

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

FULL COUNCIL SESSION II

Webinar

December 7, 2020

TRANSCRIPT

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Other observers and participants attached.

The Full Council of the South Atlantic Fishery Management Council reconvened via webinar on Monday, December 7, 2020, and was called to order by Chairman Mel Bell.

MR. BELL: Good afternoon, everyone. Welcome to the Full Council Session Number II, and we're in open session, and we met this morning in closed session, and so we're going to start out Full Council, and we're going to go for about an hour. Then we'll shift to Snapper Grouper, and then we'll shift back to Full Council, and so hang with us here, and we've got a lot to cover. It will work, and it's easy to transition, and we don't have to empty a room or refill a room, and so, first of all, let me just say that I appreciate the fact that we're stuck in virtual world here for a while, and so I will -- You can at least, in your mind, go to Carolina. The first item on the agenda would be Adoption of the Agenda. Is there any need to change the agenda, any recommended changes?

MS. BROUWER: Mel, I wanted to point out that we have replaced the agenda with a very slight revision to the cutoff time for public comment. The previous agenda had the wrong date and time, and so comments can be submitted via the Wufoo form on our website through Thursday at noon of this week. Thanks.

MR. BELL: Okay. Got it. I appreciate that, Myra. For the agenda for today's session, any -- I don't see any hands raised, and so we'll stick to the agenda for today. That's adopted. The first item would be Approval of Minutes, and those would actually be minutes from September, where we had, again, two sessions, and so there's the 14 and 15 September and 17 September Full Council, and so adoption of those minutes, or approval of the minutes, and any changes to the minutes or corrections to the minutes? I am not seeing any hands, and so no hands and no changes, and the minutes from 14, 15, and 17 September for Full Council are approved.

The next item would be Introduction of Guests, and so with us today we have Dale Diaz from the Gulf of Mexico Council. Welcome, Dale. Also, we have -- They are like family, but Tony DiLernia and Dewey Hemilright, if Dewey's onboard, and I know Tony is, and they will be with us from the Mid. Also, today, we'll have Genny Nesslage from the SSC, the Chair, helping us a little bit, and Jimmy Hull is here today, and so he'll be weighing-in at some point related to the Snapper Grouper AP.

Then we have a whole host of other people later on, at different points, and so we'll introduce folks as we get to them. That's it for liaison guest introductions, and so that would actually take us to the first item of business here, which would be a discussion of the acceptable biological catch control rule, and I think Mike Schmidtke is going to run us through that.

DR. SCHMIDTKE: Yes, I am.

MR. BELL: All right. Thanks, Mike. You may proceed when ready.

DR. SCHMIDTKE: All right. Thank you, Mr. Chair. Today, we're going to start off looking at the ABC control rule amendment. Last time this was discussed in September, the council gave a little bit of guidance to start back up, and so we're getting that process going again. A brief overview of what happened to this point, and just a review.

This process was started back in 2018, and it was put on hold during the development, awaiting guidance from NMFS concerning carryover and phase-in. That guidance was received in July of this year, and, in September, the council directed staff to resume development of this amendment. In October, the SSC reviewed the recommendations they had previously made, considering the time lag that had occurred between those, when they were made and now that we're picking this back up, along with some additional information they had previously requested, and Genny will give the SSC's feedback from that meeting. Today, we're hoping to get some additional guidance from the council, as the IPT resumes work on this amendment.

The current timing is -- It's been reviewed a couple of times through various meetings, and it was noted in the last meeting, but, ultimately, we're looking at potential final action to be considered in December of next year, and so, at this point, we're looking at guidance and potential public hearings going out in June of next year.

The goals for today are to look more at the actions and options that are currently in the document, and we're looking for conceptual guidance for the IPT as they resume their work on this, and I'm hoping not to get into kind of wordsmithing, given the time that we're working with today, and I'm going to be describing the various actions and alternatives in pretty broad terms, but, for each action, I will show a slide that summarizes the alternatives, and then I will show a slide after that that shows the preliminary IPT considerations, some things that the IPT has discussed previously, or some of the notes that were passed on to me from previous staff that have worked on this and things that the IPT will consider as we look to resume our work on this.

What we're hoping to get out of the council -- Just so that you all are aware, these are the things that the IPT is going to be thinking about as we move forward, and is there any additional information, is there some type of additional consideration, that the IPT should have at this point, as we have discussions and develop this document ahead of potential public hearings in June.

Before getting specifically into the actions here, I just want to note a couple of definitions. The use of the terms "risk" and "uncertainty" is pretty prominent throughout this document, and we wanted to note the separation of these two terms. That is kind of one of the main points of this document being developed in the first place, is to help separate these terms and define them more clearly, "risk" being used to denote management risk and being the purview of the council, whereas "uncertainty", when used in this document, is being used for scientific uncertainty, and so that's surrounding say assessment results and projections and things of that nature, and that being the purview of the SSC.

The current ABC control rule is based off of a categorization of the assessment, of the type of assessment, and so we have these various levels shown on the screen, ranging from a full age, length, and biomass-based model through DBSRA and DCAC, both different forms of data-limited approaches, and then there is the ORCS, the only reliable catch stocks, category, that is added specifically for the Snapper Grouper FMP, and it's not included in the other FMPs that are considered in this amendment. We'll have some discussion about that, and that's still kind of ongoing, with some of the work that's being done within the SSC.

Then, finally, we have an unassessed category at the bottom, and one of the things that was noted within the development of this document was kind of the inflexibility of the current ABC control rule, particularly on the data-limited approach front, and there are these specific models, the

DBSRA and DCAC, that are specifically defined in the control rule, and there is not the flexibility for the use of some alternatives, and that's not really spelled out, as it is right now, and so that's kind of some of the crux of why this document came about. Next, I will start going into the actions themselves.

The first action is looking at this modification of the control rule, the ABC control rule, itself. Alternative 1, throughout this, is going to be a status quo, and there are tables within the options paper that was provided in the briefing materials that summarize these control rules, that show them.

Alternative 2 is going to categorize stocks based on information that would be used to evaluate and characterize assessment uncertainty. One thing with Alternative 2 is that it removes the tiers language of Alternative 1, which some have noted as being confusing, and it defines four categories. Categories 1 through 3 use P* to determine ABC from an assessment, and Category 4 would be a decision tree approach and incorporation of expert judgment. There are a couple of additional options within Alternative 2 as well.

Alternative 3 would be kind of a smaller deviation from the current ABC control rule. There would be the incorporation of the ORCS level, which, right now, is only in the Snapper Grouper FMP, and that would be incorporated into all of the other FMPs that you see at the top of the screen, Dolphin Wahoo, Golden Crab, Sargassum, and Coral. There would also be some changes as well to Tiers 3 and 4 that look at stock status and PSA, the productivity and susceptibility analysis. These would be replaced by a P* adjustment, considering the council's risk tolerance, and so there would be kind of that separation of the council incorporating their risk tolerance, as opposed to the potential mixture there of uncertainty versus risk.

Alternatives 2 and 3 both separate out stock status and the PSA from the adjustments based on the assessment and its uncertainty, and the stock status and PSA would still be provided to the council, and that would be information that you all would be able to use in making your risk tolerance determination.

In Alternative 2, Category 4, I talked about that ORCS category, and that's something that is in progress, and the SSC has developed a working group that's looking a bit further into that ORCS category, and Genny has some -- A little bit more detail on the notes for that and how that's going to aid in this process. The IPT would consider, along with some of these factors, the additional SSC feedback from October of 2020, along with incorporating that type of appendix that would be developed for the ORCS category.

Action 2 addresses an approach for determining the acceptable risk of overfishing. Right now, the acceptable risk of overfishing is determined within the ABC control rule criteria, and it's kind of embedded within the ABC control rule, and this would separate that out. Alternative 2 would have the council specify a management risk tolerance for overfishing, providing a P* adjustment between zero and 20 percent, P* being the allowable risk of overfishing.

This would be added onto the SSC's uncertainty adjustment, and the SSC would come up with their uncertainty, changes to their uncertainty adjustment within the ABC control rule, and the council would come up with the risk tolerance portion of that, and then those would added to each other, but they would be developed separate from one another. The council would develop its risk

tolerance, of course, with advice from the SSC and the AP, but it would ultimately be a council decision.

Under Alternative 3, there is a table specified within the document, and the essence of this table is that each stock would be given a risk rating, and this risk rating would be based off of characteristics, biological characteristics and things of that nature, that would specify whether a stock is a low, a medium, or a high-risk of becoming overfished, and then the council would kind of take that risk rating and look at it relative to where the biomass is, and, ultimately, if a stock is a low-risk stock, and its biomass is high, then the council would allow the largest amount of tolerance for risk of overfishing, and stocks that are high risk, and are at a low biomass, they would not be given as much leeway within the ABC control rule risk tolerance there.

There are additional options within Alternative 3 as well that would change kind of the dividing line between the various biomass levels, the council's ability to deviate from those default risk levels, and then the default category of biomass for unassessed stocks that would go into Alternative 3. Finally, Alternative 4 under Action 2 doesn't give a whole lot of specific guidance on -- It just says that the council would set the risk tolerance, and it cannot be greater than 0.5, and that would be specified for each individual stock directly, with advice from the SSC and the AP.

The thoughts for the IPT's further discussion of this, first of all, the risk rating and risk tolerance terminology can get quite confusing, and there is potential room for discussion on whether alternative terminology or some additional explanation can help clarify that when it's being considered for -- Especially for public consumption.

The SSC is going to, and I believe there may have even been some work on this already, on preliminary risk ratings, those risk ratings of low, medium, or high-risk stocks, and that information can be added to the draft amendment before it goes out for public hearings, and then, also, the SSC does have some additional guidance from their October 2020 meeting that can be incorporated into the discussion of this action.

Action 3 looks at specifying an approach for determining the probability of rebuilding success for overfished stocks, and the alternatives here -- There are only Alternatives 2 and 3 from the status quo, and so, in 2, the council would specify the probability of rebuilding success, and there's not really that default guidance that's given with Alternative 2, and it kind of gives the council the ability to consult with the SSC and AP and have kind of maximum flexibility in specifying that probability of rebuilding success.

Alternative 3, the council would specify this rebuilding success based on the stock risk rating, and there are these various default probabilities specified within the document, and so there's a bit more guidance for Alternative 3, and, really, there weren't a whole lot of notes passed down on this action, but one thing to note is that any changes to kind of the risk tolerance and risk rating language of Action 2 -- Those would need to be incorporated in Action 3, since both of these use those risk ratings.

For Action 4, that addresses the phasing-in of changes to the ABC, and so Sub-Action 1 would establish criteria specifying when phase-in is allowed, and the various alternatives have different forms of criteria. Alternative 2 is specifying when the new ABC is a certain percentage, or less

than a certain percentage, of the existing ABC, or dependent upon the biomass level, with Alternative 3, and those are some of the alternatives that are already being considered.

Then the other sub-action under this would be specifying the approach for phasing-in of ABC changes, and there are alternatives that these changes would be allowed over three years, over two years, or over one year, and so these are the options that are incorporated right now, and the IPT's kind of points that can be discussed a bit further are considering changes to the language to condense the action language. Right now, there's a lot of language that is in the action portion of the document, and some of that can be moved down to the discussion, to try to focus in what's in that action portion of the document.

There's some potential that some of the options of percent change in ABC and the timeframes could be combined, with the consideration of phasing-in larger changes over longer times and smaller changes over shorter times, and one topic that there was some SSC feedback on was the consideration of phasing-in ABC increases as well. Right now, the action is looking specifically at ABC decreases only. With the new guidance that has been issued from NMFS, some of the language can be incorporated from that, referencing that document, and then additional SSC feedback from the October 2020 meeting for Action 4.

Finally, Action 5 is the allowance of carryover of unharvested catch, and so Sub-Action 5.1, the first sub-action, looks at the circumstances when unharvested catch can be carried over from one year to the next, and there are various criteria that are spelled out here for the different alternatives. Alternative 2 looks at the stock status, and Alternative 3 looks at the stock status as well as the biomass level. Alternative 4 considers whether a sector has experienced a closure, due to the catch exceeding the ACL, within a recent timeframe, and then Alternative 5 looks at the total landings relative to the landed catch component of the ABC.

The other portion of Action 5 looks at how much of the unharvested catch can be carried over from one year to the next, and so Alternative 2, under Sub-Action 5.2, that uses the ACL-ABC buffer, if it exists, the difference between those two values, and Alternative 3 would set maximum values on how much the ABC can change if the ABC is being increased, in the case where there is no ACL-ABC buffer, something of that form. Finally, Alternative 4 just sets a percentage relative to the ACL.

The considerations for the IPT, at this time, are considering the removal of Alternative 2 from that list, the ACL-ABC buffer, and that's something that can already be done, by simply changing the ACL, and then there will be additional incorporation of language from the NMFS guidance, and, finally, we would need to wait on SSC feedback on this topic, and the SSC wasn't able to address this specific action at the October meeting, and there were just time constraints, but we're hoping to pick it back up in April of 2021, to get their feedback and have that incorporated before the document goes out for public hearings. With that, I can take any questions on that point before we pass it to Genny for the SSC comments on this.

MR. BELL: All right. Thanks, Mike. Any questions for Mike at this point? I know I'm trying to find my copy of ABC Control Rules for Dummies, which I seem to have misplaced, and I certainly appreciate the fact that we have an SSC and staff, both our staff and SERO staff, that know what they're doing here, but any questions at this point right now, or should we let Genny go ahead and speak? Clay.

DR. PORCH: Thank you, Chair. Just a comment, or maybe it's a question, but has there been much interaction with any of the other councils regarding the crafting of the ABC control rule? I mean, the Caribbean Council just went through adopting one, and HMS is in the process of doing it for sharks, and the Gulf Council is thinking about looking at theirs again, and we have basically all these disparate efforts resulting in rather different ABC control rules, and it seems like there could be some synergies to be gained if we work together, and many of the problems and data situations are almost identical across the Southeast Region, and so it would be good if we worked together and kind of came up with maybe a common format, to the extent possible.

MR. BELL: That certainly makes sense, and I don't have that answer, but maybe Mike or Genny do.

DR. SCHMIDTKE: As far as I know, at this point, this has been kind of a South Atlantic Council type of effort, and I'm not aware of whether there has been any joint effort previous to now that would have included the Gulf or the Caribbean Council, and I would guess probably not, because one of the FMPs not included in this is Coastal Migratory Pelagics, and they are adjusting their -- They are taking portions of this, looking at the carryover and phase-in aspects, and they're doing it through a joint amendment between the South Atlantic and Gulf Councils, and so I'm not sure if some of the other staff that worked on this previous to me -- If you all had any interactions with the Gulf or Caribbean.

DR. ERRIGO: We did not do anything joint with any of the other councils. However, we have looked at the other ABC control rules and considered adopting some portions of those control rules here or there, or modified them for use in our control rule, but we have not worked together with any of the SSCs, per se, and we do have members of the other SSCs on our SSC, and so, in that respect, we're getting that input, but I wouldn't call it a joint effort.

MR. BELL: Thanks for that, Mike. Genny.

DR. NESSLAGE: Thank you, Mel. I just would add that you will hear a little bit in my presentation about the working group that the SSC would like to form to address at least the Category 4 species, and we hope, with your blessing, that we will invite some folks who do work in the Caribbean and Gulf, on their data-poor species, that perhaps they can join us in at least advising us on what they do and sharing some of their ideas with regard to how to set ABCs for extremely data-poor species, in particular, but that's just one aspect of this broader amendment. Thanks.

MR. BELL: Thanks, Genny. If there aren't any more questions for Mike, we could let Genny go ahead and present, and that may lead to some other questions and discussion. Any other questions for Mike? I don't see any hands, and so, Genny, are you set up to go ahead and present? There you go.

DR. NESSLAGE: I think someone else is driving, but I am happy to talk while they drive. The SSC, as Mike mentioned, met in October, and we reviewed the suggestions and our previous recommendations and talked a lot about, at least with the allotted time, the proposed changes and options.

Our discussion was organized around essentially four topics, and that's how I will be presenting, and so it doesn't quite mesh exactly with Mike's presentation, but hopefully it will still make sense to you. I will talk about ORCS first, and then risk, and then phase-in and carryover, in that order, and we were presented with a number of different questions, which we did our best to attempt to come up with consensus answers to, or statements and recommendations, and so the first question we were asked with regard to ORCS and the application of it in the ABC control rule and the various options for that -- The first question had to do with, really, some of our previous comments that recent literature, and in particular the Carruthers paper, indicated that ORCS does not perform well in a variety of scenarios.

We were asked if the assumptions of the Carruthers paper were being met in the South Atlantic fisheries that use ORCS and which stocks does the study apply to, and so we -- With regard to the Carruthers paper in particular, we noted that some South Atlantic stocks evaluated using ORCS are, and I would say many, are bycatch only and/or rarely encountered in surveys, and so they are extremely data poor, and those -- Either data poor and/or I would say rare-event species, and those attributes, for that type of fishery, are not necessarily reflected in the Carruthers paper, which is a simulation study on the performance of ORCS.

That particular paper did not address that type of fishery, which is very common in the South Atlantic. However, there have been several other studies since that have addressed similar issues, and I will talk about that in a later slide.

We were also asked if there is any evidence that stocks managed by ABCs using the ORCS method have experienced overfishing or have become overfished or shown any other signs of declining status. We noted that most stocks managed using ORCS have no information on population trends, and so we really have no idea if they are overfished or experiencing overfishing, and so it's one of those questions that can't be answered, and we wouldn't be using the ORCS method if we had any other option, if we had any clue whether these stocks are overfished or overfishing, and that's the problem, when we get down to these really extremely data-poor species and rare-event species.

We did note though that there is flexibility to deviate from the ORCS approach, if the stock has some sort of concerning trend or a life history trait that makes it particularly susceptible to overfishing or becoming overfished, and we noted that we have done that in the past, with both scamp and hogfish.

Because the Carruthers paper isn't the only paper that has come out since we last addressed the ORCS approach, we really felt that it was time that the SSC took a real good, hard look at what information and what additional research is out there and has been done in the years since we set up the Category 4 approach, and we felt that other councils, other SSCs, I should say, and other folks studying this have made other suggestions that we may or may not find are appropriate for use in the South Atlantic, but this was something that we couldn't tackle at a full SSC meeting, and so we're requesting that the council give us support for forming a working group that would explore our procedures and the most recent literature on the performance of these landings-only approaches, and so ORCS, some of the modifications that have been proposed to ORCS, as well as alternative methods.

We also would ask that this working group recommend potential biological and fishery characteristics that would suggest the use of alternative data-poor approaches, and so when would

we use this? Basically, when would this trigger? This is where it gets to Clay's question, and we asked them to consider, when the data are available and adequate, anything else that might be out there besides landings for this particular fishery or species, and so effort information, even if it's limited, length, changes in length over time, and any other fishery-independent data that might inform the question. These types of data and other information, ancillary data, are being used in other SSCs to guide their ABC setting for extremely data-poor and rare-event species, and so we were hoping to pick some folks' brains as to how they're approaching the problem and seeing if that applies in the South Atlantic.

Another idea that came up was that we examine correlations in landings across species within geographic locations in the South Atlantic and within similar fisheries at a given point in time, and the idea being that maybe some extremely rare-event species -- We don't have a lot of information, but maybe they tend to trend the same way as other species for which we have more information, and maybe their life history characteristics are similar enough that it might provide some information on how best to set an ABC for that fishery.

Then we tasked this group to come back to us with a recommendation to the broader SSC for any revisions that they might have to our decision tree, particular for the Category 4 section. Now I am transitioning to risk. Mel, do you want me to stop after each one, or do you want me to go through all of the different topics?

MR. BELL: Well, whichever way you think it works best for you, while you have things queued up. You could ask if anyone has any questions, because you don't have control of the slides, I guess.

DR. NESSLAGE: Right.

MR. BELL: So are there any questions at this point?

MR. POLAND: I don't know if now is the best time, or if we should wait until the end of Genny's presentation, but I was just going to throw my support towards convening this working group of the SSC, and, given Clay's earlier comments, consider reaching out to other councils and SSCs, or just outside experts in general, to maybe bring in a broader perspective, but I think it's really important for the SSC to come together and discuss these issues that they raised, not only at this last SSC meeting, when they were reviewing the ABC control rule, but from past meetings, where they have struggled with applying ORCS and coming up with ABC recommendations for unassessed species. I wanted to put my support behind that.

MR. BELL: I would as well, Steve. I think that's -- I would agree, and so, Genny, maybe it would be easier for you just to go ahead and work through the presentation, and then we can come back, but I would concur with Steve on that one point right now.

DR. NESSLAGE: Sorry, and I forgot about the hand-raise thing, and it's hard to show both while we're displaying a PowerPoint. All right, and so I'll keep pushing ahead then, if that's all right.

MR. BELL: That will be great.

DR. NESSLAGE: Okay. With regard to risk, the SSC was asked to review an example P* comparison chart and provide feedback on implications of this comparison for the new ABC control rule methodology. We felt that the methodology, as was presented to us, appeared quite reasonable, and it seemed to be performing as everyone had anticipated, and we didn't note any problems. We did recommend -- So this is -- If you're looking at Mike's presentation, this would be I think his Slide 10, and so that chart that shows the different risk ratings. The one suggestion we have is that the numbers there be presented as percentages, because people tend to think in percentages, rather than decimals, and so, instead of saying it's 0.45, maybe say it's 45 percent.

We also suggested that the supporting tables be clearly explained, how you map from one to the other, and we have a number of kind of gory-detail suggestions for how to go about that, and I won't go through all of those, but it's in detail in our report, and so hopefully that can be added as this gets rolled out and explained to stakeholders.

We were also asked to review the document describing risk score calculation and provide feedback on the potential use of this calculation moving forward, and we had a couple of specific recommendations. In particular, we suggested, or recommended, that there be no penalty when there's an unknown attribute, and so, for example, if we don't know, for bar jack, what the natural mortality is, we wouldn't penalize the risk score for that.

There was some discussion though, and we noted that that might set up a kind of negative incentive structure for data collection, such that, if you're not being penalized for not collecting data on these species, maybe you wouldn't collect it, but we came to the agreement that no one is doing this out of neglect, and it's really more that these are very rare-event species, very small fisheries, and that it's often just difficult to even intercept these or get port samples, and so that wasn't really the underlying concern, and we didn't really want to penalize the risk score for not knowing about the biology or some aspect of the fishery for this animal.

We also recommended a default of moderate category for species that had no attribute scores in a particular category, and so you had to put some number in there, and so, if we don't know, we said we'll just make it in the middle. If we don't know if it's really bad or it's really good, or it's really high or it's really low, just say it's somewhere in the middle, and that should even things out.

Then, finally, we recommended exploring an option to scale the overall scoring, such that, when you ultimately say this particular species is a high-risk or a low-risk tolerance, or medium, that that scoring be set up by basically looking at the standard deviations from the mean risk score, so that you end up with these three categories of high, medium, and low, and that's something that Mike is going to play with for our next meeting and present back to us, and we appreciate that.

We also recommended that there be clear written explanation and documentation that accompanies the risk analysis table, and it took us quite a bit of scrying to figure this out, and I think folks could -- The more that can be explained, the better, because this is a little bit complicated, and it's important information, and a lot of work has gone into it, but it's a little bit difficult to map and follow.

We also had a long discussion about the socioeconomic impact aspects of the scoring. It appeared to us that most of the socioeconomic attributes reflected long-term impacts to the fishery, but there may be short-term impacts that could be just as detrimental or would be just as important for the

council to consider, and so we have provided some suggestions in our report for kind of teasing out what short versus long-term socioeconomic impacts might be and how they might be described.

They may differ, depending on the fishery size or the incentives for that fishery, and then we also recommended that -- Given that mostly what we saw we understood to be long-term impacts to the fishery, the council might want to recommend -- We recommended that the council might want to consider short-term economic impacts as well, that they be distinguished from the long-term impacts and possibly considered in the risk score too, because that is something that will be, obviously, considered as people go about making these important decisions.

We were also asked to review phase-in language in this document, and so, in particular, we were asked to review our previous recommendations and provide any additional feedback on when phase-ins should or should not be allowed, taking into consideration the recent guidance from NMFS, and so we pointed out a couple of things that we thought the council should note. The first is that, as many of us realize, there is greater uncertainty the farther out those projections extend beyond the terminal years, and so, if you're presented with a one-year projection, versus a three-year, or a five-year projection, the five years, obviously, tends to be -- It has the highest uncertainty, right?

Therefore, it might be necessary to phase-in more or less of the decrease in the second year, based on that uncertainty, and so the idea that you want to try and think about how that phase-in would occur relative to the ramping-up of uncertainty as the years go on.

We also wanted to mention that the length of the phase-in period should be considered in the context of the projection time period, and that's kind of the same idea, but, if we need to reconsider projection time periods, that's something that should be taken into account. If the information is not there to provide the type of information you need for making phase-in decisions, then that's something that should be reconciled. Then we also recommended, as Mike mentioned, allowing the use of phase-in for ABC increases as well as decreases. Some of these jumps are quite large, and, given the uncertainty in these assessments, it might be worthwhile considering phase-ins for increases in the ABC, too.

We were also asked should allowable phase-in time periods be tied to relative biomass levels, uncertainty, or stock characteristics, and we agreed that all three of those aspects are important when considering phase-ins and determining how they would work. We also recommended that the council consider recruitment levels and trends, biomass trends, and uncertainty in biomass, and I'm sure, if we thought about it long enough, we could come up with a couple of other things as well.

We noted that either a substantial decrease or increase in biomass may warrant a phase-in, as I mentioned in the last slide, and our socioeconomic folks noted that large increases or decreases in supply may affect the price and profitability, and so the council may wish to consider elasticity of price for fisheries when setting the buffer between the ABC and the ACL, and then, biologically, we also recommended that the life span of the animal, or essentially the generation time, be considered when determining phase-ins, as appropriate.

We were also asked should the SSC provide recommendations on allowable phase-in time periods, and we said, yes, please, and the SSC would appreciate the opportunity to provide both biological

and socioeconomic information regarding phase-ins, as well as the time period across which those phase-ins would occur.

This is the point in our agenda where it was almost the last thing on our agenda, and we were quickly running out of time, and so we touched very briefly on carryovers, but we did not have a very thorough discussion, and I will summarize the discussion that we did have and the guidance that we can provide at this point, but hopefully we'll have a chance to revisit this in April, if not sooner, and so we were asked to review our previous recommendations regarding carryovers, when they would be allowed, taking into consideration recent guidance from NMFS.

The SSC pointed out that NMFS guidance states that ACL underages can already be carried over into the next year, into next year's ACL, as long as that revised ACL does not exceed the next year's ABC, and, as Mike kind of already summarized, the SSC also pointed out that the council does not currently have many buffers between ABC and ACL, for most of the species, and so that will limit the council's options.

The SSC will have to consider whether a carryover that requires an increase in the ABC will result in overfishing, and that will, in turn, depend on the existing buffer between the ABC and OFL, and so smaller buffers will mean that carryover options are more limited, as I already mentioned, and any changes to the ABC though, we noted, must account for scientific uncertainty, per the National Standard 1 Guidelines and the council's risk policy, and so we would welcome the opportunity to review this issue of carryover more carefully, and I think there's a lot more discussion that could happen, and hopefully we could provide you with more solid recommendations, but the committee did review our previous control rule recommendations with regard to carryovers, and we did confirm our continued support for our previous recommendations, as they stand in the document.

We had also been asked if carryover amounts would be determined by relative biomass levels, et cetera, and we just simply ran out of time, and so I'm hoping that we'll be able to pick this up at a future meeting, and I think that's the end. Thank you. I would be happy to answer any questions.

MR. BELL: All right. Thank you, Genny. I can't see hands at the moment, but, obviously, this is a work in progress, and it's a lot of work, and so, at this point, before we finish today, if there's any additional guidance, or things that we need to give them, we will, but, right now, anything? I see Clay's hand up. Clay.

DR. PORCH: Thank you, Chair. Genny, as you know, one of the hardest things to estimate is how uncertain you are about stock status and OFL, because you never know exactly what the true value is. Right now, you have a fairly complicated approach for calculating the risk score that leads to a choice of P^* , which is kind of mixing up, or blending, the science part of the decision with what you normally would count as the council's part, which is to determine their tolerance for overfishing.

I was wondering if the SSC and the ABC Working Group were considering any alternatives where you separate sort of the science component, which is the measure of variance that goes in that P^* calculation, from the part that one would normally think of as the council's responsibility, and that's determining the value of P^* , because that reflects their tolerance of overfishing, and that might incorporate socioeconomic concerns, et cetera, as you mentioned.

One way to do that is you prescribe a minimum variance, along the lines of the Ralston et al. paper, and that is a fact that the Caribbean has employed, although, to this point, they only have one assessment that is anything more than data-limited, and so it hasn't really been tested yet, but it is a way that you can kind of have a minimum variance that's associated with the PDF or the OFL, that probability distribution, and then that's all the science component, and then you can let the council deliberate on what probability of overfishing is appropriate under what circumstances.

DR. BELL: Thanks, Clay. Genny, would you like to respond to that?

DR. NESSLAGE: Sure. The Ralston et al. paper did come up, actually more so at the joint SSC meeting with the Gulf, and it's something that we have discussed in the past. We honestly didn't have a lot of time on our agenda for this topic, and it's something that has been -- We have tossed around a number of different ideas.

We didn't specifically talk about it at our main October meeting, but I think it's definitely -- Alternative approaches like that are something that we probably should be considering. I don't know, given the timeframe though, given that we didn't bring up the approach of changing the P* determination approach again at this meeting, if we actually would go that far this time. I just feel like there's a lot of things we could change, but we have previously reviewed this, and the SSC felt comfortable with this approach at previous meetings, and so I'm not sure they are open to revisiting that, but, Mike, please, tell me what you're thinking.

DR. ERRIGO: There have been a few instances where we've gotten assessments not from the Beaufort Lab, and the Beaufort Lab uses an MCB analysis, which tends to give uncertainty bounds, which the SSC is very comfortable with at this point, and we have gotten assessments from outside the Beaufort Lab which do not use the MCB analysis to give uncertainty bounds, and they have turned out to be rather narrow, and so that might be a place where we might want to add something like this in, but, in terms of the P* calculation, the way we used to calculate the P* is we would look at uncertainty -- We would look at both uncertainty and risk and calculate the P*, and the SSC did the whole thing.

Now, what we're trying to do is separate that, and we're looking at what's the uncertainty in the assessment, like the level of uncertainty, and that's part of the P* calculation, and then the council determines their risk tolerance, and that's the other part of the P* determination, and then we put those two together to get the P* value. That's where we are now, and that's what we're looking at now, and so we are separating out uncertainty and risk, but not in terms of what you're thinking of, Clay. That would be like a complete separation of the P* going completely to the council, which we haven't gotten there yet.

MR. BELL: All right. Thanks, Mike. Genny, did you want to respond to that?

DR. NESSLAGE: Could I just quickly add that Mike is spot-on? I think, in the past, the SSC has been comfortable, completely comfortable, and very supportive of separating risk, the biological component, from the management component. However, what you've seen here is we were asked to review, for instance, some of these tables that rank the various aspects of the risk score, including, because we have socioeconomics folks on our panel, some of the human dimension attributes, and so that's where we were asked to advise, but, ultimately, it is the council's responsibility, and we are supportive of that, to set the risk tolerance.

MR. BELL: All right. Thanks. In the interest of keeping us sort of on schedule, but giving -- Making sure we provide what's needed, kind of going back to the higher-level view of this, we've been asked to -- You have seen the -- This is a little bit different of an amendment, where we're used to amendments where we're dealing with some aspect of fisheries, but it will play out the same.

There is actions, and there is alternatives, and so I guess a quick question to us is did anybody detect anything missing? Is there anything, in terms of direction to staff or the SSC, that we can help them with at this point on the range of actions or the alternatives? Are we satisfied with that, based on what we know? Then they had questions about contextual information, and is anything missing? That's what I guess I would ask you all at this point.

I think what we've been presented, like I said, is a work in progress, and they're moving in the right direction, and it's not a real simple thing for anybody to comprehend, in my opinion, but thank god we have smart people. I guess, kind of back to you, Mike and Genny, and how can we help you at this point, in terms of moving forward? I know Steve mentioned concurrence with the support for the ORCS working group that we talked about, and I would agree with that, personally, and I don't know if there's anything else that we can kind of help with to move this along at this point, and that's a question, I guess, to you guys.

DR. SCHMIDTKE: I think, as long as everybody is fine with kind of the considerations that -- At least from the IPT end, and as long as the council is fine with the considerations that were put out there within the presentation of this is what we'll be thinking about, moving forward, and, if all those thoughts are appropriate, then I think that that's something for the IPT to work with, and we can have further discussion from that.

We will have at least one more council meeting in between now and when this would be considered for public hearings, and so I think that the IPT should have some progress there, and, if we encounter any issues in the beginning of the year, we can try to bring that up with you all and ask those questions in March, but, otherwise, I think, from the IPT end, we're pretty set, and we do have, of course, the endorsement from you all, it sounds like, on the ORCS working group proceeding for the SSC, and so, Genny, did you have any other thoughts?

DR. NESSLAGE: No, and just that we would appreciate support of that working group, and we have a lot of work to do there, and the support not just for SSC and council staff, but also any support from the labs, with regard to providing their expertise, as requested, to consult and present to us, and that would be fantastic.

MR. BELL: Thanks, Genny, and I think you have our support. It's a very challenging effort, and there are a lot of people involved. Myra, did you want to weigh-in here?

MS. BROUWER: Thank you, Mel. Mike, I was just going to suggest, if you wouldn't mind bringing up the proposed timeline for developing this amendment, so the council gets an idea of what we're thinking, in terms of when hearings would be held and all that stuff, and that might help frame the timeline a little better. Thank you.

Basically, what Mike said, we're just looking for giving you all the chance to provide guidance to take back to the IPT, so that Mike can continue developing this amendment and then bring this back to you in March, to look a little bit more closely at the work the IPT has done and then finalize the wording of actions and alternatives and move forward from then on.

MR. BELL: Right, and so, at this point, I guess you feel that's a reasonable timeline to follow, and we're at the December 2020 right now, and that's why I was kind of trying to make sure if there was anything that we needed to capture, in terms of input to you, that we did. I know Steve had his hand up, I believe, but you guys can see the timeline right there. Steve, did you want to weigh-in?

MR. POLAND: Thank you, Mel. I was just going to just reaffirm that I agree with the direction the IPT is going. I will just suggest that they lean pretty heavy on the feedback that we've already received from the SSC, because the SSC has raised some pretty good points and provided us some good feedback on this, and this is certainly the primary tool that they use to provide us catch level advice, and so I do appreciate their review of the amendment up to this point, and I did want to ask, but do we need a motion by the council to convene that workgroup of the SSC, or is our blessing of that enough?

MR. BELL: Mike or John, what do you think? Do you need a motion to that effect? Only a couple of people have mentioned it, but is anybody opposed to that concept of the working group? John.

MR. CARMICHAEL: I'm not opposed. I support it, and I was going to comment to Steve that we haven't usually handled these with motions, and just your support for the group to operate is enough.

MR. BELL: I think we seem to have that kind of concurrence that that's a good idea. Steve.

MR. POLAND: Thanks for that, and I guess this question -- I don't know if it's better here, or we can address it when we get to the Executive Committee, but, since the timeline is up, I don't know -- It might be premature, but if Genny could provide some input on how long they think it will take for the workgroup to provide some additional input and if we need to factor that into the timeline that's on the screen in front of us.

MR. BELL: I think that's reasonable, and we've added something now that might potentially alter the timeline, but maybe we can give that some thought, and that may take a little time to figure out, but we can maybe discuss it when we're talking about the overall schedules as well, and that's another option. Okay. Anything else right now that we need to accomplish on this topic? Okay. I am not seeing any. Thank you, Mike. Thank you, Genny.

Thanks, everybody, for weighing-in on this, and, as I mentioned, it's a lot of work, and a lot of folks working together to cooperate with this, and I wish that somebody would write an ABC Control Rules for Dummies book, if someone wants to make a few bucks on the side. Okay. If there's nothing else on this, then we can go ahead and adjourn the Full Council session right now, and we'll flip over into Snapper Grouper for a little while, and then we'll flip back to Full Council around the 5:00 timeframe. Am I right there, John?

MR. CARMICHAEL: That's our plan. We'll see how it goes.

(Whereupon, a recess was taken.)

MR. BELL: We do have to shift back to Full Council again, and we have one more item for the day under Full Council, and I'm not sure how fast or easily we can do that, but that will be a presentation by HMS staff regarding Draft Amendment 14 to the Consolidated Highly Migratory Species FMP, and I'm not sure if we're ready to go with that or what we've got to do to queue that up, but that's the one last thing that we have to cover today.

MR. DUBECK: I appreciate everyone hanging on late, and it's been a long day. My name is Guy DuBeck from the Highly Migratory Species Division, and we're going to talk about Draft Amendment 14, which is shark quota management. Here's just a list of acronyms that I think most of you are very familiar with that I will kind of mention throughout my presentation and our documents.

To kind of start with NS 1, as most of you know, NS 1 requires that management measures prevent overfishing and achieve optimum yield on a continuing basis. They provide guidance on how to achieve these requirements. In 2016, revisions to the guidelines allowed for increased management flexibility, more from lessons learned. Generally, the OFL is greater than the ABC, which is greater than the ACL. However, you may consider that the OFL equals ABC, which equals ACL, with sufficient analysis and justification on preventing overfishing. That's something that we have in our fishery now, where we established in 2010 that the OFL equals the ABC, which equals TAC, which equals the sum of the ACLs.

Now moving into kind of the history, and so we established -- We defined our status determination criteria in Amendment 1 to the 1999 FMP, and then we had the Consolidated HMS, Highly Migratory Species, Division FMP that incorporated those changes, and, as I mentioned, Amendment 3 established the ACL framework for federally-managed shark species, and then Amendment 5B in 2017 clarified that the ACL for prohibited shark species was equal to zero. In Amendment 14, we are not proposing to make any changes to the ACL for prohibited shark species.

Here's kind of a long list of objectives, kind of a slimmed-down version from our document. A couple that I'm going to hit on is that one of the objectives from Amendment 14 is to optimize the ability for the commercial fishery to harvest shark questions, while considering fairness among the sectors. We're going to revise the ABC control rule methodology to create accountability and transparency, along with revising the ACL framework to reflect those changes, and, also, we want to increase management flexibility to appropriately react to scientific uncertainty, changes in stocks, or just changes in allowable harvest, to ensure stability within the fishery.

We have five actions here, and I will go through these in detail. I will just jump right into them. For the ABC control rule, we have three options here, and the first one is Option A1, and that's status quo, don't do anything, and so keep the same process that we have that we established in 2010 in Amendment 3. As I mentioned, the OFL equals the ABC, which equals the TAC, which equals the sum of the ACLs.

Option A2 is to create a standardized ABC control rule, where it's like one-size-fits-all, regardless of stock status or data or history of the species, and there would just be one for everything. However, we are preferring Option A3, which is to create a tiered ABC control rule. Again, this tier would be -- It's still being developed by the Southeast Science Center, and the tiers may be assessment-level focused or based on kind of scientific uncertainty, similar to how you all have the snapper grouper fishery, where it's fit into multiple tiers, based on assessed, whether assessed with like a lot of information, or unassessed. We're still developing it, and it's still being worked on, but this will be implemented for all authorized shark species.

The next one is phase-in ABC control rule options, and B1 is no action, and so keep status quo, and so, once we determine the ABC should be revised, we would immediately change that, once the regulations are implemented. The preferred option is Option B2 to allow consideration of phase-in ABC control rule for modifications in that ABC. This would be evaluated on a stock-by-stock basis, and it could be any reduction, increase in the ABC, regardless of stock status, and it could be over a three-year period.

Some of those factors that could influence whether we're going to use it or not could be the percentage of change in ABC or the impacts to the market. An example is, if we're talking about a 5 percent increase or reduction to the ABC, we could just implement that right away, instead of spreading it out, but some of the large changes, and say we're reducing the ABC by 50 percent, we could spread that over a three-year period. Option B3 is use the phase-in of the ABC control rule for healthy stocks. B4 is to use it unless the stock is overfished or overfishing is occurring.

Moving on to the ACL development options, we have two preferred management options in this one, and the first option, C1, is no action, and that wouldn't change anything. It would keep status quo, staying with what we established in 2010. Under C2, we're going to actively manage the sector ACLs, commercial and recreational, and so what that involves is that we're going to be evaluating, on a regular interval, the recreational and commercial -- The recreational ACL and the commercial discard amounts, something we don't normally do. Currently, right now, we only monitor the commercial quota, and so this would be us monitoring everything on a regular basis. We're thinking about a three-year interval, for that three-year running average.

For C3, it's establish a reserve sector ACL, similar to what we have in the bluefin tuna fishery, and we have a reserve sector that would be able to pretty much allocate quota, or amounts, to the different ACLs. C4 is to establish each management group as a whole, without focus on individual species, and so this would go back to what we used to have years ago, where we would have just a large coastal, small coastal, and pelagic management groups, without the species-specific quotas we have now.

The preferred option, another preferred option, C5, is to establish an ACL for each management group, without commercial ACL quota linkages, and so, right now, we have linkages for some of our shark species. Like, in the Atlantic, we have it for the aggregate large coastal and hammerhead, and then we have the non-blacknose small coastal and the blacknose management groups. Once one of those quotas are reached, it will close down both of those fisheries, and so this would actually be removing that, and so, once one quota is reached, the other fishery, management group, would not close.

However, I want to point out that, with doing that, with one closing and keeping the other open, there is potential for continued fishing on -- Say the hammerhead management group closes, and the aggregate large coastal quota stays open, and there would be continuous fishing targeting blacktip, spinner, bulls, and so, in that management group, there is the potential for discarding hammerhead sharks, or any other species, and so there is a potential for quotas to be reduced to compensate for that discard amount. Also, the last one in this suite is C6, and that's to create species-specific ACLs with commercial ACL linkages.

I want to talk about the framework a little bit, and so this is the revised framework that we have for non-prohibited shark species. We have the OFL, and then we have the ABC control rule, with the ABC. Between the ABC and ACL, we have the management uncertainty buffer, and this will include a variety of things, like all sources of non-HMS fishing mortality, research mortality, some uncertainty buffer, with an assessment or uncertainty level there, and there could be a buffer right there, and then we'll have the different ACLs, and so we have the recreational ACL, and this is all sources of recreational mortality and harvest, and that would be managed separately, and so we would actively manage that number, and then we have the commercial sector ACL, where we have all the commercial HMS mortality, and that includes actively managing the commercial discard number. Currently, right now, we are monitoring the commercial quotas, and that's what we would be doing in the management.

Moving on to carryover of underharvested ACL, we've got six options here, and the first one is status quo, and so, currently, right now, we only allow 50 percent of carryover of commercial landings if the stock is healthy, and that's only three management groups that we have that status, and so that's Gulf of Mexico blacktip, Gulf of Mexico smoothhound, and Atlantic smoothhound, and so any other unused harvested quotas commercially is not coming back to be used.

Options 2, 3, 4, and 5 are more how do we distribute in these quotas, and we can do it -- Either give it to the sector where the underharvest occurs, under D2, or we can distribute it based on the proportion of that split in the ACL, whether it's a 60/40 split, and the underharvest could be distributed based on D3. D4 is you put that unused into a reserve sector ACL, but, since our framework is not established, and it does not have that setup, it is not something we currently use now. For D5, we would equally distribute that underharvest between the two sector ACLs.

However, we prefer D6, which would be to allow carryover of underharvest for commercial quota only under certain conditions, and that is if the stock is healthy, has overfishing occurring, or have an unknown stock status. That would be eligible for that commercial carryover. For the stocks that are both overfished and subject to overfishing, and an example is like the Atlantic blacknose, they would not be eligible for any commercial underharvest carryover. Again, this is all based on -- The carryover would be limited, as long as the ABC is not exceeded.

Moving on to the last topic here, we have three options here, based on talking about the multiyear overfishing status determination criteria. The first one is no action, and we're not changing anything. We'll keep the status quo, what we have going on, and we'll wait for a stock assessment to make those changes.

Option E2 is to change it annually in response to fishing mortality estimates. However, we prefer Option E3, which is to compare a three-year average of fishing mortality to the OFL to determine the overfishing status, and so this would be a rolling average to help account for recent data

uncertainty. This would determine if a stock is or is not subject to overfishing, and this would not change the overfished stock status. That's only something we do in a stock assessment, but, under this option here, E3, an example is Atlantic blacknose would not be eligible for commercial underharvest, because of its overfished or overfishing occurring. However, if we compared a three-year average of fishing mortality, and we changed that stock status to overfished, but overfishing is not occurring, then we could allow carryover of the underharvested commercial quota to the next season.

Those were the quick management options that we were talking about, and so the timeline is that, earlier today, we talked to the HMS Advisory Panel about Amendment 14. The public comment is due December 31. Once we get public comment, we will be reviewing it, and then hopefully trying to get the final Amendment 14 out in time for the middle of next year. Amendment 14 is setting up a framework process, and then, from this framework process, we will be adjusting shark quotas based on these new frameworks.

I encourage everyone, if you haven't looked at Amendment 14, and if you have some more detailed questions, to look at our website, and, like I said, we have public comment until the end of the year, and then, if you want to submit a comment, either through regulations.gov or to myself or Karyl Brewster-Geisz, and that's everything I've got.

MR. BELL: All right. Well, thanks, Guy. I appreciate you being here and reaching out to us to make this presentation. As you know, we do get some input from our fishermen regarding sharks and the shark fishery quite a bit, and so it looks like you -- Typically, that's a more -- It tends to be along the lines of the desire for the ability to harvest some more of them, and so it looks like you've got some things in there that are kind of moving in that direction, for using some quota and all, and so that's good. I would just open this to questions to the council. I don't have the visibility of hands right now, but any questions for Guy regarding the presentation on the amendment, or the amendment itself, and he's got right there that public comments are due by 31 December, and so there's a little time for comment for our fishermen, and ourselves, I guess. Any questions?

DR. CHEUVRONT: Mel, I'm monitoring the raised hands and so I can -- If I can get control of the screen here --

MR. BELL: If you see any hands, you can go ahead and call on them, Brian, if you've got visibility.

DR. CHEUVRONT: Yes, and that's what I will do, in case we need to see any of Guy's slides again, and I will just leave him as the presenter, and I will just tell you if anybody raises their hands.

MR. BELL: Okay. Any questions, folks?

DR. CHEUVRONT: I am not seeing any hands just yet.

MR. BELL: Everybody ran off to supper already?

DR. CHEUVRONT: Chester has his hand raised.

MR. BREWER: You knew I wouldn't let this go by.

MR. BELL: I was waiting on you.

MR. BREWER: Guy, Mel was, shall I say, very polite in his description of the words, or comments, that we're getting from our constituents with regard to sharks, and a lot of our fishermen consider the proliferation of actually two specific species, that being bull sharks and sandbar, to be a very, very significant problem, in fact one of the biggest problems with regard to our fisheries right now. I don't see anything in this amendment that would be looking directly towards shark populations that have gotten out of control, and, when I say out of control, we're talking about not being able to bring a fish to the boat without it being hit by a shark.

MR. DUBECK: Yes.

MR. BREWER: I am wondering -- Am I missing something in this amendment, and is there something in here that would help with that situation? Thank you.

MR. DUBECK: Well, thank you, Chester. This one, this action here, is setting up a framework, and so an example is we'll be -- Once we get the tiered ABC control rule, and we're working with the Science Center on this, we would actually set that up for every one of our shark management groups, and then we would make adjustments to the fishery based on that.

One of the things that we plan to incorporate is one of the most recent sandbar assessments. I don't know what the numbers will look like, or how the fishery will change, but that will be evolved into that, and bull sharks is with the aggregate of the large coastal complex, but we are also -- Besides Amendment 14, we're going to be working on the following rule to quickly change those quotas based on the framework here, with that, but, also, we are working on a few other things.

One is our -- We call it our share project, where we're doing a complete review of the shark fishery, and some of the items in there is looking at the commercial fishery, where there is concern with some areas of positivity between the population, who is landing them, where they're landing, and how the fishery is operating, and properly kind of help educate everybody, and ourselves, of what needs to be changed.

Some of those things in there are we're reviewing the markets, and markets drive most of the fisheries, and we're trying to figure out what's best for the future of the shark fishery, and so we're still working on things, and we are going to incorporate some more information about the shark depredation issue in with that too, and so we're hoping that a lot of this stuff will come out in the spring, before our next AP meeting, and so that's kind of a long-winded answer, but there's no real numbers in this, and we just kind of set the framework up of how we could change things in the future and moving forward.

MR. BELL: All right. Thanks, Guy. Chester, I guess, to your points, yes, we have gotten some very specific input, and across a number of fisheries, and so this is perhaps not a relief for what we've been hearing from our fishermen, but I guess it's a step in the right direction. Any other questions for Guy?

DR. CHEUVRONT: Chester has his hand raised again, and I think he wants to respond to that, but you also have Art Sapp, Dewey Hemilright, and Rusty Hudson raised his hand as well, and I don't know if you want to call on him or not.

MR. BELL: Okay. Chester, did you have something new to add there, real quick?

MR. BREWER: It wasn't new, and it was a follow-up, and, Guy, I served on ICCAT for ten years, and so I've watched glacial movement with regard to fisheries management, and it's very frustrating, and I am begging HMS to please, please -- I mean, we have got to do something about this situation. Off of my county, where I'm familiar with it, it is seriously just a -- It's a terrible problem. It is really, really bad, and it needs to be faced and dealt with, as quickly as possible. That's my comment. Thank you, sir.

MR. BELL: Thanks, Chester, for driving that home. Brian, did you have Art next? Was he next in line?

DR. CHEUVRONT: You have Art and Dewey and Rusty.

MR. BELL: Okay. Art.

MR. SAPP: Guy, thank you for coming and giving us this presentation. I too want to echo Chester in letting you know that this really is a major, major issue, and the one response the group that I'm involved with outside of this council got from HMS was that sandbar sharks were recently assessed and that they wouldn't be looked at again until 2070. Nothing was more disheartening for a very large group of fishermen that make a living in this ocean down here to hear that, and it almost felt like, well, you all might as well just go ahead out of business, and we don't care. Please change the train of thought a little bit on that.

MR. DUBECK: I mean, I just want to -- Again, it was assessed recently, and so we have incorporated those new results from that assessment, but Amendment 14 is setting up the framework for us to set up the process to then properly evaluate that stock assessment result and build in whatever needs to be -- Whether the quotas need to change or what, and so like, in this framework here, with the different -- Since we're going to be actively managing the recreational and the commercial discards -- In the past, we would do our shark assessments, and we do very few, and we do one species, or regional species, a year.

Then, once we determine what the path would be, we would actually, pretty much off the top, set kind of a -- Just a static number, and we would take off the recreational landings, all mortality of recreational, and the commercial discard number, and we would not evaluate that, or look at that, until the next assessment, and we are very behind on some of those. With us actively managing, we could adjust those numbers to more real time of how the fishery is operating, and, if the numbers are changing, there could be changes in the quotas, and there could be changes in the management measures, and it would be more, pretty much, adaptable to what's going on currently.

MR. BELL: All right. Thanks.

MR. SAPP: That is promising, for sure. That's promising, and I appreciate that.

MR. BELL: All right. Thanks, Art. Dewey.

MR. HEMILRIGHT: I had a question and a comment, and my question was at what point does the stock of sandbar have to get to that where it would be taken out of the guinea pig fishery, the research fishery, and let other fishermen fish on that, and at what point -- What is the metric tonnage that has to be allowed for that to happen?

MR. DUBECK: Thanks, Dewey. I don't know what the metric tonnage would be. Again, like I said, we are going to be rolling in the new assessment in with Amendment 14 and probably changing the quotas and ACLs appropriately. With that, we would evaluate whether other changes are needed. If it seems that the sandbar TAC is very large, and that the research fishery can't harvest all of it, then we would consider other management options, but I don't know what that TAC would be, or what that right number would be, at this time.

MR. HEMILRIGHT: How about on the east coast now, with our shark fisheries, and are quotas being met, presently, on the east coast and not in the Gulf of Mexico?

MR. DUBECK: No, and so, right now, they are not being met. I think the aggregate large coastal landings were roughly at 30 or 40 percent, and hammerhead was maybe 25 percent of the quota that's available, and, again, that's this year, but, in the past couple of years, they have not been met on the Atlantic side.

MR. HEMILRIGHT: So it's not a problem with quota available, and it's a problem with there is nobody to harvest the quota, so to speak, and I heard Chester's comments, and also Art's comments, and I have been having to fish under and have been involved with HMS since 1994, and it's a slow process, and I feel like this could be another five years, at least, before you will see any changes to increased harvest of fish, because there is no fishermen left, and so you can have all the quota you want, but, if nobody is there to harvest it, it's a long road, and so everybody plan on more sharks eating your fish. Thank you.

MR. BELL: All right. Thanks, Dewey. Rusty, are you there?

MR. HUDSON: Let me start with our Executive Director. Years ago, he was wearing a different hat, and, over a decade ago, John Carmichael said it would take multiple shark-species-specific assessments per year, and then space it out, to be able to encompass everything we interact with, and so, with that said, funding and other issues have kept our stuff, our science, not able to keep up.

Now, we just finished an Atlantic blacktip assessment, and we had an unknown status, but now we're about to receive probably a not overfished and not overfishing status, after the peer review, and it's due out on the 11th of this month, and then the discussion will start on that, and that's a nearshore animal, like the blacktip. I mean, the blacktip is a nearshore animal, like the bull shark that you're dealing with over here, and that was brought up as one of the depredation scenarios, as well as sandbar.

Sandbar is a research fishery, and Dewey brought up that, and it was brought up about the recent assessment, and that assessment was an update. What we really begged to have is something that really drills down, and we've never had the Mexican cooperation, and you have a heck of a

population of transient sandbars, and dusky, that overwinter in Mexico, and they come up in the spring, late winter and spring, and the folks down there in south Florida is the first ones to see sandbars closer to shore and dusky further offshore, and then they work their way on up.

Then, in the fall, they work back, and they go back to Mexico, and these are adults, a breeding population, that mix with the resident populations of both of these stocks, and you have those major nursery grounds in the places, and the minor nursery grounds in the places, between Texas and Delaware Bay, and all of this is a big deal, but all of this hasn't really been dealt with, because everybody thought everything was going extinct. Well, it's not. It's made a hell of a comeback, and I've heard it said many times, from a lot of people, that the populations of dusky and sandbar sharks currently are probably fifty to a hundred years ahead of the schedule that had been given to us for rebuilding, and yet we also have all kinds of different issues about some of the assumptions made about what affects that modeling.

Five years between assessment updates, and, once you have an assessment that you feel confident in, then you have the updates, and usually you're already two years out on terminal stuff. Earlier, I heard Roy talk about the yellowtail, four or five years, and, yes, because, when you have a terminal year, and then you have the gap, and then you do the assessment, and then you do the management, and you're already three or four years out of whack.

Amendment 14 is a good thing, a necessary linkage, and certain truncations, like the 80 percent rule that shuts you down, and then you still don't catch it. Well, this year, we're not catching it, and we don't even have the observer program full in whack on several levels, and we didn't have the research vessel going out in Narragansett this year that does it every two to three years, and now we're going to be at four years, and we're creating a bigger gap, and sandbar has been blowing up, and dusky has been increasing. They are not nearshore enough with that particular survey, working between Fort Pierce and New Jersey, to focus on blacktip. Blacktip is mostly a state-water and near-state-water situation.

As far as NMFS doing some of the stuff they've done in the last year or so, they have a great thing in trying to push for the sustainability of how we deal with our shark fins and our shark population maintenance, but we are predator rich, and this is a problem, because it's affecting fisheries from Maine to Texas and down in the Caribbean and U.S. territories, and so that's the end of my comment, and the only way we can get stuff done is get it in the queue. If you don't have sandbar in the queue yesterday, or dusky in the queue yesterday, you've got further problems.

You've got good news going on with Atlantic blacktip, and that's a good thing, and that's going to be just like Gulf blacktip, where the first question our market asks us is are those animals sustainable, not overfished and overfishing not occurring, and that's a big deal now. The environmentalists have managed to educate the public on sustainability, and so that's what you all have to achieve. Good luck.

MR. BELL: Thanks, Rusty. We appreciate your input, as always. It's not an easy situation, but it is changing out there, and, I mean, there's no question, from what people are seeing. Pick your fishery, and they're all seeing some interesting things going on with sharks. Brian, have you got anybody else in the queue for questions or comments?

DR. CHEUVRONT: Mr. Chairman, I am not seeing any other hands raised right now.

MR. BELL: Okay. Well, if no one has anything else for Guy, or any questions, again, the public comment, for anybody listening, is 31 December, and he has provided the ways to do that, and so I think that would be worthwhile for folks. If there is nothing else on this topic, Guy, I appreciate you, again, reaching out to us and being willing to be here this evening and presenting and taking some feedback, and so thanks.

MR. DUBECK: Thank you very much.

MR. BELL: If there is nothing else on this topic, it was our last topic for the day, and so we can actually adjourn, and we will pick back up tomorrow morning at 8:30. Tomorrow morning, we'll be in Snapper Grouper, and we will cover wreckfish, red porgy, and amberjack on the menu tomorrow, and then, tomorrow afternoon, we'll be dealing with Habitat, and so I have nothing else. John, is there anything else that we need to bring up right now?

MR. CARMICHAEL: Nothing that comes to mind right now. I thank everybody for a productive day.

MR. BELL: Okay, and recall Myra's comments when we got started about public input. I think that's worth re-mentioning again, and we did extend the time on that a little bit. Okay. Well, if there's nothing else, then thanks, folks, for this first day, and we will pick it up again in the morning, at 8:30, and I guess you can sign-on probably around 8:00, I would imagine, if you would like. All right. Have a good evening.

(Whereupon, the meeting recessed on December 7, 2020.)

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SAFMC December Council Meeting

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