GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

284TH MEETING

FULL COUNCIL SESSION

Via Webinar

April 14-15, 2021

VOTING MEMBERS

Kevin Anson (designee for Scott Bannon).....Alabama
Patrick Banks.....Louisiana
Susan Boggs.....Alabama
Leann Bosarge.....Mississippi
Dale Diaz.....Mississippi
Jonathan Dugas.....Louisiana
Phil Dyskow.....Florida
Tom Frazer.....Florida
Martha Guyas (designee for Jessica McCawley).....Florida
Robin Riechers.....Texas
John Sanchez.....Florida
Bob Shipp.....Alabama
Joe Spraggins.....Mississippi
Andy Strelcheck.....NMFS
Greg Stunz.....Texas
Ed Swindell.....Louisiana
Troy Williamson.....Texas

NON-VOTING MEMBERS

Dave Donaldson.....GSMFC
Lt. Nicholas Giancola.....USCG

STAFF

Matt Freeman.....Economist
John Froeschke.....Deputy Director
Beth Hager.....Administrative Officer
Lisa Hollensead.....Fishery Biologist
Mary Levy.....NOAA General Counsel
Jessica Matos.....Document Editor & Administrative Assistant
Natasha Mendez-Ferrer.....Fishery Biologist
Emily Muehlstein.....Public Information Officer
Ryan Rindone.....Lead Fishery Biologist/SEDAR Liaison
Bernadine Roy.....Office Manager
Camilla Shireman.....Administrative & Communications Assistant
Carrie Simmons.....Executive Director
Carly Somerset.....Fisheries Outreach Specialist

OTHER PARTICIPANTS

Jeff Angers.....Center for Sportfishing Policy
Tristan Armer.....MS
Jeff Boyd.....Orange Beach, AL
Rick Burris.....MS
Eric Brazer.....Shareholders Alliance
Catherine Bruger.....Ocean Conservancy
Patrick Carron.....MS
Richard Cody.....NOAA
Michael Currey.....AL
April Depaola.....Orange Beach, AL
Blakely Ellis.....CCA, AL
John Franck.....Franklin, TN
Benny Gallaway.....LGL Ecological, TX
Jim Green.....Destin, FL
Ken Haddad.....ASA, FL
James Hall.....AL
Chad Hanson.....Pew Charitable Trusts
Seth Haukebo.....Galveston, TX
Scott Hickman.....Galveston, TX
Peter Hood.....NMFS
Glenn Hughes.....ASA
Dylan Hubbard.....FL
Gary Jarvis.....Destin, FL
Michael Jennings.....Freeport, TX
Joshua Kilborn.....FL
Edwin Lamberth.....Mobile, AL
Brian Lewis.....FL
Bill Kelly.....FKCFA, FL
Ray Mayhall.....Mobile, AL
Jay Mullins.....FL
Clay Porch.....SEFSC
Cory Quint.....Mobile, AL
Nathan Putnam.....LGL Ecological, Galveston, TX
Kellie Ralston.....ASA
Nick Ruland.....
Joe Scarpa.....NOAA OLE
Herbert Stevenson.....AL
Sean Sullivan.....Mobile, AL
Mark Tryon.....Gulf Breeze, FL
Ted Venker.....CCA
Spud Woodward.....SAFMC
Brad Young.....Nashville, TN
Bob Zales.....Panama City, FL
Jim Zurbrick.....Steinhatchee, FL

- - -

TABLE OF CONTENTS

Table of Motions....4

Call to Order, Announcements, and Introductions....6

Presentation of the 2020 Officer of the Year/Team of the Year Award....8

Adoption of Agenda and Approval of Minutes....9

Presentations....10
- Exploring Unexplained Variability in Stock-Recruitment Relationship Estimates for the Gulf of Mexico's Greater Amberjack (Seriola dumerili)....10
- Recommendations to the Gulf of Mexico Fishery Management Council: Coordinating Data and Approaches to Conduct a Kemp's Ridley Sea Turtle Stock Assessment....25

Public Comment....35

Committee Reports....97
- Shrimp Committee Report....97
- Mackerel Committee Report....107
- Data Collection Committee Report....124
- Habitat Protection and Restoration Committee Report....140
- Reef Fish Committee Report....142

Supporting Agencies Update....250
- South Atlantic Council Liaison....250
- NOAA Office of Law Enforcement....251
- Mississippi Law Enforcement Efforts....254
- Gulf States Marine Fisheries Commission....256
- U.S. Coast Guard....257

Other Business....258
- USDA Dietary Guidelines from Department of Health and Human Services....258
- Background Information on Executive Orders from NMFS....260

Adjournment....260

- - -

TABLE OF MOTIONS

PAGE 101: Motion to direct staff to begin a framework action to set up reporting requirements for the expiring 3G cELB program to transition it to a new platform for effort reporting of the Gulf of Mexico federal shrimp fishery. The motion carried on page 103.

PAGE 104: Motion to recommend to NMFS that federal waters be closed out to 200 miles to run concurrent with the date that the State of Texas recommends for the 2021 Texas shrimp closure in the Texas Territorial Sea. The motion carried on page 105.

PAGE 106: Motion that staff send a letter to SEFSC expressing our support for conducting an assessment of the Kemp's ridley stock when time and funds allow, and that this assessment consider the modeling approach presented by LGL Ecological Research Associates. The motion carried on page 107.

PAGE 109: Motion in Action 2 to move Alternative 4 to Considered but Rejected. The motion carried on page 109.

PAGE 110: Motion in Action 5.1 to remove "Preferred" from Option 2b in Alternative 2. The motion carried on page 114.

1

PAGE 114: Motion in Action 5.2 to select all the South Atlantic preferred alternatives and options. The motion carried on page 114.

PAGE 116: Motion in Action 7 to make Alternative 2 the preferred. The motion carried on page 120.

PAGE 134: Motion to direct staff to begin a framework action to address equipment failure and possible exceptions for charter vessels, headboats, and commercial reporting. The motion carried on page 139.

PAGE 151: Motion in Action 1 to make Alternative 2 the preferred alternative. The motion carried on page 174.

PAGE 174: Motion to request the SSC consider new information and revised report (GRSC) to provide catch advice for red snapper for 2021 and beyond. As part of the discussion, the SSC should consider the existing ABC Control Rule as well as the National Standard Guidelines. The motion carried on page 179.

PAGE 181: Motion to approve the Framework Action: Modification of Annual Catch Limits for Gulf of Mexico Red Snapper and that

it be forwarded to the Secretary of Commerce for review and implementation, and deem the codified text as necessary and appropriate, giving staff editorial license to make the necessary changes in the document. The Council Chair is given the authority to deem any changes to the codified text as necessary and appropriate. The motion carried on page 183.

PAGE 186: Motion in Action 1 to add a new Alternative 6 that would change the state-specific red snapper private angling component annual catch limits (ACL) using modified percentages from those identified in Amendment 50A in state survey currencies through 2023. Alabama would retain the ACL that was issued in Amendment 50A (1,122,662 pounds). The motion failed on page 192.

PAGE 193: Motion that the council accept state surveys of recreational red snapper as best available science. The motion failed on page 206.

PAGE 206: Motion in Action 1 to make Alternative 2 the preferred, with an implementation date of January 1, 2023. The motion carried on page 224.

PAGE 228: Motion in Action 1 to make Alternative 2 the preferred. The motion failed on page 238.

PAGE 239: Motion to approve the Framework Action: Gulf of Mexico Red Snapper Recreational Data Calibration and Recreational Catch Limits and that it be forwarded to the Secretary of Commerce for review and implementation, and deem the codified text as necessary and appropriate, giving staff editorial license to make the necessary changes in the document. The Council Chair is given the authority to deem any changes to the codified text as necessary and appropriate. The motion carried on page 241.

- - -

The Full Council of the Gulf of Mexico Fishery Management Council convened via webinar on Wednesday morning, April 14, 2021, and was called to order by Chairman Tom Frazer.

CALL TO ORDER, ANNOUNCEMENTS, AND INTRODUCTIONS

CHAIRMAN TOM FRAZER: Welcome to the 284th meeting of the Gulf Council. My name is Tom Frazer, Chair of the council. The Gulf Council is one of eight regional councils established in 1976 by the Fishery Conservation and Management Act, known today as the Magnuson-Stevens Act. The council's purpose is to serve as a deliberative body to advise the Secretary of Commerce on fishery management measures in the federal waters of the Gulf of Mexico. These measures help ensure that fishery resources in the Gulf are sustained, while providing the best overall benefit to the nation.

The council has seventeen voting members, eleven of whom are appointed by the Secretary of Commerce and include individuals from a range of geographical areas in the Gulf of Mexico with experience in various aspects of fisheries.

The membership also includes the five state fishery managers from each Gulf state and the Regional Administrator from NOAA's Southeast Fisheries Service, as well as several non-voting members.

Public input is a vital part of the council's deliberative process, and comments, both oral and written, are accepted and considered by the council throughout the process. Anyone wishing to speak during public comment should call the toll-free phone number provided on our website and on the screen during the public comment period during the meeting.

A digital recording is used for the public record, and, therefore, for the purpose of voice identification, please unmute your line when your name is called and state your first and last name.

MS. BERNADINE ROY: Kevin Anson.

MR. KEVIN ANSON: Kevin Anson.

MS. ROY: Patrick Banks.

MR. PATRICK BANKS: Patrick Banks.

MS. ROY: Susan Boggs.

MS. SUSAN BOGGS: Susan Boggs.

MS. ROY: Thank you, Susan. Leann Bosarge.

MS. LEANN BOSARGE: Leann Bosarge.

MS. ROY: Andy Strelcheck.

MR. ANDY STRELCHECK: Andy Strelcheck.

MS. ROY: Dale Diaz.

MR. DALE DIAZ: Dale Diaz.

MS. ROY: J.D. Dugas.

MR. J.D. DUGAS: J.D. Dugas.

MS. ROY: Phil Dyskow.

MR. PHIL DYSKOW: Phil Dyskow.

MS. ROY: Tom Frazer.

CHAIRMAN FRAZER: Tom Frazer.

MS. ROY: Martha Guyas.

MS. MARTHA GUYAS: Martha Guyas.

MS. ROY: Robin Riechers.

MR. ROBIN RIECHERS: Robin Riechers.

MS. ROY: John Sanchez.

MR. JOHN SANCHEZ: John Sanchez.

MS. ROY: Bob Shipp. Joe Spraggins.

MR. RICK BURRIS: This is Rick Burris.

MS. ROY: Thank you, Rick. Greg Stunz.

DR. GREG STUNZ: Greg Stunz.

MS. ROY: Ed Swindell.

MR. ED SWINDELL: Ed Swindell.

MS. ROY: Troy Williamson.

MR. TROY WILLIAMSON: Troy Williamson.

MS. ROY: Thank you. Dave Donaldson.

MR. DAVE DONALDSON: Dave Donaldson.

MS. ROY: Thank you. Nicholas Giancola.

LT. NICHOLAS GIANCOLA: Nicholas Giancola.

MS. ROY: Thank you. You can proceed.

CHAIRMAN FRAZER: Thank you, Bernie. I am going to go ahead and turn this over to Mr. Diaz for an announcement of the 2020 Officer of the Year or Team of the Year Award. Mr. Diaz.

ANNOUNCEMENT OF THE 2020 OFFICER OF THE YEAR/TEAM OF THE YEAR AWARD

MR. DIAZ: Thank you, Mr. Chairman. About five years ago, the Gulf of Mexico Fishery Management Council started the Law Enforcement Officer/Team of the Year Award to recognize excellence in federal fisheries law enforcement. The council recognizes that law enforcement is vital to accomplishing the goals of the council and to properly manage the resources of the Gulf of Mexico.

It gives me great pleasure to announce that Texas Marine Tactical Operation Group has been chosen as the Gulf of Mexico Fishery Management Council's Law Enforcement Team of the Year Award.

The Texas Parks and Wildlife Division of Law Enforcement has created a specialized unit, comprised of specially trained, equipped, and tactically provisioned game wardens known as the Marine Tactical Operation Group for Marine Operations. In 2020, the Marine Tactical Operation Group has seized over 116,000 feet of longline, 2,500 feet of gillnet, and recovered over 3,600 pounds of red snapper, safely released three sea turtles, and has seized two commercial Mexican fishing vessels and referred five cases to NOAA, all while patrolling the Gulf of Mexico in the department's long-range vessel, the Captain Murchison.

While patrolling the Rio Grande, the team has also seized over 14,500 feet of gillnet, seven hoop nets, along with releasing thousands of pounds of spotted seatrout, redfish, snook, blue crab, and other aquatic species back into the water. This small five-person team wholeheartedly believes in the work that they do, and they strive to protect Texas waterways.

With a positive attitude and professional poise, they have been able to build and maintain relationships with their state and federal partners. These hardworking individuals selflessly work endlessly, endless hours, for the betterment and protection of Texas fisheries, natural resources, all while having a smile on their face. Congratulations to the Texas Marine Tactical Operation Group. We appreciate your work.

Mr. Chairman, I do believe that this award will be officially presented whenever we meet in Texas this year, and the Texas meeting is scheduled for August 23rd through 26th in San Antonio, Texas. Mr. Chairman.

ADOPTION OF AGENDA AND APPROVAL OF MINUTES

CHAIRMAN FRAZER: Thank you, Mr. Diaz, and, again, congratulations to the Marine Tactical Operations Group out of Texas, a well-deserved honor, and I look forward to presenting that award in August when we visit San Antonio, and so thank you for your fine work.

We will go ahead and move forward with the Adoption of the Agenda and the Approval of the Minutes. If you could refer to Tab A in your briefing materials, that will be the Adoption of the Agenda. I don't think we necessarily -- We've got it pulled up here, and so can I get a motion to approve the agenda as written?

MR. BANKS: So moved, Mr. Chairman.

CHAIRMAN FRAZER: It's moved by Mr. Banks. Is there a second?

MR. DIAZ: Second.

CHAIRMAN FRAZER: It's seconded by Mr. Diaz. Okay. Is there any discussion? I am not seeing any, and so is there any opposition to approving the agenda as written? Seeing no hands or hearing no objection, we will consider the agenda adopted. The next order of business is the Adoption of the Minutes, which would be Tab A, Number 4 in the briefing materials. Can I get a motion to approve those minutes?

MR. DIAZ: So moved, Mr. Chair.

CHAIRMAN FRAZER: Okay. Motion to approve the minutes by Mr. Diaz. Is there a second?

MR. RIECHERS: Second.

CHAIRMAN FRAZER: It's seconded by Mr. Riechers. Thank you, Robin. All right. Is there any other discussion or any edits or modifications that might come up here? I am not hearing any or seeing any hands, and so is there any objection to approving the minutes as written? Hearing no objection, or no opposition, I will consider the minutes approved.

We are going to move right into a presentation. As folks are aware, the council sponsored a number of research projects recently, seven of those in fact, and this is one of those that were supported, and it's an update, and so I'm going to turn it over to Dr. Josh Kilborn to give a presentation having to do with stock-recruitment relationship estimates for greater amberjack, and so, Dr. Kilborn, thank you so much for joining us here today, and we look forward to your presentation.

PRESENTATIONS
EXPLORING UNEXPLAINED VARIABILITY IN STOCK-RECRUITMENT RELATIONSHIP ESTIMATES FOR THE GULF OF MEXICO'S GREATER AMBERJACK (*SERIOLA DUMERILI*)

DR. JOSHUA KILBORN: Good morning. Thank you for having me today. I really appreciate the opportunity to come out and talk to you all about the greater amberjack work that I did, and so, basically, the scope and the objective of this work was to look at some greater amberjack recruitment deviations from the Stock Synthesis model and try to relate them to some general ecological considerations throughout the Gulf as a large marine ecosystem kind of as a whole.

This a multiscale analysis that was conducted over both space and time, and there was some explicit modeling of temporal autocorrelation structures that I tried to pay attention to here, as well as trying to bring in some focus on the sargassum as a habitat as well as bringing in some of the ecosystem status report indicators for the Gulf as a whole, and so I was actually pretty excited to hear you all talking about the ESRs earlier, because those were the basis for a lot of my data collection.

All of this was kind of with an eye towards identifying which

leading indicators might be useful to potentially add into more formal assessments from the SEDAR process, but also to see if there was any potential capacity to inform kind of short-term interim efforts that might be able to predict some of those recruitment deviations in any given year in between formal assessments.

I'm going to walk you through the different data sources that I used, as well as the different model parameterizations that I had, because things got kind of messy pretty quickly in this project.

All of the different models that I'm looking at here are kind of falling into this constraint analysis framework, where we have the response indicator representing something that we care about, and, in this case, that's the amberjack recruitment deviations and trying to understand them through the lens of these constraints that are related to either anthropogenic or climate signals or some other type of habitat considerations, like sargassum and other ecological considerations.

The recruitment deviations that I'm working with are based off of the 2016 Stock Synthesis model that came out, and, when I talk about deviations, what I am specifically referring to are these red lines that you see here, and those are the difference between the predicted SS3 value for recruitment in any given year versus the Beverton-Holt estimate in that same year, and so those red lines represent the data that I am actually exploring.

What we see is that there's a number of positive and negative deviations throughout the series, right, and so these data here are the actual deviation time series that I explored, and I looked at the period of 1970 through 2015, and, basically, in a nutshell, a positive deviation is the case where the SS3 model prediction was higher than the Beverton-Holt, and so this would be translating to kind of an underestimate of recruitment success in any given year, and so the reality is that the recruit class was better than we expected.

The other side of that coin would be the negative deviations, where we have kind of this overestimation of what the recruitment success is in any given year, and what we can see immediately is that there's over three times as many of these negative deviations as there are positive deviations, and so trying to understand this pattern, or these deviations over time, is kind of the goal of this project.

Remember that I am trying to fit all of this into this kind of

constrained analysis framework, and so, if we kind of turn to the predictor side of the equation now, what we're talking about, in the first set of models, are the sargassum habitat, and so I have half-a-degree pixel aerial coverage of sargassum data that was monitored throughout the Gulf of Mexico, and I went ahead and broke it up into a number of different spatial areas that were specific to not only the different restricted management areas that are within the Gulf, but also the full essential fish habitat for the reef fish complex, and then I have a number of different kind of Bayesian-scale experimental areas that I was also looking at that capture the central Gulf portion, as well as the mouth of the Gulf area there, which is actually a pretty interesting little area.

All of these data were actually recorded on a monthly time scale, and so I had to sort of kind of come up with some way to put them into the context of amberjack, and so the idea was to focus on the recruitment aspect of amberjack, and, ideally, try to encapsulate some form of utilization of this sargassum as habitat in the early life stages of the amberjack's ontogeny.

To do that, I broke up these annualized data into seasonal data, so that I could pair them with the annual recruitment values of the deviations from them, and so I have one model that looks at the sargassum coverage and all those different spatial areas that covers the spawning and larval dispersal period from March through May and then a second model that looks at the June through August season, which should correspond with the pelagic feeding stages, and then, ultimately, the settlement into the young-of-the-year new recruit class.

All of the models that I'm going to describe here went through a correlation kind of first check, to figure out which variables were not overly correlated with each other, and so the two sargassum models that ultimately came out had slightly different spatial areas within them, and so the spawning dispersal period had the six management areas that you see listed along the bottom, as well as the essential fish habitat for reef fish and that mouth of the Gulf of Mexico area as well.

Those data actually spanned through 2018, but, because the amberjack data only exist through 2015 for this model, then that's where these models ended.

For the pelagic and recruitment period, it's a slightly different mixture of the spatial areas, but it's still really good coverage across the entire Gulf, to start to answer the question of are there any specific areas that are notable for

amberjack, and are they utilizing any of those sargassum as habitat in them.

There's actually two ecosystem status reports for the Gulf of Mexico that have been produced, and I used both of them as the source for data for the next portion, and, from them, I was able to pull out three different ecological models that worked over the time period that I had amberjack deviation data available. The problem is there's a lot of mismatches in the timing of these indicators, and so I had to get a little creative with how I structured these predictor models.

The first model covers the entire period that I had available of 1970 through 2015, and the only two variables that were available over that long time period without any gaps in the time series were the number of oil platforms in the Gulf as well as the number of non-petroleum-industry-related artificial reefs. The first model just focuses on those two habitat predictors as being influential to the amberjack recruitment deviations.

Then I have a more general model that has a slightly compressed time period, because those were the only dates that I had all of these data available over that period, and so this model went from 1982 through 2010, and it included a number of different general ecological considerations that ranged from climate and environment, things like the Atlantic Multidecadal Oscillation and various water temperature metrics, as well as those artificial habitat indicators that I talked about previously, some influence from the Mississippi/Atchafalaya River Basin, zooplankton levels, the number of oil spills, et cetera. Again, a lot of different things, but mostly focused on the effects to early life stages of amberjack.

Then the last model was covering the period 1987 to 2015, and this model focused on some eutrophication factors, mostly in the northern Gulf of Mexico, and so I've got the dissolved oxygen levels offshore of Texas and Louisiana for both spring and fall, and then the concentrations of nitrogen oxides and total phosphates as well, and that model covered 1987 to 2015.

Each of the models that I just described had a completely different time period associated with it, and remember that I said that I wanted to really get into some of the really explicit temporal aspects of these data, and so, for each of the different time periods, instead of directly asking the question do these predictors affect the amberjack, I want to mediate all of these through the effect of time.

The question becomes what are the effects of time on the amberjack, and so we'll go ahead and take each of those different time periods represented by the different models and decompose all of the temporal variability scales that exist within those time scales into the different component patterns that might be present.

We can go from a continuous change throughout the entire period to a series of oscillating cycles that have reducing frequencies, as you get higher up in asymmetric eigenvector map number, and so it would be a repeating process over a shorter timeframe than AEM 2 might be.

The idea here is to take these temporal eigenfunctions and do a forward variable selection process to determine which of those temporal scales that can characterize the entire time period, which of them are most important to the recruitment deviations.

Then, once we figure out what the optimal subset of those temporal factors are, then I can create a linear model that can be partitioned into two pieces, and so one that explains the temporally-structured amberjack recruitment deviations and then another which is a detrended set of information that accounts for the non-temporally-structured deviations, and so now I can start attaching those two streams of evidence with the predictor indicators, to try to figure out which ones are temporally structured and which ones are non-temporally structured.

Once you do that, the first thing that happens is you can see that all of the different models in each of the time periods, ranging from sixteen years to forty-six years, were able to be explained, to some degree, by these synthetic temporal variables, and so there is between 17 and 32 percent of the total variability from the amberjack deviations that can be explained by these temporal patterns, and they range from the kind of decadal scale oscillations to a longer-term multidecadal signal.

This just a visualization of the composition of those amberjack recruitment deviations over time, and so, on the top-left, we have the most complex of the four models that was developed, and this one actually encapsulates two different time trends within it, a twenty-eight-year continuous declining trend and then an eight-year repeating cycle, but the black triangles represent the actual recruitment deviations that we're trying to model, and then the green lines represent the temporal signal, and the blue line represents the remaining detrended non-temporal

aspect. That green line and the blue line are where we kind of jump off from and start exploring the predictors.

Again, this is just the other set of models. It's just so you can sort of see how that decomposition worked, and the real takeaway is that all of them have some amount of temporal variability explained, but the lion's share remains in this unexplained, or detrended, portion.

Remember that now the next step is to take those time series and then perform another variable selection process against those to determine which of the ecological considerations that we're interested in might be operating on those time scales or have some capacity to explain the amberjack recruitment.

The first kind of high-level takeaway is that, out of the five different models that I looked at, two of them being the different seasonal models for sargassum, only four of them produced significant selected subsets of predictor indicators that were important, and, if you look at the three under the fit column, those three are actually adding some nuance to our understanding of the time series of the temporally-structured amberjack deviations, and they are only explaining the temporal signal, and there was no additional capacity to explain any of the detrended data in those three models.

The ecological model, on the other hand, was actually able to explain some of the detrended variability, and so this is additional variability on top of the temporal signal that we're able to explain, to the tune of 24 percent of the original amberjack deviations, and so that ecological model ultimately is the best out of all of the models that was explored.

That one picked out the Atlantic Multidecadal Oscillation as well as the number of oil platforms throughout the Gulf as being the important signal, and so you can see these variables selected in red here, and those are basically the leading indicators that we would be most interested in the context of amberjack.

This is the detrended amberjack model that I was just referring to for the ecological covariates. The black triangles are still the recruitment variability that we're modeling over that time period, and the blue line is now the detrended aspect that we're trying to describe using the AMO and the number of oil platforms, which is that red line, and you can see -- I'm not going to belabor these figures, but I just wanted you to sort of see the visualized version of what these models look like, and

there is some pretty decent agreement between the predictors, covariates, and the response data.

This is the same type of visualization, only now we're explaining the green line, and so this is the long-term habitat model and the long trend that explains these data. Then these are the final two models that didn't explain a ton of variability, but, again, you can see they are pretty well capturing these temporally-structured response.

That was a lot of kind of technical, messy stuff, and so now I'm going to try to put it all together in a little bit of a better context. Remember I said the ecological model and the habitat model had the greatest capacity to actually explain deviations in the amberjack, and they both picked out two separate indicators as being important to that process, but, like I said before, the ecological model is the only one that wasn't temporally structured, and so this is kind of new variability that we're capturing on top of the temporal structure.

It's interesting that this model, as well as the habitat model, actually selected the oil industry platforms as being really important, and they showed a positive relationship with the amberjack recruitment deviations.

The AMO, on the other hand, had a negative relationship, or an inverse relationship, and so that's interesting, but then we also see an inverse relationship with the artificial reef structures in the Gulf, and, if you look at that, kind of in tandem with the relationship for the oil platform, that becomes a little bit confusing. The point is that the habitat and the climate environment in these two models really did capture kind of the best -- They had the best capacity to explain the recruitment deviations.

The sargassum and the eutrophication model didn't capture as much variability, but they did still have important variables that were selected, and, in the case of sargassum, the Florida Middle Grounds having an inverse relationship to the amberjack recruitment deviations was kind of interesting, and I will talk about that in a couple of minutes, but that was explaining variability that was already explained by the eight-year temporal signal, and so adding a little bit of nuance to our understanding, but not necessarily capturing more than what we could just model with the temporal signals. Then the eutrophication model showed a positive relationship with the dissolved oxygen offshore of Texas, which, again, is an interesting concept that I will talk about here in a second.

Putting all of this into kind of a leading-indicator context, which variables and which models have the best capacity to increase our understanding, and I would say that the climate and habitat indicators really are probably where the story is. They have the best ability to explain the recruitment variability. The problem is though that both the AMO and these artificial habitat structures are really complicated signals, in and of themselves.

Knowing that the AMO gives us some predictive capacity, it's great, but it doesn't help us understand the mechanism or the context surrounding why those changes are happening, and so that's going to make it really difficult to implement into a decision-making framework, because we don't fully understand which of the teleconnections associated with the AMO are actually playing out in the process. Is it precipitation, is it hurricane activity, loop current changes, or any of those things in combination?

The oil platform stuff is also kind of ambiguous, because the oil platforms don't exist in only one place in the Gulf of Mexico, right, and they are pretty spread out. They're somewhat clumped in various areas, but they're still a diffuse habitat resource for the animals to use. Figuring out which kind of artificial structure is important and why, whether it's auditory or chemical cues or some other type of habitat consideration, is really unclear.

The sargassum and the dissolved oxygen information I think is also really useful, and probably easier to start to understand the actual mechanism behind it, but they didn't capture a ton of variability, and so that's not great, but it is more information than we had before, but what's really interesting is like the Florida Middle Grounds having this inverse relationship with amberjack recruitment, and that's kind of a counterintuitive thing, right?

You would expect that, if sargassum provides habitat, and that potentially provides refuge, or something else, then maybe that would increase the success of recruitment, but, in this case, it doesn't seem to be, and that area has been shown to contribute to larval entrainment and things like that, and so maybe there's some kind of increased predation going on resulting from the physics, but, again, we don't really know what the story is there.

The same thing with the offshore dissolved oxygen in the fall

off of Texas, during a time period when you wouldn't really expect larvae to be in the water, and so maybe this is, again, a situation where the water quality is affecting the quality of the gametes or the offspring afterwards, and so, again, not a full understanding of what's going on there, and there's a lot of how and why that needs to be understood before we can really make solid decisions off of these things, but I do think there's some capacity to learn more there.

Like I said at the beginning, these autocorrelation structures appear to be very powerful at explaining these decadal and multidecadal signals of variability throughout our stock-recruitment relationship, and to the tune of between 17 and 32 percent of that variability, and so this might actually describe some sort of temporal process that we're not paying attention to, and that maybe we should be, or maybe this is some sort of mechanistic bias in the mathematical models.

Again, it's unclear, but I do think that this highlights some aspect that we need to be paying a little bit closer attention to, because, if we can explain the recruitment variability by just using completely synthetic variables, then I think something is going on there that we're missing.

To kind of wrap it up, if we're talking about immediate term, really short-term predictive capacity to inform interim assessments or updates in between the formal assessments, I'm not sure there's a lot of that capacity that exists right now, and part of it comes from the fact that we have a lot of complicated scale problems going on in this system, but also the fact that the publicly-available data, which is what you would need if you were going to do something in between a formal assessment period, that data is kind of mismatched in a lot of the temporal and spatial considerations, and so it makes it really difficult to work with.

As you can see, I had to use five different models to attack this problem, because I couldn't get all the data to match up nicely, and so that's something that we need to pay attention to, especially if we're going to be trying to avoid getting caught off-guard by some sort of regime shift or chaotic change in the system.

On the other hand, informing the formal assessments I think is a very real thing that we should be starting to think about, and I think that these models that I just described actually came up with some interesting covariates that we might want to start paying attention to. Again, this is a very complicated spatial

and temporal process, but there are some areas that I think we could start with that are going to have a higher return on investment faster than others.

If you want to learn about the effects of water quality, things like dissolved oxygen, you can immediately start going into the lab and testing the range for the various life stages of the animal and see how that affects survivability or success of the species, and so that stuff I think you can immediately start including into decision-making, if you get that lab work done.

Sargassum, as a habitat, and other habitat considerations, I think that's a more complicated problem, and I think there's a lot of ground that you can make up there, as far as having the capacity to explain more variability, but you really are going to need to get out in the field and start understanding these preferences of type.

Is it artificial or natural structure that's important? Is it algal mats or windrows that might be important? What type of age structures are present on these habitats, and which life stages are utilizing which habitat types? All of that stuff is going to be really important to this question, and so I think that needs to be done in a pretty focused and vigorous way.

The same thing with this issue of the AMO, right, and there's just so many different teleconnections associated with this climate signal that to be able to disentangle it all I think is a very difficult problem, and so while, again, I think it will lead to more explained variability, understanding the mechanism is going to be really difficult, and all of this can be influenced and expanded on with a lot of different simulation studies and management strategy evaluations, to really kind of get the issues sorted out.

That is actually all that I have today for you, and I would like to thank the council for funding this work, as pass-through funding through NOAA, and I really appreciate the opportunity, and I would also like to thank my colleagues here in my lab, as well as Dr. Chuanmin Hu's lab, who helped provide the sargassum data here at the University of South Florida, and so I will go ahead and take any questions, and I know I have a couple of minutes left, if anybody has any. Thank you very much.

CHAIRMAN FRAZER: Great. Thanks, Josh. That was a really nice presentation, and so I will see if we have any questions for you, right before we break for lunch, and we certainly have time for a couple. Kevin Anson.

MR. ANSON: Thank you, Mr. Chair. Dr. Kilborn, thank you for the presentation. It was very informative and very interesting. We had spoken a little bit earlier, in the Habitat Committee, about southern flounder and some of the challenges that species is facing that could be related to environmental conditions, as well as habitat, which is related or can be impacted by climate, and so I am just curious though about the sources of the data, the artificial reef data. You said publicly-accessible databases, and I'm curious, specifically for Alabama, the data sources you used.

DR. KILBORN: I actually used the ecosystem status reports and all the data that are available from them on the -- There is a NMFS ecosystem status kind of indicators website that you can go to for the Gulf of Mexico that has access to all of the different indicators that are included in those reports, and so they're actually Gulf-wide metrics, and they are not specific to certain areas, and I know some areas are a little looser than others with how they monitor the various artificial structures that are being put out into the water, and so that is a concern, for sure, but all of those data were drawn directly from the ecosystem status reports, and I believe that particular metric for the artificial reefs came out of the 2017 update.

This is part of the problem, is that all of the information contained in the ecosystem status reports are generalized to annual values Gulf-wide, and so that's adding to the complexity of the problem here, is that we're kind of speaking in very general terms about what these different indicators mean or account for.

MR. ANSON: Thank you for that explanation, and, yes, I agree with your earlier comment that that could be a little messy, if you will, using generalized data, and so I believe size of reef matters for this species, and even if, at the state level, for instance in Alabama, if we had supplied the data for state reefs, let's say, that were deployed, it would not capture all of the reefs that were deployed, but there would probably not be any indication as to reef height, which I think there's some correlation there for greater amberjack, as far as not one reef is the same as the next reef type of thing.

Then the last thing I guess I would comment is your recommendations, going forward, is that it appears a lot of these species are environmentally influenced, as far as their recruitment, and it would be interesting to see if somehow some of this eutrophication model that you've developed could be

applied for other species, since we don't seem to have a spawner-recruit relationship, per se, as far as abundance of fish, and there may be some environmental conditions that we have long-term data for that might be helpful to try to kind of model or take a look at recruitment over time series for species that we manage, and so thank you.

DR. KILBORN: No problem, and, just to follow-up on that, real quick, I have done some other species explorations throughout the Gulf, and these dissolved oxygen values appear to be important, and so, yes, the oxygen environment keeps popping up in my analyses as being influential to a number of different species, and so I think there's a lot going on with that particular metric as well. Thank you. Are there any other questions?

CHAIRMAN FRAZER: There sure is. Mr. Banks from Louisiana has a question for you.

MR. BANKS: Thank you, Mr. Chairman. My question has to do with more the unknown, and so this was an extremely interesting presentation, and it is very interesting work, and so I appreciate that presentation. If this work is showing between 17 and 32 percent explained variability in recruitment, do you have some ideas, or maybe your next step in the research, to try to find out the source of all of that unexplained variability? What's your next step, I guess, to try to hone-in on that unexplained variability and the factors that are important in that?

DR. KILBORN: That's a good question. I don't have a great answer for you, to be completely honest, because I think a lot of that unexplained variability is going to come from things that we're not really paying attention to right now. Like I said, I was only looking at the indicators that were already collected by the National Marine Fisheries Service for our region.

The only new data that I brought into this process was the sargassum coverage data, and that actually showed a little bit of promise already, and so that gives you an idea of the fact that there is stuff that we're not paying attention to that is undoubtedly important to a number of different species in the Gulf waters, and so I think, personally, if I were going to -- If I had unlimited money to go and look at this problem, I think the next thing I would do is focus on habitat.

I do think that habitat is a really important issue, especially

with amberjack, and there's a lot of things that we're not paying attention to, as far as habitat. We're counting certain things, but, like Mr. -- I'm sorry, and I forget who the question was from, but, from the first question, they already pointed out that we're not paying attention to the height of a lot of these artificial structures, and so I think high-relief structure is probably the variable that we need to be paying attention to, or one of the variables.

Again, I think there is a number of different kind of field-related questions that need to be answered first, before we can really build a predictive model, but we can only work with what we have right now, and so that's what I have done, and highlighting some threads to pull on, I think, already, but, moving forward, I think we need to kind of get creative and start thinking outside of the box, and a little bit less traditionally, and start to understand what other things have we not been paying attention to that might actually be controlling these systems.

MR. BANKS: I appreciate that explanation, and I think you're exactly right, because it goes to what Kevin said, especially when you look at the model that showed that oil platforms seem to have, at least directly speaking, a big impact on explaining variability in recruitment, but artificial reefs did not, and I think that goes to the difference in the structural complexity to those two habitats. All artificial reefs, as Kevin said, aren't created the same, and they certainly, at least usually, from a height standpoint, don't have the height that an oil platform does, and so I think you hit the nail on the head, and so I appreciate that.

DR. KILBORN: Thank you.

CHAIRMAN FRAZER: We're going to go ahead and entertain one more question from Dr. Porch.

DR. CLAY PORCH: Thank you for that, Dr. Kilborn. That's a very interesting presentation, and there's a lot of food for thought. I wondered if you could tell us a little bit about how you initially selected all of the covariates and avoided the potential of spurious correlations, because, as you know, if you look for enough things, you will find correlations, even if there is no real cause and effect, and so I'm curious about the initial selection. Then, related to that, have you put any thought, or do you have any discussion, regarding the mechanisms that would contribute to the correlations that it appears that you're seeing?

DR. KILBORN: Sure. So, like I said, kind of in the body of the talk, one of the really big challenges of dealing with ecosystem status report data is figuring out the timing of the different indicators and how they kind of match up with their time series start and endpoints, and so that is kind of one of the big things that immediately starts weeding variables out for you, whether you want to or not, and it's just how available are the data over the time period you're interested in.

That plays a pretty big role in which variables I can actually start to investigate in this multivariate context. That being said, to get around some of that, and to include as many variables as I could, that's why I broke it up into several different models, and so that's why there is a habitat model and a general ecological model and a eutrophication model, and so that was kind of the first cut, was that.

Then the focus was, like I said, trying to find things that I could hypothesize as maybe being influential to the early life history stages of amberjack, and so that's where most of those variables that were selected came from, is kind of those general hypotheses of this might be something that affects recruitment success, or a match/mismatch kind of hypothesis, for this scenario.

That kind of led to the different models and the variables that were selected there, but then, once I collected a large number of variables, I still wanted to do -- I want to, and have to, avoid the multicollinearity problems, and so I did do correlation analyses for all of the variables in the selected indicator suites for the sub-models, and I only retained variables that were less than 85 percent correlated with any of the other variables.

That's why, when I was looking at the sargassum stuff, a lot of the large basin-scale variables ended up dropping out, because they were highly correlated with something else that was more spatially explicit and a little bit more useful, in my opinion, and so there was a little bit of kind of researcher bias that went into those decisions, but all of it was based on these correlation analyses and the significance of those correlations and all that good stuff.

Then, from there, moving into the variable selection process, I actually used Akaike's information criterion to try to reduce and to pull out the optimal models that were the most parsimonious subsets of the variables that I had that could

explain substantial proportions of the variability, and so I think that was the first question.

Then the second question was did I dig into any of the mechanism or speculate on what sort of mechanisms or processes might be causing them, and, like I said in the talk, there's some things, and I touched on it a little bit in the report, of a few of the mechanisms that might be at play, but I kind of am real cagey about answering that question in a direct manner, because I don't know the answers to those questions.

Like I said, the Florida Middle Grounds and sargassum having an inverse relationship is weird and unintuitive, and so maybe that does have something to do with the physical processes there entraining larvae, which we've seen before in that area, and maybe, if that happens, where there's a big sargassum year and other species are taking advantage of that habitat, then maybe they are increasing their predation. Again, it's hard to say for sure without getting in the field and really observing what's going on.

I can make similar claims about various other mechanisms, but none of it really makes any sense until we get out there and start validating some of these things.

DR. PORCH: Thank you for that. Just for the council's benefit, I wanted you to know that we're actually -- The Southeast Center is involved with several other partners to explore those very things, the mechanisms that might control recruitment, and so a lot of ongoing work that I think is benefiting from collaborations and projects like this.

DR. KILBORN: Thank you.

CHAIRMAN FRAZER: Josh, I just wanted to thank you again, on behalf of the council, for coming and giving the presentation, because there is a lot of interest in this work, and we could probably have a very, very lengthy question-and-answer period, but, in the interest of time, I'm going to let you go and say thank you, and I look forward to an opportunity in the future to talk more about stuff.

DR. KILBORN: Thank you.

CHAIRMAN FRAZER: You bet. Thanks, Josh. We are going to go ahead and break for lunch, and we will reconvene at 1:00, and so will see everybody after lunch. Thank you.

(Whereupon, the meeting recessed for lunch on April 14, 2021.)

- - -

April 14, 2021

WEDNESDAY AFTERNOON SESSION

- - -

The Full Council of the Gulf of Mexico Fishery Management Council reconvened via webinar on Wednesday afternoon, April 14, 2021, and was called to order by Chairman Tom Frazer.

CHAIRMAN FRAZER: Welcome back, everybody. I hope you guys enjoyed your lunch. We're going to go ahead and continue with a presentation on Coordinating Data and Approaches to Conduct a Kemp's Ridley Sea Turtle Stock Assessment, and that presentation will be given by Dr. Gallaway and Dr. Putnam, or one or the other, and so we will go ahead and get that presentation loaded up.

DR. BENNY GALLAWAY: Thank you very much. Dr. Putnam will be making the presentation. Thank you.

CHAIRMAN FRAZER: All right. Dr. Putnam, we will let you go ahead and get started.

RECOMMENDATIONS TO THE GULF OF MEXICO FISHERY MANAGEMENT COUNCIL: COORDINATING DATA AND APPROACHES TO CONDUCT A KEMP'S RIDLEY SEA TURTLE STOCK ASSESSMENT

DR. NATHAN PUTNAM: Good afternoon, everyone. I'm going to give a presentation about some work that was funded by the Gulf of Mexico Fishery Management Council last year, and myself and Dr. Gallaway from the LGL Ecological Research Associates led this work, and we got a good bit of help and input from folks at the Southeast Fisheries Science Center, Chris Sasso and Paul Richards in particular, and a retired NOAA guy, who you all might be aware of, Charles Caillouet. We put this together, and these are our recommendations for coordinating data and approaches to conduct a Kemp's ridley sea turtle stock assessment.

In the presentation, I will give you guys a brief introduction on why we need a stock assessment, how that relates to the key aspects of Kemp's ridley biology, some of the elements of the most recent stock assessment that had been conducted by Gallaway

et al. in 2016, or published in 2016, and then some thoughts on other proxies, indices, and factors to include that could provide some of the important information on Kemp's ridley vital rates and a better assessment of their population dynamics and their status and some recommendations for the stock assessment modeling approach that could be taken.

We would like to know -- So, why do we need a stock assessment? Well, because we would like to know what the Kemp's ridley population is doing. They have a rather interesting set of trends here that you can see here, or that you might be able to see, and the nesting by Kemp's ridley occurs predominantly in the western Gulf of Mexico. More than 90 percent of nesting is focused in the region around Tamaulipas, Mexico, shown with the red squares. A minor amount is in Veracruz, in those orange squares, and then a fairly small amount is on the Texas coast, shown in yellow.

The magnitude of nesting and the time can be seen on the right-hand side of your screen, and the Kemp's ridley population, when protections began by Mexico in the mid-1960s, was supporting about 6,000 nests a year. As you can see, that declines through the mid-1980s, to a rather worrisome low level of only 700 or 800 nests, and then it gradually begins to increase, and it was actually on an exponential pace, growing around 20 percent each year from 1990 up to 2009, and then something happened, boom, in 2010. There's a sharp decline from that exponential growth that had been occurring, and, since then, the nesting has been rather variable and difficult to predict from one year to the next.

What happened in 2010 has been a source of considerable speculation, and a handful of hypotheses have been put forth. What happened in 2010? Well, there was an oil spill, and did that cause the major decline? Other thoughts might be on shrimping, which has sort of historically been a major problem for sea turtles, and it's been thought to be an order of magnitude more problematic, in terms of mortalities, than other anthropogenic activities combined, and then, also, there are questions of whether this could be somehow related to density dependence, and at what point does the population become self-limiting, and at what point is the Gulf only able to hold so many turtles?

Each of these questions has been addressed at some level, and the oil spill was sort of scratched off early on by the NRDA trustees, saying that sort of the timing of the oil spill and the associated damages and response was sort of later in the year, in terms of when they thought that Kemp's ridleys would

probably be migrating to nests in Tamaulipas, and so they didn't think that the major downturn in 2010 was responsible -- That the BP oil spill was responsible for the major downturn that occurred in 2010, basically leaving open the possibility that habitat degradation from the spill might limit the population's ability to rebound subsequently, but they didn't think that the big drop in 2010 was likely related to the oil spill.

What about shrimping? That was investigated by a rather large team of strategical experts about four years ago, in terms of developing a Kemp's ridley stock assessment model, and that was led by LGL's Dr. Gallaway.

In that stock assessment model, what was particularly unique about it was that they accounted for shrimping effort, in terms of estimating anthropogenic mortality, and they assumed, in that model, that all anthropogenic mortality should be related to shrimping, and so they sort of shifted all anthropogenic mortality to shrimping, and, in those assessments, it was pretty clear that now way could you slice out an explanation for a downturn in Kemp's ridley nesting in 2010 with shrimping effort. That just didn't seem to be compatible with the existing data, in terms of the magnitude of shrimping effort, its distribution over the habitat that Kemp's ridleys occur, and so that was scratched from the list.

What about density dependence? We took part in an analysis that was led by Charles Caillouet, one of the co-authors on this paper, and one of LGL's team statisticians, Scott Raborn, and that is our one hypothesis so far that has not been scratched off the list, and you can see the citation on the next slide in *Chelonian Conservation and Biology*, where the trends in nesting are certainly consistent with density independence over a portion of the data that have been recorded, in terms of nesting, from say before the 1960s through about the year 2000.

Then, from 2000 on, there is evidence for a density dependence, with the idea that being that you can only get so many turtles out of more and more eggs and that, at some point, resources become limiting and competition among turtles becomes a buffer against further rapid population growth.

That's not to say though -- The analysis that was done there, it's a bit of a curve-fitting exercise, and the model that was applied was, if you assume exponential growth, what does the population look like, what do the trends look like, how well is the variance explained. If you assume it's a logarithmic function, what does the trend look like?

You can draw lines through messy data in all sorts of ways, which is what this graph shows, and what we are recommending, and what we think is worthwhile, is a more mechanistic approach to assessing the Kemp's ridley population and changes through time.

What we think would be -- There's nothing wrong with some curve fitting and some hypothesis testing and investigation from that perspective, but we think that, taking into account some key aspects of Kemp's ridley biology and working towards a process-based method for assessing what the population is currently doing and what it's likely to do in the future is the more productive route.

To catch you up to speed on some key aspects of Kemp's ridley biology, you already know that they nest primarily in the western Gulf of Mexico, and they're really focused, primarily, off the coast of Tamaulipas, and the turtles -- After eggs have been laid, the young will scamper down the beach, and they disperse into the Gulf of Mexico, and they are transported by surface currents to oceanic nursery habitats, where they remain for a period of a year or two.

They eventually recruit to the continental shelf foraging grounds, particularly in the northern Gulf of Mexico, and also, to some degree certainly, the Atlantic seaboard, after which they will -- After say another ten years or so, they will reach maturity and return to the vicinity of their natal site, to those nesting beaches, where they will mate and lay eggs and then return back to their foraging grounds on the continental shelf, typically a distance from the nesting sites, back towards Louisiana and west Florida and the Campeche Bank.

With that in mind, we can think about how certain elements of the life cycle could give us insight into population dynamics. Can we better predict future nesting with information on hatchling production input into the population? As you go along, they drift along for that two-year period, and those recruitments -- If we could measure recruitment into those foraging grounds, from the pelagic into the neritic environment, would that help predict future nesting? There's, obviously, some interest in stock-recruitment relationships, and that might be useful to apply to sea turtles in addition to fish.

Then the third question we might ask is do foraging conditions predict future nesting, and so how does food availability and prey availability and mortality, things that might be

detrimental to turtles, influence future nesting?

The closer you get back to that circle, likely the more informative, perhaps the more powerful, information is, in terms of accounting for what type of nesting is going to happen in a given year, and so, from the next slide, you can see an example of sort of what we're thinking about.

On the top graph, this is hatchling production as it relates to nests, and so there's a logarithmic relationship between hatchlings produced and numbers of nests laid, in this case twelve years later.

Below that, we have a relationship that we are showing between juvenile strandings in Florida, on the west coast of Florida, and the number of nests produced eight years later, and so a timeline of eight years, and so you can see, again, interestingly, interesting in terms of the shapes of the curves, you have a logarithmic function, in terms of hatchling production, and you have a linear function, in terms of those strandings data, which might be indicative of recruitment, and so, as more young turtles recruit to the West Florida Shelf feeding grounds, you might expect to see more strandings, and that seems to be consistent with some of the data that we have accumulated.

At a fundamental level then, we can think about assessing population status with information on the reproductive output, the immigration into the population, natural mortality, anthropogenic mortality, and immigration out of the population. For Kemp's ridleys, which are engaging, as we already talked about, in natal homing, if we're thinking about the population from an index of nesting, then immigration and emigration can be sort of assumed to be minimal, and we can focus mostly on things that relate to reproductive output and things that relate to mortality.

If we're wanting to do that, if we're wanting to think about forecasting Kemp's ridley nesting, if we look at past nesting and look at the relationship of hatchling production, again at that twelve-year time lag, we can see that there's a -- That does a decent job of predicting the overall trend in the population.

If you look at the next slide, which is forecasting nesting using a recruitment index, it does a decent job of picking up the wiggles that you see from one year to the next, and, if you add those together, we see that you can do a pretty decent job

of accounting for future nesting based on those two indices of hatchling production, or strandings, a metric for -- A strandings metric for recruitment, and up to 78 percent of the variants can be accounted for by those two factors.

What we would like to think is that, perhaps with additional information on the later life stages, and so, for instance, things related to foraging grounds for the larger juveniles, in terms of them eventually reaching maturity, or the adults, in terms of them developing a sufficient energy source to migrate and reproduce, we could probably do even better than that.

Taking a step back, this is sort of the elements from the past Kemp's ridley stock assessment, and it was really instrumental, as I already alluded to, in a number of ways. If you go to the next slide, I highlight some of the key things that were really useful in this from the stock assessment, in that we had good data for nesting, and we had good data for hatchling production.

Thanks to the survey efforts they are doing in Mexico, we have a good idea, a very good idea, of how many nests are laid and how many hatchlings are actually coming off of those beaches and then what was added in was this information on shrimping effort and spatially segregated across the Gulf and by depth zone and relating that to shrimp trawl mortality and catchability of turtles by different ages, and then, later on, accounting for the influence of TEDs, in terms of reducing the risk of turtles to mortality from shrimp trawls.

In that effort, and, again, I have sort of highlighted particularly some stuff about that stock assessment in green. In red, we have some information that was included, but the information on there that was available at the time wasn't maybe as robust as we would like. For instance, things related to the proportion of hatchlings that are female, that's going to be pretty important for nesting, if you're censusing the female portion of the population. It would be nice to know how many of those hatchlings that are coming off the beaches are females and if there are differences in terms of sex-biased survival or distributions.

Another thing that was sort of lacking was the habitat weighting, and so information on Kemp's ridley distribution in the Gulf was based on expert opinion on the relative importance of each of the shrimping zones to mature females, and those were certainly informed opinions, but not statistically robust, and I will step outside of the bounds here to say that, in my own opinion, it's not the most robust way to estimate distributions

of turtles.

Then we have things like clutch frequency and remigration interval and natural mortality, which were set or fit by the model without a good deal of information on what might cause those to vary through time.

In terms of making things better for the future, there are a handful of proxies and indices and factors that we think could be included at this point, and they primarily relate around spatial and temporal variation in the Kemp's ridley distribution and better information on the variation and the demographic parameters of this population.

For instance, for the spatiotemporal variation in Kemp's ridley distribution, you can imagine why that would be useful if you have -- Again, on the left side of this, we have a map that shows an estimated mean abundance of Kemp's ridley by -- In one-degree-by-one-degree latitude and longitudes over the period of 1996 through 2018.

We can overlay that on various threats to Kemp's ridleys. For instance, say you have Gulf of Mexico shrimping effort, and we have recreational fishing effort in the final panel to the right, and we can look at how those are changing through time, and so we see, on the bottom panel, Kemp's ridleys tend to be increasing, but not uniformly across the Gulf. Some places are seeing higher increases than others, in terms of those model predictions, at least.

We see that shrimping effort has been declining over this time period, but not uniformly across the Gulf. That's, again, primarily, as you can see, in the western Gulf, and things like recreational fishing effort have also been changing through time, and they're predominantly increasing along the West Florida Shelf and around North Carolina, but stable or declining in other locations.

Relating turtle distribution and abundance to the distribution and magnitude of potential threats, we should be able to get better estimates of natural mortality rates, and, again, thinking about this by life stage is going to be a useful direction for future stock assessments.

As an example for thinking about variation, potentially, in demographic parameters, one of the main -- Two of the main things that we need to think about, in particular, are clutch frequency and how many nests are laid by a turtle in a given

year and the remigration interval, the number of years turtles take between nesting.

That is because, if a turtle lays one or two nests in a season, that means that your population size could differ by 50 percent, and so, if each turtle is laying one nest, and you get 10,000 nests, that means something very different, in terms of population abundance, than if you have 10,000 nests and turtles are laying two nests per season.

If that varies through time, you could get pretty wide swings in your abundance, or your abundance indices, and, given that such changes are rather profound, or could be changing 50 percent, based on clutch frequency, or maybe 33 percent changes based on the differences in remigration interval through time, and those two things could conceivably account for all of the major peaks and troughs in nesting data that we have seen so far.

Getting a handle on that would be useful, and this graph here shows some of the work by Donna Shaver, who has been tracking that rather important information for Texas. Getting similar information for Mexico, where the bulk of the population is nesting, is also important, and so that's something that we are working towards, with developing analysis of a long-term tagging database that, again, probably needs to be continued through time, as a way of tracking the population status.

Those were a handful of examples of what we think should be included in future stock assessments, in terms of providing indices on things that could influence reproductive output and that could influence mortality in these populations, and the yellow things are items all related to spatial variation in Kemp's ridley distributions, and the blue are related to variation in demographic parameters, and the green are something of a mix between those two. With each of these, we have decent data available that could be input and included into a stock assessment model.

What we think would be a productive way to look at that would be to, with all of those various indices, to conduct a series of range-finding analyses, using sort of simple matrix models that have been described in a publication with our colleagues at Texas A&M University, and Benny Gallaway is an author on that paper, and so we think that we could have -- We could benefit from a sensitivity analyses to look at how each of these potential indices, or parameters, could be influenced, could be shaped, by the data that we have available.

Then, once we have a good sense of what factors are going to be important for assessing the Kemp's ridley stock, and accounting for variation through time, then a robust modeling approach, sort of following in the footsteps of the Gallaway et al. 2016 assessment, which would be able to incorporate really any of those indices that we have mentioned in the previous slide and be able to account for, again, a variety of factors that could influence reproductive output and mortality rates.

With that, I think I will close and thank you for the time. If we go to the next slide, I have some acknowledgements for folks who have contributed to some of the thoughts and the work that was presented in here, and I am happy to take questions.

CHAIRMAN FRAZER: Thank you, Dr. Putnam. That was a really nice presentation, and I'm sure we'll have a few hands up. I will give a second for the little lag time that we have on our screen here. It looks like the first hand is Ms. Bosarge.

MS. BOSARGE: Thank you, Mr. Chairman, and thank you, Dr. Putnam, for the presentation. I thought it was quite informative. This is actually the second time I've seen it, and I believe you also presented it to the Shrimp Advisory Panel a couple of weeks ago I guess it was now.

DR. PUTNAM: Yes.

MS. BOSARGE: So I'm intrigued by a lot of the different ideas that you have. I appreciate the effort to try and bring in some different indices, and I especially like that stranding index and trying to sort of quantify recruitment and abundance a little bit in that way.

I think it is a good idea to always explore the newer data that may be out there as we collect more and more, and the Shrimp AP did pass a motion, after seeing your presentation, and their motion stated that the Shrimp AP requests the council to support the conducting of a new stock assessment of the Kemp's ridley sea turtle population according to the modeling approach presented to the AP by LGL Ecological Research Associates and for the council to communicate that support to NOAA.

I am certainly onboard with that motion, and I hope -- I know that time and funds are always limited resources within the Science Center and within NOAA, generally speaking. However, we just had a presentation that was asking us, during the Habitat Committee, about climate change, and it mentioned protected species and things of that nature, and so there may be -- In

this next round of budgets and funding, there may be some shifting priorities, maybe, for the agency, and, if there are, and you do have some funds that can be directed towards something like this, some endangered species work, I would hope that you would put this type of project high on your list, a stock assessment for the Kemp's ridley sea turtle, and keep that in mind, as it's extremely important to not only the shrimp fleet, but the council and management in general. Thank you.

CHAIRMAN FRAZER: Thank you, Ms. Bosarge, for those comments. I will wait and make sure that we don't have any other hands. I am not seeing any, Dr. Putnam, and so, again, I want to thank you for your presentation. It was quite informative, and I enjoyed it, and we'll see if we can pass along some of those recommendations that Ms. Bosarge made. With that said, we are going to transition platforms here, and I'm going to have Bernie provide some instructions for us before we go to our public comment period, which is scheduled for 2:00 p.m. Bernie.

MS. ROY: Good afternoon. What I'm going to do is end this current conference call, and then I will be putting the phone numbers up for the council members to call in, and I will have the instructions for the public to also do the same if they wish to speak. I will be doing that momentarily. We can go ahead and hang up now, and I will put those instructions up. Thank you.

CHAIRMAN FRAZER: Good afternoon, everyone. Public input is a vital part of the council's deliberative process, and comments, both oral and written, are accepted and considered by the council throughout the process.

The Sustainable Fisheries Act requires that all statements include a brief description of the background and interest of the persons in the subject of the statement. All written information shall include a statement of the source and date of such information.

Oral or written communications provided to the council, its members, or its staff that relate to matters within the council's purview are public in nature. Please email any written comments to the staff at gulfcouncil@gulfcouncil.org, as all written comments will also be posted on the council's website for viewing by council members and the public, and it will be maintained by the council as part of the permanent record.

Knowingly and willfully submitting false information to the

council is a violation of federal law. If you would like to provide testimony, please dial the toll-free-operator-assisted number at 1-(833)970-2435, as shown on the screen.

Please press *1 on your telephone now to be placed into the speaker queue. The operator will come on the line and let you know when it's your turn to speak. When your line is unmuted, please introduce yourself by stating your first and last name for the record and begin your testimony. Stay tuned after speaking for any questions the council may have for you. You will lose your place in the queue if you are not present when called. To re-enter the queue, you must press *1. If you get disconnected from the phone call, you will have to call back in and press *1 to re-enter to queue.

You will have three minutes to comment. There will be a countdown timer visible on the screen. We accept only one registration per person. Please wait on the line after you have finished speaking to find out whether the council has any comments or questions for you. I will now go to the operator for our first speaker.

OPERATOR: Our first speaker is Catherine Bruger.

PUBLIC COMMENT

MS. CATHERINE BRUGER: Thank you. I am Catherine Bruger, Policy Analyst for Ocean Conservancy. First off, I wanted to thank the council staff for making these virtual meetings possible. We realize that it can be trying at times, but we appreciate your perseverance.

We have patiently supported council attempts to address these critical calibration issues. This represents Ocean Conservancy's eleventh testimony to the council on the subject. We know there are council members who understand the mathematical rationale behind the common currency issue, and we applaud the council staff for their clarifying presentation on the subject, yet state management continues to violate the law.

At this point, to state that the council hasn't had enough time and needs to delay action is ludicrous. The council has squandered opportunities to solve this problem by deflecting, delaying, and advancing illegal options. Every member of this council took an oath promising to conserve and manage our fisheries for the greatest overall benefit of the nation, being careful to balance competing private or regional interests. You promised, quote, to uphold the provisions, standards, and

requirements of the Magnuson-Stevens Fishery Conservation and Management Act.

Failing to bring state management into compliance with the law violates your oath to represent the nation's best interests, not just recreational interests and not just your state's interests, and not just this year's interests. The burden of delaying action is being shouldered by accountable sectors.

The private angler component has not been confined to an accountable ACL since 2017. The bottom longline index currently reflects that abundance estimates have flattened or declined since then. Overfishing occurred in 2019, and that designation will unfairly tarnish the reputation of the for-hire and commercial sectors. How these overages will impact reallocation discussions is yet to be seen, by the mere existence of four years of uncalibrated data looms as a troubling recipe for unjust and unfair decision-making.

Last, we deeply appreciate the work of the SSC, who faced both an unprecedented range of scientific uncertainty and political pressure. While the Great Red Snapper Count will undoubtedly advance our understanding of red snapper, premature press statements packaged as final results left the public with false hope for more fish. Now we owe it to the public to clarify that scientific integrity is alive in peer review.

We reiterate that the appropriate next steps for the Great Red Snapper Count are to complete peer review by addressing the concerns of the reviewers and proceed through the regular SEDAR process. We are confident that, by following this well-defined and transparent process, the results can help grow our knowledge of the stock, while simultaneously reducing management uncertainty. Our request is simple. The council must take final action at this meeting to address overages due to a lack of common currency. Thank you, Mr. Chair.

CHAIRMAN FRAZER: Thank you, Ms. Bruger. I will wait just a second, to make sure that there aren't any hands up from the council. Okay. I am not seeing any. Again, thank you, Ms. Bruger, for your comments. We'll go to our next speaker.

OPERATOR: Our next speaker is Bob Zales.

MR. BOB ZALES, II: This is Bob Zales, representing SOFA and NACO. A couple of things. Number one, I sent an email in there about our charter and headboat recreational data program, and there's a key issue on there, and it's not something that just

applies to the vessel owners, with the loss of income that they could lose if an electronic device fails, but the key issue is for the family with the small children who have planned their vacation for months around their fishing trip.

When they get to a boat and that equipment fails, that boat, according to what you all have there now, cannot sail, and, during the red snapper season, there will not be another boat available. That family will lose their importance of their vacation, and those little children, who had looked forward to catching their first red snapper, are going to be highly disappointed.

There's a real simple way to fix it. All of you have to do is, if that equipment fails, allow the charter boats to be able to call-in and call-out until they either get a replacement piece of equipment or get that one fixed.

On the commercial side, the red grouper issue is still a critical issue, especially with the allocation. What little bit I heard this morning, and I guess it was Leann that was talking about most of this, there are still significant problems with this change from MRIP to the MRIP-FES system.

Apparently, there is problems with the weight calculations, and there is clearly problems with going back through history thirty years to try to figure out what was caught, and things were entirely different thirty years ago. Before we go to changing allocations in any fishery based on this information, this new system needs to be fully vetted out, and let's work out all the details and get all the issues done, and then let's see where the information lies and then go from there.

Another problem that we have with the red grouper fishery is the discard mortality on red snapper for the vessels that have no quota, that are either being forced to lease quota or they're discarding the fish. This is not good for the stock, and it's not good for the fishermen.

There are now issues, from what I understand down-state, to where you have some fish houses now that are kind of holding some of these guys hostage, because they will lease them quota if they sell fish only to them, and so what you've got is you've got some fish houses that are small and family-operated that don't have any quota that are now losing the vessels that traditionally have sold to them. Those are issues that need to be looked, and that's my testimony. If anybody has got any questions, I will be glad to try to answer them.

CHAIRMAN FRAZER: Thank you, Captain Zales. Let's see if we have any questions from the council members. I am not seeing any, and so, again, thank you, Captain Zales, for your comments.

MR. DUGAS: Mr. Chairman, I thought I had my hand raised.

CHAIRMAN FRAZER: I didn't see it. Sorry, J.D., but go ahead. Do we still have Bob Zales on the line?

OPERATOR: We don't have him on the line anymore.

CHAIRMAN FRAZER: All right. I'm sorry about that, J.D., but you can ask your question, and I will write it down and get it to him.

MR. DUGAS: Mr. Chairman, in regard to Captain Zales' comments, I thought that the charter captains, if they had an issue hailing-out, that they could simply call in to NMFS' office, and so maybe the question is not for Captain Zales, but maybe for someone at NMFS.

CHAIRMAN FRAZER: Sure, J.D., and I've written that question down, and I think what we can do is go ahead and clarify that for you later in the council meeting, okay?

MR. DUGAS: Thank you.

CHAIRMAN FRAZER: All right. Will do. We will now go to our next speaker.

OPERATOR: Your next speaker is Gary Jarvis.

MR. GARY JARVIS: Captain and Mayor Gary Jarvis, Destin, Florida, which I'm speaking on behalf, and as Executive Director of the Charter Fishermen's Association.

The Charter Fishermen's Association has always focused our efforts to work within the management process that utilizes science-based approaches for an accountable and sustainable fishery. Our industry has made sacrifices over the years to bring sustainable and accountable and stable seasons to our anglers and businesses that could be counted upon.

The findings and subsequent discussions of the Great Red Snapper Count and its relationship to the fishery has us in a position to support an increase in the ACL, with such a large -- of the level that was set. Yet, it's important to note that we

supported an increase that is sustainable and legal.

Our board of directors, who are professional fishers with over twenty to forty-plus years on the waters of the Gulf of Mexico, feel that the fishery can easily sustain a 10 percent increase for one year, until the benchmark stock assessment is completed and it allows the science to determine what the Great Red Snapper Count as a whole means for the management of the fishery.

After the discussions and the votes made yesterday during the Reef Fish Committee, to see if they would also like to see the for-hire sector's buffer be reduced to 3 percent, and, in the last seven years, we've remained accountable, and we have underfished our sector's allocation, and we believe this consistent, sustainable management of our sector has earned us a reduction in our buffer like that of the commercial sector.

We feel like our sector has reasonable expectations, considering the flexibility given to the private angler sector, that we should be given some consideration for increased access, while remaining well under our ACL.

Our organization also has worked diligently with the SEFHIER team to enhance and fix the challenges that we've had with the launch of the electronic logbooks. We have provided a support program to help our fleet members set up accounts and address individual issues, and I just want to say a big thank-you to Rich and Jenny and the SEFHIER team, and also the app providers, who have all been open to our suggestions and the fixes in the past four months.

It's not perfect yet, but we hope that our communication will overcome the remaining issues that we have to work through, and, also, we are front and center encouraging buy-in and compliance with ELB requirements for federally-permitted charter/for-hire fishermen. This is truly a team effort, and we're glad to be part of it.

Then a P.S. By the way, can anyone tell us if and when there will be an amberjack season here in the spring on May 1? Thank you, everyone.

CHAIRMAN FRAZER: Thank you, Captain Jarvis. I am seeing if we have any hands up. I see, on my screen, J.D., but I suspect that's an old hand.

MR. DUGAS: Yes, sir.

CHAIRMAN FRAZER: Is your hand up, Andy Strelcheck?

MR. STRELCHECK: Yes, and thanks, Tom. Thanks, Captain Jarvis. First, I wanted to thank you and the many charter captains that are working with NOAA Fisheries to improve the SEFHIER program. We really appreciate you working with us and identifying problems and troubleshooting it and then, obviously, being patient as we work through some of those challenges to make the program better.

I did have a question for you, just so I understood your comment correctly, and you said that the CFA supports a sustainable catch limit. You also said that you would support an increase of 10 percent, and so I'm not quite understanding kind of how that jibes with the current ACL that's before the council of 15.4 million pounds. Are you suggesting to go higher than that, or you're supportive of the current preferred alternative?

MR. JARVIS: Well, what we based that on is all the discussion -- I should say -- I would like to say fighting, but that's probably not appropriate, but about the Great Red Snapper Count and the decisions that came out of the SSC, and we just feel like, if there's going to be any type of flexibility or increase to the fishery, because of that disparity between the OFL that's been raised by fifteen million pounds, and there has been no definitive comments or votes by the council, up to this point, based on the SSC-recommended 300,000 pound increase.

We're just giving our anecdotal two-cents worth that, if there's going to be an increase in the interim, after listening especially to the motion that was passed in Reef Fish, that our fishery could sustain a 10 percent increase, and so we're just going on the public record that we feel like that wouldn't be too high. The caveat is, as you saw in my public comments, that it's considered sustainable and legal, and so we kind of left ourselves an out there.

MR. STRELCHECK: Thanks, Gary.

CHAIRMAN FRAZER: I am looking to see if there are any other hands, and I am not seeing any, Captain Jarvis, and so thank you for your comment. I appreciate it.

MR. JARVIS: Thank you, sir.

CHAIRMAN FRAZER: You betcha. We'll go to our next speaker.

OPERATOR: Your next speaker is Dylan Hubbard.

MR. DYLAN HUBBARD: Thank you for your time, council members. I'm Dylan Hubbard from Hubbard's Marina out of central west Florida. One thing, on the Great Red Snapper Count, is this was such a unique approach to our fisheries science, and I hope to see many more projects like this is the future. Fisheries-independent science is so valuable, yet so expensive and time-consuming to collect and maintain historical time series.

Since this issue is going on, I feel like there's probably a lot of influential people listening into these public comments, and I feel it's a great time to point out that the Gulf, South Atlantic, and Caribbean Councils all share one science center, while other councils have their own dedicated science center, allowing for more research track assessments more frequently.

I feel like studies like this Great Red Snapper Count shine a light on the importance for our councils to have their own more-well-funded science centers, but the Gulf of Mexico will be keeping Dr. Porch, if any additional centers come out of this comment.

Also, I hope to keep politics out of our fisheries science, moving forward. I would really like to see the federal for-hire buffer decrease from its current 9 percent buffer between the ACL and ACT for red snapper to some more exponentially lower amount. This would provide us more access to fully utilize our fishery and quota and provide more access to the private recreational anglers that use our vessels to access this fishery.

For red grouper, which seems to be getting pushed back to the back of the room right now, because of the outstanding issues with a more Gulf-wide species like red snapper, I am encouraged that the IA is slated to be reviewed by the SSC, finally, in May, and that IA has been ready since January, and I feel that this health check of our fishery will show that the fishery has rebounded considerably and remains on the rise of rebounding. We've seen this on the water, and many people have been talking about this in our area. This is a very cyclical species, and the trends in this species are very cyclical, and I think we're on the uprising of a more healthy fishery.

I think these IAs annually are so important, and I so appreciate the council for making that a directive to the Southeast Fisheries Science Center, but, as the Reef Fish AP motion stated, I think there's a super big importance of automating

those health check catch level recommendations into this cyclical fishery, to kind of more smooth out those landings, and also our catch levels, and so moving to automating that would be awesome.

On Amendment 53, I would encourage the council to take a hard look at the Reef Fish AP's motion on adding an additional alternative to the document. This was a very hard thought-out approach to somehow reach a more middle-ground option between the extremes of Alternatives 2 and 6 to the commercial fleet or Alternatives 3, 4, and 5 to the recreational fleet.

This document really muddies the water on an already difficult circumstance, and it's unfortunate that we can't celebrate the efforts of improving private recreational data collection, but, instead, we're left to fight for historical access and our ability to continue prosecuting our fishery, as we have historically. This is the last of the major reef fish that has a year-round season in our area along central west Florida, and my family business really depends on this species.

Lastly, on the Great Red Snapper Count, as mentioned, I think I could support a very small increase to the red snapper ACL, but there's a lot of issues that the Great Red Snapper Count brings up, especially reproductivity of the stock. Just simply looking at it, there's all these more fish out there than we thought, and then obviously they're not reproducing as quickly as we thought, and I think any increase in this fishery needs to be considered legal, and that needs to be the main focus here.

We cannot continue to make illegal motions and support overfishing our ACL or ABC, and especially our OFL, which has been exceeded in past years. Due to COVID, nothing really came of those OFL overfishing -- Exceeding our OFL, which is concerning, especially with localized depletion occurring in some areas and in some fisheries, and luckily not in mine, but this is definitely something we need to take a pause with.

Red snapper is kind of the fisheries management success story, and I would hate to see us start backsliding as we too aggressively approach increases with some ground-breaking science approaches like the Great Red Snapper Count.

Then, also, I want to make sure that we continue to stay under our ABC and ACLs and really keep track of those landings, no matter what sector it might come out of.

Then, lastly, amberjack trips are scheduled literally two weeks

from now, and my area has a huge, huge issue that we are waiting to go out fishing for amberjack. We have people flying in, and it would be really nice to be able to give them a heads-up whether or not we're going to be able to target amberjack. I understand there's a bunch of issues with the MRIP data from last year, and COVID caused a lot of problems, and I get it, but, if we're not going to have the season, just let us know, so we can let our guests know, and that would be really, really nice, to have that come out of this meeting. Then I want to echo some of the earlier --

CHAIRMAN FRAZER: Dylan --

MR. HUBBARD: I'm out of time. I get it. Thank you, all.

CHAIRMAN FRAZER: Thank you. Let's see if there's any hands. I see Andy still has a hand up, and I'm wondering if that's an old hand.

MR. STRELCHECK: No, it's a new hand.

CHAIRMAN FRAZER: Go ahead, Andy.

MR. STRELCHECK: Thanks, Tom. Thanks, Dylan, for your comments, and Gary brought it as well for amberjack. Just to let the industry know, we are trying to do some calculations to finalize an estimate for whether we can reopen greater amberjack or not. Dylan alluded to we've been waiting on MRIP data from 2020, which has been delayed due to COVID, and so we are trying to get to a decision point as quickly as possible and make an announcement regarding fisheries status as far in advance of that May 1 date as possible, and so I just wanted to give you a heads-up on that. Thanks.

MR. HUBBARD: I appreciate that, Andy, and I know you guys are working on it, and I know this has caused a ton of issues for the agency and private business, and virtually everybody across the world, and so I get that. As much notice as we can give our guests is great, and that's always a benefit.

CHAIRMAN FRAZER: Okay. I am not seeing any other hands at present, and so we will go ahead. Thank you, Dylan, for your comments, and we'll go ahead and move to our next speaker.

OPERATOR: Your next speaker is Ken Haddad.

MR. KEN HADDAD: My name is Ken Haddad with the American Sportfishing Association. Mr. Chairman and council members,

thank you for allowing me to speak. My focus is on red snapper, and I want to spend a second on the optics, as viewed from the recreational public. Simply put, it really looks bad right now.

We have an SSC that mathematically did not incorporate the Gulf Red Snapper Count into its recommendation of ABC, while doing so for the OFL, and we have a framework amendment that is on the verge of creating a scenario where two states, or all states, will have substantial reductions in catch.

I listened to the entire SSC meeting as they addressed snapper, and, to me, it was very captivating, actually, and an open view of the SSC operating under pressure. While we sympathize with the situation the SSC was put under, it did not, in their final recommendation that barely passed, take into account what appeared to be broad scientific acceptance of the independent reviewers, whose main critical focus was on the western Gulf, and that was underestimating the count of snapper in the western Gulf.

Most other concerns that were brought up will be addressed in the final document for the GRSC, which I believe will be in June, and so we strongly urge that the ABC decision be sent back to the SSC and a request for them to fully document a new decision, including relevance to the National Standard 8, the use of the ABC Control Rule, and to develop better consensus for incorporating the snapper count into the ABC, as defined by the OFL that they set.

We further ask that you take no action or defer action on the framework until after the GRSC report is finalized, the SSC has met and revisited the ABC, concerns between common currency conversion relative to Alabama and Mississippi are scientifically vetted and straightened out, and the council is satisfied that adequate information has been brought forward in order to make the best-informed decisions on the framework.

To build on the car analogy, when you're driving a car and you have the bigger engine under the hood, but you're headed for a cliff, you don't just sit there and keep going straight over the cliff. You turn or stop the car, and we think now is the time to do that. For grouper, Amendment 53, we support Preferred Alternative 3 or Alternatives 4 or 5 for Action 1. Thank you, Mr. Chairman.

CHAIRMAN FRAZER: Thank you, Mr. Haddad. Let's see if there are any hands up. I am not seeing any. Again, thanks, Ken, for your comments, and we will go ahead to our next speaker.

OPERATOR: Your next speaker is Herbert Stevenson.

MR. HERBERT STEVENSON: I'm just a recreational fisherman from south Alabama, and, looking at what state management has done here, it seems to be working, and it gives us an opportunity to change seasons and extend seasons based on weather and other factors. I would like to see it stay in the states' hands, and I encourage the council to certify the state data collection surveys that are the best available for recreational harvest. The federal data collection, the mail-in surveys and phone surveys, are subject, at best.

Rather than penalizing states like Alabama and Mississippi, which have some of the tightest data systems in the Gulf, I encourage the council to take no action on the framework under consideration today. I would encourage this council to table the entire concept of recalibration until all the data from the snapper count and the state data and the MRIP recalibrations are run through the next benchmark stock assessment.

Just in general, we're seeing more snapper, on a daily basis, than we have in years, and so to discredit, or not use, the Great Snapper Count just seems kind of ridiculous to me, but I urge the council to take whatever action they can to remove the fishery from the federal management and turn it over to the states, or at least the council should remove the fishery from the MRIP process altogether and simply let the state data systems be used for management going forward, and I thank you.

CHAIRMAN FRAZER: Thank you, Mr. Stevenson. It looks like we have a question from Kevin Anson.

MR. ANSON: Thank you, Mr. Chair and Mr. Stevenson. No question, but just thank you for calling in, and thank you for -- - As a member of the private recreational sector calling in, and I know it's difficult for you all to do that and take time out of your schedules to follow the process, but I certainly just appreciate your input. Thank you, sir.

MR. STEVENSON: Great. Thank you.

CHAIRMAN FRAZER: Okay. I am not seeing any other hands right now, and so, again, I thank you as well, Mr. Stevenson, for your comments, and we'll go ahead and move on to our next speaker.

OPERATOR: Your next speaker is Glenn Hughes.

MR. GLENN HUGHES: Thanks for the work that you do and for allowing me to speak today. I'm Glenn Hughes, and I'm the President of the American Sportfishing Association, and we're the trade group that represents the manufacturers for recreational fishing, from rods-and-reels and lines and lures to tackle boxes and fishing nets and marine electronics and so much more.

In 2020, our industry contributed more than $209 million to conservation just through federal excise taxes alone to support sportfish restoration, and we believe that we represent the best interests of the fifty-five million anglers that enjoyed fishing across the country this past year.

I want to mention that I love fishing in the Gulf of Mexico, and it's some of my favorite fishing around the country, as do millions of anglers recreationally across the five Gulf states, and really folks outside of the five states, and one of the reasons is because of the abundance of red snapper and the enjoyment in catching them.

I also appreciate the economic value that it has for our industry and for each of the states and tourism and charters and taxes, and we believe that the state management system is working and should continue as-is. The states have their finger on the red snapper pulse, and there are reasons for the longer seasons. Number one is because the fish are there. Of course, the seasons can still be adjusted accordingly, based on weather and other factors, if necessary.

I encourage the council to take no action on calibrating state recreational data collection systems with federal data. The council should wait until all of the data is run through the upcoming full stock assessment, including the Great Red Snapper Count, as well as the federal and state recreational data.

The economic engine of the red snapper recreational fishing is critical to the Gulf, and to move forward now would jeopardize the state management for anglers in the Gulf and really devastate that economic engine, and that's all I have to say. Thanks.

CHAIRMAN FRAZER: Thank you, Mr. Hughes. I am waiting to see if we have any hands. I am not seeing any, and so, again, I thank you for your testimony, and we will move on to our next speaker.

OPERATOR: Your next speaker is Bill Kelly.

MR. BILL KELLY: Mr. Chairman and council members, my name is Bill Kelly, and I'm the Executive Director of the Florida Keys Commercial Fishermen's Association, and I want to thank you for this opportunity to speak to you today regarding the king mackerel gillnet fishery in the Gulf of Mexico Southern Sub-Zone, which I have done on an ongoing basis for the past eleven years.

As most of you know, we have a track record of working with the council to sustainably harvest the resource and to protect harvesters as well. In the past five year, the 45,000-pound trip limit has virtually eliminated fine, and real-time harvest data collected by one of our fishermen's wives, Ms. Betsy Daniels, for NOAA has virtually eliminated overruns, and transport in the Florida ports has increased fleet efficiency and benefitted consumers.

Fair and equitable allocation of the resource is the very heart of this issue. Over the past ten years, we have watched the recreational side harvest less than half of their six-million-pound ACL, while the commercial sector has reached their annual ACL, while receiving no increases in quota over that same timeframe.

At the council meeting in June of 2020, I was shocked to see the council's allocation review schedule, with king mackerel slated for the year 2025. By then, the council would most likely want another stock assessment, as this latest iteration would probably be considered out-of-date.

On Monday, at the Mackerel Committee meeting, Mr. Sanchez pointed out that the current allocation, at 574,000 pounds, affords just 33,760 pounds of fish per permit holder in this high-yield fishery. The question was raised as to what number would the industry consider appropriate, and I have that number for you. We would like to see the allocation increased to 75,000 pounds per permit, to a total ACL of 1.2 million pounds annually, and no less than 60,000 pounds, or an ACL of 1,020,000, pounds per year.

With the current ACL pricing operating and costs, it's extremely difficult to turn a profit. This is especially true when fishermen are converting from trap fishing to roller rigs for kingfish, and most are traveling a hundred miles or more one way to fish. At this time, stakeholders are willing to engage in the grassroots discussion on an ITQ program, or a variation thereof. However, the first meaningful step has to be the council's move to address allocation.

Again, I am surprised that Amendment 33 was not placed on the agenda for this meeting, and I hope that you will do for the June meeting, which is actually scheduled for Key West. I will see that every gillnet permit holder is in attendance at that meeting to provide both written and oral comment and meet with staff to discuss options. Thank you.

CHAIRMAN FRAZER: Thank you, Captain Kelly. I'm seeing if we have any hands up. I am not seeing any, and so, again, thank you, Bill, for taking the time to provide those comments, and we will move on to our next speaker.

OPERATOR: Your next speaker is James Hall.

MR. JAMES HALL: Hi, guys. My name is James Hall, and I appreciate the opportunity to speak at this function. I'm a recreational angler, and so I'm kind of calling on behalf of every recreational angler that I have ever talked to off the coast of Alabama that has fished for red snapper.

I own a condo in Fort Morgan, and I've been a recreational saltwater angler in the area for more than a decade, and I have spent no fewer than probably thirty days fishing the Gulf off the Alabama coast for the past several years. I'm the Editor-in-Chief of *Bassmaster Magazine*, and I only say that because, for the past twenty-two years, I have worked for Bass, a company founded on strong fishery conservation ethics, and so I understand the ramifications of fishery conservation.

I fell in love with this Gulf fishery, and I plan to retire there, and I don't want to see the mismanagement of snapper populations go in either direction, overharvest or underharvest, and, to that, I will say that state management is working. I have seen it myself, and the seasons based on state management can be adjusted based on a myriad of factors.

The reporting requirements make sense, and I have seen a lot of anglers gladly embrace these reporting requirements. I would like to see the states continue to manage the private recreational sector, as they have for the past couple of years, and, anecdotally, I will just tell you, man, that there are so many snapper out there that it's almost frustrating.

We go out, and my son and I go out, and we hit our first couple of reefs, and we catch our limit in less than an hour, and then we go looking for other fish to catch, and we simply can't get away from the things, and so the populations are super, super

strong.

The Great Red Snapper Count, actually, once I saw that, it brought to light what recreational anglers already know, if they have spent any time on the water at all, and that's that snapper numbers are far greater than any of the feds know or want to admit, and so I encourage the council to certify, once and for all, that the state data collection surveys are the best available science for recreational harvest.

The federal data collection system has clearly had issues throughout its history, and NOAA is calibrating data from phone surveys, or mail-in surveys, and I don't know how you can believe that that is accurate, and so, rather than severely penalizing Alabama and our neighbor states, and Alabama, which has the tightest data system in the entire Gulf, I encourage the council to take no action in the framework action under consideration today.

I would encourage the council to table the entire concept of recalibration until all the data, the snapper count and the state data, et cetera, are run through the next benchmark stock assessment.

I don't see how the council can conclude that any data they have ever had on red snapper is better than what the Great Red Snapper Count just produced, and the processes and procedures that I read about going in the end of that count were unbelievable, and so it's baffling to think that this process is being disregarded and that states are having to calibrate to the federal system that is shown to be faulty and unreliable.

Also, it's terrible timing to consider any reduction of snapper season, and there is a lot of small businesses in Fort Morgan, where our place is, and Gulf Shores and Orange Beach that are barely hanging on after the COVID-19 pandemic, and reducing the number of days the recreational guys can fish for snapper will greatly reduce tourism, I'm sure, and there's no telling how many dollars will be lost for these businesses and how many businesses will fail because of faulty science, and I think it would be a travesty.

In conclusion, given the state data systems and the Great Red Snapper Count, it would make a great deal of sense to simply hit the reset button and start over with managing this fishery with the new information in hand, and so, with that, I say thank you for the time, and I appreciate the opportunity.

CHAIRMAN FRAZER: Thank you, Mr. Hall, for your testimony. Let's wait just a minute. It looks like Kevin Anson's hand is up.

MR. ANSON: Thank you, Mr. Chair. I have the same comment as before to Mr. Stevenson, but, Mr. Hall, thank you for providing your testimony today. We appreciate hearing new voices when we discuss these issues, and so just thank you. Thank you for your time.

MR. HALL: My pleasure. Thanks.

CHAIRMAN FRAZER: Okay. I am not seeing any other hands at this time. Again, Mr. Hall, just like Mr. Anson said, I thank you for your testimony, and we'll move on to our next speaker.

OPERATOR: Your next speaker is John Franck.

MR. JOHN FRANCK: Good afternoon. I'm John Franck from Franklin, Tennessee, and thank you for everything that you all do and for allowing me to register a comment today. I'm a recreational fisherman, and, while I'm a resident of Tennessee, I've been an Alabama saltwater fishing license holder for the last twenty years or so, and I make it down to the Alabama coast approximately eight to ten times a year and fish the coastal waters and the waters of the Gulf of Mexico, mostly, like the previous speaker, out of Fort Morgan and Orange Beach.

When on the coast, we generously support all the locally-owned Alabama businesses, including restaurants, tackle stores, and marinas. I care about the Alabama and Gulf of Mexico fisheries, and I want the snapper fishery to remain as robust and available for my future grandchildren as it has been over the past few years.

I try to stay informed about the fishery, even though I don't live on the coast, and it seems that the state management is working, and the seasons are now longer, and they can be adjusted according to weather and other factors, as it was back in 2020. The reporting requirements make sense, and I would like to see the states continue to manage the private recreational sector as they have for the past couple of years. For my observations, both on the water and what I follow, it's the red snapper is in abundance and remains in abundance.

From my readings and research, the federal data collection system seems to have had some significant issues, throughout its history, and there's just a lot of skepticism regarding the

federal data collection efforts, and it seems to me to continue to rely on this data -- Well, it's concerning.

It seems to me that, rather than penalizing the State of Alabama, and I understand that Mississippi is potentially at issue here, with a significantly-altered snapper season this year, and I would urge the council to not take any action in the framework of action under consideration today, and I would also respectfully urge, encourage, and request the council to take off the table the full concept of a recalibration until all the factors and data are taken into consideration, including the Great Red Snapper Count, which demonstrates there are a lot of snapper out in the Gulf of Mexico, and the state data, as well as the MRIP recalibrations, and all of these are run through the next benchmark assessments.

As the previous caller mentioned, red snapper is so important and so critical to the Alabama state economy, and particularly to local coastal business owners and their families, who have been going through a lot this past year, and not to use all the data, all the available data, all the applicable information at hand, and making the right decisions just doesn't seem fair, and it doesn't seem reasonable, and it certainly doesn't seem right.

Please take whatever actions the council can to use all the available current data and information and allow the states to manage, and I probably should have started with this, but red snapper is also pretty doggone important to us folks up here in Tennessee, and I appreciate your time in allowing me to speak today.

CHAIRMAN FRAZER: Thank you, Mr. Franck. We've got a question from Kevin Anson.

MR. ANSON: Again, not a question, Mr. Chair. This will be my third-time-is-the-charm, but I did want to make a point with Mr. Franck, the same thing I've said with Mr. Stevenson and Mr. Hall, and that is, Mr. Franck, thank you for providing your testimony. Again, it's good to hear new voices and new perspectives from folks, and so, for anyone else that might be discussing or bringing similar comments, particularly if they have experiences or are from Alabama, I'm just going to thank them in advance, and that's all, but thank you.

MR. FRANCK: Thank you.

CHAIRMAN FRAZER: All right. I am not seeing any additional hands, and so, again, thank you, Mr. Franck, for your testimony.

We'll go ahead and move on to our next speaker.

OPERATOR: Your next speaker is Jim Zurbrick.

MR. JIM ZURBRICK: Hello, council members. It's good to be able to speak in front of you, or almost in front of you. I am Fish for America's President, and I'm also a federal fishery dealer, and I'm a Gulf full-time reef fisherman and a permit holder, and so I've got a little experience when I speak on some of these issues.

I do want to thank the Ocean Conservancy, Catherine Bruger, and she really made the point. I feel and understand the frustration, and I think that their organization has used great restraint in the proceedings over the last months, and actually going on a couple of years now.

I personally am glad that we're getting an increase, and the ABC is going to increase for red snapper, and I can't imagine that somebody would like not to accept it, especially with all the good that it would do for discards. I mean, discards is a driving force for so many of our fisheries that even a small amount would help our commercial situation, with some of the leasing issues and with discards, and so I'm glad that, hopefully, you're going to accept the recommendation from the SSC.

I am going to read something off of a prepared sheet here, and so it's not going to sound like me, but reallocation penalizes accountable commercial fishermen for staying within their quotas, while rewarding a less accountable recreational sector for exceeding theirs, and this is in regard to Amendment 53.

That flies in the face of National Standard 4 of the MSA, which requires that an allocation be fair and equitable, among other requirements. Rewarding the recreational sector for overharvesting in a period where the commercial sector stayed within its quotas is not fair and equitable.

Reallocation is also unfair because Amendment 53 has penalized the commercial sector for recreational discards. Under all the reallocation scenarios, the ABC dropped from approximately 4.9 million pounds to 4.3 million pounds, a loss of roughly 600,000, and this is because, when more fish are allocated to the recreational sector, total landings have to be constrained to account for the greater dead discards from recreational red grouper fishing.

Why should the commercial sector have to pay for recreational anglers to discard dead fish? This is a recreational sector problem, and it's only fair to make the recreational sector address it. If the Gulf Council ultimately decides to reallocate, it should deduct the entire ABC decrease attributable to increased recreational discards from the recreational sector's quota.

Amendment 53, therefore, unfairly punishes the commercial sector twice, first by basing the reallocation on a period when only the recreational sector exceeded its quotas and second by reducing the overall ABC to account for greater recreational discards after reallocation.

Hopefully you folks are going to make a decision to ask for much more data, and I think Dylan made a great comment there, when he said, hey, let's see what the assessment coming up has to say and get some more info.

Also, we have to be talking about what we're going to do with the increase for triggerfish on the commercial sector. Are we going to go to an increased trip limit, or are we going to not have a closure, and so those are some questions that I know that we are going to have to address, and I thank you very much.

CHAIRMAN FRAZER: Thank you, Captain Zurbrick. Let's see if we have any hands. I am not seeing any, and so, again, I thank you for your testimony, and we'll go ahead and move on to our next -- Excuse me. We do have a hand, Jim, from Ms. Bosarge.

MS. BOSARGE: I just wanted to thank Mr. Zurbrick for his testimony. I always look forward to hearing what he has to say, regardless of the species or the topic, and I think he always has really insightful comments, and so thank you.

MR. ZURBRICK: Thank you.

CHAIRMAN FRAZER: Okay. I am waiting just a minute, Jim, to see if there's any other hands. I am not seeing any, and so, again, thanks for the time and the comments, and we'll go ahead and move on to our next speaker.

OPERATOR: Your next speaker is Michael Currey.

MR. MICHAEL CURREY: Hello, council. My name is Michael Currey, and I live in Baldwin County, Alabama. I own property in Florida, and I work in the marine industry. I travel a lot, and so you may hear some background noise from my vehicle, because I

am working, and I had some time behind the windshield to listen to the calls and to join, and so excuse my background noise, please.

As a recreational angler, I got excited about reading the Great American Red Snapper Count, because everything that I've been seeing, through my whole adulthood and childhood, is accurate. That data is accurate, and I urge the council to consider that data and use it to help make decisions, because I'm old enough to remember, a few years ago, the council and the federal government asking the states to take some more responsibility and to build some programs and to take accountability for us cowboyish recreational anglers that are out there, and they did, and they've done a great job.

States like Mississippi and Alabama, that don't have deep pockets, and they don't have deep budgets, and they sure as heck don't have a very big coastline, have spent dollars to help protect their resource and to protect, most importantly, the resource, but also recreational angling. They've done a great job.

We have to protect that, and, at the end of the day, what everyone is discussing on the recreational side, in my opinion, is a states' rights issue. They're trying to be protected from federal bureaucracies that are overreaching and overwhelmed and underfunded and everything else, and so, when independent data comes around, we should act on it and look upon it and help support better decisions, and I think, again, the better decision now is to punt. It's to figure out exactly how everything is going to shake out with the data that is up and coming and is currently out there.

I will finish with this. Again, as a recreational angler, it is very frustrating not knowing, and I've heard it from the commercial guys too, when are we going to have amberjack season, and when are we going to have the triggerfish season. Red snapper are kind of like the canary in the mine, I feel like. It's like everyone is looking at that bird to die, and red snapper have become like our point of where we have to hold onto, because I can't, with my family and my kids, I can't go out there and catch much of anything at all.

Seasons are either closed, or they're open, or they're super short, or they're unavailable to me, due to life, due to weather, due to other circumstances, and so it's very difficult to take advantage of our resource, due to -- I understand the COVID things and stalled delay times, but it's very frustrating,

as a recreational angler, to see that we have done everything that the states have asked us to do and the states have done and to have it maybe pulled out from underneath us because of federal bureaucracies, and I appreciate the time.

I know this is a very difficult position for council members, and we're all vying for a public and national resource, and so it's very difficult to manage, and I appreciate everyone's time that they spend on it, and that's all I have to add, and thank you for very much for your time.

CHAIRMAN FRAZER: Thank you, Mr. Currey, for your testimony. I will wait just a minute to see if we have any questions from the council. I am not seeing any, and so, again, thank you for your comments, and we'll go ahead and move on to our next speaker.

OPERATOR: Your next speaker is Brad Young.

MR. BRAD YOUNG: Good afternoon, and thank you, council, for allowing me to speak and allowing public testimony and for the work you do. I know it's a tough job, and there are a lot of people pulling you in different directions. I am calling from Nashville, Tennessee, and I've got a boat, and our family has had a boat, in Orange Beach, Alabama, for twenty-five-plus years, and we've fished down there for that long, and I hope to continue to do it with my kids.

We have watched the snapper seasons go, as a lot of people on the phone know, from six months to three days and all over the place. I'm going to echo a lot of what Mr. Currey said in front of me, was that the Great Red Snapper Count verified a lot of what we had already seen, that we see on the water, and you can't get anything else by them. I mean, the snapper are everywhere, and there's almost an imbalance of species of fish that are out there.

Also, like he said, Snapper Check was something that we enthusiastically participate in, so we can get some real-time data for you guys to make the best decisions for everybody involved, which is what we want, and we all want the fishery to last for everybody, and nobody that I fish with, that I'm around, wants and imbalance here, but I do think that, if this is recalibrated and Alabama loses what it looks like they might, then, gosh, you're going to have frustrated people who felt they really worked really hard to comply with the laws and the Snapper Check and all of that, and, all of a sudden, it's taken away from them, and then what you're reading in the newspaper is the Great Red Snapper Count and saying there's three-times as

many as we thought, and so I hope the council will vote no action today, and thank you for the opportunity to speak, and thank you for the jobs you do. I know it's not easy, but that's all.

CHAIRMAN FRAZER: Thank you, Mr. Young, for your comments. Let's see if we have any hands. I am not seeing any, and so we will go ahead and move on to our next speaker.

OPERATOR: Your next speaker is Lawrence Marino.

MR. LAWRENCE MARINO: Good afternoon, council. My name is Larry Marino, and I'm here today on behalf of Louisiana Attorney General Jeff Landry. Regarding the framework action to modify the OFL and the ABC for red snapper, it's obviously disappointing to everyone that the ABC won't be increasing nearly as much as the Great Red Snapper Count had suggested.

It's going to be tough news for the fishing public, after all the buildup and after finding that there's three-times as many fish as previously thought. It's also going to be difficult for them to understand, because the explanation is technical, but the result seems counterintuitive.

It is what it is, and, in any event, we ask that the SSC work to resolve their uncertainty and concerns for next season and that the council prepare to do another framework action for that for next year, so that perhaps there can be an increase to the ABC for next season, without having to wait for the completion of SEDAR 74 and incorporation of that into the ABC recommendations for 2023, or even for 2024.

Regarding the framework action for red snapper recalibrations, as to the alternatives on the table, I specifically urge the council not to select Alternative 3. As we all know, the problem is whether to use the numbers from the state systems or to convert them all to numbers from the federal system. This is only a problem for two states, and we certainly wish those states well in resolving this problem, but a solution that involves reducing the other states' quotas, specifically including Louisiana, is unfair and improper.

The problem should be dealt with regarding the states that have the problem and not by passing the problem to the other states, but that's what Alternative 3 does. It reduces the quotas for Louisiana and Florida and Texas, whose numbers do line up with the federal numbers. This would literally reallocate their quotas to Alabama and Mississippi, and they must speak against

doing this. It's not a proper solution to the problem to push it off on the other states. I therefore, once again, urge the council to reject, or to at least not select, Alternative 3. Thank you.

CHAIRMAN FRAZER: Thank you, Mr. Marino. We'll wait just a second here. I am not seeing any hands, and so thank you again for your testimony, and we'll go ahead and move on to our next speaker.

MR. MARINO: Thank you.

OPERATOR: Your next speaker is Nick Ruland. We have our next speaker, Scott Hickman.

MR. SCOTT HICKMAN: Good afternoon, Mr. Chairman and esteemed council members from around the Gulf of Mexico. This is Captain Scott Hickman in Galveston, Texas. I'm a thirty-five-year-plus participant in the charter/for-hire fishery, and I'm a Gulf of Mexico reef fish red snapper shareholder.

First off, the SSC meeting -- I followed some of that, and just seeing the outcome and how politicized it seems to me that the SSC process has become is pretty disheartening. I think I heard one of the council members talk about how the SSC is like a sacred body, and that's kind of how the scientific process should be, and so many politics shouldn't get involved in it.

The Great American Red Snapper Count, I was a proud participant in that, and the Louisiana red snapper abundance count, with Dr. Benny Gallaway and his team, which I think that report is due out this spring, and the Bureau of Ocean Energy Management count on all the platforms in the western Gulf with Dr. Gallaway and Dr. Settelmeyer's teams, and I have got a pretty good idea of the fieldwork and what goes into getting this data.

I believe in the science, and I've been part of it on multiple different projects, and we do have a lot of red snapper in the Gulf of Mexico compared to when I have been in the fishery thirty-five years ago. We've done a great job, and you all have done a great job, and this giant gap between the ABC and the OFL is absolutely craziness, and I don't like the current way the council is moving forward that will let one sector continue to overfish while everybody else is constrained to be inside their ACLs.

I have visited with some of you, where I talked and gave the impression that we have plenty of fish and that a one-year 10

percent increase across-the-board would be a good experiment, to see how the fishery reacts to a 10 percent increase, and it would go a long way in helping some of these states that are in the bind that they're in, to try to fix the common currency issues, and 10 percent ain't going to kill this fishery, but this idea of just letting folks just be unaccountable under this giant OFL is just wrong.

It's just the wrong step to take when we've done such a great job getting to this point, and I just disagree with the way that the council is moving forward, but I really believe a 10 percent increase for one year and get into the full benchmark and digest and go through what's coming out of the Louisiana red snapper abundance project with Dr. Gallaway's team that's coming up and then really go through everything on the Great American Red Snapper Count, which there's a tremendous amount of good data in that.

I am not saying it's perfect around the Gulf, and some areas did better than others, and I won't kick on anybody, but there's a lot of things to think about here, and a 10 percent increase would not hurt this fishery, in my eyes, and I've spent my whole life in this fishery.

That being said, we finished the expansion of the Flower Garden Banks, and I was the chairman of the SAC, and I wanted to thank everybody that's on the council for the hard work that they did helping us on the fisheries part of that, and we have fourteen new amazing banks in the central and western Gulf of Mexico that's part of our sanctuary, and habitat is a very important thing, and I would like to see the council start to get more active in moving forward with Coral Amendment 10. More habitat and more coral equals more fish, and that all is one big piece of this whole puzzle, and so I appreciate everybody's time, and please do the right thing on this red snapper issue with the OFL and the ABC. Thank you, all.

CHAIRMAN FRAZER: Thank you, Captain Hickman. I am waiting to see if we have any hands. I am not seeing any, and so, again, thank you for your comments, and we'll go ahead and move to our next speaker. Thank you.

OPERATOR: Your next speaker is Jim Green.

MR. JIM GREEN: Thank you. Hello. I'm Captain Jim Green, Destin, Florida, President of the Destin Charter Boat Association, President of the Charter Fishermen's Association, and I'm speaking today on behalf of the DCBA.

We want to thank the agency and the Gulf Council for the development of the SEFHIER program. The weekly webinar has allowed our industry to work hand-in-hand to better the implementation of the program. The development of the port ambassador program to outreach and educate our fleet has been a large success, and it has allowed our ambassadors to setup communication and discuss issues seen in real time and share experiences and find solutions while the software is being updated.

As we move forward into the electronic monitoring, as you've heard from Gary and Bob and a few others, we desperately wish that we had a protocol set up for equipment failure. The for-hire sector is managed with specific season dates. In return, our customers are available on those specific dates, and the industry is concerned and wants to have a protocol set up to allow us to fish while our equipment is either repaired or replaced, and we understand the first concern would be those trying to work the system, and we feel a strict process be required, where it's either an email, an online form, or a phone call with a time stamp alerting the agency to the equipment failure. From that point, we have a window of three to five business days to correct the problem.

This program is a data collection and effort monitoring program, and it does not manage an allocation-based fishery, or a quota-based fishery, and we should be able to think outside the box on this issue. The council has shown its willingness to develop a custom for-hire program, and so let's move forward on to the next phase by removing the concerns that are foreseeable. The SEFHIER program is not complete, and the DCBA and the CFA are committed to getting this program right and functioning properly.

Red snapper, the DCBA supports any legal increase and access for our industry, and we feel that we've made strides and have become accountable and continue to support initiatives that impose more burden on us to make our fishery better. We feel that our buffer should be lowered to 3 percent of that of the commercial sector, especially after the last seven years of consistent, accountable management of our sector's allocation.

With that, I want to move into where I'm just speaking personally, and I'm not speaking for any organization, because, even in our industry, and it has everyone frustrated and kind of at odds with what has happened with the Great Red Snapper Count and how it's applied to our fishery.

A lot of us are scratching our heads on how such a large OFL would be set with such a small increase in ACL and ACT. It has set up a political firestorm, and, quite frankly, hands the council a mess, which is not the word I would use, but I have to use in this setting.

You applied it to our fishery as what one can only assume is best available science, but, in the same breath, you speak of all of its uncertainties. If the Great Red Snapper Count was not ready for primetime, why is it applied at all? To be honest, it's a blackeye to the SSC, in my opinion.

I understand every state is trying to get their management correct, and some are already there and closer, but this was not unforeseen. Everyone knew that Amendment 50 data was going to have to be calibrated. Everyone knew that, because they were allowed to manage their own data, and so why, in the eleventh hour, is everybody scrambling?

It's very frustrating when you have a sector like the for-hire sector that has operated within its constraints of the law and are looking to further our anglers' access, but not have the room on the agenda to approach such issues. We have, in our industry, those that lose over half of the months of access because of early summer weather patterns, and that could be used as an increase in fishing days, but we understand the process.

We've been told that we don't get to cherry-pick the data, and it's either ready or not, and it's either accepted or not, and now we're all wondering what happened to our process, and it's very frustrating when such unclear adjustments have been made in our fishery, and I appreciate the opportunity to speak today.

CHAIRMAN FRAZER: Thank you, Captain Green. We have a hand up from Mr. Sanchez.

MR. SANCHEZ: Captain Green, thank you for your comments. Backing up to one of your earlier comments about setting up some protocol for ELB equipment failure, reporting failure, maybe -- This is just a suggestion, but ask for a lengthier amount of time to do repairs, because, at least in the industries that I'm involved in, getting piece parts for any piece of equipment, post-COVID, has become nightmarish, and so trying to do something in four business days might become real, real challenging. Thank you.

MR. GREEN: I agree, and three to five business days was kind of

just -- When you hear VMS tablets go down and stuff, and that they have to overnight one to you, and so I appreciate that input, and, yes, that would be very helpful. I just wanted to make sure that we had something that addressed the issue and made the agency and regulators feel good, but, at the same time, made sure that we get it correct and we get that reporting properly, and I'm open to a balance of that. Yes, sir.

CHAIRMAN FRAZER: All right. I am not seeing any other hands, and so, again, Captain Green, thank you for your comments, and we'll go ahead and let you go, and we'll move on to our next speaker.

MR. GREEN: Thank you, all.

OPERATOR: Your next speaker is Edwin Lamberth.

MR. EDWIN LAMBERTH: Good afternoon. My name is Edwin Lamberth, and I'm an attorney in Mobile, Alabama. I've been a recreational fisherman with my family in the Gulf of Mexico for more than forty years, and I've also worked in the charter/for-hire industry, and I appreciate the opportunity to talk today about some of the issues facing the red snapper fishery.

First of all, the states have done an excellent job managing red snapper each year under state management. We've had more opportunities to fish, and now, as a result of a threat of litigation, which is nobody managing the fishery by the way, we're being forced into this recalibration from an inaccurate -- Can you hear me?

CHAIRMAN FRAZER: Yes, we can, sir.

MR. LAMBERTH: From an inaccurate, old survey method, the telephone survey and MRIP, which I don't know anyone who has ever received that. I have never received a telephone call, and I have never received a mail, yet Alabama has arguably the most accurate data, and I applaud our state guys for the work that they've done, and we're -- The tail is wagging the dog here.

It's taking less-accurate data and attempting to calibrate it to more accurate data and discount the more accurate data. That is just a completely arbitrary and capricious way to go about doing this, and it should be rejected, and so I ask the council that they take no action on this recalibration issue.

With respect to the SSC's recommendation, it's also equally, if not more, arbitrary and capricious. No rational person denies

that the Great Red Snapper Count was accurate and reliable and based on better science than the council has ever had before. It is way more accurate than the old telephone survey or MRIP, and there is precedent for doing this in the past, and so, inexplicably, the SSC refused to use the Great Red Snapper Count and use this longline study, without any explanation.

What it does is it penalizes states like Alabama for doing an excellent job with their data management and monitoring their snapper populations, and so I would ask that the council reject the SSC's recommendation and send this issue back to the SSC, so that the accurate and reliable data from the Great Red Snapper Count can be incorporated into the management system.

CHAIRMAN FRAZER: Okay. Thank you, Mr. Lamberth, for your comments. I am not seeing any hands, and so we will go ahead and move on to our next speaker.

OPERATOR: Your next speaker is Chad Hanson.

MR. CHAD HANSON: Good afternoon, members of the Gulf Council and staff. Thanks for the opportunity to provide comments in this format today. My name is Chad Hanson, and I'm a Science and Policy Analyst with the Pew Charitable Trusts, and I would like to address three interrelated topics today.

One of the tenets of the Magnuson-Stevens Act is the requirement that good science drives and supports management decisions. Integrating new data into the management should follow established procedures to safeguard the scientific process and maintain a high level of integrity and objectivity in how the council receives and uses advice from its scientific experts.

Adapting new research that falls outside of the usual process, like the recently-concluded Red Snapper Count, takes time and should be done with care. Trading expediency for due diligence often does not produce the best results for the fish, the fishery, or the ecosystem.

The Great Red Snapper Count was a comprehensive study that provided a lot of good data on the red snapper population, and, although the study was not specifically designed to be a standalone stock assessment, it provides numerous potential estimates for fisheries monitoring the Gulf going forward.

The primary focus of the study was to provide a snapshot of red snapper abundance across the Gulf, and this study employed multiple research methods at various depths and habitats.

Interestingly, red snapper accounted for only about 15 percent of the species documented in some portions of the study.

To me, one of the key takeaways in this study demonstrates the value of transitioning fisheries monitoring into an ecosystem approach. The GRSC offers valuable insights on designing and integrating long-term monitoring programs to better target different habitat types and the associated species. We encourage the council and its ecosystem and scientific advisors to coordinate with the NMFS Science Center on developing a long-term ecosystem-based monitoring plan.

Lastly, earlier today, you received a great presentation from Dr. Josh Kilborn on examining the uncertainties associated with assessing greater amberjack. I couldn't help but think how helpful a fishery ecosystem plan could be to provide strategies to address this fishery. In conjunction with the Science Center's ecosystem status report, an FEP provides a roadmap for how to incorporate local knowledge and scientific data in ecosystem factors.

For example, it can give the council mechanisms to address factors like changes in habitat, such as discussed earlier by Dr. Kilborn, sea temperatures, circulation patterns, and increasing episodic events like red tide, to name a few. Also, the FEP is the optimal place to address climate impacts on fisheries, as discussed early this morning, regarding the Biden administration's Executive Order.

To close, we are enthusiastic about engaging with the council as it develops the FEP, and we look forward to collaborating with all of you and the stakeholders as this effort moves forward. Thanks again for the opportunity to discuss these issues with you today.

CHAIRMAN FRAZER: Thank you, Mr. Hanson. I am not seeing any hands at the moment, and so, again, I want to thank you for your testimony, and we'll go ahead and move on to our next speaker.

OPERATOR: Your next speaker is Ted Venker.

MR. TED VENKER: Thanks, council. I'm Ted Venker, and I'm the Conservation Director for the Coastal Conservation Association. I am not a scientist, but I did listen to the entire SSC meeting last week, and I used to believe exactly what Johnny said yesterday about the sanctity of science and believing that the SSC was one area that would rise above that chaos.

That wasn't the case last week, and that meeting, in my opinion, was quite a mess, but the one thing that shouldn't be confused is that the discussions of uncertainty were almost universally referencing a likelihood that the count is underestimating the population, particularly in the western Gulf. That was not the sense that I got listening to the report that the council heard this week.

Also, it seemed to me that the guidance to the SSC coming from NOAA on who could vote on the proceedings was really confusing. If I recall correctly, it started off by saying anyone on the SSC who participated in the count had to recuse themselves. By the end of the meeting, that guidance seemed to evolve to be voluntary, but that was after most of the votes had already taken place, and I don't think I was the only one confused.

Toward the end of the meeting, one SSC member, Will Patterson, expressed some alarm at not knowing what he was supposed to do and abruptly left the meeting entirely, and so you at least one SSC member eject during the meeting, and the Chairman resigned almost immediately afterward, and I have to respectfully disagree with the comment that I heard yesterday. I heard Joe Powers say distinctly that he had not read the report, and that is reflected on page 33, line 6 of the minutes from that meeting.

Additionally, I don't think that anyone disagrees with the need to calibrate the state data, and the question is why are we calibrating to perhaps the worst metric we have for private recreational harvest of red snapper?

MRIP and all its imputations and models has done nothing to earn the faith of the angling public or anyone else, and it is just like the bottom longline survey for red snapper. Just because we've used it for a long time, it doesn't mean that it's right, or anywhere close to right. There is a reason that the Pacific Fishery Management Council pulled out of MRIP altogether and uses just state surveys for their bottom fish management.

We have encouraged the council to take no action, or at least defer action on calibration until all this new information in the snapper count, state data results, and MRIP's own calibration are fed into the next stock assessment and the council can base some decisions from a more educated place.

We would also encourage the council to follow the Pacific Council's lead and consider moving away from MRIP altogether, and perhaps that process could start by inviting someone from

that council to make a presentation here on how that works.

Finally, to everyone afraid of overfishing the stock or breaking the law, let's not forget that twenty-two of the best scientists in the Gulf led the snapper count, and eighty-plus scientists participated in it, and eleven institutions around the Gulf supported it.

The count found at least 800 million pounds of red snapper that we didn't know were there, and so we can talk about cars and engines and things like that, but the fact is that we are nowhere near overfishing this stock, and, if anything, we are managing it like it's a Prius, when we have a Ferrari. I really appreciate the time to address the council today, and thank you, guys, for what you do.

CHAIRMAN FRAZER: Thank you, Ted, for your comments. I am not seeing any hands right now, and so we have it looks like one more speaker, and we will go to him now.

OPERATOR: Your last speaker is Chris Horton.

MR. CHRIS HORTON: Thank you, Mr. Chairman and members of the council. My name is Chris Horton, and I'm the Senior Director of Fisheries Policy for the Congressional Sportsmen's Foundation. I will limit my remarks to the red snapper debacle that we find ourselves in once again, and specifically to the justification for deferring the framework action on deferring the state data calibrations.

First of all, I was very dismayed with the process and the outcome of the SSC meeting a couple of weeks ago. The SSC is supposed to objectively evaluate the science and provide its unbiased recommendations for the management decisions by the council. NS 2 says that these recommendations should be by consensus, or as close as possible.

They were far from that at this last SSC meeting, and the votes were sharply divided. Ironically, SSC members seemed to agree that the Great Red Snapper Count demonstrates that we have a substantially larger stock, and this will be a game-changer for future stock assessments.

Setting the OFL using a much smaller portion of the Great Red Snapper Count estimates, based on the uncharacterized bottom, represents a somewhat understandable precautionary approach. However, using the bottom longline data to set the ABC is the precautionary approach to the extreme. I can't understand the

justification for using two starkly different datasets for the best available science to essentially inform a single ACL.

The next ABC needs to be sent back to the SSC. The most fundamental component of science-based management is really a mess, and it's just -- The calibration of state datasets of this -- We have a lot to sort out, but the good news is we know we have a lot more fish out there than we originally thought, and, with an OFL that is now ten-million pounds higher than last year, we aren't in danger of overfishing the stock.

The state data collection programs are clearly the best available science when it comes to recreational catch estimates, yet we're looking to force calibration back to MRIP metrics that we know are wrong and will change drastically in two years, in a positive way, once all this information has been incorporated. We have perhaps the best opportunity we have ever had with this fishery to safely hit pause and get management right, based on the wealth of the new information.

Finally, NOAA seems to be only natural resource management agency that can take something good for all and make it bad for a few, or at least that's what it's going to look like to the average angler in Mississippi and Alabama, and any faith that we've restored in federal fisheries management over the last few years under the state EFPs and Amendment 50 will be gone, and then some, if we move forward with the calibrations. Thank you, Mr. Chairman.

CHAIRMAN FRAZER: Thank you, Mr. Horton, for those comments. I am seeing if there are any hands, and I am not seeing any at the moment, and so I am going to go ahead and remind folks that, if they want to make a comment, that they can call the number that's on the screen. Once they get in, they would have to press *1 to enter the speaker queue. It looks like we have a number of folks that are on the line here, and I just wanted to let you know that I'm going to turn the introductions, or the monitoring, over to our Executive Director, Dr. Simmons, for the time being. I have to step away to take a phone call, but I will join you when I come back. Dr. Simmons, you're okay?

EXECUTIVE DIRECTOR CARRIE SIMMONS: Yes. Thank you, Mr. Chair. Okay. Our next speaker is Kellie Ralston.

MS. KELLIE RALSTON: Thanks, Carrie. I'm Kellie Ralston, and I am the Southeast Fisheries Policy Director for the American Sportfishing Association. I just wanted to express that we appreciate the difficult position currently facing the council

regarding red snapper.

I think, on the positive side, state management has been a tremendous success for anglers. We've had consistent seasons, and states have been able to tailor their seasons to the needs of their constituents, and it has allowed for expanded recreational access to this important fishery.

In addition, Gulf state data collection programs have allowed for more precise and timely estimates of recreational harvest, and the results of the groundbreaking Great Red Snapper Count have given us an expanded understanding of the stock's abundance, but we certainly have challenges remaining, primarily with incorporating that state data and the Great Red Snapper Count results into stock assessments and management.

Given the compressed timeline for the SSC review of the Great Red Snapper Count and the resulting OFL and ABC recommendations that are based really on two different interim analyses, and the additional information that we're anticipating in the final Great Red Snapper Count report, we would ask the council to return the ABC recommendation to the SSC with a request for further review and that it be based on the Great Red Snapper Count interim analysis for consistency with the OFL.

With the OFL in place, the concern of overfishing under status quo is not an issue, and so we also ask the council to defer further actions on the calibration framework until after the SSC finishes its review in the fall, so that you as the council can make decisions based on the most complete information available. Thanks again for the opportunity to speak to you today.

EXECUTIVE DIRECTOR SIMMONS: Thank you, Ms. Ralston. I think we have a hand up. Mr. Banks, did you have a question?

MR. BANKS: No, and I was just going to respond to a few of the comments that have been made over the course of public comment, but I can do that at the very end.

EXECUTIVE DIRECTOR SIMMONS: Okay. Thank you.

MR. BANKS: I keep hearing the same thing over and over, and I think we need to clarify what the true issue is. Thank you.

EXECUTIVE DIRECTOR SIMMONS: Okay. Certainly. Any other hands for Ms. Ralston? Okay. Bernie, I am not seeing any others. Our next speaker is Jay Mullins. Thank you.

MR. JAY MULLINS: Good afternoon. For what I wanted to say is I was overly impressed by Mr. Frazer's comments yesterday, and he was talking in regards to making wiser decisions at the council level because of the social and economic impacts that some very rash decisions have been made in our current fishing system here, and I was also impressed to hear that we're not going to make no fast, quick decisions on pushing a lot of fish out there, when we really -- Forty years may sound like a lot of history, but it's actually nothing. It's a drop in the bucket when we look at our fishery.

Has it made an amazing comeback? Absolutely, the red snappers have, but something that we can take away from the Great Red Snapper Count is that we've got an overabundance of red snapper here in the eastern Gulf, and we have sent multiple letters in to you guys, and our senators here from the State of Florida, about the issue that we have over here with the discard issue of the red snapper that the IFQ system was supposed to help alleviate, but it's actually not.

Furthermore, I don't really know too many things, but, when it comes to a recreational issue -- Because I don't classify myself commercial or recreational, and I'm a fisherman. I just happen to be blessed to be able to catch a lot of fish and get paid a lot of money to do so. You know, that's a blessing from God that I've got a passion and I get paid handsomely to go out and catch fish for a living.

I don't pay somebody else, and I rely on God to fulfill all my needs in life, but having a year-round fishery that is a year-round open fishery, as the red grouper are here in the State of Florida, that's kind of harsh on the ecosystem, period. Putting that much pressure on one species is very tough, and we can hurt our environment.

I think we need to take a step back and look at -- You know, we all have seasons, and the reason why we have seasons in life for stuff is so we have a sustainable future, you know, and that's one thing. You know, we try to feed the American public, and, at the end of the day, the American public is going to be the one that gets penalized, if you want to take more fish from the commercial fishermen and give it to the recreational.

Do I admit the recreational sector is growing? Absolutely, and the commercial sector is shrinking, and I stated that at the first meeting that I attended there a few years ago, and we need to start sustaining our commercial fishermen, because we are a dying breed. We have no recruitment. Our recruitment is

getting pushed out of the business because we have a major drug epidemic going on.

I wish some people would look at this and make some more intuitive decisions when it comes to the management. You know, to say that we don't have red snapper in the eastern Gulf is a joke. We all know that we do. We want 10 percent. Well, if science doesn't back a 10 percent increase, we don't need a 10 percent increase.

I feel the best science, as was stated yesterday that we need to hold back and confirm all of this stuff, is the best way to move forward with it. I had the honor of taking my seven-year-old son out on a two-week-long fishing trip with me offshore, and I had to answer a seven-year-old's questions of why we have to throw back fish, why we have to cut off all the sharks, and --

EXECUTIVE DIRECTOR SIMMONS: Mr. Mullins, I'm sorry, but we need you to wrap it up, sir.

MR. MULLINS: All right. Well, I would appreciate that we take a more intuitive look as to how we can handle our discard issue, as you all have gotten letters from us here in the eastern Gulf, which I know we represent the majority of fishermen out there, and these aren't just letters of ideas. These are facts that we sent you. Thank you very much.

EXECUTIVE DIRECTOR SIMMONS: Thank you, sir. Could you stay on, to make sure that we don't have any questions from council members?

MR. MULLINS: Yes, ma'am.

EXECUTIVE DIRECTOR SIMMONS: Mr. Sanchez.

MR. SANCHEZ: Jay, I just wanted to say hello. We've been speaking throughout the last few weeks, and I understand your concerns with red snapper discards and everything, and I guess, if we work our way through this red snapper situation that we're in now, we'll certainly be looking at that and trying to address it, or at least I will. I appreciate you taking the time to call in, and you can call me anytime.

MR. MULLINS: Thank you, sir.

EXECUTIVE DIRECTOR SIMMONS: Thank you. Okay. I am not seeing any other hands. Mr. Anson.

MR. ANSON: I may have missed it, but, Mr. Mullins, thank you for providing testimony. Are you a shareholder of red snapper IFQ?

MR. MULLINS: I'm an eastern Gulf longliner. I have 160,000-pound-a-year average of fish, of reef fish, and we were allotted 200 pounds of red snapper, because we had a Class 2 license, a 200-pound, where we had to come in the first ten days of the month, and so, if that gives you any idea of the unfair distribution of the allocation, and that should open everybody's eyes. That one of the top producers in the eastern Gulf was allotted 200 pounds is a joke, and so no.

MR. ANSON: I didn't want to cut you off, but I wanted to just thank you for the information, and thank you for providing your testimony.

MR. MULLINS: Yes, sir.

EXECUTIVE DIRECTOR SIMMONS: Thank you, Mr. Mullins. Bernie, did you need to say something?

MS. ROY: Joanna, can you introduce the next speaker, please?

OPERATOR: The next speaker is Seth Haukebo.

MR. SETH HAUKEBO: Thank you, Dr. Simmons, and thank you, council members. My name is Seth Haukebo, and I am a recreational angler speaking on my own behalf today and not on the behalf of any organization. First of all, I want to say that ASA does not speak for me, or a lot of the recreational anglers that I know personally.

On the topic of the Great Red Snapper Count, I am still waiting to hear more about the results from the tagging portion of the study, which can be used to better understand extraction rates. I'm sure the results are still preliminary, and perhaps not ready to be published across several websites, or across several different news articles, but I did hear that the tag returns were out the roof, which indicates higher fishing pressure than originally expected.

I would like to see how some of this data compares to the state data, as well as the FES data and how those extraction rates compare across the region. I was disappointed to hear Dr. Stunz mention, this week, that the study isn't responsible to the council or the SSC, and only to Congress and those funding agencies, and I would hope that the review process and the

management implications would be a little bit more collaborative than that, and I think we saw a lot of collaboration in the review, but a lot more contention this week, no doubt.

Regarding the issue of common currency, I want to remind the council members that at the core of the issue was the need to use the same currency to set the ACL and measure in-season management, in-season harvest, and another option that's not mentioned in the current options document is using historical landings datasets from the states to set the ACL.

I think most folks would know this would lead to an even lower ACL that was set using the federal data, and I'm also not sure how, if we use this data to assess the size of the stock, how that would compare to the initial results of the Great Red Snapper Count.

Lastly, I will say, again, that I'm a recreational angler, and my testimony is just as anecdotal as other recreational anglers, but, over the last two summers, I've had great fishing at the beginning of the private angler red snapper season, but, as I've heard from a lot of the other folks, by the end of the first month, or by the end of the season, most of the places that I fish have been pretty beat down, and I can't imagine doubling or tripling the ABC, and therefore doubling or tripling the season length. Thank you, all, for all of your work, and I appreciate your time.

EXECUTIVE DIRECTOR SIMMONS: Thank you, Mr. Haukebo. Let's see if we have any questions from the council members. I see Dr. Stunz has his hand up.

DR. STUNZ: Thank you, Dr. Simmons. I just wanted to comment to the piece concerning the tagging component of the Great Red Snapper Count that was brought up, and, yes, that was a key component that we were very proud of and happy to report on. However, despite our request, that was not put in the terms of reference for something to be evaluated by the SSC.

We did make a short presentation, the lead investigator for that to the SSC, but that was specifically not part of those terms of reference. However, the results are captured in the report, and they will be part of the peer-reviewed publications in the future.

MR. HAUKEBO: Thank you, Dr. Stunz.

EXECUTIVE DIRECTOR SIMMONS: All right. Thank you. I see, Mr.

Anson, your hand is up.

MR. ANSON: Thank you, Dr. Simmons. Seth, thank you for the comments. You mentioned that you have a hard time finding snapper after about a month. Where do you normally fish out of?

MR. HAUKEBO: I fish out of Texas, Galveston, Texas.

MR. ANSON: Okay. Do you fish on known structure or published numbers, either through like a map or that the state provides?

MR. HAUKEBO: Yes, primarily known and primarily public locations.

MR. ANSON: Okay. Thank you. I do appreciate all the comments you made regarding careful analysis and thoughtful consideration, particularly as it relates to the state data and trying to use the state data to compare to the federal data and using a tagging study to help that, you know trying to look at everything kind of separately, yet all together at the same time, so that you would help to try to use that information to reconcile not only the information from the Great Red Snapper Count, but generally how the fishery has been managed and how it has performed, and so I appreciate those comments. Thank you.

MR. HAUKEBO: Thank you, Mr. Anson.

EXECUTIVE DIRECTOR SIMMONS: Thank you. I am not seeing any other hands. Thank you so much, Seth. I think we're ready for our next speaker.

OPERATOR: Our next speaker is Brian Lewis.

MR. BRIAN LEWIS: Good afternoon, and thank you, Chair and members of the council. As she mentioned, my name is Brian Lewis, and I am a member of the Gulf Shareholders Alliance, and I am an IFQ stakeholder, a vessel owner here in the State of Florida, and I just wanted to mention that we basically fish for America, and let's not forget that.

I would like to address reallocation of the red grouper in Amendment 53, or recalibration, if you want to call it that. I don't know what to call it, and I call it a big mess. I call it a big, rushed, hot mess, and I think a lot more time needs to be spent on all of this. There is so much uncertainty in it.

I listened to a very rushed, what I felt, this morning, presentation of the Amendment 53. I felt like there's been so

much time spent on red snapper, red snapper, red snapper, and that's all I've heard for the last five years, I feel like. Enough is enough.

I can't see how we can honestly try to reallocate any red grouper over to another sector that has no real accountability, and I am talking about the private recreational fishermen. I know we've made some leaps and bounds, but we need to make more steps forward instead of ten steps backwards.

I have watched -- I want you to know that I invested $350,000 to buy IFQ, red grouper mostly, and I just lost, because of the reduction in the TAC, 28,000 pounds of my allocation. If any of these alternatives that I am seeing occur, I am probably going to be looking another 16 percent, and I just don't see it. I just don't see the math.

I heard Leann mention earlier that the private recreational -- Correct me if I'm wrong, but they are counting fish instead of weight, pounds, and you count our fish, and our commercial sector is totally accountable. We do hail-outs, landing notifications, and we get greeted by law enforcement, and they can come see everything we've got, and we have no idea what the private recreational is really catching. To extrapolate numbers, or whatever way we're trying to do this, it simply doesn't work.

I am reading some of my other information, and I kind of went off my records here, but I want to say this. When economists analyze data from the commercial fishing sector, they are using accurate records to validate how many fish were caught, what they are worth at the dock and throughout the distribution. The trip tickets and other federal reports are not manipulated. These records accurately describe the transaction of the harvesting in the seafood industry.

Conversely, there are not adequate catch records for the recreational anglers. We believe the only way to manage and enforce the fishery in the recreational sector is to make enforcement equitable amongst the sectors. The American consumers deserve that equitable access to sustainably-harvested seafood. If you keep taking away from the commercial sector and giving it to somebody else, I don't see that as fair and equitable in any way.

With that said, the American consumers of domestically-produced seafood have not been adequately considered by the Gulf Council, as required by the MSA. The MSA requires that all Americans are

to be evaluated in the consideration to assess the benefits to the nation that our fisheries have in this country. The Gulf Council and National Marine Fisheries -- I am wrapping it up. National Marine Fisheries has a duty to uphold the MSA and all of its provisions.

In closing, please do not take away allocation from the commercial sector just to give a couple of extra days to the recreational sector and have no idea what they're really catching. If reallocation has to occur, it should not be -- We should not be penalized as commercial fishers, and you need to find another way to get that. Otherwise, this whole amendment needs to be tabled and a lot more investigation needs to happen. Thank you for listening, and I look forward to positive changes in the management of our fish stocks, and I am open to questions.

EXECUTIVE DIRECTOR SIMMONS: Thank you, Mr. Lewis. I will see if there's any questions from council members. I will give everybody a second here. We're not seeing any hands, Mr. Lewis. Excuse me. Ms. Bosarge.

MS. BOSARGE: Thank you. I just wanted to thank Mr. Lewis, and I don't know that I have heard from you before, and so it's nice to hear new voices, and maybe one day we'll have another in-person meeting and I can see your face. Thank you.

MR. LEWIS: Well, I'm not a new voice. I'm an old voice, and I do a lot of my stuff on the public commenting section on the internet, and you may read about that, and you're welcome to do so, and I've been around here in this fishery for the last twenty years, and it's tough. It's a tough business. It's becoming a rich-man's business and not a poor-man's business, and that's for sure.

EXECUTIVE DIRECTOR SIMMONS: Thank you, Mr. Lewis. Ms. Muehlstein, do you have an announcement to make?

MS. ROY: Hi. I just wanted to say that, if you would like to speak and you do not see your name on the screen -- There's been a little confusion, and so just please press *1 to enter that speaking queue, and then we will add your name to the list. Joanna, you can go ahead and just announce the next speaker. Thank you.

OPERATOR: You're welcome. The next speaker is Ray Mayhall.

MR. RAY MAYHALL: Thank you. Good afternoon, and thank you for

the opportunity to visit with you for a minute. My name is Ray Mayhall, and I live here in Mobile, Alabama. I was born and raised here, but my real, real snapper fishing started taking place in 2008, when I retired, and so I really have been able to spend some time doing it since then.

Quite frankly, I have always been puzzled by the dilemma of saying there's a shortage, because, if anything, I see an overage, as a matter of a fact, because I have fished for a decade or so, and it seems like the other species have gone away because there is so many snapper eating everything up. We barely ever catch a b-liner anymore, and the triggerfish are like super-duper gone, but the smoothest that I have seen the system work so far is the last two years here in the State of Alabama.

Their system for capturing data and what they do seems to be very efficient, and it's been very accurate, and it's also given us a lot of flexibility in how we can fish when the weather affects the days that we can go. Conversely though, the MRIP data clearly has had issues over time, and NOAA is still trying to calibrate the data from an old phone survey system to a new mail survey, and I just don't understand how possibly that data could be meaningful in asking to recalibrate data coming from different sources from a bad source. It's just confusing.

It's just a bad idea, and now we've got the results of this Great Snapper Count, which I have not seen all the data yet, but I've read anecdotal articles about it, and it seems like we do in fact confirm, with that data, that there is a huge amount of snapper out there.

With that count, and the fact that we now have the state doing a great job of counting and doing their things, it seems to me that now is the time that we need to just stop for a minute and reset, and we need to start managing this fishery with a new method of information and a new method of counting as you go. It seems more reliable, and it's more accurate, and it works better for all concerned.

Trying to count forty years of bad data with new just doesn't make any sense, and so my request of the council is to remove the fishery from federal management and turn it over to the states, or at least remove the fishery from the MRIP process entirely and let the state data systems be used as management going forward.

The Pacific Fishery Management Council did this in 2004, and so

there's precedent for doing this, and, if we can't do that now, then let's stick with the status quo for at least a year and give ourselves time to evaluate all the sources of data that you're doing and finally make the right decision based on the facts.

This resource, and not just snappers, but all fish, is super important to both our citizens and to our economy, and to keep making bad decisions is just really a bad idea. I realize that you all have a tough job, and I really appreciate you taking your time to serve, and I just appreciate that you took the time to listen to me today. Thank you.

EXECUTIVE DIRECTOR SIMMONS: Thank you, Mr. Mayhall. Let's see if we have any questions from council members. I am not seeing any hands. Thank you so much for your testimony.

MR. MAYHALL: Thank you very much.

EXECUTIVE DIRECTOR SIMMONS: We'll go to our next speaker. Thank you.

OPERATOR: Your next speaker is Mark Tryon.

MR. MARK TRYON: Thank you. Mark Tryon, and I'm a commercial fisherman, primarily for red snapper, out of Gulf Breeze, Florida. I'm not quite as prepared as I normally would be for the public testimony, and we've been busy this week. We went out fishing on Monday and offloaded and delivered fish yesterday, and then we cleaned the boat up and iced and gassed it up again today, hoping to get out, if the weather permits, for the next couple of days.

Regarding the red snapper increase, I would like to quote Captain Wayne Werner, and one of his lines I've heard before a number of times is we've climbed the mountain, regarding red snapper, as far as making sacrifices and increasing the stock tremendously, to where you never dreamed that it would be so healthy, and let's not slide back down the mountain again, via overfishing.

I think, any increases, we have to be very conservative and careful, and I say that from the point of view of remembering the old days, when the fishery was tremendously overfished, and you would go out there and fishing was tough for everybody, commercial and recreational.

I'm a little bit alarmed at the stock in my area, and it's still

good fishing, but it's a little bit off of what it was the last two years, and so far, year-to-date, my catches per trip, and I am doing day trips, twelve to fourteen-hour rod-and-reel fishing, we're off about 25 percent of what we were doing last year, and so it's still decent fishing, but it makes me a little bit worried about going too far too fast with increases.

Regarding the state management, we need an accountable common currency, and some states are more accountable than others, and I will just say this, that my state of Florida, in my opinion, it's a locally inadequate system in regard to accountability.

Anyway, one more thing, just regarding something to improve the recreational fishing and to give people more days, and maybe protect some of these large fish -- You know, over in Texas, they've got, for instance, with redfish, if you're a recreational angler, when you get a saltwater license there, you get a tag for a trophy redfish, and I would like to see something like that considered at least in managing this red snapper fishery, and maybe some sort of a slot limit with allowances for a limited amount of trophy fish being caught, and that would eliminate some, or a lot, of the discards, in my mind, within the fishery.

Then, finally, one last point on the red grouper potential reallocation, I think, as the one gentleman said before, there should be no reallocation without accountability in the recreational sector, and that's about all I have to say, and thank you for letting me speak today.

EXECUTIVE DIRECTOR SIMMONS: Thank you, Mr. Tryon. Let's see if there's any questions from council members. I am not seeing any hands. Thank you so much for your testimony.

OPERATOR: Once again, as a reminder, if you would like to speak and do not see your name on the list on the screen, please press *1 to enter the speaker queue. Your next speaker is Tristan Armer.

MR. TRISTAN ARMER: Hello. Tristan Armer here, and I'm a recreational angler from Mississippi. I spoke to you all back in January about the red snapper calibration effort that's underway, and, as I said to you then and I repeat to you today, the American red snapper in the Gulf of Mexico, the stock health is not an issue. It's not overfished, and it's not undergoing overfishing.

Instead, and, in fact, we just learned there's three-times as

many snapper swimming in the sea as previously thought, and so, with all due respect, about four years ago, the Gulf Council had managed red snapper into a crisis, and don't bristle at that, but a proposed three-day recreational season is a management crisis.

National Standard 1 requires the Gulf Council to maximize the yield and opportunity for fishing, as long as the stock health is not going into overfishing, and so how did you all get to that point? How was it managed to the point of crisis? We all relied on your tool, MRIP, and let's be clear that MRIP was never a tool designed for in-season fishing management, and that's not what it was designed to do. You all are trying to use a hammer to drive a screw, or a screwdriver to drive a nail.

When the crisis came up, Mississippi came along and solved it with Tails 'n Scales. Tails 'n Scales is actually designed for in-season management. Tails 'n Scales, the byproduct of it is that there's a known universe of Mississippi recreational anglers, and they're the same guys that log in, and they're the same guys that report all their catch, and we know this, because the little bottleneck passes in Mississippi get hit hard by MDMR. They pull folks over, and, at the beginning of the season, they've got 95 percent compliance. After they take people's catch and fine them $500, by the end of the season, you're getting 99 percent compliance.

Now, NOAA Fisheries put out a publication in 2019, and even that publication from NOAA says that Tails 'n Scales is a more precise estimate of red snapper effort and catch, and that's NOAA's own words and not mine.

I went back and read the minutes from the SSC meeting. At the SSC meeting in August, your scientist said that Tails 'n Scales, quote, really rang the bell. Another scientist said, you know what, it's a darned-near census of fish caught, and it's not even so much an estimate or a survey, but it's a census.

The scientists went on to say that what we're doing here is not calibration, but scaling, and you're just taking the Tails 'n Scales data and trying to make it match MRIP data, and so, again, you're going to rely and move good data into a failed tool, and it's going to lead to what it did before when you relied on MRIP, which is a management crisis.

The Mississippi State House passed a resolution, about a week ago, dissuading you all from proceeding forward on this, quote, unquote, calibration effort, and I really think that you all

need to pause. Don't rush into a bad decision. You had Alabama and Mississippi come up with a better mousetrap. Consider it. Look at what you all did and the efforts you went to to convert, or calibrate, from the telephone survey to the mail-in survey.

You didn't do that same effort going from Tails 'n Scales into MRIP, and so I don't think you're ready to do it, and, if you do do it, you're going to be relying on MRIP, and you're going to wind up in crisis again. I would encourage you guys not to take any action.

Go back and go to your SSC, which said -- It said, in August, and read the minutes, that we would be better off finding a better way to calibrate and not scale. It requires more scientific consideration than what you all have given it. Thani you for listening.

EXECUTIVE DIRECTOR SIMMONS: Thank you, Mr. Armer. Okay. Let's see if there is any questions from council members, or comments. Give me a second. Okay. I am not seeing any hands, Mr. Armer. Thank you very much for your testimony.

MR. ARMER: Take care, you all.

OPERATOR: Your next speaker is Mr. Jeff Angers.

MR. JEFF ANGERS: Thank you, Dr. Frazer and members. My name is Jeff Angers, and I'm the President of the Center for Sportfishing Policy. We have known, for a long time, that red snapper is the poster fish of federal mismanagement. It is simply difficult for the agency to manage success, but I have to say the convoluted mess of data calibration that has played out for months and the boogeyman scare tactics coming from the top down are really embarrassing.

Overfishing is not occurring, and we are not even close to it. What we have are two states, Mississippi and Alabama, being punished by MRIP because the survey never accurately collected data off these two coasts. The notion that MRIP is the gold standard and that the more robust and timely state programs must be calibrated back to it simply lacks common sense.

The failures of MRIP for in-season quota monitoring are exactly why we have state data collection and state control of the private recreational component of this fishery in the first place. The faults of MRIP are well documented, and it is going through its own recalibration now, and so, as a council, I encourage you to not allow yourselves to be forced into this

decision.

You can declare that the state data collection surveys are the best available science for recreational harvest, and I encourage you to do that. Then, rather than punishing Alabama and Mississippi with old, faulty federal data, I encourage you to take no action on calibration. We all know the importance of common currency, but do we have to arrive at it today?

It is arbitrary and capricious to rush calibration at a time when we have so many unknowns, including the Great Red Snapper Count and incorporating MRIP-FES estimates and the next benchmark stock assessment.

Now, as for what came out of the SSC, we have every reason to believe that something fishy is going on, and the guidance should be sent back for -- The catch guidance should be sent back for reconsideration.

First, the SSC members who participated in the Great Red Snapper Count were asked to abstain from motions and voting, in keeping with historical SSC practice. Yet, SSC meeting minutes from as recent as this year show NMFS Science Center staff voting on their own assessments, and it wasn't until after members abstained that staff informed the committee that that guidance was only voluntary.

Second, it is troubling that we have this landmark independent study that was praised by the SSC, and even said to be a conservative estimate of abundance, but the SSC decided to use the bottom longline survey for the ABC and set it outrageously lower than the OFL. Something fishy is going on here, and I'm wrapping it up.

The abrupt resignation of SSC Chairman Joe Powers, after forty years in fishery management in the Gulf, to me highlights the disgust following that meeting. Members of Congress, state managers, and the public have every reason today to mistrust the federal management process. Thank you very much.

EXECUTIVE DIRECTOR SIMMONS: Thank you, Mr. Angers. Let's see if there's any questions from council members, or comments. Mr. Strelcheck.

MR. STRELCHECK: Hi, Jeff. Thanks for your comments. I wanted to get, I guess, some clarification from you on what you just stated. You are opposing calibration, but then you later stated that you would recommend that the council not rush to action,

and so those seem to conflict with one another, and I just wanted to get clarification from you, in terms of your position. Is your position that the council shouldn't calibrate at all or that we're rushing calibration and that calibration decisions should be made at some point later in time?

MR. ANGERS: The latter. We all know and acknowledge the importance of one fish caught in Florida being the same as one fish caught in Texas. My point is, with all of this new and better information in the mix today, why do we have to arrive at a conclusion or a calibration today?

We don't, and I think, ultimately, there will be a focus on getting to a common currency, and that can come when all of these variables, these variables that moved our abundance estimate from thirty-six million fish to 100-million-fish-plus, the transition from MRIP Coastal Telephone to FES, and perhaps the next benchmark stock assessment, and a lot of this is in flux.

A lot of the information that we have today is newer and better, and I think everyone around the table would certainly acknowledge that, and I'm just concerned that we are at a rush to judgment now, and I don't think it's urgent that we punish Mississippi and Alabama when we have had buy-in to the catch and effort collection systems in both states, in all five states, and now, all of a sudden, because of these ratios that came out last year, we've got to get it done by tomorrow, and I don't think that it's urgent to do it now, especially knowing where we are with the absolute abundance of this stock, because all of us can be assured, thanks to fine work of everyone on the Great Red Snapper Count, that overfishing is not occurring.

EXECUTIVE DIRECTOR SIMMONS: All right. Thank you. I think Ms. Bosarge has a question as well, or a comment.

MS. BOSARGE: Thank you, Jeff. I was just wondering, and you referred to -- I forget exactly how you put it, but essentially that NOAA was voting to bless its own work, but I was just wondering -- I didn't remember that situation, and what agenda item were you referring to where that happened?

MR. ANGERS: Ms. Bosarge, I have got the references for the last three years, where NMFS Science Center staff was voting on their own assessments, and I am happy to compile that and send it to the council in writing, but I was really kind of wanting to highlight the disparity with the way that council staff treated the SSC members that were involved in the Great Red Snapper

Count versus how council staff dealt with NMFS staff, dealing with their own assessments, and so I'm happy to put all of that in writing, so there's no misunderstanding, because I think it's important that this is clear and that there was a double standard, and, as I said a couple of times, that SSC meeting that went on during Holy Week, something fishing is going on. Something fishy, and I will compile all of that, Ms. Bosarge, and send that to your attention.

MS. BOSARGE: You can just send it to the council's attention, and I appreciate that. Thank you.

MR. ANGERS: Yes, ma'am. You bet.

EXECUTIVE DIRECTOR SIMMONS: Thank you. I am going to turn it back over to our fearless leader, and he has returned, Dr. Frazer.

CHAIRMAN FRAZER: All right. Thank you, guys. I apologize for having to step out briefly. We will go ahead and turn it over to our next speaker.

OPERATOR: Once again, as a reminder, if you would like to speak and you do not see your name on the list on the screen, please press *1 to enter the speaker queue. Your next speaker is Sean Sullivan.

MR. SEAN SULLIVAN: I would like to say thank you, Dr. Frazer and the rest of the council, for this time to address you. My name is Sean Sullivan, and I'm from Mobile, and I'm a recreational angler. I'm a person who believes the public resource, that we've been talking about, belongs to all of us, all Americans. Also, I'm a conservationist who dearly loves the resources of the Gulf of Mexico, all of them, including snapper.

I'm also somebody who believes in the science, and that's the catch phrase these days, and I am, and I am one who realizes that, through research, science has evolved over time, and I'm always looking for the newest information. Think about it. Over time, the decisions that have been made, that have changed and reinforced because of novel and increasingly accurate information, and I think that's what we're looking at right now that's sitting in our laps with the Great American Snapper Count.

We're at a crossroads now, and I think earlier speakers have said that, and I believe that's true, where more advanced information that's in opposition, maybe, to the way we've always

done it is staring it in the face, and you all's legacy is to do what's right and what's true, or is it to just continue what's been shown to be a flawed status quo?

I've thought about it this way. Like if you were driving somewhere, and we're all in a bus going somewhere, and you had doubts about what direction you were going, was it the right one or the wrong one, and would we speed up, or would we slow down? Would we stop, or would we check out the new information, the new map, before we went that way?

Now, my home state here in Alabama, like our neighbors to the west in Mississippi, have instituted programs to actively and accurately manage our allotment of red snapper tonnage. When they increased effort during when the COVID quarantine happened, what happened here? Alabama Marine Resources, through our snapper reporting system, was able to quickly and nimbly halt our season. Would a post-season telephone survey hold a candle to that? Of course, the answer to that is no.

While The Great American Snapper survey is a conservative estimate of snapper biomass, it's three-times larger than the antiquated past counts, and I'm asking you all, the council, to embrace science and the newest data out there, and, at a minimum, take no action on the framework action under consideration today.

When people like me talk about our trust in state management, I do it because I know the dedication to the resource of our state agencies, and I know that they are engaged in making sure that we have robust populations of snapper and other reef fish for generations, and the trust that was built with local management, versus the failed federal management has been hard won and a lengthy process.

It's been a tough process to get people to engage in these processes and trust them, and, if the council chooses to ignore science in some sort of salute to the byzantine fisheries policies of the past, you are failing not only the people of this country, but, more importantly, you're failing the men and women on the front lines of states like mine here in Alabama that have worked so hard to bring accurate and nimble management to our fishery.

Once again, I implore the council to do what's right and to take no action, at the least, if not move forward with looking at the Great American Snapper Count and what means for the number of fish in the Gulf of Mexico.

CHAIRMAN FRAZER: Thank you, Mr. Sullivan, for those comments. Let's see if we have any hands. I am not seeing any, and so, again, thank you for your testimony, and we will go ahead and move on to our next speaker.

OPERATOR: Your next speaker is Eric Brazer.

MR. ERIC BRAZER: Thank you very much, Mr. Chairman. My name is Eric Brazer, and I'm the Deputy Director of the Gulf of Mexico Reef Fish Shareholders Alliance, and I thank you guys for allowing me the opportunity to speak today.

I'm going to lead off with red grouper, and we are asking that you reconsider your preferred alternative in Amendment 53 to Alternative 2, which would recalibrate without reallocating. Our support for this has been laid out in our current letter and the previous letters that we submitted to you.

I also want to acknowledge the sign-on letter submitted on behalf of what I believe are the seven largest commercial fishing organizations in Florida, and I honestly can't remember the last time that we were all on the same page and were as strongly in lock-step as we are right now, and that's something that I would like to highlight to the council.

We all agree that Alternative 2 is a legally viable option, and we agree that reallocation by recalibration is unfair and inequitable. We agree that reallocation will hurt the red grouper stock at a time that we need to be protecting and regrowing it, and we all agree that reallocation hurts a commercial fishing industry that is recovering from a global health pandemic. We all agree that the Gulf Council has been de facto reallocating to the recreational sector for years, and it is, unfortunately, likely doing so right now. We all agree that reallocation by recalibration sets a dangerous precedent, and we all agree that reallocation will not guarantee a longer recreational season.

At the point that Amendment 53 goes out to public hearings, we strongly recommend at least one in-person public hearing, Madeira Beach, and we would like council staff to consider how this could be done while keeping council staff safe, and we're going to help any way that we can, and I'm sure the other industry groups in Madeira Beach would as well.

To red grouper, we've heard a lot today and this week of slow down. Sorry. For red snapper. Slow down, and this is not

urgent, and let's hit pause, and don't rush, and why today. We were reminded by the agency, this week, that the council has known about this for half a decade, that this was going to be necessary, calibration and common currency are necessary, and this is not a surprise.

We urge you to take the medicine and make the decision and put this past us. The commercial sector is concerned about overfishing that has been allowed by avoiding calibration and the impacts on the stock and the potential for commercial quota reductions, which is why I asked the question that I did yesterday during the roundtable, and, honestly, we're worried that some of the states are going to blow through the ABC and effectively play a game of chicken with the agency, hoping that the Great Red Snapper Count will backfill what will be an inevitable overage, and that's not right. If there is an ACL overage, commercial fishermen would sure like their fair share, their 51 percent of that fish.

As for the Great Red Snapper Count, we support the SSC, and we hope that the council supports its SSC the way the committee supported its SSC.

Briefly, and on the Executive Order, we're glad that there was a brief discussion about this at the committee level, and I want to echo what Martha and Leann said about considering the human dimension, the component of climate and fisheries resilience, and I think it was Dr. Stunz who mentioned the Ecosystem Technical Committee, and we would love to get a timeline on when that committee is going to be meeting again, especially in light of the EO.

In conclusion, the last thing that I want to touch on, briefly, is electronic logbooks. We're really looking forward to more public outreach, and we've got a laundry list of questions that need to be answered before we can really get onboard with this. Some of those questions are listed in our letter, and I'm sure that others are going to come up.

We're hoping that the Science Center can mirror, in a sense, the IFQ portal, and this is my shameless plug for the regional IFQ portal. It's incredibly user-friendly, and it's real-time, and the staff IT support is always available, and they go out of their way to make sure that their product is easy for fishermen to use, and so thank you again for the opportunity to speak.

CHAIRMAN FRAZER: Thank you, Mr. Brazer, for your comments. I am looking to see if we have any hands up, and I am not seeing

any, and so, again, thank you for your testimony, and we will move forward to our next speaker.

OPERATOR: Once again, as a reminder, if you would like to speak and you do not see your name on the list on the screen, please press *1 to enter the speaker queue. Your next presenter is April Depaola.

MS. APRIL DEPAOLA: Good afternoon, council. Thank you so much for the opportunity to allow us all to speak, in light of not being able to be together today. My name is April Depaola, and I am a recreational angler here in Orange Beach, Alabama. I live here as well as own a real estate company here.

I am going to keep this super short, and I don't want to get too much into the weeds, and I am not in this day-to-day, and this is not my livelihood. Catching the fish is not my livelihood. The recreational snapper, specifically, affects our business and our local economy though.

Having our tourists come down to fish here and allow them to be able to fish, as well as our family and friends to be able to come down and fish and people to come down and buy real estate, buy their second home, and red snapper is their ultimate -- It's what most of them want to fish for.

The red snapper fishery management that's been going on under the state guidance, and I can only speak for Alabama specifically, but, over the last two years, it has just been -- It seems to operate flawlessly, and it seems to have had the most accurate data collection, and the recreational anglers all seem to be working well with it, and it's been efficient for our state.

When I read about the new guidance with the ABC, as a recreational angler, this does not make any sense on how this reallocation is happening and being figured. I know there's a lot more work that you guys are doing in the background, things that we don't understand and can't see going on, but these numbers just don't make sense, and with a different -- In these data collection figures, it seems like they're just trying to be meshed together, and I think that's really going to enhance the mistrust with the federal management process.

I feel like that the new data that the Gulf Council is considering should just be completely disregarded and the SSC reconsider their entire data collection process.

My urge is for the council to take whatever action they can to just remove this fishery from the federal management system and turn it over to the states or let the state data system be used for the management going forward, and it seems to have worked wonderfully over the last two years. I urge the council to take no action in the framework action that's under consideration today. That's all I have, and I appreciate all of you all's time.

CHAIRMAN FRAZER: Thank you, Ms. Depaola, for your comments. Let's see if we have any hands. I am not seeing any, and so, again, thank you for your testimony. We will move on to our next speaker.

OPERATOR: Your next speaker is Cory Quint.

MR. CORY QUINT: My name is Cory Quint, and I'm from Mobile, Alabama. I'm a recreational angler, and I also was the president, last year, of the world's largest fishing tournament, the Alabama Deep-Sea Fishing Rodeo.

I have heard a lot on this call, and I've been on it for quite a little while, and it seems that there's a whole lot of a me-me-me mentality, versus us-us-us, and I think a lot of that boils down to the allocation and how you guys have been counting it. You guys have used the MRIP system for so long, and, as mentioned before, it was the -- It was what you guys would consider the gold standard, and, obviously, there's been flaws on that.

I did work with, last year, hosting that tournament, and I do work with Scott Bannon and Chris Blankenship with MRD here in Alabama, and I just wanted to give credit where credit is due, and they have done a phenomenal job with the management of the fishery, as far as data collection and, speaking from an angling standpoint, personally, I have caught snapper anywhere from inshore, north of the island, to sixty miles offshore while we're trying to catch other fish. You're having to fight your way through these snapper to try to fish, or try to catch other species that you're targeting.

I have also heard on this call to, hey, let's go ahead and recalibrate, and I've also heard people say, hey, let's slow down. Obviously, whenever there is two polar opposites, there's an issue, and something needs to be done with that, and I think, personally, that it needs to be, at least for another year, it needs to be state managed, while everybody takes a step back and looks and tries to find the best avenue to make sure that

everything is correct, and that's all I've got to say. I appreciate you guys' time.

CHAIRMAN FRAZER: Thank you, Mr. Quint, for your comments. Let's see if we have any hands up. I am not seeing any, and so, again, thank you. We will go ahead and move to our next speaker.

OPERATOR: Your next speaker is Blakely Ellis.

MR. BLAKELY ELLIS: Hello, council. My name is Blakely Ellis, and I'm the Executive Director for the Coastal Conservation Association in Alabama. As always, I appreciate the opportunity to speak to you all.

You know, to start off, I wanted to take the chance to give an atta-boy and a great job out to all of the universities that worked on the Great Red Snapper Count, Dr. Stunz, and Dr. Patterson from South Alabama in our state, and I have really enjoyed watching that unfold, especially the parts of all of these universities working together on one big project like that, which was such a huge undertaking, and it really give us some really encouraging news, and so good job to everybody on that.

Then I kind of said that to start out, but then, right after that, listening to the council meeting this week, and listening to the tortured process that goes into computing the MRIP numbers, and it's not hard to figure why there's so much confusion about it, with all the different variables that can manipulated to get possibly just about any result that you want.

It does make me question why you wouldn't consider using more consistent, reliable data like Alabama has, versus something like MRIP. It's definitely showing that the states are able to tweak their seasons as they go on. If you have a bad weather day, or we're not catching as many, we can either speed up or slow down, and it's real time.

I say all of that also to bring up the point of, if this recalibration situation moves forward with states like Alabama being cut by as much as 50 percent, and I know that it's not directly related to the Alabama Snapper Check process, but I can tell you that it's going to take a huge step backwards in all the work that's gone into not only developing that system, but working to gain the trust of private recreational anglers.

The idea of reporting your catch and that being calculated and

resulting in better data, which would be a better season and more days to fish, has been a long race to get here, and, if we end up getting that cut in half, I can just tell you that it's going to be pretty devastating, as far as regaining that trust and losing a lot of that goodwill that's been gained over the last few years by these states collecting their own data and seeing the results of that, but I guess I'm about out of time, and so I do appreciate the opportunity to speak, and thank you.

CHAIRMAN FRAZER: Thank you, Mr. Ellis, for your comments. We really appreciate you taking the time out of your day. Let's see if I have any hands up. I am not seeing any, and so, again, thank you for your comments, and we'll go ahead and move on to our next speaker.

MR. SWINDELL: Mr. Chairman, I had my hand up.

CHAIRMAN FRAZER: I'm sorry, Mr. Swindell. I did not see it. Go ahead, Ed.

MR. SWINDELL: I would like to ask the gentleman a question. Did any of your members or did you receive any of the telephone survey that was done in Alabama?

OPERATOR: Excuse me, but the last speaker is not on the line anymore, but, if he would like to speak, he may press *1 again, so that I can open his line.

CHAIRMAN FRAZER: Mr. Ellis, if you are listening, if you want to hit *1, we'll allow you to re-engage in the discussion.

OPERATOR: His line is now open.

MR. ELLIS: This is Blakely Ellis.

CHAIRMAN FRAZER: Okay. Great. Mr. Swindell, if you wouldn't mind repeating your question for Mr. Ellis, and he's on the line.

MR. SWINDELL: Mr. Ellis, this is Ed Swindell from Louisiana, and I'm interested in knowing whether or not you or any of your organization people are known to have received the telephone survey about the red snapper count that was done.

MR. ELLIS: I appreciate the question. Your question was have I heard of any Alabama anglers or members of CCA Alabama getting word or receiving a telephone survey regarding the Great Red Snapper Count, and is that correct?

MR. SWINDELL: Yes.

MR. ELLIS: I can answer that with one word, and that's no. I am not sure if that was part of that study or not, but I have not heard of any with the Great Red Snapper Count, and I couldn't tell you that I know anybody, or have met anyone, that has ever received a phone call survey for reef fish or a postcard or anything like that, and so I guess it's no on both counts, as far as I'm aware of.

MR. SWINDELL: Okay. It was not dealing with the Great Red Snapper Count, and that was done totally different. What I am referring to is the Household Telephone Survey that was done by the National Marine Fisheries Service people.

MR. ELLIS: The answer is still no, as far as I'm aware of.

MR. SWINDELL: Okay. Thank you, sir.

CHAIRMAN FRAZER: I see that Dr. Stunz has his hand up, and I'm assuming it's addressing the relevancy, I guess, of the questionnaire and the Great Red Snapper Count, and so, Greg, go ahead.

DR. STUNZ: Yes, Mr. Chairman, and that's the case. No, there was not any telephone surveys like that for the Great Red Snapper Count that I think he's referring to.

CHAIRMAN FRAZER: Thanks, Greg, for clarifying that. I am not seeing any other hands at this point, and so thank you, Mr. Ellis, for re-engaging in the conversation. I appreciate that.

MR. ELLIS: Yes, sir. Thank you, all.

CHAIRMAN FRAZER: You bet. We'll go ahead now and move on to our next speaker.

OPERATOR: Thank you. As a reminder, if you would like to speak and do not see your name on the list on the screen, please press *1 to enter the speaker queue. Your next speaker is Jeff Boyd.

MR. JEFF BOYD: Good afternoon, council. My name is Jeff Boyd, and I am a city council member in Orange Beach, Alabama, and I thank you very much for taking the time to listen to us. It is great to hear voices from Galveston, Texas all the way to the east coast of Florida. As we have conversations locally, we always wonder kind of what those voices are, and it's great to

hear them.

I would like to reiterate, from some of the prior calls from Orange Beach, from Sean Sullivan, who is a disc jockey in Mobile at one of the great radio stations, and Alabama has done a tremendous job with their counts. In fact, in the last season, if you did not have your count done by the time you came in under the pass in Orange Beach, and you were pulled over, you were cited and ticketed for not counting. They were super strict about it, and they did an incredible job.

I will go backwards in history, to when snapper season was cut to three days, or nine days first, and then it was cut to three days, and I actually wrote a letter to the Secretary of Commerce, Wilbur Ross, after visiting with the head of FEMA in Washington, D.C., imploring and begging him, based on over a billion dollars of economics, when you look at people buying condos and people buying boats and all summer long sending their customers to Orange Beach, and I was begging him to extend out a thirteen-weekend season instead of a shorter season.

With the help of Senator Shelby and Steve Scalise and Bradley Byrne, it was successful, and I am very grateful to Wilbur Ross, the Secretary, for doing that. I say that because Orange Beach has been hit by COVID, just like everyone else, and we were slammed by Hurricane Sally last year, and we lost almost 900 boats between Orange Beach and Ono Island.

Most of our docks are still in disrepair, and so, as we go into the next season, we've already been beat up to no end, and to take action that might reduce our snapper count by 50 more percent would just be like a dagger in the heart for Orange Beach, and that's a city that has spent over fifty years, and I can't tell you the amount of personal money from the city, as a council member from our fishery and from our fishing associations, to build reefs, and we have almost 20,000 reefs in the Gulf of Mexico, from zero to sixty miles out.

I called in to say, one, thank you for hearing our voice, and, two, begging you to take no action and let these numbers filter, and let us process them, and let us move forward. Thank you for your time.

CHAIRMAN FRAZER: Thank you, Mr. Boyd, for your comments. I am looking to see if we have any questions from the council. It looks like Susan Boggs has her hand up. Go ahead, Ms. Boggs.

MR. BOGGS: Thank you, Mr. Chair. I just wanted to thank Mr.

Boyd for calling in this afternoon and taking the time to do that. Thank you, Jeff.

MR. BOYD: You're quite welcome, Miss Susan, and I thank you for serving as a representative of our area. You and your husband are incredible in the fishing industry, on the recreational side, of the charter recreational side, and we're proud to have you in our city, and thank you.

CHAIRMAN FRAZER: Okay. I am not seeing any other hands, and I will take a quick spin through here. Mr. Boyd, thank you for your comments, and I am going to ask our moderator if we have any more speakers. I don't see any in the queue.

OPERATOR: We do not have any other speakers in the queue, but, if they would like to speak, they may press *1 to enter the speaker queue. We have another speaker, Michael Jennings.

MR. MICHAEL JENNINGS: Hello, Chairman and council. This is Mike Jennings with Cowboy Charters out of Freeport, Texas. I have two federally-permitted and one state-water-registered boat out of Freeport, Texas, and I'm on one of them today, and so I apologize if it sounds funny, if there's a lot of wind noise, and just bear with me, and I will get this over with as quick as possible.

I think my testimony today is somewhat unorthodox, and it's more questions than it is comments, and I know that that's not that forum for a bunch of questions, and I'm hoping that maybe my questions will just spur some amongst the council as they move into Full Council.

I don't envy you all's job, after listening to the SSC meeting as much as I could last week, and then, yesterday, I think, with all the stuff that's in front of the SSC right now, I think everyone can find a portion, or some portions of this, pretty confusing, and things can happen before it actually dawns on you what just took place, and then you have to figure out what the ramifications are once that move is made.

My questions right now basically refer to the ABC and the OFL levels and the way they were set and just why the SSC set the ABC 44 percent below the OFL, and, I mean, that's the question I think we all need to be asking ourselves, and why did they not just simply follow their own ABC Control Rule?

Given what is historically the difference being, what, 2 or 3 percent, and so most of us have to ask ourselves what was the

reason for that, and then, yesterday, we had the motion that -- It's not a dig or anything, and I promise, but we had the motion that we would basically close the door on any further discussion on the short term, as far as allocation, or not allocation, but as an increase or anything along those lines, and turn it into a plan amendment, and that's the way I understood it anyway, and so, with that taking place, and as quickly as it did, it all makes us sit back and wonder if this was just simply a way to lock in some kind of a big buffer, so to speak, or was it an attempt to overt the downside of all this recalibration that we're talking about going to final action on tomorrow.

If that's the case, I mean, slow down on that recalibration, and let's vote no action, and let's rethink a lot of this as we move forward and not use what I consider, or most of us consider, a mistake by the SSC as some kind of alternative attempt to not face the issues at hand, or the problems at hand, I guess, so to speak.

I think one of the things that I have not heard today is, when you take into consideration the Rule 30B on the recreational sector, if you've got a state that makes a mistake, and I understand it would be unintentionally, but still makes a mistake and overfishes to some excessive level, when does that become an issue of the 44 percent of overfishing, and that's what I'm driving at, is you could overfish by forty-something percent without ever having to institute any paybacks, yet at what point does 30B kick in and you start this de facto reallocation from the charter/for-hire side over to the side that made the mistake?

It could work vice versa, and the charter/for-hire side could make that mistake as well, and so, with that said, I would like to ask the council to really reconsider or think about their votes tomorrow in Full Council, as far as any further discussion on whether this SSC decision could give us an increase in the short-term or if it's just going to allow us an opportunity for one to overfish and hurt another one in the long run.

With that said, we're all still struggling, and I will close it up, but I think we're all still struggling with the fact that we've got this large disparity between the ABC and the OFL. If the Great Red Snapper Count was good enough to give us a 44 percent buffer, and I will use that word, and it may not be the correct word, on the overfishing limit, why was it not good enough to have a discussion on an increase?

I am also one that -- Close to my heart is that Great Red

Snapper Count, and I'm also -- As Scott Hickman talked about earlier today, I'm a proud participant in that count, in that project, along with the Louisiana red snapper abundance project, et cetera, and I have a lot of intimate knowledge on how these scientists and these people on my boats are doing this work, and I have watched how diligent they are and how dedicated they are to getting what they do right, to the point that, if I did something wrong, they would make me do it over again until I got it right, and there was just no exceptions. I'm really impressed with how those projects went on, and I appreciate you all giving me time to kind of ramble today, and I will get off this line. Thank you very much.

CHAIRMAN FRAZER: Thank you, Captain Jennings, for your comments. I am not seeing any hands at this point, and I am not seeing any speakers in the queue, and so I will ask our moderator, Joanna, if there's anybody else out there.

OPERATOR: At this moment, there are no speakers in the queue, but, once again, if they would like to speak, they may press *1 to enter the speaker queue. We do not have any other speakers on the line.

CHAIRMAN FRAZER: Okay. At this point, I think we will go ahead and stop the speakers, but I would like to give an opportunity to two folks on the council to speak. I know that Mr. Banks wanted to address some concerns, and so, Patrick, if you want to go, I will let you go first.

MR. BANKS: Thank you, Mr. Chairman. Just like we did at the last council meeting, I am continuing to hear some comments that are made by the public, and I want to try to clear them up. I made similar comments during public comment at the last meeting, or maybe the meeting before, and I think that Ms. Muehlstein did a great job of trying to clear it up as well in her presentation yesterday.

The issue of calibration is not one of which system is better. I truly believe that the way each of the states counts the fish that are landed is the most precise way to do it. It is a better way to count the fish that are landed than MRIP. It's more precise, but that's not the issue.

The issue is that fish for each state were given to them based on MRIP numbers, the MRIP currency, and we're counting them in the state currency, and so the issue is not which one is better. Canada would argue that their dollar is better than the U.S. dollar, but that's not the issue. The issue, when you go across

to Canada, is how does our dollar relate to their dollar, and so how do the state currencies relate to the MRIP currencies, and so that's what we're trying to do with calibration, and I just hope that some of the speakers during the public comment are still on the line and they hear what I'm saying, because I agree with them that the state surveys are better.

I heard a lot about Alabama and how good their survey is, and I would agree. I think it's a great way to count fish, and I do personally think LA Creel is the better way to count fish, but that's just my opinion, but the fact of the matter is it's how they relate to each other.

Another point I heard was why do we have to calibrate to a, quote, bad system called MRIP, and it's because, again, that is the currency in which the fish were given to us. We were not given fish in our own state currencies, and so we have to calibrate the two.

Another comment was, quote, we don't know what the recreational are catching, and that's incorrect. I don't recall who said that, but that is incorrect. We have a darned good idea of what the recreational are catching, through our state surveys, but that is not the point. The point is relating that to the MRIP currency, and so that's what we have to do with the calibration, and I just wanted to make those points and hope that the public is listening as well, because that's really what's at issue here, is calibration. Thank you.

CHAIRMAN FRAZER: Thank you, Mr. Banks. I think those comments are worth sharing with folks, and it's a complicated matter, and it's not as straightforward as many people make it out to be, but you're exactly right. I don't think people here are arguing that the state data collection efforts aren't good, and I think people recognize the value of those individual surveys and the precision that they generate around these particular catch estimates, but it's one of trying to somehow convert those state surveys into a different currency. With time, hopefully we will be able to use those state data in the assessments, but that hasn't happened yet.

With that said, I would also like to extend an opportunity to our Executive Director, Dr. Simmons, to clarify some of the issues as they related to the process, the review process, in the SSC meeting that was reference by several folks. Dr. Simmons.

EXECUTIVE DIRECTOR SIMMONS: Thank you, Mr. Chair. We set up

the SSC meeting in a two-part meeting. It was back-to-back, but we tried to set it up as a two-part meeting, just because we didn't have time to have a separate workshop for a review of the Great Red Snapper Count.

Because of these two distinct components, the first one was a peer review of the Great Red Snapper Count, and the second is the formal SSC meeting to evaluate the catch advice that was produced by the Southeast Fisheries Science Center.

We did ask, because there is nothing written in the SOPPs, that a number of the SSC members, and there were five of them, that had participated in the development of the Great Red Snapper Count and were involved in the study. Based on National Standard 2, which addresses formal peer review, we asked them to abstain from any motions and voting regarding whether the absolute abundance estimate for the Great Red Snapper Count is reliable and consistent with input data and population biological characteristics for red snapper in the Gulf of Mexico, and they did that. They abstained from the first part of the meeting.

During the second part of the meeting, which was deliberations of BSIA and catch advice, the PIs were not advised to abstain from that part of the meeting. That would be similar to, I believe, what a commenter brought up regarding NOAA staff voting on potential catch advice after stock assessments.

Those PIs were allowed to vote on that particular part of the meeting, and so the abstentions that you see for OFL were other SSC members that decided to abstain, and they were not PIs on the study, and, for the ABC, there was an SSC member that voted on the OFL that decided to abstain on the ABC. Thank you, Mr. Chair. I hope this clears it up.

CHAIRMAN FRAZER: Thank you, Dr. Simmons, for clarification of the process. I am going to take a quick peek at the roster here and see if anybody else has anything they want to say. I am not seeing anything, or any hands, and so I appreciate the tremendous amount of testimony that we received today, and there is clearly a number of perspectives, many well-informed perspectives, on this call and will contribute to what I'm sure will be a rich discussion amongst the council tomorrow.

Again, thank you everybody for their time, and I think we will go ahead and call it a day, and we will reconvene in the morning at -- Let me check the time, because I believe we start at 8:30 tomorrow. Yes. So the meeting will start tomorrow at 8:30

a.m., and so, if you can, please -- I expect it to be a full day, and so if you can log in a little bit early, so we can get on it, that would be great. You all have a good evening, and I will see you tomorrow.

(Whereupon, the meeting recessed on April 14, 2021.)

- - -

April 15, 2021

THURSDAY MORNING SESSION

- - -

The Full Council of the Gulf of Mexico Fishery Management Council reconvened via webinar on Thursday morning, April 15, 2021, and was called to order by Chairman Tom Frazer.

CHAIRMAN FRAZER: We are going to get started with our committee reports, and we will just start with the Shrimp Committee Report. Ms. Bosarge, if you're ready.

COMMITTEE REPORTS
SHRIMP COMMITTEE REPORT

MS. BOSARGE: Yes, sir, Mr. Chair. Thank you. The Shrimp Committee Report, we met on April 12, 2021. It was chaired by myself, Ms. Leann Bosarge. The committee adopted the agenda, Tab D, Number 1, as reorganized, with the update on effort data collection, Tab D, Numbers 7(a) through 7(c) moved after the action guide and next steps, Tab D, Number 3. The committee approved the minutes, Tab D, Number 2, of the November 2020 meeting as written.

Update on Effort Data Collection, Status of 3G Cellular ELBs, otherwise known as cELBs, Dr. Gloeckner presented on the shrimp cellular electronic logbook interim data collection process. The cELB units ceased transmitting on December 31, 2020. However, the Stennis unit shut down the machine receiving the data on December 7, 2020.

The units are still collecting data, but just not cellularly transmitting the data to NFMS. The data will be manually retrieved from the units in 2021. Dr. Gloeckner reviewed the timeline and steps for manual collection of the data. This entails the Science Center sending new SanDisk cards in self-addressed envelopes to shrimp permit holders with instructions

for changing out the old SanDisk card with the new one and sending the old SanDisk to the Gulf States Marine Fisheries Commission for downloading and then transfer of the data to the Science Center.

Ms. Bosarge inquired if the reason that the data from the SanDisk cards has to go to the Gulf States Marine Fisheries Commission first is to avoid a computer virus. Dr. Gloeckner confirmed that there are some federal security guidelines, and so it's easier for the Science Center to access the data from the Gulf States Marine Fisheries Commission.

Ms. Bosarge inquired about the computer servers from Stennis that had been used to collect data from the 3G cELBs, which have been relocated to facilities in Ashville, North Carolina and Pascagoula, Mississippi, and if those could be used to collect the data from the SanDisk cards. Dr. Gloeckner replied that the servers were old, and he was unsure as to their status.

Mr. Anson inquired how shrimpers know that the data is actively being collected. Dr. Gloeckner replied that, only after the first round of SanDisk cards are returned by shrimpers, will the Science Center know which devices are not working and will need to be replaced. Dr. Gloeckner confirmed that the Science Center does have replacement units available, if needed.

Ms. Bosarge asked Dr. Gloeckner to speak broadly about the permit renewal process, in light of the SanDisk cards needing to be returned with effort data. Dr. Gloeckner replied that it still needs to be determined how quickly shrimpers need to return the cards once letters have been sent, for purposes of compliance and permit renewal. Ms. Bosarge responded that, at a minimum, a three to six-month period for cards to be returned should be considered. Mr. Swindell asked how many vessels are involved in the process, and Dr. Gloeckner responded that's around 600 vessels.

Pilot Program Using P-Sea WindPlot, Dr. Gallaway provided an overview of the transmittal issue with the current 3G cELBs and the industry-led solution for monitoring shrimping effort through the use of the P-Sea WindPlot platform as a replacement, which would record the same information as the existing 3G cELB device, which is location data at ten-minute intervals.

Collected location data could be run through the effort calculation programs with catch data simultaneously paired. The efficacy of the utilization of the P-Sea WindPlot program was proven during Phase I of Dr. Galloway's project, which was

funded by the shrimp industry.

Two proposal alternatives were discussed as potential next steps for the project. One would expand the number of shrimp boats running the P-Sea WindPlot with the ELB update. The other would develop a method to automatically transmit ELB data from P-Sea WindPlot to a designated server.

Dr. Frazer inquired where the data would be transmitted to if the Stennis servers are no longer available through the Science Center. Dr. Gallaway replied that they would transmit the data to LGL to test the process until the Science Center servers are prepared.

Mr. Strelcheck commented that two-way transmission was discussed during the Shrimp Advisory Panel and that they would be prepared to assist Dr. Gallaway and other vendors with the process of meeting type approval of a VMS unit.

Mr. Swindell commented that another roughly $700,000 was needed to carry out both of the proposed alternatives and asked if LGL had received those funds yet. Dr. Gallaway replied that those funds are needed to proceed with the pilot program. Ms. Bosarge commented that there had been a previous council discussion of assisting with the first of the two proposal alternatives, which would expand the number of shrimp boats in the pilot program, but, due to the requirement of automatic transmission, Dr. Gallaway had since developed an additional proposal alternative to meet that requirement. Mr. Anson commented that the council needed to ensure that other vendors would be included in potential use for effort data collection.

Alternative Options for Consideration, Dr. Gloeckner discussed the key characteristics of the cELB, cellular ELB, system that need to be carried over to a new effort data collection program. He then noted regulations that must be considered, including the definitions of a vessel monitoring system (VMS) and enhanced mobile transceiver unit, cellular-based (EMTU-C). He also reviewed the list for type approval and then covered the reimbursement process for a NOAA Office of Law Enforcement type-approval VMS unit.

Dr. Gloeckner’s presentation provided some important definitions and national regulations from 50 CFR Part 600 Subpart Q that were published on August 7, 2020, regarding vessel monitoring systems and cellular-based transmission requirements. Specifically, an EMTU-C only needs to be capable of transmission two ways when in the range of a cellular network (MTUs (one-way

transmission) are no longer approved for new installations on VMS vessels) (§600.1502(a)(6)).

Dr. Gloeckner noted that there should be funds available to accommodate reimbursement of hardware for permit holders that install a type-approved VMS unit. He also commented that NOAA prefers to write specifications for type approval rather than require specific vendors.

Ms. Bosarge noted that, previously, only a seventeen to nineteen-dollar-per-month fee for service was required with 3G cELBs, cellular ELBs, and noted that transmission costs associated with satellite units for quick type approval had a substantially greater monthly cost. She then noted that the cellular units would need to be in range to transmit data, and, so while they would not be true real-time data, the transmission costs were much lower.

Mr. Strelcheck stated that the council might need to consider a few decision points, such as the number of vessels that would be required to have an effort data collection device. Mr. Diaz stated that a framework action could take through spring of next year for development and approval by the council and asked if the current process of collecting effort data could be extended through next year. Dr. Gloeckner responded that the current process likely could be extended until the new system is put in place.

Ms. Bosarge commented that cost-sharing would need to be addressed in a framework amendment, since platforms are changing, but stated that the current regulation does not specify cellular or satellite. Mr. Strelcheck commented that the council could decide to change the current selection process of who is selected to participate in the reporting program.

Ms. Bosarge stated that, if the type of tool for collecting effort data is a decision point, both cELBs and trip tickets should be considered in the reasonable range of alternatives. She also stated that where and whom the effort data is transmitted to, as well as how it is intended to be used, should be included in an amendment, since it has always been used for scientific data, whereas VMS data in other fisheries is typically transferred to the NOAA OLE, the Office of Law Enforcement. Ms. Levy stated that a motion is needed for council staff to begin a document to address effort data collection and that an IPT could then determine decision points for the council to consider.

With no opposition, the committee recommends, and I so move, to direct staff to begin a framework action to set up reporting requirements for the expiring 3G cELB program to transition it to a new platform for effort reporting of the Gulf of Mexico federal shrimp fishery.

CHAIRMAN FRAZER: Okay. Thank you, Ms. Bosarge. We have a committee motion on the board. Is there any further discussion of this motion? I am not seeing -- No hands. Ms. Levy.

MS. LEVY: Thank you. Just, before you vote on the motion, I wanted to address one point that was raised by Leann, which was the fact any alternative developed should include trip tickets, and I wanted to get the Science Center's perspective on that, because it seems to me that that would be a big step backward from where we are, and I'm not sure it's actually a reasonable alternative, given how they need the data and how it's used, and so I guess I would just like their perspective on that.

CHAIRMAN FRAZER: Go ahead, Clay.

DR. PORCH: Thank you for the question. For us, it's really a non-starter. The trip ticket information is basically days fished, and it doesn't match up with the types of effort that were used in creating the regulation to begin with, which was more net tow hours, and so there's just no way that we could actually monitor whether the shrimp fishery is staying within the parameters of the regulations using the trip tickets.

On top of that, as many of you know, trip ticket effort estimations aren't really regarded as the most reliable. A lot of times, that sort of information is even filled out by the someone in the fish house that may or may not have direct knowledge of how long the trip was actually going out, but the main issue is it's a completely different type of effort, and there's no way to really scale it comparable to the effort that was used, the effort units that were used, to develop the regulations. Thanks.

CHAIRMAN FRAZER: All right. Thanks, Dr. Porch. Mr. Banks.

MR. BANKS: Thank you, Mr. Chairman. In response to that, are there different regulations in the South Atlantic? I mean, why are trip tickets utilized there to obtain effort data, and it's good enough there, but it's not good enough for the Gulf? Help me understand. Are there different regulations surrounding the gathering of effort data in the South Atlantic? I'm not exactly sure who I'm asking that question to, but maybe to Clay or to

Andy. Thank you.

DR. PORCH: I don't know, Andy, if you want to start.

MR. STRELCHECK: I'm not familiar enough with what's done in the South Atlantic, and so you can speak to it.

DR. PORCH: Well, we don't have the same regulations in the South Atlantic, and I know that, as we do in the Gulf of Mexico, but it is an issue, and we would actually like effort information similar to what we get for the Gulf of Mexico fishery, and that's actually something that we're trying to move towards. Trip ticket information is not the most useful for stock assessments and other applications, in terms of the effort, and so, yes, we would actually like the South Atlantic to adopt a system closer to what's going on in the Gulf.

I mean, this reaches a broader issue, that we really need to get effort estimates from all of our fisheries, and that's one of the things that is spurring all of this conversation about universal electronic logbook coverage.

MR. BANKS: To that point, Mr. Chairman?

CHAIRMAN FRAZER: Go ahead, Mr. Banks.

MR. BANKS: Clay, I appreciate that explanation, but do you, at this time, get your effort information for the South Atlantic shrimp fishery from trip ticket information?

DR. PORCH: I believe that's all we have.

MR. BANKS: Okay. Thanks. That's all I had. Thanks.

CHAIRMAN FRAZER: Okay. Andy, is your hand back up?

MR. STRELCHECK: Yes, and thank you, Mr. Chairman. I do want to remind the council that one regulatory requirement we have in the Gulf of Mexico that is very pertinent to this is, obviously, the monitoring of shrimp effort in the western Gulf related to that ten to thirty-fathom zone for red snapper bycatch, and so it's obviously very important to be able to have data on a geographic scale to be able to monitor effort in that area to determine compliance with our rebuilding plan for red snapper and bycatch levels.

CHAIRMAN FRAZER: Thank you, Mr. Strelcheck. Ms. Bosarge.

MS. BOSARGE: Thank you. The reason that I wanted that trip ticket in the reasonable range of alternatives is kind of exactly for what Clay laid out right there. It is the fact that, right now, the shrimp fishery in the Gulf of Mexico actually goes above and beyond, and we actually have moved a step up the ladder, as far as our data collection is concerned, and having that in the document allows stakeholders, the public, the council, everyone, to realize that.

Without the trip ticket option in the document, you think that the barebones minimum is this cellular electronic logbook, and that is certainly not the case, and having it in the document does not mean that's the route you're going down, and I think that all the things that Clay brought up, as to why the cellular electronic logbook program is just more efficient and more effective for our purposes, that is most definitely a discussion that would be brought forward as we go through the document and choose a preferred alternative.

However, I don't think, at this time, it should eliminate a device, which is trip tickets, that is being used in a shrimp fleet in the Southeast to garner effort information, and it most certainly is a reasonable option for that, because it is being used, currently, and so that's all I have to say to that. Of course, this motion doesn't speak directly to that. This motion is just to start the framework action.

CHAIRMAN FRAZER: Thank you, Ms. Bosarge. Okay. I am not seeing any other hands at this point. I am wondering if staff feels like they have enough direction at this point to go ahead and start the framework action. Dr. Simmons.

EXECUTIVE DIRECTOR SIMMONS: Yes. Thank you, Mr. Chair. I think we have enough to move forward. Thank you.

CHAIRMAN FRAZER: Okay. Thank you. **Seeing no more hands, I would ask if there is any opposition to this motion. Hearing none, and seeing no hands, the motion carries.** Ms. Bosarge.

MS. BOSARGE: Thank you, Mr. Chairman. Continuing with the report, Dr. Freeman discussed motions from the March 2021 Shrimp AP meeting's summary report relevant to this agenda item. The first Shrimp AP motion requested that the council contribute funds to the LGL proposed project to develop a method for automatic transmission of ELB effort data from P-Sea WindPlot to a designated server.

The second motion requested that the council write a letter to

NOAA OLE requesting exemption of the Gulf of Mexico shrimp industry from the recently published VMS requirements, including that of two-way transmission and reception and only be required to have one-way transmission of effort data. The third motion requested that the council and NMFS work with LGL on type approval for its P-Sea WindPlot pilot program.

Biological Review of the Texas Closure, Dr. Masi presented a biological review of the Texas closure. She noted that the original Shrimp Fishery Management Plan was implemented in 1981, with one of the goals being to increase the yield of brown shrimp harvested from offshore Texas waters. She also noted that, historically, the closure has been from mid-May to mid-July. Since 1990, the nearshore, less than four fathoms, area has also been closed in conjunction with the Texas closure.

Since the 1980s, there has been an overall decline in July for offshore Texas brown shrimp landings, which corresponds to the Texas closure. Since the mid-1990s, there has been an increase in August landings overall, which corresponds with the initiation of the nearshore closure. For May through August 2020, catches are lowest in May and June, with the highest catches in August. The lowest amount of August catch is found in that smallest market size category, the sixty-seven count, suggesting that the Texas closure is successful in allowing shrimp to grow to larger sizes before harvest.

Dr. Masi next reviewed the annual percentage of Texas total shrimp landings from 1981 to 2020 by region, which is upper, middle, and lower. Proportional to 2019, the upper and lower regions had a decrease in the percentage of total shrimp landings, while the middle region had an increase.

Offshore Texas white shrimp catch for both July and August 2020 was highest in the fifteen to twenty count. The distribution shifts to the larger size count categories in August, compared to July, showing the impacts of the Texas closure allowing the shrimp to reach larger sizes.

With no opposition, the committee recommends, and I so move, to recommend to NMFS that federal waters be closed out to 200 miles to run concurrent with the date that the State of Texas recommends for the 2021 Texas shrimp closure in the Texas Territorial Sea.

CHAIRMAN FRAZER: Thank you, Ms. Bosarge. We have a committee motion, and we'll put it on the board. It looks like it's up. Is there any further discussion of this motion? **I am not seeing**

any hands, or hearing any voices, and so is there any opposition to the motion? Hearing none, and seeing no hands, the motion carries. Ms. Bosarge.

MS. BOSARGE: Thank you. Gulf Shrimp Fishery Effort and Landings, Tab D, Number 5, Dr. Masi reviewed the Gulf shrimp fishery effort and landings from 2019. She noted that the 2019 information is based on the 3G cELB data that was transmitted to NOAA.

While Louisiana, Texas, and an area around the Dry Tortugas showed high levels of fishing effort in 2019, total offshore shrimp landings decreased in 2019 from the previous year and were at the lowest levels in the 1981 through 2019 time series. All managed shrimp species are included within the total offshore shrimp landings and effort in the figures shown to the Shrimp Committee.

While a slight decline was shown in the 2019 CPUE, it is consistent with interannual fluctuations observed over the past fifteen years. The target reduction goal for the shrimp effort threshold is 60 percent below the baseline effort in the years 2001 through 2003. 2019 had a 76.09 percent reduction, which not only meets but exceeds the 60 percent reduction threshold.

2019 Royal Red Shrimp Index, Tab D, Number 6, Dr. Masi presented the 2019 royal red shrimp index, with landings from 1994 through 2019. The annual catch limit (ACL) was established in 2011 at 337,000 pounds of tails and is based on 1994 landings. 2019 landings showed a slight increase over 2018, by roughly 17,000 pounds of tails.

Remaining Items from Summary of the Shrimp Advisory Panel Meeting, Tab D, Number 8, Dr. Freeman discussed remaining items from the summary report and motions from the March 2021 Shrimp AP meeting. The AP requested that NMFS continue with the Texas federal closure in the coming year, in conjunction with the State of Texas Closure in 2021.

The AP made a motion for Dr. Masi to begin including information in her future AP presentations on the number of active vessels as well as valid and renewable permits in the Gulf of Mexico from the years 2000 through current for white, brown, pink, and royal red species. The AP also requested that the council consider comments from the Southern Shrimp Alliance to NOAA's Office of Aquaculture on identifying aquaculture opportunity areas in the Gulf of Mexico. Lastly, the AP also requested the council communicate support to NOAA for a new stock assessment

of the Kemp's ridley sea turtle population according to the modelling approach presented by LGL Ecological Research Associates.

Mr. Chairman, I would like to pause there. We had that presentation yesterday, and we were behind schedule, as you know, and coming up on public testimony, and so I didn't stop and make any motions at that point. I didn't want to cut the public short on their time, but, if you don't mind, I would like to make that motion now.

CHAIRMAN FRAZER: Go ahead, Leann.

MS. BOSARGE: Okay. Thank you, sir. If staff is ready, and I haven't sent this to you, but I will read it to you. **To send a letter to the Southeast Fisheries Science Center (SEFSC) expressing our support for conducting an assessment of the Kemp's ridley stock when time and funds allow, and that this assessment consider the modeling approach presented by LGL Ecological Research Associates.**

Mr. Chairman, I put "when time and funds allow in there", and, obviously, this should not take precedent over our normal SEDAR schedule, nor would I expect it to, and so, if and when day time and funds allow, I hope this will be considered.

CHAIRMAN FRAZER: Got it. All right. Thank you, Leann. We have a motion. Is there a second for that motion?

MR. RIECHERS: Second.

CHAIRMAN FRAZER: It's seconded by Mr. Riechers. Is there any further discussion on the motion? Mr. Diaz.

MR. DIAZ: Thank you, Mr. Chair. I mean, I speak in support of the motion and I think the motion generally would help with some of the issues that we discussed yesterday related to the Executive Order discussion, and I think some of the information from this new stock assessment, when it is done, would support what's being asked for in that Executive Order. Thank you.

CHAIRMAN FRAZER: Good point, Mr. Diaz. Mr. Riechers.

MR. RIECHERS: Tom, thank you. For some of the same reasons that I didn't chime in yesterday after the presentation, but I do recall, and some of you may recall, or can help me with this, but I think a stock assessment was also completed in the 2016 timeframe, or something like that, and I think Gulf States had a

hand in supporting that, as I am recalling, and certainly Gulf States has supported some of the work that's gone on regarding turtles, and, of course, now there is some Deepwater monies that have flowed to -- It's not necessarily on the science side, but certainly there is some science that may come out of it as well, but on the salvation and stranding networks and so forth.

What I guess my question is, it's, after that last assessment, I'm assuming that this one will build on that, but how did the Southeast Center and the Science Center incorporate that into their discussions the last time around? What I'm trying to get a little thought here is how is it being incorporated into that overall picture, as opposed to kind of something done over here on the side, and maybe how does it play into that picture, is what I'm trying to get at.

CHAIRMAN FRAZER: Sure. Clay, do you want to weigh-in on that?

DR. PORCH: Actually, that's before my time as Center Director, and so let me check with my folks and get back to you on that. I certainly haven't heard too much about it in the last few years. However, we are interested in supporting an assessment of Kemp's ridley turtles, and so I think this motion is consistent with our intent.

CHAIRMAN FRAZER: Thank you, Dr. Porch. Is there any further discussion? I am not seeing any hands, nor am I hearing any voices. **Is there any opposition to this motion? Seeing no hands, and hearing no voices, the motion carries.** Ms. Bosarge.

MS. BOSARGE: Thank you. Other Business, no other business was brought up by the committee. Mr. Chairman, this concludes my report.

CHAIRMAN FRAZER: Thank you, Ms. Bosarge. It looks like we will move right into the Mackerel Committee, if Mr. Riechers is prepared.

MACKEREL COMMITTEE REPORT

MR. RIECHERS: Yes. Thank you, Chairman. The committee was called to order, the Mackerel Committee was called to order, on April 12, 2021. The committee adopted the agenda, Tab C, Number 1, and approved the minutes, Tab C, Number 2, of the January 2021 meeting as written.

Next on our agenda then was a review of Coastal Migratory Pelagics Landings Update, Tab C, Number 4. Mr. Peter Hood from

the NMFS Southeast Regional Office reviewed the recent landings for the Gulf migratory groups of cobia, king mackerel, and Spanish mackerel.

Recreational landings for 2020 are still incomplete, as a result of the sampling limitations during the COVID-19 pandemic. Mr. Hood highlighted a potential discrepancy in the commercial data for Gulf king mackerel in 2021. The data will be reevaluated and corrected if they are determined to be erroneous. Ms. Bosarge mentioned that the higher landings in 2021 could be a reflection of reopening markets from the initial COVID-related closures.

The commercial Southern Zone hook-and-line king mackerel season was closed on February 22, 2021, as it was projected to meet the annual catch limit. However, landings stabilized, and the zone was reopened for five consecutive fishing days from April 4 through 8 and closed on April 9 of 2021.

Next, the committee moved on to Amendment 32: Modifications to the Gulf of Mexico Migratory Group Cobia Catch Limits, Possession Limits, Size Limits, and Framework Procedure, Tab C, Number 5.

Council staff presented a revised version of Chapters 1 and 2 of Coastal Migratory Pelagic Amendment 32. The revised document includes a new action, Action 3, to modify sector allocations in the Florida East Coast Zone along with preferred alternatives from the South Atlantic Fishery Management Council and recommendations from the CMP Advisory Panel.

Action 1 would modify the Gulf migratory group cobia catch limits. Both the council and the CMP AP currently recommend Alternative 2 as the preferred alternative, and no additional changes were made.

Action 2 would modify the apportionment between the Gulf and FLEC Zone and update each zone's ACL based on the Gulf group cobia ACL from Action 1. Preferred Alternative 3 would modify the zone apportionment to 63 percent for the Gulf Zone and 37 percent for the FLEC Zone and incorporate the transition to the Marine Recreational Information Program's Fishing Effort Survey (MRIP-FES) data currency.

Council staff and the committee discussed the large number of combinations in the management actions included in this document, and how this could complicate future analyses related to combined and cumulative effects. The committee considered

removing Alternative 4 from Action 2, since the difference in zone apportionments between Alternatives 3 and 4 is only 1 percent. Retaining Alternative 5 in the document still allows for considerations of using a more recent time series for calculating the apportionment.

The committee recommends, and I so move, in Action 2 to remove Alternative 4 to Considered but Rejected. Alternative 4 is modify the Gulf group cobia stock ACL apportionment at 62 percent to the Gulf Zone and 38 percent to the FLEC Zone, based on the MRIP-FES average landings for Gulf group cobia for the years 2001 to 2015, and use this apportionment to update the zone ACLs based on the Gulf group cobia ACLs in Action 1. This motion carried with no opposition.

CHAIRMAN FRAZER: Thank you, Mr. Riechers. We have a committee motion on the board. Let's make sure that it's up and legible for everybody. Is there any further discussion of the motion? It looks like we have John Sanchez. Go ahead, John.

MR. SANCHEZ: Thank you. It's not related to this. It's at the tail-end of the meeting. Thank you.

CHAIRMAN FRAZER: Thank you, John. Is there any other hands? I am not seeing any other hands. **Hearing no other voices with regard to discussion, is there any opposition to the motion? Hearing none, the motion carries.** Mr. Riechers.

MR. RIECHERS: Thank you, Mr. Chairman. Next, we moved to Action 3. Action 3 proposes to modify the allocation between the recreational and commercial sectors in the FLEC Zone. The Gulf Zone manages its cobia as a single stock. Thus, it is not included in this action. The committee deferred selecting alternatives until the South Atlantic Fishery Management Council provides input on this action, as it falls within their jurisdiction.

Action 4 proposes to update the established annual catch targets for the Gulf and FLEC Zones. In the FLEC Zone, only the recreational sector has an annual catch target. This action also provides the opportunity to establish an annual catch target for the FLEC Zone commercial sector.

The committee discussed the implications of using the Gulf of Mexico Fishery Management Council ACL/ACT Control Rule to calculate the FLEC Zone recreational ACT instead of proportional standard error, as the error increased with the transition to MRIP-FES.

The committee also discussed the implications of this action and how it relates to season closures in each zone. In the Gulf Zone, the fishing season is closed once the zone's ACT is met or projected to be met. Preliminary closure analyses suggest that, with no additional management changes, the Gulf Zone ACT is expected to be met in August or September of 2021 under all ACL and ACT alternatives being considered.

The FLEC Zone has a post-season accountability measure, such that, once the combined ACL is met or exceeded, and, when I say combined, that's recreational and commercial, the length of the following fishing season is reduced by the amount necessary to achieve the ACT. Staff will continue working on the discussion section in this action to update and refine the closure analyses.

We moved then to Action 5. Action 5 has been split into sub-actions to address changes to possession, vessel, and trip limits by zone. For Action 5.1. the Gulf Zone, the committee discussed removing the commercial sector from having a reduction in the per person daily possession limit, as this action is not expected to result in a significant reduction in fishing mortality.

Members of the committee also commented about enforcing similar regulations as those in Florida state waters. In Florida state waters, it's one per person or two per vessel per day, whichever is less, for both sectors. Ms. Guyas also mentioned that, given the status of the stock, the Florida Fish and Wildlife Conservation Commission may not consider making their regulations less stringent.

The committee recommends, and I so move, in Action 5.1, to remove "Preferred" from Option 2b in Alternative 2. Mr. Chair, I'm not going to read through all of that. Just we're going to now put the motion on the board, I assume, and, again, it's removing the preferred portion on Option 2b, and it's shown as a strike-out in the committee report, and we may want to make that clear here in the motion.

CHAIRMAN FRAZER: Sure. Let's get it up on the board and see how the --

MR. RIECHERS: I'm sorry, but the motion did carry with one in opposition.

CHAIRMAN FRAZER: Let's get it formatted, and, as soon as we do

that, we will -- Mr. Riechers, your suggestion is that we, for clarity, simply remove the strikeout in Option 2?

MR. RIECHERS: No, it was -- I just want to make sure that it's shown as a strikeout and that everyone is clear that what's on the board is showing that, basically, the preferred portion, or the preferred nomenclature, regarding Option 2b is being referred, meaning it's not a preferred anymore.

CHAIRMAN FRAZER: I am clear. Thanks. So, again, removing -- Or indicating clearly in this motion that Option 2b is not a preferred. Is there any further discussion of this motion?

MS. BOGGS: Mr. Chair, I'm having a delay with my Adobe Connect, and so I don't know if raising my hand is being affected as well.

CHAIRMAN FRAZER: That's okay. I didn't see it, and so you go ahead.

MS. BOGGS: Well, I just would like to make the comment that I'm a little bit mixed about this, but I think it would be, in my mind, a little better if we stay consistent with what the State of Florida is doing in state waters.

Apparently, in the FLEC Zone, it's included that the commercial sector be limited to one fish per person, and I understand that it has little to no effect. However, a lot of these actions that we've taken in this document, if you look at them, have little to no effect, and I strongly believe that we need to start trying to restrain some of these catches until we get a real handle on what cobia is doing in the Gulf. Thank you.

CHAIRMAN FRAZER: Thank you, Ms. Boggs. I am looking for other hands. Ms. Guyas.

MS. GUYAS: Thank you. I'm going to speak against this motion, and I will not be supporting it. I think we need to be consistent across-the-board here. In Florida, we already have a one-fish-per-person, and that applies to everyone.

As I said in committee, I would not expect our commission to back off of that, given everything that they're hearing about cobia, and so I would prefer that we stick with the current preferred and not change it, as described in this motion.

CHAIRMAN FRAZER: Okay. Thank you, Ms. Guyas. I will wait just a second, given the delay. Ms. Bosarge.

MS. BOSARGE: I appreciate the comments. I will just maybe make the point that, very rarely, if ever, do commercial and recreational management match. There just is two different fisheries, and they are prosecuted in different ways, and what fits one does not typically work for the other. Very rarely do we have bag limits.

We typically have poundage limits, and so it's already a little strange that we have a fish limit, in numbers of fish, rather than in pounds, and I don't know, and maybe that's what we need to look at, is a poundage limit per day for the commercial sector, to kind of put this in terms that we normally operate under, but I will remind you that, at this point, the regulations, both state and federal, have brought commercial landings down from their peak by 90 percent.

I think we've probably done our part, and I think that reducing any further doesn't give you really any biological savings. I mean, it's 3,000 pounds on a multi-million-pound landings, and so I don't see where you're doing anything but really constraining that commercial sector to a point where they can't keep anything.

We have to have a market for these fish, and it's hard enough to do that at two fish, much less at one, and I do see this on the menu quite often at restaurants, and I hate to think that it's coming in from overseas, and so we have a harvest that we're allowed to take, biologically, and please allow us to take it in a way that makes it economically feasible for us, and that's why I ask that the preferred be removed.

CHAIRMAN FRAZER: Thank you, Ms. Bosarge. Mr. Riechers.

MR. RIECHERS: Leann, I certainly understand your point. I think I'm looking at this more as an enforcement issue and a consistency issue, as opposed to a reduction in landings, because I don't think any of these are going to change the overall landings picture very much, but, from that same perspective, and this one could go to Martha, maybe, being more familiar with that fishery over in your part of the woods.

Practically speaking, is removing the preferred here and still having a preferred on a two-fish-per-trip vessel limit, is -- I mean, from an equivalence standpoint, how many trips do we think we're going to impact by changing this? I'm not expecting you to give me the number, but just a thought about a lot or a little or some percentage kind of notion.

MS. GUYAS: Let me make sure I understand your question. Sorry, Tom, and I think that was to me, but --

CHAIRMAN FRAZER: Yes.

MS. GUYAS: So you're saying what would be the impact if we have a two-fish-per-person commercial limit and we have the two-fish-per-vessel limit?

MR. RIECHERS: No, and I guess I'm suggesting, or asking the question, of, with a two-fish vessel limit, does this really do anything, in effect, by removing it?

MS. GUYAS: Okay. I guess we would have to look at the analyses in the back of the document, and I don't know if Natasha has that at her fingertips, but, I mean, in Florida, it's already one per person, two per vessel, and so, I mean, that's where we are. I would have to look at the breakdown between what's caught in state versus federal waters, and I think there's a lot coming out of state waters, certainly in the Panhandle. In other parts of the state, I'm not sure, off the top of my head. That's probably not very helpful, but --

MR. RIECHERS: I will go to the back of the document as well and see if I can find what I'm looking for back there. Thank you.

CHAIRMAN FRAZER: Natasha.

DR. NATASHA MENDEZ-FERRER: Thank you, Mr. Chair. The preliminary analyses that are included in the draft that is in front of you have been updated, and we are including new analyses in your draft in June, and so I'm kind of taking a look at the rough numbers right now in the predicted percent reduction in cobia landings from reducing the bag limit from two to one in the commercial sector, and it's expected to have less than a 1 percent, given that the majority of the trips are catching one or less cobia. I hope that answers your question.

CHAIRMAN FRAZER: Does that help, Mr. Riechers?

MR. RIECHERS: Yes, and, again, I'm trying to play with the nuance of the vessel limit that still is a preferred, and that certainly still helps with my question, yes. Thank you.

CHAIRMAN FRAZER: Okay. Is there any further discussion? I am not seeing any. We will certainly see this document again in June, and I think we were trying to get things together for the

South Atlantic, so they would have an opportunity to do things at their upcoming meeting as well, and so you will see this again. **Based on the analysis, if there is a change of heart, perhaps, we can revisit this, but, for right now, I am going to ask if there is any opposition to this motion on the board.**

MS. GUYAS: Yes.

UNIDENTIFIED: Yes.

CHAIRMAN FRAZER: Two opposed. **The motion carries with two opposed.** Mr. Riechers.

MR. RIECHERS: Next, we moved to Action 5.2. The committee also approved the South Atlantic Fishery Management Council's preferred alternatives associated with modifications in their jurisdiction.

The committee recommends, and I so move, in Action 5.2, to select all the South Atlantic Preferred alternatives and options. Those were, for the record, South Atlantic Preferred Alternative 2, South Atlantic Preferred Option 2a, South Atlantic Preferred Option 2b, South Atlantic Preferred Option 3a, South Atlantic Preferred Alternative 4, and the South Atlantic Preferred Option 4a. That motion carried with no opposition.

CHAIRMAN FRAZER: Thank you, Mr. Riechers. We have, again, a committee motion on the board. Is there any further discussion of the motion? **Not seeing any hands, is there any opposition to the motion? Not hearing any, the motion carries.** Mr. Riechers.

MR. RIECHERS: Thank you, Mr. Chairman. Next, we moved to Action 6.

MR. DIAZ: Mr. Chairman, I am having trouble raising my hand, for some reason, before we go too far.

CHAIRMAN FRAZER: Go ahead, Mr. Diaz. I apologize.

MR. DIAZ: I was trying to just mention something about Action 5.1 before we leave it too far. I am having some mixed feelings about the vessel limit. I don't know that I am going to make a motion right now to change it, but I am worried about a few things.

I have had some input from people in this state that do not support the two-fish vessel limit, and I know there's not a lot

to be gained on vessel limits, and the most to be gained, I do understand, is with less fish, but cobia is kind of a unique species.

There are term limits for cobia that are held in this part of the Gulf, and I think there's some in Florida and Alabama also, and I am just worried about choking that vessel limit down to two and really encouraging high-grading, and I don't know if that's factored into the analysis or not, but I am having some doubt about sticking with that preferred, and, at this point, the way I'm thinking right now, I would prefer a higher vessel limit. Thank you, sir.

CHAIRMAN FRAZER: Thank you, Mr. Diaz, for those comments. Mr. Riechers, if you want to go ahead and move on. Sorry again, Robin. There's a little bit of a delay on my end. Ms. Guyas has her hand up.

MS. GUYAS: I just wanted to say, just so Dale is aware, there are a lot of tournaments in Florida, and some have to be cancelled recently, because of the state of cobia, and the tournaments, at least out of Destin, they do not allow high-grading, and they have all these measures to avoid that, and so this vessel limit reduction came from the people that are participating in those tournaments and organizing those tournaments.

I mean, they came to us, a couple of years ago, and said please help us, and this is a huge issue, and so this is their initiative that we have supported, and they're really just trying to rebuild this fishery, and we support that, of course, and so at least that's how things have gone in the eastern Gulf with this. I mean, the people that are in these tournaments recognize that this is a big issue, and they want to do their part, and the vessel limit reduction is an easy way to do that.

This is a tricky fishery, with the size limit and all that, and there's limited things that we can do to promote rebuilding, and, to me, this is an easy one, and so that's all I'm just going to say about that.

CHAIRMAN FRAZER: Thank you, Ms. Guyas. Ms. Boggs.

MS. BOGGS: I will reiterate too what I said in committee, that there are tournaments in this area that are being cancelled, and one of them, I believe, had a fifty-pound minimum for cobia, and they never got a fish brought to the weigh station that was fifty pounds. It's a real issue, I can tell you, in the

northern Gulf. Pensacola and Alabama are all cancelling tournaments. Thank you.

CHAIRMAN FRAZER: Thank you, Ms. Boggs. Let's see if I have any other hands. Okay. I am seeing no more hands. Mr. Riechers, if you want to continue.

MR. RIECHERS: Thank you, Mr. Chairman. Next, we turned to Action 6. Action 6 proposed an increase to the minimum size limit. The committee agreed preferred Alternative 2, which would increase the size limit in the FLEC Zone from thirty-three inches to thirty-six inches fork length, or the same as is in the Gulf Zone. The increase of the minimum size limit in the Gulf Zone was implemented in March 2020, and the effects have not been captured by recent landings data.

Action 7 proposes modifications to language in the CMP Framework Procedure to allow the SAFMC to independently approve management measures that affect fishing within their jurisdiction. This language only applies to actions that can be addressed through a framework amendment. Changes that would affect the entire stock, such as catch limits, allocations, zone apportionment, and the inclusion or exclusion of species in the CMP fishery management plan still require the approval of both councils.

The committee recommends, and I so move, in Action 7, to make Alternative 2 the preferred. That Alternative 2 is modify the framework procedure to update the responsibility to each council for setting regulations for the Gulf group cobia. The motion carried with two in opposition.

CHAIRMAN FRAZER: Okay, and so we have a committee motion on the board. That motion, again, just for the record, is, in Action 7, to make Alternative 2 the preferred, and Alternative 2 reads: Modify the framework procedure to update the responsibility to each council for setting regulations for the Gulf cobia group. Is there further discussion of the motion? I see, Ms. Boggs, you have a hand up. Is that a new hand?

MS. BOGGS: It is. I just have a quick question. Number 2, where it says the stock assessment indicates a different boundary, and a portion of the ACL for one migratory group may be apportioned to a zone in the other council's jurisdiction, and I just want to make sure I'm clear who would make that decision.

Would it just be based on where the catch -- I just want to be clear who is going to make that decision and that's not

something that is going to take away from one zone or the other because we're not specifying being more specific about that. I don't know that I'm being clear, but I'm a little unclear about it to begin with.

CHAIRMAN FRAZER: I think I might ask Natasha to weigh-in on this one. Natasha.

DR. MENDEZ-FERRER: One second, Mr. Chairman. I am referring back to the text that Ms. Boggs is talking about. Ms. Boggs, can you remind me again which item?

MS. BOGGS: It's in Alternative 2, Number 2, and you've got 1, 1a, 1b, and then you've got 2, and we're striking "the appropriate zone, but management measures", and then I'm looking at the proposed change, and I am just -- I want to just be clear how that decision is going to be made.

DR. MENDEZ-FERRER: When there is apportionment of migratory groups, those are decisions that are made by both councils. For example, we have the Gulf group cobia, which the Gulf migratory group part of it is apportioned to the South Atlantic for the management, the same as like what happens with management of king mackerel. The Gulf Council manages portions of the king mackerel that fall within the South Atlantic jurisdictions. Those changes in who is going to manage what, those are decisions that are made between both councils, and I think we're just trying to make it a little clearer on the language here. That's where Number 3 comes in, that both councils must concur on recommendations that affect both migratory groups and jurisdictions.

MS. BOGGS: Thank you.

CHAIRMAN FRAZER: Okay. Ms. Bosarge.

MS. BOSARGE: Thank you, Mr. Chair. I think I'm going to oppose this motion at this meeting. I may change my mind in a future meeting, but, for now, I think I'm going to oppose it. It just seems off.

The South Atlantic just went through a process where they decided that they didn't want to manage Atlantic cobia anymore, that it would be better to pass that to the Atlantic States Commission, and yet now they want more management over Gulf cobia, where there is not a joint amendment anymore with the Gulf Council for a lot of things they do, anything they can do through a framework. I don't know, and it seems strange that

they want to -- They turned over management of Atlantic cobia, but they want more management of Gulf cobia. I mean, it's probably fine, but something just doesn't sit right with me about it, and so I'm going to oppose this motion for now.

CHAIRMAN FRAZER: Okay. Ryan, to that point?

MR. RYAN RINDONE: There isn't anything that the South Atlantic is being given the authority to do that would directly affect how the Gulf fishes for cobia through this modification to the framework procedure.

Anything that would result in any changes to catch limits, allocations, stock boundaries, stock status determination criteria, anything like that, it's still a joint fishery management plan, and so the Gulf Council would have to agree with anything that the South Atlantic Council proposed, and vice versa, for any of those things to actually take effect, and so both councils still have responsibility over the Gulf cobia stock, which is still part of our joint CMP fishery management plan.

The Atlantic group of cobia was removed from the CMP FMP, because the majority of landings of Atlantic cobia occurred within state waters in that species range, which was from the Florida/Georgia line north, and a lot of it has to do with just the way the water moves along those coastlines and the way that those fish are fished by the different sectors up there, and so that was the most appropriate decision for that migratory group.

The majority of Gulf cobia, both in the Gulf and on the Atlantic coast of Florida, are still landed in federal waters, and this is especially true for the Atlantic coast. It's been a while since I've looked at these data, but I think, the last time I looked at it, it was over 70 percent of cobia that are landed off the east coast of Florida are still landed in federal waters, and so it's still very much a federal fishery, and the South Atlantic Council has expressed no inclination, at this point, to do anything differently with Gulf cobia with respect to its management.

For the key things that would affect the stock and its management, both councils still have to concur. What this framework procedure is allowing the South Atlantic Council to do is simply to be able to be more nimble in things like bag limits, size limits, seasons, closed areas and whatnot, as they relate to the fishery as it's managed from south of the Florida Keys up to the Florida/Georgia line.

It's affording them the same general framework flexibility that we're able to use for the fish that occur within our waters, but, again, anything that relates to ACLs or allocations or apportionments or anything like that, it still has to be agreed upon jointly. Mr. Chair.

CHAIRMAN FRAZER: Thank you, Mr. Rindone.

MR. STRELCHECK: Did you call on me, Tom? You were breaking up.

CHAIRMAN FRAZER: I did. I apologize. Go ahead.

MR. STRELCHECK: Just to add to this, and certainly Ryan or staff can correct me if I'm wrong, but I don't view this as really markedly different than how we manage a species like yellowtail snapper. Yes, we don't have a joint fishery management plan for a species like yellowtail, but we do have an apportionment between the South Atlantic and Gulf Councils, and the South Atlantic Council, obviously, sets regulatory measures for yellowtail snapper in their jurisdiction.

Obviously, the difference here is the migratory group boundary goes all the way up to the Florida/Georgia border, but, at the end of the day, that is, obviously, in South Atlantic waters, where the South Atlantic has decision-making authority, and so I don't see it as being in conflict or inappropriate for them to manage, or at least provide input, on regulatory measures for cobia in their part of the geographic area, especially when the Gulf Council also has authority to, obviously, make sure that they are in agreement with any recommendations for the South Atlantic Council.

CHAIRMAN FRAZER: Thank you, Andy. Ms. Bosarge.

MS. BOSARGE: Thanks, and it is just a little bit different though, because this is a migratory species, and so it is a little different than a yellowtail or something like that, and that is pretty much -- Well, commercially anyway, a lot of it is right there in south Florida, and those people fish on both sides.

This is a species that migrates across a large body of water, and it is a Gulf stock. A small portion of our Gulf stock happens to migrate over to the east coast of Florida, and so I think we've been good to allow the South Atlantic Council some input on how our Gulf stock is managed during the period when it's migrating over there into their waters.

However, anything -- Any management measures that they may change over there, bag limits or this or that, will affect us, because that stock migrates back, and so, if they happen to fish it harder while it's over there off of their coast, then it's going to have an impact on what we can do over here in the future.

I just think it's a good idea to keep us in tandem with them, and we allow them to manage it over there, but it would be nice if we could have input on what they're doing and we both come to a consensus on it. I understand they don't have to do that for us, but it's a Gulf stock. That's what it is, and so I can kind of see that rationale, but it doesn't really go the other way, and so I'm going to vote in opposition to this for now. Maybe we can flesh this alternative out a little bit more and make me feel good about it at the next meeting.

CHAIRMAN FRAZER: Okay. Thank you, Ms. Bosarge. I will note, again,, that there was two opposed on the committee, and there is -- **Clearly, Leann is on the record as being opposed in its current form, and is there any other opposition to the motion?**

MS. BOGGS: Yes.

CHAIRMAN FRAZER: Any more? **So the motion carries with two opposed.** Mr. Riechers.

MR. RIECHERS: Thank you, Mr. Chairman. The committee then discussed the implications of the proposed catch limits and the potential for in- season closures. Ms. Guyas asked about how these potential in-season closures might affect different Gulf regions. Council staff is continuing to work on updating the analyses, including the development of a decision support tool.

Then we turned to Tab C, Number 6, which was the Coastal Migratory Pelagics AP Recommendations, and we wanted to discuss any of those that we hadn't discussed throughout the meeting.

Council staff went over the remaining items that were discussed during the CMP AP meeting on March 24, 2021. Mr. Martin Fisher, Chair of the CMP AP, commented that the AP is not against commercial electronic logbooks, but that the current proposal could be simplified and improved. The discussion was continued during the Data Collection Committee.

Next, we went to Discussion of Individual Fishing Quota for Gulf King Mackerel for the Gulf Southern Zone Gillnet, Tab C, Number

7. Mr. Sanchez spoke on behalf of the Gulf king mackerel gillnet fishery in the Southern Zone.

A letter from the Florida Keys Commercial Fishermen's Association was distributed to the committee. The discussion focused on a request to increase the quota in this zone, as current fishing regulations resulted in a short fishing season, and it starts the third Monday of January each year, compared to other commercial king mackerel zones in the Gulf.

The initial proposal considered the implementation of a catch-share-type program (i.e., individual transferable quota or individual fishing quota), but the majority of gillnet permit holders have not agreed to this change. Mr. Sanchez also proposed an exempted fishing permit as an approach to experiment with more efficient ways to prosecute the Gulf king mackerel gillnet fishery.

This fishery currently has payback provisions on overages as a post-season AM, is mostly self-regulated, and landings are reported daily to SERO. Mr. Strelcheck commented that EFPs are intended for limited duration and as a tool to learn new ways that can improve management, and not necessarily as a tool to increase industry buy-in. With that, Mr. Chairman, I will stop, because I know Mr. Sanchez had his hand up here.

CHAIRMAN FRAZER: Thank you, Mr. Riechers, and you are exactly right, and so, Mr. Sanchez, your turn.

MR. SANCHEZ: I just heard my name. I'm sorry, but I was just walking back.

CHAIRMAN FRAZER: Sorry, John, and so we are at the end of the Mackerel Committee Report, and I wanted to give you an opportunity to provide some comment.

MR. SANCHEZ: Thank you for that, and I'm sorry for stepping away at the absolute wrong time. What I wanted to do, and I don't know if I need to make a motion or just to request, and you all can advise me, but I would like to make a request that, at the next meeting in June, that we place Amendment 33 for king mackerel on the agenda.

CHAIRMAN FRAZER: Okay. Real quick, we're going to look at the action guide and see where we are with the status of that document. Hold on one second, John.

MR. SANCHEZ: Thank you.

CHAIRMAN FRAZER: John, I'm having a discussion here with the staff, and we will give it an effort, to see if we can put a draft options document together, and we will do our very best to do that. Okay?

MR. SANCHEZ: I do appreciate it, because -- Two reasons. One, we happen to be in the backyard of the people that are interested in this, in Key West, as well as it is my last meeting, and it's been an issue that I've been speaking on for a couple of years now, and so it would be nice to at least have that be considered in the geographic area where the fishery transpires, to a great extent, where there's a lot of interest in this, and I would like to at least have some discussion, and I appreciate staff's efforts on trying to put that together. Thank you.

CHAIRMAN FRAZER: Thank you, John. I appreciate your comments and your intent, and, as I said, the staff will make every effort to try to do that. Obviously, as we continue to work through these meetings, the agenda is full, but, again, we'll try to accommodate that, to the best of our ability.

MR. SANCHEZ: Thank you.

CHAIRMAN FRAZER: Natasha and then Mr. Anson.

DR. MENDEZ-FERRER: I can let Mr. Anson go before me. My comment was a quick comment about cobia. If Mr. Anson has further discussion on king mackerel, I can allow him to go first.

CHAIRMAN FRAZER: Mr. Anson.

MR. ANSON: Thank you, Mr. Chair. Just a point of procedural clarification, I guess. John, I think -- John mentioned about bringing a document together, and staff put up Amendment 33, and then you mentioned something about putting together a draft options paper, and so is it a document that the council has already requested and staff had previously started, and that was called Amendment 33, or is this like a brand-new request to direct staff to put some ideas together to bring to the council, because it's my understanding that, normally, we would have to do a motion in order to have staff to do that.

I'm in support of it, if a motion is needed, but I'm just, procedurally, again, trying to figure out where we are with what John wants, or wants to see, and whether or not it's something

the staff has already put together or will be putting together, and that's all.

CHAIRMAN FRAZER: Thanks, Kevin. I was looking at the action schedule when I made those comments, but Mr. Rindone.

MR. RINDONE: The council has already requested a document, and so, whenever we have requests for that, or the South Atlantic, for CMP species, we go ahead and stake our claim to an amendment or framework number, and so this is a formal document.

The last time this was discussed, Dr. Mendez presented a scoping presentation to you guys, to frame what it was that you guys had requested us to take a look at, which are -- If I remember correctly, it's updating the catch limits based on the last SEDAR 38 update assessment, and also looking at sector allocations, and there may have been one more thing in there, and Dr. Mendez might remember that, that I'm missing.

We'll draw that stuff up and take a peek at what we received from that scoping presentation that we gave you guys a while back, and we'll put together an options paper for you to take a look at and chew on a little bit.

CHAIRMAN FRAZER: Thank you, Mr. Rindone. Is that a satisfactory answer, Kevin?

MR. ANSON: That's great. Thank you.

CHAIRMAN FRAZER: Okay. Natasha.

DR. MENDEZ-FERRER: There were some really good discussions during cobia, and I wanted to remind the council that I guess the goal for the next meeting is to provide a public hearing draft, and I do have to mention that, because the South Atlantic has not been able to see Action 3, some of the analysis might be limited, based on what changes might come into Action 3 and Action 4, as it pertains to the FLEC Zone, but we're also going to be including some of the revised possession limit analyses that we weren't able to include in this draft, and so it's going to be, hopefully, a document that will answer some of the questions that were brought up today.

CHAIRMAN FRAZER: Great. Thank you, Natasha. All right. Is there any other -- I am not seeing any hands, and so, Mr. Riechers, thank you very much for your effort to lead us through this.

We will go ahead and continue on with the Data Collection Committee and Mr. Anson.

DATA COLLECTION COMMITTEE

MR. ANSON: Thank you, Mr. Chair. The Data Committee met on April 12, and the committee adopted the agenda, Tab F, Number 1, as written and approved the minutes, Tab F, Number 2, of the October 2020 meeting as written.

AP Recommendations for Proposed Commercial e-logbook Requirements, Tab F, Number 4, council staff reviewed excerpts from the Reef Fish and Costal Migratory Pelagic Advisory Panel summaries regarding discussions on the proposed changes to the commercial electronic logbook program.

Overall, the panels agreed that timely and accurate data collection is important and were supportive of moving away from paper forms. However, the panels voiced a number of concerns about duplicative and burdensome requirements, difficulty of hail-in reporting on small open-console vessels and during inclement weather, and the sharing of proprietary locational information. Mr. Martin Fisher, the CMP AP chair, echoed these concerns to the council and questioned the scientific benefit of the proposed increase in the number of reporting requirements.

Dr. John Walter asked Mr. Fisher what he advised for engaging commercial stakeholders and proposed a workshop for addressing the panel's concerns. Mr. Fisher stated that he identified two separate objectives for the program. He recommended that a move towards electronic reporting for the current paper logbooks could happen quickly and would be an improvement.

However, the proposed newer real-time reporting requirements would need to be modified and that more input from industry would be beneficial for achieving program goals. He was amendable to having the panel work with Southeast Fisheries Science Center staff, through the council process, to develop program solutions. Several committee members agreed that more engagement was appropriate and strongly encouraged continued transparent communication on the development of the program.

Then we took up Update on Southeast For-Hire Integrated Electronic Reporting Program, Tab F, Number 5. Mr. Rich Malinowski provided an overview of the progress of the Southeast For-Hire Integrated Electronic Reporting Program (SEFHIER). Since the implementation of Phase I in early 2021, approximately 1,300 vessels have created accounts.

Program participants have identified some software issues, which have been addressed by providers. Several instructional webinars have been scheduled, and these will provide an opportunity for fishermen to ask questions about the program. An option for submitting an issues form is being contemplated to allow for compliance, in the event of reporting equipment failure. A tentative date for Phase II implementation has been proposed for December 1, 2021.

A committee member inquired as to whether software developers were planning on providing instructional videos to help captains navigate the reporting software. Mr. Malinowski stated that both VESL and eTRIPS were in the process of creating videos and those would be made available on the SEFHIER web page.

Another committee member reported that fishermen had not been aware of the program and were not likely to be exposed to online resources and inquired when the dockside validation portion of the program was expected to begin. Mr. Malinowski stated that, when available to do so, more in-person outreach would be considered and that the validation portion is tentatively scheduled to begin in September.

Dave Donaldson added that the Gulf States Marine Fisheries Commission was reaching out to the states to discuss the feasibility of validation and were targeting September for implementation.

A committee member asked for clarification about transmission of data though the cellular reporting software. Mr. Andy Strelcheck stated that the cellular unit logged positional information and then transmitted data once in cellular range. Addressing equipment malfunction, a committee member indicated that reporting equipment failure was rare and that she had never experienced an occasion where she was prohibited from completing a trip for that reason.

Next, we moved on to Presentation on Methodology used for Recreational and Commercial Discards, Tab F, Number 6. Dr. Shannon Cass-Calay presented an overview on the methodology used to quantify commercial and recreational dead discards data for use in Southeast Fisheries Science Center assessments and monitoring of annual catch limits, and how discards are accounted for in assessment models.

Additionally, the presentation included information on estimating uncertainty in the amount of estimated discards and

provided examples for red snapper, red grouper, and king mackerel.

Recreational and commercial discard data are collected differently. Recreationally-caught fish in the National Marine Fisheries Services' Angler Access Point Intercept Survey that are landed and observed by interviewers, the Type A records, are summed with fish reported as harvested by fishers but unavailable to dockside samplers, and those would be Type B1 records.

B1 fish include fish discarded dead at-sea, used for bait, or part of landed catch that was not available for viewing by the sampler. Fish released alive, the B2 records, are used in calculating the number of fish that die after being released alive, or release mortality. The A and B1 records are summed to obtain recreational harvest, and the total is used to track against the recreational ACL. The presenter noted that the number of fish released dead is small.

B2 records are fit in the assessment model using species-specific levels of uncertainty, the coefficients of variation associated with release estimates, and post-release mortality is calculated by multiplying number of released fish by a discard mortality rate, which are generally species-specific and could also be fishing-fleet-specific. B2 records are not included in the calculation of catch limits.

For the commercial fishery, only fish landed and reported through seafood dealers are counted against the commercial ACL. Commercial fishing trips are sampled for the disposition of released fish, those that are alive, dead, used for bait, et cetera, using the Gulf of Mexico Reef Fish Observer Program, the RFOP.

Southeast Fisheries Science Center staff provided the rates of dead fish that were brought to the vessel and those fish used as bait from 2007 to 2019 and indicated that the level of dead discards using this method is small. However, it may underestimate dead discards.

Southeast Fisheries Science Center staff also noted that reef fish used for bait is currently prohibited. However, only a small percentage, approximately less than 1 percent for the example species presented, of observations met this criterion, and Southeast Fisheries Science Center staff do not expect these observations to have implications for management.

Unlike for recreational ACLs, where B1s are included in the harvest estimate and deducted from the ACL, the similarly classified fish that are dead on arrival, released as dead, or used as bait during commercial fishing trips are not included with landings and tracked against the commercial ACL. As with recreationally-caught fish, the release mortality associated with commercial live discards are not included in calculation of catch limits. Due to time constraints, follow-up discussion was postponed until Full Council. Mr. Chair, this concludes my report.

CHAIRMAN FRAZER: Thank you, Mr. Anson, and I believe, during committee, I was going to give you an opportunity to share a brief presentation with the council, if you would like to do that now.

MR. ANSON: I would like to do that, and I have given that to staff previously, if they can pull that up.

CHAIRMAN FRAZER: Okay. Let's give them a second to that. While we're getting it pulled up, it looks like we have a couple of folks in the queue to talk. Andy Strelcheck.

MR. STRELCHECK: Thanks, Tom. Two things. The first is a question. Going back to the electronic reporting discussion, at the tail-end of that, there was a reference to the potential for an exception for equipment failures. We also heard that several times from charter captains during public testimony.

We, right now, are planning for a late 2021 rollout of the electronic reporting devices, assuming we continue to get approval for more cellular devices, and so I wanted to ask if the council is interested in pursuing an exception, and, if so, we would want a motion to go ahead and begin work on probably a framework action, or even an abbreviated framework action, to consider an exception for the for-hire industry.

CHAIRMAN FRAZER: Thank you, Andy. We will hold that for right now, but we'll come back to that. Mr. Banks.

MR. STRELCHECK: Can I make a comment, Tom? I know it's your decision, obviously, as Chairman, to decide whether Mr. Anson presents or not, and I would request that the presentation either be done at the end of the day today, or potentially at the next meeting.

I have concerns about council members just providing presentations within the meeting, and certainly that we can

raise our points and bring our issues to the table, and that's obviously what we're here to do, but to drop a presentation on us without any full knowledge of that information beforehand I think is really detrimental to the transparency of the council process. I would recommend that, procedurally, we think about how to approach presentations like this going forward, and reconsider, obviously, Mr. Anson presenting today.

CHAIRMAN FRAZER: Thank you, Andy. I will, again, also follow-up on that. Patrick.

MR. BANKS: I don't need to make a comment. Thank you, Mr. Chairman.

CHAIRMAN FRAZER: Okay, Mr. Banks. Dr. Porch.

DR. PORCH: I just wanted to emphasize the need for electronic logbooks, and I fully support having a workshop, where we can have a meeting of the minds and hammer these things out as soon as possible, and I say that for two reasons. One, as we saw with red snapper, and we're increasingly seeing with other species, there's a lot of spatial structure, and it's not just a big washing machine in the Gulf, where everything randomly intermixes instantaneously, and there's actually, most likely, a series of local or metapopulations that are partially self-recruiting, and so we really need to get the spatial structure data from the fishery, and electronic logbooks with VMS-type tracking would give us that information.

In fact, we've already put it to fairly good use with that presentation we made to the SSC, in terms of where the fishing is occurring, and the other reason we need that is that the Center, as with many federal organizations, is actively downsizing, as a consequence of having flat budgets, but increasing costs.

Every time that Congress gives us a raise, but doesn't pay for it, of course, that means, in the future, we have to hire fewer people, and we have, generally, an average of a decrease of three staff persons per year at the Center, and so the only way to compensate for that is to automate a lot of the data collection processes, including having electronic reporting rather than trying to deal with things manually, and so it's absolutely critical that we move into the twenty-first century with regard to electronic reporting. Thank you.

CHAIRMAN FRAZER: Thank you, Dr. Porch. I am going to go ahead and see what Kevin would like to add to this discussion right

now before I make a decision where we're going to go. Kevin.

MR. ANSON: Well, I would like to just make verbal comments then, and you don't have to show the presentation, but I would like the opportunity to follow-up with some of the points that I had. We talk openly and bring points of discussion together kind of organically at each meeting, and so I would like the opportunity to do that.

We ran out of time during Data Collection, and I had asked to provide the presentation, and you said that you didn't want to at the time, because of time, and so I know we're right at the time to end Data Collection right now, but, again, we had some technological issues, and we got a late start this morning of about ten to fifteen minutes, and I would like to make my points, because I think they have implications to our discussions, again, as we take up some of these issues that we'll be following in Reef Fish. If I have a few minutes, Mr. Chair, I would like to bring those points forward.

CHAIRMAN FRAZER: We'll go back to the discussion that we had, Mr. Anson, and I did agree -- Can you all hear me? Every once in a while, I lose my ability here to transmit. Anyway, what I was saying, Kevin, is that --

MR. DIAZ: Your phone cut out again, Tom.

CHAIRMAN FRAZER: Let me try again. This is the best that I can do, and so I will say it one more time. I did agree, Kevin, to give you an opportunity to share your presentation with the council, and I would ask that you keep your comments short --

MR. RINDONE: Just talk through mine.

CHAIRMAN FRAZER: I'm not sure exactly what's up with the microphone, but, Kevin, you can go ahead and make your points as they relate to the discussion. If you want to use the presentation -- but I would like discussion limited, and so go ahead.

MR. ANSON: Can everyone hear me?

CHAIRMAN FRAZER: I can hear you, Kevin.

MR. ANSON: Okay. Thank you. I will be brief, but my main point that I want to make is that the presentation that was provided by NOAA staff during Data Collection showed some differences in how dead discards are treated, and it's important

that we talk about Magnuson and we talk about National Standards, and we'll be talking about National Standards here in Reef Fish.

There is one section within National Standard 1 that explicitly states that fisheries are to be managed through ACLs and ACLs are to be tracked against catch, and "catch" is defined in that section, and it's Section F in National Standard 1. Basically "catch" is defined as all those fish that are dead immediately as a result of fishing activities, and so those would be fish that are caught and put into an ice box and brought to shore, as well as those fish that are released back into the water dead, used for bait, potentially eaten by another fish or a mammal, and, again, all catch that is associated with fishing activities.

The presentation that was provided on Monday provided some information about the quantity, or level, of potential dead discards, but it did not provide the full picture, in my opinion, and that is because fish that were only brought to the vessel on the commercial side were counted in the analysis that was provided, and so that leaves the other part of the action.

When you return a fish back to the water, it's got to come into the vessel, and something has got to happen to get it off the hook, and then it's got to be returned to the water, and so there is some missing fish there, if you will, that were not accounted for, as indicated in the presentation, and I have some information that's available that suggests that the discard mortality is much higher than what was offered in the presentation, and folks can go research the 2019 IFQ report for red snapper, and it was the update report that the Science Center produced, and there is a table in there that describes the level of discard mortality associated with the longline and vertical line fisheries, and those percentages were significantly higher than those that were presented to us for the fish that were brought to the vessel.

When you analyze those, as I did, in the method that I used, it essentially resulted in an overage in every year but one from 2007 to 2019, and that could be a high number, and I certainly understand that, but, with the data that I had available, which was gleaned from the last SEDAR assessment, as well as some other publications, some articles, I came up with some pounds of fish that were estimated to occur, or have occurred, based on those discard mortalities that were in the IFQ report, and so I just mention that, that there is a discrepancy.

There is a difference in how dead discards are treated. They should be counted against ACLs, and they are in the recreational, and they are not in the commercial. That is, again, explicitly identified in National Standard 1, that it should be that way, and then you start looking at other National Standards, and is that fair and equitable, and so this is just one more issue that is in this fishery, and I'm speaking specifically to the red snapper fishery.

I am not familiar with the discards, nor did I look it up for red grouper or king mackerel, of the three species that -- Or two other species that were mentioned, but, again, this is important as we move forward in these discussions and talk about the distribution of fish based on the information that we know at-hand with the Great Red Snapper Count and trying to move forward so that we can be fair and equitable in the distribution of fish, knowing how they were calculated -- The original ACLs were calculated, and so, Mr. Chair, I do appreciate the little bit of time, and I hope, in the future, that maybe this issue will come up again, and I will have an opportunity to show my slides, but that's, essentially, my summary of my presentation. Thank you.

CHAIRMAN FRAZER: Thank you, Mr. Anson, and I appreciate the comments, and I understand that there is clearly a need, perhaps, to look at some of the definitions, I guess, there and try to rectify any differences, but this is my opinion, as I think probably a much lengthier discussion, and in many ways it's more general, even though it may have application to our upcoming discussion, but I think we will go ahead and take your comments into consideration for the time being and revisit this at a later date, and so, again, thank you.

The next thing that I want to make sure that we tackle, real quick, is Mr. Strelcheck wanted to get a motion from the council to start a framework action that would allow us to deal with the equipment failures and an exception to those, as they relate to electronic reporting, and is there somebody willing to make that motion? I see, Susan Boggs, your hand is up.

MS. BOGGS: Yes, sir, it is. Not for that purpose, but I certainly don't mind making the motion, because I did have a couple of comments related to the SEFHIER, and I will be brief. After our meeting on Tuesday, I actually attended the Alabama Charter Fishing Association meeting, and they asked me for an update, and we talked about what came out of the SEFHIER meeting.

I had three specific items that I was asked to address with the council, and I don't intend for them to be answered today, and I hope that Rich is listening, because I intend to have conversations with him as well. There is still some concern about what is the purpose of the socioeconomic data collection. I gave my opinion for it, and they weren't satisfied with that.

Several owners, captains, own several vessels, and they're having to use separate emails for each vessel to set up an account, but this particular owner/captain would like to see all of the vessels under one account, and I'm not sure how we do that, and I know that, me personally, our vessels are under one account, but I've had that account for so long that I can't remember how I did it, which I can reach out, but they're trying to simplify, is what they're trying to do, and that would be the other thing.

A gentleman that has a center console expressed how difficult it is to answer all the socioeconomic questions plus entering the fish prior to landing of the fish, and they said they wish it were a little more simple than what it is, and, quite frankly, I can't speak to that, because I think they have a few more questions on their survey, as opposed to the headboats, but they have asked for it to be simplified, which I don't know that that can be done, and then, of course, the concern of what happens with equipment failure, and so I would certainly be happy to put that motion before the council. Thank you.

CHAIRMAN FRAZER: Thank you, Ms. Boggs. I am going to let you maybe start to craft it in your mind a little bit while I get to Dr. Porch and then Andy Strelcheck. I will come back to you. Dr. Porch.

DR. PORCH: Thank you, Dr. Frazer. I think there is still some confusion about what we mean by discards, and it may be partly due to the fact that everybody uses dead discards in a somewhat different way, and we're not completely consistent in our terminology.

The first thing that I want to emphasize is that released fish that later die are not used against the ACL either in the commercial or the recreational, and I think what Mr. Anson was referring to as dead discards in the commercial fishery, when I looked at the presentation, was including fish that were released and later died, and, yes, there are a lot more of those than fish that come up dead and are thrown back, but those are not counted against the ACL.

Just to be absolutely clear, the recreational ACL includes the so-called B1s, and so, of course, monitoring should also include the B1s. We could subtract out the B1s, but then that would also lower the ACL, and so it's really a wash. Remember that the B1s are predominantly landed fish that the sampler did not see. It does include some fish that are thrown back dead and various other things, but those are a very small fraction of the total.

The recreational ACL, again, does not include B2s, and neither does the commercial, and those are released fish that later die, and I also wanted to emphasize that the commercial fishery does not actually have the equivalent of B1s, because the observer is there when the fish are caught, and remember that most B1s are fish that are basically concealed from the port sampler, in one way or another, whether it's intentional or someone is just in a hurry and pulls out before they can see them. Commercial fishermen can't conceal their fish from observers, and so there is no corresponding category to B1s, and I hope that clarifies things. Thank you.

CHAIRMAN FRAZER: Thank you, Dr. Porch. Mr. Strelcheck.

MR. STRELCHECK: Thanks, Tom. Two things. I want to continue to emphasize that, if the council wants an exception for electronic reporting, it would be beneficial to have a motion at this meeting, given the timeframe we're on for implementing VMS requirements in the for-hire fishery.

I also just wanted to circle back to my comments regarding Kevin's presentation and make it very clear that I am not opposed to Kevin, or any other council member, providing their perspective or opinions. What I am opposed to was kind of the process and how this was handled from a presentation standpoint, and I think, with Clay's comments just now kind of making it clear that there is still some confusion and misunderstanding, and I would really encourage the Science Center and Kevin to work with one another and kind of talk through this and make sure we all have a common understanding of the issue going forward, and so thanks.

CHAIRMAN FRAZER: Thank you, Andy, and so I want to say a few things about the process, and you're exactly right. I think that, moving forward, we'll be, certainly, more cognizant of the type of information and the level of detail of information that is being presented and how we allot time for that, and so point taken there, but I also appreciate that Kevin -- We ran out of time and didn't have enough time, during committee, to provide

some general points, which he did here today, and so I will revisit that, and hopefully I won't make that mistake moving forward.

With regard to the need for a motion to deal with the exception for equipment failures, that's where we're at, and Ms. Boggs, I believe, is going to go ahead and provide us with a motion for consideration. Ms. Boggs.

MS. BOGGS: Okay. I'm trying. **I'm not good with this, and so my motion would be to direct staff to begin a framework action to address equipment failure for charter vessels and headboat reporting.** I don't know if, in the motion, I need to include -- I am just trying to think.

CHAIRMAN FRAZER: I was going to just try to help you out here a little bit more. I think the motion is to -- The important thing here is that we capture the intent and staff feels like they have clear direction. **The motion, as it reads now, is to direct staff to begin a framework action to address equipment failure for charter vessels and headboat reporting. It might be to address equipment failure and possible exceptions.**

MS. BOGGS: There you go.

CHAIRMAN FRAZER: Okay. For charter vessels and headboat reporting. Andy, will that work for you?

MR. STRELCHECK: Yes.

CHAIRMAN FRAZER: Okay. Thank you, Ms. Boggs. Is there a second to this motion?

MR. DIAZ: I will second it.

CHAIRMAN FRAZER: Thank you, Mr. Diaz. I see, Ms. Levy, you have your hand up, and we'll go right into discussion.

MS. LEVY: I think it's okay. I mean, I guess I would just note that I think everyone understands this, even though the motion doesn't say it, but we're talking about exceptions to the reporting requirements and location tracking requirements, right, and I guess that would be one of my questions. Are we looking at equipment failure meaning VMS failure, and so we're looking at exceptions particularly for that, or are you also looking for exceptions to actually submitting hail-outs and logbooks, which can be done via a number of methods?

CHAIRMAN FRAZER: Mr. Strelcheck, are you looking for a particular definition here of the exceptions?

MR. STRELCHECK: Well, my interpretation and understanding was specific to the vessel monitoring system equipment. If there's concerns more broadly, then that would be beneficial for the council to weigh-in on, but, as Mara indicated, we believe, because of the multiple methods for reporting hail-outs and logbooks, that that wouldn't require the exceptions as much as the VMS probably would.

MS. BOGGS: Tom, to that point?

CHAIRMAN FRAZER: Yes, please.

MS. BOGGS: So that was going to be my question later, and I just want to make sure that, if there are various ways for the hailing-out, that we make that very known to the fishermen, because, right now, that's not very clear, and so, if it doesn't need to be added to this, that's fine, and I just want to make sure that, somehow, we get it clarified to the captains how they can do that. Thank you.

CHAIRMAN FRAZER: Great. My understanding is that the motion will be directed specifically to the equipment, and we will seek ways to clarify the hail-in and hail-out requirements. Dr. Simmons.

EXECUTIVE DIRECTOR SIMMONS: Thank you, Mr. Chair. I was just wondering if there is other avenues, if there's other fallbacks, that we already have in the regulations for hail-in and hail-out if the VMS equipment does fail, and does that have to be a regulatory change, or can we just fall back on that without changing the regulations? I'm just trying to get a better understanding here.

CHAIRMAN FRAZER: I think that's a question best directed to the Regional Office.

MS. LEVY: I guess what are you -- I'm not sure what you're referring to that's already in the regulations, especially with respect to the trip declarations and the actual logbook.

EXECUTIVE DIRECTOR SIMMONS: I guess what I'm asking is, if the VMS equipment fails, can it then follow the other regulations, the hail-in and hail-out and use another device to report landings?

CHAIRMAN FRAZER: Ms. Levy.

MS. LEVY: Well, I think -- I mean, I guess, and the Regional Office can confirm, but I understand that one way to do these things is potentially, if you have a VMS that has forms, but I believe you can do these things through other web-based applications, like eTRIPS and stuff, and so, if you have multiple accounts -- I think there's a way to do that part of it multiple ways, but I will let the Regional Office confirm.

CHAIRMAN FRAZER: Okay.

MR. STRELCHECK: Yes, that is correct. If you had a VMS failure and couldn't do hail-out or logbooks, there is still the option of, obviously, reporting, through a cellular-based device, that information, or through a computer for that matter.

CHAIRMAN FRAZER: Thank you for that clarification. Ms. Bosarge.

MS. BOSARGE: Thank you, Mr. Chair. This is something that the commercial fleet has brought up over the years too, with the VMS, and so, if we move forward with this motion, I was wondering if Susan would be okay with saying "charter vessels, headboat, commercial vessel reporting", so that anything that -- Any exceptions it would provide there for the for-hire fleet would also be allowed to apply for the commercial fleet to have those units.

MS. BOSARGE: I am amenable to that.

CHAIRMAN FRAZER: Okay, and so we will add that, assuming that the seconder is also okay with that.

MR. DIAZ: I am okay with that.

CHAIRMAN FRAZER: Okay. Thank you, Mr. Diaz, and so we will go ahead and modify this motion to -- **Where it says "and possible exceptions for charter vessels, headboats, and commercial reporting".** Okay. Does staff have enough direction for this? Dr. Simmons.

EXECUTIVE DIRECTOR SIMMONS: Thank you, Mr. Chair. I believe so. I'm not sure -- Is this still going to be a framework action? I guess I would ask Ms. Levy, if commercial reporting requirements are also added to this -- Because it involves the reef fish IFQ program, I'm not sure if that becomes a full plan amendment. Thank you.

CHAIRMAN FRAZER: Ms. Levy.

MS. LEVY: I don't think it makes it a plan amendment, but I think it makes it a lot more complicated, and I would also just note that the stated reason for wanting an exception, at least that I heard during public testimony and stuff for the for-hire vessels, is because of how differently they operate than the commercial vessels, and so I guess I would just caution putting commercial vessels in here without much thought to that and why we have the VMS on the commercial vessels like we do, and it's been years, right, and it's an established VMS program, and, as far as I know, the council hasn't heard a lot of issues with equipment failure and the need for exceptions in that part of the fishery.

CHAIRMAN FRAZER: Thank you, Ms. Levy. We'll go to John Sanchez and then Martha Guyas. John.

MR. SANCHEZ: Thank you, Mr. Chair. If Susan is agreeable, at the end of the period, I would feel better if we were adding some language, something along the lines of "to ensure the ability to execute trips", and that would be for charter, headboat, and commercial, just so that we're very clear in what we're trying to accomplish here, the intent.

CHAIRMAN FRAZER: Okay. Thanks, John. We'll come back to that in just a minute. Ms. Guyas.

MS. GUYAS: I support what John just said. I'm a little bit wary about lumping commercial in here. I kind of feel like that might need to go in one of the IFQ amendments, and I don't know if it's 36B or 36C, and I do think charter and headboat have different considerations, like what came up yesterday, and they only have so many days to run red snapper, and their ability to re-book a trip has different and very limited constraints, or I guess there's a lot of constraints, depending on their availability and customers' availability, et cetera.

I guess, if we're going to look at all three of these in one amendment, if that's the way we go here, I think the charter/headboat need to be considered separately from commercial, or at least break down the actions, or the alternatives, and so that's just my thoughts here.

CHAIRMAN FRAZER: Okay. We'll take one more question, and then I'm going to try to bring this one in for a landing. Mr. Swindell.

MR. SWINDELL: Thank you, Mr. Chairman. My concern is it's going to take time, too much time, to get all this worked out for staff to do and get back to the council and so forth. I mean, the charter/for-hire vessel, and any vessel, that has a reporting system that fails needs to have an immediate, today, way to report what has happened, so that they can have some action somewhere so that they can go fishing.

You can't put this off for another couple of months. I mean, this is an immediate need, and I think we need to take some immediate action as to who to call, or who can do it, and I think NMFS needs to be able to work it out so that we can, because this is absurd for us to have a system of reporting and you cannot take a trip just because your system is not working. This is not right, and so it needs to be immediate, and it doesn't need to be waiting, and we need to have a formal presentation for it later, but we need to have something done today. Thank you, sir.

CHAIRMAN FRAZER: Thank you, Mr. Swindell. I am going to point out to folks here that -- All right. I will take two more questions from Andy and Susan, and then I'm going to shut it down after that, because we have lots of things to accomplish, and so Andy and then Susan.

MR. STRELCHECK: Tom, to Ed's point, keep in mind, Ed, that vessel monitoring system requirements for the commercial reef fish fishery have been in place for well over a decade, and so this would be a change to their current requirements, which don't allow for an exception.

As far as the for-hire industry, these vessel monitoring systems are not required at this point, and they would go into effect sometime late this year, if we remain on track with our second rulemaking, and so there's currently nothing that is preventing vessels from going fishing, and we do have, obviously, some ways for them to report, alternative means, if they have a failure for hail-out or logbooks. Thanks.

CHAIRMAN FRAZER: Thank you, Mr. Strelcheck. Ms. Boggs.

MS. BOGGS: Okay. Currently, the charter/for-hire and the headboats have the ability to use their cellular device for all of their reporting. My intent with this is so that, when the VMS becomes required, or the archivable GPS, and that equipment fails, that the fishermen are still allowed to fish. Some of them will be using the cellular-based device, which this will

not be an issue.

This motion, in my mind, has really nothing to do with the hail-out or the reporting. That can be done from a computer, and you can call it into your office or your wife or whatever, and you can do it on your cellphone. This, to me, is trying to get in front of what might happen when we transfer or have the requirements for the GPS and/or the VMS, but I see no reason, other than a software issue, that a captain may not be able to hail-out or file his report, and I think that is separate, and that is something that doesn't need to be dealt with at the council level, or maybe it does, but there just needs to be a backup of who can I call, who can I email, to address that issue, and so I hope I have clarified that.

As far as John Sanchez's comments about the ability to execute a trip added to this, I don't have an issue with that. Again, I think -- At least my intent, mainly, is to address the failure of your VMS or GPS, and that becomes a requirement. I hope that helps. Thank you.

CHAIRMAN FRAZER: I think that it does help, and I think we've established a record of this discussion, and I think staff has enough direction to begin the framework action, and I appreciate that it may in fact become a bit complicated, as it relates to commercial boats. I think the direction is clear, and we'll begin the document, and, if we run into problems, then we can bring it back to the council for discussion. **Having said that, is there any opposition to the motion? I am not seeing any hands or hearing any, and so the motion carries.**

Is there any further business to come before or related to the Data Committee? I am not seeing any hands or hearing any voices.

MS. BOSARGE: Tom, my hand is up.

CHAIRMAN FRAZER: Ms. Bosarge, go ahead.

MS. BOSARGE: It's just quick, and I just wanted to mention, on the record for staff, to make sure they understand, that workshop on changes in collecting data from all our different commercial fleets, if you look at the reef fish motion that the Reef Fish AP made, and it included the shrimp industry, and it included going back to also the shrimp industry as well, and I know that we're kind of on our way to trying to set out the parameters in our program, but I still would appreciate being part of that workshop, just for the common themes that run

through all the different fisheries as we move forward on this path. Thank you.

CHAIRMAN FRAZER: Thank you, Ms. Bosarge. Okay. I am not seeing any other hands, and we will go ahead and conclude this committee report. We will take a break, and we will meet back at 11:05. Thank you.

(Whereupon, a brief recess was taken.)

CHAIRMAN FRAZER: As I try to fix my technological difficulties, we will continue on with the Habitat Protection and Restoration Committee Report with Mr. Banks. Go ahead, Mr. Banks.

HABITAT PROTECTION AND RESTORATION COMMITTEE REPORT

MR. BANKS: Thank you, Mr. Chairman. This is the Habitat Protection and Restoration Committee Report. We met on April the 14th, 2021. The committee adopted the agenda as written and approved the minutes of the August 2019 meeting as written.

Presentation on the Development of Generic Essential Fish Habitat Amendment was delayed, due to time constraints, until the next Committee meeting.

We moved to the Discussion Session of President Biden's Executive Order Number 14008, Section 216(c) titled *Tackling the Climate Crisis at Home and Abroad.* Dr. Paul Doremus of NOAA provided an overview of the Executive Order, which aims to address issues related to the climate crisis and fisheries resiliency.

NOAA is working closely with partners to obtain input on developing action plans that will focus on addressing the effects of climate change on fishery sustainability and protected species. NOAA will continue to receive input throughout 2021, and Dr. Doremus provided a website link where comments on the EO could be submitted. He encouraged the Committee to provide any insight related to the objectives of the Executive Order.

A committee member responded that it would be beneficial to have access to a variety of physiochemical data, for example depth-dependent water temperatures and pH, to better understand climate change effects within the Gulf of Mexico. She also commented that fishery resiliency was related to economic resiliency and that the influence of climate factors on the stability would affect the next generation of fishermen.

It was noted that the State of Louisiana strives to consider options to industry stakeholders to improve business resiliency, such as expanding areas to fishing and modifying marketing strategies to include more species.

Another committee member noted that the objective of the Executive Order was expansive and suggested that other committees should be able to consider the Executive Order. The committee agreed that the public, during council public testimony, other council committees, the Outreach and Education Technical Committee, and the Ecosystem Technical Committee should also have the opportunity to comment on the EO as well.

The committee recognized that specialized advice would be required to properly comment on environmental effects, as specialized biological processes, such as temperature-dependent sex determination, are difficult to predict in a shifting climate. Dr. Clay Porch stated that the Southeast Fisheries Science Center had produced an ecosystem status report that could inform comments from the various committees. Ms. Martha Guyas replied that the Florida Fish and Wildlife Conservation Commission had submitted a letter regarding the EO and would distribute it to the group.

Dr. Carrie Simmons stated staff would develop a draft list of considerations for the Executive Order that could be presented to various committees, incorporate that feedback, and could then be submitted. She indicated that a letter was sent to the U.S. Department of Interior and Secretary of Commerce on March 12, 2021, which provided comments on both Sections 216(a)(ii) and 216(c) regarding creating a taskforce and providing information on what the council had done in the past to manage sustainable fisheries under the MSA and begin to address climate change.

Additionally, the Council Coordination Committee was scheduled to discuss the Executive Order at their May 2021 meeting. She inquired whether there was a deadline to provide further comment, and Dr. Doremus answered that the comments on the Executive Order would continue throughout 2021. He encouraged written comment, as it could be easily added to the formal record. Mr. Chair, this concludes my report.

CHAIRMAN FRAZER: All right, and so I'm having a little technical difficulty, and this is a lot of feedback through this device. We're going to take a few-minute break, until I get squared away. Hold on.

EXECUTIVE DIRECTOR SIMMONS: Folks, we're going to take a five-minute break, and so we'll be back at 11:20.

(Whereupon, a brief recess was taken.)

CHAIRMAN FRAZER: I very much apologize for the technical challenges, and so is there any other business to be brought forth as it relates to the Habitat Protection and Restoration Committee? Peter Hood.

MR. PETER HOOD: Thank you, Mr. Chair. I just wanted to emphasize the fact that our Headquarters was very much interested in what the council had to say on EO 14008, and they asked us to take notes during the meeting, which we did, and then we submitted those up to Headquarters, and so, again, they're interested in what you're thinking, and I'm sure that they really want this dialogue to continue. Thank you.

CHAIRMAN FRAZER: Thank you, Peter. Okay. Is there any other questions or comments? I am not seeing any, and so thank you, Mr. Banks, for that report, and we will begin with the Reef Fish Committee. Ms. Guyas.

REEF FISH COMMITTEE REPORT

MS. GUYAS: All right. Thank you, Mr. Chair. The committee adopted the agenda, Tab B, Number 1, after adding an item about the historical captain's permit under Other Business. The minutes, Tab B, Number 2, from the January 2021 meeting were approved as written.

Status of NOAA Fisheries' MRIP 2020 Recreational Fisheries Catch Estimation Process, Tab B, Number 4, Dr. Richard Cody from the National Oceanic and Atmospheric Administration's Office of Science and Technology presented the status of NOAA's evaluation of recreational catch and effort for the 2020 fishing year in the wake of COVID-19, as collected through its Marine Recreational Information Program, or MRIP.

It is important to note that these data only apply to Florida, Alabama, and Mississippi for the years of data presented of 2018 through 2020, since Louisiana and Texas do not report recreational catch and effort data through MRIP. MRIP's Access Point Angler Intercept Survey was suspended in the Gulf of Mexico during Wave 2, which is March and April of 2020. Headboat sampling remains suspended.

These APAIS data gaps vary by state, but are known. Imputation

using 2018 and 2019 data for commensurate time periods will be down-weighted by a factor of two and imputed for these gaps. The 2020 two-month data collection waves will then be available, using these imputed data.

Other methods were considered to inform 2020 catch estimates. However, MRIP's consultants thought the aforementioned approach to be the best option. NOAA OST will revisit the 2020 catch estimates when complete APAIS data are available for 2021, and they will evaluate the imputations to 2020 estimates using records from 2019 and 2021, versus 2018 and 2019.

MRIP's Fishing Effort Survey, or FES, continued relatively unimpeded during 2020, with little difference in the Gulf in estimates when imputing missing data at the annual level. Though not significantly different, private angling effort in 2020 is estimated to be similar to 2018 and higher than in 2019 for the Gulf. Charter for-hire effort for 2020 was higher than in 2018, but slightly less than in 2019.

NOAA OST has completed an initial review of 2020 recreational catch and effort data, following up on a limited number of cases. MRIP's Internal Review Team, composed of NMFS Regional Office and Science Center staff, has finished its review of the 2020 estimates, and OST will investigate any estimates flagged by the IRT. MRIP intends to release estimates from the 2020 fishing year by mid-April of 2021.

Committee members asked about the comparison of MRIP APAIS intercept rates for 2020 against the mean for 2017 through 2019, which showed the ratio of the two values across months for each state. Dr. Cody replied that, beginning mid-May of 2020, most of the MRIP APAIS assignments were completed for Gulf states. However, gaps in sampling still exist for the three Gulf states, necessitating data imputation for these gaps in 2020 with auxiliary information.

A committee member questioned using MRIP-synthesized data for imputing missing 2020 catch and effort data, as opposed to using the Gulf state data collection programs, especially for red snapper. Dr. Cody replied that Alabama and Mississippi state surveys focus mostly on red snapper and operate in a different way compared to MRIP's APAIS. He added that MRIP has been peer-reviewed and certified as the best scientific information available, and that NOAA OST continues to assist the Gulf states with the development and refinement of their respective surveys.

The committee asked about MRIP's compatibility with monitoring

recreational catch and effort at finer scales than the two-month reporting waves. Dr. Cody noted the review of MRIP's appropriateness for in-season monitoring by the National Academies of Science would be available in July 2021. A committee member asked about MRIP's appropriateness at small spatial scales. Dr. Cody replied that the MRIP transition team would begin looking at these issues in the near future, and would work with states with smaller coastlines to work on resolving some of these issues.

Review of Reef Fish Landings and IFQ Program Landings, Mr. Peter Hood from the Southeast Regional Office provided an update to Gulf reef fish commercial landings, including species managed under individual fishing quota programs. All 2020 and 2021 fishing year landings are considered preliminary.

Gray triggerfish and greater amberjack commercial landings for 2020 were below the 2018 to 2020 average, and fishing remained open through 2020. Gray snapper, mutton snapper, and vermilion snapper, all managed under stock annual catch limits without sector allocations, remained open during the 2020 fishing year, with landings below the 2018 through 2020 average.

For IFQ species, red snapper, gag, and red grouper landings all remained below their commercial ACLs, with red snapper commercial landings most closely matching the landings trend observed for 2018 through 2020. Both gag and red grouper commercial landings followed the trend from 2018 through 2020. However, commercial landings for both species were below their respective commercial ACLs for 2020.

Review of the Great Red Snapper Count Project, Dr. Kai Lorenzen from the council's Scientific and Statistical Committee presented the peer review of the Great Red Snapper Count, which took place from March 30 through April 1, 2021 between the co-principal investigators of the GRSC, the non-PI members of the SSC, and three independent reviewers.

In addressing the terms of reference, Dr. Lorenzen reviewed the comments from the independent consultants. Overall, the GRSC design covered a large area of the Gulf appropriately. However, implementation of sampling methods sometimes differed from the design. The reasons and implications for possible bias and variance related to these deviations were not always clear.

The use of different technologies in different strata was unavoidable, but the paucity of intercalibration studies may affect cross comparisons of data, and the combination of data

from different strata to generate abundance estimates.

The reviewers also noted limited comparability of calibration studies off Florida may indicate that the true observation error is likely much larger than the 11 percent total coefficient of variance derived from the stratified estimate. Also, the independent consultants identified the lack of data collection in some strata, such as for Louisiana, and the consequent need to infer mean densities in those strata as a source of underrepresented uncertainty.

Overall, the two independent analyses used in the GRSC were thought to be partially correct, with some issues arising from non-random cluster sampling and a lack of clarity about post-stratification decisions that resulted from differences between sample design and actual sampling activity. Estimated variances were thought to be low due to additional sources of variability not currently included in the variance estimation. While some of these can be estimated and included, others cannot.

The independent consultants stated that results of the GRSC, if corrected for noted statistical issues, can be useful, at least in a regional context. Reviewers did not think it appropriate to combine eastern and western Gulf estimates of absolute abundance into a single value, due to differences in survey technologies used and a lack of calibration between regions.

The eastern Gulf estimate, with a more credible variance, can be included as abundance estimate in a future stock assessment. However, the western Gulf estimate may be more appropriately considered as a lower-bound constraint for abundance in the western Gulf (i.e., Louisiana and Texas).

The review team expressed confidence in the abundance estimate for the uncharacterized bottom, or UCB, noting that the densities over the UCB are lower than in other habitats. In hindsight, the GRSC team thought the UCB was comparatively under-sampled. The assumptions made therein appeared appropriate and not likely to induce bias, except in the variance estimates. The independent consultants said that the stock-wide estimate may be an underestimate.

Dr. Lorenzen stated the review team’s motion to consider the GRSC as a representative estimate of abundance for the eastern Gulf and a highly uncertain estimate for the Western Gulf. However, the review team also considered the true uncertainty in both estimates to be substantially larger than implied by the 11 percent CV stated in the GRSC report and that the estimate for

the UCB is particularly uncertain.

Dr. Lorenzen added that all stock assessments are uncertain to some degree, and they often underestimate their true uncertainty. Both the SEDAR 52 2018 stock assessment and the GRSC estimate of absolute abundance are estimates derived from sampling and use statistical models to generate point estimates. Integrating data from both SEDAR 52 and the GRSC should help to reduce uncertainty and possible bias, improve management advice, and help identify new options for sampling methods and analyses.

In addition to the absolute abundance estimate, Dr. Lorenzen noted that the review team thought the GRSC provides novel information on many aspects of red snapper ecology and fisheries.

A committee member noted that the independent consultants did not seem to be opposed to the point estimate of abundance, but rather expressed concern about the biases in the estimate and the underestimation of variance. The committee discussed the differences in the number of sampling sites included in the GRSC versus the NMFS bottom longline survey.

Dr. Clay Porch noted that the GRSC is a snapshot, compared to the long time series of data represented by the NMFS bottom longline survey. Dr. Porch added that he thought the SSC viewed the NMFS BLL as representative of trends in red snapper abundance, considerate also of the fact that the NMFS BLL samples the same areas as those classified as UCB in the GRSC. He caveated that NMFS BLL data for 2020 did not have the same sample coverage as previous years, due to COVID-19.

Also, because of the differences in the methods used by the GRSC and the NMFS BLL, the surveys are not directly comparable. The GRSC was designed to generate an estimate of absolute abundance, while the NMFS BLL is used to generate an index of relative abundance. The latter is used to examine trends in abundance over time, while the former is used to determine the standing biomass at a given point in time.

A committee member asked about the differences in the process of the peer-review of the GRSC compared to the process typical of a SEDAR assessment. Dr. Lorenzen replied that the review of these data and methods normally occurs through several workshops over an extended period of time, allowing for some outstanding issues with considered datasets to be resolved prior to their inclusion in the stock assessment model.

The process for reviewing the GRSC was considerably shorter, with the expectation of using the results of the GRSC for reviewing catch advice immediately after the peer-review. Dr. Greg Stunz added that the final report for the GRSC wasn't due to the funding agency until June 2021 and that the research results from the GRSC would continue to be submitted for scientific publication in the future.

Dr. Stunz cautioned a comment made by Dr. Lorenzen about managing expectations of congressional entities regarding the results of studies on the horizon. Dr. Stunz thought that working to manage expectations around the results of science was out of bounds for the true practice of science. Another committee member agreed, in that the SSC should operate in the absence of political pressures. Dr. Lorenzen replied that these projects should consider early on how the data collected and the results generated may be used and that the research projects should not establish any expectations of results prior to the studies being completed.

Dr. Tom Frazer addressed the resignation of Dr. Joe Powers, formerly the Chair of the SSC, after the SSC's March/April 2021 meeting. Dr. Frazer confirmed Dr. Powers' decision to resign. Further, after reviewing the audio transcript, Dr. Frazer clarified a misinterpreted comment by Dr. Powers during the SSC meeting, which some committee members had interpreted as "...I haven't read the report..." as in fact being "...in having read the report...". The verbatim minutes were subsequently corrected and made available in the updated briefing materials on the council's website.

A committee member asked about the size frequencies by region of red snapper in the Gulf observed by the GRSC. Dr. Stunz replied that the length composition information collected by the GRSC indicates that fish over the UCB are generally larger than those found over natural and artificial reefs.

The GRSC team noted, in its report, that additional work needed to be completed to evaluate the length composition of red snapper over UCB. The committee member then asked about differences between length composition in the eastern and western Gulf. Dr. Stunz replied that fish in the western Gulf were larger than in the eastern Gulf and that recolonization of reefs in the eastern Gulf by red snapper was primarily by smaller, younger fish. I will pause there, because I think there's some people that want to raise their hands, but maybe not.

CHAIRMAN FRAZER: Martha, I am looking for hands at the moment, and I do not see any, and so I would continue on, but I would certainly understand if you would like to take a drink of water.

MS. GUYAS: Yes, I will do that, if anybody -- If I have lulled anyone to sleep that was planning on chiming in. I see some hands going up, and so, Mr. Chair, I will turn it over to you.

CHAIRMAN FRAZER: Mr. Banks.

MR. BANKS: Thank you. It sounded like we needed a hand raised, and so I decided to raise it.

CHAIRMAN FRAZER: Excellent.

MR. BANKS: I am just kidding, and so I did want to make the point that there was quite a bit of discussion in the committee about not understanding all of the rationale behind some of the committee decisions on OFL and ABC, and so I would imagine we're going to get more into that in the next part of the committee report, but I just want to make sure that that's recorded. Thanks.

CHAIRMAN FRAZER: Thank you, Mr. Banks, and I anticipate that we will discuss that in the next section of this committee report. I am not seeing any other hands, Ms. Guyas, and so, if you want to continue, go ahead.

MS. GUYAS: All right. Let's roll. Final Action: Framework Action: Modification of Annual Catch Limits for Gulf of Mexico Red Snapper, Dr. Lorenzen described the circumstances surrounding the SSC's recommendation for catch advice based on interim analyses incorporating results of the GRSC or the NMFS BLL. These two data sources offer unique insights about red snapper. However, while the novel approaches used in the GRSC generated an estimate of absolute abundance, the NMFS BLL index provides a long-term trend in relative abundance which can be used to derive management advice.

Dr. Lorenzen reviewed the Southeast Fisheries Science Center's interim catch analysis using the GRSC. The Southeast Fisheries Science Center noted that the SEDAR 52 estimates of relative abundance correspond to the GRSC estimates of absolute abundance on structure, whereas, abundance on the uncharacterized bottom represents cryptic biomass and was previously not quantified in the SEDAR 52 assessment.

A proportion of this UCB biomass may be vulnerable to fishing

and can be added to the fishable abundance when determining allowable catch. Dr. Lorenzen continued, adding that different assumptions can be made about the vulnerable proportion of UCB biomass, the necessary adjustment of the proxy for F at maximum sustainable yield (MSY, here F at a 26 percent spawning potential ratio or F SPR 40 percent) assuming a larger but less productive stock and many other factors.

Dr. Lorenzen stated that the GRSC interim catch analysis presents calculations based on various assumptions, but the sustainability implications of those assumptions cannot be readily assessed without the full integration of GRSC and other stock assessment information.

Dr. Lorenzen reviewed the catch projection scenarios presented to the SSC, which used a combination of UCB biomass fractions of zero percent, 13 percent, 15 percent, 22 percent, and 100 percent, at various FMSY proxies of F SPR 26 percent or F SPR 40 percent. Ultimately, the SSC chose to set the overfishing limit at the three-year average of the projections, including 13 percent of the UCB biomass at F SPR 26 percent, resulting in an OFL equal to 25.6 million pounds whole weight for 2021.

The Southeast Fisheries Science Center then presented the interim analysis using the NMFS bottom longline. In general, the NMFS bottom longline shows a declining trend in relative abundance from 2016, the terminal year for SEDAR 52, through 2019. This decline continued in 2020, also. However, the 2020 NMFS BLL data were not considered by the SSC for evaluating catch recommendations, due to the poor sample coverage and high uncertainty in that year’s data.

Dr. Lorenzen said that the SSC recognized the NMFS BLL to be indicative of relative abundance trends for red snapper, noting that it also sampled the UCB area. As such, the SSC used the NMFS BLL interim analysis to establish an acceptable biological catch recommendation for 2021 at 15.4 million pounds. This ABC is represented by the NMFS BLL catch recommendation using a five-year average through 2019.

Several committee members inquired about the large disparity between the recommended OFL and ABC and asked why the SSC votes related to the motions on the OFL and ABC were so close. Dr. Lorenzen responded that there were a variety of interpretations from the GRSC and the NMFS BLL among SSC members. Some members advocated taking a more conservative approach, given the uncertainty surrounding the GRSC estimate of absolute abundance, along with the observed declining trend in abundance in the NMFS

BLL, while others thought differently.

He noted that the NMFS BLL does not sample in the UCB, with some accounting for the habitat in the index leading to a conservative approach by the SSC. He stated that the SSC was tasked with reviewing a lot of information in a short time period, which was reflected in the SSC meeting report.

Mr. Anson asked what landings would be expected in Dr. Lorenzen's presented simulation if one assumed a large and highly-productive stock. Dr. Lorenzen stated that, if the simulated population was large and productive, that it would not likely see the marked decrease in landings like those realized in the red snapper stock, which could indicate that the red snapper stock is not as productive as previously thought.

Additionally, it is difficult to quantify the percentage of red snapper inhabiting the UCB that are vulnerable to harvest. This interpretation is further confounded by the lack of knowledge regarding the metapopulation dynamics of the stock and creates a situation where localized depletion could occur, which has previously been documented for red snapper in various areas in the Gulf.

Dr. Frazer acknowledged that conservative approaches can be necessary, depending on how risk-adverse resource managers were willing to be. He continued that state data collection programs could provide information that would detect localize depletion, i.e., lower total catch in numbers, in a timely manner that would allow for redirection in management measures, if warranted. These adaptive approaches should be examined in the future.

A committee member asked for the rationale in calculating what percentage, e.g., 13 percent and 22 percent, of the UCB would be assumed vulnerable to fishing. The 13 percent estimate was generated by the random forest model that was used to calculate the high probability of encountering red snapper in the GRSC sample design.

The 22 percent estimate was developed by the Southeast Fisheries Science Center staff by analyzing the commercial vessel monitoring system tracks overlaid on the UCB, and with recreational effort ascertained from iSnapper, to get a general estimate of fishing in the UCB.

Another committee member asked what the next steps were for the GRSC study. Dr. Stunz indicated that the reviewers' comments

would be addressed before the final report is submitted in June 2021. Dr. Lorenzen mentioned that it was not yet clear how these independent broad studies would be directly implemented in the management process.

Council staff reviewed the public comment related to the framework action. While only seven formal public comments were received, several views were recorded on the council's blog post, and several unofficial comments were received on the council's Facebook page.

Official public comment was mixed and indicated that red snapper was plentiful and encouraged adoption of the GRSC results in modifying catch advice. However, other comments advised caution in interpreting the GRSC estimate, given the uncertainty in the point estimates.

A number of written letters, comprising two individual form letters, were also received. One form letter suggested an increase in allocation to commercial fishermen in the eastern Gulf to allow for harvest of the recovering eastern red snapper population, and the other requested an increase to the commercial ABC to help the reduction of dead discards and allow for more entry into the fishery.

Council staff reviewed the framework action that contains a single action with two alternatives. The no action alternative would retain the current catch limits, while Alternative 2 would implement the catch limits recommended by the SSC at its March/April 2021 meeting. These alternatives do not consider state calibrations, as that consideration will be addressed in a separate document, and see Tab B, Number 8.

The committee recommends, and I so move, in Action 1, to make Alternative 2 the preferred alternative. Alternative 2 reads: Modify the red snapper red snapper OFL, ABC, ACLs, and recreational ACTs for 2021 based on the OFL and ABC recommendation of the Scientific and Statistical Committee at the March 30 through April 2, 2021 SSC meeting. The OFL was based on the interim analysis informed by the results of the Great Red Snapper Count. The ABC was based on the fishery-independent NMFS bottom longline survey-based interim analysis.

Then we have the table here with all of those values, and I guess the ones to note would be the OFL, which is 25.6 million pounds, and the ABC, which is 13.4. That motion carried ten to four with two abstentions and one absent, but I will turn it over to you, Mr. Chair.

CHAIRMAN FRAZER: Thank you, Ms. Guyas. We have a committee motion on the board. Let's make sure we get it up there. All right. So we can open the floor for discussion on the motion. I will preface this by saying that I do intend to make a substitute motion after some discussion, and so let's see where the hands go. Mr. Anson.

MR. ANSON: Well, that was a little bit of a teaser, Tom. I don't know if I will ask my -- Well, I'll ask my question, and it still probably will come into play for your substitute motion. This is for Dr. Porch. Yesterday, at the Gulf States Marine Fisheries Commission SEAMAP Bottom Longline Workgroup, there was some information that was presented from some NOAA staff that indicated the recent studies, from what I've been told, and, obviously, I wasn't participating in it, but there were some recent studies, or information, that was gathered, using GoPro cameras on the bottom longline survey.

The results of those GoPro cameras, and I'm not familiar with how many sets its covers and east Gulf and those types of things, how long it was, but, essentially, the results of the GoPro cameras indicated that the designated bottom time, or the expected bottom time, that the bottom longline gear would be in contact with the bottom was significantly lower than what the target was, or what the protocols called for, for that survey, in deeper water, and we're talking like 200 meters, edge of the continental shelf, kind of what I've been told, and it reduced so much from a one-hour set to as few as fifteen minutes, based on the video of, again, set just above the weight and then timing it when the weight hit the bottom, apparently.

Dr. Porch, do you have any additional information about that, as to the specifics of that, and maybe the duration and number of sets and time series and that type of thing?

DR. PORCH: Sure. Thank you for the question. I think that there's a bit of a misunderstanding that happened at that. One, we don't find any red snapper at 200 meters, and so the index actually goes out to something like a maximum of 183 meters, but I don't think we find red snapper below 148 meters, and so we're not talking about using the really, really deep sets for the red snapper index.

Second, I'm not sure where the fifteen minutes comes from. It takes a little bit longer for the gear to get to the bottom in deeper water, but it spends the better part of the hour on the bottom, and, in any case, we actually stratify our data by depth

zone, and then, when we do the index standardization, depth zone is a factor in the model, and so any differences in soak time would be accounted for, even though they're actually pretty small.

There is other reasons that red snapper abundance may differ by depth, and so it's still important to incorporate the depth zone effect, but the bottom line is none of that would really compromise the integrity of the index, because it's been done the same way since 2000, and so, as long as you're consistent, it provides a good relative index of abundance. Does that help?

CHAIRMAN FRAZER: Mr. Anson.

MR. ANSON: Yes, it does help provide some context. I guess I'm just -- I certainly hear your comment about consistency in the methods over the time series, but I guess I'm just concerned then about the distribution of those sets, year-to-year, and where those actual sets occurred, and the depth, and I understand there is some partitioning there and stratification going on.

Speaking to that, it was brought up at the Reef Fish Committee, requesting kind of a breakdown of those sets by year, for eastern and western Gulf, and were you able to get that information together, and, if you did, can you distribute that?

DR. PORCH: Yes, and that was sent out yesterday. I think Carrie sent it out in a document, and I do want to emphasize that it's not the case that they only spend fifteen minutes on the bottom.

Like I said, it takes a little bit longer for the gear to get to the bottom in deeper sets, but it's a relatively minor effect, and, in any case, if it were a substantial effect, it would be picked up in the model, because we do have depth zone as an effect, and, also, I would like to emphasize that we use a random stratified sampling design, where the strata are depth zones and area, and so that's a standard statistical technique. In fact, parts of the Great Red Snapper Count use a random stratified design, and so I think all of that is very appropriate, and it's been reviewed multiple times.

CHAIRMAN FRAZER: Thank you, Dr. Porch. Dr. Stunz.

DR. STUNZ: Thank you, Mr. Chairman. I think that -- I wanted to make some comments regarding some uncertainty, but I think that I would like to hear the substitute motion first, but, just

quickly, to the point that was brought up by Kevin and Clay Porch, I wanted to just -- Clay is right on index, or relative index, of abundance like that, if it's done the same way, it's still very useful, but it also points to some of the challenges that we have in working in areas like this, which lead to uncertainty, especially when you're calculating an absolute abundance, where in fact it does begin to matter if you're not fishing the same amount of time as you think your gear is fishing and that sort of thing, but it's just one good example of the challenges we face and why many of our assessments and surveys and things have some level of uncertainty that are difficult to capture when you start working in these far-shore marine environments.

CHAIRMAN FRAZER: Thank you, Dr. Stunz. I will -- There is a bunch of hands still. Let me see. Mr. Strelcheck.

MR. STRELCHECK: Thanks, Tom. I wanted to speak to the alternative that was offered in committee and speak in favor of it. I know, obviously, that many council members are not happy with the ACL, or ABC, that was recommended by the SSC, although this does provide a modest increase. It is an increase, and it not only benefits the recreational private sector, but it benefits the commercial sector as well as for-hire fishermen.

The agency certainly stands ready to be able to implement this increase, but we also have clearly stated that any increase also needs to ensure that data is calibrated with the private sector, but I support this increase, and we can implement this between now and the end of the year.

CHAIRMAN FRAZER: Thank you, Mr. Strelcheck. Okay. We will go ahead and put a substitute motion on the board. We will send it over to staff, and we'll get it up there.

MS. BOGGS: Tom, you can't see the whole motion on the screen. Is there a way to make it more visible? Thank you. It's small, but at least --

CHAIRMAN FRAZER: The table is not necessarily the important here. **The substitute motion is to add an Alternative 3 and select it as the preferred. The Alternative 3 would read: Modify the red snapper OFL for 2021 based on the OFL recommendation of the Scientific and Statistical Committee at the March 30 to April 2, 2021 SSC meeting. The OFL is based on the interim analysis informed by the results of the Great Red Snapper Count.** If I can get a second, I will expand upon my rationale.

MR. WILLIAMSON: Second.

CHAIRMAN FRAZER: It's seconded by Mr. Williamson. I certainly understand and appreciate Andy's comments, right, and it's a slightly different -- We're proposing, in this alternative, to accept the OFL from the ABC, and, if you think back about that meeting, they actually did this in two parts as well.

What we've heard, and there's a tremendous amount of uncertainty, obviously, surrounding the estimates of absolute abundance in the Great Red Snapper Count, and the SSC, understandably, adopted a fairly conservative, and scientifically-defensible I would add, ABC recommendation.

It's my understanding, at this point, that there are additional data available, and chief among those would be a fisheries-independent video survey, with data through 2019, that was provided as part of a working paper, and that working paper is SEDAR 74-SID-03.

We expect, also, or anticipate, additional data to be provided off of the Louisiana coast in a report by the end of the month to the Louisiana Department of Wildlife and Fisheries that will help provide abundance and distribution data for red snapper.

We also understand and appreciate that there were a number of comments provided in that committee to help revise the Great Red Snapper Count report that should, or I might anticipate would, provide a little more certainty in some of those estimates and improvements moving forward.

One of the things that I was concerned about, when I sat in on the SSC meeting, was the fact that there was not a lot of consideration necessarily given to the socioeconomic factors of this catch advice, and I would have liked to have heard a little bit more of that.

I mean, I appreciate the decisions that were made, or the recommendations that were made, based on the biological data, and, again, I think that those are certainly defensible, but I would like to see more conversation about the socioeconomic implications and how that might factor into that advice, given that, when we manage fisheries, it's not entirely based on biology. It certainly needs to inform our decisions, but we have to consider also the socioeconomic implications and provide optimal yield and do things that are consistent with the intent of the National Standards.

Other things that caused me to think about this substitute motion, or for the alternative, was a strong range of opinions that were voiced by the various stakeholder committees and the written comment, as well as in public testimony, and so we heard from all of the various sectors, as well as all of the various states that might be affected in some way by this catch advice.

I also realize that the catch data, or any revised catch recommendations, are likely to come late in the year. That, obviously, presents challenges in and of itself, and, to Mr. Strelcheck's point, one of the things that any quota resulting from this catch advice, if there in fact is a catch advice, and I'm not suggesting if there will or will not be, and there's a big emphasis on the if there, right, but what would happen -- I heard from the commercial sector that, if you were to get an increase in quota at the end of the year, late in the season, that this rocks the business models and can be problematic.

I think that we could possibly handle that, much like we were thinking about doing in committee, and we could think about how to carry forward some of that catch increase, so that it didn't disrupt the business model, or the business operations, of the commercial industry.

I also heard from the charter/for-hire sector, and the headboats, that one way to -- They would also, if there is catch advice that increases the quota, that would be available, but we could think about reducing the buffer in that sector as well, and so I think there's a lot of options, moving forward, and I wouldn't simply send this back to the SSC for reconsideration.

I respect the decisions that were made, and I do think that they're scientifically defensible, and I'm not asking them to just reconsider. I am asking them to reconsider in the light of new data, and I have outlined the various sources of data and the range of opinions that were provided in our responsibility as a council to do what's in the best interest of all of our stakeholders, as well as the fishery itself, and so I think I will stop there, for right now, and see what people have to say. All right, and so I have Patrick Banks.

MR. BANKS: Thanks, Mr. Chairman. I just wanted to ask you for some clarification, and so what your motion is to do is to accept the OFL recommendation, but not accept the ABC recommendation, and is that -- It's basically leave the ABC recommendation alone, or leave the ABC level as it is currently, correct?

CHAIRMAN FRAZER: That's correct, and so, again, I expect that we will get, at some point, revised ABC advice from the SSC, and, again, I'm not, at this point, necessarily leaning one way or the other. They're going to get new data, and it could go up, and it could go down. It may remain unchanged, but I would like to see that process work itself through.

MR. BANKS: But your motion would not provide any more fish to any of the sectors in this current fishing year?

CHAIRMAN FRAZER: Not at this time.

MR. BANKS: Okay. Thank you.

CHAIRMAN FRAZER: So it would default to the -- I mean, the intent would be to try to get a revised ABC, if one is warranted, and, as I said, I think that presents some challenges for us being able to implement that in 2021, and so I would be mindful of the fact that some people may want to keep the ABC as it exists and just move forward with the exercise of asking the SSC to consider new data, whether or not they would be willing to offer revised catch advice, and so it could go either way, Patrick. Mr. Riechers.

MR. RIECHERS: Tom, this just may be -- Please take a good look at your table and how that reflects to your motion. I'm a little concerned that the -- I understand what you're trying to do. You're trying to accept the OFL and not the ABC, but the N/A out there by the calculation of the OFL -- I don't know if that correctly represents what you're really trying to do.

Now I will just speak to the motion, while you're reviewing that, to make sure that however we can best place that in the table there, and we'll let you and staff work through that, but, as far as your motion goes, I too support the notion of accepting the SSC recommendations for the OFL, and certainly they put a lot of deliberation into that, and they took, one could argue, depending on how you want to view all the conversations that occurred, but a reasoned and an approach that basically tries to account for the unconsolidated bottom and how the fishery might now interact with that unconsolidated bottom, where they were trying to use those two different methods that came up with the 13 and the 22 percent.

Then, basically, they took a -- I am not going to suggest they actually took one or the other there, but they took a three-year average, and, if you're going to look at it, it's kind of close

to the 13 percent and the F SPR of 26 percent, when they did that, and that may have been part of how they came up with that number, but it seems like there was quite a bit of discussion about those numbers and how they were derived and how that fishery now interacts with that unconsolidated bottom.

Again, since they kind of split it and took it into two different approaches, I certainly understand that, and I am willing to accept their recommendation on OFL, and so I support your motion, in that respect.

CHAIRMAN FRAZER: Thank you, Mr. Riechers.

MR. RIECHERS: Thanks to the team for clarifying what I think, in the table better, what we're trying to do with the motion.

CHAIRMAN FRAZER: I apologize for that. That's my mistake. Dr. Stunz.

DR. STUNZ: Thank you, Mr. Chairman. I just wanted to briefly talk about some uncertainty, but, first, I support the motion, and I think, maybe to alleviate some concerns regarding some of the uncertainty, and, if you would just give me a second to make a couple of points, I would appreciate that.

My first one is that many, if not most, of the analyses we use in this process have a high level of uncertainty, and that's just the way it is with this type of data. Ours is relatively low, and that has concerned some, including some of us on the team in fact, but we can't change that data. I mean, the data is what it is, and science says we've got to go with what we have.

In fact, I would strongly argue that it is the best we have at this point, and, as Clay mentioned about the homework from the review team, we certainly can go back and do that homework and re-look at some other models they suggested, or potentially other analyses or ways to better capture that uncertainty, and those were all good, way-down-in-the-weeds things, but all really good points that will improve things, but I don't see that changing things just a whole lot. In fact, we've already looked at some of that.

If you look at a state where we captured some of that uncertainty probably the best, and one example would be Alabama, and that CV is about 30 percent there, and, in fact, even if you begin to look in our individual strata, or habitat, which, by the way, we were charged to do, and not provide just an estimate

overall, but look at individual regions within strata, within habitat, that increases the variability the more you get down at those finer, granular scales, but that CV there in Alabama is 30 percent, which I think is what many of us would think that's probably what we thought it should be kind of going in, just roughly speculating.

In fact, that's a lot of what's going on with the uncertainty here, is opinions and speculation that it's higher than what we reported, but, in reality, that's professional judgement, even from our own team professional judgement, thinking that, yes, we feel like it's probably higher, but, at the end of the day, there is no analyses that really support that.

I mean, obviously, we have to base our work on the data at-hand, and that's what we have. Now, hopefully, by doing some of this homework, that will improve things, but, if you go back into the record, or were listening to the meeting, our statisticians are very clear in pointing out that, in many cases, the SSC was not correct in their uncertainty interpretations in is it being as large as it can.

Yes, it could be larger, but that wasn't really captured well in what we heard today, unless you were really tuned into that meeting, and, of course, then we were asked to leave that meeting, in the sense of we could listen to it, but we weren't contributing, when some of those other discussions came up that we could have added some points to, but we weren't able, and, in fact, we weren't recognized to be able to do that.

Part of the issue is that, when we had this review team, these really unbiased providers of scientific review, it clearly showed that there was some uncertainty there, but that estimate was very much an underestimate, and we, obviously, haven't fully incorporated that into the assessment so far, only 13 percent getting us to that OFL, and so we're being relatively cautious here by moving in, and that's one reason I think I am supportive of this motion, is we're easing in a few of these fish and increasing the OFL.

Certainly there is some uncertainty, but there's still a lot of fish available, to leave me to conclude that there's not a big issue with overfishing of this OFL limit, and so thank you, Mr. Chairman, and I know that was long, and I just wanted to clarify that, and I know a lot of people aren't scientists on this group, obviously, but to really explain where we're at with this uncertainty, and I will stop there.

CHAIRMAN FRAZER: Thank you, Dr. Stunz, for that input. Mr. Diaz.

MR. DIAZ: Thank you, Mr. Chairman. I am trying to think about some of our your rationale, and, if I heard you correctly, you said that potentially we might send this back to the SSC to get some more information, but, more than likely, that would be done if there was new information available, and so that particular part of your rationale does not lead me to want to support this motion.

I think, with the motion that's the currently-preferred motion, with the 15.4 million pounds, with new information, we could send it back to the SSC and get it reevaluated then also, and am I mischaracterizing your comments, Tom?

CHAIRMAN FRAZER: I think so. I do believe that there will be -- There already is, and there will be, very shortly, additional information that was not available to the SSC in their March/April meeting, and so the short answer is, yes, new information. One of those would be a fisheries-independent video survey that's a working paper that was released in March, and so we can certainly make that available to folks as background material, and I have provided a reference, for the record, to that.

It's my understanding that the Louisiana Department of Fisheries and Wildlife will oversee a report by the end of the month as well that provides much more detailed information on the abundance and distribution of red snapper off the Louisiana coast, and that was not incorporated into the Great Red Snapper Count, and it may decrease some of the uncertainty that was associated with those estimates in that part of the world, and they had to be imputed.

There were a number of recommendations also that were made in the SSC -- In the peer review workshop, essentially, that should provide better confidence, or, again, reduce uncertainty around many of the point estimates, and so I'm not exactly sure when those will be integrated into the Great Red Snapper report, and I'm not suggesting that the SSC necessarily meet tomorrow to do this, right, but at the earliest opportunity, with this information in-hand.

I also believe, Mr. Diaz, that -- I listened to the whole entire meeting, and there was no real consideration given to the socioeconomic data that might bear on those catch advice, or those recommendations, and I would like to see at least some

discussion of that, moving forward. Those are just some of the things, and so I would argue that there is new data available, and will be shortly.

MR. DIAZ: Tom, just to respond, real quick, while I've got the floor, and I say this at the meetings all the time, and I don't have a crystal ball, and none of us do, and I don't know if these new sources of information will make a difference, and I would love to see it revisited, and I would love to see some stuff done that maybe would change the estimate, but I don't know if that's going to happen, and I think, possibly, it might happen next year.

I'm kind of anticipating that this is going to be something in the January timeframe, or after. At this point, I'm reluctant to support the substitute motion, because of my unknowns, and so thank you, Mr. Chair.

CHAIRMAN FRAZER: I definitely understand that, and my intent would be to try and move this forward certainly in this calendar year, and I would expect a lot of that information -- They said it should be available now, by the end of the month, and certainly in May or June, but I do appreciate your opinion. Mr. Williamson.

MR. WILLIAMSON: Thank you, Mr. Chair. To your point regarding the lack of consideration for National Standard 8, specifically during the course of the meeting, towards the end of it, one of the members made the statement that -- I am quoting, but there are socioeconomic considerations we're supposed to take into account as well. This was not done during the course of this SSC meeting.

Yesterday, we heard public comment, and, parsing aside the folks who made comments that were not directly related, there were a number of people from Alabama and Florida and Tennessee who gave public comment about the adverse economic impacts due to this low acceptable biological catch that was recommended by the SSC, and certainly that is new evidence, as it falls under the National Standard 8.

National Standard 8, and I am reading from the Act here, provides that conservation and management measures shall take into account the importance of fishery resources to fishing communities by utilizing economic and social data that meet the requirements of National Standard 2, in order to provide for the sustained participation of such communities, and, to the extent practicable, minimize adverse economic impacts on such

communities.

Now, if those comments didn't exactly fit that intent, I don't know what would, and, in addition to that, the federal regulations, NMFS' own guidelines, provide that, all other things being equal, where two alternatives achieve similar conservation goals, the alternative that provides the greater potential for sustained participation of such communities and minimizes the adverse economic impacts on such communities would be the preferred alternative.

Now, the OFL is set so high, and the ABC is so conservative, and I believe we have room for an alternative in there that would provide that greater potential, and so I am in favor of your motion, and I'm also in favor of sending the ABC back to the SSC for further consideration, based on some of this new information, and, with that, I thank you.

CHAIRMAN FRAZER: Thank you, Mr. Williamson. Mr. Strelcheck.

MR. STRELCHECK: Thanks, Tom. I certainly appreciate your rationale and thoughts with regard to SSC considerations and then kind of revisiting that, and I think the SSC, all along, felt like that this would be something that would be coming back to them, obviously, as information is completed and new analyses are available, and I certainly don't object to, obviously, the SSC taking a further look at this, and, in fact, during the SSC meeting, they kind of made the point that this was advice for 2021 only, and that they would be advising on 2022, and that's in a separate action down the road.

What I do want to speak to though is your motion, and I feel like the logic is kind of contrary to the rationale that you have offered up, and that many other people are offering up, and I recognize that a 300,000-pound increase is very modest, but your argument is that this essentially is to avoid kind of the social and economic effects of where the ACL is set, and, obviously, the SSC could have set it much higher, and they didn't, but, by setting the ACL 300,000 pounds higher, we are, obviously, providing social and economic benefits for this 2021 fishing season.

You also mentioned about the commercial quota increase and potential challenges with implementing that and flooding the market, and I will note that we have implemented quota increases during the fishing year many, many times before. The largest quota increase late in the year was back in 2013, and that was about 23 percent of the overall quota, and they still caught 97

percent of the quota that year.

It did have some impacts on ex-vessel prices, but, based on kind of the timelines that we're talking about for implementing this ACL, it's kind of in that general range, and we're only talking a 2 percent increase in the commercial quota, and so I think we need to keep that in mind with regard to impacts to the commercial industry.

Certainly, this influences private recreational seasons, but, also, we heard a lot from the for-hire industry about reducing their buffer. Well, we're not going to, obviously, reduce their buffer this year, and so a way to, obviously, give them additional fishing access is to provide them slightly higher catch limits, and, in order to do that, the ACL would need to be increased, and that goes towards, obviously, additional fishing days sometime later in the season. I certainly speak against this, and I think we need to proceed with increasing the ACL in conjunction with OFL. Thanks.

CHAIRMAN FRAZER: Thanks, Andy, and, again, I appreciate those comments, right, and so that's certainly one way to go about this. My intent, really, was to -- I mean, part of the reason that we're in the situation that we're are is we kept kicking this down the road, for a very long time, and I did not want to lose the momentum, and my intent is to try to get the SSC to reevaluate, or incorporate new information, as soon as possible, and so certainly, if we can get anything in 2021, that would be great, and, like you said, the likelihood of that happening is relatively low, but I do not want to have this council be in this position in 2022. Kevin Anson.

MR. ANSON: Thank you, Mr. Chair. A couple of thoughts, or comments, that I had have been addressed already, or answered, and I guess -- Just looking at the document, I guess, Tom, you talked a little bit about timing and such, and we hear from counsel that it's best to have more than just two options, because one of those is remaining status quo, and so I think maybe, from that side of things, I'm thinking of supporting this motion, just to have it in the document, but I am, I guess, still concerned as to getting this document approved and whatever decision we make relative to OFL gets done in time, and so I think I will support this as it stands right now, with just having it as a motion, but not making it a preferred, but thank you.

CHAIRMAN FRAZER: Okay. Thank you, Mr. Anson. Mr. Spraggins.

GENERAL JOE SPRAGGINS: Thank you, Mr. Chairman, and, first off, I would like to thank each of you all for trying to work through this as hard as you have. I know that everybody has put a lot of effort in it, and I thank you so much for your efforts too, Tom, and for working hard on this.

I like your motion, and I like the idea of it, and I'm still up in the air about whether to make it a preferred or not, and I don't know 100 percent, but I do agree with what you're trying to achieve here. My question is, is there anything that we might need to add to this motion as to whether it directs the SSC to do this? Maybe I am misreading it. If I am, please correct me, but it looks like it's a way that we can direct the SSC to go back and look at it and be able to make sure that we bring this up, or look at it different, and I guess what I'm looking at is the ABC.

CHAIRMAN FRAZER: I get your point, and so the intent would be to follow this up, after we vote it up or down, to -- It's looking to me like we would probably move forward with the OFL in either case, whether or not we elect to move forward with the ABC that was recommended or default to the existing ABC, and that's a choice the council would have to make, but, in either case, my intent would be to follow-up with a subsequent motion that would direct the SSC to reevaluate new information that's available to provide updated catch advice.

GENERAL SPRAGGINS: Thank you so much. I appreciate it. That answers what I was -- Thank you very much.

CHAIRMAN FRAZER: Okay. Ms. Levy.

MS. LEVY: Thank you. I just wanted to make a couple of points. I wanted to address the idea and the comments about incorporating social and economic considerations in the recommendation of ABC, and I just wanted to point out that the ABC is basically defined in the guidelines as the level of annual catch, which is based on the ABC Control Rule that accounts for scientific uncertainty in the estimate of OFL and any other scientific uncertainty and the council's risk policy.

The risk policy comes in play with respect to having an ABC Control Rule, which is also required by the guidelines, and that part of the regulations says, when determining a risk policy, councils could consider the economic, social, and ecological tradeoffs between being more or less risk averse.

I guess my point is that it's ultimately the council's

responsibility to articulate, in its ABC Control Rule, its risk policy that should consider those factors, and we do have an ABC Control Rule, and I don't think that it has an express consideration of those factors in it, and I don't -- I think the reason that the control rule itself wasn't really followed in this case was because the way that this came to the SSC and what they were considering was outside the normal process of review of these things.

It was a totally different process, and it didn't follow what was sort of anticipated in the ABC Control Rule, and I do want to note that the council has a document, or an amendment, potentially in progress to modify the ABC Control Rule, but that's been on the back-burner for a really long time, and so, I mean, I think that the way to get at the social and economic stuff, if you want to, is to update your risk policy.

Then the other thing that I just wanted to note was that, if this motion passes, I think you need to re-look at the purpose and need of the document, because, right now, the purpose and need is focused on updating all of the catch levels and such, and then this isn't going to do that. Thank you.

CHAIRMAN FRAZER: Points well taken there, Ms. Levy. Again, one of the things that I think -- I talked about this in the SSC meeting, right, and, from the council's perspective, it's always helpful to at least get a range, if possible, of recommendations, perhaps, and the SSC might ultimately make a recommendation, but it would be good to have some narrative surrounding alternatives that relate to risk, and I think we should think about how we request things of the SSC moving forward, and we probably need to be a little more explicit in those requests, and I will take responsibility for not doing a good job on that end. Ms. Guyas.

MS. GUYAS: Thanks, Tom. I think I support where you're going here. Just a question, I guess, to staff. You know you have this new information that it sounds like will be completed very soon, if it's not complete now, and I know we have an SSC meeting in May, and I assume the agenda for that has already been advertised, and when do we think we would have this in front of the SSC for them to consider, and then, subsequently, when would it come back in front of the council? The reason I'm asking is I'm just trying to think -- Are we really going to be able to impact 2021 here, or is this really getting into 2022?

CHAIRMAN FRAZER: Good question, Martha. Let me sneak over and ask Dr. Simmons.

EXECUTIVE DIRECTOR SIMMONS: Thank you, Mr. Chair. You are correct, Ms. Guyas, that the May SSC meeting has already been finalized and noticed, and so it would not occur in May. We would really need the final, I think, Great Red Snapper report out to be ready to have another SSC meeting, as well as these other materials, and so I suspect the earliest we could do it is July, or have like a special meeting, if things could be ready earlier. Thank you.

CHAIRMAN FRAZER: Thank you. Mr. Diaz.

MR. DIAZ: Real quick, I just -- For a while, the screen on the computer did not show that the substitute motion is to select this alternative as the preferred, and a couple of speakers have referenced not opposing adding it to the document, and I just want to make sure that everybody is clear that this is to add it to the document and make it the preferred. Thank you.

CHAIRMAN FRAZER: Thank you, Mr. Diaz. Mr. Dugas.

MR. DUGAS: Thank you, Mr. Chair. I support your substitute motion, and I'm looking forward to moving on and talking about the ABC in a separate motion, and I think it's time we take a vote on this one and move on. Thank you.

CHAIRMAN FRAZER: Thanks, J.D. We have two more hands, and then we can move forward, I think. Ms. Bosarge and then Mr. Anson.

MS. BOSARGE: Thank you, Mr. Chairman. I think I'm going to have to speak in opposition of this particular motion. I think, whether you -- I think you implement both of these together, an OFL and an ABC, or you don't implement either, right? It's an all-or-none-type deal, and I am going to speak against this one, because it does not implement the, albeit it small, an increase that the scientists said that we could gather this year from the fishery.

I think we just keep forgetting that there's more than private recreational anglers in this fishery, and that increase in poundage would be very worthwhile to the commercial fishery and the charter/for-hire fishery, and I think, by implementing that ABC, that does not preclude you from still going back to the SSC in July, if you feel there's going to be new information, and I don't think that precludes you from that at all.

If that new information leads to higher catch recommendations, then they can send that back to the council, and we can have the

same discussion about implementing those as we would if we didn't -- If we had not implemented this increase already, and I don't think it changes those discussions at all, and so I'm going to have to oppose this motion, and I can't see foregoing yield that scientifically is okay to take in that increased ABC. Thank you.

CHAIRMAN FRAZER: Again, those comments were made and mirror those of Mr. Strelcheck, and certainly my intent here, Leann, was to keep the eye on the prize, in a bit, and, when I say that, I would like to get this additional data incorporated into the catch advice, if it warrants it, at the earliest opportunity, and I just don't want to drag our feet, and so I can certainly understand people's hesitancy, or reservation, with this motion, but we're just going through the exercise, and so no problem. Mr. Anson and then Mr. Diaz, and then we'll vote this one up or down.

MR. ANSON: Thank you, Mr. Chair. I didn't see, earlier, in the substitute, your motion, where it says it's the preferred, and so I think I'm kind of with Leann then at that point, and I would prefer to have it in the document, but maybe not as a preferred, and I had offered a similar motion in committee that didn't get -- That didn't pass, and so, anyway, just for the timing of the document.

Going back to the comment that Mara had about the council's risk policy, and I'm just wondering, and is there any distinction, Mara, in what role, or what the SSC would specifically be evaluating and using in their risk policy and what the council would be evaluating, specific to the socioeconomic data? Obviously, we get input from the Socioeconomic SSC on certain issues and such, but I guess, relative to setting the OFL, is that implicit that they can look at the socioeconomic data, or is that more of the council's purview, as far as how to distribute the fish that are available when the ACL is set?

CHAIRMAN FRAZER: Ms. Levy.

MS. LEVY: At one point, I think you said ABC, and then you said OFL, and are you talking about setting the ABC, the SSC's recommendation as the ABC?

MR. ANSON: Yes.

MS. LEVY: Well, I mean, so we're supposed to have -- The council is supposed to have an ABC Control Rule, right, and part of that control rule is supposed to articulate how the ABC is

going to be set compared to the OFL, based on scientific knowledge of the stock, and then also taking into account the risk policies that the council incorporates into that ABC Control Rule, and so, I mean, I don't -- I don't know how much of an explicit discussion there was in the development of the current ABC Control Rule, in terms of a risk policy and in terms of social and economic and ecological tradeoffs.

I suspect there wasn't a lot of explicit discussion, and I don't know if, moving forward in addressing changes to that ABC Control Rule, the council wanted to be more explicit, but, ultimately, that risk policy is supposed to be incorporated into the control rule that the SSC follows, unless they articulate a particular reason for not following it in some case.

I don't know if that really answers your question, but I don't -- It's sort of hard to answer in the abstract, and maybe we need to look in more detail with the National Standard 1 Guidelines and what's in the control rule now and what was in there and what was said when it was put in place.

CHAIRMAN FRAZER: Mr. Rindone.

MR. ANSON: If I can?

CHAIRMAN FRAZER: Mr. Anson, go ahead.

MR. ANSON: Just to quickly follow-up, and I don't have an additional question, but it's just to follow-up. I mean, Mara said that we have a document that we should -- That's on the docket, if you will, that kind of addresses this, and it would give us an opportunity to clarify that more explicitly, and I guess I just have the concern that whose role or how do we set that up, and this might be a good case study as we go forward, if there are opportunities for kind of further delineating that.

I look at localized depletion as more of an issue of how fish are accessed, and you can have localized depletion and still the overall stock is sustainable and healthy. Those are more of, I think, council decisions on how, again, the fish are distributed.

It's kind of like growth overfishing. With growth overfishing, you can -- You can have growth overfishing, and that sounds bad, but it doesn't necessarily mean that you've got an unhealthy stock, whereas you can have recruitment overfishing, and that is a bad situation, and that's more of a science issue of relating to habitat and ecology and those types of things, and so, again,

this example of what went forward with the Great Red Snapper Count could be a good way for us to help frame that particular question, as we look at the risk policy again. Thank you.

CHAIRMAN FRAZER: Thank you, Mr. Anson. Mr. Rindone.

MR. RINDONE: Thank you, Mr. Chair. For the ABC that was recommended by the SSC, following the review of the Great Red Snapper Count and the Great Red Snapper Count and the NMFS bottom longline interim analyses, the ABC Control Rule was not used in any way for the establishing that ABC.

The SSC's discussions about the uncertainty surrounding both the Great Red Snapper Count and the NMFS bottom longline data informed the SSC's decision for setting the ABC at 15.4 million pounds.

CHAIRMAN FRAZER: Thank you, Mr. Rindone. Mr. Diaz, and then we'll vote this up or down.

MR. DIAZ: Just real quick, just to something that J.D. Dugas said a minute ago, and he said that he wanted to dispense with this motion so that we could go on and set the ABC, or the ACL, and this motion does set the ABC and ACL, and that is included in this motion, and I just wanted to make sure and bring that out. Thank you.

CHAIRMAN FRAZER: Okay. We'll go ahead and vote on the substitute motion. I imagine there's a wide range of opinions on this, and we'll go ahead and do a roll call vote for this. Dr. Simmons.

EXECUTIVE DIRECTOR SIMMONS: Thank you, Mr. Chair. Mr. Strelcheck.

MR. STRELCHECK: No.

EXECUTIVE DIRECTOR SIMMONS: Dr. Shipp.

DR. SHIPP: Yes.

EXECUTIVE DIRECTOR SIMMONS: Mr. Williamson.

MR. WILLIAMSON: Yes.

EXECUTIVE DIRECTOR SIMMONS: Ms. Guyas.

MS. GUYAS: Yes.

EXECUTIVE DIRECTOR SIMMONS: Mr. Dyskow.

MR. DYSKOW: Yes.

EXECUTIVE DIRECTOR SIMMONS: General Spraggins.

GENERAL SPRAGGINS: Yes.

EXECUTIVE DIRECTOR SIMMONS: Ms. Bosarge.

MS. BOSARGE: No.

EXECUTIVE DIRECTOR SIMMONS: Dr. Stunz.

DR. STUNZ: Yes.

EXECUTIVE DIRECTOR SIMMONS: Mr. Diaz.

MR. DIAZ: No.

EXECUTIVE DIRECTOR SIMMONS: Mr. Anson.

MR. ANSON: No.

EXECUTIVE DIRECTOR SIMMONS: Mr. Banks.

MR. BANKS: No.

EXECUTIVE DIRECTOR SIMMONS: Mr. Riechers.

MR. RIECHERS: Yes.

EXECUTIVE DIRECTOR SIMMONS: Mr. Swindell.

MR. SWINDELL: No.

EXECUTIVE DIRECTOR SIMMONS: Ms. Boggs.

MS. BOGGS: No.

EXECUTIVE DIRECTOR SIMMONS: Mr. Sanchez.

MR. SANCHEZ: No.

EXECUTIVE DIRECTOR SIMMONS: Mr. Dugas.

MR. DUGAS: Yes.

EXECUTIVE DIRECTOR SIMMONS: Dr. Frazer.

CHAIRMAN FRAZER: Where are we at?

EXECUTIVE DIRECTOR SIMMONS: It's tied.

CHAIRMAN FRAZER: Even though I made the motion, I really appreciate the comments made by Ms. Bosarge and Mr. Strelcheck, and I will vote no on my own motion, but I will go ahead then and we'll vote up the original motion. Assuming that passes, then we will go ahead and presumably make another motion to move forward with making a request to the SSC. Let's go back to the original motion, and we'll take a roll call vote for that.

EXECUTIVE DIRECTOR SIMMONS: Okay. **So it failed eight to nine.**

CHAIRMAN FRAZER: So let me read the motion that we're voting on into the record. **The motion is, in Action 1, to make Alternative 2 the preferred alternative. Alternative 2 is modify the red snapper OFL, ABC, ACLs, and recreational ACTs for 2021 based on the OFL and ABC recommendations of the Scientific and Statistical Committee at the March 30 to April 2, 2021 SSC meeting. The OFL was based on the interim analysis informed by the results of the Great Red Snapper Count. The ABC was based on the fishery-independent National Marine Fisheries Service bottom longline survey-based interim analysis.** Dr. Simmons.

EXECUTIVE DIRECTOR SIMMONS: Thank you, Mr. Chair. Mr. Anson.

MS. BOSARGE: Are we having discussion on this, Tom?

CHAIRMAN FRAZER: We can certainly have some discussion. I apologize. Ms. Bosarge.

MS. BOSARGE: Thanks. I just wanted to kind of make one thing clear, and we had some discussion, and I don't know if it was in this document or the other document, but there was this idea about, as long as you don't exceed the OFL, everything is fine, and we have this big OFL now, and so that's going to be great.

I just wanted to make it clear, for the record, that we're not managing harvest towards the OFL of 25,600,000 pounds. That is set, and then an acceptable biological catch is set, and then an ACL, an annual catch limit, is set, and we manage to our annual catch limit and/or annual catch target, which would be lower than that, and there are ramifications for exceeding those levels, and so I just wanted to make that clear, that, even

though we may implement a very large OFL, we should not be managing towards harvesting the OFL level.

CHAIRMAN FRAZER: Point well taken, Ms. Bosarge. Mr. Banks.

MR. BANKS: I appreciate it, Mr. Chairman. I'm going to support this motion, but I want to make sure that I explain a little bit about my thoughts on supporting this. I certainly support going up on the OFL, and I think there's adequate guidance from the Great Red Snapper Count that shows that we have a lot more fish out there.

I appreciate some of the hesitancy from the SSC members about being unsure of exactly how much more of those fish we should allow to be caught. However, I disagree with them that that level of uncertainty would only allow you to go up 300,000 pounds. I feel that, based on the information at-hand, even though the bottom longline survey may show that the relative abundance seems to be going down, the fact that I think the absolute abundance is so damn high -- So what if a very, very high absolute abundance is going down a little bit?

I just feel like they erred on the side of being way too conservative, and I would like to make sure that they revisit this issue with all of this new information that you described, because I think there's going to be some new information that may help them get together and say, you know what, with all of this new information, maybe we were a bit too conservative on the catch advice.

Now, again, I disagree with the amount of their direction on the increase in the ABC, but I don't disagree that the ABC should be raised, and, for that reason, I'm going to support this motion, because I don't want to leave the 300,000 pounds on the table, and I certainly don't want to leave it on the table and make the commercial and the charter sector sit by and not get any extra fish while we try to sort this out, and so I would like to take advantage of whatever the SSC recommends we can get and then return this item back to them for consideration, like you described, Mr. Chairman. Thank you.

CHAIRMAN FRAZER: Thank you, Mr. Banks. General Spraggins.

GENERAL SPRAGGINS: Mr. Chairman, just one question. If we do adopt this one, does that still allow us to put the subsequent motion that you were talking about, about taking it back to the SSC?

CHAIRMAN FRAZER: That would be my intent, yes.

GENERAL SPRAGGINS: Okay. Thank you.

CHAIRMAN FRAZER: Okay. I am not seeing any other hands, and so we will proceed to the vote. Dr. Simmons.

EXECUTIVE DIRECTOR SIMMONS: Thank you, Mr. Chair. Mr. Anson.

MR. ANSON: Yes.

EXECUTIVE DIRECTOR SIMMONS: Mr. Riechers.

MR. RIECHERS: Yes.

EXECUTIVE DIRECTOR SIMMONS: Dr. Shipp.

DR. SHIPP: No.

EXECUTIVE DIRECTOR SIMMONS: Ms. Boggs.

MS. BOGGS: Yes.

EXECUTIVE DIRECTOR SIMMONS: Mr. Sanchez.

MR. SANCHEZ: Yes.

EXECUTIVE DIRECTOR SIMMONS: General Spraggins.

GENERAL SPRAGGINS: Yes.

EXECUTIVE DIRECTOR SIMMONS: Mr. Diaz.

MR. DIAZ: Yes.

EXECUTIVE DIRECTOR SIMMONS: Mr. Banks.

MR. BANKS: Yes.

EXECUTIVE DIRECTOR SIMMONS: Mr. Dugas.

MR. DUGAS: Yes.

EXECUTIVE DIRECTOR SIMMONS: Mr. Strelcheck.

MR. STRELCHECK: Yes.

EXECUTIVE DIRECTOR SIMMONS: Ms. Bosarge.

MS. BOSARGE: Yes.

EXECUTIVE DIRECTOR SIMMONS: Dr. Stunz.

DR. STUNZ: Yes.

EXECUTIVE DIRECTOR SIMMONS: Mr. Dyskow.

MR. DYSKOW: Yes.

EXECUTIVE DIRECTOR SIMMONS: Mr. Williamson.

MR. WILLIAMSON: Yes.

EXECUTIVE DIRECTOR SIMMONS: Mr. Swindell.

MR. SWINDELL: Yes.

EXECUTIVE DIRECTOR SIMMONS: Ms. Guyas.

MS. GUYAS: Yes.

EXECUTIVE DIRECTOR SIMMONS: The motion carried fifteen to one with one abstention.

CHAIRMAN FRAZER: Thank you, Dr. Simmons. To follow up on General Spraggins' comment, if we can go ahead and put up a new motion. **We have a new motion on the board, and it's to request that the SSC reconsider the Gulf red snapper ABC recommendation for 2021 and beyond after the final Great Red Snapper Count is published in June of 2021.**

That would, of course, incorporate a reconsideration, or essentially asking them to take advantage of a revised document and new information that wasn't available, in order to update their catch advice, if needed, and so if I can -- I think that's the intent, and hopefully it's clear in there. Is there a second to this motion?

GENERAL SPRAGGINS: I will second it.

CHAIRMAN FRAZER: It's seconded by General Spraggins. Is there any further discussion on the motion? Ms. Boggs.

MS. BOGGS: I just want to clarify the comments that I think you just made, because I -- Not that I necessarily wanted to reconsider the OFL, but I hope that they would just basically

take a look at this in general, and you said that is your intent?

CHAIRMAN FRAZER: My intent would be, essentially, to send a message back to the SSC that we think that there is new data, and there is certain data that are available, or data that were not considered, in the earlier discussions, we expect, and so a couple of the examples that I gave were the fishery-independent video survey, and there will be revisions as well to the point estimates in the Great Red Snapper Count, and I had one more written down, and sorry, but I just want to circle back.

The additional data that I expect to be provided to the Louisiana Department of Wildlife and Fisheries, or Fish and Wildlife, and so, again, what I want to make clear here is that I am a strong defender of the science that underlies fisheries management, and I am certainly understanding and appreciative of the approach that the SSC took, but I also want them to incorporate, to the greatest extent possible, all of the available information to improve that catch advice, if it can be improved. I have --

MS. BOGGS: May I follow-up, real quick, to that?

CHAIRMAN FRAZER: Yes, you may. Go ahead, Susan.

MS. BOGGS: I guess, based especially on the verbiage you just used, could we not say "red snapper catch advice", instead of just restricting it to "ABC"? Thank you.

CHAIRMAN FRAZER: Sure. So, again, what we're trying to do is get the best available science to help us to most beneficially, I guess, manage this fishery. So I would modify the motion to say "request the SSC provide -- How about this? Sorry. You can erase that. **"Request that the SSC consider new information and revised report to provide catch advice for red snapper for 2021 and beyond."** That revised report, it's implicit that that's the Great Red Snapper Count.

MS. BOGGS: Thank you.

CHAIRMAN FRAZER: Again, I will read it into the record here. **Request that the SSC consider new information and revised report to provide catch advice for red snapper for 2021 and beyond.** We can add, in parentheses, after "revised report", "Great Red Snapper Count", just for clarity. Okay. Do we have a second for this motion?

GENERAL SPRAGGINS: I will second it.

CHAIRMAN FRAZER: Thank you, General Spraggins. Ms. Bosarge.

MS. BOSARGE: I think my concerns have been addressed. Thank you. I just thought, if there is revised information in that Great Red Snapper Count, that's what we used to set that OFL, and so we would have to look at it, to make sure that it still matches up, and so thank you.

CHAIRMAN FRAZER: Thank you. J.D. Dugas.

MR. DUGAS: Thank you, Mr. Chair. I would be in support of this motion. A couple of points, or maybe questions or recommendations to add, but there was some thoughts from other members about National Standard 8, and maybe that should be integrated into this motion, and, also, the ABC Control Rule should be considered. I don't know if you would be open to adding that in this motion or not, but I just wanted to put it out there. Thanks.

CHAIRMAN FRAZER: Okay. Thanks, J.D. I will think about that for a minute, and I'll take a couple more comments. Kevin Anson.

MR. ANSON: My question has been answered. Thank you.

CHAIRMAN FRAZER: Dr. Stunz.

DR. STUNZ: Thank you, Mr. Chairman. I had the same comment as J.D., about considering the ABC Control Rule, since I don't think that that was fully considered. We, obviously, have the council's control rule that at least should be part of that discussion, and, Mr. Chairman, I have a point not directly to this motion, if you would please recognize me after we make this vote, and I don't want to bog down that discussion, but it is important and related to what we're discussing here today.

CHAIRMAN FRAZER: Okay. Thank you, Dr. Stunz. We'll come back, and so I'm going to try to modify this motion slightly one more time. **Request the SSC consider new information and revised report (Great Red Snapper Count) to provide catch advice for red snapper for 2021 and beyond. As part of the discussion, the SSC should consider the existing ABC Control Rule as well as the National Standard Guidelines.** General Spraggins, are you okay with those changes to the motion?

DR. SPRAGGINS: I am.

CHAIRMAN FRAZER: Okay. I'm going to take a couple of quick comments here. Mr. Strelcheck and then Ms. Guyas.

MR. STRELCHECK: Thanks, Tom. For clarification, with regard to new information, you rattled off, earlier, a lot of reasons for kicking this back to the SSC. We're referencing the Great Red Snapper Count specifically here, but there was mention, for instance, of a video index and some other information that might be emerging from the research track assessment. Is that the new information you're referencing here, or are we explicit to the Great Red Snapper Count?

CHAIRMAN FRAZER: I think there's a couple -- It will be in the record here, Andy, and so I am specifically interested in two pieces of information. one is the fishery-independent video survey that is part of the SEDAR Working Paper 74-SID-03, and so that has, essentially, survey data, or index data, through 2019 that I think would be of value.

The other piece of information that I was particularly interested in is a report that will be provided to the Louisiana Department of Wildlife Fisheries, and it's anticipated by the end of the month, that provides more detailed information on the abundance and distribution of red snapper off the Louisiana coast, and so I think that will help, in many ways, perhaps, with some revisions to the Great Red Snapper Count, but, in any case, it should provide additional information, and so, again, there may be more that comes out, but those are two that immediately come to mind, and so they're on the record, and, when we make the direction to the SSC, we'll make sure that we'll be as specific as we possibly can. Ms. Guyas.

MS. GUYAS: Real quick, I support the motion. Just one thing that came to my mind, since we talked about it in committee, is, depending on where we go with this, I don't know that we would want to -- If we end up implementing new OFLs and ABCs, let's say in August, or even October, I guess we're going to want to think about whether we want to pursue getting an updated interim analysis from the Science Center at the beginning of 2022, because I think that was something that Clay mentioned that they were planning on doing for us, but we can figure that out later, but I'm just kind of flagging that as maybe something we need to come back to, depending on where we go.

CHAIRMAN FRAZER: Good point, and, again, I think we can certainly keep that in mind, but I think that we can probably move forward with this motion as it exists, and so I'm not

seeing any other hands. I will give it just a second, and, when we dispense with this motion, I think we're going to take a bit of a break for lunch. Ms. Bosarge.

MS. BOSARGE: I just wanted to make sure I've got one thing on the record. You mentioned that new research that's going to come out of Louisiana and hopefully aid in the estimates that were in the Great Red Snapper Count, supplement those for Louisiana, since some of those kind of had to be used based on some Texas data, from what I understand, and I'm not a scientist, and I just listened to the review, but I would also like to make sure -- Because what if that gets delayed, or something like that?

There were a few things brought up during the discussion that I don't think it would take Greg and his team too much to address, and I do want to make sure that those will be addressed before it's presented back to the SSC, and those two items were the pipeline data that was used, and, obviously, exposed pipelines can be habitat for red snapper, and they found that in their report.

However, I think the report assumed that pipelines in water depths less than ninety feet were buried, and so, therefore, everything else is unburied and is a habitat for snapper, and, per the BSEE regulations, it's actually 200 feet, and so all pipelines inside of 200 feet of water depth have to buried, and so that affects their estimate of mileage of pipeline that was used as habitat, and, therefore, that final estimate, although minor, because that's really not where most of the snapper are.

Then the other thing that they could adjust, before the Louisiana data comes out, if it doesn't come out in time, is the actual rig count that they used, and I think like ninety-something percent of the artificial habitat in Louisiana was assumed to be rigs and platforms and caissons, or oil industry infrastructure, and I think they had a number somewhere between 3,500 and 4,000 for that rig count, and, you know, depending on when you pull the data, in federal waters at least, for the Gulf of Mexico, currently, it's about eighteen-hundred-and-something rigs, platforms, and caissons in the entire Gulf, and so that Louisiana number would be a little high.

Yes, there could be some in state waters, but it wouldn't take you to that number, and so if they could address those two things for sure, before they bring it back, I think that would be good, and I don't think -- Greg, I don't think that would be overwhelming to you, right?

CHAIRMAN FRAZER: Dr. Stunz.

DR. STUNZ: To that point, Mr. Chairman, my hand was up so that you didn't forget to recognize me after the vote, but, to that point, since Leann brought it up, yes, you're right, Leann. It was very minor, but we can fix that relatively easy, but just another point that we struggle with on the pipelines is, just because they're supposed to be buried, it does not mean they're buried.

In fact, it's common for them not to be buried sometimes, and we have ways to estimate that, and our team is working on that. That's a relatively low lift, but, as you pointed out, that's not really where the fish are, and so it's not going to really change much, in terms of the overall estimate.

MS. BOSARGE: To that point, Mr. Chairman?

CHAIRMAN FRAZER: Go ahead, Ms. Bosarge.

MS. BOSARGE: A very small piece of that long pipeline may be exposed, like maybe where a valve or where it intersects another pipeline, where the oil industry has gone in to do some work or something to it, and maybe that didn't get reburied, but, by and large, the pipelines are buried inside of 200 feet, and the shrimp industry played a large role in that, because, if they weren't, we would hang up on them and tear our gear up all the time, and, in fact, there's a fund that the oil industry has to take care of for the times that we do hang up on their pipelines, and they have to reimburse us for gear, and so they do try and make sure that they are buried, because they don't want to have to pay us.

CHAIRMAN FRAZER: Okay. I appreciate that discussion, and, Greg, I know that you've had your hand up, and you may have some other things to say, but do you recommend that we go ahead and vote on this motion?

DR. STUNZ: Mine would be after the motion, please.

CHAIRMAN FRAZER: Okay. Great. We will go ahead and vote on this motion. **I am not sensing a great deal of hesitancy here, and so I will risk saying, is there anybody opposed to this motion? I am not seeing any hands, or hearing any opposition, and the motion carries.** Dr. Stunz.

DR. STUNZ: Thank you, Mr. Chairman. I will be brief, since

we're running behind here. One just interesting thing that I think we need to consider as a council, and council staff in general, with the SSC is all this consternation that we've been discussing over these past few days, and this motion is why I'm bringing it up here, was that this was over a very narrow vote within the SSC, ten to eleven or something like that, and so almost as many that supported it did not support it.

I don't know, and my understanding is that that body would work better from a consensus standpoint, but I don't know what the rules and legalities are, in terms of really coming to a scientific consensus, other than just passing a motion based on a narrow vote, where maybe not all the viewpoints are fully captured in that scientific opinion and advice that's given back to us.

I am not proposing that we solve that right here and right now, but that's something that I think that we need to consider, that all of that information is packaged together on many things that comes back to us and not just this example.

CHAIRMAN FRAZER: Okay. Thank you, Dr. Stunz. Mr. Banks.

MR. BANKS: Real quick, Mr. Chairman, and I'm sorry that I didn't make this point with my earlier comment, but this increase in quota that's going to the commercial and charter sector, especially on the commercial side, we need to bring Amendment 36 back to the council, so that we can work on trying to get these extra fish that are coming into the fishery in the hands, or at least in the hands in a more reasonable way, to fishermen who are actually in the fishery, who actually do the fishing, who don't have quota and things like that, and so I would like to request that of staff, to try to do that as soon as we possibly can. Thank you.

CHAIRMAN FRAZER: Thank you, Mr. Banks. Dr. Simmons, real quick.

EXECUTIVE DIRECTOR SIMMONS: Thank you, Mr. Chair. I was just going to go back to something that Dr. Stunz said. We will work on that peer review process again before the next meeting, and I think you bring up some good points. I do recall that Dr. Joe Powers did try to get the committee to come to a consensus, and, as you know, that did not happen, and so we can continue to work towards that, but I don't think that we can require it of the SSC, but I will work with Ms. Levy and staff on that. Thank you.

CHAIRMAN FRAZER: Thank you, Dr. Simmons. Two quick comments. I will take Andy's and then Kevin's.

MR. STRELCHECK: Tom, I know we're standing between now and lunchtime, and I did want to remind the council that this is final action, and we should vote this up for review and submittal to the agency.

CHAIRMAN FRAZER: I hadn't decided if I was going to try to squeeze that in before lunch or right after, but we'll see here. Kevin.

MR. ANSON: Dr. Simmons kind of addressed my point, or question, and that was just if there was going to be any additional information or looking at that peer review process for the next SSC vote, and it sounds like there will be an attempt to try to either reevaluate and change, or at least make sure that the information is publicly available and consistent well in advance of the meeting. Thank you.

CHAIRMAN FRAZER: Okay. Thank you, Mr. Anson. I think what we do is we will go ahead, because we're going to move into calibration, and I consider those to be related, but certainly separate, items, and we will go ahead and make sure -- Because this is a final action item now, we will go through the appropriate process to vote on that as well. We will get the standard language on the board.

It's a final action item, and the motion is to approve the Framework Action: Modification of Annual Catch Limits for Gulf of Mexico Red Snapper and that it be forwarded to the Secretary of Commerce for review and implementation and deem the codified text as necessary and appropriate, giving staff editorial license to make the necessary changes in the document. The Council Chair is given the authority to deem any changes to the codified text as necessary and appropriate. We have a motion on the board, and I'm assuming that we will need a second for that as well. Can I get a second for this motion?

GENERAL SPRAGGINS: I will second it.

CHAIRMAN FRAZER: It's seconded by General Joe Spraggins. Is there any further discussion of the motion? Ms. Levy.

MS. LEVY: I believe that NMFS had worked on the codified, and I don't know if you have all had a chance to look at that, or whether that was circulated, but the codified you had in committee was just a placeholder, I believe, and now it should

have the actual values that are in the document, and so I just wanted to let you know that.

CHAIRMAN FRAZER: Yes, and so Dr. Froeschke was working with the staff earlier to get that, and so the codified text changes are recognized, and they're on the board, if people are interested. Okay. Are there any questions or concerns about the codified text? They're fairly straightforward. Okay. I am not seeing any hands there, and so we can go back to the motion. We will proceed to the vote. Dr. Simmons.

EXECUTIVE DIRECTOR SIMMONS: Thank you, Mr. Chair. Ms. Boggs.

MS. BOGGS: Yes.

EXECUTIVE DIRECTOR SIMMONS: Mr. Riechers.

MR. RIECHERS: Yes.

EXECUTIVE DIRECTOR SIMMONS: Dr. Stunz.

DR. STUNZ: Yes.

EXECUTIVE DIRECTOR SIMMONS: Mr. Strelcheck.

MR. STRELCHECK: Abstain.

EXECUTIVE DIRECTOR SIMMONS: Ms. Bosarge.

MS. BOSARGE: Yes.

EXECUTIVE DIRECTOR SIMMONS: Mr. Anson.

MR. ANSON: Yes.

EXECUTIVE DIRECTOR SIMMONS: Mr. Banks.

MR. BANKS: Yes.

EXECUTIVE DIRECTOR SIMMONS: Mr. Williamson.

MR. WILLIAMSON: Yes.

EXECUTIVE DIRECTOR SIMMONS: Mr. Dyskow.

MR. DYSKOW: Yes.

EXECUTIVE DIRECTOR SIMMONS: Mr. Swindell.

MR. SWINDELL: Yes.

EXECUTIVE DIRECTOR SIMMONS: Mr. Dugas.

MR. DUGAS: Yes.

EXECUTIVE DIRECTOR SIMMONS: Dr. Shipp.

DR. SHIPP: Yes.

EXECUTIVE DIRECTOR SIMMONS: General Spraggins.

GENERAL SPRAGGINS: Yes.

EXECUTIVE DIRECTOR SIMMONS: Mr. Diaz.

MR. DIAZ: Yes.

EXECUTIVE DIRECTOR SIMMONS: Ms. Guyas.

MS. GUYAS: Yes.

EXECUTIVE DIRECTOR SIMMONS: Mr. Sanchez.

MR. SANCHEZ: Yes.

EXECUTIVE DIRECTOR SIMMONS: Dr. Frazer.

CHAIRMAN FRAZER: Yes.

EXECUTIVE DIRECTOR SIMMONS: The motion carries sixteen to zero with one abstention. Mr. Chair.

CHAIRMAN FRAZER: Okay. Thanks, everybody, for working through this. We are going to take a thirty-minute break for lunch, and we'll come back at 1:45, and we'll pick up with another final action item having to do with the framework action and calibration, and so I will see you all in thirty minutes, at 1:45. Thank you.

(Whereupon, the meeting recessed for lunch on April 15, 2021.)

- - -

April 15, 2021

THURSDAY AFTERNOON SESSION

- - -

The Full Council of the Gulf of Mexico Fishery Management Council reconvened via webinar on Thursday afternoon, April 15, 2021, and was called to order by Chairman Tom Frazer.

CHAIRMAN FRAZER: It looks like we're getting everybody up. We'll wait just one second, and then Martha -- I think you're good to go, actually. Carry on.

MS. GUYAS: Thanks, Mr. Chair. That brings us to Final Action: Framework Action: Gulf of Mexico Red Snapper Recreational Data Calibration and Recreational Catch Limits, Tab B, Number 8. Council staff presented the challenges of relating different state data collection currencies in which they report their catch and effort data for Gulf red snapper, using monetary exchange rates between countries as an example.

The presentation detailed why differing currencies were not additive and needed to be calibrated to a common currency in order to be directly compared. Council staff followed this presentation with a review of written public comments received, sixty-four, and noted that the YouTube video explaining the document had thus far received 145 views.

Council staff reviewed the alternatives in the framework action. Ms. Leann Bosarge asked about the effects of the 2017 extended private angling fishing season for red snapper, which was extended by the Secretary of Commerce by thirty-nine days, to forty-two days in total.

Based on the definitions of overfishing, she said that she thought red snapper experienced overfishing in 2017, as a result of the extended fishing season. Ms. Guyas reminded the committee of the motion passed in consideration of the previous agenda item, the Final Action: Framework Action: Modification of Annual Catch Limits for Gulf of Mexico Red Snapper, Tab B, Number 7, adding that this motion would increase the current OFL considerably compared to the current OFL, 25.6 million pounds versus 15.5 million pounds.

She then asked about the consequences of exceeding the ABC for Gulf red snapper. Ms. Mara Levy replied that NMFS cannot allow fishing for red snapper to continue for a sector once that sector's ACL is met. Presently, the sum of the commercial and recreational ACLs equals the stock ABC.

Further, the management of red snapper in the Reef Fish Fishery Management Plan is currently not in compliance with the Magnuson-Stevens Fishery Conservation and Management Act, in that the current recreational ACL is being managed in a manner that has resulted, and is expected to continue to result, in ACL overages for that sector.

From a biological perspective, Dr. Porch stated that the effect of exceeding the ABC depended on the accuracy with which the OFL is thought to be known. If the OFL is thought to be appropriate for preventing overfishing, then just exceeding the ABC should not result in overfishing in a given year.

Mr. Andy Strelcheck stated that NMFS has worked with the council and the Gulf states to address the need for data calibration. He noted that NMFS had lost federal lawsuits related to red snapper recreational catch limits being exceeded in the recent past, in 2014 and 2017.

Mr. Anson discussed the differences between the state surveys and the MRIP program and how they provide timelier and more precise catch and effort estimates for red snapper. He also detailed some of the effects of the differences in the state surveys and MRIP-FES, stating that landings, as recorded for currently fished habitat, would be substantially higher than currently reported and would represent a large fraction of the estimated biomass.

Mr. Strelcheck replied that the calibrations would not be necessary if the state survey data were commensurate and could be directly compared and incorporated into a stock assessment. Mr. Anson then proposed a motion that would fix Alabama's state-specific ACL at the level established in Reef Fish Amendment 50A, with the remaining four states receiving a proportional increase based on the proposed increase to the ABC in the document discussed under Tab B, Number 7.

Council staff advised the committee that the proposed motion was in fact a reallocation among the states and could not be included in a framework action and would require a plan amendment. Council staff also noted that the proposed motion would result in the predicted landings for the private angling component being exceeded, just as it would under Alternatives 1 and 5. Ms. Levy echoed council staff and added that the proposed alternative was more appropriate in Tab B, Number 7(d), as it addresses revising the catch limits using the ABC used in the proposed motion.

The committee recommends, and I so move, in Action 1, to add a new Alternative 6 that would change the state-specific red snapper private angling component annual catch limits using modified percentages from those identified in Amendment 50A in state survey currencies through 2023. Alabama would retain the ACL that was issued in Amendment 50A of 1,122,662 pounds. I don't know if we need to read the ACL percentages here in the table.

CHAIRMAN FRAZER: I think you're good, Ms. Guyas. We have a committee motion on the board. Martha just read it into the record, and I don't think we need to do that again, but I will entertain any discussion on this motion at this time.

MS. BOGGS: We need a second.

DR. SHIPP: I will second it.

CHAIRMAN FRAZER: Okay. I am looking for hands. I see Mr. Anson.

MR. ANSON: I just -- To kind of follow back around to a few of the things that I said during Reef Fish, I understand the importance of the fisheries trying to stay within their ACL, and certainly I would prefer not to do that, but we feel the data that has been collected, particularly the recreational data, from the federal surveys -- By the time it goes through the scientific process and the model, we have not been getting an appropriate share of those fish.

We've got a lot of fish off of Alabama, and the Great Red Snapper Count is a good indication of that, and is that because the habitat is that much better off of Alabama for red snapper? Possibly. It might be more productive off of Alabama than they are, and the recruitment might be higher, or is it an issue with not having access to the resource and not allowing fishermen equal access as they occur in other areas of the Gulf?

It could be a combination of the two, but our data, both on the fishery-independent side, for eight years now, going on eight years, with our independent survey, and then the point in time, the point estimate, in the Great Red Snapper Count, and we have a very good handle of the amount of fish, the abundance of fish, off of Alabama.

Then, with Snapper Check, we're very comfortable with those numbers, as they relate to not only that annual estimate that we produce, but also the Great Red Snapper Count. We just feel

like we have got a system, and we are being penalized by the system that generated the OFL and ABC, that is at least going to be changed here, using that science that, again, just doesn't accurately capture those fish that are off of Alabama, and, again, we feel like it creates some issues for us.

We talk about allocation, and certainly there is allocation issues amongst states, and anglers from various states, but converting back to Snapper Check information for the federally-permitted vessels over the time series, whether you're from 2014 to 2019 or if you're during the period for which MRIP certified Snapper Check, which was from 2017 forward -- If you look at those two time series, and the Snapper Check to MRIP estimates are 0.95.

That's our calibration for federally-permitted vessels with Snapper Check. It's almost to the pound, and, when you talk about 100,000, or 700,000, pounds, it's pretty darned good, and so that is very comparable, but it's just this private recreational effort.

Again, I mentioned, the other day during committee, that it's hard, when you look at the information. If you look at FES, which, again, is -- I know we're talking about the Coastal Household Telephone Survey calibration here, but FES estimated, in 2017, that we harvested 34 percent, just the private recreational and the charter, 34 percent of all the fish that --

The biomass that was estimated off of Alabama in that one year, and yet, the following years, they were able to harvest 22 and 21, and, actually, FES went down in 2018 and 2019, partly because we had stable seasons, and that is bearing fruit, not only on the fish side, believe, but also on the access, and so, again, I just offer this as to try to get to some point where we could proceed as-is.

Again, I understand the issue with the currency and the impacts on ACL, but we have been in a tough spot, and it is interesting, speaking of FES, that here we have other sectors that have voiced their concerns here recently about FES, as FES has started to be used in other species assessments, and we'll be talking about red grouper here later, and it is interesting to hear the perspectives of those other sectors, individuals within those sectors, within they -- On the one hand, we talk about using FES to increase the ACL, but then, on the other hand, it's not good for allocation, and so I know there's other deeper issues on how that -- How you could use recreational surveys as your basis for allocation, but -- If it's the best available

science, then we ought to run with it everywhere.

You know, Alabama would come out looking pretty good if FES is used compared to the other states for private rec access going forward, and the survey would look Gulf-wide for the private recs against the federal for-hire, as we look at the 49 percent of the total Gulf ACL, if we use FES, and so I guess we can go that way and see how it shakes out, but that wouldn't be appropriate, because this totally skews the allocation of those, within the sector as well as between the sectors, and so using FES, and so, anyway, we just put this out there to try to let you all know that we are -- If your management target is 0.1, you have an exploitation rate of 0.1, if that's really what is in the best interest for maintaining a sustainable harvest off of Alabama, we are almost there, and so we're willing to pull back a little bit.

One could still argue that maybe exploitation rate is a little higher, particularly in our part of the Gulf, but, again, trying to get to a point where we can -- Again, going back to the idea of variations and contingencies in the National Standards and Magnuson, that we have a bunch of data that indicates the population is in a much better position than we think, and we're just -- We just don't have time to evaluate it, and hopefully the 2023 will allow us some time to go ahead, in combination, or running concurrently, with the research track assessment, for a more thorough analysis and comparison of state data to FES data, as looking through the lens of the Great Red Snapper Count. Thank you.

CHAIRMAN FRAZER: Thank you, Mr. Anson. Mr. Strelcheck.

MR. STRELCHECK: Thanks, Tom. I am going to start by saying what I'm in agreement with, with regard to Kevin and his motion, and that's that I have stated, at the past meeting, and I believe we need to move forward in the future, with reevaluating the state-by-state allocations. That information that we used to inform those allocations up to Amendment 50 and the information we now have is different, and new information has become available, and so I certainly hope that the council would consider revisiting the allocations, going forward.

Where I disagree is that this is the amendment, or action, to actually consider reallocation, and I will be a little bit of a broken record here, but I will reiterate, obviously, many of the points that are in our report itself that we just reviewed.

One is that the proposed alternative is really the same effect

as no action. Yes, we're tweaking the allocations, but it's really like taking no action, because we aren't calibrating. The alternative itself is inconsistent with the purpose and need, which is intended to, obviously, calibrate landings into a common currency for monitoring quotas and ensuring comparability across states, and, most importantly, reallocation should not be considered here, and it would have to be considered in a plan amendment, and so this requires then the council staff and NOAA Fisheries to overhaul this action, in order to start considering allocation alternatives, and certainly I think a broader range of allocation alternatives would need to be considered if this alternative was adopted.

What I am going to recommend is, obviously, not adopting this as an alternative and including it, and we'll continue to emphasize that, obviously, calibration is not unforeseen, and we've been talking about this for quite some time, and, as I stated during committee, the states have been well aware of the need to calibrate now for a number of years, and, unfortunately, with the Great Red Snapper Count, we didn't get, obviously, a big boost in the catch limit to offset some of the reductions that might incur based on calibration. Thanks.

CHAIRMAN FRAZER: Thank you, Andy. Next up is General Spraggins.

GENERAL SPRAGGINS: Thank you, Mr. Chairman. Just looking at it, I do agree with a lot of what Kevin is saying, and I understand that -- I don't think that Mississippi or Alabama, and I'm not sure 100 percent about Alabama, but I am with Mississippi, that our evaluation is anywhere close to being what it should be.

I think that we have a lot better system than what's been done, and even our -- Before it was brought out, many a time, that Mississippi shouldn't be involved in an MRIP calibration, because it doesn't meet it. It does not meet the qualifications, and it does not fit what happens. Small states like this do not work in that.

I understand that we have to so some form of calibration, and I have no problem with that, but I do also understand that whenever -- If you give me something, and your calibration form states that we would have had to have caught more fish in one day -- In about three days than we had caught in five years, and that's amazing. It's just amazing that something like that could ever happen.

I realize that Tails 'n Scales isn't five-year program qualified yet, but I can tell you that we've got five years of data that's probably as accurate, or more accurate, than what you're putting out in front of us, and so I would just ask that you look at that.

If I thought that Mississippi staying the same would make any difference, I would be quickly to say that we would jump in there with Alabama on that, but I don't think that 3,000 pounds is going to make any difference in this qualification, but I do appreciate it. I just hope that everybody will look at it and understand that, if it was something that felt was wrong, we would definitely do something about it ourselves, and we would not even take a chance of asking you all to help us, and so I appreciate it, and I just wanted to get that on the record.

CHAIRMAN FRAZER: Thank you, General Spraggins. Mr. Rindone.

MR. RINDONE: Thank you, Mr. Chair. Just a point of clarification in the motion. The motion says that the change the state-specific red snapper private angling ACL using the modified percentages from Amendment 50 in state survey currencies through 2023. However, the numbers that were provided in the motion were in MRIP-CHTS currency.

If those need to be converted into state currencies, then that table would need to be updated. Also, the ACL that's listed in the last sentence says that Alabama would retain the ACL that was issued in Amendment 50A, and that 1.122 million pounds is in MRIP-CHTS currency and not in any calibrated state currency.

CHAIRMAN FRAZER: Okay. Ms. Guyas.

MS. GUYAS: Thanks. So it sounds like, from what Ryan said, there's some, I guess, inherent issues with this motion, but I appreciate, Kevin, what you're trying to do here, and I recognize that we're going to have to look at reallocation, not just across the states, but across sectors, and components as well, and the council did request staff work on a document to do that, a few meetings ago, I think as a long-term project, but we could discuss that. I can't remember if it was at our last meeting or one of the previous ones, but this past fall.

I am not going to support adding this to the document, for many of the reasons that Andy talked about and what was in the committee report, and it is a reallocation in a document that doesn't have to do with reallocation. This doesn't fit in the framework, and, frankly, I think the motion was out of order in

committee.

However, I would support, if you wanted to include -- I guess once the table is cleaned up and the motion is clarified, including something like this in that allocation amendment that we will be working on, and so, if you made another motion to add this to consideration for that allocation document that the council will be working on, I'm onboard for that, but I just wanted to explain where I'm coming from on this one. Thank you.

CHAIRMAN FRAZER: Okay. Thank you, Ms. Guyas. I am not seeing any other hands at this point with regard to this motion. Let's go ahead to Dr. Simmons and take a roll call vote on this.

EXECUTIVE DIRECTOR SIMMONS: Thank you, Mr. Chair. Mr. Anson.

MR. ANSON: Yes.

EXECUTIVE DIRECTOR SIMMONS: Ms. Bosarge.

MS. BOSARGE: No.

EXECUTIVE DIRECTOR SIMMONS: Mr. Dugas.

MR. DUGAS: Yes.

EXECUTIVE DIRECTOR SIMMONS: General Spraggins.

GENERAL SPRAGGINS: Yes.

EXECUTIVE DIRECTOR SIMMONS: Dr. Shipp.

DR. SHIPP: Yes.

EXECUTIVE DIRECTOR SIMMONS: Mr. Sanchez.

MR. SANCHEZ: No.

EXECUTIVE DIRECTOR SIMMONS: Mr. Banks.

MR. BANKS: No.

EXECUTIVE DIRECTOR SIMMONS: Mr. Diaz.

MR. DIAZ: Yes.

EXECUTIVE DIRECTOR SIMMONS: Mr. Williamson.

MR. WILLIAMSON: Yes.

EXECUTIVE DIRECTOR SIMMONS: Mr. Strelcheck.

MR. STRELCHECK: No.

EXECUTIVE DIRECTOR SIMMONS: Mr. Riechers.

MR. RIECHERS: No.

EXECUTIVE DIRECTOR SIMMONS: Ms. Boggs.

MS. BOGGS: No.

EXECUTIVE DIRECTOR SIMMONS: Mr. Swindell.

MR. SWINDELL: No.

EXECUTIVE DIRECTOR SIMMONS: Ms. Guyas.

MS. GUYAS: No.

EXECUTIVE DIRECTOR SIMMONS: Dr. Stunz.

DR. STUNZ: Yes.

EXECUTIVE DIRECTOR SIMMONS: Mr. Dyskow.

MR. DYSKOW: Yes.

EXECUTIVE DIRECTOR SIMMONS: Dr. Frazer.

CHAIRMAN FRAZER: I am going to have to just stick with some of the arguments that were made. I think this is a reallocation, and it better belongs in a reallocation document, and it's inappropriate for this one, and so I vote no.

EXECUTIVE DIRECTOR SIMMONS: The motion fails eight to nine. Mr. Chair.

CHAIRMAN FRAZER: Thank you, Dr. Simmons. I will turn it back to you, Ms. Guyas.

DR. SHIPP: Ms. Guyas, my raised hand is not showing. I'm sorry, but I would like to make a motion.

CHAIRMAN FRAZER: Go ahead, Dr. Shipp.

DR. SHIPP: I would like to move that the council accept state surveys of recreational red snapper catches as best available science to be used for quota allocations.

CHAIRMAN FRAZER: Okay, and so we've got a motion on the board. I will read it into the record here in just a second. The motion is from Dr. Shipp that the council accept state surveys of recreational red snapper as best available science for quota allocation. Is there a second to this motion?

GENERAL SPRAGGINS: I will second.

CHAIRMAN FRAZER: It's seconded by General Spraggins. Ms. Levy.

MS. LEVY: Thank you. I have one comment and one question, I guess. First, my comment is just that, ultimately, it's the Secretary of Commerce and NMFS who make the determination about whether anything is the best available science.

My second question is I don't understand, I guess, what it means, even if I were to take out of the equation, and say for quota allocation. I guess I don't understand what it's getting at, in terms of using the state survey data.

CHAIRMAN FRAZER: Dr. Shipp, would you like to respond?

DR. SHIPP: Yes. For ten years, we've been arguing about allocations state-by-state, and we have danced around the subject, and this is an attempt, and, Mara, it could probably use some better verbiage, but this is an attempt to use the catch data to come up with the proper state-by-state allocation of recreational red snapper harvest, and that's all. I put the motion out primarily for discussion, because we have not directly addressed this issue. We've always talked about in other contexts, but I think it's time for the council to take a stand. Do we want to stand by the states, or do we not? That's the whole purpose of this.

CHAIRMAN FRAZER: Bob, I'm going to also ask a quick question. To Mara's point that the council doesn't -- That's not their responsibility to determine the best available science, but, even if you took that out of the equation, my question would then be how does this differ from Alternative 1 that is in the document already?

DR. SHIPP: That I don't know. I primarily introduced this so that we could get some feedback from the states on how they feel about their surveys, but it substantially probably doesn't

differ that much.

CHAIRMAN FRAZER: Okay. Again, I think what you might have heard, and I heard loud and clear, that, certainly in the discussion over the past couple of days, is that there's a strong feeling amongst the council members, and others involved, that the state data collected is an excellent product, right, and I think every state would stand by their data collection programs.

To Mr. Banks' point just yesterday, there is -- Again, I don't think people are questioning the quality of the data. It's simply an issue of you have to manage a stock, at present, that was evaluated or assessed in a different currency, and, in order to do that, there's a calibration required.

Until we actually incorporate state data into the assessment, we're in a bit of a bind in that regard, and so I just want to remind people of that, and so this is not about the states and the quality of their data, and I think that we all recognize that it's good data, and we look forward to being able to incorporate it into the assessment, and I'm sure the Science Center folks would agree with that. Mr. Diaz.

MR. DIAZ: Thank you, Mr. Chair. My hand was up by mistake, but, being as I do have the floor, I mean, I'm thinking through this, and I'm not trying to speak for the State of Mississippi. I used to be involved with DMR, and I was the Director of Marine Fisheries, and I can tell you that I agree with what Dr. Shipp is trying to do, because there is issues with small states.

At one of the data calibration workshops, it was mentioned that there's some issues with small states that need to be looked into, and that has not been done yet. One of the issues, and I've talked about this at this council, and anybody who has been on here a long time has heard me talk about this before, but, if you look back historically at landings in Mississippi, you will see that they swing wildly.

When we were going over the state allocation, I brought this up several times, but there would be some reasons when it reported that we caught next to nothing, and that has never happened in Mississippi, but you could have so few data intercepts, so few of these shoreside, dockside, samplers going by and actually encountering people, that it can show that there is almost next to nothing in a small state.

Conversely, you can also have just a couple of data intercepts

that intercept some people that have caught a lot of fish, and that occasionally happens, and it can skew things in the other direction, and a lot of this is being based off of a very short time series, and I just feel like the small state issues should be figured out and sorted out and actually addressed.

I brought it up to Dr. Cody a couple of times, and he tells me that there's an MRIP transition team that's going to be looking at that issue, but that has not been done, and I really do believe that some of these small state issues are one of the big problems, and I believe that this motion is useful to help until we get to that point. Thank you.

CHAIRMAN FRAZER: Thank you, Mr. Diaz. General Spraggins.

GENERAL SPRAGGINS: Thank you, Mr. Chairman. In reference too, I think, back when Secretary Ross was the Secretary of Commerce, I think he did make a statement that he felt that the states could manage this better than anybody else, when he signed Amendment 50, and so whether that said best science or not, I don't know that answer, but I would like to go back and just talk to what Dale was saying just a few minutes ago, just to give you a few things of for instance.

The calibration ratio was derived from only two years' worth of I think grossly overestimated MRIP data, and that was 2018 and 2019, and, just to look at it in Mississippi, in 2018, September and October, the MRIP wave estimated 204,767 pounds of red snapper landed, and Mississippi was only open five days of that time, and that means that we would have to land 40,000 pounds a day, and that's where you're getting that overestimation that you're talking about, and it's so grossly estimated.

If you look at it, conversely, the previous wave of May to June, when we were open for thirty-seven days, we only caught an estimated 213,000 by then, and so, to give you an idea, there's something there, because it's not being used correctly in a small state.

The July/August timeframe that same year, it was open for thirty-three days, and there was only 231,917, and so it just shows you that, because they're open for two months, and we were open only five days in that two months, they picked a few people, and it just grossly estimated what was there, and there's no way.

In 2019, it was the same thing, and there was a wave that estimated 344,984 pounds of red snapper, and we was only open

five days, and, I mean, it's just almost impossible. I'll tell you what. I want somebody -- I would love for you all to show me who in Mississippi could have caught that many fish.

On an average, we have never had, and that's on the 4th of July is when I'm talking about, and, if we take our high data, and we put maybe 450 boats out, and they are -- We would have had to have somewhere in the neighborhood of 1,500 boats a day out, and 1,500 boats a day for seventy-nine days, and you would have had to count every skiff in Mississippi to do that that is on the water at any time.

I mean, it just does not calibrate. It has nothing that makes the calibration work, and to say that we caught 106,000, or had 106,000 trips, when we only had maybe 18,000 to 20,000, it's just grossly overrated, and I think this might be a good idea, to maybe set the council to say, hey, the states are doing the best, and maybe we ought to look at it, and I appreciate your time.

CHAIRMAN FRAZER: Thank you, General Spraggins. Ms. Guyas.

MS. GUYAS: Thank you. I am still trying to wrap my head around exactly what this does, and so a question for Bob. I certainly agree with everybody here, in that states have really stepped up to the plate with their data collection programs and made a lot of improvements over MRIP.

My question is this, Bob, and so, I guess, currently, the state quotas are in CHTS. Are you trying to calibrate the other way? In other words, converting the quota in the state survey currencies, rather than trying to -- Rather than, I guess, keeping the quotas in CHTS and calibrating landings to that, are you trying to change the currency for each individual state's quotas? So Florida's quota, instead of being in CHTS, would be SRFS, or State Reef Fish Survey, and so, in other words, like I guess the best way to describe it is like a reverse calibration from the way we're talking about it, and is that all you're trying to do here?

DR. SHIPP: No, Martha. The most important thing I'm trying to do is really that first line. I want the council to accept the state surveys as the best available science. The next step, for other people to address it, is the currency issue and what General Spraggins talked about, and those would follow-up. I just want to be on the record that the states do accept their own data as the best available science, and that's the purpose of the motion.

CHAIRMAN FRAZER: Okay. Thank you, Dr. Shipp. Mr. Riechers.

MR. RIECHERS: Bob, I'm going to follow-up on what Martha was hitting on just a little bit, because I too am -- While, in spirit, I certainly understand exactly what you're attempting to get at, and I support that, and I certainly respect the work that my colleagues in other states and we did with iSnapper and us all looking at ways to do different in-season-type monitoring, along with our longer-term monitoring, and I certainly understand the difficulties if you have a few number of interviews and it can -- The expansion approach that you may have to use can cause your estimates to vary widely, and we -- I am not saying that one is better than the other, but it's just that that can cause two different estimates to vary by a considerable amount.

I guess what I am concerned about here in your motion, Bob, is the "for quota allocation", because that, to me, would take us back to those laborious discussions that we had in Amendment 50 regarding those allocation tables, and, just theoretically, if your current landings get fed back into the bigger model, and they are representing a lower level of landings than you past had recorded, then that's going to impact the overall stock and the stock assessment.

Then, if you're doing it for allocation, then that means you're going back through that time series, and you're adjusting that in the allocations as well, and I don't think that's what you're intending to do here.

I think what you're intending to do is say the council accepts state surveys of recreational red snapper as best available science and either stop it there, or "for quota monitoring purposes", and not allocation at this point, because, again, allocation is a whole different, separate document that is going to go on, and, certainly, Kevin, I appreciate your arguments regarding -- Because you continue to make them, regarding a biologically-based, off of your coast, estimate of mortality, or extraction rate, and trying to manage to that.

That is a perfectly reasonable approach, but it's just not the one that we all voted up in Amendment 50, and so that's the whole notion of why we have to revisit that. Bob, I will stop there, because, like I said, I think you may want to adjust your motion, and I'm not speaking on your behalf, but I'm just saying that I think it has more implications than you might see on its surface right there.

DR. SHIPP: Well taken, Robin, and I would be very agreeable to delete those last three words, "for quota allocation", because the principal intent of the motion, as I said before, is to get the states onboard and committed to their science, and so I'm going to leave it at that.

CHAIRMAN FRAZER: So I just want to make sure I got that, Bob. So you want to go ahead and remove the last three words "for quota allocation". General Spraggins, I believe you were the seconder. Are you good with that friendly amendment?

GENERAL SPRAGGINS: I'm okay with it.

DR. SHIPP: That's right.

CHAIRMAN FRAZER: Okay. Mr. Strelcheck.

MR. STRELCHECK: Thanks, Tom. Based on the modification that was just made, I think you've made the case for why we need to calibrate, because the whole reason we're talking about calibration is the use of state surveys, and NOAA Fisheries is not standing in the way of using the state surveys.

In fact, we want them to be used, and we support their use. What we continue to contend is that the quotas in which they are monitoring to need to be calibrated to those state surveys, and so, to me, this motion does nothing but kind of reiterate our current position and use of those state surveys and support for those state surveys, and I would encourage -- Certainly you can pass the motion, but I don't see it as really being any added value.

CHAIRMAN FRAZER: Mr. Williamson.

MR. WILLIAMSON: Thank you, Mr. Chairman. I guess I'm looking at this from a different standpoint, and I certainly think that the state data collection is accurate for each state, and they've been doing it for a long time. I guess where I get confused, and I have frustration, is calibrating this information back to the MRIP recalibration, or whatever their data is called, and they call it now the Fisheries Information Survey, or the Fishing Effort Survey.

I was listening yesterday to public comment, and guys who have been fishing for years and years have never received one of these, have never been contacted, and we're now going from Coastal Household Telephone Survey to the Fishing Effort Survey,

and I have never seen one of those things, and so I pulled it up from NOAA's website, and their reasoning here is -- I am reading from their website.

Because research indicates that both anglers and non-anglers are more likely to respond to a survey that includes questions about topics other than fishing, the FES is designed as a weather and outdoor activities survey. I pulled this thing up, and the first five questions on it have nothing to do with fishing, and it says how do members of this household obtain information about weather, including current weather conditions, forecasts, warnings, and mark all that apply. Then they go through television, radio, et cetera.

Then they go through four or five more questions about how many times did you have to evacuate or seek shelter during a severe weather event, yada-yada, and it gets down -- Then, finally, Question 6 says, during the past twelve months, has anyone in the household been saltwater fishing, and I guess they change the state, and this one that I pulled up was Maryland. Then it goes on with four other questions. Which best describes how your household receives telephone calls? Do you live in a house with a mortgage, or do you live in a mobile home?

I guess my point being that, if this is the Fishing Effort Survey that we are putting all of the confidence in to recalibrate state data back to, I am confused, and so, with that, I will sign off.

CHAIRMAN FRAZER: Thank you, Mr. Williamson. Ms. Bosarge.

MS. BOSARGE: Thank you, Mr. Chair. You know, I -- You can go look at the record, and I have been a big proponent of the state data collection systems, and I think they saw a need for additional information that wasn't being collected, and they went out there and did that, and I commend that.

Dr. Shipp, your motion legally is not something we can do. I mean, we don't -- We can't determine that something is the best available science, and I think maybe what you could do, possibly, is to ask the SSC to look at this. Now, NMFS has made a determine that MRIP is the best available science, and I don't think that precludes you, probably, from asking the SSC to look at this, and I don't know what their determination would be.

They have looked at it somewhat, in a roundabout way, several times, and they -- As far as I know, they have not made a motion specifically to MRIP-FES that says we believe MRIP-FES is the

best available science, nor have they made that motion for the state data collection programs, but the motion, as it stands right there, I'm not going to be able to support it, just because it's not something the council can do.

CHAIRMAN FRAZER: Mr. Rindone, would you like to clarify where we are with regard to characterization of the best science available?

MR. RINDONE: Sure, Mr. Chair. The SSC has not blanket accepted any survey as being the best scientific information available, not the state surveys and not FES. The SSC has accepted stock assessments using MRIP-FES recreational catch and effort estimates as being the best scientific information available, but I think it's important that the council understand that the legal responsibility, the impetus for actually determining what is in fact best science, isn't something that the SSC sets and then is just blanket accepted.

That designation is established by NMFS, and they can consider discussions like are happening right now at the council and discussions and recommendations from the SSC, but, ultimately, it's NMFS that determines what is in fact legally the best scientific information available in keeping with National Standard 2. Mr. Chair.

CHAIRMAN FRAZER: Thank you, Mr. Rindone, and I expect that Ms. Levy wants to add a little bit to that. Ms. Levy.

MS. LEVY: Thank you. Ryan covered one of my points, which is that the SSC has accepted the MRIP-FES estimates in certain assessments, thereby indicating that, for those purposes, that group believe that it was the best available science. I would also say that the SSC looked at the calibration ratios and the use of MRIP and calibrated to the states, and they indicated that it was appropriate to use the ratios that were developed, and so it's not like this hasn't been looked at.

I would also say that the calibrations are not related to FES, and so we still have red snapper in CHTS units, and we haven't done a stock assessment that incorporates the FES yet with respect to red snapper, and so it seems that we're mixing, a little bit, apples and oranges here and just sort of throwing around different things without paying close attention to what is actually happening with respect to red snapper and the catch levels and the calibrations. Thank you.

CHAIRMAN FRAZER: Thank you, Ms. Levy. Mr. Anson.

MR. ANSON: Thank you, Mr. Chair. I mean, it's an interesting discussion, and, Dr. Shipp, I appreciate the motion, and I appreciate what you're trying to do. I mean, I will -- Although it may surprise some folks, I will err more to what Mara just stated, as well as the comments from Martha and Robin, that this goes a little bit outside what the council does, but, in spirit at least, it does attempt to try to get to where I think I am hearing will happen, and that is that --

Either beforehand, which I am hoping it will, and that's going to be part of what I'm going to be talking about next, or after at some point, but the state data is going to be used in the research track assessment, is my understanding, because this was discussed one or two meetings ago, and I think it was requested from the council that the state data be used in that, and the Science Center indicated that they would in fact use that data and run the model with just the state data replacing the federal data.

I am encouraged by that, and so, thinking ahead, and that's what I tried to do with the other motion too, was to try to frame it in some sort of timeline that, again, for sure we would have state data reviewed, and maybe it might be prudent for us -- Bob, this is your motion, and I'm just throwing this out here, but maybe it might be prudent for us to explicitly request that the SSC review the state data in an as-soon-as-possible type setting, so that they have the opportunity to review it, and they're not rushed.

If they have questions, the states can go back and get the information they need and go back to another meeting and really allow them time to absorb and digest and, again, compare and analyze and critique the state data, so that it's kind of blessed on the frontend, when it goes through the model, making sure that least it meets that threshold, or criteria, that the SSC would want, and so I would probably be in favor of that, but I'm not in favor of the motion, and, again, I appreciate your attempts, but I'm not in favor of the motion, for the reasons that other people have previously stated. Thank you.

CHAIRMAN FRAZER: Ms. Guyas.

MS. GUYAS: I was going to go somewhere similar to what Kevin was saying. If this is -- I think what we really would like, and I think we've talked about this in the past, is having the SSC and/or the SEDAR panel, when they're taking up a red snapper assessment, that this is part of that decision, so that we can

potentially be using these data in the assessment.

If, by passing this motion, this gets us there, then I'm onboard, but it sounds like it could use some clarification, and I don't know, Bob, if you would like to consider what Kevin just put forward.

DR. SHIPP: I appreciate, almost always, what Kevin puts forward, and I think the intent and purpose of the motion, whether it passes or fails, has satisfied my reason for doing this, and I also think that, although you can't incorporate it in the motion, the comments that Kevin made will be included in the discussion, and I hope the SSC gets the message, because -- I don't want to go into it, but the SSC, in my opinion, has not always considered the state data as comparable to theirs, and so I will, again, leave it at that.

CHAIRMAN FRAZER: Mr. Rindone.

MR. RINDONE: Thank you, Mr. Chair. Just for the council's edification, the terms of reference for the SEDAR 74 research track outline consideration for the state survey data to be considered as part of that assessment process, and so, similar to the motion that was passed at a previous council meeting, just to reiterate to you guys that that's already going to be done, and it was already going to be done for the SEDAR 74 research track, and so those state data collection programs are going to be considered. Thank you.

CHAIRMAN FRAZER: Okay. Mr. Anson.

MR. ANSON: I appreciate the time, Mr. Chair. To that point, Ryan, I mean, I'm not totally familiar with the timeline, particular as it relates to the research track, if it in fact is modified from a normal SEDAR, and, I mean, is there a schedule that's been produced that says, hey, come -- Pick a day or a month, April of next year, or June of next year, this is when -- This is the workgroup that's going to pick up the state data issue and discuss state data and, again, at that point, it will -- As I understand it, if the workgroup approves it, then it goes for SSC approval, kind of, before it's actually run through the mill, and is that a fairly accurate representation of what will go on, and is there a specific workgroup that has that on their agenda to be completed?

CHAIRMAN FRAZER: Mr. Rindone.

MR. RINDONE: I'm looking at the schedule right now for SEDAR

74, which I would be happy to provide to the council, and so we are in the stock ID portion for red snapper right now, and that process will conclude with the final report being generated by that working group and delivered to SEDAR by about the end of July.

Then we will start looking at the unprocessed data coming in, and so like the lengths and the raw age data, et cetera, and all of those data are due to SEDAR at like the end of September, and the preliminary data products and all of that will be needed by the end of October, and the data evaluation workshop is currently scheduled for the first week of November, and so November 1 through 5, in New Orleans, hopefully in-person, and so fingers crossed there.

Then the assessment process picks up with webinars through 2022, and the assessment report being delivered to the SEDAR staff by the end of 2022, and the review workshop, hopefully in person, again, being held in Miami in January of 2023, with the completed assessment report delivered sometime in the spring of 2023, probably in April of 2023, to the council, SERO, and the Science Center.

Just a reminder that this is a research track assessment, and so this is -- We've been talking a lot about cars, and this is tearing the car all the way down to the frame, and that's exactly what's going to happen here for red snapper. Now, after that process, we'll have an operational assessment, and that operational assessment will yield the management advice, and so catch projections will come from that, and so, in April of 2023, we still won't have a stock assessment, a new stock assessment, at that point that's generating catch advice, and we'll have to wait for the completion of that operational assessment, and that will take at least a few more months, and so, sometime later in 2023, we would expect to receive that.

That means the SSC, depending on timing, might review it at the end of 2023, or the very beginning of 2024, and then the council could act on it, for management purposes, thereafter. I will send this to Meetings to be sent around, Mr. Chair.

MR. ANSON: Mr. Chair, just one point of clarification?

CHAIRMAN FRAZER: Go ahead, Mr. Anson.

MR. ANSON: Ryan, I heard you say November, that workshop in New Orleans, and you mentioned age and length information, is what I thought I heard, but I didn't hear landings. I didn't hear what

the state survey stuff -- Is that included in that, as far as a legitimate, or a clearly defined, TOR for that November workshop?

MR. RINDONE: It's in the terms of reference for the assessment, for the data portion for the state data programs, or the data generated by the state data collection programs to be considered, and so, to all the state folks who are listening, you are expected to deliver those data products to SEDAR and the Science Center by the 29th of October of this year, and I will be sending the schedule to all the council members, and, those council members who are state representatives, you can certainly distribute the schedule, which is on the SEDAR website, as you see fit.

CHAIRMAN FRAZER: Thank you. Okay. Ms. Bosarge.

MS. BOSARGE: I think Ryan just answered my question, because I just wanted to make sure that that October deadline for the raw data, essentially the biological data, the lengths and weights and things like that, that would include the -- I mean, it always, to some degree, includes the states, right, but, essentially, you are getting that data from them and not specifically for just MRIP-FES APAIS samples, but, if they have additional samples, through their state data collection programs, that you will be garnering that too, and I think that would be, obviously, very important for states like Louisiana, where MRIP has not been at all, and you're definitely going to need those LA Creel samples, but it sounds like that is happening, and all of that is going to be submitted, and so that's good. Thank you.

CHAIRMAN FRAZER: Okay. Thank you, Ms. Bosarge. I think we've had plenty of discussion here, and so we are going to go ahead and vote this one up or down. I think we're just going to go through the roll call again, Dr. Simmons.

EXECUTIVE DIRECTOR SIMMONS: Thank you, Mr. Chair. Mr. Sanchez.

MR. SANCHEZ: No.

EXECUTIVE DIRECTOR SIMMONS: Mr. Anson.

MR. ANSON: No.

EXECUTIVE DIRECTOR SIMMONS: Ms. Boggs.

MS. BOGGS: No.

EXECUTIVE DIRECTOR SIMMONS: Mr. Banks.

MR. BANKS: Because the motion does not specify for private recreational catch monitoring, I'm going to have to vote no.

EXECUTIVE DIRECTOR SIMMONS: Thank you. General Spraggins. I will come back to him. Mr. Swindell.

MR. SWINDELL: No, ma'am. I will have to vote no for this one. Thank you.

EXECUTIVE DIRECTOR SIMMONS: Mr. Strelcheck.

MR. STRELCHECK: No.

EXECUTIVE DIRECTOR SIMMONS: Dr. Stunz.

DR. STUNZ: Yes.

EXECUTIVE DIRECTOR SIMMONS: Mr. Diaz.

MR. DIAZ: No.

EXECUTIVE DIRECTOR SIMMONS: Mr. Williamson.

MR. WILLIAMSON: Yes.

EXECUTIVE DIRECTOR SIMMONS: Ms. Bosarge.

MS. BOSARGE: No.

EXECUTIVE DIRECTOR SIMMONS: Dr. Shipp.

DR. SHIPP: Yes.

EXECUTIVE DIRECTOR SIMMONS: Mr. Riechers.

MR. RIECHERS: Yes.

EXECUTIVE DIRECTOR SIMMONS: Mr. Dyskow.

MR. DYSKOW: Yes.

EXECUTIVE DIRECTOR SIMMONS: General Spraggins.

GENERAL SPRAGGINS: Yes.

EXECUTIVE DIRECTOR SIMMONS: Mr. Dugas.

MR. DUGAS: Yes.

EXECUTIVE DIRECTOR SIMMONS: Ms. Guyas.

MS. GUYAS: I am going to vote yes.

EXECUTIVE DIRECTOR SIMMONS: Dr. Frazer. It's eight to eight.

CHAIRMAN FRAZER: Again, I am going to make a few comments before I tell you what my vote is here, right. I certainly appreciate, Bob Shipp, what you're trying to do here, and eight of the people that voted to move this way, and I think what you're trying to do is, again, send a strong signal to a large number of people that you have confidence in the state data collection programs, and I do, too.

I have tremendous respect for what you all have been able to accomplish, but, at the end of the day, it's not within the council's purview to decide what is best available science, and, however frustrating this process might be, it's this process that has allowed us to move forward and rebuild this stock, and, if we can make some improvements in the process, I would certainly like that as much as anybody else, and so I think your voices have been heard, but, in this particular case, I am going to vote no. Ms. Guyas, back to you. Excuse me. Mr. Dugas.

MR. DUGAS: Thank you, Mr. Chair. I would like to make a motion, and I sent it to staff.

CHAIRMAN FRAZER: Go ahead, J.D.

MR. DUGAS: The motion is to defer action on the framework until immediately after the Great Red Snapper Count report is finalized and the SSC has met and revisited the ABC and the common currency conversion concerns between Alabama and Mississippi are scientifically vetted. Implement this framework in time for the 2022 season.

CHAIRMAN FRAZER: Okay. Let me --

DR. SHIPP: I will second it.

CHAIRMAN FRAZER: It's seconded by Dr. Shipp. I will read it into the record. The motion on the board is to defer action on the framework until immediately after the Great Red Snapper Count report is finalized, the SSC has met and revisited the

ABC, and the common currency conversion concerns between Alabama and Mississippi are scientifically vetted. Implement the framework in time for the 2022 season. It was seconded by Dr. Shipp. Is there any further discussion on the motion?

MR. DUGAS: Mr. Chairman, I would like to speak.

CHAIRMAN FRAZER: Go ahead and speak to that, J.D.

MR. DUGAS: Thank you. It's pretty self-explanatory, the motion, and I think we all are trying our best to help Alabama and Mississippi through this situation. I guess I don't exactly have all of the answers, but I feel like this could be one, and I would hope that I would get enough support to move forward. Thank you.

CHAIRMAN FRAZER: Thank you, Mr. Dugas. Ms. Guyas.

MS. GUYAS: Just a question. J.D., what do you mean by -- I guess what does the conversion concerns between Alabama and Mississippi being scientifically vetted look like? I mean, they've already been in front of the SSC, and I think Ryan mentioned earlier that the SSC recommended that the council implement the calibration ratios for those and all the other states, and so I'm just curious if there's something else coming that I don't know about in that regard.

MR. DUGAS: No, ma'am. I just wanted to cover all the bases. That's it.

CHAIRMAN FRAZER: Okay. Ms. Levy.

MS. LEVY: Martha covered part of my point, which was that the SSC has already looked at this and it's been recommended that the council implement the calibration. I mean, the other thing that I will just note, which I said before, is you took final action on a framework that is going to change catch levels. If you don't address the calibration, then, potentially, NMFS isn't going to implement that other framework, because there has to be a finding that it's consistent with the Magnuson Act, and I think we've already said that these calibrations are necessary to complete that consistency.

MR. DUGAS: Mr. Chair, may I?

CHAIRMAN FRAZER: Go ahead, J.D.

MR. DUGAS: Thanks, Mara. I was -- I thought the word

"revisited" would have been sufficient after the SSC looks again at the data for the ABC. Previously, I thought we had a motion to send it back, and that's what I was getting at.

CHAIRMAN FRAZER: Let me ask a quick question to either Andy or Mara. Essentially, we have taken a final action on the catch advice that was provided from the SSC, and so we will have an OFL and an ABC in place, and, if the council fails to take action, essentially, on this framework, then, in essence, they are punting the decision to the agency to decide how they want to implement a calibration or not, and is that correct?

MS. LEVY: The fact that the council took action to submit the framework to the Secretary of Commerce, or NMFS, for review and implementation doesn't mean they're in effect, right, and so the Magnuson Act requires that the agency initiate an evaluation and determine whether those proposed regulations are consistent with the FMP, the plan amendment, the Magnuson Act, and any other applicable law.

During that determination period, NMFS is going to have to decide whether what you submitted is acknowledging, right, that there's no calibration that goes with it, and so you still have catch levels that are expected -- You still have catch levels that are expected to be exceeded.

I guess my point is that it's not clear whether NMFS is actually going to be able to implement what you just approved in the framework action, and then the other part of your question was related to the calibration, and I will let Andy speak to that, but, I mean, NMFS has various options with respect to that, and he can speak to that more, if he wants to.

CHAIRMAN FRAZER: Before he goes there, let me just then pose another question, Ms. Levy. What I am understanding is that the agency isn't necessarily obligated to act on the council's recommendation to accept the SSC's catch advice, recommended catch advice, and, if they did not do that, then what we would have in place is an existing OFL and an existing ABC, still without a recommendation coming from this council on whether or not to accept any particular calibration.

The decision, in any case, would be punted to the agency to decide whether or not they're going to apply the calibration ratios, whether it's with the existing OFL and ABC or whether it's the new approved, or recommended, OFL and ABC, and is that correct?

MS. LEVY: I mean, I guess so. I mean, if the council fails to act on the calibration, then I think the agency has a number of options it could take, anything from secretarial action to not doing anything. I mean, I just -- I don't -- That's not -- That's something to be decided based on the council does and what NMFS decides they want to do.

CHAIRMAN FRAZER: Sure, and, again, what I'm trying -- Go ahead, Andy.

MR. STRELCHECK: Tom, thanks for the question, and I certainly understand why you're asking it, and I'm a little frustrated with the question, and not directed at you, but it's, obviously, because of inaction by this council, and certainly NOAA Fisheries strives to work with all of the fishery management councils, and we don't want to be put in a position where we have to potentially take action, separate and independent of the councils, and I think our history and track record on that is pretty clear that we've used our authority, outside of the council process, fairly sparingly, with the exception of, obviously, kind of congressional mandates and things that have national implications.

Mara is correct, and, I mean, we do have authority, under Magnuson, with regard to secretarial action or rulemaking, but certainly the goal here is to work with the council to come up with a decision that everyone can agree to and move forward with, and so that's what we would hope to do today.

CHAIRMAN FRAZER: Again, Andy, thank you for those comments, and I guess what I'm trying to do, at this point, is to help express the concerns of the council, and I think -- I hope that I am speaking for the council, at least a majority of the folks here, and there is limited options, moving forward, really that are satisfactory, and, likewise, I feel that the agency is bound and obligated to work under a legal framework, or process, right, and so it's this process that has allowed us to manage fisheries in a very sustainable manner that we're fighting against right now.

It's a difficult thing, and I think what you're hearing is frustration on behalf of a lot of the council members, and an effort to try to move things forward in a more expeditious manner, but we simply can't do it, because of the process in place, and so part of this exercise is letting people know that there's a level of frustration, and perhaps we need to find ways, in the future, to move more expeditiously through these types of processes, and so, again, this is not intended to be a

negative against you or Mara or anybody else, right, the same way that you said that it wasn't intended for me, but this is where we are today, and I'm hoping that people are listening and we can somehow move forward, and so I would not be surprised if the council voted in favor of this motion, and I would understand that it would put the agency in an awkward position, but, again, I would hope they would understand why. Dr. Stunz.

DR. STUNZ: Thank you, Mr. Chairman. I speak in favor of this motion, but I just wanted to clarify at least my interpretation of that last part about the common currency. To me, it wasn't about just a simple common currency calculation that we have, and it was more speaking to the reconciliation, or really fixing some of these major issues that General Spraggins and Kevin brought out about the large discrepancies between MRIP and their data collection programs, and, obviously, that would influence not the calculation of the common currency, but the numbers that are going into that, and that's how I am interpreting that vetting process I think that J.D. is putting there. It's not just that direct calculation, but all of these major underlying issues. Thank you.

CHAIRMAN FRAZER: Okay. I am not seeing any more hands, and so we will go ahead and vote on this motion.

MR. STRELCHECK: Tom, can I make a comment?

CHAIRMAN FRAZER: Please do, Andy.

MR. STRELCHECK: This is kind of in response to Greg, and this is one of the concerns that I have, at least with this motion, and I certainly don't like the motion in its entirety, but the common currency conversion concerns in particular, and so this, to me, speaks to a scientific issue, and you're in search of an answer, and the conversions that were adopted and used were fairly consistent, in terms of their application across the five states, or at least four states.

I know there are some differences in years, and kind of methods with regard to the conversion, but it's still the same applicability, and so to call out a couple of states because of their conversions and not consider kind of everything as a whole suite of considerations to me goes back to kind of picking and choosing what answers you want, or don't want, and trying to revisit them, and so, scientifically, I think that's a very bad precedent, to be going in and voting on something like this.

CHAIRMAN FRAZER: I think, Andy, that's an excellent comment,

and, as we take a few more comments here, J.D., you might -- I would suggest that you might think about wordsmithing that motion a little bit, and you're not obligated to, but I would urge you to consider doing that. Mr. Banks.

MR. BANKS: Mr. Chair, that's what I was thinking of, and I sent a substitute motion to the staff, and I hope they have it.

CHAIRMAN FRAZER: We will look, real quick.

MR. BANKS: I would be appreciative for anybody to help me with the wording, but I was listening to Mara and Andy and their concern about us -- If we took this original motion, it basically says we're not doing anything, that we're not making a decision.

If we took my substitute motion, it clearly says that we are making a decision, but simply the implementation date wouldn't occur until April 30, 2022, which I think is essentially the timing of what J.D. just dealt with, but, this way, it at least makes a decision, and I think one of the concerns that I heard from Andy and Mara is that we are not making a decision, and my substitute motion actually makes a decision to implement calibration, but it has an implementation date, or a control date, or whatever you want to call it, that gets us through this season and gives us some time to get together with the SSC and for them to consider all of that additional information. If I get a second -- Well, I guess I already gave my explanation, but I appreciate it.

CHAIRMAN FRAZER: That's okay. Is there a second for this motion? I am looking for hands.

MS. GUYAS: I will second.

CHAIRMAN FRAZER: It's seconded by Ms. Guyas. Okay. Ms. Bosarge, I think you're next.

MS. BOSARGE: I am going to reserve my comments for just a minute. Let me take in this substitute motion.

CHAIRMAN FRAZER: Okay. Greg, did I skip you? If I did, sorry, and I didn't mean to.

DR. STUNZ: My hand must have not gone down. Sorry.

CHAIRMAN FRAZER: Okay. Thank you. Mr. Diaz.

MR. DIAZ: I just want to reiterate something that I said a little while ago, and it doesn't really -- I don't know if it applies to the substitute motion, or maybe it does, but, during one of the meetings, where they were discussing calibration, it was noted that there's issues in small states, and, to me, those issues have not been looked at yet, and that is definitely one of the things that I think comes to mind in J.D.'s motion about scientifically vetting. Thank you.

CHAIRMAN FRAZER: Mr. Dugas.

MR. DUGAS: Thank you, Mr. Chair. I was just curious, and would it help adding a date to my motion? Does it have to be on Patrick's sub-motion?

CHAIRMAN FRAZER: Well, at this point, we have a substitute motion on the board, and so we will have to dispense with that first and then revisit your motion.

MR. RIECHERS: A point of order, Mr. Chair. You were going to me anyhow, and I'm just going to ask you to look at the two motions and decide truly whether it's a substitute, because one is deferring action, or in some respects tabling for a time certain, until those things are accomplished, and then the other is actually taking an action in the alternatives, and so just I would ask for you to review that and decide whether or not it's a substitute or not.

CHAIRMAN FRAZER: Thank you, Robin. Let me look at these again. The substitute motion is to choose Alternative 2 in Action 1 as preferred with an implementation date -- Okay. Can we go back so that I can read the original motion by Mr. Dugas? Defer action -- I think they're both deferring action. I am going to actually lean on a little assistance, and I think it's pretty close, but, Ms. Levy, if I could draw on your expertise here.

MS. LEVY: I mean, I think it's a close call. I mean, I think the issue is one is to defer action and one is truly an action. I mean, I guess you could argue that it's a substitute to deferring, because, if you choose to defer, then you don't do anything else, whereas this would be the doing of something else, but I am not an expert in parliamentary procedure, and so I think you could go either way.

CHAIRMAN FRAZER: I think I am going to go ahead and entertain it as a substitute, and the reason I am is because, in the original motion, there is to defer, right, and they're both essentially putting the date off, and the substitute motion

actually gives a specific date, whereas the original motion, in time for the 2022 season, is a bit more vague, and so I will entertain this as a substitute motion. Kevin Anson.

MR. ANSON: Thank you, Mr. Chair. I know it's getting late, and this is why everybody that showed up on the phone call is here, and so I would like to offer a second substitute motion.

CHAIRMAN FRAZER: Okay. Go ahead.

MR. ANSON: That would be, in Action 1, to make Alternative 1 the preferred, with an implementation date of January 1, 2023.

CHAIRMAN FRAZER: Okay. We'll get that up on the board. The second substitute motion is, in Action 1, to make Alternative 1 the preferred, with an implementation date of -- I want to make sure that date is right, January.

MR. ANSON: That's correct.

CHAIRMAN FRAZER: Okay. January 1.

MR. ANSON: January 1, 2023.

CHAIRMAN FRAZER: Okay. All right. Is there a second for that motion, substitute motion?

MR. DIAZ: I will second for discussion.

CHAIRMAN FRAZER: It's seconded by Mr. Diaz. Kevin, do you want to talk just a little bit about it?

MR. ANSON: I will talk just a little bit. You all heard me on most of my points, and the previous motion that I offered was to go to the 2023 season, and this is cutting that off a little bit, and I'm trying, again, to -- It bridges the gap, if you will, with the pain that is coming Alabama's way, and it's trying to get one more year.

You know, we're monitoring the stock here, in real-time, nearly, and not only in-season for those landings on the recreational side, but also monitoring with our fishery-independent program, and we use that information to help us in making comments like we had made here at the council this week and how confident we are in the status of the stock, and so I just look forward to any opportunities we have to provide our data and give those folks that are making the first cut in the decision-making process on the SSC, those folks, the opportunity to take a look

at the data and to become more familiar with it and be more comfortable with it, and so thank you.

CHAIRMAN FRAZER: Okay. Thank you, Mr. Anson. We've got a couple of hands, and then I'm going to try to keep this to maybe four folks, and so General Spraggins and then Robin Riechers.

GENERAL SPRAGGINS: Mr. Chairman, back to the -- I am looking at the second substitute motion, which I understand that, but if I could go back to the first substitute motion. The question I've got on that is, Patrick, is there any chance that -- When you say to make Alternative 2 the preferred, with an implementation date of April 30, 2022, the only thing I have heartburn with that is the fact that -- Could you say that the SSC has to meet prior to then and give us the update, and that was in part of the original motion, and I'm just asking the question. Maybe, Patrick, is there something that we can modify that a little bit, and, if it's not possible to modify it, then I guess I'm totally out of line here.

MR. BANKS: General Spraggins, I don't mind that, but I don't think we can do anything with my substitute until we dispense with the second substitute, and so, after that occurs, then I don't mind trying to wordsmith a little bit.

GENERAL SPRAGGINS: Then I'm out of line then. Sorry, Mr. Chairman.

CHAIRMAN FRAZER: That's okay. Thank you, Patrick. Mr. Riechers.

MR. RIECHERS: Kevin, I need a little clarification, if I can. In Action 1, we're making Alternative 1 the preferred, and so that basically is the no action alternative, but you're not implementing it until January 1 of 2023, and so help me out there, if I'm reading that correctly.

MR. ANSON: It might be a new motion, Robin, and you're right, and so looking at the percentages, and they, obviously, don't reflect -- If the previous document gets implemented this year or next, then it wouldn't reflect that, and so I need to wordsmith it then.

MR. RIECHERS: Kevin, I am less hung up on the percentages underneath, but I am just trying to figure out -- I mean, what I -- I am not telling you how to create the substitute motion, but I think, when I heard you talk about the motion, you were trying to basically extend the timeframe that Patrick had put in his

motion, maybe, of one season longer, or at least that's what it sounded like, but, in this case, it sounds as if you're basically taking the Action Alternative 1, which is the status quo action, and you're saying it's good to -- Well, it doesn't even implement until 2023, and so I don't know what we're doing between now and 2023.

MR. ANSON: You're right, Robin. It's been a long day.

MR. RIECHERS: No, I hear you.

MR. ANSON: Perhaps then maybe it should read, in Action 1, to make a new -- You might want to leave that one up there, staff, but, maybe down below, add this new language, in case I butcher it too much. **In Action 1, to make a new Alternative 4, I think is where we're at --**

MR. RINDONE: It's 7, Mr. Anson, or it would be 6.

MR. ANSON: 6. Good catch, Ryan. Thank you. **To make a new Alternative 6 the preferred, which would extend the percentages -- Well, use the percentages from 50A and the ACL of the one that we just passed, the 15.3 or whatever the breakdown would be, through 2022.**

MS. GUYAS: Point of order.

CHAIRMAN FRAZER: Excuse me. Yes, Ms. Guyas.

MS. GUYAS: I think this is the same as Alternative 1.

CHAIRMAN FRAZER: I agree.

MS. GUYAS: When we talked about this amendment, we talked about how this would layer on top of whatever we do with the ABC amendment.

MR. ANSON: I guess the difference in Alternative 1 now in the document, unless it's automatically updated, is that we've got the different -- We've got the different units there, because, potentially, the other -- Maybe we don't need to change it, because the other one has not been approved by the Secretary, and then just going back to the state currency issue, is all I was trying to get, and it's, again, trying to extend out the additional year, and so it is essentially Patrick's motion, but, instead of the April 30, it would go through the 2022 season, and then 2023 -- We're still going through the research track assessment, and potentially we could have the -- The name

escapes me, but the other assessment where we get the catch advice, as early as 2024, January or February or March or April.

In 2023, it's where we would revert back to the CHTS for 2023, for a season, and then, in 2024, hopefully we would have the new catch advice with whatever is approved through the SSC, based on using the different analyses of the state data versus federal data versus the fishery-independent data, as I understand it in the TORs, and so all this does, or I am attempting to do, is just to increase, for one more year, the way that things currently are and how they have been run since the implementation of the EFPs, and so from 2018 to 2020, is how I would like to do that, and so I am running out of gas here, but --

CHAIRMAN FRAZER: That's okay, Kevin. Can I make a suggestion? I mean, in order for it to be a substitute motion, and if you want it to parallel Patrick's motion, then I would simply insert, where Patrick's motion says, in Action 1, to make Alternative 2 the preferred, you're essentially saying, in Action 1, make Alternative 1 the preferred, if that's truly your intent. Is that correct?

MR. BANKS: I apologize, Mr. Chairman, but are you talking to me?

CHAIRMAN FRAZER: No, I'm talking to Kevin, and so Kevin said this is essentially Patrick's motion, but with the intention of moving forward with status quo, right, and so the 2022 season, and so, if that's in fact the intent, then the language reads -- In order to be a substitute in this context, it would say, in Action 1, to make Alternative 1 the preferred, with an implementation date of April 30, 2022. Is that correct, Mr. Anson?

MR. ANSON: Yes, and I'm trying to get there. Well, but, as I read it, Tom, the Alternative 2 is where you take the CHTS and convert it.

CHAIRMAN FRAZER: Yes, that's right, and that's Patrick's motion.

MR. ANSON: Yes.

CHAIRMAN FRAZER: Right. You want, in Action 1, to make Alternative 1 the preferred.

MR. ANSON: Yes, which would retain currently how things are,

yes.

CHAIRMAN FRAZER: That's what I am getting, and so, if that's the way you want to phrase it, I will entertain that as a second substitute motion, and so --

MR. ANSON: That is.

CHAIRMAN FRAZER: Okay.

MS. LEVY: Can I just say -- There wouldn't be an implementation date, and I think that's what is confusing. If you have Alternative 1 as the preferred, it is already implemented.

CHAIRMAN FRAZER: Well, I think the intent, Mara, here is it's trying to -- They anticipate that it will not be implemented until 2022, and so, by the time this process actually makes it through, it's likely that it will not show up until 2022, but that -- In order to accomplish that, Mara -- I mean, you could say, for example, in the second substitute motion, and I apologize, Kevin, for talking around your motion, but, in Action 1, to make Alternative 1 the preferred, to take effect in 2022, and would -- Is that fine or not?

MS. LEVY: But it's currently in effect now. I guess that's my point. I guess, if you choose Alternative 1, you're choosing no action.

CHAIRMAN FRAZER: Okay. I understand. Kevin, do you understand that point?

MR. ANSON: Yes, but, if I offered Alternative 1, then there would be no sunset, essentially, and that's what I am trying to get in here, is a sunset for the way things currently are, and then as a transition to what they could be, and what they could be is that, in 2023, my expectation is that we will -- If no other changes -- Let's just assume no other changes come with the ACL from the second visit by the SSC, based on the new Great Red Snapper Count information, and if the 15.4 stays, whatever comes down from that is we'll get the 0.48, the conversion, in the 2023 season going forward.

Our hope is that the 2024 season -- That we'll have new stuff, whether it's new ACLs or no more conversion units, whatever the case may be, and I'm pinning my hopes on that, but, again, we've talked about this for several meetings, and everybody is probably at their last wits end, but all I'm doing is just offering -- I just wanted to take Patrick's motion and tweak it

to add in, but the difference is, and it's not subtle, and I understand that, is that I wanted to keep the percentages as they are currently.

CHAIRMAN FRAZER: Sure, and so I guess I'm going to try to help again, and maybe I'm not helping, if I understand Mara's point, but if your point is to limit the amount of time that this is in place, and you actually want to sunset it, perhaps you could say, in Action 1, to make Alternative 1 the preferred with a sunset following the 2022 season. Would that work?

MS. LEVY: Mr. Chair, can I jump in here?

CHAIRMAN FRAZER: Please do.

MS. LEVY: What I heard, and correct me if I'm wrong, Kevin, is that what you essentially want, or you're looking for, is Patrick's motion, but his motion would make the calibration effective in April of next year, and what you're saying is that you don't want it effective until January of 2023, and so it's his motion, but you want to push out the date that he has proposed, and is that correct?

MR. ANSON: Yes, Mara, I believe that is correct. I am sorry the journey took so long.

CHAIRMAN FRAZER: Thank you, Mara. Okay. We're going to get this up on the board for you, Kevin.

MR. ANSON: Thank you.

MS. LEVY: I think it's pretty much there in the second substitute, except changing "to make Alternative 1" to say "to make Alternative 2", because you already have the effective date there as January 1, 2023, but, if Kevin is willing to do the calibration to the Alternative 2, then you would just change that, but you would need to have the right effective date that he wants.

CHAIRMAN FRAZER: That's what we're working on right now, Mara. Dr. Froeschke is working to get the language right. Okay. Kevin, sorry to make your life so complicated, but is that -- Are we on the same page?

MR. ANSON: If anyone should be apologizing, it's me. I'm sorry for that painful episode for everyone, but I will make it brief. I have already pretty much commented how our take is on it, and we just -- We feel strongly about our data, but, on the other

hand, there is a process that is there, and, granted, it's been a couple or three years of going through a process that a lot of people have argued is contrary to Magnuson, but, again, just we have had a lot of recent new information that just changes the perspective for everyone, whether you're on the science side or the management side or the end user, and it's changed the perspective for everyone, and so I'm just trying to get there.

I understand that it makes it easy for Alabama and Mississippi, but that's all we're trying to do, is to realize that the process is there, and we will try to comply with that, but, if we could just have a little bit more time to help educate the public and get prepared and hope that things go well, from our perspective, as it goes through the research track and operational assessment, and that's the word that I was looking for earlier, in 2023, and hopefully not, but maybe early 2024. Thank you.

CHAIRMAN FRAZER: Thank you, Mr. Anson. Mr. Rindone, did you take your hand down? Okay. We will deal with two more comments, and then, in the interest of time, I think we're going to move forward. Mr. Strelcheck.

MR. STRELCHECK: Thanks, Tom. I've had a lot of time to think about my comment, and I think my comments have entirely changed since I originally raised my hand, but I guess the two points that I would raise -- One is I appreciate Kevin and Patrick for, obviously, putting these alternatives on the table, and we've certainly heard, obviously, additional time. The agency and the council is still in a very precarious position, obviously, with the catch limits being exceeded if they're not calibrated, and so certainly my preference is to implement those calibrations as soon as possible, and I would prefer that it, obviously, be done in 2021.

Kevin's motion kicks it farther down the road than Patrick's, and so my preference really goes back then to, if we're not going to do it in 2021, that we go to Patrick's motion, which would be in effect for the 2022 season.

The other aspect to all of this is that I think one of the things that is missing, and maybe we want to talk about then, is the comments that I made earlier about the allocations themselves and what we've learned based on the calibration, and we have passed a motion to revisit the allocations at some point to be determined, but I think this points out also the importance of not only waiting for information from the Great Red Snapper Count, but the council moving forward with

consideration of allocation alternatives amongst the states, and it's going to be a lengthy discussion, but I think the council really should move down that path and reconsider allocations amongst the states, given this new information. Thank you.

CHAIRMAN FRAZER: Thank you, Andy, for those comments, and I certainly agree. Patrick.

MR. BANKS: Thank you, Mr. Chairman. I appreciate it. I'm going to speak against Kevin's motion, simply because I just don't think that I can knowingly make a decision today that we would knowingly allow this discrepancy in fishing to occur for two more years, and my goal in all of this was always to try to be fully informed by the Great Red Snapper Count before we make this calibration decision.

After hearing what I heard from the SSC and our discussions, I just don't feel like we've got the full information from the Great Red Snapper Count that we need, and, once that final report comes out, once some of this other information comes out, and the SSC feels like that they've got a full, clear picture to give us good catch advice, then I think we can make that calibration decision.

That's why I felt like moving it past this season was appropriate, and it gives them more time to consider all of that information, but, as a flip side, I don't know that making the decision now to give ourselves two full seasons to make that decision is appropriate, because it's not fair to the other sectors, where we're knowingly allowing more fish to be taken by the recreational sector than we should, or private recreational sector than we should, under the current ACLs and ABCs. We're not allowing the same thing for the charter guys and the commercial guys, and so that's my rationale for being against the current motion, or the second substitute. Thank you.

CHAIRMAN FRAZER: I have two more, and then that will be the end of the discussion. Dr. Stunz and Ms. Bosarge.

DR. STUNZ: Thank you, Mr. Chairman. I just wanted to remind everyone, because it occurred to me as we were talking through this, but there is appropriations language, 2021 appropriations language, that is specifically specifying -- It's one sentence here, Tom, and just let me read it, really quick, but that NMFS is directed to address the question of which data collection systems, referring to MRIP or the Gulf, the state systems, are providing the best estimate of red snapper catch in the Gulf of Mexico.

Obviously, that is before making any regulatory changes, and so, by having this time, no matter which one of these motions we pass, that gives some time to work through that as well, and so there is some justification from the congressional side as well to give us some time that we need to work through all of this.

CHAIRMAN FRAZER: Ms. Bosarge.

MS. BOSARGE: Thank you, Mr. Chairman. I wrote down -- I've been kind of holding my comments, and so I wrote down a couple here. First, there was a comment made earlier about other sectors not liking FES when it comes to allocation, but having no problem with it when it comes to this document or catch levels, and I don't know -- I will speak for me in that sense, that, no, I -- If you remember, the only time, thus far, that we have used FES to actually finalize a document and have catch level recommendations and such in it was lane snapper, and I went on the record then saying that I have big hesitation and reservations about this, about tripling a quota.

I do not feel comfortable with those FES numbers, and I'm worried that we're going to fish that stock down, and so I think I have been consistent, and I'm saying the same thing in red grouper. This document does not deal with FES, and I have tried to somewhat be quiet, because it's kind of a state thing, for the most part, and I'm not in state government, and so I have tried to keep my mouth shut.

I do sympathize with the small states, and I really enjoyed General Spraggins' comments that he made earlier. He actually got down into some numbers, and he said these were the intercepts, and this was the landings, and, the next year, this was the intercepts, and this was the landings. He started to actually show us some of those fluctuations in that variability, and that is exactly what I begged the states to do last year.

I said, you have biologists and statisticians on your staff, and please have them look into the differences between MRIP-CHTS and your surveys and find out where the differences are, and what's driving the difference. Once you bring that to us, then we have something to work with to tweak your calibration to fit whatever this variation is that we have found. It has not been done, and that frustrates me to no end, because that's what puts us in this spot right here.

We don't have any quantitative data to go on to make some sort of tweaks to those two calibrations for those two small states,

and so I'm in a hell of a position. I know that overfishing occurred in 2017, because we exceeded the OFL. I know that overfishing occurred in 2019, and we exceeded the OFL.

Based on Dr. Cody's presentation for 2020, effort was up from 2019, and I know people like red snapper. Unless the size went down considerably on those red snapper, then, more than likely, we overfished in 2020, and that's exactly what that bottom longline survey is showing you. It is showing you that we're on a downward trend right now. In fact, if you used enough of the years of data -- If you used the last three years of data, instead of the last five, which captured some really big biomass -- If you used the last three years, we should have decreased this ABC by 18 percent, and we should have taken a cut and not an increase.

I have to take all of that into consideration when I vote on this document. Do I wish we would have tweaked those calibrations for the two small states? I sure do, but nobody brought the danged data for us that we needed in order to be able to quantitatively do that.

I cannot allow overfishing to continue to occur. These are the only calibrations I have to go on, and I have to vote to implement this. None of these options, of these motions that we have on the board, will implement a danged thing for this year, and so then there's a good possibility that we overfished for a fourth year, four out of, what, the last five? Guess who is going to pay that back when that next assessment comes out?

The charter/for-hire and the commercial sector, in addition to the private recs, and so, either way, there is pain, and I'm sorry, but I am tired of paying back other people's overages, and so I'm going to vote no for all three of these, and I apologize if I frustrated anybody, but I guarantee you, when that stock assessment comes back out, and you have lower biomass, you won't be volunteering to say, hey, don't make those commercial guys take a cut and don't make charter/for-hire take a cut. I'm going to have to stand my ground here, and I hope that everybody else will stand theirs. Thanks.

CHAIRMAN FRAZER: Thank you, Ms. Bosarge. Okay. Dr. Simmons, break out the roll call sheets. We will vote on the second substitute motion.

EXECUTIVE DIRECTOR SIMMONS: Thank you, Mr. Chair. This is the second substitute motion.

CHAIRMAN FRAZER: Hold on. Let me read it, so people know what they're doing. This is the vote. **The second substitute motion in Action 1 is to make Alternative 2 the preferred with an implementation date of January 1, 2023.** Dr. Simmons.

EXECUTIVE DIRECTOR SIMMONS: Thank you, Mr. Chair. Mr. Strelcheck.

MR. STRELCHECK: No.

EXECUTIVE DIRECTOR SIMMONS: Dr. Shipp.

DR. SHIPP: Yes.

EXECUTIVE DIRECTOR SIMMONS: Ms. Boggs.

MS. BOGGS: No.

EXECUTIVE DIRECTOR SIMMONS: Ms. Bosarge.

MS. BOSARGE: No.

EXECUTIVE DIRECTOR SIMMONS: Dr. Stunz.

DR. STUNZ: Yes.

EXECUTIVE DIRECTOR SIMMONS: Mr. Dugas.

MR. DUGAS: Yes.

EXECUTIVE DIRECTOR SIMMONS: Mr. Sanchez.

MR. SANCHEZ: No.

EXECUTIVE DIRECTOR SIMMONS: Ms. Guyas.

MS. GUYAS: No.

EXECUTIVE DIRECTOR SIMMONS: General Spraggins.

GENERAL SPRAGGINS: Yes.

EXECUTIVE DIRECTOR SIMMONS: Mr. Williamson.

MR. WILLIAMSON: Yes.

EXECUTIVE DIRECTOR SIMMONS: Mr. Diaz.

MR. DIAZ: Yes.

EXECUTIVE DIRECTOR SIMMONS: Mr. Riechers.

MR. RIECHERS: Yes.

EXECUTIVE DIRECTOR SIMMONS: Mr. Swindell.

MR. SWINDELL: No.

EXECUTIVE DIRECTOR SIMMONS: Mr. Anson.

MR. ANSON: Yes.

EXECUTIVE DIRECTOR SIMMONS: Mr. Banks.

MR. BANKS: No.

EXECUTIVE DIRECTOR SIMMONS: Mr. Dyskow.

MR. DYSKOW: Yes.

EXECUTIVE DIRECTOR SIMMONS: Dr. Frazer.

CHAIRMAN FRAZER: What is the vote?

EXECUTIVE DIRECTOR SIMMONS: Nine to seven. Dr. Frazer abstains, and so the motion carries nine to seven.

CHAIRMAN FRAZER: Okay. I guess that will lead us into the rest of the document. I just want to, again, make a comment to the council, realizing that there was seven in opposition, and for justifiable reasons, right, that this is something that is probably not defensible, in my mind, but, again, it was a vote nine to seven, and I will accept the council vote, but it reflects a high degree of frustration, but I think the public should know that, and the agency should know that. Ms. Guyas.

MS. GUYAS: Really quick, before I continue the Reef Fish Report, I think Carrie wanted to jump in. You all might have seen, in your inbox, that a revised Reef Fish Report went out, and, Dr. Simmons, do you want to explain the change?

EXECUTIVE DIRECTOR SIMMONS: Yes. Thank you, Ms. Guyas. I would like to go over the changes, briefly. We found a discrepancy on page 4 of the printed report, in the second paragraph.

We have modified it to say: Dr. Stunz questioned a comment made by Dr. Lorenzen in a different context, and that was added in, about managing expectations of large fisheries research studies, and so that was added in. The "some congressional entities" language was deleted, and the only other change was, after "Dr. Lorenzen replied that he meant that these project should consider", and so "he meant" was added in.

Dr. Lorenzen did not bring this deliberation to the council as an SSC deliberation, and this was an outside context that was discussed between Dr. Lorenzen and Dr. Stunz, and so we just wanted to make that clear in the report, that this was not part of the SSC deliberations or in his report to the council. Thank you, and I'm sorry about that.

CHAIRMAN FRAZER: Okay. Ms. Guyas.

DR. GUYAS: All right. Thanks, Dr. Simmons, and so we are, if you're following along, on the top of page 9, I believe, of at least the old version. Dr. Frazer asked about the consequences of allowing an uncalibrated catch on the management of red snapper and acknowledged that NMFS would be required to constrain catch, applying payback provisions to those states that exceeded their state-specific private angling component ACLs in 2021.

Dr. Porch stated that the Southeast Fisheries Science Center would be able to examine the results of the NMFS BLL for a change in trend in the abundance of the stock in January 2022. Further, by the early 2022, the state-specific catch and effort data would also be available for examination.

Mr. Strelcheck replied that adding the newly-proposed Alternative 6 was tantamount to status quo, which would necessitate a revision to the document's purpose and need, as the alternative is equivalent to reallocation, delaying the implementation of the framework action beyond the end of 2021.

Mr. Strelcheck again reviewed NMFS's vulnerability to litigation under the status quo and that the states would remain vulnerable to payback provisions for any overages to their respective ACLs. Ms. Levy clarified that NMFS must determine whether proposed management measures comply with the Magnuson-Stevens Act, noting that knowingly exceeding the ABC would be very difficult to defend as complying.

Ms. Boggs asked whether Alternatives 3 through 5, which use a buffer to reduce state-specific catch limits to prevent

exceeding the combined total private angling component's ACL, satisfy the necessity to calibrate the landings data. Ms. Levy replied that using the buffers would constrain the landings appropriately under Alternatives 3 and 4, but not Alternative 5, and would thereby prevent the component from exceeding its ACL.

Mr. Banks asked under what ACLs would the states would be fishing if the council requests that the proposed management measures not be implemented until 2022. Ms. Levy replied that the catch limits would apply in the year in which they are implemented, unless NMFS can justify the council's request for delayed implementation.

Ms. Bosarge reminded the committee that the same concessions being considered to accommodate the private angling component of the recreational sector would need to fairly and equitably be considered for the for-hire component and the commercial sector, also.

Revised Public Hearing Draft Amendment 53: Red Grouper Allocations and Annual Catch Levels and Catch Targets, Dr. Cody and Dr. Shannon Cass-Calay presented weight estimation methods for determining recreational catch in pounds from catch reported in numbers of fish.

Dr. Cody first presented on the MRIP-APAIS average weight procedure. He noted that data collected by APAIS are used to estimate catch rates and trip characteristics for two-month waves. He then discussed the APAIS design, sample weights, and catch rate estimates. He explained that total catch includes landings and releases, as numbers of fish, with landings including both observed and unobserved harvest.

Standard length-weight relationship models are used to impute missing data, which can include missing length or weight data. When both length and weight data are missing, observations are imputed by a combination of hot deck and cold deck imputation. Catch estimation is calculated from a weighted APAIS catch rate and weighted FES effort.

Dr. Cass-Calay then presented the Southeast Fisheries Science Center weight estimation procedure. While MRIP provides species-specific catch estimates by stratum in numbers of fish, corresponding weight measurements are not always available, due to sampling constraints or incomplete self-reporting.

However, ACL monitoring requires estimates in weight, and so a standard methodology was needed to estimate missing recreational

weights. In this process, average weights from the intercept data for each strata are calculated, and then strata that meet a minimum sample size threshold are identified. Finally, an estimate of landings in numbers is converted to landings in weight by applying an appropriate average weight.

Three factors explain why predicted landings from the SEDAR 61 assessment model differ from landings estimates in the ACL monitoring dataset: input data, uncertainty assumed in assessment, and differences in weight estimation.

For SEDAR 61, recreational landings were input as numbers, and, therefore, the assessment model was fitting to numbers and not weight. The assessment model also assumes a greater uncertainty in recreational landings compared to commercial landings, which results in predicted landings that are not identical to input landings.

The assessment model coverts predicted landings in number into weight units through use of the length-weight equation, whereas MRIP estimates are based on stratified observations of average weight. Going forward, the Southeast Fisheries Science Center can look into modeling recreational landings in weight instead of numbers during ongoing research track assessments, but that effort will require an assumption about the CV around these weight estimates.

Dr. Simmons discussed management considerations for using interim ABC analyses. She noted that the interim analysis uses a harvest control rule, whereby the sector allocations of 76 percent commercial and 24 percent recreational and corresponding ABC of 4.9 million pounds gutted weight was used in conjunction with the NMFS bottom longline index of relative abundance to revise future catch projections.

The 4.9 million pound gutted weight ABC is not the council's current preferred alternative in Reef Fish Amendment 53, and so the Southeast Fisheries Science Center would have to run additional analyses to update the interim analysis to include the multitude of ABC recommendations for the SSC and then council to consider.

As such, the interim analysis should not be used to modify ABC catch advice until the council selects allocations and corresponding ABC catch advice. Thereafter, interim ABC analyses could continue to be updated annually to consider new catch advice for the SSC and council.

Dr. Freeman discussed a motion from the Reef Fish AP at its February 2021 meeting to modify the Reef Fish and CMP Fishery Management Plans to automate catch advice based on interim analyses.

Dr. Freeman reviewed the actions and alternatives in Amendment 53 to the Reef Fish FMP and discussed potential next steps. Dr. Freeman discussed the OFL, ABC, total and sector ACLs resulting from the new Alternative 6 for Action 1. He also noted a new table that shows the predicted closure date for the recreational sector based on the recreational ACL. Ms. Muehlstein discussed plans to solicit public comment and hold virtual public hearings.

Dr. Freeman discussed motions from the Reef Fish AP on the two actions. The Reef Fish AP selected Action 2, Alternative 3 as its preferred, which is also the council's preferred alternative. The Reef Fish AP made a motion for a new alternative for Action 1, which would set the commercial ACL at three million pounds gutted weight. Dr. Freeman noted that the motion to make that new alternative the preferred failed for lack of a second, as did a motion to make Alternative 4 the preferred. For the purpose of time, the committee chair requested that questions and motions wait until Full Council. I am going to pause there, and I see hands.

CHAIRMAN FRAZER: Martha, I'm going to ask a quick question. Well, I'll go ahead and let Leann go first.

MS. BOSARGE: No, that's all right, Dr. Frazer. You can ask your question.

CHAIRMAN FRAZER: Well, I mean, this is going to go back to the calibration, and so, if your question is related to this part, I will wait.

MS. BOSARGE: Mine about red grouper.

CHAIRMAN FRAZER: Have at it then.

MS. BOSARGE: Okay. All right. I would like to make a motion, please. **I would move that, in Action 1, we make Alternative 2 the preferred alternative.** If I can get a second, I will elaborate.

MR. SANCHEZ: I will second.

CHAIRMAN FRAZER: It's seconded by John Sanchez.

MS. BOSARGE: I'm a little frustrated that there's not an alternative in there that reallocates from recreational to commercial, and you all are probably shaking your head and going, what the heck is she talking about, and what I'm talking about is the fact that, in all these different stock assessments, we have these larger rec landings, thirty years' worth of higher rec landings, that are going into them and leading the stock assessment to believe that the stock was actually larger than we once thought.

Now, depending on how hard we fished it for the last thirty years, we are seeing some decreases in quotas, depending on what we've done to it in that time period, and so, if you believe the rec landings, and that that stock was bigger, then what has happened is the commercial sector has missed out on harvest for the last thirty years.

The quotas overall, across-the-board, would have been higher, and not only would the rec sector have been allowed to take advantage of that, but so would the commercial sector, but we weren't, because we have a highly effective and highly efficient management system with a lot of enforcement in it and a data collection program that is not a survey, but a census, with a lot of checks and balances in it.

Now, because of that accountability and that robust data collection program, we were forced to stay within our quota. In the normal world, you would think that would be a good thing. However, what it means in today's world is that, if you have a slightly less robust data collection system, and management that's not as efficient and effective as the commercial sector, you will end up being able to fish off the radar, and you will be rewarded for that by getting more fish in the end.

I cannot believe that we're even considering something like that right now. What we're doing is discouraging accountability, and that is exactly what we are doing in this document if you transfer any allocation away from commercial into recreational, because those higher landings from the past represent overharvest, overharvest that one sector was allowed to do through an inefficient management system and a data collection system that was not robust enough, while the other one was managed to the Nth degree and wanted accountability, the same sector that came to us back in, what, 2014 or 2015, when we got our last stock assessment, and said, hey, we think we've got a problem with this fishery and, please, please don't raise these quotas and fish this stock any harder. We need to be

conservative, and we need to make sure we have sustainable fisheries for the future.

That's the sector that we're going to punish, and we're going to tell them that, no, we've held you down all these years, and we intend to put that in stone and hold you down for the future, too. You're never going to get above those catch levels that you've had for the last thirty years, and we're going to keep you down there, and I'm sorry, but I cannot tolerate that. For that reason, I move that we make Alternative 2 the preferred. Thank you.

CHAIRMAN FRAZER: Thank you, Ms. Bosarge. I was having a discussion with staff, and I just wanted to make sure that there was a second to that motion. John Sanchez seconded.

MR. SANCHEZ: Yes.

CHAIRMAN FRAZER: Sorry, John, that I didn't hear that. Mr. Banks, you're up.

MR. BANKS: I just raised my hand because I wanted to remind folks, back on the calibration issue, that we did not vote to make it final, just so folks realize that, as much stuff as we have to deal with at every one of these council meetings, we are going to see this calibration issue again in June, if we don't take final action. Thank you.

CHAIRMAN FRAZER: Patrick, sorry about that, and so I intend to bring that back up here when we dispense with the red grouper topic. I recognize that we did not deal with the final action component of calibration, and we'll go back, after we're done discussing red grouper, okay?

MR. BANKS: Okay.

CHAIRMAN FRAZER: I have John Sanchez up next.

MR. SANCHEZ: Thank you, Mr. Chair. I want to echo some of the concerns that Leann was alluding to, which is regarding the FES calibrations, and it would appear to me that, going forward, when we do FES calibrations, it results in an increase in ABC, but, as she was mentioning, we don't recalculate the historical ABCs to look at what those historical ABCs would have been in the past, and, arguably then, the sector that was operating under a very formalized accounting system, and all of their landings were counted, they never had the opportunity to catch fish from that arguably higher ABC, historically, and now we're

rewarding the sector that was operating with a less-robust data collection system for basically having underestimated their landings.

It doesn't seem right, and particularly in a fishery that the history of it is we have these episodic, cyclical events in this fishery, red tides and such, and it seems that we're coming out of them, where we were on the downturn, and then we started to see some smaller fish, the intro of a year class coming up, and, as evidenced by the landings we saw this week, it looks like the longline landings are up about 7 percent this time of the year from where they were last year, and so I would seem to me that it would be very, very premature, in a fishery that's just coming off of a stressed situation, to be reallocating, for the reasons mentioned, the foregone opportunity on the commercial side as well as you've got to consider the increased discard mortality with rec landings.

When you consider all of these factors, I think Alternative 2 is the way to go, and we seem to be pumping the brakes on red snapper, but we've got the pedal to the metal on this one, and I don't know why. Thank you.

CHAIRMAN FRAZER: Thank you, Mr. Sanchez. Ms. Levy.

MS, LEVY: Thank you. I just wanted to address a couple of things. I mean, I think this narrative started with red snapper, about one accountable sector and one unaccountable sector, and I feel like it's been just translating into other areas, and I don't think that red grouper is exactly comparable to red snapper.

If you look at the tables in the document, for example Table 2.1.3, it shows some of the landings, and, I mean, there was no recreational catch limit in place before 2010, and there was a commercial catch limit in place, which was exceeded twice, in 2004 and 2005, and so I don't think that it's exactly analogous.

The other thing that I wanted to say was that there wasn't at least evidence at the time, when this allocation was put in place, and -- It was believed the landings during those years were represented by the best available science, and, since that time, there has been a new understanding of what the rec totals were, and, yes, they were higher, but it's not because there was no accountability, meaning we were managing to some levels, and there's no indication that they were exceeding those levels at that time. I guess I'm just trying to urge some caution when we talk about unaccountable versus accountable, especially in

regard to red grouper and the time series used for this allocation.

The other thing that I wanted to point out is that you can also get the impact to both sectors based on closure dates and changes in ACLs with respect to the commercial sector, but, either way, under all of the alternatives, except Alternative 1, the catch level for the recreational sector is going to go down, when you look in comparable units, and the potential for a closure earlier in the year increases, and so it's not like there is no impact to the recreational sector, even though they might be getting a different allocation, percentage-wise, and I think that that needs to be considered, too.

If you want to choose preferred -- If you want to choose Alternative 2 as preferred, obviously that's the council's choice, but I think you need to reconcile some of those issues with respect to closure dates and the actual decrease in the catch level for the recreational sector when you're comparing and stay in the same units. Thank you.

CHAIRMAN FRAZER: Thank you, Ms. Levy. Mr. Strelcheck.

MR. STRELCHECK: Thanks, Chairman. Mara covered a lot of the points that I was going to make. The one other thing that I guess I would state as well is that we determined allocations historically based on landings data, and, obviously, if we knew then what we know now, those allocation decisions might have been different, and so how much one sector might have caught versus another, based on higher ACLs or whatever information from the FES would have been incorporated back then, could have obviously changed, obviously, the kind of proportional distribution of what's being caught.

We don't know, obviously, historically what things would have looked like, because it's hard to retrospectively look back and guess at what actually occurred.

What I do want to speak to is the motion, and, Leann, I am appreciative of you putting a motion on the table today, and I think my frustration is we spend so much time talking about red snapper that we don't spend the time to talk about other species like we should, and this is an important fishery, and I feel like this is a discussion that needs far more conversation than just the limited time we have available today.

There's a lot of complexities to allocation with regard to red grouper, or with any species for that matter, and there's a

tradeoff, as I believe you discussed, Leann, during committee about discards and yield levels and kind of transferring allocation to the recreational sector results in a lower annual catch limit, and we haven't really looked at the economic net-benefit analysis and kind of tradeoffs between shifting allocation from one sector to another, and then you brought up weight estimation, and we had a really good conversation about that and kind of shed some light on potential issues there.

I don't think that Clay is, unfortunately, on the line to speak to this, but I did talk to the Center, and it is something that the Center is going to look into, with regard to the weight estimation, and be able to potentially bring to the SSC some new, or additional, information and advice in May, based on the conversation.

For all those reasons, my recommendation is we table, so to speak, this discussion and make sure that this is a priority discussion for our next council meeting, since we've cleared the deck for red snapper, based on today's actions. Thank you.

DR. PORCH: Mr. Chair, can you hear me?

CHAIRMAN FRAZER: I can. Go ahead, Clay, and then I'm going to actually let Dr. Simmons jump in right after you.

DR. PORCH: Sorry, but I keep getting booted off the webinar for internet problems, and so I'm calling in. Andy is right that we take a look at how the recreational weights are being computed, and we do think that there is a better way, using the MRIP weights directly, or our version of the calculation, and so we will be prepared to give a revised ACL, both updating the interim analysis and taking into account a better way to calculate the average weights.

CHAIRMAN FRAZER: Thanks, Clay, for jumping in. Dr. Simmons.

EXECUTIVE DIRECTOR SIMMONS: I guess we did not understand that until now. I mean, as far as the SSC meeting goes, I guess we can try to get that information in there, but we were going to look at the updated fishery-independent indices of abundance, including the bottom longline survey, even though it's truncated for 2020, and see if the SSC thought there should be new catch advice. I was also going to bring up some of the interim analysis considerations that I brought to the council on Tuesday, and so I'm not sure we knew that was going to occur, and we've already submitted the FRN for this meeting. Thank you.

CHAIRMAN FRAZER: Okay. Thanks, Dr. Simmons. Ms. Guyas and then Mr. Diaz.

MS. GUYAS: I will be quick. I was going to bring up a lot of the things that Mara and Andy brought up regarding Table 2.1.3 and commercial not being constrained, and just I completely agree with the sentiment that we need to talk about this more, although I don't know that I would say this document is rushed.

We received the assessment for red grouper at our meeting in Destin, which I believe was June two years ago, and so this has been hanging out there for a really long time. We have touched on it at several meetings, and, unfortunately, I feel like we still need to talk about it more, but this is -- None of this is new, and I speak against the motion, and I would prefer to stick with the preferred we have now.

I do think we need to look more at how some of these impacts for recreational -- It is likely, especially if the fishery is on an upswing right now, that recreational will close early, and some of these options, particularly this one, would have that fishery close very early, and I think we need to understand the implications of that better, including economic implications, and including the even larger number of discards that will occur if this fishery closes as early as late summer.

Anyway, just one last thing, just as a reminder, is we are at the public hearing stage here, and so we're not going final, and this is still a conversation that I am looking forward to having, and I hope we can devote more time to on future agendas, certainly, and, as far as John's comment about this being a cyclical fishery, I think, to some degree, that's true, and, if there's a way that we can work with the industry to be on top of that, without negatively impacting the fishery, then I'm all ears, and let's figure that out, but that's probably a discussion for another document, perhaps an ecosystem one. Anyway, I just wanted to put all of that out there on this motion. Thank you.

CHAIRMAN FRAZER: Thank you, Ms. Guyas. Mr. Diaz and then Ms. Bosarge.

MR. DIAZ: I don't want us to be in a hurry either. However, I agree with Martha that this has been out there for a long time. I mean, the way I felt about this is I would like to take care of this issue and bring us back as close to what we were before FES was ever brought into the equation, and, when I read the

document, it talks about the recreational portion of the current OFL, ABC, and ACL are based on MRIP Coastal Household Telephone Survey Data, and the current recreational ACL of one million pounds in MRIP-CHTS units is equivalent to 2.1 million pounds of FES units.

Dr. Crabtree said this a couple of times during the meeting, but, because of that, if you don't reallocate, you have reallocated to the commercial side, and so I was in support of Alternative 3 before, because it uses the same identical years as Alternative 1, which is the no action, and I believe that's as close as we can get to bringing it back to where we were if FES was not in the equation.

I am trying to listen to everything that's being said, and I am open-minded to hearing other points of views, but that's where I want to go with most of these new stock assessments that we get with FES, with the exception of mackerel, and I will think of mackerel different, but, on the rest of them, the point of view that I'm taking on this one is kind of where I'm thinking that I'm going to stand on those, also. Thank you.

CHAIRMAN FRAZER: Thank you, Mr. Diaz. I have Ms. Bosarge and then John Sanchez, and then I think we'll vote this up.

MS. BOSARGE: Thanks. It was my understanding that we were going to go out to public hearings before the next meeting and that this document could potentially come back to this council for final action at that point.

That is why I'm trying to push this issue, and I agree that we have not dedicated the time to this document that we have to our lovely red snapper, but this is very important to a lot of people. This is their fishery, and this idea that we're looking at these allocations and going, well, the recreational sector may have a closure, well, let me remind you that the assessment said that this most recent stock assessment showed that red grouper biomass was the lowest on record, and so we have to come to a reality that a closure is probably what needs to happen.

If you want to rebuild this biomass to a healthy level again, you're going to have to quit fishing on it so damned hard, and I don't see where our logic gets confused in that and we think that a closure is going to be the worst thing that can happen. That is exactly what is going to have to happen.

In the commercial side, we don't have a closure, because of the management structure we're on, but we essentially have the same

thing when you drop our quotas, which is what almost all of these alternatives do, is decrease our commercial quota, and why are we going to have to decrease the commercial quota? Because the stock is at a very low level.

Why is the stock at a very low level? Well, we said that it was a red tide that had a lot of effect on it, and I agree that it probably did, but, when you go back and look at these historical rec landings, common sense will tell you that we fished that thing down, and the red tide was probably the straw that broke the camel's back, but that large harvest has been occurring on the recreational side for the last thirty years that fished it down, and so then it becomes just another example of where the commercial sector needs to pay back overharvest on the recreational side.

It's our job to rebuild it, and other people have got to have fun, and we get to pay the price and rebuild it, and I'm sorry, and I know I am sounding tipsy, because I am at this point, but I just cannot tolerate that, and so I would like to go ahead and vote this motion up or down.

CHAIRMAN FRAZER: Thank you, Leann. We have two more people. Dr. Porch, to that point, and then I'm going to end with John Sanchez.

DR. PORCH: It's indirectly to that point. If we're talking about calculating new ACLs and using the interim analysis, we still can't do anything until a decision is made on the relative allocation of commercial and recreational. Basically, we're still at the point where we have the stock status estimate, and potentially an OFL from the last assessment, but it hasn't been adopted yet, because we haven't made the decision on the allocation issue, and so we can't really move forward with an interim analysis and updated ACL advice until we have a decision on that, because it makes a big difference in terms of what the ACL would be.

CHAIRMAN FRAZER: Okay. Thank you, Dr. Porch. John, you get the final comments before we vote.

MR. SANCHEZ: Thank you. I will be brief. As this document gets fleshed out, and we go through it, I would, for one, like to suggest that we have public hearings in the area where this fishery is prosecuted. We definitely need to have one in the epicenter, which is Madeira Beach, and so I strongly encourage the council to support that.

Some of these arguments about, okay, the higher FES landings arguably result in negative quotas should have been different historically, again, we're looking at past history and coming up with ABCs going forward without going back and recalculating historical ABCs, and, to that point, I really appreciate Dale's comment about how this relates to king mackerel, because it's kind of the opposite there, where that's part of exactly why we need to revisit the king mackerel allocation, because none of this seems to make sense.

It seems like the logic is applied in one fishery, and then it's overlooked in another one, and so on and so forth, and it becomes very frustrating to a council member. If we were uniform in our application of these things, then maybe you could get your arms around it, and, if you win, you win. If you lose, you lose, but it becomes very frustrating. Thank you.

CHAIRMAN FRAZER: Okay. **We've got a motion on the board, and that motion is, in Action 1, to make Alternative 2 the preferred. Alternative 2 reads: Maintain the sector allocations at the total ACL at 76 percent commercial and 24 percent recreational. Revise the OFL and ABC as recommended by the Scientific and Statistical Committee based on the Southeast Data Assessment and Review 61. Set the stock ACL equal to the stock ABC. Dr. Simmons.**

EXECUTIVE DIRECTOR SIMMONS: Thank you, Mr. Chair. Mr. Sanchez.

MR. SANCHEZ: Yes.

EXECUTIVE DIRECTOR SIMMONS: Mr. Anson.

MR. ANSON: No.

EXECUTIVE DIRECTOR SIMMONS: Ms. Boggs.

MS. BOGGS: No.

EXECUTIVE DIRECTOR SIMMONS: Mr. Banks.

MR. BANKS: Yes.

EXECUTIVE DIRECTOR SIMMONS: General Spraggins.

GENERAL SPRAGGINS: No.

EXECUTIVE DIRECTOR SIMMONS: Mr. Swindell.

MR. SWINDELL: Yes.

EXECUTIVE DIRECTOR SIMMONS: Mr. Strelcheck.

MR. STRELCHECK: Abstain.

EXECUTIVE DIRECTOR SIMMONS: Dr. Stunz.

DR. STUNZ: No.

EXECUTIVE DIRECTOR SIMMONS: Mr. Diaz.

MR. DIAZ: No.

EXECUTIVE DIRECTOR SIMMONS: Mr. Williamson.

MR. WILLIAMSON: No.

EXECUTIVE DIRECTOR SIMMONS: Ms. Bosarge.

MS. BOSARGE: Yes.

EXECUTIVE DIRECTOR SIMMONS: Dr. Shipp.

DR. SHIPP: No.

EXECUTIVE DIRECTOR SIMMONS: Mr. Riechers.

MR. RIECHERS: No.

EXECUTIVE DIRECTOR SIMMONS: Mr. Dyskow.

MR. DYSKOW: No.

EXECUTIVE DIRECTOR SIMMONS: Mr. Dugas.

MR. DUGAS: No.

EXECUTIVE DIRECTOR SIMMONS: Ms. Guyas.

MS. GUYAS: No.

EXECUTIVE DIRECTOR SIMMONS: The motion failed four to eleven with two abstentions. Mr. Chair.

CHAIRMAN FRAZER: Thank you, Dr. Simmons. At this point, there is a couple of things that I think that we need to take care of in the remaining time. I want to go back and revisit the final

action item as it relates to calibration, and I would remind folks that we probably need to do that, and, if there's somebody that is willing to make a motion to that effect, now would be the time.

MS. BOSARGE: Sure. **I will make that motion.**

CHAIRMAN FRAZER: Okay. Ms. Bosarge, let's get the motion up on the board. We are getting the staff to get that together, Ms. Bosarge. In the interim, is there a second to the motion?

MR. DIAZ: I will second it.

CHAIRMAN FRAZER: It's seconded by Mr. Diaz. Okay. We have a final action motion on the board, and I will read it into the record. **It's to approve the Framework Action: Gulf of Mexico Red Snapper Recreational Data Calibration and Recreational Catch Limits and that it be forwarded to the Secretary of Commerce for review and implementation and deem the codified text as necessary and appropriate, giving staff editorial license to make the necessary changes in the document. The Council Chair is given the authority to deem any changes to the codified text as necessary and appropriate.** Is there any further discussion of the motion before we take a roll call vote? I am not seeing any hands. Leann, is that an old hand?

MS. BOSARGE: No, sir. That's from earlier.

CHAIRMAN FRAZER: Okay. Thank you. All right. Dr. Simmons.

EXECUTIVE DIRECTOR SIMMONS: Thank you, Mr. Chair. Mr. Riechers.

MR. RIECHERS: Yes.

EXECUTIVE DIRECTOR SIMMONS: Mr. Diaz.

MR. DIAZ: Yes.

EXECUTIVE DIRECTOR SIMMONS: Mr. Banks.

MR. BANKS: No.

EXECUTIVE DIRECTOR SIMMONS: Mr. Anson.

MR. ANSON: Yes.

EXECUTIVE DIRECTOR SIMMONS: Ms. Guyas.

MS. GUYAS: Yes.

EXECUTIVE DIRECTOR SIMMONS: Ms. Bosarge.

MS. BOSARGE: No.

EXECUTIVE DIRECTOR SIMMONS: Dr. Shipp.

DR. SHIPP: Yes.

EXECUTIVE DIRECTOR SIMMONS: Mr. Dugas.

MR. DUGAS: Yes.

EXECUTIVE DIRECTOR SIMMONS: Dr. Stunz.

DR. STUNZ: Yes.

EXECUTIVE DIRECTOR SIMMONS: Ms. Boggs.

MS. BOGGS: No.

EXECUTIVE DIRECTOR SIMMONS: Mr. Sanchez.

MR. SANCHEZ: No.

EXECUTIVE DIRECTOR SIMMONS: General Spraggins.

GENERAL SPRAGGINS: Yes.

EXECUTIVE DIRECTOR SIMMONS: Mr. Swindell.

MR. SWINDELL: No.

EXECUTIVE DIRECTOR SIMMONS: Mr. Strelcheck.

MR. STRELCHECK: No.

EXECUTIVE DIRECTOR SIMMONS: Mr. Dyskow.

MR. DYSKOW: Yes.

EXECUTIVE DIRECTOR SIMMONS: Mr. Williamson.

MR. WILLIAMSON: Yes.

EXECUTIVE DIRECTOR SIMMONS: The motion carried ten to six with

one abstention.

CHAIRMAN FRAZER: Okay, and so we have some limited time, Ms. Guyas, and I want to make sure that we tack off a few of these remaining items that are essential, and I am going to suggest that we give an opportunity to Mr. Strelcheck to provide some discussion of the DESCEND Act of 2020, if he feels like he's prepared to do that.

MR. STRELCHECK: Thanks, Tom. If we could bring up the presentation, I will move through it very quickly, and we do have at least one decision point that we would like the council to weigh-in on.

CHAIRMAN FRAZER: Okay, and we'll get that presentation up on the board, and that would be Number 12.

MR. ANSON: Mr. Chair, if I could interrupt very quickly. My name wasn't on the list, or at least the last time I saw it, and so I just want to make sure it's for the record.

CHAIRMAN FRAZER: Sure.

MR. ANSON: Thank you.

CHAIRMAN FRAZER: All right. It was a yes vote for Mr. Anson.

MR. ANSON: Correct. Thank you.

CHAIRMAN FRAZER: Go ahead, Andy.

MR. STRELCHECK: Thanks, Tom. Real quickly, the DESCEND Act was approved, I believe, in January of this year. It added a new section to the Magnuson Act which requires commercial and recreational fishermen to possess a venting tool or descending device that's rigged for use when fishing in the Gulf of Mexico.

It requires the Department of Commerce to contract with the National Academy of Sciences to conduct a study and produce a report on discard mortality, and then, after completion of that study, it requires us and the Gulf Council to develop guidance for reporting discards and associated mortality and develop a plan for that.

Today, I really am going to speak to kind of the first component. You can read the materials on the second and third item on this list, but I think, due to time considerations, I won't cover those in depth today.

There is specific language, obviously, in Section 321 speaking to venting tools and descending devices. As I mentioned, it took effect on January 13, 2021, and there's also a sunset five years after date of enactment and that the new kind of requirements will be in place within one year of implementation of the Act.

NMFS is planning on developing rulemaking to clarify definitions for both descending device and venting tool. Specifically, the Act calls out a venting tool as defined by the council, and that's the decision point that we need from the council today.

As I mentioned, the Act says that a venting tool is defined as a meaning given to us by the Gulf of Mexico Fishery Management Council, and so we have two possible definitions. One is already in the Code of Federal Regulations, and you can read it there. It's a fairly generic definition, but it states: Device intended to deflate the abdominal cavity of a fish to release the fish with minimal damage.

The other definition is actually in the council's policy on the use of venting tools and descending devices, and I won't read that in detail, but you can, obviously, see the definition there, and so what we would like is the council's input on which definition is most appropriate, since you were specifically called out in the Act with regard to determining the meaning of a venting tool, and we would then incorporate that into any rulemaking, and so I will pause there, because this is really the main decision point, and then we can talk about descending devices next.

CHAIRMAN FRAZER: Okay. Let's see if there are any hands. I will wait just a second, because there's a bit of a delay on my end. Okay. Andy, while we're waiting for hands, I see Martha. Go ahead, Martha.

MS. GUYAS: Just kind of like thinking off the cuff here, but I guess the definition in the policy that we came up with -- I know there was a lot of consideration that went into how to define that, and I believe we got a lot of input from our O&E Technical Committee, and probably others, and it's also pretty specific, and so general people that are trying to understand what venting tools are would probably appreciate that, and maybe lawyers maybe would not, but just, like I said, at first blush, I think I would prefer the council policy version, if I had to choose right now.

CHAIRMAN FRAZER: Okay. Thank you, Ms. Guyas. Is there any other -- Mr. Dyskow.

MR. DYSKOW: Thank you, Mr. Chair. I think the second definition is most consistent with what the Outreach and Education Committee has been using. It provides some necessary additional detail, to clarify what is and what is not a venting tool, and so I would recommend the second version.

CHAIRMAN FRAZER: Thank you, Mr. Dyskow. Ms. Levy.

MS. LEVY: Thank you. I just wanted to point out that -- As Andy said, there's going to be rulemaking to do this, and so I would expect that, at some point in the future, you might have another opportunity to comment, if we line up the comments with the rulemaking, potentially, and so I know it's rushed right now, and so I don't think that anything is going to necessarily get rushed through before the next meeting, and so I think NMFS wants to start working on this, because we want this in place before the law becomes effective next January, but, if folks want to give further thought at the next meeting, we could probably incorporate that.

CHAIRMAN FRAZER: Okay. Just to clarify there, and I will address this through Andy, and you're not actually looking for a motion at this point, but you're just looking for a suite of opinions that will help you move forward, and is that correct?

MR. STRELCHECK: Yes, that would be correct, and I agree with Mara that we can bring this back to you at a later date. We just don't want to go down a path and then find out that the council wanted us to use an alternative definition.

CHAIRMAN FRAZER: All right. Thank you. I will wait a few more minutes, to see if we have other hands. Mr. Diaz.

MR. DIAZ: Thank you, Mr. Chair. I agree with Mr. Dyskow. Out of the two that's in front of us now, the second one is a lot better, and I am thinking about the Law Enforcement Committee. The first definition would be -- I think it would be very difficult for law enforcement to enforce that effectively, and so the second one would be a lot better, and I am in favor of seeing some more information at the next meeting, to give us a little bit more time to think this through. Thank you.

CHAIRMAN FRAZER: Thank you, Mr. Diaz. Martha Guyas.

MS. GUYAS: Thanks. As we're talking about this, I am reminded

of testimony that we've gotten in the past, people like Dylan Hubbard, and he has his own special device that he uses that doesn't quite fit this definition, and so I'm glad to hear that we'll have another bite at this and opportunities for some public feedback, and so I'm just kind of putting that out there, that we may want to take a harder look at this again next time and think about how we can make this work for all the various devices that are out there that people are using legitimately.

CHAIRMAN FRAZER: Thank you, Martha. Mr. Williamson.

MR. WILLIAMSON: Thank you, Mr. Chair. I agree with Phil and Dale. The second definition seems to capture what we're trying to accomplish here. I guess the having it in possession on the boat doesn't mean that you're going to use it, unfortunately, and I think the devil comes in trying to enforce this, but that's true with a lot of things. That's all.

CHAIRMAN FRAZER: Okay. Mr. Anson.

MR. ANSON: I didn't think I had my name up, but I was going to ask a question, but I was going to research it a little bit first, but, since I'm on the spot, I will go ahead and ask the question. It pertains to the comments related to Dylan's tool that he's come up with relative to this definition, and potentially needing a bigger gauge, but should there not be a reference or a maximum gauge that enforcement could use to help?

I mean, we don't want somebody taking -- Or at least I don't think so, but we wouldn't want somebody taking a quarter-inch diameter, or three-eighths-inch diameter tube, that is much larger than a sixteen gauge, because that just physically leaves a hole in the flesh without it being able to close in on itself, and so I'm just wondering if there needs to be something in there about that.

CHAIRMAN FRAZER: Good comment there for consideration for Andy moving forward. Mr. Swindell.

MR. SWINDELL: Does the venting tool have to meet both of these definitions listed here or only one of them?

CHAIRMAN FRAZER: I think that's the decision point, Mr. Swindell, we're trying to figure out, which is the definition that we might adopt moving forward.

CHAIRMAN FRAZER: Andy, do you think you have enough information to get started on this one?

MR. STRELCHECK: Yes, this is helpful, and so let me just briefly go back to the presentation, and I will cover two more slides, and then we can move on.

CHAIRMAN FRAZER: Okay.

MR. STRELCHECK: In the DESCEND Act, it does define "descending device", and you can read the definition there, but, essentially, it's an instrument that will release fish at a depth sufficient for the fish to be able to recover from the effects of barotrauma. It's a weighted hook, lip clamp, blah-blah-blah, lowered to a depth, or another device determined to be appropriate by the Secretary and is capable of releasing the fish automatically, releasing the fish by actions of the operator of the device, or the fish to escape on its own.

I do want to point out the statement of "another device determined to be appropriate by the Secretary". That, obviously, gives our agency some authority and discretion with regard to adding to this definition, and we can't modify the definition.

This is my last slide, and so we, obviously, intend to review that definition more carefully, and we likely will add more detail regarding the weight used and the length of line, and I would just note two possibly sources for kind of enhancing that definition.

One comes right out of your Gulf Council policy, and the other is from the South Atlantic Council and codified regulations that exist there, and so we're not asking for necessarily input from the council today, but I just wanted to acknowledge that this will be part of the definition and considerations as we develop them, and we certainly can bring that back to the council for review at a later date. That's all I have, Mr. Chairman.

CHAIRMAN FRAZER: Thank you, Andy. We look forward to seeing that at a later date. Martha, I will let you just pop right into Other Business, and I think the other summary reports are available, and folks can read them if they need to, or wish to, and I would hope that they would, but do you want to pick up with Other Business?

MS. GUYAS: I also have a question for I guess the group on red grouper, and I don't know which one you want to cover first.

CHAIRMAN FRAZER: Let's go ahead and do Other Business.

MS. GUYAS: Okay. Other Business, Historical Captain Permits, this item was postponed until Full Council on Thursday, April 15, 2021, and I believe this was Ms. Bosarge's item.

MS. BOSARGE: Yes, ma'am. Thank you. I will be quick. I was just going to ask Andy if he could maybe bring us an update, hopefully at the next meeting, and I don't think that it would take too long, on how that's going. We implemented that amendment here a while back, where we were going to allow the transfer of those historical captain's permits into regular permits, and I just wanted to see how many people were taking advantage of that.

Then the other thing we did in that document was we essentially terminated, as of the date of implementation, the historical captain letters, but we gave people an opportunity to do something with those before then, and there were a lot of them, and I just wondered how many people were able to take advantage of that, and so just a quick update from Andy, maybe, at the next meeting on that.

MR. STRELCHECK: Sure, Leann. We can get you that information.

CHAIRMAN FRAZER: Thank you, Andy. Kevin.

MR. ANSON: Thank you, Mr. Chair. This question is also for Andy, and, Andy, I'm being sincere in the question, but I'm just wondering if you can maybe give a timeline as to when the agency might have a decision document to go to the Secretary for signature, when they might be sending that up, for the calibration.

MR. STRELCHECK: Kevin, I can't give you something on the spot. I can circle back with the council, but I need to talk to my staff, based on, obviously, when we get it from the council and some of the timelines that would move that forward.

MR. ANSON: All right. Thank you.

CHAIRMAN FRAZER: Okay. Ms. Guyas.

MS. GUYAS: Just to come back to red grouper and the public hearings really quick, Mr. Sanchez made a comment about wanting to have an in-person hearing, I think in Madeira Beach, and I just wanted to note that Ms. Muehlstein outlined a plan for reaching out to the public on red grouper in committee, and I believe it does not include in-person public hearings, and so

I'm wondering if we need to revisit that or confirm that the staff plan is okay, given in light of where we are with the status of COVID, et cetera.

I thought that Emily had a very thoughtful plan, with a lot of different options for people, and there was several different ways that she would be reaching out to people, but I just wanted to hopefully get some clarification on that, so that the council is receiving what they would like.

CHAIRMAN FRAZER: Sure. Ms. Muehlstein, if I could ask you to -- She can't talk. I have stolen her earbuds. I'm going to give them back to her.

EXECUTIVE DIRECTOR SIMMONS: Mr. Chair, we went through this during committee, and I guess I'm not sure what we're asking.

CHAIRMAN FRAZER: I guess what I'm asking is just to, again, briefly let people know that we've got a public hearing plan, right, and so, if John, in particular, thinks that we need to modify the plan, if I could hear from him briefly.

MR. SANCHEZ: I think this Amendment 53 is of utmost importance to the Madeira Beach area, and I think we should have an in-person hearing, if we're going to impact people's livelihoods.

CHAIRMAN FRAZER: Okay, and so I'm not opposed to that, actually, and we have some constraints, perhaps, as they pertain to COVID and how we actually deal with some of these issues, and so I am going to ask Ms. Muehlstein if that's problematic for an in-person public hearing meeting.

MS. MUEHLSTEIN: Honestly, I would probably defer to the Chair and to the Executive Director on sort of whether or not we are ready to do that, and so I think, as long as we can leave it to staff discretion, with the understanding that we will try, I'm comfortable with that.

EXECUTIVE DIRECTOR SIMMONS: Mr. Chair, if I might, I think the bigger question is, is the council ready for us to take this out for public hearings? We certainly want to have confidence that the council is ready for us to do that and the proposed plan, and, if we can, try to have an in-person meeting.

Certainly, we're working towards a hybrid meeting in June, if we can, and we're sending another survey out to council members, and I know some people are getting vaccines currently, and they may be more comfortable traveling here in the near future, but I

think it's something that, internally, we need to discuss more, regarding in-person public hearings. Thank you.

CHAIRMAN FRAZER: That's a good question. So we're essentially saying -- Are we prepared to continue on with the public hearing schedule, is what I'm asking, or does the council have reservation, or concern, about the status of this document that we wait to kind of work through it, and again in June, and we might be in a better position to conduct more traditional public hearings. I will take some input from folks. J.D.

MR. DUGAS: Thank you, Mr. Chairman. Not so much to the document, but I was going to wait until the end of the meeting to bring this up, but, being that Mr. Sanchez is on the same path, I personally am ready for in-person meetings, and I am wondering, what do we have to do as a council to get there>

CHAIRMAN FRAZER: J.D., that's a good question, and we continue to kind of evaluate all of the logistics as they surround public gatherings, and I think that many, many folks are anxiously awaiting the opportunity to attend a meeting in-person, but there are, nevertheless, still various restrictions, and we have to be cognizant of that, both at the local and regional and state levels, and it's possible, if folks want to push this as a public hearing document out right after the June meeting -- That's one decision point, and, if you want us to try to accommodate an in-person public hearing meeting in Madeira Beach, again, we would have to look at -- I'm not opposed to doing that, but we just certainly have to look at the logistics involved.

If you are willing to leave that to the staff's discretion, and myself and Dr. Simmons, we will certainly pursue every opportunity to keep the affected stakeholders involved, but we will have to adhere to any local regulations. The bigger question right now is do you want to move it forward for public hearing, or do you want to sit for a while, until we revisit this in June? Ms. Guyas.

MS. GUYAS: I mean, I think I'm comfortable taking it out. I mean, whether we wait or we take it now, I think the questions are going to be the same. I'm comfortable there, and I agree with the approach of leaving it up to you and staff to kind of hammer out whether doing something in-person is logistically possible at this point.

I mean, as we all know from this situation, there's always a lot up in the air, and, locally, if people are just not willing to

make that happen, then it kind of puts the council in a tough place, and so those are my thoughts.

CHAIRMAN FRAZER: Thank you. Mr. Sanchez.

MR. SANCHEZ: Thank you, Mr. Chair. I'm comfortable leaving it to you, Tom, and to staff. I would ask that you act like we're going to have an opportunity to meet in public on this issue, and maybe do some reconnaissance and see if there is a place that meets social distancing guidelines, or something along those lines, available in the Madeira Beach area for this, but, as far as I know, Florida is open for business, and so I think we would be in good shape there, but, again, I will leave it to you guys to do that.

CHAIRMAN FRAZER: Okay. Thank you. I think what we'll do is I'm leaning toward -- I tend to agree with Ms. Guyas that a public comment period, whether it's virtually or in-person, is going to yield some valuable input and discussion that will help us inform our own discussions in June. We will explore the opportunity to have an in-person public hearing meeting in the Madeira Beach area, and I will work with Carrie and the staff to see if we can make that happen. I think, Martha, it's back to you. Do you have more business? Ms. Bosarge.

MS. BOSARGE: Thanks. I was just going to say, if you can't make an in-person public hearing happen in Madeira Beach, then I would sit on it and not do public hearings. I feel that strongly that it's important, for an allocation document, for reallocations of this magnitude, that you go to the fishermen in person.

CHAIRMAN FRAZER: Okay. Again, I think we have a bit of a plan, and we're going to try our very best to have an in-person meeting in Madeira Beach and see if, logistically, we can make that happen. If we are having an incredibly hard time with that, we will circle back and see where we go from there, but I think we'll be able to pull that off. Okay. Back to you, Ms. Guyas.

MS. GUYAS: Okay. That was our last item of Other Business. However, we did have two other items remaining from committee that potentially we could cover now, if you wanted to, or people could ask questions, and those were the Remaining Items from the January 2021 SSC Summary Report and Remaining Items from the February 2021 Reef Fish AP Summary Report. I'm not even sure if those people are on the line to go through those things at this point, but those are in the briefing book.

CHAIRMAN FRAZER: I'm going to weigh-in a little bit, in the interest of time, and say that those are certainly available in the briefing book, and people can certainly look at them, and they should look at them. Okay. So we do not have to do it here.

MS. GUYAS: That concludes my report.

CHAIRMAN FRAZER: Thank you, Ms. Guyas. You did an admirable job, as usual. We have a couple of other things that we need to tackle here, and I think we might be able to quickly go through some of the liaison reports, and there's some important information in them, and so I will just go down the list. Spud, would you care to provide a liaison report from the South Atlantic Council.

SUPPORTING AGENCIES UPDATE
SOUTH ATLANTIC COUNCIL LIAISON

MR. WOODWARD: Thank you, Mr. Chair. I know the hour is late, and everybody is weary, and so I will certainly keep it very, very short. On the subject of South Atlantic red snapper, we're still awaiting our decision from NOAA Fisheries regarding whether we'll have a recreational fishing season for this year. Just as a refresher to everybody, we fish on a recreational ACL of 29,656 fish, and, for the past couple of years -- We had a four-day season in 2020 and a five-day season in 2019.

After five years, we are finally getting our Dolphin Wahoo Plan Amendment 10 close to the finish line, and it's had its challenges, FES recalibrations and a variety of other things, and we've also had an opportunity to provide input to NOAA Fisheries leadership regarding the Executive Order 14008, Section 216(c), in both verbal and written formats.

If possible, it would be good for the Gulf Council to look at our letter, and it covers a lot of things, and there's at least one excerpt out of it that I would like to just read, because I think it captures some of what we're all facing.

That is: Climate change will likely increase the need for inter-council cooperation and expand the range of constituent voices the council may need to include in this process. NOAA Fisheries should work with the councils, within regions and nationally, through the Council Coordination Committee, to identify and resolve governance restrictions that hinder council decision-making and result in constituents feeling disenfranchised. This

is particularly an issue for on the Atlantic coast, where we've got fish moving in places where they typically haven't been in great abundance.

Lastly, we have convened a private recreational reporting workgroup, trying to grapple with some of the same issues that the Gulf Council has been dealing with. The goal of our workgroup is to develop recommendations for consideration by the council for coordinating state and federal data collection and permitting programs to improve estimates of catch and effort in private recreational snapper grouper fishing activities.

There is multiple objectives, but I would like to just point out three that I think really capture what we're trying to accomplish, and that is to outline the steps necessary for state-collected data to be certified as acceptable by MRIP, considered in the SEDAR stock assessment process, and used to develop council management plans. With that, Mr. Chair, I will conclude my report.

CHAIRMAN FRAZER: Thank you, Spud. I appreciate the update. I am looking to see if there's any immediate questions. I think people are always appreciative of the information. Okay. We're going to move forward, and I'm going to give the NOAA Office of Law Enforcement an opportunity, and so Lieutenant Scarpa is on the line.

NOAA OFFICE OF LAW ENFORCEMENT

LT. JOE SCARPA: I will keep it short. The council has our report, and I just wanted to highlight some things. SED created a total of 234 incidents, and, out of those, 100 were in the Gulf of Mexico, and that's referenced in pages 3 through 5 of the report.

Page 7 is our summary of incidents referred by other agencies, and you can see that Florida completed the most, followed by Coast Guard District 8 and then Louisiana, and so good job to them for patrolling federal waters.

Page 9, you will see incident dispositions. One thing to note there is you will see a high number of closed incidents with no violations, and the reason for that is OLE, when they're out in the field working, officers and agents, they maintain a presence in their OAR, and so all their interactions are documented, whether it be with industry or in the recreational sector, and so we get a lot of incidents, and all those interactions are documented as incidents, and not all of them result in

violations, and so that just explains that spike in large number of incidents with no violations. Incidents don't necessarily align with violations there.

Moving on to operations and patrols, each of our districts does either daily or weekly multi-agency patrols, according to their milestones, their annual milestones. Some of the highlighted patrols did an operation, an operation in Texas, a week-long TED operation. Officers had a 100 percent TED compliance rate on all the vessels that they inspected off of Texas, and that included vessels in nearshore Galveston Bay all the way out to forty nautical miles, and so that was encouraging to see a 100 percent TED compliance rate there.

The other notable operation was one down in the sanctuaries called Operation Reefline, and officers documented quite a bit of violations, covering many different laws and regs and programs. Even though the focus was on sanctuaries, they stopped a lot of vessels that were in the EEZ, a lot of fishing vessels, and documented everything from expired Gulf of Mexico shrimp permit, no dive flags, discharging chum, or fishing feeding in a SPA, and we had some out-of-season blueline tilefish and out-of-season grouper and some fishing in Western Sambo. We even had a TED violation. In that particular patrol, the officers logged thirty patrol hours and stopped and boarded twenty-six vessels.

Lastly, in other OLE items, SED has its first illegal charter working group. The update from that, one of the action items for the liaison, compliance liaison, Matt Walia, was to create a web story. He did that, with the folks that assisted him, and that story went out on Friday the 9th, and it's titled, "Making Sure Your Charter Fishing Trip is Legal and Sustainable", and you can find that on the SERO website, on Twitter, and some NOAA stakeholder feeds. I am advised that that was also shared with the council members.

Other highlights, the SEFHIER group folks did a really good job assisting law enforcement, both of the state and federal side, with putting out a training PowerPoint and getting them up to speed with SEFHIER regs, and so thank you to them.

Lastly, I just want to update you on the current OLE staffing plan for the Southeast Division. I will just highlight the two most notable, and that is that Officer Matt Roach, and he's our enforcement officer in Galveston, he has accepted a position, a special agent position, in Honolulu, Hawaii, and so he'll be leaving us at the end of May and reporting to Hawaii as a

special agent, and so we'll miss him. He's been doing an excellent job out there.

Lastly, in agent positions, Assistant Special Agent John O'Malley officially replaced Charles Tyre, and, formerly, John was a special agent with OLE in the Keys and in Corpus Christi, and he's a former Texas game warden, and he's also currently a U.S. Coast Guard special agent reservist.

On the officer side, we have a new officer that will be the Galveston IUU position, and his name is Zach Salinas. He's a former Navy veteran, and he has graduated his twelve-week program, and he graduated with the highest grade point average of the entire academy, and he is currently in his twelve-week field training and evaluation program.

The last officer update would be Corpus Christi, Texas. Enforcement Officer Glenn Sheckles is a transfer from the Alaska Division, and he reported yesterday. That was his first day in Corpus Christi, and so we're looking forward to work with him and to the wealth of knowledge, and that's all I have.

CHAIRMAN FRAZER: Thank you, Lieutenant Scarpa, for moving through that so quickly, and it sounds like you've got some really good folks on your team. We're glad to hear that, and, as always, I appreciate the work that you all do. Ms. Bosarge has a quick question, I think. Leann, did you want to ask a question?

MS. BOSARGE: Yes, I had a quick question. Thank you, Lieutenant. That was an excellent, excellent report. I was wondering, on kind of like the last page, page 22, of your report, there's a lot of violations there for the area to be avoided, and it says areas to be avoided activity, and is that referring to that area, mainly, I guess, on the south side, or the east side, depending on how you want to look at it, of the Florida Keys National Marine Sanctuary, that area to be avoided down there, and is that what that is?

LT. SCARPA: Yes, you're correct, and thank you for bringing that up. I glossed over that, but, yes, the area to be avoided in the Florida Keys National Marine Sanctuary is an area -- It's generally the perimeter of the Atlantic side of the Keys, and it's an area to be avoided by vessels over fifty meters in length or tank vessels, and we have seen an increase in ATBA violations this year, I think a pretty significant increase, and so that is the area that is referring to.

MS. BOSARGE: Okay, and I understand, and I've never heard this second part of the regulation that you just talked about, and I knew that it was the area to be avoided for vessels over fifty meters, and so a 150-foot-long boat, right, which we don't really have, that I know of, very many fishing boats in the Gulf of Mexico that are over 150 feet, but what is this tank vessel part?

LT. SCARPA: That would be vessels carrying liquid chemicals, oil, hazardous liquid chemicals, and that's also part of the regulation.

MS. BOSARGE: Okay, and so you weren't citing fishing vessels, because you're allowed to fish in there, but you just can't have a boat that's over 150 meters, and you were citing some other kind of commercial vessels and not fishing vessels?

LT. SCARPA: Well, they could be a fishing vessel, if it's over fifty meters. We do frequently cite recreational yachts that are in excess of fifty meters that transit through the area, and so it's both -- It's any vessel over fifty meters, irregardless of what type it is, or that is hazardous-tanker-type vessels.

MS. BOSARGE: Gotcha. Thank you.

LT. SCARPA: You're welcome.

CHAIRMAN FRAZER: I am not seeing any more hands. Again, I also thank you, Lieutenant Scarpa, for your presentation. Thank you so much.

LT. SCARPA: You're welcome.

CHAIRMAN FRAZER: We will move on to the Mississippi Law Enforcement Efforts and Sergeant Carron.

SERGEANT CARRON: Good afternoon. I'm here.

CHAIRMAN FRAZER: All right. Glad to have you.

MISSISSIPPI LAW ENFORCEMENT EFFORTS

SERGEANT PATRICK CARRON: Thank you, and I will try and be brief as well. Our last presentation was given in April of 2019, and we didn't give one in 2020, due to COVID, and so, moving right into our enforcement effort, basically over the course of the last two years, our man hours, our underway patrol hours, we're looking at about 72 percent was spent underway in vessels and 28

dockside for the past two years.

We patrolled for a total of 4,204 man hours, and we also performed almost 1,400 vessel hours of patrols. In the process, we managed to make contact with 1,427 stakeholders, and that's everyone across-the-board, whether it be dockside inspections or underway boardings, commercial vessels and recreational vessels, and also dealer inspections.

This will go into our enforcement priority summaries, and the first one -- Our first priority is TED enforcement. Overall, the observed compliance is 93 percent. We had twelve enforcement actions over the past few years, and I don't have the exact breakdowns in front of me, but that could be anything from an actual TED violation that was referred to NOAA or a written warning or a verbal warning for a slight issue with a TED that was corrected on-site.

Moving forward to reef fish enforcement, we made contact with 598 recreational fishermen and seventeen commercial fishermen. There were eight enforcement actions over the two years, with an observed compliance of 99 percent.

Moving forward to IFQ landing enforcement, this is where we visit the reef fish fishermen when they're unloading their catch at the docks, and we don't have a tremendous amount of it in Mississippi. Those that we have encountered, we haven't had any issues, and we've got an observed compliance of 100 percent.

Moving forward to IUU and Lacey Act enforcement, 96 percent observed compliance, and there were only two enforcement actions, and this is a relatively new priority, and we're still getting the feel of all the processes that we're going through with it, but, generally, there's pretty good compliance.

Moving forward to HMS and general enforcement, this year -- I noticed, when I was putting together this presentation that, the last time we gave it, we had a prohibited shark species in the presentation, and it seems to be fairly consistent that we're having at least one occurrence of possession of prohibited species of shark every year. That observed compliance of 95 percent is a fairly decent distribution between recreational and commercial contacts, and there's a total of nineteen enforcement actions.

If we advance to notable cases, we refer quite a few cases to NOAA, running the gamut between minor violations to large, long-term, complex investigations, and this is just press releases

from two of our larger cases that were actually prosecuted by the U.S. Attorneys Office that were worked through the JEA program, or have a nexus because of the federal violations involved, and so, with that, that will bring me to the final slide and conclude the presentation. Is there any questions?

CHAIRMAN FRAZER: Okay. Are there any questions for Sergeant Carron? I am not -- Leann.

MS. BOSARGE: No question, but I just wanted to thank him for all he does. We appreciate your hard work, sir.

SERGEANT CARRON: Thank you, Ms. Leann.

CHAIRMAN FRAZER: Okay. I am not seeing any more hands, Sergeant Carron, and so, again, I also thank you for your presentation and thank you for all the work that you do, you and your team, and so we'll let you off the hook, and we'll move on to the Gulf States Marine Fisheries Commission and Dave Donaldson, if you're on.

GULF STATES MARINE FISHERIES COMMISSION

MR. DONALDSON: Thank you, Mr. Chairman. I just have a couple of issues that I wanted to update you all on. The first is the CARES Act. As of the end of March, we have distributed over $7.4 million to over 2,000 applicants. Mississippi and Alabama have distributed all of their funds, and Louisiana is almost complete with their first round, and they should be finalizing that here in the next few weeks, and then, also, finalizing the second-round final payments to everybody, and so, hopefully, in the near future, Louisiana will be completed.

Texas closed their application process in the middle of last month, and they are currently reviewing the applicants, and they should be providing the commission with a list of approved applicants soon after that.

Round two of the CARES Act, we have recently -- Myself and the other two executive directors of the commissions met with NOAA Fisheries. As you are aware, there is an additional $255 million. About $26 million is coming to the Gulf, excluding Florida, because Florida is dealing with the Atlantic Commission. The eligibility and the approach are going to be the same as the first round of the CARES Act.

One of the stipulations is these rounds of -- This round of funding needs to be distributed by the end of September of this

year, and so we're hopeful that the money will be distributed in a more timely manner, or a timelier manner.

The other issue is the barotrauma project that we're working with the NOAA Restoration Center on. We just recently awarded a grant to Southwick Associates to conduct the human dimensions survey, which is -- The purpose of that is to gather data to measure the knowledge, behavior, attitudes, and perceptions regarding handling and release practices of reef fish. We're hopeful that we'll actually start the survey later this year, probably August or September.

Then we're also reviewing four proposals to conduct validation studies to test the effectiveness of fish descending tools, and the purpose of those proposals are to investigate the release mortality estimates for reef fish and the effectiveness of descending devices and how it relates to depredation, and so two of those proposals hopefully will start in the August timeframe, and the other two later in the year, in October or November, but, with the four proposals, we'll have a complete Gulf-wide coverage of this issue, and that is my brief report, and I will gladly answer any questions, if there are any.

CHAIRMAN FRAZER: Thanks, Dave, for making efficient work of that report. Let's see if there's any hands. I am not seeing any, and so, again, Dave, thanks for the report. We will go ahead to the U.S. Coast Guard and see if Lieutenant Giancola has an update for us.

U.S. COAST GUARD

LT. GIANCOLA: Good afternoon. I have a brief three-part update to provide. The first is regarding enforcement efforts for domestic LMR. Currently, this far this fiscal year, the Coast Guard has had a total of twenty-three cases resulting in one or more significant LMR violation, and, of those violations, 78 percent were due to gear, the TEDs and BRDs.

The second update is regarding other law enforcement, which is our enforcement of the Mexican lancha threat of illegal, unreported, and unregulated fishing in the U.S. EEZ. The Coast Guard has had a total of fifty-three interdictions and lancha seizures thus far this fiscal year. When compared to historic trends, this is the largest -- We're on track to have the largest number of seizures of actual lanchas this year, if efforts keep at this current pace.

The last update that I will provide is in regard to mask

wearing. At the last Law Enforcement Technical Committee meeting, questions were asked on what the Coast Guard's stance was on the Executive Order 13998, Promoting COVID-19 Safety in Domestic and International Travel, and the CDC order that expanded the mask requirements in the marine transportation system.

Since that time, the CDC pushed out an updated FAQ, frequently asked questions, and it clarifies what that means for the maritime industry, and specifically the commercial fishing industry, and this is what the Coast Guard is going off of. Under Title 42 of the U.S. Code, Section 268, the Coast Guard is changed with enforcing CDC quarantine orders.

Onerous operators and crew of vessels that fail to implement the mask wearing order may be subject to civil or criminal penalties from the CDC. Again, the FAQ can be found on the CDC's website, and it clearly outlines who it affects and what it applies to. Pending any questions, that includes my update for the Coast Guard. Thank you for your time.

CHAIRMAN FRAZER: Thank you, Lieutenant. Do we have any questions regarding the Coast Guard's activities or the mask updates? I am not seeing any hands up on my screen, and so, again, I just want to say thank you, Lieutenant, for that update, and we will continue to move on.

We have two Other Business items. The first one has to do with the USDA dietary guidelines from the Department of Health and Human Services. Ms. Bosarge, if you want to take a few minutes.

OTHER BUSINESS
USDA DIETARY GUIDELINES FROM DEPARTMENT OF HEALTH AND HUMAN SERVICES

MS. BOSARGE: I will be quick. I have been spewing negativity for a while now, and so I've got to balance that out, and this is my positivity segment for the meeting. I wanted to just kind of give you all a little update.

The Department of Agriculture and the Department of Health and Human Services publish dietary guidelines for Americans about every five years, and they just published some new dietary guidelines, which highlighted some things that relate to what we do around this council table, and I thought I would just take a moment to kind of step back and hopefully emphasize why we do what we do, right?

The 2020 to 2025 dietary guidelines recommend two to three servings of seafood per week as part of a healthy diet pattern for all Americans over the age of six months, and so the two kind of big things that came out -- Before, this had never been recommended for children under twenty-four months, or two years, of age, nor for breastfeeding women, and so pregnant women or women that are breastfeeding after they have had a child, and so this was pretty cool, I thought.

I think that there was a new recognition that seafood is an essential, nutrient-dense, health-promoting dietary component as early as six months old, and so I thought, wow, we need to shout this to everybody, to the masses.

Now, the other thing that came out, which is probably not as positive, was that about 90 percent of Americans are not getting enough seafood in their weekly diets, and that's Americans of all ages and not just infants, but all ages, and seafood is important.

I am not a doctor, but I do know a little bit, just the basics, and seafood contains omega-3 fatty acids, and that's known to support brain health and functioning, and my mom -- She had cancer, and she was diagnosed with cancer, I don't know, probably three or four years ago now, and so one of the things that I do in all my free time is read all these different health journal articles, right, and it seems like, whether I'm reading an article about cancer, or about heart disease, or ADHD, there's this one word that seems to recur over and over and over in all these articles that I read, and that's this chronic inflammation and how that chronic inflammation is related to so many different terrible health conditions in our society.

Those omega-3 fatty acids that are contained in seafood actually have anti-inflammatory properties, and so I just wanted to take a second, and sometimes we get so immersed in our day-to-day activities in our respective fisheries and all that that entails that we rarely have a chance to step back and see our efforts from a broader vantage point, and I thought that these dietary guidelines really highlighted the importance of seafood in the daily lives and the health of the people that we love, our children, our friends, our family, and just the citizens of this country in general.

It was an opportunity for each of us to take a step back and say, yes, that's why I do what I do, and it doesn't matter whether you're the -- That applies if you're a commercial fisherman out there on the water and working in the elements,

the hard, physical labor, a labor of love, to bring that fish or that shrimp or that oyster to the plate for somebody else to enjoy, or if you're a fisheries manager, like a lot of you state representatives around this council, spending sleepless nights pouring over briefing book documents for your next meeting, or fisheries scientists working to unearth that data that helps us to better understand our fisheries and then better manage them.

This is why we do it, and I think sometimes it's nice to hear that the hard work that you do every day is actually making a difference in the quality of other people's lives, and so that's my positive note for the meeting. Thanks, Mr. Chairman.

BACKGROUND INFORMATION ON OTHER EXECUTIVE ORDERS FROM NMFS HEADQUARTERS

CHAIRMAN FRAZER: Thank you, Leann, for shining a little sunshine on the end of our meeting. All right. The last item in Other Business, and you guys can reference that at your convenience, and it's background information on the various Executive Orders coming from NMFS Headquarters that may, in one way or another, involve the council and the things that we do. I believe it was Mr. Diaz that asked for a compilation of those at the last meeting, and so folks can go and review those at their convenience, and certainly, if there's questions that come up, don't hesitate to give staff a call, and we can track it down, if you have a specific question about things.

Is there any other business to tackle before we adjourn this meeting? I am not seeing any. Again, I would like to say to everybody that I appreciate everybody hanging in there and continuing to deal with virtual meetings that often are technologically challenging, and you guys do a really good job, and I appreciate your collegiality, and so I'm looking forward to seeing you all in Key West in June, and I'm hoping that we can pull that off without a hitch. You guys have a good one, and I will see you in a couple of months. Take care.

(Whereupon, the meeting adjourned on April 15, 2021.)

- - -