

# **SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL**

## **ABC CONTROL RULE - COMMITTEE OF THE WHOLE**

**DoubleTree by Hilton Atlantic Beach Oceanfront  
Atlantic Beach, North Carolina**

**December 4, 2017**

### **SUMMARY MINUTES**

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Other observers and participants attached.

The Committee of the Whole of the South Atlantic Fishery Management Council convened at the DoubleTree by Hilton Atlantic Beach Oceanfront, Atlantic Beach, North Carolina, Monday morning, December 4, 2017, and was called to order by Chairman Charlie Phillips.

MR. PHILLIPS: I will call the ABC Control Rule Committee of the Whole to order, and is there any modifications to the agenda? Seeing none, the agenda is approved. Are there any modifications to the minutes? Seeing none, the minutes are approved. I am going to turn the gavel over to Michelle and John and let them run the rabbit.

DR. DUVAL: Thank you, Mr. Chairman. I am going to pretty quickly turn things over to John. I think, just as a refresher, we had our webinar in early November to talk about a lot of the changes to the ABC control rule, and this was after the SSC had their meeting and provided some input on modifications to the control rule that we wanted to see, and so I know that John has gone through and made a bunch of those revisions.

He has added things that we had asked for, in terms of like a primer on the language and the various acronyms that are used, and he has added some figures to try to help folks understand this, and so I'm going to turn things over to John to walk through that and walk through the changes that have occurred in this document since our webinar in early November.

MR. CARMICHAEL: Thank you, Michelle. This is Tab 2 in Attachment 1, and it's the next iteration of this discussion document, and the changes in this version were highlighted in yellow there to help focus your attention on the revisions made in response to our webinar meeting in November, and so a lot of this is still the same.

One of the discussions that was made in November was just to provide some additional help in keeping up with all of the various acronyms and the terminology, and, of course, when we have an amendment, it will have a list of definitions, but I've started on that here, with putting some of the key things that are talked about a lot, such as what is the ABC and the control rule and the accountability measures and the ACL/ACT buffer, et cetera, and so a lot of the words we've talked about.

Another point that was brought up was just trying to get a refresher on how all of these different parameters work together in terms of the information that we have on the stocks and setting the catch limits, and so this figure here was used quite a bit when we were first talking about control rules and the changes in the Magnuson Act and the concept of ABCs and ACLs and ACTs, and so we recycled this here to show that relationship.

The idea is that you have this overfishing limit that is set on the basis of MSY. In an annual year, it's the yield that you get from the stock abundance in that year if you fished it at the MSY rate, and then, in terms of an equilibrium stock condition and a long-term projection, it's what you would expect the yield to be, and so it's actually the MSY value for the stock. Then, as we know, FMSY, that sets the maximum fishing mortality that you can have. Above that, you're overfishing, and so that's the maximum that you could remove from the stock, is the overfishing limit.

There is uncertainty in these estimates, and so that's where assessment uncertainty comes in, and that's accounted for by the SSC in then setting the ABC, the acceptable biological catch, and so that's the first step-down from overfishing to account for uncertainty, and then there is also

management uncertainty, and the concept was that the annual catch limit was then a reduction from the ABC to account for management uncertainty, and so the simple example of this would be you have a fishery that you manage with a quota and you find, say over four or five years, that you have tended to harvest about 110 percent, on average, and so you might say, okay, I need to set my ACL at 90 percent of the ABC to account for this management uncertainty, where I have hit it by about 110 percent.

If your management uncertainty were such that you had not ever exceeded your quota, then you might say, well, I'm comfortable setting my ACL at my ABC, and we have approached it in that way, and we've also considered recreational uncertainty, in some cases, in setting ACLs and ACTs, but that's the general concept.

An important thing to keep in mind is that you're not overfishing until you're here, above the overfishing limit, and so, if you have a fishery that it has an ABC, and perhaps in a year the overall fishery takes more than that ABC, you still haven't necessarily resulted in overfishing, because you still have an additional allowance until you get to the overfishing limit, and I think sometimes, when we get deep into this and setting the management specifications and thinking down at the level of ACLs, that tends to get overlooked and forgotten, that you do have quite a bit of cushion in there, and you really shouldn't be doing any damage to the stock until you get over that overfishing limit level.

The simple schematic is that the OFL is greater than or equal to the ABC, which is greater than or equal to the ACL, which is greater than or equal to the ACT, and we hear the discussion of how the Act now implies these reductions upon reductions upon reductions, and it's really this that you are thinking about. This is kind of where that idea comes from, and we hear that from fishermen, and, to an extent, that is true, and so it's important to make sure, when we do our ABC control rule, that we also consider that we do need to maximize the amount of harvest that we can provide.

MR. HARTIG: Between the overfishing limit and the very top of that thing, the whole thing would be considered MSY or not?

MR. CARMICHAEL: Yes, the overfishing level is MSY.

MR. HARTIG: It is MSY?

MR. CARMICHAEL: Yes.

MR. HARTIG: Okay, and so what is that area over the overfishing limit then?

MR. CARMICHAEL: Catching more than MSY and causing overfishing, because you could catch that much in a given year.

DR. DUVAL: It's really dark red, Ben, and so that's a place that you don't want to go. That's a bad, bad place.

MR. HARTIG: Okay, but one of the other things I thought -- I mean, where would MSST and those natures fit into this, in the scale of this graphic?

MR. CARMICHAEL: MSST relates to the stock biomass, and so it doesn't really map very well to this at all. The thought I had this morning was that perhaps ABC shouldn't be colored in orange, because it's not necessarily dangerous. You should be able to safely fish at the ABC level, because that's already reduced from overfishing, but that's just a little graphical thought that I had this morning.

In this next figure, which shows the distribution, because we've talked a lot about how the probability of overfishing is applied to distributions throughout this ABC control rule, and so there was a spreadsheet that Mike had put together for the SSC, and I think we had included that for you guys, and this is just an excerpt from that, and it shows how you have a -- In this case, here is a distribution of the yield that say perhaps is available in a particular year.

The way, when this is done in a stock assessment, there may be 10,000 iterations that account for uncertainty in past catches and natural mortality levels and MSY and stock growth and stock recruitment, of course, all of those things, and it says there is a range of yields that could be available from fishing at that FMSY level.

In this simple example, we're just assuming that the OFL, which is the same as the MSY, is 1,000. Then, if we have a CV of 0.25, and that's just the measure of the overall assessment uncertainty, and you set your P\* at 40 chance of overfishing occurring, then that works out here to an ABC of 937, and so that's the green line, and it just sort of shows the relationship between these different values. I had some arrows under here, and I'm not sure where those went, but, on the ABC situation, you would have 40 percent of your observations over here at lower than 60 percent and higher. The OFL occurs at the midpoint, and so you expect 50 percent of your observations of potential yield to be lower and 50 percent of your possible observations for possible yield that year to be higher.

That is just a pretty simple graphical thing. Now, this is a normal distribution, and so it's nice and balanced and equal on either side. Oftentimes, it doesn't come that way. The spreadsheet also includes examples for a log normal distribution, which tends to stack the values up over on the left side, in most cases, and there is actually distribution available for this from every assessment, and where we are kind of looking at going is to use the distribution from the assessment itself to pick these numbers, which is essentially how we do it now, once we've chosen the P\* level that we want to use.

If you look much at some of the discussion about what's done in other regions, there are some other regions where they assume a distribution and a CV and apply that to it, but, as much as possible, we like to, for our assessed stocks, use the distributions that we have estimated from the assessments themselves. Does this help shed some light on kind of the language and the concepts behind this?

DR. DUVAL: Do folks have questions?

MR. ESTES: John, to go backwards a little bit, what are the criteria for choosing a different ACT than an ACL? I think you may have said it, but I may have lost it.

MR. CARMICHAEL: It would really be up to the council to choose. In some cases, the idea is that you would choose an ACT maybe as a way to account for uncertainty or to set a target, and

you would expect your catch to vary around that target, and you would maybe not then apply an accountability measure until you reach the ACL. That's what we've done in terms of setting ACLs for fisheries sectors, and so you might have an ACL for one catch level, and you might look at your ACT and consider how well you've done at reaching that catch level.

In the case of the recreational fisheries, you want to consider the uncertainty in those estimates, and we might set an ACT that then accounts for the uncertainty in those estimates and use that ACT say when you're setting your bag limits and seasons and things of that nature, but there's a lot of flexibility there for the council to use those numbers and those values of however it needs to get the most out of the management program.

DR. PONWITH: I just wanted to circle back to Ben, and you asked about MSST. Maybe one way of being able to visualize that is your ABC is your catch, and that's what you can take out of the system. The MSST is that minimum stock size threshold, and that's what left behind, and that's a metric as well, but it's the number that you don't want to have less of in the population, because that's what defines whether the stock is overfished or not. Not the overfishing, but the overfished.

DR. DUVAL: Anybody else right now? All right. Let's keep rolling on, but does everybody understand the figures? I guess I don't want to get too far away from this figure of a distribution of the OFL and the ABC and what it means when we say that we have a P\* of 40 percent and how that translates into this figure. When we get projections and that projection model is run 300,000 times or whatever it might be, this is how the distribution of the results of those projections would fall out. Okay. Moving on.

MR. HARTIG: Just that distance between the ABC and the OFL is essentially the assessment uncertainty? Okay.

DR. DUVAL: The answer was yes.

MR. CARMICHAEL: The next section is just a narrative to kind of walk you through the different things that are discussed in here and how they work to give you the ABC, and so, first of all, you need the estimates of productivity, and, ideally, these are taken from a stock assessment, and that gives us our MSY and our OFL and then that uncertainty about those, and, of course, we have stocks that aren't assessed, and so we have ways of working around that, but, ideally, we get that from the assessment.

We have that CV and that distribution that we can use, and then you also have the risk tolerance. That is set by the council, as we've discussed, and guided by the ABC control rule. Then there is some method by which that risk tolerance is applied to those assessment results, and that is really the crux of what the ABC control rule does. It guides the SSC in terms of how it evaluates the stock and applies that risk tolerance to a particular situation.

There is a couple of ways of doing it. One is the direct approach, as I called it, where you have that distribution of OFL, and you're able to derive the ABC by using the P\*, and that's what we're doing now for the bulk of our assessed stocks. We're able to do that directly and use those percentiles.

Now, in some cases, you may not have all of the information that you need to do that. You may not have an OFL distribution, from say some of the data-limited stock assessment approaches, or maybe you're concerned that the distribution is not accurate. In that case, you could have an assumed CV, or even measured from a data-poor assessment, and you could also assume a distribution, and, as I mentioned, some councils are doing that, and, in that case, you just have a little bit more flexibility for just dealing with the situation that arises, and that's what we've tried to capture then as we go through these other alternatives, how this is all going to work.

The next section is the purpose and need, and the change here was to add in the purpose and need for addressing the recreational accountability measures for the SAFMC FMPs. Otherwise, this is all the same, and then we'll get into the actions.

MR. HARTIG: Before we get too far away from P\*, I mean, I finally had an epiphany that there is actually two P\*s that are used in the assessment. You have the risk tolerance by the council, and then that's altered by the SSC's gyrations of when they do their final P\*, and is that correct?

MR. CARMICHAEL: As it is now, no. You have basically the range of P\*s and how they're calculated that the council provided through the FMP, which is the crux of that Tier 1 control rule, and then the SSC just applies it and evaluates the criteria and pulls the number from that.

MR. HARTIG: So you have -- Usually they do two P\*s coming out of the assessment at values at 30 and 40 percent. You have P\* values that come out of the assessment, and then how are those used later on?

MR. CARMICHAEL: They project the yields at multiple P\*s to provide the SSC that information when they first look at the assessment, and, if it works out that one of those ends up being the chosen P\*, then no additional projections would be necessary, but, a lot of times, it may be slightly different, and so what we have tried to do, in terms of the terms of reference for the assessments, is to -- Like, if it's a repeat assessment, we will ask for the P\* that was used previously, if it's already in effect, or, if it's a new one, we may ask for just some bracketing values, like 0.3 or 0.4, things of that nature. Then, of course, you have the 0.5 P\*, which you always get, which is the OFL level.

DR. DUVAL: Ben, it's just once the SSC applies the control rule, as it is currently written, with those various decrements for uncertainty and stock status and things like that. That's what might give you a P\* value that's actually different than maybe what has been requested in the terms of reference. All right. Let's move on.

MR. CARMICHAEL: All right, and so the first action is the modifications to the ABC control rule, and this one is substantially changed from what we looked at in November. It's reflecting the discussions of the SSC and this committee, which is to really try and characterize the situations based on the information that's available, and remember that we discussed characterizing it by data, characterizing by type of assessment done, and we had decided that, really, looking at the type of information that's available is a better approach, and so this is substantially reworded and using some language that -- I looked at what's in the CFR that the Mid-Atlantic has put into place, because they use kind of this general concept of really characterizing it based on how well assessment uncertainty is evaluated and the outputs that you're getting. Are you getting a full CV

estimate and the distribution and things of that nature, and so that is what all of this language is trying to capture.

Then we have the Alternative 3, which is ABC based on the yield at 75 percent of FMSY, sort of coming into here, because that could be an option to use if you don't have an OFL and you don't have that other information. I see this as being the case where sometimes the council picks multiple preferreds, and so you could have this available to use, in some cases, as just a bit of added flexibility.

Then, in this Category 4, this is the unassessed stocks, and what the sub-alternatives are doing is retaining those things that we use now for dealing with unassessed stocks, and so this is very similar to what you have in place now, but just a little bit different way of presenting the different situations you could face within these stocks. This is just some general discussion, and a lot of that is similar, but just slightly rearranged.

Then there is the things that are down here in the Considered but Rejected, and that is, as I mentioned, the data levels and the assessment types, and so there is some reasoning there, which hopefully will help as the IPT gets into this and turns it into a regular amendment, or a full official amendment. That's the end of Action 1, and I will pause there to see if we have questions.

DR. DUVAL: Are there any questions for John about these newly-revised categories?

DR. MCGOVERN: I just had a question about the Considered but Rejected. Are these alternatives that were considered by the council during the webinar and are now rejected, or are these rejected by the SSC? Just some clarification about that, because I think it's early on, and you might not need Considered but Rejected alternatives right now, and just some discussion.

MR. CARMICHAEL: Yes, Jack. That's right. It is early on, and these were -- I would say they fall under both discussions by the SSC and then supported by the council at the webinar so far, and so that's sort of how it's been. I have been trying to use that familiar language to keep up with the things we have talked about, so that, as we get to the next stage, I think that shows where we would likely see this discussion come up, because I didn't want to lose the discussion of those points, because they were kind of key in terms of -- It's been a winding path that we've got to, in terms of how we describe those alternatives.

MR. HARTIG: I just had a question about -- We have assessment schedules, John, that we go through, and then we have the ORCS process that we went through. At what point do we go through the ORCS again or review those numbers that we used in the ORCS process?

MR. CARMICHAEL: I think that's something the council could put a task to the SSC to do that. I think, when we get a largely-revised ABC control rule, we might want to ask the SSC to review the ABCs that are in effect, and I certainly think, when we get the revised MRIP numbers, that we're going to need to go through and revise a lot of these stocks.

On one hand, you're simply changing the values, and we may already have time series and whatnot that we agreed to use averages for to establish those ABCs, but we also know that, in doing that, the SSC looked at things like time series and trajectories and, in some cases, looked for periods of stable landings, and a lot of those types of decisions may be different, depending on how the

revisions play out, and so I anticipate that, once we get those numbers and have this new control rule in effect, that the SSC will have to put some effort into going back and reviewing many of these stocks, just as we did for the ORCS and the decision tree and such.

DR. DUVAL: Anybody else right now? So everybody understands the changes that have been made and categorizing the stocks according to assessment uncertainty, and we're trying to keep a record of the things that the SSC has discussed in this regard and that we have reviewed in this regard, in terms of alternative approaches for how to categorize our stocks, and so we just want to make sure that we retain all of that background.

MR. CARMICHAEL: Action 2 is pretty straightforward. The change here was to add this additional alternative about the council specifying the risk tolerance, considering the advice and recommendations by the SSC, and this was suggested by Shep when he was at the SSC meeting, just as saying that it could be good to have that back-and-forth, in terms of setting risk tolerance, and so that's been added.

Action 3 is where you get into how the council actually sets its risk tolerance, and so this, with Action 1, are probably the most complicated actions that we have to deal with in here, and what we've talked about is doing the risk tolerance based on biomass levels relative to BMSY and MSST and the stock categories, and so we had some tables to think about for this at the last meeting, and it's written up now here as a separate individual alternative.

What I will do is -- The other thing that happened is, in changing some of the alternatives, there is new numbering from this point forward than what you had in the other one, and so what I have created here, and this is just in this version that I'm showing here on the screen, because I was thinking, late last week, about a way to capture this and let you visualize how these different biomass levels work, and Ben made the discussion, when we made the point last time about using more descriptive language and trying to explain what those categories are.

The overall concept here is that, when your stock is at a very high biomass, you can have a high tolerance for risk of overfishing, because the consequences of potentially overfishing are much reduced. You have a lot of biomass that could be used, that could be exploited, before you actually get down to an overfished situation, which is what we're trying to avoid doing.

Using the example of 110 percent, just because it seemed like there should be -- If you're going to really have a high risk tolerance, you should really have some good cushion and a lot of biomass, and so what's been proposed is just to say, if your biomass is above 110 percent of BMSY, you should be in this high risk tolerance zone. You can tolerate a potential high risk of overfishing.

Then there is this moderate zone, because, as you start to fish the stock down, your consequences of overfishing become higher, and you're closer to being able to ending up in an overfished situation, and, when the SSC was talking about this, this is where the idea of things like what is the stock's rate of change, how fast could this stock potentially go from say BMSY, around BMSY, to down into an overfished situation, and so, when they talked about the stock's trajectory and its dynamics and its rates of change, that's what they are getting at.

Of course, if you have a stock that, in a few years, could drop from BMSY to below MSST, and you have observed that happen, and, of course, overall for that stock, you might have a different



risk tolerance. A lot of these risk tolerance break points have occurred say at the MSST level, and, as I mentioned on the webinar, to me, that seems potentially risky, because you would probably want to start moderating your risk tolerance before you actually got into that overfished situation, and the Mid-Atlantic approach that had the sloping figure, and it changed the risk tolerance across every discreet level of biomass, we felt that was too prescriptive and specific for what we have in the timing of our stocks and the amount of information we have, and so this more tabular approach works.

That's how we get into these three different levels, with the moderate risk tolerance then being from 110 percent of the biomass at MSY down to what would be the midpoint between BMSY and MSST, and so, if you take this example stock, where the biomass at MSY say is 100, and then we use the 50 percent of that is our MSST, which is the default definition for a lot of stocks, that would mean that your MSST, or your overfished point, happens at 50, and so let's say that's 50,000 pounds of biomass, and the numbers don't really matter, and so then this midpoint is going to be at 75.

You may have a moderate risk tolerance anywhere from just above your BMSY level down to 75, and then, as you got below that 75, then you're approaching this overfished, and you might say, okay, now I'm in this low risk tolerance. I am concerned about my stock, and, in a few years, I could have this stock decline into an overfished condition, and I want to avoid that, and so the consequences of overfishing are much more severe when my stock is in this biomass level than it was up here, and so I have a different risk tolerance.

This is just hypothetical numbers that I just randomly entered, and so, over this period of time, and so, if we got the concept of how fast does the stock change, this ends up that this stock changed by five units a year over this period of time and about five units a year over this period of time, and so that could tell you how fast it is changing, and so, if I'm fifty units away from being overfished, then I would say, okay, based on what I've seen of this stock, maybe I've got ten years that these stock could enter into another of these declines, and I would have ten years before I'm overfished.

That could factor into things like when do I want to do an assessment. I might be worried about this stock if it had been twelve years since I've assessed it, because I know what it could do, and so that was other things that the SSC was thinking about, about how these different concepts are going to connect together back to things like our assessment timing and understanding what's going on with the stock.

MR. ESTES: This will be my second ignorant question of the day.

DR. DUVAL: There is no such thing.

MR. ESTES: So, in reading through this, I noticed that -- I mean, this kind of makes sense, but doesn't -- Where do we think about the species' life history characteristics? For example, we know that we have to rebuild a species that lives to be fifty and that we probably would -- Our risk tolerance might be less than one that lives to be ten, and so how do we incorporate that into this concept?

MR. CARMICHAEL: That's a good point, and so, if we're good with this concept, which is underlying this table here, and this is the table that we had originally, and so the high, moderate, and low, that is what is shown in the figures, and then these different rows here would reflect the stock-specific impression, and so, if we had a stock that we think is low productivity, like you mentioned, then we would have different risk tolerance levels assigned to that stock than say we have one that we think is high productivity and very dynamic and less damage from overfishing than, in this case, saying it goes from 0.4 to 0.2, because we think this is a highly-productive stock and maybe is short-lived, and maybe we have fewer concerns about it, and so we're able to accept a higher risk of overfishing across the board. Then, for others, we would accept a lower risk of overfishing occurring across the board.

That's why I thought the figure was good, because this table has really two things going on with it, and our intention then would be to characterize our stocks based on this low, medium, and high, using things like the PSA analysis that we already have and the SSC's judgment, and, a lot of this, we have largely done for many of our species already.

MR. HARTIG: In the context of this, John, it would be interesting to go back to the two examples we have where we actually phased in the reductions for snowy grouper and for black sea bass. It would be interesting to look at how MSST related in those two stocks, and both of those stocks continued to rebuild under those three-year phase-ins, and so it would be interesting to see, before we lock ourselves into something, what actually happened.

MR. BROWN: The other graph that you had up a minute ago, John, I can understand how that works for the commercial fishery, because of the hard numbers and everything, but how does that work for the recreational fishery, when the numbers that you're getting to use within that are so all over the place?

MR. CARMICHAEL: I think that difference has to come out in the accountability measures and how you respond to those numbers and then how you judge whether or not the estimate that you're given of catch is truly over the metric that you have set as your catch limit for that year, and so I mean the figure is just overall stock biomass, and so all the fishery removals going in there.

MR. PHILLIPS: John, I know that we're going to figure in our biomass, and we'll figure in is it an old, long-lived fish or short-lived fish, but there are other things that the council is going to consider when it comes to risk, and that is economic importance of that fish and what the public tell us is going on with the stock versus what the science may tell us, because they're not always the same, and there is probably some other things, and so I think it's going to be really hard to nail down a model. I think we're going to have to have some -- The council is probably going to have to have a fair amount of flexibility on how they do that, because there is just -- I know there is other things that move the bar, and maybe not so much, but they do move the bar.

DR. DUVAL: I think we have to start somewhere, and so I think biological risk and tolerance for that is one good place to start.

DR. PONWITH: I appreciate that remark, because I think, at this stage, when you're making these decisions, it makes it really, really important to make sure that not just the council, but also the constituents, the people on the AP, understand the distinctions between these metrics, and I think

the document does a really good job of making those introductory remarks of understanding the difference between the MSST and MFMT and its relationship to ABC and to OFL.

It's a lot of acronyms. It is a veritable alphabet soup, but it is just so important to understand those distinctions and what you're deciding when you talk about the council's tolerance for risk and the role of all of those metrics and indicators in making that decision. This is a really important decision that the council is making, and the scientific uncertainty is done in a different part of the system, but can be taken into consideration when evaluating that risk, but the bottom line is that the Act sets forward what that upper ceiling is as the council contemplates that decision, but you have to realize that that ceiling, that line you may not cross, is 50/50, and it essentially creates a coin-toss scenario.

One would hope that the decision to land at that point of the absolute maximum that amount is allowed to be is one that is really, really carefully considered and carefully reasoned on the record and prudence is really brought to bear in when you sit at that point, and so I think the discussions are good, and I think the questions are good, and I think it's really important, if there is not clarity between the metrics and the roles and the responsibilities on the science side, on the management side, and on the council's decision for this risk tolerance, but it's just really important to understand those differences, so that, when you make that decision, you know what the impacts of those decisions are.

DR. DUVAL: Thanks for that, Bonnie, certainly, and I think one thing I would say as we walk through this -- Ben mentioned running a couple of species, snowy grouper and black sea bass, for which the council had previously phased in reductions, through whatever we settle on, and I think it's going to be important to have a couple of examples of what might be a species that is at low risk and what might be an example of a species that is high risk, based on life history characteristics and based on something like -- Maybe it's a species that we might normally consider to be at low risk, but it's been so long since we've had an assessment that that might bump it into a different category.

I think it's going to be easier for people to wrap their heads around this, given some of the nuances of trying to determine which category a stock might fall, if, down the road, as this amendment is developed, we have some additional examples like that.

MR. HARTIG: Bonnie, I think, about your comments, I mean, you tend to focus, and the science tends to focus, on these point estimates that we get from the assessments, and there is a huge uncertainty envelope around those points, and it goes both ways, and, somehow, in the future, I would like to see the council be able to look at those uncertainty envelopes on the basis of what other things we consider.

Certainly, in the past, we had ranges that we took, and the stock assessment panels, at the time, said, if you pick the midpoint of the ABC, you were pretty safe, as long as you didn't go to the extreme edges. Although, if you look at really what happened in that, the Gulf picked the extreme edge every time, and we picked the midpoint, and the Gulf stock has rebuilt as well as what we did, and so, if you look at examples of how that actually worked -- I mean, we were conservative, and the Gulf was not as conservative, but, if you look at the timeline, it might have taken the Gulf stocks a little more time to rebuild, but they still rebuilt, and this is mackerel is primarily what I am focusing on.

Somewhere down the line, we need to get back to some kind of a distribution of landings that we can use to make better judgment of what we can actually take out of that stock, taking in everything that you talked about, which is critically important, as well as what we need to do in management to be able to bring economic considerations as well into the discussion.

MS. KNOWLTON: Pardon my ignorance in coming to this table and not knowing the discussions fully before this, but this project reminds me of the work that was done through the ACCSP PSE Project Team two years ago and looking at the results of the MSE model, the management strategy evaluation model, in terms of incorporating various levels of imprecision and its effect on the management outcome.

If there are components that could be pulled over from that analysis and that model to also go into a bullet-point or some summary information that could impact this discussion -- If not, looking backwards into the report that was already done, and we've had several conversations about is that a priority through ACCSP to do Phase 2 of the continued work that's going to be needed for another MSE model approach, and so you all might be able to bring a strong voice to the table with a specific request, based on the work that was done and listed in that report for future development, and have a collaborative impact, particularly as we not only continue to spend a lot of time talking about the uncertainty of the recreational, and, right now, the for-hire estimates that are coming through MRIP, but also as we move forward with the new benchmark FES and how that changes the estimates. Thank you.

DR. DUVAL: Thanks, Kathy. Then, before we keep going, I did want to check in with you, Mr. Chairman, and see how long you want us to go. It's 11:59 right now on my clock, and I am really glad that it's not me making this decision.

MR. PHILLIPS: I love you too. No, I think we should finish this. I think it will be much more efficient to finish this, and I looked at the committees this afternoon, and I'm sure Jim and Erica can make up some time.

DR. DUVAL: Well, the challenge has been thrown down to make up some time, and so, all right, John. If there are any other questions on this -- Then I'm going to let John move on.

MR. CARMICHAEL: All right. They're going to get a little bit easier now after this one. Action 4 is the multiyear specification. Previously, this had sub-alternatives with like three, four, and five years, and it was very specific, and what's been done here is just provide this language that says up to five years, and so it gives the same intent, and it gives you more flexibility, and it gets away from establishing those discreet years, which really just seemed to add complexity without accomplishing anything.

Action 5 is the phase-in, which we've talked about, and this will get a little bit interesting, because I did an example to see how this might work out, and there is a new piece here, the Sub-Alternative 3c, which is a biomass criterion for allowing phase-in. We have some criteria there, but this is a biomass cushion, in saying, depending on where you are relative to MSST, you may or may not allow phase-in.

This one, it gives more biomass cushion than just saying, if your stock is not overfished -- As you remember from the figure, there is a pretty good biomass range there before you end up in the overfished situation, and so this one keys on that midpoint idea, and so, if the biomass is greater than the midpoint between BMSY and MSST, then you would allow a phase-in. If it's less than the midpoint, and so you're approaching that MSST situation, and the potential damage to your stock is greater, and so you may not want to allow phase-in. If you think of the stock trajectory, allowing a phase-in could continue your biomass declining, and it might contribute to you suddenly ending up in an overfished situation that you didn't want to do, and so this will just be an alternative to think about as we get farther down, but I think tying it to biomass makes some good sense.

Now, the other part of this is the table, where I came up with this hypothetical example, and so the idea of the phase-in is that, if you have a big change in ABC, you would like to be able to spread out taking that big reduction, and so here's a hypothetical example where you had an ABC of 150,000 pounds and an OFL of 180,000 pounds, and you came up with a new ABC recommendation of 100,000 pounds.

They said a phase-in should be considered when there is a significant change in the ABC, and the number I think used is 80 percent, and so, in this case, you have got the new ABC is 66 percent of the old ABC, and so that means that you do have a big enough change that you would consider phasing it in, and, the way the phase-in works is that, in the first year, you would go to the new OFL. In this example, you would have had an ABC of 150,000 in the prior year, and you would go to the phase-in approach, and you would go to the new OFL in year one, and that would be 120,000. If they were catching that ABC, that's still a pretty significant reduction in what you would be catching.

In the second year, you go to the midpoint between the OFL and the new ABC, and so the new ABC was 100,000, and the new OFL was 120,000, and so you would take a half step and go to 110,000, and so you're midway between these two numbers here. Then, in the third year, you would go to whatever that new ABC was that was estimated before the phase-in, and the reason that you have to phrase it that way is because you have a set of projections that are based on you catching this 100,000 pound ABC, but you're allowing them to catch 120,000 and 110,000, and so that means there is technically less biomass in the stock in year three under the phase-in than there would be in year three if you would have gone to the original ABC, and so that has consequences to yield and everything of that nature, as you know.

That means, to get to year three, you've got to use that initial new ABC to get there, and then, in year four, the idea is that, by that time, you could do new projections and calculate the impact of what this phase-in is going to do, and then you would need to go to whatever the yield is based on that F rate that gave you that ABC and what you're trying to do, and that would have to account for the fact that you have caught more fish in the first three years than you otherwise would have.

Without getting into doing the projections, I just said, well, let's assume the stock is at equilibrium and we decided that we could catch 300,000 pounds, or 400,000 pounds, over these four years, and how many did we actually catch? Well, at 120,000, 110,000 and 100,000, we caught 330,000 pounds, and so, over these four years, under the original projections, we had 400,000 pounds available to catch, and we caught 330,000 of them, and that means there is only 70,000 pounds of yield left in year four to get us back on track.

That shows you that there could be a pretty good cost in the out years to this phase-in, and I kind of suspected something like this, but maybe I was a little surprised that it came out to be that much, but I think, as we consider a phase-in, we're probably going to have to get some projection-type analyses, and maybe look at some past stocks and get some real numbers, using real situations, that are going to illustrate this point, because it's certainly something that you're going to want to consider if you try to phase-in.

The other table is the same thing, but I just thought, if you could spread out the pain of that payback, you could -- Instead of just going it in year four, maybe look at the average over year four and year five, and, of course, that worked, and, in this case, you don't have to take quite as much -- It's 85,000 pounds instead of 70,000 pounds, and so I think that's worth considering as another alternative as well, and I stopped at five, as the text says, because usually the SSC gets pretty nervous when you start doing projections more than five years, because of the uncertainty that you start carrying forward, and that's a lot of years of guessing how many fish are going to be born.

DR. DUVAL: I really appreciated these examples that John put into the document. I think they really help illustrate the pros and cons of this type of approach.

MR. ESTES: I will see if I can sound like a -- If I can ask the question correctly. I understand your example, where we have 100,000 pounds and ABC set in year one and things change quickly and then we might need to phase things in, and so what if -- Alternative 1 mentions that we have a fixed ABC for five years. Is it possible, based on looking at landings catch rate, that we want to actually change the ABC in year two, the actual ABC, and not phase it in, and so is that possible to have an alternative that, instead of fixed, that we have it dynamic or changing? Then how would that work with this, or would it make it so confusing that we would have to have four computers running with six people?

MR. CARMICHAEL: Yes, you can always have an ABC that's annual, and, in fact, that's the expectation, that it is an annual value and that you would specify it on annual basis, and it can change every year. One of the reasons we're looking at the multiyear specifications is because that's allowed, but the Act says the council needs to clarify how that would operate and how you would do it, and so not doing anything really gives the option of having the annual values, and you could set it at any time, and so we're having to take the actions to do the alternative, which would be to fix it.

I think, in any of these phase-in kind of plans, you would always have the option of setting something lower or modifying that as you went on. All of these are envisioned, at least in my mind, of saying that's the maximum of what you could do, and so, if we has a phase-in allowance, and so the ABC that you would be getting in these cases would be the SSC giving that to you, and that would be the maximum, but, you as a council, you set the ACL, and you can set an ABC that's lower than this, and so you could always modify this and maybe decide, well, in this stock, we don't want a phase-in at that full 120,000. Maybe we want to just go to say 110,000 in year one and then go to 100,000 in year two.

As long as we have a system like this that sets this maximum boundary, you can always choose to be more conservative, and I think that's kind of how we've been viewing this as we go through, is to put to you the most flexibility, and then you can decide, with a stock, that, you know, I know I

have that much flexibility, but this has been a higher-risk stock, and we're concerned about where it's going, and so we're not going to use the maximum that we have.

DR. DUVAL: I think, if we get to a point where we have an annual specifications process, then you could look at these every year and decide to adjust your ACL and be like, you know, actually, we think we want to not take three full years to phase this in and we would like to do it in two, and so you can set the ACL below your ABC, as John said.

DR. PONWITH: It's a complicated thing, and the reason that it looks complicated is because, essentially, a fish is not a fish. By that, what I mean is that catching a fish in one year versus delaying catching that fish until the following year creates a fish that's more valuable to the population, because, typically, a female fish, the larger they get in length, the girthier they are, and the more productive they are in their contribution to the population, and that is why you get into this situation.

When you go with constant catch scenarios, if the projections show you can actually catch more and you opt not to catch more, so that you can have a stable catch level over multiple years, that sort of interest, if you will, accrues to the population and has a higher contribution to the health of the population than you would have if you would have taken as many fish as you could have.

The opposite happens if you do constant catch when you're building up to where you want to be, and that is that you tend to catch more fish than you theoretically can, in the interest of holding that catch stable. You catch more than you can in the earlier years and then stabilize out to what you could catch over an average period of time, and what you're essentially doing is sort of reducing that contribution to the population over a longer period of time, but in a way that is allowable for that period, integrated over that period.

Again, it just boils down to the fact that, the older the population is, the more productive they are. If you catch them earlier, it has a different impact on the population than if you catch them in the year where it can be tolerated, and so that's why you see these, and I don't know if I'm doing a good job of describing it, but that's kind of what -- It's the demographics of the population that gives it those features, and it's really worth considering when you make those decisions.

DR. DUVAL: Thanks, Bonnie.

MR. HARTIG: Similar to Jim's question, and it ties into Bonnie's as well, but we get these assessments, and sometimes the ABCs are increasing over time, and sometimes they are decreasing over time. If the council made a decision upfront that we want to phase this in over three years, could we do projections then that would ameliorate possibly the problem we have in year four, where we would be more evenly distributing the pain, so to speak, through those years in new projections, instead of doing it in the examples you made?

MR. CARMICHAEL: Yes, you can definitely -- I mean, we expect that you would do the projections and figure out what that new value would be, but I just did this guessing. If you can catch a certain amount of yield over a certain number of years, that's all that you can catch without causing damage, and so this is sort of a real approximation of how the projections might work out, and, as the other comments say about this, if you're in a situation where your ABCs are increasing over time, then obviously the pain won't be as great, because your stock is growing.

If it's decreasing, then it could be substantially worse, and that should be something, I think, that maybe comes into this, because maybe you shouldn't phase-in if your stock is showing a downward trend in biomass. We could have a stock where there is enough recruitment information that's coming down the pike, if it's got a relatively high age of selectivity, that, in some case, yes, we do know that, out four or five years, maybe the stock is going to go down, until we start thinking that we get some better recruitment and our projections start feeding in recruitment that is predicted and what we expect to get. Then maybe it levels out, and so, yes, I think we would have those, and, again, that would help inform the council of saying how do I want to do this and do I even want to do this.

MS. BURGESS: I think, to sum up the questions that both Jim and Ben asked, is the real heart of it is are the alternatives, as they are worded in this document now, going to give the council, in practice, enough flexibility to tool these things around seen fit, and I think that's the desire of the committee, and I am interpreting for the committee here and so -- For example, if, in this three-year phase-in, instead of going from the OFL to a midpoint of the ABC in year one and year two, maybe have a constant ABC in year one and year two that is below the OFL, but not the new ABC, and then you drop again in year three. One and two are the same, and, in year three, you drop again, and if that is what the council decides they want at that time, when they're considering the ABCs for those species, would they have the flexibility within these alternatives to take an approach like that?

MR. CARMICHAEL: I think they would. As I said, the way this would do it is this would give you -- The way this was worded, this would give you up to 120,000 in year one and 110,000 in year two. Under the current rules, you are bound by this ABC right here in each annual, and so we can't phase-in now, because we haven't come up with the criteria that describe how you would phase-in, and so what we've tried to come up with here is something that would be not overly risky, and so that's why it drops down over a couple of years, while also allowing you that flexibility to do that.

Certainly there is, I would imagine, and not to infer what some SSC members think, but I expect that quite a few would have concern with even being at the OFL in that first year, but this does give you the maximum flexibility, and so I think, within this, the council could choose different values in these different years and get to where they want to go, and I'm not sure of being able to raise any of those phase-in ABCs any further and get any SSC support at that level, to give you additional flexibility in more of those years, year two and year three, for example.

DR. DUVAL: I think, just in looking at the steps from year one, year two, year three, and year four under Alternative 2, I think, Erica, it depends on -- To use your example of wanting to maintain a constant catch for year one and year two and then drop again in year three, you are still bound by the ABC, and so you can conceivably set your ACL to be constant for those first two years, as long as you're falling at or below an ABC, and so the council does have the flexibility there, but it sounds like perhaps you're thinking you might want an ABC that was constant, as opposed to an ACL, for a couple of years.

MR. BREWER: John, if you used your example here, wouldn't you have to go back and reassess the risk involved for the number that was being used, or the number that was being set forth for



the OFL, because it just seems like, to me, if you're front-loading this thing, you're increasing the risk that you're going to overfish.

MR. CARMICHAEL: Yes, to some extent, you might wish to do that. Certainly you are having a high risk in that first year, if you're at 120,000, because you're saying we think the new OFL is 120,000, and so you're not giving yourself any cushion, and so you're at a pretty high risk of overfishing in that case, and so you would have to be very careful with that, and I think you would use this in situations where you were offsetting severe social and economic consequences, if your prior catch was maybe 150,000, or even higher. If your prior catch was 125,000 against an ABC of 150,000, then you probably wouldn't even be considering this, and so, yes, I think the council is going to really have to weigh how much risk are they willing to accept in that year versus what are the real social and economic consequences of taking, in this case, that big 50,000-pound cut.

MR. BREWER: Thank you.

MR. HARTIG: To broaden Bonnie's a fish is not a fish, we have black sea bass and snowy grouper, and we have a relatively short-lived fish versus a long-lived fish, and both of those we actually did phase-ins on, and so you can go on beyond a fish is not a fish in other species as well, but I mean, those two species, we can look at those and answer some of these questions, just to get an approximation of what might happen with the two species we've already looked at.

DR. DUVAL: Tony, and then I would like to move the discussion on.

MR. DILERNIA: Thank you, Madam Chairwoman. We used this process when we were looking at complete shutdown of the recreational black sea bass fishery as a result of an overage that occurred in the previous year, and the payback was going to be so high that we were going to have to shut down the fishery for an entire year, and so that's where I heard the comment of when the socioeconomic consequences are going to be so high, and that's why we developed this process in the first place, and it does work, but, in the latter years, that 85,000 -- Folks get used to it, and, all of a sudden, they realize that they have to go down even more, and it's like, gee whiz, and so you have to remind them that the reason we did this in the first place was so that you didn't get really crushed upfront.

DR. DUVAL: Thanks, Tony. Are we ready to move on? I think we've had a pretty robust discussion of the pros and cons and the risks of phase-in and what the council might need to consider.

MR. CARMICHAEL: If you consider what Chester said and the risks, and so keep in mind there is a sub-alternative that says you can only even consider a phase-in if you're above that midpoint between BMSY and MSST, because I think that's important for looking at this 120,000. You wouldn't want to be at that risk of overfishing if you were at a risk of becoming overfished, and so there is kind of going to be some connectivity to these various things, and this is an interesting alternative. I mean, it's an interesting action, and it seems simple, but it gets really complex when you start dealing with it.

Then, moving on to Action 6, the next one is dealing with carryover, and the idea here is that you would use this carryover when you've had some type of closure and you've had a situation where maybe a stock has been under its limits and then you had a closure and perhaps, in response to that

closure, you applied accountability measures, and maybe you changed seasons or bag limits or trip limits or something to prevent a closure the following year and then you end up going under.

That's where the idea of the carryover is, is that perhaps you over-responded, in terms of management, or you closed a fishery prematurely, based on projections, and you have some unused ACL, and the idea of this is to be able to carry that over into the next year, and so that's why it has the different criteria like it is. You have to have had a regulatory closure to have an ACL, because you don't want to have a carryover of the ACL and you don't want to be in a situation where you've been harvesting half of the ACL for a number of years and you start carrying that over, because that could compel you, maybe, to relax a bunch of regulations to catch all the fish, but perhaps the fish are just not as abundant and we haven't realized it yet.

The Alternative 3 there is you're only using it if you've had a regulatory closure, and then I brought in this new language of only if total landings over those previous three years are less than the total ACL over those three years, and that is building off the cumulative three-year landings idea that Jessica brought up when we talked about the accountability measures, and I thought that really made a lot of sense there too, because, if, over those three years, you have caught more than your available ACL, then you have taken more than really that stock, on average, told you that it could produce, and carrying it over then would add a significant amount of risk, and so I think, in terms of a carryover, you need to make sure that you have not cumulatively overharvested over that period. I think that's a helpful alternative to this.

Then always keep in mind that the revised ABC -- When you do carry over, because of the restrictions on you can't exceed the ABC recommendations of the SSC, this means that the ABC is going to essentially be revised in that next year for you to accommodate this carryover, legally, and so we have to make sure that the ABC that is revised upwards to accommodate it may not exceed the OFL, because nothing can ever exceed the OFL.

Then there is alternatives based on what we know, whether OFL is known and defined or whether OFL is unknown, and so you either go over the OFL or you go over, in this case, over the ABC, and then we also talked about, and I think Charlie mentioned this, about carrying a percentage of the sector's ACL, and so that's the Alternative 6, is Charlie's suggestion about you could also key it back to the amount of the ACL that you had, which I think is good. It gives you more flexibility to deal with stocks where maybe we don't have as much information.

DR. DUVAL: This harkens back to an approach that we have discussed before under Dolphin Wahoo. This is something that HMS allows for certain species, which is a carryover of a certain percentage of like the total annual U.S. quota, and a certain amount of that may go to a reserve category, like for bluefin tuna, and so there are other examples of how carryover has been used.

MS. BECKWITH: I want to make sure I'm clear. Under Alternative 3, can you explain Alternative 3, in practicality, to me one more time?

MR. CARMICHAEL: In Alternative 3, if you have a fishery that did not catch its full ACL in a sector, and say the commercial sector did not catch its full ACL this year, but last year it did and it actually had a regulatory closure, because it perhaps caught more than or was projected to have caught more than its ACL, if, over three years, its total landings did not exceed the total ACL over those three years, then you could carry over that unused stuff from this year, that unused ACL.

As I said, you had to have had a closure, and that's been an important fact that the council has put in here, to make sure that you had to have a closure, because this is a way of making up for maybe the regulations were overly restrictive in some situation.

MS. BECKWITH: Then I'm not sure that that would work for commercial dolphin, because, realistically, we don't have closures in the commercial dolphin fishery but once every ten years or seven years, whatever the case might be, and it happens when there is a year of incredibly high abundance in the fishery and the access to those fish are just incredibly easy.

If that's the case, then that would not allow a carryover to sort of cushion the commercial dolphin fishery in those rare instances where they would actually be able to use it and it would be accessible to them. Then this doesn't work for me. It's kind of against what we've been talking about for it feels like forever now with the dolphin fishery.

MR. CARMICHAEL: I guess, in the dolphin case, if it's a one-year event, then there really wouldn't -- Is there need for carryover into the next year, if you're not having a closure?

MS. BECKWITH: The idea is to carry over on years that you haven't gone over, so you are buffering the years that you do have those levels of high abundance, and so my concern would be that, in order to make the carryover provision work, you would have had to have a closure, where I think the intent of the Dolphin Wahoo Committee has been to put something in place that prevents a closure from happening on that rare year of high abundance, and having it be triggered back to a previous closure in the previous three years would kind of defeat the purpose.

MR. CARMICHAEL: I think I understand what you're saying, and that sounds, to me, more like a need to change the accountability measures for dolphin, so that you don't apply that closure. If you think this is a rare event, you're talking about changing the accountability measures so that perhaps you don't close the dolphin fishery in that year, and you're talking sort of an a priori I'm putting -- Because I didn't catch enough in year one, I didn't catch my ACL in year one, and so I'm going to carry 10 percent of that over into year two to offset the potential that I have to close in year two, and this is more of saying I am going to carry over unused stuff into a future year because I had a penalty last year, and this is really a multiyear sort of looking backwards, and the dolphin situation definitely is very different.

This is an after-the-fact situation to account for maybe I closed a fishery when I didn't need to or I added regulations that were overly restrictive and held my fishery down in the year after a closure, but dolphin is more of, well, there's going to be some year where, for some reason, the dolphin are more abundant, or the fishery is better, and suddenly, yes, this one year out of ten, this fishery ends up reaching its limit and I have to shut it down, and I think that's going to be more easily fixed with an accountability measure change in dolphin and just getting away from the closure.

MR. BREWER: John, I've got a question about Alternative -- Maybe two questions about Alternative 5 and 6. When I think of carryovers, and this is because of being with ICCAT for so long, but I think in terms of percentages of the underage essentially being the carryover, and I think that's captured in Alternative 5, and, in essence, you would carry over 10 percent of the underage, I guess assuming a constant ABC, and only for one year. Am I correct in what that -- Okay. Good.

Then you say allow a carryover of unused ACL up to 5 percent of the sector ACL, which is fine, and I understand that, because that's the 5 percent underage being carried over, but shouldn't that also be for only one year?

MR. CARMICHAEL: Yes, I think, in all of these, it would be only one year, and we should make that clear.

MR. BREWER: Okay. Thank you.

MR. HARTIG: I had the same concerns as Anna did about dolphin, and maybe we treat dolphin differently. I mean, I don't know that the other species that we manage come anywhere near the problems that we have with dolphin, where, out of the blue, you get tremendous recruitment and you have a great fishing year, and, in order to be able to take some advantage, that commercial fishery needs to bank some of their unused ACL over a period of time, and maybe we just deal with dolphin differently, but I think, for most of the species that I can think of, what we have here will work.

DR. DUVAL: Let me just read how some of the HMS stuff works, and this is from an HMS staff member, but, for bluefin tuna, no more than 10 percent of the total annual U.S. quota, and that underharvest goes to a reserve category. Then this looks like albacore, and no more than 25 percent of the annual U.S. quota can be carried over, and these are only one-year carryovers. This is not something that -- If you don't end up digging into that carryover in the following year, you drop right back down to what your annual catch limit was previously.

It looks like the northern swordfish is not to exceed 15 percent of its initial catch limit, and, the southern swordfish, the maximum underage that a party may carry over in any given year shall not exceed 30 percent of the quota of the previous year, and so there are some examples, and I think I understand what Anna and Ben are saying about dolphin, that it may be just one small chunk that you want to bank for only the following year, and, if you don't use it, then your ACL in the year after the banking -- So, if we didn't harvest all of the commercial dolphin ACL this year, say 10 percent of that, of the total ACL, gets added to the following year, or the commercial ACL gets added to the ACL for the following year. If you don't use it in 2019, you're back down to where you started, and so it's just a one-year type of thing.

MS. BECKWITH: Right, and I understand John's point of us taking care of that in the accountability measures, but this discussion and this option came up during our discussions of accountability measures because, quite frankly, it is much -- Perception is reality, and it is much better received to have the commercial guys carry over an unused portion of their own harvest than either have a rollover from the recreational or some of the other options that we used in those accountability measures or not allow a season closure or have the idea that it's sort of tapping into this other sector's allocation.

This was an option that, if memory serves, was actually maybe brought up by Roy of why didn't we kind of come back to the SSC and have these discussions, and then you can reset your ABC almost on an annual basis, and that sort of warped into this as an option, and so I think dolphin is very different from all the other species that we manage, and the one-size-fits-all maybe doesn't fit for them, and so I do need -- I would like to see an option or verbiage that does exempt dolphin from that closure requirement in the previous three years, and, if we could do that, then I think the

verbiage is fine and the rest of it covers, but they would just need the commercial dolphin, or dolphin in general, would have to be exempt from that sort of previous three-year closure requirement.

DR. DUVAL: I do think like Alternative 6 would take care of that, but, Charlie, and I would just note that it's 12:33 right now, and so I don't know how much further we want to take this discussion. Mr. Chairman, I know you had a question, and then I was just noting the time.

MR. PHILLIPS: I will make a quick comment, and then I have a suggestion. To Anna's points, and since it's probably going to be hard to do a one-size-fits-all for dolphin or mackerel or snapper grouper or different species in snapper grouper, we may want to maybe do Alternative 6 and have some sub-options of 5, 10, and 15 percent or something. Then, in conjunction with the SSC, then the council helps do that.

Since it's 12:30, and this is a very robust conversation, I might suggest that we go ahead and recess for lunch and come back at 1:30. I think they need to do their stuff, and then we'll finish this up afterwards.

DR. DUVAL: So after Spiny Lobster we would come back to this? Okay. Great.

(Whereupon, a recess was taken.)

DR. DUVAL: We are going to reconvene the Committee of the Whole and get back into our ABC control rule discussion. When we recessed for lunch, we had had a pretty robust discussion about Action 6, which was to allow carryover of unused or unharvested catch, and so we had quite a bit of conversation about, I guess, the needs of specific fisheries, shall we say, and I think, specifically, we were talking about Alternative 3, which looked at carrying over unused ACL for a sector that had experienced a regulatory closure once in the previous three years, but carryover would only be allowed if those total landings were less than the total ACL over those years.

We had some other discussion about Alternative 6, which would allow carryover of unused ACL up to 5 percent of the sector ACL, and we gave some examples of what is allowed, I think, for some of the HMS species, and then we had some discussion that perhaps some additional sub-alternatives under Alternative 6 might be a way to deal with a species like dolphin, where you might want to bank just a little bit of unused commercial sector annual catch limit to account for those years when there is an increase in abundance and we're likely to have increased encounter rates, and I think one of the comments was to just make sure that these alternatives indicate that any carryover would only be for one year. You're not allowed to carry things over for multiple years in a row.

Do folks want to go back into this action for carryover, or do people feel like we've had sufficient discussion and have sort of outlined the concerns enough for staff to move forward, and, John, I guess I would ask you if you have additional questions for the committee, in regards to the discussion we had.

MR. CARMICHAEL: No, not really. I looked back at the presentation that we received on the revised National Standards, where they talked about the carryover provisions, and they laid out two alternatives. One was the council deals with it within ACL and stays below ABC, in which

case that's not really an ABC control rule situation, and then the other one is they were like this is the ABC control rule example, where you end up wanting to revise it above what your existing ABC is, and so, like in the dolphin situation, if the goal was still to stay below that total ABC for the stock, then it wouldn't need to be addressed in the ABC control rule stuff, but I think we still keep this, because we want to have that alternative for other stocks in the future, where we may actually want to have that ability to go above that prior ABC.

I guess I think, Monica, ABCs are published in the Federal Register, and so, if you got in a situation like that, you would have to take some type of action, by which you would revise that ABC and publish the new one for that year?

MS. SMIT-BRUNELLO: Actually, they're not published in the Federal Register. ACLs are published, and the accountability measures are published, but the actual ABCs have not been published, at least in the Southeast Region. I am not sure if they are published in other regions or not, but I could check.

DR. DUVAL: I was just looking at dolphin and wahoo, and do we have an OFL for dolphin? We don't, do we? So, you do have a couple of alternatives in here, if there is an unknown OFL, such that there might need to be a revision to the ABC, correct?

MR. CARMICHAEL: Dolphin would fall say under the Alternative 5, OFL is unknown, and the ABC revised upwards to 110 percent of the original ABC. That would be -- Given the fishery, that would be a heck of a lot more than say 10 percent of the commercial sector ACL, and so that's where I think the sector ACL, Alternative 6, comes in as another choice to be used.

DR. DUVAL: Just to clarify, we don't have an ACT for commercial dolphin, and I believe that ACL equals the ABC, and so you are in that situation where you might have to apply two of these alternatives.

MR. CARMICHAEL: The total ACL equals the ABC, but then you have sector ACLs, right?

DR. DUVAL: Right. Okay.

MR. BROWN: John, would this -- If we had situations in the future like with the red snapper mini seasons, would this apply to that too for a carryover, if we had like another season for the following year?

MR. CARMICHAEL: I think that it could. I think that it's probably a little different than the reason we had the other season this year. We had the other season because we decided that we didn't catch all that was there, but I could see a situation where you may want to use something like that, if perhaps you weren't able to open it up within the year and get it fully used within that year. Perhaps you allow that to be carried over and use some more the next year. I think it could certainly apply in situations like that.

MR. BROWN: I was just thinking because of the weather situations we've had.

DR. DUVAL: Any other questions or comments on this action, with regard to carryover? I think one of the things, as I had mentioned, that we had talked about prior to lunch was adding some

sub-alternatives to Alternative 6, such that you could allow up to 10 percent, or perhaps even 15 percent, noting that ACLS vary amongst our species, and so 5 percent for one species is not the same as 5 percent for another species.

MR. CARMICHAEL: So, we'll increase the 5 percent to up to 15 percent of a sector ACL?

DR. DUVAL: Are folks okay with that, up to 15 percent? I will just note that, again, HMS for a couple of those species, I think, allows 25 percent.

MR. PHILLIPS: Do we want to set it at a maximum, knowing that, for some odd species, that we actually may want to go up to 20 or 25 percent, or do we want to limit it to 15? I am just asking.

DR. DUVAL: I think other committee members should weigh-in on that.

MR. BREWER: John, I had a question. As we were going through the different options and we were talking about percentages, it seems to me that we need to be consistent, although we may have variations between species, but, when we're talking about carryover, are we talking about a percentage of the underage, or are we talking about a percentage of the prior ABC or catch limit? To me, I was thinking about it over lunch, and it wasn't really clear to me exactly which of those two or three different items we were talking about having a percentage of.

MR. CARMICHAEL: In this, we're talking about a percentage of the total ABC or total sector ACL, and so not of the underage.

MR. BREWER: Thank you. That could be a pretty big number.

MR. CARMICHAEL: Yes, and I think that's what folks were saying, is why maybe the 15 percent, but you as the council have to decide what you think is appropriate for each stock when you consider this.

MR. GRINER: I think going up to the 25 percent gives you that leeway to look at each stock differently, because they are all going to have different ACLs, and so I think it would just give us more flexibility if you set that number a little bit higher.

MR. BREWER: If you're going to set the number higher, then I think you almost have to do it per species, because, if you had up to 25 percent carryover, if you're talking about a fish like dolphin, you're talking about a lot of fish. If you're talking about golden tilefish, not so much, and so you almost have to be species specific, particularly if you get up to a number like 25. I will tell you that, at ICCAT, they did 40 for a number of years, and they realized what a disaster that was, and they took it back, and I believe it's now at 10 percent, isn't it?

DR. DUVAL: So, again, bluefin tuna is 10 percent of the total U.S. quota, and NALB, northern albacore, is no more than 25 percent of the annual U.S. quota. Then, for northern swordfish, it's not to exceed 15 percent of the initial catch limit. For southern swordfish, the maximum underage that a party may carry over in any given year shall not exceed 30 percent of the quota of the previous year, and so it's all -- These are all in reference to whatever your annual catch limit or quota is, and it's not about the amount -- It's not about a proportion of underage that you can carry over, but it's about a proportion of your quota or annual catch limit, in MSA parlance.

MR. CARMICHAEL: I think it helps, if you think about the 25 percent, and don't lose track that we also have two other checks on this system, because, under Alternative 5, you can't exceed 110 percent of the original ABC, and so, in some stocks, depending on how the allocation is between sectors, you may not be able to make use of that full 25 percent, and others perhaps you can, and then, if the OFL is known, then you may not exceed the OFL, and so I think maybe that's an important point that we'll have to make sure that we get in the text, that, while that's up to 25 percent within a particular sector, but we still have these overall caps on the total fishery, which I think provides a good degree of conservation for the stock itself.

MR. HARTIG: One example, John, is you could look -- We have talked about dolphin a lot, but dolphin, when it had a soft cap, we went over the soft cap in one particular year without a closure, and how many pounds was that? Then we could go back and frame our discussion somewhere around that, I would think.

MR. PHILLIPS: Yes, and I like John's point that we've got our checks-and-balances, and so I think that might keep us in between the ditches, so to speak.

DR. DUVAL: John, I think I just want to clarify that the way these alternatives are written, or I guess maybe the way that we're seeing them under this action, is that multiple preferred alternatives could be selected in order to provide those guardrails.

MR. CARMICHAEL: Yes, that's how we're written them up, thinking that will be what you will do.

DR. DUVAL: Okay, and so I think what we've heard is that folks would like to see Alternative 6 have a carryover of up to 25 percent of the sector ACL, in terms of unused ACL that could be carried over. Have we beat this one to death?

MR. CARMICHAEL: I do have one other question, because this kind of triggered a lot of this, is this provision in Alternative 3, a fisheries sector that has experienced a regulatory closure, and should we have an alternative that's similar to this but doesn't include that language?

MS. BECKWITH: Outside of that requirement of having the closure in the previous three years, I actually think that could work for dolphin. It does give the safety net of making sure that the total ACL hasn't been reached, and so it does give it a safety net that would be appropriate for dolphin, and so I don't know if you would maybe add a sub-alternative or something in there that said all species except dolphin or all species, and I don't know, but some way to exempt dolphin from Alternative 3, because I actually think that Alternative 3 could work quite well, except for that one piece.

DR. DUVAL: The regulatory closure is really the sticking language for you on that alternative, and I think the thing that you're trying to avoid here is that, if you have a population where you are consistently underachieving that ACL, and red grouper is, I think, a great poster child for this, that should be an indication that there is probably something wrong and you're not going to want to carry over the ACL there.



That is my sense of why Alternative 3 is written the way it's written, and so I think, as John indicated, you can include another alternative that simply removes that language or that phrase "that has experienced a regulatory closure due to the catch exceeding the ACL", and that gives you one more alternative.

I would hope that, if we're looking to use this provision, that we would also get some advice from the SSC in that regard. I mean, this is exactly one of the situations that they were concerned about, was that you would have a stock that was significantly underachieving its annual catch limit and that there would be a problem.

MR. HARTIG: Just to follow up on that a little bit, I don't see this used very often. For a species like vermilion, or when we reopened blueline tilefish at 94 percent -- Maybe we don't open it at 94 percent that year and just add that extra 6 percent and move on for the next year, but, for vermilion and for things of that nature that happen, when you're actually -- In long-term average catches, you're catching the allocation early every year, and then you look at the biology of your stock as well. You look at the assessment, and, if everything points to, yes, we can do this without much chance of having a problem, do it. Otherwise, I don't see it happening for anything that has underages.

MR. PHILLIPS: I am not even sure that we need Alternative 3 if we're going to lean towards 6, because our checks-and-balances and just sitting around the table at council -- Say for red grouper, we're looking at landings every year, and I don't see us giving them a carryover when we see what's going on and we're looking at our fishery performance reports and such. I just don't see us going there, and so I'm not sure that we even need 3, because of our checks-and-balances and just looking at the history, and I agree with Ben that I don't think that we're going to do this very often.

DR. DUVAL: John, once we -- I am jumping ahead just a little bit here, but just thinking, once we get through this document, and we only have a few more things to go through, the SSC is going to see this again, and so they have not -- They haven't seen this document with all of these modifications to alternatives since they met at the end of October, and so any of these alternatives that are in here they would see.

I guess what might be my recommendation is to maintain Alternative 3 in there right now and let the SSC take a look at it. Staff can certainly explain that we've had similar conversations around the table as to what they have had, that we don't believe that we would actually use a provision like this in a situation like red grouper, and I would rather err on the side of being a little bit more inclusive on the alternatives at this point than perhaps taking some away. Okay. Anything else? Then moving on to the next action.

MR. CARMICHAEL: Yes, and I think that's very good advice, and it will also give the IPT a chance to talk about it, and so I think that's a good choice for right now. The next one is Action 7, and Action 7 is the control rule application to rebuilding stocks, and there is no changes from what we had in November, and this just clarifies what we've done in practice, which is let the ABCs be based on the rebuilding schedules.

Action 8 is the deviations from the ABC control rule, and we added an alternative about the council may request the SSC deviate from the specified ABC control rule when necessary, based on its

expert judgment. This is somewhat from discussions of ours as well as discussions about the SSC, about having just some guidance for the back-and-forth that might happen between the council and the SSC, and, in the discussion, I've got some additional language added in here trying to capture things that were discussed at the SSC and things that were discussed at the council meeting, to really start to flesh out the criteria of when this would be considered and what types of things would be considered if you do deviate.

DR. DUVAL: Any questions or comments on that?

MR. HARTIG: Does this address the sanity clause? I mean, does it address that? In king mackerel, we had a productivity estimate that the SSC did not think was correct, and we couldn't change it, because we didn't have a way to address that, and I don't know -- I mean, this is pretty specific about what it addresses, and I'm just wondering if that is part of what we can do.

MR. CARMICHAEL: I think so. I think this gives a lot of flexibility, and we'll make sure that things that are listed are examples and not inclusive or exclusive lists, that there are other things, but these are just some criteria that you may consider. I think there are a number of cases where the SSC has kind of gone through the exercise and looked at the ABC and felt a little dissatisfied with where they ended up, and this would give them the ability to say, well, we actually think this is a better approach for this stock, for these reasons, and it gives you the chance to come back to them and perhaps ask some questions of did you consider this, and did you consider these things, and are there other things that could be done?

MR. BREWER: In reading this, with my lawyer's eye, I think John is absolutely correct. It does give you that ability, if something -- In other words, if you've got something that just absolutely does not pass the smell test, the language is here that would allow you to reconsider the findings of the SSC, and so I think it's fine.

DR. MCGOVERN: Alternative 2 here looks really similar to what's in Action 1 for Sub-Alternative 3b under Category 4. Are they the same thing, or are they different?

MR. CARMICHAEL: It could be the same thing, and so it's similar to --

DR. MCGOVERN: In Sub-Alternative 3b, it says the SSC will set ABC directly based on its expert judgment and providing justification to support use of this approach, which seems really similar to Alternative 2, but maybe there is some differences that I don't see.

MR. CARMICHAEL: I think that's for setting the ABC directly, and this is for saying we -- Maybe it's a stock that's been assessed and they could apply the control rule with some of the other conditions under Action 1, but they, for some reason, feel like it didn't work out as it should, and they were dissatisfied with the outcome and felt that maybe there was something within the data or within the assessment that was not being accounted for, and so this would explicitly let them apply judgment to those other categories.

DR. DUVAL: Anything else? Okay.

MR. CARMICHAEL: Then the next one is the recreational accountability measures, and we had an awful lot of discussion about this at the webinar, and I think we made a lot of progress in terms

of what we would like to do here, and so we moved around some of the alternatives, and we're considering moving this to the Considered but Rejected for the monitoring closely situation, just because we're not sure what that means, and our whole problem here is being able to monitor these fisheries accurately.

Then having a new alternative which brings out a number of criteria for determining whether or not there actually is an ACL overage, and so this gets in the idea of evaluating the estimate that we have of the catch in a given year and how we go about doing that, and so we've had the discussion of the three-year geometric average, geometric mean, because that seems to be less distorted by these very high, spiky values that we get at times.

We have the sub-alternative to use the three-year cumulative total, which is what Jessica suggested, which would also get you in sort of a similar situation of not responding to one year. The risk of the cumulative total, of course, is always, if your spike is really extreme, you could still end up with a problem where you're like, you know, we really still don't trust that situation.

We also talked about looking at AMs if there is a persistent overage, and, in here, it talks about defining that as landings over the ACL in two of the prior three years. There is a sub-alternative to establish the sector ACLs in numbers of fish and evaluate landings in numbers of fish, which gets us out of all the weight problems that we've dealt with in a number of years, and, again, these would be ones you could pick multiple things in this choice.

The last one is, if the stock is not in a rebuilding plan, then you only impose accountability measures if the total stock ABC is exceeded. Another one that maybe needs to be added to this is some way of bringing in the PSE and extreme PSE values. Maybe, if you have a PSE that exceeds 40 percent or something, you don't use that value within your averaging or to evaluate accountability measures, and that's probably certainly one where we'll want to talk with the SSC and the IPT about how to word that and get that in there, so we still have information to evaluate the stock, but I think bringing in the PSEs makes a lot of sense.

Then the last one on Alternative 3 is -- Alternative 3 is about adjusting the regulations to address the overages, and so what we had here before was stuff about changing bag and size limits and such, and we just wanted to change that, and I think the previous one also used the word "reduce", and so, instead of saying "reduce bag limits", we're using this adjust the recreational specifications language, to be more neutral and not come across as punitive.

Then Alternative 4 is establishing a predetermined season, and we want to make sure -- Gregg suggested making sure that this would operate without any -- There wouldn't be any closure if you did this. There would be no in-season closures. You would just set the season and say it's going to be this many days. This is when it starts and this is when it will close, and then you're not adjusting it within the year. This would supersede all of that kind of stuff.

DR. DUVAL: Are there questions or comments on these alternatives? This encompasses the conversation that we had on the webinar, and Jessica and I were talking about some things that have been put forward at the ASMFC with regard to evaluation of cobia harvest against state-specific targets over a three-year evaluation timeframe, and so I think some of these alternatives get into that, and then Anna and I had also talked about what do you do when you have PSEs that

are enormously high, but you're still forced to use the point estimate, and having some means of dealing with that.

MR. BREWER: I have a question and then a comment. What is a geometric mean?

MR. CARMICHAEL: It's an alternative way of calculating the mean that takes into account the standard error or something over the period that you're doing it, and I forget exactly how it is calculated.

MR. BREWER: So you don't know exactly what it is either?

MR. CARMICHAEL: It's an option in Excel, and I think Erik could probably give us a more official -- Could you give us a more official definition of just how it works? I will call on our reigning statistician.

MR. BREWER: If I'm going to be advocating for something, I want to know what it is.

DR. WILLIAMS: Geometric mean is most equivalent to the median, and so it operates in a multiplicative state rather than arithmetic, which I know is a technical definition, but think of it as being closer to the median than the straight average that you always compute from a series of numbers.

MR. BREWER: You feel confident with it? Then, I couldn't -- When we had the webinar, I couldn't figure out how to make my microphone work, and I will admit, once again, to being a dinosaur, but I listened very carefully to the different recommendations that were made, particularly from -- Well, to the different recommendations that were made, which I applauded, and I want to thank you for being able to encompass really a lot of those comments in these new alternatives. Thank you.

MR. HARTIG: I sent a letter out, and I don't know if the entire council got it or not, and I can't remember, but I tried to send it to everybody, about MRIP and the high spikes for rarely-intercepted species, and I don't think we're going to solve that by using the two -- What was the one thing that you were talking to MRIP about, the error bars -- The PSEs. I don't think you're going to solve that with the PSEs, because the problem is in how many fish are actually intercepted in a given area.

I mean, Erik, in the assessment, we smooth some of these values. They are smoothed in the assessment, and so, in cases where they are smoothed in the assessment, and if they could have been smoothed real time, maybe we wouldn't have had any impacts on the recreational fishery, and so, instead of throwing MRIP all the way out, some way to smooth some of these estimates in real time, as they come in, possibly in the Regional Office that's where that happens, if we set up a procedure for how it should be done. Basically, that's how -- An option to allow that to happen, and I am much more amenable to that than trying to use the current MRIP things for rare species, because I don't think it's going to get us out of the box that we're in now.

MR. CARMICHAEL: The geometric mean would be a way of smoothing, as would the cumulative, in a sense, kind of accomplishes the same thing. I think what's important is, in Alternative 3, it talks about adjusting the limits, and we would be getting away from any type of

in-season closures in the recreational fishery, which I think would be -- That alone is a huge step, in terms of what we do, and so then that gives us the opportunity to evaluate what has happened, and, if we think that we went over, we might want to look into the fishery and decide what the appropriate response is, and that is a lot of what the Mid-Atlantic does through their Monitoring Committee.

They look at what happened within a fishery, and the Monitoring Committee recommends if the council needs to take any accountability measure changes, to say change seasons, possession limits, trip limits, size limits, stuff of that nature, and the most recent one in black sea bass -- I think they were over in the recreational fishery, but, in looking at projections and trends and what they knew about the fishery, they didn't recommend that there needed to be any changes in the fishery regulations as a result. They didn't feel that that would be continued in the coming year under the existing regulations.

In a way, I see this as sort of where a lot of these criteria are getting us, to something like that, where we might want to have some type of group that does a similar sort of evaluation for a stock that we decide hits one of these triggers and say, oh, your three-year geometric mean was over, and what do we need to do with that fishery in this coming year to respond to that?

DR. DUVAL: This is something that John and I have talked about a little bit, in terms of having some annual review of the recreational numbers, I think in particular, as they come in, and I will just say that this is something that the ASMFC and the Mid-Atlantic Council have been struggling with in regards to black sea bass, and there are active discussions going on with the ASMFC Summer Flounder, Black Sea Bass, Scup Technical Committee, in conjunction with the Mid-Atlantic Council's Monitoring Committee, about different types of smoothing approaches that could be used.

That was one of the things that I corresponded with Bob Beal and asked him if he would mind, during Other Business under Snapper Grouper, to just give a brief highlight of what those activities are and some of the alternatives that are being considered in that regard, because they have a presentation by John Foster, and it was a very detailed meeting report that went into a number of different things, specifically to the issue that you have raised, Ben, with regard to high PSEs and estimates that really seem like they're kind of outliers, and I suspect we'll have a good bit more discussion about this when we get the recreational landings report in Snapper Grouper, and so I hesitate to get too far into it right now, given that it's ten minutes to three, and I know there's another committee that is going to be starting.

MR. HARTIG: I am just concerned about the geometric means when you have zeroes and then you have a snowy grouper peak that's up here, and you've got two zeroes within that averaging period, and then you've got a huge, huge peak, and then you've got some other numbers in between, and I don't know that the geometric mean is going to take care of that, and so I am good if -- I think this is a great idea, if we develop this group, and I think that's a great conversation that you guys have had, and I think that's a way to solve this, since we are going to change our AMs for the recreational fishery, and, I mean, we can do this after the fact, but I don't want to see those numbers used in the averaging in any way in the future, and that's just me.

MR. BROWN: I will save a lot of my comments for later, but one of the questions that I did have though, John, was this method right here, and I was told that we were the only council that had in-

season closures for recreational fisheries, and is this a similar method to the way that the other councils do their -- That they do this, so that they don't have the closures in-season? I know you mentioned the Mid-Atlantic, but I was just --

MR. CARMICHAEL: I think, as far as I know, we're the only ones now that are having in-season closures with the recreational, and I don't think the Gulf has any. The Gulf does? I see heads nodding, and so the Gulf has in-season closures for some of their recreational fisheries, and so some others do this. Because of the issues we've talked about, we're trying to get away from it, but the way I see this would operate would be this highlighted list there would be potential triggers, and, if a stock pulled one or two of those triggers, if you picked multiple ones, then that would trigger a more in-depth review.

While that adds time, I think, in every situation that we've come in, where we get these unusual circumstances, most recently with greater amberjack, we end up still devoting the time to explain to you why this happened, digging into the estimates and trying to understand and really trying to craft an explanation, and, if you look at the Monitoring Committee of the Mid-Atlantic, that's a lot of what they do. They get a report and it encompasses the fishery performance reports from the fishermen themselves, the results of the stock assessments, projections, if they have them, and an evaluation of what the fishery is really doing and whether or not they think that, okay, if I pull this trigger, if I'm over an ACL, do I need to change the management, and that's the way I see this operating, that we could follow something like that.

I think, when we first started doing these accountability measures, there was maybe a fear that we would have to do a lot of those types of evaluations and it would become very time consuming, but I think, in hindsight, we're looking at this, and we're probably only talking about a species a year or something where this is happening.

I think one or two, but it's not an overwhelming number, and I don't think it's something that we could not handle with a group of maybe -- It's much like the Monitoring Committee. It's council staff, Regional Office staff, and maybe some key state folks and SSC members and the Science Center, that could meet over webinar and say, okay, what do we know that's really going on, and how do we define this situation that caused this trigger and does the council need to respond by taking management action? I feel like now, certainly from the council staff perspective, we're spending the time doing all of this stuff to prepare that explanation for you now, and so I don't think it adds a whole lot to our workload to deal with that.

MR. BROWN: With the commercial fishery, in the past, we've had situations where they opened it back up, and have we ever had a situation where they opened up the recreational fishery after it has closed?

DR. DUVAL: Jack is nodding his head yes.

DR. MCGOVERN: We have, and I think it was pretty recently, but I would have to go back and look, but I think we opened up one species, maybe last year.

DR. DUVAL: Red snapper, and so I want to get to Tony, because he's been waving his arms down here, and we've been talking about his council, and so Tony and then Charlie, and then we're going to wrap this up.

MR. DILERNIA: Thank you, Madam Chairwoman. First of all, we have a Monitoring Committee for all of our species, and our Monitoring Committee makes recommendations based on how the fishery has performed. The trick with the Monitoring Committee, when you compose the Monitoring Committee, is you want to make sure that you have biologists there and scientists there working as biologists and scientists, and sometimes a little bit of the political effects of their decisions creep in, and that's our decision. The council's action is to consider some of the political consequences of the decision, and so, when you compose your Monitoring Committee, you should be careful as to who serves on it and that they understand what their charge is, and we get very good advice from our Monitoring Committee.

Regarding in-season closures, we had some recreational in-season closures, some, and we decided to remove them. Actually, I advocated to remove them, because, in many cases, it created actually an unfair burden on some of our southern states, and I will give you an example of black sea bass. Black sea bass, as we all know, and you have heard me say time and time again, the fish are moving northeast, as have summer flounder.

What occurred, before we eliminated the in-season closures, is that the fishery would be so great in the southern New England area, eastern New York and Rhode Island and Massachusetts, that the catch would be very high, and then the agency would look at the catch and then decide that we were approaching the quota and close it, and it would usually get closed just when the fishery was gearing up for our southern states of Delaware, Maryland, Virginia, and northern North Carolina, and so it, to me, was not very fair that those southern states should suffer as a result of the consequences of the behavior of some of the northern states.

We made the conscious decision to eliminate the in-season closure, and, now, you do then run the risk of having a very high overage the following year that has to be paid back, but in the case of - - That's how we ended up with our control rules here, and we developed this process, and the good thing about it is, with black sea bass, yes, we did go over, but, because the stock is so robust and the three-year average really didn't put us over the top, we really didn't have to pay it back en masse, but we did have a phase-in, and the phase-in, in the last couple of years, has more of an effect, but we didn't have to just shut down the fishery, and so we don't have in-season closures anymore, because of the disproportionate effect that it may have on some states, but you do run the risk of having to have a big payback later on if you go over, but, fortunately, we've been able to avoid that situation. I don't know if that's helpful or not, but thank you.

DR. DUVAL: Thank you, Tony. Mr. Chairman, you get the last word.

MR. PHILLIPS: Dr. Duval, I just looked at my email, and we got a letter back from Dr. Van Voorhees concerning your earlier letter request for recalculation of Atlantic cobia, and they are standing behind MRIP, because they don't have anything else to look at. They are going to try to evaluate some stuff in 2018, when they have resources, and so it looks like we're going to be stuck with MRIP for a little while, and I guess we're going to have to deal with it, and so I just thought that I would throw that in the mix, so we know. It's not good news, but it's what we have to deal with, and so thank you.

DR. DUVAL: Happy Monday, right?

MR. PHILLIPS: Yes, happy Monday.

DR. MCGOVERN: I just wanted to mention or talk about moving forward with this, and I guess it's a comprehensive amendment, and we have the ABC control rules, which would amend a number of FMPs, and we have previous ABC control rules in three different amendments. Spiny lobster, for example, the ABC control rule was done in Spiny Lobster 10, and that changed the ABC control rule in the Gulf and the South Atlantic. CMP 18 did just the South Atlantic, but there was a separate ABC control rule for the Gulf there, and then the Comprehensive ACL Amendment did it for a number of FMPs.

I think we need to look and see if we wanted to do something similar for spiny lobster and amend the Gulf's FMP too, or I guess it's one combined FMP, but see how we want to move forward on that. Shrimp, I don't think, has an ABC control rule, because I believe it's exempt from the ACL, and then I think we need to think about the accountability measures and if we want to keep it in here, because we can adjust the accountability measures by framework, and we can move it along more quickly if we took it out of the FMP. We're going to have to do a plan amendment for the ABC control rules, and so I think we might want to consider that.

DR. DUVAL: Thanks for that, Jack. I really appreciate it, and I agree. I think it would make sense to probably deal with the accountability measures maybe in a framework, if that's allowed, across all of our FMPs, and it seems like that would make sense, and then, for the ABC control rule, really just double-checking to make sure that we don't mess anything up in any of our other FMPs or anything that we don't want to see changed for some of the more unusual species. I think that might be it. Is there anything else on this?

This was the last action, the accountability measures, and I think staff can probably have some discussion about looking at moving those accountability measures into a framework amendment, and we'll have a lot more discussion about this, probably, when we go over our priorities in Executive Finance as well. Okay. If there is no other discussion or no other comment, then, Mr. Chairman, I think we can adjourn the Committee of the Whole with one minute left, and I turn it back to you.

(Whereupon, the meeting adjourned on December 4, 2017.)

Certified By: \_\_\_\_\_ Date: \_\_\_\_\_

Transcribed By:  
Amanda Thomas  
December 13, 2017



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# Attendee Report: SAFMC Council Meeting - Day 1

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Lora	Clarke					NGO		
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David	Bush						Other NCFA	
Richen	Brame			Rec.		NGO		
Mallory	Martin						South Atlantic Landscape	
Dean	Foster					NGO		
Robert	Lorenz			Rec.				
Scott	Baker						Other NC Sea Grant	
Amy	Dukes						Other SCDNR	
Geoff	White						Other ACCSP	
Rusty	Hudson			Rec.	Charter/Headboat/For-Hire	Commercial Fisherman	Fisheries Consultant	