

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

ABC CONTROL RULE - COMMITTEE OF THE WHOLE

**Westin Jekyll Island
Jekyll Island, Georgia**

March 8, 2018

SUMMARY MINUTES

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Other observers & participants attached.

The ABC Control Rule Committee of the Whole of the South Atlantic Fishery Management Council convened at the Westin Jekyll Island, Jekyll Island, Georgia, Thursday morning, March 8, 2018, and was called to order by Chairman Charlie Phillips.

MR. PHILLIPS: Good morning. We're going to start this morning with the ABC Control Rule Committee of the Whole, and so, first, we have Approval of the Agenda. Any objection to the agenda? Seeing none, the agenda is approved. Next, we have the Approval of the December 2017 Minutes. Any changes to the minutes? Seeing none, any objection? The minutes are approved. I'm going to turn it over to Michelle and John.

DR. DUVAL: Thank you, Mr. Chairman. If you recall our discussion at the December council meeting, we reviewed an options paper that John walked us through, and that was prior to, I think, the development of the IPT. It hadn't quite been formed, or, at least, if formed, it had not met at that point, and so now we're at a point where we have a more refined options paper for our ABC control rule, and also, I think, previously, we were considering accountability measures within that same options paper.

Those have now been split out into a different paper, and so Brian is going to walk us through the accountability measures after John walks us through the ABC control rule changes. I think I'm just going to turn things over to John here now to take us through this. I really like what the IPT has done, and I think I just have a few questions on making sure things are clear in the document, and we'll get committee input on this.

MR. CARMICHAEL: Thank you very much. We'll have a two-pronged attack today. First will be the control rule, and this is Attachment 1 on Tab 8, and it's a document that the IPT has worked on, and there is some significant rewording and arranging of the actions for addressing the control rule things, and some of the major ones are things that once were actions and are now alternatives or options under some of the other actions as a way to keep things together that belong together and reduce the overall number of actions that we have to deal with, which makes the document shorter and much simpler and easier to follow, hopefully.

What we're going to do at this meeting is we would like you review and approve the purpose and need statements and then determine which FMPs we're going to modify through this amendment. If you can review and provide some guidance on the actions and alternatives, then our plan would be to review these at the SSC and through the IPT again and then, hopefully, be prepared in June to have you approve wording for the actions and alternatives, and there is a list of general timing that we're looking at and working on it over this year, hopefully leading up to public hearing approval in December of 2018, if all keeps on track.

I will go to the purpose and need statement and see if there is any comments or discussion on this, and we have a draft motion that calls for approving the purpose and need statement or as modified, if we should make some changes here to it.

MS. BURGESS: On the front of this page, there is a nice little introduction and background, on the first page, and it talks about one of the reasons the council is pursuing this is to better align, or more appropriately align, the council setting the risk tolerance and not the SSC, and I was wondering if that needed to be reflected in the need for actions. The need for this amendment

would be to ensure the SSC sets and determines uncertainty related to stock assessment, and the council selects the risk of overfishing.

DR. DUVAL: Could you repeat that last sentence that you said, again, Erika? I sort of got lost there.

MS. BURGESS: Putting something in the need that states that this amendment would ensure the SSC sets or determines the uncertainty in relation to the assessment and the council selects the risk of overfishing.

DR. DUVAL: I certainly don't have any objection to trying to capture that and just make it clear that there is a division of responsibility in terms of scientific uncertainty versus management risk.

MR. CARMICHAEL: Do you have that written down so that we can -- Are we proposing to make a modification?

MS. BURGESS: I think FWC would like that, to make it very clear in this document what the need is.

MR. CARMICHAEL: Okay. Do you want to add it here at the end, as another sentence?

MS. BURGESS: We would be willing to allow the IPT flexibility to decide how to best fit that in there, if you capture the intent.

DR. DUVAL: Maybe just intent to add some language to the need statement to clarify the division of responsibility with regard to the SSC's role in determining scientific uncertainty and the council's role in determining the acceptable risk of overfishing.

MR. CARMICHAEL: So a motion about approving the purpose and need and allow the IPT to add language clarifying the council's role in specifying risk tolerance?

DR. DUVAL: I am seeing a nod, and so that's good, and, again, we will see this again, and so it's certainly not the last go-round, but I think that's an important addition, and so much appreciated, Erika. Is there any objection to allowing the IPT to add that clarifying language? I am not seeing any. Is there any other input on the purpose and need language? Then I would be looking for a motion from the committee as shown on the screen.

MR. PHILLIPS: Madam Chair, I move that we approve the purpose and need statement and allow the IPT to add language clarifying the council's role in specifying risk tolerance.

DR. DUVAL: There is a motion by Charlie and a second by Chester. Is there any other discussion on this motion? **Is there any opposition to this motion? Seeing none, that motion stands approved.**

MR. CARMICHAEL: Now the next action is discussing the FMPs that would be amended by this comprehensive amendment, and the IPT has recommended that we include those FMPs that were in the original Comprehensive ACL Amendment, and so that's Snapper Grouper, Dolphin Wahoo,

Golden Crab, and Sargassum. They're also suggesting that we include Coral. It currently does not have an ABC control rule specified.

They're not recommending including Spiny Lobster and Coastal Migratory Pelagics, mainly because of the joint nature of those plans, and the thought is, if we like the provisions that we have here, we could consider doing those jointly. We also know that the Gulf is looking at ABC control rule amendments as well, and so it might be good for each group to see what they come up with and then we decide which ones we want to do for the CMP stocks.

MR. HARTIG: As long as that continues to happen and we review those, and with the intent, possibly, of adding those somehow in this amendment down the line, or not in this amendment, but to address those species with risk tolerance in the future.

DR. DUVAL: I think the biggest thing is really these are joint plans, and so we have to have a coordinated approach with the Gulf to do that, and, if they're thinking about this as well, then that's a good thing, and so hopefully we can all get together down the road on that.

MR. CARMICHAEL: There are some motions, if you agree with the recommendation of the IPT, and that would be this first motion that we could make.

DR. DUVAL: Is everybody clear on the FMPs that are recommended by the IPT to be modified through this amendment? It's Snapper Grouper, Dolphin Wahoo, Golden Crab, Sargassum, and Coral, which are all within our wheelhouse and don't cross into another council's jurisdiction. I would be looking for a motion from the committee.

MR. PHILLIPS: **So moved.**

DR. DUVAL: It's seconded by Chester.

MR. PHILLIPS: **The motion is to amend the Snapper Grouper, Dolphin Wahoo, Golden Crab, Sargassum, and Coral FMPs through the Comprehensive ABC Control Rule Amendment.**

DR. DUVAL: Thank you, Charlie and Chester. Is there any discussion on the motion?

MR. GRINER: Coral doesn't currently have an ABC control rule? Is that correct?

MR. CARMICHAEL: Yes.

MR. GRINER: By adding that in there, does that decrease flexibility for coral?

MR. CARMICHAEL: It's a fairly flexible control rule that we're working on, and I don't think that it would. It would certainly address the problem of it not having the control rule, because everything needs to have one.

DR. DUVAL: Any other discussion? **Is there any opposition to this motion? Seeing none, that motion stands approved.**

MR. CARMICHAEL: Now we'll move down into the actions, and the purpose of this is to just get you to consider the language and are there other alternatives that you would like to have added. Does the wording that we have in place now capture your intent, and is it clear and understandable? I think, since we're not looking for approval here, I think we could just take some guidance and suggestions and notes on the screen as we go through and deal with these, and the first action is the core of the amendment, and it is the modification of the ABC control rules.

One of the things that will be a bit complicated in the no action is that we do have a couple of control rules in place, and so the IPT has been working with how to present that and what they need to say, in terms of describing the no action, and I think this will continue to evolve as we try to make it clear and efficient within the document as we go through, but I think, once we get past that, then the actions get much simpler to follow. This is all the no action, Alternative 1, stuff there. The tables and such show you what we have in place now, and then Alternative 2 is -- It's a bit wordy, but it captures the overall change in the ABC control rule.

There is a number of things in there about the council specifying the acceptable level of risk and the SSC evaluating the scientific uncertainty and applying the level of risk and that the SSC can deviate from the control rule, when necessary, and then there is the descriptions that we've talked about, and so these are also part of Alternative 2 with the assessed Category 1 and Category 2, where they are not quite providing everything that we want from the assessment.

Then the one, probably the first, slight wrinkle that will need some description is these additional options, and these would be part of Alternative 2, and what they're doing is giving a way of the council providing a bit more guidance, in terms of how it would apply the overall control rule. For example, you have the ABC based on 75 percent of the fishing mortality rate if you don't have an acceptable OFL. That is something that could be considered.

Then Option 2, we have, in the case of overfished stocks, the ABC would be based on the rebuilding plan chosen by the council, and that's something that we typically do, and it wasn't clear in the earlier rule, and it's also something that we had as an action earlier, but putting it here as an option makes it a little bit simpler to handle.

Then Option 3 is one that is either an option or an action, and I think some guidance on this one would be very useful, because this is the idea of setting the ABC as a constant value, and so we've talked about having the SSC give us an ABC that's the same number for three years or four years or five years or what have you, to provide some stability, and, if this were written in here as an option, then it wouldn't require a whole separate action to do that, and this is something the IPT is looking at. The idea behind these options is that you could choose all of them or none of them. This is just a way of kind of modifying how Alternative 2 would be applied and addressing different situations that may arise under Alternative 2.

DR. DUVAL: Just a little bit of conversation I was having with John before we got started is I just wanted to make sure -- I think my guidance would be to make sure that we have language in here that makes it clear that we would be allowed to select one or all of these options and that these options are not exclusive of the main body of Alternative 2 with the categories, because I found that a little bit -- That was a little bit -- It wasn't quite as clear as I think I wanted it to be. I mean, I understood that these were additional options within Alternative 2, but I just want to make sure that, as the IPT continues to work on this, that the language is clarified such that it is clear that

we're not -- By selecting Options 1, 2, or 3, that we're not eliminating the use of these categories of stocks based on uncertainty.

Then I think, in regards to Option 3 specifically, in going back and looking at Action 4 and the way the language is in there, I think my suggestion would be to modify the language a little bit to say to specify the acceptable biological catch as a constant annual and multiyear value for up to five years, because I think that's how it's written in Action 4, that one of the alternatives would be that the council could request that the SSC provide a constant multiyear value and annual value, so that you would -- Annual values are what we get now, and those values change slightly, and then a constant multiyear value over that same timeframe, whether it's three years or five years. I think, if that language was clarified, then that could probably eliminate Action 4.

MR. BREWER: This is probably a little bit off-topic, and I apologize, but why in the world would we ever have an acceptable biological catch for sargassum or coral?

MR. CARMICHAEL: Because by law and our management plans, and it's a resource that could be harvested, and we're required to specify a number. Now, you can specify the number is zero, like we have for a couple of our finfish, and say that we don't think that there is any acceptable harvest level, no allowable harvest level, but we do need to have the rule in place.

MR. HARTIG: Chester, we do have octocoral harvest. We allow that, and so it would be important to have that.

MS. BURGESS: I agree with your concern to add language better explaining how the options and the categories interrelate. I found that a bit confusing, and I have a question about Option 3 and then about the categories as well. In Option 3, would the council or the SSC have the option to -- Would the council have the option to request a fixed ABC for year-one and year-two and then another, and I should say constant ABC for year-one and year-two and then another constant ABC for year-three and year-four, under this option?

MR. CARMICHAEL: I would say yes, and to allow for those types of things is why we went to the language of up to five years, instead of saying for three years, for four years, for five years. I think that would be fine within that. It would just be necessary for the council to give some guidance to the SSC when they are considering it, so that we can get the projections that show that and they can have that information, but I don't see any reason why that type of scheme couldn't be considered.

MS. BURGESS: Okay, and I think that's what Jessica was looking for in a previous meeting's discussion. Then, under Categories 3 and 4, it's unclear to me how the council's acceptable risk of overfishing would be applied for those categories. It's very clear in 1 and 2, but not clear in 3 and 4.

MR. CARMICHAEL: I think we'll probably have to have the IPT look at these some and make sure it's clear, and what we're anticipating is that, in the discussion, we'll work through examples of how the council has this risk level and this is the information and this is how it would play out, and, I think, in that case, it will definitely be clarified, and that may help us get the words in here that make it clear.

DR. CRABTREE: Back to Ben's comments about octocorals, but remember that we took octocorals, in Florida, out of the FMP in CEBA-2, and so we don't technically allow any harvest of corals.

DR. DUVAL: It's all handled by the State of Florida, right?

DR. CRABTREE: Yes, octocoral harvest in Florida is managed by the state, and then, off of Georgia, South Carolina, and North Carolina, we don't allow octocoral harvest.

MR. PHILLIPS: John, kind of following up on Erika and looking at Number 4 just as an example, where it says no acceptable stock assessment is available, and so I'm guessing that's going to be a lot of our data-poor species, and the overfishing limit and acceptable biological catch will be based on the expert judgments of the SSC, and so, the way I am reading that, is there somewhere to put a level of risk in that, or do we just get a catch level from the SSC, and, because it is say a data-poor species and there is no assessment, we can't put a risk, or am I misreading that?

MR. CARMICHAEL: In a later action, there is provisions that allow the council to specify the risk level for each stock, and we anticipate the council going through the exercise and applying that and stating what the risk level is. Then the challenge, of course, will be, within the SSC, when they don't have an assessment, how do they achieve that risk level with the information that they have. I think, not knowing what they may have, it's pretty difficult to foresee how they would do that, but we do know that the council will be given a risk level for the stock.

MR. PHILLIPS: You mean the SSC considers the uncertainty level while we do the risk level, right? Okay. Thank you.

DR. DUVAL: Anybody else? Any other input on the language here or anything else that folks feel like might need to be clarified under these options or the language in the categories? I am not seeing anything else, and so let's go ahead and move on.

MR. CARMICHAEL: Alternative 3 is just another way of looking at it, and that would just use the control rule that's from Amendment 29, which is the control rule with the ORCS method added, and that's one of the things that we wish to have in everything. I think, if there are no questions on that, I will move on into Action 2.

DR. DUVAL: Questions?

MS. BURGESS: As I brought up earlier, based on the background laid out at the start of the document and the interest in having the council specify the risk of overfishing, how would that work with Alternative 3?

MR. CARMICHAEL: It would not work as well with Alternative 3 as it would with Alternative 2. What it would have is the Alternative 3 now for assessed stocks has different tiers. A couple of them address scientific uncertainty, and a couple of them are more related to risk of overfishing. The way Alternative 3 is, it's that the SSC would do the values for Tiers 1 and 2, which address the uncertainty, and the council determine the values for Tiers 3 and 4, which address the risk. It would divide up -- The SSC now applies those scores for all for tiers, and under Alternative 3, we divide up the responsibility for who provides the scores for the tiers.

DR. DUVAL: Maybe it would be clearer if you could scroll back up to that table that shows the tiers, and then folks might have a better understanding of that.

MR. CARMICHAEL: It's kind of big when you look at it here, but what we're talking about is Level 1. Tier 1 is all the assessment information rankings, and Tier 2 is the uncertainty characterization. Under Alternative 3, the SSC would apply the scores for these and decide the number, and then the council would provide guidance on the stock status and how that affects the risk level and the productivity and susceptibility analysis and how that affects the risk level, and, as I said, as it's done now, the SSC considers the values for all four.

DR. DUVAL: It's sort of a MacGyver approach to trying to separate out the responsibilities of the SSC and the council.

MR. GRIMES: Under Alternative 3, the council would be making the decision then under Tier 4, and so the council would be deciding what the appropriate level was, or what the productivity of the stock was, what the susceptibility to fishing was, and that would be a council determination?

MR. CARMICHAEL: Yes, the risk associated with that would be a council determination.

MR. GRIMES: In the application of it to each species, then the council would say, okay, this is the species that we're dealing with and we consider it to be medium risk, which would include underlying determinations about the productivity of the species and its susceptibility to fishing pressure and things that seem to be largely scientific in nature.

DR. DUVAL: One of the things that we talked about early on, and this was also a conversation at the SSC level, was the PSA analysis that the SSC has been using, and that was done by MRAG Americas years ago, and looking at -- There has been a conversation swirling out there about updating that PSA analysis or actually moving to -- There were two separate PSA analyses, one done by MRAG and one done by the Fisheries Service.

It seemed like the conversation was leaning towards, if we're going to update the PSA analysis and continue to use this, because the SSC has been, I think, frustrated by that a little bit in recent years for some of the assessments that they have considered, to move towards the NMFS PSA analysis and use that for our stocks, and so I don't know if that's still a piece of the conversation, and it might be a good thing for the SSC to discuss as they review this in April.

MR. CARMICHAEL: Michelle, I believe that's mentioned under the action where the council specifies the risk level as one of the things that could be considered. The thought is that there is a categorization of stocks, and then the council would work with the APs and the SSC to get feedback and consider things like that analysis, but, ultimately, it would be the council that would say, okay, this is the risk category that we think is appropriate for this stock, considering all of that information.

I am thinking, in regard to Shep's question, if what is in 3 and 4 seems a bit too delving into a very big gray area between science and management. Is Alternative 3 more viable if we just say that the SSC applies Levels 1 and 2 and then the council specifies the risk level, but we strike this section here of the control rule, this stock status and productivity, with its technical values, like

the stock is either overfished or it's not. You're given that number, and the council doesn't have flexibility, really, and so we could strike this 3 and 4 within that alternative and use whatever risk level the council derives. It would be even more MacGyver, but it may get away from that problem you mentioned.

MR. GRIMES: It's 4 that raised eyebrows for me, in particular. 3, as you say, it's either listed one way or the other, and it's easy to make that determination, and I asked the question just so I knew what we intended for this, and we could discuss this further and flesh it out as an IPT, but I do think that there would be issues with the council making all of the decisions relative to Tier 4. I could see the council decides what the risk ranges are, like zero to 5 percent for this category, 5 to 10, or whatever, but the actual determination about, yes, this is a highly-productive stock that is susceptible to fishing pressure should be something that the SSC at least has a lot of influence on. Thank you.

DR. DUVAL: Stuff for the IPT to chew on with this alternative. I think we've had a lot of great input on this. Is there anything else? I think this was the last alternative in this action. I am not seeing anything else, and so we'll move on to Action 2.

MR. CARMICHAEL: Action 2 gets to the meat of some of what we were just talking about, and it's the approach where the council will determine the acceptable risk of overfishing, and so, in Alternative 1, it would be determined by the ABC control rule that we just mentioned. In Alternative 2, the council would specify the risk of overfishing using the existing control rule and those Dimensions 3 and 4, as we just talked about, and, as we noted, there is some concerns with that.

Then Alternative 3 gets into allowing the council to specify this risk by setting three biomass level and three stock ratings, and so biomass level, in the case of an assessed stock, is something that we measure and know, but then the stock ratings would be something that would consider a lot of that information that goes into the probability and susceptibility analysis, and it would be something that could be done a priori, and so the SSC could know that information, and the council can do that in advance.

Then, within this, there is a couple of options, and then make a lot more sense, I will say, if you go down and look at this table and see how this table works out. The general gist is that there's a stock-specific risk rating of low, medium, or high, and the council would apply that, with input from the SSC and its APs, but it would be up to you to decide, for each stock, do you think this stock has a high risk of overfishing, low, or medium, and then that's going to determine the overall risk level within different biomass categories, and, of course, the biomass category that is assessed, that's a number we know and can plug in.

If it's an unassessed stock, then we're probably going to need some back-and-forth between the council and the SSC, I think, in terms of what the SSC recommends the biomass level, along with its uncertainty and the risk of that, and then, in some cases, the council may decide that, okay, we accept this one as moderate or low or what have you, depending on where it falls in the line.

Basically, there is a range of risk tolerances running from 0.5, and 0.5 is the maximum allowed under the Magnuson Act, and so, if it's low risk and high biomass, and high biomass is one of the options, and so a high biomass is either the BMSY level or perhaps 110 percent of the BMSY

level. Going above the BMSY level, of course, is more precautionary, and the SSC tends to think that's a certainly more acceptable approach, particularly if you're pushing the limit on the allowable risk of overfishing to the maximum of 0.5.

We go from a low risk with very high biomass well above BMSY, and so often well above MSST, where you do the maximum allowable under the law of 0.5, and, of course, this goes across here. If you had a high-risk stock, and its biomass was below that midpoint between BMSY and MSST, and so it's closer to be overfished than it is not being overfished and to being at the BMSY level, then you would have a very precautionary risk of overfishing of 0.2.

As you can see, the risk declines both as the biomass level declines and then as the level of risk for the stock declines, and that is pretty -- This table is what the alternative creates, and then the options in there, of course, as I mentioned, for the highest level, whether we use 100 percent of the biomass at MSY or 110 percent, and then Option 2 gives the council the ability to deviate from the default risk levels by 0.1.

If you had -- Perhaps you applied the rules on a particular stock and you ended up at 0.4, but you felt, maybe looking at other stocks and hearing other concerns and what's been going on in the fishery more recently, and maybe things you know you're planning to do, you decide that you're not comfortable with the risk level of 0.4, and you could bump that up by as much as 0.1, and the idea is that you would have leeway. You may bump it by 0.25 or by 0.5, or by the full 0.1, and so it would be a choice to you to decide.

Then Option 3 deals with the unassessed stocks, because, if we don't have an assessment, then we don't have a biomass level, and so Option 3 gives a potential default, where the unassessed stocks would be applied to the moderate biomass level unless the recommendation from the SSC justifies something different. Really, if we don't have any insight into what the biomass would be, it would fall here in the biomass moderate level, but, if the SSC had some information to say they think it's high or low, they would make their case to you, and you would ultimately decide, if they swayed you one way or the other.

DR. DUVAL: I think we had a pretty long discussion about this table at the last council meeting in December, and Dr. Ponwith made a lot of comments about coming to a decision where you would actually set your risk tolerance at the highest allowable level, and so, in looking at this table under the high biomass and low and medium risk ratings, you are basically setting your -- It would result in having an ABC that is equivalent to the OFL, correct?

MR. CARMICHAEL: Yes.

DR. DUVAL: So there would be no buffer between OFL and ABC at 0.5. Am I interpreting that correctly? Erik already had his hand raised anyway, and so I will let him weigh-in.

DR. WILLIAMS: Michelle, you were already starting to steal my thunder, and so that's fine. I was just going to follow-up and remind everybody that, when you set something at 0.5, it's a coin-flip as to whether that ABC level is going to be overfishing or not, and it also implies that you are essentially ignoring the uncertainty, because there will be no buffer.

If you have a stock say in this high biomass and medium risk category and you're specifying your P* at 0.5, you could have a stock that is in that category that has really a lot of uncertainty coming out of the assessment, but you would be ignoring that comparing to another stock in that same category that comes in with a very low uncertainty in the assessment output, and you would treat those no differently in that scenario.

DR. DUVAL: Thanks, Erik. Is there other input around the table? I think that's something that maybe the IPT would want to consider, and these numbers are not set in stone, I think is really the idea, and so this is the conceptual framework, and where you -- How you fill in this table is important, and I'm sure the SSC will have something to say about the 0.5 values here as well, because it -- I just wanted to make sure that my interpretation of those values was correct, that you are basically eliminating that buffer.

MR. CARMICHAEL: If the council is uncomfortable with that, then I think we can change these numbers here. This is a starting point, and it is the maximum allowable under the law, and so, if you're willing to go ahead and say, in the case of a low risk and high biomass, if you want to go to 0.45 as the maximum that is allowable under there, or if you want to go to 0.4.

If you went to 0.4 here and you considered your option that gives you a little bit of flexibility, you could maybe take a stock and go to 0.45, if you really felt like pushing the envelope was okay on that stock. Maybe it's been at 110 percent of BMSY, or it's 150 percent of BMSY, and it's been there for a while and you feel like the risk -- You know we're in this new era where you get assessments more often, and all of that kind of stuff will factor into it, and so maybe we can drop this overall scale down some.

DR. DUVAL: What are people's thoughts on that?

MR. BREWER: Maybe you could move -- I mean, you should have one category where it's clear that there is a ton of fish out there, and they're not long-lived, and there is very little chance of overfishing them, that you could have a 0.5 for that. You might make some minor tweaks in between the 0.5 and the 0.2, and like you might drop down your high biomass and medium risk to 0.45 or something like that. I see where we're sort of doing that with the other ones anyway. You're dropping down by either 0.05 or something like that, and so my only suggestion would be that maybe we take the high biomass with medium risk and take that to 0.45.

DR. DUVAL: Thanks, Chester.

MR. HARTIG: I agree with Chester's comments. As an example, in golden tilefish, we were looking to go to probably the highest that this council would consider, and we never got to 0.5, and so we had asked for 0.45, I think, but I don't think we ever asked for 0.5, and so we'll probably not ever go there, and so you might want to remove 0.5, and I don't know, or change it to 0.45.

DR. DUVAL: There are some suggestions to change 0.5 in that high biomass tier for both the low and medium-risk categories to 0.45, and I'm sure we'll get some more SSC input on that. Any other input on this table? I guess my comment on the options is probably similar to the previous action, where making it clear in the language that all of these options are on the table for the council to select and that it doesn't take away from the basic structure of the main alternative that creates this table.

MR. CARMICHAEL: I think the discussion language will say the council may choose any or all of these options as modifying how Alternative 3, in this case, is applied and implemented.

MR. HARTIG: I will hearken back to tilefish again. The council was considering lowering the risk of overfishing or -- Whatever it did, we were trying to be less conservative with golden tilefish, and then, given what we were faced with for golden tilefish, and looking at this chart, how would that have helped us in golden tilefish? It doesn't look like, to me, it would, based on the numbers that came out of the assessment and with the biomass levels and the productivity we have now, and would it have allowed us to actually address that risk of overfishing?

MR. CARMICHAEL: Do you remember where the biomass level was?

DR. DUVAL: I think it would have been under, probably, I think the low biomass, below the midpoint between BMSY and MSST, is where I think that ended up.

MR. CARMICHAEL: If it were in the medium risk, that would put you at 0.3, where we are now, but, if you chose the alternative, the option, where you could deviate by 0.1, you may say, well, look at the situation with tilefish and the history and the uncertainty and how it's expressed, and maybe the distribution is really wide, as it probably would be in that case, and then you say, you know, we're actually comfortable with specifying this one at 0.4. That one, I think, is where your ability to modify from this table, when you see an individual assessment and evaluate it, would help you.

DR. DUVAL: Great. Any other input on this action? Okay. I think we're ready to move on.

MR. CARMICHAEL: Action 3 is highlighted here as new, because this specifies an approach for determining the probability of rebuilding success. In the IPT discussions, Erik pointed out that we talked all about the overfishing risk, and we said how we would handle rebuilding, but we really didn't talk about the rebuilding success, and that was noted in the original rules, and so what we have is generally some similar things to what we just talked about, but this would apply to the rebuilding success.

We have Alternative 2 is, when developing a rebuilding plan, the council will specify a probability of rebuilding success, and so it would be open for you, and you would consider the recommendations of the APs and the SSC, in terms of what you think the rebuilding success is. In terms of overfishing, your maximum is 0.5, and you can have lower risks of overfishing. In terms of rebuilding success, you have to have at least a 0.5 chance, and then you go the other way on the scale and then you should actually consider things that lead you to have a higher probability of rebuilding than 0.5. You can't be any lower than 0.5.

Then, in Alternative 3, when you develop the rebuilding plan, you will specify the probability, just as in Alternative 2, but Alternative 3 gives some guidance based on the risk levels that we mentioned in the previous action, and so I said those would be decided upfront, and you would know this, and so, if the stock were at high risk, you would say the rebuilding probability is 80 percent, and, if it's at moderate, it would be 70 percent. If it is low risk, it would be 60 percent, and so all of those are being a bit more conservative than the 50 percent you must have, and then

it allows a 10 percent deviation to address what we say are unforeseen or unique circumstances or the situation of each individual stock.

DR. DUVAL: Thoughts on this?

MR. BREWER: When it comes to low-risk stocks, would it be possible to put a range in there of 50 to 60 percent? I know we have to have a 50 percent chance, we have to, but I would like to see us have a little bit of leeway on a low-risk stock, like between maybe 55 to 60 percent or 50 percent to 60 percent, or am I being too liberal by even discussing 50 percent?

MR. CARMICHAEL: No, I don't think you are, but, if you take say the 60 percent for low and you retain this 10 percent deviation, then actually that would give you a 50 to 70.

DR. DUVAL: Any other thoughts on those percentages for the different stocks? These are starting points, and obviously the SSC is going to see this as well. I just want to get additional thoughts, similar to Chester's, for are these acceptable as starting points for this action. I am seeing nods around the table. Okay. Great.

MR. CARMICHAEL: Action 4, if we go back to the first one, we mentioned that there was an option added that would allow you to get the constant ABC recommendations, and so it seemed like the council supported that, and so we probably don't need to go through Action 4 in detail, because I agree that's a much more efficient way of bringing that flexibility in.

One of the things we've looked at is considering whether or not you would provide these fixed things only when requested or always, and I think it's actually useful to get both. As I thought about this more, after working on this, I think, in terms of evaluating the consequences of fixed ABC levels, you're really going to need to see what are the annual levels and then what is the fixed levels, and that gives you the chance -- You're going to need to know what the trajectory is over that period, because that certainly affects the risk.

If you got into things where maybe you did like a two-year and three-year, I can see that being pretty useful, in some cases. If the stock is trending in a particular direction, you may want to break that five-year block up, and so I think how we envisioned that happening is you would ask for projections that give it to you both as the annual values as well as the fixed, and then you could look at the trajectory and maybe give the SSC input that we would like to do this one over two years and three years, and it may add a little bit more back-and-forth, but I think that's probably a good tradeoff for the greater flexibility it gives the council.

DR. DUVAL: People understand that, given the Option 3 under Action 1, that this really wouldn't be needed anymore, and, since we modified the language that's in that option a little bit to include both the annual and the fixed multiyear ABC, and, from what John just said, in response to Erika's point about being able to break that up in different ways for having a constant or a fixed ABC, the number of years over which you might want to have a fixed ABC, and it seems like this action is then no longer needed. Okay. Everybody is cool with that? All right. Good.

MR. CARMICHAEL: That makes it easier for everybody to understand. Action 5 gets into the phasing-in of the ABC changes, and this is dealing with a couple of sub-actions as a way of breaking up how this would be evaluated and how these affect the concept of phasing-in. Sub-

Action 5.1 is criteria for when it's allowed, and then Sub-Action 5.2 is the process by which you do it.

In 5.1, we have criteria, and, of course, we have the no action, where you wouldn't allow phase-in, and then Alternative 2 addresses it relative to the existing ABC, and so it would be if there is a particular change. If the new catch is only 70 percent or 80 percent or 90 percent of the existing ABC, you would allow phase-in, and so, in other words, let's say you picked Option 3 under this. Then, if the change were very close, if the new ABC were very close, and let's say it's 95 percent of the existing, you wouldn't do a phase-in. You would just go to it. If it were 85 percent, then you would have the option to do a phase-in, if you chose.

Then, in Alternative 3, it looks at it, rather than the change, it looks at allowing a phase-in when the stock biomass is at a specific level. This would be one of those instances where you could pick Alternative 2 and Alternative 3, to expand on your criteria, and so Alternative 3 says, well, I am only allowing phase-in if I'm above the MSST. Then Option 2 brings in the idea of that midpoint between FMSY and MSST, and so, if I'm at a higher biomass level, I would allow phase-in. The importance of that is, when your biomass level is low, you're at greater risk of a stock becoming overfished, and so you need to be a little bit more conservative.

When your biomass level is high, not taking that ABC change quite so quick can be a little more tolerable, because you're not at as great of a risk of becoming overfished, and then also remember in all of these that you can't exceed the OFL, and so that's always out there, and, whatever, you do in that first year, you can't exceed the OFL. If your OFL is down and your new OFL is potentially below your current ABC, you're going to have to take that much reduction no matter what. Hopefully that's an unusual circumstance, and so are there any questions on 5.1 before we go to 5.2?

DR. DUVAL: Any questions on this sub-action?

MR. HARTIG: I think some of the other councils, when they get an assessment, and I don't know if it's an update or not, but if the catch level is 40 percent lower than what it was in the previous assessment, I think they allow a phase-in or something like that, and if we could add some wording to this for something like that somewhere, and maybe another Alternative 4, when that happens, or is it covered in what you have now?

MR. CARMICHAEL: 40 percent, let's say you chose Option 3, and, yes, 40 percent is less than 90 percent, and so you would be fine. It would be up to 90 percent, and so, with 3, if the difference -- If the new ABC were 91 percent of your old one, and so pretty close, 9 percent away, then you wouldn't do a phase-in, but, anything lower, you would. The 40 percent would be encompassed.

DR. DUVAL: Or you would have the option to do a phase-in. It does not mean you would automatically phase-in. I mean, you want to be selective about when you're using that.

MR. CARMICHAEL: That's probably something we will have to make sure is clear in the discussion. This is not obligatory, and it's not required. It's up to the council to choose if it wants to do a phase-in or not. This just gives you the ability.

DR. DUVAL: I think some of the things that we've talked about, in terms of being able to use this approach, has been, when you do have a chunky reduction that needs to be taken and being able to phase that in over a couple of years, to try to offset some of the social and economic impacts. Is everybody clear on this sub-action? Any other questions? Okay.

MR. CARMICHAEL: In 5.2, there is a couple of alternatives addressing the process and how it plays out over the years. This is over three years, because Shep pointed out to us on the IPT that that's what the law requires. It was kind of written up as four years before, but, actually, the changes do take place over three years, and so this is similar, but the wording is slightly different, to make sure that we're compatible with the law.

Alternative 2 is the longer period, and so you make a change in year-one, and that's where you go to the overfishing limit. Then, in year-two, you go halfway between the overfishing limit and your new ABC, and then, in year-three, you go to the original ABC that you had in place, and so you would go to your ABC that was recommended in year-three. Then, in year-four, you would be going into the ABC that is based on considering the impacts of that phase-in on the stocks, and so the way you can envision this play out is that, in year-four, there would be a new assessment, hopefully maybe an operational assessment and an interim analysis, perhaps, even by that point, and that would refine what your ABC would be going forward into year-four and beyond.

Then, in Alternative 3, it's just a one-year phase-in period, and so, in year-one, you go to the OFL. Then, in year-two, you go to whatever a new ABC is that accounted for you doing the OFL in year-one. In a way, this is a lot like -- We had the projections on tilefish, and we got new projections that accounted for the emergency rule action that you guys put in place, and it would be like that. You would have a set of projections that led to you making that choice, and then you get another set of projections that says, okay, that choice affected the catch levels in that year, and so let's see how that then plays out considering the stock biomass and such over the later years.

DR. WILLIAMS: One thing to point out in that Alternative 2 is -- Functionally, the way we provide you ABC advice, or the way we provide the SSC ABC advice, is we compute the probability of overfishing in each year of our projection analysis, and so we make sure that each year it hits that target of say P^* of 0.4. When you then go into a phase-in, you're modifying that, which is going to then change the probability of success of that projection, and so, if it's a three-year projection, in essence, you're going to have -- I mean, you can phase-in in the beginning, but then you're going to have to probably change the out years to still achieve that same probability of overfishing, and so I just wanted to point that out.

That one statement that says, for year-three, that you would base the projection on the analysis that triggered the phase-in, that wouldn't be accurate, because you would have to modify that year-three to make sure you still had the P^* of 0.4 for the whole time period of this, and does that make sense?

MR. CARMICHAEL: Yes, and so what you're thinking is we get the new projections earlier, say for year-three? Yes, that does make sense, and this was not doing that, and so, yes, there would be an overfishing risk mismatch that is occurring in year-three. Then, if you remember, generally, there is going to be a cost for phasing-in in that year-three and year-four ABCs. They're going to be lower than what they were in these original set of projections, because you didn't go to that expected ABC level in year-one and year-two.

DR. DUVAL: Does everybody understand that? Is everybody clear about what Erik said?

MR. HARTIG: My question dovetails right into Erik's explanation, and, to me, I think, if the fishermen want to evaluate what the phase-in is going to do, they need to know what's going to happen in year-four, and, to me, I think you would do the projections based on the fishing limits being met in each of those three years and then looking at year-four in that, and you can make a decision on whether year-four is too low to justify the projections that we had, or the phase-in that we had, and so that would be helpful, I think, or at least you can forecast what those numbers will be, to some degree.

DR. DUVAL: That just requires a little bit more back-and-forth, and so it could consume a little bit more time before we would make a decision on whether or not to phase-in. I agree with you that you would want to see what the end result would be, so that people can say, well, is the juice worth the squeeze.

MS. BURGESS: Related to that, we were wondering, in year-two, is there flexibility to go to less than one-half the difference, knowing that whatever you choose in year-two might affect year-four, and so maybe you're willing to go down a little bit more in year-two to not be as low in year-four.

DR. DUVAL: Are you saying like more than one-half the difference, and you would actually -- If you're thinking about it in a chart, here is your OFL, and here's the ABC, and here's the midpoint, and you would want to actually go below that midpoint, a little bit closer to the ABC, and is that --

MS. BURGESS: Yes.

MR. CARMICHAEL: Yes, that's always allowed, because you can always be more conservative, and so the way this would be doing it is like you have the ABC, and then you apply the phase-in, and so you'll have the ABC at this halfway point, and you can always be more conservative in setting your ACL, and you can decide to take a bigger chunk in that next year. This gives you that flexibility.

MR. BREWER: I just want to amplify Ben's point, and that is, if you do a phase-in, in most cases, you're going to have less allowable catch in the later years than you would have had you set a straight ACL to run throughout the time period, and I think it was stripers, I think, that they adopted essentially a phase-in, because they were doing everything they could do to get as many fish early, so that they wouldn't have as much disruption in the market, but then, as the fishery began to recover and they were seeing more fish, and yet their ACL was going down, there was a lot of gruff that came from that, and so I just point that out, and I think it's a very good idea that people know upfront that, if we go with one of these phased-in things, you're going to be seeing less fish, allowable catch, in the later years, but, if you're willing to pay that price to have more fish earlier on, okay, but here's what is going to happen.

DR. DUVAL: You're absolutely right, Chester, and, when black sea bass was under its rebuilding plan, that's what the council did. It was a constant harvest approach, because the council decided

to take the pain later on, as opposed to early on, and it was really painful later on, and so a lesson learned, definitely.

MR. DILERNIA: To Chester's point, that's what happened with us and black sea bass. We had to take a big hit right away, and, rather than do that, we decided to phase it in a little bit, phase it in so that we didn't have to take the full almost complete closure upfront, and then what happens is, as you're rebuilding, the stock gets to be more and more, and you're seeing more and more fish, and yet you're allowed to take less and less, and it becomes frustrating, and so Chester is absolutely right, but the alternative is to take a huge hit right upfront, and sometimes that's not the best way to do it, but Chester is right. The fishermen have a hard time understanding what's going on there.

DR. WILLIAMS: If we move to these interim analyses, you guys will have updated projections.

DR. DUVAL: Very good. All right. Where are we? Anything else? We have talked about both Alternative 2 and Alternative 3. Are there any other questions about how this might work or the consequences of doing so? Okay.

MR. CARMICHAEL: Our analytical plan for this is to have Erik and them run some examples that will be able to illustrate what the costs are for these different situations in doing this, and I think that will be important, and I think, in terms of -- If you go this route and apply it, imagine you're getting an assessment at the SSC, and we have the liaison that is there, and you see a situation where you think this is a big change in the ABC and a phase-in is a possibility, based on that change, and I think it could be something where the liaison and the Council Chair and maybe staff talk about it, in advance of the council meeting, and say let's request the Science Center do an analysis for us to look at at the council meeting that shows us what the phase-in would be, rather than say, well, let's get to the meeting and have the council give us the approval.

I think, if we could accept the liaison and the staff and the Chair saying, yes, it's worth asking the Center to do that work, so we can have the information, that kind of informality, as we get into this back-and-forth, will really help us get along.

DR. DUVAL: I agree, and what I was going to say is, when we know an assessment is going to the SSC, and so you see what the results of the assessment are, and certainly not trying to prejudge what the SSC might recommend, but at least knowing ahead of time that there are a couple of these approaches that the council might want to consider I think is just going to be much more useful and efficient if then, when the assessment really comes to the council, and the SSC's advice comes to the council, we're prepared with the options.

MR. HARTIG: I agree with everything that's been said, and I've been thinking about that as we've been talking about this and how Erik always seems to look ahead at what projections we're going to need. In this venue, that will be great, and I'm not going to say anymore. Let's move on. Let's go.

MR. CARMICHAEL: Action 6 is the carryover, and the idea here is that, if there is a case where there is some unused ACL or unharvested catch that wasn't taken in one year, it's a carryover into the following year to increase the available harvest in that year, and it's generally thought of in cases where -- Let's say you have a fishery where you close it, and you closed it based on projections at some point in the year, and, when the final numbers come in, you realize that maybe

10 percent or something was left on the table and not used. You would carry that over into the following year to be used, and so some of the alternatives get into those conditions and what sort of circumstances you would use it in.

Certainly, in the case of a stock where there was no closure and it was just not used, and maybe it's never met its ACL, it's the situation where it's less clear that this would be appropriate, because the need may not be there, and so there is a -- Sub-Action 6.1, again, similar to the previous one, that's the criteria. Alternative 1 is it wouldn't be allowed. Alternative 2, it would be allowed if it were neither overfished nor overfishing, which certainly affects the risk and makes probably a lot of sense.

You could pick multiples of these alternatives, as you can see. You could choose Alternative 2 based on stock status, and you could also choose Alternative 3 that says if the fisheries sector has experienced a regulatory closure due to catch exceeding the annual catch limit at least once in the previous three years. The idea is that you closed it, and there was a need to and they've been catching it, and you let them have some unharvested fish to carryover later.

Then, in Alternative 4, it is similar to Alternative 3, but it looks at the total annual catch limit over those years, and so, if you closed it, but you have a fishery that has stayed under its total over three years, you would allow it to carry over, and then Alternative 5 makes it clear that it's only for harvest in the fall of the year, and that is something required in the Act. You carry over into the next year, and you don't carry over multiple, multiple years.

MS. BECKWITH: You answered one of my questions, which was that the council would retain the option to use these different alternatives for different fisheries. For the dolphin commercial fishery, Alternative 4 would be appropriate, because, of course, you have one sector that has the potential to go over their ACL in a year of high abundance, but their total landings for the species has never been met over a three-year period, and so, for mahi, I think Alternative 4 would actually work well, but Alternative 3 would make more sense eventually for something like yellowtail. If we combine the ACLs at some point, then that might give an opportunity for carryover for species like yellowtail, and so we will be able to retain the option to use various of these for different stocks.

DR. DUVAL: I guess my only question, or maybe a clarification, is for Alternative 3, where the carryover will be allowed for a sector that has experienced a regulatory closure due to the catch exceeding the sector annual catch limit.

MR. CARMICHAEL: Yes.

DR. DUVAL: Okay. I think we just need to be clear about that.

MS. BECKWITH: Under Alternative 4, the same similar clarification. When you say total landings in Alternative 4, that means the total landings for the species and not the sector, is the way I read it.

DR. DUVAL: Was that the intent of the IPT, that it's total landings, as in all fisheries sectors combined, the commercial and recreational? I am assuming that, because of the less than the total annual catch limit, and so maybe that's a question.

MR. CARMICHAEL: I would say I'm not -- Probably people may have thought about it in different ways, and so I think, if this is how the council would like to have this flexibility expressed, then, yes, we'll clarify it.

DR. WILLIAMS: Just a reminder about carryover, and so a fish in year-one is not the same as a fish in year-two. Natural mortality occurs and things like that, and so, in the case of say a 10 percent underharvest that you want to carry over, that's a small amount, but, if we get into large amounts of carryover, then you would probably need to rerun projection analyses to see whether you can actually recoup that full amount under the current stock dynamics, because the things that factor in is what are the year classes that are in the population at that time and which ones are being harvested, and so I will just point that out.

DR. DUVAL: Very good, and I think that probably is sort of the core of the next sub-action, a little bit.

MR. CARMICHAEL: Yes, I think so, in getting a percentage, and also the point that Erik made is why I think it's important to not allow carryover when your stock is overfished and overfishing, because clearly you are already having some issues, and you wouldn't want to do that in those cases. You would want to have one of these stocks that you're at good biomass levels and you're not overfishing.

DR. DUVAL: Maybe, just first of all, is there anything else under Sub-Action 6.1, which is just specifying the circumstances when unharvested catch can be carried over from one year to another?

MR. BREWER: This reminds me of something that happened at ICCAT, where fairly large carryovers were allowed, and they also -- I can't remember how many years, but we got into a situation with swordfish where the United States had more carryover than it had base quota, and so you need to be careful, and you need to limit the amount of the carryover and the duration.

DR. DUVAL: Thanks, Chester.

MS. BURGESS: I have two questions on this, the first being I am reading Alternative 5, and I would like to ask the committee if they think that actually meets what's in the sub-action as an appropriate alternative. The sub-action is establish criteria, and Alternative 5 is a restriction on whether you do it or not.

DR. DUVAL: Good catch.

MS. BURGESS: Then the second part is I can't recall back to all of the committee discussions, council discussions, on this carryover, but were biological or life history considerations of the stock ever considered criteria for allowing carryover, and would that be appropriate?

DR. DUVAL: I feel like we have had discussions around the life history characteristics, and I think that's something that would have to factor into whether or not you want to do this, and it gets to exactly what Erik was saying about a fish in year-one is not necessarily the same as a fish in year-two, and I'm pretty sure that the SSC has also talked about this piece of it, from what I recall from the last couple of their meetings, and I'm sure that they're going to have more to say about

this particular action as well, and so absolutely. At least from my perspective, it should factor into whether or not you're going to allow carryover. Are you thinking that there needs to be some additional alternative under this sub-action that would address the characteristics of the fish?

MS. BURGESS: Just a thought for committee consideration.

MR. CARMICHAEL: I think, because this is -- Again, this is like the other one. It's not obligatory. It's something you will choose to do, and you could have that discussion. Now, that said, you could also add a criteria along the lines of saying carryover will not be allowed for stocks that have been characterized as high risk, if you want to limit yourself a priori. Now, if you put that in there, then you could never do this for a high-risk stock. If you don't put that in there, then you can talk about the risk level of a stock, and that can be part of your consideration and justification for why you're doing the carryover, and so you have more flexibility, as it is now, to discuss whatever you think is appropriate.

MS. BECKWITH: I don't think it's necessary to put something that specific in there. I think that, as a council, we generally are going to have those discussions, and we're going to get science advice that carryover for that species is not appropriate, for X, Y, and Z, and I don't see it as being necessary. As we try and add flexibility, it sort of seems counter to then start putting in all of these additional restrictions, and so I think it's fine the way it is.

DR. DUVAL: But an excellent point. I mean, really, these are conversations that we would have, and certainly the SSC would have, in evaluating this. Anything else on this sub-action?

MR. GRIMES: I just want to mention this, and we can discuss it in the IPT, but at least get some feeling from the council, but I was reading the response to comments on the National Standard 1 revisions that talk about phase-in and carryover, and John and I have been talking about a number of these, but it talks about ACL underages being linked to low abundance, and so, if there is uncertainty or other things happening, that it may not be appropriate to have a carryover.

I was wondering how we look at effort in this, because we could say we didn't get to our ACL, and we have all of this catch level over and we're going to carry it over, and you could have had twice as much effort that year, and the fact that they didn't catch it could be an indication of low abundance. In that instance, carryover wouldn't be appropriate, and how would we consider that in this process? This is all about catch, if there is this catch left over, and there is no looking behind the curtain there, to me.

MR. CARMICHAEL: I think maybe some language in the discussion that, when choosing carryover, the council needs to provide justification for why it's appropriate, and that should probably include some consideration of why you have the unused harvest and if you think it's because of the stock being low versus you think it's because of some change in effort or weather or what have you, and certainly the clearest case is we closed the fishery that year and we closed it a bit prematurely.

I think getting into the reasons would help clarify that, because you could have a case like, as we've seen with red grouper, where we've not been catching the ACL, and that is one where we would say, well, it's probably not appropriate, and, of course, that one being in a rebuilding plan, that would be off the table immediately, but you could have that same situation with black sea bass

not catching its limits, and it's not in a rebuilding plan. You would want to look at why we're not doing it and would carrying any of that unused fish make sense.

If you haven't caught your ACL for a number of years, it really probably wouldn't make any difference to carry it over, and it wouldn't make sense, and that's where those criteria about having had a closure or having bumped up against the ACL would give you some guidance in considering it.

DR. CRABTREE: It seems like, in those cases where you have carryover because you just couldn't catch the fish because abundance is low, even if you did carry it over the next year, you wouldn't likely catch it anyway. Is there anything in it, John, that ties the carryover to having had a closure in the previous year? I didn't catch that. If it's a fishery that's open year-round and we don't catch it, that wouldn't be subject to carrying it over the next year. It would have to be that we closed? Okay.

MS. BECKWITH: I think the exception to that, Roy, would be commercial dolphin, where we're trying to allow for -- My intent is to allow for an automatic type of carryover for a portion of their unused, so, in a year of high abundance, we're not closing the commercial mahi fishery, because they have carried over a portion of their unused, and so, in those rare instances where there is a year of really high abundance in mahi, which is completely random, we wouldn't have to close them, as we've done, but, in that instance, it would not be tied to a previous closure. It would just be sort of in prevention of a year of high abundance, so that we don't have to close them.

DR. DUVAL: Anything else on this sub-action?

MR. GRIMES: One other thing that we might want to consider is will you allow a carryover during a phase-in of a reduction in ABC, and that hadn't occurred to me.

DR. DUVAL: That's like substitute motions on substitute motions.

DR. CRABTREE: John, you said something about it's in a rebuilding plan, but what I see isn't if it's in a rebuilding plan. It's if it's overfished, and so, if you have a stock that is rebuilding and it's above the minimum stock size threshold, and so it's no longer overfished, even though it's still rebuilding, then you would allow carryover, and is that correct?

MR. CARMICHAEL: Under this, you would. If we don't want to do that, then we could also add "or under rebuilding plan" to this.

DR. CRABTREE: I don't have particular heartache with doing that.

DR. DUVAL: It's just probably another piece of the conversation that you would have, in terms of whether or not to consider using this provision.

MS. BECKWITH: I think I just heard Roy say that he wouldn't necessarily have heartburn in allowing the carryover under those circumstances, and so I think, again, instead of overly restricting ourselves, it should be just part of the discussion when the issue comes up.

DR. DUVAL: Roy, we just want to make sure we heard you correctly that you wouldn't necessarily have concerns about applying carryover for a stock that's in a rebuilding plan as long as it's above the MSST, and so it's not overfished, but it's still in a rebuilding plan. Is that correct?

DR. CRABTREE: Yes, and I don't necessarily have heartache about that. You could be very close to rebuilt, you think, and ahead of schedule and everything, in which case I don't really see that it necessarily hurts.

DR. DUVAL: Again, I think it would be part of the overall conversation that you would have that would also include the life history characteristics of the stock, if you're in a rebuilding plan, the risk, whether it's a high-risk stock, et cetera. Those would all be, I think, things that would need to be considered in the council's justification for using carryover. Okay. Anything else on Action 6.1 before we move on to Sub-Action 6.2? Great discussion. Okay.

MR. CARMICHAEL: Sub-Action 6.2 gets into the limits on the amount of unharvested catch to be carried over, and so Alternative 1, no action, there is no carryover. Alternative 2, the carryover would be based on the individual fisheries sector, using the buffer between the ACL and the ABC, and this is something that can be done, because you're still not exceeding the ABC.

You have flexibility in setting your ACL. However, we often set ACL equal to ABC, and so there is really very little to use there, and, in general, there is probably often more of a difference between OFL and ABC than there is between ACL and ABC, and so this doesn't give you a whole lot of flexibility.

In Alternative 3, we get into some greater flexibility that allows you to take more advantage of that difference between OFL and ABC, and I keep saying OFL because, no matter what, we can't exceed the OFL that's in place originally. In Alternative 3, you can have the carryover. It will require a revised ABC, because we can't exceed an ABC, and so, if you have an ABC in one year, you can't exceed that. If you want to carry over some unused harvest, we have to have a mechanism in place that would say, in that year receiving the carryover, the ABC is going to bump up a bit to address for the carried-over stock.

That is why we're even talking about this in ABC control rule situations, because it does affect the ABC and that limitation, and so, in Alternative 3, it's tying the amount to the original ABC, and so this is something where we have an ABC, and we know what the values are, but let's say -- Alternative 3 is the overfishing limit is unknown, and so we have this in stocks that aren't assessed. We don't have an OFL, and the SSC is not able to provide it, but we do have an ABC, and so, in this case, you can revise the ABC based on a percentage of the original ABC, and so, in Option 1, you could have a carryover of 5 percent of whatever the ABC is, and so, if the ABC were a million pounds, you could carry over 5 percent of that into the next year.

In Option 2, it's a little bit more carryover. You could carry over up to 110 percent, and you can have a 10 percent bump, and, in Option 3, you have a 20 percent bump, and so it's looking at different levels, and, when we were first looking at carryover, we looked at these percentages of ABCs relative to known OFLs and the typical percentage buffers we got across our assessed stocks, and certainly these -- I think something like 105 percent wouldn't result in exceeding the known overfishing limit like 99 percent of the time. 110 percent was maybe a couple of percent, and 120 percent would be the stocks with very small buffers, and you may have exceeded the OFL, but I

think it was maybe around 10 percent of the time, and so we had some sense of the risk, but these levels are generally pretty safe at keeping you above known OFLs.

Alternative 4 addresses it in terms of a percentage of the sector's catch limit, and so they're allowed to carry over up to 25 percent of the sector's catch limit and adjust the ABC accordingly, and I think this is an alternative that Charlie had suggested last time we talked about it. It's a simpler way of tying it over to whatever the catch limit is and give them a percentage that they can carry over.

DR. DUVAL: I think this is sort of getting to Anna's vision of how the commercial dolphin fishery would be able to take advantage of this type of approach, is that it's a carryover of the sector's annual catch limit, if they're going below it, and it's not getting into any mudslinging between sectors or anything like that, and so are there questions or input on this sub-action and the sub-alternatives?

MS. BECKWITH: For Alternative 4, since we have the flexibility to allow the carryover up to 25 percent, as a council, we could choose to only allow a 10 percent carryover or a 15 percent carryover, which would get to Erik's concerns about the size of the carryover, and so it does allow protection. Flexibility, but protection.

DR. DUVAL: Right. Again, all those things that you would be discussing when determining whether or not you want to take advantage of something like this. Okay. Sub-Action 6.3.

MR. CARMICHAEL: 6.3 addresses the approach, and Alternative 1, again, there is no carryover allowed. What we have to do is we have to adjust things to be able to do this, and so, in Alternative 2, we would be using whatever framework approaches we have to change the limits into the next year, and Alternative 3 is looking at an expedited approach, and it's taken from language that the Mid-Atlantic uses, in terms of setting specifications fairly efficiently and rapidly, and we have some streamlined approaches in some plans that are like this, but they're just not in every plan, or the frameworks are not consistent across all of our plans.

Alternative 3 lays out an expedited approach that could be used in all situations for addressing this carryover, and it allows you to discuss the need for and benefits of it, and so all of that stuff we've kind of talked about. If you decide that it's useful to have the carryover and it's going to provide social and economic benefits and not result in overfishing, and it's very critical to consider that, then you would notify the RA of the recommendation in a letter, and you would specify your reasons and note that it's not overfishing, and any analysis that you considered would go along with that. Then, if the RA concurs, then they would be authorized to go ahead and implement it through notification in the Federal Register.

The option on this one is bringing the SSC in to review the requests that require a change in the ABC, which, of course, would be most of them, unless you're just using that ACL/ABC buffer, which often doesn't exist for us, and so Option 1 is do you want to have the SSC review this justification that you have prepared, and, of course, that has -- Most importantly, that has timing consequences, but perhaps it's something you address through an email review or something of that nature, but that is the biggest concern there.

DR. DUVAL: Are there questions or thoughts or input on this sub-action and how this process would work?

MS. BECKWITH: How do I phrase this? I don't see the need to have the SSC review it, unless it's going to go over the ABC. I think our justifications and such -- If we're going to go over or near the OFL, then that Alternative 3, Option 1, that's appropriate, but I think, just generally, for something like commercial dolphin, I just have no sense that that extra SSC review would necessarily be needed, and so, as appropriate, but not automatic.

DR. DUVAL: Any other thoughts on this? Shep, anything from your end of the table?

MR. GRIMES: Thank you. Actually, I wasn't going to -- I was going to keep my mouth shut, but, since you asked me, this is -- We're basically envisioning, with Alternative 3, that's a closed framework. That's just we analyze a range of potential effects from this, and then, when we come to implement it each year, the council is looking at it and provides some guidance to the agency, and then the agency does it like a trip limit reduction or something. That is, effectively, what this envisions, correct?

DR. DUVAL: I think so. I mean, this is similar to, I guess, the closed framework approach that we use if all we're doing is responding to the ABC advice from the SSC and all we're doing is simply modifying the ACL to respond to that and not changing any other management measures. I think that's a very similar or the same approach.

MR. GRIMES: Well, but if we were changing an ACL, we do a proposed and final rule, and we would get a recommendation from the council. In this case, they can -- The Southeast Region would say, okay, we have X number of pounds leftover from the prior year, and we've got the council's letter on this, per the policy in the FMP and per the procedure established in the regulations, and we're carrying this over. They will publish a notice, just like they would a quota closure or a trip limit reduction related to the fishery, and we waive prior notice and opportunity for public comment and go forth.

DR. CRABTREE: Yes, that's my view on how it would work, and I don't really think the process, as laid out, needs to go to the SSC as a matter of routine. I think that will take a lot of extra time, and that could be a problem. I would, in the course of doing this, consult with the Science Center anyway, and so it doesn't seem to me that it's needed. In most of these cases, since we had a regulatory closure in the preceding year that presumably left the fish over, the stock is generally better off if you delay catching the fish by a year anyway, and so it seems to me what we need here is as expedited a way of doing this as we can, so that we get the fish out in a reasonable course of time.

MR. GRIMES: In terms of SSC input, you would have had the SSC input at the control rule stage and when they're first getting the ABC. At least the way I had envisioned this is that the SSC would look at it, and you have an assessment. They are saying, okay, here is your ABC for this year, and the control rule would allow carryover, and would talk about carryover, and so applying that then, in making that ABC recommendation, it would be okay that you carried over to the following year a certain amount, and the ABC would be up to this much, because it's going to have to have that. Otherwise, you carrying it over would be exceeding the ABC recommendation that you would have already received from the SSC.

DR. CRABTREE: Right, and, if the council felt there were unique circumstances, there is nothing that precludes you from holding off and consulting with your SSC.

MR. CARMICHAEL: I was reading Roy's mind, because I was thinking, rather than have this option, perhaps we, in the discussion, note that the SSC may review carryover, or that the council may ask the -- You always have that option, and we can state that. When we put this as you will and you choose that, then you're obligated to do it in all circumstances, and I think moving this is just a reminder that you may consult them, and it gives you the flexibility.

DR. DUVAL: I agree with Shep that this is sort of a tiered process, and you would have gotten your SSC's input on whether or not this is viable earlier in that process, hopefully. Are there any other questions or input on this sub-action, regarding the process? Okay.

MR. CARMICHAEL: I believe that brings us to the end.

DR. DUVAL: Yes, and so I think this is the end of this document, and I will just draw people's attention to some of the appendices and the conceptual diagrams and descriptions that have been carried over from previous versions on this document, which I think are really helpful, but I would like to go ahead and take a fifteen-minute break, and then we will get Brian up here to go through the accountability measures.

DR. MCGOVERN: Before we leave this amendment, I have one question, and that has to do with Action 4 for allowing ABC recommendations for multiple years. We have it in Action 4 and also in Option 3 of Action 1. It says, if it works here, then Action 4 can be deleted, and I am wondering if we want to have both in the document right now, just for analysis, or is there a desire to take one or the other out?

MR. CARMICHAEL: I think the desire is to move the gist of Action 4 up there as an option under Action 1, and it will be evaluated there. The option will have to be evaluated, and so will have that, but it allows us to not have to gin up so many alternatives, as we've done here. We can have it more straightforward and to the limit, which then gives the council the most flexibility.

DR. DUVAL: All right. Break.

(Whereupon, a recess was taken.)

DR. DUVAL: We are going to reconvene our committee of the whole, and we're going to try to get through our next very important item, which is Recreational Accountability Measures. This has been a topic that we have been talking about for a while, and we have split this out into a separate potential amendment from the ABC control rule, so that it's a little bit more manageable and we can divide our head space to talk about these things a little bit more effectively.

There is an attachment in your briefing book, and this is Attachment A2 under Tab 8, and so I am going to turn things over to Brian to go through his presentation and walk us through what is needed here today.

DR. CHEUVRONT: Thank you, Madam Chair. I promise to try real hard to not make your brains hurt as badly as John just did. I'm a more simplistic person than John, and so I am just laying the groundwork here for you. Okay. I have a real short little presentation here for you.

Primarily, in November and December, and remember we had the webinar call in November, where you were talking about the ABC control rule, and then, at the December council meeting, you discussed the recreational accountability measures and the variability that exists in there. What you asked us to do in December was whether there was a way that we could somehow bring some continuity to some of these recreational AMs and whether or not we could do a framework procedure.

Basically, what we did is we went through the transcripts from November and December and looked at all the discussions where you talked about recreational AMs and gleaned from that what we thought the themes were that you were telling us, but, to give you a quick overview on what we found, it's that the Snapper Grouper, Dolphin Wahoo, and CMP FMPs all allow recreational AMs to be modified through their respective framework procedures.

If you decide to go ahead and move on an amendment to do this, it can be done as a framework amendment. Now, the thing that you're going to need to decide, and I think you had the discussion during the ABC control rule, was whether it's prudent to include CMP in this or not, because, if you do CMP, it now becomes a joint amendment with the Gulf, and so just include that in your thinking about this and deliberations.

In going through it, I actually went through and documented all of the current recreational AMs for the species that have them, and it turns out that there are actually fifteen different versions of them that exist out there. I didn't think it was that many, and I was really shocked. A lot of them are theme and variations, but I am talking about exactly the same AMs or not, and so there is twelve variations of criteria that were used to determine recreational AMs, and I mentioned to you that we went through the transcripts of all of your discussions on this recently, and we came up with the things that we thought that you all said that you wanted to consider in any potential revisions of recreational AMs.

These are some of the things that we came up with. There was discussion about removing the "monitor for persistence" language that exists in some of these AMs, and, in terms of removing it, it's not necessarily removing the concept, but it's removing those words and maybe redefining the concept or figuring out some other way to make that work.

We also wanted to specify more concretely how landings would be evaluated relative to the ACLs and then also to give some flexibility in the decisions and how you're going to respond to the overages, whether you're going to adjust seasons or bag limits or things like that, and then the idea of removing paybacks, where it maybe is just not necessary.

DR. CRABTREE: Brian, the statement that speckled hind and warsaw grouper have no AM --

DR. CHEUVRONT: I'm going to get into that. I will get into that when we talk about the specifics later on, but you're absolutely -- I know where you're going with that, Roy, and so don't worry. I have got it covered. Our objectives for what we want to do at this meeting is that we want to

review this document that we have presented to you and then simply -- Please give us some direction on where you would like us to go with this next.

This is a white paper, and so that means we're just talking about the topic. We did come up with some ideas of some ways that you could look at this, and that doesn't mean that these have any weight or any bearing on anything that you want to do at this point, but we just tried to present some things to give you some discussion points, and so, with that, I would like to go ahead and get into the white paper itself.

As I said, the three FMPs that have recreational AMs are Snapper Grouper, CMP, and Dolphin Wahoo. They all say it's okay. If you want to do this by framework, this is probably the way to go. It would make this process go faster than the ABC control rule, potentially, because of the framework procedure.

Now, the second thing that I did was looking at what all the current AMs are, and getting back to Roy's point, the species with no recreational AMs, speckled hind and warsaw grouper, it's because there is no take allowed of them, and so, with the ACL set equal to zero, there is no reason to have an AM, because you can't take any to begin with, and so that's where we are with those two species.

Then I go through, and there are fifteen different recreational AMs, and what I did is I grabbed the language for each one, and I put it in a box, so you could see the actual language that exists. Then, under that, I listed, for each AM, the species that are affected by that particular AMs, and so I am not going to go through each and every one of these, because that would be absolutely mind-numbing to do so, but you can see that we've got all the species listed here, and I am scrolling down now to page 6, which is the discussion of this. As you can see, the second sentence there reiterates the fact that there is no AM, because no take is allowed for speckled hind and warsaw grouper.

I also show the recreational AM for the Gulf group cobia, the Gulf zone, as a way to compare it to the recreational AM for the Gulf group cobia Florida East Coast Zone, because they are not exactly the same. No fishing in the South Atlantic EEZ is affected by the recreational AM for Gulf group cobia.

Most of the AMs take into consideration when the season will be closed, stock status, whether or not paybacks are required, whether or not the RA is given discretion to decide whether a closure is necessary or whether ACLs will be monitored for overages in the future before determining whether action is taken. Only one species right now, black sea bass, has a specifically-designed season prior to the start of the fishing year, meaning that we determine when the season is going to close before it even starts.

This is followed then by some of the kind of groupings of concepts now, and it's not the actual wording, but we took some of those concepts together, like in Section a), an in-season closure when the ACL is met or projected to be met, unless determined not to be necessary, and then we list all of those species that are affected by that kind of language, and so, basically, Section II and Section III group the species differently. One is the actual language of the AM and the species affected by it, and then this one takes the concepts, and, because there are some similar concepts across those AMs in Section II, it just shows which species are affected by that concept, and so,

again, I am not going to go through, necessarily, all the species, but a) is in-season closure when the ACL is met or projected to be met, unless determined not to be necessary.

Then b) is in-season closure when the ACL is met or projected to be met, regardless of the stock status. Section c) is no in-season closure, but monitor for future overages, to determine if action is needed, and d) is no in-season closure, but adjust the next season's ACL, if necessary. Section e) is reduction in ACL or shortened season in the season following the overage, depending on stock status. Then f) is no in-season closure, but reduce the next season's ACL if the total stock ACL is exceeded.

Those are some of the major groupings and the species that were affected by them. The next section we have, Section IV, and I have to thank John Carmichael for this, because this was his idea in putting this together this way, is we created a table that shows the concepts going down the left column, and then the top row is -- Just so you understand what this shorthand up here means, the first one is speckled hind and warsaw grouper. "Most" literally refers to most of the species, and then we have these special-case scenarios, like with black sea bass, blueline tilefish, hogfish, red snapper, vermilion snapper, the deepwater complex, grunts, king mackerel, Spanish mackerel, and then cobia.

I can't project all of it so that it's actually visible, that you're going to be able to see this whole thing, but you can see the X's, and you can see which things apply by species now, and so it takes Section III, and now, instead of doing it by concept, you can look at it by species as well, and you can see which ones these things apply to.

That is the summary of what we have been able to determine, and I think the take-home message at this point is that, yes, as you all were thinking, there is a lot of variability in how we handle AMs for recreational species. I think where the council was with this, it's that now there needs to be some thought about how do you want to deal with this situation, and we have identified these concepts, and you might want to use other concepts, however you want to deal with this, and determine whether you want to apply them to most or all of the species, or do you want to do this separately by species, or do you want to try to do concepts and see which concepts are most important and put together what species you want to go with that concept?

My takeaway, from all the discussions that you've had before, is that you want to simplify recreational accountability measures, and so what I have tried to do is to give you the tools to show where your complexity is and the concepts that you've been dealing with in setting up these AMs in the past and give you a holistic view across the species, so you can decide then how do you want to regroup these.

I guess the first thing that would be helpful is I've been working from the assumption that, yes, you do want to do, probably, a framework amendment to address these issues. The other thing would be do you want us to include CMP and make it a joint amendment with the Gulf Council, or do you want to maybe exclude CMP and work with them later, in another joint amendment that you're going to be doing anyway, or do you want to just tackle everything right now?

That, I think, is one decision-point, and then the other is we can get into looking at some of the ideas that staff have come up with, and this truly is staff. There is no IPT, and none of these have been reviewed. They haven't been done by anybody other than just internally, in council staff,

and so, if we move forward, we're looking for direction from you to tell us how you would like for us to proceed on this.

DR. DUVAL: Thank you, Brian. Thanks for the review. I really appreciate the way this document was put together, with the charts and the groupings of everything, so that we could really see the mess we've created over the years. I am operating on the assumption that everybody would still like to move forward with a framework amendment to adjust accountability measures, but I do have a question about the CMP species, because, when we did Framework Amendment 4 for cobia, we adjusted the accountability measures, and that was not a joint framework with the Gulf. It was just separate, and so I guess maybe a question for our legal eagle over there is can we adjust our Coastal Migratory Pelagics accountability measures through framework without having to go to the Gulf?

MR. GRIMES: Off the top of my head, I don't know. It depends on what the framework establishes, but it probably does allow for independent council action on smaller things, but I also think, in terms of how we proceed with this amendment or framework or what's allowed, once we have an IPT together, we're going to have to discuss a lot of that, because we're just doing a variety of different things, and so that will be something we need to look at. We'll look at the existing framework and what's allowable under a framework and how the framework needs to be structured.

DR. DUVAL: I think, if we have the ability to also look at the CMP species via a framework, I think we would also want to do that. I suspect we can, at least for a couple of those species.

MR. HARTIG: I know that we're responsible for the management parameters of the coastal migratory pelagic species on our side, and so I think we can move forward with this.

DR. DUVAL: So something to clarify, but it would be our intent to move forward to address these recreational accountability measures and do so in as comprehensive a fashion as possible, if we can. Okay. We have a few bullet points here that staff has provided, in terms of things that we would like to consider revising, based on our previous conversations, in terms of the removing the "monitor for persistence" language, and maybe not necessarily the concept.

One of the things that I think is in here is something that is in the ASMFC cobia FMP that we talked about, being able to evaluate harvest over a multiyear timeframe, like a three-year timeframe, and the flexibility that we would like in responding to overages by adjusting seasons and bag limits and removal of payback requirements. I think I just want to make sure those are all things that people are still interested in doing.

MS. BECKWITH: Right, and, specific to adjusting seasons and bag limits, I guess my interest would be to make sure that we're adjusting seasons and bag limits so that there is not an overage in the following year, but, again, we're not dealing with a payback portion, and I would also add in there that you guys have discussed, I think, a little bit of the PSE, but also sort of getting rid of the payback provisions and adjust bag limits and seasons to ensure that harvest is maintained within the ACL the following year, if PSEs are appropriate for management and if deemed necessary by the RA, and so that's sort of my vision for an accountability measure, and so making sure that, if we are going to adjust bag limits and reduce seasons, that we're not doing it based on estimates with a PSE of 80 or 90.

DR. DUVAL: This is definitely getting to some of the conversations that we've had about when we have requested that harvest estimates be recalculated for some of our species, because we want to make sure that we're not triggering accountability measures when we don't actually need to be triggering them, and so I think capturing -- I don't see -- Okay. There is the PSE alternative in there. Great.

DR. CRABTREE: One idea I will float out there that I think -- I guess it's outside the box a little bit, but, in the ASMFC, if states harvest below a certain amount, they are considered *de minimis*. I think you could consider a sector to be *de minimis*, in terms of AMs, and the one that comes to my mind is wreckfish, where I think we've only had wreckfish landed two or three times in the whole history of MRIP, and so, if you have a fishery that's 98 percent commercial, it seems to me that you could say the recreational fishery is *de minimis* and we're not going to fool with an AM on that and the AM is going to just be the commercial fishery and the AM and that is sufficient to prevent overfishing, because the recreational catches are negligible.

I guess the coin-flip of that would be golden crab, where it's -- Of course, I know it's 100 percent commercial, but there may be some of these deepwater grouper species where the recreational landings are so low and so infrequent that they're negligible in terms of contributing to the overall fishing mortality rate, and so we can meet the requirement of the Act by just focusing the AM on the commercial sector and not worrying about the recreational. There may be some other commercial fisheries where it would go the other way, but I can't think of any off the top of my head.

DR. DUVAL: I like the outside-the-box thinking. Very good, especially on a Thursday morning. Other folks have thoughts around the table about that type of concept? ASMFC does use *de minimis*, and it's usually like some -- If states have 1 percent or less of annual landings, something like that, and, Bob, I'm going to ask you if you can highlight some of the *de minimis* examples that the commission has used.

MR. BEAL: Georgia is *de minimis* on everything is what I was just told. 1 percent is usually the threshold that is used. It differs by FMP a little bit, in that it may be 1 percent of the recreational catch, or it may be 1 percent of the total catch, or 1 percent of commercial, and some of those plans also use 1 percent of the average of the last three years, and so it really differs by plan, but 1 percent is more or less the threshold that's put in, and the plans also define what it means to be *de minimis*.

In other words, if a state is *de minimis*, there still may be some basic provisions that they have to implement, maybe a size limit or something, a very basic element, for the management of that fishery, but they usually are exempt from the biological sampling and some reporting requirements, at times, and some of the more sort of expensive and onerous requirements of the FMP. Just based on what Roy said, it's negligible. It's just a small harvest, and we monitor it, and, if it does become significant, then the state has to implement the regulations, but, if it stays in the 1 percent or lower, it's kind of no harm, no foul. There's the basic provisions adopted by the states, and they don't have to change them year after year. It just makes things easier.

DR. DUVAL: Thank you.

MR. BELL: Let's say it's that rare year and creel clerks run into that rare wreckfish or two, and so would we react to that, because you're going to probably have a high PSE, I guess.

DR. CRABTREE: I am looking at the wreckfish recreational landings now. In 1982, there were 4,800 pounds landed recreationally. We did have a high PSE of 75 percent, but, since then, there were some landings in 2007, and there was 525 pounds landed in 2012. To me, you just wouldn't worry about that.

Now, if you had a big spike one year, it probably would have a high PSE, and, if it was just one year, I wouldn't worry about it. Now, as Bob said, if it spikes up and it stays up for a couple of years, then I think you have to revisit it and deal with it, but, if it's just every seven or eight years something pops up because one person probably landed a fish, we just wouldn't worry about that, because, in the context of the hundreds of thousands of pounds being caught on the commercial side, it's not a -- It's a negligible fraction of the overall fishing mortality rate.

DR. DUVAL: I think -- Are folks supportive of including a *de minimis* type of concept? Okay. Two thumbs-up. That's all I was looking for. Are there any other thoughts that folks have on things that you would like to see in terms of options for recreational accountability measures or things that you would like to see addressed, and so just adding to this bullet list?

DR. CRABTREE: I think one thing we need to think about -- We've got this idea if the PSE exceeds some threshold that it's not suitable for management, and I don't know what that threshold is, but we're going to need to talk to some of the scientists pretty carefully about how would you get at a meaningful way of deciding when a PSE reaches a point that the landings estimate just doesn't convey any useful information about what's been caught, and I am not quite sure how to do that, but there must be some smart, young people who would have some thoughts on that.

DR. CHEUVRONT: There is an alternative, suggested alternative, in there that just uses a PSE of 40 percent, but maybe what needs to happen is some of these things -- The whole PSE discussion needs to become -- Maybe each of these alternatives needs to become a separate action or something, but get a range of different PSEs that we could put in there or somehow that criteria of how do you choose a specific PSE to assign to a specific species to determine whether that is useful information for management or not.

DR. CRABTREE: Right, and I think some consultation with the Science Center, and maybe with some of the MRIP people, would be useful.

MS. BECKWITH: Under your action section there, for Alternative 2, I think I would like some examples on Sub-Alternative 2a and 2b of how it would work, but I would also suggest that, as we go through this and write this stuff up, instead of using the phrase "to determine if an AM must be applied", we could add in some additional flexibility to the system and say "to determine if an AM should be considered", or something like that, where we're having the discussion, based on all the information, to see if an accountability measure is sort of needed, but that's just an idea.

DR. DUVAL: I think accountability measures are required for everything, and I think what you're getting at is whether or not the accountability measure is actually triggered.

MR. HARTIG: I had one question, and I think Myra shook loose some cobwebs when she, in Snapper Grouper, showed us how many intercepts we had for a number of those species, and I think I know that the PSE is a function of that and the catch effort information, and I guess that PSE is derived from those two coming together. That's all I needed to know on that, but, for the AMs, I think it would be useful to have some kind of example in looking at these, possibly, to see what would have happened if we would have done that for species in question.

DR. DUVAL: Let's go ahead and let Brian walk through these alternatives that staff has ginned up. I mean, we don't have an IPT on this yet, but there will be one soon, and so let's let him walk through this, and that might generate more thought.

DR. CHEUVRONT: Right, and, from what I'm hearing though, and it might be really helpful, when we bring this back to you all later, is to give examples of showing how these things might be applied if, for example, some of these sub-alternatives or some of these other things actually play out, and things like the numbers of intercepts and things like that could probably be very helpful for certain species and things like that. Okay.

Again, remember we don't have an IPT yet, and so this is not a recommendation. These are not recommendations that are coming to you and saying that these have been vetted and all that, but these are being brought to you as ideas just to help get you thinking about things, and so don't feel wedded at all to any of these things, because these are not specific actions or purpose or need or anything that you have discussed before. These are simply ideas to help get you thinking about it.

We came up with an idea of a draft purpose and need, and the purpose of the action is to address recreational landings uncertainty in determining when to apply recreational accountability measures, and then the need for the action is to maintain optimum yield in recreational fisheries while limiting discard losses and promoting social and economic benefits to recreational anglers. It's very generic, and it's a start. I know the IPT will have a crack at this, and they'll probably want to wordsmith it and come back with something else, but I guess, at this point, do you all think we're on track with the kinds of things that we're saying here?

DR. DUVAL: I think so. I mean, obviously, this will change. It's really just getting at that core concern that we want to make sure that, if accountability measures are triggered, that they are triggered when they are needed and not necessarily when they aren't needed, and this is mainly due to the uncertainty in those recreational harvest estimates, and so I'm not sure -- Unless there is something major that someone has, or something major that strikes someone, I am not sure that it's a good use of our time to spend a lot of time debating the purpose and need right now. I am seeing heads nodding around the table.

DR. CHEUVRONT: Okay. Everything right now, we just threw it all into one action, but, of course, I think, once get the IPT to look at this, it's probably pretty clear that the Alternative 1, no action, is going to be the same for whatever actions we come up with, but each of the subsequent alternatives and their sub-alternatives could be spun out into separate actions. I think that might make some sense.

As I said, the Section II of this document shows you what all the AMs currently are. If we get to the point of putting this in a document, they will all be listed out, probably, and just copied from this document at some point and just referenced, and then you will be able to see them.

Alternative 2, these specify the kinds of criteria that you would use to evaluate the recreational fishery landing estimates against specified ACL values to determine if AMs must be applied, and this is getting at that persistence language that we talked about before. I think some folks felt a little uncomfortable, because it was a little squishy. It doesn't really say what is that persistence, and so what we're trying to do is to help you come up with a way of quantifying what that persistence means, and so these sub-alternatives are giving you examples of a way that you can determine whether is a persistence.

Now, you can use a three-year moving geometric mean, which actually smooths out some of those bumps that you might see due to just sampling characteristics that change from one year to another in MRIP, and so you can use a moving three-year geometric mean or you can just sum across every three years and use those values to see if you're getting that persistence change, but then AMs would imply there's a persistent overage and not just the grouping them together, but that, each year, you're going to have to be exceeding that ACL, and we would determine that persistence as defined as landings exceeding the ACL in two of the previous three fishing years. That way, you don't have to do all of this averaging or summing or anything like that, and it's just two out of the last three years.

You can take that approach, or Sub-Alternative 2d is to establish recreational ACLs, which this is a separate -- This could go independent of 2a, 2b, or 2. Establish recreational ACLs in numbers of fish and evaluate landings relative to ACLs using the estimated numbers of fish, as opposed to actually trying to do weights. That could be another possible way to look at these as well.

DR. DUVAL: I like that, but I am also -- It seems to me like that crosses over a few of the things, and I'm sure this is something you all will talk about at the IPT level, but we have recreational ACLs, some of which are in numbers and some of which are in pounds. We have moved towards showing, I think, like the impacts of management measures on recreational harvest in numbers of fish, because it's the one common currency between two different methods of estimating recreational harvest, and so I just -- I don't know if that is --

I am not sure establish recreational sector ACLs in numbers of fish might be something that could be done in this framework amendment, because it seems to imply that you would then go and modify all of your recreational ACLs in one fell swoop rather than striking that first clause and saying just evaluate landings relative to ACLs using estimated numbers of fish, and I don't know. Those are things that you guys can discuss, but that's one thing that just comes up in my mind.

MS. BECKWITH: In terms of 2a and 2b, we had something sort of similar with cobia that we ended up getting rid of because we had that huge spike in the cobia landings. Then, when we were doing the geometric average, the sort of pain kept moving forward, and so we ended up altering our cobia accountability measure to get rid of that sort of three-year moving average.

DR. DUVAL: It was just a three-year moving arithmetic average, and it wasn't a three-year moving geometric mean, and so those are two different things, and I am going to put Dr. Williams on the spot again, I think, to help us understand the meaning of geometric mean, and I think Erik did this for us at the December meeting as well, but the types of things that use of a geometric mean addresses.

DR. WILLIAMS: Thank you, Madam Chair. A geometric mean is closer to a median rather than an arithmetic mean, and so it's more robust to outliers, and so, if you have one point out of a series of three that is really high, a geometric mean is going to be smaller than an arithmetic mean.

DR. DUVAL: Thank you. Let's walk through the other couple alternatives, and then we can get some input from the group on any additional things we might want you all to think about.

DR. CHEUVRONT: Okay. Then Alternative 3 is the one that is trying to get at the PSE value and determining what would be an acceptable PSE to use for estimating the -- For calculating the average or cumulative totals in recreational landings, and we already sort of talked about that this probably needs to be expanded out and include some Science Center and MRIP folks in determining what the combination of PSEs and other things that would help us determine that. I think it's a lot more complicated than the issue is stated right here.

Alternative 4 is the council could specify accountability measures in terms of adjusting fishing seasons, bag limits, or vessel limits to address recreational ACL overages so long as the accountability measures maintain optimum yield and limit discard losses and minimizes negative social and economic effects. Then the sub-alternatives were the adjust the recreational management measures only if the total ACL is exceeded or adjust the recreational management measures only if the stock is overfished.

That puts that language that appears in some of the AMs, and we could apply it consistently across multiple species, and you can choose how you want that to go, because, in some places, it does say if the total ACL is exceeded, and, in other places, it says if the stock is overfished. You all can decide that you like one bit of language over the other there.

Then Number 5 is the SERO Regional Administrator will annually announce the starting and ending date of each recreational fishing season in the Federal Register and other media outlets to notify the public. Closure dates will be based on the date the Science Center Director estimates the recreational ACL will be met, and this addresses what you all established with black sea bass, so that it makes it clear, particularly, I think, for the for-hire sector, so that they know what kinds of trips they can book ahead of time and know how long a season is going to last, so there aren't any in-season closures.

DR. CRABTREE: A couple of things. Alternative 4, 3b, which I guess is really Alternative 4, 4b, it sounds a little like you're only going to have accountability measures if the stock is overfished, and I suspect that's a little too far outside the box, and I'm not sure how we would be able to do that. Then, in Alternative 5, I wouldn't want to get in a situation where we're announcing the starting dates for every species every year. If it's one that went over the ACL in the previous year, maybe that works, but that would be a lot of work for us to do for everything every year.

The thing I hear from recreational fishermen is what they most want is stability and consistent seasons and know what's coming, and then, also, with the closure dates for recreational fisheries, we would normally not go to the Science Center to do those projections. They are normally done in the Regional Office.

DR. DUVAL: Thanks, Roy. Now that we have run through all the different ideas that staff have generated on different possibilities as well as inclusion of some things that the council has discussed, I think namely sort of looking at evaluating recreational landings over a three-year time period, as opposed to every year, what other things would you all want the IPT to consider or think about, in terms of recreational accountability measures?

MR. HARTIG: I have one. I mean, if you have a high value, and you have an assessment where it's smoothed, I would like to see that value used in the average, when you're calculating a geometric mean. Do you understand?

DR. DUVAL: Yes. If you have a value for recreational harvest that has been evaluated and addressed in a stock assessment and there has been some modification to that, through this scientific process, you would like to see that included in determining whether or not an accountability measure is triggered. Okay. Other thoughts?

There has been a couple of SEDAR data workshops where there have been some unusually high estimates of, I think, recreational harvest, I think actually just during the blueline tilefish data workshop for SEDAR 50. There was a lot of work done on looking at whether or not an unusual spike in I think it was actually recreational discards, as opposed to harvest, was -- How real was that and did it need to be addressed, and so that's an example of something that -- It's not on the harvest side, but it is on the discard side. I don't know, Ben, and you might have a couple of other thoughts in mind.

MR. HARTIG: I know, in golden tilefish, there was one particular estimate that was smoothed by the assessment team, and I'm not sure if that one in snowy was or not, but I know that the golden and blueline were, and so it doesn't happen very often, but, when it does happen, it would be helpful to be used.

DR. DUVAL: I think probably the only thing about that is there's a shelf life to these estimates of recreational harvest, and so, when you're applying accountability measures, there is sort of a -- There is a statute of limitations. You're not going to go apply it for something that happened way in the past, and so I just want to make sure that folks are aware of that. Any other ideas? Low blood sugar?

I am not really sure if there's anything else that we can do here, unless folks have other thoughts, and I think this is fairly -- I think this is a great first start. We know we really appreciate staff taking the first crack at this, and I think we'll look forward to seeing what the IPT comes back with, and I think, from what I'm hearing, some of the things that we want to see addressed first are whether or not we could also include our CMP species through this in a framework and the concept of using *de minimis* for some of these species for which there is simply very, very little recreational harvest, making sure that we're incorporating some of the appropriate folks when we're considering the use of PSEs, in terms of determining whether or not an accountability measure is triggered.

We would like to see some examples of application of these different options and how those might turn out, and I think addressing the question of whether or not we could really recalculate ACLs in numbers of fish in this amendment and how that would work, and so those are the things that are in my notes. Roy also noted that you really wouldn't want to do Alternative 5, specifying a

season open and close date, for every single species. That would be administratively burdensome. Is there anything else? Okay. If not, thank you, everyone, for your input, and, Brian, is that all you need?

DR. CHEUVRONT: What I would like is just to get some specific direction from you, if possible, of what would you all like to see in June, or the next time we get back to this, and --

DR. DUVAL: Would you guys like to see like a more fleshed-out options paper in June? I am seeing some heads nod around the table.

MS. MCCAWLEY: I think June, but can we make that decision in Executive Finance, when we look at all the different items?

DR. DUVAL: I think we would like to see a more fleshed-out options paper. When that actually comes back to us is up for debate. Okay.

DR. CHEUVRONT: Okay. There are two things that Gregg just reminded me of. One is that, in Snapper Grouper, you're all talking about yellowtail AMs, and I guess the thought is that that could be folded into this amendment, and is that what you all would like to see?

MS. MCCAWLEY: As long as it moves quickly, and so time is of the essence here on yellowtail, which is why we were thinking about a short-term and a long-term, and so I'm just a little concerned that throwing it in with this might slow it down.

DR. DUVAL: Yes, and so I think, as we're thinking about this, and the timing of yellowtail, I think, as we're thinking about accountability measures for yellowtail, those thoughts on AMs could probably be folded into this document.

MR. WAUGH: Just in terms of timing, the issue to move forward quickly on yellowtail is there, but you all need to give us some guidance on how fast you want to move, because these AMs can remove that in-season closure on the recreational sector. We're the only council that is doing in-season closures on the recreational sector, and so, if that's a big need to change that, that makes this a high priority as well, and I would think equal to the priority that we have heard for yellowtail, but we just need you all's guidance on that.

DR. CHEUVRONT: That brings up the second part of what I was going to say, is that we need to talk about what is your proposed timing for this amendment.

DR. DUVAL: Again, I think probably the best place to talk about that is Executive Finance, when we've got the big picture of everything that is sort of on the buffet. Okay. Then thank you all for your input, and, Mr. Chairman, I turn it back to you.

MR. PHILLIPS: Thank you, Madam Chair. We are a little bit ahead of schedule, and we want to try to start at one o'clock for Mackerel, in case people are wanting to listen to the Mackerel webinar.

(Whereupon, the meeting adjourned on March 8, 2018.)

Certified By: _____ Date: _____

Transcribed By:
Amanda Thomas
March 26, 2018

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Leda	Cunningham			NGO	
Susan	Shipman				Other
Lora	Clarke			NGO	
Amy	Dukes				Other SCDNR
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