GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

287TH MEETING

FULL COUNCIL SESSION

Perdido Beach Resort Orange Beach, Alabama

October 25-28, 2021

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Susan Boggs.....Alabama
Leann Bosarge.....Mississippi
Billy Broussard.....Louisiana
Dale Diaz.....Mississippi
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Joe Spraggins.....Mississippi
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Greg Stunz.....Texas
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TABLE OF MOTIONS

PAGE 7: Motion to accept the proposed October 2021 through August 2022 council committee assignments. The motion carried on page 7.

PAGE 89: Motion to request that NMFS fully evaluate and consider, to the maximum extent possible, the draft approval specifications for reinstituting the historical cELB program for the Gulf shrimp fishery in recognition of the legitimate distinctions between a scientific data collection-oriented program and an enforcement-oriented program (see Appendices D and E in the draft Framework Action). NMFS shall provide their evaluation at a future council meeting. The motion carried on page 89.

PAGE 89: Motion to recommend that the council request that NMFS arrange for the testing, as soon as possible, of a small sample of approved cellular VMS units programmed to ping every ten minutes on federally-permitted commercial shrimp vessels operating in different regions of the Gulf of Mexico to determine if the data generated is compatible with the current cELB algorithm. The testing protocol should be designed by NMFS, in consultation and cooperation with the Shrimp Data Collection Focus Group, VMS vendors, and the shrimp industry, to build industry support and buy-in. The motion carried on page 90.

PAGE 100: Motion in Action 5.1 to make Alternative 3, Option 3b the preferred. The motion failed on page 112.

PAGE 97: Motion to approve CMP Amendment 32 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 115.

PAGE 115: Motion to direct staff to create a document to prohibit the sale of Gulf cobia caught under the recreational bag limit in or from the EEZ of the Gulf of Mexico or South Atlantic. The motion carried on page 119.

PAGE 121: Motion in Action 2 to move Alternative 3 to Considered but Rejected. The motion carried on page 121.

PAGE 122: Motion in Action 1 to make South Atlantic Preferred

Alternative 3 the preferred. The motion carried on page 122.

PAGE 123: Motion in Action 2 to make South Atlantic Preferred Alternative 1 the preferred. The motion carried on page 123.

PAGE 123: Motion in Action 3 to make South Atlantic Preferred Alternative 2 the preferred. The motion carried on page 124.

PAGE 124: Motion in Action 4 to make South Atlantic Preferred Alternative 2 the preferred. The motion carried on page 124.

PAGE 125: Motion in Action 5 to make Alternative 1 the Gulf Council preferred. The motion carried on page 125.

PAGE 126: Motion in Action 6 to make Alternative 1 the Gulf Council preferred. The motion carried on page 126.

PAGE 127: Motion to recommend CMP Amendment 34 be taken out to public hearings. The motion carried on page 127.

PAGE 135: Motion in Actions 1 and 2, Alternative 2, move Option 2a to Considered but Rejected. The motion carried on page 135.

PAGE 135: Motion in Actions 1 and 2 to add an option for fourteen calendar days exemption and define the other options as calendar days. The motion carried on page 135.

PAGE 135: Motion in Actions 1 and 2, Alternative 2, to remove Options 2a, 2b, and 2c and add the exemption will be valid for up to fourteen calendar days. The motion failed on page 136.

PAGE 137: Motion to move Action 2 to Considered but Rejected. The motion carried on page 140.

PAGE 168: Motion to direct staff to begin development of an amendment to review and update ACLs for unassessed species and evaluate if the species are still in need of federal management. The motion carried on page 170.

PAGE 171: Motion to add an action to the Framework Action: Modifications to Vermilion Snapper Bag Limits and Gray Triggerfish Recreational Fixed Closed Season to adjust the commercial gray triggerfish trip limits. The motion carried on page 171.

PAGE 174: Motion to approve Framework Action: Modification of Gulf of Mexico Red Grouper Catch Limits and that it be forwarded to the Secretary of Commerce for review and implementation, and

deem the codified text as necessary and appropriate, giving staff editorial license to make the necessary changes in the document. The Council Chair is given the authority to deem any changes to the codified text as necessary and appropriate. The motion carried on page 176.

PAGE 183: Motion to retain fishery dependent data, it is the council's desire to avoid a total shutdown of any species, if at all possible. The motion carried on page 183.

PAGE 183: Motion to update the SEDAR 72 Gulf of Mexico Gag base assessment model (combined sexes) using data from the Florida State Reef Fish Survey (SRFS) for the private recreational sector in place of the same data collected by MRIP-FES. All other data inputs should remain the same. Generate all customary and appropriate model diagnostics used to evaluate model performance. Update model parameter estimates and their variances, model uncertainties, management benchmarks and stock status estimates. The motion carried on page 202.

PAGE 204: Motion that the charge of the IFQ focus group be expanded to require a review of the current IFQ programs' goals and objectives and recommend their replacement/retention. The revised goals and objectives shall serve as the basis for the focus group recommendations. The motion carried on page 204.

PAGE 204: Motion to add to the membership of the IFQ focus group a person who is well versed in the program but does not hold shares or allocation. The motion carried on page 208.

PAGE 208: Motion that the process document provided be utilized to advertise and solicit members of the IFQ focus group. The motion carried on page 208.

PAGE 216: Motion in Action 1 to make Alternative 2 the preferred alternative. The motion carried on page 218.

PAGE 219: Motion in Action 1 to add an alternative or alternatives which provide catch levels lower than those recommended by the Science & Statistical Committee. The motion carried on page 220.

PAGE 234: Motion to request staff provide a review of electronic voting options for council functions. The motion carried on page 236.

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The Full Council of the Gulf of Mexico Fishery Management Council convened on Monday morning, October 25, 2021, and was called to order by Chairman Dale Diaz.

REVIEW AND ADOPTION OF COUNCIL COMMITTEE ASSIGNMENTS OCTOBER 2021 THROUGH AUGUST 2022

CHAIRMAN DALE DIAZ: The first item on our agenda today is the Review and Adoption of the Council Committee Assignments from October 2021 through August 2022. I just want to open up the floor. If anybody has any comments or suggestions for the committee assignments, this would be the perfect time to discuss them. Seeing no comments, can I get a motion from somebody to accept the committee assignments for 2021-2022?

MR. BILLY BROUSSARD: So moved.

CHAIRMAN DIAZ: Motion by Mr. Broussard and seconded by Mr. Anson. Any discussion on the motion? **The motion is to accept the proposed October 2021 through August 2022 council committee assignments. All in favor, please signify by saying aye; opposed. The motion carries.**

The next item on the agenda is we're going to have a report from Mr. Schieble, which is going to be an Update on Hurricane Ida Impacts to Fishing Communities in Louisiana. Mr. Schieble.

UPDATE ON HURRICANE IDA'S IMPACTS TO FISHING COMMUNITIES IN LOUISIANA

MR. CHRIS SCHIEBLE: Good morning. Thank you, Mr. Chair. I appreciate it, and we have a short little slide show, and I figured that it would be better to show and illustrate the impact of Hurricane Ida than to try to just talk about it, to make sure that I still to the time that was allocated to this on the schedule.

As you all know, a devastating Category 4 hurricane, Ida, made landfall in Port Fourchon, Louisiana, and it happened to be on the sixteenth anniversary of Hurricane Katrina, on the 29th of August. The eye of the storm essentially went right up through the heart of the Louisiana seafood industry. You couldn't have put a hurricane, a Category 4, in a worse place in Louisiana to do as much damage as possible than here, and so this is probably the worst-case scenario, as far as our seafood industry is concerned, when that came in, other than a Category 5, I guess.

This is a surge modeling diagram, and you can see the track of

the storm there as well, and it shows basically the level of inundation that Grand Isle and Fourchon, where the eye went through, and also Leeville and Golden Meadow, which is just north of Port Fourchon. The water stacked up on that northeast side like, and the storm rotates in, and it pretty much inundated Grand Isle completely, as well as the Port Fourchon area.

A little bit of a close-to-home for us, and this is our Bourg field office, which is just south of Houma, Louisiana. It blew out walls and flipped boats off trailers and damaged numerous vehicles that we have there as well.

These are examples of marinas, and so this is in Lafitte, Louisiana, just twenty-seven miles south of New Orleans, and so not very far from New Orleans at all. We use these marinas for our daily fisheries-independent monitoring sampling that the department does, and it make it quite difficult for us to do our regular jobs, and we've had to pick different locations, and there's been a lot of travel involved, as we try to get to work and still do our jobs.

This is Jensen Tuna in Dulac, Louisiana. They are back up and running, despite what happened to the facility, and they're offloading fish at the site, and they've got ice, and they're making ice, and they have power, but they have a lot to fix. This is St. Vincent's Seafood in Golden Meadow, and you can see it's pretty much a similar situation, where the facility is pretty much all destroyed, completely.

This is just in Leeville and Golden Meadow alone, and they reported fifty-four boats that were sunk in the storm. We have lost an estimated 37 percent of our commercial fleet overall, and this is an example of the boats that aren't sunk, but they're on land, and so they're able to do their job either.

The point I wanted to make with this whole show is that this is three years of compounding disasters in Louisiana, and so, in 2019, a federal fisheries disaster was declared due to the record Mississippi River flooding. The Bonnet Carre Spillway operation -- It was the first time they have ever been operated twice in the same year. As General Spraggins can attest, it ran for 123 days of straight duration, which is also a record, and it's never run that long before, or been open that long before, I should say, and then last year, of course, we had a record five landfalling hurricanes in Louisiana, which included devasting Category 4 Hurricane Laura, which hit western Louisiana, in the Cameron area.

We also dealt with the COVID-19-related shutdowns of the restaurant and seafood industry, impacting the same people that just got impacted by the hurricane this year, which was Category 4 Ida.

Some estimated economic impacts, and so one of the state's largest industries in Louisiana, and it's worth an estimated $2.4 billion, is the seafood industry, and that's in shambles, and it's uncertain about what the future holds going forward after this. We're already seeing short-term effects on the seafood supply chain from the storm, and the industry will be dealing with these effects for the foreseeable future.

The Lieutenant Governor's office estimates about 23,000 of the state's 35,000 seafood workers have been significantly impacted by this hurricane. Approximately one out of every seventy jobs in Louisiana is related to the seafood industry.

Terrebonne and Lafourche Parishes are facing a housing crisis, because of the number of homes that were destroyed. People are still living in tents and tarps next to their shrimp boats, and it's a very sad and surreal situation when you see it firsthand, and the total remaining costs from 2020, last year's hurricanes of Laura, Delta, and Zeta are around $3 billion that we're still dealing with.

More than 70 percent of the seafood landed in the Gulf of Mexico comes through Louisiana at one point or another, either landed or routed through, and this whole chain of events may cause local restaurants and grocery stores to stop carrying some Gulf seafood products, leaving a void in the market for imported seafood to fill. This may allow imported shrimp and other imported seafood products to gain even more of a market share in that area.

What's happening currently is that LDWF is working with Sea Grant and LSU AgCenter to assess the economic impacts from Hurricane Ida and Laura in 2020 on fisheries-related businesses through a voluntary confidential survey, to give us a true grasp of the impacts that are felt across the seafood industry, to be able to make a better assessment of what to do going forward.

Also, we're facilitating a coastal fisheries stakeholder working group to coordinate Hurricane Ida recovery efforts, by helping industry members work together, and so we're acting as the facilitator for this, and we had our first meeting last week, before I left, but it's being led by the industry. They're

doing the bulk of the work, and, that way, the stakeholders are driving the working group and not the department. We're just assimilating the group and helping facilitate the meetings, because of communication issues in different parts of the state, and so they've got a common source, to be able to tie it together.

I threw this in here because I wanted to just touch on briefly the impact to Louisiana's habitat itself, fisheries habitat, and so this right here is a large open bay, and, if anybody knows the Lafitte area, this is Lake Salvador, and I can't remember how many hectares it is, but it's big, and this is what it looked like after the storm. Our fisheries biologists couldn't even navigate across the bay with the boats to get to the other side, because of the large floating islands, and they described islands to me the size of football fields floating out there with pigs running around on top of them.

The marsh was essentially just sheared off below the water level, and it's floating, and this will eventually break up and sink and be lost forever, and so that's fisheries habitat that you see floating there and gone.

This if the final slide, and so I can verify, however, that there are still fish in Louisiana, because they are nearly as resilient as the hardworking people in Louisiana, and this was two weeks after the storm, and I got out there and got to do a little fishing with my son, and the fish are still there, and the people are still there, but they're struggling, and so just keep us in mind. Thank you.

CHAIRMAN DIAZ: Thank you, Mr. Schieble, for that report. Any questions for Mr. Schieble? Ms. Bosarge.

MS. LEANN BOSARGE: I just wanted to say thanks for that presentation. That really is one of the best presentations I've seen on the impacts of that storm thus far, and you really covered the gauntlet, and, of course, it focused on seafood, and so I probably liked it because of that, but I think you're right.

I think fishermen bounce back from things. However, the point you made about just the sheer volume of things that seem to be coming of late, especially with the fishing industry, and, although it's one of the largest fisheries in the Gulf of Mexico. From an economic standpoint and profitability, it's certainly not the most profitable of our fisheries, and so things like this really do impact us, especially when it hits

not only the vessel side, the harvester side, but the processor side as well, and so thanks for that. I appreciate it.

MR. SCHIEBLE: Thank you.

CHAIRMAN DIAZ: Mr. Williamson.

MR. TROY WILLIAMSON: Thank you. Chris, the habitat that was destroyed, what are you all doing to restore that, if you can, and do you have funding for that sort of thing?

MR. SCHIEBLE: We have another state agency called our CPRA, Coastal Protection and Restoration Authority, and they are the head of that, under the Governor's office, and they have got many large plans in place that they're working on, including two large sediment diversions, but, the rate that we're losing land here, if these events keep happening as fast as they occur, we're not sure that we can keep up and make ground against it.

Dredging takes place, and they're dredging the river right now, and there is multiple coastal restoration projects that are in place, and the Spanish Pass land bridge is being redone currently, as we speak, but our department doesn't actually do coastal restoration. That's done by the CPRA.

CHAIRMAN DIAZ: General Spraggins.

GENERAL JOE SPRAGGINS: Thank you very much for the presentation, and my heart goes out to Louisiana, I will tell you what. Four or five times in a year that you've been hit with this?

MR. SCHIEBLE: Sorry, but I couldn't understand that.

GENERAL SPRAGGINS: How many times have you all -- You've had four or five hurricanes in a year, a little over a year?

MR. SCHIEBLE: We had Laura and Delta and Zeta and then this one as well, and there were five landfalling hurricanes last year that were Category 2 or above, and then this major one this year.

GENERAL SPRAGGINS: God bless you, and I don't know how you're going to recover, but I know you will, and, if there's anything we can do to help you, please let us know.

MR. SCHIEBLE: Thank you. I appreciate that, and I just want to say that our staff are dealing with as well, and so a lot of

them lost homes or have severely-damaged homes, especially in our Bourg office, and they are working very hard, and they came back to work as soon as their office as able to accept them, as far as being able to physically get back there, and they have done nothing but put their nose to the grind and keep doing their jobs, as well as deal with what they've lost at home, and so we've got some tough people.

CHAIRMAN DIAZ: I don't see any other comments, and I agree with General Spraggins. My heart goes out to you all. I know there's a lot of human suffering that goes along with this too, and it's very devastating, and the Louisiana seafood industry is very important to the country and the nation, and so thank you for that, Chris.

MR. SCHIEBLE: Thank you, Mr. Chair.

CHAIRMAN DIAZ: All right. We're going to move on. I'm sorry. Mr. Strelcheck.

MR. ANDY STRELCHECK: Thanks, Dale, and not a question for Chris, and I do appreciate the presentation, and I certainly want to try to help to get Louisiana back on your feet faster, as much as we possibly can.

A couple of things just that we're trying to do, and we had authorized revised reporting requirements for seafood dealers and for-hire captains, as well as the IFQ fishermen, and that, right now, goes through October 31, and we'll be talking to you about extending that, and we want to get some additional information about that extension and what areas it applies to and what industries.

You had also submitted to the agency a request for a TED exemption, and that emergency rule is now in our headquarters office, and so we're moving that forward, and that will likely become effective pretty soon here, and that will allow for shrimpers to use tow times in place of turtle excluder devices, because of all the debris in the water. Thank you.

CHAIRMAN DIAZ: Thank you, Mr. Strelcheck. All right. We're going to move on, and we're going to move into our committee sessions and out Full Council.

(Whereupon, the meeting recessed on October 25, 2021.)

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October 27, 2021

WEDNESDAY AFTERNOON SESSION

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The Full Council of the Gulf of Mexico Fishery Management Council reconvened on Wednesday afternoon, October 27, 2021, and was called to order by Chairman Dale Diaz.

CALL TO ORDER, ANNOUNCEMENTS, AND INTRODUCTIONS

CHAIRMAN DIAZ: Good afternoon. We're going to go ahead and get started. Welcome to the 287th meeting of the Gulf of Mexico Fishery Management Council. My name is Dale Diaz, chair of the council. If you have a cellphone or similar device, we ask that you place it on silent or vibrating mode during the meeting. Also, in order for all to be able to hear the proceedings, we ask that, if you have any 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 comment from in-person and virtual attendees. Anyone joining us virtually that wishes to speak during the public comment should have already registered for comment 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 public comment should sign in at the registration kiosk located outside the meeting room. We accept only one registration 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 is completed, members in the room should identify him or herself, starting on my left. First up, Dr. Shipp.

DR. BOB SHIPP: Bob Shipp, Alabama.

MS. MARTHA GUYAS: Martha Guyas, Florida.

DR. TOM FRAZER: Tom Frazer, Florida.

MR. BOB GILL: Bob Gill, Florida.

MR. PHIL DYSKOW: Phil Dyskow, Florida.

MR. SCHIEBLE: Chris Schieble, Louisiana.

MR. BROUSSARD: Billy Broussard, Louisiana.

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

MR. KEVIN ANSON: Kevin Anson, Alabama.

MS. SUSAN BOGGS: Susan Boggs, Alabama.

DR. CLAY PORCH: Clay Porch, NOAA Fisheries Southeast Fisheries Science Center.

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

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

DR. DAKUS GEESLIN: Dakus Geeslin, Texas.

MR. WILLIAMSON: Troy Williamson, Texas.

DR. GREG STUNZ: Greg Stunz, Texas.

GENERAL SPRAGGINS: Joe Spraggins, Mississippi.

MS. BOSARGE: Leann Bosarge, Mississippi.

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

EXECUTIVE DIRECTOR CARRIE SIMMONS: Carrie Simmons, council staff.

CHAIRMAN DIAZ: I believe we have Mr. Tim Griner also online from the South Atlantic Fishery Management Council. Tim, can you chime in?

MR. TIM GRINER: Yes. Thank you, Mr. Chairman. Tim Griner, South Atlantic Fishery Management Council, from North Carolina. Thank you.

CHAIRMAN DIAZ: Thank you, Tim. Also, is our Coast Guard representative on the line?

LTJG ADAM PETERSON: This is Lieutenant Adam Peterson with the U.S. Coast Guard.

ADOPTION OF AGENDA AND APPROVAL OF MINUTES

CHAIRMAN DIAZ: Thank you, sir. All right. The first item on the agenda is the Adoption of the Agenda, and so are there any additions or corrections? Mr. Gill.

MR. GILL: Thank you, Mr. Chairman. I would like to add an item under Other Business titled Stakeholder Participation.

CHAIRMAN DIAZ: Ms. Guyas.

MS. GUYAS: Just rolling over from the Reef Fish Committee, goliath grouper.

CHAIRMAN DIAZ: Dr. Simmons.

EXECUTIVE DIRECTOR SIMMONS: Thank you, Mr. Chair. I would like to provide a brief update on the gray triggerfish ageing contract and the P-Sea WindPlot contract status. Thank you.

CHAIRMAN DIAZ: Okay. Any other additions or corrections to the agenda? Seeing none, is there any opposition to adopting the agenda as modified? The agenda is adopted. Next up is the Approval of the Minutes. Are there any corrections to the

minutes? Seeing none, is there any opposition to adopting the minutes? The minutes are adopted.

The first item up for business is we have a presentation, and it's going to be a Network Analysis of Quota Trading in the Gulf of Mexico Individual Fishing Quota Fisheries, and the presentation is Tab A, Number 7, and the report is Tab A, Number 7(b), and Dr. Ropicki is going to lead us through that. Dr. Ropicki.

PRESENTATIONS
NETWORK ANALYSIS OF QUOTA TRADING IN THE GULF OF MEXICO INDIVIDUAL FISHING QUOTA FISHERIES

DR. ANDREW ROPICKI: My name is Andrew Ropicki, and I'm with the University of Florida Food and Resource Economics Department and Florida Sea Grant, and I'm the Marine Economics Extension Specialist. Also on this project were a graduate student in food and resource economics, Jordan Moor, and Frank Asche from the Fisheries Department at the University of Florida. This research looks at a network analysis of quota trading in the Gulf of Mexico IFQ fisheries.

Just a little bit of an overview of the project objectives, and the goal here was really to examine the mechanics of quota trading in the Gulf of Mexico IFQ fisheries, allocation and share, and, specifically, we wanted to evaluate the interaction between quota trading, both allocation and share, and dockside markets, and what we mean by dockside markets here are when fishers sell IFQ species dockside to a registered dealer.

Another thing we wanted to look at was the role of dealers in the IFQ trading market, both indirectly and directly, and so indirectly would be the idea that they possibly serve as kind of the hub around when its fishers tend to trade quota and interact in these fisheries, and then, more directly, while an IFQ dealer account does not allow a dealer to trade share allocation, many of the dealers also have shareholder accounts that they are about to use for that purpose.

Then, lastly, we examined allocation prices, to see if the Gulf of Mexico IFQ allocation market is functioning as a single integrated market, or potentially several regional markets with different prices.

The data came from the National Marine Fisheries Service, the Southeast Regional Office, and we had share and allocation transactions, dockside landings, from 2007 to 2019. For each

transaction, we had the buyer, the seller, the date of the transaction, the amount in pounds, and price, if it was available, depending on the trade. Because of the time, I'm just really going to focus in on the period from 2010 to 2019, where all of the IFQ programs were active.

We also had IFQ shareholder account ownership information, and so, for each shareholder account, we knew the percentage ownership by individuals over that account for each year, and the reason we wanted this information, and needed it, was we really wanted to focus our analysis on arms-length transactions, and what I'm talking about here is, within the IFQ fisheries, you have shareholder accounts that are connected.

A certain entity will have shareholder accounts for multiple vessels, and just multiple accounts, and, when they move allocation, or share, between those accounts, it's not necessarily a transaction. It's then shifting around their quota.

When we did this, we used what I would describe as a stringent definition of account overlap, because we had to decide what we considered two accounts being connected, and what we did is we said, if Account 1 is owned by Individuals A, B, C, and D, and Account 2 is owned by A, B, and C, but not D, then we said they do not overlap, and so that was pretty stringent. You had to have the exact same owners. You could have a slightly different structure, in terms of percentages, but you had to have the same owners.

This stringent definition may classify some transactions as arms-length that are not, and, really, this was kind of a judgment call, because we would run the risk of going the other way. If we had done it on a percentage basis, and used a less-stringent definition, well, then we have to worry about some transactions that are arms-length not being classified as such.

Then the last thing we did with IFQ dealer accounts is we wanted to link them to shareholder accounts, where a dealer had both, but the data doesn't have ownership for the dealer accounts, and so we had to use internet searches to link those two types of accounts.

The networks we created, there were four basic types, and the first was allocation networks, which was a network where it included shareholders, and two shareholders were connected in this network if they traded allocation in the year we're looking at.

Share network is extremely similar, only now we're looking at share transactions. The landings network is a little different. The landings network, you have shareholder accounts and dealer accounts, and the two are linked if the shareholders sold IFQ species landings dockside to the dealer.

Then, based off of that, we created this extra network that we call a share dealer network, where shareholders are connected if they sold IFQ species dockside to the same dealer in a given year, and the idea here is that idea of, if we do have dealer-centric communities, trading kind of revolves around some of these dealers, this was how we created that dealer network.

These networks were created by year and species groups, and we did red snapper. For shallow-water grouper, we combined gag, red, and other shallow-water grouper. We also combined deepwater grouper and tilefish, and then we also had one where the networks were still annual, but it was all IFQ species, and so all transactions, and that's really what I am focused on today and results that I am going to present you, just because of time. What I can tell you is the results are similar, when you kind of drill down to the species group level.

If we look first at kind of what is the direct role of dealers, these dealer-affiliated accounts and the allocation market, what we did was, after we had accounted for a shareholder account overlap and put those overlapping accounts -- You know, combined them into one entity, and, the number of shareholder accounts we were left with, we looked at what percentage of them were dealer affiliated, were buying fish dockside, and you can see, by year there, it ranged from about 10 percent to 16 percent.

Based on this, this information, then we looked at every transaction of allocation, at pounds, and looked at how many pounds in a given year were bought be dealer-affiliated accounts and how many pounds of allocation were sold by dealer-affiliated accounts, and those are that second and third column there, and what you can see is these dealer-affiliated -- The shareholder accounts are moving a lot of allocation. There is a lot of transactions relative to the percentage of total shareholder accounts they make up.

What is kind of interesting -- Now, not speaking about any single dealer, but, on the whole, all of them combined, all of these dealer-affiliated accounts, while generally they tend to buy a little bit more than they sell, in regard to allocation, they are really kind of serving as brokers, because the numbers

are very close. They are not serving as entities where allocation comes into them and their own boats are fishing it by themselves. They are kind of almost buying and selling equal amounts.

The next thing we did was an allocation trading pattern analysis, and this was kind of to look at if there were certain shareholder relationships that tended to coincide with more frequent allocation trading.

To do this, we created additional networks based on these relationships, and we did four of them. I am only covering three, because of time, but we have the share dealer network, which I already talked about, where shareholders are connected if they sold IFQ species dockside to the same dealer. A shared county account, which is if shareholders had addresses in the same county, and they were connected in this network, and both of those two networks were trying to get at the idea of is trading localized? Is it around these dealer-centric communities, or is it very local, and there was quite a bit of overlap in those two accounts, as you might expect.

Then, lastly, we had previous year trading, and so shareholders were connected if they had traded allocation in the previous year, and the idea here was to see kind of the longevity of these trading relationships through time. If you take the time to search out and find someone to trade with, and you develop that relationship, do you kind of continue it into the future?

Then, once we have these accounts, we then measure the overlap between each of the relational networks and the allocation trading network, and so, for instance, if two shareholders sold fish to the same dealer, and they had an allocation trade in the same year, the two networks were said to have overlapped in that case, and I will provide a little bit more on that on the next slide.

We used a measure called the Jaccard Index, and I don’t want you to focus in on the formula too much, because it can be overwhelming. The way to kind of think about it is that bullet point that says the Jaccard Index takes on a value between zero, which is no overlap, and one being a perfect overlap, and a good way to think about this is if -- I told you one of the relational networks we looked at was whether the shareholders traded in the previous year.

A zero would indicate that all of the current year allocation trading partners, shareholders that traded allocation in the

current year, none of them traded in the previous year, and that would be a zero, and a one would mean that you had the exact same trading relationships last year that you have this year, and so that's kind of what the Jaccard Index is measuring.

Now, also, don't get too hung up on the zero to one, the size of the measure, because what we really want to know is the measure we get, the observed overlap, how does it compare to if trading were random, if shared dealers, shareholders who were connected in a shared dealer network, weren't any more likely to trade allocation than people who weren't connected, and so that's kind of -- It if was random, we would expect that that relationship wouldn't matter.

The way we get about this is we use a procedure called a quadratic assignment procedure, where we took our two matrices that represent the networks we're looking at and we randomize one, and we create 2,500 pairs, where one of the matrices is random, and so, basically, we have estimated what it looks like if trading is random and a shared dealer relationship is in no way correlated with allocation trading. Then, really, we want to compare that randomized value to the observed value.

What you're seeing here, upfront, is I have cut out certain years, and the numbers don't tend to change a whole lot, the observed Jaccard Indexes, and so I just went with three years, and what you see is, on the first row, for the shared dealer one, is the observed Jaccard Index, and so, in 2011, it was 0.103, and then, when we did all of our randomizations, the 2,500 different times we randomized it and took the average Jaccard Index, that number was substantially lower, 0.004.

What the three little stars denotes is that that difference is highly statistically significant, or at a 0.01 level, and the observed to random ratio is basically telling us how much more likely two fishers that were connected, two shareholders that were connected, in the shared dealer network, how much more likely they were to trade allocation than if allocation trading were random and having a shared dealer relationship didn't matter, and so, in 2011, it was 25.75 times, and so it was very substantial.

Shared county, we got very similar results, only lower numbers, then, for previous year allocation trade, we got really high results, eighty-five to 110-times more likely to trade if you had traded with that person in the previous year, relative to if we thought it was going to be random, that it wasn't correlated with previous year trading relationships.

Then we wanted to look at fisher behavior relative to these kind of dealer communities, as we've outlined them now, because our shared dealer network and what we shared in the last slide seems to show that, generally, fishers tend to trade with other people who use the same dealer, and it kind of forms the backbone of a community.

We just wanted to look at the behavior relative to every fisher's main dealer and community, and so we looked at the percentage of total pounds each year, and so species landed pounds, sold to their primarily dealer, and so, the person they sold to the most to, what percentage went to them, and, as you can see, it's off the charts, because, generally, most fishers in a given year will only trade with one dealer. A few will trade with two or three, but, generally, you only sell your landings to one dealer.

The percentage of fishers with the same primary dealer as the previous year, that second row of data, is extremely high too, and there's high fidelity between years as well, and then, lastly, we look at these fisher-to-fisher allocation trades, and so -- Maybe I should back up. When I talk about fishers, we have shareholders who land a fish during a year, and that would be a fisher, and we have non-fishers, those who have a shareholder account and trade allocation, or share, but don't actually land fish.

When we look at just fisher-to-fisher allocation trades, you can see the percentage that occurs within these dealer communities, these shared dealer relationships, and it's quite high, and so there's a tendency for them to trade within these groups.

We also wanted to look at non-fishers, and so these are the shareholders who traded allocation but did not land fish during the year, any IFQ species during the year, and what we see is there's a little bit lower fidelity, the average number of communities transacted with by non-fishers, and, actually, let me take a step back.

With the fishermen, we put them in dealer communities based on who they sold the fish to, and that's not an option with non-fishers, because they don't land fish, and so what we did was we wanted to see if they tended to trade with the same fishers, the same communities of fishers, and, if you think about it, what we found, and what makes sense, is, if you're a non-fisher, you basically have to sell allocation, and, at some point, you're going to move it to a fisher, because that's where the value is

in landing a fish. They need that -- That's how you're going to make your money, and that's the person who wants the allocation in the end.

We tried to put them into communities based off of who they traded allocation with, and so, when we did this, we wanted to look at their general trading patterns, and, on average, the average non-fisher traded with anywhere from 1.5 to 2.25 fishing communities in year, and, when we looked a little more deeper, the average percentage of allocation pounds transacted with their primary community, meaning the one they traded with most, was once again extremely high. Most of them only trade with one community, and the number is above 90 percent in every year.

When we look at total allocation pounds traded across all non-fishers, that number comes down, and what you're seeing there is you have a small number of non-fishers who are very active traders, and they are serving as brokers and moving allocation between these different communities.

Then, lastly, we looked at kind of that fidelity issue with non-fishers and how many of them have the same primary community, dealer community, as the previous year, and, as you can see, it's still quite a high number, and so we still really kind of have these dealer-centric communities for allocation trading.

If we look at just all allocation pounds traded by year, when we set up these dealer communities this year, what we see is, overwhelmingly, most of the allocation is traded within these communities, and generally the trend is increasing. It's not a super strong trend, but, in the last five years, the average is higher than the first five years.

Given this tendency for allocation trading to occur through these dealer-centric communities, we kind of wanted to know if the market was -- I mean, do different areas see different prices, and that's where our market cointegration analysis came in, and so we can think about -- If we had a single market, it's an area -- We can define it as an area within which the price of a good tends to uniformity, and so we would expect the prices to move together through time, if we have a single market, and we can kind of go a step further and talk about the law of one price, which says the price of a homogenous commodity, traded in an efficient market, should converge to a single price through arbitrage.

If one region has a higher price, and another region has a lower price, someone is going to figure that out and buy from the low-

price region and sell to the high-price region until those prices come together, and so that's kind of what we're looking at here.

Ideally, we would have done it at the community level, as we have defined them. The problem is we don't have the pricing data, and there are a lot of trades with no price entered for allocation, or a penny, and it's not representative of a market transaction, and we can't get any data for a price analysis if there is no price, and we use similar definitions to the NOAA Southeast Regional Office, their annual reports, on where they determine what a reasonable allocation price is, and we use that.

Because there wasn't enough data, we had to create regions, where we had enough data to compare prices through time, average prices, and these are the regions that we came up with. You can see the delineation there, and they do a pretty good job of capturing most trades, because, as we said, most of the trading is in these dealer-centric communities, and so most of it is regionalized, and what that little table is telling you is that, if the IFQ seller is from Region 1, 91.1 percent of what they sell -- Excuse me. If the buyer is from Region 1, 91.1 percent of what they buy is from a seller in Region 1.

Similarly, for Region 2, if the buyer is from Region 2, 91.85 percent of the allocation pounds they bought were from sellers in Region 2, and it falls off a little in Region 3, but we're still talking three-quarters of the pounds traded, and so it does a very good job of capturing most of the trades, and so we want to compare those three regions.

For this, we had to do our analysis at the species level, because, you know, a pound of gag grouper allocation isn't the same as a pound of red snapper allocation, and vice versa, and so we were able to look at three of our IFQ species groups, and so red grouper, gag grouper, and red snapper, and, for red grouper and gag grouper, we can only compare prices for Region 1 and Region 2, because there's just not much -- Those are kind of eastern Gulf fisheries, and there's not a lot of allocation trading in Region 3.

What you're seeing here is just kind of price trends, and price is on the vertical axis, dollars per pound, and each point is a quarterly average for that region, and so what you're seeing -- Like, with red grouper, there are some differences, but they generally are moving together. The same with gag grouper and then red snapper, and, generally, the trends are similar across

the different regions, but we did a little more thorough analysis.

Just because of time, I am not going to go through all the steps and the overview and the analysis, and it gets a little tricky as well, and it's in the paper, if you want to look at it, but our cointegration analysis results -- What we found was that red grouper and gag grouper prices, using this quarterly price data, they are cointegrated between Regions 1 and 2, but we're able to reject the law of one price assumption, and so prices move together, but they're not perfectly integrated, and we can kind of see that on the last slide, with them moving generally in lock-step.

Lastly, with red snapper, your most active market, red snapper prices among these three regions were perfectly cointegrated, and so we failed to reject the law of one price, and so it seems like you definitely have one market there.

With red and gag grouper findings, with respect to the law of one price, you kind of have to be careful, because we were taking quarterly average prices, and, for Region 2, some of those quarters, you're talking about five to ten transactions making up the quarterly price, and so it's not a big dataset for Region 2, and, obviously, we weren't even able to do Region 3, because there just wasn't much trading.

Some of our conclusions are the landing and quota markets are highly connected. Dealers generally seem to be serving as brokers in the allocation market. They move a lot of allocation, but it's both buying and selling. Dealers account for 20 to 50 percent of allocation pounds traded, depending on the species and year. 71 percent of allocation trades occur within these dealer-centric communities, and this form of trading has increased in recent years. Then, lastly, allocation prices across region are cointegrated, indicating that the prices move together, and so those are some of the big conclusions that we had.

I just would like to thank the council for supporting this research. I've got my contact information there, if anyone listening has questions or anything, or wants more clarification, and the report is a lot fuller than what I presented. It's a lot to cover in a short amount of time, but so that's it, and I will take any questions or comments now. Thank you.

CHAIRMAN DIAZ: Thank you. We appreciate it. I am going to

look at the group real quick. We're ready to move into public testimony, but, if folks want to take a quick bathroom break, make a motion that you want a bathroom break, and we'll take a short one. I am not seeing anybody motioning, and so we're going to move right into public testimony then. Are you all ready? Bernie, are you ready? Okay.

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 for comment online.

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

Each speaker is allowed three minutes for their testimony. Please note the timer lights on the podium or on the webinar. They will be green for the first two minutes and yellow for the final minute of testimony. At three minutes, the 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 cell phone or similar device, we ask that you keep them 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.

What we're going to do is we're going to go back and forth between in-person and virtual folks wanting to make comments. First up is going to be Mr. Lawrence Marino.

PUBLIC COMMENT

MR. LAWRENCE MARINO: Good afternoon. My name is Larry Marino, and I am here on behalf of Louisiana Attorney General Jeff Landry. First, as to allocation review guidelines, I urge that significantly more detail is needed, particularly regarding what factors the review panel should consider, or how, in order to reach a recommendation whether a reallocation amendment or framework action is appropriate for the council to consider.

While the guidelines are clear that it's a council decision as to what factors to consider, these guidelines don't actually guide the council in making that decision. As written, the guidelines really just focus on historical landings by sector and quota utilization, leaving social, economic, and ecological factors as something that might possibly be added, if the council adds it, but, even then, with only a cross-reference to the NMFS allocation review policy, as to what this might involve.

This doesn't constitute a guideline as to which of these important factors should be considered or how they should be considered, or even whether they should be considered, while the guidelines do specifically single out discard mortality by sector, but without similarly addressing any other factors distinguishing the sectors and the benefits, or cost, of the needs to the fish. These other factors are too important to the allocation review decision, which is critical, because the pre-condition to the allocation decision itself will leave this analysis with such cursory, and even optional, treatment.

I respectfully suggest that this document is too vague and incomplete at this stage and that a much more comprehensive treatment is needed.

Second, it's very encouraging that the analysis is proceeding regarding the differences between the MRIP-FES and the state sampling programs. NMFS and the states' willingness and action to explore and explain the differences is appreciated, as this

answer, or the answer to this question, is crucial to ensuring the confidence of the public in the numbers, and therefore in the catch limits and the seasons set using them.

Finally, I urge the council to actively explore alternative management approaches for the recreational sector, as suggested by the NAS study. This could be fleshed out, at least in part, by discussions with the anglers and recreational fishing representatives, who I think stand ready and eager to assist in this regard, and I do understand that there's a working group already to address this very thing. I urge that this working group be convened and tasked to move this forward. Thank you.

CHAIRMAN DIAZ: Thank you, Mr. Marino. Next up, we're going to go to a virtual testimony from Ms. Catherine Bruger.

MS. CATHERINE BRUGER: Good afternoon, and thank you, Mr. Chair. My name is Catherine Bruger, and I'm a Fish Policy Analyst for Ocean Conservancy. First off, I would like to congratulate our new chairs on your position. We are looking forward to working with you on your leadership goals.

Second, there has been some really great discussion this week about data collection and the need to integrate supplemental surveys into the stock assessment process. We agree that supplemental surveys are not a replacement for MRIP, but can enhance the data available as they are integrated into stock assessments and management.

This data practice isn't about replacing one data stream with another, but the broader integration of multiple data streams into the stock assessment process. We are eager to get clarity on how this process will transpire.

Third, state management for red snapper is turning out to be a choose-your-own-data adventure with no accountability or clarity. We reiterate that there is no reason to delay calibrations for the red snapper. The council has failed to act, and we continue to recommend that the agency step in to ensure a legal management system. We have serious data inconsistencies, and NMFS needs to address these without further delay.

Fourth, I would like to express my deep concern for the health of many reef fish stocks in the Gulf. The Gulf has adopted a high-risk management strategy, chipping away at precautionary management buffers, which have collectively decreased our limited protection to overfishing or to an overfished state.

Our risk policy has two components: scientific and management. Our scientific process is working to address the underestimates of scientific uncertainty, and the ABC Control Rule should be revised to address this. However, the council has been managing our stocks in the Gulf with an overinflated degree of confidence and high risk.

Ocean Conservancy has provided a number of recommendations in our comment letter which would help improve our detection limits for an overfishing or an overfished status and add precaution to the management process.

Gag is at 2 percent historic biomass. Greater amberjack is in its third failed rebuilding plan, and triggerfish is also struggling. Nobody wants full-scale closures. We need to revise our council risk policy to detect these signals sooner, so we can manage for a more stable fishery, rather than one with wild swings. We look forward to discussions that consider revising these risk policy strategies in the future. Thank you for your time.

CHAIRMAN DIAZ: Thank you, Ms. Bruger. All right. Next up is Mr. Charlie Bergmann.

MR. CHARLIE BERGMANN: Good afternoon. Let me start off with saying that I agree with the gentleman from Louisiana on just about all of his points. He must have been reading my notes.

I want to talk about the FES calibration. I know, recently, we, the council, reallocated allocation in the red grouper fishery, and there was a lot of questions on the FES, especially from members of the industry. When you look at the FES numbers, after this program started coming into play, the quotas increased two-times, and sometimes three-times.

The State of Florida has an excellent survey system, accountability system, with their reef fish fishery, and, when the season closed after Wave 3, I think they had -- The State of Florida indicated a little under 900,000 pounds of fish, whereas the FES was 1.9 million pounds. The correlation there just does not stick together, and there needs to be some sort of better outreach to explain how these differentials take place with the fishing community, if you want to get the fishing community to buy-in.

One thing that -- I want to close with this one thing. If the stock of fish, and it doesn’t matter which species, but, if the

stock of fish is so abundant that the FES doubles or triples the quota, surely the commercial fishery would have an increase in catch per unit effort, and I believe that's something that could be checked, and I'm not sure that it was checked. Thank you.

CHAIRMAN DIAZ: Thank you, Mr. Bergmann. All right. We're going to go to our virtual testimony and Mr. Scott Childress.

MR. SCOTT CHILDRESS: This is Scott Childress. Thank you all, and I appreciate the council's time for being here to listen to all this. I wish I could be there in person, but I just couldn't make it happen this time. I am a commercial spear fisherman from New Port Richey, Florida, and I'm going to speak on gag grouper, because that's my primary fish, and that scares me the most right now.

I've been commercial fishing since 2006. Over the last eleven years, I have averaged about 8,000 pounds of gag grouper a year, my best years being a little over 11,000, and, most recently, in 2019 and 2018, catching 9,100 pounds and 9,300 pounds, and so, on my end, I am not seeing a problem with gag grouper.

I really feel that the stock assessment is wrong. I do not believe it is as overfished as they indicate, and I don't think the commercial sector is doing the overfishing. This is evident by our documented landings, which we haven't met our quota in quite some time. I believe that is not due to a lack of fish, but due to a lack of participation. Most gag grouper fishermen were forced out in 2011, when we were given 100,000 pounds to start the season. They all decided to become red grouper fishermen. The quota did not increase fast, and they never got back into the fishery.

During 2020 and 2021, during the years of COVID, the recreational effort was highly elevated. They have had banner years of fishing, from what I've seen on Facebook and Instagram and in-person and all my friends.

In reading the stock assessment review by the SSC, the driving force for the dire assessment is recreational bycatch and discards, and we have to figure out a way to address this. I'm not sure whether that is through education or some other way, but we've just got to figure out a way to decrease the discards.

In my area, there are a lot of recreational fishermen who love to go out and troll for gags when they're not even in season, just for fun, and I don't understand it, because it can't be good for the fish, getting hooked at five or eight miles an

hour, when you're trolling. It's got to lead to discards. Again, education has to be used.

I would like to go back to the science, before I finish up. It was said yesterday that the last strong year class was 2006/2007, for their spawn. I don't understand how this can even be determined, due to the fact that fish swim and move, due to many factors, the red tide and other fish moving into the fishery and pushing them out, such as red snapper in our area.

Just because they're not in one estuary or grass flat or deepwater reef, it doesn't mean they're not a couple of miles down. We've been seeing hundreds, hundreds, of twelve to twenty-inch gags on our numerous dives over the last two to three years, and I feel like the fishery is actually getting better. These fish certainly did not come from a 2006-2007 class.

I also find it unbelievable to say that there is less than a 1 percent male ratio in the stock. I don't know if they count any of the fish that are in twenty to sixty-foot of water, where I dive a lot, but there is a lot of male fish in there.

Let me skip, so I can finish up, and I've got about thirty seconds. I also feel that not enough time was put into the analysis of the stock assessment and the data provided. It was even said yesterday that the analysts took certain liberties with that data. I don't feel that it's acceptable in fish stocks to take liberties, let alone one deemed in such dire shape. If gag fishing is closed, it will put myself and my two workers out of business, and numerous other fishermen. I have to ask that, if there is any harvest allowed, that it be for the commercial side, because we are accountable and can provide good science during the rebuilding period.

In regard to today's data and management strategies discussion, I support stamps, permits, or tags, because I think it would make the recreational sector more accountable. Thank you very much for your time, and I would welcome any questions.

CHAIRMAN DIAZ: Thank you, Mr. Childress. I am not seeing any questions. Next up in the room will be Ken Haddad.

MR. KEN HADDAD: Thank you, Mr. Chairman and council members. My name is Ken Haddad from Lloyd, Florida and with the American Sportfishing Association. I am going to talk about the allocation review and mackerel.

We believe the development of a true allocation process is critical to making allocation decisions that are accountable and defensible. Right now, we don't believe the document, as presented, is adequate, and really is so vague as to provide little guidance to the proposed review panel, or even the council.

Particularly, it just references NOAA guidelines for guidance on socioeconomic and ecological considerations, but, basically, I think, it writes them as off as lack of data concerns, and this is a significant problem for us.

Although this is a review policy, we understand, to determine whether to recommend if a reallocation may be warranted, we would argue that it is the most critical stage of analysis and should and should be more descriptive and employ decision aids, perhaps similar to the South Atlantic, to guide the recommendations to the council and provide the council with the information to develop actions and alternatives for additional analysis in an FMP. We don't believe the document, as presented, will lead to accountable and defensible outcomes.

This kind of takes me to king mackerel, with kind of a similar set of comments. For an amendment that we have been working on previously, that are dealing with FES conversions, allocation has been through an intent to maintain the same allocation and just adjusted for the FES conversion.

That's not what is going on in Amendment 33, and we understand that, but we do believe that, if the council wants to start a full-blown allocation review, as opposed to having the allocation review which is scheduled for 2025, it should be proposed as a separate amendment, and Amendment 33 should have Action 2 split out, and an amendment with a clear statement of purpose and need needs to be developed. This would allow the commercial sector to be assured an increase in catch while allocation is being addressed.

Relevant to this, and we just heard from Dr. Barbieri, where they made a recommendation to engage the recreational community in discussions of OY and how it could be used by management to better address cultural, economic, and conservation goals.

King mackerel are a perfect species for this engagement, and to begin work though the allocation policy directives also, and we hope that you will consider this approach. Thank you for your consideration.

CHAIRMAN DIAZ: Thank you, Mr. Haddad. All right. We're going to go back to virtual and Jamee Lowry. Mr. Lowry, are you there? You may be muted on your end, Mr. Lowry. If you're there, Mr. Lowry, we cannot hear you, and we're going to come back to you. Chad Hanson, if you're ready, and let's go ahead and drop down to Chad Hanson.

MR. CHAD HANSON: Good afternoon, members of the Gulf Council. I am Chad Hanson from the Pew Charitable Trusts. Thanks for the opportunity to provide comments today. The news on the status of the gag population is devastating. However, gag has been showing trouble signs for a long time.

Specifically, the percentage of males in the proportion of the population is steadily decreasing, and is now alarmingly low. That percentage is estimated to be 32 percent of the unfished population, and it was 17 percent back in the late 70s, and now it's at a mere 1 percent. The only area that fully protects gag and is properly enforced is the hundred-mile Madison-Swanson area. Even so, in 2011, 13 percent of the gag in Madison-Swanson were male, and now that is down to 5 percent.

Additionally, the mortality from the frequent red tides off of Florida and the high discards continue to impact the fishery. These three issues of habitat protection, red tide, and discards can be addressed through an ecosystem-based approach to fisheries management. Fortunately, the council is developing, and hopefully soon will be implementing, this approach, through its fishery ecosystem plan, and a draft will be coming out soon for review.

The status of gag highlights the importance of managing fisheries more comprehensively and deliberately, to address the ongoing issues, such as -- Because they do not affect just one species at a time. A more comprehensive approach can habitat issues and discard mortality and other factors that affect the health and resiliency of multiple species simultaneously.

Having an FEP in place ten years ago could have potentially flagged these trouble signs early and allowed the council to take definitive action to stave off the drastic measures likely needed soon. This would be done by establishing thresholds for key indicators, such as reproductive capacity or severity and extent of red tide, and could trigger consideration of management measures to address the effects on a fishery, or suite of fisheries, before a crisis level is reached.

Had this approach been in place for gag, for example, when the

proportion of males hit a predetermined low level, it could trigger council consideration of additional habitat protections to boost populations. Similar targets and thresholds could be spelled out for discards, bycatch, red tide, and other ecosystem issues across species.

When established and implemented, an FEP can help sustain fisheries by adapting to ongoing complex issues on a more real-time basis. Taking action early, by planning for and monitoring for ecosystem changes, can significantly curtail large swings in fisheries, and, while an FEP isn't a silver bullet to fix the status of gag now, it can help prevent these types of situations in the future. Thank you.

CHAIRMAN DIAZ: Thank you, Mr. Hanson. All right. Next up is Mr. Bob Zales.

MR. BOB ZALES, II: Bob Zales, II, representing SOFA and the Gulf members of NACO. Real quick, on the cobia stuff, we're going to defer to the Destin-ites on that, because they've been talking about this issue since the days of the Marine Fisheries Commission in Florida.

On sharks and dolphins, I'm not going to beat that horse too much, because it continues to be beaten by pretty much every fisherman in the Gulf of Mexico. It's a serious problem, and, at some point, hopefully we're going to have it addressed.

The next thing I'm going to do, and I apologize, and I don't want to offend anybody here, but I am going to beat on the FES stuff. In Florida, I just got some information today. When you look at FES numbers for 2021, from January through August of this year, and this is not recalibrated, I wouldn't think, because it's all brand-new stuff, and so I would assume it's got the stuff, but landings, according to FES, in the State of Florida, are 2,782,000 pounds.

Now, in Florida, we have the State Reef Fish Survey that is certified by MRIP, and apparently it's a recognized data system. That survey shows, in Florida for that same period of time, red grouper landings were 1,314,000 pounds, less than half of the FES.

Now, I am sorry, but, when you look at the various fisheries that FES has been used in, you see this same scenario in every one, without fail. Not one fishery has FES shown anything less than any of the other data out there. It's all over, and, many times, it's four or five times higher than the regular data

system.

Now, to me, if it's a duck, it walks like it, it pretty much is. FES has got a problem. Where that problem is, I don't know, but we're trying to look at it to try to find out. If you look at the red grouper catch limits that you've got in here from 1986 to 2019, thirty-four years, at least five years of those I have recognized some issues that I have asked some questions and tried to get them recognized, and I haven't got an answer yet.

Up until 2007, in the commercial fishery, you had fish trap red grouper. After 2007, that fishery was eliminated, and so you see a reduction in commercial harvest because those fish are no longer there, but, when you look at the recreational numbers, they're off the wall, and it makes absolutely no reasonable sense, to anybody that I have talked to. Alabama has got issues with it, and the State of Florida has got issues with it, and, to my knowledge, several states up and down the east coast have issues with it.

Somewhere, no matter how much you tell me that this information has been peer reviewed and is accurate and good, it's not. Anything that shows that kind of difference has got to have a problem, and it needs to be looked into, and it needs to be done. Trying to set and reallocate a fishery based on information that has these kind of questions and concerns is wrong. You are affecting people's livelihoods, and you're affecting the fishery, and you're causing serious social and economic damage to communities, and you need to look into this and have them look into it. Stop the reallocation and keep everything like it is.

Look at your vermilion snapper. You're saying that that stock is more than twice as big as anybody ever thought, and we're not catching vermilion snapper. I can't catch a ten-fish bag limit, and I haven't been able to for years, and you're wanting to tell me that I can catch twice that many. It's impossible. Any questions?

CHAIRMAN DIAZ: Mr. Gill.

MR. GILL: Thank you, Mr. Chairman. Thank you, Bob, for coming and making your testimony. I would like to ask you a question relative to the shark depredation issue, and I think everybody recognizes the extent of the issue, and it seems to be growing. The question to you is what role do you see this council playing in alleviating or helping or otherwise addressing that problem?

MR. ZALES: The only thing I can see that you all can do, Bob, is just going with us and beat on HMS, because HMS is where the problem lies. I don't know what data that they're getting and what they don't, and I'm sorry about the rest of the world. The rest of the world may have problems, and all these environmental groups may have issues with shark problems with the rest of world, but there ain't a problem in the United States.

This fishery has been well managed, and it's been well done, and the fishermen take care of them. Everything is done the way it should be done, and it's all legal and aboveboard and done, and so the only thing we can do is continue to pressure HMS, and, if we have to go to Congress or do something different, we need to do that, but something needs to be done.

MR. GILL: Thank you, sir.

CHAIRMAN DIAZ: Thank you, Mr. Zales. We're going to go back to virtual and Bill Dantuono. If you're trying to speak, Mr. Dantuono, you might be muted.

MR. BILL DANTUONO: Can you hear me?

CHAIRMAN DIAZ: We can hear you now.

MR. DANTUONO: Hi. My name is Bill Dantuono, and I'm a dual-permitted vessel down in Naples, Florida. I want to speak on the cobia issue. To limit the commercial vessels to two per vessel, according to the presentation, it's only going to impact the fishery less than 1 percent, and that's going to put a lot of guys down here, who already have their hands tied behind their back, with their primary fish being red grouper, and it's very hard to get red grouper right now, and it's nearly impossible, and the price, if you can get it, has gone up 300 percent for allocation.

We all know that, next year, the recreational sector is going to get another 600,000 pounds, or close to that, and we also see the same thing with the lane snapper closure, where commercial is only harvesting 8 percent of lane snapper, and you just closed it for commercial right now, whereas cobia -- Also, commercial is only harvesting 12 to 15 percent of cobia annually, and to change to two per vessel for cobia on the commercial sector is not needed, according to NOAA's own statistics, and it's really going to hurt us, having our hands behind our backs already.

Another solution, possibly, is to promote the use of nets for

smaller cobia on the recreational side, and I think that might make an impact, and, lastly, commercial, in the Gulf, does not target cobia, and it shows on the chart, the graphs, that most commercial trips are only coming back with one to two cobia, and so making it anything less than six per vessel is really not needed, and that's really all I have to say, and thanks for having me.

CHAIRMAN DIAZ: Thank you, sir. All right. Next up is Greg Abrams.

MR. GREG ABRAMS: Greg Abrams from Panama City. Since COVID-19, we have had so many recreational boats sold and purchased by the recreational, and no law enforcement was out there this past two years, to where they have devasted the fishery. Gray triggerfish is -- Right now, the recreational is 79, and commercial is 21, and it's being overfished. Amberjack is 73, and commercial is 27, and it's being overfished. Gray snapper, mangrove or whatever, is 92 percent private angler and 8 percent commercial. It's undergoing overfishing. Gag grouper is 61 recreational and 39 commercial.

With the high tech that you have for recreational now, for $700, you can buy ten years' worth of information, and you can go, with the i-Pilot, and stay right there on the fish, and you don't have to be a captain, and you don't have to be a fisherman.

I am all for everybody fishing, but, if we don't get a tagging program down, that we have been talking about, and they say you can't do it, and it's too much trouble, and Texas has got redfish, and they damn sure would like to tag anything, and you've got Florida that has got tarpon and jewfish and lobster stamps, and the Atlantic States Marine Fisheries Commission has got striped bass and traps, crab traps, and the Potomac River has got striped bass tags, and North Carolina.

Everybody has got tags, and it's revenue. It will bring money. It will bring money to each state, and it's not real hard. You can put a panel together, and you need to get a panel together soon, or we're going to be back before we were when we started IFQs, and this is your watch now, and this is your baby, and I hate to see you come out of this, because we've got to do something, because I am in the business, and my trucks are from Louisiana to New York, and boats too, and I have seen it all, but it's scary what I'm seeing now, because there is no management.

Everybody has got four engines, or five engines, and it takes three hours to get out there and back, with twelve people on the boat, and you can't do that. I'm not going to beat the recreational no more, but you've got a committee here, the CCA, and you all need to do something for the resource.

All you all are doing is beating up commercial, that has got a good program, and that's all you come here to do, is vote against commercial, and that's all that everybody does on this council, and it gets old to come and listen to you all beat us down, and here we've got the numbers to prove what we do, and so I'm good on that.

Gag groupers, you haven't put into the equation that we don't have the fishermen that we had in your science model. We've lost twenty-five of the best captains in the last ten years, and I am talking about the best that is not fishing. Now we don't have no deckhands, and that's just like -- In Panama City, they're hiring fifty-year-olds, because they can't get no young help, and so it's not just our industry. It's everybody.

The black grouper has got its finesse, and you've got to know how to catch it, and, now, we caught too many snapper the first year, because we were promised that we were going to get an increase, and we didn't, and so I had to go get electric motors and poles put back on my pole boats, and we had the best year on gags that I have had, and I've seen that at the dock and the fish house and on the water.

CHAIRMAN DIAZ: Mr. Abrams, can I ask you to start wrapping it up, please?

MR. ABRAMS: Okay, but, look, and we don't have any problems, like you all say we have, on the gags. I was contracted to do the experiment on the gags, and I've been cancelled twice. I got a boat rigged for it, and I got the pole for the cages, and so there ain't been no experiments, like they say. Thank you.

CHAIRMAN DIAZ: Thank you, Mr. Abrams. We're going to back to virtual. Mr. Bill Kelly. You might need to check and see if you're muted, Mr. Kelly.

MR. BILL KELLY: This is Bill Kelly. Can you hear me?

CHAIRMAN DIAZ: Yes, sir.

MR. KELLY: Chairman Diaz and council members, again, my name is Bill Kelly, and I represent the Florida Keys Commercial

Fishermen's Association and the gillnet stakeholders in the southern sub-zone.

For the past twelve years, we have worked with this council to improve data collection and maintain the sustainability of the king mackerel fishery in the Gulf of Mexico. In 2015, working with Dr. Crabtree and Dr. Branstetter and the Gulf Council, we negotiated a 45,000-pound trip limit that virtually eliminated fines for overages.

In exchange, we agreed to paybacks for any ACL overages, and we are the only sector to do so. We also asked for an increase in quota, based on MRFSS and MRIP statistics for the recreational sector, an increase that, unfortunately, never came. We also volunteered to provide real-time catch data to help manage the fishery, something we continue to do to this day.

To put the gillnet fishery in perspective, please consider the following. Since 2015 and implementation of the 45,000-pound trip limit, and industry-provided real-time catch data, the fleet has exceeded their ACL twice, in 2019 by 18,800 pounds and in 2021 by 11,920 pounds, for a total of 30,720.

In the same timeframe, industry has been under the ACL by 164,895 pounds. Similarly, through 2020, overages have totaled 82,072 pounds, but underages have totaled 263,126 pounds. We have never received a penny in poundage for carryover credit.

The gillnet fleet fishes responsibly and does everything it can to assist in responsible fisheries management. Therefore, we respectfully request the following, an appropriate increase in king mackerel to the commercial sector by hard allocation and compliance with the Magnuson-Stevens Act National Standard 4, an increase in representation on the CMP Mackerel Advisory Panel, and either eliminate the payback provision for gillnets or initiate it for all sectors or initiate a carryover provision in the gillnet fishery. Finally, in closing, we agree wholeheartedly with Mr. Zales. Essentially, FES calculations aren't worth the paper they're printed on. Thank you.

CHAIRMAN DIAZ: We have a question for you, Mr. Kelly, from Ms. Bosarge.

MS. BOSARGE: I was wondering, on yellowtail snapper, and so we had a discussion earlier today, I think this morning, and, in the South Atlantic, I know they're looking at some trip limits to extend the season in the South Atlantic, and so the discussion around this table was should we include an

alternative that looks at trip limits in the Gulf, purely for matching the South Atlantic and what they're doing, to make it more efficient for the fishermen in following regulations, or should we leave it alone, because it makes your trip more efficient if we put a trip limit on you in the Gulf? Do you have any idea, maybe, which way some of the fishermen might feel about that, and, if you don't, could you reach out to them?

MR. KELLY: I would be happy to do that, Ms. Bosarge. There is confusion and uncertainty on this recent South Atlantic Council -- It has been a short season for the yellowtail, but there is some other compelling factors, like the evidence recently compiled by the University of Miami that dispersants and oil from the Deepwater Horizon did in fact make its way to the Keys. Also, some of the impacts from the red tides the past couple of years, and we would like to explore that a little bit further and get some additional data from fishermen.

MS. BOSARGE: Thanks. I look forward to hearing back on that yellowtail, Bill. Thank you. I appreciate it.

MR. KELLY: Thank you.

CHAIRMAN DIAZ: Okay. We're going to move on. Mr. Mark Tryon.

MR. MARK TRYON: I'm a commercial fisherman from Gulf Breeze, Florida. After hearing Mr. Abrams talk, it got me thinking that maybe what we need, instead of an IFQ focus group, is a fish tagging focus group, and that's something to consider.

Regarding triggerfish, I think what we need to do is fast-track the trip limit increase, so we can receive some benefits from this. I'm a person who happens to catch quite a few triggerfish, and, during my most recent trip last Friday, we easily caught the sixteen fish limit, and we were throwing fish back for the last couple hours of the day, and I'm a day-trip fisherman, and so that's just not a fourteen-hour trip that that was happening.

I would suggest that we start out with a relatively high trip limit, let's say 200 pounds, and then do, at 75 percent catch, do a step-down to some sort of a lesser amount, to be determined.

I received a Florida survey in the mail, and I have a recreational boat as well, on September 8 for what I did in August, and it was very -- I don't see what kind of good data you're going to get off of the survey. Basically, all it said

was did you fish during the month of August, what days did you fish, and what species did you interact with, and that's basically it, and not how many discards you had or how many fish you kept, any pertinent information that you could extrapolate and come up with good data, and so I knew that the data that we have in Florida is inadequate, and this was -- Actually, I think it's even worse than I thought, after seeing this first-hand.

Finally, I just sent the council some information on my boat, the No Nonsense IV, which is a twenty-seven-foot Maycraft, and we do day trips, twelve to fourteen-hour trips, with rod-and-reel. I've been in the IFQ fishery since the inception, and I've been tracking these numbers on snapper landings for the last eleven years now, and, the last couple of years, since we've gone to the state management scheme, the landings, my personal landings, have gone down tremendously.

For instance, I was at 504 pounds of snapper a trip in 2020, and that was before we instituted state management, because that was instituted in the middle of the year, and I'm down to 433 a trip this year, and so I think it suggests localized depletion, and possibly overfishing, and it's just something to be concerned, and I will wrap this up.

I've got one more little bit of data, and I call it before and after. I've got snapper caught from January to May, and now, historically, we've been opening the recreational season on or about June 1. In 2020, I peaked at 625 pounds a trip during that January to May timeframe, and then, at the second-half of the year, from June through December, it went down to 376, and so that gives you an indication of what is going on, in terms of that recreational fishing pressure on what we do. Thank you very much.

CHAIRMAN DIAZ: Thank you. We have a question for you from Ms. Bosarge.

MS. BOSARGE: Thank you, Mr. Tryon. I was just -- So the current -- On gray trigger, the current trip limit commercially is in numbers of fish, which is kind of strange for commercial vessels, but, anyway, it's sixteen fish. You gave us a trip limit that you would suggest as an option that is 200 pounds of fish, and I just want to make sure -- Generally speaking, you all would like to have your trip limits in pounds of fish and not numbers of fish, and is that correct, or do you --

MR. TRYON: You know, you would think that it would be easy to count sixteen fish, and it's actually not that easy, because,

when you have a crew catching fish, and you've got to pay attention to what they're doing, and is that a keeper, and are they throwing it in the box, and then I've got to keep track of it, and I just think that if it's kind of a high amount, like 200 pounds, to me, it's easier to keep track of, because I kind of know how much of the area of the fish box is filled up with fish, and I think it needs to be higher, just so we can make sure we're catching the fish, those who interact with the triggers. I know a lot of guys don't catch them in the Gulf, but there happens to be a bunch of them where I fish, and so anything helps, and it would be helpful.

CHAIRMAN DIAZ: Mr. Schieble.

MR. SCHIEBLE: Thank you, Mr. Tryon. I appreciate that, and, also, I appreciate you sending us the data that you put together. It's nice to see people that are fishing out there assembling their own data like that and sending it in for us to look at.

We have noticed, through our landings data in Louisiana, that we're seeing a slightly lower average weight per fish this year, on the private rec sector, and I'm wondering if, maybe for the next meeting, or sometime between this meeting and the next meeting, you could hypothesize, or speculate, on your average weight of the fish that you're getting, if they're possibly smaller on average too, and I don't know, and you don't have to answer now, if you want to go back and look.

MR. TRYON: They've been smaller. The last trip, we did pretty good. We did better last Friday, and we got some big fish, but there was a lot of small fish mixed in too, and so the trend is down, and let's put it that way, as far as the size, which is somewhat disturbing.

CHAIRMAN DIAZ: Dr. Simmons.

EXECUTIVE DIRECTOR SIMMONS: Thank you, Mr. Chair. Can you give us an average size of the triggerfish you're landing right now? Is it around four or five pounds?

MR. TRYON: Yes. Well, you know, the last trip I had, we got the sixteen triggers, and we started the day out, and we went through a time for -- A few months back, it had slacked off, and I was worried about maybe the stock is not in as good shape as I thought they were, and, recently, the last few trips, they have stormed back.

Well, in any event, we started the day, and we were catching -- These fish that our limit is fourteen inches to the fork, and we were getting a bunch of like fourteen-and-a-half or fifteen-inch fish, and so I'm like, okay, just throw them in the box, and we'll make sure we've got a record that they're in there, and then, toward the end of the day, as luck would have it, we start running into some real big ones, like six to nine-pounders, and so it's kind of hard to say what the average is, but three or four pounds, something like that, the ones we're keeping.

CHAIRMAN DIAZ: Thank you, Mr. Tryon. We're going to go back to our virtual, and we're going to try Mr. Jamee Lowry again. Let's see if we can get you going, Mr. Lowry. We think you're self-muted on your end, Mr. Lowry. Next up is Mr. Bart Niquet.

MR. BART NIQUET: Bart Niquet, Panama City, Florida. I've been fishing for seventy-five years. I've done charter fishing and recreational fishing and commercial fishing. I have owned four commercial boats and sold them, and I had a real good charter boat, and I finally sold it, because we've got too many regulations, and we're here again considering the red snapper fishery.

The commercial sector has been promised an increase for several years, but nothing has happened so far. Meanwhile, the recs have increased their share way beyond the agreed-on numbers. They proudly announce that they discarded over nine-million fish, and not pounds, but fish last year. Most of these fish were caught in waters deep enough that the swim bladders ruptured, and this is a total waste of a vital resource.

The council's answer is give them more days. They need more days to catch those fish, and another problem we have is all the fishermen, commercial and recreational, are having trouble with the dolphin and sharks, and there are so many of them now that you're lucky to get one fish up out of every five or six you hook, and we need to do something about that.

The feds' answer to that is increase the quota on the blacktips, which we don't use anyway. We don't catch them, and that's not any help for us. We need some help with our problems. We need some way to catch the bulls and sandbars and other large sharks. Once again, facts are ignored for the opinions of so-called scientists. In most cases, we only have biased reports to study, and that's one thing we worry about. You get the same reports we do, and you come up with an answer that they're scarce, and they're biased, and what's wrong there?

We have fisheries that have been declared overfished, when the truth is, for some reason or another, the fish changed their paths, and bluefin tuna, for instance, several years back, and the bluefin traditionally winter up around Prince Edward Island. That year, they stayed in the Bay of Fundy for four months, and nobody caught them there, and nobody fished on them there, and NMFS immediately declared them overfished because we didn't catch any fish this year, and we had to do something.

Right here in the Gulf, the scientists declare that we have a dead zone, and that's probably true, according to the definition of a dead zone, but what they don't tell you, or they haven't considered, is that over 70 percent of the red snapper in the Gulf are caught in this area. If that's a dead zone, maybe we need more of them.

We have a closed area off of Panama City, the Madison-Swanson, and it was supposed to be temporary to allow fish to spawn and then spread to the surrounding bottom. After almost twenty years, there is no discernable difference. The fish spawn, and they stay there, but they don't go anywhere, and they don't seem to increase too many, and there's not very many more now than there were.

When are people who are engaged in the fishery be consulted before any action is considered? Where are the alternatives, and why aren't they being checked by people who are knowledgeable? Now we're being asked to support another focus group, so-called, and their purpose is to think there are more fish available for everybody, and new entries is what they say, but your own rules say that you can't issue any more permits, and let's use a little commonsense.

Incidentally, I know you all believe, but I believe that the programs, the thing we had in the beginning of -- I believe you're missing the point. We've all had similar opportunities, where rationing ammo during World War II, you had to decide who got the ammo, and it didn't matter who needed it, but you've got to -- Who decided it got it, and you're trying to --

CHAIRMAN DIAZ: Mr. Niquet, if you could --

MR. NIQUET: You're trying to make the red snapper fishery the same way. Thank you.

CHAIRMAN DIAZ: Thank you, Mr. Niquet. Any questions for Mr. Niquet? Thank you. Next up is Mr. Chris Niquet.

MR. CHRIS NIQUET: Chris Niquet, Panama City, Florida. I'm here to talk about several subjects. The first is the red grouper discard problem in the recreational sector. I looked up the years 2017 and 2018. At that time, the recreational sector had 26 percent of the red grouper, and the commercial sector had 74 percent, and I may be 1 percent off, and, during that time, the recreational sector threw back 2.5 million fish. Not pounds, but fish. The commercial sector, they did even worse. They threw back 287,000 fish, even though they had three-times as much.

Now you want to allocate more red grouper into a sector who is already throwing back 2.5 million fish a year, and let's do the math and get it right, at least once. I've been coming to these meetings for twenty years, and I can't think of too many times we got it right, but let's move on.

New entries. You can't have any new entries unless you issue more reef fish permits. You can't do it. Now, where are these new entries going to get their allocation? You can either take it from the existing allocation, or quota, or you can award it any further increases. If you award further increases to these new entries, I, and the rest of the shareholders, will not have their full percentage of the total allowable catch, and that's the law. Look it up.

Several years ago, and maybe some of you remember this, there was a supposed season that the scientists said was supposed to last three days in federal waters for red snapper. There was a hue-and-a-cry, like a young squirrel that got into their pants. We couldn't stand it. We can't stand it. Magically, the fish rose up to where they got twenty-seven days. Now, that increase of 51 percent was supposed to go to the commercial sector. I want my share of those fish. That tells me the numbers do not matter. What matters is the council's biased opinion. I will be glad to take any questions, if you're not scared. That's what I thought.

CHAIRMAN DIAZ: Thank you, Mr. Niquet. Next up is Casey Streeter.

MR. CASEY STREETER: Thank you, council. I'm Casey Streeter, a commercial fisherman from Pine Island. A lot of great comments, and obviously some of the same feelings that I have on some things. A couple of things that I want to touch on.

Yesterday, at the Q&A, I talked about the condition of the stocks and how we felt as a fishery industry governing body of

where they're at, and the opinion was not good of where we're at, and so I think that these accountability measures that we're moving forward on the recreational sector are needed.

I mean, if you're going to blow past 70 percent of a quota for a species, you would blow by 100 percent, and so, I mean, these discards and the participation in our industry are destroying the fisheries and destroying livelihoods, and steps need to be taken to protect the fishery and protect the fishermen and protect the resource and protect our industry.

I am definitely against trip limits on yellowtails. We're not hitting our quota, and what is the point of putting a check valve in there to limit the catch? Also, FES, and, obviously, I had a problem with it in June, and no one seemed to have a problem with it on the council, and then, come August, there is issues, and everyone has got problems with what it really puts out, and then, again, here in October, we're having issues with it again, and so I can't understand why we pushed red grouper through a reallocation, for something with all this uncertainty.

I mean, it didn't really seem like it needed to happen at the time, and it seemed like there were steps that were skipped, and hopefully we can go back and that won't happen, and hopefully it will be re-looked at, because I just don't see how it can be pushed through with the concerns that everyone has got.

The gag closure, I think closing the gag fishery, on the commercial fishery, is going to get right of all your fishery-dependent data, and we're going to create discards in another industry that hasn't had a problem with discards, like the recreational guys have, and so then we're going to have five years of discards across-the-board, with no understanding of what's really going on with the stock, once we get to the point where we're going to try to open it back up.

Hopefully you guys will think about that, and like was said by Mr. Abrams, a lot of the good gag fishermen have passed. They're gone, and so I think it would be important to go look at the catch histories on the permits, to see who was catching those fish and if they're still active, and maybe that would help shine some light on what's going on. Thank you.

CHAIRMAN DIAZ: Mr. Streeter, we had a discussion earlier about how reliable the commercial VMSs are, and do you have any thoughts on that?

MR. STREETER: I have five boats, and I have not had a problem.

I have had issues with the call-in, and I've had issues with power cables, antenna cables, but, I mean, honestly, they're pretty foolproof, and, I mean, I don't see the issues with it. Honestly, I think that the effort should be pushed into having recreational boats have VMSs.

Tag systems are a great idea, and tracking effort, and, as Dr. Clay had said, effort in the fishery now, with technology and just the sheer numbers of participants in the recreational side, is something like we've never seen. I mean, it was the foreign fleet that MSA was put into place to protect us from, and, I mean, it's wide-open fishing, and it's not realistic to have any natural resource wide open with no checks and no balances, and so I just don't see any success, moving forward, for our fisheries if we keep down this road.

CHAIRMAN DIAZ: Thank you, Mr. Streeter. Next up is Katie Fischer.

MS. KATIE FISCHER: Hello. Katie Fischer from Matlacha, Florida. Today, I want to talk about recreational accountability. I have to say what a breath of fresh air the Academy's report was, because I really hope you take some of that advice from that report.

The recreational sector has the largest share of fish. However, they have no accountability. We don't know how many people actually participate in the fishery, and that's estimate. What they catch, that's an estimate, and so I definitely support endorsements for the rec. You know, I think that would be a great way for you all to actually figure out how many people are participating, and I also think, if you do some type of endorsement, make it substantial, a hundred bucks or 200 bucks, something like that, because the private rec guys, if they're really going to be fishing, they will pay that, and you will have a much truer number.

I also support tags for that, and I think that would be a great idea. That would help you figure out actually how much fish is being harvested, and that would also take some of the uncertainty from some of these surveys that you all do, and it gives you more truer numbers, and I would think, as a council, that you all would support recreational accountability, because I do feel like that is -- It's like the missing link for you guys to be able to manage the Gulf 100 percent.

I think it's vitally important that we get some true numbers and get this under control in a real idea, because, I mean, I've got

children. I don't come to these meetings because it's fun and I want to. I come here to protect my children's future, and so I hope that we get a handle on this, so that my children, and also future generations of fishermen, have fish in the Gulf, because, at this rate, the rec pressure, especially in the State of Florida, and, I mean, we have had an incredible increase in population, and so that also means an increase in pressure on our resource, and so please act on this sooner than later, and get some things going on this. We desperately need it, and I think it would make you all better managers as a whole, and so thank you.

CHAIRMAN DIAZ: Next up is B.J. Burkett.

MR. B.J. BURKETT: My name is B.J. Burkett. I own and operate a commercial fishing vessel, and it's mainly a vertical angling. Also, I have two charter boats, both COI, one of them dual-permitted. It's pretty much full involved in the fishery on both sides.

The first thing I want to talk about is the gag, and, man, it's been a punch in the stomach, from what we've seen this year, and it's really disheartening from the SSC wanting to use Florida's data, and it's something that I can't understand. I mean, you have some good data out there.

My boat, personally, we've had the best year in the gag fishery that we've had in seven years, and it was like Greg Abrams said earlier, and it takes talent to catch grouper, especially gags, and the man that I've got running that boat has caught 5 percent of what's been caught this year total, and he catches grouper, and he tells me every time he goes that it's getting better, and he's seeing small fish, and so the fishery is getting better. Is it good? Lord knows.

You all are talking about totally shutting this fishery down, and I've got a problem with that, because we're putting people out of business. If you pull the main fish he catches out, he's done, and so whatever you all have to do, if it's a closed season, or a smaller quota, but we can't totally shut it down. We've told you all this for years, that this fishery has been needing help, and we've just been letting it ride, and it's riding on down, and so do something, but we need to get the total closure off the table.

Next, we have vermilions, and the stock is in fair shape. I fish for them a lot, and it's not in great shape, and it's asinine to think that we all want to double the quota. I mean,

the manipulation of this science, or data, however you want to put it, it's not reality. It may be on that computer screen, but it's not what is out there in that Gulf. You all need to step back and change some of this data.

The amberjack, it's been a couple of years, but finally, this year, I've seen more small fish than I have seen in four years, and I'm glad to see them, and so maybe it's working, but it's in poor shape too though, and just about every fishery out there right now is in pretty poor shape because of some management.

Another issue is dive boats. We need the feds to put pressure on dive boats, state dive boats, to have some kind of permit, so, when they are outside of nine miles fishing, they can be cited a violation, and we need you all to push this on the state side.

Real quick, dolphins and sharks, and I have talked to a few of you all about it here, and we have had the worst year, by far, we've ever had with dolphins and sharks, and I hear everybody say I know it's bad, I know it's bad, and, yes, it's been bad for years, but it is horrible now, beyond horrible. When I cannot bring a fish back because of them, one or the other, it's a huge issue. We've got to solve it, because it's killing everything that you all are managing, and it's not just because they've got a natural -- They're killing it because it's the easiest prey for them, and you cannot unregulate an apex predator and regulate every fish they eat. Thank you.

CHAIRMAN DIAZ: I have a question for you, Mr. Burkett. What's your thoughts on the reliability of the VMS units that you have on your vessel?

MR. BURKETT: I have been dealing with the VESL app, and it's -- I am working through it. I have called and asked a lot of questions to try to do it, and it's very -- It does upset us on some of the ways we have to do it, all the -- What's the word that I am looking for? The repetition. You have to say, okay, we're leaving from here, and we leave there and we come back from there every day.

A lot of the steps -- I would really like to see kind of panel, some kind of board, of actual people that are physically using it, to say, hey, this is what we need to change, and I would like to see it to where every different organization, every different VMS, is made to where it's all standardized. If I got on this style of VMS, it looks the same way. If I get on this man's GPS, it's an identical page, and everything looks the

same, to where, if I run another gentleman's boat, at least I know how to work his app, to make it work, but there's definitely some issues.

Enforcement, we've been waiting to see on that, and it has just started, and I honestly feel, and it's up to a lot of you all, but I feel that it can -- This whole process of logbooks can be done without that VMS, and some of you all are going to laugh, because people are just praising how great this thing is. A little bit of enforcement, and you've got 99 percent of us walking the straight and narrow. I am already straight as I can be in trying to keep it filled out and not get in trouble. I don't want to lose my permit, and this is my livelihood.

CHAIRMAN DIAZ: Thank you, Mr. Burkett.

MR. BURKETT: Thank you.

CHAIRMAN DIAZ: Next up is Alicia Paul.

MS. ALICIA PAUL: Good afternoon. Alicia Paul, Panama City, dually-permitted vessel. A few things this afternoon. The depredation of the sharks and the dolphins, and they're a huge problem, and you hear it from everybody in this room, and it's just day in and day out, and the dolphins are worse than the sharks. At least you can get away from the sharks, but you cannot get away from these dolphins. They will follow you on your bow, and, as soon as you make it down, the first fish gets pulled.

I had a nine-year-old little girl, about three weeks ago, and she had a rod between her legs, and the dolphin came and grabbed her fish, and that pole was picking her up off the deck, and so what did she do? She took that pole out from between her legs, and she just threw it right on overboard. It's a problem, you all, and we need some help. Please help us. The sharks, I would like to see sandbar -- Let us harvest them. We have a problem, and there's a lot of them right there in our area.

Vermilion snapper, the stock is fair. It's not great, and please don't increase it. Leave it alone, and the status quo is great. Ten fish per person is plenty, and we don't need any more. The closure of gag grouper for a decade, like one of you all said yesterday, it's absurd. We cannot close these fish down for ten years, you all, and we have to have some sort of long-term measurement, and let's bring them back, and let's not just close them all the way down, whether it be closing them to spawn or open them for a month or so, whatever we've got to do,

and it will be detrimental to the commercial fishermen if you all just close them down altogether.

The IFQ focus group, there was a motion on the table yesterday by Ms. Bosarge and Ms. Boggs to open that up to public comment Gulf-wide, instead of a ten-person panel, and you all shut it down, and nobody voted on it. Why? Why are we going to take ten people's opinion instead of a Gulf-wide opinion?

Enforcement of the state guideboats, that's a big issue right there in our area as well, and the numbers double year in and year out, and I see more and more and more of them, and they're just crossing that line, and we pay the piper to play that game, and they should too, and so we need some extra enforcement there.

The fall snapper season, I appreciate it. Thank you all, but what I would have liked to have seen was a little more notice. That did not give us any time to call these people and get them down here. It's late in the year. If we get to that point again next year, I would like to see it tacked on to the following season, instead of this late-fall season, when we don't have anybody to fish. That's about it. That's all I've got for you all, and I appreciate you all giving me the time to talk to you all today.

CHAIRMAN DIAZ: Thank you. We have a question for you, Ms. Paul, from, Mr. Strelcheck.

MR. STRELCHECK: Thanks for your testimony. You mentioned wanting more notice for the fall snapper season, and I believe we gave a little over two weeks, and I'm curious as to what would be an ideal kind of timeframe for you to plan for those --

MS. PAUL: March, at least, and, like I said, I appreciate it, and I'm thankful for it, and it shows that sector separation is working, and we do need real accountability on the recreational side, and that's one thing that I didn't mention, whether it be tags or whether it be an app on a telephone or whatnot, but I would like to see it maybe added onto the following season, if it's going to be something late in the year that you all determine, instead of just the two-week notice, because most folks have already used their vacation time for the year. They have already planned their vacation, and the kids are in school. There is multiple reasons why they can't get down to come to fish. Thank you.

CHAIRMAN DIAZ: Mr. Jim Zurbrick.

MR. JIM ZURBRICK: Jim Zurbrick, Steinhatchee, Florida. I want to talk about what Mark Tryon said, and I guess we're going to have to increase the trigger trip limits. There's no way, even now with the sixteen -- We didn't catch our quota last year, and so it's going to be impossible with the increase, unless we increase that trip limit. I thought about twenty to twenty-five fish, and it's easier for me personally to count fish, but I guess you'll hear from people about poundage versus numbers.

I don't have any -- I have had one VMS breakdown in fourteen years, from 2007, and here we are at fourteen or fifteen years, and I know Mark has only had one, and so I have never looked at having an exemption. Exemptions, especially in the commercial sector, you're gone for days at a time, and there's no tracking then, and that's one of the things that saved us in the commercial sector, is the ankle bracelet, where we could deny people that said we were the problem and we were in the closed areas, and so I would like to keep it the way it is.

The charter/for-hire guys, they might need it, because, when customers show up in the morning, they're ready to go, and so maybe a call-in at that moment, as long as they are using the same facility to come back to, and, possibly, if they notify their local FWC, in my case.

I wanted to see 36B go out, and, personally, I want to see a permit requirement to own anything. I wasn't as lenient thinking as we were on the alternatives, and I wanted one year. I wanted to do away with anybody thinking they wanted to be in this business speculating, and that's the way that you put allocation in the hands of a lot of new entrants. You do away with this speculation, personally, and that's just me.

I didn't realize that gag was in dire straits, although there is a turn-down in landings, and I'm a dealer, and I actually fish, and so we've seen a turn-down in landings in the last year, but never did I think that it was doom and gloom like what the SSC reported, but we saw the net, the shrimp net showing the big holes, and I kind of look at it right now, with red grouper, red snapper, and gag, that the pie is this big, but, because of the recreational discards, the pie shrinks down.

I still get my percentage, but my numbers are far less. Recreational discards are truly one of the biggest drivers of what we've got with a problem, and Mote Laboratory was going to use me on their presentation, and I just put one of the most modern camera systems, Mote did, on my boat.

I'm seventy-one years old, and I'm going to be phasing out, and I want to leave this fishery with something, and so I have a camera system now that's going to capture -- When I get up here and say that I had 6,791 snapper in 2019, and I had seventy-two discards, I can prove that, instead of just getting up here and mouthing it.

If eight to nine discards per recreational red snapper retention, that would have been 54,000 discards for me to keep 67,000. If those numbers of eight to nine red snapper per recreational fish to keep them, because nobody wants -- I keep the thirteen-inchers, because I get paid the same, and so, yes, we're inherently in a better place, because I get paid the same for thirteen inches as I do thirty-three inches.

We've got to do something about these discards, and I see it as the greatest threat to our resource, to the commercial fishing and to the recreational guy. He's got to have more, and I understand, but he's going to have to have some tough love.

The b-liners, man, if we go to seven-million pounds, and it's three-million now, that seems like a lot, and I followed that, on that SSC, and they were talking about it, and it seems huge. I can't get my hands wrapped around it. We are catching b-liners, and we don't target them as such. I used to, but I don't anymore.

CHAIRMAN DIAZ: Mr. Zurbrick, can I get you to start moving towards wrapping up?

MR. ZURBRICK: That's really it. One last thing is mandatory -- The reporting for the charter fleet, if we delay this thing any farther, we are going to have to actually start enforcing the call-ins. At least the guys have got to call-in and call when they leave and when they come back, even if we can't track them. Thank you very much.

CHAIRMAN DIAZ: Thank you, Mr. Zurbrick. Next up is Mark Kelley.

MR. MARK KELLEY: Mark Kelley, and I'm from Panama City. I have two charter boats, and I am dually-permitted, and I am fully invested in the IFQ system. I have been charter fishing for thirty-seven years, and we have overcome a lot that this council put on us, and we have overcome from the six-month snapper season to nine days and from three amberjacks to one to three months, and, I mean, we've overcome a lot, but, the dolphin

issue, we're finding it a hard way to overcome.

I just wanted to give you a little history, because there was a comment made earlier about, oh, yeah, I remember how it was twenty-five years ago. Well, let me just give you a little plan of twenty-five years ago, and so, about twenty-five years ago, we went to size limits on snappers, when we started recovering. Well, as we fished, we would have our few discards floating back, and the dolphin would swim up and eat one every great once in a while.

A few years down the road, they would eat every one of them, and they would eat them right there beside the boat. A few years later, you start saying, oh, I've got one on, and he would pull a fish or two off, four or five maybe in a year's time.

Before you know it, they're pulling on a steady basis. Today, we pull up there, and we see the dolphins on our fish finders, twenty feet above the bottom. When that fish is hooked, that fish is pulled off, just that fast. He is waiting there. When we leave, we used to -- We would take off and leave, and we could run three miles, and they would eventually find us, in about ten or fifteen minutes, but they would give us ten or fifteen minutes of fishing.

Now, when we leave, the fish get under the bow, and they ride with us, three or four miles, and you pull that boat out of gear, to round up on the next spot, and he is the center of your circle waiting on you. It's horrible. I mean, I would love for you to experience it.

The shark issue is like something I've never seen in my life, and it's unbelievable. Some days, you'll have five or six sharks going in five or six different directions, and you won't get anything by them, once they get fired up.

The vermilion snapper, I think it's crazy that we're even considering doubling. Ten per person is fine, and the commercial industry is not even catching their quota. Why we even have to consider it, I don't know.

The gag fishery, it sounds like we're right back where we was at six years ago, except for it was in great shape, is what we were told, and I think, and this is my personal opinion, that it is time for this council to shut the commercial industry down during the spawn. I am not for no total closure, but we already have the recreational industry shut down on June 1. The recreational and the charter/for-hire is not the problem of

catching these fish when they spawn.

They are easier caught, and they're spawning at the forty-break, and it's a proven fact that it's not working, and the Madison-Swanson -- Your science said there might be 5 percent male in there, and I find that hard to believe, when we set there at the edge of the Madison-Swanson, and we watched eight or nine recreational boats in there fishing on a daily manner. There is no enforcement for something that was supposed to be so grand to protect the male gags.

I am sure that probably happens down on the forty-break, and there is no length of distance that a private rec boat will not go nowadays. When he can travel sixty miles an hour, he can cover that Gulf in a matter of hours.

The state guideboats, we have had a boom, and I would love to know the number, but we've had a boom in those in Florida, and I would say, just in Panama City alone, if it hasn't doubled, it has tripled, and it's a non-regulated, for-hire industry that has no enforcement, and there is never no enforcement across that nine-mile line.

A lot of them are fly-by-nights, and the only time they fish is when snapper season is open, and I am ready to see the state, federally pressure the state or whatever, them with a permit on that boat, a sticker on the side of that boat, and, just like the federal for-hire boats, that state boat can only be used inside of state waters, period. It can't be used recreationally, and it has to stay inside of nine miles at all times. That solves that problem, when they have the charter/for-hire fishing license from the State of Florida. Then there's a decal that you can go across the line.

CHAIRMAN DIAZ: Mr. Kelley --

MR. KELLEY: I know that I'm out of time, but one last thing. I am seeing -- I mean, you gave everybody else some time, and I'm going to talk for just a second. Amberjacks, we are finally seeing some signs of some small fish, which is good news to us, because we have not been seeing any signs of the smaller, and we're talking twelve to fifteen-inch fish. Thank you.

CHAIRMAN DIAZ: Thank you, Mr. Kelley. Next up is Mr. Bobby Kelly.

MR. BOBBY KELLY: I am Bobby Kelly, and I'm a dual-permitted boat here in Orange Beach, Alabama, and I've just got to tell

you that it is good to be back in person, and so let's get going.

First off, I want to say that I support the interim analysis of the red grouper fishery. If the science can take it away, the science can give it back, and there's a lot of people that depend on these fish, and it has caused a lot of needless stress, it seems like, to have these fish taken away and get them back, and so let's go.

As a commercial fisherman, I support the increase in the triggerfish trip limit proportional to the TAC increase. My rudimentary math says we got about a 35 percent TAC increase, and it should be a 35 percent trip limit, and so about twenty-two fish or so, and I support that.

I heard, in the Reef Fish Committee yesterday, that you guys could possibly fast-track the triggerfish bag limit and add it to an amendment that is already going through. That would be fastest, and it would be great to be able to have these fish available for next year.

Recalibration needs to happen sooner than later. Everybody needs to figure out what a pound of actually is, and it's a simple thought, but it is difficult, and one of the biggest concerns I have, day in and day out, is that we are living in the good old days offshore. Our fish are smaller, and we're catching more of them, and we're having to burn more fuel to do it, and I don't want to live in the good old days, dan I don't want to say that.

Next, suggesting an increase in the vermilion snapper TAC and bag limit, and it may be well placed, but we haven't even reached the TAC in the last six or seven years, and it was six or seven years ago that we went from a twenty-fish trip limit to a ten-fish trip limit. Ten vermilion snapper per person is plenty, if you can even catch them. Let's not have to come back in five or six years and cut this bag limit down. It's fine. Leave it alone and go with a little caution.

Next, something I'm very passionate about is I am appalled that, right before our very eyes, we are watching the collapse of the cobia fishery in the Gulf. Not long ago, in the spring of 2018, there was a fishermen-led initiative in Biloxi where we said, hey, these fish need help, and I was even told by a state official that we're not even catching the total allowable catch and how can it be overfished.

Currently, we're catching 10 percent of the TAC, of the 1.5 million pounds, and, if this isn't evidence for an immediate closure, what is? I am scared that my son, Parker, might not ever know what a cobia is, and it's that real.

Furthermore, if Kevin, Martha, Dakus, Chris, and Joe don't support the same federal regulations at their state level, all you're doing is putting more needless regulations on the federal permit holders, both commercial and charter, and so it's got to go across-the-board, and fair is absolutely fair. If somebody wants to ask me why I'm wearing my costume, I would love to --

MR. BOGGS: Bobby, is there a shark or dolphin problem in the Gulf of Mexico?

MR. KELLY: I believe there is both. However, currently, the marine mammals are federally protected, and, therefore, the sharks are absolutely eating us alive. At least when the dolphin swims up to the boat, I can go, hey, guys, look, there's a dolphin. A little bit of bile comes up in my throat when I say it, but, ultimately, it's good for the tourist industry. I know when the dolphin is there, because he's got to come up and take a flipper in the air.

It is annoying to run fifty miles offshore to a barren rock bottom to grouper fish and drop down and catch immediately three different sharks. We are harvesting everything out in that Gulf that I can possibly think of, red snapper and grouper and triggerfish and king mackerel and Spanish mackerel, but guess what we're not harvesting?

I am all about equitability and balance and protecting things, but there are fishermen right here in Alabama that are begging to go catch some fish. I suggest that we do it at a sustainable level, and I don't want, gentlemen, to have them go away, but, when I started fishing fifteen years ago, it was never -- You never saw a shark.

Now you hardly ever go a day without seeing a fish eaten in half, and the predation is real, and they're protected by marine mammals.

CHAIRMAN DIAZ: Thank you, Mr. Kelly. Next up is Stewart Miller.

MR. STEWART MILLER: Stewart Miller, owner of a commercial boat and the owner and operator of a dual-permitted charter boat of Panama City, Florida. Sorry, but I don't speak very well, and

I'm here mainly for the dolphins and the sharks. I used to think the National Marine Fisheries was going to put me out of business, but now I'm pretty sure it's going to be them.

There is just about not a day that goes by that they don't get me at every stop, and they pull everything I've got off, and I fished yesterday, and I had twelve hours and ten people. At 11:30, I had zero fish in the box, and we had only reeled one fish to the boat, one, and it was a trigger that we had to throw back.

I made an eight or nine-mile run, and I made three stops without having the dolphin or the sharks, and that was the bulk of my fish for my trip. After that, they caught up with me again, and it was game over.

We have customers getting mad, and there's nothing you can do, and you just sit there and look at them. You try to troll around, and they pull our Spanish off, and they even go as far as pulling our cigar minnows off of our hooks. They're that good.

The vermilion snapper, ten per person is plenty, and please don't go to twenty. If you go to twenty, we're going to reach that TAC, and you will all cut it down, which means it's not good. Ten fish is plenty. That's really all I've got to say, is mainly just about the dolphins. I've done this my entire life. I've charter fished and commercial fished and run my own boat for nineteen years this year, and twenty will be next, obviously.

This year right here is the worst year I have ever seen in my life. It's bad, and it seems like it is in our area, from Panama City, or maybe a little over, and this is the dolphins that I am talking about, and my commercial boat can come to the west, and he doesn't have the dolphin problem, and he tries to get below Apalach, and he doesn't seem to have it as bad, but you have that mama teaching that baby, and you really have to see it to believe it. Thank you.

CHAIRMAN DIAZ: Thank you, Mr. Miller. Go ahead, Ms. Boggs.

MR. BOGGS: I don't know if you were here this morning for the discussions about the VMS units and an exemption for equipment failure. You're dually-permitted, and how do you think that could affect your business either way, commercially or when you're charter fishing?

MR. MILLER: Can you say that one more time?

MS. BOGGS: The VMS exemption for equipment failure, one, have you seen any issues or had any issues on the commercial side?

MR. MILLER: Yes.

MS. BOGGS: Two, how do you think that would affect you, if at all, on the charter/for hire side?

MR. MILLER: I mean, I fished before the VMS. I fished before we had any of that, and I am not for the VMS. A few bad apples I feel like made us get the VMS. I have had issues with them, and I still have the old Tron-n-Tron, and I was fortunate enough, and I ran it through, and I didn't have problems with the cable, like a lot of people did.

Now, I don't use the keyboard, and I will be honest with you, and I call in, because my keyboard is no longer any good, and, if you're talking about the kind of VMS we're having to do for the charter boat and headboat, there is a few things that I would like to see that kind of feels like invasive to me, and the pricing is one, and, just like -- I think it was Saturday that I had the FWC come to the dock, and he wanted a bunch of information from me. I said, well, all you need is my documentation, and he goes, no, I need all your paperwork.

I go, well, my documentation should be sufficient, and he goes, nope, we need everything, your permits and your documentation and all that, and he said, if you don't comply, we won't renew your permit. I said, man, that's harsh, and I said but that's what everybody does, is they hold the permit over my head, and, I mean, this all that I do, and nothing else. Obviously, if you've lost your phone, or messed it up, there's a few things there with that, but that's about all I have to say, and I doubt that answered your question very well, but -- Thank you. You all have a good night.

CHAIRMAN DIAZ: Thank you, Mr. Miller. Next up is Mr. Jane Black-Lee.

MS. JANE BLACK-LEE: Hello and thank you for having us here today. I would like to talk to you today a little bit about catalysts. In the late 1960s, we were scrapping spots off the beach in Port Salerno, and there was one conflict between the commercial fishermen and the sports fishermen, and that conflict was, well, you get off the beach 1,500 feet, and that's how far you have to go.

A few years later, it was, well, you go on out about to about ninety feet of water, and that's where you need to go. Well, we all know what happened after that, and now there are no nets in Florida, and I was there, and I saw that.

Then, if you jump up to maybe about the late 1980s, we talked about redfish. Well, there was an accident. There was redfish on the beach in Louisiana, and I was there. I saw it, and, from that, there was a catalyst. The ball started rolling, and there was a lot of people upset from one spill, and did they look forward, to see what was going to happen, and did they study, and did they really know the impact of either one of these catalysts, from no nets to now gamefish for redfish? I don't think anybody was thinking about what might happen and are we going to be careful and do we really know what we're going to do.

Now, look at us, and we're looking at another catalyst of recalibration. Here it sits again, and are we going to look forward, and are we going to see what's going to happen? We're asking the commercial fishery to give up fish to take care of recreational bycatch, and where are we headed? Are we looking forward, or are we just knee-jerk reacting? Is it too much too late or too little or too much too quick? Which way are we really going to go with this? What's going to happen when the recreational fishery grows? Are we going to reach back and try to find more fish from the commercial fishermen, so that the bycatch can increase safely, or maybe it won't be safely. Who knows?

I guess I will end with a question. How committed are we to maintain a Gulf commercial fishery? Are we really committed? Are any of us committed? Can we look forward, or are we always going to just make a decision based on all the statistics that we see and not what will happen if we do this in the future?

I won't be around to see what's going to happen with this catalyst, because we're looking at a generation back, and some of you will be, and I hope it's not as negative as I have presented these reactions to incidents. Thank you.

CHAIRMAN DIAZ: Thank you. Next up is Mr. Mike Sullivan.

MR. MIKE SULLIVAN: Hello, everyone. My name is Mike Sullivan, and I own three certified charter boats. I'm a dual-permitted IFQ owner, and I've been in the industry my whole life. I just wanted to touch on a few different subjects.

I will start with gag grouper, and I wanted to start with gag grouper, because I'm against any multiyear closure. Yes, I believe they're not in great shape, but I would like to see us make some steps before we close it for years to come, like reduce the recreational bag limit to one and leave it open on June 1, so it misses the spawn, and maybe closing the commercial sector during the spawn, any little steps just to prevent a closure. No one likes reducing what we already have, because we always fear that we won't get it back, but I would rather take some little steps before we lose it all.

Vermilion snapper, it's great that there's a new formula that shows the vermilion snapper is in phenomenal shape, but increasing the quota would be a recipe for the fishery to fail to come.

As other species are regulated more, if in vermilion snapper the quota was increased, we all know that there would be more pressure put on that fish, and, in a very short time, that fish would be overfished, and there would be new data coming out that that fishery is now in dire straits and would have to be closed.

I am in favor of leaving the recreational bag limit at ten vermilion per person, and I think that's plenty, and people don't need any more fish than that.

Sharks, can we please loosen up some of the regulations, by opening some of the species that are closed, sandbar, and there are several others that are closed, but those are some of the main ones that wreak havoc on us. Maybe increase the commercial quota, something to entire them to get that market rolling again, to where we could get a break from them. They have become as bad as the dolphins.

For red snapper, thank you for extending the season. It was great for some, but not for most of us. With just over two weeks in the late fall, we weren't really able to capitalize on the twenty-two days. In my three boats, I was probably able to book about five trips on top of what we already had, just because of the red snapper season. Yes, more time would be great, but if more time would be in the next year -- If that's going to be the case, just add it on.

With this data, you all have realized that, hey, we're not catching the full quota, and this being a banner year for everybody, due to people tired of being locked up from COVID, and we realize that next year should be the same, and so if we

could just add those days to the season next year.

Then the last thing I want to talk about is the reporting program. I am not a fan of the VMS requirement. It's just something else that we've got to maintain and manage and pay for, and I know there is a program that, if it does go bad, there's ways around it, and we can still go fishing, but it's just something else that we have to maintain.

I do understand the program, and I believe it could be a good program, but I believe the program was kind of put together in a hurry, as we all know there's been a lot of problems with the program. A lot of the data we've inserted this year I don't even get yet, and so, I mean, it's like we're doing the work for nothing.

One last thing is it would be nice to have a group come together and, as someone said, expedite some of the things. I mean, there's a bunch of redundant stuff we have to do on there, and it's already bad enough that we have to count every species that comes over the rail, every species that comes back, and remember that we're running a charter business. We're entertaining, and we're answering phone calls, and we're trying to keep people safe, and we're telling stories. I mean, there's more to our job than just this, and this is very time consuming.

CHAIRMAN DIAZ: Mr. Sullivan, can you wrap it up, please?

MR. SULLIVAN: This is the last thing. If you want to know how bad the sharks or the dolphin are, put a little icon on there of, hey, were you in contact with the sharks or dolphins or depredation, or however you want to say, it for the day. Thank you.

CHAIRMAN DIAZ: Thank you, Mr. Sullivan. Next up is Larry Lemiux.

MR. LARRY LEMIUX: Good afternoon, Gulf Council. My name is Larry Lemiux, and I'm also from Panama City Beach, Florida, and I'm a dual-boat owner. I am just going to touch on just kind of what some of my guys ahead of me, and I want to start out with the state guideboats.

I own a state guideboat, as well as a federally-permitted charter boat. We do need some way to keep the guideboats in check. As Mr. Kelley said, we've tripled in size, and it seems like everybody and their brother has a guideboat, and they're also utilizing the red snapper season, which I think last year

was about forty-two days.

I have been in this for twenty-six years, and never have I seen the increased effort as I have this year, especially during June and July, during the height of the snapper season, and, obviously, we need some way -- Like you guys are putting VMS on this December, or you're trying to, and let's put a VMS, and let's put a sticker. Let's put something on the guideboat to identify those guys, too. That way, when they get outside of nine miles, you can pull his permit, and then we won't have to worry about it anymore.

Number two, cobia, I was at the meeting in Biloxi in 2018, and I even offered some of my data, and I kind of got laughed at, but we don't need to see more than two cobia. Cobia is in a major disaster, whether it's overfishing, or whether it's the pollutants that were sprayed in or the BP oil spill in 2010, and I fished them hard since 1994, and it's been a straight decline.

The 1990s was great, and the early 2000s was good. Any time after 2010, it just went to hell, and, I mean, I don't know if it was the dispersant that we sprayed or a change in migratory patterns, but we definitely need some help with the cobia.

Gags, I'm also not in favor of a closure on the gags, even after reducing it for the charter/for-hire to one fish per person, to keep it open. Yes, and do I think the commercial guys in the spawning in the spring need to be closed? Absolutely. The forty-break, in particular.

The logbook program, as Mr. Burkett indicated, and I park right beside him in Panama City, and I have a complete different system than he has. Let's streamline the system. Let's make the system where the information is there, such as my name, my home port, my documentation number, my permit number, my boat name. It ought to be streamlined in the programming. Like Captain Mike just said, we have a lot going on in trying to keep up with things, and it's hard.

Again, the dolphins and sharks are a massive problem, and I don't know what we can do to make it any better, other than, unfortunately, harvest the sharks. You're not going to let us harvest dolphin, and that's going to be a joke, but we've got to do something. People pay big money to come fish with us, and we want to provide the customer with the best experience that they can get, and, with the sharks and the dolphins, a hundred hooks a day some days, on long trips with six people, it's ridiculous.

I am going to go last with the vermilion snapper. Ten vermilion snapper, ten inches, is perfect. The fishery is in pretty good shape, I think, and I've been doing it for twenty-six years, but doubling it right now is definitely a mistake. We don't need anything, and just leave it alone. If it's working, let's don't mess with it. I think vermilion need to stay where they're at, and I think we've got a lot of other problems to look at. Just leave them alone, and, like I said, I appreciate you guys' time, and I will see you at the next meeting.

CHAIRMAN DIAZ: Thank you. We have one question for you, Mr. Lemiux. Dr. Frazer.

DR. FRAZER: Larry, you happen to be the lucky person, and so I've been listening to a number of people give their testimony, and a lot of people have said that they're happy to have ten vermilion snappers. Those same people are telling me that it's hard to get a fish to the boat, because of sharks and dolphins, and I'm just hoping you can explain to me why those sharks and dolphins aren't eating those vermilion snapper.

MR. LEMIUX: They're definitely eating the vermilion snapper, and what is said is you've got Grandpa and Grandma and the grandkids on the boat, and they're already struggling, and it might be a little choppy, to stand up, and, you know, we just ain't got much strength nowadays, and then you've got an eight-foot bull shark, or you've got three dolphins snatching them off, and, I mean, it's sad, when you go -- I'm just giving you an example, and, on an eight-hour trip, I am allowed eighty beeliners a trip with captain and crew and my people.

You will come back not even with enough fish to fill up a five-gallon bucketful, and I'm charging them $1,800, and I feel guilty for it, and my object is to build a business. I want people to come back and say, hey, we went with that crazy guy from Panama City, but he did a great job, and I don't want to come back with that guy who fished out there and we fed all the fish to sharks and dolphins and he did nothing about it.

There's really nothing I can do about it, legally, without losing my permit. Again, you guys hold that over our heads, and it's just like with this logbook. Like Mr. Miller said, you've got a guy down there threatening to take our permits, and, I mean, we want to stay in compliance with you guys, because we want to have our livelihood.

I mean, I have worked since I was seventeen years old, and I wanted to be a charter fisherman. My father was, and my

grandfather was. They all fished, and they didn't have to put up with what we have to put up with today, and it's very stressful. I just want to be able to offer my customers whatever I can, whether it be a beeliner or a red snapper or an amberjack or a cobia or a blackfin tuna or a shark.

I want them to have the best time with me that they can have. That way, when they come next year, they say, hey, we want to go with Captain Larry, and it brings money into my economy, the hotels and motels and restaurants. I mean, I want my people to have a good time, but, you know, I don't want them to be sad because, hey, we paid this guy this much and we got three fish.

DR. FRAZER: Thank you very much.

CHAIRMAN DIAZ: Next up is Jason Delacruz.

MR. JASON DELACRUZ: Jason Delacruz, owner and operator of Don's Dock, a recreational marina and bait and fuel. I own a seafood company, a wholesale seafood company, and I send fish all over the United States. For fishing, I own four longline boats, and I own quota, and I have quota, and I have spent a lot of money to buy quota.

I stand here today and think about some of the things that I have heard through today and yesterday, and one of the things that probably strikes me the biggest is how we keep falling back and talking about the discards in the commercial red grouper fishery.

I heard that come up again, but yet we sat through a presentation, two meetings ago, or one meeting ago, and we saw the difference between the recreational and commercial discard numbers, and, for the life of me, I do not understand why we would talk about one that was so small compared to the other, and I just hope that, if we're going to really focus on doing something to build back the red grouper fishery, or to continue to build it back, and, to be honest, and no offense, Clay, but you guys are wrong.

That fishery is trending up so fast right now that it's incredible, and we are catching fish faster than we've caught them since 2011, when it was off the chain, and so -- Because our data is behind and continues to lag, and we can't get our data to speed up to do an assessment in real time, and we keep putting ourselves in these cycles, where the fish are coming back, and you guys are telling us that, oh, they're not, but yet they were coming back, and we said don't double our stock, and

leave it the way it is, and you guys still did it anyway, which artificially made the allocation value weak and caused a bunch of people to rush into the fishery.

Consequently, now those people are going to be at this podium next year, and they're going to be whining and complaining that, oh, it's just not fair, and I can't stay in business, and I am usually, I swear, not hard on the agency, but this is an agency-built problem here.

I sat there in those meetings and said that ain't right, and this stock is not double, and we are going down drastically right now, and, if we're going to protect this red grouper fishery, and that's my main fishery, and that's where all my guys make a living. I've got families that count on me to make sure that I have quota to make sure that they can go fish, and, please, let's see if we can get that arrow moving faster and get something else going, so we can look at the stock, because those fish are coming, and they are getting bigger, and it's just going to get worse the next year and worse the following year. Anyway, thank you very much.

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

MS. BOGGS: This is a VMS question. In the discussions this morning with the commercial and the VMS and the possibility of equipment failure, what's your opinion on that?

MR. DELACRUZ: My opinion is a little different, and I discussed it with one of your partners at lunch, and the problem I have is the area that I live, and we have so many boats and so many people, and we have a bunch of these small-time commercial fishermen, which I have no problem with that, but those small-time guys also are dealers, and quite often they're the ones that are most likely to subvert the system.

I will not take that risk, and it's way too important. making it weaker on the commercial side, in my opinion, is a bad idea. We have been running since 2007 with VMS, and the original VMS definitely had failures, and I'm not saying that we're not going to have failures and it's not going to be hard to get equipment, and, truth be told, I am a dealer. I sell a lot of VMS, but I can always usually help the guys get through the process and get the boat offshore.

The commercial fishery always has like a day lag. If we have a failure, which we have the all the time, we just get the boat

fixed, and then it leaves. It's not the same as the charter boat fishery. On the AP, me and Dylan spent a lot of time talking about that, and my exact point was let's not tie these two together, because the commercial fishery needs VMS to do something different than they're trying to accomplish with the charter fishermen.

When you've got people standing here, because they do, and I've got seven, eight, or nine charter boat going out of my dock, and you can't go, hey, our VMS is broke, and you guys have got to go home now. There needs to be an exemption set up for them, because their need for that VMS is completely different than what the commercial's need is, and so, in my opinion, they should be uncoupled, and we should maintain it, and, if we really want to look at this, we'll look at it and develop a version of this that's a little bit different for the commercial fishery and that holds people accountable.

I mean, that's the best part of the commercial fishery. We are accountable, and we know what the heck we land, and it's right down to the pound on a daily basis. I get calls. When my boats land outside of their timeframe, I get a call of what happened, even if the law enforcement didn't show up, and so we are super accountable, and they keep up on us, but I don't think redoing the VMS is a good thing for the commercial.

MS. GUYAS: Jason, hang on. Andy has got a question for you.

MR. STRELCHECK: It's good to see you, and I'm glad you're here. What are you seeing with red grouper allocation prices right now and also red grouper allocation, because I'm hearing it's not moving and it's going up in price.

MR. DELACRUZ: Technically, you're asking proprietary questions that I do not want to answer, but it will absolutely go up next year. I will be -- I am very, very worried about what this process looks like next year, because of that, because, traditionally, 100 percent disclosure, and, I mean, you guys can look it up, and it's FOIA stuff, but I usually don't have to go find red grouper. I own enough that my boats can fish and it's all good.

The way this is going, I don't have a choice, and so, next year, I have to go out into the market and compete. Well, I've got a fish house, and I've got people that are counting on me, and so I'm going to probably outcompete some people, and it's going to really piss them off, and you're going to see allocation prices go up, and it's just going to exacerbate this problem.

I have no choice. I have overhead, and I have mortgages, just like you, and so that stuff -- I have to make sure I pay that stuff, and so I'm going to have to compete on a level -- It's going to go up, and trust me, and it will be significant next year. It will be a different game than what you're seeing right now if the fish continue like they are, if they continue like we're seeing them.

We saw them a couple of years ago. We saw these little fish, and my guys were discarding them and saying there's a lot of little fish. Now, all of a sudden, they're not discarding them, and they are four to six pounds, and they keep slipping through the fishery, and they're going to get bigger, and they're going to get bigger, and it's just going to keep making it -- It's going to exacerbate it.

It's not a problem, but it's just we need to match what's happening, what the guys are telling you, and somehow we have to groundtruth that process, when a commercial fisherman that has a reason to say either it needs to come down or it needs to go up relative to that comes to the podium and says, hey, look at this, and this is a for-real deal.

The problem is you try to tease that out of the IFQ fishery, and it can't -- Just because of the nature of the IFQ fishery, and what's happening right now is you've got people that have that quota that you can't find that are sitting there, and they're going to keep catching them, and it's going to steadily move, just like it's supposed to, because that's the business plan. You know what I mean?

It's not like before, where you see a mad rush. It's all controlled and steady now, and so it doesn't look the same, and so it's hard to predict that as a trend, but, yet, I can pick up the phone, and I can tell you two or three people where most of the quota is. I don't know, and, anyway, I hope that answers your question.

CHAIRMAN DIAZ: Thank you, Mr. Delacruz. Next up is Mr. Johnny Williams.

MR. JOHNNY WILLIAMS: Johnny Williams from Williams Partyboats in Galveston, Texas, third-generation party boat operator out of Galveston. Vermilion and red snapper, in my opinion, is fine, and I don't see any need to raise the bag limit on those.

I have a couple of other issues that I would like to address, a

couple of things, and I'm just whining, I guess. I am whining about the fact that we don't have Amendment 42 yet. It has worked great in the commercial industry, and we had a pilot program that worked great, and I am certainly hoping, and I know it's just a matter of time until it gets here, but I am certainly hoping that I don't look like that little fellow over there next to the kiosk, and some of you all can't see it, but I hope that I don't look like that when it finally arrives, and so I don't know why we keep beating around the bush, and let's see about getting that going. If we get that going, I can die a happy man.

The second thing I want to whine about is the fact that you all changed the rules after years about the duration of allowing a boat to keep a double limit. For years, we had a twenty-four-hour period, duration, in order to keep a double limit, and now we've moved it to thirty. I am one of the few vessels, I think, that was actually doing twenty-four trips, and thirty hours, in the middle of the summertime, when we're right in the middle of the red snapper season, it just doesn't work. It's just too hard on the crew to do that.

I don't know what the intent was, and I don't know why it was done. If it was done to extend the season, I can give you a couple of other options that will extend the season, for sure. It doesn't seem fair to me that some boats out of some ports can go out and make three trips in a twenty-eight-hour period and keep three bag limits for their patrons in that twenty-eight-hour period, but now I can only keep on bag limit for my patrons in a twenty-eight-hour period, and so that seems awful unfair to me.

What I would suggest is that we just have a situation where you're allowed to make one landing per day, and the commercial sector did it. A day is twenty-four hours. It's not thirty. If you're going to do this to me, why don't we just do it for everybody and be fair across the board and just say you can just land one bag limit a day on your boat?

The second thing that I would recommend to extend the season is to increase the size limit. The fishing is so easy off of Texas right now, and we've had a lot of commercial fishermen running out of Galveston, and we're just about fifty miles from the third-largest city in the country, and we've got a lot of recreational fishermen, and the recreational fishery is open for the state waters year-round, and we're still harvesting all these big fish.

My captains are -- It's too easy, and it's not a challenge to them anymore, and the fish are just so plentiful, and so I recommend that we raise the size limit to eighteen inches, and I think that will extend the season out too, and, like I said, if you all just give me Amendment 42, I will keep my mouth shut, and I won't even come to any of these meetings anymore, and so please do that for me, or maybe reconsider the twenty-four hour or thirty hours, and that was just some arbitrary figures that you all pulled out of the sky, and I don't see any justification for raising it to thirty from twenty-four. Thank you very much for your time and have a great evening.

CHAIRMAN DIAZ: Thank you. Scott Hickman is next, or go ahead, Andy.

MR. STRELCHECK: Johnny, I wanted to jump on the VMS question bandwagon, like everyone else, except you were in the headboat program and participated for two years and used a vessel monitoring system, and what was your experience, in terms of the reliable of the VMS, because that's something that we're looking at with regard to exemptions.

MR. WILLIAMS: We had very, very few issues with it. We didn't have any issue with not being able to be tracked or anything like that. We had a little bit of an issue reporting initially, I think, but, other than that, it worked great. I would certainly recommend requiring a VMS. I've got them on both of my boats, and I am perfectly pleased with it. I think it gives us accountability, and that's one thing that we're lacking if we don't have a VMS on the boat.

The commercial fishery was kind of a cash fishery, and there were a lot of outlaws, and, when you all required VMS and some of the things that you all require in the commercial fishery, it really cleaned it up. I think there has been some of that in the for-hire sector too, and I think this will clean a lot of that up as well. Thank you.

CHAIRMAN DIAZ: Thank you. Next up is Mr. Scott Hickman. I'm sorry. We've got one more question for you, Mr. Williams.

MR. DUGAS: Thank you. What are you seeing with the cobia fishing off of Texas?

MR. WILLIAMS: It's almost nil. I can remember, as a child, we used to go out sometimes and catch a hundred of them, and the king fishing and the cobia fishing, which we call ling in Texas, has been like down the drain. Red snapper is great, and

vermilion snapper is okay. Cobia, or ling, it's no good anymore. Thank you.

MR. SCOTT HICKMAN: Captain Scott Hickman from Galveston, Texas. I'm a dual-permit holder. I've got a federally-permitted charter/for hire boat, and I've had charter permits for about thirty years.

Also, I'm an IFQ shareholder. I bought into the fishery. I was not an initial recipient, and the system works really, really good, and it has helped rebuild the fishery, and it's super accountable, and I was telling Andy this last night. Out of everything the agency does, some really good and some really bad, but the IFQ system is a shining star.

It works great, and it leaves fish in the water, and it's accountable. The consumers are benefitting from this. I sit on the IFQ Red Snapper Advisory Panel, and we've discussed changes and ways to make it better, on and on and on, and I have flown all over the Gulf doing these meetings, and, if we're going to throw more government money at a panel, to try to skim the IFQ system a little bit more, why don't we save that money and send folks to go try to learn how to recalibrate their fish and do a better job of managing some of these recreational fisheries?

We've got big problems with the recreational red snapper fishery, and they continue. I would have thought that, by now, that the state management system would have started coming along a little bit better. Rome wasn't built in a day, and I get that, but we're kicking that can down the road, and we're trying to tear apart and mess with a program that is working exceptionally well, exceptionally well.

I have come in here for five or six years and talked about cobia. I used to catch 200-plus fish a year, and I tagged fish for Dr. Franks for years and years and years, and it's my favorite fish to target and look for, and I catch about a dozen a year now, and I fish a lot. The cobia fishery has crashed. Whether it's somewhat overharvest, and it's a pretty fast-growing fish, and I do believe there are some environmental things going on with cobia. There are water quality events all over the Gulf, and the red tides are affecting things, and there are huge hypoxia events in the western Gulf and runoff.

We should look at some ecosystem-based management ideas for cobia. There are climate issues that are changing and affecting cobia, and it's not just a simple answer.

The VMS stuff, I've got one boat with a regular old-style VMS, and it works great, and it's a triple-engine go-fast boat, and it doesn't break. I don't think that I have lost a day of fishing in five or six years.

My other boat, we type tested and approved the new NEMO system for Woods Hole, and it's a GPS archival unit, and there were zero problems. I spoke yesterday at the SEFHIER deal, and the two captains that run my federally-permitted charter/for-hire boat aren't the brightest two guys, but they're good guys, and they figured it out, and they had no problems with the app. It works well, and we're happy, and the agency has done a great job on this whole thing. We know that Rome wasn't built in a day, and there's going to have to be changes as we move through the program, and we appreciate that, and so I appreciate everybody, and thank you.

CHAIRMAN DIAZ: Thank you. Next up is Mr. Richard Fischer.

MR. RICHARD FISCHER: Good afternoon. It's great to see you all again. It's been far too long. Richard Fischer, representing the Louisiana federally-permitted charter/for-hire fleet. I will start out talking about cobia. Our fleet would accept a one per person limit, but we just believe that two in a whole trip would just be going too far, and that's for us in Louisiana.

As you recall, there was a very narrow vote by the AP to suggest this two-trip limit, but remember that it was a very close vote and that the AP represents a very small subset of captains across the Gulf.

The Louisiana captains that I have spoken with, they say that they are catching cobia and seeing cobia as prevalently as they did five or ten or twenty years ago, and, again, to be clear, this is not discounting the experiences and what other captains from other part of the Gulf are seeing in those places, but words like "catastrophic" and "depleted" are being thrown around, and that's just not what we're seeing in Louisiana, from the conversations that I have been having.

This begs, again, for the regional management and state management conversation, because we in Louisiana have LA Creel, and we believe in LA Creel, and we believe that LA Creel is one of, if not the, best fishing counting systems there is, and so, by going to some regional or state management approach, maybe in Louisiana, where you're seeing that it's not quite as depleted in other areas, we don't have to, once again, feel the pain of

the one-size-fits-all federal system, and I would be remiss if I didn't mention that it is kind of a tough pill for us to swallow when other parts of the Gulf that haven't changed their state regulations to reflect a thirty-three to thirty-six-inch change are some of the parts of the Gulf that are pushing for this.

I will move on to the logbook equipment failure conversation that we had earlier today. We would support the longest time series there and the most times per year for you to be able to have your equipment fail, and I heard this morning that it could be broken for weeks at a time before it gets repaired, and so ten to fourteen days is not enough.

Three times per year, that's not enough, and we're hearing that it doesn't happen that often, but, you know, just one, two, three, four times, that's too many. Like let's say the failure rate is 1 percent Gulf-wide. Well, that's thirteen captains. That's thirteen individuals that you're saying you can't feed your family, because of something that it out of your control.

We would really like for there to be the longest time series there, and we would also support backing up the Phase 2 dates, due to the lawsuit and the hurricane and supply chain issues and everything else that was discussed. Andy, I appreciate the declaration from earlier for our Jefferson Parish captains, but we do have Cocodrie and Fourchon captains that that would not adhere to, and so we're going to keep fighting for that, and we appreciate that, and we're going to keep things going.

On the fall red snapper issue, I would like to say that I agree with Alicia from earlier, and those were great comments. In the future, I think we would like to see tacking it onto future years, as opposed to a short-notice season, because we're a customer-driven industry, and so it's just real tough, with short notice, to get customers to come on, and that's especially true for Louisiana after the hurricane that we just experienced.

The last, last thing that I will mention, and I know that I am out of time, but I think the remote comments are great. I would like if you all could continue doing the remote comments into the future, even once we go to full in-person meetings, because you know it's really not realistic for a captain, who is working seven days a week during red snapper season, to be in Key West or to be in San Antonio, and so it's a really good addition, and I appreciate you all doing it, and I am happy to take any questions, if you all have any.

CHAIRMAN DIAZ: Mr. Schieble.

MR. SCHIEBLE: Thank you, Richard. Real quick, could you maybe speculate, or hypothesize, what percent of your charter fleet does multiple trips when it comes to cobia fishing? In other words, how many would have a multi-trip bag limit for cobia, what percent, maybe throughout the year?

MR. FISCHER: I think, and you can tell me if this doesn't answer your question, Chris, and I could go a different direction with it, but I think what we're seeing with cobia is that, yes, you're seeing them less than you see other species. From the conversations that I have had, it's about the same amount that you would see them five years ago, ten years ago, twenty years ago, but you're not seeing them every day, but, when you see them, you can catch quite a few, and so, on those days, where you've got to make your customers happy and fill up the box with fish, it's very important to be able to tell all six of your paying customers that all six of you all can take at least one home and not you guys play rock, paper, scissors, and two of you all get lucky.

CHAIRMAN DIAZ: Thank you. Mention to your dad that Dale said hello.

MR. FISCHER: I certainly will. Thank you so much. You all have a great evening.

CHAIRMAN DIAZ: Thank you. Next up is Philip Early.

MR. PHILIP EARLY: Thank you for taking the time to listen to me. The problem I am having is with the wenchman. I'm the guy that caught all the wenchman, but they are everywhere on the grounds. I started fishing at fifty fathoms, and I started getting a trace of them, and then I went out to sixty fathoms, and I went to 120, and I'm not targeting wenchman. I am targeting butterfish and google-eye scad. That's all I'm after, but I just cannot get away from them.

About a month ago, I was heading out on a trip, and somebody called me up by the name of Ricky Brown, and he told me -- He says, you cannot fish wenchman, and I said, I can't stay away from them. They are everywhere.

My gear is eighteen inches from the bottom, and I'm not even on the bottom. If I put my gear on the bottom, I'm going to load up with shark, and I hear people talking about sharks here all day. If you go out to 120 fathoms, and you will see an abundance. I just want to make a living, and I stopped from

fishing for butterfish and google-eyes, because sharks are everywhere, and I don't target sharks, and I can see them in the finder, and there is an abundance. There is so much shark out here.

Like I fished for fifteen years up in the Bering Sea, and I have seen more fish out in this Gulf of Mexico than I have ever seen in the Bering Sea. In the North Atlantic, and I've been all over, and it's a very, very healthy stock, and the reason I'm here is butterfish is my bread and butter, and google-eyes is a small fish in abundance.

There was one time that I went twenty miles, and every time I go for butterfish I get wenchman snapper, and that's during the day, daylight, and I work a lot by the moon, and that's where I think I get a lot of fish, but I just can't stay away from the wenchman, and it's a big problem.

I own my own boat, the Captain Salty, and it's an eighty-foot boat. I invested all my money in it to go fishing for butterfish and fish for google-eyed scad, and I didn't know what a wenchman was until I came to the Gulf, and then I did more research, and I am getting -- I fish different depths, and I don't target anything but butterfish and google-eyes, but sharks is a big problem too, you know, and it's everywhere.

I don't really know what to say, but I have a problem, and I hope you can address it and help me out with it, and I am really out of my comfort zone here, and I just hope that we can work together on this and see where we can go. That's all I can say.

CHAIRMAN DIAZ: We've got a couple of questions for you. Ms. Bosarge.

MS. BOSARGE: I just wanted to say thank you for coming, because we were all kind of scratching our heads about the wenchman, when that topic came up, but I did want to let you know that we have talked about it a little bit, and we're actually going to try and talk about it again hopefully at our next meeting, and it depends on when Andy down there can pull us some information, but he's going to bring us some information back.

We're pretty sure that that quota on some of those snappers is probably just a ten-year average of some ten years, and we don't know what ten years, of landings, right, and so maybe we can look at that and see what it takes to update that average and adjust that quota for today's conditions, and so we are looking into it, and I bet we'll be calling you at some point, to get

some more info from you.

MR. EARLY: I am willing to share all my information, and just to let you know that there is so much butterfish out here and so much google-eyes, and it's an untouched fishery, and I think a lot of boats could get involved, and it would take the pressure off, and I am willing to share any data with anybody, because I can mid-water them, and I can go on the bottom, and it all depends what I am looking at.

I watch my finder, and I kind of go into fifty fathoms because of the red snapper. I can see the sounder, and I won't touch it, and so this is where I am, and I can't even go fishing this week, because the wenchman are so dispersed all over the grounds, and they're from fifty down to 120 fathoms. I even went to 140 fathoms, and that's as deep as I could go, and I caught them, and I didn't even know that there was a quota on them.

There's ten different fish in that bag limit, and I have never seen one of them. All I've seen is the wenchman snapper, and there are tons of them out there, and I can't take my boat fishing right now, and so what do I do?

CHAIRMAN DIAZ: Dr. Simmons.

EXECUTIVE DIRECTOR SIMMONS: Thank you, Mr. Chair. Thank you again for coming and telling us about your, I guess, interactions with wenchman. We know very little about wenchman, and so, if you would be so kind, if you haven't already given us your contact information, our staff will be reaching out to you.

We would like to learn a lot more about it, and perhaps maybe in the area, what area you're fishing in, and if that has changed, and I think maybe there's a cool-water upwelling or a hypoxia event or something, but most of the time what we understand where the wenchman are is right on the structure, and so we are very much interested in speaking with you some more about this, and so if you could please make sure we get your contact information, that would be greatly appreciated. Thank you.

MR. EARLY: Not a problem. Thank you for listening to me.

CHAIRMAN DIAZ: Thank you. Next up is Mr. Eric Brazer.

MR. ERIC BRAZER: Thank you very much, Mr. Chair. Eric Brazer, Deputy Director of the Gulf of Mexico Reef Fish Shareholders Alliance. Thank you for the opportunity to speak. It's good to

see you guys. Let's start with the IFQ focus group.

I do want to start out by giving credit where credit is due. This is a creative, out-of-the-box kind of idea, and we should be supporting ideas like that, but I would be remiss if I didn't say that you have nineteen people with diverse roles in this fishery already teed-up to do this.

The Ad Hoc IFQ Advisory Panel has met three times in the last few years, and it has provided recommendations that the council has declined to take up, and so it's kind of unclear to us how this new focus group will deliver results that are different than what you may have or what you have seen before.

Number two, we do support the red grouper increase, but the council needs to understand that, if the commercial sector was getting its fair 76 percent of that increase, that would equal 532,000 pounds, but, because you chose to reallocate, the commercial sector will only get 59.3 percent of that increase. That means that the commercial sector is losing an additional 116,900 pounds of red grouper, and Amendment 53 hasn't even been signed yet.

On to calibration, and we have come here for years raising concerns about these estimates and methodology and the very real impacts of the reallocation decisions that you're making using these FES estimates, and the council needs to take a holistic look at calibrations and look at the impact on commercial fishermen throughout the entire supply chain, all the way to the consumers themselves, rather than a piecemeal, siloed approach.

Separately, these actions are drastic, a 1 percent cut in red grouper, a doubling of the beeliners, and, cumulatively, they are changing the landscape of the fishery in the Gulf of Mexico, and there appears to be no truly cumulative analysis of these impacts Gulf-wide, and that needs to happen.

We do support the gag motion that closures are a last resort. You've got the opportunity now to hone-in on and rein-in the true drivers of the stock decline, and the list of recreational options from today's National Academy report is a good place to start, and so we ask you to start action now, and do not delay, before you potentially have no other choice but to face a closure.

Speaking of that report, briefly, we appreciate the conclusion on engaging recreational stakeholders on optimum yield, and this highlights the general difficulty in determining OY, and it's a

discussion that we recommend ultimately having with all sectors and not just the reef fish sector.

Real quick, we hope to finally see a final report of the commercial electronic logbook pilot program, when the council takes up this issue in January, and it's been half a decade, and then, finally, we support taking action now to increase the commercial triggerfish limit. Thank you.

CHAIRMAN DIAZ: Thank you. Next up is Jim Green.

MR. JIM GREEN: Hello. I'm Captain Jim Green from Destin, Florida, President of the Destin Charter Boat Association and President of the Charter Fishermen's Association. I am here on behalf of both today.

Cobia, the DCBA and the CFA would like to see final action taken. The preferred alternatives that are selected in the document offer the strongest, the largest, and hopefully the quickest path to rebuilding this fishery. I am one of four directors of the weekend tournaments in Destin, and we all agree and support these major steps forward to bring this fishery back, and so please take final action on that.

Gag grouper, just a little note that it's probably been one of our better years this year, in the last decade, and they are by no account rebuilt, but they are definitely -- In our area, we're seeing a comeback, and we support, on the red grouper document, Alternative 2. It gives us the longest opportunity for a season, and our industry relies on opportunity to harvest, and so this gives us our best shot.

Vermilion snapper, the stock in our area is in decent to good shape, and we are seeing a large span of age classes of fish. I share some of the concerns that Captain Zales had on the FES data and how much of an increase the OFL and the ACT and the ACL are looking at, and we're looking at over 200 percent, and we don't quite catch that quota anyway, and I understand the abundance, but my concern would be in future management decisions and hurting this fishery with increases in bag limits and such like that. I think a blend of the MRIP standard and the FES would be a closer shot at reality, especially looking at how it affects this fishery.

When it comes to the modifications to the location requirements under the SEFHIER, first, I want to thank you for taking steps to address this major concern for our industry. I know that it is not some overwhelming issue in the commercial industry, but

it's really clear that we have a different level of timeliness in our sector, and, as we roll out SEFHIER, we would like to see, in this document, Action 1, Alternative 2 and Option 2c, or the longest timeframe available, and Alternative 3, Option 3c, be selected as preferred alternatives.

In Action 2, if they want to stay in, I would say it would be a corresponding thing, to keep it simple, but, if the commercial fishermen do not feel they need to be in it, then that's fine.

We spoke some about the value -- In the Q&A about the value of a fishing trip compared to the cost, and we would really like to see that line item changed, and there is concerns, multiple types of concerns, that people have with putting the trip cost, and the point of the economics of that report is to find the value of that fishery, and the value does not change, but sometimes trip costs do.

We support the AP motions, especially with inside the co-regs and not having to have multiple hail-outs when you're not even going to exert any fishing effort. Having to hail-out to get fuel or ice is kind of a -- It's kind of repetitive and a burden on the system and on the operators.

On the SEFHIER, one last thing about it is we urge the agency and the SEFHIER program to figure out -- To have some kind of outreach to find out the latency of the industry. We're seeing the 500 permits that have not signed up, and let's provide them a way of declaring that they're not going to be active in the fishery, and let's find a way for them, whether they've got to just fill out the form and not buy the equipment, and that will help with the supply chain issues, but let's try and, instead of waiting to see, and wasting law enforcement time on trying to go in and figure out if these people are violating, let's give them a path forward to tell us they're not going to be.

Sharks and dolphins, I mean, you all have heard it and heard it and heard it. It's getting worse, and there is more frequency in it. DCBA set up a petition for our anglers to start signing a petition. It's a pretty vague petition, but it speaks to the overpopulation and the depredation that they are witnessing while they're using charter and headboats in the Destin area, and we are going to distribute that, to try and build a list, but --

CHAIRMAN DIAZ: Captain Green, can you start wrapping your comments up?

MR. GREEN: I am. I saw it flashing, but, you know, I am always so good about it, and I just like being a little rebellious today, Dale. It's your first time that you've gotten to call me out on something, but I am wrapping it up though. Thank you for the opportunity, but, really and truly, the shark and the depredation problem is really creating an imbalance in the sustainability of stocks of fish in the pelagic and the reef fish complex, and so please let's move forward with non-lethal deterrents. Thank you.

CHAIRMAN DIAZ: Thank you, Captain Green. Next up is Blakeley Ellis.

MR. BLAKELEY ELLIS: Good afternoon. My name is Blakeley Ellis, and I'm the Executive Director CCA Alabama. Like the other commenters, it's nice to see everybody in person again and get away from the computer screens.

I wanted to talk about cobia for a minute. Just to give you an idea, and I know at least my organization, and our state organization, we felt that cobia was something that we needed to look at and we were concerned with, and we actually invested right at $40,000 with the University of South Alabama to deploy satellite tags over the last couple of years.

It's something that we're not just talking about, and we took action with it. I wish I could say that I had data to provide to you all, but it was a little bit of a struggle to get all the tags deployed, both with having luck finding the fish when we needed to, and, also, we ran into the fish being recaptured sometimes very quickly after we deployed the tags, and so those are scheduled to start popping off in 2022, and so, obviously, it will be nice to see some of the results of that, to help give us more information about how these fish move and what that looks like.

Then that kind of plays into the management side of things. You know, it's a shame that it's going to likely come down to a fisheries management broad brush for the whole Gulf decision, and I understand there's not any other way around that, but it sure would be nice if this ended up being a good place that having more of a regional -- More of a focused-area management might make sense.

We definitely are going to support however our state partner feels about the changes to the management, and so Scott and Kevin, however they end up deciding what's best for us, we're going to generally agree with that, and so that's about all I

had for today, and so thank you for your time.

CHAIRMAN DIAZ: Thank you, Mr. Ellis. Next up is Randy Boggs.

MR. RANDY BOGGS: Good afternoon, guys. Most of you know me, and my name is Randy Boggs. I have been at the council process since 1997, and I've heard a lot of the fishermen stand up here and speak today on the vermilion snapper. Guys, in the mid-1980s, we took those fish away from the charter/for-hire fishermen, and we left the commercial fishermen with no bag limit and no season limit and no trip limit, no anything. Those fish were taken directly out of my fish box, and I was impacted, years ago. We gave up 50 percent of our bag limit.

If we continue not to put those fish back on the charter/for-hire boats, you've given the commercial fishermen an unlimited fishery. They have trip tickets, and, when this fishery gets in trouble again, they're going to come to you and ask for an IFQ on the vermilion snapper, and we're stepping right in there and giving them the ability, with an unlimited bag limit and an unlimited harvest, to build their catch history, while the charter fishermen, who weren't in this fishery years ago, are not realizing what they're doing. They are giving away what we could be harvesting.

We sit at the controls of those boats. If you don't want to catch twenty fish per day, then catch ten per day. You control what happens on your boat, and so they're asking to be conservative with this, but we're giving the fish to a whole other sector, and that's not right. We gave those fish up years ago, and that's not what I came to speak on, and I sat and I listened to you guys talk about new entrants into the fishery.

If you go back and look at why the moratorium was put in place on the charter/for-hire license, it was to weed the boats out through attrition and to do away with a number of charter boats, and the reason that that was done was because it showed a huge increase and influx when they started checking for permits.

When all this took place, it was to reward those of us who stayed in the fishery and these other boats dropped out. Even with the commercial fishery, it was to reward the people who went through the hard times, and when the commercial fishermen had a very low -- When we were dealing with a three or four-million-pound TAC, and the commercial fishermen were fishing ten or fifteen days out of every ninety days, they suffered through a lot of time and hardship to do that, and the charter fleet has dwindled down, through attrition, and we're losing the charter

boats out of here.

To take the fish away and to start talking about bringing new entrants into the fishery, that's absolutely spitting in the face of those us who suffered through the tough times, like when we had a three-day season or a nine-day season, and that's ridiculous.

Guys, I was going to bring the brochure up here on the cobia, and you ask what to do about the cobia, and all you need to do is look at the brochure that you've got out here about the cobia. There is not an adult fish in any picture that you have on that brochure.

I understand the guys in Louisiana, and they have a spawning aggregation of fish that gather off those rigs up there, and that's the last of the stock. What you're not asking is the question of how big are those fish you're harvesting, and those fish are barely over the legal size limit. Every once in a while, they're catching a bigger fish, but that's the very fish that we need to protect to spawn.

The cobia fishery has gotten so bad that the cobia tournaments have been cancelled up and down the Gulf coast, and a month-long tournament, with some of the best fishermen in the world, when you have three fish come to the dock -- The king mackerel fishery is not what it is, and the bigger fish are not here anymore.

We have lost a big bunch of spawn on that, and the gags have been in trouble for years, and you guys keep asking questions about the VMS and dependability, and you can't answer that question. There is nobody at this podium that can stand and tell you the dependability of a piece of electronics that is not installed on their boat. Each unit is as individual as each person that sits at this table. If you get a bad unit, it's not going to function, and you're going to have problems.

When we did the headboat thing, the Headboat Collaborative, we had it where you could call in, or email in. If you had a failure of your unit, and it's generally because your battery goes dead, when your battery goes dead on the boat. These things sit at the dock and they ping, and they pull your battery down.

When your battery goes dead, the unit shuts off, and then you have got to reboot everything, and you've got to hope that the Bluetooth comes back up, and it's not that the units are not

dependable, but it's that the battery --

CHAIRMAN DIAZ: Mr. Boggs, can I get you to start wrapping up, please?

MR. BOGGS: It's the battery drain on the boats that makes the units undependable. Guys, thank you very much.

CHAIRMAN DIAZ: Thank you, Mr. Boggs. Next up is Chris Horton.

MR. CHRIS HORTON: Thank you, Mr. Chairman and members of the council. I promise that I will be pretty brief. I'm Chris Horton with the Congressional Sportsmen's Foundation, and I really just want to comment on Amendment 33 to the Coastal Migratory Pelagics and the modifications to the Gulf of Mexico migratory group king mackerel catch limits and allocations.

I certainly support Alternative 2 in Action 1 to revise the OFL and ABC, as recommended by the SSC, based on the new FES landings, and to accept the ACL and the ABC. However, in Action 2, I don't believe that -- I don't support it even being in the document, to be honest with you, and it's significantly lacking the information needed to make an informed decision on allocations.

I mean, it completely ignores a lot of the guidance that NMFS offers in the fishery allocation review policy, and it doesn't include any social or economic information, and, obviously, from the recreational fishery, and you've heard it in the past, on looking at shifting allocations in the king mackerel fishery, that, from a recreational perspective, our optimal yield doesn't mean the maximum amount of fish that we can harvest. Our optimal yield is leaving fish in the water.

How many fish to leave in the water? That's the question that we need to debate in a different document, and so I would encourage you to pull that out and start a different amendment. Thank you for your time.

CHAIRMAN DIAZ: Thank you, Mr. Horton. Troy Frady.

MR. TROY FRADY: Good afternoon. I'm Troy Frady, a charter boat captain here in Orange Beach, Alabama. I can't thank you enough for the electronic logbook program that you all put in place for us, and I do hope that we keep moving forward and not delay the implementation of this process.

I have been using the NEMO unit for about five months now, and

I've had no incidents or failures with this unit. The only incident that I've had has been with the VESL app being slow to load, but that's really not a problem. I would like to see some redundancies put in place on the VESL app, where you don't have to enter the name of your boat if you're in there all the time or operating the same vessel.

I would like to ensure that, if we do have an equipment failure, that we have a backup way to hail-out and to report bycatch and effort. It's very important that, if I drop my phone in the water or something like that, that I have a backup way to not penalize me because my phone falls out or is damaged or gets lost or for whatever reason. I just don't want to be penalized, and I still want to be able to generate revenue and operate in commerce.

Please set an area, or a boundary, where we can operate without having a hail-out with our VESL app or anything. It doesn't make sense to have -- When you move your boat to the fuel dock or the dry dock or have to evacuate for a hurricane, that you have to hail-out, especially if you're staying inland and not participating in the fishery.

We have heard some talk about sharks, and I want to validate that. Sharks are very abundant off of Alabama. They are scavenging, and they are depredating. I can only imagine what the shrimpers must face when they're out there dragging and the sharks just follow you. I have three bull sharks recently follow me for a mile-and-a-half from one spot to another, and I'm like, wow, this is crazy, and I didn't know they were that smart, but they really are.

For cobia, for now, I would say raise the bag limit and the size limit to thirty-nine inches fork length. Set a two-fish trip limit for at least three years. If you must close the season, do so, but have a set date to reopen it, so that we don't have to jump through hurdles to beg for a reopening.

Hurricanes, I have mentioned this before, when I was in San Antonio, but they do move a lot of fish, and I am mentioning it again because we had another hurricane, Ida, that just hit Louisiana. After Hurricane Sally in 2020, most of the snapper in our waters less than ninety feet, especially down in the south southwest, were blown off the area. They were blown out of here, and we don't know where they went.

However, we do see scamp blown into the same area, and Ida, two months ago, pushed a lot of small amberjack in, and some of our

long-range boats are now catching red grouper out here. Where did these fish come from?

This is something that I haven't heard anybody really say, but we've been coming in at about seventy-something percent of our quota on the charter/for-hire for red snapper, and we got a fall season, and we do appreciate that, but the fall season came a little too late for me, because we were busy from October 1, and I would like either better notice, shorter-time notice, so we could plan, but let's go one step farther.

If we're only coming in at 70 or 75 or 80 percent of our quota during the summer, why don't we set red snapper season for the federal charter boats back to early May, the first part of May, and then let us run through whatever time need? We need those fish when people are here, which is usually about mid-May, when the kids get out of school, and when the kids go back to school. That's pretty much all I've got to say. Thank you so much.

CHAIRMAN DIAZ: Thank you, Mr. Frady. Next up is Sean Heverin.

MR. SEAN HEVERIN: Hi. How are you doing today. My name is Sean Heverin, and I'm a fisherman from Madeira Beach, and I have fished in Louisiana, and I have fished in Louisiana, and I moved over here about five years ago. I'm a bandit fisherman and a longline fish dealer.

I have a couple of things that I wanted to talk about. I support more accountability for the recreational sector, and I think that the growing population, especially exploding in Florida, if we don't cap some kind of either tagging program or a boat limit for recreational, I feel like that they're going to continue overfishing their sector, and it's going to take away from the small number of commercial fishermen that are fishing for red grouper and red snapper in Florida especially, and there's got to be something done, because we can't keep on giving up our fish to the recreational, and it's going to just further end our businesses more than we already need.

The bycatch discards on the recreational is unchecked, and, I mean, I have no idea how much they actually discard, but I think that takes away, especially when you're talking about gags, and I just think that some type of boat limit or tagging program or some kind of idea that you guys come up with needs to be put into effect soon, before you all have a real severe crisis, with a lack of fish out there to catch for both recreational and commercial and also the charter industry.

The other topic that I wanted to discuss was the gag grouper, and I am totally against the 100 percent closure on gag grouper. I think a couple of points have been made. There is a lack of skilled fishermen on the commercial side, because of people retiring and people passing away and a lack of new guys getting in to take their places, because of maybe hurdles they have to overcome to get into the fishing industry, whether it's permits or access to quota.

I have recently applied for the Fishery Finance Program in January, and what a train wreck that's been. It's October, and I used to be a loan officer before I got into fishing, and that's how I saved up the money to get my first boat and permit, and this loan process is ridiculous. I don't know how a new entrant can get through this process without spending more manpower than they can give up for this, but I don't know, and it's just kind of ridiculous, but it's just one of the problems of why we don't have a lot of skilled fishermen replenishing the fishermen that are either retiring or passing away or moving on to catch grouper, which are a pretty skilled fish to catch.

Not everybody can go out there and just catch gag grouper and become a successful gag grouper fisherman. A couple of things about gag grouper fishing, and they're a very spooky fish. I have noticed that, in some of the data, there was a lack of males that were reported in the Gulf.

Typically, when you're gag grouper fishing, the males don't bite right away, and they kind of hang back and let the females eat. The female fish will eat first, and, if there are sharks around, they will be even more spooky, and so you won't see many male gag grouper come off the spot right away. You kind of have to wait them out before you start getting the black bellies and the rusty bellies off the spot.

I was talking to a couple of fishermen in Madeira Beach that recently did some of the data collection for I think it was FWC, and, on their data collection efforts, they would fish a spot and catch a few fish and move on, and they wouldn't sit there on the spot for the time needed to collect the -- To get the male fish to bite on a spot, and they would leave before the male gag grouper would bite. They would catch a few females and tag them and record the data and move on, and so I think that -- I don't know if that data should be used, and I don't have much weight to put in that data if they're not recording the data correctly or doing the surveys and fishing with how the gag grouper typically bite. That's all I have to talk about today.

CHAIRMAN DIAZ: Thank you very much. One question from Ms. Bosarge.

MS. BOSARGE: Not a question, but I just wanted to thank you for coming. Sometimes I think the secrets of better and better science is just having the right two people in the room talking to each other, one listening and one talking, and so I found what you said to be very informative, and, I mean, I haven't seen the science, but it could very well affect how it's interpreted, and so thanks. I appreciate it.

MR. HEVERIN: Sure.

CHAIRMAN DIAZ: Next up is Mr. Wayne Werner.

MR. WAYNE WERNER: Good afternoon. Thank you for the ability to speak. I am Wayne Werner, Fishing Vessel Sea Quest. I am the unlucky guy. I went through five VMS, not counting the one that didn't work for only two weeks, and so I am actually on my sixth one, and I will tell you what the program was. You don't get to go fishing. If the VMS don't work, you don't go. Like I said, I am on my fifth one, and I'm counting. I am not counting the one I had to send back in two weeks, and so I'm just letting you know.

There's a big problem with the call-in, and my boat unloaded yesterday, and I was at this meeting, and he called me and told me he was calling in. Thirty minutes later, he said that he stayed on the line for thirty minutes, and he didn't get anybody, and I said to try again. He tried one more time, and thirty minutes later he calls me again, and they won't answer the phone. Big problem. I just wanted to bring that you guys' attention, and maybe you can do something about it to help us out.

We tried the iPad, and, every time we use the iPad, enforcement says that, oh, we didn't get it. Every time we used it, and we tried -- We stopped using it and tried again, and we had the same problem.

All right. Enough about that. You're going to see a large reduction in the harvest of beeliners in the western Gulf of Mexico, and you're probably already seeing it, and it's pretty easy. All our captains are dying off, and they're going away. We don't have anybody fishing them anymore. There are damn few boats fishing beeliners. There are plenty of beeliners over there, but we just can't get the boats over there. I just wanted to bring that up.

As far as king mackerel and cobia and stuff, you know, we've had the same problem in the last six or seven years, and we also haven't seen any sargassum weed coming into the Gulf of Mexico for six or seven years, in the western Gulf, none. I think someone said they saw some for the first time this week, and, you know, food sources are important for fish.

I will tell you this. As far as the king mackerel go, last February and March, I caught 40,000 pounds of kings, and I was the only one to catch them. I probably won't be alone this year, and too many people know about it, and so I will have some company, but the cobia, and I think it's the same thing. You've got to look at environmental problems. They're pretty serious these days, especially whenever the catch on the east coast is going up and the Gulf is going down, and that tells you something.

I've got to say one thing about the grouper fishery, and it's been shot for twenty years, or maybe longer, and, I mean, I caught 25,000 pounds a year on my time off when I came back from Louisiana, just playing with my friends, and I caught 25,000 pounds of gags every year, I guarantee you, and let's see you do that today with skiffs and little boats. That's all I have to say. Thank you.

CHAIRMAN DIAZ: Thank you, Mr. Werner. We had one person online earlier that we were never able to connect with, Jamee Lowry, and so let's try this one more time and see if we can get you on, and I think our system is showing that you were self-muted earlier, and so are you out there? Okay. Well, that is going to end public testimony for today, and we had a lot of people testify, and so I'm glad to see that.

We're kind of at an awkward time. It's 5:20. I hate to really get us to do too much more today, and I think we're probably all burnt, but I don't want us to get behind tomorrow, and we've been running a little behind all week, and is there any opposition to starting at 8:00 in the morning? No opposition, and we're going to start at 8:00 in the morning. Thank you, all. Meeting adjourned.

(Whereupon, the meeting recessed on October 27, 2021.)

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October 28, 2021

THURSDAY MORNING SESSION

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The Full Council of the Gulf of Mexico Fishery Management Council reconvened on Thursday morning, October 28, 2021, and was called to order by Vice Chairman Martha Guyas.

VICE CHAIRMAN GUYAS: I will do my best to try to get us through our last day here. I think our first committee report on our list is Shrimp. We'll try to go in order, and, if things aren't ready, we'll just have to take it from there.

COMMITTEE REPORTS
SHRIMP COMMITTEE REPORT

MS. BOSARGE: Good morning. The Shrimp Committee Report, the committee adopted the agenda, Tab D, Number 1, and the committee approved the minutes, Tab D, Number 2, of the August 2021 meeting as written.

Shrimp Focus Group Summary, Tab D, Number 4, Dr. Freeman reviewed a draft summary of the Shrimp Focus Group meeting held on October 21, 2021, and explained the process for selection to serve on the Shrimp Focus Group and what their corresponding expertise was for the Group. Dr. Freeman also reviewed the Shrimp Focus Group's charge and objectives drafted in the agenda. Then he reviewed the Shrimp Focus Group's two recommendations.

The first Shrimp Focus Group recommendation centered around NMFS carrying out an evaluation of the potential implementation of draft approval specifications, which is Appendix D in the draft framework action, in order to continue the historical cELB program with a device similar to that currently used in the industry.

The second Shrimp Focus Group recommendation concentrated on ensuring the scientific validity, accuracy, and functionality of data generated by the current NOAA OLE type-approved cellular VMS devices as it relates to data use in shrimp effort calculations.

Mr. Anson inquired what prompted the second recommendation for cellular VMS testing in the Gulf shrimp industry, if the industry did not seem interested in VMS units. It was explained that testing of cellular VMS units in the Gulf shrimp industry would demonstrate the ability of location data produced by these

devices to be accepted by the current Gulf shrimp effort algorithm and generate representative effort outputs.

This testing will also help to understand if subsequent actions will be needed, such as modifications to the shrimp effort algorithm, in order to utilize the data from currently type-approved cellular VMS devices as a replacement for 3G cELBs.

Mr. Strelcheck noted that the agency has some hesitancy concerning testing VMS units in the Gulf shrimp industry, given industry opposition to VMS, but agreed that proof of concept is needed. He commented that the first recommendation seems to be at a crossroads with the second recommendation. He inquired, once testing from the second recommendation occurs, what the path forward would be for the council.

Mr. Anson asked how quickly the results from a pilot test from the second recommendation might be obtained. Mr. Strelcheck responded that it was uncertain how quickly that would happen. Ms. Bosarge noted that cellular VMS units should be tested with shrimp vessels targeting white, brown, and pink shrimp, as there may be differences in the number of location fix pings occurring, due to boundary issues, given where those three different species are harvested.

The committee recommends, and I so move, to recommend that the council request that NMFS fully evaluate and consider, to the maximum extent possible, the draft approval specifications for reinstituting the historical cELB program for the Gulf shrimp fishery in recognition of the legitimate distinctions between a scientific-data-collection-oriented program and an enforcement-oriented program (see Appendices D and E in the draft framework action). NMFS shall provide their evaluation at a future council meeting. The motion carried without opposition.

VICE CHAIRMAN GUYAS: Okay. We have a committee motion on the board. Is there any discussion on this motion? **Is there any opposition to this motion? Seeing none, the motion carries.**

MS. BOSARGE: We'll jump right into another motion. **The committee recommends, and I so move, to recommend that the council request that NMFS arrange for the testing, as soon as possible, of a small sample of approved cellular VMS units programmed to ping every ten minutes, on federally permitted commercial shrimp vessels operating in different regions of the Gulf of Mexico, to determine if the data generated is compatible with the current cELB algorithm. The testing protocol should be designed by NMFS, in consultation and cooperation with the**

Shrimp Data Collection Focus Group, VMS vendors, and the shrimp industry, to build industry support and buy-in. The motion carried without opposition.

VICE CHAIRMAN GUYAS: Is there any discussion on this motion? **Is there any opposition to this motion? Seeing none, the motion carries.**

MS. BOSARGE: Dr. Freeman asked the committee to provide direction to staff if the Shrimp Focus Group should be reconvened. Ms. Bosarge indicated that it could be discussed during Full Council. I will just pause there, and I was going to say, Madam Chair, if I may --

VICE CHAIRMAN GUYAS: Go ahead.

MS. BOSARGE: Obviously, the motion right above that will actually reconvene that Shrimp Data Collection Focus Group, in consultation with those other people, as it is stated, to work on those testing protocols, and, I mean, if staff -- You know, we have an upcoming AP meeting. Depending on what comes out of that meeting, the AP meeting and the one that we just passed a motion for, I have no problem if staff wants to reconvene that focus group, if there's a need for it. Other than that one meeting right there, I don't see anything currently on the horizon, but that doesn't mean that something can't come up, but I have some no qualms either way, and I just thought that I would throw it out there for staff.

VICE CHAIRMAN GUYAS: All right. Thanks, Ms. Bosarge. Any other thoughts on that? Everybody is good with that direction? Okay. Thanks. Go ahead, Leann.

MS. BOSARGE: All right. Draft Framework Action: Modification of the Vessel Position Data Collection Program for the Gulf of Mexico Shrimp Fishery, Tab D, Number 5, Dr. Freeman addressed the updates to the draft framework action since the August 2021 council meeting.

The draft alternatives and the discussion of those alternatives have been updated to reflect the council's motions, and Appendices D, the Draft Technical Specifications for Historical cELB Program, and E, Comparison Table of cELB and OLE VMS Technical Specifications, have been added.

Ms. Bosarge commented that several issues for consideration remain, such as where the vessel position data will be transmitted; where the technical specifications will be posted;

scientific pilot testing under the current alternatives, testing on Gulf shrimp vessels; ensuring that transmission works; ensuring that the transmitted data can be used in the Gulf shrimp effort algorithm and will provide accurate information.

Ms. Bosarge also requested that the paragraph in the draft framework action on types of data be further considered by the IPT to more fully describe the additional data collected and transmitted, over and above the ten-minute location pings, under Alternative 2.

She noted that, in the discussion of the alternatives, there does not appear to be differences between Alternatives 2 and 3. However, under Alternative 3, data would go to an intermediate server and then to the Southeast Fisheries Science Center, and the intermediate server would not be associated with OLE. There are additional high-level differences between the two alternatives in the Appendix E Comparison Table, which could be addressed in the body of this section of the document to better illustrate the differences between Alternatives 2 and 3.

Mr. Gill asked if only units under Alternative 2 were reimbursable, but that units under Alternative 3 would not be reimbursable. Mr. Strelcheck confirmed that only VMS units are reimbursable. Mr. Gill asked if funding would still be available in the future. Mr. Strelcheck stated that, to his knowledge, he was not aware of any programs that had not been able to access those funds.

Mr. Gill stated, for the purposes of Appendix C, that another cellular unit had been approved and asked if that could be updated. Dr. Freeman stated that Appendix C could be updated to reflect approved units with a more recent date. Other Business, no other business was brought up by the committee. Madam Chair, this concludes my report.

VICE CHAIRMAN GUYAS: Thanks, Leann. Anything else on shrimp? Andy, please.

MR. STRELCHECK: I just wanted to follow-up with regard to the reimbursement program, and so I reach out to the Office of Law Enforcement, and they indicate that it's a grant that currently has $850,000 for reimbursement, and that grant can, obviously, be renewed and money added to it, and, when funds decline or decrease, because of other reimbursement programs, then they add money to it, and it's not necessarily on an annual basis, but we typically budget up to a million dollars for the reimbursement program, and so, currently, funds are available, and could be

available in the future, if that's the way we go. Thank you.

GULF SEDAR COMMITTEE REPORT

VICE CHAIRMAN GUYAS: All right. Thanks, Andy. Anything else for shrimp? All right. Let's go ahead and bump along then. Next on our schedule is the SEDAR Committee. I will go ahead and read that one, since Dale is not here.

This is Tab I. The committee adopted the agenda, with the addition of fisheries closures to Other Business. The committee approved the minutes of the October 2020 meeting as written. Mr. Ryan Rindone provided a short overview of the action guide and next steps.

Dr. Carrie Simmons reviewed the Gulf stock assessment issues brought before the SEDAR Steering Committee during its October 13, 2021, virtual meeting. She noted a letter sent to the Southeast Fisheries Science Center to conduct a data triage for the tilefish complex, which the Southeast Fisheries Science Center replied they could not conduct without the effort occupying a stock assessment slot and suggested that it might require a research track.

Given the need to complete this data triage prior to moving forward with a future tilefish assessment, the Gulf Council will request moving the assessment to 2025, in order to accommodate the timeliness of this request and benefit all parties involved. Gulf Council staff plan to work with Southeast Fisheries Science Center staff and the SSC to determine if a data-poor assessment can be conducted. Concurrently, an operational assessment of cobia has been moved up to 2024 in the slot vacated by the tilefish complex.

Dr. Simmons noted, based on the recent September 2021 SSC meeting when gag stock assessment results were discussed, it became apparent that the SEDAR Steering Committee members would benefit from understanding where in the process they were with regard to NOAA's recommended use of the current Gulf of Mexico Surveys of Marine Recreational Fishing in Stock Assessments, published July 2019 and presented to the SEDAR Steering Committee in August 2019.

The Southeast Regional Office stated that a meeting was being organized by the NOAA Office of Science and Technology to try and resolve data discrepancies for all state surveys and for all species for which those surveys cover.

A council member asked that a notice of the SEDAR 77 assessment for hammerhead sharks be sent to the permitted shark fishermen in the Gulf and that the council send out the Something's Fishy tool for that assessment to collect anecdotal data about the fishery ahead of that data workshop.

Dr. Simmons noted that sending a notice to those shark fishermen could be done pending receiving the requisite contact information for those permit holders. Council staff will continue to work with Atlantic HMS leadership to determine how they can best use the Something's Fishy tool for the SEDAR 77 Data Workshop.

A council member asked about the progress being made by the shrimp effort working groups and the type of assessment approach that is being expected from the Southeast Fisheries Science Center for assessing Gulf penaeid shrimp species.

Dr. John Walter provided an overview on the status of the working groups. He noted that the SEFSC was uncertain about the assessment approach that would be employed and how the input from the shrimp effort working group would be incorporated in such an assessment at this time until the council, in coordination with industry, decides on a new shrimp effort data collection method. The council member asked that the council work with the Southeast Fisheries Science Center to explore how best to finalize the working groups results for incorporation into the upcoming stock assessment process.

Mr. Ryan Rindone reviewed the Gulf SEDAR schedule. A council member asked that the committee wait until after the gag and greater amberjack discussions during the Reef Fish Committee before making a recommendation about when to conduct research track assessments for those species in 2025.

A committee member added that it was important to ensure that the greater amberjack absolute abundance study was completed prior to the research track for that assessment getting underway. A council member asked about the recent closures for some species in the Gulf. The SERO noted that these closures would be discussed during the Reef Fish Committee discussion of recent reef fish landings data.

Under Other Business, a council member noted that the SEDAR 72 stock assessment for gag shows that the stock is overfished and undergoing overfishing and that, depending on certain criteria used to define the stock, a fishery closure may be necessary to rebuild the stock. The council member added that closing a

fishery would result in extreme negative social and economic effects, but also would remove the ability to collect age and length composition data from the directed fleets.

A committee member echoed the sentiments of the council member, noting specific concurrent issues with a lack of available data for red snapper in the South Atlantic. The committee member echoed the desire to avoid closing a fishery as part of a rebuilding plan, if at all possible. A committee member asked, in the case of gag, whether the data collected by the State of Florida under its State Reef Fish Survey were being considered. A committee member replied that the discussion about the State Reef Fish Survey data on gag were being discussed as a separate issue. This concludes my report. Leann.

MS. BOSARGE: I know we have a few heavy things to get into there, and, before we do that, could I just suggest, Dr. Simmons, that maybe on that shrimp, on the couple of outstanding shrimp items that we have, that maybe staff could just have a little call with -- First, we've got to figure out who is the new person in the Galveston Lab that is going to be heading up some of those working groups, because I know that Dr. Masi -- I am pretty sure she has moved over to the SERO arm now, right, and she's not at the Science Center, and she was heading up a lot of those, and so we'll get whoever that new person is on the phone, and I think Dr. Zhang was the other head of that effort group, and Dr. Cass-Calay was in there too, and we can get some questions answered about, you know, what our future holds for the effort group and then also the question that we had about the models themselves and what we're looking at there for running that assessment and new models.

Then maybe you can bring an update to either the SSC or the council, whichever way, and I know they had a few questions too, and would that be okay?

EXECUTIVE DIRECTOR SIMMONS: I think we can do that, no problem, because I think we need to be ready, I think, for the assessment scheduled in 2023, and, if we're waiting on the council to decide the new platform, I think that could be an issue, and we may not be ready, and so I do think we need to work through that process and come up with a plan in the near-term, and perhaps long-term, and so we can start to do that.

VICE CHAIRMAN GUYAS: Go ahead.

EXECUTIVE DIRECTOR SIMMONS: Thank you, Madam Chair. One of the questions we had for the council was related to the gag research

track for the greater amberjack research track in 2025, and so I guess I feel like we still need more information from the SSC on those two species, and I guess, Ryan, if you think -- Maybe if Dr. John Walter is on the line, and we can wait until January to make that decision, and then have it finalized at the Steering Committee in May, and is that enough time for us?

MR. RYAN RINDONE: I am sorry, Dr. Simmons. I was editing a committee report, and I missed what you were wanting finalized.

EXECUTIVE DIRECTOR SIMMONS: Can we wait until January to make a decision on the gag and greater amberjack research track and have that ready for the May Steering Committee in 2022?

MR. RINDONE: Yes, and that decision isn't going to be finalized until that time anyway.

VICE CHAIRMAN GUYAS: Okay. Let's wait then. Anything else under the SEDAR Committee? Okay. Seeing none, Kevin, are you ready for Mackerel? Okay. Great.

MACKEREL COMMITTEE REPORT

MR. ANSON: The Mackerel Committee met on October 25, and the committee adopted the agenda and approved the minutes of the August 2021 meeting as written.

Review of Coastal Migratory Pelagics Landings Update, Ms. Kelli O'Donnell from NMFS Southeast Regional Office reviewed the recent landings for the Gulf migratory groups of cobia, king mackerel, and Spanish mackerel. All 2021 landings are preliminary.

Gulf Zone cobia commercial and recreational landings and FLEC Zone commercial landings remain below previous years and the 2018 to 2020 average. FLEC Zone recreational landings for 2021 are on par with the average landings from 2018 through 2020. Commercial and recreational landings of Gulf king mackerel are similar to observations for years 2018 through 2020. Spanish mackerel recreational and commercial landings have been lower than observed for fishing years 2018 through 2020.

Presentation on History of Coastal Migratory Pelagics Permits and Sale of Recreational Cobia, Mr. Hood from NMFS SERO presented a summary of previous council discussions that addressed the creation of CMP permits. King and Spanish mackerel are the only species under the CMP Fishery Management Plan with commercial permits. The council had previously

discussed creating a federal permit for cobia, but decided not to move forward with that action, as the Gulf states had their own requirements for the sale of cobia.

The committee is still concerned about any unintended consequences that may result from the proposed changes to 50 CFR 622.386(c) to make the restriction on purchase by federally-permitted dealers applicable to only king and Spanish mackerel. The council sent a letter to each of the Gulf states requesting a summary of the state's regulations and cobia landings to understand the magnitude of recreational cobia sales to federal seafood dealers.

From the responses received, generally, the sale of recreationally-harvest cobia is not allowed. Some states designate cobia as a gamefish, while others require commercial licenses and/or special permits to be able to sell. If there is any illegal sale of recreationally-landed cobia, the current monitoring methods are not able to capture the extent to which this may be occurring.

Final Action: Amendment 32: Modifications to the Gulf of Mexico Migratory Group Cobia Catch Limits, Possession Limits, Size Limits, and Framework Procedure, Gulf and South Atlantic Council staff summarized the comments received during the public hearings for CMP Amendment 32. This amendment seeks to end overfishing of Gulf migratory group cobia (Gulf Group Cobia) as determined by the SEDAR 28 update from 2020 stock assessment.

Public comments included concerns about the declining status of the stock and support for reducing the per-person daily possession limit and creating vessel and trip limits in Action 5, although some comments expressed hesitation about establishing a commercial trip limit, since the resultant estimated reduction in cobia harvest is less than 1 percent. There is also support in having a minimum size limit of thirty-six inches fork length in the Gulf and FLEC Zones in Action 6.

Since the last public hearing was scheduled to take place after Monday's council session, council staff has updated the public hearings summary and made available for further discussion during Full Council.

Currently, both councils concur on preferred alternatives for all seven actions. In Action 5.1, a council member suggested selecting preferred Alternative 4c, for example a commercial trip limit of six fish, given comments received in Ft. Myers, Florida that the commercial sector lands a very small portion of

the Gulf Zone's annual catch limit.

Several committee members expressed concern about the unintended consequences of having a larger trip limit for the commercial sector, given the overfishing status of the stock. In addition, a committee member expressed a desire to have consistent regulations in federal waters off Florida and that the state may consider following suit with similar state regulations.

NOAA General Counsel reviewed the changes that will be reflected on the codified text based on the current preferred alternatives. The committee did not make additional modifications to the preferred alternatives.

The committee recommends, and I so move, to recommend the council approve CMP Amendment 32 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.

VICE CHAIRMAN GUYAS: Dr. Simmons.

EXECUTIVE DIRECTOR SIMMONS: Thank you, Madam Chair. We had our last public hearing in Alabama here on Monday night, and I didn't know if you wanted staff to just give a brief overview on those comments and see if anyone had any questions. I know they were emailed around, or if you just wanted to see if anyone had any questions.

VICE CHAIRMAN GUYAS: That's a good idea. Emily, are you on the line? Can you talk about that public hearing?

MS. EMILY MUEHLSTEIN: Thank you, guys, for the opportunity, and so we did host a public hearing on Monday night during the council meeting, and I know that there was a couple of council members that were present for that. However, just to inform the rest of the council members, before you all make this decision.

We had seventeen members of the public attend, and six of them spoke, and, really, it was kind of hard to pull out general themes from the meeting, because there was such a wide variety of opinions that were expressed. I think the opinions that were expressed at this public hearing kind of echoed what we heard during the other public hearings, where, maybe in south Florida and Louisiana, the folks tended to not support stricter regulations for cobia, or commercial regulations for cobia.

However, in areas like the Panhandle, where they're seeing a historic decline in the population, folks there were supportive of either the preferred alternatives or even stronger recommendations on minimum size limit and possession limits, and I think that sort of sums it up as best as I can.

VICE CHAIRMAN GUYAS: Thanks, Emily. Are there any questions for Emily? All right. Thanks again for holding that. Again, I just want to recognize I feel like what a monumental effort that was, probably, to pull those together on a short timeframe, and under difficult circumstances, and so thank you.

We have a committee motion on the board, and this is a motion that is final action, and it requires a roll call vote, and so I will turn it over to Dr. Simmons, unless there is discussion on this motion, because I don't see any hands, and so I'm assuming we're ready to roll. Okay.

EXECUTIVE DIRECTOR SIMMONS: All right. Thank you, Madam Chair/ General Spraggins. Did you want me to read the motion one more time? To recommend the council approve CMP Amendment 32 and that it be forwarded -- Do you know what we're voting on, sir? You go ahead and read it again.

VICE CHAIRMAN GUYAS: Let me go ahead and read the motion again. Just a reminder that we've got a motion on the table, and so we're going to vote on this.

DR. STUNZ: Martha, I was under the impression that we were going to have a little bit more discussion on this before we went to the roll call vote, and maybe not, and I don't have a real dog in this fight, but I thought others did, and so, anyway, I just wanted to make sure, before we move into a roll call vote, that everyone has had an opportunity to comment, and I'm fine if the committee is ready to vote.

VICE CHAIRMAN GUYAS: Now would be the time, and so, if you have discussion, put up those hands. J.D.

MR. DUGAS: Thank you. I am a little confused, and so all of our preferred alternatives are going to go with just one vote right now?

VICE CHAIRMAN GUYAS: Yes.

MR. DUGAS: All right, and so, in Action 5.1, Preferred Option 3a, 3b, and 3c, and that's what is confusing to me. Is it two, four, or six fish per trip? It's only two? Okay. Well, in

that case, and I don't know if a motion is needed, but I would like to see it four.

VICE CHAIRMAN GUYAS: Chris.

DR. SCHIEBLE: I will make a substitute motion, under Action 5.1, for Preferred Alternative 3.

VICE CHAIRMAN GUYAS: Hang on a second. We have a motion on the board, and I understand that you guys want to make motions, but they're not necessarily matching up with this motion, and probably what we need to do here is just hold this for a second, and I will use the word "table", and that may not be the right Roberts Rules word, but we will come back to that, but we just need to back up, and then you guys can do motions.

DR. SCHIEBLE: If we vote on this, and it's approved, how would we go back and change what we just voted on?

VICE CHAIRMAN GUYAS: We haven't voted on the motion on the board. What I am suggesting is that we put the motion that's on the board, which is to take this final, and put that on hold for a minute, and, if you guys want to introduce motions regarding the document, which it sounds like that's where you're all going, you need to do that now. Bob.

MR. GILL: Thank you, Madam Chair, and so I'm a little confused. I would think that the procedure would be, if changes are desired by someone on the council, they would offer a substitute motion, and, if that fails, then we go back to this motion. If it succeeds, then that motion is off the table. No?

VICE CHAIRMAN GUYAS: In the grand scheme of things, it probably doesn't really matter, but, I mean, this is a committee motion to take the document final. If we want to make a series of motions to tweak it, and I don't even know that there is just one motion here, right, and I feel like we need to go back separately, and we're going to get to the same place no matter what, and so let's just pump the brakes on the motion on the board for a minute. Chris.

MR. SCHIEBLE: Okay, and so, hypothetically, we vote this up or down, and then, if we go back through these different changes in the document, we have to come back and vote on this again, right?

VICE CHAIRMAN GUYAS: I am suggesting that we do not vote on this right now, because this is the roll call to take it final.

MR. SCHIEBLE: I thought you were saying you were going to vote on this first.

VICE CHAIRMAN GUYAS: No. We're going to put this on hold for a minute, and so, if there are motions that need to be made regarding the actions in the document, we will take up those, and then, regardless of what happens with those, then we will come back to the committee motion. We've just got to get all the tweaks to the document done before we take it final. Is everybody understanding? You look very confused still, Bob. This has got to go back to the South Atlantic no matter what, and so we are the first up on final action, and so -- Dr. Simmons.

EXECUTIVE DIRECTOR SIMMONS: Thank you, Madam Chair. I think, when J.D. was asking the question, we should go back to the document and pull it up and clarify what you were asking, and I think Dr. Mendez-Ferrer is on, and so can we do that first? I guess, if we were going to go by the book, we could table this motion, but I think we're a little bit flexible with the rules, and so we're just at the committee motion, and so we'll just slow it down a bit, but Mara is down there to help us out.

VICE CHAIRMAN GUYAS: We just need to back up a little bit, and we'll just pretend like we didn't read that out loud at this point. We're going to get to the same place. It's going to be fine. Okay. J.D.

MR. DUGAS: I was referencing Action 5.1, Preferred Alternative 3, but what I would like to see is Option 3b be the preferred, and I don't know what is needed to change that. I am fine with making the motion.

VICE CHAIRMAN GUYAS: All right. It sounds like you want to make a motion, and so go ahead and make a motion for what you want.

MR. DUGAS: I might need some help.

VICE CHAIRMAN GUYAS: Okay. We'll figure it out.

MR. DUGAS: In Action 5.1, Preferred Alternative 3, Option 3b be the preferred.

VICE CHAIRMAN GUYAS: We'll get that on the board, and I think you did just fine. I think we know what you're getting at, and let's just get it up here. J.D.'s motion is, in Action 5, to

make Alternative 3, Option 3b, the preferred, which is the vessel limit is four fish per trip. Is there a second for this motion?

GENERAL SPRAGGINS: I will second for discussion.

VICE CHAIRMAN GUYAS: Okay. Thank you. Is there discussion? J.D., do you want to talk about this, or Phil? I am going to let J.D. go, because he made this motion.

MR. DUGAS: It's pretty simple. In Louisiana, we've had some discussion that we don't have the same issues that the Panhandle or other areas, and it's just to help our charter fleet out, and we think that this is the best option.

VICE CHAIRMAN GUYAS: I've got Phil, and then I've got you, Bob.

MR. DYSKOW: Thank you, Madam Chair. I am leaning towards supporting this motion, but what concerns me is none of these options have any size restrictions as part of them, and is that correct? If we pass this, the size restriction would be thirty-six inches?

VICE CHAIRMAN GUYAS: Yes.

MR. DYSKOW: Thank you.

VICE CHAIRMAN GUYAS: Bob.

MR. GILL: Thank you, Madam Chair, and I understand where J.D. is coming from, but I would like some clarification. If I understand what we're doing here, if we choose 3b as our preferred, effectively, we're giving up 9 percent improvement to the goal, correct, and so the question I would ask is, if we forego the 9 percent, will we still achieve our goal? If staff could help me with that.

VICE CHAIRMAN GUYAS: While they're looking that up, I am going to go to Chris.

MR. SCHIEBLE: Obviously, I am going to support this motion, but, also, my question is we're trying to standardize things within the FLEC Zone and the Gulf Zone here, and so then, obviously, the next action that we need to consider is making this analogous with the four fish per vessel in the FLEC Zone as well, right, and we can't have one side of the Gulf with two and one side of the Gulf with four, but it's still a net savings of 5 percent if we're going to go with four per vessel in the FLEC

Zone, as opposed to 19 percent in the FLEC Zone, nearly, with the two per vessel, and so I'm just pointing that out and trying to find clarity, if we would need to have the same motion in that action.

VICE CHAIRMAN GUYAS: Let me go to Ryan, and then, if nobody else wants to jump in on that, I will. Ryan.

MR. RINDONE: Madam Chair, I'm going to try and send this over to Bernie and run the decision tool for you guys on the screen, which would probably be the most intuitive way to walk through this, so that you can see how things change as you make different decisions.

I have this set up right now based on Mr. Dugas' preferred of the recreational limit being set here at four cobia per vessel, and commercial is still at two, and the possession limits are still at one per person per day, and the minimum size limit at thirty-six inches fork length, and these are the percent reductions of the ACT based on these alternatives, as selected, and so, based on what is selected right now, the reductions necessary in fishing mortality are unlikely to be achieved, and so you guys would have to think about what else you might want to do, or what you might want to do differently, in order to meet those reductions.

VICE CHAIRMAN GUYAS: Thanks, Ryan. Let me go to the General, and then I will come back to you. General Spraggins, are you ready? Go ahead, Chris.

MR. SCHIEBLE: Ryan, can you switch the size to thirty-nine on that?

MR. RINDONE: Sure. If you switch it to thirty-nine, you get a lot closer to the reductions, and the other thing to remember is that this is applied to just the Gulf Zone, and so the Florida East Coast Zone's reductions would be in -- The Gulf Zone accounts for 64 percent of the total Gulf cobia stock ABC, and the Florida East Coast Zone is 36. Chris, the commercial trip limit is still two fish, and the recreational vessel limit is four fish, and it's still a one-fish-per-person-per-day possession limit with a thirty-nine-inch minimum size limit.

For those that are wondering, with the possession limits and vessel limits for the recreational possession limit, if J.D. and I go fishing, we can still only keep two fish, but, if we have eight people with us, we can only keep four fish. If we switch commercial to four, it has a negligible effect, because the

majority of the commercial trips land two or fewer fish.

VICE CHAIRMAN GUYAS: Greg, to that point?

DR. STUNZ: To that point, Ryan, I would just clarify something you just said and make sure you meant what you said. You said per day, and did you mean per trip, because that's another issue that's not within this motion here that I think is important.

MR. RINDONE: The possession limit, the per-person possession limit, is a daily possession limit, and so that individual cannot possess more than one cobia per day, regardless of how many trips they take.

DR. STUNZ: Okay.

VICE CHAIRMAN GUYAS: All right. I see you, Leann, but I've got a list going, and so I will add you to it. General Spraggins, are you ready?

GENERAL SPRAGGINS: I appreciate it, and I think Dr. Stunz answered part of what I was trying to get at, is it per-day or per -- Then I think, also, that it is one fish per person, is still what I think he had explained to me, and so I think I'm okay, and I just wanted to make sure.

VICE CHAIRMAN GUYAS: Mr. Strelcheck.

MR. STRELCHECK: Thanks, Madam Chair. I am going to speak against the motion, for a variety of reasons, and so we have a handful of tools, obviously, to limit the harvest of cobia. In this instance, we are reducing the catch limit, and we are specifying, or have specified, a minimum size limit, and then we have bag and possession limits, right, and so we're fairly limited in terms of how we control harvest, and so any increase in the bag limit then risks a closure earlier in the season, because you're reducing the potential for that harvest savings throughout the season.

I think, more importantly, it's very rare, in my view, to actually hear public testimony from across the Gulf that's saying that cobia is not doing well, and, although Louisiana might be better than what we heard from most last night and over the past several council meetings, it's been very clear, from Texas to Florida, that fishermen have seen a huge fall-off in cobia. We're seeing that in our landings data, and so, to me, this is an approach where we can be conservative for now, and hopefully the stock responds, and we can come back and relook at

this, to see if it's working.

VICE CHAIRMAN GUYAS: Ms. Boggs.

MS. BOGGS: I am going to speak out against this motion, and I was just going to add fuel to the fire and say, if we're going to do this, then we might as well go to forty-two inches, because, if you're going to listen to our fishermen, that's what they're asking for, and so, if we're going to go to four fish, because that's what Louisiana wants, then we need to go to forty-two inches, because that's what the rest of the Gulf wants, but I agree with Andy that the Gulf fishermen have said this stock is in trouble, and it's frustrating to me that here were are at this final action, and why we didn't take this up in the Mackerel Committee, and why we're here now, at the last minute. I mean, I'm not surprised, but, you know, if this goes through, we need to make it forty-two inches. Thank you.

VICE CHAIRMAN GUYAS: Ms. Bosarge.

MS. BOSARGE: From a commercial perspective, this is just all sorts of crazy, right, and so you can go out and harvest a recreational bag limit in federal waters and come in and sell it, okay, and that's a little crazy to me to begin with, to hold no federal commercial permit of any sort, and I know we don't have one specific for cobia, but you've got no commercial permits and catch your recreational bag limit, which, if we do this, will be four, and then come in and sell it, but, when you sell it, you're supposedly supposed to have some sort of state commercial permit to sell it.

Then, at that point, that changes you from recreational to commercial, and hopefully the dealer will realize that and say, well, I know you caught a recreational bag limit, and you were allowed to keep four fish per trip, but, now that you're at my dock, you're selling them, and that makes you commercial, and so I can only buy two of them, because the commercial bag limit is only two. The fact that you can keep more fish on a recreational trip than you can on a commercial, to me, is a little screwy, but I just think it opens the door for all sorts of loopholes.

VICE CHAIRMAN GUYAS: Dr. Stunz.

DR. STUNZ: I speak in favor of the motion, and a couple of things. I understand, Susan, why we didn't do it in Mackerel, but some of us aren't on the Mackerel Committee, and so we didn't get a full opportunity to weigh-in on that, and so this

is our chance to do that.

Andy, I agree that, especially in the area we're sitting now, in this general region, it could be down, but I don't know that that's the case, necessarily, in the western Gulf. We've had very limited participation, unfortunately, in Texas, and that may be because it's just not a concern, and I don't hear the same concerns in Texas, although it could be down overall from historically, that I hear in this region, and so, in general, I think there's probably some different opinions that you're hearing now coming out from the western Gulf than in this region.

I also want to say that, if there was ever -- I would put it on the record again, and maybe this is the third or fourth time, but this is a poster-child for regional management, and really doing what's right off of the certain regions, and this is certainly it, and I would definitely be interested in building this into some type of regional management framework in the future, outside of what we're discussing right here today.

Then, also, in general -- I know we're talking about the 9 percent impact between what we do and the size and length and bag limits and all that, but, in general, a lot of these regulations don't have much of an effect at all, some less than 1 percent that we saw, and, kind of to Bob Gill's point the other day, and I think it might have been in Mackerel, Bob, and I don't recall, but we don't want to penalize some regions of the fishery with regulations that aren't really doing much.

I mean, obviously, it might feel good to increase that, but, if it's not really having a real impact on the regions that have cobia and have the ability to catch them, then we certainly want to afford them that opportunity, and so I speak in favor of this motion.

VICE CHAIRMAN GUYAS: Mr. Schieble.

MR. SCHIEBLE: Just to what Andy said, to his comments earlier, and we're not in the belief that there's an epicenter of cobia off the coast of Louisiana, and our LA Creel numbers have shown a decline, although not as precipitous as elsewhere in the Gulf. However, and I've said this before, but we're looking at data in the most recent stock assessment that stops in 2018, and it doesn't include the management change that took effect on size in 2020, and maybe we're seeing some effect of that. Maybe that increase in size has caused the 27 percent reduction in harvest that we expected, and maybe we're seeing some effect of that.

Also, let's say we are seeing some effect of that, and we pile on more management actions, and how are we going to know which one really works by the time we get to the next stock assessment? We've got a lot of synergistic things happening here between vessel limits, per-person limits, and then possible size changes.

I think a step-wise progression through certain management options would be prudent, and then maybe come back to this if it's not showing that, and then add on ones that we know are not going to work, or are going to work, but I really can't see how we're going to come up with -- You know, it looks great in the spreadsheet here, but what's happening in the real world may be a little harder to figure out two years from now, or four years from now, and I'm not averse to a size change either, and that's why I think we added thirty-nine inches in there, to see what it would do in the worksheet, and, last time, we got a 27 percent reduction savings.

I guess my confusion is still are we required to do the same things for the FLEC Zone as we are in the Gulf Zone in order to make this synonymous management, and that's something that I don't understand, because some changes in the FLEC side give you more savings than savings on the Gulf side, right, and so, if we go to four per vessel per trip on the FLEC side, we're getting nearly a 19 percent savings and only a 2, versus 4, from the Gulf, and we're not seeing that savings in the Gulf, and so that's part of this workbook, is it doesn't separate those out through the workbook, and so I would like to get some more clarity on that and if it's required.

VICE CHAIRMAN GUYAS: It is two separate actions, and so it is not required. However, and let me take my Acting Chair hat off here, if we want the South Atlantic to follow our lead, then we need to lead them where they need to go, and, in my opinion, it's going to need to be the two-fish vessel limit, and I think we need to do that on the Gulf side.

I also feel like we need to do that as the FWC person on this council. We need to have consistent regulations on both coasts of Florida for the single stock of cobia, and that's where I'm at, and so hopefully that answers your question. Bob Gill.

MR. GILL: Thank you, Madam Chair. Ryan, could you bring the original motion back up, please? My sense is that Chris has introduced other variants, in order to get away from the fundamental problem of the motion, in order to get the reduction

that we're seeking to get, but remember that this is the motion that we're voting on, and we're not voting on different size limits, et cetera, or different commercial limits or whatever, and, while I am empathetic with where J.D. is trying to go here, the bottom line is it doesn't meet the objectives of the purpose of the amendment, and so I can't support it.

Now, if we did the same thing in the commercial, that doesn't have that problem, but that's not the issue here, and the issue we've got here is what does this do, and does it help us achieve our objectives, and the answer is it doesn't, and so I cannot support this motion.

VICE CHAIRMAN GUYAS: Ms. Boggs.

MS. BOGGS: I probably need to wait until after we vote this motion up or down, because what I -- I want to address something that Leann said about the commercial fishermen and the sale of the cobia, but I think maybe we need to dispense with this first. Thank you.

VICE CHAIRMAN GUYAS: Okay. Thanks, Susan. Mr. Dyskow.

MR. DYSKOW: Thank you, Madam Chair. Since you took off your hat and put your FWC hat on for a second, I have a question. What do you foresee the FWC size limit to be, east and west coast?

VICE CHAIRMAN GUYAS: Thanks for asking. Once the councils are done with taking -- Once they finalize what they're going to do, then our intention would be to put this in front of our commission for consistent regulations, and so we get to a point where we have state and federal and Gulf and Atlantic single set of regulations. Right now, we've got all sorts of different stuff happening, and it's a little bit of a mess, and so hopefully we'll be all in harmony there with consistent state and federal regulations. Dr. Simmons.

EXECUTIVE DIRECTOR SIMMONS: Thank you, Madam Chair. Just to remind everybody what we've asked for on the stock assessment schedule for cobia, remember the SSC agreed that, in 2024, we should have an operational assessment for cobia.

We did request that during the fall Steering Committee, and we have completed the scope of work, and that is approved, and so the discussion was that that would not include and incorporate these management changes that the council is currently working on, because that terminal year would be 2022, but it would give

us a better idea of how the minimum size limit change impacted the stock and where we were since then, and so that's where we are currently with the stock assessment schedule.

VICE CHAIRMAN GUYAS: Let me go to General Spraggins, and then I see you, Dr. Shipp. You're next. Go ahead.

GENERAL SPRAGGINS: I am sitting here listening to this, and, obviously, if it's two, four, or six, it doesn't make any difference, if you look at it. It's like 1 percent or some number in that phase, and I don't even know what it is, but the point that I'm getting at is I agree with Ms. Boggs about it, that we're not addressing -- The address, if you want to fix the issue, is to raise the limit at the length of the fish, and the size of the fish seems to be the thing that would change it, and I understand that, but I am not sure -- Right now, we have two per person, or one per person, per day, but there's no boat limit, and is that correct? Is that where we stand today?

MR. RINDONE: There are still vessel limits in place.

GENERAL SPRAGGINS: No vessel limits.

MR. RINDONE: There are vessel limits.

GENERAL SPRAGGINS: What is the vessel limit?

MR. RINDONE: There's not a vessel limit like today. We don't have a vessel limit in effect now, but there are vessel limits that are part of this.

GENERAL SPRAGGINS: Okay. I guess what I'm asking is I don't know that any of the motions makes any difference of what we do in here, as to whether or not we're going to reach where we want to as a goal, and, as Andy said, if we have to shut it down -- If we wanted to go to forty-two inches, like you said, that might help us get there, and I'm not trying to promote that, and I'm just saying that makes sense with what the fishermen are saying, and I understand that too, but, I mean, I am just caught up, and I don't understand what is the difference between two and four fish per boat, if you're doing it one per person, and, if you go across the Gulf, I don't think people are catching it anyway.

VICE CHAIRMAN GUYAS: Okay. We're spiraling a little bit, and so everybody try to keep their comments on the motion. I still have a list, and I'm hoping we get through this list, and then we're going to vote on this motion. Dr. Shipp.

DR. SHIPP: Thank you, Madam Chair. I speak against the motion. I don't think we're going nearly far enough to protect this species, and I have observed the fishery for fifty years, and I have never seen a stock crash as dramatically as cobia. Although the percentages may be just 1 percent here or there, I think we're way too short of where we need to be, and any action which loosens the restriction, I am not in favor of, and so I speak against the motion. Thank you, ma'am.

VICE CHAIRMAN GUYAS: Thanks, Dr. Shipp. Dr. Mendez-Ferrer.

DR. MENDEZ-FERRER: Thank you, Madam Chair. I was just going to say that Ryan had answered the question regarding the daily possession limit and no current vessel limit, but, if we can go back to the decision support tool, maybe it might be easier to like take your eyes to the column in the middle that says "Alternative 3", and so that would be the ACT for the Gulf Zone placed on the preferred alternatives in Actions 1 through 4. This decision support tool was made before we removed to Considered but Rejected Alternative 4 from Action 2, and so, technically, Alternative 5 is the new Alternative 4, but what I want you to look at is Alternative 3, that middle column, right now.

If you play with the limits that are above, that is the ACT that we're currently following, and so, if we go back to what Ryan had, and so the one per person per day possession limits for both recreational and commercial, and then we switch to two cobia per trip for the commercial, which is the current preferred alternative, and then recreational at four, and so we can play there with the two versus four and look at how it changes in that middle column, and then can we put the minimum size limit at thirty-six? There we go.

If you play there with the two versus four cobia per vessel for the recreational sector, that's how close we're getting to the ACT, because I know that people were concerned about -- It seems that, from the comments that we're receiving, you're concerned about what changes, and so it doesn't look like we would be going over the ACT, and so, when the cell turns yellow, that means that there is an overage, and so even if we were to select -- If we were to keep the thirty-six inches right there, and then select the recreational at four, which is what is currently being discussed, and the commercial trip at two fish, it doesn't look, from these numbers, that we would be reaching the ACT.

We would be close, within a 6 percent margin, but that's

something that -- You can play with those numbers, and you can see how close we're getting to the ACT in the Gulf Zone. Hopefully that answers the questions that are being raised.

VICE CHAIRMAN GUYAS: Thanks, Natasha. Mr. Strelcheck.

MR. STRELCHECK: I just wanted to clarify two things. One, General Spraggins, there is a 9 percent reduction if you go to a two vessel possession limit, and so it's not a 1 percent reduction, and it's actually greater than that, and I hear you, Greg, in terms of things might be better in Texas, and we have a sample size of two, in terms of public testimony, and it's only off of Galveston, and it doesn't necessarily represent the entire state, but, when I hear a captain like Scott Hickman, who has been with the council process for fifteen years, say he's catching 150 to 200 cobia, and now he's down to fifteen to twenty cobia, and it seems like a pretty substantial statement from him, in terms of the health and status of cobia, at least in the area he fishes.

VICE CHAIRMAN GUYAS: Okay. Mara, and let's get our motion back on the board. Go ahead, Mara.

MS. LEVY: Just from a procedural aspect, right now, you're set to take final action, and all the preferreds between the two councils are the same. If you start changing your preferreds now, and the South Atlantic does not agree with you in December, then you're back to square-one in January, and, I mean, I will just note that this assessment was done in 2020, and we had some discussion about what data wasn't included, because I think the terminal year was 2018, and it's undergoing overfishing, and we're now coming into 2022, and the councils haven't taken any action to address that.

I mean, I don't have any like skin in the game, in terms of what you want to do with these alternatives, but I think, from a procedural perspective, we're way far down the line to start the negotiations back with the South Atlantic and get this done in a timely manner.

VICE CHAIRMAN GUYAS: Thanks, Mara. Dr. Frazer.

DR. FRAZER: I just wanted to reiterate what Andy said. I mean, there is a demonstrable benefit of keeping the vessel limit at two, and I don't think we gain a lot more from moving it to four or six, and I think, importantly, when I look at this, we've worked on this for a long time, and there is some -- It's important that there are some advantages to aligning with the

South Atlantic and providing some consistency here, because I think that effect is even probably more important for the South Atlantic.

I also agree that we've heard a tremendous amount of public testimony about the state of the fishery, and I think there is broad agreement that it is in very bad shape, and even Louisiana, in their own catch data, would show declines as well.

I also heard, when I was listening, a lot of discussion that there may be this, with regard to their migratory patterns, or it's likely that they do this, but the fact of the matter is that we have a lot to learn about where they move and where they're reproducing and how the environments might be changing and affecting their behavioral patterns, and so I just think that there is --

I am not hearing a compelling reason for four, and I really -- I know there's a lot of people that want to see this fishery improve, and they're putting themselves in a position to go to that vessel limit, and I think it creates some inequities, right, and some perceived problems, when you have a small pocket of people, perhaps, that have an opportunity to catch four fish per vessel, or six, and so, for those reasons, I think I am not going to support the motion.

MR. SCHIEBLE: I hear what you're saying, Dr. Frazer, and I agree with what you're saying. However, the point of why I'm agreeing with this, and advocating for it, is because there are some locations in the Gulf where that particular vessel is going to go out and harvest four fish a day with a two-per-vessel trip limit. They can make multiple trips a day, whereas the other places in the Gulf can only make one trip a day, and they're going to basically have two fish per day, less than equal, right, and so you're not going to realize that savings across-the-board if there are vessels that are making two trips a day, and we're back to four fish anyway.

VICE CHAIRMAN GUYAS: All right. Let's get the motion back on the board, please, and then we are going to vote. All right. **Our motion is, in Action 5.1, to make Alternative 3, Option 3b, the preferred. Alternative 3 is to create a recreational vessel limit. Fishermen may not exceed the per-person daily possession limit. Option 3b is the vessel limit is four fish per trip. If you are in support of this motion, please raise your hand.** Dr. Shipp, just shout out if you're in support or opposition.

DR. SHIPP: Opposition.

VICE CHAIRMAN GUYAS: Okay. Thanks. Okay. **All those opposed, please raise your hand. The motion fails five to eight.** Before we put the committee motion back on the board, are there any other motions regarding cobia? Mr. Dyskow.

MR. DYSKOW: A question before you take this to vote. What happens if we vote this motion down?

VICE CHAIRMAN GUYAS: Well, we just voted this vessel limit motion down, and that failed.

MR. DYSKOW: Right. I get that. So now you're going back to the original motion, and what happens if we vote that down?

VICE CHAIRMAN GUYAS: Well, the South Atlantic is going to vote on it. At some point, it's going to have to come back to us. This isn't going to go away. We're going to have to take some sort of action.

MR. DYSKOW: I'm sorry, and if I could justify my comment. If we take no action at this meeting, if essentially we vote this down, we get a chance to start over, potentially, in January, and we get to have the appropriate level of discussion and dialogue back and forth to make a more informed decision. My concern is having this discussion now, at the end of the council meeting, I don't think any of us are going to be totally satisfied with whatever decision we make at this juncture, and maybe punting is our best option. Thank you.

VICE CHAIRMAN GUYAS: I mean, we've certainly talked about this amendment at many meetings, and the South Atlantic has also, and so, regardless of what we do today, the South Atlantic is going to take this up, and they may vote to take it final, and they may not, but it will come back to us, and we can rehash the discussions that we've had at previous meetings again. I mean, I agree that it sounds like we're not all completely satisfied here, but we're going to have to make a call, but that's just me. J.D., did you have your hand up?

MR. DUGAS: I have another question, and maybe it needs some clarification, on Action 1 in 2.1. It seems to me, in the past, the difference between the OFL and the ABC has been 60,000 pounds, and now, in the preferred, it looks like it's about 700,000 pounds, and so I don't know who I'm asking, if it's Andy, and I don't see Clay. Maybe Ryan, but I would like a little clarification on that.

VICE CHAIRMAN GUYAS: Go ahead, Mr. Rindone.

MR. RINDONE: You're asking me. When we looked at cobia following SEDAR 28, we used the council's ABC control rule, which is a management risk determination factor, or sorry, but a scientific risk determination factor that looks at the probability of overfishing based on characteristics of the stock and the stock assessment, and that is where we got such a narrow buffer.

One of the concerns that the SSC has had in the past about the ABC Control Rule, and Mr. Gill is nodding his head, because he remembers many of these discussions, is that the ABC Control Rule, as it is currently designed, does not do a very good job of accurately capturing the uncertainty inherent in the assessment, and, thus, the projections.

Basically, it's turning out differences in the OFL and the ABC that don't represent what we know that we don't know, and so what the SSC did for cobia this time around was, instead of using the ABC Control Rule, they were more conservative, and I believe they used that 75 percent of the fishing mortality at maximum sustainable yield, which produced a larger buffer, and so, in the event that the ABC is met, and remember that, here for the Gulf, the ACL is set equal to the ABC, and we can institute the ACL Control Rule and have the buffer below that, if that's what you guys choose to do, which I think is what your preferred alternative is, but, if the ABC is met, and let's say the ABC is exceeded, there is more than say a 60,000-pound buffer to keep us from being in a condition where overfishing has occurred, and so it provides a little bit more of a cushion.

When we think about this practically, in the variations in recreational landings that we've seen interannually with MRIP-FES, having more than a 60,000-pound buffer is probably prudent.

VICE CHAIRMAN GUYAS: Dr. Simmons.

EXECUTIVE DIRECTOR SIMMONS: Thank you, Madam Chair. I don't want to sound like I am pushing the council too hard on taking final action on this meeting, but I do want to remind everyone how hard we worked with the state and council members to get the public hearings done and the council to have the opportunity to take final action at this meeting, so that the South Atlantic Council could take final action in December and so that we could transmit the document shortly thereafter, to try to end overfishing of the stock.

VICE CHAIRMAN GUYAS: Okay. Thank you, Dr. Simmons. Let's go back to our committee motion, unless there's another hand, and so we'll look around the room one more time, and I do not see any hands. Okay. I am going to read this motion again, because it's been a little bit since we've looked at it.

The motion is to recommend the council approve CMP Amendment 32 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. This is a roll call vote.

EXECUTIVE DIRECTOR SIMMONS: Thank you, Madam Chair. General Spraggins.

GENERAL SPRAGGINS: No.

EXECUTIVE DIRECTOR SIMMONS: Mr. Geeslin.

MR. GEESLIN: Yes.

EXECUTIVE DIRECTOR SIMMONS: Mr. Schieble.

MR. SCHIEBLE: Yes.

EXECUTIVE DIRECTOR SIMMONS: Mr. Gill.

MR. GILL: Yes.

EXECUTIVE DIRECTOR SIMMONS: Dr. Shipp.

DR. SHIPP: Yes.

EXECUTIVE DIRECTOR SIMMONS: Mr. Dyskow.

MR. DYSKOW: Reluctantly, yes.

EXECUTIVE DIRECTOR SIMMONS: Mr. Williamson.

MR. WILLIAMSON: Yes.

EXECUTIVE DIRECTOR SIMMONS: Dr. Stunz.

DR. STUNZ: Yes.

EXECUTIVE DIRECTOR SIMMONS: Dr. Frazer.

DR. FRAZER: Yes.

EXECUTIVE DIRECTOR SIMMONS: Mr. Strelcheck.

MR. STRELCHECK: Yes.

EXECUTIVE DIRECTOR SIMMONS: Mr. Dugas.

MR. DUGAS: Yes.

EXECUTIVE DIRECTOR SIMMONS: Mr. Broussard.

MR. BROUSSARD: No.

EXECUTIVE DIRECTOR SIMMONS: Ms. Guyas.

VICE CHAIRMAN GUYAS: Yes.

EXECUTIVE DIRECTOR SIMMONS: Ms. Bosarge.

MS. BOSARGE: Yes.

EXECUTIVE DIRECTOR SIMMONS: Mr. Anson.

MR. ANSON: Yes.

EXECUTIVE DIRECTOR SIMMONS: Ms. Boggs.

MS. BOGGS: Yes.

EXECUTIVE DIRECTOR SIMMONS: The motion carried fourteen to two.

VICE CHAIRMAN GUYAS: Thank you, Dr. Simmons. We still have a couple of things left in the Mackerel Report, and so I'm going to kick it back to you, Kevin. Hang on just a sec. Ms. Boggs.

MS. BOGGS: Before we leave cobia, if I may, I sent Bernie a motion. I would like to make a motion, but I need some guidance from NMFS, and this is to address the sale of cobia, and we don't have a permit for cobia, and so that's my obstacle here, and I don't know -- I have the motion. Can we sell it under a Spanish mackerel permit, or can we sell it under a king mackerel permit and we have to create a cobia permit? What are our options there, but I think that we need to -- If we're going to fix this fishery, if you will, and rebuild this fishery, this is just another step that we can take where this is not -- I mean, like Leann said, once you come off that water as a recreational

fisherman and you go sell it, you're now a commercial fisherman.

I mean, that made perfect good sense, and that was an analogy, but, like I said, the only problem I have -- I mean, I took the motion from previous motions that were written about king mackerel and Spanish mackerel, but what permit? Is there a permit? How would that work? Maybe I need to get a second, and I don't know, but I am missing part of the motion to complete it, because there is no existing permit.

VICE CHAIRMAN GUYAS: Andy, go ahead, and then we'll figure out what we're going to do with your motion.

MR. STRELCHECK: I think my suggestion is, if you want to make this motion, that you make the motion more around your intent, and, in terms of the details, in terms of how that would work, that would come back before the council, with regard to actions and alternatives and whether it's appropriate to create a CMP permit versus a separate cobia permit that is distinct and separate from king and Spanish mackerel, and we would have to look at that and determine, obviously, what's most appropriate in terms of the permitting aspect of this.

VICE CHAIRMAN GUYAS: Mara.

MS. LEVY: I agree, but, I mean, I would also note, right, that, in the presentation that Peter gave, you had actions and alternatives that actually addressed this that were rejected and so you could bring those -- I mean, the option was to bring those back, and there was a whole action about the sale of cobia that had different options, like create a cobia permit, and require -- Not in this document, but prior, when the council considered it in 2012 or whenever that was, and so there was a whole action that had various alternatives about how we address the issue you're talking about, and so the agency and council staff can look at that and potentially bring that back.

MS. BOGGS: Okay, and I'm sorry, and I wasn't on the council in 2012, and so, again, it's still an issue, and I think you're going to see it when we deal with amberjack. I mean, king mackerel is the same way, and so, I mean, I will be willing to take the last part of that, that a blank permit is required to sell the cobia, but I would like to put this motion out, to try to prohibit the sale of cobia, unless you're telling me that you all need to look at it and bring it back to us, but I just think it's an issue that needs to be addressed.

VICE CHAIRMAN GUYAS: Ms. Levy.

MS. LEVY: Right, but, I mean, you're going to have to develop a framework or a plan amendment to do this, is what I'm saying, and so I think the motion would be to have staff start a document to address the bag limit sales of cobia or something like that.

VICE CHAIRMAN GUYAS: Leann, I see you, but I think -- Let's get your motion up.

MS. BOGGS: Okay. To Mara's point, to direct staff to create a framework action prohibiting the sale of cobia, and then take out the last sentence, and that would be my motion. Thank you.

VICE CHAIRMAN GUYAS: Okay. Can you read the whole thing for us, please, now that it's up?

MS. BOGGS: Yes, ma'am. I will be glad to. The motion would be to direct staff to create a framework action to prohibit the sale of Gulf cobia caught under the bag limit in or from the EEZ of the Gulf of Mexico or the South Atlantic. For a person to sell or cobia in or from the EEZ of the Gulf of Mexico or South Atlantic, those fish must have been harvested on a commercial trip aboard a vessel with a commercial vessel permit/endorsement.

VICE CHAIRMAN GUYAS: Is there a second for this motion?

MR. GILL: Second.

VICE CHAIRMAN GUYAS: The motion is seconded by Mr. Gill. Ms. Levy.

MS. LEVY: Well, I would just suggest that we don't have the actual alternative that you potentially want to select in there, meaning staff is going to develop some sort of document, probably a framework action, but we would have to go look and see if it's a plan amendment to address the issue, and they will have different alternatives that would address this that then could be analyzed and you can pick, right, and so I would remove the last sentence and just direct staff to develop a document to prohibit the sale of -- Then you can see what options there are to do that.

VICE CHAIRMAN GUYAS: Susan, do you want to do that? Okay. I see Leann, unless you're trying to help.

MS. BOSARGE: I like the motion the way it is. I don't think it

is directing you to a specific alternative, because, when I read that, I mean, it just says harvested on a commercial trip aboard a vessel with a commercial vessel permit/endorsement, and so your options can be, well, it was a CMP permit. Well, we're going to create a new permit. Well, it's any commercial permit, as long as that vessel has any federal commercial permit, and so I think there is still lots of options with this, but I think that does speak directly to the meat of what you want the document to cover, so we don't go too far down the rabbit hole, and I'm okay with it.

VICE CHAIRMAN GUYAS: Mr. Gill.

MR. GILL: Thank you, Madam Chair, and so I was going to comment on the second sentence as well, and I'm fully in accord with the intent of the motion, and the problem with the second sentence, to me, is it awful loosey-goosey, and it's going to be tough to enforce, and there is a bazillion ways around it, and I think that's misleading. I think that takes away from the intent of the motion, and so I would certainly support removing that sentence, and, if we can't do it with a friendly, then I will make a substitute accordingly.

VICE CHAIRMAN GUYAS: What do you want to do, Susan?

MS. BOGGS: I would like to leave it the way it is, because that is the exact language that was in the previous documents to prohibit the sale of Spanish mackerel and king mackerel. Thank you.

VICE CHAIRMAN GUYAS: Mr. Gill.

MR. GILL: Thank you, Madam Chair. **I will make a substitute motion that is the same motion with only the first sentence.**

VICE CHAIRMAN GUYAS: So just another suggestion, based on what Mara said, and do you want to maybe say "document" instead of "framework action", so that there's some options there?

MR. GILL: Yes, ma'am. I agree with that.

VICE CHAIRMAN GUYAS: Okay. Is there a second to this motion, which is to direct staff to create a document to prohibit the sale of Gulf cobia caught under the bag limit in or from the EEZ of the Gulf of Mexico or South Atlantic? Seconded by Mr. Broussard. John.

DR. FROESCHKE: Just a suggestion. **In that second sentence,**

would it be better to say "caught under the recreational bag limit" in that sentence, so that it's clear that it's not a commercial issue?

VICE CHAIRMAN GUYAS: Okay. It sounds like the motion maker is onboard with that change. We'll stick "recreational" in there. Ms. Bosarge, do you have your hand up? You're good? Okay. Mr. Williamson.

MR. WILLIAMSON: I agree with the sentiment on this, totally. I don't think that there is any circumstance that a recreational fisherman should be commercially selling fish, but, if I recall correctly in our discussions regarding this issue, it mostly related to loopholes in the dealer laws and regulations and that there was really no evidence presented of a large-scale sale of cobia commercially by the recreational sector, or the recreational fishermen. To me, this falls under the -- It's kind like when did you quit beating your wife, and I just don't see painting the recreational fishermen with this spectra.

VICE CHAIRMAN GUYAS: Is there any other discussion on the substitute motion? All right. **All in favor of the substitute motion, please raise your hand.** Bob Shipp, just shout it out. **We've got thirteen in the room. All opposed, please raise your hand, or, Bob Shipp, just speak up, please.**

DR. SHIPP: I wanted to vote in favor of the motion, but I couldn't, because I was muted.

VICE CHAIRMAN GUYAS: Okay. **We'll add that, and so we have fourteen in favor. All opposed, please raise your hand.** Sorry about that, Dr. Shipp. Okay. **The motion carries.** Anything else on cobia? All right, Kevin.

MR. ANSON: Thank you. Draft Amendment 33: Modifications to the Gulf of Mexico Migratory Group King Mackerel Catch Limits and Sector Allocations, council staff reviewed the need for CMP Amendment 33, which considers catch limits and sector allocations for the Gulf migratory group of king mackerel (Gulf king mackerel). The SEDAR 38 Update from 2020 stock assessment found that, as of the 2017/2018 fishing year, the stock was not overfished and was not undergoing overfishing.

However, despite the total ACL for the stock not being harvested in any fishing season in the last twenty years, the spawning stock biomass (SSB) of Gulf king mackerel is below the SSB at maximum sustainable yield (SSB MSY).

Thus, the catch recommendations from the SEDAR 38 update, which now incorporate increased recreational catch and effort via the Marine Recreational Information Program's Fishing Effort Survey (MRIP-FES), increase over the projection period to achieve SSB MSY. This represents an assumption that recruitment will be more similar to the long-term average, and that the stock will rebuild towards SSB MSY.

In discussing Action 1, which examines modifications to the catch limits, the committee asked that an additional table be developed to examine the differences between the recreational landings in MRIP-FES and the estimated recreational ACL in MRIP-FES from the simulation conducted by the Southeast Fisheries Science Center for the fishing years currently examined.

The committee also asked about the increasing yields recommended by the Scientific and Statistical Committee. Council staff replied that, because the stock is below the SSB MSY, but above the minimum stock size threshold, the projected yields increase over time to eventually achieve SSB MSY.

In discussing Action 2, which considers sector allocations for Gulf king mackerel, council staff noted that changing the sector allocation does not affect the yields and recommended catch limits discussed in Action 1. That is, if the sector allocations change, it does not result in a change to the catch limits, as the council has observed in reef fish species.

The current sector allocation apportions 32 percent to the commercial sector and 68 percent to the recreational sector, based on average landings data from the 1975 to 1979 fishing years. Because MRIP-FES is only calibrated back to 1981, a conversion is not possible for these species, as has been common for species for which sector allocations are based on more recent years. Thus, the council can either retain or change the current sector allocation for Gulf king mackerel.

A committee member asked that the analysis for Alternative 2 compare the MRIP-FES-adjusted historical landings to the MRIP-FES-adjusted predicted ACL from the Southeast Fisheries Science Center simulation, as opposed to the 2023/2024-plus fishing year ACL, and assume that the commercial sector would have landed its sector allocation when conducting the analysis.

The committee member contended that this assumption for the commercial landings is supported by the historical proportion of the commercial ACL landed. Another committee member questioned using the longer time period for Alternative 3, which would

include two very disparate management regimes in the same time frame.

The committee recommends, and I so move, in Action 2 to move Alternative 3 to Considered but Rejected. Alternative 3 is modify the sector allocation of the total ACL between the recreational and commercial sectors by reallocating to the commercial sector a percentage of the average difference between the total landings from the 2010/2011 through 2019/2020 fishing years using MRIP-FES data and the total projected ACL for 2023/2024 from Action 1. Option 3a is 25 percent of the average difference. Option 3b is 50 percent of the average difference. Option 3c is 75 percent of the average difference. Option 3d is 100 percent of the average difference.

VICE CHAIRMAN GUYAS: Okay. We have a committee motion on the board. Is there any discussion of this motion? **Is there any opposition to this motion? Seeing none, the motion carries.**

MR. ANSON: A committee member asked about the sentiments of the recreational fishing community regarding the fish left in the water. Council staff recounted past public testimony by the recreational fishing fleet about the increased probability of interaction with king mackerel by recreational fishermen by leaving some of those fish in the water. The committee member then asked about the proportion of fish caught but released by the recreational sector.

Council staff replied that retention could be investigated, but that these data were highly uncertain for the recreational fleet. Another committee member added that the MRIP Access Point Angler Intercept Survey has codes for the disposition of catch released alive, legal or not legal, and that such data may be worth investigating. Lastly, the committee considered splitting the document's actions into a framework amendment to address the revised catch limits and a plan amendment to address the sector allocation. A committee member thought it best to keep these actions together at this time.

Public Hearing Draft Amendment 34: Atlantic Migratory Group King Mackerel Catch Levels and Atlantic King and Spanish Mackerel Management Measures, Ms. Christina Wiegand, South Atlantic Council Staff, reviewed the need for CMP Amendment 34, which examines Atlantic migratory group king mackerel (Atlantic king mackerel) in response to the results of the SEDAR 38 update in 2020 stock assessment.

The SEDAR 38 update for Atlantic king mackerel found the stock

to be healthy, and, due to exceptional recruitment, the catch limit recommendations from the South Atlantic Scientific and Statistical Committee (SSC) represent a considerable increase from the previous catch levels from the original SEDAR 38 stock assessment from 2014.

Amendment 34 also considers sector allocations, recreational size and bag limits, and commercial retention regulations. At this point in time, the South Atlantic Council has selected preferred alternatives for all actions except one. Ultimately, both councils will need to select commensurate preferred alternatives before final action can be taken.

Ms. Wiegand began with Action 1, which considers revising the catch limits for Atlantic king mackerel. The catch limits recommended by the South Atlantic SSC use recreational catch and effort data revised by MRIP-FES, and, as such, the current no action alternative no longer represents the best scientific information available.

The South Atlantic Council currently prefers to set the stock ACL and optimum yield at 95 percent of the stock acceptable biological catch (ABC) under Alternative 3. The committee asked about the setting of a constant catch level in Action 1, represented by Alternative 5, at the lowest of the annual yields recommended by the South Atlantic SSC. The committee noted that the South Atlantic SSC could be asked to consider a constant catch yield calculated by averaging the annual yields for the OFL and ABC, respectively, across the recommended time series.

The committee recommends, and I so move, in Action 1, to make South Atlantic Preferred Alternative 3 the preferred. South Atlantic Preferred Alternative 3 is the total annual catch limit and annual optimum yield for Atlantic migratory group king mackerel is equal to 95 percent of the updated acceptable biological catch level. The updated acceptable biological catch level is inclusive of recreational estimates from the Marine Recreational Information Program's Fishing Effort Survey.

VICE CHAIRMAN GUYAS: All right. We've got a committee motion on the board. Is there any discussion of this motion? **Is there any opposition to this motion? Seeing none, the motion carries.**

MR. ANSON: In Action 2, Ms. Wiegand described the proposed revisions to the sector allocations for Atlantic king mackerel in response to the inclusion of the MRIP-FES data in the SEDAR 38 update. Currently, the South Atlantic Council prefers Alternative 1, to retain the current sector allocations at 62.9

percent recreational and 37.1 percent commercial.

Alternative 2 would allocate 77.3 percent of the revised total ACL to the recreational sector and 22.7 percent to the commercial sector and is based on approximately maintaining the current commercial ACL beginning in the 2026/2027 fishing season and allocating the remaining revised total ACL to the recreational sector.

Alternative 3 would allocate 68.9 percent of the revised total ACL to the recreational sector and 31.1 percent of the revised total ACL to the commercial sector, based on average landings for the 2014 through 2019 fishing years, inclusive of MRIP-FES data. Ms. Wiegand noted that the recreational and commercial sectors have remained considerably below their respective ACLs.

The committee recommends, and I so move, in Action 2, to make South Atlantic Preferred Alternative 1 the preferred. South Atlantic Preferred Alternative 1 is no action, retain the current recreational sector and commercial sector allocations of 62.9 percent and 37.1 percent, respectively, of the revised total annual catch limit for Atlantic migratory group king mackerel. Apply these percentages to the revised total annual catch limit.

VICE CHAIRMAN GUYAS: All right. We've got a committee motion on the board. Is there any discussion? **Any opposition to this motion? Seeing none, the motion carries.**

MR. ANSON: Ms. Wiegand reviewed Action 3, which considers revising the recreational ACT for Atlantic king mackerel, which is currently calculated using the equation of one minus percent standard error or 0.5, whichever is greater. This equation is retained as previously calculated using MRIP-CHTS data in Alternative 1. Alternative 2 uses the same equation with MRIP-FES data, 86.3 percent of the recreational ACL, while Alternatives 3 and 4 set the recreational ACT at 90 percent or 85 percent of the recreational ACL, respectively. The South Atlantic Council currently prefers Alternative 2.

The committee recommends and I so move, in Action 3 to make South Atlantic Preferred Alternative 2 the preferred. South Atlantic Preferred Alternative 2 is revise the recreational annual catch target to reflect the updated acceptable biological catch level. The recreational annual catch target equals the sector annual catch limit, one minus percent standard error or 0.5, whichever is greater.

VICE CHAIRMAN GUYAS: All right. Is there any discussion of this motion? **Any opposition to this motion? The motion carries.**

MR. ANSON: Action 4 considers increasing the recreational bag and possession limits for Atlantic king mackerel off Florida. The current recreational bag limit is two fish per person per day under Alternative 1, and the South Atlantic Council prefers increasing that daily bag limit to three fish per person under Alternative 2. Increasing the recreational bag limit is expected to increase recreational landings and fishing opportunities.

The committee recommends, and I so move, in Action 4, to make South Atlantic Preferred Alternative 2 the preferred. South Atlantic Preferred Alternative 2 is increase the daily bag limit for Atlantic migratory group king mackerel to three fish per person in the Exclusive Economic Zone off Florida.

VICE CHAIRMAN GUYAS: All right. Is there any discussion of this motion? **Any opposition? Seeing none, the motion carries.**

MR. ANSON: Ms. Wiegand discussed Action 5, which considers reducing the recreational minimum size limit for Atlantic king mackerel, which is currently twenty-four inches fork length. Discard mortality assumptions remained unchanged from SEDAR 38, and were as follows: 20 percent discard mortality from commercial handline fisheries, 100 percent discard mortality for the gillnet and shrimp trawl fishery, 22 percent discard mortality for the recreational headboat fishery, and 20 percent discard mortality for recreational private, charter, and tournament fisheries.

A committee member expressed concern in selecting a preferred alternative for a minimum size limit that is below the length at which 50 percent of individuals reach sexual maturity. Dr. Porch from the Southeast Fisheries Science Center also recommended additional analyses to look at changes in selectivity using size limits and catch limits in tandem. A committee member also asked about the age of the data used for discard mortality, as public comment seems to point towards a higher discard mortality rate than what may be used in the stock assessment.

Mr. Rindone recalled that the way king mackerel are landed has not changed significantly since the data were first determined in the stock assessment in SEDAR 16 in 2007. Thus, discard mortality is likely also unchanged.

The committee recommends, and I so move, in Action 5 to make Alternative 1 the Gulf Council preferred. Alternative 1 is no action. The minimum size limit for recreational harvest of Atlantic migratory group king mackerel is twenty-four inches fork length.

VICE CHAIRMAN GUYAS: All right. We have a committee motion on the board. Is there any discussion of this motion? Andy.

MR. STRELCHECK: Not necessarily entirely related to the motion, but I just wanted to note that the first sentence in the paragraph above the motion talked about concern about selecting a preferred for the minimum size limit. We did have a good conversation about size at maturity and that, yes, the minimum size limit for males is higher at 50 percent for the size at maturity than the current minimum size limit, but the size of maturity for females is actually lower than the minimum size limit, and so I just wanted to remind the council of that discussion, because I don't think it's fully reflected in this committee report.

VICE CHAIRMAN GUYAS: Okay. Thanks, Andy. Anything else on this motion or that topic? **Is there any opposition to this motion? Seeing none, the motion carries.**

MR. ANSON: In discussing Action 6, which would reduce the minimum size limit for commercial harvest of Atlantic king mackerel, the preferred alternative would reduce the minimum size limit to twenty-two inches fork length.

There is some concern from the South Atlantic Mackerel-Cobia Advisory Panel in reducing the minimum size limit. Data suggest that a percentage of legal-sized king mackerel are being discarded by the commercial sector.

A committee member asked about the implications of removing the allowance to possess undersized king mackerel in quantities not exceeding 5 percent of the weight of king mackerel on board. Ms. Weigand responded that the rationale from the South Atlantic Fishery Management Council to remove that allowance is to reduce the number of smaller fish coming into the market. Due to similar concerns in setting a size limit below the estimated length at sexual maturity that was discussed in Action 5, the committee recommended No Action in Action 6.

The committee recommends, and I so move, in Action 6, to make Alternative 1 the Gulf Council preferred. Alternative 1 is no

action. The minimum size limit for commercial harvest of Atlantic migratory group king mackerel is twenty-four inches fork length commercial fishermen may possess undersized king mackerel in quantities not exceeding 5 percent, by weight, of the king mackerel on board.

VICE CHAIRMAN GUYAS: All right. We have a committee motion on the board. Any discussion? Mr. Gill.

MR. GILL: Thank you, Madam Chair. As I read it, it's missing a period after "length". Am I correct? It doesn't read correctly, and I think "commercial fishermen" starts a new sentence.

VICE CHAIRMAN GUYAS: Let me see if I can pull it up, really quick. Yes, and I think we're just missing a period, and so I think we can just make that editorial change here. **After "length", just add a period, and then "commercial fishermen" starts a new sentence there.** There we go. Okay. Thanks for keeping us grammatically correct and all that, Bob. Okay. Anything else on this motion? Mr. Williamson.

MR. WILLIAMSON: I am unclear as to why we have a size limit, if there's an exception to the size limit, or a 5 percent by weight, and it seems as though, if we have a size limit, as it is in the other sector, you should adhere to it.

VICE CHAIRMAN GUYAS: Mr. Gill.

MR. GILL: I will try. My understanding, and I am wide open to be corrected, is that was originally put in there because of the run-around gillnet fishery, and so they're already there and already caught, and the alternative is to throw them overboard. Well, why not have them count against the quota, and so I understand your sentiment, but I think it was the reality of that fishery.

MR. WILLIAMSON: Well, if that's the rationale, I don't disagree.

VICE CHAIRMAN GUYAS: All right. **Is there any opposition to this motion? Seeing none, the motion carries.** We're almost there, Kevin.

MR. ANSON: Action 7 would modify the recreational requirement to land Atlantic king and Spanish mackerel with heads and fins intact. Currently, commercial fishermen are allowed to keep cut or damaged king and Spanish mackerel that meet minimum size

limits. The committee asked about the state regulations on landing cut-off fish. Ms. Weigand responded that most states do require the recreational harvest of king and Spanish mackerel to be landed with heads and fins intact.

Acknowledging the timeline of the document and that not concurring on all preferred alternatives might encourage more discussions from the public, the committee recommends proceeding with public hearings. **The committee recommends, and I so move, to recommend CMP Amendment 34 be taken out to public hearings.**

VICE CHAIRMAN GUYAS: All right. We have a committee motion. Is there any discussion? **Is there any opposition to this motion? Seeing none, the motion carries.** Mr. Gill.

MR. GILL: Thank you, Madam Chair. Before we leave Amendment 34, I would like to broaden the discussion and extend, if you will, a discussion we had in the Reef Fish Committee relative to the yellowtail, and this joint amendments.

My guess would be that joint amendments were established a gazillion years ago by species, and that's fine, and I understand that, but I think Amendment 34 is the poster-child for saying why don't we have the joint amendments address the issues that are really joint, and, once you set -- One of those might be allocation for the species, and another one might be a management overlap or something like that, but, for things like Amendment 34, why is the Gulf Council involved? Similarly, for Gulf cobia, for example, why is the South Atlantic involved?

I think there is a lot of merit, to look -- For both councils to take a look at how we might separate these joint amendments into the areas that are truly joint issues that we need to address, and the ones that are not, and the FLEC Zone is another one, let the council, respective council, address them. I would see a whole bunch of savings in staff workload, not to mention council agenda time that we could be utilizing on other things.

Now, we had a discussion yesterday in Data Collection, and these simple ideas get as complex as all get-out, and that's probably what Mara is going to say, but, nevertheless, I think there is some merit to looking at it and seeing what's possible and see if we can't simplify it, and let's focus on the joint issues that are truly joint and let the respective councils address the ones that are not. Thank you.

VICE CHAIRMAN GUYAS: Ms. Levy.

MS. LEVY: Well, I don't think -- It's a joint plan, right, and so the issue is, if you're going to do a plan amendment, then it requires both councils to be involved, because it's a joint plan. You do have the framework procedure that addresses each council's responsibilities to do certain things under the framework, and those don't require both councils to be involved in the decision, and then 32, which you just took final action on, we're updating that to allow the South Atlantic Council to take additional actions related to the FLEC Zone cobia and things like that.

If it's actual plan amendment, and either council decides to a plan amendment, or it's required to be done under a plan amendment, then both councils have to agree that it has to be a joint action. If it's a framework action, and it's something that the councils have decided that either council can do on its own, then it doesn't require that joint action.

VICE CHAIRMAN GUYAS: Mr. Anson.

MR. ANSON: I hear what Mara is saying, and I also hear what Bob is saying, and so I'm just wondering, and is that something that we maybe need to bring back for just a review of what that plan amendment actually covers and what the responsibilities are for each council within that, and I think that's maybe where we need to do.

I mean, I agree this seems to be very cumbersome, and it's part of the reason why I think mackerel, at least within the CMP, the mackerel are the most difficult to try to keep tabs on and such, because we do have - We're joined at the hip, so to speak, but that just might be out of necessity, and so I think it might be worthwhile for us to look at that and get everyone back to the table and try to look to see if there are some areas where maybe we could reduce that joint review.

VICE CHAIRMAN GUYAS: Ms. Levy.

MS. LEVY: That might be a good idea. I think the reason that Amendment 34 is a plan amendment, at least needs to be, is it deals with allocation, and, granted, it's a South Atlantic allocation, but nobody's framework procedures allow for allocation to be a framework, and so it turns into a plan amendment.

A number of these other things that are in there might have been able to be in a framework action, which the South Atlantic Council could have done on its own, but then you get into having

a plan amendment and the framework actions, and now you've got multiple documents, and so I guess it's a way, but, I mean, it might be a good idea to look more closely at the framework, at least the CMP framework, to see what is allowed versus not.

VICE CHAIRMAN GUYAS: Ms. Bosarge and then Andy.

MS. BOSARGE: I thought I would be a little contrary on this, and I would rather just see it. I feel like, if we start trying to parse it out, and we look at only the pieces that affect us both, allocations being one of them, we're going to have so many questions that probably are answered by the other alternatives that are in their document, because it always gets deeper than just the allocation, right, and, well, tell me what those landings look like, and what was the ABC before and the OFL, and so that's your other action items that would be in the document, and so, to me, it's just easier to go through the whole thing.

I think we usually go pretty quickly on items that don't really affect us, and, generally speaking, we agree with them, but I think we gave them some good things to think about in this one amendment that we had some differing opinions on, and there's a learning curve there for both councils, to see how another council looks at things and how they're doing things, just like that question that the South Atlantic liaison had for, well, how do you get a constant catch if it's a declining yield stream, and wouldn't you be over your ABC, and it's something their SSC hasn't really been giving them, and so I think there's some value there, although it takes up time.

VICE CHAIRMAN GUYAS: Mr. Strelcheck.

MR. STRELCHECK: Thanks, Madam Chair. I just wanted to speak in support of what Kevin and Bob were saying, and I think it's a good thing to review this. I think we have a lot of work before us, and, if we can streamline processes and procedures, where appropriate, then that makes a lot of sense to me.

In thinking through what Leann just said, the question is how much can we parse this out, and I think a lot about Florida, in particular, where Martha sits, and where Jessica McCawley sits, and it just straddles a lot of issues that Florida is having to deal with on both of their coasts, and so I think, as this moves forward, Florida, your perspective is going to be really important, in terms of how much needs to come before both councils, given where you sit geographically, and so thanks, Bob, for the suggestion, and I think it would be good to, obviously, have that review.

VICE CHAIRMAN GUYAS: I think we're up against a break here, and it sounds like not everybody is totally onboard with this idea, and so I would suggest, if you want this to be idea, make it a motion, and then we'll vote on it.

MR. GILL: All right, Madam Chair. I will make a motion. I move that staff review joint amendments with an eye towards creating joint amendments that affect only both councils -- This is not good. Madam Chair, let me think about it, and I can bring it up later on in the council. Thank you. Disregard that piece.

VICE CHAIRMAN GUYAS: Do you have a suggestion, Kevin? Go ahead.

MR. ANSON: Not to that, but just to the previous motion regarding the public hearings, and I don't know, staff, if you had any thoughts on the timeline for having those public hearings, and were you going to wait for the South Atlantic to go ahead and approve everything, or do you want to go ahead and get some locations, or how do you want to do that?

EXECUTIVE DIRECTOR SIMMONS: My understanding is this is completely within the South Atlantic Council's jurisdiction, and we don't need to be involved in this, whereas they, for the cobia, because of the FLEC Zone, did do some public hearings on the east coast, and this would be completely theirs.

VICE CHAIRMAN GUYAS: All right. With that, let's take our break. We have a fifteen-minute break scheduled this morning. Maybe not. Kevin.

MR. ANSON: Madam Chair, that concludes the Mackerel Committee report.

VICE CHAIRMAN GUYAS: Thank you, Kevin. All right. It's 10:55, and so let's come back at -- I'm sorry, Christina. I did not see your hand. Go ahead.

MS. CHRISTINA WIEGAND: No, that's quite all right. I was just going to let the council know that the South Atlantic Council will be holding public hearings for Amendment 34, and they're going to be done virtually, and they will be on November 15 and 16 at 6:00 p.m., and so, if you hear from stakeholders that are interested in making comments, you can direct them to our website, and those are the dates we will be holding them.

VICE CHAIRMAN GUYAS: Okay. Thanks, Christina. Now let's take a fifteen-minute break.

(Whereupon, a brief recess was taken.)

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

MS. BOGGS: Yes, ma'am.

VICE CHAIRMAN GUYAS: All right. Go right ahead.

DATA COLLECTION COMMITTEE REPORT

MS. BOGGS: Thank you, Madam Chair. Data Collection Committee Report, the committee adopted the agenda, Tab F, Number 1, as written and approved the minutes, Tab F, Number 2, of the August 2021 meeting as amended.

Presentation from the National Academy of Sciences on Data and Management Strategies for Recreational Catch Limits, Tab F, Numbers 4(a) through (c), Dr. Luiz Barbieri served as chair of an ad hoc committee convened by the National Academy of Sciences to assess the recent changes made to the Marine Recreational Information Program (MRIP).

The committee was tasked with identifying any potential areas for improvements or modifications to the program that would increase the timeliness and quality of data for sustainable fisheries management. A final report was published recently.

The report indicated that, while MRIP provided essential long-term and regionally broad recreational fisheries data, it lacked the temporal precision to monitor in-season annual catch limits (ACL).

The report presented a few proposed alternative approaches for monitoring ACLs, suggested MRIP data collection at least be analyzed at a monthly scale, promoted continued close collaboration between fishery managers, and encouraged the inclusion of socioeconomic information to better understand recreational angler satisfaction. Dr. Barbieri stated that the report was a national examination of recreational fisheries issues, and further investigations for region-specific difficulties would be necessary.

A committee member inquired about a previous request to NOAA General Counsel to investigate the exploration of potential

alternative monitoring approaches provided under National Standard 6. Ms. Mara Levy indicated that the request was still being completed and highlighted that any appropriate alternatives would still need to adhere to other provisions stipulated in the Magnuson-Stevens Act. The committee member stressed the importance of knowing whether an alternative approach would be legally defensible when considering various management options.

Dr. Clay Porch inquired whether the committee had considered the merits of using a multiyear average for ACL monitoring, as the National Standard guidelines explicitly allow this alternative. Dr. Barbieri responded that, while not specifically considered, the committee did discuss the possibility of implementing carryover and payback provisions for ACL monitoring. This approach would relax the requirement for strict annual monitoring, but would also require paybacks in years following an overharvest of the ACL.

Dr. Tom Frazer highlighted the recommendation by the committee to analyze MRIP data at a monthly scale. He recognized the financial increase required to accomplish that recommendation and inquired if the group had any ideas on how to prioritize funding to achieve that objective.

Dr. Barbieri stated that the report did not address funding specifically and recognized that moving from a two to one-month sampling period would not serve as a catchall solution. However, the group did agree that increased sampling during monthly intervals could improve timeliness and considered that this modification would likely be one of the most financially-practical ideas.

A committee member stressed the importance of considering alternative management approaches for stocks considered to be in poor shape. Specifically, she used gag grouper as an example, where any allowable harvest would have to be closely monitored to allow for rebuilding to progress.

Another committee member asked how the Pacific states, which have recreational collection programs outside of MRIP, have fared in managing recreational ACLs. Dr. Barbieri replied that, for Pacific fisheries, such as salmon, recreational seasons are on the order of days or weeks and require timely monitoring. He continued that the Pacific states worked with consultants on their state surveys to address their specific management needs.

Dr. Michelle Duval also commented that the Gulf of Mexico has a

much larger recreational fishing sector than the Pacific, which compounds monitoring issues. A committee member asked if the ad hoc committee had any recommendations for continued collaboration between fishery managers. Dr. Barbieri indicated that the existing Gulf Fisheries Information Network and MRIP Transition Team could facilitate that collaboration.

Update on Southeast For-hire Integrated Electronic Reporting (SEFHIER) Program, Tab F, Number 5, Dr. Michelle Masi from the Southeast Regional Office (SERO) provided an update on the Southeast For-Hire Integrated Electronic Reporting (SEFHIER) program.

The vessel monitoring system (VMS) reporting portion of the program is scheduled to be implemented December 13, 2021. She presented on recent increases in account applications, provided dates for recently completed informational webinars, and highlighted online outreach materials available to program participants.

A committee member indicated that SEFHIER participants had reported discrepancies when reporting discard data between the various data collection applications. Dr. Jessica Stephen responded that eTRIPS is designed to work for various sampling programs, in addition to SEFHIER, to support one-stop reporting and minimize the requirement to submit duplicate reports.

She clarified that, in the Gulf of Mexico, SEFHIER does not require information on the disposition of discards, but Highly Migratory Species and Greater Atlantic Regional Fisheries Office do require this field and can be submitted using the same eTRIPS report.

The committee member asked if any further outreach was planned for permit holders who have yet to register for the reporting program. Dr. Stephen stated that the SEFHIER group was continuing to work on identifying program participants. She indicated that vendors allow registration of captains that might not be permit owners and are looking for solutions to the issue.

Framework Action: Modification to Location Reporting Requirements for For-Hire and Commercial Vessels and Relevant Data Collection AP recommendation, Tab F, Numbers 6(a), (b), and 8, Ms. Carly Somerset provided a presentation on a draft framework action to modify location reporting requirements in the for-hire and commercial sectors.

The purpose of the framework action is to allow an exemption to

location monitoring requirements, should an unforeseen malfunction occur to an installed VMS.

The council's Data Collection Advisory Panel (AP) and Law Enforcement Technical Committee (LETC) provided recommendations on the draft document at their recent meetings, and Ms. Somerset included those in the presentation.

A committee member asked if any data on equipment failure rates exist, and, if it did, he recommended it be included in an updated draft of the framework action. Mr. Matt Walia from NOAA Law Enforcement indicated that, due to privacy concerns and use of third-party vendors, it is difficult to get detailed information on failure rates. However, he had passed along letters from vendors to council staff which provided vendor responses on failure rates and reliability of units. Council staff indicated they would provide those letters to council members.

The committee discussed the Data Collection AP recommendation to split the exemption document between the for-hire and commercial fleets and the LETC recommendation to delete the commercial sector from the document, which is Action 2. The committee varied on these recommendations, with some members advocating for splitting the document, while others felt the financial losses due to a malfunctioning VMS unit would create unnecessary financial burdens for both sectors, and so the exemption needed to apply to both.

A committee member asked if the NOAA Law Enforcement database would be able to account for multiple VMS units, one non-functioning while another is used as a temporary fix, associated with one permit. Mr. Walia indicated that it could. The committee agreed with the recommendation made by the Data Collection AP that the number of exemptions should be reset when a permit was transferred or sold.

The committee largely agreed that any exemption should be a long enough time period to address growing problems with supply chains and scheduling installation delays. Additionally, there was concern that reporting of failures may occur outside of regular business hours. Mr. Walia stated that NOAA Law Enforcement in Silver Spring works until 11:00 p.m., but that they are only operational Monday through Friday.

Given the Data Collection AP recommendation to define days in the draft as calendar days, and acknowledging the need to allow for adequate time to complete a VMS repair, the committee

decided to amend the draft action alternatives.

The committee recommends, and I so move, in Actions 1 and 2, Alternative 2, move Options 2a to considered but rejected. Alternative 2 is create an exemption to the VMS requirement to address equipment failure and set a limit on the number of days that the NMFS-approved exemption method is valid, for vessels with charter/headboat permits for Reef Fish and/or CMP. Option 2a is the exemption will be valid for up to three days from submittal date. Alternative 2 is create an exemption to the VMS requirement to address equipment failure and set a limit on the number of days that the NMFS-approved exemption method is valid, in order to address equipment failure for vessels with commercial reef fish permits. Option 2a is the exemption will be valid for up to three days from submittal date.

VICE CHAIRMAN GUYAS: We have a committee motion. Is there any discussion on the motion? **Is there any opposition to the motion? Seeing none, the motion carries.**

MS BOGGS: The committee recommends, and I so move, in Actions 1 and 2, add an option for fourteen calendar days exemption and define the other options as calendar days.

VICE CHAIRMAN GUYAS: All right. We have a committee motion on the board. Any discussion? **Is there any opposition to this motion? The motion carries.**

MS. BOGGS: The committee recommends, and I so move, in Actions 1 and 2, Alternative 2, to remove Options 2a, 2b, and 2c and add the exemption will be valid for up to fourteen calendar days.

VICE CHAIRMAN GUYAS: We have a motion on the board. Andy.

MR. STRELCHECK: I spoke in committee and recommended against this, voted against this motion, and my recommendation is that we maintain the alternatives in the document as it stands today, and I recognize that we just removed the three-day requirement, which I think is reasonable, given what we've heard about some of the supply chain issues and the ability to, obviously, repair and fix a VMS unit in a very short period of time, but I think the seven-day and ten-day alternatives give us a very reasonable range to consider.

We could get more information from the vendors with regard to turnaround times for getting those units repaired and fixed and then, to me, we have to look at this from the standpoint of, yes, we want to provide fishermen flexibility and the maximum

amount of time for them to repair their units, but we also have goals of ensuring that the data is being reported and monitored and completed in an accurate fashion, and so the shorter periods of time are going to be more beneficial, from the standpoint of the data collection and law enforcement, and, to me, are very reasonable to consider at this point.

If the council agrees with maintaining them, we certainly could select the preferred alternative in place, if that's really kind of J.D.'s desire for the fourteen days, but I would not recommend removing the seven and ten-day options.

VICE CHAIRMAN GUYAS: Mr. Gill.

MR. GILL: Thank you, Madam Chair. I agree with Andy that basically what we're dealing with here is an all-or-nothing motion, and it's not clear to me that the right number is fourteen days, and it may be something else, but there is no options, and so I do not support this motion.

VICE CHAIRMAN GUYAS: Ms. Boggs.

MS. BOGGS: I know we need to dispense with this motion, and I do agree with Andy and Bob. I mean, there needs to be some alternatives, and I do have some suggestions about that once we dispense with this motion. Thank you.

VICE CHAIRMAN GUYAS: Mr. Dugas.

MR. DUGAS: Andy, my intentions were just to clean up the alternatives, but, I mean, we can add the seven and ten days back in, and it doesn't bother me any.

VICE CHAIRMAN GUYAS: Mr. Strelcheck.

MR. STRELCHECK: Essentially, to clarify what you just said, J.D., if we vote down this motion, and we don't approve it, then they stay in the document, and so that's kind of the point that I was trying to make, is that I would vote against this motion. If it didn't pass, then the seven, ten, and fourteen days would still remain as alternatives within the document.

VICE CHAIRMAN GUYAS: Okay. Any other discussion on the motion? Let's go ahead and vote. **All those in favor of the motion, please raise your hand; all opposed, please raise your hand. The motion fails unanimous.** Bob Gill.

MR. GILL: Thank you, Madam Chair. We had some discussion in

the Data Collection Committee, and quite a bit of public testimony yesterday, relative to Action 2 and the need for it and the experience that the commercial industry has had with their VMS units, albeit different, but, at the end of the day, and I started from my experience with all the years that we had VMS, and that never came up in my memory as an issue, and that's where I started, and so I was a little bit surprised that we didn't have any data supported that, but that's fine.

What I heard from public testimony and my discussion out in the hallway was that, from the commercial perspective, it's not an issue, and so I move that we move Action 2 to the Considered but Rejected, and, Bernie, if you would put that motion up, please. I sent it to you just a moment ago.

There was some concern expressed during public testimony about how this opens a loophole for those that would like to start doing the system correctly, but, more importantly, it's not been an issue, and there isn't a need, and so I'm not quite sure how it ever got here, but I think we ought to get it out of the document and deal with the issue for the commercial for-hire sector. Thank you.

VICE CHAIRMAN GUYAS: Thanks, Bob. We've got that motion on the board, which is to move Action 2 to Considered but Rejected, and that's getting pasted there right now. Is there a second to this motion? It's seconded by Kevin Anson. Is there discussion? Ms. Bosarge.

MS. BOSARGE: I guess I heard something different in public testimony yesterday. I mean, yes, I did hear a couple of people that came up there and said they haven't had any problems, but I heard some people that came up there and said, yes, I have had problems, and I will remind you of the last speaker that came up there, Mr. Wayne Werner, and he said he was on his fifth unit, and Wayne is a highliner in the fishery. I mean, that's a true-blue commercial fisherman, and he said he was on his fifth unit, and he didn't count the one that he had ordered and, two weeks later, just had to send the whole thing back, and that would make six.

There are commercial fishermen, at least from my state, that don't attend these meetings but that have told me the same thing at home, and is there any way that we can get some sort of leniency on this, and there are certain pieces that they have replaced every year, but I think -- They try and keep that handy, if they can, but the point is there is maintenance and upkeep.

Now, to me, the difference in what I heard last night, and it might be a nuance that not everybody picks up on, but the people that I heard, like Wayne, okay, and so Wayne has a boat, and that boat commercial fishes. That's what it does. A lot of the people that came up and said that we haven't really seen it as a problem, a lot of their boats are dually-permitted, and so they do charter/for-hire on that boat sometimes and they do commercial on that boat sometimes.

I have tried to explain this before, and a charter/for-hire, think about it, and so you're taking out recreational fishermen, probably from out of town, and not always, but, a lot of times, they're from out of town. They will cancel a trip, oftentimes, if the weather is bad. On that same day, you may still see that commercial boat offshore fishing, and it's the difference between what you do for a living and the okay of going out there and getting your brains beat out because you've got to make a living versus you want to go out and do it for fun and getting your brains beat out doesn't sound like fun.

The beating and the weather that these devices take is different on a boat that is a purely commercial boat that's going to go, and it's going to go even when it's bad, versus a boat that does both and, on days when he's doing the for-hire, there may be times when he doesn't go out in that kind of weather.

In Mississippi, the other thing that is a little different than -- The other thing that I noticed is there was one commercial guy that I feel like -- I don't think he was dually permitted, and he was pure commercial, that I put a lot of stock in, and he got up there and said that I don't really have a lot of issues with them, but his boat also is a different style of boat, and it's a boat that does multiday trips, right, and he goes out for multiple days at a time, and there's a wheelhouse on it, and parts of his VMS are indoors, versus the boats in Mississippi, by and large, are center console open fisheries, and the whole unit is outside in the elements 365 days a year. Even when it's at the dock, it's outside in the elements.

You can about imagine what that does to a piece of equipment, versus one that you keep indoors, and so I do think this is an issue, and I did hear it at public testimony, and fishermen have been asking me about it for years, and I would be surprised, on those dually-permitted guys -- I guess they realize that, if we take the commercial out of this, and they hold both permits, they can't get the exemption anymore, if they've got both those permits on those boats.

I mean, we talked about that during committee, and the only people that will be able to get this exemption is somebody that has only the charter/for-hire permit on the boat. Anyway, I think there's a lot of things to still consider.

The other thing that we never got to in committee that I said was going to be important for this is that next presentation, where it was presented to the AP that the Science Center would like to consider at-sea reporting for fisheries that have never had it before, some of your southern Florida fisheries like lobster and stone crab and things like that, and we haven't even gotten their input yet, but I would venture to guess that they would say can you please give me some sort of exemption if my equipment fails, and so I hate to throw the baby out with the bathwater before we even get to that conversation.

VICE CHAIRMAN GUYAS: Ms. Boggs.

MS. BOGGS: Thank you, Madam Chair, and my concern too is a lot of what Leann said, and yesterday, in testimony, I was a little shocked myself at the number of boats that came up that said they're dually-permitted, and I don't think that they realize what's about to happen to them, because I have had several charter captains say let's separate these out and don't let one hold the other up, but am I doing them justice by doing that, because I am going to hold them up, because they're going to be left tied to the dock, and so I think I will speak in opposition to this motion at this time. Thank you.

VICE CHAIRMAN GUYAS: Mr. Strelcheck.

MR. STRELCHECK: I guess I'm trying to think about this from the standpoint of whether it passes or not, and so, if this motion passed, and we want to address the concern of dually-permitted vessels, I think we could consider some sort of conditional sub-alternative that could provide an exemption for when you're making for-hire trips, but not when you're essentially commercially operating as a dually-permitted vessel.

I don't know how it would work, and we would have to think about it from an enforcement standpoint, but it seems like there is potential there to figure this out. Mara is going to disagree with me.

VICE CHAIRMAN GUYAS: Ms. Levy.

MS. LEVY: I'm not going to disagree, but I'm just going to note

that, under the current regulations, if you have a dually-permitted vessel now, you have to have an operating VMS all the time, because you have a commercial permit, and there are no exceptions, and there never have been, and so, for those folks that are dually-permitted right now, they're operating under this constraint as it is when they're running their for-hire businesses, and so it shouldn't be a surprise, I guess, is what I'm saying.

I'm not going to give an opinion on Andy's suggestion, although I feel like -- I am not sure how we would accomplish that and still keep the commercial VMS operating the way that it was intended to operate.

VICE CHAIRMAN GUYAS: Ms. Boggs.

MS. BOGGS: Mara kind of said what I was going to say, and so it's those unintended consequences that I don't know that we have weighed yet, and I do understand what you're saying, and that does make sense, but, I mean, I haven't had time to, I guess, analyze it, and I know that everything we do at this table it seems like there is unintended consequences, and I try to do my best to avoid that at the beginning and not try to come back and figure it out at the end, and so, at this time, I will continue to speak out against this motion. Thank you.

VICE CHAIRMAN GUYAS: Any other discussion on this? It looks like we're ready to vote. Okay. The motion, again, is to move Action 2 to Considered but Rejected. **All those in favor of this motion, please raise your hand.** Bob Shipp, you know what to do.

DR. SHIPP: Yes.

VICE CHAIRMAN GUYAS: Okay. **Eight in favor. All those opposed, please raise your hand. The motion carries eight to five.**

MS. BOGGS: Okay, and so, before I move on, I would like to go back and address Action 1, Alternative 1, and so, right now, we have removed Option 2a, which is the three days, and now we have seven and ten remaining. I think we need at least a third option here. Okay. I am sorry. I have got myself confused.

We removed the three-day, and I think Andy is right. I mean, now we've got -- We approved fourteen, and so we have seven and fourteen, and I would like to put the three-day back in, and I did some reading of the document that we received, and, again, this program is not on the water, and we really don't know what we're getting into, but that would give us a third alternative

to look at.

The four vendors that provided information, or, excuse me, five vendors, what they say they can do is a twenty-four-hour turnaround in shipping. They all say they have service available, and they've got good track records, and, listening to what Mara said, and Andy, that his is one more option to look at, and I'm not saying which one I'm in favor to, but that just gives a third option to look at. I don't know if anybody else has an opinion about that, and I'm not ready to make a motion, but I just wanted to kind of bring it up for discussion. Thank you.

VICE CHAIRMAN GUYAS: Mr. Gill.

MR. GILL: Thank you, Madam Chair. Susan, to your suggestion, I think a third option is desirable, but I concluded, from the discussion and the public testimony and trying to think it through, that there's going to be many a time when the three days is really not helping anybody, and so my thinking would be that a week is far more reasonable, and it gives you some options to get around, and, you know, if you pull in on a Friday night, and your equipment craps out, and you're on a holiday weekend, you won't be going on Tuesday, in all likelihood, and you need something longer that helps you get out there, and so I would support seven, and, if you would like to make that motion, I will second it.

VICE CHAIRMAN GUYAS: I would like to go to Dr. Simmons, real quick. Go ahead.

EXECUTIVE DIRECTOR SIMMONS: Thank you, Madam Chair. I think, just for clarity, just to make sure that we're all on the same page, and I am looking at Ms. Somerset to help us out here, and so, based on the previous motions that were just passed under Alternative 2, when we bring back the document, you will have three options, the seven days, the ten days, and the fourteen days.

I believe this action, and maybe Bernie could go to Action 1, because I believe that's what we're talking about now, and I believe this should have a note somewhere that says multiple alternatives and options can be selected, because, the way I read is, in addition to Alternative 2, if you wanted to select Alternative 2c currently, for the ten days, you could also select another option under Alternative 3.

Those could go concurrently, and so you could have up to twenty-

one days, thirty days, and forty-two days, if those are selected together, and so I'm looking at Ms. Somerset, to make sure that I am correctly interpreting the document.

MS. CARLY SOMERSET: That's an option, yes. It's a possibility to do more than one at a time as a preferred.

VICE CHAIRMAN GUYAS: Mr. Strelcheck.

MR. STRELCHECK: Well, just to add -- I don't know if that addresses Ms. Boggs' concerns, but, if we want to bring back the three days, we have already just passed a motion to remove it, and so we would have to have a motion to reconsider at that point, and a person on the winning side would have to bring it back up.

MS. BOGGS: I am fine with the seven, ten, and fourteen, and I think that's adequate, and I think it's going to be more time than they need, but it gives them some peace of mind, and so, like I said, there was a lot of conversation that went around this.

The other thing, and I can bring it up at the end, but we do need to address the issue with the vessels having to leave the dock for fuel, bait, ice, and the hail-out and hail-in, to see if we can come up with some alternatives to assist with that, and I don't know if it's in this document or maybe another document.

VICE CHAIRMAN GUYAS: Thanks, Ms. Boggs. Kevin, did I see your hand go up for a minute, or are you good?

MR. ANSON: You did see it, but I forgot there was one more section that she needs to read, and I just wanted to be at the end of that.

VICE CHAIRMAN GUYAS: Anything else on this part of the report? Mr. Gill.

MR. GILL: Thank you, Madam Chair. To Susan's point, that was discussed and recommended by the AP, in terms of the multiple stocks and the COLREGS line and consideration, was their recommendation to consider, and so I think that's something that we ought to consider within this document, and perhaps, if we want a motion to add an action item to address it, perhaps that's the way to go, and I would defer to staff on how to handle it.

EXECUTIVE DIRECTOR SIMMONS: I think we would need a motion, and perhaps a little bit more discussion, about whether this is possible from the agency side of the house.

VICE CHAIRMAN GUYAS: Go ahead, Mr. Strelcheck.

MR. STRELCHECK: I guess my initial reaction is I would not recommend adding it, given the conversation we had during committee about the timing of the VMS rulemaking and wanting to have as short of a gap as possible with regard to any sort of exemption process that would be implemented.

The hail-out process, I am certainly supportive of looking at that, and I would think that maybe it would be better to bring back a presentation and have a discussion over the issue as a whole and pros and cons of -- We may want to change it to what options could be available at a subsequent council meeting, but, based on that discussion, we could decide whether to proceed with an option or not.

VICE CHAIRMAN GUYAS: Ms. Boggs.

MS. BOGGS: I think that's a good idea, because I think there are some options, and I know that the AP recommended COLREGS, and I do -- From what I understand, several of the vendors have a homeport, and you can geofence for two to three miles, and maybe that might be resolution, and I don't know enough about it, but, again, if somebody wanted to make a motion, then we could get the staff to bring back some options for us to look at, and, yes, Andy, put it in a separate document, so as not to hold up the VMS portion of it and look at a little bit separately.

VICE CHAIRMAN GUYAS: Dr. Froeschke.

DR. FROESCHKE: Just a question. When we had the VMS vendor -- I can't remember what day that was in the week, but it seemed like the geofencing stuff was like a promising idea, but it almost seems like that's more of a vendor issue and setting that up, and I'm not sure how we would develop a document with options for geofencing that may not even be possible with all the different vendors and things.

VICE CHAIRMAN GUYAS: Mr. Anson.

MR. ANSON: I think that would be part of what I think Andy was trying to get to, is that, depending upon what options we think would be available, then those would be some of the answers,

potentially, through that discussion and the formulation of that document, that we would be able to address that. I am not speaking for the agency here, but I think that would be something they would want. They're going to want to make sure that it doesn't create any violations or whatever, and so, one is it technically feasible, any of these options that might come, and then, two, administratively is it feasible, I think are the other things that would probably come into consideration.

DR. FROESCHKE: Just one follow-up, and I don't know, but it would seem that -- Is that part of the type approval of the capabilities that are in the software when it's being evaluated for that? If not, does it need to be?

VICE CHAIRMAN GUYAS: Andy, any response for that?

MR. STRELCHECK: I don't have an answer for that. That would be something we would have to look into. I think what Kevin is saying is exactly right, is that there is potentially alternative ways to set this up. Some may require regulatory changes, but then there's also other considerations where this might streamline and make it more effective for the fishing industry, but does it then impact our data collection and does it affect enforcement, and so, to me, we want to look at kind of the bigger picture here, in terms of what changes could be made and what does that look like, and then, if it has to come through the council process, what would those regulatory changes look like, going forward.

VICE CHAIRMAN GUYAS: Okay. It sounds like we're rallying around this idea of a presentation at I guess the next council meeting when we take this issue up. All right. Go ahead, Ms. Boggs. Let's go through the rest of the committee report, and then, if there's other hands, we'll come back to those.

MS. BOGGS: Yes, ma'am. Thank you. Update on Modifications to the Commercial Electronic Reporting Program, Tab F, Number 7, due to time limitations, this presentation will be postponed until the January 2022 council meeting. Madam Chair, this concludes my report.

VICE CHAIRMAN GUYAS: Thanks, Ms. Boggs. Mr. Anson.

MR. ANSON: There was some discussion during the committee meeting and then some comments made at the microphone during public testimony in regard to trying to streamline the data entry portion of this for the captains, data that isn't going to

necessarily change on a day-to-day basis, like the vessel registration number and the captain and some other things, like location port, and so I'm just -- Again, it was discussed, and I am just not recollecting the details of the responses to that, as to whether or not some changes in the software side of things were being addressed to account for that or try to mitigate for that in the future, or is that something that we might need to bring back to the council. Andy, do you have any sense as to how we might be able to alleviate some of those concerns?

MR. STRELCHECK: Thanks for the question. We have been receiving, obviously, a lot of comments, in terms of ways to streamline the data collection and make improvements, and we are working with the various vendors that have developed software and made changes, and I just saw today that eTRIPS produced a new version that was released as of this morning, and so I think the question becomes what are the changes and what can be auto-populated and what is the decision not to auto-populate, for data integrity.

There were suggestions of possibly getting the advisory panel together and some discussion with regard to SEFHIER, and I would certainly be open to that, if the council is going to convene the Data Collection Advisory Panel at any point in time. We are reaching the end of year-one, and these changes just don't -- They're not make overnight, and so we obviously want to hear the input and see what changes can be made and then how that works with our vendors that are making the software changes.

VICE CHAIRMAN GUYAS: Mr. Schieble.

MR. SCHIEBLE: During the Q&A the other night, we heard a lot of comments regarding the need to have to hail-out just to go to the fuel dock or just to pick up ice or just to pick up your customers and back and forth, and the AP provided us a recommendation there to allow the vessel to move within the COLREG line on the nautical charts, without the need to hail-out or hail-in, and I'm curious, if we were to put that motion into this document or not, what Andy's opinion is on that. Would that be functional, or is that too large of a buffer, or is there another method that we could use for that, perhaps?

MR. STRELCHECK: Well, that was what we were just discussing with Ms. Boggs' comment. It's important, I think, to bring back a presentation to the council on these hail-out issues and the different proposals that have at least been thrown out for consideration and whether or not there is pros and cons to each one of those and if those are something that would be something

the council would want to change, legally, would be acceptable to change, or would be detrimental to the program, and so we've heard the suggestion, and I think the presentation in January can help to start shedding some light on that issue and whether or not that's something feasible to do or not.

MR. ANSON: To follow-up on what Andy said earlier about the issue of trying to get some of those common questions that could be pre-populated and going to maybe the AP, I guess that would require a motion to do that, to charge the AP with reviewing that data, Dr. Simmons, or do you just want to do that, or do you -- I want to do it the quickest way, but I want to make sure that we, you know, check all the boxes and make sure that folks have an opportunity to comment on it and do the evaluation, and so, I mean, if it needs to go to the AP first, or if the council wants to look at it and then send a more specific charge or questions to the AP, and I'm just trying to look for some direction here.

EXECUTIVE DIRECTOR SIMMONS: Thank you for the question. I was just looking at the makeup of the Data Collection AP, and I think we only have four or five for-hire dually-permitted folks on there, and the same for Reef Fish, and so I don't know if we want to have a couple of different APs look at it.

I guess what I'm not 100 percent clear on is it seems to me that we need to have a better understanding of the different, I guess, drop-downs and data requirements from the vendors first, have that all in one location, and maybe SERO has that, and then maybe get the AP together, but perhaps I am missing something.

VICE CHAIRMAN GUYAS: To that, Kevin, and then Susan.

MR. ANSON: That was the second thing that I wanted to follow-up, once we figured out the process, was another question that I had, which, in order for them to evaluate which questions could be pre-populated, is kind of a unit-by-unit accounting of what questions are being asked right now, because the discussion we had during committee was that there appears to be some units that, specific to discard disposition, they are asking them on some, and not asking that question on others, and so I think that would be very helpful, I think, is to kind of see where there might be some gaps, if you will, amongst the units and the software, in addition to the analysis of which questions could be addressed through pre-populated data.

EXECUTIVE DIRECTOR SIMMONS: I think I understand, and I think we can get that together, and we certainly have to rely on the

Regional Office staff to do that. I guess the larger question that I have is, if we go through this whole process, and the APs identifies changes that need to be made, is that practical with the various different vendors, and, you know, we can work on that some more, but I think that's an important answer to figure out before we move forward.

VICE CHAIRMAN GUYAS: Ms. Boggs.

MS. BOGGS: Something that I had asked about yesterday, or the day before, is essentially that we have three applications, and we have eTRIPS, and we have VESL for the charter fleet, and we have VESL for the Southeast Regional Headboat Survey. I know that the VESL that the headboats report to is different than the VESL -- The requirements, or the questions, I should say, are different than what the headboats answer.

I would certainly like to see -- I know that, before Sue retired, she brought us a document, when all this had been approved, and showed us the basic questions, but the council has never seen how these apps work and what it looks like and what we might be able to provide guidance, and I would say, from the standpoint of the VESL for the headboats, I have been able to communicate directly with that vendor and say, hey, why do I have to, every time I log in, scroll through and find my marina, and now it -- It doesn't auto-populate, but it comes to the top of the list, because it knows that's where I am going to be, and I think that's what these fishermen are asking for, and I don't think what they're asking for, other than maybe with regard to the discards, it affects what the agency is looking for, because it's just a simple population that Randy Boggs is always going to run this boat, and so it always populates Randy Boggs.

If we could see how it works -- I mean, I think it's a very simple fix, quite honestly, and I think you're going to see -- I think I understand it, and I think it would be a very simple fix, and it's not going to affect what NMFS needs out of it for the data collection portion of it.

VICE CHAIRMAN GUYAS: Mr. Strelcheck.

MR. STRELCHECK: A couple of points, and we're certainly happy to share as much information as the council wants to see with regard to the data collection. There are technical specifications that are now actually under revision, and so we're improving the technical specifications. We put them out there, and, obviously, we've learned from them, and that will help with the standardization and consistency going forward.

The comments I heard about the advisory panel, to me, I view it as it's helpful for the agency to kind of hear the unified voice from a group of fishermen, right, and we're getting a lot of ad hoc input, and what I took away from the Q&A the other night is that a lot of this is based on the personal business models of a captain, right, and this is not a system that's designed for each and every individual business model, but we want to make it as efficient and streamlined as possible and reduce data entry and redundancy, where we can, and so to be able to get that input cohesively, and then we can continue to work towards striving toward those improvements, at least the ones that we're able and willing to make, I think is really helpful and important to the agency.

VICE CHAIRMAN GUYAS: All right. Anything else on this topic? Dr. Simmons.

EXECUTIVE DIRECTOR SIMMONS: Thank you, Madam Chair. I guess, just to ensure we're all on the same page, Andy, do you think it's a pretty easy fix that the agency could deal with and work with the vendors on, or do we need to have a larger effort? I'm still not quite sure. Do you think this is a simple issue that perhaps the SEFHIER team can work on with the vendor and apps and not have to have a larger effort with the Data Collection and Reef Fish APs?

MR. STRELCHECK: I mean, I'm certainly -- This, of course, is going on right now, right, and so I guess I would use the example of the IFQ program, when we developed it in 2007. The software and the development in 2007 is not the same as it was in 2008 or 2010, and so we built it and improved it over time, and so that's what we're working toward.

Maybe what we can do is at least let the council know, through our regular SEFHIER update, some of the steps and things that we're taking when we are making changes and addressing input that has come along from fishermen, and then, if we still want to make it a more formal process and get AP panel input at a later date, we would certainly welcome that as well.

VICE CHAIRMAN GUYAS: Go ahead, Dr. Frazer.

DR. FRAZER: I just want to -- You know, I'm looking for some clarity, Dr. Simmons, and so there's two component parts to this discussion. One was we recognize that there is some burden on the fishermen, as it relates to kind of the hail-in/hail-out type of requirements and what can be done to reduce that burden,

when their intent is essentially to move nearer their home base, to go get ice or gas or whatever it might be, right, and so that's one element.

Is the first presentation that we can expect at the next council meeting just to kind of explore options of what we can do, the COLREGS kind of demarcation being one of those, next time? Then is there a second part to where this discussion was going, and I just wanted to try to keep it all in the respective bins, I guess.

EXECUTIVE DIRECTOR SIMMONS: Maybe we should put up like a bulleted list of things here, to ensure we're all on the same page, and so we want a presentation on the COLREGS and some pros and cons on how that could be potentially utilized as the program moves forward for the hail-in and hail-out burden, and we will work with the Regional Office on that.

Then the second part is I think we're going to ask the SEFHIER Regional Office team to give us a breakdown of how the different vendors are handling, I guess, the autofill stuff, what can be autofilled, and if there are any differences in reporting in those apps, and I believe those are the two major things we're going to work towards in January. Is that correct?

VICE CHAIRMAN GUYAS: You look puzzled. Okay. All right. It looks like maybe we're all on the same page now, for the most part, about what's coming in January. Anything else under Data Collection? Ms. Bosarge.

MS. BOSARGE: I am sitting here, and I am debating what's the best path forward commercially, because I do think it was premature to take it out of that document. I can see, however, where maybe there are some more issues on the for-hire side that we probably wouldn't be dealing with on the commercial side, and this whole COLREGS idea is a little different commercially, and so I don't think that would be something that we would probably be dealing with commercially.

However, I do think this is going to impact more commercial fishermen than just the reef fish guys that currently have been up here giving testimony, and some of them even said this impacts them, and so I am trying to figure out if I would like to make a motion now to have that action item that we took out of this document placed in a separate document for future council consideration for commercial exemptions or maybe wait until January, when you can actually see that presentation that we didn't get to at this meeting, which is going to start to

talk about all these other fisheries and at-sea reporting and things of that nature.

I see Dr. Simmons shaking her head yes, and so I am thinking she would like maybe January, if she's thinking in January we'll get that presentation, and so just know -- Don't scrap that whole action item, because I feel that's coming back in another document.

It is a little frustrating to me that -- Like Mississippi, for example, has seven permits, and is it that hard to tell if our boats are actually out fishing or not without a VMS? I mean, we know what they drive and where they launch and where they live, and you don't need a VMS pinging to know if they went out fishing or not, and they still have to abide by all the other rules.

They still have to hail-out and hail-in, and they still have mandatory trip tickets, and they still have to let law enforcement know three hours before they get to the dock, even though they don't have an operating VMS. There's one tiny piece missing, and somehow we think we have no law enforcement for that commercial fishery anymore, and I know that Mississippi is an extreme case with seven, and even Louisiana, which has a large commercial fishery, is only forty-something permits in the whole state.

This is not millions of anglers, and so I will make that motion in January. Hopefully we can see that presentation in January, and this is not a dead issue. It's very much still real and something that we need to consider.

VICE CHAIRMAN GUYAS: Dr. Simmons.

EXECUTIVE DIRECTOR SIMMONS: Thank you, Madam Chair. Just so everyone is on the same page, you're referring to the Science Center's commercial electronic logbook project, and we'll certainly put that on the agenda and make sure we have time to talk about that.

I don't think there is currently VMS requirements proposed in there, in addition to what's already required for the reef fish permit, but we certainly should talk more about that when we bring it back in January.

VICE CHAIRMAN GUYAS: All right. Last call for Data Collection. Okay. Let's move on then. Dr. Stunz, are you ready for Sustainable Fisheries? Go right ahead.

SUSTAINABLE FISHERIES COMMITTEE REPORT

DR. STUNZ: Thank you, Madam Chair. This is the Sustainable Fisheries Committee report for October 25, 2021. The committee added an agenda item, under Other Business, to provide an update on the October International Commission for the Conservation of Atlantic Tunas (ICCAT) Advisory Committee meeting. The committee then adopted the modified agenda, Tab E, Number 1, and approved the minutes, Tab E, Number 2, of the August 2021 meeting as written.

Draft Allocation Review Guidelines, Tab E, Number 4, council staff made a distinction between an allocation review and an evaluation of allocation options in a fishery management plan (FMP) amendment.

Staff then presented the draft allocation review guidelines. The draft guidelines describe the process for completing allocation reviews. Staff noted that the drafting of terms of reference and the publication of a Federal Register notice (FRN) would precede the initiation of each allocation review. Staff discussed the membership of the allocation review panels and presented alternatives to be considered by the committee.

Staff discussed allocation review tiers and noted that, in most cases, a routine review would be performed. Routine allocation reviews would mainly be based on readily-available information and data, such as the FMP objectives, stock status, historical landings and quota utilization rates, and discards. At its discretion, the council would request additional data and information not included in routine allocation reviews.

Staff described the intended roles of the Scientific and Statistical Committees (SSC) and advisory panels in the review process. Staff also discussed the council's process to formally approve an allocation review and, if warranted, request the initiation of an FMP allocation amendment.

A committee member inquired about the selection of independent experts who could serve on review panels. Staff indicated that, before an allocation review, the council would solicit applications from experts with the needed expertise and then select and appoint the reviewers.

A committee member noted that, consistent with the NMFS Allocation Review Policy, the inclusion of biological, socioeconomic, and ecological factors should not be conditional.

Staff noted that the guidelines would be modified to reflect this remark.

A committee member suggested that the review panel should, in addition to completing the allocation review, suggest alternative allocation methods to consider in the subsequent evaluation of allocation options in the FMP amendment. Staff noted the development of an amendment does not necessarily follow the completion of an allocation review. Staff further noted that the draft guidelines could be modified to reflect this suggestion, should the committee decide to include it in the guidelines.

Ms. Levy inquired about the potential inclusion of a review completion date in the FRN notice. She continued that specifying a completion date may be challenging, due to unforeseen circumstances. Staff concurred and noted that guidelines could be revised if the committee indicates a maximum duration for allocation reviews.

A committee member asked whether the allocation review working group discussed the decision tree approach under consideration by the South Atlantic Council. Staff noted that the approach is still in development and indicated that the working group received a presentation from John Hadley from the South Atlantic Council staff on the allocation review approach under consideration in the South Atlantic.

A committee member indicated they would like to see the document contain more explicit examples of the review factors, while still allowing the council to maintain flexibility to address reviews for a specific species. Committee members may suggest other revisions to the guidelines later this week or at a future committee meeting.

A committee member inquired about the allocations listed in the council's allocation review policy. Staff indicated that the allocations included in the council's policy were deemed to be subject to the requirements of NMFS Allocation Review Policy.

VICE CHAIRMAN GUYAS: Mr. Gill.

MR. GILL: Thank you, Madam Chair. My takeaway from that discussion, and it was amplified by several speakers yesterday during public testimony, is that, before we see that document again, it requires a substantial rewrite, and I wanted to make that point, so that -- Perhaps staff doesn't agree with me, and hopefully that's not the case, but that what we get will be

substantially improved from what we saw this time, so that we don't just rehash the same discussion, and so I wanted to make that point on the record. Thank you.

VICE CHAIRMAN GUYAS: Let me see if the council staff has thoughts on that. Mr. Strelcheck.

MR. STRELCHECK: To that point, Bob, I think it's important that, if you're saying it requires a substantial rewrite, what does that mean, in terms of staff direction, and is that clear to staff, because they need to know exactly what we're asking them to do, so that we get the product back that we're looking for.

MR. GILL: Well, I think, when you go back over the minutes of the meeting, a number of points were made as to how it doesn't really reflect the 11902 document, or the 11901, but numerous comments were made during the discussion on areas that needed reinforcement and rethinking, and so I am not going to go back into each one of them, because, frankly, I don't remember them all, but there was a number, and it was substantiated by numerous folks that came to the podium as well, in addition to the discussion that we had during the committee, and so it seems to me that there is a significant sense that the document, as written, does not reflect where we really want to go and needs -- They need to take into consideration the points that were made.

VICE CHAIRMAN GUYAS: Dr. Stunz.

DR. STUNZ: Thank you, Madam Chair. Bob, I agree completely, and one of those was adding more details on socioeconomic considerations, and that was just one, and there were several others that I think were captured in the minutes, hopefully, but, in addition, we were running a little low on time, and we agreed that maybe, if there was time, that we would address this at Full Council, and that was just the utility of the document, in the sense that it's pretty broad as-is, and that it can be refined and fleshed out, as Bob is recommending, but, also, it is a guideline, and these allocation discussions will, obviously, depend on what we're talking about, and so the guidelines aren't necessarily binding or anything, but they're just sort of, I guess, setting the structure, but, also, in my mind, one thing to consider is that the staff has taken a lot of time preparing this document, and is it something that we're really going to utilize, and is it going to help us in these difficult allocation discussions that we'll have.

I don't know the answer to that right now, and, in its current shape, I don't think so, but, in other words, if we've got these general guidelines that we may or may not utilize, and we've spent all this time working on it, and we could have been working on actual allocation itself or something, and so that's -- I'm just throwing it out there, and I don't have a good solution, but I don't know that we need to be having staff create a lot of documents that don't have real value for the committee.

I don't know if anyone has opinions to that or not, or maybe could comment, but I am just trying to envision, as we're moving down a real allocation path, and maybe mackerel is our next one, and others, obviously, are on the burner, and what does look like, and how does this document really help us, and I don't know -- I don't feel like we've really -- That I can say what that is right now.

VICE CHAIRMAN GUYAS: Dr. Simmons.

EXECUTIVE DIRECTOR SIMMONS: Thank you, Madam Chair, and so I will start, and I am going to need Dr. Diagne's help here, but I think there were a couple of things that were put in the committee report that you asked us to work on, but we were also still looking for a little bit more feedback and some specifics, as Mr. Strelcheck suggested.

I think the one thing we are struggling with is the review process that we do for framework and trying to separate that baseline NMFS policy from actually starting an FMP amendment to look at reallocating the resource, potentially, and so I think what we were trying to do is set that framework up perhaps too generally, but just these are the basics you would want to consider, based on this timeframe.

Like you mentioned in the committee, we might need more specificity, but, yet, we don't want to tie the council's hands, and how much of that is in the review guidelines, versus what we would consider in the FMP, and so I think we're all struggling with that a little bit, and I see that in other regional councils, and so perhaps we could talk a little bit more about that, but I am going to let Dr. Diagne help us out here a little bit.

VICE CHAIRMAN GUYAS: Dr. Diagne, go ahead.

DR. ASSANE DIAGNE: Thank you very much, and I have several points. I did listen to the testimony and the speakers who

indicated that they would like to see more specificity in the document, and that is consistent with the committee's discussion.

As some of you recall, when we started this process, we brought a very long list of social, economic, and ecological factors to consider, and, at the time, if I recall correctly, a council member commented that we brought, essentially, the kitchen sink and everything with it.

We did listen to a presentation from the South Atlantic, based on the decision tree approach that they are taking, and, at the end of the day, that is still very preliminary, and they have fundamental questions to answer, for example concerning how it is that different factors are going to be weighted on the way to making a final decision. In other terms, which factors would take precedent over which other ones to go towards let's say an amendment.

Looking at all of that, we decided to essentially present the information and let our council, through discussions, determine whether an amendment is going to be required or not, and, at the end of the day, this is within the council's authority, and the council can do that at any moment, as explained in our allocation review policy, and so that is why we took this approach, rather than leading the council towards a conclusion, but presenting the data to allow the council to have the discussion, and so I certainly understand the point that we can point additional examples in the document, to say, for example, when it comes to ecological factors, a red tide event that disproportionately affects a particular sector should be considered, and those are things that, in our initial discussion, we did present to the council.

We can certainly put it back in the document, and it seems to me, that, when we discuss this issue, oftentimes, because of our lack of habit, if you would, to conduct allocation reviews, and we have never conducted an allocation review proper, and we just go to the second step and start an amendment. That is how our council has functioned. Now we are trying to change this a little bit. Therefore, these guidelines are being developed.

To Dr. Stunz's point, that is a question to be asked, absolutely, because, and I think I mentioned this during committee, looking around the country, our council and the South Atlantic are the only two councils that have taken this approach, meaning developing guidelines. The other councils, for example the North Pacific, is conducting allocation reviews

without any guidelines, and, when they have questions, they reach out to the agency, and the agency answers those questions, and so, for a substantial rewrite, more guidance from the council would certainly be appreciated.

What I take away for now is that we can take the list of social, economic, and ecological factors that we have discussed in the past and fold that into the document that we have here, and the last point that I am going to make is that we have a variety of allocations to review, and so these guidelines would equally apply to the allocation, for example, of red snapper between the states as well as to the allocation for red snapper between the for-hire and the private angling components, and these are very different allocations, if you would, and so to have guidelines that would cover all of that -- It seems to me, to the group, that emphasizing the process is the more important approach, rather than thinking about the potential outcomes as to where that process would lead.

Thank you, and I will stop here, and perhaps, if I missed anything, I will try to answer the questions, but, in short, I mean, more specific guidance would be needed, if available, from the council. Thank you.

VICE CHAIRMAN GUYAS: Thanks, Dr. Diagne. We had a couple of hands go up while you were speaking, and so I'm going to work down my list here. Mr. Gill.

MR. GILL: Thank you, Madam Chair. Thank you, Dr. Diagne. I guess my statement is that I am darned glad that I'm not writing this thing, but I've got a question from Dr. Simmons, based on her last comment, and that was, was this item discussed at the CCC last week, and, if so, what came out of that discussion, and was there anything that was helpful, in terms of the common concerns and how to approach the problem we're trying to address here?

EXECUTIVE DIRECTOR SIMMONS: No, Mr. Gill, this was not discussed last week during the CCC meeting. The last time we did spend significant time discussing it was 2018 or 2019, before the agency finalized the policy and procedural guidelines, and is that right, Assane, around that timeframe? I can't find the dates right now.

DR. DIAGNE: Yes, and it's around that timeframe, and, if I may, Dr. Simmons, the council has already fulfilled the requirement of the policy, because we have developed an allocation review policy, including our triggers, and that has been formally

approved, and it's on our website.

VICE CHAIRMAN GUYAS: Dr. Simmons.

EXECUTIVE DIRECTOR SIMMONS: Thank you, Madam Chair. That would have been the Appendix A in the current draft document.

DR. DIAGNE: I am sorry, Dr. Simmons, and I didn't hear the last thing you said.

EXECUTIVE DIRECTOR SIMMONS: That's Appendix A in the current draft of the guidelines, and is that right?

DR. DIAGNE: Yes, exactly.

VICE CHAIRMAN GUYAS: Mr. Anson.

MR. ANSON: I echo Bob's comments, and I'm glad that I'm not writing this. This is a tricky issue, and I think staff has asked for more specific input from the council and, from my chair, the council has not really given much specificity to staff to try to make this a little more clear, and I think the issues, as far as who is going to be impacted, the history of a specific species, all those things are going to be different from fish to fish, and it's just very difficult, I think, for us to really prescribe or come with a very prescriptive process with what it is we actually want in there, and then, as Assane alluded to, weightings and these types of things.

I think those almost have to be handled on a case-by-case basis. Otherwise, you will be sitting there changing them, I think, if you did set up something in advance that was very prescriptive.

I can't see that -- Until we get some more experience, and, as, again, Dr. Diagne alluded to, we're ahead of the pack, so to speak, but we really haven't had any chance to put anything in the process yet, and so I think, as we get through one or two of these exercises, I think we might get a better understanding as to what it takes to do it, what types of data that are available relative to all the suite of areas that have been identified that we would like to have data for, and even with those, again, the data streams and the quality of the data may be different from species to species, and so what works for one is not necessarily going to work for the other.

I just feel like we need to make it fairly general on the frontend, at least in the beginning, at this point of the process, or how we're going to start allocation decision-making

and the review as part of that decision-making process.

VICE CHAIRMAN GUYAS: Thanks, Mr. Anson. Dr. Stunz.

DR. STUNZ: I think Kevin pretty much hit the nail on the head, and that's sort of what I was going to say, and, just to add to that point, if we choose to use it, I think we need to sort of take it for what it's worth at this point, because we haven't really run anything through it, and treat it very much like a living document that will adapt as we go and we get a little more experience with these, and maybe the best approach is to run it through.

For example, mackerel will be a good one to use, because it's an important fishery, but it's not as conflicted as we're probably going to get with some of the other species when we start reallocating those, and so it might be a good test case, and we can develop these guidelines as we go and we learn more and we have lessons learned and that sort of thing.

All that being said, I think the document as-is still needs some work, certainly, and so that includes all those factors that we talked about adding in and that sort of thing, and so maybe -- I guess my recommendation would be let's see another round of this letter, and let's flesh it out a little bit more and comment, and then let's run something through it using the guidelines. Let's start allocation on something, which we have several to go, and then modify that as our guidelines evolve.

VICE CHAIRMAN GUYAS: Thanks, Dr. Stunz. Dr. Diagne, I see your hand, but I am going to go to Dr. Frazer real quick, and then I will go back to you.

DR. FRAZER: Again, I think we've got in place two directives, I guess, a procedural directive and then a policy directive, and, in my view, those were only intended to be pretty broad guiding documents, right, and what we're lacking, really, is any type of a flow chart that might start to explicitly say these are the things that we want to identify, and you don't have to get down into the very nitty-gritty at this point, but I do think you start to have to identify where those major decision points might be and what types of information would be required to make decisions, and so I guess, from my perspective, that's what I would be looking for in the next step, right, and it will continue -- As Greg and Kevin have both pointed out, I'm sure it will continue to be refined with time, but we do have to move beyond those two agency-issued directives, because they weren't ever intended to provide the specificity that we're asking for.

VICE CHAIRMAN GUYAS: Dr. Diagne.

DR. DIAGNE: Thank you, Madam Chair. It is exactly because of the points that were just made by Dr. Frazer and Mr. Anson that potentially we chose this approach, and the guidelines include an item to discuss terms of reference, and those terms of reference would be developed by us, in conjunction with selected SSC, Science Center, and SERO, and it would be brought before the council before an allocation review is initiated, and that is where we can be as specific as the council may want to be, and also recognize the characteristics of the particular allocation that we are dealing with.

For example, if you are dealing with the red snapper allocation between the five states, that would require a set of data series that would be extremely different from what it is that we are going to consider when we are reviewing the allocation between the South Atlantic and the Gulf Council, for example, or a regular commercial versus recreational approach.

We looked at that, and that is the reason why we thought that, when we develop the terms of reference, at that moment, we will have the latitude to recognize the allocation under review, the species that is to be reviewed, and put all of the specific, if you would, factors or criteria to be considered by the council, but, for the time being, it seems to me that we could have a list, as exhaustive as possible, of all of the economic, social, and ecological factors that could potentially be considered in the development of an allocation review.

The last point that I will make is that the agency has indicated that allocation reviews should be simple and, for the most part, rely on readily-available and information, if you would, and so when we think, for example, about differential marginal values on the commercial and recreational sector and so forth, those are not readily-available data, and those typically are included in our FMP amendments, should we decide to go there, because it would take for us to require an extended, I guess, analysis from the Science Center, and, the last time we did this, it took a fair amount of time to be completed.

Given the number of allocation reviews that we are going to have to perform, once we start, it would be essentially the only thing that we do if we asked for a very long list of factors and data to be considered. Thank you.

VICE CHAIRMAN GUYAS: Thanks, Dr. Diagne. Okay. Are there any

more thoughts on this topic? I feel like we have a lot more fleshing out and exploring to do, I would say, at this point. I guess we are ready to resume the report.

DR. STUNZ: Okay. Thank you. Moving on in the report, the next topic was the SSC Recommendations on Using Field Experiments to Assess Alternative Mechanisms for Distributing Fish to the Recreational Sector, Tab E, Number 5, Dr. Jim Nance, the SSC Chair, summarized SSC recommendations relative to a presentation given to the SSC by Dr. Alexander Gordan from the Southeast Fishery Science Center (SEFSC) on using field experiments to assess alternative mechanisms for distributing fish to the recreational sector.

Dr. Gordan's presentation described a proposed pilot program that would allow private anglers to fish outside the regular fishing season in exchange for participation in a data collection program.

Dr. Nance noted that a draft exempted fishing permit (EFP) application was under development. He also indicated that gag grouper, red grouper, and red snapper were the species being considered for this experiment. Dr. Nance stated that SSC members recommended a localized experiment limited to small portions of the Gulf of Mexico.

A committee member noted the similarities between the proposed experiment and the headboat fishing collaborative project. Mr. Strelcheck from the NMFS Southeast Regional Office noted the importance of stakeholders buy-in for this type of experiment and noted the agency's commitment to working with industry and the council as the EFP is further developed.

A committee member inquired about the hypotheses the pilot project will test. Dr. Walter from the SEFSC noted that the proposed experiment is a part of the Science Center's broader research agenda to better understand the needs of the recreational sector. He also noted that creative solutions should be considered to assist the Gulf Council in its efforts to address management challenges.

Report to Congress on Shark and Dolphin Depredation, Tab E, Number 6, Ms. Karyl Brewster-Geisz from the Atlantic Highly Migratory Species (HMS) office provided a presentation discussing the 2021 Congressional Appropriation Act Joint Explanatory Statement (JES) to review, collect, and report on issues related to dolphin and shark depredation.

The report to Congress will include a quantification of the degree to which dolphin and sharks interfere with fishing sectors and provide recommendations for non-lethal deterrent methods. HMS is collecting input from a variety of government agency and public sources during the scoping period, as well as conducting a literature search to inform the report.

Specifically, the objectives of the report include defining depredation, identifying any other potential interactions, quantifying economic loss, and mitigating harm to dolphin and shark species. She stated the deadline for comment by the council would be November 5th.

A committee member presented a shrimp net that had been damaged by sharks feeding outside the gear and noted that a recent trip resulted in $6,000 of repairs due to shark damage and provided anecdotal information that shark damage of this magnitude had not been observed historically.

Mr. Kevin Anson indicated that the State of Alabama, beginning last year, had included some questions about depredation on their state fishery-dependent surveys. He indicated that he could provide those data with HMS. Another committee member stated that strict regulations associated with the Marine Mammal Projection and the Endangered Species Acts hinder research of non-lethal deterrent methods and encouraged HMS to offer some solutions to progress research needs.

The committee discussed the most appropriate way to provide the requested feedback and the use of council's Something's Fishy tool to solicit public input. Dr. Carrie Simmons said she had been in contact with the Southeast Regional Office staff and agreed that querying the public testimony verbatim minutes from the past five years would be a good initial investigation. However, no determination had been made about which office would be responsible for that work.

She continued that, if that exploration was to be conducted by council staff, an extension of the November 5th deadline would be required. NOAA staff replied that a minimal extension could be possible, but indicated they were also beholden to a stringent deadline for completing the Congressional report.

Since the Committee met, Dr. Jack McGovern notified council staff that the deadline for the letter was extended to November 12th and that SERO staff would search the Gulf Council minutes for key words for these efforts in the recent five-years for potential inclusion into the report to Congress. Ms. Brewster-

Geisz expressed interest in following up with council staff on the potential use of the council's Something's Fishy tool, to determine if it would be an appropriate scoping method.

VICE CHAIRMAN GUYAS: Mr. Gill.

MR. GILL: Thank you, Madam Chair. This is a topic we hear a lot about, and we certainly heard a lot about it yesterday during public testimony, and my impression is that there is a huge disconnect between what the public thinks we can do about this problem and what we can actually do, and so, for one, I want to go on the record to say that there's not a whole heck of a lot the council can do. We can do outreach and education.

As Bob Zales mentioned during his public testimony, we might beat on HMS a little bit to take some action, but my suspicion is that HMS is fully aware of this issue and the extent, and it certainly seems to be growing over the years, and, to the extent that HMS is not aware, then perhaps they would like to come to some of our public testimonies, and they will get an earful, but I think it's more important that the stakeholders understand where the action can take place, and, unfortunately, it's not here, or at least largely not here.

That disconnect I think needs to be addressed, and I sent a text to Emily to consider adding that to the O&E Tech Committee considerations, et cetera, but people think we're going to take action, and then they're frustrated and disappointed because we don't. Well, we can't, and I think some action there, and whether it's an HMS person coming here and having a presentation and making it fully aware, or something like that, but just continuing down this road of the public thinks one thing, and we believe another, and guess what? We're not getting any further, and everybody is getting more and more frustrated, and I don't think that helps the situation at all. Thank you.

VICE CHAIRMAN GUYAS: Mr. Dugas.

MR. DUGAS: Thank you. Could we at least maybe send a letter to the HMS folks, just letting them know what we're hearing?

VICE CHAIRMAN GUYAS: I think that's our intent here, is to provide this information to them, and it sounds like SERO staff is going to be pulling stuff from past meetings where we've had testimony and we've had discussions. All right. Anything else on this topic? Mr. Strelcheck.

MR. STRELCHECK: I just wanted to say that I agree with Bob, and

it’s a very complex issue, and it’s frustrating to hear all the problems that fishermen are experiencing with shark depredation and dolphin depredation, but the solutions aren’t very apparent, right, and I know, in the past, there has been discussion with our marine mammal team with regard to deterrent devices.

We did a proposed rule about a year ago, and I don’t know where that’s at, in terms of final rulemaking, but that might be something that would be worth at least bringing back to the council and continuing that dialogue, in terms of how that addresses or doesn’t address the, obviously, dolphin depredation.

Then, in terms of sharks, it seems like it’s -- I think what I kept hearing was, well, we need more allowance for harvesting sharks, right, and so I think the dialogue with fishermen needs to be, well, what does that look like right now, and what are the allowances, and are there stock assessments with an indication that there would be future allowance of higher catch levels or not, and make sure that we’re clear in terms of kind of outreach and education and in terms of harvest, but that still, I don’t think, fully addresses the concerns of the industry, and it may never address the concerns of the industry, but it sheds at least some more transparency with regard to the current situation. Thank you.

VICE CHAIRMAN GUYAS: Dr. Stunz and then Mr. Anson.

DR. STUNZ: Just sort of exploring some of these creative options to reduce these activities, or deter this, I mean, I’ve said that many times, obviously, but what I wanted to say regarding some of the comments that we received regarding sharks is it’s really what your baseline is, and, obviously, as a shark researcher, I’m kind of partial, and I don’t think -- I mean, maybe there are some options to increase some harvest or something like that in the Gulf, but, at the same time, we want to be cautious.

It's kind of like the snapper situation, where, if your baseline was the 1980s, you’re in really good shape, and where is your baseline for sharks? Well, I know there is a lot of interaction, and they’re certainly causing damage, and I don’t disagree with that at all, but, also, none of us really know what a healthy, robust shark population looks like in the Gulf of Mexico.

Sharks eat stuff. That’s what they do, and so we’re having these negative interactions, but that doesn’t necessarily mean

that's what a healthy ecosystem looks like, when you have robust apex predators, and so have to take that with a little grain of salt, in a way, but that's sort of the cost of doing business, and that's easy for me to say when I didn't shell out $6,000 for Leann's nets, but, at the same time, we want to make sure that we're properly carrying out ecosystem-based management in the Gulf, and that is having a lot of apex predators, which interfere with gear.

VICE CHAIRMAN GUYAS: Mr. Anson.

MR. ANSON: I might be jumping ahead a little bit, but Bob mentioned about getting some more outreach, and I am just curious, and it's been presented to the council, I'm sure, but, Mara, I'm just wondering if sharks are assigned just to the agency and not involved with any of the councils because that was specified in Magnuson, and is that a provision in Magnuson, or is that something outside of that? That is within Magnuson that they make that delineation?

MS. LEVY: Yes, and Atlantic migratory species are specifically designated for secretarial management.

VICE CHAIRMAN GUYAS: Ms. Bosarge.

MS. BOSARGE: I completely understand Greg's point about it being a long-lived species, and, therefore, what is your perspective, and that was kind of the point that I was trying to make when I talked about the net man that is seventy years old, and he's got a perspective that's sixty-something years of looking at this, and he works in both the Gulf and the South Atlantic, and so he does see a wide swath of what's happening out there, but it still is all rooted in science, and so, to me, that's where it starts from the shark perspective, right, and that's why I have been such a proponent of, all right, this is separate from the council, managed separately from the council, however, this is where the fishermen show up in that, and so we've got to make sure that we use any tool at our disposal, that's Something's Fishy survey, and we can send that out to our guys, and they will be searching so many different ways, by region, by species, by gear type, by the type of fishermen, recreational and commercial.

Send it to them, and give them everything we can give them, and then ask them to come to us more frequently, and that's why I really wanted their stock assessments to eventually be presented to our SSC, and that's how you get the broader scientific perspective interacting in that as well, not to mention giving

that scientific perspective to our fishermen. That's where our fishermen listen to the science, from the council perspective, and so I hope that at least those two things can come out of this letter, and I have already signed up for all the data workshops for the upcoming hammerhead stock assessment, and thanks to Ryan and Julie Neer and some others, and so thanks.

VICE CHAIRMAN GUYAS: Mr. Anson.

MR. ANSON: We all talk about resources for time and staff, and it takes money to have these meetings, and so, if there is -- To follow-up on Leann's comment, and I certainly agree with everything she says, but if, because of those other constraints of time and such, and our biggest issues are ones that seem to be more in our coastal areas, our reef fish, and so maybe it's just the small coastal and large coastal sharks really that probably gets the focus and integration into our process, as much as possible, for those assessments and such, and that's maybe just a suggestion.

DR. STUNZ: Moving on with the report, and I know this is a long report, but this is the last item, the Other Business ICCAT Update. The International Commission for the Conservation of Atlantic Tunas Advisory Committee convened on October 18th. During that meeting, updates were provided for bluefin tuna, yellowfin tuna, and shortfin mako sharks.

Bluefin tuna catches have increased in the Gulf of Mexico recently, and it is likely that conservative management measures will remain in place for the fishery. Similarly, yellowfin tuna in the Gulf of Mexico appear stable, and management is not expected to be modified. Projections for shortfin mako have resulted in a dire situation, with recovery probability low over the next few decades, even with fishing greatly reduced or prohibited. Madam Chair, this concludes my report.

VICE CHAIRMAN GUYAS: All right. Thank you. Any other business for Sustainable Fisheries? Ms. Bosarge.

MS. BOSARGE: It's not for Sustainable Fisheries, but are you about to send us to lunch? Can I ask a quick question first? Before we get too far from it, Andy, I've got a question for you. You said something that I had to think about for a minute. You said, on Susan's report, where we were talking about the technical specifications for the for-hire logbooks, and they were talking about it, and you said you all were working on revising those technical specifications right now, and that must be for the logbook portion, which is the vendors and the

software apps, and is that what you were speaking to?

MR. STRELCHECK: That's correct. I think where you're going here -- Unlike the VMS technical specifications, these are not codified in the regulations, and so they are technical specifications that we design for the Regional Office for software development.

MS. BOSARGE: But just for their logbook, which is the more scientific portion of their program?

MR. STRELCHECK: Right.

MS. BOSARGE: All right. Thanks, Andy.

VICE CHAIRMAN GUYAS: Okay. With that, we will break for lunch. We're about right on time, and so we will be back here at 1:30, sharp.

(Whereupon, the meeting recessed for lunch on October 28, 2021.)

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October 28, 2021

THURSDAY AFTERNOON SESSION

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The Full Council of the Gulf of Mexico Fishery Management Council reconvened on Thursday afternoon, October 28, 2021, and was called to order by Vice Chairman Martha Guyas.

REEF FISH COMMITTEE REPORT

VICE CHAIRMAN GUYAS: We're going to pick up with the Reef Fish Committee Report. The committee adopted the agenda with the addition of a discussion about goliath grouper to Other Business, and the minutes the August 2021 meeting were approved as written.

Review of Reef Fish Landings and Review of Reef Fish ACL Figures, Ms. Kelli O'Donnell from the NMFS Southeast Regional Office reviewed Gulf reef fish landings so far in 2021. Trends in gag recreational landings have been consistent over the last few fishing years. Red grouper recreational landings were estimated to have exceeded the recreational annual catch limit by the end of Wave 3, possibly due to increased angler

interactions with the recovering stock.

Gray triggerfish commercial landings are below the average for the last three years. A commercial quota closure is not expected in 2021, due to the increase in the ACL. Gray triggerfish recreational landings through Wave 3 suggested a quota closure would be needed before the end of the fishing year. Recreational harvest was closed on September 15.

Greater amberjack commercial landings are below the recent three-year average and below the trip limit step-down trigger. Recreational landings follow the three-year average, while remaining under the recreational ACL.

Gray snapper, lane snapper, vermilion snapper, and yellowtail snapper landings remain below their respective ACLs for 2021 through Wave 3. Lane snapper landings are on a similar pace as previous fishing years. Thus, NMFS issued a closure notice for the stock. However, an increase in the ACL approved by the council and transmitted to NMFS on March 9, 2021, is in the final stages of rulemaking.

Landings for midwater snappers have exceeded their stock ACL for 2021, largely due to a considerable increase in commercial landings in 2021 relative to previous years. Landings for the jacks complex and cubera snapper are also expected to exceed their stock ACLs in 2021, largely due to increased recreational landings.

A committee member asked about the midwater snapper ACL, noting that the ACL was previously set using an average of landings in the council's Generic ACLs and Accountability Measures Amendment. Council staff clarified that data from the 2000 to 2008 fishing years were used for midwater snapper, with Tier 3a of the council's Acceptable Biological Catch Control Rule used to set the ABC at the mean of the observed landings plus one standard deviation.

The committee heard that the majority of the midwater snapper commercial landings were harvested via otter trawl, which the committee thought peculiar, as the species in the midwater snapper complex tend to aggregate around structure, which would be expected to foul trawl gear. SERO staff noted that lane snapper and red grouper landings were being driven by landings from both fishing sectors. Mr. Strelcheck.

MR. STRELCHECK: I would like to make a motion, and I talked about this in committee. We have now half-a-dozen or a dozen

stocks that aren't assessed that are in need of at least reviewing the ACLs and updating the ACLs based on new information. **I would ask that council staff begin development of an amendment to review and update ACLs for unassessed species.**

VICE CHAIRMAN GUYAS: Is that your motion, Andy? Okay. The motion is on the board to have council staff begin development of an amendment to review and update ACLs for unassessed species. Is there a second to this motion? It's seconded by Mr. Anson. Is there discussion? Mr. Rindone.

MR. RINDONE: Thank you, Madam Chair. I didn't know if you guys wanted, when you're thinking about discussion, to provide some input to us to consider what different things we might consider, as far as years to use for updating these unassessed species, so that we could hit the ground running and make a more informed decision.

VICE CHAIRMAN GUYAS: Dr. Simmons.

EXECUTIVE DIRECTOR SIMMONS: Thank you, Madam Chair. **I would suggest we remove "council staff", because I think it will be both of our staffs, and we'll need your staff as well, correct?**

VICE CHAIRMAN GUYAS: It looks like Andy is nodding his head, and so let's just do that, just to direct staff to begin. Perfect. Mr. Gill.

MR. GILL: Thank you, Madam Chair. Andy, I'm not sure I caught your rationale. Is the basis for making this motion just age of when we did in the generic amendment back in the day?

MR. STRELCHECK: Yes, and so this came up really kind of with regard to the midwater snapper ACL, but it's, obviously, a broader issue, in terms of wanting to go ahead and take a look and revisit the ACLs set in the Comprehensive ACL Amendment. We are updating ACLs for assessed species, but we have a number out there that are still either in MRFSS units or MRIP-CHTS units that need to be updated as well, and so my recommendation is to include all the remaining species that we are not yet in the process of updating ACLs, or haven't yet updated the ACLs.

VICE CHAIRMAN GUYAS: Mr. Gill.

MR. GILL: Thank you, Madam Chair. Andy, you recollect, and you were young back then, that part of that discussion was talking about which species ought to be in the FMP, right, and one of

the drivers was it was an additional consideration that threatened to delay that document, and so we hustled through it pretty rapidly, or at least that's my memory.

Would it be appropriate, if we're going to do this, to include something like that, because if there are species that functionally haven't changed, as we best know, and we have no more information, and the likelihood of an assessment is nil to none, and perhaps a relook, and maybe we'll wind up where are now, but, if we've got age on that discussion from what the ACLs were on these unassessed species, then perhaps we ought to look again at which species we ought to include or not include, and I don't think it would be a tough, heavy lift, because we eliminated a bunch, but we had some fairly arbitrary criteria by which we made that judgment, and so I think, if we're going to do this, I would like to suggest we add reviewing inclusion of the species in the reef fish amendment.

VICE CHAIRMAN GUYAS: Andy, your thoughts?

MR. STRELCHECK: I would have to go back and look at our guidelines. I believe we have criteria for determining whether a species or species group is in need of federal management, and so I'm fine if you want to make that addition as part of this review and update process.

VICE CHAIRMAN GUYAS: Sure. I don't know if, Andy, you have specific language here, or it looks like Bob might have a suggestion, and then, Dr. Simmons, I see your hand flying up.

MR. GILL: I am amenable to Andy adding the language, or I can make a stab at it, whichever.

MR. STRELCHECK: Mara and I were having a sidebar, and she was suggesting that it might be something that we want to go before the SSC before proceeding with an amendment, and so that's something we could discuss. **In terms of the motion, I think we could add, at the end, to determine, or evaluate, if the species were still in need of federal management.** Does that work for you, Bob?

VICE CHAIRMAN GUYAS: Mr. Anson, I think you were the seconder, right, and are you okay with this motion?

MR. ANSON: Yes, I think that captures it.

VICE CHAIRMAN GUYAS: Dr. Simmons.

EXECUTIVE DIRECTOR SIMMONS: Thank you, Madam Chair, and so I just wanted to point out that we do have, I think, something on our to-do list that we really haven't been able to get to you that pertains to, I think, the last half of the motion, and that was we were directed, a while back, to begin work on the five-year review on inclusion and exclusion of species and the species groupings in FMPs, and we just haven't had a chance to tackle it, and so we do already have that on our list, and I think it's fine if you want to include it in this motion, but just keep in mind that the list is getting longer here.

VICE CHAIRMAN GUYAS: Okay. Any other discussion on this? I am going to read the motion one more time, since you changed it, and then we'll vote. **The motion is to direct staff to begin development of an amendment to review and update ACLs for unassessed species and evaluate if the species are still in need of federal management. Is there any opposition to this motion? Seeing none, the motion carries.** Ms. Bosarge.

MS. BOSARGE: I may have missed this, and I stepped out right before you all put this motion up, but this is not going to prevent us from bringing back some information on the last however many years of landings on wenchman and looking at it and trying to figure out, in a more timely fashion, how to proceed to update that ACL, if necessary, right, and we're still going to get that at our next meeting, some data on wenchman landings?

VICE CHAIRMAN GUYAS: Dr. Simmons is nodding her head yes.

EXECUTIVE DIRECTOR SIMMONS: I think we have species-specific landings, Andy, correct, that we could bring back in a little bit more detail pretty easily in January for that mid-water complex. Can we bring back the wenchman landings and the individual snapper landings that are part of the midwater snapper complex? Is that something we can easily do in January?

MR. STRELCHECK: Yes. I mean, I will talk to my team, but that's easily done for discussion, and then, in terms of this motion, I wanted to, obviously, put it on the council's priority list, but I do view this as considerably down the priority list, given everything else we're working on, and I presume that most of the council feels the same way.

VICE CHAIRMAN GUYAS: Okay. I'm going to keep reading. I am looking down, of course, and so, if you are burning up, just -- All right. Gray Triggerfish Commercial Landings and Management Review, the council requested that staff look into the commercial gray triggerfish landings history since the

implementation of catch level increases in July of 2021.

Dr. Carrie Simmons reviewed the current commercial management measures for gray triggerfish in the Gulf. Presently, commercial vessels have a trip limit of sixteen fish and a minimum size limit of fourteen inches fork length with the commercial annual catch target set 5 percent below the commercial ACL.

When the commercial ACT is projected to be reached, the commercial fishery for gray triggerfish is closed. If commercial landings exceed the commercial ACL, then an overage adjustment is applied to the following year's commercial ACL.

The Reef Fish Advisory Panel has asked that the commercial trip limit be increased. Dr. Simmons noted that if the council wants to consider an increase in the commercial trip limit for gray triggerfish, it could be added to the Framework Action: Modifications to Vermilion Snapper Bag Limits and Gray Triggerfish Recreational Fixed Closed Season.

The committee recommends, and I so move, to add an action to the Framework Action: Modifications to Vermilion Snapper Bag Limits and Gray Triggerfish Recreational Fixed Closed Season to adjust the commercial gray triggerfish trip limits. We have a committee motion. Is there any discussion on this motion? **Is there any opposition to this motion? Seeing none, the motion carries.** Mr. Strelcheck.

MR. STRELCHECK: I think, to help with direction for staff, we heard, during public testimony, both changing the trip limit, in terms of increasing the numbers of fish, as well as considering the weight of fish, and it seems like both of those are at least appropriate for consideration in an amendment, and so I wanted to get confirmation that that was everyone's understanding.

VICE CHAIRMAN GUYAS: That seems appropriate, and I remember, the last time we adjusted the commercial limits, we, I think, engaged our Law Enforcement AP on weights versus individual fish, and, if we have time, and if it's convenient, this might be good to engage them again, or maybe we can dig up the discussion that they had on this previously. Dr. Simmons, you look like you want to put your hand up.

EXECUTIVE DIRECTOR SIMMONS: We can look at that. The other thing I heard during public testimony is most people weren't interested in changing the vermilion snapper bag limit, and so I guess I want to confirm that we're still moving forward with

that.

VICE CHAIRMAN GUYAS: Ms. Boggs.

MS. BOGGS: I am still wanting to see that. Thank you.

VICE CHAIRMAN GUYAS: Any other thoughts? Ms. Bosarge.

MS. BOSARGE: I just wanted to throw out that we did hear, as far as pounds, and I forget who said it, but it was 200 pounds as a possible trip limit on the commercial side, and I guess you can somehow try and convert that back into fish, to do an equivalent number of fish, if we want to do it in fish, but that was one number that I heard thrown out. There was a number of fish thrown out too, but I don't remember what it was.

VICE CHAIRMAN GUYAS: Thank you, Madam Chair. I mean, we're going to have to look at a range of alternatives, and we're going to have to see some projections and look at the average size and see when we think the quota will be met, and so we'll come back to that when we can. I think, currently, this is a C priority, and so we can move it up a little bit, to a B perhaps, based on it seems like there was some more urgency for the components, and so we can see what we can do and work with leadership when we get back from council.

VICE CHAIRMAN GUYAS: Okay. Anything else before we move on? All right. Imputed 2020 Landings for Gulf Managed Species, Dr. Richard Cody from the NOAA Office of Science and Technology presented a summary of the imputation methods implemented to account for data not collected by the Marine Recreational Information Program, due to COVID-19 restrictions and considerations in 2020.

In general, 2020 recreational catch and effort estimates exhibited no unexpected or extreme results and were viewed by NOAA OST as being typically in line with prior years or recent trends. Impacts of data gaps and imputation were variable across states and fishing modes, but limited at annual and regional levels. Most of the data gaps in 2020, including lengths and weights, were in the MRIP Access Point Angler Intercept Survey, specifically in Wave 2, which is March and April, and the first half of Wave 3, May and June.

Also, for the headboat mode, no dockside sampling was resumed in 2020 post-COVID-19 restrictions. However, data validation, quality assurance visits, and reporting via the Southeast Region Headboat Survey continued. Dr. Cody clarified the difference

between the gray cells in the imputed data, which indicated a true loss of sampling, and the white cells, which represent no sampling assignment for that state at that time.

Committee members asked about the disparities between the length and weight sampling data collection in the data displayed. Dr. Cody replied that lengths and weights are collected concurrently and that sometimes some of these data aren't collected, for a variety of reasons. Committee members asked why the cells wouldn't match up if sampling had occurred. He responded that the cells are coded based on the data collected for that cell over the last three years and that incomplete assignments can affect the data as they are represented in the figure.

Dr. Cody described an imputation approach to fill gaps in the data. All APAIS data from 2018 and 2019 collected within the corresponding 2020 data gap periods were combined with available 2020 data, with the original sample weights for 2018 and 2019 data down-weighted by a factor of two to account for using two years of data.

NOAA OST discussed this method with its MRIP statistical consultants, who thought the method appropriate, and standard two-month MRIP wave estimates of catch and effort were generated. NOAA OST will revisit the 2020 estimates once sampling is completed for 2021, with an evaluation of changes to 2020 estimates using imputed records from 2019 and 2021 conducted and compared to the same using 2018 and 2019.

Dr. Cody demonstrated the effects of imputation for 2020 landings and releases for different Gulf species. Estimated landings and releases for gag were observed to be similar, with point estimates falling within the standard error of the imputed and observed data.

A Committee member thought it necessary to consider the recreational landings and releases in weight instead of numbers, which would be affected by the number of observed weights collected through APAIS. This is because the fisheries are managed by weight and not by numbers of fish. Another Committee member noted that the releases estimated for gag are more than double that observed to have been retained. Dr. Cody replied that it is not atypical for releases to be greater than retained catch, due to management considerations like bag limits and fishing seasons.

The effects of imputation, the percent imputed data for 2020, on red grouper is 7 percent, red snapper is zero percent, gray

triggerfish is 35 percent, greater amberjack is 7 percent, and cobia is 14 percent, were observed to be similar to gag, in that differences between imputed and observed data were not significantly different.

For king mackerel, which is 17 percent, more of an effect of using imputed data were observed and may be attributable to data being over or underrepresented by a wave in the imputed data.

Dr. Cody reviewed differences in effort estimates for the 2020 fishing year compared to previous years. Generally, effort estimates for Mississippi, Alabama, and Florida were not dissimilar between the 2018, 2019, and 2020 fishing years. The MRIP Fishing Effort Survey continued unencumbered by COVID-19 restrictions. However, the APAIS survey does help inform effort by region, as it helps capture effort by nonresident anglers.

The committee noted that the effort estimates for 2020 were somewhat dissimilar in trend compared to the 2018 and 2019 fishing years, in that fishing effort was observed to increase from Wave 2 through Wave 5, perhaps because fishing was one of the few activities relatively open to stakeholders, while other terrestrial recreational activities were more limited.

Final Action on Framework Action: Modification of Gulf of Mexico Red Grouper Catch Limits, Ms. Muehlstein reviewed the public comments for the draft framework action. Dr. Freeman then reviewed the purpose and need statements, as well as the alternatives. He noted that the council selected a preferred alternative at its August 2021 meeting and that the overfishing limit, ABC, ACLs, and ACTs would all increase with the preferred alternative.

A committee member inquired why there was a significant change in mean weight of Gulf red grouper landed by the recreational sector pre-1990 and post-1990. SERO staff replied that there was a minimum size limit implemented around 1990, which may have led to the recreational sector landing larger red grouper. SERO staff reviewed the red grouper landings for 2020, as well as 2021 landings, as of October 13, 2021. NOAA General Counsel then reviewed the codified text.

The committee recommends, and I so move, to recommend approval of Framework Action: Modification of Gulf of Mexico Red Grouper Catch Limits and that it be forwarded to the Secretary of Commerce for review and implementation and deem the codified text as necessary and appropriate, giving staff editorial license to make the necessary changes in the document. The

Council Chair is given the authority to deem any changes to the codified text as necessary and appropriate. We've got a committee motion. Is there any discussion on this? This one is a roll call, since it is final. Okay. Dr. Simmons.

EXECUTIVE DIRECTOR SIMMONS: Thank you, Madam Chair. Mr. Gill.

MR. GILL: Yes.

EXECUTIVE DIRECTOR SIMMONS: Mr. Anson.

MR. ANSON: Yes.

EXECUTIVE DIRECTOR SIMMONS: Mr. Schieble.

MR. SCHIEBLE: Yes.

EXECUTIVE DIRECTOR SIMMONS: Dr. Shipp.

DR. SHIPP: Yes.

EXECUTIVE DIRECTOR SIMMONS: Ms. Bosarge.

MS. BOSARGE: Yes.

EXECUTIVE DIRECTOR SIMMONS: General Spraggins.

GENERAL SPRAGGINS: Yes.

EXECUTIVE DIRECTOR SIMMONS: Dr. Stunz.

DR. STUNZ: Yes.

EXECUTIVE DIRECTOR SIMMONS: Mr. Broussard.

MR. BROUSSARD: Yes.

EXECUTIVE DIRECTOR SIMMONS: Mr. Geeslin.

MR. GEESLIN: Yes.

EXECUTIVE DIRECTOR SIMMONS: Mr. Williamson.

MR. WILLIAMSON: Yes.

EXECUTIVE DIRECTOR SIMMONS: Ms. Guyas.

VICE CHAIRMAN GUYAS: Yes.

EXECUTIVE DIRECTOR SIMMONS: Mr. Dyskow.

MR. DYSKOW: Yes.

EXECUTIVE DIRECTOR SIMMONS: Mr. Strelcheck.

MR. STRELCHECK: Yes.

EXECUTIVE DIRECTOR SIMMONS: Mr. Dugas.

MR. DUGAS: Yes.

EXECUTIVE DIRECTOR SIMMONS: Dr. Frazer.

DR. FRAZER: Yes.

EXECUTIVE DIRECTOR SIMMONS: Ms. Boggs.

MS. BOGGS: Yes.

EXECUTIVE DIRECTOR SIMMONS: The motion carries unanimously sixteen to zero with one absent.

VICE CHAIRMAN GUYAS: Thanks, Dr. Simmons. Presentation on SEDAR 70: Greater Amberjack Stock Assessment Report, Dr. Jim Nance described the SSC's review of the revised projections for Gulf greater amberjack, which now use a revised projections code. This revision supplements the forecasting abilities of Stock Synthesis and allows for the consideration of a variety of sector allocation scenarios.

Parameterizing the projections required several decisions to be made, including years for averaging fishing mortality, selectivity, and recruitment; retention parameters; treatment of interim landings; and, sector allocation ratios, if applicable.

The SSC noted, in its review, that future recruitment defines expectations of stock productivity and that fleet selectivity and retention functions can have varying effects on the projections, based on the sector allocations assumed. These factors can ultimately affect the estimation of management benchmark targets and estimates of stock status determination criteria.

The SSC thought that the lower recent recruitment was likely more representative of the greater amberjack stock in the near-term and acknowledged that a longer time period of recruitment

could be used to inform the OFL.

Importantly, the SSC did not want to set overly optimistic catch advice based on potentially implausible higher average recruitment and thought that setting the ABC using a more recent recruitment level better reflects contemporary stock and fishery dynamics. Ultimately, the SSC decided to maintain setting the ABC equivalent to 75 percent of the spawning stock biomass at the proxy for maximum sustainable yield, which is set at a 30 percent spawning potential ratio, as was done when the SSC last revised SEDAR 70.

Dr. Nance continued, stating that the projections for ABC still aim to rebuild the greater amberjack stock by 2027. Generally, as fish are allocated to the recreational sector, the yields decrease to account for additional dead discards by that sector. The SSB for greater amberjack has oscillated, but remained generally consistent, since the 1990s.

The SSC thought it most appropriate to continue using the current fishing mortality at MSY proxy of F SPR 30 percent while also using the current stock-recruit relationship curve to inform recruitment. The SSC recognized the yield reductions necessary for greater amberjack and thought that careful consideration would be needed in determining future management.

The SSC recommended to continue with the 30 percent SPR reference point in the rebuilding projections, using the SRR-informed recruitment, with the ABC based on the low recruitment scenario from 2009 to 2018. Further, the SSC determined that SEDAR 70 represents the best scientific information available and that, as of the terminal data year of 2018, the stock is overfished and is undergoing overfishing.

Generally, the uncertainty observed in the later years of the recent recruitment period is attributable to the lack of data to inform what may happen beyond the terminal year of data. When the projections are parameterized, assumptions are made about future conditions for the stock, and this information is fed back into the model to help refine final estimates for management benchmarks. The SSC will review the finalized projections under the various sector allocation scenarios being considered by the council at its November 18, 2021, hybrid meeting in Tampa, Florida. Ms. Bosarge.

MS. BOSARGE: Maybe, between now and the next council meeting, could we also just get an update from the Science Center about when they might get that amberjack analysis done that we asked

for, where they go back and give us the historical ACLs in FES, and I know they said they would work it in when they could, but maybe just a phone call to ask them. We asked for that, I don't know, a couple of meetings ago, and so we could just check with them, maybe.

VICE CHAIRMAN GUYAS: I am seeing nods yes. Anything else on amberjack? Okay. Presentation on SEDAR 72: Gag Grouper Stock Assessment Report, Dr. Nance presented the SSC's deliberations about the SEDAR 72 assessment of gag grouper. SEDAR 72 incorporated MRIP-FES recreational catch and effort data, updated data inclusions, adjustments to fleet selectivities, red tide analyses, and model variability.

Some SSC members contended that data estimated prior to the MRIP time period of pre-1981 should be excluded due to their lack of precision and plausibility. The Southeast Fisheries Science Center replied that removing the pre-1981 recreational catch and effort data does not have a substantial effect on the stock status, but does help with tuning the model to the initial estimates of exploitation rates. Further, commercial data from pre-1981 are thought to be plausible.

A sensitivity run was conducted to examine the recreational catch and effort data generated by the Florida Fish and Wildlife Conservation Commission's Gulf Reef Fish Survey, now called the State Reef Fish Survey, or SRFS. Hindcasting for the data calibrated to FES was available back to 1981. Prior to 1981, mean catch per unit effort for 1981 to 1985 was used to estimate the historical catch per unit effort.

Trends in model outputs were observed to be commensurate using SRFS. However, the lower level of landings reported through SRFS compared to MRIP-FES does result in a lower estimate of SSB, exploitation rate, and age-zero recruits. The SSC discussed the merits and feasibility of using SRFS for monitoring recreational catch and effort for gag grouper in the future.

SRFS has increased precision and reporting frequency compared to MRIP and may be more appropriate for monitoring gag private angler landings. Gag is a Florida-centric stock, and almost all harvest is recorded by SRFS. The SSC recommended that the SRFS sensitivity run receive the full suite of model performance and diagnostics, just like MRIP-FES. The Southeast Fisheries Science Center countered recommending the use of a scalar to convert the recreational portion of the recommended catch limits into SRFS data currency instead.

The justification for this recommendation was a preference to have a full suite modeling efforts work through the SEDAR process. Following this, the SSC requested a review of the proposed scalar method.

Dr. Nance stated that SSB can be characterized by female-only or combined male and female SSB. Female-only SSB provides best estimates of biological reference points if the potential for decreased fertilization is weak. Combined SSB is best when the potential for decreased fertility is moderate or unknown.

Increasingly skewed sex ratios for gag may result in reduced fertilization rates and, as a consequence, reduced population growth. Recent research estimates that males account for about 1 percent in the fished stock and about 5 percent in the Madison-Swanson Marine Protected Area. Further, the last strong year class was in 2006/2007, and the relationship between sex ratio and fertilization success is poorly understood.

Under both the females-only and sexes-combined scenarios for SSB, SEDAR 72 estimates that gag has been overfished since 2006, with overfishing occurring since 2001. The SSC discussed using the sexes-combined estimate for SSB, considering the currently skewed sex ratio and poor recruitment since 2006/2007. Ultimately, the SSC recommended that the SEDAR 72 stock assessment be considered the best scientific information available.

In exploring the parametrization of the projections, the SSC evaluated three red tide scenarios of 10 percent of the intensity of the 2005 red tide (low); 30 percent (medium); and, 72 percent (high). These estimates assume that the 2021 red tide dissipates in mid-November 2021, based on historical patterns and Ecospace modeling.

All red tide mortality scenarios predict that gag is still overfished and undergoing overfishing. However, at F SPR 30 percent, the degree to which the stock is overfished is much greater than at Fmax. The SSC recognized that closing the fishery would deprive fishery managers of critical fishery-dependent age and length composition data from the directed fleets, data which are critical for monitoring rebuilding.

The current FMSY proxy is Fmax. Changing that proxy would require a plan amendment. The SSC supported using the medium severity red tide scenario of 30 percent based on the Ecospace model, which was viewed as more precautionary than the low

severity value of 10 percent. Due to time constraints at the September 2021 SSC meeting, the SSC will revisit gag projections at its November 18, 2021, hybrid meeting in Tampa, Florida.

The committee asked about the change in stock status and the manner in which the SSB was estimated between the SEDAR 33 update from 2016 and the SEDAR 72 assessment. Dr. Nance described that the SEDAR 33 update used females-only, and the recommendation from SEDAR 72 is to use sexes-combined.

Although the SEDAR 33 update estimated that the stock was healthy under the females-only estimate of SSB, SEDAR 72 estimates that, even using that metric for SSB, the stock would have been overfished and undergoing overfishing. Dr. Nance explained that changes in the data used, and the subsequent years of poor recruitment, may be contributing to the revised estimates of stock status.

Another committee member asked whether the landings in 2020 and 2021 are as low as they are because the fishermen are not fishing in areas with red tide or if it is estimated that gag are in fact being negatively affected by the red tide bloom. A committee member replied, that based on the life history of gag, the current red tide bloom is likely affecting juveniles and young adult females in nearshore and shallower offshore areas, like on the West Florida Shelf.

A committee member asked about the red tide index used for red grouper, which had an episodic mortality index informed by previous events, with estimates made to inform future red tide blooms. For gag, an index was created using the Ecospace model, which represents a newer ecosystem-based approach for incorporating this type of mortality.

The committee also asked about the justification for selecting the sexes-combined SSB estimate over the female-only SSB estimate. Dr. Nance clarified that the females-only SSB estimate treats the population such that the proportion of males is inconsequential as it relates to future recruitment. Conversely, the sexes-combined SSB estimate is more considerate of the proportion of the population that is male, which may be more appropriate if a lack of males is thought to be a limiting factor for future recruitment.

A committee member questioned whether it was appropriate to assume sperm limitation in the gag population, when in most other cases with protogynous hermaphrodites, the transition to male is socially mediated and based on the proportion of males

present in an area.

The committee member asked about any change in the length at which females reach maturity and asked whether that length has changed recently. Council staff replied that the estimate of the length at which 50 percent of gag reach sexual maturity has remained generally unchanged, with the estimate still being commensurate with the current minimum size limit of twenty-four inches total length.

Council staff then asked about the justification for using metric tons to characterize biomass for gag, compared to the use of the number of eggs for red grouper. The Southeast Fisheries Science Center replied that more data exist for red grouper that allow for the estimation of SSB using number of eggs, whereas, comparatively, less is known about the reproductive characteristics of gag.

A committee member asked why the SRFS data were not used in the assessment like the MRIP-FES data. The Southeast Fisheries Science Center replied that the SRFS data were explored as a sensitivity analysis. After the assessment was underway, a historical calibration was made available for the SRFS data back to 1981. However, the Southeast Fisheries Science Center contended that the calibration had not yet been adequately peer-reviewed. Thus, the MRIP-FES data were used to estimate recreational catch and effort.

The committee member countered that MRIP-FES does not capture offshore fishing effort nearly as well as SRFS and, given that gag is a Florida-centric species, it seems appropriate to use SRFS for the purpose of estimating recreational catch and effort. SERO staff replied that additional work was necessary to establish a process for calibrating and incorporating state-generated survey data for all species. The committee member responded by noting that state survey data are used to inform the red snapper stock assessment in the South Atlantic, but not in the Gulf, and that the disparate application of process between regions is inconsistent and confusing.

A committee member questioned the dire condition of the gag stock estimated by the SEDAR 72 stock assessment, noting that the fishermen have not been coming to the council and describing a similarly dire situation. The committee member continued that using the SRFS data for a complete model for gag would be appropriate, based on the modifications to the MRIP data collection methods made by SRFS to improve on certain aspects of the MRIP survey design. Further, the committee member added

that they were opposed to closing a fishery under any reasonable circumstances.

Another committee member suggested creating an accelerated schedule for evaluating the state survey data, based on the attributes of those surveys, especially compared to the MRIP-FES data. Other committee members expressed support for considering the SRFS data, especially given the gravity of the outcome of the SEDAR 72 stock assessment. They thought it most important to analyze all the information available before accepting the results of the assessment.

The Southeast Fisheries Science Center repeated that SRFS was analyzed as a sensitivity analysis, but did not receive the full suite of model diagnostics. However, the SRFS data was observed to show a similar trend to the MRIP-FES data. A committee member replied that the magnitude of differences in the interannual changes in the data were likely different and asked if the SRFS data would result in a different estimate of stock status. The Southeast Fisheries Science Center replied that the stock status may not change, but the estimates of SSB may vary based on the data currency used.

A committee member brought up the concept of fishery closures. They thought that the process for being considerate of the possibility of fishery closures should begin as early in the review of a stock assessment as possible. They further elaborated that the intention should be to avoid a fishery closure however possible.

The committee discussed the effects of closing a fishery on the fishermen, supporting businesses, the science generated on those species, and the ability to reopen the fishery later. A committee member recalled the examples of goliath grouper and red drum and the difficulties associated with trying to reopen those stocks to any sort of harvest.

Another committee member expressed concern about how the council communicates to the stakeholders that it will do what it can to avoid a fishery closure. A committee member added that there may be limitations on what the Council can do with respect to the requirements of it under the Magnuson-Stevens Fishery Conservation and Management Act and that the catch recommendations begin with the SSC, not the council.

Committee members supported the idea of asking the SSC to present options to the council for ways to rebuild the gag stock without closing the fishery. SERO staff recommended considering

the broader approaches being considered for reef fish management as a whole, as opposed to just avoiding a closure, and added that, contemporarily, data collection seemed to be at the heart of that larger issue. I am going to pause here, because I'm pretty sure we had a motion that somehow dropped out of the report.

MR. GILL: That was going to be my comment, Madam Chair. We made a motion that did pass, as I recollect, and I don't see it in the report.

VICE CHAIRMAN GUYAS: I thought about it last night, and so maybe somebody leaned on the keyboard for delete, and maybe we need to conference for a minute and see if we can get that pulled up, so that we can -- Okay. There it is.

Okay. **Even though it's not in the written report, we have a committee motion, and it is to retain fishery-dependent data it is the council's desire to avoid a total shutdown of any species, if at all possible. Is there any discussion on this motion?** Ms. Boggs.

MS. BOGGS: I would just like to make a comment. I understand the intent of the motion, and I don't think the motion does anything, and so, therefore, I would not support the motion. Thank you.

VICE CHAIRMAN GUYAS: Okay. Any other discussion on this? **Seeing none, is there any opposition to this motion? We've got one opposed.** Okay. **The motion carries with one opposed.**

Before we leave this gag section, I would like to offer a motion that I sent to staff earlier. Sorry I am double-chairing here, but I'm got to get this motion in somehow, and so this is how it's going to go.

My motion is to update the SEDAR 72 Gulf of Mexico gag base assessment model (combined sexes) using data from the Florida State Reef Fish Survey (SRFS) for the private recreational sector in place of the same data collected by MRIP-FES. All other data inputs should remain the same. Generate all customary and appropriate model diagnostics used to evaluate model performance. Update model parameter estimates and their variances, model uncertainties, management benchmarks, and stock status estimates. That is my motion. Is there a second? It's seconded by Mr. Dyskow. The intention is probably clear here, but, Mr. Gill, go ahead.

MR. GILL: Thank you, Madam Chair, and so I guess this is a question for Ryan. Assuming this motion passes, is there any impact on the assessment schedule, such that we're talking about a potential delay in other assessments?

MR. RINDONE: I would imagine we would need to look at that and talk to the Science Center about that and see what kind of workload this constitutes before we can really get into that, and so the schedule is pretty full, and so I would imagine there would be something that would have to be delayed, or something to that effect, but, without talking with them, I can't say precisely what any of that would be.

MR. GILL: So I guess the question to you, Madam Chair, is do we want to somehow include, in this motion, where we see it applying in the priority to be incorporated in that discussion on where it impacts on work schedule and what it may or may not impact? I don't know quite how to do that, but it's one thing to say we want it, but, if you want it right now, then there's some downstream consequences, and I don't think we ought to make this motion pass without some consideration of it.

VICE CHAIRMAN GUYAS: I am going to go to Mr. Strelcheck.

MR. STRELCHECK: Clay is not here present today, but he is on the phone, and I don't know if he's trying to raise his hand or not, but I think Clay could certainly respond to the ramifications of the stock assessment process and what this might result in, in terms of delays.

VICE CHAIRMAN GUYAS: I see his hand is going up. Dr. Porch.

DR. PORCH: Thank you, Mr. Strelcheck. My hand was up, but I don't know if it's easy to see, since I'm not a council member, but I appreciate you calling attention to it. I did want to emphasize a couple of points.

I think this needs to go through the full review process, like I outlined earlier. Some of the language seems to suggest that the Southeast Center was somehow deviating from the normal practice, which is actually not the case at all. We followed the terms of reference of the statement of work for the assessment to the letter and the SEDAR process in general.

I will note that the SSC did recommend SEDAR 72 as the best scientific information available, and some of the wording that was earlier in the report doesn't actually accurately reflect what went on at the SSC, and I think Ryan can correct the record

in that case, but the more important issue is that you have a situation where you have essentially a preliminary time series, where you have SRFS estimates calibrated back in time, and it does need some measure of review, and I think we outlined a process for moving forward, and that is to complete the transition process that was started and seems to have stalled during the COVID outbreak.

We can go ahead and complete that process, which would include a peer review of the historical time series, and it really requires expertise that is not typically involved in the SEDAR process, and I think then you could schedule a new assessment, and you just follow the normal SEDAR Steering Committee procedures to schedule that assessment.

The other point that I wanted to make, that I think is really germane here, is that the last year of the assessment was 2019, and you all heard from public testimony that a lot might have changed since then. Unfortunately, we weren't able to execute a survey in 2020 that picked up gag, but the State of Florida was able to, through their own surveys, and so there should be some information there that would give us an idea of stock trends in 2020, plus now we have actually conducted surveys in 2021, and so I think something that would be really helpful is to do sort of a health check, as we have before, sometime after April, when we can get all that video survey data processed, just to see what the trends in gag have been more recently.

I think it's a very legitimate concern about shutting down the fishery, especially when it's based on data that is two years old now, or more than two years old, and, like I said, we can do a health check, or potentially even an interim analysis, and I say "potentially" because we haven't done one for gag, and it would take a little time, but certainly we could do a health check, looking at index trends to see if gag continue to be in the same condition the assessment estimates or maybe they have improved. Then a decision could be made, at that time, whether we want to schedule a full assessment that would include that information. Thank you.

VICE CHAIRMAN GUYAS: Mr. Rindone.

MR. RINDONE: Thank you, Madam Chair. I was hunting for your phantom motion when part of the report went by, as Dr. Porch referenced, when Dr. Nance was giving his presentation on the discussion and talking about the use of the SRFS data as a sensitivity run, and the SSC wanted that to go through the full suite of model diagnostics, and that was a motion that was made

by one of the SSC members, and it did have support from other SSC members, but, as Dr. Porch mentioned, and the SSC agreed, it was better to move that kind of a modeling effort, and basically a fresh, comprehensive model with swapping out one of the key data inputs through the SEDAR process, and they offered the substitute of providing the SSC with a scalar method for matching the recreational landings to the SERFS trends, and so the SSC will be able to review that information about the scalar at its November meeting.

VICE CHAIRMAN GUYAS: Thanks for that clarification. Clay, and maybe this is partly an Andy question, and I think it is, because I think this involves multiple parts of NMFS, but when, and I'm looking for a specific time, would we be in a place where all of this additional peer review is done? To me, it's pretty nebulous what this entails. I mean, we've already had the independent peer reviewers review the calibrations back in time, and the SSC has also approved them, and so I guess I'm wondering why this was not included in the terms of reference, since this seemed to be a sticking point for that process.

What is the timeframe? When will this additional review and blessing of the State Reef Fish Survey be completed, so that we can put this on the schedule in the future, the way that you're suggesting?

DR. PORCH: Two things. There has not been a review of any calibrations back in time, the historical time series. The discussions that have been had are having to do with where we have the overlap of the surveys and coming up with calibrations that are useful for monitoring, and it's a different thing to talk about how you calibrate things back in time to 1981, and so that part has not happened.

It was supposed to happen as part of the transition process, and so, to answer your question, a lot is going to depend on not only the National Marine Fisheries Service, but also the states and how quickly we can get together and work on this issue. I think you heard from Dr. Cody the proposal for January, and I think what we need to do is include in the terms of reference for the workshops that come from that this exact thing, reviewing the historical time series and how they could be calibrated back in time to represent say the SRFS currency or any of the other state survey currencies.

The timeframe is going to depend a lot on the will of the states, as well as the National Marine Fisheries Service, to work together and do it as quickly as possible. Of course, I

would like to see it done for the completion of the red snapper research track, since that's a component of that as well, and so it is important to get this on an accelerated time scale, and I think we all agree, but we just all need to work together to make it happen.

VICE CHAIRMAN GUYAS: Mr. Rindone.

MR. RINDONE: Thank you, Madam Chair. Just a point of clarification here. The SEDAR 72 assessment process at this point is complete, and so this would constitute a separate assessment process, and so I don't know if it would be done similar to the old update style or how we would necessarily approach this with the states and NMFS, but the SEDAR 72 process is complete.

VICE CHAIRMAN GUYAS: I guess I have a question about that. What we've been doing recently, when we get these assessments, like with amberjack and king mackerel, for example, the assessment is done, but we need them to run the assessment essentially again, multiple times, in different allocation scenarios, and, I mean, how is that treated?

It seems to be that the assessment is done, but it's not really done, because there is still a bunch of additional work going into that. I kind of view this in the same light, and so can somebody help me out with that? Maybe that's not a Ryan question, and maybe that's a Clay question, and I don't know.

DR. PORCH: We don't rerun the assessment. We rerun projections with different allocations, but the basic assessment, all the diagnostics and all that, were complete and presumably reviewed, and that's the end of it, and then we look at different allocations through the projections, and so that's the part that the SSC weighs in on if they want to look at different ways to potentially manage the fishery.

VICE CHAIRMAN GUYAS: Mr. Anson.

MR. ANSON: I am just trying to follow this process specific to this species, but this may come up for other species, and so what I'm hearing from you, Dr. Porch, is that, if there were a calibration back in time to SRFS, this would be a relatively easy exercise that could be done specific to the motion that's on the board, not looking at any other additional data, and I've heard your comment about trying to get the additional video survey data and such in and incorporate that, since it's been a couple of years, but, if the calibration were in hand, going

back in time, that it wouldn't be necessarily a heavy lift, and it would not impact the SEDAR schedule, and it would not have to be set up, the terms of reference and all those types of things, and is that correct?

VICE CHAIRMAN GUYAS: Go ahead, Dr. Porch.

DR. PORCH: No, and I didn't mean to convey that. It's still quite a bit of work. If you had an assessment that's completed, and then you want to replace a key dataset, you have to go through the whole model development process and review the diagnostics, and it can be, actually, quite a lot of work, but, for me, the key issue here is that, when you have a dataset, it needs to go through the appropriate level of review, and that's what has not transpired yet.

MR. ANSON: A follow-up, and that's what I am trying to tease out, is, again, if we had a review of the calibration of the time series for the SRFS data, and, I mean, that's what FES is, when we're running and trying to find allocation information from an assessment that's already been completed, and all we're doing is running that FES data through.

I don't see it as a major process, or one that would require a lot of model setup and such. The model is already run, and, granted, I understand that the modelers have to be available, but they're not changing any other data, and you're just changing out one data stream that, again, you had the calibration back in time, and there would be no review for that, and you just accept the numbers as-is.

VICE CHAIRMAN GUYAS: Unfortunately, it's not as simple as that. You're changing out a very influential data stream, and lots of things can happen. Parameters hit bounds, et cetera, and you need to look at the diagnostics and how well the model is performing, and it's actually a fair amount of work.

It's not the same as just running a projection with the different recreational and commercial allocations, and so it is quite a bit more work, but it's not a matter of whether it exists, whether a calibrated time series back in time exists, but it's whether one that has been fully peer reviewed exists, and all of these key data, especially influential data like this, needs to go through the appropriate level of peer review, which is what would normally happen in a SEDAR process, a SEDAR research track process, but, in this case, it's kind of a special case, when you have key data like a catch series, and that's why that kind of review is supposed to be part of the

transition process, and, like I said, that kind of seems to have lost steam, maybe because of COVID-19 and maybe because of other reasons, but that ball needs to be picked up again, and as soon as possible.

VICE CHAIRMAN GUYAS: Kevin, to directly answer your question about the back-calibrated in time, you might remember that the council sent a letter asking for the sensitivity run, and it was in June of 2020, and the calibration back in time was provided before our August council meeting, to I guess the Science Center, for the SEDAR process, and so, Clay, I have a question about a working paper that came through the assessment process for SEDAR 72.

There was a working paper, S-72-WP-04 FL GRFS MRIP, and there was a working paper, and was that reviewed by the assessment panel, and that seems to be an opportunity for peer review there.

DR. PORCH: It was available, and it wasn't thoroughly reviewed, and it certainly wasn't reviewed at a level of peer review. Some changes were made to that series after the paper, I think three different ones, and so the final series came kind of late in the process, but there wasn't really a peer review of it, because the intent was to use it for a sensitivity run and not the base run, and that was outlined in the statement of work, and so people really didn't give it the attention it would have if it were part of a research track.

VICE CHAIRMAN GUYAS: Okay. Any other hands on this one? If not, we're going to vote. Mr. Strelcheck.

MR. STRELCHECK: Martha, I guess, in terms of your motion, this talks about rerunning the assessment, but what do you envision in terms of then the review of the assessment? I mean, this just goes back to the SSC, or are you actually wanting this to go through an update SEDAR-like process, or what are you thinking here?

VICE CHAIRMAN GUYAS: So conduct what's in the motion, and, I mean, I would assume this would go back to the SSC, because we are obviously -- They have not reviewed this yet, and we, of course, do not have catch advice from them, and so does that answer your question?

MR. STRELCHECK: I guess maybe to Clay then. Clay, you talked about there was at least some level of review that didn't go through a sufficient peer review, and so that's where I guess I

am struggling, is where does that sufficient peer review happen with the calibration and with the diagnostics, because it seems like that's going to have to happen pre-SSC, and then the SSC reviews the outcomes of the assessment thereafter.

VICE CHAIRMAN GUYAS: Go ahead, Clay.

DR. PORCH: I mean, this was an operational assessment, and so the parameters of the model were already defined, and then there was an add-on, with the statement of work, to look at this as a sensitivity run, which was done, but there wasn't really a charge to give it a thorough peer review, and, as I mentioned before, that wouldn't really be the place to do it. It would be much better to follow the transition process and get the right experts that are specialists in this to review it and then, when they get a stamp of approval there, it then would be deemed appropriate for use for scientific advice.

I think that's the best answer that I can give there. I mean, there hasn't -- Like I said, at this point, it hasn't been reviewed. What it sounds like is being asked for is for a second assessment outside the SEDAR process, which is not something that we normally would do. I would much prefer, if we were going to do this, that we follow the normal SEDAR protocols, and, as I said, in addition, when you're talking about a major time series that's calibrated back in time, have some special review by qualified personnel, and it's more of an assessment issue.

Now, that itself, if we have this separate working group looking at that, then they could focus and keep it on this survey, and it could be regarded as part of the transition process.

VICE CHAIRMAN GUYAS: Mr. Diaz, welcome back.

CHAIRMAN DIAZ: Thank you, Madam Chair. Martha, I support what you're trying to do, and I want this process to happen for all of the data programs that the states are running, as quickly as possible, and I would love to see it all ready, where it could be used in the red snapper assessment that we're working on.

I want to make sure that, if we do something, that it's usable, and that's my only concern. Would you consider adding the words, after "appropriate QA/QC", or "appropriate peer review", at the very beginning of the motion, before the word "update"? "After appropriate QA/QC update the SEDAR 72" and go on from there, as a friendly amendment?

VICE CHAIRMAN GUYAS: I hear what you're saying, but I think that's a little subjective, and, at least the way that Clay is describing what I think would happy there does not have a defined timeframe, and so I am a little bit concerned about that. Of course, I want this to be a usable quality assessment that informs management, but I also have concerns about how this process has gone and how we continue to not have a defined, clear communicated path. Ms. Bosarge and then Dr. Simmons.

MS. BOSARGE: I want to make sure that I'm on the same page, and so we have the work update in there, and we discussed this a little bit, because we do get -- Like we have the SEDAR 38 Update Assessment, which, in that case, that assessment added new years of data, and I think what you're getting at here is you want to see the actual SEDAR 72 stock assessment, with whatever terminal year it had, and I don't remember off the top of my head, but don't add any new years of data and change that index that was used for recreational landings from FES to GRFS or SRFS or the Florida survey, and rerun it, and, if we're going one way or the other here, I would prefer that, and I hope that's the way, because I want to be able to like actually side-by-side compare the results, right, from SEDAR 72 with that terminal year in MRIP-FES and then SEDAR 72, with the same terminal year, but in the Florida survey data, and just switch out the index, and so I think I'm good there.

Then my other question was I understand why we're talking only Florida data here, because gag is a Florida-centric species, and that's where pretty much all the landings are, and that's why we're not talking about other states. Okay.

For the red snapper stock assessment that's coming up in whatever year, 2025 or something, this is essentially what we're planning to do for that assessment too, and is that -- I am just trying to understand how these balls are all going to land.

VICE CHAIRMAN GUYAS: I will let Ryan answer that question.

MR. RINDONE: Thank you, Madam Chair. Well, I had a point to make about something, Ms. Bosarge, that you had said in the first part of your comment, as far as comparing the two assessments, and so, with one assessment done in FES and the other one done using SRFS, when you're thinking about comparing those assessments, the things that you guys are going to want to be looking at for comparison are basic trends and things like that, because the final numbers that come out, in terms of like the actual numerical values and the biomass and the recommended catch, those are going to be very different, because they're

different currencies, but both assessments would still be able to generate estimates of stock status and trends in the directionality of where the stock has been and recruitment estimates and things like that, but just as long as everyone bears in mind that they are in different currencies, and so one is going to produce higher values than the other one is, no matter what, but it's all relative to the stock status as interpreted.

As far as SEDAR 74 is concerned, Dr. Porch was alluding to the needs for the data workshop process as it relates to that assessment, because you have multiple state surveys, and so the process that's being considered right now with SRFS is something that is going to need to be considered multiple times with the different states, and also including the calibration process, to be able to look at those data for that assessment, and so that's probably a much larger lift.

VICE CHAIRMAN GUYAS: Dr. Simmons and then Dr. Porch.

EXECUTIVE DIRECTOR SIMMONS: Thank you, Madam Chair, and so I guess, just taking a step back here, and I had a larger, broader question, and would it be useful to separate the efforts for the calibration of the state supplemental surveys back in time, 1981 to present time, like through some independent experts and not through the transition team, and get that going, and I assume that's a similar process as what was done for the MRIP-CHTS and the MRIP-FES.

It seems like some of the other survey design and sampling bias issues are going to take a lot longer, and it seems we need that index calibrated as best as possible for not only gag, but red grouper, in the interim. Thank you.

VICE CHAIRMAN GUYAS: Dr. Porch.

DR. PORCH: Thank you. Two points. One, what Ms. Bosarge described is actually what was done. We compared the trends with the SRFS data, and it's just a sensitivity run. In other words, it wasn't intended for mainline advice, and so there would have been -- If that had been the intent, and it had been totally reviewed, then there would have been more work done to make that just as perfect as we could, but did make the run, and we did compare the results, and the trends are nearly identical, but, as Mr. Rindone mentioned, of course, the scale is different.

When you use the FES data, it estimates that there is more fish

out there than when you use the SRFS data, in magnitude, but the trends are virtually identical, and then what Dr. Simmons described is actually part of the transition process, and she's exactly right that it happened when we calibrated FES back in time to the old CHTS estimates, and there was a peer review of that, and so that's what I am talking about.

You could certainly partition the various aspects that the transition team wants to look at, but one of the things should be exactly what the best way is to calibrate the various state surveys back in time, and it may be different for the different state surveys. However it's done, it needs to be adequately reviewed by the appropriate experts.

VICE CHAIRMAN GUYAS: Don't forget we had that calibration workshop, and I guess it was last summer, with the statistical consultants, where we looked at all the calibrations, and part of that was back in time.

DR. PORCH: But not back to 1981.

VICE CHAIRMAN GUYAS: Okay. Mr. Anson.

MR. ANSON: I guess a clarification is needed, and Ryan mentioned about the need for calibration back in time for the red snapper assessment, and Dr. Porch indicated that it would be nice to have it done for red grouper and as well as the snapper, but I guess, to answer your question, Martha, Ryan, is that analysis using the state data, instead of the FES data, and getting what is at this motion right now, is that not already in the terms of reference for the SEDAR 74, because I thought we had discussed that at the council, and I thought that would have been put in as a term of reference, and it already should be on the drawing board and available to tee-up to have that review in and of itself of the assessment, independent of the calibration.

VICE CHAIRMAN GUYAS: Mr. Rindone.

MR. RINDONE: Thank you. Yes, we did put it in the terms of reference, but it's becoming clear though that perhaps we need to be putting these things in the terms of reference extremely explicitly, to make sure that there's no workaround and that it has to be done exactly as it's being described, and it's certainly the council's intent, and the SSC's intent, for the way in which the state were to considered in SEDAR 74 were made abundantly clear on the record, and we tried to capture that in the terms of reference, which we, as a practice, try to make not overly prescriptive, in the event that let's say we're doing an

assessment on a species, and we're using Susan's data, and we say we have to absolutely use Susan's data or else, and we put Susan's data in there and accept if it fails, because it doesn't work for some reason or another, and we try to leave some wiggle room, to be able to avoid those sorts of circumstances, because then the entire process grinds to a halt and produces nothing.

Certainly at least the council's intent and the SSC's intent was clear, and we did put that in the terms of reference, and I can provide those to the council.

VICE CHAIRMAN GUYAS: Is it to that, Kevin, since this is your -- All right, Kevin. Go ahead.

MR. ANSON: Yes, it is to that, and so I guess, in a follow-up to what Dr. Simmons just alluded to, to make sure that we are on as close a track as possible, in order to have that information available, in order to complete that term of reference, and we ought to be considering maybe an alternative route, or a side-by-side route, depending on a specific issue that you're looking at through the independent review process, potentially.

VICE CHAIRMAN GUYAS: Let me make sure Dr. Porch doesn't still have his hand up. I can't tell if it's just a phantom hand or a leftover.

DR. PORCH: It's not a phantom hand, but thank you. I just wanted to confirm what Mr. Anson was saying, and we completely agree that that's in the terms of reference, and I certainly wasn't disputing that, and so, yes, it's in the terms of reference for the red snapper research track.

However, what I am saying is that actual process is equivalent to what should have gone on in the transition process and could be regarded as part of the transition process, but it's going to require standing up a special working group to focus on that, and that will, of course, need to have heavy engagement from the various experts in the states, and, ultimately, we're going to have to have people who are qualified to do the peer review on that.

This will be kind of a very special component in that research track, and it's not the run-of-the-mill assessment anymore, and you need people to really understand recreational surveys and can appropriately review whether these surveys should be used as they are, whether they need to be calibrated up or down, and how do you deal with them as far as extrapolating back in time, and so I agree with what Mr. Anson is saying, and I think we all

have that in mind, but we do need to get the right people working together, and we need to get that stood up soon, and I would contend that that is actually part of the transition process, but, of course, it would only be for red snapper.

VICE CHAIRMAN GUYAS: Mr. Schieble.

MR. SCHIEBLE: Thank you, Madam Chair. Dr. Porch alluded to a portion of my question, and so what -- If we go through with this, and we vote in favor of this, what is this going to do to the overall SEDAR process, or schedule, when it comes to everything else that's scheduled? How much time can we expect that this is going to take? Is it like a full run?

VICE CHAIRMAN GUYAS: I don't know if I know the answer to that, because I'm not the analyst, but -- Dr. Simmons.

EXECUTIVE DIRECTOR SIMMONS: I mean, I think, the way I understand Dr. Porch, and he can chime in, is we have to get this calibration back in time, vetted and peer reviewed, and then put it on the schedule, which will take two years from now for an operational assessment, or a research track, which could take much longer. That's what I understood.

VICE CHAIRMAN GUYAS: Ms. Boggs.

MS. BOGGS: I guess one of my concerns with this could be what kind of precedent does this set for future assessments, and, yesterday, we heard several people, in public comment, talk about, with all the storms we had in the Gulf, and Texas is catching more vermilion snapper than they have, and gag grouper are better it sounded like everywhere, and, I mean, these stocks, it seems like, are moving around, for whatever reason, storm-related or climate change or whatever anybody wants to say.

I understand your intent, Martha, and everybody thinks that the state data is best, depending on what you're looking to do, and I am just concerned the precedent that this may set moving forward for different species. Louisiana could come in and say let's use our state data for cobia, and that concerns me, and I had made a note before your motion of why are we converting state data to FES, when FES is supposedly the best scientific information available, and now we're just flip-flopping, and so I am concerned about this.

VICE CHAIRMAN GUYAS: I hear that, and so there is precedent for this. With LA Creel, when that came online, it was used in

assessments without going through this process. On the Atlantic side, from the Atlantic red snapper assessment, the data that we collect in the specialized survey, and it doesn't have a special name or anything like that, is used for the recreational landings that are coming out of Florida, no certification and no calibration and none of that, and so this is not the first time that this has ever happened. Mr. Schieble.

MR. SCHIEBLE: Just to specify, the council didn't tell the SSC or the Science Center to use LA Creel, and they chose to do it.

VICE CHAIRMAN GUYAS: Yes, they did. Mr. Rindone.

MR. RINDONE: Just a point of clarification, and LA Creel was used in the cobia assessment. That's from beyond 2014, and those are the only recreational catch and effort data for Louisiana.

VICE CHAIRMAN GUYAS: Ms. Boggs.

MS. BOGGS: You're right, and, to that point, because I know, right now, Texas Parks and Wildlife and LA Creel are -- They don't use the MRIP, but these other three states that still use the MRIP, plus their state data collection, and we're still arguing over the numbers for snapper, and I am not saying one is wrong and one is right, but I am just concerned what type of precedent is this setting, and I'm not sure how I will vote on this motion. Thank you.

VICE CHAIRMAN GUYAS: Ms. Bosarge and then, Andy, I see you.

MS. BOSARGE: For gag, we're in a rough spot, and we know that, right? However, I'm not sure -- We don't have our catch level recommendations yet, but you know it's on the board, and it's a potential that we might get a zero catch level recommendation, and I'm going to support the motion, but I do want to make one thing clear, and I guess I have never really -- I always thought about it in the future, like with red snapper, or with this one with gag, and I didn't think about it actually already being here with LA Creel and any other state data systems that are used in the assessment.

One thing I will say, for the federal MRIP, CHTS or FES or whichever way you want to -- Whichever year you want to look at as to what it's called, is they have a very high degree of transparency, which is important to me as a user of this data for management, that anything I want to get my hands on, I can. Dr. Cody, God love him, and I am always asking him for more and

data, and I want to see the actual average weight, and tell me how many intercepts you've got on length and weight, and I want to see the exact level of imputation and where did you pull them from, and I have it all.

As we move forward, it would be my expectation that we will have that same level of transparency within the state data that we use for management and that those are readily available online for me, and I don't have to request them from somebody, as a council member, to get them, the average weights and all your intercepts and where those intercepts transpired, and so I just wanted to put that on the table. I am going to support the motion, but I do have that expectation of transparency within the data that I am going to use for management.

VICE CHAIRMAN GUYAS: Mr. Strelcheck.

MR. STRELCHECK: I guess just a real quick response to LA Creel and South Atlantic red snapper. LA Creel, in my understanding, is calibrated up to FES, and there was some calibration done there. In terms of South Atlantic red snapper, you were right that we did not calibrate, but that is a three-day or four-day or five-day fishery that could not be calibrated then back to year-long seasons back in time, and it is a very, very different fishery than what we're talking about here, with year-long seasons, or many long monthly seasons.

I wanted to talk a little bit about timing and kind of where we're at, and, Martha, I wanted to go back and just thank you, because I think we had a great conversation last time, and we walked away, and we still didn't necessarily agree with one another, and we had a very candid and open conversation. I talked with state directors earlier this week, and I think we had some -- We made some headway with regard to, yes, we've haven't all, I think, fulfilled our part, and we need to work to work toward this transition better, and we need to collaborate more in coming up with solutions to resolve these data differences.

At the end of the day, we're not where we want to be at this point, and I think we, obviously, know we want to head there, and we need to head there rapidly, and so, when you hear Clay and I talk today, my concern is that people are hearing us, and they're thinking, well, just NOAA Fisheries doesn't want to use this data, and we're opposed to using that data, and that's not true at all. I want to make that point very, very clear, that what we're conveying, and I hope we're conveying, is that we're trying to follow the scientific process and the steps and

procedures that have been laid out here through SEDAR, through our assessments, in order to get to a point where we can use these assessments.

Gosh darn it, I wish, back in 2019, when we did the terms of reference, that we maybe did a better job of writing the terms of reference, but we didn't, and so now we have an approved assessment through the SSC, and so my concern, obviously, if this motion passes, is the downstream ramifications, and we still have some steps to go, in terms of resolving the back-calibration and how that's going to get done.

I did have a question, maybe for Ryan or for Carrie, and we all sit on the SEDAR Steering Committee, right, and so, when we talk about putting another assessment on the plate, to me, that's something that should go back to the SEDAR Steering Committee for discussion, and it's not just simply a council motion, but this is a recommendation by the council to go back to the SEDAR Steering Committee as a whole.

I can't remember any instances like this, but certainly, if this passes, I would like to know how that would integrate with the SEDAR Steering Committee process.

MR. RINDONE: To the first point about the terms of reference, we actually had to send in a revision to the terms of reference to be able to include SRFS once a number of years of data were available, but, at that point in the process, we didn't have that hindcasted historical calibration for those data, and so, when we wrote the terms of reference originally, we didn't have anything that we could provide for SRFS, and then we sent a revision after the fact, but, even then, we didn't have -- I think we had back to 2016 or 2015, something like that, and then, during the actual stock assessment process, the data were calibrated back to 1981, and so just to clarify that.

As it relates to Mr. Strelcheck's question about what do we do from the SEDAR Steering Committee standpoint, there is precedent for having say an emergency meeting, if you will, of the SEDAR Steering Committee to deal with an issue, and it's, of course, rare, and it's intended to be rare.

Typically, the SEDAR Steering Committee meets twice a year to discuss these sorts of scheduling things, but it has happened in the past where there's been an issue that's come up that has needed to be addressed, and so a SEDAR cooperator can compel such a meeting, if it has what it thinks is a justifiable emergency, and so it would be on this SEDAR cooperator, the Gulf

Council, to make that known.

If the committee meets and then decides that we need to do something immediately to interject something into the process, then the committee can meet and figure out what needs to be done in order to accommodate that emergency.

VICE CHAIRMAN GUYAS: Dr. Porch.

DR. PORCH: Thank you. I did want to reiterate what Andy said, that there really isn't a precedent for substituting a survey calibrated back in time like this. When we use LA Creel, it actually gets calibrated up to the FES currency, and then we use the FES time series that goes back in time, and that did go through that review process, and so we use the calibration factors that were agreed on with the State of Louisiana to scale the LA Creel estimates up to FES currency, and the same similar thing with the Florida State Survey for the South Atlantic, in that it's a very short time series, and it's also only a few days, something that MRIP can't get, and it's not calibrated back in time.

There is not a time series back in time, but it's just moving from a certain time point forward, and so it is quite a different thing, but, with regard to the emergency Steering Committee meeting, I do want to emphasize that using SRFS won't change much, based on the sensitivity analyses we've already done, but using 2021 data may very well change things a lot. If there's a bit uptick in the surveys, it could change the status of the stock and potentially what the allowable biological catch would be.

VICE CHAIRMAN GUYAS: Dr. Stunz.

DR. STUNZ: Thank you, Martha, and I know you want to call the question, or dispense with this motion, but I think this is important, and it's related to this, but also broader, and so certainly, at some point, the SSC was asked to weigh-in on MRIP-FES, and they approved that, because that's what they had at-hand, and there wasn't all of these state programs that were available, but I don't -- Has the SSC ever been asked to weigh-in on which is better, the MRIP system or the state systems, and I know that's a very controversial and difficult question, but, outside of this, and kind of to some of the comments we've brought up around the table on other issues, and I am happy to make a motion, or we can have more discussion later down the line, but I think that's an important question to have the SSC weigh-in on, and, obviously, it would be a major factor here.

MR. RINDONE: The SSC has not made a direct determination that one survey is in fact better than the others, but they have made recommendations insofar as it relates to the best scientific information available on a specific assessment and not on the universe of data collected by a survey, and so like, for gag, it was deemed BSIA based on the data that was used in it, but just for gag.

DR. STUNZ: To that point, Martha, and not necessarily which is best and pitting one against each other, but evaluating them simultaneously, to see if both are appropriate or not for management, and I think that's an important question that we need to ask once we get past some of these motions here.

VICE CHAIRMAN GUYAS: Julie Neer is not on the committee, but I will briefly recognize you.

DR. JULIE NEER: Thank you. I just wanted to make one quick note with regard to having to take this back to the Steering Committee, if you guys in fact pass this motion. If a cooperator chooses to make an adjustment to its schedule, and it does not impact any other cooperators, the Steering Committee does not need to re-meet to do that, and so, basically, if you guys decide that you want this, and you want this done over something else you had on the schedule for 2021, you guys can make that request to the Science Center, and that does not need to go back to the Steering Committee as a whole.

Now, if you want to just put it on the schedule again for sometime in the future, then it will be discussed at this next Steering Committee, which will be held in the spring, but, if this is a time crunch, and you want this done sooner, everyone doesn't have to weigh-in, as long as it doesn't impact the other cooperators with regard to redoing this assessment or moving it ahead on your specific schedule. Thank you.

VICE CHAIRMAN GUYAS: Got it. Thanks, Julie. That's helpful. Mr. Anson.

MR. ANSON: Thank you, and, Martha, I'm sure you're probably caught on that your motion doesn't identify necessarily a set begin date or whatever, completion date, of the assessment, and so that would account for some of this variation, as far as Dr. Porch maybe outlined in his timeline of the transition and review process, potentially, but, thinking along the lines of trying to make sure we maximize those resources for modeling time and staff effort and such, I want to make sure that we

would get as much out of it as possible that would be helpful for us to help manage the stock.

One of the points that Clay brought up was, if we wait until that April time period, we'll have some new video data, and so your motion just asks for the recreational effort to be replaced, and so I'm wondering, and it looks like it's going to take some time anyway, to get it into the actual SEDAR schedule, to replace something that is already on the books that, again, if we're just swapping out a Gulf stock, maybe we can move those around and not impact any of the other cooperators that have assessment requests as well, or schedule, and so, I mean, I support your motion, but I am just wondering, for your consideration, if -- Since it is going to take some time, and there might be some benefits to these potential increases in some of these other indices, that, if we're going to go through the resources and the exercise to be a fairly robust, typical assessment, that maybe we try to extend it so that we get the most and latest time series of information as well.

This may cause an increase, you know, irrespective of the data, and I do recognize what Dr. Stunz had brought up, that part of that request in the snapper, at least, terms of reference for the state data is to help kind of see how that does have an impact to the assessment.

It will be a chance to see what any assessment might need to be tweaked, as far as the parameterization and such, looking at that different data stream in the assessment, and so I still have -- I would still see that as being important, having a side-by-side comparison, if you will, of those two data streams, the FES and the state survey data, in this case, but, again, I am still going to support your motion, but I just think that we have the opportunity, potentially, of getting some more out of it for the amount of work that's going to be needed, it looks like, to actually the assessment.

VICE CHAIRMAN GUYAS: Thanks, Kevin. My intention here with this motion, and I heard Clay talk last night about he was concerned about the complexity, and so my plan here is to kind of keep it simple and minimize the changes. If it tends up taking a gazillion years to get through this hopefully very short and expedited process, to get whatever needs to be done to get this done, then I guess we can reevaluate it at a future date, but I would prefer to keep the motion as it is right now. Okay. Anybody else? Mr. Dugas.

MR. DUGAS: Just a question. Can we vote?

VICE CHAIRMAN GUYAS: Yes. That's my intention right now. **Is there any opposition to this motion? Please raise your hand, I see one in opposition. The motion carries with one opposed.** Leann.

MS. BOSARGE: Are you leaving gag? Is that what you were about to do?

VICE CHAIRMAN GUYAS: We're about to, unless you've got something.

MS. BOSARGE: Just two things. I guess my follow-up to that last motion is the SSC still will go through this exercise of generating -- Going through the projections and figuring out the catch level recommendations from the current SEDAR 72 at their November meeting, and so, in that case, we will get that back and start talking about we want in the document in June for catch levels -- Implementing an ABC and ACL and then anything else, and so I mentioned this during committee, and, if we can get a catch level, period, we are going to have to really think hard about how we're going to manage that fishery and ensuring that we have the utmost accountability that we can have with the few fish that we're going to be allowed to catch, both commercially and recreationally.

Now, I'm sure there are some things that we can look at commercially, but, as far as staying within a quota and knowing that you land, you've got a pretty decent amount of confidence in that. Recreationally, I'm sorry, but we just don't have that level of confidence, and, with the state of this species, it's time to look at something different, so that, if we can get a few fish to catch, we make sure that's all we catch and we don't go over that.

Maybe staff can start now and pulling together any data that we have, and I know that we have had some alternative management papers that came out of Ken Haddad's group, where they looked at depth and distance-based type management, and they looked at harvest tags, and I mentioned -- For yellowtail, I mentioned possibly having our MRIP-FES boosted with the GRFS landings by wave. In other words, when we start trying to see what's landed, let's look at all the data together.

If we've got more intercepts on the GRFS, or SRFS, that we can add to MRIP, to try and get a good handle on landings, we need to examine all that, and so I just wanted to give staff a heads-up, so that, in January, when we tell you what we want to see in

that document, because I'm sure we'll start on a rebuilding plan, that we can give you some concrete ideas about actions and alternatives. We're going to need to see some sort of presentation on some of those alternative ideas for recreational management at the next meeting, when we get into this.

VICE CHAIRMAN GUYAS: Dr. Simmons.

EXECUTIVE DIRECTOR SIMMONS: Thank you, Madam Chair. Yes, we'll be looking at all of those things, and the rebuilding plan is, I think, starting in 2023, and we will have to move pretty quickly, and I assume, with things going forward as it is in FES, this is going to take some time, as I understood the discussion.

VICE CHAIRMAN GUYAS: Anything else before we move on to the IFQ part of the Reef Fish Report? Okay. Presentation from the National Academy of Sciences on The Use of Limited Access Privilege Programs in Mixed-Use Fisheries, the committee received a presentation on the National Academies of Sciences study on the Use of Limited Access Privilege Programs in Mixed-Use Fisheries from Dr. Bonnie McCay, the NAS Committee Chair, and Dr. Marty Smith, an NAS Committee member.

The presentation reviewed the charge to the NAS Committee, its methodological approach, and the overall findings of the study, and highlighted the main finding of little discernable impact from LAPPs on recreational fisheries in the Gulf of Mexico.

Doctors McCay and Smith highlighted the major information gaps that prevented the NAS Committee from fully examining economic and social impacts, noting the scarcity of data as the biggest obstacle to enabling a clearer picture of how these fisheries interact. Dr. Smith summarized that the Gulf LAPPs were effective in doing what they were designed to do, adding that there is always room for improving program performance.

A committee member asked about ways to facilitate participation for new entrants to the programs. Dr. Smith noted that quota set-asides could be used, but added that it can be challenging to decide who qualifies and that set-asides are easier to incorporate into the initial design of a program than into an existing program.

Dr. McCay added that the issue of new entrants exemplifies the importance of having transparency in the share and allocation markets, so that those wanting to get involved have an idea of prices and of how difficult entry would be. The existing

markets are not centralized, making it difficult to know where quota is available and whether the prices are reasonable.

Discussion: Focus Group Formation, Mr. Strelcheck presented the proposed process document for establishing an IFQ focus group, Tab B, Number 9(d). The committee discussed the proposal, including a suggestion to expand the focus group's charge to incorporate a review of the IFQ programs' goals and objectives alongside their recommendations.

The committee recommends, and I so move, that the charge of the IFQ Focus Group be expanded to require a review of the current IFQ programs goals and objectives and recommend their replacement/retention. The revised goals and objectives shall serve as the bases for the focus group recommendations. We've got a committee motion. Is there any discussion on this motion? **Any objection? Seeing none, the motion carries.**

The committee discussed the potential membership positions on the focus group, including whether to retain the public participant role. It was suggested to add a position for someone who knows a lot about the IFQ programs and how they work, but who is not financially invested in the programs. The idea is to include someone who can take a broader view of the programs, in contrast to the remaining positions that represent a particular participation role with a financial interest in the fishery. This additional membership position could potentially be an academic or someone who works for an NGO.

The committee recommends, and I so move, to add to the membership of the IFQ Focus Group a person who is well versed in the program but does not hold shares or allocation. The committee motion is going up on the board. Is there any discussion on this motion? Mr. Strelcheck.

MR. STRELCHECK: I'm not opposed to the motion, but think it's the question of how are we going to determine who is well versed, right, and I guess my vision -- Maybe we put them in front of a panel of IFQ fishermen? I mean, I'm kidding, but, in reality, this is a broad suite of potential people, and there could be lots and lots of applicants, and so I'm just wondering if maybe we could put a little more clarity to the "well versed" portion of this, or how that may be determined.

VICE CHAIRMAN GUYAS: Ms. Bosarge.

MS. BOSARGE: Andy, that was essentially my concern too, except that I was just going to not support the motion, for that reason

right there, and I can foresee you having a hundred or so applicants for that position, and I just don't see where the value added is going to be all that great, and I think it opens it up to a lot of politics, and I just don't think it's a wise move. If you have got no vested interest in that fishery, I just don't see you as part of the focus group.

VICE CHAIRMAN GUYAS: To me, for all of the positions on the focus group, I would hope that they are well versed, and I'm hoping that, and, you know, obviously, this council will be choosing who goes on that group, and that is demonstrated in their application, and so I don't know if it's like an essay question of like tell us your experience or whatever with this fishery, but, I mean, everybody that needs to be on this group needs to understand this program. Leann.

MS. BOSARGE: Well, I mean, to that point, I don't know that -- Even if you just look around this table, and, I mean, this is why we have, a lot of times -- As we roll over membership on this council, the first thing that we do, before we get into an IFQ document, is give the council a presentation that goes over the barebones basics of what is a share, what is allocation, who is a share -- Because most people are not well versed, and, I mean, what I am saying is who is going to define who is well versed? The people around this table, right?

I don't even operate in that fishery, but at least I am commercial, and there's only two commercial reps left on the council, and so the determination of who is well versed is going to be made by -- I don't consider myself an expert and well versed in that, and so you've got to look at who is making the determination, and so I just don't think this is a good idea.

VICE CHAIRMAN GUYAS: Mr. Gill.

MR. GILL: Thank you, Madam Chair. I think Martha picked part of it that I wanted to say, and that is that, at the end of the day, in closed session, we figure out who those people ought to be, and it's not an uncommon situation that we're deciding by application, and maybe reputation or whatever, and we have the same problem in the MREP group and picking applicants that we've never heard of, and all we have is their application, and we still pick them.

I think we're trying to drive at perfection is the enemy of good, and this happens all the time, and that's how we normally deal with it, and we can work our way through picking candidates that we think are appropriate for this group without trying to

dot the I's and cross the T's on what the heck "well versed" means.

I don't know how to define it well enough to make any progress, but I am not uncomfortable at all. We get the applications, and we get as much background as we can, and we make an assessment and go, and, in this particular case, it's one person out of ten, and so no big deal.

VICE CHAIRMAN GUYAS: Mr. Anson.

MR. ANSON: I am just wondering, Dr. Simmons, and I don't want to put you on the spot, but have you, or staff, had any conversations as to how this would occur? I mean, my thought would be that you just place a question on the application that says the council is looking for these people, and then one position that needs to be well versed, and then provide a 200-words-or-less essay as to what makes you well versed or why you think you're well versed in IFQ programs in the Gulf of Mexico.

I am trying to -- I see both sides of the argument here, and, yes, it can be political, and, yes, it's going to be subjective. Yes, it's going to be difficult for council staff, potentially, to kind of compile all that and getting the data into that format that we would be able to review and talk about behind closed doors, and so I'm just wondering if you've had any initial discussion about that.

VICE CHAIRMAN GUYAS: Dr. Lasseter.

DR. AVA LASSETER: Thank you. Thank you for that, Mr. Anson. I don't think we will ask fishermen to write an essay, but you do bring a good point up, and I was going to kind of gauge it on the council's discussion on how we would frame this. I would support that you at least include this and point out that, on the process document, it says "potential membership position" and "appointing up to" whatever the number was, and so, depending on the applicants and how they fit into various positions, you may see who applies for this and then decide that, no, it's not quite what we were looking for, and then just not that appoint that particular position, and so I would keep that option in mind.

I would like to hear a little feedback from the group about how you would like us to -- How much detail we should perhaps ask for, this position as well as the crew member position, because there is no identification for a crew member, right, and there is no crew card in our region, and so we're not really sure how

we would get validation of experience, and, right now, we need to just ask them, the applicant, but, if you as a group have any further ideas about specifics that we could ask, that would be helpful. Thank you.

VICE CHAIRMAN GUYAS: Mr. Strelcheck.

MR. STRELCHECK: I am not suggesting to wordsmith the motion, but we're just really seeking clarification, and I didn't want to get to January and then we're debating what "well versed" is, and so that's why I wanted to have the conversation. Thank you.

VICE CHAIRMAN GUYAS: Ms. Bosarge.

MS. BOSARGE: I will just make it clear, on the record right now, before we get to closed session, and I am going to go back to the private angler AP that we formed, this council formed, before we did state management, and we made sure that that private angler AP had only recreational anglers on it, and we did not put any commercial representation, period. You had a hint of commercial and you were not on that AP, and I spoke, at a council meeting, after the first private angler AP meeting, and I said that was the best move that we ever made. That was great, and I thought that was an extremely productive AP meeting, and I just commended the council for making that smart move.

I expect this to be the same. This is a commercial program. If you want any buy-in from the stakeholders on what comes out of this focus group, this public -- Whatever we're calling this person that has no ownership and no permits and no anything, you better ask enough questions on that application, and I want to know what organizations they're a member of and what sector do they affiliate themselves with, and, if they had to pick a sector, what sector are they.

There's got to be enough questions asked that we make sure that this person is an academic or a purely environmental and not associated with anything else, and I'm sorry that I have to be that way, but I have heard enough testimony on the record saying we should just disband the entire IFQ program, sunset it completely and get rid of it, and that's the private angler perspective, and so I -- If this is going to be something that shapes the future of the commercial fishery, we've got to be very careful about this membership.

VICE CHAIRMAN GUYAS: All right. I don't see any more hands, and so we're going to go ahead and vote on this. **Is there any**

opposition to this motion? Please raise your hand. Anybody on the webinar opposed? Shout it out. We have three opposed in the room, and so the motion carries with three opposed.

I'm going to go back to the committee report. The committee discussed the timeline for establishing the IFQ focus group and the status of Reef Fish Amendment 36B, which considers modifications to the IFQ programs. The committee decided to move forward with forming the focus group and to further postpone holding public hearings for Amendment 36B.

The committee recommends, and I so move, that the process document provided be utilized to advertise and solicit members of the IFQ Focus Group. Here is our committee motion going up on the board. Is there any discussion on this motion? **Is there any opposition to this motion?** Ms. Boggs. **We just had one in opposition to this motion, and so the motion carries with one opposed.** Anything else on IFQ? Mr. Strelcheck.

MR. STRELCHECK: Can we have a five-minute break?

VICE CHAIRMAN GUYAS: Do we need a break? Let's take a break, because we've been going for two hours, and so is it on IFQ? Let's just do it, and then we'll take a break. Go ahead, as long as it's not something long.

MS. BOSARGE: I don't think it's long. I made a motion during committee to send that 36B out to public hearings, and I went back and looked at it, and there is one action item that we don't have a preferred on, and I now understand exactly what staff was saying about updating some numbers, and that action item had to do with closed accounts, and, if they're reopened, do they need a permit or not, and so I think that's the numbers that they were talking about.

Now, I heard some public testimony that said please send that out to public hearings, and why are you not sending that out, and I'm not going to push to send that out to public hearings, but I would like to see that document in January, that 36B, with the updated numbers, and that action item, so that we can go ahead and have a preferred picked, and, that way, when we get this focus group report back, we're ready to roll. I don't want to be sitting around waiting another meeting after that, and so I would like to see that in January and make sure we have everything we need in that document, so that, in April, when we get the focus group report back, that document will be ready as well.

VICE CHAIRMAN GUYAS: Okay. Let's take that five-minute break. We're a little bit behind, and we still have a little bit to do, and so just keep it a quick break, and then we'll resume after that.

(Whereupon, a brief recess was taken.)

VICE CHAIRMAN GUYAS: Okay. We're going to move on to the discussion of the SSC Recommendation on Final Great Red Snapper Count Report and LDWF Red Snapper Abundance Studies. Dr. Nance reviewed the SSC's discussions on a project commissioned by the Louisiana Department of Wildlife and Fisheries to estimate absolute abundance of red snapper off Louisiana the LGL study.

The study area was divided into three regions of West, Central, and East, and each zone was divided into four depth zones from ten to twenty-five meters, twenty-five to forty-five meters, forty-five to 100 meters, and 100 to 150 meters.

Sampling of 106 sites (thirty-seven sites on the West, thirty-three on the Central, and thirty-six on the East Region) occurred during the summer and fall months of 2020. Hydroacoustics were used to identify red snapper and estimate abundance, with submersible rotating video sampling deployed at discrete sites near structure and paired with the hydroacoustic sampling.

A generalized additive model was used to quantify total fish density, while a generalized additive mixed model was constructed to quantify the proportional density of red snapper. The LGL study estimates an absolute abundance of 6,027,890 red snapper in Louisiana offshore waters with a 95 percent confidence interval of 4,665,675 to 7,787,825 red snapper, with a coefficient of variance for this estimate of 13.1 percent.

Most of the biomass of red snapper is thought to occur over the uncharacterized bottom. Red snapper abundance and biomass estimates from the LGL study were markedly less than that estimated by the Great Red Snapper Count for Louisiana.

Several SSC members commented that the difference could be heavily influenced by the catch rates observed between the two studies. The SSC discussed the limitations of interpreting the LGL study results without more information on the sampling design and requested a written document from LDWF detailing that sampling design.

The next steps for the SSC would be to evaluate LGL study

sampling design, determine if the LGL study should supplement the GRSC for Louisiana, and compare these independent study abundance estimates with the NMFS bottom longline survey.

Dr. Greg Stunz reviewed the final results of the Great Red Snapper Count and the response to reviewer comments received during the independent peer review of the study in March and April of 2021.

A stratified random sampling design was used in place of the original random forest approach, and additional variability was captured, including adding a variance buffer. Estimators and calibrations were refined, and the contribution of the UCB was re-evaluated. An alternate estimator of variance to capture additional uncertainty, and another to reduce bias, were developed. The final results of the Great Red Snapper Count estimated that 118 million Gulf red snapper age-two-plus were present in the U.S. Gulf, with a CV of 15 percent.

The SSC discussed how to get from an estimate of absolute abundance to a point where a catch level could be recommended. SSC members thought that having the Great Red Snapper Count move through the SEDAR process, for thorough consideration, was most appropriate, and they clearly stated that the Great Red Snapper Count and LGL studies should be treated completely separately and not be directly compared.

Ultimately the SSC recommended that the design and data from the Great Red Snapper Count are suitable for consideration in the SEDAR 74 process, with further evaluation of the estimates of absolute abundance and the methods and analysis used for estimation of the red snapper population.

A committee member asked what the path forward was for the LGL study and the Great Red Snapper Count. Council staff and Dr. Nance concurred that the SSC needed to review the sampling design for the LGL study before it could be considered further. Dr. Nance stated that the SSC thought it was best for the Great Red Snapper Count to move through the SEDAR process. Dr. Simmons.

EXECUTIVE DIRECTOR SIMMONS: Thank you, Madam Chair. In light of some of the SSC recommendations, I wanted to just get some clarification on a motion the council made from their April 2021 meeting, and I think Bernie is going to bring that up for us, to make sure that we're all here on the same page.

It says request the SSC consider new information in the revised

report, the Great Red Snapper Count report, to provide catch advice for red snapper for 2021 and beyond. As part of the discussion, the SSC should consider the existing ABC Control Rule as well as the National Standard Guidelines.

We have now received the final Great Red Snapper Count report, and we deliberated, and the SSC has reviewed those peer review comments, and you discussed it at length, and our understanding is that, based on this motion on the books, we would go ahead and proceed and ask the Science Center to update the interim analysis, based on the results of this final report, and we would bring the other items that the council had requested for consideration at an upcoming SSC meeting, but I would like some discussion on that, to make sure that I'm interpreting it correctly.

VICE CHAIRMAN GUYAS: All right. Who would like to weigh-in? Dr. Stunz.

DR. STUNZ: I will weigh-in. I mean, obviously, we were in support of this motion, and the study is ready to be evaluated, and it's been through the processes, and I'm certain there will be other analyses, and, in fact, even subsequent analyses were asked to be rerun even after this, and I am sure there will be more, and that's fine. I mean, I am sure that there will be different ways to be looking at this for many times to come.

I do want to point out that we had a challenge, as the team, of how you do that, because we turn in our final report, and that's the number, and that's what you see here, and, if someone asks us, you know, would you rerun this under this particular scenario, for example, and so what we've done is, on our website, at snappercount.org, where we archive all this information, is we have the final report that reflects those numbers there, and then any changes, subsequent to that, would be delineated with a small summary report of what those changes look like.

At this point, I don't know how that will be integrated into that SEDAR process, and, I mean, that, obviously, didn't have a lot of discussions and teams evaluating how that builds into that, and maybe Clay is the best person to ask how that gets done, but, anyway, the point is that it's available, and it's ready.

Now, what this motion does though was something different in the interim, I guess is my understanding, right, and so, I mean, I think that's a way to proceed, because I don't know what the

timeline is for the SEDAR process to take place, but it's going to be quite a while before we hear back from that process, but we're going to need to do something in the meantime, and I think that's what this motion does.

VICE CHAIRMAN GUYAS: Other thoughts? Mr. Anson.

MR. ANSON: I am trying to think here when we got what, and so did we not, at the June -- Was it the June meeting that we got the bump, this 300,000 pounds, and that didn't necessarily take into account the Great Red Snapper Count data, and I think it was because the report still was yet incomplete at that time, but there was an attempt to try to look at the longline data, or something, and that's why we got to 300,000, and so it wasn't completed, this motion, and there was not any work done relative to this motion and it depended upon, or hinged upon, the completion of the report, which now appears to be somewhat complete. I mean, the motion is on the board, and it's still on the books, I guess, at that point, and so I guess I don't want to comment any more at this point about it.

VICE CHAIRMAN GUYAS: Dr. Stunz.

DR. STUNZ: So what happened, Kevin, and maybe to distill it down, is so we produced the early report that the SSC evaluated, and that got that rigorous live review, and so we presented it, and they asked us to make these modifications and do this and that, and so they were requesting a modification, which we did, and that's what we presented at the last meeting of the SSC that was asked to move forward.

Even subsequent to then, literally a day or two before, the Science Center has asked us if we could rerun it based on certain things, which we did, and all that is archived very clearly on our webpage, but, yes, it's -- The reason that it wasn't used to try to capture additional variance and to run some additional analyses of some of the external reviewers recommended, and that's been done and incorporated, and so, from the study team's standpoint, it is ready for that, and so there is no reason that we couldn't proceed with this motion at this point.

VICE CHAIRMAN GUYAS: Mr. Anson.

MR. ANSON: I don't want this to be taken the wrong way, because it's a serious question, but, I mean, I guess that review, the re-review that the SSC had, does constitute peer review in the context that Dr. Porch was talking about earlier, as far as

having the best quality data, and so I just wanted to get that front and clear, that that is in fact the case, in the eyes of the Science Center, that that meets a peer review analysis.

VICE CHAIRMAN GUYAS: Dr. Porch.

DR. PORCH: Yes, I think it does. The problem is the SSC, in their motion, concludes that it wasn't ready for generating allowable biological catch advice and said that it was appropriate to be considered as part of the research track, and I did confirm with Dr. Nance that that was the intent of the SSC, that it wouldn't be revisited to generate a new ABC, but that it should go to the research track, where some key issues could be explored.

For instance, in the Great Red Snapper Count, it estimates that most of the red snapper in Florida are inside of thirty meters in the Big Bend area, which the scientists from the state of Florida on the SSC had great concerns about, and so I think they wanted to get a little more review and get people to look at all the nuts and bolts and the individual data points, and so, you know, it was pretty clear that the intent was that it would get some additional level of review to answer those questions.

VICE CHAIRMAN GUYAS: To that point, Mr. Rindone?

MR. RINDONE: Thank you, Madam Chair. Just to be specific, the SSC's motion was that the SSC recommends the design and data from the Great Red Snapper Count are suitable for consideration in the SEDAR 74 process. The SSC also recommends further evaluation of the estimates of absolute abundance and the methods and analysis used for estimation of the red snapper population.

VICE CHAIRMAN GUYAS: Dr. Stunz.

DR. STUNZ: Well, obviously, I didn't see that motion that Ryan has there on the board, and that was not -- What Ryan mentioned and what Clay is mentioning was not necessarily my understanding of that, and there was a prior motion originally, when this was originally reviewed, and I don't remember exactly the nature of that motion, but all were indicated that it was suitable for management advice, and so that's the assumption that I was working under.

Now, as far as peer review, I mean, if that wasn't a rigorous peer review process, I don't know what was. That was by far the most rigorous peer review I have ever seen in my life. Now, is

it the peer-reviewed scientific literature yet? No, but, I mean, we're working through that process now, but that's a year-long process that is well beyond the timeline of what we need here.

VICE CHAIRMAN GUYAS: Thanks, Dr. Stunz. Ms. Bosarge.

MS. BOSARGE: I think it's already been clarified by a couple of people, but I listened into that SSC meeting, and that was my understanding of their conversation, was that, yes, we're essentially done peer reviewing, and we've done the review of this, and you all have addressed -- There were a lot of statistical, really, type questions that you had to address in the peer review, but, anyway, and that, to use this in management, it should go through the -- The best avenue to use this in management would be to put it through that SEDAR process, in order to get catch advice, if that's the kind of management that you're looking for. That was what I got out of that meeting.

I did have one -- You had left the meeting, and I had a question, and so you can address it later, and I asked it, but I didn't get an answer, because you weren't there, but did you all go back and change the miles of pipeline based on -- Because pipelines have to be buried, you know, in water depths less than 200 feet, and so we needed to make an adjustment to the miles of pipe that you used in your estimates, and then did you go back and address and kind of give more clarity on the number of platforms that you had come up with, that would have been in water depths great enough to hold snapper?

DR. STUNZ: Yes, and, Leann, I am happy to talk to you offline, and, yes, we clearly addressed both of those issues, to where they're as accurate as we can possibly be at this point, but, Martha, I had another question, and now I am forgetting the -- Come back to me in just a second, and I'm trying to remember what it was now.

VICE CHAIRMAN GUYAS: Dr. Simmons, did you have something?

EXECUTIVE DIRECTOR SIMMONS: Thank you, Madam Chair. Bernie has up on the screen the SSC motion that Ryan read, and that's in Tab B, Number 6(c).

VICE CHAIRMAN GUYAS: Okay. Greg, go ahead.

DR. STUNZ: I remember now, and so part of what Leann made the point very well is, you know, the study is, obviously, very

complex. There's a lot of things here that can't be handled just in an SSC few-day meeting kind of thing, and so that was the reason of going to SEDAR 74, where it can be explored by teams and ask a lot of questions, and there is a lot of information there outside of just what we're considering under this motion.

My position on this is that it's clearly -- I mean, we, obviously, found a lot of fish, and whether you think it's double the amount of fish or triple the amount of fish or whatever, there is still plenty amount of fish there, from an interim standpoint, to do an interim analysis, to solve some of the issues that we have here, so that we're not waiting one-and-a-half or two years or however long that's going to take until we get the full assessment back from SEDAR 74.

That, in my mind, is what the intent of the motion is, and, when you read that motion, or the other motion that is up here, my opinion is those motions cover that, from an interim analysis standpoint.

VICE CHAIRMAN GUYAS: Anything else? Dr. Stunz, go ahead.

DR. STUNZ: But that motion didn't exclude an interim analysis, and, yes, we want to get it into the SEDAR 74 process, but that doesn't exclude its appropriateness or usefulness for an interim assessment.

VICE CHAIRMAN GUYAS: Dr. Simmons.

EXECUTIVE DIRECTOR SIMMONS: Thank you, Madam Chair, and I know we're trying to move on here, but, that second part of the sentence, that's the way that I interpreted it as well, when I think Mr. Strelcheck and I had talked about this, and, unfortunately, we didn't have a chance to talk about this at one of our luncheon meetings with some council members, but I just was seeking some clarification.

VICE CHAIRMAN GUYAS: Mr. Strelcheck.

MR. STRELCHECK: To that point, the second-half of this motion from the September SSC meeting to me was speaking to the specific deliberations they were having about differences in the Louisiana estimates as well as the Florida estimates, and the additional work and review would be needed to understand that, and, in reading through the SSC report, I will say they maybe didn't rule out that an interim analysis wasn't off the table, but they do clearly say that moving this into the SEDAR process

is most appropriate.

DR. STUNZ: I don't disagree at all, because, I mean, obviously, we worked out the Louisiana piece, and there were some questions about how the strata were done in Florida, and, I mean, we did the strata according to how we were asked in the RFP, but there were some that thought that could be done better, and that's kind of beyond, and that's almost details that could not necessarily be as relevant here, and it's going to change the estimates some, but the overall message is going to be retained, and so that's why I think it's still appropriate, in terms of an interim analysis.

VICE CHAIRMAN GUYAS: Okay. I think staff has what they need on this, and so let me figure out where we are. Now we are on vermilion. Draft Framework Action: Modification of Vermilion Snapper Catch Limits, council staff noted that the vermilion snapper framework action is a follow-up to the latest vermilion snapper stock assessment, which is SEDAR 67.

Following its review of SEDAR 67, the SSC determined that the stock was not overfished or experiencing overfishing and could support higher catch levels.

Staff reviewed the purpose and need for this framework action and discussed the two management alternatives considered. Staff noted that the no action alternative, Alternative 1, is not a viable alternative, because the catch limits, which are expressed in MRIP-CHTS units, do not represent the best scientific information available.

Alternative 2 would modify the OFL, ABC, and ACL for vermilion snapper based on the recommendation of the SSC. Committee members suggested that the need statement be modified to be consistent with the need statement included in the current red grouper framework action.

The committee recommends, and I so move, in Action 1, to make Alternative 2 the preferred alternative. Alternative 2 is modify the OFL, ABC, and ACL for vermilion snapper based on the recommendation of the Scientific and Statistical Committee for a constant catch yield for 2021 to 2025, and then maintain the ACL at the 2025 level for subsequent fishing years or until changed by management. The stock ABC equals OY, and the ACL equals the ABC. The OFL is 8.6 million pounds, and the ABC is 7.27 million pounds, and the ACL is 7.27 million pounds. We have a committee motion on the board. Is there any discussion? Ms. Boggs.

MS. BOGGS: I will support the motion, but it just seems to me that that's an awful big jump, and we're really stepping out there and giving an opportunity. We've got so many fisheries, or stocks, excuse me, that are in trouble, and you're talking about a possible closure on gag, and nobody is catching amberjack, and nobody is catching -- I mean, all that's going to be left is vermilion snapper, and I think we're going to be in real trouble with this. Thank you.

VICE CHAIRMAN GUYAS: Ms. Levy.

MS. LEVY: Thank you. Not directly related to the motion, but in a way, and given Susan's comments and the comments heard at the public hearing, and so, right now, this action, this document, has two alternatives, status quo and this enormous increase.

This seems to be one of those circumstances where you might consider some intermediate increase, right? You have an ABC recommendation, but you don't have to set the ACL at the ABC recommendation, and there may be reasons to make it lower. I understand that, from talking with Kate, who is the attorney who is the lead on this, that staff may not be able to tease out exactly what the change is due to the MRIP-FES conversion, but you might consider some higher catch levels and status quo to account for that conversion to MRIP-FES, but not as high as indicated in Alternative 2. I am just going to throw that out for consideration, because it definitely seems like there's a third alternative that could be had, or that would be usable.

VICE CHAIRMAN GUYAS: Mr. Rindone. Thank you, Madam Chair. I guess, first, to Mara's point, I think one of the things that might make that interesting for staff, in calculating this, is trying to figure out where that lower threshold should be, especially where we're not in the position to more easily distinguish what's the actual conversion to FES from the historical landings and being able to tease out those values, but a couple of other points from the assessment effort.

The last couple of times that we've done the stock assessment, jokingly, the analytical team and the SSC members have talked about how amazing it is that vermilion snapper, quote, seem to be like weeds, but, specifically, and quantitatively, 2015 and 2016 were the best years of recruitment for vermilion snapper ever, for the entirety of the reported time series, and so, in this case of this particular species, and I guess to provide a bit of, for lack of a better word, tip-of-my-tongue, comfort to the council, this stock appears to be in exceptionally good

condition, and so do with that information what you will, but just so that you guys have some information from the assessment.

VICE CHAIRMAN GUYAS: Ms. Bosarge.

MS. BOSARGE: I was actually going to offer that suggestion that Mara put forward, and so I'm looking, in the document, at Table 1.1.2, and it shows us the MRIP-FES landings, and so, anyway, I did this on the fly, and so, even under FES, it's like 1.5 million, and that's private, headboat, and charter combined, and those numbers were converted to FES, and so, even if you added commercial landings to that, I mean, we're nowhere near that -- What did we just say, eight or nine million pounds, or eight-and-a-half million, for a quota, and I think we heard a lot of public testimony on that too, that it's okay, and the stock is all right, but it's not like nine million pounds type of all right, to go harvest that kind of level, and so, yes, I would like staff to bring us back something that looks at, you know, landings, FES-style landings, for the last however many years, and let's get some averages.

Leave a buffer in there, so we can go up some, and you can see some increase in effort, and it's healthy, but not to that point. I think, if you ever harvested at that level, you would have to pay the piper.

VICE CHAIRMAN GUYAS: Okay, and so do we need a motion to add another alternative here, or are you guys going to --

MR. RINDONE: I think that would be helpful, since we're talking about bringing this to final action at the next meeting, and so knowing specifically what you guys want to see I think would be helpful to streamline the amount of analysis that needs to be done.

VICE CHAIRMAN GUYAS: Ms. Levy.

MS. LEVY: You have a motion on the board, I guess, that you need to take care of, and then you can move to any additional motion.

VICE CHAIRMAN GUYAS: Fair enough. Okay. Let's take care of this, and then, if we want to add something, it would be another motion. Okay. All right. Back to our motion. **Is there any opposition to this motion to make Alternative 2 the preferred? One opposed, two opposed. Anyone on the webinar?** Okay. **The motion carries with two opposed.** Dr. Froeschke.

DR. FROESCHKE: Just trying to think out loud here, and one idea is we could try to take what the conversion factor between the CHTS and what the FES is and try to generate what an approximately equivalent ACL to what we currently have, but just in FES units, and bring that back as an alternative.

VICE CHAIRMAN GUYAS: Mr. Rindone.

MR. RINDONE: The other thing you could do is you could use the ACL/ACT Control Rule to create some separation between the ABC and the ACL, and I can tell you what the results of that would be in about a few seconds.

VICE CHAIRMAN GUYAS: Ms. Bosarge.

MS. BOSARGE: Just spit-balling, John, and could you go back and also just look at how far we are above the MSST, and get like a percentage, and maybe we can use some percentages there, and how hard would we have to harvest it to get down to MSST, a percentage, biomass-wise, right, and kind of use that to look at maybe how much we want to increase this or not increase this, and we don't want to get anywhere near that.

DR. FROESCHKE: Just as a follow-up, we wouldn't want to get to MSST. We would want to get to the biomass at MSY, which I think the MSST is half of that, and so we should be well above MSY, and perhaps moving down to that, but all of these -- Anything less than what we're talking about here should keep us well above MSY.

MS. BOSARGE: Thanks.

VICE CHAIRMAN GUYAS: Okay. So we wanted to make a motion at this time on this? Anybody? Ms. Bosarge.

MS. BOSARGE: I make a motion to add an alternative, or alternatives, to Action 1 which provides catch levels lower than those recommended by the SSC. That will leave staff plenty of leeway to give us something to work with, and, if you don't like "catch levels", we can say -- Well, we just need ACL. Let's say "catch levels". That way, they can give us ACLs and ACTs.

VICE CHAIRMAN GUYAS: Okay. Is there a second for this motion? It's seconded by Mr. Gill. Any other discussion? Does everybody know where we're at? It's getting late in the day. Mr. Gill.

MR. GILL: Thank you, Madam Chair, and so another possible way

to beat this rabbit is to pick the -- We're fishing it down now, and so pick whatever that level was at in 2025, with constant catch, and they just averaged it out, and that might be an option to consider.

VICE CHAIRMAN GUYAS: Okay. Are we ready to vote? I am thinking yes. All right. **Any opposition to this motion? Seeing none, the motion carries.**

We're getting there. I know. Believe me, I know. All right. Yellowtail. Council staff reviewed a presentation describing possible actions to be included in a joint amendment between the Gulf and South Atlantic Councils addressing southeastern U.S. yellowtail snapper.

This stock is jointly managed by the councils, with a jurisdictional allocation of 75 percent to the South Atlantic Council and 25 percent to the Gulf Council, based on historical fishing years during which the fishery operated without ACLs.

This jurisdictional allocation used recreational catch and effort data from the Marine Recreational Fisheries Statistics Survey, which predated MRIP. The most recent stock assessment of yellowtail snapper, SEDAR 64, determined that the stock was not overfished or undergoing overfishing as of 2017. Current actions directly affecting the Gulf Council include revising the jurisdictional allocation based on applying MRIP-FES data to the current or revised time series and setting the Gulf ACL with or without using the Gulf Council's ACL/ACT Control Rule.

Committee members inquired how the joint amendment process would work for this species. Staff replied that the councils would need to agree on certain actions affecting both councils, such as the jurisdictional allocations. Staff will use explicit labeling in the amendment to demarcate which actions are joint and which apply to a specific council.

However, agreement on a joint preferred alternative for the jurisdictional allocation is imperative, as it affects almost all other actions in the document, regardless of council. A committee member mentioned looking into a joint council working group, or some other avenue, for seeking consensus on joint actions. Staff will work with council leadership to explore options for this idea.

A committee member expressed a desire to see a constant catch scenario proposed for the stock ABC and council-specific ACLs. Staff replied that developing a constant catch scenario was

possible and would need to be reviewed and recommended by the councils' SSCs. Staff noted that the projections would need to be redone and also noted the dated terminal year of the assessment as 2017.

A committee member asked about the use of SRFS data for evaluating yellowtail snapper. Another committee member replied that yellowtail snapper was just added to SRFS in 2020, along with the Atlantic coast of Florida and the Florida Keys. Therefore, there may not be much data to evaluate at this point, but what has been collected thus far can certainly be provided.

The committee discussed the high variability and uncertainty about the MRIP-FES estimates of recreational catch and effort observed in the last several years for the Gulf and requested that any information to help describe that catch and effort be provided. In addition to any SRFS data, the committee asked that data on the number and results of APAIS intercepts specific to the Gulf also be furnished and examined.

A committee member questioned the use of the historical period of 2000 to 2008 for evaluating the jurisdictional allocation. They noted the range expansion of yellowtail snapper up the west coast of Florida to regions like Tampa Bay and the increasing trend in the recreational landings as the stock expands to areas of greater recreational fishing effort.

This range expansion, which may be attributable to climate change and/or other environmental factors, should be considered in the time series options evaluated for determining the jurisdictional allocation. Another committee member expressed a desire to see the comparisons of the landings to the ACLs for the South Atlantic recreational and commercial sectors, which they thought may be informative for the jurisdictional allocation discussion.

A committee member recounted the recommendation from the Gulf Council's Reef Fish AP, which was to recommend maintaining status quo fishing conditions/levels for yellowtail snapper in the Gulf of Mexico considerate of any changes due to MRIP-FES or declining yield streams.

Staff added that a discussion of the proposed actions and alternatives for Snapper Grouper 44/Reef Fish Amendment 55 will be held with the Gulf Council's Reef Fish AP during its in-person meeting in Tampa, Florida, on January 5, 2022.

A committee member recommended adding an action for Gulf

commercial trip limits. They noted that many fishermen in Monroe County, Florida, hold permits in both councils' jurisdictions and likely fish in both regions for yellowtail snapper. Thus, it may be appropriate to establish commensurate regulations with respect to commercial trip limits between the regions.

An initial examination of options could be based on those developed by the South Atlantic Council, with consideration of other modifications after it becomes clear how those proposed alternatives affect Gulf commercial fishermen. Commensurate regulations here may also reduce compliance and law enforcement burdens. Other Business, Goliath Grouper, this item will be discussed during Full Council, and this concludes my report. Yay.

We have -- Anything else on Reef Fish? Okay. We have a couple of liaison reports and then a couple of items of Other Business. We're getting close to our scheduled end time, and so we'll burn through these as quick as we can, but thanks for hanging kind of late. First up, Mr. Griner, are you still on the line for the South Atlantic report?

SUPPORTING AGENCIES UPDATES
SOUTH ATLANTIC COUNCIL LIAISON

MR. GRINER: Yes, I'm here. I just wanted to thank you guys so much for allowing me to participate this week in your meeting. I certainly miss being there in person, and I hate that I wasn't able to visit and visit with my family and take a trip down to Mary Walkers and Gauche and dip my toe in the water.

I will say that I am continually impressed with the level of stakeholder input during your public comments. That is something that we're really missing, and I think it's a very important piece of the puzzle for the council to be effective.

I also wanted to thank you all for your efforts on these joint amendments. I think we're moving along pretty well with that. As to the issues that I have heard, most of the issues I have heard this week, I really feel like I could have closed my eyes and I would have been at a South Atlantic Council meeting.

We are struggling with many of these same issues. We're getting lower and lower ACLs out of our stock assessments, and we're dealing with sharks, sharks, and more sharks, and we have had this explosive growth in the rec sector, and we cannot seem to get a handle on the true rec effort, and recreational discards

are driving the boat for us, every time we turn around, and we have, unfortunately, a lack of confidence in data, with these high PSEs, and we're also struggling with -- Maybe "struggling" isn't the right word, but we're dealing with some very difficult allocation decisions, and so I think both councils are sharing some of the same things right now.

In closing, I do want to say that one thing we did do recently that you may find of interest, or maybe not find of interest, but we did open up some traditional fishing grounds that had been taken away from the rock shrimp industry, and we were able to open up a sliver of that to them, and I think one of the things that really helped some people get comfortable with some of that was the fact that these shrimpers --

First of all, it's just a small group. It's only a handful of them, and the fact that they use VMS to make sure, and the ping rates are actually increased, and so I think that was one of the things that really kind of made some of us a little bit more comfortable with them getting back in those traditional areas. That's really about it, and, again, I am sorry that I couldn't be there, and I hope to see you guys soon. Thank you, again.

VICE CHAIRMAN GUYAS: Thanks, Tim. Leann.

MS. BOSARGE: Tim, tell them I said thank you for those rock shrimp grounds. We appreciate it.

MR. GRINER: Absolutely. Glad to do it.

VICE CHAIRMAN GUYAS: All right. Moving right along, we will jump to our presentation about Alabama law enforcement efforts. Major Downey, thanks for being here, and sorry for making you wait so long.

ALABAMA LAW ENFORCEMENT EFFORTS

MAJOR JASON DOWNEY: While they're pulling that up, I'm Jason Downey, and I'm the Chief Enforcement Officer with Alabama Marine Resources, and I'm just going to give you a brief summary of our joint enforcement agreement efforts between NOAA and Marine Resources. It shouldn't take but about thirty minutes. I'm only kidding.

A little bit about Alabama Marine Resources, our Enforcement Section, and we cover the two coastal counties of Alabama, Mobile and Baldwin, and we do all the saltwater enforcement. We consist of nineteen enforcement positions. We have a lieutenant

and seven officers in each county, and we have an administrative section that is comprised of the chief, the captain, and the sergeant. I would like to recognize two of our guys here, Lieutenant Troy Fischer and Sergeant Jeremy Hicks, and they've been with us all day today.

There's a picture of some of our new recruits. We just hired these four guys last spring, and they weren't able to help with the JEA, because they were in the academy getting trained, and they didn't graduate until this summer. The new recruits are the four guys in the middle and not the guy on the left. He just likes to dress up for photo ops, but the officer next to Scott in the picture is actually semi-famous. He's a singer/songwriter, and he's spent some time in Nashville. If you're ever on iTunes, look up Marcos Spots, Marcus McKay, and he's got a few songs on iTunes, and that's pretty neat.

The Alabama JEA agreement with NOAA runs from August 25 to August 24. The 2020/2021 breakdown, we received $426,730, and 35 percent of that was spent on direct purchases, 15 percent on indirect costs, 45 percent on patrols, 1.5 percent in training, and 3.5 percent in outreach and admin.

The breakdown of hours and the priorities, the first part of that was TED, and we spent 1,291 hours on TED enforcement, and that consists of offshore work and nearshore work and dockside work. We had the recreational Gulf reef fish priority, and that was all offshore work. The IFQ priority was all dockside work. The marine mammal priority was nearshore and dockside, and the SEFHIER was all spent dockside, and the CMP and HMS was nearshore and dockside.

We had 1,853 dockside hours. It was a little higher this past year, because, with COVID, we did not have the amount of outreach time, and they wanted us to swap that to more dockside work, because of the lack of outreach events, plus the COVID situation. We had 881 at-sea vessel patrol hours.

We had 776 commercial anglers, 5,582 recreational anglers inspected, 1,015 vessels inspected, seventy-six seafood processor dealer inspections, and eighty citations and/or warnings were issued. We had one case referral to NOAA, which involved a federally-permitted for-hire vessel that had red snapper out of season.

We had a lot of success this past year, even with the staff, and we didn't have a full staff, plus COVID, and I would say that almost every shrimp boat in Alabama got boarded by one of our

officers and TEDs were inspected. There may be a handful that didn't, but we really got out there and worked those TEDs.

The SEFHIER hours were spent going to all the marinas, and my guys personally talked to, I would say, almost all the federally-permitted for-hire vessels, just educating them on what they needed to do, what was expected of them, and so there is no excuse for any Alabama captain not to know about the SEFHIER program.

The issue of illegal charters, we spent a lot of time in the EEZ, and in state waters, looking for illegal charters, and we spent a lot of time at different charter boat association meetings, educating captains on what they could and couldn't do with state licenses and permits, and we also spent a lot of time on the marine mammal education, as far as boarding the dolphin cruise boats and talking to the captains and crews of those vessels, also.

I just put this picture up there, and this is what we're dealing with now. Our oyster season has been going on for about a month, and we're averaging about 130 to 150 catches a day, and about 800 sacks of oysters a day are coming off the reef, and so, if you get an opportunity to try an Alabama oyster this week, you won't regret it, and it's a pretty good product, and so that's all I have. Thank you.

VICE CHAIRMAN GUYAS: Thanks, Major Downey. Does anybody have any questions? Mr. Strelcheck.

MR. STRELCHECK: Since I'm staying the night, I figured I would keep us a little longer. I'm just kidding. Thank you for being here, and thank you for presenting late on a council day. We heard some testimony regarding state guideboats, and this was over mostly in Florida, but I am curious if you're seeing a large increase in state guideboats in Alabama and any sort of violations associated with state and federal waters, given that they wouldn't be federally licensed.

MAJOR DOWNEY: I wouldn't say we've had an increase in guideboats. They're about the same, and, as far as violations, we're not seeing any violations with what you're talking about, going into federal waters unlicensed. I wouldn't say we've seen a big increase in there, and it's about the same.

VICE CHAIRMAN GUYAS: Officer O'Malley, is your hand up online?

MR. JOHN O'MALLEY: I'm just getting in the queue for my turn.

VICE CHAIRMAN GUYAS: Okay. Good, because you're next, and so I'm glad we've got you. Okay. We will get your presentation up, and thanks for joining us, and we're ready when you are.

NOAA OFFICE OF LAW ENFORCEMENT

MR. O'MALLEY: This will be brief, since it is a briefing. I will just go through the numbers first. For those of you that don't know me, I am John O'Malley, and I'm the ASAC in League City, Texas, and, up until the middle of next month, I have all the Gulf of Mexico agents, and we'll have a new ASAC coming onboard soon that will take a portion of Florida.

For this part quarter, April, May, and June, we had 338 incidents created in the SED. Of those, 180 were in the Gulf of Mexico, across all laws and programs. 112 of those 180 incidents were related to the Magnuson Act, with the majority occurring in Florida, and seventy-one of our incidents came from referrals from joint enforcement agreements and the U.S. Coast Guard partnerships. Florida, which includes both the Gulf and Atlantic, had the most, followed by the U.S. Coast Guard DA.

We had fifty-one summary settlements that were issued in Quarter 3, of which twenty-two were from the Gulf region, including seven for TEDs, BRD requirements, and ten retention during closures, and we had twenty-two cases that were referred to the NOAA Office of General Counsel. Of those, eight occurred in the Gulf of Mexico and four in the Keys.

In regard to operation and patrols, this quarter, there were 156 documented patrols, and one to mention was Operation Mutton Moon, which concentrated on the illegal harvest of mutton snapper within the Florida Keys National Marine Sanctuary area, and it was a multiphase and multiagency operation, and it was successful, and they did not find any illegal take of mutton or vessels in closed areas.

Moving on to SEFHIER, we have been receiving referrals from the program, and we have also opened up some cases, and we are doing case-by-case enforcement that is occurring, and we're letting the officers on the ground judge it.

Some of our enforcement highlights are we had a Corpus Christi special agent that had a case go to a civil hearing regarding an unpermitted charter boat conducting for-hire fishing trips targeting reef fish, specifically red snapper, in federal waters. The agent and his ASAC, who happened to be me,

testified concerning the actions of the vessel operator, and the vessel was fishing in federal waters without a federal permit during the closed season and with non-allowed gear, and a decision from the administrative law judge is pending on that one.

On the subject of illegal charter boats, we are putting an increased emphasis on those. We do need help from the fishing public in identifying operators fishing in federal waters without the required permits, which, obviously, includes Gulf reef fish, coastal migratory pelagics, and highly migratory species for-hire permits, and someone can always call the NOAA hotline.

Down a little farther south, a supervisory enforcement officer, enforcement officer and special agent, conducted a four-day patrol of the Tortugas North and South Ecological Reserves. They made contact with eighteen commercial and recreational vessels, and they were boarded, and compliance assistance was given two times for not having descending devices. No vessels were found fishing in the ecological reserve areas, and they were somewhat limited, due to poor weather conditions throughout the whole trip.

Over in Texas, both League City EOs hosted a JEA training with Texas Parks and Wildlife and the U.S. Coast Guard, and the training was provided on IFQ, catch shares, VMS, HMS, Gulf of Mexico permits, and various databases.

Then, moving to the middle of the Gulf, an Alabama enforcement officer participated in a SEFHIER detail, along with sixteen Alabama Marine Resource Division JEA partners in Orange Beach, Alabama. The EO provided hands-on training for the new requirements, and the officers boarded numerous charter vessels, five of which were non-compliant with SEFHIER regulations, and compliance assistance was provided, and there was also one state violation that was found.

Moving on to our OLE staffing plan, we are in the process of hiring a special agent for Slidell, Louisiana. In enforcement officers, we will have an enforcement officer starting shortly in Key West and Fort Myers. In Niceville, Florida, the new enforcement officer is Matt Driggers, and he comes from CBP Air and Marine, and, in League City, the new supervisory enforcement officers started on Monday, October 25, and his name is Terrell Bradford, and he comes from EPA.

We still have openings for EOs, one in Galveston, one in St.

Petersburg, two in Harlingen, and one in Houma, Louisiana. We just recently had a vacancy announcement that just closed, and so we should be working through the process of hiring all those positions. That's it. For any more information, you can find it in our third-quarter report. Sorry that I took so long.

VICE CHAIRMAN GUYAS: Any questions? Okay. Let's keep rolling then. Mr. Donaldson, you're up with Gulf States.

GULF STATES MARINE FISHERIES COMMISSION

MR. DONALDSON: Thank you, Madam Chair. I've got two items to report on. The first was going to be an update on the state and federal red snapper survey calibration issues, but I think we've covered that enough that I will just go to my next item, which is the Return 'Em Right project.

We have a best practices release workshop scheduled for December 1 and 2 at USF at St. Pete. The purpose of the workshop is to develop a set of standard best practices for increasing the survivability of fish that are released. The results will be compiled into a manual, and attendees will include the facilitators, anglers, scientists, and managers, as well as audience members, and then the last thing I have is we are doing -- At the last meeting, I reported on some research, and I just want to show some videos from using a descending device to descend the fish. It's kind of sped up and not very long, but he's released and joins all his other friends down there on the reef, and so, with that, that concludes my report, and I will take any questions.

VICE CHAIRMAN GUYAS: Any questions for Dave? All right. Thanks, Mr. Donaldson. Let's go next to our U.S. Coast Guard report. Do we have the Lieutenant Commander on the line or someone from the Coast Guard to present this?

U.S. COAST GUARD

LTJG ADAM PETERSON: Good afternoon. I am Lieutenant Junior Grade Adam Peterson, and Lieutenant Commander Lisa Motoi could not make it this week, and so I am filling in for her, but I am in Station New Orleans, Louisiana, as a member of the District Response Enforcement. I serve as the Assistant Living Marine Resources Officer and am responsible for compiling case packages for federal fishery violations for prosecution by NOAA OLE.

First, I would like to thank all of you for your service on the fishery management council, and I would also like to thank you

all for the opportunity to speak on behalf of the Coast Guard's 8th District. I will try and keep this short, so that all of you can finish on time, but the presentation serves to give a brief overview of the Coast Guard as a whole and then our Fiscal Year 2021 performance, as it pertains to protecting living marine resources, and fishermen as well.

On the next slide is the agenda, and first is an illustration of the 8th Coast Guard District's area of responsibility, and then we'll go into the Fiscal Year 2021 LMR performance and the various enforcement and safety violations we are issuing in the Gulf, and, lastly, I will touch on our efforts to protect our Exclusive Economic Zone from Mexican fishermen.

The next slide is an illustration of District 8's AOR. It's the largest district in the Coast Guard, with twenty-six states, the Mississippi River and all its tributaries, and a major of the Gulf of Mexico. We have three inland sectors, but more relevant to the Gulf Council are the four coastal sectors of Sector Corpus Christi, Houston/Galveston, New Orleans, and Sector Mobile.

The next slide is a summary of our Fiscal Year 2021 LMR performance. Those four coastal sectors previously described conducted a total of 955 LMR boardings, and each of those red dots on this slide, and the following slides as well, illustrate the location where each of those boardings occurred.

Those boardings are also broken down by the specific fishery management plan seen on the right, and, for LMR, we met most of the targets that we had set at the beginning of the fiscal year, but, more importantly, our units are conducting better quality boardings. Namely, they are boarding more vessels which are actively fishing, which allows the units to check the status of the gear being used by fishermen and also allows them to observe the haul-back of the nets while they are conducting the boarding.

The next couple of slides break down those 955 total LMR boardings. For example, 495 of those boardings were conducted on commercial fishing vessels, and, again, that is broken down by the specific fishery management plan by the boarding. Then the next slide notes that thirty-nine of those LMR boardings were on charter headboats, or passenger vessels, and the last slide notes that 421 of those boardings were on recreational vessels, again broken down by the fishery management plan.

The next slide notes that, of those 955 total LMR boardings,

sixty-two of those resulted in an LMR violation being issued by the Coast Guard, and, for clarity, a total of sixty-two vessels were issued LMR violations, and that does not mean that a total of sixty-two violations were issued.

A majority of those sixty-two vessels had more than one LMR violation onboard the vessel. One example is that, if a vessel has one of their bycatch reduction devices sewn shut on one side of their nets, they most likely had the other bycatch reduction devices sewn shut as well, and those are two separate LMR violations on the same vessel. Of those sixty-two vessels, the most common violations related to missing turtle mitigation gear and improper bycatch reduction devices and turtle excluder devices.

The next slide is in regard to safety violations. When our crews board vessels in the Gulf of Mexico, they are, obviously, making sure that they're following all the federal fisheries laws, but they're also making sure that all the crews have the appropriate safety equipment onboard. 274 total safety violations were issued in Fiscal Year 2021, and the most common safety violations relate to lifesaving equipment, such as personal floatation devices and life rafts.

The next two slides are in regard to the Coast Guard's effort to protect our Exclusive Economic Zone against Mexican fishermen, referred to as lanchas by the Coast Guard, and these lanchas routinely cross the maritime boundary line and fish within our EEZ. In Fiscal Year 2021, Coast Guard assets interdicted a total of seventy-eight lanchas, and, again, each of those dots on the map note where that interdiction happened.

The next slide notes the total number of lanchas interdicted by Coast Guard assets from 2018 to 2021. 2020 was an anomaly, because of COVID and certain operational postures because of COVID. With that being said, this mission for the Coast Guard along our southwest border has extraordinary visibility, not only in the Coast Guard, but across the spectrum of the federal government.

In part due to reporting the data that you see on the screen, Mexico was found to be an IUU fishing nation earlier this year, and this will trigger a few different restrictions on Mexico that are in the process of being developed and operationalized. With that, that concludes my presentation. Again, thank you all for your time, and, if you have any questions, I will be happy to answer those.

VICE CHAIRMAN GUYAS: Thanks. We do have one question from Dr. Stunz.

DR. STUNZ: I will make it pretty quick. I've got a question about your last two slides and the interdictions. Could you please define that, in terms of that's just what you actually intercepted, I guess, or there is more activity going on than you can actually interdict, right, and I am trying to get a feel for the difference between what's on that graph versus what is actually happening.

LTJG PETERSON: Correct, and so the Coast Guard breaks down the lancha activity along the southwest border by detections, interceptions, and interdictions, and so detections would be if an asset saw a lancha, if there was a highflyer or gear set by lanchas that were found, and each of those count as a detection by the Coast Guard.

An interception means that there was an asset on scene that potentially might have been able to complete an interdiction, but, for whatever reason, they were not able to complete the interdiction, and then interdictions, the number that you see on the screen, is exactly that, interdicting where the lancha was seized by the Coast Guard, the catch was seized, and the gear was all seized, and the Mexican nationals were transferred to Customs and Border Protection for transfer back to Mexico.

There is a lot more activity than the Coast Guard can interdict, and I don't have the exact numbers on me right now, but so we do interdict, if I remember correctly, about 50 percent of the activity that is occurring along the maritime boundary line.

DR. STUNZ: Thank you, and I guess that was my point, is there's a lot more activity going on, and, first, thanks for the presentation. I mean, I think the presentation is great, but, every time I hear you all present these, it's just more appalling that this is going on, and I don't fault you, and I know you're overwhelmed, and I am just struggling here of what do we do about this, and the IUU process that you talked about is pretty much a slap on the wrist, and I think the value of what they're doing here is so great that that's probably not going to stop anything, but, just while you were doing this, to give the perspective of what's going on, and, I mean, I've looked for ideas of what we can do as a council to highlight this, or draw attention to it.

If you looked at like 2021, this year, or especially 2020, where it's more, and you figure each one of -- This is just your

interdictions, and, if those guys are carrying 1,500 pounds of snapper, which I think is pretty reasonable, and you start beginning to multiply that out, I mean, you're talking about a heck of a -- It's millions of pounds of fish that are going out the back door, and certainly, if Texas was overfishing this on the recreational side, I mean, there would be all kinds of paybacks and provisions and things, yet these fish just continually stream out the back door, probably ending up back in the U.S. in some way or the other, given their value.

I don't know, and I just can't get beyond, you know, more than probably the entire catch, Texas catch, is not even accounted for here, and so you've got two issues. You've got the IUU issue, and you've got the other issue of that these aren't really accounted for in any assessment, and so, you know, with all the discussions we have, and it's like millions of fish leaving out the back door, and we don't even -- So I think we could handle a few more fish coming into the fishery, in terms of our management, but I am just struggling to find ways to highlight or curb this problem, and so, anyway, I am just frustrated.

LTJG PETERSON: Yes, sir, and I would concur with your assessment that we are pretty irritated with the continuing threat of the lanchas along our southwest border, and we are doing our best to get better at our interdiction rates, to make sure that we can keep as much red snapper in our waters as we can.

VICE CHAIRMAN GUYAS: All right. Thank you, Lieutenant Commander Peterson, for being on the line today. We really appreciate it. We will roll to -- I think next on our list is Fish and Wildlife Service and Department of State, and we do not have reports from them, and so we'll go straight into Other Business then. The first thing I have on the list is, Dr. Simmons, you were going to give an update on -- Phil, I'm sorry. Go ahead.

OTHER BUSINESS

MR. DYSKOW: Thank you. This will be very quick. I would like to request, from Dr. Simmons, that perhaps Emily could provide a presentation at our next council meeting on the efforts of the Outreach and Education Committee to address the issue of responsible discards on the recreational fishing community, and we've had a number of projects and activities taking place over the last few years, and there might be little awareness of these, but to just give the audience and the council some

confidence that these issues aren't being habitually ignored, but there are action steps in place to reduce discard mortality and to increase the -- Improve the stewardship of the whole release process on the recreational fishing community. Thank you.

VICE CHAIRMAN GUYAS: All right. Thanks, Mr. Dyskow. Go ahead.

EXECUTIVE DIRECTOR SIMMONS: Thank you, Madam Chair. We can certainly work on that. I don't want to promise January, and we'll try to see if we can squeeze it in, but we're starting to get a lot of items requested for January, and so, since we just moved that January meeting to Baton Rouge, and I wanted to let everyone know that it's now Baton Rouge, and it will be at the Hilton. We finalized the contract, and so we are not going to be meeting in New Orleans, and all of that will be updated on our website very soon, and that was basically due to the gathering limitations and many of the restaurants and other things being closed in New Orleans.

For the update on the gray trigger ageing contract status, we had a call for proposals, and it was competitive, and we received proposals, and we had a review panel that has gone through those proposals, and it included a member from the Science Center staff, and a proposal from Dr. Will Patterson at the University of Florida and his team was selected, and so we're in the middle of working on a contract with him for that.

Regarding the P-Sea WindPlot contract status that the council has on the books, I have been unable, for both the staff and myself too, to just take the time, really, to get with the software developer for P-Sea WindPlot and make sure that we have all the items that we need in the revised call for proposals, such as the type of data, and we will get with them on that, and our plan is to add that to the call for proposals and then readvertise, and so hopefully we'll have that tied up early next year.

VICE CHAIRMAN GUYAS: I am not seeing any hands. Is everybody good? We can roll right into our next item of other business, which was stakeholder participation, and I think that's you, Mr. Gill, right?

MR. GILL: That is me. Thank you, Madam Chair, and I will try to be quick here and just get down to the core. One of the good things that came out of COVID, and we all know there was a ton of bad, was that it opened up virtual public testimony, and so folks did not have to be here to give testimony to the council,

and I, for one, would argue that we need to continue that in the future, whether or not we have a COVID situation that might impinge, and I think that's a good thing.

That augments public participation in the process, which I think we need to encourage, and remove those kind of barriers to grow that as much as we can. One of those barriers, however, is, in virtual public testimony, or virtual attendance, for that matter, you don't get the same full view of the council proceedings that you get when you're in the room, and, specially, one of those is watching the voting going on. In the case of roll calls you do, but every other vote is whatever the numbers are, and all you know is numbers, and you don't know who voted what or whatever, and who was abstaining.

I think one of the things that would cure that, and, Bernie, if you would pull up the participation motion, would be taking another look at electronic voting. I know this council looked at it five or six years ago, for the older members, and it was not considered appropriate. I would argue the context has entirely changed, thanks to COVID, and expanding that remote capability of participation is something we need to encourage, to the extent that we can remove those barriers that are in the way, because it costs a lot of money to come to council meetings. I used to not come to council meetings because of the cost, but I watched every webinar, and I often wondered what the heck was going on in the votes.

The motion is to request staff to provide a review of electronic voting options for council functions. It's to give us a sense of what does it take, is it expensive, et cetera, and there is a bunch of questions that we'll have to talk about, et cetera, if we go forward with that, but we need to do the homework first, and that's the motion, and I will stop there, and I hope there is some discussion. Thank you.

VICE CHAIRMAN GUYAS: Okay. The motion is to request staff to provide a review of electronic voting options for council functions. Is there a second to this motion? It's seconded by Dr. Stunz. One thing, Bob, that you mentioned was the virtual public testimony when we're meeting in person, and so that came up at the CCC meeting last week, and the NOAA Headquarters folks were encouraging the councils to continue doing that in the future, and so I just wanted to update you on that. Is there discussion on this motion? Mr. Schieble.

MR. SCHIEBLE: I will keep it short, and I just wanted to say that I support what you're saying here, as far as the public

participation, and I think that, a lot of times, we can't expect the fishermen, especially the commercial fishermen, to be able to just leave their business to come attend these meetings and travel and spend all that money to do this, especially when we travel as far as we do throughout the year.

Allowing them an option to participate is good, and I would also suggest maybe looking into the Adobe meeting whatever it is that we used, to see if there's a camera option, and maybe not necessarily require electronic voting, but maybe a camera just sits in the room, so that participants could see what we're doing, instead of not.

VICE CHAIRMAN GUYAS: John Walter, your hand is up?

DR. WALTER: Yes, and I wanted to comment on something that moved pretty quick, and so maybe I can get back in the queue, because I don't want to disrupt conversation on this motion.

VICE CHAIRMAN GUYAS: Okay. No problem. I will keep you on my list. Dr. Stunz.

DR. STUNZ: A follow-up on Chris's point, and there is a lot of options, Bob, to do, and, in fact, most of the -- We do it very routinely on Zoom, or I'm sure, whatever platforms you're using, you can do these votes, and, of course, that requires us all the be logged in, but there is other options, like little clickers and those sort of things. I mean, the camera system would work, and so I think there is a lot of options, but, just so I'm clear, you're suggesting that every vote we make is sort of recorded in one way or the other, so you see -- So someone knows what is happening.

MR. GILL: Correct.

VICE CHAIRMAN GUYAS: Mr. Anson.

MR. ANSON: I guess we have a visual recording of that, essentially, in real time, but then, Bob, are you also then wanting this to go into the record and somehow be recorded by an individual yes or no vote on each motion, or just for the point in time, so that people who are following online can also see it? I guess that might have implications as to what type of systems that the staff are going to review, I guess is what I'm getting at.

MR. GILL: I think that's a discussion that we need to have at this table. I don't think it's probably appropriate at this

time, and it depends on what the review comes back with on how we can provide that visibility to remote folks, and then we can discuss if we want to go forward.

It may be that it comes back and it's too expensive or whatever, and we decide not to do it, and, well, discussion over, but, if we decide to do it, then we can get into the details about limitations or approaches, et cetera, and so I think that we have to have that discussion, if we do go forward.

VICE CHAIRMAN GUYAS: Dr. Simmons.

EXECUTIVE DIRECTOR SIMMONS: Thank you, Madam Chair. I don't have a problem with us looking at the motion on the screen. The camera stuff kind of scares me a little bit, when we're having trouble right now pushing out to six or seven projectors, or whatever we have now, as it is, and so, if we're going to move forward with something like that, I would like a separate motion, and I think we'll have to get some legal guidance as well for any type of recording and whether that comes as part of the record and getting waivers, and it gets real complicated really quickly with video, and so thank you.

VICE CHAIRMAN GUYAS: I mean, I will chime in on the camera thing, and we were just having a side conversation, and so a lot of our commission meetings we have -- Those are broadcast over TV or online, the Florida Channel, and so we've had it internally, where we've had just a single camera in the room, and we just have seven commissioners, and it's really hard to see. I mean, the Florida Channel does a great job, because they have multiple cameras, a professional crew, and they zoom-in, and they've got captions and all this stuff, but the single camera thing is -- You just can't tell what's going on in the room.

MR. GILL: I would advocate for as simple as we can do to get to the place we're trying to get to.

VICE CHAIRMAN GUYAS: Okay. Any other discussion on this motion? **Any opposition to this motion? Seeing none, the motion carries.** Okay. Anything else on this topic? Everybody is good.

All right, and so the next item is me and goliath grouper, and so I had staff send around a link to a press release regarding goliath grouper. I just wanted to update the council briefly, and you can look at the details in the press release, but our commission recently discussed a proposal to allow a very limited

harvest of goliath grouper in state waters off of Florida.

I'm not going to go into all the details, and you can read about those, and this is not final at this point, and it will go -- It should go back in front of the commission for potential final action at the March meeting, but, basically, it's a 200 goliath per year harvest, limited access like lottery system, and the fee is still kind of yet to be determined, and the proposal that they talked about was $500, but there was some interest in exploring other options there, potentially lower options.

It would be one per angler, and there would be an open season March through May, and we're kind of trying to avoid the spawning season, and it's a limited area where this would be occurring, hook-and-line only, and there would be a slot that's between twenty and thirty-six, although we will be looking at other lower ends of that slot, based on some feedback we got from our commission, and we are looking at also trying to get some data from the people that do participate in this harvest on the backend, and so hopefully some genetic information and other information about their catch.

That's all that I am going to say about this right now, and we will keep you updated as this moves through the process, but, unless there is any questions from anybody. Okay. Is there any other business to come before the council? Mr. Strelcheck.

MR. STRELCHECK: I had alluded to, several times, about the VMS delay, and so we had originally went to implement on December 13, and we were petitioned, and it has been placed on public inspection with the Federal Register, and it will publish on the 2nd of November that we are now delaying that VMS implementation until March 1 of next year. A Fishery Bulletin will likely go out tomorrow.

VICE CHAIRMAN GUYAS: Thanks for the update. Anything else? John Walter.

DR. WALTER: Thank you, Madam Chair. I was really glad to see the motion from the Shrimp Committee to initiate testing of several cellular VMS units on shrimp boats, and, when it came up, when the Executive Secretary brought up the RFP, which it seems like it's a good opportunity to extend that to some of the other off-the-shelf units that exist, and what we saw, from a lot of the extensive discussions about VMS units and challenges that people have with certain ones, really one of the keys is to be able to have robust, warranty-supported units as well as freedom of choice for fishers to pick the one that's going to

work best for them.

It seems like I was wondering if the committee might consider extending that proposal to allow -- To test some other off-the-shelf units, since it seems to put most of its eggs in one particular basket, and it should be too big of a deal to test a few others at the same time, and that seems like a good extension and good use of the funds, to me, and so I would just ask if perhaps the council would consider that. Thanks.

VICE CHAIRMAN GUYAS: Dr. Simmons.

EXECUTIVE DIRECTOR SIMMONS: Thank you, Madam Chair, and thank you, Dr. Walter. It sounds easy, but here are some of my concerns. How are we going to select which vendors are tested, and how are we going to decide which boats they go on? I mean, we're starting to get way, way outside of the council's normal business practices, and it's making me a little nervous with our administrative award, as we've discussed in the past, and so I just think we've got to be really careful here with what we're trying to do.

VICE CHAIRMAN GUYAS: Ms. Bosarge.

MS. BOSARGE: This was actually -- So you're talking about testing devices for VMS vendors, and those particular vendors would potentially stand to gain -- Their devices are not on our boats right now, and so the council would be paying for that, and what the council is paying for right now is to try and figure out the transition piece for software that is already on shrimp vessels, and so, in other words, this was to help the industry and not to help an individual company or vendor, and, in other words, this vendor doesn't stand to gain, really, and his software platform is already on the boats.

The industry funded the first phase of this project, which was to make sure that that software collected the scientific data in the format and the timeliness that NMFS needs it for the shrimp algorithm, and then this works out the transmission piece, and so, from an industry standpoint, I mean, we've already published this RFP once, and we're getting some more information to go back out, for the couple of people that were interested in applying for it, and they needed some more detailed information.

I don't know, and we're pretty far down this road, and I guess what you're throwing out there is a little bit different situation than kind of what we had discussed the purpose of these funds for, but NMFS owns a shrimp boat, and so, you know,

you could always do it that way to test those other devices, and I know that's not what you wanted to hear, Dr. Walter, but that's kind of been the council discussions over the past, I don't know, six or nine months or so, to get to the point we're at today.

VICE CHAIRMAN GUYAS: Okay. Dr. Walter, is your hand still up?

DR. WALTER: No, it shouldn't be.

VICE CHAIRMAN GUYAS: Okay. Great. Is there any other business to come before the council? All right. Seeing none, we are adjourned. Thanks, everybody.

(Whereupon, the meeting adjourned on October 28, 2021.)

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