GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

292ND MEETING

FULL COUNCIL SESSION

Beau Rivage Resort and Casino Biloxi, Mississippi

OCTOBER 24-27, 2022

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Kevin Anson (designee for Scott Bannon).....Alabama
Susan Boggs.....Alabama
Patrick Banks.....Louisiana
Billy Broussard.....Louisiana
Jonathan Dugas.....Louisiana
Phil Dyskow.....Florida
Tom Frazer.....Florida
Dakus Geeslin (designee for Robin Riechers).....Texas
Bob Gill.....Florida
Michael McDermott.....Mississippi
Bob Shipp.....Alabama
Joe Spraggins.....Mississippi
Andy Strelcheck.....NMFS
Greg Stunz.....Texas
C.J. Sweetman.....Florida
Troy Williamson.....Texas

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Beth Hager.....Administrative Officer
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Jessica Matos.....Administrative and Accounting Technician
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TABLE OF MOTIONS

PAGE 10: Motion to adopt the proposed council committee assignments, as amended. The motion carried on page 10.

PAGE 32: Motion to direct staff to initiate a document that would first review the state-specific private angler licensing and reporting requirements that are currently used to define the universe of offshore anglers in each state. The motion carried on page 35.

PAGE 40: Motion to have the council better incorporate optimum yield to fully consider biological, social, and economic aspects in achieving fleet-specific objectives during the management process. The motion carried on page 44.

PAGE 149: Motion to recommend that the changes made to the fishing violations section of SOPPs be brought to the Administrative/Budget Committee for discussion and approval at their next meeting. The motion carried on page 149.

PAGE 149: Motion that the Law Enforcement Committee concurs with the LETC's request to allow the operations plan to expire and strategic plans to only be updated as needed in the future. The motion carried on page 151.

PAGE 153: Motion that landings reports be provided to council committees twice per year in April and October. The motion carried on page 153.

PAGE 154: Motion in Action 1 to add a new Alternative 6 and make it the preferred. Alternative 6 is revise the allocation between the recreational and commercial sectors using MRIP-FES adjusted average landings during the years 1993 through 2019. The allocations for greater amberjack are 80 percent recreational and 20 percent commercial. Revise the OFL and ABC as recommended by the SSC based on SEDAR 70 (2020). Set the stock ACL equal to the 2023-plus ABC of 505,000 pounds. The motion carried on page 156.

PAGE 167: Motion to approve the Draft Amendment 54: Modifications to the Greater Amberjack Catch Limits and Sector Allocations, and other Rebuilding Plan Modifications 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 169.

PAGE 169: Motion in Action 1 to move Alternatives 4 and 5 to Considered, but Rejected. The motion carried on page 169.

PAGE 169: Motion in Action 1 to make an alternative for a November 1 through December 31 season. The motion carried on page 170.

PAGE 172: Motion to reconvene the IFQ Focus Group for a second meeting with the remaining eight members. The motion carried on page 172.

PAGE 173: Motion to direct staff to develop a list of proposed IFQ related issues the council would review and prioritize at their January 2023 meeting. Thereafter, the council would either convene a special council meeting or dedicate significant time on a future Reef Fish Committee agenda to discuss the highest priority issues recommended by the council. The motion carried on page 174.

PAGE 178: Motion to modify the IFQ Focus Group's charge to evaluate benefits and drawbacks to get to active fishermen who own no shares: 1)increases in annual allocation (not shares), and 2)allocation held by the agency in non-active accounts. The motion carried on page 184.

PAGE 190: Motion to remove Action 2 from the framework document. The motion carried on page 192.

PAGE 192: Motion in Draft Framework Action for Gray Triggerfish Commercial Trip Limit in Action 1 to make Alternative 3 the preferred. Alternative 3 is increase the commercial trip limit to twenty-five gray triggerfish per vessel. The motion carried on page 192.

PAGE 193: Motion in Action to remove Alternative 5. Alternative 5 is increase the commercial trip limit to forty gray triggerfish per vessel. The motion carried on page 193.

PAGE 199: Motion to direct staff to develop the following options for exploration in Amendment 56: 1)summer recreational gag fishing season; 2)lowering the gag bag limit; 3)establishing a gag vessel limit; 4)commercial spawning season closure; 5)spatial areas to protect spawning gag; 6)commercial bycatch trip limits. The motion carried on page 203.

PAGE 205: Motion to direct staff to provide catch levels for

scamp and yellowmouth grouper utilizing an MSY proxy of F 40 percent SPR and consider other management changes necessary for the shallow-water grouper complex. The motion carried on page 207.

PAGE 213: Motion that Florida Pompano is not in need of federal conservation and management at this time. The motion carried on page 214.

PAGE 214: Motion to direct staff to evaluate factors in determining whether African pompano is in need of federal management. The motion failed on page 217.

PAGE 217: Motion to direct staff to evaluate factors in determining whether tripletail is in need of federal management. The motion carried on page 220.

PAGE 228: Motion that landings reports be provided to council committees twice per year, in April and October. The motion carried on page 228.

PAGE 228: Motion to remove Objective 3, as it is redundant with the newly-added Objective 9. Objective 3 is to provide necessary information for effective management and establish a mandatory reporting system for monitoring catch. The motion carried on page 229.

PAGE 229: Motion to amend the language of Objective 1 to read as follows: Objective 1 is the primary objective of this FMP is to achieve and maintain optimum yield, to allow recovery of overfished populations, and maintain population levels sufficient to ensure adequate recruitment. The motion carried on page 229.

PAGE 229: Motion to delete Objective 5. Objective 5 is to distribute the total allowable catch of Atlantic migratory group Spanish mackerel between recreational and commercial user groups based on the catches that occurred during the early to mid-1970s, which is prior to the development of the deep water run-around gillnet fishery and when the resource was not overfished. The motion carried on page 229.

PAGE 229: Motion to remove Objective 7 from the Joint CMP FMP, as it is no longer supported by science. Objective 7 is to provide appropriate management to address specific migratory groups of king mackerel. The motion carried on page 230.

PAGE 231: Motion to add a new Alternative 4. Alternative 4 is

modify the sector allocation for Gulf king mackerel by reallocating to the commercial sector 15 percent of the average difference between the total landings from the 2016-2017 through 2019-2020 fishing years using Marine Recreational Information Program's Fishing Effort Survey data and the total simulated annual catch limit for Model 2 in Appendix D for the predicted total landings by sector and the total projected ACL. The motion carried on page 231.

PAGE 231: Motion in Action 2.1 to make Alternative 1 the preferred and cease work on this document. The motion carried on page 238.

PAGE 243: Motion to request SEFSC update the ecosystem status report for the Gulf of Mexico as soon as possible. The motion carried on page 244.

PAGE 245: Motion to request staff write a letter to the SEFSC to explore the feasibility of an interim analysis for Gulf king mackerel. The motion carried on page 245.

PAGE 246: Motion to make Option 2 the preferred. Option 2 is remove the weekend and holiday closure for the gillnet component for Gulf migratory group king mackerel. The motion carried on page 246.

PAGE 247: Motion to make Option 4 the preferred. Option 4 is require federally-permitted for-hire vessel owners and/or operators to submit a trip declaration for trips that will be engaging in any type of fishing or chartered activity. The motion carried on page 247.

PAGE 273: Motion to disband the Joint Council Workgroup on Section 102 of the Modern Fishing Act. The motion carried on page 274.

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The Full Council of the Gulf of Mexico Fishery Management Council convened at Beau Rivage Resort and Casino in Biloxi, Mississippi on Monday morning, October 24, 2022, and was called to order by Chairman Dale Diaz.

CHAIRMAN DALE DIAZ: Good morning, everybody. We're going to go ahead and get started, and so we're going to start out with a Full Council session this morning, and this is the 292nd meeting of the Gulf of Mexico Fishery Management Council.

There is just a couple of things that I want to mention before we start with the agenda. One is, if anybody hasn't logged into the internet yet, if you go to your computer function that brings you to the internet, MGM Resorts Wi-Fi is what you need to click on, and it's open. There's no password, and so just MGM Resorts Wi-Fi.

The only other thing that I want to mention, before we start, is I want to let folks know that we did move our next meeting. We were scheduled to meet in New Orleans, but that's been moved to Baton Rouge, and so, in January, we'll be in Baton Rouge, so everybody is aware of that, and we're going to go ahead and start with our agenda.

The first thing on the agenda is the Review and Adoption of Proposed Council Committees for 2022 through 2023, and so I'm going to open the floor up for any comments, and so are there any comments related to the committee assignments that are proposed? Dr. Sweetman.

REVIEW AND ADOPTION OF PROPOSED COUNCIL COMMITTEE ASSIGNMENTS OCTOBER 2022 THROUGH AUGUST 2023 AND CURRENT COUNCIL COMMITTEE ASSIGNMENTS

DR. C.J. SWEETMAN: Thank you, Mr. Chair. I would just like to request for myself, or Jessica McCawley, to be on the Mackerel Committee.

CHAIRMAN DIAZ: Okay, and so if staff would add Dr. Sweetman to the Mackerel Committee. Any other comments about the proposed committees? Mr. Dugas.

MR. J.D. DUGAS: Well, I wanted to be on the Mackerel Committee. Can I be added to the Mackerel Committee?

CHAIRMAN DIAZ: Yes, sir. I am going to try to explain, and so what I tried to do -- My preference would be to not add you to the Mackerel Committee, Mr. Dugas, and my rationale is this, and

so what I tried to do is I tried to go through the committees and make sure that we had at least one person from each state on every committee and that we had somewhat of a balance between the different constituencies on the council, charter/for-hire, commercial, and recreational, and that was how I tried to balance the Mackerel Committee, and so my preference would be to not add you to the Mackerel Committee at this point. Any other comments about the proposed committees? Hearing none, I would entertain a motion, if anybody would make a motion that we accept these committees for the 2022-2023 council year.

DR. BOB SHIPP: Mr. Chairman, I so move.

CHAIRMAN DIAZ: Okay, and so we have a motion from Dr. Shipp to accept the proposed committees, as amended. It's seconded by Mr. Anson. Did you have a comment, Mr. Anson? Seconded by Mr. Anson. **Any opposition to the motion? The committees are approved as amended.**

All right. Next up on our agenda, we have a demonstration of electronic voting technology, and Ms. Hager is going to lead us through that. Beth, if you will take it away.

DEMONSTRATION OF ELECTRONIC VOTING TECHNOLOGY

MS. BETH HAGER: Basically, we have been testing our voting software, just as an overview to let everybody know. Attached to you all's speakers, for the seventeen voting members, are these little fobs, and so we'll get to a live demonstration part of the presentation, and you all will be pushing buttons, and we actually did attach them, to ensure that they remained in the room and didn't accidentally go somewhere, go on a walkabout, but you are welcome to take them off to use them and to inspect them, when it starts happening.

This was the motion that you all passed in April to pilot the electronic voting system for council and committee motions that have opposition. All roll call votes will be by electronic voting, and the results will be included in the minutes. Also, you all directed us to select the appropriate software and timing of the implementation and modify the SOPPs, as necessary.

The Meridia system was chosen for the trials and testing, and that's due to the flexibility and seamlessness of the online integration with the system, and it has several different features, including the clickers for in the room and flexible display and tabulation options, and so some of those display options are what we're going to go through today.

The two options that we're going to present during the live demonstration portion are showing the votes by name as they're being recorded, with the sub-totals of how people are voting, and then the other option, that we'll show on the next motion of the life demonstration, will be showing the results of the votes by name after it's closed, and so what you will see on the screen are the people have voted, but you won't see how they voted until after the voting is closed in that particular motion.

Then there also are options for completely anonymous voting, and anonymous all the way through all of the reporting, and no name is recorded anywhere, but that is very simple. It's just a yes or no up on the screen, and that's all you see, and so, I mean, we can show that, if you all feel the need, but, in consideration of time, we thought that these might be the most efficient things to show.

Now a live demonstration, and here we go. At the moment, we're going to have the motions up on one side of the screen, and then we will have the voting grid, which is actually what we would see during a live vote, on the other side of the screen, and we do have to effect this, at the moment, using the ring central.

This piece of the portal that we're talking about here, where we're trying to get connected with each other, is going to be going away, because the folks that are -- The software developers are developing a portal that will be unique to the presenter and the person that is displaying the vote, and so that will be helpful.

It just wasn't quite ready for October, and so hopefully it will be ready for January, when we start actually doing the testing, and so some of what you see on the screen, the top, where you see my little puppy in his shark suit, will go away, and you'll only see the voting grid. Then she's going to get up a motion here that will be just an example, just a little test motion.

Theoretically, if this was a live council meeting, which it is, but if this was a live vote -- Dale, can you see that motion, to read it, or would you like me to -- It's a little small.

CHAIRMAN DIAZ: I will just do the big print. In Action 1, to make Alternative 3 the preferred.

MS. HAGER: Okay, and so, at this point, folks would pick up their little fob, and you would push yes, no, or abstain. On

the little fob here, you would push the -- There you go, and you can start to see, on the screen, how folks are actually voting, whether they're pushing the green or the yellow or the whatever.

Now, I have it on my phone, while then I've got extra person in our vote, for example's sake, and, if anybody would like to see what this looks like, we can show it now, or I would be happy to take this around, and you can actually vote from this, and it integrates, and so that one that says "meeting room", on the left-hand side, in the top corner, that is me on my phone voting, and so I just voted yes, remotely, and so, if I was at home and trying to vote, we could do that.

There we go. We're getting there. Tom, J.D., and Troy. Now, if anybody wants to change their vote, you are welcome to, right now, and it should change on the screen. There we go. Yay. Tom, is your clicker working? There we go. Now Troy. There we go. Okay.

So, at this point, everybody has voted, and, if everybody likes what they have voted, we're going to close the vote, and so we're going to now stop polling, officially close the vote, and now you shouldn't be able to change anything that's up on the screen, and there is tracking within the software, and so, if we were try and go in there and -- Say you accidentally pushed the wrong button, and it closed, and you wanted to change it, there's a record created of any change to the vote at this point on the reporting, and so it can't just be monkeyed with.

Okay, and so we're going to go to the next motion, Bernie, if you wouldn't mind, and, before anybody votes, let's make sure that we have delaying the results and delaying the subtotals turned on. Okeydokey. Here is our next motion, which is to recommend all elementary schools adopt Friday as pizza day. Sorry, Mr. Chair, but I totally took control there, and I didn't mean to, and we're also recommending strawberry milk as a permanent menu item, and so everyone please vote on that particular motion at this time.

As you can see, it's turning light blue, to show that folks have voted, but it's not showing us how we voted, and it's not even sub-totaling. Now, these are little micro things, and like we could turn on the subtotals, if we wanted to. As we progress through the tests, I think it will be important stuff for you all to decide on later, but this lets you know the main ways that things can be displayed. Mr. Williamson, would you like to vote? Thank you so much.

Okay. Now everybody has voted, and here we go. Now we're going to close the vote, and we can see that it did in fact pass, and Friday is now going to be Pizza Friday. Okay. That is our demonstration, and does anybody have any -- We will wait for questions until the very end, if that's all right. Bernie, could you go back to just the presentation at this point?

We need to figure out what we're going to do next. We need to decide if we're going to start the trials in committees or during the council, and there are reasons for either way. If we were using the council, we pretty much know who the voting body is, and it's generally the same group of people, but, during committees, it's -- You're usually less people, and so that can go either way.

Staff does anticipate that implementing the software will require a phase-in period, as you can see. We will need probably a few meetings, and there will be a learning curve for us and the council, and we really want to beta test this, so we can make sure that it's reliable, that there aren't any funny glitches or anything that we just haven't seen at this point yet. Logistically, staff will need to know which motions will be voting on prior to holding the vote, so the voting screen can be displayed in the room, and so this is really going to hold us to Roberts Rules.

At this point, staff doesn't believe that the SOPPs should require modification, but, as we -- Because a roll call vote can be taken at any time, and this is effectively a roll call vote, and that's what our SOPPs currently say, but, as we work through this actual process, we'll continue to revisit that, and confer with the council, and make sure that nothing else has to change. Yes, ma'am.

MS. SUSAN BOGGS: So you're saying the SOPPs will or will not need to be modified, because --

MS. HAGER: There should be a "not" in there. At this point, we do not anticipate modifications to the SOPPs, and, actually, Bernie, if you could pop to the next slide, we do have the excerpt from the SOPPs here for you all's reference, as you all are having any discussion, and we have Magnuson excerpted on the next slide, and the information about the forum and roll call voting, just so it's available for you all, and that's the end of my presentation.

CHAIRMAN DIAZ: So any questions for Ms. Hager? Mr. Anson.

MR. KEVIN ANSON: So then how is this going to be incorporated into each of the minutes and such? Is this just going to be like an appendix, where we have the motions now, and then there will be a snapshot, essentially, or a table, for each of the votes, for each of the members?

MS. HAGER: Effectively, I think that's the idea. Bernie, could you go back on the display, to show the first motion there? Okay, and so here's a great example of that, and that's why I used this motion, because this is actually contained within the minutes, and this becomes a part of the legal record, and it's a table, and so the result of the roll call voting would be effectively the same thing, and it could be incorporated the same way, because it's a table.

CHAIRMAN DIAZ: Mr. Dyskow.

MR. PHIL DYSKOW: Thank you, Mr. Chair. Is there any cost associated with this? This is a multipart question.

MS. HAGER: Going forward, just a renewal cost for the software, and staff time, and it's primarily going to be time and effort voting, at this point, because the initial cost on this was already something that we had to have, in order to do the tests.

MR. DYSKOW: Part two of this question is are any councils, fishery councils, using this system?

MS. HAGER: No, sir, not according to --

MR. DYSKOW: The final part is I am a little bit familiar with using these systems, on much larger committees, or action groups, than this, and we only have sixteen voting members, and so do we need something this complex to tabulate sixteen votes?

MS. HAGER: I don't know if it's a matter of tabulating them or if it's a matter of being able to show how folks are voting, for transparency, for the webinar, and for even in the room sometimes, and it's hard to see whether or not somebody is voting. I just know that this was a motion that we were asked to do, and so that's what we're going forward with, and so that's definitely a question for you all to be considering.

CHAIRMAN DIAZ: Part of the answer to your question is, a while back, councils wrote letters about different things with this electronic voting, and no other councils are doing it, and the primary thing that most of the councils listed was a concern about extra time at meetings that it might take to use a system

like this, and that was the primary concern of councils. Mr. Gill.

MR. BOB GILL: Thank you, Mr. Chairman, and a comment on Phil's last question. Recall that part of the consideration of a system like this is for the virtual folks, who cannot see how the vote goes, and, since we don't record it, they ultimately don't know, unless they talk to somebody that is here, and so that's one of the rationales, and so I would argue, also, that there is a time savings, in addition to the transparency, that this thing provides, but a question.

I guess this is for Beth, and does the difference between the installation for committees, versus using it for council -- That seems, to me, to be a temporary problem, right, and it will change every year, right, but, ultimately, since the motion went for the council and committee, that it's functionally only a learning curve, part of the learning curve, issue. Do I have that correctly?

MS. HAGER: Yes, sir. Absolutely. That is just it, and it's the learning curve and being able to meet the needs of the meeting as the meeting is progressing, quickly and effectively, and that is a lot of the learning curve on the backend of it, and what comes out to you all is -- There's no difference either way. What the grid looks like would be slightly different, obviously, because that's directly related to the makeup of the voting people.

CHAIRMAN DIAZ: Mr. Gill.

MR. GILL: Thank you, Mr. Chairman. I would argue it's the same people voting, and the major part of the learning curve is us, I would argue, and, hence, I think that we ought to institute it for both the council portion and the committee meetings, because, as you mentioned, a learning phase for the committees has to be met anyway, and go through it, but I think the repetitive nature, for the committees and the council, will help us get up that learning curve faster, and so I think, from that standpoint, we ought to go full bore and do the whole thing.

CHAIRMAN DIAZ: Just a comment to Mr. Gill's comment, and I do agree that the learning curve is us, but a big part of the us is the committee chairs and the chair, because the vote is for -- The motion is to use this for motions that have no opposition, and so you've got to figure that out first, and then, a lot of times, the committee chair does not vote unless there's a need to vote, and how -- All committee chairs are going to have to

come to terms with when it's appropriate, or when they need to vote, and so I think that's part of the learning curve, too. Further comments? Mr. Anson.

MR. ANSON: Beth, as far as a transparency thing, how is -- Are the votes searchable, for instance? Does each vote go a meeting, or is it a meeting and a committee that you're going to be able to search down, or how will you be able to go and look in the voting record, I guess, for an individual, or is that even possible?

MS. HAGER: Well, we would look at the verbatim minutes, but there's also a report that's produced, and, Bernie, could you pop up the report, the example report, on the screen? We would use that though as a part of the verbatim minutes, to create the verbatim minutes, but, Kevin, do you mean during the actual meeting or after the vote is done?

MR. ANSON: After the meeting, if you were interested to see, you know, how votes went through time, I guess, for a particular topic, or an issue, is that possible? Can you drill down, I guess, down to that level?

MS. HAGER: You would see it for each motion, and see the results next to the motion, just like you would now in the verbatim minutes.

MR. ANSON: Okay. Thank you.

CHAIRMAN DIAZ: Beth and Carrie, this question is for you all, and so are you all wanting the committee to decide today when to first test this, and at what level? Is that something you -- Or is that something that you already have a plan for?

EXECUTIVE DIRECTOR CARRIE SIMMONS: Thank you, Mr. Chair. Good morning, everyone, and so I think you need to tell us if you like this, and you want us to move forward with it or not, and we need to confirm with Ms. Levy whether any changes need to be made to the SOPPs, and we would have to set up -- If we want to use it in committees, we have to know upfront who is on that committee, and so we just have to set that up beforehand, and so there's just going to be a little bit of a learning curve there.

Also, with the split screen, the council probably is going to have to get on the webinar to see the motions, because we have less of that up to display, and then our hind-end, with the administrative side of things, we're just going to have to be very careful about the motion, that it's clear, the motion in

the report, and the vote, and then line that up with the verbatim minutes, and so there's going to be a little bit of a learning curve there, but, I mean, do you want to go forward with this, and when do you want to start doing it, if so? Thanks.

CHAIRMAN DIAZ: All right. Any comments from the council, any direction? Mr. Gill.

MR. GILL: Thank you, Mr. Chairman. Not surprisingly, I think we should move forward with it, and I would also -- One of the questions asked was how we have the presentation, and I would suggest that we ought to have it so that it shows the voting, as the voting goes, keeping in mind that the virtual people have no clue who is doing that, but this allows them to be a greater participant in the process than they currently can.

CHAIRMAN DIAZ: Dr. Simmons.

EXECUTIVE DIRECTOR SIMMONS: Thank you, Mr. Chair. Mr. Gill, that means, essentially, if we start at a committee, then all committee votes would be roll call votes, or it would be up to the Chair to decide when we want to have a roll call vote in that committee?

MR. GILL: Well, in essence, they're all roll call automatically, right, because, with everybody voting, it's recorded, and that's effectively the same thing, and, if it's visual on the screen, it's identical to doing it vocally, and so I would argue that there is no difference.

CHAIRMAN DIAZ: Ms. Levy.

MS. MARA LEVY: Just a question, and I think I asked this when we first started talking about this, but I can't remember. Does the software -- I guess it must record everybody's vote by name, regardless of whether it shows, meaning you're creating a record of everybody's vote by name, or does the software not identify it unless you ask it to?

MS. HAGER: The software does not identify it unless you ask it to, and so you can make a completely anonymous vote that will not be recorded in the software or anything else, and all it records is the actual result of the votes, and it doesn't display on the screen. My name, in the report that we just had up, and there was a column that had "anonymous" all the way down, and that was an anonymous vote, and so nowhere is how people voted recorded, but we have to know that upfront, if we

were to want it anonymous, because that really does change all of the bits and pieces, and so you have to know what you want from the vote before you start doing the vote, and that's kind of going to be one of keys.

MS. LEVY: Right, and so the reason I'm asking is it's kind of like an all or nothing, and so, the way we operate now, people raise their hands, for things that aren't roll call, and you can kind of see who is doing what, but the hands go down, and you don't record that, and so you don't have, in the minutes, who did what, but at least you're seeing it as it's happening, if you're here.

With this, you either have a roll call vote for everything, because you're recording it, or you don't know who has voted for anything, and so I think -- I mean, to the extent you want to go towards adopting a roll call vote for everything, we probably are going to have to change the SOPPs, because they're not written that way, right, and, I mean, that's not necessarily a huge deal, but I guess, you know, you just have to think about it, and like it's all or nothing, and so it's very different than what you do now.

CHAIRMAN DIAZ: All right. Any further comments? Mr. Strelcheck.

MR. ANDY STRELCHECK: I mean, I don't feel strongly one way or another. You know, we have a very transparent process, and so I like the software, in that regard, in terms of, you know, further transparency. I guess one of the other questions that I had was it so easy for me to change my vote from yes to no, or something else, and, when we do votes in committee, or Full Council, we raise our hands, or we do a roll call, and it's locked-in, right, and we don't change it at that point, and so are there ways for the software, so that, once you've made the selection, that's it? I know mistakes could be made, but --

MS. HAGER: It's designed so that, when the vote is open, you can change it. As soon as the vote is closed, you absolutely can't change it. I can't change it even. The report can't be changed. It locks it in, and, if somebody does go back in and make a change on the report, it tracks who has made the change, so that there's an explanation of it. I mean, the idea is that it's designed for --

CHAIRMAN DIAZ: General Spraggins.

GENERAL JOE SPRAGGINS: I heard your comment a while ago, and I

guess the question I had -- You know, like a chair, a lot of times, could not vote, and you don't vote, a lot of times, but, is there a way that we're going to be able to say that, if I'm the Chair or whatever, and are we going to be able to know if I need to vote or not, and how are we going to do that? Is it going to come up as a tie, and then they're going to give us the option of voting? If that's the case, then, okay, but I guess I did -- Is there some option there, to say that the Chair needs to vote or what?

MS. HAGER: That is part of the wonderful thing about the transparency on the screen, is you can see how people have voted each way, and you can see who has voted, and, if someone chooses not to vote, their vote isn't included in the total votes, and so you can either abstain, which then are included in the total of what has passed or what hasn't, or you can not vote at all, and we can --

This is one of those small things that we can adjust within the software, and we can have it tabulate based on who we expect to vote, or we can have it tabulate based on who has actually voted, to determine what makes the majority, and so there are incremental bits of the software that we can -- That's part of implementing it and the learning curve, and, as we're testing it, we need to see what works for us and what we are intending as we're using this.

GENERAL SPRAGGINS: I guess what I'm asking there then is it going to show -- Like, if it was eight-to-eight, yes and no, is that going to show Dale that, if he hasn't voted, that he needs to make a tie vote, and, without showing the names, and it will show eight yes and eight no?

MS. HAGER: If we were doing anonymous voting, we absolutely would show eight and eight, and then the person could decide if they wanted to vote, but that would be in an anonymous vote. Otherwise, you're going to see the names up on the screen, but, also, you could see eight people voted one way or --

CHAIRMAN SPRAGGINS: But, as the vote is going on, is it going to show how many are voting one way or the other, and not names, but how many?

EXECUTIVE DIRECTOR SIMMONS: Right, and so there's two different ways the software works. You can have it display as the votes come in, and so then you would have an idea if the Chair is going to need to vote, or you can have us close the vote and see whether we need to reopen it and have the Chair vote, and that's

going to be the learning curve type of stuff that we're talking about, and so which way do you want to do it, and those are the types of things that we kind of would need to know ahead of time, and it could take us more time, as we work through this process.

CHAIRMAN DIAZ: I, for one, would absolutely like to preserve the right for the Chair to vote, when they need to, but not necessarily beforehand. Ms. Boggs.

MS. BOGGS: Thank you, Mr. Chair, and I agree with Andy that the transparency of this council, and so I don't know -- I was sitting here thinking that the only time that I would think that we would do an anonymous vote is when we vote for Chair and Vice Chair. Other than that, I think it needs to be open, because, if you're sitting in the room, you can see, and, if we're not sitting in the room, we ask for roll call votes, so the people that are virtual know who is voting how.

The second example that Beth did, where it doesn't -- It shows that you voted, but it doesn't show how you voted, I think maybe that's what we need to do, in case there is influences, and then you only see -- I mean, you can see who voted, and then when you -- I was trying to remember, and, when you say come to this screen, then it will show you how everyone voted, but I think, at the initial vote, you should keep it -- Not anonymous, but you can see that they voted, and then, once it's tabulated, you can see how they voted, and that's my opinion.

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

MR. DYSKOW: Thank you, Mr. Chairman. I want to speak in opposition to adopting an electronic voting system. This is a small council, and we are, from time to time, challenged with anything, any technology, that is electronic in nature, and we struggle with that on a regular basis, and why introduce another level of complexity that is totally not needed? We have a system that works, and this system adds a complexity that perhaps we would struggle with, and I guess, if it's not broken, why are we spending so much trying to fix it?

CHAIRMAN DIAZ: So I know you speak in opposition, and we do not have a motion to that effect on the board, and so we're currently operating under the motion that was passed in April. Ms. Boggs.

MS. BOGGS: Thank you, Mr. Chair, and I will be quick, and I tend to disagree with Mr. Dyskow. I think the technological

challenges that this council has been faced with since 2020 -- They have overcome extraordinarily, and, I mean, I give my compliments to the staff, because it was a big undertaking, and, unfortunately, or fortunately, in this day and age, technology is always going to be a challenge, and, yes, we're a small council, but I do think that this would sometimes speed up all these roll call votes that we're doing, because it's a push of the button, and you're not calling everybody's name, and re-calling, and so I would disagree with Mr. Dyskow, and, if there is a motion to move forward with this, which I'm not ready to make, I would support the motion. Thank you.

CHAIRMAN DIAZ: All right, and so I'm not seeing any further hands. We do have to make a decision on how to move forward, and there are no motions to do that. Mr. Gill did weigh-in and say that he thought that we should do it for committees and Full Council.

I am of the opinion that we should start this slower than going into it with one council member at one council meeting 100 percent in, in case we have some problems, and we would have to deal with it throughout the whole council. If we deal with it in one or two committees, or just committees, we could actually work some things out and move forward from there, and so I would be of the opinion that, at the January council meeting, we try this, and I would suggest on Reef Fish, because it's a committee-of-the-whole, and see how it works in Reef Fish.

That will be the pilot testing of it there, and then, if we have some kinks to work out, we could work those out, and then, at the January meeting, we could have a discussion on whether or not to move forward with it in a more comprehensive fashion at the April meeting, and so that would be my suggestion.

I am not making a motion on that, and I'm just looking around the table, to if there's any opposition to that method. I'm not seeing any opposition, and so, by consensus -- Dr. Simmons, before I say anything else.

EXECUTIVE DIRECTOR SIMMONS: Thank you, Mr. Chair. Sorry. I was trying to get you to finish that up, but I do think, if we do that for Reef Fish, we need to make sure, with Ms. Levy, and we could try to get this by Full Council for January, if we need to make any changes to the SOPPs, if we're going to use it as the official administrative record, and so we will try to get that work through.

MS. HAGER: (The comment is not audible on the recording.)

CHAIRMAN DIAZ: Can you say that on the microphone, so that everybody can hear what you're saying?

EXECUTIVE DIRECTOR SIMMONS: Beth was confused about it, because the original motion says to pilot, and so I guess we feel like this is the pilot, and so, if we're moving forward in committee, and we're going to start with Reef Fish, and Beth is telling me that would not be the official administrative record, and we would have to run it side-by-side, and then, if we want to move forward after that, then we would have to figure out if there needs to be changes to the SOPPs.

MS. HAGER: I think all that would take would be to be reading out the votes, as we would for a roll call vote, but I just -- I would have a lot of concerns about just moving over and using this without having live testing in the actual committee, when there's a roll call vote needed, and that's my only concern, is just saying, okay, now this is going to be the administrative record, without having live testing, and, to me, that was the whole idea of piloting, and I think, where we're going to be able to see how this works, without getting ourselves into a pickle.

CHAIRMAN DIAZ: Ms. Levy.

MS. LEVY: I don't have any problem with you doing both, but just, I mean, we are creating a record when we do this, and so we still need to retain it, and it's still part of the record, for whatever it's worth, and, you know, it's FOIA-able and everything like that.

MS. HAGER: My thought was just that it wouldn't be the only record that at that point, because it is still in piloting, and it's still in testing.

CHAIRMAN DIAZ: Okay. Any further comments? Mr. Anson.

MR. ANSON: Not a -- I can go either way, but just you were looking for approval for Reef Fish, and so, since you have to incorporate some sort of duplicative process, it sounds like, for votes, and that could be, you know -- It could eat up a lot of time, I guess, is maybe just another committee that we might want to select to do the trial on, rather than Reef Fish, because, in Reef Fish, we have a lot of motions that go in there, and it would be a lot of duplication, and so maybe just another committee that would -- You know, we have motions that come up, but not as many motions, since we would have to go

through it twice, maybe.

CHAIRMAN DIAZ: Do you have a committee in mind? I know that Mackerel will be meeting in January.

MR. ANSON: That's what I was going to suggest, was Mackerel.

CHAIRMAN DIAZ: Mackerel?

MR. ANSON: Yes.

CHAIRMAN DIAZ: I would be okay with using Mackerel as the pilot committee to test it in January. All right. If there's no opposition to that, that's how we're moving forward, and we're going to proceed just as Ms. Hager suggested a few minutes ago and pilot test this on the Mackerel Committee in January.

No further -- I don't think we've got anything else on this issue, and so we're going to go ahead and move right into committees, and, just to let you know, if you are with the new schedule that was just a little while ago -- If you're set to chair on the new schedule, you will be chairing those committees during this meeting, and so next up is the Shrimp Committee, and Mr. Schieble is going to lead us through the Shrimp Committee.

(Whereupon, the meeting recessed on October 24, 2022.)

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October 26, 2022

WEDNESDAY MORNING SESSION

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The Full Council of the Gulf of Mexico Fishery Management Council reconvened at Beau Rivage Resort and Casino in Biloxi, Mississippi on Wednesday morning, October 26, 2022, and was called to order by Chairman Dale Diaz.

CHAIRMAN DIAZ: Okay, and so I want to welcome everybody back to the Gulf of Mexico Fishery Management Council meeting. I would like to call the meeting to order, and so I'm going to start out by reading the Chair's statement.

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 council members, or its staff that relate to matters within the council's purview are public in nature. Please give any written comments to the staff, as all written comments will be posted on the council's website for viewing by council members and the public and will be maintained by the council as part of the permanent record.

Knowingly and willfully submitting false information to the council is a violation of federal law. We will welcome public comment from in-person and virtual attendees. Anyone joining us virtually that wishes to speak during public comment should have already registered online. Hold on, folks. I have to apologize. I started with the wrong Chair's statement, and that is my mistake, and so you all are going to have to bear with me while I start this again.

Welcome to the 292nd meeting of the Gulf of Mexico Fishery Management Council. My name is Dale Diaz, Chair of the Council. If you have a cell phone or similar device, we ask that you place it on silent or vibrant mode during the meeting. Also, in order to be able to hear the proceedings, we ask that you have any private conversations outside. Please be advised that alcoholic beverages are not permitted in the meeting room.

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

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

The membership also includes the five state fishery managers

from each Gulf state and the Regional Administrator from NOAA's Southeast Fisheries Service, as well as several non-voting members.

Public input is a vital part of the council's deliberative process, and comments, both oral and written, are accepted and considered by the council throughout the process. We will welcome public comments from in-person and virtual attendees.

Anyone joining us virtually that wishes to speak during public comment should register for comments online. Virtual participants that have registered to comment should ensure that they are registered for the webinar under the same name they used to register to speak. In-person attendees wishing to speak during the public comment should sign-in at the registration kiosk located in the hallway adjacent to the meeting room. We accept only comment, or 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 council members attending virtually first. After this is complete, members in the room should identify him or herself, starting on my left. Dr. Stunz.

CALL TO ORDER, ANNOUNCEMENTS, AND INTRODUCTIONS

DR. GREG STUNZ: Greg Stunz, Texas.

MR. DAKUS GEESLIN: Dakus Geeslin, Texas.

MR. TROY WILLIAMSON: Troy Williamson, Texas.

DR. TOM FRAZER: Tom Frazer, Florida.

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

MR. GILL: Bob Gill, Florida.

MR. DYSKOW: Phil Dyskow, Florida.

GENERAL SPRAGGINS: Joe Spraggins, Mississippi.

MR. MICHAEL MCDERMOTT: Michael McDermott, Mississippi.

MR. CHRIS SCHIEBLE: Chris Schieble, Louisiana.

MR. BILLY BROUSSARD: Billy Broussard, Louisiana.

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

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

MR. CHESTER BREWER: Chester Brewer, South Atlantic liaison.

DR. JOHN WALTER: John Walter, Southeast Fisheries Science Center, not a member of the council.

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

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

DR. SHIPP: Bob Shipp, Alabama.

MR. ANSON: Kevin Anson, Alabama.

MS. BOGGS: Susan Boggs, Alabama.

EXECUTIVE DIRECTOR SIMMONS: Carrie Simmons, council staff.

ADOPTION OF AGENDA AND APPROVAL OF MINUTES

CHAIRMAN DIAZ: Thank you. Okay. The first item on the agenda is the Adoption of the Agenda. Are there any modifications or additions to the agenda? Dr. Shipp.

DR. SHIPP: Yes, Mr. Chairman. I would like to add a discussion of triple tail as a possible species for management.

CHAIRMAN DIAZ: Dr. Simmons.

EXECUTIVE DIRECTOR SIMMONS: Thank you, Mr. Chair. I would like to add two items, an update on the CCC harassment policies and training and also an update on long-term planning concepts. Thank you.

CHAIRMAN DIAZ: Any other additions or modifications to the agenda? Is there any opposition to approving the agenda, as modified? Seeing none, the agenda is approved.

The next item up for business is Approval of the Minutes. Are there any edits? Any comments on the minutes? Seeing none, is there any opposition to approving the minutes? Seeing none, the minutes are approved.

All right, and so, first up, we have a list of presentations

that we're going to work through, and the first presentation is Recommendations from the Joint Council Workgroup on Section 102 of the Modern Fish Act. Mr. Anson.

PRESENTATIONS
RECOMMENDATIONS FROM THE JOINT COUNCIL WORKGROUP ON SECTION 102 OF THE MODERN FISH ACT

MR. ANSON: Thank you, Mr. Chair. That would be Tab A, Number 8, the presentation. I volunteered to serve as the chair for the last meeting of the workgroup, and Mr. Steve Poland, from the South Atlantic Fishery Management Council, chaired the previous three meetings, I believe, and did most of the work, and so -- But this presentation is a summary of all of those meetings, with some motions that came out of that, recommendations, from the last meeting.

The Gulf and South Atlantic Councils are responsible for managing the largest recreational fleets, fishing fleets, in the country. The two councils have explored, and continue to explore, many alternatives for recreational management, as partly was reviewed earlier today, from Data Collection, and previous meetings here at the Gulf Council. Southeastern U.S. management needs are dynamic, with shifting stakeholder needs and variable market conditions and climate concerns and increasing coastal populations.

The joint council workgroup convened to investigate current and as yet unused management options, over the course of those four meetings, with an emphasis on trying to identify opportunities within the constraints of the Magnuson-Stevens Act and the Modern Fish Act.

The workgroup members discussed successes and struggles for each council, and, again, that was highlighted today Data Collection, kind of where the South Atlantic Council is regarding the permit, but, throughout those meetings, we looked at various surveys and data collection activities that the states primarily have implemented, but also from the federal side as well, and, also, we looked at constraints, including managing to annual catch limits, as we looked at each of those programs, and, generally, it was a conclusion, amongst the workgroup members, that there seems to be odds between long-term yield goals, between OY and MSY, and, again, OY is the reduction from MSY, when you account for biological, social, and economic factors, and that's kind of where there is a dichotomy between the recreational and commercial sector for managing to an ACL.

Some of the outcomes of those discussions, those workgroup discussions, were defining a universe of anglers was deemed a high priority, and this was as a result of some conversations and deliberations related to the federal estimates on effort through MRIP, and again, that the South Atlantic is going forward on trying to develop a process for establishing a federal fishing permit in their jurisdiction.

The workgroup also prioritized characterizing OY by species for recreational fleets, and this is expected to aid in management of efficacy and stakeholder buy-in, realizing that there just may not be enough of that data to help with trying to determine the value, or how much you could characterize OY, as it relates to MSY, and that some additional surveys, or more frequent surveys, would need to be enacted to try to come to a better understanding of OY in the recreational sector.

Then, also, the workgroup tried to talk about flexibility in management efficiency, through utilizing adaptive management strategies going forward, using the process, the council process, and ACLs, as they are currently managed, and so, for instance, trying to look at ways to put in certain triggers that would occur that, incorporated with already established framework, would then result in some -- An automatic management action, for instance, rather than trying to go through a framework process for each time we wanted to address extending seasons in the future.

We were able to, I think, wrap up those meetings, and the workgroup came up with some motions, and the first one is -- The motion that came from the workgroup is the Joint Section 102 Workgroup recommends that the Gulf Council consider a federal recreational permit concurrently with ongoing efforts with the Gulf states, to define the universe of recreational anglers. Consider whether this permit should be for all offshore species or focus on reef fish species.

Mr. Chair, I don't know -- Do we want to just go through the whole presentation and then just have general council discussion, or -- I know it's kind of odd, and so I guess I will go through everything. Let me do that.

CHAIRMAN DIAZ: That is such a big topic, and I think I'm going to look around the room, and, if people have comments, as you make each motion, we'll recognize people to speak, and so are there any comments to the motion that's on the board? Mr. Gill.

MR. GILL: Thank you, Mr. Chairman. I think that's an excellent

idea, as we've discussed, and, if you're looking for a motion, I will try to fumble my way through one.

CHAIRMAN DIAZ: Mr. Geeslin.

MR. GEESLIN: Thank you, Mr. Chair. From the Texas perspective, and the director seat, I am not sure that we are opposed to this, and we certainly have some concerns as to the efficacy of this, and being able to achieve the goals. I think, really, for us, the devil would be in the details, in determining how to administer that, how to structure it, and certainly how to fund it.

For me, personally, I buy my super combo every year, and that comes along with various tags and endorsements and abilities to harvest different animals and fish, but I'm just not certain that this goes beyond what we have in the angler registry, or what we could incorporate into the iSnapper, through another means to get this data, and so, again, not necessarily opposed to this, but just I would love to hear, at some point, from the other states how they administer this, and how this is implemented, and so I just wanted to share that with the council.

CHAIRMAN DIAZ: Thank you, Mr. Geeslin. General Spraggins.

GENERAL SPRAGGINS: I appreciate the efforts that you all are looking at here, but Mississippi in general I can speak for, and we can definitely do what we need to do with this internally in the state, and I don't think we need to have the federal government being a part of it, and I think that we should be able to do this, and the State of Mississippi --

I can't speak for the other states, but I can tell you that we can do this without even having to go to the legislature, to be able to do the things that we need to do in the State of Mississippi, and we will do it, and we will be more than glad to look at that, but I don't think that having the federal government involved in it any more -- I think, to me, it just causes us more issues than corrects the problem, if there is one, but I think that we can definitely do what needs to be done to get to the data, and I will definitely be opposed to this.

CHAIRMAN DIAZ: Thank you, General Spraggins. Mr. Dugas.

MR. DUGAS: Thank you, Mr. Chair. I echo some of the General's concerns. To me, our five Gulf states do a pretty good job with the systems in place, and I know Louisiana for sure, with LA

Creel, and, you know, we have a permit for every angler now, and, the way I understand it, it works pretty well. My suggestion would be maybe that the three states on the Atlantic side, that do not have permits, maybe each individual state should look at doing a state system, and that would be my recommendation. Thank you.

CHAIRMAN DIAZ: Thank you, Mr. Dugas. Mr. Anson.

MR. ANSON: I participated, obviously, in the workgroup meetings, and particularly at this last meeting, as we were trying to focus in on what motions could be developed. You know, we had some discussion about these issues, preemption, if you will, with a license, at least from the federal perspective, and realizing that each state is different, as to how they would be able to legislatively enact a permit, if they wanted to create one at the state level, but, you know, there has been -- We've already gone through this with the angler registry, in that there is a federal permit that was created, some ten years ago I guess now, and that the states, at least in the Gulf, as I understand it, worked, through the commission and National Marine Fisheries Service, to come to an understanding as to, you know, how that could be established, created, how there was opportunity for the states to, if they wanted to, to create a license that would provide the same information, and we're talking about a permit and the data that would be associated with identifying those anglers, and so getting the universe of information that you would need of those universe of anglers, in order to do the surveys.

The states, you know, worked, through that commission process, to develop the minimum data standards, if you will, as to what that would entail for them to be able to provide, through their licensing system, the quantity, or the quality, of data that would be necessary for the federal government to use, potentially, not only for identifying who has got the license, or the permit, but also then potentially for a survey, and so, trying to take this, you know, a little bit further, through establishing, potentially, through the recommendation here on focusing primarily on offshore, or reef fish, species, is that this might be a second iteration to that process, if you will, in developing that license, and so I just wanted to make that comment. Thank you.

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

MS. BOGGS: Mr. Anson covered several of the things that I was going to, but I was at this meeting as well, and there was a lot

of discussion about trying not to reinvent the wheel, but to work with the federal government, with the states, to try to create this permit, but I think it is very important, and Kevin touched on it, is we need to identify this universe of fishermen.

I mean, they can come and buy a license, but are we really identifying where they're fishing? Are they freshwater or saltwater or offshore or inshore or nearshore, and that has been one of the biggest issues, in my mind, that we face, when we try to make decisions at this table, is who is actually fishing, and how many people are out there, and we know how many commercial fishermen are out there, and we know how many charter fishermen are out there, and, I mean, we're under a moratorium, and we can't issue any more --

I mean, we're a universe that is very identifiable, and I think this is a good step towards working, and it says in the motion, or this motion that was made, to work with the Gulf states, and I think it's very important, I mean, that we try to look at this and work towards this. I know that Louisiana, Florida, and Alabama already have this, and so it's just like how do we mesh this into the federal system and not reinvent the wheel. Thank you.

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

MR. STRELCHECK: I appreciate the comments before me. A couple of things, and I certainly recognize the anti-federal sentiment, and not necessarily wanting this to be a federal permit, and I don't think we're at the point where we're able to evaluate the details, in terms of how we could administer and operate this program, but, as I said earlier, I think there's lots of economies of scale, and there's things that the states have done to set up permitting systems that hopefully would be an opportunity to pave the way for a federal recreational permit, or offshore recreational permit, or whatever we call it going forward.

What I do want to say, and, you know, I'm supportive of this motion. My concern is we need to work through this, I think, as a council, because you have firsthand seen the challenges with all of the different recreational surveys, and standing up different methods and survey methodologies that are being operated across the five states, and so, if we don't have a kind of common universe of how we're going to be able to define anglers, and, ultimately, define, you know, how we issue these permits, and I think we're going to run into some of the

challenges that we've faced with the state surveys.

Right now, you know, people are pointing to we've defined the universe of anglers off of many of the states, and I think that's true, but there's lots of gaps, in terms of exceptions and exemptions, that need to be factored in, and there is certainly a lot of species that aren't even included as part of those state surveys, and so taking, I think, the big-picture look at this, and putting my regional hat on, because this is of interest not only to the Gulf but the South Atlantic, having a system that's going to be universal and work for both the states, as well as kind of across the entire region, is going to be really important, moving forward, and potentially all the way up the east coast of the United States. Thanks.

CHAIRMAN DIAZ: Thank you, Mr. Strelcheck. Dr. Frazer.

DR. FRAZER: Thank you, Mr. Chairman, and I think Andy summed up much of what I was going to say, but I don't -- I'm also on this working group, and I don't think the intent of the motion was to say that the federal government was going to issue a permit. I think the focus, or the emphasis, was on the coordinating part of it, or helping to coordinate the efforts, right, and so, to exactly Andy's point, that we don't get into a situation down the road, like we do with the state red snapper data, right, and so we need to figure out how we can standardize some things, and so that was my comment. Thank you.

CHAIRMAN DIAZ: Thank you, Dr. Frazer. Mr. Dyskow.

MR. DYSKOW: Thank you, Mr. Chairman. This was a great tee-up, because I agree with everything that Susan said, and everything that John said, and everything that Tom said, but, at the same time, rather than continue to just debate these points endlessly, let's take a forward step that will answer some of those questions, so we know where our starting point is and we can better determine where it is that we have to go, and so, to that end, I have a motion.

My motion would be to direct council staff to initiate a document that would first review the state-specific private angler licensing and reporting requirements that are currently used to define the universe of offshore anglers in each state.

In other words, we have five different programs, and let's define them, analyze them, and see where we have common ground, and be in a better position to take that next step, whatever it is.

The intent here is not to drive us towards something, but establish a starting point and some common ground. Each of the states, at some level, is interacting with these anglers that fish in federal waters, but let's see where the commonality is and what we actually need to do to have a universal action in federal waters.

CHAIRMAN DIAZ: Okay, and so we have a motion. Is there a second to the motion?

MR. GILL: Second.

CHAIRMAN DIAZ: It's seconded by Mr. Gill. I do have two hands that were raised before, and I would like to come back to the people that had their hands raised before and give people an opportunity to speak to the motion that's on the board, and so is there any comments about the motion that's on the board? Dr. Simmons.

EXECUTIVE DIRECTOR SIMMONS: Thank you, Mr. Chair. I was just going to ask Mr. Donaldson, or maybe Mr. Bray, and do you have anything like this currently at the Gulf States that kind of encapsulates what the different states are doing right now?

MR. DONALDSON: We have a compilation of the various licenses, but we don't have -- It's not down to the data elements, although Kevin mentioned the national registry, and so we actually -- I would have to -- Greg, do you know the specifics on that? There's the potential that we do have that, and I was going to -- Since I have the mic, I was going to suggest that, any way the commission can help the council staff in compiling this information, we certainly are willing to help.

CHAIRMAN DIAZ: Mr. Gill.

MR. GILL: Thank you, Mr. Chairman, and so this question was addressed by MAFAC several years ago, specifically this, and, in the report that was generated from that, a review of exactly what the motion is asking for was created, and they contacted all the states, because we were trying to make a recommendation on exactly the same issues, and so it may be a little bit out-of-date, being a couple of years old, but it could be a good starting point for staff to consider.

CHAIRMAN DIAZ: Thank you, Mr. Gill. Mr. Anson.

MR. ANSON: I'm wondering, I guess for clarity, going forward,

Mr. Dyskow, the "offshore anglers" -- The workgroup did talk about segregating, potentially, offshore and then reef fish, because there is people that would just troll, or what have you, and so I just wanted to make sure that if it was your intent to try to get down, or drill down, to a subgroup of offshore anglers, just to make sure, and you could just state it, and the staff would know.

MR. DYSKOW: Thank you, Kevin. At this point, my intention, with the motion, is to use it as a starting point. I realize that that's a key decision that we would have to make, whether we focus on reef fish or the total universe of fish that are harvested recreationally in the Gulf.

I don't want to drill into that level of detail right now, and let's see where we have commonality in a starting point. My overall goal would be that the states collectively manage this licensing/permitting program, making sure that we achieve the objectives that NMFS has at the same time, but we've got to have a starting point, and that's all I'm intending to do here, is establish a starting point, so that we can take those next steps and drill down into those deeper details.

CHAIRMAN DIAZ: Thank you, Mr. Anson and Mr. Dyskow. I have General Spraggins and Mr. Brewer next to speak. General Spraggins, do you have anything related to the motion?

GENERAL SPRAGGINS: Yes, and, as a matter of a fact, I would just -- What I'm going to say would go with the motion, and so about that? Is that all right? First off, I want to tell Andy that I am not anti-federal, but the point is that, you know, we do think the states could do something, and why involve the federal government if the states can do it, right?

I do think that, as far as what Ms. Boggs was asking, we can do some type of permitting, to say that these people are fishing, and we can do it the way that it needs to be done. I am very much supportive of the motion that's on the board, and I think it's a great start for the states, to be able to go forward and let the states put the data out to the council and let them look at it, and let the council come back and us work together, as a council, to be able to figure out how to best do it in all the states.

CHAIRMAN DIAZ: Thank you, General. Mr. Brewer.

MR. BREWER: I pass, because what I was going to say has already been said by several other folks.

CHAIRMAN DIAZ: Okay. I don't have any more hands on my list. We're going to go ahead and vote this motion up or down. Go ahead, Mr. Dyskow.

MR. DYSKOW: May I make just one more comment, before we vote?

CHAIRMAN DIAZ: Yes, sir.

MR. DYSKOW: Another key element of what we're trying to accomplish here, and I appreciate General Spraggins' comments, because he was spot-on. If this is a federally-managed program, assuming there's a fee associated with it, that gets buried into a general fund somewhere, and we've lost that revenue to enhance our Gulf data collection system for private rec anglers.

If it's managed through the states, that money would potentially be available to take the next few steps on getting better data on private rec angling, whether it's reef fish or the entire population, universe, of fish, and so let's not lose that component. You know, at some point, we're going to have to figure out how to pay for this, and I'm much more confident that, if we manage it through the states, we could retain those funds to accomplish our future goals on better data collection.

CHAIRMAN DIAZ: Thank you, Mr. Dyskow. **All right, and so we're going to ahead and vote, and so I would ask that, all in favor of the motion, please signify by raising your hand. That is a unanimous vote.** Thank you for your motion, Mr. Dyskow. I appreciate that. Mr. Anson, you can proceed.

MR. ANSON: Thank you, Mr. Chair, and so that will take us to the next slide. Another motion that came from the workgroup is the Joint Section 102 Workgroup recommends that the councils consider how to achieve optimum yield for the recreational fleets by species.

CHAIRMAN DIAZ: Let's do the same thing with this motion. Is there any comments on the motion that's on the board? Mr. Brewer.

MR. BREWER: This is a topic that is near-and-dear to my heart, and it's something that has been kicked around, certainly, for, I don't know, seven or eight years at the South Atlantic, and that is the fact that the goals of the commercial fishermen are different from the goals of the recreational fishermen.

A commercial fisherman goes out and doesn't catch any fish,

doesn't bring any fish back to the dock, and that day is a disaster for them. Recreational folks can go out and bring back one or two fish, and maybe catch -- You know, maybe bring back a fish or two, and, in that trip, they caught a lot of fish, and they let a lot of them go, but they caught a lot of fish, and that's a phenomenal day for the recreational fishermen, even though they're not bringing back everything that they catch.

There is a fundamental difference in what constitutes optimum yield for commercial and recreational fishermen, and it has not really been recognized in setting the different allocations. We got into this on dolphin, and the recreational folks were not catching their quota of dolphin. In fact, it was less than half, but the fishery was considered to be very successful on the recreational side, because, at least at that time, and that's not exactly the case now, but, at least at that time, people were able to go out and reliably catch a dolphin or two and bring them home for supper.

The guides were able to put their clients on dolphin, and it was -- Things were working pretty well, but there was a clamoring, saying that you guys are not catching anywhere near your quota, and, therefore, we need to look at reallocation of dolphin. Well, from the recreational side, we said, excuse me. Excuse me, but our goals and objectives are different, and we think that leaving some fish in the water is a good thing, and that's not a wasted fish, to us. I think this whole idea of taking another look at OY is -- I think it's very important, and so, with that, I will be quiet.

CHAIRMAN DIAZ: Thank you, Mr. Brewer. Dr. Stunz.

DR. STUNZ: Thank you, Mr. Chairman. I pretty much think that Chester is spot-on, and I pretty much say, for this council, just substitute the words "king mackerel" in for your dolphin situation, because we're in the exact situation there, and so I had planned to have this discussion maybe later tomorrow, when we talked about king mackerel, because I think that's really an opportunity to really get at some of this optimal yields in a test-case-type of fishery, where it's maybe not as high stakes as red snapper or something like that.

Mr. Chairman, I don't know if you need a motion, or just some of the discussion, but I certainly feel strongly about building optimal yield into recreational fisheries, particularly for exactly what Chester just said, that there's a fundamental difference between the reasons that recreational folks fish, versus commercial fish, and I don't think that that's always

incorporated into the stock assessments in a way that we should, and so I'm not sure what the best way is to proceed right now, if you wanted to wait, and my motion specifically dealt with mackerel, but, obviously, this would apply to a broader suite of fish, and so I could make a motion on the fly and revisit it in Mackerel, but, I mean, I think the point is I think there's ways to build in some of these optimal yield concerns directly into the FMPs, but there's also probably some alternative approaches that the Science Center and the Regional Office could adopt, through some alternative measures and ways to build in sort of these more socioeconomic considerations and that human dimension component.

Then, sorry, but the last thing that I wanted to say, before we go down there, down that route, is, you know, what I'm getting at with optimal yield, in this case, because that's a very broad term, but that's really managing the fishery for high catch per unit effort, high encounter rates, and things that are sought by the recreational fishery versus just, you know, what's a maximum yield and, you know, number at the dock, or something like that.

CHAIRMAN DIAZ: Thank you, Dr. Stunz.

MR. RYAN RINDONE: Thank you, Mr. Chair. Just trying to provide some context to some of the committee's discussions, and Mr. Anson might be able to augment this some as well, but, when the joint workgroup was talking about this, it was couched in the realm of what would each fleet want to optimize for each species.

When we're talking about optimum yield, when Magnuson was written, it was written during a time when most of these fisheries were dominated by commercial effort, and now, of course, recreational fishing effort has increased over time, and what's trying to be optimized might differ between the different fleets, and so like, if we're talking about say recreational red snapper in the Gulf, the goal might be to optimize the amount of time available to try to catch a fish.

For kingfish in the Gulf, it might be to optimize encounter rate with fish that are over a certain size, or something like that, and I'm, to some extent, making this up, but the council could think about that when it's considering management, when it's looking at, you know, what it wants to get out of each species for each fleet, and, if that's defined by the council, through discussions and deliberations and receiving public comment and things like that, then the council can improve its intended trajectory for its management actions.

For example, since kingfish has been discussed, let's say it is the desire of the council to optimize an encounter rate with say kingfish that are at least thirty inches fork length, and it doesn't necessarily mean that it requires a change in the minimum size limit, but it might mean that, as some of the council members have discussed previously, that the recreational sector would prefer to leave a certain portion of their ACL behind, to ensure that some of those fish are escaping the fishery, and there's more of those fish that are available, and so the probability of encountering a fish above that size is more probable, and we can do things like work, perhaps, with the Science Center, to look at length compositions over time, to see if the management measures that are currently in place are helping achieve that intended optimization of encounter rate with a fish that's above a certain size.

That doesn't mean that you're going to keep it, but you like to see more of them, perhaps, or whatever it might be, and so the length compositions, over time, by particular fleet, might help inform the council as to the success of its current management measures in achieving something like that.

To the same token, to something like say red snapper, if the goal is to get more days, and you know how many pounds you have, and you know the kinds of tools that you have available, but, instead of starting with perhaps optimizing the number of pounds, you say I want to get this many days of fishing, and so, since the states manage their portions of it, they have different tools that they can use for the private angling component.

For the for-hire component, it's still managed federally, and there are tools that the council can use to help them optimize days as well, and so, if you guys define and focus on what it is that you're trying to optimize for each fleet for each species in your discussions, that may help better aim the effort for modifying management measures, and may end up making it more successful, and we do have some tools available to help measure the success, quantitatively.

CHAIRMAN DIAZ: Thank you, Mr. Rindone. Mr. Strelcheck.

MR. STRELCHECK: I appreciate all the comments around the table. A couple of points. One is the motion itself speaks to optimizing yield for the recreational fleets, and Magnuson doesn't optimize yield for a sector, and it optimizes yield for the fishery as a whole, and so I think we need to keep that in

mind, that would be looking at maximum sustainable yield and then reducing that to set an optimum yield based on socioeconomic factors and other considerations that are being discussed, and the example of the Gulf and king mackerel I think are relevant.

Ryan invoked red snapper, and I could, you know, come up with a number of other species, and I think the other challenge is that this conversation gets confused, in terms of optimizing yield and optimizing access, and I think those are two very different and competing objectives, and the challenge with the latter is optimizing access is not necessarily reducing from MSY, and it's actually going above MSY and having a fishery that maybe won't maximize sustainable yield, but actually allow for greater access for recreational fishing, which is, obviously, counter to the Magnuson Act and our mandates that we're operating under.

I talked about this during the Section 102 workgroup, and so I think that's something that also needs to be considered, is that, if we're going to focus on things like optimizing access, it still has to be within the confines of how we're doing that and achieving our goals of keeping sustainability and -- Not necessarily maximizing sustainable yield, but optimizing yield at that access level.

In principle, I am supportive of this, and I think it just -- The motion needs to be refined to focus on optimizing yield in the context of the fishery as a whole, recognizing that this is of interest to address with the recreational fleet.

CHAIRMAN DIAZ: Thank you. Mr. Anson and then Dr. Stunz.

MR. ANSON: I appreciate Ryan's summary there and examples, and certainly Andy's comments, and, you know, there was discussion about that and how much of a challenge it would be to try to get there, one, and so that kind of speaks to, you know, what data is available, or would need to be available, to help with those decisions and then how would that go through, you know, in a quantitative process through the assessment, and so those were all certainly issues that we certainly discussed, but we just didn't have enough information.

I will just, additionally, add that what Andy was getting at is that, you know, we are talking specific to the recreational fleet side here, private recs, and that you -- When you're looking at the stock as a whole, you know, you may be helping, in the sense of leaving more fish in the water, but there is derivative benefits then to the commercial side, for that fleet

to have more access to those fish too, and so there are some other impacts and such that could occur, focusing just on the recreational fleet.

CHAIRMAN DIAZ: Thank you, Mr. Anson. Dr. Stunz.

DR. STUNZ: Thank you, Mr. Chairman, and, Andy, I just want to -- To your point, I agree with you completely. You know, I can't really think of a commercial fishery where the optimal yield for that fishery would not be maximum sustainable yield, but, on the other hand, the recreational side, there is a lot -- You know, theoretically, optimal yield could be zero yield for the recreational fishery, if you're catch-and-release or something, and so I think that we need -- So, in other words, I could envision a way, in a management plan, that you have optimal yield, but maybe there are subsets of that, of what it means to each individual sector, and, of course, that even -- Even, in the charter sector, might be different than the private sector or something, and so, anyway, I think we just really need to be having these discussions and really hash that out in the context of what optimal yield and how it's defined in the Magnuson.

Mr. Chairman, I have a motion, and I sent that to Meetings, if they want to pull it up, and I did this on the fly, and, Andy, I still have "recreational sector" in there, because, literally, I just wrote this, you know, two minutes ago, before I sent it, and I'm happy for any, you know, friendly amendments, but I think you'll see where I'm getting at.

Then I had planned to discuss this during Mackerel, because I think Mackerel is a real test case, where we can begin to do this, because we have real needs, as we speak, to do this tomorrow, and so I was really planning on having this discussion a little bit tomorrow, but, obviously, this is the time, and so, with that, Mr. Chairman, I would make a motion.

I would motion to have the council better incorporate optimal yield to fully consider biological, social, and economic aspects in the recreational sector during the management process. If I get a second, I have a little more justification on that.

CHAIRMAN DIAZ: Okay, and so we have a motion on the board. Is there a second to the motion? It's seconded by Mr. Williamson. Dr. Stunz.

DR. STUNZ: I wanted to say something. Even though "recreational" is in there, Andy, I fully realize what you just mentioned, about having a broader -- That we need to do this for

the entire FMP, or fishery, but, really, this would affect them, and now I'm losing my exact train of thought, and I had another comment, but hopefully I will think about it here in just a second.

CHAIRMAN DIAZ: Okay. Mr. Gill.

MR. GILL: Thank you, Mr. Chairman. I had another comment not relative to the motion, but, relative to the motion, I agree with the intent. I would also argue that that's just as true for the commercial and the for-hire sectors. The issue, of course, is -- Well, I guess I will get back to my comment prior to the motion, and optimum yield is something that we've grappled with for years in any sector, commercial, for-hire, private rec, and it makes no difference.

We've had a very difficult time getting our arms around it, and so the real question in my mind, is not that it's a recreational sector question, but it's how do we handle optimum yield in the context of Magnuson? We haven't done well with that, and that's a difficult topic, and we've not been successful in getting there anywhere, and so we need to recognize that what we're talking about in incorporating optimum yield is a big, tough, long discussion, and it's not going to happen overnight, but I would suggest that we consider it in the entire context of Magnuson and not just one sector.

I know we're talking the recreational sector, and, yes, I understand that there is differences and all, but it's a bigger question than just the recreational sector, and so that aspect says, to me, the motion is not really fully complete, because we're only talking about one sector, and, yes, that's part of the question, part of the issue, but not entirely, and so it doesn't really satisfy what we really need to do, and so I'm not sure that I'm going to support it in its present mode, from that aspect. The other aspect is I think that's certainly everything that people want, but exactly how we do it -- That's a toughie.

CHAIRMAN DIAZ: I agree, Mr. Gill. Dr. Frazer.

DR. FRAZER: Thank you, Mr. Chairman, and, Greg, I certainly appreciate the intent of the motion, and I think, with some refinement, I think I will be happy to support it, but, to follow-up on what Bob said, you know, I think the issue, really, with regard to optimal, or optimum, yield is not that we recognize the significance of the concept, right, but it's we haven't done a really good job, and I'm not pointing fingers at anybody, but at defining the objectives, right, that would help

us determine what the appropriate metrics are that would allow us to, you know, evaluate optimum yield.

For example, it's an encounter rate, and that's an objective in the fisheries management plan, and, unless it's explicitly identified, we don't even know how to define the data collection methods, right, that would allow us to quantify it and incorporate it into the management process.

We'll never be able to kind of -- It's like apples and oranges, right, and we have quantitative data, and then we've got really subjective data, like that, and so I like where this is going, right, but what I would probably suggest is that -- You know, to Andy's point, you probably can get rid of the "recreational sector" and just say we need to incorporate the biological, social, and economic aspects into the fisheries management process in general, right, but, again, I sat in this working group as well, and these are important issues, but, you know, they require thought about what type of data that we want to collect, right, and it's a different type of data.

I mean, we've set up data collection methods to deal with maximum sustainable yield, right, and this is a whole different type of data collection effort, and what I've heard, earlier in this meeting today, right, is we generally data collect an adverse group of people, you know, and so we're going to have to compromise. If we want this type of data, people have to be willing to collect it, right, and participate in that data collection process. If not, this is a pipe dream. Anyways, thank you, Mr. Chair.

CHAIRMAN DIAZ: Thank you, Dr. Frazer. Dr. Walter.

DR. WALTER: Thank you, Mr. Chair, and I guess I would like to tie -- I won't really speak to the motion, but I would like to tie a lot of the threads together here. This is -- I think we're thinking that this is a really complicated process that maybe doesn't have a clear path forward, but there is in fact a structured decision-making process to do exactly what we're talking about here, which is what management strategy evaluation is designed to do.

That would be to identify what the conceptual management objectives of the fishery are, what do you want out of it, how many fish per trip do you want, how much yield do you want, and those things, conceptually. Then define them into operational ones, which defines probabilities and timeframes for those, how many trips do you want, what probability of getting that catch

rate are, and then you can build a simulation to test does your management strategy meet those objectives.

Those objectives are going to be different between commercial and recreational, or charter, or various other stakeholder groups, and you bring them to the table to define those objectives, which is I think what people are saying, is how do we define those objectives, and OY is going to be defined by finding the solutions based across those competing objectives and finding something that's acceptable or the best management that meets more of them than another one. Then that becomes the management procedure that could be selected.

I think that there's a -- Using that structured process could be done through the fisheries ecosystem initiatives, which we've heard, from the Ecosystem Committee, back in April, that they were asking this council for what are your high-priority ones to embark upon, and, if it's something that we would spend this much time talking about, it's a high priority, and maybe some of this gets done, and I think this motion -- I hope to see something like this pass.

What usually happens is then the council says, well, how are we going to do this, and, well, then they ask the Science Center to go do this, and the Science Center would say, well, it's not just us, and that's what I think the fishery ecosystem initiatives were designed to do, was to bring the various different pieces together to address these otherwise intractable issues, and so I would like to see that process proceed, and I think the Ecosystem Committee might be willing to take it on. Thanks.

CHAIRMAN DIAZ: Thank you, Dr. Walter. Dr. Stunz.

DR. STUNZ: I would be happy -- I mean, some of that came up after I sent this motion to Meetings, in terms of, you know, being more broad, but, first, I completely agree with what John is saying, and, Tom, I understand what you're saying clearly, and the right data collection is needed to carry out, you know, better optimal yield in these fisheries, but I think we've got mechanisms to do it, and John just pointed out MSE and other things that are going on, or, you know --

There's ways to do it, I think, and I'm not saying that it can't be improved, or we can't build on it, but I think headed down that path is where we need to go, and that was the intent of the motion, and so, with that in mind, and maybe to get a little more buy-in, if we could modify the motion, and if my seconder

agrees, but, after the word "aspects" there, if we substitute in "in achieving" -- So "aspects in achieving fleet-specific objectives" and get rid of "in the recreational sector". Sorry. Leave "during the management process". I will have to re-read this now. So "achieving fleet-specific objectives during the management process". Okay. Maybe I should read that again, Mr. Chairman, since the modifications.

The motion is to have the council better incorporate optimal yield to fully consider biological, social, and economic aspects in achieving fleet-specific objectives during the management process. That's my motion.

CHAIRMAN DIAZ: Okay, and did the seconder agree to that? Okay. Thank you. Go ahead, Dr. Stunz.

DR. STUNZ: I have just a little bit more discussion. I think, in addition to the council -- You know, I'm envisioning this is going to have to be some of the issues that Tom pointed out. You know, cooperation between not only our SSC, and, obviously, the expertise on that committee that can deal with this, but also the Science Center and Regional Office as well, and I don't think this is really an independent kind of sole council, and it's going to require, you know, a lot of input from the various experts.

CHAIRMAN DIAZ: Thank you, Dr. Stunz. All right. I don't have any more hands raised. We'll go ahead and vote on this motion. **All those in favor of the motion, please signify by raising your hand. It's unanimous. The motion carries.** Mr. Anson.

MR. ANSON: Thank you, Mr. Chair. The Joint Section 102 Workgroup recommends that the councils consider adaptive management measures in response to stock condition.

CHAIRMAN DIAZ: We've got another motion on the board, and I would just look around the room to see if there's any discussion. Mr. Dyskow.

MR. DYSKOW: Kevin, could you, in your words, articulate what this motion means?

MR. ANSON: I will try, and I may pass the mic to Ryan, but two things. I will answer your question and add something at the end, and so an adaptive management measure would be something that would improve efficiency in management of a particular species, and I mentioned that earlier in the presentation, about maybe setting up some sort of trigger mechanisms for, you know,

implementing reduced catches, or reduced bag limits, as certain thresholds are met for instance, relative to the ACL, and so that's just an example that I can come up with, and certainly Ryan can comment.

The other thing I would say is that, you know, this isn't necessarily -- That it requires a council motion, necessarily, at this point, but it was just to bring up as part of the deliberations that the workgroup had, that an effort to try to address some of these issues that have come up relative to the charge that was given to the workgroup in trying to improve, or ways to improve, recreational access, through Magnuson and the Modern Fish Act, was to not only look at it from the data collection side of the house, but also the management side of the house and what things we can do in the management process that would allow for more efficiency and timeliness in, you know, how we allowed people access to the resource.

CHAIRMAN DIAZ: Thank you, Mr. Anson. Did you have anything to add, Mr. Rindone?

MR. RINDONE: Sure. The genesis of this was trying to look at an inverse process to the accountability measures, and, usually, when we have an accountability measure, it's trying to fix something bad that happened, and not everything that happens is bad, and so some of these things are good, like as stocks rebuild, and so an example was the option that we had put in the Amendment 56 options for the season change, for the September 1 opening, and it was going to close sometime in November, and that, as the catch limits increase, and the stock is rebuilding, ultimately, the trigger would be, under that option, once the ACL hadn't been met, and the season had remained open for three years, that that arbitrary season ended, and it would go away, and then it would be open until NMFS projected that the season should close.

As the stock got more healthy, then a management change would automatically take place to allow that harvest to change, or, if you had, say the Anson snapper, that we haven't caught the ACL for the Anson snapper in the last, you know, three years or something like that, and the limit is currently five, then that happens three years in a row, and now the limit is six, and, if the ACL is met, and the season closes early, then it goes back, and having those sorts of active measures in place, based on the performance of the fishery, compared to its ACL, and they could be based Won fishery stock status, and there's, you know, multiple different things that you guys could use as triggers for management changes that could be explored for this. The

idea was to find ways to allow additional access as stocks improve.

CHAIRMAN DIAZ: Thank you, Mr. Rindone. Mr. Gill.

MR. GILL: Thank you, Mr. Chairman, and Mr. Anson made my comment, and so I will pass.

CHAIRMAN DIAZ: Mr. Brewer.

MR. BREWER: This kind of tracks along with Ryan, but this is sort of the layperson's interpretation here. Roy Crabtree made the statement, several times, that one of the problems with managing to a hard annual ACL is at times problematic, and that's because you have something good happen in the fishery.

You have a year in which you've got a great recruitment, but, in any event, the fishery is doing really, really well, and people catch more fish. Well, under our current management techniques, that is -- You now have a problem. You've got to go in, and you might get one of your letters, saying that this particular fishery is undergoing overfishing, because you caught a lot of fish. Well, you caught a lot of fish because there were a lot of fish.

Conversely, you can have a situation where a fishery is in trouble, and you're not catching anything close to the ACL, and that goes on for two or three years, but you say, oh, great, look at this, and we are under the ACL, and we can increase the number of fish that people are allowed to keep, and that's on a fishery that's got problems, and so, to me, this is what we were trying to talk about, or at least my interpretation, and that's Chester, and that's not necessarily the group, but that was the kind of situation that at least I thought needed to be addressed and that we would have these different adaptive management techniques that would look to that, and perhaps change your accountability measures or whatever, and, you know, I think it's something that is -- That situation is a reality, and it's something that needs to be addressed. Thank you.

CHAIRMAN DIAZ: Thank you, Mr. Brewer. All right. I am not seeing any more comments. Mr. Strelcheck.

MR. STRELCHECK: So certainly I fully recognize that we need a more nimble management process than what we have at times, and we've tried to have a little bit more flexibility, in terms of adaptative management, and we've tried bag limit reductions for grouper, a number of years ago, as part of accountability

measures, and anglers, I think, found it confusing.

They're looking for stability, oftentimes, and so, you know, how do we message that, and how do we reach out to anglers? You made the point, Chester, about, you know, conversations that Roy and I would often have about the challenges with catch limits and recruitment, and, when we're busting catch limits, it appears to be bad thing, but that may be not the case, and, when we're not catching the catch limits, well, that may be viewed as a good thing, but the reality is the stock might actually be in worse condition, and that's why we're not catching the catch limits.

I know, and, unfortunately, I had to step out of the Section 102 workgroup, and the Mid-Atlantic Fishery Management Council did develop, and I think has approved, a recreational reform initiative that looks at adaptive management, and so I think that's something that we probably need to take a look at.

The other thing I will note is that I am struck by the contrast here between the prior motion on optimizing yield and this motion, which, to me, focuses more on maximizing yield, right, and so it seems like we're talking out of both sides of our mouth when it comes to what we want to do here, and so I just -- I note that, and then I think the last comment I will make is I am supportive of adaptive management, but I think, if we pass a motion like this, it's going to be really important that we look carefully at the stock conditions, and we have a lot of stocks that have declined in recent years, and so, you know, when it is appropriate to adaptively manage, under what situations, under what stock conditions, and I think we really need to give some thought, in terms of where that can be done.

In the South Atlantic, for example, we've talked a lot about carryover and under what situation we should carry over quota or not, and so overall supportive of it, but I think a lot of thought needs to go into how we would implement adaptive management.

CHAIRMAN DIAZ: Okay. I don't have any other hands. Mr. Anson, if you want to proceed.

MR. ANSON: Yes, sir, Mr. Chair. The Joint Section 102 Workgroup recommends that the councils request the agency review and consider revisiting the National Standard 1 Guidelines to better align them to address the modern needs of management for all sectors. Additional technical guidance, and/or identification of other tools and applicable data for use of

annual criteria for achieving long-term yields for MSY and OY, as required in MSA, are requested.

CHAIRMAN DIAZ: Okay. Any comment? Mr. Gill.

MR. GILL: Thank you, Mr. Chairman, and I understand the context of the workgroup, but I guess my question is why just National Standard 1? You know, there's nine other standards, many of whom are probably way out-of-date, without any specific guidance, and so why are we just picking -- Granted, it's probably the most important National Standard, but the other nine are also applicable, and it seems, to me, if such a consideration was to be made, it ought to be included in that recommendation.

CHAIRMAN DIAZ: Mr. Strelcheck.

MR. STRELCHECK: I will mention that, during Janet's remarks yesterday, and I think she skipped over some of the remarks, but she did intend to note that we were going to revisit National Standards 4, 8, and 9, as a part of revising the guidelines, and so that's already in progress, at least with the agency. Your point, I think, is well taken, Bob, in terms of taking a fresh look at many of our National Standard Guidelines.

CHAIRMAN DIAZ: All right. Any further comment on this motion? All right. Mr. Anson.

MR. ANSON: Just to address Mr. Gill's question, I guess, in the context of time, in trying to, you know, not have the workgroup meet for too many meetings, since we, you know, had a lot of presentations to go over relative to, you know, defining, I guess, what was out there for monitoring the recreational fishery and the potential for going forward, as we deliberated the what-ifs, I guess, for recommendations, and we just did not delve too much outside of National Standard 1, because, like you said, it's the biggie, if you will, of the National Standards.

CHAIRMAN DIAZ: Mr. Rindone.

MR. RINDONE: Thank you, and, just to add onto what Kevin said, a lot of the focus, especially towards the end of this particular meeting, focused on optimum yield, and, since that's where National Standard 1 puts most of its focus, that's another reason why this was limited to that, and NMFS has a storied history of producing technical guidance and other memorandums and things like that to help with the council's interpretation of the different National Standards, and it seemed like, given

the workgroup's discussions about the changing landscape, if you will, from when the National Standards were drafted, and the understanding of Magnuson originally, and the way in which it's supplied now, and the various user groups that exist now, and their different goals for how they access the resource, the workgroup thought that getting guidance on what was possible was definitely going to be to the benefit of the councils.

CHAIRMAN DIAZ: Okay. Thank you, Mr. Rindone. I think that ends your report, right, Mr. Anson?

MR. ANSON: It does, Mr. Chair. Thank you.

CHAIRMAN DIAZ: Okay. I do want to thank the Gulf Council members, and Mr. Brewer, that were on the committee, and so Mr. Anson, Ms. Boggs, Dr. Frazer, Mr. McDermott, Mr. Schieble, and Mr. Williamson served on that committee. Thank you all for volunteering to do that. We appreciate it.

We're going to keep moving on our agenda, and we're going to move to our next agenda item, and it's going to be a presentation from Dr. Reinhart, and the presentation is the Deepwater Horizon Fish Restoration and Future Restoration Planning. Dr. Reinhart.

DEEPWATER HORIZON FISH RESTORATION AND FUTURE RESTORATION PLANNING

DR. JAMES REINHART: Thank you very much. I will give myself a brief introduction while the presentation gets loaded. My name is Jamie Reinhart, and I am with the NOAA Restoration Center, based up in Silver Spring, Maryland. The NOAA Restoration Center is a part of the Office of Habitat Conservation, which is within NOAA Fisheries.

My primary responsibility with the Deepwater Horizon Program is to help design, develop, and facilitate implementation of restoration projects that are intended to restore fish and other water column resources that have been damaged by the Deepwater Horizon oil spill.

What I am intending to do today is to just give everybody a quick update on the work that the Open Ocean trustees, NOAA, and some of our partners are doing as part of that fish restoration process and then talk about our fish restoration strategy, which is intended to help communicate about the future direction for fish restoration planning.

Part of my goal here is to continue to open up lines of communication with you all and the folks in the room, so that we can help create great restoration opportunities in the future for those injured resources. My presentation will be a little bit of background, kind of a description of the injury, which many people are familiar with, some of the past work that we've done in setting restoration goals, talk about other types of restoration that's ongoing, and not just those that are focused on working with fisheries, and then remind everybody of some of the ongoing work that we are presently doing with fish restoration projects and then switch gears and talk about our strategic plan, what we did, how we went about setting priority species and objectives for us to work on, and then, finally, a slide on some next steps.

Most everybody is familiar with the injury that was a result of the Deepwater Horizon oil spill over ten years ago. There were many hundreds of species injured, because of the exposure to oil, in the magnitude of trillions of larvae. There were, you know, species, such as red snapper, bluefin tuna, and spotted seatrout, that were among those that were largely affected by the oil spill, and these injuries occurred from coastal habitats and estuaries all the way to the deepest parts of the Gulf of Mexico.

In general, if a species was present in the northern Gulf at the time of this oil spill, there was likely some exposure and injury, and so, in addition to just the acute fatal toxicity due to the exposure to oil, there were other many non-lethal injuries that occurred, such as impairment to reproduction function and reduced growth rates, and also to the changes of what community composition was on reefs, for example, and so there were different numbers and types of species living on those reefs that also impacted the overall food web.

Following the Deepwater Horizon settlement that happened with BP in 2015, the trustees released a programmatic plan, which laid out general approaches and goals for restoring the Gulf of Mexico ecosystem in response to those injuries, and to, help restore the multifaceted and massive scale of injuries to fish and water column invertebrates, the trustees set goals for reducing direct sources of mortality to fish and water column invertebrates and to support increases in the health of those fisheries, by providing communities the tools to reduce unnecessary impacts to fisheries resources.

While, me personally, I'm focused on the work that's going on in the fish and water column restoration type, we call it, and

that's the pot of money that I am generally focused on, there are many other restoration types and projects that are going on that also affect fishery resources, and so I'm going to -- Just to list a few of those other types of restoration that are going on, our work that is focused on restoring wetlands, coastal and nearshore habitats, and so these substantial investments, for example, in saltmarsh restoration, which serve as important nursery habitats to juvenile fish and invertebrates.

Restoration for fish and invertebrates will happen in the restoration that's going on in mesophotic and deep benthic communities, and so this restoration type will focus on habitat restoration for important deep-sea coral communities, for example, like those in the Alabama Alps and other areas and deepest parts of the Gulf.

Coastal nutrient reduction projects that have worked with farmers to implement voluntary actions to reduce nutrient runoffs, for example, from grazing and croplands will benefit water quality and the species that inhabit those coastal areas. Additionally, other projects taking place on federal lands, such as living shorelines work, SAV, and oyster restoration create important habitats for fish.

Among important investments that NOAA and other trustees are making are contributions to our understanding about how habitat restoration can support fisheries production. NOAA has started studies to better understand how marsh habitat restoration benefits fish and invertebrate productivity, including how the lower-trophic-level prey -- Lower-trophic-level prey, such as worms and other infauna, benefit fisheries production.

NOAA is also using fish and invertebrate monitoring at marsh creation projects in Louisiana and hydrologic restoration projects in Texas to assess restored habitat usage by forage species like grass shrimp, and also by top predators like red drum, and so, in the future, NOAA will continue to make investments in understanding the impacts of these habitat restoration projects and how habitat restoration can be designed to maximize productivity, as well as measure how productivity is exported from habitats and contributes to the pelagic ecosystem.

Again, the point of this slide is really to show that restoration for the injury to fish and the water column isn't just occurring in one way, but, rather, it's a broad suite of activities that are contributing to the restoration.

To switch gears back to the focus on our fish restoration type,

and here's an overarching slide, and it's probably difficult for folks to read on the big screen, but the point of this slide is just to communicate that, presently, we have five funded restoration projects that are ongoing that have been funded at the level of $80 million, and there is over $320 million remaining for future restoration.

Here is a list of the projects that have previously been funded and we have started implementing. Some are wrapping up, and, largely, these restoration projects have focused on decreasing bycatch and fishing mortality in various fisheries, by partnering with the fishing community, and certainly acknowledging the work that these fishing communities have already done in substantially reducing bycatch in the Gulf of Mexico.

These projects had been selected, following public input, during our project preplanning, by gathering community ideas, by listening to public comment, and then selected following consideration of those comments, and so one thing I want to point out is that all of these projects depend on active participation of commercial and recreational fishermen, and, because of that outreach and engagement with the fishery and fishing communities as an important part of our strategy that we intend to continue.

Our project teams for these projects, you know, have relied on industry stakeholders, again from ideation, that process of soliciting ideas, to project development, and, ultimately, partnerships during the implementation phases of these projects, and I do want to say that all of these projects are non-regulatory and voluntary, and so participation, you know, relies on developing relationships with fishing communities.

These projects, and I'm going to go into detail on two of these projects, and I don't have time to run through all of them, but I do want to say that these restoration projects have helped to contribute to restoration of a number of different species, including tunas, swordfish, snappers, and groupers, through projects with recreational anglers, and also snappers and other sciaenids, with projects that we're working on with the shrimping community.

The first project that I want to put a highlight on is the Return 'Em Right project, which Mr. Bray already covered a little bit, and this is a -- Return 'Em Right is a project that works with the recreational angling community, with the goals of helping to reduce release mortality in the reef fish sector,

and, in doing that, the idea is to help improve angler experiences with release gear and foster sort of a better -- Overall better health of the reef fish fishery.

This project has kind of just completed its first year of implementation, where the project team is able to kind of really focus on operational aspects of the project and get through some initial hurdles of how to operate a project like this. The project has had over 10,000 participants, folks who have taken online education and training and also received free gear as part of that process.

This project is being implemented with the commission, and also Florida Sea Grant, as the lead implementation partners, but I want to acknowledge kind of the role that the council has played, and many other folks in this room, and at this table, in helping to design, and also implement, this project, and so this is a thank you as well to the folks that have participated and helped steer this project along the way. I do want to, again, talk about the work that the commission has done, in particular, in the monitoring aspects of the project.

The commission has been leading most of the monitoring aspects of this project, of the Return "Em Right project, and, again, that work has included research on attitudes and opinions of best release practices, and so they've done some work to understand what baseline opinions are on different release practices, and they have also worked to -- We've worked with other researchers, to try and get better estimates of post-release mortality, and not just for red snapper, but amberjack and triggerfish as well, and gag grouper, and so focusing on a number of different species, and the intent is to help get more precise estimates of post-release mortality, and this work is important to help evaluate project success.

Those improved estimates of post-release mortality, along with the additional fisheries-dependent monitoring that the commission is working with state agencies on, will help us understand how changes in the rate of use of descending devices can, ultimately, lead to more fish being in the water.

The next project that I want to talk about is a project that's being led by the National Fish and Wildlife Foundation. The goal of the hotspots mapping initiative is to help reduce bycatch by supporting collaborations among fishermen, fishermen or anglers, to share fishing information. The idea is to develop communication and mapping tools that could help direct fishing activities, to avoid unwanted fishing interactions, and

hopefully also improve fishing experiences, and so this project is what we call a Phase 1 project, and it's sort of a design project, where the goal is to simply assess if hotspot mapping tools can be effectively implemented in the Gulf or in the Atlantic.

As part of that process, the National Fish and Wildlife Foundation is actively soliciting interest from fishing groups and organizations that are interested in collaborating with them, and so, if there are interested parties, I would be happy to help put them in touch with the National Fish and Wildlife Foundation, so that they can learn more.

Switching gears, again, over to our strategic plan, and, just to kind of, you know, reset the stage, I guess, and so, after we had those initial five projects funded, and they have begun their implementation, our planning team, and the Open Ocean TIG, thought it reasonable to kind of step back and take a look and plan for a longer-term vision about where we would focus our restoration planning efforts.

About a year-and-a-half ago, the Open Ocean TIG put a planning team together to seek input on factors that we should consider on a strategic planning process. During this process, we sought input from stakeholders at a number of different venues, and that ultimately led to the design of a prioritization process, the prioritization of species that we wanted to focus on, and, today, I'm just going to provide a brief overview of that whole process. There are links in the slides, at the end of the slide, where you can find the full detailed document of that work.

Again, this strategic plan is really intended to help serve as a basis of communication among stakeholders as we plan for how we're going to use the remaining funds in the fish and water column invertebrate pod of money, which is about $320 million, to, you know, help restore those injured resources.

Despite all that, you know, work that we've done, there still remains a lot of work to do in restoring fish, and so what's the point of this strategy? Well, the goal of this strategy was to help a species prioritization process and carry over that prioritization, to identify specific threats to injured species, and to understand what associated restoration opportunities go along with those threats, and then, ultimately, use that prioritization process and those threats to set specific -- To set objectives for restoration, and so a little bit more about that process.

It all started with engagement, and, again, I do need to thank the council for being a part of that engagement, many folks here, and so, yes, we held multiple meetings in the spring of 2020, in coordination with fisheries management groups, including the Gulf Commission and council, to help get broad industry representation for our input, and we also sought input from academic and non-governmental organizations.

Generally, we asked stakeholders what is important for us to consider during this process, what threats are important, and what criteria we should use to prioritize. Additionally, we heard from stakeholders about strategies to communicate and opportunities to develop collaborations.

Let me get to -- This is a punchline slide, and what are the priority species that the strategy lays out as places for us to focus on, and those are blue marlin, spotted seatrout, greater amberjack, mullets and menhaden, red grouper, red snapper and vermilion snapper, yellowfin tuna, and king mackerel, and those are the high priority, and you will see that our priority species are across sort of the ecosystem, or spectrum of different types of species in the Gulf, and the purpose of that was to continue to have a more ecosystem perspective of restoration, allowing restoration to occur across the Gulf ecosystem.

This doesn’t necessarily mean that we’re shutting the door on all other species, and one consideration that we had was that, you know, restoration for one species here may also have spillover effects to many other species as well.

Following that species priorization, we did a review of existing resources, to determine what the primary threats are to those species, and this table is just illustrative of the matrix that we put together, and the full matrix is in our strategy plan, and this threats matrix that we put together helped us look at what we might focus on, where we might focus on, developing restoration projects for specific interventions to help benefit our priority species, and so, based upon this table, we created restoration objectives, which are more explicit statements on how we might address the injury to the fish.

Here is the list of our highest-priority objectives, which are to reduce negative effects, or risks, of bycatch, illegal fishing, marine debris to fish and other water column resources, reduce negative impacts of post-release mortality and of invasive species. Additionally, we had a specific goal, which

was to develop tools and techniques to reduce uncertainty in restoration and to provide best practices to stakeholders and the fishing community.

This objective-setting process was led by our team of experts, which not only looked at factors such as the level of injury and things like that, but also on where were the best -- Where were the best opportunities to create restoration intervention, and so, again, this -- Laying out all these priority species and objectives is really a starting point for a dialogue with the broader community on how we're going to spend the remaining funds in this type.

Really briefly on next steps, I do want to mention that the Open Ocean TIG is interested in looking at a data-gap study to look at opportunities to look for and develop tools to look more specifically at catch and bycatch rates in HMS species and the Caribbean fisheries, but, more specifically, I want to discuss the -- Sort of my goals for next steps for the fish and water column invertebrate restoration, and so, over the next few months, I'm going to continue to try and push and share the strategy with folks and the link -- We'll give you the link right here at the bottom, and it will give everybody access to the full document, and, you know, the goal is to kind of get everybody primed and prepped for a potential future restoration plan, which would likely be initiated next year, I would say in the summer timeframe, where we would start our official process of gathering ideas and then, ultimately, selecting what the next round of restoration projects would be.

Again, thanks to everybody for the opportunity to present this to you, and I'm very happy to take questions, and also to, you know, make my contact information available to folks, so that we could follow-up at another time as well. Thank you.

CHAIRMAN DIAZ: All right. Are there questions for Dr. Reinhart? Dr. Frazer.

DR. FRAZER: Dr. Reinhart, thanks for being here, and we always appreciate the work that you guys are doing. I have always, and I think we've probably talked about this before, you know, but, whenever you are trying to employ, or deploy, an effective restoration program, you know, it's kind of built on the assumption that you have some accounting, and some inventory, of what resource has been impacted, right, and then you have to have a data collection system in place after that intervention, to determine whether you were successful or not, right, and so, in a fisheries space, I mean, we struggle, obviously, with just

characterizing these populations.

You know, we don't know their absolute abundance, or, in some cases, we don't have a good handle on their distribution patterns, but, if we're going to think about interventions that would allow us to rebuild those fish stocks, part of the problem, or the struggles, that we have here is that we don't have the data collection programs in place that would allow us to kind of evaluate that, moving forward, and so my question really is, with $300 million, is there an opportunity here to use some of that funding to supplement the data collection programs that would allow us, or provide us, with more resolute data, while spatially and temporally, that would fill those gaps and, in turn, allow us to better manage these fisheries, with a higher degree of certainty, right, and, to me, that would be kind of a restoration success, but I'm not sure if it fits within the purview of your program or not, but it certainly seems appropriate.

DR. REINHART: Thanks for that question and also comment. One thing I do want to point out is that the goals that many of the data collection programs that are in place for the benefit of fisheries management and the goals under the Oil Pollution Act are not exactly aligned.

That doesn't mean that there aren't places that they work together also, and I do want to point out, as was the example of the work that the commission is doing, as part of the Return 'Em Right project, we do have data collection that we designed specifically for our projects, to help evaluate our project performance, that might also contribute to understanding fisheries more generally.

We continue to look -- You know, we have to, and we are obligated to kind of evaluate the kind of success of our restoration projects, and sometimes that -- You know, those monitoring programs that are designed for evaluating projects don't necessarily align perfectly with what long-term management of fisheries requires, and so I'm a bit ambiguous, and I'm not saying that there's not opportunities where the goals of the restoration, under the Oil Pollution Act, align with goals that others might have, but I just want to caution that they're not always the same, but I'm happy to continue to look for ideas that are going to benefit our fisheries that were injured from this spill.

CHAIRMAN DIAZ: Mr. Gill.

MR. GILL: Thank you, Mr. Chairman, and thank you, Dr. Reinhart, for your presentation. What is your plan for pushing out the results of all these important projects, particularly to those that are involved in a particular aspect, but getting the word out on what you have found and what is recommended as the result of all of this work?

DR. REINHART: We have a database that we have at our gulfspillrestoration.noaa.gov website that we put all of our monitoring reports into, once they're completed, and so sometimes that takes a year or two after a project is done, and, in the example of the Return 'Em Right project, where the commission has led some studies that have already -- Or the initial aspect of studies that have already wrapped up, and I know the commission has those available on their website, and then we would also publish them on our own databases as well, for public consumption.

You know, in times where we think that it's also worthwhile, we create web stories and other opportunities to kind of disseminate that, the results of studies, as well, and so we have, you know, our online sort of media folks working on putting things out, but we also utilize our partners for putting out reports as well, and, of course, we're happy to take opportunities to provide the results of our work at venues like this or otherwise.

CHAIRMAN DIAZ: All right. Dr. Reinhart, I do want to thank you for coming in-person. We've had to endure a whole lot of remote presentations that, quite frankly, a lot of times, we can't hear them half the time, and so you taking time out of your busy schedule to travel all the way down here, and thank you for your presentation, and it was very good.

I do want to make just a couple of comments. I'm excited about a lot of the things that you all are doing, and I really appreciate the fact that you all have this post-release mortality study and the Return 'Em Right, and I think that's -- I am looking forward to seeing that data, and I'm hoping that we have some data that we can actually use to help us in future management from that.

As you're talking, I mean, it's dawning on me that this oil spill was in 2010, and we're twelve years later, and, you know, we get stock assessments all the time, and, lately, we've been getting a lot of stock assessments that are saying, look, we've had a lot of low recruitment lately, and we don't talk about the oil spill that much as being a cause of low recruitment, but it

potentially could be. Lord knows there is other things that could cause it too, but, anyway, your information is very valuable, and I, for one -- It did make me pause and think about some of the other things that we're doing, and so thank you for coming.

DR. REINHART: Thank you for the opportunity.

CHAIRMAN DIAZ: Okay. we're going to move on down our agenda, and, next up, we have an Update from the Bureau of Ocean Energy Management on Wind Energy Development in the Gulf of Mexico by Ms. Matthews. Welcome, Ms. Matthews.

UPDATE FROM THE BUREAU OF OCEAN ENERGY MANAGEMENT (BOEM) ON WIND ENERGY DEVELOPMENT IN THE GULF OF MEXICO

MS. TERSHARA MATTHEWS: Thank you so much, and thank you, council. Today, I'm going to give you a verbal update on where we are with our draft wind energy areas that we published on July 20, and I think we first announced them here, when we had your meeting in June, and so, on July 20, we published two areas, one off of Galveston, which is like twenty-six nautical miles off of Galveston, and the other one is off of Lake Charles, which is about fifty-eight nautical miles.

We closed that comment period on September 7, and we received 107 comments on those two draft wind energy areas, and most of those comments were in support. We did have twenty-five that we kind of considered major comments that we are currently analyzing, and that's the reason why we haven't finalized them yet.

We received some comments from the Department of the Navy that recommended that we only utilize the northern portion of Option I, which includes the area off of Galveston. The Coast Guard had some concerns also with that Option I, which is near Galveston, for some LIDAR zones as well, and we also got commended for the model from NOAA that we utilized to determine these wind energy areas, being that we had that twenty-nautical-mile coastline buffer for the migratory birds that we included in that model that I had mentioned in June, and so we got commended on that from several NGOs, about that.

The Texas Parks and Wildlife Department asked that we have a one-nautical-mile buffer from artificial reefs. In the model, we currently have a thousand-foot buffer around those artificial reefs, and NOAA also plans to publish a proposed rule for the green sea turtle critical habitat in 2023, and so Option I and

Option M may overlap with that designation, and so we're looking at that through our analysis.

We also received some very general comments, mostly from industry, that recommended that, once we go down -- The areas right now are pretty large. For Option I, it's like roughly 546,000 acres, and Option M has 188,000 acres, and industry is asking us, as we move down to that lower lease sale size, that we go to at least 100,000 acres, to make it more economically viable, and other people have actually asked for additional wind areas near Port Fourchon, and there was some concern about cable routes coming from the wind energy areas.

We are currently working with NOAA to help us, with the same model, to site those cable corridors going back to shore, and so we are reaching out to our state partners to get any inshore data, to make sure that, when those cable routes are being taken back, that we're not hitting critical habitat moving back to shore, and we're also working with NREL as well, the National Renewable Energy Lab, and we're partnering with them as well, and so the three agencies are working together to look at possible corridors to bring those cables back to shore.

We did receive some positive comments on the community benefit agreement that was used for the California proposed sale notice, and that California proposed sale notice had mentioned about having a fisheries mitigation fund, and so people have been asking, agencies have been asking, for that, that, when we put out our proposed sale notice, that we have some type of fisheries mitigation fund in ours as well.

We are looking at that internally for the Gulf of Mexico, and we are hoping to have that proposed sale notice out by the end of this year, and then there's a sixty-day comment period that goes with that, and so, if you all have comments about us including a bidding credit for fisheries, please let us know during that sixty-day comment period, which we're hoping to have that out in December.

I do want to mention that our headquarters is handling our fisheries mitigation guidance that you all I think had reviewed back in the summer, and we're still on target to have that finalized for March of 2023, and so we're still going through all of the comments that we received from all of the regions, and our headquarters is actually handling that fisheries mitigation guidance, but that is supposed to come out, and it set to come out, for March of 2023, and so I will stop to see if you have any comments or questions.

CHAIRMAN DIAZ: Any comments for Ms. Matthews? Mr. Schieble.

MR. SCHIEBLE: You may have said this, and I might have missed it, but do you have a timeline for when you're going to be working with the states for the cable corridors coming inshore?

MS. MATTHEWS: We're actually sending out emails this week, to start setting up those meetings, to reach out to them to get any data that we may have, wetlands data, oyster lease data, you know things like that, and so we're reaching out now.

MR. SCHIEBLE: Thank you.

MS. MATTHEWS: You're welcome.

CHAIRMAN DIAZ: Mr. Anson.

MR. ANSON: Thank you, Ms. Matthews, for being here and providing us the information. You had mentioned that you had 107 comments, and then twenty-five you said were --

MS. MATTHEWS: I said were major.

MR. ANSON: Were major, and were those all negative that you commented to, or what proportion would you deem negative comments?

MS. MATTHEWS: No, they weren't negative. The ones that we received negative were for private citizens, that we don't want it in the Gulf of Mexico, and the other comments that we received were just adding additional areas or looking at tweaking the areas that we have put out.

MR. ANSON: Thank you.

MS. MATTHEWS: You're welcome.

CHAIRMAN DIAZ: Dr. Walter.

DR. WALTER: Thanks, Tershara, for coming and briefing us, and so I wanted to thank BOEM for extending the comment period. I think that was a request that came out and was heard loud and clear and gave time for them to get those 107 comments, and so that was good. Did I miss when the lease sale notices are likely to be posted and when that lease is going to happen?

MS. MATTHEWS: Well, we are trying to finalize. I am hoping

that, real, real soon, we'll have those final wind energy areas finalized, considering all of the comments that we received, and we are hoping to have that proposed sale notice in December of this year, and then we are hoping to have that auction in mid-2023, and so we're looking at June of 2023 for the actual auction itself.

DR. WALTER: Okay. Thanks.

MS. MATTHEWS: Okay.

CHAIRMAN DIAZ: Any further comments for Ms. Matthews? Ms. Matthews, I also want to thank you for coming in-person. We enjoy in-person presentations, and you're always so knowledgeable, and your presentations are quite informative, and so we appreciate that.

MS. MATTHEWS: Thank you so much.

CHAIRMAN DIAZ: Okay. That wraps up what we have on the agenda before lunch. We're going to go ahead and take lunch. We're going to start back at 1:30, and we're going to start up with public comments at 1:30. Thank you.

(Whereupon, the meeting recessed for lunch on October 26, 2022.)

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October 26, 2022

WEDNESDAY AFTERNOON SESSION

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The Full Council of the Gulf of Mexico Fishery Management Council reconvened at Beau Rivage Resort and Casino in Biloxi, Mississippi on Wednesday afternoon, October 26, 2022, and was called to order by Chairman Dale Diaz.

CHAIRMAN DIAZ: Okay, and so I want to welcome everybody back to the Gulf of Mexico Fishery Management Council meeting, and we're going to start our afternoon session, and we're going to start off with public testimony.

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

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

Oral or written communications provided to the council, its council 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 review by council members and the public and will be maintained by the council as part of the permanent record.

Knowingly and willfully submitting false information to the council is a violation of federal law. We will welcome public comment from in-person and virtual attendees. Anyone joining us virtually that wishes to speak during public comment should have already registered online. Virtual participants that are registered to comment should ensure that they are registered for the webinar under the same name they used to register to speak. In-person attendees wishing to speak during the public comment should sign-in at the registration kiosk located at the back of the room. We accept only one registration per person.

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

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

The way we're going to do our public testimony today is I'm going to alternate between in-person and virtual, and I am going to try to remember to let people know that they're on-deck, and so, if you're the next speaker, I will say you're on-deck, and if that speaker would at least be to the point where they could make their way to the podium, or be prepared to give virtual testimony very soon after the previous speaker ends, that would

be greatly appreciated. We're going to start with in-person testimony, and Mr. Lawrence Marino is first. Mr. Marino.

PUBLIC COMMENT

MR. LAWRENCE MARINO: Good afternoon. My name is Larry Marino, and I'm here on behalf of Louisiana Attorney General Jeff Landry. As to Amendment 54, regarding greater amberjack, in Action 1, Alternative 3 changes the percentages solely to take into account the conversions in CHTS to FES. Preferred Alternative 5 is a substantive reallocation from the recreational sector to the commercial, instead of just a reset due to FES. Attorney General Landry supports Alternative 3, as maintaining the status quo.

As to the IFQ Focus Group, it's not clear what benefit will be served by bringing them back together. They have done what the council asked and identified some ideas for improving the program. It's time to take those ideas, and the others already on the table, and make something out of them. Staff putting it all together, and the council meeting specifically to address that, does seem to be a good step forward.

The problem with the IFQ program is not the program itself, but it's the allocation of the shares. The issues are well known, and the need is to lay them out with ideas for resolving them. Should shares be perpetual, or effectively perpetual, or should they be reallocated when a shareholder retires or dies? Should some percentages be reallocated every year or when quotas increase? Who should decide who gets the reallocated shares, NMFS, the council, a council-appointed body, a body composed of the states, or someone else? To whom should the shares be reallocated, and on what basis? To address discards? To make them available for new entrants? Simply to reserve them for actual fishermen?

Who is an actual fisherman? Does it literally mean a captain, instead of the boat owner? Could it be a crew? How would "actual fishing" be documented? How should the shares be reallocated, by past actual landings, by experience, discard histories, something else? Should some shares be held back in a quota bank, or some other place, instead of being reallocated, and just have annual allocations made to target current concerns for each year?

Should there be a charge for reallocated shares, and who should get the payment, private shareholders or the public? Is there to much concentration of ownership? Is there too much

concentration of control of shares or of allocation? Are trip limits needed or helpful? Are deeper changes to the program needed?

Should private shareholders be able to decide who gets to use allocation that they don't fish for themselves, or should a council-appointed body, or someone else, make that decision, and should shareholders who don't fish their shares get the money for leasing them to others who do? Should they be able to charge others to fish their shares at all, and, finally, of course, how do we make the transition to whatever we do change to? There may not be perfect answers, but it's time to start moving forward with something. Thank you.

CHAIRMAN DIAZ: Thank you, Mr. Marino. All right, and so, next up, we're going to move to Casey Streeter, and Charlie Bergmann is on deck.

MR. CASEY STREETER: This is Casey Streeter, a commercial fisherman from Pine Island, Florida, located in Lee County. I want to thank you guys for listening, and I'm sorry that I couldn't make it, and, obviously, a devastation and tragedy happened in my county that we're trying to figure our way back from. I want to thank all the council members and council staff that have reached out to me. Ava, I know that feel the pain of the storm, and I want to tell you that my heart is with you, and, if there's anything that I can do to help you in any way, please, as I told you before, I will be there for you.

A message to the Secretary of Commerce, and I wish I could have been there to talk to you about our infrastructure damage. Our fishery has been wiped away. We're on the verge of losing a thirty-million-plus-dollar-dockside-price industry in Lee County, and we're in desperate need. We don't have docks, and we don't have ice machines. This is unprecedented. It's unbelievable. I never, in my mind, thought that I would be in the position that I'm in right now, seeing all my friends, all my businesses that I count, all offline and out of business at one time.

One of the things that I want to talk about, obviously, is our leasing industry and the financial burden the fishermen, like myself, have because of these leasing systems. I have $90,000 worth of quota that I just recently finally got access to, about three weeks before this storm. These leasing systems do not work for all fishermen. The financial burden that we take on, while investors walk away with a cash cow, regardless of any liabilities or responsibilities, or even access to the ability

to be in this industry, because of no permits or not being a fish house or fisherman, is ridiculous. This has to end.

The second side of it is, for the last two years, I have heard rumblings of people in that room, right there right now, wanting Casey Streeter out of the fishery, because of my opinions, and because I fight for real fisherman, fishermen that are in the same space that I am. These things can't happen.

-- a fisheries management program because of opposition of opinion. For two years -- This last year, I said this is what is going to happen, and the fishery is going to collapse, and the leasing market is going to collapse, and this was six months ago. Right now, we've got more fish than we can catch, and more fish than the market can take, and the fishery is collapsing all around us.

I came to you last year, when I couldn't fish, and you met my fishermen who were struggling in Fort Myers in June, with no access to fish, because there is too many lumberjacks and not enough trees, but -- We don't have to worry about any lumberjacks don't here. I have been blackballed, and my business has been damaged, and you guys have allowed this to happen. I look forward to the next meeting that I come to, and I look forward to being there in person, because, in all honesty, I'm lucky that I have an opinion and a voice and the ability to stand on a platform to say, hey, wait, this is not right, and so I will be in this fishery, and I will not leave this fishery, no matter what my circumstance is.

I will resurrect what we have down here, and I will bring my guys back online. This is a United States fishery, and it's not an investor fishery. We're U.S. fisherman, and we're U.S. food producers. We should be respected, and we should be treated fairly, and we should be taken care of, because of the value we bring to our communities and economies. I look forward to seeing you all at the next meeting.

CHAIRMAN DIAZ: Thank you, Mr. Streeter. We appreciate your comments, and we have a question for you from Dr. Stunz.

DR. STUNZ: Hello, Casey. I've very sorry to hear about your losses, and our prayers and thoughts are with you guys there, but I did have a question about what you brought up about, you know, that you had been blackballed from the fishery, and I was wondering if you could expand a little bit on that, or just give an example of what you mean by that, or how do you feel that that has occurred to you?

MR. STREETER: First of all, for our panel, -- I received a call to explain to me why I couldn't access fish, and it's because the investors and the shareholders are done with me, and they're not going to give you anything, because of my opinion, and I'm one person. I have no votes on this panel, and then, also, to tell me that any one I lease -- You're going to lead them to their demise, because my guys showed up in June to say, hey, we want to be in business, and we want to fish.

Secondly, for the handful of people that actually give me fish to access, out of Tampa, I called to ask, and have you heard that I'm blackballed, and, yes, I got a call, because I was trying to get fish, and I was wondering where it was going, and so I want to know for how many years has my business suffered, and how many years have I lost out on my ability to make a living for my family and support for my community, and that's what I would like to know, because it just didn't come out of nowhere.

Again, many rumblings, and many frank conversations with many individuals, and I'm sure these things will come up, because, in all reality, to try to destroy me for an opinion, someone who is in no position to actually any change, other than to be the voice of people who are in dire straits, like myself, and that's -- what I see.

CHAIRMAN DIAZ: Thank you, Mr. Streeter. We appreciate your comments, and good luck to you. Our thoughts and prayers are with you all. Thank you. Okay. No other comments? We're going to move on to Mr. Charlie Bergmann.

MR. CHARLIE BERGMANN: Good afternoon. I want to thank you all for going ahead and starting this process of private angler permits. I would ask though that, as each individual state works to create these permits in their state, that they have the same elements in each one of the states, and maybe it would be better to run it through the commission, and the reason for all of the same elements is we're trying to collect data, and we don't want to have any gaps because one state doesn't collect this one and one state does.

I also would like to caution the agency and the council, with the new MRIP-FES data, and it doesn't correctly address the historical effort in fishing vessels. This last amendment on red grouper, we went back -- The council went back in time and figured up what the effort was, and that's all well and good, but how do you figure -- How do you factor in today's larger

fishing vessels and the higher horsepower and just the bank of electronics that won't allow fish to hide? None of that was available back in time, and so I can't understand how you can run a model and go back in time without having those factors placed in.

Also, on the DEIS and the look at the economic impacts to the fishery and who is impacted, based on a small business, for some reason, we keep forgetting that each crew member is a small business entity. The vessel is an entity, and the captain is an entity, and each crew member is an entity. They all get a 1099, and they're all a small business, and, if we're going to look to ensure that the SBA gets a clear picture for the RFA, we need to include those.

Lastly, on the ITQ situation, the history of the ITQ, at least in this fishery, it went through two moratoriums, or two votes, to see if the fishery wanted to go ahead, and it did go ahead, and the purpose and need -- The purpose of the ITQ was to reduce capitalization, and we've reduced the capitalization, and now we're struggling with how do you increase it again. Well, the goal was not to increase it. The goal was to reduce. There is quota available, and folks can reach out to a lending agency and get money and go purchase the shares, but, with that, I'm over time, and so thanks.

CHAIRMAN DIAZ: Thank you, Mr. Bergmann. Next up, we're going to go to our virtual, Mr. Chad Hanson, and Ken Haddad is on deck. Mr. Hanson.

MR. CHAD HANSON: Good afternoon, council members and staff. Thanks for the opportunity to provide testimony today. I was hoping to make it this week, but I was unable to pull it off, and so thank you for the option of doing this virtually.

I'm Chad Hanson, with the Pew Charitable Trusts. First, our thoughts are with the people and fishing communities impacted by Hurricane Ian in southwest Florida. We hope for a speedy and full recovery.

Over the past few years, we've been talking with you all about the need for a strategic plan to incorporate ecosystem considerations into fisheries management, a fishery ecosystem plan, or FEP. The current situation with gag illustrates a strong reason why we need to have an FEP, to provide guidance on addressing ecosystem-level issues affecting an important fishery.

Now, we encourage the council to convene the Ecosystem Technical Committee, before the January council meeting, to keep the momentum going on the FEP and to start tackling fishery ecosystem issues head on.

Back in April, the council directed the Ecosystem Technical Committee, or ETC, to develop a case study that looked at the effects of red tide on fisheries such as gag and red grouper. Getting the ETC together to start developing a management strategy for red tide is imperative, as more red tides could form next year, or the year following, and this is particularly urgent, given the vulnerability of the depleted gag population.

In a fishery ecosystem plan, the council would establish goals, objectives, and strategies to address ecosystem considerations, such as red tide impacts and habitat needs. These goals, objectives, and strategies would inform decisions on rebuilding plans and management of species, such as gag. As an example, the council could hypothetically translate an objective, from the FEP, of maintaining at least a 10 percent male ratio in the gag population and incorporate that objective as management strategies into the rebuilding plan.

The most recent assessment shows that the proportion of males remains around 2 percent, while a fully healthy population should be closer to 20 percent. Male gag reside in known locations along the shelf edge in the northeastern Gulf, and so ecosystem-based management strategies could target protecting those areas and portions of the population. The Ecosystem Technical Committee could help develop those types of strategies, through a fishery ecosystem plan, or an FEI, which would then be turned into actions and alternatives in management plans, such as Amendment 56.

In summary, we urge the council to convene the ETC by January, to finalize the FEP, begin developing FEI strategies for red tide, particularly for gag and red grouper, and help develop an EBFM approach to rebuild male gag to healthy levels. With that, I will thank you.

MR. KEN HADDAD: We recently -- I am going to speak on Amendment 33 first, and we sent a letter, recently, describing, in detail, our concerns with this amendment, as currently presented, and I want to first state that we have not been opposed to looking at reallocation of king mackerel. We think it’s warranted.

However, we strongly oppose how this is being approached in Amendment 33. We believe that, instead of basing reallocation

on uncaught fish, it should include fish left in the water and the value of those fish, and you are making a change in the FMP, Objective 1, from MSY to OY, and, also, you just had a discussion on the 102 workshop that is suggesting a look at OY, and you had some discussion, and it sounded like you might be moving forward on that.

Kings, we think, are a poster-child for this, and you could start that now by following the path that I think John suggested, using the new ecosystem and decision aid approach to looking at OY. I believe there is an operational assessment coming up in the second quarter of 2024, and, if things started now, they could actually go into place and be an element in the decision-making, and we would encourage that.

More specifically, in 33, for Alternative 2 and 3, we are projected to fish at 80 percent and 97 percent of our ACL in those two alternatives, and this is based on just four years of data, of information, to make that number, and 2019-2020 is the lowest landings by the recreational sector since at least 2001. If that is taken out, we would be fishing at 88 percent and 107 percent of our ACL, based on those two alternatives. Based on the variability in our landings, we could exceed our ACL in any given year, if those go forward.

We think that Amendment 11, that has already gone through, provides an increase to the commercial sector, and there is anecdotal evidence, and maybe even real evidence, based on just recent landings shown at this meeting on the recreational sector, that something is going on with king mackerel, and so we don't think it's ready for public comment, and we think it needs to be really reevaluated as to where you are on 33.

For 54, we are -- We would prefer Alternative 3, and we can accept Alternative 5, and we do not like when you convert CHTS to FES, that allocation changes are considered a change, when it's just a currency change, and so we look at the -- For example, for Alternative 5, we still look at that as the 4 percent reduction to the recreational sector, but we can accept that, if we have to. Thank you, Mr. Chair.

CHAIRMAN DIAZ: Thank you, Mr. Haddad. We appreciate your comments. We have a question for you, Mr. Haddad, from Mr. Strelcheck.

MR. STRELCHECK: Hi, Ken. Thanks for being here. Irregardless of allocation, it's been floated, the idea of a constant catch, and we've talked about that some, and we didn't pass an

alternative, and I'm just curious of ASA's position on constant catch, especially given how difficult it's been to rebuild greater amberjack.

MR. HADDAD: We're okay with constant catch, but it's going to be put in conjunction with allocation, and that's where we would have a problem, depending on how that was presented.

CHAIRMAN DIAZ: Okay, and so, next up, we have Mr. Brian Lewis.

MR. BRIAN LEWIS: Thank you, Mr. Chair, for this opportunity to speak. As I've said before, and I will say again, I appreciate the opportunity to do these virtual meetings, because it's less burdensome on myself, and so thanks again for this.

I want to let you know that my name is Brian Lewis, for the record, and I own a commercial fishing vessel out of Clearwater, Florida. It employs my son-in-law, who runs that boat full-time. I am a permit holder, IFQ holder, and I'm a member of the Gulf of Mexico Shareholders Alliance, and I want to let you know that we participate in the quota bank, and it has had good success.

We have had good success with it. It is structured in such a way to promote sustainability and conservation. We are asked to provide proof that we have a venting tool or a descending device before we're even allowed to be even a part of being a membership, and so I'm really grateful about that, because I try to be a good steward to my fishery.

As a commercial fishing vessel, we are staying with our limits, and we use the allocations as we get them. When we have undersized fish, we vent them and return them right, and so I'm very glad to hear that we're getting some education offered to other fishers, so that they can try to protect the resource for years to come as well.

When fisheries are declared overfished and undergoing overfishing, I am against any reallocations, and I think that should be put on the backburner, until we really get a true view of what is going on with our fishery. I mean, the Gulf Council puts out the Something's Fishy with the red grouper, or Something's Fishy with other species of fish, and, well, it's true. We're seeing it.

We need true accountability at the individual state, sector, and fishery level, in all fishery levels. Therefore, I am talking about the private recreational fishery, and we need mandatory

reporting of landings and discards, fish tags, vessel monitoring at the private level.

I want to tell you a story. I went fishing with my wife on my commercial fishing vessel, and we declared a recreational fishing trip. When we came back to the dock, we were greeted by an FWC officer. He wanted to see inside. He asked for my licenses and asked to see inside my coolers.

My wife asked him, are you going to check the other vessels that were at the dock, and he said, can I, yes, but will I, no. That's a problem, okay. It's a real problem. We have no idea what the private recreational guy is really catching, okay, and I can't -- Can you go on my IFQ website, and you can see our landings today, in real-time data, and all I see is, on social media, about all these gag groupers that these guys are catching, all these red snappers these guys are catching, and I ask my fishing friends -- I'm a recreational fisherman too, and I go recreational fishing.

Have I ever gotten a survey in the mail? Never. Have I gotten a phone call in the old Coastal Household Survey? No. Have they? Same response. No. We have no idea what the universe is, and so I'm happy to see that maybe some movement, and some traction, is going on trying to establish a reef fish license, and I hope that that takes foothold, and we need to get -- We need to know what's being caught, so that you guys can manage our fisheries. You are our voice of our fishery, okay, and you're there to protect the fish for us. The Magnuson-Stevens Act was there to --

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

MR. LEWIS: Yes, sir. In closing, I just want to put out there that we all want -- You know, here's a quote from tragedy of the commons. When resources are shared, and limited, though potentially renewable, they are often exploited, and that's exactly what is going on, and so please try to work together to protect our resource. Thank you for this opportunity.

CHAIRMAN DIAZ: Thank you, Mr. Lewis. All right. We're going to move on to our next speaker, which is going to be Mr. Chris Niquet, and then Mike Sullivan is on deck.

MR. CHRIS NIQUET: My name is Chris Niquet, and I'm from Panama City, Florida, commercial fishing sector. The people on this council have ignored, for twenty years, the problem with the recreational sector of information gathering, accountability,

and discards.

You have limits on the number of commercial vessels that can be used, and you have VMS, and you have call-in and call-out requirements. You have -- In some places, you have landing areas, where you can only land at a certain dock, or marina, and why can't these be instituted on the recreational side? Let's get some accountability and some data that really matters and not this voluntary iFish, but I'm talking about something that is mandatory, involuntarily, real time, and accurate.

If they violate, put a fine on them that will make their hand stand up like Don King's, and I will tell you what it will do. About three or four of them, you will have some compliance, and, if necessary, you may have to force them off the water for months, no fishing, closed season, and I don't mean for a species, but I'm talking about fishing, just like they do for turkey and quail and ducks and bear and bighorn sheep and elk, to name a few. Thank you very much for your time.

CHAIRMAN DIAZ: Thank you, Mr. Niquet. All right. Our next speaker is going to be Mike Sullivan.

MR. MIKE SULLIVAN: Good afternoon, council. My name is Mike Sullivan, and I am an owner of four certified charter vessels in Panama City, Florida, dual-permitted, and I'm in both games, commercial and charter. Again, like so many have said, I want to say thank you for allowing us to do this virtually, for some of us that aren't able to travel to all the meetings like this, and it helps us get our word out.

We'll start with gag grouper, and I understand why we need a 78 percent reduction in the gag fishery, for it's been in decline for many years. I am not for a recreational September 1 start date to November 15, and I would like to see some sort of bag limit reduction first, a boat limit, and I understand that the days are going to cut drastically, and I don't understand why we wouldn't have them during the summertime, even if was, you know, not the whole June and July partial month, but that's when most of the gags are going to be caught recreationally, during all of the states' red snapper seasons.

As we know, the gags and the red snapper run together. With it being closed that whole time, it's going to be such a huge dead loss that we're going to reach a chunk of the quota before we even get to September, which it's terrible to watch the fish float off. As we know, in the deeper water, the gags recovery aren't that great, even with venting tools.

With the 78 percent reduction, why don't we have all gag grouper closed January through the end of May, when they spawn? We all know they spawn through that time, and it varies from one year to the next. The commercial sector, I know they catch a lot of them, but, at 22 percent, they will catch the rest of the quota for the next six months, and that will definitely allow the fisheries to hopefully rebound. You know, we try that for two or three or four years and see where that takes us.

I am going to switch to amberjacks, and I am also in agreement that that fishery has declined, the size limit making it a massive thirty-four-inch fish, and it hasn't brought the fish back, and the season has gotten shorter most every year, most every year, and I am definitely for some sort of split season.

That does two things. It allows two different people to fish for jacks, because, some places in the Gulf, the spring is more their business, and some is in the fall, and this tries to help out, you know, people throughout the Gulf, and, also, by having a May start, and a September fishery, with that split season, that will give the Fisheries Service several months to dictate that, hey, you've gone over the quota, or, hey, you haven't, but we're not in this mystery of, by the way, this year, you overfished the quota by 30 percent, and you're not getting hardly anything the year before. This way, we could stay ahead of the game and help our fisheries sustain.

One last thing, and I understand this is already a done deal, but I am voicing my opinion again on the red snapper. I am way against the 8 percent increase. There has been a decline in the fishery, the size, the numbers, and I feel like, in a few years, we're going to be up here talking about them, just like we are the gags, just as we are with the gags, from several years ago, when you said they had recovered. Thank you for your time, and thank you for everything you all do, and that's it.

CHAIRMAN DIAZ: Thank you, Mr. Sullivan. Our next speaker is Mr. Bob Zales, and Marcus Kennedy is on deck.

MR. BOB ZALES, II: Bob Zales, II, representing SOFA and NACO. First off, on amberjack, I don't really know what to tell you to do on amberjack. I mean, we've been managing amberjack since 1990, and that's, what, thirty-two years, and they have yet to respond to anything that's been done.

We've argued against increasing size limits, on the recreational side, time and time again, because, the larger that fish gets,

the more likely it's going to die from being released. They stress out, and so we would like to see a size limit reduction, and, other than that, I don't know -- You know, I don't know if anybody has got an answer on the amberjack, and they're an enigma to me, because they should have responded to something, but they've been going downhill this whole time, and so we've got to figure something out.

Gag grouper, we've talked, to Andy and several others, about the possibility of doing a total Gulf six-month closure for everybody, or five months anyway, January through May. The rec side is already shut down, and the commercial side pretty much is willing to shut down, but not if they're going to be stuck with a 78 percent reduction in quota, and so we need to figure out something there.

Clearly a lot of people are going to suffer with that kind of a reduction. Consumers are not going to have fish, and the fishermen are not going to be able to make any money. Fish houses are going to be losing, and the communities are going to be losing, and so we need to figure out something to try to help people through this, and the red grouper fishery is already reduced, and so you're going to have fishermen out there fishing, and, once the ITQs are caught up on gags and reds, they're not going to stop, and they're going to still fish for something else, and so you're still going to have discard mortality.

Getting into the private rec licensing, on behalf of the committee, I requested that the council, several months ago, look at creating a private recreational vessel permit. This would be a way to identify the number of vessels that are out there, created just similar to the commercial and for-hire charter permits that are there. You have a vessel decal, and you require reporting.

This would give you information on the number of anglers on each boat, and so you would have a better count of that, and, frankly, we don't care how it gets done. If the states want to do it, and cooperate with each other, so the data is compatible, that's fine. I don't necessarily have to have the feds do this, but, somehow, we've got to get a handle and get that sector accountable with the rest of us.

Discard mortality is a tremendous problem. It could be that, once you start getting better data, that discard mortality may not be as big as it is, and so they could benefit from this, and so, other than that, my time is up, I guess, and the red light

is flashing, and so any questions?

CHAIRMAN DIAZ: Mr. Gill.

MR. GILL: Thank you, Mr. Chairman, and thank you, Bob, for your testimony, as always. Would you support a constant catch strategy on amberjack, such as that proffered and recommended by the Reef Fish AP?

MR. ZALES: I guess, Bob, and, I mean, we have, like I said, been down this road with amberjack, and nothing seems to work, and so, you know, anything that you throw out there that might work. I mean, all the scientific stuff -- Every time we came here and they said, oh, we need an increase on the size limit on the rec side, and that's going to solve your problems, and it didn't. It just got worse.

You know, that's the thing, and so, you know, I don't know who to believe that, if a constant catch would work, if it will work, but, if it hasn't been done yet, let's try that and see. Something has got to be done, because the jacks are just, you know -- Where they are and what they're doing -- I mean, I hear from fish houses in Panama City that they're catching fifty and a hundred-pound fish in 600 or 800 feet of water, and so they've gone someplace, and they're not where we are, and so, you know, and it's gotten worse.

It used to be, when we could keep smaller fish, there seemed to be an abundance of them, and you had a lot of smaller fish. Right now, we're not seeing a bunch of small fish anymore, and so I don't know where they went.

CHAIRMAN DIAZ: Ms. Boggs.

MS. BOGGS: Thank you, Captain Zales, for being here. Do you fish for king mackerel?

MR. ZALES: Yes.

MS. BOGGS: Are you seeing any king mackerel?

MR. ZALES: No, and, I mean, you all have heard me. My family and I, we got into this business in 1965, and that's what we did initially, was king mackerel fish, and, in all the years since 1965 that we have king mackerel fished, I have never seen king mackerel be absent from the waters around Panama City for three years in a row, and this was the third year that we haven't seen the fish.

If I have caught two or three dozen kingfish this year, total, I've caught a lot, and it's never been that way. Bait is a problem, and so we don't know what's going on with kingfish either, because apparently -- That's kind of a northern Gulf-wide fishery too, and so everybody is having problems with kingfish.

CHAIRMAN DIAZ: Thank you, Mr. Zales. We appreciate it. Marcus Kennedy is next on the list. Mr. Kennedy. Just make sure you're not muted on your end, Mr. Kennedy. All right, and so we're going to -- While we're trying to work out technical problems with Mr. Kennedy, we're going to move to the next person in the room, Austin Abrams.

MR. AUSTIN ABRAMS: How are you all doing? Thank you, all, for coming out here and listening to us today. I'm Austin Abrams from Greg Abrams Seafood, the commercial industry. I'm going to follow-up on what Bob Zales had said. You know, starting off with kings, and I remember, three or four years ago, we used to have king boats from the east coast follow the king mackerel up to us, and I haven't seen a king mackerel boat on our dock in three years. Our boats haven't caught king mackerel in a while, probably a handful.

As you're sitting here, and we're telling you that you all should go ahead and do something about it, we're telling you it's in trouble, and listen. These guys back here do it for a living, just like the red snapper. They told you, time and time again, don't give the allocations out, and what did you do? You did it, just so, in two years, you're going to take more away than what you gave us, and so these guys are sitting here telling you all, and why don't you listen and recommend what they're saying?

On the black grouper, I also agree that we should do a closure for six months during the spawn, and I think that would help out tremendously. On the amberjacks, you all upped the limit, the size limit, for the last couple of years, and it hasn't helped. Maybe try and do twenty-eight inches again, and see if that will help. You know, every little thing we recommend, it will help anything, and so next is recreational.

You know, we want more accountability for the recreational. You know, there's a lot of guys in this room that are charter and commercial, and I don't see many recreational, and so that shows you something. You know, we're here to help this industry. We care, because it's a living. We make a living on it, and we

feed the ninety-plus-percent of people in the United States that don't have the means to go out there and catch it, and so you're hurting a lot of small businesses.

Another thing is I would like to see the board be a little bit more even. There's a lot of recreational on here, and I would like to see a little bit more charter/for-hire and commercial, and I would like to see a little bit more requirements for board members. Thank you.

CHAIRMAN DIAZ: Thank you, Mr. Abrams. All right. We're going to try Mr. Kennedy again? No Mr. Kennedy? Then we're try Kellie Ralston. Kellie Ralston, if you're on, we're ready for you.

MS. KELLIE RALSTON: I appreciate the opportunity to comment today. The virtual option is most appreciated, and so thank you for continuing to have that at the meetings. I also wanted to express support and condolences for those impacted by Hurricane Ian in southwest Florida. It's really been devastating to see, not only from a personal perspective, but also from a fisheries perspective.

For a little bit of background, and I know most of you, but I am Kellie Ralston, representing the Bonefish and Tarpon Trust. We are a science-based organization that is focused primarily on the management of bonefish, tarpon, and permit, but also on the fisheries and habitats that support those important fisheries for Florida.

We would like to express our support for the Habitat Protection and Restoration Committee's decision to not move forward with federal conservation and management of Florida pompano at this time.

Over the years, BTT has worked really closely with FWC on management of Florida pompano and permit, because of their similarities, and we supported the continued state management for both of these species and appreciate the conversation that happened in the committee to recognize that the stock is primarily harvested in Florida state waters, that the stock appears to be in good, or increasing, condition, with relatively stable recreational fishing effort. Therefore, federal management is not warranted at this time.

BTT encourages the council to support the committee's motion and to not move forward with federal management for Florida pompano at this time. Thank you very much.

CHAIRMAN DIAZ: Thank you, Ms. Ralston. We appreciate it, and so, next up, we have Adam Abrams. Mr. Abrams. Okay, and so we're going to move on to Mr. Eric Schmidt.

MR. ERIC SCHMIDT: Good afternoon. Eric Schmidt, charter boat and headboat operator from Fort Myers, Florida. First off, I will reiterate what Casey Streeter said about southwest Florida. The fishing industry, as well as everybody's life, has been greatly impacted around the barrier islands in the last three weeks.

This morning, I listened to the Data Collection Committee, and I will reiterate, and agree, exactly with what Captain Walker had to say. In the SEFHIER program, the fishermen are becoming very upset and frustrated with what is happening with this program. This was supposed to be a reporting program to create -- Improve the landings data for the charter boats, and the headboats already had their own program, but this has really like spiraled out of control.

Also, I am going to speak in favor of the recommendation made by the joint session of the South Atlantic and Gulf Council for the creation of a federal permit, and, as Captain Zales said, a federal vessel permit, and, if you look at what has happened here in the State of Florida over the last couple of years, our population has just exploded. We recently just got to a point where the State of Florida topped one-million vessels in recreational registration.

Granted, they all don't fish in the Gulf of Mexico, and they all don't fish, but the potential growth in this industry is alarming, and I don't want to say that people can't go buy boats, but this body needs to get a handle on the number of recreational anglers that are participating in our fisheries, and, I mean, if you go to Freeman, or you go to Intrepid, or you go to SeaVee, or you go to Yellowfin, you're looking at three to four years on a build wait.

These people are buying these boats, and they're not going to the sandbar, and they're not, you know, motoring up the Caloosahatchee River. These are boats that are fifty-foot center consoles with four or five engines, and I know somebody who just placed on order for a forty-seven-foot Viking with four 600-horsepower Mercury. That's a two-and-a-half-million-dollar boat. They're going to fish offshore.

I've been involved in this process for about twenty-five years,

and there's been two things that have been constant. There's never enough money for research, and there's always -- We're always guessing as to how many fish the recreational sector is catching, and it's time -- Because we keep doing the same thing.

Amberjack is a great example here. We keep doing the same thing. Size limits, trip limits, bag limits, closed seasons, open seasons, and none of it is working, and so it's time that you really seriously think about doing something different, and just requiring a federal permit on recreational vessels -- It isn't going to be painful. It's an open-access permit, and you know exactly how many participants there are in every other fishery, but we have no idea, and it's a guess.

We were using MRIP, and now we're using MRIP-FES, and so you take an estimate, and we have an estimate of an estimate, and it's a guess, and so we need to know the number of participants, and we need to have a better idea as to what they're catching. Thank you.

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

MS. BOGGS: Thank you, Captain Schmidt, for being here, and I'm sure that I understand how you feel after Hurricane Ian. We suffered through Hurricane Sally, and some of us here in Ida, and so we all feel your pain, I believe. Do you fish for gag grouper?

MR. SCHMIDT: Yes, I do.

MS. BOGGS: How has the fishing for gag been?

MR. SCHMIDT: Our area suffered a severe red tide event in 2017-2018, and the nearshore waters were devastated. I run a headboat that does half-day fishing trips, and we normally fish within twenty miles of the beach, and so we really didn't catch very many fish, and that whole area off of Boca Grande and Charlotte Harbor -- That's one of the nurseries for gag grouper. It got hit really hard.

Now, offshore, we're starting to see reports from divers that a lot of six to twelve-pound fish, probably year-three or year-four, and, last winter -- When the water gets cold, the gags move in close to shore. Last year, we had a really good recruitment. I mean, there were trips that we had thirty, forty, fifty juvenile gags that were, you know, twelve to fourteen inches, but we've seen a decline in the deeper water.

I fish a lot of tournaments, and I can go back to 2012 and 2013, and I fish against some pretty good people, and I fish against the same people almost every year, and, in 2013, we would see a lot of forty-pound fish. Now, if you get a thirty-two-pound fish, you're in the running to probably win.

CHAIRMAN DIAZ: Thank you, Mr. Schmidt. One more question, Mr. Schmidt, from Mr. Dugas.

MR. DUGAS: Thank you, Mr. Chair. Hi, Eric. I have a question for you, but a comment first. The State of Louisiana does have a permit in place for recreational anglers, and it is mandatory, and I'm only speaking for the State of Louisiana, and I'm going to speak of Florida, but what I know, and my question for you is, for data collection, you mentioned that it was in a spiral downward, and people were upset.

I guess my question is do you have any suggestions that we can work on? I mean, you see what's in front of us, right, and Option 1, 2, and 3 is not reasonable. I'm trying to help build Option 4 for you guys, and, I mean, do you have a suggestion, and I've talked to Ed as well on the side.

MR. SCHMIDT: Well, I know, and, okay, and, I mean, if that's the lesser of all the evils, yes, then that's what we do. I mean, if you asked me what I would do with the program at this point, I would scrap it, because this is not what -- This is not what this was originally intended to do. This industry came forth to the council and said, look, we want to be more accountable, and we want to create catch histories, and with the possibility of eventually moving into an IFQ program, and now you've -- There is this whole process of, you know, is it going to be thirty minutes between dock-to-dock, or sixty minutes, or ninety minutes.

I know there's fishermen in my area that, prior to the hurricane, but they're very frustrated with the whole process, and how many people do you have, and how many hours, and what was your price of fuel, and, you know, some of these guys, they run two or three trips, and they don't fuel up, and they're calling me, and how come they want to know this information, and, I mean, I understand it.

I was involved, years ago, when the economic information got added to the commercial logbook, and, in fact, National Marine Fisheries Service paid us to go around to different communities and talk to people in the industry and explain why they were

collecting that information, but, yes, to do -- The agency hasn't done a very good job on outreach as to why they're collecting all this.

CHAIRMAN DIAZ: Thank you, Mr. Schmidt. All right, and so, next up, we have Dylan Hubbard, and then, on deck, and I see him in the back of the room, Mr. Buddy Guindon. Dylan. Stand by, Dylan. Marcus Kennedy.

MR. MARCUS KENNEDY: (Mr. Kennedy's comments are not audible on the recording.)

CHAIRMAN DIAZ: Mr. Kennedy, if you would -- You're loud enough, but you're coming in a little muffled. If you could back away from the mic, and maybe slow down just a shade, and try it one more time, please.

MR. KENNEDY: Okay. Anyway, I'm commenting on king mackerel, and I have definitely noticed a problem with them. I complained to Dr. Drymon, eight or nine years ago, about it, and he told me that I needed to refine my techniques and change the location, and so I've been working on the location, but I still can't find the things, and I know how to catch them.

We have caught them for years, and I have fished here for over fifty years, as a bycatch to bottom fishing all summer, and we catch them as a bycatch to tuna and wahoo fishing in the winter, and they have steadily decreased, over the years. We target the things three or four times a year for tournaments, and I go all out looking for them.

This year and last year were both very difficult to locate, and I had to go 150 miles west of the Mississippi River before we were able to locate a reasonable amount of king mackerel to target in a tournament, and so I know the stock assessments say they are plentiful, and should be available, but, at least during the summer, when they're supposed to be here, they're not here.

In the winter, there's still a reasonable number of them out there, in 200 and 300 foot of water, that we run into when we're tuna and wahoo fishing, but, from May through September, when we traditionally catch the things here, there are very few of them. I mean, sporadically, we'll run into a school or two, but they're just not here.

You know, prior to ten or fifteen years ago, anywhere you fished, from the mouth of Mobile Bay to the mouth of the

Mississippi River, over in the west delta and South Ten Blocks, you know, anywhere from the beach out to a couple hundred foot of water, they were a nuisance, I mean forever, and that started declining maybe fifteen years ago, and it really got noticeable five or six years ago, and, in the past two years, it's been really tough to catch the things, and so I just wanted to, you know, bring that up.

I know there's some talk about transferring quota from the recreational sector to the commercial sector and such, but I've got buddies that are commercial king fishermen out of Dauphin Island, and, you know, the commercial king quota used to be consistently reached, toward the end of summer, August or September, and, you know, now, it's on into the winter, and a lot of these guys have just given up trying to catch the things in the summer, and, you know, you can't find enough of them to justify a commercial trip, and so I just wanted to throw my two cents' worth in on that, and good luck with all the other stuff we're trying to do.

CHAIRMAN DIAZ: Thank you, Mr. Kennedy. Mr. Strelcheck has a question for you, Mr. Kennedy. Go ahead, Mr. Strelcheck.

MR. STRELCHECK: Mr. Kennedy, I appreciate your comments on king mackerel. You mentioned that you're from Mobile, and we had a presentation yesterday, or two days ago, with regard to red snapper, and I'm curious if you fish for red snapper off of Alabama and, you know, what you're seeing, in terms of trends in the fishery, and also just information about, you know, your own fishing effort and if you've made kind of less trips in the recent year, because of gas prices and other factors.

MR. KENNEDY: Well, the red snapper, inshore of about 150 foot, seem to have disappeared. I don't think we caught them, but, I mean, even my -- Offshore of 150 foot, it doesn't seem to be any different now from in the past, but, anywhere you fish -- Red snapper is where we fish for king mackerel, and the king mackerel have been consistently declining over the last several years, but the red snapper just -- (Part of Mr. Kennedy's comments are not audible on the recording.)

CHAIRMAN DIAZ: We have another question for you, Mr. Kennedy. When you do respond, try to do what you were doing originally. We had a hard time hearing you at the end there, and so back away from that mic a little bit, please. Ms. Boggs.

MS. BOGGS: Good afternoon, Marcus. Susan Boggs. As I recall, you are a pretty good amberjack fisherman. Can you tell me what

you're seeing with the amberjack off of Alabama?

MR. KENNEDY: Yes, and there is a significant local depletion around Dauphin Island. Anywhere within about forty to fifty miles of Dauphin Island, they're not nearly the nuisance as they used to be during the king mackerel tournaments. We fish with live hardtails and light line around structure, and, in years past -- They have been a terrible nuisance, up until the last three or four years, and now not so much.

Now, once we get out into, you know, 300 foot of water and deeper, when we're deep-drop fishing, it still seems like it's the same number of amberjack out there, you know, and there's plenty of fish in the twenty to forty-pound range, and an occasional, you know, eighty to hundred-pound fish out there, but, you know, some of these -- Anywhere under about 200 foot or so, there's a significant decrease in amberjack, especially the close-in range.

Twenty years ago, we would catch plenty of amberjack on the public reefs, south of Dauphin Island, and we haven't done that in many years, and, you know, we've had to go a lot deeper to catch things.

CHAIRMAN DIAZ: All right, and so we're going to move on to Mr. Guindon, Mr. Buddy Guindon.

MR. BUDDY GUINDON: Thank you. I would implore the council to follow the advice of the Reef Fish AP, because, this AP meeting, something historic happened. Doug Boyd put forward an amendment to have full retention in the amberjack fishery, and I seconded it, and he said he understood better maybe what I come to this podium and say, passionately, or sometimes aggressively, and I don't mean to do that, but it's just my livelihood, and the livelihood that my children will have when I'm gone, and so I am very passionate about it.

I've heard some of those things from council members that are sitting here, and so I hope you all come around to the realization that we're here for the benefit of the fishery and the people that use it, and our advice shouldn't be taken lightly. Much like the advice on red grouper and not increasing the quota, we have red snapper that we're asking you now to reduce the quota. I know you're bound and determined to follow that best available science, but it ain't there. It's not there, and, if it was, I would tell you it was.

You're trying to give us some kingfish, and it's very kind of

you. We can't catch the ones we have, and so go ahead and let the recreational fishermen hang on to those and figure out where the kingfish went, because they're not in the western Gulf. I have a friend here that loves to catch kingfish, and I don't think he's caught two-dozen of them this year, and he's put his time in.

Balance on the council, I'm hoping that the visit from Washington will help, and I think that will, you know, bring this up to a more productive level. We have people on here that are not wanting to move issues forward, and they're from a sector that needs a lot of help, and they're not giving them the help that they need. We need to identify the people that are participating, and we need to work towards a better system of accountability, so we know what they're throwing away, so we know what they're keeping, we know how many people are fishing, and all the things we need to know as fishery managers.

Let's just drop the attack on the IFQ system. It's meeting all of its goals, unless you want to come up and figure out some new goals that you want to achieve, and it's already meeting all of its goals, and it's been through that process. I know there are some people that don't like the fact that some people make money off of it, and some people sit on the couch and make money off it, and it's the way the system was built, and it's operating very well for the fishermen that are participating in it fully, the ones that go out and lease fish, the ones that want to participate, and it's working very well. Thank you.

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

MS. BOGGS: Thank you for being here, Buddy. Do you boats fish for amberjack, and, if they do, what are you all seeing on the water?

MR. GUINDON: I fish for amberjacks personally, and there's not as many as they was before. When you open up that charter boat season, it seems like they get really hard to catch, and there's a pretty good group of guys that get out there and get after them, and I see that management has gone to getting bigger sizes and shorter seasons, and I would implore you to try a much smaller size with a much longer season. When we meet our quota, it's closed.

CHAIRMAN DIAZ: Mr. Strelcheck.

MR. STRELCHECK: Thanks, Buddy, for being here. I know you just mentioned the IFQ program is working well, and we are hearing,

certainly, some concerns about just having access to allocation and trying to find allocation. You being an initial shareholder, but also, you know, one of the Shareholders Alliance, do you have any thoughts, recommendations, on how allocation could be more fully accessed for those seeking it?

MR. GUINDON: Well, Andy, we put in place a system of buying your allocation, buying your shares, and that is still available to everyone, and we have a government program, though it be pretty hard to access, but it's there. I would say that maybe National Marine Fisheries needs to start educating people that are getting into this business that they need to secure access to allocation before they secure access to a boat and a permit, and that goes for the guy that is just running someone else's boat.

You can't run someone's boat unless you have allocation to catch, and, when you take your allocations and drop them 80 percent, even the guys that were able to lease fish, and were making a living, now they're disenfranchised, and so, until we get stabilized catch, you're not going to have a stabilized fishery, no matter what nuance you use to push fish to this guy or that guy, and there's just not enough fish to go around, and we need fleet reduction and not a way for the folks that got in the fishery after 2007 to access allocation that they aren't interested in leasing or buying.

There is allocation available right now, red snapper, and I'm having people contact me with 10,000 or 12,000 pounds of fish all the time, and so maybe those folks need to come here and meet some of the people that are in a bind right now to get rid of fish, because, frankly, my company can't take on any more load, going into the economic future that we are facing, I don't think, in the worst quarter of the year to sell fish, and we're behind schedule. We're behind our normal catch rates, and so those folks that have fish right now certainly would like to get rid of them to folks that don't have any.

CHAIRMAN DIAZ: Thank you, Mr. Guindon. All right. So we're going to go back to Mr. Dylan Hubbard, and Jim Zurbrick is on deck.

MR. DYLAN HUBBARD: For the gag grouper fishery, in my opinion, I think it is healthier than the recent stock assessment summary illustrated. While I agree that the gag grouper have trended down a little bit, I don't feel that it's as bleak as the assessment portrays, and I commend the council for making the request for the interim assessment for gag grouper in the

upcoming year, and I hope that will continue, as the recent stock assessment's terminal year of 2019 was too far in the past.

I would encourage the council to stick to the Reef Fish AP recommendations on the gag grouper rebuilding plan, as that group was a great representation of the fishery that we worked hard to meet in an agreement on the following suggestions.

In Action 1 of the document, please adopt a rebuilding timeline of Tmin times two. Also, keep allocation the same, using Alternative 2 in Action 1. For the recreational season, please use Alternative 2 in Action 2, and, if needed, as brought up by Mr. Strelcheck, modify that alternative to reflect similar language as other alternatives.

For SEFHIER, I completely support any changes to alleviate the burden on the fishery for multiple hail-outs. I want to only improve this data collection system and move to this validated census-based data collection.

Our fleet has already invested in this program, and I personally have spent multiple years invested in this program, in helping with the rollout, and we already have the hardware, and we already have a good setup and a good amount of buy-in. Please do not harm our attempt at being a well-documented and very accountable subsector of the recreational fishery with validated, calibrated, and well-vetted data that will eventually be able to be used in stock assessments to better inform this council on recreational fishing trends.

For amberjack, Amendment 54, I would like to encourage the council, once again, to strongly consider the Reef Fish AP recommendations for allocation and season dates. However, Bob Gill's committee suggestion was a very close and supported alternative option, in my opinion. Please keep allocations the same in this stressed fishery. There is a big need to be extremely conservative on the species and its continuing to fail rebuilding plans. I would like the season to remain the same as the current emergency rule, starting September 1 until the end of October.

For fall red snapper, I would like to see the agency set a date in the future that we could expect an answer on whether or not the season is possible, with a set start date. For example, if we can expect an answer around October 20, we could expect the season to begin the second Monday in November, for example, if there's quota available.

Electronic participation, I am very thankful to be able to participate virtually, when unable to participate in person, and the option to give public comment virtually is highly appreciated. Also, please move forward with an electronic voting option. This would make participating virtually even easier and make the process a lot more efficient in the room.

For African pompano federal management, I would encourage the council to write a letter to FWC to encourage them to remove their African pompano regulations from federal waters. This would eliminate the request and petition for federal management of this species. I do have some other stuff about king mackerel and the joint council workgroup, but I'm out of time. I appreciate your time today. Thank you.

MR. JIM ZURBRICK: (Part of Mr. Zurbrick's comments are not audible on the recording.) -- in the summertime fishing, and you felt pretty confident that you could always possibly, you know, get a couple, and that hasn't happened in the last few years.

Amberjack, I listened to that Reef Fish Advisory Committee, and it was unanimous, and it's really frustrating to see a unanimous decision, and Ed Walker brought that decision to you there yesterday, and then the council take a different path. They said don't allocate, and it's a fishery that, right now, until we get a new assessment, and see if something -- If something is working, leave it like it is, and don't reallocate, and let's go with that constant catch.

That's really tough love, but sometimes that is what necessary, and also in the gag fishery, and, as a caveat to this, I want to thank my Florida representatives, and I think Florida is the one state that has representation that covers a little bit of everything.

We end up with an academic, and we have an officer from the agency, basically, Bob Gill, and then we have a recreational, and so I think Florida is doing its job with representation on this council, and even Florida, who has a lot invested, with gag especially, doesn't think we need to be thinking about reallocation until we see some kind of an interim assessment to say, hey, this is working. Then we review these, these kind of things, but, at a time when we're all going to be struggling, I think we need to hold the position.

I'm so sorry for Casey Streeter and everything that has happened to him down there, and there's a lot of frustration right now,

with everybody down there in south Florida, and they do have quota, and they're trying to find a home for it. They've got money out there, and they don't know what the future is, and so there were some comments about, you know, some of the problems leasing, and now they've got it, and I am one of the people that helped those people in south Florida.

I remember one of our council members called me, a few years back, and asked me to help, and, since then, I've been right there for them, when I can, but I have got guys that fish for me, and I fish myself, and so I go out and try to find it for them, and I don't think we get enough credit, in this system, that we do try to find quota for other fishermen, but, also, some guys need so much of it that you can't satisfy them.

If a guy says that I need 150,000 pounds of red snapper a year, to cover my discards, I mean, what do you do? If we didn't have the IFQ system, would he still have that need? Then we would shut the fishery down, and restaurants and retail outlets wouldn't have the access, and the American consumer especially.

I will wind down here, and I will say this, that that federal permit sounds good to me. I believe that the feds, personally, should have a permit in federal waters, and in conjunction with the state reef fish permit, and so thank you.

CHAIRMAN DIAZ: Thank you, Mr. Zurbrick. Okay. Next up, we have Mr. Bill Kelly, and we have Mr. Mark Tryon on deck. Mr. Kelly.

MR. BILL KELLY: Mr. Chairman and council members and staff, Bill Kelly, representing the king mackerel gillnet fishery of the southern sub-zone. I want to thank the council for the unanimous support of Framework Amendment 12. When this rule was initially developed, the intent was nets out of the water by 6:00 a.m. on Saturday and not no weigh-ins after 6:00 a.m. This will be of enormous benefit to the efficiency of the fleet.

On allocation, Amendment 33, thirty-seven years is a long time, and this should have been corrected over a decade ago, in compliance with Magnuson-Stevens National Standard 4, especially for a species not undergoing overfishing or overfished. There is no shortage of king mackerel of any size in the southern sub-zone. If there are issues in the northern Gulf, consider looking at water quality, bait availability, impacts of the Deepwater Horizon oil spill, and the ongoing Taylor Energy oil leak, the longest in U.S. history. Most certainly these two events have had negative impacts on a number of year classes of

king mackerel.

Weather permitting, the gillnet fishery is typically prosecuted in seventy-two hours, and that is testament to the health of the stocks in our area. Nets used in the gillnet fishery have a four-and-a-half-inch mesh, easily allowing fish that are two feet in length or more to pass through. There is some fluctuation from year to year. The kingfish harvested in the gillnet fishery are currently averaging about twelve pounds.

Observations from spotter plane pilots have seen no reductions in abundance or school classes and sizes. Therefore, we would recommend the council adopt Alternative 3 as the preferred and reallocate 50 percent from the recreational to the commercial sector. However, we would be amenable to Alternative 2 and 25 percent, if the council would include a provision to revisit allocation at regular intervals of every three years. Thank you.

CHAIRMAN DIAZ: Thank you, Mr. Kelly. All right, and so, next up, we have Mr. Mark Tryon. Mr. Tryon.

MR. MARK TRYON: Mark Tryon, commercial fisherman, Gulf Breeze, Florida. I run a small, twenty-seven-foot MayCraft with twin Yamaha 250s, and I run day trips. First off, a fishing report. The subpart snapper fishing continues. My catch per trip peaked just before the implementation of state management, and, after that, it's gone downhill precipitously, in my opinion due to overfishing, too many days of fishing, for the recreational sector in my area of operation in Florida.

For instance, as I said, it's rod-and-reel fishing, and it's only twelve-hour trips, to maybe fifteen hours, and so there's not a lot of fish here that I catch, and I catch other fish too, but, way back in 2012, when the fishery was still depleted, I was averaging a mere 267 pounds a trip, and then, by 2019, with the recovery of the fishery, I was up to 538 pounds a trip, which is quite a significant improvement, and now, all of a sudden, as Wayne Werner described it one time, we're obviously sliding down the mountain here. I am down to 338 pounds average per trip, year-to-date this year, and so that is a very alarming decline, and it's not good.

Moving on to the triggers, I think, yesterday, we determined we weren't on the five-yard line, like I hoped, but on the fifteen, or in the red zone, for that, and so just keep the momentum going, and maybe we can push that across the goal line and get some relief next year on that. I'm in an area where I catch,

often catch, the sixteen fish on the day trips, and then end up throwing fish back at the end of the day, and so it would help me. Anything helps.

Regarding the amberjack and the gag grouper proposals, I think it's wrong to reallocate any fish stock at a time when the stock is in trouble, and almost to the extent where I can describe that thought, or attempt to do it, as unconscionable.

That brings me to the last item, and then I will wrap it up here, and, when you have a one-sided council, which we do right now, which favors the recreational, it would seem, to me, that that's a violation, in and of itself, of Magnuson, and what do we do, in our regard, and it's not like -- You guys are unelected officials, and so we can't vote you out or anything, and so this is a real problem, and hopefully, you know, it will get resolved, or improved, or whatever, as time goes on in the future, and that's about all I have to say. Thank you.

CHAIRMAN DIAZ: Thank you, Mr. Tryon. Next up, we have Ron Chicola, and B.J. Burkett is on deck.

MR. RON CHICOLA: I don't have a whole lot to say today. Fuel prices are $4.50, or $5.00, a gallon, and lease price is at $4.00, or $4.50, and I will leave the boat tied to the dock. One thing they need to do right now, with the shrimp boats all tied to the dock, and now is the time to make the survey of how many red snapper are on the uncharted bottom, because it's unbelievable how many fish have gathered up on that uncharted bottom.

It's unbelievable how many fish has gotten out there on the shell bottom, where the shrimpers usually work. It is time to take a count on the uncharted bottom, Dr. Stunz, and, if you can get the permission to do it, it would be perfect, and it would show how many fish is there, because there is plenty of fish off of Louisiana. There might not be any on Florida, or anywhere else, but there's plenty of snapper, anywhere you want to go, in Louisiana.

As far as the mackerel, I haven't seen any mackerel, and, as far as the amberjack, they're definitely on the decline, and there is not many amberjack around. We don't catch many amberjack. On a whole trip, we won't catch two or three amberjack in the deep water, and so that's all I've got today, but maybe, if fuel prices go down, maybe lease prices will go down, and we can work. Thank you.

CHAIRMAN DIAZ: Thank you, Mr. Chicola. Next up is B.J. Burkett, and on deck is Mr. Mark Kelley.

MR. B.J. BURKETT: My name is B.J. Burkett, and I own and operate two charter vessels, COI boats, and both are dual-permitted, and also a full-time commercial fishing boat out of Apalachicola.

The first issue that I would like to talk to you all about would be the commercial gag fishery. As you've heard us say, over the last year or two, the fishery is improving, and it is still in bad shape, but that 80 percent reduction -- That is going to wipe out the gag fishery. I mean, there is still a few gag fishermen left, but the 80 percent reduction is just -- I mean, that's going to put us out.

I see a benefit in a five-month spring closure for the gags. If you close them for five months, and then maybe a 40 percent reduction, it would be a lot better off for the species and for the fishery, but getting you all to go along with that is kind of hard to do, as I'm sitting here watching.

On the recreational side of gags, it's still the same, and there's an issue. It is improving, but I see a huge problem when you all are trying to give us a September and October opening. For my business, from my standpoint there, it's days is very important, but, for this species, if you open red snapper on June 1, all the discards of gags is going to be more than what you're allowing us to catch.

I mean, there are so many gags that we will have to turn loose, and the majority of them are probably dead, because there is so much fishing pressure, and not just for the charter, but I'm talking about recreational, and there will be so many people out there, and they're just going to watch them float off, and that's not management. That's a waste.

The amberjack, you all -- Bob Zales said it earlier, and we can't figure out what to do with them, but what we're doing is not working. We had a way better fishery with a smaller size limit, and that's what I would recommend, is going with a smaller size limit. There is no reason to not have the calendar year start at January, even if you don't open it until August, and we all changed that years back, and it didn't help, and so why not put it back to where it was, to where there's a lot less confusion?

Dolphins and sharks, they've become a huge problem. You all

kind of just kind of forget about it, and don't talk about it, and you all keep telling us that it's not in your ballpark, but they're damaging the species that you're trying to manage, and so you all need to step up and start fighting for us and fighting for these species.

I hear a lot of excuses and passing the ball, and, oh, well, that's not our department, and that's a whole different agency, but we have you all up here to fight for us and fight for these species. Thank you.

CHAIRMAN DIAZ: Mr. Burkett, we have a question for you, please, from Dr. Stunz.

DR. STUNZ: Captain Burkett, I have a question for you. Several captains have come up and said this, and you just said it, and so I just -- It kind of hit me that you talked about the discard rate with gags, or whatever it happens to be, and that they're floating off, and are you using descender devices or venting those fish, or do you think it's --

MR. BURKETT: It's not necessarily the charter/for-hire fleet that you're going to have this problem with, and it's the recreational, is my opinion, and not that they're doing something wrong, but they just -- They don't have the knowledge.

Gag, especially in deeper water, you can vent him or not, and, if he comes out of 300 or 400 foot of water, he don't have a very good chance of surviving, but the recreational -- I see so many fish hit the dock in that timeframe, and there won't be near as many at the dock in September, and it gives me more fishing days, and I make more money, and it's a good thing, but we're up here fighting to tell you all that, hey, we're trying to build these species up, but we're not getting you all to listen, but we would love to have more fish in ten years, and that's more for everybody, but a June opening -- I may only get twenty days to catch them, but at least I'm not wasting them.

CHAIRMAN DIAZ: Ms. Boggs.

MS. BOGGS: Thank you, B.J., for being here. Can you tell me about the king mackerel off of Apalachicola? Are you seeing any, catching any?

MR. BURKETT: It's in very poor shape. I charter fish out of Panama City, but we commercial fish out of Apalachicola, but, in both areas, king mackerel is in very, very bad shape. I've been in it for nineteen years now, and it's, by far, the worst year

I've ever seen. The last two years has been bad, but this year was horrible.

CHAIRMAN DIAZ: Thank you, Mr. Burkett. All right, and so, next up, we're going to go to Mr. Mark Kelley.

MR. MARK KELLEY: Mark Kelley, Panama City. I have two charter boats, which both boats are dually-permitted. I am fully invested in the IFQ system. The first thing is I'm having difficulty with my boats, and I'm getting dirty letters from NOAA dealing with the hailing-out. I am not hailing-out for my commercial permit, but I am hailing-out on my charter/for-hire logbook, and so I get dirty comments when I call from them, but I'm doing what I've been asked, and I shouldn't have to do it twice, and that's what I am being forced to do right now, is make two calls in the day, instead of one.

Also, I want to speak just a few minutes on gag, and I know that some of this is repetitious, but, if the council chooses to go to a 78/22 -- It's down to 22 percent of the stock, a 78 percent reduction, and they will able to catch 22 percent commercially, and I can't understand why, for once, and we've about beat this horse to death, is why we can't close the spawn totally, from January to the end of May, or somewhere in that timeframe, and get a double bang for our buck.

We're not going to be able to catch a whole lot of fish commercially, but let's at least let the ones that we're going to be harvesting have the opportunity to spawn before they get hauled to the dock. As far as -- I'm not for any kind of allocation change in jacks or the gag grouper industry, until we get this thing out of the overfished cycle.

As far as the amberjacks, good luck. You all have got your hands -- I don't know what the answer is. I think a split season would help us, in the charter/for-hire industry, to keep us from overfishing it. I'm kind of concerned that, if we keep it a September/October season, that we will over -- That we'll have payback measures, and that will even hurt us further down the road.

I am bouncing back to gags. One thing I wanted to say on gags was I didn't see anything in the plan to reduce the catch of the recreational angler maybe from two fish to one, or a boat limit of six, somehow or another to increase our season, which would help us financially.

The kingfish is non-existent, and it's a mystery of what has

happened to them. I fish -- I probably fish 160 or 180 days a year, and I may have caught twelve fish for the year. Also, the sharks and dolphins is a massive problem. If we catch an amberjack, if it ain't bit in half when we get him to the boat, and we release that amberjack, he gets ate, and you see him get ate, on his way back down. Thank you.

CHAIRMAN DIAZ: Thank you, Mr. Kelley. Ms. Boggs has a question for you. Ms. Boggs.

MS. BOGGS: Thank you, Mark, for being here. You're about the second or third person that has commented about closing the amberjack with a split season, and so you said you don't want it September -- I mean, what split season?

MR. KELLEY: I mean, we -- In this whole process of amberjack, we got May taken away from us, because we changed the start date, which caused total confusion in our industry, and, well, is this May for 2022, or is this May for 2023, but we catch -- Unlike a lot of places, we have the massive movement of jacks in May. When the hardtails show up, the jacks are right behind it, but my main concern, with the split, is I don't want us to have to have payback measures.

I don't want our season to get any smaller while we're trying to increase -- I mean, I need the jacks. We rely heavily on jacks, and it's -- Next to red snapper, it's our number-two fish, and, I mean, I'm here wanting it to be better. I thought, at this point in my life, our jack fishery would be robust, and the snapper fishery would be in great shape, which it ain't, and the gag fishery would be recovered, and, here, you all have got a big task ahead of you in the next few years. Something major is going on in that Gulf right now.

CHAIRMAN DIAZ: Thank you, Mr. Kelley. We appreciate it. Next up is Larry Lemeux.

MR. LARRY LEMEUX: Good evening, Gulf Council. My name is Captain Larry Lemeux out of Panama City, Florida. I own a dual-purpose for-hire and commercial boat out of Panama City, Florida.

The first thing I want to talk about is kingfish. Unfortunately, the kingfish have been in a decline, and I don't know why, and it's been in decline for years, but this year has been one of the roughest years with kingfish, like Mr. Kelley said. I dock at the same marina that he does, and I do a lot of half-day and six-hour trips for kingfish, and there has been

many days this year that my customers don't even get to catch one, and we've relied on Spanish mackerel, bonita, barracuda, anything I can scrape up to make a trip.

Second of all, I would like to talk about the accountability for the recreational fishing sector. There's got to be some kind of endorsement or some kind of -- In Florida, we have a reef fish stamp, to get some kind of data started, to find out the number of fishermen. Like some of the other have said, now we have boats capable of running sixty or seventy miles an hour, and they carry twenty people on them, and I'm saying we have to have some kind of endorsement, or stamp, to find out how many number of that caliber of boats and how many folks is fishing in the Gulf.

If you had some kind of endorsement, just per person, and, you know, it could be a free endorsement, but it would give you guys some kind of number to go off of, to know how many people we actually have, you know, with effort in the Gulf of Mexico, and it would be a starting point anyway.

The second thing is the amberjack, again. I started charter fishing in 1992, and I'm forty-six years old. When I started, it was three per person, twenty-eight inches. No problem, and the fish were everywhere, and now here I'm forty-six, and you can't hardly get a bite, in places, and I just don't know why, and I don't know what you've got tasked ahead of you, as Mr. Kelley said, and I don't know what -- I just don't know what to tell you, whether it be a six-month closure, with a fall season with a payback measure, and we don't know. With the split season, with the year starting in August, what we're going to get the following year, and it's just -- We've got a mess.

I don't know what to tell you to do, but we need something done. I think lowering the size limit -- We're killing the bigger, huge brood fish that carry -- I'm not a scientist, but I know a sixty-pound fish has got more eggs than a thirty-pound fish, and I do know that.

As far as the snapper, we've told you all now, and I've been in quite a few of these meetings in the last few years, and the snappers -- We're not seeing the snappers that we've seen in the past. I don't know why, and I don't know if it's pollution, and I don't know if it's effort, but something has got to be done with the snappers, and here you all are giving us 8 more percent next year, and we were struggling this year, to end the year, to get a limit of snapper for our customers.

A sixteen-inch fish is what we're seeing, and there's been a decline in population and in size, and another thing that some of the other captains has touched on is the sharks and the dolphins. They are a huge problem. I think that's part of the problem with the jacks and the snapper and the gags.

They're eating them, I'm saying. When you're fishing, and it don't matter if you're fishing with an electric reel or a hand-crank reel, and it doesn't matter. You're not catching them. If you get on a place where there is sharks, you're not catching anything. They are going to bite everything off, and so is the dolphins.

If you do get the jack, and you do return them right with your descending device, they're getting eaten before they get to the bottom. I mean, it's pathetic, and, again, I don't know -- I don't know the answer, and I know, like he said, a lot of people have passed the ball off, but something has got to be done. Like I said, we appreciate you all's time, and we just want to stay in business and do the best we can do, but I sure would like to see my daughter, in twenty years, be able to catch a fish. Thank you.

CHAIRMAN DIAZ: Thank you. All right. Next up is Rachel Hisler, and then on deck is Mr. Ed Walker.

MS. RACHEL HISLER: Good afternoon. I am Rachel Hisler from Anahuac, Texas, and I am in the commercial fishing sector. Good governance guidelines include the development and maintenance of a transparent and stable economic and regulatory environment conducive to private sector activities.

Whether those private sector activities are commercial, for-hire, charter, or recreational, we fishermen depend on you all to, among things, provide a platform that is participatory, transparent, and accountable. It must also be effective and equitable, and it must promote the rule of law.

As a stakeholder in the commercial fishery, our future depends on the guardianship of this God-given resource. We are the watchmen on the wall who are providing a data-rich environment for the scientists to utilize for the management and optimization of the fishery.

As the providers of the real-time, more accurate data that is used to inform the decisions made by the council, we fully expect to be equitably represented on said council. Moving forward, we anticipate seeing a better representation of

commercial and charter sector council members.

Obviously, I understand that you all do not choose the members of the council, but the Secretary of Commerce does value your opinion and your input, and so we would like to see better representation of the commercial industry on the council, and I know you've heard that from several of the speakers today, and so thank you.

CHAIRMAN DIAZ: Thank you, Ms. Hisler. Next up is Captain Ed Walker, and then Johnny Greene is on deck.

MR. ED WALKER: Thank you, Mr. Chair. My name is Ed Walker, and you've seen me before, but I run out of Tarpon Springs, Florida. I'm a commercial king fisherman, a recreational king fisherman, and a charter king fisherman, and I'm very happy to hear from my colleagues across the Gulf a pretty unanimous message that you're hearing.

You know, we can all have a bad season, and we can have bad water in our area when they migrate through, and this and that, but, in my zone, it's been at least two years now where we haven't had enough to go commercial king fishing. When the big schools of small fish come through, and for us it's in the spring and fall, and the word gets out, and we all go out there and all beat up one school, and we'll catch, you know, sometimes a thousand pounds a day, and I haven't even put the gear on the boat in two year for that.

We catch a handful on charters, and not what we should be catching, and so I'm happy to -- I don't know that you all had recognized the depth of the perceived problem until day, and I think you're getting the message.

If you look at the western Gulf, commercial, those guys used to blow that -- That's the biggest quota in the Gulf for kingfish, sector-wise, or zone-wise, a million pounds, I believe, and they used to blow that thing out of the water, and I don't know the exact numbers, but it was quick, in two or three months, and it was just a mad derby. The east coast guys came over, and that thing closed up, and so they've only caught about half of it, and they left, and I don't think they're fishing it much anymore, and so that's a significant fact of a data point, that they are not near their quota, and it's been much longer than it used to be.

Moving on, one thing I wanted to say to NMFS staff is apparently I walked in today right after you guys got a presentation on

some help that NMFS was going to give to the complaints that we have about the charter boat reporting, and so I missed that, and some of them help me directly, and so I apologize, and I appreciate your help on the issue, and no hard feelings there.

As far as gag, gag is an important fish for me. Personally, I prefer a November/December season, and that's the best fishing season, by far, in our area, which is the gag capital of the Gulf, and that's when the best fishing is, and that's when I've built my charter business around, and it's also when they're active in the shallowest water, and so, the warm months, you're likely to have to go out into deep water and catch a gag, where I can catch them in twelve feet of water, eighteen feet of water, and most of my fishing is done in less than twenty feet of water in the fall, and so we have no real issue with dead discards.

I speak in favor of the recreational license. I never thought I would say that, but, with the number of boats exploding in the Gulf, you're going to have to look at it sooner or later, and I think we should explore it. Thank you very much.

CHAIRMAN DIAZ: Thank you, Mr. Walker. We have a question for you from Mr. Gill.

MR. GILL: Thank you, Mr. Chairman. Thank you, Ed, for your participation all week. It's been most helpful. One of the conundrums that I see in your recommendation is the best fishing for gag is November and December. Given the fact that we've got a quota this big, it will snap it shut faster.

MR. WALKER: Yes.

MR. GILL: I didn't hear you address that side of the question, and I would like to hear your comments on that problem.

MR. WALKER: So, to use your term, "conundrum", yes. You can have a long, crappy season, where you stretch out your season as long as possible, when it's not really that good, or maybe -- We don't know what the days are going to be, and they're just projected, and I suspect that the projections don't even count, really, and this has never happened before. I think, and it occurred to me at the AP meeting, that it's already -- We're not talking about this year, and we're talking about 2024, right, and you've already decided the season for 2023.

That's going to be your best indicator of what you need to do after that. You know, it might crush that thing in a week, when

the entire recreational universe says that gag is open, and it may blow it out, or maybe not, and maybe it will go two months, and we can speculate on it, but you will have a much better idea of where to go after having a season and seeing what happens with such a strict, you know, short season, where everybody has to go fishing, if you want to go gag fishing. I think you should probably, you know, pick a date, but leave it open-ended, to update after seeing what happens in 2023.

CHAIRMAN DIAZ: Thank you, Captain Walker. Captain Greene.

MR. JOHNNY GREENE: Hello. I am Johnny Greene, charter boat operator from Orange Beach, Alabama. It's kind of nice being on this side of the podium for a change, but, anyway, to move on -- I don't think I ever wrote a notes before, when I was sitting on that side, about what I was going to say, and it just kind of came to me, but sitting at the back of the room is a little different deal, and you've got to kind of keep up and listen to people's intent and where they were going with things, and, honestly, I kind of walked away from it, after fifty-six weeks, I think I put into it, and nine years, and I kind of needed a break, to be honest with you, and so there is a light at the end of the tunnel, for some of you guys that has been here.

On the data collection, I kind of was very intrigued by Mr. Dyskow's comments earlier, and that was an interesting idea, and basing it to the angler I think is a more sound avenue than the vessel. I see where there could be some issues between a vessel license and anglers, and, if you're trying to identify a universe, angler is a great way to start, especially if an individual angler has to have a license, unlike the charter boat industry, where you have blanket licenses that cover that.

Onto the data collection part of the deal, where you talked about the log-in and log-out, I currently use the VESL app, and I don't really have an issue with it. I am not dually-permitted, and I just only have been a charter fisherman for a long time, and it's just one of those things, and it's not really a time-consuming deal to me, and I don't have the multi-facets of moving to another dock to pick people up, but if, you know, Alternative 4 solves a lot of guys' issues with what's going on, then that's what we need to do.

We spent almost ten years working on that deal, to get it out of committee and to vote on it and to push forward with it, and we need to continue with that.

On amberjack, I think the September 1 to October 31 season is

probably the best way to go at this point. On the size limit, if you drop that size limit, there is going to be a lot of fish landed quick, because, as the size limit has gone up, so has the size of the fish, and so, if you drop that down, there's going to be a huge surplus of landings in a very short order, I mean extremely short.

The slot limit, that's a pretty interesting comment, and we've looked at that in different capacities in the past, with different species of fish, and the problem with the amberjack, as these guys are telling you, with the sharks and the dolphins and the porpoises, and it's a huge deal, and I'm afraid a slot limit may make that a whole lot worse. I think, in theory, it sounds great on paper, but, in real life, it's an issue.

Fishing this past year was one of the toughest years I've had, as a whole. There is something environmental going on, with the water quality. I have fished a lot of artificial reefs in my lifetime, and, when you pull up on a spot, and there is absolutely nothing there, that's a huge issue. I mean nothing, to the point that we have dropped cameras down to make sure that fish finder -- That the transducer hadn't gone bad. Really, that's about all I've got. That's it.

I think, to the new council members, look at the longer time series, when you're making a decision, and look for the conservation of the resource in everything you do, and don't let a couple of percent persuade you which way to vote. Do the right thing. Do it for your kids, and do it for your grandkids, and that's it. That's really all I've got. If you need to check a text message or run to the bathroom, I'm not going to be offended.

CHAIRMAN DIAZ: Thank you, Captain Greene. We have a question for you from Mr. Schieble.

MR. SCHIEBLE: I think, as an emeritus member of the council, you should get an extra minute, and so how has your king fishing been this past year?

MR. GREENE: I was trying to think, and it's just been awful. I don't think I've caught but three or four. You know, we're fishing 200 days, and only catching three or four or five or ten king mackerel, and it's just -- There's nothing to it, Chris.

CHAIRMAN DIAZ: Mr. Dugas.

MR. DUGAS: Thank you, Mr. Chair. Mr. Greene, with your

previous experience on the council, do you have any sort of suggestion, or recommendation, on the shark issue? You know, I would like to see something done as well, but, you know, I feel like our hands are tied, and do you have a suggestion?

MR. GREENE: Well, I've thought about this a lot, because it's not just snapper grouper and king mackerel, and it's wahoo, and it's tuna fish. I mean, you've seen it yourself, and, I mean, it's terrible, and I don't care how far out in the middle of the Gulf you go, and you're going to deal with sharks and dolphins.

There is no rig far enough to get away from it, but my concern is how does that get incorporated into the stock assessment, because mammals, marine mammals, like a dolphin, they are one of the most intelligent animals there are, and they are one of the few other mammals that actually has sex for fun, and so they're extremely intelligent, but how does that get incorporated into a stock assessment that we've been working on forever?

I think it's something that has to be addressed, because, if you do find a piece of bottom that has a few grouper on it, you get two or three up, or scamp, or snapper, or whatever it is, and you get two or three up, and you can see that giant mark on your bottom machine, and you better hurry reeling them up, and it's me putting both engines in gear and driving away, hoping I can float them to the surface faster than that shark can swim, which doesn't work too well, and then, once they get on you, meaning once they find you, they're going to stay on you the rest of the day, pretty much.

Now, there are boats that can outrun them, some that can and some that can't. I assume they follow me, but I'm beginning to think maybe there's one on every spot that I go to, and I don't know the answer to your question, to be completely honest, and I don't know. I think the stock assessment part of it, and how things calibrate into that -- My point is that maybe the stocks are rebuilding, but you're not noticing it, because it's not showing up in the landings, and you're not seeing it in observer trips or discards, because the fish aren't coming to the surface.

CHAIRMAN DIAZ: Okay. Thank you, Captain Greene. I'm sorry. Dr. Frazer.

DR. FRAZER: Johnny, thanks. I know you cover a lot of ground when you fish, right, and so I was pretty surprised to hear that there are places that you don't see fish, any fish, on hardbottom, and I am just trying to figure out if the frequency

of those zero kind of places -- How that's related to your distance from shore, from your homeport.

MR. GREENE: I do cover a lot of ground, and you've heard a lot of testimony from Mr. Kennedy earlier, and he covers more ground than most people I could ever imagine, and hearing him say that certainly brought that up. It's not -- You know, you think about the words "localized depletion", and I don't know that that's necessarily the case, because I'll fish way out of the way, seventy or eighty miles, or ninety miles, further than some people, and, when you pull up a spot in a remote area, and there's just nothing there, that just baffles me to no end.

I mean, I don't know what it is. I don't know if we had so much predominant west wind this year that it pushed the hypoxia zone over our way, and it moved on through the fishery, and it seemed like, the first week of June, the fishery was okay, and, after that it really started to stumble and move down, and that's why I think there is something environmental that's going on.

I mean, it's not a free pass to say, well, we've done our job, and it's Mother Nature, but there is something going on to it, and I wish that I could provide you more information, but it's just there's something going on, and there's too much -- When you listen to what's going on, which is what you guys do, and you kind of come away with a common theme, and there's something going on that's bigger than what we're doing.

CHAIRMAN DIAZ: Okay. Thank you, Captain Greene. Next up is Alicia Paul, and on deck is Troy Frady.

MS. ALICIA PAUL: Good afternoon, y'all. Alicia Paul. I own and operate two dually-permitted vessels in Panama City, Florida. Amberjack, I know we've done a lot of increases with size limit over the years, and, from my experience, it seemed like we had a much better stock when we had a smaller fish to harvest. I would like to see that size limit go back down to maybe twenty-eight or thirty inches, and maybe that will help increase the stock, because going up hasn't -- We're not harvesting a lot of the mature females.

Gag grouper, a 78 percent reduction, that's a lot, and it's going to hurt a lot of people, commercially and recreationally and retailers. I would like to see you all try and go down a different avenue, whether it be a five-month closure during the spawn or a boat limit, whatever we've got to do besides a 78 percent reduction.

King mackerel, I'm not sure what the answer is there, and we're just not seeing them, and we're not seeing the bait. Triggerfish, I like the idea of the thirty-fish bag limit for commercial. It's kind of like red snapper, and it's disheartening to hear all the public testimony against the increase at the last meeting, and then this council passed that increase, despite what all your fishermen were standing up telling you, that we're seeing a decline in the stock.

You know, we want to protect our livelihood, and we want to be accountable, and we worry about the payback measures along the lines, with the stock assessment being so far behind.

SEFHIER, I heard a comment earlier about just scrap the program, and we can't do that. It provides accountability for the for-hire sector, and we need that, and it works. Does it have some overburdensome issues? Yes, but please don't do away with it.

One other thing is the reallocation of these species, and I think it was Ms. Boggs that make the statement that it just don't make sense to reallocate any species that is currently overfished or undergoing overfishing.

I was happy today to see the discussion, or the motions made, with recreational permits. We do need to get a better handle on how many vessels that we actually have fishing for our reef fish in the Gulf, and not just in one state, but we need that Gulf-wide. That's pretty much all I have today. Thank you, all, for the opportunity to get up here and speak.

CHAIRMAN DIAZ: Thank you, Ms. Paul. Troy Frady is our next speaker, followed by Russell Underwood.

MR. TROY FRADY: I'm Troy Frady, a charter boat captain from Orange Beach, Alabama. I was going to write a short speech, but instead I wrote a long one, but, in order to get through it, I'm just going to go ahead and try to hit on everything here.

We hear so many conversations about what we need to do with each species, in order to get it under control or to make it sustainable or make it rebound, or make it rebuild, and, I mean, I come from a different world. Twenty years ago, it was a totally different world, and I look at things a little bit differently, and I read a report, probably seven or eight or nine years ago, that, in the next fifteen years, which was a few years ago, you know, 75 percent of our nation's population is going to be living in coastal communities.

We often don't really think about that, but Baldwin County, where we live in Alabama, has grown by like 28,000 people per year, for the past few years, and it continues on that path. You know, in 2010, we had about two-and-a-half to three million people visiting our area, and now, because of the oil spill and coastal populations increasing, and people loving warm weather, and, I mean, we've got seven to seven-and-a-half million tourists a year down in our area.

According to our state director, Mr. Bannon -- I think, a year ago, we had like 714 boats per day on the water in Alabama, but I looked the other day, on one of the most notorious Russian booking websites, called fishingbooker.com, and Alabama has over 395 boats, charter boats, on that website. You know, the best I can recollect, back in 2010, about 12 percent of our population, from the numbers that I found, went charter fishing.

Now, when you're at seven-million people, with a population increase, we're looking at about 16 percent of the people go charter fishing as an activity, whether it be for food or just for fun, and so let's go on forward here to a conversation that a couple of council members had about optimum yield.

You know, it was implied that the recreational anglers, this morning, in this conversation, talked about optimum yield is different for a person in commercial fishing than what it is for someone in recreational fishing, how a dolphinfish on a boat, with a couple of guys fishing, would make them happy, where, on a commercial boat, if they didn't catch their limit, or catch their quota, they didn't have a good trip.

You know, I loved hearing that conversation grab hold and get some gears, because I have thought about optimum yield my whole -- It's not just about the fishing, and it's about the experience, and it's about producing those quality things that make fishing fun. The reason we do it is to have fun. and not necessarily to fill the freezer, at least for me.

Anyway, thank you for having those conversations, and I just think it's important to go forward and keep looking at population, and you're going to have removals. If more people go fishing, more people are going to removing fish, and, therefore, you can only expect fish populations to decline, just because of the sheer number of people out there hammering those fish every day, and it's not that they're catching and releasing, and it doesn't matter. It has an effect on the fish.

The electronic logbooks, it's still a good program, and I like

it. King mackerel, I haven't caught really but probably four or five in the past three years. Amberjack, I like the constant catch. Open it September 1 to October 31. If you have to go to November, that's fine, but that's pretty much all I've got. Thank you for the opportunity to be with you. Thank you.

CHAIRMAN DIAZ: Thank you, Mr. Frady. All right. Next up, we have Russell Underwood, and Kelia Paul is on deck.

MR. RUSSELL UNDERWOOD: Thank you, council. I'm Russell Underwood, a commercial guy from Lynn Haven, Florida. I own about five boats, and I would like to talk about a few things today.

About triggerfish, I support the twenty-five-fish bag limit on triggerfish. I would like to talk about scamp on an IFQ program. You all need to leave them scamp alone. We were all fishing it for ten years in this IFQ, and we need to keep scamp in the same category, and don't mess with scamp.

Anyway, I support that, but, anyway, I helped develop this IFQ, and, years ago, maybe ten years ago, I supported fishermen, some new fishermen to get in this business, and we're all getting older, and I'm getting older for sure, and I support maybe finding some fish that some people that didn't get into the fishing business, in the IFQ, in the earlier part, and so I support maybe finding some fish, and part of this quota, to help the fishermen that is getting new in this business and getting started, and to help them out a little bit.

I know there is quota out there, and I personally -- I lost my pride and joy in Hurricane Michael, and I also survived Ida, and I rented a truck out, in Ida, during the hurricane, and I damaged three of my boats, and they're still in drydock right now, as I speak, and I will drive back Thursday and go back to work fixing my boats, and so I have not had a great three or four years, as far as things happening to me, but, anyway, we've got some problems with amberjack, and we've got some problems with gag grouper now, I hear.

I support a closure on gag grouper, and I've been in this fishing business for about fifty years, and I support a closure, but, for recreational, if we get a closure, I think they should get one too, and maybe we will find the problem with the fish and find other ways to bring the fish back. It's a very important fish for everybody, as far as eating and catching and selling and supporting the families that we support, but, anyway, that's about it, I guess. Thank you.

CHAIRMAN DIAZ: Thank you, Mr. Underwood, for taking the time to come and share your testimony with us.

MR. UNDERWOOD: All right. Thank you.

CHAIRMAN DIAZ: We have a question for you, Mr. Underwood.

EXECUTIVE DIRECTOR SIMMONS: I just wanted to tell you that it's great to see you back at the podium, Mr. Underwood.

MR. UNDERWOOD: Thank you.

EXECUTIVE DIRECTOR SIMMONS: You were one of the first people I ever met, when I started working for the council, about fourteen years ago, and you always had a lot of knowledge, and you shared that with our staff, and I really appreciate that.

MR. UNDERWOOD: Thank you.

CHAIRMAN DIAZ: Next up, we have Kelia Paul, and on deck is Randy Boggs.

MS. KELIA PAUL: Good afternoon, y'all. My name is Kelia Paul, and I have two dually-permitted vessels out of Panama City, Beach. I am not going to beat you all up on the amberjack and gag and red snapper and all that stuff. You all have heard enough of that today.

I just want to stress how much effort that it takes for us, and everybody behind me, to come stand at this podium. It's nerve-wracking, and you all are very intimidating, and like it's hard to come up here and have these conversations and say these hard things to you guys, and then it's kind of seen like it falls on deaf ears.

We're taking away from our businesses, our families, all that stuff, and the cost it takes to come over here and go to all these meetings, and then, when things happen like happened in Texas, it makes it so much harder to want to come back, and so I'm just going to implore you guys to take the expertise and the comments that you are guys are hearing and act on them.

What it really makes it hard to do is all these people that don't come to these meetings, that have all the knowledge to share, that have all these good opinions and ideas, we can't get them to come to the podium, because they don't feel like they're heard, and so that was my only point today, and I just wanted to

say to really kind of change the dynamic and the outlook of the council in us being heard when we come to these meetings and come up here and stand and what it takes for us to all be here. Thank you.

CHAIRMAN DIAZ: Ms. Boggs.

MS. BOGGS: I would like to thank every one of you all for being here.

MS. K. PAUL: Thank you, Ms. Boggs.

CHAIRMAN DIAZ: Thank you, Ms. Boggs. All right. Next up is Randy Boggs, and on deck is Steven Rash.

MR. RANDY BOGGS: Good afternoon, everybody. I am going to speak pretty quickly today on the amberjack, the Alternative 2, with 73 recreational and 27 percent commercial. Amberjack are in trouble, and I've been telling you this thing -- I've been here, guys, since before most of you were on the council, and amberjack are in trouble, and it's going to take a closure, and it's going to take opening the fishery just during the wintertime. You've got to take the pressure off these fish. Lowering the size limit is not the answer, and, if you lower the size limit, you're getting the pre-spawn fish, and you're killing them before they get anywhere.

The cobia are in dire straits. That's one of the fish that we hear about in the spring, and then everybody forgets about them this time of year. If you don't do something with cobia pretty soon, you're not going to have a cobia to worry about. If you see a cobia now, it's a baby. It's what we used to call a pork chop, a little bitty baby fish, and the fish that are barely legal. We're not seeing any of the sixty, seventy, eighty, ninety-pound fish that we used to have years ago.

I went back and looked on one of the tables, and I hate this phone, and it's got a new lock on it, and I'm wasting time. Anyway, I went back and looked at one of the tables on king mackerel, and we talk about reallocating king mackerel, and the recreational sector has not exceeded 54 percent of the quota that they've been given in the past. Why would you reallocate fish to a sector that has never caught half of what they've been allowed before? That makes absolutely no sense.

When you get a fishery that's at 99, or 100, percent, or exceeding the ACL, then you need to talk about reallocating fish, and now I'm going slow down just a little bit, since I got

through all that stuff.

Things that we see in the Gulf, and Johnny fishes way offshore, and he travels a long way to the southwest, and even further west. I run a headboat, and I run a pretty fast boat, and I fish between the Destin edge and pretty much off of Mobile. We lost our spadefish, and I don't know where the spadefish have gone. You used to be able to pull up on any of the big wrecks, and you could tell where they were, and the spadefish would be on top.

The hardtail population is gone, and my office is from here to the screen in front of a fish boning station, and we see thousands and thousands of red snapper come to the dock, and we see two or three king mackerel coming to the dock, and the king mackerel stocks are in terrible, terrible shape. I don't know where they've gone, and you hear about areas where they're catching fish, and I was talking to Wayne a while ago, and there's one big rock in the Gulf that they catch a lot of king mackerel off of, and it's high, and it's warm.

King mackerel are not very temperature tolerant, and so, when the water gets cold, they go to a structure or something that holds heat and holds the upwelling, where there is oxygenated water. We've got major trouble with our fisheries out here, and I know that it hurts the council's feelings, and it hurts my feelings, to talk about a closure, or doing something to stop this, but all we have to do is look to the north.

If you look at what just happened in the king crab fishery, they had what they thought was a very robust fishery, and, all of a sudden, the fishery crashed, and it died. There is places off of Alabama, and there are some private reefs that have fish, but there is far more that have no fish, and no show of fish, and there's places off of Panama City and Destin, and, guys, you've heard today about this fishery stock, all across the Gulf-wide, going down.

We're looking at the same thing that happened in the crab fishery, and you had a robust fishery, three or four years ago, in the crab fishery, and it crashed, and it's closed, and they're talking about years for it to recover. If the council, and the people in this fishery, don't take action, I think we're looking at the same thing in the Gulf of Mexico. Thank you, guys.

CHAIRMAN DIAZ: All right. Thank you, Mr. Boggs. Next up is Steven Rash, followed by Eric McNally.

MR. STEVEN RASH: My name is Steven Rash, and I have owned and operated Water Street Seafood in Apalachicola for the last forty years. I hope that I can say something today here that will make a difference. My first comments today are concerning discards in the snapper grouper fishery.

Snapper and grouper, to a lesser degree, have become discard fisheries, and discard mortality far outweighs landings. The National Standards require you to minimize discards. However, current bag limits and size limits and seasons actually maximize discards. Eliminating discard mortality must be accomplished.

One way to greatly reduce discards in the recreational fishery is to eliminate the two-fish bag limit. The bag limit can be changed to a certain amount of fish measured in weight, or even more easily measured in total combined length of fish. Currently, the two-fish bag limit could represent four pounds of fish, or it could be over thirty pounds of fish, and, after running ten to twenty miles out in the Gulf, most fishermen would, obviously, prefer two large fish.

By measuring the bag limit by weight, fishermen would always be allowed to keep the maximum amount of fish. Three five-pound fish would equal one fifteen-pound fish. Another way to minimize discards is to consolidate seasons of different species, such as grouper and snapper. All fishermen combined are killing over forty-million pounds of snapper, to theoretically land about fifteen-million pounds. Eliminating this tremendous waste of our resource must be your top priority.

The proposed reduction in gag will create a similar scenario as the red snapper disaster. Gag populations have seen a tremendous rebound over the last few years. Basing an 80 percent reduction on data that's old and is irrelevant now will create tremendous discards. We must conduct an interim assessment, which will confirm the rebounding gag populations.

Imagine a fishery with a zero discard mortality. Your jobs would be much easier. While is obviously not possible, we must act to reduce the horrible waste from discards, and, also, you could, in turn, allow the increase in quota for all sectors.

A couple other things that I wanted to talk about are the gag, and, at Water Street Seafood in Apalachicola, last year, we had gag quota left over at the end of the year, and it expired. This year, we used all of our gag quota the first week in April. Boats were catching gag grouper like I hadn't seen in twenty

years.

Amberjack, our boats don't target amberjack, but they get their limit any time they want. They usually go out and target snapper and grouper and then get a limit of amberjack. King mackerel, I am not disputing what other -- What my friends and colleagues say, but, in Apalachicola, we're unloading 5,000 to 10,000 pounds a day of king mackerel. We don't have the size of the fleet that's normally there this time of the year. Otherwise, it would be probably 20,000 pounds a day.

With quota, trying to get quota to new participants, there is a loan program, which I tried to participate in. You can borrow money from the federal government, but they won't take the quota as collateral, and so, on one hand, they will loan you the money to buy the quota, but, on the other hand, they might take it from you and say, hey, you still owe us the money, and I said, no thanks.

Years ago, and I think it was in San Antonio, when the state management proposals came up, and everybody was, you know, getting onboard for state management, we said that's not going to work out, and it's going to create problems, and you see the problems that it's creating now, and you see what's happening with the snapper.

The size is going down, and the abundance is going down, and the catches are going down, in the Panhandle of Florida and Alabama, and the state -- You know, that's another standard. Fish are supposed to be managed over their range, and the range of red snapper is the Gulf of Mexico, and it's not defined by state borders. That was a big mistake, and everybody pays for it. That is my comments. Thank you.

CHAIRMAN DIAZ: Thank you, Mr. Rash. Next up is Eric McNally. I'm sorry, Mr. Rash. We do have a question for you. Ms. Boggs.

MS. BOGGS: Thank you, Mr. Rash, for being here today. Did I understand you saying that you all are not seeing an issue with amberjack, and, if that is what you said, what depths of water are you seeing those fish?

MR. RASH: Our boats don't target amberjack. I can't remember the last time a boat targeted amberjack. They get their limit, pretty much when they care to get their limit. If they're in the area where the amberjacks are, then they'll go get amberjack, but we get amberjacks on a regular basis, and I don't think the amberjack season closed last year, and it hasn't

closed this year, and I think the limits have extended the season, but amberjack is really not that important. Thank you.

CHAIRMAN DIAZ: I have one more question, Mr. Rash, from Dr. Frazer.

DR. FRAZER: Thanks, Steve. Thanks for coming. I want to follow-up on the gag comments that you made, right, and so, if you -- I mean, one of the benefits, obviously, of the IFQ fishery is it promotes some stability in the fishery, right, so you can rely on fish throughout the year, but, if you close gag in that early part of that year, to protect those spawning fish, how will that impact your business? In other words, how dependent are you on gag during those times of year?

MR. RASH: Gag is an important fish. Like I stated, we used all our quota this year in January, February, and March. We ran out of our total annual quota the first week in April. Obviously, the gag aggregation, the spawns, which somewhere around March, or in that area, could be protected, but it's -- There are just a lot of fish there, and, if the quota is cut 80 percent, they're going to throw a lot of fish away, and a lot of fish are going to die, and so -- I just hate seeing fish wasted.

We're wasting a tremendous amount of fish in the Gulf of Mexico, wasting them, when we could bring them to the dock, and, with different management approaches -- You know, I understand that it's really difficult to wrap your hands around and try to, you know, come up with solutions, but just throwing fish back and feeding them to the porpoises and the sharks and the crabs and everything else is just a tremendous waste of our resource. Thank you.

CHAIRMAN DIAZ: Okay. Eric McNally, and then on deck is Ed Pitre.

MR. ERIC MCNALLY: Good afternoon. I guess I'm probably one, or two, of a large group of individuals. I'm a private fisherman, and there's not a lot of us here. First of all, one of the reasons, probably, is most of the private guys are at the office working right now.

I would ask the council, maybe in the future, that we look at other avenues of maybe hearing from the private guys, and maybe they can write an email, or maybe they can have something of this sort maybe on a Saturday or Sunday, because most of my friends, colleagues and whatnot, are at the office, and so they can't be here. Luckily, I'm self-employed, and I'm able to step

away and do that. I would just ask the council maybe to look at other avenues.

I heard, from some of the other individuals earlier, about the recreational side and how they're going to keep up with that. Well, I have to commend the State of Mississippi, and I'm actually from Biloxi, and the State of Mississippi has done a great job in tracking the recreational side on an app, and it's called Tails 'n Scales.

You log-in, and you have to give where you are leaving from, and you have to tell whether it's a private boat ramp or a -- A public boat ramp, a private pier, or whatever it may be, and you have to give your registration number, how many individuals are going, and whatnot. It's a -- If you haven't seen it, it's a great app, and I feel like everybody, across the Gulf, should maybe look at something in that regard, and I think it would be a great way to help track the rec side.

Everybody keeps pointing fingers at the rec guys, and I don't think we're really catching as many fish as everybody seems to think we are. To be honest with you, we had multiple trips this year, and our best one, on the snapper side of things, we were limited out in thirty-four minutes, with twelve guys on the boat, and it's never been that way, and so I congratulate the council on what I feel like you all have done to make our fishery fantastic, especially in the State of Mississippi.

Now, do we venture south towards Alabama, and south towards Louisiana? Yes, but, as a general rule, we're pretty much due south of Mississippi, and so I congratulate you all, and I applaud you all on that.

I also heard some other individuals speak about the sharks and porpoises, and I don't know what you're going to do in that regard, but it is definitely a problem. Maybe we could do something in regard to a tag system, where recreational people may get three or four tags, and so you're not turning away -- You're not releasing ten-pound snapper to catch fifteen-pound snapper, but a tag system may be something to look into, but something -- When we're releasing these fish, we definitely are seeing porpoises and sharks take them, even if they're vented, and it doesn't matter.

I also was told that there's a potential decrease in our fishing percentage, potentially maybe 60 percent, and, like I said, we had a great fishery this year, and we haven't met our quota yet, and so I don't know why they would decrease our allocation by 60

percent, whether it be the days or the total, and I don't know, but, other than that, that's really all I have.

CHAIRMAN DIAZ: Thank you, Mr. McNally. We have at least one question. Ms. Boggs.

MS. BOGGS: Thank you, Mr. McNally, for taking the time to be here. I am going to throw Emily under the bus, but find Emily, because there are other ways to give testimony, but the reason for my question is, and I'm asking this for a reason, but what size boat were you on, and how far offshore were you all fishing to limit out in thirty-four minutes?

MR. MCNALLY: In that particular instance, we were in a thirty-six Yellowfin, and we were forty-eight miles offshore. Now, keep in mind that we're not like Mississippi or Florida or Louisiana, and we still have to run a pretty substantial ways. We have to run twelve miles offshore just to get to the barrier islands, and so, I mean, our fishery is not as close as the other states.

CHAIRMAN DIAZ: Go ahead, Ms. Boggs.

MS. BOGGS: In what depth of water?

MR. MCNALLY: Seventy feet.

CHAIRMAN DIAZ: Okay. One more question from General Spraggins.

GENERAL SPRAGGINS: Thank you very much for coming out today. Obviously, you know, you went out fishing this year several times, and has anything restricted you? Have the fuel prices and all been restricting you a lot?

MR. MCNALLY: No. No. We're going to go, and we're going to go fish, and we're going to enjoy our resource, and it's just what we're going to do. The only thing that really has restricted us is weather, and, yes, we are running some big boats, but, at the end of the day, nobody wants to get beat up. We're weekend warriors, and we work Monday to Friday, but, from Friday afternoon, Saturday and Sunday, we're going to do everything we can to get out there and attack the fishery as best we can, because we feel like, just as anybody else, it's just as equal a fishery as ours as anybody making money off it.

GENERAL SPRAGGINS: You know, one of the things that Mississippi is looking at, and I know you fish in Mississippi waters, but one of the things we're looking at is the possibility of

shutting down the season at certain times of the year, and mainly in the July/August timeframe, when it's so hot, and the water -- Then coupled with the mortality of discards, and do you think that would help at all?

MR. MCNALLY: Well, it may. The main reason I feel like we didn't reach our quota this year is we were having -- I feel like we did a pretty good job until they closed the season, and they closed the season, and everybody kind of seems to lose focus, and let's be real.

Here in Mississippi, when the season opens back up, everybody is looking at Saints football, or Mississippi State football, and they're not focused on going fishing, or they're going deer hunting or whatever else it may be, and so I feel like that's probably our main reason why we have not hit our quota, is people are not fishing, recreational-wise, once the season reopen, like they do towards the first part of the season, if you will.

GENERAL SPRAGGINS: Kind of like football games, and you go to them because they lose. All right. Thank you.

MR. MCNALLY: Yes, sir.

CHAIRMAN DIAZ: Thank you, Mr. McNally.

MR. MCNALLY: Thank you, all.

CHAIRMAN DIAZ: All right. Eric Brazer. I'm sorry. Ed Pitre, and then Eric Brazer is on deck. Ed Pitre.

MR. ED PITRE: Thank you, council. My name is Ed Pitre, and I'm from Galiano, Louisiana. I was born and raised down there, and I'm a twenty-two-year commercial charter fisherman on a charter boat in Louisiana, out of Grand Isle, and I'm working my way up in this fishery with a few older guys, to buy them out, and I have five younger kids, five boys and a little girl, and I would love to see them take this over.

I don't want a handout. I am earning my way into this. Changing the IFQ now will make it harder for me to enter. I know the rules, and I'm trying to build a business that fits those rules. I don't fully understand the whole calibration process, but it looks like you guys have to recalibrate, and you don't have to reallocate. It's your choice to do calibration, with or without also reallocating quota from the commercial sector and the recreational sector. You don't have to do this,

and why can't we just calibrate?

Amberjack is a problem for us, also. In Louisiana, I'm not seeing nearly the fish like I used to, and king mackerel is also a problem. I am not a big king mackerel fisherman, but we always catch them on our charters, and, on a hundred-and-something trips this year, I ain't seen but probably ten of them, and the electronic logbooks -- Keep them up. I like what's going on. We can keep moving forward with them, and that's pretty much what I've got to say, guys. Anybody got any questions?

CHAIRMAN DIAZ: Any questions? No question at this time, Mr. Pitre. Thank you for coming.

MR. PITRE: I appreciate it, council.

CHAIRMAN DIAZ: All right. Eric Brazer and then Jay Mullins.

MR. ERIC BRAZER: Great. Thank you very much, Mr. Chairman. I'm Eric Brazer, Deputy Director of the Gulf of Mexico Reef Fish Shareholders Alliance. I usually have, you know, my testimony typed out ahead of time, and I usually like to highlight some of the strongest points that we've made in our letter, and I'm not going to do that today though.

I hope you have had a chance to read our letter, to see where we are on the points for this week, and I'm going to try and take a step back today, with my testimony, and just ask you to consider three things when you're making your decisions this week and moving forward.

Is what I'm doing increasing the stock, is what I'm doing reducing management and scientific uncertainty, and is what I'm doing increasing accountability, either at the individual level or the subsector level? I would just encourage you to ask yourself these questions as a way to start to prioritize your work.

You guys have a lot on your plate, and staff has a lot on their plate, and it seems like, at times, it's kind of a scatter-shot approach to the work that's in front of you, and it's frustrating for us, but I can see that it's frustrating for you guys as well, and so I would urge you to use these three questions, to use these as a lens to look at as you try and prioritize your work and get yourself back to a better place, where you're actually working for things, as opposed to reacting and responding to a lot of the negativity that is happening in

the fishery these days, and so, anyways, we want to help you guys get to a better place and start to actually move some things forward, and that's why I usually type this out ahead of time, and so thank you.

CHAIRMAN DIAZ: Thank you. All right, and so next up is Mr. Jay Mullins, followed by Greg Abrams.

MR. JAY MULLINS: Good afternoon. I think I came here two years, and, first off, I want to say this. The Gulf Council's charge is to manage our fisheries as a whole and not he-said-she-said. You guys took an oath to manage our fishery as a whole.

By one council saying another council member can't participate in a certain conversation is -- It blows me away, but I did come here, a few years back, and said, you know, America is supposed to be the greatest nation in the world, but yet we've got a third-world country, like Mexico, that institutes more sustainable laws than the United States of America. They have closures in Mexico, but the great catch share program says, oh, we're going to give you year-round access to these fish.

Grouper species can't handle year-round access to the fish, and that's why we had a closure put into place back in 2000, but it got lifted, and look at our fish stocks, and the evidence is there. You know, I said that, and I also said something about discards. You know, let's increase the hook size to reduce discards, and Mote Marine took my idea and ran with it and got their grants and their process of doing that, and NOAA calls me up, after Piney Point, and they have this deal at Piney Point, and NOAA calls me up and asks me if I will put the water testing equipment on my boat and go test the water for them, because they couldn't get their vessel right away. I did that, and I didn't ask for a penny. I went 200 miles and tested water.

It's a shame that we can't come together as a whole, and not to mention that we -- I sent you all emails the other night about the discard program that we showed you all, and it lays out the discard program in black-and-white, and it's the simplest thing in the world, and nothing gets done about that. That's too sustainable.

When are we going to start making sustainable changes? You know, it's like buying a car and saying that's what you've got for the rest of your life, and what happens when it blows up? I guess you're out of gas.

When are we going to start making sustainable changes to the catch share program? This thing was voted, and fishermen voted on it, and some of us didn't agree with it, and you had to have an income qualifier, and you had to be a fisherman, and you had to harvest fish, right, and what has transpired since we lifted all those restrictions? We've got 1,100 share accounts, and we've got a multitude of -- It's ridiculous.

I've got friends, multimillionaires, out of Tallahassee, that have Freemans with reef fish permits on their boats, just so they can go fish out-of-season, and I beg this council to do something more sustainable, you know, and we knew that this blackballing with Casey was going to happen. Two years ago, or whenever the Key West meeting was, I was personally approached by a high-ranking member of the Shareholders Alliance, and it was said that we need to get Casey out of this fishery. Do they really care about our fishery, or do they only care about themselves and their own agendas?

The snapper in the eastern Gulf, as it's outlined in that discard program, my brother was the highliner of the eastern Gulf. We had 18,000 pounds of grouper, and, if we had 1,000 pounds of red snapper back in the 1980s, it was talked about it through the Gulf, and I do a thousand pounds a day right now.

CHAIRMAN DIAZ: Mr. Mullins, I am going to ask you to start wrapping up, please.

MR. MULLINS: Okay. What I'm getting at is the Great American Snapper Count proved that Florida has stocks, red snapper stocks, and why are those fish -- We had Senator Rubio and Senator Scott send a letter to the Secretary of Commerce, and why do our fish keep getting shipped out of our state? I am just asking that you all do something a little more sustainable for us fishermen. We have earned these fish. Thank you.

CHAIRMAN DIAZ: Thank you, Mr. Mullins. I have a question for you from Mr. Dugas.

MR. DUGAS: Thank you, Jay. I have a question for you. You mentioned Casey being blackballed, and I'm just wondering, and are you faced with the same challenges? Are you being blackballed as well?

MR. MULLINS: Well, everybody kind of knows that me and Casey is really tight friends, and so the apple don't fall far from the tree, does it?

CHAIRMAN DIAZ: Mr. Dugas.

MR. DUGAS: So you talked about discards, and I'm just curious. On your fishing trips, how often are you fishing, and let's just say in a week's time, and how many trips are you making, or maybe in a month's time, and how many amount of red snapper discards would you estimate that you have?

MR. MULLINS: My average intake of red snapper, when I'm fishing, is close to a thousand pounds a day. Whether I've got allocation for those fish, you know, I could tell you instances -- My December trip, when I was promised that I could fish wide open, we put on almost 25,000 pounds of fish in nine days, but then I had to dig my boxes out, because then he comes back and tells me that you can only have 5,000 pounds of red snapper, and I had to personally throw over 6,000 pounds of red snapper that my crew had packed in their boxes.

CHAIRMAN DIAZ: We have another question for you, Mr. Mullins, from Dr. Stunz.

DR. STUNZ: Captain Mullins, thank you, and, just so I have a firm understanding of what you're saying, so, traditionally, you did not get -- You were a grouper fisherman that did not have snapper shares, just because of the nature of the fishery at the time, and now you're catching all of these snapper, but you don't have an ability to get the snapper quota that you need to be able to not discard all those fish, and is that a fair understanding?

MR. MULLINS: Absolutely. We didn't have a snapper fishery in the eastern Gulf, back when the snappers were given out, and our snapper stocks were destroyed. We were under a rebuilding program, and we have rebuilt, and it's been exponentially rebounded, but our shares, our snapper, keep getting taken out of the eastern Gulf and given away, and so that has created an extremely abundant -- I mean, the discards has gone nuts, and, with the proper discards, the proper allocation, put in our accounts, you increase safety-at-sea, reduce pressure on fish stocks, and it's all there. It's all black-and-white. It's all sustainable, but yet we don't have it, and we have to go pay for something that's in our backyard, and our senators know about it.

CHAIRMAN DIAZ: I have one more question for you, Mr. Mullins. Mr. Dugas.

MR. DUGAS: One more. You mentioned a letter that was emailed

to the council, and I think that's maybe the second time we've seen it, but you mentioned there were signatures on the bottom of it, on that, and I'm just curious how many signatures. How many people was this paper in front of and signed-off on it in your industry?

MR. MULLINS: I think Tom is probably familiar with it, but maybe close to 350 true, active participants, captains and crew, ones that are actively landing fish. We are the industry.

CHAIRMAN DIAZ: Thank you, Mr. Mullins.

MR. MULLINS: Thank you.

CHAIRMAN DIAZ: All right. Next up is Greg Abrams, and Johnny Williams is on deck.

MR. GREG ABRAMS: I'm Greg Abrams from Panama City. We've seen the good, the bad, and the ugly today, and the company he works for, Glen Brooks, I offered him 20,000 pounds of snapper two weeks ago, to lease, and he said that he didn't want to, and he wanted to catch his red grouper, and so I'm saying no big deal, and so I'm going to nip that in the bud, but I'm here, and Apalachicola has a snapper tournament, the biggest snapper weigh-in, and it's fifty to sixty recreational boats.

I've been wanting to tell the council, because they need to put a stop to it, because I told them to name the tournament the discard tournament, high-grading, and so that's one problem we've got.

The next problem we've got to solve is sharks. You all need to promote recreational shark tournaments. We had them years ago, and people like it, and it will solve your problem, because we've got too many sharks, too big sharks, and I've got four shark permits, and it's not feasible for me, because I can't get my fifty-five sharks, and so we don't shark fish.

Amberjack, I don't know if it's water quality or the size limit, because my boat that is fishing in 600 to 700 foot of water is catching seventy-five-pound amberjack, catching their limit tile fishing and in the deepwater yellowedge fishing, every trip, and I've got three boats doing it, and it's on record, and so I would try something -- I would try the size limit for two or three years, and see what happens. You've got to do something, because, the last thirty years, we've been going in the wrong direction.

Gag groupers, you all told me what you were going to do, and so I made my boats -- I said you've got to go catch my gags, and I've been keeping 20,000 or 30,000 a year, because they've been going snapper fishing, and so you look at my record, Greg Abrams Seafood, and I caught 59,000 in about two months. The gags are not completely 100 percent back, but they're on the rebound, and I could deal with a six-month closure. I can't do a six-month closure and an 80 percent cut. Maybe a 30 or 40 percent cut, and we can live with that, because we want to do something for the resource.

In my business, and I'm in the trucking business too, and I've got seven trucks, and I didn't want to get into the trucking business, and so I pick up freight from Bayou La Batre all the way to Cortez, every week, twice a week, Monday and Saturday.

This week, for some unknown reason, we picked up 21,000 kings in Bayou La Batre, and I think they were fishing to the west a little bit, and, at Steve Rash's, at Water Street, I picked up 12,000 that come from David Krebs' boats, and he's not here to tell you that, but I am here, because I see them. They all come to my fish house, and we swap trucks, and they go to Philadelphia, Atlanta, and New York, and so I see everybody's fish in the Panhandle and mid-Florida.

I don't know if it's water quality off of Panama City, but they're catching kings in Apalachicola today, and Bayou La Batre, and they have already called my son and told him what we're going to have for this weekend, and so it's a hit-and-miss of what's going on, and I can't explain it to you, and I think it's water quality, because I see stuff in water that's gone real dark green, when the tide changes, and so I don't know, but you all have got to do something with the sharks.

The gags, I wish you all had listened to us on the gags, because, if you -- We're going to have a discard rate. If you cut it 80, we're going to have a big discard, and we're going to kill more gags than we're trying to protect. Thank you.

DR. STUNZ: Thank you, Mr. Abrams. Up next is Johnny Williams, followed by Patricia Davis. I'm sorry. Mr. Abrams, we have a question for you. Dr. Frazer has a question for you.

DR. FRAZER: I just wanted to follow-up on the sharks a little bit with you, and so you have shark permits, but you said it wasn't worth your time to fish them, and can you elaborate on that a little bit?

MR. ABRAMS: Well, your fifty-five head is not many sharks, and not at the expense of tackle, because you're going to throw a tackle, and that's what they set the limit at, is fifty-five head. The shark fins, you can sell them, but, still, to do it commercially, you've got to have more, more head of sharks, per trip, and they're there. They're definitely there, but it's just a tough fishery.

DR. FRAZER: i appreciate that. Thank you very much.

DR. STUNZ: Okay. Up next is Mr. Williams.

MR. JOHNNY WILLIAMS: Good afternoon. Johnny Williams from Williams Partyboats Incorporated, Galveston, Texas, third-generation partyboat operator out of Galveston. Back in October, and, actually, like October 23 of 2019, I came before this council, and I said, you know, we need to do something about king mackerel. We had made eighty-one offshore trips, and we caught a total of forty-eight king mackerel, and we used to catch that many in one day, many more than that in one day, actually, at times, but the king mackerel fishery has gotten even worse since then, and you heard other people say the same thing up here, but still we take no action.

Out of curiosity, I texted one of my friends down in Port Aransas, Kelly Owens, and I asked him about how the king mackerel fishing was down there, and he texted me back today, and I told him it was bad here, and he said, yes, the last five or six years, it seems like there's a lot less, but there are not very many shrimp boats anymore either, and so he's not catching the king mackerel down there either, and so I don't know why this council doesn't do what the fishermen are asking and address this issue.

We're collapsing the king mackerel population, if we have not already done so, and, as far as your red snapper is concerned, the snapper, in my opinion, at least in my area, are on the wane, and these other boats came up here, and they basically said the same thing, and so we need to address the issues.

I mean, two-thirds of the fishery, the commercial sector and the for-hire sector, came up here and said, you know, let's not raise the quota next year, but, instead, it passes, and I think that -- I understand that a lot of you people aren't out there on the water every day, like we are, and I guess maybe we need a more diverse council and have people that are actually on the water making some of the decisions, because it seems kind of antithesis of what you would think.

You would think we would be crying for more fish, instead of less fish, but I've been with the council process since 1989, and, you know, we were told that we were going to rebuild the fishery, and we were going to rebuild it this year, and we were going to rebuild it this year, and we were going to rebuild it this year, and now we're at 2032, and we're going in the wrong direction right now, fellas and ladies. We need to do something.

Don't just listen to the science, but listen to the fishermen. If they were saying, yes, we need more fish, you could say that these guys are just money hungry, but that's not what is happening here. We're asking for just the opposite, but don't stress this fish out again. Don't put us in the situation where we're back there again.

The cures that I would like to see still, and I bring this up at almost every council, is Amendment 42. We had a great pilot program that worked wonderfully for us, and all the boats that were in the first year were in it the second year, and they all loved it, and it went nowhere. I don't understand that.

I think we ought to convene a panel for 42 again, and we're having a few issues with the IFQ system with commercial fishermen, and I think we ought to be proactive and convene a panel and try to come up with a good plan for 42, and hopefully we'll be able to implement that soon. Thank you.

DR STUNZ: Ms. Boggs.

MS. BOGGS: Thank you for being here, Johnny. I know you all do a lot of longer trips, and what are you all seeing with the king mackerel fishery? I didn't mean to say king mackerel. Amberjack. I'm sorry.

MR. WILLIAMS: It seems like, this year, we've actually caught a few more amberjacks than we have the last couple of years, and I don't know if it's just they happened to be on some of the spots we were fishing this year, but the amberjack fishing is nothing like it used to be.

I mean, we used to go out there, and we would catch a pile of amberjacks, and tear up all of our tackle and everything else, and we would snapper fish for a good portion of the trip, and, about the last hour, we would pull up to one of the deepwater rigs offshore, and I say deepwater, but 150 feet or so, and we would just annihilate the amberjacks, and tear up all of our

tackle, and go home with probably twenty-five or thirty big amberjacks and a bunch of broken tackle.

Nowadays, you know, on our long-range trips, we go tuna fishing, and we fish some deepwater stuff, ninety miles or so offshore, and we've been catching some amberjacks, and it seems like it's been actually just a little bit better this year than it has been the last couple of years.

CHAIRMAN DIAZ: Go ahead, Ms. Boggs.

MS. BOGGS: What size are the jacks that you're seeing?

MR. WILLIAMS: Well, we're catching some undersized ones, but we -- Before -- I was on a trip before the season started, because it was delayed, and we caught one fish that we threw back that was probably sixty pounds, but, you know, we've been catching some nice-sized ones, too. It seems like it's a little bit -- But, I mean, it's not good. It's not like it used to be, but it seems like it's a little bit better this year, so far, or at least that's our experience.

CHAIRMAN DIAZ: Go ahead, Mr. McDermott.

MR. MCDERMOTT: I've got a question about the king mackerel, Mr. Williams. You seem pretty serious about us making a decision on them, and we've got four options, and we started out with three, and I made a motion for a 15 percent reallocation, and, if memory serves me, the commercial sector is harvesting 100 percent of their allocation, and our sector is not harvesting -- I think it's about 40 percent, and so, if we reallocate those fish, there is certainly -- It would seem that they're going to be harvested, and, of the four options, what do you think that we ought to do with the king mackerel?

MR. WILLIAMS: From my experience, what I think we should do is either close the season completely or reduce the quota substantially, because the fish aren't there. I mean, I have heard one gentleman from Louisiana come up, at the last meeting, and talk about how, you know, they were catching a lot of king mackerel in this one area last winter that they found the fish, and it's the same off of -- I think there's some left off of Florida, where the grouper congregate at certain times of the year, and they close it off then, because the fish are too easily harvested then.

It's the same situation with the king mackerel. This fish congregate in this one area, but the king fishing is just

terrible, compared to what it used to, and these fishermen wouldn't be asking to do something, you know, if everything was fine, because we're actually being better stewards of the resource than you all are here, in my opinion, you know, and we care about these fish.

I'm a third-generation, and my daughter is following in my footsteps, and my grandson wants to follow in hers, and so I want those fish to be available in the future, and so please, you know, don't run these fisheries into the ground, and let's be reasonable.

CHAIRMAN DIAZ: Thank you, Captain Williams. We appreciate it.

MR. WILLIAMS: Thank you so much, and have a great afternoon.

CHAIRMAN DIAZ: Next up is Patricia Davis, and on deck is Wayne Werner.

MS. PATRICIA DAVIS: I am Patricia Davis, with Davis Consulting, and I have -- Actually, I think it was 327 signatures that the gentleman was talking about, and over 230 signatures from recreational fishermen. I only recreational fish, but I have chartered Gary's boat, Williams, and I've been out with the Boggs, and there are several reasons why I'm here.

Now, I know, and I realize, that there are different fish in different areas, and so, if you have June to August, which is also our hurricane season, and that's a horrible way to decide when people fish, and so I'm asking everyone to pass Amendment 42. It's very serious.

Then, when it comes to the snapper season, I have thought about it several times. My father is ninety years old, and he's in a wheelchair. I can't put him in my boat, and so I have to charter a boat for him to catch snapper, and that's about the only fish he will eat.

He doesn't care about the rest of it, and he's not eating it at a restaurant, and he won't eat shrimp, and that's what he wants for his birthday on December 15, when he turns ninety. I can't get him on my boat. We can't catch snapper on a regular fishing trip, and so I can't call Randy Boggs and rent his boat for a birthday party, because they can't do it, but I can, and he can sit and look at it in driveway. That doesn't help him much, and so he said, would you name the boat Tony's Treasure and bring me back some fish?

Well, that's fine, but he wants to go. He fought in Korea, and he was in the Navy, and he said that nobody should be able to tell me when I can catch a damn snapper, and, now, that's him saying the "damn" word, and so we can delete that out, but I will say that, when it comes to each area, you can go out there, and you don't know, on the east coast, what's going to happen. You don't know which time of the year this is going to happen, and so, if you have certain types of fishing, and you go into Amendment 42, you don't worry about that anymore, and then these guys can tell you, basically, what fish are there and what aren't.

I agree with Johnny. When they show these fish need to stop, stop fishing them, and stop fishing them. Fish these, and smaller fish do not have as many eggs, and get them smaller. I mean, I get that, but there are a lot of people, and recreational fishermen are backing these charter fishermen.

Even CCA, I've been there, to the meetings, and they say that we want them to make money, and we want them to take people out fishing, and they don't understand why it's so complicated for the charter fishermen and the headboats, and that's what I'm hearing, and I am not a charter fisherman. I don't own a headboat, and I'm a recreational fisherwoman who has gone with Mobile Fish and Game, who has gone with CCA fishing, and I'm just saying that everybody work together, because it is a beautiful Gulf.

There is something wrong with the sharks. I am working on that, and that's going to take a lot more research, and I have four people on it right now, and that's not something that you guys deal with, but it will be handled in some type of manner. There's something wrong with the water. I have my own theories on that, and even our drinking water, which also is being contended with, and it's not something you can deal with, but, if you could pass Amendment 42, I think it would solve a lot of problems.

CHAIRMAN DIAZ: Thank you, Ms. Davis. I appreciate it.

MS. DAVIS: Thank you very much. Have a wonderful day, and I know you all care, and so that's why I'm here.

CHAIRMAN DIAZ: Thank you. Wayne Werner is next, and then Randy Sobieraj.

MR. WAYNE WERNER: Good afternoon. Wayne Werner, the gentleman from Florida, and not Louisiana, and I'm not sure about the

gentleman part, but there's a few things that I would like to bring up, and I really don't have the time, because usually I'm very brief.

You know, when we talk about the snapper populations, people like Buddy Guindon and myself -- You know, I'm looking at a 200-mile range, from the mouth of the river to Flower Gardens, or a 240-mile range, fishing-mile range, and Buddy is looking at a range that comes into mine and goes all the way past Aransas Pass, and so we're not looking at a little spot here. We're not looking at a sixty-mile radius, you know, as far as fisheries go, and we're looking at a lot bigger area, and I really wish you guys would understand that when we talk about the snapper populations going down.

I heard a lot about a thousand pounds of fish day going overboard, and I was around here, you know, before we went to the IFQ program, and I sure would like to take a comparison of what we threw back, the 300 days a year that we were closed, compared to them, and we already know it was a lot lower, overall. We already know that by the science, by observer programs, by everything.

We know it's better, but, you know, take the fish from me and give them to him, and create my problem, where I become the problem instead of him, and it sounds like almost an unsolvable problem, and you've got a lot of boats down there that are catching 3,000 pounds of fish, and they say they're discarding 7,000 or 8,000. Unfixable. It sounds like they want to become red snapper fishermen.

Right now, and with the observers that I have taken, we're not going to be out red snapper fishing, and we'll just go fishing, and, you know, 80 percent of my red snapper that we've caught with observers on the boat have been landed while trying to catch other fish, and it's become more and more of a problem, because of -- Well, because, you know, there's less rigs, and less habitat, and so they're moving out on that bottom, and that has created another situation.

I know I'm out of time, but I want to say just two things about king mackerel. We don't see king mackerel in the summertime anymore. They're gone, and I kind of agree with Johnny that they're getting bashed on one spot, and it's not good, and we're just not seeing them, but we're not seeing tinker mackerel, and we're not seeing bonita. We're not seeing a lot of other fish, and I don't know why. I don't know why.

Amberjacks, every trip that we went out on the bottom, going fishing, we've caught -- One trip we had 800, and the other time we had a thousand, and so this -- We haven't had the proper bait to catch them, and so that's what I have to say.

CHAIRMAN DIAZ: Thank you, Captain Werner. We have a question for you.

DR. WALTER: Captain Werner, you've had a lot of years on the water, and you've covered a lot of ground, as you said, and we've heard a lot of things that are kind of concerning from, I would say, an ecosystem perspective, because we've brought up things that aren't even managed by this council, or managed by anyone, which changes in those, and fairly substantial changes in things like the prey, then are going to have ripple effects on the system. Do you have any insights as to what may be causing those changes?

MR. WERNER: Well, I thought, at first -- One of the things that I just brought up was, you know, the migration patterns of fish that were used to having thousands of rigs, oil platforms, and the king mackerels -- Like a lot of the hardtails and other stuff that Randy talked about kind of migrated down through there, and, at night, you have lights on them, big, bright lights, that attracted fish, and they just kind of kept them moving, and they're gone. That's one habitat change.

We're not sure of the effects -- We know the Chandeliers -- You know, there's not as much recruitment since the oil spill, because the bottom is probably a little sour there, and that's just a couple of things that I can come up with off the top of my head.

CHAIRMAN DIAZ: Dr. Frazer.

DR. FRAZER: Wayne, you said, for AJs, you don't have the right weight either, and what's the right weight?

MR. WERNER: Well, that's what I was bringing up, is the chub mackerel, and they're actually called chub mackerel, and we call them tinker mackerel, and we always use them, and we always -- We catch six or eight baskets and use them to catch scamps and gags and jacks, and they're just not there this year. They're gone, and they're not being -- They're gone from one year to the next. Last year, they were there, and, this year, they're gone. Thank you.

CHAIRMAN DIAZ: Thank you, Wayne. All right. Randy Sobieraj,

and then Jim Green is on deck.

MR. RANDY SOBIERAJ: My name is Randy Sobieraj, owner and operator of the Fishing Vessel Last Sight. I'm talking more -- Less on the fishery and more about, I guess, the system. I'm a fiberglass, welder, painter, electrician, and, most of all, commercial fisherman, but you can look at the room on every Gulf Council meeting, but I'm a dying breed, and how many young guys do you see entering into the fishery, and, if nothing gets addressed on it now, you won't have the fishermen to fish the fishery we're sustaining, and so that was really I had to say. It's just one observation. If you around to any dock, you won't see no new, young fishermen entering into it. Thank you.

CHAIRMAN DIAZ: Yes, and I do think that's a big problem, Randy. Ms. Boggs.

MS. BOGGS: I'm sorry, Randy, but where did you say you were out of?

MR. SOBIERAJ: I fish out of Dulac, Louisiana, but I have also fished the east coast, from the Carolinas, and, the last trip, I was off of Galveston, and so pretty much everywhere in between.

CHAIRMAN DIAZ: One more question, Randy, from Mr. Schieble.

MR. SCHIEBLE: Mr. Sobieraj, I don't want to put you on the spot here, and so we can talk about this outside the room too, if you prefer, but what kind of options do you think you would need, as a new entrant getting into the fishery?

MR. SOBIERAJ: One, it's hard, and it's not like you can just make a phone call, or you don't see it online, on leasing quota, or anything like that, as far as red snapper and deepwater grouper and shallow-water grouper for sale. Most of the time now, there's a handful of key players that you can make a phone call, and, hey, I've got 20,000 pounds, and it's sold without me even knowing about it, and so just the access alone is hard, to even come about, but whether there is some kind of set-asides or some kind of program that allows new entrants to even get access to the quota.

Since I don't mind investing into my business, or buying into it, I bought some last year, and not a lot, but, you know, you've got to start somewhere, and so that was just kind of where I noticed.

MR. SCHIEBLE: Thank you. That was exactly what I needed to

hear.

CHAIRMAN DIAZ: Thank you, sir.

MR. SOBIERAJ: All right. Thank you.

CHAIRMAN DIAZ: All right. Jim Green and then Andrew Alexander.

MR. JIM GREEN: Hello. I'm Jim Green, President of the Destin Charter Boat Association and President of the Charter Fishermen's Association. You all have been beat up pretty good on jacks today, but I will keep it brief on that. We support what Mr. Gill was trying to do in committee, having a leveled-off ABC, until we can get an interim analysis, or a full stock assessment, and, you know, it shouldn't be on the table, with a fishery that's in this bad shape, to have a steady increase in ABC going forward. I would think that that would come whenever you start seeing those bar graphs go the other way.

I've heard talk about smaller fish. I mean, I would really like to see the numbers on what that would do with discards, and maybe with such a small amount of quota, but, I mean, my entire life, we've been catching fish that had less than or equal to a 50 percent chance of spawning, and, up until recently, a 60 to 80 percent. A thirty-six-inch fish is what needs to be done, and we need to have them in that 90 to 100 percent bracket. They need to be able to have a chance to replenish themselves.

You know, if we're going to move forward with an increasing ABC, which I really urge you to reconsider, but Alternative 2, with keeping the sector allocations where they are, and taking the reduction in Action -- I'm sorry. That was Action 1. In Action 2, the preferred alternative of three, with 17 for the rec buffer and 7 for the commercial.

When it comes to the management measures for amberjack, in Action 1, Alternative 2 would be the preferred, to be honest. We would like to see the May in there, and that's more for when the fishery rebuilds, but, for us in Destin and the western Gulf, and our CFA, we came to the conclusion that the fall season is the most important, and, again, a thirty-six-inch fish. I mean, every other fishery, we're allowing that fish to replenish itself, and, in amberjack, for years now, we have tried different things, but, if it's good enough for the commercial guys, then it should be good enough for everybody else. I mean, there's a reason why they picked that.

When it comes to gags, we support what the Reef Fish AP pushed

forward through. In Action 1, Alternative 2, specifically 2d, which gives us the longest rebuilding timeline. In Action 2, Alternative 2, a September 1 opening and running through the ACL. We support the annual interim analysis that they requested from the SSC. You know, this fishery has a lot of dynamic changes, biologically and environmentally, and so I think that that would be very helpful.

When it comes to the federal permit for recreational fishermen, I think it's a great idea. I think it would help with enforcement, and I think you create a pool that you can survey. You can survey them quarterly, ask them about their effort amount, the amount of anglers they took. You know, it doesn't have to be so much harvest out of it, but finding out that effort and identifying that universe would be a really, really good thing. I'm out of time, but I really wanted to address some of the SEFHIER talk that we heard earlier in the thing, if I may.

CHAIRMAN DIAZ: I think Mr. Dugas has a question for you. Mr. Dugas.

MR. DUGAS: I will ask you about SEFHIER.

MR. GREEN: All right. I appreciate that, because I will tell you that I was hot back there, when the earlier gentleman said to scrap it. Some of these people that you hear say that, they weren't there for the hundreds of hours trying to figure it out, working with the staff, working with the SEFHIER managers on the calls every week for months, and you don't throw the baby out with the bathwater.

I mean, we've asked for this for twenty years, our industry has, long before IFQs, long before any of that stuff, and we knew that counting the data was important, and the agency, and that group of managers for SEFHIER -- I mean, we've got a document that we need to pass now, and you spoke about Option 4, and anything over sixty minutes, but Option 4 would be great. I mean, we have made strides to make sure this rollout was as smooth as possible, and I appreciate this council working on that and the equipment failure protocol, or whatever it ended up being titled as.

We thank you, and like this was our first year, and it's bringing people into compliance, and it takes me about three minutes to fill out a SEFHIER reporting, sitting -- I mean, three minutes. It's shorter than most people scrolling social media on the way in, and it has been so beneficial, and we see

what it can be, and please do not scrap it, whatever you do. I mean, like I had to contain myself back there, but it took a lot of work, and it took a lot of nimbleness from the agency and their staff, and it's really a blessing that we're this far, and we really appreciate it, and so please do not throw us out, whatever you do, and so thank you.

CHAIRMAN DIAZ: Thank you, Captain Green. All right, next up is -- I'm sorry, Captain Green. We've got one more question from Mr. Anson.

MR. ANSON: Thank you, Captain Green. Just to go back on the amberjack split season, and I thought I heard two things, but could you repeat yourself?

MR. GREEN: For us, we know that, right now, with the constraint, and the fall season is important to us, and I know Ms. Boggs pulled some of that out in committee, and I'm sorry, and I don't remember if it stayed there or not, but I understand that the spawn is in the late part of May, and into June, but, as that fishery grows and rebounds, we would like to see those fish come in that first couple of weeks of May, if it fills up September and October, but the fall season is by far the most important to us.

MR. ANSON: Thank you.

CHAIRMAN DIAZ: Ms. Boggs. Did you have a follow-up, Mr. Anson?

MR. ANSON: No. I was just thanking him. Thank you.

CHAIRMAN DIAZ: Ms. Boggs.

MS. BOGGS: Thank you, Jim, for being here today. Can you just quickly touch on king mackerel?

MR. GREEN: Yes, ma'am. It is completely miserable to absolutely terrible, and I don't know if it's water quality, and I think that might have a lot to do with it. Maybe they're pushed offshore. That was news to me, that they were catching that many pounds of fish.

For a long time, a lot of the guys joked that they all migrated north, and the traveling commercial guys that would come into our area in the fall and start catching them. We just don't see them, and I don't know exactly what that answer is, but I usually catch -- On my headboat, I usually catch somewhere between seventy-five to 150 mackerels a year, over the last

eighteen years, and I think I'm somewhere around fifteen this year, and so I would say that's a dramatic issue, but I'm sorry, and I don't -- It's not my targeted fishery, and so I don't know too much, but I do know a reduction. Thank you, all, for the chance.

CHAIRMAN DIAZ: Thank you. Andrew Alexander, and David Walker will be on deck.

MR. ANDREW ALEXANDER: Hello. My name is Andrew Alexander, and I'm a recreational fisherman from right here in Biloxi. I fish at least one or two days a week, and I just wanted to let you know that the snapper are there. We fished anywhere from Dauphin Island all the way across to Ship Shoal this year, and we've caught -- Every time we go, they're there, and you can catch them on jigs, and they're actually -- When the season is closed, it's aggravating. We catch them a lot cobia fishing, and so the guys that are saying they're not there -- I don't know what they're doing wrong, but there's fish there.

I don't agree with giving up to 60 percent back to the commercial. You know, I was doing this probably twenty years ago, when we could keep a bunch, and they were small, and it has gotten better and better every year, and so that's all I really wanted to say about it. Thank you.

CHAIRMAN DIAZ: Thank you, Mr. Alexander. David Walker, followed by Mike Jennings.

MR. DAVID WALKER: Thank you. David Walker, commercial fishing, from mainly Louisiana and Alabama. First of all, I would like to say that I'm encouraged by some of the discussion by the private angler federal vessel or angler permit, and defining the universe of the private anglers provides better management for that sector.

I can remember, through the years, before I was a member of the council, and even when -- Before and after, and I've had scientists tell me that identifying the sectors would be of great value, and the vessel type permit or something would definitely help, and everything that helps is beneficial.

As far as amberjack, I support the Reef Fish AP's motion to add an alternative that sets constant catch for amberjack and keeps current allocations. The IFQ Focus Group, I can remember that there was a lot of good discussion at that meeting, and, if we decide to meet again, I would like to have the opportunity for the Ad Hoc IFQ Advisory Panel -- They should be able to review

and discuss the IFQ Focus Group's discussions, before it gets to the council. The industry-related -- A lot of good members of that council.

Of course, I would always like to see a more fair and equitable balance of the council. There's currently one commercial representative, one out of seventeen votes.

Scamp I think should stay part of the shallow-water complex, the grouper complex, and it should not be separated and managed as a separate stock. Triggerfish, I support a twenty-five-fish bag limit, and that's about it. Thank you for the opportunity to speak.

CHAIRMAN DIAZ: Thank you, Mr. Walker. Mike Jennings, followed by Josh Swinford.

MR. MIKE JENNINGS: Thank you, Mr. Chairman. My name is Michael Jennings, and I own two permitted charter boats out of Freeport, Texas and one commercial boat that is permitted for reef fish and for king mackerel.

I want to touch on something, real quick, on the SEFHIER issue that we've talked about today. From my perspective on the charter boats, and you heard from Captain Green just a few minutes ago, and I'm in the same boat he is. A lot of the people that are complaining weren't involved in all the work that was put in, the conference calls and the -- Outside of the agency, we informally had an ambassador's program, which now we have kind of made ourselves, the people that were involved from day-one, and have been pushing for this over the last two decades, to try to help educate these captains as we moved into Phase 2 this last year.

For us, and I am getting very little to no complaints out of the areas in that greater Galveston-Freeport metroplex that's around Houston on the SEFHIER program. We have had some complaints about glitches, but we've worked through them, and the SEFHIER people have been really, really good at listening to our problems and helping us working through them.

I am not dual-permitted on one boat, and I do wear both hats, and so I haven't dealt with that issue yet, but I think it's something that we can -- If we focus on it, we can come up, and we can bring it up to SEFHIER and get that done, but help us continue this program. I don't think there's anybody here that would argue that understanding -- Having a better grasp on what we're landing on the charter/for-hire side is not an asset.

I think some of these issues, and I will put it mildly, and some of these issues that you're hearing about complaints are somewhat disingenuous, at best, but, with that, I'll touch on the king mackerel, real quick.

Putting on my commercial hat, I don't want those king mackerel. I am not catching what I've got right now. There is no use to take a fishery that's struggling and start rearranging allocations, when we've got a bigger issue to deal with, and I made the comment that reallocation there -- I think we're starting to see, from the outside looking in, and I'm just -- Nothing personal, but just a perspective of the outside onlooker, and it seems like we're beginning to confuse the reallocation and the recalibration intent, if I may use -- I don't know of a better word, but of this council.

It seems like we are ignoring some of the larger issues with some of these fisheries with this preconceived idea that we must recalibrate, we must reallocate, and it almost is akin to, in my opinion, shuffling chairs on the deck of the Titanic. I mean, we can push some fish back and forth all we want, but the focus seems to be, in the conversations about it, about those fish, and moving those fish, and not what the problem is with that fishery, and I would ask the council to please focus on the problems in the fishery.

Real quick, and I know my time has run out, but I will argue something that may get some gas from the back of the room, but we hear talk about the recreational fishery not being accountable, and I will argue that they are accountable. They are accountable to the level that this council has come up with. That level is what is miserable, and we need to focus on an accountability that raises them to the twenty-first-century level that the commercial fishery is in now and the charter/for-hire fishery is trying to get to. Thank you, and I appreciate you all not shutting me down when I went over time. Thank you.

CHAIRMAN DIAZ: Thank you, Captain Jennings. All right. Josh Swinford, followed by Katie Fischer. Josh Swinford. I am not seeing Josh headed to the mic. Do we have Katie on the line? Okay.

MS. KATIE FISCHER: I'm Katie Fischer from Matlacha, Florida, fish house owner and a vessel owner. Trust me that I would rather be there with you guys right now, talking fisheries, than cutting four foot of drywall out of everything that we own. Casey would also rather be there, but he's trying to help find a

solution for our shrimp boat fleet down at Fort Myers Beach. We currently have forty-five shrimp boats on land, tossed like toys, and it's about a $5 million price tag just to put them back in the water, just to give you a perspective of what we're dealing with down here.

It is true that we have lost our infrastructure down here. We've lost our docks, and we've lost several fish houses, and we've lost our ice machines, our ice houses, and Casey and I -- We probably won't have water or power or sewer to our market for several months, at least, because our connections were washed out with our road.

You know, those things are obvious to see. You know, the physical things are obvious to see, although I will tell you all that, whatever you've seen on the news, pictures and drone shots, they really do it no justice. Seeing it in-person, it will really take you back and take your breath away, and so if you could keep everybody in your prayers, and we desperately need it down here.

The loss that you can't see is the financial loss that our area is going to incur due to this leasing system that we have. You guys know what our fleet looks like down here, and, you know, when you come to meetings, you see lots of owner-operators, young guys, you know, tons of new entrants, and, you know, we've all locked in our quota, because don't have a choice. You see an opportunity, that rarely comes up, and you get your quota, and you lock it in, because you don't know if you're going to have another opportunity.

Casey and I, we locked our grouper in at $2.50, and it looks like, right now, it's going for $1.50, or a buck-seventy-five, and then another -- You know, another girl, who is a dealer, that I do a lot of business with, she locked in hers at three-and-quarter, and she took a $22,000 loss, and I don't know what our losses are, because I haven't found a home for our fish yet. We will not have the ability to catch these fish by the end of the year, most definitely, and so, you know, for those that come up and say that this IFQ program is great, and it works how it should, and there's no problems, that's a lie.

We are in desperate need of reform for this IFQ program. It's just -- It has so many problems, on so many levels, mainly, you know, protecting a future for our commercial industry. You know, most of the investment continually gets reinvested in that first generation, and we won't have a future, if this continues.

With that said, I'm also -- You know, I'm calling on management, which is you guys, and you guys need to rise up. We need you all to level up and start making some changes, quickly and effectively. You know, we need you guys to be able to manage on your feet in an effective time period, and it's not just us. I mean, I'm talking for all fishermen, rec and commercial, and, you know, I sat here on my island -- Our island was disconnected from the mainland for a good week-and-a-half, and so, you know, all the commercial guys here, we were running supplies to our islanders, because you could only get to our island by boat.

I sat here, and I watched them, in two days, fix a bridge in two places and build a road to reconnect our island, and then I log into our meeting, to start listening, and I listened to a forty-five-minute discussion on electronic voting, and, to me, that's a discussion that should have been ten minutes. It's a no-brainer. We're in 2022. Like move on, and let's start making progress here.

It just feels like, time after time, stuff is kicked down the road. Kick the can down the road, and I feel like I hear that a million times, you know, and so we need -- Fishermen in general, we need you guys to step up and start being able to manage us faster and better, because, I mean, we're just -- Your management, time after time, is behind from what we really need.

Then the last thing I want to touch on is, Jim Zurbrick, you are awesome. Patty Zurbrick, you are a saint. It is true. Those two have always helped Casey and I. They have always been guidance for Casey and I, and, you know, I know why they reach out and help us like they do, because their actions are not driven by greed. They truly believe in a future for our commercial fishery, and they want to see that.

Not only that, you know, they sent us a lot of awesome stuff. We had a lot of communities in need that had children, and they sent boxes down to support this fishing community, and we are forever grateful for that. You guys are awesome, and you do deserve all the credit, because you really are. You are the realest of people, and exactly what this industry needs, and I wish there were more like you.

Then that's about it. I do want to say one other quick thing. I hear a lot of things coming up about water quality up in the northern Gulf, and I would like to share what we did down here in southwest Florida in 2018, when we had our red tide. We actually raised about $50,000 within our community to buy five pieces of water testing equipment, and we put those on our

commercial fishing vessels and worked with NOAA, and we tested water for them offshore, which seemed to be like the missing piece of, you know, the water testing.

You know, we have that system set in place, and NOAA works with us, and so I would encourage other communities to do the same, because, you know, more knowledge of our water quality gives us better ways to manage our fisheries, and that's it. You guys, keep us in your prayers. We desperately need it. Thanks for the time today.

CHAIRMAN DIAZ: Thank you, Ms. Streeter. We will keep you in thoughts and prayers, and we do know that you're going through an extremely tough time down there. A lot of people around this table have been through hurricane-prone areas at different times, and so I know how bad it is, and so good luck to you.

MS. FISCHER: I will tell you, you know, the wind, and we've all done wind and hurricanes. The storm surge was real. I mean, our whole island was covered in water. Sanibel, the whole island was covered in water. I mean, this is like something -- It's incredible, and so thank you, guys.

CHAIRMAN DIAZ: A question for Ms. Streeter?

DR. WALTER: Katie, this is John Walter, and I just wanted to say that -- Well, I feel for you guys, and I hope that you guys recover quickly. We were supposed to be down there on Pine Island to follow-up on that red tide outreach, to do a workshop, and so we should have been there, and I really like you highlighting the community work to do science together collaboratively and to do that work on monitoring, and I think that really sets a model for how communities can work and partner with NOAA to do science, and so I hope it can continue and grow, because it seems like we're facing similar issues throughout the Gulf, and so I like that you landed on a positive note, even though a lot of this is challenging, and I know you guys are struggling, and so thank you, and thank you for your testimony.

MS. FISCHER: I appreciate that, and we would be welcome, if anybody needed any guidance on how to get that program started in their community, and we are the Florida Commercial Watermen's Conservation, and that's our non-profit, and that's what we do water testing through, and so, if anyone needs any help, Casey and I are here for you.

CHAIRMAN DIAZ: Thank you. Just to let folks know, as soon as

finish public testimony, I am going to ask Dr. Sweetman to give us a quick update on some hurricane issues from Florida, and Mr. Strelcheck, and so we will cover that, after we do these last two public speakers. Jerry McClure, followed by Chance Seymour.

MR. JERRY MCCLURE: Thank you, council My name is Jerry McClure, and I own a charter business over here in Biloxi, Mississippi. This is a different fishery than a lot of other places, like Florida and Louisiana and Texas and such as that, and it's that we have dumping grounds and stuff like that, where they go out there and make manmade fish havens for snapper fishing.

I run a thirty-seven-foot Topaz, and it's not a real fast boat, and it takes it a while to get out there. This year was a very tough year for me, as far as snapper fishing goes, and I went out, toward the last thirty days of my snapper season, and I had to actually offer different type trips for the customers, because catching a limit of snapper was virtually almost impossible for me to do.

I even started out the season early this year, snapper fishing, and, in doing so, the place that I caught fish last year, the fish were gone, and I wasn't even marking fish there, and we're very limited to where we can fish, as far as charter boats go, because of the distance we have to travel.

The guy that was here earlier, that said he had a thirty-six Yellowfin that can run out there in two hours and fish seventy or eighty miles offshore, he's in a different fishery than what we're in. You know, we've only got six hours to fish, or eight hours to fish, and, during that period of time, you know, we go out there, and there is 600 boats out there, and I'm overexaggerating that, but there is seventy or eighty boats out there, and most of them are recreational guys, and we have to jump around between those guys to try to catch fish for our customers, and it's gotten really tough.

I mean, it wasn't just me, and it was several charter boats this year that started offering these different type fishing trips, toward the end of snapper season, because we couldn't limit out, and it's hard to tell a person, you know, that we can't go out there and catch twelve legal snapper in eight hours, and it's just -- It's terrible.

I mean, the Tails 'n Scales is definitely a great way to monitor what is being caught out there, and I'm sure that the rec guys do that, just as well as we do too. Now, if we're permitted, we

have a tracking device on our boat, and we have to hail-in and hail-out, and they monitor us two different ways now, but, either way, I think that there's something we need to do to look at that, because it is hurting our industry.

You know, with the fuel prices going up this year like they have, you know, to run seventy or eighty miles, if you're taking a customer out and running a twelve or a twenty-hour trip, you know, the fuel costs, you can't hardly compensate for it, with the price that you can charge the customer, and they're willing to pay for it.

You know, it's made it tough on us guys. You know, where the people in Florida can go out thirty miles and be in a hundred foot of water, you know, we have to drive farther than that to get out in deeper water, and so it's just -- It's tougher on us, but I think it's something we need to take a look at, because snapper season is the biggest season of the year for us guys over here in Biloxi. That's pretty much what I've got to say. Thank you.

CHAIRMAN DIAZ: Thank you, Mr. McClure. All right. Next up is Chance Seymour.

MR. CHANCE SEYMOUR: I'm Chance Seymour, and I'm out of Biloxi, Mississippi, owner and operator of the Mississippi Gulf Fish Fishing Charters. I'm federally permitted. I probably catch the most red snapper out of all six-pack boats in Biloxi, and I can definitely say the fishing is on a decline in Mississippi, and I would like to see some change or something, and maybe the whole quota in Mississippi go down, and I know we always are under our quota every year, but I'm twenty-five years old and in the business, and I've got a long career ahead of me.

Mississippi's snapper grounds are tremendously smaller than other states, and I would love to see some more snapper grounds be accessible for more reefs, which I know is a hard thing with the shrimping alliance, but something, and we need more grounds.

I would like to see Mississippi, if we did get more grounds, adopt Alabama's reef dumping program, where we could dump our own spots, if they're accepted by the DMR. Other than that, that's about all I've got. Thank you, all, for having me.

CHAIRMAN DIAZ: We have a question for you from Mr. McDermott.

MR. MCDERMOTT: Chance, you said you had a federal permit, and I know there's some state for-hire operators in Mississippi that

are supposed to be confined to nine miles, and I know you run a lot of trips, and have you ever witnessed unpermitted charter vessels fishing past the nine-mile line?

MR. SEYMOUR: Yes. Multiple times, and I know that was a big thing with the nine-mile line, is that, when they got back into the recreational quota, besides all three of us being in different sectors, they promised to stay in their waters and only harvest their fish, and I'm not positive on how many people have been caught this year, but I think it's over three that got caught in federal waters, and so that's something to think about, also.

CHAIRMAN DIAZ: Ms. Boggs.

MS. BOGGS: Thank you for being here today, Chance. Do you all fish for king mackerel, and, if you do, are you seeing any?

MR. SEYMOUR: We do troll for king mackerels after we get done catching snapper, if we have time, but, from what I hear about my dad, when he used to catch fish, for kings on the way in, it's nothing like it is now. We used to catch, you know, kings pretty often, when I was a deckhand, when I was fourteen or fifteen years old, and I might catch five or six king mackerel a year.

CHAIRMAN DIAZ: Okay. Thank you, Mr. Seymour. We appreciate it.

MR. SEYMOUR: Thank you, all. It's good having you, Michael.

CHAIRMAN DIAZ: Okay. I am going to see -- Josh Swinford. I am going to make one more call, to see if Josh Swinford showed up. Josh Swinford is not here, and so that concludes our public testimony for today. We are going to have just a couple of quick things. Dr. Sweetman, would you be willing to talk for just a few minutes about some of the impacts of the hurricane in Florida, please? Thank you, sir.

DISCUSSION OF HURRICANE IMPACTS

DR. SWEETMAN: Absolutely, Mr. Chair. I would like to say that I would love to talk about this topic, but this is a tough one. Obviously, all hurricanes are unique, and this one was particularly unique. It had an extremely large eyewall, and there was just a massive amount of flooding, as we've heard from many people, and we heard from Casey, and we heard from Katie.

The governor's office had submitted a fishery disaster letter to the Secretary of Commerce and FWC, and we have been working, weekly and daily, with our commercial wholesale dealers and the charter industry members, to help facilitate getting them the help that they need, and we have weekly meetings to provide them updates with FWC.

Andy's office is also on some of those calls, as well as other state agencies, and we learn from them what their particular needs are, and we try to help facilitate getting them what they need.

FWC also issued a couple of Executive Orders, to try and help get people fishing on the water. As far as impacts goes, we have -- I have had so many conversations with people, and there are many heartbreaking stories, and I will just put it that way. As you heard from Casey and Katie, many in the impacted area lost everything, from their businesses to their homes, and it's going to take a while to get these people whole again, but I just wanted to -- If they're listening right now, I just wanted to let them know that we're here for them in every capacity that we possibly can, and we will work with them to get them what they need.

As far as some of the direct impacts, we have estimated about 6,000 derelict vessels that are out there as a result of the storm, and we are actively working on that. Of course, as one can imagine, there are a lot of debris issues that are associated with this, and so please operate carefully when you're going in that area, but, as I mentioned, this storm was unique, in terms of the eyewall, and it actually really first impacted the Dry Tortugas area, and, you know, we have a pretty heavy presence, for the spiny lobster fishery, from Key West out toward the Marquesas areas, and we have numerous reports of a lot of trap loss and damage in that particular area.

As it relates to some of staff in FWC, we had about 600 staff that were in that area, and thank God no loss of life, but ten staff did lose everything, and so we are working with our foundation to try and get them the support that they need, and I think that's about it for now, Mr. Chair.

CHAIRMAN DIAZ: Thank you, Dr. Sweetman, and I would like to follow that up -- Mr. Strelcheck, if you would like to say a few words about maybe some of the federal issues related to the hurricane.

MR. STRELCHECK: Thanks, Chairman Diaz. I want to first thank

C.J. and Jessica McCawley and the State of Florida. Jessica and I had conversations shortly following Hurricane Ian, and she suggested having these calls with stakeholders on a regular basis, and I organized those, although I have not been able to participate in recent weeks, and I've had my disaster coordinator and others that have been participating in those calls and listening-in and providing updates from the federal perspective.

We have the ability to issue revised or alternative reporting requirements following a storm event, and, obviously, there is significant damage, direct impacts as well as power outages and other kind of more temporary impacts, and so we did, on October 7, issue, for certain counties that were impacted, both on the west coast of Florida, but, also, if you recall, it exited on the east coast of Florida and went up the east coast through the United States.

That provision essentially allowed for alternative means for reporting and delayed reporting for both seafood dealers as well as those participating in our for-hire logbook program.

That will be extended to November 7, and I expect that we will revise that, and probably continue that for certain counties, but probably reduce the area of impact, because power has been restored to a number of areas, especially on the east coast of Florida and farther north, and so that's what we're continuing to do.

We did, in our bulletin, and we worked with FEMA to identify financial assistance and resources for not just the fishing industry, but all that have been impacted, and we have pointed them, obviously, to that assistance, where it's available, and that was one of the main things that we were hearing, C.J., from the industry, is the immediate need just for financial assistance.

The longer process, and what I want to just briefly mention, and also share around our policy directive, is the fishery disaster determination, and so, if you were here for the Q&A the other night, Sam spoke a little more directly about it, and it's been acknowledged that the Fisheries Service is frustrated with the disaster determination process and, ultimately, the disbursement of any funding that comes along with that is very slow, and it takes quite some time, usually multiple years.

There are some potential changes in the works, from congressional legislation, and we will wait to see, obviously,

if it occurs, but, right now, at least the way the process works is that we would receive a fishery disaster request, and the Fisheries Service then stands ready to conduct an evaluation, working with our state partners and others, to determine whether or not the event qualifies for a fishery disaster, and there's a number of factors that we look at.

Once we've done that, the Secretary will make the determination as to whether a disaster has occurred, and then we have to get congressional appropriation, and so you can see, obviously, the steps that are involved, and, for those in the northern Gulf, dealing with water issues and flooding issues, I mean, it's still taking time to even get disaster funds released for that, and so we stand ready to work with, obviously, communities and industry to assess the impacts, and we've, obviously, been hearing from the State of Florida, and they've been gathering a lot of that information, but it will take some time, at least on the current process, with the hope that, in the longer-term, we're going to have a more streamlined process going forward, based on an act of Congress.

CHAIRMAN DIAZ: Thank you for that, Mr. Strelcheck. I am not seeing any questions around the room. I appreciate Dr. Sweetman and Mr. Strelcheck giving those updates. I thought this was a better time to do it than later in the meeting. If I don't see any other business coming from council members, this is going to conclude our council session for today. We are going to start up at 8:00 a.m. in the morning, and we're going to start with committee reports. Thank you.

(Whereupon, the meeting recessed on October 26, 2022.)

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October 27, 2022

THURSDAY MORNING SESSION

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The Full Council of the Gulf of Mexico Fishery Management Council reconvened at Beau Rivage Resort and Casino in Biloxi, Mississippi on Thursday morning, October 27, 2022, and was called to order by Chairman Dale Diaz.

CHAIRMAN DIAZ: All right. Good morning, everyone. We're going to start up with the final day of the Gulf of Mexico Fishery Management Council meeting. Welcome to folks that's online

listening in this morning.

We're going to jump right into our Committee Reports this morning, and we're starting off with our Shrimp Committee Report. Mr. Schieble, are you ready to lead us through the Shrimp Committee?

COMMITTEE REPORTS
SHRIMP COMMITTEE REPORT

MR. SCHIEBLE: Yes, sir. On short notice, I'm ready to go. The committee adopted the agenda, Tab B, Number 1, and the committee then approved the minutes, Tab B, Number 2, of the June 2022 meeting as written.

We received an update on testing and development of options proposed as replacements for the historical cellular electronic logbook devices for the Gulf shrimp fishery, Tab B, Numbers 4(a) through (b). Mr. Wallace presented an update on side-by-side testing of cellular vessel monitoring system units and cellular electronic logbook units by National Marine Fisheries Service, as seen in Tab D, Numbers 4(a) and 4(i).

A committee member asked for clarification on what it meant for data to be cleaned. Mr. Wallace replied that it did not mean that mismatched data were removed, but rather that corrected position data has been used in some instances. The committee member inquired why the data from industry vessels were not as usable as the data from the research vessels. Mr. Wallace responded that the three industry vessels used Faria Beede cellular VMS units, which had a recall due to equipment failure, Tab D, Number 4(a) and (i).

The committee member asked if further testing of cellular VMS units using the Woods Hole devices on industry would occur, since it would potentially assist with buy-in from industry if the council were to pursue cellular VMS as a replacement for the current cELB units. Mr. Wallace responded that further testing, with a different brand of cVMS units, would occur.

Another committee member inquired if the data were run through the shrimp effort estimation model. Mr. Wallace responded that the data from the R/V Caretta were only examined for distance swept, which is the cumulative distance between each GPS point, when towing, times the net width, which is based on the foot length of rope.

Another committee member stated that the cELB units stopped

transmitting in December 2020 and that progress needed to be made on the draft amendment in the near-term. He commented that cellular VMS units are already used by the agency in other fisheries and recommended ensuring the data from the cellular VMS units could be run through the shrimp effort algorithm.

Mr. Donaldson, from Gulf States, stated that a stopgap solution by the Gulf States Marine Fisheries Commission was in place since the cellular ELB units stopped transmitting data and had been in place for almost two years, and so a replacement of the current cELB units should be a high priority.

A committee member asked how many tows were accounted for by vessels in the research study. Mr. Wallace stated that, for the R/V Caretta, he believes that sixty to seventy tows were taken in about a hundred nautical miles. Another committee member asked for verification that the Woods Hole cVMS unit was on research vessels and the Faria Beede cVMS unit was on industry vessels. Mr. Wallace confirmed this.

The committee member then stated that it would make sense, for data comparison, to run the same brand of cVMS on both research and industry vessels and then inquired how long it would take for additional industry testing. Mr. Wallace responded that industry vessels could be deployed with the new cVMS units fairly quickly. However, since the cELB data still has to be mailed back to National Marine Fisheries Service, it could take months to retrieve and analyze the data.

Dr. Walter, from the Southeast Fisheries Science Center, responded that industry assistance in finding replacement industry vessels for further testing would be helpful. Council staff noted that a Shrimp AP meeting will be held on November 15, and so a request could be made then. Dr. Walter also noted the Shrimp Effort Working Group would need to be reconvened to discuss future work on the shrimp effort algorithm.

Dr. Putman, from LGL, presented an update on LGL Ecological Research Associates' pilot study of the P-Sea WindPlot program for vessel position data collection and automatic transmission on shrimp vessels, as seen in Tab D, Number 4(b).

A committee member commented that numerous problems were outlined in the presentations and asked how many could be resolved, since some are user problems rather than technical problems. Dr. Putman responded that some hurdles seemed challenging to resolve, but that progress could be made. The committee member then stated that using the industry vessels in

the LGL project to also test the cellular VMS units in Mr. Farron's research study may be advantageous. Dr. Walter agreed that partnering to provide testing of many options as possible would be useful to the council.

We then went into Other Business. A committee member asked for an update on the Shrimp EDM working group. Dr. Siegfried, from the Southeast Fisheries Science Center, responded that three Shrimp EDM working group webinar meetings had been held, which covered modeling approaches, data uses, and management needs. She also noted that the planning process for SEDAR 87 has begun for white, brown, and pink shrimp, with draft Terms of Reference being prepared and workshop participants being identified.

A committee member asked if there would be opportunities for fishermen to provide feedback during the SEDAR process for shrimp. Council staff responded that such opportunities would exist during SEDAR workshops. Mr. Chair, this concludes my report.

CHAIRMAN DIAZ: Thank you, Mr. Schieble. Is there any comments on the Shrimp Committee Report? Seeing none, we're going to move on down our agenda, and so next up is Habitat Restoration.

HABITAT PROTECTION AND RESTORATION COMMITTEE REPORT

MR. GILL: Thank you, Mr. Chairman. The Habitat Protection and Restoration Committee met on October 24, 2022 and adopted the agenda, Tab B, Number 1, and approved the minutes, Tab B, Number 2, of the June 2022 meeting as written.

Essential Fish Habitat Generic Amendment, Tab B, Number 4(a) and b) and Tab B, Number 10(a), council staff has been developing a webtool to support comparison analysis of alternatives proposed in a generic amendment to update the council's EFH descriptions for finfish and shrimp.

During this process, a number of complications have been identified by council staff, Southeast Regional Office staff, and the Scientific and Statistical Committee, or SSC. These complications affect the visual accuracy of EFH descriptions and require further investigation.

Council staff has determined that further engagement with state and regional habitat division offices is required to improve the spatial habitat data layers being incorporated in the webtool. Dr. Sean Powers, the SSC representative, reported that the SSC was supportive of exploring novel approaches to describing EFH

in the Gulf and the development of an EFH webtool. However, the SSC agreed that further investigation of the available spatial habitat feature layers, to address identified informational gaps, was warranted before finalization of the webtool.

The committee inquired about the feasibility of updating the EFH descriptions in the tool as new data are made available. Council staff replied that the webtool would be updated as five-year EFH reviews were completed. Staff continued that textual descriptions would continue to function as the formalized description of EFH and could be updated as required.

A committee member pointed out that an area off of Texas had incorrectly been identified as hardbottom in 2005 and was visualized in the webtool. However, more contemporary habitat data layers for hardbottom had been updated to remove this area in 2010. Council staff expressed appreciation for the comment and reiterated that this example justified the need to engage partners with habitat expertise to help improve the tool. The next steps will require obtaining more accurate habitat information and updating both the SSC and council as work on the webtool continues. Mr. Chair, this concludes my report.

CHAIRMAN DIAZ: Thank you, Mr. Gill. Are there any comments related to the Habitat Protection and Restoration Committee? Seeing none, we're going to move down the agenda. Next up is the Law Enforcement Committee and General Spraggins.

LAW ENFORCEMENT COMMITTEE REPORT

GENERAL SPRAGGINS: Thank you, Mr. Chairman. The Law Enforcement Committee met on October 24, and the committee adopted the agenda, Tab L, Number 1, and the minutes of Tab L, Number 2 for the August 2021 meeting were approved as written.

The LETC Meeting Summary for the October 2022 Meeting, Tab L, Number 4, staff reviewed the summary report from the October 18, 2022, meeting of the LETC and noted that recommendations pertaining to actions to be reviewed by the council at this meeting will be provided under the respective agenda item.

In closed session, the LETC discussed the changes made to the fishing violations section of the council's SOPPs, which the council had approved at its August 2022 meeting. The LETC described the differences between state and federal written warnings. Whereas a federal written warning includes a process for contesting the violation, there is no due process for contesting a state written warning.

Consistent with the LETC's understanding of the types of violations the council intends to identify, the LETC provided some modifications to the recently approved language in the SOPPs to reflect that a federal written warning is an applicable fishing violation, while state written warnings for an advisory panel applicant should not be included.

The committee recommends, and I so move, to recommend that the changes made to the fishing violations section of SOPPs be brought to the Administrative/Budget Committee for discussion and approval at their next meeting.

CHAIRMAN DIAZ: Okay, and so we have a committee motion. Is there any discussion on the motion? **Seeing none, is there any opposition to the motion? Seeing no opposition, the motion carries.** General Spraggins.

GENERAL SPRAGGINS: Thank you, sir. Also, the LETC also discussed whether to continue updating the Strategic and Operations Plans. While these documents were helpful in supporting enforcement work in the states and agencies in the past, their utility has changed over time. The LETC supports retaining the current version of the strategic plan until a change is determined to be needed, and to discontinue the Operations Plan.

The committee recommends, and I so move, the Law Enforcement Committee concurs with the LETC's request to allow the Operations and Strategic Plans to expire and only be updated as needed in the future.

CHAIRMAN DIAZ: Okay, and so we have a committee motion. Is there any discussion on the motion? Mr. Gill.

MR. GILL: Thank you, Mr. Chairman, and so the paragraph above the motion indicates the intent to discontinue the Operations Plan, whereas the motion allows it to expire, but to be updated in the future, and it seems to me that it's conflict with what the intent was.

CHAIRMAN DIAZ: Dr. Lasseter.

DR. AVA LASSETER: Okay, and so the idea is that they're going to discontinue both. The Operations Plan is no more, but the Strategic Plan sits there, and they're not doing any more to it, but, if they decide that they need to make some change in the future, then they will do so, and that was through the

discussion of the LETC and how they used the two documents.

CHAIRMAN DIAZ: General Spraggins.

GENERAL SPRAGGINS: I guess, with what you're saying, I see exactly where you're coming from now, and I read this fourteen times, but I do see it, and so maybe it's something that we should change in the motion that says that the Law Enforcement Committee, the LETC, requests to allow the Operations Plan to expire and the Strategic Plan to stand and not be updated until needed in the future, and would that be something that would be better? Would that make more sense to you? Dr. Lasseter, does that make sense?

DR. LASSETER: I apologize. Dr. Froeschke was talking to me, and I didn't hear.

GENERAL SPRAGGINS: I'm sorry, and what I was asking is maybe we just need to change it for the committee, to allow the Operations Plan to expire and the Strategic Plan to stay in effect and only be updated as needed in the future.

DR. LASSETER: That sounds fine, and I did forward the -- It's the language from the motion that the commission examined, but, if that makes it more clear for the council, I think that is fine.

GENERAL SPRAGGINS: I think it makes it clearer for them, and does that make anybody -- So could we possibly change that?

CHAIRMAN DIAZ: Okay.

GENERAL SPRAGGINS: Okay, and, Mr. Chairman, if that's fine, I would like to move it to that other motion.

CHAIRMAN DIAZ: Okay, and so I think what we need to do is we need to make that as a substitute motion, because the regular motion did come out of committee, and so we can take the new language and just put it as a substitute. All right, and so we have the -- Is somebody willing to make that substitute motion? Mr. Gill.

MR. GILL: So moved.

MS. BOGGS: I will second.

CHAIRMAN DIAZ: All right, and so motion made by Mr. Gill and seconded by Ms. Boggs, and so the substitute motion now reads

that the Law Enforcement Committee concurs with the LETC's request to allow the Operations Plan to expire and the Strategic Plan to only be updated as needed in the future. Is there any discussion on the motion? **Seeing no discussion, is there any opposition to the motion? Seeing no opposition, the motion carries.** General Spraggins.

GENERAL SPRAGGINS: Yes, sir, Mr. Chairman. If there's no other comments or questions about this report, we are done, and, sir, this concludes my report.

CHAIRMAN DIAZ: Thank you, General Spraggins. Any comments related to the Law Enforcement Committee? Seeing none, I did have a request from a council member to move the Reef Fish Committee up slightly in the order, to possibly account for in case they have -- They have some travel plans that could affect them late in the day, and so I'm willing to accommodate that request. Dr. Frazer, are you ready with the Reef Fish Committee?

REEF FISH COMMITTEE REPORT

DR. FRAZER: Yes, sir. All right. Reef Fish Committee Report, the committee adopted the agenda, and the minutes from the August 2022 meeting were approved as written.

Review of Reef Fish, CMP, and IFQ Landings, Federal For-Hire Red Snapper Landings, and Status of Revised Recreational Red Snapper Calibration Ratios, Tab B, Numbers 4(a) through (c), Mr. Andy Strelcheck, NMFS Southeast Regional Office Administrator, noted that the for-hire red snapper landings were estimated to be at 99.2 percent of the for-hire component's ACT and that NMFS would not reopen that component of the recreational sector for the 2022 fishing season.

Mr. Strelcheck also noted that the recreational harvest of red grouper was estimated to have exceeded the recreational ACL and that NMFS would not reopen recreational red grouper harvest in 2022.

Mr. Peter Hood, of SERO, reviewed preliminary 2021 and 2022 commercial and recreational reef fish landings. Recreational landings data for 2022 are only available through Marine Recreational Information Program Wave 3. Once Wave 4 data are available, NMFS will know better where some of the stock harvest levels are relative to their 2022 catch limits.

Dr. Richard Cody, from the NOAA Office of Science and

Technology, briefed the committee on the proceedings of the MRIP Transition Team and ongoing work to update calibrations for the state red snapper surveys to align catch advice with monitoring methods.

The states will present revised calibrations to the council's Scientific and Statistical Committee in January 2023. Landings estimates, in pounds and numbers, are available in both MRIP Coastal Household Telephone Survey (CHTS) and Fishing Effort Survey (FES) data currencies by wave, from 2015 through 2021.

The states were encouraged by OST's independent statistical consultants to maintain consistency in methods, where possible, and provide their reports about their calibration methods and estimates for the January 2023 SSC review by November 30. The SSC will then present its findings to the council in January 2023 in Baton Rouge, Louisiana.

A committee member asked for clarification regarding the expectation that states provide their calibration reports by November 30, 2022. SERO replied that the calibration letters went out to Florida, Alabama, and Mississippi. Louisiana's calibration is unchanged, and Texas' data are not calibrated. Thus, they were not expected to present revised calibrations in January 2023.

A committee member asked about outliers, especially with respect to incidentally-caught species in small states. The committee member thought some of the catch estimates appeared implausible, given the effort available to land the estimated catch. Dr. Cody replied that the issue was largely related to sample size, despite samples having been appropriately collected. He said small sample sizes, under some conditions, can result in implausible landings estimates, and his office has provided guidance in the handling of such estimates. However, he thought censoring those data before they can go through a review was not a preferred approach.

Review of State-specific Private Angling and State For-Hire Red Snapper Landings, Tab B, Numbers 5(a) through (e), council representatives from the five Gulf States reviewed their 2022 private angling seasons for red snapper. The states also characterized available data for observed mean lengths and weights, which increased in Mississippi, remained similar in Florida and Louisiana, or marginally decreased in Alabama and Texas from 2021 to 2022. Some states attributed a decrease in catch rates in 2022 compared to 2021 to factors like increased fuel prices.

A committee member noted that landings updates are being provided at each meeting, which may be more frequent than necessary. Another committee member replied that the state-specific information is not necessarily available for each state without a data request.

Council staff indicated they could work with the states to develop a template presentation for the April council meeting where states would inform the committee about their expectations for their respective fishing seasons for that year. In October, the states would use the current template to inform the committee on the state's fishing season for that year.

Another committee member expressed concern about losing the reporting resolution mid-season for species of concern. The Gulf States Marine Fisheries Commission added that it was working with the states to provide these data in a summary format on its webpage.

The committee recommends, and I so move, to direct staff to work with the state representatives to provide state recreational red snapper management presentations, pre and post-season, for the April and October council meetings, annually. That motion carried without opposition.

CHAIRMAN DIAZ: Okay, and so we have a committee motion. Is there any discussion on the motion? **Seeing no discussion, is there any opposition to the motion? Seeing no opposition, the motion carries.**

I do want to let committee members know that the report was just posted on the website and that you can refresh your computer and make sure and get access to that report on the website. Mr. Strelcheck.

MR. STRELCHECK: Thanks, Mr. Chair. I just wanted to make one point of clarification in the report. It says, I think in the second paragraph, that the states were encouraged by the Office of Science and Technology's independent statistical consultants to maintain consistency, and that's not technically accurate. I think we just strike "the Office of Science and Technology's independent statistical consultants", and so we, the agency, encourages them to maintain that consistency, to ensure that we're not invoking a new peer review, based on new methodologies that would have to be considered.

CHAIRMAN DIAZ: Thank you, Mr. Strelcheck. All right. I think

staff is good. Mr. Rindone? Okay. All right, Dr. Frazer.

DR. FRAZER: All right. Final Action: Draft Amendment 54: Modifications to the Greater Amberjack Catch Limits and Sector Allocations, and other Rebuilding Plan Modifications, Tab B, Numbers 6(a) through (b), the committee was presented an amendment which considers modifications to greater amberjack catch limits and sector allocations. Council staff summarized virtual and in-person public hearing and written comments.

For Action 1, several committee members stated that conservative measures were warranted, given the stock status, and other members contended that establishing catch levels based on recreational data collection calibration should be a priority. The various allocation scenarios were also discussed with several members stating that allocation from the recreational to the commercial sector was inappropriate, due to variations in their respective data collection programs and monitoring. Others argued that a modification to the sector allocation should occur during the allocation review scheduled for 2025.

Captain Ed Walker, the Reef Fish Advisory Panel Chair, provided the recommendation from the Reef Fish Advisory Panel regarding Action 1. The Reef Fish Advisory Panel agreed on a constant catch approach with a status quo allocation. A committee member inquired if the recommendation from the Reef Fish Advisory Panel was unanimous and whether the Reef Fish Advisory Panel was populated with members from both sectors, to which Captain Walker responded in the affirmative for both questions.

The committee was encouraged by NOAA General Counsel to consider multiple factors when selecting a preferred alternative. Both sectors have, at times, exceeded their sector-specific quotas, and greater amberjack species-specific identification was not recorded in the commercial data until 1993. Further, species-specific catch limits for greater amberjack, and the jacks complex respectively, were not implemented for either sector until 2012. The committee decided that a more contemporary data series should be used to inform a sector allocation.

The committee recommends, and I so move, in Action 1, to make Alternative 5 the preferred alternative. Alternative 5 is revise the allocation between the recreational and commercial sectors using MRIP-FES adjusted average landings during the years 1993 through 2019. The allocations for greater amberjack are 80 percent recreational and 20 percent commercial. Revise the OFL and ABC as recommended by the SSC, based on SEDAR 70, and set the total stock ACL equal to the ABC. That motion

carried thirteen to three with one abstention.

CHAIRMAN DIAZ: Thank you, Dr. Frazer. We have a committee motion. Is there discussion? We will entertain discussion on the motion. Mr. McDermott.

MR. MCDERMOTT: Thank you, Mr. Chairman. You know, we heard a lot of public comment about the amberjack issue, and I like the Reef Fish AP's recommendation about the constant catch, and I know Mr. Gill floated that during the committee, and I thought it was a good idea, but it wasn't well supported, I think because of the split, and so I would like to propose a motion here for a constant catch, the total --

I want to get some input from the council, but I want to make a motion to revise the allocation for the recreational and commercial sectors using the FES-adjusted landings from 1993 to 2019, 80 percent recreational and 20 percent commercial, and it's my understanding, from Ms. Levy's input, that we've got to use one of the ACL numbers that's in the document. The two that I'm looking at are 505,000 or 631,000, and so I don't know if we want to get some more input on that.

CHAIRMAN DIAZ: All right, and so we have --

MS. BOGGS: A point of order.

CHAIRMAN DIAZ: Go ahead, Ms. Boggs.

MS. BOGGS: We have a motion that we need to dispense of, or he needs to make a substitute motion, and am I correct?

MR. MCDERMOTT: I may not have phrased that correctly.

CHAIRMAN DIAZ: Yes, and so, if you do change what's on the board, it would have to be a substitute, Mr. McDermott, just to let you know, and so I think that point of order is correct.

MR. MCDERMOTT: I would like to make a substitute motion then, if it would be appropriate.

CHAIRMAN DIAZ: Yes, sir. You can proceed.

MR. MCDERMOTT: I will make a substitute motion to revise the allocation between the recreational and commercial sectors using the MRIP-FES-adjusted average landings during the years 1993 to 2019. The allocations for greater amberjack would be 80 percent recreational and 20 percent commercial. Revise the OFL and the

ABC as recommended by the SSC, based on SEDAR 70 in 2020. Set the stock ACL equal to the 2022 ABC of 505,000 pounds.

I am putting 505,000 in there, and we can use other numbers, you know, if discussion wants to change that, and I would be fine with a friendly amendment.

CHAIRMAN DIAZ: Okay, and so we're getting your motion up on the board. Is there a second to that motion? It's seconded by Mr. Dugas, and so let's get it on the board correctly, and then we'll open the floor up for discussion. Did you want to speak before we get it up? Dr. Simmons.

EXECUTIVE DIRECTOR SIMMONS: Thank you, Mr. Chair, and so I don't think we can get this implemented before 2023, and so I didn't know if you wanted to start with that yield stream, the 631,000.

MR. MCDERMOTT: I would be fine with that.

CHAIRMAN DIAZ: Okay. I am going to start taking a list of people, and I do want to make sure that the motion is correct on the board. While we're waiting on that, Mr. Strelcheck.

MR. STRELCHECK: Just a point of clarification. I recognize, obviously, that the 505,000 is for this year, but, if we're talking about a constant catch, that is analyzed in the document, and it is a reasonable option to consider carrying forward into 2023 and beyond, and so we don't have to choose the 2023.

CHAIRMAN DIAZ: Okay, and so you're making a substitute motion, Mr. McDermott, and is your intention to make it a preferred, or just to add another option to the document?

MR. MCDERMOTT: My intention would be to make that substitute a preferred.

CHAIRMAN DIAZ: Make sure that's recognized in the motion. Mr. Gill.

MR. GILL: Thank you, Mr. Chairman, and so the motion on the board does not reflect what I understand that Mr. McDermott was proposing, because he was proposing a constant catch, and there was some question as to which ACL should be used, and I speak in favor of the 505,000, but, nevertheless, the yield stream that is projected there is not consistent with the intent of the motion.

CHAIRMAN DIAZ: Okay, and so let's take a minute and make sure we've got the motion exactly right, before we take any more discussion. Right now, it's a substitute motion, in Action 1, to add a new alternative, and then you would like to make it the preferred, Mr. McDermott? To add a new alternative and make it the preferred. The alternative would be, and let me know if the wording is incorrect, but revise the allocation between the recreational and commercial sector using MRIP-FES-adjusted average landings during the years 1993 through 2019. The allocations for greater amberjack are 80 percent recreational and 20 percent commercial. Revise the OFL and ABC as recommended by the SSC, based on SEDAR 70 in 2020. Set the stock ACL equal to the 2023 ABC of 631,000 pounds and maintain that as a constant catch. Maintain as a constant catch for --

EXECUTIVE DIRECTOR SIMMONS: It wasn't clear if he wanted 2022 or 2023 numbers.

MR. MCDERMOTT: Well, I've got to put a number out there, to get the motion complete, and so let's put the 2023 ABC in there, the 631,000, but I am open to some input on that, if the council has other ideas.

CHAIRMAN DIAZ: All right, and so I think the motion on the board is correct at this time. If anybody has any problems with the motion, I would like for them to speak now. All right. I'm not seeing it, and I've got a list of people in the queue right now. Mr. Gill? All right. Were you pointing to Dr. Sweetman earlier, when you had your hand up?

MR. GILL: Dr. Sweetman and General Spraggins had their hands up.

CHAIRMAN DIAZ: All right. Dr. Sweetman, General Spraggins, and then Ms. Boggs.

DR. SWEETMAN: Mr. Chair, are we at a point where we're actually discussing the motion itself or just the context of it right now?

CHAIRMAN DIAZ: We're discussing the motion.

DR. SWEETMAN: Thank you, sir. I think I would speak in opposition to this motion, for a couple of reasons. Coming into this meeting, the Reef Fish AP recommendation certainly wasn't my preferred, but, after hearing just, quite frankly, the unanimous support amongst the Reef Fish AP, which I think is,

quite frankly, remarkable, considering the makeup of that, and we have commercial fishermen on that AP, and recreational fishermen, and these are our experts in the industry. They know what's going on out there, and, for them to be -- To propose something like this, and have unanimous support, I think it was, quite frankly, remarkable, considering that we can barely get unanimous support on nearly anything here.

I think this moves away from what the Reef Fish AP recommendation was doing, and I think what the Reef Fish AP was trying to recommend was something that is more conservative than this, as it relates to both the allocation split as well as the catch levels, and so, for those reasons, I am going to vote in opposition to this motion.

CHAIRMAN DIAZ: Thank you, Dr. Sweetman. General Spraggins.

GENERAL SPRAGGINS: I am going to support the motion, and I think it's the right way to go with things. I thought it was before, but I just didn't like the numbers a little bit, but I would like to see if we could entertain the possibility of changing it to the 2022, at 505,000 pounds, because I think that's what -- Listening to the fishermen yesterday, and listening to everything I've heard, we don't need to increase the quota.

I think we need to give the fishery a chance to be able to rebuild, and I think that, if we can hold it at 505,000 pounds, and that would be the 2022, I think, ABC, and is that right? I would just like to ask the question, and is it possible to change that, to make it to read that 2022 of 505,000 pounds, and do we set that at a timeframe too, is the next question, and is there a timeframe that you want to do with this, or just leave it at that, and I'm good with leaving it.

CHAIRMAN DIAZ: To the timeframe issue, Mr. Rindone?

MR. RINDONE: Thank you, Mr. Chair. The catch limit would be in place until it's changed by the council, and so it could be a year, or it could be seven years, and it's however long it takes for you guys to come back and revisit it. Then just a reminder about the projections, and it's that whatever the ABC is projected to be for a given year is predicated on the previous year's ABC being landed, and so, if the previous year's ABC is not landed, if the landings are under that value by some amount, than the projected ABC in the following year is actually higher, or sorry. It's actually lower than it could be, and so it's more conservative.

If you fix at 505,000, or 631,000, by the time you get towards the end of the rebuilding period, all other assumptions about recruitment, et cetera, being held constant, the catch limit will get more and more and more conservative as you get further away from that initial year.

CHAIRMAN DIAZ: To that point, General Spraggins?

GENERAL SPRAGGINS: Yes, and I agree with you, and I understand what you're saying, but I do also understand what I heard yesterday, and everything I heard was we don't need any increase, and we have a problem, and, you know, the way to stop that problem is to basically -- You know, one way to stop it is to put a -- Let's hold it status quo where we're at, and 505,000 hasn't -- As you said, we have not received that yet, right, and so we don't know if that's a good number or a bad number, and so I guess I'm asking the question, and I don't want to be out of line, but, if we can hold it to 505,000, I think that would be showing a whole lot of effort of trying to be able to sustain the fishery, and that was my viewpoint on the whole thing, and so I understand your point though, and I appreciate it.

CHAIRMAN DIAZ: I think Mr. McDermott might want to speak to that point. Mr. McDermott.

MR. MCDERMOTT: I would like to accept the General's recommendation to amend the ACL to the 2022 ABC of 505,000 pounds.

CHAIRMAN DIAZ: Mr. Dugas, are you okay with that, as the seconder? All right. **The motion is amended to 505,000 pounds.** Ms. Boggs.

MS. BOGGS: Okay, and so I will speak in opposition to this motion, for several reasons, mainly for what Dr. Sweetman said, that the Reef Fish AP was unanimous on a recommendation, but, again, I do not see why we would reallocate the fish with a fishery that is overfished and undergoing overfishing.

It was almost unanimous yesterday, in public comment, from both charter/for-hire, commercial, and recreational fishermen that this resource is depleted, and so I would like to make a substitute motion to make the Reef Fish AP motion the preferred, and I can read that, if you would like.

CHAIRMAN DIAZ: Yes, and so this would be second substitute.

MS. BOGGS: That is correct. A preferred.

CHAIRMAN DIAZ: You can go ahead and put your motion on the board, Ms. Boggs.

MS. BOGGS: Bernie, I tried to send you an email, and I don't know that it went through, because I was talking and typing all at the same time, but it's the Reef Fish AP motion, which says, in Action 1, to make a new preferred alternative that would retain the current 73 percent recreational and 27 percent commercial allocation. The ACLs would correspond to the 2023 recommendations in Alternative 2 for the years 2023 through 2027. Then the alternative would be to maintain -- Well, I guess I don't need to re-read that.

MR. RINDONE: Based on the motion that the Reef Fish AP had made, and so to make a new Alternative 6 that would retain the current sector allocation, and the ACL would correspond to the 2023 recommendation in Alternative 2 for the years 2023 to -- Okay, and so that's got it in there.

CHAIRMAN DIAZ: All right, Ms. Boggs, and so go ahead and read your motion into the record, and then we're going to go ahead and get a second, and then we'll go from there.

MS. BOGGS: Thank you, Mr. Chair. **My second substitute motion is, in Action 1, to make a new Alternative 6 that would retain the current 73 percent recreational and 27 percent commercial allocation. The ACLs would correspond to the 2023 recommendations in Alternative 2 for the years 2023 through 2027, and make this alternative the preferred. Then Alternative 6 would maintain the sector allocation at 73 percent recreational and 27 percent commercial. Revise the OFL and ABC as recommended by the Scientific and Statistical Committee, based on the SEDAR 70 in 2020. Set the stock ACL equal to the ABC.**

CHAIRMAN DIAZ: Okay, and so we have a second substitute motion. Is there a second to the motion?

DR. SWEETMAN: Seconded by Dr. Sweetman. Any discussion? Mr. Gill.

MR. GILL: Thank you, Mr. Chairman. I would like to ask the maker of the motion if we could clarify it a little bit. One is take the "s" off the "ACLs", because that indicates there is more than one. Second, I would argue that the "for the years 2023 through 2027" are redundant, and I would recommend removing

them, if the maker of the motion would agree.

MS. BOGGS: I don't mind taking the "s" off of "ACLs". I am just trying to determine the redundancy for the years 2023 through 2027.

CHAIRMAN DIAZ: Ms. Levy.

MS. LEVY: I don't mind about the ACLs, although there are multiple ACLs. There is one total, but then there are other ACLs, and so, regardless of what years you put there, this is going to be in place until you change it. You can't have an end date with no corresponding catch limit that goes with it, and so, in that sense, it's from 2023 until changed, which is what's reflected in the table.

CHAIRMAN DIAZ: Okay. Ms. Boggs.

MS. BOGGS: So I'm fine with removing "the years 2023 through 2027", Ms. Levy, if that doesn't change the intent of this motion.

CHAIRMAN DIAZ: Okay, and so I did have Mr. Dugas earlier, but we've had a second substitute motion, but I don't want to pass you over. Did you want to wait, or did you want to go now, Mr. Dugas? Mr. Dugas.

MR. DUGAS: Thank you, Mr. Chair. I will speak in opposition of this motion, and I seconded Mr. McDermott's motion, and I wanted to speak about the ACL, the 505,000 or the 631,000, but I'm okay with either one, but another point that I wanted to make was, in Action 2, just to remind everyone, the preferred alternative is to reduce the buffer of the ACL and the ACL for the commercial sector by 6 percent, and so I just wanted everybody to be reminded that that was coming up.

CHAIRMAN DIAZ: Thank you, Mr. Dugas. All right. Dr. Stunz.

DR. STUNZ: Thank you, Mr. Chairman. I will also speak in opposition to this motion. I think Mr. McDermott's motion was a good compromise, that, you know, everybody is giving a little bit and doing probably what's best for the fishery, and that's sort of why I have an issue with this.

Number one, you know, that 649,000 is more than what we just talked about before, by bumping that down into the low 500,000's, and sorry, but I don't remember exactly what that number was, and so, given what we heard yesterday, with the

status of this fishery, you know, that creates a little bit of a problem, but I think our second substitute motion is one that, while no one may be completely happy with it, it's a good compromise, where I think a lot of folks are around this table, and so I don't support this motion.

CHAIRMAN DIAZ: Thank you. General Spraggins.

GENERAL SPRAGGINS: I think you've said pretty much everything.

CHAIRMAN DIAZ: Mr. Strelcheck.

MR. STRELCHECK: Thanks, Mr. Chair. I speak in support of both the substitute motion and second substitute motion, with regard to the constant catch strategy, and so I commend, obviously, the council members for recommending that.

Knowing that this was going to be a discussion today, I spent some time kind of wrapping my mind around kind of what we're dealing with on the allocation side, and, obviously, we need to create a record with regard to allocation, but, when you take into consideration how we manage this fishery, and so, on the recreational side, we'll manage to the catch target, and that's the next action we have to discuss, when you factor in kind of what we're managing to, in terms of the catch targets, we're taking about a 10 percent difference between, you know, a preferred alternative allocation of status quo and, you know, the most extreme allocation alternative, in terms of how we're adjusting this fishery up or down with a catch limit.

My struggle is that 10 percent is about, you know, no more a than 30,000 or 40,000-pound shift one way or another, and it is a small amount of fish, and we, I think, all well know that it is very difficult to monitor landings in this fishery, and so, at the end of the day, you know, I don't have strong feelings about the allocations that are being discussed, but I think we're splitting hairs over what, at the end of the day, is really a pretty small shift in the overall allocation. In terms of management, we really do need to have this constant catch, and move that forward, and so thanks for moving that.

CHAIRMAN DIAZ: Thank you. Mr. Williamson.

MR. WILLIAMSON: Thank you, Mr. Chair. I would speak against the second substitute motion, and I think it's wonderful that we're moving in a direction of conservation and that we're paying attention to the AP and their recommendations. My objection to the second substitute motion is that we recognize

that, on the recreational side, this is pretty much a catch-and-release fishery, and the recs are putting back, you know, a large portion of the fish that they catch.

However, this substitute motion would increase the commercial sector by 7 percent over the first substitute motion, and so, in my mind, that's a negative, to give the commercial sector another 7 percent to take out of the water, and so that's my reasoning for voting against the second substitute motion. It's just not conservative enough.

CHAIRMAN DIAZ: Thank you, Mr. Williamson. All right. Mr. Schieble, and then we're going to vote these motions up or down. Mr. Schieble.

MR. SCHIEBLE: Thank you, Mr. Chair. This is quick. I think, if this second substitute motion included the constant catch scenario from the prior substitute motion, I would be more inclined to be in favor of it, but, as they stand now, I'm not going to convolute the process any further here, and I think we need to move on these two and see where they go.

CHAIRMAN DIAZ: Okay. Ms. Boggs, to that point?

MS. BOGGS: No, and I was just going to ask for a roll call vote.

CHAIRMAN DIAZ: Okay. A roll call vote. Dr. Simmons.

EXECUTIVE DIRECTOR SIMMONS: Thank you, Mr. Chair. Dr. Shipp.

DR. SHIPP: No.

EXECUTIVE DIRECTOR SIMMONS: Mr. Dugas.

MR. DUGAS: No.

EXECUTIVE DIRECTOR SIMMONS: Mr. Schieble.

MR. SCHIEBLE: No.

EXECUTIVE DIRECTOR SIMMONS: Dr. Stunz.

DR. STUNZ: No.

EXECUTIVE DIRECTOR SIMMONS: Mr. Dyskow.

MR. DYSKOW: No.

EXECUTIVE DIRECTOR SIMMONS: Mr. Anson.

MR. ANSON: No.

EXECUTIVE DIRECTOR SIMMONS: Mr. Strelcheck.

MR. STRELCHECK: Yes.

EXECUTIVE DIRECTOR SIMMONS: Ms. Boggs.

MS. BOGGS: Yes.

EXECUTIVE DIRECTOR SIMMONS: Mr. McDermott.

MR. MCDERMOTT: No.

EXECUTIVE DIRECTOR SIMMONS: Mr. Williamson.

MR. WILLIAMSON: No.

EXECUTIVE DIRECTOR SIMMONS: Mr. Broussard.

MR. BROUSSARD: No.

EXECUTIVE DIRECTOR SIMMONS: Mr. Geeslin.

MR. GEESLIN: No.

EXECUTIVE DIRECTOR SIMMONS: General Spraggins.

GENERAL SPRAGGINS: No.

EXECUTIVE DIRECTOR SIMMONS: Dr. Sweetman.

DR. SWEETMAN: Yes.

EXECUTIVE DIRECTOR SIMMONS: Dr. Frazer.

DR. FRAZER: Yes.

EXECUTIVE DIRECTOR SIMMONS: Mr. Gill.

MR. GILL: Yes.

EXECUTIVE DIRECTOR SIMMONS: The motion failed five to eleven.

CHAIRMAN DIAZ: Okay, and so we're going to go back to the

substitute motion, and we're going to wait until it gets on the board, so everybody can see it. **The substitute motion is, in Action 1, to add a new Alternative 6 and make it the preferred.** I think everybody knows what we're voting on at this point, and so I'm going to ask for a show of hands.

MR. GILL: A roll call vote, please, Mr. Chairman.

CHAIRMAN DIAZ: All right. We have a request for a roll call vote. Dr. Simmons. I will read the entire motion, just for the record. **In Action 1, to add a new Alternative 6 and make it the preferred. Alternative 6 is revise the allocation between the recreational and commercial sector using the MRIP-FES-adjusted average landings during the years 1993 through 2009. The allocation for greater amberjack are 80 percent recreational and 20 percent commercial. Revise the OFL and ABC as recommended by the SSC, based on SEDAR 70 in 2020. Set the stock ACL equal to the 2023-plus ABC of 505,000 pounds.** Dr. Simmons.

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

MR. GILL: No.

EXECUTIVE DIRECTOR SIMMONS: Mr. McDermott.

MR. MCDERMOTT: Yes.

EXECUTIVE DIRECTOR SIMMONS: Mr. Dyskow.

MR. DYSKOW: Yes.

EXECUTIVE DIRECTOR SIMMONS: Mr. Broussard.

MR. BROUSSARD: Yes.

EXECUTIVE DIRECTOR SIMMONS: Dr. Frazer.

DR. FRAZER: Yes.

EXECUTIVE DIRECTOR SIMMONS: Mr. Geeslin.

MR. GEESLIN: Yes.

EXECUTIVE DIRECTOR SIMMONS: Dr. Stunz.

DR. STUNZ: Yes.

EXECUTIVE DIRECTOR SIMMONS: Mr. Williamson.

MR. WILLIAMSON: Yes.

EXECUTIVE DIRECTOR SIMMONS: Mr. Schieble.

MR. SCHIEBLE: Yes.

EXECUTIVE DIRECTOR SIMMONS: Mr. Dugas.

MR. DUGAS: Yes.

EXECUTIVE DIRECTOR SIMMONS: General Spraggins.

GENERAL SPRAGGINS: Yes.

EXECUTIVE DIRECTOR SIMMONS: Ms. Boggs.

MS. BOGGS: No.

EXECUTIVE DIRECTOR SIMMONS: Mr. Strelcheck.

MR. STRELCHECK: Yes.

EXECUTIVE DIRECTOR SIMMONS: Mr. Anson.

MR. ANSON: Yes.

EXECUTIVE DIRECTOR SIMMONS: Dr. Shipp.

DR. SHIPP: Yes.

EXECUTIVE DIRECTOR SIMMONS: Dr. Sweetman.

DR. SWEETMAN: Abstain.

EXECUTIVE DIRECTOR SIMMONS: The motion carried thirteen to two with two abstentions.

CHAIRMAN DIAZ: Thank you. Ms. Levy.

MS. LEVY: Just to clarify, and so we're setting it for 2023-plus, because that's where we are, but this comes from the table in which this is the 2022 catch limit, right, and so I just wanted to make that clear, because the language in the motion references 2023, and this references 2023, but this comes from the 2022 catch limit in the alternative, as written in the table.

CHAIRMAN DIAZ: Thank you, Ms. Levy. Dr. Frazer.

DR. FRAZER: Thank you, Mr. Chairman, for this opportunity to continue. The committee then reviewed Action 2, that would set the ACT for the recreational and commercial sectors, but made no further recommendations on this action. Draft Options: Modifications to Recreational and Commercial Greater Amberjack Management Measures --

CHAIRMAN DIAZ: Okay, and so we do need a motion to move forward the codified text, if anybody would be willing to make that motion.

DR. STUNZ: Yes, Mr. Chairman. I would be happy to make that motion, if we want to pull up our normal verbiage for taking the final action with the codified text.

CHAIRMAN DIAZ: While we have a lull in the conversation, I want to mention that we have an ex-council member that just came in. Dr. Mickle, it's good to see you out in the audience. Thank you for coming to visit with us today, and so we appreciate you.

DR. STUNZ: Okay, Mr. Chairman, and my motion is to approve the Draft Amendment 54: Modifications to the Greater Amberjack Catch Limits and Sector Allocations and Other Rebuilding Plan Modifications and that it be forwarded to the Secretary of Commerce for review and implementation and deem the codified text as necessary and appropriate, giving staff editorial license to make the necessary changes in the document. The Council Chair is given the authority to deem any changes to the codified text as necessary and appropriate.

CHAIRMAN DIAZ: Okay. We have a motion. Is there a second? It's seconded by Dr. Frazer. Is there any discussion on the motion? I think this is a roll call vote, right, and so we're going to have a roll call vote.

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

MR. DYSKOW: Yes.

EXECUTIVE DIRECTOR SIMMONS: Dr. Stunz.

DR. STUNZ: Yes.

EXECUTIVE DIRECTOR SIMMONS: Mr. Schieble.

MR. SCHIEBLE: Yes.

EXECUTIVE DIRECTOR SIMMONS: Mr. Williamson.

MR. WILLIAMSON: Yes.

EXECUTIVE DIRECTOR SIMMONS: Mr. Dugas.

MR. DUGAS: Yes.

EXECUTIVE DIRECTOR SIMMONS: Dr. Sweetman.

DR. SWEETMAN: Yes.

EXECUTIVE DIRECTOR SIMMONS: Mr. McDermott.

MR. MCDERMOTT: Yes.

EXECUTIVE DIRECTOR SIMMONS: General Spraggins.

GENERAL SPRAGGINS: Yes.

EXECUTIVE DIRECTOR SIMMONS: Mr. Anson.

MR. ANSON: Yes.

EXECUTIVE DIRECTOR SIMMONS: Mr. Strelcheck.

MR. STRELCHECK: Yes.

EXECUTIVE DIRECTOR SIMMONS: Mr. Geeslin.

MR. GEESLIN: Yes.

EXECUTIVE DIRECTOR SIMMONS: Dr. Frazer.

DR. FRAZER: Yes.

EXECUTIVE DIRECTOR SIMMONS: Mr. Broussard.

MR. BROUSSARD: Yes.

EXECUTIVE DIRECTOR SIMMONS: Ms. Boggs.

MS. BOGGS: No.

EXECUTIVE DIRECTOR SIMMONS: Mr. Gill.

MR. GILL: Yes.

EXECUTIVE DIRECTOR SIMMONS: Dr. Shipp.

DR. SHIPP: Yes.

EXECUTIVE DIRECTOR SIMMONS: Mr. Diaz.

CHAIRMAN DIAZ: Yes.

EXECUTIVE DIRECTOR SIMMONS: The motion carried sixteen to one, Mr. Chair.

CHAIRMAN DIAZ: Dr. Frazer.

DR. FRAZER: All right. We'll start again with the Draft Options: Modifications to Recreational and Commercial Greater Amberjack Management Measures, Tab B, Number 7. The committee was provided various management measure options for greater amberjack. Council staff requested the committee provide guidance on whether any of the proposed options should be removed or others added at this time.

The committee discussed options for a fixed closed recreational season. A committee member asked why the commercial season was closed in May, during the spawning period, while the recreational season was not. Captain Walker stated that the Reef Fish AP had discussed this topic also and decided an open recreational season of September 1 through October 31 would allow access, reduce harvest, and allow for data collection within the MRIP Wave 5, September and October.

A committee member stated novel thinking was required when considering modifications to the recreational season. The committee decided to remove two options and add another.

The committee recommends, and I so move, in Action 1, to move Alternatives 4 and 5 to Considered, but Rejected. Alternative 4 is a split season, open September 1 through October 23 and May 1 through May 19. Alternative 5 is a split season, open September 1 through October 5 and May 1 through May 31. The motion carried without opposition.

CHAIRMAN DIAZ: All right, and so we have a committee motion. Is there any discussion on the motion? **Seeing no discussion, is there any opposition to the motion? Seeing none, the motion carries.** Dr. Frazer.

DR. FRAZER: The committee recommends, and I so move, in Action

1 to make an Alternative for a November 1 through December 31 season. That motion carried without opposition.

CHAIRMAN DIAZ: Okay. Again, we have a committee motion. Is there any discussion on the motion? **Seeing no discussion, is there any opposition to the motion? Seeing no opposition, the motion carries.** Mr. Strelcheck.

MR. STRELCHECK: While we're talking about the seasons, I did want to mention an idea, or a comment, that was at least floated to me this week by a stakeholder. One of the things they noted is we've been increasing the size limit for amberjack, and, in part, that might be successful, one because we've been increasing the size limit, but also because greater amberjack are often misidentified, at juvenile, or younger, stages, with banded rudderfish and lesser amberjack.

To me, there might be an opportunity here to consider closing the complex, and I recognize that that means that there's a downside to harvesting those two other species, but to betterment, and benefit, of, obviously, greater amberjack, and so I wanted to raise that for consideration here, given that we've been having such problems rebuilding greater amberjack, and it's something that at least staff could evaluate and look into and bring back to us at the next meeting.

CHAIRMAN DIAZ: Mr. Gill.

MR. GILL: Thank you, Mr. Chairman. That sounds like a good idea that's worth looking at, to me.

CHAIRMAN DIAZ: Mr. Anson.

MR. ANSON: I was just going to say the same thing. I think there is a problem with misidentification of the various species.

CHAIRMAN DIAZ: Dr. Simmons.

EXECUTIVE DIRECTOR SIMMONS: Thank you, Mr. Chair. Just, because we don't have a motion, just to make sure what you're looking for from staff, and it's a little bit of information about the jacks complex landings by month?

MR. STRELCHECK: Well, let me ask. Remind me again of the timeline of this document, and when would be taking final action?

EXECUTIVE DIRECTOR SIMMONS: I think I asked you that during committee, but next April would be a tight timeline. June.

MR. STRELCHECK: Okay, and so June, and so I guess what I would be asking is to bring back to us information about the issues of misidentification of greater amberjack with those other species and potential options to consider, in terms of closing not just greater amberjack, but the jacks -- That jack complex, to aid in rebuilding of greater amberjack.

CHAIRMAN DIAZ: Okay. I think we've got what we need. Thank you, Mr. Strelcheck. All right. Seeing no further discussion, Dr. Frazer.

DR. FRAZER: The committee discussed the proposed options for modifying the recreational minimum size limit. A committee member requested consideration of also lowering the minimum size limit in the document. Council staff presented an option to increase the minimum size limit to thirty-six inches fork length and a second option that introduced a range of slot limits for consideration. There was concern that a slot limit would increase dead discards without reducing fishing mortality.

Dr. John Walter, of the Southeast Fisheries Science Center, indicated that the recreational retention exhibited a dome-shaped relationship with length and that the recreational sector was not selecting many fish at larger sizes.

Dr. Sean Powers, Standing SSC member, stated that his recently-published study using acoustic telemetry techniques indicated that discard mortality was mainly dependent on length, rather than capture depth or use of a descender device.

Captain Walker reported that the Reef Fish AP thought a slot size limit would potentially increase discards and high-grading. The Reef Fish AP recommended moving towards a full-retention fishery. However, he noted that a few Reef Fish AP members cautioned that a full-retention fishery could lead towards targeting of juvenile fish. The committee decided that a slot size limit was unlikely to have a marked effect in achieving management goals and recommended not considering it further.

Captain Walker reviewed the Reef Fish AP's recommendation on potential modifications to the commercial trip limit. The Reef Fish AP stated that the commercial sector was interested in managing greater amberjack as a bycatch fishery, and, thus, recommended a five-fish trip limit that would reduce to a two-fish trip limit when 75 percent of the commercial quota was

harvested.

The committee requested a decision support tool to aid in analyzing potential alternatives. The committee acknowledged the importance of understanding the various effects of the considered management measures on catch levels to achieving conservation goals for greater amberjack.

IFQ Focus Group, Tab B, Numbers 8(a) through (b), staff informed the committee that the dates of November 30 to December 1, 2022, had been selected to convene a second IFQ Focus Group meeting and that the member representing the public participant had resigned from his position.

Staff also provided a potential new meeting charge proposed by the facilitators. With this information, staff asked whether, one, the committee intends for staff to proceed with convening a second focus group meeting, and, two, whether the committee wanted to modify the meeting charge.

A committee member made a motion that would ask the focus group to provide options on how to get quota increases above the current commercial quota, plus allocation associated with non-active accounts, to active fishermen who do not have shares. After discussion, the committee tabled the motion, pending the council's decision on whether to proceed with convening focus group for a second meeting. A committee member noted that a second meeting of the focus group could help inform the council on what works and what does not work in the IFQ programs.

The committee recommends, and I so move, to reconvene the IFQ Focus Group for a second meeting with the remaining eight members. That motion carried with three in opposition.

CHAIRMAN DIAZ: Thank you, Dr. Frazer. We have a committee motion. Is there any discussion on the motion? **Seeing no discussion, is there any opposition to the motion? Two in opposition, and the motion carries with two in opposition.** Dr. Frazer.

DR. FRAZER: Having made the decision to reconvene the focus group, the committee un-tabled the previous motion, but did not vote during the committee. The committee discussed the motion below and other potential changes to the focus group's meeting charge. The motion is to modify the IFQ Focus Group's charge to consider an Action that provides options on how to get: 1)increases in annual allocation (not shares) above the current commercial allocation (approximately 6.3 million pounds), and

2)allocation held in non-active accounts to active fishermen who own no shares.

The committee discussed addressing changes to the IFQ programs, and Mr. Strelcheck suggested that staff provide the council with potential program changes that the council could consider.

The committee recommends, and I so move, to direct staff to develop a list of proposed IFQ related issues the council would review and prioritize at their January 2023 meeting. Thereafter, the council would either convene a special council meeting or dedicate significant time on a future Reef Fish committee agenda to discuss the highest-priority issues recommended by the council. The motion carried without opposition.

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

MS. BOGGS: So, since we just voted to reconvene the IFQ Focus Group, when would that meeting be, and the reason I ask is I'm assuming, if that meeting is prior to the January 2023 meeting, those priorities that they discuss would be incorporated with the priorities that the staff discusses, and it's not going to be two separate exercises?

CHAIRMAN DIAZ: Dr. Simmons.

EXECUTIVE DIRECTOR SIMMONS: Thank you, Mr. Chair, and so that meeting is scheduled for November 30 and December 1, at the Tampa office, and the plan would be to bring their recommendations to the council in January, with the other list of items for you to review and prioritize.

CHAIRMAN DIAZ: Mr. Gill.

MR. GILL: Thank you, Mr. Chairman. I note that there has been a fair number of lists developed by the council and staff in years past, relative to IFQ priorities and what might be changed, et cetera, and so my assumption, if we pass this motion, is what staff will wind up doing will take a compendium of all those lists, add to it anything that may have been missing, which is probably unlikely, and bring that forward, and is that a fair assumption?

EXECUTIVE DIRECTOR SIMMONS: You can't hear, Dr. Lasseter?

DR. LASSETER: I apologize, and I missed -- I was hearing

something from staff. Could you repeat that, please?

MR. GILL: I was noting that there have been some number, half-a-dozen, or whatever the number of lists prepared in prior years, since the IFQ program was started, and I would assume that, if this motion passes, that what you will effectively do is reassemble all those lists, eliminate duplicates, add anything that may be missing, and provide that at the next meeting, and is that a fair assumption?

DR. LASSETER: That sounds like a starting point. I heard Andy saying that he wanted SERO staff involved, and so I figured that we would let them provide what changes they were willing to consider to the program, and we can bring you that, but, Mr. Gill, you do point out something, and it was in 2014 that this council started with a list of proposed changes developed by the council. That list is in a table in Amendment 36B, in Appendix A, if you would like to take a look at it, and so, if we're starting from that point, from 2014 again -- That is how I'm understanding this.

CHAIRMAN DIAZ: Mr. Strelcheck.

MR. STRELCHECK: Just to provide clarity with regard to my motion, there's a lot of different sources of information that we can draw upon, the focus group being one of them, five-year reviews, documents like Ava just noted, and my intent is let's gather all that together.

I don't want it to become this massive laundry list, right, but it allows us to then take a very careful and thoughtful look at what we have out there, what could be considered, and prioritize that and determine what is most important to address, from the council's perspective, and then whittle down that list, so we have a very focused discussion on specific topics.

CHAIRMAN DIAZ: Thank you, Mr. Strelcheck. I am not seeing any further discussion. **Is there any opposition to the motion on the board? Seeing no opposition, the motion carries.** Ms. Levy.

MS. LEVY: If we can just scroll back to that motion that you talked about, the focus group's charge, there was a piece on the bottom of that that's missing, right, and so it was how to get these two things, and then there was to substantial participants, and I don't remember what the language was, but the idea was how do you use these things to get it to some user group identified, and that part is missing from the bottom of the motion.

Oh, it's in Number 2, and so it was -- It was supposed to be those two things to get to active fishermen who own shares, right, and it's not just Number 2, right, and it was increases in annual allocation and allocation held in non-active accounts, and both of those things to active fishermen who own no shares. That's the way it was set up when it was read.

CHAIRMAN DIAZ: Dr. Simmons, to that point?

EXECUTIVE DIRECTOR SIMMONS: Thank you, Mr. Chair. Well, I think, you know, we need to bring this motion up again, by a council member, because this was not voted on in committee, and so we just noted it in the report, for ease of --

MS. LEVY: Right, what I'm saying is it's not written correctly anymore.

EXECUTIVE DIRECTOR SIMMONS: But nobody proffered the motion, I guess.

MS. LEVY: Well, but it's in the report, and it's not written the way it was presented to the committee, is what I'm saying, because it was Number 1 and Number 2, and the "to active fishermen who own shares" was underneath that, because it was how you get these two things, Number 1 and Number 2, to active fishermen, and "to active fishermen" was not part of Number 2, is what I'm saying, and so I just want it to be reflected how it was discussed.

CHAIRMAN DIAZ: Dr. Frazer.

DR. FRAZER: I thought that Dr. Lasseter had her hand up, and then I will go.

CHAIRMAN DIAZ: Dr. Lasseter.

DR. LASSETER: Thank you, Mr. Chairman, and so we had the motion report with the phrase "to active fishermen who own no shares" on the following line, and, in the process of editing the committee report, it was simplified to remove it up, and so I felt like -- It seemed like, if you read the whole thing -- I don't care how you want to reformat it.

MS. LEVY: I don't want to nitpick it, but it's different, right, and like the right way to write this would be -- I'm not going to change it to that, but to modify the IFQ Focus Group's charge to consider an action that provides options on how to get

to active fishermen who own shares: 1)increase in allocation; 2)allocation held in non-active accounts. Both of those go to the active fishermen who own no shares.

The way it was reworded, only Number 2 applies to that now, and so I just want to make it clear what was presented to the committee, and I want it to be reflected in this report.

CHAIRMAN DIAZ: All right, and so Mr. Rindone says those changes can be made in the report to reflect that, and is that correct, Mr. Rindone?

MR. RINDONE: Mr. Chair, they have been made.

CHAIRMAN DIAZ: Okay. Dr. Frazer.

DR. FRAZER: Again, I think Mr. Schieble was the motion maker, right, and so what I'm looking at, Mara, at this point, is, because we left this motion on the board, is there a need to vote on this motion? Okay. I'm just checking.

CHAIRMAN DIAZ: Mr. Strelcheck.

MR. STRELCHECK: As long as we're done with this, I did want to go back to amberjack, real quick.

CHAIRMAN DIAZ: I am trying to just make sure that we handle this correctly. Ms. Levy, to try to make sure that we handle this correctly, does this require, at this point, for the council to make that motion and for us to vote on that motion there, that you are referencing, or not?

MS. LEVY: I am going to say no, although I am confused as to why it's in the report like this, if you never voted on it in committee, and like I'm not sure why it's structured like this, and so I am having trouble answering that question. I mean, you obviously didn't vote on it to present it to the council.

CHAIRMAN DIAZ: Dr. Simmons.

EXECUTIVE DIRECTOR SIMMONS: Thank you, Mr. Chair. I think it was so that we could talk about it in Full Council, due to time, was my understanding, and Mr. Schieble did not withdraw the motion, and that's why it's in the report, and we should have dispensed with it during committee.

CHAIRMAN DIAZ: Okay, and so I think we know why we're at this point right now, and so the motion was left in the report, and

so it's just a discussion point, because it was left hanging during committee, without being withdrawn, and so, if the council would like to have some discussion on that motion, we could do that now. I do have a short list of people that are wanting to be heard, and I want to go to them next, but, if that's where we want to go, let's go there. Mr. Dugas.

MR. DUGAS: Well, I was a little bit confused on what was going on, and, if Chris needed to re-make the motion or not, and that was some of my question, and then I have another point to make, after we deal with this, before we leave the focus group.

CHAIRMAN DIAZ: Okay, and so I will entertain any discussion on this part of the report. Mr. Schieble.

MR. SCHIEBLE: I was confused as well, because it said it was untabled, and we did not vote on it in committee, and I assumed that we had to vote on it here, and that's why it was in the text. Otherwise, why would it even be in there, and so I didn't really understand where we were going with this either, but, to Mara's credit, she is correct, and it was intended that both of those actions were for active fishermen who own shares, and that is why that was in a separate sentence underneath the two bullets, but it could be reworded, if it needed to be, as she described in the first sentence, or you could add "to active fishermen" in both of those bullets, and I don't care how you do it, but that was the intention of it.

You know, I see a couple of options here. We could make a motion that staff bring 36C back for the January meeting, and it includes this action within it, and that could be the alternative to this, or we can discuss it now.

CHAIRMAN DIAZ: All right, and so it would be good if we vote this up or down or withdraw it. Dr. Frazer and then Dr. Stunz.

DR. FRAZER: Well, I think, or I'm pretty sure, that Andy was going to go here too, and I think we left it here as a reminder that we need to discuss the charge, right, and I think that's the general discussion we had at the committee, at this point, or the council.

CHAIRMAN DIAZ: Dr. Stunz.

DR. STUNZ: Yes, because this is getting a little bit confusing, and I did understand it that way, Tom. I understood it the way that Chris did, that we needed to take a vote on this, and I would recommend that we take a vote. I know that that's your

motion, Chris, and I'm happy to make it, if you want to continue with a motion on that, but I also like your idea about bringing it back up in 36, and I don't know if I'm speaking out of line here, Tom, for our next meeting for 36, and when that would come up, but, at some point, I would like to really see it in both places, that this group take it up here, but we also take it up, you know, at the appropriate time.

CHAIRMAN DIAZ: Mr. Schieble.

MR. SCHIEBLE: Thank you, Mr. Chair. The intention here was that this would be posed to the focus group, at perhaps their, you know, next, or last, meeting, right, before we get it back here at the council level, and then we could consider what we want to do with it after that, and that's the purpose of why it was in here in this order, and so I think we need to -- If I need to remake the motion, in order for us to vote on it, and is that what needs to happen here, correct?

CHAIRMAN DIAZ: Yes.

MR. SCHIEBLE: All right, and so I will pose a new motion to modify -- Consider an action that provides options on how to get: 1)increases in annual allocation (not shares) above the current commercial allocation to active fishermen who own shares; and 2)allocation held to non-active accounts to active fishermen who own shares. Is that correct, the way you would like it?

CHAIRMAN DIAZ: Just make sure it's worded correctly on the board, Mr. Schieble.

MR. SCHIEBLE: That's fine.

MR. RINDONE: Chris, you're going to need to help wordsmith this.

MR. SCHIEBLE: Do you want me to read it out loud now, correct for the record?

MR. RINDONE: Just take a look at what's in the italics there, because we have moved the "to active fishermen who own no shares", which was the part under Point 2 there that Ms. Levy had asked be relocated.

MR. SCHIEBLE: That's fine, and so the motion is to modify the IFQ Focus Group's charge to consider an action that provides options on how to get to active fishermen who own shares --

MR. RINDONE: Who own shares or who own no shares?

MR. SCHIEBLE: Who own no shares. To active fishermen who own no shares: 1)increases in annual allocation (not shares) above the current commercial allocation of approximately 6.3 million pounds; and 2)allocation held in non-active accounts.

CHAIRMAN DIAZ: Okay, and so we have a motion. Is there a second to the motion?

MR. WILLIAMSON: I second it.

CHAIRMAN DIAZ: It's seconded by Mr. Williamson. Is there any discussion on the motion? Dr. Sweetman.

DR. SWEETMAN: So just a general question. I agree that we need a little bit more specificity here for what the focus group's role in this is here, but would this completely eliminate what the previous charge was for the IFQ focus group, because this might be getting a little too prescriptive, if this is all that the IFQ focus group is going to be talking about here.

CHAIRMAN DIAZ: Did you want to respond to that? Dr. Lasseter, did you want to respond to that?

DR. LASSETER: So, looking at this motion, and I had some notes for Chris, but I hadn't had a chance to talk to him about it yet, but I am really wondering what you are -- What you would be intending for the focus group to provide from this, because I don't think this is what the facilitators had also meant by narrow. This is very specific. You're basically telling them that, okay, we are going to do this, and only this, and you're not even defining what is the problem, specifically, and you're talking about just giving allocation only to people who do not own shares, and so this motion includes several decisions that lead to a very narrow comment, or a narrow thing to comment on, and I believe it still says to provide options on how to get -- So what options are you conceivably even considering there?

Like so, if staff was to look at this, the options would say don't own shares, you know, and we would need to tease out which share categories you're talking about, and, of course, we most need information on what "active fishermen" means.

If this would be the only charge for them, for the focus group to look at, it just seems kind of really focused, and I guess I just don't -- This isn't a broader part of what the council is

working on, and this seems just like one really narrow thing, and, I mean, we will go forward with it, and we will take them whatever you ask us to do, but this seems kind of prescriptive.

CHAIRMAN DIAZ: Thank you, Dr. Lasseter. I've got a list of people here right now. Mr. Gill.

MR. GILL: Thank you, Mr. Chairman. I'm in the mode, relative to this motion, of having to define how the focus group is going to deal with it. For one, we haven't defined what "active" and "non-active" is defined as. For another, it's, as Dr. Lasseter mentioned, it's awfully specific, with no defined endpoint, and so, unless we modify it, I cannot support it.

CHAIRMAN DIAZ: Mr. Strelcheck.

MR. STRELCHECK: Similar comments to what have been made. I struggle just with the first portion, about an action, and so one of my thoughts, or suggestions, would be to say to modify the charge to evaluate the benefits and drawbacks of getting to active fishermen who own no shares increases in annual allocation and allocation held in non-active accounts, and so you drop, essentially, the action and options and get them to really focus on what are the benefits and drawbacks of doing this, from their perspective.

Then, also, take out the specificity, in terms of "above the current commercial allocation", and I'm asking my team for a suggestion on the non-active accounts, because I think I know what you mean, but I'm not definite, in terms of what that would pertain to, right, and so we withheld quota from accounts that were inactive previously, and I think that's really what you're after.

CHAIRMAN DIAZ: So, Chris, did you want to respond to that point?

MR. SCHIEBLE: So, I guess that could be a substitute motion, if Mr. Strelcheck wanted to make that, and I would be favorable to changing that language, if that's what he wants to do, or we can modify it right here, and either way is fine with me.

CHAIRMAN DIAZ: If you're willing to accept a friendly amendment, that would be the cleanest way to handle it, and so are you -- Can you wordsmith that a little bit, Mr. Strelcheck, and then we'll see if the seconder agrees?

MR. STRELCHECK: After "the IFQ Focus Group's charge to", say

"evaluate benefits and drawbacks", and then delete up to "on how". All right. **Then "increases in annual allocation (not shares)", and then delete everything thereafter in that first bullet. Then "allocation held by --**

CHAIRMAN DIAZ: All right. Mr. Strelcheck, are you amenable to those amendments, or Mr. Schieble?

MR. SCHIEBLE: Yes. I agree.

CHAIRMAN DIAZ: All right. The seconder, is the seconder okay? All right. The seconder is okay, and so the motion has been modified. I still have a list of people. Ms. Boggs.

MS. BOGGS: Mr. Strelcheck actually brought up all the points that I was going to, because, the way the motion was reading, it sounded more like something that this council would take up and not the focus group. Thank you.

CHAIRMAN DIAZ: Mr. Anson.

MR. ANSON: Same. Mr. Strelcheck had my comments and then some. Thank you.

CHAIRMAN DIAZ: Dr. Stunz.

DR. STUNZ: Same for me.

CHAIRMAN DIAZ: Dr. Frazer.

DR. FRAZER: Ditto.

CHAIRMAN DIAZ: Okay. Mr. Dugas.

MR. DUGAS: Mr. Chairman, I wasn't the seconder, and you were looking at me. It was Mr. Williamson.

CHAIRMAN DIAZ: Mr. Williamson, are you okay with those changes? Okay. Thank you. Thank you, Mr. Dugas. Ms. Levy.

MS. LEVY: I guess the only thing I'm going to ask is maybe more clarity about what the non-active accounts is referring to. I think, with the change made of "by the agency", I guess it's implying what the agency already took back, and is just sitting there, from those accounts that had never been activated, when you did 36A, but I am not sure that's what you meant.

I don't know if this means to look at other non-active accounts

that have not yet been defined, or are you talking about what the agency has already taken back with 36A from those accounts that had never been activated?

MR. SCHIEBLE: The intention was the ones that are held by the agency as a whole, but I'm not even sure that we need to have that prescriptiveness here, because this is to add to this list of those charges that we already gave the focus group to look at, right, going forward, and this isn't an action in a document at this point, and that's, I guess, my part of the contention here, is we're trying to get them to review this to come back to us with some recommendations, as an AP would.

CHAIRMAN DIAZ: Okay. Mr. Strelcheck.

MR. STRELCHECK: Just to clarify, the way I think we should interpret this is that this is the allocation shareholdings that we have pulled back from 36A, right, and so, regardless of the wording, I think that's the interpretation that is most appropriate.

CHAIRMAN DIAZ: Okay. Thank you. I am not seeing any further discussion. Mr. Gill.

MR. GILL: Thank you, Mr. Chairman, and so I'm fine with this motion, as it's currently written, but I think we ought to recognize that, relative to the original charge, fundamentally, this just addresses the new entrants.

It does a little bit, perhaps, on discards, and it does a little bit, perhaps, on fairness and equity, but, fundamentally, it's focused on new entrants, which says that we really haven't discussed, or will not, if this is the only thing left on the table in the charge, that we will not have included a broader discussion on discards in the folks that hold shares, and that was part of what was important when we set this up, and so I'm thinking that consideration of additional, beyond this charge, to address those other items, or, specifically, we're leaving them out, and, if that's our intent, that's our intent, but we ought not, if we pass this motion, assume that that should be the entire charge to the focus group, in my opinion.

CHAIRMAN DIAZ: Dr. Simmons, for some clarification, please?

EXECUTIVE DIRECTOR SIMMONS: Thank you, Mr. Chair, and so Dr. Lasseter provided a draft charge, during the committee, and I think this follows, more specifically, that draft charge. It says the primary goal of the next meeting could be to focus on

new entrants, that is replacement fishermen, to the IFQ programs. What could such program changes look like, and what would be the implications of those changes?

CHAIRMAN DIAZ: At this point, it would be -- We would be moving forward with the charge that was in the report and then this motion here, is my understanding, and anything else that would be brought forth after we deal with this motion. Okay. With that, Mr. Gill.

MR. GILL: Thank you, Mr. Chairman, and so I recognize that, but what I want the council to recognize is that, if we follow the recommendation from the committee of focusing entirely on new entrants, we are not, therefore, focusing on the other things that we originally decided to focus on, and that's a difference that I think is significant, and, if that's our intent, so be it, but just passing this reflects Dr. Lasseter's suggestion of a charge, but it does not follow through on what we originally felt was important, and I'm fine if that's the way we want to go, but I want to make it clear that that's what we're saying.

CHAIRMAN DIAZ: Dr. Frazer.

DR. FRAZER: I think, to Bob's point, right, I mean, ultimately, we have another motion on the board that we're trying to prioritize what we would like to address, as related to the IFQ program, and this is still very specific and focused on, you know, the new entrant issue.

There is lots of issues, right, and how do we deal with the discard issue, for example, more broadly, and so, in my mind, I think -- Again, there's lots of input, historically, here, right, and you can find lists of potential priority issues in various versions of Amendment 36, and, you know, we have another AP out there too, the IFQ AP, that might have a different list of priorities, right, and this focus group was intended to provide kind of a broader perspective on what those potential priorities might look like, potential mechanisms, or pathways, to address some of those, but then are we going to meet again, potentially, based on the motion that Andy made earlier, as a council, to address this specifically?

All of that is kind of information that needs to be collated, right, in order to get us to that point, and where Andy was trying to get us to go, and so, if we keep this motion -- I mean, I'm okay, again, with this motion, as Bob said, but I think that we need to step back again and broaden it out a little bit, that charge.

CHAIRMAN DIAZ: Okay, and so we've had a fair amount of discussion, and I want to go ahead and dispense with this motion, and, if anybody wants to bring up some additional things for the charge, we'll discuss them later. I'm going to call for a show of hands. **All in favor of the motion on the board, please signify by raising your hand. The motion carries.**

It sounds like we might have some folks that would like to have some further discussion, and so I would open the floor up for discussion. Mr. Dugas.

MR. DUGAS: Thank you, Mr. Chair. I wanted -- I am debating on a motion, but I wanted to revisit the last meeting, and I made a motion that failed about the modifications of catch limits to Gulf red snapper, and we heard the public testimony of the commercial guys not wanting an increase, and so I made a motion to set that aside for new entrants, dead discards, and so forth, and I think that's a good idea for this focus group, is to pinpoint on that increase in the red snapper quota, which we heard them clearly that they don't want. They don't want the fish, and so I am asking other council members, and, you know, is this something we should entertain, to have the focus group look at this quota and give us some direction on what to do with it?

CHAIRMAN DIAZ: Ms. Boggs.

MS. BOGGS: Thank you, Mr. Chair. J.D., what I heard yesterday was the same thing, and the reason is the fish -- There's a problem with the fishery, and we don't need to take any more fish out of the Gulf.

I understand the problem with the new entrants, and, yes, that would be a good idea, if everyone said, up here, we don't need any more fish, and the stock is healthy, but we're good, and that's not what I heard. I heard the depletion, and we heard it from commercial, charter/for-hire, and recreational. They're not seeing the fish, and they're smaller fish, and, to me, that wouldn't be a prudent move at this time, just because of what we're hearing about the condition of the stock. Thank you.

CHAIRMAN DIAZ: Mr. Gill.

MR. GILL: Thank you, Mr. Chairman. I echo Susan's comments. Everybody who argued against the increase in catch limit wants the catch limit increase if it was prudent for the stock. They do not believe it's prudent for the stock, and so the

characterization that they don't want it is quite incorrect, and the need is to focus on the status of the stock as they see it, and they're on the water, and most of us are not every day, and they see it, the problem, and that's why they're concerned and why they recommended no increase.

CHAIRMAN DIAZ: Thank you, Mr. Gill. Dr. Stunz.

DR. STUNZ: J.D., I think you got your points on the record, and, I mean, I agree with exactly what you're saying, and so hopefully that message will get through for this IFQ group to take up, but, for Susan's point about removing more fish from the water, and, J.D., I'm speaking for you, or at least my understanding of this, and I don't think that is what is being advocated here.

No one is saying we take more fish from the water than what is allocated, but fish are being taken from the water right now. From a discard statement, I mean, thousands of pounds per trip, like 7,000 to 10,000 pounds, that are being discarded back into the water, as a waste, and so I think what J.D. --

Or at least, in my mind, when I supported his motion, was these discussions in front of this panel will address that and figure out ways to optimize that program, to where we don't have such high discards and those fish aren't wasted, therefore retaining more fish in the water, to increase recruitment and all those sorts of things. Those are just one example of how I think this IFQ Focus Group, and then us as a council, can seek to address some of these issues in that program.

CHAIRMAN DIAZ: Mr. Anson.

MR. ANSON: So I guess I just wanted to ask to bring up the previous motion, and doesn't 1 kind of address your concerns? I have another point, but go ahead.

MR. DUGAS: Thank you, and so, Kevin, originally, the motion had a number attached to it, 6.3, and, the way I look at that is anything from today forward, and my mindset is behind us, that what we did last meeting, and I don't remember the number, but that increase in allocation, or quota, that we all voted on to increase, that's the portion that I am talking about now, is there's a chunk of fish there that I heard clearly that fishermen didn't need it or want it. That's the fish I am focused on. It didn't go into effect yet, and so that's what I'm asking.

CHAIRMAN DIAZ: To that point?

MR. ANSON: Then that was covered under our previous discussion related to that motion and the changes that were made and everything, relative to identifying a specific number, and so I don't know, and you can deal with it as you wish, I guess, but I guess my other point was related to, you know, what the current statements are.

You know, we're going to be bringing them together, and so we ought to use their input, or their thoughts, on just the concept of what that would mean, which this kind of addresses, I think, more of a concept and not identifying a specific number, and so -- I think that would be their purview, would be to get feedback on a concept, and then the council would come back and kind of figure out the mechanics of it, relative to identifying specific levels of thresholds, is my personal take on it, and so I think it would be appropriate, albeit not the only thing that they would discuss, would be charged to discuss, but I think it would be appropriate for them to provide their comments and thoughts on it, regardless of what the current fishery is like, or what their comments or perspectives are, but it's just to provide comments on the benefits, the pros and cons, of doing such action.

CHAIRMAN DIAZ: All right. Dr. Frazer, and then we're going to try to move this along. Dr. Frazer.

DR. FRAZER: I think Mr. Anson captured many of the points that I was going to make.

CHAIRMAN DIAZ: Thank you, Dr. Frazer. All right, and so we don't have any motions, any further direction, and so I think we're good to go at this point, Dr. Simmons? Dr. Simmons is okay, and Dr. Frazer.

DR. FRAZER: I think Andy had something still.

CHAIRMAN DIAZ: Mr. Strelcheck.

MR. STRELCHECK: I was playing catch-up when we moved past amberjack, and so we did -- We didn't make a motion, but we recommended removing the alternatives that included slot limits. We do still have an action and alternatives for the minimum size limit of thirty-four inches, and then thirty-six inches, and so I just wanted to have a discussion of whether we wanted to continue to retain that, and we also heard some comments about reducing the minimum size limit, and so, just thinking of staff

workload and time, if it's not something that we're going to seriously consider, it would be good to remove it now, but, if people want to see analysis, then I wanted to find out if we wanted to add any alternatives.

CHAIRMAN DIAZ: Ms. Boggs.

MS. BOGGS: Thank you, Andy, and I was the one that brought up looking at size limits, and, again, that's just trying to look at every possible angle that we can to try to help this fishery. I have mixed emotions about it, and it really goes against anything I've ever said, and normally it's, you know, keep the bigger fish, so they can spawn, but, as I said in my comments on Tuesday, I was told one time, by scientists, that a fish out of the water is a fish out the water, and it doesn't matter when you take it, and so the only reason I was discussing maybe looking at lowering the size limit is if it would help with the discards.

I didn't understand, and I forgot who made the comment earlier, that amberjack is a catch-and-release fishery. Well, if that's the case, we're really going to have some problems, because those fish don't survive when you release them, and so I don't mind if we take it off the table, but it was just, again, going with what you said at the last meeting, to think outside the box and let's try something new, but, if the agency doesn't think it's something that's viable, then I have no problem removing it from discussion.

CHAIRMAN DIAZ: Mr. Strelcheck.

MR. STRELCHECK: I mean, in response to that, based on the information that Dr. Powers shared about release mortality increasing with the increasing size length of amberjack, I do have concerns with going up on the size limit. I think it's a valid idea to look at potentially lowering the size limit, and, as I mentioned during committee, we'll have a fishery that is open to harvest only a couple of months of the year, and most of the time it will be closed, and so I don't think that lowering the size limit might have a substantial impact, obviously, in terms of affecting the harvest, and it could benefit us in terms of reducing release mortality when the fishery is open, and so, with that, I mean, I'm -- I don't have a strong position on this.

I think, if we want to keep this, then my recommendation would be to probably add an alternative to reduce the size limit to thirty-two inches, and I don't think I would want to change it

much more than that. Otherwise, we should get rid of the action.

CHAIRMAN DIAZ: Okay. I have just a couple of folks lined up. Dr. Stunz.

DR. STUNZ: Thank you, Mr. Chairman. Andy largely made my point, and, I mean, I think I wouldn't be opposed to removing this, if we want to, for efficiency, but a couple of things, just to follow-up on what Andy had said, is, obviously, yes, it does matter what size we remove these fish from the water.

It's a key component of fisheries management, but, in terms of the release mortality here, you know, we heard from Dr. Powers that, yes, there's a size factor in that release -- A larger size could have higher mortality, but, overall, it's generally low, and, in fact, I think it's lower than what we're currently using, and so there is a potential for catch-and-release and some size limit modifications, if we choose to do that, but I am not necessarily advocating that right now.

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

MS. BOGGS: I believe in the discussion -- I can't remember what I said, but it seems like I said anywhere from twenty-eight to thirty-six inches, but I would be -- I think we need to explore it and see, and I can certainly make a motion, but I would agree with Andy, and it really doesn't need to be smaller than thirty-two inches, but most people -- If they go out and they catch an amberjack, and it's, you know, a nice-sized amberjack, they're probably going to throw it in the box anyway, and so you might as well give it to them, and let's move on. I hate to think that way, but, you know, a lot of people, that's the biggest fish they've ever caught, and they are probably going to keep it anyway, but, again, if I need to make a motion, I will be happy to.

CHAIRMAN DIAZ: I think, as far as staff is concerned, some clarification of exactly what's going to be analyzed would be very helpful in a motion. Mr. Schieble, I have you next, and then we'll go from there. Mr. Schieble.

MR. SCHIEBLE: Dr. Froeschke had his hand up, and I want to hear what he says, and then I'll go after that.

CHAIRMAN DIAZ: Dr. Froeschke.

DR. JOHN FROESCHKE: I guess I'm just trying to understand and

trying to think through -- The purpose and need of that document is to find ways to reduce harvest and associated fishing mortality to meet the goals of the catch limits that are in Amendment 54.

What I don't understand is like, if we do that analysis, by expanding the allowable size of harvest, meaning reducing the size limit, that's going to add to more retained catch in a shorter amount of time, and it's those smaller release that have the higher release -- The high survivorship.

I am just -- I don't have any objection to that, but it does seem like any of the analysis that we're going to do is going to mean that you're going to have more retained catch in a smaller time, in a shorter season, and so I'm not sure how that is going to mesh with the rest of the document, and so I'm just trying to figure out what I'm missing, and there must be something.

CHAIRMAN DIAZ: Johnny Greene made that point in public testimony yesterday, with his thoughts on that, also. Mr. Schieble.

MR. SCHIEBLE: I think, during committee, I spoke to asking for the staff to come back with either like a decision tool or a table of the different options and which one would give us the most savings, and which combinations of options would give us the most savings, and that could include size, bag limit, trip limit, vessel limit, all those types of things, would be potentially in here, as we did back in 2019 when we went through this.

I think including a size limit change in that would be important, because, as I recall, back then, it gave us the most savings, when we made the size limit changes, and so why would we want to take it out, if we're going to potentially have a high level of savings with that, in combination with something else?

CHAIRMAN DIAZ: All right. I have Mr. Gill and then Mr. Strelcheck.

MR. GILL: Thank you, Mr. Chairman. I come from the opposite point of view. We're making dramatic and drastic changes to the fishery, and we're shortening the season, and the catch level is way down, and my -- I am willing to make a motion to remove Action 2 from the management measures being considered, but that is an added complication on a dramatic change that I think we ought to defer until we have the stock in shape to consider it.

At this time, it would be more appropriate to focus on getting that stock back, and then, when it is, then we can consider whether we want to consider size limit changes.

CHAIRMAN DIAZ: All right. You're not making a motion at this time, right?

MR. GILL: Not at the moment.

CHAIRMAN DIAZ: Mr. Strelcheck.

MR. STRELCHECK: Thanks for the discussion. In response to Chris, you know, in terms of that decision tool, a decision tool will need to contain whatever actions and alternatives are in the document, and so you mentioned some things that aren't in the document, and we wouldn't put that in the decision tool, because the council is not, at this point, considering bag limit changes and vessel limit changes.

With the discussion, and, you know, I made the comment that, if we're going to change the size limit, either up or down, I think it has to be fairly small. I agree with John Froeschke, in terms of reducing the size limit could lead to some additional harvest and us bumping up against the catch limits faster. **I am going to make a motion to recommend that we remove Action 2 from the framework.**

MR. GILL: Second.

CHAIRMAN DIAZ: All right, and so we have a motion, and it's seconded. I am going to hold to my list, but I'm also looking for hands that want to speak to the motion. Mr. Dugas.

MR. DUGAS: Maybe it's to the motion, or maybe not, but I was going to ask Ryan or John, and I might have missed it, but the spawning of these fish, and does thirty-two inches, versus thirty-six inches, make a difference?

MR. RINDONE: Yes. Thirty-six inches is the length at which 50 percent of individuals are sexually mature, and so any size limit below thirty-six inches fork length and you're harvesting individuals that have a higher probability of not having reproduced yet.

CHAIRMAN DIAZ: Dr. Froeschke.

DR. FROESCHKE: I think it's a little lower than that, but there is a table in -- I think it was either in the presentation or

the document, but it has that information in there. I believe it's in the presentation. It's Slide 12. There it is, and so the proportion mature at thirty-four inches is 0.85, or 85 percent, estimated. It's almost 100 percent by thirty-six and just under half at thirty-two inches.

MR. RINDONE: So I misspoke on that. It's at 100 percent, and so I do remember that we had discussions about this, when it was raised to thirty-six inches, because the stock was still under a rebuilding plan, and that shift of a few inches seemed to make a considerable difference in the proportion mature.

CHAIRMAN DIAZ: Dr. Simmons.

MR. RINDONE: It's thirty-four, and so it used to be twenty-eight, back in the day, at which point you would expect very few individuals to be sexually mature.

EXECUTIVE DIRECTOR SIMMONS: Thank you, Mr. Chair. I was just going to add to this discussion, and it sounds like you're going to remove this action anyway, but there is evidence that the females are significantly larger than the males, and, if they're reaching that minimum size faster, you're probably removing more females from the stock.

CHAIRMAN DIAZ: Thank you. All right. Ms. Boggs and then Dr. Frazer.

MS. BOGGS: I really don't know what I'm going to do with this motion, but I would like to make the comment, and I heard what Mr. Greene said yesterday, and I am very aware that, if you make the size limit smaller, you will be removing them faster, but, at the same time, Marcus Kennedy said he's fishing offshore, in 300 feet of water, and releasing twenty to forty-pound fish, and so the bigger fish aren't there.

The other side of this is the release mortality with the shark and the dolphin interactions, and, again, I'm trying to think outside of the box, and how can we deal with the depredation, how can we deal with reproduction, and, I mean, there's a lot of factors here, and I'm real mixed on this, and I understand, but, if we're releasing fish in the water, into the water, and the sharks are eating them, or the dolphins are, we've accomplished nothing, and so it's kind of a tit-for-tat, and I don't know how we go about fixing this problem, but those are some other issues that I considered when talking about reducing the size limit, and so thank you.

CHAIRMAN DIAZ: Thank you. Dr. Frazer.

DR. FRAZER: Again, I'm going to speak in favor of the motion. I mean, we've talked about this a lot, and we've had numerous size limit changes, you know, over the years, twenty-eight, thirty, thirty-four inches, et cetera, and changes in bag limits, and changes in, you know, season limits.

At this point, I mean, we're really down to a very small quota, and I don't -- I mean, I realize that discards are going to potentially be a problem in any scenario, and so I just -- I don't want to complicate things, but I'm not sure how we would interpret a response in the population to another size limit adjustment, and so I think this simplifies things, and I think we should just, you know, try to evaluate where we are, and so, again, I will speak in favor of the motion.

CHAIRMAN DIAZ: All right, and so Mr. Anson, and then we're going to take a vote on this motion. Mr. Anson.

MR. ANSON: I'm also going to support this motion. You know, I think Bob mentioned earlier about, you know, having some consistency here in management, and this would potentially add another wrinkle to that, if we make a change to the size limit, once again, and so I will be in support of the motion.

CHAIRMAN DIAZ: All right, and so we've had a fair amount of discussion. Let me try this. **Is there any opposition to the motion? Seeing no opposition, the motion carries.** Dr. Frazer.

DR. FRAZER: All right. We'll go to triggerfish. Draft Framework Action for Gray Triggerfish Commercial Trip Limits, Tab B, Number 9, council staff presented a draft framework action to explore increasing the gray triggerfish commercial trip limit from the current trip limit of sixteen fish. Commercial fishermen have requested this increase to allow them the opportunity to land the commercial ACT and reduce dead discards.

Council staff reviewed trip limit analyses provided by SERO staff that used a three-year average body weight from 2019 to 2021 and trip data from commercial logbooks. This analysis resulted in predicted changes in landings and closure dates for each of the five alternatives. Alternative 5, or forty fish per trip, is the only alternative that is predicted to result in an early closure, due to the percent increase in landings.

Captain Walker provided the Reef Fish AP's recommendation of

Alternative 3, twenty-five fish per trip, because it was a more conservative option that would still provide the commercial sector an opportunity to reach its quota, while avoiding a seasonal closure and discards.

Captain Walker added that the twenty-five-fish trip limit would also keep gray triggerfish as a bycatch fishery for the commercial sector, which was a goal of the Reef Fish AP.

The committee recommends, and I so move, in Action 1 to make Alternative 3 the preferred. Alternative 3 is increase the commercial trip limit to twenty-five gray triggerfish per vessel. That motion carried without opposition. Mr. Chair.

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

DR. FRAZER: The committee also decided to remove Alternative 5 from consideration, as it results in a predicted early closure date. **The committee recommends, and I so move, in Action 1 to remove Alternative 5. Alternative 5 is increase the commercial trip limit to forty gray triggerfish per vessel. That motion carried without opposition.** Mr. Chair.

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

DR. FRAZER: Committee members asked when the document can be ready for final action. Dr. Simmons stated a plan to have the document ready for final action in January 2023. The committee requested that the triggerfish framework not include any modifications to management measures for greater amberjack, in order to expediently move forward with this action.

CHAIRMAN DIAZ: Dr. Frazer, I think this is a pretty good stopping point to take a break. Gag is going to take a while, and I know a few people have said they had to check out of the hotel, and so let's take a twenty-minute break right here and come back at 10:20, but, before I let the mic go, I did want to recognize that we had another former council member come in the door, Dr. Kelly Lucas. Thank you for coming to join us, and we appreciate it, and so thank you for spending some of your day with us. Let's go ahead and take a twenty-minute break, and we'll be back at 10:20, and we'll start up with Reef Fish and

take up gag.

(Whereupon, a brief recess was taken.)

CHAIRMAN DIAZ: All right, Dr. Frazer. For folks out there listening on the webinar, we're going to get back started with the Gulf of Mexico Fishery Management Council meeting, and we're in Reef Fish, and, if you're following along on the committee report, we're on page 6, and we're going to be taking up gag grouper. Dr. Frazer.

DR. FRAZER: Thank you, Mr. Chairman. Draft Options for Amendment 56: Modifications to the Gag Grouper Catch Limits, Sector Allocations, Fishing Seasons, and other Rebuilding Plan Measures, Tab B, Numbers 10(a) through (e), SERO staff reviewed the development progress for the proposed interim rule for gag grouper, which is intended to reduce fishing mortality ahead of the development and implementation of Amendment 56, which will be a rebuilding plan for gag grouper.

SERO staff indicated this interim rule was expected to be implemented in early 2023 and that commercial IFQ allocation could be withheld in anticipation of that implementation.

Dr. Powers reviewed projections for gag under F 40 percent SPR for the 61 percent recreational and 39 percent commercial sector allocation scenario and the four rebuilding timelines, which all assume a total ACL of 661,000 pounds gutted weight in place via the interim rule for 2023. The projections assume management will begin in 2024. The SSC found the projections to be appropriate and noted that it was up to the council to determine the sector allocation and the pace of rebuilding.

Council staff presented options for modifications to catch limits and the sector allocation and for modifying the recreational fishing season. The council will also have to select the pace at which the gag stock will be rebuilt from its overfished status, for which there are four options. The rebuilding timelines for the alternatives range between eleven to twenty-two years, with all rebuilding to the same target stock size.

Captain Walker reviewed recommendations by the council's Reef Fish Advisory Panel at its October 2022 meeting. The Reef Fish Advisory Panel unanimously recommended the council adopt the Tmin times two rebuilding timeline, for rebuilding in twenty-two years, in Action 1, to request annual interim analyses for gag to be reviewed by the SSC, and be considered for revisions to

catch advice, and that the council adopt Alternative 2, with Option 2d, in Action 1 as its preferred alternative.

The Reef Fish Advisory Panel thought changing the sector allocation was unwise with the stock in its present overfished condition and that it was critical that the council be updated on the rebuilding progress of gag as often as practical.

Action 2 discusses modifications to the recreational fishing season. The proposed interim rule used MRIP-FES data to determine a September 1 to November 10 recreational fishing season for gag, which was selected to provide stability in the fishing season.

Council staff noted concerns from the interdisciplinary planning team and the Reef Fish Advisory Panel about the ability to accurately project the fishing season over a short season duration, regardless of the alternatives considered. The season duration projections for Action 2 will be completed and provided at the January 2023 council meeting.

Captain Walker reviewed recommendations by the council's Reef Fish AP, which recommended that the council adopt Alternative 2 in Action 2 as its preferred alternative. The Reef Fish AP thought that effort to avoid discards in the summer months had merit, yet was interested in optimizing recreational fishing opportunity, where possible.

A committee member asked about the timeline for development of Amendment 56. Council staff replied that a public hearing draft was planned for council review in January 2023 and a final draft in April 2023. The committee member noted gag has been overfished and undergoing overfishing for some time and thought changing the sector allocation at the beginning of a rebuilding plan was inappropriate.

A committee member noted that, while Alternative 2 in Action 2 constrains recreational catch, it does not allow for flexibility and discretion for setting the season duration. Another committee member added that Florida's State Reef Fish Survey is not designed for in-season quota monitoring, and, thus, the season projections would be entirely dependent on the data available from the previous fishing season, or seasons. The committee will discuss Action 2 further at Full Council.

CHAIRMAN DIAZ: Tom, hold on just a second. Mr. Strelcheck.

MR. STRELCHECK: I've given a lot of thought, and talked to,

obviously, a lot of fishermen during this meeting, as well as listen to public testimony, and I feel like we maybe need to be doing more than what we're at least considering in this action, or at least explore some additional analysis.

First, we did talk -- C.J. and I spoke yesterday, and, with regard to the recreational season, we're in some new territory, because we are using the SRFS data now to project that season, and he reminded me that any season that NMFS sets -- That that could be approved by the commission, and so we want to be in lockstep with one another.

There are some advantages and disadvantages of, obviously, leaving the backend of the season open-ended and projecting out, but, in terms of the accountability measures, essentially, that is the current authority that is provided to me, is to essentially project when the catch limit would be met and close the season. I wanted to just acknowledge that, and I certainly welcome C.J. talking specifically about that issue.

In terms of where we're at in the document, some options that I think we should discuss adding, between now and January -- We heard a lot about the potential for discards during the summer, because of targeting of red snapper, and I recognize this would be something more preferred probably for the northern Gulf than my area off of Tampa, but, looking at that summer fishing season, that at least overlaps partially with red snapper, possibly in conjunction with that, a lower bag limit, or even a vessel limit.

Then, on the commercial side, you heard a lot about a commercial closure, but the idea there was that, if you close the fishery, then they wouldn't have to reduce their catch levels as much, and that's, obviously, not feasible, but, when we went to the IFQ program, it became a year-round fishery, and we do have areas that protect spawning aggregations, but several thoughts have come to mind, and one is do we want to consider reinstituting the grouper closure during, I think, February 15 to May 15 that was previously in place, and do we want to look at broadening some of the spatial area management, so that we're protecting gag, and, in particular, gag on the shelf that are spawning, and at least considering kind of expansion of that, to keep fishermen off of those areas.

The third idea was, you know, just imposing a bycatch trip limit during the spawning season that would deter commercial fishermen from going out and targeting gag grouper, or fishing for gag grouper, while operating and fishing for other species, and so I

know that's a lot, but I wanted to toss out those ideas and get reactions, and certainly discuss with staff the potential for adding some of those options.

CHAIRMAN DIAZ: Mr. Rindone.

MR. RINDONE: Thank you, Mr. Chair. Andy, you had broadening of spatial closures for some period of time and consideration of bycatch trip limits during the spawning season, and what was the third one? You had said there were three.

MR. STRELCHECK: I had mentioned the previous spawning season closure, which was for multispecies of grouper.

MR. RINDONE: The previous shallow-water grouper closure for February and March?

MR. STRELCHECK: Correct.

CHAIRMAN DIAZ: All right. Any discussion? Dr. Frazer.

DR. FRAZER: Just, I mean, I appreciate Andy bringing up those points, right, and providing some potential alternatives for actions, moving forward, that would alleviate some of the pressure, particularly on the gag spawning populations. I guess what I'm interested in, and so there was a historical closure, commercial closure, from February 15, and was it to May 15?

MR. RINDONE: March.

DR. FRAZER: March 15, and when did that go into effect, and when did it end? Does anybody know?

MR. STRELCHECK: I don't recall when it went into effect, and I believe it went away when the IFQ program was --

DR. FRAZER: Prior to the IFQ? I guess what I was trying to figure out is how the fishery might have responded to that closure to begin with, and we may not be able to evaluate that, but certainly I think, if there's anything in the document that allows us to alleviate pressure on those spawning aggregations for gag, I think it's at least important to explore, and I do like the idea of potentially imposing a trip limit during the spawning season, to achieve that desired outcome, and so thanks, Andy, for bringing those up.

CHAIRMAN DIAZ: Dr. Sweetman.

DR. SWEETMAN: Thank you, Mr. Chair. I mean, I will touch on a few points here. I am certainly not opposed to looking at some of these alternatives that Andy put forward here, and I certainly think that, the more conservative actions that we can do for gag grouper, the better to help rebuild the stock in a quicker timeframe.

Regarding the potential option for what we heard at public comment yesterday, as it relates to June and July, the potential for that being the gag grouper season, due to discard issues in the red snapper fishery, I am not so certain how high the discard issues will be at that time. From everything that I've been hearing, it's the offshore population, where people just really aren't seeing gag grouper, and I think we're hearing a lot of these increases are more on the inshore side, in state waters, where people tend to target them during the fall months of the season. However, having said that, I'm certainly not opposed to looking at the option and seeing what benefit that could provide us.

As it relates to setting the gag grouper recreational season, as Andy said, this is going to be the first year that we'll be using SRFS data, during the interim rule season, and we really just don't know how effort is going to shift at that time, and so some of these projections, I would imagine, are going to be highly uncertain, along those lines, and, really, the last thing I want to do is have an overage and for people to lose faith in the system in year-one that we're trying to use SRFS data for that.

As I mentioned, gag grouper catch can be quite high in state waters, at some times, and I think roughly 40 percent in some years, and, as Andy mentioned, it would benefit the stock for the commission to go consistent with some of these regulations, but the federal rulemaking process is very different than the state rulemaking process, and I just want to highlight, to the council here, that it's not necessarily a given that the commission would go consistent with that particular season, for a variety of factors.

CHAIRMAN DIAZ: All right, and so we've had a little bit discussion, and, Mr. Strelcheck, right now my concern is clear direction to the staff, and I think it would be my preference, for whatever we want to move forward with and see at the next version of this document, that we make a motion, to give some clear direction to the staff. I'm putting you on the spot a little bit. Sorry about that.

MR. STRELCHECK: All right. I will try to craft a motion. **To direct staff to develop the following options for inclusion in Amendment 56: 1)a summer recreational gag fishing season; 2)lowering the gag bag limit; 3)establishing a gag vessel limit; 4)a commercial spawning season closure; 5)spatial areas to protect spawning gag; and then Number 6 would be commercial bycatch trip limits.** I'm sorry, staff.

CHAIRMAN DIAZ: All right, and so we have a motion. Do we have a second for the motion? It's seconded by Dr. Frazer. Any discussion on the motion? Dr. Frazer.

DR. FRAZER: I mean, again, I appreciate Andy bringing these up and directing staff to move forward here, but the question I have, and it's the same discussion I had, or point I tried to make, at the last meeting with regard to AJs, right, and so, when we -- If we open these gag seasons, potentially, under any of these scenarios, whether it's a summer, June and July, or whether it's September and October, or whether it's November or December, that's an MRIP wave, right, and, because we've reduced the quota considerably, right, there is concern about effort shifting and all of that, and there's a very high likelihood that, because these fish are -- The allocations, or the quotas, are so low, that they will be exceeded pretty early in a wave.

What I don't -- What I would like, and this is just for staff to consider, right, is to think about, you know, what some combination of a month, perhaps in the summer, and a month in the fall, right, and the reason for that is because you might be able to evaluate how much fish were actually caught in early summer, right, and then, if you have some excess, you could, again, provide additional access to that fishery that is preferred, as Andy said, in some other geographical locations in the state.

I'm just -- Again, I'm not opposed, and I seconded the motion, and I support the motion, but I'm just trying to ensure a little more flexibility for staff to kind of play with those dates a little bit.

CHAIRMAN DIAZ: Mr. Anson.

MR. ANSON: I think I could support the motion too, and I guess, to Andy, and certainly staff have been taking notes, and they can look at the minutes, but, on the spatial areas to protect spawning gag, I thought I heard you say, originally, before you were asked to develop the motion, that it would be in relation to those deeper-water areas, with maybe a trip-limit-type thing

and not necessarily an area that would be closed, and did I mishear that, or is that your intention, is to have a full closure, you know, no retention area?

MR. STRELCHECK: I mean, I think multiple options are on the table at this point. Certainly, I think the prohibition on harvest in a specific area is worth considering, but, alternatively, if that's not palatable, from the council's standpoint, as we move forward -- What I am trying to do is figure out ways to deter harvest during the spawning season, right, and so that's why I wanted to have a suite of options for consideration.

CHAIRMAN DIAZ: Mr. Rindone.

MR. RINDONE: Thank you, Mr. Chair. There were a couple of questions, prior to the motion, about the regulatory history for gag, and so, effective in June of 2000 was when the prohibition on commercial sale from February 15 to March 15 went through. Then that was maintained until -- I think until the IFQ program went into effect, and then there was a closed recreational season for the same period that was put into effect in late 2006, and that was ultimately removed in 30B, and it put into place a recreational closed season for shallow-water grouper for all of February and March, and then was changed in a framework action in 2013, and so, after that, we have our current recreational fishing season, and we have the commercial IFQ program, and so just for a history on that.

Then, in terms of the number of things that are in this list, I would just remind the council of the wide-open throttle with which we are attempting to develop this amendment, and, right now, I'm looking at multiple variations of season projections, recreational retention analysis, and also something that we haven't had to do yet for an IFQ program, which would be the season closure.

Given the fact that, at least in the early years, the amount of allocation that we're talking about for the commercial sector is so small, having a couple of months closed doesn't, at least on the face of it, seem like that would be limiting in any way, in terms of the ability to actually catch those fish.

As far as the spatial areas are concerned, that would be -- That would be a third type of analysis, and I would really want a lot more information about what characteristics of that spatial area are what you're wanting to look for, and so it is primarily to protect the males, which represent the smallest fraction, or is

it primarily to reduce discard mortality, or is it specific to certain areas, geographically, that you've already thought about, or just anything that can help better define that, because, right now, that's very, very, broad.

CHAIRMAN DIAZ: Okay. Mr. Strelcheck and then Ms. Boggs.

MR. STRELCHECK: I appreciate that, Ryan, and, I mean, certainly we've heard a lot about the bottleneck of having insufficient males in the population, and so I think that was my first thought, in terms of thinking about spatial area management and protection of the spawning gag along that shelf edge in the deeper water, typically like forty fathoms or greater, and it doesn't, you know, exclude us from looking at, you know, shallower depths.

In terms of the commercial bycatch trip limits, I did want to clarify that the recommendation would be during the spawning season, to deter direct targeting of spawning aggregations.

What I guess I want to say, and I recognize this is a long list, and, I mean, I'm happy to modify the motion to not say for inclusion, but for exploration in Amendment 56, knowing that staff may not have time to work on all of this, and you're going to have to prioritize this.

I've also been talking to, you know, my team, and I've been talking to Carrie, and I really want us to empower our staff. They do such a great job in supporting the work we do, and I really want to give you, obviously, the information you need to run with, but also make sure that you feel empowered to be able to come up with a lot of great ideas and input that's brought back to us for council consideration.

CHAIRMAN DIAZ: Thank you, Mr. Strelcheck, and I agree with those ideas on empowerment. Mr. Rindone, to that point, and then Ms. Boggs.

MR. RINDONE: Thank you, Mr. Chair, and so the way that I envision this, right now, is, currently, we have the catch limit action, and then we have the recreational fishing season action, and then there would be an action to examine recreational retention limits and then an action to examine commercial retention limits, and then perhaps another one to examine the commercial seasonal closure.

We could -- As far as the commercial part of it is concerned, I mean, it might be possible to combine those into one, because

they're both going to have an effect on the same program, but I'm just trying to lay it out for you guys, so you have some vision of what this will ultimately look like, or what it could look like anyway.

CHAIRMAN DIAZ: Ms. Boggs.

MS. BOGGS: So I've been thinking about this, and, again, I'm trying to look at it holistically, discards and depredation, et cetera, and the establishing a gag vessel limit -- We need to really think about how we do that when it comes to the charter fleet, because you have your six-passenger boats, and you have your multi-passenger vessels that are anywhere from seven to, typically, twelve or eighteen, of course, and then you have your headboats.

I mean, if you lower the bag limit, and I'm trying to think of this realistically and holistically, and some of them are going to disagree with me, but, if you lower the bag limit to say one per person, and you're on a larger boat, and you can limit out and say have forty gag groupers, are we really helping, you know, the population there, but, if you establish a vessel limit, and it's one per boat, that complicates things too, if you've got forty people on a boat, and so we need to kind of look at how we do that, if it's six per vessel or, excuse me, one fish per six people, something like that, and, I mean, we have to take that into consideration.

The reason I'm bringing that up is, if you do go to a boat limit of one, and you've got a larger boat, and now we're dealing with discards again, and I think that's something we do have to consider when we make this decision, and so I don't know how to direct staff to look at that, but I think that's something we do need to consider, and, like I said, it's, again, more for your discards and your depredation, because that is an issue, and people say we're not addressing that, and this may be one way that we can address that issue.

CHAIRMAN DIAZ: Dr. Frazer.

DR. FRAZER: Again, I want to just reiterate something that Andy said earlier, and I think that we can certainly modify the motion to replace the word "inclusion" with "exploration", and kind of empower the staff to take into consideration many of these comments, right, and so there are some things that we can probably incorporate into the document in fairly short order, and some things are much more involved, and so I think I would just ask the staff if they feel like they have enough direction

to move forward with this list.

CHAIRMAN DIAZ: Andy, you're okay with making that modification, and so if we could change the word "inclusion" to "exploration", and then either Mr. Rindone or Dr. Simmons to Dr. Frazer's point about enough information.

MR. RINDONE: I think that we have enough to take a swing at it.

CHAIRMAN DIAZ: Thank you, Mr. Rindone. All right. Dr. Simmons.

EXECUTIVE DIRECTOR SIMMONS: Thank you, Mr. Chair. Yes, I think we do. I think we can look at the spatial areas, but remember one of the biggest problems we have is we don't have a way to quantify what the reduction would be for fishing mortality in those areas, and sometimes we're closing areas without a good understanding of that, and seeing it with reduced fishing mortality, and so we just need to keep that in mind as we're looking at those areas.

CHAIRMAN DIAZ: Okay. Ms. Boggs, and then we're going to vote this up or down. Ms. Boggs.

MS. BOGGS: Well, I mean, that is fine, and we can explore it. The other thing I was going to suggest is, because of the complexity with the charter fleet, is if we just remove the establishing of the gag vessel limit, but we can discuss that as we get more information on it. Thank you.

CHAIRMAN DIAZ: Okay, and so we've got a motion on the board. We've had a fair amount of discussion. I am going to try this. **Is there any opposition to the motion? Seeing no opposition, the motion carries.** Dr. Frazer.

DR. FRAZER: Okay. I think we're going to move on to scamp. The SSC Recommendations for Review of the SEDAR 68 Operational Assessment for Gulf of Mexico Scamp, Tab B, Number 10(a), Dr. Powers summarized the SSC's review of the SEDAR 68 operational assessment of Gulf scamp and yellowmouth grouper.

These species were assessed concurrently, due to extreme difficulty in discerning between the two at smaller sizes during dockside intercepts, and similar life history characteristics. Landings historically were dominated by the commercial sector, though recreational landings have increased considerably in recent years.

Recruitment of scamp, which is estimated by the model, has shown a decrease in recent years. The SSC reviewed the scamp and yellowmouth grouper stock assessment, SEDAR 68, at its September 2022 meeting and found it to be consistent with the best scientific information available.

Although the assessment originally used a maximum sustainable yield, or MSY, proxy of F 30 percent SPR, the SSC asked that the Southeast Fisheries Science Center also produce a run using F 40 percent SPR, considerate of the species' life histories, increased rate of exploitation of the stocks in recent years, and empirical studies demonstrating the benefits of managing stocks like groupers to a higher MSY proxy.

Under both presented proxies for MSY, SEDAR 68 estimated that scamp and yellowmouth grouper are not overfished and are not undergoing overfishing, as of 2020. The SSC abstained from recommending catch advice until receiving guidance from the council about how it foresees the future of scamp and yellowmouth grouper management, considerate of the species' inclusion in the shallow-water grouper complex and in the commercial IFQ program.

A committee member asked about the rationale for discussing changes to the management of the shallow-water grouper complex. Dr. Powers replied that, because scamp and yellowmouth grouper now have an accepted stock assessment using MRIP-FES, whether those species remain in the shallow-water grouper complex is the council's decision.

It's also the council's prerogative to define the MSY proxy for a species or complex. However, the council typically relies on scientific input from the SSC to inform that decision. If there are options for an MSY proxy for a stock or complex that are both defensible, then the choice is a policy decision. However, if the current MSY proxy is determined to no longer be defensible by the SSC, then the decision of an MSY proxy should follow the recommendation of the best scientific information available.

The SSC's recommendation does not preclude further consideration of F 30 percent SPR, but it does emphasize the SSC's support for F 40 percent SPR as the MSY proxy, given the groupers life histories and that scamp especially are being directly targeted, more so than in the past.

The committee discussed the SSC's recommendation, and recognized that it was made given the best science available. Council

staff added that the catch limits for the shallow-water grouper complex ACL was established in the Generic ACL/AM Amendment, without a specified proxy for MSY. After that amendment, a proxy of F 30 percent SPR was established in Reef Fish Amendment 48, but was not used to revise the ACLs for the complex.

The Southeast Fisheries Science Center noted that producing projections for both proxies would represent a considerable analytical effort and that scientific justification would be necessary to decide which proxy to use. A committee member asked that IFQ program staff from SERO present the current composition of the grouper-tilefish IFQ program share categories, to better inform the committee.

Captain Walker reviewed discussions by the council's Reef Fish Advisory Panel. The Reef Fish Advisory Panel did not make a formal recommendation, but noted the complex interconnectivity within the grouper-tilefish IFQ program and cautioned against modifying the program.

The committee recommends, and I so move, to direct staff to provide catch levels for scamp and yellowmouth grouper utilizing an MSY proxy of F 40 percent SPR and consider other management changes necessary for the shallow-water grouper complex. That motion carried ten to six with one abstention. Mr. Chair.

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

MR. ANSON: Just I brought it up during committee, and there is a new council member on, and so, you know, just that the report reflects the discussion, you know, during the SSC meeting, but also during the committee, regarding the council's responsibility, I guess, or duty, in this regard for this stage of management, and so the MSY proxy is up to the council's prerogative, as the report reflects, and it does rely, oftentimes, on the SSC's recommendation, and I would not necessarily have a problem with -- I don't have a problem with the motion, except for the fact, and I hope it's, you know, carried forward, maybe by staff, for future SSC meetings, for this type of deliberation, but, you know, is to have a consistent, you know, message, I guess, because the two motions, as they were offered by the SSC, are conflicting, to a degree, when you juxtapose that against what the council can do relative to establishing an MSY proxy.

You know, certainly there is, you know, some merit in, you know, identifying or classifying a species, similar to the gag,

because of the change in sex and the ratios for those older adult fish. You know, I was looking over the data, and I did not review the data, and I did not listen into the discussion of the assessment, but, you know, the recruitment information -- I'm just going to have to go and ask a few folks about the indices that went into, and the analysis that went into, the recruitment projections, but I just -- It just gives me pause, again, with how the motions came, the two motions, and then that the council has the -- You know, it's their prerogative to identify an MSY proxy.

I do realize that there is an extra workload, but I just am worried about that, because it has been an issue in the past, with the SSC deliberations, and, you know, with this, we have an assessment where it appears the stock is not undergoing overfishing and not overfished, nor has it been in its history. Granted, there are an increase in landings, but, anyways, I just wanted to make those comments. Thank you, Mr. Chair.

CHAIRMAN DIAZ: Thank you, Mr. Anson. Mr. Rindone.

MR. RINDONE: Thank you, Mr. Chair. That point is -- Being the staff lead for the SSC, I can certainly work to try and lay out some discussion rules, or not rules, but guidelines, if you will, that, when recommending an MSY proxy that differs from the status quo, to provide some pretty clear justification as to why they think that is, and, also, to be clear if they think that the current MSY proxy is inappropriate, and then clearly state why they think that.

I think that the SSC did a good job with that with gag, because the data made it pretty easy for them, from the assessment, and that Fmax just simply wasn't a sustainable path forward, and they laid things out pretty well, I think, with the progression from 30 percent SPR to now 40 percent SPR for gag, but I can certainly see where the same level of detail wasn't a part of the discussion for scamp.

I think part of that though is that, right now, for scamp anyway, we're still at more of that exploratory stage, because the SSC didn't know how the council was going to manage it, and there's a lot of interdependencies with the different share categories for the IFQ program, and so getting some guidance from the council about, you know, the council's wishes for that, moving forward, is important, and so it's very likely that this discussion isn't over yet either, but we will work to be much more clear about that in the future.

CHAIRMAN DIAZ: All right. Thank you. Dr. Frazer.

DR. FRAZER: Thank you, Mr. Chairman, and I guess, when we were having the discussion originally, and I was the council representative at that SSC meeting, and I probably didn't frame it quite the right way, when I was trying to explain what I thought transpired, and a better way to have done that is probably to say that, you know -- I tried to point out a sentence in the second motion that the SSC made, but I think, really, what the SSC was saying, right, is that 40 percent SPR was the best approximation of FMSY, and, by implication, right, that meant that there's a higher likelihood of using F 30 percent SPR and overfishing, right, and so, if the council had decided, for example, to keep both of these, or to elect to pursue F 30 percent SPR, they would have been saying, essentially, that they're willing to accept a 50 percent chance of overfishing, and, you know, that's a flip of a coin.

I think that's where the SSC was going, and they were trying to hone-in and provide a little more directed advice, and I think that's reflected in the motions, but I like what Ryan said, and, I mean, we can certainly work with the SSC to help them provide the information that can be more helpful, and most helpful, to this council, moving forward.

CHAIRMAN DIAZ: Thank you, Dr. Frazer. All right. **We're ready to vote on this, and so is there any opposition to the motion on the board? Seeing no opposition, the motion carries.** Dr. Frazer.

DR. FRAZER: Okay, and so the Reef Fish AP Recommendations from the October 2022 Meeting, Tab B, Number 6(b), the council staff reviewed remaining items from the summary report from the October 11, 2022, meeting of the Reef Fish AP in Tampa, including a discussion of the results of the recent update to the SEDAR 64 assessment of southeastern U.S. yellowtail snapper and the U.S. Coast Guard inspection requirements for Gulf federal commercial reef fish permits.

The Reef Fish AP also passed a motion to have a fixed reopening determination date for the federal for-hire red snapper season, if there is available quota remaining after the initial projected season. SERO staff indicated that the recreational landings for MRIP Wave 4 (July and August) are not available until the middle of October and that any fixed reopening of the season would need to be considerate of the availability of the landings data and of providing sufficient notice to the for-hire fleet.

CHAIRMAN DIAZ: Dr. Walter.

DR. WALTER: Thank you, Chair. I am sorry to take us back just a couple of sentences, but I had a slight modification to the text in the previous section on the options for the MSY proxy, and I passed that to staff, and it's minor, but I will read it, and it relates to the decisions by the SSC.

If there are options for an MSY proxy for a stock, or complex, that are both defensible, then the choice is a policy decision, but my recommendation would be that that we add "equally defensible" there, because I think that the SSC has a lot of insight, and is providing guidance based on what a scientifically-defensible proxy is, as they did, and, in that case, we probably don't want them to just be -- The burden of equally -- A lot of things could be defensible, but, here, it's got to be clarified there.

My other one other minor addition is, when it says, "best science available", I think we can say, "best scientific information available", and be clear on that, because "best science available is not defined", but BSIA is, or it soon will be, with the BSIA document that's coming out. Thank you.

CHAIRMAN DIAZ: Thank you, Dr. Walter, and both of those are noted. I think we're at Other Business, Dr. Frazer. I believe we're at the point of Other Business, and Mr. Schieble had a point of other business.

MR. SCHIEBLE: Yes, and thank you, Mr. Chair. This is very quick, and it's just an FYI. I sent an email to staff with a graphic, if they could pull it up, real quick, and so we got our final landings estimates for Louisiana for the private recreational red snapper season.

As you can see, it' an estimate of 811,090 pounds that came in, and it equals a difference of 1,775 pounds as an overage, which we will be paying back, obviously, next year for the 2023 season. I would like to note that that difference in weight, the 1,775 pounds, is equal to about 280 fish, with our current average weight, which I will brag a little bit, but I think that's within the standard error either way of our estimates, and I think that's pretty good.

It's slightly going over, but it's close, and it's a testament to how well the state systems are working, I think, and so I just wanted to let you all know that, and our news release will

be probably be coming out with this information probably sometime later today, if not tomorrow. Thank you, Mr. Chair.

CHAIRMAN DIAZ: Thank you, Mr. Schieble. Any other business for the Reef Fish Committee? Seeing no other business, Dr. Frazer.

DR. FRAZER: Well, Mr. Chair, this concludes my report.

CHAIRMAN DIAZ: Thank you very much, Dr. Frazer. Mr. Anson.

MR. ANSON: Just to follow-up on Ryan's comment relative to -- Going back to scamp and a couple of the issues that the SSC needed some direction, or clarification, from the council on to continue, and that would be whether or not to keep scamp and yellowmouth in the shallow-water grouper complex or separate them, and so just staff is still looking for that direction.

CHAIRMAN DIAZ: Okay, and so thank you for that, Mr. Anson. Any comments or feedback for that staff on what Mr. Anson just laid out so well? Mr. Anson.

MR. ANSON: I guess I would need -- I mean, how much of an extra lift is it if -- You know, is that just part of the process, if we said we would like to remove it? I guess just to explore it, you know, and, really, the biggest thing -- You know, on the one hand, I don't want to create a lot of extra work, certainly if it's not going to lead us anywhere, but, you know, I guess Andy too, on, you know, how that might change -- Certainly there was some discussion on how commercial fishermen can utilize that, you know, with trying to go back and forth between the deepwater grouper and such, but I'm just curious, you know, how that puts us.

You know, seeing also that, as I recall, it was black grouper that was used as the index, and so that would that still remain, but yet only for the two remaining species, and then you would still have -- You would be able to utilize the assessment now, since these have been assessed, and so I don't know.

CHAIRMAN DIAZ: Mr. Rindone.

MR. RINDONE: I think it would be the difference between finding out that you're having one kid and finding out that you're having quadruplets. The way that everything is set up right now with the program is -- I had described the way that the deepwater and the shallow-water grouper species can be shared between those share categories during committee.

If that is taken out of there, if we take scamp and yellowmouth out of there, part of that relationship, from a biological standpoint, is based on the fact that scamp is kind of like that in between shallow-water grouper and deepwater grouper species, because you can catch it in the same general areas that you catch some of the shallow-water groupers and in the same areas that you catch the deepwater groupers.

The advantage, at least, for the shallow-water grouper complex for scamp is that scamp is a regional stock that is caught by all five states, and it can be found in all five states, whereas black grouper, which is the current representative species for the shallow-water complex, is primarily a southwest Florida species. We don't have a current assessment for black grouper. The last one was SEDAR 19, and we had attempted to do another one, and we ran into some issues, and so, right now, we're kind of in a shoulder-shrug situation with black grouper, but we have an assessment scheduled in the future with that, and we're going to work with FWC on that one, since they're the analytical agency.

In the meantime, essentially, what we would be looking at, if the shallow-water grouper complex was kept together with all four species, is that our current contemporary accepted assessment, SEDAR 68 for scamp and yellowmouth, would serve as the representative assessment for the complex, which is advantageous, given that we don't know what's going on, really, right now with black grouper, and we have never really known what was going on with yellowfin grouper, and so the scamp and yellowmouth assessment would serve as the indicator and the foundation upon which to stand for the complex.

If we take that out of there, that leaves us in a very data-poor situation for black grouper and yellowfin, and that has nothing to do at all with -- Anything to do with the IFQ program, and that just disadvantages the council's ability to manage, because the uncertainty for those species is going to be quite considerable, and so these are just things for you guys to think about. It certainly would be easier to keep the complex together, and explorations of splitting it apart would certainly require quite a bit of thought and consideration.

CHAIRMAN DIAZ: All right. Ms. Levy and then Mr. Anson.

MS. LEVY: Just a question, and I'm just clarifying, and the councils never selected an indicator species for the complex, right, I mean, because the way you were talking -- Is there an actual -- When we made the complexes, we selected an indicator

species, as contemplated in the guidelines.

MR. RINDONE: So, in the ACL/AM Amendment -- I think it's in there, and it was selected to be black grouper, because, at the time, SEDAR 39 was a more current assessment, and it was the only assessment for the species that remained in the shallow-water grouper complex, because, eventually, we had taken red grouper and gag out, as they had -- This was before the IFQ program, and they had been taken out, because we had species-specific stock assessments for those.

MS. LEVY: Well, I guess, just following up on that, and so, if the council has designated an indicator species, and, with black grouper, we can change it, right, but we have to change it, meaning you can't just now throw out that this is the new indicator species, right, and so we have to do something to change it, and I just wanted to make that clear.

CHAIRMAN DIAZ: Mr. Rindone, to that point?

MR. RINDONE: Thank you, Mr. Chair, and, yes, to Ms. Levy's point, that would -- Whatever amendment is developed in order to address anything that's going to happen with scamp and yellowmouth, that would be part of it, is to say that this is the most recent stock assessment, and, if shallow-water grouper is keeping the family together, then, you know, that would be the indicator for the shallow -- Scamp and yellowmouth grouper would be the indicator species for that complex.

CHAIRMAN DIAZ: Mr. Anson.

MR. ANSON: Well, I thought that I was able to stay with Ryan, during much of what he said previously, but I think I won't proceed, and I really wasn't paying attention, because, when he said it would be akin to one versus four kids, as a father of one, I kind of lost a lot of focus there, and so thank you.

CHAIRMAN DIAZ: Ms. Boggs.

MS. BOGGS: Well, so, based on Ryan's comments, and I've actually been thinking about this, it seems to me like we would just leave it as a complex, instead of trying to split it out, because everybody keeps talking about the workload of the staff, and then, if you split it out, now you've got to figure out what to do with the other two species and how we manage those. We've got an IFQ program, which we can't certainly get to any agreement on at this point in time, and so, I mean, I don't know how extensive it is, Ryan, to look at both sides of it, but, I

mean, if you're asking for direction, and we need a motion, I can put one out there, just to keep it as a complex.

CHAIRMAN DIAZ: I don't think, at this time, we need a motion, and I think staff has enough discussion, from what's been around the table right now at this point, but, if somebody has a motion, we'll entertain one, but I think we're in pretty good shape. Mr. Rindone.

MR. RINDONE: I mean, we can ride on that. I think the discussion lays it out, and so, right now, we'll take the council's intention as to keep the family together, so to speak, and not break up the shallow-water grouper complex, and then, as we look to develop something for scamp, we'll move forward with that in mind.

CHAIRMAN DIAZ: Okay. Thank you for bringing that to our attention, Mr. Anson. Any other business to come before the Reef Fish Committee? Seeing no other business, we're going to close out the Reef Fish Committee, and we're going to move into Sustainable Fisheries. Dr. Sweetman.

SUSTAINABLE FISHERIES COMMITTEE REPORT

DR. SWEETMAN: Thank you, Mr. Chair. The Sustainable Fisheries Committee met on October 24, 2022. The committee adopted the agenda, Tab E, Number 1, and approved the minutes, Tab E, Number 2, of the August 2022 meeting as written.

Review of Florida Pompano Landings and Requirements for Consideration for Federal Fisheries Management, Tab E, Number 4, council staff reviewed the landings from Florida pompano, which is landed predominantly in state waters, regardless of state or fleet.

Factors to consider when evaluating a species for federal conservation and management, as outlined in the Magnuson-Stevens Fishery Conservation and Management Act (MSA) were reviewed and discussed. A committee member from Florida noted that landings trends for Florida pompano have been steady (recreational) or increasing over time (commercial), and that the State of Florida has conservation measures in place to adequately manage the stock, for example harvest controls along with catch and effort data collection.

Further, the State of Florida produces status and trends reports for many of the species that it manages and offered to provide this information to the committee for Florida pompano. NOAA

General Counsel reminded the committee of a petition received by NOAA Fisheries to consider federal management of Florida pompano and that a determination about the necessity for federal management is requested of the council.

Committee members noted that a majority of harvest is coming from state waters and that Florida has measures in place to ensure the conservation and management of the stock. Thus, it may not require federal management. Another committee member asked whether the factors included in the MSA were to be quantitatively or qualitatively evaluated. NOAA General Counsel replied that the level of evaluation was dependent on the data available to inform that evaluation. The Gulf States Marine Fisheries Commission representative added that Florida pompano is on its list for future development of a fisheries profile, or management plan, if necessary.

A committee member asked about the limitations on where certain quantities of Florida pompano can be landed and why those regulations exist. The State of Florida replied that those regulations were implemented to help rebuild the stock in the late 2000s.

Unlimited landings of Florida pompano are allowed only when harvested from federal waters off Florida within the Pompano Endorsement Zone by licensed commercial harvesters who hold a commercial pompano endorsement using gillnets, hook-and-line, cast nets, or beach or haul seines. Florida pompano harvested from the Pompano Endorsement Zone, pursuant to a pompano endorsement, may only be transported through state waters and landed in Florida between Cape Sable and Hurricane Pass in Collier County.

Florida pompano may also be commercially targeted and directly harvested without a pompano endorsement in state and federal waters off Florida with beach or haul seines, cast nets, and hook-and-line with a limit of 250 fish, which can be landed anywhere in Florida. Up to 100 Florida pompano can be taken commercially as bycatch in gillnets while fishing for other species in federal waters, such as Spanish mackerel.

They can be landed anywhere in Florida. However, commercial harvesters in possession of Florida pompano and gill or entangling nets must return from federal waters and transit directly and continuously through state waters to land such fish in Florida. **The committee recommends, and I so move, that Florida Pompano is not in need of federal conservation and management at this time.**

CHAIRMAN DIAZ: Okay, and so we have a committee motion. Is there any discussion on the motion? **Seeing no discussion, is there any opposition to the motion? Seeing no opposition, the motion carries.** Dr. Sweetman.

DR. SWEETMAN: Thank you. The committee also discussed the merits of considering African pompano for federal management. Several committee members expressed interest in exploring potential federal management, given the discussion on Florida pompano, while other members contended that Florida pompano management represented a separate issue. Ultimately, the Committee decided that, if desired, the subject of African pompano could be brought up at Full Council.

CHAIRMAN DIAZ: Ms. Boggs.

MS. BOGGS: Is this the time to bring up African pompano? We have had some people asking us to look at African pompano, and I was just about to send a motion. I sent it earlier in the week, and we kind of glazed over it, but I did have a motion that I would like to make, and it's not completely formed, but we can go with it, if this is the time.

I would like to make a motion to request staff to look at factors that would need to be considered for federal management of African pompano. If I get a second, we can have a little more discussion.

CHAIRMAN DIAZ: All right, and so we have a motion. Is there a second?

MR. ANSON: Second for discussion.

CHAIRMAN DIAZ: It's seconded by Mr. Anson, and so go ahead and give some rationale, Ms. Boggs.

MS. BOGGS: Well, we've had one fisherman that has come to the podium and has asked us to please look at this, because they are catching them in southern Florida waters, if you will, and I have heard, from other fishermen, that they are seeing more in federal waters, and we've done this kind of same exploration for the request of one person in the past, for other issues, and so I think we need to at least consider this, because it has been brought to our attention, and I certainly would like for this committee, or this council, to consider looking at this. Thank you.

CHAIRMAN DIAZ: Okay. Dr. Stunz.

DR. STUNZ: Susan, when this was brought to the council, I don't remember what format, or maybe this is sort of a question for Andy, about when we were asked to consider a species for federal management, and what's the process? I know we had some discussion on this in committee, but it seems like this can turn into an issue where -- I mean, at some level, you have to have a formal request to really do this kind of thing, and so I can't remember where we're at.

CHAIRMAN DIAZ: Mr. Strelcheck.

MR. STRELCHECK: For Florida pompano, we had received a petition request for federal management, and so the National Standard Guidelines outline factors to be considered to determine whether or not a species is in need of conservation and management, and so this would be similar to that, except the council is being proactive in at least doing that evaluation and not waiting on a petition.

Since I have the microphone, I guess my recommendation would be to word the motion a little bit differently, to something along the lines of direct staff to evaluate factors in determining whether African pompano is in need of federal conservation and management. I am suggesting this, and so you need --

CHAIRMAN DIAZ: Ms. Boggs, I guess he is suggesting a friendly amendment. Are you amenable to that?

MS. BOGGS: Yes. Then I have a comment to what Dr. Stunz was asking a moment ago.

CHAIRMAN DIAZ: Okay. Let's make sure the motion is correct on the board. Is the seconder okay with the new language? Mr. Anson?

MR. ANSON: Yes.

CHAIRMAN DIAZ: Okay, and so the new language is on the board and accepted by the motioner and the seconder. Ms. Boggs, to Dr. Stunz's point, and then to Mr. Dugas. Ms. Boggs.

MS. BOGGS: Dr. Stunz, thank you for that, because I was remiss in saying I don't have it, but I do recall, at one meeting, a while back, and it may have been just as I came on the council, but I believe the gentleman that came to the podium and asked us to look at African pompano did have a petition that had, as I

recall, over a hundred signatures. Now, I don't know what happened to it, if it ever made it into the council record, but, if that's something that you would like to see again, I will certainly reach out to him and see if we can get that put on the record. Thank you.

CHAIRMAN DIAZ: Mr. Dugas.

MR. DUGAS: Thank you, Mr. Chair. Not to put C.J. on the spot, but I'm curious what the State of Florida thinks of this.

DR. SWEETMAN: Thanks, J.D. We certainly feel that -- We agree that there are -- We have some -- We have heard some concerns from people about whether the Florida regulations are too restrictive, and I believe that's where this recommendation is coming from. In terms of -- I believe most of this fishery is prosecuted generally in federal waters, from my understanding, and, at the moment, you know -- We, in the past, had put in these regulations of two fish per person, whether it was commercial or recreational, for the purpose of concerns that we have in the fishery, and I think there are some spawning aggregations in federal waters there, and that is why Florida has the regulations that are in place, is for specific conservation purposes.

CHAIRMAN DIAZ: All right. Dr. Shipp, and then we're going to vote this motion up or down. Dr. Shipp.

DR. SHIPP: Thank you, Mr. Chairman. Just talking to Andy, this would also be an appropriate time to take up tripletail, because we could use the exact same motion and replace "African pompano" with "tripletail". On the agenda, it's new business, but it seems like it would be much more efficient to go ahead and take care of it here.

CHAIRMAN DIAZ: Okay, and, after we dispense with this motion, we would like to do that?

DR. SHIPP: Yes.

CHAIRMAN DIAZ: I would be okay with that. Let's do this by a show of -- Dr. Sweetman.

DR. SWEETMAN: I'm sorry. I misspoke. I said two per person, and it's two per vessel. My apologies.

CHAIRMAN DIAZ: Thank you for that correction. All right. Let's do this by a show of hands. **All in favor of the motion on**

the board, please signify by raising your hand; all opposed like sign. All right. **The motion fails.** Dr. Shipp.

DR. SHIPP: We discussed a little of this the other day, and tripletail has really started to show up in markets, and especially at restaurants. I talked to come of the commercial guys, and they think that they may be coming in primarily from outside the U.S., but we don't know that, and, as I mentioned the other day, I had the occasion to visit five restaurants, just with going out to eat with my granddaughter, and three of the five were featuring tripletail as catch-of-the-day, and the other two restaurants had it on the menu, and so I think, potentially, it could be a problem.

We just don't know enough about it, and so I would adopt the same motion we have here, except replace "African pompano" with "tripletail", and so that would be my motion.

CHAIRMAN DIAZ: Okay, and so let's get that motion on the board. It's the same motion, but just replace "African pompano" with "tripletail".

DR. SHIPP: Yes.

CHAIRMAN DIAZ: You know the main thing that I got out of that, Dr. Shipp?

DR. SHIPP: What's that?

CHAIRMAN DIAZ: You've got a pretty good granddaughter. A lot of seafood restaurants. **Okay, and so we have a motion on the board to direct staff to evaluate factors in determining whether tripletail is in need of federal management.** We have a motion. Is there a second? It's seconded by Dr. Stunz. Is there discussion on the motion? I think you gave a little bit of rationale, but, if you want more, and you might want to, and did you want any more rationale?

DR. SHIPP: No, and, I mean, that's the basis on which I considered this issue, but, again, it's -- I will add one more thing, in relation to its abundance, that I mentioned the other day. One of our former council members, Larry Able, and his son were out recently, and they caught forty-seven tripletail in one afternoon, most of which they tagged and released, and Larry told me that, in the Apalachicola area, five years ago, there was one guy who occasionally spent an afternoon on tripletail, and now there are seven fulltime tripletail guides, and so the pressure is certainly increasing on tripletail, and I would like

to catch it before it gets out of hand.

CHAIRMAN DIAZ: Yes, and I would note that the Mississippi Department of Marine Resources has a tagging program, where they are satellite tagging tripletail, and that tagging program, when I looked at it, did show that they move between state and federal waters, depending on the time of year, and so, Rick.

MR. BURRIS: Thanks, Dale. We are actively tagging tripletail with satellite tags, and, actually, this year, we've gone out and worked with some other states and started tagging some larger fish, off of Louisiana, and some in Florida as well, and so we're going to get the results of that here probably after the winter, but I do want to note that -- I can't remember when it was, but within the last ten years, and all the states have adopted regulations on the species.

Mississippi is three fish at eighteen inches, and Louisiana I believe is five fish at eighteen inches. Florida is two fish at eighteen inches, and Alabama is three at eighteen inches, and then Texas is three at seventeen inches, and so they're pretty consistent across-the-board, and I think the states are doing a pretty good job of managing it, and, if I'm not mistaken, if you catch a fish in federal waters, I believe the state that you're landing in has to match those state regulations.

CHAIRMAN DIAZ: Dr. Stunz.

DR. STUNZ: Just briefly, I'm hearing -- When Bob had discussed this earlier, and I was doing -- I was interested in it, and I've been hearing some anecdotal reports and other things that I am seeing about folks putting out FADs to attract them, and then, of course, fishing those, because they're so structure-oriented type of fish, and so I would encourage, if this passes, that that's something that the staff could look into as well, just so we can get a better handle, or idea, of what's going on.

CHAIRMAN DIAZ: Okay. Any further discussion? Mr. Donaldson.

MR. DONALDSON: Thank you, Mr. Chair. As I mentioned in committee, the commission does have a fisheries profile for tripletail, and it was conducted in -- Or completed in 2016, or 2017, and, as Rick mentioned, we are also doing some tagging, in conjunction with Mississippi and GCRL, on some acoustic tags, and a genetic study, and so we are doing some work on tripletail as well.

CHAIRMAN DIAZ: Thank you, Mr. Donaldson. Mr. Dyskow.

MR. DYSKOW: Thank you. I would just like to ask, and what is the endgame that we're looking for on this motion? Are we looking to establish commercial harvest in federal waters for tripletail?

DR. SHIPP: I guess, if you consider what all the states are doing, it's an indication that things have changed with tripletail, and we may be headed toward a commercial harvest in federal waters, and we just don't know that. Tripletails certainly occur in federal waters, maybe more abundantly than they do in state waters, but it's just the fact that we don't know that, and it sounds like we have a database from the states, but we ought to carry it out from there on and see what's in the future with it.

CHAIRMAN DIAZ: Mr. Williamson.

MR. WILLIAMSON: I had tripletail for dinner last night, and it was delicious, and, if it's need of protection, I'm all in.

CHAIRMAN DIAZ: Thank you, Mr. Williamson. Dr. Frazer.

DR. FRAZER: I am just -- I am thinking about the motion, and a little bit of what Mr. Donaldson said, and also what Mr. Burris said, and so we have, you know, state regulations, both for the recreational and the commercial sectors at this point, and what I'm not clear about is, for the Gulf States Marine Fisheries Commission, if there are any trends in catch statistics or anything, or is it just a profile?

MR. DONALDSON: As part of that profile, there is data on landings and whatnot, and that's part of the profile, part of that document.

DR. FRAZER: So that was -- You completed that in 2016, or 2017 or something, and is there a planned update for that?

MR. DONALDSON: Not in the near future. All of our profiles and plans get updated periodically, as resources are available.

DR. FRAZER: Sorry, Mr. Chair, and if I can just finish, real quick, and so why I'm asking here is, I mean, rather than evaluating all the factors, I think, as a primary factor, we can look at the trends in catches over the last ten years, and, I mean, that might be a fairly simple fix, just to bring that back to the council at some point, so we can look at what the fishery is doing.

CHAIRMAN DIAZ: All right. Dr. Sweetman, and we've given this a fair amount of discussion, and we're going to vote this up or down after Dr. Sweetman. Dr. Sweetman.

DR. SWEETMAN: Just a real quick note. Since we were talking about regulations in each of the states, I just wanted to note that Florida's regulations do extend into federal waters.

CHAIRMAN DIAZ: Thank you, Dr. Sweetman. Let's go ahead and vote on this. **All in favor of the motion, and I'm going to read the motion one more time. It's to direct staff to evaluate factors in determining whether tripletail is in need of federal management. All of the motion, signify by raising your hand; all opposed, like sign.** All right. **The motion carries nine to six.** All right. Any other business to come before the Reef Fish Committee? Ms. Boggs. Sustainable Fisheries Committee. Go ahead.

MS. BOGGS: I am very disappointed in what I just saw, and, Dr. Shipp, you're a great man, but one person sits at this table and talks to us about tripletail, and, since we had the vote on African pompano, I found out that that gentleman stood at our podium in Corpus Christi with a petition with 1,200 people on it, asking us to look at African pompano, but we can't do that, and I am very disappointed in what this council did, and I just wanted it on the record what just happened. Thank you.

CHAIRMAN DIAZ: Thank you, Ms. Boggs. All right. Dr. Sweetman, did you have anything else on your report?

DR. SWEETMAN: Yes, Mr. Chair, I do.

CHAIRMAN DIAZ: Go ahead.

DR. SWEETMAN: Okay. SSC Recommendations from September 2022 Gulf SSC, Tab B, Number 10(a), Dr. Sean Powers, the Standing Scientific and Statistical Committee (SSC) representative member, provided a review of the Socioeconomic Stock Assessment Workshop report.

A committee member inquired if NMFS had plans to implement any of the recommendations within the workshop report or were going to assign any priorities for the report recommendations. Dr. John Walter of the Southeast Fisheries Science Center stated that recently considered management strategy evaluation approaches have been used to investigate ways of achieving maximum sustainable yield in a manner that does not solely rely

on yield to achieve management objectives. He continued that the agency would work with the SSC to prioritize the report recommendations and further stated that the council's SSC was the first regional SSC to consider the report findings. Other Business, the committee discussed the merits --

CHAIRMAN DIAZ: Hold on just a second, Dr. Sweetman. Dr. Walter.

DR. WALTER: I kind of fear that I have just written about five years' worth of work for our center in those four sentences, but, to follow-up with that, one thing that I think would be useful to do is to keep this committee informed of progress on things like this, and one thing I would offer up is a presentation on management strategy evaluation and how it could be used to address a number of the key issues before this council, perhaps even at the January meeting, if the council would budget that time, and I would be happy to give that, focusing on a couple of the examples that are currently ongoing.

CHAIRMAN DIAZ: Thank you for that, Dr. Walter, and I do agree that a presentation on management strategy evaluations in the near future would be a good thing, and so thank you for that offer. Okay. Dr. Sweetman.

DR. SWEETMAN: Thank you, Mr. Chair. Other Business, the committee discussed the merits of considering tripletail for federal management. Anecdotally, tripletail has been observed on restaurant menus with increasing frequency. The Gulf States Marine Fisheries Commission representative informed the committee that a genetic study sampling commercial sales of tripletail indicated that they were mainly imported fish. The committee determined that further discussion would be appropriate for Full Council. Mr. Chair, this concludes my report.

CHAIRMAN DIAZ: I think we had a good bit of that discussion already, but I will open the floor up, if there's any further discussion on the other business. Dr. Frazer.

DR. FRAZER: I just, again, would like to go back, and I have been thinking about Susan's comments here a little bit, about the discussion we had on African pompano, and then subsequently tripletail, and I guess what -- Susan, you can correct me if I'm wrong here, but I think the frustration largely is some of the inconsistency in things here.

My suggestion is that, moving forward, and I haven't decided

whether a motion is needed or not, is that, if a fisheries species is currently managed by the states, if it's a candidate for federal management, that there's a process, and we identify a very specific process, whether that's a request to the agency, and then I think it will have more consistency, right, because I do share your concern, Susan, that we need to hone-in on these things a little bit better than we did.

CHAIRMAN DIAZ: Ms. Boggs.

MS. BOGGS: Thank you for recognizing that, Dr. Frazer. I mean, this has been the most frustrating meeting that I think I've attended since I've been appointed to this council, and you mentioned if it's not managed by a state. Well, I think the state has every right to manage every species within the state waters, and so I don't know how you quantify that, or clarify that, but I think it's very important.

If we're not going to listen to the people that spend their money, their time, their energy, and their effort to come and stand at that podium and talk to us, if we're going to completely ignore what they tell us, then can we do away with four-and-a-half hours of public testimony and end this meeting a day early, because that's what we've done at this meeting. We have ignored everything that has been said at that podium. Thank you.

CHAIRMAN DIAZ: Okay. Is there further discussion? Dr. Simmons.

EXECUTIVE DIRECTOR SIMMONS: Thank you, Mr. Chair. I guess, is it accurate to say that, if this individual sent a letter to Mr. Strelcheck, with the petition, that then the council would have to look at it?

CHAIRMAN DIAZ: Mr. Anson.

MR. ANSON: I kind of agree with Susan. You know, at least in this particular instance, with the amount of effort that was put in by the individual that came and spoke, relative to the signatures that were obtained and all, and, obviously, I don't think that we should consider every request that comes to us, that's provided in public testimony, that we have to follow through, but certainly, in this case, you know, I felt -- That was part of my rationale for voting for that.

You know, there's other things that would be under consideration regarding the process, and we kind of did with pompano. You

know, if it needs to be identified in a more, you know, discreet manner, I guess, then maybe that's something we ought to consider, going forward, but I thought that there is a process, and there are certain criteria that need to be met, and Andy kind of covered them today, and we certainly covered them at our last meeting, and, you know, that would be part of the evaluation, you know, is that we kind of go down that list of things that need to, you know, be determined before you go through the process of adding a species to the fishery management plan.

Anyway, I just -- Again, I thought it was appropriate for the request for the African pompano, considering the information that was provided, and how it was provided, in regard to the request that the council look at it, and then other things related to where they're predominantly caught.

You know, it may not pass muster in the end, because, looking at the recreational website, at least for Mississippi through Alabama, we're only talking about 40,000 to 50,000 pounds being landed per year, for the last twenty or thirty years, and so, anyways, thank you.

CHAIRMAN DIAZ: Thank you, Mr. Anson. All right. Dr. Frazer.

DR. FRAZER: Again, to Kevin's points, what I was trying to say is, with regard to process, right, if a fishery is being managed by a state, right, at least I want to hear from the state why they developed their management plan and what justification they had for that, moving forward. What I am trying to avoid are the factors of somebody comes in with an interest in any particular species and just simply doesn't like the rule, right, and that creates a ton of work for this council and the agencies that are involved, and so my suggestion simply is that we better articulate what our process is with regard to consideration of candidate species for federal management.

CHAIRMAN DIAZ: Ms. Boggs.

MS. BOGGS: So is that something that we can make a motion, and I hate to do this, but ask council staff to bring us a proposal of how we would look at that? Is that something that would have to go through the agency, because that is very important, and it is the inconsistency that frustrates me.

It's like, well, he's a good guy, and we'll take care of him, but we don't know who he is, and he's Joe Blow coming in off the street, and he's never been in a meeting before, and we don't

look at him as much as we would the person that we know, and so, if there is criteria that need to be set, and it needs to be done by this body, then I would like to make a motion to ask staff to begin a document, unless we need to bring it up in Administrative and Budget, but, if we're going to do this, let's get started, and let's not wait, because this is going to happen again, and we're going to have this same conversation.

CHAIRMAN DIAZ: Dr. Simmons.

EXECUTIVE DIRECTOR SIMMONS: Thank you, Mr. Chair, and so we could work with Andy's team and see if we could come up with some criteria that the council would want to consider, but I think we should follow the guidelines.

CHAIRMAN DIAZ: Ms. Levy.

MS. LEVY: So I hear this as different than following the guidelines, and correct me if I'm wrong, Susan, but I hear you saying that you would like the council to sort of develop a policy about how you're going to handle requests to include new species in federal management, meaning, if somebody comes to you with a request, what are the steps that you as a council are going to follow to consider that request, and you would then treat that -- You would apply that policy to whoever comes and asks, and, at some point, it might involve considering the factors in the guidelines, but there would be a step, like maybe, you know, what Tom says. You would first get state input about -- You would gather the management that the state does and stuff, and is that what you're saying, that you want a council policy about that?

CHAIRMAN DIAZ: Ms. Boggs.

MS. BOGGS: Thank you, Mr. Chair. Well, I mean, if there's a policy already out there, and I think I was just corrected, and it's Magnuson, and so I need to go do my homework, then that's fine, but, if it's in Magnuson, and there's a guideline, or if there's not, then, yes, a council policy that states that, if someone comes before us, and asks us to look at African pompano, there is steps. Well, he's one person, and, no, we're not going to look at it, or the states say no, but I don't think -- I understand talking, or asking, the states how they manage the species, but, just like Dr. Shipp just brought up with tripletail, it looks like we've got a commercial fishery for it, and it looks like they're moving into the Gulf.

I don't think that's something that needs to be ignored.

African pompano, they are seeing more and more and more of the African pompano, and so is that something that we need to take into consideration? It doesn't hurt to look at anything, and I even said, yesterday, if the motion passed, that I don't care if it's Number 99 on our action guide list, but at least consider it, and we're not even giving this gentleman, and the people that signed his petition, any consideration, and so, yes, I think we need some guidelines that says, for one person, no, we don't do it. If ten people come up, yes, we do it, but we're inconsistent in how we've handled this, and that's the problem. That is why people lose faith, and have lost faith, in the people sitting at this table.

CHAIRMAN DIAZ: All right, and so we've got Mr. McDermott, and I think I have a path forward for us, after Mr. McDermott. Mr. McDermott.

MR. MCDERMOTT: I'm just getting a little confused by this conversation, because it was my understanding that the gentleman who made the petition for the Florida pompano -- That the council had a formal process where you would petition us to examine the situation, and this other gentleman has a petition where he got folks to sign a document saying they wished we would look at it, but he hasn't petitioned the council formally for us to look at it.

CHAIRMAN DIAZ: Ms. Levy.

MS. LEVY: Okay, and so there's two different things going on, and so anybody can come to the council, right, and you're a public body, and ask you if you would be willing to do something, and that's what happened with the gentleman that came to the podium. You can certainly be responsive to that, right, and like you can take action on that.

There's a completely separate obligation on the agency, when they get petitioned under the Administrative Procedure Act, to do something, and so, when that happened, and we got a petition that said we petition you to do rulemaking under the APA to address this issue, the agency has an obligation to respond back to the petitioner, and because, in this case, the petitioner was asking the agency to do something that is covered by kind of this council's jurisdiction under the Magnuson Act, our response was, okay, we're going to give it to the council to take a look at first, because this is your jurisdiction.

I do not think that we want to encourage people to have to petition the agency under the APA every time they want to ask

this council to consider something, right, and so I don't think that that should be the normal path forward. The normal path should be someone comes and asks you to do something, and you discuss it, and you make a decision about it, and so that would be my recommendation.

CHAIRMAN DIAZ: Thank you, Ms. Levy.

MS. LEVY: I do agree that it would be nice if you kind of had a policy, because it would tell people what to expect.

CHAIRMAN DIAZ: Okay, and so what I think we're going to do is that, the next time the Sustainable Fisheries Committee meets, we'll put an agenda item on there to have a general discussion about this, and staff can provide some background documents, and that will kind of educate everybody on what's out there now, and then we can have a more informed discussion, where people at least have some background, and so, if there's not any objections that, that's how we'll proceed, and we'll take this up again at the next Sustainable Fisheries Committee meeting. Ms. Boggs.

MS. BOGGS: So what were you just referencing, a policy?

CHAIRMAN DIAZ: We will gather -- We will look at what background documents are out there available that we can get to council members, so you all can review them, and we will have those available in the Sustainable Fisheries background documents section for a future agenda item to discuss, to see if we can flesh this out better. Ms. Boggs.

MS. BOGGS: I don't know if this is the appropriate time, but I would like to ask that, in the agenda for the next Sustainable Fisheries Committee, that we have African pompano as a discussion.

CHAIRMAN DIAZ: So noted. Okay. I don't think we need a motion on that. Mr. Donaldson.

MR. DONALDSON: If we're done with that topic, I just have a clarification.

CHAIRMAN DIAZ: Go ahead, Mr. Donaldson.

MR. DONALDSON: In the report, I just want to clarify that the commission is actually conducting a genetic study and that the commercial sales are mainly in Florida, and they kind of got combined, and I will get with staff to reword that, and I just

wanted to make sure that it was accurately reflected in the report.

CHAIRMAN DIAZ: Okay. Thank you, Mr. Donaldson. Okay. So we're at the end of the report for Sustainable Fisheries, and we have been through some other business already. Is there any further business to come before the Sustainable Fisheries Committee?

Seeing none, we're at a point where we're ready to break for lunch, and we're just a few minutes before twelve o'clock. I am going to look around the table right now, and people give me a thumbs-up or a thumbs-down, but is it possible to get lunch in an hour, and come back in an hour, instead of an hour-and-a-half.

I don't want to rush people, if you don't think you can do that, but we do have a fair amount to go through this afternoon, and I would hate for us to run beyond 4:30. I am not seeing anybody give me a thumbs-down. Thumbs-up. All right, and so we're going to be back at one o'clock, and we're going to start back with the next committee on the agenda, which will be Mackerel, at one o'clock. Thank you, all.

(Whereupon, the meeting recessed for lunch on October 27, 2022.)

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October 27, 2022

THURSDAY AFTERNOON SESSION

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The Full Council of the Gulf of Mexico Fishery Management Council reconvened at Beau Rivage Resort and Casino in Biloxi, Mississippi on Thursday afternoon, October 27, 2022, and was called to order by Chairman Dale Diaz.

CHAIRMAN DIAZ: Okay. Let's go ahead and get started back up with the afternoon session of the Gulf of Mexico Fishery Management Council. We're starting back up with committee reports. Before we start the next committee report, it was just brought to my attention that Mr. Kevin Anson has a birthday today, and so I would like to wish him a happy birthday. I'm not going to mention his age, but there's a lot of wisdom there, Kevin, a lot of wisdom.

MR. ANSON: You know you're getting old when -- Yes.

CHAIRMAN DIAZ: All right, and so we're going to start up with the Mackerel Committee Report, and, Mr. Anson, if you can lead us through that report, we would appreciate it.

MACKEREL COMMITTEE REPORT

MR. ANSON: Thank you, Mr. Chair. The Mackerel Committee met on October 24, and the committee adopted the agenda as written and approved the minutes of the June 2022 meeting as modified.

Review of Coastal Migratory Pelagics Landings, Mr. Peter Hood, from the NMFS Southeast Regional Office, reviewed the recent landings for the Gulf migratory groups of cobia, king mackerel, and Spanish mackerel.

The committee and NMFS staff discussed changing the way these updates are presented to the council. The committee concurred that presenting the landings updates in a graphic format twice a year would still provide opportunities to comment on trends, while also reducing the workload and time involved in the data request and discussions during council meetings. Mr. Hood also mentioned that the agency's website provides the most current status of landings in relation to the annual catch limits, or ACLs. A link to the website will be included in the briefing book, moving forward.

The committee recommends, and I so move, that landings reports be provided to council committees twice per year, in April and October.

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

MR. ANSON: Public Hearing Draft Amendment 33: Modifications to the Gulf of Mexico Migratory Group King Mackerel Sector Allocation, staff presented Draft CMP Amendment 33, which proposes modifying the sector allocation for Gulf king mackerel. This amendment will also update the CMP fishery management plan (FMP) objectives. After discussion of the motions from the South Atlantic Council's September 2022 meeting, the committee concurred and made the following motions.

The committee recommends, and I so move, to remove Objective 3, as it is redundant with the newly-added Objective 9. Objective

3 is to provide necessary information for effective management and establish a mandatory reporting system for monitoring catch.

CHAIRMAN DIAZ: All right. We have a committee motion. Is there any discussion on the motion? **Any opposition to the motion? The motion carries.** Mr. Anson.

Mr. ANSON: The committee recommends, and I so move, to amend the language of Objective 1 to read as follows: The primary objective of this FMP is to achieve and maintain optimum yield, to allow recovery of overfished populations, and maintain population levels sufficient to ensure adequate recruitment.

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

MR. ANSON: The committee then discussed if Objective 5 was still required. After discussion, the committee made the following motion. **The Committee recommends, and I so move, to delete Objective 5.**

CHAIRMAN DIAZ: Okay. We have a committee motion. Any discussion on the motion? **Any opposition to the motion? The motion carries.** Mr. Anson.

MR. ANSON: A committee member asked if Objective 7 needed to be updated or removed, as it only states migratory groups of king mackerel, and not the CMP group as a whole. Council staff proposed modifying the language of Objective 7 to follow the language of Objective 8. The committee will continue discussion on the CMP FMP objectives during Full Council. There's a hand up, Mr. Chair.

CHAIRMAN DIAZ: Ms. Boggs.

MS. BOGGS: If I could, I would like to make a motion, and I have emailed it to Meetings. **The motion is to remove Objective 7 from the Joint CMP FMP, as it is no longer supported by science.**

CHAIRMAN DIAZ: Okay, and so we have a motion. Is there a second to the motion?

MR. ANSON: I will second for discussion.

CHAIRMAN DIAZ: It's seconded by Mr. Anson for discussion. Ms. Boggs, do you want to provide some rationale?

MS. BOGGS: Well, as I recall, Objective 8 addressed all CMP species, and it seemed like it was a little redundant, and, over the time, as these documents are developed, and this was added in 1990, and I just think it doesn't apply here anymore, because I don't think we're just talking about king mackerel anymore, and I think -- I believe that it should discuss all species and be joined basically with Objective 8 and the fact that the science no longer supports this objective.

CHAIRMAN DIAZ: Dr. Freeman.

DR. MATT FREEMAN: Certainly, and so, to add to Ms. Boggs' comment, in the discussion of CMP Amendment 5, when this objective was originally added -- At the time, it said that the councils are aware of evidence that two migratory groups of king mackerel occur in the Gulf and that seasonally, in the summer, in an area from Texas through Alabama, and so, to reiterate Ms. Boggs' comment, the science no longer supports that there are two groups mixing seasonally in the Gulf, and there is just one Gulf king mackerel that we manage.

CHAIRMAN DIAZ: Okay. Thank you for that clarification, Dr. Freeman. All right. Is there any further discussion on the motion? **Is there any opposition to the motion? Seeing no opposition, the motion carries.** Mr. Anson.

MR. ANSON: A committee member commented that Draft CMP Amendment 33 could include more recent years of landings data. Another committee member noted that the landings for the 2021-2022 fishing year were still preliminary, and so, at most, only the landings from the 2020-2021 fishing year could be presented as final.

A committee member then stated that more recent years of landings could be skewed, because of COVID-19. Council staff referred to Tab C, Number 4 and noted that the recreational landings as a percentage of the sector ACL was 29.8 percent for the 2020-2021 fishing year, which was consistent with previous years for the recreational sector. A committee member stated that constantly updating landings data in draft amendments requires updating analyses and other written materials, which could potentially delay action by the council.

A Committee member inquired why 25 percent and 50 percent of the average difference between MRIP-FES landings and total simulated ACL were considered, respectively, for Alternatives 2 and 3 for reallocating to the commercial sector. Council staff responded

that the council had previously considered 75 percent and 100 percent of the average difference between MRIP-FES landings and total simulated ACL, but that those percentages were likely to constrain recreational harvest, resulting in a recreational season closure, due to the ACL being met, which is not a desired outcome ,as stated previously by the council.

The committee recommends, and I so move, to add a new Alternative 4. Alternative 4 is modify the sector allocation for Gulf king mackerel by reallocating to the commercial sector 15 percent of the average difference between the total landings from the 2016-2017 through 2019-2020 fishing years using Marine Recreational Information Program's (MRIP) Fishing Effort Survey (FES) data and the total simulated annual catch limit (ACL) for Model 2 in Appendix D for the predicted total landings by sector and the total projected ACL.

CHAIRMAN DIAZ: Okay, and so we have a committee motion. Is there any discussion on the motion? **Seeing no discussion, is there any opposition to the motion? One in opposition, and the motion carries.**

MR. ANSON: A committee member asked for verification that, in the council's Allocation Review Policy, Gulf king mackerel allocations were scheduled to occur in April 2025 and inquired why the council was considering reallocation at this time. Council staff responded that Gulf king mackerel allocations were planned to occur every six years, with an expected start of first review in April 2025, unless such an effort began sooner, from the time-based allocation review triggers. The council had also selected public interest-based review triggers as part of the Allocation Review Policy.

CHAIRMAN DIAZ: We'll pause there for just a second, Mr. Anson, and so I just want to make a note here, and we're fixing to move to another section of the report, and this thing -- We were ready to go out for public comment, and, Dr. Simmons, update on us where we were planning on going with the document, and we'll talk a little bit about where the committee wants to go with this document.

EXECUTIVE DIRECTOR SIMMONS: Thank you, Mr. Chair, and so we brought you a public hearing draft, hoping you could select a preferred alternative, and then you just added another alternative to the document, and so I think it will take us a little while to get that updated, before can go out to public hearings, but I think we're planning on that in January.

DR. FREEMAN: Correct, and so the next group to see the document will be the South Atlantic, and its December meeting, and the IPT will be working to further develop Chapter 4, to account for the new alternative, and certainly we'll have to add a discussion in Chapter 2. The original proposal was to do public hearings in January, or possibly February, and so we'll have to see if we're able to keep on that timeline, if it's sent to public hearings.

CHAIRMAN DIAZ: My question is, is there a likelihood that it could go to public testimony before our next council meeting?

EXECUTIVE DIRECTOR SIMMONS: I think it would be difficult, since you just added the alternative in here.

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

MR. DUGAS: Thank you, Mr. Chair. I believe I'm correct when I say this document is in front of us not because of MSA requirements, but it's in front of us because someone asked us to review it, and, from what I heard at public testimony, and the fishermen around the table, it seems like we don't have a good idea on what's going on in mackerel. I feel like we should be looking at no action, and, with that being said, I would like to make a motion.

CHAIRMAN DIAZ: Go ahead, Mr. Dugas.

MR. DUGAS: In Action 2.1, to make Alternative 1 the preferred.

CHAIRMAN DIAZ: Okay, and so we have a motion that, in Action 2.1, to make Alternative 1 the preferred. Is there a second to that motion? It's seconded by Dr. Stunz, and so if you want to speak, and you were next on the list, Ms. Boggs, but, before you do that, J.D., I want to give you a chance, if you want to give some additional rationale, before we start taking discussion, and so it's up to you, if you have additional rationale.

MR. DUGAS: Thank you, Mr. Chair. I would just add to what I said. I mean, we're not forced to take any action here, and we don't know exactly what's going on with this fishery, from what we heard from public comment, and I don't think we should be moving allocations around at this point, and I think it's okay if we just take no action right now.

CHAIRMAN DIAZ: Okay, and so I have a list of folks. Dr. Stunz.

DR. STUNZ: Thank you, Mr. Chairman. J.D., I speak in favor of

your motion, and I've been thinking a lot, lately, about what to do about this amendment, and, of course, even more after all the public testimony and other things that we've been hearing here at this meeting, and, obviously, you know, we have official stock status of, you know, not overfished and not undergoing overfishing is one thing, and, I mean, that's officially what we're going by, but I think it's hard to argue that there's not some compelling testimony that there's maybe something going on in this fishery, when you start hearing all the things and reports of what's going on, although, on the other hand, there is some commercial guys that got up and said that, you know, there were landings.

There's just a lot of unknowns, and we've got this issue, and, we've been debating around about the unused recreational quota, and, you know, what that means, and allocating that and all that sort of thing, but, in a way, given, I think, where we are and what we're hearing, that uncaught quota is really just sort of an embedded kind of security measure we have in this fishery, and so, at this time, and especially given that, you know, a new assessment will be along here in a couple of years, I agree with what I think you're trying to do here, is just let's sit on where we're at and proceed cautiously with this, and don't make any allocations or do anything until we can get a better handle on how we go about this fishery.

CHAIRMAN DIAZ: Dr. Freeman.

DR. FREEMAN: Thank you. Bernie, could you pull up Table 2.1.1 from the document? I know there was some discussion on Monday, in terms of the landings history, and we had highlighted, previously -- The highlighted showed, in that one column, where commercial landings had been exceeding the sector ACL, and we saw that, in other years, they were quite close to their sector ACL, and so, following the committee, I did look, again, at the information from the SERO website, and I did want to add just to the conversation, and, again, I think it's relevant to the public testimony that the council heard, that, for the 2020 through 2021 fishing year, the commercial sector landed 91.3 percent of its ACL, which is much lower than what we see in the table, and the recreational sector landed 29.8 percent of its sector ACL, and so a little bit more on the lower end of what we had seen historically.

Then you had received the preliminary landings from SERO that day as well, and so I do want to reiterate that these are preliminary for the 2021 through 2022 year, that the commercial sector landed 65.5 percent of its sector ACL, and the

recreational sector landed 20 percent of its sector ACL, again stressing that that's preliminary, and so I just wanted to add that to the conversation.

CHAIRMAN DIAZ: Before I get back to my list, and this might be a question for you or Mr. Rindone, and, Mr. Rindone, in the past, when we've swapped over, with a stock assessment, from CHTS to FES, we've been told that, even with no action, there's a certain amount of fish that might move from one sector to the other, and so, just for everybody's knowledge, before we take this vote, is that applicable here?

MR. RINDONE: So, when you guys did the framework action, after the SEDAR 38 update the last time, and you didn't change allocations there, that actually -- As we stated in the document, and during discussions at the council meetings, that resulted in a de facto reallocation to the commercial sector of approximately 440,000 pounds, based on the yields for the 2023 and subsequent fishing years projections from that model.

From that document, there's already been that de facto reallocation, and the other important thing to remember about those projections is that, even considerate of the transition to FES, those catch limits are tantamount to a decrease from where we were under the old catch limits, if those had been calibrated to FES, and that's largely due to the lackluster recruitment that we've seen in the kingfish stock over the last roughly thirteen years or so.

CHAIRMAN DIAZ: Thank you for that explanation, Mr. Rindone. Mr. Strelcheck.

MR. STRELCHECK: With regard to the motion, I mean, if we choose status quo, we should just table this action, and there's really no need to proceed with it at this point. You know, I certainly have the same concerns, dealing with allocation, especially when you have stocks that aren't in good shape, and I was going to make the points with regard to the change in the catch limit.

I don't agree with J.D., and, I mean, we did have an action to change the catch limit, and the council was intentional in separating this allocation change from that catch limit, and we haven't done that for species like gag or for amberjack, and we have proceeded with them linked together.

I think my growing concern, and Susan touched upon this a little bit before lunch, is consistency, and we heard our Reef Fish AP say that we shouldn't be reallocating greater amberjack, right,

and they made that recommendation. We heard plenty of public comments yesterday that said we shouldn't be reallocating greater amberjack, and we didn't listen to those comments, but then king mackerel comes along, and we're going to hear it differently, and we're going to decide to do something differently than what our constituents are saying.

To me, we've got to get consistent, in terms of how we're approaching these allocations, and we need to be really thoughtful in terms of how we're approaching them, and, when it goes one way versus another, and I realize that these are tough decisions, but, at the end of the day, I think we're just all over the map, and it's concerning me that it's very sector-specific, in terms of how we're making these decisions.

CHAIRMAN DIAZ: Okay. To respond to what Mr. Strelcheck just said, I just want to kind of give you my perspective of that. When we first started getting these FES numbers, Mr. Strelcheck, that's the way I had hoped it would be.

I hoped that we would handle them all the same way and be consistent all the way through, but I think what I've come to realize is that each fishery has some unique circumstances that the council ends up considering, or is forced to consider, that makes it where it hasn't been practical to handle it all the same way, and so it's not turning out like I thought it would in the beginning, but the information that we were getting, as we get each fishery, in my opinion, has been enough to warrant for us to make other considerations, at least, and so it's been a difficult thing to wrestle with, for sure, and I think we have probably all struggled with that same line of thought about how to handle this, and it's been difficult, and I bet you that every council in the country is doing the same thing. Ms. Boggs, you were on the list earlier, but that was prior to this motion. We can wait until after the motion is dispensed with, if you would like. Okay. Dr. Stunz.

DR. STUNZ: I will pass, Dale.

CHAIRMAN DIAZ: Okay. Any further discussion? Mr. McDermott.

MR. MCDERMOTT: I just wanted to follow-up on what you said, Mr. Diaz. You know, this is only my second meeting, and I have been kind of confused, when we're talking about reallocating and recalibrating, and it was my understanding, at the last meeting, that a motion was made to make it automatic, to where, once you recalibrate, whatever the result was, it was the new allocation, and take the council process out of it, and we voted against

doing that, and it's also my understanding that, when you have a recalibration to this new FES currency, like in the amberjack deal that we debated pretty heavily at this meeting, there was a de facto 4 percent reallocation to the commercial side, by selecting the 80/20 option.

If we were to try and select the 84/16 option, I was told by people on this council, whose opinions I trust, that it wouldn't go anywhere, and so, you know, it's been confusing to me. You know, it might be worth looking at making it automatic again.

CHAIRMAN DIAZ: It's confusing, but having a fresh set of eyes, like yours, to look at it and give us some perspective, is very valuable, I can assure you. Dr. Frazer and then Mr. Gill.

DR. FRAZER: So I think I got to the same place that J.D. got to, and I think Andy is in a very similar place, and maybe a couple other people, but I got there using a kind of different reasoning.

To me, it's nothing really about an allocation decision, right, and it's all about the biology, from my perspective, and so we've got a situation now where we've got both sectors not catching their overall quota, and, you know, we've got declining recruitment indices, and, as I said before, a change in the size structure of the population, and so, by adding more fish to one sector, we're not going to solve our problem, right, and, in fact, I'm concerned that, under the current situation, that, you know, there is relatively less discard mortality, probably, in the commercial fishery than there is in the recreational fishery, but we're not going to change the amount of recreational effort, moving forward, right, and so we're not -- There is no net gain here, and so my preference is just to, based on the public comment and all the facts at hand, that we just throttle this back a little bit and sit on it.

CHAIRMAN DIAZ: Mr. Gill.

MR. GILL: Thank you, Mr. Chairman. I'm not as diplomatic as most others around the table, but let's be clear that this is a partisan issue. We've had discussions, at this very meeting, on species that are in trouble, relative to allocations, and the argument was the flip side, and now, all of a sudden, we're back to that's the argument why we shouldn't do it, and so we're not being consistent this week, here, and it's all about the allocation shift, and I understand that, but I think, when we make decisions, based on whatever the arguments are, that at least the arguments should be the same from one species to

another, in terms of where the concerns are.

I guess, to Dr. Stunz's point, I am a little bit agog that four-million pounds in the water is -- That it ought to be left alone, and I think you can make the argument that some fish in the water makes sense. Four-million pounds? How much is enough? When do we get to the point of when we allow fishing or not allow fishing, and so I think the whole concept, to me, says that we're treading on thin ice, relative to Magnuson, in terms of achieving maximum net benefits and optimum yield, by those kinds of discussions. Some fish in the water makes sense, but maybe we ought to make it eight-million pounds, whatever the number is, but I do not support this motion.

CHAIRMAN DIAZ: Dr. Frazer.

DR. FRAZER: I just wanted to speak to Bob's kind of perspective here. I don't -- What I tried to do earlier was I don't see this as kind of a just a partisan-type of an issue, right, and I think the reality is that, if -- No matter how many fish you think that you're leaving in the water, right, we have some significant mortality, and we're not catching all of the fish that we could. By simply saying we can take some of those fish and harvest them, it's not going to alleviate the problem that we still have high mortality in the recreational sector, and so there's no other way -- I mean, I don't see any other outcome, except for even increased mortality, with going with one of the other alternatives, and so, to me, I've heard, pretty clearly, what people have said in public testimony.

The data are pretty clear, to me, that the stock is not in a good way, right, and so, whether you think about in a reallocation context, or any other way -- I mean, the biology simply says we can't harvest any more fish, right, and we're likely not to change the discard mortality, because that effort is not going to change in the recreational sector.

CHAIRMAN DIAZ: Okay. Any further discussion on this motion? Dr. Stunz.

DR. STUNZ: Thank you, Mr. Chairman, and, J.D., I think I would like to add potentially maybe a friendly amendment to your motion, but, real quick, before that, just to Bob's point, I mean, I think having that optimal versus, you know, maximizing net benefit discussion is something --

You know, that was the motion that we had outside of this particular thing that we definitely need to discuss, and my

comment was more about sort of, you know, essentially, given exactly what Tom just said, and the preliminary landings that we just heard about, this is really not the time to be really increasing catch in this fishery, but, with that in mind, J.D., if you're willing, or I can make a substitute motion, but I think it would cleaner, and Andy kind of talked about tabling this motion, but I think, in this case, the best thing to do would be to add a small phrase to this, so it's very clear that -- **My recommendation would be, in Action 2.1, to make the Alternative 1 the preferred and cease work on this document. Add the phrase "and cease work on this document".**

CHAIRMAN DIAZ: Mr. Dugas is shaking his head that he's okay with that.

MR. DUGAS: Yes, sir.

CHAIRMAN DIAZ: I forget who the seconder was.

DR. STUNZ: Well, it was me, and so --

CHAIRMAN DIAZ: So you're definitely okay with it. All right, and so the motion has been modified. I think everybody understands that. I am not seeing any further discussion. Ms. Boggs.

MS. BOGGS: If this motion passes, we can bring it back, at some point, to discuss allocation, and do we have to wait until -- That's another question I have about the allocation policy, and what does this do to our allocation policy? If we stop work on this document, do we reset our allocation, period?

CHAIRMAN DIAZ: Dr. Simmons, can you respond, please?

EXECUTIVE DIRECTOR SIMMONS: Thank you, Mr. Chair, and so Matt and I were just talking about this a little bit yesterday, and I don't think it changes your allocation policy, but we can think about that a little bit more, and the council can bring up reviewing allocations of any species any time they would like to, based on new information or those other triggers that we laid out in the guidelines.

CHAIRMAN DIAZ: Okay. Anybody else? Last chance for discussion. All right, and so I think this motion is going to have some opposition, and so I want to make sure I do a show of hands. **All in favor of the motion, please signify by raising your hand; all opposed, like sign. The motion carries.** Mr. Strelcheck.

MR. STRELCHECK: Dale, I just want to reflect, on the record, that I agree with the motion, but I am voting against it in principle, because of the problems that people are seeing with consistency in decision-making on this council, and so I just want to say that I think it's the right thing for the stock, but I think we really need to work on hard on our allocation decisions, going forward, and come up with a better way of avoiding the bipartisanship. Thanks.

CHAIRMAN DIAZ: Thank you, Mr. Strelcheck. Dr. Stunz.

DR. STUNZ: Andy, I mean, I think these are obviously difficult discussions, and we're not on the same page here, and, of course, Mr. McDermott was talking about the motion that I made last time, about making these calculations more automatic and then deal with the allocation issue after the fact, and I hope, maybe between now and the next meeting, maybe we can discuss that, Andy.

I think you do the science piece, and then you do the hard allocation piece, and then just we have to live with whatever sector benefits from that allocation, and that's just the way it is, and then deal with the reallocation, if that's warranted after that, but I don't want to bring that motion up now, at this late stage in the game.

I also want to make another comment, and I've been around the council now a long time, and related advisory panels, and some of the comments that we've been discussing here, Andy, and you've brought up, and certainly we highly value the information coming from our advisory panels, but, also, they are just that too, advisory panels, and what they say doesn't necessarily mean that's what we have to decide around this table, because, when it makes it to this table, the interests are very different than what might have been on this advisory panels, and we've got a long history of advisory panels have told us to go north, and we've gone south, and sometimes we're together, and, you know, it's just all over the place, and I think that's just one mechanism to feed into our decision-making process, and do we value that? Of course we do. We hear it at the podium and that kind of thing, and it feeds in, but I don't think it's just a given that whatever the advisory panel says on any issue -- That the council is just going to, you know, be agreeable to what that is, because of all the differences we have around the table.

CHAIRMAN DIAZ: Dr. Simmons.

EXECUTIVE DIRECTOR SIMMONS: Thank you, Mr. Chair. I was going to ask if you would like us to try to work with the Science Center and see if we could do an interim analysis, or an interim approach, for king mackerel, to see if we can get a hold on any fishery-independent indices we have, that we could look at, to see what they say regarding, you know, compared to the landings, and so, if folks are interested in that, we could work with the Science Center on it.

CHAIRMAN DIAZ: Okay, and so I am seeing some folks shake their head around the table. If folks are interested, let Dr. Simmons know. I am seeing folks shake their head yes. Mr. Strelcheck.

MR. STRELCHECK: I think that's a great idea, Carrie, and I just wanted to respond to Greg's comment, and I agree with you, Greg, right, and they're an advisory panel, and we don't always accepted all of their input, and there is certainly opportunities, especially when we see consensus, where maybe we need to be giving a little more deference to our advisory panels.

I told several people that I ate dinner with last night that I was pretty depressed after public testimony yesterday. You know, we have a lot of stocks heading in the wrong direction right now, and so that's my concern, more than anything else, is we really need to focus-in on what we can do for conservation and management of these resources and turn the corner on a lot of these stocks that are in decline.

Some of it is in our control, with fishing mortality, and certainly other factors, like climate change and water quality, are going to be drivers of the ecosystem, but I think we have a lot of tough work ahead of us, and so I look forward to working with this council to make that happen.

CHAIRMAN DIAZ: Dr. Freeman.

DR. FREEMAN: Certainly. Thank you. As a separate note from CMP 33, the council has, obviously, been discussing the joint FMP objectives as well, with the intent that that would be its home, so to speak, and so I did want to note that the last two motions related to objectives -- Those, as well as motions from the South Atlantic Council's Cobia Mackerel AP, will be going to the South Atlantic Council for its December meeting, both to consider their AP's motions as well as, like I said, potentially to concur with the last two motions from this council.

Currently, neither council has a plan amendment for CMP that we could house these changes in, but both councils are encouraged to still consider any further modifications. On that note though, one question I did have is, given that our CMP AP is scheduled for a meeting on December 1, would this council like feedback from our AP on the objectives, given that the South Atlantic had it presented to their Cobia Mackerel AP?

CHAIRMAN DIAZ: I will look around the table. I think that would be a good idea, and I am seeing folks shaking their heads yes. Okay. Dr. Frazer.

DR. FRAZER: I just wanted to, again, circle back to a comment that Andy made with regard to a no vote, based on principle, and, you know, I voted yes on this particular motion, but I also felt like it was principle, in large part because the second part of the motion says to cease work on the document, and that, essentially, gives us time to think about our allocation policy, moving forward, and try to get some consistency in there, and so I didn't want to leave this discussion with people having the perception that, you know, you had to vote no to move forward with a principle, right, and I think we all have some principles here.

CHAIRMAN DIAZ: Okay, and so, Mr. Anson, go ahead.

MR. ANSON: It's not really in the Mackerel Committee, per se, but it is an extension of the conversation that we just had, relative specifically to Andy's last comments about his worry, concern, frustration, with the comments that were made during public testimony, and I came away, yesterday, after public testimony, with a little bit different feeling, generally, to the overall health of the Gulf of Mexico too, with a lot of comments being made relative to the abundance of fish in areas where they previously were and they are not now, or have not been recently.

You know, what came out of a lot of those same individuals' comments were that it could be environmental, and so I think maybe, Dr. Walter, and I don't know if we're there yet, but I'm just going to ask the question. Relative to development of an index, if you will, for mackerel, but looking, just big picture too, is there environmental data, spatially distributed, of some sort of historical context that can be quickly analyzed to kind of look and see if there is a change in state for a different, you know, year, or time, for instance dissolved oxygen?

I know that the satellites help with sea surface temperatures

and salinity and chlorophyll-A and those types of things, but I don't know if we're quite there to get, you know, a pretty good spatial distribution of dissolved oxygen and give us an idea as to where those areas -- We might be seeing new areas, where, previously, it wasn't a problem, and it may be now.

CHAIRMAN DIAZ: Dr. Walter.

DR. WALTER: Thank you, Kevin. That's, I think, really astute, and what I would say, and refer people to, and I'm actually going to download it again, is the ecosystem status report, and it's a pretty comprehensive compilation of all the metrics for the ecosystem that we've got, and it's a couple of years old, I think, in terms of being updated, but I think, from what I heard, and I was quite disturbed by what I heard.

I mean, we've had two consecutive council meetings with some pretty negative insights from the people who are on the water, and I think we probably want to look at updating that ecosystem status report and try to identify what might be going on, because it seems somewhat systemic, when it's a species that isn't even really fished, and isn't managed, it's something going on outside of management, and so I think we're going to take a -- I'm going to take a closer look at that, and I've been, behind the scenes, talking to a lot of our staff about these very topics, in terms of looking at our survey data, and is there something we can see about spatiotemporal trends.

One thing I will note is there was a paper published, a couple of years ago, on climate velocities, and it showed that the Gulf of Mexico, and this is my Malin Pinsky, had relatively muted -- When I first looked at it, I was like, well, they're really tiny little blips of what might happen in the Gulf, relative to the South Atlantic and other places, where the fish had a lot of places to move, and I think that was -- I am now looking at that in a different light, that that's because they could move in other places, and, in the Gulf, there's nowhere to go, except either deeper or on land.

Maybe what we're seeing here is something going on that wasn't so obvious at the time, maybe ten years ago, and we need to take a look at it with a different lens, and I'm hoping that -- There's a number of initiatives, and I know that the administration has a climate fisheries initiative, which is supposed to be putting in resources to be able to address that, and I'm hoping that those will come through, and I'm now seeing the Gulf in a different light, in terms of needing to do that. Thanks.

CHAIRMAN DIAZ: Mr. Anson.

MR. ANSON: I am wondering how -- In light of all the other things, responsibilities, that your staff has to do -- I mean, how quickly can that report, or analysis of the data, so that we can have, you know, a comparison between the previous report and whatever becomes available, and how long would that take?

DR. WALTER: I am hesitant to put -- Among the other things that I have signed us up for, to put that out there, but I think that the key will be getting that request coming from the council to us, and then we would work with our staff to negotiate when that could be. It's not just us who puts that together, but it's a lot of our partners, with the NOAA integrated ecosystem assessment group, and so it takes a lot of people to do that, and so I can't promise when, but I think, if the request is made, it will get into the queue of our other tasks. Thanks.

CHAIRMAN DIAZ: Mr. Anson.

MR. ANSON: Yes, sir. **So then I would like to make a motion then to request the Southeast Fisheries Science Center redo, reevaluate, the -- Update the ecosystem status report for the Gulf of Mexico.** Thank you very much.

CHAIRMAN DIAZ: Second.

MR. ANSON: As soon as -- I hate to put these types of things on there, but as soon as possible, or as soon as you can, but the intent is there, and I don't know if it needs to be added.

CHAIRMAN DIAZ: Okay, and so we have a motion by Mr. Anson to request the Southeast Fisheries Science Center update the ecosystem status report for the Gulf of Mexico as soon as possible. Is there a second for the motion? It's seconded by Dr. Stunz. Is there any discussion on the motion? Dr. Stunz.

DR. STUNZ: Kevin, thank you for that, and I think this is also related to the motion that we'll hear soon and that was made the other day regarding optimal yield, and some of these ecosystem issues could be brought up in this optimal yield context as well, and so, you know, they're connected.

One other thing that I just want to say is something to be thinking about, in a situation like this, is that, while some of these issues we're talking about may not be as prevalent in the western Gulf, where it seems like some stocks seem to be in

better shape in that area, you know, on top of whether we're talking about climate change, that John was talking about, or whatever, you know, we've had significant habitat alterations to those areas, and, in our area, removal of oil and gas platforms, and, of course, it's occurring off this area in Louisiana as well, and, you know, you've got to -- I have to begin to wonder what were those structures doing.

Of course, our science showed that they were playing key roles, but, you know, just as a practical example, my staff is having trouble catching bait right now to go catch amberjack to tag for our study. Before, that would never have been a problem, when there were oil and gas platforms, and so then you've got to wonder, and, well, what -- Does it have something to do with the pogy situation off of Louisiana, and maybe that's why we're not seeing king mackerel, and so I think there's a lot of moving parts here, climate change, or it could be a lot of things. It could be habitat-related, and, by exploring some of these ecosystem issues, particularly in the optimal yield framework, it might allow us to solve some of those problems.

CHAIRMAN DIAZ: Thank you, Dr. Stunz. All right, and so we're going to go ahead and vote on this motion. Any further discussion on the motion? **Seeing none, is there any opposition to the motion? The motion carries.** Mr. Anson.

MR. ANSON: Mr. Chair, I see a hand.

CHAIRMAN DIAZ: Dr. Sweetman.

DR. SWEETMAN: Thank you, Mr. Chair. Just a clarification. Dr. Simmons, your idea of an interim assessment -- I didn't know if we needed -- If direction to staff was okay or if we needed a motion for that.

EXECUTIVE DIRECTOR SIMMONS: If you want to provide a motion, that would be great, and we'll get a letter to the Science Center right away.

DR. SWEETMAN: Okay. Since I'm a relative newbie here, I would like a little help. **So to request the Southeast Fisheries Science Center -- Sorry. To request staff write a letter to the Southeast Fisheries Science Center requesting an interim analysis for king mackerel.**

EXECUTIVE DIRECTOR SIMMONS: Or other biological information, something like that, and we could consider that, and we'll put that in the letter. That's fine. Thank you.

DR. SWEETMAN: I appreciate it, Dr. Simmons.

CHAIRMAN DIAZ: Okay, and so we have a motion. Is there a second to the motion? It's seconded by Ms. Boggs. Is there any discussion on the motion? Ms. Boggs.

MS. BOGGS: Do we need to clarify that it's Gulf king mackerel?

CHAIRMAN DIAZ: I think that would be fine.

DR. SWEETMAN: Yes, that works for me.

CHAIRMAN DIAZ: Mr. Strelcheck.

MR. STRELCHECK: I am certainly fine with the motion. I think one of the questions, and we did this with gag, is determining whether or not there's a sufficient index of abundance that they can use for the interim analysis, right, and so that's going to be a key component as to whether or not we could even proceed with an interim analysis.

CHAIRMAN DIAZ: Thank you for that. All right. I am not seeing any further hands. **Is there any opposition to the motion?** Do you have a comment, before we vote, Mr. Rindone?

MR. RINDONE: No opposition, Mr. Chair, but, just in light of what Mr. Strelcheck said, and the fact that the only fishery-independent index of abundance for kingfish is the larval survey, maybe say to explore the feasibility of an interim analysis, because it may be that what needs to be done is -- It may look a little different, and I'm not saying that the Science Center can or can't do it, but it may not -- It may just look a little different, perhaps.

DR. SWEETMAN: Yes, and I'm good with that.

CHAIRMAN DIAZ: Okay, and the seconder --

MR. RINDONE: So request staff write a letter to the Science Center to explore the feasibility, and so just remove "request". I mean, we're going to do that anyway, and so it says the Science Center to explore the feasibility of an interim analysis for Gulf kingfish.

CHAIRMAN DIAZ: Okay. So we're back to voting. **Any opposition to the motion on the board? Seeing no opposition, the motion carries.** Mr. Anson.

MR. ANSON: Thank you, Mr. Chair. Continuing on with the committee report, Draft Framework Amendment: Modifications to the Gulf of Mexico Migratory Group King Mackerel Gillnet Fishing Season, staff presented a draft of Chapter 1 of CMP Framework Amendment 12, which would modify the fishing season for the Gulf king mackerel commercial Southern Zone gillnet component.

The action proposed has two options, to retain the weekend and observed federal holiday closures or to allow the gillnet component to continue to fish from the season start date until NMFS determines the quota has been met.

The committee recommends and I so move, to make Option 2 the preferred. Option 2 is remove the weekend and holiday closure for the gillnet component for Gulf migratory group king mackerel.

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

MR. ANSON: NMFS staff also expressed support of the motion, given the agency's close relationship with the fishermen and regular updates on their landings. The committee will see a final draft of this document in April 2023, with the intent of implementing the change for the 2023-2024 fishing year, which begins on the Tuesday following Martin Luther King Jr. Day in January 2024, for the gillnet component. Mr. Chair, this concludes my report.

CHAIRMAN DIAZ: Okay. Is there any other business to come before the Mackerel Committee? Seeing no other business, we're going to move right along, and so the last committee report today is going to be the Data Collection Committee, and Ms. Boggs is going to lead us through that. Ms. Boggs.

DATA COLLECTION COMMITTEE REPORT

MS. BOGGS: Thank you, Mr. Chair. The Data Collection Committee met on October 26, 2022. The committee adopted the agenda, Tab F, Number 1, and approved the minutes of the August 2022 meeting, Tab F, Number 2.

Abbreviated Framework Action to modify for-hire trip declaration requirements, Tab F, Number 4(a) and 4(b) and Tab B, Number 6(b), Southeast Regional Office (SERO) staff reviewed two

administrative modifications related to hail-out timing and dually-permitted commercial and for-hire vessels.

These administrative changes are not directly incorporated into the document, but will be included in the proposed rule, where these changes will be made available for public comment during the rulemaking process. Council staff reviewed updates to the abbreviated framework action, proposed action alternatives, and Law Enforcement Technical Committee recommendations.

Captain Walker, the Reef fish Advisory Panel Chair, reported that the panel agreed that some of the issues related to the multiple hail-out implementation had been addressed in the action, but that some burdens still remained.

A committee member inquired as to why hail-outs on non-fishing charters, such as cruises, were needed. Staff replied that the hail-outs on non-fishing charters are necessary to collect socioeconomic data and aid in program enforcement. A committee member asked Captain Walker how long it took him to report a hail-out, and he replied approximately ten minutes.

SERO staff stated that addressing issues in the program, such as a multiple hail-out provision, is complicated, due to the diversity of fishing practices in the for-hire industry. Captain Walker replied that the industry was experiencing some hesitation about the program in its current form and encouraged progress towards a more directed data collection program for the for-hire industry. The committee selected a preferred option in the document, so that the council could consider final action early next year.

The committee recommends, and I so move, to make Option 4 the preferred. Option 4 is require federally-permitted for-hire vessel owners and/or operators to submit a trip declaration for trips that will be engaging in any type of fishing or chartered activity. The motion carried in committee with no opposition.

CHAIRMAN DIAZ: Okay, and so we have a committee motion. Is there any discussion on the motion? **Seeing no discussion, is there any opposition to the motion? Seeing no opposition, the motion carries.** Ms. Boggs. Go ahead, Mr. Strelcheck.

MR. STRELCHECK: Before we move on from this section, just a couple of points of clarification. We're not collecting socioeconomic data on the hail-outs, and, when I talked about this in committee, yes, it's important, not only for program enforcement, but also data validation, in terms of making sure

that we know what trips are occurring, when they're occurring, and we can link those up to logbooks.

The other point I will make is, and I wish that Captain Walker was here, but he did make those statements during committee, as reflected, and so that's accurate, and I did speak with Captain Walker afterward, and he did not hear the early portion of the committee discussing some of the changes they were making to trip declarations, and that was clarified with him, and he even made comments to that effect during the public hearing, and so I don't think -- Although there may still be some concerns, I don't think they're as great as how they're documented here in our committee report, and so I just wanted to reflect that.

CHAIRMAN DIAZ: Thank you, Mr. Strelcheck.

MS. BOGGS: I will agree with Andy, because Captain Walker did talk to me as well. Review of South Atlantic Council workgroup discussions on federal private angling reef fish permit, Tab B, Number 5(a), Ms. Myra Brouwer summarized discussions by a South Atlantic Fishery Management Council workgroup that investigated the feasibility of a federal private recreational fishing permit for harvesting snapper and grouper species.

The workgroup recommended implementing the permit, development of a data collection program associated of that universe of anglers, and the creation of a grouper snapper permit technical advisory panel. Other workgroup recommendations included managing expectations, especially in the early years of the permit's implementation, and other research recommendations.

Mr. Chester Brewer, a South Atlantic Fishery Management Council member, outlined the concerns of the South Atlantic Fishery Management Council with respect to the estimation of fishing effort in the South Atlantic region and the South Atlantic Fishery Management Council's years-long efforts to seek improvements to effort estimation. He added that development of this permit has substantial support in the South Atlantic and that the permit and standardizing the data collected across states is a priority. Mr. Brewer used the State of Florida's annual no-cost Gulf Reef Fish Angler permit endorsement as an example of how this permit might be implemented.

A committee member asked about how funding for this proposed permit would be achieved. Ms. Brouwer replied that the South Atlantic Fishery Management Council doesn't have details about how it would be funded at this time. She added that the amendment in development will help define the structure of the

permit, but expected that other nuances would be resolved in the implementation effort.

Another committee member agreed that a uniform method of licensing would be beneficial for recreational fisheries in the Gulf also, with such a permit managed through the states. They supported a private angling reef fish licensing program and encouraged the committee to explore methodologies to implement such a permit in the Gulf.

SERO agreed with a goal of uniformity in any regional permit and added that any federal permit may only recoup administrative costs, while a state permit may use those funds for other purposes as well. Ms. Brouwer noted that the South Atlantic Fishery Management Council will continue to work with state and federal partners as it develops the amendment.

Update from Gulf States Marine Fisheries Commission on fisheries data collection and management, Tab F, Number 6, Mr. Gregg Bray, Gulf States Marine Fisheries Commission staff, provided an overview of multiple data collection and other programs overseen by the Gulf States Marine Fisheries Commission. These programs are wide-ranging and address a number of fishery management objectives. He emphasized that the Gulf States Marine Fisheries Commission fosters working relationships between private, academic, Gulf state agencies, and federal partners to achieve management goals.

The committee applauded the Gulf States Marine Fisheries Commission on their work throughout the Gulf. Specifically, the Gulf States Marine Fisheries Commission has provided their resources during the recent changes in data collection in the shrimp industry, which has aided the council in managing that fishery. The committee encouraged the Gulf State Marine Fisheries Commission to continue engaging the council and provide updates on future work.

Update on commercial electronic reporting, Tab F, Numbers 7(a) and (b) and Tab B, Number 6(b), council staff provided a verbal update on the progress of transitioning the commercial coastal logbook program towards electronic submission. A joint document with the South Atlantic Fishery Management Council is being developed to implement this modification.

Captain Walker reported that the Reef Fish AP received a presentation from Southeast Fishery Science Center demonstrating the reporting application and was supportive of a transition to electronic reporting.

A committee member inquired as to whether the Southeast Fisheries Science Center had any plans to test the electronic platform before implementing the requirement. Dr. John Walter replied he would check with Southeast Fisheries Science Center staff and provide an answer at Full Council.

The South Atlantic Fishery Management Council has convened two of its advisory panels to discuss the program modification, and Ms. Brouwer indicated there was support from those groups to integrate towards an electronic reporting platform. Council staff indicated that the Coastal Migratory AP would meet in December to discuss commercial electronic reporting and that a draft of the document would be available for review by the committee at the January 2023 meeting. Mr. Chair, this concludes my report.

CHAIRMAN DIAZ: Thank you, Ms. Boggs. Dr. Walter.

DR. WALTER: I did say I would get back to the Full Council on a couple of questions. On is dual-reporting possible right now, for the GARFO-permitted, and this is Atlantic-permitted boats, they are dual reporting now. Soon, it will be possible for the SERO and HMS-permitted boats to dual report, and we think that will occur sometime around November when people will be able to dual report, and that will essentially be a test of the system, so that we get everything working properly, and we think sometime in likely early 2023 will be the transition from the paper to the eTRIPS, which is the electronic reporting. Then, after that, hopefully we'll go to fully electronic reporting, and so there will be sort of a de facto phase-in period.

CHAIRMAN DIAZ: Thank you, Dr. Walter. All right, and so is there any other business at this point to come before the Data Collection Committee? Mr. Strelcheck.

MR. STRELCHECK: Not before Data Collection. I want to bring something else up that I forgot for Reef Fish. It will be short, I promise.

CHAIRMAN DIAZ: That door closed, Mr. Strelcheck. Go ahead, and I know you've got to get out of here in a few minutes.

MR. STRELCHECK: Back this summer, you recommended the emergency rule, and that will be set to expire the middle of January, and we did have some discussion about the potential to reopen in May, if we estimated that there was additional quota on the table.

We don't, obviously, have those landings at this point, and so the Fisheries Service is going to have to make a decision before the next meeting, as to whether or not we extend that emergency rule, and so I was just looking for guidance from you in terms of the extension.

CHAIRMAN DIAZ: All right, and so we'll open this up for discussion. Ms. Boggs.

MS. BOGGS: Thank you for letting us know that, Andy, and I certainly think it's up to the Fisheries Service to make that ultimate decision, but, also, based on the comments that we heard yesterday, and the status of the fishery for the fishermen that are out on the water, recreational, charter/for-hire, and commercial, it would seem, to me, until we get some decisions made at this table, that it probably needs to remain closed.

CHAIRMAN DIAZ: Dr. Frazer.

DR. FRAZER: I was going to agree with Ms. Boggs. I mean, I think, again, moving forward, I think the sentiment was to move the open season away from that May spawning time period, and so, just for consistency, in that regard, I would also suggest that it remain closed.

CHAIRMAN DIAZ: All right. This is folks' time to weigh-in. If you're interested, this is it. All right. You've got some input, Mr. Strelcheck.

MR. STRELCHECK: Thank you.

CHAIRMAN DIAZ: Okay, and so that does conclude Data Collection, and we're going to keep moving down our agenda. The next thing in our agenda is the South Atlantic Liaison Report. Mr. Brewer.

SUPPORTING AGENCIES UPDATES
SOUTH ATLANTIC COUNCIL LIAISON

MR. BREWER: Thank you, Mr. Chairman. I am not going to get into the efforts with regard to the reef fish permit, or whatever we call it, because we've gone through that pretty well already.

A lot of the comments that you heard yesterday, with regard to there's something going on with the fishery, there are not as many fish, there's a problem, we're hearing that in spades. I am going to touch on three of them, three of the different

fisheries that we hear about, and, of course, number one is red snapper.

Red snapper is -- I don't know whether to call it anomaly or not, but it is certainly a different kind of situation. Red snapper, on the South Atlantic side, have, in essence, been -- Not totally, but pretty much closed for over a decade now, and we now find ourselves in a situation in which the biomass of red snapper is greater than in anyone's memory, and, yet, the fish are considered to be overfished and undergoing overfishing. That's kind of a -- I've been involved in this stuff for a long time, and I'm not aware of that kind of situation occurring.

The reason that the fish are, quote, overfished has to do with the model and the different ages that are built into the model, as to what we're trying to build to, and it's been assumed that -- I think the oldest red snapper is around fifty years old, and we don't know that that's 100 percent accurate, but we don't have a lot of -- Since we're been in our program now for about a decade, we don't have a lot of fifty-year-old fish out there, and we're not going to see any for years and years and years.

With regard to the overfishing, the primary problem is, and you're going to love this, of course, and it's discards, and we have a situation in which the discard mortality is right at, or maybe a little bit below, the overall quota, and so, as the biomass has gone up, the number of available fishing days, the opportunity for the fishermen, has gone down, and it's estimated that, next year, it may be one day, in spite of the fact that you've got the highest biomass that you've probably ever seen. This is certainly a problem.

At our last meeting, there was some talk of going forward with some time and area closures, and, when we say closures, we're not talking about a fishery. We are talking about all fish and not the highly migratory and pelagics, but the reef fish, all of them, for some period of time and for some area.

The council pushed back on that pretty hard, and said, if we're going to do that, that's got to be absolutely the last resort, and the -- We are working on, and trying to at least, help with the problem. In Amendment 35, these are some things that were put forth by the FWC, things like no electric reels, single hooks, other things that may help, again, bring down the number of dead discards, but, until we get dead discards under control, or at least we find that they're not as bad as what they are modeled to be, or whatever the right word is, but we're never going to have -- In the South Atlantic, we're not going to have

a red snapper season, and it's just that simple.

Believe it or not, we've been working on gag, and we got our letter of overfished and undergoing overfishing in -- I believe it was in early 2021, and we've been working on Amendment 53, and that amendment has not, as yet -- I think it either has just gone out or is not yet out for public comment, but it has been put together, and preferreds have been chosen, and we are looking at -- On the recreational side, we were already at one fish per person, and so we didn't really want to deal in fractional fish, and you're allowed a half-a-fish, or a quarter-of-a-fish, and so went and we've lowered the boat limits to two fish.

On the commercial side, the trip limit will be cut in half, or approximately in half, and we hope to have this thing put together in December and then approved to be sent off to the Secretary of State at our March meeting.

We're also hearing problems, and I don't know whether -- It hasn't really been discussed here, and I thought that it might be, but we're hearing about problems with dolphin, and dolphin really, for south Florida and the Florida Keys, that's kind of your meat-and-potato fish, and so people are always very concerned about it.

Heretofore, we've had good luck with our dolphin, and dolphin have been plentiful, and we don't have a lot of hard information on dolphin, because, believe it or not, there's never been an assessment, and that's because of the life history of those fish that, you know, they don't live really past about five years, and they grow up fast, and they die young, and so trying to go through our standard amendment -- Not amendment, but assessment-type process, the fishery could -- Your assessment is going to be based on fish that are dead, and have been dead, and so we really are not doing anything, or have not done anything, insofar as an assessment.

I believe some folks at NOAA actually are trying to put together some systems whereby they are not dependent upon the traditional assessments, and perhaps have some unique management that would come into play, and I went to a listening session on that, and I was very pleased with what I heard, but what we're hearing is that, yes, there's plenty of peanuts out there, but the big fish just aren't there anymore, and it's not something that is just a one-year period, and it's been going on now for several years.

We don't, from what we've been able to figure out, and this is

very much a work in process, but, from what we've been able to figure out, it's not a problem that is coming about because of fishing taking place within our EEZ. Dolphin are highly-migratory, and they go down there off -- I don't know how far down they go, but they get off at South America and come up our coast and come out and come around and go back down into the Caribbean, and they run this big loop.

It's not hard, hard information, but that's what we think is happening, and the problem that is manifesting itself in our waters may come about from fishing that is way outside of our waters, and so it's not something that -- If that's true, it's not something that, obviously, we can deal with as the South Atlantic Council, and it's not something that the Caribbean Council can deal with.

I hope, and I think, that -- Actually, the State Department is beginning to do some work with regard to that problem, because that's going to come under their jurisdiction, and they're not -- This probably is not in the United States' waters.

One of the reasons that we think that is that dolphinfish are -- The dolphin fishery is so robust that it's hard to fathom that hook-and-line fishermen, or even the longline fishermen, commercial, and the hook-and-line folks, could make that kind of a dent, and take that many big fish out of the water, as this thing is currently prosecuted, and so that's something that is of great concern. Where that's going to come down, I wouldn't hazard a guess, but it is something of great concern. With that, Mr. Chairman, I would be happy to entertain any questions that anybody might have.

CHAIRMAN DIAZ: Okay. Any questions for Mr. Brewer? Ms. Boggs.

MS. BOGGS: You touched on dolphin, and I'm curious, and what is your wahoo status, because don't you manage those together?

MR. BREWER: Dolphin and wahoo are managed together, correct. I should say under the same committee.

MS. BOGGS: Well, I'm sorry, and that's what I meant, and so I was just curious. What is your wahoo population like?

MR. BREWER: I haven't heard any of the same things about a problem with wahoo.

CHAIRMAN DIAZ: Thank you. Any other questions for Mr. Brewer? Mr. Brewer, thank you for spending the week with us.

MR. BREWER: I want to thank you all. The courtesies that have been shown to me here during this meeting, it's -- I almost feel like I have a second home here, and it's actually fun for me to come and be here with you, and so thank you.

CHAIRMAN DIAZ: Anytime. We're glad to have you. Okay. We're going to move down our committee reports, or our agency reports. Next up is the Mississippi Law Enforcement Efforts by Lieutenant Carron.

MISSISSIPPI LAW ENFORCEMENT EFFORTS

LT. PATRICK CARRON: Mr. Diaz and council members, thank you for having me today. I'm Patrick Carron from the Mississippi Department of Marine Resources. I know I'm one of the last agenda items standing between you all and a flight home, and so I promise to keep it brief.

This year's JEA, we have six different enforcement priorities: turtle excluder devices, reef fish, individual fisheries quota, Lacey Act/IUU, SEFHIER, and general enforcement.

The turtle excluder devices, we have 936 hours of underway patrols and seventy-two hours of dockside patrols. Most of our non-compliance we've observed thus far has been very small items, and usually fix-its that are corrected onsite. I do believe we have one referral that we've sent off for an illegal modification to a double TED.

Reef fish enforcement, we have 408 hours of at-sea patrols and 120 hours of dockside patrols. Most of our observed violations have been undersized and over-the-limit, mostly gray snapper, and we've seen some other reef fish species, but gray snapper has been the most prevalent. Individual fishing quota priority, we have 192 hours of dockside patrols that we do. Thus far, we have not observed any violations in this particular sector of our patrols efforts.

Lacey Act and IUU fishing, we have 240 hours of dockside patrols, and most of them we do with our partners at NOAA OLE. We inspect interstate seafood shipments as well as inspecting imported seafood down at the Port of Gulfport, coming into the country off the ships. As of today, we do not have any violations that we've detected.

The SEFHIER, we've got 170 hours of SEFHIER patrols, and we're still getting -- This is our second year, and we're still

getting into the groove of exactly how we're doing things. One thing of note is we've had several complaints from our federal stakeholders regarding state for-hire guys venturing out into the federal waters, and we've documented several instances of that that we're going to be referring to NOAA for prosecution, and we've been in discussion with NOAA about possibly doing an at-sea component of our patrol, to deter that particular activity.

General enforcement, we have 432 hours of patrols, or, excuse me, underway patrols, and 240 hours of dockside patrols. General enforcement is kind of the catchall, where we do everything, and we also partner-up and do a lot of these patrols with NOAA, and documented violations pretty much run the gamut of what we would see day-to-day, like fishing license violations, undersized, and over-the-limit, and a few prohibited species here and there. With that, if anyone has any questions, I would be happy to answer them.

CHAIRMAN DIAZ: All right. Are there questions for the Lieutenant? Mr. Anson.

MR. ANSON: Thank you, Mr. Chair, and thank you, Lieutenant Carron, for being here and providing your presentation. I'm curious, on that slide where you showed the mangrove snapper, the gray snapper, and you mentioned those as kind of being the predominant species which you're writing some of those citations for, and is that -- I'm putting you on the spot a little bit here, but have you seen an increase in those violations for that species in the short-term, or is it -- Do species come and go, I guess, as far as violations?

LT. CARRON: Really, it comes and goes. Speaking strictly from memory, I don't -- I wouldn't say that there's been a significant increase. I can go back and look at our trends and follow-up with you.

MR. ANSON: If you would like. I mean, I was just curious if you had a sense of that. Thank you.

LT. CARRON: Yes, sir.

CHAIRMAN DIAZ: Any other questions? I have a question, or a comment, Lieutenant Carron. Sometime back, there was a little bit of an issue where IFQ boats coming in were estimating landings before they came in, and then, just on a handful of occasions, there were some significant differences, upon officers coming to the dock, and I haven't heard that for a

while. Is there any issue, that you know of at this time, with any problems with the estimates and the actual amount ready to be offloaded?

LT. CARRON: Not presently. We did have an instance, several years ago, with an individual that is not in the fishery anymore, where we were seeing conduct similar to that.

CHAIRMAN DIAZ: Okay, and so I would like to make a comment, based on your presentation. I mean, 192 hours of IFQ enforcement, mostly dockside, I've got to say that I have to commend the commercial folks and the IFQ industry in Mississippi. It sounds like they're doing everything they can do to try to abide by the rules and make sure that they do everything right, and so I have to commend the IFQ fishermen in our area, and so I think that's great. Dr. Frazer.

DR. FRAZER: Thank you, Lieutenant Carron, and so I always appreciate and enjoy the law enforcement reports, but it just occurred to me, and so, as Dale pointed out, you showed how many hours you put into various kind of activities, and I was thinking, you know, with regard to not the IFQ stuff, but just kind of monitoring for violations, and how many encounters do you think that equates to? You can ballpark it. I mean, I guess my point is -- You don't even have to answer the question, right, but there's a number of violations, and there's a small part of that --

LT. CARRON: It's a very small fraction, and I believe, thinking back to past JEAs we've worked, it's typically around 2,500 to 3,000 contacts, or intercepts, that we make a year, and so the amount of people that are actually violating is relatively small, compared to that number.

DR. FRAZER: But my point is Mississippi, like all the other states, has a ton of interaction, right, and those -- When you have an interaction like that, and let's say you come and visit my boat, and you say, what do you have, Tom, and I've got, you know, three red snapper, or whatever, and you go, wow, you look good, and you go away, and is there an opportunity here, John, or anybody, to take advantage of those interactions, and those data, that are generated by the encounters of the law enforcement to bolster our data stream? It just occurred to me today that we -- I mean, I realize there is all kinds of random issues, and sampling design issues, but that's a lot of potential there.

DR. WALTER: Real quick, there was a big assumption that had to

be made, and I will just tie it to Chester and the red snapper on what the descender device utilization rates were, and so, in that case, that was a science determination, really, an assumption that had to be made, but could potentially be informed by that kind of data. If you looked at 3,000 people, and there was no violations of that, then, you know, there is data there.

DR. FRAZER: But it's more than just -- I mean, that means you have confidence, right, in the reporting, probably, that people are generally, or potentially, but I guess it's just more of actually increasing the sample size. You know, we always hear, in Mississippi for example, that there is few intercepts, right, and they can get thrown out, or there's concern, because of the small sample size, but, when I heard that, I was like, that's not necessarily a small sample size, if we could tap into it, and that's all I'm suggesting, and maybe I will talk to Richard Cody and others about this.

LT. CARRON: Well, and we also -- We aim to intercept a certain percentage of our Tails 'n Scales trips every -- Whatever the amount is that day, we aim to intercept a certain amount, just to validate the information that we're getting is correct.

DR. FRAZER: I appreciate that. Thank you.

LT. CARRON: Yes, sir.

CHAIRMAN DIAZ: Thank you, Lieutenant Carron. We appreciate it. Thank you for being here with us today. I am sorry, but we have one more from General Spraggins.

GENERAL SPRAGGINS: I just wanted to let them know too that I think that -- What is it, 10 to 15 percent intercepts, that we had in the actual Tails 'n Scales trips this year?

LT. CARRON: Yes, sir, and I believe it was running closer to 15 percent.

GENERAL SPRAGGINS: So 15 percent actually intercepted, and, you know, one other thing that they do with that is they take that and they run that data, and they look at the fish themselves, the report, and then they go back, and they go back to our Tails 'n Scales and say, hey, tell me what happened on this day, this number, and that person -- If it says they said they had six fish, or whatever they had, and then they look at that against it and say which one is correct, and is it or is it not, and did they report the right thing, and so you all are doing a great

job with that, and it is validating our Tails 'n Scales 100 percent.

CHAIRMAN DIAZ: One more from Ms. Boggs.

MS. BOGGS: Well, so the General just made a comment that I am curious. So, if it doesn't match up, do you throw that data out?

GENERAL SPRAGGINS: No, ma'am. We take the most data. In other words, in a situation like -- Very seldom do we have an angler report ten fish, when they only caught eight, but we have had anglers report eight fish when they caught ten, and, if we catch it, and we find that, then we update the data, and we also -- It's put into the quota.

CHAIRMAN DIAZ: Okay. Thank you very much. We appreciate it.

LT. CARRON: Thank you.

CHAIRMAN DIAZ: Next up on the agenda, we have the NOAA Law Enforcement Report, from OLE, and Officer O'Malley.

NOAA OFFICE OF LAW ENFORCEMENT

MR. MATT WALIA: Thank you, Mr. Chairman. I am not O'Malley, and I'm Matt Walia, the Compliance Liaison. While the slides are getting pulled up, I was just going to go over a couple of items of clarification that came up during the week with public testimony, and Duane Smith is going to come up here as well.

There was a comment about landing whole amberjacks and that being illegal. I'm not sure what that was referencing. As long as they're not -- Just a reminder that, as long as they're not landed during the closure season, with head and fins intact, that's okay, and there was a comment to that. There was also confusion raised during the Reef Fish AP regarding the U.S. Coast Guard safety detail, and Duane will talk about that.

MR. DUANE SMITH: For you all who I haven't met yet in the margins, I'm Duane Smith, and I'm one of the three enforcement attorneys here in the Southeast, and I took over the really, really large shoes of Cindy for covering this council, and so I will try to live up to her legacy.

The Reef Fish Panel reported out, and I guess the question came up from one of the regulated community about the frequency of Coast Guard inspections, and the point was raised that the Coast

Guard is going to be doing mandatory five-year inspections of fishing vessels, and so you got an answer from the Coast Guard, who was at that meeting, that that's true, and that's happening, and they're going to be issuing certificates of compliance, et cetera, and all of that is accurate and fine.

I was a little bit concerned though that they may have glossed over an issue, and that issue is the voluntary commercial fishing vessel safety inspection program that the Coast Guard runs, and continues to run, which NOAA has, in essence, made mandatory for any vessels that are carrying observers, and so, for all of your constituents who have to take observers onboard, if they're selected for observer coverage, they have to have that Coast Guard commercial fishing vessel safety inspection sticker on their boat.

That inspection is only good for two years, and they're going to have to renew it every two years, and so, although the Coast Guard may be changing the frequency of their mandatory inspections, that is not going to affect any of the NOAA regulations, and it's not going to affect the frequency of the inspections required of the safety decals, and so your folks should still be thinking about getting that done. Any questions about that? Okay.

CHAIRMAN DIAZ: Mr. Rindone.

MR. RINDONE: So the -- I think one of the concerns from the Reef Fish AP was the fact that the Coast Guard inspection is good for five and that the decal is good for two, and to find some way for those both to be good for five, because they're having to repeat that inspection, despite the fact that the Coast Guard portion of it, the Coast Guard certification on it, is still good, and that it takes time, and there's an added expense, and so they were looking for those things to become commensurately timed, as far as their expiration dates.

I think -- Is Lieutenant Commander Motoi on? Maybe some feedback between you guys would probably be appropriate, so that the fishermen have a good understanding of what's required and what is anticipated.

MR. SMITH: She may be on, and I will be happy to let her speak for herself, but she and I consulted yesterday, and I also spoke with the Commercial Fishing Vessel Safety Program, and I can tell you that we are all aligned on this. The fact that there's a mandatory inspection every five years does not take away from the fact that the Coast Guard would like to see inspections done

more frequently. There is way too much that can go wrong in five years, and so the Commercial Fishing Vessel Safety Program still strongly reports a more frequent inspection, a more frequent inspection interval, and, again, that program is continuing, and NOAA's perspective is that we want the safest platforms as possible, not just for the fishermen who are doing their job, but also for the observers that we put on the platform. From the agency's perspective, we have no intention of shifting to a five-year program at all, and so --

CHAIRMAN DIAZ: Ms. Boggs.

MS. BOGGS: So is it possible that that two-year inspection, and I may be wrong, because I'm not sure how the commercial fleet operates, but I know that the charter fleet -- We have an annual topside inspection, and, every two years, we have a bottom-side inspection, and, if it's the same with that, could it coincide with the bottom-side inspection? In other words, they would know, when my bottom-side inspection is due, I need to be doing this also.

MR. SMITH: That really is a Coast Guard question, and so I will let them chime-in if they want. However, in our discussions, we did talk about the fact that they -- They pay attention to the fact that they've had the -- Excuse me. If they've had the compliance inspection, that factors into the inspection they're doing for the commercial fishing vessel safety sticker, and vice versa.

If they've just done that sticker inspection, well then they know that there's a bunch of things that have just been checked already, and so it's not -- It's truly not looking to make things more onerous for the fleet. It's a matter of safety, and the Coast Guard agrees that it's much safer to do it in intervals more frequently than five, and NOAA agrees, and insists on it, for any vessels that are required to carry observers, but we'll see if -- I'm not sure, and is Lisa on? Okay. Then I will be quiet and let her comment.

CHAIRMAN DIAZ: Lieutenant Commander Motoi, if you're on.

LCDR LISA MOTOI: Mr. Chairman, I really don't have anything further to add. I apologize for any confusion with the Reef Fish AP, but, as of right now, there is not going to be any new regulations going into effect.

CHAIRMAN DIAZ: Okay. Ms. Boggs.

MS. BOGGS: Lieutenant Commander Motoi, we're having a little bit of trouble hearing you, but, if you can hear me, if it's possible that the safety inspection coincide with a topside inspection, every other year, and, that way, it all can be done at the same time, and it's something that the vessels are already planning to do, and it's not yet another reason that the Coast Guard has to schedule to come out and the vessel has to schedule to be available, but, if there's a way the Coast Guard can work out and have it coincide with the topside inspection, every other year, I think that would be a way to alleviate some of the stress and the frustration and the memorization of doing this.

LCDR MOTOI: Thank you, Ms. Boggs. That's something that I will take back with me. Absolutely. Thanks.

MR. SMITH: If there are no more questions about that, there was one other issue that just came up in the report from Mississippi that I thought that I might mention, and I would just warn the council about conflating a lack of violations being detected with that equally compliance, and so I understand the desire to have additional data, but, if an officer goes onboard, and I think this applies across all of the enforcement agencies, but, if an officer goes onboard, they're not there to measure compliance. They're there to detect violations, and what you see in the reports is violations detected.

What you don't see, necessarily, is violations detected -- I'm sorry. You see violations detected in the report, but you don't see violations that have been detected and not reported, because they were fixed on the spot, compliance assistance, and you don't necessarily have a full view of whether everything was inspected, and so the lack of a violation does not equal evidence of compliance, necessarily, not unless you have a very, very regimented checklist, and you're looking at the checklist, and so just a cautionary note. That's all I have. Thanks.

MR. WALIA: Thank you, Mr. Chair. We just wanted to clarify a couple of things, and then I can get into the report here, and so I'll jump in right now. This is a summary of our effort from this past quarter, and it's from July to September.

We have a twenty-five-page report, and I'm not going over all of that, and it's in the briefing book, but a summary, a snapshot, of what has occurred in the Gulf of Mexico is what I'm going to cover.

Within the Gulf of Mexico, what we had going on is our officers

and agents opened up 221 incidents, and there's a breakdown kind of summary of what we did as well during that snapshot in the Gulf. Five cases were referred to General Counsel, and/or the U.S. Department of Justice, and one of those involved an illegal charter in the Gulf.

We had twenty-eight summary settlements, and you see they ranged from anywhere from $100 to $3,000. We're seeing a lot of the smaller ones, similar to what you just heard from the Lieutenant, and a lot of it is retention, undersized possession, lack of a descender device, stuff like that that we pretty commonly see on the lower end. That higher end, the $3,000, deals with IFQ program requirements and fishing down in the sanctuary in the Keys.

I do want to note that a lot of these remaining, over sixty of them are unfounded, and they were closed with compliance assistance or no violation, and so that's our folks being on the water and going to the docks and doing inspections and making the rounds and talking to industry, and that's what we want to see. We want to see people understand what to do the right way, and so that's what a lot of these are.

What I wanted to pull out here is just a couple of highlights from a section in our report, and these are a couple of the bigger ones that I wanted to show. We had a couple of recent seafood fraud cases that came to light, and I have the links that are in there so you can check them out for more detail.

That first one, it's a case that currently sits with the U.S. Attorney's Office, and it involved importing and falsely labeling spiny lobster and shark fins into the U.S., and, again, that's imported out to China, and so that got some press release, and then the unlicensed seafood dealer link that I have there, with the undercover bust, and that is a story that we put out and pushed out to the local media in Georgia and Alabama.

It was a culmination of a two-year investigation that we held with Alabama Marine Resources, as well as their Wildlife and Freshwater Fisheries Division. It was an undercover op we did with a guy that was essentially buying recreational fish in commercial quantities and going and then selling it back at his market, and we did uncover buys off the side of the interstate, and so he ended up getting five years of probation, a $25,000 fine, community service, and then part of his probation is he is prohibiting from dealing with seafood, or even possessing seafood over ten pounds in quantity, during the term of his probation, and so that's what that story is about.

Then partnerships and training, and kind of hitting right off of what you just heard from Mississippi, is we pride ourselves on that, and we work a lot with our partners, and we're doing a lot of SEFHIER patrols and TED inspections. That picture in the lower-right corner, we've been doing a lot of effort on port inspections and capacity building internationally as well, and that's actually -- We held a workshop over in Thailand, and so we're working with some southeast Asia countries and teaching them how to inspect containers for fish products as well, and so we're trying to model what we do in the states and bring it out to some other countries as well.

Partnerships, once again, obviously, you know, we rely on our JEA partnerships. It's a big coastline, and it's a lot of work to get done, and, you know, we work with everyone, and one of the things that I did want to point out is part of what came up in the Gulf States Commission meeting last week is we're standing by, and we're going to be reaching out to all of our state entities, and we're going to get more of a standardized training program going.

We've been doing some with each partner here and there, and we go regularly to the Regional Fishing Training Centers for the Coast Guard, but we're looking to standardize it more and do a combination of virtual and going to LE academies and getting that out there, and so I think that will be really helpful. We've been doing it with our local personnel, but we're looking to step that up some more.

As far as the JEA referrals that we get from everyone, you see down below that's 108 overall in the Southeast, and so that's the South Atlantic and the Caribbean as well, but, here in the Gulf, you see FWC, Texas, and the Coast Guard are the ones that we got referrals from this past time. Those are just some pictures of us some working some interdictions of some lanchas, and we helped out in a couple of patrols with Texas, and that was getting some gillnet off of the mouth of the Rio Grande too, as well.

As far as special operations during this time period, the mini-season is our big one, and that's the Sanctuary Saviour that you see there, and that's pretty much all our hands-on-deck, and we have six boat crews, everywhere from the Upper Keys down through the Lower Keys, going out. We worked with a lot of partners, all the way down to the local Key West Police Department, to make it happen.

We still encountered a fair amount of vessels, and, for any of you that were down there, it was pretty bad weather at that time, and a lot of guys were blown out and ended up going to the back country, but we did do some patrols offshore in the Atlantic as well, and the common things that you would expect to see, like small, undersized lobster taken before the season, spearfishing, and some groundings, is what we encountered.

The other big op that we did was Operation Red Tide, and that was Operation Red Tide, and that was held in conjunction -- You can see our partners of Texas Parks and Wildlife, Customs and Border Patrol, the Coast Guard Investigative Unit, and U.S. Fish and Wildlife.

That was an IUU-centered op down on the border, and we did everything from vessel inspections, port-of-entry inspections of seafood coming in, and it was over 21,000 pounds of seafood that we inspected, and it was yellowfin tuna, grouper species, snapper, and crab that we came across and inspected with our partners, and we also did gear removal of gillnets and longline.

Our current spotlight, just to give a snapshot of what we're doing now, and hopefully this isn't a surprise, and SEFHIER is up there. We've been doing a lot of SEFHIER enforcement. Weekly, our guys are on the docks trying to make sure -- Help guys get their accounts and their logbooks, and, if they need help, they can get in touch with SEFHIER staff, through our training.

One of the things that has come up, and we're emphasizing with our partners when we do training, is we've been issuing a few fix-its, and so there seems to be some unawareness, and just a reminder for the fleet that you need to have your proper vessel ID on the vessel, and so that's on the port side, and it's by vessel size, and you've got to have -- If you're under twenty-five foot, it's three inches.

It's ten inches if you're twenty-five to sixty-five foot, and then, from there, it's eighteen inches, and so just a reminder to have that on there, and we're trying to get notice out to the fleet that that needs to be on there. That actually helps us see who the properly-permitted vessels are, and so, if the guys do that, we can then further identify those who aren't doing it. Did you have a response?

MS. BOGGS: I just wanted to touch on that. I heard about this a couple of weeks ago, and so I understand that it is a law, and it's been on the books, and somehow -- I don't know where it got

missed, or how it got missed, and I've talked to several of the charter fleet, captains, and they, at some point, thought that it had been removed, and I know some of them are like, oh no, we've known it's been there, and so the question is, on this, and I see you have it under -- Is there going to be -- You said you're going to do some outreach, and is this something that's going to start immediately being ticketed, because you're going to be writing a lot of tickets, number one.

Number two, especially right now, with these boats being off the water, if the outreach could be done, so that, when they come back in the spring, and start doing their boat maintenance, paint, et cetera, I think we can get this resolved pretty quickly and easily, but I understand it's a law, but since evidently it hasn't been communicated, or I'm not exactly sure how to say that, but I just want to make sure we're not getting ready to go out and write 1,300 tickets.

MR. WALIA: I appreciate it. What we're doing, and the advice we're giving the JEA partners, is we're issuing what's called a fix-it notice, and so that gives you a thirty-day notice to fix it, or before prior to the next trip, and so, if you have some of these guys that are hauling out and staying out for a while, they have that time to fix it before the next time, and I actually an in plans and coms with the SEFHIER staff, and they frequently, at the end of the year, send out a frequently-asked questions and bulletin, and I'm going to be working with them to get some of that stuff out there as well to reach the fleet.

MS. BOGGS: Well, and just to say that I've tried to help a little bit, and I have reached out to several fleets and associations. I have emailed them the regulations, and so hopefully that will get another way to get that information out to them. Thank you.

MR. WALIA: I appreciate it, ma'am. Thank you. SEFHIER is definitely a topic that we're going to continue working on, and we still get referrals from the SEFHIER staff on -- There is still a handful of boats that aren't reporting, and so we're continuing to pass that out into the field too, and get that out.

Unpermitted charter operations, that's tied in, and we are looking for that, and we're taking tips, and we're working on operations on that throughout the Gulf. TED requirements as well that you see on that, and seafood imports, and I touched on that, on our capacity measures, and Houston is a big port, and so we're always inspecting seafood over in Houston. Dolphin

feeding, just a reminder to watch your approach and leave a distance.

This slide, we just always put up, just so you know this is where you can get resources. That first site is our website, and it has a lot of stuff on there, our priorities and the visions. We actually have our new five-year priorities that should be ready, I believe, in December for public dissemination. We already reached out to all the councils and stakeholders to get input, and so that's pending, and so keep an eye out for that.

Meanwhile, our news stories that we get out, and our General Counsel enforcement action link, and that's as well with our partners, with Duane Smith and his cohorts, and they're in our report as well, and you see all the charging info, and that's another avenue you can go to if you need info, and I believe that concludes my report, if there's any questions. Thank you, Mr. Chair.

CHAIRMAN DIAZ: All right. Any questions regarding the OLE Enforcement Report? Seeing none, thank you, Matt. Good report. Thank you very much for your hard work. Next up is Mr. Donaldson and the Gulf States Marine Fisheries Commission.

GULF STATES MARINE FISHERIES COMMISSION

MR. DONALDSON: Thank you, Mr. Chair. Because of the presentation that was given during Data Collection, Gregg Bray has covered pretty much what I was going to say, and so one note that we did have our annual meeting last week in San Antonio, and we had great participation and good discussion, and, with that, I will answer any questions.

CHAIRMAN DIAZ: Any questions for Mr. Donaldson? Seeing none, we're going to move on. Next up is the U.S. Coast Guard and Lieutenant Commander Motoi.

U.S. COAST GUARD

LCDR MOTOI: Good afternoon, Mr. Chairman and members of the council. I'm Lieutenant Commander Lisa Motoi. I regret not being there in-person this week. My trip was all booked, and then COVID got me pretty good, and so I appreciate the flexibility. For today's update, I will discuss Fiscal Year 2022 lancha and domestic fisheries statistics.

For Fiscal Year 2022, we had 191 detections, 128 interceptions,

eighty-seven interdictions, 15,000 pounds of illegal catch, and 373 Mexicans who were detained. The numbers in parentheses reflect the change from Fiscal Year 2021, and to note that an interception is the arrival of a Coast Guard surface, or their asset, in position, whereas an interdiction results in a successful endgame, such as seizing the lancha, fishing gear, and catch.

Many times, we'll come on a scene where there are multiple lanchas, and they may scatter about, and we only end up interdicting one, and that's why you'll see a higher number with interceptions, and so Mexico -- They know they have an IUU-F problem and that they have a negative certification for being an IUU-F nation, and it's subsequent failure to take corrective action.

Last month, I attended a meeting with other Coast Guard representatives, and NOAA Fisheries was there, and this was at the Mexican embassy in D.C., to discuss several key initiatives to reduce the number of incursions and repeat offenders, and so some of the ground work includes more joint operations and improving the process for case package submission to Mexico.

Mexico, they are really eager to receive that positive certification, and they are making movement. However, we made it really clear to them, at this meeting, that we want to see results and not just action, and so the top-right picture is from a recent case. That lancha was located sixteen nautical miles offshore, and five nautical miles north of the maritime boundary line, and these lanchas -- They can go out twenty to thirty miles, or even more, and then the bottom-left is also from a recent case, a few weeks ago, and the majority of lanchas are initially detected by aircraft, and, as you can see in that picture, they're just so small to detect.

For domestic fisheries, last year, we conducted a total of 956 vessel boardings across the Gulf of Mexico. 286 of those vessels received one or more safety violations, and fifty-three vessels received one or more LMR fishery violations.

For a look ahead with the Coast Guard, first is we want to optimize LMR efforts to overcome resource constraints, and I say this because there is a huge surge in both Cuban and Haitian migration, and it's certainly going to pull from our resources this year, and so it's one of the challenges that we're going to have to look at when we're executing the domestic fisheries mission.

Continue to prioritize high and medium-precedence fisheries, and so high-precedence fisheries for us are highly-migratory species, reef fish, and shrimp, and medium-precedence would be coastal migratory pelagics.

Next is pivot fast-response cutter employment towards highly-migratory species, and so HMS has historically been a challenging metric for us, mostly due to the challenges of getting way offshore, but our fast-response cutters are -- Well, first, they're more than capable, but it's just a matter of balancing that with the maritime boundary line. Then last is strengthening relationships, both internal and external, to the Coast Guard.

Then the pictures are from recent operations, and the top-right picture is from a forty-four-foot fishing vessel that was taking on water three miles off of Corpus Christi Bay, and so we arrived on the scene, a Coast Guard helicopter, and they lowered a de-watering pump, and then the fishing vessel's sister ship actually was able to get on the scene and then escorted that vessel back to the Corpus Christi Marina.

Then the bottom-left picture is -- So Station Freeport in Texas, they were out doing a patrol, and they observed a sea turtle struggling in the middle of Freeport Channel, and so they brought the turtle onboard, and then they worked with the Sea Turtle Center, who took the turtle into their care, and so that was a good case. Mr. Chairman, that concludes my brief, pending any questions.

CHAIRMAN DIAZ: I have a quick question for you. I had a hard time hearing you, but you said that you all are having to divert some resources because of issues with folks coming from Haiti and Cuba, and can you elaborate on that a little bit?

LCDR MOTOI: Yes, sir, and so there's been an uptick in Cuban and Haitian mass migration, and so it's pulling resources really from across the Coast Guard in supporting our neighboring districts, District 7 in Miami, and I could say, like right off the bat, that we will be losing patrol days from our fast-response cutters that are scheduled to be operating in our area of responsibility, and they're going to be heading down to District 7 and supporting these migration events.

CHAIRMAN DIAZ: Thank you very much, Lieutenant Commander. I appreciate you giving that explanation of that. Any other questions? Seeing none, we missed seeing you this week, and we look forward to seeing you next time, in Baton Rouge in January,

and so thank you very much.

LCDR MOTOI: Thank you.

CHAIRMAN DIAZ: That leads us to Other Business, and the first item in Other Business is an update from Ms. Levy.

OTHER BUSINESS
LITIGATION BRIEFING

MS. LEVY: Okay. It will be a very short update, and so I'm just giving you a brief update on pending litigation. It's been a very busy month. We don't have that many cases involving council actions normally, and we have two going on, and both had hearings this month, which is quite unusual.

We have the case that was challenging the for-hire reporting amendment and final rule, and the hearing that we had, a couple of weeks ago, was before the Fifth Circuit Court of Appeals, and so we had a favorable decision out of the District Court, and then that got appealed, and so we were in the Fifth Circuit, because this was filed in Louisiana.

The hearing was actually -- Or the oral argument was actually held in Fort Worth, Texas, at Texas A&M Law School, which is also a little bit unusual, but apparently that appellate court goes to the law schools sometimes to have arguments, which was nice for the law students.

It's a three-judge panel, and both sides presented their arguments. I don't think -- I think it was fairly clear that the judges were quite skeptical of the VMS requirement and the way it was -- The way it's being applied in this case, and I don't want to predict rulings, and I don't do that, but, for anyone who listened to it, I think you could just tell that they were very skeptical of that requirement, but we won't know what their decision is, or how broad or narrow it is, or what issues they actually decide, because there were a number of issues in that case beyond the VMS requirement, until they issue a decision, and I have no way to predict when the panel will do that, and so, right now, we're kind of in a holding pattern waiting for that decision.

The other hearing we had was last week, and it was in Washington, D.C., in the District Court, which is the trial court, and that was the case challenging the Amendment 53 red grouper catch limits and allocation rule. That was a fairly good hearing. I mean, the judge clearly understood the issues,

and he's dealt with Magnuson cases before, and he gave both parties plenty of opportunity to make their arguments and state their positions, and he seemed to be, you know, someone who will give a well-reasoned decision, whatever that might be.

Again, I can't predict what he's going to decide. Most of the argument, a lot of the argument, was spent on National Standard 4 requirements and the idea that allocations have to promote conservation, but we did touch on some other things. There were also a lot of issues raised in that case, and so, again, you know, it's -- How he's going to rule and what he's going to say on each issue, I can't predict. He did say that he would try to have a decision by the end of the year, and so we have some indication, in that case, that we should be getting a decision before the next council meeting. Thanks.

CHAIRMAN DIAZ: Thank you, Ms. Levy. Any questions for Ms. Levy? Dr. Frazer.

DR. FRAZER: It's not necessarily a legal question, but I was just curious, because we haven't heard about -- I can't remember the name of the aquaculture company, but that was doing the almaco jack off of Sarasota, and I didn't know where their status was, and if they had anything in the water prior to this hurricane.

MS. LEVY: No, they don't have anything in the water. The EPA had issued a permit, and they appealed that to the EPA Appeals Board, and so it's an administrative proceeding, and the appeals board issued a decision that basically asked the agency to clarify some of its findings related to ocean discharge criteria. The EPA went back and clarified the language in the permit, reissued the permit, and now they are appealing the permit to the circuit court, and so you can directly -- When it goes through this process, you can go to the circuit court to appeal the issuance of the permit, and so that's ongoing right now, and that just happened I want to say less than a month ago.

DR. FRAZER: Thank you very much.

CHAIRMAN DIAZ: Thank you, Ms. Levy. All right. I'm not seeing any other hands. We had two other items under Other Business, and so Dr. Simmons is going to give us an update on the CCC harassment policy. Dr. Simmons.

UPDATE ON CCC HARASSMENT POLICY

EXECUTIVE DIRECTOR SIMMONS: Thank you, Mr. Chair, and so, last

week, we received draft harassment policies for council employees and council participants, two different policies, and we will need to look at those policies, the one for employees and how we might integrate that into our admin handbook and then the one for council participants. We'll be looking at that, to see how we will need to integrate it into our SOPPs.

There is also a training, and -- If we want to make a stand-alone policy, we could also do that, but there's also some training that's going to be required for council members, council staff, and we also think the SSC members should take the training as well.

We don't have an unlimited number of slots, and so we don't have availability for the APs to take the training, but I believe it's about a one-hour training, for most folks. For leadership, I think it's like a two-hour training, they said, but you will be receiving an email, I believe from Headquarters, and we gave everybody's contact information, to take the training. If possible, if you could take it before the January council meeting, that would be great. We're going to be talking to the SSC about it as well.

I do understand that probably a lot of the state directors and designees have probably already taken this type of training, but we felt, for consistency, we would just ask you to take the same training, and so I apologize if there's duplication there, but I think that's important, that we're all getting the same type of training. I will stop there and see if there's questions or concerns or anything.

CHAIRMAN DIAZ: Any questions for Dr. Simmons about this web-based training? All right. Mr. Brewer.

MR. BREWER: I have been through that, and it was like a virtual kind of deal, on the training, and is this something that is going to be required in addition to that prior training, or, if you've had the prior training, are you good to go?

EXECUTIVE DIRECTOR SIMMONS: I am not exactly sure what training you're referring to. This is fairly new, and they just kind of rolled this out last week, and so I assume you have to take this again, I assume though.

CHAIRMAN DIAZ: Okay. Seeing no questions, if you would proceed to the last item that we have, and that is some long-term planning discussion.

LONG-TERM PLANNING DISCUSSION

EXECUTIVE DIRECTOR SIMMONS: Thank you, Mr. Chair. We've been trying to come up with a draft plan, just a little bit more long-term planning process, other than just the documents that we have in our action schedule. We have our action schedule, and we have our to-do list, but we're working to see if there's a longer-term plan, perhaps that would coincide with our five-year grant, that we could work on to bring to the council, and we would like to try to do that probably early next year.

I don't know if we'll be ready for it in January, but hopefully by the April council meeting, and so any feedback, or suggestions, you have, please let us know, and we'll try to work it in and see if we can try to utilize it and help us with some planning and priorities. Thanks.

CHAIRMAN DIAZ: Seeing no comments, or any questions, I think that concludes our agenda. If anybody else has any other business, before we close out the meeting, this would be a good time. Mr. Anson.

DISCUSSION OF SECTION 102 WORKGROUP

MR. ANSON: Thank you, Mr. Chair. Going back to the Section 102 Workgroup, I feel like we probably have accomplished everything that we can accomplish, I guess, at this point, and certainly there is other workgroup members here at the table that could chime-in, but I guess my sense is that we've accomplished what we were tasked to do, and, if that is in fact the case, then do we need to have a motion to disband it, or do anything at this point to take it off the books?

CHAIRMAN DIAZ: Dr. Simmons.

EXECUTIVE DIRECTOR SIMMONS: Thank you, Mr. Chair. I think it would be a great idea if we just have a motion on that, just for clarity, to understand what we did, two years from now, five years from now, ten years from now.

CHAIRMAN DIAZ: If you would like to make that motion, Mr. Anson, that would be wonderful.

MR. ANSON: Well, I guess a motion to disband the Section 102 Workgroup.

CHAIRMAN DIAZ: Motion to disband the Section 102 Workgroup. Is there a second?

DR. SHIPP: Second.

CHAIRMAN DIAZ: Seconded by Dr. Shipp. Is there any discussion on that motion? **Is there any opposition to that motion? The motion carries.** Any other business before the Gulf Council? General Spraggins.

GENERAL SPRAGGINS: I just wanted to thank everybody for coming to the Gulf coast of Mississippi. We thank you for being here, and we hope you enjoyed your stay, and we look forward to going to Baton Rouge and seeing everybody in January, but we hope you had a good time in south Mississippi.

CHAIRMAN DIAZ: Thank you for being such a gracious host, General. We appreciate it. Okay. I would entertain a motion to adjourn. All right. I've got about four seconds to that motion. The Gulf of Mexico Fishery Management Council is adjourned, and we'll see you all in Baton Rouge. Thank you.

(Whereupon, the meeting adjourned on October 27, 2022.)

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