

GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

REEF FISH MANAGEMENT COMMITTEE

Gold Nugget Hotel and Casino & Virtual Biloxi, Mississippi

August 20, 2024

VOTING MEMBERS

- 10 Tom Frazer.....Florida
- 11 Kevin Anson (designee for Scott Bannon).....Alabama
- 12 Kesley Banks.....Texas
- 13 Billy Broussard.....Louisiana
- 14 J.D. Dugas.....Louisiana
- 15 Troy Frady.....Alabama
- 16 Dakus Geeslin (designee for Robin Riechers).....Texas
- 17 Michael McDermott.....Mississippi
- 18 Jason Osborne.....Mississippi
- 19 Anthony Overton.....Alabama
- 20 John Sanchez.....Florida
- 21 Chris Schieble (designee for Ryan Montegut).....Louisiana
- 22 Joe Spraggins.....Mississippi
- 23 Andy Strelcheck.....NMFS
- 24 C.J. Sweetman.....Florida
- 25 Ed Walker.....Florida
- 26 Troy Williamson.....Texas

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- 29 Dave Donaldson.....GSMFC
- 30 LT Jackson Morton.....USCG

STAFF

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- 34 Matt Freeman.....Economist
- 35 John Froeschke.....Deputy Director
- 36 Beth Hager.....Administrative Officer
- 37 Lisa Hollensead.....Fishery Biologist
- 38 Sarah Gardiner.....Fishery Biologist
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- 40 Mara Levy.....NOAA General Counsel
- 41 Jessica Matos....Administrative Document Editor & IT Coordinator
- 42 Emily Muehlstein.....Public Information Officer
- 43 Kathy Pereira.....Meeting Planner & Travel Coordinator
- 44 Ryan Rindone.....Lead Fishery Biologist/SEDAR Liaison
- 45 Bernadine Roy.....Office Manager
- 46 Carrie Simmons.....Executive Director
- 47 Verena Wang.....Fishery Biologist

1 **OTHER PARTICIPANTS**
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3 Dan Luers.....
4 Paul Mickle.....SSC
5 Will Patterson.....SSC
6 Clay Porch.....SEFSC
7 Jessica Stephen.....NMFS
8
9 - - -
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[PAGE 51](#): Motion to request council staff to separate out the shallow-water grouper and the deepwater grouper complex into separate documents. [The motion carried on page 52.](#)

[PAGE 80](#): Motion in Action 4 to move Alternative 3 to Considered but Rejected. Alternative 3: Reef fish permit to obtain and maintain allocation. [The motion carried on page 81.](#)

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1 The Reef Fish Committee of the Gulf of Mexico Fishery Management
2 Council convened at The Golden Nugget Hotel and Casino in Biloxi,
3 Mississippi on Tuesday morning, August 20, 2024, and was called to
4 order by Chairman Tom Frazer.

5
6 **LITIGATION UPDATE**
7

8 **MR. KEVIN ANSON:** First, for today's business, is a litigation
9 update by Ms. Mara Levy. Ms. Levy.

10
11 **MS. MARA LEVY:** Thank you. I think this is like a standing agenda
12 item at this time now, and I don't really have an update. Well,
13 I can't remember what we've talked about, and so the greater
14 amberjack, Amendment 54, case, which is one of the Appointments
15 Clause cases, is still with the 5th Circuit Court of Appeals, and
16 so we're essentially just waiting on a decision for that case, and
17 there's nothing else to be done.

18
19 Amendment 56, which is also an Appointments Clause case that was
20 filed in Alabama, is in the district court. DOJ filed a motion to
21 transfer venue, or dismiss the case, and I don't really -- I'm not
22 really going to go into the venue statute, but there's argument
23 that venue is not proper in Alabama, and is more proper somewhere
24 else, like Florida, or D.C., and so that is still pending. There
25 hasn't been a decision on that, and so we're not even at the merit
26 stage of that case yet.

27
28 I don't really have another update. I mean, I'm willing -- If
29 people have questions, I can see if I can answer them, but the
30 Amendment 53 remand -- The agency is still working on responding
31 to that decision, but I don't really have a substantive update
32 that I can give you about that.

33
34 **MR. ANSON:** All right. Thank you. Does anyone have any questions?
35 I do. I guess it might be a little premature, but is there any
36 discussions on how the agency is going to proceed relative to the
37 chevron decision that the Supreme Court made?

38
39 **MS. LEVY:** Well, that's sort of a case-by-case basis, right, and,
40 I mean, if you're talking about the particular case that was
41 involved, that's -- There were two of them, and they've been
42 remanded to the lower courts, and I haven't really been involved
43 in that litigation, and so I don't know exactly how those are
44 proceeding.

45
46 If you're talking about generally, I mean, that's just going to be

1 a government-wide case-by-case basis, right, and so chevron is
2 about how you interpret statutes and whether the courts give the
3 agency any kind of deference on their interpretation when the
4 statute is ambiguous, right, and so ambiguous language can have
5 more than one interpretation, and chevron basically said that the
6 court is supposed to defer to the agency's interpretation of an
7 ambiguous statute, as long as that interpretation is reasonable.

8
9 Overruling that, the court basically says, no, the courts are the
10 decider of what the statute means, and there is no deference
11 required. Courts can take into consideration the agency's
12 expertise, and information from the agency, in making that
13 decision, but, ultimately, it's the court's decision about what a
14 statute means.

15
16 That just means that there is not necessarily the same leeway given
17 to agencies when there is an ambiguous provision in the statute,
18 and so I think that will just play into across the government,
19 including NMFS, you know, in terms of how you talk about what the
20 Magnuson Act allows, or what any act allows, and you have to look
21 more closely and try and figure out what the best reading might
22 be, as opposed to whether it's just a reasonable reading.

23
24 **MR. ANSON:** Thank you. Any other questions for Mara? All right.
25 That will take us then into the Reef Fish Committee. Dr. Frazer.

26
27 **ADOPTION OF AGENDA AND APPROVAL OF JUNE 2024 MINUTES**
28 **ACTION GUIDE AND NEXT STEPS**

29
30 **CHAIRMAN TOM FRAZER:** All right. Thank you, Mr. Chairman. We
31 will start off with the Reef Fish Committee, and the first order
32 of business is the Adoption of the Agenda. That would be Tab B,
33 Number 1. Is there any modifications to the agenda? Mr.
34 Strelcheck.

35
36 **MR. ANDY STRELCHECK:** Thanks, Tom. I wanted to have a discussion
37 of the private recreational seasons that have been implemented by
38 states, if we could have an update from each of the states, in
39 terms of kind of where you're at, in terms of harvesting the quota,
40 and your season lengths, and then, in addition to that, discuss
41 the document that we received from the Destin Charter Boat
42 Association, and I don't know if we want to do that under Other
43 Business or if we want to have it during our discussion of the
44 for-hire red snapper season, but they seem to be kind of related.

45
46 **CHAIRMAN FRAZER:** Okay. We will go ahead and handle both of those
47 under Other Business. Any other modifications to the agenda?

1 Okay. Seeing none, can I get a motion to adopt the agenda, as
2 amended with the Other Business items?

3
4 **MR. J.D. DUGAS:** So moved.

5
6 **CHAIRMAN FRAZER:** Okay. It's moved by J.D., and it's seconded by
7 Billy Broussard. The second item on the agenda would be the
8 Approval of the June 2024 Minutes. That will be Tab B, Number 2
9 in your briefing materials. Any edits to the minutes? Seeing
10 none, can I get a motion to approve the minutes? It's moved by
11 Captain Walker. Is there a second? It's seconded by Mr.
12 Broussard. Okay.

13
14 We'll go into the Action Guide and Next Steps. There's a number
15 of folks that are going to be dealing with each specific issue,
16 and so we'll take them in order, and so the first -- The Action
17 Guide is Tab B, Number 3, and the first item on the Action Guide
18 is Draft Options: Reef Fish Amendment 58: Modifications to Shallow-
19 Water Grouper and Deepwater Grouper Management Measures. Dr.
20 Freeman, if you want to take us through the action guide.

21
22 **DRAFT OPTIONS: REEF FISH AMENDMENT 58: MODIFICATIONS TO SHALLOW-**
23 **WATER GROUPE AND DEEPWATER GROUPE MANAGEMENT MEASURES**

24
25 **DR. MATT FREEMAN:** Thank you, Mr. Chair. For this agenda item,
26 council staff will present updated management options for
27 modifying the shallow-water grouper and deepwater grouper
28 complexes, in light of recent stock assessment advice.

29
30 Between the March and May 2023 SSC meetings, the SSC made separate
31 OFL and ABC recommendations for scamp and yellowmouth grouper and
32 black and yellowfin grouper, respectively, all of which are
33 components of the shallow-water grouper complex. In February of
34 2024, the SSC respecified its OFL and ABC recommendations for black
35 grouper and yellowfin grouper, correcting an error in the landings
36 provided to the SSC at its May 2023 meeting.

37
38 These four species are currently managed under a single ACL, with
39 a commercial ACL and ACT specified to allow for the functioning of
40 the shallow-water grouper component of the commercial grouper-
41 tilefish IFQ program. Because OFLs and ABCs were specified
42 explicitly for the aforementioned pairs of groupers, these species
43 can no longer be managed under a single complex with one quota,
44 because of the possibility of overfishing occurring on either pair.

45
46 For shallow-water grouper, council staff will present revised
47 actions for specifying status determination criteria, shallow-
48 water grouper complex structure, IFQ share allocation, catch

1 limits, and sector allocation.

2
3 Council staff will also present management options for deepwater
4 grouper, including catch limits and flexibility measures between
5 the shallow-water grouper and deepwater grouper complexes designed
6 to reduce commercial discards in the IFQ program. Deepwater
7 grouper catch limits were updated by the SSC following its review
8 of the SEDAR 85 stock assessment for yellowedge grouper, which,
9 along with snowy grouper, warsaw grouper, and speckled hind, is a
10 component of the deepwater grouper complex. The SSC recommended
11 managing these four deepwater grouper species together, because of
12 the use of similar data units and to reduce dead discards.

13
14 The committee should discuss the range of actions and alternatives
15 presented, suggest revisions to or removal of any presented
16 management alternatives, and determine next steps for the
17 document.

18
19 **CHAIRMAN FRAZER:** All right. Thank you, Dr. Freeman. We're going
20 to move into a presentation, and it's Tab B, Number 4(a) in your
21 briefing materials. C.J., before we get started?

22
23 **DR. C.J. SWEETMAN:** Thank you, Mr. Chair. Yes, before we get
24 started on this, in Amendment 58, this is a beast of a document,
25 if you all have reviewed it so far, and I'm wondering, Dr. Freeman,
26 if it's at all feasible -- So we've got -- I understand why we're
27 working on this, quite frankly, but I'm wondering if perhaps we
28 can look at this separately, the shallow-water grouper complex
29 relative to the deepwater grouper complex, and the reason why I'm
30 asking that is I realize that we've got catch level recommendations
31 from scamp and yellowmouth and everything like that, and we will
32 act upon that at some point here, but, relative to this document,
33 and just the massive amount of material that's in here, I'm
34 wondering if we could pull out the deepwater grouper complex and
35 work on that.

36
37 That one has a statutory deadline associated with it, because that
38 stock is undergoing overfishing, but we don't have that for the
39 shallow-water grouper complex, and so, just for simplicity's sake,
40 I'm wondering if that's a feasible option for us here.

41
42 **DR. FREEMAN:** I believe it would be, and so, if that's the interest
43 of the committee, a motion to that effect would be helpful. Just
44 to clarify, in discussion with staff here, we would still go
45 through the current document, and discuss the actions, because, as
46 you noted, still the shallow-water grouper management measures do
47 need to be addressed, and it would just be a matter of addressing
48 them separately from deepwater grouper.

1
2 **DR. SWEETMAN:** Yes, absolutely, and do you want me to -- I mean,
3 we can probably walk through the presentation first, before I set
4 a motion out there. Okay.

5
6 **CHAIRMAN FRAZER:** So we'll just settle in and do a little grouper
7 this morning, C.J. All right? It is a lengthy presentation, and
8 there is a pretty natural break in it, and I think we will go
9 through the entire presentation, and, Mr. Chairman, maybe we can
10 take a break after we get through the shallow-water grouper part,
11 and then we can talk about the deepwater grouper, and then we can
12 -- After we go through all of those, C.J., then we can have a
13 discussion about how we might move forward with the document, and
14 so, with that said, Dr. Freeman, if we want to get started on the
15 presentation, and, again, that's Tab B, Number 4(a) in your
16 briefing materials.

17
18 **DR. FREEMAN:** As mentioned, this is a hefty document, given that
19 it currently addresses shallow-water and deepwater grouper
20 together. The first four actions, or technically five, because we
21 have Action 1.1 and 1.2, will deal with shallow-water grouper, and
22 then we'll transition, in Action 5, over to actions pertaining to
23 deepwater grouper.

24
25 The first action, Action 1.1, deals with modification of the Gulf
26 of Mexico shallow-water grouper complex. As noted in the action
27 guide, this is due to how the stock assessments were conducted and
28 the units used, whether MRIP-FES or MRFSS, in terms of splitting
29 the current shallow-water grouper complex into two separate and
30 distinct complexes.

31
32 Alternative 1 is the no action, where we would maintain the current
33 composition of the shallow-water grouper complex, which is
34 comprised of scamp, yellowmouth grouper, black grouper, and
35 yellowfin grouper. Again, for the reasons I just mentioned,
36 Alternative 1 would not be a viable alternative, and so, if we
37 move forward to Alternative 2, here we consider modifying the
38 composition of the current shallow-water grouper complex to form
39 two subcomplexes.

40
41 I will say, as an aside, and this is the abbreviation in play,
42 but, currently, we're just referring to it as Shallow-Water Grouper
43 A and Shallow-Water Grouper B, with A being composed of scamp and
44 yellowmouth grouper and Shallow-Water Grouper B would then be
45 composed of black grouper and yellowfin grouper.

46
47 As a result, there would be two new share categories, again, one
48 for scamp and yellowmouth and the other for black grouper and

1 yellowfin grouper. Those are the two alternatives currently in
2 consideration under Action 1.1. Unless there's any questions,
3 we'll move forward to Action 1.2.

4
5 Action 1.2, with the thought that we are having these two new share
6 categories, as a result, the council will need to consider how the
7 share categories are distributed among Shallow-Water Grouper A and
8 Shallow-Water Grouper B, and so Alternative 1, our no action, would
9 be to proportionally distribute the share categories based on the
10 existing other shallow-water grouper share percentages.

11
12 As a result, those shares would be distributed based on the current
13 IFQ account holdings, and so nothing is gained or lost by any
14 account. As a result as well, it would also be the simplest option
15 administratively, and so, as an example, if an account currently
16 holds 0.15 percent of other shallow-water grouper, when those two
17 subcomplexes are created with the two new share categories, that
18 account would then hold 0.15 percent of Shallow-Water Grouper A,
19 and it would hold 0.15 percent of Shallow-Water Grouper B.

20
21 Here, we have a summary of shallow-water grouper landings by share
22 status, and so one thing to note here, and it's marked in red in
23 the table to the right, are the percent of pounds, under shallow-
24 water grouper, that are being landed by individuals with no shares,
25 and so, in essence, people who have been purchasing allocation,
26 and so, of note, the landings have shifted from those with shares
27 to those without shares over time, and so, in recent years, more
28 than 50 percent of the landings have come from accounts that did
29 not hold shares, and so, again, accounts that have been
30 participating in the allocation side. I see a question, and so I
31 will pause here.

32
33 **CHAIRMAN FRAZER:** Captain Walker.

34
35 **MR. ED WALKER:** Thank you. I don't want to interrupt you, but I
36 would point out that my interpretation of this is because they
37 haven't been catching -- Part of this is they haven't been catching
38 the scamp, and so the allocation is nearly free, and it's fifty-
39 cents, or something like that, and so I would guess that more of
40 it is being shared, and so this would contribute to more non-
41 shareholders catching the quota, because there's hundreds of
42 thousands of pounds of what we call scamp quota left, and it just
43 expires every year, and so it's relatively freely passed around
44 between the fishermen, which probably shows up here, in the
45 landings, as non-shareholder landings.

46
47 **CHAIRMAN FRAZER:** Thank you, Captain Walker. Dr. Freeman.
48

1 **DR. FREEMAN:** Thank you for that. All right, and so we'll move
2 ahead to the next slide. All right, and so the next slide is the
3 landings by share status by complex, and so this looks -- In
4 essence, once we sort of envision the Shallow-Water Grouper A
5 subcomplex, and the Shallow-Water Grouper B subcomplex, A being
6 the table to the left, and B being the table to the right, and so
7 we just wanted to highlight that that same trend is observed by
8 those subcomplexes, that the accounts without shares are still
9 landing a higher percentage of the shallow-water grouper species,
10 and so it's not unique simply to the Shallow-Water Grouper A
11 subcomplex or the Shallow-Water Grouper B subcomplex. This is a
12 shared trend.

13
14 This next one looks at remaining shallow-water grouper pounds by
15 account activity, and so we have pounds that are inactive, and
16 pounds that are active, and then translated into percentages, and
17 inactive is basically describing the account activity as those
18 that do not have landings, or transfers, and so, here, the bulk of
19 the remaining pounds are from accounts that are active either
20 through landings, transfers, or both, but to note that we are
21 growing in the number of pounds that are not landed that are from
22 accounts that do nothing.

23
24 I will note, real quick, this was -- That particular table was one
25 that was put together by SERO, and I may get Dr. Stephen to further
26 explain that table. Bernie, is Dr. Stephen available?

27
28 **DR. JESSICA STEPHEN:** I'm available, Matt, if you have any
29 questions.

30
31 **DR. FREEMAN:** Thanks, Jessica. If you can see the current table,
32 do you mind walking the council through that for me?

33
34 **DR. STEPHEN:** Sure. You did a really good job, Matt, but what
35 this table shows is each year we looked at the account activity of
36 the different shareholder accounts and classify them as active or
37 inactive, and, as Matt mentioned, inactive means that there's no
38 transfer of allocation, and no landings, and then what we do is we
39 sum up the amount of pounds that were in those different accounts,
40 so you could see where the amount of pounds that aren't being
41 landed are primarily coming from, and, as Matt pointed out,
42 primarily, it's still from accounts that are at least doing some
43 type of activity, whether that's a transfer or a landing, and,
44 again, this is because this share category in general does not
45 land a high percentage of its overall quota.

46
47 As Matt pointed out, when you're looking at these accounts that
48 are inactive, we have seen a growing trend in the amount of pounds

1 from those accounts that were active, and that is even with the
2 quota remaining steady over time, and so there is a growing amount
3 of pounds that have become unavailable to be used, because they
4 are sitting in these inactive accounts, and I'm happy to answer
5 any questions about this table.

6
7 **CHAIRMAN FRAZER:** Mr. Strelcheck.

8
9 **MR. STRELCHECK:** Not a question for Jessica, but just a comment,
10 and so the reason we show this, right, is because, if you are
11 creating the new share categories, you know, we have decisions
12 before us then, in terms of how we distribute those shareholdings,
13 and, if you distribute it just to the existing accounts, you're
14 distributing about a quarter of the harvest, or potential harvest,
15 to accounts that are currently inactive, right, and so is that
16 what the council ultimately wants to do? We'll need to decide
17 that, obviously, with the actions and alternatives.

18
19 **CHAIRMAN FRAZER:** Okay. Thanks, Andy. Any other questions on
20 this particular slide? Dr. Froeschke.

21
22 **DR. JOHN FROESCHKE:** Just for my own edification, these inactive
23 accounts -- They're still active and current, and so, for example,
24 if someone had an inactive account, and they simply transferred it
25 to someone, and then transferred it back, then that account would
26 then be active?

27
28 **DR. STEPHEN:** That's correct. We look at any kind of activity,
29 whether it's transfers or landings.

30
31 **DR. FROESCHKE:** But, just as a follow-up, to be consistent with
32 the program, there's no requirement to engage in any sort of
33 activity to maintain your permit, as long as --

34
35 **DR. STEPHEN:** Correct. There's no requirement. This is something
36 that we do in the annual reports every year, and so we do track
37 the amount of accounts that are inactive for that year, and so
38 they could be active the year before, but not active in a current
39 year, and we track how much pounds is remaining within it, because
40 those pounds that are in these accounts that are inactive didn't
41 have a chance to be utilized, whereas, within an active account,
42 you would expect that someone, if they wanted to transfer the
43 allocation out, because they are active in doing so, that would be
44 a higher likelihood of that occurring.

45
46 **CHAIRMAN FRAZER:** Captain Walker.

47
48 **MR. WALKER:** I might just throw in here that some of this might

1 also be that the kind of declining catch, or the low amount of
2 catch -- You could be an active fisherman, and just not catch a
3 scamp that year, and you would still be called inactive, if you
4 just left it in your account and you didn't catch one, but, I mean,
5 maybe that is inactive, if you didn't catch one, but that's another
6 way you could become inactive and actually still be a legitimate
7 participating fisherman.

8
9 **CHAIRMAN FRAZER:** Mr. Strelcheck.

10
11 **MR. STRELCHECK:** I don't necessarily disagree with Captain Walker,
12 but I would just ask Jessica specifically a question. Let's say
13 you have an account that has 10,000 pounds in it, and they land
14 ten pounds at some point during the year. That's considered an
15 active account, and that 10,000 pounds would be in the active
16 pounds category, correct?

17
18 **DR. STEPHEN:** That is correct.

19
20 **MR. STRELCHECK:** So it's not so much the amount of usage of those
21 pounds, but it's just the fact they were accessing their account
22 and made some sort of transaction.

23
24 **CHAIRMAN FRAZER:** Thanks, Andy. Any other questions on this slide?
25 Okay. Not seeing any, Dr. Freeman.

26
27 **DR. FREEMAN:** Thank you. All right, and so here we've got accounts
28 that are landing black grouper as well as scamp, and so, in the
29 first portion of this slide, we have the number of accounts, and
30 then, on the bottom table, we have the percentage of accounts, and
31 so here I'm highlighting the number of accounts that landed only
32 black grouper, and then only scamp, or landed a combination of
33 black grouper and scamp, and so it's highlighting here that we
34 find that more accounts are landing scamp than black grouper and
35 that most accounts are landing -- Sorry. That are landing scamp
36 are not landing black grouper, and so they're landing scamp as a
37 stand-alone, in contrast to landing it with black grouper.

38
39 Next, we look at shallow-water grouper landings by region, and so
40 we've got black grouper in the top table, scamp in the bottom
41 table, and here we're noting that scamp is landed less often in
42 southern Florida, and more often in the Florida Peninsula, and
43 that the majority of black grouper is landed in the Florida
44 Peninsula as well as in southern Florida.

45
46 Yellowfin and yellowmouth grouper are rarely caught, in less than
47 nine accounts per year, and, for that reason, were not included in
48 the analyses for these tables.

1
2 This slide is also showing that the bulk of people do not land too
3 many shallow-water grouper species together, and this is in
4 conjunction with that previous slide, and so the reason this is
5 highlighted is to note that, if the council were to use existing
6 shares, those percentages would be the creation of two new share
7 categories. It would potentially put shares in the hands of
8 individuals that may not be encountering certain species, and it's
9 highlighting as well, and this is another note from SERO, that
10 this is not a trend that is being observed with deepwater grouper,
11 and so it's really more of a regional distribution issue with these
12 two species in shallow-water grouper.

13
14 If move forward, this will -- These little breaks are just to
15 remind everyone that Alternative 1, in Action 1.2, was using the
16 current share percentages in that other shallow-water grouper
17 share category.

18
19 We have two other alternatives for the committee to consider. The
20 first would be to proportionally distribute Shallow-Water Grouper
21 A and Shallow-Water Grouper B share categories based on the
22 landings histories of species within each subcomplex, and so, as
23 a result, scamp and yellowmouth grouper landings would determine
24 the landings history for that new share category of Shallow-Water
25 Grouper A, and black grouper and yellowfin grouper landings would
26 then determine the landings history for Shallow-Water Grouper B.

27
28 Again, as we've seen before, any time we consider landings history,
29 we would have to consider a range of years, and we have three
30 options proposed under here, and so of note with this alternative,
31 the idea would be that we would be distributing shares to accounts
32 with landings only, noting that selling and transferring quota
33 would not equal landings, and so an account would actually have to
34 have that landings history associated with it. As a result, shares
35 would be removed from accounts that sell or transfer proportional
36 to the amount that was moved from that, moved either from or into
37 that account. All right, and so we if we can move forward to the
38 next slide.

39
40 **CHAIRMAN FRAZER:** Andy, you have a question?

41
42 **MR. STRELCHECK:** Yes, just a couple of questions. With Option 2a,
43 I noticed that we're not excluding 2020, but we are excluding it
44 under 2b and 2c, and is there a reason for that?

45
46 **DR. FREEMAN:** That was just the original range, and it's certainly
47 something that we could remove, in terms of 2020, from Option 2a.

48

1 **DR. FROESCHKE:** If you did that, then it becomes --

2
3 **DR. FREEMAN:** Thank you. I haven't had my cup of coffee yet, and
4 so, yes, as noted, that option -- If we did that, Option 2a would
5 then become 2b.

6
7 **MR. STRELCHECK:** I haven't had my coffee either, and so duh. I
8 guess the other comment, and we have lots of natural disasters in
9 the Gulf of Mexico, but, kind of thinking through what's being
10 presented here, right, southwest Florida, which is going to be
11 dominated more by black grouper, was negatively impacted by
12 Hurricane Ian in 2023, right, and so I don't know if there's
13 differential impacts, obviously, for those southwest Florida
14 fishermen that, obviously, would have been impacted by Ian, but I
15 think we need to probably take a careful look at the landings data,
16 and the information, and see if there is changes or anything that
17 would have occurred, especially for this IFQ participants, if, you
18 know, we're going to use landings history as a basis for share
19 distribution.

20
21 **DR. FREEMAN:** Thank you for pointing that out. That's certainly
22 something for consideration. Again, this Action 1.2 is relatively
23 new in front of the council, and this is a first consideration,
24 and we are definitely taking input, and so, once I finish reviewing
25 Action 1.2, if there are certain alternatives that the committee
26 would prefer be removed, that would be the time to do it, and like
27 I would prefer at least just to finish the Action 1.2 alternatives,
28 and then, if folks would like to make a motion, we would certainly
29 take that into account.

30
31 Before I dive into Alternative 3, I would just add that -- Because,
32 even among the IPT members, there has been some discussion about
33 Alternatives 2 and 3, and so certainly there are some pros, in
34 terms of this idea of distributing shares to accounts with landings
35 only, and some individuals also noted that, if someone purchased
36 shares more recently, and we were looking at a longer landings
37 history, such as under Option 2a, then perhaps they may not have
38 as established landings history, compared to someone who has owned
39 it since 2011, and so, even though they purchased it, you know, in
40 essence, they may have shares moved out of their account, as a
41 result, and so, again, some pros and cons, so to speak, for the
42 committee's consideration.

43
44 I was going to say, if the committee doesn't mind, let me walk
45 through just a quick example of Alternative 2, and we have a
46 numerical example, and then I will take any questions, if that's
47 okay.

1 **CHAIRMAN FRAZER:** Okay. Before we get there, I think Dr. Diagne
2 has a comment.

3
4 **DR. FREEMAN:** Certainly.

5
6 **DR. ASSANE DIAGNE:** Thank you, Mr. Chair, and that's a question
7 too, and is there an opportunity, perhaps, to move this Action 1.2
8 to Considered but Rejected, because we don't have to reallocate,
9 quote, unquote, the shares, based on landings history at this
10 point. By creating two new share categories, we can just use the
11 existing percentages, and Reef Fish 29, which created the IFQ
12 program, made provisions for this type of scenario, because it
13 says that, at any point, should the council consider reorganizing
14 the share categories, we could simply use existing percentages to
15 allocate, and so it seems to me that, given the amount of material
16 in this amendment, we could perhaps consider moving this Action
17 1.2 to Considered but Rejected.

18
19 **CHAIRMAN FRAZER:** All right. Thank you, Assane, for pointing that
20 out. I mean, I would agree, right, and I think everybody around
21 the table thinks that this is -- Recognizes that this is a really
22 complex document, right, and there's -- When we walk through the
23 various component parts, not only is it complex, you know, but
24 there's some philosophical considerations about how you might
25 approach some of these things.

26
27 I think we can have that discussion, and I would like Dr. Freeman,
28 at this point, to go ahead and go through the alternatives, all of
29 them, in this action item, and then perhaps we can come back and
30 have that discussion.

31
32 **DR. FREEMAN:** So certainly, as Dr. Diagne pointed out, you know,
33 one of the things that the IPT does is we often try to bring a
34 whole suite of options for consideration, and so, you know,
35 certainly it is something that, you know, the committee can
36 consider, and, if it's not something that the committee would like
37 to consider further, we can remove it from the document, but I
38 don't think we would be doing our due diligence if we didn't bring
39 a full suite of options, and so, Bernie, if we can move forward.

40
41 Here, this is, you know, perhaps a little bit more of an extreme
42 example, but still a sort of simplistic one, to walk through in
43 this hypothetical example, where we only have two accounts, and so
44 we have two accounts dealing with shares in other shallow-water
45 grouper. Account A holds all the shares. In this hypothetical
46 example, it's equal to 1,000 pounds gutted weight. Account A sells
47 half to Account B, landing half itself, with equal amounts of scamp
48 and black grouper, and, again, those are species from the proposed

1 Shallow-Water Grouper A and Shallow-Water Grouper B.

2
3 Account B holds zero percent, and is sold, or receives, a transfer
4 of 500 pounds from Account A, and, with that, it then also lands
5 equal amounts of scamp and black grouper, and so, in essence, 250
6 pounds of each.

7
8 With that landings history for Account A and Account B, when those
9 two new share categories are created, Account A would then hold 50
10 percent of the shares of Shallow-Water Grouper A and 50 percent of
11 the shares of Shallow-Water Grouper B. Account B, even though it
12 owned no shares under the original other shallow-water grouper
13 share category, due to its landings, would now hold 50 percent of
14 the shares of Shallow-Water Grouper A and 50 percent of the shares
15 of Shallow-Water Grouper B.

16
17 Another alternative is Hypothetical Example 2. Again, we have our
18 two accounts. Account A holds shares equal to 500 pounds. Account
19 B also holds shares equal to 500 pounds. Account A, with those
20 500 pounds, lands 490 pounds of scamp and only ten pounds of black
21 grouper. Again, highlighting these two as examples, scamp being
22 a primary under this new Shallow-Water Grouper A and black grouper
23 serving as one under Shallow-Water Grouper B.

24
25 Account B, however, lands all 500 of its pounds in black grouper.
26 Once we look at that proportional landings of those species under
27 these new two share categories, A and B, Account A would then, as
28 a result, own all 100 percent of the shares under Shallow-Water
29 Grouper A, because it was the only one with a landings history of
30 scamp under Shallow-Water Grouper A.

31
32 Account A and Account B both have landings history for black
33 grouper, which is one of the two species under Shallow-Water
34 Grouper B. As a result, again proportional of the landings,
35 Account A would hold 2 percent of the shares of Shallow-Water
36 Grouper B, and Account B would hold the remaining 98 percent of
37 Shallow-Water Grouper B.

38
39 Again, on the Shallow-Water Grouper B side, we're sort of trying
40 to highlight that the shares may wind up more into the hands of
41 the accounts landings those species contained within these
42 subcomplexes, and so Alternative 3 is a mix of Alternatives 1 and
43 2.

44
45 Here, we would proportionally distribute Shallow-Water Grouper A
46 and Shallow-Water Grouper B share categories, with 50 percent based
47 on existing other shallow-water grouper share percentages, which
48 is what is discussed under Alternative 1, and 50 percent based on

1 the landings histories of species within each subcomplex, which is
2 discussed under Alternative 2, and so, again, as a reminder, scamp
3 and yellowmouth grouper landings will determine the landings
4 history for Shallow-Water Grouper A, while the black grouper and
5 yellowfin grouper landings will determine the landings history for
6 Shallow-Water Grouper B, and, again, for, you know, comparison
7 with Alternative 2, we have the same year selections for Options
8 2a, 2b, and 2c, which, again, should the committee like to move
9 forward and retain those alternatives, or, if there are other years
10 for consideration, we could certainly examine that as well.

11
12 Bernie, if you can move forward, we have one more slide under
13 Action 1.2. Alternative 3, because it's combining the methods
14 from Alternatives 1 and 2, it would distribute shares to accounts
15 with landings history as well as accounts without landings history,
16 and, again, that without landings history perhaps being under
17 Alternative 1, simply that they hold existing share categories, or
18 shares under those share categories.

19
20 Again, selling and transferring shares is not equivalent to
21 landings. However, this approach would be based on the current
22 shareholdings, as well as landings, and so, here, some shares would
23 be removed from accounts that sell/transfer, proportional to the
24 amount that is done from that account.

25
26 I know that's a lot to take in with Action 1.2. I'm going to pause
27 there and see if there's any questions, or, as mentioned, if
28 anybody feels like they've got a good handle on it to receive
29 feedback, as mentioned, if this is something that the entire action
30 wants to be removed from the document, or if there's other years
31 of landings history for consideration, and so, again, I will pause
32 here for any feedback.

33
34 **CHAIRMAN FRAZER:** Mr. Osborne.

35
36 **MR. JASON OSBORNE:** So, just based on what -- Forgive me, and I
37 can't remember the -- With the shades inside. Has this -- Have we
38 ever had this situation before, where we've separated groups out,
39 and, if so, what did we do in that situation?

40
41 **CHAIRMAN FRAZER:** To my recollection, I don't think we've ever
42 decoupled a complex. Dr. Diagne.

43
44 **DR. DIAGNE:** For the story, the shades inside is because I broke
45 my glasses.

46
47 **MS. EMILY MUEHLSTEIN:** It's because you're cool.

48

1 **DR. DIAGNE:** Yes, but, anyway, this is the very first time, but,
2 when we created -- I mean, when the council established the IFQ
3 program, in Reef Fish Amendment 29, this scenario was included,
4 and so, if I'm reading here, it says the number and nature of share
5 types may be amended in the future to allow the council to further
6 its conservation mission and improve the administration of the
7 program, and this is from Amendment 29.

8
9 It says, for example, should we have overfishing, the council could
10 split or create new share categories, and essentially distribute
11 those based on existing percentages, and so it is really within,
12 I mean, this council's, I guess, purview to simply create the new
13 share categories and keep going without considering, you know,
14 landings histories and so forth, because, as Dr. Freeman mentioned,
15 if someone just bought shares, let's say today, given the
16 alternatives here, they would be penalized, if we went back and
17 looked at a landings history let's say from 2013, et cetera,
18 because they wouldn't have any, and they just bought the shares
19 today.

20
21 To avoid, perhaps, those negative unintended consequences, the
22 simplest way would be perhaps to consider reallocating, quote,
23 unquote, the shares at a later date, but, for the time being, just
24 create the new share categories and move on, if that makes sense.

25
26 **CHAIRMAN FRAZER:** Mr. Osborne and then Ms. Levy.

27
28 **MR. OSBORNE:** I think -- I'm trying to figure out which example it
29 was, but, in that scenario, where it's the person that has the
30 shares for only two years, then it would be based on the landings
31 from that account from the previous years? It seemed like there
32 was one where it said they would take that into consideration.

33
34 **CHAIRMAN FRAZER:** They would only have two years of landings
35 history, and so that's all they could use.

36
37 **MS. OSBORNE:** Okay, and so you wouldn't take into account -- That
38 into account in the landings they had in the previous five or six
39 years, right, and just the only two that they had it.

40
41 **DR. FREEMAN:** So, if I'm understanding correctly, you're talking
42 about if they had been purchasing allocation in previous years.
43 In the case of looking at landings history, it wouldn't matter if
44 the landings were from allocation or from owning shares. Simply
45 so long as they had landed the species, they would be receiving
46 credit for that.

47
48 **MR. OSBORNE:** Gotcha.

1
2 **CHAIRMAN FRAZER:** Ms. Levy.

3
4 **MS. LEVY:** Just a couple of comments, and so Amendment 28 was
5 finalized in 2008, and we are in 2024, and I understand what it
6 may have said, but the fact that you're splitting a share category
7 that many years later -- I'm not sure that the go-to de facto
8 approach, without considering other alternatives, is to just use
9 the same -- Like the distribution you have now.

10
11 I will just also say that, I mean, I would be a little bit concerned
12 about removing it from consideration. I mean, you have an
13 alternative that allows you to do exactly what's being said, to
14 use current share percentages, but you've also been talking a lot
15 about the goals and objectives of the IFQ program, the fact that
16 you want to give fish to the people who are landing it, and so
17 then to go into this document and say that you're not going to
18 move forward with considering other options seems a little bit
19 problematic, and I think you would have to have a really good
20 discussion, and explanation, about why that's appropriate, given
21 all of the discussions that are happening with the IFQ program,
22 and you are creating two new share categories, right, and we're
23 not just continuing what is the status quo, and we have information
24 about distribution of landings, and all of that other stuff, that
25 is a valid consideration.

26
27 **CHAIRMAN FRAZER:** I've got a couple of folks, but I just would
28 respond, real quick, to Mara. I mean, it's true that, as we were
29 developing Amendments 59 and 60, there was a lot of discussion
30 about how to make the shares accessible, more broadly accessible.

31
32 My concern, by entertaining that idea, is that, by putting that in
33 this amendment, we're kind of preempting the discussion, or leading
34 that discussion, before we fully flesh it out in 59 and 60.
35 Anyways, I'll come back to that in a minute. Captain Walker and
36 then Mr. Strelcheck.

37
38 **MR. WALKER:** Well, Ms. Levy kind of got me thinking about what I
39 was going to say. Originally in the program, landings history was
40 attached to the permit, and that was it. You know, if you bought
41 the permit, you bought the history with it. That's what came with
42 it, and I see -- I certainly support guys that have a permit now
43 getting, you know, a share. I just think it's going to be
44 difficult, with all the trading of permits, trying to figure out
45 who gets what, and my original thought here was that the landings
46 go with the permit, but Ms. Levy is right, and maybe that's not
47 correct. Things have changed, and we need some flexibility there,
48 and so I'm just talking out loud here, I guess, on my thought

1 process.

2

3 **CHAIRMAN FRAZER:** Okay. Mr. Strelcheck.

4

5 **MR. STRELCHECK:** I think Jessica has her hand up, but, before maybe
6 turning to her, the IFQ system kind of changed the way we were
7 able to track landings, and, obviously, now we have the IFQ
8 accounts that are able to readily track landings associated with
9 vessels and other information that's linked in those accounts, and
10 I wanted to get back to what Mara was saying, right, and so I am
11 not hearing, you know, sound rationale as to why we would eliminate
12 Alternatives 2 and 3, or even just the entire action at this time.

13

14 You know, we spent a lot of time last year talking about the goals
15 and objectives of the program and moving shares, quota, to those
16 that are landing it, and I hear certainly Tom's concerns about,
17 you know, potentially putting the cart before the horse, but I
18 also think, if we don't do it in this action, then it's potentially
19 going to be very complicated, as a secondary action, or a tertiary
20 action, down the road, after we finalize the other amendments, and
21 so, to me, I think we're early enough in this process that we could
22 stay the course of this.

23

24 The one thing that has resonated with me is how do we deal with
25 those people that maybe are new to the program after 2023, and
26 that went out and actually actively bought shares, and is there a
27 way to treat, or handle, them differently as a distribution of
28 shareholdings, and my position would be to maintain this action in
29 the amendment, with the alternatives as proposed.

30

31 **CHAIRMAN FRAZER:** Dr. Simmons.

32

33 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair, and so I guess
34 just a couple of things to think about throughout for shallow-
35 water grouper. I have some concerns about what's going on with
36 black grouper. We tried to do an assessment, and we weren't -- We
37 couldn't accomplish that. It's not broadly distributed across the
38 Gulf of Mexico, and it's very, you know, regionally distinct. We
39 get them sometimes in the Flower Gardens, but it's primarily, you
40 know, southwest Florida, and you can see that from the landings.

41

42 I think we have a currency issue with black grouper as well. I
43 know we're pretty confident in the IFQ program, as far as what the
44 commercial landings are, but, when we get into the sector
45 allocation discussion, I think that kind of trickles down through.
46 I mean, you look at the table, and we have MRIP-FES landings for
47 recreational, and then we have the MRFSS quota for them, and so I
48 think -- I'm just throwing some of that out there.

1
2 Right now, doing that with black grouper, we're trying to get an
3 assessment done, and we have to divide it between the Gulf and
4 South Atlantic. We had some problems recreating what Mr. Atran
5 and I did in the Generic Amendment, and I'm just going to blame
6 him, and we did work with Dr. Stephen and got that sorted out, but
7 we do have some issues there, and I don't know if that was an
8 identification problem that happened way back when with gag and
9 black grouper, but I know we're fairly confident with the
10 commercial landings now, but that is something that's kind of
11 pervasive in this document, and I wanted to bring that up, and so
12 I don't know if this is necessarily the right time to do this.

13
14 The other question I have is, if you look at Slide 7, and maybe
15 Dr. Stephen can answer this, but is there a way to -- That's all
16 the shallow-water grouper each year, right, and so is there a way
17 to parse out, of those pounds that are inactive, how much of them
18 were black and yellowfin, and how much of them were the scamp and
19 yellowmouth, because I think that's important information to know.

20
21 Were those species not landed because of economics, or because
22 they couldn't find the fish, or because they weren't in the right
23 region to target those fish, and so that would be good to know.

24
25 **CHAIRMAN FRAZER:** Dr. Stephen.

26
27 **DR. STEPHEN:** When the pounds are inactive, they're not landed,
28 and so they're just in the shallow-water grouper allocation
29 category. It's only upon landings that you differentiate them out
30 by species, and, because there are no landings, we can't even make
31 an assumption of if that account would have been harvesting black
32 grouper versus scamp. I will also mention that I'm working on a
33 decision tool for the different fishermen, where they could explore
34 how they would fare under each one of these options.

35
36 **EXECUTIVE DIRECTOR SIMMONS:** That makes sense. Okay. I haven't
37 had enough coffee either. Thanks.

38
39 **CHAIRMAN FRAZER:** Okay, and so a couple of things, right, and so
40 we're just getting into this presentation, and we're getting into
41 the weeds pretty quick, but we've got two action items, and
42 subaction items, right, and so the first one is essentially we
43 have a shallow-water grouper complex, right, and we have an
44 assessment for scamp, right, a pretty quality assessment, and it
45 kind of underlies the rationale for splitting this up.

46
47 We don't have a current assessment for black grouper, right, and
48 so we would have to default to, like you said, a MRFSS-based

1 assessment, right, and so there's some concerns, moving forward,
2 about the currency, right, but, nevertheless, there's a rationale
3 for splitting those two out, and, ultimately, we should get a black
4 grouper assessment. We don't know exactly when, but, ultimately,
5 it's -- Is it next year?

6
7 It's on the schedule, and so soon, right, and so we don't need to
8 rush this, you know, right away, and so that's the first part. Is
9 there a rationale? I think there is for splitting up and having
10 these two subcomplexes, but then we have to figure out -- Actually
11 look at the assessment, so we can establish, you know, the OFEs
12 and the ABCs, and then we have this second subaction, right, and
13 it says, okay, how are we going to allocate within those shares.

14
15 Philosophically, I get where Andy and Mara are coming from, and
16 this is a really, really contentious issue, right, because what
17 you're saying, in Action 1.2, Alternatives 2 and 3, is that we're
18 potentially going to take shares from people that have purchased
19 them and give them, without compensation, and I think we should
20 have that conversation, but I'm really concerned that, if we have
21 that conversation here, before we flesh out and have those
22 conversations as they relate to Amendments 59 and 60, we will have
23 set a precedent and preclude useful conversations down the road.

24
25 You know, whether we leave this in for now or not, and, I mean,
26 it's early, right, and we can get rid of it later, if we want, and
27 so I will leave it to the table, but that's how I'm thinking about
28 it. I don't have a strong desire to deal with this subaction right
29 now. Mr. Strelcheck.

30
31 **MR. STRELCHECK:** I mean, just a comment, based on what you said,
32 Tom, because what was implied is that we would be taking shares
33 away from people that would purchase them, and that certainly could
34 occur, but they also have the opportunity to sell those shares
35 before we take action on this and implement a rulemaking, right,
36 and so I recognize that's maybe not an ideal position for them to
37 be in, but it's not, to me, black and white. I think there's a
38 lot of gray here, in terms of how this works, and there is the
39 potential --

40
41 We've talked a lot about these IFQ amendments, and so the
42 unintended consequences. We think we're solving one thing, and
43 then we ultimately create a problem somewhere else, or there's a
44 loophole in the system, and so I agree with you, and I think we do
45 need to give some more thought to kind of how these all intersect
46 with one another and how this could play out, whether we kept it
47 in here and included it or removed it, but had to deal with it in
48 another action.

1
2 **CHAIRMAN FRAZER:** I've got a couple of folks. Dr. Freeman and
3 then Ms. Levy.
4

5 **DR. FREEMAN:** So just a quick sort of spur response to what was
6 stated, and I want to give it more thought, but, again, my initial
7 response would be that, while certainly an account could sell its
8 shares before anything was implemented, I would not see an
9 advantage to another account purchasing it, because it would have
10 no landings history, and it would then lose it.
11

12 **CHAIRMAN FRAZER:** Yes, and so I think there's a lot of
13 possibilities here. Dr. Diagne and then Ms. Levy. Sorry, Mara.
14

15 **DR. DIAGNE:** Thank you. Certainly it's within, I guess, you know,
16 the council's purview to reallocate and set a precedent, but, in
17 the discussion relative to the goals and objectives that you
18 approved and directed us to start Amendments 59 and 60, one of the
19 comments that were made was that this council indicated to the
20 public that its intention was not to take away shares from anybody,
21 but rather to put shares, and annual allocation, to use, to put
22 them in the hands of those who fish, essentially.
23

24 It was, I think, during the April meeting, April of 2024, and I
25 believe that Mr. Strelcheck made the motion and said that, in
26 Amendment 60, we should include this, this, and this type of
27 action, and he stressed the fact that we should not take away
28 shares from anybody, and so certainly, I mean, this council can
29 now set a different precedent by this, and so we could certainly
30 reallocate by, you know, going to a landings history, but that
31 would entail looking at other options, such as inversely
32 proportional allocation and so on and so forth, and that would be
33 too complicated, I guess, for this document, and that's one of the
34 reasons why, I guess, we would recommend setting this aside for
35 the time being and having the fuller discussion at the later time.
36

37 **CHAIRMAN FRAZER:** Thank you, Dr. Diagne. Ms. Levy.
38

39 **MS. LEVY:** Just a quick comment, because your comment about taking
40 shares without compensation raised my -- So I don't want to imply
41 -- There is no right here to compensation, right, and this is a
42 privilege. It's a permit. An IFQ is a permit to fish, and, you
43 know, the council, and the agency, you know, can change the
44 requirements for that permit. That's not to say that you shouldn't
45 consider what you're saying, but I just don't want to imply that
46 there's any right here that entitles anyone to compensation if
47 things get shifted around.
48

1 **CHAIRMAN FRAZER:** I will come back. Dr. Froeschke.

2
3 **DR. FROESCHKE:** One of the things that we did discuss at the IPT
4 meetings was this notion of unintended consequences, and, if we
5 were to go that route, the two that I see is, one, you create a
6 disincentive to lease, which hurts the new entrants. I would
7 presume that's the new ones, and, I mean, I don't -- The other
8 portion about getting new entrants is this idea of getting perhaps
9 a loan to buy some shares. Well, if we take it back without
10 compensation, that really undermines the value of this as a
11 collateral item.

12
13 **CHAIRMAN FRAZER:** Mr. Strelcheck.

14
15 **MR. STRELCHECK:** I think the struggle I'm having is we're making
16 this based on how maybe the alternatives in this action are
17 currently structured, right, but I made the comment earlier that,
18 if the concern is to take shareholdings away from people that have
19 purchased them during some, or all, of this time period, or even
20 after the time period that we're considering, then we should maybe
21 direct the IPT to look at that and bring us back some information
22 and data to assess what the impact of that would be, and if there's
23 other alternatives or ways that we could address that, right, and
24 so I hear the concerns, but I think there's ways that we can at
25 least take a little deeper dive into looking at this and come back
26 with more information for the council to consider.

27
28 **CHAIRMAN FRAZER:** Okay. Thank you, Mr. Strelcheck. Captain
29 Walker.

30
31 **MR. WALKER:** I kind of like that idea. I mean, this might not be
32 as big of an issue as it looks, and I think we had some data on
33 what these actual years -- You know, it might be just a couple of
34 accounts have black grouper, and there was one chart here that
35 said that there was only five accounts that had black grouper
36 exclusively, and so I think that's a good idea, to see what those
37 landings year histories -- How those splits might actually look on
38 paper.

39
40 **CHAIRMAN FRAZER:** Go ahead, Ed.

41
42 **MR. WALKER:** It seems, to me, when you do use history, you kind of
43 eliminate takeaways, because, if you aren't -- If you didn't have
44 anything anyway, it's not exactly a takeaway, and it's just a
45 percentage of distributing one side or the other, to me, but I
46 think that might -- I'm not really supporting some of the takeaway
47 options either, and I think this can be done without takeaway.
48 Landings history might have to be included to do that.

1
2 **CHAIRMAN FRAZER:** So, again, I appreciate all of the comments,
3 right, and the different perspectives here, and I think I want to
4 go back to the original comments that I made about this particular
5 amendment, and it's a large amendment, and it's got a lot of
6 complexities in it, within, you know -- Just within the shallow-
7 water grouper, and there is complexities within the deepwater
8 grouper, and then we've got some flexibility measures in there
9 that allow us to move back and forth.

10
11 You know, we are early in the process of getting assessments,
12 right, and we have currencies that are not necessarily consistent
13 with one another, and, when we explore these things, and, to Andy's
14 points, and to Ed's points, I think that there is value, certainly,
15 in doing that, but I'm also trying to simplify our lives, or at
16 least encourage us to simplify our lives, so we move forward with
17 known consequences, right, and we don't have to make this decision
18 today, to be honest with you, and we can come back in November
19 with another draft document, right, and I think this is a healthy
20 conversation, but it certainly points to the fact that there's a
21 lot in here, and we'll just need to consider that, and we don't
22 have to make the decision right now, or, if we want to bring it up
23 again in Full Council, we certainly can, but, unless there is any
24 further discussion of Actions 1.1 and 1.2, perhaps we can continue
25 on. Okay. Dr. Freeman.

26
27 **DR. FREEMAN:** All right. Bernie, if we could move to the next
28 slide, and so hopefully this will be a little bit of a breather,
29 and a slightly less complicated action to digest, and so, here,
30 this would be modification of the shallow-water grouper status
31 determination criteria, and so this is assuming that the shallow-
32 water grouper complex is split into subcomplexes from Action 1.1.

33
34 Alternative 1, which is the no action, would be to maintain the
35 current MSY, MFMT, MSST, and OY for other shallow-water grouper,
36 as defined in Reef Fish Amendment 48, and apply those to the new
37 Shallow-Water Grouper Subcomplexes A and B.

38
39 If we can move forward, Alternative 2 -- Here, the main difference
40 would be to modify the MSY proxy for Shallow-Water Grouper
41 Subcomplex A, which would be scamp and yellowmouth grouper, to
42 instead be the yield when fishing at F 40 percent SPR. The MSY
43 proxy for black grouper and yellowfin grouper, in Sub-Complex B,
44 would be retained as the yield when fishing at F 30 percent SPR,
45 and the rationale for that was based off of the SEDAR stock
46 assessment, and so I will pause there and see if there is any
47 questions.

1 **CHAIRMAN FRAZER:** Any questions with regard to Action Item 2?
2 Okay. Not seeing any, Dr. Freeman.

3
4 **DR. FREEMAN:** I think everybody got all their questions out with
5 the previous action. All right, and so Action 3 would be to modify
6 the scamp and yellowmouth grouper catch limits. Alternative 1,
7 which would be no action, would maintain the current catch limits
8 for the shallow-water grouper complex. The ABC, commercial ACL,
9 and commercial ACT numbers are listed there. The recreational ACL
10 and ACT are unspecified.

11
12 However, as noted, Alternative 1 is not viable, because it uses
13 MRFSS data units, and because the SSC has established a separate
14 OFL and ABC for scamp and yellowmouth grouper. Black grouper and
15 yellowfin grouper remain in MRFSS, under the criteria for the
16 ACL/AM Amendment, and so, as a result, Alternative 1 would not be
17 consistent with BSIA.

18
19 Bernie, if we can move forward, Alternative 2 would be to establish
20 catch limits for scamp and yellowmouth grouper based on the SSC's
21 recommendations from SEDAR 68. Those catch limits are expressed
22 and would be monitored in MRIP-FES data units and in million pounds
23 gutted weight. We would maintain the catch limits for black
24 grouper and yellowfin grouper, as set in the Generic ACL Amendment.
25 The commercial ACT would be maintained at 4 percent below the
26 commercial ACL, and those values are listed below.

27
28 We do have some information, if we move forward a slide, and we
29 did -- Since this is modifying the scamp and yellowmouth grouper
30 catch limits, we did want to note -- Here in red, we have total
31 landings for scamp and yellowmouth grouper, from 2010 to 2022, and
32 that has been divided into commercial and recreational, with
33 commercial designated by the blue line and recreational designated
34 by the yellow line. Of note is the proposed ABC, in MRIP-FES, is
35 that solid green line, and so it would be quite a shift.

36
37 Moving forward, the current black grouper management is based on
38 average landings from 2004 to 2008, which resulted in a
39 recreational split of 27 percent and a commercial split of 73
40 percent of the ACL. As many of you are aware, there is an
41 apportionment, based on the jurisdictional boundary, between the
42 Gulf and South Atlantic Councils, where the South Atlantic has 40
43 percent of the ABC and the Gulf has 53 percent of the ABC, and
44 that was established using 50 percent of the catch history from
45 1986 through 2008 and 50 percent based on the catch history from
46 2006 to 2008.

47
48 Moving forward, the current yellowfin grouper management has a

1 split of 80.1 percent to the commercial and 19.9 percent to the
2 recreational, based on landings from 2001 to 2004, and so the black
3 grouper and yellowfin grouper catch limits are listed below. Those
4 were set starting in 2015, moving forward, and those are in MRFSS
5 data units.

6
7 We do not currently have an option for modification for black
8 grouper and yellowfin grouper at this time, for two reasons, one
9 being that we do not yet have a current stock assessment, and then,
10 secondary to that, recognizing that any modification, due to that
11 apportionment of black grouper, would require significant
12 involvement with the South Atlantic Council in such a document.

13
14 Moving forward, as I just noted, in terms of the Shallow-Water
15 Grouper B subcomplex, we would not be able to modify the ABC
16 without cooperation from the South Atlantic Council. The SSC
17 recommendations for updated catch limits for this particular
18 subcomplex cannot be applied in the current form, and so, for now,
19 the black grouper jurisdictional apportionment, sector allocation,
20 and catch limits would remain on the books, and the yellowfin
21 grouper catch limit would be added to black grouper, and that being
22 feasible because they are in the same data units. I will pause
23 here, if there's any questions, before we move into Action 4.

24
25 **CHAIRMAN FRAZER:** All right. Any questions with regard to Action
26 3? Not seeing any, Dr. Freeman.

27
28 **DR. FREEMAN:** Action 4, and this is the last one we have for
29 shallow-water grouper, before we delve into deepwater grouper, and
30 so Action 4 looks at establishing a sector allocation for these
31 shallow-water grouper subcomplexes and modifying the
32 accountability measures.

33
34 To lay out a little bit of background, a little bit of a reminder,
35 before we delve into alternatives, there was a motion, previously,
36 that the Gulf Council would delay any changes in allocation between
37 the commercial and recreational sectors of any Gulf fishery
38 resources that are subject to MRIP-FES until such time as the 2024
39 pilot study has been completed and deemed consistent with BSIA by the
40 Gulf SSC.

41
42 As a sub-note, there would -- With the creation of these
43 subcomplexes, an allocation would still be required for shallow-
44 water grouper, noting, of course, that Alternative 1, once we get
45 to it, is a viable option, and it would, in turn, be consistent
46 with this motion from the council.

47
48 Noting here as well additional recreational effort and associated

1 removals using MRIP-FES affect proposed catch limits. To create
2 these new shallow-water grouper subcomplexes, we would need
3 commercial and recreational allocations specified for those two
4 subcomplexes, and the only recreational data available for this
5 allocation split is MRIP-FES.

6
7 If the council chooses to do nothing, selecting that Alternative
8 1, no action, then it would potentially serve as an automatic
9 reallocation to the commercial sector. Again, that note that that
10 is under the idea of the MRIP-FES, and so the lack of a specified
11 recreational catch limit could lead to overfishing on an annual
12 basis, and that's that second part of Action 4 that will wind up
13 dealing with accountability measures.

14
15 Bernie, if we can move forward, as stated, again, this action
16 assumes, under Action 1.1, that we have moved forward and created
17 two new share categories, Shallow-Water Grouper A and Shallow-
18 Water Grouper B.

19
20 Alternative 1, which is no action, would maintain current
21 allocations, and so other shallow-water grouper ACLs assume a black
22 grouper allocation of 73 percent commercial and 27 percent
23 recreational and then an allocation of 80.1 percent commercial and
24 19.9 percent recreational for scamp, yellowfin, and yellowmouth
25 grouper combined, based on the ACL/AM Amendment.

26
27 If the sum of the commercial and recreational landings exceeds the
28 ACL in a fishing year, then, during the following fishing year, if
29 combined landings reach, or are projected to reach, the ACL, NMFS
30 would then close the recreational sector for the remainder of the
31 fishing year.

32
33 Alternative 2 would modify the sector allocation for the shallow-
34 water grouper subcomplexes, and so Subcomplex A, scamp and
35 yellowmouth -- The split would be 38.6 percent for the commercial
36 sector and 61.4 percent for the recreational sector. I'm going to
37 go ahead and jump down to one of the bullet points, before I finish
38 reading that first one, and that allocation would be based on
39 harvest from 2012 to 2023, excluding the COVID year of 2020.
40 Shallow-Water Grouper B would retain the allocation of 73 percent
41 commercial and 27 percent recreational for black grouper, as well
42 as the 80.1 percent commercial and 19.9 percent recreational for
43 yellowfin grouper that was established in the Generic ACL/AM
44 Amendment.

45
46 Recreational fishing would close for one of the two subcomplexes,
47 either A or B, when NMFS projects that the recreational portion of
48 that complex's ACL would be met, and so that last portion,

1 comparing Alternative 1 to Alternative 2, instead of having a post-
2 season accountability measure, this would be an in-season
3 accountability measure.

4
5 Bernie, if we can move forward, Alternative 3 would modify, again,
6 the sector allocations for the two shallow-water grouper
7 subcomplexes, as established in Action 1.1, and Shallow-Water
8 Grouper A, as a reminder, under Alternative 2, was using harvest
9 from 2012 to 2023, excluding 2020. Alternative 3 would base it on
10 the most recent five years of data, again excluding 2020.

11
12 In that case, Shallow-Water Grouper A, scamp and yellowmouth, would
13 be split 29.2 percent for the commercial and 70.8 percent for the
14 recreational sector. Shallow-Water Grouper B, similar to
15 Alternative 2, would retain the allocation of 73 percent commercial
16 and 27 percent recreational for black grouper and 80.1 percent
17 commercial and 19.9 percent recreational for yellowfin grouper,
18 again from that Generic ACL/AM Amendment.

19
20 Similar to Alternative 2, recreational fishing would close for
21 either subcomplex when NMFS projects that the recreational portion
22 of that complex's ACL will be met, and so we do have a table, if
23 we can move forward one slide, for the commercial ACL and the
24 quotas, the shallow-water grouper, and deepwater grouper.

25
26 The Shallow-Water Grouper A, under Action 4, Alternative 2 and
27 Alternative 3, going through the years 2024 through 2026, it shows
28 what the commercial ACL and commercial quota would be under a 38.6
29 percent towards the commercial, in that top table, or 29.2 percent
30 to the commercial sector, as well as the poundage under the
31 recreational ACL, with a corresponding 61.4 percent in the top
32 table and 70.8 percent in that bottom table. I will pause there,
33 again, because it's still a lot to chew on, and see if there's any
34 comments, or feedback, and I will again note that Alternative 1 is
35 still a viable option, and so, unlike some of the other ones, where
36 we assume that this is not viable, or not BSIA, that is something
37 that is still there for the committee's consideration.

38
39 **CHAIRMAN FRAZER:** Captain Walker.

40
41 **MR. WALKER:** So, if I'm following this correctly, that is a huge
42 change in allocation that's based on FES, right? Like a 50 percent
43 change, that I can see, and, shortly before that, we have our past
44 motion that says we're not going to make allocation changes based
45 on FES, and so what do we do about that, Matt?

46
47 **CHAIRMAN FRAZER:** Dr. Freeman.

1 **DR. FREEMAN:** That's above my paygrade. Again, there's a lot of
2 moving parts here, and so certainly we have the council's motion
3 for consideration, at the same time being cognizant that, if FES
4 is determined to be the path forward, from the pilot study and
5 from the SSC, given that the percentages under Alternative 1 were
6 not set using FES, there is that consideration that it may be a
7 reallocation to the commercial side.

8
9 This is a lot to take in, and so, you know, certainly, you know,
10 there is the option that, you know, the council could wait and
11 could reconsider allocation at a future date, after a determination
12 is made about FES, and that's one path forward. Another path
13 forward is that, depending on how quickly, or slowly, this document
14 moves forward, the council may have made a separate motion
15 concerning FES that may, you know, drive a decision more towards
16 Alternatives 2 or 3, and so, again, a lot of different
17 considerations, and I'm so glad that I'm seeing Mara's hand raised,
18 and so maybe she's going to give me an out.

19
20 **CHAIRMAN FRAZER:** Ms. Levy. Do your best.

21
22 **MS. LEVY:** I'm not going to give you an out, but so I understand
23 the motion about not wanting to consider reallocation, like a
24 standalone reallocation based on MRIP-FES, while the pilot study
25 is going on. This is not that, because you're dealing with an
26 assessment that has come to you, and has incorporated MRIP-FES
27 data, and you have SSC recommendations for catch level
28 modifications that come from that assessment, and so this is
29 forcing you to consider it. Whether you articulate a rationale
30 for Alternative 1 is a different story, but you have to consider
31 it either way, because you're dealing with an assessment that uses
32 FES.

33
34 **CHAIRMAN FRAZER:** Real quick, Andy, I mean, to Mara's point, right,
35 and so we are forced, as you say, by Action 1.1, right, to
36 essentially, because we have two subcomplexes, and, you know,
37 they're assessed in different units, right, and because we've
38 established catch limits for scamp, right, in FES, that is the
39 best scientific information available, right, and we can't
40 comingle those stocks, or those subcomplexes, moving forward, and
41 so we are compelled to move forward, and that's the action, right,
42 and the question that I have is all in the timing, right, because
43 we've got a black grouper assessment that we expect in 2025, and
44 we've got an MRIP pilot study that we expect in 2025, or maybe
45 2026, by the time that everything is squared away.

46
47 You know, all of these things will affect these decisions that we
48 have to make, particularly with regard to allocation and things of

1 that nature, and so, from the staff's perspective, I'm looking at
2 the action schedule, right, and I'm trying to figure out, after
3 November, when we see this document again and it's revised based
4 on the input that we've heard around the council, what's the next
5 step? When would we might expect to see this again? Are we going
6 to set it aside until we see some of this other information? Dr.
7 Simmons.

8
9 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair, and so I'll
10 try. I mean, we've been struggling with how to develop this
11 document for some time, and we were bringing it, trying to bring
12 it, at every other council meeting. It's the first time you've
13 seen the actual document, and not just a presentation, and now
14 we've added deepwater grouper to it, and so the timing on this has
15 been tricky.

16
17 In addition, we have the permits issue, and we're trying to figure
18 out how much of that is going to impact this document. In my mind,
19 this document is a priority over 59 and 60, because of the stock
20 assessments. Scamp is getting old. The stock assessment
21 information is getting old, and then you have the overfishing issue
22 in the yellowedge, and so I think, once we figure out what the
23 committee is going to do, and how you're going to respond to what
24 we have presented, we can come back with a plan for Full Council,
25 would be my suggestion.

26
27 **CHAIRMAN FRAZER:** Mr. Sanchez and then Mr. Strelcheck.

28
29 **MR. SANCHEZ:** Thank you. I've got a question too, and I'm just
30 looking at scamp, and, you know, over the last nine to twelve
31 years, we've caught roughly 400,000 pounds. Then we have an
32 assessment that, all of a sudden, is recommending a 200,000-pound
33 ABC, and how did we go from, you know, a fishery that's not
34 overfished -- Go from a 400,000-ish-pound landings history, in the
35 recent trend, about twelve years, to a 200,000-pound
36 recommendation? I'm -- I haven't been around for a while, but I'm
37 curious to see how we arrived at that. That seems dramatic, to
38 me.

39
40 **CHAIRMAN FRAZER:** John, did you want to tackle that?

41
42 **DR. FROESCHKE:** Well, off the top of my head, I mean, as our
43 standard process, we go through a stock assessment, and we take a
44 look at the fishing mortality, and, essentially, there was -- Well,
45 it was a first assessment, and so there wasn't a maximum
46 sustainable yield proxy, but they did define maximum sustainable
47 yield as 40 percent SPR, which is on the higher end of what the
48 council has done, based on the life history of groupers similar to

1 gag and things like that.

2
3 That's part of it, but, I mean, really, it's the process where the
4 stock assessment is produced, the totality of the information is
5 looked at, it's reviewed by the SSC, and they provide the
6 recommendations, as consistent with the requirements to constrain
7 fishing mortality to the specified limits. That's how it worked
8 out in this case.

9
10 **CHAIRMAN FRAZER:** A follow-up, John?

11
12 **MR. SANCHEZ:** Thank you. So, if it's not overfished, and we have
13 a landings trend of 400,000 pounds, then what was the move to go
14 from 30 percent to 40 percent? What was the motivation there?

15
16 **CHAIRMAN FRAZER:** I mean, it was a decision that the SSC made as
17 part of their deliberations, when they were looking at all of the
18 data, as John said, in totality, right, and so they -- A similar
19 modification was made to some of the other grouper species, to go
20 to that SPR of 40 percent, as opposed to 30 percent, because of
21 understanding the life history characteristics, and it was
22 probably more appropriate, and scamp share some of those
23 characteristics. John.

24
25 **MR. SANCHEZ:** I will just say that I'm -- I don't know, and I'm
26 thinking, if it's not overfished, and that there's this need to be
27 extra risk-averse, in going from 30 to 40 -- I kind of question
28 that, when you see the landings ABCs that result, Number 1.

29
30 Number 2, reading some of the documents, I see that it's the life
31 history, but I don't know. I've always thought, and I'm not a
32 scientist, that these hermaphroditic species -- They might even be
33 more resilient, because they can do their sex change thing in
34 response to environmental factors, and, in essence, do some
35 population compensation, and so I just don't understand.

36
37 It just seems like a lot of things hitting us at once, being very
38 risk-averse with these percentages, the resulting ABCs that come
39 out, and then having to make all these decisions with -- This is
40 a very complex document. I mean, this is showing me that we are
41 the absolute champs at whack-a-mole for unintended consequences,
42 and I'm just -- I'm befuddled. I'm sorry.

43
44 **CHAIRMAN FRAZER:** Dr. Froeschke.

45
46 **DR. FROESCHKE:** I will have to look at the assessment itself, but,
47 I mean, the situation where you have a biomass that was, for
48 example, above MSY, and you have sustained catches over time that

1 bring that down, and you can be in a situation where the catch
2 limits are higher than what is sustainable and the stock not be
3 overfished, and so the conundrum that -- The way I see this is the
4 stock was not overfished, and it's not overfishing, based on the
5 levels of on the books today, but, if we were to catch the levels
6 that we were catching now when the new limits are in place, we
7 would be overfishing, and so that's sort of the conservation issue
8 here.

9
10 **CHAIRMAN FRAZER:** I guess I'm going back to -- I know that I
11 attended that SSC meeting, and listened to the discussion, right,
12 and so whether -- You know, it's certainly within the purview of
13 the council to, you know, make a decision, based on some level of
14 risk, right, but I think what concerns me about the conversation
15 here is that that SSC, the scientific body, right, made a
16 recommendation, based on the biology of the animal, right, and I
17 think they would say -- My recollection of that discussion was
18 that most hermaphroditic species change sex as a consequence of a
19 behavioral interaction, and they're not environmentally mediated,
20 right, and so that was one thing.

21
22 Again, just because they went to an SPR of 40 percent, and that
23 was their decision, based on the biology and their expertise. If
24 they would have provided us alternatives, with that risk, that
25 would be a different story, but they didn't necessarily do that,
26 and that's what resulted in the OFLs and the ABCs. John.

27
28 **MR. SANCHEZ:** I don't want to, I guess, beat this cat flat in this
29 discussion, but I guess that's where I'm going, and the question
30 becomes, when there are scientific recommendations for SPR, 30
31 percent or 40 percent or what have you, do we, as a body, have to
32 accept them, or can we say run them both, and then we make a
33 decision and see what we're comfortable with as a body, and
34 distinguishing that from best scientific information available.
35 Give us both runs, and then let's see, and, if we're not taking
36 any risk, or jeopardizing stocks, let's consider the economic
37 impacts that these decisions have on our ABCs and to the affected
38 public.

39
40 **CHAIRMAN FRAZER:** To your point, I think the SSC would be better
41 served, right, if the council would give more explicit direction,
42 right, and, in this particular case, they didn't give that explicit
43 direction, and they got the best advice that the SSC was willing
44 to give them, right, and so, moving forward, I certainly think
45 that we should consider that. Dr. Porch.

46
47 **DR. CLAY PORCH:** Thank you. This is reminiscent of some previous
48 conversations we've had on this issue, but I would turn around

1 that it's not that this SSC is being risk-averse. It's that, when
2 adopting F 30 percent, you would be risk-prone, in the sense that
3 the SSC, and I think rightly, determined that F 40 percent was the
4 best proxy for MSY, and that means the one most likely to produce
5 the maximum sustainable yield.

6
7 If you selected something like F 30 percent, you would have more
8 than a 50 percent chance of leading to overfishing, simply because
9 that proxy results in a fishing mortality rate that is likely too
10 high, and so, if the council wanted to go against the SSC
11 recommendation, which favors F 40 percent, they would have to
12 produce some evidence that in fact F 30 percent is a better proxy.
13 Otherwise, the decision would be inconsistent with the best
14 scientific information available.

15
16 **CHAIRMAN FRAZER:** Clay, again, I just was thinking about something
17 else during that particular discussion, right, and, when they were
18 looking at that information, and looking at the fishing mortality
19 over the last decade, right, there is a consistent trend in that
20 biomass being reduced, and so it was certainly trending in that
21 direction, John. All right. Mr. Strelcheck.

22
23 **MR. STRELCHECK:** Mr. Chair, I wanted to change direction a little
24 bit here and talk a little bit about timing, and kind of the catch-
25 twenty-two that I view that we're in, and so we've talked a little
26 bit about the allocation and the fact that, if we modified the
27 allocation right now, we would be doing it based on MRIP-FES, and
28 we, obviously, have the previous motion by the council, which
29 obviously doesn't prohibit us from moving forward, but it limits
30 us.

31
32 The timing first, and so, because we don't have these complexes,
33 right, and, typically, when the council takes action on an IFQ-
34 related amendment, we could hold back quota, and not release it
35 for the coming fishing year, but, because the complexes don't
36 exist, we wouldn't have that luxury, right, and so let's say we
37 get into mid to late next year, and the council takes final action,
38 and the Fisheries Service wouldn't have a way, at this point, that
39 I see, to hold back quota to be released to the commercial sector,
40 right, and so then that puts any sort of implementation of the
41 share distribution, and the commercial quotas, beyond 2026, right,
42 and so, you know, I want to talk to my team, and think about that
43 carefully, and is there things we could do to resolve that, but
44 we're talking, obviously, a lengthy process.

45
46 Then you have, obviously, the MRIP-FES pilot, which we've heard,
47 obviously, that it's potentially 40 percent less than the effort
48 estimates that are generated under FES, but we don't know the

1 answer to that, and we won't know the answer to that until sometime
2 in 2025, with review and kind of certification and calibration of
3 that occurring in 2025.

4
5 I've thought about, well, could we do like the allocations as a
6 formula, right, and set that process up, and then implement it
7 based on a certain time period, and so that might be an avenue,
8 but the problem with that is that, when Clay and his team plug in
9 the new MRIP-FES estimates, whatever they are, that changes the
10 productivity of the stock, and other metrics, and then we're back
11 to the SSC, talking about new catch limits, right, and so it's a
12 very circular discussion that I'm going through, but I think it's
13 important to kind of shape this as to the complexities we're
14 dealing with with Amendment 58.

15
16 Then that kind of leads me to we've talked about separating the
17 amendment, deepwater grouper and shallow-water grouper, and I
18 think that's a good idea, to address the overfishing with deepwater
19 grouper, but is there maybe a shorter-term shallow-water grouper
20 action that we could take, that is more simplistic, that helps the
21 fishery, right, and reduces some fishing mortality, which is
22 needed, while we focus on some of the long-term measures, and so
23 one of the things would be, you know, how do we deal with the, you
24 know, commercial quota in this interim period, but also the
25 recreational sector, because we're open year-round right now, but,
26 you know, are there management measures and things we could do as
27 an interim step for the recreational sector.

28
29 I don't have the answers right now, but just kind of that's where
30 my thinking is going, is that maybe there is another alternative
31 here, which is kind of a shallow-water grouper 58A and 58B type of
32 amendment that we would need to work on.

33
34 **CHAIRMAN FRAZER:** Dr. Froeschke.

35
36 **DR. FROESCHKE:** I don't know if this would work, but, just thinking
37 off my head, I mean, one of the things that Dr. Porch and his team
38 has suggested in the past is this percent reduction, and, if we
39 were to look at the percent reduction dictated on fishing
40 mortality, based on the stock assessment, relative to what we have
41 now, if that was possible, and I wonder if there was some way that
42 you could just figure it out and just reduce the allowable harvest
43 by that percent and leave it alone until you got far enough along
44 where you could figure out the next currency and everything else.
45 I don't know exactly how that would work, but I'm just trying to
46 think if there's something possible along that line.

47
48 **CHAIRMAN FRAZER:** So I guess what I'm hearing, and I like what

1 Andy said, right, and I do think that we're probably moving towards
2 having shallow-water grouper and deepwater grouper split out, but
3 I think, following this discussion, maybe the IPT could get back
4 together, right, and think about how to streamline 58A, which is
5 just the shallow-water grouper complex, right, and so we can deal
6 with the fact that we have a new assessment, right, and we need to
7 take that information into consideration as the best scientific
8 information available, and so that would be that.

9
10 The IPT is going to need to come back, I think, and suggest how to
11 streamline this document, so we can actually move forward and take
12 advantage of that catch advice, and then we'll talk about the
13 deepwater grouper, maybe after we take a break, Mr. Chairman. We
14 can follow this up, and, I mean, what are your thoughts on that,
15 John?

16
17 **DR. FROESCHKE:** Well, I guess my only concern -- I mean, on 58A,
18 my -- At first blush, Action 1.2 is nonobligatory, and that would
19 be one way to streamline it, but the rest of it, as far as asking
20 the IPT -- I mean, it seems, to me, that the IPT is sort of locked
21 into the hand that we're dealt, and so, in absence of overarching
22 guidance to say we want to try a new paradigm, I don't know that
23 -- Is that something that the IPT should be tasked with or -- It
24 would be nice to have some guidance on what that might be, because,
25 I mean, we're not -- Typically, the IPT doesn't color outside the
26 lines, and I guess that's what I'm trying to say, and so, if you
27 want us to do that, it would be helpful to give us as much
28 information on how that should be done as possible.

29
30 **CHAIRMAN FRAZER:** Ms. Levy.

31
32 **MS. LEVY:** I mean, I just -- I mean, I think the problem with
33 shallow-water grouper is the A complex especially, and so, right
34 now, there is no way to constrain recreational harvest, and so
35 you're lowering the catch limits. However you lower it, whatever
36 mechanism you use to decide how low they should be, if you can't
37 actually constrain recreational harvest, because it doesn't have
38 its separate catch limit and a closure provision, then you're kind
39 of stuck, right, which is why it's necessitating splitting them,
40 because, right now, it's tied to the total, and the total is tied
41 to the IFQ program, which doesn't harvest the total until
42 potentially the end of the year, and so you're in this kind of
43 loop where you can't account for the recreational sector unless
44 you've actually split them out, which is necessitating this
45 allocation discussion.

46
47 **CHAIRMAN FRAZER:** Okay, and so, again, this is where I think we
48 are. I mean, we are obligated, at this point, based on the scamp

1 assessment, right, to identify Subcomplex A and Subcomplex B.
2 We're obligated.

3
4 To John Froeschke's point, the Action 2 in this document is
5 nonobligatory. We do not have to do that, but, to Mara's point,
6 we have to set ACLs, OFLs and ACLs, right, and, as part of that,
7 we have to decide how to allocate that between the sectors, and
8 so, in my mind, Actions 1, 3, and 4 are necessary, moving forward,
9 and Action 2, to get back to the earlier discussion, whether we
10 leave it here or not, is nonobligatory, to use John's words, and
11 if we're trying to streamline this, and move it forward, and we
12 can consider this in Full Council, but we may in fact remove that
13 from the document, and that's just an option, and I'm not making
14 a suggestion, or a motion, that we do that.

15
16 That's where we are, and I think we can revisit this discussion in
17 Full Council, if we need to, and I think we're going to move into
18 deepwater grouper, but maybe we can have a break, Mr. Chairman.

19
20 **MR. ANSON:** That sounds like a good idea, to try to improve my
21 standing with folks, since I heard some comments that my bathroom
22 break time yesterday was not so good, and so we'll go ahead and
23 take a fifteen-minute break, and then we'll be back to reconvene
24 Reef Fish.

25
26 (Whereupon, a brief recess was taken.)

27
28 **CHAIRMAN FRAZER:** We will pick up with the deepwater grouper part
29 of this presentation. Dr. Freeman.

30
31 **DR. FREEMAN:** All right, and so we will switch gears into deepwater
32 grouper now, and so Action 5 is modification of the deepwater
33 grouper catch limits. The SSC met in February of this year and
34 reviewed SEDAR 85 for yellowedge grouper. Overfishing is occurring
35 for that species.

36
37 The SSC also reviewed landings for the other deepwater grouper
38 species, which are snowy grouper, warsaw, and speckled hind. The
39 SSC recommended reduced OFLs and ABCs for yellowedge grouper, to
40 address the overfishing. OFLs and ABCs for the other three
41 deepwater grouper species are based on recent landings data. The
42 deepwater grouper complex combines the OFLs and ABC for the four
43 deepwater grouper species to provide catch limits for the complex.

44
45 Unlike some of our discussion earlier with shallow-water grouper,
46 because these are all in the same data units, these can be
47 combined. It's mathematically acceptable to do so.

48

1 Alternative 1 would be to maintain the deepwater grouper ABC for
2 the deepwater grouper complex at 1.024 million pounds gutted
3 weight. Those catch limits are in MRFSS units. As noted,
4 Alternative 1 would not be viable, because it's using the MRFSS
5 data units and because the SSC has established OFLs and ABCs for
6 deepwater grouper species using MRIP-FES, and so Alternative 1
7 would not be consistent with BSIA.

8
9 Alternative 2 would revise the catch limits for 2025 through 2029
10 plus for deepwater grouper, based on the SSC recommendations from
11 its February meeting. The yellowedge grouper OFL and ABC would be
12 set using an F 40 percent SPR, and the FMSY proxy for the three
13 other species will remain at F 30 percent SPR. The OFL and ABC
14 for yellowedge grouper and the three remaining species will be
15 combined, and all four species would be managed as a single
16 complex. The deepwater grouper complex OFL is 731,035 pounds
17 gutted weight, and the ABC is 555,026 pounds gutted weight. The
18 commercial ACL, and the commercial quota numbers, are listed below,
19 and those catch limits would be in MRIP-FES units.

20
21 The issues to consider, the first issue is the commercial and
22 recreational allocation. With the current sector allocation, the
23 commercial is 96.47 percent. The recreational sector is
24 unspecified. The deepwater grouper OFL and ABC is now in FES, and
25 the rec landings are estimated to be higher in FES than in MRFSS,
26 because of this increase. Maintaining the commercial allocation
27 of 96.47 percent would result in a reallocation to the commercial
28 sector. Recreational landings estimates, since IFQ
29 implementation, have exceeded that remaining 3.53 percent of
30 deepwater grouper harvest, and that is true both in MRFSS data
31 units and in FES data units.

32
33 Moving forward, the second issue deals with the accountability
34 measures. There is no ACL specified for the rec sector, nor are
35 there sector-specific AMs for the rec sector. The current post-
36 season accountability measure says, in the year following the
37 overage of the stock ACL, the rec sector will close when NMFS
38 projects the total stock ACL will be met, and so the reduced
39 deepwater grouper ACLs being considered would be expected to result
40 in harvest of the full commercial quota. A closure would occur
41 when total harvest is expected to meet the ACL, and this may lead
42 to consistent overages of the ACL, and we have an example, on the
43 next slide, to kind of clarify that.

44
45 If the rec sector was projected to harvest 75,000 pounds, which is
46 12.6 percent of the stock ACL, by November 1, and the commercial
47 sector was projected to harvest 485,000 pounds, which is 87.4
48 percent of the stock ACL, by November 1, and I do apologize, and

1 that third bullet point is supposed to also say November 1, instead
2 of November 4, and then the rec sector would close on November 1,
3 when 100 percent of the ACL is projected to be harvested.

4
5 However, as noted, the commercial sector, at that point, will have
6 harvested only 87.4 percent of the stock ACL, corresponding to
7 485,000 pounds, but they can continue harvesting until their
8 individual quota is met, and so the, if the commercial quota were
9 harvested, that stock ACL would be exceeded by roughly 29,000
10 pounds gutted weight.

11
12 Some potential solutions include specifying the sector allocation,
13 catch limits, and accountability measures for the rec sector. One
14 potential alternative is to set the recreational allocation at
15 3.53 percent of the landings, which is the current remaining
16 allocation, and then specify the rec and commercial catch limits
17 based on this. Following that, to implement an accountability
18 measure that closes recreational fishing upon projection that the
19 recreational ACL has been harvested. Again, that would be a
20 change, because we would be able to focus on the recreational ACL
21 instead of the stock ACL at that point.

22
23 Some notes, again, as mentioned, the rec deepwater grouper harvest
24 averages have exceeded 3.53 percent since IFQ implementation, in
25 both MRFSS as well as FES, and, secondly, to compound that issue,
26 the new catch limits will result in a rec ACL of roughly 20,000
27 pounds. That will be difficult to manage the rec sector landings,
28 to such a small ACL, and that could result in a very short season,
29 and/or very large overages. A decision from the committee, and
30 the council, would be needed to justify a decision to maintain the
31 default rec allocation.

32
33 We do note that the accountability measure portion of this current
34 action could move into Action 6, or we could potentially combine
35 Actions 5 and 6, and we'll move into Action 6 in just a moment, so
36 you can see that.

37
38 Some additional possible action alternatives here would be to
39 revise the sector allocation, based on FES data, for select years,
40 and so, in essence, rather than apportioning that remaining 3.53
41 percent to the rec sector, and, again, it may be a different
42 percentage, and then specify the sector catch limits based on this,
43 and then, on the accountability measure portion, close the
44 recreational fishing upon projection that the rec ACL has been
45 harvested.

46
47 As seen under the shallow-water grouper discussion, we do have the
48 council motion to not use FES for allocation decisions, until the

1 pilot study has been completed and those issues have been resolved.
2 Additionally, the IPT would be open to feedback from the committee
3 to consider what would be appropriate years to use as a reference
4 period, Option A being the original reference period of 1992
5 through 2008, and we could consider 2013 through 2023, which would
6 be since IFQ implementation, and certainly, as noted before, we
7 could exclude 2020 as the COVID year Option c is 2018 through
8 2023, being the five most recent years, again with the exclusion
9 of 2020, and certainly there would be other options that we could
10 consider there for landings history. I am going to pause for just
11 a moment, to see if there's any questions or feedback, before we
12 move into Action 6.

13
14 **CHAIRMAN FRAZER:** Are there any questions for Dr. Freeman? I am
15 not seeing any, Matt.

16
17 **DR. FREEMAN:** All right. So, for Action 6, this is modification
18 of the deepwater grouper accountability measures. Alternative 1,
19 the no action, would maintain the accountability measures for the
20 deepwater grouper complex. As we just reviewed for the rec sector,
21 if the total complex ACL is exceeded in a fishing year, then, the
22 following fishing year, the Regional Administrator monitors the
23 total landings for the deepwater grouper complex and will close
24 the recreational fishing sector for the remainder of that fishing
25 year when the total complex ACL is projected to be met.

26
27 Alternative 2 would be to revise the accountability measures for
28 the deepwater grouper complex. For the commercial sector, the
29 grouper-tilefish IFQ program serves as the accountability measure.
30 That is true under Alternative 1 as well. For the recreational
31 sector, if the total complex ACL is projected to be met in a
32 fishing year, then the Regional Administrator will close the
33 recreational fishing season for the remainder of that fishing year.

34
35 In this case, compared to Alternative 1, on the recreational sector
36 side, we're looking at an in-season accountability measure, versus
37 the current post-season accountability measure, which is what is
38 under Alternative 1.

39
40 If we move forward to the next slide, the risk of exceeding the
41 complex ABC is going to be greater under these reduced catch
42 limits, and the use of the uncertain MRIP-FES data, and the NMFS
43 recreational data collection programs have used APAIS to estimate
44 harvest on recreational fishing vessels since 2013. FES has been
45 in use since 2017, and estimates for deepwater grouper rec landings
46 are inconsistent, indicating that APAIS may not accurately capture
47 the complexes of deepwater grouper rec landings, noting that there
48 is higher variability expected for landings in Florida, Alabama,

1 and Mississippi, and there is potential that Louisiana, or LA
2 Creel, and Texas surveys may face similar issues. I am going to
3 pause here for a moment, before we move into Action 7, to see if
4 there's any questions.

5
6 **CHAIRMAN FRAZER:** All right. This is essentially, based on the
7 discussion that we had before -- If we opt to move forward with
8 two separate documents, this is the deepwater grouper part, and,
9 again, so we have yellowedge grouper that have been assessed, and
10 are undergoing overfishing, and so we're compelled to take action
11 to end that overfishing, and so there's a couple of action items
12 I think that are the legitimate action items, right, and so they're
13 the appropriate ones to consider in that document, should we move
14 forward. Is there anybody that wants to weigh-in on any of the
15 specific action items at this point?

16
17 **DR. FREEMAN:** Mr. Chair, there is still one remaining action as
18 well.

19
20 **CHAIRMAN FRAZER:** Yes. I'm considering that that may not be part
21 of the document, but we'll see. C.J.

22
23 **DR. SWEETMAN:** Just a comment here relative to the high variability
24 of rec landings. These are like going to be super-rare-event
25 species, basically, to be captured through MRIP, and so predicting
26 a season, or even -- I'm going to struggle with that, under a low
27 quota, you know, along those lines, and so that's just something
28 to consider as we're moving forward here, and I don't really have
29 an answer for it.

30
31 **CHAIRMAN FRAZER:** Mr. Strelcheck.

32
33 **MR. STRELCHECK:** I was going to offer a similar comment to C.J.'s,
34 and so, you know, essentially giving the Fisheries Service the
35 authority to close when, you know, landings meet, or are projected
36 to meet, the catch limit concerns me for a species that has highly-
37 variable data, right, and so I think my preference is a post-
38 season adjustment, and potentially considering other management
39 measures, if needed, that would help to constrain harvest and avoid
40 any sort of overages of the recreational landings.

41
42 **CHAIRMAN FRAZER:** Thanks, Andy. Ms. Levy.

43
44 **MS. LEVY:** I mean, clearly you can consider other options, and
45 there is nothing wrong with a post-season adjustment, but, I mean,
46 for the purposes of this document, the post-season adjustment is
47 essentially the same as the in-season adjustment, and it requires
48 you to monitor and close. It's just after it has gone over, and

1 so if we can think of other things, and, whatever we do here, we're
2 going to need to document how we're going to be preventing
3 overfishing of yellowedge, right, and so we just need to make that
4 clear, since it's combined, and since we have this issue with rec
5 landings and how we're going to constrain them.

6
7 **CHAIRMAN FRAZER:** Thanks, Mara. All right. Mr. Strelcheck.

8
9 **MR. STRELCHECK:** Well, and, to Mara's point, right, my comment
10 about post-season adjustments wasn't bound by just the current
11 range of alternatives, and so certainly, in this instance, it would
12 still be kind of an in-season type of action, because we would be
13 monitoring the subsequent year, to determine if those landings
14 continue to be elevated. You could certainly have a season that's
15 set based on landings from the prior year, and then give the
16 Fisheries Service the authority to specify the season the following
17 year, like we've done with many species, and announce that.

18
19 **CHAIRMAN FRAZER:** I appreciate the comment, Andy. I was just
20 looking at Dr. Froeschke and trying to figure out how we would
21 incorporate that into the document. I'm just trying to figure out
22 -- You know, to what Andy was suggesting then, if you -- I'm going
23 to paraphrase Andy, but, if you give the Fisheries Service the
24 authority to set the season, right, and I don't see where that's
25 -- Where would you put that in this document, Andy, or can you
26 elaborate on your -- Maybe I misunderstood what you were saying.

27
28 **MR. STRELCHECK:** Thanks, Mr. Chair, and so, right now, and I'm
29 just getting to the slide, Alternative 1 in Action 6 is the no
30 action, and so it says the recreational sector -- For the
31 recreational sector, if the total complex ACL is exceeded in a
32 fishing year, then, the following year, the Regional Administrator
33 monitors landings and will close for the remainder of the fishing
34 year when the total complex is projected to be met.

35
36 We could add a new alternative that is, if recreational landings
37 in the prior fishing year are exceeded, then the Regional
38 Administrator specifies, you know, the length of the deepwater
39 grouper fishing season in the following year, right, and so it's
40 more definitive, and it's specific to recreational harvest, or you
41 can do a combination of, if the recreational landings exceed their
42 catch limit, and the total ACL is exceeded in the prior year, then
43 the recreational season will be set by the Regional Administrator.

44
45 **CHAIRMAN FRAZER:** Thanks, Andy, for clarifying that. C.J., did
46 you have a comment?

47
48 **DR. SWEETMAN:** Just another thought here, for potential options,

1 and so we haven't really done this, but maybe a multiyear ACL for
2 this fishery could mitigate some of these really variable landings
3 that -- You know, peaks and valleys here and there, and that could
4 potentially help with paybacks and closures and things along those
5 lines, but I will look at our NOAA Fisheries colleagues here, to
6 see if they also think that that's that a potential consideration.
7 I know that Dr. Porch gave a presentation about this, and,
8 honestly, with rare-event species, I feel like this is -- This is
9 a prime candidate for this, maybe.

10
11 **CHAIRMAN FRAZER:** Thanks, C.J. So that's a possibility for the
12 folks to consider, adding some options in there. Captain Walker.

13
14 **MR. WALKER:** I'm just going to think out loud here again, but, if
15 the rec side overfishes a bit, but the commercial side only catches
16 60 percent, and I think it just saw that they only caught 60
17 percent, does that still count as overfishing? I mean, it would
18 only be 65 percent of the ACL.

19
20 **CHAIRMAN FRAZER:** Dr. Froeschke.

21
22 **DR. FROESCHKE:** It would not be overfishing, because the OFL was
23 not exceeded. However, depending on how the accountability
24 measures are set -- If each sector had a specific accountability
25 measure, it could still trigger that.

26
27 **MR. WALKER:** Right, and I think that's kind of what I'm thinking.
28 We're looking at a 97 percent commercial allocation, and a really
29 small rec allocation, but the commercials have not been catching
30 theirs, and I'm not suggesting reallocating, but, if there was a
31 mechanism where, if combined, they didn't overfish, that might be
32 a win for everybody, and I don't know that there is, but it would
33 keep us from cutting the recs down to 20,000 pounds a year and
34 closing the fishery, maybe.

35
36 **CHAIRMAN FRAZER:** John.

37
38 **DR. FROESCHKE:** One complication, and I don't know the numbers
39 right off the top of my head, but, if you put the new catch limits
40 in place, and those reductions, it's likely that they may catch
41 all of their fish henceforth, and so that same flexibility is not
42 going to be there.

43
44 **CHAIRMAN FRAZER:** So I think staff has some direction to maybe
45 bolster some of the things in this part of the document, moving
46 forward. John.

47
48 **DR. FROESCHKE:** One question, and I think I know the answer, but

1 is there any appetite to consider a payback on the recreational
2 side, as an accountability measure?

3

4 **CHAIRMAN FRAZER:** Captain Walker.

5

6 **MR. WALKER:** I mean, that's kind of -- Maybe that would depend on
7 if the commercial was filled. I mean, it kind of pays itself back,
8 if there is already some change left in the bank, right, and, I
9 mean, maybe I'm oversimplifying this. Surely there's some
10 technical hangup, like everything else in this thing, but I'm
11 trying my best.

12

13 **CHAIRMAN FRAZER:** No cynicism today. Mr. Strelcheck.

14

15 **MR. STRELCHECK:** I mean, for the reasons kind of explained with
16 the uncertainty in the recreational data, I have a lot of concerns
17 about applying a payback, just given the data variability. In the
18 South Atlantic, you know, we've been managing a lot of our
19 deepwater grouper and tilefish species with fixed seasons, right,
20 and so they're fairly short, unfortunately, and usually, you know,
21 a couple of months, maybe up to four months, during the summer,
22 but I really do feel like we need to consider maybe a deepwater
23 grouper season here that helps to mitigate, potentially, some of
24 the overages that could occur, and address some of the overfishing,
25 and then, in the commercial sector, would be dropping the catch
26 limits considerably, obviously, to reduce fishing mortality there.

27

28 **CHAIRMAN FRAZER:** Thanks, Andy. Dr. Freeman.

29

30 **DR. FREEMAN:** We do have a table in the document that splits out
31 the commercial and recreational landings for deepwater grouper
32 species. Would it be helpful to the committee, for this
33 discussion, to have that pulled up?

34

35 **CHAIRMAN FRAZER:** Sure.

36

37 **DR. FREEMAN:** All right. Give me one moment, and I'll confer with
38 admin, and we'll get that up.

39

40 **CHAIRMAN FRAZER:** In the interim, C.J., or was it John? I thought
41 one of you had a question.

42

43 **DR. FREEMAN:** So this is Table 1.1.3 in the document, and, Bernie,
44 if you'll scroll down a little bit, and, unfortunately, when she
45 scrolls down, it will cut off the species, but that last column is
46 the total landings, and it goes through 2023.

47

48 As a reminder, in Action 5, for the modification of the catch

1 limits, the proposed -- Based off the SSC recommendations, the
2 proposed ABC would be at 555,026 pounds gutted weight, and, in
3 recent years -- In 2023, the total landings were almost 700,000
4 pounds. In 2022, it was about 620,000. 2020 had about 880,000.
5 2021 had about 861,000, and so total landings are well above what
6 the proposed ABC would be at.

7
8 **CHAIRMAN FRAZER:** Okay. It sounds, to me, like there's been a
9 number of suggestions that the staff might consider incorporating
10 into this part of the document moving forward. Is there any
11 further discussion about deepwater grouper? So let's go ahead and
12 move into the next action item then.

13
14 **DR. FREEMAN:** All right, and so, Bernie, if we can move into Action
15 7. In Action 7, it's looking at modifying the flexibility measures
16 between the deepwater and shallow-water grouper components.
17 Alternative 1 would be to maintain the grouper-tilefish IFQ program
18 flexibility considerations for the two new subcomplexes within the
19 shallow-water grouper complex. Scamp may be landed under a
20 shareholder's deepwater grouper allocation, if that shareholder
21 does not have any remaining shallow-water grouper allocation.
22 Warsaw and speckled hind may be landed under shallow-water grouper
23 if all deepwater grouper allocation in a shareholder's account is
24 depleted.

25
26 Alternative 1 would not be viable. Because the SSC has established
27 a separate OFL and ABC for scamp and yellowmouth grouper, without
28 modification, allowing for scamp to be landed under the deepwater
29 grouper allocation could result in overfishing of
30 scamp/yellowmouth grouper, and so Alternative 1 would not be
31 consistent with BSIA.

32
33 Bernie, if we can move forward, and this is a quick diagram to
34 illustrate that scamp can be caught under deepwater grouper, and
35 then, on the bottom-right, that warsaw and speckled hind would be
36 eligible to be caught under the shallow-water grouper complexes,
37 A and B.

38
39 If can move forward another one, this next slide will show the
40 current flexibility measure use for last year, and so a couple of
41 things to note here. Scamp, under shallow-water grouper, is
42 predominantly caught under, or with, shallow-water grouper shares.
43 If you move all the way to the left, warsaw is predominantly landed
44 under deepwater grouper shares, and then you have speckled hind in
45 the middle, and speckled hind are primarily landed under the
46 secondary category, and so, while they are in the deepwater grouper
47 complex, they're primarily landed through the shallow-water
48 grouper multiuse, and so loss of the flexibility measure could

1 impact folks that are harvesting speckled hind.

2
3 If we move forward another slide, there is a lot of numbers in
4 this table, and so I'm going to direct the attention primarily to
5 the boxes that are highlighted in red and green, and so, here,
6 what we're seeing is, if you focus on the species on the X-axis
7 first, and then move vertically up the column, what we're doing is
8 looking at the species on the X-axis as being the ones that are
9 primarily landed, and the cooccurring species are on the Y-axis.

10
11 That first box, in red, is illustrating that, for trips that are
12 landing speckled hind, 18 percent also landed black grouper. If
13 you move one further box up, what it shows is that, for trips that
14 are landing speckled hind, 70 percent are also landing scamp. If
15 we move one column over, we're seeing, for trips that are landing
16 warsaw grouper, only 9 percent are also landing black grouper,
17 while 71 percent are also landing scamp, and so, again, the purpose
18 of this table is to try to -- For the committee's decision, as
19 well as to inform IPT members, as we're working on the document,
20 which trips are -- That are landing certain deepwater grouper
21 species are also landing certain shallow-water grouper species.

22
23 Alternative 2 would be going sort of from an all to none type of
24 situation. Alternative 2 would eliminate all flexibility
25 considerations for the current shallow-water grouper and deepwater
26 grouper share categories within the grouper-tilefish IFQ program,
27 and so, if we move ahead a slide, again, we have no arrows, and
28 there would be no multiuse, in that situation, and, if we move
29 forward one more, Alternative 3 is modeled after the gag grouper
30 and red grouper multiuse, and so we would create a multiuse
31 allocation specifically for scamp, speckled hind, and warsaw
32 grouper, which are the ones currently having that multiuse, and so
33 we would use a formula to ensure that the commercial ACL is not
34 exceeded for deepwater grouper or for shallow-water grouper A.

35
36 We would convert a portion of shallow-water grouper A to deepwater
37 grouper multiuse, and that uses a formula dividing the difference
38 between shallow-water grouper A ACL and quota, divided by the
39 deepwater grouper quota. Likewise, converting a portion of the
40 deepwater grouper allocation into shallow-water grouper A
41 multiuse, using a formula that divides the difference between the
42 deepwater grouper ACL and corresponding quota by the shallow-water
43 grouper A quota.

44
45 Multiuse allocation cannot be transferred or used for landings
46 until all the primary category allocation is zero within the
47 shareholder account and related vessel accounts. If shallow-water
48 grouper A is in a rebuilding plan, there would be no deepwater

1 grouper multiuse. Likewise, if deepwater grouper is in a
2 rebuilding plan, there would be no shallow-water grouper A
3 multiuse.

4
5 Here, under Alternative 3, with this multiuse formula, and we've
6 got the equations towards the top of this slide, if we look from
7 Action 4, Alternative 2, and, again, where we may set the sector
8 allocations at 38.6 percent commercial, or, under Alternative 3,
9 29.2 percent commercial, that would result in a shallow-water
10 grouper A multiuse of 28 percent, or potentially 37 percent. Under
11 the current numbers being considered, the deepwater grouper
12 multiuse would be either 0.6 percent or 0.4 percent.

13
14 In the next slide, it carries these percentages out to show what
15 those numbers would actually translate into, in terms of pounds,
16 under the deepwater grouper multiuse, and the shallow-water
17 grouper multiuse, and that's that last table, at the bottom, the
18 third and fifth columns, and so, under Alternative 2, we are
19 looking at roughly 3,000 pounds for deepwater grouper multiuse, a
20 little over 21,000 pounds for shallow-water grouper A multiuse,
21 and, under Alternative 3, 2,000 pounds for deepwater grouper
22 multiuse, and, again, a little over 21,000 pounds for shallow-
23 water grouper A multiuse.

24
25 If we move forward, the main takeaway, from the numbers on this
26 slide, is -- It walks through deepwater grouper and then shallow-
27 water grouper subcomplex A, and so the main takeaway here is that,
28 if individuals were to use all of their standalone deepwater
29 grouper ACL, and I'm walking through this first table, and the --
30 Sorry. The deepwater grouper allocation from that ACL, the
31 deepwater grouper multiuse from that ACL, and incorporated the
32 shallow-water grouper A multiuse, that last column, the 535,380,
33 is still below the deepwater grouper ACL, and so just highlighting
34 that the formulas that were put together would prevent the ACL
35 from being exceeded even if all the primary and both multiuses
36 were landed under that same category. Just as a reminder, at the
37 bottom, again, these would only apply to scamp, speckled hind, and
38 warsaw.

39
40 Alternative 4 would allow the species in shallow-water grouper A
41 to continue to be landed under deepwater grouper if shallow-water
42 grouper A is not in a rebuilding plan. We would allow warsaw and
43 speckled hind to be landed under shallow-water grouper A, if
44 deepwater groupers are not in a rebuilding plan. This alternative
45 though does have the same issues as Alternative 1, regarding the
46 potential for exceeding catch limits.

47
48 This has been expanded, the species here, to include yellowmouth,

1 which is under shallow-water grouper A, simply because of the fact
2 that SEDAR 68 assessed scamp and yellowmouth together, and so that
3 was the purpose of this particular alternative for consideration.
4

5 Bernie, you can go to the next slide, if you would like, and it's
6 just questions, and so that sums up the actions and alternatives
7 we currently have for deepwater grouper, and so I will stop there
8 for discussion and questions or a motion.
9

10 **CHAIRMAN FRAZER:** All right. Thank you, Dr. Freeman. Captain
11 Walker.
12

13 **MR. WALKER:** I think -- My opinion on this is we might evaluate
14 whether we need this flexibility measure at all. I think a large
15 portion, and we've heard this in public testimony, of the reason
16 that the multiuse has been used in the deepwater is because it was
17 cheaper than deepwater quota. Essentially, scamp quota was fifty-
18 cents, and deepwater was \$1.50, and so the guys were using the
19 multiuse strictly because it was less expensive, and not because
20 they were out of the other.
21

22 It might be worth discussing if need a flexibility measure here at
23 all, particularly since we're talking about slashing the shallow-
24 water grouper side, and so there's not going to be that excess
25 sitting there anyway, and so it's something to think about, if we
26 need this at all.
27

28 **CHAIRMAN FRAZER:** Thanks, Ed. Any other thoughts on this? Dr.
29 Froeschke.
30

31 **DR. FROESCHKE:** Well, in the spirit of streamlining, it does seem
32 that this is a nonobligatory action. I mean, the pounds were
33 small, and so it would be potentially a lot of work for not that
34 many potentially used pounds.
35

36 **CHAIRMAN FRAZER:** So, Ed, I just want to ask a question, based on
37 your comments, and so do we need a -- My question to you is are
38 you saying to eliminate it entirely, or just eliminate it from the
39 documents?
40

41 **MR. WALKER:** Well, I don't want to make that call, but I think it
42 could be eliminated entirely. I'm certainly open to other input.
43 I mean, I even had, you know, some of the big commercial operators
44 tell me that we could just eliminate this, and simplify it, and so
45 that's the little bit of input that I have, and I certainly don't
46 want to make that call, if we should eliminate it, and somebody
47 else might have a different outlook on that, but that's my opinion.
48

1 **CHAIRMAN FRAZER:** Dr. Sweetman and then Mr. Strelcheck.

2
3 **DR. SWEETMAN:** Thank you, Mr. Chair, and so maybe this is a question
4 for council staff, but, just relative to this flex measure here,
5 I'm just wondering the history of that, and why it was kind of
6 implemented in the first place, and maybe there's something that
7 we're missing here.

8
9 **DR. FREEMAN:** Sure, and I was going to say, if Dr. Stephen is still
10 on the webinar, that may be a question that she would be best
11 suited to answer.

12
13 **DR. STEPHEN:** Yes, I can answer that, and so these three species
14 are typically found both in kind of the shallow and deepwater.
15 They crossed over the two, and so there was a high amount of
16 cooccurrence with these, and the flexibility measure was put in
17 place to allow for that, once we broke the species into the two
18 different share categories of shallow-water and deepwater grouper.
19 I will note that speckled hind seems to be primarily landed under
20 its secondary category, and not its primary category, unlike what
21 we see with scamp and warsaw.

22
23 **CHAIRMAN FRAZER:** Thank you, Dr. Stephen. Mr. Strelcheck.

24
25 **MR. STRELCHECK:** If we create new share categories for shallow-
26 water grouper, we need to have an action then if we wanted to
27 eliminate the multiuse, right, because it wouldn't be effective
28 anymore.

29
30 I am certainly open to considering that. I think it would be good
31 to get some further public testimony, and my recollection is we've
32 heard kind of a mixed bag, in terms of, you know, how it's being
33 used, and I think Ed is right that there's certainly a lot of
34 considerations as to why it's being used the way it is, and maybe
35 it's not being used for the original intended purpose that we had
36 envisioned, or at least how we envisioned it being used, and so it
37 seems like, you know, what's before us then is Actions 5 and 6, or
38 some iteration of that would be for the deepwater grouper
39 amendment, with any other actions that we might want to add for
40 deepwater grouper, and then everything else would fall into that
41 shallow-water grouper, and then we would have to decide the
42 contents of that, or the split, as I mentioned, where we could
43 have a more expedited shallow-water grouper amendment and then
44 something that potentially follows it later.

45
46 **CHAIRMAN FRAZER:** Dr. Freeman.

47
48 **DR. FREEMAN:** So one area still, and, Bernie, do you mind going up

1 -- It will be Slide 36, and it's two slides prior to Action 6.
2 One area that, again, the IPT would encourage some feedback, and,
3 even if it doesn't come right now, and, if nothing else, during
4 Full Council, is this slide and the following slide, again,
5 considering, you know, the setting of a rec allocation at a certain
6 percentage, and specifying rec and commercial limits, and,
7 likewise, we would -- Instead of having an accountability measure
8 for the rec side, depending on the total stock ACL, and, if that
9 were done, then we could target towards the specific rec sector
10 ACL, and so, again, even if not right now, perhaps on Thursday, if
11 we could get some guidance on if that's something that the
12 committee is interested in having the IPT develop, and that would
13 be extremely useful.

14
15 **CHAIRMAN FRAZER:** Okay. Thank you, Dr. Freeman. Andy, if -- With
16 regard to this Action Item 7, and let's assume, for right now,
17 that we might go down the path of splitting these into kind of two
18 documents, does that Action 7 have to -- Is there a preference for
19 which document you would put it in, the deepwater or the shallow,
20 or --

21
22 **MR. STRELCHECK:** I think it has to go in the shallow-water grouper.

23
24 **CHAIRMAN FRAZER:** All right. Thank you. All right. C.J.

25
26 **DR. SWEETMAN:** So, to that point, since we were just talking about
27 potentially splitting this, I said that I was going to bring this
28 motion forward, and so, Bernie, when you get a chance, can you put
29 the motion forward that I sent you?

30
31 **Okay, and so my motion is to request council staff -- Actually,**
32 **within Reef Fish Amendment 58, request council staff separate out**
33 **the shallow-water grouper complex and deepwater grouper complex**
34 **into separate documents.**

35
36 **CHAIRMAN FRAZER:** So we've got a committee motion on the board.
37 Is there a second to that motion? It's seconded by Mr. Sanchez.
38 Is there any further discussion of the motion? Mr. Strelcheck.

39
40 **MR. STRELCHECK:** For clarity, like Action 7 deals with both
41 complexes, right, and so we just need to be clear, in terms of how
42 we're moving things around, and so I just wanted to say that on
43 the record. Then, maybe before we vote on this, and I'm not ready
44 to kind of float an option here, but, you know, John Froeschke,
45 and a few others, we talked briefly about is there potentially
46 something we could do more expeditiously in the interim, and, if
47 so, what could that look like, right, and so I think that would be
48 something we would want to bring back as an idea before Full

1 Council, but I'm not prepared to, obviously, float something now.

2
3 **CHAIRMAN FRAZER:** Okay. Thanks, Andy. Is there any further
4 discussion of this particular motion? I am not seeing any. Mr.
5 Chairman, would you like us to use these clickers? All right, and
6 so are we ready to go?
7

1) B.4.1. Within Reef Fish Amendment 58, request Council staff to separate out the SWG complex and the DWG complex into separate documents.

First Name	Last Name				
Kesley	Banks	Yes			
Dakus	Geeslin	Yes			
JD	Dugas	Yes			
Anthony	Overton	Yes			
Tom	Frazer	Abs			
Kevin	Anson	Abs			
Billy	Broussard	Yes			
Troy	Williamson	Yes			
Troy	Frady	Yes			
John	Sanchez	Yes			
Joe	Spraggins	Yes			
Michael	McDermott	Yes			
Jason	Osborne	Yes			
Chris	Schieble	Yes			
Andy	Strelcheck	Yes			
Ed	Walker	Yes			
CJ	Sweetman	Yes			
Results - Passed	Subtotals	Yes (15)	No (0)	Abs (2)	

8
9
10 **CHAIRMAN FRAZER:** All right, and so the motion carries fifteen yes
11 with two abstentions. Okay. Before we leave Amendment 58, are
12 there any other discussion items? Mr. Strelcheck.

13
14 **MR. STRELCHECK:** Tom, I -- You know, one of the things we keep
15 thinking about, with council meetings, is how can we give the IPT
16 as much specific direction as possible, right, so they know our
17 intent, and they can proceed forward, and I mentioned already about
18 scamp and shallow-water grouper, and maybe coming back to that at
19 Full Council, but I think, before we leave the deepwater grouper
20 discussion, and I don't know if we need a motion, but I certainly
21 share, you know, some alternatives that I think could be added,
22 with regard to the accountability measures, right, and one would
23 be based on recreational landings and a post-season accountability
24 measure for adjusting the season, and one could also be
25 recreational landings and if the total ACL is exceeded and adjust
26 the recreational season.

27
28 I just wanted to kind of make sure that we were generally okay
29 with that, as kind of direction to the IPT, and then, with -- If
30 we are, then Action 5 also, right, still deals with this issue of
31 allocation, and so they floated, obviously, some options of how

1 the allocation could be reviewed and looked at, and so I think we
2 should probably provide some additional direction with regard to
3 how to proceed, if we're comfortable with Action 5 as it stands,
4 kind of proposed, and what path they were proposing for us to
5 consider.

6
7 **CHAIRMAN FRAZER:** So you're right that I think we have a number of
8 suggestions that were offered up with regard to the deepwater
9 grouper, and so I just want to make sure that staff felt like they
10 captured those suggestions. I am looking at John and Matt, and
11 both of them say they feel like they have captured those in the
12 notes.

13
14 The issue, Andy, with regard to offering some guidance with regard
15 to allocation -- That's a more difficult one, and perhaps we can
16 bring that up at Full Council, if that's okay with you. All right.
17 So is there any further discussion then on Amendment 58 at this
18 point? Okay. I am not seeing any, Mr. Chair, and we're at our
19 scheduled lunchbreak, and so I think we're at a good spot to just
20 start up with the IFQ discussions after lunch.

21
22 **MR. ANSON:** Yes, and that sounds like a good idea. We'll go ahead
23 and take the scheduled lunchbreak, and we'll be back here at one
24 o'clock to reconvene Reef Fish.

25
26 (Whereupon, the meeting recessed for lunch on August 20, 2024.)

27
28 - - -

29
30 August 20, 2024

31
32 TUESDAY AFTERNOON SESSION

33
34 - - -

35
36 The Reef Fish Committee of the Gulf of Mexico Fishery Management
37 Council reconvened at The Golden Nugget Hotel and Casino in Biloxi,
38 Mississippi on Tuesday afternoon, August 20, 2024, and was called
39 to order by Chairman Tom Frazer.

40
41 **CHAIRMAN FRAZER:** We will pick up with the Reef Fish Committee,
42 and we will be -- We will go to the Discussion of the Vision
43 Statement for the Individual Fishing Quota Programs. Dr. Diagne,
44 if you want to walk us through the action guide.

45
46 **DISCUSSION: VISION STATEMENT FOR THE INDIVIDUAL FISHING QUOTA**
47 **PROGRAMS**

1 **DR. DIAGNE:** Thank you, Mr. Chair, and, to everyone here, apologies
2 for wearing these. I broke my glasses this morning, and so this
3 is the only pair that I can rely on to read. All right.

4
5 **CHAIRMAN FRAZER:** You are no longer Dr. Diagne to me. You're just
6 Dr. D.

7
8 **DR. DIAGNE:** I will take that. I will take that. Thank you.
9 Let's go into the discussion of the vision statement. Staff will
10 present the draft vision that the council proposed during the last
11 meeting, the June meeting, and we will also suggest some discussion
12 points that the committee may consider.

13
14 The committee should review the information presented, ask
15 questions, and propose a revised vision for the IFQ programs. If
16 needed, or warranted, the committee could then recommend to the
17 council to approve the revised vision.

18
19 **CHAIRMAN FRAZER:** All right. Thank you, Dr. Diagne. If we want
20 to go ahead and pull up the presentation, and that would be Tab B,
21 Number 5 in everybody's materials.

22
23 **DR. DIAGNE:** Thank you, Bernie. This is the motion that the
24 council approved during the June meeting, and so, essentially, the
25 motion was to postpone discussion of the vision until this meeting,
26 and the proposed vision had, or has still, two parts, a fisheries
27 vision and a process vision. We will come back to this in more
28 detail later on.

29
30 Typically, or, I mean, in general, and let's put it that way, the
31 vision should be the starting point, meaning that let's say, you
32 know, an organization, or a corporation, would start out with their
33 vision, and, from that vision, goals would be derived, and
34 subsequently then, under each of the goals, specific objectives
35 would then be defined, and that's what I would call, quote,
36 unquote, the traditional, or the general, approach.

37
38 What we have done is essential this, because the council spent, I
39 guess, time, during several meetings, discussing goals, and they
40 also defined specific objectives for some of those goals, and so,
41 essentially, we skipped initially, really, the vision statement
42 and directly went to this.

43
44 Just as a reminder, these are the goals that the council approved.
45 We have five of them, and the first one would be to improve
46 opportunities for participants to enter the program, to reduce IFQ
47 discards, to maintain flexible fishing options and economic
48 stability within the programs, to increase market transparency and

1 eliminate information asymmetries, and, finally, reduce costs per
2 unit harvest.

3
4 For two of these goals, meaning Goal 1 and 2, the council also
5 spent time and defined specific objectives, and they are just
6 listed here, as a reminder, and so we have several of them.

7
8 Goal 2 also has specific objectives attached to them, and, at the
9 time, the council did indicate that, for the remaining goals, that
10 three to five objectives would be defined at a later date, and, on
11 the heels of this, this established that the council has already
12 approved goals and objectives.

13
14 Another thing that the council has done was to initiate the
15 development of two amendments, and those would be Reef Fish 59,
16 which would be discussed, you know, after this presentation, and
17 Amendment 59 deals with permit and participation requirements for
18 the IFQ programs, and Reef Fish Amendment 60, which broadly would
19 address distribution issues in the IFQ programs.

20
21 Now a couple of questions for your consideration, and the first is
22 more an observation. If the council adopts a vision that is
23 consistent with the already approved goals and objectives, how
24 would we utilize that new vision, other than essentially including
25 it in Amendment 59, just to show that the council has an already
26 articulated vision, and now the second would be, if the council
27 were to adopt a vision that is not consistent with the goals and
28 objectives that we already approved, how would we go about it?
29 Would new goals and objectives be defined, or would we modify
30 existing goals and objectives?

31
32 If we come back to the vision that we have on the table, the draft
33 vision, we have a fisheries vision, which is to have a cohesive
34 commercial fishery that includes a diverse suite of successful
35 businesses and fisheries trusts that optimize access to and use of
36 IFQ shares, and, with that, there is a draft process vision, which
37 reads: A simple, automated, and transparent process that ensures
38 IFQ shares and allocation are equitably distributed by NMFS to a
39 defined user group, the impacts of which are measurable and
40 evaluated over time. That is what we have as a draft.

41
42 We also went ahead and looked at other IFQ programs around the
43 country, to see whether vision statements were available, so that
44 we can present that to you. None of the programs in the country
45 has a set vision, if you would, and, to finish, these are, I guess,
46 for your consideration, some avenues that perhaps we can look
47 towards to define a, quote, unquote, simpler vision that would be
48 consistent with the goals and objectives that we already approved.

1
2 One such suggestion would be utilize a cost-effective and
3 sustainable administrative system to continue to improve the
4 biological, social, and economic outcomes of the IFQ programs.
5 Another suggestion would be to continue to develop a flexible,
6 adaptable, effective, transparent, and economically, social,
7 biologically, and administratively sustainable IFQ program.
8 Finally, to improve the flexibility, adaptability, transparency,
9 and the economic, social, biological, and administrative
10 sustainability of the programs, and so these statements could be
11 added, if need be, to the draft that we have, or it could be
12 considered as a standalone vision, if any one of these would be
13 deemed suitable by the committee, and so I will stop here and try
14 to answer questions, if you have any.

15
16 **CHAIRMAN FRAZER:** Any questions on the vision statement? Ed.

17
18 **MR. WALKER:** To me, I really don't see a need for this whole thing.
19 The best I can tell, we already have most of this stuff as our
20 goals and objectives in this program, and we have a lot of work to
21 do. I would be interested in hearing the need for going through
22 this whole draft vision process, rather than considered but
23 rejected.

24
25 **CHAIRMAN FRAZER:** Mr. Strelcheck.

26
27 **MR. STRELCHECK:** I mean, I don't feel strongly about proceeding
28 with a vision or not. You know, a vision can be unifying, in terms
29 of getting us all on the same page as a group, in terms of kind of
30 the direction and, you know, where we want to head.

31
32 As Ed has pointed out, right, we do have goals and objectives for
33 the program, and I think we have a lot of work to do within the
34 amendment, and so my recommendation is I think we proceed with the
35 goals and objectives as our guide, and, if we feel like maybe we're
36 off-course, or we're not reaching that kind of common, unified
37 approach, then maybe that's where we have to come back and have
38 some discussion about where we want to head with the IFQ program.

39
40 **CHAIRMAN FRAZER:** Dakus.

41
42 **MR. GEESLIN:** Thank you, Mr. Chair. A question and a comment.
43 Assane, the additional draft vision statements, what was the origin
44 of those?

45
46 **DR. DIAGNE:** These are just suggestions for your consideration,
47 based on the goals and objectives that we have, and so we looked
48 at the goals and objectives and essentially said what vision

1 statement would encapsulate this, and just bring it for your
2 consideration.

3

4 **MR. GEESLIN:** Okay, and so you authored those though?

5

6 **DR. DIAGNE:** Yes.

7

8 **MR. GEESLIN:** Okay. To Ed's point, I also agree. I think the
9 goals that we established, several meetings ago, are adequately
10 captured. The objectives are there, and I'm not convinced we need
11 to spend a whole lot of time today fleshing out a thorough vision
12 statement. I think we can keep the ball rolling here.

13

14 **CHAIRMAN FRAZER:** I'm looking around. I would just say I think
15 this is one of Bob Gill's parting gifts to the council. I
16 appreciate, and respect, where he was coming from, right, and I
17 think, to Andy's point, I think, if everybody is kind of on the
18 same page in a larger vision, that helps.

19

20 You know, I don't think it needs to -- I would agree with Dakus,
21 and I don't think we necessarily need to spend a lot of time. I
22 don't see that there's a misalignment with this vision statement
23 and the current goals and objectives.

24

25 Whether or not it goes in the document, I don't think it has to go
26 in the document. We can certainly file it away, and remind
27 ourselves if we go awry, as Andy said, and, you know, where were
28 we trying to go, and what was our big picture, and so, like most
29 of you, I don't feel really strongly about spending a lot of time
30 on it, and I do think it's probably consistent with the goals and
31 objectives that we've outlined already, and so any other comments?
32 Dr. Diagne, do you need something from the council, just other
33 than these opinions?

34

35 **DR. DIAGNE:** I think, I mean, the intent is pretty clear here.
36 This is something that I guess is filed in the back of, I guess,
37 our collective memories, and it's in the minutes, right, and so,
38 if at any point in the future, I mean, the council has a desire to
39 resurrect, quote, unquote, this, then it will be brought back,
40 but, for the time being, I mean, the goals and objectives that we
41 have really capture your intent, in terms of moving forward with
42 the amendments, and so that's fine.

43

44 **CHAIRMAN FRAZER:** All right, and so we will go ahead and move on
45 to a presentation on Reef Fish Amendment 59. That would be Tab B,
46 Number 6, but, before we get there, you probably want to review
47 the action guide, Dr. Diagne.

48

1 **PRESENTATION: REEF FISH AMENDMENT 59: REQUIREMENTS FOR**
2 **PARTICIPATION IN INDIVIDUAL FISHING QUOTA PROGRAMS**
3

4 **DR. DIAGNE:** Yes. Thank you. For this agenda item, which is Reef
5 Fish Amendment 59, Requirements for Participation in the IFQ
6 Programs, Dr. Stephen will give a presentation on the amendment,
7 which addresses participation requirements in the red snapper and
8 grouper-tilefish IFQ programs, and the requirements that are in
9 the amendment include the ownership of a valid and renewable
10 commercial reef fish permit, as well as requirements to land
11 predetermined percentages of a particular shareholder's annual
12 allocation.

13
14 Today's presentation will discuss the different types of
15 participants in the IFQ program and highlight the consequences of
16 selecting various combinations of permit and participation
17 requirements, activity requirements, on the participants. The
18 committee should review the information presented, make
19 recommendations, and discuss next steps, as needed. Thank you.

20
21 **CHAIRMAN FRAZER:** All right. Thank you, Dr. Diagne, and so we'll
22 load that presentation up and Dr. Stephen is going to give that
23 presentation, correct?

24
25 **DR. DIAGNE:** Yes.

26
27 **CHAIRMAN FRAZER:** Jessica.

28
29 **DR. STEPHEN:** I am going to ask, during this presentation, if we
30 can hold all the questions, unless you have something very specific
31 to that slide, because this is a presentation that builds on each
32 of the different actions, and, when I get to the end, you'll see
33 how they interplay. The only exception to that is, after I go
34 through Action 2, I'm going to pause and ask for questions
35 specifically on Action 2.

36
37 Just a reminder of how we got here, and I know that there's some
38 new council members out there, and I want to show you how we got
39 here, and I am going to emphasize, again, that these different
40 actions, particularly Actions 1, 3, and 4, really play into each
41 other and how they work together.

42
43 The other thing that I'm going to show you is that we're going to
44 talk about a different type of roll in this presentation, and so,
45 in the IFQ system, we only have three types of roles, the
46 shareholder account, the vessel account, and the dealer, but, when
47 we've looked in the reviews of the programs, we can actually
48 classify the people who have shareholder accounts, and the variety

1 of different types of roles, and I'm going to concentrate on those
2 as we go through this presentation.

3
4 All right, and so, just as a reminder of what led us here, we
5 started this actions back in 2023, when we set up the new IFQ
6 programs and goals. We had some presentations in October of 2023,
7 where we looked at the different trends in the program over time,
8 and what potential actions we could take, and that actually led us
9 into Amendments 59 and 60. We have since given presentations on
10 Amendment 59 in January, on Amendment 60 in April, and then we're
11 here -- In June of 2024, we did a little bit more of that visioning
12 statement and what to consider for a fishing permit pool. What I
13 have shown here on this slide are the different types of goals and
14 objectives that we came up with early on.

15
16 For the most part, we're going to concentrate really on Goal 1,
17 and what I've done here is listed the different objectives, and I
18 have highlighted which of the objectives apply more to Amendment
19 59 or more to Amendment 60. Since we're talking about Amendment
20 59, I want to point out that we had objectives of limiting the
21 share ownership to accounts that are harvesting IFQ species and
22 that we were looking to recover and redistribute shares held by
23 deceased shareholders. For the most part, this presentation is
24 going to concentrate on that first objective.

25
26 All right, and so I mentioned before that we're going to talk about
27 different types of roles in the program, and these are not official
28 roles, but these are roles that we see based on behavior and
29 descriptions we've heard from the participants within a system,
30 and so the first two types of roles are the fisherman and what
31 we're calling a vertically-integrated dealer. I'm going to stress
32 that these are roles of people who have that shareholder account.

33
34 For the sake of this presentation, the fisherman role is anyone
35 with a shareholder account that also has a permanent vessel under
36 it, and it does not necessarily mean that they are fishing, but
37 they do have a permit with a vessel. For the vertically-integrated
38 dealer, likewise, this would be a dealer who also happens to have
39 a shareholder account and that that shareholder account has that
40 permitted vessel, and so, again, it's a permitted account.

41
42 The next few are the related accounts, and so we've often talked
43 about the different types of related accounts, and so the next one
44 is the related shareholder, and so this is a shareholder account
45 that does not have a permit, but they have somebody in common with
46 an account that does have a permitted vessel. Likewise, a related
47 dealer account is a dealer who also happens to have a shareholder
48 account, but they do not have a permitted vessel, and they are

1 using the account to obtain shares and allocation.

2

3 The next one is a role that we've seen come out as the program has
4 gone forward, and it's what I'm calling the investor or broker
5 role, and so this is someone with a shareholder account. They do
6 not have a permit, and they are primarily using that account to
7 buy and sell shares, or allocation, to other IFQ participants.

8

9 The next role that I'm going to talk about is what we're calling
10 the fishery trust, or the nonprofit role, and so this is some type
11 of nonprofit quota bank, or fishery trust, and they, once again,
12 have a shareholder account, and no permit, and they're using that
13 allocation that they're obtaining, and sometimes they're retaining
14 shares as well, to assist in the allocation being distributed to
15 those that are involved within their community.

16

17 Then the last role we're going to emphasize here is what I'm
18 calling the retired fisherman accounts, and so this is a
19 shareholder account, and it no longer has a permitted vessel, but
20 it previously did have a vessel, and it did have IFQ landings.

21

22 A reminder of what happens in Action 1, and Action 1 is the ability
23 to actually open up an account within the system and then maintain
24 it, and we have three simple actions. No action is our status
25 quo. Anyone, as long as you're a U.S. citizen, can open and obtain
26 an account and hold onto that account. Under Alternative 2, we
27 are requiring a permit to simply obtain the account, and you could
28 then no longer have that permit and continue to hold the account,
29 and then, under Alternative 3, you would need that reef fish permit
30 to both obtain and maintain the account.

31

32 What I wanted to do for each action is kind of go through what are
33 the impacts on the different roles for each action individually,
34 and then I'll combine all the actions together and show you the
35 combined impact, and so, once again, we see the roles that we had
36 listed earlier, and, of course, under the status quo, or
37 Alternative 1, there is no impact.

38

39 They all concurrently participate, but, as you start adding the
40 permit requirements -- In Alternative 2, it's a permit just to
41 obtain the account, and what happens with the roles that currently
42 do not have a permit is they can keep their accounts, because they
43 already have the account, but nobody new could generate accounts
44 that were under those roles, unless they were previously under the
45 fisherman or dealer vertically integrated roles, and then got rid
46 of their permit, or, in order to obtain a permit, the new people
47 in these roles would actually need to acquire the permit in order
48 to obtain the account.

1
2 The difference that happens with Alternative 3 is that, not only
3 do you have to obtain the permit to get the account, but you have
4 to keep the permit, and so, for all of those existing roles that
5 are in the system without a permit, the accounts would close,
6 because they don't have the permit to maintain it, unless they
7 would go forward and obtain a permit. That means any shares
8 held by them would have to be divested, and, if they failed to
9 divest, they would be reclaimed by the agency.

10
11 I'm going to get into Action 2. As I mentioned, when I get to the
12 end of Action 2, I'm going to pause for questions. We haven't
13 really discussed, and thought out, Action 2 in great detail before
14 in our presentations, and so this is a little bit of a deep dive
15 into Action 2.

16
17 In Action 2, we were looking at the different types of requirements
18 that would be needed in order to maintain shares, and this was
19 based on some type of activity within the program, and the council
20 had narrowed it down to landings as being a good indicator of
21 participation. For this, we had two options. We had the ability
22 for them to land at least 25 percent of their shares annually or
23 50 percent of their shares every two years.

24
25 A couple of things I want to stop and explain. The activity would
26 have to be calculated by each share category, and so you could
27 fulfill your participation requirement in one share category and
28 not fulfill it in another share category, and, when we're thinking
29 about it, we start to think about different topics to explore, and
30 the rest of the slides are going to get into these. Some of those
31 topics to explore is, under an annual requirement, what type of
32 hardship does that put on a shareholder, particularly if their
33 vessel is down for repairs or they've gotten sick and are unable
34 to fish for a year.

35
36 What happens when we have in-season quotas is that actually would
37 increase the percentage of the shares, or sorry. It would increase
38 the allocation that's coming from their percentage of shares.

39
40 Because it's an IFQ program, we have to consider an appeals
41 process, and that's required by law, and then we would have to
42 think about potentially looking at this differently, rather than
43 a percentage of your shares. We know that the landings, versus
44 the quota, can be very different in the different share categories,
45 and I'm going to really step into that and explore it, and then
46 last is just to consider what type of loopholes could be created
47 so that someone could avoid losing their shares.

48

1 All right, and so, first, we'll think about how this would be
2 applied within the program. As I mentioned before, this
3 applicability would only be to maintaining your shares. You would
4 not want to put an activity requirement in order to obtain or
5 increase your shares, and the reason for that is that you put the
6 new shareholders at a disadvantage, or you would have to have a
7 certain amount of landings landed into the year before you could
8 do those share transfers, and so, in essence, it would be prohibit
9 share transfers at the start of the year.

10
11 The other thing I want to keep track of is that we have to track
12 this by the shareholder account level, and so that's the metric
13 we've used within the system, and it includes every vessel that's
14 under that shareholder account. What it does not include is any
15 related account, and so your information, your metrics, would be
16 solely at the shareholder account level, and, as I mentioned
17 before, we really want to think about applying this at the share
18 category level, just so it aligns better with the purpose and need,
19 and it also simplifies the management and the appeals process.

20
21 In order to do that, to make these determinations, shares would
22 first have to be converted to pounds. For a reminder for everyone,
23 you take your share percentage times your quota, and then that's
24 the amount of pounds you would see, and that's the percentage of
25 that that we would be looking at to make the activity requirement.

26
27 When we think about this, the quotas are very different in the
28 different share categories, and we do want to prevent someone from
29 retaining shares in a category where they're not landing that
30 species within the category, and so that's kind of the reasoning
31 behind looking at this at the share level, versus at the account
32 level, for fulfilling this requirement.

33
34 Some of the other considerations, when we're thinking about an
35 activity requirement, and I've mentioned it before, and it's
36 variable quota landings, and so what we did is we explored in here
37 using a scalar to account for the quotas that have low landings.
38 For example, shallow-water grouper has extremely low landings,
39 around 30 percent in some years, compared to red snapper. Red
40 snapper typically has 99 percent of the quota landed, and so, with
41 those differences, we would want to think about a scalar to apply
42 to it.

43
44 We would also want to think about what's the impact on our
45 allocation-only holders and their ability to obtain allocation
46 once we put in a requirement to land a certain percent of your
47 allocation yourself, and then, finally, thinking about the timing,
48 and so, if we're using an annual timeframe, that means the accounts

1 have up to December 31 in order to meet that requirement.

2

3 We shut the system down at 6:00 p.m. on December 31, and we reopen
4 it January 1 at 2:00 p.m. That's actually a really tight timeline
5 for us to make those types of calculations and move forward with
6 it, and so we might want to think about the timing of any type of
7 action going in it.

8

9 I mentioned before that there could be some type of hardship
10 exemption that we would want, if we were doing an annual
11 requirement, and we would want to think about that, and make any
12 decision points along that, and what would be those criteria that
13 would make them eligible for a hardship requirement or exemption.

14

15 If we're looking at a two-year cycle, some of the things that we've
16 started thinking about is when do you count the two years? If
17 someone comes in, and becomes a new shareholder, do their two years
18 start at that point in time, or do they start at some other point
19 in time? Do we have them as a rolling two-year set, or do we have
20 it as a set cycle for two years?

21

22 There's a lot that goes into that I don't think we've fully
23 explored at this point in time, and then, additionally, when we're
24 looking at the time to meet the criteria, what occurs if someone
25 has share transfers within the year, within your two-year cycle,
26 and how do you adjust for those share transfers, whether they're
27 increases or decreases?

28

29 Along the lines of increases, we do have overage provisions for
30 shareholders. They are allowed to land 10 percent additional
31 that's remaining on their vessel for the last trip of the year.
32 How would we want to think about incorporating that overage? That
33 overage actually deducts that amount from their allocation that
34 they receive from shares in the following year, and would we want
35 to deduct that? If it's on a two-year cycle, we might want to
36 think about it in a slightly different way.

37

38 How do in-season quotas affect where we're going within share
39 calculations? In-season quotas are increases only, and do we use
40 the original quota at the start of the year, or do you use the
41 quota that happened partially through the year, and then, finally,
42 there is the appeals process, and so, because this is a catch share
43 program, it does need to go through the Appeals Office. We do
44 need to give sufficient time, and notice, to any participant before
45 we would reclaim their shares.

46

47 As mentioned before, some accounts might not meet that criteria on
48 December 31, and one way around that would be to shorten the time

1 period that you're looking to have them complete a percentage of
2 landings within, and so, instead of 25 percent of their landings
3 by December 31, we might think of making it 20 percent by October
4 1. That would allow us a little bit more timeline for appeals.

5
6 Other options that we could think about for appeals is that, while
7 the appeal is still pending, we could restrict the transfer of the
8 shares in that account, or we could also restrict the release of
9 allocation until that appeal is done. We could do both of these,
10 or we could do either one of them.

11
12 All right, and so what I'm going to do here is walk you through
13 the idea of how the quotas are different and how a scalar might
14 work, if we wanted to use a scalar when thinking about the
15 percentage of landings, and so this shows each of the different
16 share categories from 2016 onward and the percentage of quota
17 landed, and, as you can see, just looking at the percentages, it's
18 fairly different across share categories, and there is also
19 different things that drive that percentage, and that basically is
20 how the quota changes.

21
22 For example, gag, in 2023, it looks like they landed 93 percent of
23 the quota, and that seems really high. What you have to keep in
24 mind is we reduced the quota significantly at that point in time,
25 and so, while they might have landed 93 percent of the quota, the
26 overall pounds landed could be very different than the preceding
27 years.

28
29 Likewise, we see something similar in red grouper. In 2017 and
30 2018, the red grouper quota was 7.7 million pounds, and they were
31 not landing anywhere close to that. They had landings really
32 between 2.4 and 3.3 million pounds. In the years afterwards, when
33 we dropped the quota closer to three-million pounds, you can see
34 that the percentage of the quota landed goes up. Then shallow-
35 water is another good example, where the quota is fairly variable
36 every year. In the more recent years, we've been stuck around the
37 30 percent mark.

38
39 How would we create the scalar? Here's an example of how we would
40 do a type of scalar. I'm going to use shallow-water grouper as
41 the example, particularly because of those lower landings within
42 it, and so, in 2023, the quota was 525,000 pounds, but the landings
43 were only around 173,000 pounds, or 33 percent of the quota. If
44 we had a set criteria that said you had to land 25 percent of your
45 landings, we would want to adjust it by really the percentage of
46 overall landings being landed in the preceding year.

47
48 In this case, we would take the 25 percent, multiply it by 33

1 percent, and have a reduction in the percentage of shares landed
2 that would be 16.75 percent. This is probably really important
3 when you think of the categories that typically have lower
4 landings, and so you're making it attainable, in order to actually
5 meet that criteria.

6
7 This is an actual example looking at the 25 percent shares and
8 looking at what the prorated, or scalar, would be from it. Each
9 one of the rows in this would be a different account. The first
10 column is the amount of allocation received from shares, and the
11 second column is their landings, and you can see, in this example,
12 that we have some accounts that land nearly all of their shares,
13 some that only land a portion, and some that have a low amount of
14 allocation from shares, and land significantly more, because
15 they're purchasing allocation to make those higher landings, and
16 that last example is highlighted in the green.

17
18 If I look at these examples, and I look at how their landings are
19 comparing to the 25 percent mark, you'll see, highlighted in red,
20 that three of those accounts would have failed to make the 25
21 percent mark. If we instead had applied that scalar, and so that
22 16.75 percent, these accounts then do make the activity
23 requirement, with some room to spare, and so I just wanted to point
24 that out as kind of different examples of how we would want to
25 think about applying activity when we're thinking of percentages.

26
27 Finally, similar to what I showed with Action 1, this is just
28 showing what the impact would be for these different roles, and
29 so, again, anyone without a permit would either need to obtain a
30 permit and fish, in order to keep their shares. If you already
31 had a permit, then you would need to meet that fishing requirement,
32 in order to keep your shares, and I am going to pause here, and
33 see if there's any questions about Action 2, because I know I threw
34 a lot at you in a very short amount of time.

35
36 **CHAIRMAN FRAZER:** Thanks, Jessica, for that. You're right that
37 there's a lot of information, and it's probably a good place to
38 stop and field questions, and so Captain Walker.

39
40 **MR. WALKER:** I just -- I have some comments, once we start talking
41 about it, but not questions, and so I think maybe I'll wait until
42 the end for that, and they're not questions about what you just
43 spoke about, and so I can wait to start commenting on the whole
44 concept here.

45
46 **CHAIRMAN FRAZER:** Okay. We'll come back to it. Mr. Strelcheck.

47
48 **MR. STRELCHECK:** This is a question for Dr. D down there, and so,

1 with the action guide, we were going to go through this
2 presentation, but then you were asking for recommendations. Do
3 you have any additional presentation, or should we make
4 recommendations as Jessica presents? It seems like we should go
5 action-by-action and provide some input, if that makes sense to
6 people.

7
8 **DR. DIAGNE:** Yes, that would make sense, and so this is it, in
9 terms of a presentation for 59, and so the recommendations could
10 come.

11
12 **CHAIRMAN FRAZER:** Captain Walker.

13
14 **MR. WALKER:** Okay. I guess that's my cue. Comments on this is I
15 personally favor a pretty low bar to demonstrate that you're
16 fishing. 25 might even be a little bit high. The purpose here,
17 to me, is just to prove that you fish, and eliminate those who
18 don't, and so, if you set it too high, you may run into problems
19 where it's an off year of fishing, and nobody caught that many
20 fish, and a bunch of accounts get thrown into this, and it causes
21 unforeseen problems, and so I don't think it needs to be that high.

22
23 To me, 10 to 20 percent, you will prove that you have a boat, and
24 a permit, and that you fish, without running into problems that we
25 didn't intend, like, you know, if red grouper collapses, and nobody
26 catches any, then, if you had set the bar too high, that would
27 mean that all of the accounts didn't catch the right percentage,
28 and it caused a lot of problems we don't need.

29
30 I don't think we need a very high bar. To me, and I'm open to
31 suggestion on this, and I'm just putting it out there, but, you
32 know, to me, 10 to 20 percent would satisfy that the guy fishes
33 and he's not a couch surfer.

34
35 On Action 2, one year is pretty strict. I think we talked about
36 allowing two years, because everybody can have a hardship of some
37 sort, and I would suggest two years, but I would also suggest that
38 you can only use your two years once, because everybody -- You can
39 stretch it out really long, and kind of avoid the process, and you
40 can say two years every time. I think the scalar is imperative,
41 for the reasons that Dr. Stephen pointed out, and I believe that
42 the start of the year would be the right time to start those
43 things, and so those are my comments on Action 2.

44
45 **CHAIRMAN FRAZER:** Thanks, Ed. Since you mentioned the scalar, if
46 we could go back two slides, and, when I do that math, I just --
47 I didn't follow that, and so the scalar changes at 25 percent of
48 a share to 16.75 percent of shares, and that seems like that scalar

1 is 50 percent, and help me through the math, if I did it wrong.

2

3 **DR. STEPHEN:** I took the 33 percent times the 25 percent, which
4 should have gotten me to the 16. I say that doing the math real
5 quick, and so the -- Sorry. The 25 times the 33 is -- It's 8
6 percent, which is then subtracted from the 25.

7

8 **CHAIRMAN FRAZER:** Okay. I've got it. Thank you.

9

10 **DR. STEPHEN:** Sorry. I had to actually do the math to catch up
11 with that again.

12

13 **CHAIRMAN FRAZER:** Mr. Strelcheck.

14

15 **MR. STRELCHECK:** Ed hit on a number of points that I was going to
16 make, and so I agree. I think, you know, we have to have some
17 sort of scalar, in the event that commercial fishermen aren't
18 harvesting their quota. In terms of the two-year requirement, you
19 know, I also agree that, you know, I think one year is maybe
20 insufficient. Jessica did note some challenges with tracking
21 multiple years, and then Ed just mentioned, you know, you can only
22 use it once.

23

24 I think what I would like, from the IPT, is some further input to
25 the council with regard to, administratively, what's going to be
26 kind of the simplest and easiest to track, because, ultimately,
27 when we make a decision as to whether someone is qualified or not,
28 that's going to be appealable, and so we need to be able to
29 demonstrate how we calculate it, and it can be calculated in a
30 very timely fashion, and then go through the appeals process.

31

32 Then, as Jessica noted, right, we're still kind of wrestling with,
33 once we determine someone doesn't qualify to receive the shares at
34 that point, because they didn't meet that, you know, requirement,
35 it goes through the appeals process, and we have to have a
36 timeframe then to essentially hold them back, and not have them
37 kind of redistributed until that appeal is resolved, right, and so
38 I'm just kind of acknowledging that we've got to think through
39 this procedurally, because it's not just simply that you didn't
40 meet the requirement on December 31, or January 1, and, all of a
41 sudden, your shares are ripped away and sent elsewhere, right?

42

43 **CHAIRMAN FRAZER:** Captain Walker.

44

45 **MR. WALKER:** Just another thought. By keeping the bar, if you
46 will, fairly low, I think any fisherman that gets caught up in --
47 You know, he's been out of town, or whatever, and he's facing
48 trouble, but he actually does fish, and you know, he can hustle at

1 the end of the year, and say, man, I've got to catch 10, or 20,
2 percent of my fish, or it's in jeopardy, and so he can get on that
3 boat and go try to catch up, whereas the guy that doesn't have a
4 permit can't do that, and so, again, that's why I'm kind of leaning
5 towards a lower threshold for qualification.

6
7 **CHAIRMAN FRAZER:** Mr. Geeslin.

8
9 **MR. GEESLIN:** Thank you, Mr. Chair. To that point, Ed, I hear
10 where you're coming from, and I think, in the spirit of what we're
11 trying to accomplish, by demonstrating that the fisherman is an
12 active participant, I don't -- You know, I don't have a preference
13 if it's 15, 25, 35, but I do think there should be a multiyear,
14 maybe a rolling average component there. If you have a down year,
15 you've got a hardship, and you've got some grace period there
16 incorporated, some mechanism to incorporate that grace period, to
17 factor into that arithmetic there. I don't know if that number -
18 - If that's a one, two, or three-year term period, and maybe a
19 three-year, just for the sake of, you know, providing that rolling
20 average.

21
22 **CHAIRMAN FRAZER:** Mr. Anson.

23
24 **MR. ANSON:** I had a similar comment to Mr. Geeslin about multiyear
25 would probably be warranted, or applicable, for equity purposes,
26 but I was just curious, Captain Walker, your comment about it could
27 only be used once, when you were talking about a two-year -- Can
28 you explain that, or did I mishear that?

29
30 **MR. WALKER:** I think what I meant was, if we went with a one-year,
31 and you give them a hardship opportunity for a second year, because
32 their boat burned down, or a hurricane hit them, or something like
33 that, but they couldn't pull that card every time, and that was my
34 point.

35
36 **CHAIRMAN FRAZER:** Dr. Banks.

37
38 **DR. BANKS:** I think this is for Andy, and I apologize if this is
39 an ignorant question, but, when you say you need to hold back
40 shares for the appeal process, is there some legal mechanism that
41 prevents us from holding them for a year, and say they didn't meet
42 the requirement, and so there's like a year delay before those
43 shares become available again, and that would give them the time
44 to at least file for appeals, whatever timeframe we say, but
45 there's like a gap delay, and I don't know if I explained that
46 very well, but --

47
48 **MR. STRELCHECK:** That may be a better question for Jessica, because

1 she's more familiar with the appeals process, but I guess there's
2 two things that could happen, right, and so, if they don't meet
3 the qualification, what you don't want them to do is then start
4 using those shareholdings in the new fishing year, right, but then
5 they could sell them as well, right, which then would resolve the
6 issue, because, essentially, they would have lost them for not
7 qualifying, or meeting the requirements in the first place, but,
8 in terms of the appeals process, I don't know the length of that
9 and how long that would take and what we could and couldn't do, in
10 terms of establishing mechanisms to restrict transfer,
11 essentially, or restrict usage, and so I don't know if Jessica has
12 an answer for that.

13

14 **CHAIRMAN FRAZER:** Dr. Stephen.

15

16 **DR. STEPHEN:** It would go to the Appeals Office, and so the bluefin
17 tuna program is going through some appeals, with the way they've
18 changed their program, and it does -- The length of the appeal
19 depends on what are you considering your official records, how
20 many people are appealing at the same time, because there is
21 limited staff in the National Appeals Office to go through it, and
22 then what the outcome is, and so we've seen up to three months,
23 potentially, within the bluefin tuna program, with appeals, based
24 on a high volume of people appealing all at once.

25

26 **CHAIRMAN FRAZER:** Thank you. Dr. Banks.

27

28 **DR. BANKS:** So I guess a follow-up to that. If they don't meet
29 whatever qualification we say, and the shares get distributed,
30 could you lock the account, so they can't move them forward, or
31 change them, and then, assuming they appeal at whatever point, and
32 they win the appeal, and their becomes unlocked, and they keep
33 their shares. If they lose the appeal, or NMFS decides they can
34 sell them for some reason, can you unlock the account only for
35 restricted access to sell, and not to land? Is there a mechanism
36 for that, potentially?

37

38 **DR. STEPHEN:** I think there's a technical solution for that, and
39 we could -- What I would probably do is prevent the selling of the
40 shares from any account that's under an appeal. The other point
41 to it is they would get allocation from those shares, at the start
42 of the year, which they would not have gotten if the appeal did
43 not go forward, right, and so, if they truly should not have those
44 shares, and they truly should not have that allocation, we could
45 also prevent the distribution of allocation.

46

47 If they win their appeal, they would get all of that, a little bit
48 late in the year, which could affect their fishing behavior up to

1 that point, but those are some of the options that I put in one of
2 the slides of kind of restricting that, or holding that back.

3
4 **CHAIRMAN FRAZER:** Dr. Overton.

5
6 **DR. ANTHONY OVERTON:** I guess the appeals process now -- It didn't
7 seem like there was some type of appeals process, but is there one
8 now? Maybe Jessica or Andy could --

9
10 **CHAIRMAN FRAZER:** Dr. Stephen.

11
12 **DR. STEPHEN:** So there are certain appeals, and I spoke to the
13 Appeals Office, trying to get a handle on this, and so we would
14 get more clarification as the amendment went forward. They would
15 work with us prior to the amendment, to lay out what the appeals
16 process for this particular situation would be and how to go about
17 it. There is an Appeals Office within NOAA Fisheries that we would
18 be working with.

19
20 **CHAIRMAN FRAZER:** Mr. Anson.

21
22 **MR. ANSON:** I'm just curious, and it's a little bit in the weeds
23 here, but, relative to the appeals process and the distribution of
24 allocation each year, do you -- Does the agency hold any allocation
25 back, just a small portion, just in case there's an error or
26 something in an appeal that comes up, and they actually get more
27 allocation than what was calculated, and so, if it's already been
28 distributed to everyone else, and, all of a sudden, you have more
29 pounds that you need -- Is there anything like that that is held
30 back, Dr. Stephen?

31
32 **DR. STEPHEN:** At the start of both of the programs, we did not
33 distribute all of the allocation, because of the appeals at the
34 start of each program, and so what we did is we held back that
35 allocation, and, for the people who won the appeals, they then got
36 the allocation. Then the remaining was proportionally split, based
37 on the shares held in each of the accounts, and so that's pretty
38 traditional at the start of every program. What's a little
39 different here, and which is something that a couple other catch
40 share programs I think are starting to come into, is where you're
41 changing the determinations and the criteria for holding the shares
42 moving forward, and so that's what could then trigger appeals that
43 are outside the initiation of the program.

44
45 **CHAIRMAN FRAZER:** Okay. Any -- Mr. Strelcheck.

46
47 **MR. STRELCHECK:** Just -- I know we're in the weeds a little bit,
48 but one more, to me, complication, and we probably should think

1 about this, and, Jessica, correct me if I'm wrong, but I believe
2 we shut down the IFQ system at 6:00 p.m. on December 31, and we
3 essentially restart it again on January 1 at 2:00 p.m., right, and
4 so it's about a twenty-hour window, essentially, that it's shut
5 down.

6
7 That's for us to close out the prior year, reissue quota and
8 allocation for the coming year, taking into account any overages
9 that occurred, right, and so the onus is, obviously, on my team,
10 and staff, to do a lot of work in that twenty-hour window, and the
11 appeals process, especially if we're basing it off of like a
12 calendar year, or a fishing year, timeframe --

13
14 There's potential for mistakes to be made, and what we don't want
15 to do is withhold quota from individuals that rightfully would
16 have qualified, and so I think it's not just an appeals process,
17 but, you know, are there ways of distributing quota, if we in fact
18 made a mistake, or an error, as well, during that process as well,
19 that wouldn't require a full-blown appeals process to go through,
20 right, and then, kind of with that said, also, that twenty-hour
21 window -- Do we want to set the cutoff at the end of the year, or
22 do we want to set it at some other timeframe, so it allows for a
23 little more flexibility, in terms of making these decisions, and
24 so those are things that I think Jessica, and team, will have to
25 come back to us with in November, with some more details on that.

26
27 **CHAIRMAN FRAZER:** Thanks, Andy. Any further questions with regard
28 to this particular action item, Action 2? All right. I am not
29 seeing any more questions, or hands, up here, Jessica, and so maybe
30 we can continue on where we left off, and so we would start with
31 Action 3.

32
33 **DR. STEPHEN:** All right, and so, for each of these next two actions,
34 I'm going to show you the action, show you the impact of that
35 particular action, but then my slides after are going to show you
36 the compounded interactions between Actions 1, 3, and 4.

37
38 Action 3 is requirements to obtain and maintain shares, and the no
39 action is no requirement in order to have that. Alternative 2 is
40 just a permit requirement in order to obtain shares. In that case,
41 it would be that you would have to have a valid requirement, in
42 order to obtain shares, and so that's either getting them for the
43 first time or increasing your shareholdings.

44
45 Under Alternative 3, the requirement would be for a permit to
46 obtain and maintain shares, and, in this case, once again, the
47 valid permit is required to obtain it, but we would most likely
48 allow a valid or renewable permit, in order to maintain shares,

1 and that's just because permits go in and out of this renewable
2 status, as they're applying to the Permits Office, and we wouldn't
3 want to start an action when that permit is just pending the
4 availability. Permits only ever stay in a renewable status, at
5 the most, for a year before they terminate.

6
7 Then Alternative 4 is taking the permit to obtain and maintain and
8 adding Action 2 to it, and so adding back that requirement of some
9 type of activity.

10
11 Once again, we're going to look at the different roles and what
12 their impacts are for each of these alternatives. Again, under
13 status quo, there is no change from the existing system. As soon
14 as we add in a requirement for a permit in order to obtain shares,
15 all of those roles that didn't have a permit suddenly now have a
16 barrier they have to overcome.

17
18 Any one of those accounts that are currently in the system get to
19 keep their existing shares, because it's just about obtaining it,
20 but they can't increase their shareholdings. If they did want to
21 increase their shareholdings, they would need to get -- Sorry. If
22 they did want to, under Alternative 2, they could just increase
23 their shareholdings, and, under Alternative 3, that's the permit
24 to both obtain and maintain, and so, in this case, the people who
25 did not have a permit can no longer keep their shares, nor can
26 they get new shares.

27
28 If they wanted to do that, they would have to acquire a permit,
29 and so, in essence, they would be required to divest their shares.
30 If they failed to divest, the agency would reclaim them, and then
31 there's a typo on the last column, and this is actually Alternative
32 4, with the activity requirement, and that just, again, builds on
33 the requirements. Not only would they need to obtain a permit,
34 but then they would also need to have the fishing activity. For
35 those who already have a permit, they would need to meet that
36 fishing activity requirement in order to keep their shares.

37
38 This is Action 4, and it's very similar to Action 3, but, in this
39 case, we're talking allocation, and so, once again, Alternative 1
40 is no requirement, or no action, and Alternative 2 is requiring a
41 reef fish permit in order to obtain the allocation, and that's
42 exactly what we had in the first five years of the program, but,
43 once you've obtained it, there is no requirement to have a permit
44 to maintain it.

45
46 Alternative 3 is the obtain and maintain allocation, and, as we
47 started to dig into this requirement, we actually found a couple
48 of difficulties with it, and so this requirement to maintain your

1 allocation could be potentially difficult under an appeals
2 process. As I mentioned, again, allocation is annual. Depending
3 on when they would lose their permit, that would force them to
4 divest of allocation. It could be close to the end of the year by
5 the time a decision is made, and that allocation may no longer be
6 viable, because it was in the previous year.

7
8 Then, when we're thinking about this action, we need to consider
9 if obtaining allocation is obtaining it just from transfers, or,
10 also, do you want to consider a requirement of obtaining it from
11 your shares as well, and that kind of plays into depending on what
12 you pick for Action 3.

13
14 I just want to mention that, because Alternative 3 here was
15 somewhat problematic in thinking about it, I've excluded it from
16 the new few slides, just to make the discussion a little bit more
17 simplistic.

18
19 Once again, we're looking at the different roles of a fisherman
20 within it. In this case, if you do not have a permit requirement,
21 all the accounts would be able, in this action alone, to obtain
22 allocation, and so no impact. As soon as you require that permit
23 to obtain it, those accounts that do not have a permit would no
24 longer be able to gain more allocation.

25
26 What I've done on this slide is I've taken all three of these
27 actions, with each one of our alternatives, and kind of put them
28 in order of what's really the least restrictive in the program to
29 the most restrictive. For example, the status quo for each one of
30 those actions is what we currently have, and that is really the
31 least restrictive. Anyone can get an account who is a U.S.
32 citizen, and anyone can hold shares and allocation, and there is
33 no type of activity or permit requirement.

34
35 As I go through these different actions, you will see, as you build
36 in permit requirements in different actions, you actually build in
37 more restrictions, until you're at the most restrictive, which is
38 typically the later alternatives in each action, and so, for
39 example, Alternative 3, where you need a permit to obtain and
40 maintain an account, you also need a permit and activity to hold
41 your shares, and you need a permit for your allocation, and so, as
42 you're going through all that, you can see where the complexity
43 comes in, and where the restrictions come in, as you're moving
44 through.

45
46 In order to kind of walk through how the interactions go, what I'm
47 going to do is I'm going to take Action 1, and take its different
48 alternatives, and then compare each single alternative across all

1 the other actions and alternatives.

2

3 Here, we're going to look at Action 1, with the status quo, and
4 the only requirement to obtain an account is your citizenship, and
5 how does that play as we start adding different requirements under
6 Actions 3 and 4?

7

8 Let's take Action 3 in comparison to Action 1. Under the status
9 quo, again, there is nothing that restricts you from getting
10 shares, but, as soon as you add a permit requirement to obtain
11 shares, we have those accounts that don't have a permit being
12 impacted. They can hold the shares they have, but we wouldn't
13 have any new accounts coming in, unless they had a permit to obtain
14 more, and they also cannot increase their holdings from what they
15 currently have, and so, in a way, it sort of grandfathers in those
16 existing accounts.

17

18 When we then say that you also need a permit to maintain, to
19 continue to hold those, then the story changes. Then they're no
20 longer allowed to hold those shares, because they need the permit
21 to keep holding them, as well as to increase any holdings, and,
22 when you add the activity, that just adds another layer to it.

23

24 When we look at Action 1 in relation to Action 4, which is the
25 allocation, and we add a permit requirement, they would not be
26 able to increase their allocation without a permit, and this is
27 where, as I mentioned before, depending on how you do Action 3 and
28 Action 4, you might want to differentiate if you can obtain your
29 allocation from shares, versus obtaining it through a transfer,
30 because those do have different impacts along the way.

31

32 All right, and so same diagram and table, but, in this case, we're
33 looking at Action 1, where you have a permit requirement to obtain
34 the account, and so we've already set a bar here, and so Action
35 3's Alternative 1, with status quo, de facto actually requires a
36 permit, because you needed a permit at least to obtain the account,
37 and so we're starting to see different impacts as we increase the
38 requirements on simply obtaining an account.

39

40 You must already have an account, under Action 1, in order to get
41 and keep your shares. Under Alternative 2 for Action 3, it's very
42 similar to before. We would have no new shares, but, if you
43 already held your share, you're still good to continue on, and, of
44 course, a permit requirement to maintain it means that you would
45 no longer be able to hold those shares without a permit, and, in
46 Action 4, we see no difference here than what we saw under Action
47 1's status quo.

48

1 When we get to Alternative 3 of Action 1, a permit to both obtain
2 and maintain the account, we've actually set the bar much higher.
3 We have de facto actually set the bar that you also need that
4 permit to obtain and maintain your shares and allocation, and that
5 allocation becomes somewhat redundant at that point, other than
6 forcing those other accounts that had preexisted to be closed and
7 their shares divested.

8
9 Similar, under Action 4, we have de facto set the requirement for
10 Action 4 at a permit to obtain and maintain, because you can't
11 keep your account without having both of those criteria.

12
13 All right, and so a lot of that was a bunch of information thrown
14 at you, and so what I wanted to do was actually show you some
15 examples, and it's not fully comprehensive, and I have picked four
16 examples of different combinations, and these are four examples
17 that kind of run the gamut from least restrictive to most, with
18 two different options for the sort of semi-restrictive scenarios
19 we're going through.

20
21 The first example is really the status quo. It's not restrictive
22 at all, and it's where the program currently is, and what I'm going
23 to do is talk about what the different results are from staying
24 that way, and so, currently, under the status quo, anyone can open
25 up an account, and anyone can hold shares and allocation. We see
26 that there's been an increase in related accounts that people are
27 using to separate assets, and a logical conclusion is that we would
28 continue to see related accounts being formed within the system.

29
30 In here, dealers without a permitted vessel account could still
31 obtain a shareholder account, and that shareholder account could
32 both hold shares and allocation. Likewise, the fishery trusts are
33 nonprofits that are using the shares and allocation to assist
34 fishermen, and they could continue to hold accounts and could
35 continue to hold shares and allocation. The investment and brokers
36 within the system could continue to function within that role, and
37 your retired fishermen could also continue to function, by holding
38 shares and allocation.

39
40 This is the first one of the semi-restrictive examples. In here,
41 we're leaving Action 1 under the status quo, Alternative 1, and so
42 anyone can get an account, but where we're putting the requirement,
43 in this example, is simply on a permit that's required to hold
44 your shares, and we're putting no requirement on the ability to
45 hold allocation, and so what happens in this scenario?

46
47 The shares held by those that have a permit can continue to hold
48 their shares. The permit meets their requirement for the permit

1 to maintain shares. What most likely we'll see is that the related
2 accounts will decrease over time, particularly those related
3 accounts that did not have a permit, and so that separation of
4 assets might go down. We might still see some related accounts
5 for fishermen that are just in different types of business
6 relationships with different people, and so they might be involved
7 in more than one account, and you also see this when someone goes
8 to create an incorporation for each one of their vessels. That
9 would still be a related account, but they would all have permits.

10
11 The dealers who no longer had a permit would still be able to
12 obtain allocation for their fishermen, but they would not be able
13 to obtain shares for their fishermen. Likewise, the fishery trusts
14 would also be able to obtain allocation. If they wanted to obtain
15 shares, they would need to obtain a permit to do that. I would
16 expect that the investors and brokers would be a very limited role
17 within the system, as they would really be restricted to
18 allocation, or be restricted to getting a permit in order to
19 continue functioning as an investor or a broker of shares, and,
20 likewise, the retired fishermen most likely would divest of their
21 shares at this point, or they would need to obtain a permit in
22 order to keep their shares.

23
24 All right, and this is Semi-Restrictive Example 2, and so the only
25 difference between this one and the previous one is we're now
26 adding that activity requirement in order to hold shares, and so
27 we're going to see a lot of the same things that are going to
28 occur, but there are going to be some differences in the different
29 types of roles, and so, once again, shares held by those who have
30 permits and are actively fishing we would expect would continue
31 along that way, again with that potential decrease in the related
32 accounts that were used to separate their assets.

33
34 Likewise, we would probably see the same effect on the dealers.
35 They could still obtain allocation, but now the bar to hold shares
36 is more than a permit. There would have to be a permit on a vessel
37 that's actually fishing, and so that would most likely change their
38 behavior, if they were having the shares, obtaining the shares, in
39 order to supply allocation to a vessel that was not one of their
40 vessels, related to their account, and instead someone who is doing
41 business with them.

42
43 For the fishery trusts or nonprofits, this does raise the bar.
44 Not only would they need to obtain a permit for the shares, but
45 they would need to have it on a working vessel that was landing.
46 A similar bar is also raised for the investors and brokers. In
47 this case, it would probably be fairly unlikely that they would
48 purchase that permit, due to the activity requirement, and then

1 it's similar for the retired fishermen. Either they're going to
2 divest their shares or they're going to obtain a permit and become
3 an active fisherman again.

4
5 This example is the most restrictive, and so, again, this is taking
6 Alternative 3 from Action 1, and you need a permit to have an
7 account, and you also, for Action 3, need a permit to obtain and
8 maintain shares, as well as activity, and, for Action 4, you would
9 need a permit to hold the allocation. Again, those that are
10 fishing, and have the permits, would see the least amount of
11 impact. Again, separated assets may decrease, and so those related
12 accounts should go down.

13
14 Only the dealers who are vertically integrated most likely would
15 be participating under this, because they would have to be actively
16 fishing, and they would need that permit to get the allocation to
17 transfer it to anyone else. Most likely, under this scenario, we
18 would eliminate the roles of the investors, the brokers, the
19 fishery trusts, nonprofits, and retired fishermen, just because
20 that bar is set really high for them to continue to participate,
21 and that is largely also due to the bar being set high for the
22 allocation as well as obtaining the account.

23
24 All right. That is the last of my slides walking through the
25 different interactions. I'm hoping that it allowed everyone to
26 understand how they play together and to help form different ideas
27 of where the council wants to go with these actions, and I'm happy
28 to take any questions.

29
30 **CHAIRMAN FRAZER:** Great. Thank you, Jessica. Again, I'm just
31 going to direct this question to Dr. Diagne. In the action guide,
32 or the schedule, the action schedule, I guess, we're scheduled to
33 bring this document back in November, and it will be a public
34 hearing document, right, and is that still the plan?

35
36 **DR. DIAGNE:** No, and, actually, we just realized that the action
37 guide that you are referring to is an older version, actually, and
38 Ms. Matos has updated it. In November, our plan is to bring a
39 draft, I mean, provided that we have some of the data, for example
40 the permit data, to essentially illustrate some of these points.
41 If not, then we would have to wait until January.

42
43 **CHAIRMAN FRAZER:** Okay. Yes, and I was just curious, because we
44 didn't actually have a document to be looking at, right, and so I
45 guess the question then is -- I mean, at least for me, Actions 1,
46 3, and 4 seem to be pretty well fleshed out, right, and did you
47 get enough feedback in the discussion for Action 2, to kind of
48 flesh out those alternatives, as you prepare the document?

1
2 **DR. DIAGNE:** Yes. From your discussion, I think the IPT will have
3 enough to revise the range, essentially, of percentages and to
4 account for some of the points that you made. Thank you.

5
6 **CHAIRMAN FRAZER:** All right. Thank you, Dr. Diagne, and so are
7 there any further questions? Mr. Osborne.

8
9 **MR. OSBORNE:** I'm just curious if there is data to show how many
10 people fit under each of these categories.

11
12 **CHAIRMAN FRAZER:** Dr. Stephen.

13
14 **DR. STEPHEN:** I can try and answer that, and so the descriptions
15 of the categories are somewhat qualitative, right, and so you could
16 have someone who is a retired fisherman, so to speak, but who also
17 might be an investor or broker, and you can have the related
18 accounts, where someone is a related account that's involved in a
19 fishery trust, and so there aren't really hardcore definitions.

20
21 When we were looking at those types of roles, we were basing it on
22 information we've heard by talking to participants, information
23 covered under the reviews of different kind of categories that
24 we've seen people playing, but it's really hard to actually
25 enumerate an account then, because a person might really kind of
26 function under more than one type of category.

27
28 **CHAIRMAN FRAZER:** There you go. Thank you, Jessica. I'm just
29 making sure that Mr. Osborne is satisfied with that answer. Okay.
30 Mr. Strelcheck.

31
32 **MR. STRELCHECK:** Two things, and so, under Action 4, Jessica
33 mentioned, due to difficulties analyzing Alternative 3, she wasn't
34 presenting on that, and I thought, and maybe I am wrong, we had
35 removed that at the last meeting, mostly because, in order to
36 obtain the allocation, you're going to have to have a permit, and,
37 if you got rid of your permit during the year, the maintain would
38 be the only component, right, because you're not going to get the
39 allocation the following year if you got rid of your permit during
40 the year, and so I'm not sure that Alternative 3 is really worth
41 even considering, but I wanted to confirm whether it was still in
42 the amendment or not, and, if not, I would like to move it to
43 Considered but Rejected.

44
45 **CHAIRMAN FRAZER:** Dr. Diagne.

46
47 **DR. DIAGNE:** Yes, and what you requested to be removed had to do
48 with just the maintaining for previous actions, and having obtain

1 and maintain instead, and those were removed from the permits
2 requirements, but, here, the point that you made will support that,
3 and so, to the extent that the committee would recommend taking
4 this out, and putting it into Considered but Rejected, that would
5 be fine.

6
7 **MR. STRELCHECK:** I certainly would make that recommendation, but
8 I don't know if the committee supports that, but, essentially, the
9 point I'm trying to make is, in order to obtain allocation, which
10 is just on an annual basis, you would have to have the permit, at
11 the start of the year or at some point when you obtain it, but, in
12 order to maintain it, right -- If you get rid of your permit during
13 the year, then you would lose that allocation, right, but you're
14 going to lose that allocation at the following start of the next
15 year, because you don't have a permit, and it would have been --
16 It's an annual loss at that point.

17
18 **CHAIRMAN FRAZER:** I get that, right, and so then you're looking at
19 an Action 4 with two alternatives, essentially no action, and,
20 from the agency's perspective, is there enough options, or
21 alternatives, in the action?

22
23 **MR. STRELCHECK:** I mean, I'm not a NEPA expert, but I believe we
24 have sufficient rationale as to why that would be considered a
25 reasonable range and why we would have rejected Alternative 3.

26
27 **CHAIRMAN FRAZER:** All right. Any other thoughts on whether or not
28 we want to consider that? Captain Walker.

29
30 **MR. WALKER:** I agree with Andy. It makes sense, and so I support
31 the suggestion.

32
33 **CHAIRMAN FRAZER:** Dr. Overton.

34
35 **DR. OVERTON:** Just a point of clarification. There is no
36 restrictions on obtaining a permit, correct?

37
38 **UNIDENTIFIED:** (The comment is not audible on the recording.)

39
40 **DR. OVERTON:** Money. Okay. That's all any --

41
42 **CHAIRMAN FRAZER:** Dr. Diagne.

43
44 **DR. DIAGNE:** (Dr. Diagne's comment is not audible on the
45 recording.)

46
47 **CHAIRMAN FRAZER:** Okay. Any other -- Mr. Geeslin.

48

1 **MR. GEESLIN:** Thanks, Tom, and thank you, Dr. Stephen and Dr.
2 Diagne. You've always got a plethora of information to digest in
3 these presentations, and, at some point over the year, we heard a
4 presentation from Dr. Andrew Ropicki, articulating the concept of
5 adaptive catch shares, and somebody please remind me where that
6 concept has fallen within consideration in this process.
7

8 **CHAIRMAN FRAZER:** Dr. Diagne.
9

10 **DR. DIAGNE:** Yes, and that is a theoretical, really, approach at
11 this time. It's not done anywhere, and that was something that
12 Dr. Ropicki thought about, and with the help of Dr. Stephen and
13 others, essentially put it, I guess, you know, on paper, and, at
14 the time, the council did recognize that the approach may have
15 merit, but it is something to be further developed, and, at a later
16 time, maybe the council would ask for it to be revisited, but there
17 was no direction, or indication, to pursue that and try to put it
18 in practice. It's very theoretical, and, essentially, in its
19 beginning, if you would.
20

21 **CHAIRMAN FRAZER:** As I recall, we had a fair amount of discussion
22 about how you might redistribute the shares, right, and that's
23 certainly one of the objectives under this goal, but, moving
24 forward, I think we were trying to streamline this document. All
25 right. Any others? Captain Walker.
26

27 **MR. WALKER:** Are we making motions here? Would I make a motion to
28 remove Alternative 3 to Considered but --
29

30 **CHAIRMAN FRAZER:** Now would be an appropriate time to do that.
31

32 **MR. WALKER:** All right. **I would like to make a motion to move**
33 **Alternative 3 to Considered but Rejected in Action 4.**
34

35 **CHAIRMAN FRAZER:** All right. Let's get that motion on the board.
36 All right.
37

38 **MR. STRELCHECK:** Second.
39

40 **CHAIRMAN FRAZER:** It's seconded by Mr. Strelcheck. It seems like
41 we've had a fair amount of discussion, but is there any further
42 discussion on the motion? I am not seeing any, and so we will use
43 our clickers, and we will vote this up or down.
44

2) In Action 4, move Alternative 3 to considered but rejected.				
First Name	Last Name			
Kesley	Banks	Yes		
Dakus	Geeslin	Yes		
JD	Dugas	Yes		
Anthony	Overton	Yes		
Tom	Frazer	Abs		
Kevin	Anson	Abs		
Billy	Broussard	Yes		
Troy	Williamson	Yes		
Troy	Frady	Yes		
John	Sanchez	Yes		
Joe	Spraggins	Yes		
Michael	McDermott	Yes		
Jason	Osborne	Yes		
Chris	Schieble	Yes		
Andy	Strelcheck	Yes		
Ed	Walker	Yes		
CJ	Sweetman	Yes		
Results - Passed	Subtotals	Yes (15)	No (0)	Abs (2)

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CHAIRMAN FRAZER: All right. **The motion passes with fifteen yes and two abstentions.** So is there any other information that you might need from the committee, Dr. Diagne? Mr. Strelcheck.

MR. STRELCHECK: I was just communicating with Jessica Stephen, and, you know, she brought up a lot of ideas with Action 2, in terms of activity, and I guess I would just ask for some flexibility with the IPT to really, you know, explore some additional options that maybe we hadn't discussed today, or didn't get into a level of detail that provided guidance to the IPT today.

CHAIRMAN FRAZER: I'm sure that's not a problem. Okay. All right. Any other discussions? Troy.

MR. TROY WILLIAMSON: I have a question regarding the activity aspect of this, and somebody correct me where I'm wrong here, but, if I acquire some shares, and I transfer them to a corporation, and I assume that that can be done, and the corporation buys a permit, and I have employees in that corporation that fish for it, and does that qualify for the shares to be actively fished, and, if so, I mean, what is -- You know, we're trying to prevent sharecropping here of folks that are wanting to acquire, and so I guess my question is does that qualify as activity, or qualify for the activity requirement?

CHAIRMAN FRAZER: I think that it probably does, but I will let either Dr. Diagne or Dr. Stephen kind of address that.

1
2 **DR. DIAGNE:** Yes, Dr. Frazer. Yes, that would qualify, because,
3 as far as we know, then let's say the 25 percent, or whatever
4 threshold, would be met, and so, essentially, short of an owner
5 onboard the vessel, you know, there is really no way to guarantee
6 that, you know, the owner, quote, unquote, of the shares is fishing
7 themselves. An owner onboard has been tried in other places, and
8 those typically don't work, and so places where they tried it drop
9 that.

10
11 **CHAIRMAN FRAZER:** Mr. Williamson.

12
13 **MR. WILLIAMSON:** But we don't have a comparable requirement like
14 that. There is no requirement that the owner be onboard.

15
16 **CHAIRMAN FRAZER:** Dr. Diagne.

17
18 **DR. DIAGNE:** No, and I said that, short of such a requirement, we
19 don't -- There is really no way of making sure that the owner is
20 fishing the shares. We don't have that.

21
22 **MR. WILLIAMSON:** Excuse me, and it turned out to be ineffective in
23 other areas, correct?

24
25 **DR. DIAGNE:** Owner onboard, yes. I mean, it led to building suites
26 on vessels, and things like that, for the owner to be on the
27 vessel, you know, watching the game, et cetera, while other people
28 are fishing.

29
30 **CHAIRMAN FRAZER:** Mr. Williamson.

31
32 **MR. WILLIAMSON:** It seems to me that this defeats the whole
33 purpose, which I kind of thought was ingrained into this, that it
34 was individual fishermen that we were trying to protect, or trying
35 to promote, in this revision of the IFQ, and it seems like we've
36 already got a workaround, a loophole, and it's just an observation.

37
38 **CHAIRMAN FRAZER:** Captain Walker.

39
40 **MR. WALKER:** So you're exactly right, Troy. There is definitely
41 loopholes, corporations and partnerships, and we had a little bit
42 of a presentation on that last time, but, in my view, the council
43 hasn't done anything, or accomplished anything, in a long time on
44 this, because we're afraid of -- Maybe not afraid of, but, yes,
45 there is loopholes.

46
47 There is end-arounds, and ways that maybe you can get around it,
48 but, even with those, I think there's a lot of benefit to moving

1 this forward, and getting some things done, and I have a feeling
2 that it might actually turn out even better than we thought, but
3 there is loopholes, and I've already heard some of them discussed,
4 but we can't let that keep us from moving forward with this. We
5 can address those on a case-by-case basis. That's my view on it,
6 but you're right that there are some, but I think we should move
7 forward anyway.

8
9 **CHAIRMAN FRAZER:** Mr. Williamson.

10
11 **MR. WILLIAMSON:** Well, I hope you're right, Ed, but the
12 shareholders, as we know, have made millions of dollars off of
13 this gift that this council made to them, and they're going to do
14 everything they can to protect it, and so, to -- I don't mean this
15 in a bad way, but to suppose that we're going to cure it with this
16 amendment is naïve, and so that's my comment.

17
18 **CHAIRMAN FRAZER:** To that point, Captain Walker?

19
20 **MR. WALKER:** Yes, and that's -- I agree with you. We're not going
21 to cure it, but I think we can make it a little better, and I think
22 we might actually make it a little bit better than we think, and
23 I say that as a guy with shares who fishes, and guy who talks to
24 the guys at the dock who, if you were to sample all of the
25 commercial fishermen in the Gulf, and not just the more active
26 participants, but the broke guy at the dock, that is barely making
27 ends meet, in that old beater bandit boat that barely floats. If
28 you talk to those guys, they will tell you that the main thing we
29 need to do, as a council, is to require a permit and require people
30 to fish, to participate in this, and that's the majority of the
31 fishery, to the best of my knowledge.

32
33 **CHAIRMAN FRAZER:** Okay. Any more comments, or discussion, on this
34 presentation, or the amendment in general? Okay. I'm not seeing
35 any. We will go ahead and expect to see this again in some form,
36 right, in November for discussion.

37
38 **DR. DIAGNE:** Yes, provided that, you know, the data limitations
39 are addressed.

40
41 **CHAIRMAN FRAZER:** Okay. Great. Thank you, Dr. Diagne. We will
42 move on now to our next agenda item, which would be the Draft
43 Options: Federal For-Hire Buffer and Fishing Season for Red
44 Snapper, and Dr. Froeschke can lead us through the action guide
45 and the draft options document. Dr. Froeschke.

46
47 **DRAFT OPTIONS: FEDERAL FOR-HIRE BUFFER AND FISHING SEASONS FOR**
48 **RED SNAPPER**

1
2 **DR. FROESCHKE:** Okay. I feel a little underwhelmed here. I only
3 have two actions, and a few alternatives, and so I'll try to
4 follow.

5
6 **CHAIRMAN FRAZER:** Do your best, man.

7
8 **DR. FROESCHKE:** We'll add in an option, or a sub-option, something
9 to mix it up. This document, it's the first time you've seen it.
10 It's a framework action that considers revising the buffers between
11 the ACL and the ACT on the for-hire component of the red snapper
12 fishery, and then potentially modifying the start and/or end dates,
13 and so this came about from some council discussion, and some
14 public stakeholder, public input, on requesting to take a look at
15 this.

16
17 The history of this, sort of the long history, is the buffer, at
18 one time, was as much as 20 percent, when the recreational and
19 private components were combined, and it was reduced later to 9
20 percent. The for-hire sector has consistently remained under that
21 buffer, and so there's some interest in reducing that further, and
22 so I'll go over the actions and the alternatives, get your
23 feedback, and then, at the end, I'll circle back and ask you how
24 fast, or if you want to proceed, and that sort of thing, and so if
25 you want to go to the document. What I would ask is to go to Table
26 1.1.1, and I don't have a presentation.

27
28 That's the pretty picture, and Table 1.1.1, and so I'll just kind
29 of start here. There is some background, kind of more details on
30 what I've fleshed out about the history of the buffers and that
31 sort of thing, and I trust that you've read it in detail, and so
32 what this goes over is a summary of the landings, the ACTs, and
33 that bit, and so, since 2019, we have remained below the ACT by
34 quite a bit, and so this is sort of the genesis of further reducing
35 that management uncertainty.

36
37 It seems like, in practice, that we're fairly confident that we
38 have a method to project the season that seems to be in place, and
39 it works pretty well, and so that's where we got to. Let's scroll
40 to the purpose and need. I want to just make sure that everyone
41 is onboard with that, and, if you have questions, please just stop
42 me.

43
44 The purpose is to reduce the buffer, and, again, the buffer means
45 the difference between the annual catch limit and the annual catch
46 target for the for-hire component of the red snapper fishery that
47 is put in place to account for what we call management uncertainty,
48 and so that's essentially, you know, what we intend to catch, and

1 our regulatory scheme and how good it is at achieving that intent
2 to catch.

3
4 This document, like I said, would consider modifying the fishing
5 season for the for-hire sector, with the caveat that we would still
6 continue to constrain the landings to the annual catch limit for
7 this component. The need is to try to achieve the optimum level
8 of harvest for this component and make the maximum use of the
9 stock, while achieving our conservation goals. Any questions on
10 that?

11
12 Otherwise, let's go to Action 1. There are only two actions in
13 this document, and I apologize for the relative simplicity, and so
14 the first action would modify the annual catch target, and so this
15 is that buffer. There are three options, and there are three
16 alternatives. Alternative 1 is a viable alternative, and I will
17 just say that. The current ACT is just over three-million pounds
18 for the for-hire sector. This ACT is reduced 9 percent, and so
19 the annual catch limit is 3.38 million pounds, and it's reduced 9
20 percent, and the season is set off of the ACT.

21
22 As I've mentioned, we stayed under that ACT, or under the ACL,
23 using this buffer for a while, and we have what's called an ACL/ACT
24 Control Rule, which is a method that we've established, through
25 the council process, to identify what an appropriate buffer might
26 be, and it takes into account the recent landings and how well the
27 fishery has operated, meaning has it stayed under the catch limits
28 and the stock overfished, those kinds of things, and so we applied
29 that.

30
31 It's in the appendix, if you're interested, and I won't bore you
32 with the math, but it is in there, and so it's a formulaic-based
33 approach, and the result of that approach is a 5 percent buffer,
34 and so that's how we came to Alternative 2, and so that would set
35 the ACT at 3.211 million pounds, and so it would be a couple
36 hundred thousand pounds above Alternative 1, and that would serve
37 as the basis of informing the season length calculation.

38
39 Alternative 3 also is viable, and this one does not use the ACT/ACL
40 Control Rule, and it simply would set the ACT equivalent to the
41 ACL, and so you can set the ACT up to the ACL, and you cannot
42 exceed the ACL with the ACT, and so you will see that that ACL,
43 and the ACT, are equivalent, and that's about a hundred thousand
44 pounds more than Alternative 2, and about 300,000 pounds more than
45 Alternative 1.

46
47 Let's go to Table 2.1. I think it's 2.1, or 2.11, and so, in terms
48 of the metric that we're interested in, meaning the season date,

1 days open, and this is kind of where the rubber meets the road
2 here, and so the table -- On the left columns are there
3 alternatives that we just went over, and the annual catch limits,
4 which is the same for each of them, and the ACT, which is different
5 based on the buffer, and so the 9 percent, which is the lowest
6 ACT, the 5 percent, and then the zero percent buffer.

7
8 Then the far-right column is the pounds, the difference in pounds,
9 and so, for Alternative 2, you're going to get an extra 135,000
10 pounds. For Alternative 3, it's 304,000, and so, when we get
11 through Action 2, we'll kind of wrap that up, in terms of the days,
12 but that's what we have for the difference here. Any questions?

13
14 Okay, and then let's go to Table 2. -- Let's go to Action 2. These
15 actions are linked a little bit, and so that's why we have some
16 analysis at the end to kind of put it together, and so this was a
17 second request, and what this considers is, in addition to
18 potentially modifying the buffer, it's also modifying the start
19 and/or end dates of the season, and so the way that it currently
20 operates now is the season opens every year on June 1, and SERO
21 makes a projection on when that ACT is going to be harvested,
22 however many days that is, and they close it when it meets that
23 date.

24
25 In recent years, the season has gotten progressively longer, and
26 we heard some input that those days might be more valuable, so to
27 speak, if they opened earlier in the year, rather than in that
28 late August, or September, when it's more difficult to sell trips
29 and things like that, and so we developed two alternatives.
30 Alternative 2 would open the red snapper season on the Friday
31 before Memorial Day every year, and so, instead of June 1, it would
32 just be that Friday before, and it would go -- After that, it would
33 be the same process, where you would project the season and close
34 when met, when the ACT was met, and so Alternative 3 was developed,
35 just so we don't get too simple, and we don't want that, and so
36 what this would do is it would initially start June 1 and project
37 the season, just like Alternative 1.

38
39 In the event that the season was projected to go beyond August 31,
40 then it would take those days and, instead of putting them in
41 September, it would take them and put them in May, and so you would
42 go June 1 to the end of August and then count backwards any extra
43 days, and so if you had -- For example, if it went seven days into
44 -- If it was projected to go seven days into September, you would
45 take those seven days at the end of May, and so that's how it would
46 work.

47
48 You know, one of the assumptions that we have in here, that's a

1 little bit iffy, is, when we've done the season projections in the
2 past, we don't account for differences in catch rates between the
3 first day of the season or the last day of the season, and so it
4 presumes that the catch rate on September 7, or September 2, would
5 be the same as, you know, May 30, or something like that. It may
6 or may not be true, but that's how it currently is, and so let's
7 go to Table 2.2.1. Mr. Strelcheck.

8
9 **CHAIRMAN FRAZER:** Sorry, Andy.

10
11 **MR. STRELCHECK:** I will double-check with what John just said, but
12 I thought we did have some accounting for at least differences in
13 catch rate between Wave 3, versus Wave 4, in the projections, but
14 I think the catch rates tend to be actually fairly consistent
15 between those two waves.

16
17 **DR. FROESCHKE:** Okay. That would be great, if you have that, and
18 I wasn't aware. Okay. Then let's go to Table 2.2.1, and so what
19 this does is it tries to put Alternative -- Or Action 1 and Action
20 2 together, and so I'm just going to step you through this,
21 starting from the far column on the left, and so this is Action 1,
22 Alternatives 1 through 3.

23
24 The for-hire ACL, that's what we already have, and so that's not
25 up for negotiation in this document, the 3.3 million pounds, and
26 that's the same for everyone. The third column is the ACT, the
27 three different alternatives that we discussed in Action 1, and so
28 the 9 percent buffer is Alternative 1, the 5 percent buffer is
29 Alternative 2, and the zero percent buffer is Alternative 3.

30
31 The fourth column is the daily catch rate, and that's where I got
32 my information. As you'll see, the daily catch rate in this table
33 is based on one continuous rate of 33,000 pounds per day, and so
34 that's how these calculations were done, to my knowledge.

35
36 From there, it's essentially calculating the -- You will divide
37 the ACT, for example the 3,076,000, by the 33,000, and you will
38 get a season length of ninety-one days, and the same calculation,
39 and so what you'll see in this is that, by reducing the buffer
40 from the 9 percent in Alternative 1, to 5 percent, you're going to
41 get about 4 extra days. If you go to the zero percent buffer, you
42 would get five extra days, relative to Alternative 2, or nine extra
43 days, relative to Alternative 1.

44
45 Now we apply that Action 2, and the way the seasons would start,
46 and so Alternative 1 in Action 2 -- Again, this would just start
47 on June 1 and let the season run until it's projected to close.
48 Under Alternative 1, the 9 percent buffer, it would go through the

1 end of August, August 31. Under Alternative 2, the 5 percent
2 buffer in Action 1, using the June 1 start date in Action 2, it
3 would go through September 4, and then, for the no buffer, it would
4 go all the way to September 9.

5
6 Alternative 2 in Action -- The columns are the same, and the math
7 is the same, and you're just moving the start date back a few days,
8 and so that's nothing complicated. Alternative 3, what you will
9 see is that, since the close date is projected -- It would open on
10 June 1, and it would close August 31, and there are no extra days
11 in September to go backwards, and so it would functionally be the
12 same as Alternative 1.

13
14 For the 5 percent buffer, it would -- Without doing this approach,
15 it would close on September 4. If you closed it at the end of
16 August, then it would roll backwards until May 28. If you used
17 the zero percent buffer, it would either close on September 9 or
18 the -- I'm looking at that Action 2, Alternative 2 column, for
19 reference, and so it would close on June 9, or, for Alternative 3,
20 it would -- Just for clarification, it would open on June 1, and
21 it would go to the end of August, but then you would get those
22 extra days that would have been in September, from September 1
23 through 9, and that would roll backwards into May, and so that's
24 how you get the May 23 start date.

25
26 In totality, I mean, the options are fairly similar. You get a
27 few more days with less buffer, you know, and you could roll it
28 back into May for a few days, at the expense of a few days at the
29 end of the season, and so it's fairly straightforward, in terms of
30 what I have to present, and so I want to get your feedback, if you
31 have thoughts, if these are the right things you want to consider,
32 and what you want to do next.

33
34 **CHAIRMAN FRAZER:** Okay. Thank you, John. Dr. Banks.

35
36 **DR. BANKS:** So, for Action 2, I don't know that I have a preference
37 between Alternative 1 and 2, but I think, if we think back to some
38 of the public comment, those guys wanted a solid start date, rather
39 than a two-week heads-up of, oh, hey, you get four extra days, and
40 so I don't know -- I appreciate the analysis, I really do, but I
41 just don't know that it's really something we should go down that
42 road, if I remember public comment correctly.

43
44 **CHAIRMAN FRAZER:** Thank you for remembering clearly. C.J.

45
46 **DR. SWEETMAN:** Thank you, Mr. Chair, and so, yes, I think the
47 options are fine. Honestly, I thought this was a very
48 straightforward amendment, the document that we're working on

1 here, yet, since our last council meeting, I've heard concerns
2 actually about Gulf red snapper out there, and so I'm actually
3 hearing, from some for-hire folks, about not changing anything,
4 which is a little bit different, and so part of me is -- I would
5 like to hear more in public comment, when we get there, and I think
6 the dynamic might have changed since we last had this meeting, and
7 so just kind of --

8
9 **CHAIRMAN FRAZER:** Captain Walker.

10
11 **MR. WALKER:** I think kind of the same thing. There was a time
12 when the for-hire fleet in the Gulf, at least the ones I know,
13 desperately wanted every additional day they could get, and a lot
14 of the guys that I talk to now are starting to say, man, we've
15 beat this thing down, and we kind of -- You know, I'm sure there's
16 people who disagree, but a lot of the charter boat guys think they
17 have enough now, that I have spoken with anyways.

18
19 I would -- Like Dr. Sweetman said, I'm going to kind of defer to
20 the public comment here, and let them tell us, because it seems
21 like this could go either way, and I don't have a strong preference
22 either way, and so let's see what they tell us.

23
24 **CHAIRMAN FRAZER:** Mr. Strelcheck.

25
26 **MR. STRELCHECK:** Certainly we'll get into this in Other Business,
27 and that's one of the reasons that I wanted to bring the issue up,
28 about what I'm hearing about the status of the stock. If we go
29 back to the table that was showing the season projections, real
30 quick, and we scroll over to the right --

31
32 **DR. FROESCHKE:** It's 2.2.1.

33
34 **MR. STRELCHECK:** So, right now, the way that the regulations are,
35 it's that the season opens on June 1, and the Fisheries Service
36 projects when the catch target is going to be met, right, and so
37 we've been slowly inching our way toward September, right, and my
38 concern has been severalfold.

39
40 One is, you know, I'm hearing concerns of, well, fishing effort
41 drops off, and tourism drops off, in August, and we really don't
42 need those days in late August, and so let's, you know, look at
43 other options that might be better usage of those fishing days,
44 but General Spraggins has brought this point up with Mississippi
45 before, right, and, when you get into September, and you only have
46 a small number of days that you're sampling, we're going to really
47 run up the error, and uncertainty, with regard to the catch
48 estimates, right, and so trying to also avoid a small opening,

1 where the wave begins on September 1 and goes to October 31, and
2 not being able to really predict catch rates, obviously, in that
3 September time window.

4
5 You know, I could take or leave whether we wanted to implement the
6 buffer, but, in terms of the actual season, unless we change
7 something, right, I think we're going to run into this problem of
8 going into September, unless we work our way backward from August
9 31, and so I certainly would support making a change to how we do
10 the season, whether it's, you know, Alternative 3 or what Kesley
11 is saying, having kind of a fixed date, sometime in the middle of
12 May, or whatever that timeframe is, and then run it forward from
13 there.

14
15 **CHAIRMAN FRAZER:** Captain Walker.

16
17 **MR. WALKER:** I heard from some of our Mississippi friends last
18 night, at Mr. McDermott's social, that they very much wanted
19 Memorial Day included in their fishery, and, you know, I also heard
20 some other guys say they didn't, from other places, but I was told
21 they're going to seek that, at this meeting, when they come to
22 public testimony, and they think it will be better for them to
23 have a holiday weekend added on the front side, and they'll do
24 better with that, and so I'm open to suggestions, but that's what
25 I heard, and I'm not opposed to it.

26
27 **CHAIRMAN FRAZER:** General Spraggins.

28
29 **GENERAL SPRAGGINS:** Yes, and I can tell you that Mississippi would
30 very much love to see that happen, and the reason for it is a
31 couple of things. Number one, they can scheduled a lot of people
32 to come down for that weekend, and that really helps them to be
33 able to have that ability to be able to go out and be able to do
34 the charter.

35
36 They're not trying to add time to the end. They just want to, you
37 know, be able to start at that time, and, you know, they only have
38 a certain amount of allocation. They're going to catch their
39 allocation, and that's all they're going to catch, and it would
40 really help them, I believe, if we could move forward with that,
41 and I would very much support that, if we could possibly look at
42 it.

43
44 **CHAIRMAN FRAZER:** Okay. Thank you, General Spraggins. All right.
45 I have a couple of questions, perhaps for the agency. In the
46 action schedule, Andy -- I mean, John just suggested that we may
47 bring this back, this framework back, in November for a final
48 action item. I guess the reason that we wanted to do that was to

1 make sure that, if we were in agreement, you know, we were able to
2 choose a path forward, that this could be implemented prior to the
3 2025 fishing season. I just wanted to get your feel on how
4 aggressive you want to be on this, and do we need to keep on that
5 pace, in order to do that?
6

7 **MR. STRELCHECK:** Well, so two things are going through my mind.
8 One is, you know, I think we'll probably -- Well, based on
9 projections, we'll have a season that ends around the end of August
10 this year, unless there's a dramatic shift in catch rates, right,
11 and so I'm not sure there's a need to be overly aggressive.
12

13 The other unknown is we're in a presidential election year, right,
14 and so, even if we take action in November, oftentimes our
15 rulemakings get slowed up, based on a change in administration,
16 which is going to happen, because both parties have, obviously, a
17 presidential candidate that is different than the current
18 president, and so I think, you know, we've been moving slowly on
19 a lot of actions, and we've been very deliberate, and I would like
20 to, obviously, continue to, obviously, move this forward, but we
21 don't necessarily need to be as aggressive to complete it in
22 November, I think, given where we're at.
23

24 **CHAIRMAN FRAZER:** Captain Frady.
25

26 **MR. TROY FRADY:** Being a fulltime charter boat captain, I see a
27 lot of people out there trying to figure out how to make a living
28 for the families and run their businesses properly. I do see merit
29 in opening up the Friday before Memorial Day. However, I know, by
30 opening the Friday before Memorial Day, the uncertainty of the
31 number of harvest is going to go through the roof, because
32 everybody is going to be probably running.
33

34 I don't want to create uncertainty. I want the best available
35 science. Therefore, I'm still kind of -- I would like to be able
36 to maintain the 9 percent buffer for the charter-for-hire industry,
37 and be ultraconservative with that, and so I would like to hear
38 from the charter boat -- From the federally-permitted charter boat
39 guys, as to how important it is to move the opening prior to the
40 Friday before Memorial Day, or to stay with June 1, but another
41 thing that comes up is, you know, I stay pretty busy, as do most
42 people in our area.
43

44 After the 10th of August, about 80 to 90 percent of the business
45 slacks off, and, since we all talk about it, and we preach optimum
46 yield, my argument is, in order to best run my business, given me
47 the flexibility to -- Since we don't have the data collection
48 onboard yet, and it's up and running, the flexibility with me would

1 be also looking at, in the future, having a hard closure sometime
2 in mid-August, and possibly having a hard reopening on October 1,
3 to help all of us who live in the northern Gulf to have a fall
4 season, and I don't know how hard that would be, but I'm just --
5 If you gave me a choice, I would figure out a way to do it, because
6 that's when I can maximize my optimum yield, but I don't want to
7 go overfish, and that's why I want to keep the buffer at 9 percent.

8
9 Now, the MRIP-FES conversions, I want to get the data in there,
10 but, you know, I'm also wanting to hear what everybody else wants
11 to do. If we stay June 1, I would be stuck with June 1, and
12 there's a lot of traffic out there, and it's dangerous. You're
13 having to run one or two trips a day in heavily-populated areas,
14 trying to find a place to park out there, and it's important, but
15 it's not that important, to open in May, the Friday before, but I
16 do see merit to it.

17
18 June 1 is what we've been living with, but, from a personal
19 standpoint, I don't see red snapper being open after August 10, or
20 15, as being a priority for me, but it's not -- I'm just me, and
21 I would like to hear from other charter boat guys how important it
22 is to them.

23
24 I guess, in the ultimate realm of having things that are really
25 perfect, I think we can get there one day. I think we all can
26 have what we want, but I want a healthy fishery, and you're going
27 to hear comments, probably, tomorrow talking about what everybody
28 is seeing, and what we're all seeing, off the coast of Alabama and
29 the northern Gulf, from Texas all the way across.

30
31 As to a declining fish stock, I mean, the biomass is the biomass,
32 but the average weight of that biomass is a lot less, that we
33 think, that we see every day, and, you know, I've even gone as far
34 as mentioning that we need to -- Instead of managing to an end
35 date, of having so many millions of pounds divided by, you know,
36 what the agency thinks we're catching per day, I have even thought
37 about even figuring out a way to have the agency run, or the
38 council run, some numbers to where we try to manage this fishery
39 to a minimum weight.

40
41 I mean, for instance, if I were to manage it, I would say let's
42 figure out how many days it would take to maintain a five-pound
43 average across the Gulf, and so that's the way my brain thinks. I
44 don't want to overdraft, but I don't want to go down and have an
45 average of two-and-a-half pounds, like we did fifteen years ago,
46 and so I'm just throwing that out there, to get you all thinking,
47 and to get the creative juices flowing, and like is there a better
48 way to do this, to where everybody, all user groups, maximize the

1 optimum yield and we catch the fish when they're available, and we
2 don't overfish them, and we don't fish our size limit down, and so
3 that's just kind of a thought. Thank you, all.

4
5 **CHAIRMAN FRAZER:** Thank you, Troy. Michael.

6
7 **MR. MCDERMOTT:** Captain Frady's original point there, about the
8 uncertainty in opening Memorial Day, I've talked to several
9 captains around here, and they advocated for leaving the buffer
10 unchanged at 9 percent and then, you know, opening a little bit
11 earlier, to account for the uncertainty there, and so it's
12 something we probably should consider.

13
14 **CHAIRMAN FRAZER:** Yes. Captain Frady and Mr. McDermott, we had a
15 pretty healthy conversation, I think at the last council meeting,
16 about imposing two changes in one framework action, and inserting
17 some of that uncertainty, and it may be wise to do either one or
18 the other, and so I'm in agreement with a lot of the folks around
19 the table, and it would be nice to hear what the public has to
20 say, and we'll go from there. Dr. Simmons.

21
22 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair, and so we did
23 ask, during the IPT meeting, when we were discussing this document,
24 if the Science Center could give us some information, you know,
25 regionally about the size of fish that are being landed by the
26 federally-permitted charter vessels, and I think Dr. Shannon Calay
27 is in the back there, and I don't remember what the answer was,
28 but I think they're getting ready for the data workshop, and so
29 that's going to be part of that, but I don't think it can be
30 produced quickly, and so, if we do slow this down, that could be
31 some information that could be included, potentially, I think.

32
33 **CHAIRMAN FRAZER:** Okay. Thanks, Carrie. So what I'm hearing,
34 unless there's any more comments, is we're going to get some --
35 We'll listen to what the public has to say on this, and we'll
36 revisit this in Full Council, and we'll move from there. Okay.
37 I'm going to try to keep us moving along here, and we'll go to our
38 next agenda item.

39
40 All right, and so we have a presentation by Dr. Patterson with
41 regard to the work he did on gray triggerfish. John, if you want
42 to work us through the action guide.

43
44 **CONTRACT OUTCOMES: REGIONAL AND SECTOR-SPECIFIC GULF OF MEXICO**
45 **GRAY TRIGGERFISH AGE, GROWTH, AND AGE-LENGTH KEY ESTIMATION**
46 **DERIVED FROM OTOLITH-BASED AGEING**
47

48 **DR. FROESCHKE:** Dr. Will Patterson, from the University of Florida,

1 he has been working on a project, a contract from the council, to
2 improve the ageing of Gulf gray triggerfish. If you recall from
3 the last stock assessment, several years ago, it had to be aborted,
4 because there was an error, and it was determined that these fish
5 weren't being aged correctly, and there were protocols, and so we
6 contracted with Dr. Patterson to review, look at some new
7 protocols, and hopefully help us with that problem, and so he's
8 done a whole bunch of interesting work, and he's going to present
9 the results of that, and it will hopefully lead to better things
10 for the stock assessment coming ahead.

11
12 **CHAIRMAN FRAZER:** All right. We'll get Dr. Patterson's
13 presentation up. All right. Will, are you on the line?

14
15 **DR. WILL PATTERSON:** I am.

16
17 **CHAIRMAN FRAZER:** All right. Will, can you see that presentation?

18
19 **DR. PATTERSON:** I can. Can you hear me?

20
21 **CHAIRMAN FRAZER:** We sure can, and so feel free to start.

22
23 **DR. PATTERSON:** I guess there's not an option for me to drive from
24 here, from my screen?

25
26 **CHAIRMAN FRAZER:** Unfortunately not. You just tell us when to
27 advance the slides, okay?

28
29 **DR. PATTERSON:** Okay. Will do. Well, my apologies for not being
30 able to be there in-person, but I'm going to talk, as Dr. Froeschke
31 mentioned, about some work we did on gray triggerfish, estimating
32 age and growth, and some stock assessment simulations to go along
33 with that work.

34
35 The authors on the talk are myself, Derek Chamberlin, who was a
36 PhD student here at the University of Florida, and he stayed on
37 for a post-doc for another year, and now he works for NOAA
38 Fisheries, at the Alaska Fisheries Science Center, and Zach Siders,
39 who is a quantitative fisheries biologist here at UF.

40
41 Lots of other folks contributed to this work, and I will mention
42 them as I go through the presentation. The report, that you have
43 a copy of, is separated, and divided, into three chapters. The
44 first focuses on bomb radiocarbon validation of gray triggerfish
45 dorsal spine and otolith ageing protocols. The headline here says
46 "in press", and this paper has now been published in *Fisheries*
47 *Research*, and you can see the authorship there.

48

1 We have a second paper that is in review at *Canadian Journal of*
2 *Fisheries and Aquatic Sciences*, which is a Bayesian state-space
3 estimation of Von Bertalanffy growth, and then, lastly, Chapter 3
4 is focused on stock assessment simulations, and I'm going to
5 present a little bit of that here today, but I'm not going to get
6 into a lot of the details with the simulation work, and I just
7 wanted to mention that, as we publish Chapter 3, the authorship
8 list there will grow, depending on which different simulation
9 models we actually include.

10
11 Gray triggerfish traditionally have been aged using the dorsal
12 spine, instead of otoliths. You can see the image, in the top-
13 left, from Walter Ingram's dissertation work at the University of
14 South Alabama that shows where the dorsal spine is removed, and
15 also where it's sectioned, in Plane B, shown in that middle image.
16 It's relatively easy to extract and section, but there have been
17 concerns raised about ageing error, and, by ageing error, I mean
18 both imprecision as well as potential bias, and there are important
19 implications of ageing error for estimating population ecology
20 parameters as well as stock assessments.

21
22 Gray triggerfish otoliths themselves are quite small. The image
23 on the left is of a juvenile gray triggerfish with a micro CT scan
24 done here at the University of Florida, and the sagittae, the main
25 otoliths in the head of bony fishes, are shown on the left, and
26 the image on the right is from Tuset et al. 2008, and this is from
27 a gray triggerfish from the Mediterranean.

28
29 You can see the very ornate structure of the otolith, compared to
30 the image below, which is a CT scan of a yellowedge grouper
31 otolith, which has a much different structure, and the scale bars
32 are quite different here, and so two things to take home is that
33 the gray triggerfish otoliths are very, very small, and they're
34 also very delicate and fragile, and, lastly, to get to them, you
35 have to cut open the top of the head of the fish, and so that's
36 difficult when trying to sample for otoliths, whether you're
37 sampling recreational landings, or you're at a fish house. Most
38 folks don't want their fish mutilated to get the otoliths out of
39 the head of the fish, and there's no way around that with gray
40 triggerfish.

41
42 This is an animation, and I don't know if you can click it to play,
43 or I guess you can't, because you have a PDF file. Sorry. I
44 thought I was going to be able to drive this with a PowerPoint
45 here from homebase, but so the image -- This image is supposed to
46 be an animation, but it's a CT scan of a gray triggerfish otolith,
47 and, again, you can see, by the scale bar, that these are quite
48 small, and they have this really ornate band structure. It's

1 pointed downward, but it actually -- In the head of the fish, it
2 points dorsally, and so toward the top, and then the structure
3 that you see at the top of this is -- The groove that you see there
4 is the sulcal groove, which is the groove that we see typically in
5 bony fish otoliths.

6
7 Because of this really ornate structure, and this three-
8 dimensional very complex lattice component of gray triggerfish
9 otoliths, this is what makes them very fragile.

10
11 The second question that people have had, historically, is, if you
12 do section them, to age them, where do you actually make the
13 section, and you can see, in this image, if you go from the center
14 of the otolith out to the edge on the left-hand side, you will see
15 these concentric dark bands, and so those are the opaque zones of
16 this otolith, but we actually age it using the top structure,
17 mostly because this dorsal fan-shaped structure is typically
18 broken and unable to be used for ageing.

19
20 With bony fishes, as well as elasmobranchs, marine elasmobranchs,
21 we can validate their age estimates using a process called the
22 bomb radiocarbon chronometer, and the colored image on the left,
23 the colored symbols, are different time series of data from corals,
24 and the parameter that's measured is called delta ^{14}C , and so this
25 is a measure of the amount of radiocarbon in carbonate samples.
26 Coral skeletons are made up of aragonite, or biogenic calcium
27 carbonate, and, as the corals grow, they lay down growth bands, as
28 their skeletons are formed annually, as the colony of the coral
29 grows, and so we're able to age the corals, and the data you see
30 here are analyzed across a core that was taken out of cores of
31 corals from around the northern Caribbean and the Gulf of Mexico.

32
33 Then the model that's fit to this is called a Bayesian spline, and
34 then the dashed lines that you see there are the 95 percent
35 prediction intervals of that mathematical model fit to the data,
36 and one thing to note is that this Gulf of Mexico northern
37 Caribbean delta ^{14}C reference series has the lowest variance,
38 right, and so the least amount of imprecision, of any reference
39 series that has been documented around the world.

40
41 It has to do with the physical oceanography and surface currents
42 that exist in the system and the transport of water across the
43 northern Caribbean, through the Gulf of Mexico and the loop
44 current, and then exiting through the Florida Straits and becoming
45 the Gulf Stream.

46
47 The way this process works is, if you age a fish with one otolith,
48 and then you core the second otolith, and so you take out the birth

1 year components, and analyze it for radiocarbon, and you do that
2 with a sufficient number of samples, and overlay them on the
3 reference curve, and, if they more or less match, and we do
4 statistical modeling to test if there's close correspondence
5 between the test data and the reference data that you see here,
6 and, if there's not significant bias, then we have validated the
7 age estimation that produced those ages.

8
9 This has been done for quite a few different fishes in the Gulf of
10 Mexico. The problem with gray triggerfish, and trying to utilize
11 this approach to validate gray triggerfish age estimation, whether
12 that would be with dorsal spines or with otoliths, is the fact
13 that they're so tiny that we need to have about a milligram of
14 otolith material to do the analysis, and that translates to about
15 a hundred micrograms of carbon.

16
17 Unfortunately, there's not a hundred micrograms of otolith
18 material in the head of a gray triggerfish, and so we can't get
19 that core signal from their otoliths, because they're so tiny,
20 but, on the right-hand side, you can see a figure from a paper
21 that we published a few years ago that shows the eye lens core
22 radiocarbon values, versus otolith core values, for red snapper,
23 and the dashed line, the horizontal line, shows the line of one-
24 to-one agreement, and the dark black line is the fit to the red
25 snapper data, which is not significantly different than one-to-
26 one.

27
28 This shows us that we can actually use the core of the eye lenses,
29 which, like otoliths, grow throughout the life of the fish, and
30 aren't resorbed, and the series of three images above that red
31 snapper shows the process of manually coring an eye lens, and it
32 produces a small little BB that is the juvenile period of the fish
33 that we're able to then analyze for radiocarbon and apply the
34 chronometer. For fishes like gray triggerfish, that have really
35 tiny otoliths, this is the approach that needs to be taken.

36
37 Virginia Shervette and John Dean published a report, back in 2015,
38 that showed higher age estimates for gray triggerfish using
39 otoliths, ageing whole otoliths, and so counting the opaque zones
40 in whole otoliths, versus the same fish being aged with dorsal
41 spines.

42
43 We worked with Dr. Shervette, back during the time period just
44 before the last attempted gray triggerfish stock assessment, and
45 we aged a series of fish with spines and otoliths, and the top
46 figure shows the eye lens core birth year data from those samples,
47 and the spine ages, and you can see several of the spine ages are
48 above our 95 percent. In this case, it's a confidence limit. It's

1 a linear regression fit for those data.
2
3 At the bottom, we have the otolith birth year estimate, and so
4 based on otolith ages, and you can see the fish were estimated to
5 be older with otoliths, because we don't have those samples that
6 are above the dashed line, and, in fact, our semiquantitative
7 approach to estimating whether bias existed showed that the otolith
8 data were unbiased, but the spine data were based low, meaning
9 we're underestimating the age, but with the caution of there are
10 very few samples actually in these data, and so more work needed
11 to be done.
12
13 Dr. Shervette and her team at the University of South Carolina
14 Aiken have published a few papers in the Atlantic, on Atlantic
15 gray triggerfish, as well as in the Caribbean, with other -- With
16 queen triggerfish, where they have stated that otoliths are the
17 method that needs to be utilized to age gray triggerfish, and
18 that's based on the preliminary results that I just showed you
19 from the age validation work that we had done back in 2019.
20
21 The figure on the left shows, for Atlantic gray triggerfish, the
22 otolith age estimates across the X-axis, and then the spine ages
23 across the Y-axis, and you can see that, after about age-five,
24 fish are estimated to continue to get older with otoliths, but
25 they're not -- The age estimates aren't keeping pace when using
26 spines, and so what's happening is that we have a progressive bias.
27 The older the fish is, the more the spines are underestimating
28 their age.
29
30 For gray triggerfish, there was a stock assessment that was planned
31 in 2019 and 2020 that, for various reasons, had to be put off, but
32 the plan is to conduct a stock assessment for gray triggerfish in
33 2025 and 2026, and there are significant issues to address. Some
34 have to do with population structure, and some have to do with the
35 model's spatial structure, and others have to do with stock-recruit
36 relationship, and there is release mortality estimates that
37 suggest that gray triggerfish have higher release mortality than
38 previously estimated, but perhaps the largest issue is this issue
39 with ageing error, and so we've proposed a study, that the council
40 funded, to actually examine ageing error and try to mitigate the
41 effects of ageing error on gray triggerfish estimates of population
42 dynamics, as well as the assessment.
43
44 We had a three-year study funded by the council, again ahead of
45 the 2025 stock assessment, and the study objectives were to sample
46 gray triggerfish from landings in the southeastern, northeastern,
47 and western Gulf of Mexico. The second was to estimate fish age
48 using the opaque zone counts in sagittal otoliths and translucent

1 zones in dorsal spines.
2
3 Number 3 was to validate the age estimates for a subset of these
4 samples, via application of the bomb radiocarbon chronometer, to
5 eye lens core, meaning the age-zero portion of eye lenses to their
6 delta ¹⁴C values. The fourth was to test for differences in sex-
7 specific size-at-age and growth, estimates among regions and
8 between commercially and recreationally-harvested fish, and,
9 lastly, it was to compute age-length keys by sex, and potentially
10 by region and fishing sector, pending results under Objective 4.
11
12 I will just state here that Objective 4 we weren't able to do.
13 Because of the low bag limits on commercial trips, we just weren't
14 able, in all regions, to get a sufficient commercial sample, and
15 so we weren't actually able to test for these relationships in
16 commercial and recreational fish, and, as far as 5 goes, we found
17 a better way to mitigate this issue of ageing bias, and so I'm
18 going to present that as I move through.
19
20 Jennifer Potts and her colleagues at the NOAA Beaufort Lab, in
21 2023, published a paper that focused on otolith ageing, but also
22 dorsal spines and vertebrae, and the impetus of this was the idea
23 presented by Shervette and colleagues that we get different age
24 estimates between otoliths and spines, and potentially spines were
25 underestimating fish age, and so Jennifer Potts, and her
26 colleagues, conducted a rearing experiment, in which they grew
27 fish for a couple of years.
28
29 About a hundred samples they grew for a couple of years in tanks
30 in North Carolina, and they injected the fish with calcine, to
31 chemically mark the structures. It binds to calcium, and, under
32 a scope, it glows, and so you can see where the mark occurred, and
33 then, depending on how far back in time the fish was marked, there
34 should be that number of translucent zones in the spine sections
35 for opaque zones in the otolith sections.
36
37 They conducted this study, and what they found, when they were
38 ageing the fish with their dorsal spine method, is, if you use the
39 typical historical approach, and you had one setting about 10X,
40 when you were counting the growth zones in the spine sections, but
41 then zoomed-in on the edge, and they were able to count more spine
42 translucent zones, and those counts closely corresponded to the
43 otolith counts.
44
45 Working with Jennifer and Walt Rogers, we incorporated them into
46 the -- We collaborated with them on an ageing study to attempt to
47 repeat this methodology, but then apply our eye-lens-based bomb
48 radiocarbon validation approach to validate this new spine-based

1 method for ageing fish, or ageing gray triggerfish.

2
3 The image, or, excuse me, the figures on the right, the panels on
4 the right, show the length distribution, or, excuse me, the number
5 of samples by length for the different regions as well as the
6 female-to-male sex ratios among these regions, and so we have the
7 western Gulf, and we had 173 fish. In the north-central Gulf, we
8 had 806, and, in the eastern, we had 392, for a total of 1,370.

9
10 In all cases, you can see that the female-to-male ratio is that we
11 had more females in our sample than males, but, in fact, the issue
12 -- Excuse me. More males than females, and the issue here is that,
13 because we had larger fish, especially in the commercial fisheries,
14 and those were predominantly males, we have this skewed sex ratio.

15
16 I presented this to the SSC, and I actually showed them the
17 distribution of female to male by length bin, and the younger fish
18 are predominantly females, and the older fish are predominantly
19 males, but, within this sample, we had three readers.

20
21 The first 100 samples were used as a training set, and then Reader
22 1 we had Derek Chamberlin, and Reader 2 was Jennifer Potts, and
23 Reader 3 was Walt Rogers. Derek aged the fish using whole otoliths
24 and spine sections, using the traditional method, and then, about
25 a year later, after he had completed those ages, we worked with
26 Walt and Jennifer to use their zoomed-in spine approach.

27
28 A subset, about half of these samples, Walt and Jennifer read,
29 with whole otoliths, and they had sectioned otoliths in their
30 study, and so Derek had to train them how to age with whole
31 otoliths, and then Jennifer trained Derek how to do the zoomed-in
32 edge of Potts et al. 2023 spine methodology. Jennifer and Walt
33 felt like they couldn't read the spines using the old method,
34 because they had developed this new approach, and they just --
35 They knew they would be seeing translucent zones on the margins,
36 and so they only used the new method and the whole otolith method.

37
38 The total sample size for this comparison was 575. Age ranges for
39 the otoliths were from zero to fourteen, and, for the new spine
40 protocol, they were from zero to sixteen. The old spine protocol
41 only produced age estimates out to age-twelve. The historical
42 spine method -- The age estimates are lower than otoliths, or the
43 new spine protocol, for estimates after age-five, and those are
44 the Panels A and B on the top-right.

45
46 These are Reader 1, or Derek Chamberlin's, ages, and you can see
47 that, once you get past age-five on the X-axis for otoliths, you
48 start to see a divergence between otoliths and the historical spine

1 ageing protocol, and so fish are still estimated to be getting
2 older with the spines, but they're not estimated to be aging as
3 quickly as we see with the otoliths, and then, on the right, we
4 have the new spine protocol, versus the historical spine, and you
5 can see a very similar pattern to what we see with the -- Between
6 otoliths and historical spines.

7
8 Panel C, these are the data from the Potts et al. historical spine
9 versus new spine age estimates, and so we can -- We can see this
10 familiar pattern that, after age-five, we start to get a divergence
11 between the historical spine and the new spine age estimation.
12 The index of average percent error was relatively high for all
13 three approaches, and so you can see here between 10 and about 12
14 percent.

15
16 In the case of the Potts et al. study, where they used sectioned
17 otoliths, their index of average percent error was actually a
18 little over 13 percent, and, just for context, that index of
19 average percent error is basically a percent agreement between two
20 independent readers, and we're shooting for around 5 percent.
21 There was a study by Campana, in the early 1990s, that said that,
22 for production ageing of moderately-long-lived fish, 5 percent is
23 a pretty reasonable average percent error, and, for fishes like
24 red drum, that are really, really, really easy to age, the index
25 of average percent error is less than 0.1 percent, and, for samples
26 that are pretty easy to age, species that are pretty easy to age,
27 like red snapper, their average percent error typically is less
28 than 2 percent, and so that gives you some context for how
29 difficult gray triggerfish are to estimate ages.

30
31 A series of figures here on the right, and the top row is within-
32 reader otolith versus spine, and so you can see, for all the
33 readers, you have pretty good agreement between otoliths and
34 spines. Walt Rogers had more disagreement between these two
35 methods than the others, and he's also the least-experienced reader
36 among the three in this study.

37
38 The among-reader otolith ages you can see there in the center, and
39 so Reader 1 versus 2, Reader 1 versus 3, and then 3 versus 2, and
40 so, again, strong agreement there, and then among the readers with
41 the new spines, and so, again, you can see strong agreement between
42 readers, 1 versus 2, 1 versus 3, and then 3 versus 2, in the
43 spines, and so we're getting strong agreement in the new spine,
44 between otoliths and spines, for all readers, and then good
45 agreement between readers for otolith ages and spine ages.

46
47 To do the age validation work, first, we needed to determine how
48 -- What the diameter of an age-zero gray triggerfish eye lens was,

1 and so we had fish from a range of fork lengths that we got from
2 the SEAMAP trawl survey, and we dissected the eye lenses, and
3 measured their diameter.

4
5 Eye lenses, especially when they first come out of the head of the
6 fish, they're kind of squishy, and so there's probably some
7 measurement error here, and then you can see that the figure on
8 the left shows the left eye lens mass in milligrams by fork length,
9 and so, once we were -- Once we had these eye lenses, we dried
10 them, and then we measured their mass, and so we knew what our
11 target mass was then for 130-millimeter fish, is what our target
12 was, based on some data from Simmons and Szedlmayer 2011, and so
13 we had a good estimate that we needed about three milligrams of
14 otolith material, because our target was 130-millimeter-fork-
15 length gray triggerfish, which is their fork length in December,
16 on average, in that first year, after they're born in spring into
17 summer. We cored all of our adult eye lenses to produce a core,
18 a dry core, of approximately three milligrams, and we hit that
19 pretty closely.

20
21 On the right, it shows -- So, once we had the cores from thirty
22 adult gray triggerfish across a range of ages, we randomly selected
23 from the random ages, and then, fish older than ten, we just used
24 all the fish we had, because we had relatively few fish older than
25 ten, and the plots that you see here are the Bayesian splines fit
26 to the reference series.

27
28 It looks a little more wiggly here, because we're zoomed-in just
29 to the period from 2000 to 2020, and then the blue circles that
30 you see are the gray triggerfish data, and so on the left are the
31 whole otolith birth year estimates, again derived from our ages,
32 and the new spine is in the center, and then the old spine is on
33 the right.

34
35 We applied a Bayesian test here to estimate whether the posterior
36 on our estimated bias was significant or not. For whole otolith
37 and new spine methods, it was not statistically significant, and
38 so those age estimates are unbiased, but, for the old spine method,
39 the age estimates were significantly biased, and the median bias
40 among these samples was 1.72 years, and so we're underestimating,
41 on average, by 1.72 years, given the radiocarbon values in the
42 core of the eye lens.

43
44 Now, that doesn't mean that all the samples have a bias of 1.72
45 years of underestimated age, because the younger fish -- You can
46 see the data fit pretty well within the gray zone, which is the 95
47 percent credible intervals of that Bayesian curve, whereas the
48 older samples -- You can see they're above the gray zone, and so

1 the older samples were more substantially underestimated in their
2 age than the younger ones, and, again, no significant ageing bias
3 for either the new spine method or the whole otolith method.

4
5 What are our conclusions from this? This work was just published
6 a couple of weeks ago in *Fisheries Research*, and it shows that age
7 estimates derived from whole otoliths, or the new spine ageing
8 protocol of Potts et al. 2023 are unbiased, but precision issues
9 persist with both methods, and so that's that around 10 percent
10 IAPE that I mentioned.

11
12 Next, dorsal spine protocol ageing was slightly more precise among
13 readers than otolith ageing, and read times were two to three-
14 times faster for dorsal spine sections than whole otoliths, and so
15 the otoliths are tough to age, and they take longer, more eye
16 strain, and they're tougher to deal with, but, importantly, they're
17 really impractical to use, because, especially for production
18 ageing, for developing age composition estimates for stock
19 assessment, you just can't get the samples, because you can't
20 mutilate the fish.

21
22 For the 2025 assessment, we recommended re-ageing archived spine
23 sections for fish greater than age five as an appropriate solution
24 to produce unbiased age composition estimates, and, in fact, the
25 NOAA Fisheries folks in Panama City have gone back into the
26 archived sections from previous years, and they've actually
27 already accomplished this, this spring into summer, and so this
28 has been done ahead of the 2025 stock assessment, which should
29 mitigate these issues with ageing bias in the data.

30
31 In the second chapter, we developed a Bayesian state-space
32 implementation of the Von Bertalanffy growth model to test, among
33 readers and structures, for differences in growth estimates
34 derived from these different ageing structures and protocols.

35
36 Just looking at the data themselves, the first thing we did was we
37 ran a three-factor ANOVA to test for differences in size-at-age
38 for the Reader 1 ages, and so these were Derek Chamberlin, and so,
39 on the data panels on the right, the figure on the right, it shows
40 fork length versus age, and then females are in light gray, and
41 males are in dark gray, and these are means, plus or minus 95
42 percent confidence intervals, and the red line in each panel, the
43 horizontal red line, is at 400 millimeters fork length, just to
44 give you a reference line to compare among them, and so what you'll
45 notice are the asterisks above, and this is the age, time, sex
46 time structure interaction, sliced by age and structure, to test
47 for sex-specific differences in size-at-age.

1 For all of those ages, we had significant differences between
2 sexes. The males grow faster, and so they are larger at-age than
3 the females, and then you will note, at the bottom, that the old
4 spine fish are estimated to be larger at-age, because of this issue
5 of under-ageing, or predicting, with those data, that fish are
6 getting faster quicker, and so that has big implications for growth
7 estimates, but it also has big implications for producing the age
8 composition estimates of the landings that go into stock
9 assessments, and it has implications for the age composition of
10 discards, because, for the discards, we just have length
11 measurements.

12
13 In some cases, we don't have any measurements, but, in fisheries
14 where we have length measurements, the previous ageing was used to
15 then estimate what is the age composition of those samples, and so
16 the ageing can cause bias in the assessment, both from estimating
17 growth, but also in the length composition estimates, in a couple
18 of different ways.

19
20 The Von Bertalanffy model that you see in the top-right -- It's a
21 model, and it's actually the original parameterization of the model
22 using size-at-birth, that Von Bertalanffy developed back in 1934,
23 and a key component of this is L-zero parameter, which is size-
24 at-birth, and you don't often see that in Von Bertalanffy fit to
25 bony fish data, and it is often maintained for elasmobranchs,
26 because they're born --

27
28 You know, oftentimes, they can be a half a meter, or more, in
29 length when they're born, but it was important for us to use that
30 here, so that we could anchor the curve, basically, by using
31 estimates of the size-at-birth of newly-hatched gray triggerfish
32 larvae, and so all the parameters that you see shown on the right
33 -- They had priors that were developed by fitting just a least
34 squares function to the data, to develop priors for length-at-age,
35 asymptotic length, the growth coefficient, and then we had a
36 tighter prior, a more informative prior, on size-at-birth, based
37 on empirical data.

38
39 The other parameters had very loose priors, CVs of 0.5, that
40 allowed them to be fit much more freely, and so the state-space
41 approach allows for more effective separation of the process error,
42 which is just the natural variability in size-at-age, from the
43 observation error, because the observation error -- Now we can
44 include multiple readers, and so we have multiple ages that are
45 going into that for a given sample from the various readers, and
46 then we're also able to test for the effect of our ageing
47 structure, or protocol, and estimates of the Von Bertalanffy growth
48 parameters.

1
2 The data that you see here -- We have, at the top, there is otolith
3 minus new spine ages, versus otolith age estimates, and, here, you
4 can just see a scatter of points for males and females and then
5 fish of unknown sex. In the middle, we have otolith minus old
6 spine. At the bottom, we have new spine versus old spine, and the
7 bottom panel is versus the new spine age estimates, and so, for
8 those middle two panels, you can see that, as we get to older ages
9 along the X-axis, we start to underestimate, or we start to have
10 a significant bias, that is showing up on the Y-axis, and so these
11 were differences that we were looking to test in the context of
12 the growth model.

13
14 There were significant differences in the Von Bertalanffy growth
15 models among ageing protocols and between sexes, and so the males
16 grow faster, and -- Well, they don't grow faster, but they -- They
17 grow faster, and they have a similar K coefficient to females, the
18 Brody's growth coefficient, because they have a higher L infinity,
19 and so they reach a larger maximum size, but they're doing so at
20 a similar rate as the females.

21
22 The otolith and new spine estimates for L infinity were very
23 similar. They were -- Between the two methods. The K parameters
24 also were between about 0.35 and 0.5, for the two methods, and the
25 real difference -- Although we had significant differences in the
26 T subzero parameter, as well as K, between the otolith and new
27 spine models, the difference -- The absolute difference in T
28 subzero, which is the estimated age at zero length, was only 0.01
29 years, and so a very, very, very small difference in actual T
30 subzero, although it was significant.

31
32 The real difference in these fits is in the K parameter, and so
33 you can see, at the bottom, that, in the old spine model, the
34 distributions for the estimates of the growth coefficient are
35 between about 0.52 and 0.65, for the two sexes, whereas the two
36 models above -- They're around 0.4 for both, and so what's
37 happening here is, by overestimating the age of fish, or, excuse
38 me, underestimating the age of fish, we're overestimating how
39 quickly they're achieving their size-at-age, and so it gives the
40 false impression, or the erroneous impression, that fish are
41 growing faster than they actually are, and, obviously, in the
42 context of stock assessment, if you're overestimating growth, then
43 that can have implications for estimates of stock productivity.

44
45 In the Chapter 3, and this is the only slide that I'm going to
46 show from Chapter 3, we wanted to test to see how the ageing bias
47 imparted from old spine ageing, that protocol -- Whether it had a
48 substantial effect on stock assessment results, and, in fact, it

1 did. In the top-right, you can see the ageing error matrices, old
2 spine age versus otolith-predicted age, in the top-left, and the
3 top-right panel is old spine age versus new spine age, and so,
4 again, it shows this pattern that, after age-five, we get
5 progressively more bias in the old spine age estimation procedure.

6
7 It's unclear to what extent, but ageing error likely has
8 contributed to the previous lack of recovery that was observed in
9 gray triggerfish during the 2000s and 2010s. We base that
10 inference on the panel that you see in the bottom, that has the
11 green and red colors, and so the top row is the ratio of F to FMSY,
12 and the relative error in that, through stock assessment
13 simulation, and this is based on the 2015 gray triggerfish stock
14 assessment.

15
16 The bottom row is the biomass versus biomass at MSY relative error,
17 and so the first column on the left shows the old spine ageing,
18 and, basically, this is just testing how well our simulation was
19 able to reproduce the assessment results, and so that zero line is
20 the error relative to that original assessment, and so you can see
21 there that the old spine is pretty close, as far as the F to FMSY,
22 and it's right on top of the B to BMSY, and so that makes sense,
23 because old spine ageing was what was utilized in the assessment.

24
25 The middle column shows if otolith ageing was actually correct,
26 and so, if that were the case, then the FMSY would be
27 underestimated, using the old spine methodology which was used in
28 the last assessment, and then the bottom row, with the biomass,
29 shows that we would be overestimating biomass, by using that old
30 spine methodology, and then the new spine pattern looks very
31 similar to the otoliths, which makes sense, because the new spine
32 ages closely mirrored the otolith ages.

33
34 The take-home from the assessment simulations that we did is that
35 the old spine ageing, utilized to produce the age comps, was
36 underestimating F, most likely, and overestimating the biomass,
37 and so, if you're underestimating F, and you're setting future OFL
38 based on that, then you have an unrealistic expectation of stock
39 productivity that is based on biased ageing, and so there's several
40 issues to address in the next gray triggerfish SEDAR, but re-
41 ageing archived spines for fish older than age-five with the Potts
42 et al. protocol should alleviate the ageing error issues revealed
43 during the study, at least in context of the bias. We still have
44 some precision issues with gray triggerfish.

45
46 The overall conclusions from our work is that ageing error does
47 matter for gray triggerfish stock assessment and management, and
48 actually by quite a bit. The state-of-the-art eye-lens-based bomb

1 radiocarbon validation was used to test for gray triggerfish ageing
2 bias, but a relatively simple solution exists to correct for that
3 bias in future assessments, and, in fact, NOAA Fisheries, the
4 Panama City Lab, has already completed that, and so we should be
5 good to go as far as the Potts et al. ageing methodology applied
6 to Gulf of Mexico gray triggerfish archived spine sections.

7
8 Lastly, issues related to sexually-dimorphic growth in gray
9 triggerfish are likely to persist in the next stock assessment,
10 and one of the principal reasons for this is that gray triggerfish
11 -- You can't determine their sex externally, and so, if you're
12 able to cut open recreational samples, then you can say if it's a
13 boy or a girl, but, oftentimes, the commercial samples come in,
14 and they've been gutted at-sea, and the gonads are no longer
15 present, and so we can't get the sex determination from the gonads.

16
17 In the future, there may be some paths forward here to both help
18 with the ageing issues with gray triggerfish, but also in the case
19 of identifying sex, and so the first figure on the left has a
20 heading that says "Epigenetic Ageing", and it has a cartoon of a
21 DNA molecule, and you can see that there are some attachments to
22 the molecule that go from being black-filled circles to being
23 white-filled circles as the fish gets older.

24
25 There's a process called methylation that occurs to DNA, and we
26 can measure that process of either methylation or demethylation,
27 and then correlate that process, that percentage of methylation,
28 at certain sites within the DNA molecule and relate that to
29 estimates of age, preferably validated estimates of age, and so
30 this work that Dave Portenoy, at Texas A&M Corpus Christi, and his
31 students and post-docs, have been working on, and we've been
32 collaborating with them, providing validating age estimates, to
33 build these epigenetic clocks.

34
35 There is clock underway for gray triggerfish, and we're not quite
36 ready to report the results, but it should be ready by the end of
37 the year, and so the idea here is that, once you have the DNA,
38 which is sampled from fin clips, and once you've actually built
39 the epigenetic clock based on the methylation of that DNA, you can
40 take a fin clip from an independent fish and estimate its age based
41 on that relationship.

42
43 The two panels on the right are for a deepwater fish from the Gulf
44 of Mexico called blackbelly rosefish, and this is a scorpionfish
45 that's caught between about 300 and 600 meters, and you can see
46 the top panel are the sex-specific fits, when we developed the
47 clock for blackbelly rosefish, and so this fish can live to be a
48 hundred. We had samples out into the early sixties, and our mean

1 absolute error was about a year for the clock function, and then,
2 when we applied that to samples that had not been used in the clock
3 function, our mean absolute error was less than half a year, and
4 so our precision for ageing -- Our accuracy was as accurate as
5 otoliths, but our precision was much higher, much more
6 reproducible, using this epigenetic clock, and so soon we'll have
7 a clock. Dave and his group are developing the clock for gray
8 triggerfish.

9
10 Another thing that, once we have the fin clips, and another project
11 that we're working with Dave and his group on, is genetic sex ID,
12 and so Dave and his team have a draft genome for gray triggerfish,
13 and, once you have a draft genome, you can look among your boy
14 samples, and among your girl samples, and figure out if there's
15 certain parts of the genome which only girls have and certain parts
16 of the genome that only male fish have, and then you can use that
17 as sex-specific markers to take a fin clip from a fish that you
18 can't cut open and tell whether it's a male or a female.

19
20 The great thing about this is those two genetic techniques can be
21 incorporated into the same sequencing analysis, and so, once you've
22 developed the DNA primers to do this work, you can do the
23 epigenetic ageing and the sex, the genetic sex, identification all
24 in one analysis.

25
26 Once you have a system to collect fin clips, which is quite simple,
27 and you just take a fin clip, and you put it into a DMSO, and it's
28 a salt solution that is easily shipped using FedEx or other
29 carriers, and, once you have the fin clips, then you can do genetic
30 population structure, and you can utilize a technique called close-
31 kin mark-recapture, and this is just a genetic technique where
32 you're looking for kinship relationships among your sample, and
33 the cartoon that you see here -- The population on the left is
34 there were two half-siblings identified, one pair of half-siblings
35 identified, and then, on the right, we have one, two, three, four,
36 five pairs of half-siblings identified.

37
38 For a given sample of let's say a thousand fish, the more pairs of
39 half-siblings, the lower the estimated population size, and so, if
40 we have good information about the life history parameters of the
41 fish, we can utilize this approach to estimate population size,
42 and I lead a project in the Atlantic, and Dave is the co-PI doing
43 all the genomics work, and that study is utilizing close-kin mark-
44 recapture to estimate the population size in Atlantic red snapper,
45 utilizing this very approach, and, again, I already talked about
46 genetic sex ID and epigenetic ageing, and so, if we have a system
47 in place to collect fin clips, then we can produce all of these
48 various analyses using the DNA of the fish.

1
2 In the Atlantic, the CKMR process is being incorporated into the
3 Stock Synthesis model for Atlantic red snapper, and one of the
4 great things about this then we have a population estimate that is
5 independent of the assessment, that will help tune the estimates
6 of productivity in the assessment, but it also may free up other
7 parameters to be estimated directly, like natural mortality, and
8 so lots of interesting things to come from that work over the next
9 year, but, again, this panel -- This figure, or, excuse me, this
10 slide shows that it's possible for any marine fish. In this case,
11 we're showing it for gray triggerfish.

12
13 Thanks to the Gulf Council for the funding to do this work. I
14 think we've addressed some important questions about gray
15 triggerfish ageing and assessment, and I think they're going to be
16 useful in the next stock assessment. Especially thanks to Beth
17 Hager for facilitating all the reporting and fiscal transactions,
18 and Carrie and John, Carrie Simmons and John Froeschke, and Ryan
19 Rindone reviewed an earlier draft of our report, and gave helpful
20 suggestions that helped us improve it.

21
22 We have lots of different scientists that have contributed ideas
23 that made it into this work, and then a whole series of charter
24 boat captains and fish house owners, and dealers, and seafood
25 companies, that were instrumental in allowing us to sample their
26 catch.

27
28 Some places, like David Krebs and Jason Delacruz, Karen Bell, Tim
29 Nachman, Jay Mullen, Steve Rash, and they saved carcasses for us,
30 and Johnny Greene, from his charter boat catch, and so we were
31 able to come get those later, and get the spines and the otoliths
32 and the eye lenses from them, and so that was incredibly helpful,
33 and we're indebted to them for all of their help in allowing us to
34 sample at their sites. Thanks.

35
36 **CHAIRMAN FRAZER:** All right. Will, thanks for that presentation.
37 There's a lot of really nice work, and it was certainly a thorough
38 presentation. We've got just a couple of minutes, before we take
39 a quick break here, to handle a question or two, and so I will
40 look around to see if we have any questions for you. We've got
41 one from Mr. Schieble.

42
43 **MR. SCHIEBLE:** Thank you, Dr. Patterson. I appreciate the
44 presentation. This is probably the most fascinating and, I guess,
45 informative presentation that I've seen all day, as a fisheries
46 manager here, and I appreciate that, and I know Nicole Smith, in
47 our data management team, in the age and growth lab, has been
48 working with you guys directly on the genetic marker ageing as

1 well, and so thank you for working with them.

2
3 With that said, I guess this comment is more towards council staff
4 here, and it seems like maybe we -- This is just my opinion, but
5 we don't need to get this far into the weeds in some of these
6 things that we do here at the council level, and this seems like
7 more of an appropriate presentation for the SSC, perhaps, and maybe
8 we can get this in the summary report from the SSC in the future,
9 and I know triggerfish is dear to your heart, Chairman Simmons,
10 and perhaps that's why this maybe got allowed to slip by a little
11 bit, but it did take some time for us today. Thank you.

12
13 **CHAIRMAN FRAZER:** Dr. Simmons.

14
15 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair, and so the
16 reason that you guys got to see all this great information is
17 because we paid for it. This is out of our council administrative
18 award, and so I think it's important, if we're spending taxpayer
19 dollars, that you guys see where it went, and so we can think about
20 how we can streamline it in the future.

21
22 **CHAIRMAN FRAZER:** All right. Will, thanks again for the
23 presentation. It was very thorough, and a lot of really nice work,
24 and so it certainly has implications for this body moving forward,
25 and so we're going to go ahead though and move on, and so thank
26 you again for taking the time.

27
28 **DR. PATTERSON:** Certainly. Thanks.

29
30 **CHAIRMAN FRAZER:** All right. Mr. Chairman, should we take a five-
31 minute break?

32
33 **MR. ANSON:** Yes, and let's take a five-minute break, and make sure
34 it doesn't turn into much beyond a ten-minute break, because we
35 still have closed session business after Reef Fish that we're going
36 to conclude, and so a five-minute break, everyone. Thank you.

37
38 (Whereupon, a brief recess was taken.)

39
40 **CHAIRMAN FRAZER:** Next on the agenda is SSC recommendations and a
41 summary presentation by Dr. Mickle. That will be Tab B, Number
42 9(b) in your briefing materials. Welcome, Dr. Mickle.

43
44 **SUMMARY OF THE JULY 2024 SSC MEETING AND PRESENTATION**

45
46 **DR. PAUL MICKLE:** Thank you, Mr. Chair. As I was walking up, is
47 this the triggerfish presentation from the SSC?

1 **CHAIRMAN FRAZER:** Yes, and if you could give a detailed recount of
2 that, that would be great.

3
4 **DR. MICKLE:** Sure. Let's go backwards, for fun. I am going to
5 start with Chapter 3 and go to Chapter 1. All right. I have a
6 statement in reference to that. In the interest of time, and
7 agenda, agenda consideration, I suggest that we move through this,
8 as Dr. Patterson pretty much said everything that I was going to
9 say exactly.

10
11 The only thing I will add to that is that Dr. Patterson did make
12 a couple of points about the epigenetic movements, and the future
13 research there, and the data automation, the process there, and so
14 there were comments made to that, and, actually, he made a
15 suggestion toward the research priorities, to identify epigenetic
16 ageing as a potential additional methodology to this ageing.

17
18 Then the last thing I will say on this topic completely is just to
19 remind everyone how important this was and that, you know, SEDAR
20 62 was terminated, due to inconsistencies in the data, specifically
21 ageing, and so this is really important work, and we should see
22 the fruits of it in the next stock assessment, as the ageing --
23 Hopefully the biases are minimized, and, you know, they will start
24 dialing in, and the models will smooth out. All right, and so
25 let's go ahead and move on, with your suggestion, Mr. Chair.

26
27 **CHAIRMAN FRAZER:** Yes. Let's go ahead and move on.

28
29 **DR. MICKLE:** All right, and so let's move on to the gag
30 presentation. All right, and so this is an SSC summary of the
31 presentation that was presented to us at the last meeting by Dr.
32 Challan Hyman from the University of South Florida, and so this is
33 a quantitative investigation into discard scenarios that we have
34 been looking at.

35
36 It's really -- Its influence on seasonal harvest restrictions on
37 Gulf gag grouper, or gag, and the focus is the impact of changes
38 in recreational fishing season duration on gag grouper effort,
39 harvest, and discards. When you think about the things that we've
40 been talking about, it's really if we could play with this, or
41 play with that, and it's really been very unqualitative
42 discussions, and this actually is simulating, through multiple
43 models, that actually we can test and look at, if we did change
44 the season, what effects it would have temporally. If we change
45 temporal aspects of the season, what it would have on actual CPUE,
46 harvest, and discards.

47
48 The context is, currently, gag is declared overfished and

1 experiencing overfishing, leading to reduced catch limits, as we
2 all know. The objective is to develop a multi-model framework to
3 predict recreational effort, CPUE, and harvest, using 2023 MRIP
4 data.

5
6 The framework components is recreational gag abundance, fishing
7 effort, CPUE, fishing days, social, economic, and environmental
8 factors, and they were simulating testing different fishing
9 seasons, like I've stated, dates and durations. Key variables
10 include discard mortality estimated using sea surface temperature
11 and effort simulation included as a predictor within the CPUE
12 model. Findings are simulation showed cumulative dead discards
13 relative -- They were relatively unchanged regarding season start
14 dates, and that's an important point to make, because that was
15 really one of the investigation questions that this group had
16 identified as a priority.

17
18 As far as duration, moving from one month to a two-month season,
19 increased removals, obviously, but magnitude varied by season
20 start date, which seemed to be an important factor. Uncertainty,
21 as expected, higher uncertainty for shorter seasons, and lower
22 uncertainty for longer seasons, which is expected, and what we've
23 always talked about for this quantitatively, and, through a model
24 scenario, it somewhat verified what we were thinking.

25
26 Harvest proportion, insensitive to season start date. Managing
27 fishing seasons should focus on controlling harvest, considering
28 season duration.

29
30 All right. For discussion and future directions, behavioral
31 response, critical for making appropriate management decisions.
32 MRIP data is not fully representative of the private angling fleet,
33 obviously, and so no response bias in the MRIP survey, or non-
34 response bias in the MRIP survey. We need to better understand
35 discard mortality. All surveys struggle with discards, and it
36 has, obviously, left some discussions there on how we can
37 incorporate some new data types, potentially, in the future, to
38 look at that. Collaborate with the FWC Commission to use observer
39 program data from the charter-for-hire trips.

40
41 In conclusion, simulation suggests cumulative discards are
42 unaffected by season start date, likely due to continued reef fish
43 fishing, regardless of species-specific harvest openings. That's
44 pretty much the point that the SSC took, and it was presented as,
45 you know, with the multiple species, and the different seasons
46 stacked up on each other, the discards seem to be driving, and the
47 simulations really provided some substantial support,
48 quantitatively, at least from an output standpoint, toward that.

1 That is it, and so I'll take any questions.
2
3 **CHAIRMAN FRAZER:** There you go. Captain Walker.
4
5 **MR. WALKER:** So can you tell me how discard mortality was estimated
6 using sea surface temperature, if I'm reading that correctly, and
7 it seems like a stretch, unless there's something that I don't
8 understand about it.
9
10 **DR. MICKLE:** Dr. Froeschke, help me remember, but it was my
11 understanding that it was pulled from the literature.
12
13 **DR. FROESCHKE:** Yes, and I think it was included as a logistic
14 regression function.
15
16 **DR. MICKLE:** It was, and it was an inter-species comparison, if I
17 remember correctly.
18
19 **DR. FROESCHKE:** Yes, and there was some discussion, at the meeting
20 itself, that temperature is one factor, but, in what I would
21 consider a different model, using depth as the primary factor, and
22 then sea surface temperature as a secondary factor, and I don't
23 think that that was how it was done, but that's the information.
24
25 **MR. WALKER:** I think it would be like the ninth or tenth factor,
26 myself, as far as discard mortality goes. It certainly has a bit
27 of influence, but it is not a major indicator of discard mortality,
28 what the temperature is, in my opinion.
29
30 **CHAIRMAN FRAZER:** Ed, just to follow up on that a little bit, and
31 so we had some discussion, in the SSC, about that, and, following
32 some of the advice from the SSC members, Dr. Hyman was working
33 with some folks in FWC to get some more relevant discard data from
34 observers, and also looking at the effect of season, and it was
35 really the temperature and the depth that potentially interact,
36 and so I think he's improving his model, moving forward, and I
37 think -- Again, the conclusions are pretty robust, but he'll
38 provide an update to the SSC, based on that information. Any more
39 questions for Dr. Mickle? All right. Paul, thanks a lot. We
40 appreciate it.
41
42 **DR. MICKLE:** Thank you.
43
44 **CHAIRMAN FRAZER:** That brings us to Other Business. We had two
45 items that Mr. Strelcheck had asked us to put on, and the first
46 one had to do with the red snapper recreational season update.
47 Andy, do you want to take that?
48

1 **OTHER BUSINESS**
2 **DISCUSSION OF PRIVATE RECREATIONAL SEASONS**
3

4 **MR. STRELCHECK:** I was wanting to just ask if each of the state
5 directors could give a brief report-out, in terms of your state
6 seasons, what percentage of the quota has been met, if known, as
7 well as any changes, and I know we're getting some updates from
8 some states, but not necessarily collectively all states, and so
9 I just wanted to get an update.

10
11 **CHAIRMAN FRAZER:** C.J.
12

13 **DR. SWEETMAN:** Thank you, Mr. Chair. I'll make it quick, and so
14 SRFS is obviously supplemented with MRIP, and MRIP numbers for the
15 June wave, when our season opened, those aren't out there yet.
16 We're supposed to get them this week from S&T, and so I can't
17 answer where we're at right now, Andy, but maybe later this week
18 that's a possibility. Then, as far as what the season actually
19 looks like, it's a 103-day season. There was a June 1 through
20 July 31 component there, for the summer season, and then it
21 reopened on September 1, for three-day weekends, until the end of
22 November.

23
24 **CHAIRMAN FRAZER:** Thanks, C.J. General Spraggins.
25

26 **GENERAL SPRAGGINS:** Yes, Mr. Strelcheck, and I think I've talked
27 to you a little bit about this already, but I will give you a
28 briefing. We did start on May 25, and we closed on July 7, and we
29 had forty-five days, and 70,805 pounds. That's about what we
30 caught. No, but I'm just giving you a hard time. We caught --
31 Our ACL was 64,529, and we caught -- At this time, it's estimated
32 that we have 60,075 pounds. We're about 4,400 pounds below the
33 ACL right now. We did talk about, at one time, having a special
34 one-day, but we ruled that out, and so we're just going to leave
35 it there, and the State of Mississippi is officially closed for
36 the year.

37
38 **CHAIRMAN FRAZER:** Thanks, General. Mr. Geeslin.
39

40 **MR. GEESLIN:** Thank you, Mr. Chair. Looking at a briefing that I
41 got yesterday, we are currently -- After this weekend, we are
42 currently at 59.5 percent of our ACL, and we're sitting right at
43 170,000 pounds, and it looks like about 6,200 of that was from
44 headboat landings from January through May. It looks like our
45 average size, to-date, has still been pretty -- We caught some
46 really big snapper in the spring, and we're looking at like about
47 6.9 pounds average size.
48

1 We've seen the size of fish decrease throughout the summer, but
2 we're still maintaining a pretty large average size. We anticipate
3 a closure, closing the private rec season, sometime right after
4 Labor Day, probably a week after Labor Day, and I gave Frank a
5 heads-up to that just a few days ago.

6
7 **CHAIRMAN FRAZER:** All right. Thank you, Dakus. I'm giving Andy
8 a few seconds, to make sure he catches up with his notes. Are you
9 good? All right. Mr. Anson.

10
11 **MR. ANSON:** We have -- Typically, we put out, on our website, a
12 weekly update, and so I'm looking at not this past weekend that
13 finished a couple of days ago, but the previous weekend's numbers
14 is the latest information that we have for the season, and we are
15 at seventy-one-and-a-half percent of our allocation, and so, if
16 you look at the curves of the previous two years that are on the
17 graph there that's provided, we're on that part of the curve that's
18 going to start to plateau here, and so it's hard to say how many
19 more weeks it will last.

20
21 It might go the rest of the year, or it may not, and it depends on
22 weather and all those types of things, but we'll be monitoring
23 that, and, if the trajectory maintains, as it has been, then we'll
24 be, you know, looking at closing it before we go all the way to
25 the end of the year, but we'll just have to see, and, again, it's
26 right around that time that things really start slowing down for
27 us.

28
29 **CHAIRMAN FRAZER:** All right. Thank you, Kevin. Are you good,
30 Andy? All right. Mr. Schieble.

31
32 **MR. SCHIEBLE:** Thank you, Mr. Chair. So, as you're all aware, our
33 commission chose to try something a little different this year.
34 We had an early start, and Monday, April 15 was our opening.
35 Typically, it's the Friday before Memorial Day Weekend. We ran a
36 seven-day-a-week season, and so a daily season, a four-fish bag
37 limit, until July 7, where we shut down for five days completely,
38 from July 7 through 11, and we reopened, on July 12, to a weekends-
39 only, which is three-day weekends, and so that's Friday, Saturday,
40 and Sunday, still maintaining a four-fish bag limit, and then we
41 just reopened, this Monday, and so yesterday, the 19th, back to a
42 seven-day-a-week season, with a four-fish bag limit.

43
44 This is the current projection graph, based on the season so far,
45 and the current landings right now are through the 4th, and so it's
46 the second of the three-day weekends we had, and we were at
47 basically 747,373 pounds, which is 80 percent of our total
48 allocation.

1
2 Remaining is 187,214 pounds, or 20 percent, left on the table, and
3 so, based on that projection, we are expecting to go through Labor
4 Day Weekend, and most likely beyond Labor Day Weekend, into
5 somewhere mid-September right now, is where that's projecting,
6 but, as you know, anything can change, if we have a hurricane, or,
7 typically, we have a large falloff in effort when kids go back to
8 school in August, and hunting season starts, things like that, and
9 so it's the typical change in effort that everybody sees across
10 the Gulf. If there are any questions, I will take them.

11
12 **CHAIRMAN FRAZER:** It looks like General Spraggins has one.

13
14 **GENERAL SPRAGGINS:** Not a question, but I just wanted to tell you
15 that we did pay back our sixteen-thousand-and-something pounds
16 this year, and so I want that to go on the record, because we have
17 4,000 sitting there, and we don't want to take a chance of going
18 over, by doing a one-day, and so we don't want to be a repeat
19 offender, and so we're moving forward.

20
21 **CHAIRMAN FRAZER:** We appreciate that, General. All right. Andy,
22 any feedback, or did you get the information that you needed?

23
24 **DOCUMENT RECEIVED FROM DESTIN CHARTER BOAT ASSOCIATION**

25
26 **MR. STRELCHECK:** No, and that was helpful, and I'm glad that it
27 was shared with the whole council, for them to hear, and I think
28 the only feedback, and this is something that my office can
29 coordinate with all the states, and so, as I mentioned, some states
30 are providing us regular updates, and some aren't, and so I would
31 like to work with you, just to -- For those that actually have
32 that data in-season, if there's a way to improve that
33 communication, and coordination, going forward.

34
35 Shifting then to the other item, and kind of partly why I wanted
36 to also have that discussion upfront, is we all received an email
37 from the Destin Charter Boat Association, right, and it's pretty
38 concerning, obviously, the results of the survey that they did.

39
40 I recognize that it's a small sample size, and it's one area of
41 the Gulf, but it's consistent with at least some input, and
42 information, that I'm hearing from a lot of areas of the Gulf,
43 right, and I'm not going to say all areas of the Gulf, because I
44 think some are probably still doing better than others, but I've
45 heard many comments, or have gotten many phone calls, about the
46 red snapper fishery getting smaller, and we're having to fish
47 farther from shore, and the fish are hammered off of our area,
48 right, and so, to me, it's something that I just wanted to kind of

1 put in a pin and really maybe have us thinking a little bit more
2 about, you know, where we're at with red snapper management and if
3 there's any changes or, you know, things we need to be doing to go
4 forward.

5
6 I think the expectation, from the Great Red Snapper Count, is we
7 need to bump up the quota and give all this fish back, but I think
8 what at least I'm sensing is that we might have gotten to the limit
9 where we need to be harvesting at this point, and we may have moved
10 beyond that.

11
12 Now, that's my opinion, and that's based on the information from
13 the science, and the management, as well as the public input, but
14 it is concerning, to me, when I start to hear it not just from a
15 certain area, but throughout multiple areas of the Gulf of Mexico,
16 and from different user groups, and so I just wanted to make that
17 comment, and certainly I would love to hear from others, if you
18 have additional feedback, or alternative feedback, on this.

19
20 **CHAIRMAN FRAZER:** Mr. McDermott.

21
22 **MR. MCDERMOTT:** I just wanted to say that I studied that email,
23 and I looked at their website, and I haven't been to Destin in
24 many years, but I was surprised at just how large the fleet is
25 over there. I mean, the partyboats that are on the website have
26 a passenger capacity of 431, and the charter boats have a passenger
27 capacity of 784, and so that's like, I don't know, eleven or
28 twelve-hundred persons that they can carry on any given day.

29
30 You know, we've talked about regional management several times,
31 and it's just a challenge, when you've got that kind of effort,
32 you know, coming out of one pass, and then you go to say another
33 pass in Louisiana, where you might not have a hundred guys snapper
34 fishing on any given day, and so that's something we need to be
35 thinking about.

36
37 **CHAIRMAN FRAZER:** Mr. Dugas.

38
39 **MR. DUGAS:** To add to Michael's comments, you know, you've got to
40 multiply those numbers times two, a lot of times, because those
41 charter boats in the Panhandle are running two trips a day.

42
43 **CHAIRMAN FRAZER:** Dr. Sweetman.

44
45 **DR. SWEETMAN:** Thank you, Mr. Chair. Just another little bit here,
46 and, yes, I've heard from quite a few stakeholders about this, and
47 we got, yes, the Destin Charter Boat report there, and that was
48 interesting. I'm hearing it from commercial folks as well, and

1 that doesn't necessarily play out when you look directly at the
2 landings, because it seems like they're on pace for it, but, when
3 you talk to them, they're saying that their effort is basically
4 through the roof, to try and get to that number, and so I agree
5 with you, Andy, in hearing stuff from different sectors, too.
6

7 **CHAIRMAN FRAZER:** General Spraggins and then Mr. Anson.
8

9 **GENERAL SPRAGGINS:** I can tell you that's not happening in
10 Mississippi, because of the number of days we were open, obviously,
11 and then, also, the normal -- A lot of these people think they
12 only should go five miles, to eight miles, to catch a snapper,
13 but, in Mississippi, we understand that we're going to go thirty
14 miles anyway, thirty to forty miles, and so come on over, and send
15 us the fish, and we'll catch them for you, and we'll teach you how
16 to do it.
17

18 **CHAIRMAN FRAZER:** Mr. Anson.
19

20 **MR. ANSON:** You know, from our charter boat anglers in Alabama,
21 we've heard similar complaints here in the last couple of years,
22 and from a few private anglers as well, and, you know, I think the
23 way we've talked about the red snapper fishery is that you need to
24 start with good data, and so, you know, one could argue that, you
25 know, where we're at, relative to the amount of the ACL, is set.
26 It is, I think, a good point to look at, relative to where we were,
27 and that's what we've tried to explain, to, you know, give the
28 other side of the point of view, and talk to fishermen about, well,
29 the tradeoffs, or what you have to give up, to have fish closer to
30 shore, to be able to catch more fish, to be able to catch bigger
31 fish, are you have less effort. You have less days, and so, you
32 know, we may be at a point, in Alabama, where, you know, there
33 might be some interest in having those types of discussions with
34 the general public.
35

36 You know, it's much easier now, because a lot of them have a good
37 history as to where we were eight or ten years ago with management,
38 and the limited opportunities, to where we have been here, with a
39 much more liberal season, and so, you know, then it's just a matter
40 of trying to hit the sweet spot, and, you know, you can't please
41 all the people all the time, but certainly, you know, to try to
42 please as many people as possible with the resource that we have
43 able, in tune, of course, with trying to make sure that we are
44 managing sustainably, with the best information we have.
45

46 Again, it's just something that we've talked about potentially
47 doing, maybe working with South Alabama and having a survey with
48 some general questions on angler preferences and such, through our

1 license frame.

2

3 **CHAIRMAN FRAZER:** Captain Walker.

4

5 **MR. WALKER:** So there's -- Where we are in Florida, there's one
6 user group that is responsible for the most removals, and I think
7 that user group needs to be curtailed severely, and that's the
8 sharks. There's a lot of effort out there, people red snapper
9 fishing, and we hear it daily, that these guys are saying that I'm
10 losing fifteen snapper to catch my six-fish limit, and, you know,
11 that's twenty, or twenty-one, removals a day.

12

13 That's catching up with us, I think. I think, if you put back
14 half of what the sharks are taking, then our fishery is not in
15 near as bad shape as it is now. You've got hundreds of boats out
16 there, feeding twenty to the sharks a day, and that's going to
17 catch up with us, sooner or later, and I know it's practically a
18 taboo subject to talk about around here, but we need to keep the
19 shark discussion going, in my opinion. We definitely have similar
20 reports from our region, as far as our red snapper not being as
21 good as they were in the last few years.

22

23 **CHAIRMAN FRAZER:** Mr. McDermott.

24

25 **MR. MCDERMOTT:** Going with what Ed said, I spent two hours talking
26 with a guy a little bit west of here, and he was telling me about
27 the porpoises. It's not something that I have personally
28 witnessed, but, you know, he was saying these porpoises have been
29 educated, and they're, you know, eating throw-backs, and they're
30 not taking fish off the hook, like sharks are, but, when you throw
31 the fish over, they're sitting by the boat waiting to take it.

32

33 **CHAIRMAN FRAZER:** Dr. Banks.

34

35 **DR. BANKS:** We had a master's student, a couple of years back,
36 that did some descender device work, and looked at four cameras,
37 and he has some pretty compelling video about snapper that were
38 released off of that descending device and getting head-butted,
39 and it's also amberjack and barracuda that are frequent on his
40 videos, and so we have that data, if we need to look further into
41 it.

42

43 **CHAIRMAN FRAZER:** So I think there's been, I mean, a lot of
44 recognition, you know, from various stakeholder groups, and I think
45 we'll hear a lot more tomorrow in public testimony, especially
46 from the commercial sector as well, voicing some concerns, and I
47 think they're timely, right, because a lot of it has to do, you
48 know, with effort, regardless of what sector you're in, and I think

1 there is a discard mortality that's related to sharks and
2 porpoises, but, you know, the next assessment is coming up, the
3 data workshop, and so it's really timely to have these types of
4 discussions, so we can alert folks to the types of data that they
5 should be looking at moving forward, and so I'm glad that we're
6 having these conversations. All right. Andy, any other things
7 that you want to talk about?

8
9 **MR. STRELCHECK:** No, and I appreciate the conversation around the
10 table, and, as I led off with, right, I recognize that this isn't
11 holistically the situation across the Gulf, but it is concerning,
12 and I'm hearing more and more of it, and we've been hearing this
13 for a couple of years now at the council table, from when we
14 proposed the increases to the catch limits, and I think it's just
15 more of a word of caution, and something that certainly, as you're
16 pointing out, Tom, that will bear out in the upcoming stock
17 assessment, but red snapper has been a resounding success story,
18 for the recovery, and I don't want to diminish that going forward.

19
20 **CHAIRMAN FRAZER:** All right. Thanks, Andy, for bringing that up,
21 and so, Mr. Chairman, I think that concludes the Reef Fish
22 Committee.

23
24 (Whereupon, the meeting adjourned on August 20, 2024.)

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