

GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

287TH MEETING

FULL COUNCIL SESSION

Perdido Beach Resort

Orange Beach, Alabama

October 25-28, 2021

VOTING MEMBERS

Kevin Anson (designee for Scott Bannon).....Alabama
 Susan Boggs.....Alabama
 Leann Bosarge.....Mississippi
 Billy Broussard.....Louisiana
 Dale Diaz.....Mississippi
 Jonathan Dugas.....Louisiana
 Phil Dyskow.....Florida
 Tom Frazer.....Florida
 Dakus Geeslin (designee for Robin Riechers).....Texas
 Bob Gill.....Florida
 Martha Guyas (designee for Jessica McCawley).....Florida
 Chris Schieble (designee for Patrick Banks).....Louisiana
 Bob Shipp.....Alabama
 Joe Spraggins.....Mississippi
 Andy Strelcheck.....NMFS
 Greg Stunz.....Texas
 Troy Williamson.....Texas

NON-VOTING MEMBERS

Dave Donaldson.....GSMFC
 LTJG Adam Peterson.....USCG

STAFF

Assane Diagne.....Economist
 Matt Freeman.....Economist
 John Froeschke.....Deputy Director
 Lisa Hollensead.....Fishery Biologist
 Ava Lasseter.....Anthropologist
 Mary Levy.....NOAA General Counsel
 Natasha Mendez-Ferrer.....Fishery Biologist
 Emily Muehlstein.....Public Information Officer
 Ryan Rindone.....Lead Fishery Biologist/SEDAR Liaison
 Bernadine Roy.....Office Manager
 Carrie Simmons.....Executive Director
 Carly Somerset.....Fisheries Outreach Specialist

OTHER PARTICIPANTS

1 Greg Abrams.....Panama City, FL
 2 Charlie Bergmann.....MS
 3 Jane Black-Lee.....
 4 Randy Boggs.....Orange Beach, AL
 5 Eric Brazer.....Reef Fish Shareholders Alliance
 6 Catherine Bruger.....Ocean Conservancy
 7 B.J. Burkett.....
 8 Scott Childress.....New Port Richey, FL
 9 Bill Dantuono.....Naples, FL
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 15 Richard Fischer.....LA
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 17 Ken Haddad.....ASA, FL
 18 Chad Hanson.....Pew Charitable Trusts
 19 Jim Green.....Destin, FL
 20 Tim Griner.....SAFMC
 21 Sean Heverin.....
 22 Scott Hickman.....Galveston, TX
 23 Chris Horton.....Congressional Sportsmen's Foundation
 24 Mark Kelley.....Panama City, FL
 25 Bill Kelly.....FKCFA, FL
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 27 Larry Lemiux.....Panama City Beach, FL
 28 John O'Malley.....NOAA OLE
 29 Lawrence Marino.....LA
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 33 Alicia Paul.....Panama City, FL
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 36 Casey Streeter.....Pine Island, FL
 37 Mike Sullivan.....
 38 Mark Tryon.....Gulf Breeze, FL
 39 Wayne Werner.....Alachua, FL
 40 Johnny Williams.....Galveston, TX
 41 Bob Zales.....Panama City, FL
 42 Mark Zurbrick.....Steinhatchee, FL

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

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

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

PAGE 97: Motion to approve CMP Amendment 32 and that it be forwarded to the Secretary of Commerce for review and implementation, and deem the codified text as necessary and appropriate, giving staff editorial license to make the necessary changes in the document. The Council Chair is given the authority to deem any changes to the codified text as necessary and appropriate. The motion carried on page 115.

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

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

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

1 Alternative 3 the preferred. [The motion carried on page 122.](#)

2
3 [PAGE 123](#): Motion in Action 2 to make South Atlantic Preferred
4 Alternative 1 the preferred. [The motion carried on page 123.](#)

5
6 [PAGE 123](#): Motion in Action 3 to make South Atlantic Preferred
7 Alternative 2 the preferred. [The motion carried on page 124.](#)

8
9 [PAGE 124](#): Motion in Action 4 to make South Atlantic Preferred
10 Alternative 2 the preferred. The motion carried on page 124.

11
12 [PAGE 125](#): Motion in Action 5 to make Alternative 1 the Gulf
13 Council preferred. [The motion carried on page 125.](#)

14
15 [PAGE 126](#): Motion in Action 6 to make Alternative 1 the Gulf
16 Council preferred. [The motion carried on page 126.](#)

17
18 [PAGE 127](#): Motion to recommend CMP Amendment 34 be taken out to
19 public hearings. [The motion carried on page 127.](#)

20
21 [PAGE 135](#): Motion in Actions 1 and 2, Alternative 2, move Option
22 2a to Considered but Rejected. [The motion carried on page 135.](#)

23
24 [PAGE 135](#): Motion in Actions 1 and 2 to add an option for
25 fourteen calendar days exemption and define the other options as
26 calendar days. [The motion carried on page 135.](#)

27
28 [PAGE 135](#): Motion in Actions 1 and 2, Alternative 2, to remove
29 Options 2a, 2b, and 2c and add the exemption will be valid for
30 up to fourteen calendar days. [The motion failed on page 136.](#)

31
32 [PAGE 137](#): Motion to move Action 2 to Considered but Rejected.
33 [The motion carried on page 140.](#)

34
35 [PAGE 168](#): Motion to direct staff to begin development of an
36 amendment to review and update ACLs for unassessed species and
37 evaluate if the species are still in need of federal management.
38 [The motion carried on page 170.](#)

39
40 [PAGE 171](#): Motion to add an action to the Framework Action:
41 Modifications to Vermilion Snapper Bag Limits and Gray
42 Triggerfish Recreational Fixed Closed Season to adjust the
43 commercial gray triggerfish trip limits. [The motion carried on](#)
44 [page 171.](#)

45
46 [PAGE 174](#): Motion to approve Framework Action: Modification of
47 Gulf of Mexico Red Grouper Catch Limits and that it be forwarded
48 to the Secretary of Commerce for review and implementation, and

1 deem the codified text as necessary and appropriate, giving
2 staff editorial license to make the necessary changes in the
3 document. The Council Chair is given the authority to deem any
4 changes to the codified text as necessary and appropriate. [The](#)
5 [motion carried on page 176.](#)

6
7 [PAGE 183:](#) Motion to retain fishery dependent data, it is the
8 council's desire to avoid a total shutdown of any species, if at
9 all possible. [The motion carried on page 183.](#)

10
11 [PAGE 183:](#) Motion to update the SEDAR 72 Gulf of Mexico Gag base
12 assessment model (combined sexes) using data from the Florida
13 State Reef Fish Survey (SRFS) for the private recreational
14 sector in place of the same data collected by MRIP-FES. All
15 other data inputs should remain the same. Generate all customary
16 and appropriate model diagnostics used to evaluate model
17 performance. Update model parameter estimates and their
18 variances, model uncertainties, management benchmarks and stock
19 status estimates. [The motion carried on page 202.](#)

20
21 [PAGE 204:](#) Motion that the charge of the IFQ focus group be
22 expanded to require a review of the current IFQ programs' goals
23 and objectives and recommend their replacement/retention. The
24 revised goals and objectives shall serve as the basis for the
25 focus group recommendations. [The motion carried on page 204.](#)

26
27 [PAGE 204:](#) Motion to add to the membership of the IFQ focus
28 group a person who is well versed in the program but does not
29 hold shares or allocation. [The motion carried on page 208.](#)

30
31 [PAGE 208:](#) Motion that the process document provided be utilized
32 to advertise and solicit members of the IFQ focus group. [The](#)
33 [motion carried on page 208.](#)

34
35 [PAGE 216:](#) Motion in Action 1 to make Alternative 2 the
36 preferred alternative. [The motion carried on page 218.](#)

37
38 [PAGE 219:](#) Motion in Action 1 to add an alternative or
39 alternatives which provide catch levels lower than those
40 recommended by the Science & Statistical Committee. [The motion](#)
41 [carried on page 220.](#)

42
43 [PAGE 234:](#) Motion to request staff provide a review of
44 electronic voting options for council functions. [The motion](#)
45 [carried on page 236.](#)

46
47 - - -
48

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

4
5 **REVIEW AND ADOPTION OF COUNCIL COMMITTEE ASSIGNMENTS OCTOBER**
6 **2021 THROUGH AUGUST 2022**
7

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

15
16 **MR. BILLY BROUSSARD:** So moved.

17
18 **CHAIRMAN DIAZ:** Motion by Mr. Broussard and seconded by Mr.
19 Anson. Any discussion on the motion? **The motion is to accept**
20 **the proposed October 2021 through August 2022 council committee**
21 **assignments. All in favor, please signify by saying aye;**
22 **opposed. The motion carries.**
23

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

27
28 **UPDATE ON HURRICANE IDA'S IMPACTS TO FISHING COMMUNITIES IN**
29 **LOUISIANA**
30

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

37
38 As you all know, a devastating Category 4 hurricane, Ida, made
39 landfall in Port Fourchon, Louisiana, and it happened to be on
40 the sixteenth anniversary of Hurricane Katrina, on the 29th of
41 August. The eye of the storm essentially went right up through
42 the heart of the Louisiana seafood industry. You couldn't have
43 put a hurricane, a Category 4, in a worse place in Louisiana to
44 do as much damage as possible than here, and so this is probably
45 the worst-case scenario, as far as our seafood industry is
46 concerned, when that came in, other than a Category 5, I guess.

47
48 This is a surge modeling diagram, and you can see the track of

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

8
9 A little bit of a close-to-home for us, and this is our Bourg
10 field office, which is just south of Houma, Louisiana. It blew
11 out walls and flipped boats off trailers and damaged numerous
12 vehicles that we have there as well.

13
14 These are examples of marinas, and so this is in Lafitte,
15 Louisiana, just twenty-seven miles south of New Orleans, and so
16 not very far from New Orleans at all. We use these marinas for
17 our daily fisheries-independent monitoring sampling that the
18 department does, and it make it quite difficult for us to do our
19 regular jobs, and we've had to pick different locations, and
20 there's been a lot of travel involved, as we try to get to work
21 and still do our jobs.

22
23 This is Jensen Tuna in Dulac, Louisiana. They are back up and
24 running, despite what happened to the facility, and they're
25 offloading fish at the site, and they've got ice, and they're
26 making ice, and they have power, but they have a lot to fix.
27 This is St. Vincent's Seafood in Golden Meadow, and you can see
28 it's pretty much a similar situation, where the facility is
29 pretty much all destroyed, completely.

30
31 This is just in Leeville and Golden Meadow alone, and they
32 reported fifty-four boats that were sunk in the storm. We have
33 lost an estimated 37 percent of our commercial fleet overall,
34 and this is an example of the boats that aren't sunk, but
35 they're on land, and so they're able to do their job either.

36
37 The point I wanted to make with this whole show is that this is
38 three years of compounding disasters in Louisiana, and so, in
39 2019, a federal fisheries disaster was declared due to the
40 record Mississippi River flooding. The Bonnet Carre Spillway
41 operation -- It was the first time they have ever been operated
42 twice in the same year. As General Spraggins can attest, it ran
43 for 123 days of straight duration, which is also a record, and
44 it's never run that long before, or been open that long before,
45 I should say, and then last year, of course, we had a record
46 five landfalling hurricanes in Louisiana, which included
47 devastating Category 4 Hurricane Laura, which hit western
48 Louisiana, in the Cameron area.

1
2 We also dealt with the COVID-19-related shutdowns of the
3 restaurant and seafood industry, impacting the same people that
4 just got impacted by the hurricane this year, which was Category
5 4 Ida.

6
7 Some estimated economic impacts, and so one of the state's
8 largest industries in Louisiana, and it's worth an estimated
9 \$2.4 billion, is the seafood industry, and that's in shambles,
10 and it's uncertain about what the future holds going forward
11 after this. We're already seeing short-term effects on the
12 seafood supply chain from the storm, and the industry will be
13 dealing with these effects for the foreseeable future.

14
15 The Lieutenant Governor's office estimates about 23,000 of the
16 state's 35,000 seafood workers have been significantly impacted
17 by this hurricane. Approximately one out of every seventy jobs
18 in Louisiana is related to the seafood industry.

19
20 Terrebonne and Lafourche Parishes are facing a housing crisis,
21 because of the number of homes that were destroyed. People are
22 still living in tents and tarps next to their shrimp boats, and
23 it's a very sad and surreal situation when you see it firsthand,
24 and the total remaining costs from 2020, last year's hurricanes
25 of Laura, Delta, and Zeta are around \$3 billion that we're still
26 dealing with.

27
28 More than 70 percent of the seafood landed in the Gulf of Mexico
29 comes through Louisiana at one point or another, either landed
30 or routed through, and this whole chain of events may cause
31 local restaurants and grocery stores to stop carrying some Gulf
32 seafood products, leaving a void in the market for imported
33 seafood to fill. This may allow imported shrimp and other
34 imported seafood products to gain even more of a market share in
35 that area.

36
37 What's happening currently is that LDWF is working with Sea
38 Grant and LSU AgCenter to assess the economic impacts from
39 Hurricane Ida and Laura in 2020 on fisheries-related businesses
40 through a voluntary confidential survey, to give us a true grasp
41 of the impacts that are felt across the seafood industry, to be
42 able to make a better assessment of what to do going forward.

43
44 Also, we're facilitating a coastal fisheries stakeholder working
45 group to coordinate Hurricane Ida recovery efforts, by helping
46 industry members work together, and so we're acting as the
47 facilitator for this, and we had our first meeting last week,
48 before I left, but it's being led by the industry. They're

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

7
8 I threw this in here because I wanted to just touch on briefly
9 the impact to Louisiana's habitat itself, fisheries habitat, and
10 so this right here is a large open bay, and, if anybody knows
11 the Lafitte area, this is Lake Salvador, and I can't remember
12 how many hectares it is, but it's big, and this is what it
13 looked like after the storm. Our fisheries biologists couldn't
14 even navigate across the bay with the boats to get to the other
15 side, because of the large floating islands, and they described
16 islands to me the size of football fields floating out there
17 with pigs running around on top of them.

18
19 The marsh was essentially just sheared off below the water
20 level, and it's floating, and this will eventually break up and
21 sink and be lost forever, and so that's fisheries habitat that
22 you see floating there and gone.

23
24 This if the final slide, and so I can verify, however, that
25 there are still fish in Louisiana, because they are nearly as
26 resilient as the hardworking people in Louisiana, and this was
27 two weeks after the storm, and I got out there and got to do a
28 little fishing with my son, and the fish are still there, and
29 the people are still there, but they're struggling, and so just
30 keep us in mind. Thank you.

31
32 **CHAIRMAN DIAZ:** Thank you, Mr. Schieble, for that report. Any
33 questions for Mr. Schieble? Ms. Bosarge.

34
35 **MS. LEANN BOSARGE:** I just wanted to say thanks for that
36 presentation. That really is one of the best presentations I've
37 seen on the impacts of that storm thus far, and you really
38 covered the gauntlet, and, of course, it focused on seafood, and
39 so I probably liked it because of that, but I think you're
40 right.

41
42 I think fishermen bounce back from things. However, the point
43 you made about just the sheer volume of things that seem to be
44 coming of late, especially with the fishing industry, and,
45 although it's one of the largest fisheries in the Gulf of
46 Mexico. From an economic standpoint and profitability, it's
47 certainly not the most profitable of our fisheries, and so
48 things like this really do impact us, especially when it hits

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

3
4 **MR. SCHIEBLE:** Thank you.

5
6 **CHAIRMAN DIAZ:** Mr. Williamson.

7
8 **MR. TROY WILLIAMSON:** Thank you. Chris, the habitat that was
9 destroyed, what are you all doing to restore that, if you can,
10 and do you have funding for that sort of thing?

11
12 **MR. SCHIEBLE:** We have another state agency called our CPRA,
13 Coastal Protection and Restoration Authority, and they are the
14 head of that, under the Governor's office, and they have got
15 many large plans in place that they're working on, including two
16 large sediment diversions, but, the rate that we're losing land
17 here, if these events keep happening as fast as they occur,
18 we're not sure that we can keep up and make ground against it.

19
20 Dredging takes place, and they're dredging the river right now,
21 and there is multiple coastal restoration projects that are in
22 place, and the Spanish Pass land bridge is being redone
23 currently, as we speak, but our department doesn't actually do
24 coastal restoration. That's done by the CPRA.

25
26 **CHAIRMAN DIAZ:** General Spraggins.

27
28 **GENERAL JOE SPRAGGINS:** Thank you very much for the
29 presentation, and my heart goes out to Louisiana, I will tell
30 you what. Four or five times in a year that you've been hit
31 with this?

32
33 **MR. SCHIEBLE:** Sorry, but I couldn't understand that.

34
35 **GENERAL SPRAGGINS:** How many times have you all -- You've had
36 four or five hurricanes in a year, a little over a year?

37
38 **MR. SCHIEBLE:** We had Laura and Delta and Zeta and then this one
39 as well, and there were five landfalling hurricanes last year
40 that were Category 2 or above, and then this major one this
41 year.

42
43 **GENERAL SPRAGGINS:** God bless you, and I don't know how you're
44 going to recover, but I know you will, and, if there's anything
45 we can do to help you, please let us know.

46
47 **MR. SCHIEBLE:** Thank you. I appreciate that, and I just want to
48 say that our staff are dealing with as well, and so a lot of

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

8
9 **CHAIRMAN DIAZ:** I don't see any other comments, and I agree with
10 General Spraggins. My heart goes out to you all. I know
11 there's a lot of human suffering that goes along with this too,
12 and it's very devastating, and the Louisiana seafood industry is
13 very important to the country and the nation, and so thank you
14 for that, Chris.

15
16 **MR. SCHIEBLE:** Thank you, Mr. Chair.

17
18 **CHAIRMAN DIAZ:** All right. We're going to move on. I'm sorry.
19 Mr. Strelcheck.

20
21 **MR. ANDY STRELCHECK:** Thanks, Dale, and not a question for
22 Chris, and I do appreciate the presentation, and I certainly
23 want to try to help to get Louisiana back on your feet faster,
24 as much as we possibly can.

25
26 A couple of things just that we're trying to do, and we had
27 authorized revised reporting requirements for seafood dealers
28 and for-hire captains, as well as the IFQ fishermen, and that,
29 right now, goes through October 31, and we'll be talking to you
30 about extending that, and we want to get some additional
31 information about that extension and what areas it applies to
32 and what industries.

33
34 You had also submitted to the agency a request for a TED
35 exemption, and that emergency rule is now in our headquarters
36 office, and so we're moving that forward, and that will likely
37 become effective pretty soon here, and that will allow for
38 shrimpers to use tow times in place of turtle excluder devices,
39 because of all the debris in the water. Thank you.

40
41 **CHAIRMAN DIAZ:** Thank you, Mr. Strelcheck. All right. We're
42 going to move on, and we're going to move into our committee
43 sessions and out Full Council.

44
45 (Whereupon, the meeting recessed on October 25, 2021.)

46
47 - - -
48

1 October 27, 2021

2
3 WEDNESDAY AFTERNOON SESSION
4

5 - - -
6

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

10
11 **CALL TO ORDER, ANNOUNCEMENTS, AND INTRODUCTIONS**
12

13 **CHAIRMAN DIAZ:** Good afternoon. We're going to go ahead and get
14 started. Welcome to the 287th meeting of the Gulf of Mexico
15 Fishery Management Council. My name is Dale Diaz, chair of the
16 council. If you have a cellphone or similar device, we ask that
17 you place it on silent or vibrating mode during the meeting.
18 Also, in order for all to be able to hear the proceedings, we
19 ask that, if you have any private conversations, please take
20 them outside. Please be advised that alcoholic beverages are
21 not permitted in the meeting room.
22

23 The Gulf Council is one of eight regional councils established
24 in 1976 by the Fishery Conservation and Management Act, known
25 today as the Magnuson-Stevens Act. The council's purpose is to
26 serve as a deliberative body to advise the Secretary of Commerce
27 on fishery management measures in the federal waters of the Gulf
28 of Mexico. These measures help ensure that fishery resources in
29 the Gulf are sustained, while providing the best overall benefit
30 to the nation.
31

32 The council has seventeen voting members, eleven of whom are
33 appointed by the Secretary of Commerce and include individuals
34 from a range of geographical areas in the Gulf of Mexico with
35 experience in various aspects of fisheries.
36

37 The membership also includes the five state fishery managers
38 from each Gulf state and the Regional Administrator from NOAA's
39 Southeast Fisheries Service, as well as several non-voting
40 members.
41

42 Public input is a vital part of the council's deliberative
43 process, and comments, both oral and written, are accepted and
44 considered by the council throughout the process. We will
45 welcome public comment from in-person and virtual attendees.
46 Anyone joining us virtually that wishes to speak during the
47 public comment should have already registered for comment
48 online.

1
2 Virtual participants that are registered to comment should
3 ensure that they are registered for the webinar under the same
4 name they used to register to speak. In-person attendees
5 wishing to speak during public comment should sign in at the
6 registration kiosk located outside the meeting room. We accept
7 only one registration per person.

8
9 A digital recording is used for the public record, and,
10 therefore, for the purpose of voice identification, we will call
11 attendance for the council members attending virtually first.
12 After this is completed, members in the room should identify him
13 or herself, starting on my left. First up, Dr. Shipp.

14
15 **DR. BOB SHIPP:** Bob Shipp, Alabama.

16
17 **MS. MARTHA GUYAS:** Martha Guyas, Florida.

18
19 **DR. TOM FRAZER:** Tom Frazer, Florida.

20
21 **MR. BOB GILL:** Bob Gill, Florida.

22
23 **MR. PHIL DYSKOW:** Phil Dyskow, Florida.

24
25 **MR. SCHIEBLE:** Chris Schieble, Louisiana.

26
27 **MR. BROUSSARD:** Billy Broussard, Louisiana.

28
29 **MR. J.D. DUGAS:** J.D. Dugas, Louisiana.

30
31 **MR. KEVIN ANSON:** Kevin Anson, Alabama.

32
33 **MS. SUSAN BOGGS:** Susan Boggs, Alabama.

34
35 **DR. CLAY PORCH:** Clay Porch, NOAA Fisheries Southeast Fisheries
36 Science Center.

37
38 **MS. MARA LEVY:** Mara Levy, NOAA Office of General Counsel.

39
40 **MR. STRELCHECK:** Andy Strelcheck, NOAA Fisheries, Southeast
41 Regional Office.

42
43 **DR. DAKUS GEESLIN:** Dakus Geeslin, Texas.

44
45 **MR. WILLIAMSON:** Troy Williamson, Texas.

46
47 **DR. GREG STUNZ:** Greg Stunz, Texas.

1 **GENERAL SPRAGGINS:** Joe Spraggins, Mississippi.

2
3 **MS. BOSARGE:** Leann Bosarge, Mississippi.

4
5 **MR. DAVE DONALDSON:** Dave Donaldson, Gulf States Marine
6 Fisheries Commission.

7
8 **EXECUTIVE DIRECTOR CARRIE SIMMONS:** Carrie Simmons, council
9 staff.

10
11 **CHAIRMAN DIAZ:** I believe we have Mr. Tim Griner also online
12 from the South Atlantic Fishery Management Council. Tim, can
13 you chime in?

14
15 **MR. TIM GRINER:** Yes. Thank you, Mr. Chairman. Tim Griner,
16 South Atlantic Fishery Management Council, from North Carolina.
17 Thank you.

18
19 **CHAIRMAN DIAZ:** Thank you, Tim. Also, is our Coast Guard
20 representative on the line?

21
22 **LTJG ADAM PETERSON:** This is Lieutenant Adam Peterson with the
23 U.S. Coast Guard.

24
25 **ADOPTION OF AGENDA AND APPROVAL OF MINUTES**

26
27 **CHAIRMAN DIAZ:** Thank you, sir. All right. The first item on
28 the agenda is the Adoption of the Agenda, and so are there any
29 additions or corrections? Mr. Gill.

30
31 **MR. GILL:** Thank you, Mr. Chairman. I would like to add an item
32 under Other Business titled Stakeholder Participation.

33
34 **CHAIRMAN DIAZ:** Ms. Guyas.

35
36 **MS. GUYAS:** Just rolling over from the Reef Fish Committee,
37 goliath grouper.

38
39 **CHAIRMAN DIAZ:** Dr. Simmons.

40
41 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair. I would like
42 to provide a brief update on the gray triggerfish ageing
43 contract and the P-Sea WindPlot contract status. Thank you.

44
45 **CHAIRMAN DIAZ:** Okay. Any other additions or corrections to the
46 agenda? Seeing none, is there any opposition to adopting the
47 agenda as modified? The agenda is adopted. Next up is the
48 Approval of the Minutes. Are there any corrections to the

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

3
4 The first item up for business is we have a presentation, and
5 it's going to be a Network Analysis of Quota Trading in the Gulf
6 of Mexico Individual Fishing Quota Fisheries, and the
7 presentation is Tab A, Number 7, and the report is Tab A, Number
8 7(b), and Dr. Ropicki is going to lead us through that. Dr.
9 Ropicki.

10
11 **PRESENTATIONS**
12 **NETWORK ANALYSIS OF QUOTA TRADING IN THE GULF OF MEXICO**
13 **INDIVIDUAL FISHING QUOTA FISHERIES**
14

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

23
24 Just a little bit of an overview of the project objectives, and
25 the goal here was really to examine the mechanics of quota
26 trading in the Gulf of Mexico IFQ fisheries, allocation and
27 share, and, specifically, we wanted to evaluate the interaction
28 between quota trading, both allocation and share, and dockside
29 markets, and what we mean by dockside markets here are when
30 fishers sell IFQ species dockside to a registered dealer.

31
32 Another thing we wanted to look at was the role of dealers in
33 the IFQ trading market, both indirectly and directly, and so
34 indirectly would be the idea that they possibly serve as kind of
35 the hub around when its fishers tend to trade quota and interact
36 in these fisheries, and then, more directly, while an IFQ dealer
37 account does not allow a dealer to trade share allocation, many
38 of the dealers also have shareholder accounts that they are
39 about to use for that purpose.

40
41 Then, lastly, we examined allocation prices, to see if the Gulf
42 of Mexico IFQ allocation market is functioning as a single
43 integrated market, or potentially several regional markets with
44 different prices.

45
46 The data came from the National Marine Fisheries Service, the
47 Southeast Regional Office, and we had share and allocation
48 transactions, dockside landings, from 2007 to 2019. For each

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

6
7 We also had IFQ shareholder account ownership information, and
8 so, for each shareholder account, we knew the percentage
9 ownership by individuals over that account for each year, and
10 the reason we wanted this information, and needed it, was we
11 really wanted to focus our analysis on arms-length transactions,
12 and what I'm talking about here is, within the IFQ fisheries,
13 you have shareholder accounts that are connected.

14
15 A certain entity will have shareholder accounts for multiple
16 vessels, and just multiple accounts, and, when they move
17 allocation, or share, between those accounts, it's not
18 necessarily a transaction. It's then shifting around their
19 quota.

20
21 When we did this, we used what I would describe as a stringent
22 definition of account overlap, because we had to decide what we
23 considered two accounts being connected, and what we did is we
24 said, if Account 1 is owned by Individuals A, B, C, and D, and
25 Account 2 is owned by A, B, and C, but not D, then we said they
26 do not overlap, and so that was pretty stringent. You had to
27 have the exact same owners. You could have a slightly different
28 structure, in terms of percentages, but you had to have the same
29 owners.

30
31 This stringent definition may classify some transactions as
32 arms-length that are not, and, really, this was kind of a
33 judgment call, because we would run the risk of going the other
34 way. If we had done it on a percentage basis, and used a less-
35 stringent definition, well, then we have to worry about some
36 transactions that are arms-length not being classified as such.

37
38 Then the last thing we did with IFQ dealer accounts is we wanted
39 to link them to shareholder accounts, where a dealer had both,
40 but the data doesn't have ownership for the dealer accounts, and
41 so we had to use internet searches to link those two types of
42 accounts.

43
44 The networks we created, there were four basic types, and the
45 first was allocation networks, which was a network where it
46 included shareholders, and two shareholders were connected in
47 this network if they traded allocation in the year we're looking
48 at.

1
2 Share network is extremely similar, only now we're looking at
3 share transactions. The landings network is a little different.
4 The landings network, you have shareholder accounts and dealer
5 accounts, and the two are linked if the shareholders sold IFQ
6 species landings dockside to the dealer.

7
8 Then, based off of that, we created this extra network that we
9 call a share dealer network, where shareholders are connected if
10 they sold IFQ species dockside to the same dealer in a given
11 year, and the idea here is that idea of, if we do have dealer-
12 centric communities, trading kind of revolves around some of
13 these dealers, this was how we created that dealer network.

14
15 These networks were created by year and species groups, and we
16 did red snapper. For shallow-water grouper, we combined gag,
17 red, and other shallow-water grouper. We also combined
18 deepwater grouper and tilefish, and then we also had one where
19 the networks were still annual, but it was all IFQ species, and
20 so all transactions, and that's really what I am focused on
21 today and results that I am going to present you, just because
22 of time. What I can tell you is the results are similar, when
23 you kind of drill down to the species group level.

24
25 If we look first at kind of what is the direct role of dealers,
26 these dealer-affiliated accounts and the allocation market, what
27 we did was, after we had accounted for a shareholder account
28 overlap and put those overlapping accounts -- You know, combined
29 them into one entity, and, the number of shareholder accounts we
30 were left with, we looked at what percentage of them were dealer
31 affiliated, were buying fish dockside, and you can see, by year
32 there, it ranged from about 10 percent to 16 percent.

33
34 Based on this, this information, then we looked at every
35 transaction of allocation, at pounds, and looked at how many
36 pounds in a given year were bought by dealer-affiliated accounts
37 and how many pounds of allocation were sold by dealer-affiliated
38 accounts, and those are that second and third column there, and
39 what you can see is these dealer-affiliated -- The shareholder
40 accounts are moving a lot of allocation. There is a lot of
41 transactions relative to the percentage of total shareholder
42 accounts they make up.

43
44 What is kind of interesting -- Now, not speaking about any
45 single dealer, but, on the whole, all of them combined, all of
46 these dealer-affiliated accounts, while generally they tend to
47 buy a little bit more than they sell, in regard to allocation,
48 they are really kind of serving as brokers, because the numbers

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

5
6 The next thing we did was an allocation trading pattern
7 analysis, and this was kind of to look at if there were certain
8 shareholder relationships that tended to coincide with more
9 frequent allocation trading.

10
11 To do this, we created additional networks based on these
12 relationships, and we did four of them. I am only covering
13 three, because of time, but we have the share dealer network,
14 which I already talked about, where shareholders are connected
15 if they sold IFQ species dockside to the same dealer. A shared
16 county account, which is if shareholders had addresses in the
17 same county, and they were connected in this network, and both
18 of those two networks were trying to get at the idea of is
19 trading localized? Is it around these dealer-centric
20 communities, or is it very local, and there was quite a bit of
21 overlap in those two accounts, as you might expect.

22
23 Then, lastly, we had previous year trading, and so shareholders
24 were connected if they had traded allocation in the previous
25 year, and the idea here was to see kind of the longevity of
26 these trading relationships through time. If you take the time
27 to search out and find someone to trade with, and you develop
28 that relationship, do you kind of continue it into the future?

29
30 Then, once we have these accounts, we then measure the overlap
31 between each of the relational networks and the allocation
32 trading network, and so, for instance, if two shareholders sold
33 fish to the same dealer, and they had an allocation trade in the
34 same year, the two networks were said to have overlapped in that
35 case, and I will provide a little bit more on that on the next
36 slide.

37
38 We used a measure called the Jaccard Index, and I don't want you
39 to focus in on the formula too much, because it can be
40 overwhelming. The way to kind of think about it is that bullet
41 point that says the Jaccard Index takes on a value between zero,
42 which is no overlap, and one being a perfect overlap, and a good
43 way to think about this is if -- I told you one of the
44 relational networks we looked at was whether the shareholders
45 traded in the previous year.

46
47 A zero would indicate that all of the current year allocation
48 trading partners, shareholders that traded allocation in the

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

5
6 Now, also, don't get too hung up on the zero to one, the size of
7 the measure, because what we really want to know is the measure
8 we get, the observed overlap, how does it compare to if trading
9 were random, if shared dealers, shareholders who were connected
10 in a shared dealer network, weren't any more likely to trade
11 allocation than people who weren't connected, and so that's kind
12 of -- It if was random, we would expect that that relationship
13 wouldn't matter.

14
15 The way we get about this is we use a procedure called a
16 quadratic assignment procedure, where we took our two matrices
17 that represent the networks we're looking at and we randomize
18 one, and we create 2,500 pairs, where one of the matrices is
19 random, and so, basically, we have estimated what it looks like
20 if trading is random and a shared dealer relationship is in no
21 way correlated with allocation trading. Then, really, we want
22 to compare that randomized value to the observed value.

23
24 What you're seeing here, upfront, is I have cut out certain
25 years, and the numbers don't tend to change a whole lot, the
26 observed Jaccard Indexes, and so I just went with three years,
27 and what you see is, on the first row, for the shared dealer
28 one, is the observed Jaccard Index, and so, in 2011, it was
29 0.103, and then, when we did all of our randomizations, the
30 2,500 different times we randomized it and took the average
31 Jaccard Index, that number was substantially lower, 0.004.

32
33 What the three little stars denotes is that that difference is
34 highly statistically significant, or at a 0.01 level, and the
35 observed to random ratio is basically telling us how much more
36 likely two fishers that were connected, two shareholders that
37 were connected, in the shared dealer network, how much more
38 likely they were to trade allocation than if allocation trading
39 were random and having a shared dealer relationship didn't
40 matter, and so, in 2011, it was 25.75 times, and so it was very
41 substantial.

42
43 Shared county, we got very similar results, only lower numbers,
44 then, for previous year allocation trade, we got really high
45 results, eighty-five to 110-times more likely to trade if you
46 had traded with that person in the previous year, relative to if
47 we thought it was going to be random, that it wasn't correlated
48 with previous year trading relationships.

1
2 Then we wanted to look at fisher behavior relative to these kind
3 of dealer communities, as we've outlined them now, because our
4 shared dealer network and what we shared in the last slide seems
5 to show that, generally, fishers tend to trade with other people
6 who use the same dealer, and it kind of forms the backbone of a
7 community.

8
9 We just wanted to look at the behavior relative to every
10 fisher's main dealer and community, and so we looked at the
11 percentage of total pounds each year, and so species landed
12 pounds, sold to their primarily dealer, and so, the person they
13 sold to the most to, what percentage went to them, and, as you
14 can see, it's off the charts, because, generally, most fishers
15 in a given year will only trade with one dealer. A few will
16 trade with two or three, but, generally, you only sell your
17 landings to one dealer.

18
19 The percentage of fishers with the same primary dealer as the
20 previous year, that second row of data, is extremely high too,
21 and there's high fidelity between years as well, and then,
22 lastly, we look at these fisher-to-fisher allocation trades, and
23 so -- Maybe I should back up. When I talk about fishers, we
24 have shareholders who land a fish during a year, and that would
25 be a fisher, and we have non-fishers, those who have a
26 shareholder account and trade allocation, or share, but don't
27 actually land fish.

28
29 When we look at just fisher-to-fisher allocation trades, you can
30 see the percentage that occurs within these dealer communities,
31 these shared dealer relationships, and it's quite high, and so
32 there's a tendency for them to trade within these groups.

33
34 We also wanted to look at non-fishers, and so these are the
35 shareholders who traded allocation but did not land fish during
36 the year, any IFQ species during the year, and what we see is
37 there's a little bit lower fidelity, the average number of
38 communities transacted with by non-fishers, and, actually, let
39 me take a step back.

40
41 With the fishermen, we put them in dealer communities based on
42 who they sold the fish to, and that's not an option with non-
43 fishers, because they don't land fish, and so what we did was we
44 wanted to see if they tended to trade with the same fishers, the
45 same communities of fishers, and, if you think about it, what we
46 found, and what makes sense, is, if you're a non-fisher, you
47 basically have to sell allocation, and, at some point, you're
48 going to move it to a fisher, because that's where the value is

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

4
5 We tried to put them into communities based off of who they
6 traded allocation with, and so, when we did this, we wanted to
7 look at their general trading patterns, and, on average, the
8 average non-fisher traded with anywhere from 1.5 to 2.25 fishing
9 communities in year, and, when we looked a little more deeper,
10 the average percentage of allocation pounds transacted with
11 their primary community, meaning the one they traded with most,
12 was once again extremely high. Most of them only trade with one
13 community, and the number is above 90 percent in every year.

14
15 When we look at total allocation pounds traded across all non-
16 fishers, that number comes down, and what you're seeing there is
17 you have a small number of non-fishers who are very active
18 traders, and they are serving as brokers and moving allocation
19 between these different communities.

20
21 Then, lastly, we looked at kind of that fidelity issue with non-
22 fishers and how many of them have the same primary community,
23 dealer community, as the previous year, and, as you can see,
24 it's still quite a high number, and so we still really kind of
25 have these dealer-centric communities for allocation trading.

26
27 If we look at just all allocation pounds traded by year, when we
28 set up these dealer communities this year, what we see is,
29 overwhelmingly, most of the allocation is traded within these
30 communities, and generally the trend is increasing. It's not a
31 super strong trend, but, in the last five years, the average is
32 higher than the first five years.

33
34 Given this tendency for allocation trading to occur through
35 these dealer-centric communities, we kind of wanted to know if
36 the market was -- I mean, do different areas see different
37 prices, and that's where our market cointegration analysis came
38 in, and so we can think about -- If we had a single market, it's
39 an area -- We can define it as an area within which the price of
40 a good tends to uniformity, and so we would expect the prices to
41 move together through time, if we have a single market, and we
42 can kind of go a step further and talk about the law of one
43 price, which says the price of a homogenous commodity, traded in
44 an efficient market, should converge to a single price through
45 arbitrage.

46
47 If one region has a higher price, and another region has a lower
48 price, someone is going to figure that out and buy from the low-

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

4
5 Ideally, we would have done it at the community level, as we
6 have defined them. The problem is we don't have the pricing
7 data, and there are a lot of trades with no price entered for
8 allocation, or a penny, and it's not representative of a market
9 transaction, and we can't get any data for a price analysis if
10 there is no price, and we use similar definitions to the NOAA
11 Southeast Regional Office, their annual reports, on where they
12 determine what a reasonable allocation price is, and we use
13 that.

14
15 Because there wasn't enough data, we had to create regions,
16 where we had enough data to compare prices through time, average
17 prices, and these are the regions that we came up with. You can
18 see the delineation there, and they do a pretty good job of
19 capturing most trades, because, as we said, most of the trading
20 is in these dealer-centric communities, and so most of it is
21 regionalized, and what that little table is telling you is that,
22 if the IFQ seller is from Region 1, 91.1 percent of what they
23 sell -- Excuse me. If the buyer is from Region 1, 91.1 percent
24 of what they buy is from a seller in Region 1.

25
26 Similarly, for Region 2, if the buyer is from Region 2, 91.85
27 percent of the allocation pounds they bought were from sellers
28 in Region 2, and it falls off a little in Region 3, but we're
29 still talking three-quarters of the pounds traded, and so it
30 does a very good job of capturing most of the trades, and so we
31 want to compare those three regions.

32
33 For this, we had to do our analysis at the species level,
34 because, you know, a pound of gag grouper allocation isn't the
35 same as a pound of red snapper allocation, and vice versa, and
36 so we were able to look at three of our IFQ species groups, and
37 so red grouper, gag grouper, and red snapper, and, for red
38 grouper and gag grouper, we can only compare prices for Region 1
39 and Region 2, because there's just not much -- Those are kind of
40 eastern Gulf fisheries, and there's not a lot of allocation
41 trading in Region 3.

42
43 What you're seeing here is just kind of price trends, and price
44 is on the vertical axis, dollars per pound, and each point is a
45 quarterly average for that region, and so what you're seeing --
46 Like, with red grouper, there are some differences, but they
47 generally are moving together. The same with gag grouper and
48 then red snapper, and, generally, the trends are similar across

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

3
4 Just because of time, I am not going to go through all the steps
5 and the overview and the analysis, and it gets a little tricky
6 as well, and it's in the paper, if you want to look at it, but
7 our cointegration analysis results -- What we found was that red
8 grouper and gag grouper prices, using this quarterly price data,
9 they are cointegrated between Regions 1 and 2, but we're able to
10 reject the law of one price assumption, and so prices move
11 together, but they're not perfectly integrated, and we can kind
12 of see that on the last slide, with them moving generally in
13 lock-step.

14
15 Lastly, with red snapper, your most active market, red snapper
16 prices among these three regions were perfectly cointegrated,
17 and so we failed to reject the law of one price, and so it seems
18 like you definitely have one market there.

19
20 With red and gag grouper findings, with respect to the law of
21 one price, you kind of have to be careful, because we were
22 taking quarterly average prices, and, for Region 2, some of
23 those quarters, you're talking about five to ten transactions
24 making up the quarterly price, and so it's not a big dataset for
25 Region 2, and, obviously, we weren't even able to do Region 3,
26 because there just wasn't much trading.

27
28 Some of our conclusions are the landing and quota markets are
29 highly connected. Dealers generally seem to be serving as
30 brokers in the allocation market. They move a lot of
31 allocation, but it's both buying and selling. Dealers account
32 for 20 to 50 percent of allocation pounds traded, depending on
33 the species and year. 71 percent of allocation trades occur
34 within these dealer-centric communities, and this form of
35 trading has increased in recent years. Then, lastly, allocation
36 prices across region are cointegrated, indicating that the
37 prices move together, and so those are some of the big
38 conclusions that we had.

39
40 I just would like to thank the council for supporting this
41 research. I've got my contact information there, if anyone
42 listening has questions or anything, or wants more
43 clarification, and the report is a lot fuller than what I
44 presented. It's a lot to cover in a short amount of time, but
45 so that's it, and I will take any questions or comments now.
46 Thank you.

47
48 **CHAIRMAN DIAZ:** Thank you. We appreciate it. I am going to

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

7
8 Good afternoon, everyone. Public input is a vital part of the
9 council's deliberative process, and comments, both oral and
10 written, are accepted and considered by the council throughout
11 the process.

12
13 The Sustainable Fisheries Act requires that all statements
14 include a brief description of the background and interest of
15 the persons in the subject of the statement. All written
16 information shall include a statement of the source and date of
17 such information.

18
19 Oral or written communications provided to the council, its
20 members, or its staff that relate to matters within the
21 council's purview are public in nature. Please give any written
22 comments to the staff, as all written comments will be posted on
23 the council's website for viewing by council members and the
24 public and will be maintained by the council as part of the
25 permanent record.

26
27 Knowingly and willfully submitting false information to the
28 council is a violation of federal law. We will welcome public
29 comment from in-person and virtual attendees. Anyone joining us
30 virtually that wishes to speak during public comment should have
31 already registered for comment online.

32
33 Virtual participants that are registered to comment should
34 ensure that they are registered for the webinar under the same
35 name that they used to register to speak. In-person attendees
36 wishing to speak during public comment should sign-in at the
37 registration kiosk located outside the meeting room. We accept
38 only one registration per person.

39
40 Each speaker is allowed three minutes for their testimony.
41 Please note the timer lights on the podium or on the webinar.
42 They will be green for the first two minutes and yellow for the
43 final minute of testimony. At three minutes, the red light will
44 blink, and a buzzer may be enacted. Time allowed to dignitaries
45 providing testimony is extended at the discretion of the Chair.

46
47 If you have a cell phone or similar device, we ask that you keep
48 them on silent or vibrating mode during the meeting. Also, in

1 order for all to be able to hear the proceedings, we ask that
2 you have any private conversations outside, and please be
3 advised that alcoholic beverages are not permitted in the
4 meeting room.

5
6 What we're going to do is we're going to go back and forth
7 between in-person and virtual folks wanting to make comments.
8 First up is going to be Mr. Lawrence Marino.

9
10 **PUBLIC COMMENT**

11
12 **MR. LAWRENCE MARINO:** Good afternoon. My name is Larry Marino,
13 and I am here on behalf of Louisiana Attorney General Jeff
14 Landry. First, as to allocation review guidelines, I urge that
15 significantly more detail is needed, particularly regarding what
16 factors the review panel should consider, or how, in order to
17 reach a recommendation whether a reallocation amendment or
18 framework action is appropriate for the council to consider.

19
20 While the guidelines are clear that it's a council decision as
21 to what factors to consider, these guidelines don't actually
22 guide the council in making that decision. As written, the
23 guidelines really just focus on historical landings by sector
24 and quota utilization, leaving social, economic, and ecological
25 factors as something that might possibly be added, if the
26 council adds it, but, even then, with only a cross-reference to
27 the NMFS allocation review policy, as to what this might
28 involve.

29
30 This doesn't constitute a guideline as to which of these
31 important factors should be considered or how they should be
32 considered, or even whether they should be considered, while the
33 guidelines do specifically single out discard mortality by
34 sector, but without similarly addressing any other factors
35 distinguishing the sectors and the benefits, or cost, of the
36 needs to the fish. These other factors are too important to the
37 allocation review decision, which is critical, because the pre-
38 condition to the allocation decision itself will leave this
39 analysis with such cursory, and even optional, treatment.

40
41 I respectfully suggest that this document is too vague and
42 incomplete at this stage and that a much more comprehensive
43 treatment is needed.

44
45 Second, it's very encouraging that the analysis is proceeding
46 regarding the differences between the MRIP-FES and the state
47 sampling programs. NMFS and the states' willingness and action
48 to explore and explain the differences is appreciated, as this

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

4
5 Finally, I urge the council to actively explore alternative
6 management approaches for the recreational sector, as suggested
7 by the NAS study. This could be fleshed out, at least in part,
8 by discussions with the anglers and recreational fishing
9 representatives, who I think stand ready and eager to assist in
10 this regard, and I do understand that there's a working group
11 already to address this very thing. I urge that this working
12 group be convened and tasked to move this forward. Thank you.

13
14 **CHAIRMAN DIAZ:** Thank you, Mr. Marino. Next up, we're going to
15 go to a virtual testimony from Ms. Catherine Bruger.

16
17 **MS. CATHERINE BRUGER:** Good afternoon, and thank you, Mr. Chair.
18 My name is Catherine Bruger, and I'm a Fish Policy Analyst for
19 Ocean Conservancy. First off, I would like to congratulate our
20 new chairs on your position. We are looking forward to working
21 with you on your leadership goals.

22
23 Second, there has been some really great discussion this week
24 about data collection and the need to integrate supplemental
25 surveys into the stock assessment process. We agree that
26 supplemental surveys are not a replacement for MRIP, but can
27 enhance the data available as they are integrated into stock
28 assessments and management.

29
30 This data practice isn't about replacing one data stream with
31 another, but the broader integration of multiple data streams
32 into the stock assessment process. We are eager to get clarity
33 on how this process will transpire.

34
35 Third, state management for red snapper is turning out to be a
36 choose-your-own-data adventure with no accountability or
37 clarity. We reiterate that there is no reason to delay
38 calibrations for the red snapper. The council has failed to
39 act, and we continue to recommend that the agency step in to
40 ensure a legal management system. We have serious data
41 inconsistencies, and NMFS needs to address these without further
42 delay.

43
44 Fourth, I would like to express my deep concern for the health
45 of many reef fish stocks in the Gulf. The Gulf has adopted a
46 high-risk management strategy, chipping away at precautionary
47 management buffers, which have collectively decreased our
48 limited protection to overfishing or to an overfished state.

1
2 Our risk policy has two components: scientific and management.
3 Our scientific process is working to address the underestimates
4 of scientific uncertainty, and the ABC Control Rule should be
5 revised to address this. However, the council has been managing
6 our stocks in the Gulf with an overinflated degree of confidence
7 and high risk.

8
9 Ocean Conservancy has provided a number of recommendations in
10 our comment letter which would help improve our detection limits
11 for an overfishing or an overfished status and add precaution to
12 the management process.

13
14 Gag is at 2 percent historic biomass. Greater amberjack is in
15 its third failed rebuilding plan, and triggerfish is also
16 struggling. Nobody wants full-scale closures. We need to
17 revise our council risk policy to detect these signals sooner,
18 so we can manage for a more stable fishery, rather than one with
19 wild swings. We look forward to discussions that consider
20 revising these risk policy strategies in the future. Thank you
21 for your time.

22
23 **CHAIRMAN DIAZ:** Thank you, Ms. Bruger. All right. Next up is
24 Mr. Charlie Bergmann.

25
26 **MR. CHARLIE BERGMANN:** Good afternoon. Let me start off with
27 saying that I agree with the gentleman from Louisiana on just
28 about all of his points. He must have been reading my notes.

29
30 I want to talk about the FES calibration. I know, recently, we,
31 the council, reallocated allocation in the red grouper fishery,
32 and there was a lot of questions on the FES, especially from
33 members of the industry. When you look at the FES numbers,
34 after this program started coming into play, the quotas
35 increased two-times, and sometimes three-times.

36
37 The State of Florida has an excellent survey system,
38 accountability system, with their reef fish fishery, and, when
39 the season closed after Wave 3, I think they had -- The State of
40 Florida indicated a little under 900,000 pounds of fish, whereas
41 the FES was 1.9 million pounds. The correlation there just does
42 not stick together, and there needs to be some sort of better
43 outreach to explain how these differentials take place with the
44 fishing community, if you want to get the fishing community to
45 buy-in.

46
47 One thing that -- I want to close with this one thing. If the
48 stock of fish, and it doesn't matter which species, but, if the

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

5
6 **CHAIRMAN DIAZ:** Thank you, Mr. Bergmann. All right. We're
7 going to go to our virtual testimony and Mr. Scott Childress.

8
9 **MR. SCOTT CHILDRESS:** This is Scott Childress. Thank you all,
10 and I appreciate the council's time for being here to listen to
11 all this. I wish I could be there in person, but I just
12 couldn't make it happen this time. I am a commercial spear
13 fisherman from New Port Richey, Florida, and I'm going to speak
14 on gag grouper, because that's my primary fish, and that scares
15 me the most right now.

16
17 I've been commercial fishing since 2006. Over the last eleven
18 years, I have averaged about 8,000 pounds of gag grouper a year,
19 my best years being a little over 11,000, and, most recently, in
20 2019 and 2018, catching 9,100 pounds and 9,300 pounds, and so,
21 on my end, I am not seeing a problem with gag grouper.

22
23 I really feel that the stock assessment is wrong. I do not
24 believe it is as overfished as they indicate, and I don't think
25 the commercial sector is doing the overfishing. This is evident
26 by our documented landings, which we haven't met our quota in
27 quite some time. I believe that is not due to a lack of fish,
28 but due to a lack of participation. Most gag grouper fishermen
29 were forced out in 2011, when we were given 100,000 pounds to
30 start the season. They all decided to become red grouper
31 fishermen. The quota did not increase fast, and they never got
32 back into the fishery.

33
34 During 2020 and 2021, during the years of COVID, the
35 recreational effort was highly elevated. They have had banner
36 years of fishing, from what I've seen on Facebook and Instagram
37 and in-person and all my friends.

38
39 In reading the stock assessment review by the SSC, the driving
40 force for the dire assessment is recreational bycatch and
41 discards, and we have to figure out a way to address this. I'm
42 not sure whether that is through education or some other way,
43 but we've just got to figure out a way to decrease the discards.

44
45 In my area, there are a lot of recreational fishermen who love
46 to go out and troll for gags when they're not even in season,
47 just for fun, and I don't understand it, because it can't be
48 good for the fish, getting hooked at five or eight miles an

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

3
4 I would like to go back to the science, before I finish up. It
5 was said yesterday that the last strong year class was
6 2006/2007, for their spawn. I don't understand how this can
7 even be determined, due to the fact that fish swim and move, due
8 to many factors, the red tide and other fish moving into the
9 fishery and pushing them out, such as red snapper in our area.

10
11 Just because they're not in one estuary or grass flat or
12 deepwater reef, it doesn't mean they're not a couple of miles
13 down. We've been seeing hundreds, hundreds, of twelve to
14 twenty-inch gags on our numerous dives over the last two to
15 three years, and I feel like the fishery is actually getting
16 better. These fish certainly did not come from a 2006-2007
17 class.

18
19 I also find it unbelievable to say that there is less than a 1
20 percent male ratio in the stock. I don't know if they count any
21 of the fish that are in twenty to sixty-foot of water, where I
22 dive a lot, but there is a lot of male fish in there.

23
24 Let me skip, so I can finish up, and I've got about thirty
25 seconds. I also feel that not enough time was put into the
26 analysis of the stock assessment and the data provided. It was
27 even said yesterday that the analysts took certain liberties
28 with that data. I don't feel that it's acceptable in fish
29 stocks to take liberties, let alone one deemed in such dire
30 shape. If gag fishing is closed, it will put myself and my two
31 workers out of business, and numerous other fishermen. I have
32 to ask that, if there is any harvest allowed, that it be for the
33 commercial side, because we are accountable and can provide good
34 science during the rebuilding period.

35
36 In regard to today's data and management strategies discussion,
37 I support stamps, permits, or tags, because I think it would
38 make the recreational sector more accountable. Thank you very
39 much for your time, and I would welcome any questions.

40
41 **CHAIRMAN DIAZ:** Thank you, Mr. Childress. I am not seeing any
42 questions. Next up in the room will be Ken Haddad.

43
44 **MR. KEN HADDAD:** Thank you, Mr. Chairman and council members.
45 My name is Ken Haddad from Lloyd, Florida and with the American
46 Sportfishing Association. I am going to talk about the
47 allocation review and mackerel.

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

7
8 Particularly, it just references NOAA guidelines for guidance on
9 socioeconomic and ecological considerations, but, basically, I
10 think, it writes them as off as lack of data concerns, and this
11 is a significant problem for us.

12
13 Although this is a review policy, we understand, to determine
14 whether to recommend if a reallocation may be warranted, we
15 would argue that it is the most critical stage of analysis and
16 should and should be more descriptive and employ decision aids,
17 perhaps similar to the South Atlantic, to guide the
18 recommendations to the council and provide the council with the
19 information to develop actions and alternatives for additional
20 analysis in an FMP. We don't believe the document, as
21 presented, will lead to accountable and defensible outcomes.

22
23 This kind of takes me to king mackerel, with kind of a similar
24 set of comments. For an amendment that we have been working on
25 previously, that are dealing with FES conversions, allocation
26 has been through an intent to maintain the same allocation and
27 just adjusted for the FES conversion.

28
29 That's not what is going on in Amendment 33, and we understand
30 that, but we do believe that, if the council wants to start a
31 full-blown allocation review, as opposed to having the
32 allocation review which is scheduled for 2025, it should be
33 proposed as a separate amendment, and Amendment 33 should have
34 Action 2 split out, and an amendment with a clear statement of
35 purpose and need needs to be developed. This would allow the
36 commercial sector to be assured an increase in catch while
37 allocation is being addressed.

38
39 Relevant to this, and we just heard from Dr. Barbieri, where
40 they made a recommendation to engage the recreational community
41 in discussions of OY and how it could be used by management to
42 better address cultural, economic, and conservation goals.

43
44 King mackerel are a perfect species for this engagement, and to
45 begin work though the allocation policy directives also, and we
46 hope that you will consider this approach. Thank you for your
47 consideration.

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

7
8 **MR. CHAD HANSON:** Good afternoon, members of the Gulf Council.
9 I am Chad Hanson from the Pew Charitable Trusts. Thanks for the
10 opportunity to provide comments today. The news on the status
11 of the gag population is devastating. However, gag has been
12 showing trouble signs for a long time.

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

22
23 Additionally, the mortality from the frequent red tides off of
24 Florida and the high discards continue to impact the fishery.
25 These three issues of habitat protection, red tide, and discards
26 can be addressed through an ecosystem-based approach to
27 fisheries management. Fortunately, the council is developing,
28 and hopefully soon will be implementing, this approach, through
29 its fishery ecosystem plan, and a draft will be coming out soon
30 for review.

31
32 The status of gag highlights the importance of managing
33 fisheries more comprehensively and deliberately, to address the
34 ongoing issues, such as -- Because they do not affect just one
35 species at a time. A more comprehensive approach can habitat
36 issues and discard mortality and other factors that affect the
37 health and resiliency of multiple species simultaneously.

38
39 Having an FEP in place ten years ago could have potentially
40 flagged these trouble signs early and allowed the council to
41 take definitive action to stave off the drastic measures likely
42 needed soon. This would be done by establishing thresholds for
43 key indicators, such as reproductive capacity or severity and
44 extent of red tide, and could trigger consideration of
45 management measures to address the effects on a fishery, or
46 suite of fisheries, before a crisis level is reached.

47
48 Had this approach been in place for gag, for example, when the

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

6
7 When established and implemented, an FEP can help sustain
8 fisheries by adapting to ongoing complex issues on a more real-
9 time basis. Taking action early, by planning for and monitoring
10 for ecosystem changes, can significantly curtail large swings in
11 fisheries, and, while an FEP isn't a silver bullet to fix the
12 status of gag now, it can help prevent these types of situations
13 in the future. Thank you.

14
15 **CHAIRMAN DIAZ:** Thank you, Mr. Hanson. All right. Next up is
16 Mr. Bob Zales.

17
18 **MR. BOB ZALES, II:** Bob Zales, II, representing SOFA and the
19 Gulf members of NACO. Real quick, on the cobia stuff, we're
20 going to defer to the Destin-ites on that, because they've been
21 talking about this issue since the days of the Marine Fisheries
22 Commission in Florida.

23
24 On sharks and dolphins, I'm not going to beat that horse too
25 much, because it continues to be beaten by pretty much every
26 fisherman in the Gulf of Mexico. It's a serious problem, and,
27 at some point, hopefully we're going to have it addressed.

28
29 The next thing I'm going to do, and I apologize, and I don't
30 want to offend anybody here, but I am going to beat on the FES
31 stuff. In Florida, I just got some information today. When you
32 look at FES numbers for 2021, from January through August of
33 this year, and this is not recalibrated, I wouldn't think,
34 because it's all brand-new stuff, and so I would assume it's got
35 the stuff, but landings, according to FES, in the State of
36 Florida, are 2,782,000 pounds.

37
38 Now, in Florida, we have the State Reef Fish Survey that is
39 certified by MRIP, and apparently it's a recognized data system.
40 That survey shows, in Florida for that same period of time, red
41 grouper landings were 1,314,000 pounds, less than half of the
42 FES.

43
44 Now, I am sorry, but, when you look at the various fisheries
45 that FES has been used in, you see this same scenario in every
46 one, without fail. Not one fishery has FES shown anything less
47 than any of the other data out there. It's all over, and, many
48 times, it's four or five times higher than the regular data

1 system.

2
3 Now, to me, if it's a duck, it walks like it, it pretty much is.
4 FES has got a problem. Where that problem is, I don't know, but
5 we're trying to look at it to try to find out. If you look at
6 the red grouper catch limits that you've got in here from 1986
7 to 2019, thirty-four years, at least five years of those I have
8 recognized some issues that I have asked some questions and
9 tried to get them recognized, and I haven't got an answer yet.

10
11 Up until 2007, in the commercial fishery, you had fish trap red
12 grouper. After 2007, that fishery was eliminated, and so you
13 see a reduction in commercial harvest because those fish are no
14 longer there, but, when you look at the recreational numbers,
15 they're off the wall, and it makes absolutely no reasonable
16 sense, to anybody that I have talked to. Alabama has got issues
17 with it, and the State of Florida has got issues with it, and,
18 to my knowledge, several states up and down the east coast have
19 issues with it.

20
21 Somewhere, no matter how much you tell me that this information
22 has been peer reviewed and is accurate and good, it's not.
23 Anything that shows that kind of difference has got to have a
24 problem, and it needs to be looked into, and it needs to be
25 done. Trying to set and reallocate a fishery based on
26 information that has these kind of questions and concerns is
27 wrong. You are affecting people's livelihoods, and you're
28 affecting the fishery, and you're causing serious social and
29 economic damage to communities, and you need to look into this
30 and have them look into it. Stop the reallocation and keep
31 everything like it is.

32
33 Look at your vermilion snapper. You're saying that that stock
34 is more than twice as big as anybody ever thought, and we're not
35 catching vermilion snapper. I can't catch a ten-fish bag limit,
36 and I haven't been able to for years, and you're wanting to tell
37 me that I can catch twice that many. It's impossible. Any
38 questions?

39
40 **CHAIRMAN DIAZ:** Mr. Gill.

41
42 **MR. GILL:** Thank you, Mr. Chairman. Thank you, Bob, for coming
43 and making your testimony. I would like to ask you a question
44 relative to the shark depredation issue, and I think everybody
45 recognizes the extent of the issue, and it seems to be growing.
46 The question to you is what role do you see this council playing
47 in alleviating or helping or otherwise addressing that problem?

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

8
9 This fishery has been well managed, and it's been well done, and
10 the fishermen take care of them. Everything is done the way it
11 should be done, and it's all legal and aboveboard and done, and
12 so the only thing we can do is continue to pressure HMS, and, if
13 we have to go to Congress or do something different, we need to
14 do that, but something needs to be done.

15
16 **MR. GILL:** Thank you, sir.

17
18 **CHAIRMAN DIAZ:** Thank you, Mr. Zales. We're going to go back to
19 virtual and Bill Dantuono. If you're trying to speak, Mr.
20 Dantuono, you might be muted.

21
22 **MR. BILL DANTUONO:** Can you hear me?

23
24 **CHAIRMAN DIAZ:** We can hear you now.

25
26 **MR. DANTUONO:** Hi. My name is Bill Dantuono, and I'm a dual-
27 permitted vessel down in Naples, Florida. I want to speak on
28 the cobia issue. To limit the commercial vessels to two per
29 vessel, according to the presentation, it's only going to impact
30 the fishery less than 1 percent, and that's going to put a lot
31 of guys down here, who already have their hands tied behind
32 their back, with their primary fish being red grouper, and it's
33 very hard to get red grouper right now, and it's nearly
34 impossible, and the price, if you can get it, has gone up 300
35 percent for allocation.

36
37 We all know that, next year, the recreational sector is going to
38 get another 600,000 pounds, or close to that, and we also see
39 the same thing with the lane snapper closure, where commercial
40 is only harvesting 8 percent of lane snapper, and you just
41 closed it for commercial right now, whereas cobia -- Also,
42 commercial is only harvesting 12 to 15 percent of cobia
43 annually, and to change to two per vessel for cobia on the
44 commercial sector is not needed, according to NOAA's own
45 statistics, and it's really going to hurt us, having our hands
46 behind our backs already.

47
48 Another solution, possibly, is to promote the use of nets for

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

8
9 **CHAIRMAN DIAZ:** Thank you, sir. All right. Next up is Greg
10 Abrams.

11
12 **MR. GREG ABRAMS:** Greg Abrams from Panama City. Since COVID-19,
13 we have had so many recreational boats sold and purchased by the
14 recreational, and no law enforcement was out there this past two
15 years, to where they have devastated the fishery. Gray
16 triggerfish is -- Right now, the recreational is 79, and
17 commercial is 21, and it's being overfished. Amberjack is 73,
18 and commercial is 27, and it's being overfished. Gray snapper,
19 mangrove or whatever, is 92 percent private angler and 8 percent
20 commercial. It's undergoing overfishing. Gag grouper is 61
21 recreational and 39 commercial.

22
23 With the high tech that you have for recreational now, for \$700,
24 you can buy ten years' worth of information, and you can go,
25 with the i-Pilot, and stay right there on the fish, and you
26 don't have to be a captain, and you don't have to be a
27 fisherman.

28
29 I am all for everybody fishing, but, if we don't get a tagging
30 program down, that we have been talking about, and they say you
31 can't do it, and it's too much trouble, and Texas has got
32 redfish, and they damn sure would like to tag anything, and
33 you've got Florida that has got tarpon and jewfish and lobster
34 stamps, and the Atlantic States Marine Fisheries Commission has
35 got striped bass and traps, crab traps, and the Potomac River
36 has got striped bass tags, and North Carolina.

37
38 Everybody has got tags, and it's revenue. It will bring money.
39 It will bring money to each state, and it's not real hard. You
40 can put a panel together, and you need to get a panel together
41 soon, or we're going to be back before we were when we started
42 IFQs, and this is your watch now, and this is your baby, and I
43 hate to see you come out of this, because we've got to do
44 something, because I am in the business, and my trucks are from
45 Louisiana to New York, and boats too, and I have seen it all,
46 but it's scary what I'm seeing now, because there is no
47 management.

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

6
7 All you all are doing is beating up commercial, that has got a
8 good program, and that's all you come here to do, is vote
9 against commercial, and that's all that everybody does on this
10 council, and it gets old to come and listen to you all beat us
11 down, and here we've got the numbers to prove what we do, and so
12 I'm good on that.

13
14 Gag groupers, you haven't put into the equation that we don't
15 have the fishermen that we had in your science model. We've
16 lost twenty-five of the best captains in the last ten years, and
17 I am talking about the best that is not fishing. Now we don't
18 have no deckhands, and that's just like -- In Panama City,
19 they're hiring fifty-year-olds, because they can't get no young
20 help, and so it's not just our industry. It's everybody.

21
22 The black grouper has got its finesse, and you've got to know
23 how to catch it, and, now, we caught too many snapper the first
24 year, because we were promised that we were going to get an
25 increase, and we didn't, and so I had to go get electric motors
26 and poles put back on my pole boats, and we had the best year on
27 gags that I have had, and I've seen that at the dock and the
28 fish house and on the water.

29
30 **CHAIRMAN DIAZ:** Mr. Abrams, can I ask you to start wrapping it
31 up, please?

32
33 **MR. ABRAMS:** Okay, but, look, and we don't have any problems,
34 like you all say we have, on the gags. I was contracted to do
35 the experiment on the gags, and I've been cancelled twice. I
36 got a boat rigged for it, and I got the pole for the cages, and
37 so there ain't been no experiments, like they say. Thank you.

38
39 **CHAIRMAN DIAZ:** Thank you, Mr. Abrams. We're going to back to
40 virtual. Mr. Bill Kelly. You might need to check and see if
41 you're muted, Mr. Kelly.

42
43 **MR. BILL KELLY:** This is Bill Kelly. Can you hear me?

44
45 **CHAIRMAN DIAZ:** Yes, sir.

46
47 **MR. KELLY:** Chairman Diaz and council members, again, my name is
48 Bill Kelly, and I represent the Florida Keys Commercial

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

3
4 For the past twelve years, we have worked with this council to
5 improve data collection and maintain the sustainability of the
6 king mackerel fishery in the Gulf of Mexico. In 2015, working
7 with Dr. Crabtree and Dr. Branstetter and the Gulf Council, we
8 negotiated a 45,000-pound trip limit that virtually eliminated
9 fines for overages.

10
11 In exchange, we agreed to paybacks for any ACL overages, and we
12 are the only sector to do so. We also asked for an increase in
13 quota, based on MRFSS and MRIP statistics for the recreational
14 sector, an increase that, unfortunately, never came. We also
15 volunteered to provide real-time catch data to help manage the
16 fishery, something we continue to do to this day.

17
18 To put the gillnet fishery in perspective, please consider the
19 following. Since 2015 and implementation of the 45,000-pound
20 trip limit, and industry-provided real-time catch data, the
21 fleet has exceeded their ACL twice, in 2019 by 18,800 pounds and
22 in 2021 by 11,920 pounds, for a total of 30,720.

23
24 In the same timeframe, industry has been under the ACL by
25 164,895 pounds. Similarly, through 2020, overages have totaled
26 82,072 pounds, but underages have totaled 263,126 pounds. We
27 have never received a penny in poundage for carryover credit.

28
29 The gillnet fleet fishes responsibly and does everything it can
30 to assist in responsible fisheries management. Therefore, we
31 respectfully request the following, an appropriate increase in
32 king mackerel to the commercial sector by hard allocation and
33 compliance with the Magnuson-Stevens Act National Standard 4, an
34 increase in representation on the CMP Mackerel Advisory Panel,
35 and either eliminate the payback provision for gillnets or
36 initiate it for all sectors or initiate a carryover provision in
37 the gillnet fishery. Finally, in closing, we agree
38 wholeheartedly with Mr. Zales. Essentially, FES calculations
39 aren't worth the paper they're printed on. Thank you.

40
41 **CHAIRMAN DIAZ:** We have a question for you, Mr. Kelly, from Ms.
42 Bosarge.

43
44 **MS. BOSARGE:** I was wondering, on yellowtail snapper, and so we
45 had a discussion earlier today, I think this morning, and, in
46 the South Atlantic, I know they're looking at some trip limits
47 to extend the season in the South Atlantic, and so the
48 discussion around this table was should we include an

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

8
9 **MR. KELLY:** I would be happy to do that, Ms. Bosarge. There is
10 confusion and uncertainty on this recent South Atlantic Council
11 -- It has been a short season for the yellowtail, but there is
12 some other compelling factors, like the evidence recently
13 compiled by the University of Miami that dispersants and oil
14 from the Deepwater Horizon did in fact make its way to the Keys.
15 Also, some of the impacts from the red tides the past couple of
16 years, and we would like to explore that a little bit further
17 and get some additional data from fishermen.

18
19 **MS. BOSARGE:** Thanks. I look forward to hearing back on that
20 yellowtail, Bill. Thank you. I appreciate it.

21
22 **MR. KELLY:** Thank you.

23
24 **CHAIRMAN DIAZ:** Okay. We're going to move on. Mr. Mark Tryon.

25
26 **MR. MARK TRYON:** I'm a commercial fisherman from Gulf Breeze,
27 Florida. After hearing Mr. Abrams talk, it got me thinking that
28 maybe what we need, instead of an IFQ focus group, is a fish
29 tagging focus group, and that's something to consider.

30
31 Regarding triggerfish, I think what we need to do is fast-track
32 the trip limit increase, so we can receive some benefits from
33 this. I'm a person who happens to catch quite a few
34 triggerfish, and, during my most recent trip last Friday, we
35 easily caught the sixteen fish limit, and we were throwing fish
36 back for the last couple hours of the day, and I'm a day-trip
37 fisherman, and so that's just not a fourteen-hour trip that that
38 was happening.

39
40 I would suggest that we start out with a relatively high trip
41 limit, let's say 200 pounds, and then do, at 75 percent catch,
42 do a step-down to some sort of a lesser amount, to be
43 determined.

44
45 I received a Florida survey in the mail, and I have a
46 recreational boat as well, on September 8 for what I did in
47 August, and it was very -- I don't see what kind of good data
48 you're going to get off of the survey. Basically, all it said

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

8
9 Finally, I just sent the council some information on my boat,
10 the No Nonsense IV, which is a twenty-seven-foot Maycraft, and
11 we do day trips, twelve to fourteen-hour trips, with rod-and-
12 reel. I've been in the IFQ fishery since the inception, and
13 I've been tracking these numbers on snapper landings for the
14 last eleven years now, and, the last couple of years, since
15 we've gone to the state management scheme, the landings, my
16 personal landings, have gone down tremendously.

17
18 For instance, I was at 504 pounds of snapper a trip in 2020, and
19 that was before we instituted state management, because that was
20 instituted in the middle of the year, and I'm down to 433 a trip
21 this year, and so I think it suggests localized depletion, and
22 possibly overfishing, and it's just something to be concerned,
23 and I will wrap this up.

24
25 I've got one more little bit of data, and I call it before and
26 after. I've got snapper caught from January to May, and now,
27 historically, we've been opening the recreational season on or
28 about June 1. In 2020, I peaked at 625 pounds a trip during
29 that January to May timeframe, and then, at the second-half of
30 the year, from June through December, it went down to 376, and
31 so that gives you an indication of what is going on, in terms of
32 that recreational fishing pressure on what we do. Thank you
33 very much.

34
35 **CHAIRMAN DIAZ:** Thank you. We have a question for you from Ms.
36 Bosarge.

37
38 **MS. BOSARGE:** Thank you, Mr. Tryon. I was just -- So the
39 current -- On gray trigger, the current trip limit commercially
40 is in numbers of fish, which is kind of strange for commercial
41 vessels, but, anyway, it's sixteen fish. You gave us a trip
42 limit that you would suggest as an option that is 200 pounds of
43 fish, and I just want to make sure -- Generally speaking, you
44 all would like to have your trip limits in pounds of fish and
45 not numbers of fish, and is that correct, or do you --

46
47 **MR. TRYON:** You know, you would think that it would be easy to
48 count sixteen fish, and it's actually not that easy, because,

1 when you have a crew catching fish, and you've got to pay
2 attention to what they're doing, and is that a keeper, and are
3 they throwing it in the box, and then I've got to keep track of
4 it, and I just think that if it's kind of a high amount, like
5 200 pounds, to me, it's easier to keep track of, because I kind
6 of know how much of the area of the fish box is filled up with
7 fish, and I think it needs to be higher, just so we can make
8 sure we're catching the fish, those who interact with the
9 triggers. I know a lot of guys don't catch them in the Gulf,
10 but there happens to be a bunch of them where I fish, and so
11 anything helps, and it would be helpful.

12
13 **CHAIRMAN DIAZ:** Mr. Schieble.

14
15 **MR. SCHIEBLE:** Thank you, Mr. Tryon. I appreciate that, and,
16 also, I appreciate you sending us the data that you put
17 together. It's nice to see people that are fishing out there
18 assembling their own data like that and sending it in for us to
19 look at.

20
21 We have noticed, through our landings data in Louisiana, that
22 we're seeing a slightly lower average weight per fish this year,
23 on the private rec sector, and I'm wondering if, maybe for the
24 next meeting, or sometime between this meeting and the next
25 meeting, you could hypothesize, or speculate, on your average
26 weight of the fish that you're getting, if they're possibly
27 smaller on average too, and I don't know, and you don't have to
28 answer now, if you want to go back and look.

29
30 **MR. TRYON:** They've been smaller. The last trip, we did pretty
31 good. We did better last Friday, and we got some big fish, but
32 there was a lot of small fish mixed in too, and so the trend is
33 down, and let's put it that way, as far as the size, which is
34 somewhat disturbing.

35
36 **CHAIRMAN DIAZ:** Dr. Simmons.

37
38 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair. Can you give
39 us an average size of the triggerfish you're landing right now?
40 Is it around four or five pounds?

41
42 **MR. TRYON:** Yes. Well, you know, the last trip I had, we got
43 the sixteen triggers, and we started the day out, and we went
44 through a time for -- A few months back, it had slacked off, and
45 I was worried about maybe the stock is not in as good shape as I
46 thought they were, and, recently, the last few trips, they have
47 stormed back.

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

10
11 **CHAIRMAN DIAZ:** Thank you, Mr. Tryon. We're going to go back to
12 our virtual, and we're going to try Mr. Jamee Lowry again.
13 Let's see if we can get you going, Mr. Lowry. We think you're
14 self-muted on your end, Mr. Lowry. Next up is Mr. Bart Niquet.

15
16 **MR. BART NIQUET:** Bart Niquet, Panama City, Florida. I've been
17 fishing for seventy-five years. I've done charter fishing and
18 recreational fishing and commercial fishing. I have owned four
19 commercial boats and sold them, and I had a real good charter
20 boat, and I finally sold it, because we've got too many
21 regulations, and we're here again considering the red snapper
22 fishery.

23
24 The commercial sector has been promised an increase for several
25 years, but nothing has happened so far. Meanwhile, the recs
26 have increased their share way beyond the agreed-on numbers.
27 They proudly announce that they discarded over nine-million
28 fish, and not pounds, but fish last year. Most of these fish
29 were caught in waters deep enough that the swim bladders
30 ruptured, and this is a total waste of a vital resource.

31
32 The council's answer is give them more days. They need more
33 days to catch those fish, and another problem we have is all the
34 fishermen, commercial and recreational, are having trouble with
35 the dolphin and sharks, and there are so many of them now that
36 you're lucky to get one fish up out of every five or six you
37 hook, and we need to do something about that.

38
39 The feds' answer to that is increase the quota on the blacktips,
40 which we don't use anyway. We don't catch them, and that's not
41 any help for us. We need some help with our problems. We need
42 some way to catch the bulls and sandbars and other large sharks.
43 Once again, facts are ignored for the opinions of so-called
44 scientists. In most cases, we only have biased reports to
45 study, and that's one thing we worry about. You get the same
46 reports we do, and you come up with an answer that they're
47 scarce, and they're biased, and what's wrong there?

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

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

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

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

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

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

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

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

1 **MR. CHRIS NIQUET:** Chris Niquet, Panama City, Florida. I'm here
2 to talk about several subjects. The first is the red grouper
3 discard problem in the recreational sector. I looked up the
4 years 2017 and 2018. At that time, the recreational sector had
5 26 percent of the red grouper, and the commercial sector had 74
6 percent, and I may be 1 percent off, and, during that time, the
7 recreational sector threw back 2.5 million fish. Not pounds,
8 but fish. The commercial sector, they did even worse. They
9 threw back 287,000 fish, even though they had three-times as
10 much.

11
12 Now you want to allocate more red grouper into a sector who is
13 already throwing back 2.5 million fish a year, and let's do the
14 math and get it right, at least once. I've been coming to these
15 meetings for twenty years, and I can't think of too many times
16 we got it right, but let's move on.

17
18 New entries. You can't have any new entries unless you issue
19 more reef fish permits. You can't do it. Now, where are these
20 new entries going to get their allocation? You can either take
21 it from the existing allocation, or quota, or you can award it
22 any further increases. If you award further increases to these
23 new entries, I, and the rest of the shareholders, will not have
24 their full percentage of the total allowable catch, and that's
25 the law. Look it up.

26
27 Several years ago, and maybe some of you remember this, there
28 was a supposed season that the scientists said was supposed to
29 last three days in federal waters for red snapper. There was a
30 hue-and-a-cry, like a young squirrel that got into their pants.
31 We couldn't stand it. We can't stand it. Magically, the fish
32 rose up to where they got twenty-seven days. Now, that increase
33 of 51 percent was supposed to go to the commercial sector. I
34 want my share of those fish. That tells me the numbers do not
35 matter. What matters is the council's biased opinion. I will
36 be glad to take any questions, if you're not scared. That's
37 what I thought.

38
39 **CHAIRMAN DIAZ:** Thank you, Mr. Niquet. Next up is Casey
40 Streeter.

41
42 **MR. CASEY STREETER:** Thank you, council. I'm Casey Streeter, a
43 commercial fisherman from Pine Island. A lot of great comments,
44 and obviously some of the same feelings that I have on some
45 things. A couple of things that I want to touch on.

46
47 Yesterday, at the Q&A, I talked about the condition of the
48 stocks and how we felt as a fishery industry governing body of

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

4
5 I mean, if you're going to blow past 70 percent of a quota for a
6 species, you would blow by 100 percent, and so, I mean, these
7 discards and the participation in our industry are destroying
8 the fisheries and destroying livelihoods, and steps need to be
9 taken to protect the fishery and protect the fishermen and
10 protect the resource and protect our industry.

11
12 I am definitely against trip limits on yellowtails. We're not
13 hitting our quota, and what is the point of putting a check
14 valve in there to limit the catch? Also, FES, and, obviously, I
15 had a problem with it in June, and no one seemed to have a
16 problem with it on the council, and then, come August, there is
17 issues, and everyone has got problems with what it really puts
18 out, and then, again, here in October, we're having issues with
19 it again, and so I can't understand why we pushed red grouper
20 through a reallocation, for something with all this uncertainty.

21
22 I mean, it didn't really seem like it needed to happen at the
23 time, and it seemed like there were steps that were skipped, and
24 hopefully we can go back and that won't happen, and hopefully it
25 will be re-looked at, because I just don't see how it can be
26 pushed through with the concerns that everyone has got.

27
28 The gag closure, I think closing the gag fishery, on the
29 commercial fishery, is going to get right of all your fishery-
30 dependent data, and we're going to create discards in another
31 industry that hasn't had a problem with discards, like the
32 recreational guys have, and so then we're going to have five
33 years of discards across-the-board, with no understanding of
34 what's really going on with the stock, once we get to the point
35 where we're going to try to open it back up.

36
37 Hopefully you guys will think about that, and like was said by
38 Mr. Abrams, a lot of the good gag fishermen have passed.
39 They're gone, and so I think it would be important to go look at
40 the catch histories on the permits, to see who was catching
41 those fish and if they're still active, and maybe that would
42 help shine some light on what's going on. Thank you.

43
44 **CHAIRMAN DIAZ:** Mr. Streeter, we had a discussion earlier about
45 how reliable the commercial VMSs are, and do you have any
46 thoughts on that?

47
48 **MR. STREETER:** I have five boats, and I have not had a problem.

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

6
7 Tag systems are a great idea, and tracking effort, and, as Dr.
8 Clay had said, effort in the fishery now, with technology and
9 just the sheer numbers of participants in the recreational side,
10 is something like we've never seen. I mean, it was the foreign
11 fleet that MSA was put into place to protect us from, and, I
12 mean, it's wide-open fishing, and it's not realistic to have any
13 natural resource wide open with no checks and no balances, and
14 so I just don't see any success, moving forward, for our
15 fisheries if we keep down this road.

16
17 **CHAIRMAN DIAZ:** Thank you, Mr. Streeter. Next up is Katie
18 Fischer.

19
20 **MS. KATIE FISCHER:** Hello. Katie Fischer from Matlacha,
21 Florida. Today, I want to talk about recreational
22 accountability. I have to say what a breath of fresh air the
23 Academy's report was, because I really hope you take some of
24 that advice from that report.

25
26 The recreational sector has the largest share of fish. However,
27 they have no accountability. We don't know how many people
28 actually participate in the fishery, and that's estimate. What
29 they catch, that's an estimate, and so I definitely support
30 endorsements for the rec. You know, I think that would be a
31 great way for you all to actually figure out how many people are
32 participating, and I also think, if you do some type of
33 endorsement, make it substantial, a hundred bucks or 200 bucks,
34 something like that, because the private rec guys, if they're
35 really going to be fishing, they will pay that, and you will
36 have a much truer number.

37
38 I also support tags for that, and I think that would be a great
39 idea. That would help you figure out actually how much fish is
40 being harvested, and that would also take some of the
41 uncertainty from some of these surveys that you all do, and it
42 gives you more truer numbers, and I would think, as a council,
43 that you all would support recreational accountability, because
44 I do feel like that is -- It's like the missing link for you
45 guys to be able to manage the Gulf 100 percent.

46
47 I think it's vitally important that we get some true numbers and
48 get this under control in a real idea, because, I mean, I've got

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

12
13 **CHAIRMAN DIAZ:** Next up is B.J. Burkett.

14
15 **MR. B.J. BURKETT:** My name is B.J. Burkett. I own and operate a
16 commercial fishing vessel, and it's mainly a vertical angling.
17 Also, I have two charter boats, both COI, one of them dual-
18 permitted. It's pretty much full involved in the fishery on
19 both sides.

20
21 The first thing I want to talk about is the gag, and, man, it's
22 been a punch in the stomach, from what we've seen this year, and
23 it's really disheartening from the SSC wanting to use Florida's
24 data, and it's something that I can't understand. I mean, you
25 have some good data out there.

26
27 My boat, personally, we've had the best year in the gag fishery
28 that we've had in seven years, and it was like Greg Abrams said
29 earlier, and it takes talent to catch grouper, especially gags,
30 and the man that I've got running that boat has caught 5 percent
31 of what's been caught this year total, and he catches grouper,
32 and he tells me every time he goes that it's getting better, and
33 he's seeing small fish, and so the fishery is getting better.
34 Is it good? Lord knows.

35
36 You all are talking about totally shutting this fishery down,
37 and I've got a problem with that, because we're putting people
38 out of business. If you pull the main fish he catches out, he's
39 done, and so whatever you all have to do, if it's a closed
40 season, or a smaller quota, but we can't totally shut it down.
41 We've told you all this for years, that this fishery has been
42 needing help, and we've just been letting it ride, and it's
43 riding on down, and so do something, but we need to get the
44 total closure off the table.

45
46 Next, we have vermilion, and the stock is in fair shape. I
47 fish for them a lot, and it's not in great shape, and it's
48 asinine to think that we all want to double the quota. I mean,

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

5
6 The amberjack, it's been a couple of years, but finally, this
7 year, I've seen more small fish than I have seen in four years,
8 and I'm glad to see them, and so maybe it's working, but it's in
9 poor shape too though, and just about every fishery out there
10 right now is in pretty poor shape because of some management.

11
12 Another issue is dive boats. We need the feds to put pressure
13 on dive boats, state dive boats, to have some kind of permit,
14 so, when they are outside of nine miles fishing, they can be
15 cited a violation, and we need you all to push this on the state
16 side.

17
18 Real quick, dolphins and sharks, and I have talked to a few of
19 you all about it here, and we have had the worst year, by far,
20 we've ever had with dolphins and sharks, and I hear everybody
21 say I know it's bad, I know it's bad, and, yes, it's been bad
22 for years, but it is horrible now, beyond horrible. When I
23 cannot bring a fish back because of them, one or the other, it's
24 a huge issue. We've got to solve it, because it's killing
25 everything that you all are managing, and it's not just because
26 they've got a natural -- They're killing it because it's the
27 easiest prey for them, and you cannot unregulate an apex
28 predator and regulate every fish they eat. Thank you.

29
30 **CHAIRMAN DIAZ:** I have a question for you, Mr. Burkett. What's
31 your thoughts on the reliability of the VMS units that you have
32 on your vessel?

33
34 **MR. BURKETT:** I have been dealing with the VESL app, and it's --
35 I am working through it. I have called and asked a lot of
36 questions to try to do it, and it's very -- It does upset us on
37 some of the ways we have to do it, all the -- What's the word
38 that I am looking for? The repetition. You have to say, okay,
39 we're leaving from here, and we leave there and we come back
40 from there every day.

41
42 A lot of the steps -- I would really like to see kind of panel,
43 some kind of board, of actual people that are physically using
44 it, to say, hey, this is what we need to change, and I would
45 like to see it to where every different organization, every
46 different VMS, is made to where it's all standardized. If I got
47 on this style of VMS, it looks the same way. If I get on this
48 man's GPS, it's an identical page, and everything looks the

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

4
5 Enforcement, we've been waiting to see on that, and it has just
6 started, and I honestly feel, and it's up to a lot of you all,
7 but I feel that it can -- This whole process of logbooks can be
8 done without that VMS, and some of you all are going to laugh,
9 because people are just praising how great this thing is. A
10 little bit of enforcement, and you've got 99 percent of us
11 walking the straight and narrow. I am already straight as I can
12 be in trying to keep it filled out and not get in trouble. I
13 don't want to lose my permit, and this is my livelihood.

14
15 **CHAIRMAN DIAZ:** Thank you, Mr. Burkett.

16
17 **MR. BURKETT:** Thank you.

18
19 **CHAIRMAN DIAZ:** Next up is Alicia Paul.

20
21 **MS. ALICIA PAUL:** Good afternoon. Alicia Paul, Panama City,
22 dually-permitted vessel. A few things this afternoon. The
23 depredation of the sharks and the dolphins, and they're a huge
24 problem, and you hear it from everybody in this room, and it's
25 just day in and day out, and the dolphins are worse than the
26 sharks. At least you can get away from the sharks, but you
27 cannot get away from these dolphins. They will follow you on
28 your bow, and, as soon as you make it down, the first fish gets
29 pulled.

30
31 I had a nine-year-old little girl, about three weeks ago, and
32 she had a rod between her legs, and the dolphin came and grabbed
33 her fish, and that pole was picking her up off the deck, and so
34 what did she do? She took that pole out from between her legs,
35 and she just threw it right on overboard. It's a problem, you
36 all, and we need some help. Please help us. The sharks, I
37 would like to see sandbar -- Let us harvest them. We have a
38 problem, and there's a lot of them right there in our area.

39
40 Vermilion snapper, the stock is fair. It's not great, and
41 please don't increase it. Leave it alone, and the status quo is
42 great. Ten fish per person is plenty, and we don't need any
43 more. The closure of gag grouper for a decade, like one of you
44 all said yesterday, it's absurd. We cannot close these fish
45 down for ten years, you all, and we have to have some sort of
46 long-term measurement, and let's bring them back, and let's not
47 just close them all the way down, whether it be closing them to
48 spawn or open them for a month or so, whatever we've got to do,

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

3
4 The IFQ focus group, there was a motion on the table yesterday
5 by Ms. Bosarge and Ms. Boggs to open that up to public comment
6 Gulf-wide, instead of a ten-person panel, and you all shut it
7 down, and nobody voted on it. Why? Why are we going to take
8 ten people's opinion instead of a Gulf-wide opinion?

9
10 Enforcement of the state guideboats, that's a big issue right
11 there in our area as well, and the numbers double year in and
12 year out, and I see more and more and more of them, and they're
13 just crossing that line, and we pay the piper to play that game,
14 and they should too, and so we need some extra enforcement
15 there.

16
17 The fall snapper season, I appreciate it. Thank you all, but
18 what I would have liked to have seen was a little more notice.
19 That did not give us any time to call these people and get them
20 down here. It's late in the year. If we get to that point
21 again next year, I would like to see it tacked on to the
22 following season, instead of this late-fall season, when we
23 don't have anybody to fish. That's about it. That's all I've
24 got for you all, and I appreciate you all giving me the time to
25 talk to you all today.

26
27 **CHAIRMAN DIAZ:** Thank you. We have a question for you, Ms.
28 Paul, from, Mr. Strelcheck.

29
30 **MR. STRELCHECK:** Thanks for your testimony. You mentioned
31 wanting more notice for the fall snapper season, and I believe
32 we gave a little over two weeks, and I'm curious as to what
33 would be an ideal kind of timeframe for you to plan for those --

34
35 **MS. PAUL:** March, at least, and, like I said, I appreciate it,
36 and I'm thankful for it, and it shows that sector separation is
37 working, and we do need real accountability on the recreational
38 side, and that's one thing that I didn't mention, whether it be
39 tags or whether it be an app on a telephone or whatnot, but I
40 would like to see it maybe added onto the following season, if
41 it's going to be something late in the year that you all
42 determine, instead of just the two-week notice, because most
43 folks have already used their vacation time for the year. They
44 have already planned their vacation, and the kids are in school.
45 There is multiple reasons why they can't get down to come to
46 fish. Thank you.

47
48 **CHAIRMAN DIAZ:** Mr. Jim Zurbrick.

1
2 **MR. JIM ZURBRICK:** Jim Zurbrick, Steinhatchee, Florida. I want
3 to talk about what Mark Tryon said, and I guess we're going to
4 have to increase the trigger trip limits. There's no way, even
5 now with the sixteen -- We didn't catch our quota last year, and
6 so it's going to be impossible with the increase, unless we
7 increase that trip limit. I thought about twenty to twenty-five
8 fish, and it's easier for me personally to count fish, but I
9 guess you'll hear from people about poundage versus numbers.

10
11 I don't have any -- I have had one VMS breakdown in fourteen
12 years, from 2007, and here we are at fourteen or fifteen years,
13 and I know Mark has only had one, and so I have never looked at
14 having an exemption. Exemptions, especially in the commercial
15 sector, you're gone for days at a time, and there's no tracking
16 then, and that's one of the things that saved us in the
17 commercial sector, is the ankle bracelet, where we could deny
18 people that said we were the problem and we were in the closed
19 areas, and so I would like to keep it the way it is.

20
21 The charter/for-hire guys, they might need it, because, when
22 customers show up in the morning, they're ready to go, and so
23 maybe a call-in at that moment, as long as they are using the
24 same facility to come back to, and, possibly, if they notify
25 their local FWC, in my case.

26
27 I wanted to see 36B go out, and, personally, I want to see a
28 permit requirement to own anything. I wasn't as lenient
29 thinking as we were on the alternatives, and I wanted one year.
30 I wanted to do away with anybody thinking they wanted to be in
31 this business speculating, and that's the way that you put
32 allocation in the hands of a lot of new entrants. You do away
33 with this speculation, personally, and that's just me.

34
35 I didn't realize that gag was in dire straits, although there is
36 a turn-down in landings, and I'm a dealer, and I actually fish,
37 and so we've seen a turn-down in landings in the last year, but
38 never did I think that it was doom and gloom like what the SSC
39 reported, but we saw the net, the shrimp net showing the big
40 holes, and I kind of look at it right now, with red grouper, red
41 snapper, and gag, that the pie is this big, but, because of the
42 recreational discards, the pie shrinks down.

43
44 I still get my percentage, but my numbers are far less.
45 Recreational discards are truly one of the biggest drivers of
46 what we've got with a problem, and Mote Laboratory was going to
47 use me on their presentation, and I just put one of the most
48 modern camera systems, Mote did, on my boat.

1
2 I'm seventy-one years old, and I'm going to be phasing out, and
3 I want to leave this fishery with something, and so I have a
4 camera system now that's going to capture -- When I get up here
5 and say that I had 6,791 snapper in 2019, and I had seventy-two
6 discards, I can prove that, instead of just getting up here and
7 mouthing it.

8
9 If eight to nine discards per recreational red snapper
10 retention, that would have been 54,000 discards for me to keep
11 67,000. If those numbers of eight to nine red snapper per
12 recreational fish to keep them, because nobody wants -- I keep
13 the thirteen-inchers, because I get paid the same, and so, yes,
14 we're inherently in a better place, because I get paid the same
15 for thirteen inches as I do thirty-three inches.

16
17 We've got to do something about these discards, and I see it as
18 the greatest threat to our resource, to the commercial fishing
19 and to the recreational guy. He's got to have more, and I
20 understand, but he's going to have to have some tough love.

21
22 The b-liners, man, if we go to seven-million pounds, and it's
23 three-million now, that seems like a lot, and I followed that,
24 on that SSC, and they were talking about it, and it seems huge.
25 I can't get my hands wrapped around it. We are catching b-
26 liners, and we don't target them as such. I used to, but I
27 don't anymore.

28
29 **CHAIRMAN DIAZ:** Mr. Zurbrick, can I get you to start moving
30 towards wrapping up?

31
32 **MR. ZURBRICK:** That's really it. One last thing is mandatory --
33 The reporting for the charter fleet, if we delay this thing any
34 farther, we are going to have to actually start enforcing the
35 call-ins. At least the guys have got to call-in and call when
36 they leave and when they come back, even if we can't track them.
37 Thank you very much.

38
39 **CHAIRMAN DIAZ:** Thank you, Mr. Zurbrick. Next up is Mark
40 Kelley.

41
42 **MR. MARK KELLEY:** Mark Kelley, and I'm from Panama City. I have
43 two charter boats, and I am dually-permitted, and I am fully
44 invested in the IFQ system. I have been charter fishing for
45 thirty-seven years, and we have overcome a lot that this council
46 put on us, and we have overcome from the six-month snapper
47 season to nine days and from three amberjacks to one to three
48 months, and, I mean, we've overcome a lot, but, the dolphin

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

2
3 I just wanted to give you a little history, because there was a
4 comment made earlier about, oh, yeah, I remember how it was
5 twenty-five years ago. Well, let me just give you a little plan
6 of twenty-five years ago, and so, about twenty-five years ago,
7 we went to size limits on snappers, when we started recovering.
8 Well, as we fished, we would have our few discards floating
9 back, and the dolphin would swim up and eat one every great once
10 in a while.

11
12 A few years down the road, they would eat every one of them, and
13 they would eat them right there beside the boat. A few years
14 later, you start saying, oh, I've got one on, and he would pull
15 a fish or two off, four or five maybe in a year's time.

16
17 Before you know it, they're pulling on a steady basis. Today,
18 we pull up there, and we see the dolphins on our fish finders,
19 twenty feet above the bottom. When that fish is hooked, that
20 fish is pulled off, just that fast. He is waiting there. When
21 we leave, we used to -- We would take off and leave, and we
22 could run three miles, and they would eventually find us, in
23 about ten or fifteen minutes, but they would give us ten or
24 fifteen minutes of fishing.

25
26 Now, when we leave, the fish get under the bow, and they ride
27 with us, three or four miles, and you pull that boat out of
28 gear, to round up on the next spot, and he is the center of your
29 circle waiting on you. It's horrible. I mean, I would love for
30 you to experience it.

31
32 The shark issue is like something I've never seen in my life,
33 and it's unbelievable. Some days, you'll have five or six
34 sharks going in five or six different directions, and you won't
35 get anything by them, once they get fired up.

36
37 The vermilion snapper, I think it's crazy that we're even
38 considering doubling. Ten per person is fine, and the
39 commercial industry is not even catching their quota. Why we
40 even have to consider it, I don't know.

41
42 The gag fishery, it sounds like we're right back where we was at
43 six years ago, except for it was in great shape, is what we were
44 told, and I think, and this is my personal opinion, that it is
45 time for this council to shut the commercial industry down
46 during the spawn. I am not for no total closure, but we already
47 have the recreational industry shut down on June 1. The
48 recreational and the charter/for-hire is not the problem of

1 catching these fish when they spawn.

2
3 They are easier caught, and they're spawning at the forty-break,
4 and it's a proven fact that it's not working, and the Madison-
5 Swanson -- Your science said there might be 5 percent male in
6 there, and I find that hard to believe, when we set there at the
7 edge of the Madison-Swanson, and we watched eight or nine
8 recreational boats in there fishing on a daily manner. There is
9 no enforcement for something that was supposed to be so grand to
10 protect the male gags.

11
12 I am sure that probably happens down on the forty-break, and
13 there is no length of distance that a private rec boat will not
14 go nowadays. When he can travel sixty miles an hour, he can
15 cover that Gulf in a matter of hours.

16
17 The state guideboats, we have had a boom, and I would love to
18 know the number, but we've had a boom in those in Florida, and I
19 would say, just in Panama City alone, if it hasn't doubled, it
20 has tripled, and it's a non-regulated, for-hire industry that
21 has no enforcement, and there is never no enforcement across
22 that nine-mile line.

23
24 A lot of them are fly-by-nights, and the only time they fish is
25 when snapper season is open, and I am ready to see the state,
26 federally pressure the state or whatever, them with a permit on
27 that boat, a sticker on the side of that boat, and, just like
28 the federal for-hire boats, that state boat can only be used
29 inside of state waters, period. It can't be used
30 recreationally, and it has to stay inside of nine miles at all
31 times. That solves that problem, when they have the
32 charter/for-hire fishing license from the State of Florida.
33 Then there's a decal that you can go across the line.

34
35 **CHAIRMAN DIAZ:** Mr. Kelley --

36
37 **MR. KELLEY:** I know that I'm out of time, but one last thing. I
38 am seeing -- I mean, you gave everybody else some time, and I'm
39 going to talk for just a second. Amberjacks, we are finally
40 seeing some signs of some small fish, which is good news to us,
41 because we have not been seeing any signs of the smaller, and
42 we're talking twelve to fifteen-inch fish. Thank you.

43
44 **CHAIRMAN DIAZ:** Thank you, Mr. Kelley. Next up is Mr. Bobby
45 Kelly.

46
47 **MR. BOBBY KELLY:** I am Bobby Kelly, and I'm a dual-permitted
48 boat here in Orange Beach, Alabama, and I've just got to tell

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

3
4 First off, I want to say that I support the interim analysis of
5 the red grouper fishery. If the science can take it away, the
6 science can give it back, and there's a lot of people that
7 depend on these fish, and it has caused a lot of needless
8 stress, it seems like, to have these fish taken away and get
9 them back, and so let's go.

10
11 As a commercial fisherman, I support the increase in the
12 triggerfish trip limit proportional to the TAC increase. My
13 rudimentary math says we got about a 35 percent TAC increase,
14 and it should be a 35 percent trip limit, and so about twenty-
15 two fish or so, and I support that.

16
17 I heard, in the Reef Fish Committee yesterday, that you guys
18 could possibly fast-track the triggerfish bag limit and add it
19 to an amendment that is already going through. That would be
20 fastest, and it would be great to be able to have these fish
21 available for next year.

22
23 Recalibration needs to happen sooner than later. Everybody
24 needs to figure out what a pound of actually is, and it's a
25 simple thought, but it is difficult, and one of the biggest
26 concerns I have, day in and day out, is that we are living in
27 the good old days offshore. Our fish are smaller, and we're
28 catching more of them, and we're having to burn more fuel to do
29 it, and I don't want to live in the good old days, dan I don't
30 want to say that.

31
32 Next, suggesting an increase in the vermilion snapper TAC and
33 bag limit, and it may be well placed, but we haven't even
34 reached the TAC in the last six or seven years, and it was six
35 or seven years ago that we went from a twenty-fish trip limit to
36 a ten-fish trip limit. Ten vermilion snapper per person is
37 plenty, if you can even catch them. Let's not have to come back
38 in five or six years and cut this bag limit down. It's fine.
39 Leave it alone and go with a little caution.

40
41 Next, something I'm very passionate about is I am appalled that,
42 right before our very eyes, we are watching the collapse of the
43 cobia fishery in the Gulf. Not long ago, in the spring of 2018,
44 there was a fishermen-led initiative in Biloxi where we said,
45 hey, these fish need help, and I was even told by a state
46 official that we're not even catching the total allowable catch
47 and how can it be overfished.

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

5
6 Furthermore, if Kevin, Martha, Dakus, Chris, and Joe don't
7 support the same federal regulations at their state level, all
8 you're doing is putting more needless regulations on the federal
9 permit holders, both commercial and charter, and so it's got to
10 go across-the-board, and fair is absolutely fair. If somebody
11 wants to ask me why I'm wearing my costume, I would love to --

12
13 **MR. BOGGS:** Bobby, is there a shark or dolphin problem in the
14 Gulf of Mexico?

15
16 **MR. KELLY:** I believe there is both. However, currently, the
17 marine mammals are federally protected, and, therefore, the
18 sharks are absolutely eating us alive. At least when the
19 dolphin swims up to the boat, I can go, hey, guys, look, there's
20 a dolphin. A little bit of bile comes up in my throat when I
21 say it, but, ultimately, it's good for the tourist industry. I
22 know when the dolphin is there, because he's got to come up and
23 take a flipper in the air.

24
25 It is annoying to run fifty miles offshore to a barren rock
26 bottom to grouper fish and drop down and catch immediately three
27 different sharks. We are harvesting everything out in that Gulf
28 that I can possibly think of, red snapper and grouper and
29 triggerfish and king mackerel and Spanish mackerel, but guess
30 what we're not harvesting?

31
32 I am all about equitability and balance and protecting things,
33 but there are fishermen right here in Alabama that are begging
34 to go catch some fish. I suggest that we do it at a sustainable
35 level, and I don't want, gentlemen, to have them go away, but,
36 when I started fishing fifteen years ago, it was never -- You
37 never saw a shark.

38
39 Now you hardly ever go a day without seeing a fish eaten in
40 half, and the predation is real, and they're protected by marine
41 mammals.

42
43 **CHAIRMAN DIAZ:** Thank you, Mr. Kelly. Next up is Stewart
44 Miller.

45
46 **MR. STEWART MILLER:** Stewart Miller, owner of a commercial boat
47 and the owner and operator of a dual-permitted charter boat of
48 Panama City, Florida. Sorry, but I don't speak very well, and

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

4
5 There is just about not a day that goes by that they don't get
6 me at every stop, and they pull everything I've got off, and I
7 fished yesterday, and I had twelve hours and ten people. At
8 11:30, I had zero fish in the box, and we had only reeled one
9 fish to the boat, one, and it was a trigger that we had to throw
10 back.

11
12 I made an eight or nine-mile run, and I made three stops without
13 having the dolphin or the sharks, and that was the bulk of my
14 fish for my trip. After that, they caught up with me again, and
15 it was game over.

16
17 We have customers getting mad, and there's nothing you can do,
18 and you just sit there and look at them. You try to troll
19 around, and they pull our Spanish off, and they even go as far
20 as pulling our cigar minnows off of our hooks. They're that
21 good.

22
23 The vermilion snapper, ten per person is plenty, and please
24 don't go to twenty. If you go to twenty, we're going to reach
25 that TAC, and you will all cut it down, which means it's not
26 good. Ten fish is plenty. That's really all I've got to say,
27 is mainly just about the dolphins. I've done this my entire
28 life. I've charter fished and commercial fished and run my own
29 boat for nineteen years this year, and twenty will be next,
30 obviously.

31
32 This year right here is the worst year I have ever seen in my
33 life. It's bad, and it seems like it is in our area, from
34 Panama City, or maybe a little over, and this is the dolphins
35 that I am talking about, and my commercial boat can come to the
36 west, and he doesn't have the dolphin problem, and he tries to
37 get below Apalach, and he doesn't seem to have it as bad, but
38 you have that mama teaching that baby, and you really have to
39 see it to believe it. Thank you.

40
41 **CHAIRMAN DIAZ:** Thank you, Mr. Miller. Go ahead, Ms. Boggs.

42
43 **MR. BOGGS:** I don't know if you were here this morning for the
44 discussions about the VMS units and an exemption for equipment
45 failure. You're dually-permitted, and how do you think that
46 could affect your business either way, commercially or when
47 you're charter fishing?

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

2
3 **MS. BOGGS:** The VMS exemption for equipment failure, one, have
4 you seen any issues or had any issues on the commercial side?

5
6 **MR. MILLER:** Yes.

7
8 **MS. BOGGS:** Two, how do you think that would affect you, if at
9 all, on the charter/for hire side?

10
11 **MR. MILLER:** I mean, I fished before the VMS. I fished before
12 we had any of that, and I am not for the VMS. A few bad apples
13 I feel like made us get the VMS. I have had issues with them,
14 and I still have the old Tron-n-Tron, and I was fortunate
15 enough, and I ran it through, and I didn't have problems with
16 the cable, like a lot of people did.

17
18 Now, I don't use the keyboard, and I will be honest with you,
19 and I call in, because my keyboard is no longer any good, and,
20 if you're talking about the kind of VMS we're having to do for
21 the charter boat and headboat, there is a few things that I
22 would like to see that kind of feels like invasive to me, and
23 the pricing is one, and, just like -- I think it was Saturday
24 that I had the FWC come to the dock, and he wanted a bunch of
25 information from me. I said, well, all you need is my
26 documentation, and he goes, no, I need all your paperwork.

27
28 I go, well, my documentation should be sufficient, and he goes,
29 nope, we need everything, your permits and your documentation
30 and all that, and he said, if you don't comply, we won't renew
31 your permit. I said, man, that's harsh, and I said but that's
32 what everybody does, is they hold the permit over my head, and,
33 I mean, this all that I do, and nothing else. Obviously, if
34 you've lost your phone, or messed it up, there's a few things
35 there with that, but that's about all I have to say, and I doubt
36 that answered your question very well, but -- Thank you. You
37 all have a good night.

38
39 **CHAIRMAN DIAZ:** Thank you, Mr. Miller. Next up is Mr. Jane
40 Black-Lee.

41
42 **MS. JANE BLACK-LEE:** Hello and thank you for having us here
43 today. I would like to talk to you today a little bit about
44 catalysts. In the late 1960s, we were scrapping spots off the
45 beach in Port Salerno, and there was one conflict between the
46 commercial fishermen and the sports fishermen, and that conflict
47 was, well, you get off the beach 1,500 feet, and that's how far
48 you have to go.

1
2 A few years later, it was, well, you go on out about to about
3 ninety feet of water, and that's where you need to go. Well, we
4 all know what happened after that, and now there are no nets in
5 Florida, and I was there, and I saw that.

6
7 Then, if you jump up to maybe about the late 1980s, we talked
8 about redfish. Well, there was an accident. There was redfish
9 on the beach in Louisiana, and I was there. I saw it, and, from
10 that, there was a catalyst. The ball started rolling, and there
11 was a lot of people upset from one spill, and did they look
12 forward, to see what was going to happen, and did they study,
13 and did they really know the impact of either one of these
14 catalysts, from no nets to now gamefish for redfish? I don't
15 think anybody was thinking about what might happen and are we
16 going to be careful and do we really know what we're going to
17 do.

18
19 Now, look at us, and we're looking at another catalyst of
20 recalibration. Here it sits again, and are we going to look
21 forward, and are we going to see what's going to happen? We're
22 asking the commercial fishery to give up fish to take care of
23 recreational bycatch, and where are we headed? Are we looking
24 forward, or are we just knee-jerk reacting? Is it too much too
25 late or too little or too much too quick? Which way are we
26 really going to go with this? What's going to happen when the
27 recreational fishery grows? Are we going to reach back and try
28 to find more fish from the commercial fishermen, so that the
29 bycatch can increase safely, or maybe it won't be safely. Who
30 knows?

31
32 I guess I will end with a question. How committed are we to
33 maintain a Gulf commercial fishery? Are we really committed?
34 Are any of us committed? Can we look forward, or are we always
35 going to just make a decision based on all the statistics that
36 we see and not what will happen if we do this in the future?

37
38 I won't be around to see what's going to happen with this
39 catalyst, because we're looking at a generation back, and some
40 of you will be, and I hope it's not as negative as I have
41 presented these reactions to incidents. Thank you.

42
43 **CHAIRMAN DIAZ:** Thank you. Next up is Mr. Mike Sullivan.

44
45 **MR. MIKE SULLIVAN:** Hello, everyone. My name is Mike Sullivan,
46 and I own three certified charter boats. I'm a dual-permitted
47 IFQ owner, and I've been in the industry my whole life. I just
48 wanted to touch on a few different subjects.

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

12
13 Vermilion snapper, it's great that there's a new formula that
14 shows the vermilion snapper is in phenomenal shape, but
15 increasing the quota would be a recipe for the fishery to fail
16 to come.

17
18 As other species are regulated more, if in vermilion snapper the
19 quota was increased, we all know that there would be more
20 pressure put on that fish, and, in a very short time, that fish
21 would be overfished, and there would be new data coming out that
22 that fishery is now in dire straits and would have to be closed.

23
24 I am in favor of leaving the recreational bag limit at ten
25 vermilion per person, and I think that's plenty, and people
26 don't need any more fish than that.

27
28 Sharks, can we please loosen up some of the regulations, by
29 opening some of the species that are closed, sandbar, and there
30 are several others that are closed, but those are some of the
31 main ones that wreak havoc on us. Maybe increase the commercial
32 quota, something to entice them to get that market rolling
33 again, to where we could get a break from them. They have
34 become as bad as the dolphins.

35
36 For red snapper, thank you for extending the season. It was
37 great for some, but not for most of us. With just over two
38 weeks in the late fall, we weren't really able to capitalize on
39 the twenty-two days. In my three boats, I was probably able to
40 book about five trips on top of what we already had, just
41 because of the red snapper season. Yes, more time would be
42 great, but if more time would be in the next year -- If that's
43 going to be the case, just add it on.

44
45 With this data, you all have realized that, hey, we're not
46 catching the full quota, and this being a banner year for
47 everybody, due to people tired of being locked up from COVID,
48 and we realize that next year should be the same, and so if we

1 could just add those days to the season next year.

2
3 Then the last thing I want to talk about is the reporting
4 program. I am not a fan of the VMS requirement. It's just
5 something else that we've got to maintain and manage and pay
6 for, and I know there is a program that, if it does go bad,
7 there's ways around it, and we can still go fishing, but it's
8 just something else that we have to maintain.

9
10 I do understand the program, and I believe it could be a good
11 program, but I believe the program was kind of put together in a
12 hurry, as we all know there's been a lot of problems with the
13 program. A lot of the data we've inserted this year I don't
14 even get yet, and so, I mean, it's like we're doing the work for
15 nothing.

16
17 One last thing is it would be nice to have a group come together
18 and, as someone said, expedite some of the things. I mean,
19 there's a bunch of redundant stuff we have to do on there, and
20 it's already bad enough that we have to count every species that
21 comes over the rail, every species that comes back, and remember
22 that we're running a charter business. We're entertaining, and
23 we're answering phone calls, and we're trying to keep people
24 safe, and we're telling stories. I mean, there's more to our
25 job than just this, and this is very time consuming.

26
27 **CHAIRMAN DIAZ:** Mr. Sullivan, can you wrap it up, please?

28
29 **MR. SULLIVAN:** This is the last thing. If you want to know how
30 bad the sharks or the dolphin are, put a little icon on there
31 of, hey, were you in contact with the sharks or dolphins or
32 depredation, or however you want to say, it for the day. Thank
33 you.

34
35 **CHAIRMAN DIAZ:** Thank you, Mr. Sullivan. Next up is Larry
36 Lemiux.

37
38 **MR. LARRY LEMIUX:** Good afternoon, Gulf Council. My name is
39 Larry Lemiux, and I'm also from Panama City Beach, Florida, and
40 I'm a dual-boat owner. I am just going to touch on just kind of
41 what some of my guys ahead of me, and I want to start out with
42 the state guideboats.

43
44 I own a state guideboat, as well as a federally-permitted
45 charter boat. We do need some way to keep the guideboats in
46 check. As Mr. Kelley said, we've tripled in size, and it seems
47 like everybody and their brother has a guideboat, and they're
48 also utilizing the red snapper season, which I think last year

1 was about forty-two days.

2
3 I have been in this for twenty-six years, and never have I seen
4 the increased effort as I have this year, especially during June
5 and July, during the height of the snapper season, and,
6 obviously, we need some way -- Like you guys are putting VMS on
7 this December, or you're trying to, and let's put a VMS, and
8 let's put a sticker. Let's put something on the guideboat to
9 identify those guys, too. That way, when they get outside of
10 nine miles, you can pull his permit, and then we won't have to
11 worry about it anymore.

12
13 Number two, cobia, I was at the meeting in Biloxi in 2018, and I
14 even offered some of my data, and I kind of got laughed at, but
15 we don't need to see more than two cobia. Cobia is in a major
16 disaster, whether it's overfishing, or whether it's the
17 pollutants that were sprayed in or the BP oil spill in 2010, and
18 I fished them hard since 1994, and it's been a straight decline.

19
20 The 1990s was great, and the early 2000s was good. Any time
21 after 2010, it just went to hell, and, I mean, I don't know if
22 it was the dispersant that we sprayed or a change in migratory
23 patterns, but we definitely need some help with the cobia.

24
25 Gags, I'm also not in favor of a closure on the gags, even after
26 reducing it for the charter/for-hire to one fish per person, to
27 keep it open. Yes, and do I think the commercial guys in the
28 spawning in the spring need to be closed? Absolutely. The
29 forty-break, in particular.

30
31 The logbook program, as Mr. Burkett indicated, and I park right
32 beside him in Panama City, and I have a complete different
33 system than he has. Let's streamline the system. Let's make
34 the system where the information is there, such as my name, my
35 home port, my documentation number, my permit number, my boat
36 name. It ought to be streamlined in the programming. Like
37 Captain Mike just said, we have a lot going on in trying to keep
38 up with things, and it's hard.

39
40 Again, the dolphins and sharks are a massive problem, and I
41 don't know what we can do to make it any better, other than,
42 unfortunately, harvest the sharks. You're not going to let us
43 harvest dolphin, and that's going to be a joke, but we've got to
44 do something. People pay big money to come fish with us, and we
45 want to provide the customer with the best experience that they
46 can get, and, with the sharks and the dolphins, a hundred hooks
47 a day some days, on long trips with six people, it's ridiculous.

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

10
11 **CHAIRMAN DIAZ:** Thank you. We have one question for you, Mr.
12 Lemiux. Dr. Frazer.

13
14 **DR. FRAZER:** Larry, you happen to be the lucky person, and so
15 I've been listening to a number of people give their testimony,
16 and a lot of people have said that they're happy to have ten
17 vermilion snappers. Those same people are telling me that it's
18 hard to get a fish to the boat, because of sharks and dolphins,
19 and I'm just hoping you can explain to me why those sharks and
20 dolphins aren't eating those vermilion snapper.

21
22 **MR. LEMIUX:** They're definitely eating the vermilion snapper,
23 and what is said is you've got Grandpa and Grandma and the
24 grandkids on the boat, and they're already struggling, and it
25 might be a little choppy, to stand up, and, you know, we just
26 ain't got much strength nowadays, and then you've got an eight-
27 foot bull shark, or you've got three dolphins snatching them
28 off, and, I mean, it's sad, when you go -- I'm just giving you
29 an example, and, on an eight-hour trip, I am allowed eighty
30 beeliners a trip with captain and crew and my people.

31
32 You will come back not even with enough fish to fill up a five-
33 gallon bucketful, and I'm charging them \$1,800, and I feel
34 guilty for it, and my object is to build a business. I want
35 people to come back and say, hey, we went with that crazy guy
36 from Panama City, but he did a great job, and I don't want to
37 come back with that guy who fished out there and we fed all the
38 fish to sharks and dolphins and he did nothing about it.

39
40 There's really nothing I can do about it, legally, without
41 losing my permit. Again, you guys hold that over our heads, and
42 it's just like with this logbook. Like Mr. Miller said, you've
43 got a guy down there threatening to take our permits, and, I
44 mean, we want to stay in compliance with you guys, because we
45 want to have our livelihood.

46
47 I mean, I have worked since I was seventeen years old, and I
48 wanted to be a charter fisherman. My father was, and my

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

6
7 I want them to have the best time with me that they can have.
8 That way, when they come next year, they say, hey, we want to go
9 with Captain Larry, and it brings money into my economy, the
10 hotels and motels and restaurants. I mean, I want my people to
11 have a good time, but, you know, I don't want them to be sad
12 because, hey, we paid this guy this much and we got three fish.

13
14 **DR. FRAZER:** Thank you very much.

15
16 **CHAIRMAN DIAZ:** Next up is Jason Delacruz.

17
18 **MR. JASON DELACRUZ:** Jason Delacruz, owner and operator of Don's
19 Dock, a recreational marina and bait and fuel. I own a seafood
20 company, a wholesale seafood company, and I send fish all over
21 the United States. For fishing, I own four longline boats, and
22 I own quota, and I have quota, and I have spent a lot of money
23 to buy quota.

24
25 I stand here today and think about some of the things that I
26 have heard through today and yesterday, and one of the things
27 that probably strikes me the biggest is how we keep falling back
28 and talking about the discards in the commercial red grouper
29 fishery.

30
31 I heard that come up again, but yet we sat through a
32 presentation, two meetings ago, or one meeting ago, and we saw
33 the difference between the recreational and commercial discard
34 numbers, and, for the life of me, I do not understand why we
35 would talk about one that was so small compared to the other,
36 and I just hope that, if we're going to really focus on doing
37 something to build back the red grouper fishery, or to continue
38 to build it back, and, to be honest, and no offense, Clay, but
39 you guys are wrong.

40
41 That fishery is trending up so fast right now that it's
42 incredible, and we are catching fish faster than we've caught
43 them since 2011, when it was off the chain, and so -- Because
44 our data is behind and continues to lag, and we can't get our
45 data to speed up to do an assessment in real time, and we keep
46 putting ourselves in these cycles, where the fish are coming
47 back, and you guys are telling us that, oh, they're not, but yet
48 they were coming back, and we said don't double our stock, and

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

4
5 Consequently, now those people are going to be at this podium
6 next year, and they're going to be whining and complaining that,
7 oh, it's just not fair, and I can't stay in business, and I am
8 usually, I swear, not hard on the agency, but this is an agency-
9 built problem here.

10
11 I sat there in those meetings and said that ain't right, and
12 this stock is not double, and we are going down drastically
13 right now, and, if we're going to protect this red grouper
14 fishery, and that's my main fishery, and that's where all my
15 guys make a living. I've got families that count on me to make
16 sure that I have quota to make sure that they can go fish, and,
17 please, let's see if we can get that arrow moving faster and get
18 something else going, so we can look at the stock, because those
19 fish are coming, and they are getting bigger, and it's just
20 going to get worse the next year and worse the following year.
21 Anyway, thank you very much.

22
23 **CHAIRMAN DIAZ:** Thank you, Mr. Delacruz. We have a question for
24 you from Ms. Boggs.

25
26 **MS. BOGGS:** This is a VMS question. In the discussions this
27 morning with the commercial and the VMS and the possibility of
28 equipment failure, what's your opinion on that?

29
30 **MR. DELACRUZ:** My opinion is a little different, and I discussed
31 it with one of your partners at lunch, and the problem I have is
32 the area that I live, and we have so many boats and so many
33 people, and we have a bunch of these small-time commercial
34 fishermen, which I have no problem with that, but those small-
35 time guys also are dealers, and quite often they're the ones
36 that are most likely to subvert the system.

37
38 I will not take that risk, and it's way too important. making
39 it weaker on the commercial side, in my opinion, is a bad idea.
40 We have been running since 2007 with VMS, and the original VMS
41 definitely had failures, and I'm not saying that we're not going
42 to have failures and it's not going to be hard to get equipment,
43 and, truth be told, I am a dealer. I sell a lot of VMS, but I
44 can always usually help the guys get through the process and get
45 the boat offshore.

46
47 The commercial fishery always has like a day lag. If we have a
48 failure, which we have the all the time, we just get the boat

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

7
8 When you've got people standing here, because they do, and I've
9 got seven, eight, or nine charter boat going out of my dock, and
10 you can't go, hey, our VMS is broke, and you guys have got to go
11 home now. There needs to be an exemption set up for them,
12 because their need for that VMS is completely different than
13 what the commercial's need is, and so, in my opinion, they
14 should be uncoupled, and we should maintain it, and, if we
15 really want to look at this, we'll look at it and develop a
16 version of this that's a little bit different for the commercial
17 fishery and that holds people accountable.

18
19 I mean, that's the best part of the commercial fishery. We are
20 accountable, and we know what the heck we land, and it's right
21 down to the pound on a daily basis. I get calls. When my boats
22 land outside of their timeframe, I get a call of what happened,
23 even if the law enforcement didn't show up, and so we are super
24 accountable, and they keep up on us, but I don't think redoing
25 the VMS is a good thing for the commercial.

26
27 **MS. GUYAS:** Jason, hang on. Andy has got a question for you.

28
29 **MR. STRELCHECK:** It's good to see you, and I'm glad you're here.
30 What are you seeing with red grouper allocation prices right now
31 and also red grouper allocation, because I'm hearing it's not
32 moving and it's going up in price.

33
34 **MR. DELACRUZ:** Technically, you're asking proprietary questions
35 that I do not want to answer, but it will absolutely go up next
36 year. I will be -- I am very, very worried about what this
37 process looks like next year, because of that, because,
38 traditionally, 100 percent disclosure, and, I mean, you guys can
39 look it up, and it's FOIA stuff, but I usually don't have to go
40 find red grouper. I own enough that my boats can fish and it's
41 all good.

42
43 The way this is going, I don't have a choice, and so, next year,
44 I have to go out into the market and compete. Well, I've got a
45 fish house, and I've got people that are counting on me, and so
46 I'm going to probably outcompete some people, and it's going to
47 really piss them off, and you're going to see allocation prices
48 go up, and it's just going to exacerbate this problem.

1
2 I have no choice. I have overhead, and I have mortgages, just
3 like you, and so that stuff -- I have to make sure I pay that
4 stuff, and so I'm going to have to compete on a level -- It's
5 going to go up, and trust me, and it will be significant next
6 year. It will be a different game than what you're seeing right
7 now if the fish continue like they are, if they continue like
8 we're seeing them.

9
10 We saw them a couple of years ago. We saw these little fish,
11 and my guys were discarding them and saying there's a lot of
12 little fish. Now, all of a sudden, they're not discarding them,
13 and they are four to six pounds, and they keep slipping through
14 the fishery, and they're going to get bigger, and they're going
15 to get bigger, and it's just going to keep making it -- It's
16 going to exacerbate it.

17
18 It's not a problem, but it's just we need to match what's
19 happening, what the guys are telling you, and somehow we have to
20 groundtruth that process, when a commercial fisherman that has a
21 reason to say either it needs to come down or it needs to go up
22 relative to that comes to the podium and says, hey, look at
23 this, and this is a for-real deal.

24
25 The problem is you try to tease that out of the IFQ fishery, and
26 it can't -- Just because of the nature of the IFQ fishery, and
27 what's happening right now is you've got people that have that
28 quota that you can't find that are sitting there, and they're
29 going to keep catching them, and it's going to steadily move,
30 just like it's supposed to, because that's the business plan.
31 You know what I mean?

32
33 It's not like before, where you see a mad rush. It's all
34 controlled and steady now, and so it doesn't look the same, and
35 so it's hard to predict that as a trend, but, yet, I can pick up
36 the phone, and I can tell you two or three people where most of
37 the quota is. I don't know, and, anyway, I hope that answers
38 your question.

39
40 **CHAIRMAN DIAZ:** Thank you, Mr. Delacruz. Next up is Mr. Johnny
41 Williams.

42
43 **MR. JOHNNY WILLIAMS:** Johnny Williams from Williams Partyboats
44 in Galveston, Texas, third-generation party boat operator out of
45 Galveston. Vermilion and red snapper, in my opinion, is fine,
46 and I don't see any need to raise the bag limit on those.

47
48 I have a couple of other issues that I would like to address, a

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

12
13 The second thing I want to whine about is the fact that you all
14 changed the rules after years about the duration of allowing a
15 boat to keep a double limit. For years, we had a twenty-four-
16 hour period, duration, in order to keep a double limit, and now
17 we've moved it to thirty. I am one of the few vessels, I think,
18 that was actually doing twenty-four trips, and thirty hours, in
19 the middle of the summertime, when we're right in the middle of
20 the red snapper season, it just doesn't work. It's just too
21 hard on the crew to do that.

22
23 I don't know what the intent was, and I don't know why it was
24 done. If it was done to extend the season, I can give you a
25 couple of other options that will extend the season, for sure.
26 It doesn't seem fair to me that some boats out of some ports can
27 go out and make three trips in a twenty-eight-hour period and
28 keep three bag limits for their patrons in that twenty-eight-
29 hour period, but now I can only keep on bag limit for my patrons
30 in a twenty-eight-hour period, and so that seems awful unfair to
31 me.

32
33 What I would suggest is that we just have a situation where
34 you're allowed to make one landing per day, and the commercial
35 sector did it. A day is twenty-four hours. It's not thirty.
36 If you're going to do this to me, why don't we just do it for
37 everybody and be fair across the board and just say you can just
38 land one bag limit a day on your boat?

39
40 The second thing that I would recommend to extend the season is
41 to increase the size limit. The fishing is so easy off of Texas
42 right now, and we've had a lot of commercial fishermen running
43 out of Galveston, and we're just about fifty miles from the
44 third-largest city in the country, and we've got a lot of
45 recreational fishermen, and the recreational fishery is open for
46 the state waters year-round, and we're still harvesting all
47 these big fish.

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

12
13 **CHAIRMAN DIAZ:** Thank you. Scott Hickman is next, or go ahead,
14 Andy.

15
16 **MR. STRELCHECK:** Johnny, I wanted to jump on the VMS question
17 bandwagon, like everyone else, except you were in the headboat
18 program and participated for two years and used a vessel
19 monitoring system, and what was your experience, in terms of the
20 reliable of the VMS, because that's something that we're looking
21 at with regard to exemptions.

22
23 **MR. WILLIAMS:** We had very, very few issues with it. We didn't
24 have any issue with not being able to be tracked or anything
25 like that. We had a little bit of an issue reporting initially,
26 I think, but, other than that, it worked great. I would
27 certainly recommend requiring a VMS. I've got them on both of
28 my boats, and I am perfectly pleased with it. I think it gives
29 us accountability, and that's one thing that we're lacking if we
30 don't have a VMS on the boat.

31
32 The commercial fishery was kind of a cash fishery, and there
33 were a lot of outlaws, and, when you all required VMS and some
34 of the things that you all require in the commercial fishery, it
35 really cleaned it up. I think there has been some of that in
36 the for-hire sector too, and I think this will clean a lot of
37 that up as well. Thank you.

38
39 **CHAIRMAN DIAZ:** Thank you. Next up is Mr. Scott Hickman. I'm
40 sorry. We've got one more question for you, Mr. Williams.

41
42 **MR. DUGAS:** Thank you. What are you seeing with the cobia
43 fishing off of Texas?

44
45 **MR. WILLIAMS:** It's almost nil. I can remember, as a child, we
46 used to go out sometimes and catch a hundred of them, and the
47 king fishing and the cobia fishing, which we call ling in Texas,
48 has been like down the drain. Red snapper is great, and

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

3
4 **MR. SCOTT HICKMAN:** Captain Scott Hickman from Galveston, Texas.
5 I'm a dual-permit holder. I've got a federally-permitted
6 charter/for hire boat, and I've had charter permits for about
7 thirty years.

8
9 Also, I'm an IFQ shareholder. I bought into the fishery. I was
10 not an initial recipient, and the system works really, really
11 good, and it has helped rebuild the fishery, and it's super
12 accountable, and I was telling Andy this last night. Out of
13 everything the agency does, some really good and some really
14 bad, but the IFQ system is a shining star.

15
16 It works great, and it leaves fish in the water, and it's
17 accountable. The consumers are benefitting from this. I sit on
18 the IFQ Red Snapper Advisory Panel, and we've discussed changes
19 and ways to make it better, on and on and on, and I have flown
20 all over the Gulf doing these meetings, and, if we're going to
21 throw more government money at a panel, to try to skim the IFQ
22 system a little bit more, why don't we save that money and send
23 folks to go try to learn how to recalibrate their fish and do a
24 better job of managing some of these recreational fisheries?

25
26 We've got big problems with the recreational red snapper
27 fishery, and they continue. I would have thought that, by now,
28 that the state management system would have started coming along
29 a little bit better. Rome wasn't built in a day, and I get
30 that, but we're kicking that can down the road, and we're trying
31 to tear apart and mess with a program that is working
32 exceptionally well, exceptionally well.

33
34 I have come in here for five or six years and talked about
35 cobia. I used to catch 200-plus fish a year, and I tagged fish
36 for Dr. Franks for years and years and years, and it's my
37 favorite fish to target and look for, and I catch about a dozen
38 a year now, and I fish a lot. The cobia fishery has crashed.
39 Whether it's somewhat overharvest, and it's a pretty fast-
40 growing fish, and I do believe there are some environmental
41 things going on with cobia. There are water quality events all
42 over the Gulf, and the red tides are affecting things, and there
43 are huge hypoxia events in the western Gulf and runoff.

44
45 We should look at some ecosystem-based management ideas for
46 cobia. There are climate issues that are changing and affecting
47 cobia, and it's not just a simple answer.

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

5
6 My other boat, we type tested and approved the new NEMO system
7 for Woods Hole, and it's a GPS archival unit, and there were
8 zero problems. I spoke yesterday at the SEFHIER deal, and the
9 two captains that run my federally-permitted charter/for-hire
10 boat aren't the brightest two guys, but they're good guys, and
11 they figured it out, and they had no problems with the app. It
12 works well, and we're happy, and the agency has done a great job
13 on this whole thing. We know that Rome wasn't built in a day,
14 and there's going to have to be changes as we move through the
15 program, and we appreciate that, and so I appreciate everybody,
16 and thank you.

17
18 **CHAIRMAN DIAZ:** Thank you. Next up is Mr. Richard Fischer.

19
20 **MR. RICHARD FISCHER:** Good afternoon. It's great to see you all
21 again. It's been far too long. Richard Fischer, representing
22 the Louisiana federally-permitted charter/for-hire fleet. I
23 will start out talking about cobia. Our fleet would accept a
24 one per person limit, but we just believe that two in a whole
25 trip would just be going too far, and that's for us in
26 Louisiana.

27
28 As you recall, there was a very narrow vote by the AP to suggest
29 this two-trip limit, but remember that it was a very close vote
30 and that the AP represents a very small subset of captains
31 across the Gulf.

32
33 The Louisiana captains that I have spoken with, they say that
34 they are catching cobia and seeing cobia as prevalently as they
35 did five or ten or twenty years ago, and, again, to be clear,
36 this is not discounting the experiences and what other captains
37 from other part of the Gulf are seeing in those places, but
38 words like "catastrophic" and "depleted" are being thrown
39 around, and that's just not what we're seeing in Louisiana, from
40 the conversations that I have been having.

41
42 This begs, again, for the regional management and state
43 management conversation, because we in Louisiana have LA Creel,
44 and we believe in LA Creel, and we believe that LA Creel is one
45 of, if not the, best fishing counting systems there is, and so,
46 by going to some regional or state management approach, maybe in
47 Louisiana, where you're seeing that it's not quite as depleted
48 in other areas, we don't have to, once again, feel the pain of

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

6
7 I will move on to the logbook equipment failure conversation
8 that we had earlier today. We would support the longest time
9 series there and the most times per year for you to be able to
10 have your equipment fail, and I heard this morning that it could
11 be broken for weeks at a time before it gets repaired, and so
12 ten to fourteen days is not enough.

13
14 Three times per year, that's not enough, and we're hearing that
15 it doesn't happen that often, but, you know, just one, two,
16 three, four times, that's too many. Like let's say the failure
17 rate is 1 percent Gulf-wide. Well, that's thirteen captains.
18 That's thirteen individuals that you're saying you can't feed
19 your family, because of something that it out of your control.

20
21 We would really like for there to be the longest time series
22 there, and we would also support backing up the Phase 2 dates,
23 due to the lawsuit and the hurricane and supply chain issues and
24 everything else that was discussed. Andy, I appreciate the
25 declaration from earlier for our Jefferson Parish captains, but
26 we do have Cocodrie and Fourchon captains that that would not
27 adhere to, and so we're going to keep fighting for that, and we
28 appreciate that, and we're going to keep things going.

29
30 On the fall red snapper issue, I would like to say that I agree
31 with Alicia from earlier, and those were great comments. In the
32 future, I think we would like to see tacking it onto future
33 years, as opposed to a short-notice season, because we're a
34 customer-driven industry, and so it's just real tough, with
35 short notice, to get customers to come on, and that's especially
36 true for Louisiana after the hurricane that we just experienced.

37
38 The last, last thing that I will mention, and I know that I am
39 out of time, but I think the remote comments are great. I would
40 like if you all could continue doing the remote comments into
41 the future, even once we go to full in-person meetings, because
42 you know it's really not realistic for a captain, who is working
43 seven days a week during red snapper season, to be in Key West
44 or to be in San Antonio, and so it's a really good addition, and
45 I appreciate you all doing it, and I am happy to take any
46 questions, if you all have any.

47
48 **CHAIRMAN DIAZ:** Mr. Schieble.

1
2 **MR. SCHIEBLE:** Thank you, Richard. Real quick, could you maybe
3 speculate, or hypothesize, what percent of your charter fleet
4 does multiple trips when it comes to cobia fishing? In other
5 words, how many would have a multi-trip bag limit for cobia,
6 what percent, maybe throughout the year?
7

8 **MR. FISCHER:** I think, and you can tell me if this doesn't
9 answer your question, Chris, and I could go a different
10 direction with it, but I think what we're seeing with cobia is
11 that, yes, you're seeing them less than you see other species.
12 From the conversations that I have had, it's about the same
13 amount that you would see them five years ago, ten years ago,
14 twenty years ago, but you're not seeing them every day, but,
15 when you see them, you can catch quite a few, and so, on those
16 days, where you've got to make your customers happy and fill up
17 the box with fish, it's very important to be able to tell all
18 six of your paying customers that all six of you all can take at
19 least one home and not you guys play rock, paper, scissors, and
20 two of you all get lucky.
21

22 **CHAIRMAN DIAZ:** Thank you. Mention to your dad that Dale said
23 hello.
24

25 **MR. FISCHER:** I certainly will. Thank you so much. You all
26 have a great evening.
27

28 **CHAIRMAN DIAZ:** Thank you. Next up is Philip Early.
29

30 **MR. PHILIP EARLY:** Thank you for taking the time to listen to
31 me. The problem I am having is with the wenchman. I'm the guy
32 that caught all the wenchman, but they are everywhere on the
33 grounds. I started fishing at fifty fathoms, and I started
34 getting a trace of them, and then I went out to sixty fathoms,
35 and I went to 120, and I'm not targeting wenchman. I am
36 targeting butterfish and google-eye scad. That's all I'm after,
37 but I just cannot get away from them.
38

39 About a month ago, I was heading out on a trip, and somebody
40 called me up by the name of Ricky Brown, and he told me -- He
41 says, you cannot fish wenchman, and I said, I can't stay away
42 from them. They are everywhere.
43

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

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

5
6 Like I fished for fifteen years up in the Bering Sea, and I have
7 seen more fish out in this Gulf of Mexico than I have ever seen
8 in the Bering Sea. In the North Atlantic, and I've been all
9 over, and it's a very, very healthy stock, and the reason I'm
10 here is butterfish is my bread and butter, and google-eyes is a
11 small fish in abundance.

12
13 There was one time that I went twenty miles, and every time I go
14 for butterfish I get wenchman snapper, and that's during the
15 day, daylight, and I work a lot by the moon, and that's where I
16 think I get a lot of fish, but I just can't stay away from the
17 wenchman, and it's a big problem.

18
19 I own my own boat, the Captain Salty, and it's an eighty-foot
20 boat. I invested all my money in it to go fishing for
21 butterfish and fish for google-eyed scad, and I didn't know what
22 a wenchman was until I came to the Gulf, and then I did more
23 research, and I am getting -- I fish different depths, and I
24 don't target anything but butterfish and google-eyes, but sharks
25 is a big problem too, you know, and it's everywhere.

26
27 I don't really know what to say, but I have a problem, and I
28 hope you can address it and help me out with it, and I am really
29 out of my comfort zone here, and I just hope that we can work
30 together on this and see where we can go. That's all I can say.

31
32 **CHAIRMAN DIAZ:** We've got a couple of questions for you. Ms.
33 Bosarge.

34
35 **MS. BOSARGE:** I just wanted to say thank you for coming, because
36 we were all kind of scratching our heads about the wenchman,
37 when that topic came up, but I did want to let you know that we
38 have talked about it a little bit, and we're actually going to
39 try and talk about it again hopefully at our next meeting, and
40 it depends on when Andy down there can pull us some information,
41 but he's going to bring us some information back.

42
43 We're pretty sure that that quota on some of those snappers is
44 probably just a ten-year average of some ten years, and we don't
45 know what ten years, of landings, right, and so maybe we can
46 look at that and see what it takes to update that average and
47 adjust that quota for today's conditions, and so we are looking
48 into it, and I bet we'll be calling you at some point, to get

1 some more info from you.

2
3 **MR. EARLY:** I am willing to share all my information, and just
4 to let you know that there is so much butterfish out here and so
5 much google-eyes, and it's an untouched fishery, and I think a
6 lot of boats could get involved, and it would take the pressure
7 off, and I am willing to share any data with anybody, because I
8 can mid-water them, and I can go on the bottom, and it all
9 depends what I am looking at.

10
11 I watch my finder, and I kind of go into fifty fathoms because
12 of the red snapper. I can see the sounder, and I won't touch
13 it, and so this is where I am, and I can't even go fishing this
14 week, because the wenchman are so dispersed all over the
15 grounds, and they're from fifty down to 120 fathoms. I even
16 went to 140 fathoms, and that's as deep as I could go, and I
17 caught them, and I didn't even know that there was a quota on
18 them.

19
20 There's ten different fish in that bag limit, and I have never
21 seen one of them. All I've seen is the wenchman snapper, and
22 there are tons of them out there, and I can't take my boat
23 fishing right now, and so what do I do?

24
25 **CHAIRMAN DIAZ:** Dr. Simmons.

26
27 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair. Thank you
28 again for coming and telling us about your, I guess,
29 interactions with wenchman. We know very little about wenchman,
30 and so, if you would be so kind, if you haven't already given us
31 your contact information, our staff will be reaching out to you.

32
33 We would like to learn a lot more about it, and perhaps maybe in
34 the area, what area you're fishing in, and if that has changed,
35 and I think maybe there's a cool-water upwelling or a hypoxia
36 event or something, but most of the time what we understand
37 where the wenchman are is right on the structure, and so we are
38 very much interested in speaking with you some more about this,
39 and so if you could please make sure we get your contact
40 information, that would be greatly appreciated. Thank you.

41
42 **MR. EARLY:** Not a problem. Thank you for listening to me.

43
44 **CHAIRMAN DIAZ:** Thank you. Next up is Mr. Eric Brazier.

45
46 **MR. ERIC BRAZIER:** Thank you very much, Mr. Chair. Eric Brazier,
47 Deputy Director of the Gulf of Mexico Reef Fish Shareholders
48 Alliance. Thank you for the opportunity to speak. It's good to

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

2
3 I do want to start out by giving credit where credit is due.
4 This is a creative, out-of-the-box kind of idea, and we should
5 be supporting ideas like that, but I would be remiss if I didn't
6 say that you have nineteen people with diverse roles in this
7 fishery already teed-up to do this.

8
9 The Ad Hoc IFQ Advisory Panel has met three times in the last
10 few years, and it has provided recommendations that the council
11 has declined to take up, and so it's kind of unclear to us how
12 this new focus group will deliver results that are different
13 than what you may have or what you have seen before.

14
15 Number two, we do support the red grouper increase, but the
16 council needs to understand that, if the commercial sector was
17 getting its fair 76 percent of that increase, that would equal
18 532,000 pounds, but, because you chose to reallocate, the
19 commercial sector will only get 59.3 percent of that increase.
20 That means that the commercial sector is losing an additional
21 116,900 pounds of red grouper, and Amendment 53 hasn't even been
22 signed yet.

23
24 On to calibration, and we have come here for years raising
25 concerns about these estimates and methodology and the very real
26 impacts of the reallocation decisions that you're making using
27 these FES estimates, and the council needs to take a holistic
28 look at calibrations and look at the impact on commercial
29 fishermen throughout the entire supply chain, all the way to the
30 consumers themselves, rather than a piecemeal, siloed approach.

31
32 Separately, these actions are drastic, a 1 percent cut in red
33 grouper, a doubling of the beeliners, and, cumulatively, they
34 are changing the landscape of the fishery in the Gulf of Mexico,
35 and there appears to be no truly cumulative analysis of these
36 impacts Gulf-wide, and that needs to happen.

37
38 We do support the gag motion that closures are a last resort.
39 You've got the opportunity now to hone-in on and rein-in the
40 true drivers of the stock decline, and the list of recreational
41 options from today's National Academy report is a good place to
42 start, and so we ask you to start action now, and do not delay,
43 before you potentially have no other choice but to face a
44 closure.

45
46 Speaking of that report, briefly, we appreciate the conclusion
47 on engaging recreational stakeholders on optimum yield, and this
48 highlights the general difficulty in determining OY, and it's a

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

3
4 Real quick, we hope to finally see a final report of the
5 commercial electronic logbook pilot program, when the council
6 takes up this issue in January, and it's been half a decade, and
7 then, finally, we support taking action now to increase the
8 commercial triggerfish limit. Thank you.

9
10 **CHAIRMAN DIAZ:** Thank you. Next up is Jim Green.

11
12 **MR. JIM GREEN:** Hello. I'm Captain Jim Green from Destin,
13 Florida, President of the Destin Charter Boat Association and
14 President of the Charter Fishermen's Association. I am here on
15 behalf of both today.

16
17 Cobia, the DCBA and the CFA would like to see final action
18 taken. The preferred alternatives that are selected in the
19 document offer the strongest, the largest, and hopefully the
20 quickest path to rebuilding this fishery. I am one of four
21 directors of the weekend tournaments in Destin, and we all agree
22 and support these major steps forward to bring this fishery
23 back, and so please take final action on that.

24
25 Gag grouper, just a little note that it's probably been one of
26 our better years this year, in the last decade, and they are by
27 no account rebuilt, but they are definitely -- In our area,
28 we're seeing a comeback, and we support, on the red grouper
29 document, Alternative 2. It gives us the longest opportunity
30 for a season, and our industry relies on opportunity to harvest,
31 and so this gives us our best shot.

32
33 Vermilion snapper, the stock in our area is in decent to good
34 shape, and we are seeing a large span of age classes of fish. I
35 share some of the concerns that Captain Zales had on the FES
36 data and how much of an increase the OFL and the ACT and the ACL
37 are looking at, and we're looking at over 200 percent, and we
38 don't quite catch that quota anyway, and I understand the
39 abundance, but my concern would be in future management
40 decisions and hurting this fishery with increases in bag limits
41 and such like that. I think a blend of the MRIP standard and
42 the FES would be a closer shot at reality, especially looking at
43 how it affects this fishery.

44
45 When it comes to the modifications to the location requirements
46 under the SEFHIER, first, I want to thank you for taking steps
47 to address this major concern for our industry. I know that it
48 is not some overwhelming issue in the commercial industry, but

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

6
7 In Action 2, if they want to stay in, I would say it would be a
8 corresponding thing, to keep it simple, but, if the commercial
9 fishermen do not feel they need to be in it, then that's fine.

10
11 We spoke some about the value -- In the Q&A about the value of a
12 fishing trip compared to the cost, and we would really like to
13 see that line item changed, and there is concerns, multiple
14 types of concerns, that people have with putting the trip cost,
15 and the point of the economics of that report is to find the
16 value of that fishery, and the value does not change, but
17 sometimes trip costs do.

18
19 We support the AP motions, especially with inside the co-regs
20 and not having to have multiple hail-outs when you're not even
21 going to exert any fishing effort. Having to hail-out to get
22 fuel or ice is kind of a -- It's kind of repetitive and a burden
23 on the system and on the operators.

24
25 On the SEFHIER, one last thing about it is we urge the agency
26 and the SEFHIER program to figure out -- To have some kind of
27 outreach to find out the latency of the industry. We're seeing
28 the 500 permits that have not signed up, and let's provide them
29 a way of declaring that they're not going to be active in the
30 fishery, and let's find a way for them, whether they've got to
31 just fill out the form and not buy the equipment, and that will
32 help with the supply chain issues, but let's try and, instead of
33 waiting to see, and wasting law enforcement time on trying to go
34 in and figure out if these people are violating, let's give them
35 a path forward to tell us they're not going to be.

36
37 Sharks and dolphins, I mean, you all have heard it and heard it
38 and heard it. It's getting worse, and there is more frequency
39 in it. DCBA set up a petition for our anglers to start signing
40 a petition. It's a pretty vague petition, but it speaks to the
41 overpopulation and the depredation that they are witnessing
42 while they're using charter and headboats in the Destin area,
43 and we are going to distribute that, to try and build a list,
44 but --

45
46 **CHAIRMAN DIAZ:** Captain Green, can you start wrapping your
47 comments up?

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

10
11 **CHAIRMAN DIAZ:** Thank you, Captain Green. Next up is Blakeley
12 Ellis.

13
14 **MR. BLAKELEY ELLIS:** Good afternoon. My name is Blakeley Ellis,
15 and I'm the Executive Director CCA Alabama. Like the other
16 commenters, it's nice to see everybody in person again and get
17 away from the computer screens.

18
19 I wanted to talk about cobia for a minute. Just to give you an
20 idea, and I know at least my organization, and our state
21 organization, we felt that cobia was something that we needed to
22 look at and we were concerned with, and we actually invested
23 right at \$40,000 with the University of South Alabama to deploy
24 satellite tags over the last couple of years.

25
26 It's something that we're not just talking about, and we took
27 action with it. I wish I could say that I had data to provide
28 to you all, but it was a little bit of a struggle to get all the
29 tags deployed, both with having luck finding the fish when we
30 needed to, and, also, we ran into the fish being recaptured
31 sometimes very quickly after we deployed the tags, and so those
32 are scheduled to start popping off in 2022, and so, obviously,
33 it will be nice to see some of the results of that, to help give
34 us more information about how these fish move and what that
35 looks like.

36
37 Then that kind of plays into the management side of things. You
38 know, it's a shame that it's going to likely come down to a
39 fisheries management broad brush for the whole Gulf decision,
40 and I understand there's not any other way around that, but it
41 sure would be nice if this ended up being a good place that
42 having more of a regional -- More of a focused-area management
43 might make sense.

44
45 We definitely are going to support however our state partner
46 feels about the changes to the management, and so Scott and
47 Kevin, however they end up deciding what's best for us, we're
48 going to generally agree with that, and so that's about all I

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

2
3 **CHAIRMAN DIAZ:** Thank you, Mr. Ellis. Next up is Randy Boggs.

4
5 **MR. RANDY BOGGS:** Good afternoon, guys. Most of you know me,
6 and my name is Randy Boggs. I have been at the council process
7 since 1997, and I've heard a lot of the fishermen stand up here
8 and speak today on the vermilion snapper. Guys, in the mid-
9 1980s, we took those fish away from the charter/for-hire
10 fishermen, and we left the commercial fishermen with no bag
11 limit and no season limit and no trip limit, no anything. Those
12 fish were taken directly out of my fish box, and I was impacted,
13 years ago. We gave up 50 percent of our bag limit.

14
15 If we continue not to put those fish back on the charter/for-
16 hire boats, you've given the commercial fishermen an unlimited
17 fishery. They have trip tickets, and, when this fishery gets in
18 trouble again, they're going to come to you and ask for an IFQ
19 on the vermilion snapper, and we're stepping right in there and
20 giving them the ability, with an unlimited bag limit and an
21 unlimited harvest, to build their catch history, while the
22 charter fishermen, who weren't in this fishery years ago, are
23 not realizing what they're doing. They are giving away what we
24 could be harvesting.

25
26 We sit at the controls of those boats. If you don't want to
27 catch twenty fish per day, then catch ten per day. You control
28 what happens on your boat, and so they're asking to be
29 conservative with this, but we're giving the fish to a whole
30 other sector, and that's not right. We gave those fish up years
31 ago, and that's not what I came to speak on, and I sat and I
32 listened to you guys talk about new entrants into the fishery.

33
34 If you go back and look at why the moratorium was put in place
35 on the charter/for-hire license, it was to weed the boats out
36 through attrition and to do away with a number of charter boats,
37 and the reason that that was done was because it showed a huge
38 increase and influx when they started checking for permits.

39
40 When all this took place, it was to reward those of us who
41 stayed in the fishery and these other boats dropped out. Even
42 with the commercial fishery, it was to reward the people who
43 went through the hard times, and when the commercial fishermen
44 had a very low -- When we were dealing with a three or four-
45 million-pound TAC, and the commercial fishermen were fishing ten
46 or fifteen days out of every ninety days, they suffered through
47 a lot of time and hardship to do that, and the charter fleet has
48 dwindled down, through attrition, and we're losing the charter

1 boats out of here.

2
3 To take the fish away and to start talking about bringing new
4 entrants into the fishery, that's absolutely spitting in the
5 face of those us who suffered through the tough times, like when
6 we had a three-day season or a nine-day season, and that's
7 ridiculous.

8
9 Guys, I was going to bring the brochure up here on the cobia,
10 and you ask what to do about the cobia, and all you need to do
11 is look at the brochure that you've got out here about the
12 cobia. There is not an adult fish in any picture that you have
13 on that brochure.

14
15 I understand the guys in Louisiana, and they have a spawning
16 aggregation of fish that gather off those rigs up there, and
17 that's the last of the stock. What you're not asking is the
18 question of how big are those fish you're harvesting, and those
19 fish are barely over the legal size limit. Every once in a
20 while, they're catching a bigger fish, but that's the very fish
21 that we need to protect to spawn.

22
23 The cobia fishery has gotten so bad that the cobia tournaments
24 have been cancelled up and down the Gulf coast, and a month-long
25 tournament, with some of the best fishermen in the world, when
26 you have three fish come to the dock -- The king mackerel
27 fishery is not what it is, and the bigger fish are not here
28 anymore.

29
30 We have lost a big bunch of spawn on that, and the gags have
31 been in trouble for years, and you guys keep asking questions
32 about the VMS and dependability, and you can't answer that
33 question. There is nobody at this podium that can stand and
34 tell you the dependability of a piece of electronics that is not
35 installed on their boat. Each unit is as individual as each
36 person that sits at this table. If you get a bad unit, it's not
37 going to function, and you're going to have problems.

38
39 When we did the headboat thing, the Headboat Collaborative, we
40 had it where you could call in, or email in. If you had a
41 failure of your unit, and it's generally because your battery
42 goes dead, when your battery goes dead on the boat. These
43 things sit at the dock and they ping, and they pull your battery
44 down.

45
46 When your battery goes dead, the unit shuts off, and then you
47 have got to reboot everything, and you've got to hope that the
48 Bluetooth comes back up, and it's not that the units are not

1 dependable, but it's that the battery --

2
3 **CHAIRMAN DIAZ:** Mr. Boggs, can I get you to start wrapping up,
4 please?

5
6 **MR. BOGGS:** It's the battery drain on the boats that makes the
7 units undependable. Guys, thank you very much.

8
9 **CHAIRMAN DIAZ:** Thank you, Mr. Boggs. Next up is Chris Horton.

10
11 **MR. CHRIS HORTON:** Thank you, Mr. Chairman and members of the
12 council. I promise that I will be pretty brief. I'm Chris
13 Horton with the Congressional Sportsmen's Foundation, and I
14 really just want to comment on Amendment 33 to the Coastal
15 Migratory Pelagics and the modifications to the Gulf of Mexico
16 migratory group king mackerel catch limits and allocations.

17
18 I certainly support Alternative 2 in Action 1 to revise the OFL
19 and ABC, as recommended by the SSC, based on the new FES
20 landings, and to accept the ACL and the ABC. However, in Action
21 2, I don't believe that -- I don't support it even being in the
22 document, to be honest with you, and it's significantly lacking
23 the information needed to make an informed decision on
24 allocations.

25
26 I mean, it completely ignores a lot of the guidance that NMFS
27 offers in the fishery allocation review policy, and it doesn't
28 include any social or economic information, and, obviously, from
29 the recreational fishery, and you've heard it in the past, on
30 looking at shifting allocations in the king mackerel fishery,
31 that, from a recreational perspective, our optimal yield doesn't
32 mean the maximum amount of fish that we can harvest. Our
33 optimal yield is leaving fish in the water.

34
35 How many fish to leave in the water? That's the question that
36 we need to debate in a different document, and so I would
37 encourage you to pull that out and start a different amendment.
38 Thank you for your time.

39
40 **CHAIRMAN DIAZ:** Thank you, Mr. Horton. Troy Frady.

41
42 **MR. TROY FRADY:** Good afternoon. I'm Troy Frady, a charter boat
43 captain here in Orange Beach, Alabama. I can't thank you enough
44 for the electronic logbook program that you all put in place for
45 us, and I do hope that we keep moving forward and not delay the
46 implementation of this process.

47
48 I have been using the NEMO unit for about five months now, and

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

7
8 I would like to ensure that, if we do have an equipment failure,
9 that we have a backup way to hail-out and to report bycatch and
10 effort. It's very important that, if I drop my phone in the
11 water or something like that, that I have a backup way to not
12 penalize me because my phone falls out or is damaged or gets
13 lost or for whatever reason. I just don't want to be penalized,
14 and I still want to be able to generate revenue and operate in
15 commerce.

16
17 Please set an area, or a boundary, where we can operate without
18 having a hail-out with our VESL app or anything. It doesn't
19 make sense to have -- When you move your boat to the fuel dock
20 or the dry dock or have to evacuate for a hurricane, that you
21 have to hail-out, especially if you're staying inland and not
22 participating in the fishery.

23
24 We have heard some talk about sharks, and I want to validate
25 that. Sharks are very abundant off of Alabama. They are
26 scavenging, and they are depredating. I can only imagine what
27 the shrimpers must face when they're out there dragging and the
28 sharks just follow you. I have three bull sharks recently
29 follow me for a mile-and-a-half from one spot to another, and
30 I'm like, wow, this is crazy, and I didn't know they were that
31 smart, but they really are.

32
33 For cobia, for now, I would say raise the bag limit and the size
34 limit to thirty-nine inches fork length. Set a two-fish trip
35 limit for at least three years. If you must close the season,
36 do so, but have a set date to reopen it, so that we don't have
37 to jump through hurdles to beg for a reopening.

38
39 Hurricanes, I have mentioned this before, when I was in San
40 Antonio, but they do move a lot of fish, and I am mentioning it
41 again because we had another hurricane, Ida, that just hit
42 Louisiana. After Hurricane Sally in 2020, most of the snapper
43 in our waters less than ninety feet, especially down in the
44 south southwest, were blown off the area. They were blown out
45 of here, and we don't know where they went.

46
47 However, we do see scamp blown into the same area, and Ida, two
48 months ago, pushed a lot of small amberjack in, and some of our

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

3
4 This is something that I haven't heard anybody really say, but
5 we've been coming in at about seventy-something percent of our
6 quota on the charter/for-hire for red snapper, and we got a fall
7 season, and we do appreciate that, but the fall season came a
8 little too late for me, because we were busy from October 1, and
9 I would like either better notice, shorter-time notice, so we
10 could plan, but let's go one step farther.

11
12 If we're only coming in at 70 or 75 or 80 percent of our quota
13 during the summer, why don't we set red snapper season for the
14 federal charter boats back to early May, the first part of May,
15 and then let us run through whatever time need? We need those
16 fish when people are here, which is usually about mid-May, when
17 the kids get out of school, and when the kids go back to school.
18 That's pretty much all I've got to say. Thank you so much.

19
20 **CHAIRMAN DIAZ:** Thank you, Mr. Frady. Next up is Sean Heverin.

21
22 **MR. SEAN HEVERIN:** Hi. How are you doing today. My name is
23 Sean Heverin, and I'm a fisherman from Madeira Beach, and I have
24 fished in Louisiana, and I have fished in Louisiana, and I moved
25 over here about five years ago. I'm a bandit fisherman and a
26 longline fish dealer.

27
28 I have a couple of things that I wanted to talk about. I
29 support more accountability for the recreational sector, and I
30 think that the growing population, especially exploding in
31 Florida, if we don't cap some kind of either tagging program or
32 a boat limit for recreational, I feel like that they're going to
33 continue overfishing their sector, and it's going to take away
34 from the small number of commercial fishermen that are fishing
35 for red grouper and red snapper in Florida especially, and
36 there's got to be something done, because we can't keep on
37 giving up our fish to the recreational, and it's going to just
38 further end our businesses more than we already need.

39
40 The bycatch discards on the recreational is unchecked, and, I
41 mean, I have no idea how much they actually discard, but I think
42 that takes away, especially when you're talking about gags, and
43 I just think that some type of boat limit or tagging program or
44 some kind of idea that you guys come up with needs to be put
45 into effect soon, before you all have a real severe crisis, with
46 a lack of fish out there to catch for both recreational and
47 commercial and also the charter industry.

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

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

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

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

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

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

3
4 **MS. BOSARGE:** Not a question, but I just wanted to thank you for
5 coming. Sometimes I think the secrets of better and better
6 science is just having the right two people in the room talking
7 to each other, one listening and one talking, and so I found
8 what you said to be very informative, and, I mean, I haven't
9 seen the science, but it could very well affect how it's
10 interpreted, and so thanks. I appreciate it.

11
12 **MR. HEVERIN:** Sure.

13
14 **CHAIRMAN DIAZ:** Next up is Mr. Wayne Werner.

15
16 **MR. WAYNE WERNER:** Good afternoon. Thank you for the ability to
17 speak. I am Wayne Werner, Fishing Vessel Sea Quest. I am the
18 unlucky guy. I went through five VMS, not counting the one that
19 didn't work for only two weeks, and so I am actually on my sixth
20 one, and I will tell you what the program was. You don't get to
21 go fishing. If the VMS don't work, you don't go. Like I said,
22 I am on my fifth one, and I'm counting. I am not counting the
23 one I had to send back in two weeks, and so I'm just letting you
24 know.

25
26 There's a big problem with the call-in, and my boat unloaded
27 yesterday, and I was at this meeting, and he called me and told
28 me he was calling in. Thirty minutes later, he said that he
29 stayed on the line for thirty minutes, and he didn't get
30 anybody, and I said to try again. He tried one more time, and
31 thirty minutes later he calls me again, and they won't answer
32 the phone. Big problem. I just wanted to bring that you guys'
33 attention, and maybe you can do something about it to help us
34 out.

35
36 We tried the iPad, and, every time we use the iPad, enforcement
37 says that, oh, we didn't get it. Every time we used it, and we
38 tried -- We stopped using it and tried again, and we had the
39 same problem.

40
41 All right. Enough about that. You're going to see a large
42 reduction in the harvest of beeliners in the western Gulf of
43 Mexico, and you're probably already seeing it, and it's pretty
44 easy. All our captains are dying off, and they're going away.
45 We don't have anybody fishing them anymore. There are damn few
46 boats fishing beeliners. There are plenty of beeliners over
47 there, but we just can't get the boats over there. I just
48 wanted to bring that up.

1
2 As far as king mackerel and cobia and stuff, you know, we've had
3 the same problem in the last six or seven years, and we also
4 haven't seen any sargassum weed coming into the Gulf of Mexico
5 for six or seven years, in the western Gulf, none. I think
6 someone said they saw some for the first time this week, and,
7 you know, food sources are important for fish.

8
9 I will tell you this. As far as the king mackerel go, last
10 February and March, I caught 40,000 pounds of kings, and I was
11 the only one to catch them. I probably won't be alone this
12 year, and too many people know about it, and so I will have some
13 company, but the cobia, and I think it's the same thing. You've
14 got to look at environmental problems. They're pretty serious
15 these days, especially whenever the catch on the east coast is
16 going up and the Gulf is going down, and that tells you
17 something.

18
19 I've got to say one thing about the grouper fishery, and it's
20 been shot for twenty years, or maybe longer, and, I mean, I
21 caught 25,000 pounds a year on my time off when I came back from
22 Louisiana, just playing with my friends, and I caught 25,000
23 pounds of gags every year, I guarantee you, and let's see you do
24 that today with skiffs and little boats. That's all I have to
25 say. Thank you.

26
27 **CHAIRMAN DIAZ:** Thank you, Mr. Werner. We had one person online
28 earlier that we were never able to connect with, Jamee Lowry,
29 and so let's try this one more time and see if we can get you
30 on, and I think our system is showing that you were self-muted
31 earlier, and so are you out there? Okay. Well, that is going
32 to end public testimony for today, and we had a lot of people
33 testify, and so I'm glad to see that.

34
35 We're kind of at an awkward time. It's 5:20. I hate to really
36 get us to do too much more today, and I think we're probably all
37 burnt, but I don't want us to get behind tomorrow, and we've
38 been running a little behind all week, and is there any
39 opposition to starting at 8:00 in the morning? No opposition,
40 and we're going to start at 8:00 in the morning. Thank you,
41 all. Meeting adjourned.

42
43 (Whereupon, the meeting recessed on October 27, 2021.)
44

45 - - -

46
47 October 28, 2021
48

THURSDAY MORNING SESSION

- - -

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

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

COMMITTEE REPORTS
SHRIMP COMMITTEE REPORT

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

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

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

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

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

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

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

8
9 Mr. Strelcheck noted that the agency has some hesitancy
10 concerning testing VMS units in the Gulf shrimp industry, given
11 industry opposition to VMS, but agreed that proof of concept is
12 needed. He commented that the first recommendation seems to be
13 at a crossroads with the second recommendation. He inquired,
14 once testing from the second recommendation occurs, what the
15 path forward would be for the council.

16
17 Mr. Anson asked how quickly the results from a pilot test from
18 the second recommendation might be obtained. Mr. Strelcheck
19 responded that it was uncertain how quickly that would happen.
20 Ms. Bosarge noted that cellular VMS units should be tested with
21 shrimp vessels targeting white, brown, and pink shrimp, as there
22 may be differences in the number of location fix pings
23 occurring, due to boundary issues, given where those three
24 different species are harvested.

25
26 **The committee recommends, and I so move, to recommend that the**
27 **council request that NMFS fully evaluate and consider, to the**
28 **maximum extent possible, the draft approval specifications for**
29 **reinstating the historical cELB program for the Gulf shrimp**
30 **fishery in recognition of the legitimate distinctions between a**
31 **scientific-data-collection-oriented program and an enforcement-**
32 **oriented program (see Appendices D and E in the draft framework**
33 **action). NMFS shall provide their evaluation at a future**
34 **council meeting. The motion carried without opposition.**

35
36 **VICE CHAIRMAN GUYAS:** Okay. We have a committee motion on the
37 board. Is there any discussion on this motion? **Is there any**
38 **opposition to this motion? Seeing none, the motion carries.**

39
40 **MS. BOSARGE:** We'll jump right into another motion. **The**
41 **committee recommends, and I so move, to recommend that the**
42 **council request that NMFS arrange for the testing, as soon as**
43 **possible, of a small sample of approved cellular VMS units**
44 **programmed to ping every ten minutes, on federally permitted**
45 **commercial shrimp vessels operating in different regions of the**
46 **Gulf of Mexico, to determine if the data generated is compatible**
47 **with the current cELB algorithm. The testing protocol should be**
48 **designed by NMFS, in consultation and cooperation with the**

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

4
5 **VICE CHAIRMAN GUYAS:** Is there any discussion on this motion?
6 **Is there any opposition to this motion? Seeing none, the motion**
7 **carries.**

8
9 **MS. BOSARGE:** Dr. Freeman asked the committee to provide
10 direction to staff if the Shrimp Focus Group should be
11 reconvened. Ms. Bosarge indicated that it could be discussed
12 during Full Council. I will just pause there, and I was going
13 to say, Madam Chair, if I may --

14
15 **VICE CHAIRMAN GUYAS:** Go ahead.

16
17 **MS. BOSARGE:** Obviously, the motion right above that will
18 actually reconvene that Shrimp Data Collection Focus Group, in
19 consultation with those other people, as it is stated, to work
20 on those testing protocols, and, I mean, if staff -- You know,
21 we have an upcoming AP meeting. Depending on what comes out of
22 that meeting, the AP meeting and the one that we just passed a
23 motion for, I have no problem if staff wants to reconvene that
24 focus group, if there's a need for it. Other than that one
25 meeting right there, I don't see anything currently on the
26 horizon, but that doesn't mean that something can't come up, but
27 I have some no qualms either way, and I just thought that I
28 would throw it out there for staff.

29
30 **VICE CHAIRMAN GUYAS:** All right. Thanks, Ms. Bosarge. Any
31 other thoughts on that? Everybody is good with that direction?
32 Okay. Thanks. Go ahead, Leann.

33
34 **MS. BOSARGE:** All right. Draft Framework Action: Modification
35 of the Vessel Position Data Collection Program for the Gulf of
36 Mexico Shrimp Fishery, Tab D, Number 5, Dr. Freeman addressed
37 the updates to the draft framework action since the August 2021
38 council meeting.

39
40 The draft alternatives and the discussion of those alternatives
41 have been updated to reflect the council's motions, and
42 Appendices D, the Draft Technical Specifications for Historical
43 cELB Program, and E, Comparison Table of cELB and OLE VMS
44 Technical Specifications, have been added.

45
46 Ms. Bosarge commented that several issues for consideration
47 remain, such as where the vessel position data will be
48 transmitted; where the technical specifications will be posted;

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

5
6 Ms. Bosarge also requested that the paragraph in the draft
7 framework action on types of data be further considered by the
8 IPT to more fully describe the additional data collected and
9 transmitted, over and above the ten-minute location pings, under
10 Alternative 2.

11
12 She noted that, in the discussion of the alternatives, there
13 does not appear to be differences between Alternatives 2 and 3.
14 However, under Alternative 3, data would go to an intermediate
15 server and then to the Southeast Fisheries Science Center, and
16 the intermediate server would not be associated with OLE. There
17 are additional high-level differences between the two
18 alternatives in the Appendix E Comparison Table, which could be
19 addressed in the body of this section of the document to better
20 illustrate the differences between Alternatives 2 and 3.

21
22 Mr. Gill asked if only units under Alternative 2 were
23 reimbursable, but that units under Alternative 3 would not be
24 reimbursable. Mr. Strelcheck confirmed that only VMS units are
25 reimbursable. Mr. Gill asked if funding would still be
26 available in the future. Mr. Strelcheck stated that, to his
27 knowledge, he was not aware of any programs that had not been
28 able to access those funds.

29
30 Mr. Gill stated, for the purposes of Appendix C, that another
31 cellular unit had been approved and asked if that could be
32 updated. Dr. Freeman stated that Appendix C could be updated to
33 reflect approved units with a more recent date. Other Business,
34 no other business was brought up by the committee. Madam Chair,
35 this concludes my report.

36
37 **VICE CHAIRMAN GUYAS:** Thanks, Leann. Anything else on shrimp?
38 Andy, please.

39
40 **MR. STRELCHECK:** I just wanted to follow-up with regard to the
41 reimbursement program, and so I reach out to the Office of Law
42 Enforcement, and they indicate that it's a grant that currently
43 has \$850,000 for reimbursement, and that grant can, obviously,
44 be renewed and money added to it, and, when funds decline or
45 decrease, because of other reimbursement programs, then they add
46 money to it, and it's not necessarily on an annual basis, but we
47 typically budget up to a million dollars for the reimbursement
48 program, and so, currently, funds are available, and could be

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

3 GULF SEDAR COMMITTEE REPORT

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

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

16 Dr. Carrie Simmons reviewed the Gulf stock assessment issues
17 brought before the SEDAR Steering Committee during its October
18 13, 2021, virtual meeting. She noted a letter sent to the
19 Southeast Fisheries Science Center to conduct a data triage for
20 the tilefish complex, which the Southeast Fisheries Science
21 Center replied they could not conduct without the effort
22 occupying a stock assessment slot and suggested that it might
23 require a research track.

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

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

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

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

6
7 Dr. Simmons noted that sending a notice to those shark fishermen
8 could be done pending receiving the requisite contact
9 information for those permit holders. Council staff will
10 continue to work with Atlantic HMS leadership to determine how
11 they can best use the Something's Fishy tool for the SEDAR 77
12 Data Workshop.

13
14 A council member asked about the progress being made by the
15 shrimp effort working groups and the type of assessment approach
16 that is being expected from the Southeast Fisheries Science
17 Center for assessing Gulf penaeid shrimp species.

18
19 Dr. John Walter provided an overview on the status of the
20 working groups. He noted that the SEFSC was uncertain about the
21 assessment approach that would be employed and how the input
22 from the shrimp effort working group would be incorporated in
23 such an assessment at this time until the council, in
24 coordination with industry, decides on a new shrimp effort data
25 collection method. The council member asked that the council
26 work with the Southeast Fisheries Science Center to explore how
27 best to finalize the working groups results for incorporation
28 into the upcoming stock assessment process.

29
30 Mr. Ryan Rindone reviewed the Gulf SEDAR schedule. A council
31 member asked that the committee wait until after the gag and
32 greater amberjack discussions during the Reef Fish Committee
33 before making a recommendation about when to conduct research
34 track assessments for those species in 2025.

35
36 A committee member added that it was important to ensure that
37 the greater amberjack absolute abundance study was completed
38 prior to the research track for that assessment getting
39 underway. A council member asked about the recent closures for
40 some species in the Gulf. The SERO noted that these closures
41 would be discussed during the Reef Fish Committee discussion of
42 recent reef fish landings data.

43
44 Under Other Business, a council member noted that the SEDAR 72
45 stock assessment for gag shows that the stock is overfished and
46 undergoing overfishing and that, depending on certain criteria
47 used to define the stock, a fishery closure may be necessary to
48 rebuild the stock. The council member added that closing a

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

4
5 A committee member echoed the sentiments of the council member,
6 noting specific concurrent issues with a lack of available data
7 for red snapper in the South Atlantic. The committee member
8 echoed the desire to avoid closing a fishery as part of a
9 rebuilding plan, if at all possible. A committee member asked,
10 in the case of gag, whether the data collected by the State of
11 Florida under its State Reef Fish Survey were being considered.
12 A committee member replied that the discussion about the State
13 Reef Fish Survey data on gag were being discussed as a separate
14 issue. This concludes my report. Leann.

15
16 **MS. BOSARGE:** I know we have a few heavy things to get into
17 there, and, before we do that, could I just suggest, Dr.
18 Simmons, that maybe on that shrimp, on the couple of outstanding
19 shrimp items that we have, that maybe staff could just have a
20 little call with -- First, we've got to figure out who is the
21 new person in the Galveston Lab that is going to be heading up
22 some of those working groups, because I know that Dr. Masi -- I
23 am pretty sure she has moved over to the SERO arm now, right,
24 and she's not at the Science Center, and she was heading up a
25 lot of those, and so we'll get whoever that new person is on the
26 phone, and I think Dr. Zhang was the other head of that effort
27 group, and Dr. Cass-Calay was in there too, and we can get some
28 questions answered about, you know, what our future holds for
29 the effort group and then also the question that we had about
30 the models themselves and what we're looking at there for
31 running that assessment and new models.

32
33 Then maybe you can bring an update to either the SSC or the
34 council, whichever way, and I know they had a few questions too,
35 and would that be okay?

36
37 **EXECUTIVE DIRECTOR SIMMONS:** I think we can do that, no problem,
38 because I think we need to be ready, I think, for the assessment
39 scheduled in 2023, and, if we're waiting on the council to
40 decide the new platform, I think that could be an issue, and we
41 may not be ready, and so I do think we need to work through that
42 process and come up with a plan in the near-term, and perhaps
43 long-term, and so we can start to do that.

44
45 **VICE CHAIRMAN GUYAS:** Go ahead.

46
47 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Madam Chair. One of the
48 questions we had for the council was related to the gag research

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

7
8 **MR. RYAN RINDONE:** I am sorry, Dr. Simmons. I was editing a
9 committee report, and I missed what you were wanting finalized.

10
11 **EXECUTIVE DIRECTOR SIMMONS:** Can we wait until January to make a
12 decision on the gag and greater amberjack research track and
13 have that ready for the May Steering Committee in 2022?

14
15 **MR. RINDONE:** Yes, and that decision isn't going to be finalized
16 until that time anyway.

17
18 **VICE CHAIRMAN GUYAS:** Okay. Let's wait then. Anything else
19 under the SEDAR Committee? Okay. Seeing none, Kevin, are you
20 ready for Mackerel? Okay. Great.

21 22 **MACKEREL COMMITTEE REPORT**

23
24 **MR. ANSON:** The Mackerel Committee met on October 25, and the
25 committee adopted the agenda and approved the minutes of the
26 August 2021 meeting as written.

27
28 Review of Coastal Migratory Pelagics Landings Update, Ms. Kelli
29 O'Donnell from NMFS Southeast Regional Office reviewed the
30 recent landings for the Gulf migratory groups of cobia, king
31 mackerel, and Spanish mackerel. All 2021 landings are
32 preliminary.

33
34 Gulf Zone cobia commercial and recreational landings and FLEC
35 Zone commercial landings remain below previous years and the
36 2018 to 2020 average. FLEC Zone recreational landings for 2021
37 are on par with the average landings from 2018 through 2020.
38 Commercial and recreational landings of Gulf king mackerel are
39 similar to observations for years 2018 through 2020. Spanish
40 mackerel recreational and commercial landings have been lower
41 than observed for fishing years 2018 through 2020.

42
43 Presentation on History of Coastal Migratory Pelagics Permits
44 and Sale of Recreational Cobia, Mr. Hood from NMFS SERO
45 presented a summary of previous council discussions that
46 addressed the creation of CMP permits. King and Spanish
47 mackerel are the only species under the CMP Fishery Management
48 Plan with commercial permits. The council had previously

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

4
5 The committee is still concerned about any unintended
6 consequences that may result from the proposed changes to 50 CFR
7 622.386(c) to make the restriction on purchase by federally-
8 permitted dealers applicable to only king and Spanish mackerel.
9 The council sent a letter to each of the Gulf states requesting
10 a summary of the state's regulations and cobia landings to
11 understand the magnitude of recreational cobia sales to federal
12 seafood dealers.

13
14 From the responses received, generally, the sale of
15 recreationally-harvest cobia is not allowed. Some states
16 designate cobia as a gamefish, while others require commercial
17 licenses and/or special permits to be able to sell. If there is
18 any illegal sale of recreationally-landed cobia, the current
19 monitoring methods are not able to capture the extent to which
20 this may be occurring.

21
22 Final Action: Amendment 32: Modifications to the Gulf of Mexico
23 Migratory Group Cobia Catch Limits, Possession Limits, Size
24 Limits, and Framework Procedure, Gulf and South Atlantic Council
25 staff summarized the comments received during the public
26 hearings for CMP Amendment 32. This amendment seeks to end
27 overfishing of Gulf migratory group cobia (Gulf Group Cobia) as
28 determined by the SEDAR 28 update from 2020 stock assessment.

29
30 Public comments included concerns about the declining status of
31 the stock and support for reducing the per-person daily
32 possession limit and creating vessel and trip limits in Action
33 5, although some comments expressed hesitation about
34 establishing a commercial trip limit, since the resultant
35 estimated reduction in cobia harvest is less than 1 percent.
36 There is also support in having a minimum size limit of thirty-
37 six inches fork length in the Gulf and FLEC Zones in Action 6.

38
39 Since the last public hearing was scheduled to take place after
40 Monday's council session, council staff has updated the public
41 hearings summary and made available for further discussion
42 during Full Council.

43
44 Currently, both councils concur on preferred alternatives for
45 all seven actions. In Action 5.1, a council member suggested
46 selecting preferred Alternative 4c, for example a commercial
47 trip limit of six fish, given comments received in Ft. Myers,
48 Florida that the commercial sector lands a very small portion of

1 the Gulf Zone's annual catch limit.

2
3 Several committee members expressed concern about the unintended
4 consequences of having a larger trip limit for the commercial
5 sector, given the overfishing status of the stock. In addition,
6 a committee member expressed a desire to have consistent
7 regulations in federal waters off Florida and that the state may
8 consider following suit with similar state regulations.

9
10 NOAA General Counsel reviewed the changes that will be reflected
11 on the codified text based on the current preferred
12 alternatives. The committee did not make additional
13 modifications to the preferred alternatives.

14
15 **The committee recommends, and I so move, to recommend the**
16 **council approve CMP Amendment 32 and that it be forwarded to the**
17 **Secretary of Commerce for review and implementation and deem the**
18 **codified text as necessary and appropriate, giving staff**
19 **editorial license to make the necessary changes in the document.**
20 **The Council Chair is given the authority to deem any changes to**
21 **the codified text as necessary and appropriate.**

22
23 **VICE CHAIRMAN GUYAS:** Dr. Simmons.

24
25 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Madam Chair. We had our
26 last public hearing in Alabama here on Monday night, and I
27 didn't know if you wanted staff to just give a brief overview on
28 those comments and see if anyone had any questions. I know they
29 were emailed around, or if you just wanted to see if anyone had
30 any questions.

31
32 **VICE CHAIRMAN GUYAS:** That's a good idea. Emily, are you on the
33 line? Can you talk about that public hearing?

34
35 **MS. EMILY MUEHLSTEIN:** Thank you, guys, for the opportunity, and
36 so we did host a public hearing on Monday night during the
37 council meeting, and I know that there was a couple of council
38 members that were present for that. However, just to inform the
39 rest of the council members, before you all make this decision.

40
41 We had seventeen members of the public attend, and six of them
42 spoke, and, really, it was kind of hard to pull out general
43 themes from the meeting, because there was such a wide variety
44 of opinions that were expressed. I think the opinions that were
45 expressed at this public hearing kind of echoed what we heard
46 during the other public hearings, where, maybe in south Florida
47 and Louisiana, the folks tended to not support stricter
48 regulations for cobia, or commercial regulations for cobia.

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

6
7 **VICE CHAIRMAN GUYAS:** Thanks, Emily. Are there any questions
8 for Emily? All right. Thanks again for holding that. Again, I
9 just want to recognize I feel like what a monumental effort that
10 was, probably, to pull those together on a short timeframe, and
11 under difficult circumstances, and so thank you.

12
13 We have a committee motion on the board, and this is a motion
14 that is final action, and it requires a roll call vote, and so I
15 will turn it over to Dr. Simmons, unless there is discussion on
16 this motion, because I don't see any hands, and so I'm assuming
17 we're ready to roll. Okay.

18
19 **EXECUTIVE DIRECTOR SIMMONS:** All right. Thank you, Madam Chair/
20 General Spraggins. Did you want me to read the motion one more
21 time? To recommend the council approve CMP Amendment 32 and
22 that it be forwarded -- Do you know what we're voting on, sir?
23 You go ahead and read it again.

24
25 **VICE CHAIRMAN GUYAS:** Let me go ahead and read the motion again.
26 Just a reminder that we've got a motion on the table, and so
27 we're going to vote on this.

28
29 **DR. STUNZ:** Martha, I was under the impression that we were
30 going to have a little bit more discussion on this before we
31 went to the roll call vote, and maybe not, and I don't have a
32 real dog in this fight, but I thought others did, and so,
33 anyway, I just wanted to make sure, before we move into a roll
34 call vote, that everyone has had an opportunity to comment, and
35 I'm fine if the committee is ready to vote.

36
37 **VICE CHAIRMAN GUYAS:** Now would be the time, and so, if you have
38 discussion, put up those hands. J.D.

39
40 **MR. DUGAS:** Thank you. I am a little confused, and so all of
41 our preferred alternatives are going to go with just one vote
42 right now?

43
44 **VICE CHAIRMAN GUYAS:** Yes.

45
46 **MR. DUGAS:** All right, and so, in Action 5.1, Preferred Option
47 3a, 3b, and 3c, and that's what is confusing to me. Is it two,
48 four, or six fish per trip? It's only two? Okay. Well, in

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

3
4 **VICE CHAIRMAN GUYAS:** Chris.

5
6 **DR. SCHIEBLE:** I will make a substitute motion, under Action
7 5.1, for Preferred Alternative 3.

8
9 **VICE CHAIRMAN GUYAS:** Hang on a second. We have a motion on the
10 board, and I understand that you guys want to make motions, but
11 they're not necessarily matching up with this motion, and
12 probably what we need to do here is just hold this for a second,
13 and I will use the word "table", and that may not be the right
14 Roberts Rules word, but we will come back to that, but we just
15 need to back up, and then you guys can do motions.

16
17 **DR. SCHIEBLE:** If we vote on this, and it's approved, how would
18 we go back and change what we just voted on?

19
20 **VICE CHAIRMAN GUYAS:** We haven't voted on the motion on the
21 board. What I am suggesting is that we put the motion that's on
22 the board, which is to take this final, and put that on hold for
23 a minute, and, if you guys want to introduce motions regarding
24 the document, which it sounds like that's where you're all
25 going, you need to do that now. Bob.

26
27 **MR. GILL:** Thank you, Madam Chair, and so I'm a little confused.
28 I would think that the procedure would be, if changes are
29 desired by someone on the council, they would offer a substitute
30 motion, and, if that fails, then we go back to this motion. If
31 it succeeds, then that motion is off the table. No?

32
33 **VICE CHAIRMAN GUYAS:** In the grand scheme of things, it probably
34 doesn't really matter, but, I mean, this is a committee motion
35 to take the document final. If we want to make a series of
36 motions to tweak it, and I don't even know that there is just
37 one motion here, right, and I feel like we need to go back
38 separately, and we're going to get to the same place no matter
39 what, and so let's just pump the brakes on the motion on the
40 board for a minute. Chris.

41
42 **MR. SCHIEBLE:** Okay, and so, hypothetically, we vote this up or
43 down, and then, if we go back through these different changes in
44 the document, we have to come back and vote on this again,
45 right?

46
47 **VICE CHAIRMAN GUYAS:** I am suggesting that we do not vote on
48 this right now, because this is the roll call to take it final.

1
2 **MR. SCHIEBLE:** I thought you were saying you were going to vote
3 on this first.

4
5 **VICE CHAIRMAN GUYAS:** No. We're going to put this on hold for a
6 minute, and so, if there are motions that need to be made
7 regarding the actions in the document, we will take up those,
8 and then, regardless of what happens with those, then we will
9 come back to the committee motion. We've just got to get all
10 the tweaks to the document done before we take it final. Is
11 everybody understanding? You look very confused still, Bob.
12 This has got to go back to the South Atlantic no matter what,
13 and so we are the first up on final action, and so -- Dr.
14 Simmons.

15
16 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Madam Chair. I think,
17 when J.D. was asking the question, we should go back to the
18 document and pull it up and clarify what you were asking, and I
19 think Dr. Mendez-Ferrer is on, and so can we do that first? I
20 guess, if we were going to go by the book, we could table this
21 motion, but I think we're a little bit flexible with the rules,
22 and so we're just at the committee motion, and so we'll just
23 slow it down a bit, but Mara is down there to help us out.

24
25 **VICE CHAIRMAN GUYAS:** We just need to back up a little bit, and
26 we'll just pretend like we didn't read that out loud at this
27 point. We're going to get to the same place. It's going to be
28 fine. Okay. J.D.

29
30 **MR. DUGAS:** I was referencing Action 5.1, Preferred Alternative
31 3, but what I would like to see is Option 3b be the preferred,
32 and I don't know what is needed to change that. I am fine with
33 making the motion.

34
35 **VICE CHAIRMAN GUYAS:** All right. It sounds like you want to
36 make a motion, and so go ahead and make a motion for what you
37 want.

38
39 **MR. DUGAS:** I might need some help.

40
41 **VICE CHAIRMAN GUYAS:** Okay. We'll figure it out.

42
43 **MR. DUGAS:** In Action 5.1, Preferred Alternative 3, Option 3b be
44 the preferred.

45
46 **VICE CHAIRMAN GUYAS:** We'll get that on the board, and I think
47 you did just fine. I think we know what you're getting at, and
48 let's just get it up here. J.D.'s motion is, in Action 5, to

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

4
5 **GENERAL SPRAGGINS:** I will second for discussion.

6
7 **VICE CHAIRMAN GUYAS:** Okay. Thank you. Is there discussion?
8 J.D., do you want to talk about this, or Phil? I am going to
9 let J.D. go, because he made this motion.

10
11 **MR. DUGAS:** It's pretty simple. In Louisiana, we've had some
12 discussion that we don't have the same issues that the Panhandle
13 or other areas, and it's just to help our charter fleet out, and
14 we think that this is the best option.

15
16 **VICE CHAIRMAN GUYAS:** I've got Phil, and then I've got you, Bob.

17
18 **MR. DYSKOW:** Thank you, Madam Chair. I am leaning towards
19 supporting this motion, but what concerns me is none of these
20 options have any size restrictions as part of them, and is that
21 correct? If we pass this, the size restriction would be thirty-
22 six inches?

23
24 **VICE CHAIRMAN GUYAS:** Yes.

25
26 **MR. DYSKOW:** Thank you.

27
28 **VICE CHAIRMAN GUYAS:** Bob.

29
30 **MR. GILL:** Thank you, Madam Chair, and I understand where J.D.
31 is coming from, but I would like some clarification. If I
32 understand what we're doing here, if we choose 3b as our
33 preferred, effectively, we're giving up 9 percent improvement to
34 the goal, correct, and so the question I would ask is, if we
35 forego the 9 percent, will we still achieve our goal? If staff
36 could help me with that.

37
38 **VICE CHAIRMAN GUYAS:** While they're looking that up, I am going
39 to go to Chris.

40
41 **MR. SCHIEBLE:** Obviously, I am going to support this motion,
42 but, also, my question is we're trying to standardize things
43 within the FLEC Zone and the Gulf Zone here, and so then,
44 obviously, the next action that we need to consider is making
45 this analogous with the four fish per vessel in the FLEC Zone as
46 well, right, and we can't have one side of the Gulf with two and
47 one side of the Gulf with four, but it's still a net savings of
48 5 percent if we're going to go with four per vessel in the FLEC

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

5
6 **VICE CHAIRMAN GUYAS:** Let me go to Ryan, and then, if nobody
7 else wants to jump in on that, I will. Ryan.

8
9 **MR. RINDONE:** Madam Chair, I'm going to try and send this over
10 to Bernie and run the decision tool for you guys on the screen,
11 which would probably be the most intuitive way to walk through
12 this, so that you can see how things change as you make
13 different decisions.

14
15 I have this set up right now based on Mr. Dugas' preferred of
16 the recreational limit being set here at four cobia per vessel,
17 and commercial is still at two, and the possession limits are
18 still at one per person per day, and the minimum size limit at
19 thirty-six inches fork length, and these are the percent
20 reductions of the ACT based on these alternatives, as selected,
21 and so, based on what is selected right now, the reductions
22 necessary in fishing mortality are unlikely to be achieved, and
23 so you guys would have to think about what else you might want
24 to do, or what you might want to do differently, in order to
25 meet those reductions.

26
27 **VICE CHAIRMAN GUYAS:** Thanks, Ryan. Let me go to the General,
28 and then I will come back to you. General Spraggins, are you
29 ready? Go ahead, Chris.

30
31 **MR. SCHIEBLE:** Ryan, can you switch the size to thirty-nine on
32 that?

33
34 **MR. RINDONE:** Sure. If you switch it to thirty-nine, you get a
35 lot closer to the reductions, and the other thing to remember is
36 that this is applied to just the Gulf Zone, and so the Florida
37 East Coast Zone's reductions would be in -- The Gulf Zone
38 accounts for 64 percent of the total Gulf cobia stock ABC, and
39 the Florida East Coast Zone is 36. Chris, the commercial trip
40 limit is still two fish, and the recreational vessel limit is
41 four fish, and it's still a one-fish-per-person-per-day
42 possession limit with a thirty-nine-inch minimum size limit.

43
44 For those that are wondering, with the possession limits and
45 vessel limits for the recreational possession limit, if J.D. and
46 I go fishing, we can still only keep two fish, but, if we have
47 eight people with us, we can only keep four fish. If we switch
48 commercial to four, it has a negligible effect, because the

1 majority of the commercial trips land two or fewer fish.

2
3 **VICE CHAIRMAN GUYAS:** Greg, to that point?

4
5 **DR. STUNZ:** To that point, Ryan, I would just clarify something
6 you just said and make sure you meant what you said. You said
7 per day, and did you mean per trip, because that's another issue
8 that's not within this motion here that I think is important.

9
10 **MR. RINDONE:** The possession limit, the per-person possession
11 limit, is a daily possession limit, and so that individual
12 cannot possess more than one cobia per day, regardless of how
13 many trips they take.

14
15 **DR. STUNZ:** Okay.

16
17 **VICE CHAIRMAN GUYAS:** All right. I see you, Leann, but I've got
18 a list going, and so I will add you to it. General Spraggins,
19 are you ready?

20
21 **GENERAL SPRAGGINS:** I appreciate it, and I think Dr. Stunz
22 answered part of what I was trying to get at, is it per-day or
23 per -- Then I think, also, that it is one fish per person, is
24 still what I think he had explained to me, and so I think I'm
25 okay, and I just wanted to make sure.

26
27 **VICE CHAIRMAN GUYAS:** Mr. Strelcheck.

28
29 **MR. STRELCHECK:** Thanks, Madam Chair. I am going to speak
30 against the motion, for a variety of reasons, and so we have a
31 handful of tools, obviously, to limit the harvest of cobia. In
32 this instance, we are reducing the catch limit, and we are
33 specifying, or have specified, a minimum size limit, and then we
34 have bag and possession limits, right, and so we're fairly
35 limited in terms of how we control harvest, and so any increase
36 in the bag limit then risks a closure earlier in the season,
37 because you're reducing the potential for that harvest savings
38 throughout the season.

39
40 I think, more importantly, it's very rare, in my view, to
41 actually hear public testimony from across the Gulf that's
42 saying that cobia is not doing well, and, although Louisiana
43 might be better than what we heard from most last night and over
44 the past several council meetings, it's been very clear, from
45 Texas to Florida, that fishermen have seen a huge fall-off in
46 cobia. We're seeing that in our landings data, and so, to me,
47 this is an approach where we can be conservative for now, and
48 hopefully the stock responds, and we can come back and relook at

1 this, to see if it's working.

2
3 **VICE CHAIRMAN GUYAS:** Ms. Boggs.

4
5 **MS. BOGGS:** I am going to speak out against this motion, and I
6 was just going to add fuel to the fire and say, if we're going
7 to do this, then we might as well go to forty-two inches,
8 because, if you're going to listen to our fishermen, that's what
9 they're asking for, and so, if we're going to go to four fish,
10 because that's what Louisiana wants, then we need to go to
11 forty-two inches, because that's what the rest of the Gulf
12 wants, but I agree with Andy that the Gulf fishermen have said
13 this stock is in trouble, and it's frustrating to me that here
14 we are at this final action, and why we didn't take this up in
15 the Mackerel Committee, and why we're here now, at the last
16 minute. I mean, I'm not surprised, but, you know, if this goes
17 through, we need to make it forty-two inches. Thank you.

18
19 **VICE CHAIRMAN GUYAS:** Ms. Bosarge.

20
21 **MS. BOSARGE:** From a commercial perspective, this is just all
22 sorts of crazy, right, and so you can go out and harvest a
23 recreational bag limit in federal waters and come in and sell
24 it, okay, and that's a little crazy to me to begin with, to hold
25 no federal commercial permit of any sort, and I know we don't
26 have one specific for cobia, but you've got no commercial
27 permits and catch your recreational bag limit, which, if we do
28 this, will be four, and then come in and sell it, but, when you
29 sell it, you're supposedly supposed to have some sort of state
30 commercial permit to sell it.

31
32 Then, at that point, that changes you from recreational to
33 commercial, and hopefully the dealer will realize that and say,
34 well, I know you caught a recreational bag limit, and you were
35 allowed to keep four fish per trip, but, now that you're at my
36 dock, you're selling them, and that makes you commercial, and so
37 I can only buy two of them, because the commercial bag limit is
38 only two. The fact that you can keep more fish on a
39 recreational trip than you can on a commercial, to me, is a
40 little screwy, but I just think it opens the door for all sorts
41 of loopholes.

42
43 **VICE CHAIRMAN GUYAS:** Dr. Stunz.

44
45 **DR. STUNZ:** I speak in favor of the motion, and a couple of
46 things. I understand, Susan, why we didn't do it in Mackerel,
47 but some of us aren't on the Mackerel Committee, and so we
48 didn't get a full opportunity to weigh-in on that, and so this

1 is our chance to do that.

2
3 Andy, I agree that, especially in the area we're sitting now, in
4 this general region, it could be down, but I don't know that
5 that's the case, necessarily, in the western Gulf. We've had
6 very limited participation, unfortunately, in Texas, and that
7 may be because it's just not a concern, and I don't hear the
8 same concerns in Texas, although it could be down overall from
9 historically, that I hear in this region, and so, in general, I
10 think there's probably some different opinions that you're
11 hearing now coming out from the western Gulf than in this
12 region.

13
14 I also want to say that, if there was ever -- I would put it on
15 the record again, and maybe this is the third or fourth time,
16 but this is a poster-child for regional management, and really
17 doing what's right off of the certain regions, and this is
18 certainly it, and I would definitely be interested in building
19 this into some type of regional management framework in the
20 future, outside of what we're discussing right here today.

21
22 Then, also, in general -- I know we're talking about the 9
23 percent impact between what we do and the size and length and
24 bag limits and all that, but, in general, a lot of these
25 regulations don't have much of an effect at all, some less than
26 1 percent that we saw, and, kind of to Bob Gill's point the
27 other day, and I think it might have been in Mackerel, Bob, and
28 I don't recall, but we don't want to penalize some regions of
29 the fishery with regulations that aren't really doing much.

30
31 I mean, obviously, it might feel good to increase that, but, if
32 it's not really having a real impact on the regions that have
33 cobia and have the ability to catch them, then we certainly want
34 to afford them that opportunity, and so I speak in favor of this
35 motion.

36
37 **VICE CHAIRMAN GUYAS:** Mr. Schieble.

38
39 **MR. SCHIEBLE:** Just to what Andy said, to his comments earlier,
40 and we're not in the belief that there's an epicenter of cobia
41 off the coast of Louisiana, and our LA Creel numbers have shown
42 a decline, although not as precipitous as elsewhere in the Gulf.
43 However, and I've said this before, but we're looking at data in
44 the most recent stock assessment that stops in 2018, and it
45 doesn't include the management change that took effect on size
46 in 2020, and maybe we're seeing some effect of that. Maybe that
47 increase in size has caused the 27 percent reduction in harvest
48 that we expected, and maybe we're seeing some effect of that.

1
2 Also, let's say we are seeing some effect of that, and we pile
3 on more management actions, and how are we going to know which
4 one really works by the time we get to the next stock
5 assessment? We've got a lot of synergistic things happening
6 here between vessel limits, per-person limits, and then possible
7 size changes.

8
9 I think a step-wise progression through certain management
10 options would be prudent, and then maybe come back to this if
11 it's not showing that, and then add on ones that we know are not
12 going to work, or are going to work, but I really can't see how
13 we're going to come up with -- You know, it looks great in the
14 spreadsheet here, but what's happening in the real world may be
15 a little harder to figure out two years from now, or four years
16 from now, and I'm not averse to a size change either, and that's
17 why I think we added thirty-nine inches in there, to see what it
18 would do in the worksheet, and, last time, we got a 27 percent
19 reduction savings.

20
21 I guess my confusion is still are we required to do the same
22 things for the FLEC Zone as we are in the Gulf Zone in order to
23 make this synonymous management, and that's something that I
24 don't understand, because some changes in the FLEC side give you
25 more savings than savings on the Gulf side, right, and so, if we
26 go to four per vessel per trip on the FLEC side, we're getting
27 nearly a 19 percent savings and only a 2, versus 4, from the
28 Gulf, and we're not seeing that savings in the Gulf, and so
29 that's part of this workbook, is it doesn't separate those out
30 through the workbook, and so I would like to get some more
31 clarity on that and if it's required.

32
33 **VICE CHAIRMAN GUYAS:** It is two separate actions, and so it is
34 not required. However, and let me take my Acting Chair hat off
35 here, if we want the South Atlantic to follow our lead, then we
36 need to lead them where they need to go, and, in my opinion,
37 it's going to need to be the two-fish vessel limit, and I think
38 we need to do that on the Gulf side.

39
40 I also feel like we need to do that as the FWC person on this
41 council. We need to have consistent regulations on both coasts
42 of Florida for the single stock of cobia, and that's where I'm
43 at, and so hopefully that answers your question. Bob Gill.

44
45 **MR. GILL:** Thank you, Madam Chair. Ryan, could you bring the
46 original motion back up, please? My sense is that Chris has
47 introduced other variants, in order to get away from the
48 fundamental problem of the motion, in order to get the reduction

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

7
8 Now, if we did the same thing in the commercial, that doesn't
9 have that problem, but that's not the issue here, and the issue
10 we've got here is what does this do, and does it help us achieve
11 our objectives, and the answer is it doesn't, and so I cannot
12 support this motion.

13
14 **VICE CHAIRMAN GUYAS:** Ms. Boggs.

15
16 **MS. BOGGS:** I probably need to wait until after we vote this
17 motion up or down, because what I -- I want to address something
18 that Leann said about the commercial fishermen and the sale of
19 the cobia, but I think maybe we need to dispense with this
20 first. Thank you.

21
22 **VICE CHAIRMAN GUYAS:** Okay. Thanks, Susan. Mr. Dyskow.

23
24 **MR. DYSKOW:** Thank you, Madam Chair. Since you took off your
25 hat and put your FWC hat on for a second, I have a question.
26 What do you foresee the FWC size limit to be, east and west
27 coast?

28
29 **VICE CHAIRMAN GUYAS:** Thanks for asking. Once the councils are
30 done with taking -- Once they finalize what they're going to do,
31 then our intention would be to put this in front of our
32 commission for consistent regulations, and so we get to a point
33 where we have state and federal and Gulf and Atlantic single set
34 of regulations. Right now, we've got all sorts of different
35 stuff happening, and it's a little bit of a mess, and so
36 hopefully we'll be all in harmony there with consistent state
37 and federal regulations. Dr. Simmons.

38
39 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Madam Chair. Just to
40 remind everybody what we've asked for on the stock assessment
41 schedule for cobia, remember the SSC agreed that, in 2024, we
42 should have an operational assessment for cobia.

43
44 We did request that during the fall Steering Committee, and we
45 have completed the scope of work, and that is approved, and so
46 the discussion was that that would not include and incorporate
47 these management changes that the council is currently working
48 on, because that terminal year would be 2022, but it would give

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

4
5 **VICE CHAIRMAN GUYAS:** Let me go to General Spraggins, and then I
6 see you, Dr. Shipp. You're next. Go ahead.

7
8 **GENERAL SPRAGGINS:** I am sitting here listening to this, and,
9 obviously, if it's two, four, or six, it doesn't make any
10 difference, if you look at it. It's like 1 percent or some
11 number in that phase, and I don't even know what it is, but the
12 point that I'm getting at is I agree with Ms. Boggs about it,
13 that we're not addressing -- The address, if you want to fix the
14 issue, is to raise the limit at the length of the fish, and the
15 size of the fish seems to be the thing that would change it, and
16 I understand that, but I am not sure -- Right now, we have two
17 per person, or one per person, per day, but there's no boat
18 limit, and is that correct? Is that where we stand today?

19
20 **MR. RINDONE:** There are still vessel limits in place.

21
22 **GENERAL SPRAGGINS:** No vessel limits.

23
24 **MR. RINDONE:** There are vessel limits.

25
26 **GENERAL SPRAGGINS:** What is the vessel limit?

27
28 **MR. RINDONE:** There's not a vessel limit like today. We don't
29 have a vessel limit in effect now, but there are vessel limits
30 that are part of this.

31
32 **GENERAL SPRAGGINS:** Okay. I guess what I'm asking is I don't
33 know that any of the motions makes any difference of what we do
34 in here, as to whether or not we're going to reach where we want
35 to as a goal, and, as Andy said, if we have to shut it down --
36 If we wanted to go to forty-two inches, like you said, that
37 might help us get there, and I'm not trying to promote that, and
38 I'm just saying that makes sense with what the fishermen are
39 saying, and I understand that too, but, I mean, I am just caught
40 up, and I don't understand what is the difference between two
41 and four fish per boat, if you're doing it one per person, and,
42 if you go across the Gulf, I don't think people are catching it
43 anyway.

44
45 **VICE CHAIRMAN GUYAS:** Okay. We're spiraling a little bit, and
46 so everybody try to keep their comments on the motion. I still
47 have a list, and I'm hoping we get through this list, and then
48 we're going to vote on this motion. Dr. Shipp.

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

10
11 **VICE CHAIRMAN GUYAS:** Thanks, Dr. Shipp. Dr. Mendez-Ferrer.
12

13 **DR. MENDEZ-FERRER:** Thank you, Madam Chair. I was just going to
14 say that Ryan had answered the question regarding the daily
15 possession limit and no current vessel limit, but, if we can go
16 back to the decision support tool, maybe it might be easier to
17 like take your eyes to the column in the middle that says
18 "Alternative 3", and so that would be the ACT for the Gulf Zone
19 placed on the preferred alternatives in Actions 1 through 4.
20 This decision support tool was made before we removed to
21 Considered but Rejected Alternative 4 from Action 2, and so,
22 technically, Alternative 5 is the new Alternative 4, but what I
23 want you to look at is Alternative 3, that middle column, right
24 now.
25

26 If you play with the limits that are above, that is the ACT that
27 we're currently following, and so, if we go back to what Ryan
28 had, and so the one per person per day possession limits for
29 both recreational and commercial, and then we switch to two
30 cobia per trip for the commercial, which is the current
31 preferred alternative, and then recreational at four, and so we
32 can play there with the two versus four and look at how it
33 changes in that middle column, and then can we put the minimum
34 size limit at thirty-six? There we go.
35

36 If you play there with the two versus four cobia per vessel for
37 the recreational sector, that's how close we're getting to the
38 ACT, because I know that people were concerned about -- It seems
39 that, from the comments that we're receiving, you're concerned
40 about what changes, and so it doesn't look like we would be
41 going over the ACT, and so, when the cell turns yellow, that
42 means that there is an overage, and so even if we were to select
43 -- If we were to keep the thirty-six inches right there, and
44 then select the recreational at four, which is what is currently
45 being discussed, and the commercial trip at two fish, it doesn't
46 look, from these numbers, that we would be reaching the ACT.
47

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

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

4
5 **VICE CHAIRMAN GUYAS:** Thanks, Natasha. Mr. Strelcheck.

6
7 **MR. STRELCHECK:** I just wanted to clarify two things. One,
8 General Spraggins, there is a 9 percent reduction if you go to a
9 two vessel possession limit, and so it's not a 1 percent
10 reduction, and it's actually greater than that, and I hear you,
11 Greg, in terms of things might be better in Texas, and we have a
12 sample size of two, in terms of public testimony, and it's only
13 off of Galveston, and it doesn't necessarily represent the
14 entire state, but, when I hear a captain like Scott Hickman, who
15 has been with the council process for fifteen years, say he's
16 catching 150 to 200 cobia, and now he's down to fifteen to
17 twenty cobia, and it seems like a pretty substantial statement
18 from him, in terms of the health and status of cobia, at least
19 in the area he fishes.

20
21 **VICE CHAIRMAN GUYAS:** Okay. Mara, and let's get our motion back
22 on the board. Go ahead, Mara.

23
24 **MS. LEVY:** Just from a procedural aspect, right now, you're set
25 to take final action, and all the preferreds between the two
26 councils are the same. If you start changing your preferreds
27 now, and the South Atlantic does not agree with you in December,
28 then you're back to square-one in January, and, I mean, I will
29 just note that this assessment was done in 2020, and we had some
30 discussion about what data wasn't included, because I think the
31 terminal year was 2018, and it's undergoing overfishing, and
32 we're now coming into 2022, and the councils haven't taken any
33 action to address that.

34
35 I mean, I don't have any like skin in the game, in terms of what
36 you want to do with these alternatives, but I think, from a
37 procedural perspective, we're way far down the line to start the
38 negotiations back with the South Atlantic and get this done in a
39 timely manner.

40
41 **VICE CHAIRMAN GUYAS:** Thanks, Mara. Dr. Frazer.

42
43 **DR. FRAZER:** I just wanted to reiterate what Andy said. I mean,
44 there is a demonstrable benefit of keeping the vessel limit at
45 two, and I don't think we gain a lot more from moving it to four
46 or six, and I think, importantly, when I look at this, we've
47 worked on this for a long time, and there is some -- It's
48 important that there are some advantages to aligning with the

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

4
5 I also agree that we've heard a tremendous amount of public
6 testimony about the state of the fishery, and I think there is
7 broad agreement that it is in very bad shape, and even
8 Louisiana, in their own catch data, would show declines as well.

9
10 I also heard, when I was listening, a lot of discussion that
11 there may be this, with regard to their migratory patterns, or
12 it's likely that they do this, but the fact of the matter is
13 that we have a lot to learn about where they move and where
14 they're reproducing and how the environments might be changing
15 and affecting their behavioral patterns, and so I just think
16 that there is --

17
18 I am not hearing a compelling reason for four, and I really -- I
19 know there's a lot of people that want to see this fishery
20 improve, and they're putting themselves in a position to go to
21 that vessel limit, and I think it creates some inequities,
22 right, and some perceived problems, when you have a small pocket
23 of people, perhaps, that have an opportunity to catch four fish
24 per vessel, or six, and so, for those reasons, I think I am not
25 going to support the motion.

26
27 **MR. SCHIEBLE:** I hear what you're saying, Dr. Frazer, and I
28 agree with what you're saying. However, the point of why I'm
29 agreeing with this, and advocating for it, is because there are
30 some locations in the Gulf where that particular vessel is going
31 to go out and harvest four fish a day with a two-per-vessel trip
32 limit. They can make multiple trips a day, whereas the other
33 places in the Gulf can only make one trip a day, and they're
34 going to basically have two fish per day, less than equal,
35 right, and so you're not going to realize that savings across-
36 the-board if there are vessels that are making two trips a day,
37 and we're back to four fish anyway.

38
39 **VICE CHAIRMAN GUYAS:** All right. Let's get the motion back on
40 the board, please, and then we are going to vote. All right.
41 **Our motion is, in Action 5.1, to make Alternative 3, Option 3b,**
42 **the preferred. Alternative 3 is to create a recreational vessel**
43 **limit. Fishermen may not exceed the per-person daily possession**
44 **limit. Option 3b is the vessel limit is four fish per trip. If**
45 **you are in support of this motion, please raise your hand. Dr.**
46 **Shipp, just shout out if you're in support or opposition.**

47
48 **DR. SHIPP:** Opposition.

1
2 **VICE CHAIRMAN GUYAS:** Okay. Thanks. Okay. **All those opposed,**
3 **please raise your hand. The motion fails five to eight.** Before
4 we put the committee motion back on the board, are there any
5 other motions regarding cobia? Mr. Dyskow.

6
7 **MR. DYSKOW:** A question before you take this to vote. What
8 happens if we vote this motion down?
9

10 **VICE CHAIRMAN GUYAS:** Well, we just voted this vessel limit
11 motion down, and that failed.
12

13 **MR. DYSKOW:** Right. I get that. So now you're going back to
14 the original motion, and what happens if we vote that down?
15

16 **VICE CHAIRMAN GUYAS:** Well, the South Atlantic is going to vote
17 on it. At some point, it's going to have to come back to us.
18 This isn't going to go away. We're going to have to take some
19 sort of action.
20

21 **MR. DYSKOW:** I'm sorry, and if I could justify my comment. If
22 we take no action at this meeting, if essentially we vote this
23 down, we get a chance to start over, potentially, in January,
24 and we get to have the appropriate level of discussion and
25 dialogue back and forth to make a more informed decision. My
26 concern is having this discussion now, at the end of the council
27 meeting, I don't think any of us are going to be totally
28 satisfied with whatever decision we make at this juncture, and
29 maybe punting is our best option. Thank you.
30

31 **VICE CHAIRMAN GUYAS:** I mean, we've certainly talked about this
32 amendment at many meetings, and the South Atlantic has also, and
33 so, regardless of what we do today, the South Atlantic is going
34 to take this up, and they may vote to take it final, and they
35 may not, but it will come back to us, and we can rehash the
36 discussions that we've had at previous meetings again. I mean,
37 I agree that it sounds like we're not all completely satisfied
38 here, but we're going to have to make a call, but that's just
39 me. J.D., did you have your hand up?
40

41 **MR. DUGAS:** I have another question, and maybe it needs some
42 clarification, on Action 1 in 2.1. It seems to me, in the past,
43 the difference between the OFL and the ABC has been 60,000
44 pounds, and now, in the preferred, it looks like it's about
45 700,000 pounds, and so I don't know who I'm asking, if it's
46 Andy, and I don't see Clay. Maybe Ryan, but I would like a
47 little clarification on that.
48

1 **VICE CHAIRMAN GUYAS:** Go ahead, Mr. Rindone.

2
3 **MR. RINDONE:** You're asking me. When we looked at cobia
4 following SEDAR 28, we used the council's ABC control rule,
5 which is a management risk determination factor, or sorry, but a
6 scientific risk determination factor that looks at the
7 probability of overfishing based on characteristics of the stock
8 and the stock assessment, and that is where we got such a narrow
9 buffer.

10
11 One of the concerns that the SSC has had in the past about the
12 ABC Control Rule, and Mr. Gill is nodding his head, because he
13 remembers many of these discussions, is that the ABC Control
14 Rule, as it is currently designed, does not do a very good job
15 of accurately capturing the uncertainty inherent in the
16 assessment, and, thus, the projections.

17
18 Basically, it's turning out differences in the OFL and the ABC
19 that don't represent what we know that we don't know, and so
20 what the SSC did for cobia this time around was, instead of
21 using the ABC Control Rule, they were more conservative, and I
22 believe they used that 75 percent of the fishing mortality at
23 maximum sustainable yield, which produced a larger buffer, and
24 so, in the event that the ABC is met, and remember that, here
25 for the Gulf, the ACL is set equal to the ABC, and we can
26 institute the ACL Control Rule and have the buffer below that,
27 if that's what you guys choose to do, which I think is what your
28 preferred alternative is, but, if the ABC is met, and let's say
29 the ABC is exceeded, there is more than say a 60,000-pound
30 buffer to keep us from being in a condition where overfishing
31 has occurred, and so it provides a little bit more of a cushion.

32
33 When we think about this practically, in the variations in
34 recreational landings that we've seen interannually with MRIP-
35 FES, having more than a 60,000-pound buffer is probably prudent.

36
37 **VICE CHAIRMAN GUYAS:** Dr. Simmons.

38
39 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Madam Chair. I don't
40 want to sound like I am pushing the council too hard on taking
41 final action on this meeting, but I do want to remind everyone
42 how hard we worked with the state and council members to get the
43 public hearings done and the council to have the opportunity to
44 take final action at this meeting, so that the South Atlantic
45 Council could take final action in December and so that we could
46 transmit the document shortly thereafter, to try to end
47 overfishing of the stock.

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

6
7 **The motion is to recommend the council approve CMP Amendment 32**
8 **and that it be forwarded to the Secretary of Commerce for review**
9 **and implementation and deem the codified text as necessary and**
10 **appropriate, giving staff editorial license to make the**
11 **necessary changes in the document. The Council Chair is given**
12 **the authority to deem any changes to the codified text as**
13 **necessary and appropriate. This is a roll call vote.**

14
15 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Madam Chair. General
16 Spraggins.

17
18 **GENERAL SPRAGGINS:** No.

19
20 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Geeslin.

21
22 **MR. GEESLIN:** Yes.

23
24 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Schieble.

25
26 **MR. SCHIEBLE:** Yes.

27
28 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Gill.

29
30 **MR. GILL:** Yes.

31
32 **EXECUTIVE DIRECTOR SIMMONS:** Dr. Shipp.

33
34 **DR. SHIPP:** Yes.

35
36 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Dyskow.

37
38 **MR. DYSKOW:** Reluctantly, yes.

39
40 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Williamson.

41
42 **MR. WILLIAMSON:** Yes.

43
44 **EXECUTIVE DIRECTOR SIMMONS:** Dr. Stunz.

45
46 **DR. STUNZ:** Yes.

47
48 **EXECUTIVE DIRECTOR SIMMONS:** Dr. Frazer.

1
2 **DR. FRAZER:** Yes.

3
4 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Strelcheck.

5
6 **MR. STRELCHECK:** Yes.

7
8 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Dugas.

9
10 **MR. DUGAS:** Yes.

11
12 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Broussard.

13
14 **MR. BROUSSARD:** No.

15
16 **EXECUTIVE DIRECTOR SIMMONS:** Ms. Guyas.

17
18 **VICE CHAIRMAN GUYAS:** Yes.

19
20 **EXECUTIVE DIRECTOR SIMMONS:** Ms. Bosarge.

21
22 **MS. BOSARGE:** Yes.

23
24 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Anson.

25
26 **MR. ANSON:** Yes.

27
28 **EXECUTIVE DIRECTOR SIMMONS:** Ms. Boggs.

29
30 **MS. BOGGS:** Yes.

31
32 **EXECUTIVE DIRECTOR SIMMONS:** The motion carried fourteen to two.

33
34 **VICE CHAIRMAN GUYAS:** Thank you, Dr. Simmons. We still have a
35 couple of things left in the Mackerel Report, and so I'm going
36 to kick it back to you, Kevin. Hang on just a sec. Ms. Boggs.

37
38 **MS. BOGGS:** Before we leave cobia, if I may, I sent Bernie a
39 motion. I would like to make a motion, but I need some guidance
40 from NMFS, and this is to address the sale of cobia, and we
41 don't have a permit for cobia, and so that's my obstacle here,
42 and I don't know -- I have the motion. Can we sell it under a
43 Spanish mackerel permit, or can we sell it under a king mackerel
44 permit and we have to create a cobia permit? What are our
45 options there, but I think that we need to -- If we're going to
46 fix this fishery, if you will, and rebuild this fishery, this is
47 just another step that we can take where this is not -- I mean,
48 like Leann said, once you come off that water as a recreational

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

2
3 I mean, that made perfect good sense, and that was an analogy,
4 but, like I said, the only problem I have -- I mean, I took the
5 motion from previous motions that were written about king
6 mackerel and Spanish mackerel, but what permit? Is there a
7 permit? How would that work? Maybe I need to get a second, and
8 I don't know, but I am missing part of the motion to complete
9 it, because there is no existing permit.

10
11 **VICE CHAIRMAN GUYAS:** Andy, go ahead, and then we'll figure out
12 what we're going to do with your motion.

13
14 **MR. STRELCHECK:** I think my suggestion is, if you want to make
15 this motion, that you make the motion more around your intent,
16 and, in terms of the details, in terms of how that would work,
17 that would come back before the council, with regard to actions
18 and alternatives and whether it's appropriate to create a CMP
19 permit versus a separate cobia permit that is distinct and
20 separate from king and Spanish mackerel, and we would have to
21 look at that and determine, obviously, what's most appropriate
22 in terms of the permitting aspect of this.

23
24 **VICE CHAIRMAN GUYAS:** Mara.

25
26 **MS. LEVY:** I agree, but, I mean, I would also note, right, that,
27 in the presentation that Peter gave, you had actions and
28 alternatives that actually addressed this that were rejected and
29 so you could bring those -- I mean, the option was to bring
30 those back, and there was a whole action about the sale of cobia
31 that had different options, like create a cobia permit, and
32 require -- Not in this document, but prior, when the council
33 considered it in 2012 or whenever that was, and so there was a
34 whole action that had various alternatives about how we address
35 the issue you're talking about, and so the agency and council
36 staff can look at that and potentially bring that back.

37
38 **MS. BOGGS:** Okay, and I'm sorry, and I wasn't on the council in
39 2012, and so, again, it's still an issue, and I think you're
40 going to see it when we deal with amberjack. I mean, king
41 mackerel is the same way, and so, I mean, I will be willing to
42 take the last part of that, that a blank permit is required to
43 sell the cobia, but I would like to put this motion out, to try
44 to prohibit the sale of cobia, unless you're telling me that you
45 all need to look at it and bring it back to us, but I just think
46 it's an issue that needs to be addressed.

47
48 **VICE CHAIRMAN GUYAS:** Ms. Levy.

1
2 **MS. LEVY:** Right, but, I mean, you're going to have to develop a
3 framework or a plan amendment to do this, is what I'm saying,
4 and so I think the motion would be to have staff start a
5 document to address the bag limit sales of cobia or something
6 like that.

7
8 **VICE CHAIRMAN GUYAS:** Leann, I see you, but I think -- Let's get
9 your motion up.

10
11 **MS. BOGGS:** Okay. To Mara's point, to direct staff to create a
12 framework action prohibiting the sale of cobia, and then take
13 out the last sentence, and that would be my motion. Thank you.

14
15 **VICE CHAIRMAN GUYAS:** Okay. Can you read the whole thing for
16 us, please, now that it's up?

17
18 **MS. BOGGS:** Yes, ma'am. I will be glad to. The motion would be
19 to direct staff to create a framework action to prohibit the
20 sale of Gulf cobia caught under the bag limit in or from the EEZ
21 of the Gulf of Mexico or the South Atlantic. For a person to
22 sell or cobia in or from the EEZ of the Gulf of Mexico or South
23 Atlantic, those fish must have been harvested on a commercial
24 trip aboard a vessel with a commercial vessel
25 permit/endorsement.

26
27 **VICE CHAIRMAN GUYAS:** Is there a second for this motion?

28
29 **MR. GILL:** Second.

30
31 **VICE CHAIRMAN GUYAS:** The motion is seconded by Mr. Gill. Ms.
32 Levy.

33
34 **MS. LEVY:** Well, I would just suggest that we don't have the
35 actual alternative that you potentially want to select in there,
36 meaning staff is going to develop some sort of document,
37 probably a framework action, but we would have to go look and
38 see if it's a plan amendment to address the issue, and they will
39 have different alternatives that would address this that then
40 could be analyzed and you can pick, right, and so I would remove
41 the last sentence and just direct staff to develop a document to
42 prohibit the sale of -- Then you can see what options there are
43 to do that.

44
45 **VICE CHAIRMAN GUYAS:** Susan, do you want to do that? Okay. I
46 see Leann, unless you're trying to help.

47
48 **MS. BOSARGE:** I like the motion the way it is. I don't think it

1 is directing you to a specific alternative, because, when I read
2 that, I mean, it just says harvested on a commercial trip aboard
3 a vessel with a commercial vessel permit/endorsement, and so
4 your options can be, well, it was a CMP permit. Well, we're
5 going to create a new permit. Well, it's any commercial permit,
6 as long as that vessel has any federal commercial permit, and so
7 I think there is still lots of options with this, but I think
8 that does speak directly to the meat of what you want the
9 document to cover, so we don't go too far down the rabbit hole,
10 and I'm okay with it.

11
12 **VICE CHAIRMAN GUYAS:** Mr. Gill.

13
14 **MR. GILL:** Thank you, Madam Chair, and so I was going to comment
15 on the second sentence as well, and I'm fully in accord with the
16 intent of the motion, and the problem with the second sentence,
17 to me, is it awful loosey-goosey, and it's going to be tough to
18 enforce, and there is a bazillion ways around it, and I think
19 that's misleading. I think that takes away from the intent of
20 the motion, and so I would certainly support removing that
21 sentence, and, if we can't do it with a friendly, then I will
22 make a substitute accordingly.

23
24 **VICE CHAIRMAN GUYAS:** What do you want to do, Susan?

25
26 **MS. BOGGS:** I would like to leave it the way it is, because that
27 is the exact language that was in the previous documents to
28 prohibit the sale of Spanish mackerel and king mackerel. Thank
29 you.

30
31 **VICE CHAIRMAN GUYAS:** Mr. Gill.

32
33 **MR. GILL:** Thank you, Madam Chair. **I will make a substitute**
34 **motion that is the same motion with only the first sentence.**

35
36 **VICE CHAIRMAN GUYAS:** So just another suggestion, based on what
37 Mara said, and do you want to maybe say "document" instead of
38 "framework action", so that there's some options there?

39
40 **MR. GILL:** Yes, ma'am. **I agree with that.**

41
42 **VICE CHAIRMAN GUYAS:** Okay. Is there a second to this motion,
43 which is to direct staff to create a document to prohibit the
44 sale of Gulf cobia caught under the bag limit in or from the EEZ
45 of the Gulf of Mexico or South Atlantic? Seconded by Mr.
46 Broussard. John.

47
48 **DR. FROESCHKE:** Just a suggestion. **In that second sentence,**

1 would it be better to say "caught under the recreational bag
2 limit" in that sentence, so that it's clear that it's not a
3 commercial issue?
4

5 **VICE CHAIRMAN GUYAS:** Okay. It sounds like the motion maker is
6 onboard with that change. We'll stick "recreational" in there.
7 Ms. Bosarge, do you have your hand up? You're good? Okay. Mr.
8 Williamson.
9

10 **MR. WILLIAMSON:** I agree with the sentiment on this, totally. I
11 don't think that there is any circumstance that a recreational
12 fisherman should be commercially selling fish, but, if I recall
13 correctly in our discussions regarding this issue, it mostly
14 related to loopholes in the dealer laws and regulations and that
15 there was really no evidence presented of a large-scale sale of
16 cobia commercially by the recreational sector, or the
17 recreational fishermen. To me, this falls under the -- It's
18 kind like when did you quit beating your wife, and I just don't
19 see painting the recreational fishermen with this spectra.
20

21 **VICE CHAIRMAN GUYAS:** Is there any other discussion on the
22 substitute motion? All right. **All in favor of the substitute**
23 **motion, please raise your hand.** Bob Shipp, just shout it out.
24 **We've got thirteen in the room. All opposed, please raise your**
25 **hand, or, Bob Shipp, just speak up, please.**
26

27 **DR. SHIPP:** I wanted to vote in favor of the motion, but I
28 couldn't, because I was muted.
29

30 **VICE CHAIRMAN GUYAS:** Okay. **We'll add that, and so we have**
31 **fourteen in favor. All opposed, please raise your hand.** Sorry
32 about that, Dr. Shipp. Okay. **The motion carries.** Anything
33 else on cobia? All right, Kevin.
34

35 **MR. ANSON:** Thank you. Draft Amendment 33: Modifications to the
36 Gulf of Mexico Migratory Group King Mackerel Catch Limits and
37 Sector Allocations, council staff reviewed the need for CMP
38 Amendment 33, which considers catch limits and sector
39 allocations for the Gulf migratory group of king mackerel (Gulf
40 king mackerel). The SEDAR 38 Update from 2020 stock assessment
41 found that, as of the 2017/2018 fishing year, the stock was not
42 overfished and was not undergoing overfishing.
43

44 However, despite the total ACL for the stock not being harvested
45 in any fishing season in the last twenty years, the spawning
46 stock biomass (SSB) of Gulf king mackerel is below the SSB at
47 maximum sustainable yield (SSB MSY).
48

1 Thus, the catch recommendations from the SEDAR 38 update, which
2 now incorporate increased recreational catch and effort via the
3 Marine Recreational Information Program's Fishing Effort Survey
4 (MRIP-FES), increase over the projection period to achieve SSB
5 MSY. This represents an assumption that recruitment will be
6 more similar to the long-term average, and that the stock will
7 rebuild towards SSB MSY.

8
9 In discussing Action 1, which examines modifications to the
10 catch limits, the committee asked that an additional table be
11 developed to examine the differences between the recreational
12 landings in MRIP-FES and the estimated recreational ACL in MRIP-
13 FES from the simulation conducted by the Southeast Fisheries
14 Science Center for the fishing years currently examined.

15
16 The committee also asked about the increasing yields recommended
17 by the Scientific and Statistical Committee. Council staff
18 replied that, because the stock is below the SSB MSY, but above
19 the minimum stock size threshold, the projected yields increase
20 over time to eventually achieve SSB MSY.

21
22 In discussing Action 2, which considers sector allocations for
23 Gulf king mackerel, council staff noted that changing the sector
24 allocation does not affect the yields and recommended catch
25 limits discussed in Action 1. That is, if the sector
26 allocations change, it does not result in a change to the catch
27 limits, as the council has observed in reef fish species.

28
29 The current sector allocation apportions 32 percent to the
30 commercial sector and 68 percent to the recreational sector,
31 based on average landings data from the 1975 to 1979 fishing
32 years. Because MRIP-FES is only calibrated back to 1981, a
33 conversion is not possible for these species, as has been common
34 for species for which sector allocations are based on more
35 recent years. Thus, the council can either retain or change the
36 current sector allocation for Gulf king mackerel.

37
38 A committee member asked that the analysis for Alternative 2
39 compare the MRIP-FES-adjusted historical landings to the MRIP-
40 FES-adjusted predicted ACL from the Southeast Fisheries Science
41 Center simulation, as opposed to the 2023/2024-plus fishing year
42 ACL, and assume that the commercial sector would have landed its
43 sector allocation when conducting the analysis.

44
45 The committee member contended that this assumption for the
46 commercial landings is supported by the historical proportion of
47 the commercial ACL landed. Another committee member questioned
48 using the longer time period for Alternative 3, which would

1 include two very disparate management regimes in the same time
2 frame.

3
4 **The committee recommends, and I so move, in Action 2 to move**
5 **Alternative 3 to Considered but Rejected. Alternative 3 is**
6 **modify the sector allocation of the total ACL between the**
7 **recreational and commercial sectors by reallocating to the**
8 **commercial sector a percentage of the average difference between**
9 **the total landings from the 2010/2011 through 2019/2020 fishing**
10 **years using MRIP-FES data and the total projected ACL for**
11 **2023/2024 from Action 1. Option 3a is 25 percent of the average**
12 **difference. Option 3b is 50 percent of the average difference.**
13 **Option 3c is 75 percent of the average difference. Option 3d is**
14 **100 percent of the average difference.**

15
16 **VICE CHAIRMAN GUYAS:** Okay. We have a committee motion on the
17 board. Is there any discussion of this motion? **Is there any**
18 **opposition to this motion? Seeing none, the motion carries.**

19
20 **MR. ANSON:** A committee member asked about the sentiments of the
21 recreational fishing community regarding the fish left in the
22 water. Council staff recounted past public testimony by the
23 recreational fishing fleet about the increased probability of
24 interaction with king mackerel by recreational fishermen by
25 leaving some of those fish in the water. The committee member
26 then asked about the proportion of fish caught but released by
27 the recreational sector.

28
29 Council staff replied that retention could be investigated, but
30 that these data were highly uncertain for the recreational
31 fleet. Another committee member added that the MRIP Access
32 Point Angler Intercept Survey has codes for the disposition of
33 catch released alive, legal or not legal, and that such data may
34 be worth investigating. Lastly, the committee considered
35 splitting the document's actions into a framework amendment to
36 address the revised catch limits and a plan amendment to address
37 the sector allocation. A committee member thought it best to
38 keep these actions together at this time.

39
40 Public Hearing Draft Amendment 34: Atlantic Migratory Group King
41 Mackerel Catch Levels and Atlantic King and Spanish Mackerel
42 Management Measures, Ms. Christina Wiegand, South Atlantic
43 Council Staff, reviewed the need for CMP Amendment 34, which
44 examines Atlantic migratory group king mackerel (Atlantic king
45 mackerel) in response to the results of the SEDAR 38 update in
46 2020 stock assessment.

47
48 The SEDAR 38 update for Atlantic king mackerel found the stock

1 to be healthy, and, due to exceptional recruitment, the catch
2 limit recommendations from the South Atlantic Scientific and
3 Statistical Committee (SSC) represent a considerable increase
4 from the previous catch levels from the original SEDAR 38 stock
5 assessment from 2014.

6
7 Amendment 34 also considers sector allocations, recreational
8 size and bag limits, and commercial retention regulations. At
9 this point in time, the South Atlantic Council has selected
10 preferred alternatives for all actions except one. Ultimately,
11 both councils will need to select commensurate preferred
12 alternatives before final action can be taken.

13
14 Ms. Wiegand began with Action 1, which considers revising the
15 catch limits for Atlantic king mackerel. The catch limits
16 recommended by the South Atlantic SSC use recreational catch and
17 effort data revised by MRIP-FES, and, as such, the current no
18 action alternative no longer represents the best scientific
19 information available.

20
21 The South Atlantic Council currently prefers to set the stock
22 ACL and optimum yield at 95 percent of the stock acceptable
23 biological catch (ABC) under Alternative 3. The committee asked
24 about the setting of a constant catch level in Action 1,
25 represented by Alternative 5, at the lowest of the annual yields
26 recommended by the South Atlantic SSC. The committee noted that
27 the South Atlantic SSC could be asked to consider a constant
28 catch yield calculated by averaging the annual yields for the
29 OFL and ABC, respectively, across the recommended time series.

30
31 **The committee recommends, and I so move, in Action 1, to make**
32 **South Atlantic Preferred Alternative 3 the preferred. South**
33 **Atlantic Preferred Alternative 3 is the total annual catch limit**
34 **and annual optimum yield for Atlantic migratory group king**
35 **mackerel is equal to 95 percent of the updated acceptable**
36 **biological catch level. The updated acceptable biological catch**
37 **level is inclusive of recreational estimates from the Marine**
38 **Recreational Information Program's Fishing Effort Survey.**

39
40 **VICE CHAIRMAN GUYAS:** All right. We've got a committee motion
41 on the board. Is there any discussion of this motion? **Is there**
42 **any opposition to this motion? Seeing none, the motion carries.**

43
44 **MR. ANSON:** In Action 2, Ms. Wiegand described the proposed
45 revisions to the sector allocations for Atlantic king mackerel
46 in response to the inclusion of the MRIP-FES data in the SEDAR
47 38 update. Currently, the South Atlantic Council prefers
48 Alternative 1, to retain the current sector allocations at 62.9

1 percent recreational and 37.1 percent commercial.

2
3 Alternative 2 would allocate 77.3 percent of the revised total
4 ACL to the recreational sector and 22.7 percent to the
5 commercial sector and is based on approximately maintaining the
6 current commercial ACL beginning in the 2026/2027 fishing season
7 and allocating the remaining revised total ACL to the
8 recreational sector.

9
10 Alternative 3 would allocate 68.9 percent of the revised total
11 ACL to the recreational sector and 31.1 percent of the revised
12 total ACL to the commercial sector, based on average landings
13 for the 2014 through 2019 fishing years, inclusive of MRIP-FES
14 data. Ms. Wiegand noted that the recreational and commercial
15 sectors have remained considerably below their respective ACLs.

16
17 **The committee recommends, and I so move, in Action 2, to make**
18 **South Atlantic Preferred Alternative 1 the preferred. South**
19 **Atlantic Preferred Alternative 1 is no action, retain the**
20 **current recreational sector and commercial sector allocations of**
21 **62.9 percent and 37.1 percent, respectively, of the revised**
22 **total annual catch limit for Atlantic migratory group king**
23 **mackerel. Apply these percentages to the revised total annual**
24 **catch limit.**

25
26 **VICE CHAIRMAN GUYAS:** All right. We've got a committee motion
27 on the board. Is there any discussion? **Any opposition to this**
28 **motion? Seeing none, the motion carries.**

29
30 **MR. ANSON:** Ms. Wiegand reviewed Action 3, which considers
31 revising the recreational ACT for Atlantic king mackerel, which
32 is currently calculated using the equation of one minus percent
33 standard error or 0.5, whichever is greater. This equation is
34 retained as previously calculated using MRIP-CHTS data in
35 Alternative 1. Alternative 2 uses the same equation with MRIP-
36 FES data, 86.3 percent of the recreational ACL, while
37 Alternatives 3 and 4 set the recreational ACT at 90 percent or
38 85 percent of the recreational ACL, respectively. The South
39 Atlantic Council currently prefers Alternative 2.

40
41 **The committee recommends and I so move, in Action 3 to make**
42 **South Atlantic Preferred Alternative 2 the preferred. South**
43 **Atlantic Preferred Alternative 2 is revise the recreational**
44 **annual catch target to reflect the updated acceptable biological**
45 **catch level. The recreational annual catch target equals the**
46 **sector annual catch limit, one minus percent standard error or**
47 **0.5, whichever is greater.**

1 **VICE CHAIRMAN GUYAS:** All right. Is there any discussion of
2 this motion? **Any opposition to this motion? The motion**
3 **carries.**

4
5 **MR. ANSON:** Action 4 considers increasing the recreational bag
6 and possession limits for Atlantic king mackerel off Florida.
7 The current recreational bag limit is two fish per person per
8 day under Alternative 1, and the South Atlantic Council prefers
9 increasing that daily bag limit to three fish per person under
10 Alternative 2. Increasing the recreational bag limit is
11 expected to increase recreational landings and fishing
12 opportunities.

13
14 **The committee recommends, and I so move, in Action 4, to make**
15 **South Atlantic Preferred Alternative 2 the preferred. South**
16 **Atlantic Preferred Alternative 2 is increase the daily bag limit**
17 **for Atlantic migratory group king mackerel to three fish per**
18 **person in the Exclusive Economic Zone off Florida.**

19
20 **VICE CHAIRMAN GUYAS:** All right. Is there any discussion of
21 this motion? **Any opposition? Seeing none, the motion carries.**

22
23 **MR. ANSON:** Ms. Wiegand discussed Action 5, which considers
24 reducing the recreational minimum size limit for Atlantic king
25 mackerel, which is currently twenty-four inches fork length.
26 Discard mortality assumptions remained unchanged from SEDAR 38,
27 and were as follows: 20 percent discard mortality from
28 commercial handline fisheries, 100 percent discard mortality for
29 the gillnet and shrimp trawl fishery, 22 percent discard
30 mortality for the recreational headboat fishery, and 20 percent
31 discard mortality for recreational private, charter, and
32 tournament fisheries.

33
34 A committee member expressed concern in selecting a preferred
35 alternative for a minimum size limit that is below the length at
36 which 50 percent of individuals reach sexual maturity. Dr.
37 Porch from the Southeast Fisheries Science Center also
38 recommended additional analyses to look at changes in
39 selectivity using size limits and catch limits in tandem. A
40 committee member also asked about the age of the data used for
41 discard mortality, as public comment seems to point towards a
42 higher discard mortality rate than what may be used in the stock
43 assessment.

44
45 Mr. Rindone recalled that the way king mackerel are landed has
46 not changed significantly since the data were first determined
47 in the stock assessment in SEDAR 16 in 2007. Thus, discard
48 mortality is likely also unchanged.

1
2 **The committee recommends, and I so move, in Action 5 to make**
3 **Alternative 1 the Gulf Council preferred. Alternative 1 is no**
4 **action. The minimum size limit for recreational harvest of**
5 **Atlantic migratory group king mackerel is twenty-four inches**
6 **fork length.**

7
8 **VICE CHAIRMAN GUYAS:** All right. We have a committee motion on
9 the board. Is there any discussion of this motion? Andy.

10
11 **MR. STRELCHECK:** Not necessarily entirely related to the motion,
12 but I just wanted to note that the first sentence in the
13 paragraph above the motion talked about concern about selecting
14 a preferred for the minimum size limit. We did have a good
15 conversation about size at maturity and that, yes, the minimum
16 size limit for males is higher at 50 percent for the size at
17 maturity than the current minimum size limit, but the size of
18 maturity for females is actually lower than the minimum size
19 limit, and so I just wanted to remind the council of that
20 discussion, because I don't think it's fully reflected in this
21 committee report.

22
23 **VICE CHAIRMAN GUYAS:** Okay. Thanks, Andy. Anything else on
24 this motion or that topic? **Is there any opposition to this**
25 **motion? Seeing none, the motion carries.**

26
27 **MR. ANSON:** In discussing Action 6, which would reduce the
28 minimum size limit for commercial harvest of Atlantic king
29 mackerel, the preferred alternative would reduce the minimum
30 size limit to twenty-two inches fork length.

31
32 There is some concern from the South Atlantic Mackerel-Cobia
33 Advisory Panel in reducing the minimum size limit. Data suggest
34 that a percentage of legal-sized king mackerel are being
35 discarded by the commercial sector.

36
37 A committee member asked about the implications of removing the
38 allowance to possess undersized king mackerel in quantities not
39 exceeding 5 percent of the weight of king mackerel on board.
40 Ms. Weigand responded that the rationale from the South Atlantic
41 Fishery Management Council to remove that allowance is to reduce
42 the number of smaller fish coming into the market. Due to
43 similar concerns in setting a size limit below the estimated
44 length at sexual maturity that was discussed in Action 5, the
45 committee recommended No Action in Action 6.

46
47 **The committee recommends, and I so move, in Action 6, to make**
48 **Alternative 1 the Gulf Council preferred. Alternative 1 is no**

1 action. The minimum size limit for commercial harvest of
2 Atlantic migratory group king mackerel is twenty-four inches
3 fork length commercial fishermen may possess undersized king
4 mackerel in quantities not exceeding 5 percent, by weight, of
5 the king mackerel on board.

6
7 **VICE CHAIRMAN GUYAS:** All right. We have a committee motion on
8 the board. Any discussion? Mr. Gill.

9
10 **MR. GILL:** Thank you, Madam Chair. As I read it, it's missing a
11 period after "length". Am I correct? It doesn't read
12 correctly, and I think "commercial fishermen" starts a new
13 sentence.

14
15 **VICE CHAIRMAN GUYAS:** Let me see if I can pull it up, really
16 quick. Yes, and I think we're just missing a period, and so I
17 think we can just make that editorial change here. **After**
18 **"length", just add a period, and then "commercial fishermen"**
19 **starts a new sentence there.** There we go. Okay. Thanks for
20 keeping us grammatically correct and all that, Bob. Okay.
21 Anything else on this motion? Mr. Williamson.

22
23 **MR. WILLIAMSON:** I am unclear as to why we have a size limit, if
24 there's an exception to the size limit, or a 5 percent by
25 weight, and it seems as though, if we have a size limit, as it
26 is in the other sector, you should adhere to it.

27
28 **VICE CHAIRMAN GUYAS:** Mr. Gill.

29
30 **MR. GILL:** I will try. My understanding, and I am wide open to
31 be corrected, is that was originally put in there because of the
32 run-around gillnet fishery, and so they're already there and
33 already caught, and the alternative is to throw them overboard.
34 Well, why not have them count against the quota, and so I
35 understand your sentiment, but I think it was the reality of
36 that fishery.

37
38 **MR. WILLIAMSON:** Well, if that's the rationale, I don't
39 disagree.

40
41 **VICE CHAIRMAN GUYAS:** All right. **Is there any opposition to**
42 **this motion? Seeing none, the motion carries.** We're almost
43 there, Kevin.

44
45 **MR. ANSON:** Action 7 would modify the recreational requirement
46 to land Atlantic king and Spanish mackerel with heads and fins
47 intact. Currently, commercial fishermen are allowed to keep cut
48 or damaged king and Spanish mackerel that meet minimum size

1 limits. The committee asked about the state regulations on
2 landing cut-off fish. Ms. Weigand responded that most states do
3 require the recreational harvest of king and Spanish mackerel to
4 be landed with heads and fins intact.

5
6 Acknowledging the timeline of the document and that not
7 concurring on all preferred alternatives might encourage more
8 discussions from the public, the committee recommends proceeding
9 with public hearings. **The committee recommends, and I so move,**
10 **to recommend CMP Amendment 34 be taken out to public hearings.**

11
12 **VICE CHAIRMAN GUYAS:** All right. We have a committee motion.
13 Is there any discussion? **Is there any opposition to this**
14 **motion? Seeing none, the motion carries.** Mr. Gill.

15
16 **MR. GILL:** Thank you, Madam Chair. Before we leave Amendment
17 34, I would like to broaden the discussion and extend, if you
18 will, a discussion we had in the Reef Fish Committee relative to
19 the yellowtail, and this joint amendments.

20
21 My guess would be that joint amendments were established a
22 gazillion years ago by species, and that's fine, and I
23 understand that, but I think Amendment 34 is the poster-child
24 for saying why don't we have the joint amendments address the
25 issues that are really joint, and, once you set -- One of those
26 might be allocation for the species, and another one might be a
27 management overlap or something like that, but, for things like
28 Amendment 34, why is the Gulf Council involved? Similarly, for
29 Gulf cobia, for example, why is the South Atlantic involved?

30
31 I think there is a lot of merit, to look -- For both councils to
32 take a look at how we might separate these joint amendments into
33 the areas that are truly joint issues that we need to address,
34 and the ones that are not, and the FLEC Zone is another one, let
35 the council, respective council, address them. I would see a
36 whole bunch of savings in staff workload, not to mention council
37 agenda time that we could be utilizing on other things.

38
39 Now, we had a discussion yesterday in Data Collection, and these
40 simple ideas get as complex as all get-out, and that's probably
41 what Mara is going to say, but, nevertheless, I think there is
42 some merit to looking at it and seeing what's possible and see
43 if we can't simplify it, and let's focus on the joint issues
44 that are truly joint and let the respective councils address the
45 ones that are not. Thank you.

46
47 **VICE CHAIRMAN GUYAS:** Ms. Levy.

1 **MS. LEVY:** Well, I don't think -- It's a joint plan, right, and
2 so the issue is, if you're going to do a plan amendment, then it
3 requires both councils to be involved, because it's a joint
4 plan. You do have the framework procedure that addresses each
5 council's responsibilities to do certain things under the
6 framework, and those don't require both councils to be involved
7 in the decision, and then 32, which you just took final action
8 on, we're updating that to allow the South Atlantic Council to
9 take additional actions related to the FLEC Zone cobia and
10 things like that.

11
12 If it's actual plan amendment, and either council decides to a
13 plan amendment, or it's required to be done under a plan
14 amendment, then both councils have to agree that it has to be a
15 joint action. If it's a framework action, and it's something
16 that the councils have decided that either council can do on its
17 own, then it doesn't require that joint action.

18
19 **VICE CHAIRMAN GUYAS:** Mr. Anson.

20
21 **MR. ANSON:** I hear what Mara is saying, and I also hear what Bob
22 is saying, and so I'm just wondering, and is that something that
23 we maybe need to bring back for just a review of what that plan
24 amendment actually covers and what the responsibilities are for
25 each council within that, and I think that's maybe where we need
26 to do.

27
28 I mean, I agree this seems to be very cumbersome, and it's part
29 of the reason why I think mackerel, at least within the CMP, the
30 mackerel are the most difficult to try to keep tabs on and such,
31 because we do have - We're joined at the hip, so to speak, but
32 that just might be out of necessity, and so I think it might be
33 worthwhile for us to look at that and get everyone back to the
34 table and try to look to see if there are some areas where maybe
35 we could reduce that joint review.

36
37 **VICE CHAIRMAN GUYAS:** Ms. Levy.

38
39 **MS. LEVY:** That might be a good idea. I think the reason that
40 Amendment 34 is a plan amendment, at least needs to be, is it
41 deals with allocation, and, granted, it's a South Atlantic
42 allocation, but nobody's framework procedures allow for
43 allocation to be a framework, and so it turns into a plan
44 amendment.

45
46 A number of these other things that are in there might have been
47 able to be in a framework action, which the South Atlantic
48 Council could have done on its own, but then you get into having

1 a plan amendment and the framework actions, and now you've got
2 multiple documents, and so I guess it's a way, but, I mean, it
3 might be a good idea to look more closely at the framework, at
4 least the CMP framework, to see what is allowed versus not.

5
6 **VICE CHAIRMAN GUYAS:** Ms. Bosarge and then Andy.

7
8 **MS. BOSARGE:** I thought I would be a little contrary on this,
9 and I would rather just see it. I feel like, if we start trying
10 to parse it out, and we look at only the pieces that affect us
11 both, allocations being one of them, we're going to have so many
12 questions that probably are answered by the other alternatives
13 that are in their document, because it always gets deeper than
14 just the allocation, right, and, well, tell me what those
15 landings look like, and what was the ABC before and the OFL, and
16 so that's your other action items that would be in the document,
17 and so, to me, it's just easier to go through the whole thing.

18
19 I think we usually go pretty quickly on items that don't really
20 affect us, and, generally speaking, we agree with them, but I
21 think we gave them some good things to think about in this one
22 amendment that we had some differing opinions on, and there's a
23 learning curve there for both councils, to see how another
24 council looks at things and how they're doing things, just like
25 that question that the South Atlantic liaison had for, well, how
26 do you get a constant catch if it's a declining yield stream,
27 and wouldn't you be over your ABC, and it's something their SSC
28 hasn't really been giving them, and so I think there's some
29 value there, although it takes up time.

30
31 **VICE CHAIRMAN GUYAS:** Mr. Strelcheck.

32
33 **MR. STRELCHECK:** Thanks, Madam Chair. I just wanted to speak in
34 support of what Kevin and Bob were saying, and I think it's a
35 good thing to review this. I think we have a lot of work before
36 us, and, if we can streamline processes and procedures, where
37 appropriate, then that makes a lot of sense to me.

38
39 In thinking through what Leann just said, the question is how
40 much can we parse this out, and I think a lot about Florida, in
41 particular, where Martha sits, and where Jessica McCawley sits,
42 and it just straddles a lot of issues that Florida is having to
43 deal with on both of their coasts, and so I think, as this moves
44 forward, Florida, your perspective is going to be really
45 important, in terms of how much needs to come before both
46 councils, given where you sit geographically, and so thanks,
47 Bob, for the suggestion, and I think it would be good to,
48 obviously, have that review.

1
2 **VICE CHAIRMAN GUYAS:** I think we're up against a break here, and
3 it sounds like not everybody is totally onboard with this idea,
4 and so I would suggest, if you want this to be idea, make it a
5 motion, and then we'll vote on it.

6
7 **MR. GILL:** All right, Madam Chair. I will make a motion. I
8 move that staff review joint amendments with an eye towards
9 creating joint amendments that affect only both councils -- This
10 is not good. Madam Chair, let me think about it, and I can
11 bring it up later on in the council. Thank you. Disregard that
12 piece.

13
14 **VICE CHAIRMAN GUYAS:** Do you have a suggestion, Kevin? Go
15 ahead.

16
17 **MR. ANSON:** Not to that, but just to the previous motion
18 regarding the public hearings, and I don't know, staff, if you
19 had any thoughts on the timeline for having those public
20 hearings, and were you going to wait for the South Atlantic to
21 go ahead and approve everything, or do you want to go ahead and
22 get some locations, or how do you want to do that?

23
24 **EXECUTIVE DIRECTOR SIMMONS:** My understanding is this is
25 completely within the South Atlantic Council's jurisdiction, and
26 we don't need to be involved in this, whereas they, for the
27 cobia, because of the FLEC Zone, did do some public hearings on
28 the east coast, and this would be completely theirs.

29
30 **VICE CHAIRMAN GUYAS:** All right. With that, let's take our
31 break. We have a fifteen-minute break scheduled this morning.
32 Maybe not. Kevin.

33
34 **MR. ANSON:** Madam Chair, that concludes the Mackerel Committee
35 report.

36
37 **VICE CHAIRMAN GUYAS:** Thank you, Kevin. All right. It's 10:55,
38 and so let's come back at -- I'm sorry, Christina. I did not
39 see your hand. Go ahead.

40
41 **MS. CHRISTINA WIEGAND:** No, that's quite all right. I was just
42 going to let the council know that the South Atlantic Council
43 will be holding public hearings for Amendment 34, and they're
44 going to be done virtually, and they will be on November 15 and
45 16 at 6:00 p.m., and so, if you hear from stakeholders that are
46 interested in making comments, you can direct them to our
47 website, and those are the dates we will be holding them.

1 **VICE CHAIRMAN GUYAS:** Okay. Thanks, Christina. Now let's take
2 a fifteen-minute break.

3
4 (Whereupon, a brief recess was taken.)

5
6 **VICE CHAIRMAN GUYAS:** Ms. Boggs, are you ready for Data
7 Collection?

8
9 **MS. BOGGS:** Yes, ma'am.

10
11 **VICE CHAIRMAN GUYAS:** All right. Go right ahead.

12
13 **DATA COLLECTION COMMITTEE REPORT**

14
15 **MS. BOGGS:** Thank you, Madam Chair. Data Collection Committee
16 Report, the committee adopted the agenda, Tab F, Number 1, as
17 written and approved the minutes, Tab F, Number 2, of the August
18 2021 meeting as amended.

19
20 Presentation from the National Academy of Sciences on Data and
21 Management Strategies for Recreational Catch Limits, Tab F,
22 Numbers 4(a) through (c), Dr. Luiz Barbieri served as chair of
23 an ad hoc committee convened by the National Academy of Sciences
24 to assess the recent changes made to the Marine Recreational
25 Information Program (MRIP).

26
27 The committee was tasked with identifying any potential areas
28 for improvements or modifications to the program that would
29 increase the timeliness and quality of data for sustainable
30 fisheries management. A final report was published recently.

31
32 The report indicated that, while MRIP provided essential long-
33 term and regionally broad recreational fisheries data, it lacked
34 the temporal precision to monitor in-season annual catch limits
35 (ACL).

36
37 The report presented a few proposed alternative approaches for
38 monitoring ACLs, suggested MRIP data collection at least be
39 analyzed at a monthly scale, promoted continued close
40 collaboration between fishery managers, and encouraged the
41 inclusion of socioeconomic information to better understand
42 recreational angler satisfaction. Dr. Barbieri stated that the
43 report was a national examination of recreational fisheries
44 issues, and further investigations for region-specific
45 difficulties would be necessary.

46
47 A committee member inquired about a previous request to NOAA
48 General Counsel to investigate the exploration of potential

1 alternative monitoring approaches provided under National
2 Standard 6. Ms. Mara Levy indicated that the request was still
3 being completed and highlighted that any appropriate
4 alternatives would still need to adhere to other provisions
5 stipulated in the Magnuson-Stevens Act. The committee member
6 stressed the importance of knowing whether an alternative
7 approach would be legally defensible when considering various
8 management options.

9
10 Dr. Clay Porch inquired whether the committee had considered the
11 merits of using a multiyear average for ACL monitoring, as the
12 National Standard guidelines explicitly allow this alternative.
13 Dr. Barbieri responded that, while not specifically considered,
14 the committee did discuss the possibility of implementing
15 carryover and payback provisions for ACL monitoring. This
16 approach would relax the requirement for strict annual
17 monitoring, but would also require paybacks in years following
18 an overharvest of the ACL.

19
20 Dr. Tom Frazer highlighted the recommendation by the committee
21 to analyze MRIP data at a monthly scale. He recognized the
22 financial increase required to accomplish that recommendation
23 and inquired if the group had any ideas on how to prioritize
24 funding to achieve that objective.

25
26 Dr. Barbieri stated that the report did not address funding
27 specifically and recognized that moving from a two to one-month
28 sampling period would not serve as a catchall solution.
29 However, the group did agree that increased sampling during
30 monthly intervals could improve timeliness and considered that
31 this modification would likely be one of the most financially-
32 practical ideas.

33
34 A committee member stressed the importance of considering
35 alternative management approaches for stocks considered to be in
36 poor shape. Specifically, she used gag grouper as an example,
37 where any allowable harvest would have to be closely monitored
38 to allow for rebuilding to progress.

39
40 Another committee member asked how the Pacific states, which
41 have recreational collection programs outside of MRIP, have
42 fared in managing recreational ACLs. Dr. Barbieri replied that,
43 for Pacific fisheries, such as salmon, recreational seasons are
44 on the order of days or weeks and require timely monitoring. He
45 continued that the Pacific states worked with consultants on
46 their state surveys to address their specific management needs.

47
48 Dr. Michelle Duval also commented that the Gulf of Mexico has a

1 much larger recreational fishing sector than the Pacific, which
2 compounds monitoring issues. A committee member asked if the ad
3 hoc committee had any recommendations for continued
4 collaboration between fishery managers. Dr. Barbieri indicated
5 that the existing Gulf Fisheries Information Network and MRIP
6 Transition Team could facilitate that collaboration.

7
8 Update on Southeast For-hire Integrated Electronic Reporting
9 (SEFHIER) Program, Tab F, Number 5, Dr. Michelle Masi from the
10 Southeast Regional Office (SERO) provided an update on the
11 Southeast For-Hire Integrated Electronic Reporting (SEFHIER)
12 program.

13
14 The vessel monitoring system (VMS) reporting portion of the
15 program is scheduled to be implemented December 13, 2021. She
16 presented on recent increases in account applications, provided
17 dates for recently completed informational webinars, and
18 highlighted online outreach materials available to program
19 participants.

20
21 A committee member indicated that SEFHIER participants had
22 reported discrepancies when reporting discard data between the
23 various data collection applications. Dr. Jessica Stephen
24 responded that eTRIPS is designed to work for various sampling
25 programs, in addition to SEFHIER, to support one-stop reporting
26 and minimize the requirement to submit duplicate reports.

27
28 She clarified that, in the Gulf of Mexico, SEFHIER does not
29 require information on the disposition of discards, but Highly
30 Migratory Species and Greater Atlantic Regional Fisheries Office
31 do require this field and can be submitted using the same eTRIPS
32 report.

33
34 The committee member asked if any further outreach was planned
35 for permit holders who have yet to register for the reporting
36 program. Dr. Stephen stated that the SEFHIER group was
37 continuing to work on identifying program participants. She
38 indicated that vendors allow registration of captains that might
39 not be permit owners and are looking for solutions to the issue.

40
41 Framework Action: Modification to Location Reporting
42 Requirements for For-Hire and Commercial Vessels and Relevant
43 Data Collection AP recommendation, Tab F, Numbers 6(a), (b), and
44 8, Ms. Carly Somerset provided a presentation on a draft
45 framework action to modify location reporting requirements in
46 the for-hire and commercial sectors.

47
48 The purpose of the framework action is to allow an exemption to

1 location monitoring requirements, should an unforeseen
2 malfunction occur to an installed VMS.

3
4 The council's Data Collection Advisory Panel (AP) and Law
5 Enforcement Technical Committee (LETC) provided recommendations
6 on the draft document at their recent meetings, and Ms. Somerset
7 included those in the presentation.

8
9 A committee member asked if any data on equipment failure rates
10 exist, and, if it did, he recommended it be included in an
11 updated draft of the framework action. Mr. Matt Walia from NOAA
12 Law Enforcement indicated that, due to privacy concerns and use
13 of third-party vendors, it is difficult to get detailed
14 information on failure rates. However, he had passed along
15 letters from vendors to council staff which provided vendor
16 responses on failure rates and reliability of units. Council
17 staff indicated they would provide those letters to council
18 members.

19
20 The committee discussed the Data Collection AP recommendation to
21 split the exemption document between the for-hire and commercial
22 fleets and the LETC recommendation to delete the commercial
23 sector from the document, which is Action 2. The committee
24 varied on these recommendations, with some members advocating
25 for splitting the document, while others felt the financial
26 losses due to a malfunctioning VMS unit would create unnecessary
27 financial burdens for both sectors, and so the exemption needed
28 to apply to both.

29
30 A committee member asked if the NOAA Law Enforcement database
31 would be able to account for multiple VMS units, one non-
32 functioning while another is used as a temporary fix, associated
33 with one permit. Mr. Walia indicated that it could. The
34 committee agreed with the recommendation made by the Data
35 Collection AP that the number of exemptions should be reset when
36 a permit was transferred or sold.

37
38 The committee largely agreed that any exemption should be a long
39 enough time period to address growing problems with supply
40 chains and scheduling installation delays. Additionally, there
41 was concern that reporting of failures may occur outside of
42 regular business hours. Mr. Walia stated that NOAA Law
43 Enforcement in Silver Spring works until 11:00 p.m., but that
44 they are only operational Monday through Friday.

45
46 Given the Data Collection AP recommendation to define days in
47 the draft as calendar days, and acknowledging the need to allow
48 for adequate time to complete a VMS repair, the committee

1 decided to amend the draft action alternatives.

2
3 The committee recommends, and I so move, in Actions 1 and 2,
4 Alternative 2, move Options 2a to considered but rejected.
5 Alternative 2 is create an exemption to the VMS requirement to
6 address equipment failure and set a limit on the number of days
7 that the NMFS-approved exemption method is valid, for vessels
8 with charter/headboat permits for Reef Fish and/or CMP. Option
9 2a is the exemption will be valid for up to three days from
10 submittal date. Alternative 2 is create an exemption to the VMS
11 requirement to address equipment failure and set a limit on the
12 number of days that the NMFS-approved exemption method is valid,
13 in order to address equipment failure for vessels with
14 commercial reef fish permits. Option 2a is the exemption will
15 be valid for up to three days from submittal date.

16
17 VICE CHAIRMAN GUYAS: We have a committee motion. Is there any
18 discussion on the motion? Is there any opposition to the
19 motion? Seeing none, the motion carries.

20
21 MS BOGGS: The committee recommends, and I so move, in Actions 1
22 and 2, add an option for fourteen calendar days exemption and
23 define the other options as calendar days.

24
25 VICE CHAIRMAN GUYAS: All right. We have a committee motion on
26 the board. Any discussion? Is there any opposition to this
27 motion? The motion carries.

28
29 MS. BOGGS: The committee recommends, and I so move, in Actions
30 1 and 2, Alternative 2, to remove Options 2a, 2b, and 2c and add
31 the exemption will be valid for up to fourteen calendar days.

32
33 VICE CHAIRMAN GUYAS: We have a motion on the board. Andy.

34
35 MR. STRELCHECK: I spoke in committee and recommended against
36 this, voted against this motion, and my recommendation is that
37 we maintain the alternatives in the document as it stands today,
38 and I recognize that we just removed the three-day requirement,
39 which I think is reasonable, given what we've heard about some
40 of the supply chain issues and the ability to, obviously, repair
41 and fix a VMS unit in a very short period of time, but I think
42 the seven-day and ten-day alternatives give us a very reasonable
43 range to consider.

44
45 We could get more information from the vendors with regard to
46 turnaround times for getting those units repaired and fixed and
47 then, to me, we have to look at this from the standpoint of,
48 yes, we want to provide fishermen flexibility and the maximum

1 amount of time for them to repair their units, but we also have
2 goals of ensuring that the data is being reported and monitored
3 and completed in an accurate fashion, and so the shorter periods
4 of time are going to be more beneficial, from the standpoint of
5 the data collection and law enforcement, and, to me, are very
6 reasonable to consider at this point.

7
8 If the council agrees with maintaining them, we certainly could
9 select the preferred alternative in place, if that's really kind
10 of J.D.'s desire for the fourteen days, but I would not
11 recommend removing the seven and ten-day options.

12
13 **VICE CHAIRMAN GUYAS:** Mr. Gill.

14
15 **MR. GILL:** Thank you, Madam Chair. I agree with Andy that
16 basically what we're dealing with here is an all-or-nothing
17 motion, and it's not clear to me that the right number is
18 fourteen days, and it may be something else, but there is no
19 options, and so I do not support this motion.

20
21 **VICE CHAIRMAN GUYAS:** Ms. Boggs.

22
23 **MS. BOGGS:** I know we need to dispense with this motion, and I
24 do agree with Andy and Bob. I mean, there needs to be some
25 alternatives, and I do have some suggestions about that once we
26 dispense with this motion. Thank you.

27
28 **VICE CHAIRMAN GUYAS:** Mr. Dugas.

29
30 **MR. DUGAS:** Andy, my intentions were just to clean up the
31 alternatives, but, I mean, we can add the seven and ten days
32 back in, and it doesn't bother me any.

33
34 **VICE CHAIRMAN GUYAS:** Mr. Strelcheck.

35
36 **MR. STRELCHECK:** Essentially, to clarify what you just said,
37 J.D., if we vote down this motion, and we don't approve it, then
38 they stay in the document, and so that's kind of the point that
39 I was trying to make, is that I would vote against this motion.
40 If it didn't pass, then the seven, ten, and fourteen days would
41 still remain as alternatives within the document.

42
43 **VICE CHAIRMAN GUYAS:** Okay. Any other discussion on the motion?
44 Let's go ahead and vote. **All those in favor of the motion,**
45 **please raise your hand; all opposed, please raise your hand.**
46 **The motion fails unanimous.** Bob Gill.

47
48 **MR. GILL:** Thank you, Madam Chair. We had some discussion in

1 the Data Collection Committee, and quite a bit of public
2 testimony yesterday, relative to Action 2 and the need for it
3 and the experience that the commercial industry has had with
4 their VMS units, albeit different, but, at the end of the day,
5 and I started from my experience with all the years that we had
6 VMS, and that never came up in my memory as an issue, and that's
7 where I started, and so I was a little bit surprised that we
8 didn't have any data supported that, but that's fine.

9
10 **What I heard from public testimony and my discussion out in the**
11 **hallway was that, from the commercial perspective, it's not an**
12 **issue, and so I move that we move Action 2 to the Considered but**
13 **Rejected, and, Bernie, if you would put that motion up, please.**
14 I sent it to you just a moment ago.

15
16 There was some concern expressed during public testimony about
17 how this opens a loophole for those that would like to start
18 doing the system correctly, but, more importantly, it's not been
19 an issue, and there isn't a need, and so I'm not quite sure how
20 it ever got here, but I think we ought to get it out of the
21 document and deal with the issue for the commercial for-hire
22 sector. Thank you.

23
24 **VICE CHAIRMAN GUYAS:** Thanks, Bob. We've got that motion on the
25 board, which is to move Action 2 to Considered but Rejected, and
26 that's getting pasted there right now. Is there a second to
27 this motion? It's seconded by Kevin Anson. Is there
28 discussion? Ms. Bosarge.

29
30 **MS. BOSARGE:** I guess I heard something different in public
31 testimony yesterday. I mean, yes, I did hear a couple of people
32 that came up there and said they haven't had any problems, but I
33 heard some people that came up there and said, yes, I have had
34 problems, and I will remind you of the last speaker that came up
35 there, Mr. Wayne Werner, and he said he was on his fifth unit,
36 and Wayne is a highliner in the fishery. I mean, that's a true-
37 blue commercial fisherman, and he said he was on his fifth unit,
38 and he didn't count the one that he had ordered and, two weeks
39 later, just had to send the whole thing back, and that would
40 make six.

41
42 There are commercial fishermen, at least from my state, that
43 don't attend these meetings but that have told me the same thing
44 at home, and is there any way that we can get some sort of
45 leniency on this, and there are certain pieces that they have
46 replaced every year, but I think -- They try and keep that
47 handy, if they can, but the point is there is maintenance and
48 upkeep.

1
2 Now, to me, the difference in what I heard last night, and it
3 might be a nuance that not everybody picks up on, but the people
4 that I heard, like Wayne, okay, and so Wayne has a boat, and
5 that boat commercial fishes. That's what it does. A lot of the
6 people that came up and said that we haven't really seen it as a
7 problem, a lot of their boats are dually-permitted, and so they
8 do charter/for-hire on that boat sometimes and they do
9 commercial on that boat sometimes.

10
11 I have tried to explain this before, and a charter/for-hire,
12 think about it, and so you're taking out recreational fishermen,
13 probably from out of town, and not always, but, a lot of times,
14 they're from out of town. They will cancel a trip, oftentimes,
15 if the weather is bad. On that same day, you may still see that
16 commercial boat offshore fishing, and it's the difference
17 between what you do for a living and the okay of going out there
18 and getting your brains beat out because you've got to make a
19 living versus you want to go out and do it for fun and getting
20 your brains beat out doesn't sound like fun.

21
22 The beating and the weather that these devices take is different
23 on a boat that is a purely commercial boat that's going to go,
24 and it's going to go even when it's bad, versus a boat that does
25 both and, on days when he's doing the for-hire, there may be
26 times when he doesn't go out in that kind of weather.

27
28 In Mississippi, the other thing that is a little different than
29 -- The other thing that I noticed is there was one commercial
30 guy that I feel like -- I don't think he was dually permitted,
31 and he was pure commercial, that I put a lot of stock in, and he
32 got up there and said that I don't really have a lot of issues
33 with them, but his boat also is a different style of boat, and
34 it's a boat that does multiday trips, right, and he goes out for
35 multiple days at a time, and there's a wheelhouse on it, and
36 parts of his VMS are indoors, versus the boats in Mississippi,
37 by and large, are center console open fisheries, and the whole
38 unit is outside in the elements 365 days a year. Even when
39 it's at the dock, it's outside in the elements.

40
41 You can about imagine what that does to a piece of equipment,
42 versus one that you keep indoors, and so I do think this is an
43 issue, and I did hear it at public testimony, and fishermen have
44 been asking me about it for years, and I would be surprised, on
45 those dually-permitted guys -- I guess they realize that, if we
46 take the commercial out of this, and they hold both permits,
47 they can't get the exemption anymore, if they've got both those
48 permits on those boats.

1
2 I mean, we talked about that during committee, and the only
3 people that will be able to get this exemption is somebody that
4 has only the charter/for-hire permit on the boat. Anyway, I
5 think there's a lot of things to still consider.

6
7 The other thing that we never got to in committee that I said
8 was going to be important for this is that next presentation,
9 where it was presented to the AP that the Science Center would
10 like to consider at-sea reporting for fisheries that have never
11 had it before, some of your southern Florida fisheries like
12 lobster and stone crab and things like that, and we haven't even
13 gotten their input yet, but I would venture to guess that they
14 would say can you please give me some sort of exemption if my
15 equipment fails, and so I hate to throw the baby out with the
16 bathwater before we even get to that conversation.

17
18 **VICE CHAIRMAN GUYAS:** Ms. Boggs.

19
20 **MS. BOGGS:** Thank you, Madam Chair, and my concern too is a lot
21 of what Leann said, and yesterday, in testimony, I was a little
22 shocked myself at the number of boats that came up that said
23 they're dually-permitted, and I don't think that they realize
24 what's about to happen to them, because I have had several
25 charter captains say let's separate these out and don't let one
26 hold the other up, but am I doing them justice by doing that,
27 because I am going to hold them up, because they're going to be
28 left tied to the dock, and so I think I will speak in opposition
29 to this motion at this time. Thank you.

30
31 **VICE CHAIRMAN GUYAS:** Mr. Strelcheck.

32
33 **MR. STRELCHECK:** I guess I'm trying to think about this from the
34 standpoint of whether it passes or not, and so, if this motion
35 passed, and we want to address the concern of dually-permitted
36 vessels, I think we could consider some sort of conditional sub-
37 alternative that could provide an exemption for when you're
38 making for-hire trips, but not when you're essentially
39 commercially operating as a dually-permitted vessel.

40
41 I don't know how it would work, and we would have to think about
42 it from an enforcement standpoint, but it seems like there is
43 potential there to figure this out. Mara is going to disagree
44 with me.

45
46 **VICE CHAIRMAN GUYAS:** Ms. Levy.

47
48 **MS. LEVY:** I'm not going to disagree, but I'm just going to note

1 that, under the current regulations, if you have a dually-
2 permitted vessel now, you have to have an operating VMS all the
3 time, because you have a commercial permit, and there are no
4 exceptions, and there never have been, and so, for those folks
5 that are dually-permitted right now, they're operating under
6 this constraint as it is when they're running their for-hire
7 businesses, and so it shouldn't be a surprise, I guess, is what
8 I'm saying.

10 I'm not going to give an opinion on Andy's suggestion, although
11 I feel like -- I am not sure how we would accomplish that and
12 still keep the commercial VMS operating the way that it was
13 intended to operate.

15 **VICE CHAIRMAN GUYAS:** Ms. Boggs.

17 **MS. BOGGS:** Mara kind of said what I was going to say, and so
18 it's those unintended consequences that I don't know that we
19 have weighed yet, and I do understand what you're saying, and
20 that does make sense, but, I mean, I haven't had time to, I
21 guess, analyze it, and I know that everything we do at this
22 table it seems like there is unintended consequences, and I try
23 to do my best to avoid that at the beginning and not try to come
24 back and figure it out at the end, and so, at this time, I will
25 continue to speak out against this motion. Thank you.

27 **VICE CHAIRMAN GUYAS:** Any other discussion on this? It looks
28 like we're ready to vote. Okay. The motion, again, is to move
29 Action 2 to Considered but Rejected. **All those in favor of this**
30 **motion, please raise your hand.** Bob Shipp, you know what to do.

32 **DR. SHIPP:** Yes.

34 **VICE CHAIRMAN GUYAS:** Okay. **Eight in favor. All those opposed,**
35 **please raise your hand. The motion carries eight to five.**

37 **MS. BOGGS:** Okay, and so, before I move on, I would like to go
38 back and address Action 1, Alternative 1, and so, right now, we
39 have removed Option 2a, which is the three days, and now we have
40 seven and ten remaining. I think we need at least a third
41 option here. Okay. I am sorry. I have got myself confused.

43 We removed the three-day, and I think Andy is right. I mean,
44 now we've got -- We approved fourteen, and so we have seven and
45 fourteen, and I would like to put the three-day back in, and I
46 did some reading of the document that we received, and, again,
47 this program is not on the water, and we really don't know what
48 we're getting into, but that would give us a third alternative

1 to look at.

2
3 The four vendors that provided information, or, excuse me, five
4 vendors, what they say they can do is a twenty-four-hour
5 turnaround in shipping. They all say they have service
6 available, and they've got good track records, and, listening to
7 what Mara said, and Andy, that his is one more option to look
8 at, and I'm not saying which one I'm in favor to, but that just
9 gives a third option to look at. I don't know if anybody else
10 has an opinion about that, and I'm not ready to make a motion,
11 but I just wanted to kind of bring it up for discussion. Thank
12 you.

13
14 **VICE CHAIRMAN GUYAS:** Mr. Gill.

15
16 **MR. GILL:** Thank you, Madam Chair. Susan, to your suggestion, I
17 think a third option is desirable, but I concluded, from the
18 discussion and the public testimony and trying to think it
19 through, that there's going to be many a time when the three
20 days is really not helping anybody, and so my thinking would be
21 that a week is far more reasonable, and it gives you some
22 options to get around, and, you know, if you pull in on a Friday
23 night, and your equipment craps out, and you're on a holiday
24 weekend, you won't be going on Tuesday, in all likelihood, and
25 you need something longer that helps you get out there, and so I
26 would support seven, and, if you would like to make that motion,
27 I will second it.

28
29 **VICE CHAIRMAN GUYAS:** I would like to go to Dr. Simmons, real
30 quick. Go ahead.

31
32 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Madam Chair. I think,
33 just for clarity, just to make sure that we're all on the same
34 page, and I am looking at Ms. Somerset to help us out here, and
35 so, based on the previous motions that were just passed under
36 Alternative 2, when we bring back the document, you will have
37 three options, the seven days, the ten days, and the fourteen
38 days.

39
40 I believe this action, and maybe Bernie could go to Action 1,
41 because I believe that's what we're talking about now, and I
42 believe this should have a note somewhere that says multiple
43 alternatives and options can be selected, because, the way I
44 read is, in addition to Alternative 2, if you wanted to select
45 Alternative 2c currently, for the ten days, you could also
46 select another option under Alternative 3.

47
48 Those could go concurrently, and so you could have up to twenty-

1 one days, thirty days, and forty-two days, if those are selected
2 together, and so I'm looking at Ms. Somerset, to make sure that
3 I am correctly interpreting the document.

4
5 **MS. CARLY SOMERSET:** That's an option, yes. It's a possibility
6 to do more than one at a time as a preferred.

7
8 **VICE CHAIRMAN GUYAS:** Mr. Strelcheck.

9
10 **MR. STRELCHECK:** Well, just to add -- I don't know if that
11 addresses Ms. Boggs' concerns, but, if we want to bring back the
12 three days, we have already just passed a motion to remove it,
13 and so we would have to have a motion to reconsider at that
14 point, and a person on the winning side would have to bring it
15 back up.

16
17 **MS. BOGGS:** I am fine with the seven, ten, and fourteen, and I
18 think that's adequate, and I think it's going to be more time
19 than they need, but it gives them some peace of mind, and so,
20 like I said, there was a lot of conversation that went around
21 this.

22
23 The other thing, and I can bring it up at the end, but we do
24 need to address the issue with the vessels having to leave the
25 dock for fuel, bait, ice, and the hail-out and hail-in, to see
26 if we can come up with some alternatives to assist with that,
27 and I don't know if it's in this document or maybe another
28 document.

29
30 **VICE CHAIRMAN GUYAS:** Thanks, Ms. Boggs. Kevin, did I see your
31 hand go up for a minute, or are you good?

32
33 **MR. ANSON:** You did see it, but I forgot there was one more
34 section that she needs to read, and I just wanted to be at the
35 end of that.

36
37 **VICE CHAIRMAN GUYAS:** Anything else on this part of the report?
38 Mr. Gill.

39
40 **MR. GILL:** Thank you, Madam Chair. To Susan's point, that was
41 discussed and recommended by the AP, in terms of the multiple
42 stocks and the COLREGS line and consideration, was their
43 recommendation to consider, and so I think that's something that
44 we ought to consider within this document, and perhaps, if we
45 want a motion to add an action item to address it, perhaps
46 that's the way to go, and I would defer to staff on how to
47 handle it.

1 **EXECUTIVE DIRECTOR SIMMONS:** I think we would need a motion, and
2 perhaps a little bit more discussion, about whether this is
3 possible from the agency side of the house.

4
5 **VICE CHAIRMAN GUYAS:** Go ahead, Mr. Strelcheck.

6
7 **MR. STRELCHECK:** I guess my initial reaction is I would not
8 recommend adding it, given the conversation we had during
9 committee about the timing of the VMS rulemaking and wanting to
10 have as short of a gap as possible with regard to any sort of
11 exemption process that would be implemented.

12
13 The hail-out process, I am certainly supportive of looking at
14 that, and I would think that maybe it would be better to bring
15 back a presentation and have a discussion over the issue as a
16 whole and pros and cons of -- We may want to change it to what
17 options could be available at a subsequent council meeting, but,
18 based on that discussion, we could decide whether to proceed
19 with an option or not.

20
21 **VICE CHAIRMAN GUYAS:** Ms. Boggs.

22
23 **MS. BOGGS:** I think that's a good idea, because I think there
24 are some options, and I know that the AP recommended COLREGS,
25 and I do -- From what I understand, several of the vendors have
26 a homeport, and you can geofence for two to three miles, and
27 maybe that might be resolution, and I don't know enough about
28 it, but, again, if somebody wanted to make a motion, then we
29 could get the staff to bring back some options for us to look
30 at, and, yes, Andy, put it in a separate document, so as not to
31 hold up the VMS portion of it and look at a little bit
32 separately.

33
34 **VICE CHAIRMAN GUYAS:** Dr. Froeschke.

35
36 **DR. FROESCHKE:** Just a question. When we had the VMS vendor --
37 I can't remember what day that was in the week, but it seemed
38 like the geofencing stuff was like a promising idea, but it
39 almost seems like that's more of a vendor issue and setting that
40 up, and I'm not sure how we would develop a document with
41 options for geofencing that may not even be possible with all
42 the different vendors and things.

43
44 **VICE CHAIRMAN GUYAS:** Mr. Anson.

45
46 **MR. ANSON:** I think that would be part of what I think Andy was
47 trying to get to, is that, depending upon what options we think
48 would be available, then those would be some of the answers,

1 potentially, through that discussion and the formulation of that
2 document, that we would be able to address that. I am not
3 speaking for the agency here, but I think that would be
4 something they would want. They're going to want to make sure
5 that it doesn't create any violations or whatever, and so, one
6 is it technically feasible, any of these options that might
7 come, and then, two, administratively is it feasible, I think
8 are the other things that would probably come into
9 consideration.

10
11 **DR. FROESCHKE:** Just one follow-up, and I don't know, but it
12 would seem that -- Is that part of the type approval of the
13 capabilities that are in the software when it's being evaluated
14 for that? If not, does it need to be?

15
16 **VICE CHAIRMAN GUYAS:** Andy, any response for that?

17
18 **MR. STRELCHECK:** I don't have an answer for that. That would be
19 something we would have to look into. I think what Kevin is
20 saying is exactly right, is that there is potentially
21 alternative ways to set this up. Some may require regulatory
22 changes, but then there's also other considerations where this
23 might streamline and make it more effective for the fishing
24 industry, but does it then impact our data collection and does
25 it affect enforcement, and so, to me, we want to look at kind of
26 the bigger picture here, in terms of what changes could be made
27 and what does that look like, and then, if it has to come
28 through the council process, what would those regulatory changes
29 look like, going forward.

30
31 **VICE CHAIRMAN GUYAS:** Okay. It sounds like we're rallying
32 around this idea of a presentation at I guess the next council
33 meeting when we take this issue up. All right. Go ahead, Ms.
34 Boggs. Let's go through the rest of the committee report, and
35 then, if there's other hands, we'll come back to those.

36
37 **MS. BOGGS:** Yes, ma'am. Thank you. Update on Modifications to
38 the Commercial Electronic Reporting Program, Tab F, Number 7,
39 due to time limitations, this presentation will be postponed
40 until the January 2022 council meeting. Madam Chair, this
41 concludes my report.

42
43 **VICE CHAIRMAN GUYAS:** Thanks, Ms. Boggs. Mr. Anson.

44
45 **MR. ANSON:** There was some discussion during the committee
46 meeting and then some comments made at the microphone during
47 public testimony in regard to trying to streamline the data
48 entry portion of this for the captains, data that isn't going to

1 necessarily change on a day-to-day basis, like the vessel
2 registration number and the captain and some other things, like
3 location port, and so I'm just -- Again, it was discussed, and I
4 am just not recollecting the details of the responses to that,
5 as to whether or not some changes in the software side of things
6 were being addressed to account for that or try to mitigate for
7 that in the future, or is that something that we might need to
8 bring back to the council. Andy, do you have any sense as to
9 how we might be able to alleviate some of those concerns?

10
11 **MR. STRELCHECK:** Thanks for the question. We have been
12 receiving, obviously, a lot of comments, in terms of ways to
13 streamline the data collection and make improvements, and we are
14 working with the various vendors that have developed software
15 and made changes, and I just saw today that eTRIPS produced a
16 new version that was released as of this morning, and so I think
17 the question becomes what are the changes and what can be auto-
18 populated and what is the decision not to auto-populate, for
19 data integrity.

20
21 There were suggestions of possibly getting the advisory panel
22 together and some discussion with regard to SEFHIER, and I would
23 certainly be open to that, if the council is going to convene
24 the Data Collection Advisory Panel at any point in time. We are
25 reaching the end of year-one, and these changes just don't --
26 They're not make overnight, and so we obviously want to hear the
27 input and see what changes can be made and then how that works
28 with our vendors that are making the software changes.

29
30 **VICE CHAIRMAN GUYAS:** Mr. Schieble.

31
32 **MR. SCHIEBLE:** During the Q&A the other night, we heard a lot of
33 comments regarding the need to have to hail-out just to go to
34 the fuel dock or just to pick up ice or just to pick up your
35 customers and back and forth, and the AP provided us a
36 recommendation there to allow the vessel to move within the
37 COLREG line on the nautical charts, without the need to hail-out
38 or hail-in, and I'm curious, if we were to put that motion into
39 this document or not, what Andy's opinion is on that. Would
40 that be functional, or is that too large of a buffer, or is
41 there another method that we could use for that, perhaps?

42
43 **MR. STRELCHECK:** Well, that was what we were just discussing
44 with Ms. Boggs' comment. It's important, I think, to bring back
45 a presentation to the council on these hail-out issues and the
46 different proposals that have at least been thrown out for
47 consideration and whether or not there is pros and cons to each
48 one of those and if those are something that would be something

1 the council would want to change, legally, would be acceptable
2 to change, or would be detrimental to the program, and so we've
3 heard the suggestion, and I think the presentation in January
4 can help to start shedding some light on that issue and whether
5 or not that's something feasible to do or not.

6
7 **MR. ANSON:** To follow-up on what Andy said earlier about the
8 issue of trying to get some of those common questions that could
9 be pre-populated and going to maybe the AP, I guess that would
10 require a motion to do that, to charge the AP with reviewing
11 that data, Dr. Simmons, or do you just want to do that, or do
12 you -- I want to do it the quickest way, but I want to make sure
13 that we, you know, check all the boxes and make sure that folks
14 have an opportunity to comment on it and do the evaluation, and
15 so, I mean, if it needs to go to the AP first, or if the council
16 wants to look at it and then send a more specific charge or
17 questions to the AP, and I'm just trying to look for some
18 direction here.

19
20 **EXECUTIVE DIRECTOR SIMMONS:** Thank you for the question. I was
21 just looking at the makeup of the Data Collection AP, and I
22 think we only have four or five for-hire dually-permitted folks
23 on there, and the same for Reef Fish, and so I don't know if we
24 want to have a couple of different APs look at it.

25
26 I guess what I'm not 100 percent clear on is it seems to me that
27 we need to have a better understanding of the different, I
28 guess, drop-downs and data requirements from the vendors first,
29 have that all in one location, and maybe SERO has that, and then
30 maybe get the AP together, but perhaps I am missing something.

31
32 **VICE CHAIRMAN GUYAS:** To that, Kevin, and then Susan.

33
34 **MR. ANSON:** That was the second thing that I wanted to follow-
35 up, once we figured out the process, was another question that I
36 had, which, in order for them to evaluate which questions could
37 be pre-populated, is kind of a unit-by-unit accounting of what
38 questions are being asked right now, because the discussion we
39 had during committee was that there appears to be some units
40 that, specific to discard disposition, they are asking them on
41 some, and not asking that question on others, and so I think
42 that would be very helpful, I think, is to kind of see where
43 there might be some gaps, if you will, amongst the units and the
44 software, in addition to the analysis of which questions could
45 be addressed through pre-populated data.

46
47 **EXECUTIVE DIRECTOR SIMMONS:** I think I understand, and I think
48 we can get that together, and we certainly have to rely on the

1 Regional Office staff to do that. I guess the larger question
2 that I have is, if we go through this whole process, and the APs
3 identifies changes that need to be made, is that practical with
4 the various different vendors, and, you know, we can work on
5 that some more, but I think that's an important answer to figure
6 out before we move forward.

7
8 **VICE CHAIRMAN GUYAS:** Ms. Boggs.

9
10 **MS. BOGGS:** Something that I had asked about yesterday, or the
11 day before, is essentially that we have three applications, and
12 we have eTRIPS, and we have VESL for the charter fleet, and we
13 have VESL for the Southeast Regional Headboat Survey. I know
14 that the VESL that the headboats report to is different than the
15 VESL -- The requirements, or the questions, I should say, are
16 different than what the headboats answer.

17
18 I would certainly like to see -- I know that, before Sue
19 retired, she brought us a document, when all this had been
20 approved, and showed us the basic questions, but the council has
21 never seen how these apps work and what it looks like and what
22 we might be able to provide guidance, and I would say, from the
23 standpoint of the VESL for the headboats, I have been able to
24 communicate directly with that vendor and say, hey, why do I
25 have to, every time I log in, scroll through and find my marina,
26 and now it -- It doesn't auto-populate, but it comes to the top
27 of the list, because it knows that's where I am going to be, and
28 I think that's what these fishermen are asking for, and I don't
29 think what they're asking for, other than maybe with regard to
30 the discards, it affects what the agency is looking for, because
31 it's just a simple population that Randy Boggs is always going
32 to run this boat, and so it always populates Randy Boggs.

33
34 If we could see how it works -- I mean, I think it's a very
35 simple fix, quite honestly, and I think you're going to see -- I
36 think I understand it, and I think it would be a very simple
37 fix, and it's not going to affect what NMFS needs out of it for
38 the data collection portion of it.

39
40 **VICE CHAIRMAN GUYAS:** Mr. Strelcheck.

41
42 **MR. STRELCHECK:** A couple of points, and we're certainly happy
43 to share as much information as the council wants to see with
44 regard to the data collection. There are technical
45 specifications that are now actually under revision, and so
46 we're improving the technical specifications. We put them out
47 there, and, obviously, we've learned from them, and that will
48 help with the standardization and consistency going forward.

1
2 The comments I heard about the advisory panel, to me, I view it
3 as it's helpful for the agency to kind of hear the unified voice
4 from a group of fishermen, right, and we're getting a lot of ad
5 hoc input, and what I took away from the Q&A the other night is
6 that a lot of this is based on the personal business models of a
7 captain, right, and this is not a system that's designed for
8 each and every individual business model, but we want to make it
9 as efficient and streamlined as possible and reduce data entry
10 and redundancy, where we can, and so to be able to get that
11 input cohesively, and then we can continue to work towards
12 striving toward those improvements, at least the ones that we're
13 able and willing to make, I think is really helpful and
14 important to the agency.

15
16 **VICE CHAIRMAN GUYAS:** All right. Anything else on this topic?
17 Dr. Simmons.

18
19 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Madam Chair. I guess,
20 just to ensure we're all on the same page, Andy, do you think
21 it's a pretty easy fix that the agency could deal with and work
22 with the vendors on, or do we need to have a larger effort? I'm
23 still not quite sure. Do you think this is a simple issue that
24 perhaps the SEFHIER team can work on with the vendor and apps
25 and not have to have a larger effort with the Data Collection
26 and Reef Fish APs?

27
28 **MR. STRELCHECK:** I mean, I'm certainly -- This, of course, is
29 going on right now, right, and so I guess I would use the
30 example of the IFQ program, when we developed it in 2007. The
31 software and the development in 2007 is not the same as it was
32 in 2008 or 2010, and so we built it and improved it over time,
33 and so that's what we're working toward.

34
35 Maybe what we can do is at least let the council know, through
36 our regular SEFHIER update, some of the steps and things that
37 we're taking when we are making changes and addressing input
38 that has come along from fishermen, and then, if we still want
39 to make it a more formal process and get AP panel input at a
40 later date, we would certainly welcome that as well.

41
42 **VICE CHAIRMAN GUYAS:** Go ahead, Dr. Frazer.

43
44 **DR. FRAZER:** I just want to -- You know, I'm looking for some
45 clarity, Dr. Simmons, and so there's two component parts to this
46 discussion. One was we recognize that there is some burden on
47 the fishermen, as it relates to kind of the hail-in/hail-out
48 type of requirements and what can be done to reduce that burden,

1 when their intent is essentially to move nearer their home base,
2 to go get ice or gas or whatever it might be, right, and so
3 that's one element.

4
5 Is the first presentation that we can expect at the next council
6 meeting just to kind of explore options of what we can do, the
7 COLREGS kind of demarcation being one of those, next time? Then
8 is there a second part to where this discussion was going, and I
9 just wanted to try to keep it all in the respective bins, I
10 guess.

11
12 **EXECUTIVE DIRECTOR SIMMONS:** Maybe we should put up like a
13 bulleted list of things here, to ensure we're all on the same
14 page, and so we want a presentation on the COLREGS and some pros
15 and cons on how that could be potentially utilized as the
16 program moves forward for the hail-in and hail-out burden, and
17 we will work with the Regional Office on that.

18
19 Then the second part is I think we're going to ask the SEFHIER
20 Regional Office team to give us a breakdown of how the different
21 vendors are handling, I guess, the autofill stuff, what can be
22 autofilled, and if there are any differences in reporting in
23 those apps, and I believe those are the two major things we're
24 going to work towards in January. Is that correct?

25
26 **VICE CHAIRMAN GUYAS:** You look puzzled. Okay. All right. It
27 looks like maybe we're all on the same page now, for the most
28 part, about what's coming in January. Anything else under Data
29 Collection? Ms. Bosarge.

30
31 **MS. BOSARGE:** I am sitting here, and I am debating what's the
32 best path forward commercially, because I do think it was
33 premature to take it out of that document. I can see, however,
34 where maybe there are some more issues on the for-hire side that
35 we probably wouldn't be dealing with on the commercial side, and
36 this whole COLREGS idea is a little different commercially, and
37 so I don't think that would be something that we would probably
38 be dealing with commercially.

39
40 However, I do think this is going to impact more commercial
41 fishermen than just the reef fish guys that currently have been
42 up here giving testimony, and some of them even said this
43 impacts them, and so I am trying to figure out if I would like
44 to make a motion now to have that action item that we took out
45 of this document placed in a separate document for future
46 council consideration for commercial exemptions or maybe wait
47 until January, when you can actually see that presentation that
48 we didn't get to at this meeting, which is going to start to

1 talk about all these other fisheries and at-sea reporting and
2 things of that nature.

3
4 I see Dr. Simmons shaking her head yes, and so I am thinking she
5 would like maybe January, if she's thinking in January we'll get
6 that presentation, and so just know -- Don't scrap that whole
7 action item, because I feel that's coming back in another
8 document.

9
10 It is a little frustrating to me that -- Like Mississippi, for
11 example, has seven permits, and is it that hard to tell if our
12 boats are actually out fishing or not without a VMS? I mean, we
13 know what they drive and where they launch and where they live,
14 and you don't need a VMS pinging to know if they went out
15 fishing or not, and they still have to abide by all the other
16 rules.

17
18 They still have to hail-out and hail-in, and they still have
19 mandatory trip tickets, and they still have to let law
20 enforcement know three hours before they get to the dock, even
21 though they don't have an operating VMS. There's one tiny piece
22 missing, and somehow we think we have no law enforcement for
23 that commercial fishery anymore, and I know that Mississippi is
24 an extreme case with seven, and even Louisiana, which has a
25 large commercial fishery, is only forty-something permits in the
26 whole state.

27
28 This is not millions of anglers, and so I will make that motion
29 in January. Hopefully we can see that presentation in January,
30 and this is not a dead issue. It's very much still real and
31 something that we need to consider.

32
33 **VICE CHAIRMAN GUYAS:** Dr. Simmons.

34
35 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Madam Chair. Just so
36 everyone is on the same page, you're referring to the Science
37 Center's commercial electronic logbook project, and we'll
38 certainly put that on the agenda and make sure we have time to
39 talk about that.

40
41 I don't think there is currently VMS requirements proposed in
42 there, in addition to what's already required for the reef fish
43 permit, but we certainly should talk more about that when we
44 bring it back in January.

45
46 **VICE CHAIRMAN GUYAS:** All right. Last call for Data Collection.
47 Okay. Let's move on then. Dr. Stunz, are you ready for
48 Sustainable Fisheries? Go right ahead.

1
2 **SUSTAINABLE FISHERIES COMMITTEE REPORT**
3

4 **DR. STUNZ:** Thank you, Madam Chair. This is the Sustainable
5 Fisheries Committee report for October 25, 2021. The committee
6 added an agenda item, under Other Business, to provide an update
7 on the October International Commission for the Conservation of
8 Atlantic Tunas (ICCAT) Advisory Committee meeting. The
9 committee then adopted the modified agenda, Tab E, Number 1, and
10 approved the minutes, Tab E, Number 2, of the August 2021
11 meeting as written.

12
13 Draft Allocation Review Guidelines, Tab E, Number 4, council
14 staff made a distinction between an allocation review and an
15 evaluation of allocation options in a fishery management plan
16 (FMP) amendment.

17
18 Staff then presented the draft allocation review guidelines.
19 The draft guidelines describe the process for completing
20 allocation reviews. Staff noted that the drafting of terms of
21 reference and the publication of a Federal Register notice (FRN)
22 would precede the initiation of each allocation review. Staff
23 discussed the membership of the allocation review panels and
24 presented alternatives to be considered by the committee.

25
26 Staff discussed allocation review tiers and noted that, in most
27 cases, a routine review would be performed. Routine allocation
28 reviews would mainly be based on readily-available information
29 and data, such as the FMP objectives, stock status, historical
30 landings and quota utilization rates, and discards. At its
31 discretion, the council would request additional data and
32 information not included in routine allocation reviews.

33
34 Staff described the intended roles of the Scientific and
35 Statistical Committees (SSC) and advisory panels in the review
36 process. Staff also discussed the council's process to formally
37 approve an allocation review and, if warranted, request the
38 initiation of an FMP allocation amendment.

39
40 A committee member inquired about the selection of independent
41 experts who could serve on review panels. Staff indicated that,
42 before an allocation review, the council would solicit
43 applications from experts with the needed expertise and then
44 select and appoint the reviewers.

45
46 A committee member noted that, consistent with the NMFS
47 Allocation Review Policy, the inclusion of biological,
48 socioeconomic, and ecological factors should not be conditional.

1 Staff noted that the guidelines would be modified to reflect
2 this remark.

3
4 A committee member suggested that the review panel should, in
5 addition to completing the allocation review, suggest
6 alternative allocation methods to consider in the subsequent
7 evaluation of allocation options in the FMP amendment. Staff
8 noted the development of an amendment does not necessarily
9 follow the completion of an allocation review. Staff further
10 noted that the draft guidelines could be modified to reflect
11 this suggestion, should the committee decide to include it in
12 the guidelines.

13
14 Ms. Levy inquired about the potential inclusion of a review
15 completion date in the FRN notice. She continued that
16 specifying a completion date may be challenging, due to
17 unforeseen circumstances. Staff concurred and noted that
18 guidelines could be revised if the committee indicates a maximum
19 duration for allocation reviews.

20
21 A committee member asked whether the allocation review working
22 group discussed the decision tree approach under consideration
23 by the South Atlantic Council. Staff noted that the approach is
24 still in development and indicated that the working group
25 received a presentation from John Hadley from the South Atlantic
26 Council staff on the allocation review approach under
27 consideration in the South Atlantic.

28
29 A committee member indicated they would like to see the document
30 contain more explicit examples of the review factors, while
31 still allowing the council to maintain flexibility to address
32 reviews for a specific species. Committee members may suggest
33 other revisions to the guidelines later this week or at a future
34 committee meeting.

35
36 A committee member inquired about the allocations listed in the
37 council's allocation review policy. Staff indicated that the
38 allocations included in the council's policy were deemed to be
39 subject to the requirements of NMFS Allocation Review Policy.

40
41 **VICE CHAIRMAN GUYAS:** Mr. Gill.

42
43 **MR. GILL:** Thank you, Madam Chair. My takeaway from that
44 discussion, and it was amplified by several speakers yesterday
45 during public testimony, is that, before we see that document
46 again, it requires a substantial rewrite, and I wanted to make
47 that point, so that -- Perhaps staff doesn't agree with me, and
48 hopefully that's not the case, but that what we get will be

1 substantially improved from what we saw this time, so that we
2 don't just rehash the same discussion, and so I wanted to make
3 that point on the record. Thank you.

4
5 **VICE CHAIRMAN GUYAS:** Let me see if the council staff has
6 thoughts on that. Mr. Strelcheck.

7
8 **MR. STRELCHECK:** To that point, Bob, I think it's important
9 that, if you're saying it requires a substantial rewrite, what
10 does that mean, in terms of staff direction, and is that clear
11 to staff, because they need to know exactly what we're asking
12 them to do, so that we get the product back that we're looking
13 for.

14
15 **MR. GILL:** Well, I think, when you go back over the minutes of
16 the meeting, a number of points were made as to how it doesn't
17 really reflect the 11902 document, or the 11901, but numerous
18 comments were made during the discussion on areas that needed
19 reinforcement and rethinking, and so I am not going to go back
20 into each one of them, because, frankly, I don't remember them
21 all, but there was a number, and it was substantiated by
22 numerous folks that came to the podium as well, in addition to
23 the discussion that we had during the committee, and so it seems
24 to me that there is a significant sense that the document, as
25 written, does not reflect where we really want to go and needs -
26 - They need to take into consideration the points that were
27 made.

28
29 **VICE CHAIRMAN GUYAS:** Dr. Stunz.

30
31 **DR. STUNZ:** Thank you, Madam Chair. Bob, I agree completely,
32 and one of those was adding more details on socioeconomic
33 considerations, and that was just one, and there were several
34 others that I think were captured in the minutes, hopefully,
35 but, in addition, we were running a little low on time, and we
36 agreed that maybe, if there was time, that we would address this
37 at Full Council, and that was just the utility of the document,
38 in the sense that it's pretty broad as-is, and that it can be
39 refined and fleshed out, as Bob is recommending, but, also, it
40 is a guideline, and these allocation discussions will,
41 obviously, depend on what we're talking about, and so the
42 guidelines aren't necessarily binding or anything, but they're
43 just sort of, I guess, setting the structure, but, also, in my
44 mind, one thing to consider is that the staff has taken a lot of
45 time preparing this document, and is it something that we're
46 really going to utilize, and is it going to help us in these
47 difficult allocation discussions that we'll have.

1 I don't know the answer to that right now, and, in its current
2 shape, I don't think so, but, in other words, if we've got these
3 general guidelines that we may or may not utilize, and we've
4 spent all this time working on it, and we could have been
5 working on actual allocation itself or something, and so that's
6 -- I'm just throwing it out there, and I don't have a good
7 solution, but I don't know that we need to be having staff
8 create a lot of documents that don't have real value for the
9 committee.

10
11 I don't know if anyone has opinions to that or not, or maybe
12 could comment, but I am just trying to envision, as we're moving
13 down a real allocation path, and maybe mackerel is our next one,
14 and others, obviously, are on the burner, and what does look
15 like, and how does this document really help us, and I don't
16 know -- I don't feel like we've really -- That I can say what
17 that is right now.

18
19 **VICE CHAIRMAN GUYAS:** Dr. Simmons.

20
21 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Madam Chair, and so I
22 will start, and I am going to need Dr. Diagne's help here, but I
23 think there were a couple of things that were put in the
24 committee report that you asked us to work on, but we were also
25 still looking for a little bit more feedback and some specifics,
26 as Mr. Strelcheck suggested.

27
28 I think the one thing we are struggling with is the review
29 process that we do for framework and trying to separate that
30 baseline NMFS policy from actually starting an FMP amendment to
31 look at reallocating the resource, potentially, and so I think
32 what we were trying to do is set that framework up perhaps too
33 generally, but just these are the basics you would want to
34 consider, based on this timeframe.

35
36 Like you mentioned in the committee, we might need more
37 specificity, but, yet, we don't want to tie the council's hands,
38 and how much of that is in the review guidelines, versus what we
39 would consider in the FMP, and so I think we're all struggling
40 with that a little bit, and I see that in other regional
41 councils, and so perhaps we could talk a little bit more about
42 that, but I am going to let Dr. Diagne help us out here a little
43 bit.

44
45 **VICE CHAIRMAN GUYAS:** Dr. Diagne, go ahead.

46
47 **DR. ASSANE DIAGNE:** Thank you very much, and I have several
48 points. I did listen to the testimony and the speakers who

1 indicated that they would like to see more specificity in the
2 document, and that is consistent with the committee's
3 discussion.

4
5 As some of you recall, when we started this process, we brought
6 a very long list of social, economic, and ecological factors to
7 consider, and, at the time, if I recall correctly, a council
8 member commented that we brought, essentially, the kitchen sink
9 and everything with it.

10
11 We did listen to a presentation from the South Atlantic, based
12 on the decision tree approach that they are taking, and, at the
13 end of the day, that is still very preliminary, and they have
14 fundamental questions to answer, for example concerning how it
15 is that different factors are going to be weighted on the way to
16 making a final decision. In other terms, which factors would
17 take precedent over which other ones to go towards let's say an
18 amendment.

19
20 Looking at all of that, we decided to essentially present the
21 information and let our council, through discussions, determine
22 whether an amendment is going to be required or not, and, at the
23 end of the day, this is within the council's authority, and the
24 council can do that at any moment, as explained in our
25 allocation review policy, and so that is why we took this
26 approach, rather than leading the council towards a conclusion,
27 but presenting the data to allow the council to have the
28 discussion, and so I certainly understand the point that we can
29 point additional examples in the document, to say, for example,
30 when it comes to ecological factors, a red tide event that
31 disproportionately affects a particular sector should be
32 considered, and those are things that, in our initial
33 discussion, we did present to the council.

34
35 We can certainly put it back in the document, and it seems to
36 me, that, when we discuss this issue, oftentimes, because of our
37 lack of habit, if you would, to conduct allocation reviews, and
38 we have never conducted an allocation review proper, and we just
39 go to the second step and start an amendment. That is how our
40 council has functioned. Now we are trying to change this a
41 little bit. Therefore, these guidelines are being developed.

42
43 To Dr. Stunz's point, that is a question to be asked,
44 absolutely, because, and I think I mentioned this during
45 committee, looking around the country, our council and the South
46 Atlantic are the only two councils that have taken this
47 approach, meaning developing guidelines. The other councils,
48 for example the North Pacific, is conducting allocation reviews

1 without any guidelines, and, when they have questions, they
2 reach out to the agency, and the agency answers those questions,
3 and so, for a substantial rewrite, more guidance from the
4 council would certainly be appreciated.

5
6 What I take away for now is that we can take the list of social,
7 economic, and ecological factors that we have discussed in the
8 past and fold that into the document that we have here, and the
9 last point that I am going to make is that we have a variety of
10 allocations to review, and so these guidelines would equally
11 apply to the allocation, for example, of red snapper between the
12 states as well as to the allocation for red snapper between the
13 for-hire and the private angling components, and these are very
14 different allocations, if you would, and so to have guidelines
15 that would cover all of that -- It seems to me, to the group,
16 that emphasizing the process is the more important approach,
17 rather than thinking about the potential outcomes as to where
18 that process would lead.

19
20 Thank you, and I will stop here, and perhaps, if I missed
21 anything, I will try to answer the questions, but, in short, I
22 mean, more specific guidance would be needed, if available, from
23 the council. Thank you.

24
25 **VICE CHAIRMAN GUYAS:** Thanks, Dr. Diagne. We had a couple of
26 hands go up while you were speaking, and so I'm going to work
27 down my list here. Mr. Gill.

28
29 **MR. GILL:** Thank you, Madam Chair. Thank you, Dr. Diagne. I
30 guess my statement is that I am darned glad that I'm not writing
31 this thing, but I've got a question from Dr. Simmons, based on
32 her last comment, and that was, was this item discussed at the
33 CCC last week, and, if so, what came out of that discussion, and
34 was there anything that was helpful, in terms of the common
35 concerns and how to approach the problem we're trying to address
36 here?

37
38 **EXECUTIVE DIRECTOR SIMMONS:** No, Mr. Gill, this was not
39 discussed last week during the CCC meeting. The last time we
40 did spend significant time discussing it was 2018 or 2019,
41 before the agency finalized the policy and procedural
42 guidelines, and is that right, Assane, around that timeframe? I
43 can't find the dates right now.

44
45 **DR. DIAGNE:** Yes, and it's around that timeframe, and, if I may,
46 Dr. Simmons, the council has already fulfilled the requirement
47 of the policy, because we have developed an allocation review
48 policy, including our triggers, and that has been formally

1 approved, and it's on our website.

2
3 **VICE CHAIRMAN GUYAS:** Dr. Simmons.

4
5 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Madam Chair. That would
6 have been the Appendix A in the current draft document.

7
8 **DR. DIAGNE:** I am sorry, Dr. Simmons, and I didn't hear the last
9 thing you said.

10
11 **EXECUTIVE DIRECTOR SIMMONS:** That's Appendix A in the current
12 draft of the guidelines, and is that right?

13
14 **DR. DIAGNE:** Yes, exactly.

15
16 **VICE CHAIRMAN GUYAS:** Mr. Anson.

17
18 **MR. ANSON:** I echo Bob's comments, and I'm glad that I'm not
19 writing this. This is a tricky issue, and I think staff has
20 asked for more specific input from the council and, from my
21 chair, the council has not really given much specificity to
22 staff to try to make this a little more clear, and I think the
23 issues, as far as who is going to be impacted, the history of a
24 specific species, all those things are going to be different
25 from fish to fish, and it's just very difficult, I think, for us
26 to really prescribe or come with a very prescriptive process
27 with what it is we actually want in there, and then, as Assane
28 alluded to, weightings and these types of things.

29
30 I think those almost have to be handled on a case-by-case basis.
31 Otherwise, you will be sitting there changing them, I think, if
32 you did set up something in advance that was very prescriptive.

33
34 I can't see that -- Until we get some more experience, and, as,
35 again, Dr. Diagne alluded to, we're ahead of the pack, so to
36 speak, but we really haven't had any chance to put anything in
37 the process yet, and so I think, as we get through one or two of
38 these exercises, I think we might get a better understanding as
39 to what it takes to do it, what types of data that are available
40 relative to all the suite of areas that have been identified
41 that we would like to have data for, and even with those, again,
42 the data streams and the quality of the data may be different
43 from species to species, and so what works for one is not
44 necessarily going to work for the other.

45
46 I just feel like we need to make it fairly general on the
47 frontend, at least in the beginning, at this point of the
48 process, or how we're going to start allocation decision-making

1 and the review as part of that decision-making process.

2
3 **VICE CHAIRMAN GUYAS:** Thanks, Mr. Anson. Dr. Stunz.

4
5 **DR. STUNZ:** I think Kevin pretty much hit the nail on the head,
6 and that's sort of what I was going to say, and, just to add to
7 that point, if we choose to use it, I think we need to sort of
8 take it for what it's worth at this point, because we haven't
9 really run anything through it, and treat it very much like a
10 living document that will adapt as we go and we get a little
11 more experience with these, and maybe the best approach is to
12 run it through.

13
14 For example, mackerel will be a good one to use, because it's an
15 important fishery, but it's not as conflicted as we're probably
16 going to get with some of the other species when we start
17 reallocating those, and so it might be a good test case, and we
18 can develop these guidelines as we go and we learn more and we
19 have lessons learned and that sort of thing.

20
21 All that being said, I think the document as-is still needs some
22 work, certainly, and so that includes all those factors that we
23 talked about adding in and that sort of thing, and so maybe -- I
24 guess my recommendation would be let's see another round of this
25 letter, and let's flesh it out a little bit more and comment,
26 and then let's run something through it using the guidelines.
27 Let's start allocation on something, which we have several to
28 go, and then modify that as our guidelines evolve.

29
30 **VICE CHAIRMAN GUYAS:** Thanks, Dr. Stunz. Dr. Diagne, I see your
31 hand, but I am going to go to Dr. Frazer real quick, and then I
32 will go back to you.

33
34 **DR. FRAZER:** Again, I think we've got in place two directives, I
35 guess, a procedural directive and then a policy directive, and,
36 in my view, those were only intended to be pretty broad guiding
37 documents, right, and what we're lacking, really, is any type of
38 a flow chart that might start to explicitly say these are the
39 things that we want to identify, and you don't have to get down
40 into the very nitty-gritty at this point, but I do think you
41 start to have to identify where those major decision points
42 might be and what types of information would be required to make
43 decisions, and so I guess, from my perspective, that's what I
44 would be looking for in the next step, right, and it will
45 continue -- As Greg and Kevin have both pointed out, I'm sure it
46 will continue to be refined with time, but we do have to move
47 beyond those two agency-issued directives, because they weren't
48 ever intended to provide the specificity that we're asking for.

1
2 **VICE CHAIRMAN GUYAS:** Dr. Diagne.
3

4 **DR. DIAGNE:** Thank you, Madam Chair. It is exactly because of
5 the points that were just made by Dr. Frazer and Mr. Anson that
6 potentially we chose this approach, and the guidelines include
7 an item to discuss terms of reference, and those terms of
8 reference would be developed by us, in conjunction with selected
9 SSC, Science Center, and SERO, and it would be brought before
10 the council before an allocation review is initiated, and that
11 is where we can be as specific as the council may want to be,
12 and also recognize the characteristics of the particular
13 allocation that we are dealing with.
14

15 For example, if you are dealing with the red snapper allocation
16 between the five states, that would require a set of data series
17 that would be extremely different from what it is that we are
18 going to consider when we are reviewing the allocation between
19 the South Atlantic and the Gulf Council, for example, or a
20 regular commercial versus recreational approach.
21

22 We looked at that, and that is the reason why we thought that,
23 when we develop the terms of reference, at that moment, we will
24 have the latitude to recognize the allocation under review, the
25 species that is to be reviewed, and put all of the specific, if
26 you would, factors or criteria to be considered by the council,
27 but, for the time being, it seems to me that we could have a
28 list, as exhaustive as possible, of all of the economic, social,
29 and ecological factors that could potentially be considered in
30 the development of an allocation review.
31

32 The last point that I will make is that the agency has indicated
33 that allocation reviews should be simple and, for the most part,
34 rely on readily-available and information, if you would, and so
35 when we think, for example, about differential marginal values
36 on the commercial and recreational sector and so forth, those
37 are not readily-available data, and those typically are included
38 in our FMP amendments, should we decide to go there, because it
39 would take for us to require an extended, I guess, analysis from
40 the Science Center, and, the last time we did this, it took a
41 fair amount of time to be completed.
42

43 Given the number of allocation reviews that we are going to have
44 to perform, once we start, it would be essentially the only
45 thing that we do if we asked for a very long list of factors and
46 data to be considered. Thank you.
47

48 **VICE CHAIRMAN GUYAS:** Thanks, Dr. Diagne. Okay. Are there any

1 more thoughts on this topic? I feel like we have a lot more
2 fleshing out and exploring to do, I would say, at this point. I
3 guess we are ready to resume the report.

4
5 **DR. STUNZ:** Okay. Thank you. Moving on in the report, the next
6 topic was the SSC Recommendations on Using Field Experiments to
7 Assess Alternative Mechanisms for Distributing Fish to the
8 Recreational Sector, Tab E, Number 5, Dr. Jim Nance, the SSC
9 Chair, summarized SSC recommendations relative to a presentation
10 given to the SSC by Dr. Alexander Gordan from the Southeast
11 Fishery Science Center (SEFSC) on using field experiments to
12 assess alternative mechanisms for distributing fish to the
13 recreational sector.

14
15 Dr. Gordan's presentation described a proposed pilot program
16 that would allow private anglers to fish outside the regular
17 fishing season in exchange for participation in a data
18 collection program.

19
20 Dr. Nance noted that a draft exempted fishing permit (EFP)
21 application was under development. He also indicated that gag
22 grouper, red grouper, and red snapper were the species being
23 considered for this experiment. Dr. Nance stated that SSC
24 members recommended a localized experiment limited to small
25 portions of the Gulf of Mexico.

26
27 A committee member noted the similarities between the proposed
28 experiment and the headboat fishing collaborative project. Mr.
29 Strelcheck from the NMFS Southeast Regional Office noted the
30 importance of stakeholders buy-in for this type of experiment
31 and noted the agency's commitment to working with industry and
32 the council as the EFP is further developed.

33
34 A committee member inquired about the hypotheses the pilot
35 project will test. Dr. Walter from the SEFSC noted that the
36 proposed experiment is a part of the Science Center's broader
37 research agenda to better understand the needs of the
38 recreational sector. He also noted that creative solutions
39 should be considered to assist the Gulf Council in its efforts
40 to address management challenges.

41
42 Report to Congress on Shark and Dolphin Depredation, Tab E,
43 Number 6, Ms. Karyl Brewster-Geisz from the Atlantic Highly
44 Migratory Species (HMS) office provided a presentation
45 discussing the 2021 Congressional Appropriation Act Joint
46 Explanatory Statement (JES) to review, collect, and report on
47 issues related to dolphin and shark depredation.

1 The report to Congress will include a quantification of the
2 degree to which dolphin and sharks interfere with fishing
3 sectors and provide recommendations for non-lethal deterrent
4 methods. HMS is collecting input from a variety of government
5 agency and public sources during the scoping period, as well as
6 conducting a literature search to inform the report.

7
8 Specifically, the objectives of the report include defining
9 depredation, identifying any other potential interactions,
10 quantifying economic loss, and mitigating harm to dolphin and
11 shark species. She stated the deadline for comment by the
12 council would be November 5th.

13
14 A committee member presented a shrimp net that had been damaged
15 by sharks feeding outside the gear and noted that a recent trip
16 resulted in \$6,000 of repairs due to shark damage and provided
17 anecdotal information that shark damage of this magnitude had
18 not been observed historically.

19
20 Mr. Kevin Anson indicated that the State of Alabama, beginning
21 last year, had included some questions about depredation on
22 their state fishery-dependent surveys. He indicated that he
23 could provide those data with HMS. Another committee member
24 stated that strict regulations associated with the Marine Mammal
25 Projection and the Endangered Species Acts hinder research of
26 non-lethal deterrent methods and encouraged HMS to offer some
27 solutions to progress research needs.

28
29 The committee discussed the most appropriate way to provide the
30 requested feedback and the use of council's Something's Fishy
31 tool to solicit public input. Dr. Carrie Simmons said she had
32 been in contact with the Southeast Regional Office staff and
33 agreed that querying the public testimony verbatim minutes from
34 the past five years would be a good initial investigation.
35 However, no determination had been made about which office would
36 be responsible for that work.

37
38 She continued that, if that exploration was to be conducted by
39 council staff, an extension of the November 5th deadline would
40 be required. NOAA staff replied that a minimal extension could
41 be possible, but indicated they were also beholden to a
42 stringent deadline for completing the Congressional report.

43
44 Since the Committee met, Dr. Jack McGovern notified council
45 staff that the deadline for the letter was extended to November
46 12th and that SERO staff would search the Gulf Council minutes
47 for key words for these efforts in the recent five-years for
48 potential inclusion into the report to Congress. Ms. Brewster-

1 Geisz expressed interest in following up with council staff on
2 the potential use of the council's Something's Fishy tool, to
3 determine if it would be an appropriate scoping method.

4
5 **VICE CHAIRMAN GUYAS:** Mr. Gill.

6
7 **MR. GILL:** Thank you, Madam Chair. This is a topic we hear a
8 lot about, and we certainly heard a lot about it yesterday
9 during public testimony, and my impression is that there is a
10 huge disconnect between what the public thinks we can do about
11 this problem and what we can actually do, and so, for one, I
12 want to go on the record to say that there's not a whole heck of
13 a lot the council can do. We can do outreach and education.

14
15 As Bob Zales mentioned during his public testimony, we might
16 beat on HMS a little bit to take some action, but my suspicion
17 is that HMS is fully aware of this issue and the extent, and it
18 certainly seems to be growing over the years, and, to the extent
19 that HMS is not aware, then perhaps they would like to come to
20 some of our public testimonies, and they will get an earful, but
21 I think it's more important that the stakeholders understand
22 where the action can take place, and, unfortunately, it's not
23 here, or at least largely not here.

24
25 That disconnect I think needs to be addressed, and I sent a text
26 to Emily to consider adding that to the O&E Tech Committee
27 considerations, et cetera, but people think we're going to take
28 action, and then they're frustrated and disappointed because we
29 don't. Well, we can't, and I think some action there, and
30 whether it's an HMS person coming here and having a presentation
31 and making it fully aware, or something like that, but just
32 continuing down this road of the public thinks one thing, and we
33 believe another, and guess what? We're not getting any further,
34 and everybody is getting more and more frustrated, and I don't
35 think that helps the situation at all. Thank you.

36
37 **VICE CHAIRMAN GUYAS:** Mr. Dugas.

38
39 **MR. DUGAS:** Thank you. Could we at least maybe send a letter to
40 the HMS folks, just letting them know what we're hearing?

41
42 **VICE CHAIRMAN GUYAS:** I think that's our intent here, is to
43 provide this information to them, and it sounds like SERO staff
44 is going to be pulling stuff from past meetings where we've had
45 testimony and we've had discussions. All right. Anything else
46 on this topic? Mr. Strelcheck.

47
48 **MR. STRELCHECK:** I just wanted to say that I agree with Bob, and

1 it's a very complex issue, and it's frustrating to hear all the
2 problems that fishermen are experiencing with shark depredation
3 and dolphin depredation, but the solutions aren't very apparent,
4 right, and I know, in the past, there has been discussion with
5 our marine mammal team with regard to deterrent devices.

6
7 We did a proposed rule about a year ago, and I don't know where
8 that's at, in terms of final rulemaking, but that might be
9 something that would be worth at least bringing back to the
10 council and continuing that dialogue, in terms of how that
11 addresses or doesn't address the, obviously, dolphin
12 depredation.

13
14 Then, in terms of sharks, it seems like it's -- I think what I
15 kept hearing was, well, we need more allowance for harvesting
16 sharks, right, and so I think the dialogue with fishermen needs
17 to be, well, what does that look like right now, and what are
18 the allowances, and are there stock assessments with an
19 indication that there would be future allowance of higher catch
20 levels or not, and make sure that we're clear in terms of kind
21 of outreach and education and in terms of harvest, but that
22 still, I don't think, fully addresses the concerns of the
23 industry, and it may never address the concerns of the industry,
24 but it sheds at least some more transparency with regard to the
25 current situation. Thank you.

26
27 **VICE CHAIRMAN GUYAS:** Dr. Stunz and then Mr. Anson.

28
29 **DR. STUNZ:** Just sort of exploring some of these creative
30 options to reduce these activities, or deter this, I mean, I've
31 said that many times, obviously, but what I wanted to say
32 regarding some of the comments that we received regarding sharks
33 is it's really what your baseline is, and, obviously, as a shark
34 researcher, I'm kind of partial, and I don't think -- I mean,
35 maybe there are some options to increase some harvest or
36 something like that in the Gulf, but, at the same time, we want
37 to be cautious.

38
39 It's kind of like the snapper situation, where, if your baseline
40 was the 1980s, you're in really good shape, and where is your
41 baseline for sharks? Well, I know there is a lot of
42 interaction, and they're certainly causing damage, and I don't
43 disagree with that at all, but, also, none of us really know
44 what a healthy, robust shark population looks like in the Gulf
45 of Mexico.

46
47 Sharks eat stuff. That's what they do, and so we're having
48 these negative interactions, but that doesn't necessarily mean

1 that's what a healthy ecosystem looks like, when you have robust
2 apex predators, and so have to take that with a little grain of
3 salt, in a way, but that's sort of the cost of doing business,
4 and that's easy for me to say when I didn't shell out \$6,000 for
5 Leann's nets, but, at the same time, we want to make sure that
6 we're properly carrying out ecosystem-based management in the
7 Gulf, and that is having a lot of apex predators, which
8 interfere with gear.

9
10 **VICE CHAIRMAN GUYAS:** Mr. Anson.

11
12 **MR. ANSON:** I might be jumping ahead a little bit, but Bob
13 mentioned about getting some more outreach, and I am just
14 curious, and it's been presented to the council, I'm sure, but,
15 Mara, I'm just wondering if sharks are assigned just to the
16 agency and not involved with any of the councils because that
17 was specified in Magnuson, and is that a provision in Magnuson,
18 or is that something outside of that? That is within Magnuson
19 that they make that delineation?

20
21 **MS. LEVY:** Yes, and Atlantic migratory species are specifically
22 designated for secretarial management.

23
24 **VICE CHAIRMAN GUYAS:** Ms. Bosarge.

25
26 **MS. BOSARGE:** I completely understand Greg's point about it
27 being a long-lived species, and, therefore, what is your
28 perspective, and that was kind of the point that I was trying to
29 make when I talked about the net man that is seventy years old,
30 and he's got a perspective that's sixty-something years of
31 looking at this, and he works in both the Gulf and the South
32 Atlantic, and so he does see a wide swath of what's happening
33 out there, but it still is all rooted in science, and so, to me,
34 that's where it starts from the shark perspective, right, and
35 that's why I have been such a proponent of, all right, this is
36 separate from the council, managed separately from the council,
37 however, this is where the fishermen show up in that, and so
38 we've got to make sure that we use any tool at our disposal,
39 that's Something's Fishy survey, and we can send that out to our
40 guys, and they will be searching so many different ways, by
41 region, by species, by gear type, by the type of fishermen,
42 recreational and commercial.

43
44 Send it to them, and give them everything we can give them, and
45 then ask them to come to us more frequently, and that's why I
46 really wanted their stock assessments to eventually be presented
47 to our SSC, and that's how you get the broader scientific
48 perspective interacting in that as well, not to mention giving

1 that scientific perspective to our fishermen. That's where our
2 fishermen listen to the science, from the council perspective,
3 and so I hope that at least those two things can come out of
4 this letter, and I have already signed up for all the data
5 workshops for the upcoming hammerhead stock assessment, and
6 thanks to Ryan and Julie Neer and some others, and so thanks.

7
8 **VICE CHAIRMAN GUYAS:** Mr. Anson.

9
10 **MR. ANSON:** We all talk about resources for time and staff, and
11 it takes money to have these meetings, and so, if there is -- To
12 follow-up on Leann's comment, and I certainly agree with
13 everything she says, but if, because of those other constraints
14 of time and such, and our biggest issues are ones that seem to
15 be more in our coastal areas, our reef fish, and so maybe it's
16 just the small coastal and large coastal sharks really that
17 probably gets the focus and integration into our process, as
18 much as possible, for those assessments and such, and that's
19 maybe just a suggestion.

20
21 **DR. STUNZ:** Moving on with the report, and I know this is a long
22 report, but this is the last item, the Other Business ICCAT
23 Update. The International Commission for the Conservation of
24 Atlantic Tunas Advisory Committee convened on October 18th.
25 During that meeting, updates were provided for bluefin tuna,
26 yellowfin tuna, and shortfin mako sharks.

27
28 Bluefin tuna catches have increased in the Gulf of Mexico
29 recently, and it is likely that conservative management measures
30 will remain in place for the fishery. Similarly, yellowfin tuna
31 in the Gulf of Mexico appear stable, and management is not
32 expected to be modified. Projections for shortfin mako have
33 resulted in a dire situation, with recovery probability low over
34 the next few decades, even with fishing greatly reduced or
35 prohibited. Madam Chair, this concludes my report.

36
37 **VICE CHAIRMAN GUYAS:** All right. Thank you. Any other business
38 for Sustainable Fisheries? Ms. Bosarge.

39
40 **MS. BOSARGE:** It's not for Sustainable Fisheries, but are you
41 about to send us to lunch? Can I ask a quick question first?
42 Before we get too far from it, Andy, I've got a question for
43 you. You said something that I had to think about for a minute.
44 You said, on Susan's report, where we were talking about the
45 technical specifications for the for-hire logbooks, and they
46 were talking about it, and you said you all were working on
47 revising those technical specifications right now, and that must
48 be for the logbook portion, which is the vendors and the

1 software apps, and is that what you were speaking to?

2
3 **MR. STRELCHECK:** That's correct. I think where you're going
4 here -- Unlike the VMS technical specifications, these are not
5 codified in the regulations, and so they are technical
6 specifications that we design for the Regional Office for
7 software development.

8
9 **MS. BOSARGE:** But just for their logbook, which is the more
10 scientific portion of their program?

11
12 **MR. STRELCHECK:** Right.

13
14 **MS. BOSARGE:** All right. Thanks, Andy.

15
16 **VICE CHAIRMAN GUYAS:** Okay. With that, we will break for lunch.
17 We're about right on time, and so we will be back here at 1:30,
18 sharp.

19
20 (Whereupon, the meeting recessed for lunch on October 28, 2021.)

21
22 - - -

23
24 October 28, 2021

25
26 THURSDAY AFTERNOON SESSION

27
28 - - -

29
30 The Full Council of the Gulf of Mexico Fishery Management
31 Council reconvened on Thursday afternoon, October 28, 2021, and
32 was called to order by Vice Chairman Martha Guyas.

33
34 **REEF FISH COMMITTEE REPORT**

35
36 **VICE CHAIRMAN GUYAS:** We're going to pick up with the Reef Fish
37 Committee Report. The committee adopted the agenda with the
38 addition of a discussion about goliath grouper to Other
39 Business, and the minutes the August 2021 meeting were approved
40 as written.

41
42 Review of Reef Fish Landings and Review of Reef Fish ACL
43 Figures, Ms. Kelli O'Donnell from the NMFS Southeast Regional
44 Office reviewed Gulf reef fish landings so far in 2021. Trends
45 in gag recreational landings have been consistent over the last
46 few fishing years. Red grouper recreational landings were
47 estimated to have exceeded the recreational annual catch limit
48 by the end of Wave 3, possibly due to increased angler

1 interactions with the recovering stock.

2
3 Gray triggerfish commercial landings are below the average for
4 the last three years. A commercial quota closure is not
5 expected in 2021, due to the increase in the ACL. Gray
6 triggerfish recreational landings through Wave 3 suggested a
7 quota closure would be needed before the end of the fishing
8 year. Recreational harvest was closed on September 15.

9
10 Greater amberjack commercial landings are below the recent
11 three-year average and below the trip limit step-down trigger.
12 Recreational landings follow the three-year average, while
13 remaining under the recreational ACL.

14
15 Gray snapper, lane snapper, vermilion snapper, and yellowtail
16 snapper landings remain below their respective ACLs for 2021
17 through Wave 3. Lane snapper landings are on a similar pace as
18 previous fishing years. Thus, NMFS issued a closure notice for
19 the stock. However, an increase in the ACL approved by the
20 council and transmitted to NMFS on March 9, 2021, is in the
21 final stages of rulemaking.

22
23 Landings for midwater snappers have exceeded their stock ACL for
24 2021, largely due to a considerable increase in commercial
25 landings in 2021 relative to previous years. Landings for the
26 jacks complex and cubera snapper are also expected to exceed
27 their stock ACLs in 2021, largely due to increased recreational
28 landings.

29
30 A committee member asked about the midwater snapper ACL, noting
31 that the ACL was previously set using an average of landings in
32 the council's Generic ACLs and Accountability Measures
33 Amendment. Council staff clarified that data from the 2000 to
34 2008 fishing years were used for midwater snapper, with Tier 3a
35 of the council's Acceptable Biological Catch Control Rule used
36 to set the ABC at the mean of the observed landings plus one
37 standard deviation.

38
39 The committee heard that the majority of the midwater snapper
40 commercial landings were harvested via otter trawl, which the
41 committee thought peculiar, as the species in the midwater
42 snapper complex tend to aggregate around structure, which would
43 be expected to foul trawl gear. SERO staff noted that lane
44 snapper and red grouper landings were being driven by landings
45 from both fishing sectors. Mr. Strelcheck.

46
47 **MR. STRELCHECK:** I would like to make a motion, and I talked
48 about this in committee. We have now half-a-dozen or a dozen

1 stocks that aren't assessed that are in need of at least
2 reviewing the ACLs and updating the ACLs based on new
3 information. **I would ask that council staff begin development**
4 **of an amendment to review and update ACLs for unassessed**
5 **species.**

6
7 **VICE CHAIRMAN GUYAS:** Is that your motion, Andy? Okay. The
8 motion is on the board to have council staff begin development
9 of an amendment to review and update ACLs for unassessed
10 species. Is there a second to this motion? It's seconded by
11 Mr. Anson. Is there discussion? Mr. Rindone.

12
13 **MR. RINDONE:** Thank you, Madam Chair. I didn't know if you guys
14 wanted, when you're thinking about discussion, to provide some
15 input to us to consider what different things we might consider,
16 as far as years to use for updating these unassessed species, so
17 that we could hit the ground running and make a more informed
18 decision.

19
20 **VICE CHAIRMAN GUYAS:** Dr. Simmons.

21
22 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Madam Chair. **I would**
23 **suggest we remove "council staff", because I think it will be**
24 **both of our staffs, and we'll need your staff as well, correct?**

25
26 **VICE CHAIRMAN GUYAS:** It looks like Andy is nodding his head,
27 and so let's just do that, just to direct staff to begin.
28 Perfect. Mr. Gill.

29
30 **MR. GILL:** Thank you, Madam Chair. Andy, I'm not sure I caught
31 your rationale. Is the basis for making this motion just age of
32 when we did in the generic amendment back in the day?

33
34 **MR. STRELCHECK:** Yes, and so this came up really kind of with
35 regard to the midwater snapper ACL, but it's, obviously, a
36 broader issue, in terms of wanting to go ahead and take a look
37 and revisit the ACLs set in the Comprehensive ACL Amendment. We
38 are updating ACLs for assessed species, but we have a number out
39 there that are still either in MRFSS units or MRIP-CHTS units
40 that need to be updated as well, and so my recommendation is to
41 include all the remaining species that we are not yet in the
42 process of updating ACLs, or haven't yet updated the ACLs.

43
44 **VICE CHAIRMAN GUYAS:** Mr. Gill.

45
46 **MR. GILL:** Thank you, Madam Chair. Andy, you recollect, and you
47 were young back then, that part of that discussion was talking
48 about which species ought to be in the FMP, right, and one of

1 the drivers was it was an additional consideration that
2 threatened to delay that document, and so we hustled through it
3 pretty rapidly, or at least that's my memory.

4
5 Would it be appropriate, if we're going to do this, to include
6 something like that, because if there are species that
7 functionally haven't changed, as we best know, and we have no
8 more information, and the likelihood of an assessment is nil to
9 none, and perhaps a relook, and maybe we'll wind up where are
10 now, but, if we've got age on that discussion from what the ACLs
11 were on these unassessed species, then perhaps we ought to look
12 again at which species we ought to include or not include, and I
13 don't think it would be a tough, heavy lift, because we
14 eliminated a bunch, but we had some fairly arbitrary criteria by
15 which we made that judgment, and so I think, if we're going to
16 do this, I would like to suggest we add reviewing inclusion of
17 the species in the reef fish amendment.

18
19 **VICE CHAIRMAN GUYAS:** Andy, your thoughts?

20
21 **MR. STRELCHECK:** I would have to go back and look at our
22 guidelines. I believe we have criteria for determining whether
23 a species or species group is in need of federal management, and
24 so I'm fine if you want to make that addition as part of this
25 review and update process.

26
27 **VICE CHAIRMAN GUYAS:** Sure. I don't know if, Andy, you have
28 specific language here, or it looks like Bob might have a
29 suggestion, and then, Dr. Simmons, I see your hand flying up.

30
31 **MR. GILL:** I am amenable to Andy adding the language, or I can
32 make a stab at it, whichever.

33
34 **MR. STRELCHECK:** Mara and I were having a sidebar, and she was
35 suggesting that it might be something that we want to go before
36 the SSC before proceeding with an amendment, and so that's
37 something we could discuss. **In terms of the motion, I think we**
38 **could add, at the end, to determine, or evaluate, if the species**
39 **were still in need of federal management.** Does that work for
40 you, Bob?

41
42 **VICE CHAIRMAN GUYAS:** Mr. Anson, I think you were the seconder,
43 right, and are you okay with this motion?

44
45 **MR. ANSON:** Yes, I think that captures it.

46
47 **VICE CHAIRMAN GUYAS:** Dr. Simmons.

1 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Madam Chair, and so I
2 just wanted to point out that we do have, I think, something on
3 our to-do list that we really haven't been able to get to you
4 that pertains to, I think, the last half of the motion, and that
5 was we were directed, a while back, to begin work on the five-
6 year review on inclusion and exclusion of species and the
7 species groupings in FMPs, and we just haven't had a chance to
8 tackle it, and so we do already have that on our list, and I
9 think it's fine if you want to include it in this motion, but
10 just keep in mind that the list is getting longer here.

11
12 **VICE CHAIRMAN GUYAS:** Okay. Any other discussion on this? I am
13 going to read the motion one more time, since you changed it,
14 and then we'll vote. **The motion is to direct staff to begin**
15 **development of an amendment to review and update ACLs for**
16 **unassessed species and evaluate if the species are still in need**
17 **of federal management. Is there any opposition to this motion?**
18 **Seeing none, the motion carries.** Ms. Bosarge.

19
20 **MS. BOSARGE:** I may have missed this, and I stepped out right
21 before you all put this motion up, but this is not going to
22 prevent us from bringing back some information on the last
23 however many years of landings on wenchman and looking at it and
24 trying to figure out, in a more timely fashion, how to proceed
25 to update that ACL, if necessary, right, and we're still going
26 to get that at our next meeting, some data on wenchman landings?

27
28 **VICE CHAIRMAN GUYAS:** Dr. Simmons is nodding her head yes.

29
30 **EXECUTIVE DIRECTOR SIMMONS:** I think we have species-specific
31 landings, Andy, correct, that we could bring back in a little
32 bit more detail pretty easily in January for that mid-water
33 complex. Can we bring back the wenchman landings and the
34 individual snapper landings that are part of the midwater
35 snapper complex? Is that something we can easily do in January?

36
37 **MR. STRELCHECK:** Yes. I mean, I will talk to my team, but
38 that's easily done for discussion, and then, in terms of this
39 motion, I wanted to, obviously, put it on the council's priority
40 list, but I do view this as considerably down the priority list,
41 given everything else we're working on, and I presume that most
42 of the council feels the same way.

43
44 **VICE CHAIRMAN GUYAS:** Okay. I'm going to keep reading. I am
45 looking down, of course, and so, if you are burning up, just --
46 All right. Gray Triggerfish Commercial Landings and Management
47 Review, the council requested that staff look into the
48 commercial gray triggerfish landings history since the

1 implementation of catch level increases in July of 2021.

2
3 Dr. Carrie Simmons reviewed the current commercial management
4 measures for gray triggerfish in the Gulf. Presently,
5 commercial vessels have a trip limit of sixteen fish and a
6 minimum size limit of fourteen inches fork length with the
7 commercial annual catch target set 5 percent below the
8 commercial ACL.

9
10 When the commercial ACT is projected to be reached, the
11 commercial fishery for gray triggerfish is closed. If
12 commercial landings exceed the commercial ACL, then an overage
13 adjustment is applied to the following year's commercial ACL.

14
15 The Reef Fish Advisory Panel has asked that the commercial trip
16 limit be increased. Dr. Simmons noted that if the council wants
17 to consider an increase in the commercial trip limit for gray
18 triggerfish, it could be added to the Framework Action:
19 Modifications to Vermilion Snapper Bag Limits and Gray
20 Triggerfish Recreational Fixed Closed Season.

21
22 **The committee recommends, and I so move, to add an action to the**
23 **Framework Action: Modifications to Vermilion Snapper Bag Limits**
24 **and Gray Triggerfish Recreational Fixed Closed Season to adjust**
25 **the commercial gray triggerfish trip limits. We have a**
26 **committee motion. Is there any discussion on this motion? Is**
27 **there any opposition to this motion? Seeing none, the motion**
28 **carries.** Mr. Strelcheck.

29
30 **MR. STRELCHECK:** I think, to help with direction for staff, we
31 heard, during public testimony, both changing the trip limit, in
32 terms of increasing the numbers of fish, as well as considering
33 the weight of fish, and it seems like both of those are at least
34 appropriate for consideration in an amendment, and so I wanted
35 to get confirmation that that was everyone's understanding.

36
37 **VICE CHAIRMAN GUYAS:** That seems appropriate, and I remember,
38 the last time we adjusted the commercial limits, we, I think,
39 engaged our Law Enforcement AP on weights versus individual
40 fish, and, if we have time, and if it's convenient, this might
41 be good to engage them again, or maybe we can dig up the
42 discussion that they had on this previously. Dr. Simmons, you
43 look like you want to put your hand up.

44
45 **EXECUTIVE DIRECTOR SIMMONS:** We can look at that. The other
46 thing I heard during public testimony is most people weren't
47 interested in changing the vermilion snapper bag limit, and so I
48 guess I want to confirm that we're still moving forward with

1 that.

2
3 **VICE CHAIRMAN GUYAS:** Ms. Boggs.

4
5 **MS. BOGGS:** I am still wanting to see that. Thank you.

6
7 **VICE CHAIRMAN GUYAS:** Any other thoughts? Ms. Bosarge.

8
9 **MS. BOSARGE:** I just wanted to throw out that we did hear, as
10 far as pounds, and I forget who said it, but it was 200 pounds
11 as a possible trip limit on the commercial side, and I guess you
12 can somehow try and convert that back into fish, to do an
13 equivalent number of fish, if we want to do it in fish, but that
14 was one number that I heard thrown out. There was a number of
15 fish thrown out too, but I don't remember what it was.

16
17 **VICE CHAIRMAN GUYAS:** Thank you, Madam Chair. I mean, we're
18 going to have to look at a range of alternatives, and we're
19 going to have to see some projections and look at the average
20 size and see when we think the quota will be met, and so we'll
21 come back to that when we can. I think, currently, this is a C
22 priority, and so we can move it up a little bit, to a B perhaps,
23 based on it seems like there was some more urgency for the
24 components, and so we can see what we can do and work with
25 leadership when we get back from council.

26
27 **VICE CHAIRMAN GUYAS:** Okay. Anything else before we move on?
28 All right. Imputed 2020 Landings for Gulf Managed Species, Dr.
29 Richard Cody from the NOAA Office of Science and Technology
30 presented a summary of the imputation methods implemented to
31 account for data not collected by the Marine Recreational
32 Information Program, due to COVID-19 restrictions and
33 considerations in 2020.

34
35 In general, 2020 recreational catch and effort estimates
36 exhibited no unexpected or extreme results and were viewed by
37 NOAA OST as being typically in line with prior years or recent
38 trends. Impacts of data gaps and imputation were variable
39 across states and fishing modes, but limited at annual and
40 regional levels. Most of the data gaps in 2020, including
41 lengths and weights, were in the MRIP Access Point Angler
42 Intercept Survey, specifically in Wave 2, which is March and
43 April, and the first half of Wave 3, May and June.

44
45 Also, for the headboat mode, no dockside sampling was resumed in
46 2020 post-COVID-19 restrictions. However, data validation,
47 quality assurance visits, and reporting via the Southeast Region
48 Headboat Survey continued. Dr. Cody clarified the difference

1 between the gray cells in the imputed data, which indicated a
2 true loss of sampling, and the white cells, which represent no
3 sampling assignment for that state at that time.

4
5 Committee members asked about the disparities between the length
6 and weight sampling data collection in the data displayed. Dr.
7 Cody replied that lengths and weights are collected concurrently
8 and that sometimes some of these data aren't collected, for a
9 variety of reasons. Committee members asked why the cells
10 wouldn't match up if sampling had occurred. He responded that
11 the cells are coded based on the data collected for that cell
12 over the last three years and that incomplete assignments can
13 affect the data as they are represented in the figure.

14
15 Dr. Cody described an imputation approach to fill gaps in the
16 data. All APAIS data from 2018 and 2019 collected within the
17 corresponding 2020 data gap periods were combined with available
18 2020 data, with the original sample weights for 2018 and 2019
19 data down-weighted by a factor of two to account for using two
20 years of data.

21
22 NOAA OST discussed this method with its MRIP statistical
23 consultants, who thought the method appropriate, and standard
24 two-month MRIP wave estimates of catch and effort were
25 generated. NOAA OST will revisit the 2020 estimates once
26 sampling is completed for 2021, with an evaluation of changes to
27 2020 estimates using imputed records from 2019 and 2021
28 conducted and compared to the same using 2018 and 2019.

29
30 Dr. Cody demonstrated the effects of imputation for 2020
31 landings and releases for different Gulf species. Estimated
32 landings and releases for gag were observed to be similar, with
33 point estimates falling within the standard error of the imputed
34 and observed data.

35
36 A Committee member thought it necessary to consider the
37 recreational landings and releases in weight instead of numbers,
38 which would be affected by the number of observed weights
39 collected through APAIS. This is because the fisheries are
40 managed by weight and not by numbers of fish. Another Committee
41 member noted that the releases estimated for gag are more than
42 double that observed to have been retained. Dr. Cody replied
43 that it is not atypical for releases to be greater than retained
44 catch, due to management considerations like bag limits and
45 fishing seasons.

46
47 The effects of imputation, the percent imputed data for 2020, on
48 red grouper is 7 percent, red snapper is zero percent, gray

1 triggerfish is 35 percent, greater amberjack is 7 percent, and
2 cobia is 14 percent, were observed to be similar to gag, in that
3 differences between imputed and observed data were not
4 significantly different.

5
6 For king mackerel, which is 17 percent, more of an effect of
7 using imputed data were observed and may be attributable to data
8 being over or underrepresented by a wave in the imputed data.

9
10 Dr. Cody reviewed differences in effort estimates for the 2020
11 fishing year compared to previous years. Generally, effort
12 estimates for Mississippi, Alabama, and Florida were not
13 dissimilar between the 2018, 2019, and 2020 fishing years. The
14 MRIP Fishing Effort Survey continued unencumbered by COVID-19
15 restrictions. However, the APAIS survey does help inform effort
16 by region, as it helps capture effort by nonresident anglers.

17
18 The committee noted that the effort estimates for 2020 were
19 somewhat dissimilar in trend compared to the 2018 and 2019
20 fishing years, in that fishing effort was observed to increase
21 from Wave 2 through Wave 5, perhaps because fishing was one of
22 the few activities relatively open to stakeholders, while other
23 terrestrial recreational activities were more limited.

24
25 Final Action on Framework Action: Modification of Gulf of Mexico
26 Red Grouper Catch Limits, Ms. Muehlstein reviewed the public
27 comments for the draft framework action. Dr. Freeman then
28 reviewed the purpose and need statements, as well as the
29 alternatives. He noted that the council selected a preferred
30 alternative at its August 2021 meeting and that the overfishing
31 limit, ABC, ACLs, and ACTs would all increase with the preferred
32 alternative.

33
34 A committee member inquired why there was a significant change
35 in mean weight of Gulf red grouper landed by the recreational
36 sector pre-1990 and post-1990. SERO staff replied that there
37 was a minimum size limit implemented around 1990, which may have
38 led to the recreational sector landing larger red grouper. SERO
39 staff reviewed the red grouper landings for 2020, as well as
40 2021 landings, as of October 13, 2021. NOAA General Counsel
41 then reviewed the codified text.

42
43 **The committee recommends, and I so move, to recommend approval**
44 **of Framework Action: Modification of Gulf of Mexico Red Grouper**
45 **Catch Limits and that it be forwarded to the Secretary of**
46 **Commerce for review and implementation and deem the codified**
47 **text as necessary and appropriate, giving staff editorial**
48 **license to make the necessary changes in the document. The**

1 Council Chair is given the authority to deem any changes to the
2 codified text as necessary and appropriate. We've got a
3 committee motion. Is there any discussion on this? This one is
4 a roll call, since it is final. Okay. Dr. Simmons.

5
6 EXECUTIVE DIRECTOR SIMMONS: Thank you, Madam Chair. Mr. Gill.

7
8 MR. GILL: Yes.

9
10 EXECUTIVE DIRECTOR SIMMONS: Mr. Anson.

11
12 MR. ANSON: Yes.

13
14 EXECUTIVE DIRECTOR SIMMONS: Mr. Schieble.

15
16 MR. SCHIEBLE: Yes.

17
18 EXECUTIVE DIRECTOR SIMMONS: Dr. Shipp.

19
20 DR. SHIPP: Yes.

21
22 EXECUTIVE DIRECTOR SIMMONS: Ms. Bosarge.

23
24 MS. BOSARGE: Yes.

25
26 EXECUTIVE DIRECTOR SIMMONS: General Spraggins.

27
28 GENERAL SPRAGGINS: Yes.

29
30 EXECUTIVE DIRECTOR SIMMONS: Dr. Stunz.

31
32 DR. STUNZ: Yes.

33
34 EXECUTIVE DIRECTOR SIMMONS: Mr. Broussard.

35
36 MR. BROUSSARD: Yes.

37
38 EXECUTIVE DIRECTOR SIMMONS: Mr. Geeslin.

39
40 MR. GEESLIN: Yes.

41
42 EXECUTIVE DIRECTOR SIMMONS: Mr. Williamson.

43
44 MR. WILLIAMSON: Yes.

45
46 EXECUTIVE DIRECTOR SIMMONS: Ms. Guyas.

47
48 VICE CHAIRMAN GUYAS: Yes.

1
2 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Dyskow.

3
4 **MR. DYSKOW:** Yes.

5
6 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Strelcheck.

7
8 **MR. STRELCHECK:** Yes.

9
10 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Dugas.

11
12 **MR. DUGAS:** Yes.

13
14 **EXECUTIVE DIRECTOR SIMMONS:** Dr. Frazer.

15
16 **DR. FRAZER:** Yes.

17
18 **EXECUTIVE DIRECTOR SIMMONS:** Ms. Boggs.

19
20 **MS. BOGGS:** Yes.

21
22 **EXECUTIVE DIRECTOR SIMMONS:** The motion carries unanimously
23 sixteen to zero with one absent.

24
25 **VICE CHAIRMAN GUYAS:** Thanks, Dr. Simmons. Presentation on
26 SEDAR 70: Greater Amberjack Stock Assessment Report, Dr. Jim
27 Nance described the SSC's review of the revised projections for
28 Gulf greater amberjack, which now use a revised projections
29 code. This revision supplements the forecasting abilities of
30 Stock Synthesis and allows for the consideration of a variety of
31 sector allocation scenarios.

32
33 Parameterizing the projections required several decisions to be
34 made, including years for averaging fishing mortality,
35 selectivity, and recruitment; retention parameters; treatment of
36 interim landings; and, sector allocation ratios, if applicable.

37
38 The SSC noted, in its review, that future recruitment defines
39 expectations of stock productivity and that fleet selectivity
40 and retention functions can have varying effects on the
41 projections, based on the sector allocations assumed. These
42 factors can ultimately affect the estimation of management
43 benchmark targets and estimates of stock status determination
44 criteria.

45
46 The SSC thought that the lower recent recruitment was likely
47 more representative of the greater amberjack stock in the near-
48 term and acknowledged that a longer time period of recruitment

1 could be used to inform the OFL.

2
3 Importantly, the SSC did not want to set overly optimistic catch
4 advice based on potentially implausible higher average
5 recruitment and thought that setting the ABC using a more recent
6 recruitment level better reflects contemporary stock and fishery
7 dynamics. Ultimately, the SSC decided to maintain setting the
8 ABC equivalent to 75 percent of the spawning stock biomass at
9 the proxy for maximum sustainable yield, which is set at a 30
10 percent spawning potential ratio, as was done when the SSC last
11 revised SEDAR 70.

12
13 Dr. Nance continued, stating that the projections for ABC still
14 aim to rebuild the greater amberjack stock by 2027. Generally,
15 as fish are allocated to the recreational sector, the yields
16 decrease to account for additional dead discards by that sector.
17 The SSB for greater amberjack has oscillated, but remained
18 generally consistent, since the 1990s.

19
20 The SSC thought it most appropriate to continue using the
21 current fishing mortality at MSY proxy of F SPR 30 percent while
22 also using the current stock-recruit relationship curve to
23 inform recruitment. The SSC recognized the yield reductions
24 necessary for greater amberjack and thought that careful
25 consideration would be needed in determining future management.

26
27 The SSC recommended to continue with the 30 percent SPR
28 reference point in the rebuilding projections, using the SRR-
29 informed recruitment, with the ABC based on the low recruitment
30 scenario from 2009 to 2018. Further, the SSC determined that
31 SEDAR 70 represents the best scientific information available
32 and that, as of the terminal data year of 2018, the stock is
33 overfished and is undergoing overfishing.

34
35 Generally, the uncertainty observed in the later years of the
36 recent recruitment period is attributable to the lack of data to
37 inform what may happen beyond the terminal year of data. When
38 the projections are parameterized, assumptions are made about
39 future conditions for the stock, and this information is fed
40 back into the model to help refine final estimates for
41 management benchmarks. The SSC will review the finalized
42 projections under the various sector allocation scenarios being
43 considered by the council at its November 18, 2021, hybrid
44 meeting in Tampa, Florida. Ms. Bosarge.

45
46 **MS. BOSARGE:** Maybe, between now and the next council meeting,
47 could we also just get an update from the Science Center about
48 when they might get that amberjack analysis done that we asked

1 for, where they go back and give us the historical ACLs in FES,
2 and I know they said they would work it in when they could, but
3 maybe just a phone call to ask them. We asked for that, I don't
4 know, a couple of meetings ago, and so we could just check with
5 them, maybe.

6
7 **VICE CHAIRMAN GUYAS:** I am seeing nods yes. Anything else on
8 amberjack? Okay. Presentation on SEDAR 72: Gag Grouper Stock
9 Assessment Report, Dr. Nance presented the SSC's deliberations
10 about the SEDAR 72 assessment of gag grouper. SEDAR 72
11 incorporated MRIP-FES recreational catch and effort data,
12 updated data inclusions, adjustments to fleet selectivities, red
13 tide analyses, and model variability.

14
15 Some SSC members contended that data estimated prior to the MRIP
16 time period of pre-1981 should be excluded due to their lack of
17 precision and plausibility. The Southeast Fisheries Science
18 Center replied that removing the pre-1981 recreational catch and
19 effort data does not have a substantial effect on the stock
20 status, but does help with tuning the model to the initial
21 estimates of exploitation rates. Further, commercial data from
22 pre-1981 are thought to be plausible.

23
24 A sensitivity run was conducted to examine the recreational
25 catch and effort data generated by the Florida Fish and Wildlife
26 Conservation Commission's Gulf Reef Fish Survey, now called the
27 State Reef Fish Survey, or SRFS. Hindcasting for the data
28 calibrated to FES was available back to 1981. Prior to 1981,
29 mean catch per unit effort for 1981 to 1985 was used to estimate
30 the historical catch per unit effort.

31
32 Trends in model outputs were observed to be commensurate using
33 SRFS. However, the lower level of landings reported through
34 SRFS compared to MRIP-FES does result in a lower estimate of
35 SSB, exploitation rate, and age-zero recruits. The SSC
36 discussed the merits and feasibility of using SRFS for
37 monitoring recreational catch and effort for gag grouper in the
38 future.

39
40 SRFS has increased precision and reporting frequency compared to
41 MRIP and may be more appropriate for monitoring gag private
42 angler landings. Gag is a Florida-centric stock, and almost all
43 harvest is recorded by SRFS. The SSC recommended that the SRFS
44 sensitivity run receive the full suite of model performance and
45 diagnostics, just like MRIP-FES. The Southeast Fisheries Science
46 Center countered recommending the use of a scalar to convert the
47 recreational portion of the recommended catch limits into SRFS
48 data currency instead.

1
2 The justification for this recommendation was a preference to
3 have a full suite modeling efforts work through the SEDAR
4 process. Following this, the SSC requested a review of the
5 proposed scalar method.

6
7 Dr. Nance stated that SSB can be characterized by female-only or
8 combined male and female SSB. Female-only SSB provides best
9 estimates of biological reference points if the potential for
10 decreased fertilization is weak. Combined SSB is best when the
11 potential for decreased fertility is moderate or unknown.

12
13 Increasingly skewed sex ratios for gag may result in reduced
14 fertilization rates and, as a consequence, reduced population
15 growth. Recent research estimates that males account for about
16 1 percent in the fished stock and about 5 percent in the
17 Madison-Swanson Marine Protected Area. Further, the last strong
18 year class was in 2006/2007, and the relationship between sex
19 ratio and fertilization success is poorly understood.

20
21 Under both the females-only and sexes-combined scenarios for
22 SSB, SEDAR 72 estimates that gag has been overfished since 2006,
23 with overfishing occurring since 2001. The SSC discussed using
24 the sexes-combined estimate for SSB, considering the currently
25 skewed sex ratio and poor recruitment since 2006/2007.
26 Ultimately, the SSC recommended that the SEDAR 72 stock
27 assessment be considered the best scientific information
28 available.

29
30 In exploring the parametrization of the projections, the SSC
31 evaluated three red tide scenarios of 10 percent of the
32 intensity of the 2005 red tide (low); 30 percent (medium); and,
33 72 percent (high). These estimates assume that the 2021 red
34 tide dissipates in mid-November 2021, based on historical
35 patterns and Ecospace modeling.

36
37 All red tide mortality scenarios predict that gag is still
38 overfished and undergoing overfishing. However, at F SPR 30
39 percent, the degree to which the stock is overfished is much
40 greater than at Fmax. The SSC recognized that closing the
41 fishery would deprive fishery managers of critical fishery-
42 dependent age and length composition data from the directed
43 fleets, data which are critical for monitoring rebuilding.

44
45 The current FMSY proxy is Fmax. Changing that proxy would
46 require a plan amendment. The SSC supported using the medium
47 severity red tide scenario of 30 percent based on the Ecospace
48 model, which was viewed as more precautionary than the low

1 severity value of 10 percent. Due to time constraints at the
2 September 2021 SSC meeting, the SSC will revisit gag projections
3 at its November 18, 2021, hybrid meeting in Tampa, Florida.

4
5 The committee asked about the change in stock status and the
6 manner in which the SSB was estimated between the SEDAR 33
7 update from 2016 and the SEDAR 72 assessment. Dr. Nance
8 described that the SEDAR 33 update used females-only, and the
9 recommendation from SEDAR 72 is to use sexes-combined.

10
11 Although the SEDAR 33 update estimated that the stock was
12 healthy under the females-only estimate of SSB, SEDAR 72
13 estimates that, even using that metric for SSB, the stock would
14 have been overfished and undergoing overfishing. Dr. Nance
15 explained that changes in the data used, and the subsequent
16 years of poor recruitment, may be contributing to the revised
17 estimates of stock status.

18
19 Another committee member asked whether the landings in 2020 and
20 2021 are as low as they are because the fishermen are not
21 fishing in areas with red tide or if it is estimated that gag
22 are in fact being negatively affected by the red tide bloom. A
23 committee member replied, that based on the life history of gag,
24 the current red tide bloom is likely affecting juveniles and
25 young adult females in nearshore and shallower offshore areas,
26 like on the West Florida Shelf.

27
28 A committee member asked about the red tide index used for red
29 grouper, which had an episodic mortality index informed by
30 previous events, with estimates made to inform future red tide
31 blooms. For gag, an index was created using the Ecospace model,
32 which represents a newer ecosystem-based approach for
33 incorporating this type of mortality.

34
35 The committee also asked about the justification for selecting
36 the sexes-combined SSB estimate over the female-only SSB
37 estimate. Dr. Nance clarified that the females-only SSB
38 estimate treats the population such that the proportion of males
39 is inconsequential as it relates to future recruitment.
40 Conversely, the sexes-combined SSB estimate is more considerate
41 of the proportion of the population that is male, which may be
42 more appropriate if a lack of males is thought to be a limiting
43 factor for future recruitment.

44
45 A committee member questioned whether it was appropriate to
46 assume sperm limitation in the gag population, when in most
47 other cases with protogynous hermaphrodites, the transition to
48 male is socially mediated and based on the proportion of males

1 present in an area.

2
3 The committee member asked about any change in the length at
4 which females reach maturity and asked whether that length has
5 changed recently. Council staff replied that the estimate of
6 the length at which 50 percent of gag reach sexual maturity has
7 remained generally unchanged, with the estimate still being
8 commensurate with the current minimum size limit of twenty-four
9 inches total length.

10
11 Council staff then asked about the justification for using
12 metric tons to characterize biomass for gag, compared to the use
13 of the number of eggs for red grouper. The Southeast Fisheries
14 Science Center replied that more data exist for red grouper that
15 allow for the estimation of SSB using number of eggs, whereas,
16 comparatively, less is known about the reproductive
17 characteristics of gag.

18
19 A committee member asked why the SRFS data were not used in the
20 assessment like the MRIP-FES data. The Southeast Fisheries
21 Science Center replied that the SRFS data were explored as a
22 sensitivity analysis. After the assessment was underway, a
23 historical calibration was made available for the SRFS data back
24 to 1981. However, the Southeast Fisheries Science Center
25 contended that the calibration had not yet been adequately peer-
26 reviewed. Thus, the MRIP-FES data were used to estimate
27 recreational catch and effort.

28
29 The committee member countered that MRIP-FES does not capture
30 offshore fishing effort nearly as well as SRFS and, given that
31 gag is a Florida-centric species, it seems appropriate to use
32 SRFS for the purpose of estimating recreational catch and
33 effort. SERO staff replied that additional work was necessary
34 to establish a process for calibrating and incorporating state-
35 generated survey data for all species. The committee member
36 responded by noting that state survey data are used to inform
37 the red snapper stock assessment in the South Atlantic, but not
38 in the Gulf, and that the disparate application of process
39 between regions is inconsistent and confusing.

40
41 A committee member questioned the dire condition of the gag
42 stock estimated by the SEDAR 72 stock assessment, noting that
43 the fishermen have not been coming to the council and describing
44 a similarly dire situation. The committee member continued that
45 using the SRFS data for a complete model for gag would be
46 appropriate, based on the modifications to the MRIP data
47 collection methods made by SRFS to improve on certain aspects of
48 the MRIP survey design. Further, the committee member added

1 that they were opposed to closing a fishery under any reasonable
2 circumstances.

3
4 Another committee member suggested creating an accelerated
5 schedule for evaluating the state survey data, based on the
6 attributes of those surveys, especially compared to the MRIP-FES
7 data. Other committee members expressed support for considering
8 the SRFS data, especially given the gravity of the outcome of
9 the SEDAR 72 stock assessment. They thought it most important
10 to analyze all the information available before accepting the
11 results of the assessment.

12
13 The Southeast Fisheries Science Center repeated that SRFS was
14 analyzed as a sensitivity analysis, but did not receive the full
15 suite of model diagnostics. However, the SRFS data was observed
16 to show a similar trend to the MRIP-FES data. A committee
17 member replied that the magnitude of differences in the
18 interannual changes in the data were likely different and asked
19 if the SRFS data would result in a different estimate of stock
20 status. The Southeast Fisheries Science Center replied that the
21 stock status may not change, but the estimates of SSB may vary
22 based on the data currency used.

23
24 A committee member brought up the concept of fishery closures.
25 They thought that the process for being considerate of the
26 possibility of fishery closures should begin as early in the
27 review of a stock assessment as possible. They further
28 elaborated that the intention should be to avoid a fishery
29 closure however possible.

30
31 The committee discussed the effects of closing a fishery on the
32 fishermen, supporting businesses, the science generated on those
33 species, and the ability to reopen the fishery later. A
34 committee member recalled the examples of goliath grouper and
35 red drum and the difficulties associated with trying to reopen
36 those stocks to any sort of harvest.

37
38 Another committee member expressed concern about how the council
39 communicates to the stakeholders that it will do what it can to
40 avoid a fishery closure. A committee member added that there
41 may be limitations on what the Council can do with respect to
42 the requirements of it under the Magnuson-Stevens Fishery
43 Conservation and Management Act and that the catch
44 recommendations begin with the SSC, not the council.

45
46 Committee members supported the idea of asking the SSC to
47 present options to the council for ways to rebuild the gag stock
48 without closing the fishery. SERO staff recommended considering

1 the broader approaches being considered for reef fish management
2 as a whole, as opposed to just avoiding a closure, and added
3 that, contemporarily, data collection seemed to be at the heart
4 of that larger issue. I am going to pause here, because I'm
5 pretty sure we had a motion that somehow dropped out of the
6 report.

7
8 **MR. GILL:** That was going to be my comment, Madam Chair. We
9 made a motion that did pass, as I recollect, and I don't see it
10 in the report.

11
12 **VICE CHAIRMAN GUYAS:** I thought about it last night, and so
13 maybe somebody leaned on the keyboard for delete, and maybe we
14 need to conference for a minute and see if we can get that
15 pulled up, so that we can -- Okay. There it is.

16
17 Okay. Even though it's not in the written report, we have a
18 committee motion, and it is to retain fishery-dependent data it
19 is the council's desire to avoid a total shutdown of any
20 species, if at all possible. Is there any discussion on this
21 motion? Ms. Boggs.

22
23 **MS. BOGGS:** I would just like to make a comment. I understand
24 the intent of the motion, and I don't think the motion does
25 anything, and so, therefore, I would not support the motion.
26 Thank you.

27
28 **VICE CHAIRMAN GUYAS:** Okay. Any other discussion on this?
29 Seeing none, is there any opposition to this motion? We've got
30 one opposed. Okay. The motion carries with one opposed.

31
32 Before we leave this gag section, I would like to offer a motion
33 that I sent to staff earlier. Sorry I am double-chairing here,
34 but I'm got to get this motion in somehow, and so this is how
35 it's going to go.

36
37 **My motion is to update the SEDAR 72 Gulf of Mexico gag base**
38 **assessment model (combined sexes) using data from the Florida**
39 **State Reef Fish Survey (SRFS) for the private recreational**
40 **sector in place of the same data collected by MRIP-FES. All**
41 **other data inputs should remain the same. Generate all**
42 **customary and appropriate model diagnostics used to evaluate**
43 **model performance. Update model parameter estimates and their**
44 **variances, model uncertainties, management benchmarks, and stock**
45 **status estimates. That is my motion. Is there a second? It's**
46 **seconded by Mr. Dyskow. The intention is probably clear here,**
47 **but, Mr. Gill, go ahead.**

1 **MR. GILL:** Thank you, Madam Chair, and so I guess this is a
2 question for Ryan. Assuming this motion passes, is there any
3 impact on the assessment schedule, such that we're talking about
4 a potential delay in other assessments?
5

6 **MR. RINDONE:** I would imagine we would need to look at that and
7 talk to the Science Center about that and see what kind of
8 workload this constitutes before we can really get into that,
9 and so the schedule is pretty full, and so I would imagine there
10 would be something that would have to be delayed, or something
11 to that effect, but, without talking with them, I can't say
12 precisely what any of that would be.
13

14 **MR. GILL:** So I guess the question to you, Madam Chair, is do we
15 want to somehow include, in this motion, where we see it
16 applying in the priority to be incorporated in that discussion
17 on where it impacts on work schedule and what it may or may not
18 impact? I don't know quite how to do that, but it's one thing
19 to say we want it, but, if you want it right now, then there's
20 some downstream consequences, and I don't think we ought to make
21 this motion pass without some consideration of it.
22

23 **VICE CHAIRMAN GUYAS:** I am going to go to Mr. Strelcheck.
24

25 **MR. STRELCHECK:** Clay is not here present today, but he is on
26 the phone, and I don't know if he's trying to raise his hand or
27 not, but I think Clay could certainly respond to the
28 ramifications of the stock assessment process and what this
29 might result in, in terms of delays.
30

31 **VICE CHAIRMAN GUYAS:** I see his hand is going up. Dr. Porch.
32

33 **DR. PORCH:** Thank you, Mr. Strelcheck. My hand was up, but I
34 don't know if it's easy to see, since I'm not a council member,
35 but I appreciate you calling attention to it. I did want to
36 emphasize a couple of points.
37

38 I think this needs to go through the full review process, like I
39 outlined earlier. Some of the language seems to suggest that
40 the Southeast Center was somehow deviating from the normal
41 practice, which is actually not the case at all. We followed
42 the terms of reference of the statement of work for the
43 assessment to the letter and the SEDAR process in general.
44

45 I will note that the SSC did recommend SEDAR 72 as the best
46 scientific information available, and some of the wording that
47 was earlier in the report doesn't actually accurately reflect
48 what went on at the SSC, and I think Ryan can correct the record

1 in that case, but the more important issue is that you have a
2 situation where you have essentially a preliminary time series,
3 where you have SRFs estimates calibrated back in time, and it
4 does need some measure of review, and I think we outlined a
5 process for moving forward, and that is to complete the
6 transition process that was started and seems to have stalled
7 during the COVID outbreak.

8
9 We can go ahead and complete that process, which would include a
10 peer review of the historical time series, and it really
11 requires expertise that is not typically involved in the SEDAR
12 process, and I think then you could schedule a new assessment,
13 and you just follow the normal SEDAR Steering Committee
14 procedures to schedule that assessment.

15
16 The other point that I wanted to make, that I think is really
17 germane here, is that the last year of the assessment was 2019,
18 and you all heard from public testimony that a lot might have
19 changed since then. Unfortunately, we weren't able to execute a
20 survey in 2020 that picked up gag, but the State of Florida was
21 able to, through their own surveys, and so there should be some
22 information there that would give us an idea of stock trends in
23 2020, plus now we have actually conducted surveys in 2021, and
24 so I think something that would be really helpful is to do sort
25 of a health check, as we have before, sometime after April, when
26 we can get all that video survey data processed, just to see
27 what the trends in gag have been more recently.

28
29 I think it's a very legitimate concern about shutting down the
30 fishery, especially when it's based on data that is two years
31 old now, or more than two years old, and, like I said, we can do
32 a health check, or potentially even an interim analysis, and I
33 say "potentially" because we haven't done one for gag, and it
34 would take a little time, but certainly we could do a health
35 check, looking at index trends to see if gag continue to be in
36 the same condition the assessment estimates or maybe they have
37 improved. Then a decision could be made, at that time, whether
38 we want to schedule a full assessment that would include that
39 information. Thank you.

40
41 **VICE CHAIRMAN GUYAS:** Mr. Rindone.

42
43 **MR. RINDONE:** Thank you, Madam Chair. I was hunting for your
44 phantom motion when part of the report went by, as Dr. Porch
45 referenced, when Dr. Nance was giving his presentation on the
46 discussion and talking about the use of the SRFs data as a
47 sensitivity run, and the SSC wanted that to go through the full
48 suite of model diagnostics, and that was a motion that was made

1 by one of the SSC members, and it did have support from other
2 SSC members, but, as Dr. Porch mentioned, and the SSC agreed, it
3 was better to move that kind of a modeling effort, and basically
4 a fresh, comprehensive model with swapping out one of the key
5 data inputs through the SEDAR process, and they offered the
6 substitute of providing the SSC with a scalar method for
7 matching the recreational landings to the SERFS trends, and so
8 the SSC will be able to review that information about the scalar
9 at its November meeting.

10
11 **VICE CHAIRMAN GUYAS:** Thanks for that clarification. Clay, and
12 maybe this is partly an Andy question, and I think it is,
13 because I think this involves multiple parts of NMFS, but when,
14 and I'm looking for a specific time, would we be in a place
15 where all of this additional peer review is done? To me, it's
16 pretty nebulous what this entails. I mean, we've already had
17 the independent peer reviewers review the calibrations back in
18 time, and the SSC has also approved them, and so I guess I'm
19 wondering why this was not included in the terms of reference,
20 since this seemed to be a sticking point for that process.

21
22 What is the timeframe? When will this additional review and
23 blessing of the State Reef Fish Survey be completed, so that we
24 can put this on the schedule in the future, the way that you're
25 suggesting?

26
27 **DR. PORCH:** Two things. There has not been a review of any
28 calibrations back in time, the historical time series. The
29 discussions that have been had are having to do with where we
30 have the overlap of the surveys and coming up with calibrations
31 that are useful for monitoring, and it's a different thing to
32 talk about how you calibrate things back in time to 1981, and so
33 that part has not happened.

34
35 It was supposed to happen as part of the transition process, and
36 so, to answer your question, a lot is going to depend on not
37 only the National Marine Fisheries Service, but also the states
38 and how quickly we can get together and work on this issue. I
39 think you heard from Dr. Cody the proposal for January, and I
40 think what we need to do is include in the terms of reference
41 for the workshops that come from that this exact thing,
42 reviewing the historical time series and how they could be
43 calibrated back in time to represent say the SRFS currency or
44 any of the other state survey currencies.

45
46 The timeframe is going to depend a lot on the will of the
47 states, as well as the National Marine Fisheries Service, to
48 work together and do it as quickly as possible. Of course, I

1 would like to see it done for the completion of the red snapper
2 research track, since that's a component of that as well, and so
3 it is important to get this on an accelerated time scale, and I
4 think we all agree, but we just all need to work together to
5 make it happen.

6
7 **VICE CHAIRMAN GUYAS:** Mr. Rindone.

8
9 **MR. RINDONE:** Thank you, Madam Chair. Just a point of
10 clarification here. The SEDAR 72 assessment process at this
11 point is complete, and so this would constitute a separate
12 assessment process, and so I don't know if it would be done
13 similar to the old update style or how we would necessarily
14 approach this with the states and NMFS, but the SEDAR 72 process
15 is complete.

16
17 **VICE CHAIRMAN GUYAS:** I guess I have a question about that.
18 What we've been doing recently, when we get these assessments,
19 like with amberjack and king mackerel, for example, the
20 assessment is done, but we need them to run the assessment
21 essentially again, multiple times, in different allocation
22 scenarios, and, I mean, how is that treated?

23
24 It seems to be that the assessment is done, but it's not really
25 done, because there is still a bunch of additional work going
26 into that. I kind of view this in the same light, and so can
27 somebody help me out with that? Maybe that's not a Ryan
28 question, and maybe that's a Clay question, and I don't know.

29
30 **DR. PORCH:** We don't rerun the assessment. We rerun projections
31 with different allocations, but the basic assessment, all the
32 diagnostics and all that, were complete and presumably reviewed,
33 and that's the end of it, and then we look at different
34 allocations through the projections, and so that's the part that
35 the SSC weighs in on if they want to look at different ways to
36 potentially manage the fishery.

37
38 **VICE CHAIRMAN GUYAS:** Mr. Anson.

39
40 **MR. ANSON:** I am just trying to follow this process specific to
41 this species, but this may come up for other species, and so
42 what I'm hearing from you, Dr. Porch, is that, if there were a
43 calibration back in time to SRFS, this would be a relatively
44 easy exercise that could be done specific to the motion that's
45 on the board, not looking at any other additional data, and I've
46 heard your comment about trying to get the additional video
47 survey data and such in and incorporate that, since it's been a
48 couple of years, but, if the calibration were in hand, going

1 back in time, that it wouldn't be necessarily a heavy lift, and
2 it would not impact the SEDAR schedule, and it would not have to
3 be set up, the terms of reference and all those types of things,
4 and is that correct?

5
6 **VICE CHAIRMAN GUYAS:** Go ahead, Dr. Porch.

7
8 **DR. PORCH:** No, and I didn't mean to convey that. It's still
9 quite a bit of work. If you had an assessment that's completed,
10 and then you want to replace a key dataset, you have to go
11 through the whole model development process and review the
12 diagnostics, and it can be, actually, quite a lot of work, but,
13 for me, the key issue here is that, when you have a dataset, it
14 needs to go through the appropriate level of review, and that's
15 what has not transpired yet.

16
17 **MR. ANSON:** A follow-up, and that's what I am trying to tease
18 out, is, again, if we had a review of the calibration of the
19 time series for the SRFs data, and, I mean, that's what FES is,
20 when we're running and trying to find allocation information
21 from an assessment that's already been completed, and all we're
22 doing is running that FES data through.

23
24 I don't see it as a major process, or one that would require a
25 lot of model setup and such. The model is already run, and,
26 granted, I understand that the modelers have to be available,
27 but they're not changing any other data, and you're just
28 changing out one data stream that, again, you had the
29 calibration back in time, and there would be no review for that,
30 and you just accept the numbers as-is.

31
32 **VICE CHAIRMAN GUYAS:** Unfortunately, it's not as simple as that.
33 You're changing out a very influential data stream, and lots of
34 things can happen. Parameters hit bounds, et cetera, and you
35 need to look at the diagnostics and how well the model is
36 performing, and it's actually a fair amount of work.

37
38 It's not the same as just running a projection with the
39 different recreational and commercial allocations, and so it is
40 quite a bit more work, but it's not a matter of whether it
41 exists, whether a calibrated time series back in time exists,
42 but it's whether one that has been fully peer reviewed exists,
43 and all of these key data, especially influential data like
44 this, needs to go through the appropriate level of peer review,
45 which is what would normally happen in a SEDAR process, a SEDAR
46 research track process, but, in this case, it's kind of a
47 special case, when you have key data like a catch series, and
48 that's why that kind of review is supposed to be part of the

1 transition process, and, like I said, that kind of seems to have
2 lost steam, maybe because of COVID-19 and maybe because of other
3 reasons, but that ball needs to be picked up again, and as soon
4 as possible.

5
6 **VICE CHAIRMAN GUYAS:** Kevin, to directly answer your question
7 about the back-calibrated in time, you might remember that the
8 council sent a letter asking for the sensitivity run, and it was
9 in June of 2020, and the calibration back in time was provided
10 before our August council meeting, to I guess the Science
11 Center, for the SEDAR process, and so, Clay, I have a question
12 about a working paper that came through the assessment process
13 for SEDAR 72.

14
15 There was a working paper, S-72-WP-04 FL GRFS MRIP, and there
16 was a working paper, and was that reviewed by the assessment
17 panel, and that seems to be an opportunity for peer review
18 there.

19
20 **DR. PORCH:** It was available, and it wasn't thoroughly reviewed,
21 and it certainly wasn't reviewed at a level of peer review.
22 Some changes were made to that series after the paper, I think
23 three different ones, and so the final series came kind of late
24 in the process, but there wasn't really a peer review of it,
25 because the intent was to use it for a sensitivity run and not
26 the base run, and that was outlined in the statement of work,
27 and so people really didn't give it the attention it would have
28 if it were part of a research track.

29
30 **VICE CHAIRMAN GUYAS:** Okay. Any other hands on this one? If
31 not, we're going to vote. Mr. Strelcheck.

32
33 **MR. STRELCHECK:** Martha, I guess, in terms of your motion, this
34 talks about rerunning the assessment, but what do you envision
35 in terms of then the review of the assessment? I mean, this
36 just goes back to the SSC, or are you actually wanting this to
37 go through an update SEDAR-like process, or what are you
38 thinking here?

39
40 **VICE CHAIRMAN GUYAS:** So conduct what's in the motion, and, I
41 mean, I would assume this would go back to the SSC, because we
42 are obviously -- They have not reviewed this yet, and we, of
43 course, do not have catch advice from them, and so does that
44 answer your question?

45
46 **MR. STRELCHECK:** I guess maybe to Clay then. Clay, you talked
47 about there was at least some level of review that didn't go
48 through a sufficient peer review, and so that's where I guess I

1 am struggling, is where does that sufficient peer review happen
2 with the calibration and with the diagnostics, because it seems
3 like that's going to have to happen pre-SSC, and then the SSC
4 reviews the outcomes of the assessment thereafter.

5
6 **VICE CHAIRMAN GUYAS:** Go ahead, Clay.

7
8 **DR. PORCH:** I mean, this was an operational assessment, and so
9 the parameters of the model were already defined, and then there
10 was an add-on, with the statement of work, to look at this as a
11 sensitivity run, which was done, but there wasn't really a
12 charge to give it a thorough peer review, and, as I mentioned
13 before, that wouldn't really be the place to do it. It would be
14 much better to follow the transition process and get the right
15 experts that are specialists in this to review it and then, when
16 they get a stamp of approval there, it then would be deemed
17 appropriate for use for scientific advice.

18
19 I think that's the best answer that I can give there. I mean,
20 there hasn't -- Like I said, at this point, it hasn't been
21 reviewed. What it sounds like is being asked for is for a
22 second assessment outside the SEDAR process, which is not
23 something that we normally would do. I would much prefer, if we
24 were going to do this, that we follow the normal SEDAR
25 protocols, and, as I said, in addition, when you're talking
26 about a major time series that's calibrated back in time, have
27 some special review by qualified personnel, and it's more of an
28 assessment issue.

29
30 Now, that itself, if we have this separate working group looking
31 at that, then they could focus and keep it on this survey, and
32 it could be regarded as part of the transition process.

33
34 **VICE CHAIRMAN GUYAS:** Mr. Diaz, welcome back.

35
36 **CHAIRMAN DIAZ:** Thank you, Madam Chair. Martha, I support what
37 you're trying to do, and I want this process to happen for all
38 of the data programs that the states are running, as quickly as
39 possible, and I would love to see it all ready, where it could
40 be used in the red snapper assessment that we're working on.

41
42 I want to make sure that, if we do something, that it's usable,
43 and that's my only concern. Would you consider adding the
44 words, after "appropriate QA/QC", or "appropriate peer review",
45 at the very beginning of the motion, before the word "update"?
46 "After appropriate QA/QC update the SEDAR 72" and go on from
47 there, as a friendly amendment?

1 **VICE CHAIRMAN GUYAS:** I hear what you're saying, but I think
2 that's a little subjective, and, at least the way that Clay is
3 describing what I think would happy there does not have a
4 defined timeframe, and so I am a little bit concerned about
5 that. Of course, I want this to be a usable quality assessment
6 that informs management, but I also have concerns about how this
7 process has gone and how we continue to not have a defined,
8 clear communicated path. Ms. Bosarge and then Dr. Simmons.

9
10 **MS. BOSARGE:** I want to make sure that I'm on the same page, and
11 so we have the work update in there, and we discussed this a
12 little bit, because we do get -- Like we have the SEDAR 38
13 Update Assessment, which, in that case, that assessment added
14 new years of data, and I think what you're getting at here is
15 you want to see the actual SEDAR 72 stock assessment, with
16 whatever terminal year it had, and I don't remember off the top
17 of my head, but don't add any new years of data and change that
18 index that was used for recreational landings from FES to GRFS
19 or SRFS or the Florida survey, and rerun it, and, if we're going
20 one way or the other here, I would prefer that, and I hope
21 that's the way, because I want to be able to like actually side-
22 by-side compare the results, right, from SEDAR 72 with that
23 terminal year in MRIP-FES and then SEDAR 72, with the same
24 terminal year, but in the Florida survey data, and just switch
25 out the index, and so I think I'm good there.

26
27 Then my other question was I understand why we're talking only
28 Florida data here, because gag is a Florida-centric species, and
29 that's where pretty much all the landings are, and that's why
30 we're not talking about other states. Okay.

31
32 For the red snapper stock assessment that's coming up in
33 whatever year, 2025 or something, this is essentially what we're
34 planning to do for that assessment too, and is that -- I am just
35 trying to understand how these balls are all going to land.

36
37 **VICE CHAIRMAN GUYAS:** I will let Ryan answer that question.

38
39 **MR. RINDONE:** Thank you, Madam Chair. Well, I had a point to
40 make about something, Ms. Bosarge, that you had said in the
41 first part of your comment, as far as comparing the two
42 assessments, and so, with one assessment done in FES and the
43 other one done using SRFS, when you're thinking about comparing
44 those assessments, the things that you guys are going to want to
45 be looking at for comparison are basic trends and things like
46 that, because the final numbers that come out, in terms of like
47 the actual numerical values and the biomass and the recommended
48 catch, those are going to be very different, because they're

1 different currencies, but both assessments would still be able
2 to generate estimates of stock status and trends in the
3 directionality of where the stock has been and recruitment
4 estimates and things like that, but just as long as everyone
5 bears in mind that they are in different currencies, and so one
6 is going to produce higher values than the other one is, no
7 matter what, but it's all relative to the stock status as
8 interpreted.

10 As far as SEDAR 74 is concerned, Dr. Porch was alluding to the
11 needs for the data workshop process as it relates to that
12 assessment, because you have multiple state surveys, and so the
13 process that's being considered right now with SRFS is something
14 that is going to need to be considered multiple times with the
15 different states, and also including the calibration process, to
16 be able to look at those data for that assessment, and so that's
17 probably a much larger lift.

19 **VICE CHAIRMAN GUYAS:** Dr. Simmons and then Dr. Porch.

21 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Madam Chair, and so I
22 guess, just taking a step back here, and I had a larger, broader
23 question, and would it be useful to separate the efforts for the
24 calibration of the state supplemental surveys back in time, 1981
25 to present time, like through some independent experts and not
26 through the transition team, and get that going, and I assume
27 that's a similar process as what was done for the MRIP-CHTS and
28 the MRIP-FES.

30 It seems like some of the other survey design and sampling bias
31 issues are going to take a lot longer, and it seems we need that
32 index calibrated as best as possible for not only gag, but red
33 grouper, in the interim. Thank you.

35 **VICE CHAIRMAN GUYAS:** Dr. Porch.

37 **DR. PORCH:** Thank you. Two points. One, what Ms. Bosarge
38 described is actually what was done. We compared the trends
39 with the SRFS data, and it's just a sensitivity run. In other
40 words, it wasn't intended for mainline advice, and so there
41 would have been -- If that had been the intent, and it had been
42 totally reviewed, then there would have been more work done to
43 make that just as perfect as we could, but did make the run, and
44 we did compare the results, and the trends are nearly identical,
45 but, as Mr. Rindone mentioned, of course, the scale is
46 different.

48 When you use the FES data, it estimates that there is more fish

1 out there than when you use the SRFS data, in magnitude, but the
2 trends are virtually identical, and then what Dr. Simmons
3 described is actually part of the transition process, and she's
4 exactly right that it happened when we calibrated FES back in
5 time to the old CHTS estimates, and there was a peer review of
6 that, and so that's what I am talking about.

7
8 You could certainly partition the various aspects that the
9 transition team wants to look at, but one of the things should
10 be exactly what the best way is to calibrate the various state
11 surveys back in time, and it may be different for the different
12 state surveys. However it's done, it needs to be adequately
13 reviewed by the appropriate experts.

14
15 **VICE CHAIRMAN GUYAS:** Don't forget we had that calibration
16 workshop, and I guess it was last summer, with the statistical
17 consultants, where we looked at all the calibrations, and part
18 of that was back in time.

19
20 **DR. PORCH:** But not back to 1981.

21
22 **VICE CHAIRMAN GUYAS:** Okay. Mr. Anson.

23
24 **MR. ANSON:** I guess a clarification is needed, and Ryan
25 mentioned about the need for calibration back in time for the
26 red snapper assessment, and Dr. Porch indicated that it would be
27 nice to have it done for red grouper and as well as the snapper,
28 but I guess, to answer your question, Martha, Ryan, is that
29 analysis using the state data, instead of the FES data, and
30 getting what is at this motion right now, is that not already in
31 the terms of reference for the SEDAR 74, because I thought we
32 had discussed that at the council, and I thought that would have
33 been put in as a term of reference, and it already should be on
34 the drawing board and available to tee-up to have that review in
35 and of itself of the assessment, independent of the calibration.

36
37 **VICE CHAIRMAN GUYAS:** Mr. Rindone.

38
39 **MR. RINDONE:** Thank you. Yes, we did put it in the terms of
40 reference, but it's becoming clear though that perhaps we need
41 to be putting these things in the terms of reference extremely
42 explicitly, to make sure that there's no workaround and that it
43 has to be done exactly as it's being described, and it's
44 certainly the council's intent, and the SSC's intent, for the
45 way in which the state were to be considered in SEDAR 74 were made
46 abundantly clear on the record, and we tried to capture that in
47 the terms of reference, which we, as a practice, try to make not
48 overly prescriptive, in the event that let's say we're doing an

1 assessment on a species, and we're using Susan's data, and we
2 say we have to absolutely use Susan's data or else, and we put
3 Susan's data in there and accept if it fails, because it doesn't
4 work for some reason or another, and we try to leave some wiggle
5 room, to be able to avoid those sorts of circumstances, because
6 then the entire process grinds to a halt and produces nothing.

7
8 Certainly at least the council's intent and the SSC's intent was
9 clear, and we did put that in the terms of reference, and I can
10 provide those to the council.

11
12 **VICE CHAIRMAN GUYAS:** Is it to that, Kevin, since this is your -
13 - All right, Kevin. Go ahead.

14
15 **MR. ANSON:** Yes, it is to that, and so I guess, in a follow-up
16 to what Dr. Simmons just alluded to, to make sure that we are on
17 as close a track as possible, in order to have that information
18 available, in order to complete that term of reference, and we
19 ought to be considering maybe an alternative route, or a side-
20 by-side route, depending on a specific issue that you're looking
21 at through the independent review process, potentially.

22
23 **VICE CHAIRMAN GUYAS:** Let me make sure Dr. Porch doesn't still
24 have his hand up. I can't tell if it's just a phantom hand or a
25 leftover.

26
27 **DR. PORCH:** It's not a phantom hand, but thank you. I just
28 wanted to confirm what Mr. Anson was saying, and we completely
29 agree that that's in the terms of reference, and I certainly
30 wasn't disputing that, and so, yes, it's in the terms of
31 reference for the red snapper research track.

32
33 However, what I am saying is that actual process is equivalent
34 to what should have gone on in the transition process and could
35 be regarded as part of the transition process, but it's going to
36 require standing up a special working group to focus on that,
37 and that will, of course, need to have heavy engagement from the
38 various experts in the states, and, ultimately, we're going to
39 have to have people who are qualified to do the peer review on
40 that.

41
42 This will be kind of a very special component in that research
43 track, and it's not the run-of-the-mill assessment anymore, and
44 you need people to really understand recreational surveys and
45 can appropriately review whether these surveys should be used as
46 they are, whether they need to be calibrated up or down, and how
47 do you deal with them as far as extrapolating back in time, and
48 so I agree with what Mr. Anson is saying, and I think we all

1 have that in mind, but we do need to get the right people
2 working together, and we need to get that stood up soon, and I
3 would contend that that is actually part of the transition
4 process, but, of course, it would only be for red snapper.

5
6 **VICE CHAIRMAN GUYAS:** Mr. Schieble.

7
8 **MR. SCHIEBLE:** Thank you, Madam Chair. Dr. Porch alluded to a
9 portion of my question, and so what -- If we go through with
10 this, and we vote in favor of this, what is this going to do to
11 the overall SEDAR process, or schedule, when it comes to
12 everything else that's scheduled? How much time can we expect
13 that this is going to take? Is it like a full run?

14
15 **VICE CHAIRMAN GUYAS:** I don't know if I know the answer to that,
16 because I'm not the analyst, but -- Dr. Simmons.

17
18 **EXECUTIVE DIRECTOR SIMMONS:** I mean, I think, the way I
19 understand Dr. Porch, and he can chime in, is we have to get
20 this calibration back in time, vetted and peer reviewed, and
21 then put it on the schedule, which will take two years from now
22 for an operational assessment, or a research track, which could
23 take much longer. That's what I understood.

24
25 **VICE CHAIRMAN GUYAS:** Ms. Boggs.

26
27 **MS. BOGGS:** I guess one of my concerns with this could be what
28 kind of precedent does this set for future assessments, and,
29 yesterday, we heard several people, in public comment, talk
30 about, with all the storms we had in the Gulf, and Texas is
31 catching more vermilion snapper than they have, and gag grouper
32 are better it sounded like everywhere, and, I mean, these
33 stocks, it seems like, are moving around, for whatever reason,
34 storm-related or climate change or whatever anybody wants to
35 say.

36
37 I understand your intent, Martha, and everybody thinks that the
38 state data is best, depending on what you're looking to do, and
39 I am just concerned the precedent that this may set moving
40 forward for different species. Louisiana could come in and say
41 let's use our state data for cobia, and that concerns me, and I
42 had made a note before your motion of why are we converting
43 state data to FES, when FES is supposedly the best scientific
44 information available, and now we're just flip-flopping, and so
45 I am concerned about this.

46
47 **VICE CHAIRMAN GUYAS:** I hear that, and so there is precedent for
48 this. With LA Creel, when that came online, it was used in

1 assessments without going through this process. On the Atlantic
2 side, from the Atlantic red snapper assessment, the data that we
3 collect in the specialized survey, and it doesn't have a special
4 name or anything like that, is used for the recreational
5 landings that are coming out of Florida, no certification and no
6 calibration and none of that, and so this is not the first time
7 that this has ever happened. Mr. Schieble.

8
9 **MR. SCHIEBLE:** Just to specify, the council didn't tell the SSC
10 or the Science Center to use LA Creel, and they chose to do it.

11
12 **VICE CHAIRMAN GUYAS:** Yes, they did. Mr. Rindone.

13
14 **MR. RINDONE:** Just a point of clarification, and LA Creel was
15 used in the cobia assessment. That's from beyond 2014, and
16 those are the only recreational catch and effort data for
17 Louisiana.

18
19 **VICE CHAIRMAN GUYAS:** Ms. Boggs.

20
21 **MS. BOGGS:** You're right, and, to that point, because I know,
22 right now, Texas Parks and Wildlife and LA Creel are -- They
23 don't use the MRIP, but these other three states that still use
24 the MRIP, plus their state data collection, and we're still
25 arguing over the numbers for snapper, and I am not saying one is
26 wrong and one is right, but I am just concerned what type of
27 precedent is this setting, and I'm not sure how I will vote on
28 this motion. Thank you.

29
30 **VICE CHAIRMAN GUYAS:** Ms. Bosarge and then, Andy, I see you.

31
32 **MS. BOSARGE:** For gag, we're in a rough spot, and we know that,
33 right? However, I'm not sure -- We don't have our catch level
34 recommendations yet, but you know it's on the board, and it's a
35 potential that we might get a zero catch level recommendation,
36 and I'm going to support the motion, but I do want to make one
37 thing clear, and I guess I have never really -- I always thought
38 about it in the future, like with red snapper, or with this one
39 with gag, and I didn't think about it actually already being
40 here with LA Creel and any other state data systems that are
41 used in the assessment.

42
43 One thing I will say, for the federal MRIP, CHTS or FES or
44 whichever way you want to -- Whichever year you want to look at
45 as to what it's called, is they have a very high degree of
46 transparency, which is important to me as a user of this data
47 for management, that anything I want to get my hands on, I can.
48 Dr. Cody, God love him, and I am always asking him for more and

1 data, and I want to see the actual average weight, and tell me
2 how many intercepts you've got on length and weight, and I want
3 to see the exact level of imputation and where did you pull them
4 from, and I have it all.

5
6 As we move forward, it would be my expectation that we will have
7 that same level of transparency within the state data that we
8 use for management and that those are readily available online
9 for me, and I don't have to request them from somebody, as a
10 council member, to get them, the average weights and all your
11 intercepts and where those intercepts transpired, and so I just
12 wanted to put that on the table. I am going to support the
13 motion, but I do have that expectation of transparency within
14 the data that I am going to use for management.

15
16 **VICE CHAIRMAN GUYAS:** Mr. Strelcheck.

17
18 **MR. STRELCHECK:** I guess just a real quick response to LA Creel
19 and South Atlantic red snapper. LA Creel, in my understanding,
20 is calibrated up to FES, and there was some calibration done
21 there. In terms of South Atlantic red snapper, you were right
22 that we did not calibrate, but that is a three-day or four-day
23 or five-day fishery that could not be calibrated then back to
24 year-long seasons back in time, and it is a very, very different
25 fishery than what we're talking about here, with year-long
26 seasons, or many long monthly seasons.

27
28 I wanted to talk a little bit about timing and kind of where
29 we're at, and, Martha, I wanted to go back and just thank you,
30 because I think we had a great conversation last time, and we
31 walked away, and we still didn't necessarily agree with one
32 another, and we had a very candid and open conversation. I
33 talked with state directors earlier this week, and I think we
34 had some -- We made some headway with regard to, yes, we've
35 haven't all, I think, fulfilled our part, and we need to work to
36 work toward this transition better, and we need to collaborate
37 more in coming up with solutions to resolve these data
38 differences.

39
40 At the end of the day, we're not where we want to be at this
41 point, and I think we, obviously, know we want to head there,
42 and we need to head there rapidly, and so, when you hear Clay
43 and I talk today, my concern is that people are hearing us, and
44 they're thinking, well, just NOAA Fisheries doesn't want to use
45 this data, and we're opposed to using that data, and that's not
46 true at all. I want to make that point very, very clear, that
47 what we're conveying, and I hope we're conveying, is that we're
48 trying to follow the scientific process and the steps and

1 procedures that have been laid out here through SEDAR, through
2 our assessments, in order to get to a point where we can use
3 these assessments.

4
5 Gosh darn it, I wish, back in 2019, when we did the terms of
6 reference, that we maybe did a better job of writing the terms
7 of reference, but we didn't, and so now we have an approved
8 assessment through the SSC, and so my concern, obviously, if
9 this motion passes, is the downstream ramifications, and we
10 still have some steps to go, in terms of resolving the back-
11 calibration and how that's going to get done.

12
13 I did have a question, maybe for Ryan or for Carrie, and we all
14 sit on the SEDAR Steering Committee, right, and so, when we talk
15 about putting another assessment on the plate, to me, that's
16 something that should go back to the SEDAR Steering Committee
17 for discussion, and it's not just simply a council motion, but
18 this is a recommendation by the council to go back to the SEDAR
19 Steering Committee as a whole.

20
21 I can't remember any instances like this, but certainly, if this
22 passes, I would like to know how that would integrate with the
23 SEDAR Steering Committee process.

24
25 **MR. RINDONE:** To the first point about the terms of reference,
26 we actually had to send in a revision to the terms of reference
27 to be able to include SRFS once a number of years of data were
28 available, but, at that point in the process, we didn't have
29 that hindcasted historical calibration for those data, and so,
30 when we wrote the terms of reference originally, we didn't have
31 anything that we could provide for SRFS, and then we sent a
32 revision after the fact, but, even then, we didn't have -- I
33 think we had back to 2016 or 2015, something like that, and
34 then, during the actual stock assessment process, the data were
35 calibrated back to 1981, and so just to clarify that.

36
37 As it relates to Mr. Strelcheck's question about what do we do
38 from the SEDAR Steering Committee standpoint, there is precedent
39 for having say an emergency meeting, if you will, of the SEDAR
40 Steering Committee to deal with an issue, and it's, of course,
41 rare, and it's intended to be rare.

42
43 Typically, the SEDAR Steering Committee meets twice a year to
44 discuss these sorts of scheduling things, but it has happened in
45 the past where there's been an issue that's come up that has
46 needed to be addressed, and so a SEDAR cooperator can compel
47 such a meeting, if it has what it thinks is a justifiable
48 emergency, and so it would be on this SEDAR cooperator, the Gulf

1 Council, to make that known.

2
3 If the committee meets and then decides that we need to do
4 something immediately to interject something into the process,
5 then the committee can meet and figure out what needs to be done
6 in order to accommodate that emergency.

7
8 **VICE CHAIRMAN GUYAS:** Dr. Porch.

9
10 **DR. PORCH:** Thank you. I did want to reiterate what Andy said,
11 that there really isn't a precedent for substituting a survey
12 calibrated back in time like this. When we use LA Creel, it
13 actually gets calibrated up to the FES currency, and then we use
14 the FES time series that goes back in time, and that did go
15 through that review process, and so we use the calibration
16 factors that were agreed on with the State of Louisiana to scale
17 the LA Creel estimates up to FES currency, and the same similar
18 thing with the Florida State Survey for the South Atlantic, in
19 that it's a very short time series, and it's also only a few
20 days, something that MRIP can't get, and it's not calibrated
21 back in time.

22
23 There is not a time series back in time, but it's just moving
24 from a certain time point forward, and so it is quite a
25 different thing, but, with regard to the emergency Steering
26 Committee meeting, I do want to emphasize that using SRFS won't
27 change much, based on the sensitivity analyses we've already
28 done, but using 2021 data may very well change things a lot. If
29 there's a bit uptick in the surveys, it could change the status
30 of the stock and potentially what the allowable biological catch
31 would be.

32
33 **VICE CHAIRMAN GUYAS:** Dr. Stunz.

34
35 **DR. STUNZ:** Thank you, Martha, and I know you want to call the
36 question, or dispense with this motion, but I think this is
37 important, and it's related to this, but also broader, and so
38 certainly, at some point, the SSC was asked to weigh-in on MRIP-
39 FES, and they approved that, because that's what they had at-
40 hand, and there wasn't all of these state programs that were
41 available, but I don't -- Has the SSC ever been asked to weigh-
42 in on which is better, the MRIP system or the state systems, and
43 I know that's a very controversial and difficult question, but,
44 outside of this, and kind of to some of the comments we've
45 brought up around the table on other issues, and I am happy to
46 make a motion, or we can have more discussion later down the
47 line, but I think that's an important question to have the SSC
48 weigh-in on, and, obviously, it would be a major factor here.

1
2 **MR. RINDONE:** The SSC has not made a direct determination that
3 one survey is in fact better than the others, but they have made
4 recommendations insofar as it relates to the best scientific
5 information available on a specific assessment and not on the
6 universe of data collected by a survey, and so like, for gag, it
7 was deemed BSIA based on the data that was used in it, but just
8 for gag.
9

10 **DR. STUNZ:** To that point, Martha, and not necessarily which is
11 best and pitting one against each other, but evaluating them
12 simultaneously, to see if both are appropriate or not for
13 management, and I think that's an important question that we
14 need to ask once we get past some of these motions here.
15

16 **VICE CHAIRMAN GUYAS:** Julie Neer is not on the committee, but I
17 will briefly recognize you.
18

19 **DR. JULIE NEER:** Thank you. I just wanted to make one quick
20 note with regard to having to take this back to the Steering
21 Committee, if you guys in fact pass this motion. If a
22 cooperator chooses to make an adjustment to its schedule, and it
23 does not impact any other cooperators, the Steering Committee
24 does not need to re-meet to do that, and so, basically, if you
25 guys decide that you want this, and you want this done over
26 something else you had on the schedule for 2021, you guys can
27 make that request to the Science Center, and that does not need
28 to go back to the Steering Committee as a whole.
29

30 Now, if you want to just put it on the schedule again for
31 sometime in the future, then it will be discussed at this next
32 Steering Committee, which will be held in the spring, but, if
33 this is a time crunch, and you want this done sooner, everyone
34 doesn't have to weigh-in, as long as it doesn't impact the other
35 cooperators with regard to redoing this assessment or moving it
36 ahead on your specific schedule. Thank you.
37

38 **VICE CHAIRMAN GUYAS:** Got it. Thanks, Julie. That's helpful.
39 Mr. Anson.
40

41 **MR. ANSON:** Thank you, and, Martha, I'm sure you're probably
42 caught on that your motion doesn't identify necessarily a set
43 begin date or whatever, completion date, of the assessment, and
44 so that would account for some of this variation, as far as Dr.
45 Porch maybe outlined in his timeline of the transition and
46 review process, potentially, but, thinking along the lines of
47 trying to make sure we maximize those resources for modeling
48 time and staff effort and such, I want to make sure that we

1 would get as much out of it as possible that would be helpful
2 for us to help manage the stock.

3
4 One of the points that Clay brought up was, if we wait until
5 that April time period, we'll have some new video data, and so
6 your motion just asks for the recreational effort to be
7 replaced, and so I'm wondering, and it looks like it's going to
8 take some time anyway, to get it into the actual SEDAR schedule,
9 to replace something that is already on the books that, again,
10 if we're just swapping out a Gulf stock, maybe we can move those
11 around and not impact any of the other cooperators that have
12 assessment requests as well, or schedule, and so, I mean, I
13 support your motion, but I am just wondering, for your
14 consideration, if -- Since it is going to take some time, and
15 there might be some benefits to these potential increases in
16 some of these other indices, that, if we're going to go through
17 the resources and the exercise to be a fairly robust, typical
18 assessment, that maybe we try to extend it so that we get the
19 most and latest time series of information as well.

20
21 This may cause an increase, you know, irrespective of the data,
22 and I do recognize what Dr. Stunz had brought up, that part of
23 that request in the snapper, at least, terms of reference for
24 the state data is to help kind of see how that does have an
25 impact to the assessment.

26
27 It will be a chance to see what any assessment might need to be
28 tweaked, as far as the parameterization and such, looking at
29 that different data stream in the assessment, and so I still
30 have -- I would still see that as being important, having a
31 side-by-side comparison, if you will, of those two data streams,
32 the FES and the state survey data, in this case, but, again, I
33 am still going to support your motion, but I just think that we
34 have the opportunity, potentially, of getting some more out of
35 it for the amount of work that's going to be needed, it looks
36 like, to actually the assessment.

37
38 **VICE CHAIRMAN GUYAS:** Thanks, Kevin. My intention here with
39 this motion, and I heard Clay talk last night about he was
40 concerned about the complexity, and so my plan here is to kind
41 of keep it simple and minimize the changes. If it tends up
42 taking a gazillion years to get through this hopefully very
43 short and expedited process, to get whatever needs to be done to
44 get this done, then I guess we can reevaluate it at a future
45 date, but I would prefer to keep the motion as it is right now.
46 Okay. Anybody else? Mr. Dugas.

47
48 **MR. DUGAS:** Just a question. Can we vote?

1
2 **VICE CHAIRMAN GUYAS:** Yes. That's my intention right now. **Is**
3 **there any opposition to this motion? Please raise your hand, I**
4 **see one in opposition. The motion carries with one opposed.**
5 Leann.

6
7 **MS. BOSARGE:** Are you leaving gag? Is that what you were about
8 to do?

9
10 **VICE CHAIRMAN GUYAS:** We're about to, unless you've got
11 something.

12
13 **MS. BOSARGE:** Just two things. I guess my follow-up to that
14 last motion is the SSC still will go through this exercise of
15 generating -- Going through the projections and figuring out the
16 catch level recommendations from the current SEDAR 72 at their
17 November meeting, and so, in that case, we will get that back
18 and start talking about we want in the document in June for
19 catch levels -- Implementing an ABC and ACL and then anything
20 else, and so I mentioned this during committee, and, if we can
21 get a catch level, period, we are going to have to really think
22 hard about how we're going to manage that fishery and ensuring
23 that we have the utmost accountability that we can have with the
24 few fish that we're going to be allowed to catch, both
25 commercially and recreationally.

26
27 Now, I'm sure there are some things that we can look at
28 commercially, but, as far as staying within a quota and knowing
29 that you land, you've got a pretty decent amount of confidence
30 in that. Recreationally, I'm sorry, but we just don't have that
31 level of confidence, and, with the state of this species, it's
32 time to look at something different, so that, if we can get a
33 few fish to catch, we make sure that's all we catch and we don't
34 go over that.

35
36 Maybe staff can start now and pulling together any data that we
37 have, and I know that we have had some alternative management
38 papers that came out of Ken Haddad's group, where they looked at
39 depth and distance-based type management, and they looked at
40 harvest tags, and I mentioned -- For yellowtail, I mentioned
41 possibly having our MRIP-FES boosted with the GRFS landings by
42 wave. In other words, when we start trying to see what's
43 landed, let's look at all the data together.

44
45 If we've got more intercepts on the GRFS, or SRFS, that we can
46 add to MRIP, to try and get a good handle on landings, we need
47 to examine all that, and so I just wanted to give staff a heads-
48 up, so that, in January, when we tell you what we want to see in

1 that document, because I'm sure we'll start on a rebuilding
2 plan, that we can give you some concrete ideas about actions and
3 alternatives. We're going to need to see some sort of
4 presentation on some of those alternative ideas for recreational
5 management at the next meeting, when we get into this.

6
7 **VICE CHAIRMAN GUYAS:** Dr. Simmons.

8
9 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Madam Chair. Yes, we'll
10 be looking at all of those things, and the rebuilding plan is, I
11 think, starting in 2023, and we will have to move pretty
12 quickly, and I assume, with things going forward as it is in
13 FES, this is going to take some time, as I understood the
14 discussion.

15
16 **VICE CHAIRMAN GUYAS:** Anything else before we move on to the IFQ
17 part of the Reef Fish Report? Okay. Presentation from the
18 National Academy of Sciences on The Use of Limited Access
19 Privilege Programs in Mixed-Use Fisheries, the committee
20 received a presentation on the National Academies of Sciences
21 study on the Use of Limited Access Privilege Programs in Mixed-
22 Use Fisheries from Dr. Bonnie McCay, the NAS Committee Chair,
23 and Dr. Marty Smith, an NAS Committee member.

24
25 The presentation reviewed the charge to the NAS Committee, its
26 methodological approach, and the overall findings of the study,
27 and highlighted the main finding of little discernable impact
28 from LAPPs on recreational fisheries in the Gulf of Mexico.

29
30 Doctors McCay and Smith highlighted the major information gaps
31 that prevented the NAS Committee from fully examining economic
32 and social impacts, noting the scarcity of data as the biggest
33 obstacle to enabling a clearer picture of how these fisheries
34 interact. Dr. Smith summarized that the Gulf LAPPs were
35 effective in doing what they were designed to do, adding that
36 there is always room for improving program performance.

37
38 A committee member asked about ways to facilitate participation
39 for new entrants to the programs. Dr. Smith noted that quota
40 set-asides could be used, but added that it can be challenging
41 to decide who qualifies and that set-asides are easier to
42 incorporate into the initial design of a program than into an
43 existing program.

44
45 Dr. McCay added that the issue of new entrants exemplifies the
46 importance of having transparency in the share and allocation
47 markets, so that those wanting to get involved have an idea of
48 prices and of how difficult entry would be. The existing

1 markets are not centralized, making it difficult to know where
2 quota is available and whether the prices are reasonable.

3
4 Discussion: Focus Group Formation, Mr. Strelcheck presented the
5 proposed process document for establishing an IFQ focus group,
6 Tab B, Number 9(d). The committee discussed the proposal,
7 including a suggestion to expand the focus group's charge to
8 incorporate a review of the IFQ programs' goals and objectives
9 alongside their recommendations.

10
11 **The committee recommends, and I so move, that the charge of the**
12 **IFQ Focus Group be expanded to require a review of the current**
13 **IFQ programs goals and objectives and recommend their**
14 **replacement/retention. The revised goals and objectives shall**
15 **serve as the bases for the focus group recommendations. We've**
16 **got a committee motion. Is there any discussion on this motion?**
17 **Any objection? Seeing none, the motion carries.**

18
19 The committee discussed the potential membership positions on
20 the focus group, including whether to retain the public
21 participant role. It was suggested to add a position for
22 someone who knows a lot about the IFQ programs and how they
23 work, but who is not financially invested in the programs. The
24 idea is to include someone who can take a broader view of the
25 programs, in contrast to the remaining positions that represent
26 a particular participation role with a financial interest in the
27 fishery. This additional membership position could potentially
28 be an academic or someone who works for an NGO.

29
30 **The committee recommends, and I so move, to add to the**
31 **membership of the IFQ Focus Group a person who is well versed in**
32 **the program but does not hold shares or allocation. The**
33 **committee motion is going up on the board. Is there any**
34 **discussion on this motion? Mr. Strelcheck.**

35
36 **MR. STRELCHECK:** I'm not opposed to the motion, but think it's
37 the question of how are we going to determine who is well
38 versed, right, and I guess my vision -- Maybe we put them in
39 front of a panel of IFQ fishermen? I mean, I'm kidding, but, in
40 reality, this is a broad suite of potential people, and there
41 could be lots and lots of applicants, and so I'm just wondering
42 if maybe we could put a little more clarity to the "well versed"
43 portion of this, or how that may be determined.

44
45 **VICE CHAIRMAN GUYAS:** Ms. Bosarge.

46
47 **MS. BOSARGE:** Andy, that was essentially my concern too, except
48 that I was just going to not support the motion, for that reason

1 right there, and I can foresee you having a hundred or so
2 applicants for that position, and I just don't see where the
3 value added is going to be all that great, and I think it opens
4 it up to a lot of politics, and I just don't think it's a wise
5 move. If you have got no vested interest in that fishery, I
6 just don't see you as part of the focus group.

7
8 **VICE CHAIRMAN GUYAS:** To me, for all of the positions on the
9 focus group, I would hope that they are well versed, and I'm
10 hoping that, and, you know, obviously, this council will be
11 choosing who goes on that group, and that is demonstrated in
12 their application, and so I don't know if it's like an essay
13 question of like tell us your experience or whatever with this
14 fishery, but, I mean, everybody that needs to be on this group
15 needs to understand this program. Leann.

16
17 **MS. BOSARGE:** Well, I mean, to that point, I don't know that --
18 Even if you just look around this table, and, I mean, this is
19 why we have, a lot of times -- As we roll over membership on
20 this council, the first thing that we do, before we get into an
21 IFQ document, is give the council a presentation that goes over
22 the barebones basics of what is a share, what is allocation, who
23 is a share -- Because most people are not well versed, and, I
24 mean, what I am saying is who is going to define who is well
25 versed? The people around this table, right?

26
27 I don't even operate in that fishery, but at least I am
28 commercial, and there's only two commercial reps left on the
29 council, and so the determination of who is well versed is going
30 to be made by -- I don't consider myself an expert and well
31 versed in that, and so you've got to look at who is making the
32 determination, and so I just don't think this is a good idea.

33
34 **VICE CHAIRMAN GUYAS:** Mr. Gill.

35
36 **MR. GILL:** Thank you, Madam Chair. I think Martha picked part
37 of it that I wanted to say, and that is that, at the end of the
38 day, in closed session, we figure out who those people ought to
39 be, and it's not an uncommon situation that we're deciding by
40 application, and maybe reputation or whatever, and we have the
41 same problem in the MREP group and picking applicants that we've
42 never heard of, and all we have is their application, and we
43 still pick them.

44
45 I think we're trying to drive at perfection is the enemy of
46 good, and this happens all the time, and that's how we normally
47 deal with it, and we can work our way through picking candidates
48 that we think are appropriate for this group without trying to

1 dot the I's and cross the T's on what the heck "well versed"
2 means.

3
4 I don't know how to define it well enough to make any progress,
5 but I am not uncomfortable at all. We get the applications, and
6 we get as much background as we can, and we make an assessment
7 and go, and, in this particular case, it's one person out of
8 ten, and so no big deal.

9
10 **VICE CHAIRMAN GUYAS:** Mr. Anson.

11
12 **MR. ANSON:** I am just wondering, Dr. Simmons, and I don't want
13 to put you on the spot, but have you, or staff, had any
14 conversations as to how this would occur? I mean, my thought
15 would be that you just place a question on the application that
16 says the council is looking for these people, and then one
17 position that needs to be well versed, and then provide a 200-
18 words-or-less essay as to what makes you well versed or why you
19 think you're well versed in IFQ programs in the Gulf of Mexico.

20
21 I am trying to -- I see both sides of the argument here, and,
22 yes, it can be political, and, yes, it's going to be subjective.
23 Yes, it's going to be difficult for council staff, potentially,
24 to kind of compile all that and getting the data into that
25 format that we would be able to review and talk about behind
26 closed doors, and so I'm just wondering if you've had any
27 initial discussion about that.

28
29 **VICE CHAIRMAN GUYAS:** Dr. Lasseter.

30
31 **DR. AVA LASSETER:** Thank you. Thank you for that, Mr. Anson. I
32 don't think we will ask fishermen to write an essay, but you do
33 bring a good point up, and I was going to kind of gauge it on
34 the council's discussion on how we would frame this. I would
35 support that you at least include this and point out that, on
36 the process document, it says "potential membership position"
37 and "appointing up to" whatever the number was, and so,
38 depending on the applicants and how they fit into various
39 positions, you may see who applies for this and then decide
40 that, no, it's not quite what we were looking for, and then just
41 not that appoint that particular position, and so I would keep
42 that option in mind.

43
44 I would like to hear a little feedback from the group about how
45 you would like us to -- How much detail we should perhaps ask
46 for, this position as well as the crew member position, because
47 there is no identification for a crew member, right, and there
48 is no crew card in our region, and so we're not really sure how

1 we would get validation of experience, and, right now, we need
2 to just ask them, the applicant, but, if you as a group have any
3 further ideas about specifics that we could ask, that would be
4 helpful. Thank you.

5
6 **VICE CHAIRMAN GUYAS:** Mr. Strelcheck.

7
8 **MR. STRELCHECK:** I am not suggesting to wordsmith the motion,
9 but we're just really seeking clarification, and I didn't want
10 to get to January and then we're debating what "well versed" is,
11 and so that's why I wanted to have the conversation. Thank you.

12
13 **VICE CHAIRMAN GUYAS:** Ms. Bosarge.

14
15 **MS. BOSARGE:** I will just make it clear, on the record right
16 now, before we get to closed session, and I am going to go back
17 to the private angler AP that we formed, this council formed,
18 before we did state management, and we made sure that that
19 private angler AP had only recreational anglers on it, and we
20 did not put any commercial representation, period. You had a
21 hint of commercial and you were not on that AP, and I spoke, at
22 a council meeting, after the first private angler AP meeting,
23 and I said that was the best move that we ever made. That was
24 great, and I thought that was an extremely productive AP
25 meeting, and I just commended the council for making that smart
26 move.

27
28 I expect this to be the same. This is a commercial program. If
29 you want any buy-in from the stakeholders on what comes out of
30 this focus group, this public -- Whatever we're calling this
31 person that has no ownership and no permits and no anything, you
32 better ask enough questions on that application, and I want to
33 know what organizations they're a member of and what sector do
34 they affiliate themselves with, and, if they had to pick a
35 sector, what sector are they.

36
37 There's got to be enough questions asked that we make sure that
38 this person is an academic or a purely environmental and not
39 associated with anything else, and I'm sorry that I have to be
40 that way, but I have heard enough testimony on the record saying
41 we should just disband the entire IFQ program, sunset it
42 completely and get rid of it, and that's the private angler
43 perspective, and so I -- If this is going to be something that
44 shapes the future of the commercial fishery, we've got to be
45 very careful about this membership.

46
47 **VICE CHAIRMAN GUYAS:** All right. I don't see any more hands,
48 and so we're going to go ahead and vote on this. **Is there any**

1 **opposition to this motion? Please raise your hand. Anybody on**
2 **the webinar opposed? Shout it out. We have three opposed in**
3 **the room, and so the motion carries with three opposed.**
4

5 I'm going to go back to the committee report. The committee
6 discussed the timeline for establishing the IFQ focus group and
7 the status of Reef Fish Amendment 36B, which considers
8 modifications to the IFQ programs. The committee decided to
9 move forward with forming the focus group and to further
10 postpone holding public hearings for Amendment 36B.
11

12 **The committee recommends, and I so move, that the process**
13 **document provided be utilized to advertise and solicit members**
14 **of the IFQ Focus Group.** Here is our committee motion going up
15 on the board. Is there any discussion on this motion? **Is there**
16 **any opposition to this motion?** Ms. Boggs. **We just had one in**
17 **opposition to this motion, and so the motion carries with one**
18 **opposed.** Anything else on IFQ? Mr. Strelcheck.
19

20 **MR. STRELCHECK:** Can we have a five-minute break?
21

22 **VICE CHAIRMAN GUYAS:** Do we need a break? Let's take a break,
23 because we've been going for two hours, and so is it on IFQ?
24 Let's just do it, and then we'll take a break. Go ahead, as
25 long as it's not something long.
26

27 **MS. BOSARGE:** I don't think it's long. I made a motion during
28 committee to send that 36B out to public hearings, and I went
29 back and looked at it, and there is one action item that we
30 don't have a preferred on, and I now understand exactly what
31 staff was saying about updating some numbers, and that action
32 item had to do with closed accounts, and, if they're reopened,
33 do they need a permit or not, and so I think that's the numbers
34 that they were talking about.
35

36 Now, I heard some public testimony that said please send that
37 out to public hearings, and why are you not sending that out,
38 and I'm not going to push to send that out to public hearings,
39 but I would like to see that document in January, that 36B, with
40 the updated numbers, and that action item, so that we can go
41 ahead and have a preferred picked, and, that way, when we get
42 this focus group report back, we're ready to roll. I don't want
43 to be sitting around waiting another meeting after that, and so
44 I would like to see that in January and make sure we have
45 everything we need in that document, so that, in April, when we
46 get the focus group report back, that document will be ready as
47 well.
48

1 **VICE CHAIRMAN GUYAS:** Okay. Let's take that five-minute break.
2 We're a little bit behind, and we still have a little bit to do,
3 and so just keep it a quick break, and then we'll resume after
4 that.

5
6 (Whereupon, a brief recess was taken.)
7

8 **VICE CHAIRMAN GUYAS:** Okay. We're going to move on to the
9 discussion of the SSC Recommendation on Final Great Red Snapper
10 Count Report and LDWF Red Snapper Abundance Studies. Dr. Nance
11 reviewed the SSC's discussions on a project commissioned by the
12 Louisiana Department of Wildlife and Fisheries to estimate
13 absolute abundance of red snapper off Louisiana the LGL study.
14

15 The study area was divided into three regions of West, Central,
16 and East, and each zone was divided into four depth zones from
17 ten to twenty-five meters, twenty-five to forty-five meters,
18 forty-five to 100 meters, and 100 to 150 meters.
19

20 Sampling of 106 sites (thirty-seven sites on the West, thirty-
21 three on the Central, and thirty-six on the East Region)
22 occurred during the summer and fall months of 2020.
23 Hydroacoustics were used to identify red snapper and estimate
24 abundance, with submersible rotating video sampling deployed at
25 discrete sites near structure and paired with the hydroacoustic
26 sampling.
27

28 A generalized additive model was used to quantify total fish
29 density, while a generalized additive mixed model was
30 constructed to quantify the proportional density of red snapper.
31 The LGL study estimates an absolute abundance of 6,027,890 red
32 snapper in Louisiana offshore waters with a 95 percent
33 confidence interval of 4,665,675 to 7,787,825 red snapper, with
34 a coefficient of variance for this estimate of 13.1 percent.
35

36 Most of the biomass of red snapper is thought to occur over the
37 uncharacterized bottom. Red snapper abundance and biomass
38 estimates from the LGL study were markedly less than that
39 estimated by the Great Red Snapper Count for Louisiana.
40

41 Several SSC members commented that the difference could be
42 heavily influenced by the catch rates observed between the two
43 studies. The SSC discussed the limitations of interpreting the
44 LGL study results without more information on the sampling
45 design and requested a written document from LDWF detailing that
46 sampling design.
47

48 The next steps for the SSC would be to evaluate LGL study

1 sampling design, determine if the LGL study should supplement
2 the GRSC for Louisiana, and compare these independent study
3 abundance estimates with the NMFS bottom longline survey.

4
5 Dr. Greg Stunz reviewed the final results of the Great Red
6 Snapper Count and the response to reviewer comments received
7 during the independent peer review of the study in March and
8 April of 2021.

9
10 A stratified random sampling design was used in place of the
11 original random forest approach, and additional variability was
12 captured, including adding a variance buffer. Estimators and
13 calibrations were refined, and the contribution of the UCB was
14 re-evaluated. An alternate estimator of variance to capture
15 additional uncertainty, and another to reduce bias, were
16 developed. The final results of the Great Red Snapper Count
17 estimated that 118 million Gulf red snapper age-two-plus were
18 present in the U.S. Gulf, with a CV of 15 percent.

19
20 The SSC discussed how to get from an estimate of absolute
21 abundance to a point where a catch level could be recommended.
22 SSC members thought that having the Great Red Snapper Count move
23 through the SEDAR process, for thorough consideration, was most
24 appropriate, and they clearly stated that the Great Red Snapper
25 Count and LGL studies should be treated completely separately
26 and not be directly compared.

27
28 Ultimately the SSC recommended that the design and data from the
29 Great Red Snapper Count are suitable for consideration in the
30 SEDAR 74 process, with further evaluation of the estimates of
31 absolute abundance and the methods and analysis used for
32 estimation of the red snapper population.

33
34 A committee member asked what the path forward was for the LGL
35 study and the Great Red Snapper Count. Council staff and Dr.
36 Nance concurred that the SSC needed to review the sampling
37 design for the LGL study before it could be considered further.
38 Dr. Nance stated that the SSC thought it was best for the Great
39 Red Snapper Count to move through the SEDAR process. Dr.
40 Simmons.

41
42 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Madam Chair. In light
43 of some of the SSC recommendations, I wanted to just get some
44 clarification on a motion the council made from their April 2021
45 meeting, and I think Bernie is going to bring that up for us, to
46 make sure that we're all here on the same page.

47
48 It says request the SSC consider new information in the revised

1 report, the Great Red Snapper Count report, to provide catch
2 advice for red snapper for 2021 and beyond. As part of the
3 discussion, the SSC should consider the existing ABC Control
4 Rule as well as the National Standard Guidelines.

5
6 We have now received the final Great Red Snapper Count report,
7 and we deliberated, and the SSC has reviewed those peer review
8 comments, and you discussed it at length, and our understanding
9 is that, based on this motion on the books, we would go ahead
10 and proceed and ask the Science Center to update the interim
11 analysis, based on the results of this final report, and we
12 would bring the other items that the council had requested for
13 consideration at an upcoming SSC meeting, but I would like some
14 discussion on that, to make sure that I'm interpreting it
15 correctly.

16
17 **VICE CHAIRMAN GUYAS:** All right. Who would like to weigh-in?
18 Dr. Stunz.

19
20 **DR. STUNZ:** I will weigh-in. I mean, obviously, we were in
21 support of this motion, and the study is ready to be evaluated,
22 and it's been through the processes, and I'm certain there will
23 be other analyses, and, in fact, even subsequent analyses were
24 asked to be rerun even after this, and I am sure there will be
25 more, and that's fine. I mean, I am sure that there will be
26 different ways to be looking at this for many times to come.

27
28 I do want to point out that we had a challenge, as the team, of
29 how you do that, because we turn in our final report, and that's
30 the number, and that's what you see here, and, if someone asks
31 us, you know, would you rerun this under this particular
32 scenario, for example, and so what we've done is, on our
33 website, at snappercount.org, where we archive all this
34 information, is we have the final report that reflects those
35 numbers there, and then any changes, subsequent to that, would
36 be delineated with a small summary report of what those changes
37 look like.

38
39 At this point, I don't know how that will be integrated into
40 that SEDAR process, and, I mean, that, obviously, didn't have a
41 lot of discussions and teams evaluating how that builds into
42 that, and maybe Clay is the best person to ask how that gets
43 done, but, anyway, the point is that it's available, and it's
44 ready.

45
46 Now, what this motion does though was something different in the
47 interim, I guess is my understanding, right, and so, I mean, I
48 think that's a way to proceed, because I don't know what the

1 timeline is for the SEDAR process to take place, but it's going
2 to be quite a while before we hear back from that process, but
3 we're going to need to do something in the meantime, and I think
4 that's what this motion does.

5
6 **VICE CHAIRMAN GUYAS:** Other thoughts? Mr. Anson.

7
8 **MR. ANSON:** I am trying to think here when we got what, and so
9 did we not, at the June -- Was it the June meeting that we got
10 the bump, this 300,000 pounds, and that didn't necessarily take
11 into account the Great Red Snapper Count data, and I think it
12 was because the report still was yet incomplete at that time,
13 but there was an attempt to try to look at the longline data, or
14 something, and that's why we got to 300,000, and so it wasn't
15 completed, this motion, and there was not any work done relative
16 to this motion and it depended upon, or hinged upon, the
17 completion of the report, which now appears to be somewhat
18 complete. I mean, the motion is on the board, and it's still on
19 the books, I guess, at that point, and so I guess I don't want
20 to comment any more at this point about it.

21
22 **VICE CHAIRMAN GUYAS:** Dr. Stunz.

23
24 **DR. STUNZ:** So what happened, Kevin, and maybe to distill it
25 down, is so we produced the early report that the SSC evaluated,
26 and that got that rigorous live review, and so we presented it,
27 and they asked us to make these modifications and do this and
28 that, and so they were requesting a modification, which we did,
29 and that's what we presented at the last meeting of the SSC that
30 was asked to move forward.

31
32 Even subsequent to then, literally a day or two before, the
33 Science Center has asked us if we could rerun it based on
34 certain things, which we did, and all that is archived very
35 clearly on our webpage, but, yes, it's -- The reason that it
36 wasn't used to try to capture additional variance and to run
37 some additional analyses of some of the external reviewers
38 recommended, and that's been done and incorporated, and so, from
39 the study team's standpoint, it is ready for that, and so there
40 is no reason that we couldn't proceed with this motion at this
41 point.

42
43 **VICE CHAIRMAN GUYAS:** Mr. Anson.

44
45 **MR. ANSON:** I don't want this to be taken the wrong way, because
46 it's a serious question, but, I mean, I guess that review, the
47 re-review that the SSC had, does constitute peer review in the
48 context that Dr. Porch was talking about earlier, as far as

1 having the best quality data, and so I just wanted to get that
2 front and clear, that that is in fact the case, in the eyes of
3 the Science Center, that that meets a peer review analysis.

4
5 **VICE CHAIRMAN GUYAS:** Dr. Porch.

6
7 **DR. PORCH:** Yes, I think it does. The problem is the SSC, in
8 their motion, concludes that it wasn't ready for generating
9 allowable biological catch advice and said that it was
10 appropriate to be considered as part of the research track, and
11 I did confirm with Dr. Nance that that was the intent of the
12 SSC, that it wouldn't be revisited to generate a new ABC, but
13 that it should go to the research track, where some key issues
14 could be explored.

15
16 For instance, in the Great Red Snapper Count, it estimates that
17 most of the red snapper in Florida are inside of thirty meters
18 in the Big Bend area, which the scientists from the state of
19 Florida on the SSC had great concerns about, and so I think they
20 wanted to get a little more review and get people to look at all
21 the nuts and bolts and the individual data points, and so, you
22 know, it was pretty clear that the intent was that it would get
23 some additional level of review to answer those questions.

24
25 **VICE CHAIRMAN GUYAS:** To that point, Mr. Rindone?

26
27 **MR. RINDONE:** Thank you, Madam Chair. Just to be specific, the
28 SSC's motion was that the SSC recommends the design and data
29 from the Great Red Snapper Count are suitable for consideration
30 in the SEDAR 74 process. The SSC also recommends further
31 evaluation of the estimates of absolute abundance and the
32 methods and analysis used for estimation of the red snapper
33 population.

34
35 **VICE CHAIRMAN GUYAS:** Dr. Stunz.

36
37 **DR. STUNZ:** Well, obviously, I didn't see that motion that Ryan
38 has there on the board, and that was not -- What Ryan mentioned
39 and what Clay is mentioning was not necessarily my understanding
40 of that, and there was a prior motion originally, when this was
41 originally reviewed, and I don't remember exactly the nature of
42 that motion, but all were indicated that it was suitable for
43 management advice, and so that's the assumption that I was
44 working under.

45
46 Now, as far as peer review, I mean, if that wasn't a rigorous
47 peer review process, I don't know what was. That was by far the
48 most rigorous peer review I have ever seen in my life. Now, is

1 it the peer-reviewed scientific literature yet? No, but, I
2 mean, we're working through that process now, but that's a year-
3 long process that is well beyond the timeline of what we need
4 here.

5
6 **VICE CHAIRMAN GUYAS:** Thanks, Dr. Stunz. Ms. Bosarge.

7
8 **MS. BOSARGE:** I think it's already been clarified by a couple of
9 people, but I listened into that SSC meeting, and that was my
10 understanding of their conversation, was that, yes, we're
11 essentially done peer reviewing, and we've done the review of
12 this, and you all have addressed -- There were a lot of
13 statistical, really, type questions that you had to address in
14 the peer review, but, anyway, and that, to use this in
15 management, it should go through the -- The best avenue to use
16 this in management would be to put it through that SEDAR
17 process, in order to get catch advice, if that's the kind of
18 management that you're looking for. That was what I got out of
19 that meeting.

20
21 I did have one -- You had left the meeting, and I had a
22 question, and so you can address it later, and I asked it, but I
23 didn't get an answer, because you weren't there, but did you all
24 go back and change the miles of pipeline based on -- Because
25 pipelines have to be buried, you know, in water depths less than
26 200 feet, and so we needed to make an adjustment to the miles of
27 pipe that you used in your estimates, and then did you go back
28 and address and kind of give more clarity on the number of
29 platforms that you had come up with, that would have been in
30 water depths great enough to hold snapper?

31
32 **DR. STUNZ:** Yes, and, Leann, I am happy to talk to you offline,
33 and, yes, we clearly addressed both of those issues, to where
34 they're as accurate as we can possibly be at this point, but,
35 Martha, I had another question, and now I am forgetting the --
36 Come back to me in just a second, and I'm trying to remember
37 what it was now.

38
39 **VICE CHAIRMAN GUYAS:** Dr. Simmons, did you have something?

40
41 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Madam Chair. Bernie has
42 up on the screen the SSC motion that Ryan read, and that's in
43 Tab B, Number 6(c).

44
45 **VICE CHAIRMAN GUYAS:** Okay. Greg, go ahead.

46
47 **DR. STUNZ:** I remember now, and so part of what Leann made the
48 point very well is, you know, the study is, obviously, very

1 complex. There's a lot of things here that can't be handled
2 just in an SSC few-day meeting kind of thing, and so that was
3 the reason of going to SEDAR 74, where it can be explored by
4 teams and ask a lot of questions, and there is a lot of
5 information there outside of just what we're considering under
6 this motion.

7
8 My position on this is that it's clearly -- I mean, we,
9 obviously, found a lot of fish, and whether you think it's
10 double the amount of fish or triple the amount of fish or
11 whatever, there is still plenty amount of fish there, from an
12 interim standpoint, to do an interim analysis, to solve some of
13 the issues that we have here, so that we're not waiting one-and-
14 a-half or two years or however long that's going to take until
15 we get the full assessment back from SEDAR 74.

16
17 That, in my mind, is what the intent of the motion is, and, when
18 you read that motion, or the other motion that is up here, my
19 opinion is those motions cover that, from an interim analysis
20 standpoint.

21
22 **VICE CHAIRMAN GUYAS:** Anything else? Dr. Stunz, go ahead.

23
24 **DR. STUNZ:** But that motion didn't exclude an interim analysis,
25 and, yes, we want to get it into the SEDAR 74 process, but that
26 doesn't exclude its appropriateness or usefulness for an interim
27 assessment.

28
29 **VICE CHAIRMAN GUYAS:** Dr. Simmons.

30
31 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Madam Chair, and I know
32 we're trying to move on here, but, that second part of the
33 sentence, that's the way that I interpreted it as well, when I
34 think Mr. Strelcheck and I had talked about this, and,
35 unfortunately, we didn't have a chance to talk about this at one
36 of our luncheon meetings with some council members, but I just
37 was seeking some clarification.

38
39 **VICE CHAIRMAN GUYAS:** Mr. Strelcheck.

40
41 **MR. STRELCHECK:** To that point, the second-half of this motion
42 from the September SSC meeting to me was speaking to the
43 specific deliberations they were having about differences in the
44 Louisiana estimates as well as the Florida estimates, and the
45 additional work and review would be needed to understand that,
46 and, in reading through the SSC report, I will say they maybe
47 didn't rule out that an interim analysis wasn't off the table,
48 but they do clearly say that moving this into the SEDAR process

1 is most appropriate.

2
3 **DR. STUNZ:** I don't disagree at all, because, I mean, obviously,
4 we worked out the Louisiana piece, and there were some questions
5 about how the strata were done in Florida, and, I mean, we did
6 the strata according to how we were asked in the RFP, but there
7 were some that thought that could be done better, and that's
8 kind of beyond, and that's almost details that could not
9 necessarily be as relevant here, and it's going to change the
10 estimates some, but the overall message is going to be retained,
11 and so that's why I think it's still appropriate, in terms of an
12 interim analysis.

13
14 **VICE CHAIRMAN GUYAS:** Okay. I think staff has what they need on
15 this, and so let me figure out where we are. Now we are on
16 vermilion. Draft Framework Action: Modification of Vermilion
17 Snapper Catch Limits, council staff noted that the vermilion
18 snapper framework action is a follow-up to the latest vermilion
19 snapper stock assessment, which is SEDAR 67.

20
21 Following its review of SEDAR 67, the SSC determined that the
22 stock was not overfished or experiencing overfishing and could
23 support higher catch levels.

24
25 Staff reviewed the purpose and need for this framework action
26 and discussed the two management alternatives considered. Staff
27 noted that the no action alternative, Alternative 1, is not a
28 viable alternative, because the catch limits, which are
29 expressed in MRIP-CHTS units, do not represent the best
30 scientific information available.

31
32 Alternative 2 would modify the OFL, ABC, and ACL for vermilion
33 snapper based on the recommendation of the SSC. Committee
34 members suggested that the need statement be modified to be
35 consistent with the need statement included in the current red
36 grouper framework action.

37
38 **The committee recommends, and I so move, in Action 1, to make**
39 **Alternative 2 the preferred alternative. Alternative 2 is**
40 **modify the OFL, ABC, and ACL for vermilion snapper based on the**
41 **recommendation of the Scientific and Statistical Committee for a**
42 **constant catch yield for 2021 to 2025, and then maintain the ACL**
43 **at the 2025 level for subsequent fishing years or until changed**
44 **by management. The stock ABC equals OY, and the ACL equals the**
45 **ABC. The OFL is 8.6 million pounds, and the ABC is 7.27 million**
46 **pounds, and the ACL is 7.27 million pounds. We have a committee**
47 **motion on the board. Is there any discussion? Ms. Boggs.**
48

1 **MS. BOGGS:** I will support the motion, but it just seems to me
2 that that's an awful big jump, and we're really stepping out
3 there and giving an opportunity. We've got so many fisheries,
4 or stocks, excuse me, that are in trouble, and you're talking
5 about a possible closure on gag, and nobody is catching
6 amberjack, and nobody is catching -- I mean, all that's going to
7 be left is vermilion snapper, and I think we're going to be in
8 real trouble with this. Thank you.

9
10 **VICE CHAIRMAN GUYAS:** Ms. Levy.

11
12 **MS. LEVY:** Thank you. Not directly related to the motion, but
13 in a way, and given Susan's comments and the comments heard at
14 the public hearing, and so, right now, this action, this
15 document, has two alternatives, status quo and this enormous
16 increase.

17
18 This seems to be one of those circumstances where you might
19 consider some intermediate increase, right? You have an ABC
20 recommendation, but you don't have to set the ACL at the ABC
21 recommendation, and there may be reasons to make it lower. I
22 understand that, from talking with Kate, who is the attorney who
23 is the lead on this, that staff may not be able to tease out
24 exactly what the change is due to the MRIP-FES conversion, but
25 you might consider some higher catch levels and status quo to
26 account for that conversion to MRIP-FES, but not as high as
27 indicated in Alternative 2. I am just going to throw that out
28 for consideration, because it definitely seems like there's a
29 third alternative that could be had, or that would be usable.

30
31 **VICE CHAIRMAN GUYAS:** Mr. Rindone. Thank you, Madam Chair. I
32 guess, first, to Mara's point, I think one of the things that
33 might make that interesting for staff, in calculating this, is
34 trying to figure out where that lower threshold should be,
35 especially where we're not in the position to more easily
36 distinguish what's the actual conversion to FES from the
37 historical landings and being able to tease out those values,
38 but a couple of other points from the assessment effort.

39
40 The last couple of times that we've done the stock assessment,
41 jokingly, the analytical team and the SSC members have talked
42 about how amazing it is that vermilion snapper, quote, seem to
43 be like weeds, but, specifically, and quantitatively, 2015 and
44 2016 were the best years of recruitment for vermilion snapper
45 ever, for the entirety of the reported time series, and so, in
46 this case of this particular species, and I guess to provide a
47 bit of, for lack of a better word, tip-of-my-tongue, comfort to
48 the council, this stock appears to be in exceptionally good

1 condition, and so do with that information what you will, but
2 just so that you guys have some information from the assessment.

3
4 **VICE CHAIRMAN GUYAS:** Ms. Bosarge.

5
6 **MS. BOSARGE:** I was actually going to offer that suggestion that
7 Mara put forward, and so I'm looking, in the document, at Table
8 1.1.2, and it shows us the MRIP-FES landings, and so, anyway, I
9 did this on the fly, and so, even under FES, it's like 1.5
10 million, and that's private, headboat, and charter combined, and
11 those numbers were converted to FES, and so, even if you added
12 commercial landings to that, I mean, we're nowhere near that --
13 What did we just say, eight or nine million pounds, or eight-
14 and-a-half million, for a quota, and I think we heard a lot of
15 public testimony on that too, that it's okay, and the stock is
16 all right, but it's not like nine million pounds type of all
17 right, to go harvest that kind of level, and so, yes, I would
18 like staff to bring us back something that looks at, you know,
19 landings, FES-style landings, for the last however many years,
20 and let's get some averages.

21
22 Leave a buffer in there, so we can go up some, and you can see
23 some increase in effort, and it's healthy, but not to that
24 point. I think, if you ever harvested at that level, you would
25 have to pay the piper.

26
27 **VICE CHAIRMAN GUYAS:** Okay, and so do we need a motion to add
28 another alternative here, or are you guys going to --

29
30 **MR. RINDONE:** I think that would be helpful, since we're talking
31 about bringing this to final action at the next meeting, and so
32 knowing specifically what you guys want to see I think would be
33 helpful to streamline the amount of analysis that needs to be
34 done.

35
36 **VICE CHAIRMAN GUYAS:** Ms. Levy.

37
38 **MS. LEVY:** You have a motion on the board, I guess, that you
39 need to take care of, and then you can move to any additional
40 motion.

41
42 **VICE CHAIRMAN GUYAS:** Fair enough. Okay. Let's take care of
43 this, and then, if we want to add something, it would be another
44 motion. Okay. All right. Back to our motion. **Is there any**
45 **opposition to this motion to make Alternative 2 the preferred?**
46 **One opposed, two opposed. Anyone on the webinar?** Okay. **The**
47 **motion carries with two opposed.** Dr. Froeschke.

1 **DR. FROESCHKE:** Just trying to think out loud here, and one idea
2 is we could try to take what the conversion factor between the
3 CHTS and what the FES is and try to generate what an
4 approximately equivalent ACL to what we currently have, but just
5 in FES units, and bring that back as an alternative.

6
7 **VICE CHAIRMAN GUYAS:** Mr. Rindone.

8
9 **MR. RINDONE:** The other thing you could do is you could use the
10 ACL/ACT Control Rule to create some separation between the ABC
11 and the ACL, and I can tell you what the results of that would
12 be in about a few seconds.

13
14 **VICE CHAIRMAN GUYAS:** Ms. Bosarge.

15
16 **MS. BOSARGE:** Just spit-balling, John, and could you go back and
17 also just look at how far we are above the MSST, and get like a
18 percentage, and maybe we can use some percentages there, and how
19 hard would we have to harvest it to get down to MSST, a
20 percentage, biomass-wise, right, and kind of use that to look at
21 maybe how much we want to increase this or not increase this,
22 and we don't want to get anywhere near that.

23
24 **DR. FROESCHKE:** Just as a follow-up, we wouldn't want to get to
25 MSST. We would want to get to the biomass at MSY, which I think
26 the MSST is half of that, and so we should be well above MSY,
27 and perhaps moving down to that, but all of these -- Anything
28 less than what we're talking about here should keep us well
29 above MSY.

30
31 **MS. BOSARGE:** Thanks.

32
33 **VICE CHAIRMAN GUYAS:** Okay. So we wanted to make a motion at
34 this time on this? Anybody? Ms. Bosarge.

35
36 **MS. BOSARGE:** I make a motion to add an alternative, or
37 alternatives, to Action 1 which provides catch levels lower than
38 those recommended by the SSC. That will leave staff plenty of
39 leeway to give us something to work with, and, if you don't like
40 "catch levels", we can say -- Well, we just need ACL. Let's say
41 "catch levels". That way, they can give us ACLs and ACTs.

42
43 **VICE CHAIRMAN GUYAS:** Okay. Is there a second for this motion?
44 It's seconded by Mr. Gill. Any other discussion? Does
45 everybody know where we're at? It's getting late in the day.
46 Mr. Gill.

47
48 **MR. GILL:** Thank you, Madam Chair, and so another possible way

1 to beat this rabbit is to pick the -- We're fishing it down now,
2 and so pick whatever that level was at in 2025, with constant
3 catch, and they just averaged it out, and that might be an
4 option to consider.

5
6 **VICE CHAIRMAN GUYAS:** Okay. Are we ready to vote? I am
7 thinking yes. All right. **Any opposition to this motion?**
8 **Seeing none, the motion carries.**
9

10 We're getting there. I know. Believe me, I know. All right.
11 Yellowtail. Council staff reviewed a presentation describing
12 possible actions to be included in a joint amendment between the
13 Gulf and South Atlantic Councils addressing southeastern U.S.
14 yellowtail snapper.

15
16 This stock is jointly managed by the councils, with a
17 jurisdictional allocation of 75 percent to the South Atlantic
18 Council and 25 percent to the Gulf Council, based on historical
19 fishing years during which the fishery operated without ACLs.

20
21 This jurisdictional allocation used recreational catch and
22 effort data from the Marine Recreational Fisheries Statistics
23 Survey, which predated MRIP. The most recent stock assessment
24 of yellowtail snapper, SEDAR 64, determined that the stock was
25 not overfished or undergoing overfishing as of 2017. Current
26 actions directly affecting the Gulf Council include revising the
27 jurisdictional allocation based on applying MRIP-FES data to the
28 current or revised time series and setting the Gulf ACL with or
29 without using the Gulf Council's ACL/ACT Control Rule.

30
31 Committee members inquired how the joint amendment process would
32 work for this species. Staff replied that the councils would
33 need to agree on certain actions affecting both councils, such
34 as the jurisdictional allocations. Staff will use explicit
35 labeling in the amendment to demarcate which actions are joint
36 and which apply to a specific council.

37
38 However, agreement on a joint preferred alternative for the
39 jurisdictional allocation is imperative, as it affects almost
40 all other actions in the document, regardless of council. A
41 committee member mentioned looking into a joint council working
42 group, or some other avenue, for seeking consensus on joint
43 actions. Staff will work with council leadership to explore
44 options for this idea.

45
46 A committee member expressed a desire to see a constant catch
47 scenario proposed for the stock ABC and council-specific ACLs.
48 Staff replied that developing a constant catch scenario was

1 possible and would need to be reviewed and recommended by the
2 councils' SSCs. Staff noted that the projections would need to
3 be redone and also noted the dated terminal year of the
4 assessment as 2017.

5
6 A committee member asked about the use of SRFS data for
7 evaluating yellowtail snapper. Another committee member replied
8 that yellowtail snapper was just added to SRFS in 2020, along
9 with the Atlantic coast of Florida and the Florida Keys.
10 Therefore, there may not be much data to evaluate at this point,
11 but what has been collected thus far can certainly be provided.

12
13 The committee discussed the high variability and uncertainty
14 about the MRIP-FES estimates of recreational catch and effort
15 observed in the last several years for the Gulf and requested
16 that any information to help describe that catch and effort be
17 provided. In addition to any SRFS data, the committee asked
18 that data on the number and results of APAIS intercepts specific
19 to the Gulf also be furnished and examined.

20
21 A committee member questioned the use of the historical period
22 of 2000 to 2008 for evaluating the jurisdictional allocation.
23 They noted the range expansion of yellowtail snapper up the west
24 coast of Florida to regions like Tampa Bay and the increasing
25 trend in the recreational landings as the stock expands to areas
26 of greater recreational fishing effort.

27
28 This range expansion, which may be attributable to climate
29 change and/or other environmental factors, should be considered
30 in the time series options evaluated for determining the
31 jurisdictional allocation. Another committee member expressed a
32 desire to see the comparisons of the landings to the ACLs for
33 the South Atlantic recreational and commercial sectors, which
34 they thought may be informative for the jurisdictional
35 allocation discussion.

36
37 A committee member recounted the recommendation from the Gulf
38 Council's Reef Fish AP, which was to recommend maintaining
39 status quo fishing conditions/levels for yellowtail snapper in
40 the Gulf of Mexico considerate of any changes due to MRIP-FES or
41 declining yield streams.

42
43 Staff added that a discussion of the proposed actions and
44 alternatives for Snapper Grouper 44/Reef Fish Amendment 55 will
45 be held with the Gulf Council's Reef Fish AP during its in-
46 person meeting in Tampa, Florida, on January 5, 2022.

47
48 A committee member recommended adding an action for Gulf

1 commercial trip limits. They noted that many fishermen in
2 Monroe County, Florida, hold permits in both councils'
3 jurisdictions and likely fish in both regions for yellowtail
4 snapper. Thus, it may be appropriate to establish commensurate
5 regulations with respect to commercial trip limits between the
6 regions.

7
8 An initial examination of options could be based on those
9 developed by the South Atlantic Council, with consideration of
10 other modifications after it becomes clear how those proposed
11 alternatives affect Gulf commercial fishermen. Commensurate
12 regulations here may also reduce compliance and law enforcement
13 burdens. Other Business, Goliath Grouper, this item will be
14 discussed during Full Council, and this concludes my report.
15 Yay.

16
17 We have -- Anything else on Reef Fish? Okay. We have a couple
18 of liaison reports and then a couple of items of Other Business.
19 We're getting close to our scheduled end time, and so we'll burn
20 through these as quick as we can, but thanks for hanging kind of
21 late. First up, Mr. Griner, are you still on the line for the
22 South Atlantic report?

23
24 **SUPPORTING AGENCIES UPDATES**
25 **SOUTH ATLANTIC COUNCIL LIAISON**
26

27 **MR. GRINER:** Yes, I'm here. I just wanted to thank you guys so
28 much for allowing me to participate this week in your meeting.
29 I certainly miss being there in person, and I hate that I wasn't
30 able to visit and visit with my family and take a trip down to
31 Mary Walkers and Gauche and dip my toe in the water.

32
33 I will say that I am continually impressed with the level of
34 stakeholder input during your public comments. That is
35 something that we're really missing, and I think it's a very
36 important piece of the puzzle for the council to be effective.

37
38 I also wanted to thank you all for your efforts on these joint
39 amendments. I think we're moving along pretty well with that.
40 As to the issues that I have heard, most of the issues I have
41 heard this week, I really feel like I could have closed my eyes
42 and I would have been at a South Atlantic Council meeting.

43
44 We are struggling with many of these same issues. We're getting
45 lower and lower ACLs out of our stock assessments, and we're
46 dealing with sharks, sharks, and more sharks, and we have had
47 this explosive growth in the rec sector, and we cannot seem to
48 get a handle on the true rec effort, and recreational discards

1 are driving the boat for us, every time we turn around, and we
2 have, unfortunately, a lack of confidence in data, with these
3 high PSEs, and we're also struggling with -- Maybe "struggling"
4 isn't the right word, but we're dealing with some very difficult
5 allocation decisions, and so I think both councils are sharing
6 some of the same things right now.

7
8 In closing, I do want to say that one thing we did do recently
9 that you may find of interest, or maybe not find of interest,
10 but we did open up some traditional fishing grounds that had
11 been taken away from the rock shrimp industry, and we were able
12 to open up a sliver of that to them, and I think one of the
13 things that really helped some people get comfortable with some
14 of that was the fact that these shrimpers --

15
16 First of all, it's just a small group. It's only a handful of
17 them, and the fact that they use VMS to make sure, and the ping
18 rates are actually increased, and so I think that was one of the
19 things that really kind of made some of us a little bit more
20 comfortable with them getting back in those traditional areas.
21 That's really about it, and, again, I am sorry that I couldn't
22 be there, and I hope to see you guys soon. Thank you, again.

23
24 **VICE CHAIRMAN GUYAS:** Thanks, Tim. Leann.

25
26 **MS. BOSARGE:** Tim, tell them I said thank you for those rock
27 shrimp grounds. We appreciate it.

28
29 **MR. GRINER:** Absolutely. Glad to do it.

30
31 **VICE CHAIRMAN GUYAS:** All right. Moving right along, we will
32 jump to our presentation about Alabama law enforcement efforts.
33 Major Downey, thanks for being here, and sorry for making you
34 wait so long.

35 36 **ALABAMA LAW ENFORCEMENT EFFORTS**

37
38 **MAJOR JASON DOWNEY:** While they're pulling that up, I'm Jason
39 Downey, and I'm the Chief Enforcement Officer with Alabama
40 Marine Resources, and I'm just going to give you a brief summary
41 of our joint enforcement agreement efforts between NOAA and
42 Marine Resources. It shouldn't take but about thirty minutes.
43 I'm only kidding.

44
45 A little bit about Alabama Marine Resources, our Enforcement
46 Section, and we cover the two coastal counties of Alabama,
47 Mobile and Baldwin, and we do all the saltwater enforcement. We
48 consist of nineteen enforcement positions. We have a lieutenant

1 and seven officers in each county, and we have an administrative
2 section that is comprised of the chief, the captain, and the
3 sergeant. I would like to recognize two of our guys here,
4 Lieutenant Troy Fischer and Sergeant Jeremy Hicks, and they've
5 been with us all day today.

6
7 There's a picture of some of our new recruits. We just hired
8 these four guys last spring, and they weren't able to help with
9 the JEA, because they were in the academy getting trained, and
10 they didn't graduate until this summer. The new recruits are
11 the four guys in the middle and not the guy on the left. He
12 just likes to dress up for photo ops, but the officer next to
13 Scott in the picture is actually semi-famous. He's a
14 singer/songwriter, and he's spent some time in Nashville. If
15 you're ever on iTunes, look up Marcos Spots, Marcus McKay, and
16 he's got a few songs on iTunes, and that's pretty neat.

17
18 The Alabama JEA agreement with NOAA runs from August 25 to
19 August 24. The 2020/2021 breakdown, we received \$426,730, and
20 35 percent of that was spent on direct purchases, 15 percent on
21 indirect costs, 45 percent on patrols, 1.5 percent in training,
22 and 3.5 percent in outreach and admin.

23
24 The breakdown of hours and the priorities, the first part of
25 that was TED, and we spent 1,291 hours on TED enforcement, and
26 that consists of offshore work and nearshore work and dockside
27 work. We had the recreational Gulf reef fish priority, and that
28 was all offshore work. The IFQ priority was all dockside work.
29 The marine mammal priority was nearshore and dockside, and the
30 SEFHIER was all spent dockside, and the CMP and HMS was
31 nearshore and dockside.

32
33 We had 1,853 dockside hours. It was a little higher this past
34 year, because, with COVID, we did not have the amount of
35 outreach time, and they wanted us to swap that to more dockside
36 work, because of the lack of outreach events, plus the COVID
37 situation. We had 881 at-sea vessel patrol hours.

38
39 We had 776 commercial anglers, 5,582 recreational anglers
40 inspected, 1,015 vessels inspected, seventy-six seafood
41 processor dealer inspections, and eighty citations and/or
42 warnings were issued. We had one case referral to NOAA, which
43 involved a federally-permitted for-hire vessel that had red
44 snapper out of season.

45
46 We had a lot of success this past year, even with the staff, and
47 we didn't have a full staff, plus COVID, and I would say that
48 almost every shrimp boat in Alabama got boarded by one of our

1 officers and TEDs were inspected. There may be a handful that
2 didn't, but we really got out there and worked those TEDs.

3
4 The SEFHIER hours were spent going to all the marinas, and my
5 guys personally talked to, I would say, almost all the
6 federally-permitted for-hire vessels, just educating them on
7 what they needed to do, what was expected of them, and so there
8 is no excuse for any Alabama captain not to know about the
9 SEFHIER program.

10
11 The issue of illegal charters, we spent a lot of time in the
12 EEZ, and in state waters, looking for illegal charters, and we
13 spent a lot of time at different charter boat association
14 meetings, educating captains on what they could and couldn't do
15 with state licenses and permits, and we also spent a lot of time
16 on the marine mammal education, as far as boarding the dolphin
17 cruise boats and talking to the captains and crews of those
18 vessels, also.

19
20 I just put this picture up there, and this is what we're dealing
21 with now. Our oyster season has been going on for about a
22 month, and we're averaging about 130 to 150 catches a day, and
23 about 800 sacks of oysters a day are coming off the reef, and
24 so, if you get an opportunity to try an Alabama oyster this
25 week, you won't regret it, and it's a pretty good product, and
26 so that's all I have. Thank you.

27
28 **VICE CHAIRMAN GUYAS:** Thanks, Major Downey. Does anybody have
29 any questions? Mr. Strelcheck.

30
31 **MR. STRELCHECK:** Since I'm staying the night, I figured I would
32 keep us a little longer. I'm just kidding. Thank you for being
33 here, and thank you for presenting late on a council day. We
34 heard some testimony regarding state guideboats, and this was
35 over mostly in Florida, but I am curious if you're seeing a
36 large increase in state guideboats in Alabama and any sort of
37 violations associated with state and federal waters, given that
38 they wouldn't be federally licensed.

39
40 **MAJOR DOWNEY:** I wouldn't say we've had an increase in
41 guideboats. They're about the same, and, as far as violations,
42 we're not seeing any violations with what you're talking about,
43 going into federal waters unlicensed. I wouldn't say we've seen
44 a big increase in there, and it's about the same.

45
46 **VICE CHAIRMAN GUYAS:** Officer O'Malley, is your hand up online?

47
48 **MR. JOHN O'MALLEY:** I'm just getting in the queue for my turn.

1
2 **VICE CHAIRMAN GUYAS:** Okay. Good, because you're next, and so
3 I'm glad we've got you. Okay. We will get your presentation
4 up, and thanks for joining us, and we're ready when you are.
5

6 **NOAA OFFICE OF LAW ENFORCEMENT**
7

8 **MR. O'MALLEY:** This will be brief, since it is a briefing. I
9 will just go through the numbers first. For those of you that
10 don't know me, I am John O'Malley, and I'm the ASAC in League
11 City, Texas, and, up until the middle of next month, I have all
12 the Gulf of Mexico agents, and we'll have a new ASAC coming
13 onboard soon that will take a portion of Florida.
14

15 For this part quarter, April, May, and June, we had 338
16 incidents created in the SED. Of those, 180 were in the Gulf of
17 Mexico, across all laws and programs. 112 of those 180
18 incidents were related to the Magnuson Act, with the majority
19 occurring in Florida, and seventy-one of our incidents came from
20 referrals from joint enforcement agreements and the U.S. Coast
21 Guard partnerships. Florida, which includes both the Gulf and
22 Atlantic, had the most, followed by the U.S. Coast Guard DA.
23

24 We had fifty-one summary settlements that were issued in Quarter
25 3, of which twenty-two were from the Gulf region, including
26 seven for TEDs, BRD requirements, and ten retention during
27 closures, and we had twenty-two cases that were referred to the
28 NOAA Office of General Counsel. Of those, eight occurred in the
29 Gulf of Mexico and four in the Keys.
30

31 In regard to operation and patrols, this quarter, there were 156
32 documented patrols, and one to mention was Operation Mutton
33 Moon, which concentrated on the illegal harvest of mutton
34 snapper within the Florida Keys National Marine Sanctuary area,
35 and it was a multiphase and multiagency operation, and it was
36 successful, and they did not find any illegal take of mutton or
37 vessels in closed areas.
38

39 Moving on to SEFHIER, we have been receiving referrals from the
40 program, and we have also opened up some cases, and we are doing
41 case-by-case enforcement that is occurring, and we're letting
42 the officers on the ground judge it.
43

44 Some of our enforcement highlights are we had a Corpus Christi
45 special agent that had a case go to a civil hearing regarding an
46 unpermitted charter boat conducting for-hire fishing trips
47 targeting reef fish, specifically red snapper, in federal
48 waters. The agent and his ASAC, who happened to be me,

1 testified concerning the actions of the vessel operator, and the
2 vessel was fishing in federal waters without a federal permit
3 during the closed season and with non-allowed gear, and a
4 decision from the administrative law judge is pending on that
5 one.

6
7 On the subject of illegal charter boats, we are putting an
8 increased emphasis on those. We do need help from the fishing
9 public in identifying operators fishing in federal waters
10 without the required permits, which, obviously, includes Gulf
11 reef fish, coastal migratory pelagics, and highly migratory
12 species for-hire permits, and someone can always call the NOAA
13 hotline.

14
15 Down a little farther south, a supervisory enforcement officer,
16 enforcement officer and special agent, conducted a four-day
17 patrol of the Tortugas North and South Ecological Reserves.
18 They made contact with eighteen commercial and recreational
19 vessels, and they were boarded, and compliance assistance was
20 given two times for not having descending devices. No vessels
21 were found fishing in the ecological reserve areas, and they
22 were somewhat limited, due to poor weather conditions throughout
23 the whole trip.

24
25 Over in Texas, both League City EOs hosted a JEA training with
26 Texas Parks and Wildlife and the U.S. Coast Guard, and the
27 training was provided on IFQ, catch shares, VMS, HMS, Gulf of
28 Mexico permits, and various databases.

29
30 Then, moving to the middle of the Gulf, an Alabama enforcement
31 officer participated in a SEFHIER detail, along with sixteen
32 Alabama Marine Resource Division JEA partners in Orange Beach,
33 Alabama. The EO provided hands-on training for the new
34 requirements, and the officers boarded numerous charter vessels,
35 five of which were non-compliant with SEFHIER regulations, and
36 compliance assistance was provided, and there was also one state
37 violation that was found.

38
39 Moving on to our OLE staffing plan, we are in the process of
40 hiring a special agent for Slidell, Louisiana. In enforcement
41 officers, we will have an enforcement officer starting shortly
42 in Key West and Fort Myers. In Niceville, Florida, the new
43 enforcement officer is Matt Driggers, and he comes from CBP Air
44 and Marine, and, in League City, the new supervisory enforcement
45 officers started on Monday, October 25, and his name is Terrell
46 Bradford, and he comes from EPA.

47
48 We still have openings for EOs, one in Galveston, one in St.

1 Petersburg, two in Harlingen, and one in Houma, Louisiana. We
2 just recently had a vacancy announcement that just closed, and
3 so we should be working through the process of hiring all those
4 positions. That's it. For any more information, you can find
5 it in our third-quarter report. Sorry that I took so long.

6
7 **VICE CHAIRMAN GUYAS:** Any questions? Okay. Let's keep rolling
8 then. Mr. Donaldson, you're up with Gulf States.

9
10 **GULF STATES MARINE FISHERIES COMMISSION**

11
12 **MR. DONALDSON:** Thank you, Madam Chair. I've got two items to
13 report on. The first was going to be an update on the state and
14 federal red snapper survey calibration issues, but I think we've
15 covered that enough that I will just go to my next item, which
16 is the Return 'Em Right project.

17
18 We have a best practices release workshop scheduled for December
19 1 and 2 at USF at St. Pete. The purpose of the workshop is to
20 develop a set of standard best practices for increasing the
21 survivability of fish that are released. The results will be
22 compiled into a manual, and attendees will include the
23 facilitators, anglers, scientists, and managers, as well as
24 audience members, and then the last thing I have is we are doing
25 -- At the last meeting, I reported on some research, and I just
26 want to show some videos from using a descending device to
27 descend the fish. It's kind of sped up and not very long, but
28 he's released and joins all his other friends down there on the
29 reef, and so, with that, that concludes my report, and I will
30 take any questions.

31
32 **VICE CHAIRMAN GUYAS:** Any questions for Dave? All right.
33 Thanks, Mr. Donaldson. Let's go next to our U.S. Coast Guard
34 report. Do we have the Lieutenant Commander on the line or
35 someone from the Coast Guard to present this?

36
37 **U.S. COAST GUARD**

38
39 **LTJG ADAM PETERSON:** Good afternoon. I am Lieutenant Junior
40 Grade Adam Peterson, and Lieutenant Commander Lisa Motoi could
41 not make it this week, and so I am filling in for her, but I am
42 in Station New Orleans, Louisiana, as a member of the District
43 Response Enforcement. I serve as the Assistant Living Marine
44 Resources Officer and am responsible for compiling case packages
45 for federal fishery violations for prosecution by NOAA OLE.

46
47 First, I would like to thank all of you for your service on the
48 fishery management council, and I would also like to thank you

1 all for the opportunity to speak on behalf of the Coast Guard's
2 8th District. I will try and keep this short, so that all of you
3 can finish on time, but the presentation serves to give a brief
4 overview of the Coast Guard as a whole and then our Fiscal Year
5 2021 performance, as it pertains to protecting living marine
6 resources, and fishermen as well.

7
8 On the next slide is the agenda, and first is an illustration of
9 the 8th Coast Guard District's area of responsibility, and then
10 we'll go into the Fiscal Year 2021 LMR performance and the
11 various enforcement and safety violations we are issuing in the
12 Gulf, and, lastly, I will touch on our efforts to protect our
13 Exclusive Economic Zone from Mexican fishermen.

14
15 The next slide is an illustration of District 8's AOR. It's the
16 largest district in the Coast Guard, with twenty-six states, the
17 Mississippi River and all its tributaries, and a major of the
18 Gulf of Mexico. We have three inland sectors, but more relevant
19 to the Gulf Council are the four coastal sectors of Sector
20 Corpus Christi, Houston/Galveston, New Orleans, and Sector
21 Mobile.

22
23 The next slide is a summary of our Fiscal Year 2021 LMR
24 performance. Those four coastal sectors previously described
25 conducted a total of 955 LMR boardings, and each of those red
26 dots on this slide, and the following slides as well, illustrate
27 the location where each of those boardings occurred.

28
29 Those boardings are also broken down by the specific fishery
30 management plan seen on the right, and, for LMR, we met most of
31 the targets that we had set at the beginning of the fiscal year,
32 but, more importantly, our units are conducting better quality
33 boardings. Namely, they are boarding more vessels which are
34 actively fishing, which allows the units to check the status of
35 the gear being used by fishermen and also allows them to observe
36 the haul-back of the nets while they are conducting the
37 boarding.

38
39 The next couple of slides break down those 955 total LMR
40 boardings. For example, 495 of those boardings were conducted
41 on commercial fishing vessels, and, again, that is broken down
42 by the specific fishery management plan by the boarding. Then
43 the next slide notes that thirty-nine of those LMR boardings
44 were on charter headboats, or passenger vessels, and the last
45 slide notes that 421 of those boardings were on recreational
46 vessels, again broken down by the fishery management plan.

47
48 The next slide notes that, of those 955 total LMR boardings,

1 sixty-two of those resulted in an LMR violation being issued by
2 the Coast Guard, and, for clarity, a total of sixty-two vessels
3 were issued LMR violations, and that does not mean that a total
4 of sixty-two violations were issued.

5
6 A majority of those sixty-two vessels had more than one LMR
7 violation onboard the vessel. One example is that, if a vessel
8 has one of their bycatch reduction devices sewn shut on one side
9 of their nets, they most likely had the other bycatch reduction
10 devices sewn shut as well, and those are two separate LMR
11 violations on the same vessel. Of those sixty-two vessels, the
12 most common violations related to missing turtle mitigation gear
13 and improper bycatch reduction devices and turtle excluder
14 devices.

15
16 The next slide is in regard to safety violations. When our
17 crews board vessels in the Gulf of Mexico, they are, obviously,
18 making sure that they're following all the federal fisheries
19 laws, but they're also making sure that all the crews have the
20 appropriate safety equipment onboard. 274 total safety
21 violations were issued in Fiscal Year 2021, and the most common
22 safety violations relate to lifesaving equipment, such as
23 personal floatation devices and life rafts.

24
25 The next two slides are in regard to the Coast Guard's effort to
26 protect our Exclusive Economic Zone against Mexican fishermen,
27 referred to as lanchas by the Coast Guard, and these lanchas
28 routinely cross the maritime boundary line and fish within our
29 EEZ. In Fiscal Year 2021, Coast Guard assets interdicted a
30 total of seventy-eight lanchas, and, again, each of those dots
31 on the map note where that interdiction happened.

32
33 The next slide notes the total number of lanchas interdicted by
34 Coast Guard assets from 2018 to 2021. 2020 was an anomaly,
35 because of COVID and certain operational postures because of
36 COVID. With that being said, this mission for the Coast Guard
37 along our southwest border has extraordinary visibility, not
38 only in the Coast Guard, but across the spectrum of the federal
39 government.

40
41 In part due to reporting the data that you see on the screen,
42 Mexico was found to be an IUU fishing nation earlier this year,
43 and this will trigger a few different restrictions on Mexico
44 that are in the process of being developed and operationalized.
45 With that, that concludes my presentation. Again, thank you all
46 for your time, and, if you have any questions, I will be happy
47 to answer those.

1 **VICE CHAIRMAN GUYAS:** Thanks. We do have one question from Dr.
2 Stunz.

3
4 **DR. STUNZ:** I will make it pretty quick. I've got a question
5 about your last two slides and the interdictions. Could you
6 please define that, in terms of that's just what you actually
7 intercepted, I guess, or there is more activity going on than
8 you can actually interdict, right, and I am trying to get a feel
9 for the difference between what's on that graph versus what is
10 actually happening.

11
12 **LTJG PETERSON:** Correct, and so the Coast Guard breaks down the
13 lancha activity along the southwest border by detections,
14 interceptions, and interdictions, and so detections would be if
15 an asset saw a lancha, if there was a highflyer or gear set by
16 lanchas that were found, and each of those count as a detection
17 by the Coast Guard.

18
19 An interception means that there was an asset on scene that
20 potentially might have been able to complete an interdiction,
21 but, for whatever reason, they were not able to complete the
22 interdiction, and then interdictions, the number that you see on
23 the screen, is exactly that, interdicting where the lancha was
24 seized by the Coast Guard, the catch was seized, and the gear
25 was all seized, and the Mexican nationals were transferred to
26 Customs and Border Protection for transfer back to Mexico.

27
28 There is a lot more activity than the Coast Guard can interdict,
29 and I don't have the exact numbers on me right now, but so we do
30 interdict, if I remember correctly, about 50 percent of the
31 activity that is occurring along the maritime boundary line.

32
33 **DR. STUNZ:** Thank you, and I guess that was my point, is there's
34 a lot more activity going on, and, first, thanks for the
35 presentation. I mean, I think the presentation is great, but,
36 every time I hear you all present these, it's just more
37 appalling that this is going on, and I don't fault you, and I
38 know you're overwhelmed, and I am just struggling here of what
39 do we do about this, and the IUU process that you talked about
40 is pretty much a slap on the wrist, and I think the value of
41 what they're doing here is so great that that's probably not
42 going to stop anything, but, just while you were doing this, to
43 give the perspective of what's going on, and, I mean, I've
44 looked for ideas of what we can do as a council to highlight
45 this, or draw attention to it.

46
47 If you looked at like 2021, this year, or especially 2020, where
48 it's more, and you figure each one of -- This is just your

1 interdiction, and, if those guys are carrying 1,500 pounds of
2 snapper, which I think is pretty reasonable, and you start
3 beginning to multiply that out, I mean, you're talking about a
4 heck of a -- It's millions of pounds of fish that are going out
5 the back door, and certainly, if Texas was overfishing this on
6 the recreational side, I mean, there would be all kinds of
7 paybacks and provisions and things, yet these fish just
8 continually stream out the back door, probably ending up back in
9 the U.S. in some way or the other, given their value.

10
11 I don't know, and I just can't get beyond, you know, more than
12 probably the entire catch, Texas catch, is not even accounted
13 for here, and so you've got two issues. You've got the IUU
14 issue, and you've got the other issue of that these aren't
15 really accounted for in any assessment, and so, you know, with
16 all the discussions we have, and it's like millions of fish
17 leaving out the back door, and we don't even -- So I think we
18 could handle a few more fish coming into the fishery, in terms
19 of our management, but I am just struggling to find ways to
20 highlight or curb this problem, and so, anyway, I am just
21 frustrated.

22
23 **LTJG PETERSON:** Yes, sir, and I would concur with your
24 assessment that we are pretty irritated with the continuing
25 threat of the lanchas along our southwest border, and we are
26 doing our best to get better at our interdiction rates, to make
27 sure that we can keep as much red snapper in our waters as we
28 can.

29
30 **VICE CHAIRMAN GUYAS:** All right. Thank you, Lieutenant
31 Commander Peterson, for being on the line today. We really
32 appreciate it. We will roll to -- I think next on our list is
33 Fish and Wildlife Service and Department of State, and we do not
34 have reports from them, and so we'll go straight into Other
35 Business then. The first thing I have on the list is, Dr.
36 Simmons, you were going to give an update on -- Phil, I'm sorry.
37 Go ahead.

38 39 40 **OTHER BUSINESS**

41 **MR. DYSKOW:** Thank you. This will be very quick. I would like
42 to request, from Dr. Simmons, that perhaps Emily could provide a
43 presentation at our next council meeting on the efforts of the
44 Outreach and Education Committee to address the issue of
45 responsible discards on the recreational fishing community, and
46 we've had a number of projects and activities taking place over
47 the last few years, and there might be little awareness of
48 these, but to just give the audience and the council some

1 confidence that these issues aren't being habitually ignored,
2 but there are action steps in place to reduce discard mortality
3 and to increase the -- Improve the stewardship of the whole
4 release process on the recreational fishing community. Thank
5 you.

6
7 **VICE CHAIRMAN GUYAS:** All right. Thanks, Mr. Dyskow. Go ahead.

8
9 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Madam Chair. We can
10 certainly work on that. I don't want to promise January, and
11 we'll try to see if we can squeeze it in, but we're starting to
12 get a lot of items requested for January, and so, since we just
13 moved that January meeting to Baton Rouge, and I wanted to let
14 everyone know that it's now Baton Rouge, and it will be at the
15 Hilton. We finalized the contract, and so we are not going to
16 be meeting in New Orleans, and all of that will be updated on
17 our website very soon, and that was basically due to the
18 gathering limitations and many of the restaurants and other
19 things being closed in New Orleans.

20
21 For the update on the gray trigger ageing contract status, we
22 had a call for proposals, and it was competitive, and we
23 received proposals, and we had a review panel that has gone
24 through those proposals, and it included a member from the
25 Science Center staff, and a proposal from Dr. Will Patterson at
26 the University of Florida and his team was selected, and so
27 we're in the middle of working on a contract with him for that.

28
29 Regarding the P-Sea WindPlot contract status that the council
30 has on the books, I have been unable, for both the staff and
31 myself too, to just take the time, really, to get with the
32 software developer for P-Sea WindPlot and make sure that we have
33 all the items that we need in the revised call for proposals,
34 such as the type of data, and we will get with them on that, and
35 our plan is to add that to the call for proposals and then
36 readvertise, and so hopefully we'll have that tied up early next
37 year.

38
39 **VICE CHAIRMAN GUYAS:** I am not seeing any hands. Is everybody
40 good? We can roll right into our next item of other business,
41 which was stakeholder participation, and I think that's you, Mr.
42 Gill, right?

43
44 **MR. GILL:** That is me. Thank you, Madam Chair, and I will try
45 to be quick here and just get down to the core. One of the good
46 things that came out of COVID, and we all know there was a ton
47 of bad, was that it opened up virtual public testimony, and so
48 folks did not have to be here to give testimony to the council,

1 and I, for one, would argue that we need to continue that in the
2 future, whether or not we have a COVID situation that might
3 impinge, and I think that's a good thing.

4
5 That augments public participation in the process, which I think
6 we need to encourage, and remove those kind of barriers to grow
7 that as much as we can. One of those barriers, however, is, in
8 virtual public testimony, or virtual attendance, for that
9 matter, you don't get the same full view of the council
10 proceedings that you get when you're in the room, and,
11 specially, one of those is watching the voting going on. In the
12 case of roll calls you do, but every other vote is whatever the
13 numbers are, and all you know is numbers, and you don't know who
14 voted what or whatever, and who was abstaining.

15
16 I think one of the things that would cure that, and, Bernie, if
17 you would pull up the participation motion, would be taking
18 another look at electronic voting. I know this council looked
19 at it five or six years ago, for the older members, and it was
20 not considered appropriate. I would argue the context has
21 entirely changed, thanks to COVID, and expanding that remote
22 capability of participation is something we need to encourage,
23 to the extent that we can remove those barriers that are in the
24 way, because it costs a lot of money to come to council
25 meetings. I used to not come to council meetings because of the
26 cost, but I watched every webinar, and I often wondered what the
27 heck was going on in the votes.

28
29 **The motion is to request staff to provide a review of electronic**
30 **voting options for council functions.** It's to give us a sense
31 of what does it take, is it expensive, et cetera, and there is a
32 bunch of questions that we'll have to talk about, et cetera, if
33 we go forward with that, but we need to do the homework first,
34 and that's the motion, and I will stop there, and I hope there
35 is some discussion. Thank you.

36
37 **VICE CHAIRMAN GUYAS:** Okay. The motion is to request staff to
38 provide a review of electronic voting options for council
39 functions. Is there a second to this motion? It's seconded by
40 Dr. Stunz. One thing, Bob, that you mentioned was the virtual
41 public testimony when we're meeting in person, and so that came
42 up at the CCC meeting last week, and the NOAA Headquarters folks
43 were encouraging the councils to continue doing that in the
44 future, and so I just wanted to update you on that. Is there
45 discussion on this motion? Mr. Schieble.

46
47 **MR. SCHIEBLE:** I will keep it short, and I just wanted to say
48 that I support what you're saying here, as far as the public

1 participation, and I think that, a lot of times, we can't expect
2 the fishermen, especially the commercial fishermen, to be able
3 to just leave their business to come attend these meetings and
4 travel and spend all that money to do this, especially when we
5 travel as far as we do throughout the year.

6
7 Allowing them an option to participate is good, and I would also
8 suggest maybe looking into the Adobe meeting whatever it is that
9 we used, to see if there's a camera option, and maybe not
10 necessarily require electronic voting, but maybe a camera just
11 sits in the room, so that participants could see what we're
12 doing, instead of not.

13
14 **VICE CHAIRMAN GUYAS:** John Walter, your hand is up?

15
16 **DR. WALTER:** Yes, and I wanted to comment on something that
17 moved pretty quick, and so maybe I can get back in the queue,
18 because I don't want to disrupt conversation on this motion.

19
20 **VICE CHAIRMAN GUYAS:** Okay. No problem. I will keep you on my
21 list. Dr. Stunz.

22
23 **DR. STUNZ:** A follow-up on Chris's point, and there is a lot of
24 options, Bob, to do, and, in fact, most of the -- We do it very
25 routinely on Zoom, or I'm sure, whatever platforms you're using,
26 you can do these votes, and, of course, that requires us all the
27 be logged in, but there is other options, like little clickers
28 and those sort of things. I mean, the camera system would work,
29 and so I think there is a lot of options, but, just so I'm
30 clear, you're suggesting that every vote we make is sort of
31 recorded in one way or the other, so you see -- So someone knows
32 what is happening.

33
34 **MR. GILL:** Correct.

35
36 **VICE CHAIRMAN GUYAS:** Mr. Anson.

37
38 **MR. ANSON:** I guess we have a visual recording of that,
39 essentially, in real time, but then, Bob, are you also then
40 wanting this to go into the record and somehow be recorded by an
41 individual yes or no vote on each motion, or just for the point
42 in time, so that people who are following online can also see
43 it? I guess that might have implications as to what type of
44 systems that the staff are going to review, I guess is what I'm
45 getting at.

46
47 **MR. GILL:** I think that's a discussion that we need to have at
48 this table. I don't think it's probably appropriate at this

1 time, and it depends on what the review comes back with on how
2 we can provide that visibility to remote folks, and then we can
3 discuss if we want to go forward.

4
5 It may be that it comes back and it's too expensive or whatever,
6 and we decide not to do it, and, well, discussion over, but, if
7 we decide to do it, then we can get into the details about
8 limitations or approaches, et cetera, and so I think that we
9 have to have that discussion, if we do go forward.

10
11 **VICE CHAIRMAN GUYAS:** Dr. Simmons.

12
13 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Madam Chair. I don't
14 have a problem with us looking at the motion on the screen. The
15 camera stuff kind of scares me a little bit, when we're having
16 trouble right now pushing out to six or seven projectors, or
17 whatever we have now, as it is, and so, if we're going to move
18 forward with something like that, I would like a separate
19 motion, and I think we'll have to get some legal guidance as
20 well for any type of recording and whether that comes as part of
21 the record and getting waivers, and it gets real complicated
22 really quickly with video, and so thank you.

23
24 **VICE CHAIRMAN GUYAS:** I mean, I will chime in on the camera
25 thing, and we were just having a side conversation, and so a lot
26 of our commission meetings we have -- Those are broadcast over
27 TV or online, the Florida Channel, and so we've had it
28 internally, where we've had just a single camera in the room,
29 and we just have seven commissioners, and it's really hard to
30 see. I mean, the Florida Channel does a great job, because they
31 have multiple cameras, a professional crew, and they zoom-in,
32 and they've got captions and all this stuff, but the single
33 camera thing is -- You just can't tell what's going on in the
34 room.

35
36 **MR. GILL:** I would advocate for as simple as we can do to get to
37 the place we're trying to get to.

38
39 **VICE CHAIRMAN GUYAS:** Okay. Any other discussion on this
40 motion? **Any opposition to this motion? Seeing none, the motion**
41 **carries.** Okay. Anything else on this topic? Everybody is
42 good.

43
44 All right, and so the next item is me and goliath grouper, and
45 so I had staff send around a link to a press release regarding
46 goliath grouper. I just wanted to update the council briefly,
47 and you can look at the details in the press release, but our
48 commission recently discussed a proposal to allow a very limited

1 harvest of goliath grouper in state waters off of Florida.

2
3 I'm not going to go into all the details, and you can read about
4 those, and this is not final at this point, and it will go -- It
5 should go back in front of the commission for potential final
6 action at the March meeting, but, basically, it's a 200 goliath
7 per year harvest, limited access like lottery system, and the
8 fee is still kind of yet to be determined, and the proposal that
9 they talked about was \$500, but there was some interest in
10 exploring other options there, potentially lower options.

11
12 It would be one per angler, and there would be an open season
13 March through May, and we're kind of trying to avoid the
14 spawning season, and it's a limited area where this would be
15 occurring, hook-and-line only, and there would be a slot that's
16 between twenty and thirty-six, although we will be looking at
17 other lower ends of that slot, based on some feedback we got
18 from our commission, and we are looking at also trying to get
19 some data from the people that do participate in this harvest on
20 the backend, and so hopefully some genetic information and other
21 information about their catch.

22
23 That's all that I am going to say about this right now, and we
24 will keep you updated as this moves through the process, but,
25 unless there is any questions from anybody. Okay. Is there any
26 other business to come before the council? Mr. Strelcheck.

27
28 **MR. STRELCHECK:** I had alluded to, several times, about the VMS
29 delay, and so we had originally went to implement on December
30 13, and we were petitioned, and it has been placed on public
31 inspection with the Federal Register, and it will publish on the
32 2nd of November that we are now delaying that VMS implementation
33 until March 1 of next year. A Fishery Bulletin will likely go
34 out tomorrow.

35
36 **VICE CHAIRMAN GUYAS:** Thanks for the update. Anything else?
37 John Walter.

38
39 **DR. WALTER:** Thank you, Madam Chair. I was really glad to see
40 the motion from the Shrimp Committee to initiate testing of
41 several cellular VMS units on shrimp boats, and, when it came
42 up, when the Executive Secretary brought up the RFP, which it
43 seems like it's a good opportunity to extend that to some of the
44 other off-the-shelf units that exist, and what we saw, from a
45 lot of the extensive discussions about VMS units and challenges
46 that people have with certain ones, really one of the keys is to
47 be able to have robust, warranty-supported units as well as
48 freedom of choice for fishers to pick the one that's going to

1 work best for them.

2
3 It seems like I was wondering if the committee might consider
4 extending that proposal to allow -- To test some other off-the-
5 shelf units, since it seems to put most of its eggs in one
6 particular basket, and it should be too big of a deal to test a
7 few others at the same time, and that seems like a good
8 extension and good use of the funds, to me, and so I would just
9 ask if perhaps the council would consider that. Thanks.

10
11 **VICE CHAIRMAN GUYAS:** Dr. Simmons.

12
13 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Madam Chair, and thank
14 you, Dr. Walter. It sounds easy, but here are some of my
15 concerns. How are we going to select which vendors are tested,
16 and how are we going to decide which boats they go on? I mean,
17 we're starting to get way, way outside of the council's normal
18 business practices, and it's making me a little nervous with our
19 administrative award, as we've discussed in the past, and so I
20 just think we've got to be really careful here with what we're
21 trying to do.

22
23 **VICE CHAIRMAN GUYAS:** Ms. Bosarge.

24
25 **MS. BOSARGE:** This was actually -- So you're talking about
26 testing devices for VMS vendors, and those particular vendors
27 would potentially stand to gain -- Their devices are not on our
28 boats right now, and so the council would be paying for that,
29 and what the council is paying for right now is to try and
30 figure out the transition piece for software that is already on
31 shrimp vessels, and so, in other words, this was to help the
32 industry and not to help an individual company or vendor, and,
33 in other words, this vendor doesn't stand to gain, really, and
34 his software platform is already on the boats.

35
36 The industry funded the first phase of this project, which was
37 to make sure that that software collected the scientific data in
38 the format and the timeliness that NMFS needs it for the shrimp
39 algorithm, and then this works out the transmission piece, and
40 so, from an industry standpoint, I mean, we've already published
41 this RFP once, and we're getting some more information to go
42 back out, for the couple of people that were interested in
43 applying for it, and they needed some more detailed information.

44
45 I don't know, and we're pretty far down this road, and I guess
46 what you're throwing out there is a little bit different
47 situation than kind of what we had discussed the purpose of
48 these funds for, but NMFS owns a shrimp boat, and so, you know,

1 you could always do it that way to test those other devices, and
2 I know that's not what you wanted to hear, Dr. Walter, but
3 that's kind of been the council discussions over the past, I
4 don't know, six or nine months or so, to get to the point we're
5 at today.

6
7 **VICE CHAIRMAN GUYAS:** Okay. Dr. Walter, is your hand still up?

8
9 **DR. WALTER:** No, it shouldn't be.

10
11 **VICE CHAIRMAN GUYAS:** Okay. Great. Is there any other business
12 to come before the council? All right. Seeing none, we are
13 adjourned. Thanks, everybody.

14
15 (Whereupon, the meeting adjourned on October 28, 2021.)

16
17 - - -
18