

1 GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

2
3 296TH MEETING

4
5 FULL COUNCIL SESSION

6
7 The Driskill

Austin, Texas

8
9 AUGUST 14-17, 2023

10
11 **VOTING MEMBERS**

- 12 Kevin Anson (designee for Scott Bannon).....Alabama
- 13 Kesley Banks.....Texas
- 14 Susan Boggs.....Alabama
- 15 Billy Broussard.....Louisiana
- 16 Dale Diaz.....Mississippi
- 17 J.D. Dugas.....Louisiana
- 18 Tom Frazer.....Florida
- 19 Bob Gill.....Florida
- 20 Dakus Geeslin (designee for Robin Riechers).....Texas
- 21 Michael McDermott.....Mississippi
- 22 Anthony Overton.....Alabama
- 23 Chris Schieble (designee for Patrick Banks).....Louisiana
- 24 Joe Spraggins.....Mississippi
- 25 Andy Strelcheck.....NMFS
- 26 C.J. Sweetman.....Florida
- 27 Ed Walker.....Florida
- 28 Troy Williamson.....Texas

29
30 **NON-VOTING MEMBERS**

- 31 Dave Donaldson.....GSMFC
- 32 LCDR Lisa Motoi.....USCG

33
34 **STAFF**

- 35 Assane Diagne.....Economist
- 36 Matt Freeman.....Economist
- 37 John Froeschke.....Deputy Director
- 38 Beth Hager.....Administrative Officer
- 39 Lisa Hollensead.....Fishery Biologist
- 40 Mary Levy.....NOAA General Counsel
- 41 Natasha Mendez-Ferrer.....Fishery Biologist
- 42 Emily Muehlstein.....Public Information Officer
- 43 Kathy Pereira.....Meeting Planner - Travel Coordinator
- 44 Ryan Rindone.....Lead Fishery Biologist/SEDAR Liaison
- 45 Bernadine Roy.....Office Manager
- 46 Carrie Simmons.....Executive Director
- 47 Carly Somerset.....Fisheries Outreach Specialist

1 **OTHER PARTICIPANTS**
2 Charlie Bergmann.....MS
3 Terrell Bradford.....NOAA OLE
4 Eric Brazer.....Reef Fish Shareholders Alliance
5 Adam Brick.....TX
6 Catherine Bruger.....Ocean Conservancy
7 Les Casterline.....TPWD
8 Jason Delacruz.....FL
9 Mark Dube.....
10 Katie Fischer.....Matlacha, FL
11 Sonja Fordham.....Shark Advocates International
12 Troy Frady.....AL
13 Jim Green.....Destin, FL
14 Ken Haddad.....ASA, FL
15 Sean Heverin.....Madeira Beach, FL
16 Scott Hickman.....Galveston, TX
17 Rachal Hisler.....Double Bayou, TX
18 Peter Hood.....NMFS
19 Evan Howell.....NOAA OST
20 Dylan Hubbard.....FL
21 Brian Lewis.....FL
22 Kerry Marhefka.....SAFMC
23 Lawrence Marino.....LA
24 Jay Mullins.....FL
25 John O'Malley.....NOAA OLE
26 Charlie Renier.....FL
27 Kent Satterlee.....Gulf Offshore Research Institute
28 John Walter.....SEFSC
29 Garner Wetzell.....Gulfport, MS
30 Bob Zales.....Panama City, FL
31 Jim Zurbrick.....Steinhatchee, FL
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34

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7 the scoping document HMS Amendment 16, electronic reporting
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12 collection AP. [The motion carried on page 134](#).

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15 information for the ad hoc charter/for-hire data collection AP.
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19 limit in the draft framework and direct staff to re-run catch
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21 impact to the current fishery. [The motion carried on page 156](#).

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24 limit for black grouper. [The motion carried on page 156](#).

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33 5 to Considered but Rejected. [The motion carried on page 164](#).

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35 [PAGE 168](#): Motion to direct council staff to work with NMFS to
36 develop an outline, estimated schedule, and deliverables for
37 pursuing the recreational initiative for discussion at the October
38 2023 council meeting. The proposal should consider a budget for
39 hiring a consultant to facilitate the initiative, proposed
40 activities, a strategy for involving stakeholders, the expected
41 number of meetings, and participants to accomplish identified
42 goals. [The motion carried on page 169](#).

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44 [PAGE 170](#): Motion to direct council staff to provide an inventory
45 of council actions in the foreseeable future that we expect to be
46 impacted by changes in FES along with levels of exposure and bring

1 back findings to the council in October 2023. [The motion carried](#)
2 [on page 185.](#)

3
4 [PAGE 190:](#) Motion to request the SEFSC work with Gulf Council and
5 SERO staffs to outline a proposed action plan for the October
6 2023 meeting based on the FES inventory exercise. [The motion](#)
7 [carried on page 195.](#)

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9 [PAGE 196:](#) Motion to request the NOAA Office of Science and
10 Technology (OST) provide an overview of their evaluating
11 measurement error in the MRIP Fishing Effort Survey Report to the
12 Gulf SSC. [The motion carried on page 196.](#)

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14 [PAGE 198:](#) Motion to direct staff to begin a document to modify
15 the catch limits for Gulf Spanish mackerel in accordance with SEDAR
16 81 results and SSC recommendations. [The motion carried on page](#)
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18
19 - - -
20

1 The Full Council of the Gulf of Mexico Fishery Management Council
2 convened at The Driskill in Austin, Texas on Monday morning, August
3 14, 2023, and was called to order by Chairman Tom Frazer.

4
5 **INDUCTION OF NEW COUNCIL MEMBERS**
6

7 **CHAIRMAN TOM FRAZER:** I would like to call the council meeting to
8 order. A couple of announcements, and so, today, we're going to
9 -- The council will hold a working lunch, to allow Dr. Evan Howell,
10 Director of NOAA's Office of Science and Technology, to provide an
11 overview presentation on some recent key findings about the
12 recreational Fishing Effort Survey, and so I will hold a question-
13 and-answer period following that presentation, and, for those of
14 you that want to follow along in the briefing materials, there is
15 a copy of the presentation, as well as a background document, and
16 so I would urge you to look at that, and we'll certainly reference
17 it in the conversation.

18
19 We will take a fifteen-minute break before the start of lunch to
20 allow council members and staff to get lunch, and I just wanted to
21 remind people that this discussion period is open to the public,
22 and it will be streamed on the same webinar that is an open channel
23 right now, and so, again, for those of you online, I will remind
24 folks that the documents to be discussed for the presentation and
25 the written document can be found on our website as part of the
26 briefing materials. Any other questions or pre-meeting
27 announcements? Okay.

28
29 We will proceed right into the agenda, with the Induction of New
30 Council Members, and Peter Hood, from the Southeast Regional
31 Office, will do the honors. We've got three new council members,
32 Kesley Banks from Texas, Dr. Anthony Overton from Alabama, and
33 Captain Ed Walker from Florida, and so if we could have the three
34 of you come up here, and we'll get you squared away.

35
36 (Whereupon, the new council members were administered the
37 Magnuson-Stevens oath.)
38

39 **CHAIRMAN FRAZER:** Okay, and so part of the reason that we go
40 through this exercise is to make sure that the new council members
41 have the opportunity to participate fully in the committees, and
42 so, when we get to the Reef Fish Committee, that's a committee-
43 of-the-whole, and each of the new inductees will certainly have an
44 opportunity to vote on anything that might come up in that meeting,
45 and so, again, welcome to the council, and it's great to have you
46 guys. All right. We're going to jump right into the agenda, the
47 full agenda, and we will start off with the Administrative and
48 Budget Committee, and that is chaired by General Spraggins.

1
2 (Whereupon, the meeting recessed on August 14, 2023.)
3

4 - - -

5
6 August 14, 2023

7
8 MONDAY AFTERNOON SESSION
9

10 - - -

11
12 The Full Council of the Gulf of Mexico Fishery Management Council
13 reconvened at The Driskill in Austin, Texas on Monday afternoon,
14 August 14, 2023, and was called to order by Chairman Tom Frazer.
15

16 **NOAA'S KEY FINDINGS OF THE RECREATIONAL FISHING EFFORT SURVEY**
17

18 **CHAIRMAN FRAZER:** All right. While folks are making their way
19 back to the table, I just want to extend a special thank you to
20 the council staff for organizing this lunch. You know it's often
21 hard to make a change like this at the last meeting to the schedule,
22 and you guys did a really nice job on that.
23

24 I also just want to make a few comments, before we get started,
25 and, you know, this discussion is, obviously, about, you know, FES
26 and some recent information that was released related to that
27 program, and the council EDs, chairs, and other folks just learned
28 about this in the last week, and, hence, you know, kind of the
29 impetus to try to move the discussion forward as soon as possible,
30 because it certainly has implications for work that is already --
31 Or actions that are already in place, you know, pending action, as
32 well as what we might consider moving forward.
33

34 I just want people to be mindful of the fact that, you know,
35 there's a lot to discuss here, and I think solutions, or suggested
36 solutions, or guidance in that direction, would be helpful, right,
37 and, if we spend our entire time just focused on the concerns and
38 the complaints, we're not likely to have a very productive
39 discussion, and so, with that said, Evan, if it's all right, I
40 will just go ahead and turn it over to you to go through the
41 presentation and provide any background that you want. Thank you.
42

43 **DR. EVAN HOWELL:** Thank you, and thank you to the council and the
44 council staff. I appreciate the ability to come here and present
45 basically what we presented also last Monday in the calls that we
46 did, and it feels like six months ago, but it was just last Monday.
47

48 I have a few slides for background, and I figured that most of the

1 time would be answering whatever questions I could and listening.
2 I'm here all week, and so this is not the only time that I will be
3 here and available to talk, and so, if you have questions for me,
4 either now or later, that's why I'm here, and so my name is Evan
5 Howell, and I'm the Director of the Office of Science and
6 Technology. It's our office that houses the MRIP program, and
7 that is the program that does do the surveys, including the Fishing
8 Effort Survey, or FES, and so we do have results from a pilot study
9 of the Fishing Effort Survey, and that's what we're going to talk
10 about, as well as the potential next steps.

11
12 I have about five slides, and the main thing that we wanted to put
13 forward is that, since the beginning, you know, we've been doing
14 continual improvement studies on FES. There were concerns that
15 the effort was high, that the estimations that were coming out of
16 the FES were high, and there were differences between the FES and
17 other survey designs.

18
19 Throughout the beginning, we've been looking, and even before I
20 took over the job in 2020, the team has been looking at different
21 ways, and a lot of what was thought to be error was in non-sampling
22 error, and so this is not the only study that was done, but this
23 is one of the first studies that was done based on a recall error,
24 and this is where we've gotten the results from the pilot study
25 that show -- Pointing to what we feel the differences are and why
26 they're being caught.

27
28 Again, this was one of several studies that we did. In this
29 particular case, and I will show you what it looks like on the
30 survey on the next slide, but, staying here for a minute, we looked
31 at the question order, and, you know, there was a few different
32 things that they changed in the study design, but it's this
33 revision of the order of the questions that gave us the results.

34
35 It resulted in fewer observed reporting errors, fewer illogical
36 responses, and then the resulting effort estimates were generally
37 30 to 40 percent lower for shore and private boat than the
38 estimates that are produced from the current FES survey design.

39
40 There are a couple of limitations that I also wanted to say, and
41 this was a limited pilot study, and it was conducted over six
42 months, the first half of the year, and it was a smaller sample
43 size than the full FES. It was done from Maine to Mississippi,
44 and it did not include Hawaii, and so, spatially, it was there in
45 almost completion, but it was for a six-month period. Also, the
46 results did vary by state and fishing mode. Results from the pilot
47 study indicated that just the boat mode alone may be closer to 20
48 percent. However, because there was a lot of variability among

1 there, and this was a limited pilot study, that went into some of
2 the decision points that the extended study did not go through.
3 This was part of the Gulf transition plan, and it was presented,
4 in some form, to that team earlier.

5
6 You will have the presentation, and you can take a look at this,
7 but all we wanted to do was visually show you what changed in the
8 survey design. The survey all the way on the left is the current
9 FES, and the current design looks at the shore-based mode first
10 and then the boat-based mode second, and the first question is
11 have you fished onshore in the last two months and then whether
12 you've fished over the last twelve months.

13
14 In the first one to the right, it's the same, shore and then boat,
15 but the question order of how much did you fish in the last twelve
16 months is asked first, and then how much in the last two months is
17 second, and then the designs on the right actually flipped the
18 boat to be first and then the shore. Now, there were no significant
19 changes from flipping the mode of asking about the boat versus
20 shore first, and there was a significant finding, and that's the
21 finding that represents the 30 to 40 percent estimate changes,
22 based only on changing the question order from asking the twelve
23 months first and then the two months, and that's the main survey
24 design question order change that caused that.

25
26 This was designed, the original -- I know there are questions about
27 the original survey design, and the original survey design was
28 done in consultation with a survey design team, a team of
29 consultants, and it was peer reviewed, and it was -- It was deemed
30 to be appropriate at the time, based on what is considered to be
31 an industry standard in cognitive input, in that asking an easier
32 question first, and the consideration was that asking about the
33 last two months was considered easier, and so, again, with the
34 results from the pilot study, that is not, obviously, always the
35 case, and so that is what the revised framework tested.

36
37 The next steps for us, just in terms of FES, and I know that we're
38 going to talk a lot more about next steps beyond just this, but,
39 for FES, because of the results of the pilot study -- It was a
40 large enough change that it warranted, for us, a follow-up study,
41 and so the decision was made to do a follow-up study through the
42 full year of testing in 2024. This would give us a larger sample
43 size over a longer duration.

44
45 It would also be done concurrently with the current FES, and, this
46 way, we would have one year of benchmarking at the same time. We
47 did receive funding, at the end of July, to begin conducting this
48 in 2024. In terms of timing, we have the peer-reviewed study that

1 came back in June of 2023, and the decision was made in July to
2 get the funding to do this, because it was when we would have to
3 make a contracting decision in order to have this be able to be
4 started in January of 2024. If we had not, we would have needed
5 to wait to begin this testing.

6
7 The new study design will be informed by the results of two
8 previous pilot studies that showed differences, and one is the
9 question order, and that is the question order, is the one pilot
10 study result that we presented last Monday, that we're talking
11 about today, and there is also a design that came back, a study
12 that was done looking at monthly waves and that precision gained,
13 the precision that was increased by going to monthly waves.

14
15 Because of that, and because of recommendations from regional
16 partners, as well as the National Academies of Studies
17 recommendations, we are looking at doing this new study design,
18 looking at both the question order change and the monthly waves,
19 and so this revised design will include both of those, and so we'll
20 be increasing it from two months to monthly.

21
22 This study will determine the combined effects of these, which
23 will allow for a more efficient transition and calibration process,
24 if the decision is made, at the end of this testing time, that we
25 want to go to these changes, both the question order and/or the
26 monthly waves, and so, again, we know that the monthly sampling
27 has been a priority of the partners, and it will produce more
28 frequent estimates, in a shorter respondent recall period, and
29 that, we expect, would also minimize reporting error.

30
31 We get to the assessment and management implications, and, again,
32 for us, just looking at FES, we cannot look at it alone. While
33 it's a survey, and a survey provides estimates, those estimates
34 are crucial in a lot of scientific and management products and
35 decisions, and so what we wanted to lay out today -- We don't have
36 the full potential impacts.

37
38 These are unknown until we've completed this follow-up study, and
39 so, for today -- We wanted to be transparent, last week, and show
40 the results of this pilot study, because of the potential impacts.
41 We know that people have questions, and we know that there were
42 credibility issues around the estimates that were coming out of
43 FES. With this, again, it's a pilot study, and it was limited in
44 scope, and we want to run the whole study through 2024.

45
46 We understand that it's -- For our Science Centers, the Regional
47 Management Councils, and our Regional Offices, that it's difficult
48 to begin to understand what the impacts could be. For now, the

1 effort estimate from FES, where it is conducted, is still the best
2 available science we have for tracking relative year-to-year and
3 long-term effort trends. The scaling of the estimates may change,
4 if we're transitioning to a revised survey, but we still expect
5 critical catch and effort trend information to remain intact, and
6 so, while there are changes that would happen in the absolute
7 magnitude of the estimates, we feel that the trends would be
8 unaffected by the changes in the outcome.

9
10 Our focus right now is on this question of what do we do from
11 today, and a trigger question, in one of the presentations that I
12 gave, was what do we do right now, and that is the focus of our
13 continued conversations. We're having them with partners
14 internally and our programmatic improvements. What do we do right
15 now to really discuss how to further mitigate any disruption to
16 assessment and management, in light of our continued survey
17 improvements and future survey design changes, and we don't expect
18 that anything of this large of a magnitude --

19
20 Again, we don't know the full results, but, based on this pilot
21 study, the results of this type of magnitude -- Even if we continue
22 our improvement, we don't expect to see that type of a change
23 again, because we have run several other pilot studies, but we
24 will have survey improvement through time, whether it's a federal
25 survey or a state survey or anything within this framework, and
26 the spirit of continual improvement is that you're always trying
27 to identify how to make your surveys better, and so do we also
28 look to see how we can make a management system that is flexible
29 enough that we can incorporate these changes, changes in whatever
30 survey is being used, to make sure that we're minimizing the
31 disruption in the management process as much as possible.

32
33 Hopefully, as well, this is an opportunity to make fisheries
34 management more resilient, and this is an ongoing conversation
35 that we know that we're having, in light of climate change and
36 other changes, and so, again, this is not say that we're -- We
37 understand the potential disruption, and it's how can we use this
38 as a potential opportunity to try to figure out how to move this
39 forward together. With that, that's the only slides that I have
40 today, and I will turn it back to you, Dr. Frazer, for any questions
41 and comments that I can answer.

42
43 **CHAIRMAN FRAZER:** Great. Thanks, Evan, for providing the timely
44 overview of the materials that you discussed last week with folks.
45 Again, I don't have an agenda here, right, and so I'm going to
46 open up the floor for discussion, and it looks like we have Kevin
47 Anson and General Spraggins.

1 **MR. KEVIN ANSON:** I guess, looking at the process going forward,
2 Dr. Howell, I recall that there is some guidelines that the agency
3 tries to implement when it looks at data collection programs and
4 such, and changes, and looking at existing data collection programs
5 and comparing the new methodology, and I recall that the ideal
6 length of time is three years to have the side-by-side, but,
7 according to this, it looks like it will just be the one year that
8 there will be the two survey methodologies conducted, and that
9 will be the only data point that's used for kind of looking back
10 at the calibration, if you will, of the existing survey format to
11 this new redesigned format with the question realignment, as well
12 as the length of time, and is that correct?
13

14 **DR. HOWELL:** That is the current time, and that is correct. There
15 was an initial discussion, again early on, in probably late May or
16 June, as we were finalizing this, and do we want to try to run a
17 three-year side-by-side study, and we felt it was cost prohibitive,
18 and potentially unnecessary, but that is an option, if we choose
19 to do that, and we were hopeful that the one-year side-by-side
20 would present us with the ability to do this in the middle, where
21 we have an established system, and the trends remain the same, and
22 we have a scalar offset that we can apply.
23

24 **CHAIRMAN FRAZER:** A follow-up, Kevin?
25

26 **MR. ANSON:** It's kind of a similar -- I think a similar answer,
27 and a different question, but a similar answer, and that is the
28 agency has kind of put forward, for public comment and council
29 comment, a new way to present the data, as far as the public on
30 the website, relative to the PSEs and such, and that, if certain
31 estimates have a PSE threshold, that they will either display it
32 or not display it, depending upon that result, and so one thing
33 that concerns me, with going to the one-month timeframe, is that
34 that essentially reduces the amount of intercepts that you have to
35 generate those PSEs, unless you increase the number of intercepts
36 in that month, because, currently, the two months of sampling are
37 combined to generate the one estimate for the two-month period,
38 and so is there any -- Is there a plan to go forward with increasing
39 the amount of intercepts that would go within those one-month time
40 sampling frames, in order to try to improve the PSEs?
41

42 **DR. HOWELL:** I appreciate that comment, and so the current plan
43 right now is, even going to the monthly waves, is to increase, but
44 also still provide the two-month waves, at this current time, so
45 that we would have more intercepts, but also more information going
46 into the two months, to get to that PSE issue.
47

48 **CHAIRMAN FRAZER:** General Spraggins.

1
2 **GENERAL JOE SPRAGGINS:** Thank you, Dr. Howell, and Kevin asked a
3 lot of the things that I wanted to, and so I will be very short
4 here. If you do the survey that you're talking about within 2024,
5 and where you do them side-by-side for one year, will it be
6 something that, if it comes out to where it's an effort that's a
7 lot different, that we can implement shortly after that, or will
8 it still take several years to get it implemented?
9

10 **DR. HOWELL:** I appreciate that question as well. I think, at this
11 point, we're talking about how to accelerate the timeline, so we
12 wouldn't have -- If it was deemed appropriate, that we would not
13 have an extended delay before implementation, and so I think the
14 one year was seen as that middle ground, to try to get,
15 scientifically, at least one year of information, but I would also
16 like to look at ways to accelerate the analysis timeline, because,
17 right now, part of what the understanding would be is that we get
18 a full year back by the end of 2024, but there would be a period
19 of analysis, to make sure that we have those results, and I think,
20 the more that we can apply maybe additional resources, or work
21 together to try to figure out how to accelerate that analysis
22 period, or shrink it down to as small as possible, would give us
23 the information in a more timely manner and be able to decide upon
24 implementation or not faster. Does that answer your question?
25

26 **GENERAL SPRAGGINS:** Yes, that answered it, and, I mean, obviously,
27 there are a lot of unknowns, right, at this point.
28

29 **DR. HOWELL:** Unfortunately.
30

31 **CHAIRMAN FRAZER:** We've got Dr. Sweetman and then Mr. Gill.
32

33 **DR. C. J. SWEETMAN:** Thanks for the presentation, Dr. Howell, and
34 being here to talk about this on short notice, even though I know
35 you were planning to be here anyway, and so I have three kind of
36 high-level questions for you. I think I probably have an answer
37 for one, based on what's on the screen right now, but I will just
38 spit them out to you, Evan.
39

40 First, I would ask kind of what is NOAA's guidance on active
41 amendments and frameworks that are using FES landings, and, second,
42 and they're all kind of somewhat related here, and so how does
43 this kind of impact the stock assessment process that is using FES
44 for active assessments that we've got going on, as well as -- My
45 final question here is what is the impact of some of this for
46 Secretary of Commerce approval for amendments and frameworks that
47 the council has already submitted?
48

1 **DR. HOWELL:** I appreciate all of those questions, and I think those
2 are the ones in everybody's minds at the councils, and I've got
3 Peter and Mara here as well, to maybe give me some support, and I
4 will provide the answer that we have, in terms of the agency, but
5 I also would get some backup from them.
6

7 At this point, we don't have any rationale for changing anything.
8 What was approved and decided upon was using the information we
9 have, and FES still remains the basic information, the best
10 scientific information we have available, and that's the time
11 series that was used in the assessments, and so we would continue
12 to use those, unless it was deemed that a different source would
13 be useable, and so I don't know, Mara, if you want to say any more
14 on the process.
15

16 **MS. MARA LEVY:** I mean, I think that's correct, right, and so
17 things that have already been submitted -- I mean, the guidelines
18 are clear that you use the best scientific information at the time
19 that it's developed, and things that you're working on now -- FES
20 is still the best information available, for the most part, unless
21 there is a reason to use something else, like SRFS, but, I mean,
22 you're talking about a pilot study that may or may not, in the
23 future, prove to have the agency make some changes to FES, but
24 that's still unknown at this point, right, and so I think we're at
25 the very beginning of the process that the agency is using to kind
26 of figure out what, if anything, they need to do with the FES
27 survey.
28

29 **CHAIRMAN FRAZER:** I am going to let Mr. Gill go in just a second,
30 if it's all right, but I just wanted to follow-up on this a little
31 bit, because I know a lot of people are thinking about this, right,
32 and so, in the preliminary data, or the pilot data, assuming that
33 they're a reasonable representation of what might come out with a
34 follow-up study, they introduce a fair amount of scientific error,
35 right, into the process, and the way that the management process
36 works, right, is so you go through a stock assessment, and you
37 work with the SSC to get catch advice, right, and so you're
38 establishing an OFL and an ABC, and the difference between that
39 OFL and an ABC actually captures that scientific uncertainty that
40 we're introducing into the process here.
41

42 Because, you know, this process, as it moves along, and, you know,
43 if you do a more thorough study in 2024, analyze the data in 2025,
44 and think about what recommendations might look like in 2026, and
45 implementation late in 2026 or 2027, is there -- The reason I'm
46 asking this, Evan, is, again, I'm thinking about solutions, right,
47 and there's some reasonable evidence, right, that we should be
48 concerned, right, or that we should be cautious, moving forward.

1
2 We can't simply go back and redo the stock assessments, and we
3 don't have the human capital to do that, not in a short timeframe,
4 right, and so we can't undo things, necessarily, that, you know,
5 are in place right now immediately, but is there merit, perhaps,
6 and I am not suggesting that we do this, and I'm adding to the
7 discussion for your group to consider, and what the council has
8 the ability to do is to look at that ABC, right, and set either an
9 ACL or an ACT, and that's within their purview.

10
11 By capturing a little bit more of that uncertainty and adjusting
12 those ACLs, or ACTs, in the immediate future, it's something that,
13 depending on how much -- How strong you feel about these data, and
14 it's a way to hedge your bets a little bit, and I'm not saying
15 whether it's right or wrong, and I am looking for options, and
16 that's something that you might consider for council actions moving
17 forward, to either deal with assessments and catch advice that's
18 been administered to-date, as well as pending action.

19
20 **DR. HOWELL:** I'm not sure -- I appreciate that question, and I see
21 that Andy Strelcheck has his hand up, and so, Andy, if you want to
22 take this first, and I think this is more in your purview.
23 Otherwise, I will answer.

24
25 **CHAIRMAN FRAZER:** Go ahead, Andy.

26
27 **MR. ANDY STRELCHECK:** Thanks. I wasn't raising my hand for this,
28 but I will take a stab. Tom, I appreciate the question, and, when
29 we've gone through transitions with previous data streams, right,
30 we have essentially calibrated and continued to use the scale, or
31 units of data, in which we established our catch limits and catch
32 targets in, right, and so I would expect that we would continue to
33 do that, whether it's MRIP-FES or whatever the next units are, or
34 the state surveys, until the council adjusts them.

35
36 I mean, you bring up, obviously, an interesting point, is that,
37 well, could the council -- At least the way I'm interpreting it is
38 could they get out ahead of that and make some decisions, in terms
39 of adjusting catch limits and catch targets based on this
40 information, and then that, ultimately, funnels into the
41 management process and monitoring forward, and we could do that.

42
43 The risk, the downside, was we don't know, at this point, what the
44 pilot -- What the follow-on full-scale pilot study is going to
45 tell us and how variable that might be across states, or across
46 modes, and one point that I wanted to emphasize, and, Evan, you
47 can correct me if I'm wrong, is that a lot of people are latching
48 on to the fact that the pilot that's been presented says that

1 effort estimates were reduced by approximately 30 to 40 percent.

2
3 That's across the entire study, but there's a lot more variability,
4 and, in fact, the one state in the Southeast, or the Gulf, that
5 was actually in the pilot, Florida, had a much lower amount of
6 change relative to the current FES, and so those are the types of
7 differences that are really important when we start thinking about
8 the management implications right now, because, until we have more
9 information behind this, it's really hard to speculate on how to
10 approach this going forward.

11
12 **CHAIRMAN FRAZER:** Thank you for that input, and, Bob, I'm sorry
13 that I skirted over you, real quick. Go ahead.

14
15 **MR. BOB GILL:** No problem. Thank you, Mr. Chairman. I would like
16 to follow-on to Joe's question, Evan, if I could, and that is, as
17 you indicated, what you're doing is time critical, because it
18 starts the sequence going forward, and I appreciate that you're
19 making efforts to reduce that, and so my question relates to that,
20 and it's are you, as part of that, planning to do -- If I can call
21 it a pre-analysis, if you will, taking the results of what you're
22 accruing in the side-by-side and, rather than wait until 2025 to
23 start that analysis, start it ahead of time, to get the glimmers
24 and help point the way to where you're going ultimately, and, as
25 part of that, the planning episode that incorporates whatever you
26 might need, be it software, be it personnel, be it workload
27 considerations, as a way to minimizing that delay time in 2025,
28 rather than just wait and, okay, we've got the study, and now we're
29 going to start the analysis, and, just sequentially, I'm thinking
30 more of a parallel kind of effort that would help you expedite
31 that, and is that part of the thinking? I guess the corollary to
32 that is that even reasonable that that could be done?

33
34 **DR. HOWELL:** Thank you for that, and I will tell you what I know
35 today, and so I am personally open to minimizing the timeframe
36 needed to get this done in any way possible. What I don't know is
37 what is possible, and so your question about pre-analysis -- I
38 will take that back, and we will look at this, because my -- One
39 of my bigger concerns is the timeframe, that this could represent
40 a huge change and get us into where we feel we need to be, but the
41 timing of it, and how long the window is, is a concern to me, and
42 so I think that is definitely something that I will discuss with
43 the team, and we can try to look at a plan. At this point,
44 honestly, we've just gotten to the first step, which is to get the
45 study funded, and now we're looking at the next steps, and so this
46 is good timing, and I will definitely take that back. Thank you.

47
48 **CHAIRMAN FRAZER:** Mr. Anson.

1
2 **MR. ANSON:** I'm just curious, and you mentioned, or it was
3 mentioned, that Florida -- You know, the estimate, or the
4 difference, was the lowest, at least of the sample size that was
5 provided of the states that were tested, and, I mean, every time
6 you get a dataset, it offers an opportunity to really look into
7 it, and sometimes it brings up more questions, but I'm curious.
8 For those other states where the study, the pilot study, was
9 conducted, their demographics are different than Florida.

10
11 Florida is considered basically the whole state is a coastal state,
12 whereas the other states, as I understand it, there is a
13 significant number of boats that live away from the coast, and so
14 have you all had a chance to kind of look to see where the physical
15 distance of the responses were and how those answers then were
16 provided and how that may have changed, because they just might be
17 in a different mindset, if you will, those that live farther away
18 from the coast, whereas those that are on the coast, anglers that
19 do saltwater fishing, they, you know, might just look at those
20 questions differently too, and so I'm just -- Again, those are
21 differences, because, when I look at this, you know, the results,
22 and even if you go from 20 to 40 percent of the difference, you
23 know, we're still --

24
25 If you look at the Coastal Household Telephone Survey and the
26 impacts of the estimates as it relates to red snapper in the Gulf,
27 you know, for the state surveys for Alabama and Mississippi, where
28 the Coastal Household Telephone Survey and FES has been conducted,
29 you know, we're still two to three-times, two-and-a-half-times,
30 more harvest that was occurring, and, granted, harvest is a
31 component of both effort and catch, but the FES then ramped that
32 up -- At least in Alabama's case, it doubled it, essentially,
33 again, and so, even with a 20 to 40 percent reduction, we're still
34 two-times more higher than what the state survey estimates, as far
35 as the number of trips.

36
37 You know, I just think that, with the larger geographic coverage
38 that the FES survey has incorporated, versus the Coastal Household
39 Telephone Survey, that there still may be something going on there
40 with, you know, access or inclusion of those anglers in those
41 states that, you know, have a different demographic, if you will.

42
43 **DR. HOWELL:** I think one thing we could do is to look at those
44 results together, especially from the pilot study, and take a look
45 at some of the modes by state, and look at some of those
46 differences, and I think we're starting to offer that, and we've
47 sent it out, but I think an active discussion around that would be
48 helpful, and, again, I think that FES has to represent the entire

1 Atlantic seaboard, as well as the Gulf, and so I think, for some
2 of the states that have either a smaller footprint or, as you say,
3 more inland participants, that would be something to continue to
4 look at together.

5
6 **CHAIRMAN FRAZER:** General Spraggins.

7
8 **GENERAL SPRAGGINS:** I think that I've already heard this, but I
9 want to make sure that I'm -- So what we have now that the council
10 has given forward to go to the Secretary, that is not going to
11 back up any of what we're doing, and we'll continue to do that, if
12 the Secretary signs it, and then this will be an additional to it
13 and what would do, and is that correct?

14
15 **DR. HOWELL:** Correct. We will continue to go forward with the
16 actions that are in place, and, anything that you're moving on, I
17 think the council has some discretion as to what you would like to
18 do, in light of the information, but, again, it was a pilot study
19 result, and it wasn't a full benchmark.

20
21 **CHAIRMAN FRAZER:** Dr. Walter.

22
23 **DR. JOHN WALTER:** Thanks, Evan, and I think we're really glad that
24 you're here and brought your team here, and your staff, and I
25 wanted to follow-up on -- I think that C.J.'s question wasn't quite
26 addressed on the impact on the stock assessments, and I think I
27 will follow-up there, because we've been thinking a lot about that.
28 Obviously, my staff is seeing this as a challenge, and it's going
29 to be a lot of work to address and work through these.

30
31 It's something that I think is an opportunity for collaboration,
32 and I think we see this as something where we really need to work
33 with our SSCs and the council staff and SERO to try to define the
34 best path forward, and what we see is actually there is a short-
35 term, or near-term, issue of the pending stock assessments and how
36 we're going to deal with this in our current stock assessments.

37
38 In some cases, it will be a non-issue, say for example for
39 yellowedge grouper, and it's mostly commercial, and we could
40 probably continue to work as normal. For other ongoing
41 assessments, we're going to have to take it more on a case-by-case
42 basis. In some cases, if there is a survey, like for gag, where
43 we use SRFs for it, then it's not an issue. If it's another one,
44 where we're going to have to work through the state surveys, I
45 think that there's a process for that, for instance the red snapper
46 operational assessment that will come after the research track.

47
48 I think, in those cases, technical working groups to address how

1 to deal with that could actually start to explore that, and, in
2 other situations, sensitivity runs are probably going to be our
3 main tool, to say is stock status affected by this, and I think
4 one thing we can sort of rely on is that, when the trends are the
5 same, but the magnitude is different, usually stock status is
6 relatively conservative, and that's one of the nice things about
7 our assessment and science process, and so, in that case, we can
8 probably continue to give advice on stock status.

9
10 The absolutes might be different, and, in that case, what we want
11 to do is work together on providing an advice framework that might
12 be less dependent on knowing the absolutes, and I think that
13 there's a couple of examples that we've sort of talked about, and
14 it's something we need to work through more, about whether we can
15 talk about giving advice, in terms of a percent change or something
16 like that from previous ACLs.

17
18 We don't have that fleshed out entirely, but I think that's
19 something that we could work with the SSC to help come up with
20 examples and vet those through the science process, and that's
21 sort of what we see as the near-term, or short-term, but, in the
22 medium-term, we're hoping that we're going to get more data here
23 from the FES pilots that is going to help give us better data that
24 will be able to be used, and then we would use that data as it
25 comes available online in 2025.

26
27 I think we need to keep expectations clear that it's going to take
28 time for that to work its way through the assessment and then the
29 management process, and so I wouldn't expect anything to hit the
30 books until 2026 or later, based on that, and there is still going
31 to be high uncertainty.

32
33 Long-term, I think what we're talking about is there's just really
34 challenges in trying to get a handle on what total recreational
35 catch and effort is, and that is going to persist even after this
36 FES pilot, and that's just the nature of the beast of that, when
37 you've got a dynamic, and a user group that is so dynamic, and is
38 increasing, which is a good thing, but it's going to be a
39 challenge, and I think developing advice frameworks that aren't
40 reliant on saying we know recreational catch exactly I think is
41 going to probably be the longer-term solution.

42
43 We can play to our strengths and kind of diminish -- Or not play
44 on our weaknesses, and I think the analogy I've been using is, if
45 you were going to design a system, a car, you wouldn't put the
46 most important thing, like the drive shaft, and make it out of the
47 weakest metal, and you wouldn't make a drive shaft made out of
48 zinc, and I think that's the case, where we've developed management

1 protocols that rely on us knowing rec catch and effort exactly,
2 and I think, if we could develop management that would be a little
3 more attuned to that being a real challenge for us, and probably
4 will continue to be, we could probably give better management
5 advice.

6
7 That's a longer-term solution, and that might get to something
8 that we would address through management strategy evaluation or
9 something like that, but those are sort of what we're seeing right
10 now, and we've really just started to chew on this, but those are
11 the kind of things that we can think of as paths forward for a
12 short, a medium, and a long-term. Thanks, and I will be here also
13 to answer more questions, and I think we're going to have a lot
14 more conversation here.

15
16 **CHAIRMAN FRAZER:** Susan has a question, but, John, I was going to
17 just ask -- You know, I think you made an important comment there,
18 and, I mean, so you don't necessarily have to focus on absolutes,
19 and you referenced perhaps looking at like percentages or something
20 like that, but every stock assessment is different, right, and
21 effort is just one element of what goes into that assessment, and
22 so it's hard to just scale everything and say, you know what, 30
23 percent of -- You know, we're going to reduce the quota or
24 something by 30 percent, or increase it by 40 percent, and I think
25 people need to know that, right, is it's not an easy fix, right,
26 and you can't just go change, or modify, those stock assessments
27 in the short-term to accommodate that.

28
29 I guess one of my earlier questions to Evan were, even though we
30 can't do that, is there some bounds, right, that we might be able
31 to consider that are reasonable moving forward, and, yes, we don't
32 have to adopt that today, or even in the short-term, and I think
33 it's something that we should think about, given that things aren't
34 radically going to change, right, from an information flow
35 perspective, until 2026, probably, or later, and so, anyway, that's
36 just a comment. Ms. Boggs.

37
38 **MS. SUSAN BOGGS:** So I have a question for Evan, and then I have
39 a question. So I was looking at -- We did the sample sizes, and
40 it seems like every response was around 30 percent, and is that -
41 - Is that common for a survey like this? I mean, Kevin was talking
42 about how the state surveys, with the charter boats, when we were
43 talking about it, which I know is apples and oranges, but it was
44 higher, like 65 percent, which, to me, would be a better comfort
45 zone, but is this typical for this type of survey? Is 30 percent
46 -- I mean, obviously, that's what I'm seeing, and I'm just making
47 sure.

48

1 **DR. HOWELL:** Yes, and I think it's fairly typical for this type of
2 broad survey and the response rates that you get. I think a
3 potential conversation for us is how to improve survey response
4 rates, period, and then I think, getting to John's point, in the
5 medium-term and long-term, and like how do we continue to collect
6 the best representative data that we can in the rec industry, or
7 the rec area, in terms of like novel techniques or things like
8 that, and so I think, if there's a lot that's on the table for
9 this broad -- We really have to cover such a wide -- That 30
10 percent, unfortunately, is about the average response rate that we
11 can expect to see, and I'm not sure how we would increase that.

12
13 **MS. BOGGS:** So my next question is I'm not a scientist, and how do
14 we message this to the fishermen out there, to understand what's
15 happening here, because, to me, this could dramatically change
16 some of the decisions that we've made, and some of the decisions
17 that we're looking to make, and, based on this information, are
18 these things that now we've got to stop, for those species that
19 we're currently dealing with, and send it back to the SSC to take
20 a look at and say maybe we didn't do this right, based on this new
21 information?

22
23 Then the other part that concerns me is that we're going into yet
24 another pilot study, and so what information are we going to find
25 out then? Was it really way, way more, or way, way less, and
26 that's why, when we have these conversations around the table, I'm
27 more the 75 percent person, and not give 100 percent, because now
28 we're seeing that maybe our numbers aren't right, and how do we
29 make the fishermen, commercial fishermen, charter/for-hire, and
30 recreational fishermen, comfortable, because this giving and
31 taking away that we've done with so many species -- We're losing
32 our integrity.

33
34 **CHAIRMAN FRAZER:** I am just going to jump in for Evan, and I'm not
35 sure there's a question for him to answer there necessarily, and
36 I think communication is going to be a huge issue, right, and I
37 think that we're going to have to work with the agency, various
38 branches of the agency, to explain what has happened, what the
39 path forward is, and what the implications, or ramifications, are
40 for our business that we conduct around this table, and, more
41 importantly, people's livelihoods as well, right.

42
43 What I am thinking about as well, Susan, and Evan can jump back in
44 here at any time, but the message I'm hearing is that what we have
45 on the table is the best scientific information available, and
46 we're going to live with that, and I just, again, wanted
47 confirmation of that, Evan, for the table.

48

1 **DR. HOWELL:** Correct, and I think that the things that -- As John
2 and others have raised, there are potential options, and I think
3 looking at where we might have an expectation that the effort
4 change would play a significant role in scientific output, or
5 decisional advice, could be things that we could look at through
6 sensitivity and see what type of impact it would have.

7
8 There are some things that, as we were talking about, that we
9 wouldn't expect to see a large impact, or a change at all, if this
10 was a bias, or a scalar, and it was, you know, changeable that
11 way, and it's not a non-linear that changes over time, like the
12 Coastal Household Survey to FES, and it's different than that
13 relationship, but I think these conversations now, I think, and
14 they're council-specific.

15
16 I mean, we're looking at all the different councils, and one of
17 the things that was stated was why did we wait, and we didn't wait,
18 and we actually accelerated to get this out in front of the Mid-
19 Atlantic and Gulf Councils, and we, unfortunately, did not get it
20 in time for the Northeast, and there was always a time that it was
21 going to hit before and after things, but we got this out to be
22 able to have these conversations, to talk through like what options
23 do we have, and, while we wait, I think we can continue to call
24 this the best scientific information available. If there are
25 things that we really feel would have a substantial impact, I think
26 we could look at those separately.

27
28 **CHAIRMAN FRAZER:** All right. Thank you for that. Andy, I see
29 you're on the phone.

30
31 **MR. STRELCHECK:** Thanks, Tom. Going back to Susan's questions, or
32 comments, I appreciate them, and we've given a lot of thought,
33 Susan, with regard to implications of this, and, as has been
34 stated, right now, the FES estimates are not changing, and they
35 represent the best scientific information available.

36
37 With that said, we fully recognize, right, what are we going to do
38 now in this kind of interim potentially transitional period, where
39 we have a follow-on pilot study that's going to be implemented and
40 tested and results provided as soon as possible, based on what
41 Evan has stated, right, and so the way I've looked at this is kind
42 of, you know, things that have been approved and moved forward
43 with the council -- Those are with the agency at this point, and
44 they're based on the record that you've established.

45
46 Everything that is kind of pending right now, that we will be
47 working on going forward between now and whenever these results
48 are available, it will need to be compartmentalized into what's

1 mandated, what's required, what, you know, needs to be done, versus
2 what is within the council's discretion, maybe that you don't have
3 to work on for the time being, and make some tradeoff decisions
4 with regard to that, but, in terms of not moving forward with an
5 action simply because it incorporates FES, that, to me, is not an
6 option at this point, right, but how we do that, and what we
7 consider, is going to be really important, as well as the timing
8 of that information, because, if we time-out, based on the
9 council's schedule, some of these actions, they might be wrapping
10 up around the time that we're getting the results of the FES
11 follow-on pilot study, right, and so how do we take all of that
12 into consideration and base our decisions based on this new
13 information, whatever comes forward, in the future.

14
15 I think it's going to have to be looked at very carefully, on a
16 case-by-case basis, but fully recognizing that we haven't made any
17 changes yet to the FES, and so the FES, as it currently stands,
18 represents the best scientific information available.

19
20 **CHAIRMAN FRAZER:** Ms. Boggs and then Mr. Geeslin.

21
22 **MS. BOGGS:** So I have to ask the question, and is it the best
23 scientific information available? There has been a flaw that has
24 been found, and now we're doing pilot studies to flesh out that
25 flaw. I mean, heck, I could come back and say that SEFHIER is the
26 best scientific information available for the charter fleet,
27 because that's the only information we have for the charter fleet,
28 but that doesn't fly, and I'm just -- I am very concerned, and I'm
29 sure that Mara and her staff, and agency staff, has considered the
30 fact that we're probably going to get sued, because of what's
31 happening here, and it concerns me, and I have been very vocal
32 from the beginning.

33
34 I appreciate what the Science Center is doing and this FES survey,
35 but I've never been comfortable with it, for this very reason, and
36 I am just very concerned. I mean, I understand we can't stop,
37 and, I mean, we're going to continue to move, but is there other
38 science that we may have more confidence in that we can use in the
39 interim, because, to me, this no longer is the best scientific
40 information available, and now I'm not a scientist, and I'm just
41 a layman standing on the outside looking in, thinking this don't
42 look good.

43
44 **CHAIRMAN FRAZER:** Go ahead, Evan.

45
46 **DR. HOWELL:** I appreciate that, and I think that, if I were to
47 characterize it to a family member or someone and, you know, my
48 uncle died deep-sea fishing, and that's what he loved to do, and

1 so he would always round me on things, like why don't you let me
2 go out there, and why don't you let me do this, and we have a
3 process that has some safeguards in place, meaning that we got the
4 results from this study that indicates what we expect, that there
5 is potentially an overestimation.

6
7 We need to run this down, and we need to go through the process to
8 make sure, scientifically, that this truly is what we think we
9 see, and that's not an answer that people want to hear, especially
10 if they feel that, yes, I knew this all along, and I could have
11 told you, and we don't discard what we have in hand, because we
12 don't want to just put something that we're not testing, or haven't
13 tested, out first.

14
15 It's not the only thing we have in play, and there are options, as
16 Andy was saying, and we can look at things separately, and so, if
17 there is other data sources that are available, for example like
18 we have another source from a survey, and that alone can be used,
19 and I think gag was an example of this. It's when you have notable
20 survey information across different places, and it's really
21 difficult to create just one standard currency, and that's where
22 we ended up with FES being the one thing that's there, and so, for
23 now, I think we're there today, and the conversations right now
24 are what options do we have, and let's look at these things
25 individually and then identify and exactly what you're saying.

26
27 If we do have other information that we do deem is better, we could
28 decide to use that, but, right now, I think, that, as Mara and
29 others have said, and I think I've said, is the results of a pilot
30 study. Do I think they're going to be extremely different than
31 the full-year study? No, but they may be different enough that
32 we'll have a better understanding from a full year and be able to
33 look at that analysis and see the true impact, but there are things
34 that we can do while we're looking through that.

35
36 **CHAIRMAN FRAZER:** A quick follow-up, Susan.

37
38 **MS. BOGGS:** I appreciate that, and I will use an analogy from the
39 charter fleet. You know, a day lost of fishing is a day lost of
40 fishing, and you don't get it back, and so either we restricted
41 fishermen from accessing the fishery when they could have been or
42 we've created a problem that now we're going to have to go back
43 and try to fix, and, ultimately, could lead to the detriment of
44 the species. I mean, that's pretty drastic, and I understand that,
45 but I am just -- I am just really concerned where we are here, and
46 where we go from here, and thank you.

47
48 **CHAIRMAN FRAZER:** Dakus.

1
2 **MR. DAKUS GEESLIN:** Thank you, Mr. Chair. I guess I'm struggling
3 with the same thing that Susan brought up, and while I do
4 appreciate Evan's explanation, I am struggling with what is the
5 best scientific information available, and we've heard it multiple
6 times, and just because we keep saying it, it doesn't mean it's -
7 - I am not sure that our commercial fishermen, or recreational
8 fishermen, or charter/for-hire fishermen, would buy into the
9 notion that this is the best scientific information available at
10 this point in time.

11
12 I can certainly understand the need for a follow-up study, and
13 we've got to do that. We've got to run these things parallel,
14 side-by-side, and I'm just a little concerned that that's not going
15 to be the saving grace, that we come up with a margin of error
16 that is, you know, just as bad of what we've seen, and maybe we
17 narrow it down into some regions, or states, and I understand
18 there's a lot of variability in there.

19
20 On the plus side, I see, from my notes that I took earlier on, and
21 maybe it was last week, when we talked about the IRA funding, and
22 it was August 4, as a matter of a fact, and we talked about Project
23 Number 4, and I understand that we talked about this before the
24 FES information came out, but that Project Number 4 is an
25 independent effort estimation pilot.

26
27 I mentioned earlier that I don't totally understand how all these
28 things flesh together, but I think there's some potential there to
29 mend that project with some of the challenges that we're facing
30 here, and I took some notes. It said the goal was to develop the
31 gold standard, to maybe conduct some independent workshops and to
32 really transform the programs and not bolster onto the existing
33 programs, and so, if we really want to embrace that, and think
34 about transforming some of those programs, it looks like we've got
35 a path forward here with some of the pilot studies, the follow-up
36 study, but also utilizing this IRA effort to address some of this.

37
38 **CHAIRMAN FRAZER:** Great. Thanks, Dakus. Again, I just -- I know
39 these thoughts are going through people's minds, right, and this
40 discussion that relates to best scientific information available
41 -- I mean, there are certainly concerns about the FES program and
42 the data that it -- The information that's generated at present,
43 but I have to remind folks as well that, in the absence of things
44 like the State Reef Fish Survey or something like this more
45 generally, there's not another effort-generating program, right,
46 and so, I mean, that's a tough pill to swallow, a little bit, but
47 it's the only information that you have right now. Andy.

48

1 **MR. STRELCHECK:** Thanks, Tom. You covered one of my main points,
2 right, which is what's the alternative, right, and that's the
3 issue, and so everyone is latching onto, well, the pilot study
4 indicates, you know, that effort is lower, and there's a
5 directionality to it, and it's concerning, obviously, that we would
6 have to manage, in this interim period, without kind of knowing
7 how we're going to be able to address, or utilize, that
8 information, and especially if it holds true with a follow-on
9 study.

10
11 With that said, right, there's uncertainty around that, and we
12 don't know what that ultimate follow-on study is going to produce
13 and look like, and so I wanted to just point to any number of
14 examples over time, where there's been an evolution of survey
15 methodology that has occurred, and these pilot studies have taken
16 place, and even though results have become available prior to full-
17 scale implementation, we haven't immediately acted on those pilot
18 studies, and you can talk about state surveys, and you can talk
19 about the MRIP APAIS survey, and you can talk about the MRIP-FES,
20 the initial survey, you know, before implementation, and all of
21 those involved pilot studies, and all of them involved some sort
22 of testing.

23
24 I think the main difference here is there's a broader awareness,
25 and, as Even has really done a good job with, a greater
26 transparency to this process to give the council information early
27 on to let you know this is what the agency is working on, in terms
28 of improvements in data collection, and so, you know, we're in a
29 predicament, and it's a difficult spot, obviously, to be in, but
30 we don't really have an alternative, at this point, because we
31 don't have enough information to make sweeping changes to the FES
32 survey based on these smaller-scale projects that have been
33 produced.

34
35 **CHAIRMAN FRAZER:** Okay. Thanks, Andy. Dr. Sweetman.

36
37 **DR. SWEETMAN:** A question for you, John, related to the
38 assessments, and so we mentioned looking at different options,
39 what we could look at there, either a sensitivity run or putting
40 together technical working groups to explore other surveys, and so
41 I'm thinking of what we've got coming down the pipeline.

42
43 The mutton snapper data stock assessment workshop is coming up
44 next week, and I'm sure Julie is probably sitting there wondering
45 how we're going to move forward on some of this stuff too, given
46 some of these outstanding questions, and so other options that
47 you're talking about, and like the State Reef Fish Survey does
48 pretty good coverage for mutton snapper, and it's primarily a south

1 Florida fishery, for the most part, and are those options that
2 you're thinking that we could look into as well there, as opposed
3 to -- Like similar to maybe how we've done gag?
4

5 **DR. WALTER:** I would say that every data workshop looks at the
6 data independently and finds out the most appropriate data for
7 that stock assessment, and it doesn't have any bearing on whether
8 other surveys are better or worse than others, and it looks at it
9 and says that, in fact, that's the core area, and it's covered
10 well by the Florida survey, and maybe that workshop might make
11 that decision that is the most appropriate and useful, and I think
12 those are the decisions that are always made when we decide on
13 which indices to use, and, if that's the way that process works,
14 I think that that could be a straightforward decision.
15

16 **DR. SWEETMAN:** Just a follow-up there, and so I guess the way I
17 was asking that was specifically in how you were talking about
18 forming some sort of technical working group that would look into
19 that, and is that going to be stock-specific, as the assessments
20 come up, or a broader charge, or like what are you thinking along
21 those lines?
22

23 **DR. WALTER:** So I'm really kind of flying a little bit off the
24 cuff, in terms of what that working group was, and I think the
25 main one that we need, and this gets kind of to Susan's point about
26 the integrity of the science, because that's really one of our
27 staff's concerns, and that is what they put into the assessment
28 somehow giving advice that's going to cause some major problems to
29 the stock.
30

31 I think that we need to -- What I would recommend is that we kind
32 of pull together some working group that at least evaluates the
33 potential impacts on the assessments and which ones might need to
34 be looked at further for that, like, for instance, some that aren't
35 going to be a problem and others that might indeed be and then
36 prioritize what we do forward with them.
37

38 In terms of which datasets we use, it would be useful to have some
39 overall guidance, rather than have it stock-specific, and we try
40 to do that when we can develop a working group on common issues,
41 but, in this case, for assessments that are ongoing, that need
42 data decisions made, like mutton, they're going to have to make
43 that decision and go with it.
44

45 I think what I would like to do is for us to continue conversations
46 about how best to use the resources we've got, both our SSC, SERO,
47 council staff, my staff, to come up with a plan for ensuring the
48 integrity of our advice framework, determining the best use of the

1 data inputs, and then the longer-term solutions for how we build
2 a robust management advice framework that maybe doesn't rely solely
3 on things that are really challenging or uncertain.

4
5 **CHAIRMAN FRAZER:** Captain Walker.

6
7 **MR. ED WALKER:** Thank you, Mr. Chair. Again, I'm not on your
8 committee, but I feel like I might throw my two-cents in here, and
9 I'm looking at it from a regular angler view from the outside, who
10 doesn't know the science and all this stuff, and what he sees is
11 maybe a couple of years, using a likely flawed system, and
12 potentially having his charter season cut down, or his recreational
13 season, you know, on a reduced level and being told, you know,
14 we're probably wrong, but it's going to take us two years to figure
15 it out.

16
17 You know, they're going to be frustrated, you know, with good
18 reason, and I understand there's not an easy solution here, and I
19 wondered, and this is just throwing random ideas around, if on
20 certain species that were indeed affected by flawed effort surveys,
21 if we could explore a de-calibration, if you would, if you could
22 back up 15 or 20 percent, to give them a little something in the
23 interim, and I don't know that there's a mechanism to do that, but
24 that would be an olive branch to the people that can't fish, based
25 on what we're telling them is probably flawed information.

26
27 **CHAIRMAN FRAZER:** Thanks, Ed, and, again, I think there's a lot of
28 potential ideas around the table, and the intent was to provide
29 them to folks that will be considering options moving forward,
30 and, you know, what I recognize is going to happen is that this
31 issue is going to pervade all of the discussions in our committees
32 moving forward, right, and we'll hear about it, and it will bear
33 on some of the stuff that sustainability -- The sustainability
34 committee will be talking about today, and it's certainly going to
35 have an impact on what we talk about tomorrow in the Reef Fish
36 Committee.

37
38 Rather than just dwelling on, you know, the extreme negative
39 thoughts, you know, let's think about what happened in this
40 discussion and what actions the council might take in order to
41 continue to make progress and manage the fisheries in the most
42 responsible manner that they can, and that was a large part of why
43 we had this discussion today, and so we are going to wrap it up
44 pretty quick, and I see that Andy has his hand up on the screen,
45 and so, Andy, I'm going to let you go, and then if Evan wants --
46 Go ahead, Andy.

47
48 **MR. STRELCHECK:** Thanks, Tom, and I will keep it short. I

1 appreciate Ed's comments, right, because I think this is a
2 challenge right now, in terms of how we communicate on this with
3 stakeholders and what the implications for this are, and what Ed
4 is pointing to, right, is this perception, belief, that, because
5 the effort estimates are potentially lower, based on the pilot,
6 that that would equate to more days fishing, and that is a
7 communication challenge, because what the issue really is is that
8 we would then need to plug into the assessment lower landings and
9 discard estimates and recompute the ABC catch limit, overfishing
10 limit, and then determine whatever those new levels should be and
11 manage against those, but, right now, we don't have that
12 information, and so we're unable to do that.

13
14 Comparing essentially the effort estimates to the current catch
15 level is not going to be appropriate, but we need to communicate
16 out that effectively, to ensure that people understand what the
17 implications are of this.

18
19 **CHAIRMAN FRAZER:** Okay. Thanks, Andy. Susan, you had a quick
20 word?

21
22 **MS. BOGGS:** To end on a positive note --

23
24 **CHAIRMAN FRAZER:** Thank you.

25
26 **MS. BOGGS:** I would like to thank Evan for bringing this
27 information to us and giving us the opportunity to comment, and we
28 look forward to working with you with this challenge before us.
29 Thank you.

30
31 **CHAIRMAN FRAZER:** Evan.

32
33 **DR. HOWELL:** Well, thank you, and that's what I was going to say
34 back, is I appreciate the ability to be here, and Dr. Simmons and
35 Dr. Frazer and all of you for having me here, and that's why I'm
36 here. I will be here all week, and it is something major, and I
37 understand the implications, and I understand the concern and the
38 gravity within this particular council, and so that's why I'm here
39 in-person here, and I sent other people to different councils, and
40 so thank you for your time, and I will turn it back to you, and I
41 will be here all week.

42
43 **CHAIRMAN FRAZER:** I would just like to say one other thing, before
44 we take a short break and jump into the Sustainable Fisheries
45 Committee, and there's a lot of people in the audience here as
46 well, right, and, again, I would urge you to think about the issues
47 at-hand, and don't necessarily be shy in your public comment,
48 right, but, again, throwing stones isn't necessarily going to help

1 anybody, and try to think about this in a constructive way, if
2 possible, but we certainly look forward to hearing what you have
3 to say about it, and I know the agency is going to take your
4 comments into consideration as well, and so, again, thanks to
5 everybody. We're going to take about a ten-minute break, and then
6 we're going to jump into Sustainable Fisheries.

7
8 (Whereupon, the meeting recessed on August 14, 2023.)
9

10 - - -

11
12 August 16, 2023

13
14 WEDNESDAY MORNING SESSION

15
16 - - -
17

18 The Full Council of the Gulf of Mexico Fishery Management Council
19 reconvened at The Driskill in Austin, Texas on Wednesday morning,
20 August 16, 2023, and was called to order by Chairman Tom Frazer.
21

22 **CALL TO ORDER, ANNOUNCEMENTS, INTRODUCTIONS**

23
24 **CHAIRMAN FRAZER:** All right. We're going to call people back to
25 the table and start the Full Council session. All right. It looks
26 like we've got everybody back to the table. If we can minimize
27 the discussion in the back of the room, we'll get started. All
28 right.
29

30 Welcome to the 296th meeting of the Gulf Council. My name is Tom
31 Frazer, vice chair of the council. If you have a cell phone or
32 similar device, we ask that you place it on silent or vibrant
33 mode during the meeting. Also, in order for all to be able to
34 hear the proceedings, we ask that you have any private
35 conversations outside. Please be advised that alcoholic beverages
36 are not permitted in the meeting room.
37

38 The Gulf Council is one of eight regional councils established in
39 1976 by the Fishery Conservation and Management Act, known today
40 as the Magnuson-Stevens Act. The council's purpose is to serve as
41 a deliberative body to advise the Secretary of Commerce on fishery
42 management measures in the federal waters of the Gulf of Mexico.
43 These measures help to ensure that fishery resources in the Gulf
44 are sustained, while providing the best overall benefit for the
45 nation.
46

47 The council has seventeen voting members, eleven of whom are
48 appointed by the Secretary of Commerce and include individuals

1 from a range of geographical areas in the Gulf of Mexico with
2 experience in various aspects of fisheries. The membership also
3 includes the five state fishery managers from each Gulf state and
4 the Regional Administrator from NOAA's Southeast Fisheries
5 Service, as well as several non-voting members.

6
7 Public input is a vital part of the council's deliberative process,
8 and comments, both oral and written, are accepted and considered
9 by the council throughout the process. We will welcome public
10 comment from in-person and virtual attendees.

11
12 Anyone joining us virtually who wishes to speak during the public
13 comment should register for comment online. Virtual participants
14 that are registered to comment should ensure that they are
15 registered for the webinar under the same name they used to
16 register to speak. In-person attendees wishing to speak during
17 the public comment should sign-in at the registration kiosk located
18 at the back of the room. We accept only one registration per
19 person. Public comment may end before the published agenda item
20 if all registered in-person and virtual participants have
21 completed their comment.

22
23 A digital recording is used for the public record, and, therefore,
24 for the purpose of voice identification, I will call attendance
25 for the council members attending virtually first. Mr. Andy
26 Strelcheck.

27
28 **MR. STRELCHECK:** Andy Strelcheck, NOAA Fisheries, Southeast
29 Regional Office, Regional Administrator.

30
31 **CHAIRMAN FRAZER:** Mr. Dale Diaz.

32
33 **MR. DALE DIAZ:** Dale Diaz, Mississippi.

34
35 **CHAIRMAN FRAZER:** Now I would ask that members of the room identify
36 him or herself, starting on my left.

37
38 **DR. SWEETMAN:** C.J. Sweetman, Florida.

39
40 **MR. GILL:** Bob Gill, Florida.

41
42 **MR. WALKER:** Ed Walker, Florida.

43
44 **MR. DAVE DONALDSON:** Dave Donaldson, Gulf States Marine Fisheries
45 Commission.

46
47 **GENERAL SPRAGGINS:** Joe Spraggins, Mississippi.

1 **MR. MICHAEL MCDERMOTT:** Michael McDermott, Mississippi.
2
3 **DR. ANTHONY OVERTON:** Anthony Overton, Alabama.
4
5 **MR. ANSON:** Kevin Anson, Alabama.
6
7 **MS. BOGGS:** Susan Boggs, Alabama.
8
9 **LCDR LISA MOTOI:** Lieutenant Commander Lisa Motoi, U.S. Coast
10 Guard.
11
12 **MS. LEVY:** Mara Levy, NOAA Office of General Counsel.
13
14 **MR. PETER HOOD:** Peter Hood, NOAA Fisheries, Southeast Regional
15 Office.
16
17 **DR. WALTER:** John Walter, NOAA Fisheries, Southeast Fisheries
18 Science Center.
19
20 **MR. TROY WILLIAMSON:** Troy Williamson, Texas.
21
22 **DR. KESLEY BANKS:** Kesley Banks, Texas.
23
24 **MR. GEESLIN:** Dakus Geeslin, Texas.
25
26 **MR. J.D. DUGAS:** J.D. Dugas, Louisiana.
27
28 **MR. BILLY BROUSSARD:** Billy Broussard, Louisiana.
29
30 **MR. CHRIS SCHIEBLE:** Chris Schieble, Louisiana.
31
32 **EXECUTIVE DIRECTOR CARRIE SIMMONS:** Carrie Simmons, council staff.
33

34 **ADOPTION OF AGENDA AND APPROVAL OF MINUTES**

35
36 **CHAIRMAN FRAZER:** All right. Thank you, everybody. We will just
37 jump right into a couple of items, and we'll adopt the agenda and
38 the approval of the minutes, and then I will invite a speaker up
39 and say a few other words and make a couple of announcements.
40

41 The first item would be the Adoption of the Agenda, and that would
42 be Tab A, Number 3 in your briefing materials. Is there any
43 modifications to the agenda? I am not seeing any. Can I get a
44 motion to adopt the agenda?
45

46 **MR. GILL:** So moved, Mr. Chairman.
47

48 **CHAIRMAN FRAZER:** Okay. We have a motion to adopt the agenda by

1 Bob Gill. Is there a second?

2

3 **MS. BOGGS:** Second.

4

5 **CHAIRMAN FRAZER:** It's seconded by Ms. Boggs. All right. Is there
6 any opposition to adopting the agenda? Seeing none, we will
7 consider the agenda adopted as written and move on to the next
8 item, which is the Approval of the Minutes, which will be Tab A,
9 Numbers 3 and 4 in your briefing materials, and are there any edits
10 or modifications to the minutes? Mr. Donaldson.

11

12 **MR. DONALDSON:** Thank you, Mr. Chair. On page 35, line 28, under
13 my report, it says the "INTA", and it's supposed to be "IMTA".
14 Thank you.

15

16 **CHAIRMAN FRAZER:** Noted. Thank you, Mr. Donaldson. Are there any
17 other modifications or edits to the minutes? Okay. I am not
18 seeing any. Can I get a motion to approve the minutes?

19

20 **MR. GILL:** Move to approve the minutes as modified.

21

22 **CHAIRMAN FRAZER:** Thank you, Mr. Gill, for the motion to approve
23 the minutes. Is there a second? It's seconded by Mr. Anson. Is
24 there any opposition to approving the minutes? Seeing none, we'll
25 consider the minutes approved, and we have the next agenda item,
26 before we get into the presentations, and I know that we have an
27 update from the Bureau of Ocean Energy Management, but I would
28 like to invite Sam Rauch, the Deputy Assistant Administrator for
29 NOAA Fisheries, up to welcome our new council members and, you
30 know, just give us a little bit of an update of what's going on in
31 the agency, and so thanks, Sam, for making yourself available.

32

33

COMMENTS FROM SAM RAUCH

34

35 **MR. SAM RAUCH:** Thank you, Mr. Chair. I am Sam Rauch, and I'm the
36 Deputy Director of the National Marine Fisheries Service, one of
37 the three deputies. I oversee the work of all the Regional
38 Offices, including the Southeast Region, the Headquarters Offices
39 of Sustainable Fisheries, Habitat, Conservation, and Protected
40 Resources.

41

42 The other two, if you're interested, is the Chief Scientist, and
43 Evan Howell is acting in that role right now, and you heard from
44 him earlier, and he's here in the meeting, and then we have an
45 Operational Deputy, which oversees enforcement internally and
46 budget and those kind of things.

47

48 It is my pleasure to be here. The August council meetings, around

1 the country, are always very exciting, because we have new council
2 members, and it is a solemn and difficult task that the council
3 does. There's a lot of preparation, a lot of difficult decisions,
4 and it's a lot of hard work, and so we really appreciate the people
5 who put themselves forward to be council members and who make the
6 commitment to be here on this important activity, and so I really
7 would like to take the opportunity to welcome Dr. Overton, Dr.
8 Banks, and Captain Walker as the three new council members here.
9 They were appointed by the Secretary in June, and we look forward
10 to your next three years of participation in this meeting.

11
12 It is an exciting time to be here, and I think the council, or at
13 least the subcommittee, heard earlier in the week on some of the
14 activities regarding new funding that the Department of Commerce
15 is rolling out that is of interest to many of the activities that
16 we're doing through the Inflation Reduction Act, continued funding
17 under the Infrastructure Law, and there is a low of investment
18 that we are making in science, and there are some investments that
19 we're making in the council process and in other things that are
20 of interest to here to try to modernize the way that we look at
21 fisheries, to better adapt to climate change.

22
23 I won't go through all of those again, but those processes are out
24 there, and we are looking forward to working with the councils and
25 other stakeholders and states and other partners in trying to make
26 progress to significantly change and improve the way that we both
27 develop the scientific input that the council relies on and work
28 on the management responses to that, and so those are very exciting
29 things.

30
31 For me personally, I am excited that the agency released, earlier
32 this year, the National Equity and Environmental Justice Strategy,
33 and that was something that I personally led at the Fisheries
34 Service, and I was really pleased with that, but the hard work is
35 still to be done, as we work through -- As you all work with the
36 regions on tailoring that national strategy down to a more
37 localized implementation strategy.

38
39 We're also looking at potential changes to National Standards 4,
40 8, and 9, and so we've got an Advanced Notice of Proposed
41 Rulemaking out there, and we're taking comments on that. We may
42 or may not decide to do anything with that, but we are looking at
43 people's views on that, and we're really excited about what that
44 might entail and what we might do, or not do, to improve those
45 processes, and so just a few things that we're doing, Mr. Chair,
46 and I'm happy to take any questions, if you would like, but I
47 wanted to reiterate my welcome to the new council members. Thank
48 you.

1
2 **WORDS IN MEMORY OF BART "BUSTER" NIQUET**
3

4 **CHAIRMAN FRAZER:** Thank you, Sam. Again, we just wanted to take
5 the opportunity to have Sam up to the table a little bit, and, you
6 know, we always appreciate you making the time to come down and,
7 you know, keep abreast of some of the issues that are going on in
8 the council and making yourself available, not only to the council
9 members, but the stakeholders that are here too, and so I told Sam
10 that I didn't want to just bombard him with an hour's worth of
11 questions, right, and certainly we'll entertain a couple, if there
12 are any, but, if not now, again, he's certainly willing to make
13 himself available during the breaks or any time for the rest of
14 the day that he's here, and so, if you have a pressing question,
15 I wouldn't feel, you know, shy about going and talking with him,
16 and he's a pretty approachable guy, but we will ask, right now, if
17 there any questions, and, if there aren't, Sam, I will put you off
18 the hook. Any questions for Mr. Rauch? All right. Sam, thank
19 you for coming. We appreciate it.
20

21 All right. Also, before we get into some of the other agenda
22 items, every once in a while, we lose a member of the community
23 that affects a lot of people, and we just recently lost Bart
24 "Buster" Niquet, and many of you know that he has participated in
25 these meetings for years and years and years, and so we prepared
26 a few words with regard to his passing, and I would like to read
27 them here.
28

29 Bart "Buster" Niquet has been a fixture at council meetings for as
30 long as any of us can remember. Buster began working in the
31 fishery as a deckhand on a partyboat out of Panama City, Florida
32 in the 1950s, and he later became a captain. He eventually
33 migrated to commercial fisheries, commercial fishing, and ran a
34 longline vessel for many years.
35

36 He was a legendary fisherman. He loved his time on the water, and
37 he was dedicated to the sustainable management of our fisheries.
38 Perhaps more importantly, he always had a good joke, a kind word,
39 or a thoughtful question to share. He genuinely loved the friends
40 he made through the fishery and the council process, and it's hard
41 to believe that we won't see him around anymore. He will certainly
42 be missed.
43

44 Okay, and so we will go ahead and have a presentation, and that
45 would be the Update from the Bureau of Ocean Energy Management, or
46 BOEM, on Wind Energy Development in the Gulf of Mexico, and that
47 would be Tab A, Number 7 in your briefing materials, and Mr. Celata
48 is going to give that presentation. Mr. Celata, are you on the

1 line?

2

3 **MR. MIKE CELATA:** I am. Can you hear me?

4

5 **CHAIRMAN FRAZER:** We sure can, and we will turn the floor over to
6 you, sir.

7

8

PRESENTATIONS

9

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

10

11

12 **MR. CELATA:** All right. Thank you, Mr. Chair. I appreciate the
13 council allowing BOEM to speak here today. You know, wind energy
14 development, I think we've talked to the council, or at least some
15 committees, in the past, and it's an important -- It's important
16 energy being developed in the Gulf of Mexico, and fishing,
17 commercial fishing and recreational fishing -- You know, they're
18 important stakeholders in the process, and it's very important for
19 us to present our thoughts and get feedback as we move forward
20 through the process.

21

22 I am Mike Celata, and I used to be the Regional Director for BOEM
23 in the Gulf of Mexico region, and I actually retired in January,
24 but I guess I couldn't stay away, and I am back to work on wind in
25 the Gulf of Mexico, to help with this process and put a strategy
26 together and do outreach meetings like this, and so today I'm going
27 to give you some background, kind of catch you up on where we are,
28 if you haven't checked in on us recently, or we haven't checked in
29 on you, and, you know, we're actually at this final sale notice,
30 and I will talk about that in a little bit, and there's an auction
31 on the 29th of this month for wind.

32

33 We're looking to the future, growing wind in the Gulf of Mexico,
34 and, really, that's kind of where we want to get some feedback, as
35 to kind of our ideas of where we're headed.

36

37 This is just a reminder, and this is our process, and it's a
38 lengthy process of many years, and, in the Gulf of Mexico, we still
39 haven't had any leasing, and so we're at this beginning planning
40 and analysis stage, and, on the 29th, we'll actually have our first
41 auction, and we'll talk about the location in a little bit, and
42 then, after that, companies come in, and they assess the sites,
43 and they look at the seabed, what kind of turbines they can put in
44 the Gulf, what kind of -- You know, where the wind direction is
45 actually coming from, and then they send in a construction and
46 operations plan of, based on that information, here's how we want
47 to develop the wind on our lease.

48

1 Today, we're really just going to stick to the planning stage, and
2 I am going to review this area, the RFI, request for information,
3 call, this area identification, wind energy area, and then touch
4 on the leasing. If you have any questions about the more detailed
5 stuff, we can probably get somebody from our Atlantic region,
6 because that's where the more detailed construction and operations
7 are ongoing at this point in time.

8
9 The important thing, or one of the important things here, is NEPA
10 environmental reviews and public commenting and public outreach.
11 Those are critical parts of the process, and we don't often talk
12 about those, and they're not heavily highlighted on this graph,
13 but that is important, and, again, why we're here, to kind of get
14 some feedback.

15
16 I wanted to emphasize the public outreach process that we've gone
17 through. You know, we've had numerous meetings with people and
18 engaging. Historically, in the Gulf, with oil and gas, you know,
19 we have a process where we have Federal Register notices and public
20 commenting periods, and these are official periods that we get
21 comments in, and it hasn't really been as engaging as the wind
22 energy process.

23
24 In the wind energy process, we've reached out more to stakeholders
25 and constituents in meetings like this, to make sure people are
26 aware that the structures are different, the designs are different,
27 and the impacts to the industries might be different, and it's
28 very important that we have a dialogue as we move through the
29 process.

30
31 How did it all start in the Gulf of Mexico? Well, it requires
32 actually a state to be interested in wind in the federal offshore,
33 and Louisiana showed that interest, and they asked for a taskforce,
34 which is federal and state partners and tribal partners to discuss
35 the plans and the projects moving forward. The map you see is
36 actually the wind distribution for a study that we did with the
37 National Renewable Energy Lab, and so stronger winds are off of
38 the Texas and Louisiana coasts, the western part of Louisiana, and
39 the weaker winds are off of Florida, and so you will see how this
40 helped play into our decisions to move forward with wind energy in
41 the Gulf of Mexico.

42
43 There is a lot of advantages to being in the Gulf. I mean, we
44 have the oil and gas supply chain, the capabilities of a workforce
45 that can be retrained and move into the wind energy development,
46 but hurricanes, and those impacts on these turbines, is something
47 that is actively being studied, but it's a technology issue, and
48 we expect that to be overcome by the time that any wind turbine is

1 installed in the federal offshore of the Gulf of Mexico.

2
3 This is a map of the Gulf of Mexico, and the black lines that run
4 from, you know, kind of north-south and the checkered area is the
5 planning areas, and so, historically, if you're familiar with oil
6 and gas, the western planning area is off of Texas, mostly, and
7 the central planning area, in the middle there, is off of
8 Louisiana, mostly, and, when we do this process, we start -- We
9 try to narrow it down to where we're actually going to have leases.

10
11 When we started going out to the public about interest on wind
12 energy in the Gulf, we went to both the western and central
13 planning areas, and we went out to the blue line, 1,300 meters,
14 because, at the time, that was the technological depth of floating
15 wind capabilities, and we got interest from folks.

16
17 As moved further, we narrowed it down to the red line, which is
18 the 400-meter water depth line, and it still runs from the Mexico
19 border, but we cut it off at this vertical line west of the
20 Mississippi, and that's partly because of some of the comments
21 about potential mudslides off the river, and, to the east there,
22 we have the Breton area, and there's a lot of bird pathways there,
23 and so, in our first pass, we thought it was prudent to exclude
24 those areas, and that doesn't mean that, in the future, we might
25 not reconsider those areas, but, in our process, we decided to
26 eliminate those areas as we move forward.

27
28 In those comments, these are some of the things that we heard from
29 people, that they wanted a twenty-nautical-mile buffer for
30 migratory birds, a twenty-nautical-mile buffer for menhaden
31 fisheries, and we wanted to remove significant sand sediment
32 resource areas, and so one of the things that BOEM also does is
33 provide sand sediment for coastal resiliency and beach
34 restoration, and so we wanted to make sure that that was available
35 for states to rebuild the coastline.

36
37 The Rice's whale, which is an endangered whale in the Gulf, and it
38 was requested for a buffer zone along the 100 and 400-meter area,
39 and then we removed high to moderate shrimping areas, as a request,
40 and we put some navigation buffers in, and then, of course, we
41 coordinated with DOD and removed some areas related to DOD
42 throughout this process.

43
44 One of the things that we learned is that NOAA had already gone
45 out and done spatial modeling, and they had worked, in the Gulf,
46 on aquaculture siting, and there was a request that we work with
47 NOAA and NCOS to do a very similar modeling, and so we did, and
48 this has been a great partnership. It started in the Gulf, and

1 it's expanded both to the Atlantic and to I think Oregon now, and
2 maybe even in the Gulf of Maine, which is kind of surprising. When
3 I hear BOEM talk about GOM, to me, it's always the Gulf of Mexico,
4 and it will never be the Gulf of Maine, but there is another GOM
5 in our vocabulary.

6
7 This modeling approach is what we use to try to deconflict with
8 other users, and so you can see here that, in the model -- It's a
9 constraints model, and so, basically, those were things that we
10 decided never to impact at the beginning, simple things like we
11 have oil and gas infrastructure and pipelines that we know, in the
12 first go-round, we didn't want to involve.

13
14 We did the high shrimping areas that were removed, some DOD sites
15 and things like that, and then we did a suitability model, which
16 I will talk about in a little bit more, what went into that, and
17 then we did a tradeoff analysis and a characterization analysis,
18 and we came out with a result, and on the map is an example, and
19 so greens are good, right, and reds are bad, and so greens would
20 generally be, you know, there is less conflict in the model, but
21 that kind of gives you an example of the outputs of the maps of
22 where we go, and you can see there's a grid cell size that we do
23 use to make that analysis.

24
25 Then this is the different datasets that went into it, and, as I
26 said, this was a constraints model, but, in the model, we had
27 industry and operations, and we had a fisheries layer, and a lot
28 of data came from NOAA, and probably from this council and from
29 data that they've collected. Then logistics, economics, national
30 security, of course, and then natural and cultural resources. All
31 of these -- We had fifty-four datasets in total, and each one of
32 these sub-models was equally weighted in going into this analysis.

33
34 These are just model layer examples, and so you can see the
35 electronic logbook data for shrimping, right, and the reds were
36 areas that were high and that we tried to exclude, and then then
37 the little blue things are -- I will get into those details, and
38 those are actually outputs from the model, but they're highlighted
39 here to show the areas that were deconflicted with each individual
40 layer, and, on the right, you will see pelagic birds, and hopefully
41 those hatch in black areas and it's very well deconflicted with
42 where the bird populations are located in the Gulf of Mexico.

43
44 We looked at protected resources, and red is, again, areas where
45 we didn't want to go, and you can see that those draft wind energy
46 areas, those black-hatched areas, are either in the yellow or the
47 green, or the yellow and maybe into the orange, and they are not
48 in the red area, and the same for DOD, and you can see the red

1 areas that got excluded, and orange are questionable, and the
2 lighter colors are clearly areas that were heavily deconflicted.
3
4 This was the output from that model, right, and so the reds were
5 things that we just said we're not going to go there, the coastal
6 menhaden fisheries and the birding and the fairways, oil and gas
7 infrastructure, and the red out towards the 400-meter line is the
8 Rice's whale area, and so the high deconflicted areas were the
9 greens, and the reds were the areas that we weren't going to go
10 with from the outputs from this model.
11
12 Here, again, are the thirteen deconflicted areas that I kind of
13 had shown already that came out of the model, and so there was a
14 95 percent -- The top 5 percent of the areas -- These were
15 identified, and we looked at areas that were large enough for
16 leasing, and so there's still a lot of areas left in the Gulf, but
17 these were the most deconflicted areas out of them all.
18
19 As we move through our process and are narrowing, the next step is
20 an RFI call, and then it's the area ID, or the wind energy areas,
21 and so, in our analysis, we chose two of those areas, I and M, to
22 go forward to move them into deciding on where our leases would be
23 for the August 29 auction, and so we have one off of Louisiana,
24 and we have one area that was off of Texas, and these are the
25 rationale for why we picked those two out of the model at the time.
26
27 Again, this goes into some of the comments that we had, and I kind
28 of discussed some of those things. We had a lot more concerns
29 from the U.S. Coast Guard when we did this, and they have concerns
30 on lightering zones, and so I want to stress that, in the process
31 we did previously, when we did these wind energy areas, we had the
32 thirteen that we moved forward to, and we decided to have two.
33
34 When we went to the two, we put out a memo, a draft memo, and we
35 call them preliminary WEAs, and we went out to the public to
36 comment on that draft memo, and so that's important, because I
37 think, as BOEM is moving through the Gulf of Mexico, that draft
38 memo process is going to be skipped, but we have meetings like
39 this to seek public engagement, so that we can put those comments
40 that are received directly into our process, as opposed to putting
41 out a Federal Register notice or a public announcement, and we're
42 doing this kind of in smaller meetings, to make those comments.
43
44 During that draft, we did change the WEAs a little bit, and not a
45 lot, but we did take off a few extra blocks, and so I think, in
46 this process moving forward, and I will talk about it a little bit
47 more later, there are opportunities still to change, but we would
48 do that probably at the proposed sale notice stage, the official

1 public way.

2
3 This is where we are actually, and so we submitted a final notice
4 for sale, and that sale is on the 29th of this month, and we went
5 back to, in those wind energy areas, to NOAA and NCOS and did some
6 more modeling, so that we could pick actual leases in those wind
7 energy areas, and so you can see, even though we had these larger
8 wind energy areas, the leases are a subset of those wind energy
9 areas, and we have three leases that are up for auction, and you
10 can see the acreage. 100,000 acres is kind of the round estimate
11 that industry has given us that they think they can make viable
12 windfarms in the Gulf of Mexico, and so we aimed to have leases
13 around 100,000 acres.

14
15 Then this just shows you how many homes can be powered and the
16 benefits of, if those areas are leased, how many homes will be
17 powered, what the power production would be, and that gives you
18 some distances of depths on those plots.

19
20 Then, in our leases, we had -- So you bid a dollar amount, but
21 BOEM has moved to also providing credits on the bidding, because
22 they are trying to promote certain activities, and so like
23 workforce training and supply chain development, and so, like I
24 said before, in the Gulf, there's a lot of oil and gas experience
25 and people who work in that industry, and the supply chain for oil
26 and gas hopefully can be diverted to supply chain development for
27 wind, and the workforce can hopefully be retrained to work on wind,
28 and so there's an incentive for companies to do that here, but
29 they don't have to put the 20 percent up in cash, and they can do
30 it in this workforce training, if they're the winning bid.

31
32 Another credit was the fisheries compensatory mitigation fund, and
33 so this is unique to the Gulf, partly because of the oil and gas
34 history, and there is a fisheries fund for oil and gas that is
35 administered through NOAA, and we had the question of why this
36 doesn't exist for wind, and so we proposed this, and so companies
37 can get a 10 percent bidding credit if they propose this, where
38 they put a mitigation fund, and so that's 10 percent less cash
39 that they need to put upfront, but this is a program that they
40 have to put together on the backside to help fisheries, if there's
41 any impacts.

42
43 Where are we going? We'll go back to the thirteen deconflicted
44 areas, and, again, we took B out already, because of DOD concerns,
45 and we have I and M that have been utilized, finalized, as wind
46 energy areas, and that's where we're having the lease areas. The
47 three lease area are in I and M, moving forward, and so there's
48 eleven left of these outputs from the model, draft wind energy

1 areas that BOEM wants to make a final decision on. Are we going
2 to finalize them and say we may have a future lease sale there, or
3 are we going to say, hey, we're not interested in these areas in
4 the future, and we're going to go rerun the model?

5
6 Again, this just shows that in a different context, the two that
7 are out that have the leases and then the other areas that are
8 still under consideration as we move forward.

9
10 These are the kinds of things that -- What we're trying to find
11 out -- We ran a model, and we deconflicted areas. In those eleven
12 remaining areas, is there something we missed? For example, I
13 know that we've talked to the Southern Shrimp Alliance, and they
14 believe that there is some specific blocks in our wind energy areas
15 that may still have significant amounts of shrimping, and so we've
16 been talking to them directly on those types of issues, and we
17 have also questions for industry, and like which ones are
18 economically viable, and which ones might you bid on in the future,
19 and then we know -- We kind of got the answer on the last one, and
20 the minimum acreage is around 100,000, and so we probably, in our
21 plan, have already decided to move forward with wind energy areas
22 that are only about 90,000 acres or greater.

23
24 There are probably about five of those, moving forward, and I don't
25 have the ones in front of me, but we can talk about them. We can
26 go back to the map, and we can see the ones that have the biggest
27 areas and probably figure those out as we move forward, and so
28 these are the types of things that we're asking for, either today
29 or you can email me afterwards. We do have a kind of fast
30 turnaround time here, and the memo is being drafted as we speak,
31 but the process is continuing.

32
33 I think BOEM wants to select the wind energy areas and continue
34 with dialogue and then maybe remove individual tracts that don't
35 actually go up for leasing as we move forward through the process.

36
37 Again, we have an email here, where you can send the comments to,
38 and my email is actually michael.celeta@boem.gov, if you want to
39 email me directly, but I am available for any questions that you
40 may have at this time. I think the next slide is the end, and, if
41 there is -- I mean, if there is new data that we've missed in our
42 analysis, it would be good to have that, and, again, we try to
43 minimize space-use conflicts, and, based on the data we have, I
44 think we've done a fair job of that.

45
46 Again, we want to continue engagement as we move forward through
47 this, and I am available for one-on-one meetings, as necessary,
48 small-group meetings, and I have specifically been hired back to

1 listen to folks and engage and have a dialogue, and my goal is to
2 be as frank and straightforward as possible, as I can, and so thank
3 you. I think that's it.

4
5 **CHAIRMAN FRAZER:** Thanks, Mike, for the presentation, and, again,
6 I just appreciate all of the efforts that you and the team from
7 BOEM have made to try to engage the council on this wind energy
8 process and keep everybody informed as to the process itself and
9 the progress to-date and where we're headed here, and so, with
10 that said, is there any questions, or are there any questions,
11 excuse me, from any of the council members? Go ahead, Mr. Schieble.

12
13 **MR. SCHIEBLE:** Thank you, Mr. Celata. Just a quick technical
14 question. For the oil and gas mitigation in Louisiana, our
15 Department of Natural Resources has basically what they call a
16 hang fund, and it's if any of the commercial fishing industry
17 interacts with some oil field gear that is left unattended out
18 there, and it damages a net, they can seek reimbursement for that
19 damage through that. Is the fisheries mitigation compensation
20 that you're addressing here in this presentation going to be
21 handled the same way? In other words, have you reached out to our
22 Department of Natural Resources to work through that process with
23 them?

24
25 **MR. CELATA:** Well, I don't think it's necessarily going to be
26 handled the same way, and I would say that I need to reach out to
27 them, and I haven't been in discussion with them, but we talked to
28 NOAA about their process in the federal waters. The difference
29 with oil and gas rigs for BOEM and the wind energy regulations is
30 that we've never -- It's not in the statute that it allows us to
31 force a company to do this, right, and, hence, why BOEM is putting
32 it as an incentive in the lease option, so that they don't have to
33 put cash upfront, right, but they have to put this program
34 together.

35
36 In designing a program, BOEM doesn't have 100 percent control of
37 how that program is going to be proposed, and we do have review
38 rights, and we do -- You know, we can say no, and you need to move
39 in this direction, but BOEM can't structure that program upfront
40 exactly the way we might want to see it, but I'm happy to talk to
41 DNR a little bit more, so we have all that stuff in our back pocket
42 and we're aware of all the different options when a company -- If
43 a company wins, and they have this in their proposal, that we can
44 do a better job of steering them in the right direction.

45
46 **CHAIRMAN FRAZER:** Thank you, Mike. It looks like we have a hand
47 up from Andy Strelcheck.

1 **MR. STRELCHECK:** Thanks, Tom. Hi, Mike. It's good to hear your
2 voice, and I appreciate that you're back working on this, and I
3 look forward to working with you going forward. A couple of
4 things, and one is we've had some recent conversations with NCOS,
5 James Morris, with regard to updated information with regard to
6 marine spatial planning, and so we are communicating with them
7 with regard to any data that may be needed, and we can certainly
8 share that with you going forward, based on what you had requested
9 in your presentation.

10
11 My question really relates to kind of the public input process,
12 and what made, I think, the first round of Gulf wind a success was
13 the transparent process, the interagency working meetings, as well
14 as the marine spatial planning and kind of engaging stakeholders.
15 You mentioned kind of fast-tracking kind of this next round of
16 Gulf wind, and so I'm curious about that.

17
18 You know, the areas have certainly -- We've done a good job of
19 marine spatial planning, of deconflicting a lot of the ocean uses,
20 but my recollection is that, you know, the areas that were selected
21 the first go-round were kind of middle ranked with regard to
22 deconflicting issues, and so this next go-round could include areas
23 that might be better than the initial round chosen, as well as
24 some that are worse, and so can you talk a little bit more about
25 the public input process and what BOEM is thinking with regard to
26 feedback from constituents?

27
28 **MR. CELATA:** Yes, and so one is that's me, right, and, if nothing
29 else, I am here to listen to everybody, and that's why I was hired,
30 right, and so I'm just going to put that on the table, and that's
31 my email address, though I'm only working part-time, and so I only
32 work twenty hours a pay period, but that's my goal, and so we've
33 reengaged with NCOS, and we're talking to them, and so these
34 initial wind energy areas, draft is what we're calling them, the
35 outputs from the model, the thirteen, and eleven which are left,
36 and BOEM wants to decide what to do with them, right, and because
37 they were the most deconflicted areas.

38
39 The two that we picked, the I and M, were in the middle of that
40 pack of those outputs from the model, and so we think that these
41 are pretty well deconflicted, and we're just trying to fine-tune
42 which ones of these to finalize. We're also -- Once that process
43 of finalizing these existing outputs, whether they're going to be
44 wind energy areas or they're not, we're going to go back to NCOS
45 and rerun the model, and so we're going to look at future
46 opportunities.

47
48 If there is new information, and the State of Louisiana has a

1 different interest, and so there may be different economic
2 viability, and we're talking to them about running the model again
3 in the Gulf of Mexico, because, yes, things could change, right,
4 and there may be better areas, but let's take N for example.

5
6 I don't know if you're all -- If we can go back and look at the
7 map, but it's a small area off of Louisiana that is east of St.
8 Charles, I guess, and I don't know if it's offshore of Lafayette,
9 basically, but it's a small area, right, and it's not 100,000
10 acres, but, if you actually look at the model, and you don't look
11 at the highest, the darkish greens, and you look at the light
12 greens, which is the next level down of deconflicting, there's a
13 significant amount of acreage here that could potentially be
14 available to developers and still deconflict a lot of the area,
15 right, and so we are definitely going to go through that.

16
17 The public engagement piece -- So there's a limit to --
18 Unfortunately, BOEM is -- The agency, and the administration, wants
19 to get to thirty gigawatts of wind energy by 2030, and the Gulf
20 has these areas that could be moved forward maybe more quickly
21 than some of the areas, because of the work we did with NCOS,
22 right, right off the bat, and it's a big area, and we picked the
23 least deconflicted areas.

24
25 They want to have another auction, potentially in year, and the
26 reason they need to do that is because the IRA tied wind energy
27 leases to oil and gas auctions, and there is going to be an oil
28 and gas auction coming up here in maybe September, and so for BOEM
29 -- Within that year, BOEM can have an unlimited number of wind
30 energy auctions. After that year, unless they hold another oil
31 and gas sale, they can't have any other wind energy auctions, and
32 so I think they're kind of using that as a guidepost.

33
34 I mean, I've only been back for three weeks, and so this -- I
35 understand, for some folks, that not putting out a draft wind
36 energy area memo to comment on is concerning, but I am trying to
37 be as engaged and get as many comments directly as I can, to be
38 very similar to that process, and so the only thing that you would
39 lose is the official comment period, and what that helps BOEM do
40 is -- To get that draft memo reviewed internally takes a long time.

41
42 I still think we're going to do a lot of engagement, and we still
43 have the proposed sale notice, which is a clearly public process,
44 a set period of time for comments, and I think -- This happened
45 last time, and I showed it in the model, but, even if we decide on
46 finalizing wind energy areas, a particular box can get removed at
47 that stage, if there is something we find in these discussions
48 that impacts the fishing industry or the shrimping industry or

1 some other industry, moving forward. That's a long answer, but I
2 think it's -- Hopefully I answered it, but that's everything that
3 I have learned since I've been back for three weeks and my mindset
4 as we move forward.

5
6 **MR. STRELCHECK:** Thanks, Mike, and you helped to clarify some of
7 the questions that I had, and so the only other I guess question
8 would be -- You know, you've kind of left it open-ended, in terms
9 of communicating with you and through another email address, but
10 is there kind of time constraints, in terms of where you're looking
11 -- How soon you're looking for input or when the latest is to
12 provide input, obviously, for this next round of wind energy in
13 the Gulf.

14
15 **MR. CELATA:** For the wind energy area decision memo, like as soon
16 as possible, but, again, in that process -- So I'm talking maybe
17 -- We still have to put out the proposed sale notice, and so all
18 the comments don't have to get wrapped up in that memo, but -- So
19 I think, you know, if we're talking December, and my understanding
20 is -- You know, I've been hired to work through December, because
21 the project will be kind of more solidified by then, and so, if
22 you can't get something in quickly, and you're working with me,
23 clearly I think we have through December to make sure that your
24 comments are input into the process and either get accounted for
25 -- Maybe not here in the wind energy area process, but in the
26 proposed sale notice process.

27
28 **CHAIRMAN FRAZER:** Dr. Walter. Ms. Boggs. I'm sorry.

29
30 **MS. BOGGS:** Thank you, Michael, for your presentation, and so, on
31 Slide 25, it says you're seeking input, I'm guessing from the
32 council, and so my concern, and now I'm going back to Slide 10,
33 and I just want to make sure -- It appears that everything south
34 of I, and so it would be A through H, and there looks like there's
35 a lot of interaction with the shrimpers, and I don't know what --

36
37 **MR. CELATA:** I will just say, right now, and so I think -- One of
38 the critical things that I said is it has to be 90,000 areas,
39 right, and so A, B, and B is already out because of national
40 security concerns, C, D, E, and I think none of those are 90,000
41 acres, if I remember correctly, right, and so my guess is -- I
42 think G is probably -- I think, if I remember correctly, F was
43 about 90,000, and so we might be talking about F, and J, K, L, M,
44 and then N is kind of a thing on its own, because there may be
45 some economic reasons to add N, besides the 90,000, and so I don't
46 think you're going to get A, and you're not going to get B, and
47 you're not going to get C, D, E, and I think F was out too, but I
48 would have to double-check, but those ones in the southwest are

1 definitely probably, I would say, are not going to move forward,
2 and I'm going to just be honest with you.

3
4 I can get that information back to someone directly, because I am
5 pretty sure that, if I don't have that information in my inbox
6 now, I will have it by tomorrow, and say which specific ones --
7 Those it's pre-decisional, right, and so it would only be a
8 recommendation, and then BOEM and the director and above will still
9 get to decide, but I am pretty sure E and the southwest are going
10 to be out. I don't remember what F, G, and H were, but I can get
11 that information, but it's the bigger ones that are going to be
12 the ones that are moving forward, plus possibly N, and so it is
13 the ones, more than likely, that are mostly deconflicted.

14
15 **CHAIRMAN FRAZER:** John.

16
17 **DR. WALTER:** Hi, Mike. I'm glad to have you back. Thanks for the
18 presentation, and I've got a couple of points. One, I think this
19 really illustrates the value of starting big to ending big and to
20 getting the spatial planning done in advance, because it does set
21 a path forward, I think, for the administration to achieve its
22 goals here, and so I think it demonstrates the value of science in
23 that process.

24
25 The two comments I have, and, one, I think that stakeholder
26 engagement has been key to that, and having open dialogue with all
27 of the affected stakeholders was key to identifying good areas
28 during the first round, and, if there's going to be a second round,
29 I think it's really going to benefit from concerted stakeholder
30 engagement, and I know there's a tight timeline, and I guess what
31 I would say is that, the more that BOEM can open that door for
32 stakeholder engagement, I think the more successful the process is
33 going to be and the more deconfliction that is going to happen,
34 and so I would say try to find those opportunities, either through
35 a taskforce or through other engagement opportunities.

36
37 My second point is that, as we develop more of the Gulf, and we're
38 going to occupy more of the areas, it could have potentially a
39 greater holistic ecosystem impact, and I think that's something
40 that we saw from offshore oil and gas. If we knew then what we
41 know oil and gas became, we probably would have put in long-term
42 systematic monitoring to be able to identify what the changes that
43 may have occurred in the system are, and I think this is an
44 opportunity for offshore wind potentially to do that, and we have
45 had some conversations about that being part of either the lease
46 sale notice or bidding credits or something like that, and it seems
47 like that's a conversation that we need to continue to have.

1 How could something like that be tied to the lease sale, because
2 I know that developers are going to have to be monitoring within
3 their lease, but that doesn't really get us to the holistic eco-
4 systemic changes that may occur that are really critical, and what
5 that is is it's really it's the development could support the
6 science that supports the development.

7
8 I think, here, we've demonstrated that science has told us where
9 are good areas for development, and science is going to continue
10 to tell us where we should continue to develop the blue economy,
11 and I think using that, and funding that science, is actually in
12 the interest of developers, as well as anyone in the Gulf, and so
13 is there a potential way that we could tie that support for science
14 into lease sales? Thanks.

15
16 **MR. CELATA:** So not for August, and so we have those terms and
17 conditions that are necessarily in the lease for this auction,
18 but, yes, I mean, we could have terms and conditions in leases
19 that require things. You know, that's definitely a bigger question
20 than me and the Gulf of Mexico, and I think that's a valid point
21 though, that we need to have the continued dialogue about.

22
23 I would -- So I'm going to make this even a bigger thing, because
24 we're talking about ocean planning, and we're talking about wind,
25 but we really need to -- This whole ecosystem in the Gulf of
26 Mexico, we need to talk about a holistic planning process, because
27 we have aquaculture, and we still have oil and gas, and we still
28 have wind, and BOEM is going to be in charge of carbon
29 sequestration, and we can't just talk about this process in
30 isolation of wind development, and we need to talk about this as
31 an ecosystem and a Gulf of Mexico development over time.

32
33 Unfortunately, that's well beyond my time here, but I do think
34 you're right that the ecosystem -- That we have to talk about it,
35 and we have to move that forward, but we have to think bigger than
36 just wind, and we have to think about all activities, and it's
37 going to be critical. Minerals somewhere, and I don't think there
38 are any critical minerals in the Gulf, but ocean energy
39 development, ocean -- You know, there's going to be a lot more
40 things that happen in the ocean in the future, and this model that
41 we've set up, that NOAA has set for aquaculture, and that we've
42 adapted as a team for wind, really needs to be at the forefront of
43 all future energy and mineral development in the federal OCS, and
44 so we can talk more about it. I'm happy to focus on the wind
45 piece, and try to fix that one, but we need to actually think
46 bigger picture.

47
48 **CHAIRMAN FRAZER:** All right. I am looking around, and I am not

1 seeing any other hands, but, Mike, maybe I can ask one question
2 that's related to your answers both to John Walter and Andy
3 Strelcheck, and, I mean, so I'm just going to capitalize on a
4 phrase that you used in your response to Andy of things change,
5 and that's the first one, right, and then John commented on the
6 value of science.

7
8 On your Slide 5, one of the things that it shows are the wind
9 conditions in the Gulf that kind of informed where you might want
10 to pursue wind energy areas, and those winds are average winds,
11 and from some historical dataset, but we know that those historical
12 data are not going to be useful moving forward, right, because the
13 world is not stationary, and we've talked a lot in our council
14 meeting about climate-ready fisheries and the changing
15 environment, and, because ocean circulation patterns change in
16 response to climate change, and ocean dynamics and atmospheric
17 dynamics are highly coupled, I'm wondering how BOEM will look at
18 those processes, moving forward, and what models they might have
19 used to project future wind conditions, or ocean conditions, and
20 if there's an opportunity to access those models and evaluate them.

21
22 The reason that I ask that is not so much for the wind itself, but
23 to gain some insight into whether or not there are data products
24 available that would allow us to look and evaluate how those
25 changing environmental conditions might impact our fisheries
26 resources, you know, for example, pelagic fishery resources.

27
28 Again, the question is can you point the council to those data
29 products and who we might talk to to access them, if they exist,
30 you know, and it's quite possible, and I'm hoping not, but, you
31 know, I'm hoping that you didn't just view the stationary moving
32 forward.

33
34 **MR. CELATA:** I appreciate that, and we fund research, ongoing
35 research, and one of the things that I asked since I've been back,
36 and I have to go by the answer, is because the National Resource
37 -- NREL, I think they're supposed to be working on newer versions
38 of this, and, I mean, these old studies are on our website, and,
39 you know, I can email Carrie or somebody with those links, and so
40 NREL would actually have the data and the analysis behind it, and,
41 I mean, I've only seen the published reports, but we can definitely
42 engage those discussions, and I'm pretty sure that NREL is looking
43 at, you know, the future, and how things might change, and I'm not
44 -- I just don't have the knowledge to give you an appropriate
45 answer on this call.

46
47 **CHAIRMAN FRAZER:** I appreciate that as well, and so, I mean, after
48 this call perhaps, if you can at least point us to the right

1 direction of folks that could answer that question on providers of
2 those data and data products, and if you could just send it to the
3 council, by way of Carrie, that would be great. Mike, I'm not
4 seeing any other hands up around the table. Again, I really
5 appreciate your time and sharing the information today with the
6 council, and so we're going to let you go. Thank you.

7
8 **MR. CELATA:** All right. Well, thank you. I appreciate the
9 opportunity, and, again, feel free to reach out to me directly.

10
11 **CHAIRMAN FRAZER:** All right. We are going to try to tackle some
12 of the other items on the agenda, and I think I would like to go
13 first to the liaison reports, and hopefully we didn't catch
14 everybody, or anybody, off-guard, and so I will kind of go through
15 the various liaison reports and the spokespeople, I guess, and see
16 if they're ready to do that.

17
18 In order would be the Texas Law Enforcement Efforts, and I wonder
19 if Lieutenant Casterline is here. Thank you, sir. I appreciate
20 it.

21
22 **SUPPORTING AGENCIES UPDATES**
23 **TEXAS LAW ENFORCEMENT EFFORTS**

24
25 **LT. LES CASTERLINE:** Mr. Vice Chairman and council members, good
26 morning. For the record, my name is Les Casterline, and I'm the
27 Assistant Commander of Fisheries Enforcement for the Texas Parks
28 and Wildlife Department of Law Enforcement Division.

29
30 I am here today to present to you just an overview of our current
31 joint enforcement agreement with the NOAA Office of Law Enforcement
32 and go over our individual priorities and give you an idea of the
33 participation that we had this year in each of these priorities
34 and the level of enforcement that we've seen in the waters here
35 off of the State of Texas.

36
37 As a whole, this year, we had a combined 1,100 hours of patrols
38 here in the State of Texas, through the joint enforcement
39 agreement, and we had nineteen federal referrals that were sent to
40 the Office of Law Enforcement throughout the year. Of course,
41 this agreement is set to expire at the end of this month, and so
42 some of this data is still ongoing and will continue to come in as
43 the month goes on.

44
45 Starting with general enforcement, and so coastal migratory
46 pelagics and highly migratory species, this year, we were able to
47 contribute seventy-two mid-range hours and 128 long-range hours of
48 patrols to this actual priority. These activities with the general

1 enforcement actually occurred within the Exclusive Economic Zone,
2 and so all of the patrols would have been beyond nine nautical
3 miles and would have ranged from the Texas-Mexico border up to the
4 Louisiana-Texas border, and they would vary depending on the time
5 of year and the need for those patrols. We try to target specific
6 times of year when there's a higher need, and, you know, of course,
7 a lot of it is dependent on weather as well.

8
9 As far as TED enforcement, this priority this year, we were able
10 to contribute 287 hours of nearshore TED patrols and then an
11 additional 240 hours of long-range TED patrols. TED enforcement
12 is a little bit different, because of the type of enforcement and
13 the gear that is used not only in federal waters, but in state
14 waters, and you will see these enforcement priorities will be
15 enforced in both state and federal waters throughout the year, and
16 they also will range the entire Texas coast and include both
17 inside-water and outside-water enforcement.

18
19 This year, throughout these patrols, we had one referral for a TED
20 violation to NOAA, and, during these patrols, we actually had one
21 more referral for a BRD issue that was encountered on one of the
22 vessels, and those would have both been referred to NOAA OLE out
23 of St. Pete throughout the year. I would like to note that, in
24 addition to the hours that I just mentioned to you from our joint
25 enforcement agreement, we had a NRDA project that also concentrates
26 on TED enforcement between the months of January and April, and
27 that project allowed us to enhance our TED patrols nearly another
28 600 hours throughout that timeframe, and so it's a significant
29 benefit to what we do, as far as TED enforcement, to get those
30 additional funds, and it's definitely a benefit for the resource.

31
32 For reef fish enforcement this year, and that was also a priority,
33 to concentrate on federal waters, and so recreational fisheries
34 dealing with reef fish, and so, this year, we actually had, as far
35 as mid-range patrols, which are going to be -- If you all hear me
36 mentioning those platforms, and so mid-range is looking at more of
37 our twin-engine offshore vessels. When I talk about long-range
38 patrols, you're going to be kind of looking at our sixty-five-foot
39 patrol vessels, maybe out of the Houston-Galveston area or down
40 out of Corpus Christi, and we have an eighty-foot platform that
41 would take care of those long-range patrols out of that area, and
42 so we have one platform on the southern coast and one on the
43 northern coast. Then we have these mid-range vessels and nearshore
44 vessels spread out through the entire Texas coast.

45
46 For this year, we had seventy-two mid-range reef fish hours and an
47 additional forty-eight long-range hours throughout the year. As
48 far as reef fish this year, we were able to refer, or we referred,

1 seventeen cases to NOAA's Office of Law Enforcement.

2
3 Individual fishing quota enforcement, for this year, and this is
4 a dockside patrol, and so this would be game wardens responding to
5 landing notifications, going to some of the fish houses to inspect
6 -- To make sure that the landings are consistent with the reports
7 that are coming in, that there's sufficient allocation and quota
8 available and that they're being landed in accordance to the
9 current rules.

10
11 This year, we had sixty hours assigned to this priority, and we
12 had no referrals for this priority, and, you know, when you see
13 that, the level of compliance in some of these different
14 priorities, a lot of that is, you know, a lot of our officers
15 getting out and doing outreach to the fishermen and just good work
16 by some of our partners and our recreational and commercial
17 fishermen in Texas. You know, we like to see that everybody is
18 compliant, and we appreciate their efforts.

19
20 One of our newer priorities would be our sanctuary enforcement
21 priority, and so, of course, these, because of the distance from
22 shore, will be utilizing -- If you look, you can see, in the slide
23 up there, the vessel on the left is our eighty-foot patrol vessel,
24 the Captain Murchison, that is now stationed out of Corpus Christi,
25 and it would be handling all of those patrols, just because of the
26 duration of the patrols, and these are multiday patrol efforts
27 usually, and they could last four to five days offshore, and they
28 patrol throughout different areas of the sanctuary.

29
30 Currently, this year, we were able to acquire enough funding for
31 128 hours of patrols within the sanctuary, and I know that,
32 throughout the years, as we began this priority, we've heard back
33 from contacts with people that are affiliated with the sanctuary
34 and the fact that they are receiving input that folks are seeing
35 an officer presence out there, and it's been a nice addition to
36 what we do, because it does -- That area does provide so much
37 benefit to the ecosystem and to the state.

38
39 The next priority that I'm going to discuss is going to be our IUU
40 enforcement, and this is also another land-based patrol that we
41 do, and I would say that this patrol here, which consisted of sixty
42 hours of joint enforcement agreement funding, has become one of
43 our priorities that the state has really gained interest in, you
44 know, as a new priority, the reason being that, if you will look
45 at just the few pictures that are up here, number one, it's been
46 a great thing to observe, from where I sit, looking at not only
47 our officers, but our partner agencies, whether it be NOAA's Office
48 of Law Enforcement, CBP, U.S. Fish and Wildlife, the FDA, and

1 several other agencies have all come together to take part in
2 operations that we have run throughout the years.

3
4 Because of the success, not only in what are our typical thirteen
5 species that are listed as IUU species, but we also are finding
6 additional infractions throughout these patrols that pose some
7 risks and violate state law, but also pose some significant risk
8 to public health and safety.

9
10 When we get into the public health and safety, what we're really
11 running into is the illegal importation of shellfish, and we're
12 seeing a high volume still of illegal imports of mainly oysters,
13 but we are seeing some clams that are coming in as well.
14 Unfortunately, these are not being claimed as commercial, or they
15 would be stopped at the commercial lanes of traffic, because the
16 FDA has inspectors, and they do not meet the standards required
17 for oysters to be entered into the country.

18
19 Due to some of the obstacles with that, and the need for increased
20 enforcement to prevent a lot of this, the state has contributed a
21 considerable amount of funding, and we've probably increased
22 enforcement to the hundreds of hours, rather than the sixty that
23 you see on this report that I am giving you today, you know,
24 because of not only the different aquatic species, the health and
25 safety, and we have seen a couple of illnesses that have occurred,
26 down along the border, because of -- That have been tied back to
27 these oysters, and we'll continue to enforce this at a high level,
28 because of that, and because of the need related to IUU and other
29 non-IUU-related species.

30
31 As far as our priorities, that actually ends all of our actual JEA
32 priorities, but I know that a lot of folks have a lot of interest
33 in this, and so we usually do at least throw a slide in related to
34 what we're seeing as far as IUU fishing along the Texas-Mexico
35 border.

36
37 Of course, what we're running into now is we're constantly still
38 seeing IUU fishing occurring along all border waters of the state,
39 and I know, here today, we're going to mostly talk about the Gulf
40 of Mexico, and maybe some of our inland coastal waters, but we see
41 this on fresh and saltwater, from our border lakes to the Rio
42 Grande River to the Gulf of Mexico.

43
44 It's ranging, and, this year, what we're running into is we're
45 continuously still seeing illegal longlines, and we're seeing
46 illegal gillnets. On some of our freshwater lakes, we'll also see
47 some trotlines and hoop nets, and we're also seeing crab traps,
48 and I kind of threw that slide in there because I thought that was

1 significant, because blue crab is one of our species listed in the
2 Seafood Import Monitoring Program, and that is highlighting the
3 illegal take of blue crabs, which is something that we're turning
4 around and inspecting through our normal IUU patrols at the ports
5 of entry.

6
7 In general, as you can see through some of the pictures here, what
8 you're going to see is the resources that are being taken by way
9 of -- On the left, you've got a picture of one of our vessels in
10 the Rio Grande River, and I believe that vessel has not only a
11 gillnet, but we've also started to see some seines, which are a
12 little bit different, because, at least with the gillnet, there
13 are some species that make it through.

14
15 The placement of these seines is concerning because they're placing
16 them right at the mouth of the Rio Grande River, sometimes multiple
17 stacked in a row, from shoreline to shoreline, which means that,
18 when you have flow coming through there, they're catching
19 everything in the bag, and so you have shrimp, fish species like
20 flounder and spotted seatrout and mullet, among others. As you
21 can see up in there, we also have one where a gillnet, that was
22 kind of on the shoreline, had some sea turtles, some rays, and I
23 believe there's some sharks in that picture there too.

24
25 We continue to see encounters with sea turtles, and I would like
26 to say that this also is one of our priorities, and even though
27 it's not a JEA priority, but we consider this a high-level priority
28 for our department, as do many other agencies, and, you know, we
29 work closely with the Coast Guard, with our partners at NOAA, and
30 U.S. Customs ends up having to be involved in some of the issues
31 that come up with this, as well as some of our other partners, and
32 like, specifically because we're dealing the sea turtles, we deal
33 with and coordinate a lot with our Sea Turtle Stranding Network.

34
35 We've actually had our local captain in the area down in south
36 Texas really working on coming up with some protocols, details and
37 data, that they would like when we're bringing in either the live
38 or deceased turtles to them, so that they can better use that data
39 in the future and be able to coordinate it with those strandings.

40
41 One thing that I would note on this is it's still coming, but I
42 believe it's getting closer to finalization, and that is we have
43 one NRDA project that is going through the approval phases, and it
44 is related to the removal of illegal fishing gear within that area,
45 from the Texas-Mexico border to the Corpus Christi area offshore,
46 and that will be of great benefit to our officers and to the
47 resource and the group that concentrates on all of this effort.

1 We're looking to add one to two long-range vessels through this
2 project, as well as funding for additional patrols for five years
3 after those would be received, and so that's something that we're
4 very excited about and looking forward to, to continue to help
5 with this issue and hopefully continue to seize the gear, get it
6 out of the water, and keep it from fishing. Mr. Vice Chairman,
7 that's the end of my report, unless anybody has any questions.

8
9 **CHAIRMAN FRAZER:** All right. Well, thank you, Lieutenant
10 Casterline, and, again, clearly a lot of work going in in the law
11 enforcement part of Texas Parks and Wildlife, and so I appreciate
12 your efforts. We really do, and so are there any other comments
13 or questions from folks? Mr. Geeslin, please.

14
15 **MR. GEESLIN:** Thank you, Mr. Chair. Les, I'm one of your biggest
16 fans, as you know, and I certainly appreciate all of you all's
17 efforts and the close collaborative working relationship that you
18 and I have and Robin and Carmen and all of our team, and the team
19 works great together.

20
21 Les, you've been at this for a long time. In your opinion, have
22 you seen, and I am going to speak specifically to the IUU along
23 the Mexican border, and you lived down there, before you moved to
24 headquarters, and, on your watch, do you see that that activity,
25 that illegal activity, is decreasing or increasing or is about the
26 same? I know we just see a fraction of it.

27
28 **LT. CASTERLINE:** I guess, just from my experience, what I've seen,
29 I think you would see that, in the beginning, when I started, which
30 was twenty years ago, and I started down in Brownsville, where
31 this occurred, and we saw a little bit different targeting. Back
32 then, they were targeting sharks, and you were getting a lot of
33 sharks, and you were getting a lot of red drum and different things
34 like that, and they were fishing closer to shore.

35
36 What I believe you've seen is, with increased assets, personnel,
37 and funding, you've seen not only shifts in where they fish, but,
38 because of some of the demand issues, you've seen targeted species
39 changes, and so, instead of sharks, for the longest time, we saw
40 a shift to red snapper, because of the demand for red snapper.
41 We've also seen a shift, and we're not seeing as many, as far as
42 in the Gulf, encounters within state waters, but they're being
43 pushed further offshore, which makes it a little bit more difficult
44 to target them, and so we have to put a little bit more effort and
45 assets and time and interagency communication with our partners to
46 achieve that.

47
48 I would say that we're still seeing consistent high levels of

1 illegal fishing offshore. When we start talking about say the Rio
2 Grande River, we may actually be seeing as high levels that we've
3 seen in the river, and a lot of that is because they can just scoot
4 back across the river if they see us, and we take their gear, and
5 so I would say we're still seeing a fairly high level of illegal
6 fishing. We've just kind of pushed them to different places, and
7 they're having to expand their range.

8
9 You may see them further offshore, and you may see them further
10 north, but a lot of that is going to be due to the efforts of not
11 only our officers, but, of course, the efforts of the U.S. Coast
12 Guard as well and the hours and hours of patrols that they -- The
13 hours and hours that they put into patrols to do this, as well as
14 all of their other resources and pilots and whatever assets that
15 we utilize, and all of the efforts by all of those folks have
16 definitely benefited us, but it still exists.

17
18 I know that -- As far as numbers, I don't know, and, you know, we
19 generally see some rises and some falls, but the Coast Guard may
20 have a little bit more information on what they've seen for this
21 year, but, overall, I would say that there's still a considerable
22 amount of illegal fishing that's occurring, and, if I could, Mr.
23 Vice Chairman, before I leave, I want to make sure that I -- You
24 all may have met our new Lieutenant of Fisheries Enforcement, since
25 I've been promoted to Assistant Commander, and she is a great
26 resource. If you have time, please stop by and say hello, if you
27 already haven't, to her. She's been a great asset to our shop up
28 at headquarters, dealing with fisheries enforcement, and we're
29 very happy to have her. Besides that, that's all I have.

30
31 **CHAIRMAN FRAZER:** We certainly appreciate that, and also for the
32 update with regard to the staffing there, and we'll make every
33 effort to reach out and introduce ourselves to your new person
34 there, but Captain Walker has his hand up.

35
36 **MR. WALKER:** Thank you for everything you do, and I'm also a big
37 fan of offshore law enforcement. I'm from Florida, and I think
38 it's pretty well Gulf-wide, but I want to ask you about the
39 charterboat for-hire permits. Have you had any action there with
40 the illegal charter operators outside of the line, or are you aware
41 of -- Is there anything that you can tell me about that?

42
43 **LT. CASTERLINE:** As far as illegal charters, we've worked with
44 NOAA on a few over the years, and I don't have any of the statistics
45 here with me, but we do actually work quite a bit with our partners
46 over at NOAA, and have, over the past few years, worked to identify
47 a few different of the illegal charter boats throughout the years,
48 and so, yes, that is something that we do concentrate on. It's

1 not necessarily built into one of the priorities in general, but
2 it ends up being a byproduct of it, and so I hope that answers
3 your question.

4
5 **MR. WALKER:** Yes. Thank you very much.

6
7 **CHAIRMAN FRAZER:** All right. It looks like we have Mr. Anson and
8 then General Spraggins.

9
10 **MR. ANSON:** Thank you, Assistant Commander Casterline, for the
11 presentation and the work that you do. You had mentioned the
12 thirteen, and I think thirteen, priority species in your IUU
13 section, or target species, and can you go -- You mentioned the
14 mollusks, and so could you kind of briefly kind of cover what the
15 rest of the thirteen species were that you --

16
17 **LT. CASTERLINE:** What those are is those are spelled out in what
18 they call the Seafood Import Monitoring Program, and so, when we're
19 doing our IUU inspections, those listed species -- We would be
20 checking for kind of enhanced paperwork that's required for those
21 as well as any of those species being imported, and those folks
22 would have to have an international fisheries trade permit to do
23 so.

24
25 In our area, the listed species we probably see the most would be
26 your red snappers, your shrimp, blue crab, you know, and other
27 species that come across, and those are probably our most prominent
28 that would be coming across, but that's -- Within that Seafood
29 Important Monitoring Program, they have a list of species that we
30 would be inspecting for the additional paperwork, the additional
31 permits, and then we would be also, as we always do, looking at
32 proper labeling and making sure that things are not being
33 mislabeled to evade any type of inspection that would occur, and
34 so, yes, when you look at the IUU fishing, a lot of times those
35 species that we see in the IUU fishing are also the ones that we're
36 going to see coming back across, because those are local in our
37 area.

38
39 That's not to say that they would all be illegally taken, but we
40 are seeing at least a portion. For sharks, we really don't see
41 many sharks coming across, but sharks would be on that list as
42 well, and so I hope that helps a little bit.

43
44 **CHAIRMAN FRAZER:** General Spraggins.

45
46 **GENERAL SPRAGGINS:** I just wanted to congratulate you and your
47 whole team and everybody from the Department of Wildlife and
48 Fisheries in Texas. I will tell you that, in Mississippi, we have

1 a great law enforcement department, but I can only imagine how
2 much you all have to put up with, and that's unreal, and what you
3 put up with, compared to what we have to put up with, and I know
4 how hard it is for us every day, and, Robin and Dakus, I tell you
5 what, and you've all got to be proud of them, and I thank you for
6 what you do for America.

7
8 **LT. CASTERLINE:** I appreciate that, sir. We do -- A lot of credit
9 goes out to our team, and we've got a good group of game wardens
10 down in the field, and, of course, I also want to make sure that
11 I expand that to talk about the team that we have at headquarters
12 as well, and out in the field with our other divisions. You know,
13 we work hand-in-hand, not only at headquarters, as Dakus mentioned,
14 but even down in the field, and our biologists and our game wardens
15 are constantly working together, trying to achieve all of our
16 goals, throughout the whole department, and not just on the law
17 enforcement side. We've got a good group there, and they're
18 dedicated and hardworking folks, and they do a great job.

19
20 **GENERAL SPRAGGINS:** Well, I thank you, and I would like to offer
21 them a round of applause. *(Applause)*

22
23 **LT. CASTERLINE:** I appreciate it.

24
25 **CHAIRMAN FRAZER:** You bet. Thank you very much, Lieutenant
26 Casterline. All right, and so it looks like next on our list is
27 the South Atlantic Council liaison report, and Ms. Kerry Marhefka
28 is here to provide that, and so it's always a pleasure to have you
29 here, Kerry, as well.

30
31 **SOUTH ATLANTIC COUCNIL LIASION REPORT**

32
33 **MS. MARHEFKA:** Thank you, Mr. Vice Chairman. I always appreciate
34 being here, and you all are very hospitable, and so thank you very
35 much. My report is included in your briefing book, and so I will
36 just hit a few highlights and not read the entire thing. We last
37 met in St. Augustine in June, and Mr. Broussard was there, I
38 believe, as your liaison, and so I'm sure he can back up or expand
39 on anything of importance.

40
41 As we heard this week, we are working on the commercial electronic
42 logbook amendment right now, and that's a joint plan with you all,
43 and we did have public hearings at the end of July, and they
44 weren't super well attended, but the people in attendance were all
45 in favor of sort of modernizing and moving forward with this.

46
47 I think people's biggest concerns, and I will be curious if you
48 all hear the same thing, is sort of, you know, do you have to use

1 a phone, and can you use your computer, just some of the tech
2 issues that maybe at least our commercial fishermen are new to,
3 but, other than that, I feel really positive about how we're moving
4 with that.

5
6 In snapper grouper, we're sort of having to modernize what is one
7 of the oldest ITQs, if not the oldest ITQ, in the country, which
8 is wreckfish. It's very complicated, and there's only like five
9 or six people involved, and so we've sort of split off a little ad
10 hoc committee to try to deal with that, and we're working on that
11 now. Of course, we have yellowtail snapper, and we all know where
12 we stand with that, as we dealt with that earlier this week.

13
14 We have an assessment that came back for scamp and yellowmouth
15 grouper, and we're having to institute rebuilding plans for those,
16 and so we're just starting scoping for that. Maybe of interest is
17 our private recreational permitting amendment, which is we're
18 trying to institute a recreational fishing permit, specifically
19 probably looking at just our snapper grouper species, and TBD
20 whether we're going to be able to include all of the species in
21 the snapper grouper fishery management unit or we'll have to narrow
22 it down.

23
24 Just yesterday, our technical advisory panel met, and that's really
25 consisting of a lot of the state people who deal with the data and
26 who know how sort of it's going to input into state programs and
27 sort of the best way to collect the data, and do we do it at a
28 vessel level, or do we do it at an individual level, and, again,
29 it's a great idea in theory, and, as sort of the rubber meets the
30 road, we're seeing how complicated it is, but I think that we have
31 the support to move forward and get some sort of recreational
32 permit in place.

33
34 We have black sea bass, which is, again, a bad assessment, and
35 we're just beginning to initiate work on that. As far as mackerel,
36 Atlantic Spanish mackerel, our SSC finally -- Not finally, but
37 we've been able to work through some of these catch level
38 recommendations, and we're getting somewhere with that, and so
39 we're going to begin a framework to work on implementing those,
40 but we're going to hold off on development of other fishery
41 management measures until we get through the port meetings, and I
42 had to step out of the room for some South Atlantic Council
43 business, but I assume you all talked about the port meetings, I
44 think earlier, and so you know what's going on there.

45
46 I guess also of interest is our dolphin and wahoo, and we're doing
47 an MSE for dolphin and wahoo, and our council is sort of juggling
48 the timing of sort of the MSE process versus what some management

1 measures that some people are asking us to do, as far as we have
2 an amendment that's sort of been moving along slightly to deal
3 with some charter, private, and headboat bag limits and vessel
4 limits, and we're trying to figure out do we, you know, wait for
5 the MSE to be done, or do we not wait for the MSE to be done, but
6 I think, right now, we're waiting on a report back, later this
7 year, to hear how those MSE meetings are going, to determine where
8 we're going to go as far as doing a fishery management plan
9 amendment for that.

10
11 Those are just some of the highlights, and, as I said, it's all in
12 here, and I'm happy to answer any questions, but, again, thank you
13 for having me, and I really truly learn a lot when I sit around
14 this table, and we're in a lot of the same boat with a lot of
15 things, and it's really helpful to get your perspective on things,
16 and so I appreciate being here. Thank you.

17
18 **CHAIRMAN FRAZER:** Great. Thanks, Kerry, for that report, and,
19 again, I think the feeling is mutual. We get a lot of exchange of
20 information, and it's always good to -- Do we have any questions
21 at this point? Captain Walker.

22
23 **MR. WALKER:** I just wanted to ask you about the -- What options
24 you were considering on the charter and I think recreational
25 dolphin wahoo thing.

26
27 **MS. MARHEFKA:** So I can't remember how far we got. As you know,
28 we had Dolphin Wahoo Amendment 10, which I believe we ended up --
29 It was implemented last year, I believe, the final rule, and I
30 think we ended up at fifty-four per vessel and six per person, and
31 I'm so glad that C.J. is here and has a younger, snappier brain
32 than I do. He's saying that in the affirmative.

33
34 At the time, and I don't know how much you were paying attention,
35 but, at the time, there has been some contention between the needs
36 of folks in North Carolina and the needs and feelings of folks in
37 Florida, as far as the status of the dolphin fishery, and so we
38 went ahead and submitted Amendment 10, knowing that maybe we needed
39 to come back and look at those limits again, based on public
40 comment that we were getting.

41
42 We have not -- I don't recall where the last draft of Regulatory
43 Amendment 3, the range of options we had in there, but they include
44 where we're at with Amendment 10, and so the fifty-four and six,
45 and ratcheting it down from there, so that there were lower vessel
46 limits and lower bag limits, but, again, that's kind of going to
47 sit on hold while the MSE process -- They go out and they have the
48 meetings for the MSE process, because dolphin is just becoming --

1 It's very tricky with the regional -- We have big regional
2 differences between North Carolina and Florida.

3
4 **MR. WALKER:** Very good. Thank you very much.

5
6 **CHAIRMAN FRAZER:** Mr. Anson.

7
8 **MR. ANSON:** Kerry, thank you for the report. Going back to the
9 private recreational permitting topic, you had mentioned that your
10 technical committee, your team, is comprised mostly of state folks,
11 and they were looking at the data issues, but I guess I have two
12 questions. Did that team also include folks from the Office of
13 Science and Technology? Okay.

14
15 Then the other question is, as it relates to permitting, what are
16 the comments that you're receiving at the council from the states
17 in regard to establishment of permits at the state level, or are
18 you strictly speaking of initiating it at the federal level?

19
20 **MS. MARHEFKA:** So we've talked about this a lot, and, I mean,
21 obviously, you know, it seems to come down to money and staffing
22 and the ability of who can do what, and I think that, for the most
23 part -- Obviously, Florida has their program, which is great, and
24 what we hear from the other states is they don't necessarily have
25 the funding to create a Florida situation, and so I believe that
26 we have really -- That we're really pushing on having it at the
27 federal level, and I'm not sure they're happy about that.

28
29 **MR. ANSON:** Thank you.

30
31 **CHAIRMAN FRAZER:** All right. Thank you again, Kerry. It looks
32 like we have run out of hands, and so you're off the hot seat right
33 now. All right, and so we're going to try to squeak in at least
34 one more, and we're going to go to our NOAA Office of Law
35 Enforcement, and I believe we have Special Agent John O'Malley
36 here to give us an update.

37
38 **NOAA OFFICE OF LAW ENFORCEMENT (OLE)**

39
40 **MR. JOHN O'MALLEY:** Good morning members of the council. My name
41 is John O'Malley, and I'm the Assistant Special Agent in Charge
42 for NOAA OLE and the SED. I supervise the agents that cover from
43 Texas to the northern Panhandle of Florida, and so this is our
44 brief on our Fiscal Year 2023 Quarter 3 report that just came out,
45 and it covers the period from April 1 of this year to June 30 of
46 this year.

47
48 During this period in the Gulf of Mexico, we opened 198 incidents.

1 Of those, four of those are cases that were referred to General
2 Counsel or DOJ, such as IFQ violations, fishing in the closed area,
3 retaining prohibited species.

4
5 Our folks issued thirteen summary settlements, ranging from \$350
6 to \$2,250 for violations, mostly including retention during
7 closure, which would be the red snapper season, and TED and bycatch
8 reduction device violations. Of those 198 incidents, 39 percent
9 of them were no violations or were solved with compliance
10 assistance.

11
12 Some of our enforcement highlights are we continue to focus on red
13 snapper and unpermitted charter efforts, and a local example would
14 be that our Texas EOs and an SEO conducted multiple joint patrols
15 with Texas Parks and Wildlife and the U.S. Coast Guard out of
16 Freeport, Matagorda, and Port Mansfield doing pre-red snapper
17 season opening law enforcement presence patrols. They found
18 multiple violations, such as over the limit, undersized red
19 snapper, out of season, possession out of season, and HMS
20 violations. Also, our EOs have been conducting patrol operations
21 in Alabama, Louisiana, Mississippi, and Florida with our state
22 partners.

23
24 When it comes to trade monitoring, as mentioned previously, in the
25 Gulf of Mexico, our trade entry points are in Texas, from
26 Brownsville through Laredo and all along the Texas border. We had
27 several operations with our enforcement officers, working with
28 Parks and Wildlife, Customs and Border Protection, the U.S. Coast
29 Guard, and Homeland Security investigations conducting Seafood
30 Import Monitoring Program inspections and IUU inspections. Those
31 were off the Texas border. Also, we did patrols on the water in
32 the EEZ along the U.S.-Mexico border.

33
34 Obviously, we work with our partners, and we have quite a few. We
35 have the Texas Parks and Wildlife, the Louisiana Department of
36 Wildlife and Fisheries, the Mississippi Department of Marine
37 Resources, Alabama Marine Resources Division, the Florida Fish and
38 Wildlife Commission, the U.S. Coast Guard, including District VII
39 and District VIII, and Customs and Border Protection.

40
41 During this period, there was eighty-one overall enforcement
42 referrals, which encompasses the entire SED, and, within the Gulf
43 of Mexico area, we received referrals from Alabama, Florida, Texas,
44 and the U.S. Coast Guard.

45
46 The current spotlight, this is things we're working on right now,
47 marine mammal harassment is one of our priorities, targeting the
48 unlawful marine mammal interdictions, which could be feeding,

1 people chasing down marine mammals to interact with them, and we
2 also -- Our agents have been assisting in the North Atlantic right
3 whale speed restriction zones, and that's become a hot issue, and
4 we've had so many cases coming in, and our agents have been helping
5 the east coast by taking some of them.

6
7 We also participated in the lobster mini-season operation down in
8 the Florida Keys, which took place within the Florida Keys National
9 Marine Sanctuary, both on the Gulf side and the Atlantic side.
10 This year, we had a lot of issues with weather, and so a little
11 bit limited on some of the patrol days, but they were able to get
12 out and make a lot of cases. We did assist with a sinking vessel,
13 along with the Coast Guard, and, for example, that middle-right
14 picture, that would be a short lobster, for those of you who aren't
15 familiar with those.

16
17 We also did some targeted operations, and one of them is Blue
18 Trophy, and that was an HMS op in Louisiana for the Gulf Coast
19 Billfish Classic, and our Gulf-wide enforcement officers
20 participated, along with the U.S. Coast Guard, patrolling offshore
21 and making contacts with fishermen offshore, and they also made
22 contacts with fishermen at weigh-in. They did find an HMS permit
23 violation, and they also checked -- While they were out there,
24 they checked some of the skimmer boats, and they found some TED
25 violations on the skimmer boats. They also were restrained
26 somewhat by bad weather.

27
28 On Palos de Tortuga and Rogue Sweep, those were IUU/SIMP-focused
29 operations, and they inspected over 68,000 pounds of seafood. That
30 was done at the Port of Brownsville, and they actually -- They saw
31 red snapper, blue crabs, and yellowfin tuna. There was a question
32 about SIMP, and the BAYS tunas, bigeye, albacore, yellowfin,
33 skipjack, and bluefin are all part of the SIMP program, and so
34 it's got enhanced report, along with blue crabs, red snapper,
35 grouper, sharks, sea cucumbers, and that's some of the stuff that
36 we would see coming across here. They also conducted patrols along
37 the U.S. Mexican border from the Rio Grande out into the EEZ.

38
39 Another operation was Endless Summer, and that was red snapper
40 focused. Again, it was rough weather, and there is a trend here.
41 We've had kind of bad weather throughout the Gulf on almost all of
42 our operations this year, and our folks can work through it, and
43 they end up doing pretty well.

44
45 That was -- Endless Summer was conducted with the FWC and the U.S.
46 Coast Guard, and it was a week-long op, and they did find quite a
47 few violations of over the bag limit, possession during a closed
48 season, missing ID and vessel information, such as not having their

1 numbers on the boat, or improper numbers, and some sea turtle
2 release gear.

3
4 Double Down, that was an operation conducted in Mississippi and
5 Alabama that was focusing on unpermitted charters, and we had our
6 EOs, again, from across the Gulf, along with the Alabama Marine
7 Resource Division and the Mississippi Department of Wildlife and
8 Fisheries Division and the U.S. Coast Guard. They did issue
9 several fix-it notices, which is our version of you get it fixed
10 and we come back and check it, to make sure you've got it right,
11 and so it's not a financial penalty violation, and they did find
12 one possession of red snapper out-of-season case.

13
14 We have a report a violation -- We need help from the public when
15 it comes to violations, such as fishing out of season or fishing
16 in closed areas and unpermitted charters. We rely on the public
17 and the fishing community to assist us. We can't be everywhere at
18 once, and we need to have tips and information coming in, and so
19 we do have our number, our 800 number, and we do ask that, if
20 anybody provides a tip, that they give us the location, the time
21 and date of the activity, the description of the activity, and any
22 information they might have on the name of the vessel, the owner,
23 operator, captain and crew, and it needs to be pertinent.

24
25 We would like to get the information real-time, versus a month
26 later, and it's kind of hard to follow-up on stuff, but, if
27 somebody is out on there on the water, and they're seeing
28 violations, they can call this number. That's all I have, if
29 there's any questions.

30
31 **CHAIRMAN FRAZER:** All right. We always appreciate the quarterly
32 overview, John, and so let's see if we've got some questions here.
33 Kevin Anson.

34
35 **MR. ANSON:** Thank you for the presentation, and I have just one
36 question, and it's from Slide 1, or it pertains to Slide 2, the
37 first slide of the actual presentation, but you have down there
38 the 39 percent no violations or compliance assistance, and I think
39 you addressed that, but just if you can repeat I think what you
40 said or explain what that means.

41
42 **MR. O'MALLEY:** That could be -- Well, a patrol can be an incident,
43 and there will be contacts in patrol, and that's not a violation
44 per se, and, you know, if we find violations, that would be another
45 incident. Compliance assistance is the equivalent of a warning,
46 and it's we're helping them make it right, and so, you know, we
47 found this violation, but it doesn't warrant a financial penalty
48 or a written warning or a summary settlement, and it can just be

1 handled with education, and so that's what that is, and we do a
2 lot of that, especially when there is new programs and regulations
3 rolling out, and we do a compliance assistance period, because it
4 takes a while for everyone to understand what the new regulations
5 are.

6
7 **MR. ANSON:** Just a follow-up question, and so, I mean, what level
8 of detail do you have to document, a, the number of incidents, and
9 so if an incident is a patrol, and so is a patrol just from dock
10 to dock or an incident is where you board a vessel or contact the
11 captain of the vessel?

12
13 **MR. O'MALLEY:** A patrol -- Well, it's a little different on the
14 EOs and agents. For agents, we do cases and long-term
15 investigations, and those are always incidents. Enforcement
16 officers do patrols, which would be an overriding incident, and
17 then they can have individual incidents in that that are connected
18 for individual vessels and violations, but we can -- An incident
19 can be a tip from the public, a referral, a complaint, and all
20 that stuff can be an incident, and so it's just our way of, you
21 know, documenting.

22
23 **MR. ANSON:** Thank you.

24
25 **CHAIRMAN FRAZER:** Peter Hood.

26
27 **MR. HOOD:** Just real quick, on your report a violation, you have
28 the phone number and stuff, and is that like an anonymous tip line,
29 is that, you know, you want people to also provide information
30 about themselves, in terms of seeing something?

31
32 **MR. O'MALLEY:** It's nice if somebody would give us their name, and
33 it's nice to have a name and a number, so we can call them back,
34 and we always need to get more information. If somebody calls in
35 a tip, it's like, hey, so-and-so has got a thousand red snapper on
36 a recreational boat in Louisiana, and it's Louisiana, but we just
37 need more detail, and we always usually try to contact folks to
38 get the details, because we're thinking law enforcement, whereas
39 people are just thinking I see a violation and I want to report
40 it, and so we have to get the information.

41
42 **MR. HOOD:** Yes, and I get phone calls, every so often, from somebody
43 who sees a violation, and they're angry about it, and it's like
44 what are you going to do about it, and I have to say, hey, you
45 need to contact you guys, and then they -- You know, oftentimes,
46 you get the response of, well, I don't want to be a rat, and it's
47 like, well, you're not really going to fix a problem if you don't
48 report it.

1
2 **MR. O'MALLEY:** Yes, and we want information, and we also don't
3 want people -- To put them in a position of danger, and so, if
4 they're out there, and so, if they're out there and they can grab
5 a number, or even take a picture, without putting themselves in
6 harm's way, we appreciate it. The more information we have, the
7 more we can do with it.

8
9 **CHAIRMAN FRAZER:** All right. Susan Boggs.

10
11 **MS. BOGGS:** Just a quick comment, and I just wanted to thank you
12 all for all of your efforts in Alabama, and I have seen much
13 presence of the enforcement officers, and there's been several
14 crackdowns on the illegal operation of charters, and you all have
15 done an excellent job I can tell you in Alabama this year, and you
16 can see it. Thank you.

17
18 **MR. O'MALLEY:** We have been building up our enforcement officer
19 program over the years, and so we're fairly well staffed. We still
20 have a few openings, and we're in the process of filling them. In
21 fact, we have our supervisory enforcement officer, Terrell
22 Bradford, back there, and he's in League City with myself, and he
23 covers the enforcement officers from Texas all the way over to
24 Alabama.

25
26 On that note, this is going to be my last presentation to the
27 council, because I will be retiring next month. My time is up,
28 and so Terrell will be taking over, temporarily, until they can
29 find a replacement for me, which is funny, because I started my
30 conservation law enforcement career here in Austin in 1996, when
31 I attended the 44th Game Warden Academy, and so it all started
32 here, and it's kind of all ending here, and so that works out
33 pretty nicely.

34
35 **CHAIRMAN FRAZER:** I think we have one more question for you from
36 Mr. Gill.

37
38 **MR. GILL:** Thank you, Mr. Chairman. Remind us again how many folks
39 you have to handle the entire Gulf of Mexico.

40
41 **MR. O'MALLEY:** The entire Gulf of Mexico, we have six agents, and
42 enforcement officers -- Do we have six? We have five agents within
43 St. Pete -- I think there's eight, and I am going all the way down
44 to the tip of Florida, and so covering the whole Gulf, and I think
45 we have an opening in Fort Myers, an opening in St. Petersburg,
46 and an opening in League City for agents. I mean, excuse me,
47 enforcement officers. Right now, we're fully staffed with agents,
48 and I have five, which is from Corpus Christi over to Niceville,

1 Florida, and we have one agent in St. Petersburg right now, and
2 there is another opening for St. Petersburg, and so we are
3 stretched thin. We cannot do it all ourselves, and that's why we
4 rely on our JEA partners, the Coast Guard and some other federal
5 agencies, but primarily the Coast Guard and state partners we work
6 with the most.

7
8 **MR. GILL:** Thank you.

9
10 **CHAIRMAN FRAZER:** John, we wish you all the best in your
11 retirement. It was a pleasure having you here at all the meetings,
12 and you're kind of a fixture yourself, and, Terrell, we're looking
13 forward to working with you, and so, with that said, thank you
14 again for the presentation. We're going to go ahead and break for
15 lunch, and we'll come back at 1:30 for public comment, but, for
16 all the council folks, if you can just hang around for two or three
17 minutes, and the communications folks, Emily and Carly, would like
18 to get a photo with the new council members.

19
20 (Whereupon, the meeting recessed for lunch on August 16, 2023.)

21
22 - - -

23
24 August 16, 2023

25
26 WEDNESDAY AFTERNOON SESSION

27
28 - - -

29
30 The Full Council of the Gulf of Mexico Fishery Management Council
31 reconvened at The Driskill in Austin, Texas on Wednesday afternoon,
32 August 16, 2023, and was called to order by Chairman Tom Frazer.

33
34 **CHAIRMAN FRAZER:** Good afternoon, everyone. Public input is a
35 vital part of the council's deliberative process, and comments,
36 both oral and written, are accepted and considered by the council
37 throughout the process.

38
39 The Sustainable Fisheries Act requires that all statements include
40 a brief description of the background and interest of the persons
41 in the subject of the statement. All written information shall
42 include a statement of the source and the date of such information.

43
44 Oral or written communications provided to the council, its
45 members, or its staff that relate to matters within the council's
46 purview are public in nature. Please give any written comments to
47 the staff, as all written comments will be posted on the council's
48 website for viewing by council members and the public and will be

1 maintained by the council as part of the permanent record.

2
3 Knowingly and willfully submitting false information to the
4 council is a violation of federal law. We will welcome public
5 comment from in-person and virtual attendees. Anyone joining us
6 virtually that wishes to speak during public comment should have
7 already registered online. Virtual participants that are
8 registered to comment should ensure that they are registered for
9 the webinar under the same name they used to register to speak.
10 In-person attendees wishing to speak during public comment should
11 sign-in at the registration kiosk located in the back of the
12 meeting room. We accept only one registration per person.

13
14 Each speaker is allowed three minutes for their public testimony.
15 Please note the timer lights on the podium or on the webinar. They
16 will be green for the first two minutes and yellow for the final
17 minute of testimony. At three minutes, a red light will blink,
18 and a buzzer may be enacted. Time allowed to dignitaries providing
19 testimony is extended at the discretion of the Chair.

20
21 If you have a cellphone or similar device, we ask that you keep
22 them on silent or vibrating mode during the meeting. Also, in
23 order for all to be able to hear the proceedings, we ask that you
24 have any private conversations outside, and please be advised that
25 alcoholic beverages are not permitted in the room. Please note
26 that public comment may end before the published agenda time if
27 all registered in-person and virtual participants have completed
28 their comment.

29
30 We will go ahead, since we have both in-person participants as
31 well as virtual participants, and we will alternate between the
32 two, and we will go ahead and start with the in-person
33 participants, and the first speaker would be Lawrence Marino.

34
35 **PUBLIC COMMENT**

36
37 **MR. LAWRENCE MARINO:** Good afternoon. My name is Larry Marino,
38 and I'm here on behalf of Louisiana Attorney General Jeff Landry.
39 The MRIP-FES pilot study is, obviously, weighing heavily on
40 everyone's minds. Hot on the heels of the calibration conversions,
41 and even still during it, and now potentially having to make
42 another major adjustment shakes confidence in the system even
43 further.

44
45 At this point, there appears there has been at least some
46 overreporting of rec harvest, but that won't be confirmed, or the
47 extent determined, until 2025, but it seems likely that historical
48 rec landings will have to be revised again, this time downward

1 instead of upward. That's not to say that continually seeking to
2 improve the system is a bad thing. It's a good thing, but this
3 does present a good opportunity to consider whether there is a
4 better way, and there is. State management, with mandatory
5 offshore permits, and with allocations by state, based on factors
6 like biomass instead of just historical landings.

7
8 Louisiana has shown, with LA Creel, that it's possible to do weekly
9 surveys and not just bimonthly, or even monthly, and this enables
10 real-time tracking, the lack of which has been a glaring weakness
11 in MRIP, and LA Creel has been shown to be accurate. This makes
12 sense, since it's obviously easier to remember whether you fished
13 last week than whether you fished last month or two months ago.

14
15 Louisiana has also shown that requiring an offshore permit makes
16 it easier to target actual offshore fishing. You focus on the
17 survey and those who might actually have fished offshore, and
18 historical landings, from decades ago, are not representative of
19 the fishery today or its needs. Instead, state allocations should
20 be matched to where the fish actually are.

21
22 Rather than just re-recalibrating the same old historical
23 landings, take this opportunity to reset the system, and I also
24 wanted to address the Rice's whale situation. The critical habitat
25 designation rule needs to go forward. The law requires it to be
26 done. I will leave it to the biologists as to whether the area
27 designated is in fact the whales' critical habitat, but, assuming
28 it is, then the rule does appear to correspond to the legal
29 requirements, and there really isn't anything that the council can
30 do about it anyway. It's not a council decision.

31
32 The council should be aware, however, of what may come next. We're
33 all familiar with the petition regarding the whale that the council
34 and 75,000 others just commented on, talking about the speed limit
35 and the nighttime closure and onboard observers and all that, and
36 that was a drastic request for fifty-one animals that may already
37 be non-viable as a species. It's not clear, at this point, whether
38 or how the critical habitat designation will affect what NMFS
39 chooses to do, or has to do, regarding that petition.

40
41 It's also not clear whether or how the designation will affect the
42 environmental analyses for future fishery management plan
43 amendments. While the designation itself doesn't impose
44 restrictions, restrictions may be imposed due to the existence of
45 the designation, such as a rule about the petition or environmental
46 analyses for FMP amendments.

47
48 Also, you may not be familiar with the lawsuit that was filed

1 against NMFS in a Maryland federal court, and they're trying to
2 block oil and gas leasing in the Gulf. In that suit, NMFS and the
3 plaintiffs have jointly requested the court to enter an order that
4 requires the same limitations that were in the recent petition
5 that we just commented on. They had to be inserted into oil and
6 gas leases in the Gulf going forward, at least until NMFS does a
7 new biological opinion about oil and gas leasing, and maybe
8 permanently.

9
10 There was no rule. There was no public comment, and there was
11 just an agreement with the judge, and it will go into effect once
12 the judge signs it, and it's concerning that such major limitations
13 could be imposed without going through the rulemaking process in
14 the context of oil and gas, and it's also concerning that the same
15 thing could happen in the fishery, if NMFS gets sued over fishing
16 activity in the Gulf.

17
18 Without a specific situation to consider, it's unknown whether
19 this council could do anything about it if happens, but the council
20 should be aware that it has happened in oil and gas, and they
21 should watch out for it in case it happens with respect to the
22 fisheries. Thank you.

23
24 **CHAIRMAN FRAZER:** All right. Thank you, Mr. Marino. We have a
25 question from Ms. Boggs.

26
27 **MS. BOGGS:** Thank you, Mr. Marino, for coming today, and so what
28 types of restrictions are they stating in this lawsuit?

29
30 **MR. MARINO:** In that lawsuit, they agreed to pretty much the same
31 things we were talking about in the petition, and so there's a
32 ten-knot speed limit, and they don't preclude, entirely, crossing
33 at night, but it says, to the maximum extent practicable, you
34 can't. It's got the observers, and it's got the other things that
35 make sense, to stay 500 meters away from the animals and that kind
36 of a thing, but it's the others that are, obviously, a little more
37 concerning. Thank you.

38
39 **CHAIRMAN FRAZER:** All right. Thank you, Mr. Marino. We're going
40 to move to our next speaker, who is online, and that would be Mark
41 Dube. Mark, it looks like we're having a hard time hearing you,
42 and it seems that you're unmuted on your end, and so we're going
43 to go ahead and come back to you, and so our next speaker would be
44 Bob Zales.

45
46 **MR. BOB ZALES, II:** Bob Zales, II, representing SOFA and NACO and
47 PCBA. First, I want to thank you all for recognizing Buster.
48 Buster was an old-time fisherman, and we lost of history with

1 Buster. He was ninety-seven. Currently, my daddy is in a VA home
2 in Panama City, and he's ninety-six. Buster was the oldest guy
3 there, and my daddy now is number-one, and so we'll see what
4 happens.

5
6 You all have seen my emails about FES, and I am going to concentrate
7 on that. First off, the FES thing that came out, a little over a
8 week ago, to me, was the biggest event since the National Academy
9 declared MRFSS to be fatally flawed back in 1996. With this
10 information, I don't know if FES is fatally flawed, but it's
11 clearly flawed.

12
13 What we do know is that it's overestimating effort and catch of
14 the rec side, and extreme concern was expressed as early as March
15 of 2019, by the State of Florida and several other agencies, about
16 these numbers being off the wall and just not reasonable.

17
18 In September of 2019, Chris Oliver processed a policy directive
19 that stated, and not exact, but, in essence, that, in order to
20 certify FES, one way to do that, and the quickest way, was to put
21 it in a stock assessment. Unfortunately for us, red grouper was
22 the next stock assessment up, and that's how we ended up with it
23 being in there.

24
25 We know what it's done to red grouper, and it has affected all
26 sectors. The current red grouper closure that we've experienced
27 on the rec side for the past three years is a result of FES, and
28 the reduction of quota, the shifting of allocations, not only in
29 red grouper, but it's happened in lane snapper, and it's happened
30 in all the other fisheries, and so, to speed things up, it has
31 also caused, as a direct or indirect result, that there's three
32 lawsuits out there, based on the problems with FES.

33
34 What we're asking for, which you all saw in my emails, is two basic
35 things. One is to pause FES from any further inclusion in any
36 future stock assessments. Don't stop the stock assessments, and
37 you can still do them, but just do them without FES. CHTS, I
38 understand, has been slow going, if not stopped, and you can go
39 back and you can create projections, and they do it all the time.
40 I am not picking on Texas, but Texas data has always been -- To
41 get Texas data today for red snapper, they had to go back three or
42 four years to take projections to see where it was, because it was
43 delayed, the same thing that we've done with this.

44
45 We need to prevent the harm that you all are causing on me and the
46 people in this room. When you talk about the best available
47 science, the best available science is back there with these
48 fishermen. There are multiple years of experienced, on-the-water

1 observations, everything that's there, and that's where your
2 science comes from, and not from computer models and not from
3 surveys.

4
5 The other thing is we would like to see you convene a special SSC
6 meeting solely on FES, at least a one-day meeting, and provide all
7 the data to them that you have. Whatever you do, don't do like
8 they did with the Maine lobster and only pick and choose the data
9 you give to people, and give them all of it and let them look at
10 it again and let's see where we go. Thank you.

11
12 **CHAIRMAN FRAZER:** Thank you, Captain Zales. We've got a question
13 from Ms. Boggs.

14
15 **MS. BOGGS:** Captain Zales, thank you for being here today. We
16 talk about this often, but tell me about the king mackerel, and
17 now I'm curious about Spanish mackerel, after our discussion
18 earlier today.

19
20 **MR. ZALES:** I mean, you all have heard me, for the past three
21 years, two or three years, about kingfish. This year, I have
22 caught, and in Panama City we've caught, more kingfish this year
23 than we've caught in the last three. They have begun to come back.

24
25 Part of the problem, because we've been wondering where they were
26 and what was going on, and apparently it was bait, because we
27 haven't had any bait in that period of time, and the bait showed
28 up here, and so your herring and cigar minnows, and the king
29 mackerel followed them in there, and so they're doing pretty good.
30 Last week, on one four-hour trip, I had seventeen. On another
31 four-hour trip, I only fished an hour, because the people got sick,
32 and I had eight.

33
34 **CHAIRMAN FRAZER:** Go ahead, Susan.

35
36 **MS. BOGGS:** So just a follow-up to that. Are these the smaller
37 kings? Is there any brood stock there, or what are you seeing?

38
39 **MR. ZALES:** That is what is interesting about this. I mean, king
40 mackerel is why I came here to begin with in the late 1980s, and,
41 historically, in Panama City, we've caught August fish, because
42 the small fish show up in August, and they're showing up, and so,
43 to me -- It appears, to me, that this fishery is not necessarily
44 in trouble, and it's kind of like they lost their way, and they
45 didn't know where to go to eat. Now they're beginning to come
46 back, and so we'll see where that goes, but, right now, I'm
47 encouraged by what we're seeing this year.

48

1 **CHAIRMAN FRAZER:** Peter Hood.

2
3 **MR. HOOD:** Thanks for being here, Captain Zales. On a different
4 topic, greater amberjack, I just wondered if you could maybe
5 comment about what, you know, the folks you represent think about
6 some of the commercial trip limits.

7
8 **MR. ZALES:** From what I'm hearing from the guys now -- I mean,
9 from what you discussed with me earlier today, we're looking at,
10 what, a 48,000-pound quota for jacks for 2024, and we're asking
11 why, because, even with a two or three or four or five-fish bag
12 limit, it's a bycatch fishery. This fishery will probably close,
13 if you open it -- At 48,000 pounds, it will probably be closed
14 before the end of January, and so, you know, most of the guys are
15 saying leave it in the water, and they don't really want to go out
16 and -- They will catch them, but they're not a target, but they
17 will catch them, but they don't see any reason why we should do
18 that.

19
20 **CHAIRMAN FRAZER:** All right. Thank you, Captain Zales, for being
21 here.

22
23 **MR. ZALES:** All right. Thank you.

24
25 **CHAIRMAN FRAZER:** All right. Next on the list is a virtual
26 participant, Catherine Bruger.

27
28 **MS. CATHERINE BRUGER:** Thank you, Mr. Chair. My name is Catherine
29 Bruger, and I'm a native of St. Petersburg, Florida, and I'm
30 Manager of Fish Conservation for Ocean Conservancy. First, I would
31 like to welcome and congratulate the newly-appointed council
32 members. We are eager to hear your perspectives, and we're looking
33 forward to working with you to solve the greatest challenges facing
34 our fisheries and communities upon which they rely.

35
36 Ocean Conservancy reiterates that the future management of gag is
37 incredibly precarious, as the stock remains both overfished and
38 undergoing overfishing, with dangerously low male biomass, and
39 Amendment 56 fails to address the well-documented primary
40 mortality sources to the stock. The council and NMFS have a legal
41 obligation to end overfishing and provide assurance that the
42 management actions taken will meaningfully rebuild the stock by
43 January 26, 2024.

44
45 The trailing actions promised by the council were intended to
46 address these primary mortality sources. However, discussions
47 during the committee yesterday focused on peeling away potential
48 solutions. We support the inclusion of robust management actions

1 and analysis when it comes to recreational management, and nothing
2 should be thrown out.

3
4 We agree that protecting spawning males should be paramount in the
5 goals, and we note that this alone is not enough to rebuild the
6 stock. Again, we reiterate that the rebuilding plan, in its
7 current state, represents the bare minimum for a stock that needs
8 to be significantly rebuilt. At the end of the day, we're going
9 to try to reduce discards, which should be the primary goal for
10 the council, and the management actions we consider should be
11 targeted at achieving that goal.

12
13 That means developing tools to evaluate multispecies discards and
14 consider effort shifting, specifically a thorough multispecies
15 discard analysis, consideration and analysis of spatial area
16 closures, and management actions that could improve selectivity.
17 Further, given observed shifts on the water, we support frequent
18 interim updates to provide a health check on the stock. Those
19 interim updates need to also include an analysis of discards, to
20 ensure discarding mortality is in line with catch projections
21 produced by stock assessments and ensure that rebuilding is on
22 track.

23
24 Without creating a process to check in on discard mortality
25 annually, rather than just ACL compliance, there is no way to
26 ensure the major cause of overfishing is being addressed. Most
27 critically, we request that the council prioritize a comprehensive
28 understanding of discards into the process that helps identify
29 opportunities to address the recreational discard issue better.

30
31 Finally, the Inflation Reduction Act is an unprecedented
32 opportunity for the U.S. federal government to achieve its climate
33 commitments and transition to a more secure and livable future for
34 all. As the council identifies climate-ready projects to propose
35 to NOAA Fisheries for IRA funding, we have shared in our comment
36 letter some potential projects which align with the Southeast
37 Regional Action Plan to implement the NOAA Fisheries climate
38 strategy through 2024, and we look forward to discussing this
39 projects with you in the future. Thank you so much.

40
41 **CHAIRMAN FRAZER:** I am not seeing any hands for questions, and so,
42 again, thank you for your time. The next speaker is Charlie
43 Bergmann.

44
45 **MR. CHARLIE BERGMANN:** Good afternoon. First, I would like to
46 welcome the new council members. Thank you for donating your time
47 to this worthwhile function. I would like to echo Captain Zales'
48 comments on the FES. You know, we know that we have to keep going

1 forward with fishery management, but surely there has got to be
2 some sort of a mechanism that you can bypass the FES until you get
3 that straightened out and use the old systems.

4
5 My main focus today is in the shrimp fishery, and there are vessels
6 that haven't been compensated for their observer coverage and the
7 meals for the observers, and it was brought up a year, or maybe
8 two years, ago, and the boat are still waiting, and I would implore
9 the council to find ways to stimulate the agency to make those
10 payments and make these fishermen whole again. Thank you.

11
12 **CHAIRMAN FRAZER:** All right. Thank you, Mr. Bergmann. We have a
13 question from John Walter.

14
15 **DR. WALTER:** Thank you, Mr. Bergmann, and thanks for bringing up
16 that issue of the payments for observers onboard boats. We've got
17 a process that could help speed that up, which would be to use an
18 electronic funds transfer, which would then allow us to transfer
19 the full payment amount.

20
21 Right now, we're limited to \$3,000 for being able to write a check,
22 and so what I would say is, if you're a vessel owner, and you're
23 waiting for payment, reach out to who you've been contacting, and
24 it's probably Scott Leech in our observer program, and ask to see
25 if you can just do that with an electronic funds transfer and get
26 it directly transferred to your bank account, rather than waiting
27 for individual checks. Hopefully we can speed that up, and
28 apologies for the lengthy delay that it's taken on that, but we
29 are hoping to solve that quickly. Thank you.

30
31 **CHAIRMAN FRAZER:** Thank you again, Mr. Bergmann. Our next speaker
32 is online, and we're going to try Mark Dube again.

33
34 **MS. BERNADINE ROY:** Mr. Chair, he's no longer online.

35
36 **CHAIRMAN FRAZER:** Okay, and so we will just continue on. The next
37 speaker would be Captain Dylan Hubbard.

38
39 **MR. DYLAN HUBBARD:** Thank you for the opportunity to speak today.
40 The first thing I wanted to mention was about gag grouper. On the
41 gag grouper front, I feel that a vessel limit is highly predatory
42 to multi-passenger vessels and partyboat vessels, and I think a
43 bag limit is a better approach, to ensure fairness among the fleet
44 and among the stakeholders.

45
46 Spatial area closures are a great idea, in practice and on paper,
47 but, on the water, they're useless, because of what we heard today
48 from enforcement. There's just not enough people on the water.

1 They do a great job, and enforcement is hard at work out there,
2 but there's just not enough of them and not enough funding to
3 enforce spatial area closures, and it just creates a lot of people
4 that are bending the system to get an advantage over everyone else,
5 because of the rampant abuse of the sanctuaries already in use.

6
7 The spawning closures, it needs to be all or nothing. Right now,
8 we've been faced, in the recreational fleet, with this February
9 and March deepwater closure for years now, and it's super hard on
10 our fleet, and it's super hard on our businesses. The commercial
11 fleet doesn't have it, and now we're talking about potentially
12 adding one to the commercial fleet, and, if we don't add one to
13 the commercial fleet, take away the rec's. If we add one to the
14 commercial fleet, fine, and keep the rec, but it needs to be all
15 or nothing. It doesn't make sense to have a spawning closure in
16 one stakeholder group and not in another.

17
18 Also, on the gag grouper, they're healthier every year, and they
19 get healthier every year, and the fact that we're talking about
20 this rebuilding plan, and really, really draconian measures, based
21 on a stock assessment with a terminal year of 2019, is just
22 absolutely unacceptable. I think we really need to focus, as a
23 council, to use that interim analysis tool, with catch advice
24 annually, to really keep a close thumb on the pulse of this
25 fishery, because it's getting healthier, and we're seeing more of
26 them on the water, and we can't afford to wait twenty-two years,
27 or whatever, in this catch -- In this rebuilding program. I think
28 that fishery is a lot healthier than the stock assessment
29 reflected.

30
31 For jacks, we support a September 1 opening and no vessel limits,
32 again, and maybe a bigger minimum size. It doesn't seem like a
33 lot has worked with jacks, and I think the minimum size, where
34 it's at, doesn't really give a 50 percent chance that the fish
35 have spawned, and so maybe that needs more exploring.

36
37 Yellowtail, that's going to be the next lane snapper, and I wanted
38 to make sure that I emphasized that in my public comment today.
39 Lane snapper, we've had a huge problem, and the fishery exploded.
40 Spatially, it has expanded exponentially, and we're seeing bigger
41 lane snapper, and more of them, and now we're having closures in
42 a super-healthy fishery, and it's beyond frustrating.

43
44 We're going to see that with yellowtail snapper any day now. With
45 yellowtail snapper, we're catching more of them, in more areas and
46 larger sizes, from shallow water all the way out to deep water,
47 and so we need as much quota as possible, and the biggest catch
48 level.

1
2 The SEFHIER program, we need this back ASAP, and the FES issues
3 just make this more apparent. Please stand up the ad hoc AP and
4 populate it ASAP, and don't slow down the SEFHIER implementation.
5 I think we learned a lot of lessons that we can improve on and
6 continue to improve the system, and I have two more things, and I
7 will email them. Thank you.

8
9 **CHAIRMAN FRAZER:** Thanks, Dylan. Come on back. We've got a
10 question from Captain Walker.

11
12 **MR. WALKER:** So what would your suggestions be on the improved
13 SEFHIER?

14
15 **MR. HUBBARD:** I don't think we have enough time for this, Ed.

16
17 **MR. WALKER:** Pick three things that you would eliminate or add.

18
19 **MR. HUBBARD:** I mean, I really like the way that SEFHIER rolled
20 out. At first, I had a real big problem with the validation aspect
21 of it, but I learned the reasons why, and it was important, and
22 imperative, to have some sort of validation, and so we need to
23 figure out a way to validate, moving forward, without VMS now.

24
25 That's going to be a little bit of a hurdle, but I think there's
26 a lot of technologies out there, a simple RFID, to know when your
27 vessel leaves the slip. If you don't want to permanently affix
28 anything to your vessel, permanently affix it to your slip. That
29 way, when the vessel leaves the slip, the trip has been validated,
30 and I think there's a lot of technologies out there to utilize for
31 the validation, but the validation is a key piece that needs to
32 remain in SEFHIER, in my opinion.

33
34 It needs to be simplified and streamlined. I think, during the
35 rollout, SEFHIER got a little more overcomplicated and burdensome,
36 which made buy-in a big challenge, and I think the buy-in is there
37 now, especially now that it's been repealed, and we see this FES
38 issue. In my area, we've been crippled with red snapper season
39 and with having red grouper close early, and it's been really
40 challenging.

41
42 It's a huge downturn in business, because now we don't have gags
43 open, and we don't have red grouper open, and so it's been a little
44 bit more of a challenge in our area, and so I think our fleet in
45 southwest Florida, which was a pretty big detractor from the
46 SEFHIER program, is now all onboard, baby, and so I think a lot of
47 people have really created a lot of buy-in, and so, to answer your
48 question, we need some validation, and it needs to be streamlined

1 and simple, and the rollout needs to be smoother.

2
3 I think the port ambassador program that we set up, on our own
4 dime and our own time, with some help from around the different
5 stakeholder groups, I think that is a great model that we can
6 replicate and make the rollout of the next SEFHIER program even
7 better. Thanks for the question.

8
9 **CHAIRMAN FRAZER:** All right. Thank you, Captain Hubbard. We will
10 move to an online participate, Brian Lewis.

11
12 **MR. BRIAN LEWIS:** Good afternoon. Thank you, Mr. Chair, for this
13 opportunity to speak. My name is Brian Lewis, and I own the
14 Fishing Vessel Trip Limit that fishes in Clearwater Beach, Florida
15 for Frenchy's Seafood. I've been in the industry for about twenty-
16 three years now, and primarily I catch 80 percent red grouper, and
17 then other reef fish, but we fish for Frenchy's.

18
19 I want to talk about a little history here, and Frenchy's opened
20 his first restaurant in 1981, and his goal was to offer fresh,
21 quality seafood. His primary fish is grouper, and so I hope that
22 we can try to get better at managing our resource, so that we don't
23 get in an overfished situation, like we are already with gag, on
24 red grouper.

25
26 With that said, as I heard Bob Zales speak, and I've heard other
27 people talk about the FES, we have flaws, and there is always flaws
28 with everything, and so we need to find a better data collection
29 system that is truly, in real time, knowing exactly what is being
30 caught. You know what we catch in the commercial side of things,
31 and so why can't we have some transparency, real transparency, in
32 the recreational sector?

33
34 Look, and the recreational sector is accountable under what they're
35 being managed at, and it's no fault of their own, okay, and we
36 need a better system. We've preached it, and we've been preaching
37 it for thirty years, okay? All right.

38
39 So, that said, let's try to get the SEFHIER program fixed. When
40 I listened in on some of the commenting on this SEFHIER program,
41 one of the things is that we started looking like we were starting
42 to ask for more and more stuff, you know, for these fishermen to
43 be able to do, okay, and I think the primary goal was data
44 collection, if I'm not mistaken, and so why can't they just simply
45 do hail-out and landing notifications, just like us, and it's very
46 simple.

47
48 Our system is working great, and our IFQ program is working great.

1 I see no reason to even mess with the IFQ program, okay, and I had
2 to buy fishing quota, and it hurt, okay, but do you know what? I
3 have something that I can sell or pass on to my children and my
4 grandchildren, and so I have the opportunity that I can buy an
5 engine, if I need to lease it out, or I can trade my quota. There
6 is nothing better out there than this, and so I don't think we
7 need to really mess with it at all.

8
9 If anything, yes, maybe a quota bank, so that other fishermen, who
10 don't -- Who have the misfortune of not owning shares can have an
11 opportunity to lease the quota at a reasonable price, and we all
12 want to make money. That said, I appreciate this opportunity to
13 speak, and my time is up, and I'm open to any questions that any
14 of you may have. Thank you.

15
16 **CHAIRMAN FRAZER:** Thank you, Mr. Lewis. We have a question, if
17 you're still on the line, from Peter Hood.

18
19 **MR. LEWIS:** I'm here.

20
21 **MR. HOOD:** Captain Lewis, do you catch greater amberjack?

22
23 **MR. LEWIS:** We do not. We barely even target them at all. I mean,
24 if I catch it, it's a bycatch, and I can't even remember the last
25 time I caught an amberjack.

26
27 **MR. HOOD:** Okay. The reason that I ask is that we have a framework
28 action where we're looking at commercial trip limits, and I was
29 just wondering if you're familiar with that and if you had any
30 thoughts on those bag limits.

31
32 **MR. LEWIS:** So I think -- I heard Jason Delacruz mention, and, you
33 know, like I guess it's kind of tough, whether we choose number of
34 fish or weight, and I kind of agree with what Jason had said
35 originally, and maybe number of fish, because, you know, trying to
36 get the exact weights, and we don't want to get any violations for
37 being over the weight limit, and so I think that -- Pardon me if
38 I forget, if you've already made that decision which way we're
39 going to go, but I think number of fish is a better approach.

40
41 **MR. HOOD:** Okay. Thank you.

42
43 **MR. LEWIS:** Yes, sir.

44
45 **CHAIRMAN FRAZER:** All right. Thank you, Mr. Lewis, for your
46 testimony today. Our next speaker is Mr. Ken Haddad.

47
48 **MR. KEN HADDAD:** Thank you, Mr. Chairman and council members. My

1 name is Ken Haddad, with the American Sportfishing Association,
2 and I want to first welcome the new council members. I'm glad
3 you're on here, and I look forward to bugging you.

4
5 On the allocation review, I just wanted to remind everybody that
6 we still advocate for a more definitive decision-making process
7 for the actual allocation determination, and we've kind of been
8 saying that all along, and I just wanted to reinforce it.

9
10 On the FES issue, first, we would like to see the best scientific
11 information available be determined for each species and not pre-
12 suppose, at this point, that FES-MRIP is the standard. I think
13 the Gulf is pretty unique, in that the states have been taking
14 their own initiatives to backfill what have been perceived as data
15 shortfalls in MRIP, and the Florida data for gag is a good example
16 of that.

17
18 We also think it's an opportunity to back up and reevaluate MRIP's
19 long-term viability. There is a clear need to modernize the entire
20 effort, or at least employ new technologies, particularly for
21 effort measurements. On the recreational initiative, we support
22 the forward movement of the initiative, and we're still remaining
23 a little bit skeptical that we'll be able to create an environment
24 that will promote the full exchange of ideas and options, and
25 that's an important thing to create, and we feel you're working
26 towards that, and we appreciate it, and we commit to helping that
27 happen, also.

28
29 The FES issue seems to plug into this initiative, and it's kind of
30 timely, in some ways, because, in the initiative, there will be
31 considerations of data issues and discard mortality and some other
32 things that are all wrapped around the problems we're facing right
33 now, and, finally, we hope the scientific community, and it's not
34 something we've talked about on this initiative yet, but will step
35 up and provide effective guidance and feedback on technical and
36 management discussions that will be taking place during this, to
37 kind of keep the initiative grounded in the science as we move
38 forward. Thank you, Mr. Chairman.

39
40 **CHAIRMAN FRAZER:** Thank you, Mr. Haddad. We've got a couple of
41 questions, it looks like. Mr. Geeslin.

42
43 **MR. GEESLIN:** Ken, can you talk to us a little bit more about the
44 scientific community playing a role in the recognition? What
45 exactly, in your mind, would that look like?

46
47 **MR. HADDAD:** It could be in the form of initial presentations on
48 some of the big issues. For example, what does a built-out fishery

1 look like, and how does that relate to fishing effort in the
2 future? I mean, that's just one example, in my mind.

3
4 **CHAIRMAN FRAZER:** It looks like we've got a question from Captain
5 Walker.

6
7 **MR. WALKER:** Ken, I know you sent me some semblance of the
8 recreational initiative that you mentioned, and I have to be
9 honest, and I just got it yesterday, and I haven't had a chance to
10 read it, but is that something that you could give a presentation
11 to the council on, or maybe you did before, and I don't know, and
12 I didn't see it, but, if not, maybe down the road you could put a
13 presentation together on that and you could explain it?

14
15 **MR. HADDAD:** Certainly, if I know what you're talking about.

16
17 **MR. WALKER:** The recreational initiative.

18
19 **MR. HADDAD:** The past one, back in like 2017 or 2018?

20
21 **MR. WALKER:** The one that you sent me yesterday, some updates to
22 it or something.

23
24 **MR. HADDAD:** Okay. That's this initiative, and you will be getting
25 presentations.

26
27 **MR. WALKER:** Okay. Thank you.

28
29 **CHAIRMAN FRAZER:** All right. Thank you, Mr. Haddad. We're going
30 to go back to an online participant, and we've got Katie Fischer
31 on the line.

32
33 **MS. KATIE FISCHER:** Hello. I'm Katie Fischer from Matlacha,
34 Florida, fish house owner, and also vessel owner, and, first of
35 all, I would like to talk about FES, as have many people before
36 me, and I would like to express my extreme concern with the
37 uncertainty.

38
39 FES has caused considerable damage to the commercial sector,
40 causing lease prices to skyrocket, leases to be less attainable,
41 and, also, further putting the next generation of fishermen at
42 risk. The SSC never specifically determined that FES, by itself,
43 was consistent with best available science, yet it was still used
44 in the red grouper stock assessment and used to pass Amendment 53
45 to reallocate more red grouper to the recreational sector.

46
47 No socioeconomic studies were done on the effects of FES, and FES
48 -- You know, it reallocated more fish to an unaccountable sector,

1 and, as much as they want to say they're accountable, the
2 recreational sector does not have the accountability measures that
3 the commercial sector does, and we have set the gold standard for
4 accountability, with, you know, our trip reports, you know, our
5 vessel tracking, yet we are continually punished for it.

6
7 Having -- Giving more fish to that sector, it equates to more
8 scientific uncertainty, and it gives managers less data to manage
9 with. FES, you know, it was a win, and, although they had season
10 closures, FES was a win for the rec sector. It caused a de facto
11 reallocation, with almost every species calibration benefitting
12 the recreational sector.

13
14 If FES is found to be flawed, will these reallocations be reversed?
15 That's a question that I would like to have answered, you know,
16 and, I mean, talking about representation at the table, you know,
17 the bias of this council process is glaring. The commercial
18 sector, we represent access for 325 million non-fishing American
19 consumers, and those 325 million non-fishing American consumers
20 have two council members to represent their interests at the table.
21 Meanwhile, the other 1 percent of Americans, who have the means to
22 access this natural resource on their own, enjoy the representation
23 of fourteen council members. How is this a fair and equitable
24 distribution of a national resource?

25
26 I would also like to thank the council members who expressed
27 concern about getting something moving with the IFQ program, and
28 I too share the same thought on that, and like let's get this done.
29 Let's get this going. It seems like everything is, you know, at
30 a slow pace, and so I want to say thank you for that, and then,
31 lastly, I really hope that fishermen of all sectors were listening
32 to the wind presentation, and I really hope this never happens in
33 the Gulf, although it looks like it's heading that way.

34
35 It's wreaking havoc in the Northeast, causing many marine mammal
36 deaths, and I think the count, year-to-date, for whale deaths in
37 the Northeast is sixty-one, and, what are we, two-thirds of the
38 way through the year?

39
40 Wind energy will permanently damage our seabed, and it will put
41 our fish stocks in danger. It takes away fishing opportunity for
42 all sectors. Industrialization of our waters is the biggest threat
43 to future generations of fishermen and fish stocks. Wind energy
44 is not green, and it is not clean.

45
46 I would also like to note, and put on the record, that, you know,
47 one of the biggest environmental non-profits who was key in pushing
48 the implementation of the IFQ program in the early 2000s, which

1 consolidated our commercial sector greatly, is now heavily
2 invested in wind, and I thought that was just, you know, kind of
3 strange, and then, also, from that presentation, I found it very
4 troubling that there is no requirement to compensate fishermen for
5 lost income, that it's an option. I thought I had heard, in a
6 previous presentation, that there was like a one-time payment that
7 would be made, but now it appears that it's an option, and, if
8 they choose, they get a discount, and so the wind lobby is
9 definitely an anti-fishing lobby, and so I think fishermen of all
10 sectors need to be aware of that, and we need to have our eyes
11 open, because, you know, as the gentleman said earlier -- As the
12 gentleman said earlier, wind is just the start.

13
14 **CHAIRMAN FRAZER:** I am sorry, Ms. Fischer, but we have to adhere
15 to the three-minute time limit, and we allocated a little bit of
16 extra time, and so we do appreciate though the comments that you
17 provided. We're going to move to our next speaker, and that will
18 be Terrell Bradford.

19
20 All right. Then we will go back to one of our online participants,
21 Captain Jay Mullins. All right. We're going to come back, Jay.
22 If you're on the line and you can hear us, we'll circle back to
23 you, and so we'll go to our next in-person participant. Our next
24 participant would be, or speaker would be, Captain Jim Zurbrick.

25
26 **MR. JIM ZURBRICK:** Thank you. Welcome, new council members, and
27 also thanks for the acknowledgement, Tom, about Bart Niquet. I've
28 been in the process now for twenty-three years, and I can remember
29 him coming to this podium a lot more erect, a lot more sturdy, but
30 he hung in there, and it was amazing. He really was.

31
32 I would like to talk about the AJ trip limit. I personally would
33 like to seven. There is so much uncertainty, not just about data,
34 but there's uncertainty about weather, and there is uncertainty
35 about illnesses, things that happen, and I say let's go with seven,
36 and let's monitor it closely, and let's get people who actually -
37 - From the spearfishing community, let's give them a chance to
38 make some money.

39
40 Also, FES, and I know that a lot of folks are going to dwell on
41 it, and here's what I remember. When we were initiating FES on
42 red grouper, and other species, everybody was for it, because it
43 did take -- Not everybody, but a sizable amount of the council was
44 for it, and it was the best available data, but it also fed the
45 recreational folks some more fish, but I remember, when we were
46 talking about state management, and what states were going to get
47 what, there was objection to using the FES numbers, and so what
48 was good for one group, you know, when looking at FES, it wasn't

1 good for the other, and it cost the red grouper commercial industry
2 a recalibration, which is a reallocation, and it caused the overall
3 stock to be reduced, just because, by giving the rec sector more
4 fish, they had more discards, which caused a reduction in the
5 stock.

6
7 Every time I get up here, I usually tout the fact that I've got
8 the cameras from Mote Laboratory on my boat now, and cameras, for
9 me, are important. I want to leave this fishery with something
10 where I can document actually what I catch, and my wife Patty and
11 I, and my mate, when I can get somebody to work, had 1,955 red
12 snapper so far this year, and we had twenty-eight discards. 1,955
13 individual red snapper, and I had twenty-eight discards, and I was
14 doing the math, and, based on NMFS' numbers, had that been
15 recreational fish retained, they would have discarded almost
16 18,000 fish to retain 1,955.

17
18 Obviously, my size limit is thirteen inches, and I get paid the
19 same for a thirteen-and-a-half-inch snapper, and we usually keep
20 a half-inch over, as I do for a twenty-five-incher, right, and so
21 the incentive is different, but my point is the discards is the
22 driving force, and, for me, that's a huge issue, because that
23 relates to mortality. If every fish lived, and it was healthy and
24 could be caught again, it would be different, and I wouldn't be up
25 here telling you that.

26
27 I'm down to the wire here, but one thing I would like to say is
28 SEFHIER needs to be ramped up, and we need a call-out and call-
29 in. At least let's get to that point. Thank you.

30
31 **CHAIRMAN FRAZER:** Thank you, Captain Zubrick. We've got a question
32 for you from Mr. Gill.

33
34 **MR. GILL:** Thank you, Mr. Chairman, and thank you, Jim. Will you
35 comment on your thoughts on gag, specifically the potential for a
36 closed spawning season set time and spatial area changes, either
37 increased closures, in terms of existing ones or creating new ones?

38
39 **MR. ZURBRICK:** Well, if we could adequately figure out what area
40 we could close, and it would work -- But it takes time to figure
41 out if it worked or not, and I think Ed made mention to that. You
42 know, you close it, and then you don't see any real return, and I
43 would not like to see a closure during the spawning where I fish,
44 about ninety feet to 140 feet, because that's -- As of yet, my
45 biologist assigned to me, we've never had a male gag, and that's
46 good and bad, right, and I don't know how many I expect to have in
47 that depth of water, but we are -- I know there's a group of folks
48 here that will accept that closure, because, listen, our quota is

1 so low now that, in effect, we have closed it for the spawn.

2
3 **MR. GILL:** Thank you, Jim.

4
5 **CHAIRMAN FRAZER:** All right. Again, thank you, Captain Zurbrick.
6 I want to go back online, and I think we've got Captain Jay Mullins
7 on the line.

8
9 **MR. JAY MULLINS:** All right. Good afternoon, council, and thank
10 you so much, council staff, for helping me. I have been coming to
11 the podium for some time now and said the only law that made sense
12 that got -- was a closure. The spawning closure for us commercial
13 guys was very instrumental to seeing our shallow-water fishery
14 explode in 2010, 2011, 2012, 2013, and 2014. Consequently, it was
15 taken away back in 2010, and now look at the results of what we've
16 got going on.

17
18 Furthermore, bullying is a national epidemic. This program has
19 created bullying to the highest level. People are afraid to come
20 to the meetings, and people are afraid to speak out about changes
21 to the program, and something seriously needs to be done. I'm an
22 eastern Gulf longline endorsement owner and operator and
23 shareholder, and we own a natural resource that the government
24 should take care of.

25
26 How does this council expect to do anything when we can't allocate
27 the amount of time to take care of a serious issue? I myself
28 personally pay almost \$30,000 a year for my 3 percent, but yet we
29 don't have enough council staff to handle the situation. It is
30 very disturbing for us that actually care about the fish -- That
31 we're not going to think much about it. Thank you, and you all
32 have a nice day.

33
34 **CHAIRMAN FRAZER:** Thank you, Captain Mullins, for your testimony.
35 We will go to our next speaker, Charlie Renier.

36
37 **MR. CHARLIE RENIER:** Hello. My name is Charlie Renier. I'm a
38 second-generation fisherman, and I was born and raised in the Keys,
39 and my dad started fishing down there in the 1950s, and, as young
40 as I can remember, I was raised on a boat and in the fish house.
41 I love to catch fish. That's all I've done my whole life, is catch
42 fish, buy fish, and sell fish.

43
44 I've got a fish house in Key West that I started in 1990, and I've
45 got one in Madeira Beach that I think I started in 2004, and
46 there's probably a hundred commercial boats, between the two
47 places, that fish for us. We provide seafood to millions of
48 people, and not thousands of people, but to millions of people

1 that can't afford to buy a boat and go out on that water and catch
2 them themselves.

3
4 I have spent my life savings buying boats and permits and quota to
5 stay in this industry. I've got two of my daughters that are
6 third-generation fishermen that are in the business now, and I
7 will tell you that I love the IFQ system. I love to know that I
8 can buy the quota and have it, and you all are scaring the hell
9 out of me with this FES. You went through and took fish from us
10 from the red grouper on Amendment 53 to give to the sports, and
11 now we look back and find out that was all wrong, and all I keep
12 hearing is we need the best available science, and we're going to
13 go forward with that.

14
15 If we're going forward with the wrong best available science, we're
16 in trouble. I mean, we need help, and literally there are
17 thousands of people that work on our boats and in all the fish
18 houses and in the restaurants and everywhere we provide seafood
19 to, and we're counting on you all to help us. We want to keep
20 this going for years. I want my kids to be able to buy and sell
21 fish. I want everybody in this country -- If you live in Arkansas
22 and want to come here and eat and a grouper, I want you to come
23 and do it.

24
25 On the gags, we lost 80 percent of our gags, and 80 percent of our
26 -- I'm going to use round numbers, and 80 percent of our gags, and
27 let's just say 800,000 pounds. That's 400,000 pounds of fillets.
28 Most of the gag grouper is sold in southwestern Florida, and
29 400,000 pounds of fillets, and they usually use a four-ounce
30 portion, and that's 1.6 million meals that won't get sold this
31 year because we're not allowed to catch it.

32
33 In most restaurants, that's forty to fifty-dollars a plate, and
34 that's \$60 million that came out of Florida's economy this year
35 just on the gags, and I told most of you all that I think the gag
36 is -- There's a mess-up there. We have more gags than we have
37 ever seen, and we're telling our longline boats to pull the
38 longlines slow, so we can throw them back, so they live, but we
39 have never seen the amount of gags.

40
41 One of my boats last week caught a gag in 625 feet of water, and,
42 before that, 400, or 425, and we had never seen a gag grouper that
43 deep, and we're thinking that, because the water is so hot, the
44 male fish are offshore. We see the big male fish. We catch them.
45 We have them at our fish house, and we sell them, but they haven't
46 got counted, and we know the reasons, but we're doing everything
47 we can to get that going forward, and we're here to help you all.

48

1 If we're hurting in the industry, I don't want to catch the fish,
2 and I don't want to ruin a gag grouper. I want to catch all we
3 can. The red groupers, we have tons of red groupers. We lost
4 almost a half-a-million pounds to the recs that now we're realizing
5 that we never should have lost.

6
7 I mean, that's hurting us. You don't understand, on our boats,
8 between the red grouper and the gags, that we've probably lost
9 \$100,000, gross money, per boats. That's a lot of money.

10
11 **CHAIRMAN FRAZER:** Charlie, thank you for the comments. I think
12 we're going to have to cut you off time-wise, but I know we've got
13 a couple of questions.

14
15 **MR. RENIER:** That's fine.

16
17 **CHAIRMAN FRAZER:** First, we have Ms. Boggs. Then Mr. Gill.

18
19 **MS. BOGGS:** I am going to ask him what he didn't touch on, but it
20 sounds like you're more of a grouper fisherman, and you don't do
21 amberjack.

22
23 **MR. RENIER:** Well, let me tell you about amberjacks. Our amberjack
24 season is so short, and, when our boats leave the dock, they go
25 ten to fourteen days, and so, if they get out there and put three
26 or four amberjack on the boat, a lot of times it's usually closed
27 by the time they come home, and I tell all my boats don't bring
28 amberjack. Throw them over, and let them live, and let somebody
29 else catch them, because, if we get written up for a violation,
30 it's not like the sports. Our first one is \$1,000, and then it's
31 \$10,000, and then it's \$100,000, and so we are very picky on what
32 -- That's why, when you all were talking about weight of a fish,
33 I wouldn't want 150 pounds, and I would rather have five fish.
34 They can count to five, and 150 pounds could be 160, and we get
35 written up.

36
37 I've got a fisherman sitting here that he had -- I think it was a
38 9,000-pound trip, three years ago, and he was eight pounds over,
39 and they wanted to write a ticket, and I had to argue and argue to
40 just give him -- To get a warning instead of a ticket, on eight
41 pounds, and so, yes, I don't want an amberjack on my boats.

42
43 **CHAIRMAN FRAZER:** Mr. Gill.

44
45 **MR. GILL:** Thank you, Mr. Chairman, and thank you, Charlie, and,
46 before I ask you my question, I want to thank you for working so
47 closely with FWRI on providing gag grouper samples. Dr. Barbieri
48 told me that, since he started up, and what was that, after the

1 April meeting?

2

3 **MR. RENIER:** Yes.

4

5 **MR. GILL:** That over 400 samples, and so clearly you've contributed
6 to her data work, and what I want to ask you about is gags,
7 specifically your thoughts on the things that we're considering
8 relative to gag, and one being the commercial spawning season
9 closure and the other one being changes to the spatial areas, and
10 could you provide your reaction to that?

11

12 **MR. RENIER:** I think the spatial thing, to me, is a joke. Now,
13 the spawning, I don't have a problem if you want to close the gags
14 for two months. If you want to take February and March and close
15 the gags, that's fine. What happens is, January, February, March,
16 April, and May, the majority of our boats -- They all target red
17 grouper, and so they're going red grouper fishing.

18

19 In that wintertime, those red grouper are inshore, and we don't
20 catch a lot of gags in those first four or five months. What we
21 do is, once the inshore closes, in June, July, and August, we step
22 offshore and fish the thirty and forty fathoms, and that's when we
23 catch our gags, and so it would not bother us, but now you've got
24 to look on the other side of it, and, for a lot of charter fishermen
25 and stuff, that's when they catch the gags. We don't target gags,
26 and gags is a bycatch.

27

28 **MR. GILL:** Thank you.

29

30 **MR. RENIER:** You're welcome.

31

32 **CHAIRMAN FRAZER:** Susan, did you have a follow-up?

33

34 **MS. BOGGS:** Well, I had a second question, if you could give a
35 quick answer, and so how many do you employ, with your vessels and
36 your fish house, and I don't know if you own a restaurant or not.

37

38 **MR. RENIER:** Between here and Key West, I would say probably 500
39 or 600 people. Thank you, all.

40

41 **CHAIRMAN FRAZER:** Thank you, Mr. Renier, for your testimony today.
42 Our next speaker is online, and it will be Jason Delacruz.

43

44 **MR. JASON DELACRUZ:** Hello. Of course, I've never done this
45 online, but we'll give a shot. I'm sorry, and I was there earlier,
46 but I had to leave. I'm going to talk a little bit about gag, but
47 I'm going to dig a little deeper than most everybody, because I
48 was there when we made a lot of the rules that we're sitting with

1 right now.

2

3 If I remember correctly, the first rule when we decided, after we
4 went into an IFQ, is that we would close the Edges for a long
5 enough timeframe to be useful for a spawning closure, because what
6 came out of the conversation then, over and over again, was the
7 fact that we don't know for sure if they're going to spawn in this
8 month or that month, and they may spawn later, and we don't know
9 for sure, and so that was the reason that the closure in the Edges
10 was so long. It was closed from January all the way into May,
11 because that was the best way for us to cover what we thought would
12 be the most amount of gags and what we understood to be the most
13 prolific area for gag spawning, and so we happily took that.

14

15 When we did that, there was also a secondary conversation that
16 said, well, it didn't make real sense, because the original closure
17 for the two months was twofold, and it was like, oh, we might get
18 some spawning, but then, also, it's going to slow landings down,
19 because we had shutdowns in 2006 and then 2008, or, actually, 2004
20 and then 2006, and then we accepted a 6,000-pound trip limit in
21 the longline fleet, which was the vast majority of the landings,
22 to slow that down, and so everybody kind of forgot that we made
23 changes to our fishery that were fairly drastic at that time.

24

25 My point is that we couldn't figure out the science then as to
26 when to close it, because of when they spawn, and we have water
27 that's hotter than it ever is, and so we don't know when they're
28 going to spawn, but you want to shackle a closure on an IFQ system
29 that is designed -- Where you let me the decisions to fish where
30 I'm supposed to fish, to not catch and throw fish back, because I
31 can manage myself, and that was the whole idea behind an IFQ, and
32 so we're going to take this tiny TAC that we've got, and you're
33 going to say that you can't catch those fish for those two months,
34 and Charlie is right.

35

36 We don't catch a lot of them in that time of year, and so it's
37 easy to say that, but what you're going to do is cause us to throw
38 fish back dead, and we're not going to stop fishing, and it's not
39 going to change anything.

40

41 Now a little bit more history, and I was in the room when they
42 made the rule to close past twenty fathoms for the recreational
43 fishery, and I don't know what ended up in the document as much as
44 what the conversation was around the room, and it wasn't about a
45 spawning closure, but it was more of the conversation around the
46 room was about discards of gags during that time of year, because
47 only red grouper were going to be open, and we didn't want to send
48 a whole fleet of fishermen out past 120 feet, when we're talking

1 about millions of boats, potentially, and go catch red grouper and
2 throw gags back, and so they put that closure in to keep everybody
3 inshore, because the discard mortality was significantly less.

4
5 Now, maybe somewhere in the document, after that rule got
6 published, there was a little bit more information thrown in there,
7 to say this is about a spawning closure, but the same spawning
8 arguments that I just made before are applicable to this, and I'm
9 sorry, and I love Dylan, but I disagree with him. It doesn't make
10 any sense for you to shackle me with rules when I can manage
11 myself, and all you're going to do is make me throw back fish, but
12 I'm still going to be fishing.

13
14 The whole point of that closure past 120 feet, or twenty fathoms,
15 was to keep discards down so that nobody would go out there, and
16 the weird part is we're going to make the spawning closure, but
17 you're effectively only going to fix the 800 commercial boats,
18 because there's no VMS on any of those other boats, and not nearly
19 enough port samplers or interdictions that happen through the major
20 passes, for the private individual home fishermen that go, and so
21 you're not going to fix anything but penalize the commercial
22 fishermen.

23
24 In my eyes, this just doesn't make a lot of sense, and, again, you
25 know, we still are missing the management on this, and, you know,
26 if we're going to fix the management on this species, we probably
27 need more fish to survive, and we need to look at the discards in
28 the recreational fishery. Even if FES overestimated it, they're
29 overestimated -- If they cut it in half, it would still be bigger
30 than the entire fishery, and so it doesn't make any sense to like
31 try these little pennyante things, that are not going to change
32 this fishery, but put us in weird positions for not really being
33 successful, when we're already in a management plan that gives us
34 the ability to manage ourselves and do that.

35
36 I agreed, back in the day, in like 2011, to take video cameras on
37 my boat, under the concept of -- When Mr. Crabtree, at the time,
38 said it to me, during one of our roundtables, because I said, if
39 you give me a camera, I will happily take a camera if you give me
40 my gags back in 2011 and let me manage myself and let me prove
41 that I can fish where I won't discard those fish, so that I have
42 those fish, because you're making all these assumptions that I'm
43 going to kill these fish, and I want to prove differently to you,
44 but yet we still haven't gotten there, and that's, you know, what,
45 ten or twelve or thirteen years later, and so, to me, that just
46 blows me away, and clearly I'm out of time, but I had some comments
47 about FES that I thought were really useful, too.

48

1 **CHAIRMAN FRAZER:** Thank you, Mr. Delacruz. We have a question, if
2 you're still on the line.
3
4 **MR. DELACRUZ:** I'm here.
5
6 **CHAIRMAN FRAZER:** Mr. Gill and then Ms. Boggs.
7
8 **MR. GILL:** Jason, on the AJ bycatch question for commercial, we're
9 talking numbers of fish, and do you favor fewer or more, a longer
10 season or a shorter season?
11
12 **MR. DELACRUZ:** Bob, I don't think we get to know what we're going
13 to get out of these fish yet, because it's going to change the
14 dynamics of our fishery. There is a small contingent of commercial
15 spear fishermen that directed fished those when you had a thousand-
16 pound limit, and so, once you drop to a five or a seven or an
17 eight, it's going to change the fishery drastically. I would argue
18 to keep it higher, because there may -- What if they don't come
19 across big fish? Then it won't be a factor. The times that they
20 do come across big fish may cause it to happen a little bit quicker,
21 but I just don't see it as being a thing.
22
23 We make decisions, and we assume that things are going to happen,
24 but we really don't have a good concept, when it comes to that
25 idea, and so I would advocate for a bigger number, just so that we
26 can, you know, fish, and let's see what happens for a year, and,
27 if we have to adjust it next year, put something in the document
28 that says that, if we go to eight, and it look like we're going to
29 get to 75 percent, then we shut it down and go to five, and then,
30 next year, we stay at five.
31
32 **MR. GILL:** Thank you.
33
34 **CHAIRMAN FRAZER:** Okay, Jason. It looks like Ms. Boggs had a very
35 similar question, and so we're going to go ahead and move to our
36 next speaker. Thank you.
37
38 **MR. DELACRUZ:** Thank you, gentlemen.
39
40 **CHAIRMAN FRAZER:** Okay. Our next speaker is Ms. Rachel Hisler.
41
42 **MS. RACHEL HISLER:** Thank you. I'm Rachel Hisler from Double
43 Bayou, Texas, and I'm representing my multigenerational commercial
44 fishing family. My first comment is to say that I am in support
45 of the commercial electronic system for the IFQ fishermen, and I
46 believe that this would make things much more streamlined for us.
47
48 I know there have been several instances, whenever we're going to

1 renew a permit or something, that there is a report that might
2 have been missing, or missing information, and so it just slows
3 down that process, and so I'm hopeful that, if we go to an
4 electronic logbook system, that will help just make that process
5 more streamlined.

6
7 Then the next thing that I would like to comment on is Gulf Council
8 balance. I am encouraged to see that we have another commercial
9 representative on the council, and congratulations to you, Captain
10 Walker. As for myself, I will continue to seek a seat on this
11 council, because my family is committed to the process and the
12 stewardship of this fishery. We deeply care about it, and we want
13 to see it continue on for future generations in our family, and so
14 I would like to encourage my governor, and my fellow Gulf states
15 governors, to consider and support more commercial-sector
16 representatives on the Gulf Council. Thank you.

17
18 **CHAIRMAN FRAZER:** Thank you, Ms. Hisler. It looks like Mr. Gill
19 has a question.

20
21 **MR. GILL:** Thank you, Rachel, for coming. I have my common two
22 questions, the gag consideration, and the closed spawning season
23 for commercial, your reaction to spatial closures, and your
24 thoughts on AJ numbers, if we go that way.

25
26 **MS. HISLER:** For us, in our region, we don't have a whole lot of
27 the grouper complex that we are fishing, especially my personal
28 experience, and we are a bandit boat, and so really it's just --
29 Gag is more of a bycatch for us. As far as the AJs go, it's more
30 of a bycatch as well, but I would like to see it with the number
31 of fish for the bag limit, rather than a poundage, because it's
32 just difficult to navigate, and it's better if we just have a
33 number of fish.

34
35 **MR. GILL:** Would you prefer the larger number of AJs or the smaller
36 number?

37
38 **MS. HISLER:** The larger, yes, just to make it where it's
39 profitable.

40
41 **MR. GILL:** Thank you.

42
43 **CHAIRMAN FRAZER:** All right. It looks like we have no more
44 questions for Ms. Hisler, and so our next speaker will be online,
45 Garner Wetzel.

46
47 **MR. GARNER WETZEL:** Good afternoon, council. I'm Garner Wetzel,
48 and I apologize, and this is my first time appearing virtually,

1 and I was able to make the podium in Gulfport, at the last meeting.
2 Again, my name is Garner Wetzell, and I'm an attorney and an avid
3 recreational angler in Gulfport, Mississippi.
4

5 It is my understanding that, at your June meeting, revised
6 calibration ratios were approved by the council. It is my hope
7 that those calibration ratios will be implemented swiftly, so that
8 we can all get back on the water this fall. I would also ask the
9 council and the Science Center to expedite the incorporation of
10 state catch and effort data into its management decisions. State
11 data has proven to be accurate and reliable and could help the
12 council overcome some of the issues created by this week's FES
13 announcement.
14

15 Lastly, and also importantly, I heard a previous commenter say
16 that he would be able to pass down his IFQs, individual fishing
17 quotas, to his son and grandson. As a recreational angler, that
18 gives me great concern, as I have seen the recreational seasons
19 shrink from year-round to three days to two months, and I am
20 personally starting to hope and wonder and wish that I have fishing
21 opportunities to pass down to my children and grandchildren, as a
22 recreational angler.
23

24 I appreciate all your efforts and everything the council does, and
25 thank you for the opportunity to speak today at today's meeting.
26 That's all I have.
27

28 **CHAIRMAN FRAZER:** We'll move to our next speaker, and that will be
29 Captain Scott Hickman.
30

31 **MR. SCOTT HICKMAN:** Welcome to Texas. I'm Captain Scott Hickman
32 from Galveston, Texas. Mr. Chair and esteemed members of the Gulf
33 Council and new members, welcome. I've got a few things to read
34 here. I'm really excited about the work that's getting started on
35 Andy Strelcheck's recreational fishing initiative. I know that it
36 was supported, and not a lot came from that, but we can further
37 that work and find some great solutions for the recreational
38 sector.
39

40 FES, it's a prime reason to restart and fast-track the SEFHIER
41 program. SEFHIER can build that up, better data and faster data,
42 for the whole recreational side. FES is fixable, and we need an
43 offshore federal recreational endorsement, like waterfowl hunters
44 use with a federal hunter information program. Look into that.
45 It works. The Department of the Interior has done it for a long
46 time with duck hunters, and it would be easy to model for this
47 application.
48

1 I would like to thank BOEM's Mike Celata for the Gulf offshore
2 wind project presentation. I learned a few new things, and BOEM
3 has been super diligent in the Gulf, unlike the wind projects on
4 the east coast, and they've done a lot to make offshore wind --
5 That it's going to be a success in the Gulf and off the Texas-
6 Louisiana coast. We expect huge benefits to helping fisheries by
7 these wind/reef fish structures.

8
9 An example is greater amberjack. I participated in the LGL/BOEM
10 abundance platform survey. Before all these platforms were
11 removed, the Gulf's platforms used to hold 48 percent of the Gulf's
12 total greater amberjack population. The platforms went away and
13 the amberjack went away, and many other species just like it.
14 These platforms can become essential habitat, and that's another
15 reason why we are seeing lots of red snapper localized depletion
16 off the ports off of Texas, is we lost our platforms. There's
17 more effort on fewer and fewer spots.

18
19 Energy structures recruit more reef fish into the fishery,
20 spreading out fishing effort. The removal of all these oil and
21 gas platforms have hurt the fishery more than the science here
22 shows. I've seen it, and I've been a fisherman my whole life. We
23 want to make sure all these fishers have access to these structures
24 once they're put in. We want to make sure that there's not big
25 buffer zones around these things.

26
27 CFA and the Shareholder's Alliance, we co-hosted a wind summit a
28 few months ago in Galveston, and it had DOE people and BOEM people
29 and people from the Harte Institute and people from all over, and
30 we had some great meetings, and this is going to be a benefit for
31 the Gulf of Mexico. People are talking about wind is bad, and the
32 structures are bad, and the same structures that we had in the oil
33 and gas industry that were so beneficial, and it's the same
34 structures these things are going to sit on, regardless of birds
35 and all that, and we're in the fish business here, and these
36 structures are good for the fish. We plan to do another wind
37 summit in western Louisiana here in the next few months, and so
38 we'll keep everybody abreast on that. A side note is the Galveston
39 wind project will provide clean, renewable power to over three-
40 million households in the State of Texas, and that's great.

41
42 West Gulf king mackerel, and you were asking about king mackerel,
43 and king mackerel were a nuisance my entire life, and we go days
44 without catching king mackerel now. The cobia fishing is terrible,
45 and our amberjacks -- We go out around seventy-five or eighty miles
46 to catch amberjacks. The only really good success story is red
47 snapper, and now localized depletion, and we're having to run
48 further out to catch those, and there's not a lot of bright spots

1 right now. Let's get to work and fix it.

2
3 **CHAIRMAN FRAZER:** All right. Thank you, Captain Hickman. It looks
4 like Ms. Boggs has a question.

5
6 **MS. BOGGS:** A quick two-part question. Number one, is the fleet
7 in Galveston -- How do they feel about the SEFHIER? Are they
8 wanting to bring it back, and, number two, very quickly, what
9 recommendations would you make to change the SEFHIER program?

10
11 **MR. HICKMAN:** Of course, you know, the Galveston fleet was behind
12 SEFHIER from the start, and we worked really closely, and people
13 were totally disgusted when we lost the appeal, and lots of hard
14 work went into it. You know, we all believe in accountability,
15 and we all believe in better science and management.

16
17 Elon Musk has got a system to fix this thing, and it's called
18 Starlink. If we wouldn't have wasted all that money on VMS, we
19 could have got Starlink for about half the price, plus raised the
20 safety-at-sea, where everybody could use their electronic devices,
21 fifty or sixty miles offshore, and we literally could have Starlink
22 on our boats for half of the price of VMS, and you wouldn't have
23 all of these different government agencies trying to compile this
24 data and do all this stuff, and you could go right to the NOAA
25 website, when you're sixty miles offshore and getting ready to
26 come home, put in your catch log data, and it would validate the
27 trip, right from your cellphone on Safari, and it's done.

28
29 I guarantee you that the people over there would love to have all
30 the boats in the Gulf of Mexico with Starlink satellite antennas
31 on the top of our boats. The system works, and the technology is
32 there, and there is multiple technologies, and I say Starlink is
33 the way to go.

34
35 **CHAIRMAN FRAZER:** Captain Walker.

36
37 **MR. WALKER:** Scott, what kind of price range do you think that
38 would be for that? You said it's half the price of the other?

39
40 **MR. HICKMAN:** It's half the price of the VMS to buy. The monthly
41 service is a little more. I had a friend's boat, not that long
42 ago, that the guy got four of his fingers cut off billfishing a
43 hundred miles out, and they literally Facetimed the Coast Guard
44 surgeon and took pictures, and they had the surgeons ready when
45 the helicopter took the guy back in, and they saved all of his
46 fingers. The safety-at-sea aspect of it is worth all the money in
47 the world.

48

1 It's like two-hundred-and-something bucks a month, and that
2 service will keep going down as more people get on the system, but
3 you've got faster service, Wi-Fi, on your boat, a hundred miles in
4 the Gulf of Mexico, than you do in this room right now, and it's
5 amazing what these systems will do, and, as far as people ask, you
6 know, how good is the certification on it and lasting in a marine
7 environment, and they put them on barges and blasted the antennas
8 with rocket ships for about four years, and the things are tough.

9
10 **CHAIRMAN FRAZER:** Ms. Boggs.

11
12 **MS. BOGGS:** I just want to apologize for our sidebar, because we
13 were over here solving the problem with the Starlink product, just
14 so you know.

15
16 **MR. HICKMAN:** As a commercial shareholder, and a commercial
17 fisherman, I feel like with amberjacks, with red snapper, they
18 float off, they're dead, and the water is hot this time of year,
19 and it's a discard fishery right now, and I would like to see you
20 keep three or four or five fish, instead of floating them. Thank
21 you, all.

22
23 **CHAIRMAN FRAZER:** Thanks, Scott. Our next speaker is Captain Troy
24 Frady.

25
26 **MR. TROY FRADY:** I'm Troy Frady from Orange Beach, Alabama. I'm
27 a twenty-one-year survivor in the charter fishing industry, and
28 I'm probably the worst fisherman you've ever met, but I make the
29 best dang seasoning in the entire world.

30
31 We're talking about FES, and I've been talking to a lot of people
32 panicking about the FES, and, from the little bit of research I've
33 done, it seems like one of the biggest problems, during the
34 questions -- During the MRIP questions that were coming out, it
35 was the order of the questions, which got people confused on their
36 answer, as to how many days they fished in the last two months
37 versus how many days they fished in the last two years.

38
39 You know, the science is not perfect, but the science is ongoing
40 and improving, and my question, or my statement, to you is don't
41 panic over this, and please don't use it as a tool to actually
42 reduce the restrictiveness of our fishery and to allow overfishing
43 in a new way. You know, I see these flaws as a strength, and it
44 shows that the process is ongoing, and it keeps improving, and so
45 don't just bash the system just because it didn't give us the
46 result or overestimated it, and let's fix the problem.

47
48 Let's put some cool heads on and don't panic and do what's right,

1 and the problem will resolve itself, because we've got some really
2 smart people working on that.

3
4 When you're populating the ad hoc SEFHIER replacement group, I
5 would like to make sure that we populate that with real
6 charter/for-hire fishermen, because it's our program, and it's for
7 us, and it's for us to manage our fishery, to make sure we do it
8 right. If we allow people to populate the SEFHIER program who
9 have no interest in it, other than being obstructive, or
10 destructive, or those people who were considered plaintiffs in the
11 lawsuit that destroyed the entire program, and be careful who you
12 choose to put on there, because those of us who are surviving, who
13 believe in the data collection and want to make it better, we want
14 to give it our best.

15
16 We want to give you the right information, so you can make the
17 right decisions on where do we go forward, and I just don't want
18 anybody obstructing or doing things that are wrong, that will
19 confuse you, and, anyway, that's my view on that.

20
21 I would like to thank the U.S. Coast Guard and NOAA Law Enforcement
22 and the state agencies for the recent work they've done improving
23 the charter/for-hire vessel markings requirement, and that is a
24 requirement where, if you're a federally-permitted charterboat, to
25 have your documentation number listed on the side of your vessel,
26 and that has been hugely important in Alabama in identifying
27 illegal charters, because it's easy, when you pull up offshore,
28 and you see a vessel marked with these numbers, and you can easily
29 identify it and say he belongs here, and so I wish you all the
30 best, and thank you to all you new members coming up in here and
31 sacrificing the time from your families, and I can't wait to meet
32 all of you and get to talk to you. Ed Walker, I've known you for
33 years, and congratulations. Anthony, I can't wait to meet you,
34 and, Kesley, I can't wait. Thank you all so much.

35
36 **CHAIRMAN FRAZER:** It looks like we've got a few questions for you,
37 Troy. Ms. Boggs.

38
39 **MS. BOGGS:** Let's talk about amberjack, Troy. What are you seeing
40 with amberjack? I know we've done a lot with it, but we're looking
41 at the season and what we're going to do with the seasons, if you
42 could let us know what you want to do, what your thoughts are
43 there.

44
45 **MR. FRADY:** I've been on the record for amberjack, and, you know,
46 a few years ago, you all set the season where it didn't open until
47 I think it was September 1. Was it September 1?
48

1 **MS. BOGGS:** When Johnny was on the council, it went to August 1.

2
3 **MR. FRADY:** Well, I have always said let amberjack run. You know,
4 this year here is kind of confusing, because now we've got an
5 August season, but we're not going to have a September opening,
6 and, you know, amberjacks are still in trouble. Amberjacks get
7 inadvertently targeted all during the season where we live, because
8 people are fishing for live bait, and they're trying to catch
9 larger red snapper.

10
11 The catch per unit effort is going through the roof, and more
12 people are sitting on reefs for longer periods of time, and the
13 smarter amberjack are going to wait fifteen minutes before they
14 even bite, and people that are patient are hammering those fish,
15 and a lot of them are twenty-eight inches or smaller.

16
17 Being hot, and the water temperature the other day was ninety-
18 three degrees where I was in the Gulf, and it started off at
19 eighty-eight degrees that morning, and it was ninety-three
20 degrees. A diver friend of mine went down and didn't get any
21 relief until he got to forty-three feet beneath the surface before
22 the heat backed off, and so the amberjack don't do well, targeting
23 them inadvertently or directly, during the summer. I would say
24 let the amberjack run, and do not -- The thing we had in place a
25 couple of years ago, and keep it thirty-four inches fork length
26 and just let it run, and let's see where we get, I mean, because
27 we're not making -- I am not seeing any huge improvements in the
28 amberjack, personally. Thank you.

29
30 **CHAIRMAN FRAZER:** A follow-up, Susan?

31
32 **MS. BOGGS:** Just to clarify, the September/October season that
33 we're discussing, is that something that you think the fleet would
34 be satisfied with?

35
36 **MR. FRADY:** Yes, and, I mean, the water should start cooling off
37 a little bit, especially after the first cold fronts, weak cold
38 fronts, in about mid-September, but any reduction in temperature
39 is going to benefit any reef fish species, especially the greater
40 amberjack, who emit a lot of lactic acid when they're fighting,
41 and, I mean, they're always exhausted by the time they get up,
42 even the ones at twenty-seven or twenty-eight inches. Thank you.

43
44 **CHAIRMAN FRAZER:** All right. Thank you, Captain Frady. Our next
45 speaker is Kent Satterlee.

46
47 **MR. KENT SATTERLEE:** Good afternoon. My name is Kent Satterlee,
48 and I'm the Executive Director of the Gulf Offshore Research

1 Institute, or GORI for short. GORI is a not-for-profit company
2 that conducts research on ways to repurpose the offshore oil and
3 gas platforms when production ceases. The regulations require
4 that the platforms be removed once production ceases, unless they
5 are re-permitted for alternative uses.

6
7 One of the highest and best uses of these platforms is for
8 scientific research and ocean monitoring, especially with new and
9 developing underwater unproved technologies, like drones and ocean
10 gliders, and we would certainly like to work with the council to
11 identify applicable research and monitoring to manage fisheries.

12
13 Snapper and bluefin tuna are two species that may have
14 applicability. Climate change is another area that has
15 applicability. As BOEM moves forward with wind leasing, we would
16 like to see some of these platforms used for impact monitoring and
17 a logistical basis. We support the growth of renewable energy,
18 but we believe the impacts from offshore wind should be thoroughly
19 researched to address concerns with migratory species impacts,
20 including birds, bats, and marine mammals.

21
22 In addition, permitting for renewable assets deployed in the Gulf
23 of Mexico should allow flexibility for other technologies to be
24 deployed, utilizing renewable energy for the development of green
25 hydrogen, critical minerals, sea mining, carbon capture and
26 storage, aquaculture, and other opportunities in the blue economy.

27
28 It's well known that these platforms are excellent habitat for
29 many marine species. As these oil and gas platforms continue to
30 be removed, and currently there are about 1,500 remaining, down
31 from about 4,000, and our fisheries will feel the stress of the
32 loss of the habitat, and fishermen will feel the pain of not having
33 these platforms. Our research institute has conducted research on
34 the value of the expanding platforms, as compared to platforms
35 that have been placed in reef sites. The standing platforms are
36 superior, because of the productivity of the photic zone, but more
37 research is needed.

38
39 We also see the opportunity for co-located, integrated,
40 multitrophic aquaculture, or IMTA, with native species. The
41 combination of finfish, seaweed, and oysters at one site can have
42 beneficial effects to the marine environment and help mitigate the
43 impacts of the hypoxic zone and climate change. We look forward
44 to working with the council to help manage the fisheries resources
45 in the Gulf. Thank you.

46
47 **CHAIRMAN FRAZER:** Thank you, Mr. Satterlee. It looks like Mr.
48 Anson has a question.

1
2 **MR. ANSON:** Thank you, Mr. Satterlee. I apologize, but could you
3 repeat the organization that you're representing?
4

5 **MR. SATTERLEE:** Yes, and it's the Gulf Offshore Research Institute.
6

7 **CHAIRMAN FRAZER:** I see we've got a couple other questions for
8 you, and it looks like Captain Walker.
9

10 **MR. WALKER:** Thank you. I am not that familiar with your program,
11 and it's new to me, but it sounds pretty interesting to me, an
12 integrated repurposing of reefs, and it sounds like it has multiple
13 benefits to me, and so I would be interested in more information
14 on that.
15

16 **MR. SATTERLEE:** I would be glad to get in touch with you about
17 that. Thank you.
18

19 **CHAIRMAN FRAZER:** All right. Thank you again, Mr. Satterlee. Our
20 next speaker is Sonja Fordham.
21

22 **MS. SONJA FORDHAM:** Thank you. Good afternoon. My name is Sonja
23 Fordham, and I represent Shark Advocates International, a non-
24 profit project of the Ocean Foundation dedicated to science-based
25 policies for sharks and rays. I founded SAI in 2010, and, prior
26 to that, I did similar shark and ray-focused work for the Ocean
27 Conservancy, including submission of the ESA proposal that led to
28 the 2003 listing of smalltooth sawfish.
29

30 I am therefore especially grateful for the opportunity to offer
31 some comments with respect to yesterday's presentation on the ESA
32 considerations for sawfish, as well as manta rays, and I have
33 served on NOAA's Sawfish Recovery Team since its inception, and,
34 from the early days of our plan development, we have identified
35 shrimp trawl fisheries off of southwest Florida as a principal
36 threat to sawfish recovery.
37

38 In May of last year, several members of the team sent a letter to
39 the NOAA Regional Administrator outlining our concerns about the
40 extremely low observer coverage in that regional shrimp trawl
41 fishery and lacking requirements in terms of reporting all
42 interactions for sawfish in commercial fisheries, and we also noted
43 concern about how the resulting uncertainty had led to a dramatic
44 increase in the allowable take of sawfish bycatch under the
45 biological opinion.
46

47 We also cited a 2022 paper by Graham et al. that highlighted shrimp
48 trawl bycatch threats to sawfish, especially females, and made

1 management recommendations, and I believe that paper was
2 discussed, or at least noted, in yesterday's presentation by Jenny
3 Lee. Also noted yesterday were the genetic analyses that suggest
4 that the entire U.S. sawfish population may be dependent on as few
5 as 126 females and that those could all be removed in one year,
6 legally, under the new limit.

7
8 As such, we strongly support reinitiation of Section 7
9 consultation. In the meantime, we ask the council to consider
10 facilitating other sawfish recovery team management requests,
11 specifically a year-round closure of southwest Florida shrimp
12 trawling in the areas recommended in Graham et al., requirements
13 for a detailed reporting of all interactions with sawfish in
14 commercial fisheries, and a substantial increase in observer
15 coverage, including video monitoring for southwest Florida
16 shrimpers.

17
18 It appears that the lack of observer coverage might be a common
19 thread for the manta ray issues that were discussed yesterday.
20 Although there is not a manta recovery team, and several
21 organizations, including mine, are concerned about these issues,
22 and we're glad they've been highlighted, and we look forward to a
23 recovery plan, and so, in closing, we urge the council to see the
24 need to better assess and curb mortality of these exceptionally-
25 vulnerable ESA-listed rays, the sawfish, and the mantas, as a
26 matter of priority and to work with NOAA to initiate actions to
27 address bycatch in the near-term. Thank you very much.

28
29 **CHAIRMAN FRAZER:** Thank you, Ms. Fordham. I don't see any
30 questions, and so, again, thank you for taking the time for your
31 testimony.

32
33 **MS. FORDHAM:** Thank you.

34
35 **CHAIRMAN FRAZER:** Our next speaker is Eric Brazer.

36
37 **MR. ERIC BRAZER:** Thank you very much, Mr. Chair. My name is Eric
38 Brazer, Deputy Director of the Gulf of Mexico Reef Fish
39 Shareholders Alliance. I first want to start by welcoming Dr.
40 Banks and Dr. Overton and Captain Walker. We're looking forward
41 to working with you guys, and it's good to see you on that side of
42 the table.

43
44 I also want to take a minute and thank the council for the kind
45 words about Buster. It seems like we've said goodbye to a lot of
46 good people over the last few years, and so these things are really
47 meaningful, and we appreciate that.

1 I am going to start out with FES. You know, look, we understand
2 that this is part of the scientific process, and you establish a
3 methodology, and you evaluate the methodology, and then you improve
4 the methodology. We get that, and we really appreciate the agency
5 bringing this forward and flagging this additional uncertainty,
6 and this is exactly why the council and the agency have to take a
7 precautionary approach to this new information.

8
9 There are some actions that are legally required to move forward,
10 and we're not asking you to stop those. We also understand that
11 it's not realistic to completely halt the stock assessment process
12 in its entirety, and so we're not asking for that as well, but
13 there are actions that are not mandatory, like reallocations, that
14 can and should be deprioritized, at least until we figure out
15 what's going on with FES and start to address this uncertainty
16 issue.

17
18 Red grouper and amberjack and gag are all being reallocated based
19 on FES, and these have very real economic impacts on commercial
20 fishermen, including our members and the entire downstream seafood
21 supply chain that Charlie Renier talked about, and we know this is
22 coming for red snapper, and the same applies there.

23
24 We also have no idea what this means for recreational discards,
25 and so, to this point, FES has harmed commercial fishermen and
26 seafood businesses, and we know this, and you've heard about this
27 for years, and your own analysis confirms this, and you now have
28 additional information that should give you cause for concern.

29
30 We feel that you rushed to implement FES, and now you're not
31 showing the same urgency in pumping the breaks, when there is
32 credible cause for concern. Either this is arbitrary or it's
33 intentional, but, regardless, the result is the same. As you've
34 heard today, fishermen are frustrated, and we're calling on you to
35 take a reasonable and precautionary approach to this problem.

36
37 Quickly, I want to touch on other shallow-water. You know, this
38 is a complicated issue, and it's an allocation wrapped up with
39 FES, but it's also an IFQ modification, and it's being considered
40 at a time when we just ratcheted down the gag grouper quotas, and
41 we've got shifting effort out on the water. How does this track
42 with the council's allocation policy? How does this plug into the
43 IFQ goals and objectives discussion? How confident are we in FES?

44
45 We think it's premature to start talking about alternatives, but,
46 instead, we recommend that the council convene the ad hoc IFQ
47 advisory panel, and/or the Reef Fish Advisory Panel, and actually
48 start to figure out how you're going to make this decision and

1 what information you need to make this decision, and we're going
2 to work with some fishermen on the side and bring you guys back
3 some information in October, and I have run out of time, and so I
4 apologize. Thank you.

5
6 **CHAIRMAN FRAZER:** Thank you, Eric. We've got a question from Mr.
7 Gill.

8
9 **MR. GILL:** Thank you, Mr. Chairman. Thank you, Eric, for your
10 cogent comments, and so my question to you is the same as to the
11 others, and I don't know whether the alliance has a position, or
12 you can express the sense of what you believe, but, relative to
13 the proposed measures with gag, the commercial spawning season
14 closure, the spatial areas, and, finally, your thoughts about the
15 AJ numbers, and more or less?

16
17 **MR. BRAZER:** I knew you were going to ask me that, Bob. To AJs,
18 I believe, in our comment letter in June, we supported the seven-
19 fish limit, and so, at this point, that continues to be our
20 recommendation, but we are, you know, open to further discussions
21 between now and final action.

22
23 For gags, you know, as you saw in our letter, at this point, we're
24 opposed to the spawning closure to be layered on top of the IFQ
25 system. You know, in addition to the concerns that Jason raised,
26 you're talking about shutting down part of the commercial fishery
27 right after you reduced its quota and reduced its percentage of
28 the overall quota, and, actually, we haven't see any evidence that
29 this is going to actually help, to provide the necessary biological
30 benefit that the stock needs.

31
32 You know, I think, personally, that closures are only as effective
33 as your ability to enforce them, right, and we've heard from law
34 enforcement, and they're doing the best they can, but they're
35 limited in their resources and their capacity. It's much easier
36 to enforce boats with VMS than it is boats without VMS, and so
37 we're concerned that a spawning closure like this is going to
38 disproportionately impact those boats, and it is this fleet, with
39 those boats, that are having the smallest impact on fishery
40 mortality, right, and this isn't a rec versus commercial issue,
41 and it's a discard issue, and, like Jason said, I think this would
42 unfairly penalize the sector that has minimal -- That has
43 attributed minimal mortality to the stock.

44
45 **CHAIRMAN FRAZER:** Go ahead, Bob. A follow-up?

46
47 **MR. GILL:** Thank you, Mr. Chairman, and so the spatial changes
48 that have been talked about, increasing the closure on existing

1 ones or creating new ones, and your reactions?

2
3 **MR. BRAZER:** At this point, you know, I would say it's still
4 disproportionately impacting the fleet that is causing minimal
5 mortality to the stock. If the council really wants to do
6 something impactful and meaningful to bring back gag grouper, we've
7 got to tackle this discard issue. I don't know how we solve it,
8 but that seems to be the twenty-four-ton elephant in the room, or
9 whatever we're calling it these days.

10
11 **MR. GILL:** Thank you.

12
13 **MR. BRAZER:** Thank you.

14
15 **CHAIRMAN FRAZER:** Okay. Thank you, Eric. We appreciate it. Our
16 next speaker is Captain Jim Green.

17
18 **MR. JIM GREEN:** Thank you all for the opportunity to speak today,
19 and welcome, new council members. My name is Captain Jim Green,
20 and I'm the President of the Destin Charter Boat Association and
21 of the Charter Fishermen's Association.

22
23 Amberjacks, both organizations support the preferred alternative
24 in Action 1, Alternative 2. On gag grouper, CFA and DCBA supports
25 also what Captain Hubbard testified to earlier, when it came to
26 gag groupers, and I wasn't here in June, and I wasn't able to get
27 a good connection, because we were busy offshore, but, with the
28 Rice's whale, both organizations -- I am just getting it on the
29 record that both organizations do not support the proposed rules
30 and the petition, and some of these things are what we feel is
31 unenforceable or a little bit too burdensome, and then we have
32 acts like the Endangered Species Act and the Marine Mammal
33 Protection Act that are life-changing and career-ending.

34
35 We don't think that it took -- That it involved the thought of
36 safety-at-sea, nor were any of the industries affected brought in
37 to find a solution for it, and so we don't even know if this
38 species can recover, and so we would ask NOAA to do further studies
39 before any burdens are placed on any community or industry.

40
41 FES, the CFA sent out a press release, and I hope that all of you
42 got it, and we believe that this is an important opportunity. You
43 know, it's been kind of a mixed testimony on it, but we don't
44 believe that you should throw the baby out with the bathwater.
45 Every single data collection program has had its challenges, has
46 had things that had to be corrected with it, and we are glad that
47 NOAA, or NMFS, came out so quickly and was transparent about it,
48 and we feel that this is something that can be corrected, but we

1 can't create chaos by just saying get rid of it because we found
2 one thing wrong with it. Thank God my wife doesn't think that
3 way.

4
5 I think the answer is multiple data streams, SEFHIER, the
6 commercial guys, the state data collection programs, and not all
7 the state data collection programs are the same. Florida and
8 Louisiana is very comprehensive, where some of the states that
9 have developed data collection has been more on single species, or
10 just a couple, and so I think that we all have a role to play in
11 this.

12
13 I want to echo what Eric Brazer and Bob Zales said, that, you know,
14 we can't stop fisheries management, but we can definitely stop
15 reallocation of stuff until we get a grip on what this is, because,
16 if we don't do it right, then we're going to have more Amendment
17 53 issues, just like lawsuits and everything else, and then we've
18 got to come back and recalibrate.

19
20 I think it's really an opportunity for all of us to come together
21 and find a solution to it. We've always -- In our industry, we
22 always called it the black hole, the private recreational data,
23 and it's because there is so much uncertainty in it, and I think
24 this is our opportunity to do this, and, of course, I've gotten a
25 little long-winded.

26
27 SEFHIER, a white paper from CFA is what put this on the agenda of
28 this meeting, and I am glad to hear that we can possibly do an ad
29 hoc committee for that. As the author of that white paper, I think
30 that it's very important to realize, again, that we have a really
31 good blueprint, and a really good basis, and now, with the 5th
32 Circuit's ruling, we have direction on what needs to change, and
33 our biggest thing is going to be effort validation, and I think
34 that we can find that. Especially if we get a group of fishermen,
35 we can work to find that in a thoughtful way, and so thank you
36 very much for the opportunity.

37
38 **CHAIRMAN FRAZER:** Okay. We've got a couple of questions. Ms.
39 Boggs.

40
41 **MS. BOGGS:** What does your fleet -- I am going to ask about
42 amberjack, because I know what Ed is going to ask about, and what
43 do your fleet think about the amberjack seasons that we're looking
44 to pass at this council?

45
46 **MR. GREEN:** Our fleet is a little bit different, because we have
47 the October fishing rodeo, and so we like the September and October
48 opening. Besides that, removing that from the equation, it offers

1 the most angling access, the most angling -- I said that right,
2 and it offers our anglers the most amount of access, or chance to
3 enter the fishery, and so by doing that at a time when there is
4 less pressure.

5
6 I think that there is a lot of merit to what Troy Frady said, spoke
7 about, and the hot water in the jack fishing. We didn't really
8 start seeing a push of jacks in our area until the last couple of
9 weeks or so, and we've seen some move in, and probably moving with
10 the bait, but we like that fall season, and we like it. Until we
11 get a grip on this, I don't think we need to think about opening
12 at times where potential spawning could be taking place.

13
14 **CHAIRMAN FRAZER:** Captain Walker.

15
16 **MR. WALKER:** Thank you, Jim. As a representative of a lot of
17 charter boats in the northern Gulf, I would like to ask, just to
18 throw Susan a curveball, what are you seeing for king mackerel up
19 there, because I heard what Bob Zales had to say, but that doesn't
20 jibe with what I've seen in my region, and it's been three years
21 now, and our kingfish are practically nonexistent, and I think I
22 caught two last season, and so are you seeing an uptick, like Bob
23 said, or what are you seeing?

24
25 **MR. GREEN:** I think there has been a little bit of an uptick, you
26 know, but we're talking about such a small amount, because, just
27 like you, we've had a tremendous reduction in the king mackerel,
28 and a lot of it we thought, because of how quickly -- You know,
29 there was this -- We had this lack of kings, and that it had to be
30 a water quality or bait issue, and I think Bob is correct that
31 we've had more bait this last half of the summer, and we're
32 starting to see some of them catch back up.

33
34 I have only caught maybe a dozen this year on the headboat, but I
35 know that some of the guys have caught some this last couple of
36 weeks, and, in the early spring, actually in March, we caught a
37 couple, and so I think it's really topsy-turvy, and it's probably
38 just an independent assessment, but I think that we're seeing
39 bigger fish this year than we have in the last couple, which is
40 kind of odd too, and so we're seeing a few more fish, and we're
41 seeing some bigger fish than we have in the last two or three
42 years.

43
44 **CHAIRMAN FRAZER:** All right. Thanks, Captain Green. Our next
45 speaker will be Adam Brick.

46
47 **MR. ADAM BRICK:** Hello, council. I am going to read from my phone.
48 My girlfriend is in corporate communications, and she would be

1 terrified if I went off-script. My name is Alan Brick, and I am
2 the buyer for Minamoto Foods, located here in Austin, Texas. I'm
3 the seafood buyer here, and I also run the SeaChange Program, which
4 is basically our captain and vessel-specific seafood program.

5
6 We work with some of the best fishermen in the country, and we
7 represent them, and we sell to some of the best shops and
8 restaurants and retailers in Texas. As a fast-growing company
9 that invests in our fishermen, I would be remiss by not saying
10 that I am conflicted with some of the mechanisms that this IFQ
11 operates under.

12
13 On one hand, we do, and will continue, to finance quota, and we
14 are even looking at the purchase of quota as well, and that
15 benefits both our bottom line and also our fishermen. On the other
16 hand, while I understand the benefits outweigh the negatives under
17 this current IFQ, and by no means am I an advocate for fully
18 abolishing the system altogether, I can't help but to feel the
19 system has created an ever-widening gap between harvester and
20 shareholder.

21
22 Furthermore, as expenses rise, and access is consolidated and
23 limited, the gap between the two is growing constantly. I spend
24 a lot of time in Florida, and I spend a lot of time in Louisiana,
25 and I spend a lot of time here as well on the dock, and I feel for
26 our fishermen, with their kind of limited access to quota and their
27 obstacles to get capital.

28
29 You know, we've spoken with multiple banks, and, you know, the
30 rate of investment right now, looking at loans, and anywhere from
31 6 to 7 percent is astronomical, and it basically makes our smaller
32 boats, our independent fishermen, and it makes it where they are
33 kind of held captive, and so it's frustrating, but we understand
34 it.

35
36 One of our company's core purposes is to champion the American
37 fishermen. We believe in a higher price for a higher fish for a
38 higher fisherman, and we are seeing a flood of imported fish coming
39 through Miami that is devaluing the American fisheries system, and
40 what's happening is there's an ever-increasing amount of
41 consolidation going in this industry, where there are basically
42 predatory buying practices, where larger companies are trying to
43 basically leverage their buying power, and, as they continue to
44 grow, they look to get purchased by foreign subsidies, foreign
45 investment groups, or each other.

46
47 To me, there is gap in understanding, and there's a gap in action.
48 My biggest fear in what we're doing right now is how is this

1 fishery going to sustain itself if these fishermen can't afford to
2 fish, and I know I'm about to go over time, and you guys feel free
3 to cut me off whenever you would like, but my biggest thing right
4 now is how will this fishery, how will this IFQ, and how will this
5 council, that we admire and respect and look up to for guidance,
6 and how will this fishery recruit and find new fishermen for the
7 years to come?

8
9 I am only thirty-five years old, and I'm just getting started in
10 this, and I'm finding it increasingly difficult to find good people
11 that want to work, and that is our chief concern. Thank you.

12
13 **CHAIRMAN FRAZER:** Thank you, Mr. Brick. We have a question from
14 Ms. Boggs.

15
16 **MS. BOGGS:** Thank you for being here today, Mr. Brick. I don't
17 think that I understood. Are you a shareholder, or do you just
18 help finance?

19
20 **MR. BRICK:** We help finance. Yes, ma'am.

21
22 **MS. BOGGS:** Thank you.

23
24 **CHAIRMAN FRAZER:** Dr. Walter.

25
26 **DR. WALTER:** Thanks for being here, and I noted a lot of your
27 comments related to the seafood industry, and I just wanted to
28 make sure that you're aware of NOAA Fisheries' National Seafood
29 Strategy, and I wanted to know whether you've seen that or
30 commented on it, because one of the key initiatives is
31 strengthening the entire U.S. seafood sector, and some of your
32 ideas may resonate and be useful there, and I think this speaks to
33 anyone who is in the seafood business to provide -- Hopefully you
34 have provided comments on that strategy and have some opinions on
35 that, or not, but it is the intent of NOAA Fisheries to strengthen
36 the fishing sector, and there is a number of initiatives within
37 that, as NOAA Fisheries embarks upon that, and so we're happy to
38 take -- I am on actually the plan for that, and so, if you've got
39 comments, or things that you think we could begin to incorporate,
40 I am happy to take those, either offline or by email, and so --
41 But I think it's -- I just wanted to raise that up, and thank you
42 for your comments.

43
44 **MR. BRICK:** Yes, I appreciate it, and we have been talking with
45 the Fisheries Finance Program, and we're kind of evaluating options
46 at this time. Thank you.

47
48 **DR. WALTER:** Thank you.

1
2 **CHAIRMAN FRAZER:** Mr. Brick, we've got a couple more questions for
3 you. Mr. Geeslin.
4

5 **MR. GEESLIN:** Thank you, Mr. Chair. Mr. Brick, thanks for being
6 here today. I'm curious if you're familiar with the adaptive catch
7 shares program, and, if you are, what's your conceptual thoughts
8 about that serving as a mechanism to get shares into fishermen's
9 hands?
10

11 **MR. BRICK:** Yes, and it's tricky. You know, I kind of am on both
12 sides of the fence. I have friends that, you know, have had quota
13 in this fishery for a long time, and they're good men that have
14 earned their right, and I see the other side of it, where it's a
15 leverage, and it's a financial ploy for some individuals, and so,
16 as the fishery improves and grows, and the allocation is shifted,
17 you know, I would love to see that quota going to young,
18 independent fishermen that -- I don't know how to set the bars on
19 how long you have to be in the fishery or if you have to have
20 historical landings, but I would at least like the reallocation to
21 be focused on younger, independent fishermen who have no quota of
22 their own.
23

24 You know, the fishery permit -- You know, like I said, I'm not a
25 scientist, and I'm not a politician, but, if we're going to just
26 reallocate, I would hope that we would focus on new up-and-coming
27 fishermen who are truly the future of the Gulf.
28

29 **CHAIRMAN FRAZER:** All right. Thank you, Mr. Brick, for your
30 testimony.
31

32 **MR. BRICK:** Thank you, sir.
33

34 **CHAIRMAN FRAZER:** Our next speaker is Sean Heverin.
35

36 **MR. SEAN HEVERIN:** How are you doing? I'm Sean Heverin, and I own
37 three longline boats in Madeira Beach. I sell off of roughly sixty
38 to seventy boats between Madeira Beach, Naples, Florida, Tarpon
39 Springs, and Leesville, Louisiana. I fished out of Louisiana for
40 five years before moving to Madeira Beach.
41

42 One thing that I wanted to mention that I heard earlier is that
43 the wind platforms -- I would definitely be in favor of the wind
44 platforms to replace the structure that we've lost from the oil
45 and gas platforms that were removed, but it definitely needs to
46 have no buffer area for the fishermen, and, you know, we need to
47 have access to fish around those structures, and I think that it's
48 going to be good to replace the loss of habitat there.

1
2 With that being said, I wanted to move into an issue more related
3 to Madeira Beach and the eastern Gulf with the gag grouper. You
4 know, I would not be in favor of a spawning closure in the spring.
5 Before I came to the Gulf, I fished in the South Atlantic, and we
6 had spawning closures from January through the end of April, and
7 I think they're largely ineffective over there, and I don't see
8 that their fishery has rebounded very well with the gags, and so,
9 if we do that here in the Gulf, I don't think it would make much
10 of an impact, and we already have an area closed permanently in
11 the Steamboat Lumps, which is a critical gag spawning area, and we
12 have a seasonal closure in the Edges. We have a January through
13 the end of April, and most of the longline fleet is inshore and
14 catching red grouper, and so I wouldn't -- I don't think that a
15 spawning closure would be good for the commercial sector.

16
17 If one did come about, you know, we're still going to be catching
18 gags while we're out there trying to catch red grouper, with the
19 longline and rod-and-reel vessels that are fishing there, and so,
20 if we did something, we would need to have something to -- Maybe
21 some kind of a trip limit, to avoid throwing dead fish back as
22 we're catching red grouper, but, you know, I think that we don't
23 want to waste those fish that we're unintentionally catching while
24 we're out there trying to catch red grouper and other species.

25
26 Also, I'm against the reallocation of our fish in the commercial
27 sector and being taken away from our user group and going to the
28 recreational user group based on, you know, flawed data or a less-
29 than-accountable user group. You know, we have VMS systems, IFQ,
30 landings, everything that we have to follow in the commercial
31 sector, and it's just frustrating that the recreational sector
32 doesn't really have much accountability, and I think that a couple
33 of people have mentioned that we should have a federal recreational
34 fishing permit to keep track of how many people are fishing in
35 federal waters, and it could even go as far as putting different
36 tags for different species of fish, to keep better records of
37 what's being caught recreationally, and I just think that we just
38 need more accountability on that sector, to get a better idea on
39 what's being landed on the recreational side, to avoid taking fish
40 from the commercial sector. Thank you.

41
42 **CHAIRMAN FRAZER:** All right. We've got a question for you, Captain
43 Heverin. Mr. Gill.

44
45 **MR. GILL:** Thank you, Mr. Chairman. Thank you for coming up, Sean.
46 I have two questions, and one is spatial closures that we're
47 talking about relative to gag, your thoughts on that, and the other
48 is whether you favor a greater number of AJs or a lesser number of

1 AJs, in terms of a vessel limit.

2

3 **MR. HEVERIN:** I think that, with reference to the AJs, you know,
4 we have rod-and-reel and bandit guys in Louisiana, and divers in
5 Madeira Beach, that catch the bulk of the AJs, and I want to say
6 that we like bought and sold probably 20 to 30 percent of the AJs
7 in the Gulf this year, and I would be in favor of the higher limit,
8 if it's, you know, seven or eight fish.

9

10 You know, I think it's still going to cut back on targeted fishing
11 trips for AJs, like we've had with the thousand-pound trip limit,
12 but if, you know, a fisherman does catch, you know, seven or eight
13 fish throughout the course of the trip, especially on a ten to
14 fourteen-day longline trip, I think it would allow less fish to go
15 back dead, and I think that what Jason Delacruz had mentioned
16 earlier, and like we could start out with a higher number and then,
17 if that is too high, and the season closes earlier, maybe adjust
18 it later, but I think we should start higher and maybe adjust
19 later. Then, the spatial gag issue, you're referring mainly to
20 like closing certain areas?

21

22 **MR. GILL:** Yes, that or increasing restrictions on the existing
23 ones.

24

25 **MR. HEVERIN:** I definitely am not in favor of any more restrictions
26 on areas. I mean, I have a hard time keeping track of all the
27 MPAs and restricted areas that we have now. I mean, when I first
28 came to the Gulf, and it's a funny story, but I paid dearly. When
29 I came over here, I looked at the commercial fishing regulations,
30 and I Googled, and I saw the MPAs, and I knew that, if I was
31 longlining in the northern Gulf, I had to stay outside of fifty
32 fathoms, but I had no idea there was like boundary lines or
33 anything that I had to follow, and I just followed my Garmin
34 plotter.

35

36 Three years into it, NOAA Law Enforcement called me, and they were
37 like, hey, do you know that you've been inside the fifty-fathom
38 boundary line for the last three years, and I'm like, I have no
39 idea, and like I was just looking at the commercial regulations on
40 Google, and I had no idea there was boundary lines, and I'm like
41 where do you find that, and I remember the law enforcement guy was
42 like, well, I couldn't even tell you, and he was like, I'll get
43 back to you in a day, and so he got back to me in a day, and he
44 was like, oh, it's in Federal Register 622 point something or
45 other, and so any more restricted areas -- You know, I'm totally
46 against it, and it's hard for us to kind of keep track of everywhere
47 we're not supposed to go, and where we can go, and what time of
48 the year we can go in this area or the other area, and so I'm

1 definitely not in favor of any more restrictive areas that we can't
2 fish in.

3

4 **MR. GILL:** Thank you, sir.

5

6 **CHAIRMAN FRAZER:** All right. I want to thank all of our speakers
7 who provided testimony today, both in-person and online, but it
8 looks like we've come to the end of the list, and so we're going
9 to take a break. We'll go to the top of the hour, and then we're
10 going to come back and we're going to knock out the rest of our
11 liaison reports, and we'll start to also knock out a few of our
12 committee reports. All right, and so I'll see everybody a little
13 before 4:00.

14

15 (Whereupon, a brief recess was taken.)

16

17 **CHAIRMAN FRAZER:** Okay. It looks like we've got almost everybody
18 we need around the table. We're just going to try, as I said
19 before, to knock out two remaining liaison reports, and also attack
20 a few of the committee reports, before we get out of here at 5:00
21 this afternoon, and so the first liaison report would be the Gulf
22 States Marine Fisheries Commission and Mr. Donaldson.

23

24 **GULF STATES MARINE FISHERIES COMMISSION REPORT**

25

26 **MR. DONALDSON:** Thank you, Mr. Chair. I appreciate the
27 opportunity. We continue with our cooperative data programs,
28 SEAMAP, which is fishery-independent, and GulfFIN, which is
29 fishery-dependent, and the IJF, Interjurisdictional Fisheries
30 Program, which funds state interjurisdictional issues.

31

32 We also continue with the sportfish and cooperative nuisance
33 programs that look at artificial reefs and invasive species
34 detection and prevention and things along those lines, and then
35 one of our newer programs, Return 'Em Right, continues, with the
36 distribution of descending devices, doing at-sea sampling, and one
37 of the major components that we've been involved in is doing
38 research, and we are planning on presenting some preliminary
39 findings at our October 2024, next year -- At our general session,
40 we will be presenting some of those findings about depredation and
41 a variety of different things.

42

43 Then, speaking of the commission meeting, we've got our October
44 2023 meeting coming up, and it's going to be held October 16
45 through 19 at the Riverside Hilton in New Orleans, and we'll have
46 a variety of different issues, and the TCC will be -- One of those
47 issues is the TCC will be discussing the offshore licensing issue
48 that we were charged with, and we're in the process of putting

1 together a presentation to present to the TCC.

2
3 We've provided the discussion from the June meeting about that
4 issue, and we're providing that to the TCC members, so they have
5 some background of the issues, and we'll be presenting those
6 results to the council in October, but, as always, everyone is
7 welcome to come attend, and we would love to see you, and, with
8 that, I will answer any questions.

9
10 **CHAIRMAN FRAZER:** All right. Thanks, Dave, for those updates.
11 Any questions for Mr. Donaldson? All right. Thank you, Dave, and
12 so the next report, liaison report, is from the U.S. Coast Guard,
13 and we've got Lieutenant Commander Lisa Motoi, and so, Lisa, we'll
14 get that presentation of yours loaded up, and you'll be good to
15 go.

16 17 **U.S. COAST GUARD REPORT**

18
19 **LCDR MOTOI:** All right. Good afternoon, Mr. Chairman and members
20 of the council. I'm Lieutenant Commander Lisa Motoi from Coast
21 Guard District VIII in New Orleans. For today's agenda, I will
22 discuss Fiscal Year 2023, Quarter 3, domestic fisheries and lanchas
23 and highlight some recent operations.

24
25 For domestic fisheries, in Quarter 3, the Coast Guard conducted
26 177 vessel boardings across the Gulf of Mexico, and twenty-seven
27 vessels received one or more safety violations, and there were six
28 vessels with one or more LMR violations. Most violations that we
29 do see are gear-related, as you can see in the upper-right-hand,
30 and that was from a boarding on a commercial fishing vessel where
31 one of the turtle excluder devices exceeded the measurement
32 requirement, and so, as we're in Quarter 4, for looking ahead,
33 progress does continue with the Mexico-U.S. collaboration.

34
35 The Mexican government is looking at establishing their own
36 domestic fisheries program, notably transitioning their domestic
37 fisheries management from a civilian-run agency to the federal
38 government, and, next week, the Mexican navy -- They're going to
39 be visiting our Regional Fisheries Training Center, as well as
40 District VIII in New Orleans, where they will meet with the staff
41 for presentations and demonstrations, and then they will be heading
42 over to Station Grand Isle for an on-the-way engagement.

43
44 Then, just circling back to Mr. Geeslin's question regarding
45 changes to illegal fishing and like the statistics, I do concur
46 with Assistant Commander Casterline that it's hard to tell if
47 there's any like significant drop right now in the lancha activity,
48 but, from my two years at the district, I can say that the Mexican

1 government is taking more action, and there's more collaboration
2 between Mexico and the U.S., and I think a lot of this stems from
3 the negative certification that they received in 2021 for not doing
4 enough to curb its illegal fishing.

5
6 Some of the highlights that Mexico is working on is they're working
7 to establish their own fisheries council, and they're establishing
8 inspection and verification points at Baghdad Beach, and then
9 they're modifying their fishing laws, and that includes repeat
10 offenders, and so repeat offenders are really big. On average,
11 a repeat offender has at least thirteen documented repats, where
12 we send them back. I would say like, for Mexico, they are stepping
13 it up, from what I've seen in my time at the district.

14
15 Then, for the second bullet, for District VIII, we're getting a
16 210-foot medium-endurance cutter, which is on the lower side of
17 the slide, and so we're going to be getting them this fall, and we
18 haven't seen this dedicated support, from a 210-foot cutter, in
19 years, just because of mission priorities and constrained
20 resources, but we'll be taking full advantage of the Alliance,
21 this Coast Guard Cutter Alliance, and really pushing them offshore
22 into the living marine resources and the marine protected resources
23 mission sets, and there will be a high focus on them targeting
24 high-precedence fisheries, which include HMS, reef fish, and
25 shrimp. Then, in addition, we'll be looking to push them towards
26 closed areas and the Flower Garden Banks National Marine Sanctuary.

27
28 This was a recent marine protected resources case, back in May,
29 and so Coast Guard Station South Padre Island recovered a deceased
30 Kemp's ridley sea turtle, most likely as a result from longline
31 gear, suspected to be used by the lancheros, and so, in this case,
32 NOAA Fisheries, the Stranding Coordinator, was notified, and then
33 the South Padre Island Sea Turtle Corporation recovered the sea
34 turtle for further study.

35
36 For Fiscal Year 2023 for lanchas, for Quarter 3, the Coast Guard
37 had thirteen interdictions, with an estimated 1,000 pounds of catch
38 seized, and, for the fiscal year, through today, and we had two
39 interdictions actually last night, and so we're at forty-eight
40 interdictions.

41
42 Then the picture on the right is just we had a recent joint
43 operation with the Mexican navy, back in July, and it was pretty
44 successful, and it did get high visibility on both sides, with the
45 Coast Guard and Mexico, and here you have a Mexican navy ship and
46 then one of our fast-response cutters, the Harold Miller, and they
47 were conducting some tactical communications exercises, and so a
48 good step forward.

1
2 Then the last slide, this was a longline gear recovery, back in
3 June, where another fast-response cutter, the Jacob Poroo, they
4 recovered three sets of longline gear, totaling 3,700 yards, and,
5 again, it's suspected to be used by the lancheros, and, so far
6 this fiscal year, the Coast Guard has recovered around twenty sets
7 of -- Or twenty cases of longline gear, and this concludes my
8 brief, Mr. Chairman, pending any questions.

9
10 **CHAIRMAN FRAZER:** All right. Thank you, Lisa. We really
11 appreciate that, and it looks like Ms. Boggs has a question.

12
13 **MS. BOGGS:** Well, actually, I have a comment, and I would like to
14 thank the Coast Guard. I think it's Sector Mobile that has been
15 working with the enforcement officers, with OLE, to help with the
16 illegal charters, and they definitely have had a presence in our
17 area, and we appreciate that. Thank you.

18
19 **CHAIRMAN FRAZER:** I have a quick question, and so, with regard to
20 Mexico and their interest in establishing kind of the equivalent
21 of a fisheries management council, or something like that,
22 typically, or often, you know, we might have a Department of State
23 representative here as well, and I was wondering how we might learn
24 a little bit more about their efforts. Any idea who we could talk
25 to?

26
27 **LCDR MOTOI:** We do have a liaison at the Department of State, and
28 she does take part in those meetings, and, actually, next month,
29 there is also a meeting at the embassy in D.C., where that's also
30 going to be further discussed, and this is really preliminary right
31 now, but I can certainly provide more information on the council
32 meeting.

33
34 **CHAIRMAN FRAZER:** Yes, and if we could learn a little bit more,
35 not just about the fact that they're setting up, you know, an
36 entity similar to the council, but maybe to learn a little bit
37 more about what they're doing with regard to data collection, and
38 I know this might be of interest to the Southeast Fisheries Science
39 Center, right, and so, anyway, if you can get us a little bit of
40 information, we'll follow it up. All right. Thanks, Lisa.

41
42 **LCDR MOTOI:** Yes. Thanks.

43
44 **CHAIRMAN FRAZER:** Are there any other questions? Okay. I am not
45 seeing any, and so it looks like we've wrapped up all of our
46 liaison reports, and so we will start to attack the committee
47 reports, and, General, if you're willing, we'll start with the
48 Administrative and Budget Committee Report.

1
2
3 **COMMITTEE REPORTS**
4 **ADMINISTRATIVE AND BUDGET COMMITTEE REPORT**

5 **GENERAL SPRAGGINS:** Mr. Chairman, I am willing to do that. The
6 Administrative and Budget Committee Report, August 14, 2023, the
7 committee adopted the agenda, Tab G, Number 1, with the
8 modification that the information from Item Tab G, Number 6(b) is
9 incorporated in the presentation of Tab G, Number 6(a). The
10 minutes, Tab G, Number 2, of the January 2023 meeting were approved
11 as written.

12
13 Presentation of the 2021-2022 Audit Report, which was Tab G, Number
14 3, and then Tab G, Number 3 was an informational presentation of
15 the results of the 2021-2022 biennial audit. The independent audit
16 firm issued an unmodified opinion. There were no questions about
17 the costs, required adjustments, or material weaknesses noted in
18 the procedures. No further action was required.

19
20 A committee member asked for an explanation of the notation of
21 questioned costs. Staff explained that this is referencing the
22 portion of the testing related to the firm's review of any costs
23 that might be questioned. The firm indicated that all costs seemed
24 reasonable and none were questionable. The audit results will be
25 uploaded to the Federal Audit Clearinghouse to become public
26 record.

27
28 Review of the Final 2023 Funded Budget and Activities, Tab G,
29 Number 4, staff presented the proposed funded 2023 budget in Tab
30 G, Number 4. Staff also shared the figures for funding and
31 obligations incurred to-date. The current carryover from the first
32 three years is \$778,700. **The committee recommends, and I so move,**
33 **that the council approve the final 2023 Budget as written.** The
34 motion carried with no opposition.

35
36 **CHAIRMAN FRAZER:** All right. Thank you, General. We've got a
37 committee motion on the board. **The committee motion is that the**
38 **council approve the final 2023 budget as written, and so is there**
39 **any opposition to that motion? Seeing none, the motion carries.**
40 General.

41
42 **GENERAL SPRAGGINS:** I guess I can read that second part now,
43 because the motion carried with no opposition. It's just assuming
44 that, wasn't it?

45
46 Overview of the NOAA Fisheries Inflation Reduction Act (IRA)
47 Funding, Dr. Evan Howell, from NOAA's Office of Science and
48 Technology, provided a presentation on the Inflation Reduction Act

1 funding for climate-ready fisheries in Tab G, Number 6(a). A
2 committee member requested that the agency provide annual updates
3 to the council on the progress of the programs and expenditures
4 funded under the IRA. Dr. Howell noted that there is a requirement
5 in place to report the progress of the IRA-funded programs to
6 Congress annually, and so a report can also be shared with the
7 council.

8
9 A council member requested clarification on the timeline that the
10 council will have to expend the funds that will need to be
11 obligated by September 30, 2026. Dr. Howell stated that, if the
12 funds are obligated by that date, then the period allowed to
13 complete the work may be longer, up to the life of the project.

14
15 A committee member expressed the desire for NOAA to consider a
16 holistic approach in leveraging the multiple funding sources that
17 will be coming up in the near future. Staff asked when the decision
18 will be made for the data acquisition piece of the funding. Dr.
19 Howell stated that this has already been completed for the current
20 period, and the decisions for 2024 will be completed by the end of
21 September. Staff emphasized the need for expanded fishery-
22 independent survey and monitoring data in the Southeast Region.
23 Dr. Howell noted that he would speak to the subcomponent lead staff
24 about our essential data needs.

25
26 Council staff provided an overview of a request made by the
27 Regional Fishery Management Council Executive Directors in reply
28 to the initial proposal for the funding process for the \$20 million
29 dollars in IRA funds earmarked for the councils, Tab G, Number
30 6(c). A committee member asked if we have received a response
31 from agency leadership about the councils' response. Staff
32 clarified that will be discussed on a call with NOAA staff
33 scheduled for next week. Mr. Chairman, this concludes my report.

34 35 **MIGRATORY SPECIES COMMITTEE REPORT**

36
37 **CHAIRMAN FRAZER:** All right. Thank you, General Spraggins. Is
38 there any other business related to the Administrative or Budget
39 Committee that might need to be discussed here today? All right.
40 I am not seeing any, and so thank you again, General, for that
41 report, and we will move on to the Migratory Species Committee
42 Report. We'll get that pulled up on the screen.

43
44 All right, and so the Migratory Species Committee report, the
45 committee adopted the agenda as written, Tab M, Number 1, and
46 approved the minutes, Tab M, Number 2, of the August 2022 meeting.

47
48 Update on Atlantic Highly Migratory Species Management Measures,

1 Tab M, Number 4, Ms. Karyl Brewster-Geisz provided an update on
2 three management measures being considered by the HMS office.
3 Amendment 15 is in the proposed action stage and compared options
4 for the HMS spatial management and electronic reporting.

5
6 The two other actions are in the scoping phase. Amendment 16 will
7 establish catch limits for non-prohibited shark species and
8 consider approaches that would increase management flexibility,
9 with the goal to optimize harvesting of quotas to the extent
10 practicable. An Advance Notice of Proposed Rulemaking for
11 electronic reporting has been published to solicit comment on
12 transitioning toward a more streamlined logbook reporting, which
13 could potentially result in a one-stop reporting approach for
14 satisfying overlapping data reporting requirements.

15
16 For Amendment 15, a committee member disagreed with the HMS
17 interpretation of the cost share allocation policy. He stated
18 that requiring industry participants to endure most of the
19 implementation costs for an agency-mandated program appeared to
20 violate that policy. Another committee member asked if there was
21 any possible reimbursement for program participants. Ms.
22 Brewster-Geisz replied there was not, but explained that vessels
23 possessing existing equipment that was compatible with reporting
24 requirements could still be used.

25
26 Several committee members inquired whether the modifications to
27 the De Soto Canyon management area would create overlap between
28 the existing Steamboat Lumps or Middle Ground Marine Protected
29 Areas. Ms. Brewster-Geisz did not believe there was any overlap,
30 but would provide the spatial data to council staff to review that
31 assessment, and I note that there is a figure that is appended to
32 the end of this report that we can look at at the end of the
33 report.

34
35 A committee member asked if any economic analysis had been
36 conducted to inform when reopening a closed area would be
37 appropriate, and Ms. Brewster-Geisz indicated that relevant
38 economic data had been integrated into the amendment. Ms.
39 Brewster-Geisz was asked how many HMS-permitted vessels were
40 currently operating in the Gulf and South Atlantic, and she replied
41 she would need to get back to the committee with that information.

42
43 Council staff commented that the proposed catch limits for blacktip
44 sharks in the Gulf were similar to red snapper, which seemed to
45 indicate a high level of productivity, especially for a shark
46 species. Ms. Brewster-Geisz replied that the stock assessment
47 indicated blacktip sharks could sustain a higher level of harvest
48 than in the past and attributed that result to decades of

1 successful shark management.

2

3 A council member asked how sharks could be commercially marketed
4 when a fin ban eliminated the sale of the most lucrative part of
5 the fish. Ms. Brewster-Geisz responded that the shark fin ban was
6 implemented by congressional action and outside the purview of
7 HMS.

8

9 A committee member asked when Amendment 16 was scheduled to be
10 implemented. Ms. Brewster-Geisz responded that the amendment
11 would be on hold until the completion of the hammerhead shark stock
12 assessment and could be implemented by early 2025.

13

14 Ms. Brewster-Geisz stated that she would document the committee's
15 comments on the three HMS measures. If the council was interested
16 in providing formal comment to HMS, she requested that comments on
17 the scoping measures be submitted before the August 18th deadline,
18 or shortly thereafter. The comment period for Amendment 15 will
19 be open until September 15th. This concludes my report.

20

21 At the bottom of this report, Bernie, I believe is an appended
22 figure, and so, if we take a close look at that, and I believe,
23 Lisa, you put this together, right, and John, and so maybe you can
24 explain the figure to the committee, or to the council.

25

26 **DR. JOHN FROESCHKE:** Yes, and so this is just a map of some of the
27 existing spatial management areas already in place, in comparison
28 with the De Soto Canyon area that was offered in the presentation
29 the other day, and so just so you can see the overlap, and I
30 believe Captain Walker had asked about the Edges and Steamboat
31 Lumps and Madison-Swanson within this area, and there was some
32 confusion, and so I just kind of put them all on a map, so you can
33 see that it's all in the same area.

34

35 **CHAIRMAN FRAZER:** All right. Well, thanks, John, for putting that
36 together, and I think it pretty much lays out where things are,
37 and so it's helpful for people. All right, and so are there any
38 other questions with regard to the Migratory Species Committee
39 report? All right.

40

41 So a couple of questions, and I would just ask -- So it's pretty
42 clear that we have a lot of comments, and a lot of discussion, on
43 the record, and that's available to HMS. One of the questions
44 that Ms. Brewster-Geisz asked is whether or not we wanted, or were
45 interested in, providing formal comment, and so, if we are, then
46 we need to think about that a little bit here right now and make
47 a motion to do so. Dr. Sweetman and then Ms. Boggs.

48

1 **DR. SWEETMAN:** Thank you, Mr. Chair. I mean, I think it would be
2 worthwhile for the council to write a comment letter on some of
3 these scoping documents and the Amendment 15, quite frankly. I
4 think there's a lot of stuff in there that's related to some issues
5 that we've been talking about, specifically with the shark fishery,
6 and I think some of the spatial area -- You know, the negatives
7 that we've been seeing, as it relates to depredation and increased
8 shark activity and the impacts on the fisheries that we manage,
9 and I think that's an opportunity for the council to state our
10 perspectives on how HMS can manage some of those fisheries and be
11 accommodating to how they interact with the fisheries that we
12 manage here.

13
14 As it relates to Amendment 15, yes, some of these spatial closed
15 areas are going to have direct impacts for -- Or reopening some of
16 them could have some impacts for our fisheries as well, and so I
17 think it would be worthwhile to submit a comment, and I'm happy to
18 submit a motion on that, but I would wait for Susan.

19
20 **CHAIRMAN FRAZER:** Ms. Boggs.

21
22 **MS. BOGGS:** So, and, yes, and thank you for that, John and Lisa,
23 the overlay, because that was one of my concerns, is, you know,
24 are we looking at different closures than what we currently have,
25 and so that's very helpful, but I do tend to agree with C.J., and
26 I just think we need to comment, just so that they know that we're
27 engaged.

28
29 I will be honest that I left my notes up in my room, and so I can't
30 tell you specifically, but there were some things that I felt like
31 we needed to comment on, and I know we've got a short window, and
32 I think it's Friday is the deadline, but just to least let them
33 know that we're engaged and we are paying attention, but there
34 wasn't anything too much to have heartburn over, and that was my
35 main question, is how is it going to impact our current closures.

36
37 **CHAIRMAN FRAZER:** I am just writing a note to myself here, Susan.

38
39 **MR. WALKER:** Is there a motion?

40
41 **CHAIRMAN FRAZER:** All right, and so it's sounding to me like
42 there's some appetite, at least, for capturing the thoughts and
43 the comments that occurred in the committee and providing that
44 letter, and so, if that's indeed the case, we will need a motion
45 to direct staff to prepare that letter. C.J.

46
47 **DR. SWEETMAN:** So a clarification. Are we talking about the
48 scoping document for Amendment 16, which is due on Friday, or are

1 we talking about spatial management for HMS, Amendment 15, which
2 is due next month?
3
4 **CHAIRMAN FRAZER:** I would like to kill two birds with one stone
5 here, to be honest with you, and attack, you know, the proposed
6 rule as well as the two scoping documents.
7
8 **DR. SWEETMAN:** Okay. That sounds good. **To direct staff to develop**
9 **a comment letter on Scoping Document Amendment 16, HMS Amendment**
10 **16 and HMS Amendment 15.** Is that satisfactory?
11
12 **CHAIRMAN FRAZER:** Yes, I think so. To Lisa's point, they're really
13 two kind of scoping elements, right, and so the other one was the
14 reporting.
15
16 **DR. SWEETMAN:** Does that one have a number associated with that,
17 or is that just the electronic reporting amendment?
18
19 **CHAIRMAN FRAZER:** I think -- I mean, the intent here is to provide
20 enough direction to staff to get this done, and so I think, if we
21 could say -- Maybe to direct staff to develop a comment letter on
22 the scoping document for HMS Amendment 16 and reporting, or maybe
23 just put a comma after "Amendment 16", and then electronic
24 reporting requirements and HMS 15, and I think that's enough
25 direction, in my opinion.
26
27 **DR. SWEETMAN:** I will go ahead and read that. **To direct staff to**
28 **develop a comment letter on the scoping document HMS Amendment 16,**
29 **electronic reporting requirements, and HMS Amendment 15.**
30
31 **CHAIRMAN FRAZER:** Bob, did you have some comments on the motion?
32
33 **MR. GILL:** Yes, Mr. Chairman, and thank you, and so electronic
34 reporting is --
35
36 **MS. BOGGS:** A point of order.
37
38 **MR. GILL:** Is part of 15, right?
39
40 **DR. LISA HOLLENSHAD:** It was within those changes to the spatial
41 management areas, right, and so there was also some reporting
42 within that, and so you get a special permit to go in there, in
43 those spatial areas, see what's going on in there and report back,
44 the timeliness and that sort of thing, and so it was an aspect of
45 Amendment 15. The advanced rule notice was electronic reporting,
46 similar to like the commercial logbook that we're working on, and
47 so that spoke to that.
48

1 **CHAIRMAN FRAZER:** Yes, and so I'm trying to hold back some
2 discussion on the motion, but I was just making sure that we're
3 seeing clarification of the wording before we get into the
4 discussion, and so is there a second for this motion?

5
6 **MS. BOGGS:** I will second the motion.

7
8 **CHAIRMAN FRAZER:** It's seconded by Ms. Boggs, and so is there
9 further discussion on the motion? Mr. Gill.

10
11 **MR. GILL:** Not specifically to that, Mr. Chairman, but I do think,
12 given the extensive conversation, that perhaps collaboration with
13 the Migratory Species Committee Chairman, reviewing the resulting
14 letter, would be appropriate, to ensure that we capture, in
15 everybody's mind, what it is that needs to be said.

16
17 **CHAIRMAN FRAZER:** Okay. Again, I think -- Again, as long as staff
18 is clear, and we know that the letter is going to be shared with
19 the HMS committee chair, we'll be good. John.

20
21 **DR. FROESCHKE:** Well, as a follow-up to that, is there any high-
22 level, overarching wisdom that the council would like to offer us?
23 For example, the for-hire -- There were options in there about all
24 species, including reef fish, or not, and things like that, and
25 it's not -- My recollection is we didn't get any guidance, and so
26 we want the letter to reflect your thoughts, and so anything you
27 might offer would be great.

28
29 **CHAIRMAN FRAZER:** My thoughts on that, John -- I mean, the
30 committee report kind of summarizes the nature of the discussion,
31 and I'm certainly happy to work with staff to go through kind of
32 the verbatim minutes of that discussion and pull out those items
33 that I think there was some agreement on. You know, I realize
34 that it's a tall order, right, to accomplish this in a relatively
35 short period of time, and so I don't expect it to be perfect, but
36 there were, in my opinion anyways, a fair number of really
37 important comments that came out, and I think they're worth passing
38 along, and I think we can accomplish that. Lisa.

39
40 **DR. HOLLENSHAD:** Thank you, Mr. Chair. I can -- John and I have
41 talked a little bit about this, and so maybe I can let the council
42 know what we were thinking, based on that discussion, and see what
43 the council thought.

44
45 For Amendment 15, it would be the overlaying of the management
46 areas, which is why we did the map, and so that I think would be
47 one point we would do, and Amendment 16 -- I know we have discussed
48 speaking about, you know, sort of the large catch limits for, for

1 example, blacktip sharks, and that seems to be on the level of red
2 snapper, and, you know, that just seemed like an interesting --
3 Commenting on that and asking HMS perhaps to provide some more
4 information, or rationale, on that. That's something we could
5 perhaps speak to, and then the electronic reporting requirements.
6

7 If they decide to move forward with a document where they are
8 strongly considering the reporting of all HMS species and reef
9 fish species, things like that, you know, how would that affect
10 us, what requirements, and we would have several questions that we
11 would like to be updated on, and so, in my mind, that seemed to be
12 some of the bulleted points of the letter that we would then
13 investigate and begin to build out.
14

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

17 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair. I mean, I
18 appreciate the presentation and everything, but, I mean, really,
19 the timeliness of us being able to comment on this is very
20 difficult. I mean, the advance notice of proposed rulemaking for
21 the electronic reporting requirements impacts the commercial and
22 for-hire dealers, and I know it's just advance notice, but it seems
23 a little bit unfair to provide all that information and give us a
24 day to turn it around, and so I think the agency is aware of that,
25 but I will just put that on the record again.
26

27 **CHAIRMAN FRAZER:** Yes, and, again, perhaps one of the things that
28 we can accomplish in the letter is to let them know that it has
29 broad, you know, sweeping impacts, and they need to be aware of
30 that, moving forward. Ms. Boggs.
31

32 **MS. BOGGS:** I don't know that we got a response from Ms. Brewster-
33 Geisz, but did we not ask for an extension to be able to respond?
34

35 **CHAIRMAN FRAZER:** So I asked that question, I remember
36 specifically, in committee, and she said she would certainly be
37 willing to entertain comments, if we were to provide them, and so
38 she would have, obviously, the record of the committee meeting
39 itself, and so she didn't explicitly say that, but we were going
40 to take her at her word that she would accept the letter, if we
41 sent that forward. Dakus.
42

43 **MR. GEESLIN:** Thanks, Mr. Chairman. To Susan's point, I recall
44 that she mentioned that she just needed an email, from maybe you,
45 Mr. Chair, stating that we intended to -- That we intended to
46 submit a comment letter and seeking an additional timeframe, some
47 additional time, to get that in, to, you know, alleviate some of
48 that shortened timeframe that Carrie and team would have to deal

1 with.

2

3 **CHAIRMAN FRAZER:** Yes, and I think I tried to phrase it that way,
4 and so what we can clarify -- We can certainly submit an email to
5 them and get it back in writing, and so, if we can get a little
6 extra time, we'll go that route first, and thanks, Dakus, for
7 reminding us of that. Ms. Boggs.

8

9 **MS. BOGGS:** So I recall now one of the issues that was discussed,
10 and I believe Captain Walker brought it up, and it was in the
11 report, and that jogged my memory, is I don't know if there's any
12 way -- I don't know that this is under their purview, but just the
13 acknowledgment that you kind of hamstrung the fishermen, and we've
14 got this, and I think I said a vicious cycle the other day on the
15 record, in that you're closing the fishery, and you want to open
16 the commercial fishery, but the commercial fishermen can't make
17 any money, because you've taken the most valuable part of the shark
18 away from them to make money, and so they're not fishing for them,
19 and, I mean, it's just -- It's like a vicious cycle, and I don't
20 know if there's a way that we can comment to that.

21

22 I understand that that doesn't probably fall under her purview,
23 but possibly get the conversation started, and I'm not a proponent
24 for or against shark finning, and I don't understand enough of it,
25 but it sounds like there may be some kind of an issue there that
26 could assist with the shark population that we're seeing so much
27 of an issue with.

28

29 **CHAIRMAN FRAZER:** Great, and we'll capture those thoughts too,
30 right, and so those are helpful. Mr. Gill.

31

32 **MR. GILL:** Thank you, Mr. Chairman. If you do recollect that,
33 with the addition of the additional public hearings, they extended
34 the comment period to September 15, and so it's not Friday, and
35 it's a month from now for both of them.

36

37 **CHAIRMAN FRAZER:** I think my understanding, Bob, and I guess we'll
38 check, and let me ask Lisa, but I thought, as it says in the
39 committee report here, that the comment period for Amendment 15 is
40 open until September 15, and I think the Amendment 16, and kind of
41 the other elements, are sooner. Dr. Hollensead just pulled up the
42 presentation, and it's pretty clear that the scoping document
43 comments are due by August 18. C.J.

44

45 **DR. SWEETMAN:** Just to kind of add some stuff, and I know we're
46 going to send that email to Karyl, which is great, but just, you
47 know, for general guidance and things along those lines, that at
48 least I pulled out of that scoping document that could be

1 worthwhile for the council to comment on, you know, they're looking
2 at management group structures and regional quotas within that,
3 and so, you know, currently, a lot of the shark management groups
4 are lumped together, and some have actually like a bottleneck
5 within there, and so, when a hammerhead ACL is met, other shark
6 fisheries close altogether, and so one option they're talking about
7 is separating out, on a species-by-species basis, so you can
8 actually have the quota that's associated with that and not have
9 the shark fishery shut down when some of that is done.

10
11 The shark research fishery, we've heard so much about sandbar
12 sharks here, and there's an option in there potentially to give
13 unused quota for the shark research fishery from the commercial to
14 the recreational sector. I mean, I think there's some interesting
15 options in here that could address a lot of the issues that we're
16 having.

17
18 Obviously, all this is under the guise of sustainability, and that
19 is the most important thing with the shark fisheries, for sure,
20 and they are very different than a lot of the fisheries that we
21 manage, just in terms of their life history, and so that needs to
22 be considered in there, but I think there's an opportunity for the
23 council to comment on some things that are directly affecting the
24 way we are able to manage our fisheries.

25
26 **CHAIRMAN FRAZER:** Thanks, C.J., for all of that information, and
27 that will be helpful, again, to get a summary of that to help in
28 the letter-writing efforts. All right, and so I think we've got
29 some direction here, and some really good comments, and we'll try
30 to draft a letter, but we'll certainly, as Dakus pointed out, send
31 an email first, seeing if we can get an extension. All right. I
32 guess, unless there are any other discussions with regard to the
33 migratory species, we are going to move -- What does our time look
34 like? We have to vote. Sorry about that. I am really trying to
35 work for people who are trying to get out of here tomorrow.

36
37 **Anyway, we had a second to that motion, and a lot of discussion,**
38 **and is there any opposition to this motion? All right. Not seeing**
39 **any, the motion carries without opposition.** All right. I think
40 -- Chris, do you think we can knock out the shrimp report in twenty
41 minutes?

42
43 **MR. SCHIEBLE:** Yes, and there's no motions in it, and so, if we
44 could have a little committee discussion at the end, possibly, but
45 that would be about it, and so do you want me to roll?

46
47 **CHAIRMAN FRAZER:** Let's give it a whirl.
48

1
2 **MR. SCHIEBLE:** Go ahead, and I will start over. Not the whole
3 thing?
4

5 **MS. LEVY:** Just related to the couple of comments here that are
6 inquiring about being listed as threatened when the population
7 size in the Gulf is unknown and that Ms. Lee commented on a
8 publication that -- So it's listed as threatened. That happened
9 in 2018. This is not about anything related to the listing. This
10 was about the reinitiation of consultation on the shrimp fishery,
11 and she mentioned that there were some preliminary studies, or
12 things in the works, that go to the population, the population I
13 think of the species, and like we're getting more information about
14 the status of the population, but it's not related to its current
15 status as threatened, and I just wanted to make that clear, because
16 it seemed like the question is why is it being listed as
17 threatened, and it's already listed. It's been listed since 2018,
18 and this does not relate to that directly. Does that make sense?
19 Okay. Thanks.
20

21 **CHAIRMAN FRAZER:** Go ahead, Chris.
22

23 **MR. SCHIEBLE:** Okay. I will carry on. Ms. Lee commented that a
24 publication, which as a preliminary status, warrants the listing
25 as threatened. Another committee member inquired if the council
26 should expect an updated incidental take statement by April of
27 2024. Ms. Lee stated that new bycatch estimates, which will
28 reflect more recent data, will be available by March or April of
29 2024.
30

31 Status Update of Side-by-Side Testing of Cellular Vessel
32 Monitoring Systems and Cellular Electronic Logbooks on Gulf Shrimp
33 Vessels, Tab D, Number 5, Dr. Walter, from the Southeast Fisheries
34 Science Center, presented an update on National Marine Fisheries
35 Service's side-by-side testing of cVMS and cELBs on shrimp vessels
36 in the Gulf, and that's Tab D, Number 4.
37

38 He reviewed the objectives of the testing, which devices are being
39 tested, and deployment issues. He noted that NOAA had constructed
40 a new prototype application programming interface (API), which
41 would enable vendors to push data to a Southeast Fisheries Science
42 Center database. Lastly, Dr. Walter reviewed the next steps for
43 testing, which includes the data analysis phase.
44

45 A committee member inquired if the API would assist in data being
46 routed to the Southeast Fisheries Science Center rather than the
47 Office of Law Enforcement. Dr. Walter responded that this would
48 allow the Southeast Fisheries Science Center to evaluate the

1 feasibility of this alternative routing of the data.

2
3 Mr. Donaldson inquired as to a general timeline of the next steps.
4 Dr. Walter responded that data analyses may potentially be
5 completed in early October 2023, which would allow for a
6 presentation to the Shrimp Advisory Panel in mid-October and to
7 the council at its October meeting.

8
9 Another Committee member inquired how the \$850,000 Congressional
10 funding was ultimately used by the Southeast Fisheries Science
11 Center and if any of those funds were being used to explore the
12 API. Dr. Walter responded that the agency was unable to
13 incorporate the Shrimp AP's requests for redistribution of funds.
14 The committee member then asked how the timeline for the
15 expenditure of funds was proceeding. Dr. Walter explained that
16 the early adopter funds had been sent to the Gulf States Marine
17 Fisheries Commission and that internal funds for the National
18 Marine Fisheries Service staff time were currently being utilized.

19
20 Under Other Business, Potential Use of IRA Funding to Reimburse
21 Gulf Shrimp Fleet for Type-Approved NMFS Hardware/Software
22 Equipment, Dr. Simmons inquired of National Marine Fisheries
23 Service as to the potential use of IRA funding to reimburse the
24 Gulf shrimp fleet for type-approved National Marine Fisheries
25 Service hardware/software equipment.

26
27 She noted the importance of the data in stock assessments and for
28 shrimp biological opinions. Mr. Strelcheck responded that he could
29 not respond to whether or not those funds could be utilized for
30 the described purpose. However, an additional \$850,000 is in the
31 current Senate appropriations bill, which could be utilized in the
32 shrimp data collection process, but the bill has not been passed
33 at this time.

34
35 Dr. Frazer posed a follow-up to Dr. Simmons' question and inquired
36 who needed to follow-up on the subject of IRA funding use. Dr.
37 Walter responded that it appears the referenced IRA funds are for
38 transformative purposes, which the shrimp data collection process
39 might not meet. Mr. Strelcheck recommended speaking with Dr.
40 Howell at the NOAA Office of Science and Technology.

41
42 Shrimp Listening Sessions, under Other Business, Dr. Walter
43 informed the Shrimp Committee of an upcoming listening session
44 with Gulf shrimpers to be held on September 20, 2023, in Tampa,
45 Florida, for participatory modeling, which has been used for other
46 purposes, including red tide. Additional listening sessions will
47 be scheduled later in the year around the Gulf.

1 This process identifies main pressures and drivers for a conceptual
2 model, which may identify regional differences as well. This
3 information could then be used for a management strategy evaluation
4 for Gulf shrimp. Dr. Simmons stated that participants needed to
5 be informed that the center's desire to complete a management
6 strategy evaluation for the shrimp fishery was separate from the
7 SEDAR 87 stock assessment for shrimp and the September listening
8 session.

9
10 A Committee member inquired how the listening session would be
11 advertised, beyond the Federal Registry notice. Dr. Walter
12 explained that council staff would assist in distribution of the
13 listening session announcement to stakeholders and forward the
14 press release after the FRN publishes.

15
16 Another committee member inquired about using the council meeting
17 venue in New Orleans in January 2024 for a listening session. Dr.
18 Simmons responded that the listening sessions are run by National
19 Marine Fisheries Service, and so she would defer to NMFS to
20 consider that. Dr. Walter stated that January 2024 in New Orleans
21 would be a possibility for targeting individuals from the Louisiana
22 fleet. Mr. Chair, this concludes my report. Do we have any other
23 comments regarding the Shrimp Committee?

24
25 **CHAIRMAN FRAZER:** All right, and so we have a couple. Peter Hood.

26
27 **MR. HOOD:** I just wanted to indicate that -- I was talking to John,
28 and I think what we'll do is we'll try to put out one of our
29 Fishery Bulletins, and I know that's something that then the
30 council picks up and sort of readvertises, and so I think we'll -
31 - That's one way that we'll be able to assist to get the word out
32 about the listening sessions. Thanks.

33
34 **CHAIRMAN FRAZER:** Thanks, Peter. It's a good idea. Susan.

35
36 **MS. BOGGS:** I just want to make sure that we don't need to be doing
37 anything proactively with the shrimp industry with regard to this
38 giant manta ray. I mean, there's really no action that we can
39 take at this time, is there?

40
41 **CHAIRMAN FRAZER:** I don't think so, Susan, at this point, but I'm
42 looking around the table, and I'm just one person.

43
44 **MS. BOGGS:** I'm just trying to be proactive. I mean, we always
45 kind of get caught, and seeing kind of the writing on the -- I
46 mean, I'm not asking to, and I'm just confirming that there's not
47 something that we need to be doing proactively. Thank you.

1 **CHAIRMAN FRAZER:** Dr. Walter.
2
3 **DR. WALTER:** Well, I think, in Jennifer's presentation, it did say
4 to report sightings, and, to the extent that we can get a handle
5 on where they occur, and when, and it's going to be that kind of
6 information that is going to allow us to determine if we can avoid
7 them, are there areas that we need to say, or identify, as
8 hotspots, and I know that doesn't always come off as -- Sometimes
9 people don't feel that reporting that is going to be useful to the
10 process for giving them the outcome they desire, but I think the
11 alternative often winds up being that we have to say that those
12 interactions could occur anywhere, and I think being able to narrow
13 them down, because they look like they're localized, might allow
14 us to find ways we can mitigate things, and I think, to the extent
15 that more information allows us to be more precise in our
16 management, that's what I would say, in terms of proactive steps.
17 Thank you.
18
19 **CHAIRMAN FRAZER:** Mr. Anson.
20
21 **MR. ANSON:** Dr. Walter, that would be reports from anybody, and
22 not just shrimpers, and not just for commercial fishermen, but it
23 would be anyone that would be able to report via the -- I think
24 there's a tool that NOAA has for those types of sightings, and is
25 there not?
26
27 **CHAIRMAN FRAZER:** John.
28
29 **DR. WALTER:** I will have to refer to the presentation that I think
30 notes how one reports those, and I am not, off the top of my head,
31 sure.
32
33 **CHAIRMAN FRAZER:** Kevin.
34
35 **MR. ANSON:** I am just wondering, and, in the spirit of trying to
36 help out, and be proactive, if Emily and staff could just kind of
37 check the report and see if there is such a -- You know, where
38 that website is, and maybe just offer that on a Facebook post and
39 such, you know, highlighted, just to get the word out.
40
41 **CHAIRMAN FRAZER:** I'm just going to get a verbal from Emily over
42 there.
43
44 **MS. MUEHLSTEIN:** Yes.
45
46 **CHAIRMAN FRAZER:** Perfect. For the record. All right. Go ahead.
47
48 **DR. WALTER:** Thank you, sir. On the funding, the IRA funding, I

1 know that Evan had to step out when that was discussed in
2 committee, and I think if I could invite Evan up to maybe answer
3 some questions about how the council might be able to make some
4 requests for how that funding might get directed and a good process
5 for that, and so if I could yield my floor to Evan.
6

7 **CHAIRMAN FRAZER:** That's fine, and, you know, again, that is the
8 first item in Other Business, where Evan stepped out, right, and
9 I guess Andy recommended speaking with Evan about this a little
10 bit, and so I did have the opportunity to speak with Evan later,
11 prior to the social actually last night, and so he -- I will let
12 him come up if he says I said something wrong, but they expect a
13 number of ideas, from various councils and the various buckets,
14 including the EDA, which is the Essential Data Acquisition and the
15 advanced technologies, and, if we wanted to provide a short
16 proposal with regard to the industry, and using those funds to
17 instrument those vessels, we could certainly do that, and, you
18 know, so he was just agreeing to accept that proposal, and he
19 expected others, but without a guarantee of funding, of course,
20 and is that correct, Evan? Come on up.
21

22 **DR. HOWELL:** I appreciate that, Dr. Frazer, and so we don't have
23 a formalized process right now, and I think this is one of the
24 first that we've talked about in the councils, and so I would say
25 using an existing process, such as a letter, just kind of
26 summarizing why you feel either it's transformational, or just
27 essential, data for this region.
28

29 If you send it to Dr. Cisco Werner and myself, who are the leads
30 for the fisheries, and I think if you CC the Southeast Fisheries
31 Science Center and Regional Offices. That way, we can work and
32 collaborate with them to get you a response, but I think that's
33 the most effective process, and we can do that for all councils.
34

35 **CHAIRMAN FRAZER:** I think that's great news, you know, the most
36 promising news that we can have, and at least, you know, you're
37 making the process available, and so we'll go ahead and pursue
38 that. Thank you. I am pretty clear that we're directing staff to
39 go ahead and start that letter. Any other business related to the
40 Shrimp Committee?
41

42 All right. I am not seeing any, and it's just before 5:00. Thanks,
43 Chris, for pushing that through, and thanks, everybody, for
44 sticking it out to the bitter end today, and hopefully we'll have
45 an efficient day tomorrow and people can get on the road before
46 traffic gets too bad. All right. Have a nice evening, and I will
47 see everybody tomorrow at 8:00.
48

1 (Whereupon, the meeting recessed on August 16, 2023.)

2
3 - - -

4
5 August 17, 2023

6
7 THURSDAY MORNING SESSION

8
9 - - -

10
11 The Full Council of the Gulf of Mexico Fishery Management Council
12 reconvened at The Driskill in Austin, Texas on Thursday morning,
13 August 17, 2023, and was called to order by Chairman Tom Frazer.

14
15 **CHAIRMAN FRAZER:** Good morning, everybody. I didn't make it 8:30,
16 and I feel like 8:30 would have been appropriate this morning, for
17 some reason, but, anyway, so we've got three committee reports
18 left to do and some -- An update on some litigation from Mara, but
19 we're going to revisit, quickly, the Shrimp report that was read
20 yesterday, and so I think we have to modify that, and so, Mr.
21 Schieble, I'm going to go back to you, real quick, before we get
22 into Data Collection.

23
24 **MR. SCHIEBLE:** Thank you, Mr. Chair, and so apparently I can't get
25 anything right the first time, and we're going to redo this a
26 little bit here. I'm not going to go through the whole report,
27 but, under the Section 7 consultation section, in the second
28 paragraph, I will read what's written, and then I will give you
29 the correction after that.

30
31 It states that a committee member then inquired how giant manta
32 rays were being listed as threatened under the Endangered Species
33 Act when the population size in the Gulf is unknown. The sentence
34 we are correcting is this one, and it says: "Ms. Lee commented
35 that a publication, which has a preliminary status, warrants the
36 listing as threatened." That needs to be corrected to state: "Ms.
37 Lee commented that there is a preliminary estimate for the
38 northwest Atlantic population that has not yet been published and
39 that the determination to list the species as threatened was
40 supported by the information in the listing rule." Thank you.

41
42 **CHAIRMAN FRAZER:** Again, just because it wasn't up on the board
43 here, Chris, I will just read that last sentence, so everybody
44 understands what it says. Ms. Lee commented that there is a
45 preliminary estimate for the northwest Atlantic population that
46 has not yet been published and that the determination to list the
47 species as threatened was supported by the information in the
48 listing rule. Dr. Simmons, I guess we'll redistribute that report

1 with that modification? All right. Thanks, Chris. All right,
2 and so we will go ahead and move on to the Data Collection Committee
3 and Ms. Boggs.

4 5 **DATA COLLECTION COMMITTEE REPORT** 6

7 **MS. BOGGS:** Thank you, Mr. Chair. Good morning, everyone. The
8 Data Collection Committee Report, the Data Collection Committee
9 met on August 14, 2023. The committee adopted the agenda, Tab F,
10 Number 1, and approved the minutes, Tab F, Number 2, of the June
11 2023 meeting as written.

12
13 Southeast For-Hire Integrated Electronic Reporting (SEFHIER)
14 Program Update and Next Steps, Tab F, Number 4, council staff
15 provided a presentation outlining the SEFHIER program, including
16 some lessons learned, as well as next steps for developing a new
17 for-hire data collection program. The committee discussed
18 convening the Data Collection Advisory Panel after the October
19 council meeting.

20
21 Southeast Regional Office (SERO) staff stated that they were
22 prepared to provide a presentation of the data collected during
23 the operation of SEFHIER to inform the development of a new for-
24 hire data collection program at the October council meeting. This
25 would support further discussion to develop goals and objectives
26 for a revised for-hire program.

27
28 A committee member expressed concern that there was no
29 representative from Louisiana on the Data Collection AP. The
30 committee then discussed the merits of repopulating the AP and
31 explored other potential approaches for creating an appropriate
32 advisory group. Several committee members maintained that quick
33 action to replace SEFHIER was a chief consideration, while others
34 contended that a balanced representative advisory body was
35 critical and worth the extra time to create.

36
37 Another committee member stated that the charge of the AP is
38 broader than the SEFHIER program and that a group directly tasked
39 with providing feedback on another for-hire program would be
40 worthwhile. Several committee members stated that the group would
41 ideally be populated by a diverse group of for-hire stakeholders
42 from throughout the Gulf. This group could be populated
43 simultaneously with the initial development of the document. **The**
44 **committee recommends, and I so move, to create an ad hoc**
45 **charter/for-hire data collection AP.**

46
47 **CHAIRMAN FRAZER:** All right, and so we have a committee motion on
48 the board. **That motion is to create an ad hoc charter/for-hire**

1 data collection AP. Is there any opposition to that motion? I am
2 not seeing any, and that motion carries. Ms. Boggs.

3
4 **MS. BOGGS:** For Full Council, staff recommended the council
5 generate a charge statement for the advisory group. Having a
6 charge statement that can be disseminated during the advertising
7 period would help perspective applicants understand what they are
8 asked to do and why the council is forming this new group. Staff
9 also requested that partnering law enforcement agencies be given
10 advanced notice, so they can complete required fishery violation
11 background checks for applicants before they are reviewed and
12 appointed by the council in October.

13
14 **CHAIRMAN FRAZER:** All right. Thank you, Ms. Boggs, and so do we
15 have a draft of that charge?

16
17 **MS. BOGGS:** Yes, sir, we do, and I think Bernie has it.

18
19 **CHAIRMAN FRAZER:** Bernie, if you could pull that up, and it's
20 probably an appropriate time for the committee to discuss it.

21
22 **MS. BOGGS:** Mr. Chair, I do believe this has been circulated around
23 to the council members.

24
25 **CHAIRMAN FRAZER:** Okay. I will go ahead and read it for everybody
26 though, and so the draft charge is the Ad Hoc Charter/For-Hire
27 Data Collection AP is tasked with providing Gulf-wide stakeholder
28 insight on the development of a new electronic data collection
29 program for the charter/for-hire and headboat fishing industry.
30 The AP should consider lessons learned from the SEFHIER program
31 and work collaboratively to discuss strategies that would enhance
32 the timeliness, accuracy, and quality of data for the federal for-
33 hire fleet. The AP should also consider balancing anticipated
34 reporting and economic burdens associated with their recommended
35 program requirements.

36
37 The draft application questions, there's a list of them, and the
38 first one reads: Do you have federal for-hire fishing permits, and
39 check all that apply, a for-hire permit for Gulf of Mexico reef
40 fish, a for-hire Gulf of Mexico coastal migratory pelagic fish, a
41 for-hire South Atlantic Snapper Grouper; a for-hire South Atlantic
42 coast migratory pelagics, for-hire Atlantic dolphin wahoo,
43 historical captain for Gulf of Mexico reef fish, historical captain
44 for Gulf of Mexico coastal migratory pelagic fish.

45
46 Question 2 is please indicate the passenger capacity associated
47 with your for-hire permits. Question 3 asks do you have federal
48 commercial fishing permits, and check all that apply, and the three

1 that are there are the Gulf of Mexico reef fish, Gulf of Mexico
2 coastal migratory pelagic, or other.

3
4 Question 4 is where in the Gulf do you primarily operate, and
5 Question 5 is how many years have you been involved in the for-
6 hire industry. Then 6 is please provide any additional information
7 or experience that you would like to share with the council, and
8 then, finally, your name, address, and the last question is whether
9 or not you've had any fishing violations in the last three years,
10 and, if so, please explain. All right, and so we'll have some
11 discussion on this charge. Captain Walker.

12
13 **MR. WALKER:** Susan, can you tell me why they included asking them
14 if they have commercial fishing permits or for-hire?

15
16 **MS. BOGGS:** I would have to look at staff for that, and I think
17 we're just looking at -- To me, that would encompass your dually-
18 permitted vessels, possibly. They're all nodding their heads yes.

19
20 **CHAIRMAN FRAZER:** So we've got an affirmation from staff on that.
21 All right. Any other questions or concerns or comments with regard
22 to the charge? Mr. Anson.

23
24 **MR. ANSON:** I am just curious, and, I mean, I don't have a problem
25 with any of the questions, but I'm just curious as to how much
26 this deviates from the typical ad hoc advertisement. I mean, is
27 it just specific to the first couple of questions, 2 and 3, where
28 you're asking permit status, and the rest of the questions are the
29 same that you would normally ask, as far as specifically the
30 fishing violations, and then I think, with each of the
31 applications, there's a statement that the names will go to, you
32 know, an enforcement agency, and, also, that whole standard
33 verbiage will still be included in the -- Okay.

34
35 **CHAIRMAN FRAZER:** Dr. Simmons.

36
37 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair, and so I think,
38 the last time we had the focus group that we were populating, we
39 had a very detailed application process for that group, and that
40 went before the council for approval, and so we just wanted to be
41 clear and make sure the council had the tools in the toolbox they
42 needed when we go to populate this group, since we're under a
43 limited time, and so we put these application questions forward,
44 and we'll put the standard text in there, as you mentioned, for
45 the other applications.

46
47 Just to a little bit more of Captain Walker's question, the reason
48 we were asking about the commercial and the South Atlantic permits

1 is, in the past, it seems like there's been a little bit of
2 confusion about what "dually-permitted" means, and we kind of --
3 Our terminology is dually-permitted in the Gulf and South Atlantic
4 sometimes, and for-hire dually-permitted, and then there's dually-
5 permitted for-hire commercial, and so I think that's what staff
6 was trying to capture here. If you think there's a better way,
7 Captain Walker, that's cool.

8
9 **CHAIRMAN FRAZER:** Ed.

10
11 **MR. WALKER:** No, I totally get it now, and that applies directly
12 to me, and it's a good idea now, because I just started on this
13 cup of coffee, because there are definitely unique problems that
14 face the dually-permitted guy, and I'm a victim of -- I have all
15 of those permits there on one boat, and so the overlap between
16 even the South Atlantic and commercial reef and all that caused a
17 lot of grief on the reporting environment, and so it's a good idea,
18 and I get it now.

19
20 **CHAIRMAN FRAZER:** Ms. Boggs.

21
22 **MS. BOGGS:** I like the fact that we're being inclusive, and I hate
23 to use that word, because we don't want to leave anyone out,
24 because we don't know how it ultimately affects, and, as Captain
25 Walker just pointed out, those dually permitted, in whichever
26 sense, it will affect them in some sense, and we've already seen
27 that with the SEFHIER program, and so maybe going in, and I also
28 feel like this is good to help us identify, and, as I stated during
29 the committee, this is a charter/for-hire electronic reporting
30 program that we're working on, and we need to make sure that those
31 are the stakeholders who are at the table helping us to make these
32 decisions. Thank you.

33
34 **CHAIRMAN FRAZER:** All right, and so it looks like -- Do we need a
35 motion and vote on this charge, or we'll simply incorporate it
36 into the process?

37
38 **EXECUTIVE DIRECTOR SIMMONS:** I think it would be nice for staff to
39 have a motion. We worked kind of hard on this.

40
41 **CHAIRMAN FRAZER:** All right, and so can we get a motion to
42 incorporate this charge into the advertisement process? Mr. Gill.

43
44 **MR. GILL:** Thank you, Mr. Chairman. I will make that motion. **I**
45 **move that we approve the draft charge for the Ad Hoc Charter/For-**
46 **Hire Data Collection AP.**

47
48 **CHAIRMAN FRAZER:** It's seconded by Dr. Sweetman. **Bob, if it's**

1 okay, I guess what we might want to add there is to approve the
2 draft charge and the application information.

3
4 **MR. GILL:** Sounds good, Mr. Chairman.

5
6 **CHAIRMAN FRAZER:** Bernie, I think, right after "application" in
7 that motion -- I think we need another word there. **To approve the**
8 **draft charge and application information.** All right. C.J., you're
9 good with that change as well? All right. Is there any further
10 discussion on that motion? **I am not seeing any, and so the motion**
11 **carries.** Ms. Boggs.

12
13 **MS. BOGGS:** If I may, we've done this, but can we go ahead and
14 make the request to convene the Data Collection AP after October,
15 because we're going to convene them anyway, and they need to be a
16 part of this discussion too, and I don't want to exclude them,
17 because it is our Data Collection AP, and, while we're working on
18 populating this, can we go ahead and be presenting the information
19 from the October meeting to the Data Collection AP to discuss?

20
21 **CHAIRMAN FRAZER:** Dr. Simmons.

22
23 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair. Maybe I haven't
24 had enough coffee, and so I guess I was thinking that you might
25 have a couple of the same people on the Data Collection AP that
26 would apply for the ad hoc, and am I not thinking correctly there?

27
28 **CHAIRMAN FRAZER:** Susan.

29
30 **MS. BOGGS:** Well, I guess, in theory, you could, but I would think
31 that, ultimately, it's going to go back to the Data Collection AP.
32 I mean, they are the ones that also advised us on the SEFHIER
33 program, and I would think that we would want their input as well,
34 but, if the staff doesn't see it that way -- I just feel like, at
35 some point, they're going to be asked to look at this too, because,
36 in my mind, they should be.

37
38 **CHAIRMAN FRAZER:** I am going to go back to the discussion that I
39 felt like we had in committee, right, and certainly we'll let staff
40 weigh-in here, but my recollection of the discussion is that the
41 Data Collection AP, in its current form, had a much broader charge,
42 right, and, recognizing that this was a more specific and focused
43 issue, that the intent here was to develop a charge, you know, a
44 more narrow charge, and populate that committee accordingly.

45
46 I am not arguing one way or another whether or not we should
47 convene or inform the Data Collection AP, you know, which has a
48 broader charge, but I guess a question here, really, is when do

1 you draw them into the discussion, right, and so it's a timing
2 issue, and so I guess I will let staff weigh-in now, or go ahead,
3 Susan, if you want to.
4

5 **MS. BOGGS:** Well, I was very clear, in committee, that I'm okay
6 with this, but I don't want to stop the conversation, and I wanted
7 to have the Data AP, Data Collection AP, convened, because I do
8 think it's only fair that they look at this, because now you're
9 going to exclude them from being a part of the conversation, if
10 they don't apply to the ad hoc, or they're not appointed to the ad
11 hoc, and they are our Data Collection AP committee, and they did
12 have a lot of advice on the SEFHIER program, and I think their
13 input would be just as valuable, but, if this council doesn't see
14 it to be that way, then we'll just drag our feet and wait for this
15 to get populated and then go forward.
16

17 **CHAIRMAN FRAZER:** Again, I'm going to let staff weigh-in, but I
18 would certainly open it up to the committee. Again, from my
19 perspective, and I'm not taking a position one way or the other,
20 right, but I'm just trying to understand, you know, and so there's
21 a charge to this particular ad hoc committee, and what you're
22 asking, and I agree that you were clear in the committee, right,
23 that it's an issue that deserves to be heard, right, by the broader
24 AP, and so, to me, it's a timing issue, right, and I'm not sure,
25 at present, what the schedule looks like with regard to the Data
26 Collection AP that currently exists, and so that's where I will
27 let staff weigh-in.
28

29 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Chair, I think -- Would it be
30 possible, Ms. Boggs, to wait and have the council populate this
31 group in October, if everything goes streamlined, and then
32 determine, at that time, if it would be necessary to also convene
33 the Data Collection AP, because we were planning to convene them,
34 either group, or both groups, after the October council meeting,
35 was my understanding, after the council has had an opportunity to
36 weigh-in on the material that Dr. Stephen is presenting and the
37 other information we're planning to put together with Gregg Bray
38 at the Gulf States on the current system, and then have that
39 meeting, because we have quite a bit of time between the October
40 and the January council meeting, if we need to convene them both
41 separately, or together, or however the council sees fit, and I
42 think you have flexibility there, after you see what it looks like.
43

44 **CHAIRMAN FRAZER:** Ms. Boggs.
45

46 **MS. BOGGS:** I want to make sure that, whatever happens between the
47 October council meeting and the January council meeting, that one
48 or both of these groups have met and bring us back advice at the

1 January council meeting.

2
3 **CHAIRMAN FRAZER:** I think that's certainly the intent, right, and
4 so, again, my understanding of this is we're fast-tracking this
5 application process in order to be able to populate this group by
6 the October council meeting, and then, subsequent to that, we'll
7 convene one or both groups, right, but what we will be able to do
8 is look at the composition of the ad hoc committee, right, and I
9 guess what staff is asking is, based on that composition, and
10 comparison perhaps to the AP, that will determine our next steps
11 moving forward, whether we would have one or two meetings or a
12 combined meeting, and so the strategy is yet to play out, but your
13 comments, obviously, that, you know -- Certainly there is
14 opportunity, or a role, for the broader AP to put eyes on this is
15 important, and that's what I'm hearing. Ms. Boggs.

16
17 **MS. BOGGS:** Again, I just don't want this to stall, and I want it
18 to move forward, and, again, I just thought I had made it clear
19 that I want to go ahead and convene the AP, just because they are
20 going to see it, and I understand that we may have the same AP
21 members on the ad hoc, and then what have we done? Nothing, but
22 that's okay, but I just -- Again, I don't want this conversation
23 to stop, and I just want to keep it moving forward, and I wanted
24 it on the record that we will have those meetings between -- At
25 least one between October and January.

26
27 **CHAIRMAN FRAZER:** I think we're clear there. All right. Back to
28 you, Ms. Boggs.

29
30 **MS. BOGGS:** Other Business, council staff provided a progress
31 report on the virtual public hearings for the joint commercial
32 electronic reporting amendment. Informational mailers with the
33 three meeting dates and times have been sent to commercial permit
34 holders. The South Atlantic held their virtual public hearings in
35 July. The three Gulf hearings will be held at the end of August.
36 Mr. Chair, this concludes my report.

37
38 **CHAIRMAN FRAZER:** All right. Thank you, Ms. Boggs. Is there any
39 other business that needs to come that relates to the Data
40 Collection Committee? All right. I am not seeing any. Thank you
41 again, Ms. Boggs. We will now go to the Sustainable Fisheries
42 report. Dr. Sweetman, the floor is yours.

43
44 **SUSTAINABLE FISHERIES COMMITTEE REPORT**

45
46 **DR. SWEETMAN:** Thank you, Mr. Vice Chair. The Sustainable
47 Fisheries Committee report, the committee adopted the agenda, Tab
48 E, Number 1, suggested a correction to the minutes, and approved

1 the amended minutes, Tab E, Number 2, of the June 2023 meeting as
2 written.

3
4 Presentation on Rice's Whale Critical Habitat Proposed Rule, Tab
5 E, Number 4, Mr. Grant Baysinger (NOAA Fisheries) presented an
6 overview of the proposed rule to designate critical habitat for
7 Rice's whale. He provided background information on the
8 distribution of Rice's whale and on the best available science and
9 peer-reviewed publications relevant to Rice's whale. Mr.
10 Baysinger discussed the proposed critical habitat area, presented
11 a map delineating the proposed area, and discussed the timeline
12 for critical habitat designation. Mr. Baysinger indicated that
13 two virtual public hearings have been scheduled.

14
15 Committee members inquired about links between the petition
16 requesting vessel speed restrictions and the critical habitat
17 proposed rule. Mr. Baysinger replied that the proposed rule and
18 the petition are independent from each other. He noted that the
19 proposed critical habitat designation does not impact recreational
20 activities, such as recreational boating and fishing, or limit
21 access to the critical habitat area. Mr. Baysinger indicated that
22 the proposed designation does not create any new regulations or
23 restrictions on fisheries.

24
25 The committee considered whether it would recommend to the council
26 to submit a comment letter on the critical habitat proposed rule.
27 Mr. Baysinger noted that public comments must be submitted by
28 September 22, 2023. Some committee members indicated that a
29 comment letter may not be necessary. The committee decided to
30 wait until Full Council to determine whether a comment letter
31 should be submitted. I think maybe a chance for discussion there
32 is relevant, Mr. Chair. Thank you.

33
34 **CHAIRMAN FRAZER:** Thank you, Dr. Sweetman, and so we kind of left
35 this open until Full Council, whether or not the council wants to
36 direct staff to develop a comment letter, and so Mr. Gill.

37
38 **MR. GILL:** Thank you, Mr. Chairman. In regard to that question,
39 this is such a hyped topic that I don't think we have anything to
40 add that hasn't been expressed multiple times elsewhere, and so my
41 recommendation is that we do not spend time sending a comment
42 letter.

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

45
46 **DR. SWEETMAN:** Yes, and I would agree with Mr. Gill as well. I
47 think, really, where the rubber meets the road is when the proposed
48 rule for anything future that comes out, beyond critical habitat

1 designation, would probably be more relevant for us to provide a
2 comment letter for, and so that would be my perspective on it.

3
4 **CHAIRMAN FRAZER:** Ms. Boggs.

5
6 **MS. BOGGS:** Well, I agree that I don't think that we should write
7 a comment letter on this, but it has kind of piqued my curiosity,
8 and I am going to maybe direct this to Mara, but Mr. Marino
9 yesterday, when he gave his testimony, was talking about another
10 lawsuit in Maryland, I believe, and the effect of -- Mara is not
11 even over there, but about the speed limits and things that it
12 sounds like may come into effect, and is there anything that we
13 can do for that, because, if they impose these speed limit
14 restrictions in the Gulf of Mexico, that's not a good thing, and
15 any of those other restrictions that were proposed, but I don't
16 know if that's anything we can speak to.

17
18 **CHAIRMAN FRAZER:** I am not sure, and, again, maybe I will defer to
19 the agency. Peter, did you want to weigh-in here a little bit and
20 talk a little bit about the process?

21
22 **MR. HOOD:** I guess I would note that Jenny Lee is here in the
23 audience, and she probably -- Since she works in our Protected
24 Resources Division, she can probably talk about the process a
25 little bit better, with respect to the Rice's whale, but I would
26 say that, if I get what is being discussed here -- You know, there
27 are two things here. We have the proposed rule, and then we have
28 the petition, and, you know, the petition for rulemaking -- You
29 know, the agency hasn't made a decision on, you know, how to
30 proceed there, and that's the one that focuses on the speed limits
31 and stuff, and so, you know, I think we're still taking comments.
32 Jenny, do you have anything that you wanted to add to that?

33
34 **CHAIRMAN FRAZER:** Just to remind folks, the council provided a
35 letter already, and so I think we're probably in a sit-and-wait
36 mode on this, but -- So I don't see any appetite, at this point,
37 for writing a letter, and so I think the recommendation, C.J., is
38 not to write one, and that came from Mr. Gill, and so we will not.

39
40 **DR. SWEETMAN:** Okay. Thank you, Mr. Vice Chair. All right.
41 Moving on, SSC Recommendations on Discussion on MRIP Cumulative
42 Estimate Reporting, Tab E, Number 5, Dr. Jim Nance (Scientific and
43 Statistical Committee [SSC]) presented the SSC's discussions
44 regarding the Marine Recreational Information Program's (MRIP)
45 transition to cumulative and fishing year reporting, which is
46 currently implemented and able to be queried on the NOAA Office of
47 Science and Technology (OST) website.

1 This approach is intended to aggregate recreational landings data
2 for all waves in a twelve-month period, thereby increasing the
3 available sample size for the twelve-month time period presented.
4 Further, MRIP will describe the proportional standard error (PSE)
5 for each twelve-month period and will notate whether it does or
6 does not recommend use of those data for that species/area/year,
7 based on the PSE.

8
9 Wave-specific recreational landings data may still be requested
10 from NOAA OST, but will no longer be immediately publicly
11 available. The SSC noted that masking imprecise estimates by
12 aggregating landings was not an optimal approach and encouraged
13 NOAA OST to investigate how the MRIP survey design may be
14 contributing to the uncertainty of the estimates. The SSC
15 supported the NOAA-OST-proposed next step to work with the
16 Southeast Fisheries Science Center and SERO staff to develop a
17 protocol for addressing survey outliers.

18
19 A committee member asked why NOAA OST decided to stop reporting
20 data by wave, as it used to previously. Dr. Nance replied that
21 the data are still available by wave, but now must be requested
22 and will no longer be automatically provided on the website, as in
23 years past. Another Committee member asked about the expected
24 work to address outliers. Dr. Nance replied that sometimes data
25 points may deviate greatly from the trend in the data series and
26 can be evaluated as outliers, when appropriate. He added that
27 state and federal partners are interested in addressing outliers
28 in a uniform way.

29
30 **CHAIRMAN FRAZER:** All right. Mr. Anson.

31
32 **MR. ANSON:** Just a minor point, but, in the report, where it says,
33 "Further, MRIP will describe the proportional standard error for
34 each twelve-month period and will notate whether it does or does
35 not recommend use of those data for that species", I think "does
36 or does not" -- I read that to mean use, as in use in our stock
37 assessment process, and I think all that they're trying to do is
38 to not display the data when the PSE has reached a certain
39 threshold, or at least that's what I interpreted the discussion to
40 be about, and I read this as like not using in any further
41 management, and that's just a comment.

42
43 **CHAIRMAN FRAZER:** Dr. Walter, can I ask you to weigh-in on this,
44 real quick, because I know you were busy doing some other work
45 right there, but, in this sentence in the middle of this paragraph,
46 it essentially says, "Further, MRIP will describe the proportional
47 standard error for each twelve-month period and will notate whether
48 it does or does not recommend use of those data for that

1 species/area/year, based on the PSE", and what Mr. Anson is asking
2 is does that imply that they won't be used in the stock assessment,
3 and so, to his point, I don't think that's the case.

4
5 **DR. WALTER:** Mr. Chair, I am hesitant to say what MRIP will
6 recommend there or not, and perhaps one of the MRIP representatives
7 -- I don't know if Richard Cody is on, because I don't want to
8 speak for how -- For what that process would recommend beyond the
9 reporting. Is Richard available? Do you know if he's online?

10
11 **CHAIRMAN FRAZER:** Dr. Howell, if you could come on up. Thank you.

12
13 **DR. HOWELL:** A couple of things. One is, number one, these were
14 based on the standards that were released in 2020, and so this is
15 a final rollout of the last two, the cumulative wave and then the
16 decision not to publish. We decided to freeze and not move forward
17 with the decision to not publish, meaning that we would not mask
18 the data with PSEs over 50 percent, and those should still be
19 available on the web, but they're highlighted in red, and, to my
20 understanding, it was never recommended to use estimates with a
21 PSE over 50 percent.

22
23 That's an MRIP recommendation for people using the data, which is
24 separate from how people choose to use the data, which has to be
25 done by the local entity, based on their understanding of the data
26 and what needs to be used, and so I don't read this either, in my
27 view from the outside -- This is a recommendation to folks that
28 are using the data and not a mandate to whether or not to use the
29 data.

30
31 **CHAIRMAN FRAZER:** Thank you, Evan. Mr. Rindone.

32
33 **MR. RINDONE:** What Dr. Howell said is what we discussed at the SSC
34 meeting also, and so the -- Previously, you were able to very
35 easily get all the information on the OST website by wave, and so,
36 by putting all of that wave-specific data together into a twelve-
37 month period, whether it's cumulative or annual, you're putting
38 more samples into a single time block, and so it does have an
39 effect on the perceived proportional standard error for that same
40 time block, but it doesn't change what the PSE would be for the
41 individual waves, and so, in some cases, that could still be quite
42 poor, and so it will be up to the discretion of -- Like, during
43 the SEDAR process, with the Science Center, and, if we're looking
44 at some of this information, and the PSEs are considerable, about
45 how we try to deal with that.

46
47 As Dr. Walter has talked about with some other things, you know,
48 we can use things like sensitivity analyses to try to play with

1 how dependent the model is on certain pieces of information, and
2 others have said there's a diagnostic test that the Science Center
3 does called a jackknife analysis, where they will chop off an
4 index, or a survey, or something like that, to try to see how the
5 model responds, you know, what the terminal year end result looks
6 like if you take away that thing. If the model is very sensitive
7 to it though, we have to be very careful about how we use that
8 information, and, if it's not, and it's something that is also
9 highly uncertain, then it's something that the assessment group
10 could consider getting rid of, if it made things better.

11
12 **CHAIRMAN FRAZER:** Kevin, I guess -- Let me ask a question, real
13 quick, for clarification on your part, and so it's the second part
14 of that sentence, right, that is in question and whether or not,
15 you know, we're in a position in this report to say what MRIP will
16 or will not recommend, and I'm looking at Evan as well, and is
17 there a modification to this language that we need to incorporate,
18 for that reason, Kevin?

19
20 **MR. ANSON:** Well, I don't think so. I mean, after hearing Dr.
21 Howell's explanation, and Ryan's comment, I mean, I guess I'm just
22 trying to go through the motions of, you know, a species that will
23 be assessed, and has a large component of the data that will be
24 used as recreational data, and it happens to have a PSE that's
25 over 50 percent, and, I mean, but does that meet the threshold of
26 best science information available, and so you have a
27 recommendation, from the agency, that people shouldn't use it, and
28 the agency will then ultimately need to use something, and so I'm
29 just trying to, you know, kind of -- As I thought about this, you
30 know, the likelihood of that happening, when you aggregate all of
31 the data together, is probably low, but there still may be an
32 instance where the recreational data from MRIP will not meet this
33 threshold, as far as recommendation for use, and so that's all,
34 and I'm just trying to get -- In my mind, get that more clear.

35
36 **CHAIRMAN FRAZER:** Thank you, Kevin. Dr. Walter.

37
38 **DR. WALTER:** I think we need to be clear that, even if there's a
39 high PSE for something like landings, we can't just remove it from
40 the model, because that's probably the only thing that's available
41 for that, and we have to account for that uncertainty, and I think
42 that's -- Even if we do, as Ryan said, a jackknife, we usually do
43 that with the indices and not with landings. We usually have to
44 leave them in, because they scale everything, and so, in this case,
45 I think we do want to give some local authority to the assessment
46 process, that, even if it's not deemed -- I don't know that MRIP
47 is necessarily going to say they don't recommend the use of that
48 data, and it's probably going to be wave-specific use of that data,

1 because -- Even if it has a high PSE for the entire year, there's
2 not any getting around it, if there's not something else that is
3 available, and so I'm trying to think if there is a compromise
4 language, so that we aren't in conflict there.

5
6 Perhaps we could simply say that appropriate incorporation of the
7 uncertainty in that data be evaluated by any users of it, and I
8 think that's what we try to do when we do our assessments and
9 there's a high uncertainty, and we would not fit exactly to it,
10 and, oftentimes, that's the way we deal with discard information,
11 and so sometimes the model doesn't fit that, and it predicts
12 something that's different than what is input.

13
14 **CHAIRMAN FRAZER:** All right. Thanks, John. Before we make any
15 changes though, let's let Dr. Froeschke weigh-in here.

16
17 **DR. FROESCHKE:** Okay, and so we just -- To look at this, we just
18 did a query with -- A NOAA Fisheries Service MRIP data query, using
19 dolphinfish, annual Gulf of Mexico 2011 through 2023, and there's
20 a whole bunch of red ones, and then, in bullets, it says, "MRIP
21 does not support the use of estimates with a standard error above
22 50, and, in those instances, recommends considering higher levels
23 of aggregation, e.g., across states, geographic regions, or
24 fishing --" In this case, it's at the Gulf of Mexico, and I'm not
25 sure how you would aggregate that up in a meaningful way, but, to
26 me, that's entirely consistent with what's in the report.

27
28 **CHAIRMAN FRAZER:** Kevin, it looks like you were trying to get some
29 clarification here.

30
31 **DR. FROESCHKE:** To me, it says, you know, standard error above 50,
32 and, in those instances, recommends considering higher levels of
33 aggregation, e.g., across states, geographic regions, or modes.
34 In this case, it's at the Gulf of Mexico level aggregation, and
35 it's in red. I mean, to me, that's what it says here, and the
36 bullet on the webpage is consistent with what's in the report.

37
38 **CHAIRMAN FRAZER:** Mr. Anson.

39
40 **MR. ANSON:** Yes, but, in this example, you can't go any higher,
41 and so the data then doesn't meet the -- It doesn't meet the
42 threshold as explained here, in my mind. I mean, it says it
43 doesn't recommend the use of that data, and so you went the highest
44 you could, and you're still at a point where you're over that
45 threshold, and so, again, I'm just -- I'm just trying to reconcile
46 that statement relative to the situations that will pose itself as
47 we try to utilize that data in assessments, is all, and I
48 understand that there is, oftentimes, the discussion and thought

1 that goes into the modeling process, but that process shouldn't
2 exist if this is kind of a hard-and-fast rule, where it says
3 recommend don't use it.

4
5 **CHAIRMAN FRAZER:** Mr. Rindone.

6
7 **MR. RINDONE:** To John's example, I mean, that's Gulf-wide, all
8 modes and all areas combined, and, I mean, it's as aggregated as
9 it can be, and, if you guys -- Those of you that have been more
10 involved in stock assessments can recall that, for some of our
11 more data-rich species, we're able to look at directed fleets
12 individually, but, typically, when we're in less-data-rich
13 situations, with certain species like -- Like if we're talking
14 about vermilion snapper or perhaps -- Well, cobia is data-poor
15 across-the-board, but some of these that aren't red snapper, and
16 sometimes we have to aggregate say the shore mode and the private
17 mode together, or shore, private, and for-hire together, you know,
18 things like that, in order to, you know, create a situation where
19 the data are more valuable and easier to use in the model.

20
21 **CHAIRMAN FRAZER:** Okay, and so, I mean, a lot of discussion, and
22 I think it's good to clarify, and we've learned a lot here. You
23 know, I just want to make sure that the way that the report is
24 written is in fact consistent with the language that's available
25 on the website, and so we can leave it as-is, is my recommendation,
26 but, again, we understand the intent, right? All right. Mr. Diaz,
27 you have your hand up. I'm sorry.

28
29 **MR. DIAZ:** Thank you, Tom. I just wanted to comment on the last
30 sentence that was read, that the SSC supported NOAA-OST-proposed
31 next steps to work with the Southeast Fisheries Science Center and
32 SERO staff to develop a protocol for addressing survey outliers,
33 and I would ask Dr. Walter and Mr. Strelcheck to try to make this
34 a priority.

35
36 I cannot stress how important I think this is, and I've been asking
37 for this for many years, and I think a lot of outliers have
38 penalized certain people, and it hasn't ever made it be a high
39 priority, but, a few meetings back, I mentioned that, if a couple
40 of amberjack hit the dock in Mississippi, it's going to throw some
41 crazy numbers, and we have had some amberjack hit the dock in
42 Mississippi, at the end of last year, and it threw some crazy
43 numbers, and so we're at a point with amberjack where we don't
44 have many amberjack, and these fish are not real. They don't
45 exist, and, if we don't deal with these outliers, it's going to
46 penalize a whole lot more people than the State of Mississippi and
47 other states that has had injustices with outliers.

1 It just boggles my mind why it's taken us so long to deal with
2 this, and I think statisticians all over the world have to deal
3 with outliers, and why it's taken us so long I don't know, but I
4 would ask Dr. Walter and Mr. Strelcheck to make this the highest
5 priority that they can, and let's try to get this done in very
6 short order, where we don't have to penalize people across the
7 entire Gulf unnecessarily. Thank you.

8
9 **DR. WALTER:** In terms of making this the highest priority, I think
10 we're going to see that we've got a lot of high-priority things to
11 work on, and we're probably going to add a few more, with some of
12 the recent FES information.

13
14 I will note, and I wanted to just phone a friend on this one, about
15 the rare-event working group, and, Evan, if you're aware of the
16 progress that's made on that, or maybe Matt, and you were a part
17 of that, and I think that was one of the working group's tasks,
18 was to identify how and what to do with those outliers in MRIP.

19
20 Maybe I can get back to the group on what progress has been made
21 on that, and I know that a lot of our assessments have been affected
22 by some of those things, and an outlier may drive things, and we've
23 done some sensitivities, but I think there is a specific working
24 group that is tasked with that, and I don't have that information
25 ready at-hand. Thanks.

26
27 **CHAIRMAN FRAZER:** That's all right. Thank you, Dr. Walter, and so
28 we'll just put it in the notes here, right, when we schedule the
29 next meeting, and we'll just find a little bit of time to get an
30 update on the rare-event working group. All right. Dr. Sweetman.

31
32 **DR. SWEETMAN:** Thank you, Mr. Vice Chair. Okay. Moving on, SSC
33 Recommendations on Technical Guidance for National Standard 1
34 Reference Points and Status Determinations, Tab E, Number 5, Dr.
35 Nance summarized SSC discussions on updated technical guidance
36 from NOAA Headquarters for National Standard 1 on reference points
37 and stock status determinations under the Magnuson-Stevens Fishery
38 Conservation and Management Act.

39
40 There has been substantial research over the last twenty-five years
41 on the scientific basis for reference points and their expected
42 performance in the management of sustainable fisheries. The SSC
43 discussed setting catch advice for stocks where recent recruitment
44 has been observed to decline, a possible regime shift, noting that
45 determination of a regime shift should be approached cautiously.
46 NOAA recommended focusing on long-term effects when considering a
47 possible regime shift.

1 The SSC also discussed considerations for spawning potential ratio
2 proxies from maximum sustainable yield (MSY). While management
3 strategy evaluation (MSE) approaches could help address this
4 issue, they tend to be broad and not focused on reference points.
5 Further, there is difficulty in separating the effect on the
6 reference points and on management targets, as well as when
7 considering only biological yields of the stock (MSY) with optimum
8 yield, which incorporates ecosystem, social, and economic factors.

9
10 Council staff recalled that discussions about a regime shift were
11 first heard for greater amberjack in SEDAR 70, which used model-
12 derived recruitment without a fishery-independent index of
13 abundance to suggest a possible regime shift. Staff added that
14 perhaps the funding opportunity presented through the Inflation
15 Reduction Act may allow for further exploration into capturing
16 improved fishery-independent surveys and result in more robust
17 recruitment indices of abundance for multiple species the council
18 manages and could result in more confidently detecting such regime
19 shifts.

20
21 SSC Recommendations on the Evaluation of the Interim Analysis
22 Process, Tab E, Number 5, Dr. Nance reviewed SSC discussions about
23 the interim analysis process. The SSC began this discussion in
24 May 2023. For this iteration, the Southeast Fisheries Science
25 Center provided direct recommendations for consideration by the
26 SSC. The SSC did not see an issue with fixing parameters like
27 selectivity and retention, so long as previous management measures
28 had not changed in such a way that would result in assumptions
29 about those parameters being violated. The SSC thought this
30 approach was more defensible for modifying catch advice compared
31 to the current interim analysis approach.

32
33 The SSC debated the future use of interim analyses against the
34 needs for informing management advice and the availability of data.
35 If a health check is all that is requested, then the SSC might
36 consider assessing changes in trend in the index, as opposed to
37 the complete interim analysis. If the trend is moving one way or
38 another, then the SSC could advise the council on as much, and the
39 council could take proactive steps ahead of a stock assessment.

40
41 A committee member asked for an update from the Southeast Fisheries
42 Science Center on the automation of the interim analysis process.
43 The Southeast Fisheries Science Center replied that work on species
44 in this manner is done on an individual species basis, with index
45 processing also being automated.

46
47 The Southeast Fisheries Science Center added that it would like to
48 explore options for how to simulate catch adjustments based on

1 trends in the representative index/indices in the future. SERO
2 staff noted the council's efforts to explore regulatory
3 streamlining, and the key role that interim analyses play in that
4 effort, and asked that the council think about that as the
5 regulatory streamlining process develops.

6
7 Presentation on Allocation Reviews, Tab E, Number 8, staff gave a
8 presentation on allocation reviews and reallocation amendments.
9 Staff indicated that, based on amendments including allocation
10 reviews, the council has either maintained status quo allocations
11 or decided to reallocate fisheries resources.

12
13 Following the evaluation of CMP Amendment 33, the council elected
14 to keep the status quo allocation between the recreational and
15 commercial sectors. Reef Fish Amendment 53 (red grouper) and Reef
16 Fish amendment 54 (greater amberjack) are examples of completed
17 allocation reviews and amendments that resulted in a reallocation
18 between the sectors. Both amendments are based on the conversion
19 of recreational data from Marine Recreational Fisheries Statistics
20 Survey Coastal Household Telephone Survey (MRFSS-CHTS) to Marine
21 Recreational Information Program Fishing Effort Survey (MRIP-FES).

22
23 Staff noted that allocation-related amendments under development
24 include Reef Fish Amendment 58, which considers sector allocations
25 for shallow-water grouper, and South Atlantic Amendment 44/Gulf
26 Reef Fish 55, which includes reallocation alternatives for
27 yellowtail between the two councils.

28
29 Staff noted that the red snapper stock ACL is allocated following
30 a three-tiered process. The stock ACL is first allocated between
31 the commercial and recreational sectors. The recreational ACL is
32 further allocated between the federal for-hire and private angling
33 components, and, finally, the private angling portion of the
34 recreational ACL is apportioned between the five Gulf states.

35
36 Staff indicated that progress in red snapper allocation reviews
37 and reallocation amendments is conditional upon the availability
38 of updated recreational data streams, which are expected to be
39 converted into MRIP-FES units and on the ongoing red snapper
40 assessment.

41
42 Staff indicated that the council approved a motion directing staff
43 to begin work on a plan amendment to look at updating the states'
44 private recreational allocations for red snapper. Staff inquired
45 about the council's preferred timeline for the amendment.
46 Committee members noted that state directors haven't begun to
47 discuss the issue. The committee suggested that the timeline for
48 the amendment would be further discussed during Full Council, and

1 that may be a point for discussion here, Mr. Vice Chair.

2
3 **CHAIRMAN FRAZER:** All right. Thank you, Dr. Sweetman. I am going
4 to open -- General Spraggins.

5
6 **GENERAL SPRAGGINS:** I think that, you know, we did ask the staff
7 to go back and look at this, but I think the directors -- We talked
8 about this over the last few days, and it might be more appropriate
9 than to ask staff to come back with something in April, I mean in
10 October or whatever, and for us, as the five directors, to get
11 together and sit down and come up with a proposed way to go forward
12 with this, as far as what we looked at as the allocations.

13
14 Now, we may need some kind of guidance, and I don't know. I was
15 talking to Chris about that last night, and I don't know if there's
16 some kind of guidance that we need to go with that, and, Chris, do
17 you have anything? Do you remember, as a conversation last night,
18 we were talking about guidance as to how we would go forward and
19 what we would need to be able to bring to the council?

20
21 **MR. SCHIEBLE:** Well, yes, I recall the conversation a little bit
22 last night with that, as well as prior ones, and I think we have
23 to make sure that, you know, as we go through this, it doesn't
24 appear that it's outside of the council process, was one of my
25 concerns. We have to, you know, go down through with the directors
26 discussing this, but also then bring it to the council, possibly
27 in October, with a plan going forward on how we're going to do
28 this, so that there's not some perception that it's not being done
29 in the council process, and that was my thought.

30
31 **CHAIRMAN FRAZER:** General Spraggins.

32
33 **GENERAL SPRAGGINS:** Yes, and that's true, and I understand that,
34 and so I think, in a sense, what we ought to do, and I don't know
35 if we need to do a motion on this or what, but I think that, rather
36 than ask staff to come back with something in October, I think we
37 ought to get together, and, if we can do it prior to October,
38 that's fine, you know, and, if we can do something, and we can
39 bring it to the staff then, or bring it to the council in October,
40 how we feel about it, but I think that it would be better if the
41 five directors got together and we worked out something, rather
42 than put it on the staff.

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

45
46 **DR. SWEETMAN:** Thank you, Mr. Vice Chair. Yes, I agree with
47 everything that everyone is saying right now, and I just wanted to
48 be clear that this is kind of on the state agencies to set up these

1 meetings here, and this is not something that we're waiting on
2 council staff for, and so, I mean, I just want to be crystal clear
3 about that, and certainly unclear as to the specific timing, and
4 October might be a little bit hopeful in that regard, just given
5 all the stuff that we're working on right now in the various
6 states, but certainly, as soon as we have these discussions, I
7 believe that's the intent of all of our state agencies, to bring
8 this back to the council.

9
10 **CHAIRMAN FRAZER:** I would certainly like to give either Alabama or
11 Texas a chance to weigh-in here and just affirm that you're
12 interested in participating in the process.

13
14 **MR. GEESLIN:** Thank you, Mr. Chair, and I am supportive of this
15 path forward and working together, but I do share Chris's concerns
16 that we do be very transparent, and we come back to the council
17 and embed the discussions and any potential resolution back to the
18 council.

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

21
22 **MR. ANSON:** We can certainly -- We would like to participate in
23 those discussions, and then bring back anything to the council,
24 and I don't see this as being any different than the last time
25 that we went through this exercise, you know, five years or so,
26 six years ago, and we would do the same thing, but just in a
27 different environment.

28
29 **CHAIRMAN FRAZER:** All right. Well, I hope those discussions are
30 fruitful, and I look forward to hearing what the state directors
31 bring back. General Spraggins.

32
33 **GENERAL SPRAGGINS:** I will tell you that, as the directors, I will
34 take the lead of this and try to set up a meeting, and I will try
35 to set it up to where we can all work together, and I know we've
36 got a lot coming up in the next few weeks, the next month or so,
37 and we're going to Providence, and we're also going to -- You know,
38 we have a Gulf States, and we have another Gulf Council, and so I
39 don't know if we can do it in the next two months or not, but,
40 whenever we can do it, we'll sit down and work it out, and I will
41 be glad to take the lead.

42
43 **CHAIRMAN FRAZER:** All right. I will let the state directors
44 coordinate, and you guys can move forward. All right. Dr.
45 Sweetman.

46
47 **DR. SWEETMAN:** Thank you, Mr. Vice Chair. Okay. Moving on, Draft
48 Letter on NOAA Fisheries Request for Comments on the Advance Notice

1 of Proposed Rulemaking for National Standards 4, 8, and 9
2 Guidelines, Tab E, Number 9, council staff presented a draft letter
3 prepared in response to the NOAA Fisheries request for comments on
4 the Advance Notice of Proposed Rulemaking (ANPR) for National
5 Standards 4,8, and 9.

6
7 A committee member requested the inclusion of social and economic
8 factors into the stock assessment, above and beyond the typically
9 biological information, to better inform fair and equitable
10 allocations decisions that would go beyond the use of historical
11 landings. Council staff noted that the objective to diversify
12 fishing practices can be difficult to implement and would benefit
13 from additional discussion in the ANPR.

14
15 A committee member also stated that the proposed description of
16 community should not include geographic or substantial as part of
17 the definition. A committee member also suggested revising the
18 first sentence of the National Standard 9 section of the letter.
19 Staff will work on revising the letter for review and approval by
20 the Council Chair prior to the submittal deadline. Mr. Vice Chair,
21 this concludes my report.

22
23 **CHAIRMAN FRAZER:** All right. Thank you, Dr. Sweetman. Is there
24 any other business that relates to the Sustainable Fisheries
25 Committee report? All right. I am not seeing any, and let's take
26 a five-minute break and get a little bit of coffee before we get
27 into the Reef Fish report.

28
29 (Whereupon, a brief recess was taken.)

30
31 **REEF FISH COMMITTEE REPORT**

32
33 **CHAIRMAN FRAZER:** All right, and so we'll just pick right up with
34 the Reef Fish Committee report. The committee adopted the agenda,
35 Tab B, Number 1, and the minutes, Tab B, Number 2, from the June
36 2023 meeting were approved as written.

37
38 Discussion: Gag and Black Grouper Management Alternatives, Tab B,
39 Number 4, council staff presented the options requested by the
40 council, including a recreational bag and vessel limit and
41 modifications to spatial area management, as well as consideration
42 of commercial spawning season closures.

43
44 A committee member did not support including black grouper in the
45 document with gag, based on discussions with fishermen. Another
46 committee member agreed and did not think that a species
47 misidentification issue existed. A committee member countered
48 that a species misidentification issue persists in the Florida

1 Keys and asked that black grouper data be analyzed.

2
3 Council staff suggested exploring commercial trip ticket
4 information for Monroe County, Florida, to discern the proportion
5 of commercial landings attributable to the Gulf versus the South
6 Atlantic and to examine recreational vessel landings of black
7 grouper.

8
9 The committee member also asked about considering recreational
10 landings data. However, recreational data for the State of
11 Florida's State Reef Fish Survey are collected in five zones, with
12 Monroe County being a single zone. Thus, it will not be possible
13 to compartmentalize those recreational data by council
14 jurisdictional zone. Council staff asked the committee about its
15 priorities for gag and black grouper to inform SSC discussions in
16 September.

17
18 Priorities were as follows: What to do about gag grouper? Reduce
19 fishing mortality on male gag; constrain future harvests to the
20 ACL; increase the probability of rebuilding the stock; avoid
21 increasing discards; reduce vulnerability of gag during spawning
22 to increase spawning success. What to do about black grouper?
23 Alleviate misidentification issues.

24
25 A committee member asked about the stock condition for black
26 grouper. Council staff replied that no data for black grouper
27 were presently available, beyond landings, and no concerning trend
28 in abundance had been reported to the council by the public to
29 date. The committee member reiterated a view that it is not
30 necessary to consider black grouper measures alongside those for
31 gag.

32
33 Regarding modifying the recreational bag limit, initial analyses
34 indicate that, because most recreational anglers, greater than 90
35 percent, do not retain more than one gag per person, reducing the
36 recreational bag limit from two fish to one fish per day is not
37 anticipated to have any effect on extending the recreational
38 fishing season duration. Further, because the recreational
39 fishing season for black grouper is currently open year-round,
40 decreasing the recreational bag limit for black grouper is expected
41 to have no effect on the recreational fishing season duration for
42 black grouper.

43
44 **The committee recommends, and I so move, to remove consideration**
45 **of the recreational bag limit for gag.** That motion carried without
46 opposition, and so, again, we have a committee motion on the floor.
47 Is there any further discussion of that motion? Dr. Sweetman.

48

1 **DR. SWEETMAN:** Thank you, Mr. Vice Chair, and so we did hear, in
2 public comment yesterday, the desire to keep in the consideration
3 for reducing the recreational bag limit for gag grouper, and the
4 reason why is because the data analysis that was shown to us
5 incorporated data from 2017 to 2019. I think everything that we've
6 been hearing so far is that the gag grouper has been on an upward
7 trend, and so I would advocate for keeping this in here, for the
8 purpose of updating that data to a more recent timeframe here, and
9 so I'm willing to make a substitute motion on that, if it's
10 appropriate, Mr. Vice Chair.

11
12 **CHAIRMAN FRAZER:** Go ahead, C.J.

13
14 **DR. SWEETMAN:** Okay. Bernie, if you could pull up the substitute
15 motion that I sent you.

16
17 **CHAIRMAN FRAZER:** C.J., before you get going, I just want to make
18 sure that we have a couple of options here, right, and we could
19 simply vote this motion down. Perhaps I -- If we voted it down,
20 then you could provide a new motion, but I am not saying that's
21 the way to go, all right, and so I'm just letting you know that
22 there is that option. If you want to provide a substitute motion
23 here, we certainly can do that.

24
25 **DR. SWEETMAN:** Yes, and I think I still would like to provide that
26 substitute motion, just because I'm not entirely sure that would
27 be voted down.

28
29 **CHAIRMAN FRAZER:** I agree. Go ahead.

30
31 **DR. SWEETMAN:** Okay. **The substitute motion reads: To maintain an**
32 **option for modifying the gag bag limit in the draft framework and**
33 **direct staff to rerun the catch analysis using more recent data to**
34 **better understand the potential impact of the current fishery.**

35
36 **CHAIRMAN FRAZER:** All right, and so we have a substitute motion.
37 Is there a second for that motion? It's seconded by Ms. Boggs.
38 C.J., did you want to elaborate further on the rationale?

39
40 **DR. SWEETMAN:** I think I said most of what I wanted to say. I
41 mean, certainly, what we've been hearing, in the State of Florida,
42 is that people are catching their bag limits pretty consistently
43 right now, based on a perceived uptick in the fishery over recent
44 years, and this is part of the justification for why we're
45 interested in some sort of interim analysis to kind of evaluate
46 more recent effects on the fishery and more recent times in between
47 the assessments, and so, Mr. Chair, I feel that was my
48 justification for this motion.

1
2 **CHAIRMAN FRAZER:** Thank you, C.J. Any further discussion of the
3 motion? Captain Walker.
4

5 **MR. WALKER:** I disagree. You know, the numbers that were run were
6 pretty consistent that it's going to make very little difference,
7 and I can tell you that the recreational fishing community where
8 I live really had a bad taste in their mouth. A few years ago,
9 they kind of accepted a reduction in the red grouper bag limit,
10 with the kind of understanding that it would probably increase
11 their season, and it ended up not doing that, and so the people
12 that I've talked to, when this comes up -- All they see it as is
13 we're going to get one less fish, and the season is going to be
14 the same length, and so I think there's not a lot of support, in
15 the people that I have spoken with, for a proposal like this.
16

17 **CHAIRMAN FRAZER:** Thank you, Captain Walker. C.J.
18

19 **DR. SWEETMAN:** To that point, and thanks, Ed, and I would say that
20 a vessel limit would be more restrictive, and that is currently
21 still in here, and so I think a bag limit would just be a subsequent
22 option that we can look at, and I'm certainly not saying that this
23 would be, you know, the be-all-end-all and that the council would
24 move forward with this, and all I'm simply asking is to rerun the
25 catch analysis using more recent data. I think what was shown
26 from 2017 to 2019 might not necessarily reflect what is currently
27 ongoing in that fishery.
28

29 **CHAIRMAN FRAZER:** Anthony.
30

31 **DR. OVERTON:** Is it possible to give some relatively to "recent",
32 because, two years from now, recent means -- Can we put a date on
33 it, if possible?
34

35 **CHAIRMAN FRAZER:** C.J.
36

37 **DR. SWEETMAN:** Yes, certainly, and I would certainly have to
38 double-check with our State Reef Fish Survey people that are
39 actually getting this information, but I would think, you know, up
40 to the most appropriate timeframe possible, and so, I mean, if
41 2022 is the latest that we can have that data for, sure, and that
42 would be what I would recommend.
43

44 **DR. OVERTON:** Okay. Thank you.
45

46 **CHAIRMAN FRAZER:** Mr. Rindone, to that point?
47

48 **MR. RINDONE:** I was just going to say that we'll try for 2022, and

1 so we'll try to present like 2020 and 2022 to you guys, unless
2 there's a reason that you wouldn't want us to use 2020 related to
3 -- If you have like a perception of the COVID effect, due to
4 increased recreational participation in Florida, since, well,
5 there wasn't a lot else to do at the time, except go fishing and
6 hang out outside, and so that's just a thought.

7
8 **CHAIRMAN FRAZER:** Thank you, Mr. Rindone. Is there any further
9 discussion of the substitute motion? I am not seeing any, and
10 we'll just do this by raise of hands. Dale, I realize that you're
11 online. We'll do it by show of hands. **All those in favor of the**
12 **substitute motion.**

13
14 **MR. DIAZ:** I am in favor of the motion.

15
16 **CHAIRMAN FRAZER:** Thank you, Dale. **All those opposed.** All right.
17 **The substitute motion carries twelve to four.** All right, and so
18 we'll put this up on the board, and there's a -- We'll go back to
19 the committee report.

20
21 **All right, and so another committee motion is the committee**
22 **recommends, and I so move, to remove consideration of the**
23 **recreational bag limit for black grouper.** That motion carried in
24 committee without opposition. Is there further discussion of that
25 motion? Okay. **I am not seeing any appetite for further**
26 **discussion, and is there any opposition to the motion? I am not**
27 **seeing any opposition, and so that motion carries unanimously.**

28
29 We'll get the committee report back on the board, and we'll carry
30 on. Likewise, preliminary analyses indicate that over 80 percent
31 of recreational gag fishing trips, excluding headboats, land four
32 gag or fewer per trip. Thus, creating a recreational vessel limit
33 of four fish or greater is not expected to have an effect on
34 extending the recreational fishing season duration.

35
36 Council staff and committee members discussed how a recreational
37 vessel limit would be unlikely to increase the recreational fishing
38 season duration unless that vessel limit was very restrictive, for
39 example two or three fish per vessel, and how more restrictive
40 recreational retention limits might increase discards.

41
42 A committee member noted that it is presently unknown the degree
43 to which discards would change with the proposed revision to the
44 recreational fishing season start date of September 1. The
45 committee member added that they would like to see what the effect
46 would be on the recreational fishing season duration with a two,
47 three, four-fish per vessel recreational limit. Council staff
48 will conduct those analyses and report back to the council at a

1 subsequent meeting.

2
3 Council staff reviewed spatial closure options. A committee member
4 recalled that, when The Edges was created as a spawning seasonal
5 closure in Amendment 30B, it was specifically to protect male gag.
6 They noted that recent Florida Fish and Wildlife Research Institute
7 research indicated that the seasonal spawning closure for The Edges
8 was estimated to have had no effect on the proportion of males
9 present in that area. The committee member did not think spatial
10 closures would be as effective as expected for rebuilding the gag
11 population.

12
13 Another committee member disagreed and recalled their personal
14 experience of the abundances of various species, including gag,
15 within closed areas when participating in cooperative research
16 projects. The committee member thought discussion of spatial areas
17 should continue and decisions be contingent on the data available.

18
19 A committee member also recalled recent research and noted that
20 fishermen had reported a higher proportion of males being observed
21 on deeper-water catches. Another committee member acknowledged
22 the contentious nature of spatial closures, but added that the
23 data show a higher percentage of male gag in some closed areas,
24 for example Madison-Swanson, versus open areas. Due to the volumes
25 of data needing analysis for a thorough evaluation of spatial area
26 closures, council staff recommended breaking that proposed action
27 out into a separate document.

28
29 **The committee recommends, and I so move, to separate spatial area**
30 **closures into a separate document.** That motion carried without
31 opposition. Again, we have a committee motion on the board. Is
32 there any further discussion of that motion? Peter Hood.

33
34 **MR. HOOD:** I just -- I mean, I agree that it should be taken out,
35 but I just want to -- From a staff standpoint, this is like one
36 more action added to the list, and it's -- I don't know how quickly
37 we'll get to it, is what I just want to point out, just because
38 there are so many things going on, and I'm not sure where this
39 fits in the priority list, and so I just wanted to point that out.
40 Thanks.

41
42 **CHAIRMAN FRAZER:** Thank you, Peter, for that input. Dr. Froeschke.

43
44 **DR. FROESCHKE:** I would like to get some clarification on the
45 section before we leave gag, where it says that 80 percent of the
46 trips harvest four or fewer gag, and so I'm assuming that a gag
47 fishing trip is defined as a trip in which at least one gag is
48 harvested and not, for example, when I go out to fish for gag, it

1 most likely results in zero gag, and that's not a gag fishing trip.

2
3 **MR. RINDONE:** Where it's a primary or secondary target species.

4
5 **DR. FROESCHKE:** Does that mean they landed one or they're aiming
6 for one?

7
8 **MR. RINDONE:** I can seek clarification on that, and I don't know
9 off the top of my head, and I would have to look.

10
11 **CHAIRMAN FRAZER:** All right. Thanks, John, for sharing with us
12 your fishing abilities. All right. We'll seek some clarification
13 on that and get back to folks as soon as we possibly can on that,
14 but, in the meantime, we have this committee motion. I recognize
15 that we have a lot of activities, as Peter said, and that we
16 probably won't get to it immediately, but that's understood. **Is**
17 **there any opposition to the motion? Not seeing any, the motion**
18 **carries.**

19
20 All right. We will move forward to the Discussion of the Shallow-
21 Water Grouper Complex Management, Tab B, Number 5, council staff
22 presented draft options for Amendment 58, including specifying
23 status determination criteria, shallow-water grouper complex
24 structure, catch limits, accountability measures, and IFQ share
25 allocation.

26
27 Staff provided background information on the shallow-water grouper
28 complex and discussed SSC motions relative to the stock assessment
29 for scamp and yellowmouth grouper, SEDAR 68. A committee member
30 inquired if the maximum sustainable yield proxy for the potential
31 sub-complex for scamp and yellowmouth grouper would have to be set
32 at F 40 percent SPR. Council staff replied that, while it was
33 included in the SSC's recommendation, it was still the council's
34 prerogative to determine what the MSY proxy should be.

35
36 Council staff reviewed the landings, which show a shift to mostly
37 recreational landings in recent years. A committee member asked
38 for tables comparing the landings from the directed fleets for
39 these four grouper species. Another Committee member recalled the
40 expected effects of modifications to the shallow-water complex
41 structure and catch limits on the IFQ program and that those
42 effects are expected to be considerable. A committee member added
43 that the utilization of the ACL by the sectors should also be
44 considered when discussing options for allocation decisions.

45
46 NOAA General Counsel disagreed that the shallow-water grouper
47 complex could not be kept together as-is, because adding the catch
48 limits together is what was done in the Generic ACL/AM Amendment.

1 Council staff replied that most landings for the shallow-water
2 grouper complex are scamp, and the proposed catch limits for scamp
3 and yellowmouth grouper are greatly reduced relative to the current
4 landings. Thus, combining the catch limits for scamp and
5 yellowmouth grouper and black and yellowfin grouper is anticipated
6 to result in overfishing of scamp and yellowmouth grouper.

7
8 Regarding modifications to accountability measures, NOAA General
9 Counsel noted the performance standards in the Magnuson-Stevens
10 Fishery Conservation and Management Act and suggested that those
11 be considered in the next iteration of the document. Ms. Levy.

12
13 **MS. LEVY:** Thank you. You don't need to change the committee
14 report, but I do want to clarify, just with respect to that first
15 sentence about disagreeing that the complex cannot be kept
16 together, it is just from a legal perspective, right, and so there
17 may be management or other considerations as to why you would not
18 want to do that, but I was just suggesting that there may be ways,
19 from a legal perspective, to keep it together and not result in
20 overfishing of scamp. Thanks.

21
22 **CHAIRMAN FRAZER:** Thanks for clarifying, Mara. All right, and so
23 we will move on. A committee member stated that approximately 70
24 percent of the commercial shallow-water grouper quota was
25 unharvested annually during each of the last five years. The
26 committee suggested that a practical next step would be to develop
27 specific options for splitting or maintaining the current shallow-
28 water grouper complex and for subsequent actions in the amendment.
29 These options would be brought to the Committee for consideration
30 at a future council meeting. Peter Hood.

31
32 **MR. HOOD:** Thanks. As staff has been talking about this action,
33 one of the common themes is there's a lot to unpack here. It's
34 complicated, and, you know, you have an allocation, and we're
35 talking about IFQ species, and it's really tough. I think, for
36 staff, it would be helpful if any direction that could be provided
37 by the council on how we should at least maybe initially begin to
38 tackle this.

39
40 I mean, maybe we need to bring more information back to you guys
41 in October, but, if anybody has any ideas on things that they would
42 like to see, you know, staff tackle, or prioritize, with this
43 action, that would be extremely helpful. Thank you.

44
45 **CHAIRMAN FRAZER:** John, do you want to weigh-in here?

46
47 **DR. FROESCHKE:** Just to pile on. In light of the discussions about
48 recreational data and things, there is, in some form or fashion,

1 going to have to be some allocation kinds of inferences made, and
2 that's going to greatly affect how this process rolls out.

3
4 **CHAIRMAN FRAZER:** Yes, and I appreciate that, and, again, we had
5 a considerable amount of discussion related to all of that over
6 the last couple of days, and I think, at the end of this report,
7 we'll have a little bit more discussion, and so that will have
8 some bearing on the comments that Peter made, as well as the input
9 provided by yourself. Okay, and so we will continue on.

10
11 Draft Framework Action: Modifications to Recreational and
12 Commercial Greater Amberjack Management Measures, Tab B, Number 6,
13 council staff reviewed modifications to recreational, fixed closed
14 seasons, and commercial management measures, trip limits, for
15 greater amberjack. Both Actions 1 and 2 have been updated based
16 on changes requested by the council in June 2023. Analyses used
17 to inform Action 2, the commercial trip limit, were also presented.
18 These measures are being considered to facilitate access to the
19 stock while the stock rebuilds, which it is expected to do by 2027.

20
21 A committee member asked if any consideration for effort shifting
22 had been incorporated into the recreational season duration
23 analysis. Council staff replied that a scalar could be applied to
24 account for changes in fishing behavior, but that result would be
25 highly uncertain. Southeast Regional Office staff added that
26 effort shifting was encapsulated in the presented season duration
27 analysis, since each alternative resulted in so few available
28 fishing days.

29
30 A committee member asked Dr. Evan Howell, from the NOAA Office of
31 Science and Technology, if the upcoming studies on the Marine
32 Recreational Information Program's Fishing Effort Survey (MRIP-
33 FES) would address any challenges associated with in-season
34 monitoring when fishing seasons are less than a few months. Dr.
35 Howell replied he would have to investigate that possibility.

36
37 For Action 2, several committee members suggested waiting until
38 after the public comment period to select a preferred alternative.
39 Other members advised that selecting a preferred alternative can
40 help the public frame their testimony when commenting on the
41 action.

42
43 **The committee recommends, and I so move, in Action 2, to make**
44 **Alternative 4 the preferred. Alternative 4 is limit of five fish,**
45 **approximately 150 pounds gutted weight or 155 pounds whole weight.**
46 That motion carried nine to seven with one abstention, and so we
47 have that committee motion on the board. We certainly heard some
48 public testimony related to that issue, and so there is further

1 discussion, and I will start off with Mr. Gill.

2

3 **MR. GILL:** Thank you, Mr. Chairman. I don't have internet service,
4 and so I can't pull it up, but I would like to make a substitute
5 motion based on public testimony yesterday that basically
6 supported the seven-fish option, and so, in Action 2, to make
7 Alternative, and I think it's 3, the preferred, and if staff could
8 check on that for me, I would appreciate it.

9

10 **CHAIRMAN FRAZER:** All right, and so have a substitute motion in
11 Action 2 to make Alternative 3 the preferred. Mr. Schieble.

12

13 **MR. SCHIEBLE:** I was going to second that motion and thank Bob for
14 making it. You saved me a whole bunch of talking, because I was
15 going to do the same thing you just did, based on what we heard.

16

17 **CHAIRMAN FRAZER:** Captain Walker.

18

19 **MR. WALKER:** I agree with the substitute motion, and I've bounced
20 back and forth a lot on it. You know, on one hand, it would
21 ostensibly make the season longer, which would be a benefit, but
22 I talked to some of the commercial guys yesterday, and particularly
23 the longline guys never really thought of an amberjack as a
24 longline fish, because they typically fish dead bait, but they do
25 catch them, and, you know, the difference between five and seven
26 -- If they could get to their quota and not have to discard fish,
27 and another guy mentioned that, you know, he's got some lower-
28 level guys, if you will, that don't have a lot of quota, and it's
29 a non-quota fish, and so a couple more fish can actually make a
30 difference, and so I'm in favor of seven as well.

31

32 **CHAIRMAN FRAZER:** Ms. Boggs and then Mr. Gill.

33

34 **MS. BOGGS:** I am in favor of the substitute motion, and I would
35 ask for a roll call clicker vote, please.

36

37 **CHAIRMAN FRAZER:** Mr. Gill.

38

39 **MR. GILL:** Thank you, Mr. Chairman, and admittedly the public
40 testimony on this subject was limited, and we haven't heard from
41 the greater population, but where we are in this document, they
42 can weigh-in, and that's the whole point of having a preferred,
43 and so I think we're in good shape here.

44

45 **CHAIRMAN FRAZER:** All right. Thank you. Ms. Boggs.

46

47 **MS. BOGGS:** Bob, to your point, and I know you weren't here in
48 June, but we had several people make public testimony in June that

1 were in favor of the seven fish. Thank you.

2
3 **CHAIRMAN FRAZER:** All right, and so any further discussion? We're
4 going to roll out the clickers. All right, and so everybody is
5 good to go? Click away.
6

B6.15 In action 2, to make alternative 3 the preferred

First Name	Last Name			
Kevin	Anson	Yes		
Susan	Boggs	Yes		
Billy	Broussard	Yes		
Kesley	Banks	Yes		
JD	Dugas	Yes		
Anthony	Overton	Yes		
Tom	Frazer		Abstain	
Dakus	Geeslin	Yes		
Bob	Gill	Yes		
Michael	McDermott	Yes		
Chris	Schieble	Yes		
Troy	Williamson	Yes		
Joe	Spraggins	Yes		
Ed	Walker	Yes		
CJ	Sweetman	Yes		
Peter	Hood	Yes		
Dale	Diaz	Yes		
		Yes (16)	No (0)	Abstain (1)

7
8
9 **CHAIRMAN FRAZER:** All right, and so the motion carries, substitute
10 motion carries, sixteen to zero with abstention. All right. Thank
11 you, everybody. Peter.
12

13 **MR. HOOD:** Before we get off of amberjack, I just wanted to make
14 a comment. Captain Zales had indicated that there was like only
15 48,000 pounds of greater amberjack for next year, and, you know,
16 what happened is we -- I mean, we actually worked at warp speed,
17 and Kelli O'Donnell did a great job getting the greater amberjack
18 rule from Amendment 56, you know, through the process, but, by the
19 time the rule got -- That it was effective, and, for the commercial
20 sector, we had it effective upon publication, 163 percent of the
21 ACL, or I'm sorry, the ACT, and 151 percent of the ACL had been
22 caught.
23

24 Basically, if you go to our landings page, you will see that we
25 were over by about 52,000 pounds, which then leaves a little bit
26 over 48,000 pounds for next year. With the way the commercial
27 fishery operates, it's likely that they will be still operating
28 under that thousand-pound trip limit, and it's likely that they'll

1 be done fishing for greater amberjack, after the season starts on
2 January 1 -- Probably either late January or sometime in February
3 is when they'll be done, and so I just wanted to bring that to
4 your attention, so that you know that's on the horizon. Thanks.

5
6 **CHAIRMAN FRAZER:** Thanks, Peter. Captain Walker.

7
8 **MR. WALKER:** So we have a date that -- I guess it's going to stay
9 a thousand pounds until we change this, or -- Because I had some
10 of the amberjack guys, and I know a couple of the spear guys, and
11 they didn't get started this year, because they thought that it
12 had already been lowered. When they found out it was still a
13 thousand pounds, they all went charging out there, and so, yes, as
14 long as it stays a thousand pounds, it's going to get taken in
15 thirty days, or something like that, and then accountability
16 measures for the following year, and quicker is better on this
17 one, it seems.

18
19 **CHAIRMAN FRAZER:** All right. Any further thoughts regarding
20 potential action?

21
22 **MR. DIAZ:** I have a question, Mr. Chair.

23
24 **CHAIRMAN FRAZER:** Go ahead, Dale.

25
26 **MR. DIAZ:** Mr. Hood, you just mentioned an overage and a possible
27 payback, and was that for commercial only, or was that including
28 recreational and commercial?

29
30 **MR. HOOD:** That was for commercial only.

31
32 **MR. DIAZ:** Thank you.

33
34 **CHAIRMAN FRAZER:** Okay. Any further discussion? All right. Not
35 seeing any, we will carry on, and so the Draft Snapper Grouper
36 Amendment 44/Reef Fish Amendment 55: Catch Level Adjustments &
37 Allocations for Southeastern US Yellowtail Snapper, Tab B, Number
38 7, council staff reviewed the proposed management alternatives for
39 Snapper Grouper Amendment 44/Reef Fish Amendment 55, which
40 evaluates modifications to southeastern U.S. yellowtail snapper
41 management.

42
43 Staff updated the committee on changes made to the alternatives as
44 a result of previous discussions on possible data discrepancies.
45 Although there are still some concerns regarding potential data
46 errors, council staff explained that the commercial data issue
47 resulting from a coding error in the Dry Tortugas did not affect
48 the current jurisdictional allocation.

1
2 South Atlantic Council staff further explained that the 2008 data
3 issue only affected a portion of 2008. However, those data from
4 2008 were used to calculate the current jurisdictional allocation
5 using the South Atlantic Council's Bowtie Method. Council staff
6 reviewed the changes made to the amendment since the June 2023
7 meeting.

8
9 A committee member asked if either Alternative 4 or 5 could be
10 removed from the document to streamline it. They suggested
11 retaining Alternative 4, as it uses a more current time series.

12
13 **The committee recommends, and I so move, in Action 1, to suggest**
14 **the South Atlantic Fishery Management Council move Alternative 5**
15 **to Considered but Rejected. Alternative 5 is update the yellowtail**
16 **snapper stock overfishing limit and stock acceptable biological**
17 **catch based on the results of the 2022 SEDAR 64 Interim Analysis**
18 **and the Scientific and Statistical Committees' recommendations.**
19 **Allocate 84 percent of the updated stock acceptable biological**
20 **catch to the South Atlantic and 16 percent to the Gulf of Mexico,**
21 **based on 50 percent of the average landings from 1993 to 2008 plus**
22 **50% of the average landings from 2006 to 2008 using recreational**
23 **landings from the Marine Recreational Information Program's**
24 **Fishing Effort Survey. That motion carried in committee thirteen**
25 **to one with three abstentions. We have a committee motion on the**
26 **board. Is there any further discussion of this motion? Not seeing**
27 **any, is there any opposition to the motion? Seeing no opposition,**
28 **the motion carries.**

29
30 **CHAIRMAN FRAZER:** Regarding Action 2, a committee member suggested
31 that there may need to be another alternative that ensures that
32 landings estimates do not approach the overfishing limit and better
33 account for scientific uncertainty.

34
35 Another committee member suggested providing council staff the
36 leeway to explore the addition of another alternative that
37 addresses this concern. Also, in light of the discussion on MRIP-
38 FES on Monday, concern was expressed by committee members that
39 more work may be necessary if any decisions made on this amendment
40 and the jurisdictional allocation have to be revised due to future
41 changes made to MRIP-FES.

42
43 Status Update on the Anticipated Endangered Species Act Proposed
44 Rules and Section 7 Related Updates, Tab B, Number 8, Ms. Jennifer
45 Lee from the Southeast Regional office reviewed a NOAA Fisheries
46 proposed rule to designate critical habitat for six green sea
47 turtle distinct population segments listed as threatened or
48 endangered under the Endangered Species Act, including the DPS

1 that occurs within waters managed by the council.

2
3 Critical habitat designations do not typically directly affect
4 people engaged in recreational activities, such as recreational
5 boating and fishing, and public comment will be accepted until
6 October 17, 2023. If deemed necessary, NOAA Fisheries can extend
7 the comment period for an additional year to collect more
8 information.

9
10 The ESA requires NOAA Fisheries to designate critical habitat to
11 the maximum extent prudent and determinable. In 2016, NOAA
12 Fisheries listed DPSs of green sea turtles, which triggered the
13 requirement to also designate critical habitat. This critical
14 habitat designation will aid the recovery of green sea turtles by
15 protecting access to nesting beaches and use of reproductive areas,
16 migratory corridors, and feeding and resting areas.

17
18 Ms. Lee also reviewed the final critical habitat designation for
19 five Caribbean coral species. One critical habitat unit was
20 designated for each species based on depth distribution in each
21 geographic area in which it occurs, with some overlap between
22 areas. Reinitiation of the ESA Section 7 consultation on the
23 authorization of the Gulf reef fish fishery managed under the Reef
24 Fish FMP is currently underway.

25
26 SERO is also informally conferencing with its Protected Resources
27 Division on reef fish and other federal fisheries that may affect
28 proposed critical habitat for Rice's whale and green sea turtle
29 North Atlantic DPS.

30
31 A committee member asked about the designation of critical habitat
32 for sargassum and the effect on its harvest. Ms. Lee replied that
33 consultation would be necessary to know for sure, adding that the
34 degree of adverse effects would need to be investigated. Council
35 staff asked about the origin of the data used to revise the
36 critical habitat area for Acroporid corals in the Florida Keys.
37 NOAA General Counsel recalled that the expanded area was informed
38 by public comments from the Florida Keys National Marine Sanctuary.
39 Ms. Levy.

40
41 **MS. LEVY:** So I just wanted to, I guess, correct that my comments
42 went towards the area that was just designated for the new -- It
43 was the five corals that did not have critical habitat, and it's
44 not Acropora corals. Acropora corals have had designated critical
45 habitat for a long time, and that area of the Keys that we were
46 talking about was for the five other corals, the final rule that
47 just published.

1 **CHAIRMAN FRAZER:** So I want to make sure that we highlight this.
2 This sentence is on page 5, and it is the second-to-last sentence
3 in the last paragraph on page 5. The council staff asked about
4 the origin, blah, blah, blah. I just want to make sure that I'm
5 on the same page, Mara.

6
7 **MS. LEVY:** Right, and so nothing has happened with critical habitat
8 for the Acroporid corals, and so the question asked was not what
9 I was answering, and like that's not what I understood the question
10 to be, and so, if the question was about Acroporid corals, their
11 critical habitat has not changed, and it is as it was designated.
12 What changed between proposed and final rule, for the five other
13 corals that didn't have critical habitat, was the addition of some
14 areas, including the back side of the Florida Keys. I just wanted
15 to make clear that there's nothing that happened with Acroporid.

16
17 **CHAIRMAN FRAZER:** Right, and I get that, and so, I mean, again, in
18 this particular case, if we simply remove the word "revise", and
19 just say that council staff asked about the origin of the data
20 used to --

21
22 **MS. LEVY:** Well, I guess the question is what are we talking about,
23 because there was a revision between proposed and final for the
24 five corals, and was that what the question was directed at,
25 because, if that's what it was, we could just take out "for
26 Acroporid".

27
28 **CHAIRMAN FRAZER:** Dr. Simmons.

29
30 **EXECUTIVE DIRECTOR SIMMONS:** Oh boy, and so maybe I messed this up
31 here, but I asked two questions. One was about the Acroporid area,
32 because of the Gulf and South Atlantic Councils have like sixty-
33 two areas to protect Acroporid corals, right, elkhorn and staghorn
34 corals, and so I asked about that. Then I also asked about the
35 critical habitat for the new five, and I don't think that I said
36 five ESA-listed corals, and so apologies for confusing that.

37
38 **MS. LEVY:** Right, and so I think that question is not answering
39 the question that it seems like it's answering, and like you were
40 looking at the map, right, and the map showed the Acropora critical
41 habitat, and that has not changed. Jenny explained that it was in
42 there for reference, so you could see how the new critical habitat
43 for the other corals overlapped with it, and then the question was
44 about the back side of the Keys, and that had to do with the new
45 critical habitat. It does not impact elkhorn and staghorn critical
46 habitat, and so I don't know.

47
48 I mean, I don't know what you want to do about what's written, and

1 we could try to tweak it and come back, but I don't know that I
2 can do it on the fly. If we want to delineate those two questions
3 and the answers, and it's up to you whether you just want to
4 correct it.

5
6 **EXECUTIVE DIRECTOR SIMMONS:** Could we just say that NOAA General
7 Counsel recalled that the expanded area was informed by the five
8 ESA-listed corals and public comments from the Florida Keys
9 National Marine Sanctuary process?

10
11 **MS. LEVY:** The expanded area for the five and not Acroporid corals.
12

13 **EXECUTIVE DIRECTOR SIMMONS:** Yes, the expanded area for the five
14 other ESA-listed, or specified, corals.
15

16 **MS. LEVY:** Yes, you could say that.
17

18 **EXECUTIVE DIRECTOR SIMMONS:** But, I mean, it was confusing, because
19 they were all on that map.
20

21 **MS. LEVY:** Right, and the purpose was to show the overlap, so that
22 it was clear that we already had all of this area designated, and
23 so what was different for these new corals, and it wasn't to imply
24 that something happened for elkhorn and staghorn critical habitat.
25

26 **CHAIRMAN FRAZER:** All right, and so I think we do understand what
27 corrections need to be made, and we won't necessarily do it on the
28 fly, but, before the end of the meeting, we'll come back and share
29 with people the correction that was made to this paragraph. All
30 right. Then we will continue on.
31

32 Okay, and so we will now move to the Status and Timeline Update
33 for Revised IFQ Goals and Objectives, Tab B, Number 9, council
34 staff reviewed the development of an amendment to address the red
35 snapper and grouper-tilefish IFQ programs' goals and objectives
36 adopted by the council in June 2023.
37

38 The interdisciplinary planning team (IPT) has begun work on this
39 effort, focusing first on the first goal of improving opportunities
40 for participants to enter the programs. Further, the terminal
41 year of data to be considered will be 2022. Staff also noted that
42 the 2022 red snapper and grouper-tilefish IFQ program reports are
43 now available. The IPT will discuss available data, analyses, and
44 progress towards developing management measures for addressing the
45 council's goals and objectives at the October 2023 council meeting.
46

47 SERO staff stated it would provide a primer for the IFQ programs,
48 if so requested by the council. SERO added that it has begun

1 receiving feedback from the IFQ focus groups. A committee member
2 expressed concern about the seeming lack of progress on this agenda
3 item. Council staff reminded the committee that, as discussed in
4 June 2023, the plan is to discuss this agenda item in October 2023.
5 Mr. Gill.

6
7 **MR. GILL:** Thank you, Mr. Chairman. Could someone explain the
8 sentence about receiving feedback from the IFQ focus group? I
9 don't recall that we even have any, and we disbanded in June, I
10 believe, the one that existed, and so what does that sentence refer
11 to?

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

14
15 **MR. HOOD:** Right now, our IFQ group is doing focus groups, and
16 they've had a couple of meetings so far, and I don't think they're
17 quite done yet, and, as soon as that is completed, then we'll be
18 able to share that information.

19
20 **CHAIRMAN FRAZER:** All right. Thank you, Peter. All right. We'll
21 continue. Status Update on Recreational Initiative, Tab B, Number
22 10, Mr. Andy Strelcheck, the SERO Regional Administrator, reviewed
23 progress on the council's motion for several recreational
24 fisheries management initiatives.

25
26 The goal of this initiative is to evaluate the efficacy of current
27 federal recreational reef fish management and develop future
28 management approaches and guidance intended to prevent
29 overfishing, address discards and/or discard mortality, account
30 for uncertainty in recreational data, and provide for innovative
31 new management approaches to regulate federally-managed
32 recreational fisheries.

33
34 Mr. Strelcheck noted that a steering committee has been proposed,
35 after consulting with the recreational industry, to help guide
36 this effort. Council staff suggested bringing on a consultant to
37 assist staff and the council with this effort. The committee
38 recognized the considerable body of work that the recreational
39 initiative is expected to involve and thought evaluating the
40 council's priorities to make more time available for this work, to
41 proceed more expeditiously, may be warranted.

42
43 **The committee recommends, and I so move, to direct council staff**
44 **to work with NMFS to develop an outline, estimated schedule and**
45 **deliverables for pursuing the recreational initiative for**
46 **discussion at the October 2023 council meeting. The proposal**
47 **should consider a budget for hiring a consultant to facilitate the**
48 **initiative, proposed activities, a strategy for involving**

1 **stakeholders, the expected number of meetings, and participants to**
2 **accomplish identified goals.** That motion carried in committee
3 without opposition. Is there any further discussion of this
4 motion? **Not seeing any, is there any opposition to the motion?**
5 **Seeing none, the motion carries.**
6

7 Other Business, no other business was brought before the committee.
8 Is there any other items to be discussed at this time with regard
9 to the Reef Fish report? Mr. Donaldson.

10
11 **MR. DONALDSON:** Thank you, Mr. Chair. There seems to be some
12 confusion about the offshore licensing issue that we talked about
13 in June, and I wanted to just kind of reiterate the plan. I was
14 thinking of a novel way of presenting it, so it would stick in
15 everyone's minds, and so I put together an interpretive dance.
16 No, I'm just kidding. That would be very scary.

17
18 I just wanted to let the council know that the issue was deferred
19 to the research track development team, and, after they discussed
20 it, they recommended that our TCC, our Technical Coordinating
21 Committee, which consists of representatives from all five states,
22 as well as NOAA Fisheries and the U.S. Fish and Wildlife, talk
23 about it at our October meeting.

24
25 Our staff, working with council staff, is putting together a
26 presentation that will be given to the TCC on this issue, and we
27 provided them background on the discussions from the June council
28 meeting, and so that will be presented to our TCC in a couple of
29 months, and then we'll report back here to the council, but I just
30 wanted to let people know that we are working on this and that
31 there will be a report in October, and so I will answer any
32 questions, if there are any.

33
34 **CHAIRMAN FRAZER:** I just want to -- Dave, thank you for bringing
35 it back up, right, and so that effort is certainly part of a larger
36 issue to get a better handle on across the Gulf, with regard to
37 angling effort, right, and that would lead into the federal survey
38 or the state efforts that are ongoing, and I know that we had
39 discussion earlier about a lot of good effort moving in that
40 direction, but I think, superimposed on that, are some other issues
41 that are related to how we might prioritize our activities in the
42 short-term, particularly in light of some of the recent
43 information, as it relates to the MRIP-FES survey, and so I think
44 C.J. wanted to talk a little bit about that, and so I'm just trying
45 to give him a little bit of a segue there, and so, C.J.

46
47 **DR. SWEETMAN:** Thank you, Mr. Vice Chair, and so I've been
48 struggling with this all week. I kind of want to have a discussion

1 about FES and the pilot study, and we've kind of been talking about
2 it here and there, but, since the pilot study was -- Since the
3 findings were released last week, I've really been trying to figure
4 out ways that kind of the council can move forward on some of our
5 assessments and management actions in light of this new study.

6
7 Obviously, just for recap, a recent pilot study indicated that
8 NMFS' Fishing Effort Survey may somewhat be biased and require
9 further studies to kind of correct some of that. As some of these
10 FES uncertainties might ultimately impact our stock assessments,
11 management decisions, and monitoring, I feel like there's kind of
12 a need to find a pathway forward in addressing some of these
13 potential impacts in the short-term, mid-term, and long-term, and
14 so I will be making a motion shortly, but it's really aimed at
15 trying to address some of these FES-related issues in science and
16 management, rather than the council kind of sitting on our hands
17 for a couple of years and simply waiting for the findings of that
18 subsequent study to be completed.

19
20 I really do think that there are areas that we can continue to try
21 and make progress, while maintaining trust in this process that
22 we're operating on at the council, and I think this will be a means
23 to see where we can do that and where more evaluation may be needed
24 by some more technical experts that are trusted within this council
25 process, and so, with that, I want to offer a motion, and, Bernie,
26 if you could bring that up, and I envision that we'll have much
27 more discussion on this.

28
29 **The motion reads: To form an ad hoc working group to address FES-**
30 **related issues in science and management. The composition of this**
31 **working group would consist of one to two representatives from the**
32 **following entities: Gulf and South Atlantic Council members and**
33 **staff, SERO, Southeast Fisheries Science Center, Gulf and South**
34 **Atlantic SSCs, NOAA OST, and other experts, as needed.** If I get
35 a second, I would certainly be willing to have some more discussion
36 about it.

37
38 **MR. GILL:** Second.

39
40 **CHAIRMAN FRAZER:** I have a second by Mr. Gill. C.J., if you want
41 to elaborate further.

42
43 **DR. SWEETMAN:** Sure, and so, I mean, basically, all I'm trying to
44 do here is try and outline a path forward in trying to deal with
45 some of this uncertainty in catch, effort, and discards data and
46 how the councils might be able to potentially navigate some of
47 this uncertainty here.

1 Really, what I'm thinking is that this technical working group can
2 be tasked with evaluating past, present, and future assessments,
3 as well as management actions, in the short-term, midterm, and
4 long-term, ultimately collaborating and reporting back to the
5 councils at subsequent meetings, based on some of their findings,
6 and so, essentially, I think that there are some things that can
7 be done here.

8
9 Like it's going to be explicitly looking at all of the assessments
10 and management actions that are dependent upon FES, the degree to
11 which they're dependent upon FES, or lack thereof, and, so, for
12 example, I mean, we could look at yellowedge grouper, which is
13 mainly a commercial fishery, and there's not really going to be
14 any impacts there from this pilot study there, but there's
15 potentially some other things that this technical working group
16 can look at.

17
18 We've talked about, and I think Dr. Walter has talked about,
19 running some potential sensitivity runs along those lines, and
20 looking at Spanish mackerel could be a good example there, and
21 maybe a 40 percent reduction in effort, to evaluate the sensitivity
22 of that stock status, and ultimately change the scale of
23 recreational effort to be looked at there, and so I think that
24 there is a -- This is a big thing, you know, but I think, given
25 the state that we're in, kind of the -- I don't want to say the
26 lack of discussion, but the lack of a clear pathway forward here
27 with dealing with some of these FES issues that we're talking
28 about, I think this would be a good stepping stone, if you will,
29 to see where the council can continue to move forward on certain
30 topics, if that's even possible, and then have this technical
31 working group report back to the councils and offer some
32 recommendations for potential pathways to move forward.

33
34 **CHAIRMAN FRAZER:** All right. Thank you, C.J. We've got a number
35 of folks who are raising their hands. General Spraggins and then
36 Mr. Dugas.

37
38 **GENERAL SPRAGGINS:** C.J., would you mind adding something to this
39 and basically putting state agency representatives in it? That
40 way, we could ensure that we had some -- Would that be a
41 possibility, to add that to it?

42
43 **DR. SWEETMAN:** My concern there, General, is not to get this group
44 too big. If we throw state agencies on there, and considering
45 that I'm trying to be inclusive of the South Atlantic too, we're
46 adding about a dozen people already into that. I think maybe the
47 potential Gulf and South Atlantic Council members and staff could
48 be considerate of having state agency representatives as part of

1 that process. I am not entirely opposed to it, I will put it that
2 way, but I am a little bit fearful of making this group a little
3 bit too big and getting bogged into the minutia, if that makes
4 sense.

5
6 **GENERAL SPRAGGINS:** We're just concerned that -- You know, I know
7 probably each state has somebody that they would like to have as
8 part of this, and, in our case, Trevor would be a great one.

9
10 **CHAIRMAN FRAZER:** Mr. Dugas.

11
12 **MR. DUGAS:** Thank you, Mr. Chair. The General is spot-on with my
13 concerns, although the South Atlantic and Gulf Council members do
14 include some state folks. I would like to see the states involved
15 in some way, one way or another.

16
17 **CHAIRMAN FRAZER:** All right. Thank you, Mr. Dugas. We've got a
18 number of folks. Bob Gill, Susan Boggs, and Kevin Anson.

19
20 **MR. GILL:** Thank you, Mr. Chairman. I share the concerns on
21 getting this too big and unwieldy and functionally not usable,
22 but, for clarity on the motion, C.J., the consistence of one to
23 two representatives from Gulf and South Atlantic Council members
24 and staff, is that one to two council members plus one to two staff
25 from each of the Gulf and South Atlantic?

26
27 **DR. SWEETMAN:** Yes, sir. That would be my thought process.

28
29 **CHAIRMAN FRAZER:** Susan.

30
31 **MS. BOGGS:** I have heard, a couple of times in the conversation,
32 and this may not be the place to ask the question, but I would
33 like some clarification on FES, but I have heard, twice now in
34 conversations, that the pilot study -- Is the FES a pilot study or
35 is this our best scientific information available? I am a little
36 concerned now that we're working with a pilot study, when, like
37 with our SEFHIER program, which is no more, they said you have to
38 run it for three years before you can use it for data, and so we've
39 been using FES now for, what, five years? I had a conversation
40 with Roy Crabtree, at this table, that it had already been piloted,
41 and it was a new program, and so I'm confused as to what is FES.

42
43 **CHAIRMAN FRAZER:** Evan Howell is certainly here, and he can correct
44 me if I'm wrong, and so the existing FES survey, right, or the
45 data, are the best scientific information available. The pilot
46 study, right, suggests that they may have to potentially modify
47 the survey design in the future, but that led to a larger study
48 that would be conducted in 2024. Until that study is completed,

1 FES, the existing FES program, right, or survey, is considered the
2 best scientific information available. Evan, did I get that
3 correct? Yes, and he is confirming. Dr. Simmons.
4

5 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair. I think this
6 is doable, and this does look like a large group of folks. I
7 believe, by having council members on there, we will have to
8 publicly notice the meetings, I think, and we did something
9 similar, I believe, to this with the ABC Control Rule Working
10 Group, where we had council members on there, and we noticed the
11 meetings, and we had very little attendance for this one, and we
12 might have people that want to listen in.
13

14 **CHAIRMAN FRAZER:** All right. We've got Kevin Anson and then
15 Captain Walker.
16

17 **MR. ANSON:** C.J., I appreciate the intent of the motion relative
18 to, you know, kind of making sure we make some progress on this
19 and keep it on everyone's radar. I too am concerned about the
20 size of the group. You know, we're up to eighteen folks just if
21 you split out the Gulf and South Atlantic, with two people each,
22 and the staffs from both the councils and the rest of the folks
23 there, and it's eighteen to twenty folks, and so that's rather
24 large.
25

26 I will support the motion, but I will make a comment relative to
27 the "issues in science" part of the motion, and I just want to
28 make sure that it doesn't go too much into, you know, the process
29 that's already ongoing, that's, you know, running parallel to the
30 council processes relative to identifying those issues of bias and
31 looking at ways that the FES can be tweaked and other state surveys
32 can be brought in.
33

34 There is a separate process that's already going on, as far as the
35 transition groups that are established, and I just want to make
36 sure that this won't go too much into that side of the -- You know,
37 the equation, if you will, the science part.
38

39 **CHAIRMAN FRAZER:** To that point, C.J.?
40

41 **DR. SWEETMAN:** Yes, and thanks, Kevin, and so the MRIP -- I feel
42 like this is a little bit different there, because the MRIP
43 transition team has really kind of refrained from actually making
44 recommendations to move forward for which survey should be included
45 in the assessments and whatnot, and this could be something that
46 this technical team could actually be tasked with, and so, while
47 I understand exactly what your concern is there, my intent here
48 for that not to overlap.

1
2 **CHAIRMAN FRAZER:** Captain Walker, and then we have Mr. Diaz on the
3 line.
4

5 **MR. WALKER:** Thank you, C.J., for being willing to be the guy that
6 put his name on such a controversial issue, and I think a lot of
7 people are thinking about this, and I wasn't going to do it, but
8 I'm glad that you did it, and I support it 100 percent. I think
9 we all know that this is probably the most important issue that
10 came up for this council meeting, and so I think it's important
11 that we come out of this addressing it and having some sort of
12 action that we get started, and so I think it's good there. I
13 think I agree that not making it too big will make it go faster,
14 and more targeted, and so I will support keeping the groups as
15 listed.
16

17 **CHAIRMAN FRAZER:** All right. Thank you, Ed. Mr. Diaz.
18

19 **MR. DIAZ:** Thank you, Mr. Chair. Yes, I also support the motion,
20 and I thank Dr. Sweetman for bringing it forward. I think I agree
21 with what Ed just said, and so we've got, in the motion, one to
22 two representatives for the following entities. I mean, I don't
23 think two has to come from each one of those, and I also have
24 concerns about getting this group too big.
25

26 As far as council members go, I like the idea of having a few
27 council members, but, I mean, a lot of times, the expertise for
28 dealing with this type of issue resides in the staff or the state
29 folks, and so, you know, I support the motion, and, as it's
30 written, I would consider the "other experts" to be where we pull
31 a few state people in, maybe one from each council, or two from
32 each council, and so try to keep some of these others to a limit
33 of one, where we can.
34

35 I also think the fact that we've got Gulf and South Atlantic on
36 here is important, because, you know, yellowtail is something that
37 we have coming up to work on, and, while I didn't speak to it when
38 we were talking about yellowtail, I do have concerns about moving
39 forward with any reallocation right now, and that's something this
40 group might could take a little dive into and have some
41 representatives from each council and get a little bit of feedback
42 from them, but thanks again, C.J., for putting it forward, and I
43 will be supporting it. Thank you.
44

45 **CHAIRMAN FRAZER:** Thank you, Mr. Diaz. Mr. Schieble.
46

47 **MR. SCHIEBLE:** This may be a question for staff, or Carrie in
48 particular, and so do we envision populating this group in the

1 same process we used for populating the IFQ Focus Group, where we
2 nominated folks around the table and then voted on populating the
3 group the same way?
4

5 **CHAIRMAN FRAZER:** Dr. Simmons.
6

7 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair. I was hoping
8 we could talk about that next, if this motion passes. I would
9 think maybe the Chair and Vice Chair, in coordination with me, we
10 could do it. If you feel like we need to have a closed session,
11 that could take some time, and I don't know who all is interested
12 and available, but we do need to think about that a little bit,
13 and maybe Dr. Sweetman had an idea on how we would go about this.
14

15 **DR. SWEETMAN:** Sorry, and I had trouble hearing that, Carrie.
16

17 **CHAIRMAN FRAZER:** What she's asking is do you have any thoughts on
18 how -- The process involved and how to populate our working group.
19

20 **DR. SWEETMAN:** So I've already had some discussions with folks,
21 prior to bringing this up, and so I certainly know that there is
22 interest amongst various council members, as well as some of the
23 federal representatives on this group here, and so I think the
24 process really would be to try and identify who those might be and
25 then simply -- This is a major issue that I think that everyone
26 wants to deal with here, and so I do not think it's going to be
27 too challenging to find some people to get on this here, and so I
28 would think that a standard solicitation process, along those
29 lines, might be just a simple request from them to ask for that
30 participation, along those lines. I view this as a little bit
31 different than kind of the previous ad hoc working group that we
32 put together for the Data Collection AP.
33

34 **CHAIRMAN FRAZER:** Mr. Schieble.
35

36 **MR. SCHIEBLE:** So I agree with C.J., with what you said, that it
37 would probably be pretty easy to identify the folks that we need
38 to put on here, especially SSC representatives, but I would say,
39 since we already have a precedent, and a process, of how we formed
40 the focus group, then we should stick with that, as a council, and
41 go through the same process, to make sure that everyone in here
42 has a say-so on how we put people on that panel.
43

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

46 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair. We've done a
47 couple different things, and I'm trying to remember exactly what
48 we did for technical working groups, and I think they are in our

1 SOPPs now, and that could be something that we could change, if
2 necessary, but I think, through that process, when we were working
3 on the original SEFHIER program, when we were populating that
4 technical working group, I think we wrote letters to the different
5 agencies and asked them to appoint members, and so maybe, if the
6 council would agree, that they would decide -- You know, the Chair
7 and Vice Chair would decide on the council members that would be
8 involved and the SSC members from the Gulf that would be involved,
9 and then the South Atlantic Council would do the same thing, and
10 so we could do something like that, perhaps, instead of going
11 through the focus group process.

12

13 **CHAIRMAN FRAZER:** Chris.

14

15 **MR. SCHIEBLE:** This might just be a terminology difference here,
16 to change what we call it, because I remember, when we did the
17 Joint 102 Working Group, we just went around the room and stuck
18 hands up and populated that group that way, right, and so I don't
19 really know, and it could just be a definition of what this group
20 is called that changes that process.

21

22 **CHAIRMAN FRAZER:** Mr. Hood.

23

24 **MR. HOOD:** This is for Carrie, and so is this on the agenda for
25 the SSC, the upcoming SSC, meeting in September? Okay. Thanks.

26

27 **EXECUTIVE DIRECTOR SIMMONS:** Do you mean FES or this group?

28

29 **MR. HOOD:** Sorry, and I mean the FES issues with the pilot study
30 and what the possible implications might be from that, and I was
31 just curious if the SSC will be discussing the FES.

32

33 **EXECUTIVE DIRECTOR SIMMONS:** I think we have that agenda pretty
34 solidified, and I will defer to Mr. Rindone, but we have been
35 planning that kind of gag review workshop, and we have some other
36 items, and like we wanted to finalize the regional framework for
37 BSIA and some other things, and so we don't have it on the agenda
38 right now.

39

40 **CHAIRMAN FRAZER:** Okay. We have Bob Gill and then Mr. Williamson.

41

42 **MR. GILL:** Thank you, Mr. Chairman, and so, in thinking about this
43 a little bit, some of the thoughts running through my mind are who
44 is hosting this group, who is going to be chairing it and running
45 it, those kinds of things, as we think through the process.

46

47 **CHAIRMAN FRAZER:** Dr. Simmons, to that point?

48

1 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair, and so I think
2 -- My understanding is, if our council wants to do this, and move
3 forward, we write a letter to the South Atlantic Council and ask
4 them to do the same, and Mr. Carmichael and I will get together
5 and decide who wants to take kind of the administrative lead on
6 this, and I believe we did the Section 102 Working Group, and so
7 maybe the South Atlantic Council will take the lead on this one,
8 and we'll see, but we can certainly talk about that with Mr.
9 Carmichael.

10
11 **CHAIRMAN FRAZER:** All right. Troy.

12
13 **MR. WILLIAMSON:** I am not speaking for the state agencies, but, as
14 a recreational fisherman, I think, ultimately, this issue will
15 affect the allocation to the recreational sector, and I think
16 excluding the state agencies from this committee, just based on
17 how many folks are going to be present -- I mean, you've already
18 got a lot of folks there, and I don't think a few more is going to
19 make any difference, plus I think their input is critical, and so
20 that's my comment. Thank you.

21
22 **CHAIRMAN FRAZER:** Thank you, Mr. Williamson. We have Dr. Walter,
23 then Ms. Boggs, and then Mr. Geeslin.

24
25 **DR. WALTER:** Thank you, Chair, and I think, from the Science Center
26 perspective, we certainly would support this and lend our staff
27 support to it, because I think it allows -- It demonstrates that
28 we are being proactive, and we're outlining a path forward, and
29 doing that initial triage of all of our enterprise, both the
30 science and management, as to its degree of exposure to the FES,
31 and I think that's a critical first step, is saying what do we
32 need to do and what's the path forward, and I think, knowing that
33 my analysts who are working on assessments are like, well, what
34 does this mean for the thing that's going to be published three
35 years down the road, and am I just wasting my time, and I think
36 they need to have some certainty, as they embark upon it, as to
37 what the path might be.

38
39 I am wondering, and I don't want us to get hung up around the axle
40 on populating the committee, or lose it on some of those things,
41 because I think that perfection is the enemy of the good here, and
42 I'm wondering if there's -- Because the actual objectives of this
43 group, and it's tasking, are still probably a little nebulous, in
44 terms of what it's going to do, I think maybe the way to do that
45 would be a step-wise approach.

46
47 You would first appoint like a steering committee, which could be
48 simply small, which would then draft what the objectives of the

1 group are going to be, but also do one specific triage, which is
2 a matrix of all of our things that we're doing, like stock
3 assessments, as C.J. said, management decisions, and then their
4 degree of exposure.

5
6 That would then kind of compartmentalize how much work we need to
7 do and what this council would prioritize all of us to work on,
8 and I think getting that would then allow us to more formally
9 determine who needs to be part of the next step, and I think that
10 could be done really quickly, and I think it's pretty easy to list
11 all of our assessments and management decisions and then just do
12 a no, medium exposure, high exposure, and that doesn't really
13 require any analysis.

14
15 That's just looking at it, and I think that initial step could be
16 done by a steering committee, that could then say we need to pull
17 in this expert or this expert or fleshing out what the next step
18 for the implementation path is, and, given the late stage of this
19 meeting, we're not going to see what those objectives are, and
20 maybe just letting it be small for now, key people, and then bring
21 in the larger group, if and when we've got those objectives, and
22 then clearly differentiating the work that's being done by the
23 transition team, so that we aren't duplicating effort, and I think
24 that's, right now, unclear whether we are or not, but, once we
25 have that team draft that set of objectives and tasking for that
26 group, then I think both councils who are party to this can then
27 see those objectives and then say, oh, okay, we can agree to that
28 path forward. Does that make sense? Thanks.

29
30 **CHAIRMAN FRAZER:** Okay. We've got a couple of other folks here to
31 talk, Susan Boggs, Dakus, and then Ed, and I just want to remind
32 some folks here that there are a number of folks that need to check
33 out of this hotel by 11:00, and so, wherever we are at 10:40, and
34 we may not be done with this discussion, but we're going to take
35 a break, to allow those people to check out of hotel rooms, if
36 they need to, and then we'll come back after that. Susan Boggs.

37
38 **MS. BOGGS:** Well, so, to Dr. Walter's comment, I like that idea,
39 and, if you compartmentalize, then you maybe have a group for this
40 part of it, and then you have a different group for this part of
41 it, and I don't know, but it may involve more people than what's
42 just on this list.

43
44 I do tend to like that idea that you just proposed, but I do have
45 a question for Dr. Simmons about the SSC meeting, and you said
46 that you are going to have a discussion about a framework for BSIA,
47 and, well, does this conversation not need to come before that
48 conversation, because we really don't know what BSIA is right now.

1
2 **CHAIRMAN FRAZER:** Dr. Simmons.
3

4 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair, and so I think
5 that really should come from the agency, but my understanding is
6 what we currently have for recreational landings that have been
7 converted to FES, as it stands, through the stock assessment
8 process, is still BSIA.
9

10 There is some uncertainty in that, because of the pilot study,
11 but, until the results of that pilot study are completed, we're
12 running and moving forward, cautiously, with what we've done so
13 far, and I think that's why this working group is being put
14 together, to really try to think about, you know, what we would
15 need to triage and consider moving faster on, based on the results
16 of that pilot study, if they hold true from the preliminary
17 results, and trying to see how we could automate that process.
18

19 I do think we could, you know, tell our SSC about it, and I think
20 it is important, but I also think it -- We can't do much right
21 now. I mean, I don't know that we want to take off some of those
22 other things, and the BSIA framework is just a -- It's a process
23 that walks through, and it doesn't speak to the various data
24 inputs, and it just talks about the process for stock assessments.
25

26 **CHAIRMAN FRAZER:** All right. Dakus, Ed, and then the General, and
27 then we're going to take a quick break.
28

29 **MR. GEESLIN:** Thanks, Mr. Chair. I will keep it short. I will
30 speak in support of the motion, and I think it's a great
31 collaborative effort, and it has a lot of potential. I am
32 concerned just at the size and scope of where this could go, and
33 I think C.J. laid it out pretty well with the scenario with the
34 yellowtail snapper and where FES can currently be used and where
35 it can't, and come back to the council and really inform progress,
36 because we've also got all this other -- We've got the follow-up
37 study that Carrie just mentioned, and there's a lot of things going
38 on, and so really narrowing it down.
39

40 Dr. Walter and Susan both mentioned a component, and I was going
41 to say kind of peel some of these things off, and
42 compartmentalization of specific tasks I think would be key to the
43 success of this group.
44

45 **CHAIRMAN FRAZER:** Good comments, Dakus. Ed.
46

47 **MR. WALKER:** Just real quick, I'm -- If it was going to turn into
48 a big, drawn-out issue, could you possibly just use that first

1 sentence there and say to form an ad hoc working group to the FES
2 issues and skip who gets in and who doesn't and all this, because
3 it's critical that we come out of this meeting with something to
4 show for it towards FES, and so -- You know, I don't want to
5 exclude anybody, and so, if it's going to bog us down, maybe just
6 say let's put a group together to get to work on this and not get
7 hung up on who is going to be in it and this and that, and let's
8 put our best people in it and get to work on it.

9
10 **CHAIRMAN FRAZER:** Good comments. General.

11
12 **GENERAL SPRAGGINS:** I hate to drag something out, and I know we're
13 trying to move forward, but, you know, I feel strongly that the
14 states need representatives. I mean, in a situation like
15 Mississippi -- You know, I realize that you've got the Gulf
16 Council, and I realize that you've got the SSC, but, you know, we
17 can't guarantee that Mississippi is going to have any statement in
18 that, because of being able to do that, and I do think it's a very
19 viable option for us to be in there, and I would like to make a
20 substitute motion. **The motion would be as stated there, except
21 for where, after "NOAA OST," put "state representatives".**

22
23 **CHAIRMAN FRAZER:** Okay. We will put that substitute motion up on
24 the board, and, if we get a second -- We've got a second by Mr.
25 McDermott, and we'll pause there, and that will give some time to
26 consider.

27
28 **GENERAL SPRAGGINS:** That will give everybody time to think about
29 it.

30
31 **CHAIRMAN FRAZER:** Exactly, and so, if you need to check out of
32 your room, be back here just a little after 11:00, please.

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

35
36 **CHAIRMAN FRAZER:** All right, and so it looks like we've got
37 everybody back to the table. Hopefully everybody got checked out
38 that needed to, and we had -- Just to recap where we are, we had
39 a motion on the board to form this ad hoc working group, and we
40 had a lot of discussion about that, and I certainly recognize it's
41 a broad effort, and we want to be as inclusive as possible, and
42 specifically, in this case, the need to recognize and include state
43 representatives in the process.

44
45 I know there was a lot of discussion, over the last fifteen or
46 twenty minutes or so, about how to get to this point, and, based
47 on that conversation, that I was involved with anyways, I think
48 that there might in fact be another substitute motion on the table,

1 and so I will go ahead and turn it over to C.J.

2
3 **DR. SWEETMAN:** Let me just -- I want to take a step back here.
4 Points taken from all the state reps, and I understand that we
5 want this to be as inclusive, and that was a very good point all
6 around here, and so, thinking about this, and maybe thinking we're
7 getting the cart ahead of the horse here, along the lines of what
8 Dr. Walter was talking about, maybe it makes more sense to take a
9 step back here and basically try to identify the matrix of
10 everything that we're working on, to basically provide an inventory
11 of council actions, and so, Bernie, I'm just going to do this on
12 the fly.

13
14 **The second substitute motion, and I'm happy to have discussion**
15 **about this, obviously, would be to direct council staff to provide**
16 **an inventory of council actions in the foreseeable future that we**
17 **expect to be impacted by changes in FES, along with levels of**
18 **exposure, and bring back to the council at our October meeting.**
19 If I get a second, I can provide some further rationale for how
20 that kind of fits in with some of these other motions.

21
22 **CHAIRMAN FRAZER:** Seconded by Kevin?

23
24 **MR. ANSON:** Seconded for discussion.

25
26 **CHAIRMAN FRAZER:** All right. It's seconded for discussion. All
27 right. Is there further discussion? C.J.

28
29 **DR. SWEETMAN:** Just my thoughts for how this ties in with some of
30 the other motions, and I am certainly not opposed to state
31 representation along those lines. I think this would be able to
32 take a step back, and, once we identify the areas where we might
33 need further council deliberation, this could actually help inform
34 which people should be represented on that broader ad hoc working
35 group that I was referencing before, but this would be kind of the
36 very first step that would need to be taken prior to potentially
37 populating that, and along those lines, General, and everything
38 that everyone was saying about the state representation, and I
39 agree, and, I mean, I'm not going to --

40
41 I am not going to push back on that, and I understand that it's
42 important to have the state perspectives along those lines, but
43 just thinking process-wise, and thinking maybe I got ahead of
44 myself here in talking about this, and taking a step back, and the
45 very step is kind of identifying this inventory of council actions,
46 and that is simply just something that council staff could do,
47 quite frankly, rather than populating a broader group.

1 **CHAIRMAN FRAZER:** Thanks, C.J. General Spraggins.

2
3 **GENERAL SPRAGGINS:** C.J., I understand where you're coming from,
4 and the only thing that I'm concerned with that is, if they bring
5 it back, is that the only thing that this group can look at, or,
6 whenever they get together, they start looking again, and so we
7 may still be left out, with people not being represented, from
8 some -- In other words, if the council -- If we go and give the
9 council and say, hey, you tell us what we need to look at, you
10 know, and what we are, and, well, if they pick those out, whatever
11 it is, and it may be a situation that some states may not be
12 involved 100 percent in all of it, and put in part of it, and then
13 are they going to be able to pick -- Just because of how much
14 involvement it is, or is there a situation too that, once the
15 committee starts meeting, can they bring in new facts that would
16 have brought in somebody else at that point, and that's the things
17 that I'm concerned about.

18
19 **CHAIRMAN FRAZER:** We've got a number of hands. We'll go to Kevin
20 Anson, Bob Gill, and then Dr. Simmons. Kevin.

21
22 **MR. ANSON:** I think I could support the second substitute motion,
23 mainly because I think it will provide some clarity for us as a
24 council, before the group, this bigger group, would meet, and it
25 would also, as C.J. mentioned, help provide some clarity for each
26 of the entities that we decide if we would be able to participate,
27 that they might send, and so I guess, just for this though, just
28 to make sure council staff will be working with SERO, or SERO and
29 Science Center staff particularly though, because it sounds like
30 there has been already some work towards that end, to try to
31 identify some of those issues, and just make sure that there would
32 be, you know, that effort made, in order to reach out to them to
33 get that extra information.

34
35 **CHAIRMAN FRAZER:** Good thoughts, Kevin. Bob Gill.

36
37 **MR. GILL:** Thank you, Mr. Chairman, and I think this moves us
38 forward, but, in my mind, we need to take an additional step, and
39 so I can support this, but my thinking is that we're going to need
40 a motion behind it, to do basically what Dr. Walter suggested, is
41 to create a steering committee, and that's what the original motion
42 was trying to do, and ways to work that forward, to think beyond
43 just this step, because, as C.J. mentioned when he floated the
44 first motion, there's a lot of things on that list that either
45 need or should be addressed.

46
47 My knee-jerk reaction to what that steering committee ought to be
48 would be it would be the Chair, Vice Chair, and EDs of both

1 councils, a steering committee to try to forward the concept of
2 that first motion, to be more holistic on the problem, because
3 this is step-one, but there's a whole lot behind it that needs to
4 be considered, and how we do that -- It's clear that everybody
5 wants to be involved, and that's not easy to manage, much less pay
6 for, and so I'm thinking that Dr. Walter's good suggestion of a
7 steering committee is -- I can prepare such a motion, but I'm
8 thinking this one, by itself, we can't leave alone, because there's
9 more behind it that we need to do, and somebody needs to be thinking
10 about that while this is going on.

11
12 **CHAIRMAN FRAZER:** Okay. Thank you, Bob. Again, I'm open to any
13 of this discussion for a bit, and you can ponder what that next
14 step might look like in your mind. Kevin Anson. Well, excuse me,
15 I had Susan Boggs, I think, next. No? I cannot read my own
16 writing. Troy, go ahead.

17
18 **MR. WILLIAMSON:** Well, I was, I guess, in favor of the second
19 substitute motion until Bob started explaining that there had to
20 be a motion behind it, and it seems to me that this something that
21 could be brought to the -- Whatever the first and second -- Well,
22 the first motion and the second substitute motion, and all of this
23 information could be presented to them, rather than going through
24 a second step. Thank you.

25
26 **CHAIRMAN FRAZER:** Okay. Thank you, Troy. Kevin.

27
28 **MR. ANSON:** In that same vein, you know, I think this motion might
29 be out of place, but from a different perspective, and so I almost
30 saw this as kind of acting as a steering committee, but it's not
31 set up with the Chair or Vice Chair, and so I would -- Bob, I mean,
32 I think a steering committee -- If we establish a steering
33 committee before the bigger group, I don't think this substitute
34 -- I don't think this motion needs to go forward.

35
36 If we establish a steering committee first, that would be populated
37 by, again, essentially the same folks, potentially, and you had
38 mentioned the chairs and vice chairs of the councils, but that
39 steering committee would then kind of look at these issues a little
40 bit more in-depth, but then they can also come up with those
41 specific charges to the wider group, is what I'm thinking of, and
42 make that wider group's discussions maybe a little bit more
43 fruitful and focused from the get-go, rather than trying to just
44 put everybody in a room and kind of come up with those things at
45 first blush.

46
47 **CHAIRMAN FRAZER:** Mr. Gill.

48

1 **MR. GILL:** Thank you, Mr. Chairman. To that point, thank you,
2 Kevin, and my thinking is that this action needs to be done anyway,
3 somewhere along the line, and, if we get it started, and it's not
4 all that huge, compared to what we were talking about in the first
5 motion, and that can be going on. Meanwhile, the EDs and chairs
6 and vice chairs can be discussing how do we go forward beyond this,
7 and how do we construct that ad hoc group, for example, and how do
8 we actually make that happen, and I think that discussion can be
9 done along with this, and so I don't think that I would favor not
10 supporting this just to do that. I think this is a good step
11 forward, but it's not sufficient.

12

13 **CHAIRMAN FRAZER:** Ed.

14

15 **MR. WALKER:** I support the motion, in the interest of getting
16 something started as soon as possible. To me anyway, sitting over
17 here, we're bouncing from steering committee, and then we've got
18 this committee to do this thing over here, and then we've got to
19 pick all these people, and then we've got to, you know, make a
20 really big group, and, in the meantime, nothing is happening, and
21 I'm not that familiar with how this all works, but I can see that
22 we're talking about more time than I think we need to take on it,
23 and so if we can just -- Let's just get something started, and so
24 I fully support that, and then we can work on some of the other
25 stuff after maybe, but we have to have something going forward,
26 coming out of this meeting, in my opinion.

27

28 **CHAIRMAN FRAZER:** I agree, Ed. It's kind of like managing fish,
29 right, and you've got to have some data before you wrap your head
30 around how you want to deal with the issue, and so, anyway, is
31 there any further discussion on this second substitute motion?

32

33 **MR. DIAZ:** Tom, I would like to weigh-in, if I could.

34

35 **CHAIRMAN FRAZER:** Go ahead, Mr. Diaz.

36

37 **MR. DIAZ:** Thank you. I don't see this -- I'm okay with supporting
38 this second substitute, but, if I support it, my thinking is that
39 I think we've heard, loud and clear, that we have some excellent
40 state scientists that understand this issue very well, and, at the
41 point where we populate a group to delve into it deeper, I think
42 it's critical that we have some state scientists, and I don't think
43 this motion stops that from happening, but I do plan on supporting
44 the motion, but my line of thinking is that, at some point, we're
45 going to also include some state scientists, because they're some
46 of the best people that we have in the Gulf, and so thank you.

47

48 **CHAIRMAN FRAZER:** Thank you, Dale. Dr. Sweetman.

1
2 **DR. SWEETMAN:** To that point, this would -- This motion -- I mean,
3 council staff is already working on some of these things right
4 now, and so, as far as I'm concerned, this is just an inventory of
5 the items that we're trying to see, and then this motion would not
6 preclude state agencies from being involved in subsequent
7 evaluations, when we start to get into the technical details of
8 this.
9
10 **CHAIRMAN FRAZER:** Okay. General Spraggins.
11
12 **GENERAL SPRAGGINS:** All right, and just one clarification. Under
13 this motion, we're not picking the members, and we're just setting
14 what we think would be the topics that we need to talk about.
15
16 **CHAIRMAN FRAZER:** We're identifying the list of potentially-
17 affected action items at the council level.
18
19 **GENERAL SPRAGGINS:** Under that, do we need a second for this
20 motion?
21
22 **CHAIRMAN FRAZER:** We're all good. **Is there anybody opposed to**
23 **this motion? That's a big leap, but is there any opposition to**
24 **the motion? Seeing none, the motion carries.**
25
26 right, and so we certainly have a first step, right, and we will
27 acquire the information that we need to inform our actions, moving
28 forward. I am looking at Mr. Gill, at this point, if he wanted to
29 craft a second motion or not.
30
31 **MR. GILL:** I am working on it, but not doing very well, and I would
32 like to hear some discussion about whether the council agrees with
33 that concept or not of having that steering group address the
34 substance of the first motion that was offered.
35
36 **CHAIRMAN FRAZER:** Okay. We'll hear what the council has to say.
37 Ms. Boggs.
38
39 **MS. BOGGS:** Well, I understand what you're saying, Bob, but should
40 the council itself not have the first look at this, before we go
41 forward with a steering committee proposal? I mean, I understand,
42 but it just seems like this body should look at it first and then
43 choose your steering committee based on what information was
44 brought back with this motion.
45
46 **CHAIRMAN FRAZER:** To that point, Bob?
47
48 **MR. GILL:** Thank you, Mr. Chairman, and so what I'm trying to

1 address here, Susan, is not have everything sequential and take
2 forever to get to an endpoint, and we talked about, in the first
3 motion, forming an ad hoc group to start in on this, and, if we do
4 it, the council comes back, and we have the South Atlantic Council
5 doing the same thing, and we just kind of bunny-hop and take
6 forever before we get anywhere, and so we're hung up a little bit
7 about how to form such an ad hoc working group, and I believe there
8 is consistency in believing that something like that should happen,
9 but the problem is the substitute motion was getting large and
10 unwieldy, and we want to make progress and actually see an output
11 within a reasonable time, or the FES change will be upon us and we
12 won't be anywhere, and so I'm just trying to say let's do what we
13 can and think about, while we're doing that, how we affect our
14 next steps beyond that. That's my thinking, rather than do it
15 sequentially.

16
17 **CHAIRMAN FRAZER:** Ms. Boggs.

18
19 **MS. BOGGS:** So I can't remember, and I think maybe it was Mr.
20 Schieble that talked about when we did the working group, and we
21 just kind of went around the table and threw up your hand, but I
22 also thought of something that -- Or I was thinking about something
23 that Mr. Williamson said.

24
25 I mean, to me, charter/for-hire and commercial should be included
26 in this, because it affects them just as much as -- I mean, for
27 sure commercial, because those are the ones that have taken the
28 biggest hit, it seems like, so far, and so, again, how do you keep
29 this group within like -- I think Mr. Anson said you were eighteen
30 if you just go by these numbers, and so that's why I thought that
31 maybe this council could take a look at it first and work it from
32 there. I understand, and just like me with data collection, and
33 I want to keep it moving, and I don't want to stop, but I just
34 think we should at least be able to look at it first. Thank you.

35
36 **CHAIRMAN FRAZER:** Captain Walker.

37
38 **MR. WALKER:** So, to me, the problem is a mechanics problem here,
39 and I think we need to concentrate on putting our best mechanics
40 on the problem. To me, it doesn't appear to be like an allocation
41 battle between the states or something, and it's the most priority
42 to put the people that understand this and can help with some
43 solutions on it, rather than charter -- I'm a charter boat guy,
44 and I don't want to be on it, and I want the smartest guys, who
45 know the most about FES and where it went wrong and how we can fix
46 it and keep the council functioning, more than, you know, getting
47 my selected, you know, token representative on there. I want the
48 best people, and I'm not concerned with where they're from.

1
2 **CHAIRMAN FRAZER:** Mr. Anson.
3

4 **MR. ANSON:** This goes a little bit back to one of my prior comments
5 about, you know, making sure that everyone is clear as to what
6 these two motions that are on the board that were offered for
7 discussion, and it was addressing the issues of FES -- FES-related
8 issues in science and management.
9

10 I don't think, again, we're necessarily -- In my mind, this group
11 is not here to fix FES. They're only here to fix how what it has
12 given, as far as outputs -- How that relates to how we manage the
13 fisheries, and so, Dr. Walter, I think you touched upon it once or
14 twice throughout the meeting this week, but if you can maybe
15 follow-up and provide a little bit more insight on prior comments,
16 or any new information, and that would be great.
17

18 **CHAIRMAN FRAZER:** Dr. Walter.
19

20 **DR. WALTER:** Thanks, Chair, and, yes, it gets to the role of the
21 transition team, which, in all of its subsidiary work, is to
22 transition the states into common units, and then also to look at
23 what needs to be done with FES, and I think that is a separate
24 process, which we have state representatives on as part of that
25 process.
26

27 However, that group's task and work kind of ends with FES, and
28 then the question becomes what do you do for our stock assessments
29 and then all of the management advice that relies on that, which
30 is where I think this group would be really valuable to pick that
31 up and then say, okay, what do we do, and so I think we haven't
32 really clearly spelled out the tasking, and I think that's where
33 it would be really good to get that in writing.
34

35 That's where I will be a broken record and say a steering committee
36 could indeed draft that, and be commissioned to simply draft it
37 and bring it back to this body, and then the South Atlantic
38 Council, and say here's what we think needs to be done, and we
39 don't know how to do it, but we're going to -- We want this
40 committee, this person, this person, and this person, to go do it,
41 and that might be the step that could be achievable, maybe in
42 October at least, in terms of outlining a series of actions based
43 on that matrix of the inventory of the degree of exposure. That
44 could be at least a good step forward. Thanks.
45

46 **CHAIRMAN FRAZER:** Ms. Boggs.
47

48 **MS. BOGGS:** Dr. Walter, this steering committee -- Who, in your

1 mind, would be the steering committee? I know in my mind who it
2 might be, but I would like to hear from you who you think it might
3 be, and is that something that this council can then maybe move
4 forward with, which I guess is what Bob is trying to do, in a
5 sense, but the steering committee sounds a lot smaller than what
6 I think Bob is looking to do, but to take this information, or
7 maybe they work hand-in-hand, and we're kind of getting -- I think
8 we're doing a lot of things at once that maybe could have been
9 done all together, but I would like to hear who you see being a
10 part of that steering committee.

11
12 **DR. WALTER:** Mr. Chair, I think it needs people who can think about
13 like the ramifications towards the entire process of this, and not
14 necessarily the details, because those people are going to come in
15 at other stages, but what does a change in FES mean to like the
16 whole package of assessment advice, management actions, and think
17 that through, because those are going to have to be decisions about
18 allocating resources to fix each of those steps in the process.

19
20 I actually think that the original group of people, while a little
21 bit large, had maybe the essential components, as long as the
22 people who got picked from those were ones who have kind of that
23 big-picture view, and I think that might do the job, but what would
24 be useful to do is give them a limited task, so that it doesn't
25 seem like we've just given them, or you've given them, authority
26 to go look at everything, and, really, what you would be asking
27 for, in my mind, would be what the commissioning of a working group
28 would be, and that's where then it would come back to a decision-
29 making body, to say, yes, we want to then populate it with the
30 people we want, based on these terms of reference, and so maybe
31 the commission is a term of reference on the basis of the
32 inventory. Thanks.

33
34 **CHAIRMAN FRAZER:** All right, and so a couple of different paths
35 forward here, right, and so I do appreciate the discussion, and
36 the clarification, that was provided by John here, and so, in my
37 mind, right, anyway, I am trying to step back and think about how
38 we got here.

39
40 We all recognize that changes in the FES program, moving forward,
41 allowed pretty substantial ramifications for the way that we do
42 business, and we don't know the full extent of that right now, but
43 we recognize that a lot of people will be involved down the road,
44 but, in the short-term, again, focusing on the fact that we have
45 council business to take care of, right, and we have to inventory
46 the suite of actions that are in our kind of quiver, right, and so
47 I do think that's a first step.

48

1 Perhaps, in this motion, if we're directing the staff to acquire
2 the information and identify the action items, right, that's the
3 inventory that we're talking about, but the staff could work with
4 the partners, right, and the partners being some of those
5 individuals that John talked about in the Science Center and others
6 that have a bigger kind of -- Or a broader view of how these things
7 are connected, and to work together to not only provide the
8 inventory, but bring back to council, again, some idea of how we
9 might prioritize and attack some of these issues and what the
10 appropriate body might look like to participate in filling that
11 out.

12
13 If people are good with that, you know, and this is on the record,
14 we're giving the staff a fair amount of latitude to make that
15 happen, and it may capture Bob's -- Or capture Bob's steering
16 committee idea. Mr. Anson.

17
18 **MR. ANSON:** Thanks for that further explanation of the process,
19 and I just wanted to pick up something in what Dr. Walter had
20 mentioned, and I just wanted to make sure that there might be
21 opportunity to do what he has suggested in regard to the steering
22 committee, but I thought I hear you say that there might be a
23 chance, at least, by October, to do both, in this case, is to do
24 the inventory, but then, if there is identified a small group of
25 folks that are, you know, very knowledgeable of the process, and
26 kind of understand, you know, how the impacts would kind of filter
27 through the assessment and the management process, is that they
28 could come back, by October, with kind of here's our major problems
29 that we see, or issues that we need to reconcile as we go forward,
30 as we integrate FES with this potential change, or reduction.

31
32 If that can be done by October, and so we would still be on a good
33 timeline, but we would have the benefit of having the additional
34 input from these folks that, again, kind of see the big picture,
35 and they can help give that information to us, so that then we can
36 maybe refine what the charge would be for this bigger group that
37 would then be, you know, charged with whatever the council --
38 That's the way I kind of looked at it, but it is -- You know, there
39 is a lot of interest here in doing it on a rather quick time
40 schedule, and so I'm just kind of looking across the table to Dr.
41 Walter, to see if, in his mind, if it could meet an October
42 deadline, if we provide enough latitude in a motion, whether it's
43 this motion or if we have to make another motion to provide clarity
44 as to the additional people that need to be involved.

45
46 **CHAIRMAN FRAZER:** Right, and, again, good points, Kevin, and,
47 again, I think what we're saying here is you have to create an
48 inventory, but you have to annotate the inventory, right, and you

1 have to provide some information that goes along with each of those
2 items, and that's where the steering committee, or the expertise,
3 comes into play, and so I guess what I would do is look at the
4 council staff, and the Science Center staff, and just quite
5 candidly ask them, and do we have the commitment in place to be
6 able to provide that inventory and at least start to provide some
7 annotated comments, as they relate to those specific actions, and,
8 you know, provide that overview to the council in October, which
9 would then inform next actions, and so I'm going to put Carrie and
10 John on the spot. Dr. Simmons.

11
12 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair. We really think
13 we need a motion, and I'm a little confused, and so, if I am
14 understanding I think where we're landing on this, maybe it would
15 look like to request the Science Center to work with council staff
16 and the Regional Office to outline a proposed path forward, based
17 on the FES inventory exercise, and determine who might fill the
18 steering committee, or whatever we're calling that, group. Is
19 that sort of where we're going?

20
21 **CHAIRMAN FRAZER:** Kevin.

22
23 **MR. ANSON:** Well, without seeing it on the board, from what I just
24 heard, I think it's a little bit too prescriptive for the steering
25 committee to provide a path forward type of thing, and I think the
26 steering committee just needs to provide those issues that impact
27 the assessment and management, based on the results of the
28 assessment, as to how it would be addressed, and so it's just a
29 subtlety, potentially, but that's all, is that they provide insight
30 as to the mechanics and what specific items need to be addressed
31 for the process that we're trying to achieve here, which is more
32 a more integrated, faster way that we can respond to incorporating,
33 you know, the change in FES into our process, and that's all.
34 That's the way I see it.

35
36 **CHAIRMAN FRAZER:** Mr. Gill.

37
38 **MR. GILL:** Thank you, Mr. Chairman, and so I think we're all
39 onboard with Dr. Walter's idea of a steering committee, and I think
40 the problem we've got is we're trying to do all of this on the fly
41 and encompass a pretty large-sized chunk, dare I say of an
42 elephant, and so whether we do the version that Dr. Simmons
43 proposed or the version that I proposed, in order to get some focus
44 here, I am going to pose my motion, and I am fully amenable to
45 totally morphing it into something that fits, but it will give us
46 a little focus on what to do, and so, Bernie, if you would bring
47 up the revised motion.

48

1 My thought is, much as Dr. Walter has suggested, is we need to be
2 thinking about the planning of how we do this going forward, and
3 we're not going to do it this late in the day, and so that's my
4 suggestion, and I am fully open to changing it to what fits. Thank
5 you, Mr. Chairman.
6

7 **CHAIRMAN FRAZER:** Okay, and so we've got a motion on that board,
8 and that motion is to request the chairs, vice chairs, and EDs of
9 both Gulf and South Atlantic Councils to act as an FES steering
10 committee that formulates the structure and process of an ad hoc
11 group that addresses FES-related issues in science and management.
12 Is there a second for that motion? It's seconded by C.J. Bob, I
13 don't know if you want to say any more.
14

15 **MR. GILL:** I think I've said about all I can think of, Mr. Chairman.
16

17 **CHAIRMAN FRAZER:** C.J.
18

19 **DR. SWEETMAN:** So just a thought, Bob, and being prescriptive of
20 the chair and the vice chair of the Gulf and South Atlantic
21 Councils, maybe there is different people, council members, that
22 might be better suited for some of that, and I'm just trying not
23 to be too prescriptive, from a steering committee perspective here,
24 and maybe there's more appropriate people, along those lines, that
25 would be more informed, informative, about the inner workings of
26 FES and how this impacts -- I'm just curious of your thoughts.
27

28 **MR. GILL:** Do you have some wording, C.J.?
29

30 **DR. SWEETMAN:** I would think there that it's just removing "chair
31 and vice chair" and just to request EDs and council members, two
32 council members.
33

34 **CHAIRMAN FRAZER:** Are we -- Before we do anything right now, Mara,
35 you had your hand up.
36

37 **MS. LEVY:** Well, I guess I will wait to see where this goes, but
38 I started getting concerned when we talked about just having some
39 sort of committee of council members. Then you become a council
40 committee, and you've got to run a council committee meeting, and
41 so there's a fine line between working behind the scenes with
42 chairs and vice chairs and staff to come up with something to
43 present to the council and actually having a council committee
44 that you need to run, and so, I mean, I guess I will just throw
45 that out there and kind of use caution when you figure out how you
46 want to do this.
47

48 **CHAIRMAN FRAZER:** C.J.

1
2 **DR. SWEETMAN:** Thanks, Mara, and so, just for clarification, you're
3 saying that, if it's just general to Gulf and South Atlantic
4 Council members, that's different than explicitly stating chair
5 and vice chair and how the innerworkings of this could operate?
6

7 **MS. LEVY:** Yes, and, I mean, I guess it's not clear to me -- I
8 mean, how many council members -- Because you start to then form
9 a committee of the council, and then you have to run it in an open
10 council committee meeting, and so, again, I'm not sure what the
11 intent here is, and I haven't thought through it very well, but,
12 yes, the more it looks like a council committee, the more likely
13 it is you have to do an open notice of a council committee meeting,
14 and it seemed to be going in that direction, and so I just wanted
15 to say that.
16

17 **CHAIRMAN FRAZER:** Mr. Gill.
18

19 **MR. GILL:** Thank you, Mr. Chairman, and the other point I would
20 make is these folks are not doing all the issues that the ad hoc
21 group would be doing, but they're thinking about the process and
22 all the questions we raised in the first motion, of how do you
23 comprise that working group, what are they doing, you know, all
24 the mechanics that Ed was talking about, and so I think the
25 leadership of the council is probably the right way to start with
26 that.
27

28 **CHAIRMAN FRAZER:** C.J.
29

30 **DR. SWEETMAN:** Well, after this discussion, I take back my point,
31 and you can un-strike that there and keep it as "to request the
32 chairs, vice chairs".
33

34 **CHAIRMAN FRAZER:** Any further discussion on this motion? Ms.
35 Boggs.
36

37 **MS. BOGGS:** My question is either, if this motion passes, and then,
38 of course, the second substitute motion that passed, do these have
39 to go to the South Atlantic, and do they have to be onboard too,
40 and, if they're not, it comes back to us, and I'm just trying to
41 see how long is it going to ping-pong back and forth.
42

43 **CHAIRMAN FRAZER:** Bernie, can you show me the substitute motion,
44 the second substitute motion? I think that motion, Susan, in my
45 mind, doesn't necessarily involve the South Atlantic Council,
46 right, and, again, the motion on the table, as written, certainly
47 does, and, again, point well taken that we may opt -- They may --
48 We can certainly consult with them down the road, and think about

1 this a little bit, but we want just an idea, you know, given that
2 they're not speaking at the table, and we certainly have a liaison.
3 Go ahead, Kerry.

4
5 **MS. MARHEFKA:** I was trying not to -- To walk the line between
6 being involved and not inserting myself in your, you know,
7 business, as it were, and I think that, when C.J. had brought up
8 sort of the more general council members, it is because I think
9 that there may be a council member that is more technically sort
10 of, you know, understanding of what's going on, necessarily, than
11 a chair or vice chair, depending on who it is.

12
13 If I was chair, I would not be the appropriate person to be at the
14 table, because this is above my head, technically, and so it was
15 that level of prescriptiveness, but I understand what Mara is
16 saying too, and I don't know if it solves the problem to say, you
17 know, chair, vice chair, or their council member designee, but I
18 think, for our council, we may look at this as a different -- We
19 might want a different makeup, and I don't know how that goes back
20 and forth. This definitely complicates things.

21
22 **CHAIRMAN FRAZER:** Thanks, Kerry. Ms. Boggs.

23
24 **MS. BOGGS:** So you're right, Mr. Chair, Vice Chair, about the
25 council staff, and that's more specific to the Gulf Council, and
26 so, if we go back and pass a motion, and I'm not ready to, but,
27 Bernie, can we scroll up to see the previous motions?

28
29 If we have a motion that is fairly general, and not being specific,
30 and then, personally, I look at this, and I think we discussed it
31 just a little bit ago, and it's just like any other ad hoc, and
32 you apply. Even though you're a council member, you apply to be
33 on it, and this council comes back and selects who they want on
34 it, and the South Atlantic does the same thing, and we move
35 forward.

36
37 I mean, it gets kind of sticky, but I think that's the only way to
38 do it, because there's going to be a lot of people that want to be
39 on this, and, I mean, I want to be a bystander, but I am going to
40 be involved, to an extent, but maybe, in order to move this along,
41 and I appreciate what Bob and Dr. Walter were saying, that, if
42 it's going to have to go back and forth between the two councils,
43 I think maybe we need to make another step forward and just say we
44 want to create this committee, and then maybe the mechanics of how
45 we get there -- We can figure out once we pass it to create the
46 working group, and I don't know.

47
48 **CHAIRMAN FRAZER:** Mr. Anson.

1
2 **MR. ANSON:** I would like to offer a substitute motion.

3
4 **CHAIRMAN FRAZER:** Okay. Bernie, if you can scroll down.

5
6 **MR. ANSON:** I sent it to Bernie, to staff, and it might need a
7 little bit of wordsmithing here on the fly, but -- **It's to request**
8 **the Southeast Fisheries Science Center work with Gulf Council and**
9 **SERO staff to outline a proposed terms of reference for the October**
10 **2023 meeting, based on the FES inventory exercise.** "Proposed terms
11 of reference" would be relative to establishment of a bigger group,
12 and so maybe I don't need to put that in there, but that was my
13 edit that I thought I needed.

14
15 **CHAIRMAN FRAZER:** Kevin, again, the terms of reference we're
16 largely kind of discussing, as Dr. Walter was sharing, right, and
17 so certainly we can go back to the minutes and look at that. Okay.
18 Thank you. Is there a second to that substitute? It's seconded
19 by Mr. Williamson. Mr. Gill.

20
21 **MR. GILL:** Thank you, Mr. Chairman, and thank you, Kevin. I think
22 we're getting to the same point differently, but you did not
23 include the South Atlantic Council in that, and was that
24 intentional or -- It was intentional? Even though the issue there
25 is the same as the issue here?

26
27 **CHAIRMAN FRAZER:** Mr. Anson.

28
29 **MR. ANSON:** That was my whole rationale for setting it up that
30 way, is because we both are dealing with the same issues. We're
31 both dealing with the same Science Center, the same Regional
32 Office, and we have two different councils, but we're both having
33 to go through the same exercises, and so the people that we're
34 going to be, at least initially, contacting to provide input as to
35 what we need to get done are going to be at the same table at both
36 councils, and so all I'm looking at is to meet, for timeliness
37 purposes, the October meeting and to have something brought back
38 that we can look at, kind of, you know, see what it kind of looks
39 like, and then that will help us, I think, go forward with, again,
40 making this second group, bigger group.

41
42 We can take what they provide us, or we can add to it, or we can
43 remove some terms of reference, or we can do whatever, but at least
44 have something for us to kind of wrap our minds around, and that's
45 all I was thinking of how the process would work.

46
47 **CHAIRMAN FRAZER:** All right. Dr. Walter.

1 **DR. WALTER:** I think that might be the right middle ground here,
2 and I would just offer a friendly amendment. Terms of reference
3 for what? Maybe it needs some clarification on that, and maybe,
4 Kevin, you already have that.
5
6 **MR. ANSON:** I don't have it fully in my head. If you have something
7 that comes to mind --
8
9 **DR. WALTER:** Probably for an action plan.
10
11 **MR. ANSON:** Yes, an action plan to address the FES adjustment, I
12 guess, or FES reduction or whatever. That sounds reasonable.
13
14 **CHAIRMAN FRAZER:** Okay. Again, I think we've had a -- I think we
15 know where we're going here, right, and I don't -- This isn't the
16 kind of thing that we can probably get wordsmithed much more, but
17 I don't want to be presumptuous here, and so we have a modification
18 to the substitute motion. Mr. Williamson, are you good with the
19 word changes? All right. It's okay by the seconder. All right.
20 **I do think this is probably a good middle ground, and the next**
21 **appropriate step, and so is there any opposition to this substitute**
22 **motion?** All right. **I am not seeing, and that substitute motion**
23 **carries.** All right, and so is there any other business related to
24 Reef Fish? Dr. Simmons.
25
26 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair, and so staff
27 has been talking on the side, and we would like to request --
28 Perhaps we can have like a half-day webinar with our SSC, and maybe
29 it could work out that we could include the South Atlantic
30 Council's SSC, and I will have to work with Mr. Carmichael on that,
31 but just go ahead and put Dr. Howell and his staff kind of on
32 notice that we would like to have the SSC receive a presentation,
33 with more details, on the document that was provided to the council
34 as background prior -- I don't know if we can do it prior to the
35 October council meeting, because it doesn't matter for the SSC,
36 but just get a more detailed briefing to our SSC regarding that
37 information, when we can, ideally before the end of the year.
38
39 **CHAIRMAN FRAZER:** So, from an action item, what are you requesting
40 specifically, Dr. Simmons?
41
42 **EXECUTIVE DIRECTOR SIMMONS:** Well, I mean, that we just have a
43 more detailed presentation that walks the SSC through the findings
44 in that report, the published paper, the pilot study, and set some
45 time for us to notice that with the SSC and make sure their
46 questions are answered before we get to the next stock assessment.
47
48 **CHAIRMAN FRAZER:** All right, and so, from where I sit, is the

1 council okay with that request coming from the Executive Director
2 to Science and Technology? Kevin.

3
4 **MR. ANSON:** I am okay with it, but I just don't know if it would
5 be better to come from the council, because it would provide a
6 little bit more strength.

7
8 **CHAIRMAN FRAZER:** Dr. Simmons.

9
10 **EXECUTIVE DIRECTOR SIMMONS:** Yes, and I thought that's what the
11 council was asking originally, but, if we want to put it in a
12 motion, that's even better.

13
14 **CHAIRMAN FRAZER:** Go ahead, Kevin. I am throwing it at you.

15
16 **MR. ANSON:** My motion would be to repeat everything that Carrie
17 just said.

18
19 **MS. BOGGS:** I will second it.

20
21 **EXECUTIVE DIRECTOR SIMMONS:** Request that the Office of Science
22 and Technology provide a detailed overview, both the evaluating
23 measurement error or -- I don't know, and do you want to call it
24 the pilot study documentation? Is that the easiest thing to call
25 it, Evan and Melissa? Evaluating Measurement Error in the MRIP
26 Fishing Effort Survey Report, May 2023. Thank you.

27
28 **CHAIRMAN FRAZER:** Okay. We'll let Bernie catch up on this.

29
30 **MR. ANSON:** Do you need to repeat the Evaluating Measurement Error
31 in the --

32
33 **EXECUTIVE DIRECTOR SIMMONS:** In the MRIP Fishing Effort Survey May
34 2023 report to the SSC. Do you just want to say Gulf SSC or just
35 SSC?

36
37 **CHAIRMAN FRAZER:** All right. Mr. Anson, thank you for that motion,
38 and I believe it was seconded by Ms. Boggs. Is there any further
39 discussion of the motion? **Seeing none, is there any opposition to**
40 **the motion? Seeing none, the motion carries.** Is there any other
41 business related to the Reef Fish Committee?

42
43 Seeing none, we will move on to our next item, and I realize it's
44 right at lunch, but we have one more committee meeting report to
45 go through, and it's relatively short. Mr. Anson, if you would do
46 the Mackerel Committee. Thank you.

47
48 **MACKEREL COMMITTEE REPORT**

1
2 **MR. ANSON:** Thank you, Mr. Chair. The Mackerel Committee met on
3 August 16, and the committee adopted the agenda, Tab C, Number 1,
4 and approved the minutes of the April 2023, Tab C, Number 2, as
5 written.

6
7 SSC Recommendations on Gulf King Mackerel Interim Analysis, Tab E,
8 Number 5, Dr. Jim Nance, Chair of the Scientific and Statistical
9 Committee (SSC) presented the SSC's discussions of the Gulf of
10 Mexico migratory group king mackerel (Gulf king mackerel) interim
11 analysis (IA), produced by the Southeast Fisheries Science Center
12 (SEFSC).

13
14 Indices of relative abundance included the Southeast Area
15 Monitoring and Assessment Program (SEAMAP) fall groundfish survey
16 and the SEAMAP fall plankton survey. The last king mackerel
17 assessment, the SEDAR 38 update in 2020, found the spawning stock
18 biomass (SSB) to be between the minimum stock size threshold (MSST)
19 and SSB at maximum sustainable yield (MSY), indicating that, while
20 not overfished, the stock was not fully healthy.

21
22 The SSC recognized the shortcomings of both indices, their
23 declining trends, and the sparse data in recent years and did not
24 think there was enough data to recommend revising the current catch
25 limits at this time.

26
27 SSC Recommendations on SEDAR 81 Gulf Spanish Mackerel Operational
28 Assessment, Tab C, Number 5(a) through (c), Dr. Nance presented
29 the SSC's review of SEDAR 81 Operational Assessment for the Gulf
30 migratory group of Spanish mackerel (Gulf Spanish mackerel).

31
32 SEDAR 81 resolves several concerns from the previous model (SEDAR
33 28 in 2014), and incorporates updated recreational landings data
34 calibrated to the Marine Recreational Information Program's
35 Fishing Effort Survey (MRIP-FES). The model included data from
36 1986 through 2021, corresponding to the data-rich period of
37 landings data, with the recreational fleet split into its separate
38 components (i.e., private, shore, for-hire).

39
40 The SSC noted that there were substantial data limitations for
41 SEDAR 81 and that recommendations should be made with that in mind.
42 The SSC accepted SEDAR 81 as consistent with the best scientific
43 information available (BSIA). Under the current MSY proxy of F 30
44 percent SPR, SEDAR 81 indicates the stock is not overfished and
45 not undergoing overfishing, as of 2021.

46
47 For projections, SSC members discussed using either a three-year
48 average of 2017 through 2019 for the interim years or a six-year

1 average using 2017 through 2022. The SSC ultimately recommended
2 using the mean of the landings from 2017 through 2019 as the proxy
3 for the interim projection years of 2023 and 2024, with the actual
4 landings used for 2022.

5
6 The new overfishing limit (OFL) projections trend downwards
7 towards the SSB MSY target, and the acceptable biological catch
8 (ABC) trends up towards the FMSY target. The SSC set the OFL for
9 Gulf Spanish mackerel based on SEDAR 81 using a constant catch of
10 12.074 million pounds whole weight for 2025 through 2027 and
11 subsequent years. The SSC then set the ABC using the yield at 75
12 percent of F 30 percent SPR. The constant catch ABC for 2025
13 through 2027 is 9.630 million pounds wet weight.

14
15 A committee member asked why the SSC only recommended a constant
16 catch for the OFL and ABC. Dr. Nance replied that using a constant
17 catch approach was to better accommodate the opposing trends
18 between the OFL and ABC projections, thereby maintaining a buffer
19 for scientific uncertainty.

20
21 **The committee recommends, and I so move, to direct staff to begin**
22 **a document to modify the catch limits for Gulf Spanish mackerel in**
23 **accordance with SEDAR 81 results and SSC recommendations.**

24
25 **CHAIRMAN FRAZER:** All right, and so we've got a committee motion
26 on the board to direct staff to begin a document to modify the
27 catch limits for Gulf Spanish mackerel in accordance with SEDAR 81
28 results and SSC recommendations. That motion carried without
29 opposition in committee. Is there any further discussion of the
30 motion? **Is there any opposition to the motion?** Okay. **Seeing**
31 **none, the motion carries.** Mr. Anson.

32
33 **MR. ANSON:** Council staff reviewed the Fisherman Feedback tool for
34 Gulf Spanish mackerel. Generally, half of the responses indicated
35 negative sentiment overall and in relation to stock condition.
36 More overall negative sentiment was expressed in the eastern Gulf
37 compared to the western Gulf, west of Venice, Louisiana. Private
38 anglers held more negative views about the stock condition than
39 other directed fleets, and a standout word contributing to negative
40 sentiment was "shark".

41
42 The Southeast Fisheries Science Center noted the issue raised with
43 the MRIP-FES survey discussed on Monday and recommended using
44 sensitivity analyses to evaluate the effect of the first pilot
45 study on MRIP-FES on the results of the SEDAR 81 stock assessment.
46 Spanish mackerel may be appropriate to test this evaluation method,
47 especially since it is perceived to be healthy and does not have
48 sector allocations. A committee member agreed and thought the

1 Southeast Fisheries Science Center could work with Council staff
2 to schedule a review of these sensitivity runs to SEDAR 81 with
3 the SSC.

4
5 Proposed Engagement in Mackerel Port Meetings, Tab C, Number 6,
6 council staff gave an overview of the South Atlantic Fishery
7 Management Council's plan to conduct a series of port meetings
8 from Florida to Massachusetts with a focus on mackerel to gather
9 input from fishermen to guide the South Atlantic Council on
10 updating the Coastal Migratory Pelagic (CMP) Fishery Management
11 Plan and modifying management measures for king and Spanish
12 mackerel.

13
14 Given that CMP species are jointly managed, the Gulf Council has
15 an opportunity to participate in a complementary effort. Council
16 staff compared participation between public hearings and virtual
17 tools (i.e., Fishermen Feedback, video views, and webinars) and
18 noted the historic low participation to in-person CMP-focused
19 meetings. Given that virtual tools seem to have a wider-reach and
20 capture responses from our constituents more efficiently, the
21 committee recommended moving forward with a virtual approach, but
22 also asked staff to consider ways to enhance feedback from CMP
23 anglers during scheduled council meetings.

24
25 Amendment to the 2015 Biological Opinion for Coastal Migratory
26 Pelagic Resources on the Gulf of Mexico and Atlantic Region, Tab
27 C, Number 7, Ms. Jennifer Lee from the NOAA Protected Resources
28 Division gave an overview of what is entailed in an Endangered
29 Species Act (ESA) Section 7 consultation.

30
31 Federal agencies must ensure that the actions they authorize are
32 not likely to jeopardize the continued existence of ESA-listed
33 species or adversely modify critical habitat. A biological opinion
34 summarizes the effects of a federal action on ESA-listed species
35 and designated critical habitat.

36
37 The 2023 amendment addresses three new listed species: endangered
38 Rice's whales, threatened oceanic whitetip, and giant manta rays.
39 Rice's whales are not likely to be adversely affected, given the
40 low expectation of these whales being present where most CMP
41 fishing occurs. Sink gillnets may adversely affect giant manta
42 rays, while CMP hook-and-line fishing may adversely affect oceanic
43 whitetip sharks and giant manta rays.

44
45 Overall, the analysis of effects concluded that the CMP fishery is
46 not likely to jeopardize the continued existence of giant manta
47 ray and oceanic whitetip sharks. In response to a question that
48 a biological opinion could be reinitiated if takes were less than

1 anticipated, Ms. Lee noted that reinitiation is not limited solely
2 to documentation indicating higher takes. The biological opinion
3 would also factor in impacts from other fisheries, such as those
4 in the reef fish and shrimp fisheries. Mr. Chair, this concludes
5 my report.

6
7 **CHAIRMAN FRAZER:** All right. Thank you, Mr. Anson. Ms. Boggs.

8
9 **MS. BOGGS:** I just want to make sure that the council staff doesn't
10 need anything from us, like a motion, with regard to these mackerel
11 port meetings. I mean, is just the direction and the comments in
12 our discussion enough?

13
14 **CHAIRMAN FRAZER:** Natasha.

15
16 **DR. NATASHA MENDEZ-FERRER:** I don't think so, and I think we
17 captured well the sentiment from the council, and so that's what
18 we keep in mind once the planning meetings take place.

19
20 **CHAIRMAN FRAZER:** Dakus.

21
22 **MR. GEESLIN:** I was just going to mention the same thing that Susan
23 did, and I want us to really kind of think through, as we try to
24 couple these port meetings onto council meetings, and I know that
25 discussion --

26
27 I saw Natasha get a little concerned about that the other day, and
28 I share some of that concern, and this also came up -- I know it's
29 NMFS' jurisdiction to have Dr. Walter's shrimp listening party
30 whenever he wants to, but as we think about, you know, the nature
31 of these meetings, the business, and I love hanging out all day,
32 but going to a port meeting in the evening -- Just think through
33 that as we continue discussion around meetings and coupling those
34 on or pulling those apart.

35
36 **CHAIRMAN FRAZER:** Sage advice, Dakus. All right. Any other
37 business to come before the Mackerel Committee? I am not seeing
38 any. Thanks, Kevin, for expeditiously moving through that report.
39 We have scheduled a litigation update by Ms. Levy.

40
41 **OTHER BUSINESS**
42 **LITIGATION UPDATE**

43
44 **MS. LEVY:** Well, I was thinking we pretty much did that, right,
45 and I will note that the -- So remember we have a case that we
46 haven't heard of in a little while, the challenge to Amendment 53,
47 which is the red grouper amendment, and there was an appeal. There
48 is an appeal pending in the D.C. Circuit Court, and oral argument

1 in that case is now scheduled for September 27. I believe that
2 court livestreams their arguments, and so I will send the link to
3 that to council staff, and they can forward it, in case you're
4 listening in listening in at the end of September.

5
6 **CHAIRMAN FRAZER:** All right. Thank you very much. Is there any
7 other business to come before the council? Peter Hood.

8
9 **MR. HOOD:** I just -- I don't know if anybody else noticed it, but
10 the staff who has been taking care of us in this room I think has
11 been phenomenal, a lot better than some of the other places we've
12 been to, and so I don't know if we do an after-action with the
13 hotel afterwards, but, if you do, I think it would be a nice thing
14 to acknowledge the staff who worked here, because I just -- You
15 know, nothing ever seemed to run out up there, in terms of creamer
16 and things like that, which always vexes me, and I just think they
17 did a great job, and I just wanted to point that out. Thanks.

18
19 **CHAIRMAN FRAZER:** Thanks, Peter, for recognizing. I do think they
20 provided quality service. Go ahead, Kevin.

21
22 **MR. ANSON:** I would just add-on to that. One person in particular,
23 Jose, he was working here during the day, and then he was helping
24 us at our social, and he was here the next morning, and it just
25 seemed like he never left.

26
27 **CHAIRMAN FRAZER:** All right. Well, certainly positive -- These
28 comments are a positive reflection of the hotel and its service,
29 and so we will go our best to make sure they hear that. Okay, and
30 so the last thing on the agenda is Election of the Chair and Vice
31 Chair. Mr. Donaldson.

32
33 **ELECTION OF CHAIR AND VICE CHAIR**

34
35 **MR. DONALDSON:** Thank you, Mr. Chair. I will open the floor for
36 nominations for chairman. Mr. Gill.

37
38 **MR. GILL:** Thank you, Mr. Donaldson. I nominate Tom Frazer for
39 chairman.

40
41 **MR. DONALDSON:** Do we have a second for that? All right. Any
42 other nominations? Dakus.

43
44 **MR. GEESLIN:** I don't know, procedurally, and I was trying to
45 nominate someone else, and if you want to get another second for
46 Tom. Sorry about that, Dave. I would like to nominate Kevin Anson
47 from Alabama.

1 **MR. DONALDSON:** Do I have a second for that? Okay. Any other
2 nominations? All right. We're going to -- We're utilizing
3 technology for the election. Yes, ma'am. We're not going to use
4 technology for elections.
5
6 Well, we were going to use technology, but so I think they're
7 passing out pieces of paper, and so please write your selection
8 for chairman, and we will tally it and go from there.
9
10 **MR. DIAZ:** Dave, I'm going to send mine to you by text.
11
12 **MR. DONALDSON:** I got it, Dale. Thank you. All right. On a very
13 close vote, Kevin Anson has been selected as our new chairman for
14 the Gulf Council, and so congratulations, Kevin.
15
16 **DR. FRAZER:** Congratulations, Kevin.
17
18 **MR. DONALDSON:** I will now open the floor for nominations for vice
19 chair.
20
21 **MR. BROUSSARD:** I nominate J.D. Dugas.
22
23 **MR. DONALDSON:** Is there a second? Dakus. Are there other
24 nominations? Is there a motion to close the nominations?
25
26 **GENERAL SPRAGGINS:** Are we going to take a vote on this one?
27
28 **MR. DONALDSON:** No, we're not going to take a vote, and so, if
29 there are no further nominations, J.D., congratulations on vice
30 chair. I will turn it back to you.
31
32 **DR. FRAZER:** Well, I will see you all in Panama City in October.
33 Congratulations Kevin and J.D., and so I'm looking forward to a
34 reduced workload, and just a reminder that the council staff will
35 be sending everybody out their preferences for committee, council
36 committee, preferences moving forward, and so get those in, and it
37 will be of great help to the chair and the vice chair and certainly
38 everybody, and so, again, travel safe. Kevin, do you want to say
39 a few words?
40
41 **CHAIRMAN ANSON:** Yes, a few words, and just thank you, Tom, for
42 the service to the council these several to many years, I guess,
43 but we really appreciate the leadership and guidance that you have
44 given in the past, and just thank you.
45
46 **DR. FRAZER:** I appreciate those words, Kevin. It's been a
47 pleasure. (Applause)
48

1 (Whereupon, the meeting adjourned on August 17, 2023.)

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