GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

289TH MEETING

FULL COUNCIL SESSION

The Lodge at Gulf State Park Gulf Shores, Alabama

April 6-7, 2022

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Susan Boggs.....Alabama
Leann Bosarge.....Mississippi
Billy Broussard.....Louisiana
Jonathan Dugas.....Louisiana
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TABLE OF MOTIONS

PAGE 81: Motion to implement an electronic voting system for council and council committee motions that have opposition. All roll call votes shall be by electronic voting. Results shall be recorded and included in the minutes. Staff to select appropriate software and timing of implementation and modify the SOPPs as necessary. The motion failed on page 87.

PAGE 87: Motion to pilot an electronic voting system for council and council committee motions that have opposition. All roll call votes shall be by electronic voting. Results shall be recorded and included in the minutes. Staff will select appropriate software and timing of implementation and modify the SOPPs as necessary. The motion carried on page 88.

PAGE 90: Motion to accept the FEP plan developed by LGL Associates as a framework to begin discussions and operationalize future FEP plans. The motion carried on page 92.

PAGE 92: Motion that the ETC be charged with the following tasks: 1)Revise the ETC mission to ensure long term advice to the council for the FEP; 2)Develop goals and measurable objectives for the FEP and up to four FEIs; 3)Create criteria for prioritizing FEIs. Utilize the criteria to recommend the top four FEI; 4)The ETC is to develop a plan to engage stakeholders in the process. The motion carried on page 100.

PAGE 101: Motion to request NMFS to continue with the Texas federal closure in the coming year in conjunction with the State of Texas closure in 2022. The motion carried on page 101.

PAGE 102: Motion to request staff work with the Outreach and Education Technical Committee to identify the best process for conveying the importance of recovery of secure digital cards to Gulf of Mexico federal shrimp permit holders that have been selected by the Science and Research Director to report vessel position data. Once a notification process for shrimp permit holders is identified, letters to NMFS Fisheries Statistics Division should be sent emphasizing the importance of recovery of SD cards on Gulf of Mexico shrimp vessels and the efforts that have been identified to improve this outreach effort. The motion carried on page 102.

PAGE 103: Motion to convey to the SEFSC the support of the formal inclusion of the appropriate SSC members, council staff, and shrimp industry representatives in the development of the shrimp Empirical Dynamic Models outside of formal SSC review and

prior to the SEDAR research track. The motion carried on page 103.

PAGE 112: Motion to recommend the council approve Amendment 34: Atlantic Migratory Group King Mackerel Catch Levels and Atlantic King and Spanish Mackerel Management Measures 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 114.

PAGE 115: Motion to direct staff to create a framework amendment to eliminate weekend and holiday closures in the gillnet component of the mackerel fishery. The motion carried on page 116.

PAGE 119: Motion to direct staff to develop an abbreviated framework document addressing the trip declaration requirements. The motion carried on page 119.

PAGE 146: Motion to direct staff to begin work on a framework action to revise the red snapper catch limits based on the SSC's March 2022 catch limit recommendations. The motion carried on page 147.

PAGE 149: Motion to request that SERO provide to the council at its June 2022 meeting an analysis of data needed to develop an interim rule to reduce overfishing of gag grouper in the Gulf of Mexico for the 2023 fishing year. The analysis will include: 1)options for distributing quota to the recreational and commercial fishery sectors in an equitable manner (e.g., proportional reduction in catch using data from 2017-2019) given an ABC of 660,000 pounds whole weight based on a rebuilding time frame of Tmin times two; and 2)options to maximize the number of fishing days for the recreational sector based on various fishing season start dates in 2023, including October 1 and November 1. The motion carried on page 152.

PAGE 155: Motion that, as part of the gag rebuilding plan, evaluate the components outlined in the Allocation Review Guidelines presented in the "Allocation Review Criteria" for inclusion in the amendment to fully consider the various allocation scenarios and corresponding catch advice decisions before the council. The motion carried on page 155.

PAGE 156: Motion that the SEFSC and SSC prioritize increased

human dimensions data collection and analysis, consistent with the recommendations from the report, "The Use of LAPPs in Mixed-Use Fisheries." The motion carried on page 156.

PAGE 157: Motion to request that the SSC reconsider the OFL and ABC for goliath grouper. The motion carried on page 157.

PAGE 159: Motion to recommend the council approve Framework Action: Historical Captain Permits Conversion 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 161.

PAGE 162: Motion to approve the Allocation Review Guidelines document. The motion carried on page 165.

PAGE 167: Motion to request the SEFSC analyze alternative practicable approaches to sector allocation determination, other than using historic landings only, that specifically include socio-economic evaluation. The SSC should review, make recommendations, and give advice to the council. The motion carried on page 169.

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The Full Council of the Gulf of Mexico Fishery Management Council convened at The Lodge at Gulf State Park in Gulf Shores, Alabama on Wednesday afternoon, April 6, 2022, and was called to order by Chairman Dale Diaz.

CALL TO ORDER, ANNOUNCEMENTS, AND INTRODUCTIONS

CHAIRMAN DALE DIAZ: If everybody is ready to get started, I'm going to go ahead and kick things off and try to keep us close to our schedule, if we can, but, before I start, I do want to remind people in the room that we have a kiosk in the back of the room for folks that are here that wish to sign-in to do public testimony, which will start roughly around 2:30.

Welcome to the 289th meeting of the Gulf of Mexico Fishery Management Council. My name is Dale Diaz, chair of the council. If you have a cell phone or similar device, we ask that you place it on silent or vibrant mode during the meeting. Also, in order to be able to hear the proceedings, we ask that, if you have private conversations, please take them outside. Please be advised that alcoholic beverages are not permitted in the meeting room.

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. We will welcome public comments from in-person and virtual attendees. Anyone joining us virtually that wishes to speak during public comment should register for comment online. Virtual

participants that register to comment should ensure that they are registered for the webinar under the same name they used to register to speak. In-person attendees wishing to speak during public comment should sign-in at the registration kiosk located at the back of the meeting room. We accept only one comment per person.

A digital recording is used for the public record, and, therefore, for the purpose of voice identification, we will call attendance for the council members attending virtually first. After this, we will complete with members in the room, and they should identify himself or herself starting on my left. With that, Andy and Phil, if you all can identify yourself.

MR. PHIL DYSKOW: This is Phil Dyskow, representing Florida.

MR. ANDY STRELCHECK: Andy Strelcheck, NOAA Fisheries, Southeast Regional Office, Administrator.

EXECUTIVE DIRECTOR CARRIE SIMMONS: Carrie Simmons, Gulf Council staff.

MR. DAVE DONALDSON: Dave Donaldson, Gulf States Marine Fisheries Commission.

MS. LEANN BOSARGE: Leann Bosarge, Mississippi.

MR. RICK BURRIS: Rick Burris, Mississippi Department of Marine Resources.

DR. TOM FRAZER: Tom Frazer, Florida.

MS. JESSICA MCCAWLEY: Jessica McCawley, Florida.

MR. BOB GILL: Bob Gill, Florida.

MR. C.J. SWEETMAN: C.J. Sweetman, Florida.

MS. LAURILEE THOMPSON: Laurilee Thompson, Florida.

DR. JOHN WALTER: John Walter, Southeast Fisheries Science Center.

MS. MARA LEVY: Mara Levy, NOAA Office of General Counsel.

MR. PETER HOOD: Peter Hood, Southeast Regional Office.

MS. SUSAN BOGGS: Susan Boggs, Alabama.

DR. BOB SHIPP: Bob Shipp, Alabama.

MR. KEVIN ANSON: Kevin Anson, Alabama.

MR. BILLY BROUSSARD: Billy Broussard, Louisiana.

MR. J.D. DUGAS: J.D. Dugas, Louisiana.

MR. CHRIS SCHIEBLE: Chris Schieble, Louisiana Department of Wildlife and Fisheries.

MR. DAKUS GEESLIN: Dakus Geeslin, Texas Department of Parks and Wildlife.

DR. GREG STUNZ: Greg Stunz, Texas.

ADOPTION OF AGENDA AND APPROVAL OF MINUTES

CHAIRMAN DIAZ: With that, I would like to call the council to order, and the first item on the agenda is the Adoption of the Agenda.

MR. GILL: Move adoption, Mr. Chairman.

CHAIRMAN DIAZ: I have a motion to adopt the agenda. Is it seconded?

MS. MCCAWLEY: Second.

CHAIRMAN DIAZ: It's seconded by Ms. McCawley. Any opposition to adopting the agenda? The agenda is approved. Ms. Bosarge, go ahead.

MS. BOSARGE: There was one item that I was hoping to bring up during Other Business, and that was going to be real brief, just to mention an amendment that they have in the South Atlantic regarding permits, if that's okay. Would that be all right?

CHAIRMAN DIAZ: Yes, Ms. Bosarge, and so the agenda is adopted with the other business from Ms. Bosarge. Is there any other business that anybody wants to add to the agenda?

MR. STRELCHECK: Dale, I had one item.

CHAIRMAN DIAZ: Go ahead, Andy.

MR. STRELCHECK: We have gotten some inquiries from an attorney

with regard to gillnetting of pompano off of Florida, and I know this is a sensitive issue that Florida is being sued on, but I think we at least need to briefly discuss the matter.

CHAIRMAN DIAZ: All right. We added it to Other Business, Mr. Strelcheck. Any other business? With that, the agenda is adopted with those two other business items. Next up is the Adoption and Approval of the Minutes. Are there any additions or corrections to the minutes? Seeing none, is there anyone that would suggest approving the minutes? Dr. Frazer moves approval. Does anybody second? Second by Mr. Anson. Any opposition? The minutes are approved.

Next up, we have a couple of presentations that we're going to work through, and the first one of the Gulf of Mexico renewable energy update, and that's going to be Ms. Matthews. Ms. Matthews, are you online?

PRESENTATIONS
GULF OF MEXICO RENEWABLE ENERGY UPDATE

MS. TERSHARA MATTHEWS: Yes, I am. Thank you, Mr. Chairman, and good afternoon, everyone. I am going to provide a verbal update this time, just because we didn't have our slides ready for the new information.

As many of you are aware, we're in the process of the renewable energy, the windfarm, and we're targeting a lease sale now in March of 2023. Just to kind of orient ourselves to the process, we had a call for information, and that call resulted in roughly forty comments, and that call area is west of the Mississippi River, all the way to the Texas/Mexico border, out to 400 meters of water depth, and so we're still there in that process.

You all have requested that we work very closely with NOAA to utilize the Aquaculture Opportunity Atlas and the modeling that they did, and so, for the last few months, we have been working very closely with NOAA, during that process, and looking at that modeling. We actually go some of the model results this morning, and so I'm going to review those and send them up internally for review, and so I want to talk to you about what the model looks like, and what was included in the model, and then we can have any questions that you may have, and so we haven't determined those wind energy areas yet.

We're still at that call area, and so we're still in that winnowing-down process. What the model is going to do is help us define those wind energy areas, utilizing fisheries data,

logistics, industry data, natural and cultural resources, national security, and economics, and so those are the parts of the model that have been included in there, that NOAA is working on for us, and so I want to talk about what's in the fisheries model, so that everybody can kind of be aware of the layers that are in there.

In those layers, we have the commercial shrimp electronic logbook that goes through 2004 to 2019, that same data that was used in the Aquaculture Opportunity Areas Atlas, and we have the menhaden data, fisheries data, that was from 2000 to 2016, and we have the highly migratory species pelagic longline gear observer data, and that was from 1993 to 2019. We have the reef fish bandit gear, the reef fish longline gear, and the Southeast Region Headboat Survey data is in there from 2014 to 2020, and so that's what is in the fisheries sub-model.

In the natural resource sub-model, we have the NOAA fish havens, we have the low-relief structures, we have a lot of coral data that's in there, and we have the protected species, or protected resources, data that's in there as well, and so that's kind of what is in the natural and cultural resources sub-model.

In the industry and operations sub-model, we have what we call the NEXRAD sites, and that was from NOAA, and we have the fishing surveys, and that was from NOAA, and we also have the AIS vessel traffic from fishing, from 2019 fishing, and we have a cargo passenger, and all of those things are in that industry and operations sub-model.

James Morris' group is currently running those models for us, to better refine those wind energy areas. Once we get those areas defined, we will go out and have stakeholder engagement meetings, to show what those areas look like, before we have that final proposed sale notice, which will come out in mid-July, and so I'm hoping that I can come back at the June meeting to show you the actual wind energy areas, but, prior to that, we're going to reach out to these stakeholder groups and kind of show what the areas are, so that, if you have any comments or concerns where those areas are, then we can address those and make any tweaks that we need to make as we continue to move through this process.

I do apologize for just giving a verbal update, but I wanted to let you know that we have not defined those wind energy areas yet, that we're still working with NOAA, and that's one of your requests, that you asked us to continue to work with NOAA, because they have all of the fisheries data and the other

things, and so we are doing that, and they are working on those models now. I will stop there, to see if you have any questions.

CHAIRMAN DIAZ: Okay. Thank you, Ms. Matthews. Any questions for Ms. Matthews? Ms. Bosarge.

MS. BOSARGE: Hi, Tershara. It's good to hear your voice again.

MS. MATTHEWS: Yes, and it's great to hear you, too.

MS. BOSARGE: Thanks for that update, and I'm really excited to hear that you all are going to use that atlas that NMFS was using, or NOAA was using, for the aquaculture areas, and so that's exciting news. I know that all the fishing data is in there, and I feel really good that, as far as shrimp is concerned, that all of the ELB points are in there.

It seems like I recall though, after all that is input, there is this next step, or another layer, let's call it, where each one of these datasets almost gets a priority, or a weighting, and so something that's a military area, say, that will be weighted in such a way that it understands, the model understands, that's a no-go, and you can't negotiate putting an aquaculture area in that particular location, but what about on fishing? Are you all going to give some sort of weighting, or priority, to that?

MS. MATTHEWS: Yes, they will be weighted as well, and so the way that the model sits right now is that we have those -- I am looking at seven categories, and we have national security, and we have natural and cultural resources, and the constraints model, which is the no-go areas, and then industry and operations, fisheries, logistics, and econ. All of those are weighted the same, and then they will come out with a suitability score after that, and so you're correct.

MS. BOSARGE: Is it a 0.5, or what do you think it is? Do you know?

MS. MATTHEWS: I would have to go back and look for fisheries.

MS. BOSARGE: You don't have to tell us right now, Tershara, but maybe if you could just get us that information, and I think like, if it's a one, that means it's a no-go, and like that's the military areas, and so, if it's on a scale from zero to one, I would kind of like to know where we're putting fishing there, because we can put all the data in there that we want, but, if we then tell the model that it's okay to locate something there,

in the middle of that, that becomes kind of an important discussion, and so thank you.

MS. MATTHEWS: Right. You're welcome.

CHAIRMAN DIAZ: Mr. Anson.

MR. ANSON: Thank you, Mr. Chair, and thank you, Ms. Matthews, for the information. It sounds like you've got potentially all of the datasets for the time series and scope that you would need to do a very good evaluation, but I just wanted to make sure, with Dr. Walter, with the spatial analysis that you did for red snapper, to look at the uncharacterized bottom and all that, do you know if that data, the commercial logbook data, was part of the data that's been given, or requested, from BOEM?

DR. WALTER: Mr. Chair, can I respond?

CHAIRMAN DIAZ: Yes, sir. Go ahead.

DR. WALTER: In terms of the VMS data that went into it, but not specifically to landings, and we don't have landings information right there, and I believe that -- I think the landings for individual species are not in it, and it's overall effort.

MR. ANSON: Sorry, and I should have made myself clear. That's what I was curious about, is just where the fishing effort was occurring, and not so much individual species or landings, and that was what I wanted. Thank you.

CHAIRMAN DIAZ: Okay. Any further questions for Ms. Matthews? Mr. Strelcheck.

MR. STRELCHECK: Thanks, Tershara, for being here and presenting. I really appreciate the coordination and collaboration with our agencies and the funding that's being used to support the marine spatial planning.

I just wanted to go back to Leann's comment, with regard to the data layers, and John may be able to weigh-in even better than I can, but you're correct, Leann, with regard to the data layers, that there is certainly things that are go or no-go, and so they kind of get eliminated outright from the model, but things like fishing effort, or fishing data, will have a continuous scale from zero to one, and so that essentially is then averaged across all the other data layers and variables that are being considered, and so it's kind of comparative to any additional cells within the marine spatial planning effort, and so it's

going to essentially tell you what's the most desirable, or suitable, spot, but it may not tell you that there is certain activities, or factors, that may be less desirable for that area that's been identified.

In a relative sense, it's trying to screen out and deconflict, as much as possible, with regard to where to site these facilities, and, in doing so, it's trying to, obviously, look at the well of information that's being considered all at once.

CHAIRMAN DIAZ: Ms. Bosarge.

MS. BOSARGE: Thanks for that, Andy, and, maybe at some point, maybe at the next council meeting, or later tomorrow, somebody can just get back with us and tell us what we're giving -- Is fisheries, in general, getting a 0.5? It seems like, in that scallop fishery analysis that I saw, that maybe that's where they were at, somewhere right in there, and maybe John has that information, and I don't know, but I would like to know what our rating is.

If we're right there saying, yes, you put all the layers in, but then we get weighted as something that is really -- It doesn't matter all that much, and it's okay to put it in our area, and like somebody gives us a weighting of 0.1, and, if one is a no-go, and we get a 0.1, right above zero, then, you know, the data is not really doing us much good being in the model, and we're still going to have something right in our backyard, and so I would like to know how we're being rated.

MS. MATTHEWS: Yes, and I definitely agree with you. We had spoken with the Southern Shrimp Alliance, probably back in -- I think it was back in January, and we looked at those -- The high -- Let me look at it, real quick. The moderate and high fishing areas, and to make sure that we at least look at it that in the constraints model and look at it and see, you know, where we can stay out of those areas that we have, and so those are some of the things we have been looking at.

CHAIRMAN DIAZ: Dr. Walter.

DR. WALTER: Thank you for the opportunity, Mr. Chair, and I want to respond on a couple of points. One, I think it's going to be really timely for the council to consider getting a briefing on the actual model and what's being put together, probably for the June council meeting, and I think that our partners within NOAA could probably do that, and I think that, because that's a product we've been working on, we would be

happy to do it, and I think that it would be useful, particularly in advance of the July lease sales, and it would probably answer some of these questions and then bring up any further concern that may occur.

The second point is that the socioeconomics aspect of it is one of the things that we have not been able to as fully incorporate as we had wanted to, and particularly the economics, in being able to say that a particular location would have this sort of economic implications, if wind was put there.

That's something we would like to work on, but, unfortunately, we may not have time to get that fully incorporated, or the resources, and that's a key decision point, I think, but I'm not sure that the model will have that fully incorporated in time for the decisions, and the third point is a question that I actually have for Tershara, if you don't mind, and I know that the call for information area, which is a pretty large thirty-million-acre area, also -- The industry response was for a reduced area of that, but, also, there was industry interest outside of that.

Two questions. Are there any plans to consider wind siting outside of the original call for information, and do you have any insights on what the spatial extent might be for what is considered for leasing?

MS. MATTHEWS: Great question, and so the answer is yes. Due to our process -- In our regulations, we allow something called unsolicited lease requests, where a company can come in and request a certain area, and what happens in that area is that we would have to put out another notice to see if anyone else is interested in that. If no one else is interested in that area, then we can go what is called the unsolicited lease request process, where we can lease that area outside of the call that we currently have.

I don't know if fortunately or unfortunately, but we do have an unsolicited lease request that has come in that is outside of the call area. The area that is shown is really the eastern portions of Louisiana all the way to Alabama, is where -- Is the area that they're interested in. They haven't pinpointed exactly where in that area that they're looking at, but they will have to come in and tell us where, because we have to put out that request to see if someone else is interested in that particular area and so, yes, it does happen, and it has happened, because we have received it in-house, the application in-house. We are going through the review process of it now.

CHAIRMAN DIAZ: All right. Any further questions for Ms. Matthews? Not seeing any, I would encourage Dr. Walter and Ms. Matthews to work with our staff between now and the June meeting and have some discussions with them on the proper presentation for the June meeting, and we would welcome that.

MS. MATTHEWS: Thank you, Mr. Chairman.

CHAIRMAN DIAZ: Thank you, Ms. Matthews. We appreciate your time. Next up, we're going to move down our agenda, and we have a presentation on understanding population dynamics of adult red drum, and that's going to be given to us by Dr. Drymon.

UNDERSTANDING POPULATION DYNAMICS OF ADULT RED DRUM

DR. MARCUS DRYMON: Thank you, Mr. Chair. Good afternoon. It's really good to see folks here today. It's nice to be at these meetings in-person again, and I want to say thank you for inviting me to share some of the results of this project. This is something that we're pretty excited about, this effort to better understand what's going on with this adult population of red drum.

I would like to start off by acknowledging my co-author, who is the lead investigator for this series of fishery-independent surveys that we do, and that's Sean Powers out of the University of South Alabama.

As we all know, redfish are these highly-prized sportfish that support valuable fisheries, primarily recreational fisheries, and that's across the entire Gulf of Mexico. Now, they are primarily harvested recreationally, and, as everyone knows, they've been under a federal harvest moratorium since 1987.

Given their popularity as a sportfish, it's perhaps not surprising that we know a fair bit about their population connectivity, their movements, migrations, and their spawning and things of the like, but it's, to me at least, a surprise that we still continue to assess this species as a data-poor species, and so, accordingly, this species was last assessed in 2016, at SEDAR 49, which we commonly refer to as the data-poor SEDAR.

During that exercise, analysts primarily relied on something called the DLM Tool, and that's the Data Limited Method Tool, and that tool is appropriate for assessing things like lane snapper, wenchman, some of these things that are really truly

what I consider to be data-poor species.

That brings me to what I would like to talk about today with respect to this project, and there were certain research recommendations that came from that data-poor SEDAR in 2016, and shown here are three of them. Expand efforts to collect age and length samples at varying sizes, seasons, months, et cetera, for offshore redfish, right, and we know a fair bit about what the inshore redfish are doing, and much less so about what those offshore fish are doing.

Alongside that recommendation was this idea that we really needed to identify, or otherwise optimize, existing fishery-independent surveys, so that we could really capture what this population is doing in the offshore federal waters.

With that in mind, our objectives were to combine data from two fishery-independent surveys operating throughout the year and across the shelf, and so from shallow all the way out to the very deep waters, to produce up-to-date overall and sex-specific growth models, provide updates for mortality, and, importantly, generate a standardized index of relative abundance, and we feel like that was a major component of the work that we were doing, and then we also wanted to explore the utility of some new tools to provide habitat suitability predictions.

I will take just a moment to orient you to our survey universe, and it's literally just due south of here, primarily the waters off the coast of Alabama, but including Mississippi, and a little bit of Florida as well, and so, just to orient you, the big solid-line box is the area that we consider our survey universe for the bottom longline survey. Now, this survey is the standard bottom longline survey employed by National Marine Fisheries Service across the Gulf of Mexico.

Another feature of this map is the smaller box outlined with the dashed line, and that's the survey universe for the Alabama Marine Resources Division fishery-independent gillnet survey, and I will talk about that a bit more here in just a moment, and then, importantly, there's a dashed, curved line that follows the coast, and that's the boundary between state and federal waters, which, of course, as we know is three miles in our neck of the woods or nine miles in places like Florida or Texas.

Shown here is that same map, but, rather than the features, I have removed those, just to show you the catch and the effort, and so, over the course of this project, or over the course of the data we analyzed, I should say, every one of the Xs that you

see represents a single, standardized, 100-hook bottom longline set, and the circles represent catch for red drum, expressed as CPUE, or catch per unit effort, where the size of the circle scales according to the number of fish caught on that particular bottom longline set, and so you can see many, many Xs, where we don't catch any red drum, and you can see several large bubbles, indicating that we caught upwards of twenty fish on a single 100-hook bottom longline set.

Naturally, our objective was to explore the distribution and relative abundance of red drum in these offshore federal waters, but what you can see very clearly, from this plot of simple catch per unit effort, is that the majority of these fish are occurring in relatively shallow, primarily state, waters.

Let's talk a little bit about what the composition of that catch looks like, and so, for some details, between May of 2006 and November of 2018, that's the time period with which we chose to analyze these data, and we conducted just shy of 1,300 bottom longline sets, and we cut just over 800 redfish, most of which were retained, and so, if you look at Plot A, on the right-hand side, you can see a length frequency, stretch length, stretch total length, on the X-axis, and the percent frequency on the Y-axis, but, importantly, there is a dashed line between 600 and 700 millimeters.

That dashed line is the size, the median size, of maturity, as recently documented by Bennetts and colleagues in 2019, within our exact same survey universe, and so what you can see, very clearly, from Panel A, is that our survey is sampling exclusively these large individuals that are mature.

Now, one of the main objectives of this work was to characterize the age and growth of this population, and, of course, you don't want a sample size that's just dominated by old, mature individuals, and so, to flesh out our sample size, and to obtain fish across the entirety of their size distribution, we supplemented our bottom longline data with data from the state fishery-independent gillnet survey, and, of course, that's the survey run out of Dauphin Island.

What you can see, when you combine those data, is that we had essentially 400 males, about 400 females, and about 400 fish with undetermined sex to include in our age and growth models, and the length frequency of those males and females and the fish that were aged is shown in Plot B on the bottom there.

Age and growth, very standard, very typical, results. We

assigned ages to just shy of 1,200 fish. We used a multi-model framework, which identified the von Bertalanffy growth function as the best-fitting model for these particular data, and, if you just look at the shape of the curves, and the fit of the data to the curves, it's nothing terribly surprising that this aligns well with the most recent age and growth estimates for the species in that same part of the world.

Notably, they get to be about thirty-six years old, and they're a pretty long-lived fish. We had a mean age of just shy of twelve for females, and just shy of ten for males, and I included this photo of this section of an otolith, and I certainly wish -- As an age and growth person, I wish every cross-section of a fish's otolith that I read looked that nice, but I will point out that we had several old individuals in this dataset, which really gives us a lot of confidence when that curve is coming up to its asymptote.

With these age and growth data, one of our objectives was to calculate, or estimate, total mortality, just using basic catch curves. Now, for those of you that haven't thought about catch curves in a while, typically, what we expect to see is this very steep ascending limb and then a very gradual descending limb, when you plot the data, but, if you look at this plot shown here on the screen, that's very much not what you see with our dataset, right, and so what that is suggesting, to us, is that some of the critical assumptions needed to perform these catch curve analyses have been violated.

Specifically, we feel like an abundance of fish from the early 1990s, when the harvest was low and high recruitment was present, led to this sort of distribution that was a little bit surprising for us, something we didn't really expect, and so, for that reason, we were unable to use catch curves to calculate total mortality, but, instead, we used the Hoenig method, both the original 1983 and the updated method, to estimate natural mortality, and those values are shown on the screen, ranging from 0.12 to 0.14.

Now, one of the things that came up repeatedly during the stock assessment, during the data-poor SEDAR for redfish and other species, was the lack of a really strong index of relative abundance that really characterized what that offshore population was doing. In fact, the index generated from our bottom longline survey was the one that they ended up using as the most representative in that SEDAR process, and so we looked to update that index, and that is what is shown in this plot here.

You see the time series on the X-axis, 2006 to 2018, and catch per unit effort, individuals per set, per hour, on the Y-axis, and you can see both a nominal, or a simple, CPUE in the open circles, and then you see a CPUE that's been standardized, using a negative binomial GLM, shown with the filled circles.

A little bit surprising to me, and I expected to see a little bit more of a trend in the standardized index, but that's just not the case, and we can see that the relative abundance of redfish in our part of the world has been somewhat stable, based on these data from 2006 to present.

The last thing that I want to talk about, and the last thing we did as part of this exercise, was to use the catch data from our bottom longline coupled with a suite of potential predictive variables, things like temperature and salinity and distance from shore, to both explain and predict the distribution and relative abundance of redfish across our survey universe, and so, again, that square area that I showed on the original map is the area over which we extend statistical inference in our fishing area, and so, to do this, we used a tool called a boosted regression tree, a BRT, which allows both for data explanation and prediction.

BRTs are good for fitting complex, non-linear relationships, much in the same way that a generalized additive model does, for example, but BRTs have this added bonus of being relatively insensitive to something called multi-collinearity, or the situation where you have multiple potential predictors, like surface temperature and bottom temperature, which you would expect to be highly correlated, and so, in other words, the BRT is a good approach for dealing with variables that you suspect might be highly correlated.

Again, this is a great tool both to explain and predict the distribution of suitable habitat, but I will finish up here today just showing how we use this tool to make habitat suitability predictions, and those maps on the bottom here show the distribution of suitable habitat.

Moving from left to right, we're showing those distributions for the spring, the summer, and the fall, where the darker colors indicate the highest habitat suitability, and the lightest colors indicate the least favorable habitat.

I think it's a good time just to remind us all that these fish have been under a federal moratorium since 1987, but there's

been substantial recreational harvest permitted in all Gulf of Mexico states within the state waters, which is, again, either three or nine miles, and that's the dashed line, and it's not very clear, but that's what that dashed line indicates.

Based on our catch data, and based on these habitat suitability predictions, which tell us where we would expect to find high relative abundance of adult red drum, both of those analyses, in tandem, revealed that adult red drum were significantly more abundant in state waters, relative to federal waters.

Just to land the plane here, clearly, assessing a stock that's under a complete harvest moratorium presents very distinct challenges, and I would argue that red drum is the perfect case example of that, and it's just hard to assess a stock when you lack some of the data that you get coming from commercial harvest.

Now, in addition to updated ages and growth models and natural mortality estimates, our investigation suggests that the adult spawning stock is not fully protected by the federal harvest moratorium, and, thinking about this a little bit more globally, we suggest that this means a Gulf-wide index of relative abundance, generated from fishery-independent surveys, is critical to the future assessment of red drum, especially if we want to advance this assessment from a data-poor to at least a data-moderate situation.

I have included, at the bottom of this slide, a citation, and this work is now in press at *Fishery Bulletin*, and I am happy to share the final version of that paper, but it's the same thing that's in your briefing books. With that, I would like to thank you for your attention, and I would like to send a special thanks to the council for funding this synthesis, as well as our state partners, the Alabama Department of Conservation and Natural Resources, MRD, for continuing to fund these long-term fishery-independent assessments, particularly the bottom longline, and I would be remiss if I don't thank Crystal Hightower for her exhaustive and enthusiastic pursuit of everything that has to do with red drum, and so thank you for your attention, and I would love to take any questions.

CHAIRMAN DIAZ: Thank you, Dr. Drymon. That was a very good presentation. Dr. Stunz.

DR. STUNZ: Thanks, Dr. Drymon. That's great, and, obviously, these data have been very elusive to this committee, and even the nature of that fishery, and, also, I just wanted to commend

you and your team, because, you know, what you presented here, it doesn't really reflect the amount of effort and things that I takes to do that kind of work, to pull off ageing that number of fish, much less all the bottom longline work, but I did have a question.

If you could go back, or I guess if we could go back, to those indices of abundance slides that you had, and I will wait until they pull it up, so you can see what -- When you compare that nominal versus standardized CPUE, and you look at those early years of 2006 to 2010, I am just wondering what's driving that difference there between those two indices.

DR. DRYMON: Thank you for that question, Dr. Stunz. Actually, I should have mentioned that, and so you look at a plot like this, and one of the first things you would ask yourself is, okay, why does that nominal index vary so drastically from the standardized index during part of the time series, but not the entirety, and so, starting in 2010, you can see the two series track each other relatively well, and so that's something we thought about at length, and then, when we took a close look at the data, there's a very easy explanation.

In 2006, 2007, 2008, and 2009, our survey had a lot higher focus in the inshore waters and the state waters, and our time series was more robust, and we did more sampling per month back then, and the time series started in March of each year, rather than in April or May, and so it was just expanded effort in the nearshore portion of our survey in 2006, 2007, 2008, and 2009, and so, in that respect, the standardized CPUE is doing exactly what you might expect it to do, which is to standardize the series irrespective of changes in fishing location. The simple answer is we just did a lot more inshore sampling back then that we don't -- That we're not able to do right now.

DR. STUNZ: My last question is a quick follow-up, Marcus, and so I was wondering though, and that makes sense then, but I was just wondering, and so, in terms of the gear that you're using, the gillnets that were inshore, and, obviously, this was bottom longline, and, for that fishery, do you think the bottom longline is -- I mean, obviously, we have a lot of gear, and you had a lot of different gears at your disposal, and is that reflective, or do you think there are some selectivity issues? I am just wondering if you feel like that's a good representation of the population.

DR. DRYMON: That's another great question, and that's something we've thought about a lot, and I do think this particular bottom

longline gear is a very good gear type with which to completely assess a population like this, and it would just have to be executed in waters slightly deeper than what the current SEAMAP protocols allow for.

SEAMAP, because of funding, and those budgets are oftentimes shrinking, and so we're often restricted in the amount of sampling, both spatially and temporally, that we can do, but the short answer is the bottom longline is a very effective gear for capturing the dynamics of this portion of the stock, and what we're seeing is that there's just gillnets and really focused inshore surveys just don't do that nearly as well.

CHAIRMAN DIAZ: Any further questions? Mr. Schieble.

MR. SCHIEBLE: Thank you for the presentation. That's great work, and that's a long-term dataset, and that's a lot of work, is what I see there. If I am recalling this correctly, you showed the average age of females is about twelve years, roughly, and males is about ten, and is that right? 11.7 and 9.9. Okay. Do you recall, from back during the 2016 stock assessment, the data-poor one, what the average age was for both of those?

DR. DRYMON: Yes, sir. Great question, and I do. I remember being at that assessment, and the maximum age was a little bit higher for the 2016 assessment, and that's because we made the decision to include very old datasets, particularly the ones coming out of Louisiana, the Nieland and Wilson work and whatnot, where fish had been aged up to forty-two years old, and so our estimates are consistent with that, a little bit younger, but within the realm, but we aged several individuals at thirty-six years old, and so we feel pretty confident that, in our area, that's probably near the peak of their age distribution, but certainly, in Louisiana, they've been aged as old as forty-two.

CHAIRMAN DIAZ: All right. Mr. Anson.

MR. ANSON: Dr. Drymon, thanks for the presentation and the work that you and the other members of the team performed on this, and so you just made a comment about the bottom longline as being a good gear for sampling the adult red drum, at least in this case, but you recommended it going out deeper than what the current SEAMAP protocols allow, or provide, for the bottom longline gear, but yet, in your slide there, where you gave the catch rates, and I'm just trying to remember exactly what the depth range is for the gear and SEAMAP, but I would suspect that

it kind of aligns where most of the fish, at least off of Alabama, are being caught. Do you have other information to indicate, off other states in the Gulf, that they tend to go deeper?

DR. DRYMON: Thank you, Mr. Anson. That's a good question, and I should have been a little clearer. Really, allowing us to sample earlier in the season would allow us to capture a larger slug of that spring biomass that really moves up into those nearshore waters.

Going a little bit deeper, out to twenty meters or so, would capture all of these bubbles really that you're seeing in this -- The big concentration of bubbles there, you capture most of those, but, you know, if it was a choice between more sampling that goes deeper or sampling that starts earlier in the year and goes a little later in the year, I would certainly suggest that the temporal expansion of the survey would be most beneficial, and, from what we know about their distribution in places like Louisiana, we think it's probably pretty similar to this.

Just chatting with Jason and those guys over there, they catch a lot of them, and so one of the things we're starting to think about is trying to put together these disparate longline and gillnet surveys from across the northern Gulf, to see if we can't stitch together a much broader-scale picture of this.

MR. ANSON: Thank you.

CHAIRMAN DIAZ: Okay. I have two questions for you, Dr. Drymon. First, on your summary page, your second bullet there, the last part of that says, "our investigation reveals that adult spawning stock is not fully protected in a federal harvest moratorium", and could you explain that a little bit better to me?

DR. DRYMON: Absolutely. Thank you, Mr. Chair. Once these fish are federal waters, they've not allowed to be harvested, and so one of -- At least as I understand it, one of the original concepts behind instituting that federal harvest moratorium was to protect the adult spawning stock, under the assumption that these fish spend a lot of time in federal waters.

We know that the young fish, the small fish, are inshore, inside shallow state waters, but what these data suggest is that the large adult spawning stock is also in state waters, and so they're susceptible to harvest, to varying degrees, depending on the state regulations, but, essentially, this idea that they

would be protected by being in federal waters isn't quite true, because they just don't spend that much time in federal waters.

CHAIRMAN DIAZ: Okay. I understand now. My second question to you would be, where we're at today -- I know we tried to assess this stock in 2016, and, basically, where we were at is we didn't have enough information to even do it under a data-poor method, and so is it possible -- I know you all are saying we should do more sampling, through SEDAR and deeper waters and things, but is it possible, with the information you have today, to do an assessment, a Gulf-wide assessment, on this stock?

DR. DRYMON: I don't think so. I think we're closer than we realized, and maybe -- I mean, perhaps like many of you, I was surprised, in 2016, to even see red drum included in the data-poor SEDAR, and we kind of laughed, the whole week, as we were compiling data as part of the data workshop, saying we've got tons of data on red drum, and why are they so data poor, but, really, what it is is the adult spawning stock is in a data-poor situation.

I feel like we're closer than we were in 2016, but I feel like just an effort to better optimize, just like the research recommendations, to better optimize existing fishery-independent surveys, to allow us to better collect the data from that portion of the stock, would get us a lot closer to where we need to be, and so an emphasis on collecting adults for their hard parts, to characterize CPUE and seasonal trends and things like that.

CHAIRMAN DIAZ: Thank you, and thank you also, Dr. Powers, for your work. Mr. Williamson.

MR. WILLIAMSON: Thank you for that presentation. Did you all do any tissue analysis to investigate toxins or heavy metals?

DR. DRYMON: Not as part of this project, this recent effort, but Dr. Powers certainly has a large archive of tissue samples from these individuals, with an express intent of measuring mercury, and some of the folks in his lab have measured those, and these big adult bull reds have enough mercury to where you wouldn't want to eat them every day, and so we have looked at that before, and, yes, they are certainly full of metals.

CHAIRMAN DIAZ: All right. I am not seeing any other questions, but we really appreciate you spending time with us today. Thank you.

DR. DRYMON: Thank you, and thank you, again, for funding this work.

CHAIRMAN DIAZ: All right, and so we're going to take a short break, and then we're going to start up with public testimony, but let's take a ten-minute break and let the staff get everything set up, and we'll start back up promptly in ten minutes. Thank you.

(Whereupon, a brief recess was taken.)

CHAIRMAN DIAZ: I'm going to go ahead and call us back to order, and we're going to get lined up and start public testimony. 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 give any written comments to the staff, as all written comments will be posted on the council's website for viewing by council members and the public and 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. We will welcome public comment from in-person and virtual attendees. Anyone joining us virtually that wishes to speak during public comment should have already registered online. Virtual participants that are registered to comment should ensure that they are registered for the webinar under the same name they used to register to speak. In-person attendees wishing to speak during the public comment should sign-in at the registration kiosk located in the back of the room. We accept only one registration per person.

Each speaker is allowed three minutes for their testimony. Please note the timer light on the podium and on the webinar. It will be green for the first two minutes and yellow for the final minute of testimony. At three minutes, a red light will blink, and a buzzer may be enacted. Time allowed to dignitaries

providing testimony is extended at the discretion of the Chair. If you have a cellphone or similar device, we ask that you keep it on silent or vibrating mode during the meeting. Also, in order for all to be able to hear the proceedings, we ask that you have any private conversations outside, and please be advised that alcoholic beverages are not permitted in the meeting room.

The way we're going to do this today is we're going to alternate between in-person and virtual participants, and we're going to start with in-person, and so the first in-person participant will be Jason Delacruz. On the virtual side, on deck will be Bob Zales.

PUBLIC COMMENT

MR. JASON DELACRUZ: Good afternoon, and thank you guys for the opportunity to speak, Chairman. Just a couple of quick things. On gag and amberjack, I really, really think we need to focus a little closer on discards in this fishery, both of these fisheries.

On the AP, I was actually -- I brought it to everybody's attention, some of the discard numbers that were actually in the SEDARs for those two stocks, and that seems like something we need to talk about more in this group, and we need to get it in front of everybody. They kind of drive this entire fishery, because both of these stocks are so heavily exploited with private rec, and that's the number-one thing. We've got to start getting a handle on that, or we're never going to get ahead of these two stocks. It's killing me, because they're critical to both of my businesses, my marina and my wholesale seafood company, and so I really hope that's something we can start taking a closer look at.

Red grouper multiuse, I keep hearing that pop up a little bit, and I hope we don't do away with that. That actually helps the little guy, who owns a little bit of quota and gets an opportunity to fish, and that kind of goes for gag, and I think, if I understand how it works, it's a zero-sum game, and so, when whether we're pulling a little off here and pulling a little off there, we're not hurting the stock, but it gives an opportunity of somebody that owns just a little bit of one to not have to go lease or discard those fish when he has an unexpected interaction, and so that seems like something we need to like not let go of, because I keep seeing the tendance to want to let go.

I heard the conversation a little bit about talking about electronic voting for you guys when you're up here, and I think that would really do well to really give a little more buy-in to the people that aren't here on a daily basis and can't see that stuff, because that gets asked a lot, and so it seems like it's an easy, simple thing, and I really think that's something you guys should consider and try to move forward on.

Triggerfish, we increased our availability of what we could catch, but we didn't change anything on the commercial side for the bag limit, and so I've got my guys hitting the limit every single time, and having to discard fish, and that just doesn't make any sense, to me. You know, if we've got more fish to catch, give us the opportunity to catch those fish and exploit that fishery. It's a great fish that everybody wants to catch, and so let's see what we can do to kind of keep that open. I think that's pretty much it. Thank you.

CHAIRMAN DIAZ: Thank you, Mr. Delacruz. We have a question for you, Jason. Ms. Boggs.

MS. BOGGS: Thank you for giving testimony today, Jason. On the triggerfish commercial limit, what are you thinking on that?

MR. DELACRUZ: I kind of want to -- Let's put a little thought behind it, before we just do it. We're doing sixteen. If we are getting to half of our catch, let's say maybe we double it, to thirty-two, but we don't have to get carried away. I don't necessarily have a problem with a weight number, but then it gets a little bit weird when we go up and down on the weights. In other words, what if my guys are miscalculating, because that's a challenge at-sea, and so I kind of like the fish number, personally, because everybody can count fish. Commercially, we just don't high-grade, and it's not like we're chasing triggerfish, at least for my guys, and it's just something we catch on the side.

CHAIRMAN DIAZ: Dr. Shipp.

DR. SHIPP: Hi, Jason. Thanks for coming. I've got a question, totally unrelated to what we've been talking about right here, but, last week, I ate dinner at two successive restaurants in Pensacola, and both of them had featured fish-of-the day as tripletail. Tell me what's going on with tripletail.

MR. DELACRUZ: I think that's probably an imported fish. We just don't see that. For us, we don't see that much tripletail, and I think we're only allowed to land the stuff in federal

waters, and so, for us, it's a -- I mean, we may see two or three fish a year. I'm pretty sure what you're seeing is an imported product.

CHAIRMAN DIAZ: Thank you, Mr. Delacruz. Next up is Mr. Bob Zales.

MR. BOB ZALES, II: Bob Zales, II, representing the Southern Offshore Fishing Association and also the National Association of Charter Boat Operators. I am going to talk to you all a little bit about what some of us believe to be the elephant in the room, and that's reallocation based on MRIP-FES data. As some of you all probably know, or all of you may not, in September of 2019, Chris Oliver, AA at the time, issued a policy statement letter about FES.

One of the ways that is in that letter that's listed as FES that could become the so-called data program, was to have it included in a stock assessment and have the stock assessment say that FES was the best recreational data.

In October of 2019, you all took up red grouper, and that's when the interim assessment took off, and Dr. Crabtree, at the time, and I think a lot of people would agree with me, he was pretty adamant on pushing FES in the assessment for red grouper. Now, what has happened with that, since that time, and this is all based on a policy statement, and this is not a requirement, and it's not a regulation, and it's not a law, but FES then went into red grouper, and 17 percent of the commercial allocation was taken away from the commercial sector.

Now we're into gags. Well, now the proposal is to take 19 percent of the commercial quota away from the commercial sector in the gag fishery. Next up in line is going to be red snapper. Where that percentage is going to go, we don't know, but what you're doing, when you change these allocations, is you're providing fish to a total and completely unaccountable sector, and that being the private rec sector. Without a program, it's pretty much useless, and they pretty much have resisted every effort to try to bring accountability into that sector, so that we can know what they catch and what they throw back, and discards is another significant problem with the private recreational sector, as their discards are far higher than the commercial sector.

When you give more fish to that sector, you're doing damage to the stock, and so, as they're gaining fish, everybody is losing, because the stock is going to have more dead discards, and it's

got -- We don’t know how much fish are coming out of it, and that’s a significant problem, and so we need to look at this, because it’s creating a lot of problems within industry and consumers, and, to Bob Shipp’s question, I suspect, because restaurants in Panama City are doing tripletail, I suspect that it's taken the place of red grouper, because the grouper prices have jacked up.

I was sent a picture earlier today in Indiana, and grouper is selling for $45.99 a pound, and so that tells you right there, because I’m certain that tripletail is a lot cheaper, and so that’s it for me. If you’ve got any questions, I will be glad to answer them.

CHAIRMAN DIAZ: Thank you, Captain Zales. Ms. Laurilee Thompson.

MS. THOMPSON: I appreciate what Captain Zales just said, and I wanted to add too that, as the owner of a restaurant that works really, really hard to try to get real Florida seafood to my guests, tripletail is caught on the east coast and in the Keys, and so there’s a possibility that what you had in the restaurant -- It could have come from Florida, from the east coast or out of the Keys, and I don’t want the restaurants to take a hit that maybe wasn’t deserved, and it could have been imported too, but I don’t think so, because, when you have forty-five-dollar-a-pound grouper, and then you have tripletail, that’s twelve or fourteen dollars a pound, and it still qualifies as a fresh, domestic fish, the restaurant owner is probably going to pick the tripletail, because he can’t charge enough money for domestic grouper. Thank you for the opportunity.

CHAIRMAN DIAZ: Thank you. All right. I’m not seeing any more questions. Next up is Mr. Charlie Bergmann, and on deck, virtually, is John Pendergrast.

MR. CHARLIE BERGMANN: Good afternoon, everybody. Sorry for all this stuff up here, but I had to have a couple of props for what I’m going to say. I was going to do a PowerPoint, but there’s no way of doing that, and so I’m improvising, if you will bear with me.

I would like to talk a little bit about the gag grouper. When we saw that presentation yesterday, the information on Slide 4, showing the weights of landed fish, was in MRIP, the phone survey, yet, when you go to Slide 7, it shows the average landings over the same time periods, and one of them was in the phone survey, and the other one was FES.

The phone survey shows that we're an average of 890,000 pounds of gag grouper landed recreationally. However, with the FES, it was 2.8 million pounds. I have always wanted to say that the council does a great job, and I have -- Sometimes I don't agree with my statement there, but this FES stuff is -- It needs to really be looked at hard.

In this paper that I was talking about, eliminating the multi allocation for red grouper, that is something that is desperately needed, but, getting back to that extra two million pounds of fish, it's the same thing that happened with red grouper, and, if you go and reallocate, and I'm a strong proponent of not reallocating, you're giving all this extra fish to a fishery that's not accountable. You've got people back here in the back room here that account for every fish they catch, be it the for-hire sector or the commercial sector, and they account for all of their fish, and, in the private recreational, there is no way.

You said yourself that you don't have the information on the wave information until two years down the road, and that is not the right way to manage fish, but, then again, the MRFSS data is not supposedly for managing the fishery, but let's get back to my pie chart here, and this kind of correlates with, in my way of thinking, with what I was just saying.

Picture this as your quota. Well, the stock assessment is rolled by, and it says we've got to reduce the pie, and it's still the same pie, but it's just a smaller version of it, and, in either one of these pies, you can cut your allocation out. If you look at a 75 percent/25 percent spread, it's pretty damned easier. If you cut a quarter of it out, that's the 25 percent, and you do the same thing on this one, but you keep running around and putting these volumes of fish into areas that aren't accountable for what they catch, and they just keep rolling on and rolling on and rolling on, and you're going to end up with another type of a pie, and that's an empty pie.

CHAIRMAN DIAZ: Mr. Bergmann, I was just going to check with you about starting to wrap up.

MR. BERGMANN: Yes, I am. I have had some reports, here recently, of a fish dealer who landed 48,000 pounds of gag grouper in the first quarter of this year, and he's also saying that they're seeing large amberjack in the 700-foot to 1,000-foot depth. Thank you.

CHAIRMAN DIAZ: Thank you, Mr. Bergmann. Ms. Bosarge.

MS. BOSARGE: Charlie, do you want to tell them that you brought them some pie, too?

MR. BERGMANN: I'm sorry?

MS. BOSARGE: Did you want to tell the council that you brought them some pie? I put it back there on the table for them, and there's some over there for you all, too. So thank you, Charlie.

CHAIRMAN DIAZ: Thank you, Mr. Bergmann. Next up, we have Casey Streeter, and on deck is Dylan Hubbard. Mr. Streeter.

MR. CASEY STREETER: This is Casey Streeter, commercial fisherman, owner of Island Seafood Market, offshore charter captain, permitted captain, dual-permitted boat owner. I am going to really echo the same thing that the last two gentleman, Mr. Zales and what he said about FES, guys. I mean, look, if you look at the six-year plan on reallocation, and we're going to be moving fish from an accountable sector into an unaccountable sector.

I mean, this is absolutely crazy. I mean, it's like you losing your house because your neighbor didn't pay his mortgage. I hear nothing, no conversations, about the discards. We look at all of our landing rates and where we're going with our fish, and, I mean, the discards are out of control. I mean, there's no talk about reining-in the discards of our recreational sector.

I mean, what about -- while we're catching red grouper, and then red grouper season is going to close on the recreational sector sometime in the summer, and gags are going to open up, and we're going to discard red grouper, and we're going to probably look at an extended red snapper season, where we're going to be red snapper fishing and potentially discarding red grouper and gags.

I mean, for being one of the most well-managed fisheries in the world through science, it doesn't seem very sustainable, the way that we're going, and the people that lose out are our consumers. I mean, I talk to my customers that come into my shop every day, and they have no idea what's going on with their fishery, and they're shocked to hear what I have to say about it, and they're the ones that lose out.

Our fishermen lose out, and our businesses lose out, and we're

creating a -- FES is creating a deferred class of citizen, American citizen, who gets access to these fish. You have to have a fast boat, and you have to have the ability to catch it, and you have to have the money to pay for fuel.

I mean, we've got twenty-one million people, just in Florida, that live here, and we've got a million registered boats. That's half the percentage of our percentage that's fishing here, and we've got a hundred-million-plus people a year coming to Florida to access fresh seafood.

When you were talking about tripletail, well, it probably was imported. Not much -- I don't see much access to tripletail unless it's imported from Ecuador and these other places, and so, you know, we've got a fishery here, and we're undermining our commercial fishery, and our consumers are losing access, to where we're only going to be access-dependent on import fish, and that's crazy.

I am extremely disappointed in the direction that we're going, and I know there's a lot of doubt on FES, and I've heard a lot of council members express doubt on FES, but we continue down this road, and, I mean, there really needs to be some sort of check on what we're doing, because, once we put ourselves there, there's going to be no coming back.

Charlie was right that there won't be anything left, if we continue down this road. We're going to discard this fishery to where no one has access. Who cares if you have 300 days to go catch red snapper, if there's none there to go catch, or 300 days to go catch gag, if there's none to catch? I mean, it's -- I am disappointed with the direction that we're going, and I really hope that you guys understand the position of power that you're in, because everyone that sits at that table, maybe except one or two, you don't have to -- You don't have to reap any of the consequences of your decisions, and I am directly affected every day by these decisions, and so that's it, and so thank you.

CHAIRMAN DIAZ: Thank you, Mr. Streeter. Okay. Next up, we have Dylan Hubbard. Ms. Boggs.

MS. BOGGS: Casey, are you still with us?

CHAIRMAN DIAZ: Sorry about that, Ms. Boggs. I didn't see your hand until too late. Next up is Dylan Hubbard. He's still there. Go ahead, Mr. Streeter.

MR. STREETER: I'm here. I'm sorry, guys.

CHAIRMAN DIAZ: Ms. Boggs has a question for you.

MS. BOGGS: Casey, is triggerfish something that's important to you, and, if so, what would you like to see the limits increased to, if the council does --

MR. STREETER: We definitely land them. My boats land -- We hit our sixteen every trip. I mean, if we've got the fish, I think the guys would rather keep them than discard them while they're catching them, and maybe twenty-six or twenty-eight, and, I mean, I would have to really look at it and talk to my guys and see who many they're tossing back once they hit their sixteen, or if they can continue to work a bottom, where they're not throwing fish away, but, I mean, if we're going to get the fish, let's let us utilize them, and why throw half away, when we're going to try to catch them again later on in the year, and so maybe double what we've got now, or a little less.

CHAIRMAN DIAZ: Okay. Next up we have Dylan Hubbard, and on deck is B.J. Burkett.

MR. DYLAN HUBBARD: Good afternoon, and thanks for the opportunity to speak. I'm Dylan Hubbard, from Hubbard's Marina, fishing out of central west Florida. We have multi-passenger charter boats and party boats, but, first, I want to talk about gag grouper.

The majority of gag grouper landings, I would argue, if not all of them, but, for the most part, they overwhelmingly occur in central-west and southwest Florida. Please keep that in mind today while you're hearing public comment and as we move through this process, in regard to management changes on gags.

Our area has held meetings, and we already have discussed, as a group, in the private and for-hire recreational industries and sectors, about what we wanted to see season-wise, because I knew this was coming, and I didn't realize that it would be here so soon, but we would like to make sure that, in this stressed fishery, that we're able to have a directed fishery open when the fish are in shallow, cool water with high levels of dissolved oxygen, and that occurs when the water gets cooler.

In mid to late October, cold front start rolling through, and those female gags come inshore that are easily targeted by recreational fishermen, for-hire and private rec alike, and there is very little barotrauma issues, because they're in less

than a hundred foot of water, and very cool water, and it's a very highly sought after and prized fishery in our area, in our region, and I think this is the time of the year that the fishery needs to be open, and, if we're worried about the stock, especially the male population of the stock, let's open it at the time of year where everybody is catching females, and you know that without a shadow of a doubt. This is what is right for the fish and what's best for our area.

Amberjack, I would like to make sure we keep this fishery open, to preserve the fisheries-dependent data collection. However, I'm kind of concerned, listening to the meeting and the conversations, that the season is going to open on August 1 of this year, and, by spring of 2023, when we're supposed to be ending overfishing, we could be enacting a lower catch level that's already been blown out and overfished, and so I really want to make sure that we're careful, as a council, in working through this process, to be mindful of that, because I don't want to see a payback provision in 2024, with our new lower catch level.

I would like to bring up that I would like to try to avoid any predatory vessel limits on amberjack, and so, if we're going to change some bag limits to try to extend the season, looking back at fractional bag limits -- I have heard discussion of one per boat, and we could do one per six people, or one per boat, whichever is greater, and so, that way, you're not making it more difficult for people who can only access the fishery on multi-passenger vessels.

For the twenty-fathom -- This one is kind of off the wall, but the twenty-fathom closure that occurs in the recreational fishery for the shallow-water grouper complex, a lot of confusion surrounds that, and not a lot of people even know it happens, and there is a lot, a lot, of people out there fishing deeper than they should be when it's closed.

I'm kind of wondering -- If that's a spawning closure, that we're worried about the fish, and we have this twenty-fathom closure going on every February and March -- If it's a spawning closure, why isn't it closed for all stakeholders? If it's not a spawning closure, if it's not that important, let's remove it, because all we're doing is creating poachers. There is no enforcement out on the water that's sitting at that twenty-fathom line. The SEFHIER reporting program, I wanted to -- Am I over time? Well, I wanted to talk about SEFHIER, but I will email it to you guys.

CHAIRMAN DIAZ: Go ahead, Mr. Dugas.

MR. DUGAS: Thank you, Dylan. I would like to hear what you have to say about SEFHIER.

MR. HUBBARD: Thank you, J.D. I appreciate that. A lot of discussion occurred, at this meeting, about buy-in and compliance. One big reason, in my opinion, is the slow rollout of enforcement on the requirements, and like, on January 25, you had to start electronically reporting, and a lot of people didn't know how, and they didn't start right away, and there was no enforcement coming down and banging on your door, and so that's going to be the reason that there is not a lot of compliance.

People, especially people who are opposed to it, aren't going to do it until they're forced. Now, you can't renew or transfer a permit. I just tried to go through the transfer process, and I am very hip to SEFHIER, and it was difficult for me to do that without minding my Ps and Qs, you know, and so I think we're going to see compliance skyrocket as people go to renew their permits, but keep in mind that revolving permit -- That could take a year.

Also, buy-in continues to be -- Not all the time, but these little issues arise where buy-in is undercut, or affected, especially with this recent reimbursement change. A lot of people were pretty upset about that email, and, once you learned more and dug into it, yes, it's after the 24th that all these things come into effect, but people felt like they had been sold a bad bill of goods, and so it's just one of those things that we're kind of working through, and it's the first of its kind in the entire nation in private recreational, or in recreational, data collection, and so I think the program is -- Just everybody is working hard together, and that's why the buy-in is slow and the compliance is slow.

Also, one thing, real quick, about it is, in the proposed rule changes brought up by the agency, I think these definitely help to start alleviating some of the challenges we're facing with SEFHIER, especially the sixty-minute option that was discussed in the presentation, but, like J.D. said, I feel like it's not enough time.

However, anything is better than where we're at now, but I still don't really understand the necessity to declare at all if you're moving your boat and you're not intending to fish. If I'm not intending to fish, why is there a declaration needed at

all?

The second issue brought up by the agency that wasn't as fully discussed, that I wanted to make sure we brought some attention to, was the issue of duplicative reporting for dual permit holders. A dual permit holder -- If he has to hail-out three times in a day, he's got to do it six times, because he's having to hail out twice to both programs, and so that was in Dr. Masi's report today, or this morning, but it wasn't as fully vetted in conversation, and so I really want to make sure that that was included in the council motion, as you guys work through the committee reports. I've got some more stuff, but I will email it.

CHAIRMAN DIAZ: Go ahead, Ms. Boggs.

MS. BOGGS: I have a question about gag grouper. You mentioned when you would like to see an opening. One of the options before the council is maybe a change in the bag limits. Any thoughts on that?

MR. HUBBARD: I want to emphasize, again, as far as the opening goes, as late as possible in the year, as long as possible after October 1, as far as the opening dates, and then, as far as bag limit goes, in my experience, it's very difficult to get bag limit back, once it's been given up, and especially in a fishery that's going into a rebuilding process, and we're going to be working through this for a long time, and so I'm very hesitant to just, right off the bat, give up one of my fish and a two-fish bag limit.

Plus, on top of that, I personally don't think gags are in that much trouble. I mean, we see a ton of gags. The last two years, we've had an incredible gag fishery, at the end of the year, when those fish pull in shallow, and so I'm not seeing the issues, and I think they're very cyclical.

Just like we saw with red grouper, and everybody is worried about red grouper, and now it's bouncing back, and now we can't get away from eighteen and nineteen-inch red grouper that are about to enter the fishery. I think it's cyclical, and I think it will bounce back quicker, but I'm hesitant to start giving up bag limit right away, but I would like it on the table as an option.

MS. BOGGS: Thank you.

CHAIRMAN DIAZ: Thank you, Mr. Hubbard. Next up, we have B.J.

Burkett. Mr. Donaldson, go ahead.

MR. DONALDSON: Thanks, Dylan. You mentioned the sixty-minute trip declaration for non-fishing trips, that it's not enough time, and I can certainly understand that, and do you have a -- Would ninety or -- Do you have a different timeframe?

MR. HUBBARD: Yes. I mean, to me, anything is better than nothing, and so let me start off by saying I'm glad we got sixty, but, in my area, the way it's spread out, and the way boats move around, ninety would be cutting it close, but I think 120 minutes -- If you ping every hour, two pings would be 120 minutes, or two hours, and I think that would be sufficient, but, I mean, in other areas, that are more spread out, like J.D. was saying in Venice, and I would hate to be one of those guys. They need more time. Thank you.

MR. DONALDSON: Thanks.

CHAIRMAN DIAZ: Thank you. All right. Next up is B.J. Burkett, and Ken Haddad is on deck.

MR. B.J. BURKETT: My name is B.J. Burkett from Panama City Beach, Florida. I own and operate two charter boats, and I also own a commercial fishing vessel out of Apalachicola. I'm dual-permitted one of the charter boats, and I'm an IFQ holder. I'm about as invested as the bank will let me be in the fishery.

The first thing I want to talk about is the gags. As I've said a year ago, and probably two years back, on public comment, the gag fishery has improved. Is it in good shape? No, but we are seeing improvement. My vessel has already caught, this year, more than he's caught through August the last year, and we are primarily a grouper and snapper boat. We don't target triggerfish, and we don't target vermilion, and it's mainly one-hook gear fishing.

The fishery is better now than we've seen it in the last five years, and I would hate to see you all cut the quota, the same way you did on the red grouper, when the fishery is finally improving. I would be good with a spawning closure, commercially, because that still gives the fishermen an opportunity to fish later in the year, and you catch them all summer, all fall, and you close it down for three or four more months in the spring, the whole Gulf, no gags, and help the fishery out, but don't take no more of our quota, because we rely on them.

The next one would be jacks, and we need a big change. The jacks are struggling, and you all have tried a bunch of what I would call off-the-wall ideas that didn't work, the changing the start date and all that, and what needs to be done is it needs to get back simple, and you need to get it back to a January start date, and it can go down to smaller size limit, like it was.

The more you all up the size limit, and I don't know if you all have figured this out yet or not, but you upped the size limit, and the fisheries got worse, and I wouldn't open it in January commercially.

The VMS, the SEFHIER VMS, we need some kind of tab on there for the predation that we're having, and we're having a huge problem, on the charter boat side, of dolphins and sharks. They're both a huge problem, but those need to be handled some way, and I'm not sure how you're going to do that, but letting us harvest the sharks would be great. I mean, I would love to see what a dolphin tastes like too, if you all would let us.

The FES survey, I'm not a fan of that, and it's -- You are making everything way too complicated, trying to switch quotas back and forth from private rec to commercial, and there is no reason for all this. Every five years, there's going to be a new survey out, and it's going to have different data, and you're going to be at it again. You're making your job way too complicated. That's all I've got.

CHAIRMAN DIAZ: All right. I am not seeing any questions, and so we're going to move on to Mr. Ken Haddad, and on deck is Jeff Crutcher.

MR. KEN HADDAD: Thank you, Mr. Chairman and council members. My name is Ken Haddad with the American Sportfishing Association, Lloyd, Florida. I want to first talk about accountability, and I just want everybody to understand the recreational fisherman fishes to the regulations that are given to him, just like everybody else, and we're accountable to those regulations.

For mackerel, we would like to see Alternative 2 be the preferred alternative. I want to talk kind of on FES calibration in general, but it does pertain to amberjack and gags. For these species, and more to come, the framework for FMPs represents a technical revision of the OFL and ABC and ACL, based on new and officially the best scientific data, and we can argue that, but that's where it is today.

This is to correct the historic record and recalculate stocks based on the new data, but, currently, effects of recalibration of allocation, as a result of correcting the historic record, is also necessary, based on the new data. As has been stated by NOAA numerous times, to not adjust the allocation across sectors is in fact a reallocation.

For red grouper, you followed this approach, and you recalibrated the allocation to allow the commercial and recreational sectors to maintain parity in allocation as the data system is converted to MRIP-FES. It's difficult to understand, and it's complex, and it's confusing, but, to do anything else at this juncture, without a full allocation review and analysis for that species, would not be fair and equitable treatment.

On the allocation guidelines that Assane presented, our interest is in seeing the allocation process and decisions accountable and defensible, and we concur with Dr. Frazer's and others comments that this is a start, but it does not appear to be able to give the council decision points in their process, and we hope that you will move immediately to their concerns when this document is approved.

Some specific comments, and, in the background and elsewhere, there's an opt-out, and you discussed this briefly today, that says, in some instances, the council can elect to skip a formal allocation review and proceed with an FMP amendment and the policy would not apply.

We would like to see this better defined, the specific opt-out measures, such as FES calibrations, other data corrections, or interim actions, so it's not a blanket opt-out. We would like to see socioeconomic factors become much more robust in the process, and we hope that Mr. Gill and others will continue to push for better inclusion. Finally, we recommend the council bring someone from the South Atlantic Council to present how they are approaching an allocation process that uses decision trees. Thank you.

CHAIRMAN DIAZ: Thank you, Mr. Haddad. Okay. Next up, we have Jeff Crutcher. Jeff, are you on? Okay, and so we're going to go to Meaghan Emory.

MS. MEAGHAN EMORY: Thank you, and thank you all for the opportunity to speak with you today. My name is Meaghan Emory, and I'm a spear fisher on the west coast of Florida, and I'm

secretary of the Florida Skin Diver's Association. I've been diving and spearfishing in Florida Gulf waters for about ten years.

I am here to talk about the interim gag regulations that are being proposed. As far as the ACL reduction goes, I think it's, without a doubt, that some kind of reduction needs to occur, since the stock assessment does not look good right now, but I would really defer to the SSC on their recommendation for which amount of ACL reduction we're going to be looking at for the 2023 season.

I am hoping that, if we knock it down now, hopefully that the long-term rebuilding plan that the council would work on could be somewhat of a more moderate reduction in the future, and I would like to see harvest open, as much as possible, to maintain consistent fisheries-dependent data collection as well, and so whatever we can do to maintain consistent data over the next few years would be ideal, in my opinion.

Regarding the opening date and season, I prefer a later start date, in exchange for maximizing the number of days of harvest, which I think a lot of people in our community would prefer to see. I really don't want to see a June 1 start date with twelve to seventeen days of fishing, and I don't want to see gag turn into the next derby-red-snapper-style fishing season, and so I think a later start date, with a maximum number of days, would be the preferred method.

I also realize that we may not get all of the days that are planned either. I mean, if we hit that quota early, it might still get shut down, but, as long as we go into it doing the best that we can, I think public perception would be a little bit higher, if we're trying to maximize the number of days, as much as possible.

Allocation-wise, I think we should keep it as-is and really continue to work on uncertainties in recreational data collection. I am happy to hear that there's some exploration of different indices being used for recreational data, like SERFS data, and so I think we should continue working to improve recreational data collection, so we can have a little bit more accountability on the recreational side, and, for now, not increase the recreational sector's catch.

As far as the bag and vessel limit is concerned, I would prefer to see a reduced bag limit, rather than a vessel limit. I think, if you work towards doing a vessel limit, people would be

up in arms, and people would not be happy about that, and so, as far as public perception goes, I think we should try maybe reducing the bag limit first, and see how it goes, and maybe work in something more extreme in the long-term rebuilding plan, if necessary. Thank you all for your time.

MR. BILL STAFF: (The first part of Mr. Staff's comments are not audible on the recording.) If they need help, shut them down during the spawn, if they need a break. I agree with Dylan on the twenty-fathom shallow-water grouper. That's a loophole, and it needs to be closed. I saw scamp come into my marina that were not caught inside of 120 feet, I promise you, this year.

As for red snapper, I think the pressure that's on the snapper -- The seasons are just too long. Everybody that has a truck has a boat that can fish in the Gulf now, and I know I'm having to fish farther and farther to catch decent-sized fish that I used to could catch ten or twelve or fifteen miles closer just a few years ago.

I will say that, trigger fishing this year, I've seen more and more little snapper than I've seen in the last few years. Every user group needs to be 100 percent accountable. I would like to close with, on both of these species, the quotas aren't being met due to the lack of effort, but due to the lack of fish, and I certainly encourage the use of a SeaQualizer, as it works great. Thank you. Bill Staff.

CHAIRMAN DIAZ: Thank you, Mr. Staff. Next up is Brian Lewis. Check to see if you're muted on your end, Mr. Lewis. All right. We're going to have to try to come back to you, Mr. Lewis. Next up, we have Ms. Jane Black-Lee, and on deck will be Greg Abrams.

MS. JANE BLACK-LEE: Hi. I had actually pushed no, that I wasn't going to speak, and so I was a little surprised when I was called up, and I thought that maybe I would be quiet today. I appreciate you supporting all of our fishermen, whether they are recreational or commercial, and, in particular, when our dual-permitted charter boats testify, please remember that they're new in the game.

While they have a commercial interest, they also have a recreational interest, and listen to them carefully. They know both sides of the game, and don't hesitate to ask them, how do you feel about it when you're commercial fishing, and how do you feel about it when you're recreational fishing, and I believe that we'll see more and more of these boats as time passes. I think there's about 134 now, at least, that are dual-permitted.

Listen to them, and I think they can help us as we go forward. Thank you.

CHAIRMAN DIAZ: Thank you, Ms. Lee. All right. We're going to try Brian Lewis one more time. Mr. Lewis, see if you can get on now. We think you're muted on your end, Mr. Lewis, if you could check that, please. Sorry, Mr. Lewis. We're not able to hear you, and please hang around, and we'll try you again. All right. We're going to try Mr. Greg Abrams. Mr. Abrams, are you online?

MR. GREG ABRAMS: I am here. The last meeting that I was at, and I'm Greg Abrams, from Panama City, Greg Abrams Seafood, one of the National Marine Fisheries scientists said that we need to close gag grouper for ten years, and it devastated me, and so I come back home and told my fishermen to get your winter rods back on the boat, and get the live wells back on the boat, and I called Steve Rash at Water Street Seafood, and told him to get his boats geared up, and we've got to go catch some gags.

We had the worst winter we've had in twelve years, between his fish house and my fish house, and we have produced 74,872 pounds of gag, on a twelve-to-fourteen-pound average. Now, we ain't fished half the time, because of weather, but we quit fishing for gags, because snapper was so much easier, and the crew can go out for two days and get their money and come in, and so we quit fishing for gags, but now we put the winter rods back on the boat, and we're gag fishing.

There is plenty of gags, and, if you're going to do anything, close it January, February, and March. There is no need to give my 19 percent, or our 19 percent, and 17 percent red grouper, to the recreational that will not get a tagging program. It's wrong. It's wrong for the environment and for the resource.

Next is amberjack, and it's all on logbooks, and my tilefish boats, and yellowedge boats, are catching their limit in 700 foot of water, and you all give me an answer and tell me why we're catching fish out there in that deeper water right now, each trip. Now it's closed, and you all have got it closed March, April, and May. You all open it back up when they're spawning, which I've been trying to tell you all that, but you all won't do anything for the resource.

If you don't get a tagging program in five to seven years, you will not have a fishery for nobody, for recreational or commercial. You will be just like Texas is right now, with no trout, and no redfish, and there's been no commercial fishery

out there for twenty-four years, and so you all can't blame it on us. We're here to try to manage our resource, but you all are not doing the right thing.

Shark fishing, I'm fixing to send two of my boats shark fishing, and I'm allowed fifty-five fish per trip, and we've got to do something, because my tackle bills on my tuna boats and snapper boats and grouper boats has doubled, and there is sandbars, as big as they grow, over a hundred miles offshore, and sandbars is normally an inshore shark, but you all need to listen to the people that wrote in 2,800 comments on the red grouper, and you all are not paying attention to our comments, and so I can tell everybody that goes and wastes his money going to the meetings and putting their time in that let's boycott it, and we're wasting our time, and I hate to be that way, but we put a lot of effort into this fishery and keeping logbooks and doing the right thing. Thank you.

MR. RANDY SOBIERAJ: (Part of Mr. Sobieraj's comments are not audible on the recording.) -- commercial in Louisiana, and I really don't have much to say about what you all are discussing at this meeting, but I guess, as the Gulf Council as a whole, I got a letter in the mail from the United States Department of Commerce stating that I have to take an observer, based on the Magnuson-Stevens Act, which they had said, with the Magnuson-Stevens 303(b)(8), that I have to participate in the observer program, and the same with Magnuson-Stevens and you guys applied the MPA, and so I can't fish, but, if I do fish in there, or I don't take the observer, I do have ramifications, whether it's a fine or taking my permits away or whatnot, but, on the Magnuson-Stevens Act, it states that -- On page 83, it says include measures to assist, when necessary and appropriate, entry-level and small vessel owners and operators through set-asides of harvesting allocations.

The last I have checked, I have not gotten no set-asides and no assistance and no nothing, and I was just seeing how come I get ramifications for not following the law, but, in the law, it states assistance too, and that's pretty much all I have to say. Thank you.

CHAIRMAN DIAZ: Thank you. Next up, we're going to go to Steve Papen.

MR. STEVE PAPEN: Thank you for letting me speak today, and I'm just going to try and keep it as short as possible, but I am a full-time dual-permitted boat out of central Florida, the Madeira Beach area, and I actually run out of Jason's dock

there.

I have been in this business since 1996, and I've had both permits for almost that entire time. I bought my charter permit for ten bucks. As far as grouper goes, gags, I mean, yes, there is definitely an issue, and I definitely support the longest season, the longest -- As many days as we can get as late in the year as possible. We can use that for our charters. People that come down for Christmas and stuff like that, we can take them out and actually give them something, and, realistically, that time of the year, it's going to take a whole lot of pressure off of the hogfish, which has become so popular.

Everybody is out there just beating on them and beating on them, and, you know, they're fishing them real hard, and everybody's main target is going to be hogfish. If you give them something else to target, it's going to be a great thing that we're going to be able to go out, and I would rather go out and catch my guys four or five gag grouper than try to go out and catch fifteen hogfish. I think it's better for the fishery.

I also would love to know -- I would love to see an interim assessment done on gags before you guys make a decision, and the same thing happened with the red grouper, and the interim assessment showed, I believe, that the red grouper were healthier than everybody was thinking, and so I think this is another time than an interim assessment would be a great idea.

As far as the males go, the males are in the deep water, and we all know this, and they're not in great shape. We just got done with a three-year study with MRIP, with all the great biologists over there at MRIP, or not MRIP, but FWC, and we did a study with them for three years on male gags in deep water, from 240 out to 500 foot, and there was definitely a lot less gags than I saw growing up, and so we do have a problem there.

Bag limit reduction, I don't support that, and I don't think it's a good idea. We went from five to four to three to two, and now we're talking about going to one, and I don't think that's great. The twenty-fathom closure, again, just like Dylan said, it's one of the other. Either close beyond twenty fathoms because they're spawning, and, if that's the case, nobody should be catching them. If that's not the case, then let's lift it and get rid of it.

The last thing is multiple hail-outs, and I'm glad you guys are working on that. I'm dual-permitted, myself, and I have to do so many declarations in one day that it's unreal. I have to do

from my dock to the fuel dock and from the fuel dock to fishing, and, if I do two trips a day, I'm doing ten or eleven declarations a day, and my VMS bill, at certain times of the year, is upwards of ninety bucks a month, and so I appreciate you guys doing some work on that for us. That's all I have, and I have used up my time. Thank you very much.

CHAIRMAN DIAZ: Thank you, Mr. Papen. Next up, we have Anthony Colletti, and on deck is Mr. Jim Zurbrick.

MR. ANTHONY COLLETTI: Good afternoon. How are you doing? I commercial fish out of Leesville, Louisiana. The amberjacks, I feel that the fish have moved, and we're still catching them. The guys work a little bit harder, travel farther, and the fish are healthy, and there's plenty of them.

The mackerel, the migration pattern has changed, and a lot of oil platforms have been removed. We've had a lot of weather and hurricanes, and I think we need some more time to pinpoint the migration pattern that has changed for the fish. It seems like there's a lot on the plate, and I think everybody needs to just take a slow approach to everything and address it correctly. That's all I have to say for today.

CHAIRMAN DIAZ: Mr. Schieble.

MR. SCHIEBLE: Hi, Anthony. Thank you. A quick question. Have you seen an impact in your fishing due to the reduction in the trip limit? We went from 1,500 pounds for amberjack to a 1,000-pound trip limit, and has that reduced your total overall harvest that you've landed over the course of the year because of that?

MR. COLLETTI: Absolutely. We have to travel farther for the fish, and, as I said, migration pattern, and a lot of oil platforms have been removed, and we don't get as many trips as we used to. With the trip limits reduced, obviously, the catch landings are reduced.

MR. SCHIEBLE: Thank you. That's what I needed to hear. I am assuming that, overall, it would take, obviously, longer and multiple trips to go out and get them and harvest, but is that precluding the fact that you can't even achieve the harvest that you used to throughout the year, and is that correct, would you say?

MR. COLLETTI: Because of the trip limit reduction, yes. I believe, if we had a trip increase a little bit, I feel like we

would be doing a little bit better job filling the quota.

CHAIRMAN DIAZ: We have one more question for you from Ms. Boggs.

MS. BOGGS: Thank you for coming today, Anthony. About how far are you having to fish for the amberjack?

MR. COLLETTI: Well, it used to be between twenty and forty miles, and it's now a sixty-to-eighty-mile run. It's deeper water and different tactics to catch the fish.

CHAIRMAN DIAZ: Thank you, Mr. Colletti.

MR. COLLETTI: Thank you.

CHAIRMAN DIAZ: All right. Next up, we have Mr. Jim Zurbrick, and, on deck, we have Martha Guyas.

MR. JIM ZURBRICK: I wanted to thank the council for allowing me to speak. I've got so many things that hopefully I can get them all in. First of all, triggerfish, and we need to increase the bag limit. We got an increase in the overall catch, but there is no way to catch it, based on the sixteen-fish bag limit, and so that's something we need to work on, and, by the way, something like this really shows the fishermen that we're on their side, because this is really a no-brainer. I mean, this is one of the easy ones, I think.

Also, I do support the electronic voting, as motioned by Bob Gill. I would not think it would be that difficult, but I definitely agree with it.

The gag issue, I think everyone knows that I'm actual fisherman, and I'm a fish dealer, and I work in the process. The gag is in trouble, and I know that, in different localities -- Dylan made mention that they're not seeing it as bad there, and I'm seeing it that bad up here in the Big Bend area of Florida, and my landings -- I supply fish to four different boats, and everybody's landings are down, unless they get way offshore, and we're going to need to do something, but, in the meantime, allocation can't be a discussion for the interim rule.

We need all hands on deck, and we need all the reserves, and everybody needs to step up to the plate, and let's just leave it like it is and get us through this time, because the interim ACL is going to be so low that you can't hurt the commercial fishermen worse than that, nor the rec guy. I mean, it's a sad

state of affairs.

The SEFHIER, I have been listening to this for so long that I think I'm part of the old testament, but, right now, I see that we're right there on the verge, especially now that we're not going to renew permits. I have folks in my town here that say, heck, no, I'm not going to do it, and this just can't be.

They're sitting there with a permit worth a lot of money, and all we're asking them for is some accountability, although I am aware that it might be overkill with some of the information that's required.

Also, as a bystander, listening to the SSC meeting about setting the red snapper ACL, when you hear that the vote was eleven to nine with three abstains and one absent, it's kind of hard to get behind it like it was the feeling of the SSC that that's what we should do, and I just again, say to be cautious, and, personally, I don't think we need a red snapper increase, commercially, and I have seen a turndown already, locally, that local depletion, and I'm seeing it here in the Big Bend, but I know that other folks maybe are covered up, and I know that the red sector needs more fish, but I don't know at what expense that should be.

One last thing, and accuracy on discards, and I think everybody is aware that I've got a camera system on my boat now, and so, when I hear talk about the commercial discards are not accurate, I just want them to know that they can contact Mote Laboratory, and I will sign a disclosure statement that allows any council member or the science lab to look at my data, so that we can verify that it is probably matching up with the observers, and I thank you very much.

CHAIRMAN DIAZ: Thank you, Mr. Zurbrick. Next up is Ms. Martha Guyas, and on deck is Chad Hanson.

MS. MARTHA GUYAS: Hi, everybody. Martha Guyas, representing the American Sportfishing Association. It's great to see you all from this side of the table, or in the room, really, and gag is one of the first fisheries that I worked on in getting into the council process, and so I feel like I've kind of come full circle here, and that's what I'm going to talk about today,

As you all have heard, the fishery is in a tough spot right now, and both sectors, unfortunately, are going to have to face drastic cuts, and so, because I might run out of time, let me give you my three points, and then I will expand on them a

little bit.

The first one is, if the council uses FES for quotas and management, you need to convert the allocation to FES, to maintain stability in the fishery. Number two, spend some time getting to know this fishery before you make management changes, and then, number three, successful management of gag is going to require state and federal coordination.

If the council, and Ken already spoke to this, but, if the council decides to move forward with an interim rule to update quotas for gag into FES, you've got to convert the allocations to FES. You can use the current allocation formula, which is in rule, set in Amendment 30B, with the time series that you all talked about yesterday.

This ensures that catches, catch limits, and allocations are all set using the same currency, and the resulting change in the percentages allocated to each sector essentially maintains the status quo, in terms of what is happening on the water, keeping in mind that everybody is going to take a cut. Not converting the allocations to the currency being used to set the quotas and monitor the fishery will result in a de facto reallocation that is not fair and equitable.

As the council thinks about how to change management measures for gag, whether it's on an interim basis or for the long-term, I encourage the council to take the time to understand the dynamics of this fishery. You've got to look at the life history, who is harvesting them, where they're being harvested, and when they are being caught.

You all know that gag is a Florida fishery, but, within Florida, people target gag at different times, based on when the fish are available and their regional needs when people are fishing, and, within the recreational gag fishery, most of the fish are being caught by private recreational boats, and a large percentage of that catch is coming out of state waters, by folks on smaller vessels, and even from shore.

The heart of the fishery is off of west-central Florida and southwest Florida and into the Big Bend, and I can talk all day about this, but, in my experience, folks off of west Florida prefer to fish for gags in the fall and winter, for the Big Bend, where there's a lot of great seagrass habitat for gag, and those folks have access during the spring, and to some degree in the fall, and the Panhandle, at least when I was working through that fishery, generally preferred a harvest during the summer,

when red snapper was open.

Looking at the options in front of the council, a fall opening would seem to make sense, but, again, I really encourage you all to think about all the different dynamics in this fishery before making a decision, and then, as I mentioned before, lastly, because such a large component of this fishery occurs in state waters, with private anglers, I encourage the council to work with the State of Florida to get on the same page and work together to manage this fishery. I think that's really the only way that this is going to end up in a good place and get it right, and that's all. Thank you, all.

CHAIRMAN DIAZ: Thank you, Ms. Guyas. All right. Next up is Mr. Chad Hanson, and on deck is Ted Venker.

MR. CHAD HANSON: Thank you, Mr. Chair. Good afternoon, members of the council and staff. My name is Chad Hanson, with the Pew Charitable Trusts. Thank you for the opportunity to provide comments virtually today, and I apologize for not being there in-person with you all.

Pew is very pleased with the draft fishery ecosystem plan. Dr. Heyman and LGL did a great job pulling together a very complex project in a short period of time. We would also like to thank staff in keeping the FEP moving and providing clear guidance on the next steps. Pew wants the FEP to actually address challenging issues that may fall outside of the normal single-species management process. The draft FEP provides a clear path, through fishery ecosystem issues, to do just that.

There are still a few pieces of the puzzle needed to ensure the FEP clearly lays out the process for identifying and developing FEIs. To put these pieces together, we recommend convening the Ecosystem Technical Committee soon. The ETC should first incorporate overarching goals and objectives into the FEP. Next, they should outline specific guidance for how to identify and work through FEIs, following the direction from staff and the aptly named FEP loop highlighted in the draft FEP. Third, the ETC should develop a process for vetting and prioritizing FEIs for further consideration and action.

As those pieces come together, we also suggest the Ecosystem and Outreach and Education Technical Committees coordinate to develop a stakeholder engagement plan for key steps in the development of FEIs. We also recommend identifying a short list of potential FEIs, using the priorization process developed by the ETC, which should include input from the council and

stakeholders. Many ideas have been brought up by stakeholders, and that would be a good starting point for beginning to implement the FEP.

Lastly, to inform and fine-tune the process on how all these pieces fit together, we recommend developing a case study to address ongoing effects from red tide. That issue is at the forefront now and is most ready to be turned into an actual FEI. This could go a long way towards ensuring that we have an operational FEP that promotes healthy fish populations and robust fisheries.

With that, thank you for your time and attention this afternoon, and we look forward to working with you all on finalizing and implementing the FEP.

CHAIRMAN DIAZ: Thank you, Mr. Hanson. All right. Next up is Ted Venker.

MR. TED VENKER: Good afternoon. Thank you for the opportunity to speak to you today in-person. I'm Ted Venker, and I'm with the Coastal Conservation Association, and my comments today are only about the FES conversion issue, which is truly a complicated thing that most recreational anglers are just not familiar with, and you're probably not going to get a lot of comments and input from regular anglers, although it does stand to impact the recreational angling community significantly if it's not handled correctly.

As it stands now, no one really knows what the correct allocation should be in any given fishery. Setting them on past catch history from some set of years is not the ideal way to do it, and, actually, it may be the worst way to do it. The councils, in the past, have chosen to set allocations based on past catch history, and, unfortunately, those allocations have often been allowed to stay in place for decades.

Bob Gill made some great points yesterday about bringing socioeconomics into this process, which is a concept that we would welcome, and I think Tom's comments this morning on assigning values to the various criteria in the proposed allocation policy were really on target too, and I'm not an economist, but I have heard there are things called bioeconomic models that can really be used here as well.

However, at this moment, allocation is based almost exclusively on past catch history, and the only thing we know for certain now is that, in those fisheries that have run FES data through

an assessment, the current allocations aren't correct. If the allocation is based on past catch history, and that history has been corrected with the best information available, then the allocation should be updated accordingly, and anything else should be considered arbitrary. Technically, this shouldn't even be called a reallocation, and it's more of a data correction.

Now, having said all of that, if I was sitting at this council and having to make these FES allocation conversions, my very next motion would be to start a true reallocation process for each of these species that looks at forward-looking criteria like changing social and environmental conditions and demographics and socioeconomic information.

Now, we're not under the illusion that these changes will benefit rec angling always, or even often, and nobody knows that the outcomes will be, but, if it starts us on a fair and equitable process to determine allocations, looking at relevant, modern criteria, and as painful as adopting these FES allocations may be now, it would ultimately be a good thing in the future. Thank you.

CHAIRMAN DIAZ: Thank you, Mr. Venker. Ms. Boggs, go ahead.

MS. BOGGS: Thank you, Mr. Venker, for coming today, and so you're saying that you would like to see socioeconomic and all these other things incorporated, and would the private recreational angler be acceptable to all this data collection, such as the commercial fishermen, as well as the charter/for-hire fleet, who are currently collecting that information?

MR. VENKER: Well, we're completely different from the commercial sector, but I think that you would find the recreational community is more than willing to participate in reasonable data collection efforts, yes.

CHAIRMAN DIAZ: Thank you. We appreciate it. Next up, we have Mr. Bill Kelly, and Mark Tryon will be up on deck. Mr. Kelly, are you there?

MR. BILL KELLY: Yes, Chairman Diaz and council members. My name is Bill Kelly, and today I'm here representing the permit holders in the gillnet fishery, mackerel gillnet fishery, of the Gulf of Mexico. I submitted written comments, but I wanted to address the three points that I raised in that letter.

Number one, I want to salute the Mackerel Advisory Panel, the

council's panel, in supporting our request for a framework amendment to eliminate the prohibition on fishing on Saturdays and Sundays and holidays, which essentially reduces the fishery to a four-day work week.

The requirement further states that fishermen must return to the dock by six o'clock in the morning and be unloaded, and that's virtually impossible. For example, we have one marina that processes six boats. When they're fully loaded, they're making less than ten knots, and it's almost impossible to get back to the dock by 6:00 a.m., and it takes four hours per vessel to process those catches, and so we would like to see that framework amendment be in place in the council for this upcoming season and have the council -- We politely request that you do everything you can to make that happen. We could have prosecuted this fishery in two weeks this past season, instead of five, because of weather patterns.

Also, I would like to address the representation on the advisory panel. Currently, there are seventeen members, and only one of them is a gillnet fisherman. We've been trying for over ten years to get that number increased, with two or more applicants per year.

Number three is allocation in the king mackerel fishery and compliance with National Standard 4. We have been begging for an increase in allocation, and we would like to see it based on a positive stock assessment, and also on the fact that the recreational anglers are not and have not been fishing their quotas. Whether you use MRIP statistics, MRFSS statistics, or FES, they have not fished their quota, and it's interesting, by comparison, that, now with the FES data, that the council seems to be, by comparison, moving at lightning speed to transfer quota over to the recreational side.

Just think back to a few moments ago, when Captain Zales spoke and stressed the point that you're moving fish over to a sector that is unaccountable to one that is fully accountable. We volunteered paybacks, and we give them in the king mackerel fishery, and so we see no such things happening in the recreational side or in other sectors.

We would like to see that changed as well and the council move forward to support these efforts. Our industry, and this particular fishery, has a track record of working very closely with the councils and National Marine Fisheries Service and NOAA to streamline this fishery and make things happen. Thank you.

CHAIRMAN DIAZ: All right. Next up, we're going to go to Mark Tryon, and then on deck we're going to have Brian Lewis on deck. Mr. Tryon.

MR. MARK TRYON: Mark Tryon, commercial fisherman, Gulf Breeze, Florida. I guess the first thing I want to talk about is the triggerfish. I've got my triggerfish hat for the occasion. We need to increase the trip limit.

I did a little study on where we're at here, and we caught 14 percent of the quota for the year, and we have to bear in mind that we've got a ten-month season and not a twelve-month season, and so, basically, we should be at about 30 percent, if we're going to catch the quota, or have a chance to, and that proves, mathematically, that we need to probably like double this to thirty-two fish, and, as I've spoken previously, maybe do like a step-down at 75 percent, to sixteen fish.

How does this rule, or lack of rule, at this point in time, impact me? Basically, every trip, when triggerfish is open, I catch in excess of the sixteen fish, and, after the sixteen fish, I'm discarding legal-sized fish that I could be keeping and making a little bit of extra money on, and so it would be quite helpful, to me.

In my current situation, basically since 2019, I'm mainly a red snapper fisherman, and triggerfish is a bycatch, but due to -- I guess the term is "localized depletion", or fished out, whatever you want to call it, and I'm a day fisherman, and so I can't run like the one gentleman from Louisiana said, that he's going sixty to eighty miles to catch the same amount, I guess, of amberjack that he used to, and I think I'm seeing that phenomenon with the red snapper, the problem being I go on twelve to fourteen-hour trips, and so I can't really run that far. I would spend the whole day running, and so my landings are down about 20 percent of what they were at their peak in 2019. Going back to the triggerfish, you can see where just anything helps with extra revenue coming in per trip.

The other thing that I would like to talk about, just in closing here, is I think the council, at some point in time, has to address the recreational effort in general. I mean, it's just getting more and more boats, bigger boats, faster boats, better electronics, a lot more fishing pressure, and, really, nothing is being done to acknowledge this or address this, and so it's something that there needs to be a taskforce or something put together, like you did with the IFQ focus group, and I think there should be some sort of focus group on the constant

increase in this recreational effort, and it's not the people's fault.

As the one gentleman said before, they're following the rules that are in place, put in place by this council, and so that's basically I have to say today, and thank you for allowing me to speak.

CHAIRMAN DIAZ: Thank you, Mr. Tryon. All right. We're going to go back to Brian Lewis, and we had some problems with him earlier, and we'll see if we've got him on now. On deck is Mr. Joe Nash. Mr. Lewis, are you there?

MR. BRIAN LEWIS: Yes, I'm here. Good afternoon, everyone, Mr. Chair, and members of the council. My name is Brian Lewis, for the record, and I own a fishing vessel that operates out of Clearwater, Florida that fishes for Frenchy's Seafood Restaurants and his newly-opened seafood retail market.

I want to address a couple of things, one of which is the triggerfish, and I echo what others have been speaking about. We do need to get an action in place to start increasing the bag limit per trip, and, obviously, that's something for you all to decide how to figure out, what that should be, and the next thing that I would like to speak about is the gag grouper.

You know, you are the voice of the fish. They don't have a voice, and so you guys need to get working on protecting our fishery. The gag grouper fishery has been practically decimated, from what I knew it was forty years ago, where we threw back twenty-pound fish, and we're lucky to see twenty-pound fish anymore, and so I don't think that the fishery is as good as maybe others may say, and maybe there is pods of fish, but, in general, I don't support a total closure. We need data collection of some sort.

For the charter/for-hire industry, they're going to need to be able to entertain their clients, and so maybe that would be a good move, to have the season open later in the year for them, when they have more influx of their clients coming in.

Then, in closing, I want to remind the council that every one of these fishery management plans, or amendments, that you approve and submit to National Marine Fisheries Secretary of Commerce for implementation has lasting effects on all of us, and that, once it goes to them, okay, unless it's in violation of any administrative laws, it's a done deal, and they can't change anything that you all come up with.

When you're thinking about all the consequences of all this, make sure you keep that in mind, okay, because it will last forever, and one thing I've learned is, once we lose a fishery, it never comes back, and so, in closing, do the best job you can do.

You guys have got a tough job, and we appreciate everything that you try to do, but keep everybody all in mind, and remember one thing, that economics cannot be the sole purpose, and so remember that, because the recreational fishery is outnumbering the commercial guys, and it's going to be awful tough for us to compete with that. I appreciate this time to speak, and I'm open to any questions you all may have.

CHAIRMAN DIAZ: Thank you, Mr. Lewis. I am not seeing any questions, and we're going to move on. Mr. Joe Nash is next, and on deck is Bryan Anderson.

MR. JOE NASH: My name is Joe Nash, and I'm an owner-operator right here in Orange Beach, Cool Change Charters. Just a couple of things. I, as well as all the user groups, should be 100 percent accountable. We're trying to be accountable with our VMS and our VESL app that we have to fill out every day and hail-in and hail-out. That was the other thing that I wanted to talk about, is the VMS.

We should have some kind of reasonable amount of time, just in case it does go down, where we can fix it or get another one on the way without being -- Without having to cancel charters, and I think that was -- I can't remember exactly what option that was, but somewhere seven to ten days would be fair enough, to where we can get VMS back in a working order. You're not going to lose any data.

We're hailing-out every day, and we're hailing-in, and we are putting in all our fish, and everybody, as of last year, had to have it on their phones anyway, and so, whether you have the most expensive unit that you can do all your fish catch and all that stuff on, down to the NEMO, you should still have that app on your phone, and so there shouldn't be any issues with that, and everybody is -- You're not going to lose any data, is all I'm saying.

Also, as far as the reimbursement, quite a few years ago, we were all on a pilot program for CLS, and those units basically are -- There is no parts for them, if you have to get them fixed, and they are basically -- I can't say unusable, and you

can use them, but, if they do break, you're done, because there's no parts, and so you're going to end up having to get the newer units anyway, and so that email that came out the other day is that, if you have previously gotten a grant and put the CLS on your boat, you do not qualify for any kind of reimbursement for the units that you bought this year.

That's one of the issues that we have with that, and I would like to see that taken care of, to where all the boats should be able to get reimbursed for it, as well as the NEMO is advertised as a great self-installation, and so all it basically is is it's putting a couple of screws in your boat and mounting it on the wheelhouse, or wherever you want to mount it at, and plug it in like a cellphone.

It says here that, in order to get reimbursed, you have to hire somebody to do that for you. Well, most charter boat people can do a lot of stuff for themselves, and I feel that that's just a little overkill. Now, some of the other units, that there's a little more entailed, yes, I can see that, but I installed both of mine, and they were fine, and it doesn't take a rocket scientist, and so that's basically all I was wanting to say.

CHAIRMAN DIAZ: Go ahead, Ms. Boggs.

MS. BOGGS: Thank you for coming today, Joe. Do you fish for the gag or amberjack? If so, what is your opinion on those?

MR. NASH: Well, over the years, yes, I used to fish for a lot of amberjack and a lot of gags, but now we're running shorter trips, and so I'm not out there enough in the deeper waters. I do know that, when I do go out there, I don't see what I want to see, and so I would say that that's probably just the lack of my presence in the deep water right now, and I know that amberjack have been an issue over the last five or six years, and I used to log every amberjack that I caught, and I guess close to 700 a year, and now it's down to like five or six keepers a year, and that's it.

CHAIRMAN DIAZ: Mr. Dugas.

MR. DUGAS: Thank you. How much time would you say you need in a marina to take on fuel, bait, and ice? Would you need more than an hour's time?

MR. NASH: Well, we're fortunate, at our marina, that the fuel is right behind the boat, but, if somebody is docked at their house, and they have to go to another marina to get their fuel,

yes, and it depends on where they're located. Some people are located say up in the north bay, and they might have an hour one way just to get to where they can take on fuel and then go back home, and so there's not too many people like that, but, yes, I would say you need a little bit of time, but they have a place for that on that VMS, or not on the VMS, but on the VESL thing, and you can just put trip with no fishing intended. You put that on there, and it doesn't even ask you for a return time.

CHAIRMAN DIAZ: Thank you. Next up, we have Bryan Anderson, and Ed Walker is on deck.

MR. BRYAN ANDERSON: Bryan Anderson, recreational spear fisherman out of west central Florida for the past twenty years. Thank you for the opportunity. The gag fishery definitely needs help. I've been seeing it for a number of years now, and so I definitely support the later fall opening, with the maximum amount of days possible, and I think that would be best for all the user groups.

I would echo the previous gentleman's comments regarding sharks, and, as a spear fisherman, we've seen a tremendous uptick in encounters with sharks over the past five years, and I've just seen a lot more, and I'm having a lot more interactions, and I would encourage some type of management on the sharks.

Last, but not least, hogfish, and I would encourage the council to look at dead discards of hogfish from hook-and-line. It's been hammered in the last two to three years, and we're starting to see a decline in the waters off of west central Florida. You can look on Facebook or Instagram, any of the charter guys, all their fish are suffering barotrauma, and I can't imagine how many fish they're pulling up to get their five fish over fourteen, and there's a lot of fish being thrown back that are dying. That's all I've got. Thank you.

CHAIRMAN DIAZ: Next up, we have Ed Walker, and Mark Huffman is on deck.

MR. ED WALKER: Thank you, Mr. Chair. My name is Ed Walker, and I'm a recreational, charter, commercial gag fisherman, among other things, and I've been involved in gag research for the last ten years, and I believe probably most of the gag projects I've been on in the Gulf. I was on the gag assessment, and where I live is essentially the center of abundance for gags, and so it's very important to me.

As far as the potential gag season, myself, and others that I've

spoken to in my area that do what I would, would prefer the most season length we could get for the very latter part of the year. Our fishing is best in the cooler months.

Sometimes October is cooler, and sometimes October is kind of warm, but, right now, I think the October 1 option, based on the kind of loose estimated projections that are floating around, would work best for us, and I would certainly rather have fifty-four days starting in October than twenty-four days starting in November, because, from the charter perspective, the opportunity to catch a gag will get a guy to book your boat.

It doesn't have to be the absolute best fishing of the year, and I would rather have a longer season than a very short season, not to mention that, at that time of the year, you get a couple of back-to-back cold fronts, and you can wipe out a twenty-day season and have virtually no fishing.

Just a brief reason why we like the fall is the fish are in shallower, as has been mentioned here many times, and I run most of my trips in twenty feet of water for gag at that time of the year. You can see them on the bottom before you catch them, and discard mortality is virtually zero. There is very little shark depredation in there.

Also, it will take the pressure away from those old male gags that live way out in the deep water, in the 250-foot depth. If you open it in the summertime, like June and July, that's where the guys run to gag fish, and so you will essentially be taking pressure off of that really stressed male gag population in the deep water by designating a season where the fishing will take place in shallower water.

The cooler water helps with survivability, and perhaps you will be directing the effort toward younger fish. The fish we catch on those shallow rocks are four to six-year-old fish, generally. We almost never catch one over twenty pounds, which is maybe a ten-year-old fish, and we never, ever catch males. We have sampled at least a thousand of my fish in the inshore fishery with a researcher, and we've never caught a male in there, not one time, and so I think, by steering the angling pressure to the younger fish, you will actually be making some gains towards the rebuilding program from the beginning.

I don't know how much time I have left, but to Ms. Boggs' question earlier, I don't think the bag limit thing is going to work. In the document, it said that there would be a very negligible gain, since most people on boats -- They don't catch

one per angler on the boat anyway, and so I don't support that, and I don't think a vessel limit would really help either, and I think the best thing would be to keep it as it is and just manage it by season length, overall.

I have more, but I can't see my timer on the screen. Do I have any time left? Excellent. Okay.

When it comes to FES, I don't want to beat a dead horse, but I honestly believe there is something wrong with the estimates, particularly in gag. To say that, historically, recreational anglers caught 80 percent of the gag is just not true. That's not the way it was, and there was not that much recreational pressure way offshore back in the day.

It's beyond my intellectual capability to tell you exactly where it went wrong in FES, but I honestly believe that something is not right there, and so I know there's only so much that you can do about it, under the circumstances.

I'm a charter boat, and I'm dual-permitted, and I live on the water, and so I have to drive to the dock, and so I'm greatly affected by the multiple hail-out problem. I'm glad to hear that NMFS is looking into some solutions, some new solutions, and the sixty-minute thing is a step in the right direction, and I don't think it's enough, but it's showing that they're willing to work on it, and I think it's good, and hopefully we can get together and make some improvements. I personally need a little bit more time than that, and I would be happy to sit down with them and discuss that anytime.

On the commercial triggerfish, I think that's an easy one. The guys aren't catching their quota, and they're discarding a fish that they could sell and not exceed the quota, and I think that's an easy pass. I know, at the AP, that was universally thumbs-up, and so I would suggest you do that.

I think the council might want to revisit the 120-foot grouper closure, and it's a really old rule, and I'm not even positive why it was put in place, but I know it impacts a lot of guys where I live negatively, and so maybe just take another look at that and make sure it's still needed.

CHAIRMAN DIAZ: Any questions for Captain Walker? Captain Walker, I want to publicly thank you for all the time that you put in to help us, by chairing our AP and being willing to come and be available to answer questions on behalf of the AP. It's not unnoticed that you're doing a lot to help us, and we

appreciate that, and so thank you, Captain Walker.

MR. WALKER: Thank you, sir. I appreciate you all putting me on there and giving me the opportunity.

CHAIRMAN DIAZ: Okay. Next up, we have Mark Huffman, and on deck is Scott Hickman. We're not able to get Mr. Huffman at this time. Scott Hickman, and then on deck will be Jason Wetmore.

MR. SCOTT HICKMAN: Hello, ladies and gentlemen of the council. It's good to see all of you today. Like Ed, I'm going to go ahead and beat the dead horse a little bit more on FES.

You know, I had an interesting conversation with Scott Bannon today, and something I didn't know was that Alabama has a mandatory recreational reef fish permit, and I started thinking about that, the rest of the Gulf not having that, or it's voluntary I think in Florida, and there's no way to tell, with saltwater anglers, who is fishing in the EEZ and inshore in the rest of the Gulf and trying to capture what is really going on in the recreational, purely private recreational, fishery, now that we've got full limited access and accountability in the charter/for-hire and commercial side.

If the Gulf Council, or, you know, SERO or whoever, comes up with a way to capture that and to really see -- You know, really define that universe of recreational anglers, I think you would go a long way in solving a lot of you all's problems in a state-agency-run state management program.

You know, you look at the FES program, and I know Alabama says there's no way we've got that much effort, and we look at this different, and, if all the states participated in something like that, you would know how many folks are actually fishing in federal waters. Define the universe and know how many people are doing it.

Maybe FES is overcompensating on how many people are doing it, but we're not going to know until we define the universe that all these people are fishing.

Will Heyman and his little talk on the fisheries ecosystem plan was great. There are big dead zones off the western Gulf. With the big runoff we had in Texas last year, we have no king mackerel, and I would assume that our cobia have gone somewhere else or we caught them all. The red tide events in the eastern Gulf, all these shifting stocks, all the stuff that's going on

in the Gulf itself, and no sargassum weed for the last eight years in the western Gulf, and I wonder why we're not getting -- We have all these problems with greater amberjack, and they spend the first year of their life in sargasso weed. No sargasso weed, no baby amberjacks.

The same thing with gray triggerfish in the western Gulf, and we don't have triggerfish off of Texas, and I don't think the snappers are eating them, and I don't think they're not showing up because we don't have sargasso weed.

The fisheries ecosystem plan is something this council needs to start working on, because a lot of the problems are not just based on data collection and all the things and the way we've been doing it. You've got to think outside the box, and we've got to look at what's going on in the environment, and an FEP will get you down the road to doing that.

Recreational effort, I believe, by looking at it and fishing for thirty-five years, we've got a lot of brand-new boats, and a lot of people in the fishery, and some type of limited-access program, whether it be fish tags or -- You know, we go online to get an HMS permit, recreational HMS permit, and everybody has got to do it, and, Billy, you do it, I'm sure, and you fish a lot way offshore, and you've got to go online and get your federal HMS permit recreationally in the Gulf, and it's not hard to do, and we could be doing that, and, if amberjack are in big trouble, we could do some kind of lottery for amberjack.

We're not going to turn the corner and get where we want on some of these fisheries until we make some real decisions to reverse these trends.

I have come to this microphone over and over and over, for years and years, and beating the dead horse on red snapper, and we're going to try to reinvent the wheel with the IFQ program, which is working great, and we're always trying to reinvent the wheel with the stuff that's working, and we're not going after the species that are doing badly.

Everybody has seen this trainwreck coming on with gag for years now, and it's the same thing, and we've twisted and tried every little thing with greater amberjack, and it's worse, worse, worse. Start focusing on the stocks that are doing terrible and quit spending so much time on the stocks that are doing great.

CHAIRMAN DIAZ: Mr. Hickman, can you start to wrap up, please?

MR. HICKMAN: Thank you all very much. Have a great day.

CHAIRMAN DIAZ: Thank you. Next up is Jason Wetmore, and on deck is Richard Fischer.

MR. JASON WETMORE: Hello, and thank you very much for having me today. My name is Jason Wetmore, and I'm a dual-permitted operator, and everything that Captain Walker said was pretty much spot-on for gag grouper. I think it would be really beneficial to have the opening October to December. This would allow us to reduce fuel consumption on my charter vessels, and it would decrease the fishing depth, which would reduce barotrauma, and it would also improve survival rates on any released fish, as well as avoid interaction with male fish.

I also do not support reallocation of gag grouper. I think that's going to come up here in the future, and I would request that the current allocation of the gag grouper stock remain unchanged between commercial and recreational, because we need to maintain the ability to feed the rest of America. Thank you very much for letting me speak today, and I hope you all have a great day.

CHAIRMAN DIAZ: Thank you, Mr. Wetmore. All right. Next up is Mr. Richard Fischer.

MR. RICHARD FISCHER: Good afternoon, council. After spending the last couple of days at our state capital and dressing up, it's nice to wear shorts at the beach today. I'm representing the Louisiana Charter Boat Association, and I will start out talking about sharks.

I had a phone conversation with one of our captains earlier today who, once again, reiterated how the sharks are just out of control. He said that, on one trip alone, he lost $500 in bait, and that's a normal occurrence, and I know, as a council, it's not in your purview, but, if there's anything you all could do to write a letter to HMS, because it's not just us here from Louisiana talking about the shark problem in the Gulf. It's getting real bad out there.

I will move on to amberjack, and I wasn't going to address amberjack, but it keeps coming up in public comments. Louisiana would staunchly be against the January opening, and we've seen what happens when that happens. The eastern Gulf catches the whole quota before the western Gulf can get out there, due to our weather and conditions discrepancies.

I believe that, if we went back to January, that would conflict with both Standards 6 and 4 of Magnuson-Stevens, and maybe even 10, if you talked about safety-at-sea and forcing guys, motivating guys, to go out there when it's just not safe in the western Gulf.

I will spend the rest of my time on logbooks, and we believe that an hour of moving around in your marina, or your local area, before going out is just also not enough, and I agree with J.D. on that, and thank you for bringing that up earlier, but, as Dylan said, anything is better than nothing.

I feel like coming up with a time, when you're obviously in an area where you're not catching any federally-managed fish, we're kind of trying to legislate common sense a little bit, and it's obvious that you're not running a trip until you're much further away from the marina, and we feel like a good option here might be to give them unlimited time while they're in close proximity to shore, because obviously you're just not fishing while you're in close proximity to shore.

We're happy to hear that there have been no breakdowns so far for the federal logbook situation, and it's been established that they will happen though, and, no matter how rare it is, they're going to happen, and, if it does happen, and it happens to you, it doesn't matter how rare it is. In a customer-driven fishery, where you can only fish when your customers want to fish, where we talk about a max of twenty or thirty days for the year, while it's being down, that's just not enough.

I think the fact that there has been no breakdowns so far proves that no one is trying to cheat the system, and, if they do, it would be very easy to snuff them out, and so I think that concern is not a concern, and that's a good thing.

Finally, the last point that I will make on logbooks, and it's one that I've been thinking about in the last few weeks, and it has to do with the latent permits for multi-permitted individuals who haven't planned on fishing this year or for the foreseeable future.

My question would be why should they be forced to put a logbook on their vessel, which might be nowhere near the coast, in order for them to renew their permit? If they don't, then the federal government would essentially be taking away their multi-thousand-dollar asset, and I think everyone here would be in agreement that that just shouldn't happen, and that was never the intent of the logbook program. I see that I'm about twenty

seconds over, and I thank you for letting me go over a little bit, and I will take any questions, if there are any.

CHAIRMAN DIAZ: Mr. Schieble.

MR. SCHIEBLE: Thank you, Richard. I appreciate the information. Just an FYI, we went to our finfish taskforce regarding the shark problem, most recently, and we will probably be bringing it to the commission for state management. Currently, we have a closed season from April 1 to the end of June, where they cannot be harvested, and we are thinking of shortening that to probably a May 1 through the end of June season, to allow the fishers to continue fishing through the month of April, prior to the start of shrimp season, which we think would help a little bit with that, but, at some point, I would like some feedback from your group on that, to see what you think. You also said that twenty to thirty days of downtime is not enough for the ELBs, and what do you think is enough, and what would you say?

MR. FISCHER: I will first address the sharks, and thank you for bringing that up, Chris. That actually came up in my conversation earlier with our captain, and the exact idea of keeping it open through May, because it's still cool enough in the year that the docks are still open, and so it would be worth it for those guys to go out there and harvest sharks.

As for the amount of time for the logbooks being down, I would say it should be unlimited, because, if the device breaks, through no fault of your own, and we have a phone back-up plan, and we have these back-up plans in place, why not use those back-up plans for reasonable amount of time, until the logbook gets fixed again, especially right now, with what we're seeing in the country with inflation and supply chain issues.

If your boat breaks down, if your motor breaks down, good luck getting a new motor in six months right now, and so it's really difficult to get parts right now, and even during normal times, and why would we even consider telling individuals that you can't make money to feed your family, through no fault of your own, when there is a backup plan in place?

CHAIRMAN DIAZ: Thank you, Mr. Fischer. Ms. Boggs.

MS. BOGGS: Thank you for being here today, Richard. With the amberjack, when you do fish for them, how far offshore are you seeing these fish, and are you seeing many?

MR. FISCHER: Well, I'm not a fisherman myself, and I would have to poll our captains on that. I'm just a guy behind a keyboard representing those guys. I can tell you, the last time that I fished offshore, in and out of being seasick, as best as I can remember, I would say we were probably at least twenty to forty miles offshore, where we were able to find some amberjack around some rigs, but that was one fishing trip, a very small sample size, and it was about five years ago.

CHAIRMAN DIAZ: Thank you, Mr. Fischer. We appreciate it.

MR. FISCHER: Thank you all so much.

CHAIRMAN DIAZ: Next up is Mr. Donald Waters.

MR. DONALD WATERS: Good afternoon, council. It's been a long time since I've been here, a couple three or four years, and I'm a retired commercial fisherman, and now I speak on behalf of the recreational fishermen.

I hear complaints about the sharks, and I agree with them. I think sharks are -- Something is going on. What I would recommend, and I hope that this council might be able to do, is promote a shark tournament to each state and then come in behind it and do studies and collect the data. It would make it a good day, like the old Dauphin Island Rodeo.

I guess probably the first time I spoke to this council was in 1987 or something like that, and you all have got a really tough job, and I told you back then that you have a tough job. If all you all overprotect one species, it offsets the balance of the Gulf, and the balance of the Gulf is pretty hard to get. I think the sharks is overprotected, and redfish is overprotected, and triggerfish is overprotected, and probably some other fish, also.

We need to try to just use a little bit of common sense to get these fish equally protected, and fish does need protection, and I'm not for opening it wide open or anything like that, and I think a shark rodeo for each state -- I expect that five rodeos could produce a lot of good information, plus take a few of those sharks and try to find out what's going on with them. That's about it for today. I will be back with you and hope to see you all soon.

CHAIRMAN DIAZ: Mr. Waters, I appreciate you taking the time to come back. When I saw you name up there -- I hadn't seen it in such a long time, and I realize that you have a tremendous

amount of historical knowledge, and we appreciate you coming, and so thank you, Mr. Waters. All right. Next up is Randy Boggs. Mr. Boggs.

MR. RANDY BOGGS: Good afternoon, council. My name is Randy Boggs, and most of you know me. I'm going to speak about some things that I am seeing. Number one, if we don't do something with cobia, the cobia fishery is going to collapse. If we don't do something soon, we're going to lose our cobia stock.

For forty years, on April 20 and 21 in Orange Beach, you can see the first cobia come to the dock, and you would see fifty, sixty, seventy-pound fish, and those were common. We've seen one fish come to the dock here all year long, and all the major cobia tournaments along the Gulf coast have been cancelled. The cobia are in dire straits. Gag grouper are in dire straits. Amberjack are in dire straits.

You see guys that used to catch 700 fish a year, and they're telling you now that they catch twelve or fifteen fish a year. The gag grouper off of Alabama got blown up in here during Ivan and one of the other storms, and there was a huge amount of harvest out of here. The fish are not just off of Florida. That central Florida area, where they're catching a lot of these fish, has been spared major hurricanes, to the best of my memory, but Texas, off Texas, along their natural bottom, there's a lot of longlining.

I wish that Buddy Guindon was here, and Buddy's boats fish out of there, and they supply the commercial market with a huge number of gag and scamp that come off of the Texas coast, and so it's not just a FLorida fishery, and it's along there.

Guys, please remember that the VMS system that we're going to was a voluntary system, and it was asked for by industry. This was not something that was put in place. I stood up here and told you guys that I was really, really concerned, because the first thing I saw coming out was a punitive document and the punishment you would get if you didn't follow this VMS.

I promise you that, if 20 percent of the fleet's VMS is down, and you're getting 80 percent data, you're still getting a whole bunch more than you would have ever gotten with the old system. It's way better. Why are we worried about somebody that takes an hour to go fuel their boat and they don't go outside the pass? They're doing this fishery no harm. Remember that it was a voluntary system that was asked for by industry.

We've got to take action on the gags, and we've got to take action on the amberjack, and I'm telling you guys that the cobia fishery is going to go extinct. These fish -- I know they're off of Louisiana, and they aggregate on the rigs, but we've got to do something.

The red snapper fishery, guys, with the state management, there's pockets of red snapper, where they're thick and they're heavy, if you go west of the river, where a lot of the commercial guys are working, and there's a fish over in there, where there's not a population center, but, if you get around a population center, like Tampa or Clearwater, they're still catching fish down there that they haven't historically seen, and, here in this area, you're sitting in a county that has the largest population growth that has ever exploded, ever, and it's ridiculous the amount of fishing pressure that there is here.

By July 1, you won't be able to find a keeper red snapper unless you get very, very lucky, within twenty-five miles of this pass, and it's getting further and further and further. We're seeing a big influx of these go-fast boats that travel, and they run charters while they're traveling, and we saw a boat come in here the other day, and they run tuna and swordfishing trips, and they go to Louisiana, and they fish everywhere, and we're seeing lots of effort in this fishery. Please try to do something with the cobia, guys. They are really, really, really in trouble, and that's all I've got.

CHAIRMAN DIAZ: Thank you, Mr. Boggs. All right. We're going to go back to online, and we're going to try Mr. Mark Huffman. We tried him earlier, but there were some technical problems. are you available, Mr. Huffman?

MR. MARK HUFFMAN: Yes, sir. Good afternoon, council. Mark Huffman with Southeast Fisheries out of Florida here. I'm a VMS dealer, supporting the commercial and the for-hire permit holders, and I wanted to voice a concern on a change that you guys are pushing now, with the difference between a cellular and a satellite VMS and the reimbursement amounts.

My understanding is, when this program started, the cellular units weren't even available, and the ones that were were in review, or in testing modes, and so the program was built around the satellite-based VMSs, which gave a reimbursement amount up to $3,100, and, as you know, all the satellite-based VMSs range from $2,700 to $3,000.

Now, what has happened, over the last couple of months, is we

financed the commercial guys, and we financed the for-hire guys, and guys decided to put it on credit cards, and guys have purchased many of these units that haven't been activated, or in the process of being activated, or are in the process of waiting on a reimbursement code, and what there is no clarity on is what the reimbursement amount is for these units that these people, or fishermen, have purchased.

I am concerned on why we reversed path on that after the fact, and then second is that I understand that there is a concern over the budget that was assessed for for-hire, and that's really unclear to me, when you know the designated vessels, and you know what your financial exposure was, and how can we only be halfway through this and be running into a budgetary concern?

This wasn't a math equation issue that had variables. You know what your permit holder volume was, and you knew what your exposure was for reimbursement, and that should have given you a delta of what your budget should been, at worst case.

You know, I've called multiple times, and I've talked to NOAA, and I've talked to the Pacific States, and I cannot get a clear answer today on what the reimbursement is for a satellite-based VMS, and then, second to that, if there is a change for those particular units, when does it go into effect, and what are the new rule around it, and what is the amount, because $950 does not even come close to covering the cost of a satellite-based system. Thank you.

DR. STUNZ: Dale had to step out for a few minutes. All right. Up next is Mr. Wayne Werner, and Eric Brazer will be on deck.

MR. WAYNE WERNER: Good afternoon. Wayne Werner, owner of the Fishing Vessel Seaquest. Let's talk about a couple of things on the west side of the river. You know, we still have a lot of amberjacks. Like it was brought up here, a lot of rigs have been taken out, and that's a lot of habitat.

You know, we've seen habitat going way for the mackerel, and, for some reason, since the oil spill, they won't come to stay off of Grand Isle, and we haven't really pinned down where they're spawning at yet, and they're spawning somewhere over there, because we're starting to catch -- We caught more fish this winter than last winter, for sure, because we have a half-dozen boats over there fishing them.

Next year, we're dropping thirty boats, because they're not coming back for the summer fishery, because it's going away.

The fishery is changing. We're losing the habitat, and, you know, the amberjacks -- We still see plenty of them offshore on the bottom. When you get out there, on the bottom, there's a lot of amberjacks, where we fish, and they're a real pain, of course, because they're eating up our vermilion snapper, and they're eating up our gears and tearing us up, and they're really irritating.

We don't want to see them, and catching a thousand pounds -- If we could catch 3,000 pounds, at least we could get rid of a few of them. A thousand pounds, after a couple of days, we're burdened with them for the rest of the trip, and I just wanted to bring that up.

I'm changing hats here, because we're going recreational fishing, and that's all I do on the east side of the river, and so what we're seeing here is a decline in the fishery, and it's going downhill, and it comes back to my commercial side. For years, I've heard how these snapper were on the east of the river, and how it was a pain in the ass, and how they were a problem, problem, problem. Now I've got fish dealers coming to me left and right for me to catch their snappers, because their boats can't catch them east of the river.

That's a problem, you know, and, if we continue to catch their fish for them, I think, eventually, it will catch up with us, because we've lost a few thousand rigs over there, and it's unbelievable. We have plenty of fish on the bottom right now, and it's not a problem, but, as time goes on, I think we're going to have a problem, and that's really all I have to say today. Thank you.

DR. STUNZ: Mr. Werner, Mr. Schieble has a question for you.

MR. SCHIEBLE: Can you put your other hat on for me for a second?

MR. WERNER: The commercial hat? All right.

MR. SCHIEBLE: It's a commercial question. I'm going to ask the same question that I asked the gentleman earlier. Are you having a total harvest, throughout the course of the year, reduction, because of the trip limit difference on amberjack? We went from 1,500 pounds to a thousand-pound trip limit. Over the course of the entire year, is your overall harvest lower?

MR. WERNER: Certainly on our side of the river, but, if I put on my other hat and go to this side of the river, we're having a

hard time seeing amberjack, and so how do you play that balancing act? That's the problem. We see plenty of them over there. If you raise the quota to help us, because we get to get rid of more of them before we catch our beeliners, or vermilion snapper.

MR. SCHIEBLE: Good answer. I appreciate it.

MR. WERNER: All right. Thank you.

DR. STUNZ: All right. Up next is Eric Brazer, with Clarence Seymore following that.

MR. ERIC BRAZER: Great. Thank you very much, Mr. Vice Chair and Mr. Chairman. It's always hard to follow Wayne. My name is Eric Brazer, Deputy Director of the Gulf of Mexico Reef Fish Shareholders Alliance. I've got a lot to cover, and so I'm going to move quickly, and I apologize.

Allocation reviews, the presentation that we got today was the first time the public has been told that the council interprets NOAA's allocation review policies to allow a council action to replace a formal allocation review. If the council can skip these reviews, why do we have these policies in place to begin with? This was not how it was presented to the public last year, and we've been left in the dark as to what has happened, and what changed, and how did this change?

I actually agreed with Ken Haddad on this next point, that we need more information about this exemption. The public should be made aware of the specifics of the circumstances in which the council can exempt itself from what is ultimately intended to be a public and transparent and science-based allocation review process.

Now that I've got that out of the way, let's talk about gags and amberjacks. I am going to combine these both into one. These stocks appear to be trouble, and cuts are needed, and the council is considering reallocating to the sector with more uncertainty and more than 97 percent of the total, and that is from the SEDAR document, and so the council is also talking about skipping the allocation review process that would inform you if you should even consider reallocating. This just doesn't make sense.

Both of these stocks need conservation, and reallocation does not promote conservation, and it's actually going to weaken conservation, and so let's just take the cuts that are needed,

and let's take the medicine and get these stocks back on track, and we can always initiate a formal allocation review later, if you really want to open that can of worms.

Triggerfish, I want to echo what Casey and Jason and Jim and Mark and Bryan and Ed and others said. The quota has been raised, and now give these guys a chance to go catch it.

Switching gears here, quickly, to ecosystem management, and a lot of really good work has been done on this effort, and I want to make sure that the entire LGL team, and all of their partners, know they did a really great job putting it together, and so now let's get it over the finish line.

Please consider tasking us, the Ecosystem Technical Committee, with operationalizing this FEP, whether it's endorsing it or developing goals and objectives, things like that, but we need guidance from you guys on how to take this idea and put it over the finish line, and so please help us help you move it forward.

Electronic voting seems to make sense. It's cheap, and it's simple, and it sounds like a slam dunk, and let's do it. Red snapper, we're pretty comfortable with where the SSC and the committee ended up, and we still need to keep an eye on things, and you hear about localized depletion, and you've seen the bottom longline index and the CPUE reductions, and so let's keep an eye on this as we move forward, but thank you, guys.

If you permit me, Mr. Chair, very quickly, in my final seconds, I want to quickly reiterate something that Ashford brought up yesterday during the round table, and there's a mechanism on the IFQ to withhold allocation in the face of a quota reduction, but there's no similar mechanism on the recreational side.

Because of that, there are implications with paybacks, and paybacks on top of paybacks, that might result in no season, and so we just ask you to consider some sort of mechanism that's proactive and precautionary, similar to what you've built on the commercial side, and I'm way over, and so thank you, Mr. Chair.

DR. STUNZ: Okay. Next is Mr. Clarence Seymour, with Johnny Williams on deck.

MR. CLARENCE SEYMOUR: Good evening. Thank you all for having us, and I appreciate the opportunity to speak. I have a few things. I was here Monday for the shark workshop with Dr. Drymon and his staff, and the results of that is going to turn out to be really good for the shark problem.

The way the roundtable worked, he broke us up in five stations, with a lot of folks that had a lot of good points about what's going to happen with each area and how we can make this work on the HMS side, and the private anglers, yes, with the technology we have today, and I think they can be good stewards to the Gulf and that resource, that they call and report.

We're halfway there, with a couple of states, and so I don't know why -- I mean, we should be able to get the rest of the states onboard, at least hail-in and hail-out, so that the private angler be known that he's in the EEZ.

The ecosystem, we talked about that in the shark meeting, and one of my big topics was the anchovy red minnow, and that's the biggest loss of eco that I have seen in my career in the Gulf, off the northern Gulf of Mississippi, and the cobia -- We got a good fall run last year, and I've got my fingers crossed that we can get them back after this is implemented, and we can get the cobia stock back on, because I would really love to see the future have a stock that the rest of the guys like us have seen in our past, and so, other than that, that's all I have, and thank you all for you all's time.

DR. STUNZ: Thank you, Mr. Seymour. Up next is Johnny Williams, with Troy Frady next.

MR. JOHNNY WILLIAMS: Good afternoon. Johnny Williams with Williams Partyboats, Galveston, Texas, third-generation partyboat operator out of Galveston. One thing that I wanted to mention, and I've brought this up several times before, is the king mackerel -- They're just not there anymore. I remember that, years ago, we used to have a closure, when we had fish. Now, we don't catch any king mackerel anymore, and, instead of reducing the bag limit, or having some sort of closure, they raise it to three, and that seems kind of idiotic, to me.

I suspect the purpose to raise it was because we weren't accomplishing the quota, and I think the problem is that the fish just aren't there, and I certainly wish you all would take a real close look at this, because, if the science says that the fish are in good shape, and I don't know, and maybe they are in other places, but they sure aren't in Texas, and I've spoken with some of my friends over here in Alabama, and they have the same perspective that I do, that the fish just aren't there.

The other thing that I wanted to mention is I mentioned, the last time I spoke to you all, is I wish you all would rescind

that thirty-hour minimum for a two-day bag limit. I am one of the partyboats that used to make trips like twenty-four hours and a minute to catch a two-day bag limit, and some of these charter boats go out and make two or three trips with passengers in twenty-four hours.

I mean, they make two a day, and I've heard some of them even make three a day, and then they can make one the following day. I can keep one bag limit in twenty-four hours, and they can keep three or four, and that doesn't seem fair.

I would quit all this whining and stuff if you all would, once again, look at Amendment 42, and it's the best program that I have ever seen, and it accomplishes everything that the National Standards require, better than what is currently in place, and so I certainly wish you all would look at that again and let me run my own business and keep the government out of my life. Thank you very much, and have a great day.

DR. STUNZ: Okay. Thank you. Up next is Troy Frady, with Tom Ard on deck.

MR. TROY FRADY: Good afternoon. I'm Troy Frady, from here in Orange Beach, Alabama. Welcome to our city. First, I want to start with amberjack. Leave the bag limit alone, and leave the season alone, and let this thing run for a few more years. We are seeing a few twenty-eight to thirty-two-inch amberjack out there, but one of the problems we have out here is the population has increased down here, and the tourism has doubled in the past ten years, and everybody is trying to catch a bigger fish, whether it be a red snapper or anything that tugs on the line.

What I am seeing, myself, is, when we're out fishing and trying to catch that one biggest fish, we'll often fish for like red snapper, trying to catch one over ten pounds, or over eight pounds or something, and, all of a sudden, you get an amberjack, but, but during the summertime, those fish don't do well, because of the lactic acid that builds up in the fish when they're stressed, and, when they're released, they hurt themselves, and they have a real hard time going back down.

We are using fish descenders, and we're doing everything we can to help these fish survive, but another problem we've got is the behavior of what we're targeting and how we're targeting the species, and it's kind of an unintentional thing, for me, when I catch an amberjack when I'm trying to catch a big snapper, and so that's one of the problems, and possibly a solution, is

changing the way we fish, especially in the heat of the summer.

On the SEFHIER program, I love it. I've been doing this, the pilot program, for over seven years, and I'm hearing people talking about one hour and three hours, and that's all fine, but what you need to know about the SEFHIER program is the NEMO that I have on my boat -- I would not even know if that thing is not transmitting unless I get a phone call from someone at NOAA Fisheries saying, hey, it's not transmitting. You can't see it unless you climb up on the top of the boat and look at the red dot up there, to see if the battery is charged, and so I don't know.

I am going to keep submitting my dual -- It's an app that we use called VESL, and I won't know that my pinger is not even working, but I can still submit my information, and, unless someone tells me that we don't see you, I am moving on as business as usual, and so that's what you need to know about this. You won't know it's not working unless someone tells you it's not working. All right.

Red snapper here off of Alabama, we have deemed ourselves the red snapper capital of the world, and, at one time, yes, and we've got ourselves in a situation now where populations have increased, and we're growing like 25,000 people a year in Baldwin County, and they all want boats, and they want access to the water, and working waterfronts are getting harder to come by, and everybody is raising the rent, and insurance is going up, and fuel prices are high, and there's a lot going on. This is a big, big engine down here, and we're glad that we do have the red snapper down here, but we're having to go farther and farther offshore.

I was talking to Director Bannon, about five years, and I said, look, we're seeing localized depletion, and that was one of the first times that we mentioned localized depletion, and now everybody is like, well, localized depletion is now out to forty or forty-five miles, and so some of the larger boats, that had told me to shut up five years ago, are now saying you're right, and we're seeing it too.

My problem is no one has defined the rate of exchange versus the fish being removed off the wrecks versus those that are replenishing the wrecks from natural bottom. Nobody can ever -- I guess there can be a study done, and there probably needs to be, but we're removing the fish off the wrecks faster than they can replenish the reefs or grow, and so we're having to go farther, but the problem is, being a tourist economy, we can

only go so far on a half-day trip, unless we've got a quad-engine boat and a million-dollar investment and a boat that runs fifty or sixty knots, but that just further exacerbates the problem.

I don't know what the answer is, and I just know that it's tough having an economy that's based on a half-day trip, and everybody now is running two-day trips, and one thing about the shark observation -- Give me one second, please. The shark observation is, when the fishing pressure is tough, especially during around July, when the water is hot, and every spot out there has been hit really hard, I have noticed, myself, that the shark problem gets worse, because, when the fish are spawning, and they finally decide to bite, the shark hits them.

When the shark hits them, it increases anxiety, and it upsets the captain, because that's that one snapper, because we're not even catching limits on half-day trips in the middle of the summer, and so everybody gets mad at the sharks for doing what they do, but the problem is some of the reefs are beat down so bad that, when a smart fish finally bites, and a shark eats them, they're just part of the process, and so I'm not mad at the sharks, but I'm just saying I wish they wouldn't bite the fish, because I need that fish. Anyway, thank you, and excuse me for running over for a minute.

CHAIRMAN DIAZ: Thank you, Mr. Frady. All right. Next up is Tom Ard, followed by Elizabeth Boggs.

MR. TOM ARD: Thank you, everybody. Tom Ard, owner and operator of four boats here in Orange Beach. I guess I'm just here to complain. I think I was in a voluntary program for the VMS, the pilot program, to see if it would work, and I said, okay, we'll do that, and we did it, and then we finally got our new NEMO units, and it was told that it's all going to be reimbursed, and I just got hit with, no, you're in that pilot program, and you've got equipment that won't work now, and we can't get parts for it, and this and that and the other, and we already paid for that, and so we're not going to pay for a NEMO unit.

It's not a big deal, and it's $2,000, but my insurance went up three times, and slip rent is going up, and fuel is $5.00, and it's just another thing, and I was told that it wasn't going to be that way, and it is, and I don't really feel that's fair. The people that wasn't here, when we did that, they're getting all their stuff reimbursed, and the ones that actually forged through this are kind of getting screwed, and I don't really like that.

Another thing is amberjacks, and you all wanted to go to thirty-four inches, and I stood up here, and I was like you all are going from twenty-eight to thirty-four inches, just like that, and, I mean, just like that, you're going to do it, and you're not going to test the waters at all, and you're just going to go to thirty-four inches.

That's what science said, and science didn't think about how hard a twenty-eight-inch amberjack fights, especially with a tourist on the line, and you didn't think about a bycatch mortality of sharks and dolphins and stuff like that, you know, and everybody wanted to come up here and keep full limits on the boats, and I wanted a fractional bag limit of three fish per boat, and maybe four.

You catch your three twenty-eight-inch amberjack and quit amberjack fishing. It takes live bait to catch amberjack, pretty much everywhere, and what you're doing is you're going out there and targeting breeder fish, targeting breeder fish, and you caught all these undersized fish, and they all died. Amberjack fishing is worse today than it was when you went to thirty-four inches. Thank you.

CHAIRMAN DIAZ: Thank you, Mr. Ard. Elizabeth Boggs.

MS. ELIZABETH BOGGS: Good afternoon. My name is Elizabeth Boggs, and I am sixteen years old. I have lived in Orange Beach for my whole life. Most of you all probably know my mom, Ms. Susan, and she's been on the council with you all for a couple of years, and my dad, Mr. Randy, just spoke. I have been involved in fisheries since I was little, as long as I can remember.

I have seen a lot of changes through the years. A lot of what I have seen is the red snapper fishery has really become a challenge with charter boats. We have a lot more private boats in our area now, and it's a lot more targeted by private boats in our area, and it's become harder and harder for us to compete with people like that, smaller, faster boats, lighter weight, that burn less fuel, and it's cheaper for them. Sometimes it's more expensive, and they can run out farther and fish harder.

Weather days for us, customer safety, they don't have those issues, and we fish almost every day during the summer, and it's really hard to see the snapper fishery change, because I hear everybody down here has been here forever, and there's not a lot of new people in this fishery, and it's really hard for me to

hear these giant fish stories, and everybody has caught this, and then I've seen it go downhill, and I don't get to see that, and so it's hard for me to be able to see what they had, versus what I am getting, and there's not a lot of change going on to help me be able to see it. That's all I have to say.

CHAIRMAN DIAZ: Mr. Schieble.

MR. SCHIEBLE: It's easy, and I just have a comment. I just wanted to say that my son is sixteen years old, and I don't think he could stand up there and do what you just did, and so good job.

MS. E. BOGGS: I am not a public speaker, and I didn't want to do this.

CHAIRMAN DIAZ: You are a very good public speaker, and thank you for sharing your mom with us. We appreciate that. All right. Did we miss anybody? Did anybody sign up that did not get a chance to speak? All right. As far as we can tell, we've been through our list, and it is 5:01, and so does anybody have any other business for us today? I am not seeing any, and the council will reconvene at 8:00 a.m. in the morning, and we'll try to tackle our last day. We're right on target on our agenda, and so thank you all.

(Whereupon, the meeting recessed on April 6, 2022.)

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April 7, 2022

THURSDAY MORNING SESSION

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The Full Council of the Gulf of Mexico Fishery Management Council reconvened at The Lodge at Gulf State Park in Gulf Shores, Alabama on Thursday morning, April 7, 2022, and was called to order by Chairman Dale Diaz.

CHAIRMAN DIAZ: Okay. Welcome back to the fourth day of the Gulf of Mexico Fishery Management Council meeting. We're going to get started right away this morning. First up on the agenda is our Administrative Budget Report. Mr. Dyskow, are you prepared for that report?

MR. DYSKOW: Yes, I am, Mr. Chair.

CHAIRMAN DIAZ: Whenever you're ready.

COMMITTEE REPORTS
ADMINISTRATIVE BUDGET COMMITTEE REPORT

MR. DYSKOW: Thank you. The meeting was held on April 4, 2022. The committee adopted the agenda, which was Tab G, Number 1, as written and approved the minutes, Tab G, Number 2, of the August 2022 meeting as written.

Review of Anticipated 2022 Activities, which is Tab G, Number 4(a), and Draft 2022 Budget with 2021 Expenditures, which is Tab G, Number 4(b), staff presented Tab G, Numbers 4(a) and 4(b).

A committee member asked about the 2021 expended funds relative to the original 2021 budget and the proposed budget for 2022 travel expenses. Staff explained that, once we received the final 2021 funding, the budget was decreased based on changes to travel expenses, due to the hybrid meetings and offsetting costs from our 2019 no-cost extension.

Another committee member asked where the council was in the current five-year grant cycle. Staff responded we are in our third year. The committee did not make any motions on this agenda item.

The final budget request will be brought back to the council after the actual funding figure is known. Due to the still changing meeting environment, and because many travel-related costs are increasing very rapidly, adjustments based on activity to date and any other relevant factors at that time will be included in the final funded budget iteration.

Discussion of Electronic Voting Process for Council and Council Bodies Including Available Technology, and this is Tab G, Number 5, staff gave a presentation in response to the October 2021 council request to explore options for electronic voting, Tab G, Number 5.

Committee input included examples of other non-council bodies using similar technology, the suggestion of implementing the system on a trial period, and feedback that stakeholders have asked for more transparency on how members vote. The NOAA General Counsel representative shared with the committee that roll call votes would still need to be read into the record even if an electronic system was used.

The committee recommends, and I so move, that the council

implement an electronic voting system for council and council committee motions that have opposition. All roll call votes shall be by electronic voting. Results shall be recorded and included in the minutes. Staff to select appropriate software and timing of implementation and modify the SOPPs as necessary. Chairman Diaz.

MR. GILL: Mr. Chairman, I would like some clarification, because, in my mind, there is some confusion about specifically the last sentence in the committee report, and we discussed this at committee, and there is clearly a number of council members that would agree with the statement that has been reported. My understanding, however, is different.

My understanding is that it does -- The results of the electronic voting would have to go into the minutes, and that's good, and it's in the motion, but they don't necessarily have to be read into the minutes, and that they could be electronically transferred, cut-and-paste, however that's done, but they don't have to be read into the minutes, and that, to me, is a significant difference on whether this makes sense or not, and I would ask Mara if she would clarify whether that's correct as written or my understanding is closer to where we need to be. Thank you.

CHAIRMAN DIAZ: Ms. Levy.

MS. LEVY: Thank you. I think Bob's understanding is correct, and so the act says that the official minutes have to identify roll call votes, the name of each member present, and how each member voted, and it doesn't say how the minutes do that, right, and so it doesn't say you need to read it into the record while it's happening, and it just says, when you have the official minutes, you need to have all this information, and you could potentially do that in different ways.

CHAIRMAN DIAZ: Dr. Simmons.

EXECUTIVE DIRECTOR SIMMONS: Thank you, Mr. Chair. I guess that's the process we're using now, and, I mean, if we can try to streamline it in the future, we will, but I guess I'm afraid of issues down the line, if we can't use that process for verbatim minutes right then and read it into the record and then, on the hind-end, wait until the minutes come out and try to link the roll call votes with the minutes, and I'm not sure exactly how that would work.

CHAIRMAN DIAZ: Mr. Anson.

MR. ANSON: I am not, obviously, familiar with the process, but that's what my concerns were, is what Dr. Simmons just elucidated, is trying to get the minutes that the stenographer is just listening to the recordings and then putting that on, and then that's what shows up in the report, versus having some cut-and-paste thing, where it's not read into the minutes and verbally identified, and then how do you then merge those two processes together, that new piece of information now, that would have to be input into the report, and maybe that's an attachment maybe that goes in, but then how do you then reconcile that into the minutes, and so, yes, it's something that will probably have to be worked out and just try to look at it.

CHAIRMAN DIAZ: So I have a question, and I don't know who would answer it, but, generally, the chair of committees do not vote, unless there's a tie, or unless it's -- It's the privilege of the chair, under Roberts Rules of Order, that the chair can reserve the time to vote until it's a tie, or something to that effect, and I am just wondering how that would be impacted by this, and I don't know who would answer that question. Would you have any insight on that, Ms. Levy?

MS. LEVY: Well, I mean, you're going to vote electronically, but you're going to say what the results are, right, and so, if it's a tie, you're going to know that, and then I guess the chair could vote, and, I mean, I don't know how this system works, but it doesn't seem, to me, like it should change what you're doing here, in terms of telling people what the vote was, and I don't know if it's going to show up on a screen, or how it's going to work, but it should still work. I mean, one -- Again, I don't know what happens after the meetings, but, you know, in the minutes, at the end, are all the motions, right, and you have all the motions at the end of the document, and I don't know if there's a way to like insert roll calls there, but, again, I don't know what happens after the process, and Carrie would be more familiar.

CHAIRMAN DIAZ: Dr. Simmons.

EXECUTIVE DIRECTOR SIMMONS: We can insert them after the process. I mean, the system we bought, I think the votes can show up on the screen. The question is us just sending all those votes, with those motions, for each of the committees, after Full Council, to the stenographer, like Mr. Anson said, making sure -- I mean, it would just be an extra step of making sure that that is correct. I guess my confusion is why wouldn't

we just read it quickly into the record, either myself or the chair, but we can work it out.

CHAIRMAN DIAZ: Ms. Boggs and then Mr. Anson.

MS. BOGGS: Well, could you not amend this motion to say that the results shall be read into -- I mean, maybe -- Is that what you're wanting, Bob, is to make sure that it's verbally done, and I guess I don't --

CHAIRMAN DIAZ: To that point, Mr. Gill?

MR. GILL: Thank you, Mr. Chairman. No, and I think reading it into the minutes after every vote is effectively like doing it how we do now with roll call votes, and all we're doing is slowing the process down, and my point is that we don't want to do that, and, if I understand it from Ms. Levy, we don't have to do that, and we just have to make sure that we get into the minutes, which is right, and that's kind of what the motion says, and so I would not support requiring reading it into the minutes in the motion.

CHAIRMAN DIAZ: Mr. Anson.

MR. ANSON: Mr. Chair, I don't want to assume the point you were trying to get at with your previous question to Ms. Levy, but I thought maybe what you were trying to get at was, during a roll call vote, it's the deference to the chair to not vote, and so, I guess, in that instance, if they did not want to vote, it would just be an abstention, because you would have to have something next to your name, and you were here, and so you would have to give either a yes or no or an abstention, and so I think that's how it would be resolved, is that you would just abstain from voting.

CHAIRMAN DIAZ: Ms. Bosarge.

MS. BOSARGE: I have listened to the conversation in committee, and then around the table today, this morning, and, I mean, it sounds like we're essentially going to be in a situation where everything that's not unanimous is going to be a roll call, and we're going to do the roll call with the little electronic clicker that Leann has got to keep up with, and do you see my area right here? Okay. I don't want to keep up with anything else, but I have to keep up with it, and then, after that, Carrie is going to have to turn around, more than likely, and read into the record how I voted.

At that point, I have a mouth, and I can just speak, and I can just answer my roll call vote with my mouth, and I don't need a clicker, and I can say yes or no, and I don't need a clicker to help me raise my hand, and I can do it without a computer, and I'm sorry, and I just think we're totally over -- We're trying to use technology to solve a problem, but, really, it's just totally overcomplicating something that we can do on our own, right around the table.

CHAIRMAN DIAZ: I tend to agree, and any council member, at any time, can call for a roll call vote, and it's done automatically, and it's in our SOPPs that way. Mr. Dugas and then Mr. Anson.

MR. DUGAS: Thank you. I agree with Leann, and what's wrong with what we do now? I think we're just creating more work for the staff, and it's easy to raise your hand and say yes or no.

CHAIRMAN DIAZ: Mr. Anson.

MR. ANSON: It may have come up in committee, and I wasn't -- Since I wasn't on the committee, I didn't pay attention during the entire discussion earlier in the week, but do we not have, in our current report, in the motions report, where it has -- When we have roll call votes, the stuff that we see on the board, it gets inserted into the motions report? Okay. Thank you.

CHAIRMAN DIAZ: Mr. Gill.

MR. GILL: Thank you, Mr. Chairman. Let us not forget that the major advantage of this is not for us at the table. It's to be more inclusive for the virtual attendees and to encourage them to attend if they can't physically make it to the meeting, and they can participate more fully than they can today, and that's where this action is trying to take us.

To the extent that we don't impede it by administrative handling here in the room, that's what we want. We want greater participation, and we want folks to come to the meeting, either virtually or physically, and not everybody can afford to come to these things, not only the time, but the cost, and what we're trying to do is ensure that the virtual version is as close to being physically present as we can make it, within reason, and that's the whole point.

I don't get hung up on these issues, and I think they can be all resolved, and I don't think reading it into the minutes is

required, and I think that can be worked out, however it's worked out, but we're trying to be attentive to all the stakeholders and encourage their participation in these meetings, because more participation makes for a better process. Thank you.

CHAIRMAN DIAZ: All right. I've got a couple of people on the list, and we've had a fair amount of discussion. After we go through those folks on the list, we're going to vote this up or down. Dr. Simmons.

EXECUTIVE DIRECTOR SIMMONS: Thank you, Mr. Chair. I mean, I agree with Mr. Gill. If you all want us to do this, I think we can work through a process and very closely check, after the minutes come out, and we're not going to read into the record those votes with the verbatim minutes, and I think we can work through that process and try to streamline it, but it will just be an added step that we will need to ensure that there is no errors introduced by doing it that way.

CHAIRMAN DIAZ: Ms. Boggs.

MS. BOGGS: In sitting here thinking about this, if we're -- I understand the inclusion, if you will, of those that are participating virtually, and, if we do a vote by hands or whatever, no one knows how each council member is voting. I understand Leann's point about, you know, it's just one more thing that we have to keep up with, and I'm sure the council staff will have them and hand them out at every meeting, and then we have to keep up with it during the meeting, but, if you're going to do a roll call vote --

I mean, we don't have a whole lot -- I mean, we've got a lot of contentious things coming up now, but most things that we do, at least at the committee level, are -- There is no opposition, and, to me, it might just seem easier to just do a roll call vote and do away with -- Because that takes the burden off of staff, and I appreciate what you all have done, and you've done a lot of work, and I'm sorry to step on it, but maybe, in the long run, it alleviates some work for you all, and how long does it take to do a roll call vote? Not that long, and so that's my opinion. Thank you.

CHAIRMAN DIAZ: Mr. Anson.

MR. ANSON: I am all for transparency and the ability of folks that aren't able to attend the meetings and are participating remotely. I am all for having them, you know, get a feel for

who is voting which way on which motions, but I just think, at this point in time, without really kind of understanding the system and understanding the actual impacts it would have on our process, that this might be a little bit digressive, I guess, in that, maybe if we just kind of give general instruction to staff that we try to incorporate that over the next couple or three meetings, I think I would be probably more inclined to do that than to say that we're just going to go out and do this, and then staff has to try to work through those issues on potentially a faster schedule and such, and so that's all. Thank you.

CHAIRMAN DIAZ: All right. I've got one more hand, and then I'm going to call the vote, if that's all right. Do you have something really pressing, Mr. Dugas? All right. Two quick comments. Make them quick, and we're going to call this vote. Mr. Schieble.

MR. SCHIEBLE: Mine is just a technical question, and I probably missed this on Monday. So the virtual participants, when we are having a hybrid meeting, and so we're having a hybrid meeting, and we have like Andy and Phil participating virtually today, right, and how are their votes going to be -- They're still going to have to verbalize a vote, right or they're going to have a clicker?

EXECUTIVE DIRECTOR SIMMONS: There's a link. We'll send them a web link, or an app on their phone, that they can vote with that is specific to them.

CHAIRMAN DIAZ: Mr. Dugas.

MR. DUGAS: So, when there is a roll call vote, staff already puts the votes on the screen, and the virtual participants can see it, right?

CHAIRMAN DIAZ: I did not notice that Mr. Strelcheck's hand has been up. Mr. Strelcheck.

MR. STRELCHECK: Thanks, Mr. Chair. A couple of comments, and I won't reiterate the support that our people provided with regard to benefits of this, and I certainly also hear the concerns that it might create a more burdensome process for us and that we need to kind of be thoughtful, in terms of how we implement it, but I know this is a committee motion, and I'm wondering if there would be more support and buy-in by the council if it was worded more along the lines of the council would pilot an electronic voting system at a future council meeting, and, that

way, it allows us the opportunity to test it out and see how it works.

If it does work, great. Then we would continue it, and it would be successful, and we could talk about it at that meeting. If it's not a success, well, then we abandon it and move forward with, obviously, kind of the status quo approach, but it sounds like people are kind of concerned about jumping full feet in without at least kind of transitioning and testing this out and trying to gauge, obviously, where people are at and if that would be more amenable to folks.

CHAIRMAN DIAZ: Ms. Levy.

MS. LEVY: Well, I mean, I'm just wondering -- It seems to me like there's two issues, right, and there's the electronic voting, and then there's the idea of everything being a roll call vote in which there's opposition, right, and so you can do the electronic voting and it not be a roll call vote, and like Carrie indicated that the software has that capability, either a roll call vote or not roll call vote, and it just shows you if there's a majority, right, and so, I mean, I'm not suggesting one way or another, but I am just suggesting that, in this motion, those issues are combined, and you might want to think about whether you want to divorce them, the roll call voting and the actual using the electronic voting.

CHAIRMAN DIAZ: Thank you, Ms. Levy. Okay. We've had a fair amount of discussion, and so we're going to go ahead and call the vote on this. **All in favor of the motion, signify by raising your hand.**

MR. STRELCHECK: I support the motion, Dale.

CHAIRMAN DIAZ: Phil?

MR. DYSKOW: I am going to continue to abstain on this, as the committee chair.

CHAIRMAN DIAZ: All opposed, like sign. The motion fails five to ten with two abstentions. Dr. Frazer.

DR. FRAZER: I thought that Andy had a good comment, and maybe we can make another motion here that essentially changes one word in that original motion that says that the council pilot an electronic voting system.

DR. STUNZ: I will second that.

CHAIRMAN DIAZ: Okay, and we have a new motion on the board for the council to pilot a new voting system, and so staff is getting the wording correct on that. Ms. Boggs.

MS. BOGGS: So, when the question was asked about those that are participating virtually, and you could have an app on your phone, as opposed to a clicker, and could we have all have an app on our phone, and that way -- Everybody carries their phone.

CHAIRMAN DIAZ: Let me make sure that everybody understands the new motion. **The new motion is for the council to pilot an electronic voting system for council and council committee motions that have opposition. All roll call votes shall be by electronic voting. Results shall be recorded and included in the minutes. Staff to select appropriate software and timing of implementation and modify the SOPPs as necessary.** Any further discussion? **Seeing none, all in favor raise your hands.**

MS. MCCAWLEY: There is no second on this motion.

DR. STUNZ: I seconded it.

CHAIRMAN DIAZ: It was seconded by Dr. Stunz.

MS. MCCAWLEY: Okay. Thanks.

CHAIRMAN DIAZ: All in favor, raise your hands.

MR. STRELCHECK: I support the motion.

CHAIRMAN DIAZ: All opposed, like sign. The motion carries twelve to three with two abstentions. Mr. Dyskow.

MR. DYSKOW: Mr. Chairman, this concludes my report.

CHAIRMAN DIAZ: Thank you, Mr. Dyskow. All right. We're going to move right along, and the next item on our agenda is the Ecosystem Report. Mr. Anson.

ECOSYSTEM COMMITTEE REPORT

MR. ANSON: Thank you, Mr. Chair. The Ecosystem Committee convened on April 4, 2022. The committee adopted the agenda and approved the minutes of the December 2020 meeting as written.

Review and Discuss Contracted Draft Gulf of Mexico Fishery Ecosystem Plan (FEP), in 2021, the council contracted LGL

Ecological Research Associates (LGL) to begin work on developing a fishing ecosystem plan (FEP) for the Gulf of Mexico. Dr. Will Heyman presented the work completed as part of their contract, which included an FEP with a proposal to base it around fishery ecosystem issues (FEIs).

A committee member requested clarification regarding subdividing the Gulf into separate management regions. Dr. Heyman responded that the FEP did not recommend dividing the Gulf into separate management zones, but rather that FEIs could have regional considerations, depending on the specific issue being considered in a FEI. A committee member asked if there was opportunity to provide feedback to the work presented by LGL. Council staff replied that recommendations will be incorporated into the final FEP by council staff.

A committee member mentioned that the FEP/FEIs should encourage pathways to promote partnerships with external agencies as necessary to address issues the affect the Gulf ecosystem. The committee liked the FEI concept as a way to incrementally address ecosystem issues.

The South Atlantic Council liaison asked if including the commercial fleet into data collection and monitoring efforts is something that the council would be amenable to, as also proposed by LGL as an example to expand the Cooperative Research Program. Dr. Heyman responded that science and management would benefit from increasing direct collaboration with fishermen.

A committee member proposed developing a FEI around climate change as it relates to changes in weather patterns, for example hurricane frequency and rainfall patterns, and that red tide might be one that is too big to undertake as a first step. The committee also agreed that there needs to be a procedure in place that would help identify and prioritize how to address the FEIs.

Ecosystem Technical Committee Recommendations, Tab Q, Number 5, following the work provided by LGL, council staff presented an example on how to begin work on a red tide FEI, given the amount of stakeholder input, ongoing research, and monitoring efforts at the state and federal level. Due to the amount of information presented, the committee requested to continue the discussion during Full Council and allow time to provide additional ideas and feedback to contribute to the final FEP. Mr. Chair, this concludes my report.

CHAIRMAN DIAZ: Thank you, Mr. Anson. This would be a time when

we could have some of that discussion. Does anybody have some ideas and want to kick us off? Mr. Gill.

MR. GILL: Thank you, Mr. Chairman. I was not on the Ecosystem Committee, but I think the discussion was good, and I think the work done by LGL to provide the basis for going forward on an ecosystem plan is good, and I have, in my mind, some things that I would change in that, but, overall, the structure is good, and it moves us forward in thinking along these lines and how we can incorporate ecosystem considerations into our management, and I have two motions available.

The first one I think is probably needed, that we accept the FEP, as provided by LGL, and the second one addresses specific tasks that we could charge the ETC with to carry it forward, and so, with your permission, I would like to offer the first motion.

Bernie, if you could pull up the FEP first motion and use that as the basis for, yes, we could use that as the structure for moving forward, and then the details we can get into later, but, you know, if we don't want to accept the plan, then that's a whole different conversation. Thank you, sir.

CHAIRMAN DIAZ: All right. **Mr. Gill has made a motion to accept the FEP plan, as developed by LGL Associates, and recommend its implementation.** Is there a second for the motion? It's seconded by Mr. Broussard. Is there discussion? Mr. Anson.

MR. ANSON: I just had a couple of minor points, I guess, relative to the document that I wanted to discuss during the committee. It's a little bit of wordsmithing. For example, on page 21, the first sentence, in the first paragraph, I believe, it says, "The FEI will eventually reach a level worthy of Gulf Council consideration."

This is after it's going through that process and such of an application, if you will, from a stakeholder, for instance, and that gets reviewed by the ETC and goes into the hopper and such, and so it's at that point, and those words seem a little high, and so I just was going to say that the FEI "could eventually reach a point where it can be considered by the Gulf Council" and not "worthy", and just to try to drop some of that language, and it seems a little much.

Then there was a couple others too, and I don't want to slow up the process, and we have other things here on the agenda, and, again, I had hoped to kind of bring these up just for more

discussion and such, but I don't know if we can do that after the fact, and I think, overall, the document is good, and it does provide a good framework to go through a process that we can try to incorporate a specific issue and try to get it analyzed in more detail and have some recommendations be brought back to the council that we can use in management.

I like the process and everything, and I'm fine with it, but I just had some other minor points, and so I don't know if I can bring them up to staff after the fact or such.

CHAIRMAN DIAZ: Dr. Simmons.

EXECUTIVE DIRECTOR SIMMONS: Thank you, Mr. Chair. Yes, I think you can provide those to staff. I mean, my understanding is these are the final deliverables from Dr. Heyman and his team that LGL has provided, and so, really, it's us taking this and molding it into the next steps and finalizing, as Dr. Mendez-Ferrer said, those bones, that structure, and then further developing the FEI, and so I think we would take that and take it to the next step, and I don't know that we would go back and make any changes to what's been delivered.

CHAIRMAN DIAZ: Dr. Stunz.

DR. STUNZ: Bob, I support your motion, and I just have one question, and I think the plan was good and all that, but both Kevin and Carrie kind of touched on what I was going to say, and that is it's really a framework for, you know, sort of like a departure point of where we are today to move forward, and I want to make sure that your motion doesn't tie us to that detailed plan there, which was perfectly fine, you know, and it was a good plan, and I have no real issues, but we might have other ideas or other ways you want to move, and so I would maybe recommend something like "is a framework for future development", or something that keeps us a little more -- Our options open a little bit more than just directly tied to that plan.

CHAIRMAN DIAZ: Mr. Gill.

MR. GILL: Thank you, Mr. Chairman, and that's my thinking exactly. Much like Kevin, I have some things that I would like to see different than have been suggested within the report from LGL, and so I view this as precisely that, as a structure that the ETC will weigh-in on, and staff will weigh-in on, and we'll massage to get to where we want to do it, and I don't see it as accepting every word verbatim, and, if I'm wrong, and if we need

to rephrase, I'm good with that, and so, if you would like to do that, sir, please go ahead.

DR. STUNZ: Well, then Bob is willing to accept a friendly amendment to accept the -- I guess I'm trying to see how we would say it. Accept the FEP plan as a framework for development -- I don't know, and I'm getting lost in the grammar here. To accept the FEP plan as a framework, or I guess, and I'm sorry, but it needs to come after the "LGL Associates", and so accept the FEP plan developed by LGL Associates as a framework -- After "Associates", "as a framework", and I don't know, Bob, and do you want to say, "to begin discussions", or "to operationalize". "Begin a discussion to operationalize and recommend". That still doesn't make sense. To accept the -- "and operationalize future FEP plans".

Bob, feel free, and I substantially changed the wording of your motion there, but the intent was to make sure that we -- It's a great framework for where we are, and we'll move forward based on that.

MR. GILL: Thank you, Dr. Stunz. **I like it better.**

CHAIRMAN DIAZ: Okay, and so the new language is to accept the FEP plan developed by LGL Associates as a framework to begin discussions and operationalize future FEP plans. Any further discussion? **Seeing none, is there any opposition to the motion? The motion carries.** Mr. Gill.

MR. GILL: Thank you, Mr. Chairman, and so I think the role that we ought to play now is to give some thoughts, much as the chair of the Ecosystem Committee suggested, on what direction to go, and I've got a few that I think that act as a starting point to that discussion, and so, Bernie, if you would pull up my FEP motion. **I offer that as a suggestion on the way forward, and I am fully open to consideration of other ideas or whatever, but I think this will help provide some focus to the discussion.** Thank you.

CHAIRMAN DIAZ: Okay. **Mr. Gill's motion is that the ETC be charged with the following tasks: 1)Revise the ETC mission to ensure long-term advice to the council for the FEP; 2)Develop goals and measurable objectives for the FEP and up to four FEIs; 3)Create criteria for prioritizing FEIs and utilize the criteria to recommend the top four FEIs.** Is there a second to the motion?

MR. ANSON: I will second for discussion.

CHAIRMAN DIAZ: It's seconded by Mr. Anson for discussion. Any further discussion? Ms. McCawley and then Mr. Anson and Mr. Gill.

MS. MCCAWLEY: I guess my question, for the motion maker, is why four?

MR. GILL: Can I respond, Mr. Chairman?

CHAIRMAN DIAZ: Yes, sir.

MR. GILL: That was going to be my comment, Jessica, is that's arbitrary, and we laid out -- I have forgotten the terminology that Will used, but we've got to somehow get this down to a manageable where do we start, and whether it's four or something, but we don't want them to try to address all possible FEIs, and whether it's four or some other number, but I just put it in there as that seems reasonable to me, but I'm fully amenable, and, if the council thinks it ought to be something else, let's do that, but it needs to be a small number.

CHAIRMAN DIAZ: Mr. Anson.

MR. ANSON: I think I'm fine with the motion, but I'm just -- Looking at Number 2, and considering the fishery ecosystem plan, as we reviewed earlier in the week, the FEIs -- It doesn't have to be this way, but certainly it was presented that they would be kind of stakeholder driven, or originated through stakeholder input, and so I just -- This kind of gives the sense that they're actually going to be created independent from that process and input, and so maybe if we add to this "and up to four FEIs with stakeholder engagement", or "through stakeholder engagement", or something like that, so that we can keep the emphasis on that there's folks outside of the council process that are helping to kind of bring these issues up.

CHAIRMAN DIAZ: Mr. Gill.

MR. GILL: Thank you, Mr. Chairman, and I'm fine with that, and that was expressed well in the plan developed by LGL, and I'm good with that. I think this motion was driven with the concept that this FEP, without some drivers, some catalyst, something pushing it, will die. It will sit on the shelf and gather dust, and we're not the body to do that, but the ETC is, and so what we need to do is establish a framework for the ETC to drive the continued performance of the FEP and to have it grow and continue to work, and that job will be ongoing long after all of

us have left this table, and that's what we need to establish going in, and clearly the stakeholder is part of that process, as expressed in the plan, and so, Kevin, I'm fine if you want to modify the wording to make that more explicit, and I'm good, but it's totally consistent with what my thinking was.

CHAIRMAN DIAZ: Dr. Stunz.

DR. STUNZ: I like Kevin's comment, and I don't know, Bob, and do we need another friendly motion, maybe, to add a Number 4 there or something, because I agree with the stakeholder input, Kevin, and I also think that Bob's point about, you know, sitting around this table -- These plans are complex, and some of us happen to be ecologists, but that's not the role we're playing here at the council, and I think that's the reason they keep stalling, because it's kind of like whose job is it.

We don't have the collective knowledge to really do that. You have to hire a group like LGL, and then you have to have those ETC groups, and so it's a very complicated process, if we don't -- Like I don't think, as a council, we're going to be able to do that, given our expertise and our role, and so I wanted to make sure I get that in the record, of why I think this is good, but is the plan -- We've had discussion, inside and outside this group, about involving the stakeholders, and I want to make sure -- So I would add a fourth one, Bob, and sorry that I'm all over the place.

The fourth one would be -- Let me think of what that -- That this -- The ETC develop a plan to engage stakeholders in the process, if you're acceptable to that, and I also want to say something about engaging stakeholders, and having talked and been somewhat involved in the socioeconomic process, and some of our SSC members, we want to engage them very closely in this, because, in my mind, this is not just the testimony of the public here, and you know how we hear public testimony, but, while that's important, they tell us that really seeking out direct public comment on a specific issue is very valuable, and it's much more valuable than -- In other words, there's a certain way that you have to go about it to make it very meaningful for this process, and so, Carrie, I just want to make sure that's in the record here, that that is beyond just a public hearing or something like that, and there's a real meaningful stakeholder-driven process. I don't want to bog down the discussion here with that, but there's more to it than public testimony, I guess is what I'm saying.

CHAIRMAN DIAZ: Mr. Anson.

MR. ANSON: I am just wondering, Dr. Simmons, on -- We have the technical committee, and does it have a long-standing charge, I guess, currently, or do we have to -- Is this going to then add that to it, to make sure it's going to be a longer-term -- I just had, in my mind, that it was more of a short-term like committee, relative to specific issues, i.e., development of this fishery ecosystem plan, at least to get it off the ground, but do you see that charge kind of -- We don't need to do anything at the council to kind of operationalize their committee as more of a full-standing committee, do we?

CHAIRMAN DIAZ: Dr. Simmons.

EXECUTIVE DIRECTOR SIMMONS: Thank you, Mr. Chair, and so it's a technical committee, and you have your three SSC members that are on the Ecosystem, Special Ecosystem, SSC that are on there, as well stakeholders, and it's -- Unless you change that body, or you reappoint those SSC members, it's pretty static.

Dr. Froeschke just reminded me that they did come up with a mission statement for the FEP, and so I am not sure that we need the first number there, but I think we understand what you mean.

Regarding the engagement of stakeholders, I mean, we will have to come up with a process and continue to kind of flesh it out and bring that back to you, and so we'll see what we can come up with.

CHAIRMAN DIAZ: Mr. Gill.

MR. GILL: Thank you, Mr. Chairman, and, Kevin, you raised a point on the rationale for my first item there, is that, the way I read the mission of the ETC is it's supposed to develop the FEP, and then it terminates, and I don't see that being appropriate, going forward, because, as I mentioned, this is going to be a forever kind of process, and they need to be engaged and involved all the way through, and that's why, unless I misread the mission, we need to change it to incorporate that as part of what they're supposed to do, and, looking forward, where their part in the process is. Thank you.

CHAIRMAN DIAZ: Thank you, Mr. Gill. All right. I am not seeing any further discussion. We have a motion on the board. I'm sorry, Andy. Go ahead.

MR. STRELCHECK: No worries. I appreciate you recognizing me, and so a couple of comments. I appreciate the motion, and I

like the motion that Bob has laid out here. I am, I guess, questioning, in Number 2, whether we want to limit them to just up to four FEIs, and I think we want them to identify a broader list of FEIs and not keep them bound by a set number, but then prioritize that, which is essentially what is stated in the third bullet, and make sure that that's a manageable list to proceed with.

That's one, I guess, comment, or recommendation, is to whether we want to let them create a broader list of FEIs and not limit them to four in Number 2, and then the second question would be kind of the timing of this, and certainly this is not a quick exercise, and it's going to take some time, but, Bob, do you want to put any time bounds on this, that the recommendation of the ETC be brought back to the council by the start of next year, or some other timeframe, just to give them time to work on this?

CHAIRMAN DIAZ: Mr. Gill.

MR. GILL: Thank you, Mr. Chairman. Thank you, Andy. The reason for the second item there is I don't see that as limiting the ETC in trying to figure out FEIs. They could develop a list of a dozen or two dozen or three dozen, whatever the number is, but they should focus on just four of them to develop goals and manageable objectives.

If you're going to develop goals and manageable objectives for every FEI that they can come up with, they will get bogged down, and we need to focus on the things that are practicable and actionable, as LGL put it, and, within reason, to be accomplished, and so scanning the universe for all the possible FEIs -- I would expect them to do that, in order to get down to which ones they ought to consider, and perhaps Number 3 should be in Number 2's place, and Number 2 should be in the Number 3 sequence, and the idea is to scan the universe for all the possible FEIs, but focus on only up to four, four or less.

CHAIRMAN DIAZ: Dr. Simmons did get a text from staff a minute ago, and so the ETC was formed in 2018, with the mission of developing the FEP, and so that was the original charge. I think we're at a point where we're ready to vote on this, and I think Andy did recommend some changes, but I haven't heard nothing officially to change it. Go ahead, Dr. Mendez-Ferrer.

DR. NATASHA MENDEZ-FERRER: Thank you, Mr. Chair. I was raising my hand to ask for clarification on that Number 1, like you just mentioned. In 2018, the original motion was to establish an

Ecosystem Technical Committee charged with helping to develop the Fishery Ecosystem Plan, and so I guess, in terms of clarification, do we want to make any -- Is Mr. Gill's concern regarding the mission of the FEP or what we're charging, or tasking, the Ecosystem Technical Committee with doing? I know we have a lot of acronyms and kind of terminology, and so I just want to make sure that we're all on the same page.

CHAIRMAN DIAZ: Ms. Bosarge.

MS. BOSARGE: When we went through this discussion in committee, one of the things that I felt was vital, and it can be very helpful to our council process, was this gathering and presenting of the most fundamental data that I feel like we're missing as we make decisions on different species and things, and the one that I think I mentioned -- I had a couple in mind, but I think I mentioned this idea of temperature changes within the Gulf of Mexico and that being not just -- I don't want just sea surface temperature, and I mean the seafloor, what we're seeing in change in temperature there, midwater, and sea surface, things like that, and I think I mentioned rainfall at the committee level.

Anyway, there is some very fundamental data that could shape our understanding, maybe, of what's happening with some of these species, and I don't think we're even getting that, and so my question is, as we jump straight into the FEIs, will that type of request, something that I feel is important, is that going to end up in an FEI, or are we just going to skim right past that basic data and making sure that the council is at least getting a handle on those changes that are happening in the environment? Where will that enter this process, if we go down this road?

CHAIRMAN DIAZ: Dr. Froeschke.

DR. JOHN FROESCHKE: I guess the way I would see this is, if there's an FEI that has some question of interest to the council, and it requires gathering, or incorporating, that kind of information, whether it's through an index or something else, that we would -- We would do it as part of the FEI, and so I don't see these as excluding that kind of information.

CHAIRMAN DIAZ: Ms. Bosarge, to that point?

MS. BOSARGE: Yes, and that's what I'm kind of worried about. Like I hoped that this process would bring me broad information, right, and so, if we go about it that way, we're compartmentalizing again, almost the same way we do with looking

at single-species stuff, and we're only going to bring that fundamental information that's affecting all our species and the interactions between them and the habitat and everything else if we get something that says, oh, well, we might want to look at that, and am I only going to get that for Florida, if we're looking at red tide, and gag or red grouper or something?

I think that's something fundamental that this council needs, right, those basic elements that climate change is driving, some sort of differential there, and we need to understand that, to understand maybe some of these broader interactions that we're seeing.

CHAIRMAN DIAZ: Mr. Anson.

MR. ANSON: I have two comments. One, I wanted to address that, and then I have another thing to the motion, but I will address what Leann has been discussing, and so I understand what you're saying, Leann, and I don't have the answer as to where that break is, or what's good and what is not good relative to size and such, and so, as I recall from the Fishery Ecosystem Plan that we had reviewed, and had the presentation for, the process, the way it's set up, is that the ETC is kind of going to be that filter.

They kind of would use, or look at, the issue that's brought up, or raised, or the one that they're going to be looking at, and then trying to make that determination based on the data availability and time scales, temporal scales, these types of things, relative to the specific fishery that's identified in the issue or, if it's not a fishery, and it's just a general topic, then, you know, I think it's up to them to use their expertise in that area to kind of --

They get it into the hopper, and then, from there, find out whether -- You know, what floats to the top, so to speak, as far as what might be the most pressing, and the most pressing issue may not be the one that is the most pressing for our needs to manage the fishery, but it just may be one that has more availability in the data and the analysis and those types of things that could provide a product, which would provide recommendations, is the way I see it.

Going back to what Andy had brought up relative to the motion, I kind of agree with him that 2 and 3 are somewhat restricting, inasmuch as at least 2 says up to four, and 3 says the top four, and so, you know, it precludes that they will have four, I guess, at that point, but, you know, I guess, Bob, if you could

-- You have already responded to Andy's comment, but if you would just reconsider possibly dropping the "and up to four FEIs" in Number 2 and just leave it after "FEP", and just end it there.

CHAIRMAN DIAZ: Mr. Gill.

MR. GILL: Thank you, Mr. Chairman. Are you suggesting that we just do goals and objectives for the FEP alone and not for the FEIs?

MR. ANSON: No, and what I'm saying is that, in Number 2, just say "Develop goals and measurable objectives for the FEP." Then 3 would be: "Create criteria for prioritizing FEIs. Utilize the criteria to recommend the top four FEIs."

CHAIRMAN DIAZ: Mr. Gill.

MR. GILL: Thank you, Mr. Chairman. Well, the problem that I have with that is that I think the FEIs need goals and objectives in order to be accomplished. You know, if you don't know where you're going with the FEI, just saying, okay, we want to do this, and you don't have a path to get there, and you're missing the bat, and you need to provide the focus on how you're going to get to those FEIs, and that's the intent of Number 2.

CHAIRMAN DIAZ: Mr. Anson.

MR. ANSON: I will be brief then. So then maybe change it to "Develop goals and measurable objectives for the FEP and FEIs."

CHAIRMAN DIAZ: Mr. Gill.

MR. GILL: Well, that gets to my comment to Andy, in that I don't think you want to embark on -- We've got fifty FEIs, or whatever the number is, and develop goals and objectives for every one that they're not going to do, and you want to concentrate on the things that you think you're going to do, as defined in Number 3.

CHAIRMAN DIAZ: I have talked a little bit with staff here, and they have been following the discussion very closely, and they think they have a good handle on how to execute this motion, and so is there any further discussion on the motion? **Seeing none, is there any opposition to the motion?** Mr. Strelcheck, I'm sorry. Did you want to speak before we voted?

MR. STRELCHECK: No, I'm fine, and I was just going to say the

same thing you did, which is I think that staff has a good understanding, and they can execute this motion, and so I agree with Bob's comments that we want goals and measurable objectives for a subset of the FEIs, and my point was just that let's not constrain them to thinking about a broader suite of FEIs, but we need to get them to prioritize those down and set goals and measurable objectives, which I think is Bob's intent and is reflective in the discussion we just had.

CHAIRMAN DIAZ: Thank you, Mr. Strelcheck. All right. **The motion carries.** By the way, Mr. Strelcheck and Mr. Dyskow, please jump in. I'm having a hard time keeping up with you all, and so, if you're not being recognized, please jump in. Mr. Anson, did you have anything else?

MR. ANSON: No, Mr. Chair. That concluded my report.

CHAIRMAN DIAZ: Dr. Stunz.

DR. STUNZ: Thank you, Mr. Chair. I had something just very briefly, and I didn't want to bog down that motion, and so, as we're moving forward with this, and, yesterday, and I think it was yesterday, we had a little bit of discussion about allocation and about that we really will help those guidelines, as well as what we're trying to do here, when we actually start developing some of these, and I think -- I didn't want to slow down this process, and I think this needs to develop some, but I think, once that gets going, running this through with an issue that we identify, that maybe is not red snapper related, for example, that is a little less controversial, to sort of give this a test run, so to speak, would really inform us on the process and how to do this, at maybe a bigger level, where there may be a little more controversy, and so, at that point -- I'm not prepared to make a motion today, because I'm going to let this develop, but, once that does, I think sort of test running this, so to speak, is the next step, and we should probably do that sooner than later.

CHAIRMAN DIAZ: Thank you, Dr. Stunz. Any further discussion on ecosystem matters? Seeing none, we're going to move right into the Shrimp Committee Report. Ms. Bosarge.

SHRIMP COMMITTEE REPORT

MS. BOSARGE: Thank you, Mr. Chairman. All right, and so the Shrimp Committee met on April 4, 2022, with myself, Leann Bosarge, as the chair. The committee adopted the agenda, Tab D, Number 1, with Agenda Item VIII moved to follow Agenda Item V

and the addition of the Southern Shrimp Alliance scholarship information under Other Business. The committee then approved the minutes, Tab D, Number 2, of the January 2022 meeting as written.

Biological Review of the Texas Closure, Tab D, Number 4, Southeast Fisheries Science Center (SEFSC) staff presented on the biological review of the Texas closure, as seen in Tab D, Number 4. Staff conveyed to the council that the Shrimp Advisory Panel (AP) made a motion in support of continuing the Texas Federal Closure in 2022.

The committee recommends, and I so move, to request NMFS to continue with the Texas federal closure in the coming year, in conjunction with the State of Texas closure in 2022. The motion carried unanimously.

CHAIRMAN DIAZ: Okay. We have a committee motion. Is there any discussion on the motion? **Seeing no discussion, is there any opposition to the motion? The motion carries.** Ms. Bosarge.

MS. BOSARGE: Update on Current Vessel Position Data Collection, Tab D, Number 5, Southeast Fisheries Science Center staff presented an update on the collection of current electronic logbook (ELB) data for the federally-permitted Gulf shrimp industry, as seen in Tab D, Number 5.

A committee member asked about reporting requirements and the impacts on permit renewal if secure digital (SD) cards aren't returned. The Southeast Regional Office (SERO) staff stated that permit holders have to comply with electronic reporting, as required by the Science and Research Director, and the council could refer to those regulations.

SERO staff noted that permits are renewed annually, and so a fair amount of time could pass before late SD cards are returned. Southeast Fisheries Science Center staff responded that SD cards are a short-term solution, but any efforts to increase the return rates would be welcome. A committee member noted that outreach efforts are needed to increase the return rates of SD cards and that the council's Outreach and Educational Technical Committee may be a good starting point, as this group includes membership from both Sea Grant and state agency staff.

The suggestion was also made to include the NOAA Gear Monitoring Team, which works with the shrimp industry on turtle excluder devices and has familiarity with members of the industry. SERO

staff recommended consideration of tailored outreach with the Vietnamese shrimping community in the Gulf.

A committee member asked for, and received, clarification on the process for returning the SD cards. It was stated that more urgency is needed in the communication on the return of the SD cards beyond the original and reminder letters mailed to Gulf shrimp moratorium permit holders selected to participate in the cellular ELB program.

The committee recommends, and I so move, to recommend that the council request staff work with the Outreach and Education Technical Committee to identify the best process for conveying the importance of recovery of secure digital (SD) cards to Gulf of Mexico federal shrimp permit holders that have been selected by the Science and Research Director to report vessel position data. Once a notification process for shrimp permit holders is identified, letters to NMFS Fisheries Statistics Division should be sent emphasizing the importance of recovery of SD cards on Gulf of Mexico shrimp vessels and the efforts that have been identified to improve this outreach effort. The motion carried unanimously.

CHAIRMAN DIAZ: We have a committee motion. Is there any discussion on the motion? Mr. Gill.

MR. GILL: Thank you, Mr. Chairman. I noted in committee that I hope that, if this motion passes, that staff will work with industry to get that information out, and I think it would be more effective, and it's not part of the motion, and I don't think it needs to be, but I just wanted to reiterate it in Full Council, for the record. Thank you.

CHAIRMAN DIAZ: Thank you, Mr. Gill. Any further discussion? **Seeing none, is there any opposition to the motion? The motion carries.** Ms. Bosarge.

MS. BOSARGE: SSC Recommendations on Development and Process of Using Empirical Dynamic Models on Brown and White Shrimp, Tab B, Number 7, the Scientific and Statistical Committee (SSC) Chair presented on SSC discussions on the development and process of using empirical dynamic models (EDMs) on brown and white shrimp.

He noted the SSC recommended running simple biomass models for comparison with the EDM results. Staff explained that the Shrimp AP had questions about the EDMs, including the pooling of data across certain statistical zones, and had made a motion for the SEFSC to formally include appropriate SSC members, council

staff, and shrimp industry representatives in development of the EDMs.

The Shrimp AP chair shared that he also had questions and concerns about the EDMs being used for brown and white shrimp and fully supported the AP's motion. A committee member commented that this would be an opportunity to combine applied knowledge of the fishery with scientific knowledge related to these shrimp models.

Southeast Fisheries Science Center staff noted that the process of using EDMs for management advice has not been outlined yet, but he is supportive of the AP's motion. A committee member emphasized that this would be a good opportunity for collaborative work.

The committee recommends, and I so move, to convey to the Southeast Fisheries Science Center the support of the formal inclusion of the appropriate SSC members, council staff, and shrimp industry representatives in the development of the shrimp EDMs outside of formal SSC review and prior to the SEDAR research track. The motion carried unanimously.

CHAIRMAN DIAZ: Okay. We have a committee motion. Is there any discussion on the motion? **Seeing no discussion, is there any opposition to the motion? The motion carries.** Ms. Bosarge.

MS. BOSARGE: The three remaining agenda items of Summary of the March 2022 Shrimp Advisory Panel Meeting, Update on Council Request for Proposals to Address Expanded Sampling of the Fleet for Effort Monitoring in the Gulf Shrimp Industry, and Other Business, the Southern Shrimp Alliance Scholarship Information, will be covered in Full Council. Mr. Chair, this concludes my report, and, if you want, I will quickly do the scholarship, and then maybe Carrie can do hers, and then Matt will take us through that other.

CHAIRMAN DIAZ: That sounds like a good plan. Go ahead, Ms. Bosarge.

MS. BOSARGE: Okay, and so the Other Business, real quick, is I was just going to let you all know that the Southern Shrimp Alliance, which is an industry organization that represents the shrimp industry throughout not only the five Gulf states, but also the four South Atlantic states, recently set up a scholarship program.

The scholarships are $1,000 each, and you can be entering either

a four-year university or a trade school, or you can be in one of those already, and you can apply. The main eligibility criteria is that you have to have some sort of link, or connection, with the shrimp industry, and you essentially write a very brief essay, like very brief, and 500 words, I think, just kind of detailing what your connection to the industry is, and fill out the rest of the application, and you can apply.

I am really excited about this, and it doesn't matter your field of study, and you don't have to be going into something like marine biology related, you know, and so I just wanted to let everybody know that's out there, and you can go to the Southern Shrimp Alliance website, if you know anybody that wants to apply, and the application is there.

CHAIRMAN DIAZ: How many scholarships are there?

MS. BOSARGE: I think their aim is to try and give out two per state, and I'm not sure on Florida, if it's just two or if that should be four, two for each coast, but their aim is two per state, depending on the applicants, if they get enough applicants.

CHAIRMAN DIAZ: Thank you for that. Dr. Simmons.

EXECUTIVE DIRECTOR SIMMONS: Thank you, Mr. Chair, and so I'm going to be covering the update on the council request for proposals to address the expanded sampling of the fleet for effort monitoring in the Gulf shrimp industry.

I am pleased to say that the council has an executed contract with LGL Ecological Research Associates, and that's Dr. Benny Gallaway and Dr. Nathan Putman, and that is a twelve-month contract, and so we signed that at the end of March, and they have until the end of next year, March of 2023, to complete that work.

We do have, written in the contract, some progress reports and mid-term progress reports, but I spoke with Dr. Putman last night, and he said they're willing to provide any updates to the council as they become available. We are expecting a very brief update for the June council meeting, just a couple of slides on what they've been able to do so far, and then, if there's any other information that the council -- New information that would be available for subsequent meetings, we can bring that to the council, if you would like us to. Thank you.

CHAIRMAN DIAZ: Any questions for Dr. Simmons? Seeing none,

Matt, are you available for your update?

DR. MATT FREEMAN: Yes, sir, I am.

CHAIRMAN DIAZ: Go ahead, Matt.

DR. FREEMAN: Okay. Great. I wanted to mention that -- I wanted to note that the AP had received an update to the presentation that the council received at its January meeting on the pilot testing of the VMS units. If the council recalls, there were some questions about having the volunteer vessels, and so Mr. Wallace was able to update us on that, and, as a reminder, tentatively, the council is scheduled to receive an update on this at the June meeting.

The next item to go through was the review of the draft shrimp framework action, and I shared with the AP some of the items that were presented and discussed by the council at the January meeting, following the discussion of NMFS' evaluation of the draft technical specs, and I let them know that they would be discussed by the IPT, in terms of incorporating those into the discussion of the alternatives.

Between the RFP that Dr. Simmons covered and the update on the NMFS pilot testing, there was, obviously, some discussion amongst the AP members as far as the timing of those projects. In particular, I wanted to note that an AP member emphasized the council's interest in waiting for the completion of the NMFS project and the council-funded project, and he commented that he would also like to wait for the results of those two studies, but he noted that the P-Sea WindPlot results would not be until March of 2023.

As a result, the AP made two motions, and so I will read through both of those, if it's okay, and then, like I said, they're kind of linked, and then I'll let the council discuss that, before I go further into the report.

The first motion was that the Shrimp AP requests the council to postpone selecting a preferred alternative in the framework action until after the council and the Shrimp AP have received and considered definitive results from both the VMS testing program, based on three-day trips in the pink, white, and brown shrimp fisheries, and from the LGL P-Sea WindPlot cellular transmission development project. That motion carried unanimously.

However, given the uncertainty of the timing of how the council

will proceed on the draft framework action, and the perceived need for urgency by NMFS on selecting a new method, there was an additional motion, which was, that if the Shrimp AP is unable to review the framework action again prior to the council selecting a preferred alternative, then the Shrimp AP recommends, based on current available information, to the council that it selects, as its preferred alternative, Framework Action 1, Alternative 3, the purposes of which the AP continues to understand are to provide a clear alternative to the VMS system-based program set forth in Alternative 2, which would transmit data directly to OLE and instead to maintain a scientific shrimp fishing effort data collection program by replacing the current cELB system with a new ELB system that automatically transmits data generated through P-Sea WindPlot navigational software via cellular service through a non-OLE server to the Southeast Fisheries Science Center for analysis. That motion carried unanimously.

Like I said, I wanted to read both of those, since they are linked, and I do want to note that certainly for the council to discuss this, but as well, tentatively, we would be bringing the draft shrimp framework action back at the June meeting, and so that would potentially be an opportunity to revisit these motions as well then too, and so I will pause there for discussion.

CHAIRMAN DIAZ: Mr. Gill.

MR. GILL: Thank you, Mr. Chairman. I support the intent of the first motion, because it makes no sense to me that we go ahead with various programs to find what the issues are, or are not, with the various electronic units, and to proceed without getting that information says why are we doing them in the first place, and the downside to that, of course, is it pushes things out, but we've already committed, and so that ship has sailed, and I use that term intentionally.

I don't think it needs a motion from the council, but I wanted to express that I fully support the intent of that motion, and we need to find out what the results of the testing programs are and then move forward with whatever we think best at the time. Thank you.

CHAIRMAN DIAZ: Thank you, Mr. Gill. Any further discussion? Mr. Strelcheck.

MR. STRELCHECK: It probably won't come as a surprise to anyone that I'm actually opposed to this motion. I guess I want to

lead with I am certainly wanting industry buy-in for those program, and I think that's where we're at a crossroads at this point.

The concern I've had, and I shared this in a short conversation with Leann after the Shrimp Committee, is I feel like we are kicking the can down the road, and we don't have a clear plan at this point, in terms of how to proceed, and we haven't kind of outlined a timeline, in terms of how we're going to resolve our data collection issues in this fishery right now, and, in the meantime, what is happening is, obviously, the data is getting worse.

Now, we've talked about some outreach and some efforts that potentially could improve that, but there is no guarantee of that, and so we have an erosion of the quality of data, obviously, coming in, first and foremost.

In terms of then kind of getting into some details, the concerns I have, one, is that there's been argument made that we need to test this in all three of the shrimp fisheries on the VMS side, and I don't think that's correct and accurate, and one of the things that has been raised, with regard to meeting the testing in all three, is the differences in boundaries, with regard to where they operate, but these cellular VMS units -- They ping every ten minutes, and there is not going to be any increase in pings if they cross a boundary, and I have confirmed that with our VMS program, and so it's really we need to test these on shrimp vessels and make sure that it's compatible with the algorithm, and I think that can be done regardless of if we test it in one, two, or all three of our shrimp fisheries.

The other, I think, broader concern about waiting until the P-Sea WindPlot testing is complete is, right now, that's not a workable solution, and I don't know what the outcome will be of LGL, and I have, obviously, a lot of respect for them, and they do a lot of great work, but will they be able to ensure that data can be transmitted cellularly to meet, obviously, the data collection needs for the industry and the government, and will there be, you know, enough vessels that are using that, and I'm being told that a majority of vessels use it in the industry, but we aren't clear, at this point, as to what fraction of the vessels fully use that technology, and then, most importantly, that solution relies on us then building out additional systems, and there's an increased cost to the government, which ultimately are increased costs to the taxpayers.

We have not gotten any additional congressional funding, and

that was taken out this year from the budget, and so there is no guarantees, from the government's standpoint, that we're going to have funding to support a separate parallel system, and would not support a separate parallel system at this point, given we have a fully functioning system that accomplishes the same thing through VMS.

I think we really need to be thoughtful and strategic and careful about how we proceed on this, and, if we're going to go down this path of delaying, I would much prefer that we have a very clear timeline of decision points and the requirements in order to proceed, because I think the VMS solution could certainly be in place far sooner and be much easier to implement at this point. Thanks.

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

MS. BOSARGE: I think this discussion is kind of moot at this point. I will give you an example. The AP also received an update from NMFS on effort, and so they process our effort, right, and they give us total effort and see how we're doing relative to certain effort thresholds that the shrimp industry has for different species, and our 2020 effort data that came out of the logbooks that are on our boats right now -- We transmitted all year in 2020, automatically, and this was not a chip year, okay, and it didn't shut down the transmission until mid-December, and NMFS hasn't processed that data, and so I'm not sure what the impetus is here that we've got to get something else on the water right now, that we have something, and you're getting chips from 2021, and you haven't even processed the 2020 data that you got automatically.

I don't see why the council has to be in some heated rush to implement a new plan, that you obviously still won't be able to process the data from, before we even get the results of all the testing, both the NMFS testing and the council-funded testing, and so I say bring this document back in June, and let's make sure that we actually include the discussion this time that was brought up in the January council meeting that Matt just told we're going to incorporate some of that information from the draft tech specs and flesh out this idea that there is a difference in the data going to OLE and going to some other server that's not a law enforcement server and that will be managed by the Science Center.

We'll get that fleshed out, and maybe we'll have some preliminary results from that VMS that NMFS has on one boat right now. If they can't run the effort algorithm from the 2020

data -- They've got a lot of work to do between now and then, to actually give us some results.

Let's see how that goes. We'll get a preliminary update from the LGL-funded study that we've got going, and we'll take it from there, but I don't see the urgency, when the 2020 data hasn't even been processed.

CHAIRMAN DIAZ: All right. Any further discussion? Seeing none, Dr. Freeman, do you want to proceed?

DR. FREEMAN: Yes, sir. If I can go back to Ms. Bosarge's last comment, just to clarify, for the June council meeting, at this point, the main thing is to further flesh out the discussion of the alternatives and otherwise bring the draft framework, more or less, with that addition, and is that correct?

MS. BOSARGE: Yes, Matt, with that further fleshing out of the differences between Alternative 2 and Alternative 3, as you discussed in the Shrimp AP meeting, and the recommendations that were made by the council at our January council meeting, that those items be in writing and incorporated in the discussion section. Thank you.

DR. FREEMAN: Okay. Perfect. Thank you for that. Just to let the council know a few other items, especially since they related to motions stemming from previous council meetings, I was able to share an update with the Shrimp AP on the Gulf of Mexico Aquaculture Opportunity Areas notice.

The publication for the notice of intent is anticipated to be published in late spring or summer of 2022, which will start the public scoping process for the development of the programmatic environmental impact statement, and that is going to seek to identify at least one aquaculture opportunity area.

One of the other items in the AP's discussion related to offshore wind development with BOEM, and the Southeast Fisheries Science Center staff discussed a request from the council to NMFS on inclusion of spatial analyses and economic data from the Gulf shrimp industry for consideration of offshore wind energy studies, and so the AP was able to receive sort of a preliminary update and have some discussion there, and then one other item, again stemming from the council's motion, is SERO staff was able to provide information on shrimp landings and market information, as well as updated information on permits and economic return estimates, and that was well received by the AP and facilitated some of the discussion related to other agenda

items, and so I think that summarizes the information from the AP, if there is any questions from the council.

CHAIRMAN DIAZ: Dr. Walter.

DR. JOHN WALTER: Thank you, Chair. I wanted to just bring up something, because there's going to be a lot of work ahead of the IPT team, and that's the implementation planning team, who is going to work on that framework for shrimp, and I just wanted to get a read from people about -- Since there's been a lot of water under the bridge since that framework was really first worked on until now, about the idea of the commercial electronic logbooks, and there's been a lot of work on those since then, and whether that is even something that people might want to consider, or is that still off the table.

I bring it up, one, because we've gotten a little bit further along on those logbooks, and, two, it could address some of the issues that we've seen, in terms of the timing of things and the routing of the data, and so I just wanted to know if there was any appetite for that, and it also might get us the catch data and streamline the documentation of the catch data, and I don't want to have a long conversation, but I just wanted to hear if there -- Maybe this is to Leann, but if there is maybe a think about it or a no-go. Thanks.

CHAIRMAN DIAZ: Ms. Bosarge.

MS. BOSARGE: Yes, I will definitely think about it. I am not going to rule anything out without looking at it, and I certainly, obviously, like the idea that -- I am assuming that data goes through ACCSP. Staff is dying over here, John, but, anyway, there were some things, and I remember seeing that presentation to one of our commercial finfish type APs, and there were some things that I didn't like about it, but I am open to looking at it, John, and so maybe we'll have a presentation -- I am assuming -- We asked for a document on that to be brought back at some point, and so I guess, as we get into that, we can take a look at it and see if it's a fit or not.

DR. WALTER: All right. Well, then I think maybe we could take that offline and try to at least come up with some of the specs for it, cost and pros and cons.

CHAIRMAN DIAZ: Mr. Gill.

MR. GILL: Thank you, Mr. Chairman. I am in the same camp as Leann on this one, and I don't know enough to say no, and, if it

offers some opportunity to provide a usable solution, I would like to learn more, and so I would encourage a presentation on what it really means and how it stacks up, versus the alternatives that we've currently been talking about.

CHAIRMAN DIAZ: Thank you, Mr. Gill. All right. Any further discussion? Seeing none, Dr. Freeman, do you have anything else?

DR. FREEMAN: No, sir. That was the remainder of the agenda items. Thank you.

CHAIRMAN DIAZ: Ms. Bosarge, do you have anything else? All right. I think that concludes the Shrimp Committee. We're going to do one more committee, and then we're going to take a break. Next up is the Mackerel Committee and Mr. Anson.

MACKEREL COMMITTEE REPORT

MR. ANSON: Thank you, Mr. Chair. The Mackerel Committee convened on April 4, 2022. The committee adopted the agenda, Tab C, Number 1, and approved the minutes, Tab C, Number 2, of the January 2022 meeting as modified.

Review of Review of Coastal Migratory Pelagics (CMP) Landings, Tab C, Number 4, Ms. Kelli O'Donnell of NMFS Southeast Regional Office, (SERO) reviewed the recent landings for the Gulf migratory groups of cobia, king mackerel, and Spanish mackerel.

Draft Framework Amendment 11: Modifications to the Gulf of Mexico Migratory Group King Mackerel Catch Limits, Tab C, Number 5, staff reviewed the framework amendment, which has a single action to consider modifying the catch levels for Gulf migratory group king mackerel (Gulf king mackerel).

The SEDAR 38 update assessment and Scientific and Statistical Committee (SSC) review found that Gulf king mackerel is not overfished or undergoing overfishing. The spawning stock biomass (SSB) is currently above the minimum stock size threshold, but below the SSB at maximum sustainable yield, likely due to depressed recruitment over the last ten years.

The SSC recommendations for the overfishing limit (OFL) and acceptable biological catch (ABC) increase over the projection time period, reflective of the estimated annual increase in SSB as the stock builds towards SSB at MSY (maximum sustainable yield) during that period.

A committee member was concerned about the condition of the stock and the pace of the development and implementation of catch advice.

Another Committee member commented on the openings of the Bonnet Carré spillway in Louisiana, which can result in large influxes of freshwater in the northern Gulf. He asked whether the relationship between salinity in the northern Gulf and recruitment had been analyzed. Council staff replied that such an analysis was not done for the SEDAR 38 Update stock assessment, but could be examined for future assessments.

The committee discussed other possible alternatives to consider, including an average constant catch scenario, setting the catch level at the 2022-2023 fishing year values, and applying the council's Annual Catch Limit (ACL)/Annual Catch Target (ACT) Control Rule to establish a buffer between the ABC and the total ACL. Council staff noted that the ACL/ACT Control Rule would create a 10 percent buffer between the total stock ABC and the total stock ACL. Council staff also verified that adding an alternative more conservative than Alternative 2 would not prevent the ability to take final action on the document at the June 2022 council meeting.

Final Action: Amendment 34: Atlantic Migratory Group King Mackerel Catch Levels and Atlantic King and Spanish Mackerel Management Measures, Tab C, Number 6, Ms. Christina Wiegand (South Atlantic Council staff) presented the amendment, which would modify catch levels, sector allocations, and bag and possession limits for Atlantic migratory group king mackerel, as well as the requirement to land recreational Atlantic king and Spanish mackerel with heads and fins intact.

Currently, both councils concur on preferred alternatives to the five actions included in the amendment. The South Atlantic Council approved the amendment for final action during its March 2022 meeting. The committee reviewed the proposed codified text.

The committee recommends and I so move, to recommend the council approve Amendment 34: Atlantic Migratory Group King Mackerel Catch Levels and Atlantic King and Spanish Mackerel Management Measures 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.

CHAIRMAN ANSON: Thank you, Mr. Anson. We have a committee motion, and this is a roll call vote. Dr. Simmons.

EXECUTIVE DIRECTOR SIMMONS: Thank you, Mr. Chair. Mr. Strelcheck.

MR. STRELCHECK: Yes.

EXECUTIVE DIRECTOR SIMMONS: Dr. Shipp.

DR. SHIPP: Yes.

EXECUTIVE DIRECTOR SIMMONS: Mr. Broussard.

MR. BROUSSARD: (Mr. Broussard's response is not audible on the recording.)

EXECUTIVE DIRECTOR SIMMONS: Dr. Stunz.

DR. STUNZ: Yes.

EXECUTIVE DIRECTOR SIMMONS: Mr. Gill.

MR. GILL: Yes.

EXECUTIVE DIRECTOR SIMMONS: Ms. Bosarge. We will come back to her. Mr. Geeslin.

MR. GEESLIN: Yes.

EXECUTIVE DIRECTOR SIMMONS: Mr. Dugas.

MR. DUGAS: Yes.

EXECUTIVE DIRECTOR SIMMONS: General Spraggins.

GENERAL SPRAGGINS: Yes.

EXECUTIVE DIRECTOR SIMMONS: Mr. Anson.

MR. ANSON: Yes.

EXECUTIVE DIRECTOR SIMMONS: Ms. Boggs.

MS. BOGGS: Yes.

EXECUTIVE DIRECTOR SIMMONS: Mr. Dyskow. I will come back.

MR. DYSKOW: Yes.

EXECUTIVE DIRECTOR SIMMONS: Thank you. Mr. Williamson.

MR. WILLIAMSON: Yes.

EXECUTIVE DIRECTOR SIMMONS: Mr. Schieble.

MR. SCHIEBLE: Yes.

EXECUTIVE DIRECTOR SIMMONS: Dr. Frazer.

DR. FRAZER: Yes.

EXECUTIVE DIRECTOR SIMMONS: Ms. McCawley.

MS. MCCAWLEY: Yes.

EXECUTIVE DIRECTOR SIMMONS: Mr. Diaz.

CHAIRMAN DIAZ: Yes.

EXECUTIVE DIRECTOR SIMMONS: The motion carried unanimously with one absent.

CHAIRMAN DIAZ: Mr. Anson. Sorry. Dr. Simmons.

EXECUTIVE DIRECTOR SIMMONS: Thank you, Mr. Chair. I don't know if we want to come back after you've completed the report, but staff just had a question regarding the Framework Amendment 11. Since we're trying to take final action, there was some discussion at the committee about potentially adding an alternative. If we're going to do that, we would need to have that information at this meeting. Thanks.

CHAIRMAN DIAZ: Okay. I am looking around the room. I am not seeing anybody's hands up at this point. Mr. Anson.

MR. ANSON: Other Business, Tab C, Number 7, council staff discussed the current regulations prohibiting the harvest of Gulf king mackerel via run-around gillnets in the Gulf Southern Zone on weekends and federal holidays. This regulation was implemented to better account for harvest via gillnets, as reporting on weekends and federal holidays would not be received and processed by NMFS until the next business day.

The pace at which landings can come in from the gillnet fleet is

such that quota overruns were possible under the commercial trip ticket system. Currently, the gillnet fleet communicates in real-time, including over the weekends and federal holidays, with NMFS staff regarding landings and voluntarily ceases fishing activity once the Gulf Southern Zone gillnet ACL is projected to be met.

This more recent reporting method is later validated using commercial trip ticket and seafood dealer reports and negates the need for the prohibition on fishing on weekends and federal holidays.

A committee member was concerned about season duration if landings were allowed on weekends and holidays. Council staff noted that the season duration was not as important to the gillnet fishermen. The vessels used for gillnetting are also used for pulling stone crab and lobster traps, and, while the gillnet gear is on the vessel, pulling traps cannot occur. Thus, if the weather does not allow for gillnet strikes on king mackerel, the vessel cannot fish, which represents lost income and inefficiency for the commercial fishermen.

The committee recommends, and I so move, to direct staff to create a Framework Amendment to eliminate weekend and holiday closures in the gillnet component of the mackerel fishery.

CHAIRMAN DIAZ: Okay. We have a committee motion. Is there any discussion on the motion? Ms. McCawley.

MS. MCCAWLEY: I was just seeking clarification as to whether this is getting added to the other framework action or these are going to be separate, because it seems like, by adding this, you're going to delay the timing on the other framework action, and just I don't know where we ended up.

MR. RYAN RINDONE: We didn't end up yet, and so, whatever it is that you guys want to ultimately do with that, you can just let us know what that is, and I think adding a new non -- A new action that's on a different vein than something like a catch limit modification is going to make it difficult to bring this back for final action in June.

CHAIRMAN DIAZ: Ms. McCawley.

MS. MCCAWLEY: Based on that, I think that my preference would be to do this as two separate framework actions, so that the other one can move forward and be finalized at the next council meeting, and then this gillnet component can take a little bit

longer.

CHAIRMAN DIAZ: Mr. Rindone.

MR. RINDONE: Thank you, Mr. Chair. Just for additional, I guess, prioritization clarification on that, it seems like our priority should be to finish this one up before we dedicate a lot to this season modification for gillnets.

CHAIRMAN DIAZ: Ms. McCawley.

MS. MCCAWLEY: Yes, that's my intent.

CHAIRMAN DIAZ: Okay, and so that's the way we're proceeding right now, will be two separate documents. Any further discussion on this motion? **Is there any opposition to this motion? Seeing no opposition, the motion carries.** Mr. Anson.

MR. ANSON: Mr. Chair, that concludes my report.

CHAIRMAN DIAZ: Okay. Ms. Bosarge.

MS. BOSARGE: Just a follow-up on that discussion with staff, and so we'll see that other document in June, and this one here, the separate framework that we just voted on, we could possibly see that in August?

MR. RINDONE: You could see options for it in August, and so, just to give you guys an idea about timing here, even if we went final on it in August, it still wouldn't be in effect in time for the start of the gillnet fishing season after Martin Luther King Day in January 2023, and so going final in -- Even if we went final in August, it wouldn't be in place for their 2023 fishing year.

The need to really go wide open throttle on this -- From a timing perspective, it doesn't help them for that fishing season, and the soonest it would be in place anyway would be for the 2024 gillnet fishing activity.

CHAIRMAN DIAZ: Ms. Bosarge.

MS. BOSARGE: We would be pretty close. When is Martin Luther King Day? January what?

MR. RINDONE: It's usually the first Monday after January 15, I think, or something like that. It's the second Monday of the second full week of January, I think is when it's normally

scheduled.

MS. BOSARGE: So August, September, October, November, December, January. It would be five months.

MR. RINDONE: Yes, and, well, you figure, after the August meeting, it usually takes a few weeks to dot all the Is and cross all the Ts and transmit, and NMFS has other things that may step in front, from the priority perspective, but, even if they didn't, it would be six months from that point.

MS. BOSARGE: Okay. Well, I just want to make clear that this doesn't need to go in that black hole that some of these other commercial amendments have gone in, you know when we talked about commercial carryovers and stuff, and it's not a priority level that low, but it's simply one priority behind the amendment that we're already working on, and so I hope we can see it in August, if possible.

MR. RINDONE: Sure, and I'm sure that Bill Kelly will make sure that we don't forget about it.

CHAIRMAN DIAZ: Is there any further business for the Mackerel Committee? Seeing none, we're going to take a pretty long break right now, and so some folks need to check out of the hotel. Let's come back at ten minutes after ten, and we'll get started back up, and we'll follow our agenda as it's written, with the Data Collection Committee. 10:10. Thank you.

(Whereupon, a brief recess was taken.)

CHAIRMAN DIAZ: Ms. Boggs, are you ready for Data Collection?

MS. BOGGS: Yes, sir.

CHAIRMAN DIAZ: You can proceed whenever you're ready.

DATA COLLECTION COMMITTEE REPORT

MS. BOGGS: Thank you, Mr. Chair. The committee adopted the agenda, as written and approved the minutes of the January 2022 meeting, Tab F, Number 2, as amended.

Modification to Location Reporting Requirements for For-Hire Vessels and Equipment Failure Exemption Implementation Plan, Tab F, Numbers 4(a) and (b), council staff reviewed the latest version of the framework action, Tab F, Number 4(a), and Southeast Regional Office (SERO) staff provided a presentation,

Tab F, Number 4(b), on the technical aspects of implementing the equipment failure exemption.

A committee member asked if it was necessary to include language in the document that would stipulate future progress reports on the program. SERO agreed that regular updates to the council are needed, and it would not be necessary to include any formal language in the document to achieve those updates.

A committee member asked for clarification on dually-permitted for-hire and commercial participants and the equipment failure exemption. SERO staff responded that those individuals would be subject to the more stringent commercial regulations, and the equipment failure exemption would not apply to them.

The committee member also asked if any participant had reported any vessel monitoring system (VMS) issues so far, and SERO staff replied that no issue had been reported, to date. Council staff asked for clarification regarding who would be able to submit an equipment failure exemption, the permit holder or the vessel operator, or both. SERO staff indicated that the permit holder would be responsible for submitting the equipment failure exemption. Thus, the document would be updated with that clarification for final action in June.

Update on Southeast For-Hire Integrated Electronic Reporting (SEFHIER) Program, Tab F, Number 5, SERO staff provided an update report, which included summary information on program compliance, Tab F, Number 5. Additionally, the presentation proposed a modification to the hail-out regulation language that would exempt a declaration report for non-fishing trips with a duration less than an hour.

A committee member stated that several stakeholders had reported difficultly reaching SEFHIER staff to obtain information about the program from the help call line. However, it was possible they were not calling the official helpline. SERO staff directed the committee to the contact information included in the presentation and indicated that recent inquiries to the SEFHIER call line had been regarding set up of the VMS units and reporting requirements.

A committee member asked about the rationale on the recent decision to cap the reimbursement for cellular VMS devices at $950. SERO staff indicated that, previously, the reimbursement fund had prioritized the SEFHIER program. However, the nationwide fund was now executing payments to SEFHIER participants on a first-come-first-serve basis. The new maximum

reimbursement value is based on the average price for a cellular VMS unit.

The committee asked why compliance for the program was not higher and what steps could be taken to increase buy-in. SERO staff indicated that non-compliant permit holders would not be able to renew their permits, and it is likely compliance will increase as permit renewal applications are submitted throughout the year. Additionally, VMS information is now available, to determine whether these observations are due to latency or are attributable to non-compliance.

Another committee member asked whether SERO had encountered any technical issues with data reporting, management, or storage, especially related to data sent to the Office of Law Enforcement (OLE). SERO staff replied that two dedicated technicians were working on integrating the OLE and SEFHIER databases.

The committee discussed the merits of the proposed modification to the trip declaration, i.e., hail-out, requirements. Several committee members indicated that one hour may not allow enough time to complete non-fishing tasks that may require the vessel to leave the dock.

The committee also discussed the pros and cons of including an action to address the hail-out issue into the existing VMS exemption document. While combining these efforts in one document would be advantageous, the committee agreed that greatly extending the equipment failure exemption implementation timeline should be avoided. The committee decided to proceed with exploring actions to reduce the burden associated with multiple hail-outs for a single for-hire trip and provide staff flexibility to proceed as efficiently as possible with document development.

The committee recommends, and I so move, to direct staff to develop an abbreviated framework document addressing the trip declaration requirements.

CHAIRMAN DIAZ: We have a committee motion. Is there any discussion on the motion? **Seeing no discussion, is there any opposition to the motion? Seeing none, the motion carries.** Ms. Boggs.

MS. BOGGS: The committee discussed the frequency of SEFHIER updates at future meetings. The committee generally agreed that summary updates on compliance numbers would be helpful at each meeting, with the potential to decrease the frequency of the

updates in the future. The committee also requested a report of preliminary summary data collected from the program sometime in early 2023, to assess program outputs and help identify any data collection issues observed during the first year of full program implementation.

NMFS-SERO Use of Council Funding Utilized by the Permit Office, SERO staff indicated that funds acquired from the council last year had been applied to overhauling and expanding the permit application system. The improvements to the system have reduced errors and decreased the amount of required paperwork. SERO is currently working on outreach and education approaches to help introduce the system to permit applicants. At a future meeting, Mr. Kevin McIntosh will present more technical information to the council.

Update on Workshop to Evaluate State-Federal Recreational Survey Differences, staff with the Office of Science and Technology provided an overview on a two-day workshop convened in late February to address a congressional mandate to investigate recreational fishery surveys and work to complete the transition process for estimating recreational harvest. A report from the workshop, including recommendations from independent statistical consultants, will be made available soon. The Gulf Transition Team will meet again on April 13th.

A committee member asked about a tentative timeline for completing the transition process. OST staff indicated that long-term research projects to investigate survey differences would take several years. In the short-term, progress has been made to investigate the use of Florida recreational survey data in the recent gag stock assessment analysis.

Council staff inquired as to whether the recent work with the transition team would be used to modify the previously-published NMFS paper titled “Recommended use of the Current Gulf of Mexico Surveys of Marine Recreational Fishing in Stock Assessments”, and OST staff stated that paper would need to be updated.

Council-staff-suggested updates to the document also include information on integrating calibrated data into the stock assessment process and outline implications for management. OST staff agreed to continue keeping the council informed on the transition process.

Other Business, a council member asked about the feasibility of including additional questions in the SEFHIER reporting that could assist with filling data gaps with information necessary

for considering ecosystem-based management approaches. SERO staff replied that additional reporting questions were subject to stipulations within the Paperwork Reduction Act and that program vendors would have to be consulted when modifying electronic reporting requirements.

Another committee member inquired when NMFS would be able to report information on wenchman snapper to the council's Scientific and Statistical Committee. Southeast Fishery Science Center staff replied they were not sure what that timeline would be, but could follow up at Full Council.

SERO staff reported the South Atlantic Fishery Management Council had begun work on the development of a document to implement commercial electronic reporting and suggested that the IPT include Gulf staff members, so that the document could be a joint action. The Gulf has had this item on the action schedule for some time and would work to bring draft options to the council in June. The action will allow for existing paper commercial logbooks to be submitted electronically. Mr. Chair, this concludes my report.

CHAIRMAN DIAZ: Thank you, Ms. Boggs. Any -- Ms. Bosarge.

MS. BOSARGE: In Susan's presentation, or in her committee report, there's a couple of things that seem be going on, and I think we need to maybe look at this more holistically, and so we have an amendment right now where we're working on giving them some sort of leniency and leeway when they have equipment malfunctions, which I completely agree with, and I think that's great.

We're probably going to have another amendment where we need to look at giving them some leeway, so that they don't have to hail-in and hail-out every time they go to get fuel or ice or bait, and we heard some public testimony from one of the fishermen that said you realize that this cellular device, which is the only ones that we can get reimbursed for now, actually has to go on top of the boat with a clear view to the sky, and I have no way of -- There is nothing inside the boat telling him whether it's working or not, and I have no way of knowing whether that thing is actually transmitting unless I crawl up on top of the boat every couple of hours and make sure that the light is on.

Now, that is going to be a hefty fine for him if it's not transmitting and law enforcement sees that somehow, and we don't usually get small fines, in the commercial world, and so I'm

guessing it's going to be a four-figure fine. At a minimum, probably five-hundred-bucks, and so the point is that I feel like part of the issue, the reason that we're having to go through so much work on the council side, is because they have a program that they asked for, and they wanted to report their landings.

They wanted that system set up, and we did that piece of it through the Science Center, but then we had this separate piece, which is only for validation of that scientific data, that we sent through a different entity, and we're sending it through law enforcement, and, in law enforcement's defense, they have to have a clear line between black and white, right, and they don't need a bunch of gray area.

There is very little wiggle room, when you go through that entity, and, in fact, we had a whole presentation from SERO staff on how many workgroups it took just to get a form ready so that they could have an equipment failure exemption. I mean, it's a lot of work, and so is there any way that we can get their whole system under the Science Center, so that they can have some leeway, so that we understand that this is for scientific purposes?

I think Mr. Boggs made the best -- Had the best comment on this, and he said, guys, where we came from, we had a voluntary system that we asked you all to set up, and you've done that, so that we could report. If you get 80 percent of the validation piece, right, the VMS piece, because you're getting all of the logbook part, where the actual effort and landings is coming in at, and, if you get even 80 percent of the VMS side that you're only using for validation, that's pretty dang good, but we can't give them that leeway with it going through OLE.

I just -- At some point, I think we need to brainstorm and find a way so that this can truly be a scientific program, and we can give them the leeway that they need to get us the scientific data that they want to give us without penalizing them so much.

CHAIRMAN DIAZ: Ms. Bosarge, are you specifically asking the question of Mr. Strelcheck or Dr. Walter?

MS. BOSARGE: I am looking around the room and hoping that we can have this discussion, and let's be proactive, rather than continuously having to be reactive and come up with a new amendment every time that we have to revamp something.

CHAIRMAN DIAZ: Ms. Levy.

MS. LEVY: Well, I mean, I guess I have a question, because it's not clear to me what difference it makes, in terms of where the data is going. The reason we're doing this is because the program that the council set up requires a VMS, functioning all the time, with no exception.

That's something that the council made a decision about, but then folks want to change, because they're concerned about potential equipment failure, and the same thing with the trip declaration. The amendment that the council put in place specified the trip declaration every time you go on a trip, regardless of whether it's fishing or not, and so these are council decisions, and it's not a matter of it being OLE or the Science Center.

CHAIRMAN DIAZ: Ms. Boggs.

MS. BOGGS: I heard Leann, and I have now heard Mara, and maybe part of -- I don't know that there's another route for the VMS, as far as the monitoring of it, and I don't disagree that, yes, that's what the council asked for, and so we have to do that, unless we change it, which I don't think we will, but if there's -- Because that I hadn't really thought about, and maybe -- Well, I do know, and, I mean, people don't like big brother watching.

Now, if you're doing it for validation purposes, but, again, Mr. Boggs was talking about, you know, you throw out these fines, and it scares everybody to death, and now they're running around to make sure that, pardon me, it's CYA. You know, if there maybe is another way that you can use the VMS for your validation piece, because that's what it was intended for, I believe, and not for this enforcement and to scare these captains, because we had that discussion at one meeting, and I remember it very clearly, and the gentleman from OLE was -- I mean, he was brutal, and it scared me, because I'm thinking, you know, I can't mess up.

So I think the messaging, through this whole process, has not been maybe the best messaging that it could be, and I don't know that there's an option, but we need to give these captains some comfort, is the best way I know to say it, that they're not going to lose a trip, and they're not going to get these big fines, and they're doing everything they can to comply, and are there going to be mistakes? Of course there are, but, anyway, thank you.

CHAIRMAN DIAZ: Ms. Levy.

MS. LEVY: Well, I will just say that, I mean, yes, it's for validation, but it serves an enforcement purpose as well, and not an enforcement purpose in terms of enforcing closed areas and such like the commercial VMS, but it serves as an indicator as to whether people are going on trips and not reporting, and so it does serve an enforcement purpose, and, again, those are the -- It's not a matter of where the data goes, right, and it's a matter of how the program was set up.

CHAIRMAN DIAZ: Ms. Bosarge.

MS. BOSARGE: Mara, I thought, when we did that amendment -- Because we had a whole lot of discussion about VMS or not VMS, and I thought the way we wrote that up is that we wanted a device permanently affixed to the boat that was tracking location, either VMS or an archived GPS, and so we didn't say you have to have a VMS on your boat. We gave it some leeway.

CHAIRMAN DIAZ: Ms. Levy.

MS. LEVY: Okay, and so it's the same discussion that we're having with shrimp. Under the definition of VMS, a cellular device that archives the data and sends it is a VMS, and the regulations were changed to allow for approval of that type of device, and so, I mean, it's not a different type of device. It can either have one that archives and sends, which is the cellular, or they can have a satellite.

CHAIRMAN DIAZ: Ms. Bosarge.

MS. BOSARGE: Well, so but NMFS came in and put that regulation in place after the council finalized that amendment, and, in that amendment, we specifically went through a whole lot of discussion to make sure that the for-hire sector would have an option other than VMS, because there was a large portion of the for-hire -- There was a portion of the for-hire sector, mainly out of Louisiana, that didn't want a VMS, and so we put in there an archived GPS system, and we intended that to mean not a VMS and something else that archives position.

Now, in 2020, late 2019 or 2020, that is when NMFS came in and said, oh, well, guess what? We have determined now that that's a VMS too, and so you have to have a VMS, and that's the only option for you, and so NMFS came in after the fact, and I think that's kind of what is causing some animosity here between your fishermen and this regulation, because OLE is now coming in,

after the fact, and saying, well, you know, we sold this bill of goods to you that you would get reimbursed for these devices, any of these VMS devices, and now we're telling you that, no, you can only get reimbursed for cellular ones, and we're now, instead of reimbursing you for the full cost of the device, the way we've always done, we're going to take some average cost, and that's all we'll reimburse you, and we won't actually reimburse you for your cost.

This is the set fee, and so things are getting -- I just feel like the fishermen are starting to get screwed a little bit here, and, if we don't push back, as the council, I don't see where they have a leg to stand on.

CHAIRMAN DIAZ: Okay. I am not seeing any further discussion.

MR. STRELCHECK: Dale, I want to weigh-in. Dale, can I speak?

CHAIRMAN DIAZ: Mr. Dugas first, and then Mr. Strelcheck. Mr. Dugas.

MR. DUGAS: Thank you, Mr. Chair. This all took place before my time on the council, and, from what Mr. Boggs said yesterday -- He specifically said that it was asked to be voluntary, and now I feel like we're going down the path of trying to micromanage these captains, and I don't think that that's what we should be doing.

What I would like to see is us go back to some sort of voluntary reporting, and I don't know if it's too late in the game to do that or not, but I think that's what is fair for these guys, because some guys want it, and some don't.

CHAIRMAN DIAZ: Mr. Strelcheck.

MR. STRELCHECK: I think there's some semantics here, and I'm not going to go back and debate, obviously, whether we call it VMS or an archival GPS. I also think there's some decisions that this council has made, and some of the members are currently still on, and some aren't, but, as Mara points out, I mean, there were clear decisions made with regard to recommendations to the agency and how we implement the SEFHIER program, and we've implemented that, and so now, obviously, hindsight is twenty-twenty.

If we had thought about some of these things upfront, maybe we would have avoided them, and we would have made changes earlier on, but we're bringing them back to the council, and we're

trying to be forward looking and flexible and trying to focus on some adaptions and changes that we think are good for the program, and this isn't because it's going to law enforcement. This is because the council specified, and we wrote a rule, that says this is how we are going to implement this program, and, in order to then change those rules and regulations, we need the council to come in and make those modifications.

In terms of the whole issue of VMS and it being as part of the Office of Law Enforcement, if you recall, the final action for the SEFHIER program is when the preferred alternative changed, and that's when we went forth with these cellular devices. At the same time, across the country, there was other cellular devices being considered by other councils and science centers, and the agency, as you would hope that any government would do, was looking for efficiency, in order to ensure that we had clear guidance with regard to the approval and acceptance of these devices, and so we put together a rulemaking, yes, through the Office of Law Enforcement, to ensure that we could have a -- I will say a one-stop shop, a unified system across the country, for these devices to be used.

Whether you're working in the Southeast or working anyplace else, it created, obviously, that efficiency for use in fisheries management, and so I get, obviously, the opposition to it going to law enforcement, but there was reasons, valid reasons, why the agency, obviously, took that path.

CHAIRMAN DIAZ: Ms. Boggs.

MS. BOGGS: So I have three quick things, and I do want to come back to this VMS reimbursement program. I do -- As someone that has two VMS units, I was a little surprised to see it go from reimbursement to this value now of $950. I will say though that my understanding, at the beginning of this, is they would offer reimbursements as long as funds were available, and it was not a guarantee, and that's how I always understood it, and that's how I've always relayed it to the captains that have talked to me.

Now, right or wrong, but still -- Now they're saying, instead of me getting full reimbursement for my $2,033 VMS, I'm only going to get $950. Okay. That clears that up.

Far be it for me to tell a man that he is wrong, but I believe Mr. Boggs misspoke yesterday, or it was misinterpreted, because the fishermen came to this council, and they asked for this, and so I think what he was saying is they voluntarily came to the council and requested this program, and so they are looking to

this council to say, hey, we're offering to give you this information, and now help us get it to you, but let's not be burdensome.

The other thing that I want to clarify, because I've had a couple of fishermen ask me, yesterday, about, in Dr. Stephen's presentation, about this declaration for the dually-permitted commercial reef fish and for-hire vessels, and they were concerned that the council needed to take action, but the way I understood that, and I'm looking at the slide now, it says we believe this can be handled administratively, without council action, but I did have several fishermen ask me about that, and I just wanted to be clear, on the record, if they're listening today, that that's how the presentation was.

Now, if the agency deems that the council needs to take action, as Andy just said, they will come back to us and ask the council to take the action, and so I did want to clarify those three points. Thank you for the time.

CHAIRMAN DIAZ: Thank you, Ms. Boggs. Any further discussion? Ms. Levy.

MS. LEVY: Well, so just one clarification about the reimbursement, and NMFS can correct me I'm wrong, but I believe that cap on cellular units went into effect if you bought the unit after March 24, and so, I mean, the requirement went into effect for March 1, and so, if you actually bought the unit consistent with when it was going to be effective, I don't think that that cap applied, and so I'm just throwing that out there.

CHAIRMAN DIAZ: Ms. Bosarge.

MS. BOSARGE: All right. Different topic. Wenchman, and do we still have Dr. Walter on the line? I think we do. He's dedicated, and he got off the plane and got right on the webinar, and so thanks. On wenchman, Dr. Walter, do you think that it would be possible for you to have some data ready for the briefing book for the next SSC meeting, if Dr. Simmons feels like she can squeeze that onto their agenda? I know that agenda has got to be published I think maybe the end of this week, but can you get whatever data you have for wenchman rounded up in time to get it in the briefing book for the next SSC meeting, so that they can start that discussion?

DR. WALTER: Mr. Chair, can I respond?

CHAIRMAN DIAZ: Go ahead, Dr. Walter, and then Mr. Rindone.

DR. WALTER: Okay, and so, from our perspective, May is going to be really tight, because that's when the next SSC meeting is, because we would need to have basically two weeks to produce something to get it in the briefing book. I think Mr. Rindone can speak to how packed the SSC meetings are, and I have consulted with staff, and the September one would be easier.

We might be able to stretch it for the July SSC meeting, if there was space on that SSC meeting, and so it depends on where they would be space, and then we might have to limit the request to only to wenchman, rather than the entire mid-water snapper complex, to get it in July, but the May is just too tight of a timeframe. Thanks.

CHAIRMAN DIAZ: Okay. Mr. Rindone.

MR. RINDONE: Thank you, Mr. Chair, and Dr. Walter is correct. We have less than an hour of time that can be filled for the May SSC meeting, and that's provided that everything else goes according to the amount of time that I've allotted for stuff on the agenda, and, kind of like how fish don't abide by lines on a map, the SSC doesn't always abide by the amount of time that I put on the agenda for certain items.

For the July meeting, to give you guys a scope of what we're looking at for that, we're looking at reviewing the SERFS information, and, for gag, we have further development, and hopefully some finishing up of the ABC Control Rule discussion, and then we have the discussion about the discards request from the Reef Fish AP, the Data Collection AP, and from the council, and so there would be more time for this in July.

The other thing to think about is the scope of the request that you guys made, which was to look at this for all the mid-water snappers, and, if we're going to be setting a wenchman-specific catch limit, then another thing that would need to be done would be to look at the fishery-independent monitoring information, which the Science Center, with enough time, can develop and provide to the SSC, and so build a better base of justification for breaking wenchman out of that mid-water snapper complex and setting a separate catch limit for that species independent of the complex, and I don't think that discussion can happen in the span of forty-five minutes to an hour.

CHAIRMAN DIAZ: Thank you, Mr. Rindone. Dr. Simmons.

EXECUTIVE DIRECTOR SIMMONS: Thank you, Mr. Chair. Dr. Walter

and I talked a little bit about this yesterday, and I think the idea of bringing just wenchman, with some updated landings and getting any other permit type of information, or gear type information, we have, life history, any of that, and I think we could do that in July. I think that, in our staffs, we could do that in July and pull that out.

The larger request though, I agree, and I think it's going to have to wait until probably September, because of the alternative models that I think you asked the Science Center to look at for the whole mid-water snapper complex, and I think that's a little bit -- That's going to take a little bit more time. The other thing is we need to make sure we have the fishermen there at the table that we need, and so, if we can do that in July, for wenchman specifically, then we will shoot for that.

CHAIRMAN DIAZ: Ms. Bosarge.

MS. BOSARGE: Thank you, and so July. That sounds -- Well, it doesn't sound good, but I will deal with it, but can we please get the fishermen and the wenchman data in July? I mean, they asked for this last year, and they're going to hit that quota again, and it's starting to affect the for-hire fishermen, because it's in a complex, and they fish for some of those other fish in that complex, and so it's starting to be an issue for more than just commercial fishermen, and so, I mean, it's data-poor. Pull whatever data we have and put it in front of the SSC, and let's get moving on this thing. Thank you.

CHAIRMAN DIAZ: Thank you, Ms. Bosarge. Dr. Simmons.

EXECUTIVE DIRECTOR SIMMONS: Thank you, and so we'll be reaching out to you, Ms. Bosarge, and probably Mr. Anson, to make sure we're getting the right fishermen that we need, and the contact information, at that meeting and that they're available. Thanks.

CHAIRMAN DIAZ: Mr. Anson.

MR. ANSON: Just to that point, I know he came, or one of the fishermen, came and testified, and I think, in part of that discussion, there was the issue of confidentiality of the landings, and so we might need to get him, or others, to sign some sort of waiver, so that the SSC can look at the landings at that detail.

CHAIRMAN DIAZ: Mr. Hood.

MR. PETER HOOD: This isn't to wenchman, and so I don't know if you're done with that conversation or not.

CHAIRMAN DIAZ: Any further discussion on wenchman? Okay. Thank you for bringing that up, Ms. Bosarge. Go ahead, Mr. Hood.

MR. HOOD: I'm sorry, and I should have jumped in a little bit earlier, but back to the abbreviated framework document, and usually we bring you some options, and I know we heard, in terms of trip declaration and when it needs to be done, and Dr. Stephen had suggested a one-hour limit, but then we heard, from testimony, I think ninety minute and two hours and some other things, and so are you more or less looking at just some time options there, in terms of when to do their reports, or were you looking for anything else?

CHAIRMAN DIAZ: Ms. Boggs.

MS. BOGGS: Thank you for the question, Peter. I mean, I think time is what they're looking for. That's kind of what I picked up on the testimony yesterday. I think my -- Well, I don't think, and I know the ping is like once every hour, and so you're probably going to have to do it in hour intervals, but I think time is what would be most sufficient and easy to manage.

MR. HOOD: Okay. Thank you.

CHAIRMAN DIAZ: Any further discussion for the Data Collection Committee? Seeing none, we're going to close this committee out, and we're going to move right into our next agenda item, which is going to be Reef Fish. Dr. Frazer.

REEF FISH COMMITTEE REPORT

DR. FRAZER: Thank you, Mr. Diaz. I hope everybody is comfortable. All right. The committee adopted the agenda, Tab B, Number 1, after adding two items to Other Business, a discussion of the Reef Fish Advisory Panel (AP) motion regarding permit leasing and discussion of the recent rule change for goliath grouper by the Florida Fish and Wildlife Conservation Commission. Council staff also noted the addition of a discussion of the rebuilding plan and timeline for gag grouper under Tab B, Number 8. The minutes, Tab B, Number 2, from the January 2022 meeting were approved as written.

Review of Reef Fish and IFQ Landings, Tab B, Number 4(a) and

(b), and Review of 2022 Federal For-Hire Season Projection, Tab B, Number 4(c), Ms. Kelli O'Donnell of the NMFS Southeast Regional Office reviewed preliminary 2021 commercial and recreational landings.

Ms. O'Donnell stated that recreational landings updates are provided in June and October, based on when the data are finalized each year. Reporting for MRIP-FES does not occur until at least forty-five days after the end of a two-month MRIP data collection wave, and those data are often not finalized until a year or more after the end of that calendar year.

A committee member still thought that having all landings data regularly reported to the committee was essential and requested that the link to the SERO annual catch limit monitoring webpage be provided in the briefing materials.

SERO staff is preparing the red snapper season projection for the for-hire component, and expects the season will be approximately seventy to eighty days in duration, with a start date of June 1.

Red Snapper Private Recreational Component 2021 Landings Summary and 2022 Season Projections, Tab B, Number 5, Alabama, Alabama opened its 2021 season on May 28th, with the season open Friday through Monday, for a total of 124 days. Reporting of red snapper, and now greater amberjack and gray triggerfish, is mandatory for private anglers through Alabama's Snapper Check system.

Alabama requires a reef fish endorsement to harvest reef fish species. Alabama estimates that it landed approximately 939,000 pounds of its 1,122,662-pound ACL in 2021. For the 2022 fishing season, Alabama will open the fishing season on May 27th, on Friday through Monday, with a two-fish bag limit and a sixteen-inch total length minimum size limit.

Because federal for-hire vessels will be required to report through the federal system, they will no longer be required to report through Snapper Check. Compliance with the mandatory reporting requirement is expected to increase through outreach and education and enforcement. Alabama noted that catch-per-unit-effort has decreased some over time. SERO recommended overlaying explanatory variables for interesting changes in trends in harvest, such as tropical weather events. Alabama added that observed average weights have fluctuated for private vessels and decreased for for-hire vessels.

Florida, Florida opened its 2021 season on June 4, with the season open for fifty-five days. It ended on July 28. Florida estimates that it landed approximately 113 percent of its 1,913,451-pound ACL in 2021, necessitating a payback in 2022. For the 2022 fishing season, Florida will have an ACL of 1,657,163 pounds, to account for the 2021 payback.

The 2022 season has not yet been announced, but will be informed by past landings and effort and with consideration of the interest in a potential fall season. Florida requires a free annual State Reef Fish Angler License to harvest reef fish.

Louisiana, Louisiana opened its 2021 season on May 28, with the season open Friday through Sunday, plus Monday holidays, for a total of 146 days. The fishing season was closed after Labor Day, but later reopened, due to lower projected effort resulting from Hurricane Ida. Louisiana estimates that it had a harvest overage of 6,918 pounds in 2021, necessitating a payback in 2022.

For the 2022 fishing season, Louisiana will account for the 2021 payback and will maintain a two-fish bag limit and a sixteen-inch total length minimum size limit. The 2022 season has not yet been announced, but will start the Friday before Memorial Day and will consider a weekends-only and continuous-season option and social and economic data. Louisiana requires a free recreational offshore landing permit for private anglers and has observed an increase in the average weight of landed fish.

Mississippi, Mississippi opened its 2021 season on May 24, for a total of 119 days. Mississippi uses both continuous fishing and weekends-only fishing throughout its season, with a mid-season summer closure. The fishing season was affected by lower than projected effort, due to Hurricane Ida. Mississippi estimates it harvested 143,042 pounds of its 151,550-pound ACL in 2021.

For 2022, Mississippi will open fishing on May 27, maintain a two-fish bag limit and a sixteen-inch total length minimum size limit and anticipates an August re-opening. The average weight of fish landed by private anglers has increased marginally year-over-year. Mississippi added that it observes a 95 percent compliance rate for its mandatory Tails 'n Scales reporting mobile application, which recently received an award from the American Fisheries Society.

Texas, Texas previously used simulation modeling to project its season durations. In 2021, quota monitoring was performed using its Marine Sport Harvest Monitoring Program and the voluntary

iSnapper mobile application.

Texas opened its 2021 season on January 1, with the season open continuously for 318 days, until November 15th. The fishing season was closed earlier than anticipated, due to a larger observed average weight of landed fish and favorable fishing weather in the summer.

For the 2022 fishing season, Texas will maintain a two-fish bag limit and a sixteen-inch total length minimum size limit in federal waters and a four-fish bag limit and fifteen-inch total length minimum size limit in state waters. Ms. Bosarge. We're almost done with Texas.

The mean weight of landed fish was reported as 6.6 pounds, with a mean length of 22.4 inches total length. The 2022 season duration has not yet been announced, and there is no required offshore or reef fish permit for private anglers.

CHAIRMAN DIAZ: Ms. Bosarge.

MS. BOSARGE: I was wondering, and, Andy, this might be a question for you. I know we have that holdback provision on the commercial side, and then, a long time ago, we also -- It seems like we took some action, commercially, that, if there was a quota increase that didn't come until late in the year, that you wouldn't push it out, because one time we got hit with a huge increase, like in the last quarter of the year, and it created like a derby situation, but, anyway, and so my question, Andy, is we passed a -- We took final action on an amendment last year to bump up that red snapper quota by like 400,000 pounds or something, and that, I assume, has not been pushed out to the commercial guys yet, because you haven't implemented that, and when are you going to implement it, and I want to make sure that they will actually get that this year, and I don't want that to be held out, that little bit, just because it's the last quarter or something.

CHAIRMAN DIAZ: Mr. Strelcheck.

MR. STRELCHECK: In response to Leann, we have been working on the rulemaking for that action, and we're expecting to publish a proposed rule I would expect in the next month, and we will be going through rulemaking, with a proposed rule, obviously, over the summer, and then the final rulemaking in the fall.

Timing-wise, we don't have any requirements to hold back a quota increase at the end of the year, and there is no regulation that

would prevent a release of the quota at the end of the year, like you're suggesting, and I do recall talking about that, but I will be clear that, with our rulemaking right now, the intention is to have that effective in time for the 2023 season.

While I have the mic, it was mentioned, during committee, that there is several overages that the states have reported. As a requirement, we will be publishing a Federal Register notice, just officially documenting, obviously, those overages and specifying the quota adjustment for 2022, and I appreciate the states acknowledging the overages and taking those into account as they set their seasons.

CHAIRMAN DIAZ: Ms. Bosarge.

MS. BOSARGE: So you're saying that we won't be able to access that, and I'm sorry, Andy, but so we see, a lot of years now -- We've seen recreational overages, sometimes to the point that it puts us over the OFL, and the commercial has a chance to finally get a bump in quota, and we're not going to be able to get it until 2023, yet there is, you know, very likely that the recs may get to catch their quota and that bump, just because of the way they're managed, because we can't always hold them to what we want to constrain the catch to, and so I'm just getting frustrated. We're not going to get these new quotas until 2023?

CHAIRMAN DIAZ: Andy, I want to make sure you're talking about the same thing, and so Ms. Bosarge is talking about the quota increase that was approved at previous meetings, and not the one that we dealt with at this meeting, and so, anyway, I just want to make sure you all are talking about the same thing.

MR. STRELCHECK: We are talking about the same thing, and that is a combined action between the framework we developed for calibration as well as the quota increase that was recommended last year.

CHAIRMAN DIAZ: Ms. Bosarge.

MS. BOSARGE: So it's the calibration that's holding us up, and so the commercial sector, once again, will not be able to receive the benefits, because of an issue with recreational reporting.

CHAIRMAN DIAZ: Mr. Rindone.

MR. RINDONE: Thank you, Mr. Chair, and I just wanted to provide some clarity on the numbers that we're talking about here, and

so the current ABC for red snapper that's on the books is 15.1 million pounds, and the framework action that was passed, concurrently with the calibration document, would have increased that ABC to 15.4 million pounds, which would constitute a 153,000-pound increase to the commercial sector, or about 2 percent of their current 7,701,000-pound ACL.

CHAIRMAN DIAZ: Mr. Schieble.

MR. SCHIEBLE: My comment is an edit related to the Louisiana report. If you want to hold on and keep discussing this and then come back to me, that's fine.

MR. RINDONE: No edits are allowed. I'm just kidding, Chris.

CHAIRMAN DIAZ: I am not seeing any other hands up. Go ahead, Mr. Schieble.

MR. SCHIEBLE: Okay, and so if you scroll back up to Louisiana, in the middle, it says, "For the 2022 fishing season, Louisiana will account for the 2021 payback and will maintain the two-fish bag limit and the sixteen-inch total length minimum size limit." I think, in my report, I said that we will recommend a two-fish bag limit and a sixteen-inch total length minimum size limit, but the commission may choose to select a three or a four-fish bag limit, as they did last year when they reopened, and we went to four fish, if you recall, and so "maintain" is not the correct word to have in there, I don't think.

Then one last little edit, and the last sentence, it says that we require the free ROLP for private anglers and have observed an increase in the average weight of landed fish, and I put that landing table up with monthly average weights, and it's actually a decrease over last year, and so, on average, we have smaller size average weights compared to the previous year, and so the increase was the very last month, where it went up to 10.6 pounds, I think was the average weight, and so I don't know if that's the correct wording for that whole synopsis or not, and I'm not sure.

CHAIRMAN DIAZ: Do you all have that, Ryan?

MR. RINDONE: We do, Mr. Chair, and, Chris, it's your state, and so we'll take your edits directly, and we'll make those edits.

CHAIRMAN DIAZ: Thank you, Mr. Rindone. Ms. Bosarge.

MS. BOSARGE: Just a more broad view, since Chris brought that

up, about those average weights going down, generally speaking, and so we heard a lot of testimony, at the last several meetings, that people are having to fish harder for red snapper, and we're going in the opposite direction here at the council table, and we're raising quotas, which is strange, but, if calibration is what is driving that, if we're really catching too many fish, because we haven't calibrated, and we've been doing that for, what, five -- This will be year-five or year-six, and I don't know, but something like that, and, Andy, we need to calibrate that this year then, because the commercial sector is going to pay the -- We're going to pay the price this year, because we won't get our increase, and we're going to pay the price in the long run, because we're fishing this stock down, and you're going to get a stock assessment back, and we know where the overfishing is coming from. I mean, it's in black-and-white. It's there.

We can't even get a carry-forward in the commercial sector, because the recreational sector catches their allocation plus enough to push us over the OFL, for several years, and so we're going over the OFL, and we know it's not the for-hire. We're putting them -- We're actually making them have a buffer to account for some of the overfishing that's happening on the private angler side, and I feel like, if I don't bring this up and push a little bit on the agency to get these calibrations done and in place, then we're going to be staring down the barrel of a stock assessment that says you're going to have to make some big cuts to this quota in 2025, when we get that stock assessment back, and here I was, and I sat on this council this whole time and watched it be fished too hard, for five years, and never said anything, and I have to do my job, and although it's not -- I'm sure it's not palatable to the private recs, and I apologize, and I wouldn't want somebody saying it to me, but it's got to be said. Something has got to be done here.

CHAIRMAN DIAZ: General Spraggins.

GENERAL SPRAGGINS: Leann, I understand your frustration, but I can tell you that if we calibrated your process of commercial fishing the way they're trying to calibrate our recreational fishing, you would be upset too, and you would be upset if they tried to over calibrate you and say that you caught ten-times what you did, and you know that it's not true, and so I think the calibration system is totally broken, and, until they get it fixed, I don't think we need to implement anything until they've looked at it.

When you've got state data that proves 100 percent that it's

better, and when you get the national fisheries people saying that it's the greatest, and we don't need to turn around and punish someone because of that, and I do not think there is an overfished limit, and I don't think we've done it, and I think it's just an excuse to be able to say let's punish the recreational, and I don't think that we should do anything at this time, until we get it actually correct.

CHAIRMAN DIAZ: Ms. Bosarge.

MS. BOSARGE: Well, we are being calibrated. Every one of these allocation decisions, we are taking the pain, and those same FES landings are being used to say, hey, commercial guys, well, they caught a whole lot more back in the day, and so we've got to cut you, and we're getting cut on every species. The amount of fish that we're allowed to go catch is decreasing, and that's why that 2 percent of our allocation that Ryan was just talking about on the snapper -- That's a big deal at this point, and how many percent did we just lose on red grouper? We're staring down the barrel of a gag cut, and we're going to lose the lion's share of what we're allowed to harvest, and that's all because of this FES calibration.

We are feeling the pain, and so I'm frustrated, and the commercial sector seems to be the only one that has to be calibrated and feel the pain, and so that's where my frustration comes in. We can't get our gains in red snapper, and we're losing fish on all the ones, but we can't calibrate on the rec side and feel any pain there, and it gets frustrating after a while.

CHAIRMAN DIAZ: Thank you, Ms. Bosarge. I do want to take issue with one point that you just said. On gag and amberjack, both of those stocks are overfished and undergoing overfishing, and those stocks are going down, and all sectors are going to lose, and so I want to make sure that that's a clear message coming out of this council, where people understand the stocks are going down, and the sectors are going to take a hit, no matter what, because of the overfished and overfishing issues that we have to deal with.

I do want to make a comment, and I don't see anybody else's hands up. Not to say that there's not problems with us implementing state management, and, obviously, we're working through those problems, but I do want to commend the states, and I think the states are doing a very good job of managing these recreational fisheries, and I know anglers are having a lot more opportunity, but the fact that we were able to go to state

management, and I think all the state are being responsible and working very hard to do a good job with the programs, and I want to commend you for your hard work. Any other comments or questions on this?

Before we leave red snapper, I do want to ask either Mr. Strelcheck or Mr. Hood -- We haven't talked about the charter/for-hire red snapper season coming up, and do you all have an estimated timeframe of when you all are going to announce the charter/for-hire season, for this coming season, either Mr. Hood or Mr. Strelcheck?

MR. STRELCHECK: Thanks, Dale. As I mentioned in committee, we have an estimate of likely between about seventy to eighty days, and we're finalizing the projections now, and I don't know how quickly it can move to publication, but my goal is to have it out of the region in the next week, and so I will say sometime hopefully in mid to late April would be the timeframe to announce the dates.

CHAIRMAN DIAZ: Thank you, Mr. Strelcheck. We appreciate that, and we look forward to seeing that announcement. Any further discussion? Dr. Frazer.

DR. FRAZER: Thank you, Mr. Chairman. We'll pick up with Draft Options Amendment 54: Modifications to the Greater Amberjack Catch Limits and Sector Allocations, which is Tab B, Number 6. Council staff gave a presentation on a document to update catch levels and sector allocations for greater amberjack in response to SEDAR 70, Tab B, Numbers 6(a) and (b).

The stock is overfished and experiencing overfishing, and action is required to reduce catch levels necessary to end overfishing and rebuild the stock by 2027.

A committee member asked for clarification on the status of the stock biomass relative to stock determination criteria, to gain a better contextual understanding. Council staff replied that the stock biomass has been below the minimum stock size threshold for a long period of time, regardless of the more recent change to the less conservative MSST criterion. Historically, the stock has not responded to previous management changes intended to end overfishing and rebuild the stock.

A committee member suggested that historical comparison of biomass to the stock determination criteria be made available for consideration at the June meeting.

The committee discussed a possible implementation timeline for Amendment 54. Council staff stated that the council is required to end overfishing by April 2023. To accomplish this, the council would need to approve a public hearing draft at the August 2022 meeting and take final action at the October 2022 meeting. Council staff will provide an updated document for review at the June meeting.

The committee did not provide specific recommendations about management alternatives in the document, but additional discussion on the range of proposed alternatives and draft purpose and need is expected to occur during Full Council. Mr. Diaz, I had a discussion with Dr. Simmons earlier in the day, and I just wanted to maybe give her an opportunity to talk about our future action and timeline.

CHAIRMAN DIAZ: Sure thing. Dr. Simmons.

EXECUTIVE DIRECTOR SIMMONS: Thank you, Mr. Chair. I was just conferring with Dr. Froeschke, and we don't think we need to go back in right now and discuss the alternatives any further at this meeting, or the purpose and need, and we'll bring that back, with the information that you asked for, and try to get Chapter 3 going for that document. I think Dr. Froeschke had a different issue that he wanted to talk a little bit about regarding amberjack.

CHAIRMAN DIAZ: Dr. Froeschke.

DR. FROESCHKE: Just following up on some offline conversations and some of the public testimony about the concern for the 2022 recreational fishery, or the 2022/2023 recreational season that would begin on August 1, the way it's schedule, and my understanding is those landings would count towards the ACL, the recreational ACL, that's implemented in 2023.

It seems likely that, if we go through with that three-month season, that we would blow through the entire 2023 ACL, and then there would be an issue with payback, and so I don't know that there would be anything left over, and so that -- I guess there's two issues to think about.

One is, obviously, the management ramifications of blowing through the entire quota, but two is the yield stream is based on -- It assumes that you're approximately catching what's in there, and, if you're not, then that's going to compromise the integrity of those projections.

CHAIRMAN DIAZ: Mr. Anson.

MR. ANSON: Considering those comments from Dr. Froeschke, I wonder if, Dr. Simmons, there would be time available between now and the June meeting that you would be able, working with the Southeast Fisheries Science Center, I assume, to kind of do some analysis of that, I guess, in the anticipation that we would be able to have this in place sometime in 2022, what we've been discussing for amberjack, relative to the reductions that would be needed, to try to look to see what projections those would be. I mean, we talked about a fall season, but I am just trying to think, and I know we had some discussion about timing of whether or not that could be implemented or not, as to whether or not we want to request an emergency action or something, or maybe Andy can probably best answer that.

CHAIRMAN DIAZ: Mr. Strelcheck.

MR. STRELCHECK: We have just been having some internal conversation about the potential need for an interim rulemaking, because of this very issue. I am not prepared, I think, at this point to discuss whether or not we think that's necessary for the council, and we wanted to kind of walk through the timing, but certainly it could be problematic to have a major overage and allow for additional -- At that point, have the payback and allow for any additional harvest that we wouldn't be able to limit to the lower catch levels.

CHAIRMAN DIAZ: Okay. I'm not seeing any further hands around the room. Ms. Bosarge. I'm sorry.

MS. BOSARGE: It's just one comment to staff, and so it's not relative to what Andy said though, and so if you want to look for that.

CHAIRMAN DIAZ: Go ahead, Mr. Rindone.

MR. RINDONE: Thank you, Mr. Chair. Just to provide some perspective for you guys, if you look at Slide 24 in Dr. Froeschke's presentation that he gave during the Reef Fish Committee, you can see the start year of projections, the fishing year, and the projected OFL and ABCs based on the different allocation scenarios, and, essentially, regardless of which allocation scenario you go with, you're looking at a total ABC of between about 500,000 and 750,000 pounds, which uses MRIP-FES data currency, and the majority of the greater amberjack allocation goes to the recreational sector.

If you think about that, conceptually, compared to the current recreational annual catch target, which is set well below the annual catch limit, and the annual catch target is 1,086,000 pounds, and so we would be going from a recreational ACT, in CHTS, of 1,086,000 pounds and change to a total combined ABC, and that's both of them together again, in FES, of between 500,000 and 750,000 pounds.

I am appreciative and encouraging of what Mr. Anson was talking about, with getting these hard numbers in front of us, but, conceptually, I think it should certainly be at the forefront of you all's minds that this is a pressing problem.

CHAIRMAN DIAZ: Yes, and it sounds like this is a good candidate for an emergency rule. Mr. Schieble.

MR. SCHIEBLE: This is quick, and I don't know if it's for Ryan or for John, but we've been under this current fishing year structure for two years now, right, since 2020, is when we switched?

MR. RINDONE: The 2017/2018 season.

MR. SCHIEBLE: We started with the 2017/2018 season?

MR. RINDONE: It was implemented like towards the end of the 2018 season, and that's when that new structure went into place, because, when we were doing some of the ACL/ACT Control Rule stuff, there is some split season jiggering that has to happen there, and so we've had it for a few years now.

MR. SCHIEBLE: Would it be possible for the next meeting, the June meeting, for us to get a proportional landings breakdown between the May versus the August -- Like how much of a percent of the landings occurs with each part of, each season?

CHAIRMAN DIAZ: Dr. Froeschke.

DR. FROESCHKE: Dr. Hollensead is looking at the analysis in the amendment, but, going off of my memory, when we did this, I think we looked at it, and it was about 65 percent we estimated to be caught in the fall, and 35 percent in May, right around there. In reality, it won't be quite that, because, in some of the years, we didn't actually get the May season, because we caught it all in the fall.

Just thinking about it, remember what we would expect to catch this season, in the fall, you would say you're going to catch

that million pounds, and, when you convert that to FES, that's going to be two million pounds, plus whatever the commercial would catch.

CHAIRMAN DIAZ: Ms. Boggs.

MS. BOGGS: Thank you, Mr. Chair, and Mr. Schieble asked one of the questions that I was going to ask, is to look to see the proportion of the fish being caught, and I was not on the council when this took place, and I believe Johnny Greene championed the change, and the thought process behind that, and we're getting ready to talk about it in grouper, and we talk about being consistent, or at least I have, in the things that we do, and the opportunity to have something open that is available to catch.

Gray triggerfish, in theory, is open March, April, and May, and you've got red snapper, and you've got now amberjack in the fall, and now we're looking at pushing gag grouper to the fall, and so I would be more inclined, and I know I'm speaking kind of in front of what we're looking at, but to keep it as it is and maybe reduce the fall season and juggle that, depending on what we do with gag grouper.

Again, it's an opportunity to catch a fish. I mean, if the fish aren't there, they're not going to catch them, and so I understand the heartburn in the Florida Panhandle, but, you know, if we did Amendment 42 and Amendment 41, we wouldn't be having this conversation with the charter fleet, and I bring that up because it's becoming apparent that this is an issue.

The states now have their flexibility, but yet -- The commercial fishermen have their flexibility, but you all keep constraining the charter fleet, and there's a lot of heartburn there, and I know there's some pros and cons about that, but, again, we've got to start thinking outside of the box with these fisheries, if it's tags or whatever, and I know that nobody likes tags, but, you know, we really have to become creative with what we're doing and to give the access, but we also have to protect the resource, and I sometimes think we're putting the people in front of the resource, and we've got to find that balance somewhere. Thank you.

CHAIRMAN DIAZ: Any other comments? Mr. Rindone.

MR. RINDONE: Thank you, Mr. Chair. I have Mr. Schieble's information request, and so, just looking at the SERO ACL monitoring webpage, using that link that got sent out to all of

you, and I'm looking at the 2019/2020 and 2020/2021 preliminary recreational landings by MRIP wave, and, in the 2019/2020, Chris, 26 percent was landed in the May season, and, in 2020/2021, 36 percent was landed in the May season. In both of those years, the recreational ACT was not met.

CHAIRMAN DIAZ: Ms. Bosarge.

MS. BOSARGE: If we're with that, I will go on to my comments to staff, and so just two things, for when we see that amberjack document again, I guess in June, and so maybe the Alternative 6 in Action 2 -- Just maybe go back and look at the wording from the red grouper amendment, because it's supposed to mirror that alternative for red grouper, and there seems to be just a little difference in the wording, and I'm sure you can look at that and try and figure that out.

Then the charts that you had, John, that Ava did, that Dr. Lasseter did, that I really liked, the pictures, where you had all the management and the SEDAR and the landings and everything in one, is there any way to add somehow into that picture that the quota that might have been in place -- So I can see when quotas went in place for each sector, and they may have gone in at the same time, and I don't know, but, typically, if you look at most of our species, we had a quota in place for commercial, and it was some years later when we finally actually implemented a quota on the recreational sector.

This gets back to that idea of what are our accountability metrics over time in each fishery, as we're looking at allocation decisions, and so I would like to see that, plus any overages for those quotas, if you can add that to the diagram somehow.

CHAIRMAN DIAZ: Dr. Froeschke.

DR. FROESCHKE: The second point first, and, yes, we can do something on the figures. On the other part, regarding Alternative 6, and I can have some discussions with the Science Center, but, when we made the request, it was to keep the commercial sector with the 484,400 pounds, and that's what the request was, and so that's how the projections were done of what's going to stay there.

The other way you could do that is you would use the 484,000 and calculate an allocation percentage in the first year and then maintain that, but I don't believe that's how the projections were done, and so, in order to do that, and I think we would

need to confirm with the Science Center, but there's a potential that you would need to get an updated projection for that scenario, which is different than what we asked for.

CHAIRMAN DIAZ: Ms. Bosarge.

MS. BOSARGE: Well, I was the one that had asked for that to be put in the document, and I asked for it to be just like the one we had in red grouper, and that's how that red grouper one was handled, and so however you've -- If you've got to get the projections redone to get that, but that's how it should have been laid out in there, and it's not a constantly changing allocation every year, allocation percentage. We use that 484,000 or whatever to set an allocation, and then whatever those percentages were carried forward.

DR. FROESCHKE: Yes, I understand that, but just that's how it was done, and that was part of the discussion earlier, that that particular alternative really flips how the whole fishery operates and whether that's something that the council wanted to do or not.

MS. BOSARGE: I think that was just a misinterpretation somewhere, and it was supposed to get carried over just like the red grouper Alternative 6 was, but you all can work on that.

CHAIRMAN DIAZ: Dr. Froeschke.

DR. FROESCHKE: Yes, and I guess I was just referring to, in the red grouper, it was a primarily commercial fishery, and, when we did that, it essentially fit right in the range of the alternatives. When we do this for amberjack, it completely inverts it, and it would be mostly a commercial fishery, and so that's what I was trying to say, that that would change how it is, and the need statement is not really consistent with that, and so we might need to take a look at that whole thing, if we want to move forward.

CHAIRMAN DIAZ: Ms. Bosarge.

MS. BOSARGE: I just want the alternative in the document the way it was intended to be in there, and then we can have a discussion as to whether it fits or not, but I think, maybe as we go through these allocation reviews, and we start to look at more than just landings and what we're trying to achieve in the fishery -- You never know, and it might fall out.

CHAIRMAN DIAZ: Any further discussion? All right. Dr. Frazer.

DR. FRAZER: Thank you, Mr. Chair. We'll move on to red snapper. Review of Revised Great Red Snapper Count Estimates and SSC Recommendations for Red Snapper Catch Advice, Tab B, Number 7, Dr. Jim Nance the Chair of the Scientific and Statistical Committee, described the SSC's review of the revised estimate of absolute abundance of red snapper derived from the Great Red Snapper Count and the LGL Ecological Associates, Incorporated study, the LGL study.

For the latter, the SSC reviewed the study design and response to peer-review comments on the LGL study, which demonstrated lower observations of abundance over natural and artificial reefs than the Great Red Snapper Count. Abundance estimates over uncharacterized bottom were similar.

The SSC thought that the comparability of the studies remained difficult, due to differences in sampling design. However, the SSC concluded that, in general, the difference between the surveys highlights the uncertainty in both estimates, which is likely underestimated. Ultimately, the SSC thought that the empirically-collected data in LGL study likely contributed to a better abundance estimate for that area compared to the Great Red Snapper Count, which included some imputed data from adjacent Texas waters.

The SSC also reviewed a post-stratification analysis of the estimates of red snapper absolute abundance on the West Florida Shelf, which was performed to more accurately assign fish to the depths in which they are observed by other fishery-independent surveys. This analysis still estimated a large relative abundance of red snapper in the Big Bend region of Florida, with a larger number of fish in the twenty-five to forty-meter depth stratum compared to the ten to twenty-five-meter depth stratum.

Dr. Nance stated that the SSC agreed that the post-stratification analysis for Florida is appropriate and should be included in the overall estimation of age-two-plus red snapper, informed by the finalized Great Red Snapper Count data and random forest sampling design.

Dr. Nance reviewed the catch analysis, which used the Great Red Snapper Count and LGL-study-derived data and the post-stratification analysis for Florida to estimate an absolute abundance of age-two-plus red snapper of 85.6 million fish, with age and length composition information derived from SEDAR 52 in 2016.

An estimate of virgin spawning stock biomass was derived from the fraction of SSB in 2019 divided by the projected SPR for 2019 from SEDAR 52. The catch analysis used a terminal year of 2019, with deterministic projections and Monte Carlo simulations carried forward from that point in time.

The SSC agreed that the stock is larger and the exploitation is lower than estimated in SEDAR 52. The SSC also acknowledged that other aspects of population dynamics, like recruitment, reproduction, age and length compositions, and other information have not been updated with current information, as is customary from a stock assessment.

A Committee member noted the distances from shore in the northern Gulf in which the majority of the landings are estimated to occur in the Gardner analysis, adding that state data for Alabama indicate that those landings are occurring closer to shore. The committee member said that the assumption about distance from shore can affect the assumptions about age and length composition for past and future harvests.

Another committee member thought that there was considerable uncertainty in the proportion of UCB being fished and that uncertainty included in the catch projections was also considerable. As a consequence, a larger proportion of the uncharacterized bottom could have been considered by the SSC as exploited habitat.

Dr. Nance reviewed the SSC's deliberations related to catch advice for red snapper based on the aforementioned data and analyses. The SSC found that the catch analysis developed by the Southeast Fisheries Science Center and informed by age-two-plus red snapper abundance from the Great Red Snapper Count for Texas, Alabama, Mississippi, and the post-stratified abundance data for Florida, and from the LGL study for Louisiana, constitutes the best scientific information available for abundance information and is useful for development of overfishing limit and acceptable biological catch recommendations.

The SSC established an OFL of 18.91 million pounds whole weight, based on the five-year average catch level projection, and an ABC of 16.31 million pounds whole weight, based on the same, and a P* value of 0.3. This represents a risk of overfishing of 30 percent.

The committee recommends, and I so move, to direct staff to begin work on a framework action to revise the red snapper catch

limits based on the SSC's March 2022 catch limit recommendations.

CHAIRMAN DIAZ: Okay. We have a committee motion. Is there any discussion on the motion? **Seeing no discussion, is there any opposition to the motion? The motion carries.** Dr. Frazer.

DR. FRAZER: Thank you, Mr. Chair. The committee asked about the status of the pending framework action from June 2021 to increase red snapper catch limits and whether the proposed framework action would be affected, or affect, that transmitted document. NOAA General Counsel replied that the proposed rule is being developed for the transmitted framework action, which is not expected to be affected by the development of the proposed framework action.

Presentation and Discussion of Gulf of Mexico Gag Grouper Interim Rule, State Reef Fish Survey Calibration, and Interim Analysis, Tab B, Number 8, Mr. Andy Strelcheck, the SERO Regional Administrator, presented the decision points and timeline for a potential interim rule for gag grouper to reduce fishing mortality based on the results of the SEDAR 72 and the SSC's recommendations for catch levels following that assessment.

An interim rule could be implemented for 180 days, may be extended by 186 days one time, or 366 days total, and would be intended to reduce fishing mortality while the council develops a rebuilding plan. The council was notified by SERO that gag grouper was overfished and experiencing overfishing on January 26, 2022, meaning the council has until January 26, 2024, to submit and have implemented a rebuilding plan for gag grouper.

Mr. Strelcheck discussed decision points to consider for the interim rule, including changes to recreational management measures and the commercial individual fishing quota, or IFQ, program. The proposed catch limits from the rebuilding scenarios examined for gag grouper are expected to result in substantial landings reductions from the status quo.

Mr. Strelcheck noted the current sector allocation was 61 percent recreational and 39 percent commercial and that the council had the option of considering sector allocations in the interim rule. The Southeast Fisheries Science Center noted that alternative sector allocation scenarios would necessitate re-running catch projections.

Mr. Strelcheck reviewed recent recreational landings and

discussed options for moving the opening date for the fishing season to later in the fall, which was anticipated to result in longer season durations compared to the current June 1 opening. Since most anglers harvest one gag or less per angler, reducing the bag limit from two fish to one fish per person is unlikely to immediately affect fishing mortality. Additionally, setting the commercial red grouper multiuse allocation at zero would be expected to decrease the commercial gag grouper harvest.

Council staff encouraged the committee to be forward thinking on any measures recommended for the interim rule, as multiple management changes in a short time period can create additional uncertainty in the fishery-dependent data used for stock assessments. The committee discussed changing the sector allocation, with a committee member commenting that they thought it best to refrain from such action outside of a formal plan amendment.

Council staff asked when the council would see the interim rule proposal again. SERO replied that the goal was to define the parameters of the interim rule as soon as possible, to allow for it to be in effect by January 1, 2023. If the council makes recommendations at this April 2022 meeting, additional information could be provided by the June meeting to finalize the council's interim rule request.

SERO encouraged the council to be expeditious about the necessary decisions, to ensure the timely implementation of the interim rule. Additionally, the council has requested that the State Reef Fish Survey be used to supplant MRIP-FES in an additional model run using the SEDAR 72 base model. This request may be important to consider with respect to any decision about sector allocations.

A committee member thought it would be informative to receive an analysis from SERO at the June 2022 meeting that considers catch limit reductions and allocations in a way that provides an equitable reduction for each sector. These reductions would be respective of the catch limit reductions necessary to begin the rebuilding plan in 2023. SERO replied that a proportional reduction could be considered based on the proportion of the recent landings by each sector, since neither sector has landed its ACL recently.

Another committee member added that the request for the analysis on the change in the season start date be completed considerate of effort shifting resulting from any proposed changes in the sector allocation. SERO added that, to continue the multiuse

shares in the commercial IFQ program, the commercial quota would need to be less than the commercial sector ACL by the amount of the allowance for the multiuse shares. SERO also noted that the recreational fishing season would need to be projected, due to the short season duration and the reporting resolution of MRIP-FES.

Staff requested the council consider a motion during Full Council to clearly identify what it would like to see at the June 2022 meeting in the interim rule analysis from SERO. Based on that request, Mr. Chair, I might propose a motion at this time.

CHAIRMAN DIAZ: Go ahead, Dr. Frazer.

DR. FRAZER: Bernie, if you could pull that motion up. Okay. Again, based on the request in committee, and I don't know if you want me, Mr. Chair, to just read it into the record, or do you want to do that?

CHAIRMAN DIAZ: If you don't mind, please.

DR. FRAZER: Okay. **The motion is to request that SERO provide to the council, at its June 2022 meeting, an analysis of data needed to develop an interim rule to reduce overfishing of gag grouper in the Gulf of Mexico for the 2023 fishing year. The analysis will include: 1)options for distributing quota to the recreational and commercial fishery sectors in an equitable manner, for example proportional reduction in catch using data from 2017 through 2019, given an ABC of 660,000 pounds whole weight, based on a rebuilding timeframe of Tmin times two; and 2)options to maximize the number of fishing days for the recreational sector based on various fishing season start dates in 2023, including October 1 and November 1.**

CHAIRMAN DIAZ: Okay, and so we have a motion. Is there a second to the motion? It's seconded by Ms. McCawley. Is there discussion on the motion? Ms. Bosarge.

MS. BOSARGE: So that last part of it, the options to maximize the number of fishing days, and so, when we get that, Andy has already told us that those projected seasons are very uncertain, and what that translates to, in my mind, is it's fairly uncertain as to whether we'll actually be able to constrain catch to the level that we're trying to, and I want to see the uncertainties around it.

We went through this exercise once before, and I think it was a

lawsuit that made us do it, but where we had to actually look at the uncertainty and set the season in such a way that we didn't have more than a whatever percentage chance of actually overshooting it and overfishing on the recreational side, and so we need to look at that. Then, Tom, you're going to have to explain to me, one more time, that proportional reduction in catch.

DR. FRAZER: So, again, I think, in my mind anyway, it's pretty clear that we're going to be subject to a very significant reduction in the quota, right, and I think, as Mr. Diaz said earlier, nobody is going to be immune from the difficult decisions that we have to make, and what I am trying to do is give the agency an opportunity to provide the council a number of alternatives, or options, to distribute that limited quota to the sectors in a way that doesn't unnecessarily disadvantage one over the other.

They're both going to be disadvantaged, and I am just trying to get them to consider options that will distribute the quota in the most equitable manner possible, and so I'm not dictating what that approach looks like.

CHAIRMAN DIAZ: Okay. Any further comments on the motion? Mr. Strelcheck.

MR. STRELCHECK: Thanks, Mr. Chair. In response to Leann's comments, we certainly can bring back and show the uncertainty, in terms of the catch estimates, based on waves or based on time periods, and the probably much bigger uncertainty is, by changing the start date and leaving fish in the water that would have been previously caught, as well as now shifting effort to a particular different time of year, we have to then make some decisions and assumptions about how much effort shifting occurs, and it will be very hard to predict that, as well as it will be hard to predict like whether or not catch rates will see a bump, because we're opening the season later, and so we can talk about that, maybe in more depth, with the analysis that we bring back to you, but I just wanted to acknowledge that there's going to be uncertainties that are going to be much harder to estimate.

Then, in terms of Tom's motion, I appreciate the motion, and I think it makes sense, and it's trying to figure out a way to equitably spread the impacts of this very tough decision.

I guess the question, and maybe this is for Mara, is this would not necessarily then line up with any sort of allocation that we have on the books, and so would there have to be like a

temporary allocation decision, or could we just simply come in and say, for the interim rule, based on equitable reductions in harvest, this is what the commercial catch limit is, and this is what the recreational catch limit is?

CHAIRMAN DIAZ: Ms. Levy.

MS. LEVY: I am not sure I completely understand it. I mean, if it's going to result in -- Like if we're not going to apply the current allocation to the current units, then whatever we do is going to be some sort of allocation shift, right? If you're asking me whether you can do that in an interim rule, I mean, the Act says that any interim or emergency rule is considered an amendment to the plan while it's in effect.

I think you could do that, and I think you're going to have to justify the basis for it, and I don't -- I think, when you go through the process of doing the plan amendment, it doesn't -- Whatever you do in the interim rule isn't confining you to what's in your plan amendment, right.

MR. STRELCHECK: Okay. Then the other question would be for Tom, and I know that Leann has been vocal about maintaining the multiuse allocation, based on what was noted in the committee report. In order to allow for multiuse, there needs to be a buffer between the commercial catch limit and the commercial quota, and so would you like your motion to reflect that the agency would bring back some options for specifying multiuse, based on a difference between the commercial catch limit and commercial quota?

DR. FRAZER: I am happy to add that in, Andy. Again, I mean, if we know, for example, that retaining that is going to result in a buffer, a requisite buffer, then I think that we need to know that. If you want me to add it to the motion, I will. If you feel that the information in this discussion in the record is sufficient, we can do that too, and it's your call.

MR. STRELCHECK: I am fine either way, and we can certainly bring it back, if that's the council's intent.

DR. FRAZER: Okay, and so my intent, based on this discussion, is to allow the agency the opportunity to provide that information, along with the others that's been requested, Mr. Chair.

CHAIRMAN DIAZ: Okay. I think everybody understands the multiuse thing, and I will be part of the information that we

get, as to how that would fit into the commercial side. We have a motion on the board. Ms. Bosarge.

MS. BOSARGE: Mara, what you said is -- So whatever gets brought back to us, and whatever decision we make on this interim rule, that actually changes the status quo in any amendment that we're going to see in the future. Like we have a status quo allocation on the books right now, and we're going to bring back some information that would change these quotas, to possibly change the buffer for multiuse, change all those things, and, when we get a rebuilding plan, whatever we did here, that's the new status quo, and we're actually changing what is on the books in our amendments when we do this interim rule.

CHAIRMAN DIAZ: Ms. Levy.

MS. LEVY: Well, so we have this issue anytime you do an emergency or interim rule, and then we're coming behind it with an action to do something permanent, right, and so, especially with respect to NEPA, Action 1 tends to be dual, right, and it's what it would revert to if you didn't do anything else, right, because it expires automatically, but it's also what's in place now, and so we kind of deal with that specifying both, right, because, if you don't do anything, the emergency rule, or the interim measure, can only last a year and a day, and so you would revert back to what it was before that, but you are also currently operating under the interim measure, or the emergency measure, and so you kind of have a dual, quote, no action.

CHAIRMAN DIAZ: Okay. Is everybody okay and understand what we're voting on? **I am not seeing any heads nodding in opposition, and is there any opposition to the motion? We have two in opposition. The motion carries.** Ms. Boggs.

MS. BOGGS: So this is an interim rule, and we're trying to solve a problem, and, in the interim of trying to resolve it, it seems to me, as far as the reduction, you know the seasons or whatever, but why would you not take the current, or the -- I think we're looking at 660,000 pounds, but do your reductions based on the current split of 61 rec and 39 commercial, and that seems like the easiest way to do it, and it's proportional, and, I mean, it's consistent with where we are today, and we still haven't fleshed out the FES numbers, even though we're kind of using FES, and, I mean, we're crisscrossing here, and that just seems like it would be a lot more reasonable and fair, until we can flesh this out in an actual framework action to reduce overfishing. Anyway, I just -- I don't understand why we're going down this path.

CHAIRMAN DIAZ: Dr. Frazer.

DR. FRAZER: Susan, I think that that's certainly one of the alternatives that the agency could bring back, right, for us to look at in June, and so it doesn't preclude us from considering that scenario, and I was just trying to make sure that we looked at this as holistically as we could, to see what an equitable reduction might look like for the two sectors, and so I would expect that that might be one of the options, or the alternatives, that we discuss in June.

CHAIRMAN DIAZ: Ms. Boggs.

MS. BOGGS: Well, then I would like to request that the agency look at that as one of the alternatives, and that just seems to be a more fair way to do it, until we can flesh out these other, because we don't want to use the new -- I wouldn't consider using the new splits for the FES until we have an opportunity to really flesh all of this out and make sure, because everybody keeps talking about de facto reallocation, and, I mean, this, to me, would resolve that issue.

CHAIRMAN DIAZ: Ms. Bosarge and then Ms. Levy.

MS. BOSARGE: Well, I have a motion that I was going to pull up, but it's more towards the rebuilding plan for gag, and so I will hold.

CHAIRMAN DIAZ: Ms. Levy.

MS. LEVY: Well, just to note that that was in the presentation, right, and that was presented. It did show the current -- Like what the rebuilding catch limits would be with the current allocation, and so I would expect you to have that before you before you make any decisions.

CHAIRMAN DIAZ: Ms. Bosarge.

MS. BOSARGE: I will hold my motion until the end of this section of the report, but this is the whole reason I'm not comfortable with making any allocation decisions on the fly in an interim rule, until it's been reflected in our amendment. I mean, we have a year-long process to go through a review just to figure out if we should even look at an allocation, and, if we do decide to do that, then it's supposed to flow through into an amendment, and so the fact that we skip that whole year-long process, and skip the whole amendment process, and just do a

PowerPoint presentation and make a motion and we're done to change the allocations, and that, to me, seems, well, ridiculous.

CHAIRMAN DIAZ: Dr. Walter.

DR. WALTER: Thank you, Chair. I would just note, from the Science Center perspective, we remain available to run different scenarios, and it's helpful to get a range, and I think what we see is a range, and probably we'll do one in the middle of the two that we saw, and usually it's a linear relationship between the allocation and the OFL, and so we'll be able to present those I think fairly soon, and so similar as we had with other stocks where these were under consideration. Thanks.

CHAIRMAN DIAZ: Thank you, Dr. Walter. Any further discussion? Dr. Frazer.

DR. FRAZER: Thank you, Mr. Chair. The Southeast Fisheries Science Center discussed the State Reef Fish Survey transition process and integration in the SEDAR 72 base model, noting that the process needed to be completed by May 28, in order to provide the completed materials to the July 7 through 8, 2022, SSC meeting for review.

The Southeast Fisheries Science Center noted that the committee should not expect a different stock status, as a result of using the State Reef Fish Survey, as the trends between the State Reef Fish Survey and MRIP-FES were similar. The Southeast Fisheries Science Center also discussed the feasibility of an interim analysis for gag grouper, which would require established catch limits to which the representative index of relative abundance would be compared. The Southeast Fisheries Science Center is considering the SEAMAP video survey data for use in an interim analysis, once revised catch limits are established.

Council staff reviewed the timeline for completing the rebuilding plan for gag grouper. To develop the rebuilding plan in time to meet the statutory requirements, the rerun of the projections in SRFS is needed for the July 7 through 8, 2022, SSC meeting, which leaves little time for delays or other factors to be addressed.

Council staff asked the committee to consider the potential effects from the decision on the data that will be used in the rebuilding plan. If MRIP-FES is used for the projections on which the alternatives are based, and then the State Reef Fish Survey is determined to be the best scientific information

available for gag grouper, then the rebuilding plan timeline would be delayed while the Southeast Fisheries Science Center provides new projections. Such delays could endanger the timely implementation of the rebuilding plan by January 26, 2024.

CHAIRMAN DIAZ: Thank you, Dr. Frazer. Ms. Bosarge.

MS. BOSARGE: If staff could bring up that motion, and so this was actually a discussion that we had in Sustainable Fisheries, but I felt like it fit better here, and it was regarding that allocation review policy that we went through there, but we had a discussion in that committee about actually using gag as a test run for that, to try and flesh it out, and let's see, since that's going to be useful, going forward, anyway, as we discuss this gag rebuilding. I got with staff, and they helped me craft this motion.

The motion is, as part of the gag rebuilding plan, evaluate the components outlined in the allocation review guidelines presented in the allocation review criteria for inclusion in the amendment to fully consider the various allocation scenarios and corresponding catch advice decisions before the council.

MR. GILL: Second, Mr. Chairman.

CHAIRMAN DIAZ: Okay, and so we have a motion by Ms. Bosarge and seconded by Mr. Gill. Any discussion on the motion? **Is there any opposition to the motion? Seeing no opposition, the motion carries.**

DR. FRAZER: We will move to Commercial IFQ Programs, Tab B, Number 9. Staff provided an updated timeline for convening the initial meeting of the IFQ Focus Group, Tab B, Number 9, and noted that the council's selection of members for the focus group will be announced on Thursday during Full Council.

Dr. Nance summarized the SSC's discussion of the National Academies of Sciences study on "The Use of Limited Access Privilege Programs in Mixed-Use Fisheries", Tab B, Number 7(a). The SSC noted the lack of data available for evaluating the impacts of LAPPs in existing commercial programs. Dr. Nance also provided the SSC's recommendation to the council, which was a statement of agreement with the report's recommendations.

A committee member expressed interest in the SSC providing more specific feedback that could help the council. The committee member also noted the report's conclusions about a lack of data to complete mandated analyses and felt the priority should be

the collection of human dimensions data.

The committee recommends and I so move, that the Southeast Fisheries Science Center and the SSC prioritize increased human dimensions data collection and analysis, consistent with the recommendations from the report, "The Use of LAPPs in Mixed-Use Fisheries."

CHAIRMAN DIAZ: All right, and so we have a committee motion. Is there any discussion on the motion? **Seeing no discussion, is there any opposition to the motion? Seeing no opposition, the motion carries.** Dr. Frazer.

DR. FRAZER: Thank you, Mr. Chair. Review of Gulf Red Grouper Interim Analysis Health Status and SSC Recommendations, Tab B, Number 10, Dr. Nance briefly reviewed the most recent interim analysis for red grouper, which indicated that the stock size appears to be increasing in recent years. This interim analysis was viewed as a health check, since the last interim analysis resulted in revised catch advice that is still going through rulemaking.

A committee member asked when the council could expect the interim analysis process to become more automated. The Southeast Fisheries Science Center said work was continuing towards this goal, with some species able to be analyzed with an interim analysis quite rapidly. How rapidly this revised catch advice can be acted upon will be another hurdle to navigate in the future.

Other Business, Reef Fish AP Motion Regarding Permit Leasing, a committee member recalled a motion by the Reef Fish AP at its January 2022 meeting to request that the council consider allowing the leasing of federal commercial fishing permits to individuals other than the permit holder.

The chair of the Reef Fish AP recalled that some commercial fishermen have several commercial permits, and a more formal process for leasing those permits to other commercial fishermen could streamline efforts to use those permits. A committee member proffered a motion with a request for the SERO to provide a presentation with this information, but it did not pass.

FWC Goliath Grouper Limited Harvest Rule Change, Ms. McCawley summarized a rule change for the harvest of goliath grouper in Florida state waters, which will allow for the take of 200 fish via lottery. A slot limit, season, and area closures will be used to regulate harvest.

The last stock assessment, which was SEDAR 47, did not pass peer review, due to concerns about the data and the model. The committee thought it important to have the SSC consider the current OFL and ABC for goliath grouper, which has been closed to harvest in federal waters and for which fishery-dependent data have been largely unavailable since 1990.

Florida indicated that the data collected from the 200 fish harvested would allow for the collection of new data points for juvenile fish. The FWC will explore what additional data are available to provide to the SSC to inform any revised catch advice recommendation. **The committee recommends, and I so move, to request that the SSC reconsider the OFL and ABC for goliath grouper.**

CHAIRMAN DIAZ: Okay. We have a committee motion. Any discussion on the motion? **Seeing no discussion, is there any opposition to the motion? The motion carries.** Dr. Frazer.

DR. FRAZER: Mr. Chair, this concludes my report.

CHAIRMAN DIAZ: Thank you, Dr. Frazer. Dr. Simmons.

EXECUTIVE DIRECTOR SIMMONS: Thank you, Mr. Chair. I have a question, and I think it's for Mr. Strelcheck. I guess does the council need to get this information on goliath grouper and take action regarding the ACLs and go through the implementation process of changing that ACL, to allow the State of Florida to move forward with this limited harvest in state waters? I am not really clear on that.

CHAIRMAN DIAZ: Mr. Strelcheck.

MR. STRELCHECK: Certainly Mara can weigh-in, but the state has authority to regulate species in their state waters, and so we can't dictate regulations that would prevent them from doing so, and so I think the answer is no, but, because this is a species that occurs in state and federal waters, it would be good to get the SSC's guidance and advice, and, if we need to ultimately make changes with regard to how we specify the overfishing limit or the ACLs specific to federal versus state waters, then we could go ahead and do so, based on that advice.

CHAIRMAN DIAZ: All right. Ms. Levy is shaking her head, and I don't think she has anything to add. Thank you, Mr. Strelcheck.

MR. STRELCHECK: Dale, I have one other item.

CHAIRMAN DIAZ: Yes. Go ahead, Mr. Strelcheck.

MR. STRELCHECK: Kind of related to this state versus federal waters issue, and I forgot to bring it up when we were talking about the gag interim rule, and so Jessica and I briefly talked about the fact that the State of Florida has a state waters gag grouper season off the Florida Big Bend, and I believe the opening is either -- It's April 1, and it closes in June and then reopens in September, and so I raise this because there is potential that our gag quota could get caught up very quickly, and, if that season remains open in state waters, we will need to account for it when we're projecting the federal season.

I don't, obviously, know if the State of Florida has any interest in modifying that season, but there is, obviously, direct implications with regard to what we would be doing under the interim rulemaking and the State of Florida maintaining that season, or changing that season, and so I guess I would ask Jessica if that's something that you could at least bring to the commission as we progress forward on the interim rulemaking, because it will influence how long we could set the federal season.

CHAIRMAN DIAZ: Ms. McCawley.

MS. MCCAWLEY: Thank you, Andy. It's our intent to discuss this with our commission at their upcoming meeting in May, about both changing in the interim as well as changing once the rebuilding plan is in place, and I can work with you on what those changes might look like for state waters and what we discuss with our commission.

CHAIRMAN DIAZ: Thank you, Ms. McCawley. Yes, I think good communication and cooperation is very important in this. Ms. Bosarge.

MS. BOSARGE: While we're on gag, just one reminder, Mr. Strelcheck, don't forget that I mentioned, during committee, that I would like to see some of those numbers presented as numbers of fish on those slides, when you bring it back to us, and so maybe you can have both pounds and estimated numbers of fish for us. I think that will really start to put into perspective what we're up against, and maybe what we can do to manage it better.

MR. STRELCHECK: Will do, Ms. Bosarge. Thanks.

CHAIRMAN DIAZ: Okay. Any other business before the Reef Fish Committee? Seeing none, we're going to jump right into the Sustainable Fisheries Committee. Dr. Stunz.

SUSTAINABLE FISHERIES COMMITTEE REPORT

DR. STUNZ: Thank you, Mr. Chairman. This is the Sustainable Fisheries Committee Report for April 6, 2022. The committee adopted the agenda, Tab E, Number 1, and approved the minutes, Tab E, Number 2, of the January 2022 meeting as written.

Historical Captain Permits Conversion, Tab E, Number 4, council staff summarized a new framework action addressing the conversion of historical captain permits into standard for-hire permits. Staff noted that a previous action allowed the replacement of valid or renewable Gulf historical captain coastal migratory pelagics (CMP) and reef fish permits with standard CMP and reef fish for-hire permits. To date, all eligible historical captain permits have been converted into standard for-hire permits.

That action also allowed outstanding letters of eligibility for historical captain permits to be used to obtain a permit prior to May 21, 2020. However, new historical captain permits issued based on the redemption of eligibility letters were not eligible for conversion to a for-hire permit at that time.

The present action allows entities who received historical captain permits through the redemption of eligibility letters to convert them into standard for-hire permits. Three entities with a reef fish and a CMP historical captain permit each, for a total of six historical captain permits, are eligible for this conversion. NOAA General Counsel noted that the codified text for this action was provided at Tab E, Number 4(c). The committee approved the following motion.

The committee recommends, and I so move, to recommend the council approve Framework Action: Historical Captain Permits Conversion 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. That motion carried with one abstention.

CHAIRMAN DIAZ: Okay, and so we have a committee motion, and this is a roll call vote. Dr. Simmons.

EXECTIVE DIRECTOR SIMMONS: Thank you, Mr. Chair. Mr. Gill.

CHAIRMAN DIAZ: Hold on one second, Dr. Simmons. I didn't call for discussion, and I apologize for that. Is there any discussion on the motion? We have no discussion. Dr. Simmons.

EXECTIVE DIRECTOR SIMMONS: Thank you, Mr. Chair. Mr. Dugas.

MR. DUGAS: Yes.

EXECTIVE DIRECTOR SIMMONS: Ms. Bosarge.

MS. BOSARGE: Yes.

EXECTIVE DIRECTOR SIMMONS: Dr. Frazer.

DR. FRAZER: Yes.

EXECTIVE DIRECTOR SIMMONS: Ms. McCawley.

MS. MCCAWLEY: Yes.

EXECTIVE DIRECTOR SIMMONS: Mr. Anson.

MR. ANSON: Yes.

EXECTIVE DIRECTOR SIMMONS: General Spraggins.

GENERAL SPRAGGINS: Yes.

EXECTIVE DIRECTOR SIMMONS: Mr. Strelcheck.

MR. STRELCHECK: Yes.

EXECTIVE DIRECTOR SIMMONS: Mr. Schieble.

MR. SCHIEBLE: Yes.

EXECTIVE DIRECTOR SIMMONS: Dr. Shipp.

DR. SHIPP: Yes.

EXECTIVE DIRECTOR SIMMONS: Mr. Dyskow. Mr. Dyskow, you are muted, maybe. I will go back to Mr. Gill. Mr. Gill.

MR. GILL: Yes.

EXECTIVE DIRECTOR SIMMONS: Mr. Broussard.

MR. BROUSSARD: Yes.

EXECTIVE DIRECTOR SIMMONS: Ms. Boggs.

MS. BOGGS: Abstain.

EXECTIVE DIRECTOR SIMMONS: Mr. Geeslin.

MR. GEESLIN: Yes.

EXECTIVE DIRECTOR SIMMONS: Mr. Williamson.

MR. WILLIAMSON: Yes.

EXECTIVE DIRECTOR SIMMONS: Dr. Stunz.

DR. STUNZ: Yes.

EXECTIVE DIRECTOR SIMMONS: Mr. Diaz.

CHAIRMAN DIAZ: Yes.

EXECTIVE DIRECTOR SIMMONS: The motion carried unanimously with one abstention.

CHAIRMAN DIAZ: And Mr. Dyskow.

EXECTIVE DIRECTOR SIMMONS: I am sorry. Mr. Dyskow. **Then one abstaining and one absent.**

CHAIRMAN DIAZ: Dr. Stunz.

DR. STUNZ: Next was Allocation Review Guidelines, Tab E, Number 5. Council staff gave a presentation on the allocation review guidelines. The review guidelines detail the procedures and discuss criteria to consider during allocation reviews.

Allocation review criteria include a review of FMP objectives and evaluations of the status of the stock, acceptable biological catch, annual catch limits and targets, accountability measures, landings histories, quota utilization rates, participation and effort measures, discards, habitat impacts, and social and economic factors.

Committee members asked whether the guidelines, once adopted, could be modified in the future. Staff indicated that the

guidelines could be revised at the council's discretion. The committee noted that the guidelines presented do not detail guiding allocation principles reflecting the council's values relative to allocation. Staff noted that although they may need to be revisited, those principles are addressed in the council's allocation policy.

NOAA General Counsel reiterated the distinction between an allocation review and an FMP allocation amendment. An allocation review is conducted to determine whether or not the initiation of an FMP allocation amendment is warranted.

Committee members inquired about the initial start dates for allocation reviews and asked whether the timeline would be adjusted to reflect recently completed and ongoing allocation actions. Staff indicated that the schedule will be periodically updated. Committee members noted that, although review guidelines presented can be approved, the drafting of guiding allocation principles that would inform the development of meaningful reallocation alternatives is necessary. **The committee recommends, and I so move, to approve the Allocation Review Guidelines document.**

CHAIRMAN DIAZ: Okay. We have a committee motion. Is there any discussion on the motion? Mr. Gill.

MR. GILL: Thank you, Mr. Chairman. I guess I want to ask a question on whether or not I would vote for this motion. I have serious concerns about the inclusion, in that document, where we can bypass the entire review process. The way it was worded, as I recall, was open-ended, and, to me, that opens the door to, well, we don't want to go through this, and let's go ahead and do reallocation.

To me, reallocation, as you've heard many times, and I will get on my soapbox, and I will probably get on it again here shortly, but it's a serious decision that has significant consequences, and we need to give it the due deference that it deserves, which includes consideration of socioeconomic things that we currently don't do.

Opening the door to saying, oh, there's times when we don't have to do it, without any definition of what those might be, to me, seriously undermines the whole concept of the review process, and so my view is that -- If I had my druthers, there wouldn't be any, but I suspect there is probably some reasons that I haven't thought of that suggest that, yes, be it time limitations, like we're talking about here this week, or others,

and so, without some strict definition to that open door, I am not comfortable in approving the guidelines document.

If we approve it, does that suggest that we're approving it in toto? Is that what we're saying, because, if that's the case, I will not support this motion.

CHAIRMAN DIAZ: Dr. Diagne.

DR. ASSANE DIAGNE: Yes, Mr. Chair. Thank you. If I may, I would ask for Bernie or Karen to put up a short presentation, and, I mean, it's just a few slides that we sent to them, and that would perhaps allow me to speak to this point specifically, as well as a related point, with your permission.

CHAIRMAN DIAZ: Yes. Go ahead, Dr. Diagne, and I think we'll get the staff to put that up for you.

DR. DIAGNE: Thank you. This is just a very short presentation, and, on purpose, I did leave the date of August 2018 here, as well as a tab number, and it was to remind myself, and perhaps all of us, that everything that I am going to say right now we have said before to the council, on repeated occasions.

I will start with the definitions, which we discussed in the past, and the first one simply defines "fisheries allocation", and so I will skip that and zoom-in, perhaps, on the second one, which, according to the policy, NMFS' allocation review policy, defines an allocation review at the evaluation that leads to the decision of whether or not the development and evaluation of allocation options is warranted, but it is not, in and of itself, an implicit trigger to consider alternative allocations. Then, if we go to the next definition, this is essentially for FMP amendments, which we are used to developing and approving.

As you recall, this slide is from the NMFS allocation review policy, and it shows the different steps that would follow, and this is essentially in the spirit of adaptive management, whereby a trigger would be met, and we would conduct an allocation review, which would include a review of the FMP objectives, and those would be revised, if necessary, and then, essentially, we would answer the central question of are the objectives being met, and, also, are there other relevant factors that have changed and that would impact allocations.

For the bullets indicated here, this is the justification for the list of criteria that we have included in the guidelines as to what it is that we can look at during an allocation review.

As you recall from yesterday's presentation, it starts with FMP objectives and goes down from there, to include social, economic, biological, and ecological factors.

Then, if the objectives are not met, or if there are other relevant factors that have changed significantly, so that an amendment would be warranted, we would initiate an amendment, and the formal evaluations are initiated based on the factors that should be considered when making an allocation decision, and, typically, in our amendments, in Chapter 4, meaning the environmental consequence, we go through an extensive set of analyses that start with the impact and effects on the biological environment, and then physical, and then administrative, and then economic, and then social.

That is included in all of the amendments that we develop, and, of course, after an allocation review, if there is no sufficient justification for an amendment, then we go back to Step 1, and, as you recall, as a council, we have established time-based triggers as our primary trigger, and a secondary trigger is based on, I would say, public interest.

These are the last two slides, and they were not in previous presentations, but perhaps, in listening to the comments that were offered yesterday during discussion and public comment, I went ahead and put these points to clear up some misunderstanding.

The allocation review policy is designed to make sure that councils review their allocations periodically, and the main purpose is to prevent councils from, for example, staying twenty years, if not more, without revisiting an allocation. We have, on the books, some allocations that were developed perhaps since Amendment 1 and others that were established since the Generic ACL Amendment.

The second point is that the policy does not preclude the council from initiating a reallocation amendment, with or without a formal allocation review. The policy is simply a stopgap measure that, at regular intervals, would tell councils that, if you haven't done anything, please take a look and revisit your allocation. It has nothing to do with the council's authority to start an allocation amendment as it deems necessary.

The third point, perhaps, that we could discuss is that, when a council initiates an allocation amendment without completing an allocation review, it is indicating that the justification for

the allocation amendment is included in the amendment, and, finally, during the amendment discussion and approval process, should the council determine that there is not sufficient justifications to modify the allocation, then it has the latitude to vote to maintain the allocation on the books, meaning the existing allocation.

This is the last slide, and this will speak directly to the comments that were offered by Mr. Gill right now, and we heard the same thing during discussions yesterday, and perhaps also during public comment.

The first bullet is something that I copied from the presentation that we discussed yesterday, and it reads: In some instances, the council may skip a formal allocation review and directly proceed with the development of an FMP amendment. In these cases, these guidelines would not apply.

If I were to, I guess, change the very last segment of the phrase, I would say, in these instances, these guidelines would be irrelevant. This is not an exemption. This statement simply acknowledges the fact that the council can initiate a reallocation amendment without a preliminary review, because, when we start an amendment, we are already past the review stage, and so we don't need really any allocation review guidelines at that point, and they are not going to be helpful to the process, keeping in mind that, again, that the analysis of all the factors, be they physical, biological, ecological, social, and economic, are always included in the amendments that we develop. Thank you very much, Mr. Chair, for giving me the time to speak, and I will answer other questions, if there are some.

CHAIRMAN DIAZ: Thank you, Dr. Diagne. Any questions for Dr. Diagne? I am not seeing any questions. Would you all put the motion back on the board? This motion is to approve the allocation review guidelines document. Any discussion on that issue? **Seeing none, is there any opposition to that issue? Mr. Gill is in opposition, and Ms. Bosarge is in opposition. The motion carries with two in opposition.**

DR. STUNZ: Mr. Chair, that concludes my report.

CHAIRMAN DIAZ: Thank you, Dr. Stunz. Ms. Bosarge.

MS. BOSARGE: Just a closing thought on that, and I will try and say it better today. I think what I learned from that presentation that Dr. Diagne gave us yesterday is that that

process he outlines in what we formally call the Allocation Review Guidelines, regardless of the title of it and where we originally thought it would be best served in our process of looking, or determining, whether we should look at allocations, I think it's an amazing process that truly gives us a fully, well-rounded analysis of all the different things that we should evaluate and look at in an allocation decision, like when we are deciding on changing an allocation, whether that be are we going to look at it or we're actually looking at it, and we're going to pick one, and that analysis is something that, yes, we may have bits and pieces of each one of those things in different chapters in the amendment, but it needs to be pulled together in one spot for us to look at, right there after those allocation alternatives in an amendment.

I think that's the point that I was trying to make, that we don't want to piecemeal this together, as council members, and I was going back and looking at one of the amendments, and to find what I needed -- It was actually footnoted that it was going to be in SEDAR such and such, and I had to go to the SEDAR website to pull that information, and so that one was on discards, and so saying that it's in the document -- Okay, it's in the document, but it's not very easily accessible, and so I think this type of review, during any kind of allocation amendment, needs to occur, and it needs to be presented to the council in the amendment, all in one spot.

Show us all that history on the status of the stocks and the accountability measures and utilization and the regulatory structure, all in one spot, in one chart, so that we can actually look at it at a glance and determine, you know, what we want to weigh more heavily in our allocation discussions to meet the objectives of that FMP.

CHAIRMAN DIAZ: Mr. Gill.

MR. GILL: Thank you, Mr. Chairman. You have heard me mention, numerous times, about our need to consider socioeconomic considerations when we're actually making allocation. Well, we just approved, and we didn't do that. What it did was include a lot of socioeconomic considerations on whether we should form reallocation, and that's good, but, at the end of the day, our process, historically, has been, forever, as far as I know, to use historic landings only, and we don't get into the discussion of all the other factors that it involves, and we don't do what Magnuson is looking to do in National Standard 4, recommends doing, and clearly we don't follow what we just passed, in terms of considering all those things and whether we should perform an

allocation, but, when it gets down to actually doing it, we're back to historic landings, and considerations of the broader context is -- We basically pay lip service to it.

I think we need to -- I think I've heard a lot of support for the concept that we need to be looking at alternative ways to do, actually do, the allocation. If you will, that would complement what we just passed, and, to that extent, I think there's ways to do it, but, at the very least, we need to have that discussion and start thinking and working on can we do it and, if so, how.

To help initiate that discussion, Bernie, if you would put up the motion that I just sent, and I am proffering the motion that's going to put on the board as a way to start that discussion and see what alternatives there are. My understanding is there is at least one alternative. Whether it's the right one or not, I think we need to start talking about whether that's a road we want to go down, and I am hopeful that the council will agree that starting that discussion and looking into alternatives to a way that we can allocate, other than solely using historic landings that makes sense.

Historic landings do have an amazing advantage, and they're simple. You know, we've got the data, and we pick the years, and whamo. They're not fun, but, you know, in terms of trying to figure out what to do, the process is pretty simple, but they don't, in my mind, comply with Magnuson, and they don't comply with National Standard 4, and they don't do justice to the question that we're really trying to answer. I offer this motion as a way to start that discussion, and I will stop there.

CHAIRMAN DIAZ: All right, and so I will read your motion. **Mr. Gill is proposing a motion to request that the Southeast Fisheries Science Center analyze alternative predictable approaches to sector allocation determination, other than using historic landings only, that specifically include socioeconomic evaluation. The SSC should review, make recommendations, and give advice to the council.** Is there a second? Mr. Gill.

MR. GILL: I would just like to point out that the wording is "alternative practicable" and not "predictable", and that's a key word. You know, it's got to work, or there's no sense in doing it. Thank you.

CHAIRMAN DIAZ: Is there a second to the motion? It's seconded by Dr. Shipp. Is there discussion on the motion? Dr. Stunz.

DR. STUNZ: Bob, I support your motion, and I think this is a good idea, and especially if it helps clarify what we just went through, but I guess is it my understanding that we were kind of already there, and maybe that was a misinterpretation on my part, and not accurate or something, but, you know, for example, when we started the FMP to reallocate, we would do this very thing right there, but certainly, if this helps, you know, shine a light on that's where we want to go, that's fine, and I'm supportive of that.

CHAIRMAN DIAZ: Ms. Levy.

MS. LEVY: Just a clarification, first. So you want the Southeast Fisheries Science Center to analyze alternative practical approaches or the SSC, and then the SSC -- You want them to present those to the SSC, but, to come up with the approaches, you want the Science Center to do that? I am just making sure that I am reading it right.

MR. GILL: Yes, that's correct, and the SSC doesn't do those kinds of analyses. They review and then comment, et cetera, and so somebody has to start that ball, as to what's out there and what is worthwhile considering, and, once that's done, then the SSC can weigh-in on well, this is good or this is bad or whatever, but it can't start with the SSC.

CHAIRMAN DIAZ: Ms. Levy.

MS. LEVY: Well, and just one other comment, given what you have said leading up to this motion, and so, I mean, I guess I just want to clarify that I think that the council and the agency do consider the requirements of the Magnuson Act when considering their allocation decisions and that the FMP amendments that put in place allocations, or allocation changes, comply with the Magnuson Act, and so the council and the agency are considering National Standard 4 and making a determination that it is consistent with that. In addition, the requirement to have a fishery impact statement that looks at social and economic impacts of what you're proposing, and that, to me, is different than what you're saying, which is incorporate different things in order to get to allocation alternatives, right, and so that -- I just want to make that clear. Thank you.

CHAIRMAN DIAZ: Thank you, Ms. Levy. Dr. Walter.

DR. WALTER: Thank you, Chair, and I will note that the Science Center has been embarking on these, and we gave a presentation to the September SSC on a pilot project to evaluate different

recreational allocation strategies, and so I think this is something that we're working on, because I think it's a fertile ground for further research and to bring other data and potentially creative solutions to the table, and so it's something that we're embarking on, and if the SSC -- I think the SSC is amenable to considering these, and it's something that we see as part of our overall strategy of better incorporation of social sciences into the process. Thanks.

CHAIRMAN DIAZ: Thank you, Dr. Walter. Is there further discussion? Any other business to come before the Sustainable Fisheries Committee? We haven't voted on this. We have a motion on the board. **Is there any opposition to the motion? One in opposition, two in opposition. The motion carries.**

Any other business for the Sustainable Fisheries Committee? All right, and so where we're at is we're a half-hour past our lunch break, and we still have roughly, and I don't know an exact idea, but an hour, or an hour-and-fifteen minutes, maybe, of council work left to do. I am going to look around the room and see if folks would like to power through this or if they would like to go ahead and take lunch and come back and finish this up. I have no preference, and I need some input from the council. I am hearing lunch. All right, and so we're going to take a lunch break, and we'll take our hour-and-a-half break, and we will start back at 2:00.

MR. RINDONE: Mr. Chair, I'm not on your committee, but lunch.

(Whereupon, the meeting recessed for lunch on April 7, 2022.)

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April 7, 2022

THURSDAY AFTERNOON SESSION

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The Full Council of the Gulf of Mexico Fishery Management Council reconvened at The Lodge at Gulf State Park in Gulf Shores, Alabama on Thursday afternoon, April 7, 2022, and was called to order by Chairman Dale Diaz.

CLOSED SESSION REPORT

CHAIRMAN DIAZ: Okay, everybody. Welcome back from lunch. Welcome back to the Gulf of Mexico Fishery Management Council

meeting. We're going to jump right into our next report, following our agenda down, and the next report is the Closed Session Report, and I'm going to do that.

The closed session from April 4, the selection of IFQ Focus Group participants, the Full Council was convened the afternoon of April 4th to review the IFQ Focus Group applicants and appoint its members. The council discussed the applicants and made the following nine appointments. The council did not make an appointment for the eastern Gulf longliner position.

The first appointment, a small shareholder, Casey Streeter; medium shareholder, Jim Zurbrick; large shareholder, David Walker; crew, Brad Gorst; new entrant, Lance Nacio; public participant, Cliff Penick; permitholder who leases (no shares), Laura Chicola; dealer, Jason Delacruz; knowledgeable non-participant, Dr. Andrew Ropicki.

Selection of Coral, Data Collection, and Spiny Lobster Advisory Panel Members, the council also reviewed the applicants for the Coral, Data Collection, and Spiny Lobster Advisory Panels and made preliminary appointments for each advisory panel. Appointees will be announced at the June 2022 council meeting in Fort Myers, Florida, after completion of background checks for fisheries violation.

Selection of 2021 Law Enforcement Officer/Team of the Year, the council reviewed the nominations received and recommendations from the Law Enforcement Technical Committee. The council selected the Florida Fish and Wildlife Commission's nominee, the crew of the eighty-five-foot offshore patrol vessel, Gulf Sentry, for the 2021 Law Enforcement Team of the Year. The team will be honored at the June 2022 council meeting in Fort Myers, Florida. This concludes my report. Any comments for the council on the closed session report? Seeing none, we're going to follow the agenda and work our way down, and we're going to have some presentations from our supporting agencies, and the first one is the South Atlantic Council liaison, Ms. Thompson.

SUPPORTING AGENCIES UPDATES
SOUTH ATLANTIC COUNCIL LIAISON

MS. LAURILEE THOMPSON: Hi, you all. I want to start out by saying what a great time I've had this week. I enjoyed meeting all of you, and it was really, really interesting, and I learned a tremendous amount this week, and I appreciate the time that some of you guys spent with me, trying to tell me what you're doing and how that might help me in my home.

I am from Titusville, Florida, which is ground-zero for the manatee deaths that are happening on the east coast of Florida, and the nearly 100 percent total loss of seagrass in our estuaries, and so it's been very interesting, and I appreciate the time you all have spent with me, and I did fish here, back in the 1980s, and I was one of the first boats to set longline gear on the bottom in the Gulf of Mexico, primarily targeting yellowedge grouper, and so it seems like some of my past knowledge might be useful, and so I look forward to maybe working with some of you all in the future and talking about yellowedge grouper and bottom fishing in the 1980s in the Gulf of Mexico.

You've got our report, and there is no reason for me to read it word-for-word, and it's in your briefing book. I will pick out some things that I consider to be highlights, starting with our allocations decision tool, and so this is something that staff has come up with to try to make it a little more or less cumbersome for the council to be able to make decisions on sector allocations, and so we had a special online meeting in February, to kind of do a practice run and try it out on greater amberjack.

Then we got some time to think about it, and so then, at our March meeting, in our discussion, we made our suggestions, but, basically, this thing does exactly what you guys were talking about with your allocation decision document in how to incorporate more focus on topics like long-term trends in the fisheries and more input on social and economic factors and not just depending on past catch records, and so we're really excited about that, and we'll be talking about that more at our June meeting, and then we're going to try another practice run on Spanish mackerel at our December 2022 meeting.

We also instructed staff to develop an additional online way to collect public input on these topics, and so we're quite proud of that. We are finally starting an effort to get our commercial boats to start using an electronic logbook, instead of doing everything on paper.

On the Dolphin Wahoo Regulatory Amendment 2, that will expand our oversight of the dolphin fishery all the way up the entire east coast, and so we'll be managing the dolphin population all the way up to Maine, and so we recently completed an action that would reduce bag limits, but, in some of our opinions, it wasn't enough, and so we're going to be looking at that again, and we're going to be looking at further reductions in bag limits.

We went from sixty fish to fifty-four, and I don't think that's enough, but it's delicate, because North Carolina wants fish, and we in Florida are trying to -- We can see the writing on the wall, that, if we don't quit catching all these dolphin, there won't be any dolphin in the future, and so we'll still be working on that.

On our snapper grouper amendments, we're working really hard on short-term and long-term measures to try to reduce the snapper mortality. The dead discards are killing us, and so we've looked at different things, in the short-term and the long-term, to try to reduce the discard mortality. We're looking at things like mechanical stuff, hook sizes and stuff like that, or time closures and depth restrictions, anything to try to reduce the effort on the red snapper.

Then we also have -- We've had a private recreational reporting workgroup, which has been pretty busy, and they have met five times in 2021 and 2022, and our discussion is resuming the development of an amendment that would establish a federal permit and reporting requirements for the private recreational snapper grouper, and so basically our entire bottom fish fishery, in the South Atlantic region, and we're very excited about that, too.

What's exciting is that the recreational fishermen are supporting having a permit, and everybody sees -- The amount of fish that we're allowed to catch in the South Atlantic is so low, and everybody sees what's coming at them, and so everybody is trying to work together to figure out how everybody can still keep fishing.

Gag, well, you guys thought you had it bad, and we're in even worse shape, and that's according to Andy Strelcheck. He says it's worse in the Atlantic, and so we have to rebuild our gag fishery in ten years, and so we're looking at draconian cuts in our ACLs.

We're going from an ACL of 734,350 pounds down to -- We haven't decided yet on what the damage is going to be, and it's going to be somewhere between 158,000 and 175,000 pounds, and so that is a draconian reduction, and it's going to really impact both the commercial and the recreational industry. I think that I've taken enough of your time. Again, I appreciate your hospitality, and I've had an absolute blast this week. Thank you.

CHAIRMAN DIAZ: Are there questions for Ms. Thompson? Ms. Bosarge.

MS. BOSARGE: Not a question, and probably now, while that's up on the board, that was actually what I had brought up and added under Other Business, was I wanted the Gulf Council to receive a presentation, at a future meeting, I hope in June, but I understand if not, on that private recreational reporting workgroup and their discussions and what came out of that, and then Amendment 46, I think, that they're going to present to their council again, in I think August they're going to present it again, and it's like Laurilee said, and so, at their meeting, most of the species that they're looking at, and they're trying to make cuts to, they're looking at almost all of that in numbers of fish, and it's like it's that low for their species, and I was really impressed -- I realize that I'm commercial, but I was really impressed with the gentleman that gave that presentation, and he was the chair of the workgroup, right, Spud, and so he's a private angler representative on their council in the South Atlantic, and very well spoken, very intelligent, and he just really impressed me.

I wanted our council to hear from him, and I don't want you to hear it from me. I'm commercial. I want you all to hear it from them and see what they're doing, and one thing, it seems like around this council table, that we all halfway agree on is we're not so sure about FES, and we're staring down the barrel of some pretty drastic reductions too, and I think, if we don't start moving in some direction, to get a better handle on the data generally coming out of federal waters, for all our reef-fish-type species, we're going to be in the same pickle that the South Atlantic is in pretty soon, and so I would like to get ahead of that curve, but that's not for me to do. I'm commercial.

I want the recreational people to hear it from those recreational people in the South Atlantic and the discussions they had and where they landed and where they see their future and just share ideas, and that's what I am hoping for a presentation on in the future.

CHAIRMAN DIAZ: Thank you, Ms. Bosarge, and so that was your Other Business item that you were going to discuss, and so we took care of that? Okay. Any other questions for Ms. Thompson? Ms. Thompson, I want to tell you that I have enjoyed having you here this week, and, as a new council member, I mean, you hit the ground running as fast as anybody I've ever seen, and so I think the State of Florida did a very good job putting you up,

and I look forward to seeing some good things that you're going to help accomplish over there, and don't be a stranger. You know where we're at now, and so come back and see us.

MS. THOMPSON: I appreciate the kind words, and, yes, I hope I get invited back.

CHAIRMAN DIAZ: Thank you. All right. We're going to keep moving down our agenda, and next up is the Alabama Law Enforcement Efforts Report and Major Downey.

ALABAMA LAW ENFORCEMENT REPORTS REPORT

MAJOR JASON DOWNEY: Good afternoon. It's good to see everybody again. I am Major Jason Downey, Chief of Enforcement for Alabama Marine Resources. Our enforcement section consists of fourteen enforcement officers, two district supervisors, an administrative training and outreach sergeant, operations captain, and chief of enforcement.

We cover both Mobile and Baldwin Counties in coastal Alabama, and we have seven officers and a supervisor in each county. We just hired three new officers in Baldwin County, and so, for the first time in a long time, we are actually full staffed, and so we're happy about that.

For the last several months, we've really put some effort into beefing up our outreach and education program, and here's a picture of our recently-wrapped outreach trailer, which has working emergency lighting, and it's used to haul all of our outreach material and to serve as a backdrop at certain outdoor events.

Here's a photo of our indoor outreach setup, and it consists of two large tables full of information handouts and other items to grab the attention of people passing by, and we also have eye-catching banners and backdrops, as well as a sixty-inch TV that has continuous video showing enforcement activities. We like to have two or three officers at these events, to handle all the many questions we get from the general public.

Here's a photo of our outdoor setup, and it's a little bit smaller, but we use this customized tent, with banners, and we usually have a patrol vessel or the outreach trailer in the background. In the last few months, we've participated in three large boat shows, the Mobile Boat Show in downtown Mobile, the Wharf Boat Show in Orange Beach, and the Boat Show on the Bay, located in Battleship Park on Mobile Bay. These events have

generated well over a thousand contacts between our law enforcement officers and the general public.

One of our outreach topics we've been covering is the DESCEND Act. We worked with the Return 'Em Right program to develop outreach materials, and one of the favorite items we use is this business card pictured here, and it has a QR code that will take you to a site where you can watch an informative video, and then they will send you a free descending device, and so this has been a real big hit with the public, because they all like free stuff.

Here is a picture of the descending device display, and it's full of handouts, as well as some actual descending devices, that people can actually put their hands on, and we can help show them how they operate. The ones pictured here are the ones that Return 'Em Right actually sends out to folks.

Another hot topic recently has been marine mammals, especially the dolphin interactions, and so we're trying to educate the public on what's considered harassment and what they should do when they have these interactions. One way we're doing this is traveling to area marinas and boat ramps that have the ecotourism vessels, and we hand out educational materials while we're speaking to captains and crew and customers about what acceptable behaviors are when interacting with dolphins. These dolphin tours have really become a big thing here in the Orange Beach area.

Even with all the outreach and education going on, our officers are still out there patrolling and making good cases. I can't really go into details on some of these, but I have a couple of photos here of some of the latest cases. This first picture here is a load of illegal flounder. As you can see there, they fill up the whole back-end of a pickup truck.

This is another case we had recently, where these are all illegally-taken undersized greater amberjack, and that was a pretty big case. Our officers work really hard to preserve the resources we have here in Alabama and the Gulf of Mexico, and so I'm real proud of them. That's all I have. Thank you.

CHAIRMAN DIAZ: Any questions for Major Downey? Ms. Boggs.

MS. BOGGS: Major Downey, I just want to compliment you all. You all are a good presence at our marina, and I will say that, but the outreach they do -- They actually come, and they put posters, I guess, up, weatherproof posters, with the Return 'Em

Right information about the Snapper Check, and so you all do a very good job getting the information out there, and I appreciate it. Thank you.

MAJOR DOWNEY: Thank you.

CHAIRMAN DIAZ: I have a couple of questions for you. First off, that photo that you had of the flounders, how were those flounders taken?

MAJOR DOWNEY: So that was actually a case where one of the officers were doing seafood shop inspections, and they were illegally purchased from a non-commercial person, and so we confiscated the flounder and wrote some citations there. I don't know how they were taken.

CHAIRMAN DIAZ: Okay. I have another question for you, and you mentioned three events that you all went to, three boat shows, and the council may do some outreach, where we send some people to some different events in each state, to try to reach the maximum amount of our -- I don't want to say customers, but the people that would be most interested in our regulations.

Of those three events, or another event that you might be aware of, which would you recommend as being where the council could get the most bang for their buck and reach the most people at in the State of Alabama?

MAJOR DOWNEY: It's really hard to pick just one of those boat shows. They're all pretty massive boat shows, and they're in two different areas, and so I would say the Mobile Boat Show has been around the longest, but the Wharf Boat Show is probably the newest and more attractive, because it's outside, and, on good weather days, a lot of people show up, and so, if you want, I can get you a list of all the events that we participate in and have you in touch with our outreach sergeant, who can help out.

CHAIRMAN DIAZ: We would appreciate that. Any other questions for Major Downey? Thank you, Major Downey, and thank you for having some folks here this week, too. We appreciate you all. Okay. Next up on the agenda is the NOAA Office of Law Enforcement Report. Mr. O'Malley.

NOAA OFFICE OF LAW ENFORCEMENT REPORT

MR. MATT WALIA: This is actually Matt Walia, and I'm the Compliance Liaison. ASAC O'Malley was unable to make it, and so I'll be providing the report, but I do have a presentation, and

I will just stand by, if you could have staff please pull that up.

CHAIRMAN DIAZ: Okay. We'll be pulling that up.

MR. WALIA: Perfect. Thank you. What I'm going to do here, I'm just going to go over a quick overview of our Quarter 1 effort, from October to December, and there is, in the briefing material, our report as well, and there's a lot more in-depth material in there, and so I encourage you to please check that out for more details.

In the Gulf of Mexico, I just wanted to give a snapshot of what we've been doing, and so, in this past quarter, we opened up 198 open incidents. Of those 198, fifty-two of them were closed with no violations documented, and so that's a lot of our folks going out and doing boardings and inspections and working with the industry and making our presence out there and doing that outreach, and so we've had a good outcome with that.

Of the 198, we only had nineteen that were actually violations at the time they were closed out, and so two of them were cases referred over to the General Counsel or the U.S. Department of Justice, and one of them was for an illegal take of species, which was sawfish, and the other involved VMS program requirements.

The seventeen summary settlements, as you see there, range from $100 to $3,000 in fines, and we had a few fishing in closed areas, a lot of TED and BRD requirements, and observer program requirements were the most commonly seen. The remainder of all those were either unfounded, fix-its, compliance assistance, and written warnings, or they're still open.

What I wanted to highlight here, and this is in report, starting on page 10, and we have all of our enforcement highlights. One of the things we've been able to do, working with one of our partners that happened during this time, is there was a shrimper that was down in the Tortugas shrimp sanctuary, and there was a Coast Guard cutter that was on the scene, and they were able to intercept the vessel and bring him back into port.

Our officers assisted with that initial investigation, and that's what that picture is there that you see. When we closed the investigation out, we were able to determine how much catch they had while they were in that closed area, and we ended up seizing 447 pounds of pink shrimp from that case, and so that was good cooperation with our partners and success on that one.

The other thing that I wanted to highlight here is you see those URLs that are highlighted, and illegal charters has always been a topic that's come up a lot and we want to highlight, and that continues to be a priority, in what we've been able to do with it.

We did some recent outreach, where we released a web story out to the public, OLE did, offering rewards and how to be safe in picking a charter boat, and so we are offering rewards for successful tips on those moratorium permits, and some recent case highlights, and so we had five cases that ended up having over $70,000 in recent combined civil penalties, and those were between some charter operations based on Florida and Texas.

What we did is we released that story in conjunction with SERO staff. They had another story of hooking you up with important tips for a great day on the water, and so both of us releasing our stories at the same time, and our goal is to reach out to that broader public that's coming down as the summer kicks up, and charter season is going to be going, and so we empower them, so they know how to pick a proper charter.

A lot of these guys are doing the right thing, to make sure someone has a mariner credential, are you going through the drug consortium, and ultimately preserve the resource, and so that's a big thing that we got out there, and I did just want to give a quick shoutout and thank you to council staff, because they also helped repost this story and reached a larger audience, and so thank you for that.

Here, what I want to highlight in our report is our enforcement partnerships are integral. It's our state partners and our federal partners who are getting the job done, and it's a big job, and there's a lot of stuff to do, and so what I wanted to highlight here is we had seventy-nine overall, through all the enforcement referrals, but that's our entire Southeast, and so that is the Gulf, the Atlantic, and the Caribbean Council.

Within the Gulf, you see I have the four agencies that we did receive referrals this past time, and so from FWC, Coast Guard, Texas Parks and Wildlife, as well as Alabama Marine Resources, and we received some.

What I wanted to highlight real quick, and some of this has come up in discussions this week, is just to give a reminder on some recent regulations that have come across as a reminder of kind of what we're seeing out there and make sure everyone knows what

to do and how to do it the right way.

The TED requirements for skimmers is a new one, and that's been enacted since February on vessels forty-foot or greater, and I just wanted to give a reminder that the gear management team -- They can do courtesy compliance TED checks on your vessel. They'll come down and schedule with you, and they host a whole bunch of workshops, and training sessions are available, and they have dealer information available to get the TEDs, and so there's a lot of info out there, and I can help get that afterwards, if someone needs that as well, and I just wanted to make you aware of that.

The Gulf for-hire VMS, obviously there's been a lot of discussion on that as well, and we all know that was effective on March 1. A couple of things I wanted to highlight in there is the compliance was noted on there, and there's still a lot of accounts that have to get created, and there's still a lot of boats that have to get VMS, and we're aware of that. We're working with SERO staff, as they're doing their QA/QC and doing referrals over to us, and that is an ongoing process.

One of the things that I wanted to highlight, and I know it's tough being virtual, and I did try to raise my hand a few times during committees, and I wasn't recognized, and, during the council today, but I just wanted to reiterate that, for the VMS reimbursement program, this does apply to all units that were purchased after this requirement was in effect.

If you got your VMS, all these -- I forget the exact number, but the 500 that already have an installed VMS unit, they're good to go with what was given. This reassessment of the reimbursement funds was done because this is nationwide and the funds that are available -- There's a protocol that has to go through, and, actually, that is kind of listed out in the notice that went out. If you scroll to the bottom, there's a link that lays out the process of how that is assessed and looked at.

Anything after from March 24 on, after this requirement, is how this applies for the new adjustment of the $950 for the cellular unit, and so I just wanted to make that clear. The funds, as we've always noted, they're always contingent as available. It is a grant that we have, and we're able to do it nationwide, and we've been to do it successfully this whole time, but it's always contingent on being available that next year.

I do know, in talking to our Headquarters, we're trying to look at other avenues to secure future funding, our HQ, and we may be

working with Congress, trying to get more in the line budget item, and we've also been in initial talks with SERO and the Science Center, and somehow we can try and get some more money to secure that, going forward, and so to keep that reimbursement program going.

One more thing that I just wanted to highlight that was raised during committee, that I tried to highlight, and there was questions that if our system could handle the influx of all these vessels coming in, and, yes, it can, and for future vessels. Currently, we have over 5,000 vessels that are registered in our vTrack program, and, in talking to OCIO, in the future, if new vessels, or new fleets, do have to come in, such as the shrimpers, or another reef fish coming in, they can adjust the servers and the storage process to handle that capability, and so I just wanted to make that on the record.

Finally, you see the DESCEND Act, and just a reminder that, come January, we want to see the venting tool or descending device rigged and ready to use, and we've been getting pretty good compliance reported to us through our folks and our partners, and you just heard the Major talk about all the success they're having, and so that was great to see.

What I wanted to highlight here, and this kind of goes into what I just put with the new regulations, this is kind of our spotlight, and there's a lot of things going on of how we can kind of concentrate our efforts, and so a lot of our current efforts right now are through those three that I just mentioned with SEFHIER and charter operations and TED requirements, but we're also doing a lot of work down in the Keys sanctuary.

The mini-season approaches very quickly, and we're already in the planning stages for that, and the sanctuary is doing outreach on the season, and we're also doing a lot of ATBA cases, and those are the areas to be avoided, and so we've done a combined either outreach, compliance assistance, some fines, and, also, referrals over to our partners at the Office of General Counsel for those.

Then dolphin feeding, just as you heard from the Major, that is starting to gear up, as these tour operators are getting underway, and so it's just a reminder for businesses to watch it and keep their proper distance. We recommend fifty yards of distance on those, not to alter their behavior, and so that is something that we'll be putting our forces on.

This slide I've put in before in the past, and we just wanted

this for resources, if you need to refer, and it has our website, how to get to these new stories, and our Office of General Counsel enforcement action link is listed here as well, and that's on the last four pages of our report. These are all cases that we worked on, and we ended up forwarding over to General Counsel for processing, and so this past one has totaled over $270,000, as well as a list of resolved cases that happened during that timeframe.

Then, of course, the council report, which is in your briefing material, and so that's all I have, Mr. Chair, and I just wanted to make note that, virtually, it can get a little tough, and we are looking forward to, in the future, we will be able to be there, myself, and our Assistant Director, Manny Antonaras, has been online as well, and we'll be able for questioning, as needed for follow-up later, and we also have General Counsel Enforcement Attorney Duane Smith available. That concludes my report, Mr. Chair. Thank you.

MS. BOGGS: The permit violation that you had I think on your Slide 1 that you referred to General Counsel, or DOJ, was that commercial or in the charter fleet?

MR. WALIA: I'm sorry, but all I heard was Slide 1, and then the audio cut out. Could you repeat that, please?

MS. BOGGS: Yes, sir. One of the two cases that was referred to General Counsel, or the U.S. DOJ, I understood was a VMS violation, and was that in the commercial or the charter fleet?

MR. WALIA: Commercial, and I would have to look back and see which one, but, yes, that was a commercial violation.

MS. BOGGS: Thank you.

CHAIRMAN DIAZ: Any other questions? I have a comment. I really like the idea that you all have this reward system set up for these illegal charters, and that's been something that we've heard from public comment, many, many times during our public comment sessions over the last couple of years, and I appreciate the fact that you all are thinking outside the box and going so far as to set up a program like this, and I think it's creative, and I am curious to see how it works out after you all have it in place for a while, and so hopefully we'll hear about it in future reports, but I want to commend you all for coming up with that.

I want to apologize to you if we missed your hand during

virtual, and it's certainly my fault, and we will try to do a better job, where we can catch you next time, and so I apologize for that. Any other questions? Thank you. We appreciate it.

MR. WALIA: All right. Thank you, Mr. Chair.

CHAIRMAN DIAZ: You're welcome. Next up on the agenda is Gulf States Marine Fisheries Commission and Mr. Donaldson.

GULF STATES MARINE FISHERIES COMMISSION

MR. DONALDSON: Thank you, Mr. Chair. I've got a couple of items that I wanted to talk to the council about. The first is our commission meeting, and we had our March 2022 meeting held in-person for the first time since March of 2020 in Panama City Beach, Florida. It was good attendance and discussion, and it was great to be back in-person, and our annual meeting this year will be the week of October 17 in Texas.

The other big issue is the Return 'Em Right project, and, as you know, we are helping coordinate that activity, and we're focusing on the research and monitoring, and work continues on research, with collaborative studies to investigate the post-release mortality estimates for Gulf of Mexico reef fish species and effectiveness fish descender devices and how it relates to depredation.

In terms of monitoring, we're working with NOAA Fisheries and the Gulf states to expand data collection through at-sea observer programs and validation surveys, to include information on descending devices in the recreational fishery, and those agreements should be finalized prior to the peak of the fishing season this year.

Then the last issue is gear distribution, and Florida Sea Grant is actually taking the lead, but we've been working with them. The Phase 1, we had over 100 federally-permitted for-hire reef fish captains that took the Return 'Em Right training session and received a free release gear package. Plans are being finalized for Phase 2, where private recreational anglers will be able to take the training and receive this release gear.

Anglers are now able to preregister on the Return 'Em Right website, which is returnemright.org, and the Return 'Em Right is all one word, and, if they preregister, they will be notified as soon as the training and the free gear becomes available, and so you can visit the Return 'Em Right website for more details, and that concludes my report, and I will answer any questions.

CHAIRMAN DIAZ: Are there questions for Mr. Donaldson? Ms. Boggs.

MS. BOGGS: I am full of questions. Dave, thank you for your report. The descending devices, other than getting them by doing the Return 'Em Right training, which our crew has done and received, is there another way to obtain those? For instance, I've had some that were lost, or misplaced, and I don't know what they're doing with them, but they're coming to me and saying, hey, can I get one, and what can I tell them?

MR. DONALDSON: I know that they're available, and you have to take the training to be able to get them. In terms of replacements, I am not sure. Charlie Robertson, in our office, is -- He's the coordinator that is running this program, and I will talk to him and have him reach out to you, to get you that information.

CHAIRMAN DIAZ: Okay. Ms. Bosarge.

MS. BOSARGE: Thank you, Mr. Chairman. On a different topic, Dave, I was thinking, during this meeting, and I remember you all gave a presentation, I think to the Shrimp AP, and you all are handling the chips right now, reading the chips, and then forwarding that information to NMFS, and I think it was your IT man over there, and he said, you know, that, in the future, going forward, if we were to automatically transmit to you all, if you all were going to be required to clean up the data, the way that you all are now, that there would probably be some costs involved with that.

Do you think, since we have this contract ongoing right now, with trying to actually build-out the new logbook program through LGL, that would be something that would be interesting, to forward that information to staff, and maybe they could pass that along to the contractor, to see if that's something they can look into, getting the data in the right format on the frontend, so it doesn't have to be cleaned up when it comes in, and so could you all get her more information on that?

MR. DONALDSON: Yes, and we can certainly provide that to Carrie.

CHAIRMAN DIAZ: Mr. Strelcheck.

MR. STRELCHECK: Hi, Dave. Sorry if I've asked you this before, and I appreciate the presentation on Return 'Em Right. As part

of the research, what we've seen in the South Atlantic, when we've started to incorporate descending device information into assessments, is -- It's two things. One is, obviously, what reduction in barotrauma, or release mortality, there is, but then the other aspect is how many people are actually using the devices, and so is there any research that's going to be underway, or ongoing, as part of Return 'Em Right that is actually going to look at the usage of the devices as we get more and more into the hands of anglers?

MR. DONALDSON: Thanks, Andy. I believe that there is a project that's going to be conducted, or they actually did a project that gave -- It got a general idea of how many people are actually using the devices, or plan to use the devices, and I don't believe that project has been finalized yet. I don't think we have the results, but we did some initial research, and then, also, as part of the monitoring, we're going to add questions to the surveys, to try and get a better handle of the uses of these devices by the fishing industry, but I can -- I will talk with Charlie, to see if we've got any preliminary information.

CHAIRMAN DIAZ: Mr. Rindone.

MR. RINDONE: Thank you, Mr. Chair, and, to Ms. Boggs' question before about where to find replacement descending devices, they can also be purchased off of websites, like Amazon.

CHAIRMAN DIAZ: Okay. Any further questions for Mr. Donaldson? Seeing none, we're going to move right along, and next up on our agenda is the U.S. Coast Guard Report, and that's going to be Lieutenant Commander Motoi.

U.S. COAST GUARD REPORT

LCDR LISA MOTOI: Good afternoon, Mr. Chairman and members of the council. This is Lieutenant Commander Lisa Motoi, and it is nice to return at least virtually. I do apologize for the hiatus, and I recently returned from -- I was there for almost four months, but I am back now for good at Coast Guard District 8 in New Orleans, and I look forward to seeing you in-person for June's council meeting.

For Coast Guard updates, I will break them down into two of our statutory missions, the first being living marine resources, which is our domestic fisheries, and then other law enforcement, particularly with the Mexican lanchas illegally fishing in our waters.

Since July of last summer, District 8's coastal sectors, which would be Sectors Mobile, New Orleans, Houston/Galveston, and Corpus Christi, they have conducted roughly 450 vessel boardings across the Gulf of Mexico, yielding fifty-five safety and fishery violations and fourteen case packages, and our strong partnership with NOAA facilitated the prosecution of those fourteen case packages, producing $21,000 worth of fines.

We have also been more aggressive with targeting the highly migratory species fishery. Historically, it's the most challenging boarding target of ours, due to limited resources to operate that far offshore, but, halfway through this fiscal year already, we have made significant improvements compared to last fiscal year.

Additionally, we are working to increase visibility of the high seas pockets in the Gulf of Mexico, and we're also working with NOAA to gain permit data to more rapidly identify potential instances of illegal fishing in the high seas pockets and working with our air stations to conduct more overflights of them.

Moving on to other law enforcement, and so with the Mexican lanchas, through Quarter 2 of this fiscal year, we have interdicted a total of fifty-five lanchas. As a result, we have repatriated a total of 243 individuals and seized a total of 7,500 pounds of red snapper. The total number of lancha interdictions in Quarters 1 and 2, they have increased nearly 8 percent from the last fiscal year, and so, again, we are continuing to work this persistent threat in our area of responsibility.

With that, we have had difficult challenges this period, as far as our assets. Two of our five fast-response cutters suffered big-time casualties, one being a catastrophic fire while a cutter was in dockside availability, and then, with our neighboring District 7 in Miami, there's been a huge surge in Haitian migration in the windward pass and the southeast border and approaches that has been affecting our resources, but we've been adapting, and we're figuring out like best opportunities to maximize our resources to best protect our living marine resources across the Gulf of Mexico, and that concludes my brief, pending any questions. Thank you.

CHAIRMAN DIAZ: I am not seeing any questions, but I do appreciate your report, and I know the Coast Guard is stretched thin, and staying on this Mexican lancha issue is very

important, and so we do appreciate you all continuing to work that issue, and so we do appreciate it, and we look forward to seeing you in person in Ft. Myers in June. Thank you.

LCDR MOTOI: Thank you, Mr. Chair.

CHAIRMAN DIAZ: Okay, and so that concludes our presentations, and I have a couple of things here. Mr. Strelcheck had mentioned, under Other Business, that he wanted to talk about gillnetting of pompano. Mr. Strelcheck.

OTHER BUSINESS
GILLNETTING OF POMPANO OUT OF FLORIDA

MR. STRELCHECK: Thanks, Mr. Chair, and certainly Jessica McCawley may want to weigh-in as well here, and so we have, over the last few weeks, received a number of letters from David Horan, who is a lawyer that represents gillnet fishermen, and he's out of, I think, Key West.

The issue relates to harvest of pompano in federal waters. As everyone knows, we do not have a federal fishery management plan for pompano, and so the state, or states, have authority to manage into federal waters, under the Magnuson Act. Section 306 in the Magnuson Act allows states to regulate a fishing vessel outside their boundaries if it's registered under their state and there is no FMP.

Florida, several decades ago, from what I gather, had established a pompano endorsement zone, which allows for gillnetting off of southwest Florida, north of the Florida Keys, and parallel between about Everglade City and the Naples/Cape Sable area, and it allows for licensed, permitted fishermen to harvest legally in gillnets in federal waters and then return through state waters and land those fish in particular areas of Florida.

At this point, Mr. Horan is really kind of, I think, asking the council to take up management of pompano, and I just wanted to bring this to your attention, and I think Florida is certainly aware of many of the concerns that Mr. Horan has raised over the years, and, at least from what we've looked at, there is nothing -- That the state does have authority, at least, to regulate, based on how they have currently established the regulations, to date, in terms of pompano, given there is no management plan. I will turn it to Jessica or anyone else who might want to add to this.

CHAIRMAN DIAZ: Ms. McCawley.

MS. MCCAWLEY: Thank you, Mr. Chairman. Thank you, Andy. Yes, we are in a lawsuit right now, filed by Mr. Horan, and so I really don't want to get into the details of that, but we do have a letter from the Gulf Council that is dated February 7 of 2000, where the Gulf Council acknowledges that maybe regulations for pompano are needed and suggesting that the State of Florida put those regulations in place and extend them into federal waters and indicating that they had no intent, at that time, to establish a federal FMP for pompano.

I guess I would put it out there that I am under the assumption that that letter still stands, that the Gulf Council has no intent to regulate pompano in federal waters.

As Andy mentioned, since the year 2000, the State of Florida has developed a comprehensive and robust fishery management plan for pompano that is in state and federal waters, including allowing people to gillnet in federal waters, with a particular permit, and transit those fish and land them in this area between Cape Sable and Hurricane Pass, and so I don't want to get into the specifics of the lawsuit, but I am presuming that the Gulf Council has no intention of starting a federal FMP for pompano.

CHAIRMAN DIAZ: Mr. Gill.

MR. GILL: Thank you, Mr. Chairman, and so I presume, as part of that consideration -- You know, there was a recent incident down there on gillnetting pompano, and Florida's position would be that there is no particular advantage to the council implementing any management measures, I would presume, and is that correct?

MS. MCCAWLEY: That's the council's decision, but we feel like we have a robust set of regulations in place for pompano, and, yes, there was a recent case, but we have been in a lawsuit with Mr. Horan, and he is representing the individual in the case, and that's since about December of 2020, and so not related to the particular law enforcement activity that you mentioned that you probably heard about.

CHAIRMAN DIAZ: Ms. Bosarge.

MS. BOSARGE: Well, so, Andy, I mean, have you all taken a look at pompano? I know there's a whole list of criteria that the council runs through to determine if we need to take a species under management for federal waters, and have you all taken a

look at that yet, to see it rises -- If pompano today, versus in 2000, rises to that level now, or is that something that the council has to request that we take a look at?

I mean, I only say that because shrimpers transit the entire Gulf, and we shrimp all over, right, and it does start to get really confusing when -- This is not a reflection on you all's state, Jessica, and this is just general, right. When states start extending their state regulations out into federal waters -- You know, we're leaving out of Mississippi, and we're in federal waters all throughout the Gulf of Mexico, and then so, if we get, I guess, close enough off the state of Florida, we've got to remember that, okay, well, let's see, they've got these regulations and those regulations that they've extended into federal waters for certain species, and we might normally catch some of those as bycatch, and retain them, but we're in federal waters, and usually that's okay, but now it's not, because we're over by Florida, and they've extended their -- It just gets real confusing really quickly when that happens, and so what do we need to do? Do we need to look at this, Andy, or not?

MR. STRELCHECK: Well, so the point of me discussing this today was to bring it to your attention. We have only been made aware of the concerns as of the last week or two, and certainly it's within the council's purview, if you wanted, to look at this in greater detail, and you could make that request, and we could consider whether or not it's in need of federal management relative to past decisions that it made quite some time ago.

CHAIRMAN DIAZ: Ms. Bosarge.

MS. BOSARGE: So you had a request, I guess, from a fisherman that we should at least look at that, and is that what you said in the beginning?

MR. STRELCHECK: We have a letter from a lawyer that represents a gillnet fisherman that is saying -- The lawyer, I believe, is suing the State of Florida over a similar manner, and so the request essentially is related to the fact that they're opposing, or don't like, the state regulations that extend into federal waters, and, therefore, the end of the letter -- I don't have it open, but it essentially requests that the council manage pompano under a federal fishery management plan.

MS. BOSARGE: Chairman Diaz, didn't we have a request from a charter fisherman a while back on pompano, that he wanted us to manage in federal waters, that the state had extended regulations?

MS. MCCAWLEY: That was African pompano.

MS. BOSARGE: African pompano, and so another pompano species, and so that's two pompano species that we've now had requests from fishermen for us to take a look at in federal waters, and it might be about time, I guess, to at least just get a presentation, because, I mean, we can't manage it unless it meets the -- If it rises to the level of the criteria that we have, but it sounds like it's probably time to at least take a look at it, sometime in the near future.

CHAIRMAN DIAZ: All right, and I'm not aware of pompano being commercially fished anywhere close to our area, but I don't know about other areas of the Gulf. Dr. Frazer.

DR. FRAZER: It's just a question for Jessica, and so how many vessels are actually engaged in that pompano fishery?

MS. MCCAWLEY: I would have to go back and look at the number of endorsements, and my recollection is it's probably less than twenty.

DR. FRAZER: Thanks.

CHAIRMAN DIAZ: Mr. Anson.

MR. ANSON: Thank you, Mr. Chair. I guess, since we're going to be requesting this, just because I am not familiar with the process of how a species is decided on, at least for federal management, and I'm somewhat familiar with the details, only because I read up a little bit on it when the 2000 letter went out that Jessica mentioned, but is to possibly add, into that list, another species, and that would be permit. I'm just curious about that as well, and it's a similar type of species, and so if we can do that as well.

CHAIRMAN DIAZ: I think, to be clear, it would probably be good if there was a motion for whatever you all would like to see, just so we make sure that we move forward, if it's the intent. Dr. Simmons.

EXECUTIVE DIRECTOR SIMMONS: Thank you, Mr. Chair, and I was trying to find the letter, but I think, Dr. Shipp, you were the chair of the council when we received a similar letter, and we responded to them, as Jessica mentioned, that we weren't going to consider --

DR. SHIPP: My recollection is that the issue was discussed, and, to add a little bit of humor to this, it was discussed at length at the bar the night before, with commitments from a whole bunch of council members that they were going to look into it, and, the next morning, the vote was held, and it was sixteen to one against it, and I was the one against it, and so there is a history, going back more than twenty years, discussing pompano.

CHAIRMAN DIAZ: Dr. Simmons and then Dr. Frazer.

EXECUTIVE DIRECTOR SIMMONS: Yes, but, I mean, I guess we have received multiple, or at least two, letters from Mr. Horan's office over the course of -- I can't recall, but since 2007, Jessica, you said?

MS. MCCAWLEY: 2020 is when the lawsuit began, December of 2020.

CHAIRMAN DIAZ: Dr. Frazer.

DR. FRAZER: I am just trying to think this through a little bit, mostly thinking about delegation of duties, right, and we always talk about how much workload that we've got going on and things like that, and it seems, to me, with the relatively limited number of vessels that are effectively managed by a state agency, that I'm not sure why we would get into that, but that's my two-cents on that.

CHAIRMAN DIAZ: Thank you, Dr. Frazer. Mr. Rindone and then Ms. Boggs.

MR. RINDONE: Thank you, Mr. Chair. In the past, when we had discussions about the management of some of the south Florida species, we were able to request, from the Southeast Regional Office, landings that were delineated by whether they came from state or federal waters, which we used as kind of a litmus test for whether certain things should be left to the State of Florida to deal with or they should be something that the council should look into, and so perhaps that's something that you could guys could consider to look at, for pompano anyway, to see the proportion of landings that occur in state waters versus federal.

CHAIRMAN DIAZ: Thank you, Mr. Rindone. Ms. Boggs and then Ms. Levy.

MS. BOGGS: I am just curious, and are these all gillnetters?

MS. MCCAWLEY: So this portion of southwest Florida that we're talking about is the only area of the state where you can direct harvest pompano with gillnets. Pompano can be taken as bycatch in other types of gillnets in federal waters, like with king mackerel and Spanish mackerel, but pompano can be taken commercially with other gears, including hook-and-line and seine nets.

CHAIRMAN DIAZ: Ms. Levy.

MS. LEVY: Thank you. Just a couple of things. One that, in the National Standard Guidelines, there's a section about stocks that require conservation and management, and so it has a number of factors that the council is supposed to consider. I mean, one might be the proportion of landings in state waters, but -- I am not saying that you need to delve into all of these things, but I just don't want it to be that that would be the only factor and that that's somehow decisive in all cases, and there is a list of factors.

The other thing that I will point out is that, in terms of Florida's ability to regulate vessels in the EEZ, it's limited to those vessels that are registered in Florida, right, and so, if someone has a registered vessel somewhere else, I mean, Florida might not even know what they're doing with pompano, because they're not going to have a Florida special endorsement for pompano, and so, in terms of that, I just wanted to make that clear.

CHAIRMAN DIAZ: Thank you, Ms. Levy. Any further comments? I do concur with Dr. Frazer that workload is a real consideration, and we're taking on more stuff than we can push out the door, currently, and so it's something that we have to factor in. All right. Ms. Bosarge.

MS. BOSARGE: I think though, at some point in the future, what we can get is just a presentation, kind of what Kevin was speaking to, and Mara can lay out the National Standard criteria, and we'll look at just some landings histories for permit and possibly African -- Maybe pompano in general, or we can just spell it out as African pompano, and I don't know, and this other one, and I don't know exactly what kind of pompano he was after, but --

MS. MCCAWLEY: Florida pompano.

MS. BOSARGE: What is it?

MS. MCCAWLEY: Florida pompano.

MS. BOSARGE: Florida pompano. Then maybe some clarification, because, Mara, you kind of confused me, and so I guess there's a line somewhere in the Gulf of Mexico, and so like, if Florida extends its regulations into federal waters, is that the entirety of all federal waters in the Gulf of Mexico at that point, or is there some line that says Florida federal waters stop here?

MS. LEVY: The Act doesn't speak to lines, right, and the Act says that they can regulate a fishing vessel outside the boundaries of the state under the following circumstance, and one circumstance is if the vessel is registered under the law of the state and there is no FMP, right, or no federal regulations, and so it speaks to regulating vessels outside the boundaries of the state, and it limits it to those vessels registered in the state.

CHAIRMAN DIAZ: Okay. I am not seeing any further discussion, and we're going to move on down the agenda. I have just a couple of other items, and we're getting real close, but does anybody have any other business at this point to come before the council? Mr. Anson.

MR. ANSON: Real brief, it was to follow-up on your question to Major Downey about the boat shows and the attendance of council staff, and so it kind of -- You don't have to provide an answer or anything right now, but I'm just wondering, for discussion purposes, if those types of venues would be helpful for council members, if they are so interested, to tag along, or be present, when staff were to show up, to maybe coordinate a council member being present there. I don't know what Emily or you all have planned for that, but that's just a suggestion, and that's all. Thank you.

CHAIRMAN DIAZ: That is the way we've tried to do in the past, when we've had these limited number of things, and, if we get to do them in the future, certainly a council member from that state, that lives close by, would be a good person to check with, or anyone from that state. Any other business? Mr. Schieble.

MR. SCHIEBLE: Just a quick announcement. Today, our commission voted to set the red snapper season in Louisiana, and we talked about this the other day, the potential, but the news release has come out, and so it's official.

The opening day will be Friday, May 27, which is the Friday before Memorial Day, and it will open with a three-day weekend, plus Memorial Day, and so that first weekend will be four, and then we will fish with three-day weekends through the season. Friday, Saturday, and Sunday constitutes a three-day weekend, with a daily bag limit of three fish at sixteen inches minimum length, and that includes 4th of July and Labor Day, if we get that far, and we'll be fishing to that 809,316-pound adjusted ACL that subtracts the overage of 6,918 pounds.

CHAIRMAN DIAZ: Thank you, Mr. Schieble. Ms. Boggs.

MS. BOGGS: I'm sorry, Chris, but what was the bag limit again?

MR. SCHIEBLE: I'm sorry. It's three fish per person, sixteen inches minimum.

CHAIRMAN DIAZ: Thank you for that, Mr. Schieble. Hot off the press. All right, and so I only have two things, and we're going to wind this up. First, I want to thank the staff for all the hard work they've done this week, but, also, after the October meeting, we had a lot of problems with the sound system, and staff have done some upgrades and tweaking, and I think they have boosted our internet capacity in a couple of ways, and I think the sound system is noticeably better.

I think, when we have trouble hearing people right now, mostly it's on the other people's end, and I don't know -- I don't know if we're going to be able to do much about that, and I know one person mentioned that might try to encourage people not to use cellphones and try to talk off their computers, if they could, and that might help, and I don't know, but we'll see if we can figure out something to help people on their end.

On our end, we've made some upgrades, and I want to thank the staff for doing that. The first two days were perfect, and I heard everything nice and clear. Yesterday, there were a couple that were hard to hear, and then during public testimony, but, again, I think it's on the user's end, with their equipment, or the way that they're handling it, and so I don't know how much we're going to be able to do about that, but it was a noticeable improvement, and, when you all say something, we try to react, and we heard it loud and clear. In October, there were some problems, and the staff has worked on that, and I appreciate it.

Also, I do want to make sure, before we get out of here, that our next meeting date is June 21 through 24, and that is Tuesday through Friday, and so we normally, almost always, meet Monday

through Thursday, and that's a Tuesday through Friday, and so, when you make your travel plans, and you start thinking towards that meeting, try to remember that.

The reason that is like that is -- I don't know that we've run into this in the past, and I don't know if we've been in that week, but there's a Juneteenth holiday during there, and there was some problems with setting up the meeting on a federal holiday, and that holiday is also in a lot of states also, and so that's how we got to a Tuesday through Friday. We will probably try to avoid that week in the future, if we can, and I can't promise you that we can, because it's hard enough now to book hotels, with everything, but we will try to avoid that, if we can.

Anyway, if there is no questions, that's all I have. Does anybody have any concerns or any questions? Then I will see you all in June. Thank you.

(Whereupon, the meeting adjourned on April 7, 2022.)

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