

1 GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

2  
3 REEF FISH MANAGEMENT COMMITTEE

4  
5 Hilton Palacio del Rio Hotel San Antonio, Texas

6  
7 August 24, 2021

8  
9 **VOTING MEMBERS**

10 Martha Guyas (designee for Jessica McCawley).....Florida  
11 Kevin Anson (designee for Scott Bannon).....Alabama  
12 Susan Boggs.....Alabama  
13 Leann Bosarge.....Mississippi  
14 Billy Broussard.....Louisiana  
15 Dale Diaz.....Mississippi  
16 Jonathan Dugas.....Louisiana  
17 Phil Dyskow.....Florida  
18 Tom Frazer.....Florida  
19 Bob Gill.....Florida  
20 Robin Riechers.....Texas  
21 Chris Schieble (designee for Patrick Banks).....Louisiana  
22 Bob Shipp.....Alabama  
23 Joe Spraggins.....Mississippi  
24 Andy Strelcheck.....NMFS  
25 Greg Stunz.....Texas  
26 Troy Williamson.....Texas

27  
28 **NON-VOTING MEMBERS**

29 Dave Donaldson.....GSMFC  
30 LCDR Lisa Motoi.....USCG

31  
32 **STAFF**

33 Assane Diagne.....Economist  
34 Matt Freeman.....Economist  
35 John Froeschke.....Deputy Director  
36 Beth Hager.....Administrative Officer  
37 Lisa Hollensead.....Fishery Biologist  
38 Ava Lasseter.....Anthropologist  
39 Mary Levy.....NOAA General Counsel  
40 Natasha Mendez-Ferrer.....Fishery Biologist  
41 Emily Muehlstein.....Public Information Officer  
42 Ryan Rindone.....Lead Fishery Biologist/SEDAR Liaison  
43 Bernadine Roy.....Office Manager  
44 Camilla Shireman.....Administrative & Communications Assistant  
45 Carrie Simmons.....Executive Director  
46 Carly Somerset.....Fisheries Outreach Specialist

47  
48 **OTHER PARTICIPANTS**

49 Rick Burris.....MS

1 Richard Cody.....NMFS  
2 Alisha Gray.....NMFS  
3 Peter Hood.....NMFS  
4 Kerry Marhefka.....SAFMC  
5 Jim Nance.....SSC  
6 Kelli O'Donnell.....NMFS  
7 Clay Porch.....SEFSC  
8 Jessica Stephen.....NMFS  
9  
10 - - -  
11

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TABLE OF MOTIONS

1  
2  
3 [PAGE 64](#): Motion in Action 1 to revise Preferred Alternative 2  
4 to read as follows: Modify the state-specific red snapper  
5 private angling component ACLs using the ratio calibrations  
6 developed by the National Oceanic and Atmospheric  
7 Administration's Office of Science and Technology and the five  
8 Gulf states. [The motion failed on page 80](#).  
9

10 [PAGE 110](#): Motion to form a small facilitated focus group of  
11 knowledgeable individuals selected by the Executive Director and  
12 Council and Reef Fish Committee Chairs to provide a detailed  
13 plan responding to their charge. The charge of this focus group  
14 shall be to: 1)define the structure of an idealized IFQ program  
15 for red snapper and grouper-tilefish; 2)detail the changes  
16 needed to the current program to achieve the improved IFQ  
17 program; 3)report their findings to the SSC and appropriate APs  
18 for review and advice to the council. [The motion was withdrawn  
19 on page 119](#).  
20

21 [PAGE 125](#): The motion in Action 1 to make Alternative 2 the  
22 preferred alternative. [The motion failed on page 129](#).  
23

24 [PAGE 131](#): Motion to move Action 3.2, Closed Accounts, to the  
25 Considered but Rejected. [The motion was withdrawn on page 134](#).  
26

27 [PAGE 135](#): Motion in Action 3.2 to make Alternative 2 the  
28 preferred. Alternative 2: Shareholder accounts that have been  
29 closed may be reopened, but a reopened account becomes a permit-  
30 required account and must be associated with a commercial reef  
31 fish permit to hold shares. The time periods provided under  
32 Action 2 to bring an account into compliance following  
33 implementation of this amendment would apply to reopened  
34 accounts, if selected. [The motion carried on page 135](#).  
35

36 [PAGE 136](#): Motion in Action 3.1 to make Alternative 1 the  
37 preferred. Alternative 1: No Action. There is no share limit  
38 for permit-exempt shareholder accounts that do not have a  
39 permit. The existing share cap for each share category that  
40 applies to any U.S. citizen or permanent resident remains in  
41 place. [The motion carried on page 137](#).  
42

43 [PAGE 142](#): Motion in Draft Amendment 36C to move Action 3 to  
44 Considered but Rejected. Action 3 - Accuracy of estimated  
45 weights in advance landing notifications. [The motion carried on  
46 page 143](#).  
47

48 [PAGE 147](#): Motion in Amendment 36B, Action 2, to make

1 Alternative 4 and Option 4b an additional preferred.  
2 Alternative 4: If shares are acquired from an inheritance or  
3 other legal proceeding (e.g., divorce) and the shares are  
4 transferred to a permit-required shareholder account, the  
5 shareholder must divest of the account's shares as needed to  
6 meet the requirements set in Action 1 or the shares will be  
7 reclaimed by NMFS: Option 4b: 3 years following the date the  
8 shares were transferred into the account. [The motion carried on](#)  
9 [page 149](#).

10  
11  
12

- - -

1 The Reef Fish Management Committee of the Gulf of Mexico Fishery  
2 Management Council convened on Tuesday morning, August 24, 2021,  
3 and was called to order by Chairman Martha Guyas.

4  
5 **ADOPTION OF AGENDA**  
6 **APPROVAL OF MINUTES**  
7 **ACTION GUIDE AND NEXT STEPS**  
8

9 **CHAIRMAN MARTHA GUYAS:** Good morning. I think -- Well, tell me  
10 if I'm wrong, but, since this is a committee of the whole, and  
11 can everybody participate and make motions and stuff like that  
12 today, since everybody has been inducted?  
13

14 **DR. TOM FRAZER:** Yes, they can.  
15

16 **CHAIRMAN GUYAS:** Perfect. Okay. I just wanted to clear that  
17 up. All right. So everyone is on the committee, even if you're  
18 new, and so jump right in when you feel like it. Let's go to  
19 Tab B, Number 1 first. That's our agenda. Are there any  
20 additions or modifications to the agenda? Kevin.  
21

22 **MR. KEVIN ANSON:** Madam Chair, I would like to add, under Other  
23 Business, a discussion about SEDAR 74, the stock ID workshop  
24 report.  
25

26 **CHAIRMAN GUYAS:** All right. Anything else? Okay. Seeing no  
27 other additions, can I please get a motion to approve the agenda  
28 as modified? Thank you. We have a motion and a second. Any  
29 opposition to that motion? Seeing none, the motion carries.  
30

31 Next, we have our June minutes. Any changes to the minutes?  
32 Any opposition to approving the minutes as written? Seeing  
33 none, we will approve the minutes as they are in the briefing  
34 book. Okay. We'll hit up our action guide as we move through  
35 our agenda items today, and so let's start with our review of  
36 the reef fish landings next, and it looks like Ms. Kelli  
37 O'Donnell is going to present those for us.  
38

39 **REVIEW OF REEF FISH LANDINGS**  
40

41 **MS. KELLI O'DONNELL:** Thank you, Madam Chair, and if we can just  
42 bring up the figures, because that's all we will be going over  
43 this morning. Thank you. The same as with the CMP yesterday,  
44 commercial landings are through August 5, and you have a couple  
45 of recreational landings on there, and we do have through Wave 2  
46 for MRIP, LA Creel, and headboat, and we do not have the Texas  
47 landings yet, and we are presenting only recreational gag and  
48 red grouper, because that was requested at the last meeting,

1 and, at the October meeting, we will be bringing back some more  
2 recreational landings.

3  
4 Gag, we didn't really have much to show for the 2021 fishing  
5 year, because we only have through Wave 2, and they are in a  
6 seasonal closure until the end of May, and so you can't really  
7 see that blue line, but it is hidden behind the 2019/2020 and  
8 the fishing year average lines.

9  
10 Red grouper had a pretty big jump in the Wave 2 landings that we  
11 just got in, and I just wanted to remind everybody to keep in  
12 mind that the 2021 landings are still preliminary, and so that  
13 number may change a little bit the next time you see this, and  
14 so, if you don't see such a big jump for the 2021 landings,  
15 that's probably why, because landings are still adjusting for  
16 2021.

17  
18 Gray triggerfish commercial landings, again, as we saw with CMP,  
19 the 2021 has been a little bit lower, and the 2020 as well, and,  
20 again, the same thing, and we can only right now really  
21 attribute that to the changes in fishing practices due to COVID,  
22 and they did not have a closure in 2020, and, right now, we  
23 currently do not have a projected closure for 2021, and we also  
24 see the multiple lines for ACTs and ACLs, because the framework  
25 was recently implemented that increased their ACL, and so you  
26 can see where they have been at in previous years compared to  
27 where that new increased ACL is, and so we'll see what happens  
28 with the rest of this year.

29  
30 The same for them, and they just came out of their seasonal  
31 closure at the end of the July, and so we don't really have any  
32 landings, as far as what has been happening since that has  
33 reopened.

34  
35 Greater amberjack has steadily been decreased landings, in the  
36 past couple of years, and they had the step-down accountability  
37 that was put in place, but they have not reached that percentage  
38 to initiate that either in 2020 or 2021, and so, right now,  
39 they're still at the full trip limit.

40  
41 The rest of these pretty much are following what all the other  
42 species have been, with just slightly decreased landings in 2020  
43 and 2021, and we'll see that for the next -- Probably the rest  
44 of the slides. The same thing with lane snapper, and they've  
45 been a little bit more back on track this year, but they're  
46 still a little bit lower than in previous years.

47  
48 Vermilion, the same thing, and there's not much more to say.

1 There's a little bit lower landings these past couple of years.  
2 For yellowtail snapper, we did see a pretty big drop in  
3 landings, and they just finished their 2020/2021 fishing year  
4 and are now in their 2021/2022 fishing year, and so it will be  
5 interesting to see what happens with that, as we are also  
6 developing a yellowtail snapper document, and I think that might  
7 be the last slide. I will be here for any questions.

8  
9 **CHAIRMAN GUYAS:** All right. Thanks, Kelly. Any questions?  
10 Andy.

11  
12 **MR. ANDY STRELCHECK:** Not a question, but a comment. We receive  
13 Wave 3 landings data typically in the middle of August for MRIP,  
14 and those are in FES. We're working with the Science Center to  
15 convert them to the Coastal Household Telephone Survey, like is  
16 typically done, and that usually takes a couple of weeks, but,  
17 right now, preliminary indications is we will have some ACL  
18 closures this year, likely for red grouper and gray triggerfish,  
19 and so I just wanted to give the council a heads-up that we are  
20 looking at the data carefully, and we'll be making  
21 determinations likely in early September.

22  
23 **CHAIRMAN GUYAS:** Thanks, Andy. Kevin.

24  
25 **MR. ANSON:** I took a look at the landings website when they  
26 posted Wave 3 information, and they have some notes on there  
27 about 2020/2021 and some of the imputations that were made in  
28 order to get to the estimates, and so I'm just wondering if that  
29 might be something that, in a future council meeting, that we  
30 could get maybe Science & Technology to give a summary as to how  
31 those imputations occurred for some of our more popular species.

32  
33 **CHAIRMAN GUYAS:** All right. Anything else? Kevin, can you make  
34 your request again, just so we can make sure we've got it in the  
35 notes?

36  
37 **MR. ANSON:** I actually mentioned Science & Technology, but I  
38 guess the Science Center would be appropriate for our body, is  
39 to just to request that we have a presentation brought to us,  
40 sometime at a future council meeting, that describes the  
41 imputation methodology that was used to account for some of the  
42 sampling issues related to COVID from last year and this year.

43  
44 The MRIP website, when you query the recreational landings, has  
45 some information about that, some caveats if you will, about  
46 some of the estimates, and so if we can just have some details  
47 as to how that was -- The methodology was used. Thank you.

48

1 **CHAIRMAN GUYAS:** Okay. Got it. Yes, I think that we can  
2 probably -- When the time is right, it would be good to get an  
3 update on that. Okay. Anything else on ACL monitoring?  
4

5 **MS. LEANN BOSARGE:** Madam Chair, my hand is up, but it's not  
6 showing on the board yet.  
7

8 **CHAIRMAN GUYAS:** Go ahead, Leann.  
9

10 **MS. BOSARGE:** Okay. I just wondered, are we having to stop any  
11 of the APAIS surveys going on, the in-person surveys, here in  
12 the Gulf, because of COVID, at this point, or are we still  
13 rocking and rolling with that?  
14

15 **CHAIRMAN GUYAS:** I guess individual states can speak for  
16 themselves, but, at least in Florida, we've been rocking and  
17 rolling for quite some time for those in-person surveys. Robin,  
18 did you want to speak?  
19

20 **MR. ROBIN RIECHERS:** Sure. Since last spring, we certainly came  
21 back to normal and full practice early in the spring of last  
22 spring.  
23

24 **CHAIRMAN GUYAS:** I think that's the case for everybody, but, if  
25 I'm mischaracterizing that, please somebody speak up. I'm  
26 seeing lots of head-nods, Leann, and so everybody is doing in-  
27 person.  
28

29 **MS. BOSARGE:** Thank you.  
30

31 **CHAIRMAN GUYAS:** All right. Let's move on then to our next  
32 agenda item, which is Draft Framework Action for Modification of  
33 Gulf of Mexico Red Grouper Catch Limits. It sounds like Dr.  
34 Freeman is going to take us through this, and don't forget about  
35 the action guide.  
36

37 **DRAFT FRAMEWORK ACTION: MODIFICATION OF GULF OF MEXICO RED**  
38 **GROUPEL CATCH LIMITS**  
39

40 **DR. MATT FREEMAN:** Thank you, Madam Chair. For this item, staff  
41 will review the proposed management alternatives in the draft  
42 framework action. The council's SSC reviewed an updated interim  
43 ABC analysis for Gulf red grouper, using data through 2020 and  
44 updated recreational weight estimates, at its August 2021  
45 meeting.  
46

47 This draft framework action follows the SSC's recommendations  
48 for updated catch advice for Gulf red grouper set using the

1 sector allocations established in Amendment 53. The SSC  
2 representative will be on-hand to answer questions about the IA  
3 and the SSC's deliberations on the subject. The committee  
4 should review and provide direction to staff about the  
5 appropriateness of the purpose and need and management  
6 alternatives and provide any other feedback. I believe Dr.  
7 Nance is up first.

8  
9 **CHAIRMAN GUYAS:** All right. Great. Thanks, Dr. Freeman.  
10 Welcome, Dr. Nance. Good morning.

11  
12 **DR. JIM NANCE:** Good morning. Thank you, Madam Chair. I would  
13 like to have Slide 14 up first. At our SSC meeting a few weeks  
14 ago, we had a red grouper interim analysis presentation by the  
15 Southeast Fisheries Science Center, which was an excellent  
16 presentation, and I'm going to go through that presentation and  
17 then give you our recommendations from the SSC.

18  
19 In the presentation, it was noted that, recently, the Southeast  
20 Fisheries Science Center began exploring the discrepancies  
21 between the model weight estimates in the model and those  
22 reported in the annual catch limit (ACL) monitoring database for  
23 the recreational landings.

24  
25 As you know, recreational landings are input into the stock  
26 assessment models as number of fish, but they need to be  
27 converted to weight to calculate catch advice. Investigations  
28 into the red-grouper specific recreational landings indicated  
29 that the stock assessment model underestimated the average  
30 weight of an individual by approximately two pounds.

31  
32 You can see this graph indicates that, and we can see the dark  
33 line is the assessment-predicted values, and the dotted line  
34 above is the ACL monitoring weights.

35  
36 In order to correct this, you can see, in Graph Number A, you  
37 can see the ACL monitoring numbers and the assessment-predicted  
38 numbers, and they track fairly well together, the dark line  
39 being the assessment and the dotted line being the ACL  
40 monitoring numbers.

41  
42 Putting a scalar on those, and, in other words, multiplying the  
43 pounds, is what Graph B does, and you can see the weights, the  
44 ACL weights, are the dotted line, and the assessment-predicted  
45 weight -- The dark line, you can see there is a pretty good  
46 difference between those two. By putting that scalar on there  
47 and multiplying by about two pounds, we get that blue line,  
48 which is a lot better representation of the true weights that

1 are in there, and so that's what the Science Center has done.  
2  
3 With that scalar, the projected 2020 to 2024 recreational  
4 landings scaled up by 1.597, and that would be the multiplier.  
5 The original OFL in this graph was 4.66 million pounds gutted  
6 weight, and the adjustment, with the scalar, goes up to -- The  
7 OFL is 5.99 million pounds gutted weight with an ABC of 5.7  
8 million pounds gutted weight.  
9  
10 Our motion at the SSC is the SSC accepts the new mean weight  
11 estimation methodology to estimate the weight of recreationally-  
12 caught red grouper, and that motion carried without opposition.  
13  
14 The next part, the interim analysis, as you're all aware, it  
15 goes on, and we have that during the year, and the Southeast  
16 Fisheries Science Center introduced a proposed change to that  
17 interim analysis approach for red grouper. Since the terminal  
18 year that we're using in SEDAR 61 is 2017, it would be  
19 advantageous to inform new projections using an index-based  
20 harvest model, or control rule, rather than forecasted index  
21 generated based on the inherent assumptions that are in SEDAR  
22 61.  
23  
24 What the Center was proposing is to use an index-based harvest  
25 control rule instead of the older methodology, and the Southeast  
26 Fisheries Science Center proposed using the National Marine  
27 Fisheries Service bottom longline survey as the index of  
28 abundance and stated that the index estimates have been  
29 spatially adjusted in 2020 to account for the reduced sampling  
30 during that year because of COVID.  
31  
32 In the next graph, you can see what -- The dotted blue line is  
33 the SEDAR 61 forecast stream, and the interim, the full area, is  
34 the red, and the interim update is the green, and you can see  
35 that they track very well in these later years.  
36  
37 This index-based harvest control rule has performed very well in  
38 accounting for episodic natural mortality events in red snapper  
39 and in gray triggerfish, and there is a published report on  
40 that. The approach considers a buffer for tolerance in the  
41 observed and reference index values, using either a three or a  
42 five-year moving average. This calculation was performed using  
43 the scenario currently selected as the preferred option in  
44 Amendment 53, which is 59.3 percent commercial and 40.7 percent  
45 recreational.  
46  
47 Here is how that buffer works. This would be the three-year  
48 average, to try to adjust the ABC value, and so you can see a

1 three-year average, which is called Iref, and that would be  
2 2017, 2018, and 2019, and that average would be 0.68. The  
3 reference, the recent index, which is called Ik, would be taking  
4 2018, 2019, and 2020, and that comes out to 0.60. The ratio  
5 between those two is 0.89, and you can see how that calculation  
6 occurs.

7  
8 What you do with using the three-year average is take the  
9 recommended ABC, which was 5.57, and times it by 0.89, and that  
10 gives you a 4.96-million-pound gutted weight recommendation,  
11 using the three-year average.

12  
13 The five-year average is the same type of adjustment, and so the  
14 ABC, which was 5.57, you multiply it, and the ration in the  
15 five-year is 0.91, and so, using that five-year average, you get  
16 a recommended adjustment ABC of 5.07 million pounds gutted  
17 weight.

18  
19 Looking at those two different scenarios, the three-year and the  
20 five-year, for adjusting the ABC, we discussed the merits of  
21 both of those different ways, the three and the five-year moving  
22 average. While the average using more, the five years of data,  
23 provides some stability in catch advice, a shorter temporal  
24 focus would allow for a more real-time approach to management.

25  
26 Since the council has a standing request for the annual red  
27 grouper IA report from the Southeast Fisheries Science Center,  
28 using a shorter-term time series could provide, and would  
29 provide, a more accurate -- It would address management  
30 objectives for the stock.

31  
32 Here is our motion, and it was the SSC accepts the updated  
33 methodology and interim analysis results for red grouper and  
34 sets the OFL at 5.99 million pounds gutted weight and the ABC at  
35 4.96 million pounds gutted weight using the three-year moving  
36 average for setting the ABC relative to the OFL. These values  
37 are in MRIP-FES units. The motion carried twenty-one to two  
38 with one abstention and one absence. Madam Chair, that is the  
39 end of my presentation. Thank you.

40  
41 **CHAIRMAN GUYAS:** Thanks, Dr. Nance. Are there any questions  
42 about the SSC's recommendations? Bob.

43  
44 **MR. BOB GILL:** Thank you, Madam Chair. Thank you, Dr. Nance. I  
45 appreciate that, and I am sure that you discussed this, but you  
46 notice in the relative abundance from 2005 to 2020 that there's  
47 this huge spike from 2010 to 2013, and the shorter moving  
48 average would have far more impact, in terms of what is used as

1 the reference value than with the five, and you can carry it for  
2 a longer time, if you will.

3  
4 Could you, I guess, review the comments made by the SSC as to,  
5 given the significant difference in relative abundance  
6 magnitude, how the SSC considered that, versus the three-year  
7 average rather than the five?

8  
9 **DR. NANCE:** Obviously, any time you take a longer average,  
10 you're going to take away from the shorter-term N, and, in our  
11 discussions, we looked at both of those, because the long-term  
12 average gives you a more buffered effect, I guess, where the  
13 three-year average gives you more what it is right now. I think  
14 that's what we're interested in, is what is it the last few  
15 years, and I think that's important.

16  
17 Since the council looks at this every single year, is it better  
18 to do this five-year long average, or is it better to do a  
19 three-year average at the end, to give you a better indication  
20 for what's happening the last shorter year period, and that was  
21 our discussion.

22  
23 **MR. GILL:** Thank you, sir.

24  
25 **CHAIRMAN GUYAS:** Any other questions for Dr. Nance?

26  
27 **MS. BOSARGE:** Madam Chair, I have my hand up.

28  
29 **CHAIRMAN GUYAS:** I see you hand. I even have it written down,  
30 and I'm just looking around the room. Go ahead.

31  
32 **MS. BOSARGE:** This is such a learning curve, trying to do all  
33 this virtually, but I appreciate it. I am so glad we're doing  
34 this virtually. Otherwise, I wouldn't be able to be there. A  
35 question for Dr. Nance. When you went through the discussion  
36 about the weight estimation for red grouper and how you used  
37 that to come up with the new OFL and ABC, what the projections  
38 would have been, did -- You had a motion, and so, if we can back  
39 up a couple of slides to get that motion on the board, where you  
40 all accepted that methodology.

41  
42 There we go. The mean weight methodology to estimate the weight  
43 of recreationally-caught red grouper. All right. So what I'm  
44 wondering is did you all -- How deep did you all get into that  
45 methodology? There is an ACL methodology that we used for MRIP,  
46 and then there's the methodology that was used by the stock  
47 assessment, and did you actually look at the N, at the number of  
48 observations, generally speaking, for each one of those, and did

1 we look at the uncertainties around the numbers in each one of  
2 those, or did we just have the graph and look at what it did to  
3 total landings and projections in weight?  
4

5 **DR. NANCE:** We didn't look at any deviation around the values,  
6 but what we're trying to do here, Leann, is basically the weight  
7 is being underestimated in the assessment, and so how do you  
8 adjust for that? By using the scalar, you're just saying that  
9 we're underestimating the weight in the assessment by about two  
10 pounds per fish, and so how do we get that back to rectify that,  
11 and you can see, by those graphs, that, by multiplying with that  
12 scalar of 1.5, we get back to more of a semblance of the  
13 assessment model and what's in the database matching up, and so  
14 that's what they are trying to do here. As you can see, we  
15 accepted that methodology and consider it an improvement.  
16

17 **MS. BOSARGE:** I get that, and I think, definitely, we need to be  
18 apples-to-apples, right, and we need them both to be using the  
19 same methodology. Otherwise, it kind of skews things, if we use  
20 one methodology for allocation decisions and another one for  
21 projections and catch level recommendations.  
22

23 However, I guess the flip side of it is you could say that the  
24 stock assessment model was underestimating the landings in  
25 weight, and the flip side to that is that you could say that  
26 MRIP is overestimating landings in weight, because both of them  
27 are actually estimating, or imputing, and that's what I was  
28 wondering if you got into, the actual number of observations  
29 that MRIP had, which we were presented with at our last council  
30 meeting, or maybe two council meetings ago, and it was very few  
31 some.  
32

33 Some waves are zero, and so it's imputing the whole thing from  
34 somewhere else, and I wondered what the observations looked like  
35 in the different curves that the stock assessment is using to  
36 estimate, or impute, those average weights, and so I hope you  
37 all will get into that discussion, because I think it is a  
38 little deeper discussion, and we need to figure out which one of  
39 those methodologies is actually doing a better job and has less  
40 uncertainty around it. Hopefully you can have one more  
41 discussion on that, because this is probably going to carry  
42 forward for most of our species, if I had to guess.  
43

44 **DR. NANCE:** Thank you. We didn't get into that in our  
45 discussion.  
46

47 **CHAIRMAN GUYAS:** Clay, I saw your hand up.  
48

1 **DR. CLAY PORCH:** Thank you. Just to be clear, this particular  
2 method that was advanced using the scalar, as Dr. Nance referred  
3 to it, is to accommodate the fact that, as the population grows,  
4 there should be more fish in the population that are of larger  
5 size, and so the average weight would go up.

6  
7 If we just used fixed average weights from the recent time  
8 period, it wouldn't allow that to happen, right, because it  
9 would be based on the size fish that are in the population right  
10 now, and so, when you're calculating the reference points, you  
11 need to allow for the fact that, as the population grows, and  
12 you get more older fish in the population that are bigger, then  
13 the average weight should go up.

14  
15 It is a vehicle for doing that, and there may be other ways that  
16 we could do this more precisely, but we need to look into that,  
17 and so, Leann, I think this is about the best that we could do  
18 right now, and we will look into very seriously considering  
19 other ways to accommodate modeling how the population would  
20 increase in weight in the future, beyond where we actually have  
21 data.

22  
23 I would say that the average weight information we have now is  
24 fairly precise, and I don't think there is high uncertainty  
25 there. There is probably a few samples of recreationally-caught  
26 red grouper, and so I'm not too worried about uncertainty in the  
27 average weight estimates, but I do want to publicly thank Leann  
28 for actually doing some diagnostic work and finding that there  
29 was a problem, and I think, from now on, we're actually going to  
30 include sort of a litmus test, to see how -- In cases like this,  
31 with this particular type of model, to make sure that the  
32 predicted average weights match up with the observed data.

33  
34 There is a complicated history of why that mismatch occurred,  
35 because we're not actually fitting to the average weight data in  
36 that particular model, and I won't go into all the  
37 technicalities, but I think we can call this the Leann Bosarge  
38 Test and make sure that the predicted average weight matches up  
39 with the statistics that we have actually collected. Thank you.

40  
41 **MS. BOSARGE:** Well, thanks for looking into it, Clay. I know  
42 you all are busy, and I appreciate you all digging a little  
43 deeper on this, and I think we are doing a better job of  
44 comparing apples-to-apples with this presentation that you gave.  
45 Thank you.

46  
47 **CHAIRMAN GUYAS:** All right. I am not seeing any more hands, and  
48 so thank you, Dr. Nance. Just kidding. Kevin.

1  
2 **MR. ANSON:** Sorry. Just to Dr. Porch, and you said, at the end  
3 there, that, because this was a fitted model, that you -- It  
4 prompted you to do the analysis, and so, in those species that  
5 don't use a fitted model, or vice versa, you won't be performing  
6 this, or will you be looking at the estimated weight versus the  
7 observed weight for all species?

8  
9 **DR. PORCH:** I think that's something we'll incorporate as our  
10 standard battery of tests, just a litmus test, a check and make  
11 sure that everything is performing properly, and it's something  
12 that we used to do back in the day, when we had less  
13 sophisticated models, and so we actually just used the observed  
14 weights at-age, and then we got into trying to predict how that  
15 would grow in the future, and, in this particular model, again,  
16 it's a technical consideration, but we're fitting to age  
17 composition data and not to size composition data, and so there  
18 is some technical reasons that explain why the average weight  
19 didn't end up matching up with the observed data, and now we'll  
20 start looking at that explicitly, to make sure that doesn't  
21 happen anymore.

22  
23 **CHAIRMAN GUYAS:** Okay. All right. Thanks, Dr. Nance.

24  
25 **DR. NANCE:** You're welcome. Thank you.

26  
27 **CHAIRMAN GUYAS:** All right, and so our next item for this back  
28 to Dr. Freeman, and I think he's going to walk us through the  
29 management options in front of us.

30  
31 **DR. FREEMAN:** Thank you, Madam Chair. Dr. Nance walked the  
32 committee through a lot of the background, in terms of the IA  
33 that was presented at the SSC's meeting and the adjustment to  
34 the recreational landings in weight.

35  
36 Keeping in mind that actions taken in this framework are  
37 contingent upon approval of Amendment 53, I just wanted to  
38 provide an update to the committee on that status. Right now,  
39 Amendment 53 is with the Science Center for final certification  
40 that it's based on BSIA before the council transmits the  
41 document.

42  
43 Just as a reminder of what the committee just saw in this last  
44 presentation, there were two analyses conducted by the Science  
45 Center, the first being the weight adjustment to recreational  
46 landings in SEDAR 61 projections and the second being the  
47 interim analysis, which used the results of that first analysis.  
48 All of that, again, is going to be reliant upon the sector

1 allocations from Amendment 53.

2  
3 Again, as Dr. Nance covered, the SSC accepted the new mean  
4 weight estimation methodology, as well as the IA results, and so  
5 they recommended an OFL of 5.99 million pounds gutted weight and  
6 an ABC of 4.96 million pounds gutted weight.

7  
8 Our draft purpose and need statements, the purpose is to modify  
9 the OFL, ABC, ACLs, and ACTs for Gulf red grouper based on the  
10 results of the new stock analyses for Gulf red grouper. The  
11 need is to revise OFL, ABC, ACLs, and ACTs consistent with the  
12 best available science for Gulf red grouper and to continue to  
13 achieve optimum yield consistent with the requirements of the  
14 Magnuson-Stevens Fishery Conservation and Management Act. Madam  
15 Chair, I am going to pause for just a moment, to see if the  
16 committee has any feedback on those statements before I go into  
17 the action.

18  
19 **CHAIRMAN GUYAS:** All right, Dr. Freeman. Thanks. I am looking  
20 around the room, and I will give folks on the webinar a minute  
21 to get their hands up, if they have something to say here, or  
22 just jump in.

23  
24 **DR. FREEMAN:** We can always revisit that at the end, and that's  
25 not a problem.

26  
27 **CHAIRMAN GUYAS:** Let's do that, because I think we're good at  
28 the moment.

29  
30 **DR. FREEMAN:** Okay. Sounds good, and so if we can go to the  
31 next slide. We have one action with two alternatives, and the  
32 first alternative is to retain the red grouper OFL, ABC, ACLs,  
33 and ACTs established in Reef Fish Amendment 53, as shown in the  
34 table below. The commercial and recreational sector allocations  
35 are, respectively, 59.3 percent and 40.7 percent. The  
36 commercial buffer between the ACL and ACT is 5 percent, and the  
37 recreational buffer is 9 percent.

38  
39 Alternative 2 would modify the OFL, ABC, ACLs, and ACTs based on  
40 the recommendation of the SSC, as determined from the 2021 red  
41 grouper stock analysis provided by the Southeast Fisheries  
42 Science Center and using the sector allocations as well as the  
43 ACL and ACT buffers for red grouper set forth in Reef Fish  
44 Amendment 53.

45  
46 Just of note, before we go to the next table, as I mentioned,  
47 sort of the status amendment of Amendment 53, while we're close  
48 to transmittal, the reason why 53 is considered the no action,

1 Alternative 1, in this case, is, again, the IA from the Science  
2 Center is dependent on 53, and so, if we don't have that as our  
3 no action, then we can't move forward with the document and have  
4 our Alternative 2.

5  
6 This shows the resulting values from Alternative 2 in comparison  
7 with Alternative 1, and you see that, for all of these values,  
8 they would be an increase in comparison to no action.

9  
10 Again, Dr. Nance went through a fair bit of the conversation the  
11 SSC had. Again, the ABC was based on the three-year moving  
12 average relative to the OFL, and, from of the SSC discussion,  
13 they found the three-year moving index average to be slightly  
14 more conservative and thought to be more representative of  
15 recent population trends, and there was also some discussion  
16 regarding the uncertainty of the impacts of the 2021 red tide  
17 event in Florida. That is the end of the presentation, and so I  
18 can answer any questions or if the committee has further  
19 discussion, either about the document or the direction of the  
20 document.

21  
22 **CHAIRMAN GUYAS:** Okay. Thanks, Dr. Freeman. Are there  
23 questions or discussion? Go ahead, Bob.

24  
25 **MR. GILL:** Thank you, Madam Chair. Thank you, Dr. Freeman. In  
26 the discussion, I guess I would take the position that a three-  
27 year moving average is not more conservative, and it's less  
28 conservative, and so I would suggest removing that. It is  
29 thought to be more representative of recent trends, but, as we  
30 just discussed, just because at this moment in time it looks  
31 more conservative, overall it is not.

32  
33 **DR. FREEMAN:** Thank you. I will make a note of that.

34  
35 **CHAIRMAN GUYAS:** Any other questions from the committee at this  
36 point, or discussion? This is our first time looking at this,  
37 obviously. Dr. Freeman, this would come back to us in October  
38 for a final action? Is that correct?

39  
40 **DR. FREEMAN:** Based on direction from the committee, we could  
41 potentially bring Chapter 3 and Chapter 4 back to the committee  
42 in October for final action, and certainly, if the committee  
43 would like to select a preferred at this point, they could, and,  
44 again, we will more than likely see it in October.

45  
46 **CHAIRMAN GUYAS:** Okay. Thanks. Leann.

47  
48 **MS. BOSARGE:** Thank you. I was going to ask about pretty much

1 what was addressed there, but, before we get into preferreds, I  
2 was wondering, and so what -- I am trying to figure how all this  
3 plays out, timing-wise, and what that means for commercial  
4 quotas, because I know we have that holdback provision, which I  
5 now sometimes wish we didn't have, if NMFS feels there is going  
6 to be a quota reduction, and so there will be a reduction, but  
7 then there will be an increase. 53 reduces it, and the interim  
8 increases, and so what does our timing look like on all of this?  
9 I guess the agency might have to speak to that.

10  
11 **CHAIRMAN GUYAS:** Thanks for asking that, Leann. I had the same  
12 question. Andy.

13  
14 **MR. ANDY STRELCHECK:** Certainly Mara can jump in, and so several  
15 moving parts. Leann, you're correct, in terms of the holdback,  
16 and I believe the holdback provisions require us to release the  
17 remaining quota by June 1, if the rulemaking hasn't been  
18 completed, and so our goal would be to get the quota increase in  
19 place by that timeframe. Well, I guess it could after, because  
20 this would be a higher quota increase than what is currently in  
21 place.

22  
23 The other, I guess, factor in this is the allocation, and so we  
24 would want to ensure that Amendment 53 is, obviously, going to  
25 be in place at the time of the quota increase, and so we're  
26 looking at probably early summer of next year, or late spring.

27  
28 **MS. BOSARGE:** I didn't quite follow you, Andy. What is late  
29 summer for next year?

30  
31 **MR. STRELCHECK:** You asked about the release of the additional  
32 quota, and so we would be looking at a late spring or early  
33 summer quota release.

34  
35 **MS. BOSARGE:** Okay, and, if I remember correctly, Andy, the  
36 document, the amendment that we worked on, where we gave NMFS  
37 the ability to hold back quota if they thought -- If there was  
38 the potential for a reduction, and so does NMFS have any leeway  
39 to take into account that, although there is a potential for  
40 reduction, there is a potential for an offsetting increase?

41  
42 I just had to see a pushout in the middle of the year of the  
43 increase that we know is coming, because we held back something  
44 for the first document, and so I guess I would hope that maybe  
45 there is some commonsense and leniency that can be used when  
46 applying that holdback if there's a potential decrease, but we  
47 also know there's a potential increase coming.

1 **MR. STRELCHECK:** Leann, unfortunately, we don't have that  
2 authority, based on the regulations, and so the council would  
3 have to provide the agency that authority, in order to do what  
4 you're suggesting, and so we would need to hold back the quota  
5 based on what we expect will occur with the rulemaking and then  
6 release the additional quota once that, obviously, quota  
7 rulemaking is completed.

8  
9 **CHAIRMAN GUYAS:** Andy, let me just make sure I understand how  
10 this fits with 53, and so I was kind of, I guess, maybe hoping,  
11 in the back of my mind, that -- Obviously, 53 is a full  
12 amendment, and it's got a longer process to go through, with  
13 lots of public comment periods and whatnot, and I was kind of  
14 hoping that, since this is just a framework, at some point the  
15 two of those would move parallel, and maybe get implemented at  
16 the same time, and then we don't have this like quota drop and  
17 then increase and all that. Is that off the table at this  
18 point? Do you see those moving separately, or is that still to  
19 be determined? Maybe that's a Mara question. I don't know.

20  
21 **MS. MARA LEVY:** Well, I mean, I think the issue is, once you  
22 give out the commercial quota, you can't claw it back, and so  
23 the whole reason we have that provision is that, if the council  
24 has approved something, and NMFS is considering it for approval  
25 and implementation, it allows the agency to withhold whatever  
26 that reduction would be while that's getting implemented.

27  
28 I think, in this case, if we couldn't get Amendment 53 fully  
29 implemented by the end of the year, if we didn't think that was  
30 going to happen, then the agency would hold back the quota  
31 required to implement that and then move forward with the  
32 rulemaking and the approval of 53 and the framework. How those  
33 jibe up in the end, I mean, I assume that they would be close  
34 together, but, in terms of how that process will actually work,  
35 I don't think we know, right now exactly, what the mechanism  
36 would be, right, but, I mean, this is a framework. I think they  
37 will end up coming together, in the end, or at least close.

38  
39 **CHAIRMAN GUYAS:** Okay. Yes, that helps, and, yes, I get that  
40 holdback. The holdback, I guess, is going to happen more or  
41 less one way or another, because it's not going to make the  
42 finish line until sometime in the spring. Okay, and so I guess  
43 it really doesn't matter. Kevin.

44  
45 **MR. ANSON:** Along the same vein as your line of thought, I  
46 guess, just looking at this document, independent, or  
47 irrespective, of Amendment 53, when would the council have to  
48 approve this and send it off, in order for it to meet your late

1 spring or early summer prediction for release of the quota?  
2

3 **MR. STRELCHECK:** Well, so, if you take action in October, final  
4 action, then that would be the best-case scenario, and would  
5 probably be even ahead of the late spring timeframe. I was  
6 envisioning January, at the latest, in order to get the quota  
7 increase implemented.  
8

9 **CHAIRMAN GUYAS:** Okay. That's helpful, and so that brings me to  
10 another question though, too. Maybe this is partly a Clay  
11 question, and so we have a standing request out there to the  
12 Science Center to get a new interim analysis like every January  
13 for red grouper, and so I'm trying to think. If we move on this  
14 in October, or even -- Hopefully not January, but, if we move on  
15 this in October, and then we get another interim analysis in  
16 January or February, whenever our meeting is, I just -- I am  
17 just trying to figure out how this fits in here, and I see  
18 Carrie has got her hand up, and so maybe I will go to her first.  
19 Carrie.  
20

21 **EXECUTIVE DIRECTOR CARRIE SIMMONS:** Thank you, Madam Chair. We  
22 have started to think about this a little bit more as we  
23 understand, roughly understand, how to use this interim analysis  
24 tool, and one thing we've talked about with the SSC is should  
25 this just be a health check, when we've recently implemented  
26 management changes, and not be a consideration of actual changes  
27 in catch, but I'm sure that Dr. Porch would like to add to that.  
28

29 **CHAIRMAN GUYAS:** Go ahead, Clay.  
30

31 **DR. PORCH:** Sure. Thank you. Our longline survey will go out  
32 actually fairly soon, and it's conceivable that we could update  
33 the data sometime in December, but I don't want to promise that,  
34 and so January is the date that we typically settle on for when  
35 we can have final QA/QC'd data and convert that into an index.  
36

37 The thing that I want to make the council aware of is I think  
38 you've all heard that many of the fishermen are saying the  
39 stocks are going up, and so our longline survey does a pretty  
40 good job of covering the range of red grouper, and so, if that's  
41 the case, then we should see an uptick in that index.  
42

43 On the other hand, you also know there's a red tide going on,  
44 and our indications, at this point, is it's mostly an inshore  
45 event and hasn't really drifted out into the areas where the red  
46 grouper fishery operates, but we're keeping an eye on that.  
47 We're doing some monitoring now, and we have a lot of partners  
48 looking at that, and we are detecting some hypoxia, and we're

1 hopeful, of course, that that doesn't drift further offshore and  
2 affect the red grouper and gag fisheries, as they have in the  
3 past, but, in principle, our longline survey goes right through  
4 all those areas, and so, if the red tide does affect red  
5 grouper, we should pick it up in the survey.

6  
7 **CHAIRMAN GUYAS:** Thanks. That's helpful. Dale.

8  
9 **MR. DALE DIAZ:** If I'm jumping the gun, stop me, but, at this  
10 time, I would be prepared to make a motion for a preferred, to  
11 make Alternative 2 the preferred. If I get a second, I will  
12 elaborate.

13  
14 **CHAIRMAN GUYAS:** All right. Is there a second for this motion?  
15 It's seconded by Kevin. Let's go ahead and get that on the  
16 board. All right. The motion is on the board. In Action 1, to  
17 make Alternative 2 the preferred. Dale, go ahead.

18  
19 **MR. DIAZ:** I don't want to try to guess what Bob is going to  
20 say, although I think I have a pretty good idea. I don't really  
21 think there's another option of what to do here. I heard what  
22 Mr. Gill said earlier, but I do think, in MSA, the one thing  
23 that we have to go by the SSC's guidance on is when they give us  
24 catch advice on ABCs, and so this is catch advice from the SSC  
25 on ABCs, and I don't think we really can do anything.

26  
27 On most other advice we get from the SSC, we can deviate from  
28 that and look at other alternatives, if it's warranted, but, on  
29 catch advice, I don't think we can, and so that's my rationale  
30 for making the motion, and I want to just move this document  
31 along as expediently as possible. Thank you, Madam Chair.

32  
33 **CHAIRMAN GUYAS:** Thanks, Dale. Bob.

34  
35 **MR. GILL:** Thank you, Madam Chair, and I agree with the thinking  
36 that Dale is providing, and my heart goes there, but, in  
37 reality, we have no analysis, and we don't have a Section 3 and  
38 4. In my view, it's premature to pick a preferred at this time,  
39 and, therefore, I will not support this motion.

40  
41 **CHAIRMAN GUYAS:** Is there any other discussion on the motion? I  
42 will wait and see if there's any hands online, or just speak up.  
43 Okay. Let's go ahead and vote on this then. Let's try this.  
44 **Is there any opposition to this motion? We've got one in the**  
45 **room. Any online? Hearing none, the motion carries with one**  
46 **opposed.**

47  
48 All right. We only have one action here, and so I think we are

1 done, unless, Dr. Freeman, you need something else from us on  
2 red grouper.

3  
4 **DR. FREEMAN:** No, and I think having one action and two  
5 alternatives makes it pretty easy for you all to go through, and  
6 so that's all I had.

7  
8 **CHAIRMAN GUYAS:** Kevin.

9  
10 **MR. ANSON:** Just to follow-up on a little bit of the  
11 conversation on the path forward, I guess, and, Martha, this is  
12 more in your realm, this species, and so I certainly would lean  
13 on you, but this idea of the interim assessment and that being  
14 used, instead of a health check, as more of a management tool,  
15 particularly as it relates to the species and red tide and that  
16 there's that dichotomy of the longline survey and what it's  
17 showing for older fish, and then you've got an inshore red tide  
18 event that might be impacting juvenile fish when we know they  
19 will be moving through.

20  
21 I don't know, and it's more of a discussion that we can have, or  
22 certainly the SSC can have, for this species when the longline  
23 survey data becomes available in the interim assessment, or the  
24 analysis of it.

25  
26 **CHAIRMAN GUYAS:** I am going to go to Dr. Simmons, and then I  
27 will weigh-in on that.

28  
29 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Madam Chair, and so I  
30 believe one of the things we talked about, at the SSC meeting,  
31 was to not just have the one fishery-independent index of  
32 abundance, the NMFS bottom longline, but to also bring I believe  
33 it's the SEAMAP trawl survey, especially since it's now been  
34 extended off the Florida coast. I did ask, and they do catch  
35 juvenile red grouper, and so that would be another index I think  
36 that we're going to ask to look at, and it seemed like the  
37 Science Center lead staff indicated that that was a possibility  
38 in January, and so we would be asking for multiple indices.

39  
40 **MR. ANSON:** Thank you.

41  
42 **CHAIRMAN GUYAS:** That all sounds good. I guess a challenge that  
43 we have with red grouper, and really probably anything IFQ,  
44 where we get these interim analyses, is, if we find ourselves in  
45 a situation, looking at the interim analysis that we receive in  
46 January, where we need to maybe consider a cut, it's too late  
47 for the year, right, and the quota has been divvied out, and it  
48 is what it is, but, at the same time, also recognize that

1 surveys are happening now, or in the fall, and there's just -- I  
2 feel like we have a logjam, right, where like everything is kind  
3 of happening at once, and so we can be somewhat responsive with  
4 the interim analyses, but not at a drop of a hat let's update  
5 the quota for next year.

6  
7 I mean, I feel like, in this case, probably coming up for  
8 January -- In my opinion, it probably is appropriate to just use  
9 this as a health check. I mean, we're also considering that  
10 we're already making two changes to the quota, and hopefully  
11 they're just implemented as one change, but it's just a lot for  
12 the industry, a lot of ups and downs and uncertainty, and we're  
13 just trying to simplify things, as much as we can, to some  
14 degree too, and so I'm just -- I don't know what the answer is  
15 for I guess long term, moving forward, just because there is a  
16 lot of pieces that come together here, and we just don't have a  
17 lot of control over all of them, but that's on my mind too,  
18 Kevin, and so I don't know if anybody else has thoughts on this.  
19 Andy.

20  
21 **MR. STRELCHECK:** Well, similar thoughts to you, in terms of  
22 we're not very nimble, and, if we get the analysis in January,  
23 and it indicates a decline, the quota for the commercial sector  
24 has already been released, and you really can't do anything for  
25 a year. I guess the question then becomes, to what Carrie was  
26 saying, does it become a health check, or, if there is an  
27 increase, does the council want to act on that, and is there a  
28 certain amount of an increase that the council would choose to  
29 act on?

30  
31 We certainly could implement a quota increase later in the year,  
32 but the council would have to act very quickly, in either  
33 January or April, in order for us to implement that before the  
34 end of the fishing season.

35  
36 **CHAIRMAN GUYAS:** Thanks, Andy. Kevin.

37  
38 **MR. ANSON:** I guess, just thinking in a broader context, when  
39 these start rolling out for other species, that might be  
40 something that you want to deliberate, and I know the council  
41 can change its mind, but, in my mind, as we've heard about this,  
42 I thought it would be more of a stop-gap measure, if you will,  
43 when an assessment, an actual formal assessment, was done, and,  
44 for whatever reason, data issues or whatever, that impacted the  
45 ability for the Science Center to develop an assessment for  
46 Species X within a certain period of time, then maybe those  
47 health checks could be used.

48

1 Then you would have multiple years of these annual analyses,  
2 these interim analyses, or health checks, done. Then that would  
3 provide you much more confidence, I guess, in trying to make any  
4 adjustments to ABC, or the SSC to make adjustments to the SSC  
5 and such, and that's what I was thinking, and not necessarily,  
6 in this case, going ahead and making a change in the ABC and  
7 then, the next year, go ahead and use that health check, if you  
8 will, to change it again, and that's just my opinion.

9  
10 **CHAIRMAN GUYAS:** Thanks, Kevin. Dr. Freeman.

11  
12 **DR. FREEMAN:** Thank you, Madam Chair. Just a clarification, as  
13 far as the document. The committee would like to have this for  
14 final at the October meeting, and that's with a question-mark.

15  
16 **CHAIRMAN GUYAS:** I think so, but, if anybody feels otherwise,  
17 let's talk about it. October it is, it looks like. Nobody is  
18 itching to speak on that right now, and so I think we're good.

19  
20 **DR. FREEMAN:** Okay. Perfect. That's the direction we'll take  
21 then. Thank you.

22  
23 **CHAIRMAN GUYAS:** All right. Thank you. Anybody else on red  
24 grouper? Dr. Simmons.

25  
26 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Madam Chair. Just not  
27 specifically so much on red grouper, but just the interim  
28 analysis tool as a whole. I mean, I think, at the SSC meetings,  
29 we've tried to come up with a schedule, and we've talked about  
30 to give the Science Center a heads-up of when we might request  
31 these, but I do think we need to carefully think about what  
32 we're asking for, and I think, if we're not really intending to  
33 change the catch advice, that, when that's provided to an SSC  
34 meeting, and whether the council acts upon it or not, we need to  
35 think about perceptions from the public, and so, perhaps at Full  
36 Council, we could get a little better understanding of what the  
37 council would really like to see at that January meeting.

38  
39 My feeling is it should be a health check, looking at those  
40 fishery-independent indices of abundance. Should the SSC  
41 decide, and the council rep, that they would really like to see  
42 changes in catch advice, we could ask that at a future meeting,  
43 but I feel like the constant changing and fluctuations and  
44 anticipation of catch advice is causing us quite a bit of  
45 confusion, not only at the public level, but I think even at the  
46 SSC and council level.

47  
48 I just think we need to kind of maybe perhaps more holistically,

1 again, think about this with the Regional Office and the Science  
2 Center and bring something back maybe to the SSC and the  
3 council, again. I mean, we've been working on it, but we're not  
4 quite there yet, I don't think.

5  
6 Then, again, more broadly, something that I think we should  
7 consider is how to automate this. We had a request on the  
8 books, but we just have not been able to figure that process  
9 out, not only for red grouper, but for multiple species, and so  
10 we just haven't been able to focus on that, and so I do think  
11 there's some utility for us to work on that, and so thank you.

12  
13 **CHAIRMAN GUYAS:** Kevin.

14  
15 **MR. ANSON:** If I can offer my two-cents, I think branding is  
16 certainly, as far as communicating to us and to the public at  
17 large, and branding, I think, is something that ought to be  
18 considered before the actual rollout of the first interim  
19 analysis tool output is produced, and so maybe expressed or  
20 identified as a health check, with an asterisk type of thing  
21 that, again, under certain conditions, maybe that could be used  
22 to help with catch advice down the road, after, again, so many  
23 years since the last assessment was done, and, again, at that  
24 point in time, we can look and see what the SEDAR schedule looks  
25 like and see if that species is going to roll up very soon.

26  
27 If not, then maybe the tool could be used to inform some catch  
28 advice through the SSC. Certainly it's more work to do the  
29 tool, to do those things, on the frontend, but then, also, on  
30 the backend, as Andy mentioned, in order to go through the  
31 rulemaking procedure, there is more work on agencies in that  
32 respect too, and then the issue of the changing ACLs and ABCs  
33 and the quotas and such, and I think it would be a little  
34 problematic too to the public, if you're just constantly moving  
35 the needle, so to speak. Anyway, it probably should be  
36 discussed here at the January meeting. If we have results for  
37 red grouper, that would be something for us to start looking at  
38 as part of our discussion. Thank you.

39  
40 **CHAIRMAN GUYAS:** Dale.

41  
42 **MR. DIAZ:** I agree with what Kevin is saying, and I think it's a  
43 good conversation to have, and I agree with Carrie's points. I  
44 would like it to be a health check, and I'm fine with that, but,  
45 at certain times, it's a tool that's in the toolbox that we  
46 might need to use, and we need to be able to use it when we need  
47 to.

1 What I am thinking about is, you know, sometimes we're so far  
2 behind with the data that we're using to manage something that  
3 things have changed out on the water, and that's why we even  
4 created this Something's Fishy tool. I could name several  
5 different species, but there's been times when we're using  
6 outdated stuff, and what people are seeing on the water is  
7 drastically different, and we know it has changed, but we can't  
8 adapt to it, because we've got to wait on stock assessments and  
9 other things, and so I like the discussion we're having.

10  
11 I think we're going down the right road of a health check at  
12 appropriate times, but the tool is there if we need it and we  
13 have indications that things have drastically changed, where we  
14 could update something and it would bring us more up-to-date.  
15 Anyway, thank you.

16  
17 **CHAIRMAN GUYAS:** Andy.

18  
19 **MR. STRELCHECK:** I just wanted to thank Carrie for the points  
20 she was raising, and one of the frustrations and challenges,  
21 obviously, is kind of the timing of when we're able to do  
22 rulemaking and when the council takes action. I know, in New  
23 England, they have an annual specifications process that they  
24 run at a certain time of the year, so that they can ensure that  
25 catch limit changes are implemented by the start of the fishing  
26 year.

27  
28 The South Atlantic Council has a fairly detailed calendar of  
29 when they're taking action, so that they kind of line up and  
30 time up actions that kind of best meet the changes that are  
31 happening with their regulations, and so I think there are some  
32 opportunities here to maybe think about this and factor in,  
33 obviously, the NMFS rulemaking process, to ensure that we can  
34 start lining up some of these changes more with fishing years  
35 and be less disruptive to the industry, wherever possible.

36  
37 **CHAIRMAN GUYAS:** Clay.

38  
39 **DR. PORCH:** Just following up on Andy and Carrie's points, just  
40 to inform the council, as I have in the past, that we're making  
41 very good progress in just automating our calculation of indices  
42 of abundance from our surveys, and we're working now to get it  
43 up on the website, so that, basically, we're streamlining the  
44 whole process, from the point where we collect data, process it,  
45 create an index of abundance, so you can see abundance trends,  
46 and make it available to public. Hopefully, in most cases, that  
47 will happen in a matter of months.

48

1 Even for our video surveys, we may get that, because we've made  
2 big progress on our software for automatic image recognition.  
3 We're not there yet, but we've made great progress, even to the  
4 point where, for many species, we can do it on the vessel, as  
5 we're collecting the data, and so I'm hopeful that that  
6 efficiency will allow even our video surveys to be processed  
7 much faster than we've been promising in the past.

8  
9 I think that the machinery is very nearly there, and so, when  
10 the council is ready to invoke a management procedure that is  
11 also streamlined, then we could certainly conduct the interim  
12 analyses based on those surveys in a very timely fashion, and,  
13 that way, you're getting much closer to the real-time data, but  
14 I certainly think, as Andy said, that it's quite doable to  
15 develop a management procedure that just automatically updates  
16 the catch advice based on index trends.

17  
18 **CHAIRMAN GUYAS:** Thanks, Clay. All right. Lots to think about,  
19 in terms of how we move forward with these interim analyses.  
20 Anything else on this topic? I think, at this point, we are  
21 scheduled for a break, and so when we would you like to come  
22 back?

23  
24 **DR. FRAZER:** We'll go ahead and take a fifteen-minute break, and  
25 so we'll come back at 9:55.

26  
27 (Whereupon, a brief recess was taken.)  
28

29 **CHAIRMAN GUYAS:** We are going to pick back up with Tab B, Number  
30 7, and we've got a discussion about implementation of the  
31 DESCEND Act of 2020, and I think -- Susan.

32  
33 **MS. SUSAN BOGGS:** Thank you, Madam Chair. I just wanted to ask  
34 why the amberjack was struck from the agenda. Thank you.

35  
36 **CHAIRMAN GUYAS:** Fair question. Who would like to take that  
37 one? Ryan Rindone.

38  
39 **DR. NANCE:** I can take it, if you want.

40  
41 **MR. RYAN RINDONE:** Sure, Dr. Nance.

42  
43 **CHAIRMAN GUYAS:** Come on up.

44  
45 **DR. NANCE:** That's a good question, and I'm glad that you asked  
46 it. At our meeting, the Southeast Fisheries Science Center came  
47 and introduced a new R-based statistical software approach to  
48 generate projections that had not been previously used in the

1 assessments.

2  
3 Historically, we understand that the projections are estimated  
4 independent of the base model. As we know, sometimes it's  
5 difficult to constrain static targets, such as a certain SPR  
6 value or constant removal rates and fixed sector analysis and  
7 those types of things, and so they have this R-based statistical  
8 software approach to be able to do that.

9  
10 The projections that they have gave us looked very promising,  
11 but we only had a short time to look at them, and we wanted to  
12 have a full rundown of how this new projection system works, and  
13 so we've asked them to come back at our September 2021 meeting  
14 to present those new projections in their entirety, to show us  
15 how the models are made, and, also, we requested that we review  
16 SEDAR 70 again, just to make sure what was happening and to be  
17 able to make sure that that was still the best available  
18 science.

19  
20 **CHAIRMAN GUYAS:** Thanks, Dr. Nance.

21  
22 **DR. NANCE:** You're welcome.

23  
24 **CHAIRMAN GUYAS:** All right. Susan, does that answer your  
25 question? All set. Okay. In that case, let's move into Tab B,  
26 Number 7, the DESCEND Act, and Peter Hood is going to talk to us  
27 about that. Go ahead, Peter.

28  
29 **DISCUSSION OF IMPLEMENTATION OF THE DESCEND ACT OF 2020**

30  
31 **MR. PETER HOOD:** Thank you. If I can get the -- We did send a  
32 PowerPoint presentation. If we could throw that up, that would  
33 be great. What's on the screen right now is the codified text.  
34 Well, I will get started and just talk about it a little bit.

35  
36 Basically, this is in response to the DESCEND Act, where, from  
37 Congress, we were basically given a directive to implement a  
38 requirement for either having venting tools or descending  
39 devices on vessels where the people onboard are fishing for reef  
40 fish.

41  
42 **MR. RINDONE:** Peter, can you resend that, because none of us  
43 have any record of any presentation.

44  
45 **MR. HOOD:** Really? Okay. I sent it earlier this week. Okay.

46  
47 **MR. RINDONE:** Maybe it went to our spam or clutter or special  
48 hidden Peter folder.

1  
2 **EXECUTIVE DIRECTOR SIMMONS:** It might have been my fault,  
3 because I didn't forward it. Sorry.  
4  
5 **MR. HOOD:** All right. Let me -- The joys of --  
6  
7 **EXECUTIVE DIRECTOR SIMMONS:** Bernie, I just sent it to Meetings.  
8 Sorry about that.  
9  
10 **MR. HOOD:** Okay. Did you send it then?  
11  
12 **EXECUTIVE DIRECTOR SIMMONS:** Yes, I just sent it to Meetings.  
13  
14 **MR. HOOD:** Okay.  
15  
16 **DR. FRAZER:** Peter, if you just give us a second, we'll get it  
17 up on the board.  
18  
19 **MR. HOOD:** Okay. It we go to the first slide, basically this  
20 will appear in 622.30, which deals with required gear for reef  
21 fish, and, basically, it states that a venting tool or  
22 descending device must be on a vessel, and a person who is --  
23 Basically, a person must use the gear as specified for each gear  
24 type. The gear must be rigged and ready for use while fishing  
25 is occurring, and it must be on the vessel, and then the  
26 requirements will be effective through January 14, 2026. At  
27 some point, if you feel that these requirements should go  
28 forward, it certainly would be your option to have them extend  
29 beyond that, but, in terms of the Act, it's just through January  
30 14, 2026.  
31  
32 For venting tool, the gist of the definition is that it must be  
33 capable of penetrating the abdomen of a fish to release gases in  
34 the body cavity for fish that are retrieved from depth. It must  
35 be a sharpened, hollow instrument that allows air to escape.  
36 The minimum size hollow instrument would be a sixteen-gauge  
37 needle or hollow tube, and certainly I think we have some  
38 language in there that suggest that, if somebody wants to use  
39 something bigger, that is actually better. Then the devices  
40 that are not hollow, such as a knife or an icepick, wouldn't be  
41 allowed or classified as a venting tool.  
42  
43 Then the other part is for descending devices, and this must be  
44 an instrument capable of releasing fish at-depth. It must be a  
45 weighted hook, lip clamp, or container that will hold a fish  
46 while it's being lowered, and, when it says container there, I  
47 think you've all seen the hooks or the lip clamp types, but  
48 containers are things like people using weighted milk crates and

1 things like that to lower a fish down.

2  
3 It must be capable of releasing the fish automatically by the  
4 device operator or by allowing a fish to escape on its own when  
5 at-depth, and so something like a SeaQualizer, and that's  
6 something that would release a fish once it had a fish down to a  
7 certain depth, or something like a Shelton descending device,  
8 and that's one where the operator would do like a quick pullup  
9 on their fishing pole, and the fish is going to slide off the  
10 hook, or, with something like a weighted milk crate, when you  
11 get it down to depth, the fish is able to swim out of that  
12 device.

13  
14 It must have a minimum of a sixteen-ounce weight and a minimum  
15 sixty-foot length of line, and, where we came up with the  
16 sixteen-ounce weight and sixty-foot length of line, that  
17 basically comes from the South Atlantic Council's definition for  
18 what they require in the snapper grouper fishery. They went  
19 with a sixteen-ounce weight because that's something that they  
20 felt was commonly available. You can go into any bait and  
21 tackle shop and be able to find one.

22  
23 Then the sixty-foot length of line, I mean, that basically gets  
24 a fish down to two atmospheres, and, whatever air is trapped in  
25 the abdomen, that would compress enough that the fish should be  
26 able to make its way down to the bottom, and I believe that's  
27 all I have.

28  
29 **CHAIRMAN GUYAS:** All right. Thanks, Peter. You're just looking  
30 for questions from the council and any recommendations? Mara, I  
31 see your hand. Go ahead.

32  
33 **MS. LEVY:** Right, and so, just to add a little bit more, the Act  
34 requires this, and the Act has definitions, and it has a  
35 definition of venting tool that basically says it's the  
36 definition given to it by the Gulf of Mexico Fishery Management  
37 Council, and so that venting tool definition comes from the Gulf  
38 policies that you all put in place. It's essentially that  
39 policy, and we have tweaked the language a bit for the purposes  
40 of the regulations, but, if you look at the policy and that  
41 definition, they are almost exactly the same.

42  
43 Then the Act has a definition of descending device, which  
44 includes those first three bullets, and then the agency is just  
45 adding the more specificity about the minimum weight and the  
46 length of line, so that people know what the minimum  
47 requirements are, and we've made it consistent with the South  
48 Atlantic, to try and avoid any confusion, in terms of using this

1 stuff close to the Keys or around the jurisdictional boundary,  
2 and it just seemed wise to have the same definition.

3  
4 I mean, if you have any comments, and there's not a whole lot of  
5 latitude here, with respect to what the agency can do, but they  
6 will do proposed and final rulemaking, and so there will be  
7 another opportunity during the proposed rule stage for the  
8 public to submit comments, and, obviously, the council can  
9 submit comments too, if desired.

10  
11 **CHAIRMAN GUYAS:** Thanks, Mara. I'm going to go to Greg, and  
12 then I've got a couple of questions. Go ahead.

13  
14 **DR. GREG STUNZ:** Thank you, Martha. I just wanted to make a  
15 comment regarding the use of these devices, and, as many of us  
16 know, and we've tried to do this through an amendment for a  
17 while, and we never were successful, and, ultimately, it  
18 resulted in a policy, and then this act now is in place, but I  
19 wanted to point out that, related to the Great Red Snapper  
20 Count, but it has to do with descending, because we are  
21 interested in catch advice from that study, and the abundance,  
22 obviously, but there's a lot more to it, where we had a massive  
23 tagging study throughout the Gulf.

24  
25 Part of that involved high-reward tagging, and we looked at  
26 exploitation rates, but all of those thousands of fish were  
27 descended using a descending device, a SeaQualizer in this case,  
28 and I think what lesson we really learned from that study was we  
29 got a lot of angler buy-in.

30  
31 Well, number one, we paid high rewards, \$500 for a returned  
32 fish, but, those fish that we put in, we saw over a 30 percent  
33 return rate, and, in fact, we're getting a bunch back this  
34 season, post-study, and so the point being it really works, and  
35 I think, when the anglers, both commercial, for-hire, and  
36 regular recreational anglers, started seeing that the fish that  
37 they either helped tag or captured are really surviving, there  
38 was a lot of buy-in, and so I just wanted to point out that I  
39 think some of the issues we had in the past, maybe not used and  
40 that sort of thing, really have gone away some, and the devices  
41 really do indeed work, and we're seeing a 30 percent return  
42 rate, and that's really off the charts. Typically, a good  
43 return rate is about 6 percent, and so that kind of puts into  
44 perspective that they do work, is what it comes down to.  
45 Thanks, Madam Chair.

46  
47 **CHAIRMAN GUYAS:** Thank you, Greg. Susan, go ahead, and then I  
48 will go.

1  
2 **MS. BOGGS:** Thank you, Madam Chair. Greg, I never got my t-  
3 shirt from my tag last year.  
4  
5 **DR. STUNZ:** Sorry, Susan. I will make sure you get that.  
6 Sorry.  
7  
8 **MS. BOGGS:** How does the funding that this council approved, the  
9 NFWF funding, play into this for all these descending devices,  
10 and now there's an article out about a Return 'Em Right program,  
11 and so how will this all work with this program, to get these  
12 descending devices in the hands of the fishermen, because  
13 there's a lot of funding out there to do this. Either that, or  
14 where will they be available for these fishermen to get?  
15  
16 Then I guess the last thing I would like to know is how will the  
17 fishermen know that they need to do this? Will there be some  
18 kind of, I guess, fishery notice when it goes into action, and  
19 how are these fishermen going to know? I guess that's the  
20 easiest way to ask the question. Thank you.  
21  
22 **CHAIRMAN GUYAS:** Thanks, Susan. I'm going to go to Dave  
23 Donaldson.  
24  
25 **MR. DAVE DONALDSON:** Thanks, Madam Chairman. Susan, the Return  
26 'Em Right is actually a program that we're coordinating with  
27 NOAA Fisheries and Florida Sea Grant. Part of that is an  
28 outreach component, to notify anglers that these devices are  
29 available, and we're still in the planning stages of the  
30 project, but that's part of it, is to get the word out, so they  
31 know who to contact and where to get these devices, and so  
32 that's something that we're working on, and hopefully we'll be  
33 implementing here in the near future, later this year.  
34  
35 **CHAIRMAN GUYAS:** Emily.  
36  
37 **MS. EMILY MUEHLSTEIN:** Hi, y'all. Sorry I can't join you, but I  
38 just wanted to add on to what Dave had said. As a part of that  
39 team for the Return 'Em Right program, I think the council  
40 probably remembers, a number of years ago, we considered  
41 actually doing a similar action to what the South Atlantic had  
42 done, with creating sort of at least some regulation that would  
43 allow for the use of venting tools and descending devices, and  
44 we kind of deferred action, in knowing that there was some money  
45 from the oil spill to put towards this Return 'Em Right project.  
46  
47 Just a little bit of a timeliness update on that, especially in  
48 relationship to this DESCEND Act, we worked pretty closely with

1 the folks who put together the DESCEND Act with the Return 'Em  
2 Right team, to make sure that this didn't interrupt the funding  
3 like a council regulation may have, and so the funding will not  
4 be interrupted, sort of based on one of the clauses in the  
5 DESCEND Act, and that's important to know.

6  
7 Then the next thing is, timing-wise, actually in September, we  
8 are preparing to launch the first portion of the Return 'Em  
9 Right program, and that is going to be targeted specifically to  
10 federally-permitted charter and headboat captains, permit  
11 holders, and crew. In September, when that launch happens,  
12 those folks will have the opportunity to do a quick online  
13 module, to sort of sign a little bit of a commitment form, and  
14 then they will be sent a package, which is valued at about \$100,  
15 and it has all of the things that they will need to properly  
16 release reef fish.

17  
18 Then, the following year, in 2022, probably around the same  
19 time, we will start opening up the private recreational  
20 campaign, and we will be doing a similar module and commitment  
21 and sending devices to private recreational anglers, and so  
22 these two things, the DESCEND Act and the Return 'Em Right, and  
23 are actually kind of working side-by-side. They are not  
24 related, but we will be supplying both education and devices to  
25 folks through that Return 'Em Right program that will be  
26 compliant with the DESCEND Act requirements.

27  
28 **CHAIRMAN GUYAS:** Thank you, Emily. Hang on the line, because I  
29 am going to have questions for you, but I am going to go back to  
30 Susan, and she's had her hand up.

31  
32 **MS. BOGGS:** Thank you, Emily, and I do appreciate this, the  
33 information, and I guess my question would be I understand the  
34 charter fleet, and it's a smaller, confined group, and it's easy  
35 to access, but I would think waiting an additional year to reach  
36 out to your recreational anglers, who are pretty unlimited -- I  
37 would like to see maybe that come a little bit sooner than  
38 September of 2022, and is that a possibility, or a way to go  
39 ahead and get some of them using the devices for earlier in  
40 2022?

41  
42 **MS. MUEHLSTEIN:** That's something that I can certainly bring  
43 back to the team. It's a seven-year project, and I think, when  
44 we were planning the rollout of the seven-year project, it was  
45 not related to the DESCEND Act and their timeline, but I guess,  
46 in light of the fact that this DESCEND Act -- Probably the  
47 requirements will go into place before that September 2022, and  
48 we would like the opportunity to get anglers equipped before

1 then -- I think it's something that I can bring back to the  
2 project team, for sure, and see if it's something that they're  
3 going to be able to consider.

4  
5 You know, we have to look at the logistics of actually being  
6 able to launch the modules and get the devices produced. One of  
7 the hard things is that SeaQualizer is actually a very small  
8 company, and they're going to have to ramp up production on  
9 behalf of us, and so I will definitely look into it, and I will  
10 get back to you, but I am not sure about the feasibility of it.

11  
12 **CHAIRMAN GUYAS:** All right. Thanks, Susan, and thanks, Emily.  
13 My questions, I guess, were sort of along the line of Susan's,  
14 and so, if I'm remembering correctly from the DESCEND Act, and,  
15 NMFS people, please correct me if I'm wrong, but this  
16 requirement has to be in place by this upcoming January, right,  
17 like January of 2022? Okay. Peter is nodding his head yes.

18  
19 So this is going to be law on the books in early 2022, and we  
20 have this RESTORE program and Return 'Em Right, I guess  
21 happening in the background, and then we also have -- In this  
22 rule, we have basically a sunset clause in 2026, and so it seems  
23 to me that, one, first of all, Susan is right that we need to  
24 tell people that this is going to be the law in January, and we  
25 probably need to start telling people now, and, two, I mean, is  
26 there a way now to think about all these things that are  
27 happening with RESTORE, and I think the council -- It would be  
28 good to get an update on what is happening with that not, and  
29 not just the distribution, but, also, if I'm remembering  
30 correctly, Emily, there was a bunch of research to go along with  
31 this as well, right?

32  
33 **MS. MUEHLSTEIN:** Yes, absolutely. There was both some  
34 socioeconomic research as well as some biological research that  
35 is actually being administered through the Gulf States, and I  
36 bet Dave has some more specifics on that, because I am sort of  
37 focused more on the outreach launch part of the project.

38  
39 **CHAIRMAN GUYAS:** Okay. So what I'm getting at is now we have  
40 this sunset in here, and so I guess, if the council -- It  
41 probably needs to keep in mind that sunset, right, and all this  
42 research that may be happening in the background, and we,  
43 presumably, would want to be informed by that work moving  
44 forward, if we wanted to remove the sunset or the council take  
45 action to make this a long-term regulation.

46  
47 I don't know that we need to get into the weeds of exactly  
48 what's happening right here, but it seems like, when

1 appropriate, we probably, sooner rather than later -- It would  
2 be nice to get an update at the council level about what's going  
3 on, and certainly, for the RESTORE group and the Return 'Em  
4 Right group, I guess just to think about the work that they are  
5 doing now, in light of these new deadlines, and I think that  
6 would be very helpful for the council, and those are just my  
7 thoughts. Mara.

8  
9 **MS. LEVY:** Well, I just want to make clear that the law itself  
10 becomes effective January of 2022, regardless of what NMFS does.  
11 NMFS rulemaking does not do that. The law sunsets on its own,  
12 regardless of this rule, and so that's in the law. If the  
13 council wanted to do some sort of framework action or something  
14 to put in a regulatory requirement for the council process, that  
15 would be fine, but those things are in the law itself.

16  
17 **CHAIRMAN GUYAS:** Kevin and then Susan.

18  
19 **MR. ANSON:** Just going back to the presentation that Peter  
20 provided, the venting tool description, it says a sixteen-gauge  
21 needle, and so I looked at the Act, and I didn't see anything as  
22 far as specifications for any of the venting tools, and so I  
23 guess this came from the agency based on prior -- Is this from  
24 somewhere else?

25  
26 **MS. LEVY:** That's from the Gulf policy.

27  
28 **MR. ANSON:** So we had some discussion, I thought, during that  
29 process of a maximum diameter, and did that ever make it into  
30 the policy, the maximum diameter? Do we have one?

31  
32 **MS. LEVY:** No, we don't have a maximum, but it says, "a larger  
33 gauge needle is preferred, in order to allow more air to  
34 escape", but you didn't set a maximum.

35  
36 **MR. ANSON:** Again, I'm trying to go back to the conversations,  
37 and I think Dylan Hubbard brought a sample of a homemade -- He  
38 had some surgical stainless-steel tubing or something like that  
39 that he did, and there was some question as to whether it was  
40 worthwhile or not, the larger diameter you got, and that's all.  
41 I'm just trying to think of that again. That's all. Thank you.

42  
43 **CHAIRMAN GUYAS:** Thanks, Kevin. Susan.

44  
45 **MS. BOGGS:** I just would like some clarification, and, Madam  
46 Chair, I don't know who would answer this question, and so I'm  
47 assuming -- Will Coast Guard be involved in enforcing this, as  
48 well as local law enforcement? Who is going to be looking at

1 this?

2  
3 **CHAIRMAN GUYAS:** I don't know who wants to answer that, but, I  
4 mean, certainly I think the states could enforce this, just  
5 through their JEA, and I would assume the Coast Guard would be  
6 able to as well, but I see our Coast Guard rep walked away, but  
7 those are just my best guesses there.

8  
9 I had one more, I guess, question or comment that I've been  
10 getting from folks. I have been getting questions from spear  
11 fishermen about how this regulation would apply to them. At  
12 least my read of the draft rule language here is that, if they  
13 are fishing, whether they have hook-and-line gear onboard or  
14 not, this requirement would apply to them, and is that correct,  
15 Mara?

16  
17 **MS. LEVY:** I mean, the Act just says it's unlawful for a person  
18 onboard a commercial or recreational vessel to fish for Gulf  
19 reef fish in the Gulf of Mexico Exclusive Economic Zone without  
20 possessing onboard the vessel a venting tool or a descending  
21 device that is rigged and ready for use while fishing is  
22 occurring, and so it does not distinguish the type of fishing.

23  
24 **CHAIRMAN GUYAS:** Okay. Thank you for that clarification. Tom.

25  
26 **DR. FRAZER:** I was kind of waiting for some of this discussion  
27 to wrap-up, because I have a couple of questions for Greg, if  
28 you will indulge me for a minute. Again, I always appreciated  
29 the amount of work that was done as part of the Great Red  
30 Snapper Count, and the fact that you tagged thousands of fish  
31 and had a 30 percent, greater than 30 percent, kind of return  
32 rate.

33  
34 A couple of things that I wanted to know, and, as part of that  
35 study, were you able to estimate quantitatively what the discard  
36 mortality rate was for those fish? That's the first one.

37  
38 **DR. STUNZ:** Tom, we're working on that, and that was part of our  
39 exploitation work that's going on that Matt Catalano was  
40 leading, and we haven't really presented that to the SSC and  
41 others, because that wasn't the focus of the meeting we had,  
42 but, yes, we're working on looking at that rate, but I don't  
43 have what it is right now, and they're still working through  
44 that.

45  
46 **DR. FRAZER:** Sure, and so, at the very least though, given those  
47 preliminary numbers, that's really high exploitation rate, and  
48 I'm just curious, and I will have another one after this, but,

1 with regard to the Science Center, does that jibe well with kind  
2 of the F values, or the mortality rates, that you're working  
3 with in the assessment models? Clay?

4  
5 **DR. PORCH:** I mean, it's in the ballpark. It's a little  
6 different from some of the values that we use, but those could  
7 be refined, for sure.

8  
9 **DR. FRAZER:** Okay. Greg.

10  
11 **DR. STUNZ:** Tom, to that point also, that exploitation study,  
12 and I don't want to get into the detail, into the weeds, here,  
13 but the way it was designed is, yes, that's a high exploitation  
14 rate, but we wanted those fish to be caught, and it wasn't just  
15 randomly scattered throughout the Gulf, for a very specific  
16 designed reason that we can talk about later, and Clay is  
17 familiar with that, and we have plans to get with the Science  
18 Center to discuss all those sort of details.

19  
20 The other just brief thing that I wanted to mention, since we  
21 were talking about venting, and I know I've brought this up to  
22 this group, but there's a lot of new people, and maybe new  
23 people in the audience, but venting does do just as well as  
24 descending these fish. The key, of course, there is if it's  
25 done right, and some of our SSC members, Dr. Sean Powers and  
26 Steven Scyphers, did some real clever studies, where they showed  
27 people pictures of fish and asked them where to vent it, and you  
28 can imagine where it all came in, and many of them were not in  
29 the right spot, and most people wanted it in the stomach that's  
30 coming out of the mouth, which is not what you want to do. It  
31 should be inserted in the abdomen.

32  
33 I know that Sea Grant and other programs, and, Dave, maybe your  
34 program can build that in, in terms of the proper way to vent  
35 and that sort of thing, but it is effective, but it's only  
36 effective because it's done properly, and so that's kind of my  
37 comment there.

38  
39 **DR. FRAZER:** All right. Thanks, Greg. I really appreciate you  
40 filling me in on that.

41  
42 **CHAIRMAN GUYAS:** I've got a couple of other hands that want to  
43 jump in on that. Ryan and then Dave.

44  
45 **MR. RINDONE:** Thanks, Madam Chair. Dr. Stunz, do you have a  
46 timeline that you and Dr. Catalano expect that release mortality  
47 information to be available? I'm just thinking about the  
48 research track assessment that's getting spooled up for red

1 snapper.

2  
3 **DR. STUNZ:** He is very close, Ryan, and I can follow-up and see  
4 where he is with that, and that reminds me that maybe too at  
5 some point that it might be good to have him come talk about  
6 that exploitation and that for this council, because it's  
7 another piece of the Snapper Count that is very important, but  
8 it just kind of goes under the radar.

9  
10 **CHAIRMAN GUYAS:** Dave.

11  
12 **MR. DONALDSON:** Thanks, Madam Chair. Regarding a presentation  
13 at the next meeting, we can certainly have our project  
14 coordinator, who is involved in this, come talk about the  
15 research. You're correct that we've started a couple of  
16 research projects, and, while we probably won't have any  
17 preliminary results by October, we can at least give a more in-  
18 depth update on what's going on, and then maybe have Emily's  
19 team on the outreach side give an update as well, or have  
20 someone at NOAA, but, yes, we can certainly do that.

21  
22 **CHAIRMAN GUYAS:** Okay. Great. Yes, I appreciate that. I just  
23 want to make sure that we're putting all the pieces together  
24 here, especially when we potentially have a decision point in  
25 front of us, just in a couple of years, because it's going to  
26 sneak up on us.

27  
28 **MR. DONALDSON:** The DESCEND Act wasn't -- When we first started  
29 developing this project, the DESCEND Act wasn't really on our  
30 radar, and so that's something that we may need to adjust and  
31 take into account.

32  
33 **CHAIRMAN GUYAS:** Okay. Awesome. Anything else on DESCEND?  
34 Peter, are you good? Do you have everything you need? Okay.  
35 Awesome. All right. I think that takes us to the updates on  
36 the state 2021 red snapper management programs, and so I know a  
37 number of folks have sent in presentations on that, and so let's  
38 go ahead and go state-by-state, and we'll start with Texas,  
39 since we are here in San Antonio.

40  
41 **UPDATES OF 2021 RED SNAPPER STATE MANAGEMENT PROGRAMS**

42  
43 **MR. ROBIN RIECHERS:** Yes, and welcome, everyone, to San Antonio.  
44 We're glad you're here. We started our season on January 1,  
45 with our state-water season open, and then we continued until  
46 when we opened the federal-water Gulf as well on June 1, and we  
47 closed them -- That season ran through August 4.

48

1 We are currently, as of last Sunday, at 30,730 fish, two-  
2 hundred-and-sixteen-thousand-and-a-little-bit-of-change in  
3 pounds, and, basically, we're at 81 to eighty-one-and-a-half  
4 percent of our quota, at this point in time, roughly.

5  
6 **CHAIRMAN GUYAS:** Thank you, Robin. All right. Let's move to  
7 the east then, unless there is any questions for Robin on that  
8 quick update. It looks like everybody is good. Okay. Chris.

9  
10 **MR. CHRIS SCHIEBLE:** I think you all got a copy of the  
11 PowerPoint yesterday. I tried to keep this as similar as  
12 possible to the one that you got last August, which was an LA  
13 Creel update and a snapper season update.

14  
15 Slide 2 is basically the assignment draw and compilation of LA  
16 Creel to-date, and so the drawn assignments are the same, and  
17 you can see the 682 on that, completed assignments in 2020  
18 versus 2021, and there's a couple more, and, obviously, the  
19 difference there is going to be the hurricane season last year,  
20 and we know all of us got slammed pretty well, and that will  
21 come into play a little bit later here, as we start talking  
22 about effort.

23  
24 Missed, or incomplete, assignments are very similar, and so  
25 there's not much difference on that either, and then total  
26 complete trips surveyed is 6,082 in 2020 and 5,014 in 2021. As  
27 you know, last year, there were a lot of folks on the water,  
28 because of COVID, I guess, restrictions or quarantines or  
29 whatever, and so that's likely the difference in the number of  
30 trips surveyed last year versus this year.

31  
32 Then the average number of completed assignments is very similar  
33 as well, and there's not too much difference there, and then  
34 number of fish counted by staff, and, last year, we had 33,502,  
35 and, this year, it's 38,946, to-date. Also, it's fairly  
36 similar.

37  
38 Then number of fish reported, and so that's where we interview  
39 anglers, and they either don't have time to allow us to count  
40 their fish, and they're kind of in a hurry, and so they report  
41 what they caught, versus us actually putting eyes on the fish.  
42 Last year, obviously, it's incrementally higher, at 27,784,  
43 versus 11,182, because a lot of anglers didn't want to interact  
44 with people at the docks, rightly so, because of COVID  
45 restrictions, and so the number was higher, the reported number  
46 was higher, last year than this year.

47  
48 Then total red snapper counted so far, last year, it was 3,332,

1 and it's 3,031 this year, and it's fairly similar, to-date, and  
2 then the red snapper -- I'm sorry. That was the counted and  
3 reported combined, and then the next category is total red  
4 snapper counted, hands-on, and that's 2,166 last year and 2,674  
5 this year. Then total trips with red snapper harvested, we were  
6 at 419 last year and 371 this year.

7  
8 Moving on Slide Number 3, that is our total effort expanded out,  
9 and so comparing 2020 to 2021, and, as we all know, a lot of  
10 people hit the water last year, because of quarantine for COVID.  
11 In Week 21 of last year, that spike that you see on the graph  
12 there in the dark green line, and that is the highest weekly  
13 effort we have on record for LA Creel, which is last year, and,  
14 compared to this year, and that's the orange-colored line there,  
15 it's significantly different. The only other week we had higher  
16 than that was in 2014, Week 24.

17  
18 We have the second-highest weekly effort, during Week 21, of  
19 2021, which is 127,560 trips, and only to be surpassed by Week  
20 24 in 2014, as I mentioned earlier. Also, the majority of the  
21 effort, 96 percent, is from inshore private trips, which was  
22 122,565, and the offshore private trips were 4,955, and that's  
23 compared to what we've seen around the snapper opening for the  
24 offshore charter trips, and that's about 229, or closer to 25  
25 percent of what we typically see for an opener.

26  
27 That's the private offshore effort only, in comparison to last  
28 year, and you can see the difference, and so this year is the  
29 lighter-colored line, the light-orange color, and there is a  
30 large spike more recently, here in the past few weeks, compared  
31 to last year, and I think the difference there is, obviously,  
32 weather. I mean, we were dealing with quite a few tropical  
33 storms and hurricanes last year that may have hampered the  
34 offshore effort.

35  
36 If we go to the next slide, Number 5, you can see the  
37 difference, and so private inshore effort was incrementally  
38 higher last year than this year, and that's -- As we all know,  
39 we had record boat sales, and record boat registrations and  
40 record license sales, and all of that was going on last year,  
41 and it's evident by the inshore effort, and that's primarily  
42 where that took place, and this year is a little bit I would say  
43 higher than average, but it's more normal than what you would  
44 expect from what happened last year.

45  
46 Moving on, Slide 6 is this year's red snapper season. Our  
47 allocation for the state and charter harvest is 832,493 pounds,  
48 and we started on May 28 in both state and federal waters. We

1 run weekends only, and Friday, Saturday, and Sunday is the  
2 weekend for us, and we include the Monday of Memorial Day and  
3 Labor Day.

4  
5 The daily bag limit is the same as last year, two fish per  
6 person with a sixteen-inch size limit, and the next slide,  
7 Number 7, is our to-date landings graph, which we send out  
8 weekly, and so this one here is for the first week of August,  
9 and that's the most recent one, and, this Thursday, we'll have  
10 one that comes out again, which will be the most recent for the  
11 previous weekend. We go about a week behind in our landings  
12 updates, and we're well on track, as you can see by this graph,  
13 to make it through Labor Day, at the current rate of extraction.

14  
15 We plan to most likely shut down the season after Labor Day  
16 Weekend, to get our numbers of catch up and see where we're at  
17 and what allocation is remaining, and then we may go back to our  
18 commission at that point and see if they want to decide on  
19 changing the season structure to finish out the year. Potential  
20 options could be going seven days a week, like we did in the  
21 past, two years ago, to finish out our allocation, or stay where  
22 we're at.

23  
24 Then the final slide, Number 8, is the landings to-date table,  
25 and it shows -- You can see the week structure on here, and Week  
26 31 is the most recent, and Week 32 landings data will come out  
27 this Thursday, and we're currently at 66 percent of our running  
28 total allocation through that week. Then the update most recent  
29 one will come out this week. Any questions?

30  
31 **CHAIRMAN GUYAS:** Any questions for Chris? Andy.

32  
33 **MR. STRELCHECK:** Thanks, Chris, for the presentation. Going  
34 back to Slide 2, you indicate that approximately 400 trips for  
35 red snapper -- I assume those are sampled this year, and is that  
36 correct?

37  
38 **MR. SCHIEBLE:** Yes, and so that's actual trips counted at  
39 dockside.

40  
41 **MR. STRELCHECK:** Okay. How does that compare to the number of  
42 trips that would be reported for red snapper, or remind me again  
43 -- You have a dockside survey, and then you're expanding that  
44 based on permitted effort, and is that correct?

45  
46 **MR. SCHIEBLE:** Yes, and so the effort is derived from the call  
47 surveys, and that's weekly call effort that's incorporated with  
48 this, and so, when you see number of trips intercepted, that's

1 coming from dockside, and that's actual trips intercepted on the  
2 dock.

3  
4 **MR. STRELCHECK:** Okay. Then, from a compliance standpoint, what  
5 are your compliance rates these days with the offshore permits  
6 that you require?

7  
8 **MR. SCHIEBLE:** Our ROLP? Well, we haven't had many citations,  
9 that I know of, as far as enforcement and people that are  
10 fishing without the ROLP, the recreational offshore landing  
11 permit, and so I would say the compliance is pretty good.

12  
13 **MR. STRELCHECK:** Okay. Maybe I can ask it a different way. If  
14 you intercept someone that doesn't have the permit, you make  
15 adjustments though, in terms of your catch estimates, correct,  
16 for expanding for the universe of non-permitted entities?

17  
18 **MR. SCHIEBLE:** Yes, and so, if the dockside intercept comes  
19 across an angler that doesn't have an ROLP, and they ask do you  
20 have one or do you not have one, and that's one of the questions  
21 that is done. Then that data is taken back and separated out.

22  
23 **CHAIRMAN GUYAS:** Susan.

24  
25 **MS. BOGGS:** Thank you, Madam Chair. Thank you, Chris, for the  
26 information. I have two questions. One, is LA Creel -- Are you  
27 required to report, all anglers, and, number two, you commented,  
28 and I didn't think that I understood, and so how do you report?  
29 I know, in Alabama, in Tails 'n Scales, how they report, but how  
30 do you report to LA Creel if you don't do the dockside  
31 intercept?

32  
33 **MR. SCHIEBLE:** LA Creel is not mandatory reporting. The  
34 dockside intercept takes place, obviously, at the docks when the  
35 anglers come in, and there's an electronic reporting option that  
36 takes place, and that goes through the ROLP app, and anglers can  
37 report electronically after the fact, if they want.

38  
39 **CHAIRMAN GUYAS:** Go ahead, Susan.

40  
41 **MS. BOGGS:** Last question. How many -- You may or may not know  
42 this answer, and you can certainly get back to me, but how many  
43 anglers are registered in Louisiana with a -- Do you call it a  
44 federal permit? I'm not sure what you all call it, a reef fish  
45 permit, for your private recreational anglers.

46  
47 **MR. SCHIEBLE:** You mean the ROLP holders? I don't know the  
48 total number on that. I mean, if you're fishing for snapper,

1 you have to have it, even though it's free, and so they register  
2 online and fill it out, and they don't pay a fee for it, but I  
3 don't know the total number.

4  
5 **CHAIRMAN GUYAS:** All right. Thank you, Chris. Let's move on to  
6 Mississippi.

7  
8 **GENERAL JOE SPRAGGINS:** As you can see there, the Mississippi  
9 red snapper season framework, we opened on Friday, May 28, for  
10 seven days a week, and we closed on Monday, July 5, 2021. We  
11 reopened again on Friday, August 5, 2021, and we closed on  
12 Sunday August 8, 2021. We reopened on Friday, August 13, and we  
13 are open seven days a week. To date, the season has been open  
14 for fifty-four days.

15  
16 The reason we closed on July 5 is we do that every year, and one  
17 of the things is to be able to make sure that we do a  
18 reassessment at that point. If we haven't anywhere close to  
19 reached our numbers -- Obviously, if we had reached them prior  
20 to that, we would have closed prior to that, but we look at that  
21 and then reevaluate, to make sure that we do not reach the  
22 overfishing limit. We do not want to get there. We want to  
23 make sure our ACT and ACL -- That we follow it 100 percent.

24  
25 We close for several weeks and reassess and look at it and see  
26 what will happen and if there is a feasibility to open any  
27 further at that point.

28  
29 As you can see here, you can look at the numbers. Obviously,  
30 the first month, from 5/28 to 5/31, that weekend, it was a huge  
31 weekend, and we had over a thousand trips, and that was Memorial  
32 Day weekend, and everybody in the world wanted to go out, and  
33 you can see the numbers that we caught here, and we reached 27.3  
34 percent in that one day, or three days.

35  
36 As you can see, after that, things dropped off drastically, as  
37 they always do in Mississippi. We have just a small amount of  
38 boats that are going out, and you can see, even up to the point  
39 that we opened up that weekend on August, 8/6 through 8/8, we  
40 had 579 trips during that timeframe, and that's over a several-  
41 day trip now, and it's not just one day, but if you can notice  
42 that we average on the weeks -- That we average a little over  
43 300, around 300, trips, 250 to 300 trips a week, and not very  
44 many people -- There's not that many boats.

45  
46 Just to give you an idea, I was out on the Gulf of Mexico on the  
47 4<sup>th</sup> of July, riding with Marine Patrol, and we went to the  
48 hotspots, and I call it a hotspot, because it's where all the

1 islands -- It's where everybody is sitting and seeing what's  
2 happening, and we didn't see a thousand boats on the whole Gulf,  
3 and that's counting every skiff and everything else who wanted  
4 to go out there, and so we didn't have a thousand boats in the  
5 Gulf of Mexico, as far as Mississippi is concerned, in general,  
6 overall, but we look at it very hard. We are continuing to  
7 monitor where we're at.

8  
9 As you can see, to today, we have an estimated harvest of  
10 109,906.9 pounds. Our ACT is 136,395, and we're at 80.6 percent  
11 at this point. Our ACL is 151,550, and we're at 72.5 percent of  
12 that.

13  
14 Our Tails 'n Scales, which is a mandatory program, and a  
15 mandatory program is that you must have a Tails 'n Scales when  
16 you go snapper fishing, and, if you do not, and you're  
17 intercepted, you not only get a ticket for not having Tails 'n  
18 Scales, but you also lose your fish.

19  
20 It's a very strong issue in Mississippi, and we have a -- We're  
21 pretty good with that. We only -- You know, we really have two  
22 sides. If you go to the east or west of Ship Island, you can  
23 pretty much -- We can stop you. We can tell whether you're  
24 going out into the deep water and catching fishing, because  
25 we've got kind of a little bottleneck there, and we can put  
26 marine patrol there, and we can make sure that people are --  
27 We're doing an average of 10 percent, a little over 10 percent,  
28 of all snapper fish that are filed through the Tails 'n Scales.  
29 We intercept a little over 10 percent of them, and that's a  
30 pretty good look at it.

31  
32 By doing that, and looking at it, and going back and  
33 recalibrating, we're at over 95 percent compliance, and that's  
34 pretty good, when you think about that. 95 percent of all the  
35 people that are complying. It didn't take very many people very  
36 long to lose their fish, because they realized that they were  
37 going to fall in and do what needed to be done.

38  
39 I can tell you right now that Mississippi is working as hard as  
40 anything in the Gulf to make sure that we follow the rules. You  
41 can go back and look, and we have never overfished, and we have  
42 worked very hard to do what we need to do, and we follow ours,  
43 and our Tails 'n Scales is probably one of the best programs in  
44 the United States, and it is very accurate, and it's about as  
45 accurate as anything could be. We will be glad to give anybody  
46 data on Tails 'n Scales and explain how accurate it is, but,  
47 with that, I will leave it for any questions.

48

1 **CHAIRMAN GUYAS:** Thank you, General Spraggins. Susan.

2  
3 **MS. BOGGS:** Thank you, Madam Chair, and thank you, General  
4 Spraggins, for the information. Would you please remind me, and  
5 does Tails 'n Scales only collect data on red snapper, or are  
6 there other species included?

7  
8 **GENERAL SPRAGGINS:** It's only red snapper. We are looking at  
9 expanding it to some others, but it's a pretty expensive project  
10 to take it to that point, and it costs us quite a bit of money  
11 every year just to do the red snapper itself, and we are a small  
12 state, and we only have a small amount of fishermen compared to  
13 the other states in the Gulf.

14  
15 **CHAIRMAN GUYAS:** Dale.

16  
17 **MR. DIAZ:** Can you go back a slide? Right there. I just want  
18 to point something out here. I talked to Mississippi staff  
19 earlier this week, and I am going to talk about some stuff  
20 later, but, on the busiest time that Mississippi had, in four  
21 days, the 28<sup>th</sup>, 29<sup>th</sup>, 30<sup>th</sup>, and 31<sup>st</sup>, Tails 'n Scales logged 1,027  
22 boats.

23  
24 They told me that the PSE for Tails 'n Scales consistently runs  
25 below 5 percent, and so that's highly accurate, and so that  
26 comes to 256 boats a day, during the very busiest time that  
27 Mississippi has seen this year, and so I just want to make a  
28 note of that, that that 256 boats a day is what they have seen  
29 this year, during the time when the most fish was harvested.  
30 Thank you.

31  
32 **CHAIRMAN GUYAS:** Thanks, Dale. Any other questions on  
33 Mississippi? All right. Let's move into Alabama then.

34  
35 **MR. ANSON:** I want to provide a summary as to how we started of  
36 the season, and so, for the 2020 season, we did not exceed the  
37 private recreational quota, and the private recreational quota  
38 that we manage includes state charter boats, state-licensed  
39 only, and not federally-permitted charter boats.

40  
41 No payback was needed, and we utilized the same quota that we  
42 had in 2020, and so our 2021 quota was just over a million  
43 pounds. The private recreational red snapper season for 2021  
44 consisted of four-day weekends, which were Friday through  
45 Monday, and the season began on Friday, May 28.

46  
47 We continued with the two-fish per person daily bag limit and a  
48 sixteen-inch total length minimum size limit, and, as Chris

1 mentioned, we also provide weekly updates, and we provide those  
2 to National Marine Fisheries Service, and then we post  
3 information at our department's website, and the weblink is  
4 provided there.

5  
6 We did, for 2021, include, for mandatory reporting, greater  
7 amberjack and gray triggerfish. We had voluntary reporting for  
8 those two species in 2019 and 2020.

9  
10 This is the latest graphic. If you were to go to that website,  
11 you would see this graphic here, and it depicts how many pounds  
12 have been harvested, again, for both private recreational  
13 vessels, or anglers, and those anglers on state charter boats,  
14 and we have harvested 845,196 pounds, through this last previous  
15 weekend, and we will also be creating updates through this last  
16 weekend, probably posting them either on Thursday or on Friday,  
17 but that 845,000 pounds represents about 76 percent of the quota  
18 for this year, and, in the graphic, you will also see that the  
19 red line depicts the 2021 season harvest, and then the light-  
20 blue line that you see is the result of the 2019 season and  
21 where it ended, and then the dark-blue line there depicts last  
22 year's season.

23  
24 You will also note, on the red line there, around Day 22,  
25 Tropical Storm Claudette made landfall in Louisiana, and that  
26 impacted our weather, and it impacted people's ability to go  
27 fishing, and you can see, around Day 22 through Day 30, the line  
28 remains relatively flat, and then Tropical Storm Fred made  
29 landfall on August 16, and that impacted the tail-end, or Day  
30 81, and so we didn't have as much of an increase in landings as  
31 we had experienced in prior weeks.

32  
33 Some statistics for the 2021 season, similar to what Louisiana  
34 had provided, and so we had a landing report, and it's a  
35 mandatory program. A vessel representative, which could be the  
36 captain, but it's somebody just designated to be reporting for  
37 the vessel, and we had 5,866 reports for private vessels  
38 submitted through Snapper Check, and then 546 reports, so far,  
39 submitted through the 16<sup>th</sup> of August for state-licensed charter  
40 boats.

41  
42 Then you can see the additional metrics there, and we require  
43 anglers to be reported on those landing reports, the number of  
44 landed fish to be reported, and then the number of dead discards  
45 that are reported for both private vessels and state charter  
46 vessels are also there.

47  
48 The number of dockside assignments that have been issued, we

1 don't issue these by mode, fishing mode, or vessel type. You  
2 all may recall, those that have been following this, that we get  
3 our assignment draw from the National Marine Fisheries Service.  
4

5 We provide the same pressure information and utilize essentially  
6 the same register of sites as is used for the APAIS survey, and  
7 we request that they develop the draws for our Snapper Check  
8 assignments. Snapper Check assignments are conducted  
9 independent from the APAIS draws, and that's the primary reason  
10 why we asked them to develop the assignment draws, is to make  
11 sure there's no overlap in sites selected, the same sites  
12 selected on the same day and hour block, and so part of that  
13 process though is that there is no differentiation between a  
14 site that has private fishing vessel activity that is offshore  
15 versus charter boat fishing vessel activity that is offshore.  
16

17 They're both combined as an offshore site, and so we were issued  
18 119 sites, of which we would be expected to find private  
19 vessels, or state charter vessels, so far, through the August 16  
20 time period, for red snapper, but, again, there are some sites  
21 that are included in that assignment draw that are almost  
22 predominantly, or exclusively, sites that have the federal  
23 charter boat activity.  
24

25 Anyways, the number of dockside assignments that were completed  
26 were 102, and assignments can be cancelled because a sampler  
27 gets sick, or, in the case of many of these, they were cancelled  
28 because of weather impacts, and then, as we got into the first  
29 part of August, after August 2, assignments that are drawn at  
30 those sites where there is almost exclusively federal charter  
31 boat activity were not sampled.  
32

33 The number of vessels that were surveyed so far, 288 vessels  
34 were encountered by our staff at dockside surveys, and forty-one  
35 state guideboats were encountered, and you can see the number of  
36 anglers that were surveyed during those interviews at dockside,  
37 1,234 for private vessels, and 163 state-licensed vessels, and  
38 number of landed fish that were observed at those interviews, or  
39 during those interviews, for both modes of fishing. Then, at  
40 the bottom, you'll see the number of fish that we weighed. So  
41 far, 780 fish for private vessels, private anglers, and 152 for  
42 state-licensed vessels.  
43

44 To give you a little bit of background on this, in case people  
45 have been watching, or looking at our website and watching the  
46 weekly updates, there has been a flattening of the curve, so to  
47 speak, from the start of July, and so I wanted to use this  
48 opportunity to explain a little bit of that.

1  
2 Estimates, for the purposes of our notifying the public, are  
3 updated weekly, but the mean fish weight and the adjustment to  
4 the final estimate for non-reported trips are based on the  
5 results from dockside sampling that occurs within a wave, and so  
6 we accumulate all of that information within a wave period, and  
7 a wave, again, is the definition of a two-month sampling period,  
8 and that is also used in the APAIS survey.

9  
10 Essentially, you start over, if you will, within that wave, for  
11 your average weight and your non-reported adjustment, trip  
12 adjustment, and so estimate trend lines can vary over time,  
13 depending upon several variables that occur within that wave,  
14 and there can be changes in the reporting rate from the  
15 beginning of the wave to the end of the wave, and/or the mean  
16 fish weight and charter permit status, and so we update,  
17 periodically, the federally-permitted vessels that NMFS permits.

18  
19 We go to their website and download the permit information  
20 there, and then we also update, from our state license charter  
21 boat sales, a register of vessels that we identify as being  
22 charter vessels, and that information is applied against the  
23 landing report so that we can segregate those trips as to  
24 whether they are private vessels or charter vessels, and so that  
25 can change over time within a wave period.

26  
27 The sampling weighting of the interviews and the fish weight,  
28 actually, that we collect within individual weeks, based on the  
29 sampling weighting that is derived from, again, the pressure  
30 value that is assigned to sampling site and then the weights  
31 that are then also applied based on the proportion of anglers  
32 that are interviewed and not interviewed, as well as even the  
33 number of fish that are weighed, versus those fish that are not  
34 weighed, within an interview.

35  
36 All of that, again, is to be commensurate with APAIS sample  
37 weighting procedures, and that is what helped us to get the  
38 program certified for the start of the 2017 season, and so, if  
39 you look at these two graphics here, they're of two different  
40 weeks through the latter part of the season.

41  
42 The top one there is from the estimates through July 19, and the  
43 bottom graphic there is from August 16, and so the Wave 4 is  
44 July 1 through August 31, and so we're talking about Wave 4 and  
45 this change in the trend line, or the trajectory in the  
46 estimate, and so the flattening of the trend line, as you see in  
47 the lower picture that is circled there by the red-dotted line,  
48 is due to a reduced average weekly fish weight, and an improved,

1 albeit slightly, but improved reporting rate that was observed  
2 based on our dockside sampling that occurred throughout the wave  
3 period. I have summarized that in the next slide.

4  
5 The cumulative weekly metrics from the dockside survey, landing  
6 reports, and estimates of red snapper harvest from private  
7 recreational vessels during the 2021 season, and so this does  
8 not include state-licensed vessels. This is only the private  
9 recreational fishery, but you can see it starts off with the  
10 season, Week 1, and that's in Wave 3, and Wave 3 encompasses the  
11 red snapper weeks of the season, Week 1 through Week 5, and so  
12 that would be the last part, the last week, of May through the  
13 end of June would be Wave 3.

14  
15 Going across the top there, you see the number of matched survey  
16 vessels to landing reports, and then the next column there is  
17 survey vessels, and so those are the number of vessels that we  
18 have encountered during Week 1, or whatever weeks of sampling  
19 that occurred there, for all the assignments that were  
20 completed.

21  
22 Then the next column there is the reporting rate, and this is  
23 the reporting rate as it's calculated based on the sampling  
24 weighting and not just the straight percentage of the matched  
25 vessel to the survey vessel, but it's based on the weighting of  
26 those particular vessels that are interviewed and then whether  
27 or not they are matched or not, and to get a matched vessel to a  
28 landing report is one that has, in the landing report, the same  
29 vessel registration number on the same day, the same number of  
30 anglers, the same number of fish that are reported harvested  
31 within a three-and-a-half-hour time block of when the actual  
32 interview occurred, based on our samplers' time that is recorded  
33 on the interview.

34  
35 You can see, in Week 1, the 0.3825 is the reporting rate,  
36 essentially of 38 percent, and so 38 percent of the trips that  
37 were reported -- We estimate that, of the trips that are  
38 reported, 38 percent of them were reported, and so that -- You  
39 can see, from Week 1 in Wave 3, we had an improvement in  
40 reporting from 38 percent to 45 percent, and then, in Wave 4,  
41 you can see also that it goes from a weekly reporting rate of 45  
42 percent, and it ticks up a little bit throughout the period, to  
43 ending at 46 percent for that week.

44  
45 You can see, the further along for the number of fish weighed,  
46 the mean weight of those fish, based on all of the fish that  
47 were counted, or weighed, up to that point, and then the number  
48 of landing reports that were submitted, again cumulative, for

1 the period of time, number of estimated vessel trips, based on  
2 the reporting rate, and then the estimated angler trips,  
3 estimated landed fish, estimated dead discards, and then the  
4 estimated harvest includes essentially the number of landed fish  
5 and dead discards multiplied by the mean weight for that week.

6  
7 You can see it tracks through the time, and the harvest estimate  
8 increases, and so you get to Week 6, and Weeks 6, 7, and 8,  
9 surrounded by the yellow-dashed-line box, corresponds to that  
10 graphic to the prior page, where it was circled, and you can see  
11 the metrics there, and you can see the biggest factor, more than  
12 likely, was the increase in the average weight of red snapper.

13  
14 We measured, between Weeks 6 and 7, thirty-one fish, and you can  
15 see those thirty-one fish were probably quite large, and it  
16 doubled, effectively, or nearly doubled, the average weight that  
17 was estimated for those fish caught in that wave.

18  
19 Then, the following week, we sampled another twenty-three fish,  
20 and those fish were also quite large, because it really didn't  
21 impact the average weight, but, as you get into Week 9, we  
22 weighed an additional fifty-two fish, and then the average  
23 weight drops from 12.13 pounds to 9.7 pounds, and so that's two-  
24 and-a-half pounds off a twelve-pound average weight is roughly a  
25 25 percent or so reduction, and so that's automatically going to  
26 impact all of the trips that occurred during that wave, and  
27 those average weights can automatically impact your harvest  
28 estimate.

29  
30 Anyway, that just gives you -- It's a lot of information, I  
31 understand, but it kind of gives a good insight as to how the  
32 program works and how we get the data from dockside and from  
33 that information reported by the anglers. We go through the  
34 weekly process to generate the graphic, but understand that,  
35 essentially, we're talking about wave estimates, when we're  
36 talking about the quota, and that is my last slide for the  
37 presentation.

38  
39 **CHAIRMAN GUYAS:** All right. Thank you, Kevin. Are there any  
40 questions for Kevin? Tom.

41  
42 **DR. FRAZER:** Thanks, Kevin, for going through that. I have a  
43 question on this one, and I was just trying to figure it out.  
44 If you take any row in that table, right, and, in the estimated  
45 harvest, it's an average -- If you take the average mean weight  
46 by the number of landed fish, I guess reduced by the number of  
47 discards or something, right, but I just wanted to make sure  
48 that the weight that you're using, when you multiply by the

1 landings, is really an average over the wave. I mean, you can't  
2 make the math work when you walk through a row, and so --

3

4 **MR. ANSON:** Yes, and so it is cumulative over the time period,  
5 correct, yes, and it is landed fish and dead discards. The  
6 estimated dead discards goes into the harvest.

7

8 **DR. FRAZER:** Okay. Thank you.

9

10 **CHAIRMAN GUYAS:** Any other questions? Okay. I will just give a  
11 quick, very quick, update on Florida and our season this year.  
12 We opened on June 4 and stayed open through July 28, for  
13 continuous days, a fifty-five-day season.

14

15 Our staff have been working very hard to get an estimate, and I  
16 just got one in my email just a little bit ago, and it is very  
17 preliminary for June, and they are projecting that we harvested  
18 about just under 1.2 million pounds. However, there's a couple  
19 of data issues that they're looking into, and so I suspect that  
20 this estimate is going to change as they work out some issues.

21

22 We've also been, the last couple of years, using a projection  
23 model, to just kind of figure out where we are relative to the  
24 quota before we actually have our State Reef Fish Survey data  
25 in-hand, and that model is projecting that we will be well  
26 within our quota for this year, and so the data for July are  
27 still coming in for the State Reef Fish Survey, and you all  
28 probably know that we have a mail survey that goes out at the  
29 end of the month, and so those July surveys went out in August,  
30 and, since it's still -- Since we are still in August, we are  
31 still getting surveys there.

32

33 We also pull from MRIP data to increase our sample size, and so,  
34 as we get little bits and pieces of data, we will be updating  
35 our numbers. Typically, what we'll do is we'll report to our  
36 commission in the fall about where we are, and then, depending  
37 on where we are, if we have some ability to reopen, that  
38 potentially could be on the table.

39

40 We were able to do that last year, although, unfortunately, we  
41 had a number of storms in the fall over the weekends when we  
42 opened, and we had some storms, as Alabama mentioned, impact our  
43 season this summer as well, Claudette, and just some not great  
44 weather weekends as well, into July, and so that's where we are  
45 right now. Any questions about Florida? Dale.

46

47 **MR. DIAZ:** You said you all make some projections. What do you  
48 all use to make the projections, Martha?

1  
2 **CHAIRMAN GUYAS:** I mean, they have basically created a  
3 projection model, I think sort of like what Andy's folks used to  
4 do when they would project a federal season, and so they project  
5 out a season for us, and that's how we kind of figure out where  
6 we want to go with our days, and then, also, looking at what  
7 catches should be, and it's actually been pretty spot-on the  
8 last couple of years, and so they're looking at certainly  
9 effort, and they're looking at weather days and sea conditions  
10 and all that stuff, and so it has worked pretty well for us.  
11 Andy.

12  
13 **MR. STRELCHECK:** Actually, I have a question for both you and  
14 Kevin. I've gotten a lot of feedback, particularly from the  
15 for-hire industry, this summer that catch rates have fallen, and  
16 fishing hasn't been as good. Kevin, it seems to be borne out,  
17 with regard to some of the data and trends you're seeing, in  
18 terms of at least slower catch rates, or accumulation, to get to  
19 the quota.

20  
21 I'm a little surprised from what you just said, Martha, about  
22 the preliminary estimate of landings for Florida, but I'm  
23 curious if you're hearing the same thing, in getting concerned  
24 calls from fishermen.

25  
26 **CHAIRMAN GUYAS:** I haven't, and this is one of the reasons why  
27 they're looking into these data, Andy, and there are some funky  
28 things coming out of the data, and so I have heard, from  
29 west/central Florida, that it was a great season. I have heard,  
30 in the Panhandle, there were a lot of weather days. Not so much  
31 that fishing was difficult, but just it was difficult to get out  
32 on the water.

33  
34 Typically, we do see effort and catch drop off in July. It's  
35 usually significantly lower than June, and that's, I think,  
36 typical for a lot of species that start in the summer also, and  
37 so that's at least what I'm hearing. I don't know if, Kevin,  
38 you have anything.

39  
40 **MR. ANSON:** I was going to mention that too, that, typically, in  
41 July, we do see kind of a tailing-off, for red snapper at least,  
42 on average catches. There is -- We have always said that there  
43 is limited habitat within about twenty or twenty-five miles of  
44 off Alabama, and that's where most people go to fish, initially,  
45 and it's where the catching is good and easy and cheapest, for  
46 time and for fuel to put in the boat, and so they will go and  
47 hit those areas at the beginning of the season, and that's both  
48 charter boats and private boats, and then, as those fish get

1 knocked back, those folks that are more of, literally, the  
2 weekend warriors will kind of drop off, and you probably  
3 noticed, or could notice, if you look at the number of landing  
4 reports, we have -- Just like Mississippi, our first two weeks  
5 are the highest reports that we receive.

6  
7 Then it kind of trails off, and we get more of a consistent  
8 fishing effort throughout the remainder of the season, but we do  
9 see a little dip in catches in July, typically, and we did  
10 experience it this year.

11  
12 **CHAIRMAN GUYAS:** Susan.

13  
14 **MS. BOGGS:** Thank you, Madam Chair. Just one question for you.  
15 I do know that you all collect data on all species, and is it  
16 mandatory reporting for your anglers?

17  
18 **CHAIRMAN GUYAS:** No, and we have -- Our State Reef Fish Survey  
19 covers thirteen different reef fish, and we have a dockside  
20 sampling program, and then we have a monthly mail survey, which  
21 does not go out to every angler, but we have a pretty good  
22 sample frame on that, and so chances are, if you're signed up  
23 for it, you will get it at some point, and I've gotten it, and  
24 so a lot of times we hear from people that you never see the  
25 survey, and nobody ever comes to talk to me, but I do hear from  
26 people, all the time, that they got the State Reef Fish Survey  
27 in the mail, and so that's good. Anything else for Florida's  
28 report? Awesome. Okay.

29  
30 Let's move on to our next item, which that takes us to  
31 discussion of the red snapper recreational data calibration and  
32 recreational catch limits, and I don't know, Mr. Rindone, if you  
33 want to do the action guide for that, and then we can kick it  
34 down to Andy and friends.

35  
36 **DISCUSSION OF FINAL DOCUMENT - FRAMEWORK ACTION: GULF OF MEXICO**  
37 **RED SNAPPER RECREATIONAL DATA CALIBRATION AND RECREATIONAL CATCH**  
38 **LIMITS**

39  
40 **MR. RINDONE:** It sounds like a morning show. I will be staying  
41 after to give out autographs, I'm sure. If we can pull up the  
42 action guide. Okay.

43  
44 So, at its April 2021 meeting, you guys took final action on the  
45 framework action for Gulf of Mexico red snapper recreational  
46 data calibration and recreational catch limits. This document  
47 revised the calibration method to establish the individual catch  
48 limits for red snapper for the private angling component for

1 each of the Gulf states, and the methods contained in the  
2 framework action established a common data currency for  
3 establishing and monitoring those state-specific catch limits.

4  
5 As is typical when you guys send a document for final action, we  
6 send that document to the Science Center for certification as  
7 using the best scientific information available, and so the  
8 Science Center provided three comments, which is in a memo in  
9 Tab B, Number 9(b). The IPT, the interdisciplinary planning  
10 team, was able to address Comments 1 and 3, but was not able to  
11 address Comment 2.

12  
13 The second comment referred to the implementation date in  
14 Preferred Alternative 2 of Action 1, stating that implementing,  
15 or not implementing, Preferred Alternative 2 until January 1 of  
16 2023 would permit the ACL to be exceeded for the private angling  
17 component of the recreational sector. The Science Center  
18 recommended revising the implementation date to January 1, 2022,  
19 which would be expected to resolve that issue.

20  
21 The Science Center also recommended, alternatively, adding the  
22 same implementation date to the other alternatives. However,  
23 doing so does not resolve the discrepancy with the document  
24 being in compliance with the Act, and so Andy and Mara will go  
25 into a little bit more detail about that compliance issue with  
26 the Act. So hot potato, Andy.

27  
28 **MR. STRELCHECK:** I just want to know who my friends are in this  
29 discussion that you referred to. I know I have heard from some  
30 of you, kind of questioning, well, why is this coming back  
31 before the council, and this seems a little bit unusual and not  
32 standard practice, and, although I agree that it's not common,  
33 it's not necessarily unprecedented. We did, back in 2014,  
34 receive an adverse ruling on a rule regarding what was known as  
35 30B, the restrictions with regard to charter vessels and the  
36 requirements, in terms of them abiding by regulations in both  
37 state and federal waters.

38  
39 You had already submitted to the agency, at the time, the  
40 amendment for our review and approval, but then voted, during a  
41 council meeting, or agreed during a council meeting, to withdraw  
42 it. In this instance, as Ryan noted, our standard practice is  
43 for the council to submit, or send, to the agency the document  
44 for review.

45  
46 It undergoes Science Center review and then gets returned to the  
47 council with comments. In nearly all instances, those comments  
48 can be addressed by staff, and so staff addresses those comments

1 and then, ultimately, submits the document for agency review at  
2 that point, with any sort of certification that must happen  
3 through the Chair, if needed.

4  
5 In this instance, because the comments couldn't be directly  
6 addressed by staff, I asked Carrie to place this action back on  
7 the council agenda for discussion and deliberation, given what  
8 the Science Center, obviously, provided in terms of input to the  
9 document, and so that is why it's here before you, and we  
10 certainly can have staff walk us through the comments, if  
11 needed, and you probably already looked at my memo in the  
12 briefing documents, and so are well aware of those comments, but  
13 we wanted, obviously, the council to review that and discuss it  
14 for consideration before this is submitted to the agency.

15  
16 **CHAIRMAN GUYAS:** Thanks, Andy. Ryan.

17  
18 **MR. RINDONE:** Just to pile on a little bit on what Andy had  
19 said, the IPT does typically just take care of those comments,  
20 and normally those comments are pretty easy to address, but,  
21 when it's outside the scope of the council's stated intent, as  
22 is reflected in the verbatim minutes and detailed in the  
23 summaries, that's kind of a hands-off moment, and it's got to  
24 come back to you guys, and so that's why we're here.

25  
26 **CHAIRMAN GUYAS:** Bob.

27  
28 **MR. GILL:** Thank you, Madam Chair. Before we get into the weeds  
29 on the discussion of the actions, I would like to bring up a  
30 clarification point that I think is needed as part of this  
31 discussion, and so, Bernie, if you could bring up page 7, which  
32 shows Table 1.1.2 in the document, please.

33  
34 Let me start talking, while Bernie is bringing that up, and so  
35 Table 1.1.2 shows the ratio of state landings to the CHTS  
36 landings, and it addresses the SSC's review of those landings,  
37 and, just prior to that table, the paragraph reads: "The SSC  
38 concluded that the methods used to generate the conversion  
39 ratios between Gulf state surveys and MRIP-CHTS data are  
40 appropriate for monitoring of the red snapper state-specific  
41 ACLs." These ratios are shown in Table 1.1.2.

42  
43 I agree with that statement. That statement is correct.  
44 However, we get to Table 1.1.2, and the title says, "Calibration  
45 ratios recommended by the SSC to convert state landings  
46 collected in their respective state-specific data collection  
47 program to MRIP-CHTS currency for monitoring the state ACLs."  
48

1 I would argue that that statement is not correct. The SSC  
2 concluded the methods were usable, but did not recommend them.  
3 For one thing, there is other methods that could be used to  
4 determine calibration ratios that may be acceptable or not, but  
5 the SSC only reviewed one, and so they did not come away with a  
6 recommendation, and one of the reasons I think this is important  
7 is because we've had this back-and-forth discussion for quite a  
8 while about whether or not the SSC recommended FES data as BSIA  
9 and back and forth, and I don't think we should be in the same  
10 discussion relative to the calibration ratios.

11  
12 The other implication is that, because "if recommended" was  
13 correct, then the implication is that that's the one that should  
14 be used, and I would argue that, no, they just said that the one  
15 what was proffered, the only one that was proffered, is  
16 acceptable, and so I think that we need to correct the title of  
17 Table 1.1.2 to reflect that, and I've had this discussion with  
18 Ryan, and I would invite Dr. Nance or Ryan to comment, if they  
19 so wish, but I believe that the Table 1.1.2 title is in error  
20 and needs correction, so that we understand exactly what the SSC  
21 did relative to calibration ratios. Thank you.

22  
23 **CHAIRMAN GUYAS:** Go ahead, Ryan.

24  
25 **MR. RINDONE:** Sure, and so -- Just to Mr. Gill's point, and to  
26 read the motion to clarify his position, the motion by the SSC,  
27 at its August 2020 meeting, was that the SSC considers the  
28 methods appropriate to generate conversion ratios between the  
29 Gulf state surveys and MRIP data as appropriate for quota  
30 monitoring of the red snapper state-specific ACLs.  
31 Specifically, these methods consist of -- Then, for each of the  
32 four states to which a calibration ratio applied, it details  
33 what that ratio was and then the years of data that were used to  
34 generate that ratio.

35  
36 I guess, just for your edification, the motion carried with one  
37 abstention, and so, based on Mr. Gill's comments, the revision  
38 that he and I talked about, that I will tell you guys about and  
39 see what you think, is so, in Table 1.1.2, right in front of you  
40 there, instead of what it says now, it could say, "Calibration  
41 ratios indicated as an appropriate method for quota monitoring  
42 by the SSC to convert" et cetera, et cetera.

43  
44 Then, likewise, the other place that this would occur, and heads  
45 up, Bernie or Camilla or whoever is piloting, is page 17,  
46 underneath Table 2.1.1. The following paragraph says:  
47 "Preferred Alternative 2 would modify the state-specific red  
48 snapper private angling component ACLs using the conversion

1 ratios developed by the NOAA Office of Science and Technology  
2 and the Gulf States and indicated as an appropriate method for  
3 quota monitoring by the SSC." I have tried to use the exact  
4 same language in both spots, for homogenizing the SSC's position  
5 on this. Dr. Nance, how do you feel about that, representing  
6 the SSC?

7

8 **DR. NANCE:** I don't have any objection to those changes.

9

10 **MR. RINDONE:** Mr. Gill, how do you feel about that?

11

12 **MR. GILL:** I believe they more properly represent what the SSC  
13 stated relative to these calibration methods.

14

15 **MR. RINDONE:** Madam Chair, you can consider that edit made.

16

17 **CHAIRMAN GUYAS:** Okay. Great. Is everybody good and understand  
18 what we're doing? It's probably just some really minor change,  
19 in the grand scheme of things, but it's definitely an important  
20 clarification. How would we like to proceed with this?

21

22 **MR. RINDONE:** I think we can start with the memo, just so that  
23 everybody has a good idea of what's being discussed here, and so  
24 that's Number 9(b). If we scroll down a little bit, this part  
25 of the memo is from Mr. Strelcheck to Dr. Simmons, on behalf of  
26 the council, detailing the problem. Andy laid this out, in a  
27 little bit more of a brief fashion, already for you guys.

28

29 Essentially, the problem is that, because of the implementation  
30 date for Preferred Alternative 2 being January 1 of 2023, based  
31 on projections and the pace of landings that we've seen and how  
32 everything shakes out math-wise, we know that, in 2022, the  
33 private angling component ACL would be exceeded if nothing  
34 changed.

35

36 Because we know that information, delaying implementation until  
37 January 1 of 2023 would be inconsistent with the requirements of  
38 the Magnuson Act, and so the Science Center made some  
39 suggestions about what to do. The only viable of the two though  
40 is to modify the implementation date from January 1, 2023 to  
41 January 1, 2022.

42

43 Adding implementation dates to the other alternatives doesn't  
44 resolve the inconsistency with the requirements of the Act, and  
45 so, at this point, that's where we stand with the document, and  
46 so, Andy, I don't know if you want to elaborate any more.

47

48 **MR. STRELCHECK:** No, and I think you've done a good job of

1 summarizing the document. I don't think any of this is,  
2 obviously, news to folks. We had, obviously, an extensive  
3 discussion back in April, when decisions were made. We have a  
4 very poor history of the recreational sector exceeding the catch  
5 limit over time, and we have lost several lawsuits.

6  
7 The Magnuson Act does require us to constrain catch to catch  
8 limits, as specified under the Magnuson Act, and so it should  
9 come as no surprise, obviously, in terms of comments by the  
10 Science Center with regard to how this could be remedied.

11  
12 The other thing that I will point out, which is not -- I guess  
13 it's discussed in here, but kind of indirectly, is, if the  
14 council doesn't agree, obviously, on changing the action for  
15 2023, in reviewing the document, there really is limited record  
16 and rationale as to why that delay has occurred, and I know that  
17 there was some discussion, back in April, of that, but, to me,  
18 that really hasn't been laid out effectively in the  
19 documentation and the record itself.

20  
21 The agency's position certainly is to recommend that, in order  
22 to address this, that we would move the implementation deadline  
23 to 2022, or as soon as possible, for the rulemaking to be  
24 implemented consistent with the Magnuson Act.

25  
26 **CHAIRMAN GUYAS:** Dale.

27  
28 **MR. DIAZ:** Thank you, Andy, for that explanation. I did just  
29 want to point out, as some rationale, and I don't remember if I  
30 said it on the record at the last meeting, but I've certainly  
31 said it plenty of times, but I think there is serious, serious  
32 data problems with how MRIP is done in small states, and, when I  
33 supported the motion to move the document forward in April, one  
34 reason I supported this was to give some time for the states to  
35 have a chance to work on the data problems that I know are  
36 perceived by the State of Mississippi, and I believe that  
37 Alabama has some issues with the data, too.

38  
39 As far as Magnuson goes, I mean, I understand the requirements  
40 of Magnuson, but I don't feel like moving something forward that  
41 I think is incorrect is in line with the Magnuson-Stevens Act  
42 either, and so that's been my position on it, and we probably  
43 need some other stuff on the record, if the record is light,  
44 but, anyway, I wanted to make sure and say that, and there's a  
45 lot of work to be done, in my opinion, to straighten out the  
46 data issues. Thank you.

47  
48 **CHAIRMAN GUYAS:** Kevin.

1  
2 **MR. ANSON:** Andy mentioned that we had some discussion in April,  
3 and I will try to recall what was discussed, and maybe, during  
4 that recollection, I might add one or two new things, but, to  
5 Dale's question regarding Alabama and our perception of the  
6 accuracy of the federal data, as it pertains to the recreational  
7 red snapper fishery, is we too feel like it is not accurate and  
8 that it overrepresents the harvest that is occurring there.

9  
10 We have talked about several instances in our habitat-based  
11 survey that we've been conducting off of Alabama since 2012,  
12 annually, and the majority of the gears that are used to  
13 estimate the abundance of red snapper off of Alabama were  
14 utilized in the Great Red Snapper Count. In fact, one of the  
15 gears that we have not used, but was used during the Great Red  
16 Snapper Count, that identified a lot of these snapper that exist  
17 off of the unclassified, or uncharacterized, bottoms, those were  
18 added to the number of fish that Dr. Powers estimates in the  
19 annual survey.

20  
21 Again, we based our EFP pounds requested on those pounds of fish  
22 that are estimated through that habitat-based survey, and in  
23 units of fish, and, when you take those numbers, and then apply  
24 the estimates from the federal survey, as well as Snapper Check,  
25 the numbers from Snapper Check more appropriately fit the  
26 expectation you would have of harvest based on our current, or  
27 perceived, notions of fecundity and exploitation. They match  
28 more of the 0.1 exploitation rate, using Snapper Check, whereas  
29 we used the federal numbers there, and you're approaching 0.2  
30 and above, in some years here recently.

31  
32 That is the main reason, or rationale, that we feel like the  
33 data is not appropriate, and it, in fact, is not the best  
34 scientific information available, and partly the reason why it's  
35 not the best scientific information available is because we've  
36 not had a reasonable review of the data, as it pertains to,  
37 again, science and some of our understanding of some of the  
38 biological metrics of the species and the Great Red Snapper  
39 Count.

40  
41 Until that evaluation occurs, we feel like we're still being  
42 shorted, and that was part of the rationale, from our  
43 perspective, of voting for the delay. In fact, we asked for  
44 longer, because the process is demanding, and it requires a lot  
45 of time, and there are other things going on, and it's difficult  
46 to try to do such an analysis in a relatively short period of  
47 time, but, you know, we still haven't got the full review, at  
48 least through the SSC, of the Great Red Snapper Count. That was

1 still ongoing at the time we had the vote, but we were hoping  
2 for that to occur.

3

4 We have heard of the red snapper data workshop that was to be  
5 hosted by the Science & Technology group to compare and look at  
6 the states' data collection programs more closely and have  
7 outside statisticians look at it, and that has been talked  
8 about, but it has not occurred yet, and that, I think, would be  
9 an important step towards getting some more information relative  
10 to what is the problem of the federal survey estimate and where  
11 -- Why is it that Mississippi and Alabama, for instance, have  
12 such large variations between the state survey and the federal  
13 survey estimate?

14

15 I mentioned before, in a previous meeting, and I can't remember  
16 if it was April or not, but, as far as the rationale for going  
17 against Magnuson, we have a National Standard Guideline for  
18 variations and contingencies.

19

20 The council is allowed to -- It's provided some leeway in the  
21 decision-making process, based on the best information it has  
22 available, and I know that the provision was, more than likely,  
23 created for those instances when you have information that  
24 indicates that the stock is in poorer shape than what your  
25 previous assessment has shown, but, in this case, because we  
26 have not only the Great Red Snapper Count Gulf-wide, as a single  
27 point in time, comparing and looking at all of the states'  
28 abundance of red snapper respective to their states.

29

30 In addition, for our case at least, having the history of ten  
31 years' worth of sampling and estimating the abundance off of  
32 Alabama, and all of that should point to a little bit more of a  
33 comfort level for everyone that the stock is not in jeopardy.  
34 The Great Red Snapper Count estimated that it was three-times  
35 more than the assessment, but so we were hoping for a pause on  
36 any further management that would negatively impact fishermen,  
37 private recreational fishermen, off of Alabama, and that's why  
38 we ended up voting, and it became the preferred alternative.  
39 Thank you.

40

41 **CHAIRMAN GUYAS:** All right. Thanks, Kevin. We are at our  
42 lunchbreak, and so we've got some food in the room at this  
43 point, and we were scheduled to take that at 11:30. I do have a  
44 couple of hands on my list, and so what I am going to propose we  
45 do -- We've got a half-hour break to grab food, and then we'll  
46 do our working lunch, and then we'll resume the queue. Is  
47 everybody good? Okay. That gives us a little bit of time to  
48 digest all of this too, and we'll have plenty of time after

1 lunch for discussion, or during lunch. If anybody else wants to  
2 get on the list, come see me at lunch. I've got a list going.

3  
4 (Whereupon, the meeting recessed for lunch on August 24, 2021.)

5  
6 - - -

7  
8 August 24, 2021

9  
10 TUESDAY AFTERNOON SESSION

11  
12 - - -

13  
14 The Reef Fish Management Committee of the Gulf of Mexico Fishery  
15 Management Council reconvened on Tuesday afternoon, August 24,  
16 2021, and was called to order by Chairman Martha Guyas.

17  
18 **CHAIRMAN GUYAS:** Okay. I've got four on my list so far, and so  
19 the first person is General Spraggins.

20  
21 **GENERAL SPRAGGINS:** Thank you, Madam Chair. Obviously, the  
22 biggest question I've got, number one, is why we're even  
23 discussing this, to a point, because we met as a council back in  
24 April, and we looked hard at this, and we looked hard at what we  
25 did, and we came up with an option to be able to do the 2023, to  
26 give us time to look at that.

27  
28 In that time, and we have been almost six months now, seven  
29 months, or somewhere about five or six months, and we still have  
30 not received any data from anyone to say that anybody has looked  
31 at any of the points of where we have a data issue, and we have  
32 data issues all over this. We know we have data issues, but no  
33 one has come back and looked at anything. No one has come back  
34 and given us anything to say that we see that this calibration  
35 is not correct, or we see that this data issue is not correct.

36  
37 I understand the Magnuson-Stevens Act, and I understand it  
38 totally, and I understand that we should not ever violate  
39 anything, and I'm for that. I don't think we're violating the  
40 Magnuson-Stevens Act. If I did, I would have a different  
41 opinion, but I do also think that the Magnuson-Steven Act asks  
42 for us to get the best available science, and we are not doing  
43 it.

44  
45 We know that. We know that as a fact. This whole body realizes  
46 that this is not the best available science, because we're using  
47 two years of data that is skewed, and, if you take the data, and  
48 I know that Dale has got some information that I would like for

1 him to bring up on it, but the point is, if you take that data,  
2 and you look at it, and you take the situation to where you  
3 count one day that the state was open to fish, and you count two  
4 months' worth of data for that one day, it's not going to work.

5  
6 If you say that one day equals two months of the same day,  
7 that's not going to work, and it does not work. I mean, I am  
8 not a scientist, but I have commonsense, and commonsense tells  
9 me that this is not working, and, if you look at it -- If there  
10 was anything in here that I felt that we were doing something  
11 that -- If there was a chance that I thought that Mississippi  
12 was overfishing, I promise you that there would be no doubt in  
13 my mind that we would stop it.

14  
15 We don't want to deplete our industry any more than anybody  
16 else, and we don't want to take away anything anymore than  
17 anyone else wants to take away, but to tell me that some of the  
18 data that you're going to use says that I have to have 1,500 to  
19 2,500 boats a day out there fishing, and I don't even have that  
20 many even registered, and I have a little over 1,500 boats  
21 registered in the State of Mississippi to be able to go snapper  
22 fishing.

23  
24 Do you realize what the data that you all are trying to use  
25 would say that I had to have those 1,500 every day, just about,  
26 to make it work? I mean, I don't know, and maybe somebody else  
27 has got a better idea than I do, but I don't think the people in  
28 Mississippi can afford to go fishing every day, and I don't  
29 think they can go snapper fishing every day that we're open, and  
30 I think they would love to if they could, but the point is, if  
31 that's the case, we wouldn't go but about two weeks, and then we  
32 would be out, if we put 1,500.

33  
34 I just don't understand it. If somebody could give me  
35 commonsense to say why we as a body, or anyone else, would want  
36 to say that we're going to take data that is not accurate, and  
37 we know it's not accurate, and, if we knew it was accurate, it  
38 would be different, but, when you deliberately use something  
39 that you know is not correct, then who is wrong?

40  
41 When you take and deliberately use some wrong data, just because  
42 you want to worry about a lawsuit, I really don't care about  
43 those, and it doesn't bother me. I don't really care if we get  
44 sued for something, as long as we're doing everything to the  
45 best of our ability to do it right.

46  
47 I took an oath, when I went into the United States Air Force,  
48 that said that I would uphold the Constitution of the United

1 States of America, and I'm going to do it until the day I die,  
2 even though I'm not Air Force anymore, but the point is that I  
3 took an oath here to do the same thing. I took an oath that I  
4 would stand up and I would support and do things right, and I'm  
5 going to do what's right, and I am not going to do what's wrong.

6  
7 I am not going to deliberately, just because it makes everybody  
8 happy, do something. I am not going to deliberately take skewed  
9 data and say that I agree with it, just so we'll get some  
10 lawsuit off my back.

11  
12 You know, if you do something, the way we're doing it now, it  
13 may invoke a bunch more lawsuits, and you never know what's  
14 going to happen, but think about the data. We talked about this  
15 in April. We talked about what it took and what would happen  
16 and then how much this was skewed out of proportion. Even Roy,  
17 when he was here, and Andy, and I know that Roy mentioned, more  
18 than one time, that MRIP does not work for a small state.

19  
20 Whenever you take that data and try to look at it, why? If you  
21 know it's wrong, why would you use it? I wish that somebody  
22 could give me a good answer as to how you would openly want to  
23 take wrong data, and I appreciate your time. Thank you.

24  
25 **CHAIRMAN GUYAS:** All right. Thanks, Joe. Bob Shipp, I see you.  
26 I'm going to work through the list, but I've got you on my list.  
27 Next, I'm going to go to Bob Gill.

28  
29 **MR. GILL:** Thank you, Madam Chair. I'm coming at it from a  
30 slightly different perspective, I think, than Joe, and,  
31 obviously, it's not my ox being gored, but I am looking at it  
32 from the aspect of where we're at if we go forward. Are we  
33 compliant with Magnuson? I just took an oath yesterday that  
34 said that I would be.

35  
36 I agree with those that are in the camp that says delaying it  
37 until 2023 is not compliant, and so not only can I not support  
38 it, but it seems, to me, it's my obligation to try and get it  
39 back to something that I believe is compliant, and, to that  
40 extent, Bernie, would you bring up the calibration motion,  
41 please?

42  
43 **What I have tried to do, hopefully correctly, was basically**  
44 **eliminate the delay and modify Preferred Alternative 2 to start**  
45 **on 1 January 2022, and I proffer that for the committee's**  
46 **consideration. Thank you. That's my motion.**

47  
48 **CHAIRMAN GUYAS:** Okay. I am just going to read this. **The**

1 motion, in Action 1, is to revise Preferred Alternative 2 to  
2 read as follows: Modify the state-specific red snapper private  
3 angling component ACLs using the ratio calibrations developed by  
4 the National Oceanic and Atmospheric Administration's (NOAA)  
5 Office of Science and Technology (OST) and the five Gulf states.  
6 The resulting ACLs in each state's currency are as follows.

7  
8 As Bob noted, the key thing here is there is no January 2023,  
9 and it does not say specifically 2022, and was that your intent,  
10 Bob?

11  
12 **MR. GILL:** Yes, that's my intent, that it starts in 2022 and not  
13 in 2023, and, basically, it's the same language that was in the  
14 current preferred alternative, and I deleted all the 2023 stuff,  
15 and so, if I did that correctly, that's what I am trying to get  
16 to.

17  
18 **CHAIRMAN GUYAS:** Okay. I see, in the table, it's 2022-plus ACL,  
19 and so that's -- It's not specifically in the wording of the  
20 motion itself. Okay. Is there a second to this motion?

21  
22 **MR. STRELCHECK:** I will second it.

23  
24 **CHAIRMAN GUYAS:** Okay. It's seconded by Andy. I think, Bob,  
25 you already laid -- Did you have any follow-up to this, just  
26 really quick? No? Okay. Clay, I think your hand went up in  
27 response to General Spraggins, and so I'm going to jump to you,  
28 real quick, and then we can discuss this motion.

29  
30 **DR. PORCH:** Sure. Thank you. First of all, I just wanted to  
31 make the point that no one is using data that they know is  
32 wrong. There certainly is some debate about which are the  
33 correct statistics, and, in fact, some have said that none of  
34 them are exactly correct, and S&T, or Science & Technology,  
35 Division in Headquarters is actually actively looking at this,  
36 working with the states.

37  
38 I expect, in the fairly near future, we should see the results  
39 of some of their explorations, and I have seen some preliminary  
40 information, but I would say the jury is still out, officially,  
41 in terms of what are the, quote, unquote, correct statistics, if  
42 there are any that are exactly correct, and, in fact, I would  
43 argue that none of the statistics -- They're all surveys, and  
44 they're not perfect, and they all have some uncertainty about  
45 them.

46  
47 Having said that, clarifying the record that no one is knowingly  
48 using bad data, or incorrect data, I just wanted to explain the

1 rationale here, and this goes to Bob's point. The IPT indicated  
2 that, without the calibration, there is potential for exceeding  
3 the ACL, and you have to remember that the ACL is set in CHTS  
4 currency, and it was based on the assessment.

5  
6 If CHTS estimates are higher than some of the states, and the  
7 quota is in CHTS currency, then you would have to calibrate the  
8 lower estimates to the CHTS currency, because that's -- In other  
9 words, if you set the quota in CHTS, you need to monitor in CHTS  
10 currency.

11  
12 If we had set the quota in some combination of the state  
13 currencies, and the state currencies were lower, the quota would  
14 have been lower, and so that's the fundamental issue here, and,  
15 currently, the ACL that's on the books is in CHTS currency, and  
16 we have that the SSC indicated that those calibrations are  
17 appropriate for management, and so that is the Center's  
18 rationale for saying it's not the best available science to  
19 delay until 2023, and so I just wanted to explain the logic  
20 there. Thank you.

21  
22 **CHAIRMAN GUYAS:** General Spraggins.

23  
24 **GENERAL SPRAGGINS:** I understand your points, but I would also  
25 like to say, when you say that they're using that, tell me, when  
26 a state -- Can you tell me, straight out, that you believe that  
27 Mississippi has the amount of landings of what you're showing on  
28 the data here, as to what they're explaining, that we're going  
29 to catch 300,000 or 400,000 pounds of fish a year, which we've  
30 never caught anywhere close to that, and how can you justify it  
31 by saying that I believe that that's accurate data, because you  
32 know it's not accurate data. If you do that, I mean, I would  
33 really understand -- I would like to understand how do you  
34 justify knowing, or saying, that that's accurate data?

35  
36 **DR. PORCH:** Again, I would say that we don't know that one is  
37 inaccurate or the other is accurate. There is uncertainty about  
38 both statistics, and the jury is still out, in terms of what is  
39 the most accurate.

40  
41 Certainly some of the state surveys might be more precise, and  
42 that's a different issue. That means that -- If you think of  
43 shooting at a target, something that is precise means you hit  
44 the same place all the time, and it doesn't necessarily mean you  
45 hit the bullseye. Accurate means, on average, you will hit in  
46 the bullseye, but it could be imprecise, in that the shots are  
47 all over the target, but just, on average, they're in the  
48 center, and there is considerable discussion about that, and,

1 again, I would emphasize that no one is knowingly using one  
2 dataset or another and thinking that it's wrong.

3  
4 **GENERAL SPRAGGINS:** Wouldn't you say, sir, that a small  
5 percentage of an equation has a better chance of being less  
6 accurate? In other words, when you take the State of  
7 Mississippi, which is the smallest in the Gulf of Mexico, with  
8 the amount of numbers that we use, and go against Florida, which  
9 I think is probably the largest, which one has the greatest  
10 change of being inaccurate?

11  
12 If you're figuring it out, the way that you're looking at it,  
13 and, if you take MRIP, and you use MRIP data against the number  
14 of landings that Florida has against the number of landings that  
15 Mississippi has, the odds are that Florida's numbers are going  
16 to be a little bit more accurate than Mississippi's, and is that  
17 not correct?

18  
19 **CHAIRMAN GUYAS:** Clay or Andy?

20  
21 **MR. STRELCHECK:** I will take it in a little bit different  
22 direction, General Spraggins. What we're trying to accomplish  
23 here isn't a debate over the accuracy of the surveys at this  
24 point, and it's to make sure that we have landings and quotas in  
25 the same units.

26  
27 What we're doing is calibrating the quota back to the same units  
28 you're surveying, and so we're essentially saying that your  
29 survey is the law of the land, and we want you to use that, but  
30 we need you to then have a quota that is comparable, in order to  
31 monitor against that, and it's not only important then for  
32 Mississippi, but it's important then for all the states, because  
33 we're running five different surveys across the Gulf of Mexico  
34 that right now are not comparable.

35  
36 The only thing that was comparable in the Gulf of Mexico was  
37 MRIP, the MRIP survey, and so that's why we're using that as the  
38 method for calibrating to a common currency across all these  
39 states, with the exception of Texas.

40  
41 **CHAIRMAN GUYAS:** General.

42  
43 **GENERAL SPRAGGINS:** I understand that, sir, but, you know, if  
44 you go back -- When you take surveys -- I think MRIP is done,  
45 what, two months at a time, is how you operate out of it, and is  
46 that correct? Okay.

47  
48 Then we open May, June, and that's -- June and July is two

1 months, and August and September is two months, or whatever,  
2 but, when you're only open for one day in one of those months,  
3 or one of those two or three-month periods, or a two-month  
4 period, and you want to count that as a complete year, I don't  
5 understand how that works, to be able to equate it.

6  
7 Now, if you go back to 2018, 2019, and 2020, if you look at our  
8 data on that, our data shows -- Normally, I guess, if we had  
9 shut off on August 31, we probably wouldn't have had any issues,  
10 because that data would have been skewed a different way, but,  
11 because we opened for one day or two days or three days in the  
12 month of September, we're getting counted a whole month in  
13 October, and that's not correct. It's not the way to do it, and  
14 it's not the way that the numbers ought to look at. I mean, I'm  
15 just using logic here to try to figure it out.

16  
17 If I thought, by any chance, that those numbers that you all are  
18 showing there, which actually that would be 100 percent  
19 weighting, but then you know, if you look at it, and look at the  
20 way that things are skewed, it can't be accurate, and I would  
21 just ask this body to look at it and say, do you honestly  
22 believe that those numbers are correct?

23  
24 **CHAIRMAN GUYAS:** Thanks. Andy, go ahead. Then I will go to  
25 Mara.

26  
27 **MR. STRELCHECK:** Two other comments. General Spraggins, I will  
28 note that, over the last five years in which they looked at the  
29 calibration, consistently, Mississippi estimated lower landings  
30 than MRIP. There is variability, obviously, in terms of how  
31 much lower or how much difference there was, but there was a  
32 consistency to it and so the trends are there, right? You are  
33 estimating lower landings than the federal survey, and we know  
34 that, and so that's why we're calibrating.

35  
36 I also wanted to get back to a comment you made about we're  
37 responding essentially to the threat of a lawsuit, and, no,  
38 we're not responding to the threat of a lawsuit, and Bob Gill  
39 talked about the oath that all of us have taken on this council  
40 to uphold the Magnuson Act, and, at this point, this is what  
41 we're telling the council, is that this is going to be a  
42 violation of the Magnuson Act, right, and so we have not  
43 established a record as to why we should be doing this and  
44 delaying action until 2023, consistent with the Magnuson Act.

45  
46 To me, pushing it and saying, well, let someone sue us is a bad  
47 way for this council to do business, and it's certainly a bad  
48 way for NMFS to be able to manage this fishery going forward.

1  
2 **CHAIRMAN GUYAS:** I am going to go to my list, because I've got  
3 some people that have been waiting a long time, and then we can  
4 spin back around, but, at some point, we've got to point back to  
5 this motion. Mara, you're next.  
6

7 **MS. LEVY:** Thank you. I just wanted to briefly respond to the  
8 National Standard 6 comment and idea. I mean, that National  
9 Standard addresses having a flexible management regime that can  
10 respond to contingencies and things like that, and it is not --  
11 Nowhere in the National Standard, or the National Standard  
12 Guidelines, does it indicate that it's a mechanism to ignore  
13 other mandates by the Magnuson Act, and so, I mean, it's getting  
14 at --  
15

16 The management regime that you establish should recognize that  
17 there are going to be contingencies and variations, and it  
18 should allow flexibility in management, which you have done, in  
19 some respects, by setting up framework procedures and allowing  
20 your quick responses to things that come up, but it's not a  
21 mechanism to say we should disregard the other provisions of the  
22 Magnuson Act because a contingency has come up.  
23

24 **CHAIRMAN GUYAS:** Okay. Thanks, Mara. Dale, you're up next.  
25

26 **MR. DIAZ:** Thank you, Madam Chair. I'm going to probably be a  
27 little while. I'm going to speak for probably ten or so  
28 minutes, but there's been a lot said, and I don't know, and I  
29 might come back later and try to address some things that's been  
30 said, but the main issue is MRIP in small states, and the issues  
31 with MRIP in small states has not been addressed.  
32

33 Dr. Cody has been in front of this body a few times and has  
34 talked about forming a group that could look at that issue, and  
35 that group has never been formed. What I want is I want for  
36 Mississippi and Alabama to have their data concerns reviewed and  
37 to show that everything is done correctly and fairly, and I  
38 definitely don't think it's being done correctly, and I don't  
39 feel like it's being done fairly at this point.  
40

41 I want to read a couple of excerpts, and so this is the pre-  
42 publication copy of the National Academy of Sciences report that  
43 just came out, and this is for *Data Management Strategies for*  
44 *Recreational Fisheries with Annual Catch Limits*.  
45

46 On page 63, *Inclusions and Recommendations*, it says, conclusion,  
47 public perceptions of differences between MRIP and alternative  
48 surveys and methodology, final catch estimates, and the

1 precision of the estimates are a source of consternation among  
2 anglers, fisheries managers, and other stakeholders. Then, as a  
3 recommendation in this report, it says that current efforts by  
4 MRIP and its partners in the area of survey and intercalibration  
5 should continue, and, where significant differences between  
6 surveys exist, in terms of final estimates and precision, the  
7 causes of the differences should be determined and communicated  
8 to the public.

9  
10 Later in this report, there is some other stuff that I think  
11 might be relevant. On page 111, there is some other conclusions  
12 and a few recommendations. Conclusion, traditional statistical  
13 methods can be used to define and identify outlier catch  
14 estimates in cases in which sufficient data are available.  
15 Order statistics may be useful for defining and identifying  
16 outliers in data-limited situations in which it may not be  
17 possible to apply traditional methods. Change detection methods  
18 in time series data analysis, including Bayesian approaches, can  
19 be used to help answer the question of when an outlier should  
20 trigger management change.

21  
22 Then it's got some recommendations. The National Marine  
23 Fisheries Regional Office and state agencies should explore the  
24 possibility of using the following statistical methods and  
25 approaches, as appropriate for the issue at-hand, and then one  
26 of the -- It's got some bulleted points under there, and some of  
27 those I will read out, real quick.

28  
29 Alternative statistical definitions of outlier catch estimates  
30 and the adoption of standard definitions, to facilitate  
31 consistency in management actions. Another bullet is changing  
32 detection methods to time series data analysis, to help answer  
33 the question of when an outlier should trigger management  
34 change. That's just a couple of things in that report that I  
35 think are relevant to at least think about.

36  
37 I want to -- I spent some time last week, and I went by and saw  
38 the Mississippi fisheries staff that manages Tails 'n Scales and  
39 the red snapper program, and I asked them to try to help me  
40 understand some of the data issues, and I want to try to relay a  
41 little bit of the stuff that they told me. Bernie, could you  
42 put that document up on the board that I sent you earlier?

43  
44 Before I talk about this document, I want to try to explain just  
45 a couple of things and talk about just a couple of things.  
46 First, one of the things they told me is that, if calibration  
47 was done in Mississippi, and you only used 2020 data by itself,  
48 just 2020, that Mississippi's ACL would increase by 48.2

1 percent.

2  
3 **MR. RINDONE:** Bernie, make that bigger, please. Sorry, Mr.  
4 Diaz, but I don't think they can see that. Bernie, can we blow  
5 that up some, so that everyone can see? Keep going. A little  
6 more.

7  
8 **MR. DIAZ:** They use the same methods that calibration used for  
9 the 2018 and 2019, which was applied for Mississippi, and, had  
10 they used 2020, it would have went up almost 50 percent. The  
11 current situation we're in with this document is it's going down  
12 by over 60 percent, and so there's a couple other things that I  
13 want to explain before we talk about the document.

14  
15 It's important that everybody understands how waves work, and I  
16 think probably everybody does, but January and February is Wave  
17 1, and March and April is Wave 2, May and June is Wave 3, July  
18 and August is Wave 4, and September and October is Wave 5. In  
19 the document that we're going to discuss here, bear in mind that  
20 we're only discussing Wave 5 data, and nothing else, but just  
21 Wave 5 that starts in September. Can you scroll down just a  
22 little bit, where they can see the title of the document, if you  
23 can, Bernie, or up a little bit? I'm sorry.

24  
25 Explanation of Wave 5 harvest estimates of Mississippi, and the  
26 information here comes from the MRIP website. At least the  
27 pounds and those things come from the MRIP website.

28  
29 Before I start talking about this, I want to talk about the  
30 Mississippi season structure, and the General mentioned it  
31 earlier, and so what Mississippi generally does is they open up  
32 on Memorial Day, and they let the season run until around the 4<sup>th</sup>  
33 of July, and they shut down, and they do the QA/QC that the  
34 General was talking about, and they generally open back up  
35 somewhere around the first of August, with the intention of, if  
36 they have enough fish -- They want to try to make it through  
37 Labor Day, and so that's what they have been doing,  
38 consistently, since the EFPs have been in place.

39  
40 What the problem -- One of the big problems with the data that I  
41 want to point out is you can see, for 2018, starting in the  
42 month of September, on September 1, Mississippi was only five  
43 days, only in Wave 5, and now this is nothing with the rest of  
44 the year, but five days, and the rest of that wave it was  
45 closed. For fifty-six days, harvesting was not allowed,  
46 legally.

47  
48 It's showing, in those five days, that the harvest is 204,767

1 pounds, and there were two vessel trips with fish observed that  
2 claimed to be harvested in MRIP interviews, and so that works  
3 out to 1,437 trips per day, or 40,953 pounds per day.

4  
5 If it's high, and it's consistently high, we could live with  
6 that, but it's not consistent. It's very variable, and so the  
7 next year is 2019, and so, in 2019, the same exact thing.  
8 Starting on September 5, five days of fishing through that time,  
9 and it was closed for fifty-six days, and it shows that, in  
10 September, for those five days, we got 344,000 pounds. 344,984  
11 pounds is the estimate in those five days, and there were six  
12 vessel trips with fish observed, claiming to be harvested at  
13 MRIP interviews, and that turns out to be 2,482 trips per day,  
14 or 68,997 pounds per day, almost 69,000 pounds in the State of  
15 Mississippi.

16  
17 Just look how variable that is between 2018 and 2019, and I  
18 pointed out earlier, when the General did his presentation,  
19 that, in the peak of Mississippi season, when we opened up on  
20 Memorial Day, Memorial Day weekend, those last four days in May,  
21 Tails 'n Scales, which has a 5 percent PSE, logged 256 boats a  
22 day, at the highest time of fishing we had during the year, and  
23 so look how variable this is. 2,482 boats for 2019, with a  
24 five-day season, and, for 2018, 1,437 boats per day, trips per  
25 day, and that's per day to per day, and you're doing apples-to-  
26 apples there.

27  
28 If you go down a little bit, the next year is 2020, and  
29 Mississippi was only open one day in 2020, and they were close  
30 to their ACL, and so harvest only opened for one day in  
31 September, and, that one day, there were two vessel trips  
32 observed for MRIP interviews, and is this is the MRIP data, and  
33 980 trips per day, 32,892. We go from 982 per day to 2,482 a  
34 day to 1,437 a day.

35  
36 If you scroll down a little bit more, the most trips that Tails  
37 'n Scales has ever logged is 513 in one day, and so ninety-five  
38 trips per day is the average trip per day over the last four  
39 years, and the includes 2020 values, which were notably higher.

40  
41 There are some additional things that show up in MRIP that I  
42 could note, real quick, and so it's not just these things.  
43 Also, in 2019, in Wave 3, 500,996 pounds was harvested, versus,  
44 also in Wave 3, in different years, 213,330 and 155,891  
45 harvested, and that's in 2018 and 2020, respectively, and Wave 3  
46 is under an identical structure, and so what happens in Wave 3 -  
47 - Let me explain the identical structure.

48

1 Mississippi opens around Memorial Day, and they run the entire  
2 month of June, and then that's that Wave 3 window, May and June,  
3 and so the number of days are comparable, pretty comparable,  
4 across all three of those years. It's about 500,000 pounds one  
5 year, and just slightly over 200,000 pounds, and 155,000 pounds,  
6 and so the picture that I am trying to paint here is this is  
7 highly variable.

8  
9 Emily told us, and I thought it was brilliant, but Emily said  
10 that, when you do a calibration, it's like a currency exchange,  
11 and I agree with that. That's a great way to explain it, and,  
12 if you're in a big state like Florida, you've got a lot of  
13 dockside intercepts, and that currency exchange is fairly  
14 stable, and it's like Florida maybe exchanging currency with a  
15 stable country like Canada or France or Britain or something,  
16 but Mississippi is having to exchange with -- I couldn't even  
17 find a country that I could compare this to.

18  
19 Mississippi is having to exchange with a bad cryptocurrency,  
20 and, I mean, how many of you all would take your retirement and  
21 want to exchange it on this currency exchange that Mississippi  
22 is forced to use, and so that's what -- When we're saying there  
23 is problems with the data, there's problems that have just got  
24 to be worked out.

25  
26 If this was consistently high, we could do it. If it was  
27 consistently low, we could do it. When it's consistently  
28 inconsistent, and you're trying to compare to something like  
29 Tails 'n Scales, which is very stable, there's just no way to do  
30 it, and so we've got to figure out how to do this right. That's  
31 why I have been against shoving this calibration down right now.  
32 We need some help.

33  
34 I know Clay said that Science & Technology is working with the  
35 states. I asked the folks in Mississippi if they've been able  
36 to get any help working with people, and they have not had good  
37 cooperation with people trying to help work on this issue. When  
38 they asked the folks at MRIP why some of these discrepancies  
39 are, they can't get straight answers and get them to talk to  
40 them, where they could try to replicate this stuff.

41  
42 We've got to get a path forward, where we work on this stuff  
43 together, and I'm committed to try to help do that any way I  
44 can. I've got more I could say, but I'm going to -- That's more  
45 than enough for you all having to listen to me at one time, and  
46 so thank you, Madam Chair.

47  
48 **CHAIRMAN GUYAS:** Thank you, Dale. All right. Bob Shipp, and I

1 know you've been waiting very patiently.  
2

3 **DR. BOB SHIPP:** Thank you, Madam Chair. I appreciate the time.  
4 What I'm going to do is take about two minutes to report some  
5 language that has come from the Appropriation Report language  
6 from the Department of Commerce, Justice, and Sciences Act of  
7 2021, and this is the verbiage: Therefore, before making any  
8 related regulatory changes, NMFS is directed to address the  
9 question of which data collection system, and that is MRIP or  
10 the catch programs administered by the Gulf states, are  
11 providing the best estimates of recreational red snapper catch  
12 in the Gulf of Mexico. This agreement includes \$2 million from  
13 within the funding provided to support state management of red  
14 snapper --  
15

16 **CHAIRMAN GUYAS:** Bob, can you hear me? You're cutting out a  
17 little bit, and we can't hear you now. Okay. We're going to  
18 come back to Bob, because I know he had some points to make  
19 there. Once we get a stable connection with Bob, we will come  
20 back to him. Greg.  
21

22 **DR. STUNZ:** Thanks, Madam Chair. I mean, obviously, we've had a  
23 lot of discussion on this, and even the last time, when we  
24 actually acted on this, and so I don't want to rehash all of  
25 that, and I'm certainly sensitive to Magnuson, Bob, and what you  
26 bring up, but I interpreted it in a little bit different way,  
27 and so, Bob, I don't support your motion, for that reason, and  
28 probably Kevin, I think, said it best, about the alternative  
29 options that we have within Magnuson.  
30

31 I'm not sure -- Mara, you kind of gave us an interpretation on  
32 that, and I'm certainly not a lawyer, but that's now how I  
33 interpreted it, and I think the council could probably greatly  
34 benefit, in this situation, definitely, but, in others, if we  
35 had some clear guidance on when that could and couldn't be used.  
36 My interpretation and read of it is that we could use these  
37 alternate measures, and, if there isn't another opportune time,  
38 this is certainly it.  
39

40 When I raised my hand, I was going to make some of the great  
41 points that Dale just made in the National Academy of Sciences  
42 report, and so I don't want to go there, but I definitely agree,  
43 100 percent, with what you're saying, Dale, but I would add just  
44 one thing that wasn't in that National Academy of Sciences  
45 report, and that was that just simple ratio estimator was not  
46 recommended to be used.  
47

48 When you begin to really look at everything we've been debating

1 for, whatever, the last couple of meetings, and now we're sort  
2 of rehashing everything now, and it's very clear to me that we  
3 need some more time to reevaluate this, and so I still support  
4 where we ended up at the last meeting, of waiting until 2023,  
5 when all of these things, hopefully, will start to come  
6 together, between the benchmark assessment, the data from the  
7 Red Snapper Count, and, of course, to that point, just to rehash  
8 that one more time, in terms of the chances that we're  
9 overfishing with that data, and there's something that also  
10 calms my mind a little bit about violating any of the provisions  
11 in the Magnuson Act. With that said, Bob, I don't support your  
12 amendment, and I still feel really strongly that we need to  
13 maintain where we are with the 2023 date on this.

14

15 **CHAIRMAN GUYAS:** Okay. Thanks, Greg. I think maybe we have Bob  
16 Shipp back on the line. Bob, do you want to give it another  
17 shot.

18

19 **DR. SHIPP:** Yes, I will try one more time. I am going to get to  
20 the meat of this thing, particularly that NMFS is directed to  
21 not make any regulatory changes until they have completed an  
22 independent assessment of the accuracy and precision of both the  
23 federal and state recreational catch data programs in the Gulf  
24 of Mexico.

25

26 Number 2 is recommend improvements to be made to the federal and  
27 state recreational catch data programs in the Gulf of Mexico, to  
28 improve accuracy and precision, and Number 3 is an independent  
29 assessment, based on the results of the two prior items, of how  
30 best to calibrate the federal and state recreational catch data  
31 programs in the Gulf of Mexico to a common currency.

32

33 What that tells me is that Congress is telling NMFS don't make  
34 any changes until you have examined these collection methods,  
35 and they have provided \$2 million for it to be done. This is in  
36 the 2021 appropriations language, and I have not heard anybody  
37 reference this, and maybe I'm out in left field, but it seems to  
38 me that this is a pretty strong directive from Congress for NMFS  
39 not to make any changes until they have completed the tasks  
40 which are assigned to them. Thank you.

41

42 **CHAIRMAN GUYAS:** Thanks, Bob. Okay. We have Richard Cody's  
43 hand up, but I suspect, Richard, that you are not calling in to  
44 weigh-in on the motion, but probably to respond to some of the  
45 comments that have been made that have been sort of related to  
46 the motion, but not directly, and so I am first going to give  
47 the committee an opportunity to speak to the motion, if anybody  
48 has anything. General Spraggins.

1  
2 **GENERAL SPRAGGINS:** First, I may have -- In the situation, Andy,  
3 I didn't mean that you were bowing to a lawsuit, and that's not  
4 what I meant, but you did mention lawsuit, and that's what  
5 brought it up, but I guess that was about losing in the past,  
6 and we have, but I just think that I would like to formally  
7 apologize, if I did something wrong there, before we go  
8 anywhere.

9  
10 **CHAIRMAN GUYAS:** Okay. Thanks. Tom.

11  
12 **DR. FRAZER:** Okay. So, a couple of things. I want to make sure  
13 that we separate some of the scientific issues from the issues  
14 that are being raised by the individual states with regard to  
15 the value or the accuracy or the precision of their own  
16 programs. I think it's important to know that, as a body, what  
17 we're trying to do is manage a particular fishery, in this case  
18 based on an assessment that resulted from data that were  
19 collected using information that is fairly old now.

20  
21 It was informed by the Coastal Household Telephone Survey, and  
22 we no longer have that survey instrument in place, and so we've  
23 had to calibrate our data, right, in a way that allows us to  
24 make decisions that are consistent with the assessment that we  
25 have in hand.

26  
27 Therein lies a bit of a problem, right, and so the only way that  
28 we can do that -- We don't have other data that helped with that  
29 assessment. Until the state data are actually implemented into  
30 the red snapper assessment, and are part of it, we're in a bit  
31 of a quandary here, and so we only have one set of data that we  
32 can use right now, and that is the best scientific information  
33 available. That gets to the Magnuson issue.

34  
35 I understand that there is legitimate concerns about whether or  
36 not the MRIP-FES data are reflective of what is collected in the  
37 states, and there are legitimate problems and legitimate reasons  
38 to question that data, but, until we actually use it in the  
39 assessment, you cannot objectively make a decision, and that  
40 gets to Clay's point of which one is better, which one is more  
41 accurate, which one is more precise. We need to go through that  
42 exercise.

43  
44 We have Mara talking with us and saying, you know what, if  
45 you've got a recommendation coming from the SSC, and you choose  
46 to take a different direction, you better build a record to do  
47 that. I'm okay with people building a record and making an  
48 argument that the data that are being used to determine how many

1 fish I catch in my state is disadvantaging my state. That's  
2 counter to the Magnuson, right?

3  
4 We want to manage the fishery in a way that provides the best  
5 economic, or the most economic, benefit to the nation, and so,  
6 if you can make an argument that you're being disadvantaged by  
7 this particular approach, you should put that into the record,  
8 but to simply say that the data that I have in hand is not the  
9 best -- Until you have evaluated all of that data and gone  
10 through that process, which I agree that we all need to do,  
11 you're saying I believe my data can be used to do the job, but  
12 you don't have a base, or a reference, to pin it to.

13  
14 As a consequence of that, you're adopting a belief system, and a  
15 belief system is not a science system, and so I don't have a  
16 problem with any of the discussion around the table, but I just  
17 want to make the difference between a science-based argument and  
18 a belief system. They are two very different things, and, if  
19 you want to challenge the recommendation coming from the SSC,  
20 that's okay too, and I think you can make an argument to do  
21 that, based on whether or not you're being disadvantaged by a  
22 particular rule.

23  
24 I am going to let people vote the way that they're going to  
25 vote, but I would ask Mara, actually, in this case, if you think  
26 that there's a record being developed here that can be defended  
27 by this council and evaluated objectively by the agency.

28  
29 **CHAIRMAN GUYAS:** Mara, do you want to respond to that, or maybe  
30 you don't.

31  
32 **MS. LEVY:** Well, I mean, I think I've said before that the idea  
33 of having to calibrate things, to make sure that everything is  
34 in the same currency and we're monitoring the quotas is  
35 something that is required by the Magnuson Act. I think it was  
36 very clear, in the final rule that implemented state management,  
37 that this was a requirement to make sure that we don't exceed  
38 the established catch limits, and so I haven't heard anything  
39 that says why delaying that calibration to 2023 is appropriate  
40 in that regard, but, I mean, I think Andy can also speak to --  
41 The agency is the entity that is going to have to evaluate the  
42 action and determine its consistency with the Act.

43  
44 **CHAIRMAN GUYAS:** Okay. Kevin.

45  
46 **MR. ANSON:** Thank you. I had comments to Ms. Levy, her  
47 statement on National Standard 6, Guideline 6, and then I've got  
48 some comments to Dr. Frazer. I certainly appreciate Mara's

1 interpretation, and she is acting as legal counsel for us at  
2 this advisory body, the council, but the first line of National  
3 Standard 6 is conservation and management measures shall take  
4 into account and allow for variations among and contingencies in  
5 fisheries, fishery resources, and catches.

6  
7 It further goes on to say that each fishery exhibits unique  
8 uncertainties, and the phrase "conservation and management"  
9 implies the wise use of fishery resources through a management  
10 regime that includes some protection against these  
11 uncertainties. The particular regime chosen must be flexible  
12 enough to allow timely response to resource, industry, and other  
13 national and regional needs. Continual data acquisition and  
14 analysis will help the development of management measures to  
15 compensate for variation and to reduce the need for substantial  
16 buffers. Flexibility in the management regime and the  
17 regulatory process will aid in responding to contingencies.

18  
19 So, I would just like to expound on that and say that we have  
20 not had a venue and an avenue here for us to look at these  
21 issues that are related to the problem at-hand, and the problem  
22 at-hand is the recreational data, how it's applied in the  
23 assessment, and how those pounds are then given back to the  
24 states through Amendment 50, which is part of our regime that we  
25 were under and are operating under right now.

26  
27 We approved those pounds and how those pounds were distributed  
28 through Amendment 50, and so we have the Great Red Snapper Count  
29 that has transpired and has been delivered in that time, which  
30 is the new data and the new uncertainty in all of the  
31 assumptions that we made through the assessment, and so the  
32 assessment came up with a number, which we're trying to manage  
33 to, and that number is a third of what appears to be out there.

34  
35 Now, it needs to still go through its final science project to  
36 be science and not be a belief, and you have to have the  
37 process, and, if you don't have the process, then you're left  
38 with the belief, and this is what we've been trying to get, is a  
39 process, so that we can have some analysis, thorough analysis,  
40 and everybody can have a chance to question and poke and look at  
41 the data and compare the data and try to find out where the  
42 inconsistencies are and then make those changes appropriately in  
43 our science process, but we have not had that time, been  
44 afforded that time, to do so, and so this is where we are.

45  
46 We're trying to thread the needle, so that we can manage the  
47 fishery in a wise and responsible manner, which we have been  
48 charged to do as well in this body, and this is an advisory

1 body. We advise the National Marine Fisheries Service on how  
2 best to manage the nation's resources.

3  
4 One more point, and that relates to what impact it has or how we  
5 can further elucidate what the concerns are that we have in  
6 Mississippi and Alabama relative to providing justification for  
7 why we're here today and arguing this framework action.

8  
9 We're going to substantially receive a negative impact, economic  
10 impact, to our state, our coastline, our boats, by eliminating  
11 the access that's been afforded to us through Amendment 50, as  
12 it currently stands. Reducing the landings and the quota by  
13 half will cut the access and cut those coastal communities off  
14 to access to the resource.

15  
16 That is a substantial reduction, and a substantial problem for  
17 us, and why it is imperative for us to do something. Again, I  
18 go back to the EFP. If we're trying to manage this fishery as a  
19 whole, managing the fishery as a whole toward the management  
20 target of 0.1 exploitation rate across the entire Gulf, then we  
21 should have access to that 0.1 exploitation rate, whatever that  
22 is, off the irrespective state, and we have demonstrated that,  
23 through the EFP process, as to how that would work, using  
24 Snapper Check numbers.

25  
26 If you use the federal numbers, you don't get there. You end up  
27 with half as much for the private recreational sector, and so I  
28 don't know what else to say. We've gone through, and we've  
29 talked about these issues, and we have talked and provided  
30 rationale as to why you would be against this or for this, and  
31 we're certainly going to be against this motion.

32  
33 **CHAIRMAN GUYAS:** Okay. Thanks, Kevin. Are there any other  
34 comments or discussions on this motion? I see that Richard has  
35 his hand up, but Richard is not going to speak to this motion, I  
36 already know, and he's not on the committee, and so we will get  
37 to Richard, but we are going to deal with this motion first. I  
38 will read the motion one more time, and I think we all know what  
39 we're talking about here, but just to be clear.

40  
41 **The motion is, in Action 1, to revise Preferred Alternative 2 to**  
42 **read as follows: Modify the state-specific red snapper private**  
43 **angling component ACLs using the ratio calibrations developed by**  
44 **the National Oceanic and Atmospheric Administration's Office of**  
45 **Science and Technology and the five Gulf states. The resulting**  
46 **ACLs in each state's currency are as follows.** I am not going to  
47 read off the table, but you all can see that.

1 I think we're going to need to at least raise hands for this.  
2 Is that the best way to do this, given that we've got people on  
3 the line and in the room? Okay. **All in support of this motion,**  
4 **please raise your hand, and I think that includes the online**  
5 **folks. Please raise your hand. We've got three in the room and**  
6 **two online, or three online.**

7  
8 **DR. SHIPP:** Martha, I don't know whether mine is coming up or  
9 not, but I am voting against it.

10  
11 **CHAIRMAN GUYAS:** Okay. **All those opposed to this motion, please**  
12 **raise your hand. Our tally is four to eleven and two**  
13 **abstentions, and so the motion fails.**

14  
15 All right. Now I'm going to go back to Richard, and then we're  
16 going to need to have a little talk about what are we doing  
17 here, and so go ahead, Richard.

18  
19 **DR. RICHARD CODY:** Thanks, Martha. I just wanted to address Dr.  
20 Shipp's question on the congressional language. We have  
21 provided \$1.2 million to the Gulf states to improve precision of  
22 MRIP estimates, and also to assist with electronic reporting,  
23 and, also, we have conducted, related to that language, two  
24 studies, and one is ongoing right now, and the other was a non-  
25 response. That follow-up for the FES in the second is an area  
26 fished study for the FES, and so some of the funding for those  
27 studies has gone toward independent consults, to assist with the  
28 projects and the analysis. That was it.

29  
30 **CHAIRMAN GUYAS:** Okay. Thank you, Richard. Kevin.

31  
32 **MR. ANSON:** If I can ask Dr. Cody a question then. Of that \$2  
33 million that was identified in the congressional language  
34 funding authority, is any of that set aside for some of these  
35 things we talked about, Richard, regarding having a red snapper  
36 data workshop, a continuation of what we've done previously, or  
37 any other new thing that would further look at the issue of  
38 state and federal data?

39  
40 **DR. CODY:** Well, the funding should go towards looking at  
41 drivers for differences between the different surveys. I mean,  
42 this year, obviously, we have used up what we have allotted to  
43 address some of the FES-related questions, but it's my hope  
44 that, in the future, that's what they would be used for, and we  
45 can only get so far by working on just the FES itself, and we  
46 would need to look at the other surveys as well, to get answers  
47 to those questions.

1 You know, Kevin, that, at the last workshop, I introduced the  
2 idea of a transition team working group. I felt it wasn't  
3 appropriate to get that team moving on some of these questions  
4 until we had some resolution at the council level for some of  
5 the more pressing issued related to red snapper, but it's my  
6 hope that, in the near future, we'll be able to get those  
7 workshops going, although they will probably be virtual at this  
8 point.

9

10 **CHAIRMAN GUYAS:** Okay. Thanks, Richard. Bob Shipp.

11

12 **DR. SHIPP:** Thank you, Madam Chair. Thank you, Richard. I  
13 appreciate the comments, but I still am curious about the first  
14 line of that report, where it says, "Therefore, before making  
15 any regulatory changes, NMFS is directed to address the question  
16 of which data collection system is best."

17

18 To me, that implies that these studies, as a result of the \$2  
19 million, need to be completed, and it fits very nicely into the  
20 delay that some of us are trying to get, because they are not  
21 completed, and NMFS is directed to make no changes until then.  
22 I appreciate it. Thank you.

23

24 **CHAIRMAN GUYAS:** Thanks, Bob. I am not seeing any NMFS people  
25 wanting to respond to that right now, but I will leave that  
26 opportunity open. Go ahead, Andy, and then I'm going to go to  
27 Leann.

28

29 **MR. STRELCHECK:** Thanks, Bob and Richard, for the comments.  
30 That is a congressional appropriations directive, and you heard,  
31 obviously, what the agency is working toward. I guess I would  
32 say that \$2 million -- One, it's not new money. It's money that  
33 the agency is -- It's part of our budget, and so we're paying  
34 for it based on existing budget. Two, in terms of addressing  
35 this issue and the discrepancies, \$2 million is really a drop in  
36 the bucket in comparison to what probably will be needed to  
37 determine the differences.

38

39 Then the third point I wanted to make was simply that the  
40 directive, and I can't, obviously, speak to the directive and  
41 kind of the intent of the directive, but it kind of gets to the  
42 crux of the challenge and problem that we've been discussing at  
43 the council meeting, which is we're discussing data collection  
44 and accuracy of data systems from a scientific standpoint, which  
45 is what the directive is talking about, but what we're trying to  
46 do is just implement a common currency across our quota  
47 management system, to ensure, obviously, that we're comparing  
48 landings to quotas in an apples-to-apples comparison. To me,

1 they're two different topics, related and important to address,  
2 but two different topics.

3

4 **CHAIRMAN GUYAS:** All right. Thanks, Andy. Leann.

5

6 **MS. BOSARGE:** Thank you, Madam Chair. I wanted to say thanks to  
7 Dale for bringing that data forward. I really think that that  
8 is the way that we get down to the meat of the subject matter  
9 and figure these types of things out. I have never been one to  
10 sit around and wait on somebody else to figure it out for me,  
11 and so, Dale, I would encourage you to, at some point during  
12 this committee or Full Council, to float a motion that  
13 essentially sends that data, along with Mississippi's supporting  
14 data for those days and those waves and their intercepts and all  
15 of this, to the Science Center and ask them to come back to us,  
16 at a future meeting, to explain -- Give us an amount, an  
17 analysis, that explains the differences in how those numbers  
18 were arrived at.

19

20 I think that gets us a little further down the road in finally  
21 coming to some closure one day with what Clay touched on a  
22 little bit about which one is more accurate, and I think we're  
23 going to have to do that for all of our species. I've been  
24 trying to do it with red grouper. The council, you know, took  
25 final action, and we took some huge cuts on the commercial side,  
26 but I think I'm going to continue to ask for more data from the  
27 Science Center, and I have to give them credit.

28

29 Every time that I have brought data forth like that, they have  
30 responded to it, and they have come back and given us, either us  
31 or the SSC, presentations to explain it, and sometimes they make  
32 revisions based on that, and so I do have to give them credit  
33 for that, but I think, unless the council, Dale, passes a motion  
34 and sends a letter to whoever, and I don't know if it would be  
35 OST or the Science Clay and Clay's shop, but I think that's how  
36 you really start to see some results, and so I just throw that  
37 out there, Dale, and thank you for bringing that forward.

38

39 **CHAIRMAN GUYAS:** Thanks, Leann. Dale.

40

41 **MR. DIAZ:** Thank you, Leann. I haven't thought about floating a  
42 motion, but I was thinking about asking Andy and Clay and Dr.  
43 Cody -- Because I almost hate to write a letter, because this is  
44 just some issues, and there is more issues that need to be  
45 worked on in small states, and I would love to leave this  
46 meeting with a commitment that we can get some people in touch  
47 with the State of Mississippi to start working on small-state  
48 issues.

1  
2 Andy, I don't know if you can give me some advice, or Clay, or  
3 Dr. Cody, but, I mean, how do we get the ball rolling? I don't  
4 want to come back here in October, or January, and make the same  
5 thing, and nothing has been done, and I would like for some plan  
6 of action for folks to work with the states, and I know the  
7 congressional thing might force it, and I don't know, and the \$2  
8 million grant that Dr. Shipp talked about might force it, but I  
9 would love to get it started right now, where we could start  
10 working on some of these issues and figure out how do we deal  
11 with things that need to be dealt with for small states. It's  
12 not just the stuff I showed today, and there are other issues  
13 too that need to be addressed, and so I don't know if Andy or  
14 Clay has any response, or Dr. Cody.

15  
16 **CHAIRMAN GUYAS:** Richard, go ahead.

17  
18 **DR. CODY:** Dale, I agree. We do need to start working on this  
19 together, and I think that probably the best way to do this is  
20 through the Gulf States Commission. I think that they have the  
21 structure, or the organization, to be able to get everybody on  
22 the same page, as far as what needs to occur to look at the  
23 drivers for difference between the surveys, and I think we could  
24 do that.

25  
26 Also, I think they can provide guidance as well as far as the  
27 best use of the funds, in terms of gaining precision to the  
28 surveys, and so I will make a concerted effort to talk to Greg  
29 Bray and Dave Donaldson about getting something moving, if not  
30 at the upcoming council meeting, or commission meeting, and it  
31 might be too late for that, but to get at least a webinar  
32 started, where we have the transition team working group  
33 assembled and start to look at those things.

34  
35 **CHAIRMAN GUYAS:** Okay. Thanks, Richard. So, definitely a lot  
36 of food for thought, and clearly some things that need to --  
37 Some discussions that need to be had. I am going to suggest  
38 that, as far as this small-state data issue goes, I think there  
39 are a number of people in the room, and maybe on the webinar,  
40 that could maybe think about this over the next couple of days  
41 and bring some sort of path forward to the council, if we want  
42 to talk about that, if it's convening a Gulf States workshop, or  
43 we're going to write some letter or whatever, but I want to give  
44 people some time to think through some ideas on that. I am  
45 going to suggest, unless somebody is ready to drop something  
46 right now, that we come back to this on Thursday. Dale.

47  
48 **MR. DIAZ:** (Mr. Diaz's comment is not audible on the recording.)

1  
2 **CHAIRMAN GUYAS:** I am suggesting that, as far as your issue  
3 goes, that everybody takes a little bit of time, and we think  
4 about what is the best path forward here, and we bring that to  
5 Full Council, because I think there's a lot of -- I think we've  
6 had some good discussion about what some of the issues are at  
7 this meeting right now, and clearly there is some things to work  
8 out, and we need to figure out what is the best way to do that,  
9 and then maybe bring the ideas to Full Council, unless you've  
10 got something that you want to offer right now.

11  
12 **MR. DIAZ:** No, I think that's a great idea. It will give us  
13 some time to think through it, and I think that's a wonderful  
14 idea. Thank you.

15  
16 **CHAIRMAN GUYAS:** Okay. All right. So that's that for now. We  
17 will think on it, chat with other people, and then we'll come  
18 back to that on Thursday. So, we still have this document in  
19 front of us, and so we have voted down a motion to rework  
20 Preferred Alternative 2 and to take out the 2023 date, and so I  
21 just want to give the committee another opportunity to discuss  
22 where do we go from here, since this has not been submitted to  
23 the Fisheries Service yet, to go to the Secretary. If we need  
24 to think on this one too, that's fine, but this is where we're  
25 at. Andy.

26  
27 **MR. STRELCHECK:** Real quick, and sorry to backtrack, but I just  
28 wanted to comment about our previous discussion, and I want to  
29 note that I see this, yes, as a small-state issue, but I think  
30 it's broader than that, and I know we've received comments from  
31 your commission with regard to MRIP and the FES survey, and so I  
32 don't want to lose sight of that.

33  
34 In terms of I guess direction, there's been a lot of discussion,  
35 obviously, in terms of why delay until 2023, and Kevin and  
36 others have, obviously, added that input. I don't know if it's  
37 clear for staff, in terms of working on this amendment and what  
38 information that they would incorporate as part of additional  
39 record for the document, and I would want to look to Carrie and  
40 team to find out if you need more from the council or if you  
41 kind of heard enough from the discussion that you could add any  
42 additional input to the document.

43  
44 **MR. RINDONE:** One of the recommendations was to add the 2023  
45 implementation date to all of the alternatives, which I think we  
46 can do, and I think you guys have established why you think that  
47 implementation date is appropriate, and so I'm comfortable  
48 adding that into the document.

1  
2 I will take it back to the IPT, and we'll beat it out, I guess,  
3 and so we'll bring it back to you guys for review, to make sure  
4 that the language -- That you agree that that new language  
5 represents your perspective, and so --

6  
7 **CHAIRMAN GUYAS:** Mara.

8  
9 **MS. LEVY:** Well, I mean, I guess you have a couple of options,  
10 right? So, you've already voted to approve it and submit it,  
11 and so, to the extent -- If you don't do anything, that vote is  
12 still on the record, right, and it what it is. You could vote  
13 to change the alternatives to put an implementation date of 2023  
14 into all of them, right, and resubmit it, I guess.

15  
16 I guess you could decide to bring it back again for a re-look,  
17 and I don't know if that's necessary, but, if you wanted to do  
18 that, I guess you could do that too, and so I think you have a  
19 couple of options of how to move forward that you could  
20 consider.

21  
22 **CHAIRMAN GUYAS:** Okay. Thanks, Mara. That's helpful. Any  
23 thoughts on those ideas? Is the committee's thought just to  
24 leave things as-is, or would we -- I think, if we wanted to add  
25 2023 into each of the alternatives, we would probably need a  
26 motion for that, just so it's clear that that's the direction we  
27 want to go, and it probably would be nice to have a motion,  
28 probably, either way, just so that we're clear. Robin.

29  
30 **MR. RIECHERS:** Before we go down that road, just a question  
31 regarding then our past motion sending it to the Secretary. If  
32 we open the document up, are we going to walk our way back all  
33 the way through that again, or are we going to just make what is  
34 frankly an editorial change that was sent back, as far as what  
35 occurred, which you've already made a couple of editorial  
36 changes that staff said they could make, and even further said  
37 they could make this one, and whether you prefer a motion or  
38 not, and that's up to you all, but I am trying to figure out  
39 then do we go back to Secretary of Commerce submission motion,  
40 or does that motion still stand from the last time? I will let  
41 my chief parliamentarian help me with that.

42  
43 **CHAIRMAN GUYAS:** Yes. Thanks. That's a good question. I think  
44 what Mara was trying to say is that we maybe don't need to do  
45 another -- Bring this back for final at another meeting, or, if  
46 we change it to 2023 throughout, or am I misspeaking, Mara?  
47 What do we do here?

48

1 **MS. LEVY:** I think, if you change the alternatives to add that,  
2 that you should probably vote to resubmit it with the changed  
3 alternatives, right, and like that's a substantive change, but I  
4 think we noticed it in such a way -- To put the public on notice  
5 that you might be reconsidering this document, right, and I  
6 think -- Is that right, Carrie? Didn't we notice it in that  
7 way? So, I mean, I think we set it up such that you could make  
8 a change to the alternatives and vote to resubmit it in Full  
9 Council, and staff would just make those changes, and the Chair  
10 could look at them, but, I mean, if you wanted to bring it back  
11 again for another look, we could do that too, I guess.

12

13 **CHAIRMAN GUYAS:** Ryan.

14

15 **MR. RINDONE:** Just to that effect, if we do update the  
16 implementation dates for Alternatives 3 through 5, we will have  
17 to revisit the effects, because the effects for those, right  
18 now, are based on an immediate implementation of those  
19 alternatives, even though they're not preferred, but the way the  
20 effects are discussed is based on an immediate implementation of  
21 those, beginning with the implementation in the document, and so  
22 there's a date that is tied to it, and those effects would  
23 presumably be delayed until such a time as they would have been  
24 implemented, and, in the interim, other effects would be  
25 expected to occur, and so there will be some differences,  
26 notably in Chapter 4 of the document.

27

28 **CHAIRMAN GUYAS:** Is that something that staff can work on on the  
29 backend, after the council is done with it, or does that mean it  
30 needs to come back to the council?

31

32 **MR. RINDONE:** I mean, it could be something that you guys direct  
33 staff to do, but, in terms of -- I would kind of look to Mara,  
34 because the nature of the effects are changing, and these are  
35 changes in the perception of these effects that you guys will  
36 not have seen, if it doesn't come back to you, and I'm not  
37 saying that that will or should or anything about what your  
38 preference for a preferred alternative is, but they would be  
39 effects that you haven't seen, and so you would essentially just  
40 be leaving that decision to the Chair, to deem it as  
41 appropriate.

42

43 **CHAIRMAN GUYAS:** Mara.

44

45 **MS. LEVY:** Well, I mean, that's kind of what happened at the  
46 last meeting, right? You added the 2023 implementation date to  
47 Alternative 2, and we changed the effects analysis. I mean, I  
48 think it's fairly obvious what the effects are going to be,

1 right? You're delaying everything we talked about until 2023,  
2 and I'm also not sure that putting an effective date of 2023 in  
3 all of the alternatives really gets you anywhere.

4  
5 I mean, it doesn't change sort of the fundamental issue that  
6 we've been discussing, and so, I mean, it's certainly up to you,  
7 but I don't know whether it's worth your time to go through the  
8 process and add all that, have staff change everything, and then  
9 submit it, unless there's going to be some sort of very robust  
10 discussion about why and how it complies with the Magnuson Act  
11 and all that sort of stuff.

12  
13 **CHAIRMAN GUYAS:** Okay. Thanks, Mara. I have Susan and then  
14 Kevin.

15  
16 **MS. BOGGS:** At the speed that all of this process moves, and we  
17 make all these changes, are we not still looking at a 2023  
18 implementation date? I mean, it sounds like, by the time we get  
19 through all these processes, we'll basically be through the 2022  
20 fishing season before anything is implemented, and so I'm not  
21 sure what we're accomplishing.

22  
23 **CHAIRMAN GUYAS:** Andy and then Kevin.

24  
25 **MR. STRELCHECK:** I recognize that the Science Center recommended  
26 putting the 2023 date in all the alternatives, and, as Mara just  
27 pointed out, I don't think that's really a fruitful use of time.  
28 I think what would be better is to give staff direction, like  
29 you typically do, to make any further edits to the document, and  
30 in particular the rationale for the preferred alternative, and  
31 then have the Chair approve any of those changes for submission  
32 to the agency, so it doesn't have to come back before the  
33 council again.

34  
35 **CHAIRMAN GUYAS:** Okay. Yes, that seems to be the most  
36 parsimonious way. Let me go to Kevin, and then I've got you,  
37 Robin.

38  
39 **MR. ANSON:** To Mara's point, just some clarification then. We  
40 keep the document as it is, and we send the preferred over to  
41 the Regional Office for review, with the preferred alternative  
42 of calibration implementation in 2023, and we have the other  
43 preferred that has been tried here today to be made, the  
44 preferred for 2022.

45  
46 Administratively, kind of tell me, or walk me through that  
47 process. If it goes through the Regional Office, and the  
48 Regional Office is going to send up their recommendation, to I

1 guess Silver Spring and then over to the Secretary, and, if the  
2 service doesn't choose the preferred, is the alternative action  
3 that the service can do to choose one of the other alternatives  
4 in the document and make that the recommendation to the  
5 Secretary?

6

7 **CHAIRMAN GUYAS:** Go ahead, Andy.

8

9 **MS. LEVY:** Well, so there are a number of different avenues that  
10 can be used in the Magnuson Act to do certain things. If we're  
11 just looking at the strict process for looking at submission of  
12 proposed regulations, which is what this does, because it's a  
13 framework action, and it's not an amendment, and so we're not  
14 going through that process. If we look at the part of the  
15 Magnuson Act that talks about what the agency's obligation is  
16 when we're looking at proposed regulations submitted by the  
17 council, and they have --

18

19 **MR. RINDONE:** Mara, could you get closer to the microphone,  
20 please?

21

22 **MS. LEVY:** They have to make a determination about whether the  
23 proposed regulations are consistent with the fishery management  
24 plan and the Act and other applicable law, and so, if they make  
25 that determination in the affirmative, that's when they go ahead  
26 and publish the proposed rule.

27

28 The Act says, if the determination is negative, then they have  
29 to notify the council in writing of the inconsistencies and  
30 provide recommendations on revisions that would make the  
31 proposed regulations consistent, right, and so then the council  
32 is supposed to get that noticed and potentially provide  
33 revision, and so that's the process.

34

35 There are other authorities that allow the Secretary to act,  
36 right, and they may or may not be applicable here. The  
37 Secretary could take its own action, based on those provisions,  
38 if the agency finds that that's required, right? I mean, one of  
39 the things is the Secretary, or the agency, can implement  
40 regulations that effectuate the plan, right, and part of the  
41 plan was Amendment 50, and, in part of that rulemaking, we said  
42 these calibrations need to be done, and so there may be a  
43 mechanism that way.

44

45 I guess what I'm just trying to say is there are a lot of  
46 different paths to take, but what I just laid out is the  
47 procedure for evaluating what you're going to submit here on its  
48 own, without any of those other factors at play.

1  
2 **CHAIRMAN GUYAS:** Okay. Thanks, Mara. Robin.  
3

4 **MR. RIECHERS:** Well so, at least through that exchange, I think  
5 what I heard was, even though -- Well, I think I heard was no  
6 one now believes there's a need to put 2023 in all of the other  
7 alternatives, and, therefore, other than the changing and  
8 shoring up and writing some of the discussion that you can get  
9 from the records of both today, and actually past meetings as  
10 well, of the why of the 2023, that gets added where you can in  
11 the document, and then we've already given you the liberty to  
12 make those changes, via motions in previous meetings, as far as  
13 before going to the Secretary, and those are those other  
14 editorial things that Andy or Mara mentioned, one of the two,  
15 and so I guess I am seeing that there's not a need for any extra  
16 motions at this time, at least from the way I see it.  
17

18 **CHAIRMAN GUYAS:** Okay. Thanks, Robin. That makes sense, and so  
19 we've got Bob's change that we talked about earlier today and  
20 the discussion we've had about where we are at this meeting.  
21 Carrie.  
22

23 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Madam Chair. I mean, I  
24 guess I would just encourage council members to take a close  
25 look at what is written in the document currently, because we  
26 did try to capture that, based on the preferred alternative, and  
27 so I mean, by Full Council, if there's any other recommendations  
28 or changes we need to make before we transmit the document, we  
29 should discuss those at Full Council. Thank you.  
30

31 **CHAIRMAN GUYAS:** Tom.  
32

33 **DR. FRAZER:** I am just trying to think this through, because, as  
34 I said before, there are two elements here that are problematic  
35 from my perspective. The first is that we're not allowed, as a  
36 council, to exceed the ABC, right, that's recommended by the SSC  
37 without building a substantial record, or having a rationale,  
38 compelling rationale, for doing that.  
39

40 If the council chooses to move forward with a document as it  
41 exists now, with a preferred alternative that is inconsistent  
42 with some of the advice that was received, it needs an  
43 accompanying letter, and I am asking, again, Mara that details  
44 the rationale for the decision that was made by the council, I  
45 guess, and that's the record that I am looking for.  
46

47 The question, really, is this. Does the council take a  
48 proactive approach and provide the record for the Secretary, or

1 the agency, or do they leave it to the agency and the Secretary  
2 to wade through volumes and volumes of information, to determine  
3 if there is a record that exists? That's a question. Andy.

4  
5 **MR. STRELCHECK:** Thanks, Tom. Keep in mind that people that  
6 work in the Regional Office are also writing this document, and  
7 so we are preparing the record side-by-side with council staff  
8 and discussions that, obviously, occur in council meetings.  
9 What I was suggesting earlier is, obviously, to add to the  
10 rationale within the framework action, to the extent practical,  
11 and, if you want to send a cover letter or some other  
12 documentation, I'm certainly not opposed to that. That's  
13 certainly additional support for the record and kind of  
14 captures, obviously, the discussions that have been had through  
15 the many meetings that have taken place, but that information  
16 should also be, in my view, captured in the framework action.

17  
18 **DR. FRAZER:** Thank you.

19  
20 **CHAIRMAN GUYAS:** Okay. We've talked a lot about this, and so  
21 I'm going to suggest that we move on for now, but it sounds  
22 like, if folks also want to think about additional rationale for  
23 where we are, or maybe other places we may want to be with this  
24 document by Thursday, you've got your homework assignment to  
25 bring to Full Council, and so I think we've talked this one  
26 through about as much as we can at this point. It's about 1:30  
27 now, and we've got a break at 2:30. Tom.

28  
29 **DR. FRAZER:** We're going to take a fifteen-minute break anyway.

30  
31 **CHAIRMAN GUYAS:** Yes, let's do it.

32  
33 (Whereupon, a brief recess was taken.)

34  
35 **CHAIRMAN GUYAS:** Next on our agenda is Reef Fish Amendments 36B  
36 and 36C, and I believe Dr. Lasseter is going to take us through  
37 that one. Ava, are you ready to go? It looks like you are.

38  
39 **REEF FISH AMENDMENTS 36B AND 36C: MODIFICATIONS TO INDIVIDUAL**  
40 **FISHING QUOTA (IFQ) PROGRAMS**

41  
42 **DR. AVA LASSETER:** Good afternoon, everybody. We're going to  
43 talk about 36B and 36C. To just kind of summarize what we have  
44 here on the action guide, I think we're going to actually start  
45 with the AP recommendations, since we didn't really get into  
46 those at the last meeting, and I want to use the report, which  
47 is Tab B, Number 10(d), and we'll just look at the 36B  
48 discussion, and then we'll come to the presentation.

1  
2 Then I will go through 36B, the part of the presentation. You  
3 have a new alternative and new actions that we posed to you as  
4 questions at the last meeting, and then Andy suggested that we  
5 go ahead and incorporate them into actions, and so we have  
6 brought that to you. There is not a Chapter 4 to accompany  
7 those, because it is your first time reviewing these, and so,  
8 after we go through 36B, we will go through just a couple of  
9 slides of 36C, just to remind you of what actions are in there,  
10 because you have not looked at that document since January of  
11 2020.

12  
13 Then we've added in a couple of slides that look at the purpose  
14 and need of both of the amendments together, and I would like to  
15 stop there, and so feel free to ask questions as we're going up  
16 until that point, but I'm hoping that, once we get to that  
17 point, with the purpose and need of both amendments up on the  
18 board, that we can kind of stop, and hopefully the committee can  
19 have a broader-level discussion on what you had in mind for  
20 these amendments and where you see the future of these IFQ  
21 programs going.

22  
23 With that, let's go ahead and take a look at the Tab B, Number  
24 10(d). At the June meeting, we did get through 36B, pretty  
25 much, or, actually, we got through Action 1, and I don't think  
26 we finished getting through Action 2, and we had incorporated  
27 the AP's recommendations into the presentation, and so, for the  
28 beginning of this report, for the IFQ program review and the  
29 AP's comments on Amendment 53, that was covered through separate  
30 sections during June. The part I'm going to talk about begins  
31 on page -- It's the last half of page 3, Amendments 36B and 36C,  
32 and the first motion is at the very, very bottom.

33  
34 When we were going through this amendment with the AP, the AP  
35 did -- The discussion did kind of bounce back and forth between  
36 Actions 1 and 2 and how they kind of work together, and an issue  
37 was raised about what would happen to a deceased shareholder's  
38 shares, and, currently, there are no restrictions on share  
39 transfers, and so that's kind of a point that I wanted to raise  
40 here.

41  
42 The AP did request that staff review and make recommendations  
43 based on other catch share programs, and we weren't really sure  
44 what they were looking for here, and I think the main point is  
45 that other councils have restrictions on the transfer of shares.  
46 Thus, these other councils have provisions to allow for the  
47 transfer of shares to beneficiaries.

48

1 Currently, because this IFQ -- Our IFQ programs in the Gulf do  
2 not have those same kinds of restrictions, you can transfer  
3 shares no problem, and we haven't needed to put those in place,  
4 but, now that we're talking here about potentially putting the  
5 permit requirement on shareholders, then we are considering, in  
6 this section action, a provision that would give time for people  
7 to get their accounts into compliance.

8  
9 We have looked into this, and that's really, I think, the key  
10 point, is that, currently, in the Gulf programs, there are no  
11 restrictions on share transfers. Now that we're considering  
12 this similar to other programs, we may want to evaluate this as  
13 well, and we have provided an alternative for that.

14  
15 If you scroll down a little bit to the next page, there's two  
16 more motions that the AP made in regard to 36B, and they did --  
17 In the motion, they went back and tweaked it again, and the main  
18 point is that they recommended to add a new alternative to  
19 Action 1 with the date of that AP meeting as the control date,  
20 as the grandfather date. Accounts opened before that time would  
21 be exempt from the permit requirement, and accounts opened after  
22 would be required to have a reef fish permit.

23  
24 This is similar to their previous meeting, as well as the Reef  
25 Fish AP's meeting, where they are just recommending each time a  
26 date, to pick a date, to pick a late date, but pick a date for  
27 which people's accounts would either be grandfathered in or not,  
28 and this is one point that I wanted to reiterate, is that the  
29 APs, both APs, in multiple meetings, have recommended that, if  
30 you're going to do this, pick a date, and please don't leave  
31 this open-ended, because it allows people to try to find ways to  
32 game around the system.

33  
34 Then, if we scroll down just a little bit, you can see, when  
35 they tweaked the motion, they added in this last part about  
36 inherited shares from a death in the family, is their  
37 recommendation, would be exempt from this requirement for a  
38 period of three years, and so, when we go into the document, the  
39 actions, you will see that this has been added as an  
40 alternative, but, again, that was a question that we had posed  
41 to you, and Andy had requested it to be added to the document.

42  
43 The rest of the motions, recommendations, from the AP pertained  
44 to 36C, and so let's come back to that after I have reminded you  
45 of the actions that are in that, since it's been so long since  
46 we've looked at that. Let's go ahead and take a look at the  
47 presentation, which is going to be Tab B, Number 10(a). While  
48 they're getting that up, if anybody has questions, go ahead and

1 speak up.

2  
3 **CHAIRMAN GUYAS:** Okay. Any questions for Ava on the AP report?  
4 Bob.

5  
6 **MR. GILL:** Thank you, Madam Chair. The link to 10(a) in the  
7 agenda, at least for me, doesn't work. It brings me back to the  
8 council home site, and so I can't pull up the presentation.

9  
10 **DR. LASSETER:** I have the link too, and it worked for me.  
11 Anybody else having issues? The one that's actually on our  
12 website. It's working for me, Bob.

13  
14 **CHAIRMAN GUYAS:** We've got it. Bob has got it. Okay, Ava. I  
15 think we're ready to go, whenever you're ready.

16  
17 **DR. LASSETER:** A little refresh for everybody, 36B, the purpose  
18 of this document currently is to limit IFQ share ownership in  
19 shareholder accounts without a valid or renewable commercial  
20 reef fish permit, thereby promoting share ownership by fishermen  
21 who have the ability to land reef fish within the IFQ programs.  
22 We are going to want to come back to this, given your current  
23 preferred alternative, in terms of how your current preferred  
24 would actually be limiting the share ownership, but, for right  
25 now, let's focus on the actions.

26  
27 Action 1 would require some or all, depending on the  
28 alternative, shareholder accounts to have a commercial reef fish  
29 permit, and what we have done for the Chapter 2 is added this  
30 language to differentiate between permit-required and permit-  
31 exempt accounts, because there was starting to be some confusion  
32 with these control dates, with these grandfather dates, whatever  
33 you want to call them, which accounts we're talking about, and  
34 so language has been added that differentiates if you pick that  
35 some shareholder accounts will be required to have a permit, all  
36 those after whatever date you pick would be permit-required, and  
37 all accounts created before that date would be permit-exempt.

38  
39 With these little labels, we're hoping that that will clear up  
40 some of the confusion when we're talking about which accounts  
41 would be affected by which action.

42  
43 Action 2 considers share divestment for those accounts that  
44 would be permit-required. They are accounts that would be  
45 required to have a permit, but that do not have a permit, and so  
46 shares would only be divested from an account if that account is  
47 not able to get a permit by some date that the council will  
48 select.

1  
2 Then, finally, in Action 3, these are the questions that we  
3 posed to you in the June meeting that we have now worked into  
4 draft actions here for you to take a look at, which detail what  
5 permit-exempt accounts would be able to do, and so these are  
6 actions that, if you do create a group of accounts that would be  
7 permit-exempt, this is your opportunity to further specify what  
8 these accounts are able to do.

9  
10 Action 1, you've seen these before, and, essentially, this  
11 account would require some or all shareholder accounts to have a  
12 permit, and you would be establishing, for some of the  
13 alternatives, permit-exempt accounts, and that's kind of a  
14 significant part that I want to explain here.

15  
16 Alternative 1 is always our no action alternative, and we would  
17 not establish any new requirements for keeping one's shares,  
18 obtaining more shares or keeping one's shares. All the  
19 remaining alternatives stipulate the same language, that, in  
20 order to obtain or maintain shares in a shareholder account, and  
21 Alternative 2 would require all shareholder accounts to be  
22 associated with a valid or renewable commercial reef fish  
23 permit.

24  
25 Alternatives 3 through 5 would create some of these permit-  
26 exempt accounts. Alternative 3 would use the control date  
27 that's five years after the grouper-tilefish IFQ program. All  
28 accounts established after that date must be associated with a  
29 reef fish permit. That means all the accounts established  
30 before that date would be permit-exempt.

31  
32 Alternative 4 uses the date that the Reef Fish AP -- That was  
33 the first AP meeting while you were developing this whole  
34 action, the AP recommendation that suggested a date that was  
35 later than the five years, later than Alternative 3. Since you  
36 added this Alternative 4 to the document, you have the other  
37 recommendations from the AP.

38  
39 The Reef Fish AP, on October 6, 2020, had recommended adding an  
40 alternative with the date of October 6, 2020. Then the  
41 recommendation we just saw from the Red Snapper and Grouper-  
42 Tilefish IFQ AP recommended June 2, 2021, the date of their  
43 meeting, and they also recommended that that be selected as  
44 preferred. Now let's go back to the previous slide.

45  
46 You've had three different APs recommend picking their  
47 respective meeting dates, and I don't think a specific date is  
48 what is important, or significant, but it's the idea of just

1 picking a date and having that basically give people notice  
2 that, okay, now, if you create an account from here on out, you  
3 would need to be associated with a permit, in order to keep  
4 shares in that account.

5  
6 Then, finally, Preferred Alternative 5, you selected this as  
7 preferred at your last meeting, and this alternative would  
8 affect all shareholder accounts established following  
9 implementation of this amendment. All accounts up until that  
10 point would be permit-exempt accounts, and that means all  
11 accounts right now would be permit-exempt, and sometime into the  
12 future, following when we take final action of this amendment,  
13 and so we do not know how many accounts would be considered  
14 permit-exempt.

15  
16 I described that previous action as establishing permit-exempt  
17 accounts, and so, under Alternative 1, this is what we have.  
18 Shareholder accounts, amongst all the shareholder accounts, you  
19 could have accounts -- There are accounts that have shares and a  
20 permit, and there are accounts with shares and no permit, and  
21 there are accounts with no shares, but they have a permit, and  
22 there are accounts out there with no shares and no permit.

23  
24 If you select Alternative 2, Alternative 2 would require all  
25 accounts with shares to be associated with a permit, and so what  
26 that would do is actually simplify, by removing that one option.  
27 If you have shares in your account, there has to be a permit  
28 associated with that account as well, or it's going to be  
29 flagged. You could still have accounts with no shares and a  
30 permit or no shares and no permit.

31  
32 Under Alternatives 3 through 5, you're adding in quite a bit of  
33 complexity to this program that NMFS is going to need to  
34 monitor, because you're going to have a group of accounts that  
35 are exempt from the requirement to have a permit, permit-exempt  
36 shareholder accounts, and all those will look just like what we  
37 have now under Alternative 1, and then you're also going to have  
38 permit-required shareholder accounts, which would be the same,  
39 but there would be some that would not be allowed to have  
40 shares, if they do not have a permit.

41  
42 Also, selecting any of Alternatives 3 through 5, different  
43 actions would apply, and so, right now, under Action 1, if you  
44 pick Alternative 2, you would follow the left column. If you  
45 pick one of Alternatives 3 through 5, you would follow the right  
46 column, and so Alternative 2 is all accounts would essentially  
47 be permit-required, and we wouldn't even use that term then.  
48 All accounts would be permit-required.

1  
2 Action 2, share divestment for those permit-required accounts,  
3 it would apply to all accounts, and, if you did pick Alternative  
4 2, Action 3 would not be applicable. Now, let's take a look on  
5 the right side, the right-hand column. If you pick one of  
6 Alternatives 3 through 5, you are creating separate groups of  
7 accounts, permit-exempt accounts and permit-required accounts.

8  
9 Action 2 will only apply to the permit-required accounts, and so  
10 those accounts that are permit-exempt, they are not falling  
11 under the requirement to divest of their shares if they do not  
12 have the permit by whatever time is specified. Action 2 only  
13 applies to permit-required accounts.

14  
15 Then, finally, Action 3 would apply just to those Alternatives 3  
16 through 5, because Action 3 applies only to permit-exempt  
17 accounts, and Action 3 proposes a share limit for those  
18 accounts, and it's an opportunity for you to determine whether  
19 reopened accounts are permit-exempt.

20  
21 We put together these couple of slides, because we were starting  
22 to see a little bit of confusion for people about their account  
23 was opened at this time or this time, and which action -- How do  
24 the actions apply to them, and so this is the language that we  
25 came up with, is permit-exempt and permit-required, is a way to  
26 differentiate. Again, any questions, go ahead and speak up.

27  
28 **CHAIRMAN GUYAS:** Yes, we do have a question from Susan.'

29  
30 **MS. BOGGS:** Thank you, Madam Chairman. Ava, it's been so long,  
31 and this is complicated to begin with. If you can quickly  
32 explain to me how can an account be permit-exempt, versus  
33 permit-required? I think I lost you there.

34  
35 **DR. LASSETER:** Okay. Let's go back to the Slide 3, the one with  
36 all the alternatives for Action 1. Currently, of course,  
37 Alternative 1 is no action. You have either Alternative 2 or  
38 Alternatives 3 through 5 that are different, that do something  
39 slightly different.

40  
41 Under Alternative 2, all shareholder accounts would be  
42 associated, must be associated, with a permit. That means that  
43 all accounts are required to have a permit. Therefore,  
44 Alternative 2 is only permit-required accounts. Alternatives 3  
45 through 5 are specifying that accounts created before a date,  
46 whatever is underlined, before that are not required to be  
47 associated with a permit, but before that date would be permit-  
48 exempt accounts. Accounts established after that date would be

1 the same as Alternative 2, permit-required accounts. Does that  
2 help, Susan?

3

4 **MS. BOGGS:** Yes. Thank you.

5

6 **DR. LASSETER:** Okay.

7

8 **CHAIRMAN GUYAS:** Any other questions for Dr. Lasseter before she  
9 moves on? Is everybody good? Okay. Go ahead, Ava.

10

11 **DR. LASSETER:** Okay. Great. Let's go back down, and I think  
12 it's going to be Slide 7 for Action 2. Here, we're talking  
13 about share divestment for permit-required accounts, and so this  
14 action would apply only to accounts that are required to be  
15 associated with a permit, and so that would be all accounts  
16 under Alternative 2 of Action 1 and those accounts under  
17 Alternatives 3 through 5 that are established after that  
18 underlined date, whenever that is.

19

20 Of course, Alternative 1 is not taking any action, and, here,  
21 how we understand Alternative 1, with this action, is dependent  
22 on Action 1, where you created, established, these permit-  
23 required accounts. Therefore, by taking no action, the  
24 shareholders of these permit-required accounts must be in  
25 compliance with the requirement at the time this is implemented,  
26 immediately, essentially, is the no-action.

27

28 The idea is, in Action 1, if you go ahead and make that  
29 requirement for accounts to have a commercial reef fish permit,  
30 what we're saying here, in this action, is, if you take no  
31 further action on this action, that requirement is effective as  
32 soon as this amendment is implemented.

33

34 The alternative to that is proposed here is a grace period,  
35 essentially, and so the Alternative 2 here is that NMFS will  
36 reclaim all shares in a permit-required shareholder account that  
37 is not associated with a permit, and you have options for either  
38 one year, three years, or five years following the effective  
39 date of the final rule implementing this amendment.

40

41 There is two more alternatives, but I want to talk a little bit  
42 more about this one first. You saw this at the last meeting,  
43 and we went over this, but I wanted to reiterate that  
44 shareholders without a permit -- We would expect them to respond  
45 in different ways, and so, while that action is about divesting  
46 of shares, we don't expect that many shares would actually be  
47 remaining in accounts to be reclaimed by NMFS, because we would  
48 expect people, the holders of those accounts, would either

1 obtain a permit, sell their shares, or consolidate related  
2 accounts or form new business partnerships.

3  
4 A lot of these accounts, as we heard in the presentation in  
5 June on the IFQ program review, are related to other accounts,  
6 and people have established these separate accounts and moved  
7 shares around for various business functions, accounting  
8 functions, what have you, and we would expect a lot of account  
9 consolidation to occur.

10  
11 We really don't know who is going to do what, which response,  
12 and public hearings could let us know more. Again, we were  
13 proposing a mail-out and a couple of virtual meetings, and not  
14 in-person, and then one more point is that accounts without  
15 shares could continue to transfer allocation without a permit,  
16 and we do know that dealers often use accounts, and they may not  
17 have shares, but they may procure allocation, as an example, to  
18 ensure vessels, if they want to land with them, would be able to  
19 have allocation to fish, and so that would be one example of why  
20 somebody may not have shares, but may be transferring  
21 allocation.

22  
23 These tables are in the document, and these numbers are valid  
24 from February of 2020, and this looks at the number of accounts  
25 that are active, initial, or suspended. Initial means it's been  
26 created, but it hasn't been locked in yet, and suspended means  
27 they need to get some paperwork, probably citizenship work or  
28 whatnot, done with the NMFS office, but these are accounts with  
29 and without a permit and with shares and without shares.

30  
31 Circled there is 314, and that's the number of accounts with  
32 shares, but without a permit, and so then, in the bottom table,  
33 you can see that number under Alternative 2, and all 314 of  
34 those accounts would be required to be associated with a permit,  
35 and then, as you back out that grandfather date, you're  
36 affecting fewer and fewer accounts.

37  
38 On the right column, you can see the inverse, essentially, the  
39 number of accounts that would be exempt from the permit  
40 requirement, and, here, again, we are talking about open  
41 accounts, all open accounts, rather than closed accounts. Keep  
42 in mind that the total in all four of these cells in the top  
43 table total 1,024 accounts, and we're going to come back to this  
44 when we get to Action 3, but, essentially, that 314, as of  
45 February 2020, would be the number of accounts that would be  
46 affected under Alternative 2, and we need to do something with  
47 the shares in that account.

48

1 Let's return to the rest of the alternatives in this action.  
2 Action 2, the slide we saw before with the alternatives, the  
3 Alternative 2 was essentially giving everybody, giving  
4 shareholder accounts, from the time this is implemented, to get  
5 that account in compliance by getting a permit or divesting  
6 their shares, as they choose.

7  
8 Alternatives 3 and 4 provide other scenarios for which an  
9 account that is required to have a permit, a permit-required  
10 account, may be given a grace period by the council, as  
11 selected, to get a permit. I apologize, and I realize that this  
12 should say "Preferred Alternative 3", and you did select this  
13 one, and I neglected to put "preferred" here, and it is  
14 preferred in the document. Excuse me for that.

15  
16 At the last meeting, you did pick this Alternative 3 as  
17 preferred. After implementation of this amendment, if a permit-  
18 required account becomes unassociated with a permit, as in the  
19 permit is transferred or not renewed, you gave a time period.  
20 The shares will be reclaimed by NMFS, and there is the same time  
21 period range of one year, three years, or five years, but this  
22 is time following the transfer or termination of the permit, and  
23 you had selected three years. Did I have that wrong? Was it  
24 alternative -- Give me one second. No, that's correct. Yes,  
25 you had Preferred Alternative 3 and Preferred Option 3b, and it  
26 is correct in the document.

27  
28 Then, Alternative 4, this issue was initially raised by the AP,  
29 and we discussed it with you at the last meeting, and Andy  
30 suggested that, if we could put it in terms of an alternative,  
31 it might make it more clear and help you in discussing it.

32  
33 In Alternative 4, it proposes a different type of time period,  
34 grace period, and that is for instances where shares are  
35 acquired from a legal proceeding, and that would be an  
36 inheritance, because the shareholder has passed away, or a  
37 divorce settlement. Under this kind of a situation, the new  
38 shareholder would be afforded one year, three years, or five  
39 years following the date the shares were transferred into the  
40 account. They have that much time in order to get a permit, or  
41 the shares will be reclaimed by NMFS. Let me pause there and  
42 see if there's any questions.

43  
44 **CHAIRMAN GUYAS:** Susan.

45  
46 **MS. BOGGS:** Thank you, Madam Chairman. Ava, I know we've talked  
47 about this before, but the Table 1.1.2 and 2.1.2, and they're  
48 dated February 25, 2020, and has there been much of a change?

1 Do you know? I mean, it's been a little over a year-and-a-half  
2 since this table was put in here.

3  
4 **DR. LASSETER:** We could ask NMFS. I know that some accounts  
5 have been created. I don't think it's substantial. I think I  
6 saw both Alicia and Jessica on the line. I know we did not  
7 request this to be updated yet, because they actually have to go  
8 through -- It's quite tedious to have calculated this, and it's  
9 not something that they can just check easily. Let me see if  
10 one of them has raised their hand to give you any sense of how  
11 many more accounts have been created. I don't see either of  
12 them raising their hands. I will try to find out for you by  
13 Full Council, but, I mean, it's definitely at least a handful,  
14 but I don't think that they're seeing a substantial number.  
15 There's Jessica.

16  
17 **DR. JESSICA STEPHEN:** I don't have it right off the top of my  
18 head, but I can try and see what we can calculate, and so you  
19 were looking at how many new accounts were created, and do we  
20 have a particular date that we're looking for from?

21  
22 **DR. LASSETER:** February 25, 2020. Since February 25, 2020.

23  
24 **DR. STEPHEN:** Okay. I will see if I can grab something. It  
25 will take me a little bit of time to look, and so go ahead and  
26 continue. If I find it, I will raise my hand again.

27  
28 **DR. LASSETER:** Okay.

29  
30 **CHAIRMAN GUYAS:** Thanks, Dr. Stephen. Go ahead, Susan.

31  
32 **MS. BOGGS:** Just to follow-up to that, the reason I ask, that  
33 I'm curious, is, I mean, we've been talking about this document  
34 for several years, and I am just curious. Are there people  
35 already making moves, in preparation of what actions the council  
36 might take? That was the reason for my question. Thank you.

37  
38 **DR. LASSETER:** I think that would be good for SERO staff to  
39 reply to as well, and I see that both their hands are up, but I  
40 will just speak first. I definitely have people telling me  
41 that, that they're seeing this coming, and they're planning  
42 ahead. I have heard some creative solutions proposed as well,  
43 that we'll have to figure out if they -- Or they will have to  
44 figure out if they're going to work or not, but let's see what  
45 Alicia has to say.

46  
47 **CHAIRMAN GUYAS:** Go ahead, Alicia.

48

1 **MS. ALICIA GRAY:** Thank you, Ava. So, I reran these numbers,  
2 and I would have to look at them again, because, as you said,  
3 it's very tedious. The shares with no permit box, that I think  
4 we're questioning right now, went from 314 back in 2020 to 327  
5 on July 8, 2021.

6  
7 **DR. LASSETER:** Bernie, could you put that slide up? I think  
8 it's 9.

9  
10 **CHAIRMAN GUYAS:** Perfect.

11  
12 **DR. LASSETER:** Okay, and so the 314 -- It sounds like 314 has  
13 become 327.

14  
15 **MS. GRAY:** Correct, yes.

16  
17 **CHAIRMAN GUYAS:** Okay. Any further questions at this point?

18  
19 **DR. LASSETER:** Okay, and so let's move on to Action 3. Action 3  
20 has two sub-actions, 3.1 and 3.2. 3.1 allows you to consider a  
21 share limit for permit-exempt accounts, and so, again, this  
22 Action 3 is applicable to those accounts that are permit-exempt  
23 only.

24  
25 When we say share limit, the limit would be set at the account  
26 level, and that differs from when we say share caps. Share caps  
27 are in place for each share category right now, red snapper,  
28 deepwater grouper, shallow-water grouper, and each share  
29 category does have a share cap. A share cap is set at the  
30 individual person level. Any U.S. citizen or permanent resident  
31 the share cap is set for.

32  
33 We are not proposing any modification to the share cap through  
34 this action. They stay the same. This considers setting a  
35 share limit for each one of those permit-exempt accounts. Now,  
36 a permit-exempt account, even though we say it's exempt, it  
37 doesn't have to have a permit, many of these accounts will have  
38 a permit, because, if you're picking one of those dates of  
39 Alternative 3 through 5 in Action 1, there is a lot of accounts  
40 that were created before whichever date that have shares, and  
41 they also have a permit, and, while they fish some of their  
42 shares, they might be transferring allocation as well, but, just  
43 because we say permit-exempt account, it doesn't mean that  
44 accounts don't have a permit. A lot of these do. I'm going to  
45 come back to that, because that makes it a little tricky.

46  
47 Then one last point is that, during the first five years of each  
48 program, you needed a permit to increase your shareholdings, and

1 so, during the first five years of each program, public  
2 participation was not open yet, and the only people that could  
3 buy shares were those who had a permit, but initial shareholders  
4 who had a permit in order to receive the initial distribution of  
5 shares may have let their permit lapse, or may have transferred  
6 it, and they didn't have to give up their shares.

7  
8 They didn't have to divest of their shares, but they couldn't  
9 increase their shareholdings unless they had a permit, and so,  
10 because of that, we're considering -- We're providing you the  
11 consideration for establishing a share limit for these accounts.  
12 Let's look at the alternatives on the next slide.

13  
14 In all the alternatives, and I am going to reiterate this, the  
15 existing share cap for each share category remains in place, and  
16 this is not modifying the cap that is specific to any individual  
17 U.S. citizen or permanent resident. This is specific for the  
18 creation of these permit-exempt accounts, if you pick one of  
19 those alternatives in Action 1.

20  
21 If you pick Alternative 1, there is no share limit for permit-  
22 exempt shareholder accounts that do not have a permit, and, of  
23 course, shareholder accounts, permit-exempt shareholder  
24 accounts, that have a permit -- We don't think you're probably  
25 going with those anyway.

26  
27 Alternatives 2 and 3 are both the same, in that they would  
28 establish an account-based share limit for permit-exempt  
29 shareholder accounts based on the amount of shares held in the  
30 account, either -- This is a little long here, but at the time  
31 the final rule implementing this amendment is effective, at the  
32 time the IFQ online system first records that the account is not  
33 associated with a permit, or at the time shares are transferred  
34 to the account, based on an inheritance or other legal  
35 proceeding.

36  
37 That's a lot of words, but, simply, each one of those match up  
38 with Action 2, Alternatives 2, 3, and 4. If you select --  
39 Whatever time period you select for those three situations in  
40 Action 2, this mirrors the language in those alternatives, and  
41 so, basically, it makes it consistent, so that the share limit,  
42 if you decide to create one, would apply consistently with  
43 Action 2. The difference between these alternatives is on the  
44 next slide.

45  
46 Alternative 2 says permit-exempt shareholder accounts may retain  
47 the shares held, but they cannot increase the shareholdings in  
48 the account for any share category. Alternative 3 has that same

1 language, but it adds that, if shares are transferred out of the  
2 account, the amount of shares held after the transfer becomes  
3 the new share limit for that account. That essentially is  
4 reducing the amount of shares that can be held in that account,  
5 if that account transfers out shares. I am going to pause there  
6 for a moment, to see if there's any questions.

7  
8 **CHAIRMAN GUYAS:** Any questions for Ava? I am not seeing any.

9  
10 **DR. LASSETER:** If we go to the next slide, here we have this  
11 idea of closed accounts, and so, when we talked earlier about  
12 the 314 accounts that could potentially be impacted, if you  
13 picked Alternative 2 and required all accounts to have a permit,  
14 those four cells there totaled 1,024 accounts, and those were  
15 active, initial, and suspended accounts, or essentially open  
16 accounts, but accounts that have now been closed.

17  
18 However, the online system maintains records of accounts that  
19 have been closed, and NMFS periodically does cleansing of  
20 accounts that have no shares, no allocation, haven't been used  
21 for some amount of time, and there's official regulations for  
22 what they do. They may close accounts, or a shareholder may ask  
23 for an account to be closed, if they transfer all of their  
24 shares, and they're not going to ever use the account again,  
25 but, at any time an account holder whose account has been  
26 closed, either by NMFS or because they requested it, may request  
27 that account to be reopened.

28  
29 The original date that the account was established, of course,  
30 remains. However, the names on the account cannot be changed,  
31 and so a shareholder could ask to reopen the account, but they  
32 can't just transfer that account to another person and have the  
33 name on the account change. The name on the account has to stay  
34 the same.

35  
36 Many accounts, open or closed, are in the names of businesses,  
37 and so, again, the same thing. A closed account, you can't  
38 change the name of the business on the account, but the  
39 ownership behind a business-named account can be changed,  
40 whether it's open or closed, and, in fact, if you have an  
41 account that's held in the name of a business, and it's open and  
42 it's being used -- If the ownership of that business, behind  
43 that business, changes, those shareholders are obligated to  
44 update ownership with NMFS.

45  
46 You can change the ownership behind the name of an account, but  
47 you can't change the names on an account, and so, to give you an  
48 idea of how many accounts we're talking about here, on that top

1 row, and the table on the bottom, there is your active, initial,  
2 and suspended accounts that we looked at earlier, and there is  
3 your 1,024.

4  
5 Then, again, there is some counting here, on the part of Alicia,  
6 but she calculated these other cells for -- There is a little  
7 row on the bottom that gave us the date there, and I think it  
8 was the December 31, 2019. All accounts on that date -- There  
9 were 1,891 accounts at the very end of 2019. 867 of those were  
10 closed, and then, if you look at the last two rows, you've got  
11 the number of accounts that are closed that could potentially be  
12 reopened if you were to pick one of those dates, and the January  
13 of 2015 would be Action 1, Alternative 3. That's the five years  
14 after the grouper-tilefish IFQ program was implemented. You've  
15 got 439 accounts from the end of that date, the end of 2019, and  
16 then Action 1, Alternative 4, the date from the AP, 848 closed  
17 accounts.

18  
19 It we go to the next slide, here's our alternatives. Does the  
20 council intend to allow closed accounts to be reopened and be  
21 permit-exempt? Alternative 1 is no action, and shareholder  
22 accounts that have been closed can be reopened. The date the  
23 account was originally established determines whether the  
24 account is considered a permit-exempt account, and Alternative 2  
25 proposes that shareholder accounts that have been closed may be  
26 reopened, but a reopened account becomes a permit-required  
27 account and must be associated with a commercial reef fish  
28 permit to hold shares.

29  
30 The time periods provided under Action 2 to bring an account  
31 into compliance, following implementation of the amendment,  
32 would apply to reopened accounts, if selected. I will pause  
33 there for a moment and see if there's any questions.

34  
35 **CHAIRMAN GUYAS:** Any questions? Dr. Stephen.

36  
37 **DR. STEPHEN:** I just wanted to let you know that I was able to  
38 calculate the number of new accounts, and these are new  
39 shareholder accounts, and that means they may or may not have  
40 shares within them, and we had 102 new accounts since February  
41 25, 2020.

42  
43 **DR. LASSETER:** I'm sorry, and so how does that differ from  
44 Alicia's? Jessica, can you give that number one more time?

45  
46 **DR. STEPHEN:** I had 102 new shareholder-type accounts since  
47 February 25, 2020. I can't dig into who has permits and who  
48 doesn't without significant more work, as well as who has shares

1 and not shares without more work.  
2  
3 **DR. LASSETER:** Okay, and so, of those 102, Alicia told us that  
4 thirteen have shares and no permit, and so we have a large  
5 number of accounts created that just don't necessarily have  
6 shares in them.  
7  
8 **CHAIRMAN GUYAS:** Okay. Thanks. I'm going to go to Leann, and  
9 then I see you, Susan.  
10  
11 **MS. BOSARGE:** Thank you, Madam Chair. I was just wondering why  
12 does NMFS close an account? I mean, obviously, there's reasons,  
13 but I don't think Ava told us why. At what point does NMFS go  
14 in and close out an account?  
15  
16 **DR. LASSETER:** It doesn't close out. Like it would have no  
17 shares and no allocation, and it doesn't owe any fees. I can  
18 let Jessica or Alicia read the quote from the regs, but it's a  
19 periodic just cleaning up of accounts that are completely  
20 inactive but that also have no shares and no allocation.  
21 Jessica, is there anything that you want to contribute?  
22  
23 **DR. STEPHEN:** Yes, that's correct, and so we go through,  
24 according to the regulations, and change the status of the  
25 accounts to closed, for those who have no shares and allocation  
26 and have not been active during the required time period. We  
27 can also close accounts upon request from people who have left  
28 the program and just want to make sure that an account gets  
29 closed out, and so we've done it in both ways. It gets the  
30 status of closed, and it can always be reopened.  
31  
32 **MS. BOSARGE:** So what is that timeframe that it's been inactive?  
33  
34 **DR. STEPHEN:** I need to double-check the regs, but I think it's  
35 either a year or a year-and-a-half.  
36  
37 **DR. LASSETER:** I think it's a year.  
38  
39 **DR. STEPHEN:** A year then.  
40  
41 **MS. BOSARGE:** Okay. Thank you.  
42  
43 **CHAIRMAN GUYAS:** All right. Thanks. Susan.  
44  
45 **MS. BOGGS:** How many active commercial reef fish permits are  
46 there? I found it on the website, but I don't want to sit here  
47 and count, and can you all just tell me how many there are?  
48 Thank you.

1  
2 **DR. LASSETER:** Martha, I apologize, and I just kind of keep  
3 speaking up, and I do have that in the presentation, if we want  
4 to scroll down. I think it's on Slide -- Sorry, guys. It's in  
5 the document, and it's not in your presentation anymore. Let me  
6 get it out of the document, real quick.

7  
8 **MS. BOGGS:** I found it.

9  
10 **DR. LASSETER:** It's on page 19 of the document, and so this is  
11 another analysis that's quite tedious to calculate, because we  
12 have to look at logbooks and the IFQ program, and it's page 19  
13 of the document, the page number on the document.

14  
15 We have had this analysis run twice, and for 2015 and 2018, and  
16 so we've provided you both of those for comparison. The top  
17 bold line for reef fish permits, those are valid or renewable  
18 permits. I think it's for the end of the year for each of those  
19 years, and then the vessels with reef fish landings row means,  
20 looking at the coastal logbook records, if there was at least  
21 one pound of any reef fish landed on that vessel with that  
22 permit in the respective year, and that's how we considered it.  
23 The difference then is how we're considering the latent permits.

24  
25 Active permits, 2018, you've got 845, and 317 of those in that  
26 year were not used to land any reef fish whatsoever, IFQ program  
27 species or not.

28  
29 **CHAIRMAN GUYAS:** Any other questions for Ava? Okay. I think  
30 we're ready to move on then, Ava.

31  
32 **DR. LASSETER:** Okay. Then let's go on to -- Before we discuss  
33 36B, I want to introduce a little bit of 36C, and so let's go to  
34 the next slide. We haven't talked about this in a year-and-a-  
35 half, over a year-and-a-half now, and so a little reef fish  
36 overview of what's in this amendment.

37  
38 There is currently three actions, with Action 2 having several  
39 somewhat developed, range of developed, sub-actions. Action 1  
40 addresses the distribution of the reclaimed shares, and so this  
41 action is set up for the shares that were reclaimed from  
42 accounts that had never been activated, and you took final  
43 action on that through 36A, and that was in 2017, and I think it  
44 was final in 2018, and so those shares have been sitting there  
45 for a while. There's not a lot in them. There's a table in  
46 both the document and the PowerPoint. Further down, you can see  
47 how much is in those.

1 This Action 1 considers either distributing those reclaimed  
2 shares out to existing shareholders, and there is some  
3 alternatives proposed there, or the final alternative is to use  
4 those shares to seed a quota bank, and that leads you to Action  
5 2.

6  
7 The Action 2 has several sub-actions that would define the  
8 amount of additional allocation to add to the quota bank,  
9 because, again, those reclaimed shares aren't a lot, and the  
10 eligible recipients who could get allocation from that quota  
11 bank, how much allocation would be available for those eligible  
12 recipients that you decide in 2.2 and then, finally, the  
13 distribution method of allocation from the quota bank.

14  
15 If you do go the route of a quota bank, it's highly likely that  
16 you will need to develop additional actions for that, but this  
17 would kind of be the general shape and form of what the quota  
18 bank could look like, and then Action 3 addresses the accuracy  
19 of those estimated weights and advance landing notifications,  
20 and so that's what is under consideration in 36C.

21  
22 Currently, the purpose statement for Amendment 36C is to assist  
23 small participants and new entrants to the IFQ programs to  
24 reduce discards and to increase access to shares to actively  
25 fishing commercial fishermen.

26  
27 Now, this purpose statement came from three separate motions  
28 that you made, and those are documented in Appendix A, about  
29 what you broadly wanted to do in this amendment, and we've  
30 talked a lot about how we would define some of these terms, and  
31 like what would it mean. What would actively fishing mean? Who  
32 would new entrants be? Who would small participants be? A lot  
33 of those sub-actions in Action 2 are proposing not even  
34 alternatives yet, but more bulleted lists of various ways that  
35 you could go about defining this. Right now, this is still  
36 quite broad, and this could entail a lot of entities that are in  
37 the program.

38  
39 Here, this is the purpose statement for Amendment 36B at the top  
40 and 36C on the bottom, and the purpose and need for just  
41 Amendment 36B, or the need statement, is on the next slide, just  
42 if we need that, but let's take a look here. Let's come back to  
43 36B.

44  
45 What you're considering there is to limit IFQ share ownership in  
46 shareholder accounts without a permit, thereby promoting share  
47 ownership by fishermen who have the ability to land reef fish  
48 within the programs, IFQ programs, and then your 36C is to

1 assist, it sounds like, small participants and new entrants, and  
2 to reduce discards, and to increase access to shares to actively  
3 fishing eligible commercial fishermen, and I'm assuming that  
4 there would be great overlap between actively fishing eligible  
5 commercial fishermen and small participants, or new entrants,  
6 and that's probably a pretty well overlapping Venn diagram  
7 there.

8  
9 Currently, your preferred alternative is 36B is to require  
10 accounts to have a permit, but only accounts with shares that  
11 have a permit that are established at some point in the future  
12 from now, after you take final action at the time the amendment  
13 is implemented, any account created after that.

14  
15 It doesn't really seem that that action is doing much to limit  
16 IFQ share ownership, and the IPT is a little -- Is struggling  
17 with it a little bit. If for 36B is for some time in the  
18 future, it's going to affect only accounts in the future would  
19 be required to have a permit, and you're currently working on  
20 36C, it might be timely to go ahead and have a conversation  
21 about how you see both of these working together, because you'll  
22 be working on 36C.

23  
24 If you go forward with 36B right now, with your current  
25 preferred, that's not even going to start to take effect until  
26 sometime in the future, while we're still working on 36C, and so  
27 I think perhaps a conversation here could be helpful for staff,  
28 definitely, to kind of get a sense of where you're going with  
29 this and what you kind of see the future of these IFQ fisheries  
30 looking like, and so let me pause there.

31  
32 **CHAIRMAN GUYAS:** Thanks, Ava. I talked to Ava before this  
33 meeting and asked her to put this slide in here, to help us, I  
34 guess, zoom out a little bit and think about the big picture,  
35 about where we want to go with 36B and 36C and what are the  
36 problems we're trying to solve, is this really where we want to  
37 go, and I guess, if we identify problems, are we outlining the  
38 way to solve them, I guess, with this purpose and need and then  
39 with the subsequent actions?

40  
41 I feel like, if we can have a little bit of discussion about  
42 that, even if we don't get into the actions, I think that would  
43 help clarify and kind of steer where we're going here and just  
44 kind of think across both of these amendments, and so I know  
45 that 3:10 in the afternoon is always a great time to have this  
46 conversation. If you need to get a snack and go pep yourself  
47 up, go for it, but let's -- This is something I think we need to  
48 stop and think about, before we go further down into the weeds

1 on these very complicated amendments. Troy.

2  
3 **MR. WILLIAMSON:** Thank you, Madam Chair. I am just kind of  
4 giving you a stream of consciousness here, and, first off, let  
5 me just say, to Ava, that she's done a wonderful job of trying  
6 to put this very convoluted scenario into a system here, and,  
7 when I was looking at 36B, I went back to one of the appendices,  
8 and there was an AP, back in -- I think it was 2011 or 2013, but  
9 Bob Gill actually chaired it, and I was on the AP, and we were  
10 discussing 36B and 36C, or the elements of them.

11  
12 Maybe they weren't 36B and 36C then, and maybe it was just 36A,  
13 but, to get to the meat of it, I think we're going in the wrong  
14 direction here. We are creating -- We've got a limited universe  
15 of reef fish permits that have been artificially created for the  
16 purpose of meeting the requirements, or the policy, of catch  
17 shares, as set forth by NOAA.

18  
19 I mean, it was to reduce overcapitalization and reduce  
20 overfishing and promote safety-at-sea, and, in all of that, it  
21 was to promote fishing communities and all kinds of things.  
22 well, now we have these -- Just a few, and, what is it, eight-  
23 hundred-and-some-odd, or 500, active reef fish permits, and  
24 you're creating an artificial profit center for the people who  
25 own these permits.

26  
27 The price of them is going up, and we hear \$20,000 for a reef  
28 fish permit now, and how is a new entrant going to come into  
29 this fishery, and you see partnerships and corporations being  
30 formed to circumvent this 36B requirement for permits, and  
31 they're already doing it.

32  
33 Someone who owns a substantial amount of -- Who has invested a  
34 substantial amount of money into shares, they're going to find a  
35 way, and it doesn't matter what you put under it, and so  
36 limiting the number of permits is only punishing the guy who is  
37 going to try to come into the system. He is going to be a  
38 sharecropper.

39  
40 In 36C, we're talking about half of the 36C is estate planning  
41 for people who have shares already, and the goals of the catch  
42 share program -- Most of the definable goals have been met, and  
43 we don't talk about the other aspects that NOAA policy set out,  
44 such as an auction of these shares, taking these shares back  
45 from the shareholders and auctioning them off for the benefit of  
46 the nation. I mean, how is twenty-five-dollar-a-pound red  
47 snapper fillet benefiting the nation?

48

1 If I sound pessimistic about this, it's because I am. Taking a  
2 public resource and giving it to a limited number of people, and  
3 letting them pass it down to their heirs, or whatever, without  
4 bringing it back in and helping new entrants, is -- It just goes  
5 against my grain, and I guess I will stop there, but that -- To  
6 encapsulate what I am saying, it's that we're becoming overly  
7 restrictive and not helpful, and we need to consider something  
8 outside the box, like recovering these shares and doing an  
9 auction or some other type of resource royalty earning, just  
10 like the oil and gas industry, timber, coal, you name it.

11  
12 People who are using public resources, they pay for them, and  
13 the fishing industry does not, and that's wrong, and so I will  
14 just stop there, and I'm sure that other people have ideas, and  
15 I would like to hear them.

16  
17 **CHAIRMAN GUYAS:** Thanks, Troy. I've got Bob and then Joe.

18  
19 **MR. GILL:** Thank you, Madam Chair. Troy, I don't share your  
20 pessimism, but I would like to share with the committee my  
21 approach to 36B and 36C. As I was preparing to understand where  
22 the council was in this regard, and where they were going, and  
23 what was getting laid out, I rapidly came to the conclusion that  
24 it's kind of like a ship with no rudder and only half a sail,  
25 because it's just wandering all over the map. It's like having  
26 a blank sheet of paper that everybody is putting something on,  
27 but it's totally uncoordinated.

28  
29 Perhaps I am biased, and, as Troy mentioned, and Robin would  
30 recollect, 36 was started back when I was on the council, and  
31 that was some ten years ago, and so progress has not been real  
32 good, and my conclusion is that, in reality, what we have here  
33 is a lack of focus, that everybody is putting in their input,  
34 but it's not coordinated. It's not headed in the same  
35 direction, and we don't have, if you will, where are we trying  
36 to go and a direction to get there.

37  
38 That is what is missing, in my opinion, and so I would like to  
39 proffer a motion that I think would assist us in getting there,  
40 and, by doing so, Bernie, if you would bring up the IFQ motion,  
41 and I think it's under the 36B email. I am not casting  
42 aspersions on anybody, but, somehow, we've got to go from this  
43 where we at and where are we going and finding a different  
44 direction on how to get there, and that's what the purpose of my  
45 motion is, and I will discuss it a little bit when we get it up.  
46 Maybe it addresses Troy's thinking out-of-the-box. There you  
47 go.

48

1 Part of the problem, and, right out of the box, I think the two  
2 key words are "small" and "facilitated", and, when you have a  
3 gazillion people trying to weigh-in on where the boatload ought  
4 to go, it's hard to get it to there, and so what I think we need  
5 to do is -- That's one of the problems with the AP. We've got a  
6 lot of people on the AP, and a lot of knowledge, but they're not  
7 all on the same plane and headed in the same direction.

8  
9 Secondly, I think, to help get that focus, you need to have  
10 facilitation. You need somebody that is driving them to get to  
11 that answer, whatever that answer happens to be, and so I think  
12 those are two key elements of this motion, to basically back up  
13 and say, all right, where are we going, and what would a program  
14 look like that we think is better than the current program, how  
15 do we get there, and that probably means re-looking at, as Troy  
16 mentioned, the goals and objectives, whether we're at the right  
17 place there, whether they ought to be changed, and then take  
18 that sheet of paper and put something on it that gives some  
19 focus for the APs and this committee to look at, so that  
20 something of substance can be dealt with.

21  
22 I don't think we have that now, and I would like to think that  
23 this is one way to get there, and I would be happy to entertain  
24 discussion about it, but that's my thought on, with that charge,  
25 on how perhaps we can move forward. Thank you, Madam Chair.

26  
27 **CHAIRMAN GUYAS:** Okay. Thanks, Bob. I am going to read this  
28 into the record, and then we're going to see if we have a  
29 second. **The motion is to form a small facilitated focus group**  
30 **of knowledgeable individuals selected by the Executive Director**  
31 **and Council and Reef Fish Committee Chairs to provide a detailed**  
32 **plan responding to their charge. The charge of this focus group**  
33 **shall be to: 1)define the structure of an idealized IFQ program**  
34 **for red snapper and grouper-tilefish; 2)detail the changes**  
35 **needed to the current program to achieve the improved IFQ**  
36 **program; 3)report their findings to the SSC and appropriate APs**  
37 **for review and advice to the council.** Is there a second to this  
38 motion?

39  
40 **MR. WILLIAMSON:** I will second it for discussion.

41  
42 **CHAIRMAN GUYAS:** Okay. It's seconded by Troy. Thanks, Troy.  
43 All right. I've got a couple of hands. I am going to work  
44 through the hands, and I will add to my list, and so I've got  
45 Joe, I've got Leann, I've got Greg, and then I've got Kevin and  
46 Susan and Andy. Okay.

47  
48 **MS. BOSARGE:** Thank you, Madam Chair. My hand was up actually

1 for some discussion on 36B, but I guess we'll come back to that  
2 when we dispense with this motion. Bob, I'm okay with your  
3 motion, and I don't think it's a bad idea. However, above it,  
4 it says Reef Fish Amendments 36B and 36C, and, I mean, I feel  
5 like 36B has direction, and it's really taking one action, and  
6 then you're determining some outcomes from that action. Do you  
7 want a permit or do you not want to ask them to have a permit?  
8 Do you want a permit or no permit requirement?

9  
10 Then you can have a few exemptions to that, if you so choose,  
11 and that's pretty much what the rest of the actions do, and so  
12 it's as streamlined a document, I think, as you can get when you  
13 have a document related to the IFQ, and so, as long as this  
14 motion is not going to slow down 36B, that it's really more the  
15 36C document, which I agree with you it's kind of all over the  
16 place, and that's why we carved out the permit requirement from  
17 36B and put it in its own document, then I am definitely onboard  
18 with that. Thank you.

19  
20 **CHAIRMAN GUYAS:** Bob, did you want to respond to that?

21  
22 **MR. GILL:** Thank you, Leann, and part of my response to that is  
23 I look at 36B's history, and I see all these control dates, and  
24 I see all of these exemptions, and I come away with the  
25 impression that, by all the actions going on with it, that we're  
26 trying to make it a win-win for everybody, and you can't do  
27 that. Either -- For example, either the permit system, having  
28 shares without permits, is good or it's bad, and you can't turn  
29 it into perfect for everybody.

30  
31 Yes, this applies to 36B, but I think it's a broader discussion  
32 than that. I think it's a discussion of trying to get that  
33 focus on just what is it we're trying to accomplish and how do  
34 we get there, and so I appreciate your comments, Leann. I am  
35 not fully in agreement with them, because I think the evidence  
36 shows that we're not getting anywhere very fast, and that's what  
37 this is hoping to get over. Thank you.

38  
39 **MS. BOSARGE:** To that point, Madam Chair?

40  
41 **CHAIRMAN GUYAS:** Yes. Go ahead.

42  
43 **MS. BOSARGE:** Okay. So, the 36B that we were presented with  
44 today, and I guess I would hope to have some discussion on 36B  
45 before we go down this road, because there are new action items  
46 in there that we did not have before, and I think some of it I  
47 am completely onboard with you, and I think it's  
48 overcomplicating the situation, and I think some of those things

1 can be remedied without having to put them in an amendment that  
2 the council takes action on, and I am with you. I am not  
3 onboard with carving out an exception for every single thing out  
4 there.

5  
6 If we can have some discussion on 36B, I think we can streamline  
7 that document and get it back down to a reasonable path forward  
8 that doesn't have a million exemptions in it, but that does have  
9 some leeway, and so, before we throw out 36B without any  
10 discussion on what we just were presented for the first time,  
11 and go to a focus group, I would rather have some discussion and  
12 see if we can get back to a streamlined document.

13  
14 **CHAIRMAN GUYAS:** Okay. Thanks, Leann. Phil, I see you, and I'm  
15 going to go to General Spraggins.

16  
17 **GENERAL SPRAGGINS:** Thank you, Madam Chair. You know, I'm kind  
18 of like Mr. Williamson over there. Sometimes I have a hard time  
19 giving away a federal asset of anything, and I wonder about  
20 that. I wonder how we give a federal asset away, but I do  
21 understand also, as I was talking to Dale earlier, that there's  
22 a lot of people that probably went out here and borrowed money,  
23 or did something else, to be able to buy some of these shares,  
24 or whatever they did, and I don't want to hurt somebody for  
25 doing something else, that they were trying to do what's right,  
26 too.

27  
28 I am like Leann, and I would like to see something moved forward  
29 on this thing, and I'm not trying to muddy the water at all, but  
30 maybe, when we do get down to something on it, Bob, if you're  
31 looking at it, maybe look at the possibility of what we could do  
32 with income. In other words, how might a -- If you had to have  
33 a certain percentage of your income involved to be able to buy  
34 into these shares.

35  
36 That way, it would put some kind of buy-in from the people that  
37 are doing it, and, if you had to put that 50 percent of your  
38 income had to be from commercial fishing, or something to that  
39 effect, and that's just a thought, and I am not trying to muddy  
40 the waters, and I appreciate the time.

41  
42 **CHAIRMAN GUYAS:** All right. Thanks, Joe. Next on my list is  
43 Greg Stunz.

44  
45 **DR. STUNZ:** Thank you, Madam Chair. Originally, I raised my  
46 hand to bring up another point, but I want to speak to this  
47 motion, but if you would come back to me, because that point, I  
48 think, will help us avoid some of this convolution that we're

1 talking about here, and maybe streamline this document, but I  
2 want to deal with the motion, obviously, and, Bob, I support  
3 your motion, and I think it's a great idea to sort of define the  
4 end here, so we keep that in mind.

5  
6 The real challenge though that I see here -- I am going to  
7 support it for sure, but what I want to make sure that the  
8 council helps define -- You know, you're right about a small,  
9 facilitated group, but the problem is, with a small, we want to  
10 make sure it's representative, because, obviously, the people we  
11 get on that committee are going to define what it looks like,  
12 and so I just want to make sure that we go on the record, as we  
13 start defining who that's going to be, that you certainly have  
14 shareholders on there.

15  
16 The real controversy we start hearing from this are folks like  
17 dealing with the discard perspective, where you have the grouper  
18 guys that would like to be in on this so that they don't have to  
19 discard snapper when they're getting grouper, and so that's a  
20 representative. Maybe the lessees that would like to eventually  
21 get into this program, and I am not a proponent of expanding the  
22 program, but still allowing for new entrants and not some of the  
23 issues that Troy is talking about, to avoid those kind of  
24 issues.

25  
26 I think we need to be real careful about keeping it small, but  
27 selecting the right mix of people, so we get all the input for  
28 us, but I think it's a great idea, Bob, for us to really have  
29 this in, so that we can begin the targeting of how do we get  
30 there.

31  
32 **CHAIRMAN GUYAS:** To that point?

33  
34 **MR. GILL:** Thank you, Madam Chair. To that point, and I agree,  
35 Greg, and that's why I chose the selection by the folks that I  
36 did, because they have that perspective and can provide that  
37 assemblage of the right kind of people, and you're right that  
38 the right kind of people is key to get anything out of it.

39  
40 I would want the folks, whoever they are, in the room to come  
41 out and say we come to an agreement on a plan to make some  
42 sense, but it's a plan, and it's not the plan of the council,  
43 but it's the plan that's brought to the council for  
44 consideration and review and modification or whatever, designed  
45 to get us to an endpoint, and so it's the means to an end, if  
46 you will, but my thought on the selection of the group is they  
47 would provide that knowledge and base of who those folks ought  
48 to be to get to that end as well as anybody in the room.

1  
2 **CHAIRMAN GUYAS:** Okay. Thanks, Bob. Kevin, you're up, or did  
3 you want to speak to this, or we can come back to you.

4  
5 **MR. ANSON:** I want to speak to this. Is Phil up at some point?

6  
7 **CHAIRMAN GUYAS:** Yes, and he's on my list, but you were on there  
8 first.

9  
10 **MR. ANSON:** I thought he was ahead of me. Sorry about that. As  
11 far as the discussion, or the comments, regarding pessimism, I'm  
12 a little pessimistic myself as to where we are, seeing how long  
13 we've been discussing this issue, and I don't believe this  
14 motion gets us any farther down the road, to be quite frank,  
15 although I certainly have respect for the Executive Director and  
16 the Council and Reef Fish Committee Chairs, but I don't know  
17 that necessarily they will pick the best group that would come  
18 back with an idealized IFQ program that would align kind of with  
19 what the council has currently been talking about.

20  
21 I think the purpose and need statements have been cleaned up  
22 here, as of late, in 36B and 36B, and that, in my mind, helps  
23 further clarify what the purpose and need of this action would  
24 do, and it is to address the very thing, or at least one of the  
25 things, that you just mentioned, Mr. Williamson, and that is  
26 whether or not a public resource needs to be made available to  
27 folks that they have permanent retention, and their heirs can  
28 have permanent retention, of that resource, and that's the  
29 biggest thing, in my mind.

30  
31 Secondly to that, if you address that, and you're able to  
32 utilize those shares of that resource and redistribute to those  
33 who are actually fishing and going out and trying to earn a  
34 living off of that resource and maximize the monetary potential  
35 of that resource for them, that's another issue that we need to  
36 address, and so I am -- You know, we split 36B and 36B, to split  
37 it up so that it would be much easier to pass one aspect and  
38 then move on to the next, and here we are talking about the same  
39 documents.

40  
41 As far as how long it has taken, I mean, it was a full year, a  
42 year-plus, since we even took a look at these things, and so I  
43 just see this as further delaying the process and that it's up  
44 to the council to clarify and identify what it is they would  
45 like to get, and then, through APs, and through public hearings  
46 and public comment, we get to hear, as we tweak and modify that  
47 program and develop it, the amendments that we modify. I am  
48 just -- I am not going to support the motion.

1  
2 **CHAIRMAN GUYAS:** Okay. Thanks, Kevin. I do have a number of  
3 people on the list, and so I know there's a lot of people  
4 waiting, and so we'll get to you. Susan is next.

5  
6 **MS. BOGGS:** Thank you, Madam Chairman. Bob, I appreciate you  
7 thinking outside of the box, and a lot of my sentiments are the  
8 same as what Kevin said. I don't think this gets us where we  
9 need to do, and, I mean, I look at this as we're going to  
10 appoint the same people that we always appoint and do the same  
11 thing that we currently do.

12  
13 The council has these alternatives before them, and you have  
14 public comment, where people can come up and provide their  
15 comments, and we're already incorporating the AP chairs, and the  
16 AP committees, I should say, for recommendation, and I think  
17 this slows it down. I am kind of thinking along the lines of  
18 Leann, and I think this council can take action and do something  
19 with 36B, and, yes, maybe, if we go down the road of a quota  
20 bank, then maybe we look at something like this, but I don't  
21 think I can support this motion at this time. Thank you.

22  
23 **CHAIRMAN GUYAS:** Thanks, Susan. Andy.

24  
25 **MR. STRELCHECK:** Thank you, Martha. I am supportive of the  
26 motion, and I guess I wanted to speak to it in a number of  
27 regards. First, I have seen the council really struggle with  
28 IFQ actions for a considerable period of time, and it's been  
29 mentioned by several folks, and I think a lot of it just comes  
30 down to differences in perspective and differences in terms of  
31 what we're trying to accomplish, and I really don't see 36B or  
32 36C right now as any different than that.

33  
34 I think that we have a substantial difference in kind of what  
35 we're trying to accomplish through the purpose and need and  
36 whether or not those actions will actually be effective in  
37 accomplishing the purpose and need, and so I have major concerns  
38 with disrupting a program that is working fairly well, but  
39 knowing that also it could be improved.

40  
41 I like Bob's motion, from the standpoint of that it helps us  
42 kind of take a step back. What I am struggling with is it's a  
43 very broad charge, and I am concerned that we might get mired  
44 down in thinking about this too broadly, and I spent some time,  
45 before this council meeting, talking to a number of people about  
46 the IFQ program.

47  
48 To me, it keeps boiling down to handful of kind of issues that

1 people are concerned about with regard to how the IFQ program  
2 operates, and so I would, I think, like to see a little bit more  
3 specific direction built in, if we go down this path of  
4 developing a committee to look into this, and have them really  
5 focus on some key topics.

6  
7 Just as an example, bycatch and discards keeps hitting us right  
8 in the face, in terms of this program. New entrants continues  
9 to be a challenge for us, and there's a whole host of things  
10 that I think we could really look at, and it kind of  
11 accomplishes what is being asked, in terms of 1 and 2, but it  
12 provides that direction right upfront to this group of  
13 individuals.

14  
15 I think the other key aspect of this is the program is really  
16 complicated, and we need people that work on both the backend of  
17 the program as well as participate in the program, because,  
18 administratively, if you think you have a solution, and you  
19 think you've dealt with an issue, and the reality is that  
20 there's ways around it. There is ways to essentially operate  
21 within the system that ultimately will not end up with your  
22 desired outcome, and so a group like this, to me, can kind of  
23 help troubleshoot that and look at the pros and cons of  
24 different actions or activities that could be imposed within the  
25 program to make it more successful.

26  
27 **CHAIRMAN GUYAS:** Thanks, Andy. I think you bring up a good  
28 point. I think -- Should this motion pass, I feel like it would  
29 be beneficial for this group to talk about what are the problems  
30 that this group would need to focus on, and I think that's a  
31 fair point. Phil, you're next on my list.

32  
33 **MR. DYSKOW:** Thank you, Madam Chair. Because I've been waiting  
34 so long, many of the concerns that I wanted to discuss have been  
35 addressed, but I think there's a third option, which I was never  
36 in favor of previously, but is another alternative that would  
37 get us to a different place, and that's a sunset provision,  
38 whereby, at some point down the road, we start over and draw up  
39 a new program that is more succinct to what we think, or how we  
40 think, this program should operate.

41  
42 I would like to support this motion, but I am not going to, and  
43 I am going to support the idea of continuing with 36B and hope  
44 that we can at least get that behind us, but, down the road, a  
45 sunset provision is another option that we need to get on the  
46 table and consider if we can't address this thing. If we can't  
47 work together to address it, we can certainly start over, and  
48 that's all I have. Thank you.

1  
2 **CHAIRMAN GUYAS:** Thanks, Phil. Carrie.  
3

4 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Madam Chair. A couple  
5 of things. I do think we need clear direction, at least by Full  
6 Council, on where we're going with 36B, and perhaps 36C. That  
7 aside, and I know we may even come back to that during  
8 committee, if it's the will of the council for me to be involved  
9 in the selection process, I'm fine with that, but I would just  
10 note, in our SOPPs, that, typically, I am involved on the more  
11 technical selection of members for technical committees, and so  
12 I will leave that up to the council.  
13

14 I would certainly be willing to help as a facilitator, making  
15 sure we get good applicants, but just noting that I am not  
16 normally involved in selecting of the individuals that would be  
17 involved in a particular working group, and I would certainly  
18 discuss with people the various expertise, as the council  
19 members request, and so I just wanted to note that.  
20

21 Then I do agree with Andy, and I really feel like this needs a  
22 lot more fleshing out, and perhaps we would bring it back again  
23 with what do we mean by "achieve an improved IFQ program", and  
24 perhaps an ideal program for red snapper may not be the same as  
25 for the grouper-tilefish. I mean, I just think there's a lot of  
26 considerations and details that we would have to work on, should  
27 this motion pass. Thank you.  
28

29 **CHAIRMAN GUYAS:** Okay. Thanks, Dr. Simmons. I have a couple of  
30 people on my list, but I think they wanted to speak specifically  
31 to 36B, after we get through this, and so is there any other  
32 discussion on this motion in front of us? Phil, is your hand  
33 back up?  
34

35 **MR. DYSKOW:** No, it is not.  
36

37 **CHAIRMAN GUYAS:** Okay. Just checking. Andy.  
38

39 **MR. STRELCHECK:** Given the discussion, and at least some  
40 opposition that I expect from this motion, would, Bob, you be  
41 willing to withdraw it, and we could maybe reconsider the motion  
42 in a different form at Full Council?  
43

44 **MR. GILL:** Sure. The intent is to try and get to the point  
45 where, whatever we do relative to 36B and 36C, we're actually  
46 making progress, and, if that's the best technique, I am for it.  
47 I think you're suggesting more specificity, and that's fine, and  
48 I am willing to work on that as well, and we can bring it back

1 to Full Council and go from there. **Madam Chair, if that's the**  
2 **will of the committee, I will withdraw the motion.**

3  
4 **CHAIRMAN GUYAS:** Kevin, is it to that?

5  
6 **MR. ANSON:** To that point, yes. If you would, Mr. Gill,  
7 consider possibly the length of time, or a period of time, that  
8 this group would have to come back with a report, to consider  
9 that as adding to your motion. Thank you.

10  
11 **CHAIRMAN GUYAS:** Okay. At this point, the motion is withdrawn.  
12 Ava, I saw your hand.

13  
14 **DR. LASSETER:** Yes. Thank you, Madam Chair. I forgot to  
15 mention that we will have this -- We intend to add this to your  
16 agenda for October, because it was released after agendas were  
17 finalized for this meeting, but the National Academy of Sciences  
18 study on the effect of LAPPs mixed-use fisheries report -- The  
19 preliminary report has come out, and hopefully the final report  
20 will be out before October.

21  
22 Anyway, this report has come out, and I am still working my way  
23 through it, and I read like the conclusions, but I'm still kind  
24 of slogging the 150 pages. It has a lot of comments and  
25 discussions on the IFQ programs and kind of Gulf fisheries  
26 broadly, but this will be on your agenda in October, and we want  
27 to consider possibly even having one of the people on the  
28 committee present it, and we're not sure. We really haven't  
29 talked this out yet, but it has some interesting comments on --  
30 From an outside perspective on these IFQ programs, and we'll  
31 definitely distribute that to you all. If you can spend some  
32 time looking through that, that may also kind of give us some  
33 thoughts and ideas for ways to frame some of the problems that  
34 we're facing.

35  
36 **CHAIRMAN GUYAS:** Okay. Great. Yes, that sounds wonderful, Ava.  
37 If we can pull that off for October, it sounds like it would be  
38 pretty helpful. Ava, because I have -- I know Leann and Greg,  
39 and maybe others, wanted to speak on 36B. Would you suggest  
40 that we back up to 36B at this point, or do you want to continue  
41 the 36C presentation first?

42  
43 **DR. LASSETER:** Either, and that's really the will of the  
44 council. I went over the actions in 36C, with the overview, and  
45 I think that kind of gives you a sense of what's in there. I do  
46 hope that, just at the very end, before we run out of time  
47 today, if I could just cover the AP recommendations from 36C,  
48 because those are kind of still hanging out there, but, no, I

1 would encourage any discussion. If anybody wants to talk about  
2 36B, that would be great.

3  
4 **CHAIRMAN GUYAS:** Okay. Let's back to up 36B then. Leann, are  
5 you ready to speak on this?

6  
7 **MS. BOSARGE:** Hell, yes, I am.

8  
9 **CHAIRMAN GUYAS:** All right.

10  
11 **MS. BOSARGE:** All right, and so let's take it action-by-action.  
12 If they can pull the actual document up on the board. In Action  
13 1, which is the -- I am going to address the concerns that Ava  
14 had as I kind of go through each one of these actions, and so,  
15 Ava, I am going to give you feedback.

16  
17 Action 1 is a permit requirement in order to have shares. We  
18 have a preferred on that action. We said, all right, we're  
19 going to do this, and you're going to have to have a permit in  
20 order to own shares, and so we're going to grandfather some  
21 people in. We chose Alternative 5, which is, anybody that opens  
22 an account after this amendment is implemented, they are going  
23 to have to have a permit in order to have shares.

24  
25 Now, Ava, IPT, Andy, I don't know, but somebody -- A host of  
26 people have issues with that not seeming to line up with the  
27 purpose and need. However, I think it's all in your  
28 perspective. I guess the way I see this program is in the long  
29 term.

30  
31 Right now, initial shareholders, and that's the people that we  
32 have divvied out shares to when we originally started this  
33 program, and many of those people are still fishing, and some of  
34 them are maybe not fishing, but they are still in the industry,  
35 and they now maybe own a couple of boats and have a dock, and so  
36 they have the unloading facility, but, by and large, most of  
37 those people are still associated with the fishery. They are  
38 still fishermen, and they're still in the fishery.

39  
40 However, we're seeing some participants come in that are not  
41 associated with the fishery, and call them whatever you want to  
42 call them. Call them investors or call them whatever. We're  
43 still in that first generation though. We're not like other  
44 IFQs, where they're in the second or third generation from  
45 original shareholders.

46  
47 As you get further and further out, generation after generation,  
48 if you look at some of these other programs, you see that divide

1 start to get larger and larger and larger between the actual  
2 fishermen and people that are participating in the fishery,  
3 either as dock owners or whatever, but they have some  
4 involvement in commercial fishing, and shareholders that have no  
5 involvement in the fishery, and so, to me, yes, you may see this  
6 as implementing this -- I mean, as this having effects a year or  
7 two from now, when it's actually implemented, and I think that's  
8 great.

9  
10 Would I like to have it retroactive? Yes, but I'm happy if we  
11 can get it on the books at all, and I think the fact that we're  
12 still in the first generation -- That definitely meets up with  
13 the purpose and need. We're going to do this during the first  
14 generation of this IFQ program and not three generations down  
15 the line, and so don't look at it as, well, but we're going to  
16 grandfather all these people in.

17  
18 Yes, but we're doing it now, and we're not doing it three  
19 generations in, where you have this huge divide already. This  
20 will prevent that huge divide, help to prevent that huge divide,  
21 from occurring and from the ownership of the fishery getting  
22 farther and farther and farther from the actual participants in  
23 the fishery landing the fish and offloading the fish and putting  
24 the fish in the market, and so I don't see where this does not  
25 meet up with the purpose and need, that preferred alternative.  
26 The next action, Action 2, share divestment, we have a preferred  
27 alternative on that as well.

28  
29 **CHAIRMAN GUYAS:** Hang on. I will come back to you, but I've got  
30 a couple of people that want to jump in on this action. Andy.

31  
32 **MR. STRELCHECK:** Leann, I really don't like you not being in the  
33 room here.

34  
35 **MS. BOSARGE:** Because you can't shut me up?

36  
37 **MR. STRELCHECK:** Sorry to jump in, but I guess I do want to go  
38 to the comment that you just made about not aligning with the  
39 purpose and need, and I guess you could argue that it does align  
40 with the purpose and need, and we're limiting, obviously, the  
41 shareholdings with regard to a commercial permit, to some  
42 extent.

43  
44 What I don't like about this is that -- I don't recall the exact  
45 -- Ava or Jessica can probably tell us, but I think we're on the  
46 order of about 30 percent of the accounts right now, or at least  
47 shareholdings, are held in accounts that would be grandfathered  
48 in, and that can just continue to go up until implementation of

1 this amendment.

2  
3 The other problem that I see with this is we're now starting to  
4 create kind of classes of shareholder accounts that then  
5 complicates the administration of the IFQ program and tracking  
6 of shareholdings based on account status, and, at the end of the  
7 day, what do we really want to accomplish here, and how  
8 successful are we going to be, in terms of limiting those  
9 shareholders to shareholder accounts or not shareholder  
10 accounts, and this is where I get back to the complexity of the  
11 program, because so many of the participants in this program  
12 have the accounts that are not associated with a permit and have  
13 their shares in it currently, but they also have an account with  
14 a permit that they can move their shareholdings in, right?

15  
16 To me, it's not going to accomplish a significant amount just to  
17 grandfather people in or not, or have people move shareholdings  
18 around, and so that's the struggle that I am having, is that, on  
19 paper, it looks like we're doing something significant, but, in  
20 reality, I just don't think it's going to accomplish much.

21  
22 **CHAIRMAN GUYAS:** Okay. More hands. I am assuming to Andy's  
23 point. Kevin and then Susan.

24  
25 **MR. ANSON:** I just would agree with Andy. If you're on the side  
26 of the discussion that wants to ensure that the fish are at  
27 least associated with a reef fish permit, which a reef fish  
28 permit is needed to sell the fish, Preferred Alternative 5,  
29 although it's better than waiting until some date in the future,  
30 it really leaves the door open for a lot of folks that -- Again,  
31 if your intent is to try to keep it amongst those that are  
32 actively fishing, it allows a significant number of those to  
33 still retain those shares.

34  
35 It does affect those that have purchased those shares, General  
36 Spraggins, and I do realize that, and so that's a discussion we  
37 can have, but I just agree with Andy that Preferred Alternative  
38 5 -- If that's where you want to be, is to try to make sure that  
39 those accounts are remaining with at least the reef fish permit,  
40 which then is needed to sell those fish, that doesn't do you  
41 much good, Preferred Alternative 5. Thank you.

42  
43 **CHAIRMAN GUYAS:** All right. I'm going to go to Susan, and then,  
44 Ava, I see you. I've got you next. Susan is good. Ava, go  
45 ahead.

46  
47 **DR. LASSETER:** I guess why I'm struggling with Preferred  
48 Alternative 5 is why you wouldn't just pick a date like today,

1 and I guess, as a social scientist, we often get teased, because  
2 it's very hard to quantify human behavior, and that's really  
3 because, when people know that they're being studied, they  
4 respond differently, and so, when we go ahead and tell people  
5 upfront that, hey, we're going to be requiring a permit, or,  
6 hey, we're going to be taking this action, especially with  
7 something like this follow-up implementation of this amendment,  
8 we're giving people this grace period, from now until an  
9 indeterminate date, and that just introduces a whole lot of  
10 uncertainty, and potentially unintended consequences.

11  
12 Since the analysis was presented here in the document with that  
13 February 2020 date, we've already got 102 new accounts, and only  
14 thirteen of those have shares, but those are potentially 102  
15 additional permit-exempt accounts already, and who knows how  
16 many more could happen at the time of implementing this, and I  
17 am just struggling with why you --

18  
19 If that's the way you're going to go, rather than like picking a  
20 date like today, why you wouldn't just fold this back into 36C,  
21 because you're not concerned about going ahead and stemming the  
22 creation of new accounts that are permit-exempt now. If it's  
23 not a timely concern, why wouldn't you just address it with the  
24 actions in 36C? That seems a little more congruent.

25  
26 I just wanted to point out, again, that the APs recommended, for  
27 those exact reasons, to pick a date, and so I guess I just  
28 wanted to kind of reiterate some of that, because that's  
29 reflected in the document as well, in the analyses.

30  
31 **CHAIRMAN GUYAS:** Okay. Thanks, Ava. I've got a couple of  
32 hands. I am going to go to Bob and then Robin and then back to  
33 Leann. Go ahead, Bob.

34  
35 **MR. GILL:** Thank you, Madam Chair. In terms of Alternative 1,  
36 or, excuse me, Action 1, that's one of the situations that drove  
37 me to trying to think of a different way to go. My feeling,  
38 part of my KISS-system thinking, I believe, is that, basically,  
39 it says either we believe the holding shares without a permit is  
40 okay or it's not okay, and it's as simple as that, and making  
41 all these control dates and these exemptions, et cetera, doesn't  
42 answer that question.

43  
44 For me, it's Alternative 2, but I could see where folks could  
45 say, no, it's okay, and we vote for Alternative 1, but  
46 Alternatives 3, 4, and 5 beg the question, and we never answer  
47 it, whether it's what we think is right or what we don't think  
48 is right, and so I think Action 1 is misguided, and it doesn't

1 fundamentally get to the question that's being asked. Thank  
2 you.

3

4 **CHAIRMAN GUYAS:** Thanks, Bob. Robin.

5

6 **MR. RIECHERS:** Bob will find this very ironic, that I am going  
7 to agree with him about that.

8

9 **MR. GILL:** Oh my god.

10

11 **MR. RIECHERS:** No, but I do agree, and I think we are -- I mean,  
12 basically, 3, 4, and 5, and really the two recommendations of  
13 the AP, the different AP panels below, are control dates.  
14 That's really all they are. They are establishing a control  
15 date and suggesting to the individuals that, if you bought --  
16 Inside of this window, you're either okay, and we may  
17 grandfather you in later in the document, or we may make you  
18 sell at a particular time, and you've got some amount of time to  
19 take some action.

20

21 I guess the fundamental question is do we in fact want them to  
22 maintain shares or not, and, in this aspect, I agree with Andy,  
23 because what we found with these systems is there will be ways  
24 to maneuver through the systems, and I think what everyone who  
25 is attempting to really participate in this discussion, and this  
26 is where it becomes that value judgement you were talking about  
27 earlier, Tom, but it's a value judgment about a belief that  
28 someone should not be able to make a profit off of a government  
29 resource that they were gifted in some way and not be out there  
30 working it and fishing it, or be somewhere in that associated  
31 ownership at a level where it's close -- In our judgment,  
32 somewhat close enough to the water, and what close enough is a  
33 judgment, a value-based judgement.

34

35 My other side of this would be that why wouldn't we allow those  
36 people to hold shares? It's a market-based system, and you  
37 created a market-based system when you created an IFQ program,  
38 and, if it is a market-based system, why wouldn't we just have  
39 it as a market-based system and open it up, and really maybe  
40 even go further than what we have it open now? Remove some of  
41 those restrictions and find ways to make it a really open market  
42 system.

43

44 What we now have is a market system that is only associated with  
45 a couple of the sectors, and you could create a market system  
46 that allows it to be more traded than it is now, and so I think  
47 that may be one of the fundamental questions, when we think  
48 about an ideal IFQ program and what that might look like, but I

1 do agree that we're complicating this somewhat more than it  
2 needs to be, because it's really a question of do you want to  
3 have a permit or not, and then that's a fundamental question  
4 about your value belief about whether or not that's really going  
5 to constrain people, and are they close enough to the water or  
6 the production of the resource that you have allowed them to  
7 have.

8  
9 **CHAIRMAN GUYAS:** All right. Thanks, Robin. I am going to go  
10 back to Leann.

11  
12 **MS. BOSARGE:** All right, and it sounds like there is some people  
13 that want it to be Alternative 2, and so, as I said, I was okay  
14 with Alternative 5. I would rather have something rather than  
15 nothing, but, if there's a holdup here, and a hang-up over that,  
16 I will float a motion. **The motion would be to make Alternative  
17 2 in Action 1 the preferred alternative.**

18  
19 We'll see if that's the will of the council or not. If it  
20 passes, then there we go, and we've got an answer. If it fails,  
21 then we know that, no, we want some exceptions, and so we'll go  
22 with the preferred that we have would stay, and we'll move  
23 forward into the next couple of actions and make some decisions,  
24 and I will go ahead and forecast for you here. I intend to get  
25 rid of a couple of those, at least one of those actions, and  
26 maybe streamline the other one, so that we could have preferreds  
27 on everything.

28  
29 **MR. GILL:** I second that motion.

30  
31 **CHAIRMAN GUYAS:** All right, and so Leann has got a motion.  
32 Let's get that up on the board. **The motion is, in Action 1, to  
33 make Alternative 2 the preferred alternative.** I will give staff  
34 a couple of minutes, and then, Dale, go ahead.

35  
36 **MR. DIAZ:** I am struggling with this. I am listening to the  
37 conversation, and we're having some great conversations today,  
38 and I appreciate the things that has been brought up, especially  
39 by the motion earlier, and I thought that got us to have some  
40 good conversations.

41  
42 I do struggle with making Alternative 2 the preferred, for this  
43 one reason. General Spraggins said earlier that I think some  
44 people have bought shares and had to borrow money to do that,  
45 and, if we don't allow some grandfather option to do that, and  
46 I'm wondering if we're going to put some people in a situation  
47 where they lose a lot more.

48

1 I don't know the answer to that question, and we might not, but  
2 I don't know the answer to that question, and that's the only  
3 thing that gives me pause on it, and I'm trying to think through  
4 that as I decide how to vote on this. Thank you, Madam Chair.

5  
6 **CHAIRMAN GUYAS:** All right. Thanks, Dale. Bob Gill seconded  
7 the motion. I want to get the motion on the board, just so that  
8 we're looking at it. Okay. Cool. Bob and then Kevin.

9  
10 **MR. GILL:** Part of my thinking about this is that, if people buy  
11 shares and don't have permits, they're making an investment, and  
12 it's like buying an investment in the market. You think it's  
13 going to go up, and you think it's a worthwhile use of your  
14 money, and there are no guarantees. The risk level is whatever  
15 you think it is, but you may or may not make money. In today's  
16 market, I would say that most folks that bought shares before,  
17 versus the price today, are probably doing very well.

18  
19 Nevertheless, as an investment, we're not obligated to guarantee  
20 folks that that investment was a good one. That's the risk they  
21 take when they buy it, and what we need to worry about is what  
22 is right for the fishery, and so I don't get all that uptight  
23 about folks that have bought shares and don't have a permit, are  
24 not fishing, but have that investment, and, okay, they might  
25 have to divest themselves of that investment. Fine. We do it  
26 all the time, anybody that makes an investment.

27  
28 If you put your money in the bank, it's the same way. You hope  
29 that bank doesn't fail, but I don't share the concern on  
30 protecting folks that invested their money in hopes of making a  
31 profit of some sort and that we ought to be in that business of  
32 ensuring it.

33  
34 **CHAIRMAN GUYAS:** Thanks, Bob. Kevin and then, Leann, I see you.

35  
36 **MR. ANSON:** Just ditto to Bob's statement, and I think it's been  
37 discussed before that there was the fine print, so to speak,  
38 when we took away the permit requirement back in 2014, I  
39 believe, that this can be changed in the future, by future  
40 council action, and so there was notice given to those that did  
41 want to partake in it and invest.

42  
43 Another way to maybe look at it is the rest of the document, I  
44 believe, deals with how many years it would take before it  
45 actually goes into practice, and so I think the lease price is  
46 around \$25 or \$30, and they're getting about five-bucks a pound,  
47 and so that's five years, in order to break even, and so, even  
48 if someone just got their shares this year, assuming that the

1 lease price is still the same, they recoup their money, at  
2 least, in five years, if you want to look at that and have a  
3 five-year phase-in timeline, that that helps answer that  
4 question. Thank you.

5

6 **CHAIRMAN GUYAS:** Leann.

7

8 **MS. BOSARGE:** I don't have anything for this. I just want to  
9 have my hand up for after this motion, so that I can talk about  
10 Action 2.

11

12 **CHAIRMAN GUYAS:** Okay. Sounds good. Susan and then Joe  
13 Spraggins and then Troy.

14

15 **MS. BOGGS:** Thank you, Madam Chair. I really don't know if I'm  
16 going to support this motion or not, because I am real concerned  
17 about all the discussion around the table. I do agree, and from  
18 a different perspective. My husband and I have been in the  
19 charter/for-hire business since 1998, and I cannot tell you how  
20 many times we have had to redo our business model because of the  
21 actions taken by this council, and now here I sit, and I'm doing  
22 the same thing, and I have to think, what am I about to do to  
23 the livelihoods of these people?

24

25 To something that Troy said, it's not the commercial fishermen  
26 on the water that are getting \$25 per pound for their fish,  
27 because I hear them come to the podium all the time saying that  
28 I barely break even, by the time I buy my bait and my ice and  
29 all of these things, and so I don't think you're pointing the  
30 finger in the right direction.

31

32 Now, I don't disagree with anybody in this room, in this  
33 fishery, in making a living. I think this is a public resource  
34 that some people don't have access to, because they don't own a  
35 boat, because they don't live in one of the five Gulf states,  
36 but they live somewhere within the fifty United States, and to  
37 take that resource away from them is wrong.

38

39 When you're talking about destroying this IFQ program that has  
40 done nothing but safety-at-sea, sustainability in the market, a  
41 good living for most of these people, I don't think I'm going to  
42 support this motion, because I don't know where I want to go  
43 with this right now, but I am really appalled at some of the  
44 conversation going on around this table today. Thank you.

45

46 **CHAIRMAN GUYAS:** All right. Thanks, Susan. Next, I've got Joe.

47

48 **GENERAL SPRAGGINS:** Thank you, Madam Chair. Just a quick

1 question. I wasn't on the committee in 2014, but, in 2014, the  
2 number we're working off of here, the option at that point was  
3 not guaranteed, like it was prior, and, I mean, is there  
4 something that I am missing here? In other words, the people  
5 who bought shares after 2014, and that's what we're working off,  
6 and is that correct? Was there something in 2014 to where they  
7 were told that, hey, this is like rolling the dice?

8

9 **CHAIRMAN GUYAS:** Andy, do you want to speak to that?

10

11 **MR. STRELCHECK:** The first five years of the program, you had to  
12 have a reef fish permit, but then, after that, it went to public  
13 participation being authorized, and so you no longer had to have  
14 a reef fish permit, as of the end of 2014 and going into the  
15 2015 fishing season, and so that was the change. It was  
16 intentional on the council's part when they set up the program,  
17 to allow that five-year timeframe for reef fish permit holders,  
18 but then, after that, allow for public participation. Anything  
19 the council does, we can come back and revisit and change, and  
20 so that's why we're having the discussion today.

21

22 **GENERAL SPRAGGINS:** The reason I ask that, Madam Chair, was  
23 that, you know, I'm trying to get my mind around this, as me and  
24 Dale were talking, and, if we gave somebody a false impression  
25 that they could go out and buy something and then maybe put a  
26 mortgage on it, or whatever they had to do to borrow money -- I  
27 guess, if we gave that, that's one thing. If we didn't, it's  
28 entirely different, and I am trying to get knowledge, is all I'm  
29 trying to do, and so I appreciate it.

30

31 **CHAIRMAN GUYAS:** All right. Thank you. Troy.

32

33 **MR. WILLIAMSON:** To the General's point, I think the Act is very  
34 specific, in that there was no possessory rights given to the  
35 initial recipients, nor any of the people that they transferred  
36 shares to.

37

38 As far as the permit goes, what's the purpose of the reef fish  
39 permit? We've got a hail-in and a hail-out requirement, and  
40 they have to have certain instrumentation on the boat to do  
41 various functions. I mean, to limit them to just a small  
42 universe is -- Like I said before, it's an impediment to the new  
43 entrants, and why not just have these permits for people who  
44 have allocation? I mean, the catch limit, annual catch limit,  
45 and the allocation is what limits the fishing. The permit  
46 itself could just be available to those people that have  
47 allocation, and I just really don't see why we're limiting the  
48 permit.

1  
2 **CHAIRMAN GUYAS:** Thanks, Troy. Susan, and then I think we're  
3 going to vote.  
4  
5 **MS. BOGGS:** The issue with the permits, from what I understand,  
6 and, of course, I myself hold some limited-access permits in the  
7 Gulf of Mexico for reef fish, and I own CMP, and the point of  
8 the permits for the commercial sector and the charter/for-hire  
9 sector were to limit the number of fishermen that enter the  
10 fishery, unlike the recreational fishermen. Thank you.  
11  
12 **CHAIRMAN GUYAS:** All right. Thanks, Susan. Andy, go ahead, and  
13 then we're going to vote.  
14  
15 **MR. STRELCHECK:** Thanks, Martha. One other point I wanted to  
16 make is that certainly Alternative 2, in my view, is better than  
17 Alternative 5, and I am hesitant to support really any preferred  
18 alternative in this action, largely from the standpoint of what  
19 Bob brought up earlier, which is we are debating this issue  
20 around this table with no agreement, in my view, in terms of how  
21 to proceed, nor really a good fundamental understanding of the  
22 implications of this.  
23  
24 Susan has kind of implied that from the standpoint of kind of  
25 what's the impact to the industry and the trickle-down effect of  
26 this, and so I think, from my standpoint, at this stage, yes,  
27 this may be better, in terms of accomplishing the purpose and  
28 need, but, once again, are we really accomplishing anything by  
29 doing this?  
30  
31 Yes, we're limiting it to permit holders, but getting a permit  
32 is the price to pay, and people that can afford to get a permit  
33 will then just have a permit, but it doesn't prevent them from  
34 still not fishing those shares and transferring those shares,  
35 and so I'm likely to abstain on this vote.  
36  
37 **CHAIRMAN GUYAS:** Okay. Thanks, Andy. **Our motion is, in Action**  
38 **1, to make Alternative 2 the preferred.** We're going to need to  
39 raise hands for this one. **All in favor of this motion, please**  
40 **raise your hand. Online folks can also raise your hand. Leann,**  
41 **Phil, and Bob all voted yes, and so we've got three online, and**  
42 **three in the room, and so six. All those opposed, please raise**  
43 **your hand. The motion fails six to seven.** Anything else on  
44 Action 1? All right. Leann, I believe you had something on  
45 Action 2, and so I am going to go back to you.  
46  
47 **MS. BOSARGE:** Thank you, ma'am. On Action 2 -- Now we know  
48 that, right now, the will of the council is to grandfather a few

1 people in, and so Action 2 does still apply. Let's see. Well,  
2 it would apply either way, I guess, but we have a preferred  
3 alternative, Alternative 3, where we said, hey, we'll give you  
4 three years following the transfer or termination of a permit  
5 associated with those shares to figure out what we're you're  
6 going to do before you have to divest.

7  
8 We haven't had much discussion on that, and I haven't heard a  
9 lot of people wanting to change that to one of the other one-  
10 year or five-year alternatives, and so I'm going to move right  
11 on to this new stuff, this Action 3, which has a couple of  
12 decision points in it.

13  
14 I would like to actually look at Action 3.2 first, and I think  
15 that's the lower-hanging fruit here, this idea that we have to  
16 make a decision on closed accounts, and, personally, I don't  
17 think we need to make any -- I think we're getting too far into  
18 the weeds. We've said that you're going to have to have a  
19 permit if you're going to hold shares.

20  
21 They gave us some real big numbers, eight-hundred-and-something,  
22 accounts that were currently closed that could be reopened, and  
23 we don't need to get into that. I think, if your account is  
24 closed, it's closed, and you can't reopen it later and then have  
25 this apply. Your account is closed, and it's closed, and we're  
26 not going to get into that.

27  
28 NMFS can handle that on their end, and they do, it sounds like,  
29 close accounts on their end, if it's inactive for a year, and so  
30 that may be an internal operation that they want to look at  
31 maybe being a little more lenient on that going into the future  
32 and not closing accounts after one year or a year-and-a-half. I  
33 don't think we need to take this up. I think we're  
34 micromanaging that situation a little too far.

35  
36 Ava, is this in the document, or was this draft? Is this like a  
37 draft action that staff was proposing to put in the document,  
38 because I don't remember it being in there last time.

39  
40 **DR. LASSETER:** Okay. Can we put up the correct slide? We're in  
41 Action now, and go to 3.2. Last time I brought a presentation,  
42 and I had all of these as questions to you.

43  
44 **MS. BOSARGE:** Right.

45  
46 **DR. LASSETER:** I said I don't think these need to be actions,  
47 but if you could just provide me some input, and I couldn't get  
48 any input, and so then Andy spoke up and said perhaps these

1 should be added as actions, and I said okay, and nobody  
2 objected, and so that's why I took the effort into crafting them  
3 into actions, because I thought that would be easier to go  
4 through and to work out.

5  
6 **MS. BOSARGE:** All right. Madam Chair, can I follow-up then?

7  
8 **CHAIRMAN GUYAS:** Yes.

9  
10 **MS. BOSARGE:** Okay, and so I just needed to know if it was in  
11 the document or not, so I make the motion correctly. **My motion**  
12 **would be to move Action 3.2, Closed Accounts, to the Considered**  
13 **but Rejected, into Considered but Rejected, which would remove**  
14 **it from the document, if I can get a second.**

15  
16 **CHAIRMAN GUYAS:** Give us just a second. We're going to get that  
17 on the board, and then we'll see if there's a second for it.

18  
19 **MR. GILL:** I will second, Madam Chair.

20  
21 **CHAIRMAN GUYAS:** Okay, and so we've got a second from Bob Gill,  
22 and the motion is to move Action 3.2 to Considered but Rejected.  
23 Okay. Any other discussion of this motion? Mara.

24  
25 **MS. LEVY:** Thank you. I don't have any objection or anything to  
26 moving it to Considered but Rejected, but I think, if you do  
27 that, it would be good to know that the council agrees with what  
28 Leann said about if it's closed, it's closed, and you don't get  
29 to reopen it and it pops back up into whatever, I don't know,  
30 whatever this said, meaning the language here -- If what the  
31 council wants to do is consistent with what Alternative 2 says,  
32 then we should discuss that in the document, right, so it's very  
33 clear what the intent is, and it doesn't necessarily need to be  
34 an action with alternatives, I guess.

35  
36 I just don't want this to like get put into Considered but  
37 Rejected, but then it's like absent from any type of discussion  
38 in the document as to what is supposed to happen with these  
39 closed accounts that might get reopened.

40  
41 **CHAIRMAN GUYAS:** Robin.

42  
43 **MR. RIECHERS:** Well, and at least what I'm reading here, it  
44 basically says they can be closed now and reopened, and they  
45 only difference would be that, if you did establish a permit  
46 requirement, then, to be reopened, they would have to have a  
47 permit, and while, Mara, I can't suggest whether or not -- I am  
48 looking at the presentation, and I haven't tried to pull back up

1 the document right now, and I can't suggest whether that's  
2 clearly articulated in the document, but it does appear to be  
3 that this is somewhat of an administrative function and handling  
4 of the permit database, in some respects.

5  
6 I agree with you that lets clearly spell it out for everyone,  
7 but I also agree that I'm not certain it needs the full-blown  
8 treatment of an alternative with options.

9  
10 **CHAIRMAN GUYAS:** Thanks, Robin. Ava.

11  
12 **DR. LASSETER:** It's administrative in the sense that SERO did  
13 ask what was the council's intent, because there are these  
14 accounts, and they can be reopened, and, based on what you pick  
15 in Alternative 1, all of these accounts would be grandfathered  
16 in, and so we just need to know.

17  
18 What I would understand, if this motion passes, is I'm going to  
19 interpret that as Alternative 1 is what you are selecting, and  
20 so a reopened account would -- Because, essentially, you're  
21 picking no action, I'm assuming, if you move it to Considered  
22 but Rejected, and so shareholder accounts that have been closed  
23 can be reopened, and the date then determines whether it's a  
24 permit-exempt account.

25  
26 This also came up with the historical captain permits, and there  
27 was discussion that this is similar to that, and you had these  
28 old permits out there laying around, that they could have still  
29 turned in the letters, and then you guys did take an action to  
30 determine that, yes, those permits could be traded in for a for-  
31 hire permit, a standard permit, and so this is a similar  
32 situation.

33  
34 These accounts are out there, and they really were created, and  
35 they were established, and I am happy to not have to expand a  
36 whole action in the document and write Chapter 4 on it, but we  
37 do need to incorporate some text in the document that just lets  
38 NMFS know what the council's will is. If you move this to  
39 Considered but Rejected, I'm going to assume it's Alternative 1,  
40 because that means you're not taking any action. If I'm wrong,  
41 please correct me.

42  
43 **CHAIRMAN GUYAS:** Thanks, Ava. At least from my perspective, if  
44 this motion passes, then, yes, the council has basically chosen  
45 no action. I feel like, a lot of times -- Maybe we're just  
46 doing this a little more expeditiously than we would otherwise,  
47 but, if we are moving forward -- We're considering an action,  
48 and we choose Preferred Alternative 1, eventually, at some

1 point, that action gets moved to Considered but Rejected anyway,  
2 and so we'll just, I guess, streamline that process here.  
3 Leann, is it to this, or did you want to go back to 3.1, once we  
4 dispense with this?

5  
6 **MS. BOSARGE:** No, that's fine. I would bring Ava back, and I  
7 think that Robin said it the best. Ava, what Robin and myself  
8 both said, I believe, Robin, is that, no, if you want to reopen  
9 your account -- You have a closed account. If you want to  
10 reopen it, after all this goes into effect, you're going to have  
11 to comply with the rules at that point in time, which is you're  
12 going to have to have a permit associated with that account, if  
13 you're going to have shares.

14  
15 It's not what -- Disregard Alternative 1 and 2, and so that's  
16 what Robin said, I'm pretty sure, and that's what I said,  
17 because there is eight-hundred-and-something of these closed  
18 accounts, and they're going to have to be compliant and have a  
19 permit to be reopened, and you're opening an account. I  
20 understand that it has an original open date, when you  
21 originally opened it, but it's got a closed date on it too, and  
22 so, Robin, was that what you were saying as well, that you would  
23 have to get a permit?

24  
25 **MR. RIECHERS:** Leann, that's certainly what Alternative 2  
26 suggests, but, again, even under Alternative 1, we're saying you  
27 can reopen an account, and so 2 only puts the restriction on the  
28 reopening, assuming we take an action in Alternative 1 that is  
29 not the status quo, which is currently what we have selected,  
30 but that can change as we move through the document, or as we go  
31 further with this document, and let me put it that way, and  
32 we're past that today, but --

33  
34 **CHAIRMAN GUYAS:** Mara.

35  
36 **MS. LEVY:** So I think this is exactly why Ava put this in here  
37 as an action alternative, because what this is dealing with is,  
38 if you make it such that you have accounts, and some are permit-  
39 exempt, and some are permit-required, we need to know what  
40 happens when someone closes an account that was originally  
41 permit-exempt.

42  
43 It gets closed, and they are going to reopen it, and does it  
44 stay permit-exempt, because they originally had it as permit-  
45 exempt, which is Alternative 1, or, because it closed, and they  
46 want to reopen it, and is it now permit-required?

47  
48 **CHAIRMAN GUYAS:** Robin.

1  
2 **MS. BOSARGE:** Martha, my hand is back up, when you get ready.

3  
4 **CHAIRMAN GUYAS:** Okay. Let me go to Robin and then back to you,  
5 Leann.

6  
7 **MR. RIECHERS:** Mara -- Maybe I am just missing something, and I  
8 certainly have the tendency to do that, but, if we're going to  
9 allow them to open, either way, no matter what we choose, and  
10 all it really is a different way to open again, what are we  
11 losing by just making that an administrative function, as  
12 opposed to trying to really articulate it here and go through  
13 it, because both alternatives say you're going to allow them to  
14 open.

15  
16 **MS. LEVY:** Right, but one is letting them keep their permit-  
17 exempt status that they originally had, and one is taking that  
18 away, and I'm not saying that it has to be an action with  
19 alternatives, but I think it's like that, because it is a  
20 decision. I mean, if the council comes to a consensus and is  
21 like write it up like this, okay, but I think the problem was  
22 that there are these two different outcomes, and it was more  
23 difficult to articulate and get feedback on which outcome the  
24 council was thinking would happen if someone actually closed an  
25 account that was permit-exempt.

26  
27 **CHAIRMAN GUYAS:** All right. Leann.

28  
29 **MS. BOSARGE:** **I would like to withdraw this motion.** I'm going  
30 to make a different motion.

31  
32 **CHAIRMAN GUYAS:** **The motion is withdrawn.** Go ahead with your  
33 next motion.

34  
35 **MS. BOSARGE:** Okay, but keep it up on the board, so I can read  
36 it, please. All right. **In Action 3.2, to make Alternative 2**  
37 **the preferred.**

38  
39 If we need to get in the weeds, we'll get in the weeds. There  
40 you go, and so your account gets closed -- We've got eight-  
41 hundred-and-something accounts that are closed right now, but  
42 that were open before essentially the control date that we're  
43 picking, which is implementation of this account, and so they  
44 would be able to reopen those accounts and not have to have a  
45 permit associated with them. If we're going to micromanage it,  
46 let's do it. I'm going to say that, no, you can reopen it, but  
47 you're going to have to get a permit, because it's after  
48 implementation of this account.

1  
2 **CHAIRMAN GUYAS:** All right, and so we've got a new motion on the  
3 board, and we're looking for a second. **The motion is, in Action**  
4 **3.2, to make Alternative 2 the preferred.** Is there a second to  
5 this motion?  
6  
7 **MR. GILL:** Second, Madam Chair.  
8  
9 **CHAIRMAN GUYAS:** All right. It's seconded by Bob Gill. I think  
10 we've already discussed this, but is there anything else that  
11 anybody wants to weigh-in on here with this action? All right.  
12 **Is there any opposition to this motion? Please raise your hand**  
13 **if you have any opposition to this motion.** Bob Shipp opposes  
14 this motion. Anyone else?  
15  
16 **DR. SHIPP:** No, I just --  
17  
18 **CHAIRMAN GUYAS:** Bob, are you opposed to this, just to be clear?  
19  
20 **DR. SHIPP:** I am not opposed to this motion.  
21  
22 **CHAIRMAN GUYAS:** All right. Thanks, Bob. Okay. **I think this**  
23 **motion carries with no opposition.** If I'm wrong, please just  
24 shout it out. Okay. Bob Shipp, did you want to speak? Okay.  
25 We're good then. All right. Leann, I know you wanted to back  
26 up to Action 3.2.  
27  
28 **MS. BOSARGE:** Yes. Thank you. This is the only action left, I  
29 think, that we don't have a preferred on. This one, I think we  
30 will have to have just a little bit of discussion, and so if we  
31 could get Action 3.1, Share Limit for Permit-Exempt Shareholder  
32 Accounts, on the board.  
33  
34 I understand Alternative 2, no action, and so there is no share  
35 limit for a permit-exempt account, and that means you can add to  
36 it, you can increase your holdings, and you are still  
37 grandfathered. In other words, we're not grandfathering you at  
38 the level that you're at when we implement this account, or the  
39 number of shares that you have when we implement this account,  
40 but we're just grandfathering you, period.  
41  
42 You can increase -- You can buy more shares, and you can  
43 increase it or decrease it whatever, and Alternative 2 says, all  
44 right, we're going to grandfather you, but we're grandfathering  
45 you at the shareholding level that you're at right now, and you  
46 don't have to have a permit as long as you stay at that level.  
47 If you want to increase your shareholdings, you are -- In any  
48 share category, whether it's snapper or grouper or whatever, you

1 are going to have to put a permit on your account.

2  
3 Alternative 3, Ava, this is where I get a little confused. Tell  
4 me what Alternative 3 -- Is it essentially the same as  
5 Alternative 2, but we're picking species or something? What are  
6 we doing there?

7  
8 **DR. LASSETER:** They are almost exactly the same, except, in  
9 Alternative 3, you get a new lower share limit if you transfer  
10 shares out. Alternative 2, you have a cap, and it's that amount  
11 that you have at the time that these are permit-exempt, and  
12 Alternative 3 adds the part that, if shares are transferred out  
13 of the account, the amount of shares held after the transfer  
14 becomes the new share limit for that account, and so it just --

15  
16 If you have 1 percent of the shares at the time you're  
17 determined permit-exempt, 1 percent shares in gag, in  
18 Alternative 2, you could sell some of those shares and then buy  
19 more later to your original share limit. Alternative 3 says,  
20 once you decrease your shareholdings, you decrease your gag 1  
21 percent down to half, and you cannot return back up to that  
22 original share limit of 1 percent.

23  
24 **MS. BOSARGE:** Okay. Thank you, Ava. All right. I am going to  
25 float a motion on this, to get some discussion going, so we can  
26 make some progress here. **I am going to move that, in Action**  
27 **3.1, we make Alternative 1 the preferred alternative.** If I can  
28 get a second, I will give you my rationale, and then we can  
29 debate this thing out.

30  
31 **CHAIRMAN GUYAS:** All right. We are getting that on the board  
32 right now. **The motion is, in Action 3.1, to make Alternative 1**  
33 **the preferred.** Is there a second to this motion? It's seconded  
34 by Dale. Leann, do you want to give us some rationale?

35  
36 **MS. BOSARGE:** Sure. I will be quick. First off, I think, if  
37 you're grandfathered, you're grandfathered. I mean, that's it.  
38 We talked about not grandfathering anybody, and I didn't have  
39 strong preferences either way. I could go either way, as long  
40 as we get something in place, but, if you're grandfathered, I  
41 don't see where we go and we start putting qualifiers on that.

42  
43 The second thing is I think, logistically, from NMFS' side,  
44 which usually I don't worry too much about how much it  
45 complicates their life, but, in this case, that seems pretty  
46 complicated, to try and follow and keep up with, especially when  
47 you're buying and selling. I think, if you're grandfathered,  
48 it's clean. You're just grandfathered, and that's why I said

1 Alternative 1, but I'm open, and I'm all ears for debate on  
2 this.  
3  
4 **CHAIRMAN GUYAS:** Okay. Any discussion of this motion? Andy.  
5  
6 **MR. STRELCHECK:** I guess my point would be that, if we were  
7 going to select no action, my preference would just be to move  
8 this to Considered but Rejected, because it's adopting status  
9 quo.  
10  
11 **CHAIRMAN GUYAS:** Fair point. Maybe at least we can vote this  
12 up, and then, if it passes, then we can deal with it in Full  
13 Council, or, if somebody is feeling spunky, we can deal with it  
14 after this. Leann.  
15  
16 **MS. BOSARGE:** That was going to be my comment. If this passes,  
17 then I will be happy to make another motion that moves the  
18 action to Considered but Rejected, but I wanted to have some  
19 conversation about it first.  
20  
21 **CHAIRMAN GUYAS:** Okay. Great. Any discussion on this? We're  
22 wearing out. All right. **Is there any opposition to this**  
23 **motion? Please raise your hand. We've got one in the room.**  
24 **Any online? No go from Bernie.** Okay. **The motion carries with**  
25 **one opposed.**  
26  
27 Okay, and so we've got preferreds now for everything in 36B, and  
28 I know Greg had something on 36C. Do you want to offer that  
29 now, or do we want to go through the rest of the slides that Ava  
30 had, or what do you --  
31  
32 **DR. STUNZ:** Well, I would leave that up to you, Madam Chair.  
33 It's kind of related to B and C.  
34  
35 **CHAIRMAN GUYAS:** Go ahead then.  
36  
37 **DR. STUNZ:** So one thing, just to step back a little bit,  
38 regarding our conversations today, and I know it's been  
39 controversial, but I wasn't appalled at all. Is it difficult  
40 conversations that probably none of us want to have?  
41  
42 Certainly I think we would rather stick our heads in the sand  
43 and move on, and that's probably what has delayed this amendment  
44 as long as it's been delayed, but I feel strongly that we do  
45 need to have these conversations, as awkward and as difficult as  
46 they are, to make sure that all our opinions are on the table,  
47 and make sure they're fully vetted, so that, in the end, we get  
48 the best amendment as we can, and that's why I liked Bob's

1 motion, because that mechanism provides a way for us to get a  
2 lot of these controversial ideas into the mix kind of thing, and  
3 it's not as bad, but I think it's important that we have these  
4 conversations, whether you like the points or not, essentially.

5  
6 That's not what I wanted to talk about, Madam Chair, and what I  
7 wanted to talk about is if we could go back -- Ava, you put a  
8 slide up that was kind of an overview of 36C, like the main  
9 components of all the alternatives. There it is.

10  
11 In an effort to remove some of the convolution, Action 3 is  
12 obviously the odd action out there, and I don't remember the  
13 history of why that got in there, and, if some of you recall,  
14 that's the, when you arrive at the dock, it's estimating your  
15 weight, versus what you really have, in terms of those advance  
16 notifications.

17  
18 I am not going to offer a motion right now, but I probably will  
19 at Full Council, and I want to do a little bit of fact-finding  
20 first, to find out just -- The timing was an issue, and I don't  
21 know if it's still an issue or whatever, but, to me, this is  
22 going to take a while to get through.

23  
24 If this is still an issue, this is something we want to deal  
25 with sooner than later, probably on its own, and I don't know if  
26 that's a framework or -- I'm not sure what mechanism it would be  
27 to do that, but I would recommend pulling that out, and so  
28 that's coming, if there's any comments or questions or whatever,  
29 and I wanted to talk to some of our law enforcement folks and  
30 others, to see if that's still an issue, but I think that should  
31 be pulled out. That will help to streamline this.

32  
33 Then, finally, Martha, the last thing, and some of you, I'm  
34 sure, around the table are aware of the recent Executive Order,  
35 and it was back in July sometime, and it had to deal with  
36 openness in markets and market competitiveness and that sort of  
37 thing, as it relates to federal issues, and certainly federal  
38 fisheries would fall under that.

39  
40 The whole idea of that Executive Order had to do with markets  
41 and things becoming more and more consolidated and how to  
42 promote that openness and promote that competitiveness, and I  
43 think it's directly related to 36 in general, both B and C, and  
44 I think it would be very valuable for this council -- So, Tom,  
45 I'm kind of looking at you, and I don't know where that  
46 Executive Order fits into this process, or how we even consider  
47 that, but maybe a presentation, as it relates to us dealing with  
48 market systems and federal fisheries, would be very valuable and

1 help us form our opinions as we start moving down the road,  
2 especially on 36B.

3  
4 I don't have a perfect idea of how to integrate that in, or even  
5 who would be appropriate to do that, but it certainly has  
6 relevance to what we're doing.

7  
8 **CHAIRMAN GUYAS:** Thanks, Greg. Go ahead, Tom.

9  
10 **DR. FRAZER:** I would think that we could certainly explore that  
11 a little bit, Greg, and get a presentation, if we need to, and  
12 I'm happy to explore it, and that's all I'm saying right now,  
13 but what I did want to say though is today has been a bit of a  
14 frustrating day, and I think, in large part, because we've been  
15 online for a year, or a year-and-a-half, and we have these  
16 interactions that we're not used to, and even I lost my way a  
17 little bit here earlier in the day, but, you know, this  
18 amendment, as Bob pointed out, has been floating around for a  
19 decade.

20  
21 A lot of people on this council probably don't even know why we  
22 implemented the IFQ program and what the goals were, and I think  
23 there's probably a time, and it might be an appropriate time,  
24 and I look forward to seeing Bob's motion in the Full Council,  
25 to see -- You know, how do we move forward to revisit those  
26 goals and evaluate whether or not -- What effects the IFQ  
27 program might have had on the resource, the resource as not just  
28 the fisheries, the habitats, and the people involved, but then  
29 how do those effects propagate to all the stakeholders, how were  
30 their colleagues affected, how were the retailers and the  
31 wholesalers affected, how might the resource have been impacted?

32  
33 If those impacts were negative, do we have a plan, moving  
34 forward, to fix them? I think these 36B and 36C probably have  
35 lost sight of the big picture, and it's probably time that we  
36 need to step back and look at where we are, and so I'm not  
37 opposed to the discussion that's going on here today, but I do  
38 look forward to seeing the motion in Full Council about possibly  
39 moving forward, and that's all I wanted to say.

40  
41 **CHAIRMAN GUYAS:** Thanks, Tom. I've got a couple more hands.  
42 Dale.

43  
44 **MR. DIAZ:** Tom, thank you for those comments. I think those are  
45 very relevant. As far as people's position on whether this is  
46 effective or not, I think we need to start talking to users, and  
47 it's a point-of-view thing, and they're going to have real  
48 diverse opinions on that, and, if I'm a shareholder, and I've

1 got a ton of shares, and they were gifted to me, that's the best  
2 thing since sliced bread.

3  
4 If I don't own any, and I've got to lease them at four-dollars a  
5 pound, this is the worst thing that ever happened to me in my  
6 life, and we're going to have a lot of different people, and  
7 that's both ends of the spectrum, I think, and everything in  
8 between, but I think you're dead on. I do think we've lost our  
9 way some, and we do need to refocus, and that's why I  
10 appreciated Bob making his motion earlier and trying to work  
11 through that.

12  
13 That's not what I wanted to speak to originally, whenever I  
14 raised my hand, though. The LETC -- Greg had brought up Action  
15 3 and the weight adjustments, and, whether we do it now or at  
16 Full Council, but the LETC originally supported that, but, as we  
17 discussed, it got watered down, and, ultimately, the LETC  
18 decided that it was better to do Considered but Rejected, and  
19 so, at some point in time, whenever you say it's appropriate,  
20 either me or Greg will make that motion to do that. Thank you.

21  
22 **CHAIRMAN GUYAS:** Thanks, Dale. Let me circle through a couple  
23 of hands here. Ava, do you want to go next? Troy, I see you,  
24 and I've got you on the list now, too.

25  
26 **DR. LASSETER:** I think Dale pretty much covered what I was going  
27 to comment on. I was going to give a specific date, and so the  
28 LETC, at its October 2019 meeting, recommended Alternative 1,  
29 taking no action, for that accuracy of estimated weights,  
30 because they commented that the alternatives, as modified, were  
31 not going to address the problem. Greg, if you wanted more of a  
32 history on how that action came about in the LETC, the back-and-  
33 forth, I do have all of those reports that I can provide for  
34 you.

35  
36 Tom, I wanted to comment that it sounds like what you're looking  
37 for, in terms of an analysis on the program, overlaps quite a  
38 bit with this -- The NAS report that I just commented on that  
39 will be on the agenda in October, but I can go ahead and forward  
40 a copy, a preliminary copy, of it to you as well.

41  
42 **DR. FRAZER:** Thank you, Ava.

43  
44 **CHAIRMAN GUYAS:** Okay. Let me go to Kevin. Troy.

45  
46 **MR. WILLIAMSON:** Thank you. To Tom's comments about the purpose  
47 and I guess need of the catch shares, there were a lot of good  
48 things that came out of the catch share program. As far as

1 overview and a review of it, there's an excellent paper, the  
2 NOAA Catch Share Policy, and you can find it on their web, and  
3 it, amazingly, discusses a lot of the things that we're  
4 referencing around the table here today, and it focuses on some  
5 of the future actions that might be taken by the council, and so  
6 it was helpful to me, in refreshing, and I would recommend it.  
7 Thank you.

8

9 **CHAIRMAN GUYAS:** Thanks, Troy. Kevin, now you're up.

10

11 **MR. ANSON:** Thank you, and just to expound upon a comment that  
12 Troy had made earlier regarding Dr. Lasseter's work on the  
13 document, as well as the IPT staff, I appreciate all the work  
14 that they have done to get us to where we are, but I guess, Ava,  
15 if you could comment, and we had a second vote on Action 2 in  
16 36B, and we ended up with Alternative 5 is still the preferred.

17

18 If that were to go as final, how does that affect, or impact,  
19 all of the actions, or the two actions, that are remaining in  
20 Amendment 36C if we delete Action 3, based on comments just made  
21 from the LETC?

22

23 **DR. LASSETER:** I think I understood. In 36B, you mentioned, if  
24 you go forward with the Preferred Alternative 5, how does that  
25 affect Amendment 36C, this Action 3?

26

27 **MR. ANSON:** No. How does it affect Actions 1 and 2 that are  
28 remaining if we basically set -- At whatever point that that  
29 document becomes final, as the cutoff date, is there anything  
30 that would be available to address distribution of reclaimed  
31 shares, anything left available to do a quota bank?

32

33 **DR. LASSETER:** Okay. so, if you -- I understand what you're  
34 saying. Coming out of 36B, even if you picked Alternative 2,  
35 requiring all shareholder accounts to have shares, we don't  
36 think that there would be any shares that you would reclaim  
37 through divestment. Nobody is going to sit on those shares, or  
38 it would be highly unlikely, and so, whatever alternative you  
39 pick in 36B, you're really not contributing anything to this  
40 pool of reclaimed shares.

41

42 Moving to 36C, you have one more recommendation from the AP to  
43 consider as a method to redistribute shares that came from the  
44 last AP meeting, and their recommendation -- From the AP  
45 recommendations that I haven't gone through yet, they don't  
46 support the quota bank anymore, and they do just support those  
47 shares being distributed out to existing shareholders.

48

1 Now, the implications though, between 36B and 36C, it comes down  
2 to how you're thinking of this quota bank. Originally, it was a  
3 NOAA quota bank, and then, previously, Roy had talked about that  
4 they just don't really have the funds for setting this up, and  
5 it sounded like there wasn't a lot of interest for NMFS to do  
6 it, and I believe one of your most recent motions was for a non-  
7 NOAA quota bank, and that was one of the last AP motions.

8  
9 Depending on how the quota bank shakes out, I guess is where I'm  
10 going, if you want to use an account for shares and allocation  
11 for this quota bank, you would then need to be creating an  
12 additional carveout, because you have just created a requirement  
13 for new accounts for 36B to have a permit, be required to have a  
14 permit.

15  
16 That is one of the places where there is kind of this interplay,  
17 and I see it in the quota bank, and, right now, your purpose  
18 statement is to help these small participants and new entrants,  
19 and you're definitely -- Well, I understand it as you're  
20 defining then a new entrant or a small participant as somebody  
21 who does already have a permit and shares. Like you may be  
22 starting to create some of those definitions for what you do in  
23 36B, and so you probably just want to consider that. Did I  
24 answer your question? It's real convoluted.

25  
26 **MR. ANSON:** I guess enough for now. Thank you.

27  
28 **DR. LASSETER:** Okay. I'm sorry.

29  
30 **CHAIRMAN GUYAS:** All right. Thanks, Ava. I'm going to go to  
31 Leann, and she had a question.

32  
33 **MS. BOSARGE:** My question, and we went on a different path, but  
34 my question was actually about what point we're at with 36B, and  
35 could we have a discussion about when we intend to go out to  
36 public hearings, so that -- Because I do think it's going to be  
37 very important to get feedback on this and see, you know, where  
38 the public stands on it.

39  
40 However, before I get to that point, I heard Dale and Greg  
41 essentially make motions, without making motions, about the  
42 Action 3, Accuracy of Estimated Weights in Advance Landing  
43 Notifications in Amendment 36B, and I have a feeling that Bob's  
44 motion is going to come up again in Full Council. **I think for  
45 us to have a discussion, I guess a little more organized and  
46 pointed and focused, I will go ahead and make that motion to put  
47 Action 3 in Amendment 36B in the Considered but Rejected.**

48

1 We've already had the discussion on why, and I think Greg is  
2 right, and it is kind of the odd man out in that list of things  
3 that we're looking at, and, if we are going to possibly go down  
4 the path of having a focus group, I think that, by getting rid  
5 of that, I think that at least begins in hone-in on a little  
6 more focus, and so I will make that motion and see if we can  
7 make some progress there, and then I would like to talk about  
8 those public hearings. Thank you.

9  
10 **CHAIRMAN GUYAS:** All right. We are getting that motion on the  
11 board. **The motion is to move Action 3 to Considered but**  
12 **Rejected, Action 3 in 36C, since we're kind of jumping around**  
13 **between documents.** Okay. All right. **In 36C, to move Action 3**  
14 **to Considered but Rejected.** Dale has seconded that motion.  
15 Greg.

16  
17 **DR. STUNZ:** I just have a comment to that, and I don't have a  
18 problem with moving it to Considered but Rejected, but I just  
19 don't want it to go away, and that's why I wanted to have a day  
20 or so to figure out and talk to some folks, to see if it's still  
21 an issue. If that's the case, I wanted to bring it up again, to  
22 figure out how we need to address that, through some framework  
23 action or something else. I don't want it just to go away.

24  
25 **CHAIRMAN GUYAS:** Okay. Great. Any other comments on this  
26 action or the motion? Seeing none, can we just put that motion  
27 back on the board, just for a split second, and we're going to  
28 vote. All right. **The motion is, in 36C, to move Action 3 to**  
29 **Considered but Rejected, and that is the weights action, and so**  
30 **is there any opposition to this motion? Seeing none in the room**  
31 **and none online.** Okay. **The motion carries without opposition.**  
32 All right. Leann, back to you on public hearings.

33  
34 **MS. BOSARGE:** Thanks. I was just wondering what the schedule  
35 looks like on public hearings for this document. I know staff  
36 is pretty swamped, and so I didn't know if it would be soon or a  
37 little later or what on 36B.

38  
39 **CHAIRMAN GUYAS:** Ava, do you want to speak to that, the 36B  
40 public hearings?

41  
42 **DR. LASSETER:** I am going to have to talk to Carrie and John, I  
43 guess. Can we get back with you at Full Council, because I also  
44 wanted to -- I definitely want to have, on the October agenda,  
45 the NAS report, and greater amberjack too, and can I talk with  
46 Carrie and John, and then we'll get back to you?

47  
48 **CHAIRMAN GUYAS:** Absolutely. All right. Mara.

1  
2 **MS. LEVY:** Just, I mean, Leann is zooming through this at  
3 lightning speed, and so I just wanted to make sure -- In Action  
4 2 right now, there was that new alternative that dealt with like  
5 inheritance, or legal proceedings, that transfer shares, and how  
6 long you would have, if your account required a permit, to get a  
7 permit or divest, and I didn't know if Ava needed any further  
8 discussion on that, or you wanted to have further discussion on  
9 that, either now or at Full Council.

10  
11 **CHAIRMAN GUYAS:** What's your pleasure, folks?  
12

13 **MS. BOSARGE:** Now.  
14

15 **CHAIRMAN GUYAS:** Okay, Leann. Go ahead, if you've got something  
16 to say.  
17

18 **MS. BOSARGE:** If Ava will bring it up on the board, we'll have  
19 discussion now. I'm sorry if I missed one. I thought I had  
20 gotten them all. I will give staff a minute to bring it up on  
21 the board.  
22

23 **DR. LASSETER:** This is Action 2, and it was an alternative added  
24 to Action 2, and so we'll get that back up. It's going to be  
25 around Slide 6, 7, 8, 9-ish. If we go back two more up, I will  
26 just remind everybody of this action. Again, this action  
27 addresses only those accounts that are required to have a  
28 permit, and so your Alternative 1, no action, of course, would  
29 require everybody to be in compliance at the time this is  
30 implemented.  
31

32 This then would give you a grace period, and then the new  
33 alternative is this Alternative 4. If shares are acquired from  
34 a legal proceeding, the shares would be -- So you're giving  
35 people a grace period, and the reason that Alternative 2 is not  
36 applicable is because that is -- That would apply to accounts  
37 that would be permit-required from some grandfathered date that  
38 is before this is implemented. Because you're grandfathering  
39 everybody in until implemented, that Alternative 2 is not  
40 applicable, and, here, this Alternative 3, again, is preferred,  
41 and so it's Preferred Alternative 3 and Preferred Option 3b, and  
42 here is the new alternative.  
43

44 If shares were acquired from a legal proceeding, such as an  
45 inheritance or a divorce, a timeframe that you would allow them  
46 to be grandfathered in, and we did think of this as similar to  
47 Alternative 3, but the AP had discussed this as different, and  
48 so we crafted it as a separate alternative, and I will pause

1 there.

2  
3 **CHAIRMAN GUYAS:** Okay. Thanks, Ava. If I'm understanding, at  
4 least the way we talked about the new actions before, we have  
5 already, or you have already, taken the liberty of adding this  
6 to the document, and so you don't need a motion to add it, but  
7 it's just does the committee have anything to say about this  
8 alternative right now?

9  
10 **DR. LASSETER:** Again, we would not normally just add  
11 alternatives, especially to a public hearing draft, but, given  
12 the preferred alternative you had selected, and we were  
13 developing this idea of permit-required and permit-exempt  
14 accounts, we worked through, and we identified these additional  
15 questions and presented them to you just as questions at the  
16 June meeting.

17  
18 When we didn't get any feedback, Andy had suggested that, hey,  
19 let's put these in actions to facilitate discussion, and so  
20 that's why we put them in this way, and there was no objection  
21 to Andy recommending that, and so we did not have a formal  
22 motion to have these added to the document, but we had Andy  
23 recommending it, and nobody objected.

24  
25 **CHAIRMAN GUYAS:** Okay, and so do you want a motion now, or are  
26 we feeling good about it?

27  
28 **DR. LASSETER:** If you would like, but these are in the document.  
29 This alternative is in the document. If you would like to  
30 select it as preferred and select a time period, you could do  
31 that now.

32  
33 **CHAIRMAN GUYAS:** Okey-doke. Robin.

34  
35 **MR. RIECHERS:** It's inside the document with preferreds already  
36 selected.

37  
38 **CHAIRMAN GUYAS:** I think what Ava is saying is this could be an  
39 additional preferred in this action.

40  
41 **DR. LASSETER:** That is correct. At the last meeting, you  
42 selected Alternative 3 as preferred, because you selected that  
43 after you picked Alternative 5 as preferred in Action 1. You  
44 did pick preferreds, at the June meeting, for Action 1 and  
45 Action 2, and then I had additional questions to ask about this  
46 inheritance and divorce issue, and I talked about how I thought  
47 this could have just been reworded into Alternative 3, as an  
48 example, in addition to not having a permit anymore, it could be

1 require these shares in legal proceedings, and then it was  
2 suggested by Andy that we just add it as an additional  
3 alternative.

4

5 **CHAIRMAN GUYAS:** I am going to go to Dr. Simmons.

6

7 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Madam Chair. I think,  
8 Ava, folks are a little confused, because, in the document, in  
9 the tab, it's listed as Preferred Alternative 3 with Preferred  
10 Option 3b, but, in the presentation, it's not, and so should we  
11 perhaps bring up the document?

12

13 **DR. LASSETER:** We could, yes. I have mentioned a couple of  
14 times, and begged forgiveness, that I forgot to put it as  
15 preferred in the presentation, but it is correct in the  
16 document, for only that 3. Alternative 3 and Option 3b, have  
17 been selected as preferred in the action, and I did forget to do  
18 that in the presentation.

19

20 **CHAIRMAN GUYAS:** Mara.

21

22 **MS. LEVY:** Right, and I think this new Alternative 4 is getting  
23 at a different question, right, and so it's like do you want to  
24 have a time period, and what would that be, if someone gets  
25 shares through some sort of legal proceeding, and then now they  
26 have an account that's permit-required, but they don't have a  
27 permit, right?

28

29 **CHAIRMAN GUYAS:** Right. Leann and then Dale.

30

31 **MS. BOSARGE:** On this one, I think this was -- Andy was talking  
32 about this, but Andy was talking about it because the AP brought  
33 it up, right, and they thought about, well, you know, what about  
34 these people that might be grandfathered, and then, when they  
35 die, more than likely, the name on the account is going to  
36 change. Yes, it could be in a corporation, but even then, and,  
37 more than likely, the name on the account is going to change.

38

39 When you change the name on an account, you have to open a new  
40 account, and so then they would no longer be grandfathered, and  
41 so Ava has given us the option to give a grandfathering to legal  
42 proceedings, in shares acquired from an inheritance or other  
43 legal proceeding, and so divorce, et cetera, et cetera.

44

45 I am not apt to carve out another exception at this point, and  
46 so I am not going to float a motion on this one, and I think I  
47 would just leave the preferred as Alternative 3, Option 3b, but  
48 I am open to discussion on it.

1  
2 **CHAIRMAN GUYAS:** Okay. Thanks. I see Dale and then Robin.  
3  
4 **MR. DIAZ:** I think a little bit of confusion might be -- I'm  
5 going to ask a question of Ava. Should Alternative 4 also be a  
6 preferred alternative in this document, in addition with other  
7 alternatives?  
8  
9 **DR. LASSETER:** Yes.  
10  
11 **MR. DIAZ:** So Alternative 3 and Alternative 4 could be  
12 preferred?  
13  
14 **DR. LASSETER:** Yes, absolutely, and you can select a different  
15 time period. You could select both alternatives as preferred,  
16 but you may think, well, you already get -- With a permit, it's  
17 already been renewable for a year, and so we don't think that  
18 needs to be -- I am not suggesting you do this, but you may have  
19 a different rationale for a different time period for different  
20 circumstances, or you could pick the same.  
21  
22 If you had a different alternative picked in Action 1, then  
23 Alternative 5 and Alternative 2 in this action would be  
24 applicable, and you could select that as well, and so, yes, they  
25 can all be selected.  
26  
27 **CHAIRMAN GUYAS:** Okay. Robin.  
28  
29 **MR. RIECHERS:** I am going to go ahead and move to make a  
30 preferred alternative also out of Alternative 4 and also out of  
31 Option 4b. If I get a second, I will give the rationale.  
32  
33 **MR. GILL:** Second, Madam Chair.  
34  
35 **CHAIRMAN GUYAS:** All right, and so let's get that on the board.  
36 We're back in 36B. We've got a motion from Robin and a second  
37 from Bob Gill in Action 2 to make Alternative 4 and Option 4b  
38 the preferred. Discussion?  
39  
40 **MR. RIECHERS:** Let's make sure we clarify that it's not the  
41 preferred, but it's an added preferred, just to make sure. I  
42 will quickly make a discussion of rationale. If we're going to  
43 give this alternative to other individuals of basically the same  
44 three-year period to, if you will, get their ducks in a row, we  
45 should at least give that amount of time to someone who might  
46 have received those shares in an inheritance or some other legal  
47 proceeding.  
48

1 They wouldn't really get those shares until the legal proceeding  
2 concludes, and so they would have the same amount of three  
3 years. I don't think they necessarily need more time, even  
4 though that can be somewhat complex for people, but, until the  
5 actual court delivers it to them, they would be inside of a  
6 proceedings until then, which would keep those shares alive, you  
7 would believe, if the executor is doing what they're supposed to  
8 do, et cetera, and then they would have the same amount of time  
9 as anyone else at that point.

10

11 **CHAIRMAN GUYAS:** Ava.

12

13 **DR. LASSETER:** This did get discussed a little bit, and I could  
14 follow-up with SERO again, but we did couch it in terms of  
15 following -- The time period of three years is following the  
16 date the shares were transferred into this account, and so the  
17 understanding is that the shares would be in the account of this  
18 -- Whatever that legal proceeding is, whatever other person's  
19 account, it would be the person that is either -- If they passed  
20 away, then they would just not be used, and it wouldn't be an  
21 active account, or, if it's part of a divorce proceeding, it's  
22 not actually in the person's account until they have completed  
23 the legal paperwork.

24

25 However you want to decide the time period, this is framed in  
26 terms of the date upon which that new shareholder has obtained  
27 those accounts, obtained those shares, and put them in their new  
28 account.

29

30 **MR. RIECHERS:** No, and that's my intent. I mean, basically,  
31 they get the same option as anyone else, once it technically is  
32 in their name. They can't do anything with it until it is  
33 officially in their name and then their account.

34

35 **CHAIRMAN GUYAS:** Any other discussion on this motion? Carrie.

36

37 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Madam Chair. I didn't  
38 know if you wanted to add "as an additional preferred", or I  
39 thought you made that clarification, and I just wanted to make  
40 sure the motion reflects that.

41

42 **CHAIRMAN GUYAS:** Yes, and let's clarify that, just in case, so  
43 we don't get crosswise, and so as an additional preferred.  
44 Okay. Thanks. **Now we have, in Action 2, to make Alternative 4  
45 and Option 4b as an additional preferred. Any other discussion  
46 on this? Is there any opposition to this motion? Please raise  
47 your hand. Leann is opposed. One opposed.**

48

1 **MS. BOSARGE:** No, I'm not opposed. I'm sorry.

2  
3 **CHAIRMAN GUYAS:** Okay. Is it to this motion? We're voting.

4  
5 **MS. BOSARGE:** I was just going to say that I was in support of  
6 the motion, because now I understand it, I understand  
7 Alternative 4, and I was confused about what it meant, and so  
8 I'll good. I'm in favor of the motion.

9  
10 **CHAIRMAN GUYAS:** Okay. Cool. All right. **Then I think we have**  
11 **a motion that carries with no opposition.** All right. I am  
12 going to suggest that we move on from 36B and C for right now.  
13 The Chair is kind of worn out from these amendments right now,  
14 and we have just under a half-an-hour to cover a couple of other  
15 agenda items.

16  
17 I know our next one, yellowtail, is really quick, and I am  
18 hoping that Dr. Diagne can be kind of speedy in his sector  
19 separation presentation, and then we might be able to get to  
20 Kevin's item. Maybe. Maybe not. We'll see. If people want to  
21 throw down some crazy motions, that might have to wait until  
22 Full Council. Ryan, go ahead.

23  
24 **DISCUSSION: DRAFT SNAPPER GROUPE AMENDMENT 44 AND REEF FISH**  
25 **AMENDMENT 55: MODIFICATIONS TO SOUTHEASTERN U.S. YELLOWTAIL**  
26 **SNAPPER JURISDICTIONAL ALLOCATIONS, CATCH LIMITS, AND SOUTH**  
27 **ATLANTIC SECTOR ANNUAL CATCH LIMITS**

28  
29 **MR. RINDONE:** You guys know that we have reviewed SEDAR 64,  
30 which looked at yellowtail snapper, and it found that the  
31 yellowtail snapper stock was healthy. However, the model  
32 estimated that the stock was smaller than previously thought.

33  
34 Because the councils share management of the stock, we're going  
35 to develop a joint document to amend the Snapper Grouper FMP and  
36 the Reef Fish FMP between councils, and this should expedite  
37 development of the management alternatives. Most of the  
38 proposed management alternatives will ultimately affect the  
39 South Atlantic Council's portion of the stock.

40  
41 The Reef Fish AP had met and had said that they were pretty  
42 happy with how things were, and so, so long as the Gulf Council  
43 could make sure that things for the Gulf remained otherwise  
44 unchanged, as far as access is concerned, the Reef Fish AP would  
45 be generally happy.

46  
47 The next time that you guys will have the opportunity to see  
48 proposed options, which are in development, and that's why we

1 don't have anything to show you yet, will be at the October 2021  
2 meeting in Orange Beach. Madam Chair.

3  
4 **CHAIRMAN GUYAS:** Excellent. Any questions about yellowtail?  
5 Excellent. Okay. Let's move on to Dr. Diagne to give us that  
6 presentation, Tab B, Number 12(a), on sector separation.

7  
8 **PRESENTATION ON SECTOR SEPARATION FOR FOUR REEF FISH SPECIES**  
9

10 **DR. ASSANE DIAGNE:** Thank you, Madam Chair. I will try to be  
11 very quick with this. Good afternoon. Just to give you an  
12 overview of the discussion paper that we prepared, this is a  
13 presentation to support that discussion paper.

14  
15 A general outline is we'll just provide an introduction and  
16 spend most of the time looking at recreational landings and  
17 effort for the four reef fish species that we are dealing with,  
18 and we will conclude by looking at the potential actions and  
19 discuss a few management considerations.

20  
21 As you recall, the council passed a motion, and I think it was  
22 in September of 2020, requesting us to prepare this paper, but  
23 the presentation has been delayed a couple of times. In talking  
24 about sector separation, we have a model, in the sense that we  
25 have implemented sector separation for red snapper, and, to  
26 define it, we did create two separate components, a federal for-  
27 hire component for all owners, if you would, of a valid or  
28 renewable federal reef fish for-hire permit and a private  
29 angling component for the private angler, as well as the state-  
30 permitted for-hire operators.

31  
32 We are going to spend time just looking at the trends in  
33 landings and in effort for the four reef fish species that are  
34 included in this document, and we can start with red grouper,  
35 and what we have provided for each one of the species, red  
36 grouper included, would be for the private angling component  
37 landings in CHTS, as well as FES, and we also provided the  
38 landings for the for-hire sector. As expected, the FES  
39 landings, looking at the private anglers, would magnify whatever  
40 trends we see in the data query, if we are looking at the  
41 landings expressed in CHTS units.

42  
43 As far as the effort, for the effort, we only report here the  
44 charter boat effort, and the reason is the charter boat effort,  
45 as we know, is measured in angler trips, but the headboat effort  
46 is measured in angler days, and, of course, those two metrics  
47 would not allow us to add the two effort values, but, just to  
48 look at the trends here, we are looking at the charter effort,

1 and we see fluctuating trends in the private angling as well as  
2 a fairly stable one for the charter sector.

3  
4 Now we can switch to the next species, and we can look at the  
5 gag landings, and the comments that I made earlier, in the sense  
6 that FES landings would magnify whatever trends we may see in  
7 the data series, is applicable throughout, and we see the same  
8 thing here.

9  
10 In terms of effort, we see a wide fluctuation in terms of gag  
11 effort for the private angling component. In the next slide, we  
12 can look at greater amberjack. In terms of landings by  
13 component, we see, essentially, the same thing, in terms of  
14 magnifying, or amplifying, the trends that we see in let's say  
15 the blue line, which is expressed in a different unit.

16  
17 We can finish with gray triggerfish. In terms of the landings,  
18 we see, really, wide fluctuations in the landings, and we can  
19 look at the effort, if you would.

20  
21 This is the last slide, in terms of looking at landings and  
22 effort for gray triggerfish, and this is just looking at the  
23 trends, and there is nothing stable, really. There is a lot of  
24 fluctuation, in terms of the effort, for the private angling  
25 component.

26  
27 If the council decided to move forward and start an amendment,  
28 these are some of the potential actions, perhaps, that would be  
29 considered. The first one would be the decision whether or not  
30 to establish sector separation, meaning whether to create two  
31 separate components within the recreational sector, the private  
32 angling component and the federal for-hire component, and the  
33 options would be to pick the species that we would want to apply  
34 this to. It could be any combination or subset, if you would,  
35 of these four species, or we also could put them all together.

36  
37 Some of the things that would have to be addressed -- Of course,  
38 the central question would be to allocate the resource between  
39 the components, and the council has typically used time series  
40 to allocate, and, here, the council could consider alternative  
41 allocation methods. Just as a reminder, for red snapper, the  
42 council did a mix, essentially, between the longest time series  
43 available, to account for the historical participation in the  
44 fishery, as well as take some fairly recent years, the latest  
45 years of data available at the time, to also account for current  
46 trends in participation in the fishery.

47  
48 Other things that would have to be considered, and that have

1 been considered, some of them in Amendment 40, which is sector  
2 separation for red snapper, is we would have to consider  
3 separate accountability measures that would be relevant. For  
4 example, one would think also about annual catch targets, and we  
5 would have to consider provisions to determine season length,  
6 and maybe consider payback provisions. These are just examples  
7 of essentially things that the council may think about.

8  
9 I believe I have one more slide, and this really shows some  
10 management considerations, and the first thing that this would  
11 show is that the presentation was prepared in January, and I  
12 guess today was the first opportunity to present it, and so, in  
13 terms of the for-hire emphasis here, with SEFHIER, what we could  
14 say now, to update the information in front of you, is that,  
15 essentially, the data improvements will be coming, and,  
16 essentially, the implementation is ongoing.

17  
18 Of course, you have already taken final action on Amendment 53,  
19 and the gag stock assessment is in its final stages, and, as far  
20 as the greater amberjack status, I guess the best way to put it,  
21 right now, is to say simply that it is to be determined, and an  
22 amendment has been initiated and will address those things.  
23 Finally, in terms of gray triggerfish, the framework action has  
24 been implemented, and this was recent. Madam Chair, that is  
25 what I have, in terms of a presentation, and I will try to  
26 answer questions, if the committee has any. Thank you.

27  
28 **CHAIRMAN GUYAS:** All right. Thanks, Dr. Diagne. Given that we  
29 have fifteen minutes until the fireside chat begins, I am going  
30 to suggest that we take questions for Assane now, but, if we've  
31 got motions, and we want to do crazy stuff, let's do that in  
32 Full Council, if we don't mind. I've got Leann, and then I see  
33 you, Bob.

34  
35 **MS. BOSARGE:** My hand was up from earlier. Sorry.

36  
37 **CHAIRMAN GUYAS:** Okay. No problem. Bob.

38  
39 **MR. GILL:** Thank you, Madam Chair. Thank you, Dr. Diagne, for  
40 leading us through that, and I guess I'm not up to speed on this  
41 particular category, but what I didn't see in the paper, and  
42 perhaps you can direct me, if I missed it, but it seems to me  
43 that this request, which I am not against, but I want to  
44 understand it better, and what I missed in the paper was how  
45 creation of these four species, separated out, is an improvement  
46 over the current system.

47  
48 One of the things we do know is that it's more complicated, and,

1 in keeping with my KISS philosophy, that's a bar that I need to  
2 consider, and so I need to understand a little bit better about,  
3 for each species, why this -- What this does that's better than  
4 what we currently have, or perhaps it's more addressed to what's  
5 wrong with the current, and I didn't get that, and perhaps, as I  
6 say, I missed it.

7  
8 You will recollect that this is not dissimilar from the request  
9 back in 2012 to expand the IFQ to other species, and, at first  
10 blush, it seems like a reasonable idea, but then, when we looked  
11 at it, we couldn't describe well how that improved the current  
12 situation or fit the purpose and need, and so the purpose and  
13 need, for me, on this one is a big one, and where it shows  
14 improvement, and, if we can document that, then I think we have  
15 something to talk about, and I think we need to go through that  
16 loop before we get into all the details on how this thing would  
17 have to work, so that we understand where we're going on it.  
18 Thank you.

19  
20 **CHAIRMAN GUYAS:** Thanks, Bob. Dr. Diagne, I don't know if you  
21 want to answer that question.

22  
23 **DR. DIAGNE:** I will just provide a very, very short answer, and  
24 I could be very brief. Yes, Mr. Gill, and you didn't miss it.  
25 That is not in the paper, and that is on purpose. This is,  
26 essentially, just to stimulate discussion at the council level,  
27 so that, if the council has in mind a direction, in terms of a  
28 purpose and need, we can take that and start from there,  
29 essentially, and so we have provided, if you will, quote,  
30 unquote, objectives, if there is such a thing, in a starting  
31 paper, as we could, but, I mean, the initial thing one could say  
32 is both sectors may benefit from separate management, and that  
33 is a "may".

34  
35 It depends on one's perspective, having two separate, quote,  
36 unquote, management, and you have the charter/for-hire determine  
37 the season that works for them, et cetera, and the same thing  
38 for the private angling side. That would be, really, the main  
39 benefit that one would bring forth, but, on purpose, we have  
40 refrained from putting any of those arguments, to have the  
41 council have discussions as far as the purpose and need that  
42 they wanted for sector separation, if they decided to go to the  
43 next step.

44  
45 **MR. GILL:** Thank you, Dr. Diagne. It's the old chicken-and-egg  
46 problem, isn't it? My reaction to your comeback is that that  
47 would best come from the folks making the request. They are the  
48 ones that see a rationale and a need, and I think they can

1 provide the justification as to, A, what the purpose and need  
2 is, and, B, why it's better than the current, and I look forward  
3 to seeing that.

4  
5 **CHAIRMAN GUYAS:** You may hear that in public testimony, perhaps.  
6 We'll see. Any other questions for Assane? Dale.

7  
8 **MR. DIAZ:** Not a question, but, building off of what Mr. Gill  
9 just said, I hope we do hear some public testimony on this, to  
10 see what folks are thinking. You know, it was asked that we  
11 develop a white paper, and we've done it.

12  
13 When I read through it, and I look at the percentages that  
14 potentially could be had on some of the species, I am not sure -  
15 - I didn't think that it made sense for every species, but it  
16 might for some, but I would like to hear what some of the public  
17 has to say about it and what their opinions are, and so  
18 hopefully we'll get some of that comment. Thank you.

19  
20 **CHAIRMAN GUYAS:** Okay. Great. Anybody else? All right. We've  
21 got ten minutes, Kevin. Can you cover your item in less than  
22 ten minutes?

23  
24 **OTHER BUSINESS**  
25 **DISCUSSION OF SEDAR 74**

26  
27 **MR. ANSON:** I appreciate the less than ten minutes, Madam Chair.  
28 Recently, the stock ID workshop for SEDAR 74, red snapper, the  
29 research track assessment, wrapped up. They wrapped up a little  
30 later than what was scheduled, due to some discussion and some  
31 lack of agreement amongst the various participants.

32  
33 Just to inform some folks, and certainly Clay, if I say  
34 something wrong, please let me know, but, the stock ID workshop,  
35 their charge, basically, is to identify any information that  
36 would suggest a break from the traditional splitting of the  
37 Gulf. We have had, historically, two regions, east and west of  
38 the Mississippi River, and that's how the assessments are  
39 usually conducted, because there are some differences there in  
40 the data that are generate within each of those regions.

41  
42 So they looked at all the new data that's been collected since  
43 the previous assessment, and, particularly, for this assessment,  
44 they are looking far and wide, because it's a research track  
45 assessment, but, essentially, between the three different  
46 groups, and there was a life history group, which included  
47 genetics and age and growth and such, and then there was a  
48 recreational data group, looking at catch rates and such, and

1 then a third group, which escapes me right now, but,  
2 essentially, they all looked at the data, and they came to a  
3 consensus that there wasn't a definitive consensus on really  
4 separating between the east/west split, but there was enough  
5 differences in the data that could allow for splitting the Gulf  
6 into three regions, potentially, as was kind of indicated from  
7 the council and other areas, as the SSC -- As they have been  
8 looking at the data and such.

9  
10 They came to a consensus, amongst the group, that, based on the  
11 data and the reports of each of the individual three working  
12 groups, or groups within this working group, they recommended  
13 that the split be still at the Mississippi River and then a  
14 northern Gulf section, or region, which would be encompassed  
15 between that break at the Mississippi River on the west, and  
16 then to the east, basically the Big Bend of Florida. Then,  
17 south of there, on the West Florida Shelf, would be the third  
18 region.

19  
20 I guess -- I was participating in the CPUE group, and I missed  
21 the first meeting, and I was participating in the subsequent  
22 meetings, and then at these meetings that they had where all of  
23 the groups got together, and there was significant dissention  
24 amongst the participants, to the point that they would prefer,  
25 or have preferred, to have under analysis a third option, which  
26 would be to have the east/west line, or the split at the  
27 Mississippi River and then a line at the Alabama/Florida border,  
28 basically, such that you would have west of the Mississippi  
29 River as a region, Mississippi and Alabama as its own region,  
30 and then Florida contained within a region.

31  
32 There were various reasons for doing that, and one of the  
33 reasons that was proposed is that it would most benefit  
34 management. I mean, that's what the assessment is supposed to  
35 give us, is management advice, and so, with the advent of  
36 Amendment 50, the regional management on the private  
37 recreational side, some felt that it would be beneficial to try  
38 to apportion the data, or get the data aligned, such that the  
39 assessment could look at those differences on a smaller scale,  
40 if you will.

41  
42 One of the points that -- They created a report, and it's on the  
43 SEDAR website, and one of the points that they provided as a con  
44 to looking at the three regions was the headboat data, and they  
45 have made -- They have partitioned the data between Alabama and  
46 Florida for the Panhandle region, which was originally  
47 identified as the sampling region from 2013 forward, but, prior  
48 to that, the data could not be partitioned, based on the

1 information at-hand, and we would have to make some assumptions  
2 as to what split that would be for that historical data prior to  
3 2013.

4  
5 I am kind of on the same thinking, and I did not participate in  
6 any of the voting, but I do think that this is the opportunity  
7 for us, in the research track, to really kind of open the hood  
8 and take a look at the engine, so to speak, and tinker with it,  
9 and so this would be an opportune time for us to try to look at  
10 that.

11  
12 They selected the Cape San Blas and the Mississippi River break  
13 for the second option, just because that was what they thought  
14 was best of the three, of the two new options, because there was  
15 a limitation on the availability of Science Center staff to  
16 compile the data and to help with the assessment, the model  
17 runs, associated with those.

18  
19 Part of that was it would impact the SEDAR schedule to try to  
20 add that third region and do the analysis associated with that,  
21 and so I am just bringing this to the attention of council, at  
22 this point in time. Again, I do appreciate the few minutes to  
23 discuss this, and I would like to possibly investigate this  
24 further at Full Council, to see if the council would be  
25 interested in maybe writing a letter indicating that it is  
26 important for us to try to take advantage of the research track  
27 assessment process and that, if it needed to be adjusting of  
28 some schedules for stock assessment, to free up some Science  
29 Center staff to do that, just to maybe draft a letter, or have  
30 the letter drafted, and go through a council vote to do that.

31  
32 Maybe, Ryan, if you could, in preparation at Full Council, maybe  
33 look at the SEDAR schedule and have that available for us, if  
34 that's what the council would like to do at this point. Thank  
35 you.

36  
37 **CHAIRMAN GUYAS:** All right. Thanks, Kevin, for bringing that to  
38 our attention. Tom.

39  
40 **DR. FRAZER:** I am just going to try to keep us on schedule  
41 today, right, and I think it would be informative for the  
42 council to have kind of a brief overview of the SEDAR process,  
43 and I think Ryan can provide that at Full Council, and what was  
44 involved there.

45  
46 Along the same lines, I think we should have a recap about the  
47 research track assessments and the expectations surrounding  
48 those assessments and how it relates to the allocation of

1 resources, and so both of those things are at play, and it's  
2 like many council issues. Nothing is simple, right, but I think  
3 it would be helpful for people to understand what has happened  
4 to-date and what the expectations might look like moving  
5 forward.

6  
7 We're up against our 5:30 time, but I will throw that out to  
8 both Ryan and Clay, and perhaps we can get a little bit of  
9 discussion at Full Council. Kevin.

10  
11 **MR. ANSON:** Just a quick comment to that, and I do appreciate  
12 that, and not only are we bumping up to the time here, but this  
13 is also timely, in that there is -- On this research track  
14 assessment, there is a schedule, and, as I mentioned before, the  
15 stock ID workshop, the final report was delayed a month or so  
16 already, and so we are behind the eight-ball, and so that's why  
17 I wanted to bring it to the attention of the council, that, if  
18 we do want to take action, that it's put as much in advance as  
19 possible, to try to keep the research track assessment on the  
20 timeline. Thank you.

21  
22 **CHAIRMAN GUYAS:** Okay. We'll bring that back to Full Council.  
23 All right. We have made it to the end of our agenda and the  
24 Other Business, and so, with that, the Reef Fish Committee is  
25 adjourned.

26  
27 (Whereupon, the meeting adjourned on August 24, 2021.)

28  
29 - - -  
30