

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

COMMITTEE OF THE WHOLE

**Marriott Hutchinson Island
Stuart, Florida**

June 13, 2019

SUMMARY MINUTES

Council Members

Jessica McCawley, Chair
Anna Beckwith
Dr. Kyle Christiansen
Tim Griner
LCDR Jeremy Montes
Art Sapp
Spud Woodward

Mel Bell, Vice Chair
Chester Brewer
Chris Conklin
Doug Haymans
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Council Staff

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Dr. Brian Chevront
Cierra Graham
John Hadley
Kelly Klasnick
Christina Wiegand

John Carmichael
Myra Brouwer
Dr. Mike Errigo
Kim Iverson
Cameron Rhodes
BeBe Harrison

Other Observers and Participants

Tony DiLernia
Rick DeVictor
Dr. Jack McGovern
Erika Burgess
Dr. Wilson Laney

Martha Guyas
Monica Smit-Brunello
Shep Grimes
Kate Siegfried
Dr. Clay Porch

Other observers and participants attached.

The Committee of the Whole of the South Atlantic Fishery Management Council convened at the Marriott Hutchinson Island, Stuart, Florida, on Thursday, June 13, 2019, and was called to order by Chairman Jessica McCawley.

MS. MCCAWLEY: Mel will be happy to know that he's on this committee, along with everybody else that's on the council. Everyone is on this committee. As we get going on this discussion, first, let's approve the agenda, and so I'm going to flip-flop the way that we're going to cover these items on the agenda, but, otherwise, are there any changes or additions to this agenda? Is there any objection to approval of this agenda? Seeing none, the agenda stands approved.

I don't see it on the agenda, but apparently we had some Committee of the Whole minutes from the last council meeting, and so any changes or modifications to those minutes? Any objection to approval of those minutes? Seeing none, those minutes from March stand approved.

When I was reviewing this, I actually felt like it made a little bit more sense to go over the allocation review trigger policy first, and that's the one that has a time certain, and we need to finalize the letter and our plan at this particular meeting, and so I'm suggesting that we're going to go over this part first, and then we'll go into a broader allocation discussion and figure out where we want to go with that, and so, if that's okay with everybody, we're going to go right into the trigger policy, which the trigger policy itself, and the letter associated with that, we need to finalize at this meeting, and so I'm going to turn it over to Brian to start this and start opening up all the documents associated with this item.

DR. CHEUVRONT: Thank you, Madam Chair. This is Tab 11, Attachment 3, and we're going to try to cut to the chase on things here, but I did want to remind you and give you a quick review of where you've been and what you've done with this. We started working on this last year, and, in December, you made some decisions about what you wanted to do, and you refined them some in March, and, at this meeting, there's going -- Because of the letter that needs to get into NMFS Headquarters stating how you're going to be looking at allocation triggers for the future, we need to kind of finish up your decisions today.

The goal is to get through the decisions, primarily the time-based criteria, and I've got a spreadsheet that has some information on it, which we'll go over, and I will walk you through all of that, but the goal will be to help make the decision as to what years you want the allocations discussions to begin and how many years between allocations, for the time-based criteria only, and then what we're going to do is we'll talk about some of the next-step issues, and the most immediate next step will be to get the letter out, and I had been working on a draft in the background of this, and there's a couple of issues that are in that letter that we're going to need to discuss. Included in the briefing book was also a copy of the Gulf Council's letter, which has already gone in, and so, if you reviewed that, you could see some of the things that they were saying about it.

Then we'll have to have a discussion about whether you want to have an official policy statement or not that you want to keep on the council website, but we can get into that discussion more, and that will come up and develop as we get through this process. That will help inform what you're going to want to do there.

Now, as I said, you had made your first decisions on what you wanted to do at the December 2018 meeting, and there were three types of criteria on the guidelines that were sent out to the councils to help them figure out what their trigger criteria were going to be, and they were sort of stakeholder or person-driven criteria, indicator-based criteria, and time-based criteria.

One of your decisions was the public-interest-based criteria was not included. You decided not to include anything in your policy statement on this specifically, because, from your discussion, you had said that you already received significant input from the public, through other forums, such as solicited and unsolicited comment opportunities, like scoping, public hearing sessions, public comment periods at council meetings, but then anybody who wants to can go to the council's website and leave comments about anything, and they are all collected and stored, and so those are available, and so the idea was that you didn't need to go out specifically and solicit this, because there are times that allocation comments come up, through these other public forums, and so you thought that those were okay.

What you decided that you wanted to do was to use two of the three, the indicator-based criteria and time-based criteria. Now, I would like to start with the indicator-based first and review some of the decisions that you made between December and March, and I want to clarify at least one point, but then I want to make sure that these are still the ones that you want. Now, the reason why it's important that we go over these things is because these form a big part of what goes in that letter that we're going to send in to the Fisheries Service.

First though is the public-interest-based criteria. I told you the reason why that was given earlier and why you didn't want to include that, and this is basically your last chance to comment, if anybody wants to reconsider that at this point, but, if not, we'll drive on.

MS. MCCAWLEY: The way I see it is, just like you said, that people can already comment through our regular channels on if they would like to see an allocation decision made, and so, to me, that's already kind of part of our existing process, and maybe we just acknowledge that in our letter, and I don't know if there's any other comments on that particular -- Steve.

MR. POLAND: I just kind of really wanted to reaffirm, on the record, that it's not our intent to not consider public comment, but it's just that we don't think it should be a trigger outright, because of the concerns that it just might burden the process or anything like that, but we will listen to public comment and consider that through our regular deliberations.

DR. CHEUVRONT: Steve, related to that, there's another point that could be made, is that this council goes far and above what is required under MSA to get public comment. I mean, I think you're required to have a single public hearing, and look at how many public hearings that we do, and scoping is not always required, but we pretty much always do scoping sessions, and so we are -- Your staff are out there, and you are also getting comments from the public, a lot more than is required.

MR. CONKLIN: There is a pretty good draft letter, and, if we're going off of that, we can build a record on that, but, exactly to that point about stakeholders and stuff, and we're not going to go look at an allocation when somebody comes in and says, oh, you need to review this, but we take it all into consideration, and we have a time-based thing, and we take that under consideration, and the indicator as well, and we build it all in, and the public input is important, extremely important,

and that might help us shed some light on some stuff a little bit early, if need be, but the time-based is still what we want to stick with.

MS. MCCAWLEY: Brian, wouldn't you also say that what we're talking about here is the minimum criteria, or, if it is not looked at through another mechanism, that we would have time-based triggers, and so, just like Chris is saying, if the public requests something, and we want to take it up sooner than what's on the schedule, we can certainly do that.

DR. CHEUVRONT: Yes, that's correct, and I think -- As we get into the discussion, the way it appears to me, as I've been working with this, is that you have given us some indicator-based criteria, and, if these things happen, then you will definitely look at allocations. However, if none of those indicators have occurred, the back-up is the time-based, and so, if there's a species that hasn't had an indicator trigger, then, eventually, the time-based criteria will kick in, and then, if it hasn't been reviewed, you will need to review it at that time. I do have another follow-up question specifically on that, and so, when we get to that point, we will bring that up, but, first, if we're okay on the public-interested-based criteria, I would like to move on to the indicator-based.

MS. MCCAWLEY: Yes.

DR. CHEUVRONT: Okay. Now, in discussing indicator-based, we're talking events that occur that would cause you to want to consider allocations between sectors, and so there is one -- This very first one, and I'm on page 12, towards the bottom of page 12 of that document, and the very first bullet that I have under indicator-based criteria considered by the council is either or both sectors exceed their sector's allocation.

If I remember correctly, in March, you said it didn't need to be both and it was just either, because both means that both sectors have a problem, and everybody agrees that there's not enough ACL for everybody to do that, and I did not capture it in this document, and I went back and read the notes from before, and I just -- It wasn't rock-solid clear to me, but I thought you were indicating that it just was either sector exceeds their allocation on a regular basis, and, in March, you defined what that regular basis was, but I want to get that clear, that you really meant either and not both.

MS. MCCAWLEY: I would say either, yes.

MR. CONKLIN: The intent was either, because it's the same reflection of Bullet Point Number 2, is either sector underharvests their allocation, and so they would mirror each other and just in opposite directions.

MS. BECKWITH: Just to that first one, with either or both exceeding their sector allocations, I also want us to be careful that it doesn't then seem like we're somehow rewarding the sector that is not maintaining themselves within their sector allocation, and so I can see this being used, or, if it's the commercial or the recreational, whichever one that are not doing a good job of following the rules and being maintained within their sector allocation, I don't think that that's the reason that we should reward them to -- Go ahead, Brian.

DR. CHEUVRONT: To that point, remember that this is just the trigger. This doesn't mean that you have to change anything. This means that you will have a discussion and say -- You would be identifying that this is occurring, and do you want to do anything about it. Do you want to look

at the allocations, and, if you have reasons to say, no, you don't want to do something about it, you can say that, and you can move right along, and you don't have to do anything about it.

MS. BECKWITH: Can you remind what the time period and how many -- Was it three out of five?

DR. CHEUVRONT: It was three out of five years, and I actually was going to -- That is down here in the -- It's right here on the next page, and we have a sector would need to exceed its allocation three out of five years to trigger an allocation review. A one-off event is not going to do it. You're going to have -- In a five-year period, you're going to have to do it three out of five times, and then it would say, okay, the council would then need to have a discussion as to whether they want to do something about allocations for that species, and that result could be, yes, we want to look at revising the allocation or, no, this is the reason why it's happening, and we don't want to go there, and there's your decision. It would just be recorded that this is what happened.

MR. CONKLIN: I wouldn't necessarily say it's rewarding a sector for doing something, going over, and it's more of following a congressional mandate and managing to the National Standards, and so let's just remember that we've got to be objective.

MS. MCCAWLEY: The other thing is, and I hate to keep going back on some of these decisions that we've already made, but we could say "meeting or exceeding". That way, maybe it doesn't sound like it's rewarding someone for going over, but that's up to you guys, and I have no preference here.

DR. CHEUVRONT: To that point, in thinking about this further, you realize that sometimes a fishery, a sector, will have their fishing shut down when they meet or are expected to meet their ACL, their sector ACL, and so, in some cases, they actually slightly underharvest, but they were stopped in their fishing, and I was wondering if there was some way that you wanted to capture that notion in here as well.

MS. MCCAWLEY: I hear a no from Anna, but I thought it was a really good point.

MS. BECKWITH: No, because, if we're stopping them before they exceed their ACL, then we're doing our job, and that is the management regulations that we put into place, and so not only are we going to reconsider allocations when they meet or exceed, when they underharvest, and then when we achieve the management goals, and so we're potentially looking at allocations for literally every species under every scenario, and so I think, if we're stopping them right before they hit their ACL, we're doing our job.

MR. GRINER: I understand that, Anna, but, at the same time, if you're projected to meet your ACL way early in your season, then I think that is something worth looking at allocations over, especially if it's continually happening.

MS. MCCAWLEY: To me, I think that, to me, you're both correct, because I agree the management system is working to maintain say the commercial sector within the ACL, but, just like Tim is saying, maybe they're meeting the ACL earlier in the fishing year than what they have historically, and so I'm wondering if we need to tweak that wording a little bit, because, technically, maybe the commercial sector can't really exceed the ACL, because of the way the

management system is set up. I don't know if we want to tweak that or put a caveat on "exceed", since the commercial sector can't, usually, actually exceed the ACL, because of the way the system is, and so I'm looking around the table.

MR. BELL: To that, I mean, you could have a condition where a fishery closes earlier and earlier, because they are getting right up to it, or they're being closed, but that might tell you something, maybe, that you need to pay attention to, and so it doesn't necessarily exceed, but it's meeting it, and maybe meeting it earlier and earlier every year or something.

MR. POLAND: I agree with Mel. A conditional statement in there, something to the effect of a sector closes early, consistently within that time period or something like that, because I am thinking of the example of Spanish mackerel that we're having right now in the northern zone, where it has closed two years -- The last two years, it has closed a little earlier and earlier, and we have received a bunch of public comment to that effect, and so I think that's a situation there where allocations -- It's probably warranted to look at that, at some point. I disagree with Anna, and I think that we need to capture that somehow in these triggers.

MS. MCCAWLEY: Okay, and so I think we're leaning towards maybe capturing that, because it doesn't seem like "either or both sectors exceed" is exactly what we mean, and we really mean meet early, or consistently meet early/exceed their sector allocation, and how can we help you reword this, Brian?

DR. CHEUVRONT: The issue is that the sector closes early, because they have met or expected to meet their sector allocation, or exceeded their allocation, and so that follows the language that you have in your accountability measures language for both the commercial and recreational sectors, and you also have Jack that I think has been waiting for a while.

MS. MCCAWLEY: Yes, and I like that. Jack, sorry. I didn't see your hand up.

DR. MCGOVERN: You are talking about exceeding the sector's ACL and not their allocation, but I think what you're referring to is not necessarily the closing early every time, but it's triggering an accountability measure, because there could be -- You're not always going to close in-season, and you might have post-season accountability measures, too.

MS. MCCAWLEY: I wasn't necessarily talking about an accountability measure. I guess let me just throw out an example. The yellowtail snapper commercial fishery has met their ACL before the fishing year is completed, and so they're meeting their ACL before -- They aren't open the entire fishing year, and so that was kind of what I was talking about. I agree that the management has worked, but, still, I think that that's maybe a reason that we would want to look at allocation.

MR. BELL: Again, you're just triggering a process to review, and so you review, and then you might determine that it's not necessarily that you may need to increase an allocation, but maybe you need to do something else to change the rate of extraction somehow.

MR. CONKLIN: Just taking it another step further, and I may be going way too far in the weeds, but what if like it's within a sector, and you have like two different gear components are hitting it and moving it, and is that going to cause us to go and review allocation in between gear types on the same species?

MS. MCCAWLEY: I guess my thought is why not? Brian, correct me if I'm wrong, but, each one of these times, it's just suggesting do we want to look at allocation, and it hits one of these triggers, and then we have a discussion of do we want to talk about allocation, and do we want to take it to the next step or not, and so, whether it's one sector or a gear portion of one sector, I think it's all okay.

DR. CHEUVRONT: I can give you an example of that. If you remember, we have, in yellowtail, we have a sector separation within the commercial part of it -- Not yellowtail. I'm sorry. Golden tilefish. In golden tilefish, we do. We have the longline, and then we have the hook-and-line folks, because we were having a problem that the hook-and-line folks are getting shut down because the longliners are catching the entire commercial allocation, and so we took care of it there, but then another example, where there was a similar issue, was a number of years ago with the commercial dolphin fishery, when the longline folks were caught -- They had a very good year and caught up the commercial allocation, and the commercial sector shut down.

Well, the way that the council dealt with it was not to allocate separately to the hook-and-line versus the longline sector, but they just -- I think it was after 75 percent of the commercial allocation was caught, then a trip limit would go into place for the longliners, and so there's multiple ways that you dealt with this in the past, and all we're talking about now is what's going to start the conversation and not what are you going to do. That comes later.

MR. CONKLIN: The question that I was asking, overarching, is the allocation policy that we're coming up with here and these mechanisms -- Are the sectors that we're talking about just recreational and commercial user groups, or are we talking about sectors within sectors? That's what I meant.

DR. CHEUVRONT: Primarily, it's commercial and recreational is what we're talking about here, but there may be an issue that could come up, say in golden tilefish, that may cause you to want to look at the commercial sector alone, looking at the allocations by gear type.

MR. CONKLIN: What are we tasked with right now, per the new reauthorization or whatever this is?

DR. CHEUVRONT: You will notice that we're not even referring to commercial and recreational sectors much in this. We're talking about the different sectors, whatever sectors happen to exist, that this could apply to whatever they are, and so we're just looking at things that literally are those triggers to initiate the conversation for whether you want to consider looking at allocation for a species or, in some cases, it could be a group of species, however you want to put it together, and that's the part we're going to get to in a little bit with the spreadsheet.

MR. CONKLIN: So it's anything that is allocated? Okay. I just wanted to be clear, and I wanted to get that right out of the gate, so that we were clear. Thank you.

MS. MCCAWLEY: Jack's comment was that both of those bullets, if either or both sectors exceed their sector allocation or continued underharvest of a sector's allocation, and I think he is suggesting that maybe the words "allocation" to "ACL", and I think that that's what he is suggesting.

DR. CHEUVRONT: So change it from “allocation” to “ACL”, Jack? Is that what you’re saying? Okay.

MS. MCCAWLEY: Then it sounds like, based on the discussion, you’re going to add some language to clarify that it’s not just exceed, because there might be the sector meeting their ACL earlier and earlier in their fishing year, but, because of the way the management is, they technically -- Say the commercial sector can’t exceed.

MS. BECKWITH: The continuation of harvest, of underharvest, for sector allocation, can we consider switching that to like sector not achieving their optimum yield, and I suggest that because, I think in some species, like dolphin, we have had some discussions that optimum yield is actually not harvesting the sector ACL, and so if that can be somewhat captured, where, in some species, the --

MS. MCCAWLEY: Okay, but we don’t have that OY defined on everything. The dolphin is a special case, and so I’m wondering if we do an either/or, either OY or ACL, since we’re changing the word “allocation” to “ACL”, and will that work? Okay. For Number 2, and I’m going to call it Number 2, and it’s just the second bullet there, continued underharvest of the sector ACL or their optimum yield. Okay.

MR. WHITAKER: Would it be a problem if both sectors are consistently under their sector ACL? Presumably the issue here is if one is, and then the other is meeting or exceeding, and you might want to change allocations, but, if both are consistently well under, and I’m thinking like 10 percent under or something.

DR. CHEUVRONT: As the Chair just said, you would have a different problem there, and, actually, in some places, you might not consider it to be a problem at all. For example, look at king mackerel. You’re had an allocation, the same allocation, in place since 1985, because it works, and neither sector seems to be exceeding its allocation right now, and so it’s not an allocation problem. If there’s a problem, it’s another kind of a problem. It could be a biological problem, that there could be an issue with the stock, or it could be everything is just fine, and so it may not be an allocation issue at all.

MS. MCCAWLEY: Okay, and so we’re working on that indicator-based criteria considered by the council, and we’ve made some modifications on it, and the third bullet under that is something comes out of a stock assessment or fishery performance report that could indicate a need for an allocation review, and I think we were all in agreement on that last time.

MS. MCCAWLEY: Yes, and you actually modified it a little bit. The decision that you made last March was that, when there was -- I can’t see it right here right now, but what you wanted to do was, after every stock assessment, as part of your review of the stock assessment, one of the questions you were going to ask or consider was do we need to consider allocations for this species, and that was just -- That was stated as a blanket consideration that the council would go through when they would have their discussion of the results of a stock assessment.

MS. MCCAWLEY: I see it up there now, and it’s the first bullet. The council will revisit allocations for species each time a stock assessment for a species is accepted. Do you mean is

accepted by the SSC or is accepted by the independent panel of experts, and I'm not sure what "accepted" means. Should it just for a species that is completed?

DR. CHEUVRONT: You can tell me how you want that language. When I put it in there, I intended it to be accepted by the SSC and presented to the -- The results presented to the council.

MR. POLAND: Should we also specify benchmarks are now research tracks, and so we're not looking at it every time we do an update or anything like that?

MS. MCCAWLEY: I don't know if I want to -- Just my opinion is I don't know if I want to specify, because I can think of all kinds of different things that could happen coming out of a stock assessment that, just because it isn't a benchmark, it doesn't mean that we don't want to ask ourselves are we okay with the allocation, yes or no. What do we want to do about stock assessments? Do we want to say that it's accepted by the SSC, or do we just want to say completed?

DR. CHEUVRONT: We could say accepted by the SSC, because that's where the buck stops with the biology, and presented to the council.

MS. MCCAWLEY: I am good with that if other folks are. Okay. I see heads nodding.

DR. CHEUVRONT: We got through that. That's fine.

MS. MCCAWLEY: So I think we're through the first three bullets under indicator-based criteria considered by the council.

DR. CHEUVRONT: Right, and the thing that I want to do now is to see if there are any other indicator-based criteria that you wanted to consider before we move on to the time-based ones.

DR. MCGOVERN: I have a comment about the last thing, about something comes out of a stock assessment, and it sounds kind of strange.

DR. CHEUVRONT: We have changed that. We got rid of that language all together, because it was kind of loosey-goosey. It's the way it was stated in December on the record, and so I grabbed it from there, but, when the council discussed it in March, the statement was at the conclusion and acceptance by the SSC of every stock assessment. When it was presented to the council, then they would have a discussion as to whether or not they needed to look at allocation, and so the idea was to get the language to be more directive, which is what we got in March.

DR. MCGOVERN: Thanks.

MR. CONKLIN: Brian, can you tack up what we've added to it and show it to us?

DR. CHEUVRONT: The issue is that this is a PDF file, and so I can put this stuff into a Word document.

MR. CONKLIN: Can you read it back to us, on what we've added to indicator-based and, if anything, to time-based?

DR. CHEUVRONT: Give me just a second.

MR. CONKLIN: Thanks. I apologize, but I need to see it. Thank you.

DR. CHEUVRONT: If you all wanted to talk while I type it.

MS. MCCAWLEY: Sure, but I wanted to ask questions, and so, since we're in the Committee of the Whole, do we not need to reaffirm this when we get to Full Council, and so the discussions today basically stand for the whole week, and is that true?

DR. CHEUVRONT: I believe so.

MS. MCCAWLEY: Okay. I just wanted to check.

DR. CHEUVRONT: You will get a report. I mean, if you have -- Because it's Committee of the Whole, I think, if you make motions and stuff here, since everybody on the council is on the committee, it doesn't need to be voted on again at Full Council.

MS. MCCAWLEY: I was just asking, because Chris makes a good point. It's not like this is going to come back again tomorrow so that we can review the language. If we're editing language, maybe we want to look at some of that right now.

MR. CONKLIN: Just as a formality, we don't need to like -- We don't have to go back into Full Council and say our names and all that? I don't want to have to do it all again.

MR. BELL: Not to that, but I was still thinking about the stock assessment thing, and so the periodicity of the stock assessments would probably be occurring quicker than whatever, when we get into time here, whatever time we were going to say, if we hadn't looked at it in some manner of years. I mean, you could be -- You could actually be kind of having a situation to kind of look at it on a three-year or five-year or however -- Whatever the frequency of the stock assessments happen to be, and so that kind of sets a rhythm, is what I'm saying.

MS. MCCAWLEY: Yes, and I think we're going to get into that when we look at the time-based and we look at the Excel sheet. There are going to be species, which is just a subset of all of our species that are receiving stock assessments, and based on the frequency chosen by the SEDAR Committee and the council, some of those species, you're right, might be getting it every three years, or every five years, but there are some species that have an allocation that we might not ever have a stock assessment, dolphin, and so you need to put in some type of time-based criteria, in case it isn't triggered by the stock assessment, or maybe we do a stock assessment on something and then we don't make a decision to conduct another one of those for many years. You would still want to be able to trigger the allocation again. Just because it isn't receiving a stock assessment, it doesn't mean that we don't want to consider allocations.

MR. BELL: Yes, and I was just trying to think of what are the kinds of things that might come out of an assessment, probably from the data review or something, what would come out of the assessment that would kind of trigger you to think that you needed to do it, or would it be every time we do an assessment, we would feel some pressure to look at allocation?

MS. MCCAWLEY: A couple of things. To me, you're talking about the next step. We are just talking about what starts us to say do we want to allocate, yes or no, and those type of things that you're talking about, to me, are us determining how we're going to look at allocation in the future, which, to me, is the discussion that would come after the discussion that we're having right now. Go ahead, Chris.

MR. CONKLIN: You answered -- Mel had a similar question to me, but we'll move forward.

DR. CHEUVRONT: This is the wording as I have it now, and I will go ahead and read them, and we'll read them one at a time, and then, if there's any clarifications or wording modifications that you would like, please let me know after each one, when I read it. The first one is either sector exceeds its ACL or closes consistently prior to achieving its ACL for or in three out of five years, and is that -- Or within. Is it in or within?

MS. MCCAWLEY: We're just going to do one at a time. On the first one, it does seem just a little bit odd to me, the "closes consistently prior to achieving its ACL", and is that really clear what we mean?

DR. CHEUVRONT: That was the part that was not as clear for me.

MS. MCCAWLEY: To me, it's basically -- I guess the best way to think about it is if you think about the commercial side and there being -- Closed down not prior to achieving their ACL, but they are closing consistently prior to the end of the fishing year. Is that more helpful there? As he's typing that up, are there other comments?

MR. DEVICTOR: Do you need the word "consistently" there, or is it pretty clear that it would be three out of the five years?

MS. MCCAWLEY: Good point. Maybe we don't need the word "consistently".

DR. MCGOVERN: Also, you're not supposed to achieve your ACL. You're supposed to stay under your ACL.

MS. MCCAWLEY: Minor detail.

MR. CONKLIN: There is some language in the bulletins that go out that achieves or projected to achieve or met or projected to meet, whenever they send out the bulletins, and it explains that this is why it's happening and what, where, and when and the reason, and so I think a lot of language is projected to be met by the state and --

MS. MCCAWLEY: I agree with everything you're saying, but I'm wondering if that can be adequately captured with "closes prior to the end of its fishing year", and so it wouldn't matter whether it actually met it or if it was projected to meet it. Either way, something triggered it to be -- Either one of those things triggered it to be closed prior to the end of the fishing year. That might capture both of those things. Anything else on this one before we move to the second one? All right. The second one, I will let you read it, Brian.

DR. CHEUVRONT: Either sector underharvests its ACL or OY by at least 50 percent three out of five years.

MR. CONKLIN: Is this something we came up with at the March meeting, that one, or did we just add that?

DR. CHEUVRONT: No, it came up in December.

MR. CONKLIN: That's what I meant, December, because 50 percent is -- I mean, is that where we want to be?

DR. CHEUVRONT: You guys gave me that number, and so, if you want to change that number, now would be the time to do it.

MS. BECKWITH: Thinking about the recreational, if we're going to have years of high abundance or low abundance, if we're consistently achieving 50 percent of our ACLs, and we're starting to not go over our ACL in years of high abundance for certain species, that may not be appropriate for all species, and maybe that's not the right number for everything, but that was part of the discussion when we came up with that number, is, if you are -- If you're constantly going to 80 or 90, and then you hit a year of high abundance, and your chances of going over are quite high, but, if you're sort of at 50 percent and you have a year of high abundance, you're going to be maintaining within your ACL, and so that was just part of the discussion we had at the time.

MR. CONKLIN: That sort of relates to what David was saying about not catching the fish on half of it, it seems like, one sector or the other, but 50 percent, can you get by in school for those 50 percent grades?

MS. MCCAWLEY: That's why it would trigger --

MR. CONKLIN: That doesn't sound like a good enough reason to justify 50 percent.

MS. MCCAWLEY: Help me understand. It seems like it's the percentage that you don't like, and it's not the fact that the particular sector is underharvesting, but it's that you think that percentage should be more or less, and help me understand what you are trying to tell us.

MR. CONKLIN: Realistically, it should be more, in my opinion, and I could be wrong, but I would like to hear some more reasons why that isn't 60 or 70.

DR. CHEUVRONT: Just to make sure that I understand clearly, you're saying that, if you wanted to increase that number to 70 percent, then you're saying if they're only harvesting 30 percent of their ACL that that's okay and that would not trigger the allocation review? I just want to make sure we're going in the right direction here.

MR. CONKLIN: I just wanted some reiteration of why we picked 50 percent.

MS. BECKWITH: Another reason why 50 percent might be appropriate for the recreational is because of the uncertainty on the MRIP numbers, and so, for certain species, if we have a rare occurrence species and it jumps up -- I mean, you're going to have these huge swings, and so,

again, 50 percent is more appropriate for the recreational, and it may not be as appropriate for the commercial, but I am more comfortable with that for the recreational.

MR. CONKLIN: That's good enough for me. Okay. Thank you.

MS. MCCAWLEY: Okay. Anything else on the second bullet? All right. The third bullet, I will let Brian read that one.

DR. CHEUVRONT: After a stock assessment is approved by the SSC and presented to the council.

MR. HAYMANS: When it read "something comes out of the stock assessment", that, to me, was an indicator. This is now a time-based. It's no longer an indicator.

DR. CHEUVRONT: No, the indication is -- Because we don't always do stock assessments on a specific time period.

MR. HAYMANS: I understand that, but that's all this is, and that's all Number 3 is, is time. You're going to do it when? You're going to do it after you have an assessment of that stock, and there is no indicator there, and it's purely time.

DR. CHEUVRONT: That's for you all to decide. The reason why we have it under indicator is because the indication is the stock assessment, but, if you understand that differently, then --

MR. HAYMANS: It won't be the first time that others have disagreed with me.

MS. MCCAWLEY: To me, time-based is just years alone, and it's specifically a number. To me, this indicator is the stock assessment, which might occur on a consistent frequency, or maybe not, like what Mel was suggesting earlier.

MR. POLAND: I also noticed -- So we're comfortable not including an indicator out of a fishery performance report anymore, or do we still want to include that in there?

MS. MCCAWLEY: I would love to see it included in there.

DR. CHEUVRONT: That could be then another indicator, a separate one, and we can work on that language right now. Who is going to -- After the SSC reviews a fishery performance report, or the council, or how do you -- Because the council usually is the last one to get the fishery performance report, and you are, obviously, the ones who would be considering whether you want to do allocations or not.

MR. POLAND: I mean, I would lean towards the council reviewing the fishery performance report, but I'm also thinking too what's going to come out of that that's going to be different than just regular public input, but I guess there are indices and that kind of stuff included in some of those reports too, and so those could be considered indicators.

MS. MCCAWLEY: The fishery performance reports are created by our APs, and we have selected those individuals, and so -- All right. That one is going on the board.

DR. MCGOVERN: I am wondering about how often the fishery performance reports are supposed to be done. If they're annual reports, that would be pretty often.

DR. CHEUVRONT: They are not happening annually, I can tell you that. There's just far too many species. Typically, it's two or three species, at most. Myra, we've been doing them for snapper grouper, and it's generally two species per meeting, and is that correct? Yes, it's two species per meeting, and they meet twice a year, and so that's four species a year from snapper grouper. Have we been doing them much in Mackerel Cobia, Christina?

MS. WIEGAND: (Ms. Wiegand's comment is not audible on the recording.)

DR. CHEUVRONT: So we've done all three one time for cobia and king and Spanish mackerel, but they've all each been done one time in the past couple of years, and spiny lobster.

MS. MCCAWLEY: All right, and so are we good with that language of after the council reviews a species fishery performance report?

MR. CONKLIN: Let's get on the record what really does a fishery performance report tell us and what might make us want to look at reallocating based off of a fisheries performance report from industry and AP members versus from science, like a stock assessment, because, in essence, a fishery performance report is like a fisherman's perception of the stock, and so this is like a stock assessment -- Not assessment, but if it's healthy or it's good, and, I mean, what in there is going to say that you all need to review this?

MS. MCCAWLEY: Let me just try to make a guess here. We ask fishermen things about what they're seeing with recruitment, and so these are our AP members, and we've selected them, because of their knowledge of the various fisheries, and we might be asking questions about what do you see with recruitment or some other factor of the fishery, and we may or may not have another stock assessment on a particular species, and so this might be what we have that is getting updated more frequently, but Christina came to the microphone, and let me see if she can help.

MS. WIEGAND: We ask a variety of questions, and we do get all of those environmental questions, like what is catch like the last five years, what is abundance like, what have you been seeing in terms of recruitment, and we also ask about environmental factors and how those have been affecting the fishery, and we go into social and economic issues, how has the price been, how is demand for this fish, for charter and headboat trips as well, and we do ask them explicitly about management measures, and one of the things we ask about is allocations.

MS. SMIT-BRUNELLO: I am not sure that we need to get into this right now, but what does it mean to review the allocation? If it's as simple as you're looking at the percentages and you go on from there, that's one thing. Then, if you look at the fishery performance report or the stock assessment or whatever, okay.

You may just decide that, okay, these look about right, and we're not going to go further, and that's it, but does it also mean to then have a lot of background information and all kinds of things? I am just thinking about staff workload, and I'm thinking about what you all would need, and, like

I said, I don't think you need to get into that right now, but it is something to think about, and it could be a simple review, quick, and it could also be a more in-depth review.

MS. MCCAWLEY: I think that's partly going to be the second part of this discussion, and we put the trigger policy first, about what we're going to get each time we review. To me, there is -- This is just me, but maybe two phases. One is, based on what we see here, do we want to consider an allocation review, yes or no, and, if we want to review it, what information are we going to look at during the review?

MR. CONKLIN: Staff workload was kind of what I was thinking, and how often can we really review this stuff and just -- If we have too many things, or a lot of different things, that enables us to say, hey, we need to do this, and it's not on the time-based, then are we going to just be bogging our staff down, where we can't get amendments and stuff like that done, and what is the review like? Is it just that we're going to look at it, or it's in the text, and here is the allocation, and we read it, and is that a review? I mean, do you see what I'm saying? Or are we going to initiate some sort of an amendment to change it?

DR. CHEUVRONT: Right now, we have been considering those exact questions in that spreadsheet that you're going to look at for time-based, and how many years are going to go between allocation reviews, specifically, when do you want to start them, and SERO staff is involved, and so, when we do allocation reviews, if it goes to something in-depth, they are also maybe doing the same thing with the Gulf of Mexico, and so they've got staffing issues that they have to deal with, and that's actually all captured in the time-based spreadsheet that we're going to look at later, but you're talking now about indicator-based and the frequency in which those might occur.

You are looking at probably doing at least a few, and I'm guessing maybe six, out of all the species that you do, pretty much consistently every year that you're going to be looking at to see do we want to initiate an allocation, a formal allocation, review for those six species or so, and maybe more.

MR. CONKLIN: That's what I was saying. If we're taking our four snapper grouper fishery performance reports, a dolphin wahoo, a king mackerel and Spanish mackerel and cobia, and then one or two stock assessments, and then we're time-based on top of that for other species, we're going to spend -- We could, potentially, spend our whole year reviewing allocations, and that's all I'm saying.

MS. MCCAWLEY: Let me try. A couple of things. One, I think that the first step is still do we want to dig down into the allocation, and we see X from the stock assessment, and we heard Y from the fishery performance report, and it's almost like it's this cursory look, in my mind, of do we want to consider an allocation review, yes or no, and then, if we do, then it goes to all these other steps, and we're going to talk about this in the next discussion, is what is the type of information we would want to see, but I think, in that cursory review, that's when you would, as a council member, think about all the different things of what is the workload right now and when was the last time we looked at that and how drastic is the thing that came out of the fishery performance report, or how different is this information from the stock assessment, and I think those are the types of things that you would have to get this cursory look, and then the answer, and then it goes on to the next phase.

MR. CONKLIN: This will be my last thing, and so I don't see where a fishery performance report is going to tell us how to allocate between or within sectors, and so I don't think it should be here.

DR. CHEUVRONT: The fishery performance report probably would not be very directive at all, in terms of how to do the allocation, but it could tell you that allocation is an issue, and then it becomes a council decision to decide whether you want to go into that or not.

MR. CONKLIN: All right. I understand now.

DR. CHEUVRONT: One of my follow-up questions that I wanted to ask, and, because it's appropriate right now, I will just throw it out there, is, is there a minimum number of years that you want to elapse before you will review an allocation again, because it's conceivable, for example, that you have a stock assessment for red snapper, and then the time-based criteria is up two years later, and so you will have hit it, or does that seven-year time period start again after you have the stock assessment? We need to figure some of this out. Are these numbers -- What is the minimum number of years you want to elapse between, or how do you want that to be handled, when they go between indicator-based and time-based criteria?

MS. MCCAWLEY: To me, that's the time-based part that comes next.

MR. POLAND: To Brian's point real quick, I was kind of anticipating that a clock would start, and then, whichever one we get to first, and, if we look at allocations, then that clock will start over, and, if it's an assessment or seven years or whatever, but, on the timing issue as well, and I think Doug touched on it a little bit earlier, now that we've added these fishery performance reports in, there is the potential that we'll do an assessment and then have a fishery performance report a year or two later, and do we want to just tie those fishery performance reports as a trigger to species that we don't have assessments for, as a way to kind of alleviate this constantly discussing this issue? What does the committee think of that?

MS. MCCAWLEY: My guess is no. I'm trying to think of some examples of some things that we've heard from APs that really had us concerned. This was kind of before we had those fishery performance reports, but I believe that maybe red grouper was one of the ones that the AP had been telling us that there were concerns, and that was before we had the stock assessment, and I'm not saying that that would make us want to reallocate, but I felt like we were getting information for a few years before we actually -- Where I would say that that was cause for concern, what we were hearing from the AP, before we ever got the stock assessment. That's just an example.

MR. BELL: This may be a semantics thing, but it's allocation review and triggers policy, and so some of the things we're talking about are points of review. They don't necessarily trigger something, and so, after a stock assessment, we might review. After a report, we might review, but then the time thing becomes an actual trigger, I guess, and so the things that we've kind of talked about aren't necessarily -- Although they could, if, in your review, you determined that there is sufficient need to sort of trigger something. It's kind of two different things.

DR. CHEUVRONT: Even with the time based, you are not forced to do an allocation revision. What you're going to do is you're going to look at that species over a given specific period of time and at least think about is this something that we need to consider redoing an allocation for, and

you don't have to redo an allocation. You've got a mackerel allocation that's been in existence since 1985. If you're still happy with that in 2035, you're fine. It's just that, at some point, you have to document that you are thinking about these allocations. Are they still adequate for this species, and, if you say yes, you're done, and you move on to the next stage. You don't have to change them if you don't want to.

MR. BELL: Okay. Then I kind of misinterpreted that. The periodicity thing is -- We're not going to automatically, every ten or twelve or --

MS. MCCAWLEY: What we're doing here is this is the trigger policy. This is the trigger for the council to ask themselves do we want to do a full allocation review, yes or no, and, if we say yes, then there will be other things that come after that, and this is -- What we're talking about right now is just what gets us to ask ourselves yes or no.

DR. CHEUVRONT: Yes, that's exactly it.

MS. MCCAWLEY: Okay. We're at lunchtime. I would like to, if we can, before lunch, agree that these are the four that we would like to have as our four indicator-based criteria. Are we okay with that? Can folks see them? Okay.

MR. DEVICTOR: Just real quick, and it's minor. How about putting the word "consecutive" between "five" and "years", just to be ultra-clear, and so it would be "five consecutive years".

DR. CHEUVRONT: Three out of five consecutive years? That's fine. That's a clarification, and I think that was the intention.

MR. DEVICTOR: Yes, I think that's the intention, and it's rolling, but just to be ultra-clear.

MS. MCCAWLEY: Okay. Good catch. Do folks need the font increased here? What do you need? Do you need me to read them again? Okay. We can have a motion here, and can everybody see them? All right. Just to clarify, we should probably call them indicator-based triggers, just to be clear, and maybe that's part of what the confusion is here by Chris and Mel, and so maybe we want to call these indicator-based triggers.

MR. CONKLIN: **I will make the motion to approve the following indicator-based triggers, Bullet Points 1 through 4.**

MS. MCCAWLEY: It's seconded by Chester. It's under discussion. **Any objection? Seeing none, this motion stands approved.**

We're going to break for lunch. When we come back, we're still going to be in the Committee of the Whole. We will still be talking about allocation, and we'll be talking about allocation triggers specifically, and we're going to go into the time-based criteria, and so don't eat a big lunch and nap afterwards. You better get ready when we come back.

(Whereupon, a recess was taken.)

MS. MCCAWLEY: We are going to get started again, and we're in the allocation discussion, and we're on the trigger policy, and we're on the time-based triggers. Just to let folks know, no matter where we are on this, we're going to stop at 2:30 and start Mackerel, because there are some folks here to see the Mackerel portion of the meeting, and so we will start Mackerel at 2:30 no matter what, and then we'll figure out how and when we're going to come back to this, depending on how far we get, and so I'm going to turn it back over to Brian, for him to go back to that document that we were looking at before we pulled these bullets over here and look at the time-based triggers.

DR. CHEUVRONT: Thank you, Madam Chair. Let me pull that document back up here. We finished the indicator-based criteria, and we now have four bullets that we are including of types of indicator criteria that will be used to trigger allocation reviews, and so the other grouping that you all had decided that you wanted to use was time-based criteria, and so, from December, you decided, if a period of time passes without a review of allocation, a review would automatically begin, and I'm going to come down, because we talked about this more in March.

One of the ideas that came up in December was to institute a shorter period of time for the top ten or fifteen species to be considered for allocation review and then institute a longer time period for the remaining species to be considered. You came back to this in March, and your decision at that time was the default review for all allocations will occur every seven years, and that was -- So, if something else hadn't caused you to review an allocation before then, you would look at it at least every seven years.

Then there was some discussion, and it was like, gosh, there's a whole lot of species, and you can't do them all at once, and so how could we deal with this issue, and we had discussed that we could sort the species into three different bins, the first one being that all species that had an allocation in effect in any year prior to 2013, and so that included the ones that still had the Comprehensive ACL Amendment and then species that had their allocations set in 2013, and there were a lot of species that had their allocations reset in 2013, because they were -- If you will remember, there was a snapper grouper amendment that looked at the last revision of MRIP and applied the same formula, but with the new landings, and it came up with new percentages for the allocations in 2013, and that included a number of species.

Then the third bin was species that had their allocations last set since 2014 or later, and the idea was that you wanted to review those at this meeting, and I can show you, on the spreadsheet that I've got, that it turns out that they're not as equally distributed as perhaps we would have hoped, but there that is.

Then the other decision that we haven't discussed is that you would review, at a later time, the information that you would like to have help you in determining whether or not an allocation is warranted, and so the data and the criteria, the actual things that you're going to use to help you determine it, and that needs to be still worked on.

If it's okay, I'm going to jump to the spreadsheet, and the spreadsheet is in the briefing book. It's Tab 11, Attachment 4, and it's SA Allocation Triggers, 201906, but we've got it projected now, and so what I did is I went through all of the species and included them here that have sector allocations that are managed by the South Atlantic Council, and so, if you start with -- They are in some specific types of groupings. When you start looking at these up here, this first group, and

going down a ways, these are species that have been assessed. They have a stock assessment, and then this next Column B, B and C and D, tells you what year they were last allocated.

The next two columns are -- E is the year that the assessment was done. The priority, don't get wrapped around the axle on that. That was from a document that had assessment priority information on there. Columns G and H are what the current allocations are for the species. Now, some of the species that this council manages also are managed by the Gulf Council, and remember we've got some species that are jointly managed, and so there needs to be some consideration there, particularly of the jointly-managed species.

The Gulf Council has already decided, for the species that we also have, what year they are going to do their next allocation review, and then they have the frequency in years for how often they want to repeat those allocation reviews in the future. Now, in the last two columns over here, K and L, I have the years that the South Atlantic Council is probably going to review them, because these are species that are managed jointly with the Gulf, and so I just moved those years over, and, if you will recall, I think it was at the December meeting, the Gulf had said that, for those jointly-managed species, that they wanted to do it every ten years, and you all said, no, we really want to do it every seven years, and it was taken back to the Gulf, and the Gulf said, okay, we'll do it every seven years like you want, and so that was reported back to this council in March. Using the years that the Gulf has already for those jointly-managed species, those are already included.

Ideally, what would be great to leave with here today is to fill in Columns K and L, and the rest of the data, as we know it, are all informational, but let me show you, going back to Column A now, this is the different groupings of the species, as we have them, and so, in this first group here, we have the assessed species, and, as you can see, it's black grouper, everything down through Gulf group cobia, Florida east coast zone, and so they're kind of set up by FMPs.

Then we have some unassessed species that are not part of a complex, like spadefish, bar jack, scamp, speckled hind, warsaw grouper, and, of course, we don't have any landings of those, and we do have allocations, which is amazing, but the ACL is set to zero for both of those species.

Then we have the deepwater complex, the jacks complex, snappers complex, grunts complex, shallow-water groupers, porgies, and then, down here at the bottom, we have dolphin and wahoo. This very last row that says "total", I was kind of hoping the distribution would be a little better, but nineteen species that you have now had their allocations set prior to 2013, and thirty-one of them were changed in 2013, and five of them have been modified since 2013, and so, using that as a way to help you to say this group gets done in this year and this other in another, that's probably not very satisfactory, but we didn't know until we looked at it, and you all had asked for that, and so I have included those data there.

Now, some of these species complexes, for example, you might just want to decide that the years that you look at allocations for the species in a given complex would be the same year, and that seems to make sense to me, but you all can decide all of that, and so, for example, there might be some benefit, and maybe somebody from SERO can address this. For example, you have the deepwater complex here, and you have yellowedge grouper, and the Gulf Council is going to review that in 2026, and is there any advantage to doing the South Atlantic Council's at the same time? That is more of a SERO thing, because they're going to be involved in these, providing data and analyses, and so that might be a question that we could have for our NMFS friends.

MS. MCCAWLEY: NMFS friends, are you awake over there?

DR. MCGOVERN: The yellowedge grouper, we catch so few of them in the South Atlantic, and I just don't think there's a need to do that at the same time as the Gulf for that species.

DR. CHEUVRONT: Okay. I have to put in a plug here. Mike Travis at SERO, he and I worked real closely in putting this together, and a lot of this is stuff that came from him, and he was incredibly instrumental and helpful in putting all of this together.

DR. MCGOVERN: But I think it would be good, for jointly-managed species with the Gulf, to do those at the same time.

DR. CHEUVRONT: Yes, and I think everybody is kind of in agreement on that, that those would all be done at the same time.

MR. CONKLIN: Jack, what about those species that aren't jointly managed and ones that we actually catch a lot of? Would it be good to -- Like say gag grouper. Would it be good to do that with the Gulf as well, so you all are pulling the same information and stuff like that at the same time?

DR. MCGOVERN: Maybe, for more abundant species, it would be a good idea to do that. For these really minor species, that are minor for us, I don't see the need to do it at the same time.

MR. HAYMANS: Since Mike Travis isn't here, we'll blame him for the discrepancy between Attachment 6d and this table that we're looking at. As we're moving through allocations, we need to double-check that we've got the right allocation when we start talking about it, because the table has got a 13/87 split on dolphin, and Attachment 6d has a 90/10, and so just make sure we get it right.

DR. CHEUVRONT: No, I will take the blame for that one. That one was mine. I am sure Mike is listening in, and so I'm sure I will have an email, but that actual allocation is -- Let me go ahead and fix that. I should have caught that one.

MS. MCCAWLEY: Then it sounds like one of the ways we move through this table is partly to look at those more frequently caught species, which it looks like they're towards the top of our Excel sheet, and maybe look at when the Gulf is going to look at them and consider that relative to when we want to look at them, which is what Chris was suggesting.

MR. CONKLIN: I was thinking that the Gulf has already done a good bit of the work, and maybe we should just look through and see if there's anything we want to change. Otherwise, we can just adopt it, pretty much. I mean, a lot of it is the same way I was thinking.

MS. MCCAWLEY: Part of this -- Let me make sure I understand. Part of this is we're picking the year that we're going to start reviewing, and then it would be seven years thereafter, and so clearly you would want to stagger this around, so that, one, all the reviews don't come up at once, and then, two, they don't come up again all in the same year.

DR. CHEUVRONT: That is correct, but the tricky part here is remember you've got the indicators, and so some of those could happen again after, and there was -- I asked a question earlier, and Steve responded that, if an indicator occurs, but it's also on the time-based criteria, does that reset the clock for that species, and Steve said yes, and you all seemed to agree to that, and so then this table is going to be rather fluid, and so there's going to be times where there simply is -- They are going to have to be adjusted over time.

MS. MCCAWLEY: Okay. Basically, what we're doing right now is determining that start year, basically. We're in Column K, I guess, on this sheet.

DR. CHEUVRONT: We are in Column K.

MS. MCCAWLEY: All right. Chris made a suggestion for, these main species here, that maybe we pick the same year as the Gulf, which a lot of those look to be 2025 or 2026, and so are there reactions to that? Do we like it? Do we not like it? I see some heads nodding, and I see other people taking a nap. What is the committee's pleasure? I see a couple of thumbs-up. What it looks like to me is -- I am going to start calling things out here. Blueline tilefish, gag, and golden tilefish would be 2026. Gray triggerfish and greater amberjack would be 2025. Red grouper is 2026. Snowy is 2026. Those are some examples.

MR. CONKLIN: I was not speaking in reference of Column I. I was looking at the frequency, and I apologize. I thought that's what we were talking about.

MS. MCCAWLEY: So we've already kind of picked the frequency. We are actually, right now, picking the start year.

MR. CONKLIN: So the start year -- Is there something in here that we think we need to look at before 2025 or 2026, and is that what you're asking us to do, or do we plan on looking at something sooner than that, and this would be the next time? I don't know.

MS. MCCAWLEY: That's up to you, and so you're right. There might be -- This is the second set of criteria. We're in the time-based criteria now, and so we're trying to figure out how that starts, and then Steve made a point earlier that, if something else triggers it, an assessment, or we see something in a fishery performance report, and we start reviewing it, then, in theory, if an assessment comes two years later, we probably don't want to review it again, but it would fall into this time-based criteria, and so, right now, we're picking the start year for things that don't come under one of the other triggers. That's what we're doing, and it's Column K.

MR. HAYMANS: What you just said changes my comment. You said we're picking the start years for those things that don't come into other triggers.

MS. MCCAWLEY: But we don't know whether they will or they won't.

MR. HAYMANS: Well, we do for those that are scheduled for assessments, and so there's about eight or nine there that have a planned assessment that that's the start year on the assessment, and so, a year later, it should be finished, and so I was going to suggest for, at least those species, we add a year, and that's the start for those species.

MS. MCCAWLEY: I'm okay with that, but sometimes the assessments get changed, or they happen a lot later, because the SEDAR Steering Committee changes it, but we can proceed with one round of guesses, based on the assessment schedule, and so do you want to start calling out some years here for certain species?

MR. HAYMANS: I would suggest then, for black sea bass, 2023.

MS. MCCAWLEY: Brian is going to try to catch up and type at the same time. Go ahead.

MR. HAYMANS: Gag is 2022. Tilefish is 2021. Gray trigger is 2023.

MS. MCCAWLEY: You need to go a lot slower, a lot slower.

DR. CHEUVRONT: You're saying tilefish, and that is --

MS. MCCAWLEY: Golden tile.

MR. HAYMANS: Golden tile would be 2021. Trigger is 2023. Amberjack is 2021. Mutton is 2023. Red grouper is 2023. Red porgy is 2021. Red snapper is 2024. Yellowtail is 2021. I missed snowy. Snowy is 2021. Sorry about that. Yellowtail should be 2021. Mackerel is 2021. Spanish is 2022. Scamp is 2022.

DR. CHEUVRONT: Scamp is what year?

MR. HAYMANS: 2022. Then white grunt is 2024, but we'll kick that can a couple more times. At least those are starting places for those.

MS. MCCAWLEY: Thank you. All right. We've got some of them populated.

MR. CONKLIN: I am just curious. If the assessment isn't finished for any reason, and we don't have the assessment, theoretically, thinking of Doug's -- Thinking that the assessment comes out and we'll have the information, and we'll be better educated to do it, and so are we stuck with having to look at something if we don't have the information from the assessment?

DR. CHEUVRONT: I think there is nothing that's going to force you to have to do this. If you deviate from this, once you have turned this policy in, you would just have to provide a justification for why you are now shifting it, and I think that would probably be sufficient.

MR. CONKLIN: I appreciate that. Thanks, Doug.

MR. WOODWARD: As I understand this, this really needs to be a living document that we review every year, and probably at a set time, after we set the SEDAR schedule or adjust things, so that we can update it every year. That way, we know, and the public knows, what is anticipated for allocation reviews.

MS. MCCAWLEY: I like that idea. We have some blanks in there, and so what -- You can kind of glance around at the various years that these assessments are coming, and so are there some ideas for some of the things that don't have stock assessments? The hogfish, we have a year for

that Florida Keys and east Florida hogfish, and that was on the list too, and the assessment is coming out on that. Let me go back and find it.

DR. CHEUVRONT: It would probably be good to do both hogfish allocation reviews at the same time.

MS. MCCAWLEY: They're different.

DR. CHEUVRONT: They are different?

MS. MCCAWLEY: For hogfish, Atlantic hogfish needs to be 2023. I can't find Gulf hogfish.

MS. GUYAS: The Gulf hogfish assessment is going to be 2022. We changed what was on the SEDAR assessment schedule, because it didn't make sense.

MS. MCCAWLEY: All right. Thank you, Martha. We've got that one filled in, too.

DR. CHEUVRONT: Doug, following your -- You would add one year to it, right, and so it would be 2023 for the Gulf hogfish. If I may suggest, Madam Chair, you do have, for blue-line tilefish, and not that they're the same, but you do have 2026 in the Gulf, and I don't know if you want to choose a different year.

MS. MCCAWLEY: Sure. I'm good with that.

MS. BECKWITH: I was going to say that we've got that Amendment 38, and I don't suspect that we're going to change our allocation scheme for blue-line, but we could just have a quick conversation about it, and so, as we move through 38, we have considered it reviewed at that point.

MS. MCCAWLEY: Then it would be 2019. All right. Got it.

DR. CHEUVRONT: I think that that amendment is now going to be an abbreviated framework, and I think there's still some work that needs to be done on that, assuming that this is what you would want to do, and it would probably -- It might be more prudent to say that you're going to do this in 2020, as opposed to 2019, just to make sure you've got enough time to get through that amendment, depending on how it plays out.

DR. MCGOVERN: Do we know if the Mid-Atlantic is doing an assessment of blue-line tilefish and when that might be? That might be helpful to know that.

MS. MCCAWLEY: Dewey says no.

MR. HEMILRIGHT: That has not been on our radar screen or in our plan of action at this point.

MS. MCCAWLEY: Okay. Thanks, Dewey.

DR. CHEUVRONT: So then, for the assessed species, the only one that you don't have a year -- Well, two of them. That is b-liners and Florida east coast cobia.

MS. MCCAWLEY: Vermilion in the Gulf ends in 2020, and so maybe we put 2021 down there.

DR. CHEUVRONT: Sure.

MS. MCCAWLEY: I would put the Gulf cobia -- We have an assessment on Gulf cobia, and it will be completed in 2020.

DR. CHEUVRONT: Okay. That was rather painless.

MS. MCCAWLEY: Don't jinx it.

DR. CHEUVRONT: Thanks, Doug. I think your suggestion was a really good one to help move this along. Now for unassessed species. Atlantic spadefish.

MS. MCCAWLEY: Can you scroll up, so we can see some of the years that you just put in there?

DR. CHEUVRONT: The majority of your years basically run between -- Well, you have one 2019, but most of them are 2021.

MS. MCCAWLEY: I see a 2024 up there.

DR. CHEUVRONT: Yes, and one of the things that I could do is -- Not to belabor it too much now, but we do have on the agenda, even though you don't have to come back to this at Full Council, and I could count the number of species that you have for each of the individual years, because I had no way of keeping track of that until we get to it, and I can come back at Full Council and report to you how many species you're looking at for each year. Then, if it looks like you've got too many in one year, you can decide if you want to shift certain species over to other years, for whatever reason.

MS. MCCAWLEY: Would you also be suggesting that -- So you're going to make suggestions for those unassessed stocks that are in the lower part of the table, based on how many are in those years, or are you going to let us do that?

DR. CHEUVRONT: I think you all could do that, but what I would suggest you do is, since you have a lot of things, particularly going up through 2023, that some of those other unassessed stocks, which are the less important species, you might not want to start looking at allocations until 2024 or later, or 2025, whatever you decide. I just would caution you to go earlier, because you're just going to have a lot that you're going to have to deal with earlier.

MS. MCCAWLEY: I completely agree, and let's see if we can go to that unassessed category and maybe start putting some years there that are 2024 and later. Anybody.

MR. HAYMANS: I would suggest 2025 on all of the unassessed, or 2024.

MS. MCCAWLEY: Okay. Maybe we do it by complex, and so we're kind of in a complex now, and then we're going to get to deepwater, and so maybe the various complexes get some of the same years, like all the jacks complex, the rest of the snappers, the rest of the deepwater, and maybe those get the same year, the complex.

DR. CHEUVRONT: That makes logical sense, but we've got the individual unassessed species up here, like Atlantic spadefish, bar jack, and scamp. Those are not in a complex, and those have always been treated individually, and you can see you've already got scamp at 2022, and so you might --

MS. MCCAWLEY: Spadefish at 2025 and bar jack at 2025.

MR. GRINER: I was going to say the same thing. I think you can take care of those few unassessed individually and then just take the others and group them 2025, 2026, 2027, whatever you want to do.

DR. CHEUVRONT: If you would like, we can footnote speckled hind and warsaw grouper and say that, if those fisheries ever open again, you will assess the allocations at that time.

MS. MCCAWLEY: If you're going to bring those two up, then what about goliath?

DR. CHEUVRONT: I don't think we have an ACL for goliath, do we?

MS. MCCAWLEY: It's zero, but isn't the ACL for --

DR. CHEUVRONT: But we don't have an allocation for goliath. We do have allocations for these two species.

MS. MCCAWLEY: Even though it's zero.

DR. CHEUVRONT: Even though the ACL is set to zero.

MS. MCCAWLEY: Okay. All right. What year do we want for the deepwater complex? 2025.

MR. HAYMANS: I was going to say unassessed 2022 and deepwater 2025, because we already have some -- 2024 for deepwater, 2025 for jacks, and you can do the snapper complex also at 2025, since there's just a couple, and 2026 for grunts. Then how far out --

MS. MCCAWLEY: Hold on. Let me just make sure -- Brian is trying to catch up. You said deepwater 2024, and we got the previous complex, and so deepwater 2024, jacks 2025, and then the other three snapper --

MR. HAYMANS: That would be 2025 as well.

MS. MCCAWLEY: Okay. Then you've got the grunt complex, and so we're looking at white grunt in 2024, and why don't we make the rest of those grunts, which is sailors choice, tomtate, and margate, 2024?

MR. HAYMANS: Sure.

MS. MCCAWLEY: Okay. Then the shallow-water grouper. 2026?

MR. HAYMANS: Yes, 2026.

MS. MCCAWLEY: Okay. Porgies. 2027. What about dolphin wahoo?

MR. HAYMANS: Never.

MS. MCCAWLEY: That's not a good answer.

DR. CHEUVRONT: Remember that you are working -- In Dolphin Wahoo 10, you have allocation, and it's already in the amendment.

MS. MCCAWLEY: How about 2022?

DR. CHEUVRONT: 2022?

MS. MCCAWLEY: Yes.

DR. CHEUVRONT: Okay.

MR. CONKLIN: Are we not reviewing the allocation on that right now in Amendment 10? Why not put 2019?

MS. MCCAWLEY: Because we won't be done with the amendment until at least 2021.

MR. CONKLIN: But when would we begin the review? Would it be when we started Amendment 10 or when we finish Amendment 10?

MS. BECKWITH: I had the same idea for blueline tilefish. I feel like, if we have an open amendment, do you review the allocation before you let the amendment go through? So we have the discussion in Amendment 10, and, once we pass Amendment 10, it's considered kind of reviewed and not going back afterwards.

DR. CHEUVRONT: You just mentioned blueline tilefish, and I would caution you against putting allocation into that one, because it would change the type of amendment that it is, but I think 2019, since you got it in 2010, probably is fine.

MS. MCCAWLEY: Sure. We now have years for those complexes, and Brian is going to fill them in, and so I'm going to go around, and I see other hands.

MR. CONKLIN: I am just going to let you know that it's coming down the pipe, but there is zero commercial allocation for sailors choice or tomtate, and that means we're in non-compliance if we have none, and so we're going to probably need a little bit of that, and so just go ahead and put that in your pipe and eat it up.

DR. CHEUVRONT: I can fill the table in and bring it back to you at Full Council. The other issue though is the frequency in years is seven years for everything, and you want to stay with that? Okay. That's fine.

MS. MCCAWLEY: Just to confirm, because I know we're having other side conversations here, and so what Brian are saying is now we've chosen the beginning of the review year, and we already said we wanted the frequency in years to be seven, and so he's going to go into the frequency of years and just put seven down that entire column, because that was one of the time-based criteria that we chose, and so we're good with that? Okay. All right.

MR. BELL: So then the way this would work -- If, before that seven, we had an assessment, or we had a report, that would then reset the clock?

MS. MCCAWLEY: If we looked at allocation, yes, and then it reset the clock, and that's the question that Steve was asking earlier, and so then it would reset the clock, and then it would go seven years from then, and so, just like Spud is saying, if it's a living document, then, every time we did that, we would update it, and then it also is kind of -- Somehow we need to capture that we've looked at an allocation, and maybe we decided to -- Even if we didn't decide to do anything, we need to capture somewhere, and I don't know where, Brian, but somewhere that we looked at the allocation for a particular species and decided if we didn't want to do anything.

DR. CHEUVRONT: I've been thinking about this, that, once we get this done, and you decide how you wanted to do this, I would take this list of species that you have here and put down the next year that that allocation was supposed to be reviewed in the next column, and then after that is every year that it was reviewed, and, if it was changed, that we put the amendment number or something in it that actually had the change in it, because, really, I had to go back and research a lot of this by hand to figure out when these reviews or changes to allocations had occurred.

MS. MCCAWLEY: I was also wondering though, if we chose not to reallocate somewhere other than in this table, it captured the fact that we looked at it, and maybe we decided that we didn't want to do it, and can that go in the FMP, like allocation review, in the timeline? I am just trying to find another place to capture this.

DR. CHEUVRONT: Yes, and I think what we would do is, for each species lead, they would be aware of all these dates, and it would be kind of incumbent on them to keep up with when the next allocation review needed to occur, so that it could go into -- Either at a council meeting, because there are no actions, or there's no amendment that's going to look at this, that they would bring up, as part of that species committee, that, hey, you need to think about the allocations for these species this year, and you would decide on what -- If there's a specific meeting in a given year, and it could be at the December meeting for the next year, or it could be in March for that year, however you all want to work it out, but the staff can keep up with the bookkeeping of it, just to remind the council that you need to think about allocations for this species this year.

MS. MCCAWLEY: What I'm saying is one step further than that, because we had a problem in the past with not knowing when the council went in and talked about allocation and then made a decision not to reallocate, like on king mackerel, and so I'm trying to find a place to capture the fact that the council would have a discussion and might decide not to change the allocation.

DR. CHEUVRONT: I was thinking that what we would do is that, in this other spreadsheet that I was talking about, we would capture every time that the council discussed allocations and not just when they changed it, but every time that it was discussed, and I think that's the missing piece right now. We only have the record of when there was an action that looked at changing

allocations, even if maybe a no action alternative was chosen, and that's the only way we would know for sure, but we could go back through all the minutes of meetings to look for those discussions, and that would be --

MS. MCCAWLEY: Intern.

DR. CHEUVRONT: That would be worse than listening to elevator music for the rest of my life in hell. I mean, that would be really awful.

MS. MCCAWLEY: Okay. Well, it sounds like you all are kind of thinking about a plan, and I was thinking that maybe it's written in the timeline part of the FMP or something, but you guys can work that out.

MR. WOODWARD: Would it be unduly burdensome or unnecessary just to have an annual summary report of allocation reviews, one document, and you could cut-and-paste what you're going to put in, what you're talking about, and it's one stand-alone document that is every year, and it's easy for the public to look at and say here's what we did, and here's why we made or didn't make a decision. It's all in one place.

MS. MCCAWLEY: I like it, Spud.

DR. CHEUVRONT: That's actually very doable, Spud, because it would be based largely on the spreadsheet that we're going to keep up, and so, basically, what would happen is you would just get a snapshot at the same time every year of what that spreadsheet looks like, obviously with more than just a spreadsheet, but it could easily be turned into a report. Would you all like to tell us when you would like to see that each year?

MS. MCCAWLEY: Should we maybe look at it at the December meeting each year, and maybe in Executive Finance, since Executive Finance is when we're looking at priorities and we're trying to figure out what we're doing, and so maybe then? Okay.

DR. CHEUVRONT: There is nothing else. I've got, I think, everything. We've got everything, and, Madam Chair, we can work on the draft of the letter, because all of the decisions that were made, I have taken notes on it, and so we can do that.

MS. MCCAWLEY: Let's go ahead and start the Mackerel Committee, and we'll take a five-minute break to get switched up.

(Whereupon, the meeting adjourned on June 13, 2019.)

Certified By: _____ Date: _____

Transcribed By:
Amanda Thomas
July 22, 2019

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL
2019 COUNCIL MEMBERS

✓ **Jessica McCawley, Chair**

Florida Fish and Wildlife Conservation Commission
2590 Executive Center Circle E. Suite 201
Tallahassee, FL 32301
(850)487-0554 (ph); (850)487-4847 (f)
Jessica.mccawley@myfwc.com

✓ **Mel Bell, Vice Chair**

SCDNR-Marine Resources Division
P.O. Box 12559
217 Ft. Johnson Road
Charleston, SC 29422
(843)953-9007 (ph); (843)953-9159 (fax)
bellm@dnr.sc.gov

Robert Beal

Executive Director
Atlantic States Marine Fisheries Commission
1050 N. Highland St. Suite 200 A-N
Arlington, VA 22201
(703)842-0740 (ph); (703)842-0741 (f)
rbeal@asmfc.org

✓ **Anna Beckwith**

1907 Paulette Road
Morehead City, NC 28557
(252)671-3474 (ph)
AnnaBarriosBeckwith@gmail.com

✓ **Chester Brewer**

250 Australian Ave. South Suite 1400
West Palm Beach, FL 33408
(561)655-4777 (ph)
wcbsafmc@gmail.com

✓ **Dr. Kyle Christiansen**

150 Cedar St.
Richmond Hill, GA 31324
(912)756-7560 (ph)
christiansensafmc@gmail.com

✓ **Chris Conklin**

P.O. Box 972
Murrells Inlet, SC 29576
(843)543-3833
conklinsafmc@gmail.com

Dr. Roy Crabtree

Regional Administrator
NOAA Fisheries, Southeast Region
263 13th Avenue South
St. Petersburg, FL 33701
(727)824-5301 (ph); (727)824-5320 (f)
roy.crabtree@noaa.gov

✓ **Tim Griner**

4446 Woodlark Lane
Charlotte, NC 28211
(980)722-0918 (ph)
timgrinersafmc@gmail.com

✓ **Doug Haymans**

Coastal Resources Division
GA Dept. of Natural Resources
One Conservation Way Suite 300
Brunswick, GA 31520
(912)264-7218 (ph); (912)262-2318 (f)
haymanssafmc@gmail.com

U.S. Fish and Wildlife Service
Representative
TBD

✓ **LCDR Jeremy Montes**

U.S. Coast Guard
909 SE 1st Ave.
Miami, FL 33131
(305)415-6788(ph); (305)710-4569(c)
Jeremy.J.Montes@uscg.mil

✓ **Stephen Poland**

NC Division of Marine Fisheries
PO Box 769
3441 Arendell Street
Morehead City, NC 28557
(252)808-8011 (direct); (252)726-7021 (main)
Steve.Poland@ncdenr.gov

✓ **Art Sapp**

2270 NE 25th St.
Lighthouse Pointe, FL 33064
(954)444-0820 (ph)
artsappsafmc@gmail.com

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL
2019 COUNCIL MEMBERS continued

Deirdre Warner-Kramer
Office of Marine Conservation OES/OMC
2201 C Street, N.W. Department of State, Room 5806
Washington, DC 20520
(202)647-3228 (ph)
Warner-KramerDM@state.gov

✓ David Whitaker
720 Tennent Street
Charleston, SC 29412
(843)953-9392
david.whitakersafmc@gmail.com

✓ Spud Woodward
860 Buck Swamp Road
Brunswick, GA 31523
(912)258-8970 (ph)
swoodwardsafmc@gmail.com

Tony DiLernia

Martha Guyas

Rick DeVictor

Monica Smit-Brunello

Dr. Jack McGovern

Shep Grimes

Enka Burgess

Kate Siegfried

Dr. Wilson Laney

Dr. Clay Porch

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL
COUNCIL STAFF

Executive Director

✓ Gregg T. Waugh
gregg.waugh@safmc.net

Deputy Director – Science & Statistics

✓ John Carmichael
john.carmichael@safmc.net

Deputy Director - Management

✓ Dr. Brian Chevront
brian.chevront@safmc.net

Fishery Scientist

✓ Myra Brouwer
myra.brouwer@safmc.net

Citizen Science Program Manager

Julia Byrd
julia.byrd@safmc.net

Admin. Secretary/Travel Coordinator

Cindy Chaya
cindy.chaya@safmc.net

Fishery Scientist

Dr. Chip Collier
chip.collier@safmc.net

Purchasing & Grants

✓ Cierra Graham
cierra.graham@safmc.net

Fishery Biologist

✓ Dr. Mike Errigo
mike.errigo@safmc.net

Fishery Economist

✓ John Hadley
john.hadley@safmc.net

Public Information Officer

✓ Kim Iverson
kim.iverson@safmc.net

Administrative Officer

✓ Kelly Klasnick
kelly.klasnick@safmc.net

Senior Fishery Biologist

Roger Pugliese
roger.pugliese@safmc.net

Outreach Specialist

✓ Cameron Rhodes
cameron.rhodes@safmc.net

Staff Accountant

Suzanna Thomas
suzanna.thomas@safmc.net

Fisheries Social Scientist

✓ Christina Wiegand
christina.wiegand@safmc.net

SEDAR Coordinators

Dr. Julie Neer
julie.neer@safmc.net

Kathleen Howington
kathleen.howington@safmc.net

✓ BeBe Harrison