

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

COMMITTEE OF THE WHOLE

**Westin Jekyll Island
Jekyll Island, Georgia**

March 2-3, 2020

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 Westin Jekyll Island, Jekyll Island, Georgia, on Monday, March 2, 2020, and was called to order by Chairman Jessica McCawley.

MS. MCCAWLEY: We are going to get going in the Committee of the Whole, and so everybody that is on the council is on the Committee of the Whole, and we'll be in Committee of the Whole today and probably most of tomorrow. The first order of business is Approval of the Agenda. Are there any changes or modifications to the agenda? Any objection to approval of the agenda? Seeing none, the agenda stands approved.

The next order of business is Approval of the June 2019 Committee Minutes. Any modifications or changes to those committee minutes? Any objection to approval of those minutes? Seeing none, the minutes stand approved.

Next, we're going to get into the Florida Keys National Marine Sanctuary, and that could last the entire afternoon today, and so we're going to have multiple presentations, and so, from FWC, I have with me Martha Guyas, and she is the Section Leader over Federal Fisheries, and she also sits on the Gulf Council, and she's going to give the FWC presentation on the sanctuary, and we're probably going to end up coming back to this presentation later in this discussion, and then we'll have an update from the sanctuary, and we have three sanctuary staffers out there. We have Sarah Fangman, the superintendent, and we have Beth Dieveney, also with the Florida Keys National Marine Sanctuary, and Ed Lindelof with the Sanctuary Program in D.C.

Then Monica is going to give us an overview of the council's role in this process, and she wrote a document that's in the briefing book for folks to look at, and then we'll get back into the discussion, and we'll probably come back to this FWC presentation, and so we'll probably end up rehashing some of the things we talked about at the last meeting, and so we talked about, at the last meeting, there's this protocol for fisheries management, and FWC has met about the Florida Keys National Marine Sanctuary on three different occasions with our commission.

Most recently, we talked to our commission at our February commission meeting a couple of weeks ago, and the presentation that you're going to see today is very similar to that presentation, and it will go into not all the topics, because there are eighty-something topics in the sanctuary plan, but it will go into some of the main topics that we think you guys would be interested in and how FWC is going to be commenting on those topics, and so we thought that that would be a good place to start to start the council discussion.

I'm going to turn it over to Martha to give this presentation, and, if you have any questions, stop us in the middle of the presentation, and we can get the questions answered then, and then, like I said, there is kind of some talking points in here, or points for discussion, that the council might want to have, and so we'll probably end up coming back to this presentation later in the discussion, and so I'm going to turn it over to Martha.

MS. GUYAS: All right. Thanks. Like Jessica said, stop me if you have questions. It gets a little heavy and complex fast, but I'm going to try to keep it high level, as best as I can. Let me just start by explaining where FWC fits into this process, and we'll talk about the councils too, and, of course, Monica is going to talk about that, but FWC is a co-manager of the sanctuary, and it has authority specifically to implement the fisheries regulations for state waters of the sanctuary. Our

agency has very limited authority to do other regulations, like boating, habitat, and wildlife, and so, between those two things, FWC and the sanctuary can complement each other.

The council, obviously, one of the things you're going to talk about today is providing comments on the sanctuary's proposal, which they're calling the restoration blueprint, and my next bullet here is really a question mark, and I think it will hinge on what you guys talk about with Monica later, but how FWC and the councils may want to work together on the fisheries rules for Atlantic federal waters, of course, with the sanctuary, and then I'm going to come back to this bullet about workshops, but, just to give you a little taste of where I think our commission is going to go, we're going to hold workshops on the fisheries issues for state waters of the sanctuary, likely later this summer, and so, assuming we do that, we would invite the councils to come on and join us, because, in our past experience with the south Florida workshops, it's been that people don't necessarily distinguish between state and federal waters. They just know they have an issue, and, if they have an audience at FWC workshops, it might nice to have council representation there, too.

Our commission has spent a lot of time on this sanctuary plan, and we've had updates at our October meeting, our past December meeting. In January, Jessica and I and a number of our staff were in the Keys and had a number of meetings with stakeholder organizations, to get their thoughts on the plan, to help us understand what their issues are, to inform our comments, and, just last week, or a couple of weeks ago, our commission met again to look at the plan one last time in a little bit more detail, so that they could form comments for our comment letter, which is due in April, and we're working on that letter now, based on our commission's meeting, and then, as I mentioned before, we're going to be holding workshops, and we will be doing some rulemaking for fisheries items in state waters, and I will talk more about that later in this presentation, but this is just big picture what we've been up to.

Our commission and staff have been looking at the sanctuary's plan, with a number of guiding principles in mind, and those are up on the slide, and I will just kind of run through these very quickly. The first one is looking at ecosystem-level changes in the Keys, and recognizing and addressing those is a very high priority for the commission, and specifically looking at water quality, water flow, and coral loss. Those are all factors that are influenced by conditions within the sanctuary, and also outside of the sanctuary, and so addressing these issues is a high priority for our commission, and it really should be considered on all the proposals in the sanctuary's plan.

The next one is fisheries management is reserved to FWC in state waters, and FWC has the lone authority to implement fisheries regulations in the sanctuary, and so that's just kind of coming back to that. Considering closures and access restrictions on a case-by-case basis, and so we've tried to give a lot of thought to the various aspects of this plan. There's a number of area proposals in here, and we've tried to evaluate each one on their own merits, and then making sure we have the rationale for whatever is proposed, identifying what's being addressed, what have we learned in the past, and what can we expect by taking action in the future. Then evaluating all of those relative to how they're going to impact stakeholders and making sure that we are fair to all stakeholders as we look at this plan.

The next couple of slides is just an overview of all the things that I'm going to touch on today. First, I will go over some overarching issues, and I'm going to talk about our ideas on enhancing

coral reef restoration and recovery, some area closures for fisheries management, and then habitat and wildlife conservation proposals in the plan, and then some sanctuary-wide issues.

These are big-picture items that FWC will be commenting on in our letter to the sanctuary, and these overarching issues are things that -- They are basically universal, and everybody recognizes that these are big issues, and they have been consistently things we've heard of from the public, no matter who we're talking to, and so the first one that I've already talked about a little bit is water quality.

Recognizing that, without addressing water quality, any of the restoration or habitat protection efforts that may be taken in the sanctuary, the success of those likely is going to be limited, and so this is a really key point, and it should be a focus of the plan, and we are encouraging the sanctuary to take a leadership role in ensuring that water quality is addressed, again recognizing that it's not just about what's happening in the sanctuary, and the sanctuary is downstream of the Gulf, the peninsula of Florida, and there's just so many places that impacts the sanctuary's water quality.

The next thing is education, basically making sure that the public understands the problems, what's being done to address those problems, and being active in engagement with the community, which should help generate support for all of the restoration efforts and awareness of just what the issues are in the Keys. These are big issues.

The next item is law enforcement, and so FWC Law Enforcement is more or less the enforcement agency for the sanctuary, and NOAA has a very limited presence, and we have fifty-six officers assigned to Monroe County, which is the sanctuary, but, as it is right now, this restoration blueprint plan aside, we really don't have enough officer coverage to monitor and enforce the regulations in the sanctuary.

Of course, Monroe County is not just the sanctuary, and so these officers have other responsibilities as well, and they are not all working twenty-four hours a day, and so there are not fifty-six of them on the water at any given time, most likely. In the past, the sanctuary has funded dedicated positions for sanctuary enforcement, and that has not been the case for quite some time, and so all of those officers that are there now -- This is just part of their duties, and the funding is shifted around a little bit, and so it's significantly less, and so, whatever additional measures come with the next iteration of this plan, or the final iteration of this plan, basically keep in mind that we don't have enough law enforcement as it is, and adding additional zones and spatial coverage to the sanctuary just adds to that burden, and it's a big deal.

One of our agency's big recommendations for the sanctuary plan is to focus on restoration and recovery of corals, and I don't know if you all have talked about the stony coral tissue loss disease that has moved through the Keys, but we have seen really decimation of reefs in the past few years, and we're at about 2 percent coral cover, where we should be at about 30 percent, and there are a lot of stressors going on with corals, and our agency, with a number of other partners, have really gone to the last resort action of we've been basically rescuing a lot of the corals that are left.

We're pulling them out the water and moving them to facilities that can hold them, so that we can preserve this genetic diversity. Hopefully, at some point, we would be able to plant them back into the water, and we're treating corals with antibiotics, and this is a big, big, big deal, and so, to us, this sanctuary plan is an opportunity to complement those efforts and really focus on restoring

coral reefs in the Keys, and so, kind of with that, a lot of the actions that you're going to see on the next few slides would dovetail with this plan that's underway in the Keys now to rescue corals.

I've got my first map, and I'm going to grab the pointer here, and so let me just orient you a little bit. This dotted purple line is the sanctuary boundary as it exists now, and federal waters of the Atlantic, and so South Atlantic jurisdiction, is this pink, and then state waters is the darker of the blue, and so these stars that we have on this map here are existing coral nurseries that, at least under the current sanctuary plan that's in place right now, these coral nurseries don't have any additional protections on them, and so one of the things that you all might want to think about, and that FWC at least will be suggesting, is that making sure that these existing coral nurseries do have some additional protections on them.

Some of the things that the sanctuary is proposing would encapsulate these nurseries and protect them from fishing and anchoring and those types of things, but not all of them, and so I will run through those here in a few minutes.

Here is a closer look at some of those, and I realize this is a lot, and it's detailed, but the little black dots on each of these maps are nurseries, and so let me walk through some of these maps here. This is a proposal at Carysfort Reef, and the existing boundary of the sanctuary preservation area that's in this area is then black, and it's kind of difficult to see, but this little black dot, which is the nursery, is just outside of the existing area, and the sanctuary has a proposal that would extend that sanctuary preservation area just a little bit to this green line, and that would encapsulate the nursery, and so we'll be supporting that proposed expansion.

You'll see, down here in the corner, there is another small area like that black box, and that's the existing area, and the nurseries are just outside, and so, if you just change that box just a little bit, those nurseries would be included. In a sanctuary preservation area like these, there is no fishing, and the sanctuary is proposing no anchoring, and they are proposing idle speed, and there is a few other regulations, but those are the big ones, I think, to keep in mind, probably, for this council for fishery management purposes.

A couple of other ones to point out, and these are all in federal waters of the Atlantic, just by the way, and so this is Marathon SPA, and this would be a new SPA that they have proposed, and it does incorporate four nurseries here, but there's another one here, and so we would propose drawing another box around that. Down here is Pickles Reef and Snapper Ledge, and Pickles Reef is this smaller box here, and I think Snapper Ledge is the bigger one. Our agency will be proposing to basically draw two small boxes, one around this group of nurseries here and one here, instead of drawing the larger box.

This is an existing nursery off of Key West, and it's difficult to tell from this map, but, again, drawing a box around the nursery. At Looe Key SPA, our agency is going to be suggesting basically taking these smaller boxes in here and drawing them a little bigger, to incorporate those nurseries there, and so -- The sanctuary's plan doesn't have specific coordinates in it, and so we would be saying let's work on coordinates together, to make sure that we're drawing these areas in the right places.

Our staff and commission are recommending a couple of things to, again, work towards this goal of coral reef restoration and recovery. The first really is protecting the coral reef habitats that we

have that are intact, and so, to do this, what we're going to suggest is really assess what's out there now and prioritize what areas need to be protected, with the goal in mind, again, of coral reef restoration and recovery, and so this doesn't even necessarily need to be limited to actions that are in the sanctuary's plan, and so my sub-bullet here mentions sixty areas that are closed to commercial lobster trapping.

Those areas were put in place by the South Atlantic and the Gulf Council, working with the lobster industry, and it was almost ten years ago now, after the Acroporid corals were listed on the Endangered Species Act. The two councils worked together with the industry and drew basically sixty polygons in the Keys, in federal waters, and they're all in South Atlantic federal waters, where lobster trapping should not occur, because of these corals.

When we were in the Keys and meeting with fishermen, one of the things that we heard was, you know, there actually aren't even Acroporids in all these areas anymore, and so the question is are these the right places? Since this time, there have been a number of other corals that have been added to the Endangered Species list that occur in the Keys, and so it makes sense to take a step back and make sure, again, that we're protecting the right places, so that we are recovering these newly-listed species, and we've got the right areas closed for Acroporids, and, again, work with the industry and fishing interests on those.

The commercial lobster trap areas, since that's not part of the sanctuary's plan, that would be likely something that the councils would need to take up, and work with the sanctuary, potentially, but it would be a separate, I guess, endeavor.

I talked a little bit already about protecting coral nurseries, and so another thing that we think would be a good idea as part of this coral restoration process, as a part of that, would be developing a process for opening and closing future nurseries, and so, for example, if we get to the point where all of these corals that have been rescued from the Keys now -- If we're ready to start out-planting those back into the sanctuary, we may need some like temporary nurseries for growing up those corals before they get out-planted to more permanent sites, and so thinking ahead about what might be coming down the road and developing a process for that.

Then, for active restoration locations, we may need to look at a process for determining that restoration, what regulations are appropriate for those areas, and, you know, would we need to exclude access and those types of things.

I am going to touch on a couple of other areas that are in South Atlantic federal waters that would be protecting corals, potentially, and our recommendations -- By "ours", I mean FWC's recommendations for how to move forward with these areas. These two right here, this is the Key Largo Dry Rocks and Grecian Rocks, and the North Dry Rocks SPA, and so the existing areas are here in the green, and one of the sanctuary's proposals would just basically draw a bigger box and encapsulate both of these areas.

Our recommendation, after working with our chairman, is I think likely going to be to just stick with these two smaller areas, and these are really where the coral is, and this background color is coral, and the coral is pink, and so you can barely see it on this slide, but it's really just in these two smaller areas, and so we're going to recommend status quo on that one.

This red polygon here is off of -- This is off of the Middle Keys, and it's a place called Delta Shoal, and it's proposed to be a new SPA, and so no fishing, no anchoring, idle speed, all that, and we'll be recommending status quo for this one, and there is a lot of coral in here, but our -- It's actually a reef that seems to be in pretty good shape, and it's in pretty good shape without any help, and so we're thinking maybe leave this one as-is.

Another thing that I haven't told you all with the SPAs is diving is still allowed, and, at all the SPAs, there are mooring buoys, and so those tend to attract divers and dive operations, and so we don't necessarily think that that's a good idea for Delta. It may be better to just leave Delta as-is, rather than draw in more traffic to it by making it a SPA. It seems kind of counterintuitive, but --

This other graph down here is Sombrero Reef SPA. The current SPA is this triangle, and you can see there's a lot of pink in there, and we do support expanding this area, to incorporate a little bit more of that pink and that coral, and some of the adjacent habitat.

This is some more here for you, and so this is Tennessee Reef Conservation Area, and then Alligator Reef SPA, and we're going to support expanding both of these areas, so long as trolling continues to be allowed in those areas, and so there are proposals in the plan to prohibit trolling through the SPAs, but these are important fishing areas for pelagics like sailfish, and so these are pretty popular spots, and allowing that trolling shouldn't impact our goal of limiting interactions with the bottom and corals, and so there's a compromise with that one.

A little bit about what FWC is going to be considering for coral reef restoration, and so, at some of the reefs in state waters, we'll be looking at no anchor, idle speed, and no fishing, and the same for the coral nurseries, and then, for active restoration locations, all of the above, and potentially also locating nearby mooring buoys, again to kind of limit the traffic in those areas and give those corals a chance to grow and let the restoration occur there. It may be appropriate, at some time, in these areas also, to make them no entry, or transit only, and so you really only have boats just buzzing overhead above those reefs, just to kind of keep people out and let restoration occur.

A couple of other things that are going to be in our letter about artificial reefs is we'll be supporting putting some artificial reefs strategically placed in the Keys to contribute to habitat, and then, also, enhance diving and fishing opportunities, keeping in mind that, with all of these closures of other areas for coral, this could help offset that and still provide some opportunities for people to go out and dive some pretty cool sites and keep fishing.

There is a proposal in the sanctuary's plan to deal with high use and overcrowding of a couple of different spots, and the proposal that they have is to only allow I guess it's certain tour operations that are Blue Star certified, which basically means they are -- I am going to use my words here, but they are trying to use sustainable practices and conservation practices when they are running these dive tours.

This has been somewhat of a controversial idea, and people don't want to be excluded from those sites, and so we are suggesting, rather than just restricting access to these Blue Star operators, to work with stakeholders in the Keys, and we would like to do some research with them and to develop a plan to better manage the access at these high-use sites.

I've got a few areas that have more of a fisheries management focus that I'm going to tell you about, and so there are three proposals in the sanctuary's plan to create large, contiguous habitat protections, and these are at the three places on the slide. One is at Carysfort Reef, and so you can see here that this goes basically from the island and offshore from there, and it's a seventeen-and-a-half-square-mile polygon that would be no fishing, no anchoring, idle speed, and the next one is off of Long Key, at Tennessee Reef, and the same thing. It's basically from the shoreline and way offshore, and this one is about nine-and-a-half square miles, and then the last one is in the Tortugas area, and this is called the Tortugas Spawning Corridor, and this one is about forty square miles, and, again, it's quite a large area that would be no fishing, no anchoring, idle speed.

All of these partly occur in state waters, but are in federal waters as well, and, for the Tortugas Spawning Corridor, I believe the federal waters are Gulf federal waters, but it's certainly worth mentioning here, and so our agency is not supporting these areas at this time, and we feel like there's a lot more to learn before going to implement something like this, and we don't really understand what the benefits would be, and so we really need a better understanding of the ecological and social benefits, to evaluate if these types of large areas will be successful in the Florida Keys, given all the conditions down there.

The next area is called Western Dry Rocks, and many of you around the table may be somewhat familiar with this area, and it's come up off and on the past few years as we've talked about mutton snapper management, and so this is off of Key West, and it's in state waters, and it's fairly -- Well, it's two-and-a-quarter square miles, and the sanctuary has proposed prohibiting fishing and anchoring in this area. It's a very popular fishing spot, and this picture at the top right here are boats fishing here, I think during the summer, and so the proposal would allow some trolling.

Our agency's recommendation for this is going to be, because it is state waters, to remove it from the sanctuary's plan. Since this is a fisheries management item, FWC would be looking at this and trying to figure out what regulations are appropriate for this area, and so this is something that we would take out to workshops with stakeholders, and so the reason why this area is in this plan is it's a spawning aggregation site, and so this table here, which is pretty blurry on the screen, but, if you've got the presentation up on your computer, you might be able to see it a little bit better, but there's a number of species spawning here.

The blue boxes are those that are spawning during the winter, and then the red are those that are spawning during the summer, and so you've got species like mutton snapper here, and you've got the groupers during the winter, and, of course, grouper harvest is closed during the winter in the South Atlantic, and we've got permit on here, and there's a number of species here, and so it makes it a popular fishing spot, but also an area of interest for conservation as well.

The next proposals, and I am just going to briefly touch on these, are wildlife management areas, and a lot of these are on the bay side of the Keys, and none of them are in South Atlantic federal waters, and they are all proposed to protect habitats or wildlife, like birds, crocodiles, those types of things, or seagrasses, and the regulations for the particular wildlife management areas, they're all pretty different.

It's really a range of things, and they could be no entry, transit only, and there's some no-motor zones, idle speed, no anchor, and a lot of them are within the National Wildlife Refuges, in the backcountry, on the bay side of the Keys, and so, long story short, our agency is looking at these

on a case-by-case basis and evaluating them relative to the wildlife data that we have there, or the habitat data that we have at each one, and, again, our goal here is to balance resource needs and user access, and that's all I'm going to say about those.

This one will be of interest to the council, and this is the Key Largo Management Area. The proposal that the sanctuary has for this one is to restrict anchoring in this area, and it's 132 square miles, all in federal waters off of Key Largo, and so this is a big area, and our recommendation is going to be to not support this, and it's really too big of an area, and that type of restriction would restrict access to fishermen and divers, just by the virtue of the size of this area, and so we would like to work with the sanctuary and stakeholders on other ways to address anchoring concerns in those areas and limiting impacts from anchors in that area.

This is another one that the council is going to want to be interested in, and this is the overall boundary expansion, and so we'll start with the status quo map, and I realize this, again, is kind of small, but, really the areas that are different are down here in the Tortugas region, and so, if you look here, you kind of -- This is the Tortugas Ecological Reserve here, and that's kind of separate. In the proposed expansion, the sanctuary would encapsulate this whole thing, and so you just have one big polygon running through the Keys, and it goes south a little bit further and west a little bit further, and then one of their alternatives also adds this area here, which is Pulley Ridge, which is in the Gulf, but there is a lot of fishing activity here, and the Gulf Council has regulations in this area.

What this expansion would do is it would prohibit vessels from discharging in these areas, and then it keeps large ships from the area, and so reducing groundings, and then, just in Pulley Ridge in particular, anchoring would be prohibited, and what that would do is it complements rules that the Gulf Council has in place, which prohibits anchoring by fishing vessels, and then the Gulf Council also limits, or prohibits, the use of bottom gears in Pulley Ridge. In part of Pulley Ridge, bottom longline can be used, but, otherwise, there are no traps, no trawls, none of that kind of stuff. Drift fishing is allowed, and hook-and-line is allowed, but it's just those bottom gears are prohibited in Pulley Ridge by the Gulf Council and not by what the sanctuary is doing.

Our FWC recommendation for the boundary expansion is sort of a modified version of what the sanctuary is proposing, and so, for the Tortugas, rather than, I guess, drawing this big box all the way down around the Tortugas Ecological Reserve, we're actually recommending opening up part of the Tortugas South Ecological Reserve, which is this box here, and we suggest making that box smaller, to this red box.

(Whereupon, a recess was taken.)

MS. MCCAWLEY: All right. We're going to get going again. We're back online, folks.

MS. GUYAS: Now that everybody is awake, let's try this slide again, because I have no idea where I stopped. The current boundary of the Tortugas South is this long rectangle here, and so what we are going to be suggesting is basically cutting the bottom of that rectangle, making the box smaller, and the reason for that is we feel like the northern part of this area is really important.

Right here, this kind of yellow-orange blob is Riley's Hump, and we've got a lot of research that our agency has done around this area, and there is some really cool things happening there,

spawning aggregations, mutton snapper movement, and, right at the edge of the existing Tortugas South box, and you kind of can see it, there's like a little dot here, and those are cubera snapper spawning aggregations, and so, for Tortugas South, we are suggesting cutting the bottom off and expand it west a little bit, to provide a little bit of a buffer around those spawning aggregations here, and then draw the sanctuary-wide boundary to basically meet that line on the southern boundary, and so right here, and here's the boundary right now.

Draw the line up so that it meets the bottom edge of the new Tortugas South, as we are calling it, and then move it west a little bit to incorporate and give a buffer to those cubera snapper aggregations, and so that's what we're proposing for the Tortugas South.

We're also supporting incorporating Pulley Ridge into the sanctuary, again to supplement what's already been done by the Gulf Council there, prohibit all anchoring, and this is a really unique area, and it has the deepest reefs in the continental United States, really interesting species that are occurring here, and really not other places, and so we feel like protecting these areas and going all the way and just prohibiting all anchoring would be important.

MR. SAPP: The red box currently is managed by the Gulf Council or no? Okay. I didn't think so.

MS. GUYAS: The red box is the FWC proposal to modify the Tortugas South Ecological Reserve, and so the existing area, and let me get out my pointer here, is this longer rectangle right here, and so most of the red box, and then further south, and I think it's a black border.

MS. MCCAWLEY: You can't see Pulley Ridge on this map.

MS. GUYAS: Yes, and Pulley Ridge is on the previous slide.

MS. MCCAWLEY: So, if we backed up one slide, we could show you where Pulley Ridge is, but Pulley Ridge is not shown on this map, and so that might be a little bit confusing here. See Pulley Ridge way out there? That blob, that is Pulley Ridge. That's where the Gulf Council has regs.

MS. GUYAS: Yes. Anything else, other questions on this one? All right. This is another sanctuary-wide issue that the South Atlantic Council may want to consider for comments, and the sanctuary is proposing to phase out permits for bait fishing in the SPAs, those sanctuary preservation areas, where otherwise fishing is not allowed, and they would do this over a three-year period, and so the baitfish, just in case you're wondering what we're talking about, it's primarily like ballyhoo and pilchard and those types of things.

It's just for these, and there is eighteen SPAs where this is currently allowed, and people can still bait fish outside of those areas, and our recommendation at FWC is going to be to continue allowing the lampara net component of the baitfish fishery to work in those SPAs. That fishery is regulated by FWC, and it's limited entry, and, the way that they fish those nets, they do not touch the coral reef, and so no bottom impacts.

There is also a cast net component to the fishery, which is permitted by the sanctuary now to fish in some of those SPAs, and we do have concerns with cast nets interacting with the reefs on the

bottom, and so we would recommend phasing out the cast net component of the bait fishing in the SPAs, but continue to allow the lampara nets, since there are no bottom impacts there.

The next item for your consideration is fish feeding, and so that this does is it prohibits feeding fish, sharks, other marine species, while diving or from a vessel, and so the sanctuary, the way that they've got this set up, it's not intended to limit chumming or fishing activity, per se, but this really is aimed at putting out some kind of food for fish, to attract fish, and then for like tourism, and these are like shark dives and those types of things, and so FWC has regulations that prohibit this practice in state waters, but only for diving, and not for just any vessel, but those regulations are only in state waters and do not extend into federal waters, and so our recommendation is going to be support the sanctuary's proposal, which does include fish feeding from a vessel, and one of the things that we will be considering is updating our state rules to potentially match this change for the sanctuary, and so that will be one of our items to workshop.

This is a lot of words on here, and I will do my best here, but part of this fish feeding proposal includes a revised definition of "traditional fishing" in the sanctuary. This seems like it's a little bit in the weeds, and it sort of is, but it does impact fishing activity in the sanctuary, and so, right now, traditional fishing that is allowed in the sanctuary is commercial or recreational fishing activities that were customarily conducted within the sanctuary prior to its designation, as identified in the environmental impact statement and management plan for the sanctuary. That's what is in place now.

All the stuff that's in yellow is new language, and what it does is it basically says, as managed by NMFS, by the councils, or by FWC, and it excludes use of new or novel gear types that have been introduced since the original EIS that put the sanctuary in place in 1997, and it doesn't include modified gear types that were identified in that original plan or gear types that weren't originally designated to fish certain species harvested outside of certain times of year in that original plan, and so we have identified a couple of places where this is an issue, and we have -- There have been some new gears introduced to the sanctuary since it was implemented, and one example is in the marine life fishery, or tropical fish fishery, that is managed by FWC, and we worked with the sanctuary and the industry to introduce a flexible blade for harvesting zoanthids, and is that right?

MS. MCCAWLEY: I would have to look back specifically, but yes, and it allowed like a little sliver of the bottom, but, yes, that would not be covered by this, and it was approved by sanctuary staff, and, as Martha said, the industry at the time, and then the rule was passed by the FWC, and the FWC rules for the marine life fishery extend into federal waters.

MS. GUYAS: Right, and so there's a couple other things to think about with this one, too. I know you guys have talked about some of the lionfish trapping projects that have been looked at, and so this would prohibit something like that from occurring, and so I guess kind of our thoughts on this, and I think the Gulf Council captured this in their letter, is, any time that a new or novel gear type is introduced, it's introduced to solve a problem, and hopefully it's solving reducing bycatch or limiting habitat interactions or whatever, and so this change basically kills all of that, and so we don't support this change, and there's a number of issues that we're going to have to raise about this, just to summarize.

The next item for you to consider is regarding live rock aquaculture, and so, right now, there is an industry that is occurring in the Keys, and throughout Florida, where folks can get a permit from

the State of Florida, through the Department of Agriculture and Consumer Services, and/or NMFS, if it's in federal waters, to -- They basically put down dry rock, and they leave it on the bottom, and stuff grows on it, and then they harvest it, and it goes in people's aquariums, and that's basically what is happening here.

The sanctuary has proposed a couple of different things for this practice, and one is to develop an MOU with NOAA and the State of Florida regarding live rock aquaculture, so that everybody is better communicating, and the other option that they have in the plan is to require that, for operations that do this, they would have to also get authorization from the sanctuary, which is sort of like a permit, but not a permit, for their live rock aquaculture activities. Our recommendation for this is we support the MOU, or the communication route, rather than the additional authorization, just because of the additional burden on that small industry.

We are kind of winding down here, and we're getting close to the end, I promise, but this just summarizes some of our big comments from an FWC perspective, and so all of these we've talked about, except for the last one, which is to request that the sanctuary provide updates on their progress every five years and to reconsider all management actions at that time, and that's actually in the original agreement for the sanctuary, but it hasn't happened, and so that's one thing that we will be reiterating that we would like to see when we send our letter. Otherwise, I'm not going to run through these, because we've already talked about them, but you can see them.

I mentioned earlier that FWC is going to be looking at the state waters fisheries management actions, and we'll be considering rulemaking through our process for those items, and so this slide just summarizes what those are, and so, at the existing SPAs, we would be considering no anchoring, to protect coral that are in those SPAs. For the new and expanded SPAs, it would be no anchoring, no fishing, no trapping, and some of the other items, and, again, we've already talked about these too, but looking at Western Dry Rocks, potentially considering less-restrictive action for that area, rather than a full-out closure, and looking at those fish feeding regulations again and maybe matching what the sanctuary is proposing for state waters.

Our next steps, from an FWC perspective, is we're working on our letter now, and we'll have that in to the sanctuary by the end of April, and we'll be holding public workshops on those state rulemaking items, and then we'll move into what we call draft rule, and we'll present a proposal to the commission, and they will decide what they like and what they don't like, and, depending on how that goes, they may direct us to take it to a final hearing, at which point, if they recommend and approve that, then those changes would become state law.

As I mentioned before, we would want to work with the councils on those workshops, and I would love to have somebody there from each of the Gulf and South Atlantic Councils, because we just know that we're going to get input that you guys are going to want to hear about, and then, throughout this process, of course, we've been working with the sanctuary, and we would continue to do that, and one of the things that I haven't talked about yet, but I think you all talked about at your last meeting, is updating the cooperative fisheries management agreement between the sanctuary, the councils, and FWC.

From our perspective, it's really outdated, and the agency that it has in there for the State of Florida isn't even FWC, and it was our predecessor agency, and our processes look very different. Since we're going through this update now with the sanctuary, it seems like the time to update that

agreement. We will continue working with the sanctuary on the next versions of their plan, the restoration blueprint and their draft rule, final rule, and through the rest of their process.

This slide, what I have tried to do here is basically tee-up all the things that you all might want to think about as the South Atlantic Council, and so these are things that either are directly occurring in Atlantic federal waters of the sanctuary or are sanctuary-wide issues that likely would impact stakeholders in South Atlantic federal waters, from a fishing perspective, and so we don't need to read through all of them right now, but we may want to come back to this slide later, and so you can pick which, or any, of these that you would like to comment on.

I mentioned, earlier in the presentation, that there are these areas that the Gulf and South Atlantic Council put in place that are closed to the commercial spiny lobster trap fishery, and these areas were put in place to protect *Acropora* corals, and there are two species that are federally listed, and so, after Irma -- Again, we heard from a lot of folks that feel like those corals aren't there anymore in those areas, and we now have five additional coral species that are listed under the Endangered Species Act, and our agency has done some research that has looked at the effect of these areas, and all of these areas are unmarked, by the way, and they're not on charts, and there are no buoys around them, and we do have a nice little pamphlet that the council has produced available to fishermen, but that's basically how they would get these coordinates, otherwise looking at the web.

Anyway, we have a study that looked at the effect of areas like this that are unmarked, versus marked areas elsewhere in the sanctuary, and there's been some issues. There is typically more traps in the unmarked areas, relative to the areas that are marked by buoys or on charts, and so, as part of this project that our agency did, they reached out to the fishermen who had traps in those areas, and they were generally pretty good about moving those traps out, but traps still found their way in there, from other people that would just kind of move in, and so that's just kind of an on-the-ground issue with these areas that needs to be considered, and so we would just suggest asking the question of are these the right areas, are they in the right locations, are there additional areas that we need to consider now that we have these additional five species listed.

Okay, and so, for the South Atlantic Council, the path we would suggest for you would be to certainly submit comments to the sanctuary on whatever items you see fit, and we would love to have you join our workshop tour in the Keys, and it's going to be awesome, and start the process of reevaluating those coral or spiny lobster trap fishing closures and potentially consider fisheries rulemaking for sanctuary items in federal waters, and I know Monica is going to talk more about that, and so I will leave that one to her, and I think that's it. Yes.

MS. MCCAWLEY: All right. Thank you, Martha. Remember that we still have two more presentations to go, and you can certainly ask questions now on this presentation, but I suspect that we'll be coming back here, to this PowerPoint, to look at some of the specifics that are in there, so we can try to figure out what to comment on, but let me go to some hands.

MR. BREWER: Martha, I have a question. I have seen this presentation, or parts of this presentation, three times now, and something that I just picked up on, and I really hadn't given any thought to, is the proposed fish feeding regulations. What effect would that have on chumming?

MS. GUYAS: None. The sanctuary is not trying to prohibit chumming or anything like that.

MR. BREWER: How about chumming where you were using whole baits and baby crabs and that kind of thing?

MS. MCCAWLEY: Any type of chumming, I believe, is allowed. What this is prohibiting, and the sanctuary is coming up next, and so they can talk to us more about it, and we can look it up in the plan, but it's my understanding that they are prohibiting boats that are drawing fish in, just from viewing from the surface, is one example, but, if you intent is to chum to fish, that would still be allowed. '

MR. BREWER: Thank you.

MR. BELL: Just for clarification, I was trying to kind of figure out where the potential sort of low-hanging fruit might be in the sixty closed areas thing, and so that would be -- You said that was done originally with the Gulf and the South Atlantic, and so that would -- Any adjustments to that would require a plan amendment for both of us, for the --

MS. MCCAWLEY: Yes, and so that was a Gulf and South Atlantic Council action, and it didn't really involve the sanctuary. I mean, they knew that we were doing it, but it was strictly a council action, and so, while you could make a comment on that, that let's say that the South Atlantic wants to go down this path to consider those areas, then they could comment to the sanctuary that they are intending to do this, to consider it for coral protection, but we don't need the sanctuary to do it, and it's something that the councils can do by themselves with the FWC.

MS. GUYAS: We heard about this while we were talking to people, because, I mean, think about it big picture from a fisherman's perspective. They just know that there are closed areas, and they don't know who did it, necessarily, and some of them did, and they were like, well, why aren't these part of the plan, and so it's -- Adding more closed areas on top of those kind of got people ticked off, and so they're kind of asking the question of -- Really, we need to prioritize where we're closing, to make sure we're going to get the bang for our buck and that kind of thing.

MR. BELL: So, at this point, we would simply state our intentions or whatever, and then we would have to follow the normal process for a plan amendment in the Gulf as well.

MS. MCCAWLEY: Exactly. Through the lobster.

MR. BELL: Right, lobster.

MS. MCCAWLEY: Are there more questions before we go to the next presentation?

DR. CRABTREE: It seems to me those lobster protection areas are kind of separate in this whole issue, but it seems to me that what we need, and I don't know, Jessica, if this is your plan, but, if we're going to review those areas, it seems to me that we need, I guess, for the FWC to go out and survey these areas and see what is there. Then we would decide whether we're going to revisit it or not, because, right now, I don't think we have any basis to know.

To me, it makes sense. They have been there for some time now, and there are some newly-listed corals, but I think the key now is for FWC or someone to go out and look in there and see what's

there, and then we'll decide whether we want to do something in it, and I would guess that you're talking a year or more to get that done, and so I don't know that there's anyone to tell anything to now. This is just something that we need some science to tell us whether we need to do something.

MS. MCCAWLEY: FWC has surveyed a lot of those areas already, and this would be going back out and checking, especially the passage of Hurricane Irma, are those corals still in that area, and we're in the process of doing that and then figuring out, based on those new listings, are these even the right areas, and we could possibly open up some of these areas, and there might be areas that are better to draw these boxes around, and we would want to work with industry to do it, just like what was done the last time, but Roy is right that it doesn't have to occur through this process, but, if you wanted to mention that intent in the letter, you could, because you saw that FWC is talking about this holistically, from a coral restoration and recovery kind of lens, and that this, in our mind, is one piece of that, going back and looking at those areas and making sure they're in the right place.

MR. BELL: I agree, and, if none of the boxes are actually inside the sanctuary, fine, then it's not part of this, but --

MS. MCCAWLEY: They are in the sanctuary, and so let's just be clear. They are in the sanctuary area. They're just not done through the sanctuary. They are done through the council, and so just to be clear that, oftentimes, the Gulf or the South Atlantic Council take actions on fisheries or areas that are inside the South Atlantic Council's jurisdiction, but it's done through the Magnuson Act and not through the Sanctuary Act, which is part of what Monica is going to get into, and so those areas are in sanctuary waters.

MR. BELL: But what made sense though, if you're talking about boxes in boxes, just like Martha said, all these boxes, and they don't necessarily know where the boxes come from, but it's just a discussion of more boxes and moving boxes, and so, logically, the timing makes sense.

DR. CRABTREE: Just bear in mind though that the pressing need you have now is to comment on the fishing regulations in the sanctuary proposal. This is not part of that, and so that's separate, and I think the timeline is we have a week or so to get our comments in, and so I think, for now, you would be wise to focus in on the fishing regulations that are part of this, because we don't have much time, if you're going to send comments in.

MS. MCCAWLEY: Roy brings up a good point, and so I really think there's kind of two things we need to do today. One is figure out what goes in our commenting letter, and it is due next week, and we got an extension for our comments, and we need to figure out what do we want to comment on. We have a copy of the Gulf Council's letter, and we can look at that too, and then have discussions about some of the topics that we brought up in this PowerPoint.

Secondarily, we could also figure out what are the next steps. Following, the comment letter, what does the council want to do, but Roy is right that the most pressing need is to figure out what our comments are that are going to be in that letter. Go ahead, Brian.

DR. CHEUVRONT: Thank you, Madam Chair. Just to follow up with that, just to clarify some of the timing, what we're planning on is having a draft letter out to the council by Thursday, for you all to review on Friday, because the deadline is next week for this letter to go out. It has to be

out by the 13th, and so that's the plan, and you're going to get a chance to review that letter on Friday. We will take in whatever final comments we have as of Friday, and we'll fix up that letter, and it will go out next week.

MS. MCCAWLEY: All right. Are there more questions before we go to the next presentation? All right. Next up is the sanctuary presentation, and I'm not sure who from the sanctuary is going to give this. Beth is going to come up and give us a presentation.

MS. DIEVENY: Good afternoon, and thank you for inviting us to present. I was asked to come to share a little bit of information about the preferred alternative that is within the South Atlantic Fishery Management Council jurisdiction consultation area, as well as to share some of the comments that we have been receiving, and I just want to note that these are the public comments that have come through the official regulations.gov, and it's a very high-level summary of those comments, and so this is not our official summary of the public comments. Public comment closed on January 31.

Just by way of a little bit of background, this process for the Florida Keys National Marine Sanctuary has been going on since 2011, with the release of our condition report, which is a report that highlights the condition, the threats, the status of resources in the Florida Keys, water quality, habitat, living marine resources, and historical resources.

That kicked off a process with our Sanctuary Advisory Council, which is a local, volunteer body that provides the sanctuary advice and recommendation on management actions, and they developed goals and objectives and three community working groups to look at many of the marine zone elements that Martha highlighted and provided recommendations through that process to the sanctuary, and much of what came through that advisory council and a community process is reflected in the restoration blueprint.

Two points here. This is the public comment period that just closed on January 31, and so now, following the input we receive from the fishery management councils, from our state partners, and other agencies, we will take that to develop a draft rule that will go back out for public comment in this portion of public comment, before we develop final rules and implementation, and so there's a lot more time and opportunity to work with the community, with the councils, and with the state partners.

Monica will go through this in much more detail than I will here, and you have a briefing memo in your advance materials for this meeting, but this slide really is just intended to highlight the consultation opportunity and role you have. In the National Marine Sanctuary Act, Section 304(a)(5) outlines this process, whereby, anytime a sanctuary is designated or goes through a management plan update, we provide the relevant regional fishery management councils an opportunity to consult, and that is what we are doing here today with you and what you will be working on through this week to complete to provide a letter to us.

As I noted, Monica will go into detail, but the opportunity is for the council to draft regulations, determine regulations aren't necessary, or defer to the sanctuary to do those regulations, and one thing to note, and I will highlight through the presentation, where relevant, but one thing to note is that the fishing regulations must fulfill the purposes of the sanctuary and the goals and objectives

of our sanctuary management plan process as well as be informed by the Magnuson-Stevens Conservation Act.

This slide here just shows, both for the South Atlantic, Gulf, and FWC, the range of meetings and engagement we've had with the various entities and the advisory panels and Scientific and Statistical Committees, and we feel that engagement with these bodies is very important in our management process and how we look to manage the waters of the Florida Keys, and we thought it was very important to reach out to all of the various advisory panels and SSCs that asked to get a presentation, to better understand what the proposal is, the goals and objectives, and what our desired outcomes for this proposal are. March 2, this is our last opportunity to meet with any of the council agencies, and the FWC as well.

Just by way of highlight, the Gulf Council -- Martha talked a little bit about it, as did Jessica, but they completed their consultation at their meeting in New Orleans on January 30. They have sent us a letter, and this is an old slide, but they have sent us a letter, and it will be posted and made publicly available through regulations.gov in the next day. This slide highlights the opportunity that's before you guys this week, at this meeting, and we look forward to getting your comments and letter as you can.

Now I am going to move into some of the public comment summary, and public comment was open from August 20 until January 31. In that time, and this slide is a little outdated, but, in that time, we have a total of 1,007 individual records that were uploaded to regulations.gov. However, that reflects a little over 32,000 individuals who participated, and there were a fair number of sign-on letters, both local community groups and homeowners associations as well as some national petitions, local petitions, NGO sign-on letters, and the like, and the table there shows many of the local information and public oral comment sessions that were held and the number of comments we received at those meetings, which are uploaded as a single comment for each of those meetings and documents.

As you can imagine, the organizations that are represented through these comments are very wide and varied, state and federal agencies, many of the local municipalities, Monroe County, and we have five local municipalities, several homeowners associations, fishing organizations, both local, regional, and national, as well as diving organizations, many trade organizations, scientists from academic universities, as well as many of our permit holders, schools, as well as, as I noted, local and national petition sign-on letters.

Now I will move into the summary of public comments, and, just in general, overall, the comments -- We had many comments both in support of and comments that opposed aspects of the proposal. Those comments that were in support generally favored the need to take action, and, in many cases, it favored the more protective action that is represented in Alternative 3 and Alternative 4. If they submitted a general statement of support, they usually also protected additional protections at Pulley Ridge, for many of the reasons that Martha highlighted.

Those comments that were in opposition of taking action generally were in opposition of taking action from a spatial perspective, but most comments that were opposed also identified areas where action is needed. For example, additional protections for water quality, additional work in the education and enforcement field, and habitat protection. Some of those comments also identified the role that is played by the relevant fishery management councils and our state partners.

Moving on to the overall boundary, this here shows solely the preferred boundary alternative, which includes a sliver here to include the area to be avoided, which is currently regulated to prohibit large vessels from entering, and it also closes the gap here in the Tortugas, to provide additional protections between the existing sanctuary boundary and the Tortugas Ecological Reserve South.

The comments we received specific to the boundary proposals were few. However, those that did submit comments related to the boundary overall preferred protecting Pulley Ridge, and this is a unique ecological feature there, and it's a possible source of resilient reefs, as well as a source of populations for reefs and fish for downstream in the Florida Keys. The area to be avoided support additional protections for deep-reef habitats as well as possible historical resources in this area. In the Tortugas region, similarly, the recognizing the need to protect additional habitats and an important area for both avian and marine species.

Those that opposed boundary expansion generally referred to Pulley Ridge, that it is already protected through Gulf of Mexico Fishery Management Council action, and sanctuary protections, additional sanctuary protections, may not be needed or justified in that area, and they acknowledge the enforcement challenges of enforcing those regulations in Pulley Ridge. The area to be avoided in the Tortugas Region, general statements related to not needed and overreach.

Highlighting a few sanctuary-wide regulations, Martha talked about the fish feeding regulations. While this is not explicitly a fishing regulation, we did include this because of the connection to the traditional fishing definition. In general, the public comment supported additional protections for this activity, and the importance of trying, where possible, to align our regulations with the state regulations, to have consistent regulations throughout. As Martha noted, our proposal takes this a little bit further, further protection to not just apply to diving, but also to apply no fish feeding from vessels, and there was general opposition to this proposal related to impact to businesses and the local economy, as well as potential loss of opportunity for education and engagement opportunities. As Martha noted, the change to this would not affect chumming, discharge of fish, fish parts, in the action of traditional fishing activity.

Specific proposals for marine zones, and so, within our individual marine zones, we do have a -- We do issue permits that allow bait fishing within the sanctuary preservation areas, and, currently, there are eighteen sanctuary preservation areas that are closed to fishing, except for bait fishing by permits, and bait fishing is allowed everywhere else in the sanctuary, but just, in these eighteen sanctuary preservation areas, you need a permit.

The comments on this, there were not many specific to this proposal. However, those that did comment both supported consistency of regulations in the sanctuary preservation areas, to have clarity for the public, enhanced compliance and enforcement for the public. If it's a no-take area, it should be consistently a no-take area. We also had opposition to removing the bait fishing permits, primarily from the lampara fishery, due to the low number of permits that exist for this fishery, that they do have a reporting requirement to report their take on an annual basis, as well as the recognized low impact to the habitat from this activity.

Finally, for marine-zone-specific regulations, there is a proposal to eliminate the exception for catch-and-release fishing in four SPAs where it currently exists, and there are four SPAs, Conch

Reef, Alligator Reef, Sombrero Reef, and Sand Key, where catch-and-release fishing by trolling is currently allowed. Again, our preferred alternative is to eliminate that, to provide clarity that, in SPAs, there is no take, regardless of the type, and the comments here -- Not many, again, specific to this issue. However, those that did comment support consistency of regulations within these zones, and the comments in opposition to this were opposed to losing access to this activity in those areas.

Now I am going to turn to the specific marine zones, and I will have a series of maps for the Upper, Middle, Lower, Marquesas, and Tortugas regions, where I show the preferred alternative, and you have seen a lot of these already in Martha's presentation, and then I will highlight just a few of the marine zones that got a high number of public comments engaging on that. Again, I have selected these that are relevant to the South Atlantic Fishery Management Council, those that have some fishing activity, fishing restrictions, to them.

These big-picture zones, the sanctuary preservation areas are generally managed activities to separate conflicting use and protect habitats, and these are generally along the reef line, and they occur both in federal and state waters, and they are generally small, and the regulations prohibit discharges, fishing, touching, or anchoring on coral. SPAs are the areas that I just reviewed, and we allow bait fishing by permit, and, in four of them, catch and release by trolling, and so our preferred alternative eliminates both of those practices, to make SPAs fully no take.

Ecological reserves, conservation areas, and special use areas, these are our most protective zone type currently, and it would remain our most protective zone type, and this zone type is intended to protect large, contiguous habitats, range of habitats, to protect both the habitats and the species that are dependent upon those habitats through their life cycle. The regulations in these zones currently, and in our preferred, are transit only without a valid sanctuary permit.

Finally, existing management areas is another area that I will just touch on briefly, and these are currently, and would remain, the Key Largo existing management and the Looe Key existing management area, and these areas restrict some fishing, and our proposals do not change any of those restrictions or add any others specific to fishing. Here in the Upper Keys, and I do apologize, and the yellow is a poor color choice, but I will just highlight -- The few zones that I am going to highlight in this area, and, again, the zones that I have selected are due to two things. One, they are within the South Atlantic Fishery Management Council jurisdiction, and they have something to do with fishing activity, but, as well, it's the number of public comments we received about these zones, and so I'm going to highlight Carysfort here.

This, again, is our preferred alternative, which expands, as Martha noted, to include a current coral nursery site, and one of the goals is to protect habitats and protect coral nursery sites throughout the Florida Keys by this zone type, as well I will highlight Turtle Shoals here, which is in state waters, but I just wanted to highlight that for the goals for habitat protection that that zone is intending to protect.

Finally, I do not actually include public comments on this, but Martha noted that this is the Key Largo existing management area, which, in our preferred alternative, we do include a proposal for no anchoring, and that's not specific to fishing activity, but all no anchoring, and, for the most part, public comment on that was not in support of making this large area no anchoring. However, many of the comments specific to this area, but also specific throughout the Florida Keys, really

did identify anchoring as a management tool if it's in the right places and targeted for protecting the habitats that need protection, and so, while overall the public comment did not support no anchoring in this area, anchoring as a management tool was supported.

Now to highlight those two zones that I circled. For Carysfort, the comments acknowledged the need to protect deep reefs, because our proposal does expand that to capture more of the deep-reef habitat, also protecting historic spawning aggregations and a coral nursery site and restoration sites that occur in that location.

Our most preferred alternative, which is Alternative 4, does include Carysfort as a large contiguous area from the shoreline to the deep reef, and the comment related to that proposal was very mixed, opposing, in that area, potentially protecting from shoreline to deep reef, but much comment in support of the need to protect large, contiguous areas, a range of habitat types, and the needs for a range of species.

Turtle rocks, that's the area that I noted is in state waters, and that's why the text is in blue, and there was both support for protecting this area, its inshore patch reefs, an additional habitat type that our current marine zones don't adequately protect, and there are ESA-listed coral species in that area, and that area has demonstrated resilient reefs, as well to encompass historical resource site -- A proposal to expand that area to protect a historical resource site that's in that area.

In the Middle Keys, this, again, is our preferred alternative, and I will just draw your attention, and it's not on this map, because the sanctuary proposal is just simply to add no anchoring, but you guys had been discussing the sixty areas prohibiting lobster traps that was part of the spiny lobster area, and there is -- As part of this review, the community working groups did look at those, and they did look at one of them, and it's the largest one of the sixty, and it's about right here, that we have included in our proposal as a no-anchor area, and so to provide additional protections for the habitat, but no additional fishing restrictions.

In the Middle Keys, I will highlight Long Key Tennessee Reef, which is, in our preferred, a shoreline to deep reef large contiguous habitat protection area, as well as Turtle Shoals here, and, again, that is in state waters, and I failed to mention the white line is the boundary for representing state waters.

Turtle Shoals, the area in state waters, the public comment generally was in support for protecting inshore patch reefs for additional habitat, ESA-listed coral, resilient reefs, and we did receive some comments about making some modifications to the size of that zone.

Long Key Tennessee Reef is the proposal to protect large, contiguous shoreline to deep-reef habitats in the Middle Keys. In general, there was opposition to creating a shoreline to deep-reef sanctuary preservation at this site in the Middle Keys, due to several impacts, loss of local access to the area, economic value and opportunity for the community that lives near and adjacent to that area, and this area is used by flats fishermen, the near-shore area, and so some of their comments were opposing that, but also providing comments to potentially make the near-shore area catch-and-release only. Also, comments noting that this is an area used by lobster fishermen and that this area has mixed habitat, some that may not be of the highest quality for protection in this zone type.

While there was opposition to that, there was also general support for the sanctuary goal to protect large, contiguous habitats in each region of the Florida Keys, and for this site, the value of this site for the habitats that are there, the use by lobsters in that area, and from the bay side to the ocean side, as well -- Other areas in the Middle Keys were proposed by members of the public as areas potentially better to serve as this deep contiguous habitat protection area.

In the Lower Keys, I will highlight Western Sambo and the comments here, and this is our preferred alternative, which takes the existing Western Sambo Ecological Reserve, which is one of our existing large, contiguous habitat areas, and it extends it to protect a little bit offshore of its existing boundary, to protect some deep-reef habitat known to support multiple species, including lobster species.

Comments related to this, and so comments that I have on this slide are highlighting some proposals that we had in the near-shore area to provide additional protections for the habitat, which included both an idle speed no wake in our preferred alternative and a no entry in our most protective alternative.

Comments related to those shoreline changes were generally in opposition, both for the impact to the local access, local community, use of that area, as well as a sense that those idle speed, no wake, and no entry would not actually achieve the intended goal of protecting the habitats in that area, and it's a very highly-used area by both the local community and personal watercraft operators, that that would not have that effect. Again, there was mixed support for expansion to include the deep-reef portions, and there was a lot of recognition of the need to protect deep-reef habitat, this area and its role for species, as well as comments about the loss of access to this area for fishing activity.

In the Marquesas region, again, I'm just going to highlight one zone here, which Martha has already touched on, which is Western Dry Rocks. In our preferred alternative, we proposed to create a new marine zone there, which would be trolling only, and our most protective alternative, in Alternative 4, it is proposed as transit only.

Comments related to Western Dry Rocks were general support for protecting fish spawning aggregation sites. At this site, particular support for protecting this area when the permit fish are spawning. The general opposition to protecting this area through a marine zone, due to impact to use and the local economy, and recognizing that FWC has taken action related to the mutton snapper fishery, and so to allow those regulations to take effect. Also, the preferred alternative, as I noted, is trolling only, and there was general opposition to that, due to that it's not well defined, and it would not actually achieve the goal of protecting the fish during spawning activity.

In the Tortugas region, I think, based on the map that Martha showed of the South Atlantic jurisdiction, a very small portion of the Tortugas region is within your jurisdiction, and the zone I will highlight here is the proposal to include a new zone, the Tortugas Corridor, as a sanctuary preservation area, to protect a corridor where fish transiting between Dry Tortugas National Park into Riley's Hump and into the Tortugas Ecological Reserve South to spawn, and so protecting that corridor of transit.

General opposition to this proposal, due to the use of the area for recreational and commercial fishing activity, including lobster fishing, and comments also noted the lack of scientific

justification for protecting this area during the fish transit, and, also, general support for protecting fish spawning aggregations, where they occur throughout the Florida Keys, particularly in the Tortugas region, and related activities.

In addition, in the restoration blueprint, and so what I've just highlighted are the regulatory actions, sanctuary-wide regulations, marine zones, specific regulations, and the spatial aspects of marine zones. In the restoration blueprint, there is also a draft management plan, which has our non-regulatory activities highlighted, and many of the comments that we received from the public highlighted areas related to channel marking and mooring buoys, the placement of mooring buoys, the use of mooring buoys, enforcement, water quality, education, particularly as it relates to boating, knowing the waters and knowing the regulations and anything we can do to enhance knowledge of them and compliance with the regulations, restoration, artificial reefs, and climate change.

I will just pause here for a moment, because all of these elements, and many more, but all of these elements that we heard from the public are in the restoration blueprint as part of the programmatic, non-regulatory activities, and one -- Just a point is the comments from FWC related to restoration, there is a section on restoration in the management plan activities that highlights restoration of coral reefs, seagrass, and hard bottom and how we would develop a restoration strategy for the sanctuary, working with partners to implement that, and so we are looking forward to moving forward on those activities.

There were other comments that we received outside of the elements, the proposals in the restoration blueprint, and these related to user fees, permits for access, lobster mini-season, as well as elements related to climate change and action needed to address that. With that, that closes my presentation, but just to note that all of this -- As I noted at the beginning of the presentation, all of the public comments, what we'll get from our state partners and you, will help us inform the next stages of our process and our draft rule for public comment.

MS. MCCAWLEY: Thank you so much for that presentation, Beth. Before we take a quick break, are there questions for Beth about the public comments and what she went over in her talk?

MR. BREWER: Is there any data that spawning fish are transiting from the Dry Tortugas to Riley's Hump?

MS. DIEVENY: The information that we used in developing that proposal actually comes from our partners at FWC on the primarily tagging mutton snapper and movement between the Dry Tortugas and Riley's Hump during the mutton season spawn in the summer, in the full moons, but I think the number of fish tagged -- I can't recall.

MS. MCCAWLEY: I think the number was thirty, and so there were thirty fish that moved between Riley's and that area, in that corridor that you're talking about.

MR. BREWER: So that was a seasonal thing, obviously, right?

MS. DIEVENY: Based on the data that they -- Yes, of the fish that were tagged, and what was demonstrated from that, it was a seasonal movement during the spawning months for mutton snapper, yes.

MR. BREWER: Thank you.

MS. MCCAWLEY: Any more questions for Beth? All right. Let's go ahead and take a ten-minute break, and then we'll come back and get a presentation from Monica.

(Whereupon, a recess was taken.)

MS. MCCAWLEY: I am going to turn it over to Monica to talk about her letter.

MS. SMIT-BRUNELLO: I sent a memo last week to you all, and it's under the late materials and under the Committee of the Whole tab, and it's A1c. I read the -- After reviewing the minutes and remembering some of the discussion from the December council meeting, it seemed like there was some confusion by many of us, myself included, and I will throw myself in there, about what exactly the council should be doing at this point and not be doing.

I dove into this a bit, and I came up with this memo that's dated February 24, and I am not going to read it to you, unless you want me to, and then you might just go to sleep, but I will hit a few high points in here, and what it does is it -- What I tried to do is use this to help focus your discussion, and you've had a couple of really good presentations, and now you're going to have to decide what as a council you want to do.

When you received the August 22, 2019 letter from the sanctuary, it started a clock going on when you needed to respond, and it was really 120 days, under the regulations, but, frequently, the sanctuary extends that, and they have, to March 13. Under the Sanctuaries Act regulations, you have until, I guess it's next Friday, a week from this Friday, to decide what you want to do, and what you want to do falls under Section 304(a)(5) of the National Marine Sanctuaries Act, and it relates to fishing regulations.

In accordance with that act, the council gets to use, is required to use, the Magnuson-Stevens National Standards as your guidance, to the extent that those ten National Standards are consistent and compatible with two things, the goals and objectives of the National Marine Sanctuary and Florida Keys, and, when I'm talking about that, I'm always going to be talking about the Florida Keys one, and then, also, with the Sanctuaries Act.

The Sanctuaries Act provides that regulations drafted by the council under this 304(a)(5) process, or a determination by the council that regulations are not necessary, will be accepted, and shall be issued, if there's regulations, as the proposed regulations for the sanctuary, unless the Secretary of Commerce finds that the council -- That your decision doesn't fulfill those two big things, one, the purposes and policies of the Sanctuaries Act and the goals and objectives of the designation of the Florida Keys National Marine Sanctuary.

When I'm talking about regulations, these can be presented when you make your recommendations, or if you choose to make recommendations, and they don't have to be the normal codified text kind of things that you look at, but they could just be in the form of a letter, and they don't need to be presented as a proposed rule.

On the last page of my memo, I tried to hit the points, which are what you should be doing at this meeting, and so you have several options, three options, at least, and so one option is make recommendations and, if appropriate, prepare draft fishing regulations, or fishery regulations, for the Florida Keys, under the Sanctuaries Act, or you can agree with what the Sanctuaries Act has already proposed as their preferred alternatives. Two, you could determine that fishery regulations, under the Sanctuaries Act, are not necessary, or, three, you could decline to make a determination with respect to the need for regulations.

If we go back to two, and you decide that fishing regulations are not necessary, maybe you want to say that you don't think they're necessary because the Magnuson-Stevens Act can be used to fulfill sanctuary goals and objectives, and then the council will need to explain how its decision fulfills those two big things, the purposes and policies of the Sanctuaries Act and the goals and objectives of the Florida Keys National Marine Sanctuary.

When you make your decision, and we've been talking about this March 13 date, then you send that into the Secretary, or to the Fisheries Service, and then the Secretary will make a determination as to whether the council's action fulfills the purposes and policies of the Sanctuaries Act and the goals and objectives of the Florida Keys National Marine Sanctuary, and the Secretary will determine whether to accept or reject the council's determination.

The Secretary will prepare fishing regulations if the council declines to make a determination, and that was the one option you had, that you don't want to do it, or the Secretary will prepare draft regulations, or fishery regulations, if the council makes a determination which is rejected by the Secretary or if you all fail to meet that March 13 deadline.

I know that the Florida Keys welcomes comments from the council on any aspect of the DEIS, but the purpose of Section 304(a)(5) of the Sanctuaries Act and that process is to receive the council's recommendations specifically pertaining to federal fishery regulations under the council's jurisdiction.

One thing that I noted in my memo, but I kind of skipped over a little bit, is you have this protocol that was signed back in 1997 or 1998, and it's the protocol for cooperative fisheries management, and you're a party to it, and the Gulf Council is, and National Marine Fisheries, the Florida Fish and Wildlife Commission, and, really, what that protocol does is -- It is a little outdated, because it talks about a different commission, like the Florida Marine Fisheries Commission, which is now, obviously, the Florida Fish and Wildlife Conservation Commission, but it sets forth really the process, the Sanctuaries Act 304(a)(5) process, and how the parties are going to try to cooperate and work together and what that process is and what it means.

In large part, it deals with the State of Florida, because, as I stated in my memo and what you've heard today, the sanctuary is jointly managed by NOAA and the State of Florida under a co-trustee agreement, and so, in the case of the protocol under your current circumstances, this is the sanctuary who has brought this forward, the DEIS and the preferred alternatives, and the protocol talks about what if the council wants to bring regulations forward, or what if the FWC wants to bring regulations forward, and the one thing -- The big take-away too is one of the reasons this protocol was developed was for really the public, because there are a lot of different entities who could potentially regulate in these different areas, and the parties to the protocol realized that they wanted to minimize -- They wanted to have consistent regulations for the public, and they didn't

want to have conflicting regulations. If you have any questions, and that's just kind of a basic overview, and, if you have any questions, I would be happy to try to answer them.

MR. BELL: Thank you. On the last page, the three options you gave us, Option 2, is that sort of all or nothing, determine that fishery regulations under the Sanctuaries Act are not necessary, and so none of them, I mean, as opposed to a couple of the suggestions?

MS. SMIT-BRUNELLO: Sure, and it doesn't mean you have to -- I think you could probably make recommendations to different aspects of the sanctuary plan, of the DEIS, and I brought up Number 2 specifically because you could decide that, no, you don't think any of them are necessary, and you've heard some of the public comments that, no, we don't want any of these, but then you should give reasons and rationale, really, as to why you think that's appropriate, because, remember, when you send this in, people are going to be -- The Secretary is going to be looking at it, to see what the rationale was behind it, and you want to try to make your strongest argument, I would think.

If you want to try to decide that we don't want regulations under the Sanctuaries Act, and we think they're more appropriate under the Magnuson Act, then you have to explain why the Magnuson Act is more appropriate, why then those Magnuson Act regulations would fulfill the sanctuary goals and objectives and the Sanctuaries Act purposes and policies, and then I think you need to explain, well, what are you going to do instead, and which FMPs are you going to change, and what's the legal basis for that, which would be the Magnuson Act, but then you need to look at the FMPs, if you would be going under the Magnuson Act, and what are the objectives of those FMPs that you're trying to meet, and why is conservation and management necessary under the Magnuson Act and not under the Sanctuaries Act, and that's really probably the main thing. I don't know that that's the way you want to go, but I thought I ought to put that in there, because I know that was discussed a little bit at the last meeting.

DR. CHEUVRONT: Monica, if you don't mind me asking a couple of questions, but is it safe to assume that the goals and objectives of the plan also meet the purposes and policies of the act? Since they are the ones who put this together, that they put the actions, the draft actions in there, are all in there to meet the purpose and policies of the act?

If the council decides to go the route of MSA, the first bullet that you had of they must fit the purposes and policies of the Sanctuaries Act, that probably has been met through the plan as it is proposed, and that makes logical sense to me, and so it sounds like then -- My other part of the question is does the council have to show why the MSA approach is better, or can it just say that the MSA provides a mechanism whereby they can enact, through procedures that are already in place, which are their management plans, to enact the fisheries rules that are needed to do what the sanctuary is seeking to do through their plan now?

MS. SMIT-BRUNELLO: So I have never been down this road before either, and I would think that would want to put as much support in your approach as possible, and so, going back to your first question, yes, I agree with you that the alternatives proposed in the draft environmental impact statement -- I think it's safe to assume that, yes, that meets the goals and objectives and policies and all that sort of stuff of the Sanctuaries Act, as well as the National Marine Sanctuary's plan.

So then, when you get to -- If you wanted to go down the road of, no, we don't think -- We know this is over here, and we know they've already made this decision, and that, yes, we think these alternatives, or these preferred alternatives, meet the goals of the sanctuary and the Sanctuaries Act, then I think that you -- I would think you would want to describe, well, why then do you think you could do something better under the Magnuson Act that would then meet the goals and objectives of the Sanctuaries Act and the sanctuary, and so as much support as you can lend, and so it wouldn't be just a conclusory statement.

DR. CHEUVRONT: Yes, I guess, because I'm trying to think, because I'm probably going to be working on some of the arguments, and so what I'm trying to think is that some of the arguments might be that, if the council decided to go through an MSA-type of approach to this, that many of the potential regulations that they would come up with would be complementary to things that they've already done through MSA, and, if nothing else, for the fishers, that they are used to getting fisheries regulations through our management plans, and they're similar kinds of actions, and, like you're saying, try and think up all the different reasons why this approach might be a good approach to take, should the council go this way. If the council goes through the Sanctuaries Act to do this, this is all new ground, and it could take a long time for the council just to learn the process, to figure out how to get through that, and so the --

MS. SMIT-BRUNELLO: You would be issuing these regulations under the Magnuson Act, and so the council -- I think that some of the rationale that you're talking about has to be developed at the table here, and then people discuss what they think is more appropriate, but, essentially, what you would be doing is you would be saying that we don't think regulating under the Sanctuaries Act is appropriate for this specific thing, and we think the better act to regulate is under the Magnuson Act.

Now, whether there were complementary regulations, and remember that the council is charged with regulating fishing vessels and fishermen, and there are many other entities involved that could be regulated under the DEIS preferred alternatives that would not be just that group of individuals.

MR. BELL: Since we live in the MSA world, and that's how we operate, I would think, if we ran into a situation with one of these where it might be fine with the Sanctuaries Act, but if we felt that it was in somehow conflict or had issues with one or more of the standards, that then that would be -- That would be why we would feel like MSA -- Like that approach was better. I mean, if it's something that violated one of the -- That we felt, I don't know, looked like it was an issue with one of the National Standards, we would explain it that way, I guess, right?

MR. BREWER: As I mentioned to Martha, I've seen this presentation, or at least some form of it, three times now, and, every time I see it, at the end of the presentation, my head is spinning. I don't know how, through this plan, you get to what at least I perceive, and I know a lot of other people perceive, as being the real problem here, and the real problem is water quality. It may well be climate change too, but it's the pollution, and perhaps climate change, that is killing the coral, and that is the real -- To me, that's the base, base problem.

Is there a way for that kind of problem to be addressed through the Sanctuaries Act? I don't know that there is a way to address that through MSA, and I don't know, but I don't think there is, but, if I were writing this letter, my opinion would be that all of the good work that these folks are doing may not be effective to get at the problem, and we need to go back and say, how can we

solve, or even can we solve, the base problem, and I would hope there would be a way, maybe through the sanctuary folks becoming a spearhead, or a coordinating group, for some of the different folks that are involved in the water quality issues, and I'm talking about Broward County and Dade County in particular, particularly Broward, for some of the stuff that we've seen recently, that has happened recently.

Help me out, please. Is there something within the Sanctuaries Act whereby the folks that are in charge could address water quality issues, because we've seen it in public comment, over and over again. At the meeting that I went to in Marathon, people came out, and they said some of this is good, and some of this is bad, but it's not addressing the problem. Thank you.

MS. MCCAWLEY: Go ahead, Monica, and then I have a question for you.

MS. SMIT-BRUNELLO: I am no expert on the Sanctuaries Act, and I can talk about the Magnuson Act, and I don't -- We have the superintendent here, and we've got some other folks here who might be able to speak to that. Perhaps by Full Council I could get you a better answer, after I consult with my Sanctuaries Act colleagues, but I would think some of what I heard in the presentation is trying to get to the things that they can get to under the Sanctuaries Act. To the extent that there is water quality issues, I don't know, and maybe some of these things they proposed in the DEIS tries to get to some of those, to the best that they can get to them under the regulations and the law that they have, but, really, I can't answer that any further at this point.

MS. MCCAWLEY: My question is about this paragraph at the bottom of the first page of your letter, that this 120 days that the council has to make recommendations and prepare draft fishing regulations and submit to the Secretary.

I just want to make sure that I understand, and so, basically, we have to make a determination this week, because our letter is due next week, and that's the end of our 120 days, and we would have to say either, yes, the South Atlantic Council wants to pursue fishing regulations under the Magnuson Act or, no, we don't. This is also saying that -- So we're at the DEIS phase, and there is going to be draft regulations, and there's going to be an FEIS and final regulations, and so another 120-day period for consultation with the South Atlantic will not occur again throughout this entire process?

MS. SMIT-BRUNELLO: That's my understanding, yes.

MS. MCCAWLEY: I guess my concern is it just seems a little premature at this point for the council to make that determination, unless we're going to commit to this massive process, because we could start an amendment that looks at multiple fisheries items that are in this plan, ultimately considering alternatives may be the same as what's in the plan or different, but then the sanctuary could put out the draft rules or the FEIS that looks totally different than what we've pursued in a fishery management plan amendment, and then we would have to either abandon that and go down a different road, because clearly there's lots more steps in the process here, and it just seems a little bit premature for the council to make that kind of determination, and I'm just kind of wanting to understand if I was reading that correctly. This is our only time period. Otherwise, it would just be like any other open federal rule that the council could comment on, but this 120 days is not going to restart again in this process.

MS. SMIT-BRUNELLO: Right. It's not going to restart. I did note, in the protocol, that, if substantially differing comments result from the federal and state public review processes, requiring changes that would produce material differences between the federal or state proposed rules, one of the parties to the protocol can ask to look at that again, and apparently have some time to make some comments, but that's, again, with the rule process. I mean, this is what the Sanctuaries Act authorizes for the fishery management councils.

DR. CRABTREE: To Chester's comments, I mean, yes, there are some big-picture problems, like climate change, and that's a global problem. The water problems in south Florida, those involve the State of Florida, the Army Corps of Engineers, a whole host of things, and I think that's not somewhere that we need to go at the moment.

I think what we really need to focus on is are there specific fishing regulations in this that you want to make specific comments on, and some things I saw highlighted were the baitfish permits, the catch-and-release trolling, some of those kinds of things, and that is where I think your letter needs to focus, is specifics of the fishing regulations that are being proposed here.

Now, we always have the option of coming back in and amending our plans, and, when we put in Magnuson regulations that affect the fishery overall, they affect fishing that's going on in the EEZ portion of the sanctuary, and so we can do that, but that's a separate path that -- You know how that -- That takes a lot of time, and I think it's separate to what we need to focus on now, which is are there specific things in here, in terms of the fishing regulations, that you think they either shouldn't do, and this is where I am referring to the portion of the sanctuary that's in the South Atlantic EEZ, that you think this specific regulation we don't feel is necessary, or you think it should be changed in some ways, and it's not clear to me, Monica -- For example, the sanctuary preservation areas, where I guess they're proposing to change the size of one of those, but those exist in the sanctuary, and they are not Magnuson regulations, and so I don't know if that's a fishing regulation or not. Some of these get hard to tell.

That's what I think you need to focus on, because we have a relatively short time, and we're going to get this opportunity to make some specific comments on these fishing regulations, and that's what I think we need to deal with. If you want to come back in and do a plan amendment to reevaluate these sixty lobster areas, that's fine, but we need a lot of science and a lot of other things before we're going to be ready to do that, and, if there are other things you want to look at through plan amendments, fine, but that's kind of separate from the task that you've got to deal with at this particular meeting.

MR. BREWER: Roy, you're right, and I apologize for, I guess, voicing my frustration, because this is a part of the world that is very near and dear to my heart, and I care a lot about it, and I have seen what's been going on there, and it's very upsetting to me. Perhaps a way forward is to identify, as you suggest, identify the specific changes proposed to fishing regulations, such as no troll and release zones and that sort of thing, and focus on that, and I guess that's what we can do. I'm just still so frustrated, I really am.

MR. SAPP: I am guessing this is the time, and so, Roy, it is a fisheries situation with the expansion of these zones, when many of them, their preferred recommendation, is no fishing whatsoever, and so I don't believe there is anything more fisheries related than telling me that I can't fish at all anymore.

DR. CRABTREE: Yes, and I would agree completely with you. If they're coming into a portion of the South Atlantic EEZ within the sanctuary and say no fishing is allowed, that's clearly a fishing regulation, and I think you could say we don't think you should do that, but not all of these expansions and things necessarily involve that. Some of the other things, like speed zones and no wakes, it's not clear to me that those are fishing regulations. Those apply to all vessels that are going in, and I don't think the shark feeding business -- That doesn't seem, to me, to be a fishing regulation, but there are some of these where you have to really think about it, but clearly saying that no one can keep a fish here is a fishing regulation.

MR. SAPP: It seemed like a spin on words to me that it would require a horrifically evil human being to say that, no, I want no part of protecting coral or fish in these zones, and every time I kept saying there was a general agreement that there needed to be protections, and, absolutely, we all agree that something needs to be done, but, to say that there's a general agreement that we've got support for this, no, you don't have general support for this. You have general support to protect coral and fish, yes.

As far as the speed zones, not two days after we left this council meeting, there was a sailboat under sail power, going less than four knots, that sailed straight in the middle of a sanctuary down there and wrecked the bottom for an hour, and it's not a speed issue, folks. It's an ignorance issue. Education is far more beneficial than speed reduction in these zones. The majority of the folks that are running in these zones, especially the people that make a living in them, aren't going to strike bottom. We care and love these zones, and we don't want to hurt them, and we're also educated in them, and so there's other ways of looking at protecting them.

I believe that Garmin Electronics now owns a good portion of the marine electronic cartography stuff, and, if you were to shade areas of concern in a very bright pink, red, orange, whatever, on these very easy software updates to these things, I think you could potentially do some real good, but telling people that you can no longer utilize areas for fishing and other activities that truly don't do anywhere near the harm of a guy in a sailboat wrecking into them is insane to me.

We're talking about cast nets also being potentially detrimental to coral. Cast nets are expensive, and the guys that can throw cast nets are generally fishermen, real fishermen. If you throw a cast net over coral and let it touch the bottom, you have lost it, and you've lost that money, and it's not something that guys are going to do, much like the lampara nets. They're not making contact with the bottom with those nets in anywhere that we would hurt coral.

It's my opinion that we ought to allow FWC, their fifty-six officers, and their biologists, who put a great deal of time in school and have a great passion for those corals, which I think is what we're trying to protect here more than fish, and, I mean, they're doing a great job of protecting the fish already, and allow them to be far more involved and listen more closely to what they believe. They are there every day, trying to do great work on coral that needs help, desperately, and I genuinely agree that coral needs help down there, but not by shutting people out entirely.

MS. MCCAWLEY: All right, and so I'm thinking that maybe we try to focus some of these comments on these particular topics. I can start running through some of those topics and see if there's comments on it. Otherwise, Chris, I know you had your hand up, and, Mel, you had your

hand up, and did you want to make some overarching comments before we get into going through these topics?

MR. BELL: Yes, ma'am. Thank you, Madam Chair. I was just going to -- That was exactly what I was going to suggest that we do and then ask if that's kind of the complete list that would touch on anything that might be fisheries related, if we're trying to do what Roy is saying, which makes sense, and stick to fisheries, and so that's what we've got to work with, in terms of a slide to look at, but, if there are other things that are fisheries, we might need to add them somehow.

MR. CONKLIN: I don't really have an overarching comment, but I was going to suggest that we take -- Number one, go through it from northernmost to southernmost and look at some spots and maybe come up with like a general do we agree with FWC's changes, and then I guess this will be overarching, but do we agree with no anchoring and some general comments like that, and leave the more detailed stuff that's not in our jurisdiction.

MR. GRINER: I was just going to ask kind of the same thing. It would be very helpful, for me at least, if we could put together some kind of slide that was just a summary of these regulations of these proposed changes, just the fishing stuff, and kind of move through it either north or south or some fashion, instead of kind of just jumping around.

MS. MCCAWLEY: Well, it might be easier to take topics. There are eighty-five changes in the plan, and I don't think you want to talk about every single one of those changes all by itself, but that's just my guidance.

MR. GRINER: Just the changes that have fishing regulations attached to them.

MS. MCCAWLEY: Almost all eighty-five do.

MR. CONKLIN: I forgot to mention that there's a copy of the Gulf letter circulated around in everybody's inbox, and so Tom Frazer did a great job of gathering the Gulf's comments and concerns, and you might want to take a look at that, and we could come up with something similar.

MR. SAPP: One more question. Who decides if what we like or dislike fulfills their goals and obligations?

MS. SMIT-BRUNELLO: The Secretary of Commerce, or who he has designated or delegated that to. You know, when the sanctuary sent you, on August 22 -- They sent you a letter that said they have a lot of different proposals, but spatial regulatory changes that may most interest the council, the South Atlantic Council, include: 1) the creation of new or updated regulations in twenty areas which are wholly or partially within the South Atlantic's jurisdiction, and so I know that's pretty broad, but the next three are pretty specific; 2) the three-year phaseout of sanctuary permits for bait fishing in any sanctuary preservation area wholly or partially within federal waters; 3) the elimination of catch-and-release trolling in Conch, Alligator, Sombrero, and Sand Key SPAs; and then the other was the proposal to develop some sort of extra memorandum of agreement or understanding with the State of Florida and NMFS for management and permitting live rock aquaculture activities in the sanctuary. They tried, I think, to focus you a little bit on what the fishing regulations could be that you might have interest in.

MS. MCCAWLEY: Okay, and so what's the pleasure of the council? Do you want me to back up in the presentation to some of these topics and explain again what FWC is doing and let you ask questions on the specific topic? Would that be helpful? I see heads nodding yes. Okay.

MS. GUYAS: These are the broader things that are just overall FWC comments. This is an overview of just one of the ones that we were touching on, is, where you're drawing SPAs, and those are the sanctuary preservation areas, that do specifically exclude fishing, those areas should be drawn to incorporate coral nurseries, and so this is the big picture.

DR. CRABTREE: Do we want to -- I mean, it seems to me that we should focus on the things they are proposing to do, and things they're not proposing to do that we think needs to be done, we could come back in then and try to do those under Magnuson or some other route, but it seems to me that our focus right now really ought to be on the things they are proposing to do in the EEZ of the South Atlantic that are fishing regulations and focus on that. Otherwise, I'm afraid that we're going to just get too bogged down.

MS. MCCAWLEY: All right, and so, here on the board, we have the large area closures for fisheries management. This includes Carysfort Reef SPA, Long Key, Tennessee Reef SPA, Tortugas Spawning Corridor. Feel free to ask us questions about these particular areas, and these areas are from inshore to offshore, and they are partly in state waters, and they are partly in federal waters, and FWC is not supporting these at this time, and I can go into explaining why all over again, but maybe we should have a discussion on these areas.

MS. SMIT-BRUNELLO: Jessica, could you just recap again what the sanctuary is proposing in these areas, in terms of fisheries?

MS. GUYAS: These would be no fishing in these areas, and so, when they're drawn out here, they're kind of small on the slide, but big in real life, and so Carysfort is seventeen-and-a-half square miles, roughly, going out from the shoreline, way out into federal waters, and Long Key is the same kind of deal, from the shoreline out into federal waters, and it's slightly smaller, at nine-and-a-half square miles, and the Tortugas Spawning Corridor is about thirty-nine square miles, and it's connecting that Tortugas South Ecological Reserve with the Dry Tortugas here, and so these would be no fishing areas, among other things, but, if you all want to focus on no fishing, these are most definitely no fishing areas.

MR. BREWER: Looking at that slide, I can agree 100 percent with what the FWC is saying in their comments, and these reef to shoreline no-fishing zones to me don't accomplish what you need or what is necessary there, and I just can't see that, and so I would agree with the FWC, period.

MR. SAPP: I couldn't agree more. FWC has it nailed there. A good portion of the fishing that is done in the federal waters there is done with kites, and, until the fish is tight, there is literally less than a foot of terminal tackle in the water at any time. You could no more make contact with the bottom while doing this, and you're not trolling, mind you. You're drifting, something that they would not allow for in these zones.

MS. MCCAWLEY: All right. Any more comments on these large contiguous habitat areas? Go ahead, Roy.

DR. CRABTREE: So is generally the sanctuary is proposing to expand the SPAs and close those areas just to protect corals, or are they doing it to protect a variety of fish things, because it seems to me that we ought to focus on the fish end of this, because that's kind of our jurisdiction, the fishing part.

MS. GUYAS: These areas most definitely go beyond protecting corals.

MS. MCCAWLEY: Yes, especially the Tortugas Spawning Corridor, and so I would say that these are areas that the sanctuary is intending to have habitat effects, but also fisheries effects.

MR. CONKLIN: We have seen research done in the Tortugas over the years, and, with satellite tags, or acoustic tags, they show those fish moving just fine back and forth between those two areas, and it doesn't look like the corridor is very clogged up, and so I wouldn't support that.

MS. MCCAWLEY: Okay. Are there more questions or comments on these large area closures? Then we're going to move on to another topic. Western Dry Rocks is one of the areas that FWC is commenting on. Let me be clear that this is in state waters and not in federal waters of the council's jurisdiction. I don't know if you want to make comments on Western Dry Rocks. You have made comments in the past.

In the past, the council members that were on the council at the time asked FWC for a complete closure of Western Dry Rocks for mutton snapper, and so I don't know if you want to make comments on Western Dry Rocks, and so the FWC recommendation is for FWC to take this up through FWC's state rulemaking process and remove it from the sanctuary's plan.

MR. BELL: I am inclined, with things like this, particularly when it's in state waters, to defer to the local experts, the people with knowledge of the area, more than a number of us have, and then, in trying to achieve some consistency, if that's what you have in place, and that's where you intend to go, I am fine with trying to be consistent with that, from our perspective. Like you said, this happens to be in state waters, and I can't see where we would have reason to come in and argue that it should be different.

DR. CRABTREE: I think, because of the extent of the time we have and what we're trying to focus on, I would focus on things in the EEZ of the South Atlantic, and, if it's a state-water issue, let's move on and let the state and the sanctuary work that out.

MS. MCCAWLEY: All right.

DR. CRABTREE: Otherwise, I think we're just going to run out of time.

MS. MCCAWLEY: All right. Let's talk about the boundary expansion. Was everybody clear on what's happening here, and so the red map at the top is status quo, and then the one at the bottom is actually Alternative 4 that shows Pulley Ridge being added to the sanctuary, and then there is also some changes down there, where the sanctuary is adding areas around Tortugas South Ecological Reserve. I will remind you that FWC is suggesting that, yes, we're okay with incorporating Pulley Ridge into the sanctuary, but we're also suggesting modifying the area around Tortugas South Ecological Reserve.

MR. BELL: That particular slide I found kind of confusing, and so, when you say moving south, is that then into federal waters, or is that all still state waters, or is it a combination of both?

MS. GUYAS: The boundary expansion, are you talking about down here? That is around -- It does include federal waters, yes.

MR. CONKLIN: Concerning Pulley Ridge, I would say we adopt the Gulf Council's language from their letter, if you're familiar with it. Then I just wanted to point out, where we're talking about fishing, that also includes shrimp trawlers, which is really important, especially out in Key West.

MS. MCCAWLEY: I have, for Pulley Ridge, adopt the Gulf Council's language in the letter.

DR. CRABTREE: Can you remind us what the Gulf Council said?

MS. MCCAWLEY: I will let Martha talk about it while I look at the letter over here.

MS. GUYAS: All right, and so how the Gulf Council approached its letter, in general, is we basically laid out all of the viewpoints that we heard, whether it was from advisory panels or the SSC or actual council members, because it was pretty divided, kind of across-the-board, and so what we tried to do was just kind of lay out all these perspectives, and so, for Pulley Ridge, just talking off the top of my head, from what I remember from that meeting, there was definitely some support for adding Pulley Ridge into the sanctuary, to make it a complete no-anchor zone, but there were also concerns raised about how this could affect fishermen in the future, if there were additional regulations that came onboard for this area, and there were concerns raised that, because Pulley Ridge is separate from the rest of the chain of the Florida Keys, that there are fishermen that are coming from Tampa or Madeira Beach, way, way, way north of Keys, that fish that area, and they are not oriented to the sanctuary and how everything goes down there, and so there was some concern about that. There is no shrimp trawling in Pulley Ridge now, and so that was more an issue around the Tortugas, but, yes.

MS. MCCAWLEY: So the letter was non-committal.

DR. CRABTREE: Yes, and there are a lot of issues with Pulley's Ridge, but they're specific to the Gulf Council, and, again, I would advise you to focus in on the South Atlantic EEZ and not on Pulley Ridge and things that aren't in our jurisdiction, because it is after 4:00, and we're going to run out of time for this stuff.

MS. MCCAWLEY: What you see on this graphic here, it's not about Pulley Ridge, and it's expanding the southern boundary, and this is in the South Atlantic Council's jurisdiction, partly. Does anybody have anything to say about this?

MR. SAPP: Let's go with what FWC has been saying. They have had people on the ground, or on the water, for an extensive amount of time studying this stuff.

MS. MCCAWLEY: Any more comments on this expansion? It's actually FWC is suggesting, yes, some expansion, but to also remove part of the area of the Tortugas South Ecological Reserve.

Okay. Then we're going to go to another topic. Baitfish permits. So far, we've heard from Art on the baitfish permits.

MR. SAPP: We're restricting guys that make their living in these areas, potentially, the most cautious people in the fishery, most likely, and it's almost guaranteed, and I don't think that you're accomplishing much of anything with restricting these people and taking these permits away.

MS. MCCAWLEY: All right, and so what I heard was do not phase-out baitfish permits that allow use in the SPA. That's what I heard.

MR. SAPP: That's what you heard.

MS. MCCAWLEY: All right. Any other comments?

MR. BELL: To that, and where it says concern with cast net impacts on coral, is there a lot of documentation of damage to corals, and, if not, then I think Art is right, and let's stay out of that.

MR. GRINER: How big is that? It's a limited-entry fishery, right?

MS. MCCAWLEY: Only the lampara net is limited entry. The cast net portion of this is not limited, and so this particular permit -- FWC does the limited access on lampara nets, but this just happens to affect those lampara net fishermen as well people that are using cast nets to collect bait, and they have to get a permit from the sanctuary in order to use the lampara net or the cast net in the SPAs, and so this would affect people that want to take bait in the SPAs now, or have been doing that, and then, any new SPAs that are established, this would affect them as well, and the proposal is to phase out these permits over a three-year time period, and so, basically, people using lampara nets or cast nets would be able to continue to get bait outside the SPAs, but they wouldn't be allowed to take bait inside the SPAs, like they are doing now.

MR. GRINER: Okay. I'm with Art, and I couldn't support that.

MS. MCCAWLEY: All right.

MS. SMIT-BRUNELLO: I have a question for the record. I think I heard you, Art, support, I thought, that you would like to see these cast netters be allowed to continue.

MS. MCCAWLEY: Right.

MS. SMIT-BRUNELLO: The FWC recommendation is to phase them out.

MS. MCCAWLEY: Yes, and he's not supportive of FWC's recommendation, just to be clear. He's going in a different direction.

MS. SMIT-BRUNELLO: Thank you.

MS. MCCAWLEY: The next topic is fish feeding.

DR. CRABTREE: I don't see this as a fishery issue, and so I don't think we need to really go there.

MS. MCCAWLEY: Okay. Traditional fishing definition.

MR. BREWER: If there is language in there somewhere that says that you're not talking about chumming while you're doing traditional fishing techniques, then fine, and I don't think that we need to be encouraging the shark feeding stuff that goes on, but there is a technique that is used, and, Martha, you can perhaps tell me, or they can tell me, but there is a technique used, and I've been involved in it, and maybe I was doing something that was illegal and I didn't know it, but I will tell you what the story is.

We used to go out with a couple of six-packs of Yoo-hoo, and we would meet the shrimpers when they were cleaning up their catch. We would get five-gallon buckets of their bycatch, and the captains wouldn't usually allow alcohol, and so it was a method of exchange, and we would take their bycatch, in five-gallon buckets, and go out, and we would throw it behind the boat. We didn't cut it up, but we threw it behind the boat. Is that still going to be permitted under what's proposed?

We weren't buying the five-block blocks of chum, frozen chum, and putting them in a net and dragging them, or having them feed out behind the boat. This was actually smaller fish that was bycatch that was dead anyway, and we were using them essentially as chum.

MS. GUYAS: I don't know, Chester. I think that there was maybe some issues with that, just in general, but we won't go there, but I guess part of, I think, what is the issue here, that I maybe didn't really talk about when I talked about this before, but nobody really probably knows, off the top of their head, what the regulations were in 1997 and what gears were allowed and what seasons they were allowed to be used and so on and so forth, and so tying what you can do in the sanctuary back to that probably is a little bit problematic, and maybe wasn't considered here. I certainly don't know the regulations in 1997 off the top of my head and how they compare to current ones, but I know that there are some differences.

MR. SAPP: I don't like the concept of what I think this speaks to, the concept of outlawing potential improvements in fisheries before they are developed. I want to see all of them developed, because I believe the potential is there to clean the fishery up with new and better methods, and, to me, this verbiage outlaws it before you even attempt it, and I don't care for that at all.

DR. CRABTREE: I think, if we have specifics as to what this would prohibit or not, that would be best directed to Beth. To me, this is getting pretty complicated into the sanctuary plan, and I don't know that I'm comfortable going into how they define it, but I think, if you have specifics, we ought to ask Beth to comment.

MS. MCCAWLEY: Do we have specific questions?

MR. SAPP: How are you going to outlaw something that doesn't even exist yet? How do you ask this question, and what question is it? Fisheries are constantly evolving, and, most of the time, getting better and cleaner, and am I not right in saying this looks like they don't want you to improve your methods?

MS. SMIT-BRUNELLO: Then maybe that's what you want to say in your comment. I mean, it's hard -- You're absolutely right. How do you talk about something that perhaps is in somebody's head, but hasn't been developed yet, and so maybe you state your concern about new approaches in fishing, that might even reduce bycatch and improve whatever, and those sorts of things would be a rationale for the determination that you want to make.

I thought it was interesting to hear, and I think it was FWC, Martha, talk about you've got this invasive species out there, lionfish, and you have thought about different ways that people can harvest it, and you don't want to manage it under the Magnuson Act, for very good reasons, and so would this impact that? I think, if you're concerned about those kinds of things, that would be good support in your letter.

MR. SAPP: Precisely, and, being that she's so good with the words, can we just write my name next to what she just said? Yes, one of the concerns is lionfish, but, like I said, I know how fisheries advance, and there are advancements coming that they are potentially outlawed before they even get here, and so that's my concern. What she said, I said.

MR. BELL: That's exactly what I was going to ask, is how that would impact our ability to deal with lionfish, our ability, your ability, and so, yes, sensitive to the lionfish issue down there.

MS. MCCAWLEY: Okay.

MS. GUYAS: I can say two things. I think, yes, lionfish is an issue. There's also some language in the Gulf Council's letter relative to this, if you all are interested in looking at that, but it's just kind of raising some of the things that you guys are talking about, but I just thought I would put that out there for you all to think about.

MS. MCCAWLEY: Okay. Here's another one that is in the South Atlantic jurisdiction, and this is live rock aquaculture permits. So there's a number of different alternatives in the plan. The one that FWC is supporting right now is Alternative 3, and that would support the development of an MOU between the sanctuary, Department of Agriculture, and Consumer Services, and the other branch of NOAA that issues the live rock permits.

Alternative 4 would go even further and require an additional sanctuary permit on top of the NOAA live rock aquaculture permit for a lease in federal waters, or Department of Agriculture and Consumer Services State of Florida lease in state waters, and so it would require another type of permit, and we thought that that was too restrictive, and so we're supporting this MOU option.

MR. BREWER: Support.

MS. MCCAWLEY: Support what? FWC's recommendation?

MR. BREWER: Yes.

MR. BELL: I would tend to support your recommendation, but I just seemed like the addition of another permit on top of that, and particularly in our jurisdiction then, and now we're getting into something that might not be consistent with a National Standard or something, or we're piling on.

MR. GRINER: That's exactly what I was going to say. I don't see the need for another layer of permits, but I was curious. Are these a yearly permit, or is it a permit that's just good once you get it, or do you have to renew it? Is there any kind of -- Is your permit tied to a certain area that you can work?

MS. MCCAWLEY: It's definitely tied to an area, and so there are state live rock aquaculture leases and federal waters live rock aquaculture sites. There is lots of layers to this.

MR. GRINER: I don't see a need for another layer then.

MS. MCCAWLEY: I have, from this list, that we've checked off all except for Number 1 and 2, 8, the Key Largo management area, the sixty closed areas for commercial spiny lobster trap, and, once again, that's not part of the sanctuary's plan, but we could say that we're going to work on it, and we don't even have to put it in the letter, and it's something that FWC is going to be talking about, and then, also, we talked about, at the last meeting, Number 11, which was asking for an update to the fisheries management cooperative agreement that talks about how the FWC and the councils and the sanctuary worked together on fisheries management. Is there anything that you would like to add on 1, 2, 8, 10, or 11? All the others we've covered.

MR. BREWER: On Number 11, I think we should just -- I don't know that it has to be in the letter or not, but I think that that's a very, very good idea. I mean, it can be mentioned in one sentence in there, that the council is in favor of taking another look at that cooperative agreement, certainly just from the standpoint of taking out the marine -- What did we used to call it?

MS. MCCAWLEY: Marine Fisheries Commission.

MR. BREWER: Thank you.

MR. BELL: My only reason for discussing 10 earlier was I just thought that, if they understood we were paying attention to that in this discussion of boxes, and we may deal with it later, and through you guys, that that might help somehow to kind of calm things down a little bit, maybe.

MS. MCCAWLEY: I agree.

LCDR MONTES: On the note of the idle speed zones, I just kind of want to make two points. One is I would like to echo the statement made by the Gulf Council, in that they believe that an idle speed designation in large open ocean areas is not warranted and might in fact introduce a safety-at-sea issue. I don't personally understand it, and I'm not a scientist, and I don't pretend to be one, the purpose of an idle speed zone in upwards of a hundred feet of water, and so I would like to see that reconsidered.

Additionally, some of those things, the enforceability of it may be difficult, in that we may have to work on what the definition of idle speed is for particular types of vessels or what's that targeted at, if it's deep-drop vessels or if it's everybody, and I think that needs to be clarified.

MS. MCCAWLEY: All right. Thank you.

MR. CONKLIN: A lot of the stakeholders especially were concerned with the Key Largo Management Area, the 132 square miles, and restricting anchoring seems to be a big issue amongst them, and so I personally couldn't support that. Then I had some reservations with the SPA areas being fully no-take for trolling, and I understand there is some reservations with the bottom fishing or something like that, where they're trolling through and catching something, and so it doesn't seem like the best idea to make people throw those back, especially with a lot of the comments that I've heard, between going to both of these councils and their meetings, and the stakeholders in the charter/for-hire fleet, in particular.

MS. MCCAWLEY: Thanks, Chris.

MR. BELL: I think, related to that, we already have -- In our use of special spawning management zones, or MPAs, we allow trolling through there, and that's consistent with kind of what we're already doing, and, obviously, anything that's a regulatory discard, then, fine, discard it, but I don't see the need to do that.

MS. MCCAWLEY: Okay. Then, Mel, you mentioned it in Number 10, and do we want to indicate in our letter that we intend to work with the FWC and the Gulf Council to look at these sixty lobster areas?

MR. BELL: Yes, ma'am. Just a sentence, and that might just help with things.

MS. MCCAWLEY: Okay. Got it.

MR. CONKLIN: Speaking of the closed areas, I agree with the FWC recommendation to maintain status quo in the Key Largo, Dry Rocks, the Grecian Rocks, and the Delta Shoals. I'm not sure if they're all in our jurisdiction, but, if we don't mention it, then maybe it could get left out.

MS. GUYAS: All the little maps that are sprinkled through the presentation here of these smaller SPAs, these are all ones that in Atlantic federal waters jurisdiction, and so the Key Largo, Dry Rocks, Grecian Rocks, and that was one of the ones that you just mentioned, and this one was one where we talked about allowing trolling.

MR. CONKLIN: I was thinking about this too, but maybe some sort of a generalized council policy that anything that extends from the shore all the way on out into our jurisdiction that we would support an idle-only, or something along those lines, and it may gain some traction, because it does extend into our jurisdiction.

MS. MCCAWLEY: Okay. Thank you. Good point. Other comments or concerns? I think that we have covered everything that we had on the list, and there are definitely other items in the South Atlantic's jurisdiction and the plan, but we were trying to hit some high points and some areas that we thought that you might want to comment. Any other comments or concerns that you would like to see in this letter? Brian will bring back a draft of this later in the week. Anything else on this topic?

MR. BELL: A process question. So we write the letter, and they get the letter, and then does anything else happen after that?

DR. CHEUVRONT: Thank you, Mel, for the segue there, because we need to then decide what are the council's next steps after this letter, and, if you all could give us some direction, that will help staff know what to prepare for you for the next time that you decide that you want to talk about this.

I think Monica brought up the issue, and one of the things that needs to be decided is that, if some of these things that are in the letter you say that you agree with some of these changes, they are fisheries-related things that I think you would then need to decide what's the approach that you want to take to address some of these issues, and that needs to go into the letter, if I'm not mistaken. Is that correct, Monica? If that is the case, that you want to do that, how do you want to proceed for the future? That will help us for planning, to know what to do.

MS. SMIT-BRUNELLO: Your first option is make recommendations and, if appropriate, prepare draft fishery regulations for the Sanctuaries Act, or you agree with their preferred alternative, and so I agree with what you're saying, in terms of you as staff, and everybody, would like to know the next steps, but I think you can simply make recommendations, and I believe that's what the Gulf Council ended up doing, is making the recommendations, and that's sufficient to fulfill your obligations under the Sanctuaries Act.

DR. CRABTREE: Yes, and then we've already indicated our intent to look at these lobster areas, but we need to see the science, to give us a basis for that, and, otherwise, we would make our recommendations, and then we need to see what happens, what the secretary ultimately does and when. Mostly we're saying don't do some things, and so clearly we're indicating that we don't think there needs to be a no fishing zone here, and so I'm not sure that means that we would do anything.

DR. CHEUVRONT: Just to make sure that I'm understanding correctly what you're saying, because it's really a little too premature for staff to be going further, and let's wait until the sanctuary decides what they're doing, what they plan, what gets approved, and then the council should take action as to how they're going to respond.

DR. CRABTREE: I think we need to see what the sanctuary then does with our comments, and I assume they will respond to them somehow in a document somewhere, and then what the secretary ultimately decides to do.

MR. SAPP: So the Gulf Council hesitates to support the expansion of the sanctuary, and I would prefer to word it that I do not wish to support the sanctuary expansion at all, other than where FWC sees fit to extend to the south into federal waters west of the Tortugas.

MS. MCCAWLEY: Okay, and so you're wanting to support the FWC recommendation around the Tortugas South Ecological Reserve, and that's what you said earlier, and then no on Pulley Ridge, is what it sounded like, and so you're supportive of this configuration.

MR. SAPP: No further expansion, correct, outside of FWC, and it seems like there is -- The charts are so weak, and I feel like they could be trying to back-door us on this with such weak charts, and I would never navigate with this.

MS. MCCAWLEY: Okay, and so we have, on the expansion, the two for the main part of the sanctuary to go with this.

DR. CRABTREE: To me, Art, we made some specific comments about things we don't think they should do, and I think we ought to leave it at that, and I don't think we ought to offer some overarching comment like that, and I think we've made some specific comments relative to some of the expansions and some of the things that go in our jurisdiction, and I think, the more you keep this letter focused on that and focused on your rationale for it, the better off you're going to be, and so I wouldn't go down that path, and I would keep it focused.

MR. SAPP: My simple attempt there was to say that, look, I generally agree that something needs to be done, and FWC is saying, yes, we want to expand some of them, very specifically, to spots that they know are delicate, and I was trying to throw them a bone, to some degree, saying, look, yes, let's do a little bit of something, but not what you're asking for.

MS. MCCAWLEY: So you're not actually talking about this, and you're talking about the SPAs in general, and you're saying support the ones that FWC supports expanding and don't support the others, which Roy is saying something different. Roy is saying don't get into these specifics.

MR. SAPP: I will leave it to the people with more experience here, but I do at least want to be heard saying that I agree that, generally, we need to do something.

MS. MCCAWLEY: They do affect fishing, and I just want to put that out there. Any more discussion on these SPAs? Okay. It's not clear what to do about these areas, and so they are areas affecting fishing. They also are areas affecting coral, and the South Atlantic manages both.

DR. CRABTREE: These are areas that they're not proposing to do something, and so that's a separate issue. If you believe they need protection, you can come in and do an amendment and put in the protections that you think they require, but, again, I would focus on what they are proposing to do and let Brian get this letter, with as good rationale as we can, and these other things I would come back to in the future.

MS. GUYAS: Let me see if I can help here. Some of these, the polygons that are on here are things that the sanctuary is proposing to do. For example, Carysfort on the left here, this black box right here is the current box. They have got a couple of proposals, one of which was that big one that we talked about that expanded all the way to shore, and so that's what this red one is, and you can't even see where it goes.

Then you have another alternative that just draws this modest green box right here, and we like this box, because it encompasses a coral nursery that is currently outside of the current SPA, but would be included in this new expanded SPA, should they choose that option, and so that's something that FWC is supporting. This area does prohibit fishing, because it's a SPA, but it does pick up coral nursery if they make it bigger, and so that's already in the plan, and that's one their options that we are supporting.

This green box right here at Marathon SPA, that's something that's in their plan, and it also includes a bunch of nurseries, but then there's this other nursery way out here, and we're

suggesting that, hey, draw a box around that too. The South Atlantic, you guys do what you want to do, but so some of these are part of the proposal.

The sort of same here with Snapper Ledge/Pickles Reef. Snapper Ledge SPA, that option is this big green box, and Pickles is this smaller red box, and the smaller red box encompasses most of the nurseries in this area, and the bigger green box encompasses all of the nurseries in this area. FWC is kind of proposing a new option here, or we will be, of a small box here, to cover all those nurseries, and a small box here, to cover these nurseries.

Looe Key, the management of this area is very complex, and I could not tell you what all the regulations are in these areas off the top of my head, but, right now, there are nurseries that are encompassed by it, but I don't believe that these are in no-fishing and no-anchoring areas right now, and so we would be suggesting drawing the boxes differently, but they're already in a box that the sanctuary has proposed, and this one, of course, there is no protection for that one, and so there's a couple other slides, and we already talked about the ones that Chris brought up here, and, I mean, these are the things that the sanctuary is proposing.

They are proposing to create this new SPA here at Delta Shoal, and they're proposing to expand these two little SPAs here and make them one big one, and they're proposing to expand Sombrero, from triangle to square, or rectangle, and so, I mean, all of these affect fishing, and all of these affect coral, and so, I mean, it's up to you all. I'm happy to talk about what we are recommending and, to the degree that I can, the sanctuary's rationale, but, really, probably Beth is better to explain what they're trying to get out of these areas.

MS. MCCAWLEY: But they do affect fishing.

MS. GUYAS: Yes.

MR. SAPP: That was my point. I was well aware of how large these areas were, and that's why I loved what FWC was saying, that, look, we're here looking at this stuff, and, these smaller, more precise areas, we can get the job done and not restrict the users nearly as much, and so that's why my comment to what FWC has requested is better.

MS. MCCAWLEY: Okay. I've heard a recommendation, at least, for those few areas, to go with the FWC recommendation, some of which is status quo and some of which is support and expansion, and some of which is draw smaller polygons, and so is that what we want to do?

MR. BELL: Getting to Roy's point, the ones that definitely are in our jurisdiction, like you just described, then, yes, that's the approach I would take, and I would listen to the local folks on the ground with the best knowledge, but, if it's something that's in our jurisdiction, and it involves fishing, then I guess we should comment, and that would be the approach I think I would take, is to lean towards the FWC recommendation.

MS. MCCAWLEY: Okay. Is that what we want to do? All right. We can work with Brian to help write that up. Any more discussion on sanctuary items? In theory, the public can make public comment on this during our public comment period this week, and you will see a letter later in the week, a draft letter, that you can comment on, later on in the week, either Thursday or Friday. Is there any more discussion of the sanctuary item right now? All right. I see signs over here to go

ahead and end the discussion for today, and we will pick back up with the Committee of the Whole in the morning at 8:30.

(Whereupon, the meeting recessed on March 2, 2020.)

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March 3, 2020

TUESDAY MORNING SESSION

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The Committee of the Whole of the South Atlantic Fishery Management Council reconvened at the Westin Jekyll Island, Jekyll Island, Georgia, on Thursday, March 3, 2020, and was called to order by Chairman Jessica McCawley.

MS. MCCAULEY: We're still in Committee of the Whole, and we are moving on to the next topic in Committee of the Whole, which is determining the need for conservation and management. I am going to turn it over to Myra, who is going to give us a presentation on this.

MS. BROUWER: Thank you, and good morning. This is going to be Attachment 2 in your briefing book for the Committee of the Whole. What I have done here is just basically put the attachment kind of in a PowerPoint, so I can more easily walk you through it, but we're going to be going over the document that is pretty lengthy, because it has a bunch of appendices, and so it has a lot of extra information, in case you need it, and I'm not going to go through the whole thing, but we'll just talk about the main points.

Back in December, recall you had requested that we put together an information paper on determining the need for conservation and management for species, so that you could better decide whether you want to include something in an FMP, whether you want to remove it, or whether ecosystem component designation is more appropriate for certain species, and so we've put this information document together to help you along in those decisions.

First off, the Magnuson requirements, councils have to prepare FMPs for each fishery that requires conservation and management, and this is where we start, and what does that mean? Right off the bat, stocks that are predominantly caught in federal waters that are overfished, or overfishing, or likely to become overfished or overfishing, require conservation and management, and so that's pretty straightforward.

Beyond that, the councils need to determine this need for conservation and management, based on ten factors, and so Magnuson goes on to specify that one or more, and any additional considerations, can be used to provide that basis for determining whether a stock is in need for conservation and management.

The council, this council, has not added a stock to any existing FMPs, and there has been several that have been removed, and, as I said, there is an appendix, Appendix B, that talks about species that have been removed from federal management, and, in your document, there's a list of page 3,

just a very short list, and so I'll just quickly go over that one, just to get everybody up to speed on that.

Red drum was removed from federal management, and it says in the paper that it was in 1990, and I think that's a little snafu. I think it was later than that, and there were thirteen species that were removed in the Comprehensive ACL Amendment, and they were all snapper grouper species, and that was in 2012. Four species were removed from the Coastal Migratory Pelagics FMP, and they were originally included for data collection purposes, and that was also done in 2012.

There was another species of snapper grouper, and blue runner was removed more recently, in 2013, and four additional species, again from the Snapper Grouper FMP, were removed in 2016, through implementation of Amendment 35, and then, most recently, Atlantic migratory group cobia, of course, was removed from the CMP FMP, in 2019. As I said, there's an appendix that gives you a little bit more detail on the rationale for why things have been removed.

What we wanted to walk you through is these ten evaluation factors, and sort of just talk about ways that we can conduct this evaluation and tell you the kinds of information that we might need and what is available, and then the hope is that we can get perhaps guidance from you, at the conclusion of this discussion, on how you want to proceed, perhaps, looking at a policy or some kind of process that's going to allow you to conduct this evaluation.

First off, is the stock an important component of the marine environment? That's Factor Number 1, and so, here, we have information for some species, predator-prey relationships, of course, and sometimes diet composition, either from published literature, or the inputs from the Ecopath model can also be used, and so we do have a lot of information there. Whether the stock is caught by the fishery is Factor Number 2, and we would have to determine a threshold that satisfies that criterion. Of course, you would look at the composition of landings.

Factor Number 3 is could an FMP improve or maintain the condition of the stock, and so, where we can, we would look at a stock assessment or any other life history information, if an assessment is not available. There is also a modified risk analysis that was put together by council staff, and that is Appendix C in your document, and so it's a rather lengthy appendix, and it's in draft form, but we included it, in case you wanted to get more details, and I'm not going to spend time going through it, but it's a methodology that's been discussed by the SSC, and it was most recently used in their deliberations on acceptable biological catch, and so that is available, and that can be easily tweaked to apply for this evaluation.

Whether the stock is the target of a fishery is Factor Number 4, and Factor Number 5 is whether it's important to commercial, recreational, or subsistence users, important to the nation or to the regional economy, and all of those things can be determined by looking at landings and where those landings are, federal versus state, the value of the catch, and we also have fishery performance reports, and so we have information from fishermen, from your advisory panels, that can be utilized to determine these three factors, and, if we happen to know OY, we can evaluate whether the fishery is obtaining optimum yield a well.

Factor 7 is is there a need to resolve competing interests and conflicts among user groups, and this is looking at management issues for a species, for example accessibility issues, and, you know, we

have a lot of those in the South Atlantic, and this council has implemented several management measures to address those things.

As far as the economic condition of the fishery and could an FMP produce more efficient utilization and the needs of a developing fishery, that can be examined by looking at trends in landings and value. If there's enough information, maybe a cost-benefit analysis, and then looking at the efforts of management measures versus production of the fishery, and the risk of overfishing would be another way to evaluate these factors.

Then, finally, the last one is to what extent does the fishery already adequately manage, by the states or other agencies, and, obviously, there, we would just look at the management history and the location of the landings, and so this is just a very quick overview of those ten factors, and if, at the end, we evaluate the ten factors, and that evaluation indicates that a species does not need conservation and management, then you can consider ecosystem component designation, and, for that, there is another suite of factors, and so the ecosystem component species are not mentioned in Magnuson, per se, but there is guidance in the National Standards that allow a council to determine whether a species should be designated as an ecosystem component.

They are defined as stocks that a council has determined do not require conservation and management, but listing them in an FMP would help achieve ecosystem management objectives, and I know you've been talking about ecosystem component species a good bit lately for bullet and frigate mackerel, and so you're already familiar with a lot of this, and here is the four factors that, according to the National Standards, should be looked at when considering ecosystem component designation, and so is the species a non-target species or stock?

We could look at whether it's listed as a target species in the MRIP survey or a primary species landed, maybe looking at whether more than half the catch of the highest value, weight, or number of fish on a particular trip, or some kind of metric like that, and notice that we have little question-marks for these, because this, like I said, is just potential ways to evaluate these things, these factors.

Factor Number 2 is not overfishing, overfished, or approaching those conditions, and, of course, you would determine that if there's an assessment that is available for a particular species, but, if you're considering it for ecosystem component designation, it's likely that there isn't going to be an assessment available, and so here, again, we have this modified risk assessment methodology that I spoke about a minute ago that could be utilized to determine whether a species is not likely to become overfished or overfishing, in the absence of management, and then, finally, whether the species is not generally retained for sale or personal use, and you can be looking at a release-to-kept ratio or some other metric through the landings.

In the Comprehensive ACL Amendment, when the council designated the current ecosystem component species that we have, which there's only five of them, and they're all in the Snapper Grouper FMP, they scored those species based on needing three out of these four factors, and there was a productivity and susceptibility analysis that was utilized for that, and so, in the document that you have in your briefing book, that methodology is explained, how those four factors were scored for each species.

As I said, this is a very broad overview of this, and what we would like for you all to discuss is whether you would like to develop a policy for when to add, remove, or designate species as ecosystem components, and so a bit more of a formalized approach, and we have reached out to folks in the Science Center and the Regional Office, so that this can be done cooperatively with those folks. As I said, there was guidance in December, based on the motion that you approved, to possibly include African pompano and barrelfish in the Snapper Grouper FMP, and you also discussed a motion from the Mackerel Cobia AP, who recommended that false albacore be perhaps included in the FMP.

Do you want to look at removing species from FMPs? Then, finally, there was an SSC recommendation that came to you in December to pursue ecosystem component status for several species in the Snapper Grouper FMP, and so you've got them listed on your screen. That's it, and so any questions or things that I can clarify for you?

MS. MCCAWLEY: Are there questions for Myra?

MR. BELL: So we've never added anything, and we've only taken in the whole time we've been operating.

MS. BROUWER: Correct.

MR. BELL: When you're taking things away, you kind of apply the criteria in the reverse, I guess, and is that how that was all done? Okay.

MS. MCCAWLEY: Are there more questions? I have some concerns about developing a policy. It seems like the policy might be different for different FMPs, for Snapper Grouper versus Mackerel or others, and so I guess I just have some concerns about developing this overarching policy, but I would love to see what the other council members think. I also have some concerns that I voiced before about adding African pompano to a fishery management plan, and African pompano is being regulated in federal waters by the State of Florida, on both the Gulf and the Atlantic side, and I just want to throw that out there. Is there discussion?

MR. DILERNIA: I just have a question. I see barrelfish listed here, and we occasionally catch barrelfish when deep-dropping up in the Mid-Atlantic region. Is it a common species here, or, if not, it becomes a rare-event species in the MRIP data, and how much of that can be used to manage it? It's a very rare-event species in the Mid-Atlantic. If it's more common in the South Atlantic, then I could see how there could be MRIP data used to manage it. Otherwise, I think it could become problematic. Thank you.

MS. MCCAWLEY: I have those same concerns, Tony, and I had looked at the barrelfish landings when this came up before, as well as little tunny, and I'm concerned about it being a rare-event species. My recollection is that barrelfish is being taken when people are taking wreckfish.

MR. POLAND: Tony made a good point about rare-intercept species, and that was kind of the rationale for the SSC in recommending those snapper grouper species, given the new MRIP landings, and landings were a lot more variable for those species, and they didn't have high confidence in those landings, and so, if we went forward adding a species like barrelfish, right out

of the gate, knowing it's a rare intercept, then what's to stop us, in a few years, from saying we need to drop it back down to an EC species?

MS. BECKWITH: I guess, in terms of a policy, I can see it going either way. If we do develop a policy, it would be similar to our allocation trigger point policy, where we put in some criteria, which is already pretty well established in the presentation, and maybe adding something in like public comment, or public -- Because, really, the bullet and frigate was brought to us by the public and their desire to see bullet and frigate be protected as an EC species, and so we could list a set of things to consider, but it's not an automatic, and so, like our allocation trigger point policy does not automatically mean that we need to reallocate, and it just means that we take it into consideration, but I also feel that it's not necessarily needed, because we already have a description of what we need to do when we are considering ecosystem component species, and so I don't -- I know we like to automate things here, so we can have a path when it comes up, but I don't know that this one is necessary, but I'm not opposed to moving forward with it.

MS. MCCAWLEY: Okay, and so we'll take the first bullet up there, and that's the one that Anna was speaking to about developing a policy when adding, removing, or designating an EC species, and so I said I don't think we need one, and Anna says I don't think we need one, but she's not opposed, and what do other people think about developing a policy here?

MR. POLAND: I mean, I tend to agree with you two. I mean, we've already got guidelines in place that we have to consider, and part of that is having this discussion around the table and building that record of justification of why or why not, and so, I mean, certainly a policy would help guide us in that discussion, but, I mean, certainly it's not needed.

MR. BREWER: I agree that it's not needed, and I think it should be a case-by-case basis for the EC species.

MR. BELL: It's kind of a matter of what would it do for us and how would it improve things and can we operate now without it, and it doesn't -- If it doesn't offer some real advantage to how we operate or what we need to do, then is it worth the trouble of doing it?

MS. MCCAWLEY: Okay, and so it seems like we're circling around no policy, and we would just consider it on a case-by-case basis. I see heads nodding. All right, and so then let's talk about adding these species to the fishery management plans, and so we've had some discussion about barrelfish, and I talked a little bit about African pompano, and there is false albacore and little tunny. Steve, do you want to talk a little bit about little tunny? I know that it's caught maybe in some tournaments off of your state.

MR. POLAND: Absolutely. False albacore is a fairly highly-sought-after recreational fish up our way, and I remember, when this request came up from the Mackerel AP last fall, I went back and looked at landings, and I was kind of surprised at the magnitude of landings, not only the recreational landings, but the commercial landings, and it seems like those landings are pretty consistent from year-to-year, and it seems like North Carolina and Florida, like a lot of our fisheries, are the two big dogs in the region with that.

As far as just strictly looking at landings, I mean, I don't have the numbers in front of me, but I recall them being over a million pounds total annually, and so, I mean, that's significant landings.

As far as the recreational interest in my state, yes, there are tournaments, and it's really become an economic boon, especially in the central part of North Carolina in fall, and there are folks booking charters to go out and target false albacore, mostly from fly rods and light tackle, and there are some established tournaments, and I can think of one of the tournaments that Anna's business is featured on the Facebook page, and it's got a big picture of George on there, and so, I mean, there's a lot of interest from my constituents on the conservation and management.

I mean, I myself would be interested in exploring that, and I'm still not over in the camp of we absolutely need conservation and management, because I feel like we need to get a little bit more data on the species and kind of get a handle on are we seeing effects on abundance, are there user conflicts there, all that kind of stuff. We need to go through the process of evaluating those guidelines, but, I mean, I'm certainly open to starting that process.

MS. MCCAWLEY: Thanks.

MR. DILERNIA: From Cape May to I would say Martha's Vineyard, from the beginning of September through the middle of October, it's false albacore madness, as far as the recreational fishery is concerned. Any guide who is fishing in the ocean and carrying two to four anglers is probably booked to go fly fishing or spin fishing to chase albacore around the ocean, and it's really a very big fishery, and the publications focus on it, and there's a lot of print given to it, and a lot of guides who make a lot of money depend on it, on the false albacore fishery, and I was amazed, when I fished last June down here, the false albacore that we were catching, and it was a common occurrence down here, whereas, up in the Mid-Atlantic region that I described, it would be considered a fabulous catch, those fish, and so -- That's not a council position at this point, because the Mid-Atlantic doesn't have a position on it, but, as a committee member, I would encourage you to go forward with some type of management to protect them.

One last thing about the council. The Mid-Atlantic Council, at one point, tried to manage false albacore through its forage fish amendment, but the agency replied that it didn't really meet the guidelines for forage fish, because it was too large, but we did have intentions of revisiting it at a later date. Should you take it over, or decide to manage it, we would probably just -- I'm not sure where we would go, but we had a desire to manage it at one point. Thank you.

MS. MCCAWLEY: That answered my next question. I've got more hands in the air.

MR. CONKLIN: Isn't the majority of the fishery prosecuted state waters off of North Carolina, and so, I mean, with that being said, and Florida, I would imagine everybody is changing them in state waters, and the states can just do something.

MR. SAPP: Being in the social media world, I pay quite a bit of attention to what folks say about us on social media, and, if we were to start directing attention towards false albacore, or bonitas we call them down there, I can only imagine the beatings we would take, because they are so prevalent and so not in need of management down there. Any day with a wind off the north, they will get up on the surface and tailing, and you will see literally trillions, and so the more the merrier, and please keep taking them. They are a nuisance fish to us, but let's not restrict it in any way.

DR. BELCHER: Looking back through our record, Amendment 18 actually removed little tunny from the CMP, and so, without having been on the council in 2012, I don't know the logistics

behind why it was removed, but I think it would be good to have a conversation and refresh on why we thought it should come out of the FMP originally and to argue to put it back into another one.

MS. MCCAWLEY: Yes, I agree, and that was my concern before, and I had looked at what caused us to remove it, and I didn't feel like we needed to bring it back.

MR. BREWER: Just to echo what Art said, and, I mean, I love to fly fish, but, in saltwater, about the only fish I can catch is what we call a bonita, or false albacore, because they are so many of them out there, and they just will attack anything, and I just don't see that, at this point, we need to spend much time trying to regulate bonita. There is not a lot of take of bonita, other than for bait, and most people won't eat them. I won't eat it.

MR. BELL: This is kind of a question first, and so I gather the landings are predominantly recreational, and there is not a big commercial -- Is there any likelihood that, with changing world perspectives on fisheries, or need for fish, it would become a targeted commercial fishery? Right now, I guess not.

MS. MCCAWLEY: I looked at the commercial landings off of Florida, and the commercial landings are bigger than the recreational landings.

MR. DILERNIA: To answer Mel's question, one of the purposes of our forage fish amendment was to send a signal to industry that we were going to protect them and to make sure that we did not encourage -- That people should not begin to develop a commercial fishery targeting what was in our forage fish amendment or plan, and that's one of the reasons why false albacore was included.

There was no significant commercial fishery at the time we developed the forage fish plan, and there was a desire by many council members to send a signal to industry not to develop a fishery for it, because it was so important recreationally, and the hope was that we could do that, and the council was hoping that they could do it by including it in the forage fish plan, but then the agency denied that species, and so then the council went back to discussing, well, perhaps we should develop a separate FMP for it, but that has not risen on our priority list at this time.

MS. MCCAWLEY: Also, Erika just mentioned that the recreational landings are larger than the commercial landings. What's the pleasure of the council?

MR. WOODWARD: For my own curiosity's sake, I'm pulling up the MRIP estimates, and I figure maybe it will help the conversation, but this is for 2018, and it's obviously based on FES, and this is A plus B1, and so it's harvest, and so Florida was a little over 382,000, and Georgia was 398,000. North Carolina was a little over 47,000, and South Carolina was 2,941 fish, and so that's what we're talking about.

MS. MCCAWLEY: All right. Is there more discussion? What do we want to do here? I have heard some people say no way for a fishery management plan, and others say, hey, maybe, yes, it was removed in the past, and so it was in the plan, or it was being considered for a plan, and then it was removed, and what do we want to do?

DR. PORCH: I just wanted to make the point, one, that, just because a fish seems common, it doesn't mean that it's not appropriate to manage it, but, two, in the case of little tunny, remember that they migrate, and they are considered highly migrate, and so they migrate in and out of the South Atlantic Council jurisdiction, and so then, like any highly migratory species, it would really require a joint management plan between the councils, preferably even, in some cases, with neighboring Caribbean countries, but at least among the councils, and so Gulf, South Atlantic, and Mid-Atlantic.

MR. GRINER: I keep going back to the fact that this fishery is a state fishery, and I just don't think that it's really our place to manage it.

MS. MCCAWLEY: Right, and I think that's one of the reasons that it was removed, is my recollection. What do we want to do here?

DR. BELCHER: Would it be worth -- This is a question, and I don't really know when the designations were made under HMS, but, if it's really an HMS species, is this something that should be under the guise of HMS management? They manage all the other tunas.

DR. CRABTREE: The species that HMS manages are listed in the Magnuson Act, and so they manage what Congress said that they will manage.

MS. MCCAWLEY: All right. It seems like we're circling around no to inclusion of false albacore in a fishery management plan, and is that where we are? I am looking around.

MR. BELL: I would say, given that we removed it once, and there doesn't seem to be any compelling rationale that hits certain buttons to add it right now, and given that states do seem to have perhaps a larger percentage of the fishery, and a couple of states are managing it, I don't know that we need to do it right now, and I don't know that there's a strong enough case to move on it.

MR. BREWER: Picking up on what Clay said, and he's absolutely correct. Just because there's a lot of a particular species, it doesn't mean that you don't want to engage in some sort of management, and I agree, but, with regard to this fish, there are so many of them that, if you had an industry begin to develop to harvest those fish, you're going to have a pretty good while, I would think, to put some management stuff in place, and, therefore, I think we ought to put it on - - Don't look at me funny. I'm getting to what you probably want to hear, but I think you would have time to come in and do an FMP if it becomes a problem.

MR. WHITAKER: I agree with what Chester just said, and I'm curious. The commercial aspect, is that for human consumption, or is that for some other use? Do you have any idea?

MS. MCCAWLEY: To that point, Art?

MR. SAPP: The commercial fishery on it is primarily for bait, and they're a very high-quality strip bait for trolling and the guys daytime sword fishing, and they're also a good pitch bait when you're blue marlin fishing, and that's where 99 percent of them are going, and it's primarily a hook-and-line rod-and-reel fishery, and they are targeting them not with a net or anything like that.

MR. GRINER: We have sold some, and they are twenty-five cents a pound, and I have never known them to go anywhere but I think up north, to processing for either cat food or some other type of reduction facility.

MR. POLAND: To that point, I think the human consumption is very, very low, and I have seen a can of false albacore somewhere up in the New England area, which they have a stronger constitution than me if they're going to eat that, but, back to state management, I'm not aware of any state, unless, Jessica, Florida manages this species, and I know that we do not manage it. We had some interest from our state commission back some time ago, and that just fell flat, and so, really, all I really want to see out of this is just a clear signal from the council of, yes, we're interested, or, no, we're not interested, because, whatever this discussion is, I'm going to take it back to my state commission and let them decide how they want to proceed.

MS. MCCAWLEY: Thank you. I think I'm hearing that we don't want to add it to an FMP right now, and I just want to make sure. I see heads nodding no, and I just want to make sure.

MR. BELL: To Clay's point about the highly migratory nature and if you did go down that road, you would be involving multiple councils, and I just don't see the need for it right now, based on what's going on in the fishery.

MS. MCCAWLEY: Okay. Let's talk about African pompano, because that's also on the list, about whether or not we want to add African pompano, and so I can tell you that African pompano are managed off of Florida in state and federal waters in the Gulf and the Atlantic, and we extended our regulations, because there is no federal fishery management plan, and it was mostly precautionary, and I believe our regs are two per vessel.

Also, just so you know, there are some charter captains that have approached the Gulf Council and the FWC, because they want -- Those are actually headboat captains, and they want that vessel limit increased to two per person, and so I'm just letting you know that there is folks, on the Gulf anyway, that want it increased.

MR. DILERNIA: Just a question for my own education. African pompano, and, in Florida, I call it pompano, and are they the same species or different species?

MS. MCCAWLEY: No, and African pompano is more like a permit, and then you have Florida pompano, which is a true what most people call pompano. African pompano, I believe, forms schools to spawn, and we don't know a lot about their life history, which is why FWC put precautionary regs in place.

MR. DILERNIA: They look like a giant trevally? Okay. Thank you.

MS. MCCAWLEY: Is there any desire to add African pompano to a fishery management plan?

MR. WOODWARD: Just FYI, African pompano are not even listed on the MRIP species list, and so, in terms of available catch data, guess what?

MS. MCCAWLEY: All right, and so I'm going to assume, based on this lack of discussion, that we do not want to add African pompano to the fishery management plan, and I see heads nodding

no. All right. Barrelfish, and so let's talk about whether or not we want to add barrelfish. My recollection, from the discussion from the Snapper Grouper AP, is that barrelfish is being taken when people are targeting wreckfish, that it's a bycatch of wreckfish, and so it's a deepwater fish, and I do believe that there are some commercial landings, and I believe it's pretty low. Any desire to add barrelfish?

MR. SAPP: Again, it's a rod-and-reel-caught fish in extremely deep water, in places where generally there's quite a bit of current, and so it takes quite a bit of skill, and, at times, there is some fairly decent pressure on them, but not year-round by any means, and I don't think we need to get more into the weeds with this stuff by adding other species that aren't heavily targeted, and, again, the MRIP potential disaster with inconsistent landings and everything, and so, no, please do not add them.

MS. MCCAWLEY: All right. I heard don't add it.

MR. POLAND: I am not real up on my barrelfish science, but I seriously doubt there's even any basic life history information out there on the species, and, looking at the MRIP landings for the species over the last ten years, there's not a single year where the PSE falls below about 75, and so it's, again, another rare-intercept species.

MS. MCCAWLEY: Okay. We're going to go to the next question. Are there species that we want to remove from fishery management plans? We don't have any listed here. We have removed some in the past.

MR. POLAND: The SSC did provide us a recommendation from the October meeting to remove a handful of species from the snapper grouper complex, and I think George is here, and he can certainly come up and add to this if he feels the need, but, basically, that discussion kind of centered around the uncertainty in the recreational catch estimates for these species, and so it was pretty obvious to the SSC that none of these species are targeted, and they are caught incidental to other targeted species, and, given the rare intercepts, or the inconsistent intercepts, from year to year, under the new MRIP methodology, it created higher spikes in the landings.

Then, when going through our ABC control rule, then it provided us some very kind of wonky ABC recommendations for species that aren't necessarily targeted, and, all of a sudden, you wind up with an ABC that's a couple hundred thousand pounds, when it was originally 30,000 or 40,000 pounds, and so they felt that, given that uncertainty in the recreational catch estimates, and the fact that the commercial landings had stayed fairly consistent for some of these species, and even kind of mirrored those kind of inconsistent peaks and valleys from year to year, these species probably would be served better under EC status, as opposed to full management.

MS. MCCAWLEY: Aren't those the ones that are listed there at the bottom, the cubera, margate, sailors choice, coney, yellowfin, and saucereye, and aren't those the ones you're talking about that the SSC discussed?

MR. GRIMES: I just wanted to say that I think the SSC was looking strictly at the landings, and they're in the ABC recommendation process, and the decision about whether or not the stocks need conservation and management is, as we've been discussing, is much more in-depth and complicated than that, and so, if you -- It seems like a reasonable basis for moving forward and

looking at it, but there's a lot more that needs to be considered, rather than just the landings and uncertainty in issues with trying to set an ABC. Thank you.

MS. MCCAWLEY: Good point.

MR. BREWER: I disagree with Steve a little bit. Cubera are targeted. I have fished for them before, and so it might be that this stuff warrants taking a look at. I don't think, right now, we need to make a decision with regard to removing or anything like that, but just maybe get a report on these particular fish, as to whether or not to pursue EC status. I think cubera though ought to remain a managed species, or remain in the FMP.

MR. POLAND: Well, Chester is targeting them, and so they stay in, but, I mean, what Shep said. This is just a recommendation from the SSC, and they had some reservations in the new ABCs and looking at the catch, and they wanted us to have this discussion and kind of go through those guidelines and kind of check the boxes one way or another, if these species are still appropriate for full management, and I certainly feel like we need to move forward with that and have those discussions, and I don't know if that would start off as a white paper or a plan amendment or how we would go.

MS. MCCAWLEY: Okay, and so what I just heard from Steve was that maybe get a white paper that continues to explore the possibility of making those species that the SSC recommended as ecosystem component species, and is that what you're suggesting?

MR. POLAND: Yes, and certainly I would envision that white paper to kind of go through all those guidelines of need of conservation and management and kind of evaluate each species against those guidelines, just to give us a little bit more to discuss the next time we have this discussion.

MS. MCCAWLEY: Thanks, Steve.

MR. BELL: Yes, I think that's the best way to act on the recommendation from the SSC, recognize that and then apply the guidelines and be sensitive to what Shep was talking about as we kind of look at that, but certainly in the recommendation there was no time-sensitive component to it, and so it's just let's kind of move in that direction.

MS. MCCAWLEY: All right.

DR. BELCHER: I think this is kind of where -- I get the conversations about not having a procedure, but I think the SSC benefits sometimes from having at least an idea as they're moving -- Like Shep was saying, they're working off of the information that's in front of them, and they have their discussions on that point, but, moving forward, that lack of guidance -- I think, at times, it's, well, why are these recommended, and you have to go back through the record to get where all that came from, and so I think sometimes at least having that policy in front of them, so that they have a better idea of crafting, moving forward, why those recommendations are coming the way they are.

I mean, if there is other things that they can discuss, they will give it to you, but, I mean, they're going to give you basically what they've been asked to do, which is based on ABC and ACL limits, but yet there's more that they could provide, and so I think some sort of guidance would be helpful.

MS. MCCAWLEY: I think that that could be something that's maybe in this white paper, and so, in figuring out whether or not we want to move these to EC status, maybe part of our rationale is guidance on why we would do that, if we want to move them, and then maybe that guidance could carry forward to the SSC into the future. Myra, anything you want to add here?

MS. BROUWER: Not really, but just actually reiterate what I've heard, and so a white paper would come back to you that would include an evaluation, using the ten factors, or however many apply, for these six snapper grouper species that have been recommended by the SSC to consider for EC status. If that evaluation then shows that those species are not in need of conservation and management, then you would consider them for ecosystem component designation, and we would talk about where that white paper fits in your priorities later this week.

MS. MCCAWLEY: All right, and so I see heads nodding, and I think that's what we want to do.

MR. WOODWARD: We may also benefit from them taking a broader look at all those species, because, if they looked at these basically in the context of ABCs and ACLs, but, if there are bigger issues, and there are other species that need to be evaluated, look at the whole -- If you're going to have a look at the complex, look at the complex again and give us their best recommendation for more than just whether we can collect data on landings that are reliable or not, or has that already been done? If it's been done, then can it be included in there?

MS. MCCAWLEY: I was at the SSC meeting, and I felt like they did that. I felt like they had a robust discussion and picked out these six, but I am going to go over to Steve, and so I felt like they kind of already went through that exercise, based on landings and all the information that they had when they were working at their last meeting.

MR. POLAND: This recommendation came out of the broader discussion of ABC recommendation for unassessed species, and so they did have at least what I felt like was a fairly thorough discussion on the different complexes and how these species fit in those complexes and that kind of stuff, and they also had a presentation at that meeting, and I think it was after they made these recommendations, but they had a presentation on EC species, and that presentation that we received back in June or September, during our Dolphin Committee discussion, but I know -- In talking to members on the workgroup, the SSC workgroup, because they put together a workgroup to work on these unassessed species ABC recommendations, and they have had some internal discussions about this.

I wasn't present at those workgroups, and I don't know how those discussions got started, but they certainly came into the SSC with the recommendations of EC species and kind of laid out, at least from their perspective and what their scope of responsibility is, their justification for these species to consider for EC species designation.

MS. MCCAWLEY: I would just reiterate that I felt like they already did it as part of that group.

MR. GRIMES: I just would add that, and what the SSC did is great, and they're looking at the scientific information and providing you feedback on that, but, fundamentally, the decision of whether or not a stock is in need of conservation and management is a policy decision. It's not a science decision, I would say, right, and, if you look at the factors that are outlined in the regs, is

it an important component of the marine environment, and that's science, but there's policy in that as well, and is it a target, is it important to the commercial, recreational and subsistence users, important to the nation and the regional economy, and so there are a lot of external kind -- I won't say external, but non-science and catch-data-related considerations, and so I would just remind you of that, and keep that in mind as you work through this. The SSC recommendation is great, and it's a starting point, but it is only just a recommendation based on looking at the landings data that was in front of them at that meeting.

MS. MCCAWLEY: Thanks, Shep. Okay, and so I think where we are, and Myra reiterated it, is a white paper, and we'll figure out when the white paper is going to come back based on our priority list that we'll discuss later in the week, but, otherwise, a white paper on EC status for these species recommended by the SSC. Let's take a five-minute break. When we come back, we're going to talk about allocation and get some presentations on that. Thanks.

(Whereupon, a recess was taken.)

MS. MCCAWLEY: Once again, we're in Committee of the Whole, and we are moving through the agenda, and next up on the agenda is we are going to talk about allocation. I am going to turn it over to Brian to start this discussion, and I believe he's going to go through the Story Map, and then maybe you have an additional presentation for us.

DR. CHEUVRONT: Thank you, Madam Chair. We're going to tag-team this one, and it's going to be me and Myra and Christina, and this is a topic that we've been trying to have more of a discussion on for over a year now, and it's been one that has been kicked around, and it largely was a topic that really we got involved in after the Modernizing Fish Act was passed at the end of 2018, and the Government Accounting Office got involved in writing a report and looking at allocations and things that had been happening with the Gulf and the South Atlantic Councils, the history of this, and we were also -- Last year, you will recall, we were working on the allocation trigger policy that we sent in last summer, and there is a couple of things that we wanted to point out.

The allocation trigger policy, think of that as the when you look at allocations, and it didn't dictate anything about what you were going to do or how you were going to do anything, but it was just saying, under these conditions, this is when the council has agreed that we will look at allocations, the when part. Now, what happened also, kind of almost immediately on the heels of that allocation trigger policy letter being sent in to NMFS Headquarters, on a separate track, but what's happening is there were the MRIP recalibrations that were going on.

We had gone through something similar before, and I guess it was around 2013, when there was that transition from MRFSS to MRIP, and so there was a change in recreational landings numbers, and so there was a look, again, at the percentage differences in landings between the commercial and recreational sectors, and so there was an amendment that was done at that time that reevaluated the percentages of the ACLs that were allocated to the commercial and the recreational sectors.

We're going to find ourselves in a sort of similar situation here later on, when we get through the allocation discussion, however far you all want to go today, and you were presented, in December, the revised MRIP ABCs that had been -- That the SSC had told you were the best scientific information available, and it was told to you last December, I believe, and so now the ball is in

your court to establish the ACLs, and, when this sort of thing happens, you need to look at allocations as well, and so that's a discussion for towards the end of all of this.

Before we get there and get into any kind of specifics, it would be a good idea, one, to bring everybody up to speed on allocations and what the council has done in the past, and we know there's a lot of new council members who weren't here when the council considered allocations in any systematic way in the past, and so we want to introduce the topic to everybody, and what we're going to start with is a Story Map.

We had a printed version that was in your briefing book, but we're going to use the one that's on the website, because it's interactive, and so we can do that. Please feel free to ask questions as we go along. Our goal for today, and this is -- When I say "goal", this is really a goal from council staff, and you all are going to have your own goals and things as well, but hopefully there will be some merging here, but council staff would be really happy if you could come up and give us some goals of what kinds of things you want to have as your end goals when you're thinking about allocations, because that's going to help the staff later on as we move into working on allocations for species as we move through a lot of these.

You've got I believe four stock assessment results coming to you in June, and, on your trigger policy, allocation trigger policy, you had said that, every time you get the results from a stock assessment, you are going to look at allocations. Now, it doesn't mean that you have to change them, but it just means that you are going to review them, and there are some other triggers that have happened since that policy letter was sent to National Marine Fisheries Service. We're going to go through that later today, and I will show you where those triggers have been tripped, and it might be things that you want to think about how you want to take action.

MS. MCCAWLEY: Brian, just to try to restate some of the things that you're suggesting, today, the goal is for people to kind of understand what was done in the past and the formulas that were used, and then, as the council is moving forward, because we're not necessarily going to get into specific species today, and this is just kind of overarching ideas, is this where the council members would say, hey, in the future, when we look at allocation, we might want to see this type of data, or this type of data, and I guess that -- I think that you alluded to this, but we probably wouldn't want to develop any type of hard-and-fast policy today, because we don't have the Government Accountability Office report coming until maybe the end of this month, and then I think that maybe you mentioned that NMFS is working on a policy, or a directive, on allocation, that maybe won't be ready until the end of April, and so we don't want to jump in front of that, and so today -- Is it really about what type of data would we want to see, like if we want to see economic-type information, and so anything kind of other than landings that we would want to see in talking about allocation and is that a good summary?

DR. CHEUVRONT: That certainly could be a part of what it is. You may not even want to go so far as to dictate the kind of data that you want to see. It would be great if you could help us to think in terms of the concepts that you want to consider. We're going to be talking about landings and the economics sorts of things, but there are also some other qualitative-type data that you can look at, and the council has actually used qualitative methods for setting allocations in the past, and we're going to talk about that some today, and so there's other things that the council can do, and we're going to walk you through the history of what has happened.

A little over a year ago, Chris brought up, in a council meeting, that he really wanted to have the time where the council could talk about allocations in general and what does the council want to do about allocations, and so we're kind of thinking that today is the day to start that, and, actually, as it's turning out, there's a lot of time today to do this, but the other issue is that we were hoping -- This was timed for this meeting, because the GAO was supposed to originally have that report done by the end of 2019. It is not done, and, as Jessica said, and in my last conversations with them, which was I guess about the week before last, they were still hoping to have that report done by the end of March.

We have also been told that the socioeconomic folks at NMFS are working on an allocations best practices document that they are hoping to be released at the end of April, and it would be a good thing to get somebody from NMFS to come, if we're going to continue this conversation into June, to have them come perhaps and make a presentation to this council about what they are talking about, in terms of best practices, and so that might end up in the agenda for June if we continue the allocation discussions then.

Nothing is going to be prescriptive. You don't have to change your policy from what you have now, and the idea is, if your allocations are working now, why change them, but they may not be working for every species, in every situation, and so you may want to eventually look at those and decide how you want to address those. You don't have to have a single policy that you use for all species, and, when we get to what the council did in the past, I will talk about that, what the council did, and so, anyway, let's get into the Story Map, if that's okay.

MS. MCCAWLEY: People can ask questions while you're going through this?

DR. CHEUVRONT: Sure. That would be great.

MS. MCCAWLEY: Okay. Thanks.

DR. CHEUVRONT: Like I said, this Story Map is on our website, and it was designed -- We put it out there for the public, because they know that the council is starting to look at allocations, and we wanted to be able to have a general, easy introduction, as easy as we possibly could, on allocations, and so this Story Map is to help people to understand what's happening, and so here's the first thing we're going to do, is talk about what is an allocation, and an allocation is a specific portion of a resource assigned to a particular recipient, and an easy way to think about it is like a cake, and there is one birthday cake, and you're at the birthday party, and your allocation is how big is your piece going to be of the birthday cake, and that's your allocation. It's the exact same kind of a concept when we're talking about fisheries resources, how big of a piece of the fisheries cake are you going to get.

When we talk about the history of South Atlantic allocations, the South Atlantic has actually made some allocations that go all the way back to the 1980s, and there were some CMP allocations that were made all the way back in the 1980s.

We didn't call them specifically allocations, and we didn't have terms like ACLs and things like that in those days, but we did have allocations, and, in those days, those allocations were made on basically the council's best judgment, and we'll talk a little more specifically when we get into

that, but, in the Story Map especially, we have links to all of these amendments where there were allocations that were made, primarily in the snapper grouper amendments.

The really big one that hit a lot of species was this Comprehensive Annual Catch Limit Amendment, and this was the big one that was done in response to the revised Magnuson Act that went into effect I think in 2007, and the council had a time limit. They had to put ACLs in place, I believe by 2011, for all species that they manage that did not currently have an ACL.

The council was under the gun to come up with management measures, ACLs, AMs, and all the alphabet that we use now in managing species, but, in some cases, some of those allocations that were set up and done during the Comp ACL Amendment, some of those have been modified since that amendment was done, and we'll talk about some of those.

Now, there is -- In your briefing book, if you click on this link in the Story Map, it's a really ugly PDF file, and I don't recommend doing that. We actually included the Excel spreadsheet for you in the briefing book, and we did the PDF here, because we didn't want people to actually be able to mess with the thing, but that document that is in your briefing book is the document that we are now using to track allocation discussions.

As we go through, we can keep track of all of the allocation discussions for the future, and we may change this to a less wonky format in the future, because this is very sort of intensive by hand having to be done for the future, but it will allow us to keep track of it and create that dataset that we need for the future to import later on, but we now can keep track of that, and that was one of the things that the GAO was concerned about when they found out that the only real record that we have ready access to now was all discussions of allocations that we could point to now is when the council changed an allocation, and there were other times we knew that the council had discussed allocations, but, if the council chose not to do it and didn't have an action to do it, there was not necessarily a formal record, certainly not in an amendment, that the council had done that.

I am pretty certain that one of the recommendations that's going to come out in the GAO report is to keep track of every allocation discussion for every species, and so taking the -- I am trying to be a little proactive on that, and we've started to develop a way to keep track of that from here on out, and here's the Comprehensive Annual Catch Limit Amendment, which is where the formula that we now use -- We now call it the Bow Tie Method, and some people may have heard it called another name before, which we don't like to use, because it has really another meaning, and so we're trying to avoid using that term, and we're just calling it the Bow Tie Method, named after Robert Boyles, who is now the DNR Director in South Carolina, recently named.

He was the one who originally suggested this approach, but what it does is it takes the allocations determined using a formula at that time, 50 percent of long-term landings, starting in 1986 through 2008, and that accounted for half of the allocation as the long-term dataset, and the short-term dataset was the most recent three years, 2006 through 2008, and it started in 1986, because, in 1986 -- Prior to that, a lot of the species that were similar were lumped together, like they had jacks, and they didn't have like almaco and amberjack separated out and all of that, but, to do these ACLs, we had to have specific species.

By 1986, it was pretty clear that most species were already identified at the species level, and so that was, in general, why this started in 1986. 2008 was the last year, the terminal year, of the dataset that was used to determine these allocations, and so that's where it came from.

There has been some concerns about this, and partially it's that, on the commercial side, commercial fishermen said, you know, our data have been more reliable for a longer time series than this, and there have been some shifts in how the fisheries have been prosecuted over the years, and this is -- The time series chosen may have been unfair towards one sector over the other, and it is what it is, from that time series, but I don't think there's any real way to please everybody, and we'll talk about this more when we get into the PowerPoint.

Now the problem is that, since 2012, all of our species have had ACLs, and so many, many, most, of the species have had these artificial limits that have been placed on them, where fishing was stopped when the sector reached its ACL. Had there not been an ACL in place, in many cases, fishing could have continued, and so now you've got an artificial limit that was placed on a sector that maybe had gotten shut down because it reached its ACL, when, in fact, had that limit not been put in place, they would have continued fishing longer in the year, and so the data stream is inherently different after ACLs went into place than it was prior to ACLs going into place for some, but not all, species.

Now, what we want to do is to talk about the MRIP estimates that I talked about briefly before, and there were some changes that -- They were recalibrated, and what we want to do is to show you just a little bit of math here in the beginning, so that you kind of don't get shocked by some of these numbers that you're going to see. It's easier if I just sort of explain it to you showing the graphs, rather than reading the words.

If you look at the graph on the left, you have before the calibrations, and so let's say you have this mythical species, and the allocation for that species was 50/50, and there was -- In terms of pounds, we just say 100 pounds here, and so fifty pounds of it was allocated to the recreational sector, and fifty pounds of it was allocated to the commercial sector.

Once MRIP was recalibrated, notice the commercial sector, and those numbers didn't change. They still were the same fifty pounds that they had before, but now look what has happened. The recreational sector MRIP recalibration said, instead of landing fifty pounds, the recreational sector landed 100 pounds, and so what has happened is the proportion of landings has changed. The commercial sector has still landed its fifty pounds, but, of the total pounds landed, that's only one-third, or 33 percent, of the total landings, whereas the recreational sector, through the revised MRIP, has landed 67 percent.

The changes that have occurred haven't affected the pounds, the commercial pounds, landed. It's only the recreational pounds, but, because the pounds on the recreational side have changed, in many cases, in some cases by a large amount, and in some cases by a small amount, and in most cases up, but in a few cases down, what's happening is the percentage difference in the landings between the two sectors have changed, and so we need to keep that difference in mind. Commercial landings haven't changed, but the proportion of the total landings are what have changed. This might be a good place to ask some questions.

MR. BELL: Basically, that's because of the change from the Coastal Household Telephone Survey to FES, and so you've kind of changed -- MRIP has changed currency, and so you're using a different currency now, and so -- I mean, that's what's causing that. It's a factor of -- It's math, and it's not really more actual fish, more pounds of fish, per se, but it's the mathematical conversion from one currency to the other in MRIP that is causing that.

MR. DILERNIA: Perhaps it's time for me to explain what currently the Mid-Atlantic Council is doing regarding this initiative. We are currently in the process of running scoping hearings regarding whether or not we want to reallocate our species based on the new MRIP data. As a matter of fact, this evening, unfortunately, I'm going to miss your social, because I have to run an online webinar scoping hearing.

What has occurred is, because of the new MRIP estimates, we have looked at many of the species that we manage, such as summer flounder, scup, and black sea bass, to name three, and, when we applied the new MRIP process to the landings that we used originally, the landings that we used for summer flounder is in the eighties, and the landings that we used for black sea bass and scup was in the nineties, and we had a percentage allocation between the recreational and commercial sector.

When you apply the new methodology to the old data, the percentages shift, and they typically shift in the way that the recreational percentage increases and the commercial percentage decreases, and so that's the general trend, and we're currently in the process of conducting scoping on that, and it's not an amendment yet, but we're just running scoping, and the recreational community has mixed feeling regarding what's occurring.

What I have heard, and this is not a council position, but what I've heard from the hearings so far is, while the recreational community is pleased with the fact that, in many cases, there will be an increase in the allocation to their sector, they are displeased with the fact that, in order to do that, they have to accept the current or the new MRIP process, which they are very much in disagreement with, and so how this will all shake out I don't know, but that's where we are in the Mid-Atlantic with this process, as of yesterday at 5:00 p.m. Thank you.

MR. SAPP: See, I disagree. This isn't just a currency change. This is an increased number of fish being taken from the ocean. If, at one time, ten boats were each catching one fish, and now, all of a sudden, those ten boats turned into 100 boats, each catching one fish, that's not just ten fish anymore. That's now 100 fish, and so the numbers are changing per fish being taken out of the ocean. It's not just a mathematical change here.

MR. CARMICHAEL: You didn't take any more fish out of the ocean. The estimate of how many fish came out of the ocean is all that has changed. The same amount of fish came out of the ocean years ago that came out of the ocean when they came out of the ocean. The real situation of how many fish out of the ocean hasn't changed, but we're just changing how many we are counting is coming out, how many we estimated.

MR. SAPP: I agree that what's actually being taken out of the ocean is the same, because that hasn't changed, but, by the numbers here, we're recognizing more fish being taken out of the ocean, and so I agree that nothing has changed in what's actually being caught, but what I'm saying is we're actually creating boats that don't exist and not creating fish that didn't exist, with these

numbers, and that's how I believe that 90 percent of the population is looking at this, as a very unrealistic process here, and fish that don't actually exist are now being counted against both the recreational and commercial sector.

MR. CARMICHAEL: The fish did exist. I mean, by our best estimates, and realizing that we were not observing effort properly, there was more effort happening in those prior years than what we were counting. It's like we had a ruler that was mismarked, and what we were calling a foot years ago was really two feet, because we had a ruler that was mismarked, and now we've just corrected the ruler, and it's like we're going and we're saying that length of wood that we used to call a foot was actually truly closer to two feet, and that's a more accurate estimate, and so we didn't add effort that didn't happen, and we didn't take out fish that weren't taken, but we're just doing a more accurate measure now of what really happened, which means, by doing that, we need to make sure that we get all of our stuff in the same currency, so the council still achieves its same intent with things like allocations, when you say like the status quo and the method we talked about divided up according to this philosophy based on landings. Well, if the number changed, you need to update accordingly.

MR. DILERNIA: I am going to ask maybe Clay if he can help me with this a little bit. What happened with us in the Mid-Atlantic last year for summer flounder was, when we applied the new MRIP estimates for the recreational catch to summer flounder landings, that went back to our SSC, and our SSC applied those new landings to the stock assessment, and they and the SSC concluded that the overall stock was greater than what had been originally estimated.

As a result, going forward, in 2019, the council revisited the commercial allocation, the number of pounds allocated to the commercial sector, and increased it significantly. At the same time, because the stock was estimated to be larger, that larger amount that was applied to the recreational sector was applied, and the recreational sector went from having an accountability measure kick in that they have to pay back to status quo.

The way that I understand it, the MRIP estimates, when inserted into the assessment process, the assessment then came back with the stock being larger than originally estimated, and, again, I'm not an assessment scientist, and I would look down the table to the Center, and I'm very happy, if I'm wrong, to be corrected.

DR. PORCH: Yes, that is often what happens, that, because you're saying historically they caught more fish, the estimates are that they caught more fish, but the trends in the indices of abundance are the same, and the catch rates, or survey trends. What usually ends up happening is the assessment estimates that there must have been more fish out there to support that additional catch that happened historically.

Now, the wrinkle, where it gets a little tricky, is, yes, it estimates there is more fish out there, and so that usually translates into a proportionally larger ABC, but that's reflecting the new currency change, and so, if you go back and apply the old allocations that were based on the lower recreational estimates, in the future, what you end up doing is reallocating more fish to the commercial fishery, and so you're actually proportionally increasing the commercial fishery and decreasing slightly the actual catch of the recreational.

DR. CHEUVRONT: Yes, and we can show that, what Clay is talking about here. If you look at the before calibration, the ACL/ABC is 100 pounds. After the calibration, roughly the ACL would be 150 pounds, but, if you applied the old allocation to it, and you gave 50 percent to the commercial sector, the commercial sector is getting 17 percent more of the new ACL than it probably should be, because the increase in the size of the ACL is due to the change in the estimate and the size of the landings for the recreational sector, which is why we have to change the percentage size of the commercial percentage of overall landings.

The commercial hasn't changed. It's the recreational size that has changed, and so you have to account for the difference that is made up, the percentage difference that is made up, by the actual pounds landed by the commercial sector of the total pounds, regardless of whether it's before calibration or after calibration. It's the percentage of the total. I hope that I haven't really confused you all too much, but it works out mathematically, but that's Clay's point.

MS. MCCAWLEY: Okay, and so I'm going to go back to my list here, and so, Tony, did you want to respond to that?

MR. DILERNIA: Maybe, to simplify it, this entire process, what eventually occurs is there is -- If you buy into the MRIP estimates, and you buy into the re-estimation, and that's one of the ifs that we're hearing at the scoping process right now, then, for the three species that I mentioned, summer flounder, scup, and black sea bass, there is a shift in total poundage, or there's a shift in percentage, from the commercial side to the recreational side. If you look at our scoping documents, you will see there's approximately a 5 percent increase in the recreational share of catch of the entire stock and a 5 percent decrease on the commercial side. To simplify it, so far, that's where we're at, unless -- We haven't done anything yet, but that's just what scoping is beginning to show.

MS. MCCAWLEY: I have Tim and then Chester and then Kyle and then Art.

MR. GRINER: I think Clay answered pretty much what I --

MR. BREWER: Brian answered, or stated, what I was going to say, but, just to make it really, really, really simple, or try to, if we look at the example that's on the board, we thought that we were catching 100 pounds of that particular species. When you take a new look at the recreational, we find that, in fact, we were catching about 150 pounds, but, at 150 pounds, or the estimate of 150 pounds, but, at that estimate, the fishery was not getting in trouble. Therefore, your ACL can reflect the different numbers, and you can go to a new ACL of 150 pounds. When you do that however, you have to account for the fact that you've had a big increase in what was estimated for the recreational, and that's why you go to a 67 -- Have you got that? Okay.

DR. CHEUVRONT: That logic works, but I think, as Clay alluded to, there may be other forces at work there in the stock that, just looking at the recalibrated landings, we may not know for certain, and so, for those stocks where we can get stock assessments, they will give you the bigger picture at looking at what some of those other underlying forces might be. Now, we have a lot of stocks that we don't have assessments for, and so what we can do is we can simply apply this logic, just as you explained it, Chester, directly to those unassessed species.

The SSC has blessed that approach as the best available science, and, for all of the snapper grouper species, they are in what is in that unassessed species amendment that we have on the agenda to look at after this allocation discussion, and that includes all of the unassessed species, basically, where we have allocation, except for dolphin and wahoo, because they're being covered under Dolphin Wahoo Amendment 10.

We kind of consider those are some of the ones that the council can look at now, because they don't have to wait, if the council chooses to do that now, and so that's kind of where we are, and that's the logic that has gotten us to where we are now, but, now, if we're okay -- I mean, if there's more questions, that's fine, but we need to move along, if there's no more questions.

MS. MCCAWLEY: All right, and so I have Kyle and then Art and then Tim.

DR. CHRISTIANSEN: Clay answered some of it, but the one thing that we keep forgetting is, twenty years ago, when that process of our numbers, or data collection, came out, you guys probably sat here and argued that this was it, and now, ten years later, fifteen years later, you're at the MRIP, and you're arguing that this is the new thing. In ten years, those of us who are still on the council are going to be hearing the exact same argument, when they come out with a new process. The truth is that we don't know. I mean, you don't have an absolute number on what came out of the ocean, and so this is beyond guesswork.

MR. CARMICHAEL: I mean, that's a good point. Now, I would say that our record on this has been to say that it's the best it can be with what's put into it, and, as a council, we have continually argued that many of the things that we manage are falling in that realm of rare species, and, as such, a general survey like this doesn't do a really great job, and it's prone to like spikes and dips that might just be related to the vagaries of the sampling, and you just don't get that many encounters of many of these fish, and so that leads to a lot of our real challenges with this, which is why we've continued to push for alternative ways to potentially supplement MRIP to deal with the unique traits of our fish and their rare event.

Like the MyFishCount is one thing where that data could be used to supplement those intercepts, and there's a workgroup at NMFS that's been moving quite slowly that was looking at rare-event sampling, and the MRIP folks came to the SSC a number of years ago and presented some alternatives, and they were things like more funding for the program. Well, that's not likely to happen. Shifting effort from the near-short species to more of the offshore species, and that's not probably likely going to happen, because then you're sacrificing the speckled trout and the drum and the flounder and all that stuff.

Another thing is some way of better identifying the universe of those who are actually fishing snapper grouper. As the MRIP goes now, it's based on the way you're fishing and where you're fishing, and they define where, in terms of offshore, just as three miles and beyond, and so, other than what you're catching, there is no way to distinguish a trip that went out and blue-water trolled from a trip that deep-dropped snapper grouper. There's just no way, and so that's one of the reasons that the council has also talked about some type of permit that could then define the universe of people, and that could give the MRIP folks another sampling frame.

You're kind of right about what you say, but we have, kind of a little bit, said we don't think this is the best and greatest and all that it can be, and that there are additional advances that can be

made, but we're just fighting like the resource limitations of the agency to get some of the things done which would really help us in dealing with recreational fisheries, and snapper grouper, in particular.

DR. CHRISTIANSEN: That comes down to the commercial universe is not 100 percent, but at least you guys get numbers. You get something, and it all comes down to the elephant in the room, which is us, the recreational guys, and so, until somebody makes us report, and I'm sitting here as a recreational guy saying this, but, until you guys make us report, this is truly guesswork. I mean, there is a lot of recreational fishermen, and, like we said, the State of Georgia catches 1 percent of the dolphin, if what they say is true, and that's probably pretty close to being true, but there's not many of us, but, until you make the recreational guys do it, it's not going to happen, and this is going to be just a round-robin.

MR. SAPP: At no time did the numbers not make sense to me, but, in order to -- To accept these numbers, you have to accept MRIP, and all we're doing here, in my opinion, is driving a wedge between the commercial and recreational sector again, which so defeats the purpose. Right now, the commercial looks at this as a land grab, and it looks like we're giving the recreational sector an opportunity to grab more fish, and, at the same time, the commercial sector, who has been doing everything right and reporting everything, gets nothing.

On the other page, if we were to increase the percentage, like you mentioned earlier, but isn't going to happen, of the commercial sector -- If you give them 17 percent more, 17 percent more fish will die, guaranteed, no doubt about it, and there will be a record of it, because those guys are really good at what they do, and they will be happy to do it. I do fear that we will then be encountering some of these overfishing concerns. The recreational sector is not nearly as good at it, and giving them that, it's probably not going to be reached, but who knows? I don't want to accept these numbers, because I don't want to accept the MRIP recalibration.

MS. MCCAWLEY: Thanks, Art. I still have more people in the queue here.

MR. GRINER: Whether the stock is assessed or not assessed, we still have to get an ABC from the SSC, and, until we have that -- Then you can start talking about allocations and discussing allocations, and, whether or not the effort has gone up or not, in this example, if the recreational -- At the 50 percent, if they were only meeting 20 percent of their ACL, and it went up another 30 percent, well now they're only meeting 45 or 50 percent of the ACL, and so they're still not meeting their ACL, regardless of whether or not the effort went up or not, and so I really think you have to look at whether or not the ABC went up and whether or not that's -- The sector whose effort went up is even coming close to their old ACL, or whether they're coming close to their new ACL, because it doesn't really make any sense to allocate a whole lot more fish to a sector that's not even getting close to catching the fish in the first place.

MR. CARMICHAEL: If you take the example on the screen and consider it as one of those unassessed stocks, and the SSC has given the ABCs, as Brian mentioned, in this case, the ABC is going from 100 to 150, and so the ABC is increasing based on the increase in that estimated recreational landings, because the unassessed stocks are simply an evaluation of the landings.

They are the third-highest, in some cases, or something along those lines, and so, depending on just how the time series worked out, but, in these cases, the ABC is going up, and it's going up by

the amount equal to the recreational catch that went up, and so, if the recreational catch had been 20 percent under the new ruler, they should still end up being like 20 percent under, because it's just a ruler change. All of the things, the trends and all, that were happening, all other things being equal, are still happening exactly the same.

MR. GRINER: To that point though, the ABC has gone up, and, if the ABC has gone up, and a sector is not reaching their ACL, then I think you need to have that discussion when you're talking about allocations.

MR. CARMICHAEL: I absolutely agree, and that's a little bit -- If you have a case where you have an allocation, and one sector is not reaching that allocation, you should potentially talk about that, regardless of what the ABC is doing, and I absolutely agree with you on that.

MR. BELL: Kind of listening to Kyle's comments, and I can see the frustration, but what we have is a system where the commercial data are obtained through a system that's a census-type system with 100 percent mandatory reporting, legally, and so you have some degree of confidence in those numbers, but all you have for the recreational sector, of course, is an estimate. It's an estimate, and you can call it a guess or whatever you want, but it's an estimate, but, as we've seen in going through the two-and-a-half days of explanation of the adjustments and all, it's as good an estimate as you can get, if you're going to use an estimate.

Kyle is right that, if you could require 100 percent mandatory reporting from the recreational sector, then you have an equivalent comparison, in terms of the commercial numbers, but, in South Carolina alone, that would be over 470,000 people who have saltwater privileges, just in South Carolina, and then add on the other states that are larger than us, and you've got an enormous number of people that you would have 100 percent mandatory reporting from, and that's why we're doing an estimate, because we just can't make that many people -- The mountain that that would represent, in terms of data or process and expense, we just can't do it, and so we're using an estimate, and it's an estimate, and I think, after the SSC heard everything that the folks from NMFS brought to us and explained, and how they converted over, it's as good of an estimate as you can get for what it is, but it's using two different systems, and so you're always going to have that challenge, and I just don't see us being able to go to 100 percent mandatory reporting for the entire recreational sector.

Now, we're taking a positive step forward with the for-hire component of that, by having a logbook and 100 percent reporting, and so that's good, but the shore-based and the private boat pieces of the recreational sector are much larger, and that's where the challenge is, but it's just what we have, and we don't have anything better, and we don't have anything different, and I understand the frustration, but that's why it comes out this way, and then, in shifting from, again, one currency, one MRIP currency, to another MRIP currency, if you hold the commercial piece steady, at real fish reported, it does things to your percentages like that, which, of course, looks like a reallocation, that you're reallocating percentage-wise differently, but the commercial guys, under the one on the right, don't have any more fish. They just have a different percentage, and they have the same exact number of fish that they had in the previous way of doing it, and so that's just the hazards of what we're doing.

DR. BELCHER: Actually, Mel kind of beat me to the punch, was the fact that we're going to have an issue. Again, you're going to see -- Just as much as there's going to be contention because of

the frozen line with commercial, once the for-hire goes in, now the for-hire, which is part of the recreational, is going to have the exact same problem down the road, because that's going to be an allocated section that's going to be a census as well, and so are you going to continue to see this slide, because now, all of a sudden, you're going to have to deal with that, and now you're got recreational versus recreational, which, even though we all can argue that for-hire works more like a commercial enterprise, we've heard it for years that they don't feel that way. They feel that they're recreational, and that's the way they want to be perceived, and so how are you going to then tease that apart, when we get to that point?

MR. HEMILRIGHT: All of you all might like to know that these MRIP estimates have made it into the international ICCAT arena. The U.S. reported, this particular year, the 2018, ninety-seven metric tons of mako sharks that came from two intercepts in North Carolina, and so over 75 percent of our mako landings in the United States reported to ICCAT came from two fish in North Carolina.

Something else that I have kind of focused on myself, looking at the blueline tile fishery, mako, and I'm not a cobia fisherman, but the PSEs, and I'm looking on NOAA's webpage, and there is three or four different places, and I guess you've got to be an interpreter of this stuff, but it says the standard PSE, measure of precision within the estimates, is estimates should be viewed with increasing caution as the PSEs increase beyond 30. Large PSEs, those above 50, indicate high variability around the estimate, and therefore low precision. Estimates with low PSEs should be viewed cautiously.

Also, I made an inquiry into the division about mako landings recreationally, and the sparsity of mako data results, and a tremendous amount of variability around these estimates, 49 to 110 percent, renders them unsuitable for fishery management, and so -- I hear that MRIP is the best, and suppose these other countries say, hey, U.S., how about telling me how you do your MRIP, so we can start counting our recreational fish that same way, and just the fact of the matter that the U.S. used, in 2018, two fish intercepted in North Carolina that produced ninety-seven metric tons that has a PSE of over 80, and that just -- I just cannot believe it.

MR. POLAND: I went back to the SSC report from the October meeting, and I just wanted to point out that not all of the revised ABC recommendations increased. There were some that did decrease, and a lot of this was just based off of our ABC control rule and the variability in the catch, in that historical catch, and so I just wanted to throw that out there, that we're not all talking about just linear increases in everything, and there are some species where the ABC dropped, and, based off the new recreational landings, that, under that current ABC, we have exceeded it in recent years. We just need to keep that in the front of our minds.

MS. MCCAWLEY: Thank you, Steve.

MR. CARMICHAEL: I think, to the discussion of getting better private recreational data, at one point we talked about a permit for snapper grouper directed that could be used to define that frame, and even potentially lead into some reporting, and I think, if you focus on that, that's certainly a lot lesser effort than the inshore, and I think that addresses, to some extent, the concern that Mel pointed out of how many saltwater anglers there are and how many trips, and I think that's why the council looked at that.

That's certainly something that, if the council really felt the time was here to require that kind of reporting for some component of the fishery, then they could do that, and I think that the Mid-Atlantic, in their tilefish plan, had provisions for recreational reporting, which were sat on for a little bit, but are now going to become effective, and, Tony, is that right, for mandatory reporting by private recreational anglers?

MR. DILERNIA: Yes, and it's coming online. It hasn't come in yet, but it's coming online.

MS. MCCAWLEY: This has been a great discussion with great questions and good points here. I guess that, Brian, just to kind of wrap it back to the presentation, some of these concerns that people are bringing up is why you would want to look at additional data or metrics or other tools to inform a decision about allocation, is because of all these different things that people have brought up, really.

DR. CHEUVRONT: Thank you, Jessica. That's a great way to bring it back around, because of -- We're sitting over here getting worried that this is becoming an MRIP discussion and not an allocation discussion, but you're right. I mean, this shows the complexity, and, I mean, we were hoping that we would have more of a general discussion of allocation, but how we even get to the point where we can talk about allocation is very complex as well, and the ground rules have recently changed a bit, compared to some of the allocations that we have used in the past, and, when we look at some things later on, you're going to see, even with the changed rules, it probably doesn't even mean that you all even need to look at changing some of those allocations that you have anyway.

My suggestion is let's plod along, and we've got some examples now of some specific species, based on some of the revised MRIP estimates. Now, remember though that what's going to happen is that, for species that we do have stock assessments, before the council really should be thinking about doing any kind of change to allocations, or anything like that, it probably is in the best interests of the council to wait until you get a stock assessment, because if you change them now, you will be changing them again shortly, when you get assessment for them.

For example, we show black sea bass, and so what we have done is we've taken certain species where we can show the original -- We took the same graphs, the hypothetical one, and applied it to some specific species, and so we were just under 1.6 million pounds originally for black sea bass, where we had just over 600,000 pounds for commercial, the rest of it going to the recreational sector, under the old MRIP, and then you can see the commercial is always the green, and that will always stay the same, and you can see that the revised MRIP landings have gone up by not quite 200,000 pounds.

DR. BELCHER: Just one thing that I would like to ask, as a potential to add into this, is what's the PSE change between the estimators, because I feel like, if that number has gone up, but the PSE has come down, there may be a stronger justification down the road for an allocation shift, versus one that increases and giving more fish, when you don't really know. If you're adding more noise to the data, it doesn't make sense to give them more when you know less.

DR. CHEUVRONT: That's a really good question, Carolyn, and I'm going to make sure that we get -- I don't have the PSEs right now, but I think what we do need to do is get the differences in the PSEs in the before and after.

MR. CARMICHAEL: Brian, isn't there, within the setting of the ACLs, reference to a recreational ACT that considers the PSEs? If you recall, when you were working on the AMs and stuff, I believe that, for a lot of the stocks, that was part of the breakout of setting ABCs and ACLs and ACTs, and the PSEs are a good point, and you could consider that. Dewey pointed out a couple of examples, and we have plenty of stocks we've looked at where they're 50 to 100 percent.

When you think about things that you can manage, and should manage, that's something to consider. If the PSEs are continuously high on a stock, can you effectively manage that species, and so the earlier discussion about things in need of management and what you're doing, to me, that certainly seems like something that the council could consider from a policy perspective, since it is a policy decision.

DR. CHEUVRONT: I do know that, within the last year, I have looked at PSEs for different species under the recreational AMs amendment, but that was for the before MRIP, and I can tell you that many, many of the species that are managed by this council have PSEs greater than 40 percent, and what we did is we did them in bins of 20 percent, and I believe that was because there is the -- Chip, is that correct, is the ASMFC guidelines bins them in the same 20 percent categories? We have that, and we can show it by species.

We probably have fewer than ten species that are managed by this council that are less than 20 percent PSE currently, and maybe another ten, at most, that are less than 40 percent, but I could pull that out. I just don't have what the PSEs are that are based on the MRIP revisions.

MS. MCCAWLEY: But I think that would be a good point. Moving forward, that's something that maybe you could bring for us.

DR. PORCH: Just to make the point that going from the Coastal Household Telephone Survey to the FES mail survey doesn't really substantially change the PSEs, and a lot of that is from the intercepts, and so that change happened a while back, when they went to the APAIS, changing the way they do the intercept surveys and the weightings and all that, but there is not much of a change just from changing the effort. It's mostly the magnitude that changed, because the effort estimates are higher.

Having said that, it certainly is legitimate to consider the PSEs when you're setting management regulations, and, if the estimate isn't very meaningful, it makes sense to think about a different way of doing things, which could be things like managing over multiple years. In other words, an ACL not annual, and it would have to be some measured cumulatively over multiple years, so that the PSE goes down, because you have multiple years involved, or things like managing complexes, where you combine estimates for multiple species.

MS. MCCAWLEY: All right. Are there more questions? Okay, Brian, back to you.

DR. CHEUVRONT: Okay, and so we've got an example of a few more species here. You can see b-liners didn't really change much, and the recreational estimate did go up some, but maybe, when you're talking 1.6 million pounds, roughly, and it's only maybe 100,000 pounds that the recreational estimate has gone up, and it's some.

Red grouper, on the other hand, there is more than -- The new MRIP estimate is more than double. When we look at blueline tilefish, there's almost no change, and I would be hard-pressed, looking at the graph, to tell you what that change would be, but it's pretty imperceptible, and it looks like maybe a tad bit higher in the new estimate, but let's look at dolphin. Here again, the estimate is about double what it had been in the past. In wahoo, you can see the estimate has gone up recreationally a fair amount, and you can see what a small amount the commercial sector was.

MR. DILERNIA: Brian, for the species you just went through, were there any commercial closures for those last three or four species? In other words, that the closure limited the commercial take at that point?

DR. CHEUVRONT: Myra, can you help with some of the snapper grouper species? My memory is not always real good on all of that.

MR. DILERNIA: The reason I ask is because then the data becomes skewed if there's a commercial closure and the recreational sector remains open, and it artificially constrains the commercial catch if there's a closure. I am going to say artificially compared to the recreational fishery that remains open.

DR. CHEUVRONT: Tony, these only go through landings through 2008, and so, no, there wasn't. We're going to be talking about the ACL constraining landings later on as well, and we've brought it up before, but, when we get into looking at the unassessed species, you're going to see some examples where one sector was closed and the other did not, and, based on the triggers, and you will see some prime examples of the kinds of things that you're talking about, but that will come later in the day, and so, right now, we're not -- Those issues will be addressed later on.

A lot of folks thought that the revisions to MRIP were going to make all of the landings go up, and, as Steve had said, he was looking at them, and not all of them went up, and some actually went down, and a few stayed the same, and a large number did go up of the estimates, but, the species that we have stock assessments for, like I had said, the council may really want to just wait until those stock assessments come around again to look at what they're going to do, unless it's going to be a long time before you are able to get to that stock assessment.

Now what the council is looking at what do we do now. When the council did the visioning a few years ago, they talked about allocations, and we did get some information, suggestions, of what the council thought about allocations as part of that visioning process, and, a year ago, you all took a survey on that, and we've got some information on it, and we'll get to that if it's relevant as part of our discussion here, but we're going to -- I think we're going to hold back on that a little bit, to see if it becomes relevant to the discussion. It's in the presentation that we're going to do in the PowerPoint next, but, if it's not relevant, we're not going to go there, and so we'll just see how things go with that.

Everything that we've really been talking about, up to this point, of things that have happened with the MRIP revisions and the Comp ACL Amendment and all that have been all quantitative, all based on landings, but, as I had said earlier on, there were, especially early on, when the council was setting quotas and things, they used other methods, other than just plain landings, to help them determine what the allocation was between sectors.

Then one of the nice things that we have -- Christina, with us at the council, who is a qualitative and quantitative person, and we're going to ask Christina to talk a little bit about some of the qualitative data and approaches here, real briefly, just to get your feet wet here, and then we're going to get back into it a little more in the next presentation.

MS. WIEGAND: Like Brian said, you guys might want to consider using some different sources of data, some different analysis, including qualitative data and analysis, and, oftentimes, there's a bit of a misunderstanding on what qualitative data and methodology really is, and so one of the key things to keep in mind is that the scientific process does still apply, and there are specific methodologies that are used for qualitative social science that are different, but still rigorous, in the way that quantitative methods are, and so it's a bit more than just this is what I see on the water and this is what you see on the water and my friend, this one time, saw this thing, and so that must be -- It's a bit more complex than that, and we do have a number of different qualitative data sources that are already available.

They are the fishery performance reports that you guys have been doing with your advisory panels that can provide important information. Voices of the Fisheries provides a much more long-term view of where fisheries have been over time, and these are oral history interviews that have been done throughout the United States. If you remember, I believe it was December, or June, when Christina Package-Ward brought in the big Voices of the Fisheries display, and so that's something that we would be able to pull from.

Of course, there is public comment that we have archived, historical documents and records, peer-reviewed information, as well as we live in the digital age, and there's hypertext, and so blog posts, social media, fishing forums, and that can all be used to gain a broader perspective of the fisheries that you guys are going to be talking about. The key take-away from this is that, when looking at qualitative data, you need to be really aware of how your personal views and opinions shape what you're looking at, and remember that there is a scientific process to go through to analyze this data.

MS. MCCAWLEY: Are there questions about qualitative data? I don't see any hands.

DR. CHEUVRONT: We're going to get back to that a little bit more later on, and get into a little more specific things with that, and so I had talked about this early on, about the Modern Fish Act and the GAO report, and that's kind of what has gotten us to this point where we are now, and so this kind of is the end of the overview of where we are with allocations as your basic introduction.

As you can tell, there was some key points in there, and some of it got a little sticky in the middle, when it got to numbers and talking about how to interpret the numbers and things like that, and so it wasn't just an easy thing to deal with, but that's your basic introduction into allocations, and so, if anybody has any lingering questions on the basics of allocations, what we would then go into is a PowerPoint that is very, very specific as to how the council has gone through the process to this point and has dealt with specific issues, so that you can get that history of what got us to where we are today, because I think that's really important in helping to lay the foundation for you, so you know about going ahead and then having the conversations about where you want to be in the future. This presentation then is Attachment 3b in the Committee of the Whole, and so, if you all want to jump over to that, and we're going to let Myra start on this one.

MS. BROUWER: Thank you, Brian, and so what we're going to do here is we're going to do a little bit of tag-teaming, and so I'll get us started and tell you a little bit of how allocations have been done for snapper grouper species, and then Brian and Christina are going to chip in when we get to other topics, and so the outline will be that I will give you, like I said, a little bit of a history on allocations for snapper grouper, the CMP FMP and dolphin wahoo, and then Brian is going to touch on the discussions that came out of the Allocations Committee, and recall that was kind of a short-lived committee, but a lot of important discussions took place, and so Brian will take us through that, and then Christina will get back into talking about qualitative approaches to allocation.

In your Snapper Grouper FMP, you have used quotas for the commercial sector and management measures, such as bag and size limits and trip limits, to manage the fishery, until the MSA was reauthorized in 2007 and we were required to have ACLs put in place. You also have done some jurisdictional allocations and sector allocations that have been based, so far, mainly on landings, and you have also used allocation to determine for gear purposes in the golden tilefish commercial fishery.

We will go through species-by-species and just sort of remind you a little bit of how the allocations were put in place, mainly for the assessed species, and so, for black sea bass in Amendment 13C, which was implemented in 2006, that allocation was based on average recreational and commercial catches from 1999 through 2003. At that time, there needed to be a pretty substantial reduction in harvest, and I believe it was on the order of like 62 percent, or something pretty high, and so the council went with a phased-in approach to end overfishing, and that's what took place then.

A little bit later on, in 2009, Amendment 15B established allocations for red porgy and for snowy grouper. For red porgy, the council selected just a 50/50 allocation, because it was the closest to the status quo at the time, and that was based on landings time series from 1990 through 2003, and you did discuss, at that time, or the council at the time talked about having to adjust the commercial quota if the commercial sector were to be allocated higher than 50 percent, because of an increased release mortality for red porgy, which are distributed over a wide range of depths, and so that was sort of the rationale that went into that allocation.

For snowy grouper, we used landings from 1986 through 2005, because that was the longest time series that was available at the time, and, also, the discussion revolved around unrealistic spikes in the recreational landings that could overly influence the results, and so there was some discussion that took place at that time looking at the uncertainty in the landings for snowy grouper.

Gag and vermilion snapper, they had their allocations put in place in 2009, through Amendment 16, and so, for gag, we used landings from 1999 through 2003, because that reflected most closely the recent catch, and the reductions in harvest were going to be of similar magnitude.

For vermilion, it was 1986 through 2005, and, again, that was the longest time series available, and the council had several alternatives, and so the analysis showed that, if you allocated it differently, or if you used different timeframes, the allocations were going to end up pretty much the same for that species.

For gag, red, and black grouper, Amendment 17B combined -- Remember there was like a little short, like maybe about a year, or a year-and-a-half, where the gag, red, and black grouper were

put together, and so the allocations were combined for those, and there was really no explanation that I could find in that FMP to explicitly explain how the allocation was selected, but there had been some reductions in harvest that needed to go in place for gag and vermilion in Amendment 16, and so we needed to keep within those limits.

Then here's where we start getting into formulas, and, in 17B in 2011, golden tilefish had their sector allocation established, and, for that, we used half of the average landings from 1986 through 2008 plus half of the average landings from 2006 through 2008, which is the current allocation formula. The discussion in that amendment talks about how that particular allocation for this species would mirror the historic harvest, and the council did, at the time, also consider a 50/50 allocation, but then there was discussion that that would adversely impact the commercial sector.

Then red grouper, again, we see another formula there, and that was in 2012, and then the discussion centered around trying to be more equitable in making sure that the commercial sector, landings in the commercial sector, were well represented, or fairly represented, in how the allocation was put in place.

Then, as Brian mentioned earlier, the Comprehensive ACL Amendment was put in place in 2012, and that's where we applied this allocation formula to the rest of the unassessed snapper grouper species. For black grouper, you used a different time series, and that was because there were some species identification issues prior to 1991 that could have influenced the allocation there, and you also did allocations between the South Atlantic and Gulf for black grouper, yellowtail snapper, and mutton snapper, in that same amendment, and, for wreckfish, for that one, it was mainly based on public input and guidance from the advisory panel, where you ended with an allocation of 95 percent commercial and 5 percent recreational.

MS. WIEGAND: Then, moving into the CMP species, for king mackerel, allocations were set in Amendment 1, and this was the amendment that recognized separate migratory groups between the Gulf and South Atlantic Council, and remember this is a joint FMP, and, at the time, the method of the allocation was just the largest number of years, starting in 1979, when they had both concurrent recreational and commercial data, and it was just the percent distribution of catch between those two sectors, and that's the current allocation that we're still using.

Next comes Spanish mackerel, and this was Amendment 2. Again, this was the amendment that recognized separate migratory groups between the Gulf and South Atlantic for Spanish mackerel, and the same with king mackerel. It was based on the average ratio of catch between 1979 and 1985.

Then the allocation was revised, and it was revised based on the council's best judgment at the time, and so this is one of those situations that Brian alluded to where there was no sort of catch basis or formula that was used, and it was just based on the council's knowledge of the fishery at the time, and the rationale in the amendment includes concerns about how the resource was overfished during the time period that the allocation was originally based on and that that was resulting in lower recreational catches and that the recreational catches were impacted in the mid-1970s because of increasing commercial effort.

Additionally, the understanding of the council at the time was that the recreational catch was higher than was being illustrated by the data in the 1970s, and so, because the capacity and demand of

both the commercial and the recreational sectors were able to catch the entire available resource, the council felt that the 50/50 allocation would be the most equitable.

Then, in the 1998 framework, because commercial catches were increasing and regularly meeting or exceeding their allocation, and the recreational sector was remaining well below its allocation, the council chose to take 5 percent from the recreational sector and add it to the commercial sector, and those are the allocations that we're currently operating under today.

DR. CHEUVRONT: In dolphin wahoo, in the original fishery management plan, it was -- They had an interesting situation there. They established what they were calling a non-binding allocation for the Atlantic EEZ. At the time, they referred to it as a soft cap, and what it was is it was a number of pounds, 1.5 million pounds. As long as the commercial sector did not land more than 1.5 million pounds, they didn't worry about it, but, if the commercial sector got to that 1.5 million pounds, then they were going to start looking at what's going on here and is the commercial sector catching too much dolphin.

The original idea was that, when the original FMP was put into place, it was that dolphin was going to be considered primarily a recreational species, and that is not necessarily the case or the way it's being treated now, but the Comp ACL Amendment modified the allocation, and the Bow Tie Method was applied at that point, 50 percent times the mean landings from 1999 through 2008 and 50 percent of the landings of 2006 through 2008, and part of that had to do with the reliability of landings, the years of landings.

Then there was a modification of that allocation in Amendment 8 in 2015 that changed the average percentages for the total catch in 2008 to 2012, and the interesting thing is that it ended up, based on the ACL at the time -- It actually put the commercial allocation, or the commercial ACL was very close back to what that original soft cap was, and that was something that was supported by the AP at the time, with the understanding that, as long as the ACL remained where it was, that was fine, and the AP had some -- They always liked that 1.5 million-pound kind of cap on the commercial sector, and so the AP was very supportive of this, but they understood that, should the ACL, the total ACL, for dolphin ever change, that that would affect what the total pounds would be that would go to the commercial sector.

That's the history of some of the main species that we have allocations for, and I wanted to give some of the history of the Allocations Committee. It was formed in December of 2007, and it happened at the time when I was a council member, and I had the unfortunate distinction of being appointed the Chair of the Allocations Committee, and it was a really ugly, terrible time in the council, and Roy, I'm sure, remembers it well, and I think Roy and I were probably the only two -- Anyway, it was a difficult time, and it was really interesting.

In the last weeks of Gregg in the office, and Gregg, if you didn't know, Gregg was a packrat, and we're still dealing with a little of Gregg's pack-ratiness in our office, but one of his final parting gifts to me is he walked into my office with two large binders and said, here, this is a gift for you, and it was everything he had from the allocation era, from 2007 to 2011, and he said, here, this is for you, and so I have all of Gregg's everything from that era, and I had most of it still myself, but I now have all of Gregg's stuff, and so, Christina, I'm giving that to you.

Just so you know, that committee met four times in 2008, and twice it met away from the regular council meeting, and I think twice we met for a day-and-a-half, just by ourselves, and it was a separate committee away from the council meeting, because the work was that intense. The membership was appointed by the Chair, and, originally, the council was starting on what they were calling a comprehensive allocations amendment, and that amendment was scoped in February of 2008.

Well, that amendment then morphed into the Comprehensive ACL Amendment, when we realized that we just had a whole bunch of stuff that the Magnuson Act was going to require the council to put together, and so we just put it all into one amendment, and, unfortunately, that ended up in Myra's lap, and that was close to about a 500-page amendment, and it was probably the largest amendment this council has ever done.

After much wrangling and difficulty, the council eventually developed -- This committee recommended, and the council developed, four alternatives for consideration, and these are the ones that they came up with. These four alternatives were allocate based on 1986 to 2008 landings, and, again, that 1986 was chosen because that was the year that, for the most part, everything was able to be identified by species, or allocate from 2006 to 2008, just based on recent landings, or the Bow Tie Method, or split equally among three sectors, at the time, commercial, recreational, and for-hire.

Now, one thing that I want to put out here is the reason why the council came up with the one method that they applied is the council was under time pressure to get this done. They could not go through, and you consider the number of species, and I think, at that time, we had seventy-three species that we had to consider in that Comprehensive ACL Amendment, just in the snapper grouper complex. We could not go through and come up with an allocation method species-by-species. It was not going to happen, and so the council charged this committee to come up with a method that could be used and applied across many species.

One of the things that we wanted to point out now is that the council is not under any obligation to do anything like that now. You have many species now that do not use the Bow Tie Method and are allocated using other methods. Look at your CMP species, and they're not -- They don't use the Bow Tie Method. They already had allocations prior to the Comp ACL Amendment.

You can, and this is just to keep in your back pocket, as you're thinking about things, you can continue using the Bow Tie Method for allocating species that you choose to, if you want to, if you decide that it continues to work, and you can change it to some other method, for any species that you want to, and you can come up with a completely new method for any individual species, or group of species, but now you have the luxury of not being forced by the clock to come up with an allocation method or change your allocations for any species at any given time.

We are now getting to the point where we are -- You now have the when that I mentioned earlier today, through your allocation trigger policy letter that you sent to NMFS, and you have a copy of that that was in the late materials, and now we're entering into an era of what and how, what allocations, as they come up, need to be reconsidered, which ones are you happy with, the allocations are fine, that's fine, and you considered it, you looked at it, it's fine, and it's okay, and that gets added to the list of you considered the allocation, but which ones do you need to

reconsider, and what methods do you want to use, the how you want to consider reallocations for the future.

At some point, when we start looking at the how, we're going -- Staff wants to help you figure out, by providing you with as much information as you need to help you figure out that how you want to go about doing this, and so this is where we come to the part where we're asking you for some of your goals, because that will help us figure out some of the how.

I think this is where we're going to go back to Christina, unless you have some questions now, but we can talk a little bit more about the how, and I think using the currency of landings is a pretty easy one for everybody to grasp, but some of these other qualitative values-based things are a little harder to use, and maybe a little harder, in some people's minds, to justify how you can use them, but they are totally legitimate.

You do not have to make decisions on which ones you want to use, which species you want to use, what data you want, and you don't have to make those decisions today, but we would like to get those conversations started, so you can help inform your staff, as we move forward in trying to help you get through this miasma.

MS. WIEGAND: Like Brian said, we're going to get a little bit more into the qualitative discussions that can be related to allocations, and I think it's clear, just with this presentation, going back -- Even when numbers, when quantitative methods were used to set allocations, a lot of the justification behind we did it this way because X are value-based judgments, and it's what was important to the council to consider at the time.

Regardless of what methodology you ultimately use to set allocations, you do still have to have some sort of values discussions, and this is challenging, and I'm going to encourage you guys at this point, like Brian said, to think of it at a very high level. What are your broad goals when you're discussing allocations, and let's not talk about king mackerel or snowy grouper or shadow shark. This is a really broad, high-level discussion, and some of the value-based ideas that I think are likely to come up, when you guys are talking about allocations, are those that I have on the screen. This is the very tip of the iceberg when it comes to a value discussion.

You guys often talk about wanting to consider things like fairness. Wanting things to be fair and equitable is a phrase that comes up a lot. What are the needs of the common good, what is the market need, are there cultural considerations to keep in mind when allocating a resource, and so I know that some of these things can feel a bit obtuse. How do we take this idea of wanting to consider the need of the common good, and how do we take that and then get to an allocation, and so I've got a few examples of how you might allocate.

If you wanted to prioritize the common good, for example maybe you want to allocate based on an individual sector's ability to use the resource. If you want to prioritize social relationships, you might consider allocating the resource equally between the two sectors. If you are looking to prioritize the welfare of the sectors and development of a fishery, you might allocate based on who needs the resource the most, and so, again, I know that these seem like sort of broad, obtuse ideas, but this is really where qualitative methods can come in and help guide you with some of these answers or ideas.

I don't want to get into individual specific methodologies that can be done today. If that's something the council is interested in, that's information we can bring to you in the future, but keep in mind that qualitative methods can help you answer things like what did this fishery look like in the past and how might it look in the future, what importance do commercial and recreational fishermen attach to a specific resource, and how dependent are they on a particular resource.

Please just keep in mind that oftentimes there's a sort of it has been to quantitative, or it has to be qualitative, and there is the hybrid approach. You can use both methods to answer a single question, and I think that's very much been done in the past, and, again, when Myra was going over some of those snapper grouper allocations, it was clear that both quantitative and qualitative justification was used to come to an allocation.

I want to scroll back to these, and I think we're going to sort of take a step back now, and we've talked at you guys a lot, and we've thrown a lot of information at you, and I think what we would like is for you to have a goals and value discussion, again a very high level, and not talking about individual FMPs or species, but, broadly, what are the goals and values that you would like to consider once you begin talking about allocations.

MS. MCCAWLEY: Before we get into that discussion, let's take a five-minute bathroom break, and then we'll come back.

(Whereupon, a recess was taken.)

MS. MCCAWLEY: We left off at starting a discussion about value-based allocation factors, and so let's go ahead and start that discussion. Christina talked to us a little bit about this, and this is a list, and not a complete list, but a fairly comprehensive list of some of these, and so what staff is looking for is, moving forward, when we do consider specific allocations for a particular species, and do we have some idea about some of these factors that we might want to consider? That way, staff can have the data ready when we are talking about them.

DR. BELCHER: I guess one of things, and Tim and I had kind of both said, off mic, what's going to happen with the for-hire, because the Bow Tie Method is not going to work with a census on for-hire landings. We're just starting into that, and so we really don't know the realized impact, but that's going to be -- You're going to be mixing currency with for-hire and general recreational, once you go to census and estimate.

DR. CHEUVRONT: I think what's going to happen is, just like what has happened this time, is that as long as recreational -- At least a portion of recreational landings remain an estimate, whenever you have a major revision of your recreational estimate of landings, and you have a major improvement in that, like we have with the MRIP recalibration, and now are calculating MRIP landings, you are going to have to do yet another, probably, recalculation. How long will it take before that census for-hire data is going to be -- That you're going to have enough years of data for that to affect it, and I don't know.

That's probably something that the SSC would have to get involved in, but I can see that the council may end up looking at allocations some years down the road, looking at saying now we have two sectors that have what amounts to census data, and so do we need to allocate to three

sectors? The council may want to take that question up, and, between now and that point, I don't know how the council is going to do that, but I could see that, certainly, as something that the council could have to face down the road.

Is it worth waiting now until that point to do that? That's up to you all to decide, but I think, until everybody is at a census level, as Kyle was suggesting, you're always going to have to keep revising, as your estimate of the non-census data gets better and gets more and more refined. As John had said, as your ruler gets better and better calibrated, you're going to have to do some revisions like this. I would foresee that the council is going to have to address this again at some point in the future. I can't see how else you could not do that.

MS. MCCAWLEY: Okay. Are there more questions or comments?

MS. SMIT-BRUNELLO: Just something to think about, and so, when Brian talked about the Magnuson-Stevens Act getting amended back in 2007, the charge to the council was not that you had to allocate. The charge to the council was that you had to develop annual catch limits that couldn't exceed the fishing level recommendations, which we have set our ABC, from your SSC, and so this council felt strongly, and I can't remember all the reasons why, but they decided to allocate for most all their species, and the Gulf Council, for example, did not allocate for all of its species, and it still has one overall ACL that applies to both sectors.

They didn't break it down to recreational and commercial, and so just to make sure that you know that the act didn't require allocation. If you're going to consider allocation, of course, it has to be fair and equitable, and for many of the things that Christina talked about, and that's specific to National Standard 4, and so there's a lot of things to think about when you decide to allocate, but it doesn't necessarily, the act, require you to allocate.

MS. MCCAWLEY: Based on that, Monica, could we back up and just put in an overall ACL for a particular fishery and not have it split between commercial and recreational, even though we've already split it?

MS. SMIT-BRUNELLO: Sure. I think you just have to have rationale as to why you're doing it, and yellowtail snapper comes to mind, in one sense, in that, if you had just one ACL for the commercial and recreational sectors, and you didn't separate them out, there are probably a couple of framework amendments that you wouldn't have had to do, or felt you had to do, to deal with one sector versus another.

MS. MCCAWLEY: All right, and so what else? Are there other thoughts or comments or questions or ideas here? Remember that we're not making final decisions, and we're not setting up a policy, and this is just if we have thoughts right now about what type of data we might want to use when we're thinking about these fisheries in the future, and it might be different for different species groupings.

MR. POLAND: Christina, I've got a question about the oral history, and this is more of a methodology question, but, you know, if we move forward with using that type of information to make these decisions, in things like oral histories, how do you account for biases in like recall bias or shifting baselines or anything like that? I mean, to me, that seems like a pretty steep hurdle to get over for that type of information.

MS. WIEGAND: That's an excellent question, and, of course, there is always concern when you're asking someone to go back and tell me what things were like back in the 1980s, and one of the perks about -- Like I talked about earlier, it's not just he said, Mel, back in 2006, that we experienced this, and then Roy experienced this, but you're collating all of this data, and so, yes, there may be some bias, but, if you have a large enough sample size, if we have enough oral histories related to X topic, then that should sort of get at some of those individual biases that people may have.

MR. POLAND: It sounds like it's one of those situations where you just make up for shortcomings with just larger and larger sample sizes, and so do we feel like we've got a pretty large sample size with those oral histories for our specific fisheries?

MS. WIEGAND: I would need to go back through and look at all of the oral histories that have been done here in the Southeast. I want to say, last time I looked at it, there had been maybe ninety interviews relevant to the Southeast, and those would extend from talking specifically about mackerel to talking broadly about gender issues or about the shrimp fisheries or about management in general. If this is something that the council is interested in using, I would work with the Regional Office and those that have spent a lot of time putting together those oral histories to come up with a broad understanding of what information we do have.

There are different qualitative techniques that you can use based on the available size of the available data, and so it's a bit more than just summarizing what these five people said. There is actual analysis that you can go and do to pull out specific themes, which might -- If value-based ideas and the qualitative method is the way you want to go, it may help give you guys some information about what has historically been important in that fishery, as well as then you could rope in public comments and look at what is currently important in those fisheries.

MR. POLAND: Thanks, Christina. I mean, that interests me quite a bit, because, I mean, I just think about what our role is here at the council, and, I mean, allocations are a purely policy decision, and I certainly want to base that on whatever quantitative information that we have, but, at the end of the day, there is no right or wrong decision. It's what the stakeholders desire, or what we feel like is fair among the stakeholders, and I would certainly be interested in that.

I would also be interested in if there are some overall trends in that type of information, and also exploring quantitative ways to kind of verify it or groundtruth it, and so, if folks are saying that Spanish mackerel were hard to find in the 1980s, if there was any fishery-independent information out there that kind of showed a similar trend in abundance or something like that.

MS. WIEGAND: To sort of add to what Steve is saying, I mentioned it before, and I don't want it to see as though, if you choose to use qualitative data, that's the end-all-be-all, or, if you choose to use quantitative data, it's the end-all-be-all. Like you said, it very much can be sort of a ground-truthing thing, where you're lacking quantitative data, and qualitative data then can come in and help fill some of those gaps in understanding.

MS. MCCAWLEY: I see it, at least for me, probably being some sort of a hybrid, and I agree that, yes, you would have landings information, but, in order to really get at what is happening in the fishery or what had historically happened, in my mind, you're going to need to use some of these

things. I mean, I heard Steve talk about fairness, and I would also want to know the market needs and some other things like that, and maybe cultural importance.

Yes, I think that I would like to know if you could get some information from those oral histories. All of those things, to me -- Once again, it depends on the fishery. In different fisheries, we have different types of data, but I definitely would like to use some type of hybrid approach in determining allocation, and I don't know if other people have ideas or comments.

MR. POLAND: I mean, you mentioned fairness, and that's certainly something that I am very interested in, and then the equitable and equal bullet point there, and something I've heard quite a bit recently, at least at my state level, with the new MRIP numbers, is this idea of gentrification of some of our fisheries. There is some of the socioeconomic groups that are starting to feel like they are not being represented at the decision level, and I don't know what type of information is out there to characterize that, but certainly anything like that, to help us have these discussions, I think would be beneficial as well.

MS. MCCAWLEY: Do other folks have comments or ideas? I can tell that people are excited to talk about allocation.

MS. BECKWITH: With the idea of dependence, I mean, there's definitely some species that are more recreationally important, and there are some species that are more commercially important, and that's something that we have to have discussions on, and we have -- You know, dolphin is obviously a species that is commercially important, but very, very recreationally important, and cobia is another example of that. Blueline tilefish has been an example where it's been more commercially important than recreationally important, and so acknowledging that is something that I think this council needs to continue doing.

MS. MCCAWLEY: Thanks, Anna.

MR. BELL: I was sort of intrigued by the concept of I guess what the Gulf does, which is, in some cases, you don't allocate, and so it would be kind of interesting to look at our whole suite of fisheries, related to what is allocated, and if there are some of them that might lend themselves to not an allocation, but just an overall ACL and working off of that, and that would be -- What that would do with some of those, perhaps, is, the ones that are maybe really vulnerable to high PSEs on the recreational side with MRIP, if you didn't have to worry about that -- I mean, I find that kind of appealing to consider.

I mean, allocate where you need to allocate, and allocate based on, as we mention in Magnuson, where there is something that you need the ability to do that, because you need to maintain equitability, or some kind of balance, and great, but, if you don't have to do that, and particularly in those ones where MRIP data might be a little problematic, and that would be great to figure out which ones we might could back out of.

MS. MCCAWLEY: We had this conversation when we were talking about yellowtail. It's definitely something that we talked about, because, on the Gulf side -- First, there is a yellowtail ACL split between the Gulf and South Atlantic, and then the Gulf doesn't split it further, but the South Atlantic does, and so, yes, we definitely had the conversation around yellowtail. Are there more conversations here or more things that we might want to see, ideas, concepts? I have heard

people note a few things on this list, and we also just heard possibly looking at coming back to one overall ACL, instead of the split between commercial and recreational, and any other thoughts, just overarching thoughts, or ideas here?

MS. BECKWITH: I mean, we can talk about the whole one ACL thing when we get to it, but I would be uncomfortable with that as an option, obviously, and I think, when you're looking at stuff that's a census versus an estimate, and combining those two into one ACL, I think that's got the potential to damage both sides, because you have these flareups in the recreational data that could impact the commercial, and so I actually don't think that's a benefit to either sector, personally, and I'm happy to get into that discussion, when it's appropriate.

MR. CONKLIN: The way I thought we were going to go about this was like on a species-by-species basis, eventually, and my rationale was -- What I was getting out of it was sort of like maybe looking at a sector, who is catching it, is it being met, are people ending their seasons early, are there fish not being caught in another sector, and then we go back and forth over some of these factors, and it's kind of like a quid-pro-quo thing, maybe, but I will admit that it is difficult for me to come up between my job and somebody's hobby.

It's a conundrum, and I want it to be as fair as possible, and I want it to be as cordial as possible, and, without having three sectors, which the charter sector is taking people out for recreational enjoyment, and it's really difficult for me to go through it, and I take my hobbies real seriously, and fishing is one of them too, and so don't take it the wrong way, and I know that people make their living doing tournaments and stuff like that, and that falls under recreational, but, when the fish belong to everybody, I just don't want you guys to discount the fact that the commercial guys -- It's our job to deliver the fish to the people that don't own boats.

MS. MCCAWLEY: I appreciate that, and so, this afternoon, we are going to get into some specifics, and we're going to talk about some of the unassessed species, and so we are going to start doing some of that this afternoon, and I know it's kind of challenging to have this discussion when there's not a particular species on the table and just thinking about the concepts.

MS. WIEGAND: I was just going to say that Chris sort of provided a perfect example of why having this sort of broad level, value-based discussion is important. Like Brian said, we will get into talking about individual species later on today, but this idea of wanting to see who has caught what and who is exceeding the ACL.

The sort of backbone of why you all are perhaps interested in doing that is based on values, and it's a desire to make sure that allocations are fair, that you're looking at who is depending on what fishery, making sure that the market needs are met, both the market needs of people like me, who like to eat fish, but don't always go out fishing, as well as the market need of people who want to go out and recreational fish, and so these are -- I think that's a great example of how these really are value discussions and the sort of broad goals and values that you all identify during this upper-level discussion will ultimately, once you start talking about individual species, factor into what information you want to look at, for example, like Chris is talking about, who has exceeded the ACL and who hasn't and things like that.

MS. MCCAWLEY: All right. More discussions about these concepts?

MR. WHITAKER: Just a note about this, but I was thinking about going -- We had the great recession back in 2008, and my recollection is a lot of recreational people quit going offshore, particularly in big boats further offshore, and so presumably the recreational catch went down, yet those people probably still wanted to eat fish, and, if you get into a situation down the road, and I'm not saying now, or anywhere close, to the point where it's just not cost effective to go fifty miles offshore and catch a limit, whereas you still want to eat fish, then you might start relying on the commercial sector, and there might be some social need there to reallocate a little bit towards the consideration, and it may never happen, but I'm just thinking about the possibility.

MR. HEMILRIGHT: Is there going to be any look at like taking a fishery and the amount of discards it has, or we're looking at this as a holistic point of view about an allocation, and has that fishery been observed, or the amount of discards, minimum sizes, and like, if we're going to give somebody more fish, then they're just going to be discarding more.

I mean, is there almost like you've got to check a box, ten boxes, to get allocation, or anything like that, because, I mean, minimum sizes -- Fortunately, I don't have to worry about that in the crumb fisheries that my boat participates in, but I'm just saying that it's like -- Is that going to be looked at, how much discarding is done when a season is closed and you're interacting with other species and different things like that, whether it's on the recreational or the commercial side? How does that fit into this, because it's a big thing that we have zero unknowns about what happens, but there's none of that data there.

MS. MCCAWLEY: That's a good question, and I don't know if staff wants to respond.

MS. WIEGAND: I think that's a discussion the council could have. I hate to keep bringing you guys back to this value-based discussion, but I think you could argue that the idea of talking about the amount of discards in a sector could get as values. For example, I've got up there things like accomplishments, and so accomplishments in terms of reporting or reciprocity, groups that have had regulations put on them to reduce things like discards, and I think that can become a very challenging, intense discussion, but considering discards as part of allocations is also a value discussion. You know, do you want to prioritize a sector who has illustrated better work, in terms of reducing discards?

MR. HEMILRIGHT: For me, I am not very familiar with these value-based allocation factors, and that's more of like a reality-based allocation factor for me, and I'm just saying some of these things, but I was just kind of curious, because, if you're going to give allocation to a group, or user groups, and how are they going to account for it, and I know, in the Mid-Atlantic, that's another thing that's being discussed. If you're going to get more fish, how are you going to be accountable for it, and so I don't know how that fits in with all these nuances of value, your definitions here and stuff like that, but I was just curious about asking that question. I mean, if you're going to have a -- It's almost like we need to do some homework, and you are here doing it, before you get to the point of the allocation part.

MS. WIEGAND: Like I said, this is hardly a comprehensive list, and accountability is certainly a value that the council could consider broadly when considering allocations.

MS. MCCAWLEY: All right. Good discussion. Anything else that people want to say on this topic? All right. I appreciate this discussion. Great presentations by staff, and we're going to go

ahead and take a lunch break and come back at 1:30, and we're going to keep moving on through the agenda.

(Whereupon, a recess was taken.)

MS. MCCAULEY: I am going to turn it over to Brian, and he's going to go over some information, and this is about allocations and ACLs for unassessed species.

DR. CHEUVRONT: Thank you, Madam Chair. We're going to follow-up after some of the discussion that we had earlier, and I think this falls along with some of the things that Chris was asking about earlier, thinking that this was going to be part of the discussion and all that we were having, and there is a number of stocks that the council has that are considered, and they're just basically unassessed stocks, and they don't have stock assessments, and they are not scheduled to have stock assessments anytime soon, and some of these stocks are not in a complex. They are treated individually.

What we did, based on your allocation trigger policy letter, is the triggers are set based on landings from the previous five years, and so we have had landings from 2013 through 2017 to use for this exercise, and these are not the revised MRIP numbers, but it doesn't really matter. Proportionally, they are going to stay the same, and so, if there was an overage in the previous -- Using the previous numbers, there would be an overage in the new numbers as well.

The relationships are the same, but the pounds are not the same, and so we're not going to be able to mess with the pounds at this point, but what I did want to show you all is, right now -- Because, remember, these are what they were at the time, the ACLs were at the time, when the fishing took place, and so, for example, let's look at Atlantic spadefish as the first one, and you can see the years 2013 through 2017, and you have commercial landings here for those years, and this is what the ACL was for those years, and you can see the ACL went up in 2015 for the commercial sector, and then they show the percentage of the ACL that was actually landed in each of those years. The first two years, they landed 67 and 76 percent, respectively, of the ACL, and, after that, they were down to 14 and 18 percent.

Then now you have the recreational, and you can see though that, in 2014, oddly enough, you had landings were estimated at 703,000 pounds, and, according to this, your estimated landings were 456 percent of the ACL, but, when you compare it to all the other years, your next highest year was 35 percent, and my guess is that's probably a sampling artifact, and you can see a lot of these kinds of things happen. Somehow Atlantic spadefish did not suddenly become really, really, really important in 2014, and it just sort of happened, but you will remember though, when you set up your trigger policy, you wanted to account for some sampling errors like this that would occur.

Even though, in 2014, the estimated landings for the recreational sector were 456 percent of their ACL, and the total ACL, based on that estimate, was 385 percent over its ACL, it did not trigger anything, because the trigger is that three out of the past five years you had to exceed the ACL, in one sector or another, and so you're okay. It happened, but it doesn't mean that you have to look at your allocation, or it's not a trigger to look at your allocation.

We can scroll on down, and it looks like, when you start looking at it in 2013 and 2014, for bar jack, you had one year in the commercial that looked like you were over. In gray triggerfish,

however -- The green is commercial, and the pink is recreational, and the blue is the total, and the recreational sector, in three of the five years, did exceed its ACL, and not by a lot, but it was estimated to exceed its ACL, and the total ACL is exceeded in two of those three years. In one of those years 2013, it looked like both the commercial and the recreational sectors exceeded their sector ACLs.

Nothing was exceeded in Georgia/North Carolina hogfish, nothing in scamp, and it shows that blackfin snapper -- It looks like the estimate was that the recreational sector exceeded its ACL in three years, and, if you look at the ACLs for misty grouper, those ACLs are really, really low, and it's probably highly unlikely that the recreational sector is going to -- That they're going to get picked up much in MRIP, but there is no -- You are not getting the ACL there, and now we're into the deepwater complex here.

Queen snapper, looking at this, your estimated landings in queen snapper have been pretty high from 2014 through 2017, getting at least 150 percent of the ACL in each of those years, but the commercial landings have been quite low, and so you only exceeded the total ACL in one of the five years.

Yellowedge grouper, only in two of the five years was the ACL exceeded by two of the sectors or the total, but remember this is a complex, and so you had at least one species that went over, and so we can talk about whether you want to do this by complexes, by individual species, however you want to do this for the future.

When you're looking at jacks, you can look at almaco, and you've got a year where the commercial was 122 percent, and then you've got two other years where the recreational sector was estimated to be over, 124 to 135 percent, and, each time, the overage by the sector that went over was enough to increase the total ACL.

Banded rudderfish, the commercial sector had gone over four of the five years, which was enough to make two of the total ACLs to be exceeded, and lesser amberjack was like yellowedge grouper, where you had two year overages in each of the commercial and recreational sectors, but not enough to hit the trigger. In cubera snapper, you had two years where the recreational sector was estimated to go over. Gray snapper, three years the recreational sector was estimated to go over, and not by a huge amount, but enough to trigger it. In two of those years, it was the total ACL was exceeded.

Then, getting down into the grunts complex, you had sailors choice, and, I mean, it's a fairly small ACL, and you had two years where it was estimated to be exceeded. In tomtate, there is no commercial ACL for tomtate, but you actually had some landings, and so it was kind of hard to say by what percentage we went over, when it's divided by zero, but there were some pounds landed of tomtate. Graysby, you had a couple of years on the recreational side. When you get down to yellowmouth grouper though, in the commercial sector, when you only have an allocation of forty-four pounds, all it takes is a couple of fish, and you've exceeded it.

DR. MCGOVERN: One point I want to make is the ACL is at the complex level, and it's not through the individual species, and maybe you already said that.

DR. CHEUVRONT: I did, but I'm just sort of -- But we do have ACLs set at the individual species, and so I did make mention that the council is going to have to look at --

DR. CHEUVRONT: But they don't trigger an AM or anything. The AM is not triggered until you meet the complex ACL.

DR. CHEUVRONT: Exactly, and I'm going to show a summary table that's going to show the complexes, as well as the individual species, and so right. You may not have to really do anything for some of these, but I just wanted to show you that, really, what you've got though, is, in some of these individual species, you have sector ACLs that are so low that it is very easy to exceed for any individual species, and so you have things like jolthead porgy is a prime example, and you have some overages also in whitebone porgy, on the recreational side, and, again, the commercial side is really low.

You can see, and Jack is absolutely right. I mean, the ACL is monitored at the complex level, and you have to exceed -- You sum the pounds, and then you have to exceed that, is what determines whether it has been met or not, but we did want to look at this, because the ACLs are set by species, and you can see some of these ACLs by sectors are really very, very low. I did want to see if anybody had any questions about these at this point. Even though they are in the old currency, so to speak, the relationships are still the same, and it's just the measurement on the yardstick is different, but the relationship is still the same.

MS. MCCAWLEY: Brian, I have a couple of questions. Just as a reminder of what we're doing today, in addition to talking about the allocation, we're also talking about whether we want to start an amendment to update the ACLs, based on the new recreational landings, and that's part of what -- So we're doing kind of two things today, and is that right?

DR. CHEUVRONT: Yes, that's exactly right, and I'm sorry if I didn't make that clear. Basically, there is nothing to stop you, at this point, from now applying the new MRIP calibration numbers to the landings, or the ACLs, from here on out, and so what you can do is, if the council wanted to keep the allocations the same, one option that the council could consider would be, if the council wanted to continue considering to use the Bow Tie Method for allocation, there may be some discussion you all might want to have about the efficacy of continuing to do that or not. That's up to you all to do, but that would be more like a regulatory amendment, if that could be applied that way, and I don't know if Monica wanted to weigh-in on some of that, whether that is --

MS. MCCAWLEY: Well, so let me just ask more dumb questions. So we spent some time earlier today looking at what it does when you bring in the new numbers, and so this table here is just using the old MRIP numbers, and not the new FES, and so I'm wondering if we shouldn't be talking about allocation until we bring in the new numbers, and it's just -- I'm wondering if we're getting ahead of ourselves, but maybe I'm missing something.

DR. CHEUVRONT: Well, you certainly could bring in the new numbers. I think what's going to happen is -- Some of the percentages, like the commercial portion, that percentage amount will change relative to the recreational amount, because the commercial pounds are not going to change. That certainly is a good next step, is to consider what the allocations -- What the ACLs would be with the new MRIP numbers in there.

MS. MCCAWLEY: Then just a couple other questions, and then I saw Spud had his hand up, but so the SSC has already looked at this, and they have made recommendations, including recommendations to remove some of these, and we're considering them through the white paper that we talked to Myra about earlier as ecosystem component species, and is that right? So then, if we -- That's part of why I'm confused, is that, if we move forward, it's like some of these are still coming out, and I'm just kind of lost, and I'm kind of -- I need some kind of refresher on what the SSC has done with these numbers, other than tell us that some of these should be ecosystem component.

DR. CHEUVRONT: All of that can be done in one amendment, if that's what the council wants to do.

MS. MCCAWLEY: So, in other words, that white paper that we talked about earlier -- I feel like there's four things happening here, and so correct me if I'm wrong, and so, one, you would need to update the ACLs. Two, you would need to bring in the new MRIP numbers, and, three, you would need to consider whether you want to reallocate, or what you're going to do about allocation based on the new MRIP numbers, and, then some of these, we gave direction earlier that we wanted to consider pulling out and making ecosystem component, and so you're saying there would be one document that could cover all of that?

MS. BROUWER: Yes, and we could definitely -- We could include actions in a single document, and I'm not sure that the way you described the process is exactly how it would fall out, but, yes, we could all do it in a single amendment.

DR. CHEUVRONT: I think part of it would be the process of getting to the amendment. For example, putting in the new MRIP numbers would be what would update the ACLs, because there is -- The SSC has given you ABCs for these, and I believe, in each case, we have ABC equals ACL, and so, unless you wanted to change that, that would probably remain the same, and so those numbers would be put in, and then you can look at the different species and decide if you wanted to consider reallocation for some or all of the species and the type of reallocation that you might want to consider.

Then you can also, at the same time, and what I would probably do at the beginning of such an amendment would be, if you want to consider changing some of these species to ecosystem component species, do that at the beginning, so you don't have to go through the exercise for those species.

MS. MCCAWLEY: Exactly. Okay. That helped me.

MR. WOODWARD: You mentioned rerunning the Bow Tie analysis, right, Brian? You had mentioned rerunning the Bow Tie analysis, and so that would be rerun, for the species that does not have an asterisk, because, the ones that have an asterisk, those were -- The ABCs were set equivalent to the landings based on the analysis at the bottom of the spreadsheet, the decision tree and the ORCS method, and so you would rerun the Bow Tie analysis for those other species, replacing the recreational data with the new data for the same time series?

DR. CHEUVRONT: All of the -- What would happen is that we could present you with the new data, and we could probably back-calibrate -- Mike, where are you? Would you back-calibrate

back to the old data for what the MRIP numbers would be? Would that be of use, to do that here, or just leave the numbers the way they were in the past and just say what it would be moving forward, because what is happening is that the ABCs have two different methods for how they were calculated, and they are what they are for those years, and so what you would be doing now is simply the relationships that existed in the past would still exist. The exact same relationships would exist under the new MRIP calibrations.

MR. CARMICHAEL: The SSC applied their ABC control rule, and a lot of these are the decision tree, and I think all of them are the decision tree, and the decision tree looks at things like trends in the data, and, in some cases, these ones that have an asterisk, the SSC made a different decision relative to the decision tree approach than they had when they looked at it years ago. Mike, is that correct? Because they went through the full evaluation of applying their ABC control rule for these stocks.

DR. ERRIGO: There were one or two that they made a different decision on, and I didn't mark those on here, and there were two. The ones with asterisks are to show the ones that went from the decision tree was just the third-highest to ORCS, and so there's a change in the ABC in those. 13 and 14 is the third-highest, and 15, 16, and 17 uses ORCS, and you will see, almost across-the-board, that the ABCs went up quite a bit in the last three years, and so that's what that is showing.

MR. CARMICHAEL: Thank you, Mike, and then that doesn't -- That gives you the total, to which then the allocation is applied, and so what happens here in this table is separate from the allocation approach.

MS. MCCAWLEY: I am going to keep going down the list. This is confusing.

MR. BELL: When I talked about two things going on at once, what I was referring to -- What I was separating out was kind of three of them together, and one being what the SSC had kind of recommended, and it sounded like you touched on that, and it was like, if you could make some of those go away, then you don't have to go through all the other analysis for what's left, and so that was the two things that I meant.

MS. MCCAWLEY: Okay.

MS. BECKWITH: Also, to complicate this discussion further, I don't want to presume that we're going to use the Bow Tie Method as-is. I know that the council has had discussions in the past, that that modern time, that 2006 to 2008 time period, was a little short, and so I think we also have to have a discussion of if we would like to see that modern time portion expanded out to four or five or seven years, to have sort of a more current picture of what is happening, before ACLs got put in place, and so I don't know how that kind of works into this amendment process, if it would just be different options.

DR. CHEUVRONT: That certainly could be done. I think, when you get to that point, where you have the tables and things that you want to look at, and you're talking about potential alternatives, then you could then give direction to staff of what you want those time series that you would want to have looked at. I believe -- We talked earlier about we started in 1996, because that was when we had individual species identified, and I'm not sure that we talked about why we ended in 2008, and that was because of the economic downturn, and it affected the recreational sector a lot, and

so the council, I think, decided at that time that we would stick with that timeframe for nearly all of the stocks that were used.

MS. MCCAWLEY: Good points.

MR. GRINER: Just to make sure I'm understanding this as well, we can use the new MRIP numbers to increase a total ACL for a species, and keep the percent allocations as they are, and just apply that to the new total ACL, correct?

DR. CHEUVRONT: You could, but that would be like that graph that we showed you early on, where we showed where the recreational sector and the commercial sector were each 50 percent, and then the MRIP recalibration showed that now the recreational sector was two-thirds of the landings, and the commercial sector was now only one-third of the landings, even though the commercial sector had the same amount of landings, and so what you would -- If I understood what you just said, what you're saying now is, if you keep that same percentage, you are now allocating part of the recreational allocation to the commercial sector, is what you're doing.

MR. GRINER: Well, I don't look at it as doing that. What I look at it is it's taking the new ACL and dividing it exactly how we have done it previously, and so everybody is getting more, and I'm not looking at taking from anybody, but it's just the fact that now we have a new total ACL that is higher, and we were splitting the fish, and say it was a 50/50 split, and, well, now everybody is getting that same increase from the new ACL, and especially for a species where the recreational sector, even with the new ACL, is still way below -- Their landings are way below their new ACL.

DR. CRABTREE: You could do that, but, to me, that is a reallocation, and the trouble with it is the current allocations are based on the idea that this was the mix between the two sectors in some historical timeframe. Now we have new recreational landings that indicate that mix was not what we thought it was, and it was something different, and it was a higher proportion of recreational landings.

If you don't update those landings during that period, I don't see how that works anymore, because we essentially are saying these new landings are the best available science, and so what you end up with is a percentage that the rationale and the basis for it is that it reflects some historical period, only it doesn't reflect that historical period anymore, because we have new science that indicates differently, and, while I'm not saying you couldn't choose to keep those percentages, you have to come up with some kind of rationale for why that makes sense, and I don't think we have that right now.

MS. MCCAWLEY: That was a good explanation.

MS. SMIT-BRUNELLO: I would think that though would be one of the alternatives you would look at, and I think that you don't have to decide today which alternative you're going to apply, because you haven't even seen all of them yet, but, for comparison purposes, and that will inform your judgement on whatever you choose, it probably would be appropriate to see, okay, what would happen if we applied the Bow Tie Rule, or the Law, whatever we're calling it, to the change in this, and then you would see -- The public would be able to see that too, but that would just be put in as an alternative, I would think, for you to look at, or maybe eventually you would decide

that you didn't want it as an alternative, but at least it would be a table, and you could see it in the document, and then you could make a decision from there.

MR. GRIMES: I just wanted to echo what Roy had said, and I think, for every ACL you have, you are either changing your rationale to support a current allocation or you are changing allocations, but you have to revisit every one of them, because the numbers have all changed, and so either your rationale supporting your allocation changes or you change the allocation, which could also change the underlying rationale.

MS. MCCAWLEY: Okay. That was helpful.

MR. GRINER: How would the -- I understand what you're saying, and I could see that for an unassessed stock, but what if a new stock assessment comes out and the stock assessment is not - - An increase in ACL is not solely based on the new MRIP numbers, and then is the rationale not valid?

DR. CRABTREE: For an assessed stock, there could easily be other things that affect what the ABC comes out, and, in that case, it might change both the recreational and the commercial. That's the position the Gulf Council is in right now with red grouper. The new assessment uses the new FES landings, and so they're going to change the allocation, I suspect, to reflect that, but there's a red tide event, and a decline in the population, and there are lots of other things that are also affecting the outcome, and I suspect, with almost all stock assessments, there will be more than just a change in the landings that will affect the outcome, because there is other things going on.

MS. BECKWITH: If we fast-forward, and we're looking at this table with the new FES numbers, then I would think, as we look at some of these overages, we would have triggered our trigger policy, basically, and, if that was something that we were looking at, one of the pieces of information that would be informative to me, when deciding if I wanted to reconsider allocation for one of these species, would be the PSEs for some of those numbers, and so just for the future.

MS. MCCAWLEY: Thanks. Good point. All right. Are there more questions or discussion? Ultimately, we need to figure out what our next steps are here, if we want to start an amendment to do all of these different things, and isn't that part of what we're deciding today?

DR. CHEUVRONT: I think so, because, if you don't go ahead with an amendment, you've got new information that your SSC has said is best scientific information available, and you would be ignoring that, and that you would have to defend as well, and so, at some point, you're going to have to deal with that information that you've been given.

MS. MCCAWLEY: Okay.

MR. BELL: Then maybe it's the things -- There's a lot of yellow, but, if we hit triggers that we said this is our trigger policy, and we have triggered some things, then those would be the things we would include, in terms of consideration at this point, or consider.

MS. MCCAWLEY: Well, why wouldn't you be considering -- Well, first of all, there's so many things that need to happen. There's four different things that need to happen here, but you would need to bring in the new numbers, and then I agree that some of these have hit the trigger, but it

seems like, based on the direction that Roy and Shep and Monica are talking about, you either need to change the rationale or you need to change the allocation for everything, is my understanding, and I am looking over there. I see heads nodding yes. In other words, you can't just only use the triggers for those few species. Because we're bringing in the new information, you've got to go back and look at everything, really, is I think what you're saying. Steve is saying the triggers are moot, and so is that right, Shep?

MR. GRIMES: I don't want to say moot, but that's exactly how I would approach it, and I don't remember how far along you are with your allocation review triggers, but that, to me, is really irrelevant. It will guide future decisions, but, right now, you have a big, across-the-board information change, and you need to look at those and determine which management changes need to be made to address them.

DR. CHEUVRONT: Maybe the thing to do is to put this in slightly more palatable chunks, something that you can ask the staff to bring back to you that will help you to make some of these decisions, because it's clear that you don't have some of the information now that you're going to need to make some of the decisions that you need to make going forward.

For example, I think some of the things that we could do is to go back to some of those tables that were used to do the original allocations, largely in the Comp ACL Amendment, and see -- Maybe Mike can tell me if this is -- I'm assuming this is possible, but to put that into the new MRIP currency from the recreational sector and calculate out what -- We can look at the differences, because, if I'm understanding what I am hearing from Shep and other folks from SERO over there, it's that we probably need to go back and look at what the original allocations would have been if you wanted to continue to apply the Bow Tie Method.

We could do that, and then we could also look at what the -- If you were to then apply that now, what those percentages would be now, and we could bring that back to you, and we could also perhaps, based on some of the ecosystem component species discussions that you had earlier today, bring back some information to you on that, because I'm assuming, from what your discussion is, it's that you do want to go ahead and think about doing that other amendment.

The timing is something that you will discuss in Executive Finance, when you want this to happen, and I'm just trying to lay out what you would want to have come back to you when you see this again, and then the other thing that Anna brought up, that I've got written down here, is about the PSEs of these MRIP numbers. Do you all think that that would be a helpful place, and then we can start looking at some of these relationships of the different numbers, and we can look at whether -- Because, as Jack brought up, you may trigger, for some of these individual species, your allocation review policy, but whether you take action or not is determined by whether the complex sector ACL is triggered or not, and that is something that we can calculate as well.

The interesting thing though is that your allocation trigger policy is by species, and so you need to think about how you're going to apply that, and so you may need to go back and look at how you're going to deal with some of that, and you also talked about you wanted to perhaps even consider, at some point, getting rid of some sector allocations and things like that, and so it could get bigger, but I think we could bring you some stuff back next time you want to talk about it that will help.

MS. MCCAWLEY: Okay. That sounded good.

DR. CHEUVRONT: Is that enough to get you going?

MS. MCCAWLEY: I think so. I'm looking around the table.

MS. SMIT-BRUNELLO: This probably goes without saying, but this is definitely going to be an FMP amendment, or amendments, to different plans, depending on which route you go.

DR. CHEUVRONT: It would probably all fall under -- Because all of these species are in the Snapper Grouper FMP, and so I'm guessing that it would be a regular plan amendment under the Snapper Grouper FMP, is what I am thinking at this point, and I'm not sure why it would transcend another FMP at this point, but maybe something will come up later.

MS. SMIT-BRUNELLO: I would agree with that, and I think you're handling dolphin wahoo separately, and so that's fine.

MS. MCCAWLEY: Okay. More discussions here? Brian, do you think that you have what you need from us, at least to talk about the priorities in Executive Finance later in the week and figure out what's coming back and when?

DR. CHEUVRONT: Yes, I think we do, and it's going to be a matter of -- We're just going to have to see what's going to fit into the allotted time for the different meetings and things like that, but I think we can work from that.

MS. MCCAWLEY: Okay.

DR. CHEUVRONT: I am thinking, right now, this is probably going to be it for the Committee of the Whole. I think we've got enough to get going and moving on this. We didn't expect that you were all going to make all the decisions for this amendment today, and we just wanted to get moving on it.

MS. MCCAWLEY: Thanks, Brian, and thanks, John. We are closing the Committee of the Whole.

(Whereupon, the meeting adjourned on March 3, 2020.)

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Certified By: _____ Date: _____

Transcribed By:
Amanda Thomas
April 2, 2020

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