**SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL**

**JOINT DOLPHIN WAHOO, GOLDEN CRAB, AND SNAPPER GROUPER ADVISORY PANEL MEETING**

**Webinar**

**August 10, 2022**

**Transcript**

**AP Chairs and Vice Chairs**

Chris Burrows, DW Chair
Robert Lorenz, SG Chair
Howard Rau, GC Vice Chair
James Paskiewicz, SG Vice Chair

**AP Members**

Harry Morales, SG AP
Bill Richardson, DW AP
Paul Pancake, DW AP
Tim Scalise, DW AP

**Council Members**

Dr. Carolyn Belcher
Kerry Marhefka
Mel Bell
Trish Murphey

**Council Staff**

John Carmichael
Dr. Judd Curtis
Allie Iberle
Nick Smillie
Dr. Chip Collier
John Hadley
Dr. Mike Schmidtke
Christina Wiegand

**Other Attendees**

Dustin Anderson
Rick DeVictor
Nick Mehta
Alan Bianchi
Frank Helies
Wiley Sinkus

The Joint Dolphin Wahoo, Golden Crab, and Snapper Grouper Advisory Panels of the South Atlantic Fishery Management Council convened via webinar on August 10, 2022 and was called to order by Dr. Mike Schmidtke.

DR. SCHMIDTKE: We'll go ahead and get started this morning. Welcome to everyone. This is a meeting that is open to the Dolphin Wahoo, Golden Crab, and Snapper Grouper Advisory Panels. This is intended to be a joint meeting. We had scheduled it initially with the intent of it being Chairs and Vice Chairs, to represent their respective APs, just so that we don't have this large list of people all trying to hop onto one webinar, but, with the group that we have today, it seems that we can accommodate comments and questions from all the folks that are here from the APs.

We'll go ahead, and I'm going to essentially be chairing this meeting, just because this is a joint group, and I will be leading us through this, and so our agenda today is very brief, and we're just talking about the Acceptable Biological Catch Control Rule Amendment, and that's what we'll be going through. I will give a presentation, and, throughout that, there will be breaks for questions and discussion, and the AP representatives will be able to provide their recommendations to the council related to this amendment.

I see, online, that we have Chris Burrows, who is our Dolphin Wahoo AP Chair, and James Paskiewicz is online, and he's the Snapper Grouper AP Vice Chair. Bob Lorenz will be joining us a little bit later, and I do also see that Harry Morales is online from the Snapper Grouper AP as well, and then we have several council members, and I just want to recognize them, for folks online, and so Mel Bell is our Council Chair, and Carolyn Belcher is our Council Vice Chair, and then we also have Trish Murphey online, and she's one of our council representatives from North Carolina. I'm going to go ahead and pull up the presentation, and we'll get started.

Most people on the webinar here are kind of pros at this, but, just in case there are any -- Actually, I can pull this up in a different view, so that we can see the hands raised as we're going through, but folks that are on here are kind of pros at this at this point, but, just as a reminder, for those who are not as familiar, or may have forgotten, the main tools that we have for working the webinar -- First of all, there is the mute and unmute button, and that's the microphone that's at the top of your dashboard. When you are muted, it has this kind of orange icon. When you are unmuted, it has -- When it is lit up green, then you are unmuted, and you are available to speak.

The next real main icon is the hands-raised button. When you see red there, that means your hand is raised, and so it's representing the action that you want to do. If you want to put your hand up, you hit that button, and it will turn red. If you want to put it down, you hit that button again, and it will turn green, and then, finally, you can type questions in the questions box here, and we will try to recognize those as we go through.

The ABC Control Rule Amendment, just a brief summary of everything that it's been through, it started back in 2018, and it went through a pause period, while we were awaiting some guidance from NMFS concerning carryovers and phase-ins. After that guidance was given, work resumed on it, and we've continued working on it through the present day. We're now getting to kind of the later stages of this amendment's development. Right now, we're in the process of -- We're getting ready to go into the public comment process. There will be a public hearing later on in

August, as well as during the public comment session at the September council meeting, and, in December of 2022, the council will consider this amendment for final approval.

Before getting into the actions and alternatives portion of this, you will note that the ABC Control Rule Amendment is quite technical, and there are some very important definitions to go through, and just kind of some groundwork to lay, so that we can have some good feedback from folks as we get into the discussion portion.

Two of the big terms that are going to be talked about, especially in the first action of this amendment, have to do with risk and uncertainty. When we use the term "risk", we're using this to denote management risk, the risk of overfishing occurring, and this kind of has multiple meanings. It carries a lot of effects surrounding. There is a probability that we can try -- In some instances, we can quantify, using different stats we have about the fishery, of how likely fishing at a certain level is to exceed the overfishing limit, and there's also consideration, in this amendment, about the effects of overfishing, and that is something that can vary from stock-to-stock.

We'll talk a little bit about that when we get into something called the stock risk rating, and I will point back to that, but that really takes into account, if overfishing occurs for a stock, how significant of an effect is it, and how likely is it to be able to withstand a higher level of fishing, and how likely is it to be able to bounce back from it, and this risk aspect also carries with it kind of this cost-benefit.

If you look at the comic on the right, you kind of think of people standing near a cliff, and the cliff is the overfishing limit. We kind of have an idea of where that is, based on what we know, but we can't see everything in the ocean, and so there is a level of uncertainty surrounding it, and there is the question of how close to the cliff you are willing to get, how close you're willing to fish to that limit, but have some confidence that you're not going to go over, and so that's something that is within the council's purview. They weigh that kind of cost-benefit of how close to the overfishing limit the limits are going to be set.

Now, the other definition is to go through is this aspect of uncertainty. When we talk about that, we're using it to denote scientific uncertainty, and this can be of stock assessment results, and this can also be of biological information, and a lot of that goes into stock assessment results. We have estimates of different aspects, characteristics, of these various species, these stocks, and each of those estimates -- When we have a certain number, it carries with it a level of uncertainty, because we're assuming that the data that we have is representative of something larger, some larger population or some larger action.

That uncertainty is taken into account, and that's something that is considered through our SSC, and so they are the body that looks at our stock assessments and reviews them before the council then steps in to make the management decisions related to those.

Next, we have kind of the focus of this entire amendment, which is the ABC Control Rule, and ABC is the recommended maximum amount of fishing that can be annually harvested, after accounting for scientific uncertainty and management risk tolerance, kind of those terms that we talked about in the previous slide, and this is recommended by our SSC, and, really, the ABC is the basis for federal fisheries management. All of the annual catch limits are kind of derived based on the ABC, and they are set in some way relative to the ABC, and then, from there, kind of the

more on-the-water-type of management of size limits and trip limits and bag limits and all of that -- Those are put in place to try to achieve ABC, to be able to get the fishery to fish at that level, but not exceed it.

The ABC Control Rule is our bridge between the science and the management, and so our science -- We have our stock assessments, and we have our various monitoring tools for different types of catch, and then we have our regulations, and how do we translate that scientific information that we get from those monitoring and assessment tools into regulations, and that's what the ABC Control Rule does. That's its role in this entire process, and so it defines how risk and uncertainty, those terms we talked about before, how those can be evaluated and then used to estimate an ABC.

The general formula for an ABC, and this assumes that we have a stock assessment that's giving us an overfishing limit, but the general formula for an ABC is an overfishing limit minus some buffer that takes into account the scientific uncertainty and management risk, and that gives us our ABC, and so that gives kind of a broad overview of that tool.

The current ABC Control Rule -- These are kind of the steps involved with it, and so, first, a stock assessment is completed, and this is assuming for Level 1, or assessed, stocks. If you want to look at a little bit more about what it means to be a Level 1, or an assessed stock, or some of the details that are behind these numbers, I would refer you to the document that was sent out in the briefing book, and that gives a bit more detail than what I will go through today, but the first step is that a stock assessment is completed.

Next, the SSC reviews the assessment, to determine if it is the best scientific information available. If the SSC then gives that assessment the thumbs-up, they go through a process where they evaluate four tiers of characteristics about that assessment, and so one is the information that went into it, and the second is how that assessment characterized uncertainty. The third is the status that came out of that assessment, the overfished or overfishing status, and then, finally, the PSA, which is a productivity and susceptibility analysis, and this analysis looks into, I guess, how vulnerable a fishery is to overfishing and becoming overfished.

Based on this evaluation, the SSC comes up with a P*, and P* is the accepted probability of overfishing, and so, anytime you remove fish from the ocean, there is going to be a chance that overfishing occurs to that stock, and the P* helps quantify, well, how much of that chance of overfishing is the council willing to accept. It cannot exceed 50 percent, per rules of the Magnuson-Stevens Act. 50 percent is where the OFL, the overfishing limit, is set, and so that's the absolute highest P* that can be allowed for a stock.

As I talked about before, the ABC comes into play, and that formula is OFL minus a buffer, and then you have the ABC, and so the P* that actually goes into place is adjusted down from an initial value of 50 percent, and that adjusted P* is then applied to the assessment information, to give ABC, and our AP members and council members -- You all have seen that play out in the catch projections of ABC that have come forward and been used to set annual catch limits.

The ABC Control Rule also includes categories for unassessed stocks, and I won't go into all the nuts-and-bolts of these, but I just wanted to list them out here. There is a bit more information in the briefing book document, but the thing that I do want to highlight is that this is a finite number of methods that are allowed, and so you have 2, 3, 4, and this 4/5 has to do with this ORCS level,

this Level 4 usage, and that's a method that only applies for the Snapper Grouper Management Plan, and it's not applied to the Dolphin Wahoo or the Golden Crab Management Plan, but the big take-away from this slide is that there are really four methods, that are allowed by the current control rule, for us to come up with an ABC for an unassessed stock. As we'll get to a little bit later on, we'll discuss that the number of methods that have been developed for these types of stocks has really grown, especially over the last ten to fifteen years.

What is this amendment trying to do? This amendment is considering a revision of the ABC Control Rule to address some of the concerns from the SSC and the council since the last revision, which, for dolphin wahoo and golden crab, that was the Comprehensive ACL Amendment. For snapper grouper, that was a bit more recently, but a lot of it was founded on the Comprehensive ACL Amendment as well.

Some of these concerns were clarification of the council's role in determining management risk. If you will notice, thinking back to when I described the current control rule, that's a process that the SSC goes through in developing the P*. The council really isn't involved in that process of coming up with the P*, and, thinking way back to the definitions that I set out at the beginning, that's really within the council's purview, to come up with that accepted risk of overfishing, and so there was some desire to have clarification of how the council plays a role in determining the management risk that is applied.

There were also some concerns from the SSC and their inability, under the current control rule, to adjust uncertainty when they apply the control rule to assessment information, a limited number of data-limited methods, as I talked about a little bit earlier, and then, finally, to incorporate some of the additional flexibility that is allowed, through the more recent NS 1 guidance on phase-ins and carryovers.

This amendment considers three general actions, and you will notice there are four actions defined in the amendment, and I will talk a little bit about that when we get to carryovers. We have separate actions for carryovers, talking about which stocks are eligible and then how they would be carried out, but they're really going after the -- Both of these actions are moving towards the same goal of these would allow carryovers to occur within the ABC Control Rule process.

The first action is to make modifications to the control rule itself, to kind of the base application of the control rule. The second would be adding in the use of phase-ins, and I'm sorry that this slide was carried over, but we will be discussing phase-ins today, even though it has been reviewed up to this point by other bodies, and then, finally, carryover of unharvested catch.

As we go through these actions and alternatives today, I will present each action and what's been developed concerning it, and there will be some time for clarifying questions, and then we will take -- Instead of just doing AP Chair and Vice Chair at first, we will just take comments from any AP members that are here, as well as if there are some questions from council members during that questions portion, and we do want to make sure that we clarify all these things, as we're going through this process, and we'll repeat that for each of these actions. I will first pause here, to see if there are any questions about that introductory information that's been presented thus far.

Not seeing any, I will go ahead and jump into Action 1. Action 1 is looking to modify the ABC Control Rule. I talked through kind of the status quo control rules for Dolphin Wahoo, Golden

Crab, and Snapper Grouper already, but you can see that Table 1 in your briefing book document has a refresher of that. Next, moving to Alternative 2, this would change how we really categorize the assessed stocks, and they would be categorized according to their assessment uncertainty, how well the SSC evaluates that they estimated the uncertainty within their assessment, and so one of the big changes with Alternative 2 is that the SSC would be able to adjust the uncertainty that comes out of an assessment or derive it, depending on how well they think the assessment team did, and this would go into how the control rule is then applied to get ABC.

When talking about some of these different aspects of the control rule, risk tolerance, under Alternative 2, would be specified by the council, using biomass and risk rating, and we have kind of a table describing what that would look like. That will come up later in the presentation.

There are some additional options within Alternative 2, and these can be thought of as add-ons. None of them are necessary to make Alternative 2 work, but they can be added on to Alternative 2, to kind of adjust the functionality of it, and I will talk a little bit more about each of those in a later slide as well.

Next, for overfished, stocks, there has been some, I guess, confusion, in the past, about how the ABC Control Rule is applied to overfished stocks, and, really, what has been the common practice, and what seems to be the desired practice, moving forward, is that the council would set up a rebuilding plan that has a certain probability of success, of successfully rebuilding the overfished stock, and so the standard ABC Control Rule, in that case, would not apply. You would not use the normal P* approach to come up with your ABC, and you would use kind of the inverse of that, or the opposite of that, and I can't remember the mathematical term, but you would use a one minus P* to come up with a probability of success of rebuilding your overfished stock.

For Alternative 2, that would be overtly defined within the control rule. Right now, we've been relying really more on the common practice, just because it's not defined in the previous control rule, but, in Alternative 2, that would be overtly defined, and so that would be clarified right there.

I've gone over kind of the structure and terminology, and I guess kind of the only thing that I haven't gone over, as far as differences from Alternative 1, is that the SSC would -- For unassessed stocks, the SSC would evaluate the best data-limited method. The SSC has gone through a process where they have established kind of a standing workgroup that is on standby and ready to go, once this amendment is done, and this workgroup -- Their task would be to go through our list of unassessed species and use whatever they evaluate as the best data-limited method that's applicable to that species and then recommend ABC based on that.

That would take away kind of the finite nature of methods that we have in the current control rule, and that would expand it, both to accommodate the expanded number of data-limited methods that have been developed in recent years as well as any future data-limited methods that could be developed, and they would be able to consider those as they come up with ABCs.

Looking back that management risk aspect, I talked about a stock risk rating, and this is really where that comes into play. It comes into play in developing the P*, that accepted risk of overfishing that the council would have when applying this Alternative 2, and the basic take-away from this table is that, if you have a high biomass for a stock, or it has a lower risk rating, then it would have a higher P*.

A higher P* means you're accepting a greater amount of risk, and that means you're willing to fish at a higher ABC, closer to your overfishing limit, because the stock has aspects about it that would give it a lower risk rating, and this would be something like the stock grows very quickly, or matures very early in life, or has -- Doesn't have any detrimental environmental effects impacting it, and maybe it's something that is not heavily fished, something of that sort, and so you would be able to assign a higher ABC for those types of stocks, and you would also be able to assign a higher ABC if your stock is healthier, if it has a higher biomass, and you're willing to take a little more risk, because it's further away from the point where it would be considered overfished.

When talking about the sub-alternatives that are under Action 1, Sub-Alternative 2a would adjust the boundaries that are set between these biomass levels, and so we have a high, moderate, and low, and we have definitions for each of those below those categories, and this would make it a little bit more conservative.

That's what it would do, and so, instead of the line between high and moderate being at the biomass that gives you maximum sustainable yield, it would be at 110 percent, that level, and so 10 percent higher than that level, and that would make each of these -- Kind of shift these up, if you were imagining kind of a line of the biomass, and that would make each of them more conservative and make it less likely for a stock to be in the higher category, but, if a stock is in the higher category, then you have more confidence that it's going to be able to sustain that higher level of fishing.

The stock risk rating that we saw in the previous slide, that high, medium, and low risk, it's based on three categories of attributes, and you see them here on the screen. Really, if a stock is low risk, then that means that it is able to withstand a higher level of fishing and still be productive, or able to more easily bounce back, if overfishing does occur, as opposed to a stock that is high risk, and those stocks would be less likely to bounce back, and it would probably take them a very long time to come back from overfishing occurring.

That would be something like your longer-lived, slowing-maturing species, from a biological nature, and that could also be species that are -- Have those traits about them and are also being fished very heavily, and so those are some of the things that come into play here with that stock risk rating.

These ratings would be updated, for assessed stocks, as we go through our stock assessment process. The ratings would be applied prospectively, and so, moving forward, they would be applied. Nothing in this amendment would change the ABCs that are currently in place without some future action happening, and so this is talking about the method that we would be using to set ABCs into the future, and, the way that we would go about updating these risk ratings, because sometimes the biology changes, and sometimes the market, the economic or social aspects, change, and so, before each operational assessment, there would be the scores from the previous assessment, and we have preliminary scores for these risk ratings that are included in the amendment document.

We would have these scores provided to the SSC and AP. The SSC and AP would then recommend any changes. AP members, this would be part of the fishery performance review that is done right now. Before every assessment, the AP goes through a fishery performance review and fills that out, and we would just add a couple of -- Add a question, or a category, to that that

would say here is how the relative stock risk ratings are going, and it's categorical. It's high, medium, low, and so it's, in your opinion, do you think this aspect of the fishery is a high, medium, or low.

The council would then consider those recommendations from the SSC and AP and determine the risk rating, and this would be determined early on in the assessment process, so that the rating is available to the analysts when they are coming up with the ABC recommendations to provide to the SSC.

The sub-alternatives, under Alternative 2, and I talked about 2a already, and that just changes those biomass boundaries in the risk rating. Sub-Alternative 2b would allow the council a bit more flexibility, and they could deviate from those default P* values in the table that I showed before, in Table 3, and they could deviate by up to 10 percent, as long as they do not exceed 50 percent, and they would have to provide some justification for any deviations from the default, and then, finally, Sub-Alternative 2c, this would allow the council to ask the SSC to give an ABC recommendation as a constant value, as well as the annual values.

Right now, typically, we get annual values, and so, if you will recall, especially Snapper Grouper AP members, we've seen some assessments come out, recently, where you have an increasing, or you have a decreasing, catch stream for the ACLs, and there has been a desire from the AP, in several instances, to have a constant catch estimated, and, up to this point, that constant value has been the lowest of those annual values that's been put out, because you can't exceed the SSC's ABC recommendation.

What Sub-Alternative 2c would do is it would put, in the terms of reference of the assessment, that there would be a projection to run a constant catch value, and this constant catch would likely be somewhere in the middle of those annualized values, in that timeframe, but there would be a term of reference put in, and the SSC could then recommend essentially two types of ABCs. They would have one ABC recommendation that has the annual values, kind of like what we see right now, but they could also, at the same time, recommend, well, if the council wants to have a constant catch, then here is a projection, and here is an ABC recommendation, that would support that as well. That would kind of establish that as the SSC would be able to specify both those at the same time, or be able to recommend both of those.

Alternative 3, and we're almost to the question portion, and I'm happy to go back, and I know that this is kind of a slog in this early action, but Alternative 3 has a very similar structure, in terms of terminology and how it uses the tier system of the current control rule. The differences from Alternative 1 are that it takes out the stock status in the PSA tiers, and it replaces those by having the council, and so the initial P* -- Right now, the SSC starts at 50 percent and then subtracts, based on the adjustments in the tiers.

The council would set the initial P* between 30 and 50 percent, and so they would only be -- The SSC would still go through the process of subtracting from Tiers 1 and 2, the assessment information and the uncertainty, but it would be doing that from a different starting value that would be given by the council, and then the categories for the unassessed stocks -- Those would be changed to the SSC's recommended method for going through the workgroup, kind of what I described for Alternative 2.

Then, also, for Alternative 3, the overfished stocks, it would be the same as Alternative 2. The rebuilding plan would be specified to take precedence, and you wouldn't apply your standard control rule for a not-overfished stock to an overfished stock.

The sub-alternative is the same one that you saw for 2c before, and it has to do with the annual values, as well as the constant ABC recommendation values, that would go to the council from the SSC, following an assessment, and so just kind of a couple of wrapping-up other notes for Alternative 3, and the data-limited stocks, as I talked about, those would be handled the same as Alternative 2. The council would be more involved in the P* setting than Alternative 1, because they would be setting that initial value, but the adjustments would still be made by the SSC.

Then, similar to Alternative 1, and unlike Alternative 2, the SSC, under Alternative 3, would not have the ability to adjust, or derive, the assessment uncertainty. They would evaluate it as it is, and apply the control rule, but they wouldn't be able to change that as they're going through that process, and so this is a place where I can pause, and we can take questions. If you need me to go back to a previous slide, please let me know, and we do have kind of this reminder slide, and I saw that we had a couple of people trickle-in as I was going through, and so this is just the reminder of how to work the webinar, and I won't go through all the steps, but I'll just leave it on the screen for now, as I take questions. I see James.

MR. PASKIEWICZ: Good morning, everybody. I'm just curious what was the directive to push for the changes here, and maybe I missed that portion of it, but why is everything kind of changing with this, if you can kind of give me a little bit more on that. Thanks.

DR. SCHMIDTKE: So one of the -- There were a few reasons, and it's one of the earlier slides, and so I can kind of run back to that, just to highlight it visually as well, and so these were some of the concerns with the current method and some of the desires for changing this method, the first one being clarifying the council's role in that risk aspect. Right now, the council is not very much involved in setting the P*, the accepted risk of overfishing, and it's really -- The ABC is really given to them by the SSC, going through their current method, and so we wanted to clarify what the council's role in that was, because that is a council decision of kind of the cost-benefit, and how much risk does the council want to accept, in terms of managing a specific fishery.

Then there were some things, some concerns, from the SSC side as well, and the SSC had concerns about having to just take the uncertainty that comes out of an assessment when, in some instances, they might want -- They might say this assessment doesn't really account for all of the uncertainty that we have in this fishery, and so they may want to adjust, in certain cases, and they were interested in kind of the ability to do that and consider that when they're coming up with their recommendations.

In addition, they had concerns about not being able to use some of the more recently-developed data-limited methods when going through their unassessed stocks, and so that's kind of some of the things from the council and SSC end that motivated this, and then, finally, we got kind of that guidance from NMFS that you can use phase-ins and carryovers in your amendment, and we'll get to the actions that address those in a bit, but just, for the purpose of this question, one of the criteria for being to use a phase-in, or a carryover, is that it has to be in an FMP amendment, and it has to be part of your ABC Control Rule, and so this amendment is addressing that as well.

MR. PASKIEWICZ: If you don't mind me speaking on this, so, basically, this would give more weight to what the SSC can do, as far as their management options?

DR. SCHMIDTKE: It would -- I don't know that necessarily more weight to what the SSC would do, but it would clarify -- Right now, the SSC's role is really both the uncertainty and the management risk, and it applies both of those things and comes up with both of those in the current control rule, and the council should really be involved in more of the management risk aspect. They would be making the decisions, if we were to change this control rule, and that's kind of what Action 1 is geared toward, is having the council more involved in deciding the management risk aspect.

The SSC would then have a bit more flexibility on its uncertainty, on how it characterizes the uncertainty, but it would take the management risk portion of the control rule and move it to the council, and so I wouldn't say that the SSC necessarily has more weight. I would say that the council has more involvement in the control rule process, and then the SSC's role would be kind of redefined specific to its expertise, which is looking at the science and saying, you know, is this assessment something that we have a lot of confidence in, that it's representing the stock, or is it something that we don't have as much confidence in, and so, council, when you do your cost-benefit and come up with your risk, you might want to consider the scientific information in this aspect that maybe we have a bit more uncertainty about. Does that help?

MR. PASKIEWICZ: Absolutely it does, and so, essentially, when we're in our meetings, and we -- Especially in the advisory panel for snapper grouper, and we come with concerns about an inaccurate stock assessment, and we come with concerns about conflicting data that we're seeing with our own eyes, when it comes to stock assessment, real, actual data, we might be able to raise a red flag a little faster, based on that information, rather than waiting for a future assessment, you know, and maybe fisheries management can, you know, add an asterisk, or highlight a certain problem, before it comes up to the science to determine that there's a problem, and is that kind of where we're leading with this?

DR. SCHMIDTKE: I think we're trying -- This wouldn't change what comes out of an assessment, and this wouldn't change an assessment after the assessment is produced. We are trying to involve the advisory panel more in that process of, you know, coming up with the assessment, to try to groundtruth some of the data that are going into that, and we're addressing that, and that's not through this amendment.

We're addressing that through our fishery performance reviews, because those FPRs -- Those are part of the assessment process now, and that's the time where we get AP feedback, and we get AP input of this is what's being seen on the water, and, as you're gathering your data, then it's, you know, within the assessment to say, okay, this is what they're seeing on the water, versus what the data is telling us, and how do these things -- Where is the truth that we're seeing coming for these, or what are the explaining variables coming from these things, and so this amendment wouldn't change any assessments after they come out.

Now, a place where the AP would be more involved is in that stock risk rating portion for Alternative 2, because the council -- Yes, the council would be setting that, but they would be doing so with recommendation from the AP and the SSC, and so they would be asking the AP, and, you know, for Fish A, is this a fish that's being heavily targeted and marketed in your area,

or something like that, and they would be able to take that into account when talking about how risky they're willing to be, how much risk they're willing to assume, when applying the control rule, but that's a place where AP input can be more valued, but it wouldn't be changing an assessment result. It would be the council saying we're willing to accept a larger amount of risk, or a less amount of risk, depending on what the AP feedback is.

MR. PASKIEWICZ: Let's just say that they wanted to assume the maximum amount of risk for any given species, based on past stock assessments and the current fishing levels from the different sectors, commercial versus recreational and charter/for-hire, and now what happens in a species where everything kind of looks good, and we wanted to be -- You know, allow the most participation for that species, and how would that look when -- I mean, just all hypothetical, and what would that look like? What would the recommendation from the council do, as far as getting that further up the food chain and having the catch limits and stuff set for that species? Would that create an immediate change to those catch levels, those allowable catch levels?

DR. SCHMIDTKE: Yes. If the council assumed a higher level of risk, that would increase the catch level, and that's something that -- We're trying to put that decision in the council's hands, or that's being considered in this amendment, is putting that decision more in the council's hands, for them to kind of finalize and set the amount of risk that they're willing to assume.

I talk about that number P*, and that is your probability that you're going to go -- That you are above your overfishing limit, and so, if you're at your overfishing limit, that probability is 50 percent, and you could be higher, or you could be lower, but, as you move towards lower levels of fishing, then you get further and further away, and so a higher P* means you're closer to your overfishing limit, which also means that you're taking more fish out of the population, and you're harvesting more, and so, yes, if the council --

If they saw a very healthy stock, then I guess using -- Just kind of using this table as an example, if the council, under Alternative 2, saw a very healthy stock, meaning it had a high biomass, and it had a low risk of, you know, detrimental effects happening from overfishing, then, yes, they would have it at 45 percent, and they would have it, you know, very close to its OFL, as opposed to, if it was in a poorer state, say a low biomass or, in the worst-case scenario, a high-risk stock, a slow-growing type of fish, then it's at 20 percent, and it's much further from 50, and so they would be able to adjust how much risk they're taking, based on the health of the stock and the characteristics of that fish and the market for that fish.

MR. PASKIEWICZ: I mean, I guess it makes a lot of sense to have the council weigh-in on this, and, through its data collection resources -- I mean, it does make a lot of sense. When do we start talking about red snapper and the way that we manage red snapper in the South Atlantic, and how much of this restructuring would play a role in that biomass that's supposed to be in great shape and being able to more accessed by fishermen, and, I mean, we always come back to this, and it kind of gets me thinking, you know? If the council is willing to take on a little bit more risk for that species, what that would look like.

DR. SCHMIDTKE: I mean, red snapper -- This is kind of a -- I know that red snapper is the hot-button topic right now, but this amendment is really kind of -- It was started before the most recent assessment was finished, and so it's kind of carrying on work from that, and it probably is not going to directly affect red snapper in that way, one of the main reasons being that red snapper,

from the last assessment, with what the council is looking at, is in a -- They're looking at continuing the rebuilding plan that is currently in place.

The risk aspect that's being considered here doesn't play into that in the same way, and the other part of that is that the council, with red snapper, with what's been talked about thus far -- I mean, one of the options on the table is the maximum amount of risk that they can take, and the SSC has actually given their recommendation of setting ABC, which normally has a buffer, and is set a little bit below the overfishing limit, and the SSC has recommended the ABC to be able to be right at the overfishing limit, and so that's the maximum amount. That's the highest that that assessment, and the projections coming from it, would allow.

This wouldn't change the assessment information that comes there, and that's something that is all being talked about in a separate amendment, and kind of the aftermath of that is going through Regulatory Amendment 35, and so that wouldn't directly correspond to what's being talked about here, but it is -- Obviously, it's an issue before the council that they're having to work through.

MR. PASKIEWICZ: Okay. Thanks, and what is the preferred method here?

DR. SCHMIDTKE: The preferred for this one, and, actually, I didn't update the presentation to include this, but the preferred method that the council chose, at their last meeting, for Action 1 was Alternative 2, and that's also the method that has been recommended by the SSC. Next, I can go to Harry.

MR. MORALES: Well, a lot of my things were I think a bit answered. I would see this as finally maybe righting the ship and putting the right pieces in place. Management should manage, and I guess the scientists should analyze, even though I think, if I sent them to Las Vegas, I don't think I would end up as a winner. You know, I agree. I mean, the plain reality, for the red snapper, is, whereas ten years ago, I may have had a little bit of difficulty catching them, today, I have to go out of my way to avoid them, and avoid them of all sizes, of all thicknesses.

Years ago, I would catch black sea bass ad nauseum, and, today, I can go out and barely catch one, you know, and I don't think that the science has explained that yet. I think, only being on this thing for a year-and-a-half, or being a part of this community for a year-and-a-half, I think that there has to be some balance between the reality of what we see on the ocean and what we're being told is the catch capability, and, given the fact that, what was that, 87 percent of the snappers that we catch supposedly don't survive, and so we're taking 87 percent out of the population, and those boys are still growing and expanding rapidly, and that says something about, you know, in my opinion, the reality of what's on the ocean.

If I'm hearing you correctly, you know, Alternative 2 is really baked into the cake already, given the fact that the two entities have pretty much come to an agreement with it, and it seems reasonable to me, and the only thing that I tend to disagree with is the yo-yo approach of setting a limit one year of 45 percent and then coming back to -- Or the annual catch limit, having it go up and down, or, typically, what I see from the scientists is, in the first few years, it goes up, and then, toward the end, it goes down, regardless of whether it's red snapper or something else, and I believe that a more steady approach helps everyone, including the fishermen that are out there. They know what to expect, year over year, versus, this year, I can catch them like crazy, and then, next year, it's half of that, and so that's my feedback at this point.

DR. SCHMIDTKE: Thanks, Harry, and that last point that you made -- I guess, before -- I will just take one more pause, and are there any additional questions, because I do want to come back to Harry's point in more of a discussion form, but are there any additional questions about Action 1? All right.

Not seeing any hands, coming back to the point that you made, Harry, about kind of a more steady approach for ACLs, that would come with -- If Alternative 2 is what is preferred, what's recommended, by the APs, then that would come with the addition to Alternative 2 of this Sub-Alternative 2c, and so what this would do is the SSC -- Right now, they give the council a recommendation of catch levels, and they base that on a fishing mortality rate, okay? Now, if you take a rate of something, if you take 20 percent of a number, in one year, the next year, 20 percent is going to be of a smaller number, and so you're going to be going down, down. Similarly, if a population is getting bigger, you're going to be taking more, and that's where you see that fluctuation that you're talking about in the annual limits.

What 2c would do is the SSC would then -- It would become a standard practice for them to give two recommendations to the council. They would say, if you want to have annually-changing values that may maximize your catch in the immediate future, then this is where you would go, and you would see the value similar to what's being used right now, but, if you want more of that constant ACL value, here is a catch level that can be at one point for up to five years, and they recommend it up to five years out, and they would say this is the highest catch level that we would recommend you doing, and keeping it there for all five years.

That is something that could address your concern about the annually-changing ACLs, and do it in a fashion where the council wouldn't have to take the lowest of the annual values, because, if you take a little bit out of that early period, where the ACL goes way, way up, then you're probably going to have some fish to sustain you, to fish at a higher level, by the time you get to year-five, and you can have that constant level a bit higher, but a bit more even, a bit more in the middle, of those annualized values.

MR. MORALES: What I would add to that is, starting with your 20 percent being taken out in the first year, you're not at 80 percent in year-two, because you have a graduating class that now has entered year-two, and the same thing with year-five. Five years from now, you have a graduating class that has survived those five years, and so, consequently, there's a delta that's going to be less than that 20 percent.

At the end of the day, having a constant, maybe a five-year approach, stabilizes the fishing effort, and people can function with that. You really can't function where, all of a sudden, you know, you get these notices that say, okay, such and such fishery is now closed, because it's been overfished. If that's the case, then let's manage this thing better, in a more proactive way, that can keep people on the water longer, and that's my point.

DR. SCHMIDTKE: Thank you, Harry. I am going to move more into kind of the discussion portion for Action 1 and just recording some notes, and so I have heard the concern about red snapper, and I just noted it at the beginning, but then what you noted, Harry, a more steady approach for ACL would be helpful for planning fishing activities, and that would be Sub-Alternative 2c or 3a being added, depending on which alternative is recommended. James.

MR. PASKIEWICZ: Thanks. It may be off-topic, and it may be on-topic, but, on August 4, there was some discussion about yellowtail snapper that I wasn't able to participate in, because we were dropping lobster traps. Are you aware of what was discussed there? Can you kind of help me out with that?

DR. SCHMIDTKE: Sorry, but can you remind me of the date?

MR. PASKIEWICZ: August 4, and I think it was -- They were going to go over the assessment in a little bit of a different way, and so numbers were going to change on yellowtail snapper.

DR. SCHMIDTKE: So August 4 was the SSC's review of the yellowtail snapper interim analysis, and I don't have kind of a summary ready to go for that. I think -- I guess could I have our staff, like either myself or our other quantitative fisheries scientist, Judd Curtis -- One of us can follow-up with you after the meeting, just to give some information on that, and would that be okay, James?

MR. PASKIEWICZ: Yes, that's great, because, I mean, I think it might be really relevant and tied to how -- Just for one species in particular, one that I'm very familiar with, to see what came out of that discussion and what their recommendations might be, moving forward, and then seeing what options here might be able to help either solidify or discredit whatever the outcome was, and I know I have some future sessions set up with some people who are very knowledgeable for this particular species that I plan to follow-up with, and so I'm not entirely worried about it right at the moment, but, you know -- This is going to go species-by-species, as more and more information becomes available, and it would be nice to see how it all ties together and how it's going to flow. Thanks.

DR. SCHMIDTKE: All right. Thanks, James, and we'll -- Judd or I will follow-up with you on that, and that is something -- Because any catch changes that would come out of that would still have to go through an amendment process, and so that would be something that comes back around in a future Snapper Grouper AP meeting. Is there any other discussion or recommendation? I thought I heard possibly a recommendation from Harry for the preferred alternative, but I just wanted to make sure that that's the case, before I put it down, and in case there's any discussion about that.

MR. MORALES: Well, yes, you did, and so I'm sure you're better at writing it than I am about talking about it.

DR. SCHMIDTKE: I guess are there any other comments or discussion related to Action 1? Are the AP representatives here onboard with the recommendation of Preferred Alternative 2, with the addition of Sub-Alternative 2c? Would there be any recommendation for any of the other sub-alternatives to be added as well, changing the biomass boundaries, and that's the change that I talked about that would make it a bit more difficult to be in that high-biomass category, but there would be more confidence that the high-biomass category is representing a high biomass, and then the council's ability to deviate from the default level by up to 10 percent, and are there any recommendations for either of those? Not seeing any, then I will -- Go ahead, Harry.

MR. MORALES: Well, I just wanted to say -- Are you telling, or am I to understand, that that 10 percent cannot be added with c, because, at the end of the day, management should have the ability, based on the information that they're collecting, beyond what the scientists are telling them, to make a management decision, for example increasing P by 10 percent, and, if I understand P, P is at a rate of 50 percent, and so we're never getting to 100 percent risk. Our risk threshold is 50 percent, and is that correct?

DR. SCHMIDTKE: That's correct, and, yes, you can do both 2b and 2c. Like you can select all, some, or none of these.

MR. MORALES: Well, at the end of the day, you know, again, listening to this for a year-and-a-half, I have felt like the tail is wagging the dog here, and, at some point, you know, management has to lead. Management has to take all elements into consideration and make a management decision. Whether they're right or wrong, that's what their job is, and so giving them the tools to make those decisions and allow for the 10 percent, which only gets me to 50 percent, is easily within reason.

Establishing a level playing field, so that fishermen know what to expect, and charter captains can at least predict and promote fishing, and, you know, I go fishing in Alaska almost every year, and I always went in the middle to the end of August, and I always a bought a king salmon stamp, and, almost every year, the king salmon fishery would close one day to one week before I got there, and so, this year, I decided the hell with that, and I'm going to book a trip in July, and, sure enough, the king fishery was open, and so, ergo, we need that level of stability, and it's b and c.

DR. SCHMIDTKE: Okay. Any disagreement with this as the recommendation or further discussion on this action? All right. Not seeing any, we can go ahead and move on to Action 2. Let me get us back up-to-date with where we are in the presentation, and we will start talking about phase-ins.

Action 2 is looking at phase-ins, and, for those that are newly being introduced to this amendment, phase-in, when it's talked about here, is the gradual adjusting to a new ABC over multiple years, and so, to try to explain this in more friendly terms than fish, I'm going to go with cookies, because who doesn't love cookies? Let's say your current diet, and this is analogous to a harvest of fish, but let's say your current diet is that you're eating nine cookies per day.

You get an assessment. You step on the scale, and you see it's a little bit higher than you would like it to be, and so you go to your doctor, and your doctor says that you're eating too many cookies. Your doctor recommends three cookies, but no more than five, per day, and so you come back from your doctor, and you really want to listen to them, and, day-one of your new cookie plan, you're looking like this. You're looking like Cookie Monster, staring up at the unreachable jar of cookies, and you are so hungry, because you've just dropped down from nine to trying to get to three, and you say, I can't do this. I can't go from nine to three all in one day, and so you make yourself a phase-in plan.

Your doctor said you can't go more than five per day, and that's really going to hurt you, and so you say, okay, fine, I won't go over the max, and so, in week-one, you eat right at the max of five cookies, but you work your way down, and, by the time you get to week-four, you realize that, you know, you can do this now, and you're in a place where you've been eating a decreasing amount

of cookies, and two cookies, as a long-term plan, is something that works for you, and it's probably better for your health, and so that's what you're going to do in the long-term. That's what we're talking about by phasing-in. We're talking about, instead of taking the big hit all at once of kind of working down from a big change in ABC and more gradually going to a lower, or a higher, long-term ABC level.

The alternatives that are being considered here, Alternative 1, right now, there are no phase-ins, as part of the ABC Control Rule, and, in order for us to use them, particularly the phasing-in of decreases to the ABC, because we can -- The council is able to set a fishing level lower than the maximum amount, but they can't set a fishing level higher than the maximum amount allowed, and so, when you're decreasing, that's where the issues really come in, and phase-ins need to be part of your ABC Control Rule, if that's going to be a tool that you use in your management.

Alternative 2 would allow increases, and this really addresses the level of change in the ABC, and, within this sub-action, 2.1, you could select to prefer both Alternative 2 and Alternative 3 in some form. You would have to pick an alternative, one of the sub-alternatives, beneath each of those, but you could have both, in talking about when phase-ins would apply, and so, under Alternative 2, phase-ins of increases would be allowed at any point, and that's just specifying, kind of out of fairness of one way or the other.

Decreases would only be allowed if there is an ABC change that the new ABC is less than -- Under 2a, it would be 60 percent of the existing level, and 2b is 70 percent of the existing level, and 2c is 80 percent of the existing level. This alternative was brought up to try to restrict these phase-in procedures to be only when there are really significant changes to be had, and you don't necessarily want to change in a fishery if you have a million-pound fishery, and you're dropping it down 990,000, and that's not really something that needs to be phased-in, necessarily, over a long time period, because, relatively, that's a pretty small change, but, if you have a significant percentage-wise change to your ABC, then it may really help the fishery adjust to the new level by having it phased-in over a longer time period.

Alternative 3 looks at the stock biomass and what level the biomass is and when phase-ins would be allowed there, and so Alternative 3 would allow phase-in of increases at any biomass level, but decreases would only be allowed if the stock biomass is, under 3a, not overfished, and so it's above its minimum stock size threshold, and that just means that it's not overfished, and that's all it is. Sub-Alternative 3b is a higher threshold, and that's the mid-point between biomass at maximum sustainable yield and minimum stock size threshold, and so that means, Sub-Alternative 3b, that the line you would have to cross, in order to be allowed to phase-in, would be -- That would mean you would have to be closer to the biomass that would produce your maximum yield, as opposed to -- You would be closer to that than you would be to being overfished. Those are the sub-alternatives there, under Action 2, or Sub-Action 2.1.

Sub-Action 2.2 talks about the timeframe, how long are you allowed to phase-in over, and so these alternatives look at the maximum number, and so, Alternative 2, you can phase-in over no more than three years, Alternative 3 is no more than two years, and Alternative 4 is no more than one year, noting that these are your transition years. When the ABC that is in effect is not the new long-term ABC, it's the transition from the high level to the recommended lower level, in the case of a decrease.

If you're talking about flexibility that the council would have, the most flexible option is Alternative 2, because the council would be able to phase-in over three, two, or one, and so Alternative 2 would be your most flexible, followed by Alternative 3, and then Alternative 4, because remember these are maximum values, and the council can phase-in over a shorter time period, if that's what they wanted to do, under each of these.

After a phase-in period, the long-term ABC would be a revised projection that accounts for the ABCs that were used during the phase-in, and I will go through an example of what looks like and what that means in a second, and so there are some -- Along with these alternatives, there would be restrictions set up on what the in-between ABC, the temporary ABC, could be during that time period, and so, just looking at three-year schedule, because it kind of encompasses everything else in year-one, in that first year of transition, the temporary ABC would have to be below the OFL, at or below the OFL. Under Magnuson, we're not allowed to allow fishing above the OFL, and so that would be, you know, assuming the maximum risk, taking the maximum amount that is legally allowable, in that first year.

The second year, it would be -- It would have to be at or below the midpoint between the OFL and the recommended ABC, the newly-recommended number. In year-three, it would have to be at or below the newly-recommended ABC, and, finally, in the subsequent years, it would be based on revised projections that account for the phase-in during the earlier years.

What this means, when you play it out in terms of numbers, is the big take-away from these numbers in this projection, and you can kind of see, just looking down the columns of Alternative 2, Alternative 3, and Alternative 4, what these look like in each of these years. If you have a starting ABC of 50,000, the SSC says that, you know, based on this new assessment, there's a recommended OFL of 28,000, and they recommend ABC at 25,000, and that's a big drop, and so, if a phase-in was applied, in this case, this is the maximum number that the council would be able to use in each of those years.

What you end up seeing is, the longer you phase-in, the lower your long-term catch level is going to end up being, because that long-term revised projection takes into account that the fishery was catching above its recommended ABC in year-one and above its recommended ABC in year-two, and it didn't get to its recommended level until year-three, and so there was extra harvest up here in the beginning years, and that gets taken into account in the projection that ends up in the final year.

If you have a shorter phase-in period, you take the hit more immediately, but, as the stock rebuilds, then it's able to -- The fishery is able to take advantage of the stock building back up, and so that's kind of the cost-benefit that gets weighed here with these different phase-ins, and the questions that are here, that were being posed to the APs today, are, number one, should phase-ins be allowed? Should that be a tool that the council has available in its toolbox, and then, if phase-ins are allowed, what should be the constraints on which stock are eligible and how long the phase-in time period can be, and so those are the questions that are being posed to the AP that you can think on for a second, and, I guess, first, I will address any questions that you all have about this action and its alternatives at this point. Harry.

MR. MORALES: I am normally not this active on these calls. Can you bring up the previous chart? Alternative 4, does that equate to your one-year action plan?

DR. SCHMIDTKE: Yes. Alternative 4 means that you can phase-in over no more than one year, although Alternative 3 and Alternative 4, like what I'm showing under each of those, these are maximum levels, and so Alternative 3 can be any of those three options, whatever the council chooses, as opposed to Alternative 4, where you're restricted to the one-year is the maximum, or, with Alternative 3, the two-year is the maximum.

MR. MORALES: In all cases, what we're talking about is, supposedly, decreasing -- Well, we're not decreasing the effort, and we're decreasing the allowable catch.

DR. SCHMIDTKE: Yes.

MR. MORALES: So the effort remains, and, if there's any science on this, I would appreciate you putting it forth, but, over the last ten years, what has been the increase in the fishing effort, in general?

DR. SCHMIDTKE: I don't know the change in the effort. I guess, in terms of changing the catch levels, what I'm talking about here, in the case of phase-ins, is if there were a recommended change in the catch level of a specific stock, and so it's not necessarily a sweeping overall change, decreasing everyone's catch level, but we're talking about a stock-by-stock basis here, and, if there was an assessment that came forward that said, you know, this species, you've got to cut it down by 50 percent, then, instead of taking the hit all at once, it would be, okay, you cut it down in pieces, until you get to a long-term level, but that long-term level is going to be below the 50 percent that you would have had to cut it if you did it in one year. It will be at maybe -- You will probably be at 45 percent of your previous level, or something of that sort, and it will be lower.

MR. MORALES: Yes, and so here's my dilemma, because, at the end of the day, I would be looking -- I'm not a professional fisherman, and I fish for the passion of it, for the love of it, and I always think in terms of I'm paying the absolute most amount of money for a pound of fish that you could possibly imagine. I mean, shit, caviar would be cheaper than what a black sea bass costs me, for taking my boat out.

The red porgy, that has been under siege for thirty years, and, you know, we've gone from 700 metric tons, or whatever the hell it is, down to seventy-three, and we have phased-in annual catch for almost thirty years, and, in my opinion, from a management standpoint, it's been an absolute failure, because all we're doing is managing less and less and less, and, at the end of the day, the effort and the efficiency of fishermen, over that same period, is dramatically increased, and so, on one hand, my feeling is we have to be more responsive, not just to demand efforts, but we have to be more responsive to supply efforts, which is a whole different conversation, but that's the reality.

Now, you get more into an Alaska kind of scenario, where you're being forced to shut down certain fishing, and, you know, it's -- I am presenting the issues that I am struggling with here, because which one is the best thing to do, and my thought is that Alternative 4, and let's take more aggressive action, but these assessments that you're talking about, from what I understand -- I mean, we're doing assessments every five years, and we're not doing them every year, right?

DR. SCHMIDTKE: Correct. Five years is kind of optimal.

MR. MORALES: Okay, and so it's super hard to manage something that is living, breathing, growing, has all kinds of economic demands, and yet I look at my business model once every five years, and so, based on that, I have no choice but to say Alternative 2, because, at the end of the day, we would end up with knee-jerk reactions to what amounts to guessing, as opposed to managing.

DR. SCHMIDTKE: Thanks, Harry. Chris.

MR. BURROWS: I think what makes more sense, in my head, is to tie these phase-ins to the P* of each species, and make it more species-specific. Flashing back to what you said earlier, about higher P* indicates a higher ability of that stock to rebuild, I think it's very difficult to put a blanket measure. Coming from a dolphin perspective, dolphin rebuild and propagate fairly quickly, and a lot of these bottom fish species do not, and I think this has -- A sweeping measure here might have the ability to hurt one fishery a lot more than another.

DR. SCHMIDTKE: Thanks, Chris, and I think, possibly, to clarify what you were getting at, is maybe to have the council consider the stock risk rating, because the P* is like that risk rating that takes into account all those different -- Those different aspects of the fishery and the biology and all of that, and then that's used in concert with where the biomass is to get the P*. That's a little bit of a separate process, but that could -- The stock risk rating I think is what you were getting at, and that could be something that the council could consider, possibly, in setting what their phase-in time period is, and is that kind of what you were thinking?

MR. BURROWS: That's correct, and my understanding of P*, obviously, isn't what yours is, but that's exactly where I was headed with that. Thank you.

DR. SCHMIDTKE: I don't know that we would have a -- Within kind of how this has been structured, there wouldn't be a direct correlation, and like, if it has a low risk rating, it gets this number, but that is a level of advice that can be provided to the council, in the sense of, you know, the AP recommends considering the stock risk rating when these decisions are made and how resistant a stock is and its ability to bounce back from overfishing and that type of thing, when those cases arise. I guess I say that to say that it wouldn't necessarily tie directly to an alternative, but that advice could accompany whatever alternative the council chooses, assuming that they put phase-ins in place in some way.

MR. BURROWS: That seems pretty reasonable.

MR. MORALES: I would agree with you, and, you know, I hadn't thought in terms of the P rating tied to this, and that provides management with greater flexibility, based on the fishery we're talking about, and you're right. I mean, hell, they mature at age, what, two, and they produce an incredible amount of eggs, and so that makes sense.

DR. SCHMIDTKE: Okay. Thank you, and so, right now, we have a recommended action for Sub-Action 2.2, and that addresses the maximum time period for phase-in, and I guess we'll come back to 2.1, on which stocks are eligible, but are there any additional comments, other than what's on the screen, for the recommendation concerning Sub-Action 2.2, the timing?

All right, and so, just as a reminder, I will move us back up to 2.1, these criteria, and so this addresses which stocks would be eligible for phase-in. There wouldn't be widespread phase-in of everything, and so what we would be able to evaluate a stock on would be the level of change, and that's Alternative 2. If you all think that there needs to be at least a minimum level of change, in order for phase-ins to apply, then there would be selection of Alternative 2 and one of these sub-alternatives.

If you all think that phase-in of decreases needs to be tied to where the biomass is, then that is something that would be selected through Alternative 3, and then kind of that threshold level of biomass that would need to be had in order for a phase-in to occur, and that would be selected through the sub-alternatives under Alternative 3. I guess, to take it in pieces, does the AP think that there should be a minimum threshold of change for the council to be able to phase-in the new ABC? If so, what would that level be under Alternative 2? James.

MR. PASKIEWICZ: When we're talking about phasing-in, what kind of timeframe is going to be realistic, when the council makes a recommendation to phase-in a change to an ABC?

DR. SCHMIDTKE: The timeframe as in from the time that they get the recommendation of the new ABC? Is that what you're thinking?

MR. PASKIEWICZ: Correct. You know, let's just say that we have new information, and it gets recommended to the council that we make some changes, and they agree, and what kind of timeframe is it going to take to actually implement a change, and how much changes over the time it takes to implement a change? Do you follow me, because a lot of this just is always -- It's never even knee-jerk. Like we make dramatic changes to things, but, by the time the changes are made, the damage, or the benefit, that's done in the meantime -- You really can't quantify how it is going to work with the change that's coming that was made on the old information. It's just nothing seems to be fast enough, in my opinion, and so would any of this allow for change to happen quicker?

DR. SCHMIDTKE: It would not, and I understand that concern, because these catch levels, the new ABCs, the phase-in, all of that, that would need to be put in place through an amendment, and so it would not quicken the timing that would put new ABCs in place. It would just change the ABCs that would be going into place once that amendment is finished, but, right now, amendments -- They typically take a year-and-a-half to two years, and that's -- Some of those are on the faster end. I mean, this amendment has taken much longer, but it's had interruptions, but, for a highly-prioritized species, about a year-and-a-half to two years to get an amendment done. Any other comments or recommendations? James.

MR. PASKIEWICZ: I guess, with that knowledge, that it's not going to quicken the response to any one thing, I just don't see where phasing-in anything really has its place, and that's just me. Like how do we react to something if our reaction is like trying to execute time travel? Like it's just not working for me, and I think that maybe we might need to be looking about how to be more efficient with our time and our resources, and I know that this is a process, and I know that it can't happen overnight, but I just -- I don't see where a phase-in is any benefit at all, and that's just me. Thanks.

DR. SCHMIDTKE: Harry.

MR. MORALES: I would agree with what everyone is saying. You know, we're doing stock assessments every five years, and, if we're going to do phase-ins on managing, we're actually going to add more time to decision-making. Now, I would say to you that, if stock assessments were being done on an annual basis, then management would have a significantly better opportunity to do their job and manage, and I would argue that, given the pace at which we seem to want to manage, it is painfully inefficient, and it does not serve the public interest, at all. If I were to run my company, and I look at the stock assessment as taking inventory, and there is no businessperson on this planet that can afford to take inventory once every five years and be able to manage their business effectively.

DR. SCHMIDTKE: All right. Thanks, Harry. What I'm gathering, and you all can correct me if this is inaccurate of summarizing statements that have been made, but it seems that the AP does not recommend having phase-ins as part of the management, due to the timing that it takes for amendments to go through as it is. If phase-ins were considered, then the recommendation would be for Alternative 2, for up to three years of being able to phase-in, but the overriding recommendation is that the AP would not recommend that phase-ins be used, and is that accurate?

MR. MORALES: You may want to have a show of hands, so that you can get an assessment.

DR. SCHMIDTKE: Well, I believe -- I guess are there AP members that disagree with that statement, because, I mean, we have a few here, and so I see Chris.

MR. BURROWS: I think phase-ins can help with some of the economic impacts of any change in a fishery. I just believe that, taking in other factors, like I voiced before, about the risk to that particular stock is susceptible to, I think that -- Hard changes tend to have unintended, or intended and unintended, consequences, and I think that, potentially, phase-ins could have less of an issue, or less of a harsh impact, in certain fisheries, and I just think it needs to be out there that more species-specific management is what I always think about, and I think it applies to this as well as anything else, and that's all I've got on that.

DR. SCHMIDTKE: James.

MR. PASKIEWICZ: You know, I wouldn't disagree that phase-ins wouldn't be a useful tool. My problem is, you know, just the amount of time that it takes to execute something, and, moving in a sideways direction, something that we still don't really fully wrap our heads around is the amount of pressure from, you know, an ever-growing recreational sector, and I know that we've kicked this around, and we do it, and we discuss it, and we have no real viable solutions on the horizon to curtail an open-access recreational fishery. You know, if you want a license, a fishing license, in any given state, you go apply for it, and you get it, and you can harvest your recreational bag limit, as put forth by fisheries management.

With that being said, there was a time where, and I mean still, where, as a commercial harvester, you don't have access to certain species anymore, because the pressure put on them was so great that it didn't make any sense to issue new permits to harvest the same species.

You know, maybe, moving forward, there should be, you know, some access considered to the recreational sector that somebody has got to give up a license to have a new one issued for the

same species, and I don't know the answers, but we are moving, very slowly, in a very modern time, where access to everything is so quick, and I really want to say that we need to step-up our game, and we need to make decisions faster, and we need to be able to do everything more efficiently. This system that we have is really not working. Thank you.

DR. SCHMIDTKE: Harry.

MR. MORALES: I would second James' point. As a matter of a fact, that's been my whole argument, is the level of effort by recreational fishermen, and I will go there, and their efficiency, given the level of technology that they are now able to acquire, including the damn, you know, virtual anchoring, right, and so you no longer need to drop an anchor in 150 feet of water, and you just program your damn boat to be right there, and so all of that puts a level of pressure on all of the fisheries, and does it hurt the commercial guy? Absolutely.

I mean, hell, he's got more competition, with more boats, bigger boats, faster boats, more engines, and, as a management of the fishery, we are severely behind the times. Now, not a part of this conversation, but, you know, I'm a businessman, and so, if I cannot squash demand, I have to increase supply. It's very basic, and that supply increase comes from aquaculture and comes from artificial reef or environment, habitat, so that I can help promote that fishery to expand and keep up with the demand, because you are not going to cut back on the demand. You simply aren't.

Then the question is what are you going to do? As dictated by the government, what are you going to do to manage the fishery in a holistic manner and not simply by looking at reducing the effort, because it's a failed management strategy, and we will be dealing with decrease after decrease after decrease, and then, on top of that, put the commercial guy out of business or have him, you know, take his boat all the way to Japan or whatever to try to catch fish, and so I agree, James, and that's all I have to say.

DR. SCHMIDTKE: All right. Bob.

MR. LORENZ: Just to chime-in on this, and thank you to James and Harry for carrying the ball, and I just want to add one thing, based on the other two gentlemen, and I don't know where it fits, but let's put it under this line, and what has concerned me was -- To tag on a little with what Harry said, I think, at some point, you may need to consider, and I don't know where it fits in this, because we're talking quick response, and that would be what would be a more -- What is possible for a very short-term but emergency management response.

I will bring in what we just went through the past three years with the advent of COVID, being the summers of 2020 and 2021, and we had an absolute explosion in recreational effort. Boat sales went through the roof, and they weren't even in supply, et cetera, and many people went out fishing, and it was the one thing they could do, and I saw that with our local boat ramps near the inlets, and you couldn't get a parking space. Guess what? Today, you can. I went out this morning.

I guess my thought was if that had any impact, and if we're monitoring stocks where you can see -- We've heard it from the fishermen on Florida, on both sides, is the explosion of people fishing, and is there possibly a way for short-term, to throttle it back, if we ever come against circumstances like that, and it was unusual, but it brought to mind how we suddenly have kind of a boom in fishing effort, for one reason or another, and then, now, it's a slow decline, because of the fuel

prices and all, and people are thinking twice about trips, particularly up here, and I don't know about anywhere else, and so I just wanted to bring that in, and that could be very complex, or maybe impossible, at the federal level.

We do use it at the state level, and all over North Carolina, and we can put in emergency management, during the years we get a winter freeze, and we've seen Florida do it, on the Gulf coast, et cetera, when they've had algae blooms and red tides and all, and I think there needs to be some thinking on that, when some kind of more quick response emergency procedure could be put in that is very temporary, and that's if you have a system to do the monitoring in real-time quick enough, which also gets back to critical species and things like recreational licensing. Thank you.

DR. SCHMIDTKE: Thanks, Bob. James.

MR. PASKIEWICZ: I think I just still had my hand up from before. Sorry, but, since I have the floor, Bob, I really feel like you have an excellent grasp on the problems that we're facing as a whole, you know across all the sectors, and, really, just the fact that the ocean is not an unlimited resource, and it's our job to do our absolute best to make sure that we preserve that resource over however much time humans have left on this planet.

No doubt, that's a very complicated job to have, but we can't -- You know, there are so many other factors that go into the seafood industry that we don't even get to discuss, as an advisory panel, you know, the way that we import seafood, the way that we farm seafood, the way that we export seafood, and I don't know the answers to any of these things, but I feel like we should be operating in more of a real-time situation, and, I mean, I guess I'm going to adopt that as my theme for participating in this meeting today.

It's really difficult to make changes within the framework that is already put in front of us when it doesn't really address anything in real-time, and so we all need to do as much as we can to get everything moving in a positive direction and start making -- Start checking things off the list and make progress, rather than just sit in a stagnant pool and hope that it gets better, because it's not, unless we really make some changes.

DR. SCHMIDTKE: Thanks, James. We do still have a carryover discussion that we need to get to, and so I just want to make sure, for the sake of keeping us on time, that we have the time needed to go through that, and I imagine that some folks might need a break, really quickly, and so I guess I want to see -- Is there any kind of wrap-up to the phase-in discussion?

It seems we've heard there are concerns about the timing, and so it may not necessarily be a useful tool, but that doesn't necessarily mean that it shouldn't be used, but there has been express concern about the timing, and there has also been a recommendation that, if it used, that the stock risk rating that depicts some of the biology in the fishery and the environmental aspects that affect that given stock, that those be considered in setting whatever phase-in time would be applied.

We haven't heard much advice on, you know, which stocks should be allowed to phase-in, and that's kind of what Sub-Action 2.1 was getting at, but I'm not sure if there is -- I guess I would ask the AP, and is there any advice related to that that you all want to provide? James.

MR. PASKIEWICZ: I guess, from my standpoint, and I'm going to just take an ignorance-type approach, and I don't know which species, if any, that this is directed to help influence, and so, with that being said, I would like the council to have as many tools at their disposal that they feel comfortable with with having proper management tactics in place.

I wouldn't want to sit here and say, well no, we shouldn't do this, or shouldn't do that, and I would like the council to have the tools necessary to help manage our fishery, all of our fisheries, all of our species, and, really, what I was asked to do, as a fisherman, and to advise the panel on my particular level of expertise, I really can't say, with any certainty, that making a recommendation on this -- Unless there were certain species already outlined, saying these are the ones that we'll be able to make the most change on -- If we weren't already -- If that wasn't already put in front of us, but I think that the council should have all the tools necessary, and I think that we should go with what the council -- As their preferred pathway, and that's my two-cents. I really think that we shouldn't limit what the council can do. Thanks.

DR. SCHMIDTKE: Thanks, James, and so, along those lines, it would be difficult to come up with a list of species that this would affect, because it depends on the criteria, for one, and, for two, and this depends on a change to an ABC, and so, yes, we have kind of where the ABCs are right now, but we would have to be assuming, somewhere in the future, that a stock assessment changes the ABC to some other level that we don't know right now, and so I certainly get that that would be useful information, but it's just that's what we're up against in trying to be able to provide that level of information.

If the goal is to provide the council a maximum amount of flexibility, then that -- With the alternatives that are put forward here, that would -- If you were to select, in Alternative 2, the maximum flexibility under Alternative 2 would be 2c, Sub-Alternative 2c. The maximum flexibility under Alternative 3 would be Sub-Alternative 3a, because those set, you know, kind of the lower thresholds, where 2c -- That's a smaller change in the ABC that would be allowed to consider phase-in, and 3a would be a lower biomass level that would be allowed to consider phase-in, and so that's where you would maximize your flexibility with what's being put forward here. Bob.

MR. LORENZ: I guess my comment was simply this is pretty complex, and it would be on the question of what species, and I'm not sure, at this point -- I would not be in any place to recommend a species, but I think thinking on as globally as you can, top-down, and so I would say things like this, like a phase-in, probably would be best to be executed to start on any species that are not overfished and that overfishing is occurring, and, you know, to get back to the past discussion, if a stock is overfished and overfishing, that's where a more immediate response is needed, and something stronger is needed, and a phase-in probably would not be appropriate, or probably not the smartest thing, in long-term fisheries management.

DR. SCHMIDTKE: Thank you, Bob, and I guess, based on your recommendation of, you know, setting that criteria that a stock not be overfished, if it's going to be phasing-in, would it be fair to recommend Sub-Alternative 3a? I will show it here, and Sub-Alternative 3a says you can only use phase-in for a stock that's not overfished. That's what it says.

MR. MORALES: Isn't 3b more flexible?

DR. SCHMIDTKE: 3b sets a higher level, and so that means it needs to be closer to its biomass at maximum sustainable yield than it is to being overfished, and so that means biomass has to reach a higher level, in order for phase-in to be considered.

MR. MORALES: Okay.

DR. SCHMIDTKE: Is there any disagreement with this being the recommendation from the AP, recommending Sub-Alternative 3a as a criteria? Okay. I am not seeing any hands. In that case, I'm going to go ahead and move us on from phase-in, so that we can get to carryovers. Can we take a five-minute break and be back at 11:20, and then we'll continue on?

MR. MORALES: Sounds good.

DR. SCHMIDTKE: All right. I will see you all back in five.

(Whereupon, a recess was taken.)

DR. SCHMIDTKE: All right, folks. I've got 11:20, and I'm trying to keep us running close to on-time, and so we'll go ahead and start back up. I did take a look at the attendees list, and it does seem that we've gained a few more AP members that have hopped on, and that's great. I just wanted to let folks know, that didn't hear kind of the beginning opening portion of this, that the meeting was set up initially for AP Chairs and Vice Chairs, but, kind of with the turnout that we've had today, we're really just opening it up to any of the applicable APs, and so, if you're an AP member for the Dolphin Wahoo, Snapper Grouper, or Golden Crab AP, feel free to chime-in when we hit these question and discussion portions, and we'll try to continue recording feedback in that way.

Jumping back into the presentation, the final two actions that are considered in this amendment concern carryovers, and the two of those are really tied to each other, and that's why I'm addressing them together, as opposed to separately, and we'll kind of see how that plays out, but Action 3 addresses the carryover eligibility, and so which stocks can have carryover applied to them, and then Action 4 addresses, really from a process standpoint, how the council would be able to implement a carryover.

When talking about carryovers, we're talking about increasing the ACL in one year, based on underharvest of the ACL in the previous year, and so we're coming back to the topic of cookies, and another visit from the doctor, or kind of using the same advice that the doctor gave before, and the doctor recommends three, but no more than five cookies per day, and so, when you're evaluating this, how am I going to live on this schedule, you say, well, five cookies per day, three cookies per day, and so we can average it out, something like that, and so you make yourself a plan, and you make yourself a cookie log, to record how many cookies you're eating per day, and you want to make sure that you don't go over five in one day.

You shoot for three, but don't go over five, and so, on day-one, you eat three cookies, and you have hit what you wanted to eat, and you don't really need to eat anything extra on day-two. On day-two, you only eat two, and so, in that case, you were one short of what you were recommended to eat, and so you want to go ahead, on day-three, and carry over one of those cookies to day-three, and so, on day-three, you get to have a good day and have four cookies, one over your normal.

On day-four, you went out fishing, and you forgot the cookies at home, and so you weren't able to have any. Day-five, you were really fiending for them by then, and you had your maximum amount of five cookies. Now, notice that you didn't go six cookies. You didn't eat two days' worth of cookies in all in one, in day-five, and you ate your maximum amount of five, and so there was one cookie foregone, because you wouldn't go over your max, but that kind of gives an illustration, in terms of cookies, of how there would be carryover of an ACL from -- Instead of days, we would be talking years, from one year to the next, through this action.

The first thing that we would need to define is what are the criteria, in order to be eligible for carryover? You can't carry over every instance of underharvest, necessarily, and so what would be -- What would be the stocks that would be recommended for this tool to be applicable?

Alternative 1, under Sub-Action 3.1, that's the current status, and carryover is not in place, and it would need to be put in place if it were to be a tool that the council could consider. Alternative 2, this defines that carryover would be allowed with these base criteria. Number 1, the stock status would need to be known, and so it would not be able to be applied to an unassessed stock. There would need to be some status of is it overfished, is overfishing occurring, and that status, as the next biggest criteria, would need to be that the stock is not overfished, and overfishing is not occurring, in that stock.

The next criterion is that OFL is defined, and that's something that we would get out of a stock assessment, and so that would kind of frame the level of carryover, because you cannot fish beyond a defined OFL, and, for stocks that are unassessed and don't have a defined OFL, there isn't really an indication of what is that maximum level, and where is the cliff, so to speak, and so that would be -- That would be very risky, to be carrying over when you don't know where the cliff is.

Those are kind of the base criteria that would be included in Alternative 2, and all of those come out of the guidance that was given by NMFS for when carryover would be applied. Now, beyond those criteria, there would be other alternatives that are kind of based on similar types of advice given in that NMFS guidance, as well as other aspects to consider that the IPT has come up with in developing this amendment, and so Sub-Alternative 2a considers the biomass level.

This would set a biomass threshold that's a bit higher than what's considered in that base criteria, and so it wouldn't simply have to be not overfished, but it would also have to be above that BMSY-MSST midpoint that we've talked about a bit before, and what that means is that you're closer to your biomass of maximum yield than you are to being overfished. That's what that means, and so it's a higher threshold, and it's a higher mark, for the biomass to reach, in order for this to apply, if 2a was selected.

Similar to the previous things that were discussed, all, some, or none of 2a through 2e can be selected, and these are all kind of add-ons to this base criterion of Alternative 2, and so Sub-Alternative 2b is the sector that is carrying over has had a regulatory closure, due to landings being projected to exceed the ACL in the recent timeframe that is three years, and one of the reasons why carryover has gotten brought up as a potential management tool is because of early closures to fisheries, when the fishery closes because it's projected to reach its ACL, but then data come out, a little bit later, or are updated, and it's realized that it closed a bit early, and the fishery was not -- It did not reach its ACL, because it was not allowed to, from a regulatory standpoint, and so

kind of making up for that type of action. That Sub-Alternative 2b would have consideration of that.

Sub-Alternative 2c considers the long-term of harvest, and so it would say that carryover could only apply for those stocks that the sum of their total landings over the previous three years is less than the sum of the total ACLs during that same time period, and so that takes into account total landings, as opposed to the sector, and that's one of the things to highlight. Carryovers would be applied based on sector, but, in 2c, that criteria would evaluate the stock based on the total landings.

The carryover would still be applied by sector, but it would evaluate the health of the stock and the fishing that has come out of the entire stock, based on the total landings relative to the total ACL, and so 2c would be indicative of is there long-term underharvest that has occurred over the past three years, longer-term, that is, noting that three years is not a terribly long timeframe.

Then, finally, Sub-Alternatives 2d and 2e would have criteria that ABC decreases are not being phased-in, and so you wouldn't want to double-dip. You don't want to be carrying over while you're also phasing-in, because, if you're phasing-in, you're fishing above your ABC anyway, and so that's what 2d would do, and then, finally, 2e would note that that stock has in place both in-season and post-season accountability measures.

This is something that has been recommended by the NMFS guidance, and so, basically, if you're carrying over, you also need an ability to close the fishery when the ACL is reached, as well as, if you're carrying over, you're essentially paying forward, and you need to have an accountability measure in place for post-season payback. That measure would keep the long-term harvest from going over the long-term ACL. That's why that has been -- That's been included in the guidance for this, and so 2a, 2b, 2c, 2d, and 2e, and, again, all, some, or none, and so, when we take discussion, we'll have you all look at those and see which ones should or should not be included in the criteria for a stock to be eligible on an annual basis.

The second sub-action under Action 3 has to do with the amount of carryover, and so Alternative 2 would allow the ABC and total ACL to be increased up to the OFL, the overfishing limit, or the total ACL plus carryover, and so you can't carry over anything more than what was underharvested in the previous year. You also would not be able to carry over an amount that puts your ABC and ACL for that beyond your overfishing limit. Neither of those would be allowed under Alternative 2, and that's in accordance with the NMFS guidance.

Alternative 3 is a bit more conservative, because, in addition to those limitations, Alternative 3 would have another limitation that the total ACL, plus 25 percent of the carrying-over sector's ACL, would be another limit on the amount that could be harvested, and so, if you're looking to maximize flexibility and when this could apply, or maximize the amount of carryover, you would be looking at Alternative 2, rather than Alternative 3.

Next, looking at Action 4, that is how carryovers would be implemented, and, if you look at your briefing book document, these are three sub-actions, and they're the exact same language, one for each of the FMPs, and so there's one for Snapper Grouper, one for Dolphin Wahoo, and one for Golden Crab, but they say the exact same thing for each of those FMPs, and what they say is that, when specifying an ABC and ACL, the council would determine if carryover will be authorized if

annual conditions cause that stock to qualify, and so this writes carryover into an amendment, and that allows it to happen in a quicker manner.

Some of the timing things that were brought up in the last discussion topic, we recognize that, for carryover to be applicable, to go from one year to the next, with the timing that we have data available and such, that this would need to be a much faster process than a normal amendment, and so it would be written into an amendment that it would become an automatic process, and so, if the council says this ABC is in place with carryover, that means that, every time the stock fulfills the annual eligibility criteria, that carryover would occur, from whatever level of underharvest there is, and so this is really setting up the framework for the how would this happen.

The council is able, but not required, to approve carryover during that process. Now, if it's not in the amendment, then carryover is not allowed, but they don't have to allow carryover for every stock. There may be some stocks where it makes a little bit less sense, due to biology aspects of whatever, for carryover to be in place in any form, and the council doesn't have to do that, even if this gives them the ability to.

Now, if the council approves carryover in the amendment, then, as I said before, that would happen automatically in all years that the stock, or that sector, qualifies, until it's changed by a future amendment, and so that's something to take into consideration, and the step-by-step of how that would occur -- First, the SSC would give an ABC recommendation, and the SSC would -- When they recommend ABC, they would consider, does it make sense for this stock to be eligible for carryover, and does it have the biology, and does the science add up to this is something that could withstand some carryover, if annual conditions were met.

They will give their recommendation about the ABC, about carryover eligibility, and the council would consider an amendment, and they would have to pass an amendment with the new ABC, and they would have to say, in that amendment, this ABC comes with carryover. If they don't say this ABC comes with carryover, then we wouldn't be able to do it, and so, in that case, if they have passed an amendment that says that, then you go through the process of, you know, the fishing year.

If underharvest occurs, and all of the criteria that are set forth in Sub-Action 3.1, that list that I went through that's being considered -- If any of the criteria that are selected from that -- If those are all met in a given year of underharvest, then the ABC, and the ACL, in the next year would be automatically changed. NMFS would send out a notice that this is the ACL and the ABC for the next year, and that would be automatically changed in that next fishing year, and, when a stock is no longer eligible, based on the annual criteria, then the ACL goes back to the value that it was set in the FMP.

Also, if there are no sectors that are using carryover, then ABC goes back to the value that it was set in the FMP, and so these changes would be temporary changes, but they would be -- Kind of talking about the timing that was brought up before, they would be more responsive, more quickly responsive, than having to go through a full amendment process, and so, putting some fish figures to this, there's an example here of a stock that is not overfished, and overfishing is not occurring.

Let's say our example OFL is 12,000 pounds, and the council has done its work of approving an amendment that says the ABC equals the ACL, at 10,000 pounds, with a 50/50 sector allocation,

and both sectors would now be carrying over, whenever they are eligible. If the annual eligibility criteria were just set with Action 3, Sub-Action 3.1, Alternative 2, and so that's none of the add-ons, none of the extra sub-alternatives, that base criteria of not overfished and not overfishing, and you can carry over whatever the underage is of the sector ACL, up to the OFL.

If those are the conditions that are put in place, then we see kind of this example playing out and so, in Year Number 1, the effective ABC, this column, this includes any changes that account for carryover, and so, in Year Number 1, your ABC is set at 10,000 pounds, allocated 5,000 and 5,000 to the commercial and recreational sectors, and you have your landings that occur in that year for the commercial and recreational sectors, and then any notes on carryover, and that's how this table is set up.

Let's say, in 2023, the commercial sector harvested 4,000 pounds, and they did not meet their ACL, and they were a thousand pounds short, a thousand pounds of underharvest, and the recreational sector was 5,200, and they were above their ACL, and so recreational doesn't have anything to carry over. The commercial fishery has a thousand pounds that, based on the amendment that was passed, would automatically be carried over into the next year's ACL, and so, instead of the 5,000 that's in the amendment, the commercial's ACL goes up to 6,000. The total ACL of 6,000 and 5,000, that adds up to 11,000, and it's still below the OFL of 12,000, and so they can get the full amount of that carryover.

We go through 2024, and the commercial fishery underharvests again, relative to the commercial ACL. However, they are above their specified ACL from the FMP, and 5,200 is greater than 5,000. Therefore, they have nothing to carry over, and they would go back to 5,000 in the following year. For the recreational fishery, they underharvested their ACL by 500 pounds, and so they have 500 pounds to carry over in the next year.

We move down to the next line of the example, and the commercial fishery overshoots their ACL by 500 pounds, and so they don't have anything to carry over in the next year. The recreational fishery undershoots the recreational ACL by a thousand pounds, but, relative to what is set in the amendment, that 5,000 that you started with, they're only short 500, and so they can't carry forward the full thousand pounds here in 2025, and they can only carry forward what they underharvested relative to the ACL that was set at the beginning, and so they can only carry forward that 500.

Look at the next year, in 2026, and now we have a situation where there is underharvest, and the commercial sector underharvests by 2,000, and the recreational sector underharvests by 1,500, relative to that 5,000 original, and so, if you added together the 2,000 and 1,500, that would put you, and you carried both of those amounts over, that would put you over your 12,000 OFL, and so you can't fish above the OFL, and so what happens, in that case, is there is carryover all the way up to the OFL, but, whatever extra amount that buffer between the ABC and OFL -- That gets allocated according to the sector allocations, and so the 2,000-pound buffer is allocated evenly to the commercial and recreational, because, in this case, it's a 50/50 allocation. You then see the ACLs that are there, and 1,000 pounds is carried over in each sector, and you see the respective ACLs up at 6,000. The effective ABC right now is 12,000.

In this year, we have the scenario of a lot of underharvest in the commercial sector and overharvest in the recreational sector, and so, in the final year, the recreational sector doesn't have anything to carry over, and so it goes back to its regular ACL. In the case of the commercial sector, they had

2,500 pounds of underharvest, relative to their 5,000 that they normally are allotted, and you can't carry over beyond the OFL, and so they can only carry over 2,000 pounds of that, and we end up with this final level of 12,000 and the ACLs that are set there.

That example is meant to show you how some of these principles would play out in different instances, one of those being that any underharvest is always relative to the original ACL, to the original ACL that's set in the FMP, and it's not relative to any temporarily-changed ACL or ABC. The second of those being, if you do have multiple sectors that are eligible for carryover, and you're hitting up against your limit, your OFL limit, then those get allocated according to whatever allocation strategy is used for that stock, and so that's how some of those could play out in that type of example.

I will pause here for questions. These are kind of the discussion questions that are put forward, when we get to the recommendations and comments portion. Should carryovers be used, and, if they are allowed, what should be the constraints, what should be the maximum amount that is allowed to be carried over, but, before we dive into the discussion, I will answer any questions that people have about that action, or those actions, and their language. Bob.

MR. LORENZ: Mike, if you would just allow me a comment, and this is not a question, and I did wait to hear the silence, but I wanted to make one statement from where I am. What you just reviewed is extremely technical, and it feels specific, to me. You're talking to a guy that has studied marine biology, thirty-five years ago, and so maybe Harry -- My colleagues on the AP, Harry Morales and James, could comment, but I think I'm going to have a little difficulty giving you input that I think is intelligent.

It's a little intimidating, what you just went through, those examples, and I think it's some very complex fisheries management techniques behind them, such that I -- I'm not trying to brush it off, but it will take a while, and I'm going to have a little difficulty giving very good input. This is highly technical, and it's wonky, and a little nerdy, and it's just -- It's real fisheries management that I think -- You know, I'm almost -- As I was sitting there, I'm like, what can I do, and it's like, as a citizen stakeholder, isn't this what I pay, as a taxpayer, staff, like you at the South Atlantic Fishery Management Council and NOAA and National Marines, to kind of figure out and to make it work, and so, I mean, I'm not doing it to throw a dart, but I'm just saying you've asked us for something that I think is very difficult to comment on at our level of competency and understanding this at this point. Okay? Thank you.

DR. SCHMIDTKE: Thanks, Bob, and I think that that can transition into really addressing more direct questions, and I was more thinking of if you all had any questions about what was presented, and maybe it's easier if we go through the direct questions, so that those can, you know, be considered and addressed, I guess the first one being should carryovers be allowed? Should this concept of, if there is underharvest -- If you don't harvest your full ACL in one year, and the stock is healthy enough to allow it, should that ACL be increased in the next year, in the same amount that was underharvested in the year before? Is that something that you all would want in the toolbox for fishery management in the South Atlantic? James.

MR. PASKIEWICZ: Thanks, Mike. You know, a couple of things that I would like to have some clarification on, before answering that, was, if any one particular species is grossly underharvested, we would need to have an understanding of why that is, and, if we are falling short of -- You know,

maybe we're within 10 to 20 percent, consistently, harvesting 80 to 90 percent of an ACL consistently, and I don't really see the need to roll that over and take more fish out of the ocean, because, when you take more, eventually, there are less opportunities for those fish to reproduce, and so we either have a problem with overfishing, and I know that that species may never fall in line with a rollover scenario, in the first place, and so that's probably a very notable thing, but I just don't know how effective a rollover-type situation is going to be if we're only talking about a negligible percentage of an ACL.

I say, if we fall short, maybe we'll hit it next year, and, if we fall short again, maybe we'll hit the following year, and, if we fall short again, maybe we'll hit it the following year, and I don't know that we need -- That we need to catch them in the future because we didn't catch them in the past, and that's just my take on things. Thank you.

DR. SCHMIDTKE: Thanks, James. Harry.

MR. MORALES: I continue to agree with James, in that the chart that you put up -- I guess I would say that, outside of amberjack and sharks, in the Hilton Head area, just about every fish is under pressure, given the amount of effort that is being put out there, and so, from a management standpoint, again, going with a consistent approach, it allows for the supply to continue to build, and, ergo, create a more healthy fishery, and I think better fishery management.

We can't be looking at this on a one-year-by-one-year basis. I mean, we have to think long-term, and think about the health of our fishery, in total, and so, while we have annual catch limits, we need to respect the fact that these fish take time to build, and we have to give them that time. The map, or the chart, that you showed places the recreational and commercial as if they are two separate entities, but they're going after the same fish, and so, if the council does in fact want to roll over, you can't do that by keeping those numbers separate. You've got to take into consideration that one side or the other side either overfished or underfished, because you have to manage the whole fishery and not two separate categories. You can't cut that fish in half, and so that's my point.

DR. SCHMIDTKE: Thanks, Harry, and, I mean, that's something that -- The last point that you made is something that we've tried to address, because the question came up, as we were, you know, developing what this would potentially look like, and the question was, well, if the recreational sector is the underharvesting sector, if they are the sector that missed out on these fish to catch, should those go only to the recreational sector, or should those go to everyone, and how do those get divided, and so we tried to come up with, you know, a method for doing that, for considering that, which is why the sectors were considered in that example, but your point is well taken that both sectors are on the same stock, and, ultimately, from a biological standpoint, it's about total harvest relative to, you know, what would cause overfishing, and the population doesn't respond, necessarily, to one sector or another, if you're just talking about the fish being taken out of the water. James.

MR. PASKIEWICZ: Thank you. Yes, and, you know, to kind of correspond with, you know, going after one species, whether both sectors are together or separate or whatever, I mean, we do have accountability measure problems, when it comes to the recreational sector not really being up-to-speed and not really having a super accurate calculator on what that sector is bringing in, and I'm not going to focus on that.

What I'm going to focus on is perception. You know, let's just say that, moving away from one fishing year into the next, you have a group of anglers, whether it be commercial or recreational fishermen, that say, oh, look, we didn't catch this species last year, and we didn't catch it to its ACL, and they're allowing us to go get more of them, and that means they must be more plentiful now, because we didn't catch them before. Well, the perception couldn't be more wrong.

Just because we fell short one year, it doesn't mean that we should go catch more in the following year. It means that maybe there is a problem with the stocks, and, you know, we can't encourage people to go fishing, to go target that species, just because they didn't catch them the year before, and that's just going to put more pressure on a species that didn't need to be, and so let's not really change the perception, by adding rollover, and don't send people on a mission to go kill more of that species, just because.

DR. SCHMIDTKE: Thank you, James. Bob.

MR. LORENZ: Just adding to the number of things that have been stated and thinking, one thing that a rollover and carryover does do, to allow more fishing in another year, is it does give a bias towards almost -- For us to be closer to maintaining the status quo of the fish population. You know, it does not allow for potentially outside uncontrollable events that might aid the population to increase, and so I think it actually could add a drag on the meeting any recovery timeline, because you don't get that serendipitous advantage on a bad year, bad weather, that sort of thing. Everybody, at that point, counts their losses, writes them off, and they move on.

You just simply push for maybe a -- The fishery year before, it's over for them, and so that is a little bit of an issue that -- The change, I think it throttles it back a little, potentially a little slower, and it's one of those things that is nice in the toolbox, for economics, but it does possibly slow down the speed of recovery.

DR. SCHMIDTKE: Harry.

MR. MORALES: I don't think it's a part of this conversation, but I have to put this out there, because, ever since I've been a part of this group, I have heard about the lack of accountability of the recreational fishermen. Now, at first, I didn't appreciate it, and I may not have even respected it, but, as time as grown, I have come to understand now, from a management standpoint, that it is virtually impossible for you to manage properly when you can't account for an ever-increasing population that can pretty much do whatever the hell they want, and not have to tell you, and here your scientists, and everyone else, have to try to speculate, and guess, as to what it is that I, as a recreational fisherman, do.

Now, I'm also a pilot, and I've been a pilot for forty years now, and it took the federal government forever to pass a regulation requiring that all aircraft have what's called a Mode S transponder. Now on my boat, and it's just a thirty-one-foot, but I have an AIS on there, and it's registered. You know exactly where the hell I'm going to be on the ocean, and I believe that, at some point, our APs, collectively or whatever, need to provide guidance and recommendations as to how to respectfully corral the recreational fishermen, and let's say that -- Pick a number, but going in federal waters, but that they have not just an AIS, but then that they report the kind of catch that they have.

I don't believe that that's illegal, and I think it's just prudent for the management of the fishery, and it's the same thing as, if I want to catch a bluefin tuna, and, hell, I can't just go out there and reel one in. If I want to catch a shark, I can't just do that. I need a federal permit to do that kind of stuff, and so I think here is where management needs to go all-in and manage the fishery, all of it, and not part of it. That's my point.

DR. SCHMIDTKE: Thank you, Harry. I know we're bumping up against our time right now, and so I think a lot of the comments made are kind of going in a similar direction, and I just want to summarize, for the purposes of being able to bring a recommendation to the council, and it seems that the AP representatives here would recommend that carryover should not be used, should not be -- I guess should not be a tool available for use, citing the reasons that are, you know, shown on the screen of difficulties in perception, the fact that underharvesting can help the stock in the following year, and so what's up on the screen would, you know, really serve as kind of the comments and rationale, and we would bring that to the council as well, but would it be fair -- Is there any disagreement that the recommendation from the group is that carryovers not be used? Okay. I am not seeing any hands, and so -- Here's a hand from Bill Richardson.

MR. RICHARDSON: I agree with what you just said, and I guess I'm voting for the no carryover.

DR. SCHMIDTKE: Okay. I will get that on the screen, just so it's recorded. The recommendation would be for carryovers to not be included in the ABC Control Rule, and that would be the no action alternative in both Actions 3 and 4. Is there any disagreement with that? Bob. Bob, I saw your hand up, but it's down now, and I wasn't sure if you had a comment.

MR. LORENZ: Mike, I just had a very quick comment, and I'm sorry, and I was fumbling around here, and I have nothing to add, and this is what we all said, but just, for your follow-up, a comment that you might want to make is that this is a very small sampling of people, and, basically, it's myself and my vice chair and one of the AP members commenting, and there's members of the public, or another AP, and that we are a very tiny sampling, and I think it needs to be opened for a considerable number of the public to maybe feel a little differently. You know, I think you just talked to a very conservationist and in-it-for-the-long-haul group, and there will be people that want a little more sunshine quicker, and I'm almost sure of it, and I will watch it, but I just wanted to bring that to your attention, that this is a very small group.

DR. SCHMIDTKE: Thank you, Bob, and, yes, we're planning to -- When we provide the report to the council, and the feedback -- I mean, one aspect is noting that the AP chairs, both the AP chairs for Dolphin Wahoo and Snapper Grouper were present, but there were also, you know, other representatives here, but there was not a full gathering of any of the APs that were involved in this amendment, and so we can note who was present, as well as noting that these were people, you know, that were representing these groups, as opposed to the full smattering of these groups as well.

There will be a full public comment session that is going to happen as part of our amendment process, and there will be an online public hearing, later this month, in August, and then there will also be a public hearing at the council meeting in September, and so there will be opportunity for a wider group of people to provide comments on this as well. Are there any additional comments related to the carryover discussion? All right.

Not seeing any, that was the last item for us to go through, because, really, if the recommendation is for carryovers to not be included, then there would be no need to change the framework procedures to accommodate carryovers, and so that recommendation kind of matches for both Actions 3 and 4, and I don't believe that there is any additional in the slide show, and so that's all we had to cover today. Just popping back over to our agenda, very briefly, I will ask if there is any other business that needs to be brought up before this group before we adjourn. Mel.

MR. BELL: I just wanted to thank the folks that were here today, and Bob pointed out that it's not a large group, but, in part, that was by design, but this is the most input that we've had on this since we started, and so I really do appreciate everybody's time, and their thoughtful input, and don't minimize the value of your input just because there wasn't a lot of you, or you felt like you weren't necessarily, you know capable of providing exact technical advice, but it was really helpful, and you covered a lot of other things as well, and so I just wanted to thank everybody for participating, and, as Mike mentioned, there's still an ongoing process of additional public hearing and all, and expansion, but I did want to thank everybody for showing up, and we know your time is valuable to you, and so thanks a lot.

DR. SCHMIDTKE: All right. Thanks so much, Mel. Any other comments, before we adjourn? All right. Thanks, everybody, for showing up. Thank you for your comments. I will be sending out a meeting summary and follow-up, just to make sure that folks have eyes on what's going to be going to the council in September, but thank you, all. Have a great day.

(Whereupon, the meeting adjourned on August 10, 2022.)

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Transcribed By
Amanda Thomas
September 2, 2022

# Attendee Report: ABC Control Rule Advisory Panel Meeting

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| 943-008-291 | 08/10/2022 08:33 AM EDT | 3 hours 35 minutes |

## Attendee Details

| Attended | Last Name | First Name |
|---|---|---|
| Yes | Anderson | Dustin |
| Yes | Belcher | Carolyn |
| Yes | Bell | 00 Mel |
| Yes | Bianchi | Alan |
| Yes | Burrows | Chris |
| Yes | Carmichael | john |
| Yes | Curtis | Judd |
| Yes | DeVictor | Rick |
| Yes | Hadley | John |
| Yes | Helies | Frank |
| Yes | Iberle | Allie |
| Yes | Lorenz | Robert |
| Yes | Marhefka | 00Kerry |
| Yes | Mehta | Nikhil |
| Yes | Morales | Harry |
| Yes | Murphey | Trish |
| Yes | Pancake | Paul |
| Yes | Paskiewicz | James |
| Yes | Rau | Howard |
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| Yes | Scalise | Tim |
| Yes | Sinkus | Wiley |
| Yes | Smillie | Nick |
| Yes | Wiegand | 01Christina |
| Yes | collier | chip |