

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

FULL COUNCIL

Webinar

September 14-15, 2020

SUMMARY MINUTES

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Chris Conklin
Dr. Roy Crabtree
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Other observers and participants attached.

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

FULL COUNCIL SESSION 2

Webinar

September 14, 2020

The Full Council of the South Atlantic Fishery Management Council reconvened via webinar on Monday, September 14, 2020, and was called to order by Chairman Jessica McCawley.

MS. MCCAWLEY: This is Full Council Session 2. Welcome, everybody. The first order of business is approval of this agenda, and so I think that I have an item for Other Business under this Full Council Session 2 open agenda, and, Steve, I have you down for the North Carolina dredge comments under Other Business. Would you still like to discuss that?

MR. POLAND: Yes, Madam Chair, I would.

MS. MCCAWLEY: Okay. I'm going to add that in. Are there any other items for this Full Council agenda that we're covering today and tomorrow morning? All right. Any objection to approval of that agenda? I don't see any hands going up, and so a couple of introductions. We have John Sanchez here with us this week as the Gulf Council liaison. Welcome, John.

MR. SANCHEZ: Thank you, Madam Chair. It's good to be here.

MS. MCCAWLEY: Also, from the Mid-Atlantic, we have Tony, and maybe even Dewey, that are going to be joining us this week, and welcome, Tony, and I didn't look to see if Dewey was on yet.

MR. DILERNIA: Thank you, Madam Chairwoman. I look forward to spending the week with my friends, and I wish I could be there in person and see you all.

MS. MCCAWLEY: Yes, we do, too. We do, too.

MR. DILERNIA: I hope that soon we'll be able to do it again, once we get in-person.

MS. MCCAWLEY: Me too. Thank you. We also have a new South Atlantic Council staffer. Brian, do you want to tell us a little bit about Mike Schmidtke?

DR. CHEUVRONT: Yes, and you all might remember, a couple of months ago, I sent you all an email that we had offered our new fishery scientist position to Mike Schmidtke, and he had started about a month ago with us, and he came to us from the Atlantic States Marine Fisheries Commission, where he had worked there for about four years, and so some of you might remember his name, if you've had any connection with them.

He's got a master's and a PhD degree from Old Dominion University, and he comes to us with a fair amount of management plan experience, because he's been involved in writing and developing management plans there at ASMFC, and he's worked with stock assessments and communicating with fishermen, and so he comes with a toolbox already full of the kinds of things that we need to jump right in and work on the kinds of things that we need, and, as you recall, when Chip became the Deputy Director for Science, on the fishery management plan side, we saw that one of the needs that we really had was for another fishery scientist who could bridge that world between the science and the management side and the fishery management plan writing and all, and Mike Schmidtke really fit that really well, and he's just really jumped in with both feet.

He has come in and has already been an asset from the very beginning, and so we're just really excited to have him, and he's already proven himself to be everything we had hoped he would be, and we're sorry that we're not all in person so that you could greet him and meet, if you haven't already met him, but we're really looking forward to our continued work with them, and hopefully you will all get to meet him in person soon, but you'll be hearing from him a little bit on Thursday, but I think that's probably a pretty good introduction, but hopefully you get to meet him in person soon.

MS. MCCAWLEY: Thanks, Brian. Welcome, Mike. We can't wait to meet you in person. All right. Moving on down our agenda, now we're going to do the swearing-in of our new and reappointed council members, and so let's start with our newest council member, Kerry Marhefka. Welcome, Kerry, and I'm going to turn it over to Roy to do your swearing-in.

DR. CRABTREE: Thanks, Jessica, and welcome aboard, Kerry. We're happy to have you with us, and congratulations, Chester, on your reappointment. I think the way we'll do this, since we're virtual, is I'm just going to ask you each to read the oath, that my understanding is you've already been provided, and so all the new appointees are required to take the oath, and, Kerry, if you would go ahead and read your oath.

MS. MARHEFKA: Sure. As trustees of the nation's fishery resources, all voting members must take an oath, as specified by the Secretary as follows: I, Kerry Marhefka, as a duly appointed member of a regional fishery management council, established under the Magnuson-Stevens Fishery Conservation and Management Act, hereby promise to conserve and manage the living marine resources of the United States of America by carrying out the business of the council for the greatest overall benefit of the nation.

I recognize my responsibility to serve as a knowledgeable and experienced trustee of the nation's marine fishery resources, being careful to balance competing private or regional interests and always aware and protective of the public interest in those resources. I commit myself to uphold the provisions, standards, and requirements of the Magnuson-Stevens Fishery Conservation and Management Act and other applicable law, and I shall conduct myself at all times according to the rules of conduct prescribed by the Secretary of Commerce. This oath is freely given and without mental reservation or purpose of evasion.

DR. CRABTREE: Thank you, Kerry, and welcome to the council. We're glad to have you with us. Now, Chester, if you would like to read your oath.

MR. BREWER: Thank you, Roy. I, William Chester Brewer, as a duly appointed member of a regional fishery management council, established under the Magnuson-Stevens Fishery Conservation and Management Act, hereby promise to conserve and manage the living marine resources of the United States of America by carrying out the business of the council for the greatest overall benefit of the nation.

I recognize my responsibility to serve as a knowledgeable and experienced trustee of the nation's marine fishery resources, being careful to balance competing private or regional interests and always aware and protective of the public interest in those resources. I commit myself to uphold the provisions, standards, and requirements of the Magnuson-Stevens Fishery Conservation and Management Act and other applicable law, and I shall conduct myself at all times according to the

rules of conduct prescribed by the Secretary of Commerce. This oath is freely given and without mental reservation or purpose of evasion.

DR. CRABTREE: Congratulations, Chester, and welcome back, and I believe you have both been provided copies of your certificates. If you haven't gotten those, we'll make sure that you do get those, and so congratulations, and we're happy to have both of you aboard. With that, I turn it back to you, Jessica.

MS. MCCAWLEY: Thank you, Roy. Next up, I believe we have our Executive Order response, and I'm going to turn it over to John.

MR. CARMICHAEL: All right. Thank you very much. I'm glad to get into this, and so, if folks remember, we talked about this at the Executive Committee webinar meeting that we held in August, and, at that time, we generally prioritized topics as high, medium, or low. At this time, our goal is to go within each of those high, medium, and low categories and refine the rankings, and the request is that we do provide a prioritized list, and so like a one to whatever numerical ranking within our high, medium, and low categories.

Also, there is an addendum that was sent around that will come up at the end of this that brings back to the table the recreational-related topics that we talked about in August, and, at the time, they were not going to be further considered, and there was some question about the intent of the Executive Order with regard to recreational fisheries, and that's been clarified, and recreational topics are eligible, or viable, to be included in this response, and so we'll go through the priorities as we left them at the Executive Committee, and then, when we get to the end, there is a section that I will call up that has those additional recreational topics, and we can just decide where to put those into the priorities that we'll work on first.

Just a reminder of where this stands, the Executive Order response is due in early November, and so, once we do the priorities here this week, we will put the response into the format that NMFS has requested and let everyone have a chance to look at that and make sure we're happy with what we have, and then it should give us plenty of time here from this meeting until early November to get that into NMFS and meet the requested deadline.

It's a spreadsheet that it's going to be submitted on, and so we don't need an excessive amount of text, in terms of defining these, and we just need to state the issue and the action that we asked for and where it is in implementation, particularly if it's something that we're working on and it's our responsibility, and we need to be able to tell them when it is that we're planning on implementing this, and so we should have a year to get started from when the order came out in I guess it was May, and so we get the list in by November, and we had six months, and it's six more months to initiate the work that we're doing.

If there's no questions on the process, I will move right into the high-priority items, and I'm not seeing any hands go up, and so these are not in priority order, and these are not prioritized, but they are just still in the general high, medium, and low categories, and there is nine items that we had as high priority, and the first one was excessive delay in providing fishery disaster relief funding through NMFS, and the second is about the council's information on stock removal and discards, essentially the SAFE report topic, and the third one addresses the lack of resources in the Southeast Center to meet the data requirements of the councils, HMS, ICCAT, states, and

commissions. These are all topics -- These few are all topics that we've talked about many times at this council, along with Number 4, the inadequate fishery-independent monitoring resources.

Number 5 addresses the distribution of species changing and asks for support in the scenario planning process that we will hear a bit more about in Full Council on Thursday, and 6 addresses the wreckfish ITQ, which is an action by us, which we are working on and we'll talk about at this meeting, and 7 is the commercial electronic logbooks, another issue that the council has talked about and NMFS has worked to implement voluntarily, and we need to take some action as a council to make that a mandatory requirement.

We have the Oculina area modifications that have been discussed, and so an amendment that looks into this is one of the things that we'll be talking about when we do our priorities at Full Council, and then the last item here is the snapper grouper commercial permit, the two-for-one provision, where the council would look at that and evaluate what has happened under the two-for-one, if it's met its objectives, and then consider if it's something that we would like to remove. I think there I will pause, Jessica, and see if anybody has any feelings or suggestions or guidance, in terms of prioritizing these within the high-priority list, say from 1 through 9, essentially.

MS. MCCAWLEY: All right. I definitely have some ideas, but I see hands are going up as well, and let's go to Anna.

MS. BECKWITH: My initial thought was it would be worth separating these out by actions that the council can take versus actions that National Marine Fisheries Service would take, and, if that was possible, then I think it would be easier for us to rank the council priorities and then what the council would like to see National Marine Fisheries Service kind of rank as their top priorities, but I'm not sure if that's the direction that the council would like to go in.

MS. MCCAWLEY: I'm good with that. That's how they were, I believe, maybe, when we were looking at them at the August 7 Executive Committee, and didn't the previous document look like that, John?

MR. CARMICHAEL: Yes, and they were divided up like that, and I believe they start -- They are still like that now, and so the NMFS things are the first 1 through 5, and then 6 through 9 are things that are council.

MS. MCCAWLEY: Okay, and so then maybe we focus on 6 through 9 first, since those are the council actions. Just for me, I would really like to see the Oculina area modifications that I feel like fall squarely within the EO, and it's been on the back-burner for some time, and I would really like to see that one and the wreckfish ITQ towards the top, but those are kind of my thoughts might now, and what do other folks think about 6 through 9 here, these council action ones? They're already in the high-priority category, and then we are ranking them within the high-priority category, and so other thoughts?

MS. BECKWITH: From the 6 to 9, my personal assessment was I would have ranked the commercial electronic logbooks as the first, followed by the wreckfish ITQ, followed by the Oculina, followed by the snapper grouper two-for-one.

MS. MCCAWLEY: Okay.

MR. CONKLIN: The low-hanging fruit is the wreckfish ITQ program, and we initiated it, and it's underway, and we're about to be finishing up with it, and I don't know if we need to do any amendments or anything like that out of it, and so that certainly is important. The commercial electronic logbooks is something that is long overdue, and it's probably going to be super easy to do, and the Oculina area, if I'm not mistaken, is something that needs to be done, and I think it is regarding giving back some historical grounds to -- If I'm wrong, correct me, but to the rock shrimpers.

While I see a lot of people starting to think about this Number 9 item, I just -- I don't see how we can give more participation into the snapper grouper fishery when there is hardly not enough fish to go around for the participants that we have, and we have this national push for more seafood production, and then we have this inside the region push to move quota from commercial to recreational and recount or recalibrate how everybody counts the fish and keep you where you are and not give you any increases on the commercial, and then the President and them are telling us to go catch more and make more seafood, and we can't even get the fish, and so, I mean, I don't even see why we have Number 9 on there, unless there is something that's going to change. Thanks.

MR. BELL: I was going to -- The three top ones, for me, would be wreckfish, electronic logbooks, and Oculina. I would still like to explore Number 9, and I think that is more related to, again, where is this fishery going to be ten years from now, and who is going to be in it, and is it going to be just the same folks in it now, and so I would like to keep that in there.

I had a question about the number that we're assigning, and that is related to our priority for us taking action on this, or moving on this, and so, I mean, we've already ranked these as considered high priority, but then, within high priority, and we're looking at the ones we have to deal with, they would get a score, which would kind of tease them apart. In other words, if you said that the most important thing to deal with, or the easiest, or however you want to approach it, would be wreckfish, and it might get an 8, or let's say logbooks got an 8, and wreckfish got a 7, and Oculina got a 6, and is that what we're trying to do here, because I'm getting hung up in the --

MS. MCCAWLEY: Okay. Let me try. So I think that, within the high category -- The document that I saw was an Excel sheet that we're supposed to fill out, where everything gets a number, and so it doesn't get a number from 1 to 10, but it gets a number based on what we see as the most important thing, and so, right now, we're just looking at these council actions and trying to prioritize those that are in the high category, and I believe that the Presidential Executive Order stated that the council actions -- That we would need to start working on them, maybe within a year, and so maybe by May of next year, we need to have started work on them, but I'm going to ask John about that.

MR. CARMICHAEL: Yes, Jessica, and you are right. They would expect the council to get working on its items by May of next year, and that's their implementation entry that we'll have to submit, when we're going to work on it, and we weren't given a lot of guidance, in terms of what the prioritization means. They have simply asked for a numbered list, and so it will be what it is, I suppose, particularly on the ones that the agency is being asked to do, as to where it will rank -- I expect that what we do here will be driven mostly by what we can do, and it's kind of ordered

now based on things that you guys have talked about in the past. Wreckfish is already underway, and maybe that is a good one to be Number 1, to start narrowing our list a little bit.

MS. MARHEFKA: I want to agree with Chris, and I think that it's really important that commercial logbooks is our first priority, and I will give in to what John is saying, and, if wreckfish is already down the line, then, to me, that's semantics, but I feel strongly, personally, that commercial logbooks are incredibly important, followed by Oculina, and I would say, as far as the two-for-one provision, and this is something that I've been pushing for a really long time, not getting rid of the two-for-one, and I think Chris is right.

We don't know what we want this fishery to look like down the road, and we don't know how many boats this fishery can support, and so I don't know how we say that two-for-one is where we're going, and so, if we're going to leave something in relating to the snapper grouper commercial fishery, I would say that it would be to ask for a full economic assessment to determine the capacity of the fishery, and then we can determine what we're going to do with it, but I wouldn't support having a high priority being removal or looking at removal of the two-for-one until we know really what this fishery can handle, and I believe it's lower than the number we have now, the last I looked.

DR. CRABTREE: Well, I hear what folks are saying, but I would encourage you to look at the two-for-one. I don't really think it is effective anymore at reducing capacity in the fishery, but it has created a lot of distortions, I think, in permit prices and transfers and needlessly complicated things, and it does create a lot of bureaucratic work, in terms of tracking transfers, and a lot of room for mistakes and things, and I really think, of all of these things, it's the one that really, to me, best lines up with the EO intent, but I just think the two-for-one has outlived its usefulness, and I just don't like having corporate permits, where the two-for-one doesn't apply, and all the rest of it. I think the economic analysis and the look at capacity would be done in the plan amendment that it would take to consider this, and so I leave it to you as to where it goes in your prioritization, but I do think it's something that's worth looking at.

MS. MCCAWLEY: Thanks, Roy. I agree with what you had to say about the two-for-one provision, and we had that discussion on the Executive Committee webinar last month. Go ahead, Dewey.

MR. HEMILRIGHT: I am going to save mine for National Marine Fisheries' list, instead of the council. Thank you. Sorry about that.

MS. MCCAWLEY: Okay. Tim and then Chester.

MR. GRINER: Thank you. You know, the thing about this two-for-one is I think it would be helpful if we kind of knew where we were right now. I mean, can we -- Is it possible for us to get a list of, out of the 500-plus permits, how many are corporate and how many are still individual permits, because I just don't know really where we stand or where we're actually trying to get to with that.

MS. MCCAWLEY: It would have to be done this week, because this letter is due before the council meets again, and so I'm just throwing that out there.

MR. BREWER: First, in the interest of full transparency, I'm a huge fan of Dixie Crossroads, and the Oculina Bank area modification is something we promised to do, I mean, years ago, years ago, and there's no reason for that not to go forward. The areas that they want to fish in, the rock shrimp guys, are not the areas that we're looking to protect, and so I would like to see that up as probably a Number 2, right after commercial electronic logbooks, which is obviously critical. Thank you.

MS. MCCAWLEY: Okay. We've heard a number of different opinions here, and I'm not sure how to resolve this, other than wreckfish and Oculina are underway, and wreckfish is definitely underway, and Oculina is partly underway, and Oculina we said, a number of years ago, that we would go back and look at this, and we also had a request that came in from the public that we reviewed at the last council meeting that was for the Oculina, and it seems like folks like commercial electronic logbooks near the top, and then it seems like we're kind of split on whether the commercial two-for-one should even be on there, and I think it should be on there, but maybe we leave it at the bottom of this list, and so Mel and then Myra.

MR. BELL: If we were simply trying to order these four, I would be fine with -- I mean, I would like to keep the last one on there, and that would be the fourth of these, and, also, to that, leaving it in there, I mean, we've also had, at times, recommendations from the AP to address that, and I don't know if we tweaked the wording of that, where it just said "review the current permit system, including the two-for-one provision" or something, because what folks are saying is you need to understand the whole big picture and the context in which the two-for-one fits in that, but you have to do that, I would think, anyway, but I would like to leave it in there, and it's okay with me if that's Number 4. I mean, I would be fine with electronic logbooks as Number 1, Oculina as 2, wreckfish as 3, and Number 9 on there is Number 4. If we're just ordering those four right now, that's maybe what I would throw out.

MS. MCCAWLEY: Thank you, Mel. The reason I wouldn't put logbooks first is that it's not underway, and remember there's an expectation that all of these would be underway by spring-ish, summer-ish, of next year, and so that's why I wouldn't put logbooks at the top. Also, under the commercial permit two-for-one, the item that's being suggested here is actually a white paper to get started in 2021, and so I think that that would give a lot of the information that we're talking about that would be needed to figure out if, how, when to consider this, and I think that that would also include some economic information, but let me go to Myra and then Roy.

MS. BROUWER: Thank you, Jessica. I just wanted to get some information regarding Tim's question on the number of permits, and I just quickly pulled up what we had when we submitted Regulatory Amendment 33, and so, as of 2018, there were 549 unlimited snapper grouper permits in the South Atlantic and 110 trip-limited permits. On average, from 2014 through 2018, there's been 565 SG1 permits, and so the unlimited ones, and 117 225 permits. The other thing I wanted to point out is that you had, as one of your objectives in the vision blueprint for the snapper grouper fishery, to evaluate the two-for-one permit, and so that's something that you all had said you wanted to consider. Thanks.

MS. MCCAWLEY: Thanks, Myra. Roy.

DR. CRABTREE: Just putting it on this list doesn't actually make it so, and you still have to go through the whole plan amendment process, and you would still have to vote on it, and you could

-- Even if you put it on there, you could get to some point and decide you don't want to do it, and you don't think it's a good idea, and so --

MS. MCCAWLEY: I had the same thought, and that's why I wanted to point out that, under the two-for-one, it says white paper for 2021, and so the white paper might come back and we might decide that I don't know if this is needed, or maybe it's not the right time. Before we leave these high items, these four items that the council would be responsible for initiating and moving forward, we see that John has put some numbers there, and are we okay with those numbers, or do we want to modify those numbers? We've heard lots of different thoughts. Kerry.

MS. MARHEFKA: I'm fine with leaving it on there, and I would feel slightly better if we did do a little wording modification, but I understand that it now makes sense to leave it on there, and so I will lay my objections down.

MS. MCCAWLEY: Okay. I don't see any other hands going up. John, did you have anything else before we scrolled up to the items that are also in the high category, but they're the items that would not necessarily be initiated by the council, but maybe by NMFS, and are we ready to scroll to those?

MR. CARMICHAEL: Yes, I think so, Jessica, and I guess one comment on this, on the council stuff, is this response is not going to supersede or trump or tie your hands on anything with regard to the workload planning that you're going to do, and this is your intent. This is what you're suggesting, but this is just a comment on an Executive Order, and I can't imagine that it's going to be binding, as your priorities change, and then I think the other important point, as you said, is, on a number of these, particularly say C4, the issue is to just evaluate the situation, for starters, and it's not to -- We're certainly not anywhere near the point of identifying a problem or talking about how to solve that problem, and that would take a long time, and so the important point there is the initiation, and so I'm glad that you pointed that out.

That's Council Priority 1, 2, 3, and 4, and then there's five NMFS items, and so what I did is, as folks went through that and gave their thoughts, is I just kept sort of a running tally of who thought what was near the top, and it sort of came together there in the end, and so maybe we can do a similar thing here, if people have things that they think are definitely at the top, and we can sort of start working through kind of a Delphi consensus opinion on what we think here would be NMFS' 1 through 5, and maybe we'll call it A, for agency, to make it short, but, once we do that, we can discuss whether we put ours on top of the list or NMFS' on top of the list, but I think, in the grand scheme of things, that's probably not going to make a huge difference, though a lot of these NMFS things probably have an awful lot of big impact across all of our fisheries.

MS. MCCAWLEY: While I'm waiting for the hand list to go up here, so just a little bit more, and so the top item in this list is this delay in fishery disaster relief funding, and this was an item that came from me, and this was prior to the CARES Act coming out, and there is a congressional bill out there that actually gets to some of these disaster processes that happen after say a hurricane, and so this was coming up because our chairman had testified on a congressional bill about this. I'm fine if it goes to the bottom of the NMFS list within these five items, and I just wanted to give folks some context of where that one came from. Mel.

MR. BELL: That helps a little bit, and so the approach here -- We would be following something similar, and we would have N1 through 5, or something, I guess, and so, in this case, it's not us in control of things that we can get to, but this is now we're expressing what we think is the most important, in order of importance in these things for NMFS, and we're not controlling it, and so it's a slightly different approach, perhaps, from how we enumerated the previous four.

MS. MCCAWLEY: Yes.

MR. BELL: Okay. So it's different, and, back to that, that's why I was putting electronic logbooks at the top, and I wasn't thinking in terms of what we could get to first, but it was, gee, we've been dealing with this for so long, and the fishermen have been begging for it, and it's important, but okay, and so, just to be clear, right now, we're looking at 1 through 5 and what we feel are the most important things for NMFS to attend to, perhaps, and then you're mentioning -- Because, when you had that first one on there, I agree that needs to be done, but I was thinking, boy, how would that happen, but you mentioned the bill and all, and that's great, and so, okay. I just wanted to be clear on the logic that we're following to come up with 1 through 5.

MS. MCCAWLEY: Yes, and I think that all of those things that you said are true, and so now it's a little bit different system, since it's not an action that the council would directly take, and we would be asking somebody else to do this, and so this is more of a what's important to the council, but we don't necessarily have a lot of control over it, and we're just making an ask, if that helps think about the ranking. Spud has his hand up.

MR. WOODWARD: Thank you, Madam Chair. I guess, just to start the discussion, pursuant to that conversation, I would like to see Number 4 moved up higher in the rankings, to possibly Number 1, and the reason that I believe that is, last week, at our joint Gulf and South Atlantic Council workgroup meeting, we were briefed on this concept of interim analyses, and, fundamental to those interim analyses will be valid fisheries-independent indices of abundance, and we all know that state budgets are going to be constrained in the coming year, or maybe longer, and so maintaining existing fisheries-independent surveys and expanding fisheries-independent surveys, to me, will help us better address a lot of the uncertainty that we get from some of the fisheries-dependent data that we're getting, and so I would just make that recommendation for consideration.

MS. MCCAWLEY: Thank you, Spud. Dewey and then Steve.

MR. HEMILRIGHT: Thank you. I would echo Spud's comments 100 percent. I have been asking, for years now, for a shovel-ready survey, even if we couldn't find funding, or even if NMFS doesn't have funding, to be able to -- The private industry or something to go do surveys for stock assessments, and so, instead of waiting for National Marine Fisheries to find the money, we should be having, on our shelf, or they should be having on their shelf, one that is taken off and that could be worked with, private and cooperative research, to find the money to fulfill them surveys, because we are in dire need, particularly in the deepwater survey. Thank you.

MS. MCCAWLEY: Thanks, Dewey, and so that was two votes to have the fishery-independent monitoring, which is Number 4, go to Number 1. Next up is Steve and then Clay.

MR. POLAND: Thank you, Madam Chair. Yes, I would just echo Spud and Dewey, for a lot of the same reasons that Spud gave. Based off of our conversations last week, during the Section 102 workgroup and our discussions on the interim analyses, I would like to see that high, but, you know, I also recognize that these are actions, or requests, that the agency is going to have to take action on, and I do know, from my conversations with staff at the Science Centers, that this is something that they've already been advocating for on their end, for more resources, and so I wouldn't necessarily expect any immediate change on that front, even if we do put it as 1, but I do like keeping it up there as 1.

To continue through the list, just to go ahead and kind of get us a draft prioritization, based off of your input on Item 1, since it sounds like there is some congressional activity on that, I would be fine moving that down a little bit. Item 4, I would like to see that very close to the top. Excuse me. Item -- Which is the SAFE report one?

MS. MCCAWLEY: Number 2.

MR. POLAND: I would like to see that one very close to the top, because it is something that is required by the Act that we haven't received yet, and I know we've been vocal about that to the agency in the past. That's all I have right now.

MS. MCCAWLEY: All right. Thanks, Steve. Clay and then Art and then Chester.

DR. PORCH: Thank you, Madam Chair. I just wanted to comment that, one, I agree that we certainly need more fishery-independent surveys, and that's very high on the top of our list, and we have just implemented a new deepwater longline survey to target tilefish and deepwater grouper, and, in fact, I think we've had four trips go out so far, and so this is a continuation of that pilot study that we did a couple of years ago, but now we're actually implementing it for real and for long-term, and so we're really excited about that, and we're looking forward to the results that we'll get back this year.

MS. MCCAWLEY: Thank you, Clay. Art.

MR. SAPP: I was just agreeing with the fellas there, and I think that running Number 4 up high on the priority list is a great idea.

MS. MCCAWLEY: All right. Chester.

MR. BREWER: Thank you, Madam Chair. I think 2, 3, and 4 are all pretty much equally important, but the truth of the matter is, until we get some more resources for the Center, I don't know how much of this is going to come to pass, and so I think we all know that that's necessary, and our center has been treated like a red-headed stepchild for years, and it needs to get more resources, and so I would put that as the Number 1, and then Number 2 and Number 4 are equally important, and it doesn't really matter to me which one gets put into that spot. Thank you.

MS. MCCAWLEY: Thanks, Chester. Anna.

MS. BECKWITH: This is a 2:15 reminder for Chris Conklin to go pick up his child.

MS. MCCAWLEY: All right. Steve.

MR. POLAND: Thank you, Madam Chair. Since no one has mentioned Number 5, I don't want it to feel left out, but I do feel like that's something that is pretty important, and I know we've had a few joint meetings with the Mid-Atlantic and New England Councils on this issue, and I believe there was a workshop scheduled for the scenario planning, and I think it got postponed, due to COVID, which I understand, and it's something outside of our control, but I don't want to see Number 5 sit at the bottom of the list and then potentially not get the same consideration, because, in all honesty, aside from Number 1, based off of your updates, 2 through 5, I would put them kind of tit-for-tat, for myself.

MS. MCCAWLEY: Okay. So far, it seems like, before we go to Roy, agreement that what is Number 1 now is Number 5, and then it's a little unclear to me where current Number 5, which is the -- I'm going to call it the climate change one, and it's unclear where that one is, but a lot of folks are saying that 2, 3, and 4 are about equal, although I heard a lot of folks saying that 4, fishery-independent monitoring, should be Number 1. Roy and then Steve and then Mel.

DR. CRABTREE: The tricky part of all this, of course, is priorities, and, without a big increase in funding, which, really, you're talking appropriations from Congress, it's hard to do all the things we would like, and so SAFE reports -- One, I think you ought to revise your language, because I believe that SAFE reports are required in the National Standard Guidelines, and I think mostly in the NS-2 guidelines.

I don't think you will find the words "SAFE report" anywhere in the actual statutes in the Magnuson-Stevens Act, and there's a lot of -- When you read through the guidelines, I mean, there's a lot of -- SAFE reports on that species and how often? A lot of what it says is when there's new information, and bear in mind too that, if you wanted SAFE reports every year on everything, then probably we would have to pull staff away from doing stock assessments to work on SAFE reports, and so there are tradeoffs in all of this, and, while we might like to get all of these things, we don't have the resources to do everything, and so we have to set priorities on it, and so just bear that in mind.

MS. MCCAWLEY: Thank you. Steve.

MR. POLAND: I mean, I understand what Roy is saying, and I agree with him. My comments earlier kind of touched on that, and I certainly believe that the agency is also advocating on their end for additional funds, and, really, a lot of this just comes down to congressional appropriations, which we can raise those issues, but it's still out of our hands, but, going back to priority, these are all high priorities, and they're kind of high-priority buckets, and so I guess, in reality, we're selecting the priority within the high-priority bucket, and so, I mean, all of these are still elevated higher than what comes next and subsequent, but, if I had to do a 1 through 5, I would almost do a 1a, b, and c for 4, 2, and 3, and then 2 for 5 and then a 3 for 1, if that makes sense. I mean, 2, 3, and 4 are, obviously, kind of up there, but I would definitely squeeze 5 in there, and I don't know if there's any way that we can really communicate that we feel that's a high priority, but not quite as high of a priority, as 4. I hope I'm making sense.

MS. MCCAWLEY: Okay. Yes, you were, and so it's kind of like having 1a, b, and c, and then 2 and 3, for these top-five items, because it says at least three of them are of equivalent importance,

is what we're all saying, and so I think that we've probably given John enough direction here so that he can figure out a way to write that in the document, and, just kind of agreeing with what Roy is saying and agreeing with what Steve and others are saying, I do agree, and I think Chester said it, too.

Chester actually said that we're like the red-headed stepchildren here in the Southeast, but that's why I think it's important to continue to beat this drum every time we get a chance, just to remind people that we still need these things here, and we're not going away, and we know it might be a money issue, but we still need this to properly manage these stocks in this region. Mel.

MR. BELL: Well, I think I landed in the same place here, and I was going to suggest an order, but my order would basically match the concept that you just explained, where we had a 2 and a 3 and then a 1a, b, and c, but so I would definitely -- What is Number 1 now would be 5, or 3, and what is Number 5 now would be 4, or 2, and then it's those other three that we've talked about that are all important and kind of build on each other, to some degree. If we're just going to do 1a, b, and c, that's fine with me, and, I mean, I was prepared to just offer my take on which way to order them, but I'm fine with just having those as the three high priorities and call them a, b, and c, if we want, if that works, if John thinks that will work.

MR. CARMICHAEL: I am thinking a bit about this going into a spreadsheet with all eight councils and sort of a bureaucratic mindset, and they may not like a 1a, b, and c, and I sort of envision them sorting and whatnot and using it as data, and I think we could note that there is probably no significant difference from 1 to 3, in terms of importance. Another option is to potentially -- That this becomes the Southeast Region needs more science resources, and we just summarize the need for SAFE reports, the more resources for the Center, and the increased surveys across-the-board, and that all just becomes a Number 1, with just a little more content in it, and that might be the best way to go forward from here.

MS. MCCAWLEY: Okay. I think that that reflects where we are, and I think that that would work for folks. Spud.

MR. WOODWARD: John just described exactly what I was going to recommend, which is collapsing those all down into one single number, because they all relate to each other, and so I certainly wholeheartedly support that.

MR. CARMICHAEL: I am feeling good in thinking like Spud today.

MS. MCCAWLEY: I know. I think that we're good here on the NMFS items and the council items in the high priority, and maybe we're good to move to the medium priority.

MR. CARMICHAEL: Yes, I think we are. Thank you, Jessica. The medium-priority items, there were two items, and they are both action by the council, and they're both very fishery-specific, and so you're seeing a bit of the logic that was applied to this exercise in August, and the general topics were first, and now we're looking at some more fishery-specific things, and I would say the general topics plus the ones that were really already prioritized.

The king mackerel fishery, we recently received a stock assessment, and we are looking into that, and that was one of the issues that was retained as a medium priority. It was just basically dealing

with this fishery coming in with landings well below the ACL, and there are very low fishing mortality rates, and so, while being below the ACL is the intent, when you're well below the ACL and your fishing mortality rates are historically low, it would suggest that there is some opportunity for the council to take some more out of that resource.

Then the second item is the spiny lobster and the suggestion to remove the ACL and to develop an argument, essentially, to support that, that it's an annual crop, and we now manage it to optimize yield from the stock that comes across the Caribbean from the greater spawning stock and settles on our east Florida coast, and so that's a potential, and these are actions that the council could take. However, if there was objection to our proposing that spiny lobster is essentially an annual crop, that could require some Magnuson Act modification, to give us a little bit more flexibility there.

MS. MCCAWLEY: Thanks, John. In my mind, these two are already in the proper order, with king mackerel first and lobster second, within the medium priorities. Roy.

DR. CRABTREE: Well, John, spiny lobster and saying it's essentially an annual crop -- My memory says that spiny lobster can live to be seven or eight years old, and is that not correct?

MR. CARMICHAEL: I believe they don't fit the standard, classical definition of an annual crop, and I think that's why it's an issue here.

DR. CRABTREE: Yes, and that's what bothers me about saying it's essentially an annual crop, because I think that it's not. I mean, they get killed at a very young age, because they are fished hard, but they're certainly not like shrimp or something, and so I would change that, and then I think it is a Magnuson issue, in order to get an MSA exemption, and so I'm not sure that it really belongs in here, but I at least wouldn't say they're essentially an annual crop, because I just don't think that's correct.

MS. MCCAWLEY: To me, this is more about the fact that you've got the recruits, as John mentioned, coming from the Caribbean, and so the council doesn't necessarily control the fate, or the FWC control the fate, of the future of this spiny lobster fishery in Florida, because the recruits are coming from outside of the U.S. waters, and so I --

DR. CRABTREE: I really should point out, Jessica, that that's essentially a way of saying that there's no spawner-recruit relationship, which is true of red snapper and all kinds of other species that we manage, and so I don't think spiny lobster is really any different than a lot of things, because we have all sorts of species that we manage with no apparent relationship between management and recruitment, and so I don't know. I think we're making a little much of that here.

MS. MCCAWLEY: All right. Anna and then Clay.

MS. BECKWITH: I don't have a strong opinion on this, but I was going to note that some of these same points have been made about dolphin as well, and, if we were going to support removing ACLs for spiny lobster with some of these points, I'm not sure that we wouldn't be asked to do the same thing about mahi.

MS. MCCAWLEY: Yes, and I feel like we've had those discussions before. Clay.

DR. PORCH: Thank you. I just wanted to add that spiny lobster don't even grow to a legal size until after about two years, and so there's really no way that you could argue that it's an annual crop, and so I agree that we should take that language out.

MS. MCCAWLEY: Okay. Thank you, Clay. Any more thoughts on these two medium items here? Spud.

MR. WOODWARD: I am not going to say this to support removing the king mackerel bullet, but I do think it speaks to the bigger issues that we have to deal with, and that's the definition of OY and the relationship between MSY and OY when it comes to harvest levels and that. If we are not harvesting our ACLs, then we're underperforming as a fishery, and I think that's a fundamental issue that we've got to continue to deal with, because, as we all know, an encounter has value to recreational fishing, as well as commercial fishing, and that just dead fish don't always indicate success, and so I will mute myself.

MS. MCCAWLEY: Thank you, Spud. Great points. Anything else on these two medium ones? All right. John, the low priority ones.

MR. CARMICHAEL: We have classified one as a low priority in August, and that was the Spanish mackerel, the early seasonal closures that have been occurring in the commercial sector, and so it's something that we have on our own long-term priority list to look at, and there is an assessment that is coming up, and I guess it starts next year, or I'm trying to remember for sure, but we have identified this on the horizon, and we have said that we would look into the Spanish mackerel situation once we got those assessment results, and so it's a council action, and it's something that is on our horizon. I think our initiation plan, by May, is essentially to say that we're aware of the problem and we're awaiting the stock assessment.

MS. MCCAWLEY: Yes, and that would be how I would characterize this one as well. Steve.

MR. POLAND: Yes, I agree, and I just would suggest that we update the language in this, since, earlier in the day, we approved the schedule for SEDAR 78, and I think, on that, we were expecting to receive ABC recommendations from the SSC after April of 2022, and so I guess at our June meeting, and so maybe "early to mid-2022" could be inserted in the place of "late 2021".

MS. MCCAWLEY: Great point. Okay. Anything else on this low-priority item? We now have other items that needed further discussion at this meeting, and there's Items 13, 14, and 15 on this list, and then we had removed the recreational items from the list during the August 7 Executive Committee, but we've since gotten direction that recreational items can be included, and so we'll have to go back to those after we get through 13, 14, and 15.

MR. CARMICHAEL: Thank you, Jessica, and so these were ones that we pushed for further discussion here, and it is the impact of increasing shark depredation on fish stocks, which is getting a fair amount of discussion around, and I know, based on Anna's report from the HMS meeting that I shared around, it was discussed there last week.

We've also got an issue for considering removing ACL and AM requirements for data-limited species. This would take potentially Magnuson action, as well as the council, because we can modify the AMs, as we have an amendment that's looking at that, but I think removing them would

actually be a Magnuson Act issue, and so there's been a lot of discussion about that, and particularly how do ecosystem component species factor into the mix.

Then 15 was allowing federal permit and tag fees to be distributed to the region where they are collected, and we've talked about tags in the past, and one of the issues that's come up is NMFS can only charge the cost of administering the program, and that's been kind of a sticking point with people at times, and so these were ones that we need to decide do we keep them, do we keep them on this Executive Order, and, if so, where do we prioritize them, and then I guess, just to that point, we'll say that, just because we don't put something on this Executive Order, it does not mean it's not something that we're not going to work on.

It may be on our prioritized list, even if it's not on this executive order, and it's just a matter of whether or not we've put this on there and do we think it fits, and do we think it belongs, and is it something that we want to highlight with NMFS, particularly if it's going to take NMFS action, and I think the shark depredation -- We don't manage sharks, and so that's going to take some action from NMFS and HMS.

The tag fees is another one, and we don't have control over that, and then, if we were to consider requesting some Magnuson Act changes for some relief on data-limited species, somewhat of what came up last week in the recreational working group, I think it heads in that direction, when you look at that from the big-picture view, and so these are the three to decide where to fit in next, and I will turn it back over to you, Jessica. Thank you.

MS. MCCAWLEY: Thanks, John. Just a little bit more about the shark item, and so, during the August Executive Committee meeting, we couldn't really figure out exactly where to take this. One item that we discussed was maybe there could be some type of, and this might not be the right word, but workgroup or something put together where maybe, at the very least, some folks from the Gulf Council and the South Atlantic Council and the HMS folks, interested stakeholders, and others could come together, maybe at least over a couple-day meeting, and formulate a thorough description of the problem and then what are even possible solutions that could be considered, because I just -- I feel like HMS is working on this a little bit, and they've given us a presentation, and they've given the Gulf Council a presentation, but the problem doesn't seem to be rapidly improving or going away. I think that this -- I would like to see this move into the high or the medium category, but I think we need to characterize what the ask is, what we hope is accomplished from this item, and so I'm just going to throw that out there, and, Art, over to you.

MR. SAPP: I'm sure you guys all remember how vocal I was when I first got involved with this stuff about these things, and if I had known then that it could possibly get worse, I don't know what I would have done, but it has gotten so bad now that it really discourages me, with all of these processes, because everything we do is getting crushed now by sharks, and bag limits don't matter.

Nothing matters right now, because the sharks are getting so much of what people are hooking, especially in Florida, but it turns out everywhere. People are having shark encounters in places in the Caribbean that it never happened before, and it scares me to even think about, and so the workgroup sounds like a wonderful idea, but, again, if I'm the only guy, and I know I'm not, but I desperately need everybody on this council to start talking to anybody and everybody they can to get something accomplished at some point, because it's gotten that bad. I'm finished.

MS. MCCAWLEY: I am going to start calling you Art “The Shark” Sapp.

MR. SAPP: Oh no. There’s already a Mark “The Shark” down here, and I want no affiliation with him.

MS. MCCAWLEY: I know Mark “The Shark”, and that’s why I said Art “The Shark”. All right. Steve and then Mel.

MR. POLAND: I still think we need to make Art our HMS person, once Anna leaves, but, Art, you’re certainly not the only one being vocal about this. I still hear it from a lot of fishermen up this way, and I think the idea of a workgroup is nice, but we’ve already heard from HMS that, in reality, the real issue is that it’s the legislation, and it’s Magnuson.

They are required to manage those stocks, just like we are, for MSY, and so certainly a workgroup can come together and discuss it, and probably provide some recommendations, but, in the end, it’s going to take legislative action, and another issue that we’ve heard from the HMS side is there’s a lack of market for these sharks, because there are some of the species where ACLs are chronically underharvested, because there is no market, and then some of the other ones that people kill, that are having the really bad depredation events, are some of the protected species, which add in a whole other legislative hurdle.

I’m not trying to downplay the idea of putting together a workgroup, but I think the majority of people know what the roadblocks are, and maybe if the workgroup just serves as one clear, coherent voice to put all that together and pass it up the chain, and that’s fine, but I certainly don’t think it’s a workgroup that will take a lot of meetings and really needs to get bogged down in the particulars and the specifics, because we’ve all pretty much heard what the reasons are for the current state of shark management is.

MS. MCCAWLEY: Steve, I kind of agree with you, and I don’t necessarily see this workgroup as something that needs to get bogged down, but it would be more of speaking with one voice, at the very least, coming out of the region and with the HMS folks and council folks there at the table and maybe coming up with some bullet points for steps forward for what councils could do or what HMS could do and maybe some short-term ideas and longer-term ideas, and the longer-term ideas could include -- If HMS folks really think that changes to Magnuson are needed, then let’s put it on the list, but I still think it’s a good plan. Mel, Dewey, and then Art.

MR. BELL: A little similar, I think, to what you just said, and Steve said. When I was thinking of a workgroup, I mean, I think the best thing that could come out of that is if you brought the right players together from HMS and from the councils and fishermen and whoever, and you clearly identified the issue for everybody, so everybody is on the same sheet there, and we all see the issue, and, yes, that’s the issue, and then you all agree on, okay, what are the ways that you can deal with that, and then you take kind of a unified approach, HMS and the councils and whomever.

Like you said, if it requires changing law, okay, then that becomes a recommendation, or something out of this group, but what’s frustrating for the fishermen is, whether they’re talking to us or they’re talking to HMS, I get the impression that no one is listening to them, and nothing is getting done, and, like Art says, it just keeps getting worse and worse and worse, and I hear it from my shrimpers, and I hear it from snapper grouper guys.

I think HMS met last week, I believe it was, and I think maybe they were going to get an earful from some of the billfish fishermen, and so folks that are already involved in other HMS fisheries are weighing-in, but I think, back to your original concept, Jessica, if there was some way to pull together the appropriate people, all sit down together and rationally identify the issues and kind of -- How we're set up now and what we're limited by, and it's like what Steve was saying.

HMS is bound by similar things that we're bound by, and they have to follow Magnuson, and they have to pay attention to stock assessments and things, and so it's not that they might not want to help resolve it, but it's just that there may be some boundaries right now to what they can and can't do, and the utility of a workgroup or something, whatever you want to call it, I could see that, plus it would clearly show, perhaps to the public, that the proper folks are coming together to discuss this and to clearly identify issues and problems and potential solutions and a path forward, and then they'll at least think, well, there is a path forward, because, right now, folks are just frustrated, because it just keeps going round and round and round, and there seems to be no solution, and so maybe there is some value in that approach, but it needs to be a cooperative thing, where folks are all in the same group and trying to figure this out.

MS. MCCAWLEY: Yes, and so, once again, as people are speaking, if you're going to talk about that shark item, can you think about where you want to put it, in high, medium, or low, and where does it go, because, right now, it's just kind of in the further discussion item list. Dewey and then Art and then Anna.

MR. HEMILRIGHT: Thank you. The shark issue is an interesting one. I started shark fishing in 1994, and I probably quit shark fishing in 2006, after regulations were not conducive to me making a profit doing it. Since that period of time, National Marine Fisheries has implemented shark management and reduced trip limits. Anything that commercially would reduce interaction or curtail the mortality of sharks has been done.

Florida has a state-water closure to both gillnet and longline, and North Carolina has closures, and so, basically, the continuation of the sharks increasing is going to continue exponentially, and it will probably be another five to seven years before the necessary science of what's happening on the water will come to reality, and so a workgroup will be good, but folks better realize -- Then, also, the industry has been devastated. You can't sell -- It's really hard to sell shark meat, and fishermen have gone away, and so I don't see, as the magic thing, fishermen coming back, and so we better get used to it, because it's going to get worse. Thank you.

MS. MCCAWLEY: Thanks, Dewey, and you identified something that I was hoping could also be identified through this workgroup process, and that's if there were state regs that were impediments, or were beneficial, to this process, that they could be identified, also. Art and then Anna.

MR. SAPP: I can answer a few of the questions, real quick. Two of the species are federally-protected species, and sandbars and duskies are two of the worst on the list of what's doing it, and then the bull sharks are probably third on the list, and they're a major issue, and they are, fortunately, not federally protected, but it's hard to target bull sharks when the sandbars, and sometimes the duskies, are mixed right in there with them.

One fellow that shark fishes very consistently, and that's what he does, the only thing he does, and he's not complaining at all about his pricing. Now, maybe it's because he's the only one really doing it consistently, but there is a market there, and he feels, very much so, that it could be expanded upon, and he's not filling the needs of it by any means, and so we could certainly fit a few more fishermen in there, and, of course, marketing works.

If a group gets together and tries to market shark meat, then we would sell more shark meat, and so I think that could be quickly developed. The issue is trying to get HMS onboard with it, and there's a very large group working on this in the recreational and commercial sector right now that can't get any response from people at HMS. The one email in response that they did get was basically telling them that, yes, we just finished a stock assessment on sandbars, in 2017, and they are on schedule to be rebuilt in 2070.

It was basically saying that, yes, once you're dead, we're go ahead and deal with something, or deal with these sharks, and our fishery has a very strong potential of being dead if we don't do something very soon. The for-hire sector is getting crushed by people saying that I'm not coming back if I can't catch the fish I hook, and, when 80 percent of the fish you hook getting eaten by sharks, they're not having fun anymore. Six or eight years ago, when it was, oh my god, our fish got eaten by a shark, it was kind of a cool occurrence, and it was exciting, and that was okay, and it was one in every 500 fish that you hooked. Well, now it's 80 percent of the fish you hook, and we can't survive like this.

MS. MCCAWLEY: Thanks, Art. I appreciate you further articulating the problem there, and I'm hoping that this workgroup can, once again, come together and talk about that and make a full list of the problems, as well as possible short-term and long-term solutions, and so what I'm hearing from you is that you think that this is a high-priority item. I feel like part of what you were indicating there is about how this affects council-managed species that we're trying to regulate.

MR. SAPP: In my best ability, that's exactly what I was saying, and, yes, I do think, if it's not the highest priority, then we're making a mistake. Thank you.

MS. MCCAWLEY: Okay. Thanks, Art. Anna and then Tony and then Chester.

MS. BECKWITH: I agree that this could be a high priority. I would say that, at the HMS meeting last week, it is completely a united front between councils, commercial fishermen, recreational fishermen, and even within the different sub-sections of the fisheries and the different gear types. It is one sort of united message that is being presented to HMS, and, within their ability, they certainly seem to be trying to collect some information.

They presented some presentations on the shark fishery review, and their goal is to sort of review all the aspects of the Atlantic shark fishery, commercial and recreational, and they did do a nice presentation on the shark depredation, and they went in really pretty gosh-darned good detail in the pelagic longline fishery, because that's where they have the most data.

One of the problems that we have in the recreational fishery is that the majority of sharks that are being caught are listed as unidentified, and so people, recreational fishermen, are not that great at necessarily identifying the shark that is also eating whatever it is that they're catching, and so HMS

is having some trouble figuring out which are the problem children across regions and across time, and so many of them are listed as unidentified.

I am fine with the workgroup, but I do think that HMS seems to be aware of the problem, and they are specifically requesting information on what regulations and restrictions hinder commercial and recreational fishermen the most for shark fishing, and are there any regulations that should be changed or remain the same, and so they are seeking information, but, also, as we all know, we have -- This is almost -- I almost attribute this as everything that we hear about red snapper and how you can walk across red snapper and can't get your baits through the red snapper in parts of Florida, and this is sort of HMS's red snapper, but for almost the majority of the species, and so it a tough one.

Then another major discussion that they kept having was how much of this is that the populations are rebuilt and how much of this is sort of the sharks learning behavior patterns and tuning into motor noise and recognizing that it's an easy meal, and so this is a tough issue.

MS. MCCAWLEY: I appreciate that, and so one of the things I heard from you is that, yes, this is a high priority, and I agree. I think that, with the workgroup, we're also asking that council folks be at the table with HMS, to have these discussions and to talk about how it's affecting council-managed species, and I liked your analogy that, yes, this is our red snapper, and this is HMS's red snapper, although it's covering a number of species. With this workgroup, I would hope that there could be solutions discussed, maybe even things that have been tried with marine mammals and others, but I just see a lot of benefit of pulling together lots of different folks to be part of this discussion. Tony and then Chester.

MR. DILERNIA: Thank you, Madam Chairwoman. I would like to just add a little bit to what Dewey was speaking to. In the Mid-Atlantic, particularly on Long Island, we're seeing a significant increase in actually beach fishing for sharks, and it's becoming very, very popular. The fishermen are using drones to get the baits out beyond the surf line, and they're going out in kayaks and surfboards and fishing with reels that hold 600 or 700 yards of braid, and so the beach fishing for sharks is expanding very quickly, I know in Long Island, and I think also down along the Jersey shore, and I can't speak to below that, but this fishery is expanding very quickly, and so any work that can be done to address it, this recreational fishery, I think would be helpful. Thank you.

MS. MCCAWLEY: Thanks, Tony. It's definitely expanding in Florida as well, with the shore-based shark fishing, and so, before we go to Chester, we've heard at least two people say that this shark item should go into the high priority, and it's just a matter of where does it go, and does it go in front of the fishery-independent, the money for stock assessments, and where does it go in the high priorities? Think about that, because we need to move it in here somewhere. Chester.

MR. BREWER: Thank you, Madam Chair. I would like to speak in favor of some sort of a workshop with HMS, and I think that they have a lot more latitude than they want to admit, because they are exempt from Magnuson-Stevens, because they are a -- Because they are managing species that are managed by a regional fishery management organization, and that's ICCAT. ICCAT makes the rules, what rules they make, and then those rules are implemented by HMS.

There have been two or three people that have been in the ICCAT AP for years, and I don't know if they're still there, but they, for years, have been working on, quote, conserving sharks, and it's

not just the ones that are in danger, and so my thought is that HMS has more latitude, perhaps than us, and they could stand a little talking to about this issue and what can be done about it within their sphere of influence, and so I'm very much in favor of the workgroup, and I agree that this is, insofar as problems go, this is a huge problem, and so it probably does deserve to be moved up in the rankings.

MS. MCCAWLEY: Thank you, Chester. John and then Dewey and then Clay.

MR. CARMICHAEL: Thank you, Jessica. I took a moment there and tried to capture what we've accomplished so far, in terms of the high and remember we had several here that we agreed to make all as NMFS 1, and so these are here now under 1, and they were 1a, 1b, and 1c, just to keep track of what was there before.

That left us with 2 and 3 within NMFS, and I think this is something that is, obviously, going to take action by more than the council, and NMFS is going to have to cooperate with us to do this, and multiple councils, and so I think it probably belongs here in the NMFS list, in the high priorities, and so the question is does it go above the climate change issue, or does it go below that? I presume it probably -- Based on what I've heard, I think it comes above the disaster relief funding. Do you guys think it's most important and it goes above the Number 1 we had, which is about the resources for management? I think that would be the sort of next point, Jessica, is to figure out where it lies within this new NMFS 1, 2, and 3.

MS. MCCAWLEY: Thanks, John. I am just going to throw out a strawman. I would say that it goes between 1 and 2, and so, in my mind, all these data items that Spud suggested were all Number 1, and then I would say it goes above climate change and disaster relief, but we have others here in the queue, and so, once again, we're trying to figure out where in this list the shark item goes, and so Dewey and then Clay and then Mel and then Art, and we're going to try to wrap up this one discussion on sharks.

MR. HEMILRIGHT: Thank you. Chester's comments there, I think somebody needs to go check that, because large coastal sharks are not managed by a RMO, or are not managed by ICCAT, and ICCAT only manages a couple of pelagic shark species, and so I know nothing about ICCAT, and maybe Clay could talk about this, but ICCAT does not manage the large coastal sharks, and I do believe that HMS is tied to, in part, the National Standards for Magnuson and other things that have to do with that, and so that might need to be checked, because I don't believe that's correct. Thank you.

MS. MCCAWLEY: Thanks, Dewey. Clay.

DR. PORCH: I was going to raise exactly the same point. Dewey is right, and ICCAT only promulgates regulations for blue shark, shortfin mako, and porbeagle, and so they don't -- HMS doesn't have that much latitude with the coastal shark species, and those are all managed under Magnuson, and, as I think Steve and Mel had pointed out, they are managing to achieve the maximum sustainable yield, and most of the sharks that we've been talking about haven't actually reached that level yet, and so there's sort of a conflict in outcomes between the people who are catching fish that sharks eat and people who are advocating for sharks and making sure that they are at the MSA level themselves.

This is one of those classic conflicts, and trying to reconcile them is a great exercise in ecosystem-based fishery management, but it's how you balance those different objectives, and so there's going to be a lot of hard conversations that are going to have to go on, and maybe even it would require a change in the legal mandates.

MS. MCCAWLEY: Thank you for that clarification, Clay, and great points on that. Mel and then Art.

MR. BELL: I was just going to basically say what Dewey and Clay both said, and I will onto that, and then, in terms of where we would put this, I agree with your assessment, and I would put it between the 1 and 2 now, and I would make it high, and I think it's more attainable, or more easily attainable, than what are now 2 and 3, at least doing something and moving us in the right direction, and it's slightly easier than solving world hunger, maybe.

MS. MCCAWLEY: Thanks, Mel. Art.

MR. SAPP: I could live with it being placed where you and Mel have just mentioned it, though, for me, and many of the guys who make a living out there in the ocean, it's the highest of priorities.

MS. MCCAWLEY: Thank you, Art. Okay. It looks like we've placed it here. John, I guess we need to go back to 14 and 15, and so I'm going to turn it back to you.

MR. CARMICHAEL: We had topics on the ACL and the AM requirements, and then we have the federal permit and tag fees, and so the ACL stuff, the potential initiation plan discussed was maybe a white paper in March of 2021, looking at potential ecosystem component species, maybe potentially modifying the fishery management units, and I think we'll talk about this some when we get around to the recreational accountability measures amendment as well. It's just a matter of whether the council feels like this is something to put in this EO or to continue with it on our planning horizon as it is now.

MS. MCCAWLEY: I am fine with putting it in the EO, and I think it fits in there, like some other things, and I guess it's just thinking about where does it go, and does it go under high, medium, or low, but we'll see what others think. Carolyn has her hand up.

DR. BELCHER: I would like to suggest that we change the wording on it, and the only reason I say that, is if you use it as a leverage relative to data-limited species, by taking the ACLs and the AMs off of it, what incentive is there to then not try to make things data limited? That's the one concern I have with it, and I think we need to do it, but I think it's just more of a question of what do we do with these species that really aren't in the top-ten in the snapper grouper species, because that's kind of where we see the problem the most, and that's kind of the two comments that came to mind right now with that.

MS. MCCAWLEY: Okay. I like that. Carolyn, what are you thinking? Do you think that this is a high priority, or is it a medium priority? It's a council action, and where does it go in our list here?

DR. BELCHER: Well, I think, especially if it ties in -- I am thinking from the standpoint of using the phrasing of SAFE reports, if we're going to use something different, but I think, if we find a

way to shift those species, or a better way to handle those species, then maybe this issue of dealing with data limited would kind of go away, from the standpoint of snapper grouper, but, priority-wise, I think it's kind of tied into that medium to high, because, again, it's those species, as we sit in those groups in the SSC, and we have those discussions about SEDAR priorities, and we have these species that we think are important, but they never make that threshold to get to SEDAR. This is kind of an iteration that we keep hitting over and over and over again, and maybe, by making that a higher priority, we could see that change.

MS. MCCAWLEY: I could get onboard with something between medium and high, or medium, and I do agree that the wording probably needs to be revised a little bit. Roy, did I see your hand up?

DR. CRABTREE: I am having a hard time seeing how this really fits in with the Executive Order though, because, I mean, I think most of these are talking about the so-called rare-event species, right, or things that don't support enough of a fishery that we ever really get a stock assessment on them, which makes it difficult for me to see how that's going to have much in the way of economic benefits or increased fishery production or anything, because these just aren't things that are that important in a fishery anyway. I don't know, and I just don't see a strong connection.

MS. MCCAWLEY: Okay. Carolyn, do you have some thoughts, based on what Roy said, and should we leave it out, and does rewording fix this a little bit? What are your thoughts, Carolyn, and I'm coming back to you.

DR. BELCHER: I mean, the hard part for me -- Again, I apologize, because I keep stepping back into the SSC side of it, but you have a group of science people that are understanding this need to look at these thirty-some other species that we just never get our heads wrapped around, and we don't have a process moving forward, and we keep kind of hit or missing them as they keep popping up on the radar, but all we kind of do is manage to just push them back down, but they keep popping back up. I think it needs to be addressed, and I don't know -- I'm kind of with Roy, and maybe I'm not understanding either what it would do, being in the EO, but I do think it's something that, as the council, as a council action, it should be addressed, and it should be a medium/high.

MS. MCCAWLEY: Okay, and so we have some concerns as to whether this goes in the EO or not, and it doesn't mean that the council can't continue to address this in other ways, and it seems that John is adding some of those thoughts to the screen. While he's typing, I am going to talk about the one underneath there, and so we've had lots of discussion over the years about fees from permits, that they don't necessarily go back to the region where they were collected, and they just go into the general fund, and a lot of council members, over the years, have complained about this, and this would take some type of change, and this isn't a council -- This isn't something the council can accomplish, which is part of what the discussion has been over the years. To me, this is an item for a wish list, and maybe it goes into low priority or something, but I'm just throwing it out there for discussion. Steve.

MR. POLAND: I can't quite remember, and this is going back to the previous one, and so I'm sorry to --

MS. MCCAWLEY: That's okay. Go ahead.

MR. POLAND: I think it was the October SSC meeting, or the spring, and I can't quite remember, but they did provide us some recommendations to consider EC species for some of these unassessed stocks in the snapper grouper complex, and I think we instructed staff to prepare a white paper, and I just can't remember where that is in the workflow, work scheduling, side of the house, and, if it's being worked on right now, that could be included in here as part of the initiation, or at least some of the discussion here, under this one issue, because, if my memory serves correct, we've already asked the council staff to look into EC status for some of those species.

MS. MCCAWLEY: Okay. Mel.

MR. BELL: Kind of touching on both of those, I could argue that our comments there, continued concern if an EO topic, I could see where, since those species -- I totally get that we need to get all of that straightened out, and Carolyn is right. We as a council can't just toss them aside, and we have to deal with those issues, but I don't know that it really fits under the EO, what the EO is trying to do, because they're not necessarily -- How are they going to really bolster or help the commercial side, and so, I mean, I could argue to take it out.

Then, related to Number 13 there, so that probably is harder than solving world hunger, for sure, and I don't know, because now you're talking about funding streams, and how do they change that, but I could at least argue that we could identify it, because it does tie back to things we've already identified that are a priority, which are how do we -- How can we afford to do more fishery-independent work and provide more money for the Center and all, and so it does tie --

13, at least, ties back into our previous train of thought in some of the other things we've identified, and you could make it a relatively low priority within that, because I think that's way beyond any of our control, obviously, but we could certainly identify it as a suggestion. If we were to do that, then you could provide more money, in theory, and then you could do some of the things that we already identified that needed to be done, and so I could justify 13, and 12 I could take out.

MS. MCCAWLEY: Just to summarize, you're suggesting that 12 is out, and 13 is in, but it's in the low category, and it would be couched more so that we would use these monies for some of the priorities that we're suggesting. Carolyn and then Brian.

DR. BELCHER: Back to Number 12, and I would almost wonder if we would be better suited to have the discussion around the species that we can't evaluate at MSY, because that's really what's been the crux of a lot of that. If you go back to what the SSC had done with that decision tree approach, where we were dealing with we actually said that OFL was unknown, and this would also kind of let us look at things, again, like shrimp, and we've had those discussions about the Gulf's modeling with SS3 and to look at their fishery, and our side has looked at that as well, but what if there was an alternative approach for those species that show up in fisheries, but don't fall under the abilities for us to get an actual MSY-type-derived estimate for OFL.

MS. MCCAWLEY: Okay. Brian.

DR. CHEUVRONT: Thanks, Madam Chair. This is to address the question that Steve raised a moment ago about the white paper for EC status, and we do have that on our list of things to be done, but it hasn't ever made it up above that green line that we have on our priorities spreadsheet

of things that the council staff is actively working on, and we do have it on the list, however, and we just don't have it on the list of when we know it's going to be done, and so it's out there, and it's to be addressed, but we just don't have the specific time for it.

MS. MCCAWLEY: Okay. Spud.

MR. WOODWARD: I want to go back to something that Brian said a while ago, which is, in the end, when all this information is collapsed down for all the councils, it's going to be given to folks who don't speak our language and don't understand our world, and how are they going to make sense out of Number 12, relating back to removing barriers to increase the productivity of domestic fisheries? Just I don't see how they will ever make that connection, and we have a hard enough time understanding it, and so I think, in the interest of simplicity, I would not include it in the EO response. Then, following up a little bit on what Mel said on 13, maybe consider merging it into that Number 1 that talks about funding and identify it as a possible mechanism to address some of the funding shortfalls, and, that way, it establishes a context for it, instead of it just sitting out by itself.

MS. MCCAWLEY: Okay. So we had a suggestion for making 13 part of Number 1, all those asks, and this could be a source of funds, and we had another vote for removing 12 from this document. Brian and then back to Carolyn.

DR. CHEUVRONT: I did not mean to raise my hand again. Sorry.

MS. MCCAWLEY: Okay. Carolyn.

DR. BELCHER: The only thing I think that -- I get what Spud is saying, and I'm not necessarily against the idea of -- Where does it better fit, and, again, removing it from the EO or not, but I think, from the standpoint of how does it benefit the fishermen, well, if somehow one of these species, under an ACL-type situation, is going to be one of those choke species, then it does become an issue. If you can get rid of the choke species, the fishery operates differently, and so that's the one benefit that I do see to it, but, yes, I mean, as far as the other side of it, I think we can pretty much debate whether we think it's an EO or not.

Again, having been on the SSC and being frustrated with the fact that we have a list, quite a large list, of species, relatively speaking, that we cannot give you a true OFL, and I think that's something that needs to be understood by those folks who pretty much, you know, define the Magnuson the way it is, because that's where that change is going to have to be.

MS. MCCAWLEY: Okay. Thank you, Carolyn. Roy.

DR. CRABTREE: Well, as I understand it, the Executive Order asks for recommended actions, which may include changes to regulations, orders, guidance documents, or other similar agency actions, and so I don't read that as meaning they're looking for us to recommend changes to the Magnuson Act, and I'm not really sure that us just listing things that we think we might want to do in a plan amendment sometime down the road necessarily needs to go in here.

I worry that, if we put everything but the kitchen sink in here, then I worry that it will just get lost in this long, long list of things that no one can figure out how it relates to it, and so we might ought

to think about narrowing it down a little bit and trying to focus on changes to regulations, orders, guidance documents, or other similar agency actions.

MS. MCCAWLEY: Okay. Let me try to sum up. It sounds like 13 -- That we're going to couch it under Item Number 1, as a way to bring in some additional needed funds. I still come back to Number 12, and I don't think it should be on the list. I get what Carolyn is saying, but it is a little bit hard to couch it here, but, I mean, if others have other ideas -- Steve.

MR. POLAND: I am find with taking 12 out, especially since we have asked staff to develop that white paper, and it just sounds like, if we feel like as a council it's a high priority, we need to elevate that on our prioritization list, but, as far as 13, reading through it, I am just curious, and, just because I try to weigh everything from both perspectives, kind of support and the devil's advocate and that kind of stuff, are there any downsides from taking permit fees or license fees and keeping them in the region and applying them to research and like that? Was there a specific reason why the agency, or Magnuson, wherever the requirements are, were specific that those fees, outside of administrative costs, go back to the general fund, and I guess that's probably a better question for someone like Roy.

DR. CRABTREE: Well, I mean, it is a Magnuson issue, and I think it's that Magnuson didn't want the agency to try and raise funds for the agency to use by charging fishermen for permits and things, and so they didn't allow us to do that, and I have yet to see any reauthorization or version of the Magnuson Act that has proposed any changes to it, but, again, I don't think Magnuson Act changes are really what this is about. That's something Congress did, and that's my guess as to why it's in there.

MS. MCCAWLEY: Okay. I mean, I think that Number 13 should stay in there, because the guidance was that we could include Magnuson changes. Mel.

MR. BELL: Whether it stays there or we do like we said and incorporate it back into Number 1 or something, and, I mean, it's kind of a specific solution. Here's one way to raise money, and so, I mean, we can capture it, certainly, and that's fine. Back to the general point that Roy was making about paring it down and all, I think, if I recall, we were sort of in conversations, early on, with Chris Oliver and others, and I got the impression that we were sort of encouraged to think a little bit beyond just restricting ourselves maybe as much as we thought we needed to be restricted.

So I think that's kind of why we sort of expanded this and kind of moved into some of these other areas, because I think sort of the guidance, outside of the verbiage in the EO, the guidance we sort of got from NMFS, I thought, was that, yes, you could include things and include stuff about Magnuson, and you can include stuff about NMFS, and it doesn't have to just be related to what you as a little council can do, and so I guess that's how we sort of expanded our horizons, and that's how we got to the size of the list we have now, if I'm recalling correctly.

MS. MCCAWLEY: Okay, and so I don't know where this leaves us at this point, and I feel like we've been all over the map. Maybe we can take a ten-minute break here, and we'll come back to this, and we'll figure out where these two items go, and then we'll go into those recreational items and try to finish this up, and so a ten-minute break. When you come back from your break, to show that you're back, can you put your hand up? Thank you.

(Whereupon, a recess was taken.)

MS. MCCAWLEY: Back to John Carmichael on these other two items that we were discussing, and hopefully we can dispense with these rather quickly and then move into the remaining recreational items, and so I'm going to turn it back to you, John.

MR. CARMICHAEL: Okay. Thank you, Jessica. I feel like we had a really good discussion on 12 and what to do with that, and the consensus not to include it, and I will reiterate that not including it, I don't think, will really, in any way, affect our plans that are underway in the near-term future to address the underlying issue here, and I will say that I appreciated Carolyn's comment about tying data-limited back to knowing OFL or MSY, and I think that was helpful too, and so I feel pretty good with that.

Then I think, on 13, we had a suggestion to add this in 1 as a mechanism, and I think, as a suggestion, that makes sense to me. If the agency decides not to do it, and they decide it's not appropriate, I think that's fine. If they provide us some guidance, as to why that is, or alternatives for addressing this issue, then we'll know more than that what we know now about this issue, and so I don't see any real harm in including there, and so I guess I'll pause there. If there's not any objection to that, we can move down into the additional topics on the recreational addendum.

MS. MCCAWLEY: Thanks, John. I think that pretty much sums up where we left the discussion on those two items, and I don't see any hands raised, and I am good to move into those recreational items, if you want to start going over those.

MR. CARMICHAEL: Sure. These items were on the list when we met in August, and, as I said, we, at the time, felt that maybe recreational topics shouldn't be included, and now we've since had clarification that we can cast a pretty wide net in this and take advantage of this opportunity to highlight various topics that the council feels are impediments to our fisheries and getting the most we can out of them and make them be as well managed as we can possibly do.

I went back to the original document from the August Executive Committee webinar and pulled out the recreational topics, and I think they're largely in the order that I ran across them in going through the recreational topics. The item here of recommendation is sort of capturing the general tone of the discussion that we had about some of these topics before we removed them, as well as other related topics, and so the first one was we identified recreational catches that are under the ACL consistently for multiple species.

We were sort of leaning toward this not really being an EO-response-type item, in that the council was looking at some of these things through other mechanisms, and this one crosses over a bit in that issue we were just talking about, looking at ecosystem components, perhaps, or looking at our complexes some more, and so the recommendation is not including that one.

We had identified that recreational accountability measures are inconsistent across species, and this is one that we're also recommending not to include, just because we're already working on it and we have an amendment working in that direction, and so whether or not this is included I don't think is going to make a big difference in our workplans, and it is one that is probably a bit of a -- As far as refining accountability measures, it may be one of those that adds perhaps more noise to the overall EO response system.

Number 3 is one that has come up a lot, and it's the topic on the recreational data, the MRIP information, and this is something the council has taken every advantage offered to comment on this and to encourage better data through MRIP and to illustrate the issues with the MRIP program, and so I think this is one that I've recommended to be included as a high priority, and I think it fits in well with the other NMFS action of data-related high-priority items, and highlighting a few actions here, such as that rare-event species estimation working group, which folks who are involved in the recreational workgroup have heard talk about that, and certainly anybody who was involved in that NAS review has heard a lot about that as well.

Then the other item is incorporating voluntary submitted data from anglers, also another thing that has come up in both of those two forums, and so these are things that would require some action from NMFS, but I do think they are consistent with recommendations that are coming in from us and other councils and from other sectors as well.

The fourth item here is the for-hire reporting in the South Atlantic, and so, as we all know, we put the amendment in, and it's poised to go in place. It was going to be going into place now, and now it will be January, but one of the issues is that we haven't had dedicated funding for the South Atlantic component. SERO and the Southeast Center haven't been given dedicated funding to provide validation and the sampling and everything that is necessary to really make that data useful and get the most out of it, and so that would seem to be something that fits in with the EO response. We need NMFS to fund this, and, whether or not this is a separate funding item, or it lumps in with the others, I think it's something we should discuss.

Then the last topic was in the original discussion, but there wasn't a lot said about it. It was just something that we wanted to begin to have some discussion on, and it's about the confusion regarding interpreting the language of the Modern Recreational Fisheries Act, in particular with how you interpret the requirement for ACLs and what ACLs are and what ACLs mean, and so quite a few of you were on the working group, joint working group, with the Gulf call on Thursday and saw this issue come up, and so, when I saw this as being a potential topic that we had back in August, I felt it was worth putting in here, and the action is pretty straightforward.

It's just asking for NMFS to give us some guidance and to evaluate the National Standard 1 Guidelines relative to the language in the Act, because there does seem to be a difference of opinion, and there's certainly some difference of opinion about guidelines versus language within the Magnuson Act and then how this Modern Recreational Fisheries Act reflects back to that, and so I think this is something where definitely a policy position could help us and some guidance.

Whether or not it improves our fisheries to the extent the Executive Order says, as we've discussed on other topics, is maybe in the eye of the beholder, and so, Jessica, that's the summary of the five topics, and, again, we would be looking for high, medium, low, and then where they rank within that.

MS. MCCAWLEY: All right. I agree with the interpretation that A1 and A2 probably shouldn't go in this EO response, but that A3, A4, and A5 I think should go in the EO response. I think that they would all be under high priority, and I'm looking to the other council members, to see what they think about these. Spud.

MR. WOODWARD: Thank you, Jessica. Just, as John was sort of going over these, it prompted me and Mel to sort of think about should 4 be merged into 3, and, I mean, are they distinctly different enough? I mean, obviously, for-hire reporting is integral to better data on recreational fishing, and we've created a mechanism, but it's a mechanism that's starved for support, and so I will just throw that out there for thought, and, obviously, the A5 is one that is very near and dear to the hearts of us who were on the working group, and have had some lively discussions about it, and I think the thing that's troubling us is we're having a hard time reconciling the directions between the Modern Fish Act and the Magnuson Act and the National Standard Guidelines.

It's a troubling thing for us, because we don't know what's in bounds and out of bounds, and we believe that the intent of the Modern Fish Act was to allow for management tools that have historically been used to be used differently than they currently are, and I will just give you an example. You know, one could argue that, yes, we have to set an amount of what's extracted as part of our management approaches, but is a management prescription, i.e., seasons and bag limits and size limits and the combination thereof, does it not constitute quantifying the amount, and it just doesn't end up being ACL, and I know this prompts lively and robust discussion, but that's the thing that is troubling us.

MS. MCCAWLEY: Thanks, Spud. I agree with what you had to say about A5. Just, for me, I don't know if I would combine A4 and A3, but that's just my opinion, partly because I thought that there was separate funding for the for-hire reporting, but maybe that's not a good way to think about it. Mel and then Chester and then Anna.

MR. BELL: I agree with the things that you all have said. I think A1 and A2 we could take out. A3 and A4, it would be okay if they are separate, and someone might say, looking at the EO, that, well, the EO is about commercial, and what's this got to do with commercial, and, well, when we do stock assessments, when we manage these fisheries, the data we're using, that we're bringing in from the recreational side, influences the overall assessment, and it's all -- Basically, the recreational data and the commercial data, they're all blended in at some point, and so, to have better, more reliable, accurate recreational data, through MRIP or the for-hire -- If you improve that, and, as I have mentioned, I have heard Dewey say over and over again about the problems -- That he, as a commercial fisherman, is frustrated, because of MRIP.

If we can improve the status of MRIP, or something better, and so I could justify A3 and A4, and separate is fine, really. A5, it's back to NS 1, and it kind of gets into that whole thing of, if you're changing what you do with an ACL, or how you manage an ACL on the recreational side, how does that affect the commercial side, and so, I mean, I could see where that could help make things better in the commercial world, if you get that straightened out, but I can strongly argue for 3 and 4, I think, for sure, to be included as high priorities, even though they're not -- You don't see the word "commercial" in there, and it's about recreational.

MS. MCCAWLEY: Right. Chester and then Carolyn.

MR. BREWER: Thank you, Madam Chair. Let me first apologize for the confusion that I caused with regard to ICCAT and sharks. I completely forgot about the large coastals, and Mel and Clay are correct, and I apologize for the confusion.

I want to speak to A5, and, John, thank you for putting this together. As I see the issue, it is this. For years, we have talked about the inaccuracy of data when it comes to recreational fishing, and we've all heard the arguments that there really are better ways to manage recreational fisheries without trying to count every single fish or every single pound of fish.

The language that appears in the MFA, I am quite confident, was intended to allow the councils to manage in ways that, in effect, would still have a constraint on a fishery, such that you come to a desired end, and I think about the State of Florida and managing snook to an SPR and how phenomenally successful that has been, and, to me, the language that is in that act would allow the councils, particularly the Gulf and South Atlantic, to utilize that kind of management tool, and we don't have to, but it would be allowed, because, heretofore, we've been told that you have to have the scientists establish a particular catch, and then you establish an ACL from that, and that is a hard number, and that, to me, has caused a lot of problems.

Now, this issue came up again, or came up, at our joint meeting with the Gulf Council, and, Roy, you can help me out on this, please, but Roy explained to us that the language that appears in National Standard 1, which is -- I believe, if I remember correctly, Roy, it was the definition of catch, and that, because of that language appearing in NS 1, that we would still be required to manage to a hard ACL that would be set prior to the season, give us a hard number, and then we would manage to that number.

Roy, if I have misstated what you told us, please correct me, but therein lies the rub, because, if you take that position, then trying to manage say to an SPR, an extraction rate or something like that, really, I don't know how you do it, and so I expressed that concern at the joint meeting, saying what are we doing, and, if that's going to be -- That we have to manage to pounds or number of fish, then what can we accomplish now with this committee or working group, and, with that, again, Roy, I'm asking for your help on this, but I will mute myself.

MS. MCCAWLEY: Thanks, Chester. Roy, I don't know if you want to respond right now or you want me to go to the list of hands that are raised.

DR. CRABTREE: Go through the list.

MS. MCCAWLEY: Okay. Carolyn and then Kerry, and then we'll go to Roy.

DR. BELCHER: Just two comments relative to A3. One is just I think, again, back to the language of developing protocols to incorporate voluntarily-submitted data from anglers, just a reminder that the APAIS survey is voluntary. If we're talking about outside sources, like if this is setting up an app or something to get a different source for catch information, I think we just need to be clear with what our intent is with that, because, again, it is a voluntary survey, which kind of gets back to that first point too about improving data collection and estimate precision. I mean, we're still dependent on a voluntary survey, when it comes to catch numbers.

The other thing is just this is a NMFS action, and I understand that we want to enhance this, and I'm not saying that this isn't something that the states aren't bought into, but, right now, climates within states, and this is something I brought up during the MRIP review last week, with hiring freezes and such, if we get an influx of more money to support more interviews and intercepts, and we can't hire people, it's not going to help us help increase what's going on with the MRIP survey.

That one, I don't know how we step around that, but I just want to make sure that that's something that people are thinking about.

Then, as far as Number 4, for the for-hire reporting, I mean, I think, that one, we definitely need to make sure that it's in there. I mean, we've kind of struggled with this, even with observers within the commercial fishery, and we've been set up in the shrimp fishery forever, with the idea that there was going to be observers onboard, and we've never been able to support that either, and so I think, to me, A4 definitely has priority. 3, I think, is getting fought in so many different arenas that it promotes itself, for that reason.

MS. MARHEFKA: Forgive me if I missed this at the top of John's introduction, but, since I'm catching up a little bit here, can someone remind me, procedurally, if these are getting presented separately from the commercial ones that we dealt with earlier or they're getting folded into those priorities in order?

MR. CARMICHAEL: Kerry, these will be added in with the others, and they're just in an addendum because we quit talking about them in August, and now we need to bring them back up, and they wouldn't be added at the end or anything else like that. They will be put in wherever they fall within our priorities.

MS. MARHEFKA: If I may, then I guess my question is we need to -- Once we figure out what's staying on this list, we need to fold these numbers into the numbers from the ones we discussed pre-break?

MR. CARMICHAEL: Yes.

DR. CRABTREE: Well, Chester brought up I guess sort of the discussion that transpired at the workgroup the other day, and, basically, I read the definition of annual catch limit and catch in the guidelines, and it's clear that catch is catch, and it's an amount of fish, and an annual catch limit is an annual limit on the amount of fish. If you think about it, when the Magnuson Act was reauthorized in 2006 or 2007, the biggest change was annual catch limits.

Well, we were managing, based on SPR and things, prior to that, and so it just seems to me that what you're trying to do, Chester, is weed out of existence the language requiring annual catch limits, and I think the Modern Fish Act is pretty explicit in saying that annual catch limits are required, and I have a hard time reading catch as being anything other than catch, and so, I mean, maybe I will be wrong, and maybe it will be interpreted differently, but that's kind of how I see it.

MR. BREWER: Roy, I understand what you're saying, but the -- As I understand the Modern Fish Act, you are still required to manage to an amount. Where I'm having a problem is does that amount have to be stated in pounds or number of fish at the beginning of the year, in the form of a hard ACL, or can it be -- Can that amount be expressed as say the number of fish that you would catch if you say managed to a 40 percent SPR?

I mean, Roy, you have talked about this yourself in the past, and we have a situation now where, if you've got a pretty good recruitment that comes through in a particular fishery, and all of a sudden people are catching a bunch of those fish, because they're there, that we don't necessarily consider that to be a good thing. We think that's a bad thing, because we've gone over the ACL,

and we shut down the fishery. My thought is that we need to be able to adjust, to see if -- Maybe over a one-year period, or a two-year period or a three-year period, to see if we can utilize the good things that are happening, as opposed to having them be a bad thing and shutting down the fishery, and, with that, I will mute myself.

MS. MCCAWLEY: Thanks, Chester. So I appreciate that discussion. I am going to try to summarize some of what I'm hearing, to get us back on track here, and it sounds like we're suggesting A3, A4, and A5 need to be included in the earlier items, and I hear people suggesting high priority, but maybe I misheard that, and maybe I'm not summarizing that correctly, and, if they are high priority, then we need to go up to the high priority list and figure out where these three items fit in there. Thoughts about that? Are all three of these, A3, A4, and A5, are they all high priority, and, if so, where do they fit in the previous list? Chester.

MR. BREWER: Thank you, Madam Chair. Yes, they're all high priority, and is it necessary that we merge them in with the commercial concerns, or can we have like two lists, and I guess I will direct that question to John.

MR. CARMICHAEL: Thanks, Chester. No, we need to have one list. We do need to fit them in within the prioritization. I will say that and say I don't think that we should read too much into the prioritizations, and NMFS is going to do what it can within the things it's given, just as we will do what we can within the things that we are given, and I think, as long as the general top-to-bottom folks can live with, and if something ends up as a 6, versus a 7, I don't think that's necessarily going to have a significant impact on how all of this plays out over the next few years.

MS. MCCAWLEY: Let me make a suggestion. I saw these -- These are all considered actions by NMFS, and so I think that they would go into the high priority, into that category, and my question is are they more important than sharks? Do they come in that list right after sharks, before climate change and before disaster funding? Chester.

MR. BREWER: Thank you, Jessica. A5, to me, is pretty time sensitive, because we've got this working group that is supposed to be looking at ways to, I would say, to implement, or suggestions of ways to implement, the MFA, and, until we get some kind of definitive answer from NMFS or NOAA or wherever it would fall in the food chain, I don't see how that group can really do its work, because, if the interpretation is that, as it apparently currently stands at NMFS, then we're going to have to make some changes before that group can go forward. Just from the timeliness standpoint, I would put A5 up pretty high, and maybe right behind sharks, and, the other two, we've been upset about that for quite a while.

MS. MCCAWLEY: Okay. That's a good point. So then, also, maybe under the recommendation part of A5, maybe, John, we can indicate that we think that this information might be needed for that joint council workgroup, and so maybe we can add a little bit more to that. We've had a recommendation to put A5 -- I think you said right behind sharks, or maybe you said right there with sharks, and I'm not sure which one.

MR. BREWER: It would fit right in there, yes.

MS. MCCAWLEY: Okay. Other folks' thoughts on these? It sounds like we're pulling out 5 and making it maybe right after sharks. Spud, Steve, Art, Mel.

MR. WOODWARD: Thank you, Jessica. I was just going to voice my support for what Chester had said, and so I would put A5 in there, and whether it's in front of or behind sharks, and I don't know that that really matters, based on what John said. I would support putting it up at the top of the list and letting the other ones fall in where everybody thinks best.

MS. MCCAWLEY: All right. Steve.

MR. POLAND: Thanks, Madam Chair. I mean, I tend to agree, at least with the way that A5 is worded, because, I mean, there is confusion on that, interpreting the language in the Modernizing Fish Act, and, I mean, the workgroup has struggled with that. However, the workgroup, we have already started to identify other avenues for potentially managing recreational fisheries in a different way, and the example that Chester used, based off of the input received from Roy in the past, as far as current ACLs and management schemes, they aren't really flexible, or the ability to respond to say strong year classes in a particular stock or something like that.

I mean, we received presentations last week on interim analyses, where you tie the ACL back to some type of fishery-independent index, or index of relative abundance, and it gives you some of that flexibility of those ACLs, and so I certainly don't want it to come across like the workgroup is at a standstill or in a quagmire until we get this input, and there are things we're working on and avenues we're exploring, but this would certainly help broaden our discussions considerably, and I also see this workgroup as something that we're not going to reach a final point and then disband.

I mean, I certainly expect that we'll provide recommendations, and maybe, if new information is available, or new interpretations are available, we'll reconvene and potentially provide additional recommendations, and I still think the workgroup can function in the interim, while we wait for this type of input, and I just wanted to get that out there.

MS. MCCAWLEY: Thank you. Mel and then Roy.

MR. BELL: I was trying to figure out where to put these, and I think, any of these that we move, that clearly are of sort of a recreational nature, it needs to be clear, when we move it up, and I know we're limited on the verbiage we can use, because it's a spreadsheet that we're trying to cram this into, but it needs to be clear why is that applicable to the Executive Order, based on how the Executive Order is worded towards basically making things better in the commercial sector.

Fine, and I can certainly justify that A3 and A4 are about improved data, and those data are used in conjunction with commercial data in things like stock assessments, and so, if you improve those data, you can improve something related to the commercial side. A5, with addressing NS 1 Guidelines, we've just got to be clear how we explain how does that make things better, per the EO, what we're directed to do for the EO, and so, as long as we can tie it rationally back to that, then you can put it up there, where we're talking about putting it, and that's fine, but I think it just -- You know, we're -- A number of us are participating in the workgroup, and we're focused on the efforts of the workgroup and trying to make things better, but then, if you're coming from the pure EO side of things, you go, well, how does that have anything to do with what the EO says, and so we've just got to be clear in our justification for why it would be necessary to examine NS 1 and what it says relative to the Act.

I think, obviously, the direction we were going takes you to about where you were placing things, and that's somewhere between 1 and those bottom two, and so, if you're going to have three different things up there now, where one is where we were clearly dealing with the data issues in the commercial world, and the ability to acquire them, then maybe these data come in right under that, and then maybe A5 comes in under that, but before sharks or something, and I guess we now have four things up there in the original list, and so I don't have that in front of me, but I was trying to visualize that as well, but that's my point.

MS. MCCAWLEY: I agree, and it's a little bit challenging to visualize these things, because they're in paragraph form, and so what I heard you say, Mel, was basically that these items, because we're talking about data needs, that they maybe come right before sharks, is what I thought I heard, or at least A5 does.

MR. BELL: Yes, and I think you could put them -- Well, again, I know that's not going to go over well with the folks that wanted sharks as a higher priority, but, if you're going to bring these up there, and they are related to data, and data is really, really important, and we stressed that in our first recommendation, and, of course, geared toward fishery-independent data, and these are fishery-dependent data, but they all play in, and so I would just think -- I personally would rank them a little higher, I guess.

MS. MCCAWLEY: Okay. Than sharks? Okay. All right. Thanks. Roy.

DR. CRABTREE: Just that I'm hearing people quote what I've said, and a lot of things that I'm being quoted I didn't say. I never said that you don't have flexibility. That I think you do, and you can clearly adjust to large year classes that come through the fishery or bad year classes, and clearly you use interim information to set catch limits. All I've done is read you what the National Standard Guidelines say and how it defines catch, and I think all of us sitting here know that catch is an amount of fish, and to just say an SPR -- Unless you can operationalize that into an amount of fish, I don't know how an SPR is an amount of fish.

If you told me the ACL for dolphin is 30 percent SPR, I have no idea how many fish that is, and so I don't -- I am worried that we're going to spend a whole lot of time running down a rabbit hole, and it's not going to really get us anywhere, but I am not telling anyone that you don't have flexibility. You do have flexibility. You can do lots of things, and you ought to look at all of that, but I just hope that we don't expend all of our energy on unproductive ways of looking at things, but please don't quote me as having said more than this is what the guidelines say, and catch means catch.

MS. MCCAWLEY: All right. In where to put these recreational items, basically, what I heard is they go above climate change, and they go above fishery disaster, and possibly even above sharks or about equal with sharks, and so does anybody have any concerns about that? John has it there on the screen. If you don't like where they are, now is the time to speak up. Otherwise, we're going to conclude this item on the agenda about the EO.

All right. I don't see hands raised, and so, John, the next steps here is basically staff will put this in this Excel format, and they'll have a cover letter that goes to Chris Oliver about this, and is that what comes next here?

MR. CARMICHAEL: Yes, and I think that's how we would handle it. We will port it into their desired spreadsheet and get a cover letter signed by the Chair, summarizing what we're stating here, and then we'll see what happens.

MS. MCCAWLEY: All right. I appreciate all the work on this. Mel, did you have something else here before we leave this item?

MR. BELL: Just procedurally, and so, with this Excel spreadsheet, like you said, we're going to be limited in the amount of explanation we can provide, and so we'll get to look at how staff have kind of phrased all this and crammed it into the box before it moves forward, I guess, at some point.

MR. CARMICHAEL: Yes, that's the plan, Mel. We'll try to have a good summary of it that captures the gist of it. You know, primarily, they're just looking at, I suppose, a problem statement and then the initiation plan that is -- There's not a whole lot into what necessarily gets done, but it's just identifying it.

MR. BELL: Gotcha. Thanks.

MS. MCCAWLEY: All right. John, do you think we're ready to move into the emergency action request update from Rick DeVictor?

MR. CARMICHAEL: I believe that we are. If someone wants to take over control, then we'll cue Rick up and give him a minute to get ready.

MR. DEVICTOR: I'm ready. I am going to give an update, a status update, on the emergency action requests that NMFS received from the council. Just to give you a real quick brief recap of what happened, which, of course, you know about, but, in June, the council discussed various adverse effects to the commercial and charter industry, and, of course, those were things like travel restrictions and closures of boat ramps and stay-at-home orders and a decline in for-hire trips.

At that meeting in June, you received several presentations from council staff and information from council members, such as state representatives, on the impacts that COVID is having on catch and effort and recreational license sales, among other things, and so you ultimately voted, in June, to request to NMFS to change fishing regulations through emergency action, and you put that in a letter, and that letter was dated June 30, and there were two requests in that letter.

The first one was to increase the commercial trip limit for vermilion snapper from the current trip limit of 1,000 pounds gutted weight to 1,500 pounds gutted weight, and the second request was to increase the king mackerel bag limit from four fish per person in the Northern and Southern Zones, and so, right now, in the Northern Zone, I believe it's three fish per person, and, in the Southern Zone, it's two fish per person, and, of course, the Northern Zone is Georgia through New York, where the Southern Zone is off of Florida.

We received those requests in that June 30 letter. As we do when we get such requests, we form a group of staff and develop the necessary documentation and analysis to support the emergency rule request, and, in that, that includes evaluation of the NMFS policy guidelines for the use of

emergency rules, which was put out in 1997, I believe, and we discussed how the proposed emergency actions meet the criteria for determining whether an emergency exists.

When we get such requests, we also need to ensure that the implementation of the benefits through the emergency action outweighs the value of pursuing this action through notice and comment, which you get through the normal rulemaking process, and so, as we do with all of our proposed actions, we submit a package, what we call a package, up to Headquarters for review and implementation, which hopefully ultimately ends up in the Federal Register for publication, and that is currently where we are at in the process. We have submitted that documentation to Headquarters.

The next steps are, if all goes as planned, the temporary rule to increase both the commercial trip limit for vermilion snapper and the recreational bag limit for king mackerel will publish in the Federal Register, and what we have in there is the temporary rule would be effective upon publication, and, as always, we'll send out a Fishery Bulletin.

I do want to point out one thing, in that emergency action rules -- We have a period of 180 days, because, as you know, the Magnuson-Stevens Act authorizes emergency action to be implemented for an initial period of 180, and then you can subsequently extend it for 186, but our intent is not to extend it, and I believe that tracks what you had in your letter that you sent to us, was that you plan to evaluate this in December, the emergency action requests.

Also, the Magnuson Act says that, if you are to extend it for 186 more days, the council needs to actively prepare an FMP or an amendment to address the emergency on a permanent basis. There's a real quick background, and, just real quick, where we're at with things, and so hopefully we'll hear something soon, where this publishes, and then can announce that these temporary regulations are in place. Thank you.

MS. MCCAWLEY: Thank you, Rick. Are there questions for Rick about these emergency actions? I am going to pause for a second, to see if hands go up. Dewey.

MR. HEMILRIGHT: Thank you. If the emergency actions are implemented, and it's for 180 days, if the council decides, at its December meeting, it no longer needs the emergency action, are they allowed to dissolve it, or take it away, given the start of the January fishing season, or what is the protocol for that? Does it have to stay in place for 180 days?

MR. DEVICTOR: I have Magnuson right in front of me, and the section says that it may be terminated by the Secretary at an earlier date by publication in the Federal Register of a notice of termination, except for emergency regulations or interim measures promulgated under Paragraph 2, in which case early termination may be made only upon agreement of the Secretary and the council concerned.

MR. HEMILRIGHT: The reason for this, particularly to vermilion, is that the underharvest of quota has taken place because of the pandemic, or whatever reason it's taken place, and that's the reason to increase the trip limit, and is that correct?

MR. DEVICTOR: I'm sorry, Dewey. Can you -- I was still reading that paragraph, and I just did want to point out that Paragraph 2 that -- My read of it is that the Secretary and the council has to

be in agreement to terminate it early, and I just wanted to clarify that, but I'm sorry, and could you repeat your question?

MR. HEMILRIGHT: My question was the reason for this emergency action is to increase the vermilion, because of the underharvest of quota taking place, and with the increase in the trip limit, and if, at the end of the year, it starts a new season and quota and stuff like that, and so would the increase -- If this is -- If the emergency action happens, what happens with the new year, and would the trip limit be the same in January, February, and March, or can it be cancelled earlier, if according to the council it doesn't deem it necessary?

MR. DEVICTOR: I see Monica has her hand raised, but, yes, right now, it goes for 180 days, and so this would carry over, and we're not talking ACL, of course, and it's the trip limit would go forward, but it looks like you're going to discuss this in December, and you could give feedback to NMFS at that time.

MS. SMIT-BRUNELLO: Rick is right, and so, to answer your previous question, Dewey, yes, if the council wants to ask the Secretary, or the Fisheries Service, in December to terminate this emergency rule, because they don't think it's needed any longer, then they make that request, and then the Fisheries Service is able to end that emergency rule sooner than that 180 days.

The rule was put -- Well, the rule hasn't been put in place, but, if it goes into place, it's because of the reasons that so affected the commercial harvesters, and they weren't able to access the markets, and there were a number of markets that were dried up and those sorts of things, and so it was to prevent significant economic harm.

If the council -- If circumstances change, and the markets are in much better shape, and the harvest, the amount of catch, is increased, and they reach the ACL, then certainly, if the council wants to in December, they can ask -- Assuming the emergency rule goes into place, they can ask the Secretary to terminate it.

MS. MCCAWLEY: Thank you, Monica. Mel and then Tony.

MR. BELL: Dewey brought up a good point, and so let's say we get to the December, or before December, meeting, what are the metrics we're going to use to evaluate if the measure has been successful and are we satisfied that it's no longer needed or it needs to last a little longer? I definitely need to give some thoughts to what it is we would actually look at to make that determination, as to whether or not to proceed with it or not.

MS. MCCAWLEY: Good point. Tony.

MR. DILERNIA: Thank you, Madam Chairwoman. Just something, as I'm listening to the discussion, that's going through my mind, is the reason the catch was low during the beginning of COVID was because demand was low. First of all, fishermen couldn't fish. Then, when they could fish, the markets were there, and demand was low, and the price was very low.

Now, we're returning to perhaps a pre-COVID situation, or we're slowly returning to that level, and the question I guess -- My question, I guess, would be best answered by some of the dealers that sit on the council, either Chris or Tim, and that is where is the price at this point? In other

words, if we increase this trip limit, and we're going to put a lot more fish across the dock, and if the demand is still low, isn't that going to depress the price even further?

If that's the case, would it benefit the fishermen to leave those fish in the ocean until the stock begins -- Until the price begins to recover, and which they could get a better price for the same amount of fish, and that's what is going through my head, and I don't know if anyone can answer that question, but that's what I'm thinking as I listen to this discussion. Thank you.

MS. MCCAWLEY: Thank you, Tony. I don't know if anybody is ready to respond to those questions.

MR. DILERNIA: I'm not surprised, and it's a tough one, but I just wonder, you know, and it might be better if we can leave those critters in the ocean. I am not going to advocate -- If you want the increase in the trip limit, fine, and I'm good with that, but folks should maybe just think about it just a little bit, and it might be better to leave them there. Thanks.

MS. MCCAWLEY: Okay. Are there any more things that people want to bring up as part of this discussion? Rick.

MR. DEVICTOR: Thank you, Madam Chair. I haven't worked on a lot of packages to terminate emergency action, but it will take some time, and, by the time that this goes into place, we're looking at September. If we hear from you in December, it's just not something that can be done overnight to terminate this, and so I just wanted to point that out, that I'm not sure that there's a lot of time there, in between December and the 180 days.

DR. CRABTREE: Well, part of my point was going to be that nothing is instant, and so, even if the council requested us to terminate it in December, we would still have to get the analysis done and the notice to the Federal Register and clearance of it and deal with the holidays, et cetera, and things are not moving quickly these days, but I think, from what I'm hearing from folks, this is the reason why we should be very sparing in our use of emergency rules, because it's hard to know, and it's hard to understand impacts of things, and emergency rules are done very quickly, and with minimal opportunity for public comment, and so we really ought to be sparing, and we ought to use them as little as possible, unless we're really sure there is a reason to do one.

MS. MCCAWLEY: Thank you, Roy. Tony.

MR. DILERNIA: Thank you, Madam Chairwoman. What we did in the Mid with tilefish was we took a piece of the quota and we just rolled it into next year, and I think we took 5 percent of the tilefish, the golden tilefish, quota, and we rolled it into the next year, anticipating that we weren't going to take the quota this year, because of the COVID situation, and, next year, the price would be better, and so that was how we adjusted the situation, when it came to golden tiles. Thank you.

MS. MCCAWLEY: Thank you, Tony. That's a nice segue into the next item that we're going to cover on today's agenda, but let me first go to Chip.

DR. COLLIER: Thank you for noticing me. One of the things that I wanted to bring up was the difference between the ABC and the OFL. No matter what, you cannot exceed the OFL, if you're going to add on some carryover from the previous year to a following year, and the difference for

vermillion snapper is just 78,000 pounds between the ABC and the OFL, and so it's looking like, right now, about 500,000 pounds of b-liners have been landed out of the million-pound quota, and we only have three months left in the season, and so the increase in the trip limit would allow some additional harvest this year, and the overall carryover for next year would be pretty limited, and it might not really address all that's being left in the ocean.

MS. MCCAWLEY: Thank you, Chip. Should we not just dive right into the emergency action consideration in that document, Chip?

DR. COLLIER: It could be a good segue.

MS. MCCAWLEY: All right. Then I'm turning it over to you.

DR. COLLIER: Thank you. I put together a document for you guys, and it's Attachment 2 in the Full Council Session 2 called EA Unused ACL Carryover Considerations. This is a continuation from what you guys discussed at the June meeting, and it's also for further discussion of what's been going on in the background of the ABC control rule. Carryover has been considered in the ABC control rule for a while. However, that amendment was put on hold and waiting for guidance from National Marine Fisheries Service.

That guidance was published just this year, July of 2020, and I provided a link in there, and it discusses several different pieces of the carryover and some guidance for it, including criteria for allowing carryover, benefits of allowing carryover, risk associated with carryover, and examples of carryover, and I will go over some of these with you.

First and foremost, I will start with the benefits of potentially allowing carryover. It can improve safety in the fishery. This way, at the end of the season, you're not having a race of fishermen trying to catch the remainder of the ACL at the end of the year, and so you're not going to have a derby towards the end, and it could also increase economic stability, by relieving fishing pressure during poor economic conditions, like Tony had mentioned. If there is no value in the fishery, why go harvest them this year? Then, finally, it can improve management stability, and this could happen by allowing more consistent multiyear seasons.

As opposed to going through this document here, I'm going to go to the Appendix 1 that was listed in the document, and I think it's on page 5 of the document, and what this will do is it's essentially a Cliff-Notes of that carryover document that was produced by National Marine Fisheries Service, and so this is the NS 1 guidelines for developing carryover provisions within the ABC control rule, and, first of all, it needs to be described within an FMP and how the provisions can prevent overfishing, because, once again, no matter what, the carryover cannot induce overfishing.

The resulting ABC recommended by the SSC must prevent overfishing and must consider scientific uncertainty with the council's risk policy. They also need to consider the reason for the underage, and we've been talking about that quite a bit, and the reason for the underage in these situations is COVID, where several of the fishermen were not able to get out, and, even if they could get out, some of the fishing markets weren't open, and so they might not have had a market to sell it in. Then the final part is to evaluate the appropriateness of the carryover provisions for stocks that are overfished and/or rebuilding. An overriding goal for such stocks is to rebuild them in as short time as possible.

They also provided a long list of things to consider when you're developing carryover provisions within the ABC control rule. First of all, they recommend -- Carryover is not recommended for stocks that have not specified an OFL, and you guys have talked about species without an OFL quite a bit today, and so I'm not going to go into that, but we do have several within the South Atlantic that don't have OFLs.

It should also consider which stocks are eligible for carryover, and they also recommended doing some stochastic projections, and I will talk about doing that a little bit later, and another thing that they said to consider was how the ACL underages will be determined, and some of this is trying to look at are you accounting for all the catch in making sure that these underages are due to the factors that are associated with it.

They also want to consider how underages will be accounted for when there are multiple fisheries sectors. With this one, there doesn't seem to be a big issue, at least with the South Atlantic. There are two different fisheries sectors, and there is the recreational sector and the commercial sector, and we might not know the actual harvest in the recreational sector, and so that could provide some difficulties with the analysis.

We also need to consider having a minimum buffer between OFL and ABC, and that would be done primarily in the establishment of the ABC control rule. Consider establishing limits of unharvested ACL that can be carried over. Limits on the percent of quota that can be carried over are commonly included in the existing carryover provisions, and Tony had mentioned this, and this is what they have done in the tilefish limited entry program up north, and they had a limited amount that could be carried over.

There is consider establishing a process for making changes to the ABC and the ACL, consider identifying circumstances where precautionary measures should be used and then another thing that this council needs to really consider is the consult with the Scientific and Statistical Committee, as well as the applicable National Marine Fisheries Service Fisheries Science Center.

Continuing on, carryover provisions within the ABC control rules can be designed for specific individual stocks or stock complexes, where a comprehensive provision can be developed that applies to multiple stocks or FMPs. If the carryover provision applies to multiple stocks, the SSC, or relevant scientific advisory body, should evaluate and approve the use of carryover provisions for each individual stock or complex, to ensure that it will prevent overfishing. Then consider using simulation testing to ensure that carryover will prevent overfishing in accordance with any established risk policy, preferably using a closed loop management strategy evaluation.

In order to do some of these things, they recommend implementing and evaluating carryover based on a case-by-case basis, and the first one was to re-run the stochastic projections with the revised catch estimates. The second one is conduct deterministic projection analysis with the revised catch estimates, and then the final one is do some scenario planning with the assessment to evaluate a wide range of ACL underages and resulting OFL and ABC recommendations for each year within the scenario.

I will go back up and really focus in on how this can address the effects of the pandemic and the carryover actions that the council could consider. First and foremost, we do not have carryover

provisions in any FMPs in the South Atlantic, and so this would have to be done through an emergency action request, and otherwise it would take too long, in order to get it in place and not reap the benefits of a potential increased harvest for this year or next year. They're also going to need to work with the SSC, and the reason for this is most stocks have the ACL set to the ABC, and, therefore, we're going to have to request an increase in the ABC from the SSC.

First and foremost, carryover provisions included in the FMP, and I just mentioned that we do not have it listed in any of the fishery management plans. Secondly, we have some stocks where the ACL is less than the ABC, and there is four stocks that we have listed there of gag, hogfish, the hogfish stock, the Georgia through North Carolina, and then the hogfish stock off of the east coast of Florida and the Florida Keys.

I also listed red porgy, and the reason that that's listed -- Although the ACL is set equal to the ABC, that was set based on 2015 values, and the 2018 ABC was higher than that ACL that was established, as the projections had indicated, and so, looking at a little bit more details of each of these species, the reason that the gag ACL was set lower than the ABC was over stock status concerns, and you are close to overfishing levels, and fishermen have expressed concern about the stock status during public comment for Regulatory Amendment 22.

Similar concerns were overfished and -- Hogfish, for the Florida Keys and east Florida stock, and red porgy are both overfished, and rebuilding plans in both stocks were in pretty poor shape, and so increased harvest of those species probably would not be recommended, and then, finally, the hogfish stock off Georgia and the Carolinas -- That stock is unknown, but fishermen definitely expressed concern about the stock during public comment of Amendment 37, and, given all these discussions, staff made this recommendation, and it's definitely a recommendation from staff and not necessarily from the council at this point, but we suggested that carryover was not recommended, for these reasons, due to stock status concerns for existing rebuilding plans. With that, I will pause, if there's any discussion of those stocks.

MS. MCCAWLEY: Any questions? I don't see any hands.

DR. COLLIER: I see that Clay Porch has his hand up.

MS. MCCAWLEY: Okay. Clay.

DR. PORCH: Thank you. I am wondering why there was a request to do a bunch of simulations and projections for the carryover. I mean, it's generally the case, and, in fact, it's hard to imagine a case where it's not true, that, if you don't take the amount of catch that you were allowed to take in one year, and then you just take it in a subsequent year, the stock trajectory should be as good, or better, than it otherwise would have been, because you're just delaying the point where you're taking the catch, and so we really shouldn't need to do a bunch of simulation analyses.

As long as you're not taking more than the underage, you should be generally pretty good, unless you've got some other information that showed that the stock was subsequently in worse shape than you thought, like you have an index of abundance or some other indicator that said that something happened that caused the stock to go way down, but you don't need simulations for that, and you just need data.

DR. CRABTREE: The main problem I see here is I don't think we're going to know what the catch was, and so we're not going to know what to carry over. We'll know what the commercial catch was, I think, but I don't think we're going to have a recreational catch estimate any time this year, and we may get something next year, but I think it's going to have an awful lot of assumptions in it about the lost survey time, because of COVID, and so that makes it hard for us to get to a point where we could say that there is actually catch to carry over, because I just don't see how we're going to know.

Now, if it was a stock that was 95 percent commercial, you might could argue the recreational catch is negligible. At least for vermilion, there's a substantial recreational catch, and so that's a real problem that I see here, and I agree with what Clay said, but you need to know what the catch was, so you know what there is to carry over. We've heard different anecdotal accounts of recreational effort was, and I've heard some saying it was higher and some it was lower, and I just don't know, and so that's a real difficulty that I see in trying to do this.

DR. COLLIER: I will get down into vermilion snapper in just a second, and I was just wondering if we wanted to talk about the buffer part of -- The species without a buffer between ACL and ABC, but I can go into those other ones right now.

MS. MCCAWLEY: I would say go ahead and go into those other ones.

DR. COLLIER: Okay. We looked at three species that potentially the ACL was not achieved, due to the pandemic effects, and we looked at Spanish mackerel, vermilion snapper, as well as yellowtail snapper. I want to thank Christina for putting together all the information for Spanish mackerel that is included in Appendix 2.

Just for your information, the fishing year for Spanish mackerel is not on an annual basis. It's March through February, and the commercial zone was closed to harvest in federal waters in August of 2020, and the harvest in the Southern Zone is less than 25 percent of the zone's quota, but that's not abnormal for September. Most of their harvest occurs in the winter months, as Spanish mackerel migrate back down south.

Harvest in the Southern Zone, like I said, it occurs after harvest in the Northern Zone, and so I will go and look at a couple of graphs that were supplied in there, and here is the commercial landings of Spanish mackerel from 2000 to 2020, and you can see the overages here in the Northern Zone quota, and then you can also see here where the Southern Zone is getting very close to their quota as well, and so the ACL in the commercial has been fully utilized for the past few years.

The part that's not being fully utilized is the Spanish mackerel recreational quota, and you can see the difference between the recreational landings here in blue and the recreational ACL in black, and there's a substantial buffer between those two. We also provide the regulations for the different zones, for the commercial fishery as well as the recreational size limits and bag limits.

Given that the ACL in the commercial fishery is likely to be met, it might be unwise to use a carryover provision for Spanish mackerel, given that it has been met or exceeded in the commercial fishery for the past few years.

The next species we considered was vermilion snapper, and that was something that we looked at in greater detail in June, and the reason for that is -- What we were looking at in June was an increase in the trip limit, and this would be a carryover provision, potentially allowing some of the unused harvest from this year to go into next year.

As mentioned a couple of times, there is no carryover provision in this FMP, and, therefore, in order to allow this to occur, we would have to go to the SSC, in order to have an increase in the ABC. Currently, based on the projections from SEDAR 55, there is a 78,000-pound whole weight buffer between the ABC and the OFL, and that is just 5.5 percent of the total ABC. Therefore, if the council pursues emergency action to carry over the unused ACL in 2021, the most that it could carry over would be 78,000 pounds, but that would be allowing no buffer between the OFL and the ABC.

Some of the considerations for a carryover is it would require emergency action. There are no stock status concerns for vermilion snapper at this point, and it would require a temporary increase in the ABC. Therefore, we would need to request the SSC to recommend a higher ABC. Currently, we have this topic on the October SSC agenda, but it could be removed, if necessary, and a maximum carryover could be 78,000 pounds. One of the considerations is should it be reduced, in order to maintain a buffer between OFL and ABC, and the reason is based on the recommendations from that guidance document. There is also a consideration to adjust the ABC based on the commercial allocation percentage. Currently, the current allocation percentage for vermilion snapper is 68 percent, and, if you just do 68 percent of that 78,000, that would be just over 53,000 pounds of fish.

The last species we looked at was yellowtail snapper. Based on information through July, or looking at the SERO website, it indicated that about 87 percent of the sector's ACL catch had been harvested in the 2019/2020 fishing year, and, once again, that fishing year is not based on an annual basis, but it goes from August through July, and so that has been closed out, and there is about 200,000 pounds of commercial ACL that was not harvested in this year.

The stock status for yellowtail snapper indicates that the population is neither overfished nor overfishing, and the new assessment is still under review by the SSC, but it does not suggest a change in stock status. Projected catch levels in the fishing year could be compared to observed levels, to determine if increased harvest would result in overfishing, and, similar to vermilion snapper, it will require emergency action, and there is no stock status concern to prevent carryover. However, this may require a joint action with the Gulf SSC to modify the ABC to support carryover, and then, finally, the available carryover amount cannot be determined until the SSC review is complete and OFL and ABC recommendations are available. That is all I have for this.

MS. MCCAWLEY: Thank you, Chip. Are there any questions about this document? Carolyn.

DR. BELCHER: I think the only thing I have a concern with is it's the -- So the buffer between OFL and ABC is set based on scientific uncertainty, and so going back to the SSC to ask to raise the ABC -- How do we base that? I guess I'm trying to think of how that would be approached, because, I mean, we go through a process, and we make the determination, and we apply a P*, and we get our level, and then the buffer occurs, and so how does that -- How is that adjustment going to be done, and I guess maybe that falls back to the SSC, but I think, for me, that's just a little bit

-- It's different than going between ABC and ACL, and I think I just have a little bit of concern with that request back to the SSC.

DR. COLLIER: What would be happening is you would not be harvesting -- Like Clay had mentioned before, if you're not harvesting some of the catch from this year, and it appears that there could be significant catch from this year that is not taken, due to the commercial fishery ACL -- Or the commercial fishery catch being so low, that it's likely to exceed that 78,000 pounds, and so what was left from last year could be considered into the following year, because there should be an increase in the spawning stock biomass, due to the decreased harvest.

DR. BELCHER: I get that point of it, but it feels like -- I guess the thing is it's one thing to say we're working with the remainder from an ABC, with the understanding that that can carry forward, but to say that we're going to adjust the ABC from outside of the ABC control rule process is I think what has me a little bit kind of twitchy, because it makes it sound like we're going back to erase the original ABC to come up with a new ABC value, as opposed to letting that value be there and having the carryover that kind of adds to that, and I guess it's more the language, and I don't know if that's something that is more to -- How you keep in the essence of what we're doing under that, but, to me, it just sounds odd to go back to say that we're asking them to adjust the ABC, which has already been adjusted based on scientific uncertainty, and the uncertainty isn't changing.

DR. COLLIER: Just to that point, you're right that it definitely sounds a little squirrelly, but what's happening is it's a temporary adjustment of the ABC based on the underage from the previous year, and so it's not -- If you were to take those two ABCs over a time period of two years, they would average out. If there's a one-to-one relationship in the second year due to the underage, then you would be averaging out to the ABC.

MR. POLAND: I think "squirrelly" is probably a good term to use for that. I mean, I can see the SSC having some issue with how to justify adjusting that outside of the ABC control rule, and then also, procedurally, I have a question, as far as -- So this ABC is adjusted up for the next fishing year, and is that included in the emergency action, or is that going to take some additional action, after the fact, to lower that ABC back down to the SSC's original ABC recommendation?

DR. COLLIER: No, it shouldn't take additional action, because an emergency action is temporary in nature, and, therefore, it would be only for a certain amount of time that the ABC could be increased.

MR. POLAND: A follow-up. Just so I'm clear, an increase in the ABC is part of the emergency action, and it would be specifically ABC recommendations that come from the SSC, and that's kind of baked into the process of Magnuson, but I want to make sure that that increase in ABC is included in any emergency action, and then it goes away.

DR. CRABTREE: I think the ABC would be given to you by the SSC, and it would be referenced in the documentation and the emergency rule, and then, presumably, the SSC would give you the ABC for a year, and then the carryover would go away after that. Again, it's still not clear to me though how we know what to carry over, if you don't know what the recreational catch was.

Chip, yellowtail snapper is one of them, and maybe you said this and I missed it, but we have a new assessment for yellowtail snapper, right, that's being reviewed by the SSCs now, but we haven't gotten to the point of a catch level, and do you know when we're expecting to have that?

DR. COLLIER: It's later this month that there's a joint meeting between the Gulf and South Atlantic SSC's, in order to hammer out the ABCs for that stock.

DR. CRABTREE: So it's not clear to me -- If we carried something over with yellowtail, it seems to me the new assessment ABC would trump all of that, and so that doesn't seem to be a viable candidate, to me, based on those concerns.

MS. SMIT-BRUNELLO: My internet went out, and so I missed a little bit of what Roy said, but, to Steve's question, this is kind of an odd situation, right, and so your annual catch limit may not exceed the fishing level recommendation, which is really the ABC that you get from the SSC, and so I guess you would be predicating an emergency rule request based on a future action that the SSC might take, or might not take, right, and they might say, no, we don't want to give you this allowance with the ABC, and, therefore, you wouldn't be able to necessarily increase your ACL either, and this is just kind of an odd set of events, if you try to do a carryover based on an emergency rule. Maybe you would be better off having some sort of council meeting, emergency meeting, so to speak, a quick meeting after an SSC meeting, to see what the SSC decides to do, and I don't know, and it's just kind of thought-provoking though.

MS. MCCAWLEY: Thank you, Monica. Roy.

DR. CRABTREE: To that point, it seems to me that we would have to know what the SSC gave us as a revised ABC. Otherwise, I don't know how we could assess whether an emergency rule is warranted or would have enough impact to accomplish anything, and I just don't know how we could make all of the determinations that would be needed, and so I think we would have to have something from the SSC first.

MR. POLAND: Thank you for that, Monica. You kind of got to my point, actually looking at it from the frontend, and I was thinking more of it on the backend, that how do we get the ABC back down, but point taken, as far as we need that recommendation before any action is predicated on that recommendation from the SSC.

As far as timing, we are considering having that special council meeting in November, and the focus of that meeting was to talk about mostly recreational fishing issues, but that is after the October SSC meeting, and so the time might be there to take this action, but we still need to decide, as a council, if this action for either vermilion or yellowtail is needed, and I would love to hear from a few of the commercial reps on the council, as far as do they feel like -- Is there added value, and do you think the market can handle it, or what? I would just like to hear their perspective.

MR. CONKLIN: With the vermilion snapper, our intent, I think, was to just be able to get the trip limit increased to where we're catching our portion of the ACL for the whole year, and that was the intent there, and I know that we had some conversations about carrying the quota over and whatnot, but I think it was our intent just to be able to up the trip limit to meet what we're supposed to catch this year, and to not carry it over, and we were trying to take the 180-day emergency rule

and not carry it over. I know there was some discussion about doing that, but it was going to be too complex, and we just want to be able to catch the quota. Thank you.

MS. BECKWITH: I had to step away from the computer for a moment, and so I apologize if I'm repeating anything, but I'm not going to speak specifically to yellowtail or vermilion, but I know that we have sort of talked about carryover as a tool before, and that is where my interest plays, is just recognizing if this would be a viable tool for us to use in specific examples, and these sound like they could be specific examples for us to sort of try this out in, under a limited time period.

I think one of our biggest problems is that all of our ABCs are equal to our ACLs, and so it does require sort of that SSC additional action, where it might not if our ABCs were not equal to our ACLs, but we have talked about sort of doing this in the past, and, as a tool in the toolbox, I think it's worth considering, but, again, I apologize if any of these thoughts have been shared already.

MR. GRINER: I would just kind of echo what Chris was saying there. I mean, when Chip went through the analysis of how we were going to come up with increasing the trip limit, the analysis was done on the basis of trying to capture these fish during this fishing year and not necessarily a rollover, but I think that was the actual premise that we were using, was using Chip's analysis and the number of trips and the actual size of those trips, the catches, and what would it take to get us there, and that's kind of what I thought we were really trying to get to, although I'm not opposed to carryover, but I think, really, the idea was to get it now.

DR. CRABTREE: I think, personally, I don't see this as really a viable emergency rule. I think, in terms of a long-term modification to how we do business, maybe so, but I think there are too many uncertainties and too many pieces that have to fall into place to get this done as an emergency rule, and I'm not convinced there are enough pounds available to us to accomplish that right now, and I think that we're really talking vermilion and yellowtail, and I think we have a new assessment for yellowtail that we ought to focus on there, and so I would recommend that we not pursue it as an emergency action, but rather pursue it as a change to our control rules and things for the future.

MS. MCCAWLEY: I think I agree with Roy, that I would like to see us pursue this for the long term, and I'm not sure if it's a good/viable option right now. Before we conclude today, I would like to wrap up this discussion on this particular item, and we still have a number of people with their hands raised, and I'm going to go to those folks, but this is the last topic that we're going to cover today. Chris and then Mel and then Chester.

MR. CONKLIN: I mean, if it's not going to be viable, all right, and I wish we would have known that prior to the meeting, because there is fishermen that think that this -- It's not because I spread the press, I promise, but they just think that they can go catch their 1,500 pounds after the council meeting, and I know that's certainly not the case, but people listen to these meetings, and everybody got their hopes up, and it was just that we were asked to come up with some things for COVID relief or whatever, and that was one of the things that we can do, or could have done, and we still might do, and certainly I see merit in some future thought on it, but I'm still not going to hang it up completely.

It's just sort of a letdown, you know, that it got so complicated with all this SSC and all this stuff, and that's certainly not -- It wasn't what I thought the intent was, to look at increasing all these numbers and doing all these analyses, especially -- I thought the rule was sitting on somebody's

desk waiting to be signed and go into effect when the vermilion went into effect and it would line up with the season closure, and we would end the 180-day emergency rule, and that was my perception.

MR. BELL: Based on what Chris said earlier, and Tim, my recollection of all this is we were simply trying to do something, which I thought was a little simpler, related to trying to provide some relief and mitigate some of the losses from COVID and allow the guys to make sure they were able to take advantage of the full ACL, if they could, that they had available to them, and it wasn't so much the carryover aspect, and I can see now, looking at how this all works, that that sure adds a lot of complexity to it, and I am kind of wondering if that's even worth it now, and so I guess I would -- I would be tending to kind of back out of this, given everything we've just heard, and it doesn't seem that that's really what I was thinking we were trying to achieve, and I was more focused on just making sure we could mitigate some earlier losses in the year, by allowing them access to fish for the remaining part of the fishery, the fishing year.

MS. MCCAWLEY: I am going to go to Chip to clarify and then to Chester and then to Monica.

DR. COLLIER: This emergency action request, this would be in addition to the change in the trip limit. This is not replacing that change in the trip limit. That change in the trip limit has already been submitted, and it's being worked on by National Marine Fisheries Service, and Monica is likely to talk about that a bit more, and so this would be in addition, and it's just if the additional ACL -- If the catch still isn't met for the 2020 season, some of that ACL could be carried over into the following year, where fishermen would get a potential increased chance of catching a higher ABC that following year.

MS. MCCAWLEY: Thank you, Chip. Chester and then Monica.

MR. BREWER: Thank you, Madam Chair. I agree with Roy. Number one, carryovers are a thing that have to be looked at very, very, very carefully, and my memory was we were trying to figure out stuff to do to help fishermen right now, this year, and that what we really wanted to do was up their trip limit, to give them an opportunity to get closer to their quota. I think we ought to dump this, and then certainly you can look at it in the future, but it needs to be -- You really have to be very careful with these things, and so I would say let's don't go forward with this particular movement, or whatever we want to call this, but this particular item.

MS. SMIT-BRUNELLO: This is just to wrap-up and to try to make sure that people understand that the emergency rule request that you voted on as a council at the last council meeting, which was to increase the king mackerel recreational bag limit to four fish, and then to increase the vermilion commercial trip limit to 1,500 pounds, that is an action that has cleared the region, and it's at the Department of Commerce right now for consideration. This is a whole separate deal, Chris, of what you would be requesting -- Whether you would want to request a carryover amount through an emergency rule, and so the previous one is already gone, and it's at the Department of Commerce.

MS. MCCAWLEY: Thank you, Monica. Chris, I hope that that's clear, that this was above and beyond what you were talking about, and it's not to replace it. Tim.

MR. GRINER: Thank you for that, Monica. That clears it up for me too, because I got a little bit confused there, but I understand now.

MS. MCCAWLEY: Thank you, Tim. It seems that what folks are saying, and so let me try to sum up, and then, after you hear this summary, if this is not what you think is happening, or if you want something different to happen, then please put your hand up. It seems like what we're suggesting is that possibly consider carryover in the long-term, as something that the council could get in place so that we could use it sometime in the future, but we are suggesting that, right now, for an emergency action, that we don't want to consider carryover, and so that's kind of where I see this. If that's not what you think is happening, or you want something different to happen, then speak up. Mel.

MR. BELL: I am not following your instructions, but I agree with you. I would say yes to what you just said.

MS. MCCAWLEY: All right. Spud.

MR. WOODWARD: Ditto for me. I think this carryover thing is a minefield, and we've got to walk through it very carefully.

MS. MCCAWLEY: All right. I would like to thank you, Chip, for this document. To me, this document was very helpful, and it laid this out in a very succinct way. I agree with other folks that we thought that this would be something that would be useful, but, at least right now, for an emergency action, it seemed like the juice wasn't worth the squeeze, but the document was very well laid out, and I appreciate the work that staff did on this. I also appreciate the clarification from Roy and Monica about this action.

Unless there are other hands about things that need to happen today, I think we're going to stop right here. We're past our time for adjourning today, and, when we pick this back up in the morning, we will go to bycatch reporting, and then we'll go into allocations, and I believe we're set to start at 9:00 a.m., but, before we sign-off, John, do you have anything else that we need to discuss?

MR. CARMICHAEL: No, I do not. I think this is a good starting point, and thank you for getting us through that topic, and I think we'll be in good shape for tomorrow.

MS. MCCAWLEY: All right, and so we will start at 9:00 a.m. in the morning, and we will be in open session. Council members, if you wouldn't mind getting on about ten to nine, or fifteen minutes to nine, so that we can get everybody through a sound check, and we would appreciate that. We will be on the webinar and seeing everybody over the webinar in the morning. Thanks for all your work today.

(Whereupon, the meeting recessed on September 14, 2020.)

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SEPTEMBER 15, 2020

TUESDAY MORNING SESSION

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The Full Council of the South Atlantic Fishery Management Council reconvened via webinar on Tuesday, September 15, 2020, and was called to order by Chairman Jessica McCawley.

MS. MCCAWLEY: Welcome to South Atlantic Council Day 2. We will be continuing in Full Council Session Number 2. We have three more items left on that agenda. We have the SBRM report, and then we're going to go into the Other Business item, which is about the North Carolina dredge comments, and then we'll go into allocations. First up this morning is the SBRM report on topics for amendment development, and first up is Rick DeVictor.

MR. DEVICTOR: Good morning, everyone. We're going to start this morning talking about bycatch, and I'm going to provide an update on the SBRM review, and, of course, you can see down below that, when I say "SBRM", it means standard bycatch reporting methodology, just to be clear, and there was a rule that was published in 2017, and it says that the councils, in conjunction with NMFS, must review their SBRMs.

The rule goes on to further state that the councils have five years to do this, and so the clock started in 2017, and we have until 2022 to complete this review, and so I know that I normally give updates during Full Council, brief updates, on the progress of this review, and I thought I would spend some time here going over what should be in the review in a little more detail and the progress that we have made.

The purpose of this presentation is threefold, and so one is to remind the council of the requirements, to review your SBRMs, which I just did, and Number 2 is the outline, which should be in the review, and there is four things that I will go over that should be in the review, and this was outlined in the final rule, and it's also in the regulations, and I will go over the progress and the timing that we propose to the council, so we can complete this by 2022. As you will see, we formed an IPT, and I suggest that the council and NMFS work together to complete this, through an IPT-like process.

Section 303(a) of the Magnuson Act described fifteen required revisions of a fishery management plan, and so you have ACLs, AMs, conservation and management measures to prevent overfishing and rebuild stocks, and so Number 11 was added in 1996, through the SFA Amendment, and it says that FMPs must have standardized reporting methodology to assess the amount and type of bycatch occurring in the fishery, and, of course, now we call those SBFMs.

You can see on your screen what the definition of an SBRM is. It's an established and consistent procedure, or procedures, used to collect, record, and report bycatch data in a fishery. Basically, what this is, it's how are you going to collect the bycatch information, what are the methods? Will you use self-reported logbook data, for example, or at-sea observers, et cetera?

Then your purpose, which is very similar to the definition, is to collect, record, and report bycatch data that, in conjunction with all of the other information that you get, is used to assess the amount and type of bycatch, and so the purpose really has to do with what are you going to do with the information? Why have a standard bycatch reporting methodology, and, of course, the information

obtained by these should be used to assess the amount and type of bycatch and then, ultimately, inform the councils on how you should put in regulations to minimize bycatch, because that's another part of Magnuson that you have to do, to minimize bycatch, to the extent possible.

I have, in the bottom there, in big letters, that the council has SBRMs for each FMP. If you didn't, you would be out of conformance with the Magnuson-Stevens Act, and so you have them. You have them for Snapper Grouper, CMP, Sargassum, Shrimp, et cetera. Now you just have to go and redo them.

Just to prove to you that you do, here's the one for the Snapper Grouper Fishery Management Plan. It's to adopt the ACCSP release, discard, and protected species module, and it's also called the bycatch module, as the preferred methodology, and, at the time you put this in place, which was 1999, through Amendment 11, you talked a lot about how costly it is, for example, to put observers on vessels, and so you put in your SBRMs that, until it's fully funded, require the use of a variety of sources to assess and monitor bycatch, including -- Then you have a list of observer coverage, logbooks, electronic logbooks, video monitoring, MRIP, et cetera, et cetera.

Then your SBRM for Snapper Grouper goes on to say that, after it's been implemented, continue the use of technologies to augment and verify observer data, and, if selected, they shall use observer coverage, logbooks, electronic logbooks, video monitoring, et cetera. That's currently what was put into place in 1999, and then you revised it through I believe it was Amendment 15B in 2009, and so, once again, this is what you need to review, and we'll talk about what should be in that review in a second.

Once again, councils must review, by February 21, 2022, and that date is five years from the effective date of the final rule, and then the rule goes on to state the councils need to review it once every five years, and so the council, and it doesn't have to be here, or this week, but you may want to talk about how to incorporate this five-year review into your workplan, since it does have to be reviewed, all of your SBRMs, once every five years.

Here are the four things, and so I will move into the four things that need to be in the review, and, again, this was in the final review, and this is currently stated in the regulations, in 600.1610, characteristics of bycatch occurring in the fishery, feasibility of the methodology from cost, technical, and the operational perspectives, uncertainty of the data coming from the methodology and how that data resulting from the methodology are used to assess the amount and type of bycatch. I will just quickly go through each of these.

The bycatch characteristics, this is pretty straightforward, and so your review has to evaluate the amount and type of bycatch, the importance of bycatch in estimating fishing mortality, and the effect of bycatch on ecosystems, and so you're going to look at, for example, in your review, the supplemental discard program, the discards you get from that, MRIP, headboats, and we can have tables in there summarizing the information, such as number of discards, release mortality rates, percent trips with discards. We have a section in our amendments, the BPA, that I think that that's what the review is going to look largely like, where we have a summary of discards, for example, all the information we have, and so I think it's going to look like that, this section, where we can summarize the data. That's the bycatch characteristics.

Now going to feasibility, and so it must be feasible, which is capable of being implemented, and so you have to look at it from cost, technical, and operational perspectives. I think of observers here, and, again, the council talked a lot about this when they first put this in place, and observers, we know, are costly, and so it may not be feasible, from a cost side of things, to require observers on all the trips, for example, and you can look at that in operational, for example, because I've heard, quite a few times, that some vessels are smaller, and you can't put observers on all these vessels, and it's problematic, for safety-at-sea concerns and such, and so this is where I see the review can get into sort of talking about looking all those things, like observers, self-reported data, et cetera, et cetera, and look at it. Is it feasible?

If a council were to put forward a fishery management plan, or amendment, that's not feasible, it may not be approved, and so SBRMs must be feasible for these three factors, and that's where this will review will evaluate that.

Data uncertainty, and this is where we're going to need help from the Science Center, probably on this, and the SSC, for example, for these next two things, and so all SBRMs must be designed such that the uncertainty associated with the data can be described, quantitatively or qualitatively, and so the rule is not saying, and NMFS isn't saying, that you can't have data uncertainty. We know data uncertainty is a reality of the data that we have. All datasets really have some level of uncertainty. What this is saying, this rule, is that you have to evaluate that, either quantitatively or qualitatively.

It goes on to say that councils should seek to minimize the uncertainty. Different degrees of data uncertainty may be appropriate for different fisheries, and understanding data uncertainty will assist management. For example, I kind of think of here is the supplemental discard program that we get from the commercial fishermen, but we can talk about the uncertainty here, and so it's a survey, and it's 20 percent coverage, and we stratify by region and gear fished, but it's still 20 percent coverage, and so there is a source of uncertainty there, and it's not 100 percent coverage, and so we can talk about that in the review. Also, it's self-reported data, and so certainly there is some sort of recall bias that comes in, and there is something else we can talk about with this data.

Lastly is talking about data use, and this is the last part of the review. Councils must address how data resulting from the SBRMs are used to assess bycatch in the fishery, and so is the data used for assessment purposes, is it used to track ACLs, does the council use the data to put in regulations to minimize bycatch? Do we use it in the amendment, for example, and this is where this section will sort of go through this in more detail. How is the data used?

Then the rule requires consultation with the SSC and the Science Center staff, and we need to design or review it, and here's four things that it gives an example in the rule. Elements, sampling design, sample size, reporting frequency, and that's all things that the rule says that you should consult with the Science Center on this and then your SSC, and you'll see in my next slide, in the timeline, we have it through them. The bottom line to all of this, in my mind, is this rule wants you to review them to see if they're adequate, and improve the information, bycatch information, that NMFS and the council collects, if possible.

There is the timeline, in terms of the due date that we need to review it, and then there's the four things that need to be in the review, and here's the proposed timeline that we have, and we've talked to John and staff about this, and ran it by them, and it's just a recommendation.

We have the IPT, and it's already formed right now, and we've been working on it at NMFS, and so we have a template for one chapter, and we've got the model completed that we can use for the rest of them, and the SSC could review in the spring, and we'll have something before them, and the council could review it in June, next June, and then the council could finalize, possibly in September or December, and so you would make a motion that, hey, here's the review, and we submit it to NMFS.

Then NMFS would determine, at that time, after the council finalizes it -- They will formally document whether the SBRMs are consistent with the rule, the final rule, and we're do a memo of record or something like that to document this, or we don't find that it is in line with the rule, and then we would report back to the council at that time, and so NMFS will make an official determination of this, and, finally, I have question-marks there on that last box, because I think, when this first came out, a lot of people thought, okay, we're automatically going to have to change regulations, but that's not true. We're going to do the review here, review all the standard bycatch reporting methodologies, and determine if action needs to be taken in the future, and so we don't know yet if that's going to be required. Let's just complete the review first. That completes my presentation.

MS. MCCAWLEY: Thank you, Rick. Let's see if we have any questions. While we're waiting to see, I had a question for you, Rick. So, basically, we just wait until the IPT finishes this review, and then let's say that there is an action that we need to take, and could we do one amendment that's relative to bycatch that could cover across multiple fisheries, like across dolphin and snapper grouper and cobia/mackerel, or do we need a separate bycatch amendment for each one of these fisheries, or do you just not know yet?

MR. DEVICTOR: I think it's really hard to tell at this point. I could see you doing a comprehensive amendment, possibly, if you think that that's better, but you would have to amend each plan through that comprehensive amendment, or you could just do separate amendments. I think they're kind of both the same thing, but the comprehensive just groups it all in one document itself, but it still amends each plan, and so I think we have to wait and see.

MS. MCCAWLEY: Thanks, Rick. That makes sense. I believe Mel has his hand up.

MR. BELL: Thank you, Madam Chair. That was my question, about could we do like an omnibus amendment or something, and then, also, just a process thing. What do they need from us right now? Is it just sort of blessing this path forward and that's enough at this point?

MS. MCCAWLEY: I don't know. That's a great question. Shep has his hand up.

MR. GRIMES: Thank you, Madam Chair. I was just going to say that I think it's -- Looking at the regs and listening to what Rick said, I mean, it's very FMP-specific and fact-specific, and so we would go through the process here and look, and I think it may end up being unique enough to each FMP and to the facts associated with each fishery that it might not lend itself as easily to an across-the-board approach, but I think it's getting ahead of the process, to be looking at that without having gone through the review and identify where additional action might be necessary. Thank you.

MS. MCCAWLEY: Thanks, Shep. Steve and then Rick and then Mel.

MR. POLAND: Thanks, Madam Chair. I had a question kind of along the same lines that you had, as far as timing and getting this done, and so we're required to have this reviewed by 2022, and is that just to have the SBRMs reviewed, or is that to have actions in whatever amendments in place?

MS. MCCAWLEY: Rick, I'm assuming that's a question for you, but maybe it's a question for Shep.

MR. DEVICTOR: Well, we have seen a presentation from Headquarters, and we found out that, actually, that timeline is not just to complete the review, but it's to get the regulations in place for that. Now, obviously, we're behind the eight-ball a little here in getting going, and so I think it's going to be a hard press to get those regulations in place, and we'll try our best.

Certainly, though, we really need to focus and work hard on getting the review completed, and then I just wanted to touch upon another point, and I should have pointed out that the purpose of this presentation -- I am not looking for any action from the council here, but I am just proposing this timeline and showing you what we think the timing should be, in order to complete the review, but I'm really not looking for any action.

MS. MCCAWLEY: Thank you, Rick. That was helpful. Mel.

MR. BELL: Just to state the obvious, I guess. As we get into this and start exploring how we might do things, certain options, or certain ways of acquiring the data will take us back to money, and it seems like everything takes us back to money, but I know, just from years ago, looking at some of the stuff they do with other fisheries and relying upon video-type documentation and stuff, and storing of data and all that stuff, it can run up a pretty high price tag just for that, and then we also -- Just having observers and things can be a pretty high price tag, and so I'm just sort of stating the obvious, I guess, but we'll get into all of that as we start looking at things.

MS. MCCAWLEY: Thank you, Mel. Shep and then Tony.

MR. GRIMES: Thank you, Madam Chair. I was just going to say that the regs state that all FMPs must be consistent with that sub-part by February 21, 2022, and so, if you go through the review and determine that the FMP is already in compliance with the sub-part, then that might be all that's required. If we go through the review and determine that additional action is required, then we, obviously, would need to take that action. Thanks.

MS. MCCAWLEY: Thank you, Shep. Tony.

MR. DILERNIA: Thank you, Madam Chairwoman. As this discussion started, I sent a text message over to our Executive Director inquiring, and my text message says, did we do a single omnibus amendment for SBRM to cover all of our plans, and the reason I phrased it that way is because I believe we did, and it's been a little bit of a while, and so I'm not completely sure, but I think we did a single omnibus amendment for all of our FMPs, and so I would suggest that our two staffs speak with each other and collaborate a little bit, and we might be able to lend some assistance as you go forward with this. Thank you.

MS. MCCAWLEY: Thank you, Tony. All right. I don't see -- I do see another hand. Jack.

DR. MCGOVERN: I just want to point out that we're also working with the Gulf Council and the Caribbean Council, reviewing their SBRMs, and we're going to be using the same template that Rick and his staff has developed for the Gulf, and the Gulf also has an IPT that's reviewing the SBRMs, and so all the councils have to do this, and we're working with our other two councils to do this as well.

MS. MCCAWLEY: Thank you, Jack. All right. Now I don't see any more hands raised. Rick, it doesn't really sound like you need anything from us and that this was just an update presentation on the game plan and the timeline associated with the review, and so I think we're good here, but, if you need something else from the council, then speak up, Rick.

MR. DEVICTOR: No, and I think we're good here. Thank you.

MS. MCCAWLEY: All right. I believe that this completes this item on the agenda, and now we're going to go to the Other Business item, which was the North Carolina dredge comments, and I am going to go to Steve to talk a little bit about this issue.

MR. POLAND: Thank you, Madam Chair, and thank you for giving us the time on the agenda to speak about this, and I will try to be brief, so we can have all the time that we need to talk about allocations. Just a little bit of background, and the Corps of Engineers has proposed doing away, or not restricting activity within our dredge moratoria windows for two of our ports here in North Carolina, Wilmington and Morehead City. For those who are not familiar with these dredge moratoria windows, they were put in place to kind of mitigate the impacts of dredge activity to protected resources and fishery resources.

In North Carolina, we're kind of at a disadvantage, as far as when our inlets can be dredged and the timing of these dredge moratoria windows, because, typically, the dredges start the year out in the Gulf and work their way around the coast and work their way up to us, and so, by the time they get here, it's typically butting right up against those dredge windows, and so there's been a desire by the Corps of Engineers to operate inside of those dredge windows, just so they can have maximum flexibility when awarding dredge contracts.

I just wanted to bring this to the attention of the council, and there is a draft environmental assessment out right now, and it's open for comment. The comments close this Friday, and our state is going to provide comment on that environmental assessment, through our sister division, the division of coastal management, under our Coastal Zone Management Act, but I wanted to bring, or raise, this issue with the council, because we recognize that it is a North-Carolina-centric issue, because the environmental assessment is only looking at doing away with these dredge moratoria windows for Morehead City and Wilmington, but the fishery resources in these two areas are certainly state and federal resources, and so there is the potential for some impact to council-managed species, as well as endangered species.

This is not something that might not only occur here in North Carolina, and this could very well occur in other states in the region, and that's not to say that, necessarily, we're looking for the council to give comments to speak out against it, but just I feel like the council has the opportunity

to comment and just really reinforce some of the habitat and fishery resources concerns with operating hopper dredges inside those dredge moratoria windows.

I know our Habitat AP has some draft policy statements, EFH policy statements, for these particular issues, and we have been in conversation with Roger and the Habitat AP Chair, and they are willing to draft comments on behalf of the council for our review and consideration and really focus on how this activity could impact council EFH and council-managed species, and so, really, I just wanted to make the council aware of this and just request that the council consider providing comments on this draft environmental assessment.

MS. MCCAWLEY: Thank you, Steve. Thank you for the summary of that item. I'm not that familiar with it, and so it sounds like, based on your knowledge of the situation, that you are suggesting that the council should provide comments, and, if so, I assume that Roger would work with the AP Chair to write-up those comments for the Chair's signature, and aren't those comments due before the end of the week? Is Friday the deadline?

MR. POLAND: Yes, and the 18th is the deadline, and I just wanted to bring it before the council for consideration, and I mean, obviously, North Carolina would appreciate comment from the council on this, but, you know, we certainly recognize that it is a very state-specific issue at this time, and so that's why we felt like we wanted to bring it in front of the council and have this discussion among the council on the record.

MS. MCCAWLEY: Thank you, Steve, and, of course, that committee isn't meeting this week, and so that's why we're bringing this up right now in this Full Council session. As a member of that committee, I am certainly fine with the council providing comments on that. I guess I would just ask the other council members if anybody would like to weigh-in here. Mel.

MR. BELL: Thank you, Madam Chair. I think I would be fine with looking at a draft. I mean, we have to do this pretty quickly, obviously, but a draft letter, and I think the key to the letter would be to point out the connections, specifically to council-managed species somehow, whether through habitat or direct impact somehow, and my total involvement in this sort of stuff, or knowledge of it here, is really related to windows we have in place for turtles and other protected resources, and so I would be interested in seeing how they construct an argument, which would allow the council kind of to weigh-in, just kind of speaking on behalf of those managed species in North Carolina, or wherever it might end up, because, like you said, right now, it's kind of a North-Carolina-focused thing, but I suppose this could pop up in other places, and so I'm okay with -- If we can get that done quickly. I guess we would have to have something to review pretty fast and then say grace over it on Thursday, I guess.

MS. MCCAWLEY: Mel, I think that would be the timeline. Any other council members have anything that they want to say about this? I don't see any other hands raised. John.

MR. CARMICHAEL: I would just follow-up on Mel and the timing. I think it would be good to have a draft that's been approved by the Habitat Committee Chair, Steve, and so if he works with Roger, and they can work with the AP and the AP Chair and get something to Steve in the next two days, and have a draft by say Wednesday afternoon that goes around to the council, and then it can -- Any questions or concerns can be brought up during Full Council on Thursday, and then

it can be ready for the Council Chair's signature, to be sent in on Friday. I think that's the plan, if we're going to send this.

MS. MCCAWLEY: Okay. That sounds great. Spud and then Steve.

MR. WOODWARD: Thank you, Madam Chair. I agree with this approach, and I will just speak from the Georgia perspective. We have had constant tension between us and the Corps over these dredging windows, and so what's happening in North Carolina is maybe not a unique situation across the Southeast, and there's only so many dredges and so many days in a year, and they're always bumping up against these moratoria, and so it might be a good opportunity just to talk to them about the importance of those dredge moratoria and the windows and the context of we need to protect the integrity of that. Thank you.

MR. POLAND: I am fine with working with Roger and Anne, our Habitat AP Chair, on getting that letter drafted up, and I certainly recognize that we certainly don't want to endorse anything, until we actually see words on the page in front of us, but that's certainly something that I can work with staff on, and we can get a letter back.

MS. MCCAWLEY: Thank you, Steve. I really appreciate you taking the lead on that, and it sounds like you'll have something for us to look at later this week. All right. I believe that concludes that other business item, and I think that we are ready to go into the allocation options data and analysis discussion, and I'm going to turn it back over to council staff, and I'm not sure who is going to be presenting this item.

DR. CHEUVRONT: That's going to start with me, Madam Chair, but this is sort of a group effort here. I worked on this real closely with Christina and John Hadley, and so we're going to kind of tag-team our way through this whole presentation, if that's okay. Before we get into it, I kind of wanted to give a bit of a briefing on kind of what we hope to achieve through all of this, and there was a lot that has come before us, in terms of what has been asked of staff to do in regard to allocation in recent meetings.

First, the council had asked staff to come up with some information of what's available in terms of data, especially on social and economic issues, that might help the council make decisions regarding allocations, and what we're wanting to do in this presentation today, and there's an accompanying document that goes with this, that goes into greater detail, and that's also in your briefing book, along with a couple of other documents, including the allocations trigger policy letter that had been requested, I believe in June, that we give to you guys here in this briefing book.

We're going to try to take into consideration the things that the council has told us in the past that they were interested in, and we also looked at what the GAO had recommended be considered in allocations, and we wanted to develop an approach to looking at allocations that take into account all of the things that the council has talked about and tried to direct us into how to make an allocation decision, and so it's a pretty broad-based approach, and what we've tried to do is to find a way to help narrow it all down, to help the council to make a decision.

We have a proposed method, which is not a really simple, straightforward method, because we don't think that this is going to be a really simple process, and so what we want to do is, before we get into spending a lot of time on this, we want to present the proposed method to the council, to

find out if the council wants staff to start devoting the amount of time it's going to take to pursue developing this method.

We need to point out, as part of this, that it's going to take a serious amount of commitment, and some staff time, as well as we're going to need to have a lot of review, as part of this, from the SSC and the SEP, and we're going to need some review by NMFS folks, whether it's the Science Center or SERO, and we also want to have time to have the public be looking at this as well, and so, today, what we want to do is to introduce the council to the basic idea.

We want to answer your questions on kind of what we're thinking. We don't have all the answers to all the questions, and this is why we need to pull in folks like the SSC and the SEP, and we need to bring in some of those other minds. Basically, what this is, is this is something that John, Christina, and I have worked on together quite a bit, and we have spent a lot of time working on this.

We have brought it before the technical staff of the council, and we've done a presentation on this before, and they have looked at it very critically, and they've given us a hard review on this, and it's caused us to go back and think about some things, and we've incorporated the things that they have said, and so we think we're on the way, but we just need to make sure that this is where the council thinks that we ought to be heading with this, and so that's kind of where we are today, and what we would like to do is to provide an interim path forward and provide you an update on where we think we are on the current issues related to allocations and where we think that we might be able to come up with an aid to the council in making decisions related to allocations and as a way to help simplify this really, really difficult process.

As you will remember, every time we've gone into discussions of this, we end up going round and round about the issues, and we never seem to be able to come up with a single way to finally come up with a definitive answer, and we're hoping that we're coming up with a decision-making model approach that will help the council get to a place where they can make some of those decisions, and so let's walk through this presentation that I've got here.

We're going to tag-team on this, because John, Christina, and I actually wrote separate parts of this presentation, and so I need to make sure that John and Christina are all unmuted and ready to jump in when they're ready to go.

MS. MCCAWLEY: Just a question. Do you want folks to raise hands and ask questions during the PowerPoint, or do you want to get all the way through everything and then we'll come back with questions? What is your preference?

DR. CHEUVRONT: I think it might be best if you hear the whole thing, and then we can come back and do it, because there's -- We don't mind going back through the slides, once we get to the end, and I think it might be easier if you hear the whole story and then go back.

MS. MCCAWLEY: All right. Thank you, Brian.

DR. CHEUVRONT: Sure. No problem. One of the things we want to point out is that the council has been making allocation decisions for more than thirty years, and they have used different kinds of methods to do it, but, you know, recent events, such as the GAO report that came out of the

Modern Fish Act, has caused the Gulf and the South Atlantic Councils to focus more attention on sector allocations.

One of the things that I wanted to point out is, as part of this process that we started, we have gone back and looked through the literature on allocations, and there really is very, very little literature out there on sector allocations that relates to commercial and recreational sector allocations, and almost all of the allocation literature out there is commercial gear allocation, and so there is very, very little literature out there on the kinds of allocations that we're looking at.

One of the things that we were very heartened by was, if you remember, last March, there was a real robust discussion that the council had on allocations and what they wanted to consider in looking at in allocations that was more than just landings history, and they came up with all different kinds of things that were rather broad-based sorts of things.

Really interesting was, within a couple of weeks after that, the GAO report came out that was long-awaited, and what was really very heartening to us was that, when we looked at that report, and the categories that they came up with of things that they thought that the council should look at, in terms of making allocation decisions, all of the items that the council came up with fit into those categories that came up in the GAO report. Every single one of the categories in the GAO report, the council came up with something that fit in each of those categories, and so the good thing is that the council and the GAO report recommendations were on the same track, and so there's a lot of consistency there.

It made it easier for us to say, okay, the council and the GAO are thinking along the same lines, and so the purpose here -- What we were trying to do was to help the council apply some consistent methods across all species that will allow them to consider more than just trends in landings, and so what we would like to do is to go through those different approaches that can be used in looking at how allocations can be made and how we can combine them all together in helping to come up with an approach to allocation decisions.

Now, of course, the one that's been used largely in the past, and the one that is used for most of our species now, is based on landings and catch history, and, frankly, you can't ignore it. I mean, it's there, and it's quantifiable, and it shows actual, on-the-water behavioral trends, and it's a long-term data source. There has been changes in the methodology for counting landings, particularly in the rec sector, but it's a long-term data source that exists, and we simply can't ignore the importance of landings and catch history.

One of the biggest things that has happened since the introduction of ACLs is that they have constrained catches for some sectors, for some species, over time, and that was something that we didn't have when the original ACLs were put into place for most species with the Comp ACL Amendment in 2012, but, still, landings and catch history are very helpful in determining allocations under current considerations, but some methods, we think that maybe, for landings and catch history, might be able to be used, other than the Bow-Tie Method that was used in the Comp ACL Amendment.

Just to remind folks, you remember the sector allocation under the Bow-Tie Method is that 50 percent of the sector allocation was the mean of the long-term catch, plus 50 percent of the mean of the short-term catch, and you add them together, and that gave you the sector allocation, and

that's the one that is currently in place for most of the species that we're working with. Now, I think, John, is this where you take over here?

MR. HADLEY: Yes.

DR. CHEUVRONT: Okay.

MR. HADLEY: Another topic that the council identified was accountability, and so one of the important aspects of this is the sector's likelihood of staying within a respective ACL that is designated for them, and so some of the considerations of this include are there adequate data and mechanisms to accurately track the sector ACLs. As was discussed yesterday and comes up quite a bit, several of the South-Atlantic-Council-managed species have considerable fluctuation in landings from year to year, or there may be inconsistent data on landings, and so how does that tie into a sector's accountability? Then, similarly, when reviewing allocations, you may want to review the accountability measures, to make sure that those are strong and help ensure that a sector does not consistently exceed its ACL.

When using landings, the council may want to consider and specify how they want to determine the use of landings that are in excess of a sector ACL and how that should be addressed, and so, really, specifically here, if a sector exceeded its ACL, should those extra landings, if you will, be used in sector allocations, or would it just be capped at their ACL in general?

Moving over to fairness and equity, National Standard 4 requires that an allocation shall be fair and equitable to all U.S. fishermen, and the NS 4 also specifies that allocations should be connected to the achievement of optimum yield, justified in terms of the objectives of the FMP, and may not preserve the status quo if restructuring maximizes the overall benefits, and so, really, what you're doing here is you're sort of balancing the biological and human needs along with costs and benefits.

Additional consideration, when looking at allocations, as far as fairness and equity, it could come into place when there are management changes that encourage new participants coming into the fishery, and some examples of this that the council has either thought of in the past or is currently considering are looking at removing the two-for-one provision for snapper grouper permits, allowing bag limit sales of fish on for-hire trips, or accommodating landings of -- This is the case for Dolphin Wahoo 10, but dolphin or wahoo when certain unauthorized gears are on onboard, and so, in some aspects, you're going to be encouraging new participants, and, when setting the allocations, that may be a consideration, and whether it's quote, unquote, fair to what would be a fair allocation for the existing participants.

Moving on to market needs and trends, the ex-vessel value and directed effort is a readily-available metric that the council could use that offers insight into the potential demand for a species, as well as some potential future needs of a sector.

An additional source that the council could use to look into the market needs and trends for certain species are fishery performance reports, and we have been doing this for a while, and the library, so to speak, of fishery performance is growing after each one of our AP meetings for finfish, but, really, these fishery performance reports may offer understanding of the market needs and trends and demand for a species, and they are assembling information from the council APs on their

experience and observations on the water and in the marketplace, and they are really designed to complement scientific and landings data.

We have some examples over on the right side of the slide from the dolphin fishery performance report that kind of illustrates this kind of data -- Not dataset, but, really, it's the library, if you will, and resource for market needs and trends, but the recreational -- Some excerpts from the dolphin FPR include the recreational demand for dolphin is strong, and it's an important driver for booking commercial trips. It's economically important for the Keys, and that's sort of an insight into the recreational side.

Moving down to the bottom, the last example, there seems to be an increasing demand for dolphin, since it is a marketable species that has a good shelf life, and the CPUE seems to be relatively consistent, with about the same amount of effort needed to land fish, but the price has seen a 30 percent increase over the past several years, with about a 10 percent increase annually, and so you get some really strong insights from some of the FPRs. Christina, I think this is where you take over.

MS. WIEGAND: Yes, and I think we're moving into some of my stuff, and so next up on things to consider is the importance of a given fishery to a sector, or this idea of community or individual fisherman dependence, something that social science has spent decades looking at finding a way to quantify.

You can look at this from sort of two different perspectives. From an economic perspective, you could look at the commercial sector and examine the percent of total revenue that a species represents on either an annual basis or on trips where that species is being landed, and then, for the recreational sector, you could look at targeted or directed trips for a species in comparison to other South-Atlantic-managed species, in order to sort of gauge the relative importance of a given species.

You could also look at it from a more social perspective, to get insight on the importance of a species to given communities, and there are a number of different indices that can be used for this, and these are the same indices that we use in all of our social environment sections for each amendment that we do, but I wanted to go over them again briefly here, and you've got things like engagement and reliance indices that measure which communities are more dependent upon recreational or commercial fishing, based on overall fishing engagement, and so the number of permits, dealers in the community, landings, and the value of landings, and engagement and reliance indices are sector specific, but they're not species specific, and that's important to remember.

What are species specific are these quotients, and there is the regional quotient, which measures the relative importance of given species or a species group across all the communities in the region as a way to sort of quantify the relative importance of a species to communities in the South Atlantic and illustrate where impacts from management or, in this case, changes in allocations are more likely to be experienced and felt.

Then you've got the local quotient, which measures the proportion of a vessel's total landings of one species in a given year and compares the landings of species in that year averaged across communities, and that really illustrates communities that are going to be relatively more reliant on

a species, and then, finally, you've got these vulnerability indices, and those provide insights into communities that are more likely to be disrupted by changes in the management environment, and it includes information like poverty rates, households with young children, disruptions like higher separation rates, higher crime rates, unemployment, and other factors that have been identified in the literature as something that can make a community vulnerable. These vulnerable communities are likely to experience disruption and upset due to changes in allocations, in this case.

Then, last but not least, like John just mentioned, we've got our fishery performance reports, and, like he said, the library of those is increasing with each AP meeting, and we do ask questions to the AP members specifically about what communities they know are dependent on a given species, and so we are actively gathering that information.

Next up is cultural importance, and this is where oral histories can really play an important role, and oral histories are sort of the collection of historical information through the eyes of those that actually experienced events and everyday life, and they really document the human experience and sort of how it relates to biological, economic, and social environment, and it can really help to illuminate the cultural importance of a species and provide needed historical context to allocation conversations.

NMFS has put together a truly incredible database called Voices that has collected oral histories from commercial and recreational fishermen, managers, scientists, restaurant owners, and tons of other fisheries stakeholders, and many of those have been transcribed, which makes them easy to summarize and analyze for allocation purposes, and there are a number of different collections in that database that likely have information that is directly applicable to the South Atlantic region.

If you haven't taken a chance to go look and listen to some of these oral histories, I have linked one that Ben Hartig did here on this slide, but you will also see many other names that I'm sure you are familiar with. There is Charlie Phillips, Gregg Waugh, Mark Marhefka, and a number of people that we know as both leaders in management and leaders in fishery communities, and their perspectives will likely provide helpful context when discussing allocations.

Last, but certainly not least, informed judgement. There are several circumstances where the council has relied on their knowledge of the needs of a fishery and feedback from constituents in order to select allocations, and here are just a couple of examples of that. For the Dolphin Wahoo FMP, the council originally set a non-binding cap of 13 percent of total dolphin landings for the commercial sector, in order to preserve the historic recreational importance of a fishery, and, additionally, they felt this split really reflected recent landings and was best able to achieve the goals of the FMP.

While recently they have taken a more landings-based approach, it is important to note that the current commercial ACL for dolphin is very close to that initial non-binding cap of 13 percent, or 1.5 million pounds, that was established in the initial FMP.

Additionally, in the Coastal Migratory Pelagics FMP, Spanish mackerel allocations have been set with informed judgment. Originally, the allocations were set based on a series of landings from 1979 through 1985, but, shortly thereafter those allocations were set, the council chose to revise them to a straight 50/50 split, and this was done because the council felt that recreational effort had been negatively affected by increasing commercial effort and that recreational catch was

actually much higher in the mid-1970s, which was outside of that original time series, and thus was not being accurately accounted for. Additionally, since capacity and demand of both of the sectors had expanded, such that either group could harvest all of the available resource, they felt a 50/50 allocation was ultimately the most equitable.

Last, but not least, red porgy. In Amendment 15B, the council, again, decided on a 50/50 split of the total ACL between the commercial and recreational sector, and that was set, one, because it was closest to the status quo at the time, but, also, the council had discussed concerns about the need to adjust the total allowable catch if the commercial sector was allocated anything greater than 50 percent, because of the high commercial discard mortality. With that, I think we're going to move on to the next slide, and I'm going to let Brian take everything we've just thrown at you and tell you our decision tree approach for using all of this information.

DR. CHEUVRONT: Thanks, Christina and John. What we have decided, or what we're thinking about all of this, was how do we put it all together? What we have realized is that there are lots of sources of data that we could look at, but we needed a way that we could somehow look at all the data, realize that not all of the data are necessarily relevant for every species, and the kinds of answers that we would have to the questions would not be the same for every species.

What we had thought about was perhaps using a decision tree approach. Now, a decision tree is a series of questions whose answers lead to a course of action, and we want to talk about how we could apply decision trees to this issue of allocations here, and one of the things is that decision trees aren't totally new, and, in fact, I believe Carolyn referred to how the SSC had used decision trees for determining OFLs and ABCs for unassessed species yesterday, and so it's not a totally new issue for the council to have been exposed to, but, to do it here for allocations, we thought that you can't combine all of these issues into a single decision tree.

You would need to have a separate decision tree for each major content area, to identify any potential salient decision topics, if any, from a tree that ought to be considered, and so some trees may not provide the information that's needed to help make a decision, and that's okay, but we thought that we could have separate decision trees for landings, stock assessment results, biological/ecosystem-type factors, economic factors, and social factors, and then so what you would do is each species would go through each of the decision trees.

Now, the decision trees will provide all separate answers, and some of the decision trees might not provide an answer at all, but they won't necessarily provide the percent allocation solution, but they will help guide the council towards making that decision, or at least that's what we believe they will do, and all species will go through all the same decision trees, which will help make that approach, that method, defensible, because every species will go through the same approach.

What we thought we could do is, at this point, we would like to provide you with some examples of some of the kinds of questions that could be involved in each of the types of decision trees. Now, we're not putting them in any kind of order here, and this is where we would need to rely on some help from our SSC and SEP and our NMFS partners and others who might help us to develop the questions, and then time will need to be spent on how to order the questions in the decision tree.

One of the things that we do when we get through the ends of these questions is we show you an example of what a short decision tree might look like, and so, for example, landings questions might be has either sector met or exceeded its ACL in two of the past five fishing years, and, if a sector has exceeded or met its ACL in two of the past five fishing years, has it met its ACL in the last two months of the fishing year, because that might help make a decision on what to do. Has either sector underharvested its ACL by at least 40 percent in two of the past five fishing years? Has the rate of participation in the fishery increased in recent years? How many other species are commonly caught on trips with this species?

Now, these are not necessarily the exact questions that would end up in the decision tree, but you can see these are very specific kinds of questions that could be asked that are relevant to helping make a decision about what to do related to landings.

Now, some questions that might be related to a stock assessment. For example, did the stock status change to overfishing? Did the status change to overfished? Did it change from overfishing or overfished to, say for example, no longer overfishing or overfished? Is the stock making adequate progress in a rebuilding program, or is the stock rebuilt? That might have an impact on how the sector allocation ought to be revised.

Then there are some biological questions, or ecological questions, that might be asked. Are there sector differences in the rate of bycatch? Are there sector differences in the rate of dead discards? These are the kinds of questions that the council was asking last March, and should these kinds of things be considered in making sector allocations? Is there just, in general, a high rate of bycatch? Have fishermen changed how they target the species over time, and do fishermen in a given sector negatively interact with habitat when fishing for this species? John, do you want to go over these questions?

MR. HADLEY: Sure. Some examples of economic questions could be what are the trends in demand for the species? How economically important is the species? Are there clear indications that changing allocations will likely yield net economic benefits? I will add that this is something that we look into very regularly for each amendment, and not necessarily allocations, but management changes, but that's something that would certainly be front and center, as far as the allocation changes, and are there notable distributional economic effects from changing allocations, and so are there -- By distributional, that could be geographically, from one part of the region to the other, or are there notable user group differences potentially between sectors, or inner-sector, looking at potentially maybe different gears or just different user groups in general. Then, finally, is it possible to make one sector better off without economically harming the other sector?

DR. CHEUVRONT: Okay. Then, Christina, the social questions.

MS. WIEGAND: All right, and so some of the examples of social questions that we've come up with are to what extent are recreational fishermen dependent on the resource, or the given species, for their trip satisfaction? To what extent are commercial fishermen dependent on the resource for their livelihood or their income? How much cultural or historical importance do recreational or commercial fishermen place on the resource? How many communities with a high regional quotient for the resource are also highly engaged in commercial and recreational fishing? How many communities with a high regional quotient are highly vulnerable to changes in the management environment?

The goal with these social questions is to really take a mixed-methods approach. If you will remember, back in March, I believe, when we first started talking about allocations and different approaches, we talked about using both quantitative information, like the social indicators, as well as more qualitative-based information, like information from the fishery performance reports and the oral history, and so the goal here was to sort of incorporate both types of data into possible questions for the decision tree approach.

DR. CHEUVRONT: Thank you. Here's an example of how we can apply some questions, simply to get through a decision tree, and this is a very, very simple example based on -- I think these are some of the landings-type questions. Has either sector exceeded its allocation in the last two out of the past five fishing years? The possible answers might be no, and, if either sector has not exceeded its allocations in two out of the past five fishing years, and the answer is no, the recommendation might simply be then, well, don't consider changing the allocations, and there is not an issue there.

If the answer is both sectors have, then the response may be, well, perhaps neither sector has enough fish, and then that could lead to a couple of different things that the council might want to consider, but, ultimately, they may not want to consider changing allocations, when you start looking at some of the other issues as well, but, for example, if one sector has, and the other one has not, you might want to follow-up with another question, like does the sector going over hit its ACL near the end of the fishing year?

Why this might be important is, if the answer to that question is yes, you might want to consider whether transferring allocation, or even removing sector allocations, is appropriate for that species, because, if the other sector has an abundance of allocation, and it's not using it, you might want to consider moving some of that allocation over to that sector that is hitting its ACL near the end of the year, as long as it wouldn't harm the other sector, or you might want to say -- If the answer is no, you might not want to consider revising the allocations based just on landings.

There are ways that you can combine these questions, and this is where we're going to need some expert advice and consideration on how to make sure that we have an adequate list of questions, the ordering of the questions, the answering of the questions, and how do we get to the final end of the decision tree, and so this is going to take a fair amount of work, to line all these up and getting all these questions, and this is where we need all the experts to help us out.

Also, what can happen is we've got multiple decision trees, and, in the end, those decision trees, the results that they give, they may not be in agreement. They can give us different recommendations on what to do, and so there also may be times when a single decision tree may not have enough information to be informative for a given species, and so there may be times when there may not be results from five decision trees, and it could be just a couple of decision trees, and so there could be -- We're thinking that, if the decision trees are not all in agreement, then the council might want to consider going with the majority of agreement among the decision tree results, because they could have -- Say, if you got results from four decision trees, and three of them pointed to say give the recreational sector a higher allocation, and one of the decision trees said give the commercial sector a higher allocation, the council might want to agree to -- Well, if you go with the majority, it would say provide the recreational sector with a higher allocation.

It could be that the decision is truly inconclusive, and one of the things that the council might want to do is to rank-order the decision trees and say which one is the most important, and rank-order them all, and then, if it's truly inconclusive, then just go with the one with the highest rank, but that's really, at this point, not necessarily a hard and fast rule that we would -- Either of these that we would recommend, and this is the kind of thing that needs to truly go through review with the SSC and the SEP and get a lot of other folks to weigh-in on.

That's kind of where we are with that approach, and it needs a lot more work. This is really our initial pass through this, and, to make it work, it's going to take significantly more time. What we are presenting today really are the concepts. It's going to take a lot more review, and so we've come up with a draft timeline of how we think we can get this to a working product for the council to begin using.

Looking on this slide, we're presenting it to you today, with a hope that the council can give us direction as to whether or not you would like us to continue working on this and developing this approach. There is no guarantee that this is going to work, but we would -- Right now, we're thinking that this is -- Of all the things that we've considered, we think that this is probably the best approach for us to try at this point.

The staff will continue to work on developing the decision trees, from now and for the next nine months, twelve months, and we need to have it reviewed by the SEP and SSC at their spring meeting, and the SSC meets in October. We don't think it's going to really be ready for them to be looking at, and we'll mention it to them, that this is coming, and we might even give a brief overview of what this is about, but we're not asking them to truly review it in October, but we're looking at getting the SSC and the SEP to review it by next spring, and we would like to have other folks review it in the meantime.

Once the SSC and the SEP have reviewed it, we would like to bring it back to the council with a much more detailed process of how it would work in June of next year, and then, based on the direction from the council, and what has come out of all of those reviews, the staff would modify everything, over the summer of 2021, and then there would be a useable product for the council to start using in September of 2021.

Now, that's a year from now, but the council is facing some decisions that need to be made now, and there are some decisions, and you can see on this tentative timeline for assessment amendments, that there are some things that need to have some allocation decisions made, particularly red porgy is one, and you've had -- You've got some assessments for king mackerel and yellowtail and snowy grouper and greater amberjack and golden tilefish and red snapper all coming up, and, except for the last couple ones, you're going to need to make allocation decisions prior to September of 2021, to keep those amendments moving.

This method is not going to help you do that, but there are currently allocations in place, and the council can decide how they want to handle those allocations separately outside of this method, and so we wanted to put that out there for you, that this is something that this method is not going to help you with a couple of those current allocations that need to be considered.

Now, one of the other things that we also wanted to point out to you, and John Carmichael asked us to make sure that we reminded you all of this, but you do have a bunch of unassessed snapper

grouper species out there that you don't have allocations, and you don't have -- You need to consider allocations for, and you don't have updated ACLs in place for, and so we looked at those species, and what we have done is -- In the paper, you will see there's a table that shows some alternatives and things that we have put together based on looking at the allocation method that was used in the past, as well as some approaches that we thought seemed reasonable that the council could consider for setting allocations based on what the ACL is going to be, based on the numbers that were approved for the ABCs by the SSC last year.

It looks at things like, if you kept the allocations the same that you have now, it shows what the changes would be. If you then reapplied the Bow-Tie Method, what the allocations would be, and then it would be if you kept the commercial ACL exactly the same as it is now and then applied whatever the change in the ACL is that would be remaining and applied that to the recreational ACL.

If you're looking at Atlantic spadefish, currently, this is the allocation. It's 18.53 percent to the commercial, and the rest of it goes to the recreational. The total ACL is 812,000, and this is what it results to here. If you apply the same percentages to the new ACL, which is 1.9 million pounds, the commercial ACL goes up to 366,000, and the rec ACL goes up to 1.6 million. If you apply the Bow-Tie Method, the commercial sector goes down to 5.2 percent, and the recreational percent goes up to 94.8 percent. The commercial sector goes down to 102,000, and the rec sector goes up to 1.8 million. If you keep the commercial ACL the same as it is now, that 150,552 pounds, the commercial sector now becomes 7.62 percent, and the rec percent is 92.38 percent, and so the commercial landings remain at 150,552, and the rec sector goes up to 1.825 million pounds.

We basically have that where it's applicable for all the species, but we wanted to show you this, because, right now, we don't have a place where this unassessed species amendment is going to be addressed, and so we have some actions for the council to consider now with this approach and some things that we would like for the council to consider.

We would like the council to consider whether they want to direct the staff to continue work on this decision tree approach, and we would like for the council to consider approving or modifying the timeline that we've shown you, and we would like the council to give staff direction on how often and what type of progress reporting they want on the progress and development of the decision tree approach in the meantime.

The way we have it set up now is that we're talking about it now, and it's going to come back to you in June of next year, but there are two council meetings in between, and we would like to know if you want any kind of updates or anything in between, and, if so, how would you like that to be done, and we want to give you whatever you want to know on the development of the process, if you decide that this is the way that you want to go forward, and we would like for you all to consider what you would like to do on the unassessed species amendment.

I know the priorities discussion is coming up on Thursday, and so that's probably the more appropriate place to discuss what you want to do about the unassessed species amendment, and so, Madam Chair, that's where we're finishing up our presentation, and so these are the kinds of decision points that we would like to get from the council at this point. Thank you.

MS. MCCAWLEY: Thanks, Brian, John, and Christina. I thought this was a great presentation, and I can tell that you guys put a lot of work into this, and I also really enjoyed reading the document that accompanied this presentation. It was very well laid out and straightforward, and I loved the shadow shark examples that were in that document. I see hands going up, and so I'm going to let some others ask questions first, and I will hold my questions. Shep and then Anna and then Mel.

MR. GRIMES: Thank you, Madam Chair. The first thing that I wanted to mention, and I've been trying to find the case, but I couldn't find it on my computer, and I can send it around later, but, relatively recently, the Fisheries Service lost a decision out of Alaska over allocation, and the court ruled that the agency had failed to adequately consider that the allocations were reasonably calculated to promote conservation.

That language is specifically in National Standard 4, and I would say, at least in my experience relative to allocation, it's not something we have focused a whole lot on, and I didn't see it addressed specifically through the presentation or through the framework, and so I think that's something that needs to be incorporated or needs to be addressed somehow relative to allocation, if not specifically in the decision tree framework.

The one other thing that I wanted to mention was, and I didn't see this in the schedule for potential future actions with this, but whether we will have an IPT formed with it, as Rick mentioned earlier this morning is the case for the standard bycatch reporting methodology, and I think it's a little unclear, at least to me at this point, how this is going to be developed and used, but I don't want to see it go forward and be developed as a council policy without the full IPT involvement and review and then have it appear in an amendment to be used and have issues come up. Thank you. That's all.

MS. MCCAWLEY: Thank you, Shep. Brian, do you want to respond to any of those things right now?

DR. CHEUVRONT: Sure, Madam Chair. I think what we need to do -- That's part of all the direction that we need from the council, and I think, as part of the idea of getting SERO and the Science Center involved in this, whether it's a regular IPT approach, and I don't know if this kind of thing ends up in an amendment, and I don't know what the proper approach is here, if we have -- We haven't gotten that far, as to how this is supposed to be codified.

I have no problem, obviously, with forming an IPT to work on developing this together, but we are very open to the idea of having SERO, anybody else, and the Science Center and all, directly involved in this, because we know we have to have the buy-in of everybody working together on developing this, and so, if the way to do that is through forming an IPT -- Frankly, we don't even know what the appropriate official way to do this is. Do we need to do an amendment? We don't even know yet. We're so early in the process, but this was an idea that we developed, really, since the June council meeting.

What we feel like we're doing at this point is presenting a concept to the council, and we want the council to tell us that, yes, we would like you to go further with this, and then we come up with the methods for how this is going to happen, and, if the IPT approach is the correct approach to use, then that's the approach that we'll do. We have no preconceived notion of how this is going

to go. We don't want to have this be the council is guarded and we're going to do this all on our own. We want this to be a totally open and transparent process, and we would love to have academics test some of these things for us.

I mean, somebody who has an ambitious graduate student to help develop and test some of these decision tree approaches or something, who can do some research based on this, and we would love to have all that happen, because we want this to be really robust, and so we don't want to exclude anybody. We want everybody involved, and we want this to be as robust of a process as we can come up with, and so, if the IPT approach is the way to go, then that's the way we think it should go.

MS. MCCAWLEY: Thank you, Brian. Anna.

MS. BECKWITH: Thank you. First, I want to say that I also thought that both the presentation and the document was really well done, and I think the staff put a ton of time into it, and it's very clear, and I really was able to work through it and think about it, and I found myself sort of contemplating each of the different sections in a way that I had not had a chance to do before, and so I appreciate the work.

Some initial thoughts, as I was reading through, was, of course, that I had additional questions and concepts that I would like added into the question scheme and some additional concepts that maybe weren't there, and so this is not the place for that, because that's part of the process, but I do think that, as we move this forward, because I do think it's a great idea, council members should go ahead and work with staff to add in the additional questions or ideas or thoughts that they might want to see concepts included in there, so we can make sure that the whole picture is being taken into account.

Where I am a little bit concerned, in moving this forward, is the idea that it could get too prescriptive, when I got to the section where it was suggesting recommendations about like how to handle the decision tree, and, since we have five, how to sort of weigh each decision tree and set sort of which one is most important and how we would follow them, if they weren't all in agreement, and that one red flags for me a little bit, because I think I can see this going in two different ways.

I can see this being approved by the SEP and the SSC and turning into an amendment that's similar to our control rule, where, if we go to deviate from something that is in -- That has been codified, then it becomes sort of a problem, or we have to overly defend it, and where I actually think that this could also be equally as useful without maybe all those hoops is almost a workshop method, where all the questions, all the decision trees, are being worked through, but maybe not so prescriptive, and so that would be my sort of initial concern/red flag, is I want to make sure that, as we move through this, we don't make it so prescriptive so that, as councils sort of differentiate, because numbers move through, or situations change, that there isn't some flexibility in there, and it really is sort of an A to B and B to C and C to D.

Of course, when the opportunity presents itself, I'm sure that myself and other council members will have some additional thoughts and questions to include in this, but I do appreciate the work, and I thought it was a really great first shot.

DR. CHEUVRONT: If I can jump in here, Anna, I appreciate you taking the time to really get through this, and it would be great, if you don't mind, writing down some of those things that you think that would be helpful to include, as well as the comments that you just made about the potential approach of how to review this, because I think what we're looking for is multiple methods and ways and approaches to look at this, and I think your suggestion is certainly one that needs to be considered, and so if you could send us something in writing, with those ideas, it would be fantastic, because we would love to include those in the discussion.

MS. BECKWITH: Happy to.

DR. CHEUVRONT: Thank you.

MR. BELL: Ditto to Anna and Jessica, and I think you guys did a great job with this, and you obviously put a lot of effort into it, and it was easy to follow, and so what I've been struggling with all along is we're basically at a point where we're considering converting from a fairly simple process, where we applied a mathematical formula to objective data to come up with a result, and now we're factoring in, perhaps, those data still, but a whole bunch of other factors, which don't lend themselves to a simple numerical answer.

What you've shown us here is a way where we can incorporate those other factors in, into a decision process, and so I would say that I do like the idea of the decision tree, and it seems to be the logical way, and easy way, to explain to people how we follow through a process to come up with an answer for these different species and all, and realizing that, depending on the species, each -- When you work them through, it's going to be a little different for all, because all the factors may not have the information, or they may not weight as heavily, and so it's still -- It's not a simple mathematical approach anymore, but it's still an objective approach that we're following, and I think that's important, that, that way, the decisions we come up with are certainly not arbitrary, and they are based on logical process that we can show people, and I think that's where you're heading with this, and so, just off the bat, I would say I would certainly be in support of continuing with this approach.

Then, as Anna pointed out, concerns and issues and things and things, and, I mean, there's going to be some fine-tuning in how we do this, but I like the idea, and I feel a little better now, being able to somehow capture all these other factors that we're needing to consider into a decision that we'll be making for these different species, and so thank you very much for doing this.

MS. MCCAWLEY: Thank you, Mel. Carolyn.

DR. BELCHER: I like the idea of trying to reason out some of this. The big thing, for me, is, obviously, trying to make the jump between the subjective-esque type to the quantitative assessment of how we get that into the actual allocations themselves, but the one thing that kind of -- I am a little bit confused on the tie-in with the alternatives for the unassessed species, because, as I look at those numbers, and, if this is too much in the weeds, you all can cut me off here now, but I looked at something like bar jack.

No action, to me, we're looking at 62,000 pounds, which I'm assuming is done under the old way, which means that we would move forward holding that ACL at 62,000, or we go ahead and use the FES numbers, which is the 105,000, but, when you go and you look at the PSEs for bar jack,

there is a good chunk of those years, or, actually, all of the years are over 30 percent, and at least half of them are flagged in the red, and so, to me, there is a concern with the fact that we've already expressed the concerns on the MRIP estimates, and so moving forward with an allocation that PSEs are that high around those estimates and shifting that amount, even though we understand that, numerically, 63,000 and 105,000 has to do with methodology shifts, fishermen are going to have a hard time seeing that, all of a sudden, there's more ACL allocated, but a smaller percentage is going to the commercial side, which are the known landings, and our unknown landings are getting more weight.

That's just something going forward, and I know that's kind of more in the weeds of it, and I do like -- Like I said, the decision tree was something that really helped us in the SSC with working with those unassessed stocks, as they try to come up with those values for OFL and ABC, and so I do think there's definitely merit there, but, yes, we definitely need to make sure that the science folks are involved in it as well.

DR. CHEUVRONT: Carolyn, just to address your concerns, the reason why the unassessed species are kind of presented here was a tie-in to those assessments that we have that the council might need to move forward on without the benefit of the decision tree approach, because this is something that's been hanging out in front of the council now for a year, where the SSC did make the decision to approve the FES approach, and I guess it was a year ago August, that that was the best available science, and the council hasn't acted on that yet, and so they're working under the old ABC/ACL approach, and they haven't applied the new FES to these unassessed species, when they're not waiting for assessments or anything that's going to happen here, and so we just wanted to say that there is a way that the council could move forward on this.

The kinds of things that I think that you just brought up, say for example regarding bar jack, is a very legitimate question that, when the council gets to the point when they are going to deal with the unassessed species amendment, that's the kind of discussion that's going to have to be had. We've just got this right here as the example, but it's a matter of the council has got so much on their plate that they need to consider that they've just got to figure out where it's going to fit in the realm of things, but we just wanted to make sure that we got this in front of your eyes, that you know that it's out there, and the council can move whenever, and the staff can move on this whenever the council is ready to do so and fit it into the priorities.

It's not directly related to the decision tree approach, but it's something that is just sort of hanging out there, and we just kind of wanted to bring it to your attention, but your concern is very legitimate on that, and so, when we get to that point, then, yes, we'll deal with all of that, but thanks for your comments.

MS. MCCAWLEY: Thanks, Brian. Thanks, Carolyn. Brian, would you mind going back to the slide that has the actions for the council, just so that we can leave that up? Shep and then Chester.

MR. GRIMES: Thank you, Madam Chair. Maybe this is too much in the weeds, but it is a -- Maybe it's more of a procedural detail down the road, but I wanted to raise it. As I understand it now, the Southeast Fisheries Science Center, when we get assessment information, or the results come out, and the reports go to the SSC, that the analysis is specific to a certain allocation, so that then, ultimately, the ACL-setting process and the allocation are somewhat interdependent.

If we're talking about assessed stocks, and we're looking at changing the allocation, I think, procedurally, we need to be aware of the potential to go back and take -- Make some changes to the stock assessment, so that it reflects the allocation we want going forward, which might not necessarily be the allocation that it was based upon. Thank you.

DR. CHEUVRONT: Madam Chair, I think Shep is absolutely right there. We need to include it in the briefing book, the allocation trigger letter that was sent to NMFS Headquarters, and it does say that, every time that a stock assessment is completed, the council will reconsider its allocations for the species, and so the council is faced with perhaps needing to ask for new runs or something of the results, based on new allocations, and so, I mean, that's a potential thing that might need to be considered for the future.

MS. MCCAWLEY: Thanks, Brian.

MR. CARMICHAEL: Can I clarify?

MS. MCCAWLEY: Sure.

MR. CARMICHAEL: I think Shep might be referring to something that happens in the Gulf, but not here in the South Atlantic. We get projections, and they are just for the total yield of the fishery, and the SSC gives you a total ABC and doesn't get into allocation effects. The council then applies the allocations, and so I don't think that there's going to be a big need to update the assessments because the allocation changes.

Now, the allocation changes, and the net observed selectivity changes, that, in the next assessment, that will be factored in, but that kind of stuff isn't really included in our assessments with the level of detail that it is in the Gulf assessments, and so I don't think we need to request different additional projections because we're doing this, and they use the past selectivity patterns that they've observed.

MS. MCCAWLEY: Thank you, John. Chester.

MR. BREWER: Thank you, Madam Chair. I think that this is a very good approach to making allocation decisions. The timeline looks perhaps a little bit aggressive, but this is something that we're going to need to get on, and I think that we could have like a fifteen-minute report at each council meeting, as to sort of where this is going and any input that they might need from the council, which I hope could be kept to an absolute minimum, and, with that, I will mute myself again.

MS. MCCAWLEY: Thank you, Chester. I see that Shep is next, and I'm going to throw out a question. I guess I had some questions and concerns in looking at the timeline, and I wanted to throw this out before Shep talked, in case he wanted to respond to this, and so I love this approach, and I would love to start working on this, and I guess my concern is it looked like, according to the timeline, that we're going to have to make some decisions, on for example red porgy, prior to the decision tree approach being completed.

I guess I am concerned, but maybe I don't need to be, in what happens if we make these allocation decisions prior to having the decision tree approach completed, and so we have some actions

moving forward that have the benefit of the decision tree and others that don't, and then are we open to some type of legal challenge for the ones that we might change allocation on prior to the decision tree, and I guess that was one of my concerns, and so I'm just throwing that out there, and Shep is probably responding to something else, but if you maybe could think about that too, Shep.

MR. GRIMES: Thank you, Madam Chair. I will address that first, and so, first off, you're not bound to any particular approach in allocating, and this is a decision-making framework, or a tool to facilitate decision-making, and you can use it, or you can not use it, or it can give you an answer, or it can not give you an answer. Ultimately, I wouldn't have much, if any, concern about moving forward on allocations where you needed to make a decision before you had decided on -- For one, had completed this tool and then whether you wanted to use the tool into the future.

Having said that, somebody could always complain and bring a challenge later that you had taken different approaches, but I suspect that, even using this decision tree construct, that you will still end up taking different approaches, but it's just walking you through the process.

I wanted to respond to John, and maybe you're right, in terms of assessments, and I don't know for sure, but I did ask Erik Williams about this, and I will defer entirely to Clay and Erik, and certainly they're the ones with the expertise here, or other Southeast Fisheries Science Center staff, but it's my understanding that the allocation -- There are different discard rates, different release mortality rates, associated with the different sectors, and that the more complicated assessment models we use today incorporate that information, based on existing allocation, and so we would see a change in the assessment, but that is something to just keep in mind moving forward in making sure that we have fully engaged the responsible Southeast Fisheries Science Center staff on the issue. Thank you.

MS. MCCAWLEY: Thank you, Shep. Anna.

MS. BECKWITH: I kind of see some of these allocation decisions that we're making here over the next six or nine months as an opportunity to use this decision tree in its unfinished format, to sort of spot-check it or pilot study, as we get some of the analysis from the SEP and the SSC, and I can see us going through, because, as Shep says, this is really a tool, and it's sort of a format to make sure that we're going through and taking everything into consideration.

Even if the list of questions isn't finalized, and the decision tree format isn't finalized, it would be an interesting process to go through for red porgy or a couple of these species and just kind of see what shakes out, because I think moving through some examples certainly would spark conversation, but also potentially spark in the minds of council members the concepts that maybe aren't fully vetted.

MS. MCCAWLEY: Thanks, Anna. Steve.

MR. POLAND: Thanks, Madam Chair. I didn't know if you wanted to go to Clay first, because I assume he's going to comment on John and Shep's --

MS. MCCAWLEY: Okay. We can go to Clay. Clay.

DR. PORCH: Thank you, Chair. I was just going to comment on Shep's point. He's exactly right. Basically, we project the realized selectivity, which is based on the actual distribution among the various fisheries, commercial and recreational, and so we'll end up recalculating a long-term yield, and that may be a little different, because the realized allocations changed, but, unlike some of the Gulf fisheries, we're not calculating the results based on the theoretical reallocation.

In other words, for instance with red snapper, you might have 49 percent recreational and 51 percent commercial, and, in the Gulf, we just enforce those allocations to get a long-term yield. In the South Atlantic arena, we're using the actual realized allocation, and so whatever the commercial and recreational catches were over the last three years, and they will figure into an overall selectivity vector that gets projected.

MS. MCCAWLEY: Thank you, Clay. Steve.

MR. POLAND: Thank you, Madam Chair. To give my two-cents on these four discussion questions, I mean, I like the idea of this decision tree approach, but, like Shep pointed out, this is just going to be another tool in our toolbox to make these decisions that, at the end of the day, can be based on some quantitative metric, but are just a policy decision by the council of how we want to manage these species.

As far as approve or modify the timeline, I mean, I don't see any way that we can really modify it, other than if we want to add additional time in there, and I don't think any of us want to do that, and so, I mean, I'm fine with the proposed timeline, because it looks like we'll get a final product, if everything stays on track, by this time next year.

As far as getting updates, like Chester said, I prefer if it's just a simple verbal update at every council meeting of just kind of where we stand on this, and I am sure, after the SSC and SEP reviews this, that we'll receive input from them at the June meeting from their SSC and SEP reports, and so that would certainly constitute an update for that meeting, and, as far as the unassessed species, I mean, it would be nice to wait until this decision tree methodology is kind of ironed out and then have those discussions about those species then, but that would be going on two years past the ABC recommendations from the SSC, and I don't know, as a council, if we're comfortable waiting that long.

I mean, we've got the recommendations, and the SSC did a fantastic job discussing all of these, as far as considering the added complexities of incorporating the new MRIP numbers and that kind of stuff, and we have heard, numerous times, as far as the FES survey, that's the only game in town now, and, the further and further we get away from the CHTS survey, our, I guess, projections, or not necessarily projections, but that conversion is more and more unreliable, and so, I mean, I hesitate to go much further relying on the Science Center having to use those calibrations to back-calculate back into the old numbers, the further and further we get away, and so I feel like, if we can work into our schedule, let's go ahead and start working on some of these unassessed species and have those difficult discussions around the council table, as far as how to allocate these species.

I know having decisions between the Bow-Tie or keeping percentage intact and that kind of stuff -- For some of these species, it's going to be kind of muddy, but that's our responsibility, and I feel like, the longer and longer we just let this sit, there's the potential for those ABC

recommendations to become outdated, and then we're really not performing the service that is required by us for the stakeholders. I mean, if there's a way to go ahead and start working on these, I would say go ahead and start.

MS. MCCAWLEY: Thank you, Steve. Before I go to Mel, let me try to kind of sum up what I'm hearing here on these points, and I appreciate, Steve, you going point-by-point here. Let me try to sum up what I have heard so far, and, if you want something different, or you have a different understanding of what the comments have been so far, then please chime in.

It sounds like folks are saying, on that first bullet, that, yes, we do want staff to start working on this decision tree approach, and I think that folks are suggesting that this timeline is okay, because there's a lot of other folks that need to be involved in making this happen, and it's not just our staff, but it's NOAA staff, and it's the SSC, and it's the SEP, and there's just lots of others involved, and so the timeline seems reasonable.

On the third bullet, it seems like we are wanting at least some sort of small, maybe fifteen-minute, updates at the council meetings that are coming in the future, to understand where we are with the timeline and how the progress is coming on the development of this approach. I am a little bit unclear on the fourth bullet, where we are and what folks are saying about the unassessed species, and I heard Steve say, yes, we want to start working on this, and we need to go ahead and tackle it, and I'm not sure, Brian, what other guidance you guys are wanting on the unassessed species, and that's the bullet I'm a little bit fuzzy on at this point, and so, Brian, I don't know if you want to add anything here before I go to Mel.

DR. CHEUVRONT: Madam Chair, I think, at this point, I don't know that you can provide the guidance right here right now on that fourth bullet, and I think this is something that's going to need to be discussed during the Executive Committee, when you're talking about priorities, but we just wanted to make sure that this got on the table, and I don't think you can resolve this out of the context of all the other priorities, but we just wanted to make sure that it was there and that you realize that this has been hanging out there, but you've got a lot of other things to consider as well, and I think the only way to do it fairly is to consider it in the context of all the other things that you have on your plate. To be honest with you, Madam Chair, I think what you ought to do is punt on the discussion of Bullet 4 until Thursday, when you talk about priorities.

MS. MCCAWLEY: All right. Thank you, Brian. That was helpful. Mel.

MR. BELL: Thank you. You nailed it. All I was going to do was kind of what you did, and, also, I think Shep's point earlier about an IPT approach involvement, or somehow making sure that other staff are linked into this process of doing this, so we don't get to the end and have a process that hasn't been kind of thoroughly vetted through.

Then, with the unassessed -- I was just -- I think Carolyn's concerns earlier and the points that Steve made, and we do need to deal with it, and I think the issue was, if we wait two years before we touch them, they might be a little smelly by then, but that, again, gets back into scheduling all the other things we have going on, which was the one concern that I had from the get-go, was just staff workload, and I would rely on them to tell us how many things they can keep going at the same time, but we'll have that discussion later, and so I think you did a nice job of summarizing it.

DR. CHEUVRONT: Madam Chair, just to address the issue that Mel just brought up, I mean, as a staff, we weren't really quite sure that -- We wanted to get buy-in from the council before we proceeded, but, now that we know that the council wants us to follow-up with this, my plan here is I've made a note of direction to staff, based on the things that you just summarized here, but I am going to get up with my counterpart at SERO, Rick DeVictor, and we will chart out a plan on how to get the staffs to work together, and he will get folks from the Science Center to get involved, and, assuming that the IPT approach is the correct way for us to proceed on this, that's what we'll do, and so that should be our next step, I guess, and we'll march along and figure out where we go from here.

MS. MCCAWLEY: Thank you, Brian. Do you think you have what you need from this discussion, or is there anything else outstanding that we need to cover relative to this discussion?

DR. CHEUVRONT: Madam Chair, I don't think so. I think we've got what we need, and I think what can happen is I think that suggestion by Chester to have a fifteen-minute update at each meeting -- I think that's a good idea, and we could just tell you where things are going with the IPT and the new things that they have been dealing with, and not necessarily to -- If you all have input, that would be great, but I think it would be a good idea for you all just to understand how things are progressing along at each meeting, and I think that would be fine, because, if we run into any hiccups along the way, it would be nice to update the council if we foresee any potential changes to the timeline for the future, but we'll just let you know as we go along, and so I think it's great, and I think we've got what we need. Thank you.

MS. MCCAWLEY: Great. Thank you, Brian. Once again, thank you, Brian and Christina and John, for this presentation and the document that was associated with it. It was very helpful and very comprehensive. We have been through the Other Business of this Full Council Session II, and I think we're done with Full Council for this morning, and I believe that we can go ahead and take a ten-minute break. When we come back, we are going to move into the Snapper Grouper Committee, and so a ten-minute break.

(Whereupon, the meeting recessed on September 15, 2020.)

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Amanda Thomas
October 16, 2020

SAFMC September Council Meeting

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