

**DRAFT MINUTES  
GULF OF MEXICO FISHERY MANAGEMENT COUNCIL**

**STANDING AND SPECIAL MACKEREL  
SCIENTIFIC AND STATISTICAL COMMITTEE**

**RADISSON HOTEL  
NEW ORLEANS, LOUISIANA**

**DECEMBER 11-12, 2008**

**ATTENDEES:**

Standing SSC Members:

Dr. Walter Keithly, Chair.  
Dr. Luiz Barbieri  
Harry Blanchet  
Dr. Benjamin Blount  
Dr. George Guillen  
Dr. Will Patterson  
Dr. Joseph Powers  
Dr. Joachmin Singelmann  
Dr. Steven Szedlmayer  
Jim Wilkins

Special Mackerel SSC Members:

Jason Adriance  
Doug Devries

Council:

Michael Ray

Staff:

Dr. Rick Leard  
Charlotte Schiaffo  
Dr. Carrie Simmons

Others:

Daminica Bailey, LDFW  
Myron Fischer, Mackerel AP  
Claudia Friess, Ocean Conservancy  
Jill Jensen, NMFS  
Wiley Horton, Mackerel AP  
Julie Neer, SEDAR  
Mike Nugent, Mackerel AP  
Dr. Mauricio Ortiz, SEFSC  
Edward Presley, Mackerel AP  
Gene Proulx, Mackerel AP  
Gary Rouse, NOAA  
Bill Teehan, GMFMC  
Donald Waters, Mackerel AP  
Bob Zales, Mackerel AP

The Standing and Special Mackerel SSC meeting was called to order by Chair Walter Keithly, at 8:30 a.m. He read the Chair Statement and asked for voice identification.

## **I. Adoption of Agenda**

The agenda was adopted as written.

## **II. Approval of Minutes**

The minutes from the August 2006 meeting in Tampa, Florida, were approved as written.

## **III. SEDAR 16**

### **a. Presentation of Stock Assessment Results**

**Dr. Mauricio Ortiz** gave a PowerPoint presentation on the U.S. King Mackerel Stock Assessment Evaluations: Gulf of Mexico and Atlantic. He first gave an overview of where the stock was located and how many were thought to be in the “mixing zone,” the area where stock from the Gulf and the Atlantic were thought to mingle, and gave various scenarios for managing a stock that was in the jurisdiction of two Councils, the Gulf of Mexico Fishery Management Council (GMFMC) and the South Atlantic Fishery Management Council (SAFMC).

He then explained data that showed the fecundity, stock composition, and the sex ratio of the three stocks; those of the Gulf, the Atlantic, and in the mixing zone. He reviewed the mortality of releases from the recreational fisheries and noted there were no significant discards reported from commercial fisheries.

He then summarized the findings from the latest SEDAR meetings:

- Assessment was consistent with 2003 SEDAR 5 assessment
- SS3 runs gave support to 50%-50% mixing zone hypothesis
- Biomass was above minimum stock size threshold (MSST)
- Fishing mortality was below maximum fishing mortality threshold (MFMT)
- Indices had conflicting trends (*fishery dependent vs. fishery independent*), weighting very influential

He also noted that there was little cooperation between Mexico and the U.S. on shared data for king mackerel in the western Gulf, and that this was an issue that needed to eventually be addressed. He stated that the Gulf of Mexico stock definition also depended on interaction with Mexico fisheries, especially considering the importance of Mexican catches of king mackerel.

He then summarized the main recommendations from the SEDAR meeting:

- Objective procedures for estimating stock recruitment steepness value
- Research on accuracy of indices of abundance
- Improved stock-wide fishery independent indices
- If mixing model was to continue (SS3), research programs were required that monitored stock mixing: tagging, otolith analyses, genetics, etc.
- Update size and age maturity estimates and increase fecundity sampling

**Mr. Wilkins** questioned the indices shown on slide 30 which showed a graph of fishery independent indices, asking if there was a reason for the high recruitment class shown.

**Dr. Keithly** posited that the reason was probably a drop in shrimp trawl bycatch.

**Dr. Ortiz** added that it also represented a possible natural cycle, and noted that the high recruitment was concentrated in the Western Gulf.

**Dr. Patterson** interjected that another way to look at the results shown was that the juvenile time series shown in the Western Gulf had no relevance to the majority of fishing in the rest of the Gulf.

**Mr. Nugent** asked if the shrimp bycatch discards went down drastically due to the shrimp fleet declining, and the fishing mortality rate was at 20%, why there was pessimism about recruitment leveling off the next 5-6 years. He questioned whether the averages had been figured when the fleet was higher.

**Dr. Ortiz** explained that shrimp bycatch was figured into the model, but that higher recruitment and natural mortality of age 0 was still high, and noted that shrimp bycatch was balanced by natural mortality in that age group. He added that the recent decrease in shrimp bycatch was not much different from what it was in the 1980's, and referred to slide 52 in the presentation which showed data from a groundfish survey that covered that timeframe.

**Mr. Fischer** queried why the chart showed the biomass increasing if recruitment was leveling off, and stated that if the slide was correct, recruitment should be leveling off at a higher rate.

**Dr. Ortiz** noted that the slide did not clearly show that the spawning biomass was increasing, but it was figured into the model.

**Dr. Jones** suggested that if the model index shown was out of sync seasonally with the main spawning season, the graph might not represent an accurate picture.

**Dr. Ortiz** stated that this was taken into account and the figures were adjusted. He added that it was impractical to do a study of the entire Gulf.

**Mr. Waters** expressed concern that all the recruitment in the Western Gulf was just automatically carried over into the Eastern Gulf and the Atlantic, even though there was not enough data to determine the volume of fish in the Western Gulf. He added that there was no commercial mackerel fishery west of Galveston.

**Dr. Ortiz** reiterated that there was much interaction between western and eastern stock in the Gulf, and that the dynamics of this could not be ignored in any analyses, adding that there was 20 years of research from which to draw data. He noted that indices of recruits from Texas were being used for the whole Gulf.

**Mr. Waters** said that where fish were recruited should be considered, especially if quotas were being instituted. He added that the Western Gulf should get more credit for the fish that were available in its boundaries.

**Dr. Powers** noted that the 50/50 split on the east coast of Florida being proposed essentially took out the catch that used to be assigned to the entire GOM, but that the bycatch was still assigned

the same way. He added that this bycatch rule would then have more of an impact with the 50/50 split. He asked how stock synthesis was affected by shrimp bycatch.

**Dr. Ortiz** answered that the stocks were now more even,

**Mr. Nugent** asked if such a situation was unique.

**Dr. Ortiz** responded that it happened frequently, but that a model had to be run first to get the information.

**Mr. Zales** asked how the 50/50 split would affect the 25% drop in the Gulf allowable biological catch (ABC).

**Dr. Ortiz** replied that it was determined by the base which was 50% and the status quo which was 100%. He gave an example of F being at 30% for 2008, which would yield 20-25 mp of catch, and then using the 100% status quo, which would reduce the catch to 15-17.5 mp. He added that with high recruitment there could be large implications in extreme cases. He noted that 60% of the catch was from the mixing zone and that catch had to be split between the Gulf and the Atlantic.

**Dr. Powers** referred to slide 56 noting that the implications showing a 50/50 split on the east coast of Florida changed the allocation, and implied a decrease of stock in the Gulf.

**Mr. Zales** stated that the allocation issue had become very politicized in the last three years, and that the Gulf had lost a lot of its allocation, while the Atlantic had not. He added that the recreational sector had not caught its allocation in several seasons, while the commercial had. He expressed concern over why the stock was being so politicized when it was neither overfished nor undergoing overfishing.

**Dr. Keithly** pointed out that the SSC meeting was not the proper venue for allocation issues, that they would be handled in the Mackerel Advisory Panel (AP) meeting that would convene later that day. He reminded the attendees that only questions that directly related to Dr. Ortiz's presentation should be addressed. He then questioned Dr. Ortiz about some of the mixing data he had reviewed, and whether the growth curve shown was just for the Gulf, and if so was it different than the growth curve for the Atlantic. He also questioned why no growth curves from the mixing zone were shown.

**Dr. Ortiz** explained that the curves were different for the Gulf and the Atlantic, noting that the average age for the Gulf stock was 2 ½ while for the Atlantic it was three years. He added that these results had been split to show growth curves in the mixing zone, since there were missing scenarios in that zone, such as age and stock composition.

**Mr. Waters** expressed consternation that the stock assessments used resulted in stock being taken out of the Gulf and allocated to the Atlantic, which was short-changing the stakeholders in the Gulf.

**Dr. Jones** questioned why the 50/50 split being discussed was used as an average figure for the mixing zone even though the east coast of Florida stock leaned heavily towards the Atlantic, while stock in Key West leaned heavily towards the Gulf. He added that when it came to dividing the catch between the two areas, it seemed it would be better to take that into account

when deciding on the allocation, because while the overall average was 50/50, the amount of stock in the mixing zone was not uniform.

**Dr. Patterson** asked what discussions the Council had engaged in about the 50/50 allocation.

**Dr. Leard** explained that the SAFMC had met the previous week and did not review any stock assessments, noting that the last action taken by them had been in 2005, when both Councils had announced their desires to split the fishery management plan (FMP) for mackerel into two FMPs, and to have the dividing line at either the Dade/Monroe county line or at the jurisdictional boundary between the councils. He added that alternatives were currently being reviewed to go into a joint scoping document, and that the SAFMC still wanted an FMP. He was not sure if an amendment would be proposed to accomplish the splitting, noting that the GMFMC might address the issue at its January 2009 meeting and the SAFMC at its March meeting. He noted that annual catch limit (ACL) and accountability measure (AM) requirements under MSRA were currently on schedule. He added that since the stock was not in an overfished status or undergoing overfishing there would probably not be a mandate to have the FMP by 2010, thus the Council would be able to move forward on a generic amendment to cover most stocks that were neither overfished or subject to overfishing. He was unsure whether the Councils would dictate a separate plan for mackerel since it was a joint amendment.

**Dr. Patterson** expressed consternation that more information was not provided to assist the SSC in its decisions, stating that the SSC was “in a no-man’s land” with the latest SEDAR report. He noted that there were two issues: 1) no one knew where things were going politically yet with a new administration, and 2) With MSRA mandates not being addressed for one-two years, how any recommendations could be made by the SSC.

**Dr. Leard** noted that there were tables which showed what catch would be from overall removal, giving the SSC three scenarios: 1) the base case, which was the status quo-100% mixing, 2) 50/50 mixing at the Monroe County (FL) line and the jurisdictional boundary, and 3) the MSY, fishing mortality rate at optimum yield ( $F_{OY}$ ), and other statistics, which would allow the SSC to provide the Council with advice, and suggest what percentage of risk they would be willing to accept for an  $F_{OY}$  or  $F_{MSY}$

**Mr. Zales** stated that overfishing (OF) had to be stopped by 2010 according to MSRA mandates, and that other issues had to be accomplished by 2011. He added that the new requirements would force many recreational fishers to go over their quotas, even with new data systems, which would not be ready for two-three years. He posited that king mackerel could be targeted more because of pressure from other fisheries.

**Dr. Leard** interjected that since 1996, total allowable catch (TAC) in the Gulf had hovered between 10.2 and 10.6 mps, and for the last seven years the catch had been 6-7.5 mp, and that the difference had come from the recreational sector not catching its allocation, noting that while the allocation was 68% recreational and 32% commercial, the actual catch was closer to 50/50 in the last four years. He was unaware of any trends that would cause that ratio to change in the foreseeable future. He added that under any of the proposed scenarios there was a very small percent risk factor of overfishing.

**Mr. Zales** expressed concern that what happened in other fisheries could happen in the mackerel fishery, noting that the red snapper season used to be six months, and was now 60 days, and the red grouper seasonal closure had been increased by a month. He worried that the same scenario could happen in other fisheries.

**Dr. Leard** pointed out that a SEDAR update was not scheduled to be done until at least 2012 or 2013, so for the present, the Council had to go with the current data.

## **b. Discussion of Analyses and Findings**

**Mr. Blanchet** stated that a current estimate of stock status was dependent on relatively strong recent recruitment, noting that if the trend continued that was fine, but it could not be counted on to continue indefinitely. He said that using those estimates for projections of ABC or commenting to the Council on stock status, harvest rate, etc. was not a good idea without putting in caveats about monitoring of recruitment, harvest rate, catch, and age. He added that maintaining tracking was also paramount so the stock did not become overfished.

**Dr. Barbieri** suggested that it would be helpful to have Dr. Ortiz repeat some of the issues and points related to projections.

**Dr. Ortiz** reiterated that the three points discussed earlier were part of the variance that was used in the projections.

**Mr. Blanchet** commented that since the fishery-dependent data was not yet available to show that the fish had shown up in the fishery, he had concerns over how the SSC could make viable recommendations. He added that it was difficult to take data from the Gulf and apply it to a stock that was mainly in south Florida.

**Dr. Ortiz** replied that the tables tried to take into account as many variables as possible in the base model. He noted that the SEDAR review panel had agreed with this method.

**Dr. Patterson** asked what the SSC was being asked to review, and what types of comments the Council wanted. He then asked if the SSC was supposed to make recommendations of OFL and ABC based on the assessment presented, and queried as to what the goal was under this discussion.

**Dr. Leard** replied that the decisions had been laid out for  $F_{MSY}$  and  $F_{OY}$ , under the three scenarios that had been presented. noting that one current scenario was the 100% Gulf mixing. He noted that the Gulf and Atlantic Councils had asked for specific guidelines in the terms of reference (TOR) for deciding on a line either at the jurisdictional boundary, or the Monroe/Dade County line adding that the deterministic runs from the stock assessment showed very low probabilities of overfishing.

**Dr. Ortiz** interjected that he wanted to make an important clarification on how the management scenarios were calculated, noting that the TOR intention was to generate stock synthesis-which did not happen.

**Dr. Leard** added that when it was determined that the stock synthesis model could not be done, the Councils went back to looking at the allotments, which the first year were 40/60, then the next year 60/40. The councils then decided to base the two boundaries suggested in the TOR based on a 50/50 assumption. He reiterated that some determination about ABC, OFL, and ACL levels, based on the information the SSC had was what the Council wanted. He added that a number of the Councils had a problem with the ACT concept, and more would be known when the final guidelines were published.

**Dr. Barbieri** expressed concern that the assessment had been made on the assumption of a 50/50 split even though there was no age data from the mixing zone.

**Dr. Patterson** stated that based on the biology of the species that a 50/50 split or any arbitrary political boundary did not make sense because the fish moved regardless of where any line was drawn. He urged the SSC to strongly emphasize this in any recommendations to the Council, and suggested that instead of an arbitrary boundary, that it be noted the SSC was basing its recommendation of 50/50 on the biology of the species.

**Mr. Blanchet** pointed out that one problem was that two separate years of sampling showed two different results, and that the 50% figure was an average of those two. He added that it needed to be noted that there would be some interannual variations which created many management challenges.

**Dr. Keithly** then asked if anyone would like to make a motion.

**Dr. Patterson** commented that several SSC's did not work with the concept of motions, Robert's Rules, and voting. He explained that they instead used the consensus approach, similar to SEDAR reports, and that this was something the Gulf Council SSC might want to consider. He suggested that instead drafting motions, the SSC draft a document that clearly showed consensus of SSC members present.

**Dr. Leard** responded that he did not think this was a good idea, noting that Section 402 of the MSA<sup>1</sup> charged the Council and SSC to keep minutes and not just produce a consensus report.

**Dr. Patterson** then asked if writing a consensus report would preclude taking minutes.

**Dr. Leard** replied that it would not, but the minutes would show a detailed record of the discussions and how the consensus was reached, so it seemed to make sense to continue voting on motions. He added that if all the SSC gave to the Council was a consensus report, dissenting opinions would not be shown.

**Dr. Keithly** agreed that a consensus report tended to dilute the recommendations made to the Council.

**Dr. Powers** then made the following **motion**:

**The SSC moves that the SEDAR report and associated documents presented on King Mackerel be accepted as the best available science.**

**Dr. Barbieri** commented that the SEDAR process already incorporated detailed assessments and reviews, however, in some cases interpretations and recommendations might not be appropriate for stocks in Southeastern waters. He suggested that in such a case the SSC role was to incorporate that perspective and added that he disagreed with some of the SAFMC's assessment

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<sup>1</sup> (F) Subject to the procedures established under paragraph (4), and the guidelines prescribed by the Secretary under section 402(b), relating to confidentiality, the administrative record, including minutes required under subparagraph (E), of each meeting, and records or other documents which were made available to or prepared for or by the Council, committee, or panel incident to the meeting, shall be available for public inspection and copying at a single location in the offices of the Council or the Secretary, as appropriate.

of red and vermilion snapper, stating that those results did not apply to Gulf stock. He proposed that the role of the Gulf SSC was to look at the whole package and make a recommendation as to whether the SEDAR report represented the best science in that light.

**Dr. Leard** interjected that this issue did not need to be addressed at the present time. He added that within the context of the motion, Section 302 of the MSA stated that the Councils could not exceed SSC recommendations of ABC and ACL.<sup>2</sup> He added that OFL and annual catch target (ACT) were also decided by the Council, but that many SSCs did not like the term “ACT,” since it was not specified in the MSA.

**Mr. Wilkins** questioned if once the SSC determined the ABC it remained set.

**Dr. Leard** explained that the Council could decide to set it lower, but could not set it higher than the SSC recommendation.

**Dr. Patterson** stated that ABC was maintained as an acronym in all documents, although the terminology changed from “allowed” to “acceptable. He added that ACT came in when the Council sets ABC, and that ACT was a buffer to manage target below ACL.

He pointed out that the North Pacific Fishery Management Council (NPFMC) managed Alaska fisheries this way, noting it was mainly a commercial fishery and that the target was below the threshold.

He added that fisheries in the Gulf and South Atlantic had a larger proportion of recreational fisheries, which caused problems with ABC and ACL. He proposed that a paradigm was needed that took into account uncertainties and data poor information, and perhaps create a tiered system. He gave an example for such a system from the SAFMC that depended on estimates of where the stock was relative to  $B_{msy}$ , which gave a different conservatism in the algorithm that set ABC and recommended ACL. He urged the SSC to seek a collaborative effort with the Council, noting that SSCs across the country interpreted rules differently.

The members then voted on the proposed **motion**:

**The SSC moves that the SEDAR report and associated documents presented on King Mackerel be accepted as the best available science.**

**Motion passed unanimously.**

Several members voiced concerns about the role the SSC was expected to perform, and asked that item number IV on the agenda, Role and Responsibilities of the SSC under MSRA, be discussed in detail, and then the SSC could come back to the current topic.

**Dr. Leard** agreed that discussion of the SSC role was paramount, but suggested that the members review new information that had not gone out in the original packets, along with presentations of the seven other regional SSCs before going into a detailed discussion. He noted

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<sup>2</sup> 109-479

(6) Councils shall develop annual catch limits for each of its managed fisheries that may not exceed the fishing level recommendations of its scientific and statistical committee or the peer review process established under subsection (g);



that National Standard 1 guidelines might be changed, and that changes to National Standard 2<sup>3</sup> guidelines were still being discussed. He added that three working groups were doing reports, and that all the information from those reports was needed before final guidelines could be given by the SSC. He posited that with all the information that needed to be reviewed, along with input from the other SSCs, it would take at least a year to compile those guidelines

**Dr. Jones** questioned what the role of the SSC was besides just endorsing the results of SEDAR, and suggested that there was a need to triangulate the information from SEDAR so that it would not be covered by another body.

**Dr. Patterson** pointed out that the peer review process for SEDAR was a complex process, and that data-poor species needed to be assessed more frequently than the current 5-year average. He added that other SSCs were more involved in stock assessments than the Gulf SSC, and that SSC members needed to be present as participants in the SEDAR process, not just as observers.

**Dr. Barbieri** agreed that the SSC should be involved more in the peer review process, but questioned where the SSC should step in to participate, positing that there should be more participation in the data and assessment portions of SEDAR, and not waiting until the review part. He acknowledged that time restraints could make this difficult for some SSC members to commit to more intense participation in the reviews.

**Dr. Leard** noted that he had talked to Mr. John Carmichael from SEDAR, who had explained that a proposal had been made to have one SSC member as chair and three to four others as participants in the update workshop for gag and red grouper, but that funding needed to be approved first. He suggested that if SEDAR could not provide such funding, that the Council should. He suggested there also be more SSC representation on the black grouper workshop, and that at least one SSC representative be on each future SEDAR data workgroup. He proposed that each assessment and review workshop have two SSC representatives.

**Dr. Powers** asked if funding for travel was an issue.

**Dr. Leard** confirmed that it was not an issue.

**Dr. Patterson** pointed out that requirements for ACLs and AMs would mean a push for more information that would need to be updated more frequently.

**Mr. Blanchet** questioned the manpower capability of the SEFSC and what the SSC role and responsibility was in dealing with SEDAR. He added that more continuity was needed between the data, assessment, and review workshops.

**Dr. Patterson** commented that he had been an SSC observer and felt that a more formal process was needed to report what was observed, and agreed that more continuity between the different workshops was needed.

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<sup>3</sup> (1) Conservation and management measures shall prevent overfishing while achieving, on a continuing basis, the optimum yield from each fishery for the United States fishing industry.

(2) Conservation and management measures shall be based upon the best scientific information available.

**Dr. Leard** noted that Congress had set OY as the target so as not to jeopardize a stock's ability to produce MSY. He also proposed that the three southeastern SSC's, the GMFMC, SAFMC, and the Caribbean Fishery Management Council (CFMC) should interact more since so many species intersected in all three regions.

**Dr. Keithly** interjected that since so much discussion had taken place about the SSC role, that perhaps motions should be made.

**Dr. Barbieri** suggested that the SSC needed to come up with a comprehensive ACL and ABC process. He added that the base model run had been accepted as the best available science unless the SEFSC was made to go back over the model. He questioned the results shown in Table A.2.4.2 in the Annex 2 document which showed  $F_{30\%SPR}$  as the proxy for  $F_{msy}$  being adopted which meant that the OFL would be the yield at MFMT. He asked if the total removals included discards.

**Dr. Ortiz** explained that the table included projected landings.

**Dr. Barbieri** then asked if the equilibrium yields shown were at  $F_{msy}$ .

**Dr. Ortiz** confirmed this was correct.

**Dr. Powers** asked if there was a corresponding table for spawning stock biomass.

**Dr. Ortiz** stated that there was, but he was not sure in which document it was located.

**Dr. Leard** noted that if the fishing rate in 2009 was at the 30% SPR, and 14.5mp were caught, overfishing would occur.

**Dr. Patterson** questioned how the SSC recommended ABC, noting in the past the recommendation was the management target, which was  $F_{40\%}$  at SPR, but if ABC was recommended at that rate the Council had to set ACL at or below that level. He added that then the AM would kick in once that conservative threshold was crossed, and stock biomass would be higher than  $B_{msy}$ . He stated that the SSC needed a clear idea of  $h_{ow}$  to make recommendations based on the biology of the fish which was based on the current stock status.

**Dr. Leard** interjected that in Amendment 30B ACL was set at OY level.

**Dr. Patterson** proposed that given the Council's definition of  $F_{msy}$  and  $F_{OY}$  for mackerel, the recommendation for ABC could be a midpoint of fishing mortality rates between the OY and MSY, which would be  $F_{35 SPR}$ .

**Dr. Keithly** recessed the meeting at 5:30 to be reconvened the next morning.

**December 12, 2008**

**Dr. Keithly** reconvened the meeting at 8:30 a.m

**c. Recommendations of OFL, ABC, ACL and Any Other Recommendations to Council**

**Dr. Leard** noted that OFL, ABC, ACL, and ACT were all decided by the Council, adding that many SSC's did not like the term "ACT" since it was not specified in the MSA. He added that the National Standard 1 guideline might be changed, and changes to National Standard 2 were being discussed. He noted that ACL was set at the OY level by the Council, but that it was not done on a regular basis, adding that OFL and ABC were of scientific determination, while ACT and ACL were policy decisions.

**Dr. Jones** presented an algorithm document that showed consistent definitions for OFL, ABC, and ACL.

**Dr. Powers** commented that there was talk of the yield being reduced because of scientific uncertainty, noting that the target was a 40% SPR, and that the ABC would be based on that.

**Dr. Barbieri** commented that more discussion was needed and said that interactive decision making with the Council was paramount, since the SSC needed to know how much uncertainty the Council was willing to accept.

**Dr. Keithly** asked for suggestions on how the SSC could have more interaction with the Council and get more guidance from them on how much uncertainty was acceptable.

**Dr. Patterson** agreed that a framework was needed for Council interaction. He suggested reviewing some of the suggestions, such as a tier system, that were outlined on page 30 of the National SSC report<sup>4</sup>.

**Dr. Leard** explained that the current National Standard 1 Guidelines were created to reduce the risk of future overfishing and that the main focus of the MSRA was to prevent overfishing from occurring, and that if overfishing did occur the Councils had ten years maximum to ensure it ended. He added that the main goal was to not let overfishing happen in the first place, and the guidelines required NMFS rules to be evaluated once every four years to monitor ACLs and AMs. He noted that uncertainty was not the only thing being accounted for; status of stock was also a concern. He suggested that the SSC should brainstorm to find a way to put such statistics into a formula, not necessarily at this meeting, but before the Council started working on an amendment.

**Dr. Powers** questioned what the default TAC would be if nothing was decided.

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<sup>4</sup> Report of a National Workshop on Developing Best Practices for SSCs  
*Honolulu, Hawaii - November 12-14, 2008*

**Dr. Leard** replied that it was 10.2mp, but something needed to be in place for the 2009-2010 season.

**Dr. Powers** stated that for king mackerel, setting the ABC, OFL, or ACL would not be revisited every year, and that just because recruitment levels were at certain levels one year did not mean they would stay that way.

**Dr. Szedlemeyer** suggested that the TAC be brought up because the stock was in good shape.

**Dr. Patterson** noted that the role of the SSC was threefold: 1) to evaluate if the data presented is the best scientific information available, 2) to recommend OFL, and 3) to recommend ABC, both of which were based on National Standard 1. He posited that the recommendations should be made based on the probability of achieving target, not the probability of overfishing, adding that achieving the target should be the Council's goal. He added that it was important to decide whether ABC reduced from OFL was based on scientific uncertainty. He proposed that one approach might be to recommend an ABC based on equilibrium MSY, which would capture the variability in recruitment that had been seen in the mackerel stock, giving the Council's actions room to move towards the target.

**Dr. Leard** pointed out that Congress had set the target, which was OY, so that it did not jeopardize the stock's ability to produce MSY on a continuing basis.

**Dr. Barbieri** concurred that several good points had been made, and noted that the Council had a comprehensive regulatory amendment that defined those benchmarks for the Sustainable Fisheries Act (SFA). He added that another such amendment was needed to deal with the new benchmarks from the MSRA, and that new definitions for MSY and OY should be revised by the Council, not the SSC. He said that default values were now being used that had been adopted by the Council over ten years ago, and that the new directives in the MSRA should give the Council the incentive it needed to revisit those definitions.

**Dr. Leard** explained that some definitions might remain the same, while others would need revision, adding that ACL might be defined as equal to TAC.

**Dr. Ortiz** reviewed chart 2.4.2 in the Annex 2 document which showed yield projections for Gulf king mackerel.<sup>5</sup>

**Dr. Patterson** interjected that the SERO chart<sup>6</sup> was somewhat confusing because it appeared that MSY could refer to either the yield at MFMT or to the equilibrium MSY. He then noted that in the MSRA, OFL, which was the yield at  $F_{MSY}$  was a different thing altogether.

**Dr. Ortiz** explained that the benchmarks shown in the chart used the terms interchangeably, and he felt this was correct.

**Dr. Leard** questioned why the numbers on the chart were different from those on Table A.2.4.2 in Annex 2.

**Dr. Ortiz** explained that the numbers were the same, just rounded.

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<sup>5</sup> Annex 2, Response to SERO Request for King Mackerel Stock Assessment Data Resulting From the SEDAR 16 Review Workshop

<sup>6</sup> SERO Request Oct. 08 Final-GOM Benchmarks

**Mr. Blanchet** commented that catch levels were supposed to be characteristic of stock in the mixing zones, and asked if the SAFMC got credit for the mixing zone harvest and if so, how did that change the landings in terms of catch.

**Dr. Barbieri** stated that if  $F_{MSY}$  was defined as OFL by the SSC, the Council could discuss the management unit and decide the value in terms of pounds of fish based on the different units.

**Mr. Blanchet** pointed out that the reality was both migratory units, Gulf and Atlantic, were in the mixing zone, and that harvest in the area would have stock from both places.

**Dr. Powers** noted that the assumption for each scenario was 50/50 catch, that the assumption was that everything in the Gulf was a Gulf catch, 50% of the catch in the mixing zone was Gulf stock, and that no fish from the Atlantic were determined to be in the Gulf stock in terms of how the assessment was done.

**Mr. Blanchet** then said that looking at dividing the harvest north of Highway 1 (on Florida's east coast) or at the Dade/Monroe county line for a Gulf migratory group seemed to answer a different question than if management for the GOM included Atlantic stock, because such a division would change the size of the stock being managed.

**Dr. Leard** told the SSC to assume the mixing zone area was 50/50 at either proposed line, as was done with Spanish mackerel, and when fish were caught and counted, some fish would be on either side, which would not matter to the status of the stock.

**Dr. Powers** interjected that the SSC was wandering, and needed to go back to the point of developing a rule of a system of tiers, and that rules needed to be consistent between the two stocks.

**Dr. Leard** replied that when the Council started working on the Mackerel Amendment, the SSC would need to come back to the issue and have figures for 2010, especially if the Council decided to increase TAC, and he urged the SSC to decide on an OFL.

**Dr. Jones** suggested that it would be worthwhile to see about a consensus on mackerel recommendations now instead of coming back in 3-4 months and starting over.

**Dr. Patterson** agreed this was a good idea and proposed that Dr. Barbieri draft an outline for the SSC to review, since he had extensive experience with the SAFMC SSC.

**Dr. Barbieri** commented that eventually a dedicated meeting would be needed devoted entirely to creating such a framework. He suggested that the Council, following the new guidelines proposed for National Standard 1<sup>7</sup>, should set an ACL between the OFL and ACT.

**Dr. Patterson** stated that there were broader implications, and that accountability should come at ABC, based upon the health of the stock, recruitment fluctuations and its history, then the Council could set target as ACL. He added that by having accountability kick in at ACL, it constrained the SSC in setting ABC. He suggested that  $ABC=OFL$  could be a possibility for king mackerel, or if set at yield at  $F_{40SPR}$ , conservatism was built in.

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<sup>7</sup> Federal Register Notice, Volume 73, #111 Monday, June 9<sup>th</sup>, 2008

**Dr. Barbieri** pointed out that the king mackerel situation was easier because it was a relatively data rich species. He noted that the statistical catch approach could be used with this species because of the known data, and other scenarios could be used to incorporate uncertainty. He added that it was easier to give recommendations of ABC and OFL with king mackerel.

**Dr. Keithly** noted that a definition was needed of uncertainty, including biological and economic uncertainty, especially as related to risk.

**Dr. Powers** then made the following **motion**:

**The SSC moves that the Gulf of Mexico king mackerel interim OFL limit be based on  $F_{30\%SPR}$ , and the annual projections of yield shown in table 2.4.2 in Annex 2, the recommended interim ABC be based on  $85\%F_{30\%SPR}$  in the same table.**

**Dr. Keithly** asked what the rationale was for the 85% figure.

**Dr. Powers** replied that that it gave a somewhat more acceptable level of risk,

**Dr. Keithly** countered that a motion of this nature needed data to back it up, and he felt the 85% figure was subjective.

**Dr. Powers** explained that it was an interim model to be used until a better rule came along, adding that it was more risk-adverse than the OY level.

**Motion passed unanimously.**

**Dr. Patterson** then made the following **motion**:

**The SSC moves that a structured framework needs to be established through which scientific uncertainty is estimated in some fashion such that the relationship between OFL and ABC for a given stock can be set. Establishing such a framework should include considerable input from the Gulf Council with regard to risk levels the Council is willing to accept, and because setting of ABC will constrain where the Council sets ACL for a given stock. Both the setting of ABC and ACL should be done in the context of achieving the management target, OY, as defined by the MSRA.**

**Dr. Leard** questioned the wording of the Council input suggestion regarding risk models in the motion.

**Dr. Patterson** replied he viewed it as a collaborative effort to achieve OY, however, in the past the Council had almost complete authority to establish TAC. He added that ABC constrained ACL and that the SSC needed to have discussions with the Council in order to decide on a framework.

**Dr. Leard** pointed out that the consensus of the national SSC meeting was that only two points were needed, OFL and target which meant that ACL would equal ABC.

**Dr. Patterson** reiterated that it was important for the Council and SSC to work together on those issues.

**Dr. Keithly** suggested that the SSC should be more forceful in its recommendation so that its intent would be understood. He proposed setting up a subcommittee with Council members present that work on such a framework.

**Dr. Leard** stated that whether done by an SSC subcommittee, a Council committee-most logically the Sustainable Fisheries Ecosystem Committee-or a joint meeting between the two, the Council could work out roles and responsibilities of SSC for a framework.

**Mr. Blanchet** noted that OY related to ACT, which could be equivalent to limit, but not necessarily. He added that the definition of ACT was not defined in MSRA, which made the situation unclear, and pointed out that some Councils liked the term, while others did not want it used. He wanted this reason noted so that the Council would understand why the term was not used in the motion.

**Motion passed unanimously.**

#### **IV. Role and Responsibilities of the SSC under MSRA**

##### **a. Review of MSRA Language, NMFS Guidance Documents, and National SSC Reports**

**Dr. Keithly** urged the SSC to provide more guidance to the Council on how the two bodies should interact on determining acceptable levels of risk.

**Dr. Leard** suggested that a subcommittee of the SSC be formed to start developing some type of white paper to outline some of the concerns of the SSC, such as how it was going to operate and how it would provide advice to the Council.

**Dr. Barbieri** interjected that the structured framework for setting OFL and ABCs needed to be based on scientific uncertainty, and that the Council often based its decisions on management uncertainty instead. He suggested that the SSC meet first to decide what was the best way to create such a framework, and then meet with the Council.

**Dr. Leard** posited over the best way to present how a structured framework would be established, suggesting that a motion needed to be added to emphasize that point.

**Dr. Barbieri** asked how many days such a meeting would take, noting that it would need to be dedicated to only that issue, so that a draft framework could be presented to the Council.

**Dr. Powers** suggested that a contract be created with someone to provide such a framework, adding that it was difficult for many members of the SSC to commit to a project for several days.

**Dr. Leard** proposed that the SSC assign someone to review documents in order to put together a framework on how the SSC should function.

**Dr. Barbieri** stated that a draft framework had been created for the national SSC meeting, and that NMFS had three working groups due to present their findings shortly. He suggested that the SSC could use their guidelines in developing a framework.

**Dr. Patterson** urged the SSC to develop an outline on what uncertainty was and what its sources were. He added that other Councils and SSCs were trying to piece together an outline that used a

productivity susceptibility approach, and that the Gulf SSC should take some examples from their work.

**Dr. Powers** expressed consternation that Department of Commerce (DOC) attorneys were not consistently interpreting rules.

**Dr. Patterson** added that the SSC, along with the Council and APs needed to stick closer to what Congress had decreed and follow the intent of the MSA. He stated that some of the new guidelines proposed for National Standard 1 were not covered in the Act.

**Dr. Powers** questioned if the way the DOC was handling the act was to insist that they wanted consistency, but did not want to push for it.

**Dr. Patterson** answered that he did not want to put it in those words, but that implementation by the department varied between Councils, and the process should be aimed at eliminating that variability.

**Mr. Wilkins** insisted that DOC Counsel needed to be pressed for a legal opinion on how the SSC should interpret the MSRA, noting that having each Council interpret it differently could be problematic.

**Dr. Patterson** noted that the issue of recommending ACT was one way the Councils differed.

**Dr. Barbieri** said that another problem discussed at the national meeting was that the SSCs were doing many of the same things with little or no coordination. He reminded the SSC that NMFS had three working groups also covering many of the same subjects, and that while NOAA General Counsel had been involved there was little interaction between all the groups.

**Dr. Keithly** stated that the workshops were premature and would have been more useful in six months.

**Dr. Powers** noted that the guidelines did ask for a legal opinion.

**Dr. Leard** commented that ACT was mentioned in the guidelines. He reminded the SSC that the Council wanted something by April 2009, stating how the SSC wanted to accomplish its goals and define its roles.

#### **b. Discussion of 5-Year Research Plan**

**Dr. Leard** reminded the SSC that they had wanted to review the 5-Year Research Plan at each meeting; however he suggested that it would be better to review the plan once a year instead, since several reviews were not the intent of the Council. He proposed that the SSC meet with Dr. Bonnie Ponwith from the SEFSC to determine the best time to do such a review once the upcoming budget appropriation was approved. By consensus, further discussion was postponed until a future meeting.



### **c. Discussion and Recommendations to Council**

**Dr. Neer** explained to the SSC how the SEDAR process was currently structured with SSC input. She stated that the data workshops would want representation from the SSC from someone familiar with the data being discussed, that currently the SSC role in review workshops was on an observer basis, and that the role in assessment workshops was in the middle of those two. She noted that the Council appointed people to those workshops, so it was up to them to determine how much input SSC members would have. She added that if the Council appointed extra people as participants, the funding would have to come from the Council, not SEDAR.

**Dr. Patterson** stated that when SEDAR was created there was a review process which was more inclusive of people who had local knowledge, but it eventually progressed to having more CIE people on the panel. He added that other Councils saw their SSCs as integral to the review process, and that the Gulf SEDAR needed to have the SSC involved earlier in their review process.

**Dr. Barbieri** commented that the role of the SSC was to add another layer of review to the SEDAR process. He quoted from the National Report: “The SSC review should not be a redundant full technical review. The SSC then uses the assessment and peer review statement to make fishing level recommendations (e.g., ABCs) to the Council.”<sup>8</sup> He added that some CIE reviewers did not have the local knowledge required for such a review.

**Dr. Keithly** asked if the SSC vice-chair, Mr. Doug Gregory, had been a participant in one such review.

**Dr. Neer** replied that he had, but that the Council appointed reviewer position was a new addition and she was not sure how

such positions would be appointed in the future.

**Dr. Ortiz** posited that involvement of the SSC in SEDAR should not be in just the review process, but in all stages. He explained that the SEDAR TOR were usually the product of prior assessments. He added that the problem was that in order to address the TOR, a move had to be made away from traditional methodology. He reiterated that there was no continuity in the process and more SSC input was needed for scientific focus.

**Dr. Patterson** added that tracking what the SSC was being asked to accomplish would be useful.

**Dr. Barbieri** suggested that the ideal model would be for the SSC to be well represented at all three workshops, with the same two or three members present, if possible. He proposed that the SSC be formally inserted into the review panel to help the CIE. He asked how this could be accomplished, and if it was a realistic expectation.

**Dr. Jones** interjected that the SSC needed to be more rigid in the communication process in order to assert their involvement in the SEDAR review process, noting that the TOR were very specific in what sort of input was needed.

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<sup>8</sup> Report of a National Workshop on Developing Best Practices for SSCs  
*Honolulu, Hawaii - November 12-14, 2008* page 24.

**Dr. Keithly** pointed out that time commitments could be formidable, and asked for suggestions on how more involvement could be accomplished with the limited time many SSC members had.

**Dr. Guillen** asked if there were any documents available that would serve as a guide for such involvement.

**Dr. Neer** replied that there were some located on the SEDAR website.

**Dr. Barbieri** noted that the SEDAR process was fairly open, and that the SSC could participate. He cautioned, however, that the SSC was still at the mercy of the review panel chair to provide input. He added that he did not want the SSC to get assessments that they were not able to agree were the best available science, since this caused a confrontational process with the SEFSC.

**Dr. Keithly** suggested that there be more than one SSC member involved in the review process, and then they could update the full SSC.

**Dr. Barbieri** stated that the SSC input in the data workshops should stay the same, and that the Council should make appointments to the review panel who were SSC members.

**Dr. Patterson** concurred that greater SSC participation was needed, especially in the review process.

**Dr. Guillen** interjected that at least two SSC members should be on the review panel.

**Dr. Powers** reminded the members that the Gulf SSC had more limits on its time since many of its members were academics.

**Dr. Keithly** agreed that the abundance of academic members on the Gulf SSC caused more absences at meetings, and limited time that could be devoted to other agencies.

**Dr. Patterson** concurred that attendance was an issue, and noted that the Gulf Council was unique in eliminating federal scientists from a Standing SSC. He insisted that this needed to be changed, especially since SSC commitments were going to increase due to MSRA requirements.

**Dr. Keithly** noted that those issues would be decided at the April 2009 Council meeting

**Dr. Leard** reminded the SSC that the emphasis at the review workshops would be on ACLs and other biological issues, so whoever attended would need to be familiar with stock assessments.

**Dr. Neer** agreed and added that the review workshop representative would have to write a report which would necessitate a detailed involvement and time commitment.

**Dr. Patterson** then made the following motion:

**The SSC recommends that at least two Gulf Council SSC members be appointed as members of the GOM Review Panel Workshops for all fish stocks being assessed through the SEDAR process.**

**Dr. Jones** suggested that the motion should refer to all workshops, not just review workshops.

**Dr. Patterson** admitted that would be optimal, but noted that time restraints limited participation to review workshops.

**Dr. Keithly** expressed concern about mandating greater SSC participation in the review process since it already gave approval to the assessment, noting that the draft guidelines in National Standard 2 already clarified that the SSC played a role and gave final approval.

**Dr. Powers** added that the SSC role was to approve or disapprove, not necessarily to change.

**Dr. Leard** told the SSC to expect two meetings between February and April of 2009.

**Motion passed unanimously.**

There being no further business, the meeting was adjourned at 1:15 p.m.