

# **SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL**

## **EXECUTIVE FINANCE COMMITTEE**

**Doubletree by Hilton Oceanfront Hotel  
Atlantic Beach, North Carolina**

**December 11, 2015**

### **SUMMARY MINUTES**

#### **COMMITTEE MEMBERS:**

Dr. Michelle Duval, Chair  
Mel Bell  
Jessica McCawley

Charlie Phillips, Vice-Chair  
Ben Hartig

#### **COUNCIL MEMBERS:**

Anna Beckwith  
Chester Brewer  
Chris Conklin  
Dr. Roy Crabtree  
Dr. Wilson Laney

Zack Bowen  
Mark Brown  
Jack Cox  
Doug Haymans

#### **COUNCIL STAFF:**

Bob Mahood  
Kim Iverson  
Roger Pugliese  
Dr. Mike Errigo  
Chip Collier  
John Carmichael  
Julie O'Dell

Gregg Waugh  
Amber Von Harten  
Myra Brouwer  
Dr. Kari MacLauchlin  
Dr. Brian Chevront  
Mike Collins

#### **PARTICIPANTS/OBSERVERS:**

Dr. Bonnie Ponwith  
Dr. Jack McGovern  
Scott Sandorf

Monica Smit-Brunello  
Erika Burgess

Additional observers attached

The Executive Finance Committee of the South Atlantic Fishery Management Council convened in the Doubletree by Hilton Oceanfront Hotel, Thursday afternoon, December 10, 2015, and was called to order at 4:45 o'clock p.m. by Madam Chairman Michelle Duval.

DR. DUVAL: All right, everybody I would like to go ahead and call the Executive Finance Committee meeting to order. The first item of business is approval of the agenda. Are there any modifications to the agenda? Seeing none; the agenda stands approved. The next item is approval of our September, 2015 committee minutes. Are there any edits to the minutes? Seeing none; those minutes stand approved. The next item is the status of the council year 2015 budget expenditures, and I'm going to turn it over to Bob.

MR. MAHOOD: And I'm going to turn it over to Mike.

MR. COLLINS: And I'm going to do my best. I think we're in good shape going into the end of the year. I project somewhere about a \$250,000.00 carryover to next year, I attribute that to the fruits of a renegotiated health insurance plan; three of us being off the health insurance policy, and the webinars that we've gone to for a majority of our outreach.

Now some of the potholes that are in the future, we have to renegotiate our health insurance policy in the spring of next year, so we'll have to see how that goes. As far as money for 2016, we really haven't gotten any word yet. It looks like it is going to be a continuing resolution, but the grants office told me that they anticipate funding the first quarter this month. We'll have to see how that shakes out.

We're still developing the 2016 budget, and since there is no clear budget from grants, it is kind of hard to put numbers on paper and knowing what the bottom line might be. You could help us out by getting your TOs in for this meeting and for SEDAR 41 as quickly as possible when those meetings end so we can close out the year. That's it, does anybody have any questions?

DR. DUVAL: Questions for Mike about the budget?

MR. HARTIG: Thank you for all your efforts in saving the council money. You've done a world of work and it has paid a lot of dividends for us; and we really appreciate your efforts.

MR. COLLINS: Thank you, and I want to also kind of give a shout out to Julie, she helps with that on some of the contracts that we have with the copiers and things like that. She puts her two cents in.

DR. DUVAL: All right, any other questions or kudos? All right, let's move on to the next agenda item.

MR. MAHOOD: The next item is under Attachment 2, I believe. Yes, Attachment 2 and it is the write up I've been providing at the end of each year indicating the amount of activity that the council has engaged in, along with the council staff and the Southeast Regional Office and the Southeast Fisheries Science Center.

We came up a little short this year; we were two major actions behind what we did last year. I know we're supposed to do more every year, but we just couldn't pull it off. It is significant, I

mean, when you look at it and you start reading through the things that the council sent on the Secretary for approval.

I think there were, I guess I don't have the exact numbers, it was a lot. There were 30 major actions and that included actions that were approved by the Secretary of Commerce, actions that were transmitted to the Secretary for review and approval and actions that were undergoing development during this year. Well, I did have the numbers; I just don't have them in numbers.

Seven amendments were completed and implemented by the Secretary of Commerce; that is a pretty significant amount of activity to hit the regulatory format and put out new regulations to help our fisheries. There were six other amendments that were approved by the council, and they are undergoing secretarial review right now, and then 18 other actions that are currently under development as we go through the end of this year.

That is just a significant amount. I look back 20 years ago, I think it was approximately 20 years ago, and we had like three actions during the year. The amount of activity has really, really increased. The amount of workload, the amount of paper – well, you don't get paper – the amount of little things we send through the sky to you on your finger drives or whatever has been tremendous.

I know it is very difficult to keep up with a lot of that, and you know, we just encourage everyone to at the minimum read the overviews and the decision documents, and you pretty well get a good picture; and then the background information as you get the opportunity to read it. I know it is pretty overwhelming; we realize that as a staff.

Now, one thing I think the person following me as the Executive Director needs to work on is getting all the information to the council members two weeks in advance. Boy that has been a goal for I don't know how many years. But I know Gregg can pull it off. But there has been a lot of activity this year, the staff.

I'll tell you the staff at all levels have really been busting their rear ends. We couldn't pull it off if we didn't have the teams we have between NMFS and the council staff. Without that there would be no chance we could do the amount of activity or the amount of work that is produced. We thank our friends down at the Center and at the Regional Office for all their help with this.

It was kind of funny the other day, I am kind of telling on myself. I don't know if you all picked up on it, Jack, but when I was thanking you all down there during our briefing I said, we've really enjoyed working for you. Now the staff here picked up on it real quick; a little Freudian slip. Then I almost started to say, well we mean you, Roy. But no, we've really enjoyed working with the people down there. We have a good working relationship now and it has been a real pleasure working with the folks down there. Unless somebody has some specific questions, Madam Chairman that is all I have on that.

DR. DUVAL: I was going to say something, and I can't even remember what it was; it has been a long week at this point. Are there questions or comments? Oh, I know what I was going to say. I think we should focus on giving the number of actions. I think we need to focus on quality rather than quantity in the future, in terms of actions. I know we've had this kind of ongoing, but it definitely needs to be our New Year's resolution to try to reduce the workload.

I'll just add my profound thanks to Bob's for the work that the folks in the Region and the Center do, and of course our staff; it is tremendous, the amount of energy that you guys have. I can't even believe it. There must be some clones or something working in closest somewhere, or a time warp that someone is not sharing with me. I really appreciate it. Please know that we thank all of you.

MR. HARTIG: Yes, I mean the citizen science, the initiative is listed the last thing in this document. I mean I came to you, Bob, and Bob, you know, there is this citizen science program that I can attend out there in California. I'm pretty interested in this subject. He is, yes, yes, sure go on. We'll get you out there. Well, go to that, come back and all of a sudden the motion is made, we've got a Citizen Science Initiative going forward; and he never bats an eye.

I mean, he knows the possible value this could have for the council and just bucked up and here we go, down this road. Then the staff, my God, they did the same thing. They are working double overtime trying to get this thing going, and it has been an incredible experience so far, to be able to get where we are with the workshop that we're going to have in January. Thank you very much for your leadership in that.

MR. MAHOOD: Well, and it is not just that. We've had great support from the Regional Office and the Center. I'm glad to see Bonnie has really bought into this citizen science thing. She is very passionate about it, so I think that will really help it move; after all, she is the lady that has the money for that kind of thing.

But no, I think it is going to be a great effort, and that along with the visioning, which obviously took up quite a bit of our time, everyone's time this year has really kind of added to the workload. But I think it was very beneficial. It was very professional, I think, the way it was done and what was accomplished over the period of time, so I'm happy with that.

DR. DUVAL: Any other questions or comments for Bob on our activities and accomplishments? All right, seeing none; we'll go ahead and I think turn things over to Gregg for the council follow up and priorities. These are Attachments 3A and 3B.

MR. WAUGH: The first item is the Regional Operating Agreement or what we call our Follow-up Attachment 3A. I am not going to go through that. This is what we used to track the details of what is going on in each amendment. You can, especially committee Chairs should take a look at the Draft March Agenda, and we've already got some modifications here. We need more time for dolphin wahoo. But committee Chairs should look at that. It begins on Page 84. If you have some suggested changes, you think you need more time, let your staff lead or me know about that. We'll update this with our priorities after we work through that from this meeting. But again, I'm not going to go through that. If you have any questions, I will be glad to answer them; or get with me one on one.

The main item we wanted to deal with was looking at the priorities for the upcoming year. I think first Amber was going to go over the results from the visioning amendment results. Then we'll get in to see how we fold that into the slots that we have available.

MS. VON HARTEN: Essentially, this is listed in the order of priority. This is the rating average for how this kind of fleshed out. The top priority that you all ranked was the Fishery Seasonality Retention Amendment. That was the one that was using the approach that would take several actions across several objectives to develop an amendment.

The next one was sub-regional management, and then a sector-based amendment for the commercial sector and then the last three fell out like that. I guess what we need guidance on is how you want to collect public input on this, and how you want to reserve a slot for the next 2016 and '17; one slot, two slots, whatever. I can send this around if everybody would like to see this.

DR. DUVAL: Thanks, Amber.

MR. WAUGH: This is the spreadsheet. You saw this basically in October. We went over it briefly on Monday also. I've been making notes as we have had discussions within the various committees. If you look at Item 3 here, in terms of timing, for a full amendment we're blocking out four quarters.

Basically, it takes a year to get through a full amendment. That is to give you a chance to see the final document at the final meeting. A framework of a regulatory amendment, we're blocking out three quarters; that will basically give you three council meetings, so that at that last meeting, you look at the final document to move forward.

Again, what we've got blocked out here, and this only shows our staff leads. We've got Mike Errigo, who helps with data and input on all our amendments. He bridges the gap between assessments and amendments, and John provides input on assessment related issues and analyses. They help with these as well.

But just looking at our sort of staff leads, we've blocked out for Brian to do economic analyses for all the amendments, Kari to do social analysis for all the amendments; and then that would leave them the opportunity to work on another amendment as the lead. Bold items are carryover from last year, so CMP Amendment 26; Kari will be finishing up in the first quarter of 2016.

Then she would be available to work on another amendment. Myra is finishing up Amendment 37 the first two quarters, and then basically all of next year will be working on Amendment 41. We've got issues that are in Regulatory Amendment 23, Regulatory Amendment 24; our suggestion is to combine those.

There has been some discussion about adding a few items to that. The black sea bass size limit issue is one that could be added to that; and Mel has some interest in looking at the powerhead prohibition off of South Carolina, and that would be the first opportunity for that action to be considered.

The Regulatory Amendment 23/24, if we combine that, that could also take care of the assessment related actions that come from the golden tile and gray triggerfish assessments. Amendment 43 would be red snapper, and that is blocked out to take a whole year; and Chip would be our lead on that.

Chip has expertise from his time on the SSC reviewing the prior assessments. He's attending all of the assessment workshops, as is our other staff Mike, as well. I will be finishing up work on Amendment 36 and a little bit of the for-hire, and then transition in with a new person to take that over fairly quickly.

Roger is working on the FEP2 all of next year, some carryover resulting from that into 2017. What we've got sort of penned in here for your consideration then is a coral and shrimp amendment. That would look at the allowable fishing areas for golden tile and rock shrimp, potentially modifying those.

We've got CE-BA3 on here; we'll get an update from the region on where we stand with the bycatch reporting. There will be no work done on CE-BA3 in the first quarter, so that frees up some time that Chip has there. There has been talk about a yellowtail amendment to deal with a range of alternatives.

The recommendation would be to do that as a separate amendment, because we will need to coordinate with the state of Florida and with the Gulf of Mexico Fishery Management Council to make sure we have consistent regulations. There was talk about a cobia, making changes to the bat limit and perhaps some other measures there.

That could be done via a framework and again that is something that is in the coastal migratory pelagics, so Kari could work on that if you wanted to put that in here. Dolphin Wahoo Amendment 10, we didn't get through that here, so if you wanted to keep that on that would be an amendment, so four quarters.

If we start back up with that at the March meeting, then this would slide, basically one quarter. What is not on there is spiny lobster if we have to do anything with that. We will have new assessment results coming for blueline, this is Item 11 on there; for blueline and red grouper at our March or June, 2017 meeting; perhaps starting after that June meeting we would be looking at a regulatory amendment to deal with those two.

Certainly, the bold items here are carryover and so we would think you would want to keep those and finish those up. The rest and the economic and social analyses are pretty well set. The rest of it is up to you. You can move these things around, take them off, and put new items in there. This is how we're going to indicate our priority for working on amendments.

MR. BREWER: With regard to Dolphin Wahoo Amendment 10. We know that we're not even going to be looking at that until March, now they see you've already said the first quarter is freed up. I'm thinking that with regard to that Amendment 5, the end of July or thereabouts, we may have a much better idea of what, if anything, is necessary under Amendment 10; because we may find that with the additional 400 and something thousand pounds that it has gone over to the commercial; and with what we have put in the framework amendment that a lot of work is not going to be necessary there.

In other words, it may well be that with those two steps commercial are going to be within their quota, and we may not have the problem that we were worried about. It might be that you would want to free up even more than one quarter on Dolphin Wahoo 10.

MS. BECKWITH: I was not thinking quite along those lines, but if we have a discussion about what we take to scoping, we'll still talk about what we might take to scoping in March, and then take it to scoping and have the Dolphin Wahoo Committee chime in, probably in April. We won't really be ready to look at anything likely until June.

But that still means that Brian will have some work associated with it. I was wondering with that freed up slot in the first quarter, if that might allow at least some analysis for the cobia framework to be done. I don't know if Brian does that sort of stuff, but to get us moving in that direction for the March meeting.

MR. WAUGH: Sure, we can look at rearranging who is working on what, but certainly, Brian would be doing the economic analyses. We wouldn't anticipate being able to finish that cobia item there. But certainly, he could devote some of his time to that, yes.

DR. DUVAL: When I look at some of the stuff, and I look at the top two priorities that fell out of the survey that we took, the first was fisheries seasonality and retention and the second was sub-regional management. Just in looking at some of the items that are slated for Regulatory Amendment 23 and 24.

I think fishery seasonality and retention could capture the spawning season closure for shallow water groupers, it could capture the jack's trip limit. We could put the golden tilefish fishing year that we would either fit in there or under sub-regional management; the golden tilefish fishing year.

I think the black sea bass size limit might fit under the seasonality retention. I'm just trying to think of ways where, if how we organize some of these priorities such that they are consistent with visioning. That is, Dolphin Wahoo Committee; 20.5 Pages; 276.75, what I was sort of encouraging folks to think about as we were moving forward.

MS. McCAWLEY: Does that mean that the yellowtail could go under the sub-regional management and take up a slot?

DR. DUVAL: I was thinking about that. I know that yellowtail might be a special case just because we have to coordinate with the Gulf Council on this. I would welcome other thoughts around the table on that.

MS. BECKWITH: Not so much on the yellowtail, but there is also that potential ACL share component that it sounds like there is some interest in that would, according to what the Accessibility Amendment.

DR. DUVAL: Fishery Seasonality and Retention?

MS. BECKWITH: Yes.

MR. PHILLIPS: Hello, up there. I have just been kind of making notes, and the list is getting pretty long. Yes, we might have to sit down and work with staff and figure out what we can

group together and where we can put it; and maybe bring this back at Full Council. In coral shrimp, I don't want things to fall off of the table.

But we don't have any, as far as the golden crab, potential expanded area. We don't have any maps yet or any mapping on where we could put a line yet. If we don't have the maps we need to figure out what we might can do, when we might can do it. I really hate sliding that back, but on the other hand, if we don't have the material we need to work and do it. We need to be using that time wisely.

DR. DUVAL: Charlie, are you saying remove coral shrimp or are you saying shift it down into 2017 until we can get the information that we need to move forward with this?

MR. PHILLIPS: Madam Chair, I'm bringing it up for discussion. The shrimp, we know what the lines are. Now whether we want to go ahead and just do the shrimp and not be able to do the golden crab line, because we do not know where the line is at that. My suggestion is to have some kind of discussion on what is rational, what we can do and makes sense and what doesn't.

MR. WAUGH: There are some efforts ongoing now to get mapping down. Chip had a call; he's coordinating with Roger so that work is ongoing. As far as the rock shrimp, I thought once we had the lines actually resolved that there is less pressure now to look at adjusting those again. There was a lot of confusion over the lines, and I don't know if Roger could clarify that. But my understanding is that now that the fishermen actually have the correct corner locations plotted, it wasn't that much of an issue any more. Chip may want to weigh in on that as well.

MR. PUGLIESE: Just real quick. I think one of the things that are telling is when we were looking at the iteration of the line that was being published and making sure, there was some confusion in the way it was being projected through their information. They had plotted their locational information.

Once they actually re-plotted it, virtually all the information was showing that they were fishing outside that line anyway. I think to a great degree that helped clarify that it wasn't in the core area that they had identified earlier on. Chip may be able to add if there are any other comments. I don't think we've had any additional real requests to go back and revisit that deliberation of that fine line; but things may be changing as we speak.

MR. COLLIER: I don't think it's changing, but the shrimpers definitely wanted those lines to be looked at again, just to make sure that it is where they need to be based on coral distribution.

DR. DUVAL: To that point, Charlie, and then I am going to get to Chris and Jack.

MR. PHILLIPS: That being said. Maybe we just need to check with Mike Merrifield and make sure everybody is on the same page. If we need to make some half-mile, quarter-mile adjustments so be it; because again a quarter of a mile makes a lot of difference sometimes in some places.

MR. CONKLIN: Thanks for allowing me to speak; I'm not on this committee. Did we just move some shrimp lines in one amendment and that was our second time moving them? Okay, thanks for the clarification there. Look it has been a common theme this week, we had a

comment from Bill Kelly about Luis or Leann Bosarge in the Gulf, and we saw some of her ideas and the Gulf Council's ideas on a soft allocation shift in season.

There has been a lot of talk about something like that for a few years, and if there is any way we can begin work on something like that. That could possibly be - you know, if we take time and do that and do it the right way, it might actually free up a lot more time so we wouldn't have to be patching up holes in other fisheries if we could keep them open and not have to rush to fix the dolphin, or fix the blueline tilefish or something like that.

MS. BECKWITH: Or Cobia, because it already helped us on cobia.

MR. CONKLIN: Cobia, yes. I know some people weren't really that open to it before, they thought maybe the commercial guys were going to get all the fish. But you know we learned this week that there could be shifts between the sectors. I think it is past time to begin work on something like that if at all possible. Thank you for allowing me to speak.

DR. DUVAL: Chris, you can always speak. Jack.

MR. COX: Thank you, I'm not on the committee, but for the almaco and into Amendment 23, I continue to get the commercial crowd to ask me to please let's do something with that; so let's make that a priority in 2016.

DR. DUVAL: I don't know if you heard what I said previously, but that was something that could, if you looked at how the priorities fell out from the visioning survey that we took, one of the first things was a fishery seasonality retention amendment. Regulatory Amendment 23 could become the Fishery Seasonality Retention Amendment, where I think putting in a trip limit on the jacks to address being able to stretch that fishery out could fit.

MR. COX: Okay, thank you. It continues to get pushed.

MR. CONKLIN: We were having some conversation earlier in the week, Ben and I and Jack and we've been talking a little while about this as well. But maybe we could do something with red porgy in that amendment as well, about trying to get it opened up during the first Bee-Liner season, since we have a ton of discards.

DR. DUVAL: That was right, Chris had brought forward some potential options looking at, wasn't it a split season for red porgy?

MR. CONKLIN: I believe so, yes ma'am. Just for the record, Ben said he's read a lot of stuff saying that we might get it open during the spawning season.

MR. HARTIG: There isn't a lot of biological, I mean they're hermaphroditic, but it doesn't really give you the bang for the buck as it does for a number of other species. I'll get the citation; and they spawn everywhere that was the other thing, and they don't form large aggregations.

DR. DUVAL: Things on the list, and I am just thinking these are things that could fit into a regulatory amendment that would be focused on Fishery Seasonality and Retention. Red porgy

split season, the jacks complex, the spawning season closures, the shallow water grouper spawning season closure, possibly the – I’m trying to figure out where the black sea bass size limit might go – the I guess I would call it the temporary allocation shift framework that Chris brought up. That might fit under retention.

The one thing we want to be careful about is, you know, as Roy said, you take a regulatory amendment, you load it up with a lot of things and it takes just as long as a normal amendment by the time you get through all those analyses. I think we just want to be careful about that. Just because you shove a bunch of things into one slot, doesn’t mean that it’s only going to take two or three slots.

Then it might bleed over into taking much longer than you think. In some instances it just might be better to parse those things out. We need to check in on a coral shrimp amendment, cobia framework, yellowtail; whether that is its own special amendment or if that is part of sub-regional management. I’m only seeing, in terms of 2016 I see one, two, three, four, five open slots right now and that is it; and recognizing that a regulatory amendment takes up three slots.

If there is a temporary allocation Gregg is reminding me that is a plan amendment. That would take up four slots. It seems like we’ve been talking about and the reason I encourage folks to look at the Gulf Council actions in Amendment 26, and reminding folks who were here a couple years ago when we were looking at a Spanish temporary allocation shift.

That this should be a broad framework that we structure it so that either sector could take advantage of this kind of opportunity, you know it is not just a one way trade. We would want to make sure we were structuring it such that we set up triggers that could be used in any fishery.

MR. HAYMANS: I am not on your committee, but I thought that you said you left the Coral Shrimp in there, and based on what we talked about a few minutes ago, I wouldn’t have a problem in the world moving Coral Shrimp to ’17 or later and opening those spots up. I think there are a few others who agree with that.

MR. BOWEN: I know I would.

DR. DUVAL: I think the Coral Shrimp Amendment that was going to be, so we were looking at the lines for the rock shrimp access areas as well as golden crab areas. You were looking at two things in there, and I’m not so sure the golden crab folks were interested in having that delayed.

MR. HAYMANS: It’s a work issue? I mean if we’re trying to get some of the visioning stuff accomplished and trying to keep the work level fine. To me prioritizing those slots, that is a bottom priority for this. I mean I don’t want to remove it off of the two-year list here, but I would certainly move it down the list.

MR. BOWEN: I’m not taking anything away from the hard working golden crabbers that we have in the South Atlantic. But we have what 11 or 7 or something that are active, and we’ve got thousands and thousands of fishermen. The rationale behind moving that down, I think it effects, yes everything is important but there are a lot more fishermen than there are golden crabbers.

MR. PHILLIPS: Well, I would like to talk to the rock shrimp guys to make sure that they can live where they are. Yes, that is true. There are only a handful of golden crab guys, and they've been pretty patiently waiting on their stuff. We've just got to use some good management decisions and decide how to run rabbits. I don't like deciding things on two minutes of thought on it.

DR. DUVAL: I'm not asking you to make a decision right now; I'm just laying out what things are there. Jessica, I was going to ask you, can you remind us again the potential yellowtail actions. You mentioned them yesterday, but just refresh my memory.

MS. McCAWLEY: I think that we were talking about modification for the ACL, a possible trip limit.

MS. BURGESS: One new thing that has come up in public hearing that I think would be worth, public comments for this most recent regulatory amendment that would be interested in exploring would be a potential spawning season trip limit and also maybe a step down once a portion of the ACL has been reached. That was a new comment that we had heard that we have not heard before during previous yellowtail comments.

DR. DUVAL: Yes, so when I was thinking of a trip limit that is what I was thinking of, was the comments that we had gotten about a trip limit that was really specific to the spawning season; as opposed to throughout the regular year. But you could just consider both. Trip limits, an ACL step down and then this allocation shift approach that we've been discussing.

MR. PHILLIPS: If we have to move things to, I think it was Chester's point of our trip limits and step downs we have on dolphin. After we get through scoping we may also want to move that down and do some of these more pressing issues to fill in those slots and then have some educated, more fleshed out discussions on how to run those rabbits and when to run those rabbits on that.

DR. DUVAL: On the record, people.

MR. PHILLIPS: Ten.

DR. DUVAL: Gregg has been moving stuff around on the screen as we've been talking; so if you see under the Myra slot, lucky Myra, Fishery Seasonality Retention Amendment. I am thinking if we just have one regulatory amendment that is focused on items from visioning that are addressing this seasonality retention that would be good, because we do have other priorities that we need to focus on. I don't know how folks would feel about yellowtail snapper. It is certainly sub-regional management, but I guess in my mind I was thinking in terms of sub-regional management that we would be talking about a broader area, whereas yellowtail, I think, is kind of a special case of sub-regional management. I mean clearly we need to do something.

MR. HARTIG: I want to ask a question. We're trying to slow down; I'm just going how many items can we put in a regulatory amendment?

MR. MAHOOD: What is it, 150, Roy?

MR. HARTIG: I just think you really need to just have X amount of items in a regulatory amendment. Now I know probably some are more challenging than others, which should take into account how many you could put in as well. This is where I got back to the decision tree approach we talked about. I talked about, we didn't, I talked about; somewhere down the line I think we're going to need that. But to me, we're trying to slow down and then we've taken these regulatory amendments and just cramming them full of stuff, and then we're not slowing down.

MS. McCAWLEY: I was going to mention that I thought that the Gulf Council had already started a larger amendment on yellowtail. Do we not need to be tracking and doing that at somewhat the same timeframe?

DR. DUVAL: I don't know.

MS. McCAWLEY: I mean, I'm pretty sure that they started an amendment, a broader amendment like what we're talking about here, so if they started it.

MR. HAYMANS: May I speak to Ben's point for just a moment? Ben, and Gregg, I guess. We've got a number of amendments here, but we've kind of got them pushed into these yearlong processes. Some of them may not need to happen as quickly as a year, and so if we stretched them out a bit so that you didn't hear each of these amendments every single meeting. We wind up hearing less amendments at each meeting, right? Is that an approach we could take to kind of not hear so many actions each time?

MR. HARTIG: If you can find some that aren't time sensitive, but I don't know how many of those we have.

MR. HAYMANS: For instance, the Coral Shrimp. I've mentioned pushing it down, which is done here. But maybe to meet in the middle you start something with the golden crab as part of that. But it is not something that we're going to cram into a year. We start looking at it now, but we finalize it in '17 rather than trying to jam it all in there. I don't know how that works with staff time. I don't know some of the others may be the same way.

MR. WAUGH: I think, in addition to the staff time issues, it is your time to make sure we're fresh on what is in an amendment. The way we've sort of approached this is that there are enough time sensitive issues to fill these available slots that we have. We hadn't really given much thought to sort of starting on one and stopping it and switching to another. But that is certainly something we could think about.

MR. PHILLIPS: Well, until Jessica said something about the Gulf working on yellowtails, I was thinking dolphin and yellowtails would be some of the prime candidates for the allocation amendment, which to me should probably take the place of Amendment 10. But again, I'm not sure how we mix and match and make it have a cake out of it.

MS. McCAWLEY: I'm trying to get clarification on the Gulf's Comprehensive Yellowtail Amendment. I'm trying to get confirmation on the timing.

MS. BECKWITH: For the cobia framework, since it does not appear that even if we started something in March that we would be able to effect the following season, so we're just going to

all have to live with those repercussions. I was wondering if we could take up Kari's second, third and fourth quarter spots for the cobia framework? Maybe, since it won't be anything but a bag limit adjustment, and maybe a reconsideration of the accountability measure. Maybe it won't take the full three slots, but that is what you mentioned the framework should be.

MR. CONKLIN: I just wanted to point out that we just got done with this yellowtail, changing the date. That is pretty much what we heard from the fishermen, what they wanted. They could live with a closure in the summertime if they had to, and there is nothing saying they're going to close again.

You know we've got other fisheries that are suffering with a lot smaller ACLs and a lot more participation that we need to circle back around and look at. If we could put it off. I mean, I understand we might need to go along with the Gulf with yellowtail or something, but we fixed that problem for now, sort of, but we patched it.

But if we could really focus in on a useful tool that we could use and apply over a lot of different stuff, I think everybody would be happier. We wouldn't have to be doing all these rushing and having stuff taking places of other stuff we need to be doing. I really see a lot of merit within the allocation shift idea.

DR. DUVAL: All right, so we have a cobia framework possibly. We have a Fishery Seasonality Retention Regulatory Amendment. Coral Shrimp has been shifted down into 2017, and I think Jessica can get some clarification on timing of yellowtail that might help inform us. I guess the things I see, an allocation amendment is probably going to get fairly big; unless it just stays focused on development of this tool.

I will say that development of a tool for a potential temporary shift, you still have to have a mechanism for triggering that and applying it to a particular species. Keep that in mind. I'm not disagreeing that that would be a priority. I think if we could limit to the fishery seasonality retention to three items that would be good. Cobia, I have mixed thoughts. I mean we're not going to affect anything for next year.

MS. BECKWITH: Right and that was my reasoning for putting it into beginning in June with Kari after she's finished with Amendment 26, because there is nothing we can do to affect this following season, but if we begin in June we'll be able to affect the next season. Otherwise, we'll have a closure with nothing in process to fix the problem and that will go over like a ton of bricks, probably.

DR. DUVAL: I think the other items that Gregg noted, and I'm not trying to add these to the list I am just trying to remind folks of what is out there; are assessment related items for gray triggerfish, for tilefish yes, because we're getting that tilefish update. I would recommend, let's use our abbreviated process that we actually haven't used yet of let's update the ACL first.

We tend to slow these ACL updates down, because we're trying to consider management actions at the same time. This might be a good opportunity to put that in place and then have a more deliberate approach to any changes in management. I mean, we just put in a split season for gray triggerfish and a thousand pound trip limit. My recommendation would be let those sit.

MR. HARTIG: To follow up on tilefish. I don't see any reason to put any more management restrictions in there. Those two species, I think, are ready to use an expedited framework procedure.

DR. DUVAL: The one outstanding item on golden tilefish was that potential change for the hook and line start date of the fishing year – Charlie – which would certainly fit well in a fishing seasonality retention amendment, we are moving forward at the end of this meeting, and I apologize for all this thinking out loud.

If we're moving forward with a change to the black sea bass bag limit. Doug, I know you're very interested in pursuing a modification to the size limit as well. It seems to me, do we not want to see how that shakes out first before we move forward too quickly with that? I see the Regional Administrator nodding his head yes.

MR. HAYMANS: That's fine, I just go by the assessment that Mike Errigo provided us, which said it is really not going to have a huge effect on the ACL, so that is why I would go ahead and move along. As much as I would like to go ahead and move along, I'm okay with waiting until we put it somewhere later, I mean that is fine. But the only reason I suggested we do it is because Mike said it's not going to be a huge effect on the ACL. Hey, I guess we'll find out if we wait, right?

MS. BECKWITH: Well, and Doug just to that point. I mean, we had some conversation today about what is the appropriate amount of ACL to be attempting to achieve? That may very well be a discussion that sort of reorganizes how this council starts looking at this. If the black sea bass with seven bag limits gets to 50 or 60 percent, we may not want. Excuse me? Fifty or 60 percent of the ACL then we may not want to continue. We may want to stick it there and leave it at achieving 50 or 60 percent of the ACL.

DR. DUVAL: If we're looking at allocation. Gregg, is it possible to e-mail this around to folks and let them think on it overnight? Are folks okay with that? You've got some real exciting drams ahead of you, Charlie. I was postulating that it would be nice to only keep a Fishery Seasonality Retention Amendment to three items, but then I violated my own thought. I am like Ben, and added the golden tilefish hook and line fishing year start date.

That is something that has been lying out. The things to me that would fit within an amendment like that – and we can talk about what might stay or go – is that hook and line fishing year start date, red porgy split season, the jacks trip limit and the shallow water grouper spawning season modifications. That is four things and that is almost one item too many.

MR. CONKLIN: I just wanted to point out that the golden tilefish fishery hook and line segment closed December 8th. It might not be a priority; we almost had a year round fishery this year, at least.

DR. DUVAL: It has closed earlier. Last year I think it closed in September/October.

MS. BECKWITH: I was just going to note that most of those items are commercially oriented, so if we could take some consideration into some of the visioning components for recreational that would be good.

DR. DUVAL: Well, you have tonight to dream about that. Is that enough for folks to think about overnight, in terms of priorities? Okay. What do we have left here, Bob or Gregg, both of you?

MR. MAHOOD: Yes, I was just going to fill the council in on the eight regional council's decision to go ahead and try to hire a person to kind of keep us informed of what is going on. I can do that very quickly if you would like me to. Yes, the eight regional councils, as most of you know have a Council Coordinating Committee that is made up of the Executive Directors and the Chairmen and Vice-Chairmen of the Councils.

For a number of years the councils have wanted to have somebody in Washington to keep us apprised of what was going on. Things happen quick up there. It is hard to find out unless you've got a lot of inside knowledge of what's happening. Most recently, we actually had the person that we've kind of been looking for all these years retired from the House of Representatives as one of the head staff members. His name is Dave Whaley.

We've all worked with him; he is very, very council friendly. We've helped him; he's let us help him on the side write a little legislation here and there and this type of thing. He is very knowledgeable about the councils, the Magnuson Act process. He spent most of his career up there in recent years working on that.

The eight regional councils - I think six of the councils have approved bringing Dave onboard, and we and I believe the Caribbean Council are still the only two that have not made that decision. Now I would like to point out, as Executive Director I have the ability to enter into contracts. That is part of the job. But this was kind of unique and I didn't want anybody to get blindsided, so I wanted to talk to you a little bit about it.

There are several attachments in there, one deals with the Gulf Council already has Dave under contract for the rest of this year. They are the lead CCC Council. What happens is each year a council area or jurisdiction we're going to meet in that Chairman and ED become the lead for the CCC for the year.

The annual meeting this year was down in the Gulf, and the Gulf Council has been the lead. They have funding available to cover Dave the rest of this year. He has already provided a lot of information. I've been kind of shifting it over to Michelle, but once we get all this going we'll be sending it out to everybody. There is a lot of stuff going on up there that we need to be aware of. You will see in there, there is a draft kind of scope of work. It will be tailored for each council. The cost to each council is \$7,500.00 a year. It is not a significant cost for a contract of this kind. I just want to make sure you're all aware of it and see if anybody had any questions.

DR. DUVAL: Are there any questions for Bob about this?

MS. McCRAWLEY: I think it is a great idea. Dave Whaley is an excellent individual to do this. I just was looking at the scope of work and noted that you all are not tracking the Sportsmen's Act. There is also another bill out there that has to do with Biscayne National Park and National Parks, I believe that that has been added to the Sportsmen's Package on one side, but on the House side but not on the Senate, so just something that you might want to add to track.

MR. MAHOOD: Right and like I say, each council has things in their area that are pretty individual, and we can certainly add that into our contract. We would do the typical contract we do with an individual for this type of work.

MR. BELL: He would work with all eight councils simultaneously?

MR. MAHOOD: Correct. A lot of what he would provide would be generic to all councils, but then each council might have specific areas they would like him to be keeping track of. Now he can't lobby for us. He can't go up there and lobby for money or talk to people about what the council's would like to have or see. But he certainly with his experience can certainly help folks get an idea of how the Magnuson Act would work best. He will be a contact with the councils.

DR. DUVAL: Any other questions for Bob about this? Does anyone have any concerns about entering into such an agreement? Personally I think it would be extremely helpful. I've seen some of the summaries that Dave has provided to the Gulf Council and I certainly don't have time to dig into all of that stuff or go researching it, so it is really helpful to have that kind of summary.

DR. LANEY: Well, just a question for Bob and also for you too I guess, since you're very integrally involved in ASMFC. I know ASMFC has a person on staff that sort of serves as a congressional liaison in the person of Deke Tompkins. They also have a firm that tracks legislation for them and provides, I think it's a couple of summaries a year at least.

I guess those of us that are a part of ASMFC, see all of that information as well. Is that something that is duplicative to a certain extent? I know because obviously the jurisdictions are different, so there may be some interests that are different but also there would be some overlap there too, I would think. I don't know whether that has any bearing on this contract or not, but I just mention it.

MR. MAHOOD: Yes, and I think it might be a little overlap, but the difference with ASMFC, their liaison can lobby, because he is being funded. Although ASMFC gets a lot of federal funds they also get state funded resources. Each state pays a certain amount of dues to ASMFC and that allows them more flexibility than the councils have that receive 100 percent federal funding.

This is something; obviously somebody from ASMFC wouldn't provide information that would benefit the other councils. Although it did come up in some of the discussions at the Pacific Council relative to the Pacific Commission has a similar thing that the Atlantic Commission has.

MR. COX: How much did you say the charge was for him to do this?

MR. MAHOOD: One point five million; no, \$7,500.00 annually.

DR. DUVAL: That is very cheap.

MR. MAHOOD: It's cheap for up there.

MR. COX: I could just forward the Seafood Harvesters of America's newsletter to you guys; they watch this stuff like a hawk up in D.C.

DR. DUVAL: There are lots of groups out there that track legislation through their own lens. I think that is the difference here is that this would be through the lens of the councils and council activities.

MR. HARTIG: We saw the Jolly Bill over there in the Gulf looking for 10 million dollars for better science. There is some e-mail track going around, just the realization that if we don't get involved with Congress we're dead in the water as far as getting any money anytime. We don't have a champion yet, maybe we can find someone. But is this someone that we could work with to help? No.

DR. DUVAL: Like Bob said, we cannot lobby. This is someone who is helping us keep track of just legislation.

MR. HARTIG: I wasn't asking him to lobby, I was asking him for someone who could point us in the right direction to be able to educate us on the best way to move forward in trying to find a champion possibly, better ways to look for money within Congress, maybe not us but other constituents. It is just an educational thing. Would he be available for that type of exercise?

MR. MAHOOD: He certainly could recommend people to us that we might want to contact, the council members may want to contact. He's got a lot of connections that will be very useful. We have to be very careful. We are like NMFS, NMFS can't go up there and lobby for funding or research vessels or that kind of thing.

This has all been very clear in all this development of this, the contracts and things like that. But he has already, I mean I've seen a couple things in the material he sent out that I didn't know was going on up there, and some bills that have very specific funding for like states and certain geographical areas and this type of thing; and there are so many of them.

DR. DUVAL: Just to circle back to any concerns about this. I just would like to get the consent of the committee. Okay I'm not seeing any concern so you have our blessing.

MR. MAHOOD: Thank you and I assume everyone would like to get the information, more information.

DR. DUVAL: Yes. I think there was just one other item, which was standards and procedures for participating in council webinar meetings.

MR. MAHOOD: Right, and we weren't going to get into the weeds on that just to tell the council kind of what the staff has been looking at. We've had a couple things come up relative to webinars, and as all of you know, we're shifting more of our efforts in an effort to save funds and provide really better information to a greater, wider audience through webinars.

Some of the things that came up like I think at the last Snapper Grouper Advisory Panel meeting were, can a Snapper Grouper Advisory Panel member be at home on the webinar and still vote? Obviously, they can participate, but can they still vote and this type of thing? That leads to the question, can a council member sitting at home on a webinar while we're all here together, vote?

Those kinds of things need to be discussed, and we need to develop some procedures and some policy about how we're going to develop this. I mean, if that was the case we might show up and there might be three of us and everybody else is on the webinar, I don't know. But maybe Monica has an answer.

MS. SMIT-BRUNELLO: Well, I don't know if I have an answer right now, but I would be glad to help. I've heard this issue come up. We have a biweekly weekly Magnuson Act attorney's call with attorneys across the country who advises councils and that sort of thing and I believe this has come up in Alaska, and it came up somewhere else; Gulf of Mexico that's right. In my office, I should know about this. I can help provide some advice on that and I'll be glad to look into it.

MR. MAHOOD: We will certainly take you up on that.

MR. BOWEN: I'll be at the beach house tomorrow, you all can let me know from there, I'll be listening in.

DR. DUVAL: That was our last item of business. Is there any other business to come before the Executive Finance Committee? If not, I think Gregg is going to e-mail around that Excel Spreadsheet so folks can be thinking about, and I would especially encourage thinking about the top priority items that would want in a Seasonality Retention Amendment. I think we've already got the other ones kind of outlined, in terms of slots. But we need to give that some thought. Chris, I saw you with your hand up?

MR. CONKLIN: No, I didn't have it raised.

DR. DUVAL: He was just cheering that we're recessing until tomorrow morning. We will start at eight o'clock.

(Whereupon, the meeting was adjourned, December 11, 2015.)

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*(Continued)*

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**South Atlantic Fishery Management Council -  
December 2015 Council Meeting  
Atlantic Beach, NC**

**Date:** Thursday December 10, 2015

**Committee:** Executive Finance

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# COUNCIL MTG DAY 4

10 Dec 15

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