you guys if you guys are interested and they drop the fish in  
7 and they pull the line down and the hook pops right out and this  
8 works most effectively with small j-hooks, which is part of  
9 their argument.

10  
11 Circle hooks, they argue in order to fish with circle hooks  
12 effectively the circle hooks have to be so small that the  
13 yellowtail are almost guaranteed to swallow them all the way  
14 down into their stomachs and so that creates a bit of an issue,  
15 they argue, as far as gut hooking, especially since not all  
16 circle hooks are created the same.

17  
18 One manufacturer's 6/0 circle hook might be a different size  
19 than another's and then you have whether the hook is offset or  
20 not and so in the South Atlantic's waters south of the Keys,  
21 circle hooks are not required when fishing for yellowtail  
22 snapper. However, they are in the Gulf, because that circle  
23 hook rule applies to all reef fish.

24  
25 We have a couple of tables in here that show you the landings of  
26 yellowtail snapper in the Gulf and the South Atlantic and  
27 landings in the Gulf are dominated by the commercial fishery and  
28 better than 99.9 percent of all yellowtail in the Gulf are  
29 landed in Florida and most of which are landed in that South  
30 Florida area and so this is very much a regional issue.

31  
32 If we look at Table 1.1.3, you can see the actual poundages of  
33 where those fish are caught recreationally and commercially,  
34 just so you can compare the two, and just to define what these  
35 regions are, the way that the State of Florida collects  
36 recreational catch data is based on five zones spread throughout  
37 the state: the Northeast Zone, which is, and, Martha, please  
38 correct me if I screw this up, but the Northeast Zone is roughly  
39 Nassau County and Jacksonville down to Indian River Lagoon area,  
40 that zip code, generally; then the Southeast is from there down  
41 to the Miami/Dade County line; the Keys is Monroe County; West  
42 Central Coast of Florida goes from Collier County north to  
43 roughly Pasco County or Levy County; and then the Northwest is  
44 from Levy County all the way west to Pensacola and Escambia  
45 County.

46  
47 For the commercial sector, we had to aggregate the landings a  
48 little bit, due to some confidentiality issues, but the East is

1 from Nassau County or Jacksonville all the way south to the  
2 Broward/Dade County line, and so just north of Miami, and the  
3 South Region includes Dade and Monroe and then the West is  
4 everything else.

5  
6 Figure 1.1.2 shows you, using a heat map, where most of these  
7 recreational landings come from and the more towards blue a  
8 particular county is, the fewer landings it has and the more  
9 towards red a particular county is, the more landings it has and  
10 so, again, this shows you that most of the fish are still coming  
11 from South Florida. If you go to the next figure, 1.1.3, you  
12 see that commercially almost all of the yellowtail are coming  
13 from South Florida.

14  
15 The purpose that we have outlined for this document, and you  
16 guys feel free to edit this if you don't agree with it, or for  
17 this framework action, is to address inconsistencies in the Gulf  
18 of Mexico and South Atlantic Fishery Management Council circle  
19 hook requirements for yellowtail snapper commercial fishing in  
20 Gulf of Mexico waters and to increase the operational efficiency  
21 of the commercial yellowtail snapper fishery.

22  
23 The need for this framework action is to achieve optimum yield  
24 and to decrease the burden of compliance with differing  
25 regulations, based on separate regulatory agencies across  
26 adjacent bodies of water and this includes the Gulf Council, the  
27 South Atlantic Council, and the State of Florida. Do you guys  
28 have any input on that purpose and need or does that look pretty  
29 good to you?

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

32  
33 **MR. ANSON:** Not any comments to the purpose and need per se,  
34 Ryan, but I guess, going back to the regulation, it's reef fish,  
35 but also when using natural bait is the regulation for use of  
36 circle hooks and so if they're up there at the surface of the  
37 water and it's basically sight fishing and these are actively  
38 feeding fish, has the industry looked at using artificial and  
39 just strips of the gulp bait, something that isn't natural, and  
40 using that in lieu of natural bait on their hooks?

41  
42 **MR. RINDONE:** I don't know of any discussion about using  
43 artificial baits. What they will do is they will catch a  
44 Bermuda chub, which have a thick skin, and they will skin the  
45 fish and scale it and they will just use strips of the skin on  
46 the hook, because it's flashy, and they will throw that in and  
47 the yellowtail will hit that amongst the different bits of chum.

48



1 As to whether that could be replicated with an artificial bait,  
2 I imagine it's possible. Anything can be made out of plastic,  
3 but that's not been an active discussion, so far as I know.

4  
5 **CHAIRMAN GREENE:** Any further discussion? Seeing none, Mr.  
6 Rindone.

7  
8 **MR. RINDONE:** Thank you, Mr. Chair. On page 12, we start  
9 Chapter 2. Like I said, we only have one action in here and  
10 Action 1 would examine changes to hook requirements for  
11 commercially-harvested yellowtail snapper in the Gulf and we  
12 have four alternatives here.

13  
14 Alternative 1 would keep things as they are, which would require  
15 the use of circle hooks when fishing with natural bait for  
16 yellowtail snapper in the EEZ in the Gulf. Alternative 2 would  
17 remove the requirement to use circle hooks when commercial  
18 fishing with natural bait for yellowtail snapper throughout the  
19 EEZ in the Gulf and Alternative 3 would remove the requirement  
20 to use circle hooks when commercial fishing with natural bait  
21 for yellowtail south of 28 degrees North latitude in the EEZ in  
22 the Gulf. Just for your frame of reference, that's roughly  
23 Tampa Bay.

24  
25 Alternative 4 would remove the requirement to use circle hooks  
26 when commercial fishing with natural bait for yellowtail south  
27 of 25 degrees, 23 minutes North latitude on the west coast of  
28 Monroe County, Florida, south to the Gulf Council jurisdictional  
29 boundary. This is a reference to the Shark Point boundary that  
30 was discussed at the June joint council meeting as part of the  
31 South Florida deliberations. If you look to Figures 2.1.1 and  
32 2.1.2, you can see where those two boundaries actually are on a  
33 map.

34  
35 Again, for Alternative 3, which would use 28 degrees North  
36 latitude, that's roughly the north part of Tampa Bay south and  
37 then that 25 degrees, 23 minutes in Figure 2.1.2 is what we were  
38 referring to as Shark Point. There are a couple of different  
39 instances where Shark Point occurs on a map in that South  
40 Florida region, which is why we elected to go with the actual  
41 line of latitude. Does anybody have any questions?

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

44  
45 **MR. BOYD:** Ryan, just a question on the use of any kind of hook.  
46 Are the yellowtail snapper commercial fishermen bending down the  
47 barb when they fish with what I will call the cane pole method,  
48 so that they can de-hook them quickly, or are they leaving it?

1  
2 **MR. RINDONE:** So far as I know, the barb is not being bent down.  
3 Sometimes the hook will get pulled or a hook will get swallowed,  
4 et cetera, and so it's a very fast fishery. You could land 600  
5 pounds of yellowtail in two-and-a-half hours if they are really  
6 schooling and hungry and when you have guys that are cane poling  
7 off the back of the boat. It's really a time thing at that  
8 point.  
9  
10 I wouldn't imagine them to be bending the barb down, but I don't  
11 know if Bill Kelly is around. He represents some of those guys  
12 and he might be able to speak to that later and inform you guys  
13 about that, but I don't know.  
14  
15 **CHAIRMAN GREENE:** Ms. Bademan.  
16  
17 **MS. BADEMAN:** I don't think they are, but we can ask Bill. I  
18 went out on one of these trips with them, just to kind of see  
19 how it went down. We actually had a slow day, but it is quick.  
20 They are zipping those fish in the boat and they have got just  
21 the de-hooking and they are de-hooking the fish real quick and  
22 putting them in the box. It's kind of cool.  
23  
24 **MR. RINDONE:** If you guys like, I can send you around a picture  
25 of what this de-hooking jig they use looks like, so you have  
26 some frame of reference.  
27  
28 **CHAIRMAN GREENE:** Okay. Mr. Walker.  
29  
30 **MR. WALKER:** I was just going to say it seems to me if they did  
31 bend the hook down that it wouldn't be a circle hook anymore and  
32 so I'm not sure what they do exactly down there, but maybe John  
33 might know.  
34  
35 **MR. SANCHEZ:** I don't know for sure if some bend the barb or  
36 not, but it is definitely a j-hook, what they need.  
37  
38 **CHAIRMAN GREENE:** Typically bending the barb would help them  
39 release the fish and it sounds like they are catching them  
40 pretty expeditiously anyway. Any further comments? Mr.  
41 Rindone.  
42  
43 **MR. RINDONE:** Thank you, Mr. Chair. What we're looking for from  
44 you guys at this point is just approval of the alternatives that  
45 we have, approval of the purpose and need, and make sure that  
46 this document covers the scope of action that you want it to and  
47 then at the next meeting in October, we will bring you a final  
48 draft.

1  
2 Since this is a framework action, we have an options paper that  
3 we bring to you now and then the next time you see it, it would  
4 be a final draft for you to consider for sending on to the  
5 Secretary. If you guys like what you see, let us know and if  
6 you want us to change something, let us know.

7  
8 **CHAIRMAN GREENE:** Okay. Any direction for staff? Does anybody  
9 want anything different? I am not seeing anybody making any --  
10 It looks good and I guess carry on.

11  
12 **MR. RINDONE:** Do we need a motion to accept the language or --

13  
14 **CHAIRMAN GREENE:** We need a motion to accept this language on  
15 the framework or -- Ms. Bademan.

16  
17 **MS. BADEMAN:** I will make a motion to accept the language for  
18 **Action 1.** Does that cover what we need to do? Are you good  
19 with that? Okay.

20  
21 **CHAIRMAN GREENE:** We have a motion to accept the language for  
22 Action 1 and is there a second to this motion? Mr. Walker  
23 seconds it. **Any opposition to this motion? Seeing none, the**  
24 **motion carries.**

25  
26 Mr. Rindone, are you done? He is all done. All right that.  
27 That takes care of that. Now that we're not trying to get  
28 through Amendment 28 -- Chairman Anson has offered Item Number  
29 VII, Final Action, Framework Action to Retain a Portion of the  
30 Commercial Red Snapper Quota in 2016. This would be Tab B,  
31 Number 7(a) and Dr. Diagne.

32  
33 **FINAL ACTION - FRAMEWORK ACTION TO RETAIN A PORTION OF THE**  
34 **COMMERCIAL RED SNAPPER QUOTA IN 2016**  
35 **REVIEW OF FRAMEWORK ACTION**  
36

37 **DR. ASSANE DIAGNE:** Thank you, Mr. Chairman. Initially, we  
38 planned on discussing this action after Amendment 28 and so we  
39 will keep that in mind when we go through the alternatives,  
40 essentially.

41  
42 This amendment would grant the council the flexibility of having  
43 the reallocation considered in Amendment 28 to be implemented in  
44 2016, because the last time we discussed this and looked at the  
45 timeline, a likely scenario would be that 28, if approved, would  
46 be implemented after January the 1<sup>st</sup> and by that time, the IFQ  
47 allocation for red snapper would have already been distributed  
48 and so this framework action would grant the authority to

1 withhold a portion of the commercial quota for 2016 and make the  
2 adjustment once Amendment 28 goes final.

3  
4 It is a very simple framework action and it has two alternatives  
5 and your management alternatives are on page 4 in the document.  
6 We have a no action alternative, which essentially would  
7 distribute 100 percent of the commercial quota for 2016. If we  
8 were to do that, as mentioned, we would not be able to have 28  
9 be effective in 2016 and we will have to wait until the next  
10 year, until 2017.

11  
12 Alternative 2 reads as follows: Before the distribution of the  
13 2016 red snapper commercial quota to account shareholders,  
14 withhold up to 24.7 percent of the red snapper commercial quota.  
15 I will come back to that number in a second. The exact amount  
16 to be retained for distribution will be determined by the  
17 percentage of the quota that would be reallocated in Amendment  
18 28.

19  
20 The reason why we wanted initially to discuss this after  
21 Amendment 28 is that it would have allows us to put the exact  
22 number in Alternative 2. There is a table in the document that  
23 is on page 6 and it gives us the various percentages of the  
24 commercial quota that would need to be retained to satisfy the  
25 alternatives that you have in Amendment 28.

26  
27 For example, under your preferred alternative in Amendment 28,  
28 which is Alternative 8, you would have to retain 4.9 percent of  
29 the commercial quota for 2016 to be able to make the adjustment  
30 and have 28 effective in 2016 and so you have the range of  
31 percentages here and, as written, Alternative 2 right now goes  
32 up to the maximum included in Amendment 28 to essentially  
33 preserve your flexibility in choosing whatever alternative you  
34 see fit in Amendment 28, but as soon as you make your final  
35 determination, we will put that percentage in this framework  
36 action. Essentially, that concludes my discussion of the two  
37 alternatives and I will try to answer questions, if any. Thank  
38 you.

39  
40 **CHAIRMAN GREENE:** Okay. It's pretty straightforward, what the  
41 intent of this will be. Is there any questions of Dr. Diagne  
42 about this item? We are going to have to pick it back up after  
43 we go through 28. Any questions? Dr. Diagne.

44  
45 **DR. DIAGNE:** If the committee wants to, I think now would be a  
46 good time to select a preferred for the framework action, with  
47 the understanding that the percentage would be adjusted  
48 following a decision in Amendment 28.

1  
2 **CHAIRMAN GREENE:** I think we will wait until we go through  
3 Amendment 28 and decide at that point. I guess we're just going  
4 to have to come back to it. I mean it's one of those things.  
5 Chairman Anson.

6  
7 **MR. ANSON:** Thank you, Johnny. I'm sorry to suggest those items  
8 in that order. Looking at the rest of the agenda, I don't see  
9 how -- I mean we would be basically stopping and I don't think  
10 we'll have enough time, looking at a twelve o'clock lunch break,  
11 to do any of the other items and so I suggest maybe we take an  
12 early break and come back and let's shoot for a one o'clock  
13 start. We will still try to retain a one-and-a-half hour,  
14 although we are a little short.

15  
16 There was one item of business I wanted to take care of. Harlon  
17 Pearce, a former council member, was -- He unfortunately had  
18 some health issues at the last council meeting and was unable to  
19 make the trip to Key West and so we wanted to provide him a  
20 gift, a token, of appreciation. Harlon, come on up here.

21  
22 For his many years of service. I believe it was three full  
23 terms, three consecutive terms, he filled and so he is here and  
24 present today and so we would like to go ahead and give him the  
25 gift. Thank you, Harlon. Thanks for all your service to the  
26 council and to trying to make the Gulf of Mexico a sustainable  
27 place for fisheries. We appreciate it.

28  
29 **MR. HARLON PEARCE:** Thank you and thank the council. I am going  
30 to miss the council and I think that one of our famous comedians  
31 says he gets no respect and I think this council definitely  
32 doesn't get the respect it deserves and there's no doubt about  
33 that. Rodney Dangerfield would fit right in with some of the  
34 people that come after us, but I sure respect everything that  
35 all of my people at this council have done and all the staff  
36 have done and all the hard work and I am going to miss being  
37 here. I am already missing it, but this council does the job  
38 for this country and people don't appreciate what you guys are  
39 doing and all the hard work you're doing, but I do. Thank you  
40 very much.

41  
42 (Whereupon, the meeting recessed at 11:44 a.m., August 11,  
43 2015.)

44  
45 - - -

46  
47 August 11, 2015

- - -

The Reef Fish Management Committee of the Gulf of Mexico Fishery Management Council reconvened at the Hilton Riverside Hotel, New Orleans, Louisiana, Tuesday afternoon, August 11, 2015, and was called to order at 1:00 p.m. by Chairman Johnny Greene.

**CHAIRMAN GREENE:** Okay. I think most everybody has found their way back to their seats. As noted from earlier today, we had moved the discussion for Final Action on Amendment 28 to after lunch and we're going to pick up there. That will be led through by Dr. Diagne and it will be Tab B, Number 6. Dr. Diagne, if you're ready.

**FINAL ACTION - AMENDMENT 28 - RED SNAPPER ALLOCATION  
REVIEW OF AMENDMENT**

**DR. DIAGNE:** Thank you, Mr. Chair. As indicated, the amendment, we are going to go through Reef Fish Amendment 28, which considers reallocation of the red snapper quota or ACL between the two sectors, the commercial and the recreational sector.

Our discussion, at least the first part, my part, will be very short, because the amendment still contains the nine alternatives that were previously discussed and, as you recall, just to group them by category, the first set of alternatives would allocate a fixed percentage of the quota to the recreational sector and the numbers were 3, 5, and 10 percent to be shifted.

The second set of alternatives would move portions of the quota above a certain threshold towards the recreational sector and the two thresholds discussed here were 9.12-million pounds and ten-million pounds. Finally, the last set of alternatives, that would be 8 and 9, those alternatives try to address changes in recreational data.

As it stands, the preferred that you have selected is Preferred Alternative 8. The Preferred Alternative 8 is on page 29 in your document and it reads as follows: The increase in allowable harvest due to changes in recreational data from the update assessment will be allocated to the recreational sector.

Essentially, the increase for the recreational sector should be the amount attributable to the recalibration of MRIP catch estimates and this is for 2015 to 2017. Commercial and

1 recreational allocation will be based on the average  
2 percentages.

3  
4 You had this discussion during the last council, because you  
5 realized that the amount due to recalibration would fluctuate,  
6 depending on the year selected. To simplify this and streamline  
7 it, you directed us to use the average between 2015 and 2017 and  
8 so the Preferred Alternative 8 reflects that and would allocate  
9 48.5 percent of the quota to the commercial sector and,  
10 consequently, 51.5 percent of the quota to the recreational  
11 sector.

12  
13 The remainder of the alternative, for ease of implementation of  
14 the rule in the future and clarity, lists the ACT for the  
15 recreational sector as well as the corresponding ACT for the  
16 federal for-hire component and the private angling component,  
17 which were established in Amendment 40.

18  
19 Again, the buffer that you selected was 20 percent and so the  
20 ACT would reflect that, the deduction of 20 percent, starting  
21 from the ACL. That is the preferred alternative and I will stop  
22 here at this time, Mr. Chair, and try to answer questions if you  
23 have some. Thank you.

24  
25 **CHAIRMAN GREENE:** Thank you. Any questions for Dr. Diagne? Any  
26 further discussion on Amendment 28? Mr. Walker.

27  
28 **MR. WALKER:** Karen, can you put that up, those comments I have,  
29 just so people can follow along here? Reallocation is not fair  
30 and equitable. There is no discussion in Amendment 28 about  
31 economic impacts to each sector from harvest restrictions to  
32 rebuild the stock.

33  
34 The commercial sector sacrifices have driven rebuilding, because  
35 it has complied with the catch reductions to rebuild, but the  
36 recreational sector did not comply with the catch reductions.  
37 It overharvests almost every year and so it didn't endure  
38 economic impacts like the commercial sector did to rebuild the  
39 stock.

40  
41 The error the recalibration is supposed to correct, the failure  
42 to accurately estimate recreational landings, only harmed the  
43 commercial sector. The commercial sector lost out on 51 percent  
44 of higher quotas that might have been set, but instead the  
45 recreational sector took 100 percent and so why are we  
46 reallocating fish to the recreational sector when it was the  
47 commercial sector that was harmed by this error? Why are we  
48 rewarding the recreational sector for repeatedly overharvesting

1 the stock?

2  
3 Amendment 28 will cause harm to the commercial sector, but it  
4 won't generate any benefits for the recreational sector.  
5 Increasing the recreational quota doesn't do anything to extend  
6 the recreational season. Just look at recent history. The  
7 quotas keep going up and their season keeps getting shorter.  
8 Amendment 28 does nothing about state non-compliance, which is  
9 the real problem.

10  
11 Any quota that gets reallocated will just get used up the states  
12 going even more non-compliant, but the federal recreational  
13 season won't be helped.

14  
15 Consumer access to this resource through the commercial sector,  
16 it's not fair to take fish from seafood consumers so  
17 recreational anglers can catch them for fun. Reallocation won't  
18 promote conservation. Reallocation will manage the resource in  
19 the eastern Gulf into a permanently and severely overfished  
20 state. Under reallocation, SPR in the eastern Gulf will  
21 decrease to just 46 percent of unfished level.

22  
23 Selectivity is masking real problems with the stock. CPU is way  
24 down in the eastern Gulf, where there has been poor recruitment  
25 there for many years and reallocation will make this worse,  
26 because it will concentrate more fishing effort in the eastern  
27 Gulf.

28  
29 The assumption that selectivity will remain constant is not  
30 supported by available information, which suggests instead that  
31 selectivity is a function of what's available to catch now.  
32 There is no doubt that will change.

33  
34 On the recreational side, discard mortality is estimated at 10  
35 percent, but that assumes use of venting tools and that the  
36 anglers are fishing in shallower water, neither of which are  
37 valid assumptions anymore.

38  
39 The council and the public don't have access to needed  
40 information. The 2014 update stock assessment report is not  
41 publicly available. Alternatives 8 and 9 are based on that  
42 assessment, but all anyone has seen is a PowerPoint presentation  
43 about it. That doesn't cut it and we need the report. Thank  
44 you.

45  
46 **CHAIRMAN GREENE:** Okay. Thank you. Any other comments? All  
47 right. Seeing no further comments, does anybody wish to do  
48 anything on preferreds? Okay. Seeing no action -- Mr.



1 Williams.

2  
3 **MR. WILLIAMS:** I have slowly been changing my perspective on  
4 this and I have in the past supported Alternative 8, thinking  
5 that the initial allocations were erroneous and that this was  
6 going to fix it, but the fixing is done really with just a  
7 single year of data and that gives me some concern.

8  
9 I will tell you what really concerns me though and it's  
10 something that David mentioned and I have heard this from a  
11 number of people and seen it from several sources and that is  
12 this reallocation is going to shift more fishing effort into the  
13 eastern Gulf of Mexico and we don't need more fishing effort in  
14 the eastern Gulf of Mexico.

15  
16 Any change that we make as we move fish from the commercial to  
17 the recreational sector, because most of the recreational  
18 fishing is in the eastern Gulf, that's where most of the  
19 increased catch is going to be taken and the SPR is already  
20 lower in the eastern Gulf than it is in the western Gulf and  
21 it's only going to go lower if we do that. The eastern Gulf is  
22 more overfished.

23  
24 **My impression is, based on conversations with people, it's**  
25 **getting somewhat worse every year and so while I have, in**  
26 **previous meetings, been an advocate for Alternative 8, I am now**  
27 **an advocate for Alternative 1, no action, and I would offer**  
28 **Alternative 1 as a motion, to be our preferred action.**

29  
30 **CHAIRMAN GREENE:** We have a motion to change our preferred to  
31 Alternative 1, which is no action. Is there a second for this  
32 motion? It's seconded by Mr. Walker. Any further discussion?  
33 Mr. Riechers.

34  
35 **MR. RIECHERS:** Mr. Walker brought up some points about the  
36 amendment and I am going to kind of reflect back on those a  
37 little bit as well. The amendment basically started as an  
38 amendment associated with some economic analysis that had been  
39 completed and basically, if I am recalling the numbers, the  
40 commercial value was at or near a little over three-dollars and  
41 on the recreational sector, that same analysis showed value at  
42 or near ten-dollars, as I am recalling. Certainly I think  
43 Assane would have that table that was presented and certainly  
44 you all have gotten studies in the past.

45  
46 Really, Alternatives 2 through 7 address those issues and  
47 basically a percentage shift associated with that study and  
48 realizing that was a point-in-time study and certainly we saw a

1 critique of it and even the SESSC critiqued it and said there  
2 are certain limitations to projecting that forward and we all  
3 understand that.

4  
5 That's exactly what occurs with our biological analysis as well,  
6 in that as we try to take those models and move them forward if  
7 there is any real change in the dynamics or the framework that  
8 that analysis was based on, then that too would change and that  
9 can change the analysis moving forward.

10  
11 Alternatives 8 and 9 basically deal with a recalibration of the  
12 data and so those are basically just a recalibration of past  
13 numbers that we are basically laying back across that series now  
14 and so one could even argue that you could actually pick two  
15 preferreds here and have both the recalibration notion as well  
16 as the shift for economic allocation.

17  
18 For that, I am going to speak against your motion and I think we  
19 still need to go forward with this. We've had a lot of  
20 conversation about the reasons why we looked at allocation in  
21 the past and I am not going to go into all of those, but  
22 certainly it's part of our charge and so I am going to urge us  
23 to go ahead forward with an alternative other than Alternative  
24 1.

25  
26 **CHAIRMAN GREENE:** Any further discussion? Mr. Boyd.

27  
28 **MR. BOYD:** For a lot of reasons, and we have discussed these  
29 many times, one of them being that we have an economic study  
30 that came from NMFS themselves that says that there should be  
31 some reallocation to the recreational sector from the commercial  
32 sector. There was a report that was commissioned by a special  
33 interest group and given to this council and it came through the  
34 SESSC and the SESSC didn't change their findings after seeing  
35 that report. All they did was they said they accept that other  
36 report and so I don't see that there's been a change there.

37  
38 We also have an obligation, I think, to the recreational  
39 fishermen to listen to them and overwhelmingly in letters and  
40 emails and public testimony in scoping hearings, we have heard  
41 from the recreational fishermen that they would like to see a  
42 reallocation and I think that may be falling on deaf ears, but  
43 there are a lot of recreational fishermen out there.

44  
45 One of the assumptions that being made here, and David alluded  
46 to this, is that the recreational fisherman fishes for pleasure  
47 and the assumption there is that they are wasting the fish. The  
48 assumption is that the fish are possibly even being thrown away

1 and that the only valid use of those fish is to kill them and to  
2 put them into the marketplace and to sell them for a profit and  
3 that makes them okay. For those reasons, plus many other  
4 reasons, I cannot support this. Thank you.

5  
6 **CHAIRMAN GREENE:** Okay. Any further discussions? Mr. Walker.

7  
8 **MR. WALKER:** I would just like to mention on the -- Like I said,  
9 the one year of data and the SESSC recommended -- It was the  
10 best available science until they were dissolved and that we  
11 ought to be exploring management reform and it's not an  
12 allocation problem. I don't know when you're going to  
13 understand this.

14  
15 It's a management problem and it's the plan that you're managing  
16 under. I mean I've said this so many times. The headboat, I  
17 mean those guys went from a nine day to a ten month and the  
18 charter boats were separated for state non-compliance and they  
19 had forty-four days and people are complaining that they got  
20 more days than us and that's not true. Roy told you that it was  
21 just oversimplified and you have access. You have opportunity  
22 to do something for the recreational fishermen.

23  
24 This small percentage is not going to be a solution. They need  
25 a fishery management plan and I think you have an obligation to  
26 give them that plan. The allocation does not work. They've had  
27 a 200 percent increase, a nearly 200 percent increase, and it  
28 still declined. There is ways to fix this and I will tell you  
29 that -- You know, I heard a lot of testimony from the charter  
30 industry, from Alabama and Florida and Texas and all over this -  
31 - I have been listening to this for a lot of years, five years,  
32 and they don't support it.

33  
34 I have heard the testimony over and over. It started out as the  
35 red grouper amendment and it got changed to red snapper and I  
36 don't know how many Executive Directors and Council Chairs and  
37 we've just listened to this over and over and why? We just keep  
38 fighting this.

39  
40 I mean we get the ad hoc panel and say, no, no, no and we need  
41 to wait and let's kick that down the road a little further.  
42 It's time to get to work for the recreational fishermen. They  
43 deserve something better than this and the allocation is not the  
44 solution, but a fishery management plan is a solution and it can  
45 be developed by the recreational fishermen and I am just going  
46 to say we keep beating this drum over and over and we've got to  
47 take action for the recreational fishermen to develop a fishery  
48 management plan and the headboats and the charter boats and all

1 of these -- Everyone needs to work on their plan and what works  
2 for them and addresses the issues in their fishery and  
3 allocation is not the issue.

4

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

6

7 **MS. LEVY:** Thank you. I just wanted to make a brief comment  
8 about the data. I have heard more than once that this  
9 Alternative 8 and 9 are based on one year of data, but let's  
10 just keep in mind that we went through the calibration workshop  
11 and a method was selected to calibrate these landings backwards  
12 and the council used that information -- The SSC approved it as  
13 the best available science or recommended that it be the best  
14 available science.

15

16 This council used that information to then increase the TAC and  
17 so we've already relied on it to actually increase the total TAC  
18 and so to backtrack now and somehow say that we didn't know what  
19 this was and we didn't know how the Science Center did it and  
20 because we don't have a final written report that actually  
21 memorializes all the information that was presented to the SSC,  
22 the council, and the public throughout the last eight months I  
23 think is just sort of a misstatement of what occurred.

24

25 I just want to be clear about that point. Whatever allocation  
26 decision you make here is clearly up to the council and there  
27 are many arguments and policy decisions and pros and cons that  
28 you all need to discuss and figure out what you want to do, but  
29 I don't want there to be a misunderstanding about the data that  
30 goes into Alternative 8 and 9 and the implications there.

31

32 **CHAIRMAN GREENE:** Dr. Crabtree.

33

34 **DR. CRABTREE:** I don't think you can get around the fact that as  
35 we change, through recalibrations and things, the historical  
36 time series of landings -- It has allocation implications,  
37 because the allocations we have are based on the historical time  
38 series of landings.

39

40 In this case, it's a relatively small recalibration, but there  
41 are likely going to be much more substantial changes to the  
42 historical time series of recreational catches. It's going to  
43 change the mix between commercial and recreational.

44

45 If sector separation continues forward, it's going to change the  
46 balance between the private sector and the folks fishing on  
47 charter boats and we're going to have to deal with those,  
48 because it's going to change our landings series.

1  
2 This case is tricky, because the allocation is based on a very  
3 old set of landings that can't really be effectively calibrated,  
4 but I mean ultimately these changes in the perception of what's  
5 been caught in the past I think is something that you're going  
6 to have to deal with.

7  
8 **CHAIRMAN GREENE:** Okay. Any further discussion? Mr. Williams.

9  
10 **MR. WILLIAMS:** A question for Roy Crabtree. Roy, you do agree  
11 though that if we make this change and if we were to approve  
12 either Alternative 8 or Alternative 9 that we are likely to be  
13 increasing fishing mortality in the eastern Gulf more than in  
14 the western, right? It's going to go up and the effect -- The  
15 same thing is going to happen with regional management in  
16 Amendment 39. That's going to have the effect of shifting more  
17 fishing into the eastern Gulf of Mexico.

18  
19 **DR. CRABTREE:** Well, in Amendment 39, those state-by-state  
20 allocations actually shift the fishery towards the western Gulf.  
21 That's why the number of days estimates for Texas, Louisiana,  
22 and Mississippi were higher than Florida and Alabama.

23  
24 You are right that because I think about 70 percent of the  
25 recreational fishery is in the eastern Gulf that reallocating to  
26 the recreational fishery shifts the catches towards the eastern  
27 Gulf, but bear in mind in this case we're talking I think  
28 350,000, or maybe a little bit more than that, pounds of fish  
29 and so about 80 percent of that is going to come out of the  
30 eastern Gulf.

31  
32 Bear in mind though that we put in place a 20 percent buffer on  
33 the recreational fishery effective in 2014, I think, and that's  
34 about a million-and-a-half pounds that aren't being caught in  
35 the eastern Gulf right now and is a much bigger amount of fish  
36 than the amount of the recalibration and so we have lots of pots  
37 in the fire right now and all of them have distributional  
38 effects and shift things around.

39  
40 **CHAIRMAN GREENE:** Okay. Any further discussion? **We have a**  
41 **motion on the floor and all those in favor of the motion on the**  
42 **board to change the preferred to Alternative 1, please raise**  
43 **your hand; all those opposed like sign. The motion failed two**  
44 **to six.**

45  
46 Okay. Anything else? I guess that's pretty much the crux of 28  
47 and is there anything else in there, Assane, that I am not  
48 thinking of? I mean that's pretty much it, correct?

1  
2 **DR. DIAGNE:** Yes, Mr. Chair. I think at this point I will turn  
3 it over to Mr. Hood and subsequently Ms. Muehlstein to summarize  
4 the comments. Thank you.  
5

6 **PUBLIC COMMENTS**  
7

8 **MS. EMILY MUEHLSTEIN:** I am going to go ahead and go first and  
9 give the summary of the comments that we have received at the  
10 council level. I just wanted to let you guys know that we have  
11 comments on our website that date back to June of 2012, but  
12 right now I am going to go ahead and just present to you the  
13 comments that we've gotten since the council made some major  
14 changes to the document, since you added Alternatives 8 and 9.  
15

16 Those comments started in about January of this year and run  
17 through last week. Now, there have been some comments added  
18 since I did this summary and so if you want to read the most  
19 recent comments that we've gotten in the last few days, I would  
20 encourage you to go ahead and go to the website, to that  
21 thermometer page, and read the comments on your own.  
22

23 What I have so far is support for either. There is support for  
24 no action and then there is also support for some sort of  
25 reallocation scenario. I am going to start with some of the  
26 rationale for the support for no action and then I will move on  
27 to why people are supporting some sort of change in allocation.  
28

29 For the support for no action, it was explained that the problem  
30 that we have is that there is potentially six-million anglers in  
31 the Gulf and that there is only about a million fish and that  
32 might be the issue and not necessarily allocation.  
33

34 It is also said that allocation is not the solution and that  
35 Amendment 28 would not extend the recreational season by more  
36 than a couple of days. It does nothing to actually address the  
37 real problem with the red snapper fishery and it will not give  
38 the recreational fishermen a longer season over time and there  
39 will be no large change in the season.  
40

41 It will not prevent recreational overharvesting and it will  
42 unfairly penalize the commercial sector for staying within its  
43 quota and cause instability and uncertainty in that sector. It  
44 sets a dangerous precedent with other species to follow. It  
45 will not increase the economic benefits of red snapper fishing  
46 and it could contribute to a localized depletion of the eastern  
47 Gulf.  
48

1 It was also suggested that the most effective way to increase  
2 season lengths and fishing days is through management changes or  
3 increased accountability in the recreational sector. The  
4 council should concentrate on regional management and other  
5 management actions to help the recreational sector.

6  
7 Recreational anglers deserve a management plan that gives them a  
8 longer season and allows their fish to be counted. Amendment 28  
9 does not accomplish that and it was said that Amendment 28 would  
10 hurt businesses through the U.S. by disrupting the seafood  
11 supply chain and limiting access to red snapper.

12  
13 Support for allocation was mostly in favor of selecting  
14 Alternative 9. Alternative 9 offers the best solution, based on  
15 sound science. Alternative 9 moves us to a better management by  
16 recognizing that recreational anglers selectively harvest larger  
17 fish. Alternative 9 would provide substantial economic benefits  
18 to the red snapper fishery and to the nation in general and then  
19 there was also some support expressed for Alternative 4 and  
20 Alternative 6. Now, most of that support was expressed prior to  
21 the additions of Alternatives 8 and 9.

22  
23 We also received a letter and a resolution from Escambia County  
24 in Florida supporting Amendment 28, specifically supporting  
25 Action 1, Alternative 6 and Action 2.1, Alternative 2. Action  
26 2.2, no action.

27  
28 Then some of the other comments that we received suggest that we  
29 implement a tag system and that we approve regional management  
30 or possibly consider area closures to solve our red snapper  
31 problems. Are there any questions about that? Okay. I guess  
32 we will move to Peter.

#### 33 34 **DEIS COMMENTS**

35  
36 **MR. PETER HOOD:** Okay. Thank you. Peter Hood, Southeast  
37 Regional Office. We had a comment period on the Draft  
38 Environmental Impact Statement for Amendment 40 that went from  
39 June 5 to July 20. During that time, we received a total of 629  
40 comments from individuals and organizations, including the EPA.

41  
42 Of the comments that were received, three were from fishing  
43 constituent groups and these were the Coastal Conservation  
44 Association, Gulf of Mexico Reef Fish Shareholders Alliance, and  
45 the Organized Seafood Association of Alabama and then one was  
46 from a non-governmental organization, the Environmental Defense  
47 Fund.

1 Most of the comments, and I think these were related to a CCA  
2 alert that went out, asking their members and friends to provide  
3 comments, supported reallocation in some form. Specific to the  
4 alternatives, 384 commenters supported Alternative 9 as the  
5 preferred and sixty-five supported -- They didn't really say  
6 which alternative they supported, but they supported  
7 reallocation in general towards the recreational sector.

8  
9 Three supported Alternative 6 and two supported either  
10 Alternative 6 or 9 and two supported Alternative 8 and then  
11 there were a couple of people here and there who supported  
12 Alternatives 4, 5, and 7.

13  
14 Then there were fourteen comments recommending that the council  
15 not take any action. Then there were a lot of people who didn't  
16 really provide any comments specific to the DEIS, but they  
17 expressed just basically a general frustration with red snapper  
18 management of the recreational sector and then suggested other  
19 management measures that were outside the scope of the action,  
20 things like increasing the recreational season, changing the bag  
21 limits and size limits and those sorts of things.

22  
23 From the Environmental Protection Agency, the DEIS got an LO  
24 rating, which basically means lack of objection. That's a good  
25 thing and we also did hear from the Department of Interior, who  
26 basically said that they didn't have any comments at this time.

27  
28 From the organizations that I mentioned, CCA indicated that,  
29 because of changes in MRIP and selectivities have led to the  
30 higher ABC adopted by the council, they recommended that  
31 Alternative 9 be the preferred and they also indicated that  
32 economic information about the current allocation indicates that  
33 it's economically inefficient, further supporting revising the  
34 allocation towards the recreational sector.

35  
36 From the Organized Seafood Association of Alabama, they felt  
37 that any changes from Amendment 28 would adversely affect the  
38 commercial sector and they cited National Standards 4 and 5 to  
39 support why the action should not be taken.

40  
41 From the Environmental Defense Fund, they felt that the  
42 rationale provided for Alternatives 8 and 9 were not credible  
43 and I think we've heard some of those reasons already. They  
44 also felt that reallocating red snapper towards the recreational  
45 sector is projected to cause a further decline in the spawning  
46 potential ratio on the eastern Gulf and may contribute to a  
47 localized depletion in the region.

48



1 Then, also, reallocating red snapper will not bring stability to  
2 the recreational fishing season or reduce the likelihood of  
3 recreational overages, but will undermine the successful IFQ  
4 program in the commercial sector.

5  
6 Then, finally, from the Gulf of Mexico Reef Fish Shareholder  
7 Alliance, and I think a copy of that was sent around in council  
8 mail and so you've probably seen that, but their points  
9 basically were that Amendment 28 doesn't contain a full range of  
10 reasonable alternatives and the DEIS is internally inconsistent  
11 and there were numerous assumptions underlying Amendment 28 that  
12 make no sense and then, finally, Amendment 28 is missing some  
13 important analyses.

14  
15 I just will conclude by saying that the IPT, after receiving  
16 these comments, took a look at the DEIS and where we saw changes  
17 were warranted or things needed to be updated or revised, we did  
18 work on the amendment before it came to you in the briefing book  
19 and that's all I have.

20  
21 **CHAIRMAN GREENE:** Okay. Thank you. Any questions? Seeing  
22 none, I guess the next item under this heading is Review of  
23 Codified Text, Tab B, Number 6(d). I am sorry, Dr. Diagne.

24  
25 **REVIEW OF CODIFIED TEXT**

26  
27 **DR. DIAGNE:** Thank you, Mr. Chair. At this point, we just would  
28 like to mention that they are available for your review and they  
29 are in the briefing book and if any member of your committee has  
30 a particular question, then maybe Ms. Levy or someone from NMFS  
31 will answer. Thank you.

32  
33 **CHAIRMAN GREENE:** Okay. Thank you. Someone from National  
34 Marine Fisheries is going to lead us through the -- I mean it's  
35 pretty much codified text, basically, and do we need to go  
36 through this now?

37  
38 **MS. LEVY:** You don't need to go through it now. The only thing  
39 I will point out is that the numbers in there are based on the  
40 current preferred alternative and obviously if that changed, now  
41 or at full council, then those final numbers would change.

42  
43 **CHAIRMAN GREENE:** Okay and I guess that would be the same thing  
44 for Action Item VII, which was to retain a portion of the  
45 commercial quota as well, if it passes at full council. I don't  
46 guess we need to revisit that at this time to put the numbers  
47 in. Mr. Anson, do you want to do anything differently? Okay.  
48 Ms. Levy.

1  
2 **MS. LEVY:** Given that you still have the preferred alternative  
3 in Amendment 28, did you want to look at the framework action  
4 and talk about choosing a preferred there or are you going to --  
5 The other option, I guess, is to defer the entire thing to full  
6 council.

7  
8 **CHAIRMAN GREENE:** We went through it earlier and we just didn't  
9 put the number in. Dr. Diagne is waving at me back there.

10  
11 **DR. DIAGNE:** As Ms. Levy mentioned, you have the option of  
12 selecting a preferred in the framework action and the number  
13 would be filled in, but at least this was a two-alternative  
14 action and it's very simple. Either you do it or you don't and  
15 so if you are so inclined, you could choose a preferred and we  
16 will deal with the number consistent with the final decision in  
17 28.

18  
19 **FINAL ACTION - FRAMEWORK ACTION TO RETAIN A PORTION OF THE**  
20 **COMMERCIAL RED SNAPPER QUOTA IN 2016**

21  
22 **CHAIRMAN GREENE:** Okay. Fair enough. We will go back to Action  
23 Item VII, which is Framework to Retain a Portion of the  
24 Commercial Red Snapper Quota, to select a preferred. It was Tab  
25 B, Number 7(a).

26  
27 As we went through this earlier, it basically is a one-action,  
28 two-alternative deal and is there anyone who wishes to select a  
29 preferred at this time? Mr. Riechers.

30  
31 **MR. RIECHERS:** We skipped this a moment ago, but I will go ahead  
32 and offer a preferred, assuming we're going to pass Amendment 28  
33 with some sort of action, and that would be Preferred  
34 Alternative 2. **I move Preferred Alternative 2.**

35  
36 **CHAIRMAN GREENE:** Okay. We have a motion to select Preferred  
37 Alternative 2 and is there a second? By Ms. Bademan. Is there  
38 any discussion? **Seeing no discussion, the motion carries.** Ms.  
39 Levy.

40  
41 **MS. LEVY:** Just one other point. When you talked about 28,  
42 there is the option at this point in committee to recommend that  
43 full council submit to the Secretary of Commerce. I don't know  
44 whether you all want to take that up now or not, but we didn't  
45 talk about it and so I just wanted to bring it up.

46  
47 **CHAIRMAN GREENE:** Okay, committee. What would you like to do?  
48 Seeing no one wanting to push that ahead, then we will just

1 continue on down the agenda. Anything else before we leave  
2 Amendment 28, Dr. Diagne?

3  
4 **DR. DIAGNE:** More towards the framework action for which you  
5 just selected a preferred. I will just note that the codified  
6 text also associated with that framework action is available in  
7 your briefing book and should you have questions, Ms. Levy would  
8 answer. Thank you.

9  
10 **CHAIRMAN GREENE:** Okay. Thank you. We took care of the  
11 yellowtail snapper and so that will take us to Options Paper,  
12 Amendment 42, Federal Reef Fish Headboat Management, Tab B,  
13 Number 9, and Dr. Diagne.

14  
15 **OPTIONS PAPER - AMENDMENT 42 - FEDERAL REEF FISH HEADBOAT**  
16 **MANAGEMENT**

17  
18 **DR. DIAGNE:** Thank you, Mr. Chair. For this draft options  
19 paper, myself and Dr. Stephen will present the main point of  
20 this item, agenda item. Tab B, Number 9 is Reef Fish Management  
21 for Headboat Survey Vessels.

22  
23 Essentially, a little bit of background, this amendment was  
24 initiated after the council appointed a Reef Fish Headboat AP  
25 and charged them to recommend to the council management measures  
26 for that component, if you would.

27  
28 The council also passed a motion directing us to start  
29 essentially two amendments. I am beginning the discussion and  
30 Dr. Lasseter will have the second part later on. We were tasked  
31 with starting an amendment for the headboat component to address  
32 reef fish management for the headboat component and also start  
33 Amendment 41 to address red snapper management for the charter-  
34 for-hire component and so just that for the background.

35  
36 Something that was briefly discussed, I believe Mr. Fischer  
37 brought it up, in terms of defining universes when we talk about  
38 headboats. For the purpose of this amendment, Reef Fish 42, the  
39 universe of participants would be those federally-permitted  
40 headboat vessels that are currently participating in the  
41 Southeast Survey and that universe includes, the last time we  
42 checked, sixty-nine vessels or so, sixty-eight or sixty-nine  
43 vessels.

44  
45 As far as the purpose and need that you have for this action,  
46 there is a draft purpose and need and it may evolve as we  
47 further develop this amendment.

48

1 The purpose and need for this action is to provide flexibility,  
2 reduce management uncertainty, and improve economic conditions  
3 for reef fish headboat operators and owners and increase fishing  
4 opportunities for the passenger anglers by establishing a  
5 management program for these headboat vessels participating in  
6 the survey. Again, our universe of participants would be those  
7 vessels that are currently participating in the survey.

8  
9 We have a range of potential actions, if you would, in Amendment  
10 42. The first, or one of the first, issues that we would have  
11 to address would be the range of reef fish species to be  
12 included in this amendment. Because this is a Reef Fish  
13 Headboat AP, it can essentially include all -- I believe we  
14 manage thirty-one reef fish species or something along those  
15 lines, but as a starting point, we are considering the six reef  
16 fish species for which we have established commercial and  
17 recreational allocations and, as you know, those would be red  
18 snapper, red grouper, gag, black grouper, greater amberjack, and  
19 gray triggerfish.

20  
21 The reason being that at some point in this process one would  
22 have to set aside, if you would, a portion of the recreational  
23 quota for these species to be able to design and implement a  
24 plan specific to the headboat component and so that will be an  
25 action item in the proposed amendment.

26  
27 Now on to the suite of management alternatives that could be  
28 considered here. We have a first group and those would be what  
29 we call traditional management approaches. They are sometimes  
30 referred to as command and control management instruments, if  
31 you would.

32  
33 For the large part, that is what we have been doing in the  
34 recreational sector and those would include size and bag limits  
35 as well as structure of the season and each one of those items  
36 would potentially constitute an action in this amendment in  
37 development.

38  
39 It may be the case that for the headboat component that a  
40 specific size limit would be more suitable to their needs and  
41 the same thing for bag limits.

42  
43 We have now a two fish bag limit and that may be revisited if  
44 that is what the council decides to do and, finally, we now have  
45 fishing seasons, at least for red snapper, that start on June 1  
46 and run and for the other species mentioned here, will start the  
47 same date for the entirety of the recreational sector. It may  
48 be that for the headboat component a split season or a variety

1 of different seasons could be considered, if that is the  
2 approach that the council decides to take.

3  
4 The other set of alternatives will be discussed by Dr. Stephen  
5 in a moment and I will finish by noting that for these three  
6 command and control, or traditional instruments, if you would,  
7 none of them were recommended by a majority of the AP that you  
8 appointed, of the Headboat AP, but for completeness, we have to  
9 look around and include all management measures that we see out  
10 there. I will stop here and turn it over to Dr. Stephen. Thank  
11 you.

12  
13 **DR. JESSICA STEPHEN:** I am going to talk about the allocation-  
14 based types of programs that are out there and just a reminder  
15 of the allocation-based programs, that's where a type of quota  
16 would be then divided up among a group of individuals or a  
17 smaller group of people and the individuals or group gets to  
18 choose when to use their allocation.

19  
20 The general benefits considered in this type of program is the  
21 flexibility in harvest and that the individuals or groups get to  
22 choose when they fish and particularly if the fish are more  
23 abundant in their area during a certain time of year than  
24 another time and it also promotes your safety at sea and can  
25 have an economic impact, because they get to choose when is a  
26 good time to fish.

27  
28 In these types of programs, every fish is always counted against  
29 allocation and subtracted from that and so we have a good idea  
30 of how much is being landed, but the key component to this is  
31 timely reporting of that subtraction of allocation.

32  
33 Once allocation is gone, they must stop fishing or if the  
34 program allows, they can get allocation from some other  
35 individual or another group.

36  
37 I just want to go over a few terms before we get started.  
38 Shares is a set percentage of the quota and that allows the  
39 holder of the shares to receive allocation each year. The  
40 amount of allocation they would receive would be dependent on  
41 the quota and the amount of shares they held.

42  
43 Allocation would be the actual poundage or, as we will talk  
44 about a little bit later, maybe the number of fish that each  
45 account holder is ensured the opportunity to possess, land, or  
46 sell during a given calendar year. We typically distribute  
47 allocation at the start of a fishing year and it's effective  
48 throughout that fishing year, but then it expires at the end of

1 that point in time.

2

3 There is a couple of different ways in which to do allocation-  
4 based programs and there are some things that are very different  
5 among them, while others ones are very common to them.

6

7 You have two types of self-managed programs. These are programs  
8 that would be managed by the groups themselves. The group would  
9 be given shares or allocation and they would decide how to  
10 allocate that within their group. These two types are called  
11 fishing cooperatives and another one is a regional fishing  
12 organization.

13

14 With the fishing cooperative, the groups form a cooperative that  
15 has a manager. They can form one cooperative or they can form  
16 multiple cooperatives. If it was multiple cooperatives, each  
17 manager would be independent of the other cooperatives in how  
18 they decide to distribute their allocation.

19

20 In this type of program, it does not require those participants  
21 to be in the same actual area and so you could have someone in  
22 Texas and someone in Florida being within the same  
23 organizational group.

24

25 When we do these types of programs, we attach shares to the  
26 manager accounts and then the manager gets all the allocation at  
27 the start of the year and they decide amongst themselves, given  
28 whatever agreements they have within that cooperative, how to  
29 distribute the allocation.

30

31 One example of this is the headboat pilot program that we are  
32 running right now. It's set to end at the end of this year.  
33 They have one manager and the manager gets all the allocation  
34 and amongst agreements with themselves, they distribute it to  
35 the different vessels that participate.

36

37 One thing to note is that this type of structure can be  
38 incorporated into our current catch share structure, online  
39 system, because we already have a lot of it built for the  
40 headboat pilot program, and we can modify that type of program.  
41 This was also the recommended program by the AP.

42

43 Regional fishing organizations are fairly similar to a fishing  
44 cooperative, except for it would have that regional component  
45 and so you would not have vessels from Texas and Florida in the  
46 same group. You would have them divided up by region and, once  
47 again, the manager would receive the shares and distribute the  
48 allocation, but those would then be according to the bylaws

1 within that regional fishing organization. Again, this type of  
2 structure can also be incorporated into our current online  
3 system with some modifications.

4  
5 The other two types of programs that are available are ones that  
6 we consider NMFS-managed and these are programs where NMFS would  
7 manage with respect to the allocation distribution rather than  
8 the manager within those groups and your two types are an IFQ  
9 program and what we're calling a PFQ. That is a permit fishing  
10 quota program.

11  
12 The IFQ program, most of you are fairly familiar with the  
13 commercial run of it. We could do something very similar with  
14 the headboat program. The shares and allocation would be held  
15 by the entities and in this case, that would be the permit  
16 holders for the vessels in the Southeast Regional Headboat  
17 Survey Program.

18  
19 Shares would be distributed to the entities and this could be  
20 based on -- Typically landings is one of the ways it's been  
21 done. You can also have a combination of landings and some kind  
22 of equal distribution. That was done in the South Atlantic  
23 wreckfish program or you can also have other criteria that's  
24 chosen and so don't be locked into the idea that just landings  
25 is the only thing that works with an IFQ program.

26  
27 The main part is that after initial distribution of those shares  
28 they belong to the person who was holding the permit at that  
29 time and that person could then have rights to do different  
30 things to it, depending on what you have built into the program  
31 to restrict transfers.

32  
33 Once again, this system, because we have it for the commercial  
34 IFQ program, could be easily modified within ours to handle that  
35 type of structure and I'm going to move into the permit fishing  
36 quota type of program.

37  
38 The difference in this from the IFQ is that the shares are  
39 attached to the permit and not the person holding the permit and  
40 so what that means is that if the permit gets sold, the shares  
41 go with the permit and so there can be no transfer of shares in  
42 this type of program.

43  
44 There are also two different ways to think of a permit fishing  
45 quota program. There is one that is based on shares, where the  
46 shares are attached to the permit. For the sake of simplicity,  
47 I will call that a share PFQ. The other one is what I will now  
48 call an allocation PFQ, where there are no shares associated,

1 but a certain amount of allocation each year is given to a  
2 permit holder based on some characteristic of the permit.

3  
4 First, I just want to talk a little bit about the share PFQ.  
5 Again, the shares are attached to that permit and those shares  
6 could be assigned on any type of attribute that you want, such  
7 as landings, again equal distribution, or even a tiered  
8 approach, where certain people have X amount of landings, or  
9 some attribute like passenger capacity that you are considering,  
10 and everyone in a tier would get the same amount.

11  
12 You could also do it strictly on something such as passenger  
13 capacity. In this case, again, shares are not transferable and  
14 they are not separated from the permit. One thing to keep in  
15 mind with that is if you're adding a value to the permit now  
16 that was not previously there.

17  
18 There is a bluefin tuna IBQ program, individual bycatch quota,  
19 that is run out of the Southeast Regional Office's online catch  
20 share programs. This is a PFQ type of program that is exactly  
21 like this, where shares are attached to the permit.

22  
23 Once again, we have a structure in place where we can modify  
24 that to take care of any type of organization that we would want  
25 along these lines.

26  
27 With the allocation PFQ, there are no shares assigned at all and  
28 what happens is that before the start of each year, based on  
29 whatever criteria was accepted, each permit would receive X  
30 amount of allocation and one example of this was brought up  
31 during I believe the charter one. They wanted something based  
32 on passenger capacity and so knowing what a permit's passenger  
33 capacity was, you could put it into a tier and distribute  
34 allocation according to that.

35  
36 Some things of concern with this type of program though is that  
37 we would need to know ahead of time, before the first of  
38 January, what each permit's tier was going to be and something  
39 like passenger capacity is a combination of both the permit and  
40 the vessel to get the actual passenger capacity to it.

41  
42 Those are the four types of programs and I'm going to stop and  
43 ask if there are any questions about those four types before I  
44 go into the things that they have in common.

45  
46 **CHAIRMAN GREENE:** Okay. Any questions? Good job. Continue on.

47  
48 **DR. STEPHEN:** Okay and so the things all of these types of



1 program have in common that you will need to consider are what  
2 are the objectives of the programs, how will you initially do  
3 distribution of shares and/or allocation, whether you want to  
4 allow the transferability of shares or allocation, how  
5 allocation could be used, whether you want to have a use-it-or-  
6 lose-it type of clause or other restrictions on the usage of  
7 allocation, if they require referendums.

8  
9 Then some other things to consider would probably be program  
10 duration, program eligibility, caps, if you have shares, cost  
11 recovery fees, and any kind of an appeals process for it.

12  
13 Another aspect considered by the AP was fish tags. This was  
14 where you create a physical fish tag that is given out to the  
15 participants each year and it get attached to the fish to  
16 identify that it's been captured legally.

17  
18 You can use these tags with or without allocation-based  
19 programs. If you are using them with allocation-based programs,  
20 what they provide is a tool for validation and enforcement.  
21 These were used in conjunction with the headboat pilot program  
22 and both enforcement officers and the passengers on those trips  
23 found it very helpful that they could say they legally caught  
24 the red snapper and show the tag that goes with it.

25  
26 If you do it as a stand-alone, it's a type of harvesting  
27 privilege to those who have the tags. We would have to  
28 determine the number that would be available each year, which  
29 would probably have something to do with the recreational  
30 sector's ACL divided by the average weight of the fish.

31  
32 At the end of the year, if the tags weren't used, they would be  
33 considered forfeit and could not be transferable to the next  
34 year. One thing to keep in mind is how many tags you  
35 distribute, because this would be on a fish number and not on a  
36 poundage, we would be making sure that you have adequate  
37 sampling to get a good average weight of those fish throughout,  
38 in order to distribute them. You could also distribute them  
39 based on a lottery or auction type system.

40  
41 The next thing we want to talk about are allocation issues. As  
42 you all know, with the headboat survey program, we have landings  
43 from 1986 onward and so we actually have historical landings to  
44 use, if so chosen as the method to distribute shares or  
45 allocation in this type of program. We also have the percentage  
46 of their landings compared to the recreational landings and  
47 those can be seen in Table 2.9.

48

1 For red snapper, the recommendation at this point would be to  
2 use the percentages between the charter and headboat that have  
3 already been predetermined, which can be seen in Table 2.10.

4  
5 One of the issues I touched on briefly a moment ago was the  
6 measurement of fish in pounds versus number of fish. In the  
7 headboat pilot program, we have done number of fish, because  
8 it's rather challenging for a headboat captain and the  
9 passengers to figure out what the exact weight would be of the  
10 fish to subtract it in pounds.

11  
12 What we've done is we have used fish numbers. We get estimates  
13 of the fish weights prior to the state of distributing the fish,  
14 which we call our preseason average weights, and then we take  
15 in-season average weights throughout the season to make sure  
16 that those are being consistent with the preseason.

17  
18 For example, if in-season weights were larger than preseason  
19 weights, we might want to stop all fishing or reduce the number  
20 of fish allowed to be caught that year so that they don't  
21 overshoot the amount of quota given to the program.

22  
23 Average landings do change based on where you are fishing  
24 regionally as well as temporally and so you want to make sure  
25 you have adequate sampling in order to keep good in-season and  
26 preseason averages available, in which case you would need to  
27 make sure you have port samplers available to capture a lot of  
28 these vessels. I will turn it over to you now, Assane.

29  
30 **DR. DIAGNE:** Thank you, Dr. Stephen. We have just one very last  
31 action before we take, again, questions on the entirety of this  
32 draft options paper. If the council elects to do so, during the  
33 development of this amendment, another action would be the  
34 consideration for different buffers, if you would.

35  
36 I mean right now, at least for red snapper, to take it as an  
37 example, we have a 20 percent buffer across the recreational  
38 sector for all of the components. If we were to develop a  
39 different program for the headboat component, then discussions  
40 around smaller buffers, if warranted, would be something that  
41 the council may consider at that time.

42  
43 These are the range of potential actions that we have in this  
44 amendment in development at this time. If there are any other  
45 management approaches that you can think about and which we  
46 didn't consider, that will be helpful if you could mention  
47 those, so we can widen the scope of the actions to be included  
48 in this amendment. We will take questions and try to answer, if

1 you have any. Thank you.

2  
3 **CHAIRMAN GREENE:** Thank you. Any questions or Dr. Diagne?  
4 Okay. Mr. Anson.

5  
6 **MR. ANSON:** You may have covered it, but looking at page 15 and  
7 16, under Allocation Issues, you talk about the time series and  
8 you have landings information for headboats from 1986, but you  
9 provided a table that starts in 2011 and so does the database  
10 have a lot more permits early on or why -- I mean it has a  
11 relatively short time series and is that just for brevity of the  
12 document and just to give an example or what?

13  
14 **DR. DIAGNE:** Yes, absolutely. This was just to give an example  
15 and concentrate on the more recent years, to give you a feel for  
16 what it is that they are currently landing, in percentage terms,  
17 yes.

18  
19 **CHAIRMAN GREENE:** Mr. Boyd.

20  
21 **MR. BOYD:** Just a couple of things I would like to note. One is  
22 that in your 2.2.3, the scenario for tags, I could envision  
23 another scenario where the states could manage those tags and I  
24 don't see any mention of the possibility of the states managing  
25 the tags and that would be my second question to you and I don't  
26 remember the section, but when you talked about the programs  
27 managed by National Marine Fisheries, the various programs, I  
28 think if regional management is even not considered, this kind  
29 of a program could be managed by the states also, regardless.

30  
31 **DR. DIAGNE:** Absolutely and that's a good point and, in fact,  
32 the first part, and I will let Dr. Stephen talk about this, in  
33 self-managed programs -- I believe that she talked about  
34 cooperatives and regional organizations.

35  
36 To the extent that you could define a state as a region, then  
37 there is nothing here that would prevent a state from managing  
38 that program. As far as fish tags are concerned, they can be  
39 either used in conjunction with one of the allocation-based  
40 approaches discussed or as a stand-alone management tool.  
41 Again, there is nothing in this document that would prevent a  
42 state, if it is the manager of record, of implementing that and  
43 using fish tags to manage.

44  
45 **CHAIRMAN GREENE:** Thank you. Anything else? Okay. I am not  
46 seeing anybody wanting to comment. Does anybody wish to add any  
47 more alternatives? Dr. Diagne, do you need any -- Go ahead.

48

1 **DR. DIAGNE:** Thank you, Mr. Chair. If there are no questions,  
2 we will keep listening and if a council member has suggestions  
3 for us to widen the scope of management approaches, by all means  
4 forward those to us and maybe, looking ahead a little further,  
5 we are going to try to develop what I would consider a very  
6 preliminary draft, public hearing draft, if you would, before  
7 adding more information. At this point, perhaps request that  
8 you give us the flexibility of reconvening the AP that you  
9 appointed at some point so that they can help us better design  
10 the management approaches.

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

13  
14 **MR. RIECHERS:** Mr. Gregory may want to sit down, because he, in  
15 discussions yesterday, was -- We were having discussions  
16 regarding scoping meetings and so forth and I am trying to  
17 figure out if this document -- It seems like there's a decision  
18 made to move towards an amendment or should it at some point be  
19 a scoping document to get feedback before we go much further?

20  
21 I suspect we all know what some of the feedback is, but we  
22 shouldn't necessarily prejudge that and I am just wondering,  
23 procedurally, what are we thinking about here? I assume that  
24 falls mostly in your camp as far as letting us know about that,  
25 Mr. Gregory.

26  
27 **EXECUTIVE DIRECTOR GREGORY:** Clearly, to us, time is of the  
28 essence. This is something straightforward and we've got the  
29 Headboat AP, which is focused on this. We thought going  
30 straight to an options paper without having to go through a  
31 scoping run was the right thing to do and the same with the  
32 charter, the Amendment 41, given the sunset date and so that's  
33 what we're doing. If the council wants to slow the process down  
34 and go through scoping hearings first, we will be glad to do  
35 that.

36  
37 **CHAIRMAN GREENE:** Mr. Riechers.

38  
39 **MR. RIECHERS:** A characterization of this as fairly  
40 straightforward has me a little concerned. We started out, at  
41 least from what I thought was a sector separation document that  
42 was basically you were proceeding after sector separation on one  
43 species and we have now added, at least for discussion purposes,  
44 another suite of five species that would be under consideration  
45 here and so I suspect the public is going to want to hear about  
46 this and see about this long before it gets to an amendment  
47 stage.

48

1 In addition to that, any time we think about referendums, those  
2 have never been easy or straightforward and I think we would  
3 have to get a notion about how we would weigh in on a referendum  
4 and then I will further ask the question, since we've been down  
5 this road before on these other species, is part of the issue  
6 with red snapper has been the windfall profit issue and how we  
7 might want to not deal with that, if the council were to have  
8 those wishes, and how we might not go down that same road that  
9 we went down in regards to red snapper.

10  
11 I think if we're going to consider these other species that we  
12 definitely need to take a step back and think about if you're  
13 really going to go into an IFQ-type program, and that's what  
14 you're suggesting here as a possibility -- You're not saying  
15 that's the only possibility, but you're saying it is a  
16 possibility and we're going to have to sit back with those other  
17 species and think about those things in that respect as well.

18  
19 **CHAIRMAN GREENE:** Dr. Diagne.

20  
21 **DR. DIAGNE:** Thank you, Mr. Chair. A couple of points. The  
22 first that I am going to start with is that as a council when  
23 you passed motions, you appointed a Red Snapper Charter AP,  
24 single species, and then you turned around and appointed a Reef  
25 Fish Headboat AP. At the time, we had discussion and your  
26 intent was clear that it was a Reef Fish AP. From that  
27 perspective, in fact we subtracted from the thirty-one species  
28 to offer you only five or six. That's the first point.

29  
30 The second point is in terms of scoping, this is perhaps a novel  
31 approach in the recreational sector and I certainly understand  
32 perhaps the opportunity of providing the public additional  
33 chances, if you would, to comment and look at these issues and  
34 so if that is the desire of the council, it wouldn't be a  
35 problem for us in October, while we are doing the other public  
36 hearing rounds, to also have scoping for Amendment 42 and maybe  
37 possibly 41, if that is what the council wants.

38  
39 One last point is this idea of a windfall profit, which we see  
40 typically in IFQs, is a concern for many and you have ways of  
41 getting around it. Essentially if you were to do, as an  
42 example, an allocation PFQ, meaning that the annual allocation  
43 is tied to the permit, then you would cut out those windfall  
44 profits essentially and so the way in which the program will be  
45 designed will help you control that and other factors, the  
46 transferability and expiration date and the means of enforcement  
47 and monitoring and whether you would want fish tags and the role  
48 that you would want the respective states to play in this

1 process.  
2  
3 All of that essentially right now are open questions and you  
4 have the flexibility and the control to design the type of  
5 program that would meet your needs. Thank you.  
6  
7 **CHAIRMAN GREENE:** Mr. Williams.  
8  
9 **MR. WILLIAMS:** Assane, following up on Robin's question, of  
10 those half-dozen species that are listed there, did the advisory  
11 panel ask that they be added to it or did the staff just make  
12 that decision to go ahead and do them?  
13  
14 **DR. DIAGNE:** This list is consistent with the discussions and  
15 the recommendations from the AP and essentially, again, these  
16 are the species for which we already have a clear  
17 commercial/recreational allocation and so that would make it  
18 easy to take a portion of that for the headboat component.  
19  
20 **CHAIRMAN GREENE:** I believe the Headboat Collaborative Program  
21 is multispecies based as well and that may be where some of that  
22 came from, some of that conversation came from, as well. Any  
23 other discussion? Seeing no more discussion, I guess we will  
24 carry on.  
25  
26 **DR. DIAGNE:** That's all we have. Thank you, Mr. Chair.  
27  
28 **CHAIRMAN GREENE:** Dr. Crabtree.  
29  
30 **DR. CRABTREE:** So did we decide that we're going to scope this  
31 in October? I am not clear what we did decide.  
32  
33 **CHAIRMAN GREENE:** Mr. Boyd.  
34  
35 **MR. BOYD:** I move to take -- What do we call these, if we're not  
36 calling them scoping documents? **I move to make these 41 and 42,**  
37 **to make them scoping documents and go to scoping.**  
38  
39 **CHAIRMAN GREENE:** Mr. Gregory.  
40  
41 **EXECUTIVE DIRECTOR GREGORY:** If I may, according to Table 1.1.1,  
42 there is sixty-nine boats in the Gulf of Mexico and so that's  
43 the target audience, the recreational target audience. Of  
44 course, there is indirect other people interested in this.  
45  
46 We have done this in the past, but we could just mail documents  
47 to those people and we can get their addresses, because they're  
48 a part of the survey, and direct mail stuff to them and then

1 maybe invite them to the council meetings or something, but  
2 we're going to have very low turnout with primarily just sixty-  
3 nine headboats in the Gulf of Mexico. It's going to be hard to  
4 pick a place to go to.

5  
6 **MR. BOYD:** To that point, I think you're dealing with more than  
7 sixty-nine entities. Someone mentioned a while ago that there  
8 were six-million anglers. This is a recreational endeavor and  
9 it's not just a headboat endeavor.

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

12  
13 **MR. FISCHER:** Doug covered my point exactly. I was going to  
14 state, how about the customers who come aboard these boats and  
15 if they should have any word in it.

16  
17 **CHAIRMAN GREENE:** We have a motion on the board and is there a  
18 second for the motion? It's seconded by Mr. Matens. Is there  
19 any opposition to the motion on the board? Hold on a minute. I  
20 will back up.

21  
22 **DR. CRABTREE:** Don't we have a presentation -- We heard about 42  
23 and isn't 41 next? Shouldn't we go over 41 before we pass a  
24 motion saying what we're going to do with it?

25  
26 **CHAIRMAN GREENE:** Mr. Williams.

27  
28 **MR. WILLIAMS:** I move to table this until after we've heard the  
29 presentation on 41.

30  
31 **MR. BOYD:** I second that motion.

32  
33 **CHAIRMAN GREENE:** Okay. We have a motion to table and it's been  
34 seconded and so I don't know from parliamentary -- What do you  
35 do from here? **All those in favor to table this motion please**  
36 **raise your hand; all those opposed like sign. The motion**  
37 **carries unanimously.** I guess that concludes Amendment 42,  
38 unless someone has something else. Now we will go to Options  
39 Paper, Amendment 41, Federal Charter-For-Hire Red Snapper  
40 Management, Tab B, Number 10, and Dr. Lasseter.

41  
42 **OPTIONS PAPER - AMENDMENT 41 - FEDERAL CHARTER-FOR-HIRE RED**  
43 **SNAPPER MANAGEMENT**

44  
45 **DR. LASSETER:** Thank you, Mr. Chairman. We have the Draft  
46 Options Paper for Amendment 41 and I will wait for staff to put  
47 the document up. Basically, in contrast to Amendment 42, this  
48 document would pertain to red snapper only and, hence, the title

1 "Red Snapper Management for Federally-Permitted Charter Vessels"  
2 and this is located at Tab B, Number 10 in your briefing book.

3  
4 Let's go to the first page of the introduction, page 5, and so  
5 we were directed to bring these documents to you and part of the  
6 purpose and need from Amendment 40 is reflected in this initial  
7 paragraph that establishing the separate components was to  
8 provide the basis for development of flexible management  
9 approaches tailored to each component and so that's what we have  
10 attempted to bring to you here.

11  
12 If we can scroll to the next page, to the text box, there is  
13 going to be quite a bit of overlap between what I am talking  
14 about and what Dr. Diagne just covered, but basically in this  
15 amendment, for the purpose of this amendment and these two  
16 actions, charter vessels refer to all federally-permitted for-  
17 hire vessels that do not participate in the Southeast Region  
18 Headboat Survey and, thus, they do not have recorded landings  
19 histories.

20  
21 Headboats refer to all the federally-permitted vessels that do  
22 participate in the Southeast Region Headboat Survey and do have  
23 recorded landings histories and so, again, that's the  
24 differentiation between who would -- Each of these amendments  
25 would apply to which groups, those with landings histories and  
26 those without. Those landings histories would allow you to  
27 consider different approaches to management.

28  
29 The council did establish an Ad Hoc Red Snapper Charter-for-Hire  
30 AP, the Charter AP, and they have met and I will note that their  
31 recommendations, the entire report, is provided in the appendix  
32 and their recommendations are scattered throughout the document  
33 as well and I will call attention to come of those.

34  
35 We did want to bring you a full suite of management measures,  
36 management instruments, and so we are also going to talk about  
37 everything from bag limits and the fishing season as well as  
38 some of the allocation-based management approaches that was  
39 recommended by the Charter AP.

40  
41 To talk first about the components of the recreational sector,  
42 again, when Amendment 40 was passed, and we discussed this  
43 earlier with Amendment 39, but there is that three-year sunset  
44 clause and so unless the council takes action, for example, in  
45 39 to extend the sunset -- To remove the sunset and extend  
46 separation or defer the sunset or provide a longer time, the  
47 provisions of establishing those separate components will go  
48 away.



1  
2 If an action is not taken in another amendment, we would -- And  
3 this amendment lives, this amendment goes on, this would be the  
4 vehicle, or Amendment 42, to address removing the sunset in some  
5 capacity and you would need to do so in order to have separate  
6 management of the charter vessels.

7  
8 Relatedly, there would need to be some kind of action that would  
9 determine how the allocation to the federal for-hire component  
10 would be allocated between charter vessels and headboats and so  
11 that will have to be addressed in the appropriate place, either  
12 in Amendment 41 or 42, and we can be working on that as these  
13 amendments develop.

14  
15 Let's just scroll down a little bit more and so we have a table  
16 here and it's just a general overview of information of the  
17 regional distribution of where charter vessels are. We broke  
18 down Florida regionally and then on the following page, page 8,  
19 you have a breakdown, a brief summary, of the passenger capacity  
20 of these charter vessels and, again, these are the federally-  
21 permitted for-hire vessels that are not participating in the  
22 headboat survey. You can see even some of these, while the  
23 majority are six-pack charters, you do have some with larger  
24 capacities as well.

25  
26 Let's look at the purpose and need, just a little bit lower.  
27 Again, we're on page 8 here. This is a really early draft. Of  
28 course, this is the first draft you've seen of this and so the  
29 purpose and need is going to need to be developed and that will  
30 come about as you as a council discuss the goals of any program  
31 that you pursue in developing.

32  
33 We have put a preliminary purpose here, with some potential  
34 goals that you may want to continue to pursue or you may want to  
35 modify, such as the purpose of this action is to develop a  
36 flexible management approach for federally-permitted charter  
37 vessels that provides flexibility, reduces management  
38 uncertainty, potentially improves economic conditions, increases  
39 fishing opportunities for federal charter vessels and their  
40 angler passengers.

41  
42 Whatever goals we have ultimately established for the program  
43 would need to be reflected in the actions and the design of the  
44 program and so they will all work together.

45  
46 Let's move to the next page and this is pretty brief. So your  
47 history of management here is a little broader than just past  
48 amendments. We do have the background of the development of

1 this options paper included here as well and they are on page  
2 11. There is three paragraphs there that kind of give you the  
3 background of how we got to where we are not, which I think is  
4 good to have for this stage of the development.

5  
6 Our management options begin on page 12 and so it's Chapter 2,  
7 Management Options, and so we have some options very similar to  
8 what was just presented by Assane. You can continue a  
9 traditional management approach, what is also referred to as  
10 command and control techniques, that could be managing  
11 federally-permitted charter vessels using fishing seasons and  
12 bag limits, alongside the existing minimum size limit and  
13 accountability measures, additional accountability measures,  
14 perhaps, or we could move to allocation-based approaches, which  
15 can be designed in different ways.

16  
17 Fishing privileges could be distributed to groups of charter  
18 vessels or fishing privileges could be distributed to  
19 individuals or individual vessels.

20  
21 Our examples for the groups are fishing cooperatives and here we  
22 used regional fishery associations, which is the actual language  
23 in Magnuson. To date, we do not have the protocol required to  
24 go ahead and implement this now. It would require getting  
25 approval of a kind of plan from the Secretary of Commerce, but  
26 you can adapt what this type of a program would be and call it  
27 something else. You use similar features as what is provided  
28 for in Magnuson, but there is flexibility in how these are  
29 developed and there is a NOAA tech memo that is referenced and  
30 there's an active link that you can look at that goes into this  
31 a lot more, about the different possibilities.

32  
33 Then to distribute fishing privileges more to the individual  
34 level, again, there is the idea of establishing a permit fishing  
35 quota program and this is the preferred approach by the charter  
36 AP, where the quota or allocation would be associated with the  
37 permit and not an individual, in contrast to an individual  
38 fishing quota program, where the fishing privileges are  
39 associated with an individual or business entity, as  
40 appropriate.

41  
42 Finally, here we have establish a fish tag program and as was  
43 discussed for Amendment 42, a fish tag could be a stand-alone  
44 type of allocation-based program or it could be a tool used  
45 within another allocation-based program for the purpose of  
46 validation and enforcement.

47  
48 We can scroll down to just the first sentence of the discussion

1 and this is really important. The goals and objectives for the  
2 management of charter vessels should guide the selection of an  
3 appropriate management approach and corresponding program  
4 features and this goes back to what I was just talking about  
5 with the purpose and need, that these should work together.

6  
7 In that way, the program can be designed to avoid some of the  
8 unintended or intended consequences that you may find  
9 undesirable and so you really want to think about what do you  
10 want or not want and use that to aid in designing the program.

11  
12 Let's scroll down to the next page, 13, and there's a little  
13 graphic there, a little figure. This kind of lays out various  
14 approaches and so management approaches for charter vessels, two  
15 main broad tracks. Continue with traditional management tools,  
16 and there are additional options within them. There is options  
17 for managing season structure.

18  
19 The charter AP actually recommended a split season approach to  
20 enhance accountability. They would use some proportion of their  
21 quota for an initial season and wait for landings to be  
22 calculated or estimated and then provide for a supplemental  
23 season and so there is further modifications we could do within  
24 seasons.

25  
26 Minimum size limits, we have included it here, but based on the  
27 discussions in 39, we assume that that would likely need to stay  
28 the same and be consistent for the entire recreational sector.  
29 Other gear restrictions, we could come up with and  
30 accountability measures and bag limits, of course, as well.

31  
32 That's one track and the other track would be these rights-based  
33 or allocation-based management and fishing privileges divided in  
34 two main ways, individual charter vessels and groups of charter  
35 vessels, or the individuals thereof, with options underneath.

36  
37 Now, there is one of these NOAA tech memos that I just discussed  
38 by Anderson and Holliday that talks about these additional  
39 options where under PFQs -- They didn't use PFQs, but under IFQs  
40 or fish tags, the operators could organize into groups and pool  
41 and so it's kind of an inverse cooperative structure.

42  
43 At the same time, the groups, such as fishing cooperatives or  
44 regional fishing organizations or associations, would, of  
45 course, be distributing their fishing privileges among members.  
46 Again, the fish tags can be -- You see them in different places.  
47 They are under the individual charter vessels or they could be  
48 distributed just as allocation-based or they could be used for a

1 PFQ or IFQ program or they could also be used under the fishing  
2 cooperatives or the regional organizations.

3  
4 One more key difference between the cooperatives and the  
5 regional fishing associations. The "regional" is the key word  
6 there. The RFAs or RFOs would be geographically based, whereas  
7 cooperatives could be grouped for a different characteristic,  
8 say passenger capacity or some other metric that they could be  
9 organized around. So there's a little more flexibility there.

10  
11 I think Jessica covered a lot of the discussion on the  
12 allocation-based management programs and a lot of what I just  
13 touched on is detailed further in the following pages. Let's  
14 see if there's anything else I wanted to comment on.

15  
16 Permit fishing quotas was the charter AP's preferred alternative  
17 and I noted that fish tags could be used as a stand-alone  
18 allocation-based approach or as an enforcement and validation  
19 tool and they could definitely be distributed at the state  
20 level, especially given that state data collection programs are  
21 underway. I think that would be a great way -- I'm sure if we  
22 developed that as an option that an alternative for state  
23 distribution could be included. Those are kind of an overview  
24 of the allocation-based approaches and shall I pause here for  
25 any questions?

26  
27 **CHAIRMAN GREENE:** Ms. Levy.

28  
29 **MS. LEVY:** Just one comment on the regional fishing  
30 associations. There is very specific language in the Magnuson  
31 Act about what those are and what requirements there are and  
32 what they can and cannot do and so if the intent is to consider  
33 something broader than that, then I suggest using the language  
34 that was in the other document about regional fishing  
35 organizations.

36  
37 Otherwise, when I read that, I am looking at whether -- I am  
38 looking at the Magnuson Act and what's required under that for  
39 that particular type of organization.

40  
41 **DR. LASSETER:** If I could provide further clarification there,  
42 yes, RFAs are discussed on page 14 and it states: Regional  
43 fishery associations are defined in the MSA, and you can see the  
44 further definition, as an association formed and so on. There  
45 has been recent guidance on regional fishing associations and  
46 the idea is to provide additional assistance to community-based  
47 associations to acquire and maintain these limited access  
48 privileges.

1  
2 However, no regional fishery management council has established  
3 the process necessary to implement RFAs and so we provided this  
4 because there is the exact language in Magnuson, but we did  
5 understand that it is stated -- For example, Amendment 42 uses  
6 the term "regional fishery organizations", which closely reflect  
7 the Magnuson-Stevens Act provisions for RFAs.

8  
9 We do understand in here that it would be most likely that we  
10 would model, if you chose to go this direction, some kind of an  
11 association with the idea of what's in Magnuson, but we would --  
12 You could design it to fit the needs of the council.

13  
14 **CHAIRMAN GREENE:** Mr. Anson.

15  
16 **MR. ANSON:** Thank you and, again, I'm not on your committee, but  
17 I was curious to know a little bit more information about the  
18 RFAs and I would say that because no other fishery management  
19 council has taken it up that it probably has some complexities  
20 and some difficulties that make it so, but that would be a  
21 question I would have as we go forward, is particularly if  
22 you're assigning communities some of the quota, and that's, I  
23 think, the big hurdle, is that community, and then how is the  
24 portability associated with the permit if vessels move among  
25 communities over time and how does that change and vary as you  
26 go through time?

27  
28 I guess I would just be interested to see if there's any  
29 information about that, as to how it might work, but that would  
30 be a concern of mine, is that establishment of a community  
31 getting the quota and then how do you allow new entrants in and  
32 how do entrants that were in the original makeup that move  
33 elsewhere and how does that get transferred and such.

34  
35 **DR. LASSETER:** I think all of those issues, if the council was  
36 to pursue this route, we definitely would elaborate on that some  
37 more, but we can provide further information in this document  
38 for you at the next time we convene with this document.

39  
40 **CHAIRMAN GREENE:** Okay. Anything else? Any questions? Ms.  
41 Levy.

42  
43 **MS. LEVY:** I heard a couple of times discussion about fish tags  
44 and the states being involved in the distribution, I'm assuming  
45 of those tags. I guess I am just curious what the intent was  
46 there, because it raises some questions in my mind, depending on  
47 what the intent is, about the obligations under the Magnuson  
48 Act.

1  
2 If a fish tag is a limited access privilege program, it would  
3 have to meet the requirements of that part of the Magnuson Act  
4 and you have to have initial allocation discussions and all of  
5 that sort of thing and so I don't know if the intent was that  
6 fish tags would just be the states -- Like, here, you have 500  
7 fish tags and do what you want with them, but what was being  
8 envisioned in that discussion about the states potentially  
9 implementing the fish tag piece of this?

10  
11 **DR. LASSETER:** I was speaking to the pragmatic way of getting  
12 them to the fishermen, because I would think that there would be  
13 some relationship between NMFS and the state levels, although  
14 Mr. Boyd brought it up first and perhaps we should ask what his  
15 meaning was.

16  
17 **MR. BOYD:** Well, Mara, I don't think there was any intent at  
18 all. I think the discussion was were there other options or  
19 other ideas that should be in that options paper and I think  
20 that that is an option, to have possibly the states issue the  
21 tags rather than the feds issue the tags, because the only thing  
22 that was listed there was federal options. There weren't any  
23 state options listed.

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

26  
27 **MS. LEVY:** So when you say issue the tag -- I guess I'm trying  
28 to get at is it just a matter of the state physically issuing  
29 the tag to the charter vessels based on an allocation decision  
30 that the council has made about who gets what or are you more  
31 suggesting that the states have more of a role in that  
32 allocation decision?

33  
34 **MR. BOYD:** All of the above.

35  
36 **CHAIRMAN GREENE:** Thank you. Anybody else? Mr. Riechers.

37  
38 **MR. RIECHERS:** I mean, Mara, obviously with fish tags, if you go  
39 down the road of individual states issuing fish tags, then it  
40 somewhat becomes the same regional management discussion about  
41 how many fish tags does each state get, if you're going to have  
42 a set amount.

43  
44 In that respect, it's somewhat that same regional management  
45 discussions and then the next question you can have is if you're  
46 going to go down that route and you're actually going to lottery  
47 them off or auction them off, there are a host of ways to  
48 possibly do that.

1  
2 Since we don't know what the universe of those anglers is, you  
3 would have to determine a fair and equitable way to do that and  
4 then that also begs the question of then why do we need sector  
5 separation, because anglers will choose where they go and what  
6 boat they may choose to get on, whether it be their private boat  
7 or whether they get on a charter boat. Tags could hold some  
8 management promises, but they also hold a lot of management  
9 complexities as well.

10  
11 **MS. LEVY:** Maybe we need to talk more about what fish tags mean  
12 in this context, because when I was reading this, and based on  
13 just the discussions I had heard through the IPT process, I was  
14 envisioning fish tags as fish tags go to the vessels that are  
15 included in this program and not fish tags go to the anglers and  
16 the anglers decide what to do with them.

17  
18 If there is some disagreement about that, maybe that's a good  
19 discussion to have about what we're actually talking about when  
20 we talk about fish tags in the context of these two documents,  
21 which is the headboat management, per se, and the charter vessel  
22 management piece.

23  
24 **CHAIRMAN GREENE:** Thank you. Mr. Boyd.

25  
26 **MR. BOYD:** Mara, I wouldn't say that there is any disagreement  
27 about it. I would just say that that's another option and that  
28 we ought to explore all options.

29  
30 **MS. LEVY:** So you're saying an option in the context of a  
31 charter vessel management system to issue fish tags to anglers  
32 as opposed to the permitted vessels?

33  
34 **MR. BOYD:** Well, I could envision that, for instance, the State  
35 of Texas would have, like Robin said, some allocation and they  
36 would have a million pounds or 200 pounds or whatever it is and  
37 they would then, in turn, get those, in the form of a tag, to  
38 the recreational fishermen and the recreational fishermen then  
39 would use that tag, whether it's on their private boat or  
40 whether it's on a charter boat or whether it's on a headboat, as  
41 a recreational fisherman.

42  
43 The market would be open in that case. It wouldn't be a closed  
44 market with somebody having the tags and the fishermen have to  
45 choose who that person is that they go with. It would be the  
46 recreational fisherman choosing who he wants to go with, rather  
47 than the other way around. That's one option. I am not saying  
48 it would ever pass, but that's an option. That's all I was

1 saying for the options paper.

2  
3 **MS. LEVY:** So I guess I'm just trying to -- The trouble that I'm  
4 having with it conceptually is that any allocation that would  
5 happen in the context of this particular document would be based  
6 on determining some portion of the total for-hire quota, I  
7 guess, that's attributable to these charter vessels and then how  
8 you translate that into giving it out to the general population  
9 of anglers is sort of what I am struggling with.

10  
11 I see what you're saying that if you didn't have sector  
12 separation and you weren't just looking at a charter vessel  
13 amendment or options paper, but I am sort of struggling to see  
14 how you fit that in something that's directed specifically  
15 towards charter vessels that would have their own particular, I  
16 guess, cut of the total TAC to work with.

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

19  
20 **DR. CRABTREE:** It does seem to me that when you start talking  
21 about a recreational fish tag program that that's kind of going  
22 beyond the scope of what this amendment is, which is tailored  
23 just towards charter boats, but if you wanted to make a motion  
24 to start working on an options paper for a recreational fish tag  
25 program, I would probably vote in favor of that.

26  
27 **MR. BOYD:** Wouldn't it be a part of this amendment or these two  
28 amendments?

29  
30 **DR. CRABTREE:** To me, that becomes much broader. Now you're  
31 talking about changing how we manage the recreational fishery  
32 and so that would seem to me to be a separate, broader amendment  
33 and I see what you're saying, that if we had a recreational fish  
34 tag program that maybe the need for sector separation and a lot  
35 of these things goes away, but it would seem to me to be a  
36 misnomer to call this a charter boat amendment if it's going to  
37 be much broader than that.

38  
39 **MR. BOYD:** Well, I would just say that the discussion for tags  
40 has come up because in both amendments we mention tags.

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

43  
44 **DR. LASSETER:** The reason it has come up in both of these is one  
45 is charter vessels and one is for headboats and if, for example,  
46 in regional management in committee this morning you picked as  
47 preferred, in Action 2 for the sector separation, to end sector  
48 separation and to have each region manage the components as a



1 single unit and then perhaps you would want to consider  
2 recreational management using fish tags, which would be an  
3 allocation-based approach, for the entire recreational sector.

4  
5 I think in that case, then the tags could be distributed and  
6 anglers could decide whether they're going to use it on a  
7 private vessel or a charter boat, but this amendment here does  
8 pertain to charter vessel management and the anglers who are  
9 fishing on charter vessels only, pertaining to some part of the  
10 federal for-hire component's allocation.

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

13  
14 **MS. ANNA BECKWITH:** Doug, the South Atlantic has had quite a bit  
15 of discussion on tags for recreational anglers and one of the  
16 concerns that we ran up against is the tag program would have to  
17 be open to every recreational angler in the United States.

18  
19 Instead of having access because you happen to be in Louisiana  
20 or Texas and you want to go fishing and you have access to it,  
21 you could be in Ohio or California and get one of those red  
22 snapper tags from the Gulf. While you could transfer them  
23 around, our concern was it would limit actual access to the fish  
24 and so I am happy to discuss sort of further with you guys  
25 offline, but we did run into quite a bit of discussion and some  
26 real concerns once we got the feedback from our lawyers on how  
27 that particular program would actually have to work for the  
28 recreational angler portion.

29  
30 **CHAIRMAN GREENE:** Thank you. Any other comments? Nobody wants  
31 to talk about fish tags no more? Okay. Anything else, Dr.  
32 Lasseter?

33  
34 **DR. LASSETER:** Thank you, Mr. Chairman. Let's go on to page 16  
35 and we have a section on bag limits here. This would be one of  
36 the -- Following one of the more traditional management  
37 approaches, the council may want to evaluate the bag limit for  
38 red snapper on charter vessels and should the council intend to  
39 manage charter vessels with fishing seasons and bag limits, they  
40 could reduce the bag limit to one fish per person on charter  
41 vessels, enabling access to more individuals, although there  
42 would be a reduction in how many fish they could catch, of  
43 course, but it could expand opportunities.

44  
45 However, the drawbacks to reducing the bag limit, of course,  
46 include increased discards and the potential for high-grading.  
47 Again, these options would not likely be necessary if we did go  
48 through an allocation-based approach. These are the other

1 traditional-based management.

2  
3 Let's scroll down just a little bit more and here's the fishing  
4 seasons. Again, the current red snapper fishing season for both  
5 components begins on June 1 and closes when the corresponding  
6 component's annual catch target is projected to be met and so  
7 there is the ability for the council, if they wish, to modify  
8 the fishing season for the charter vessels specifically in this  
9 amendment.

10  
11 As I briefly discussed before, a split season was recommended by  
12 the charter AP and that is another option and since we do not  
13 have the joint charter electronic reporting amendment in place,  
14 this idea of a split season could be a way for the charter  
15 vessels to improve accountability and determine how much of the  
16 quota is caught in the initial season and then set a secondary  
17 season to use the remaining part of the quota. That's an option  
18 as well as different start dates and different seasons could be  
19 considered as well.

20  
21 Let's scroll down a little bit more and we come back to kind of  
22 a broader discussion of allocation-based management and limited  
23 access privilege programs.

24  
25 There is a lot of information in the Magnuson Act about these  
26 programs and there is some definitions in there as well and so  
27 right now we have the term "limited access system" means a  
28 system that limits participation in a fishery to those  
29 satisfying certain eligibility criteria or requirements  
30 contained in a fishery management plan or associated regulation.

31  
32 Right now, the federally-permitted for-hire vessels are managed  
33 under a limited access system. There is a permit moratorium and  
34 so there is a finite number of valid and renewable permits for  
35 the federally-permitted for-hire guys. In contrast, the private  
36 angling component is not considered limited access. It is open  
37 access. It remains open access.

38  
39 On the other hand, the term "limited access privilege" refers to  
40 a federal permit. The privilege part refers to a federal permit  
41 and it would be issued as part of a limited access system and so  
42 you have to have that limited access system in place first to  
43 distribute limited access privileges within.

44  
45 Let's scroll down a little bit more. So there would be a range  
46 of sub-actions if you were to go forward with an allocation-  
47 based program and these are very similar to what was just  
48 discussed in Amendment 42 and so I won't go into too much

1 detail, but I will point out, for example, in the program  
2 duration that should this amendment result in the establishment  
3 of a LAPP that the Magnuson-Stevens Act does require a detailed  
4 review to be conducted five years after implementation of the  
5 program.

6  
7 I'm sure there will be discussion about wanting some kind of a  
8 review and the council has been very interested in sunsets  
9 lately, but there is a requirement in Magnuson for a LAPP to  
10 have a five-year review and so that would be required.

11  
12 Program eligibility, I will note that the charter AP recommended  
13 that the universe of eligible program participants be the 1,250  
14 charter vessels possessing the federal reef fish for-hire  
15 permits that are not participating -- That 1,250 are not  
16 participating in the headboat survey.

17  
18 Under initial apportionment, the council, if pursuing an  
19 allocation-based program, would need to determine how to  
20 allocate the fishing privileges and there is different ways to  
21 do this.

22  
23 While the Southeast Region Headboat Survey -- Participants in  
24 that program do have landings histories and charter vessels that  
25 would be covered by this amendment do not and so landings  
26 histories would not be an option for distributing fishing  
27 privileges in this amendment. Instead of basing -- Also, they  
28 could distribute annual allocations in terms of either pounds of  
29 fish or in number of fish.

30  
31 Now, I have it down here that the charter AP recommended using  
32 the Amendment 40 formula, and I am going to have to go back and  
33 look at that, because, of course, they don't have the landings  
34 history. The charter AP did recommend using an allocation tier  
35 level based on permit capacity that would be no greater than the  
36 approved passenger capacity and in the appendix, it does provide  
37 their recommendations as to how they would break down the  
38 allocation by shares per size of passenger capacity.

39  
40 In the event a LAPP is developed, one mechanism for considering  
41 the initial apportionment must be an auction system and that is  
42 a mandate of Magnuson that this council shall consider. If  
43 appropriate, an auction system or other program to collect  
44 royalties for the initial or any subsequent distribution of  
45 allocations in a LAPP and so that would be an option under any  
46 form of a LAPP that you would continue to consider.

47  
48 Ownership caps are in place for the commercial IFQ programs and

1 we would definitely want to consider ownership caps as well as  
2 transferability provisions. The charter AP recommended no  
3 transferability, leasing, or selling of allocation and this,  
4 again, goes back to what are your program goals? What are you  
5 trying to achieve and what are you trying to avoid happening?  
6

7 There has been some concern about the idea of leasing in the  
8 commercial programs, but there was also -- The goals there were  
9 to reduce overcapacity and to avoid problems with the derby  
10 fishing and so they had different goals and the program was set  
11 up to work towards meeting those goals and so depending on what  
12 our goals are here, the charter AP has made it clear that they  
13 are not interested in having any problems with leasing and  
14 selling of allocation. They did not wish to pursue that.  
15

16 Appeals process would be a required action. We would address  
17 cost recovery fees as well in an action. You may want to  
18 consider restrictions on the use of shares or allocation if  
19 either or both are a part of a program and then, finally,  
20 referendum provisions.  
21

22 The Magnuson-Stevens Act mandates for a federal for-hire IFQ  
23 program, and it does -- Magnuson stipulates IFQ and now whether  
24 PFQs would be considered similar enough or not, NMFS will have  
25 to determine whether a referendum is required, but for an IFQ  
26 program, definitely a referendum would be required.  
27

28 Then we just have some additional considerations. Section  
29 407(d) of the Magnuson-Steven Act is still in place and,  
30 therefore, the establishment of a LAPP would not exempt the  
31 charter vessels, to which this amendment would apply, from the  
32 requirements of 407(d). If NMFS determines that the  
33 recreational sector ACL has been met or estimated to be met, red  
34 snapper fishing will be closed for both components or  
35 subcomponents as appropriate. 407(d) does still hold.  
36

37 Another issue the council would want to address is dual-  
38 permitted vessels, those vessels who possess both a for-hire  
39 permit and a commercial permit. At the end of 2014, there were  
40 229 federal for-hire operators and that included both charter  
41 vessels and headboats that had dual permits. In September of  
42 2001, there were 154 vessels possessing both and so there's been  
43 an increase.  
44

45 We also know that there's been -- Overcapacity has been reduced  
46 in the commercial IFQ programs and we do not know -- These could  
47 be people that are not participating in the programs that have  
48 adapted or coped by expanding into charter fishing or holding

1 both permits, but that is a number of permits that we would want  
2 to address how you would want them to be handled under the  
3 program.

4  
5 Additional program requirements, you may want to consider vessel  
6 monitoring systems, hail-in and hail-outs, landings at approved  
7 sites. These are some features of the commercial IFQ programs  
8 that may or may not be appropriate for any program you would  
9 pursue.

10  
11 Finally, accountability measures. As I mentioned, the charter  
12 vessel reporting document is currently under development and if  
13 we get that charter reporting implemented and going, that could  
14 improve the monitoring of charter vessel landings and it could  
15 be possible in the future to reduce the need for the 20 percent  
16 buffer. It could possibly be reduced. Whether or not that  
17 could be considered in this amendment will need to be  
18 determined. We'll see how the charter vessel reporting  
19 amendment is going.

20  
21 Then I will just point out, again, that the Appendix B has the  
22 full report from the Ad Hoc Red Snapper Charter-for-Hire AP with  
23 all of their recommendations in bold. I will turn it over for  
24 discussion.

25  
26 **CHAIRMAN GREENE:** Okay. Robin.

27  
28 **MR. RIECHERS:** Ava, explain to me the -- I will call it a subtle  
29 difference and maybe you don't see it as a subtle difference,  
30 but the difference between or the distinction between a permit  
31 fishing quota and the individual fishing quota.

32  
33 I am looking at the definition you have here, but unless the  
34 permit is issued to something other than an entity or -- I mean  
35 it's going to be issued to -- Unless it's a state or a co-op or  
36 something like that, but if it gets down to a business entity,  
37 is there really a distinction here?

38  
39 **DR. LASSETER:** The idea with -- There was a table that we put  
40 up, that Jessica and Assane put up in 42, that shows some of the  
41 differences between those a little better. IFQs, the quota is  
42 assigned to an individual or business entity and in the IFQ  
43 program with the commercial sector, they can transfer or buy or  
44 sell that, but the individual can sell their permit and have no  
45 more permit, but those individual fishing quotas stay with that  
46 individual or business entity.

47  
48 Permit fishing quota, instead of the quota being assigned to an

1 individual, it's attached to the permit. If the permit holder  
2 sells the permit, those shares or allocation, however we design  
3 the program, remain with that permit, go with that permit.

4  
5 **MR. RIECHERS:** So you're just building in some of the  
6 requirements by -- I mean we could have done that with the IFQs.  
7 We could have made those same kind of distinctions about what  
8 you could or couldn't do and by issuing it to the permit, you're  
9 just kind of building in those restrictions upfront, but to the  
10 initial individual who has that permit, it carries all the same  
11 kind of IFQ types of properties, other than that tradability or  
12 some of those other distinctive characteristics we may have  
13 given it in another program.

14  
15 **DR. LASSETER:** Actually, and I believe Jessica explained this a  
16 little bit, you could also do the PFQs in different ways. You  
17 could do it with shares and allocation, so that the permit does  
18 retain shares and annually allocation associated with those  
19 shares is distributed, or there could be no shares and just  
20 allocation is distributed according to some metric or  
21 characteristic to vessels and it could change annually depending  
22 on that metric or those characteristics.

23  
24 Again, there is different ways to do it and, really, we would  
25 want to -- I would encourage you to start with the goals and  
26 what you would want to get out of the program and what problems  
27 in the charter vessel fleet industry are you trying to address  
28 or are you trying to solve and then let's try and identify the  
29 optimal components of a program, be it the traditional  
30 management approaches or allocation-based management approaches,  
31 that can help you solve those problems.

32  
33 **CHAIRMAN GREENE:** Okay. Staff had their hands up earlier.  
34 Jessica and Assane.

35  
36 **DR. STEPHEN:** I just wanted to also clarify with the difference  
37 between the IFQ and the PFQ. Even if you had some kind of  
38 structure with the IFQ that you limit it to the shares having to  
39 be held by the person who held the permit, they could actually  
40 probably sell their shares separate from their permit, which  
41 would be different than the PFQ, where they are permanently  
42 assigned together.

43  
44 That would also mean if a permit expired that you would have  
45 lost those shares and some consideration might be -- You might  
46 have to think about how to handle that or redistribute those,  
47 whereas with the IFQ program, you could continue to decrease the  
48 amount of permit holders, but the shares could be increasing in

1 different permit holders. There is ways to limit each one of  
2 them in a similar manner, yet they are very different.

3

4 **CHAIRMAN GREENE:** Dr. Diagne.

5

6 **DR. DIAGNE:** I think Dr. Stephen answered the question. Thank  
7 you.

8

9 **CHAIRMAN GREENE:** Okay. Anyone else? Dr. Lasseter.

10

11 **DR. LASSETER:** I will also note that the charter AP came up with  
12 the acronym PFQ and Jessica noted that there is a similar  
13 structure to a program, where shares and allocations are  
14 attached to a permit, but it is not called a PFQ. I think it's  
15 called an IBQ or something.

16

17 This PFQ was something that the charter AP members came up with  
18 to address what they perceived would be potential problems that  
19 they wanted to avoid. They didn't want transferability and they  
20 didn't want leasing and so this was something that came from  
21 them, the acronym.

22

23 **CHAIRMAN GREENE:** Mr. Anson.

24

25 **MR. ANSON:** Just a point of clarification. On the table where  
26 you provided the number of permits, there is some mention of  
27 historical captain licenses and were those included in the  
28 vessel count, because I do think they have to claim a vessel  
29 with those, but they were included in that 1,250?

30

31 **DR. LASSETER:** I am pretty sure they are. Let me check with  
32 Jessica.

33

34 **DR. STEPHEN:** They were included in it. We did a combination of  
35 the historical captains and the regular ones.

36

37 **MR. ANSON:** Okay. Great. Then relative to the conversation of  
38 PFQs, it might be a little premature or maybe it wasn't  
39 discussed, but did they have -- Relative to latent permits, what  
40 was discussed about that, relative to PFQs and establishing  
41 active captains in that initial distribution and such?

42

43 **DR. LASSETER:** What was discussed by the charter AP or -- They  
44 were concerned about -- We do not know how many permits are  
45 inactive or latent. The AP also talked about and noted that  
46 different regions have more or less engagement with red snapper,  
47 because of regional differences in abundance, and so they had  
48 made motions relative to that, that -- The way they had phrased

1 it was that people could not accept as much quota as they would  
2 receive otherwise, depending on the region, but I think we would  
3 want to expand some alternatives to kind of explore how to get  
4 at -- Because we don't have the landings histories associated  
5 with the charter vessels, I do think it's going to be difficult  
6 to identify these latent permits. We will have to talk to the  
7 permits office. Jessica has got her hand up and let's see if  
8 she has some more info.

9  
10 **DR. STEPHEN:** I just wanted to also mention when the AP was  
11 talking about it, they were thinking more along the lines of the  
12 allocation PFQ versus the share PFQ and they had also talked  
13 about opting in and opting out and I think every year, and I  
14 would have to go back and check our notes on it, to see if you  
15 wanted to participate.

16  
17 They were concerned about vessels that didn't typically catch  
18 red snapper receiving allocation and then either using it for  
19 some kind of economic gain and one of their considerations also  
20 was to restrict transferability, to stop some of that from  
21 happening.

22  
23 **CHAIRMAN GREENE:** Okay. Anything else? Okay. I guess the  
24 situation earlier about scoping and whether to reconvene the  
25 advisory panels is something that they have asked for guidance  
26 in Tab G, Number 3 and does anyone want to proffer a motion or  
27 do anything there?

28  
29 **MR. WILLIAMS:** Should I move to take it off the table so we can  
30 discuss it? Is that appropriate? Okay. **I would move to take**  
31 **Doug's motion off the table.**

32  
33 **MR. BOYD:** I am not sure that's my motion and so help me a  
34 little bit here, Johnny. I think the motion is to move the  
35 options paper to a scoping document and send the scoping  
36 document out to scoping. I mean they're not amendments right  
37 now and they're only options papers and is that correct? Ava?

38  
39 **DR. LASSETER:** Actually, it's an amendment. It's in the draft  
40 options stage and so you could have different stages that we  
41 refer to for these amendments and we've called it draft options  
42 because we were trying to get away from the term "scoping" and  
43 so this is about as preliminary of a document -- I wouldn't know  
44 how to go backward any more than this. It would mean taking  
45 information out somehow to make it less of a draft options paper  
46 and so I guess we would need more feedback as to how to --

47  
48 **MR. BOYD:** I am just trying to get the terminology right.



1 That's simply all I'm doing. I would look for some help,  
2 Johnny.

3

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

5

6 **DR. CRABTREE:** I mean I don't want to lose ground or back up. I  
7 mean we have these documents in the form they're in. I think  
8 what we want to do is go out to public meetings and get their  
9 input on them and I wouldn't get too wound up on -- I don't want  
10 staff to have to go through a lot of work to revert these to  
11 something else. I mean is that acceptable, Doug, to just take  
12 these documents and --

13

14 **MR. BOYD:** Yes, but I just want to be sure we're sending out the  
15 correct thing.

16

17 **CHAIRMAN GREENE:** Martha.

18

19 **MS. BADEMAN:** Doug, I guess to get back to the conversation  
20 about what exactly we're talking about with scoping, are you  
21 picturing actually in-person meetings or something where Emily  
22 makes a video and puts it on the web and solicits comments there  
23 or what do you have in mind for this?

24

25 **MR. BOYD:** Well, I am envisioning that it goes out just like we  
26 have in the past, where we have in-person meetings and we get  
27 feedback from the public and we come back and this body then can  
28 make decisions about what to do with it. We can add or delete  
29 options or we can kill the whole thing or we can move it  
30 forward. It is then in the purview of this council.

31

32 **CHAIRMAN GREENE:** Okay. I had Assane.

33

34 **DR. DIAGNE:** The question was answered. Thank you.

35

36 **CHAIRMAN GREENE:** John Sanchez.

37

38 **MR. JOHN SANCHEZ:** I'm not on this committee, but I would remind  
39 everyone that I voted against the sunset provision when we  
40 started this whole process and it seems to me that attempts,  
41 directly or inadvertently, to stall this process are  
42 disingenuous to that. We should be sensitive to the sunset  
43 provision and the hard work that's been put into this and let's  
44 put it out to the public in the most efficient and quickest  
45 manner possible, out of fairness to the folks that have put in  
46 their hard work in attending numerous meetings.

47

48 **CHAIRMAN GREENE:** Mr. Williams.

1  
2 **MR. WILLIAMS:** Doug Gregory, couldn't -- We have these ad hoc  
3 advisory panels for both the charter boat and the headboat and  
4 isn't that scoping in itself? In a sense, rather than us going  
5 out in the field and asking how we should proceed, didn't we  
6 bring the field into a central location and ask them how to  
7 proceed on this and we got a lot of ideas and isn't that  
8 scoping?  
9

10 **EXECUTIVE DIRECTOR GREGORY:** Yes and as I pointed out during the  
11 Administrative Policy Committee meeting, everything the council  
12 does is scoping. This meeting is scoping and the public  
13 testimony we're going to take tomorrow afternoon is part of  
14 scoping and our advisory panel and SSC meetings are a part of  
15 scoping and our public hearings are a part of scoping.  
16

17 Going out to scoping hearings in advance was something that the  
18 councils picked up I think once NEPA took a greater role in  
19 things and we just kind of took it to the extreme, but all of  
20 that is a part of scoping and we are really working on doing  
21 videos and we can do webinars as well as the in-person things.  
22

23 If we do this to -- If we take this out to in-person scoping  
24 meetings, we will piggyback on Amendment 39 and whatever else we  
25 have going and if we have to, we will copy some of the South  
26 Atlantic Council's approach and start at three or four in the  
27 afternoon and do one after the other at the same location. We  
28 will do it after the October council meeting and bring it back  
29 to the council in January. I don't recall if we've scheduled ad  
30 hoc AP meetings between now and January. Have we for headboat  
31 and charter boat?  
32

33 **DR. LASSETER:** No, we have not and they only recommended that we  
34 not meet before -- I think we're out of the time now. They just  
35 wanted to make sure that they didn't meet when they were still  
36 really busy.  
37

38 **EXECUTIVE DIRECTOR GREGORY:** Okay and so we haven't scheduled a  
39 second round of AP meetings yet.  
40

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

43 **DR. LUCAS:** I mean if we're just looking for public comments, I  
44 mean is it too much to do the Amendment 39 hearings coupled with  
45 41 and 42? Do we just feel that's too much information for  
46 everybody to take in at one time or would that be a way to  
47 capture the public comments you're looking for, Doug?  
48

1 **EXECUTIVE DIRECTOR GREGORY:** It would be an experiment for us.  
2 We haven't done a whole lot of that. We have combined two  
3 topics before and the South Atlantic combines a number of topics  
4 in an all-day session at each location. It would be an  
5 experiment for us.  
6  
7 **DR. LASSETER:** But they meet in different rooms, I believe, for  
8 the different issues. I don't know if Anna can speak to --  
9  
10 **MS. BECKWITH:** It depends. If it's something -- Like when we  
11 scoped VMS, we had different rooms. If the information is  
12 related to one another, sometimes we will keep everyone in the  
13 same room and so it depends.  
14  
15 **CHAIRMAN GREENE:** Okay. Doug, I know you were trying to put a  
16 motion on the board and you were looking for guidance on how to  
17 word it and I don't know if that helped you or not.  
18  
19 **MR. BOYD:** We will just use that as the motion.  
20  
21 **CHAIRMAN GREENE:** Okay. You have a motion on the floor and is  
22 there a second for this motion? We are waiting for a second and  
23 I don't see a second and so it -- The motion has been seconded  
24 to take Amendment 41 and 42 options papers out to scoping  
25 meetings. It's been moved by Doug Boyd and seconded by Camp  
26 Matens. Any further discussion? Is there opposition to this?  
27 Seeing opposition, we will go to a show of hands. **All those in**  
28 **favor of the motion on the board, please raise your hand; all**  
29 **those opposed like sign. The motion passed.** We will move on  
30 from here. Anything else before we leave this portion, Dr.  
31 Lasseter?  
32  
33 **DR. LASSETER:** For convening the AP, I am not sure if we need a  
34 motion for that or not. Is the committee interested in having  
35 the AP convened again, now that we have developed a draft  
36 options paper or not? Then, also, quickly, I would like to get  
37 a sense of the timeline for when you want the next iteration of  
38 these documents.  
39  
40 **CHAIRMAN GREENE:** The timeline, with the sunset, is going to be  
41 as soon as possible. I think that that's only fair, is my  
42 opinion, but as far as I guess you need a motion to send it --  
43  
44 **DR. LASSETER:** Actually, I believe, if I'm correct, Doug -- Doug  
45 can convene the APs or do we need motions for convening the APs?  
46 I am not sure.  
47  
48 **EXECUTIVE DIRECTOR GREGORY:** No, we can do that on our own. If

1 the council wants to do it, that's fine, but we can also do it  
2 if you see a need.

3

4 **DR. LASSETER:** Then I would just let --

5

6 **CHAIRMAN GREENE:** Ms. Dana.

7

8 **DR. PAMELA DANA:** Thank you, Chairman Greene. Doug Gregory,  
9 when would be the soonest that you could convene the AP, in  
10 particular the for-hire charter, because of their three-year  
11 sunset?

12

13 **EXECUTIVE DIRECTOR GREGORY:** Probably November. We could do it  
14 between this meeting and the next council meeting. We've got  
15 seven weeks between the two council meetings and we could have a  
16 meeting then, but definitely by November or the second week in  
17 December at the latest.

18

19 **CHAIRMAN GREENE:** Ms. Levy.

20

21 **MS. LEVY:** Just a question. When you are talking about  
22 reconvening the AP, what is it that you would be looking for  
23 from the AP at this point? Just thinking about the fact that  
24 they have discussed pretty much the various options that are in  
25 the options paper and have even sort of told you, I think, what  
26 their preferred would be at that point, what are you looking for  
27 from them to tell you and what kind of document are you looking  
28 to give them at this point?

29

30 I think that kind of guidance would be very helpful, because if  
31 we're just going to go back and say tell us what you want again  
32 and then they tell you what they want and then what are you  
33 going to do with that?

34

35 I think one of the things you need to think about, if you do  
36 want to move any one of these ideas forward, is narrowing down  
37 that idea, because there is no way to draft a true amendment  
38 that is going to do all of these things, an IFQ system or a PFQ  
39 system or a community system, and so I think it's really  
40 important to think about what direction you want to go in if you  
41 want to develop any of these further, so that staff can actually  
42 work on all those details that we had very vaguely outlined, but  
43 couldn't progress with any further until we know what type of  
44 system you are thinking about actually trying to implement at  
45 some point.

46

47 **CHAIRMAN GREENE:** Mr. Williams.

48

1 **MR. WILLIAMS:** But, Mara, why do we have to -- Couldn't we give  
2 it to them and ask their opinion? First, we would be asking  
3 them have we captured everything you were talking about and now  
4 that you're looking at this document, are there other things  
5 that you're thinking about?

6  
7 Then we could get some sense of what they thought was the  
8 correct way to go on it, rather than us making the choice for  
9 them. Couldn't we begin to get their preferences from what they  
10 think is the right way to move and proceed?

11  
12 **CHAIRMAN GREENE:** Dr. Lasseter.

13  
14 **DR. LASSETER:** I will just read from the AP report. The AP  
15 members expressed the preference not to hold an AP meeting from  
16 June through August 20<sup>th</sup>, and so we'll be okay for that, due to  
17 the busy fishing season.

18  
19 Then they passed the following motion: To recommend that the  
20 council reconvene this panel to provide further advice on  
21 charter-for-hire program development as soon as possible. They  
22 were very busy. Man, they produced some motions in this and so  
23 I think we could build their charge from their statements  
24 previously.

25  
26 **CHAIRMAN GREENE:** Dr. Diagne.

27  
28 **DR. DIAGNE:** Thank you, Mr. Chair. As far as the headboat AP is  
29 concerned, they have pretty clearly outlined some of their main  
30 preferences, if you would, and if I were to summarize it, I  
31 would say that they are interested in an allocation-based  
32 management system, essentially, the contours of which you will  
33 decide, depending on the restrictions and some of the outcomes  
34 that you would like to see.

35  
36 If we were to reconvene the AP, the headboat AP that is, we will  
37 do that at a later stage, after we have developed essentially  
38 clear-cut alternatives with some rationale and some discussion  
39 and so let's say between now and the January council meeting,  
40 before we bring the document back for your review and  
41 suggestions. That's what we would do, but as far as  
42 preferences, they are interested in an allocation-based  
43 management approach.

44  
45 Which one, that remains to be determined and so if you wanted to  
46 be consistent with that, you could direct us to perhaps withdraw  
47 the traditional command and control approaches, which is  
48 essentially what we have been doing at this point. We wouldn't

1 need an AP, quite frankly, to change size limits or bag limits  
2 and then spend our time and effort developing an allocation-  
3 based system that would meet the objectives that were reflected  
4 in the charge, for example, to that AP in your previous  
5 discussions. Thank you.

6  
7 **CHAIRMAN GREENE:** Mr. Williams.

8  
9 **MR. WILLIAMS:** Assane, on the headboat document then, really  
10 they don't necessarily need to meet again, you're saying, but  
11 would the next step then be to develop an options paper based  
12 upon what we saw a little while ago?

13  
14 **DR. DIAGNE:** Yes and what you saw outlined is the scope, the  
15 general scope, of the ranges of management approaches that we  
16 can think of. This has everything the AP talked about plus the  
17 traditional management approaches and by traditional, I mean  
18 what we typically do, size limits and bag limits and changing  
19 the structure of the season.

20  
21 On that front, we are covered. We will need them to reconvene,  
22 but we need to put something before them to discuss and that  
23 something would be, for example, we are talking about PFQs, but  
24 what does it entail? Attaching the allocation or shares to the  
25 permit and having these types of restrictions and explicitly  
26 discuss the type of allocation scenarios that you may consider  
27 as a council, for example.

28  
29 Here, we gave you just broad outlines, but we will need the AP's  
30 help later on in the process, after we put more meat, but one  
31 thing that could be helpful, if that is consistent with the  
32 direction that you want to take, based on the charge to the AP,  
33 would be, for example, to take out from this document the size  
34 limits and bag limits and structure of the season, because we  
35 don't need really the Reef Fish AP for that, essentially, if  
36 that is consistent with your intent. If you still want it in  
37 the document, then we will leave it in and develop it. Thank  
38 you.

39  
40 **CHAIRMAN GREENE:** Dr. Crabtree.

41  
42 **DR. CRABTREE:** I mean it seems to me what we want to move  
43 forward with in the headboats is an allocation-based program. I  
44 mean we've had one in place for two years and it's worked great  
45 and I think that's what they want, the majority of them, and so,  
46 for my purposes, I would support taking out some of these size  
47 and bag limit and season adjustments and that kind of thing.

1 I don't know that I would leave the fish tag part of this in  
2 here and focus on that allocation-based management program and  
3 then staff could go in and start fleshing that out and once we  
4 have something a lot more developed, that would be the point to  
5 reconvene them.

6  
7 I think we're further along with the headboats than we are with  
8 the charter boats, because we have a functioning program. The  
9 question is, as a council, is that what we're wanting to do?  
10 It's not clear to me where the majority of people are on this  
11 issue.

12  
13 **CHAIRMAN GREENE:** I concur. Committee, what do you guys want to  
14 do here? Mr. Williams.

15  
16 **MR. WILLIAMS:** I am being put on the spot here, because nobody  
17 else is saying anything. I am not sure what to do either, but  
18 if we can move the -- If we can accelerate the headboat program,  
19 I would really like to do that.

20  
21 As Dr. Crabtree says, we're going into the second season of a  
22 program that the majority of them seem to like and I have heard  
23 -- I have heard nothing but good comments about it and I am sure  
24 there are some negative ones out there as well, but if we can  
25 accelerate the -- I don't want to do anything to slow the  
26 headboat down and so if we can move it up -- You're suggesting  
27 that taking out size limits and bag limits and seasons would be  
28 appropriate for those?

29  
30 **DR. CRABTREE:** It seems to me and to give staff the guidance  
31 that we want to move this amendment forward to develop a program  
32 similar to the Headboat Cooperative that we have through the  
33 exempted fishing permit. That would take out these other kinds  
34 of things that aren't along those lines.

35  
36 **MR. WILLIAMS:** Then that would leave us with just the allocation  
37 portion and we do have the six different species in there though  
38 too and I guess -- Did the program that they're under now, did  
39 that have all six of those species in there as well?

40  
41 **DR. CRABTREE:** No, the current program is just red snapper and  
42 gag, but I think that's something else you could give guidance  
43 to staff about, is whether you want to keep this focused on  
44 really red snapper or whether you want to branch it out to other  
45 species.

46  
47 **CHAIRMAN GREENE:** Martha, did you have --  
48

1 **MS. BADEMAN:** Just a question and I apologize if I missed this  
2 during the presentation, but at what point, especially if we  
3 move down the road of going towards the allocation-based  
4 strategies, do we have to start talking about referendums?  
5

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

8 **DR. LASSETER:** According to Magnuson, an IFQ-type program  
9 requires a referendum and so NMFS would have to determine if the  
10 PFQ approach, and, again, that's the preference in 41, is or is  
11 not an IFQ-type. Now, what the Headboat Collaborative prefers  
12 is an IFQ-type program and so that would require a referendum.  
13

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

16 **DR. CRABTREE:** With the current programs, we basically reached  
17 the DEIS phase, where we had everything developed and all the  
18 analysis done and all the preferreds selected and we were  
19 essentially at a point where we were ready to take final action  
20 on it, and that's when we sent it out, right, for the  
21 referendum?  
22

23 Then in the process, then you're going to have to develop the  
24 voting rules for the referendum and it's permit holders who are  
25 substantial participants and we will have to figure out that  
26 kind of thing. We have had weighting in some cases and we  
27 usually have to go through a rulemaking phase with that.  
28

29 **CHAIRMAN GREENE:** Okay. John Sanchez.  
30

31 **MR. SANCHEZ:** Again, I'm not on the committee, but I just want  
32 to make sure that we don't forget the charter-for-hire as we're  
33 proceeding aggressively with headboats. I am very confident  
34 that they will be able to come up with an industry proposal that  
35 addresses their desires in a meaningful, efficient way that I  
36 think would address things and probably fall short of needing a  
37 referendum.  
38

39 **CHAIRMAN GREENE:** Okay. Mr. Williams.  
40

41 **MR. WILLIAMS:** Can I make a motion? I know we've passed the  
42 headboat presentation, but it's not too late for me to make a  
43 motion in that regard, is it? **I know that we're not through**  
44 **talking about charter boats yet, but I would like to make a**  
45 **motion in the Amendment 42 options paper, B-9, I would like to**  
46 **move that we remove Section 2.2.1, Size, Bag, and Season**  
47 **Adjustments.**  
48



1 **CHAIRMAN GREENE:** Mr. Fischer.  
2  
3 **MR. FISCHER:** Is this a scoping document, because if it is --  
4  
5 **MR. WILLIAMS:** This would be to take this out and then for staff  
6 -- Based on the conversation we had, staff could then proceed to  
7 develop this into an options paper.  
8  
9 **DR. CRABTREE:** I mean it already is an options paper. If you  
10 look at the cover sheet, it says "Draft Options Paper" and so --  
11  
12 **MR. WILLIAMS:** Well, then should we be making preferences on it?  
13  
14 **DR. CRABTREE:** We don't even have alternatives yet. What we're  
15 trying to do is narrow down what's it in so they can then  
16 develop it into it. Did you get a second on your motion? I  
17 will second it.  
18  
19 **CHAIRMAN GREENE:** All right. There is a motion on the board to  
20 remove Section 2.2.1, Size, Bag, and Season Adjustments, to  
21 considered but rejected.  
22  
23 **MR. WILLIAMS:** Just that's in B-9. That's under the headboat  
24 section, Amendment 42.  
25  
26 **CHAIRMAN GREENE:** Amendment 42. Mr. Riechers.  
27  
28 **MR. RIECHERS:** Mr. Williams, I am not necessarily opposed to  
29 this in some respects, but do you not think there might not be  
30 some size, bag, and season adjustments that could also help  
31 lengthen the season and think about it in that construct as  
32 well?  
33  
34 **MR. WILLIAMS:** I am sure that there are, but I just see these  
35 other issues as slowing this whole thing down. If the industry  
36 has expressed their preference for an allocation-based  
37 management system, I am willing to do that and I don't want to  
38 slow it down. As we know, we've got about two-and-a-half years  
39 left to get this done.  
40  
41 **CHAIRMAN GREENE:** Mr. Riechers.  
42  
43 **MR. RIECHERS:** Well, under sector separation, you have about  
44 two-and-a-half years to get this done. Under the exempted  
45 fishing permit, I believe that's set to expire on whichever day  
46 it expires and it sounds like it's coming up. I don't remember  
47 and I apologize, but I don't remember the exact date.  
48

1 **DR. LASSETER:** The end of this year.

2  
3 **MR. RIECHERS:** The end of this year. Regardless of our desire  
4 to push this, we're not going to beat that date and while Mr.  
5 Sanchez alluded to disingenuous actions, I would say that at  
6 this point I will say there are a host of people who probably  
7 don't even know five other species are now being talked about in  
8 this construct and that we're talking about -- Whether you want  
9 to call it a permit FQ or an IFQ or what have you, a continued  
10 IFQ type of discussion element regarding IFQs and furtherance in  
11 the charter sector.

12  
13 I think we owe it to get it out in scoping, as we've suggested  
14 and we just passed that motion, and so what you're talking about  
15 is how do we continue to move the document forward and it seems  
16 to me that you all have talked about holding a meeting and  
17 you've said you don't need our motion to have you go do that.

18  
19 You've set up a timetable to do it and I'm just not certain what  
20 else we're accomplishing here by trying to narrow the window of  
21 discussion items, at least at this point, because all that's in  
22 there is what is already written. You are not necessarily  
23 adding to those items. You're just keeping what's in there,  
24 until you want to move them at a later time, but if you all want  
25 to keep pulling stuff and trying to figure out ways to hurry it  
26 up, go ahead.

27  
28 **CHAIRMAN GREENE:** Dr. Diagne.

29  
30 **DR. DIAGNE:** Just one quick comment. When the council  
31 considered and ultimately approved Amendment 40, it was very  
32 specific that it included one species, red snapper. For  
33 Amendment 42, that's what I am speaking about and this amendment  
34 is called "Reef Fish Management for the Headboat Sector".

35  
36 Sector separation did not apply to reef fish. It applied to red  
37 snapper and so really, in our understanding at least for now, at  
38 the IPT level, when we look at all of this, the future  
39 development of Amendment 42 of course rests within your  
40 authority and you can tell us to stop or to continue, et cetera,  
41 but it's independent from the sector separation issue. To that  
42 extent, this is a reef fish amendment that includes potentially  
43 up to thirty-one species if you wanted to, but as a starting  
44 point, we offered only six.

45  
46 It has nothing to do with the sunset provision and basically  
47 sector separation. That would definitely apply to Amendment 41,  
48 which is a red snapper-specific amendment, with the allocation

1 that you decided upon in 40 and so forth. 42, Headboat Reef  
2 Fish Management, is independent from sector separation and as  
3 long as a council you decide that we should continue developing  
4 it, even past the sunset date, we have the flexibility, I guess,  
5 to be able to continue that. Thank you.

6  
7 **CHAIRMAN GREENE:** Okay. Thank you. We have a motion on the  
8 floor and let's go ahead and vote it up or down and then we'll  
9 take a break. **All those in favor, please raise your hand; all**  
10 **those opposed like sign. The motion fails three to six.** Let's  
11 go ahead and take a break, unless anyone has anything. I guess  
12 we'll come back and pick up on Item Number XI. It says fifteen  
13 minutes on here, but that's up to you, Mr. Chairman. Fifteen  
14 minutes.

15  
16 (Whereupon, a brief recess was taken.)

17  
18 **DISCUSSION - AD HOC PRIVATE RECREATIONAL AP**

19  
20 **CHAIRMAN GREENE:** Under Ad Hoc Private Recreational AP, there  
21 were some state director summaries of comments that were posted  
22 in the briefing book and unless staff has any other direction, I  
23 guess the first one would be Florida, which would be Tab B-  
24 11(a). I guess, Martha, you will lead this? Okay.

25  
26 **STATE DIRECTOR SUMMARIES OF COMMENTS**  
27 **FLORIDA**

28  
29 **MS. BADEMAN:** Emily asked, I think all of the states to give a  
30 rundown of feedback that we've gotten on management of  
31 recreational fisheries. I am going to talk about two series of  
32 workshops that we did in Florida. One was last summer and was  
33 particularly about the recreational red snapper fishery and then  
34 I will give you a quick overview of some workshops that we held  
35 this summer. These were state-wide workshops just about general  
36 fisheries issues. It wasn't pointed towards one particular  
37 sector or one particular fishery.

38  
39 Last summer, we had workshops in Pensacola, Destin, Panama City,  
40 Carrabelle, and St. Petersburg on red snapper management for the  
41 recreational fishery and this was at the request of our  
42 commissioners and there was a lot of stuff happening last summer  
43 with sector separation or the decision about sector separation  
44 coming up and many of the issues that we're still talking about  
45 today and so we just did a couple of workshops where we talked  
46 about the interplay between state and federal management and  
47 some of the options that the council was talking about and what  
48 the commission had been talking about in terms of recreational

1 red snapper management.  
2  
3 We laid that information out for people at these workshops and  
4 then we did something a little bit different. We broke the  
5 workshop participants into small groups and each group had a  
6 staff member and the staff member asked the people in each group  
7 the following questions.  
8  
9 The first question was considering limitations and management  
10 challenges, what are your expectations for the recreational red  
11 snapper fishery? The second question was what management  
12 methods or regulations would you like to see implemented to  
13 improve the recreational red snapper fishery?  
14  
15 Then each group kind of brainstormed their ideas and we just  
16 wrote them down on the whiteboard and it was just kind of a  
17 brain-dump exercise. After that, we polled the participants at  
18 the workshops about some of the management options that we  
19 discussed in the PowerPoint and that had come up in those  
20 brainstorming sessions and so we had these cool little clicker  
21 devices. It just looks like a little remote control and there's  
22 a picture on there and it was like a multiple-choice quiz on  
23 PowerPoint and people could pick what they like or what they  
24 didn't like or rate things.  
25  
26 People could provide feedback that way and it was somewhat  
27 anonymous, because people were just clicking in their answers.  
28 It worked really well actually and so I'm going to talk a little  
29 bit about the feedback that we got from those workshops first.  
30  
31 In terms of expectations, we heard I would say four common  
32 themes at all of the workshops. One thing that was really  
33 important to just about everybody was having more fishing days  
34 and more fishing opportunities.  
35  
36 We also heard a lot about having predictable fishing seasons and  
37 then also people called for better data collection and better  
38 science and better and more frequent assessments and then  
39 improved trust and transparency at both the state and federal  
40 levels in terms of red snapper management.  
41  
42 About some of the red snapper management measures, again this  
43 was before we had a decision on sector separation and we had  
44 very polarized opinions on sector separation. We had the most  
45 support in Destin, which probably is no surprise to most of the  
46 people at this council.  
47  
48 People viewed regional management at the Gulf-wide level more

1 favorable than unfavorable. Some people also wanted to see  
2 regional management within Florida, like having different zones  
3 for the Panhandle or west central Florida, options like that.  
4 There was a desire to see more state management rather than  
5 federal management and then, of course, support for simple red  
6 snapper regulations.

7  
8 Some more comments that we heard, there were mixed views on  
9 having some kind of IFQ-type program for the federal for-hire.  
10 We did hear support for linking IFQ shares and allocation to the  
11 federal permit, so that those shares could not be leased or  
12 sold, at least without the permit being transferred as well.

13  
14 Of course, we heard opposition to IFQ-type programs as well. We  
15 had mixed views on harvest tags for red snapper and strong  
16 opposition to intersector trading and most people opposed one-  
17 fish bag limits and going to a weekends-only season and looking  
18 at slot limits or hook size requirements and days at sea.

19  
20 Some anglers were interested in changing the timing of the  
21 harvest season and maybe moving towards the spring or the fall  
22 or doing split seasons. Then we, of course, heard support for  
23 creating more habitat via artificial reefs.

24  
25 So really quick, let me shift gears to the workshops we held  
26 this summer. Our commission is undergoing a strategic planning  
27 process right now and the commissioners directed us to hold some  
28 workshops. We're trying to look forward and develop a proactive  
29 plan to managing fisheries and so these workshops were not  
30 limited to recreational anglers and not limited to red snapper  
31 or federally-managed species by any means. We were seeking  
32 input from commercial, businesses, the recreational industry,  
33 just concerned citizens, anybody that wanted to come, the  
34 tourism industry.

35  
36 Before we went to these workshops, we did an online survey where  
37 people could identify their top fisheries concerns and the  
38 concerns are listed in bullets up here. These were the top  
39 concerns that people identified and so the first thing is the  
40 recreational and commercial allocations. It's confusing and it  
41 complicated fishing regulations. Water quality and habitat loss  
42 were top things and impacts from invasive species and then  
43 release mortality and regulatory discards.

44  
45 The workshops themselves, we had 190 attendees. We had  
46 workshops pretty much throughout the month of July. I think we  
47 ended up having nineteen, again, on the Gulf coast and the  
48 Atlantic coast. We had a webinar.

1  
2 We are still compiling all of the information from those  
3 workshops and we will be presenting it to our commission at  
4 their November meeting, which is going to be in Panama City. If  
5 you want more information about that, I can certainly pass that  
6 on to you and I can share the reports that we have from those  
7 workshops with the council at a later date, but we did hold some  
8 workshops on that and so any questions?  
9

10 **CHAIRMAN GREENE:** Okay. I don't see any questions. Next up is  
11 Alabama. Kevin, did you want to say something?  
12

### 13 **ALABAMA**

14  
15 **MR. ANSON:** You will note that we don't have a presentation.  
16 That is due, in part, because we have not held any formal  
17 gathering workshops or listening sessions or what have you  
18 specific to recreational fisheries management or red snapper  
19 management.  
20

21 We have participated in local fishing groups, their meetings and  
22 such, and certainly we try to relay information from a federal  
23 level, at least from the council level and state level, and have  
24 heard their concerns relative to management at the time for both  
25 and try to bring that back to the council as appropriate, but  
26 that pretty much concludes it. Again, no formal workshops and  
27 so I can't provide any details as to what specifically anglers  
28 have been saying to us in that format. Thank you.  
29

30 **CHAIRMAN GREENE:** Thank you. I guess next is Mississippi and  
31 Dr. Lucas.  
32

### 33 **MISSISSIPPI**

34  
35 **DR. LUCAS:** I would be glad to just talk from here if somebody  
36 will click the presentation when I need to. Actually, we have  
37 already seen a presentation on this information. The comments  
38 that we received were mainly related to red snapper, as that was  
39 what was asked of us by the council, to go out and get comments  
40 from our recreational fishermen and fishermen in our area  
41 related to red snapper.  
42

43 This occurred in May of last year, 2014, and we actually had a  
44 general presentation. Carrie Simmons came from the council and  
45 spoke and Dale spoke and our Finfish Director spoke and gave  
46 some information to them, just to kind of brief them up to speed  
47 and clarify definitions and it kind of zoned us into what we  
48 were going to be talking about, which was mainly related, of

1 course, to red snapper. There was all kinds of management-  
2 related decisions at the council going on at the time.

3  
4 We did something kind of similar to Florida. We had talked  
5 about this and we actually did this before and provided some  
6 information to Florida. What we really wanted to do was really  
7 hear from them and so our ideas were to ask a couple of  
8 questions and send them out into small breakout groups of eight  
9 to ten people and address those questions and then would write  
10 down a bunch of information and it came back to us and we filled  
11 out, in a real kind of tough timeframe, like trying to highlight  
12 their main concerns and put them in a structure that they could  
13 then vote on.

14  
15 We reported on the breakout sessions and we had the clickers and  
16 we allowed them to vote. When they signed in to get a clicker,  
17 we also asked them to tell us whether they were a private  
18 recreational angler, whether they owned a for-hire boat, or  
19 whether they fell into other. Other could be commercial  
20 fishermen. We had some academics there and we had some people  
21 that owned bait shops and so really it was kind of a large  
22 category of other that we captured.

23  
24 These were the three questions that we asked. Basically it was  
25 very similar. Expectations for the recreational red snapper  
26 fishery, given the constraints from the presentation, of which  
27 both Carrie Simmons and Dale did a really good job of laying out  
28 kind of the limits.

29  
30 We asked them what they thought could be done to improve data  
31 collection from recreational red snapper fishermen and what  
32 methods they would be likely to support and if there was any new  
33 management methods or new ideas that they thought could be  
34 implemented to improve recreational red snapper fishing.

35  
36 With about sixty people in attendance, these were the most  
37 favorable ideas and the scale, just to give you an idea, you  
38 have five and so you can really dislike it, you can kind of  
39 dislike it, you can have no opinion really either way, or you  
40 can kind of like it or really, really like it type of situations  
41 and so it provides for -- We just try to break it down into  
42 favorable or unfavorable situations and so these are the most  
43 favorable.

44  
45 They wanted mandatory reporting for all for-hire vessels. They  
46 thought an app or website would be good for that and they wanted  
47 to participate in a red snapper data collection program from the  
48 private angler side. At the time, we were going into the 2014

1 season and we were piloting a voluntary program.

2  
3 It has since now moved to a mandatory program, but the program  
4 support really came from this meeting. They really wanted to do  
5 this and they really thought this was a good way to go. They  
6 wanted to use an app to do it and they really wanted the idea  
7 that they would be able to see the data, because they thought  
8 that would be interesting to them.

9  
10 They really would like to see multiple species open for harvest  
11 at the same time. Our fishermen tend to prefer a fall season  
12 for red snapper. They want regional management, to give the  
13 authority to the Gulf States, and they also favored federal  
14 legislation for regional management, if possible, and they  
15 favored federal legislation for managing fisheries out to nine  
16 nautical miles.

17  
18 They want to develop and implement sampling that would directly  
19 affect the accuracy of stock assessments. They favored  
20 independent data collection programs. They really wanted to  
21 increase that, because they thought that would be a way to  
22 provide data for stock assessments.

23  
24 On the next page, you see the least favorable. There was a  
25 large kind of -- Almost a 50/50 split in the slot limit and not  
26 really depending on whether they were private or for-hire or the  
27 other category. They did not like a one fish bag limit at all.  
28 Weekend-only seasons were mostly unfavorable.

29  
30 The tagging system was mostly unfavorable, but it wasn't  
31 extremely unfavorable. It was kind of more in the middle range.  
32 It was mostly unfavorable on the days at sea and sector  
33 separation was mostly unfavorable, but it was split, I guess a  
34 lot because of the other category. A lot of the other category  
35 and a little bit of the charter-for-hire did favor it, but then  
36 you had all the rest kind of weigh on the other extreme.

37  
38 They did not favor the closure areas or sanctuaries and so that  
39 really just kind of captured the data and the way we moved  
40 forward in our state. Any questions?

41  
42 **CHAIRMAN GREENE:** Okay. Seeing no questions, I guess we will  
43 look towards Louisiana now, if you're ready.

44  
45 **LOUISIANA**

46  
47 **MS. KATIE SEMON:** We don't have a formal presentation or  
48 anything and just kind of a brief discussion of some new survey



1 methods we have been trying out. As far as recreational angler  
2 feedback, we conduct public comment sessions at our commission  
3 meetings and our task force meetings and talk with anglers at  
4 outreach events, but we also wanted to find a more efficient and  
5 effective way to get more feedback from anglers on various  
6 issues.

7  
8 We require anglers who fish offshore for species such as  
9 snappers and groupers to have this free recreational offshore  
10 landings permit and through that permit, we now have a database  
11 of all these permit holders, including their contact  
12 information, especially their emails.

13  
14 We decided to take advantage of this email database and  
15 determine that we could use it to conduct online surveys. We  
16 could easily contact thousands of anglers and solicit their  
17 input on management issues.

18  
19 Through this online survey, we were able to target and take a  
20 good census of our entire offshore population, offshore angler  
21 population and so this really gives everyone an equal  
22 opportunity to comment and this is important to us, because  
23 these matters are of public importance. On top of that, online  
24 surveys are low cost and they have a quick turnaround and we're  
25 also able to design the survey questions to reduce bias.

26  
27 In 2014, we tested this idea through two angler surveys. We did  
28 one in May and June regarding perspectives on regional  
29 management and then the other in July and August, regarding  
30 sector separation. We saw a lot of benefits of this method  
31 through our survey results.

32  
33 For one, we had a high response rate. For regional management,  
34 35.7 percent of the anglers we polled responded and so that's  
35 about 4,800 out of 13,550 anglers and that's the number of  
36 anglers that were registered at that time.

37  
38 Later in the year, when we did the sector separation survey, we  
39 got a 24.3 percent response rate and that's about 4,500 anglers  
40 out of 18,300 anglers and so that's pretty good.

41  
42 We found that the feedback was a better representation of the  
43 angler population, because of all the feedback we got, thousands  
44 of respondents versus kind of a select few that are able to  
45 attend our meetings. We also got good demographics information  
46 on our respondents and we could analyze the survey results based  
47 on this. We got age, where they live, their status, private  
48 angler versus charter boat, fishing activity, like the number of

1 days they spend fishing, and things like that.  
2  
3 These surveys were just intended to kind of test the system to  
4 see if it was a viable option to get angler opinions. We do  
5 have the results available if anyone is interested, but we just  
6 wanted to talk about the method here, but we did find that these  
7 surveys are cost effective and it's a really practical way to  
8 hear from a lot of our anglers and understand a view that's more  
9 representative of our whole angler population and we have since  
10 launched an effort to collect up-to-date, accurate contact  
11 information for all of our saltwater fishermen, to facilitate  
12 more of these types of surveys in the future.

13  
14 We have been working with local vendors to collect a sweepstakes  
15 to award anglers for submitting and updating their contact info  
16 and we also launched a new recreational website and I will be  
17 happy to answer any questions.

18  
19 **CHAIRMAN GREENE:** Thank you. Mr. Riechers.

20  
21 **MR. RIECHERS:** I have gotten some reports back on how you all go  
22 about surveying after an angler trip and can you just give me a  
23 little bit of detail about it? I mean we don't have to go into  
24 great detail, but just how do you -- You all identify it and  
25 send a survey to them a week after they fished or a month after  
26 they fished or can you just share a little bit about that?

27  
28 **MS. SEMON:** As far as through LA Creel? I don't believe I am  
29 the best to answer that question, but I could refer you to Myron  
30 on that one.

31  
32 **MR. FISCHER:** If you're familiar with the MRIP two-month waves,  
33 what we basically have would then be termed a one-week wave. We  
34 start requesting on Monday, Monday, Tuesday, and Wednesday, what  
35 was caught the previous week, to reduce the recall bias.

36  
37 **CHAIRMAN GREENE:** Okay. Thank you.

38  
39 **MR. FISCHER:** Robin, if I could add, this was a telephone survey  
40 and we requested if people would prefer to be interviewed via  
41 internet, via email, and I think it was immediately we had a 35  
42 percent response that preferred the email version and that's  
43 escalated our response rate, but we do continue harassing them  
44 until we get the answers.

45  
46 **CHAIRMAN GREENE:** Thank you. Anything else for Louisiana? Mr.  
47 Riechers.

48

1  
2  
3 **TEXAS**

4 **MR. RIECHERS:** I don't have a formal report either, but it's  
5 probably worth reporting a little bit on at least what we've  
6 done regarding landings. As far as some of the options, we've  
7 been looking for the council RAP sessions and other things and  
8 our hearings that we've been going through to basically feed us  
9 the information regarding the private angler sector in Texas and  
10 their wishes.

11 Many of you have seen some of the summaries that we have  
12 presented with those tabulations as a state to you all. In  
13 addition, you have received some letters from our commission  
14 chair along the way on some specific issues that were of  
15 particular concern and so I won't go back into those, but in our  
16 sampling this year, I will say that working with the Harte  
17 Research Institute -- You all know, like all the other states,  
18 are trying to also incorporate some self-reporting systems.

19  
20 This year, we stood up Harte Research and we stood up that  
21 online survey last year, but this time we stood up Harte  
22 Research in directing all those anglers to Greg and his team,  
23 because he has a design or a study going along with MRIP, where  
24 hopefully we are getting past just a self-reported mechanism,  
25 but also an expansion of those reportings to a full population,  
26 if you will, population of red snapper anglers.

27  
28 I know Greg, at some later time when we want to do those  
29 presentations, he could give you that and he may have something  
30 to add to that, but that's part of what we're doing, along with  
31 validation of that. This year, we increased our samples at Gulf  
32 boat ramps by 300 percent and I know every state has taken on  
33 those kinds of extra burdens and so it's not that I am  
34 suggesting we're doing anything any other state around here is  
35 not doing, because I know we all have taken that on.

36  
37 **CHAIRMAN GREENE:** Dr. Stunz.

38  
39 **DR. STUNZ:** I can just follow up briefly to what Robin said with  
40 the iSnapper private rec study going on now. It's going really  
41 well. We're not getting near as many as we would like. Of  
42 course, as scientists, we always want more and more, but in  
43 talking to our statisticians, they are feeling really good about  
44 the numbers. We've got a good validation program in place and  
45 working with Robin's creel and encountering these anglers after  
46 they have entered the data, but before they have reached the  
47 dock. That is going very well. Of course, we're doing that  
48 during the state season now and so it's kind of in progress and

1 I will be happy to report on that later, once we wrap it up  
2 later this fall.

3  
4 **CHAIRMAN GREENE:** Thank you. Any other comments? Okay. I  
5 think that wraps up the state-by-state and now we'll go to Past  
6 Council Efforts and Emily.

7  
8 **PAST COUNCIL EFFORTS**

9  
10 **MS. MUEHLSTEIN:** Thank you, Mr. Chair. Just to let you guys  
11 know a little context of why we're having this conversation, is  
12 at the last meeting in June in Key West, there was two motions.  
13 The first motion was to create an ad hoc private recreational  
14 committee to discuss possible management changes to the private  
15 recreational fishery.

16  
17 If you remember, after lunch we came back and brought that back  
18 up and the council asked that staff take no action on the  
19 formation of an ad hoc private recreational committee before the  
20 August 2015 council meeting.

21  
22 Around those two motions, there was a lot of discussion about  
23 needing some context about how we would build a charge and a  
24 number of council members had mentioned that they were looking  
25 for a little bit of background information so they had a better  
26 understanding of what we've already gathered from the  
27 recreational anglers.

28  
29 That's why we started with what the states had already done,  
30 because I knew that there was some directed efforts from the  
31 states to figure out what their anglers were looking for  
32 specifically in recreational management and it turns out a lot  
33 of those state efforts were red-snapper-specific, but I am going  
34 to go ahead and present to you the two directed efforts that we  
35 as a council have done in pretty recent history and neither one  
36 of them are red-snapper-specific and so that differs a little  
37 bit from what we got from the states.

38  
39 The first is we've had an Ad Hoc Recreational Data Collection  
40 Advisory Panel and while this isn't just a management panel and  
41 they're not just talking about different management options,  
42 they did give some advice on different management options and I  
43 sort of distilled that information for you here.

44  
45 Then we also went and did those RAP Sessions back in January of  
46 2014. Now, I want to caveat this discussion with the idea that  
47 we've had some pretty major recent management changes that might  
48 shift where anglers are now versus where they were when we made

1 those efforts.

2  
3 In 2014, we had that 20 percent buffer put on the recreational  
4 red snapper annual catch limit and then we had that MRIP  
5 calibration that happened. Then in 2015, we had red snapper  
6 sector separation, a major increase in the red snapper quota,  
7 and then some major differences in the state seasons and so just  
8 make sure that you understand that what I'm about to tell you  
9 was before those changes were made and so maybe it's not the  
10 best context for us to use today's management situation with  
11 what we heard a couple of years ago.

12  
13 With that said, your Ad Hoc Private Recreational Data Collection  
14 Advisory Panel had a charge to identify methods for improving  
15 private boat recreational data collection through programs that  
16 would supplement data currently collected through MRIP.

17  
18 You also asked them to prioritize identified programs for  
19 possible consideration and implementation and give some  
20 rationale and then provide some detail for a concept that is of  
21 their highest priority for a data collection program.

22  
23 We had two meetings with this group. The first meeting was in  
24 May of 2012 and their major recommendation coming out of this  
25 meeting that had to do with a management system was that no  
26 tagging system be considered as a part of the panel's  
27 recommendation to the council. You will see that motion carried  
28 seven to five and the rationale that they provided the council  
29 was that there was concern over fair distribution of tags if  
30 such a program was used to control harvest rather than just to  
31 collect data.

32  
33 They convened again in February of 2013 and they made two major  
34 recommendations. The first was to implement a private  
35 recreational boat permit system that would be required to  
36 harvest species managed by the Gulf Council.

37  
38 The permit should not limit entry of individuals in that fishery  
39 and so it wasn't designed to constrain effort at all. They also  
40 asked that the council require daily permits for the daily bag  
41 limit of private recreational boat owners to be issued for red  
42 snapper. It would have to be filled out with the necessary  
43 information and submitted in order to receive more permits so  
44 that you could go harvest red snapper again.

45  
46 They provided a long list of rationale for those two motions of  
47 why they thought it was a good idea for the council to consider  
48 such a program. They wanted better data collection in general,

1 hoping that we would be able to sort of better define our sample  
2 frame and just improve data, including our discard data. They  
3 were also hoping that a program like that would create more  
4 angler buy-in and give a little bit more confidence in the  
5 science and things like that.

6  
7 Moving on from that ad hoc advisory panel, we also hosted RAP  
8 Sessions in January of 2014. We hosted nine in-person meetings  
9 and one webinar and we had about 450 attendees. Now, that was  
10 all recreational anglers, both charter and private anglers, and  
11 I want to make it clear that we had a range of different things  
12 that were suggested and if you're interested in reading those  
13 summaries again, they are contained in the briefing book, but I  
14 have kind of distilled out sort of the management options and  
15 issues that dealt specifically with the private recreational  
16 anglers and so that's what I'm going to go over here.

17  
18 There were five reoccurring themes when it came to private  
19 recreational angler management. The first was concern over our  
20 limited harvest data and the second was concern over limited  
21 fishing opportunities in the private recreational sector. There  
22 was concern over unequal access to allocation and one-size-fits-  
23 all management and also some major concern about discard  
24 mortality.

25  
26 Now, if you recall, in those RAP Sessions what we did was ask  
27 our anglers to identify what problems they were having with  
28 federal management and these were those reoccurring themes and  
29 then we asked for solutions and so I will just go through each  
30 one of these themes and give you the solutions that those  
31 anglers themselves have presented to solve these problems.

32  
33 Solutions for limited harvest data, as suggested by our anglers,  
34 include mandatory reporting, self-reporting, a hail-in and hail-  
35 out, a tag system, some sort of offshore endorsement, involving  
36 law enforcement in catch counts. The kind of rationale there  
37 was law enforcement is already stopping us and looking at our  
38 catch and so why not write that down?

39  
40 Also, use of an angler survey as a condition of a license, much  
41 like a duck stamp or the way that that harvest works. You would  
42 have to report what you caught that season before you were  
43 allowed to harvest in the next season.

44  
45 The next is limited fishing opportunity and some of the  
46 solutions that were presented there included changing the season  
47 structure. There was a desire for some weekend-only seasons and  
48 seasons at a different time of year or potentially a monthly

1 quota, where you would be able to fish each month a certain  
2 amount and then stop, within that month, when the quota is  
3 harvested.

4  
5 Adjusting bag and size limits or considering slots for fish and  
6 to create harvest permits for rodeos. I think there's a lot of  
7 rodeos and tournaments that happen outside of our current  
8 seasons and they were looking for a sort of special ability to  
9 harvest fish in those specific rodeos so that they wouldn't have  
10 to time those with our short recreational seasons.

11  
12 Reallocate to the recreational sector was a major suggestion  
13 that we heard as a solution to limited fishing opportunity and  
14 also using a tag system. Incentivizing state compliance was  
15 also mentioned and decreasing the uncertainty buffers and so  
16 much like that 20 percent buffer that I said that we have now on  
17 the private recreational angler quota, they were hoping that  
18 things like that could be reduced so that we would be allowed to  
19 catch the full amount of the allocation and also considering a  
20 split license and so that would allow different people to  
21 participate in different seasons, you know whether it be split  
22 up by alphabetical order or whatever. They didn't mind the idea  
23 of some people being able to fish in the spring and some people  
24 being able to fish in the fall.

25  
26 Moving on to the theme of unequal access and allocation, the  
27 anglers suggested that we reallocate to the recreational sector  
28 and they also suggested that we allow recreational anglers to  
29 harvest commercial allocation and somehow try some sort of  
30 purchase-in system if they wanted to harvest those fish. Also  
31 that we consider socioeconomic benefits of recreational fishing,  
32 with the rationale that that would obviously increase the amount  
33 of recreational fish that should be harvested.

34  
35 One-size-fits-all management was another theme that came out.  
36 People were pretty concerned that the Gulf is a very different  
37 place, depending on where you are, and so they suggested and  
38 supported regional management.

39  
40 They suggested geographically restricting fishing zones to  
41 encourage local fishing. I think there was some frustration  
42 with the fact that some people run their boats to different  
43 areas of the Gulf and harvest fish that maybe aren't in their  
44 own local waters and then there was also a suggestion that we  
45 relinquish federal control to the states as much as possible.

46  
47 Then, finally, discard mortality was an issue that bothered most  
48 anglers. They were asking for a bycatch allowance and so that

1 would be like a one fish per boat all year-round and they asked  
2 to reduce or eliminate the size limits altogether. They asked  
3 for a mixed bag limit, meaning you could either have a mixed  
4 species limit -- Let's say you could have five snappers  
5 altogether or five groupers and it not really be specific as to  
6 which species or also the mixed bag limit is maybe you get to  
7 have four fish at a certain size and one over-slot fish and so  
8 just sort of looking at novel ways that we can cap how many fish  
9 or what fish stay onboard the boats.

10  
11 The next was supporting new bycatch reduction tools. You know  
12 we removed the venting tool requirement, but they were asking  
13 that maybe we potentially consider requiring the use of  
14 decompression tools or something.

15  
16 Limit allowable hook size and so the idea that maybe if we  
17 wanted to not catch small fish and we didn't allow the use of  
18 smaller hooks. Also maybe consider us using weak hooks when you  
19 are fishing a certain depth. Maybe the farther out you are, if  
20 we want to make sure that those breeders stay in the water, we  
21 make sure that anglers are using weak hooks so that we don't  
22 have issues with larger fish coming to the surface and not  
23 making it back down.

24  
25 Then the idea that maybe we create a keep your first fish for  
26 certain species and so there wouldn't be any discard mortality,  
27 because you would have to keep whatever you caught until you hit  
28 a certain amount.

29  
30 Moving on from here, I think the point of having this session  
31 right now is basically for you all the decide whether or not we  
32 want to create an ad hoc private recreational advisory panel.  
33 If so, we would like you to consider creating a charge for that  
34 panel and potentially outline which potential management  
35 measures they would evaluate and so give them some direction on  
36 maybe what you guys would like to be considered and what you  
37 would like them to look over and provide their suggestions on  
38 and then I would like also for you to consider specifying panel  
39 membership.

40  
41 So if we are to go out and advertise for this panel, we would  
42 like a little bit of direction as a staff on who we would be  
43 looking for. Are we looking for just private anglers? Are we  
44 looking for private anglers and charter anglers and whoever else  
45 wants to join, but we would like some guidance on that as well  
46 and that concludes. Thank you.

47  
48 **CHAIRMAN GREENE:** Okay. Thank you, Emily. Anybody have any



1 comments or questions before we move on? Mr. Fischer.

2  
3 **MR. FISCHER:** Thank you, Mr. Chair. I just wanted to add a  
4 sentence to what I told Robin earlier. On our surveys, of  
5 course the phone/email is an effort survey. The composition of  
6 catch is calculated by biologists dockside.

7  
8 **CHAIRMAN GREENE:** Okay. Anything else? All right. The last  
9 agenda item under Other Business was Gray Triggerfish. Sorry?

10  
11 **MR. ATRAN:** The question is, is there any interest, at least at  
12 the committee level, in forming an ad hoc AP and, if so, what  
13 would the charge be and what would the makeup be? If you don't  
14 want to address that now, that's fine and it could come up at  
15 full council.

16  
17 **CHAIRMAN GREENE:** I was getting ahead of myself on my notes  
18 here. Any desire to do anything with the private recreational  
19 AP? Mr. Williams.

20  
21 **MR. WILLIAMS:** Well, we voted to do it last time, right, but we  
22 told staff not to do anything between then and now and I mean we  
23 do have to come up with a charge for them. I suspect any charge  
24 that I might come up with would fail and so I will probably wait  
25 until full council, but I think we have to come up with some  
26 kind of charge. We've already said to assemble them and so  
27 unless we rescind that, we need to come up with a charge.

28  
29 **CHAIRMAN GREENE:** Well, I agree and some of the charges in the  
30 past APs, the one from 2012, the charge that was presented was a  
31 pretty good one as well and that may give us something to work  
32 off of. Perhaps if you want to pick it back up at full council,  
33 Mr. Williams.

34  
35 I am not sure, but does anybody else wish to comment or have  
36 anything on behalf of the private recreational? Okay. Seeing  
37 none, I guess we will move on to Other Business. The last item  
38 under Other Business was Gray Triggerfish Bag and Size Limits.

39  
40 **OTHER BUSINESS**  
41 **GRAY TRIGGERFISH BAG AND SIZE LIMITS**  
42

43 I have had a ton of phone calls from private recreational and  
44 charter for-hire asking to do something different with  
45 triggerfish, reduce the bag or increase the size to potentially  
46 lengthen that season as much as possible.

47  
48 In conversation with Mr. Atran, I understand that we're coming

1 up pretty quickly to a triggerfish assessment. A lot of the  
2 guys were wanting to kind of get ahead of this as much as  
3 possible and potentially framework actions and all and so I just  
4 bring this to your attention, just letting you know what I have  
5 been hearing a lot of and seeing a lot of personally as well.  
6 With that being said, I don't have anything else under Other  
7 Business and if anyone would like to comment about triggerfish  
8 or anything else before we adjourn, please feel free to do so  
9 now. Ms. Bademan.

10  
11 **MS. BADEMAN:** I will just chime in and say I've heard a lot of  
12 the same. A lot of people are seeing triggerfish and wondering  
13 what's going on and hoping this assessment is going to look  
14 good, but I guess we'll see how it shakes out.

15  
16 **CHAIRMAN GREENE:** Ms. Dana. Did you have a comment, Pam?

17  
18 **DR. DANA:** No, it's just to concur with you. I've been hearing  
19 the same thing.

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

22  
23 **MR. ANSON:** Just to educate the council members, Ryan, the  
24 assessment, triggerfish assessment, is due next week or in two  
25 weeks?

26  
27 **MR. RINDONE:** Yes, Mr. Chair. It should be available to the SSC  
28 a week to two weeks before their meeting, which I think, Steven,  
29 did you say it was early September?

30  
31 **MR. ATRAN:** The SSC meeting will be September 1 to 2. We've  
32 been told by the Science Center to expect the final report by  
33 August 25, I believe.

34  
35 **MR. RINDONE:** That's about what I had recalled as well and so at  
36 that point, it will be a public document and we will put it on  
37 our website and anybody can take a peek at it and the SSC will  
38 get a look at it for their meeting and then they will make  
39 management recommendations from there to the council.

40  
41 **MR. ANSON:** Thank you. I guess the word on the street, Martha,  
42 is that it's not good and hence the comment, as Johnny alluded  
43 to, to try get ahead of the curve and start thinking about some  
44 things management-wise.

45  
46 I think you made a comment that there is lots of triggerfish,  
47 relatively speaking, this year compared to prior years and we  
48 are seeing a lot of that in Alabama and so we're a little

1 perplexed and we would be curious to see the final report and  
2 comments from the SSC on that.

3

4 **CHAIRMAN GREENE:** Ms. Bademan.

5

6 **MS. BADEMAN:** Yes and so are we going to get that report in  
7 October at the council level about the assessment?

8

9 **CHAIRMAN GREENE:** Mr. Rindone, did you --

10

11 **MR. RINDONE:** Yes, Mr. Chair.

12

13 **CHAIRMAN GREENE:** Okay. Dr. Simmons.

14

15 **DR. SIMMONS:** Thank you, Mr. Chairman. I just wanted to mention  
16 to the committee and the council that we are planning to have a  
17 Reef Fish AP meeting and it looks like September 16 is  
18 definitely the best date for everyone so far and we are looking  
19 at whether we need another half-day meeting or a full two-day  
20 meeting and so right now, it's probably going to be the 16<sup>th</sup> and  
21 17<sup>th</sup> of September, if we do that. We're waiting to finalize the  
22 agenda until after the council meeting, but hopefully we will  
23 have some advice from the SSC regarding red grouper and gray  
24 triggerfish and get some feedback on those two species as well  
25 at the AP meeting.

26

27 **CHAIRMAN GREENE:** Okay. Any other business to come before this  
28 committee? Seeing none, we are done with Reef Fish.

29

30 (Whereupon, the meeting adjourned at 4:30 p.m., August 11,  
31 2015.)

32

33

34

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- 6 PAGE 19: Motion to accept the language in Alternative 4 to
- 7 include the phrase "as a single unit". The motion carried on
- 8 page 20.
- 9
- 10 PAGE 22: Motion to make Alternative 4 the preferred alternative
- 11 in Action 2 of Amendment 39. The motion carried on page 27.
- 12
- 13 PAGE 29: Motion to make Alternative 1 the preferred alternative
- 14 in Action 2 of Amendment 39. The motion failed on page 33.
- 15
- 16 PAGE 59: Motion in Action 1 to select Alternative 2 as the
- 17 preferred. The motion carried on page 61.
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- 19 PAGE 61: Motion in Action 2 to select Alternative 2 as the
- 20 preferred. The motion carried on page 61.
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- 22 PAGE 67: Motion to accept the language for Action 1. The
- 23 motion carried on page 67.
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- 25 PAGE 73: Motion to make Alternative 1 the preferred
- 26 alternative. The motion failed on page 77.
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- 28 PAGE 82: Motion to select Alternative 2 as the preferred
- 29 alternative. The motion carried on page 82.
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- 32 to scoping meetings. The motion was tabled on page 95. The
- 33 motion was untabled on page 112. The motion carried on page
- 34 115.
- 35
- 36 PAGE 120: Motion in the Amendment 42 options paper to remove
- 37 Section 2.2.1, Size, Bag, and Season Adjustments. The motion
- 38 failed on page 123.
- 39
- 40

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