

GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

290<sup>TH</sup> MEETING

FULL COUNCIL SESSION

Crowne Plaza @Bell Towers Shops Fort Myers, Florida

June 23-24, 2022

**VOTING MEMBERS**

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

**NON-VOTING MEMBERS**

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

**STAFF**

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

1  
2 **OTHER PARTICIPANTS**  
3 Kindra Arnesen.....LA  
4 Brian Balbin.....FL  
5 Michael Beaty.....FL  
6 Charles Bergmann.....MS  
7 Mike Birren.....Hernando Beach, FL  
8 Heather Blough.....NMFS  
9 Eric Brazer.....Shareholders Alliance  
10 Catherine Bruger.....Ocean Conservancy  
11 Caitlin Chase.....FL  
12 Ronald Chicola.....LA  
13 Bill Dantuono.....Naples, FL  
14 Matt DePaolis.....  
15 Tim Dillingham.....FL  
16 Logan Gregory.....NOAA OLE  
17 Buddy Guindon.....Galveston, TX  
18 Andrew Egeland.....Venice, FL  
19 Katie Fischer.....FL  
20 Richard Fischer.....LA  
21 Jack Flynn.....  
22 Jim Green.....Destin, FL  
23 Laura Guzman.....  
24 Ken Haddad.....ASA, FL  
25 Luke Hand.....  
26 Scott Hickman.....Galveston, TX  
27 James Hock.....  
28 Dylan Hubbard.....FL  
29 Bill Kelly.....FKCFA, FL  
30 Trenton Knepp.....Sarasota, FL  
31 Scott Koskow.....FL  
32 Lawrence Marino.....LA  
33 Gregory Matthew.....  
34 Tershara Matthews.....BOEM  
35 Jessica McCawley.....FWC, FL  
36 Brandon Muffley.....MAFMC  
37 Rob Murphy.....FL  
38 Randy Myers.....  
39 Captain Scott Pearce.....FWC LE, FL  
40 Andrew Peterson.....BlueFIN Data  
41 Matt Pless.....  
42 Jill Popham.....  
43 Andrew Richard.....NMFS  
44 Nick Ruland.....  
45 Eric Schmidt.....FL  
46 Matthew Sexton.....  
47 Bob Spaeth.....Madeira Beach, FL  
48 Casey Streeter.....FL

1 Greg Strotbeck.....  
2 Alexander Trapasso.....  
3 Ted Venker.....CCA  
4 Matt Walia.....NOAA OLE  
5 Shawn Watson.....Madeira Beach, FL  
6 Wayne Werner.....Alachua, FL  
7 Johnny Williams.....Galveston, TX  
8 Bob Zales.....Panama City, FL  
9 Kate Zamboni.....NOAA GC  
10 Jim Zurbrick.....Steinhatchee, FL  
11  
12 - - -  
13

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TABLE OF MOTIONS

1  
2  
3 [PAGE 129](#): Motion to have the council write a letter to the  
4 Florida Keys National Marine Sanctuary requesting an extension  
5 until at least December 31, 2022 for submitting comments on the  
6 draft rule. [The motion carried on page 130](#).

7  
8 [PAGE 136](#): Motion to have the council write a letter to comment  
9 on the Aquaculture Opportunity Areas Atlas and the subsequent  
10 PEIS. [The motion carried on page 137](#).

11  
12 [PAGE 142](#): Motion in the action to make Alternative 2 the  
13 preferred alternative. [The motion carried on page 143](#).

14  
15 [PAGE 146](#): Motion to request council staff to work with council  
16 members identified by the chair to evaluate the potential for  
17 establishing a research set-aside in the Gulf of Mexico, using  
18 the examples in the New England and Mid-Atlantic regions as a  
19 basis. Council staff should consult with NMFS staff and other  
20 appropriate RFMC staff to inform the evaluation, as appropriate.  
21 The evaluation and recommendations for next steps, if any, shall  
22 be presented to the council at an upcoming meeting. [The motion  
23 carried on page 149](#).

24  
25 [PAGE 149](#): Motion to approve Framework Amendment 11:  
26 Modifications to the Gulf of Mexico Migratory Group King  
27 Mackerel Catch Limits and that it be forwarded to the Secretary  
28 of Commerce for review and implementation, and deem the codified  
29 text as necessary and appropriate, giving staff editorial  
30 license to make the necessary changes in the document. The  
31 Council Chair is given the authority to deem any changes to the  
32 codified text as necessary and appropriate. [The motion carried  
33 on page 151](#).

34  
35 [PAGE 153](#): Motion to add the following language to the joint CMP  
36 FMP objectives: To achieve robust fishery reporting and data  
37 collection systems across all sectors for monitoring the coastal  
38 migratory pelagic fishery which minimizes scientific,  
39 management, and risk uncertainty. [The motion carried on page  
40 153](#).

41  
42 [PAGE 156](#): Motion to postpone CMP Amendment 33: Modifications to  
43 the Gulf of Mexico Migratory Group King Mackerel Sector  
44 Allocation until the next king mackerel stock assessment is  
45 presented to the council. [The motion failed on page 161](#).

46  
47 [PAGE 181](#): Motion to modify the need in the document to read as  
48 follows: The need is to end overfishing and rebuild the greater

1 amberjack stock as required by the Magnuson-Stevens Fishery  
2 Conservation and Management Act, update existing greater  
3 amberjack catch limits and allocations to be consistent with  
4 best scientific information available, FMP objectives, and  
5 contemporary data collection methods. [The motion carried on](#)  
6 [page 181](#).

7  
8 [PAGE 184](#): Motion to recommend NMFS take emergency action to  
9 modify the greater amberjack recreational fixed closed season  
10 for 2022/2023 recreational fishing year to be August 1 to August  
11 31 and November 1 to July 31 (open September 1 to October 31) as  
12 described in Action 1, Alternative 5. [The motion carried on](#)  
13 [page 195](#).

14  
15 [PAGE 210](#): Motion that, in the action, to make Alternative 2 the  
16 preferred alternative. [The motion carried on page 210](#).

17  
18 [PAGE 213](#): Motion in Action 1 to make Alternative 2 the  
19 preferred alternative. [The motion carried on page 213](#).

20  
21 [PAGE 213](#): Motion in Action 2 of the proposed interim rule to  
22 make Alternative 2 the preferred alternative, with a season  
23 closure date of November 10th. [The motion carried on page 214](#).

24  
25 [PAGE 214](#): Motion to request that NOAA Fisheries implement  
26 interim measures to reduce overfishing of gag grouper that  
27 include actions related to catch limits and seasons: Alternative  
28 2 of Action 1, and to open the recreational fishing season on  
29 September 1 and close it on November 10. [The motion carried on](#)  
30 [page 216](#).

31  
32 [PAGE 218](#): Motion to add up to five representatives from the  
33 Gulf Council SSC to the South Atlantic Council SSC workgroup in  
34 an effort to develop a cooperative workgroup focused on  
35 establishing a method for evaluating catch limits for federally  
36 managed species currently closed to harvest, including  
37 southeastern U.S. goliath grouper. [The motion carried on page](#)  
38 [222](#).

39  
40 [PAGE 222](#): Motion to have the SSC review state private  
41 recreational red snapper calibration ratios using more recent  
42 state survey data and provide a recommendation to the council on  
43 changes to ratios, if necessary, prior to the January 2023  
44 council meeting. [The motion carried on page 229](#).

45  
46 [PAGE 229](#): Motion to move Alternative 6 in Action 1 to  
47 Considered but Rejected. [The motion carried on page 232](#).

48

1 [PAGE 234](#): Motion to recommend the council approve Framework  
2 Action: Modification to Location Reporting Requirements for For-  
3 Hire Vessels and that it be forwarded to the Secretary of  
4 Commerce for review and implementation and deem the codified  
5 text as necessary and appropriate, giving staff editorial  
6 license to make the necessary changes in the document. The  
7 Council Chair is given the authority to deem any changes to the  
8 codified text as necessary and appropriate. [The motion carried](#)  
9 [on page 235](#).

10  
11 [PAGE 236](#): Motion to develop the options (timeframes of sixty,  
12 ninety, 120 minutes) in the abbreviated framework. [The motion](#)  
13 [carried on page 239](#).

14  
15 [PAGE 240](#): Motion to bring a presentation to the August 2022  
16 council meeting relative to declarations for the for-hire  
17 fishery applying only when going on a fishing trip. [The motion](#)  
18 [carried on page 240](#).

19  
20 [PAGE 244](#): Motion to have the council draft a letter  
21 commensurate with the SEDAR Steering Committee's consensus  
22 statement to the NOAA Office of Science and Technology stating  
23 the need and urgency of this request. [The motion carried on](#)  
24 [page 244](#).

25  
26  
27 - - -  
28

1 The Full Council of the Gulf of Mexico Fishery Management  
2 Council convened at Crowne Plaza @Bell Towers Shops in Fort  
3 Myers, Florida on Thursday morning, June 23, 2022, and was  
4 called to order by Chairman Dale Diaz.

5  
6 **CALL TO ORDER, ANNOUNCEMENTS, AND INTRODUCTIONS**  
7

8 **CHAIRMAN DALE DIAZ:** Welcome to the 290<sup>th</sup> meeting of the Gulf of  
9 Mexico Fishery Management Council. My name is Dale Diaz, chair  
10 of the council. If you have a cell phone or similar device, we  
11 ask that you place it on silent or vibrant mode during the  
12 meeting. Also, in order to be able to hear the proceedings, we  
13 ask that, if you have any private conversations, please take  
14 them outside. Please be advised that alcoholic beverages are  
15 not permitted in the meeting room.

16  
17 The Gulf Council is one of eight regional councils established  
18 in 1976 by the Fishery Conservation and Management Act. The  
19 council's purpose is to serve as a deliberative body to advise  
20 the Secretary of Commerce on fishery management measures in the  
21 federal waters of the Gulf of Mexico. These measures help  
22 ensure that fishery resources in the Gulf are sustained, while  
23 providing the best overall benefit to the nation.

24  
25 The council has seventeen voting members, eleven of whom are  
26 appointed by the Secretary of Commerce and include individuals  
27 from a range of geographical areas in the Gulf of Mexico with  
28 experience in various aspects of fisheries.

29  
30 The membership also includes the five state fishery managers  
31 from each Gulf state and the Regional Administrator from NOAA's  
32 Southeast Fisheries Service, as well as several non-voting  
33 members.

34  
35 Public input is a vital part of the council's deliberative  
36 process, and comments, both oral and written, are accepted and  
37 considered by the council throughout the process. We will  
38 welcome public comments from in-person and virtual attendees.

39  
40 Anyone joining us virtually that wishes to speak during public  
41 comment should register for comments online. Virtual  
42 participants that have registered to comment should ensure that  
43 they are registered for the webinar under the same name they  
44 used to register to speak. In-person attendees wishing to speak  
45 during the public comment should sign-in at the registration  
46 kiosk located at the back of the meeting room. We accept only  
47 one registration per person. A digital recording is used for  
48 the public record, and, therefore, for the purpose of voice

1 identification, members in the room should identify his or  
2 herself, starting on my left.  
3  
4 **DR. JOHN FROESCHKE:** John Froeschke, council staff.  
5  
6 **MS. LEANN BOSARGE:** Leann Bosarge, Mississippi.  
7  
8 **MR. DAVE DONALDSON:** Dave Donaldson, Gulf States Marine  
9 Fisheries Commission.  
10  
11 **GENERAL JOE SPRAGGINS:** Joe Spraggins, Mississippi.  
12  
13 **DR. TOM FRAZER:** Tom Frazer, Florida.  
14  
15 **MR. BOB GILL:** Bob Gill, Florida.  
16  
17 **MR. PHIL DYSKOW:** Phil Dyskow, Florida.  
18  
19 **MS. JESSICA MCCAWLEY:** Jessica McCawley, Florida Fish and  
20 Wildlife Conservation Commission.  
21  
22 **DR. C.J. SWEETMAN:** C.J. Sweetman, Florida Fish and Wildlife  
23 Conservation Commission.  
24  
25 **LCDR LISA MOTOI:** Lisa Motoi, U.S. Coast Guard.  
26  
27 **MS. KATE ZAMBONI:** Kate Zamboni, NOAA Office of General Counsel.  
28  
29 **MS. MARA LEVY:** Mara Levy, NOAA Office of General Counsel.  
30  
31 **MR. PETER HOOD:** Peter Hood, NOAA Fisheries Southeast Regional  
32 Office.  
33  
34 **DR. CLAY PORCH:** Clay Porch, NOAA Fisheries Southeast Fisheries  
35 Science Center.  
36  
37 **MS. SUSAN BOGGS:** Susan Boggs, Alabama.  
38  
39 **MR. KEVIN ANSON:** Kevin Anson, Alabama.  
40  
41 **MR. BOB SHIPP:** Bob Shipp, Alabama.  
42  
43 **MR. BILLY BROUSSARD:** Billy Broussard, Louisiana.  
44  
45 **MR. J.D. DUGAS:** J.D. Dugas, Louisiana.  
46  
47 **MR. PATRICK BANKS:** Patrick Banks, Louisiana.  
48

1 **MR. TROY WILLIAMSON:** Troy Williamson, Texas.

2  
3 **MR. ROBIN RIECHERS:** Robin Riechers, Texas.

4  
5 **DR. GREG STUNZ:** Greg Stunz, Texas.

6  
7 **PRESENTATION OF THE 2021 LAW ENFORCEMENT TEAM OF THE YEAR AWARD**

8  
9 **CHAIRMAN DIAZ:** Thank you. All right, and so we're going to  
10 just follow our agenda today, and so, first up on our agenda is  
11 a Presentation of the 2021 Law Enforcement Team of the Year  
12 Award, and I would ask that the law enforcement officers from  
13 the team -- If you would, to come up to the front of the room  
14 here at this time, and also Ms. McCawley and General Spraggins.

15  
16 (Whereupon the presentation of the Law Enforcement Team of the  
17 Year Award was presented to the Florida Fish and Wildlife  
18 Conservation Commission crew of the Offshore Patrol Vessel Gulf  
19 Sentry.)

20  
21 **CHAIRMAN DIAZ:** At this time, I would ask Ms. Bosarge to also  
22 walk to the front of the room for just a second, we've got a  
23 little something for her as a parting gift.

24  
25 (Whereupon, recognition was given to Ms. Leann Bosarge for her  
26 years of service.

27  
28 **MS. BERNADINE ROY:** Dr. Simmons, do you wish to speak?

29  
30 **PRESENTATION TO MS. LEANN BOSARGE**

31  
32 **EXECUTIVE DIRECTOR CARRIE SIMMONS:** Yes. Congratulations to the  
33 2021 Law Enforcement Team of the Year. Now, I would like to  
34 recognize Ms. Leann Bosarge and her nine years of dedicated  
35 service on the Gulf of Mexico Fishery Management Council.

36  
37 As many of you know, Ms. Bosarge has a wealth of fishing  
38 knowledge and life experience, from her childhood all the way to  
39 her education and professional career along the Mississippi and  
40 Alabama Gulf Coast. Leann has served as a council member since  
41 2013, and she has eagerly taken on numerous leadership roles,  
42 including, but not limited to, chairing the Shrimp,  
43 Administrative Policy, and Budget/Personnel Committees, as well  
44 as serving on numerous other committees. In 2015 and 2016,  
45 Leann served as the Vice Chair and became the Chair in 2016,  
46 serving through 2018.

47  
48 Leann has been an incredible advocate for the shrimp industry

1 and the commercial fishing industry as a whole while maintaining  
2 her oath of managing the nation's natural resources for the  
3 greatest overall benefit of the nation. She is always deeply  
4 engaged in council issues, and she works tirelessly to ensure  
5 that her contributions are well-reasoned and thoroughly-  
6 researched.

7  
8 She is fair and considerate and continuously works to proffer  
9 well-balanced solutions to fishery issues. Leann doesn't let  
10 the disagreement at the council table affect friendships, and  
11 she always provides a warm greeting to members and staff.

12  
13 We will all miss her sheer determination and incredible devotion  
14 to fisheries management and her personal growth in itself as a  
15 council member, although we fully expect her continued  
16 involvement in the council process. In fact, despite her busy  
17 schedule, with rearing four children, serving as a council  
18 member, and maintaining her professional career, she can always  
19 squeeze just a little more out of her day. Let that be an  
20 example to all of us, and let me just tell you how she has done  
21 this most recently.

22  
23 Ms. Leann Bosarge, most recently, enrolled in an upper-level  
24 Bayesian statistics class using R-coding at the University of  
25 Florida. What an incredible endeavor, and a true self-starter.  
26 Dr. Clay Porch, you better watch out. She'll be asking you and  
27 your staff to help write and review R-code soon.

28  
29 In closing, Ms. Leann Bosarge has not only touched on our  
30 regional council's efforts throughout the Gulf of Mexico, but  
31 the national fisheries management efforts, with her unyielding  
32 attention to domestic seafood sustainability, resilience and  
33 certification, and the national strategies, as well as her work  
34 on the Young Fishermen's Grant Development Program, and so, on  
35 behalf of the Council Coordinating Committee, I would like to  
36 give you these three handmade maple wooden spoons. These were  
37 made by David Witherell from the North Pacific Fishery  
38 Management Council, and, on behalf of the Gulf of Mexico Fishery  
39 Management Council, this barometer clock, for your nine years of  
40 service. Again, congratulations, and thank you. I'm so sorry  
41 that I can't be there in person.

42  
43 **CHAIRMAN DIAZ:** From the Gulf of Mexico Fishery Management  
44 Council, from 2013 to 2022.

45  
46 **MS. BOSARGE:** Dr. Simmons, thank you very much for your kind  
47 words, and it has been an honor and a privilege to serve on this  
48 council, one that I obviously don't take lightly, and I love the

1 spoons, but I think my children will definitely tremble in fear,  
2 because that is what they get their whippings with, and so  
3 they're going to love this, when I get home.

4  
5 **CHAIRMAN DIAZ:** Leann, I want to take just a minute to say a few  
6 words, and I thought that Dr. Simmons had a very good -- I could  
7 not do anything as well as her, but I do want to let you know  
8 that I appreciate everything you've done since you've been on  
9 the council, and for me personally.

10  
11 I've learned a lot from you, and I've been watching how hard you  
12 work, and you're a good example for me, and I see how much  
13 emphasis you put on getting ready for this meeting, and I have  
14 always known that you're going to be prepared. I try to be  
15 prepared, and it amazes me with the level of preparation that  
16 you do, and so, I mean, that goes to your work ethic.

17  
18 I've got to say that one thing I think you've added to the  
19 council is you've got creative solutions, and I have always  
20 appreciated that you put a lot of thought to come here with some  
21 ideas to do something different, and that's one thing that I am  
22 going to miss.

23  
24 The next thing I'm going to say, and I'm not sure if this is a  
25 compliment or not, and don't hit me with your spoon, is that,  
26 many times, I have sat at this table, and I have thought, she's  
27 the smartest person in the room, and I've got to tell you that  
28 the reason is it might not be a compliment is that, many times,  
29 I've sat here and thought that I've got to be the dumbest person  
30 in this room, and so, if the dumbest person thinks you're the  
31 smartest person, that's why I don't know if it's a compliment.  
32 Thank you for your service, Leann. You're going to be very much  
33 missed. General Spraggins.

34  
35 **GENERAL SPRAGGINS:** Leann, at the State of Mississippi, we sure  
36 appreciate the years that you've given to the State of  
37 Mississippi and to the Gulf Council, and we know that it hasn't  
38 been easy, because you've had a lot of things to put up with,  
39 with the fishing world out there as an industry, and you've had  
40 other things of having quite a few babies over the last few  
41 years, but in enjoying life and doing that, but we know you  
42 always put that extra effort in.

43  
44 I had the pleasure of working with her daddy for several years  
45 too, and I can tell you one thing, that that apple did not fall  
46 far off the tree. They are two that have always looked at  
47 everything, and I've had the pleasure of working with both, and  
48 I have never seen more dedication by any two people in my life.

1  
2 When her dad came to our meetings, as a commissioner, he did not  
3 come unprepared. He came just like she does, with all the  
4 paperwork and everything else, and he was definitely prepared  
5 for everything that was going to happen, and he was a great  
6 asset. Leann, you are a great asset, and you will continue to  
7 be a great asset, and I don't know -- Maybe, if you'll answer  
8 our phone calls, we'll still call you, and, if there's somebody  
9 here that knows more about the shrimp industry in general and  
10 the commercial fishery, then I don't know who you are, and I  
11 thank you for everything you've done, and we hope that you have  
12 a great life.

13  
14 **MS. BOSARGE:** Before he said that, I was going to say, honestly,  
15 I think the people that I owe it all to are my parents, because  
16 my daddy taught me how to work like a dog, physically, and my  
17 momma taught how to study like a dog, and she was all about the  
18 grades, and that's just the way I am, the way I operate in life,  
19 and I owe it to them.

20  
21 I love all the fishermen that I have met here, and that is just  
22 one of the greatest takeaways from being on this council, and  
23 not just in the Gulf, when I was chair, and I was able to go and  
24 meet the fishermen in New England and Alaska and see all those  
25 guys, and see how they do things, and that is just invaluable,  
26 and those relationships that you take with you, and so you all  
27 call me any time, any of you. I have enjoyed meeting every one  
28 of you.

29  
30 **GENERAL SPRAGGINS:** We always want you on our team and not  
31 against us.

32  
33 **ADOPTION OF AGENDA AND APPROVAL OF MINUTES**

34  
35 **CHAIRMAN DIAZ:** Amen to that. All right, and so we're going to  
36 move on with our agenda. The next item on the agenda is the  
37 Adoption of the Agenda. Is there any modifications to the  
38 agenda? Seeing none, is there any opposition to adopting the  
39 agenda? The agenda is adopted.

40  
41 Approval of the Minutes, are there any edits to the agenda?  
42 Seeing none, is there any opposition to adopting the agenda, or  
43 the minutes? The minutes are adopted. Okay. Next up on our  
44 agenda, we have a Presentation from NOAA Fisheries on Equity and  
45 Environmental Justice, and Ms. Blough is here, and I think Ms.  
46 Blough is going to walk us through that, and you can take it  
47 away when you get ready, Ms. Blough. Thank you.

48

1  
2 **PRESENTATIONS**

3 **NOAA FISHERIES EQUITY AND ENVIRONMENTAL JUSTICE STRATEGY**  
4

5 **MS. HEATHER BLOUGH:** Good morning, everyone. I'm Heather  
6 Blough, and I'm with NOAA Fisheries Southeast Regional Office,  
7 and my co-presenter, Dr. Brent Stoffle, can't make it today, and  
8 so I'm going to do my best to cover his portion of this  
9 presentation.

10  
11 I am actually really super excited to present to you our  
12 agency's first strategy for advancing equity and environmental  
13 justice through our mission-related work. As you all know,  
14 we've been addressing environmental justice in some aspects of  
15 our work for decades now, but, last year, our agency leadership  
16 convened a national working group to improve our coordination  
17 and information sharing on the topic and really expand our  
18 overall reach through development of a national strategy.

19  
20 Brent and I are regional representatives on the working group  
21 that developed that strategy, and it was a substantial effort  
22 that involved the perspectives and input from staff across the  
23 country, and it's currently out for public review and comment,  
24 and we're really looking forward to your feedback and  
25 suggestions, both on the strategy itself and on how we might  
26 best respond in the Southeast Region.

27  
28 Our focus on environmental justice partially arises from the  
29 issuance of two Executive Orders last year, two new Executive  
30 Orders, but a requirement to address and account for  
31 environmental justice in our work really stemmed from a 1994  
32 Executive Order and several of the federal statutes that govern  
33 our work also incorporate related requirements, including two  
34 that you all work with all of the time, the Magnuson-Stevens Act  
35 and the National Environmental Policy Act.

36  
37 The topic isn't entirely new to us, and much of the content of  
38 our draft strategy isn't really novel, but rather it's more of a  
39 renewed focus and commitment to the topic, and we're really  
40 excited about that, because the work that we all do has a very  
41 real impact on the health and economy of many communities, and  
42 it's really important that we consider how we may even  
43 unknowingly be contributing to injustices and also how we can  
44 use our programs and policies to advance equity and  
45 environmental justice in the communities that we're serving.

46  
47 Our draft strategy defines three key terms of equity,  
48 environmental justice, and underserved communities, and this is

1 a first. The definition of "equity" we took from E.O. 13985,  
2 and means the consistent and systematic fair, just, and  
3 impartial treatment of all individuals, including those who  
4 belong to underserved communities that have been denied such  
5 treatment.

6  
7 While we've been working with EJ for quite some time, we haven't  
8 had like a common working definition of environmental justice  
9 throughout the agency, and this one we took from the  
10 Environmental Protection Agency definition, which has been in  
11 use for some time now.

12  
13 While the traditional view of environmental justice is largely  
14 focused on how government decisions can negatively impact  
15 underserved communities, for example where we're siting toxic  
16 waste facilities and things like that, it's a more expanded  
17 definition, and, also, our draft strategy itself also  
18 incorporates concepts around the importance of including these  
19 communities in the decisions that we make, and also working to  
20 ensure that they have the opportunity to take advantage of the  
21 benefits and services that we provide.

22  
23 Our definition of "underserved communities" is also adapted from  
24 E.O. 13985, and I won't read it, and it's kind of long, and you  
25 can read it for yourself, but I think, in the fisheries context,  
26 it would include fishing communities that share some of the  
27 characteristics that are listed here of crew and subsistence  
28 fishermen and their dependence, but also looking at non-fishing  
29 communities who may be impacted by our habitat conservation,  
30 protected species, aquaculture, and other industry-related work,  
31 for example looking at, you know, are we siting our habitat  
32 conservation and restoration projects only, or primarily, in  
33 places that benefit the more affluent communities and things  
34 like that.

35  
36 We think that who are underserved communities is going to vary  
37 by region and by the barriers that they face, and so it's going  
38 to be really important that we're working to identify and engage  
39 them at the regional level, and we have started a related  
40 initiative in the Southeast to support that, which I will circle  
41 back on at the end of this presentation.

42  
43 Our draft strategy identifies six kind of -- It bins barriers  
44 into six categories, and then we've identified six objectives to  
45 address those barriers, and this could be done in many different  
46 ways, and we welcome feedback on the way that it's structured.  
47 The first barrier is unawareness of underserved communities, and  
48 not everyone has the financial means to hire lobbyists and

1 people to support and represent them, and it's hard for us to  
2 really understand all of the needs and address them when we  
3 don't know who all of our underserved community really is.

4  
5 Structural barriers would be policies and guidance documents  
6 that we have in place that maybe even unknowingly are  
7 contributing to injustices. Barriers to access and services  
8 would include like financial barriers to participation in  
9 meetings and language barriers.

10  
11 System complexity, the federal process is not easy to navigate,  
12 but just the process of applying for grants and things of that  
13 nature can be really complex, and then we continue to have gaps  
14 in expertise, social science, and cultural literacy, those kinds  
15 of gaps that we need to address to be more effective in our  
16 outreach, and, also, gaps in representation. As hard as we work  
17 to become a more diverse and inclusive agency, we still have a  
18 lot of room for improvement in that area.

19  
20 The six objectives that the strategy is designed around, the  
21 first is to expand the research and monitoring work that we're  
22 doing to identify and characterize communities so that we can  
23 better understand their needs and address the impacts of our  
24 decisions on their livelihood and culture. We want to  
25 incorporate EEJ into our policies in a way that helps us to  
26 better serve these communities that have been under, or maybe  
27 even unserved in the past, and that will require us to really  
28 consider their needs when we're developing new policies, and  
29 also to maybe take a look at our existing policies, to see where  
30 we may be able to identify and resolve any existing inequities.

31  
32 Our inclusive governance objective aims to ensure that all of  
33 our stakeholders feel equally welcome and encouraged to  
34 participate in the decisions that affect them, and that will  
35 require us to consider things like equal time and ability to  
36 travel to in-person meetings, the ability of broadband internet  
37 to support and promote participation, access to interpreters and  
38 things of that nature, and we want to equitably distribute our  
39 benefits, and so this would be increasing funding, through  
40 grants and access to our other opportunities and services that  
41 we provide. You know, are there things that we can be doing to  
42 help members of these communities be more successful in applying  
43 for grants?

44  
45 Then we want to make sure that our communication and outreach  
46 platforms are effectively reaching these communities, in terms  
47 of are we greeting and speaking and writing in plain language,  
48 are documents 508 compliant and translated to appropriate

1 primary languages, and are we responding to and presenting  
2 information to these folks in a way that is meaningful and clear  
3 to them, and then, finally, our last objective is to create an  
4 empowering environment, and that means really identifying EEJ as  
5 a priority at all levels of our agency and working with you all  
6 and our other partners to really try to meaningfully incorporate  
7 it into all the work that we're doing.

8  
9 Our draft strategy doesn't try to address all the regional  
10 issues, but, rather, it provides a framework for the development  
11 of region-specific implementation plans. Each of the regions  
12 will be asked to develop these plans that are responsive to the  
13 specific needs of our respective communities, and, really, the  
14 idea is that we'll build off the ideas in the strategy to remove  
15 barriers to EEJ in our regions and promote equity in all that we  
16 do.

17  
18 These are some of the questions that we're asking for public  
19 comment and feedback on during this comment process, and we're  
20 asking for help identifying who are our underserved communities  
21 and how can we better serve them. Does everyone have equal  
22 access to our benefits and services? We're an enormous science  
23 agency, and how can we improve equity in our research and  
24 monitoring programs? Are some communities carrying more of the  
25 burden than others? Then how can we structure our management  
26 process to be more inclusive?

27  
28 This just shows where we've been, and you can see, from the red  
29 arrow, that we're currently in the process of public feedback.  
30 The communications that we've sent out about this, the comments  
31 are due August 19, and I think that's on the next slide also,  
32 but we just recently extended the comment period to August 31.  
33 We're hoping to finalize the strategy this fall, after we take a  
34 look at public comments that we receive, and then the goal would  
35 be to have our regional implementation plans in place the  
36 following spring, and we're really looking forward to feedback  
37 and suggestions from you all too on how best to engage with the  
38 council in that process.

39  
40 Again, we're just looking for comments and feedback, and the  
41 comment deadline is actually August 31, and we do have a few  
42 other national webinars still scheduled, if anyone is interested  
43 in hearing more on this, and then I mentioned that we do have  
44 this related initiative ongoing to build a communication network  
45 with underserved communities in our region. It's very  
46 preliminary, and it's going to take a lot of legwork over the  
47 new few months, and years, to identify vulnerable communities in  
48 our region.

1  
2 We're in the process of onboarding an intern to help with this,  
3 and her name is Leah Jacobs, and she was supposed to be  
4 listening online, and I'm not sure if she's here, because we  
5 moved this up a little earlier, but she may be reaching out to  
6 some of you, over the next few weeks or months, for any  
7 suggested contacts.

8  
9 Also, I think, online, we have, today, to help answer questions,  
10 Ms. Christina Package-Ward, who has been -- She's an  
11 anthropologist at the Southeast Regional Office, and she's been  
12 supporting the social indicators portion of this work. Really  
13 the first step in identifying some of these communities has been  
14 a combination of reaching out to some of our regional partners,  
15 like Sea Grant and regional collaboration teams and so forth,  
16 and the also taking a look at relevant social indicators that  
17 might help us identify some folks upfront that we want to start  
18 conversations with. With that, that I will conclude and see if  
19 you all have any questions.

20  
21 **CHAIRMAN DIAZ:** Any questions for Ms. Blough? Mr. Gill.

22  
23 **MR. GILL:** Thank you, Mr. Chairman, and thank you, Heather, for  
24 that presentation, and my comment is not going to be a question,  
25 or perhaps related to what you're looking for, but I would  
26 encourage you to ensure that, as you develop your strategy, that  
27 you incorporate a measure of measurability, so that you can  
28 track how well you're achieving your goals and objectives, as  
29 can others looking at that, to assess how well are we doing.  
30 Without that, it's always to do better, and that works, but it  
31 doesn't tell you whether you're making progress or not. Thank  
32 you.

33  
34 **MS. BLOUGH:** Thank you. I agree that's really important.

35  
36 **CHAIRMAN DIAZ:** Thank you, Mr. Gill. Ms. Bosarge.

37  
38 **MS. BOSARGE:** Heather, that was an excellent presentation. It  
39 was very good, and I think that one of the things that NMFS does  
40 very well is that whole outreach and education piece and that  
41 connectivity of the upper echelons of NMFS, and like, I mean,  
42 that man right there, Dr. Porch, and Andy is not at the table,  
43 but I feel like they talk to fishermen on a regular basis,  
44 constantly, and they're always available, and that's amazing,  
45 because, if you think about like the corporate structure, you  
46 don't normally get to talk to the CEOs, right, and they're going  
47 to push you down to a flunky somewhere down there, if you have a  
48 problem, but that's not the way it is, that I've seen anyway,

1 within SERO and the Science Center, and I think that is amazing.

2  
3 I think, if there was any area that we could look to improve, I  
4 think, honestly, it might be at the lower levels, right? I do  
5 worry, sometimes, that, as we have turnover and things like  
6 that, and, in this new world that we live in, we work from home,  
7 and things like that, and maybe we're losing a little bit of  
8 that one-on-one personal contact at the lower levels of either  
9 the Science Center or SERO or something like that, the  
10 individual labs, right, with the fishermen, and like I'm looking  
11 at that man in the audience there, Dr. Nance, and I am not sure  
12 that, when he was the Galveston Science Center -- I don't think  
13 there was a shrimper that didn't know Dr. Nance.

14  
15 I mean, he just -- He had that one-on-one contact, and there is  
16 people in the Galveston Lab that I know that I can call anytime,  
17 and they will recognize my voice, and you have Becky over there,  
18 and you've got Joann, and you've got Liz Scott-Denton over  
19 there, and they're just wonderful people, right, but I worry --  
20 I think what we have to focus on is that, as we onboard the  
21 newer people into the system, to make sure that we keep that  
22 relationship.

23  
24 Get them down to the docks, because, you know, we don't get out  
25 too much in the shrimp world, and we're not all that social, but  
26 get them down there and talk to them, and I think that's really  
27 -- That stream of communication is where amazing improvements  
28 and strides come in, and you will see what our issues are, and  
29 we'll feel like we can call you when we have an issue, and so, I  
30 guess, if there was any room for improvement, I would say that  
31 would be a focus area, as we move into this new work-life  
32 balance environment that we're all in.

33  
34 **MS. BLOUGH:** Thanks, Leann.

35  
36 **CHAIRMAN DIAZ:** Thank you, Ms. Bosarge. Mr. Anson.

37  
38 **MR. ANSON:** Thank you for the presentation. As part of the  
39 review, or the strategy, will you be doing kind of a  
40 retrospective analysis on policies and things that are in place  
41 that NOAA has put forth, or is it just going to be like  
42 something that's looking forward as you develop the policies and  
43 look at how to conduct it, and is it going to be retrospective  
44 analysis and looking forward, or just a looking forward?

45  
46 **MS. BLOUGH:** I guess I don't have an exact answer to that. I  
47 feel like it could be, and I feel like a lot of how we move  
48 forward will, in part, depend on you all too, and, you know, we

1 want to work in collaboration with you, and I definitely feel  
2 like it could improve some of that.

3  
4 **CHAIRMAN DIAZ:** Any further questions or comments from Ms.  
5 Blough? Dr. Lasseter is next on the agenda, and we'll recognize  
6 Dr. Lasseter.

7  
8 **DR. AVA LASSETER:** Thank you, Mr. Chairman. Why don't I just  
9 circle back, for everybody, for the whole agenda item, and,  
10 Bernie, could you put up either the agenda or the webpage with  
11 the agenda and let me just explain everything that is here?  
12 Perfect. Okay.

13  
14 What we just heard was the Tab A, Number 7(a) presentation from  
15 Ms. Blough, and the actual strategy is located at Tab A, Number  
16 7(b), and that is what you, as a body, are being requested to  
17 comment on, and so I've already got some great notes here that  
18 you've already begun discussing, and, with the extension of the  
19 deadline until August 31, when comments are due, we actually  
20 have the next council meeting as well, to finish this up, and so  
21 Dr. Simmons had originally started to kind of sketch out some  
22 ideas about how the council could potentially respond, but, with  
23 this extension, we didn't feel that was necessary, and so that's  
24 why there is nothing there at 7(c).

25  
26 As far as the 7(d), I wanted to tell everybody, inform  
27 everybody, that the CCC has formed an informal working group to  
28 begin pulling together some experiences from the different  
29 regions, in regard to addressing EEJ, and I was a member of this  
30 group, and there was a representative from each of the regional  
31 councils, as well as some NMFS staff, and we put together this  
32 report on EEJ in fisheries management as kind of an overview and  
33 kind of just pulling together these regional perspectives, and  
34 this is included in your briefing materials, just for your  
35 information.

36  
37 I would encourage you to read it, to learn more about the other  
38 regions' perspectives as well, but I did want to clarify that,  
39 in thinking about comments, to please read that strategy located  
40 at Tab A, Number 7(b), and that is the NOAA Fisheries one that  
41 we are, again, going to provide the final comment letter  
42 immediately following the August meeting, and so that will --  
43 One more thing about the letter.

44  
45 Dr. Simmons and I were -- In reviewing the NOAA Fisheries  
46 strategy, we're really looking at the objectives, and we thought  
47 that that might be the starting point for you to develop further  
48 comments, as you see fit, for this document, and so I will turn

1 it back over to the council for discussion.

2  
3 **CHAIRMAN DIAZ:** Any further discussion from the council? Ms.  
4 Bosarge.

5  
6 **MS. BOSARGE:** I feel like this goes without saying, but you did  
7 ask us to try and help identify potential vulnerable, or  
8 underserved, communities, and one of the pictures you had, I  
9 think at the beginning of your presentation, was of an Asian  
10 gentleman, and so surely everybody knows this, but maybe not,  
11 and, in the shrimp industry, we have about a quarter -- Matt can  
12 correct me if I'm wrong, but I think it's about a quarter of the  
13 industry is of Asian descent. A lot of them came over from  
14 Vietnam at some point in the past and went into the shrimping  
15 industry.

16  
17 Generally, throughout time, as the fishery has condensed into a  
18 smaller version of itself, I believe that that 25 percent ratio  
19 there of the Asian to I guess you would say traditional American  
20 shrimp industry, that has remained pretty constant, but I would  
21 say that -- There is, obviously, still language barriers and  
22 things like that that you mentioned with that group, and we do  
23 our best as a council that, you know, if we're going to send out  
24 anything to all permit holders that's for shrimp, we try our  
25 best to include the translation into their language, but I would  
26 say, generally speaking, as far as income, the shrimp industry,  
27 in general, is probably, and Matt can correct me again, one of  
28 the poorer fisheries that we manage, at least from the council  
29 perspective.

30  
31 If you want to see that, you can just drive down to one of the  
32 shrimp docks right here in Fort Myers, which is one of the  
33 largest docks in this area, and the boats -- This is primetime  
34 shrimp season for us, right, and everything is starting to  
35 really kick off, and the boats were five deep. In other words,  
36 there's a dock, and there's a boat, and another one tied up  
37 outside of that, up to five of them, and four rows of those is  
38 what I was able to count from where I was standing. It's bad.  
39 It's bad in our industry right now, very bad, and that's just --  
40 Obviously, fuel price, you know, at almost five-dollars a gallon  
41 for diesel for us, in certain places, and \$4.50 is nothing, but  
42 we paid \$5.63 the other day.

43  
44 Now, that was on the east coast, in the Atlantic, and it's more  
45 expensive over there, but, still, it's not that far off in the  
46 Gulf, and then, for us, it is the sheer impact that imports have  
47 on our fishery, and, right now, that, along with the fuel price,  
48 and the imports is driving our price down.

1  
2 You're talking about low prices, right, and we're at a point now  
3 where we're not going, oh my gosh, can I get a decent price, and  
4 we're going, oh my gosh, can I find anybody that will buy my  
5 shrimp, and so, anyway, that's just something to think about for  
6 the future.

7  
8 **MS. BLOUGH:** We would really appreciate that type of input, and  
9 it will help us, I think, to think through those types of issues  
10 when we're drafting the regional-specific response over the  
11 winter, and we were able to translate the executive summary of  
12 our strategy to several different languages, including  
13 Vietnamese.

14  
15 I'm not sure that we still know the best ways to reach all of  
16 these folks, and, you know, I'm not sure that everyone is signed  
17 up for Fishery Bulletins, and we definitely plan to work with  
18 Sea Grant, to the extent that we can, but any suggestions along  
19 those lines too is helpful.

20  
21 **CHAIRMAN DIAZ:** Any further comments? Ms. Blough, I want to  
22 thank you for coming. We look forward to working with you as  
23 you develop your EEJ strategy, and, ultimately, on implementing  
24 the final strategy, and so thank you very much for your time and  
25 traveling out here to be here with us. We appreciate it.

26  
27 **MS. BLOUGH:** Thank you very much.

28  
29 **CHAIRMAN DIAZ:** Okay, and so we're going to go ahead and break  
30 for lunch. We're going to start back up at 1:30, and we're  
31 going to finish up our presentations and just start moving down  
32 our agenda, and so we'll see everybody at 1:30. Thanks.

33  
34 (Whereupon, the meeting recessed for lunch on June 23, 2022.)

35  
36 - - -

37  
38 June 23, 2022

39  
40 THURSDAY AFTERNOON SESSION

41  
42 - - -

43  
44 The Full Council of the Gulf of Mexico Fishery Management  
45 Council reconvened at Crowne Plaza @Bell Towers Shops in Fort  
46 Myers, Florida on Thursday afternoon, June 23, 2022, and was  
47 called to order by Chairman Dale Diaz.

1 **CHAIRMAN DIAZ:** I will welcome everybody back to the afternoon  
2 session of the Gulf of Mexico Fishery Management Council, and  
3 the very first thing that we have on the agenda is an update  
4 from the Bureau of Ocean Management on wind energy development  
5 in the Gulf of Mexico, and Ms. Matthews is going to give that  
6 presentation to us, and whenever you're ready, Ms. Matthews.

7  
8 **UPDATE FROM BUREAU OF OCEAN ENERGY MANAGEMENT (BOEM) ON WIND**  
9 **ENERGY DEVELOPMENT OF THE GULF OF MEXICO**

10  
11 **MS. TERSHARA MATTHEWS:** Thank you, Mr. Chairman. Good  
12 afternoon, everyone. I am Tershara Matthews, and I'm the Chief  
13 of Emerging Programs in our Gulf of Mexico office with the  
14 Bureau of Ocean Energy Management. We're actually based in New  
15 Orleans, Louisiana.

16  
17 Today, I want to kind of give you a little bit of background  
18 about offshore wind and renewable energy. I will talk about the  
19 renewable leasing process and then next steps, and so some of  
20 the information some of you may have seen, but I just wanted to  
21 make sure that everybody was on the same page, and so I'll take  
22 you back a little bit, and then I'll bring you forward to where  
23 we are in the current process.

24  
25 In October of 2020, Governor Edwards submitted a letter to BOEM  
26 asking that we started a state taskforce for the renewable  
27 energy process, and so BOEM responded back that we wouldn't have  
28 a state taskforce, but we would have a regional taskforce, and  
29 the thing about the regional taskforce for the Gulf of Mexico is  
30 it only consists of the four states, and it does not include  
31 Florida, because there is a moratorium off of the coast of  
32 Florida, and, also, the winds are fairly low off the State of  
33 Florida, and the State of Florida is also a part of our Atlantic  
34 taskforce.

35  
36 The task consists of federal, state, and local agencies, and  
37 also tribal nations. The purpose of that taskforce is conduct  
38 outreach and engagement and collect that data and information  
39 that we may not have as an agency, and so, if I had a regular  
40 PowerPoint, it would show that the higher wind speeds are off  
41 the coast and Texas and Louisiana, and there are some advantages  
42 of having offshore wind in the Gulf of Mexico, and that is the  
43 proximity to the oil and gas and the existing supply chain that  
44 we have and leveraging those existing capabilities.

45  
46 There are some challenges, of course, as you know. There are  
47 hurricanes in the Gulf of Mexico, and we're currently working  
48 with some wind developers, to better understand what those

1 challenges are. They do have something called a typhoon-class  
2 turbine that is only set for like a Category Type 3, and, you  
3 know, here we've had a Category 5, and so the National Renewable  
4 Energy Lineup is also working to see about turbines that can  
5 withstand a Cat 5 hurricane.

6  
7 Here are some of the milestones that have happened so far.  
8 We've put out what we call requests for interest, and that's to  
9 see if there's any interest at all in offshore wind in the Gulf  
10 of Mexico. That actually closed on July 26 of 2021, and we had  
11 thirty-nine comments from that, and then we had what we call the  
12 call to information, which is another ask, to see if there's any  
13 interest in the Gulf of Mexico for offshore wind. That closed  
14 on December the 16<sup>th</sup> of 2021, and we had forty comments from  
15 that.

16  
17 In January, we held a two-day sector-based fisheries summit to  
18 gather information about the call area that we did put out, and  
19 I will show you what the call area looks like in the slides.  
20 It's roughly thirty-million acres that we put out, and then we  
21 held that second taskforce meeting on February the 2<sup>nd</sup> of 2022.

22  
23 In the renewable process, as I mentioned, we had that request  
24 for interest, and that was a forty-five-day comment period, and  
25 we had the call, and that was also a forty-five-day comment.  
26 Once we finish up a call, and we gather all that information and  
27 data and comments, that kicks off what we call the area  
28 identification phase, and so we're in this winnowing-down  
29 process.

30  
31 We started with a very large area, to see if it has interest,  
32 and we get to smaller and smaller lease areas, and so we're at  
33 that phase now, where we're defining where those leases will  
34 actually be, and so that is what we call the wind energy areas,  
35 and so that's where we are today, and so I am excited, and I had  
36 to do a lot of briefings in order to be here today, and even  
37 brief the Assistant Secretary of Land and Minerals for the  
38 Department of Energy, and so I am very thankful to present this  
39 information to you.

40  
41 As I mentioned, the request for interest was a very large area,  
42 and we went from the Alabama border all the way over to the  
43 Texas-Mexico border and out to 1,300 meters of water depth.  
44 That was our first ask, to see if there was any interest there,  
45 and we did receive thirty-nine comments, and I think eight of  
46 those were from industry, and that shows you kind of the  
47 breakdown of the comments that we did receive. We did get  
48 fourteen from NGOs and ten from industry.

1  
2 The call, which we are currently at right now, goes from west of  
3 the Mississippi River all the way to the Texas-Mexico border and  
4 only out to 400 meters, and so that's the red outline that you  
5 see there, and we didn't have a lot of interest for the 1,300  
6 meters, and so we moved it up to 400 meters.

7  
8 The reason why we moved it over to the west of Mississippi was  
9 for environmental concerns. Also, right off of the river,  
10 there's a lot of muddy slopes there, and so we know that we  
11 can't put turbines where there is muddy slopes, and then there  
12 is also the Rice's whale right off of the Mississippi and  
13 Alabama area, and so we moved it over west of the Mississippi  
14 River. On that, we received forty comments, and eight of those  
15 came from industry, and, as you can see, sixteen came from NGOs.

16  
17 What are some of the major comments that we received from the  
18 call? We received a request for a twenty-nautical-mile  
19 coastline buffer for migratory birds, and we also received a  
20 request for a buffer for menhaden fisheries, for flyovers.  
21 Within our own agency, we need to protect our significant  
22 sediment resource areas, which are areas that we use for coastal  
23 restoration and resiliency, sort of our sand blocks.

24  
25 We received, from NMFS, a request for a 400-meter buffer for the  
26 Rice's whale. Also, we got a request for the exclusion of high  
27 to moderate fishing areas, a request for a two-nautical-mile  
28 buffer for navigation fairways from the Coast Guard, and, also,  
29 removal of some areas that were located near the training areas  
30 for DOD.

31  
32 For the companies submitted, the areas outlined in black show  
33 the area of interest from companies, and so, as you can see,  
34 it's a pretty large area, and the one that's off of Mississippi  
35 and Alabama, that did come in after our request for interest,  
36 and so we're having to evaluate that one through another process  
37 called an unsolicited lease request process, and so we are  
38 working a separate process for that, and so that one would be a  
39 part of our lease sale, our normal process.

40  
41 The companies submitted several types of structures, jackets and  
42 floating sub-structures. The jackets are what we normally use  
43 for oil and gas. They're built -- A lot of them are off of  
44 Louisiana, and they're manufactured there, and then they also  
45 mentioned floating sub-structures that can happen in waters of  
46 greater and greater depths of sixty meters, but that's the  
47 typical turbines that they have submitted to be reviewed.

48

1 I just kind of want to touch base that, either before the call  
2 for information, during the call for information, and after the  
3 call for information, we had several stakeholder engagement  
4 meetings, trying to receive feedback to better understand  
5 concerns and potential impacts that we may have, and so this is  
6 kind of just a snapshot of the meetings that we've held so far,  
7 to get better understanding with the stakeholders.

8  
9 This is also kind of more detail, and this is a snapshot. I  
10 think we had over a hundred-and-something meetings, and so this  
11 kind of details those types of meetings that we've been holding  
12 to try to get feedback.

13  
14 One of the other requests that we received, from the council and  
15 from others, is that we collaborate with NOAA on their  
16 Aquaculture Opportunity Areas model that they used, the marine  
17 spatial planning, and so I have been working very closely with  
18 James Morris and his team, and we actually did use the model.  
19 BOEM provided the data, and we did the rankings. Our subject  
20 matter experts did the rankings, and NOAA ran the model for us,  
21 and so, as most of you know, the model has basically two  
22 components.

23  
24 There is a constraints model, which is pretty much no-go areas,  
25 and then there is other areas, like a suitability model, with  
26 areas, and we rank them based on the suitability of those areas,  
27 and so, in the constraints model, I will say that we were  
28 excited about -- We did put the twenty-nautical-mile buffer in  
29 there for menhaden fisheries and for the birds, and we also put  
30 the 100 to 400-meter buffer for the Rice's whale. We also  
31 included the high to moderate-high shrimping areas in the  
32 constraints model as well, and so what you will see here is our  
33 results from that information with the two components together.

34  
35 In the model, we had fifty-four datasets, and so we had six sub-  
36 models, and you can see the breakout of those models of natural  
37 and cultural resources, national security, economics, logistics,  
38 fisheries, and industry and operations.

39  
40 The model gave us -- Actually, it gave us fourteen areas, but,  
41 after we ran the model, DOD provided us their preliminary  
42 assessment, and Area B has to come off, because it's a wind-  
43 exclusion zone, and so we have thirteen areas that we're  
44 currently looking at. We're going to go with probably two of  
45 those areas, and a decision has not been made on the actual --  
46 We've made a decision on two of the recommended areas, but not a  
47 decision to go forward yet, but we're looking for input on those  
48 two areas.

1  
2 We are, at the current time, selecting Area I and Area M, and so  
3 those are the two areas that we are looking at now, and we would  
4 like to get some input and feedback on those areas.

5  
6 What was the rationale and the recommendation for these two  
7 recommendations? In our regulations, the first thing it says is  
8 there are competitive interests, and so there are competitive  
9 interests in those two areas, and these areas also have less  
10 national security concerns, and it's close proximity to those  
11 points of connection to tie back to shore, proximity to shore,  
12 and it's less than 10 percent of that moderate-high shrimping  
13 area, and there is enough acreage to further divide that into  
14 smaller lease sale areas. Again, I mentioned Area I and Area M,  
15 and we have not made a decision, and I want to caveat that, and  
16 so we are looking for feedback on those two areas.

17  
18 This is kind of -- The next two couple of slides are going to  
19 break down what it looks like when we overlay some of the areas,  
20 some of the layers, that were in that model that I talked about,  
21 and so this shows the shrimp electronic logbook data from 2015  
22 to 2019, and we worked very closely with the Southern Shrimp  
23 Alliance on which datasets to use, and NOAA was in those  
24 conversations with us, and so this is what this looks like.

25  
26 As far as those areas go, again, we're looking at Area I and  
27 Area M, and, also, you can see that we worked closely with the  
28 U.S. Fish and Wildlife Service on the BRDs, and they provided us  
29 that data with migratory birds and migratory flight paths for  
30 twenty-four species, and so the light-blue area, or the lighter  
31 and the darker-blue areas, they're areas of low habitat  
32 suitability for birds. I mean, birds don't like those areas,  
33 because their habitat is not suitable, and so you see that, in  
34 Area I and Area M, we are in a great area for the birds.

35  
36 This layer shows the protected resources, and it's a combined  
37 layer that NOAA provided to us, and so, here, you want to look  
38 for anything -- We want to stay out of areas where there are red  
39 areas, and so, as you see, for Area M and Area I, we are out of  
40 those red zones, and the same as with the DOD preliminary  
41 assessment and the call area, and so Area B we have excluded,  
42 and so, if you look at, again, Area I and Area M, they're not in  
43 those warning zones, or the light color that they are in is  
44 additional studies may be required.

45  
46 This shows the bottom habitat areas for the thirteen option,  
47 wind energy area options, and, also, it shows -- I just took a  
48 snapshot of the AIS fishing data, and I think that was for 2019,

1 to show those areas as well.

2  
3 The next steps, we'll have a draft, once we receive feedback  
4 from stakeholders and ocean users, on those two areas. We will  
5 publish an EA, and that will have a thirty-day comment period,  
6 and an EA is an environmental assessment, looking at the  
7 environmental risk, and then we'll have a third taskforce  
8 meeting that will be announcing the wind energy areas, the final  
9 ones, and then looking at that we call a proposed sale notice,  
10 and that defines those lease areas, where the actual leases are,  
11 and so, if we continue to go with Areas I and M, we will break  
12 that down to even smaller acreage and then put that out for  
13 folks to have a lease option, as early as next year. This is my  
14 team here, and, at this time, I will take any questions.

15  
16 **CHAIRMAN DIAZ:** All right. Any questions? Mr. Gill.

17  
18 **MR. GILL:** Thank you, Mr. Chairman, and thank you, Ms. Matthews.  
19 That was an excellent presentation, and my reaction is, having  
20 seen what went on up in New England, you're doing a preferred  
21 job, and the outreach, and cooperating with everybody, and  
22 that's much appreciated, but, down here, it affects me, and, up  
23 there, it affects them.

24  
25 **MS. MATTHEWS:** Right.

26  
27 **MR. GILL:** My question is, if you could back up a slide, on the  
28 next steps, if you could refresh us, in terms of rough timeline  
29 and what to attach to each one of those steps.

30  
31 **MS. MATTHEWS:** Right. Great question, and so we're hoping to  
32 have the draft area ID out probably mid-July, to have that  
33 taskforce meeting at the end of July, and then we're looking at  
34 -- Having that EA also in mid-July, and then that proposed sale  
35 notice, with those smaller, defined areas, we're hoping for  
36 August, but it really depends on how fast we get to all the  
37 ocean users and get the feedback, but it's very dependent on  
38 that. Thank you.

39  
40 **CHAIRMAN DIAZ:** Ms. Boggs.

41  
42 **MS. BOGGS:** Thank you, Ms. Matthews. I have a couple of  
43 questions. How are these meetings noticed? Is it through NOAA  
44 notifications, the newsletters, or how are people getting  
45 notified of these?

46  
47 **MS. MATTHEWS:** We have a contact list that we're working from,  
48 but you all are the first people to -- I had to, yesterday --

1 Carrie was like, Tershara, did you get approval yet, and I was  
2 like, not yet, but I'm working on it, and so you all are the  
3 first people that have actually seen the areas, and so, once I  
4 got approval yesterday, I'm going to start lining up meetings  
5 starting next week, but we do have a contact list and group that  
6 we're working with, and they will probably put out some type of  
7 notice. Our Office of Communications will put out some notice.

8  
9 **MS. BOGGS:** Right, because, I mean, I would think -- I am  
10 shocked that industry was only one or two responses. Then the  
11 next question, and I may have missed it, but the Areas I and M,  
12 how many total areas is that for each?

13  
14 **MS. MATTHEWS:** Right. Great question, and so it's roughly about  
15 800,000 acres, and so the call for information itself was  
16 thirty-million acres, and so now we're down to, if we select  
17 those two, down to 800,000 acres.

18  
19 **MS. BOGGS:** Thank you.

20  
21 **MS. MATTHEWS:** You're welcome.

22  
23 **CHAIRMAN DIAZ:** Other questions for Ms. Matthews? General  
24 Spraggins.

25  
26 **GENERAL SPRAGGINS:** Yes, ma'am. Thank you very much. Just a  
27 couple of questions. You know, we put these in -- I guess  
28 they're like pods, and there's a bunch of them out together at  
29 one time, and is there any stand-off area from them, any  
30 restrictions of being around them or anything?

31  
32 **MS. MATTHEWS:** No restrictions for being around them. We were  
33 working with the Coast Guard. In between them, it should be a  
34 mile in between them, and so they won't sit on top of each  
35 other, and so it will be a mile in between, and so there is no  
36 restrictions. I know a lot of people like to tie up to the oil  
37 rigs, and there's no restrictions.

38  
39 **GENERAL SPRAGGINS:** Okay, and somebody asked me a question, and  
40 I am going to ask it for them. The amount of heat that will be  
41 put off from these cables that are under the water, has there  
42 been any tests done on that?

43  
44 **MS. MATTHEWS:** There have been tests done on that. Because it's  
45 so much water, at the time, the heat dissipates very quickly,  
46 and so we haven't seen anything where it's heating up that  
47 certain area of water, and so studies have shown that it doesn't  
48 heat up, because it dissipates very quickly.

1  
2 **GENERAL SPRAGGINS:** Okay, and then one last thing. On the  
3 Alabama-Mississippi part of it, when did you say that you all  
4 would be looking at it?  
5  
6 **MS. MATTHEWS:** We're probably going through the process -- The  
7 company has to do some qualifications and stuff, and so we're  
8 still wanting on them to submit the information that we need  
9 from them, and so, once we get everything submitted, then we  
10 will start that review process, and we'll be back out again to  
11 get information and feedback on that area as well.  
12  
13 **GENERAL SPRAGGINS:** Thank you.  
14  
15 **MS. MATTHEWS:** You're welcome.  
16  
17 **CHAIRMAN DIAZ:** I would like to ask Ms. Matthews a follow-up  
18 question to that, and so I know that they came in late with the  
19 request for the Mississippi-Alabama area.  
20  
21 **MS. MATTHEWS:** Yes.  
22  
23 **CHAIRMAN DIAZ:** I'm comfortable with how thorough you all are  
24 being on the current area, and will the area off of Alabama and  
25 Mississippi have the same level of review and the same amount of  
26 input opportunities and research and everything else?  
27  
28 **MS. MATTHEWS:** Yes, it will. The only difference is that there  
29 won't be a lease option attached to it, and so, once we go  
30 through the process of looking at the environment and having the  
31 NEPA done on the actual areas, that's coming out and getting  
32 feedback, and we'll just issue a lease, and we won't have a  
33 whole lease option, like we would with the other areas, and so,  
34 yes, the process -- I'll be back out again.  
35  
36 **CHAIRMAN DIAZ:** Thank you. Mr. Williamson and then Ms. Boggs.  
37  
38 **MR. WILLIAMSON:** Thank you for the presentation. What type of  
39 auction format are you going to use, and is BOEM going to  
40 conduct that option themselves or use a third party?  
41  
42 **MS. MATTHEWS:** It's a silent auction, and we have a contractor  
43 that will handle that auction for us, and so it's not like with  
44 oil and gas, and I open the bids for the oil and gas, and they  
45 bring it into the actual building. This is going to be all on  
46 the computer, and it's going to be silent, and then, at the end  
47 of the day, the results are tallied and sent out.  
48

1 **MR. WILLIAMSON:** Who is your third-party auctioneer?  
2  
3 **MS. MATTHEWS:** Powerhouse is the third party.  
4  
5 **MR. WILLIAMSON:** Is that a government-related --  
6  
7 **MS. MATTHEWS:** No, it's not.  
8  
9 **CHAIRMAN DIAZ:** Ms. Boggs.  
10  
11 **MS. BOGGS:** Thank you, and I may be stepping on Leann's toes  
12 with this question, but the -- So the different types of  
13 turbines, they can use any of the three types, and is that  
14 correct, or is there specifics, and then I have a follow-up to  
15 that question.  
16  
17 **MS. MATTHEWS:** Right, and so usually that comes in later during  
18 the process. Once we have the areas leased, they can come in  
19 what we call a construction and operations plan, and, in that  
20 plan, it will detail how many turbines there are going to be,  
21 the types of turbines they're going to use, the blades that  
22 they're going to use, and so we're not at that stage yet, but I  
23 know that, in the pre-applications that they have sent to us,  
24 they are thinking about using those jackets, and they are  
25 thinking about the floating structures that you see here. The  
26 ones that are the monopiles are currently not available to be  
27 used in the Gulf, because of the soft soils here, and so it's  
28 not currently recommended.  
29  
30 **MS. BOGGS:** Okay, and so my follow-up to that then is the  
31 floating, and you've got it looks like three cables, and I don't  
32 know if that's how they all are designed, and you say you can  
33 fish up to the turbine, but, if they have cables coming off of  
34 them, is that going to restrict -- These may be things you don't  
35 know, but I'm sure those cables will have to be marked, and, the  
36 shrimpers and anyone that uses a net, that could be a problem.  
37  
38 **MS. MATTHEWS:** Right, and so those are -- It says above sixty  
39 meters in water depth, but the pre-applications that we received  
40 -- They would be in more like 200 meters to 400 meters of water  
41 depth, is what they're thinking, and we do have some oil and gas  
42 structures like that as well, that have floating as well, but  
43 they're pretty far offshore as well.  
44  
45 **CHAIRMAN DIAZ:** Ms. Bosarge.  
46  
47 **MS. BOSARGE:** Thank you, Mr. Chairman, and thanks, Tershara, for  
48 being here. I mean, I have to give you a kudos, and I really

1 think you have done a great job of reaching out to industry, the  
2 fishing industry. Around this table, that's what we talk about,  
3 the fishing industry, and so thank you for that and keeping in  
4 constant contact with us, and I'm excited. We're like the hot-  
5 off-the-press and the first people to see that, and so --

6  
7 **MS. MATTHEWS:** Yes, I'm excited, too.

8  
9 **MS. BOSARGE:** I feel special. I had a couple of questions, and  
10 one for the unsolicited request, I think you called it, off of  
11 Mississippi, and so, if we could bring that picture up, and it's  
12 a pretty big area for our little state.

13  
14 **MS. MATTHEWS:** It is.

15  
16 **MS. BOSARGE:** Is that whole area what was requested by I assume  
17 one of the individual companies who would be leasing, number  
18 one, and then, number two, have we run that through that  
19 suitability model yet?

20  
21 **MS. MATTHEWS:** Yes, and so they did request the whole area, and  
22 so what happens with that is, once they get all of the  
23 qualifications -- First, we have to make sure they're a legal  
24 company within the U.S., and so, once they go through all of  
25 that qualification process, and we have to make that they're  
26 financially stable, they have the money to provide bonds, and so  
27 they're going through those steps now.

28  
29 Once they have been qualified, technically qualified, we have to  
30 still put out a request, to see if anybody else is interested in  
31 that area, and so, if someone else is interested, that will kick  
32 us into this phase of an auction, and so I will have to go back  
33 through that whole process again, but, if no one comes forward,  
34 we will still go through the same stakeholder engagement piece,  
35 understanding any ramifications there may be for that area.

36  
37 We know that the Rice's whale is in that area, and we know that  
38 there is some significant environmental concerns there, and so,  
39 the feedback that we get, we can push them back, if they need to  
40 go back further, and so those are the types of input, and then  
41 we can go and do like what we call a precision site modeling,  
42 which is the next steps that would happen in that marine spatial  
43 modeling, and so, yes, it is quite a big area. They haven't  
44 submitted all of their stuff yet, and so they may just go away,  
45 because, if they don't get qualified, then -- There it is.  
46 That's it right there, yes.

47  
48 **MS. BOSARGE:** Okay, and so that blue area off of really

1 Mississippi and Alabama.

2

3 **MS. MATTHEWS:** A little bit of Louisiana, yes.

4

5 **MS. BOSARGE:** Okay. Then the -- I was surprised when we -- I  
6 thought those floating structures -- Mr. Chairman, this is my  
7 second question, and are we good?

8

9 **CHAIRMAN DIAZ:** Go ahead.

10

11 **MS. BOSARGE:** Okay, and so the floating structures -- I had  
12 always envisioned them as deep water, and, of course, "deep"  
13 means different things to different people, and so I saw where  
14 you said greater than sixty meters, and I'm guessing that is  
15 because of your comment where some of these other structures  
16 aren't really conducive to the type of bottom that we have in  
17 the Gulf, that muddy bottom, and so, for those floating  
18 structures, if staff could find that picture of those, and  
19 sorry, staff, but they're the ones with the cables coming off of  
20 them.

21

22 There was this idea that possibly, you know, there could be some  
23 trawling in between the structures, and, honestly, I kind of  
24 doubted that, but certainly, if there's these cables coming off  
25 of them, that's not going to work. We're going to get tangled  
26 up, and that will be a mess. We're going to be yanking cables  
27 out, and I would hate -- I don't even want to know what happens  
28 in the water when your gear tangles up with an electrical cable  
29 like that on a steel vessel. That's a scary proposition for me,  
30 but so I think that's going to be an issue that we might need to  
31 note and really look into that and see what that means, because  
32 any -- In other words, that whole field is going to be cut off  
33 from shrimping, or any kind of other trawling type of --  
34 Longlines, I don't know, and you would have to ask them, and you  
35 would probably want to talk to that fishery, too.

36

37 **MS. MATTHEWS:** Okay.

38

39 **MS. BOSARGE:** Then I wondered, on this idea of these  
40 electromagnetic deals with these cables, and I think the General  
41 kind of touched on this a little bit, and so I was wondering if  
42 there were any studies on the electromagnetic field that is  
43 created when you run a cable through saltwater and how the study  
44 -- Looking at maybe how that might interfere with sharks and  
45 other fishes that have an electromagnetic field as their guide,  
46 and have we had any specific studies on that, relative to this  
47 level of electricity in the water?

48

1 **MS. MATTHEWS:** There have been some studies, and most of them  
2 have been conducted in Europe, but the studies show that they  
3 don't really get close. They come, and they go away, and  
4 they're kind of like curious, but then they kind of go away. I  
5 can give you, send you, some of the information from the studies  
6 themselves, the links to them, so that you can take a look at  
7 those studies.

8

9 **CHAIRMAN DIAZ:** Mr. Gill.

10

11 **MR. GILL:** Thank you, Mr. Chairman. On your slide showing the  
12 conflicting model structure, you note that sub-models were  
13 equally weighted, and is it safe to assume that that is locked  
14 in concrete and somewhere downstream in the process, and we  
15 won't see a proposed weighted structure that's not equally  
16 weighted?

17

18 **MS. MATTHEWS:** Yes, it's pretty much locked. That is pretty  
19 much locked, yes. We were excited that we were still able to  
20 get those fourteen areas, now thirteen areas, after being on the  
21 very conservative model, and putting in all of the requests that  
22 we received, and comments that we received, and so we're excited  
23 about what we were able to do, yes.

24

25 **MR. GILL:** Thank you.

26

27 **MS. MATTHEWS:** You're welcome.

28

29 **CHAIRMAN DIAZ:** Mr. Williamson.

30

31 **MR. WILLIAMSON:** As oil and gas companies take a public resource  
32 and utilize it to their benefit, they pay a royalty back to the  
33 federal government, and is that something that is going to  
34 happen with the utilization here?

35

36 **MS. MATTHEWS:** Yes, and so they have to pay rent for the acreage  
37 that they're on, and they have to also pay an operating fee, and  
38 all of that goes straight to the Treasury, and so the bureau --  
39 We are second, as far as producing funds for the government, and  
40 the IRS is first, and our bureau is second. We don't get any of  
41 it though. It goes straight to the Treasury.

42

43 **MR. WILLIAMSON:** There is no royalty on the amount of  
44 electricity that is produced?

45

46 **MS. MATTHEWS:** There may be a royalty rate. I would have to  
47 look it up, but there's a formula that we submit to them that  
48 they have to, but I know that there is the rent and the

1 operating fee. I will look up the royalty rate.

2

3 **CHAIRMAN DIAZ:** General Spraggins.

4

5 **GENERAL SPRAGGINS:** Mr. Williamson, one of the things too -- I  
6 was in the meeting the other day, and talking, and, in reference  
7 to the world of royalties, GOMESA is going to probably be a part  
8 of it, and the Gulf of Mexico Energy Security Act is probably  
9 going to be a part of this, in some form or some way, and I know  
10 that's going to be under the energy department, and they will  
11 figure it out, but that's what they're working hard, is to find  
12 a way that we can get some type of royalty per state, the same  
13 way that we were getting -- Is that correct?

14

15 **MS. MATTHEWS:** That is correct, and so, currently, in the  
16 renewable energy regs, that is not in there, but we are working  
17 to see what we can do to do some mitigation, and so yes.

18

19 **GENERAL SPRAGGINS:** To answer Leann's question, if that cable  
20 breaks -- You're not old enough to understand the telephone  
21 cables, but it's going to be one heck of a job, I can tell you.

22

23 **CHAIRMAN DIAZ:** All right. Any other questions for Ms.  
24 Matthews? Ms. Bosarge.

25

26 **MS. BOSARGE:** This is mainly a comment for staff and the  
27 council, and I think, now that we have those areas kind of  
28 nailed down a little better, and I guess there's coordinates  
29 somewhere for them.

30

31 **MS. MATTHEWS:** Yes.

32

33 **MS. BOSARGE:** Okay. Maybe if we could just get those to staff  
34 at some point.

35

36 **MS. MATTHEWS:** Okay.

37

38 **MS. BOSARGE:** Then we can present those to the relevant APs, for  
39 them to take a look at the specific areas in detail, and I think  
40 -- You know, Tershara has -- On the screen, she had 2015 to 2019  
41 shrimp trawl effort, the tracks, and so obviously we have it  
42 going back a lot further than that, and so, maybe in the AP, we  
43 can look at that and get a more comprehensive view of what  
44 effort might be in those specific areas.

45

46 **MS. MATTHEWS:** Yes, and so we have worked with Glenn and -- His  
47 name escapes me, but the Southern Shrimp Alliance, and they were  
48 okay with the way that the data fell out for the 2015 to 2019,

1 versus the complete dataset, and it actually gave you all more  
2 of an advantage, that dataset, and so we went a couple of  
3 meetings with them, to see which ones they felt comfortable  
4 with, and so we did talk to Glenn and the Southern Shrimp  
5 Alliance in that, but you're more than welcome to still bring us  
6 more feedback.

7

8 **CHAIRMAN DIAZ:** Ms. Levy.

9

10 **MS. LEVY:** Just a question, and you talked about the next steps  
11 and the timing, and we're talking about the council giving  
12 feedback, and so I just kind of wanted to confirm that, because  
13 your timeline seems pretty aggressive, which is great, but the  
14 council, and the council members and staff can speak to this,  
15 but they don't meet again until August, and so I was just  
16 wondering if you were expecting comments from the council based  
17 on your environmental impact, your assessment, and what your  
18 timing looked like, in terms of would that accommodate them  
19 looking at it again, and it also goes to Leann's point, because,  
20 if they're going to go to the APs, I don't think this is all  
21 going to happen by the timeline you were laying out, and so I  
22 guess I just wanted the council and staff to think about that  
23 and maybe talk to you about the timing, if that's what they were  
24 trying to get.

25

26 **MS. MATTHEWS:** Okay, and so we're trying to have like an  
27 informal thirty-day comment period, and so getting the feedback  
28 within -- I guess today would start the -- It's the first time  
29 I'm going out, and so a thirty-day comment period and provide  
30 that information to us, and then, that way, when we go to the  
31 proposed sale notice, which we're looking at August sometime,  
32 that will be the smaller areas, and so that feedback would be  
33 critical for that information.

34

35 **CHAIRMAN DIAZ:** Dr. Porch.

36

37 **DR. PORCH:** I just wanted to thank BOEM for adopting this marine  
38 spatial planning approach. I mean, it's something that NOAA's  
39 National Ocean Service has been working on for years, and  
40 working actively with BOEM on now, and I'm just really excited  
41 to see it being used to deconflict ahead of time, because that's  
42 something that didn't really happen on that scale up in the  
43 Northeast, where this was really starting, and so I think this  
44 is going to be extremely helpful.

45

46 Just for the council's benefit, the shrimp fishery had a leg up  
47 on this, in terms of data layers, because we've been collecting  
48 all that GPS information for so many years, and so it was much

1 easier to get that data layer constructed than some of the  
2 others, and so that was super helpful.

3  
4 Then the one thing that I'm curious -- One of the issues that  
5 we're having, from the Science Center perspective, is, when you  
6 start having more structures in the water, of course, it makes  
7 it harder for us to survey, and it's a problem for certain  
8 fisheries, and it's also a problem for us for surveying, because  
9 we have a longline survey, and we have trawl surveys, et cetera,  
10 and so we have some concerns of how we're going to mitigate  
11 that, and one thing in particular is we have our Gulf of Mexico  
12 monitoring program for protected species, GoMMAPPS, and,  
13 fortunately, we're able to get some funding from restoration to  
14 conduct the survey, probably just before these platforms would  
15 go in.

16  
17 Historically, BOEM has funded that survey, in the past, and so I  
18 am wondering if there's been any developments or if BOEM is  
19 interested in continuing to help support that survey to monitor  
20 the status of protected resources in the future, because, once  
21 you put these in, we can all sort of process studies to try and  
22 predict what's going to happen, but that's no substitute for  
23 actually measuring what's happening, and so I'm just curious if  
24 there have been any further discussions of continuing to support  
25 that program.

26  
27 **MS. MATTHEWS:** Yes, we are planning to support -- What normally  
28 happens is the study is at a fixed year, and so our contracting  
29 officers like for us to go ahead and conduct that study and get  
30 that information, those deliverables, sent to us and understand  
31 where we need to go, any lessons learned from that, and then  
32 come back with a new kind of study, revamped, and any lessons  
33 learned would be included in the next part, and so we do plan on  
34 funding that in the future. As far as the surveys, the surveys  
35 were included in the model as well, and the fisheries surveys  
36 get a layer, and so we included that as well.

37  
38 **CHAIRMAN DIAZ:** Dr. Froeschke.

39  
40 **DR. FROESCHKE:** Just to make sure we're all clear, you're  
41 looking for comments here today, but is there no corresponding  
42 like thirty-day comment period?

43  
44 **MS. MATTHEWS:** There's not going to be a formal one. We're not  
45 going to go out in the Federal Register with a formal one, and  
46 so we are going to be -- You can provide us a letter back to us,  
47 and address it to me, and we will incorporate those comments.

1 **DR. FROESCHKE:** Okay. Thank you.

2  
3 **MS. MATTHEWS:** You're welcome.

4  
5 **CHAIRMAN DIAZ:** Any further questions for Ms. Matthews? I am  
6 not seeing any. Thank you, Ms. Matthews. We appreciate you  
7 taking the time to come be with us today. We're going to move  
8 right down the agenda, and so, next up, Dr. Stunz is going to  
9 give us an ICCAT presentation. Dr. Stunz.

10  
11 **ICCAT PRESENTATION**  
12

13 **DR. STUNZ:** Thank you, Mr. Chairman, and I don't have a formal  
14 presentation, and this is just a verbal update, because it's  
15 fairly brief, and, as many of you know, and maybe not some of  
16 you that are newer, but the Gulf Council has representation on  
17 the ICCAT Advisory Committee, and I would also say that Dr.  
18 Porch's staff is heavily involved with this group, particularly  
19 from the assessment, and, actually, in the ICCAT meetings  
20 themselves, and Florida has traditionally been pretty involved,  
21 and I'm our representative, obviously, and that's why I am  
22 giving this update, but there are several of us around the table  
23 that are involved with that.

24  
25 Of course, they're managing highly-migratory species that aren't  
26 under the jurisdiction of this council, but they do have impact  
27 on us one way or the other, and that's why we have that  
28 representation, or they're oftentimes looking for input from a  
29 Gulf perspective. Certainly this relates to tuna, many times,  
30 in particular, but our main concerns with that committee would  
31 be yellowfin tuna and, I guess to some extent, bluefin tuna,  
32 swordfish, mako sharks, and, of course, the IUU fishing is  
33 probably most relevant.

34  
35 The way that that process works is there is a U.S. delegation  
36 that is made up of interests, similar to this council, but it's  
37 much fewer, but primarily rec and commercial interests and  
38 others, and there is a lot of internal, and especially external,  
39 negotiations that go on, and the result of that management is  
40 often, you know, heavily-compromised decisions, because it deals  
41 with international fisheries and primarily people abiding by the  
42 rules that are set forward, which often isn't the case, and all  
43 sorts of very complicated things that I believe that I mentioned  
44 to you last time.

45  
46 Our problems here are certainly very difficult, but throw in  
47 international high-seas fisheries, and it really gets  
48 complicated very fast, and so I guess my point of what I want to

1 do today is, if there's anything that anyone would like to take  
2 back to that committee, by all means, let me know, or any  
3 advice, or, if things that are coming up that are particularly  
4 relevant, I can bring that forward. I will summarize what some  
5 of those are today, in case anybody has anything they would like  
6 me to convey back.

7  
8 There continues, within that group, to be very high concerns  
9 over compliance, and especially misreporting, particularly for  
10 other -- Typically, the U.S. is abiding by the rules and regs,  
11 but many other countries are not, and like, in our group here,  
12 there is a great need for better research and more sampling,  
13 especially on -- We have very little information, oftentimes, on  
14 the life history of those species, especially connectivity, in  
15 terms of where are they spawning, where are they spending the  
16 adult time, where are they going, and, of course, that's  
17 crossing many jurisdictional boundaries, but, also, we have very  
18 limited information on their larval and juvenile life history as  
19 well, and so that was a big push at the last advisory meeting,  
20 and tied to that, of course, is climate effects, where these are  
21 the species where you're beginning to see a lot of that take  
22 place.

23  
24 There was, at this meeting, a lot of discussion on swordfish,  
25 particularly discards and gear modifications within that  
26 fishery, that, obviously, we don't regulate, but, like in many  
27 other fisheries, post-release mortality there was a big concern  
28 as well, and sharks tend to be high on this agenda, with mako  
29 being the primary one, and trying to institute a lot of  
30 scientific safeguards, unlike what we hear in the Gulf and a lot  
31 of our testimony, which we'll probably even hear today, about  
32 shark conflicts with fishermen, and, globally, sharks are not in  
33 good shape, and that is well recognized, and there are a lot of  
34 regulatory things going on, particularly through retention bans  
35 for mako.

36  
37 Nothing has changed drastically, in terms of the assessment of  
38 that, but, if you recall last time, with a zero percent TAC,  
39 which doesn't occur, because they're caught by bycatch a lot,  
40 there is only about a 53 percent recovery of that species by  
41 2070, and so that kind of gives you an example of what you're up  
42 against, and you can't even curb some of the catch, many of the  
43 time, and so I think, regarding this council, and I haven't  
44 heard recently, but I believe NOAA's HMS will be coming out with  
45 some recreational retention regulations coming out soon with  
46 mako, and I don't know where they are in that process, but that  
47 should be coming out soon, and so that would be relevant.

48

1 The other relevant topic was billfish, and billfish were  
2 determined to be overfished, or overharvesting was occurring  
3 with them, and that's probably going to lead to a lot of  
4 discussion on tournament regulations and things like that  
5 associated with billfish, and particularly sailfish, and a lot  
6 more research, obviously, was needed to really document that.

7  
8 There wasn't a whole lot of discussion on tuna, particularly  
9 relevant to this council, but there is a lot of discussion about  
10 FADs, the fish aggregating devices, and fishing around those and  
11 susceptibility and regulating that and that sort of thing,  
12 particularly in areas not in U.S. waters.

13  
14 That's the general update on the species, and the other bit of  
15 discussion was the IUU fishing, and, of course, that's a pretty  
16 bad in a variety of fisheries for us that relate primarily to --  
17 Well, several things, but a big one is the red snapper, and  
18 there's a lot of proposals under consideration to address that,  
19 from transport and shipment concerns, and a whole lot of other  
20 things, and there's a lot of work to curb that, and, if you  
21 recall, you get on a State Department list for imports, if  
22 you've been doing things that are outside the realm of what's  
23 legal underneath this committee, and Mexico was put on that  
24 list, and we'll probably hear reports, I'm sure, from the Coast  
25 Guard tomorrow, regarding the status of that and what's  
26 happening, but it doesn't seem to be doing too good, but, even  
27 though we're concerned about red snapper, in terms of IUU,  
28 there's a lot of other IUU fishing that is particularly  
29 disturbing, in terms of what's going on, but, really, the take-  
30 home, coming from that committee, was really to curb some of  
31 these imports from IUUs and require some presidential policy,  
32 which is in the works, but nothing yet.

33  
34 Then the last thing, coming out of this group, was there is some  
35 concerns with new workgroups forming on dolphinfish, wahoo, and  
36 even lionfish, that we can discuss how to address those  
37 particular species, but that's really new and in the works, and  
38 so there's not a lot to report from that, and so, Mr. Chairman,  
39 that's my brief update, and, Clay, I don't know if you or your  
40 team -- If I'm missing something, and, you know, there's a lot  
41 of discussion.

42  
43 The way these work is there is different workgroups, and you  
44 meet together, and then you actually meet completely privately  
45 sometimes, because they're discussing the U.S.'s position and  
46 their negotiation strategies, and you can't share that, but then  
47 there's different groups on shark and tuna, and, of course, I  
48 can't attend each one of those, and so I just get the notes from

1 the ones that I'm not able to attend that are happening  
2 simultaneous, and so I might have missed some things, and I  
3 don't know, Clay, if you know of anything that I'm missing here,  
4 relevant to this group, but, if not, then that's my brief  
5 update, Mr. Chairman.

6  
7 **CHAIRMAN DIAZ:** Dr. Porch.

8  
9 **DR. PORCH:** I wouldn't say you're missing anything, because, if  
10 I said you were missing things, there's a whole lot there,  
11 right, and, I mean, that group does a lot. I mean, that's a  
12 council in hyperdrive, just because you've got fifty-some  
13 contracting parties involved with that, and so you can imagine  
14 all the complexities, but one thing I will say that that group  
15 is making significant progress in is moving towards management  
16 strategy evaluations, to vet relatively simple harvest control  
17 rules for management, because it's so difficult to do stock  
18 assessments for a lot of these species.

19  
20 One of the things that we as a Center are thinking about moving  
21 increasingly towards is using simple approaches to adjust our  
22 catch advice, something that can be done quickly and use the  
23 most reliable data as fast as possible, so it's more recent  
24 trends, and you guys have seen the interim analyses, and, among  
25 the councils, you're the first to adopt that for management  
26 purposes, but, for some species, we don't even have a stock  
27 assessment that we can hinge that on, and, obviously, we have a  
28 lot of species in our FMPs that have never been assessed.

29  
30 There are probably some better ways to get catch advice, based  
31 on empirical harvest control rules, than simply just looking at  
32 some recent average catch, and so you'll be hearing about that  
33 increasingly over the next couple of years, and we would like to  
34 work with council staff to talk about how we can make that  
35 happen, and we just had that conversation at the South Atlantic  
36 Council. We'll be implementing an approach like that with  
37 dolphin, and so I think that's something that we should start  
38 talking about here at this council at some point as well. Thank  
39 you.

40  
41 **CHAIRMAN DIAZ:** Dr. Stunz.

42  
43 **DR. STUNZ:** Thanks, Clay, for pointing that out. Yes, it's a  
44 very complex process, and, you know, I can't summarize all in  
45 that brief -- Especially when you're not even attending all of  
46 it, because of all the things happening simultaneously, but I  
47 just wanted to point out, in addition to what Clay's team does  
48 for this group here, it's the same members, and many others that

1 you probably don't know, that are also working in that realm as  
2 well, and so, you know, it's a lot of effort.

3  
4 Clay's team goes to a lot of effort putting together stock  
5 assessments and participating in others and doing all sorts of  
6 things, and so, yes, it's quite the process, and so that can't  
7 be overstated enough, I don't think, Clay, but my take of that  
8 is, if there is any relevant issues that you would like to take  
9 forward to this advisory committee -- Clay's team, of course, is  
10 working not only with the advisory committee, but also on that  
11 actual ICCAT and in the process during the meetings, and so it's  
12 a very involved process, but I'm happy to take forward any of  
13 those concerns that we might have to that committee.

14  
15 **CHAIRMAN DIAZ:** Any other questions? Ms. Bosarge.

16  
17 **MS. BOSARGE:** I am wondering, Dr. Stunz, and I'm not sure if you  
18 have sat in on any of these meetings, but I'm sure that Dr.  
19 Porch has, and so the little bit of the -- It gets to sharks,  
20 but the little bit of education that I was able to garner from  
21 the ongoing hammerhead assessment that we have is that, as you  
22 start to compile this data, you have very little commercial data  
23 really to use anymore, and we've really cut those fisheries  
24 back, and so the amount of commercial data that we have for some  
25 of these species is much smaller than what it used to be, let's  
26 just say.

27  
28 Then, by and large, a lot of the data, a lot of the fishing  
29 that's occurring, seems to be recreational effort on some of  
30 these species, but they don't -- From what I could tell -- I  
31 mean, we have issues with recreational data, but they have --  
32 They do at least have a permit, right, but they still have very  
33 little data, it seems like, hard data, that they're garnering  
34 with that permit to utilize in those assessments, and so do you  
35 see that as something that maybe you, as a liaison with ICCAT,  
36 could work towards, maybe finding some solutions to that, maybe  
37 proffering up something?

38  
39 **DR. STUNZ:** Leann, maybe we can talk too a little bit more  
40 offline, and we definitely can do that, and Clay maybe can jump  
41 in on the specifics, but one is remember that this committee is  
42 dealing with shark species that we would not -- There is sort of  
43 this division, and so, for example, you would go with makos and  
44 their migratory nature and that sort of thing, and so that  
45 committee doesn't necessarily deal with all the shark species  
46 that are causing some problems for us, and that is managed in  
47 the U.S. through the HMS fisheries, versus the actual ICCAT, and  
48 so there are sort of two things happening, and, Clay, I don't

1 know where the real dividing line occurs there, but, yes, Leann,  
2 I mean, we can take back those concerns to that committee.

3  
4 There is, for the species being managed for the ICCAT advisory  
5 committee, there is -- I would say there is pretty good data,  
6 but it's mainly coming from commercial longline fleets that are  
7 carrying -- In other words, where this committee is operating is  
8 not traditionally where recreational fishing would be occurring.  
9 These are species that are more high-seas and highly-migratory,  
10 out further than let's say our jurisdiction extends.

11  
12 **CHAIRMAN DIAZ:** Dr. Simmons.

13  
14 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair. I just  
15 wanted to let the council know, and I believe that Dr. Stunz  
16 touched upon this, that we were approached by some folks at NOAA  
17 that are working on I think it's the WECAFC flyingfish and  
18 dolphinfish working group, and they engaged staff first, to try  
19 to try to figure out the best way to work with stakeholders in  
20 the Gulf, and so we had a call with them last week, and we're  
21 working with them on that.

22  
23 I also think they're working with the South Atlantic Council on  
24 that, and their goal is to gather information on flyingfish and  
25 dolphinfish for this working group, and so I think we may invite  
26 them to a meeting later this year, or engage our various  
27 advisory panels with some information that they may have and may  
28 be requesting, but I just wanted to let everyone know that that  
29 may be coming later this year, and we were approached by them,  
30 and I think you did mention this, Dr. Stunz. Thank you.

31  
32 **DR. STUNZ:** I didn't know about the meeting that you just had,  
33 and so, yes, those measures were just put into place, since that  
34 meeting, or whatever those planning meetings were.

35  
36 **EXECUTIVE DIRECTOR SIMMONS:** It was just a conference call  
37 regarding their efforts to try to get this working group  
38 together and start gathering comment from stakeholders and  
39 council members.

40  
41 **CHAIRMAN DIAZ:** Any other comments? Mr. Dugas.

42  
43 **MR. DUGAS:** Thank you, Mr. Chair. Dr. Stunz, was there any  
44 conversation about increasing the quota for bluefin tuna in the  
45 Gulf of Mexico? I ask that because we're seeing a lot more of  
46 them lately.

47  
48 **DR. STUNZ:** Specifically in the Gulf of Mexico, I can't comment,

1 and that -- I don't know specifically for the Gulf, and I know  
2 the indices were better for that, depending on how you look at  
3 that assessment, but, Clay, maybe you can help me answer that  
4 question. I don't know how that overall TAC is allocated back  
5 to the Gulf, in terms of what we get.

6  
7 **DR. PORCH:** There's not a specific plan, that I'm aware of, to  
8 increase quota for the Gulf in particular, and there's been a  
9 history, actually, of concern for the Gulf of Mexico as the  
10 primary spawning area, and so that's why you see a lot of the  
11 restricted regulations that are in place. I haven't heard any  
12 indication that that's likely to change anytime soon.

13  
14 **DR. STUNZ:** J.D., just to tell you, and the folks that may not  
15 know what you're talking about, and I don't know if it's because  
16 the fishery has gotten better at catching them and realizing  
17 where they're at, in terms of the recreational fishing  
18 community, but they seem to be showing up a lot more, and, I  
19 mean, it's becoming -- There is issues about can you  
20 specifically target them, or are they sort of bycatch as you're  
21 fishing for other tuna and that sort of thing, but, you know,  
22 there's -- People are catching them now, it seems, on a much  
23 more routine basis, but that's really all we know.

24  
25 **MR. DUGAS:** One more question, and you mentioned overharvesting  
26 of sailfish, and is that a local area, or is that across-the-  
27 board? I mean, I'm not sure of anyone eating sailfish.

28  
29 **DR. STUNZ:** Remember this body is managing areas that do retain  
30 quite a bit of them, and so, overall, throughout that Atlantic  
31 basin, including the Gulf, the assessment came back as they are  
32 being overharvested. Now, there is other issues with them,  
33 bycatch in other fisheries, in particular, than just  
34 overharvesting, for example, by recreational fishing. There is  
35 fleets that are capturing and retaining them, and that was the  
36 concern with the overharvesting.

37  
38 **CHAIRMAN DIAZ:** Dr. Porch.

39  
40 **DR. PORCH:** I was just following-up on the bluefin tuna  
41 situation, and so the latest assessments indicate that the stock  
42 in both the western Atlantic, which predominantly is believed to  
43 breed in the Gulf of Mexico, and in the eastern Atlantic, which  
44 predominantly breeds in the Mediterranean Sea, are increasing.  
45 The one in the eastern Atlantic has been skyrocketing for the  
46 last several years, and they are highly migratory, of course,  
47 and so the western waters are getting an influx of bluefin tuna  
48 from the eastern Atlantic as well, and so a lot of the fish

1 you're seeing from the eastern seaboard of the United States,  
2 and you're seeing a lot of fish available there, in multiple  
3 size classes, and it's a combination of both things, the much  
4 smaller western stock increasing and then a very big eastern  
5 stock and a lot of those fish migrating over here, and so, yes,  
6 we are seeing a lot more fish. We're not seeing a huge increase  
7 in the Gulf of Mexico, but there are some increases, for sure.

8  
9 **CHAIRMAN DIAZ:** All right. I'm not seeing any more hands, and  
10 so thank you for attending this for us, Dr. Stunz. We  
11 appreciate it. We're going to go ahead and take a short break,  
12 while the staff gets ready to do public testimony, and so we're  
13 going to take a ten-minute break, and we're going to start  
14 public testimony at 2:40. Thank you.

15  
16 (Whereupon, a brief recess was taken.)

17  
18 **CHAIRMAN DIAZ:** All right. We're going to try to get back  
19 started, and so if people could make their way to their seats.  
20 Good afternoon, everyone. Public input is a vital part of the  
21 council's deliberative process, and comments, both oral and  
22 written, are accepted and considered by the council throughout  
23 the process.

24  
25 The Sustainable Fisheries Act requires that all statements  
26 include a brief description of the background and interest of  
27 the persons in the subject of the statement. All written  
28 information shall include a statement of the source and date of  
29 such information.

30  
31 Oral or written communications provided to the council, its  
32 members, or its staff that relate to matters within the  
33 council's purview are public in nature. Please give any written  
34 comments to the staff, as all written comments will be posted on  
35 the council's website for viewing by council members and by the  
36 public and will be maintained by the council as part of the  
37 permanent record.

38  
39 Knowingly and willfully submitting false information to the  
40 council is a violation of federal law. We will welcome public  
41 comment from in-person and virtual attendees. Anyone joining us  
42 virtually that wishes to speak during public comment should have  
43 already registered online. Virtual participants that are  
44 registered to comment should ensure that they are registered for  
45 the webinar under the same name they used to register to speak.  
46 In-person attendees wishing to speak during the public comment  
47 should sign-in at the registration kiosk located in the back of  
48 the room. We accept only one registration per person.

1  
2 Each speaker is allowed three minutes for their testimony.  
3 Please note the timer light on the podium or on the webinar. It  
4 will be green for the first two minutes and yellow for the final  
5 minute of testimony. At three minutes, a red light will blink,  
6 and a buzzer may be enacted. Time allowed to dignitaries  
7 providing testimony is extended at the discretion of the Chair.

8  
9 If you have a cellphone or similar device, we ask that you keep  
10 it on silent or vibrating mode during the meeting. Also, in  
11 order for all to be able to hear the proceedings, we ask that  
12 you have any private conversations outside, and please be  
13 advised that alcoholic beverages are not permitted in the  
14 meeting room.

15  
16 The first few speakers -- I'm going to do in-person speakers  
17 first, because I do have a few people that took the time to get  
18 first on the list, because they have flights out of here  
19 shortly, and so, for the first five or six people, we're going  
20 to take in-person, and then, after that, we're going to go back  
21 and forth between in-person and online. With that, we're going  
22 to start with Mr. Lawrence Marino. Mr. Marino.

23  
24 **PUBLIC COMMENT**

25  
26 **MR. LAWRENCE MARINO:** Good afternoon. My name is Larry Marino,  
27 and I'm here on behalf of Louisiana Attorney General Jeff  
28 Landry. Regarding the framework action to modify red snapper  
29 catch limits, Attorney General Landry is obviously in favor of  
30 Alternative 2 under Action 1. There are clearly more fish than  
31 previously believed, and so it's appropriate to enable the  
32 fishermen to catch more.

33  
34 There are still concerns regarding localized depletion, but the  
35 Great Red Snapper Count showed that the overall stock is far  
36 greater than we thought. Fishermen in areas with less-intense  
37 effort shouldn't be penalized due to more intense efforts  
38 elsewhere, particularly when the stock is doing so well.

39  
40 There were some comments, in the Reef Fish Committee meeting,  
41 that fish shouldn't be allocated to the recreational sector,  
42 because we can't be managed. Well, first, the sector can be  
43 managed, and it is being managed, and this is coming up now, in  
44 large part, because of the FES conversions revealing higher  
45 recreational catch than was previously known. That isn't lack  
46 of management. It's simply a fact that has to be addressed in  
47 management.

1 More concerning though is the underlying rationale for these  
2 comments, that manageability of the sectors should be the sole  
3 driver of allocation decisions, and it isn't. Historical usage  
4 and the other factors in National Standard 4 and the allocation  
5 guidelines must be used to determine allocation.

6  
7 This isn't easy, but the analysis must be done, and the debates  
8 must be had, and then, once the allocation decision has been  
9 made, the management mechanisms must be put in place to enforce  
10 that allocation, to make it work. It isn't the other way  
11 around. We don't start with the management mechanism and decide  
12 allocation based on those mechanisms.

13  
14 As to Amendment 54, regarding greater amberjack, Attorney  
15 General Landry supports moving Alternative 6 under Action 1 to  
16 Considered but Rejected. As nearly everyone pointed out, this  
17 alternative stands the historical allocation on its heads and is  
18 improper. If anything, the FES conversion showed that, using  
19 the same analysis that led to the current allocation, the  
20 recreational allocation should actually be increased.

21  
22 The rationale accepted and used by this council in the first  
23 place shouldn't be changed now, merely because the new data  
24 shows that applying that rationale leads to a different result  
25 than originally anticipated. Thank you.

26  
27 **CHAIRMAN DIAZ:** Thank you, Mr. Marino. Next up is Mr. Bill  
28 Kelly.

29  
30 **MR. BILL KELLY:** Mr. Chairman and council members, my name is  
31 Bill Kelly, and I represent the members of the Florida Keys  
32 Commercial Fishermen's Association. I would like to talk to you  
33 about king mackerel and the gillnet sector.

34  
35 For years, I have been pleading for better representation on the  
36 Mackerel AP. Out of seventeen members, just one is a gillnet  
37 fisherman. Please change that, and I don't mean take them off.

38  
39 A framework amendment has been introduced to eliminate the  
40 prohibition on a gillnet fishery on weekends and holidays, which  
41 essentially reduces the fishery to a four-day workweek. Since  
42 2017, we provide real-time catch data on a daily basis, and our  
43 2022 season took five weeks, because of inclement weather. Had  
44 we been able to fish on weekends, the quota would have been  
45 reached in less than ten days. Please move this forward as  
46 quickly as possible.

47  
48 After years of favorable stock assessments, it looks like the

1 commercial king mackerel sector may get a modest increase in  
2 allocation, but that's only after a method was found to then  
3 take it back from stakeholders for a possible research set-aside  
4 at the expense of the commercial fishery.

5  
6 For more than a decade, we have requested council compliance  
7 with Magnuson-Stevens Act National Standard 4 on allocation.  
8 The council has failed, repeatedly, to act on the best available  
9 science, based on MRFSS and MRIP statistics, and rejected the  
10 Bosarge plan, that would have resolved so many issues. Now we  
11 have FES, which the councils have pounced on, with calculations  
12 so ridiculous that they should be published in *Ripley's Believe*  
13 *it or Not*. Fortunately, FES is headed to the courtroom, and,  
14 unfortunately, it appears the courtroom may be the future on  
15 allocation issues.

16  
17 On another subject, casitas in the spiny lobster fishery in  
18 Florida. Recently, the Florida Fish and Wildlife Commission  
19 reignited a study of converting the spiny lobster fishery from  
20 traps to casitas, ostensibly to protect corals. More  
21 realistically, it was probably motivated to accommodate  
22 developers, as working waterfronts in the Keys continue to  
23 disappear at a rapid rate, especially on Stock Island.

24  
25 Approximately fifteen agencies will be required to sign-off on  
26 this and give it approval, and this agency will be one of them,  
27 and we encourage you to vote against it. Casitas are  
28 responsible for the most egregious resource violations in the  
29 history of the fishery, and it would be a law enforcement  
30 nightmare, and it would most likely collapse Florida's most  
31 valuable fishery.

32  
33 In closing, Ms. Bosarge, thank you for your service to the  
34 nation, the stakeholders, and the resource and your outstanding  
35 leadership on this council, and our very best wishes on your  
36 future endeavors. Good luck, but not goodbye. Thank you.

37  
38 **CHAIRMAN DIAZ:** We've got a question for you, Mr. Kelly. Ms.  
39 Bosarge.

40  
41 **MS. BOSARGE:** Thank you for the kind words, and I do have a  
42 question. Okay. On the casitas, obviously, that's not my  
43 fishery, but remind me again, and I know we have been presented  
44 casitas one time in the past, but what exactly is this casita  
45 issue? Can you elaborate a little bit more?

46  
47 **MR. KELLY:** "Casita" is Spanish for little house, and what they  
48 are, what they are right now in the Florida Keys, is an

1 accumulation of debris like you have never seen in your life,  
2 and there are an estimated as many as 20,000 casitas, which are  
3 old washers and dryers and boat trailers and pipes, corrugated  
4 metal sheeting, things of that nature, and it's miles and miles  
5 of debris.

6  
7 NOAA Law Enforcement has documented in excess of 5,000 of these  
8 illegal casitas out there, and they're estimating that there may  
9 be as many as 20,000. They talk about -- Every time you hear a  
10 thing about marine debris, they flash a picture of a lobster  
11 trap on the screen, and that's simply not the case, and we have  
12 studies that we've done with Fish and Wildlife research and  
13 other agencies to document that.

14  
15 If you want to clean up tons of debris, here's a good example.  
16 In 2011, the Dreifort case, this guy had 1,500 illegal casitas  
17 out there, of varying items and so forth, and they -- With the  
18 fines and confiscation sale of his three properties, they  
19 cleaned up 500 of the 1,500 estimated casitas that he had out  
20 there, all right, and they filled twenty twenty-cubic-yard  
21 dumpsters with debris, and they didn't get it all.

22  
23 Now the idea, or the sense, is that, okay, we'll design a  
24 casita, which is tiered shelving, if you will, and it could be  
25 corrugated metal sheeting and stuff, separated by concrete  
26 blocks, or however you would design it, and anchor it to the  
27 ocean floor. What it would do is, one, these animals are very  
28 social, and so they would aggregate early. At the beginning of  
29 the season, you would see an enormous harvest. The price is  
30 already low, and it would crash the price for lobster.

31  
32 You would also harvest so many animals that, in the next two to  
33 three months, you would see virtually nothing, because they  
34 wouldn't be there, and they would have to migrate back into  
35 these positions, and the price would already be crashed, and so  
36 nobody would be buying that product, and you're going to see the  
37 second-largest economic engine in Monroe County, 4,500  
38 commercial fishermen, strictly boat related, and the financial  
39 number, that is pushing the \$1 billion mark, is going to go out  
40 of business, and so are a lot of the fishermen and the backbone  
41 of the Florida Keys and permanent residents there, and so --  
42 Then we'll be importing lobsters to feed to our tourists.

43  
44 **MS. BOSARGE:** Thank you. I appreciate it.

45  
46 **CHAIRMAN DIAZ:** Thank you, Mr. Kelly.

47  
48 **MR. KELLY:** Thank you.

1  
2 **CHAIRMAN DIAZ:** Next up is Captain Scott Hickman.  
3

4 **MR. SCOTT HICKMAN:** Good afternoon, ladies and gentlemen of the  
5 council. I appreciate you letting us give public comment today,  
6 and I hope that everyone is enjoying sunny southwest Florida.  
7 Captain Scott Hickman from Galveston, Texas, a founding board  
8 member of the Charter Fishermen's Association and the Galveston  
9 Professional Boatmen's Association, a long-time, multi-decade  
10 charter boat captain, and now an IFQ shareholder, with red  
11 snapper, and I do some commercial fishing.  
12

13 First off, I would like to thank Leann. Leann, you're awesome.  
14 You're a rock star, and all of our folks back home send their  
15 best, and they wish they could have been here, and the best  
16 doggone council person we've ever had, and, from somebody like  
17 myself, that likes to fight for coral protection, and somebody  
18 that does a lot of work for, you know, protecting trawl access  
19 to the bottom of the Gulf, we haven't always agreed on  
20 everything, but we did it respectfully, and you always had a  
21 compromise for folks, and you've been great to work with, and we  
22 hope, in three years, you come back, please.  
23

24 First off, red snapper. In talking to people over the Gulf,  
25 what we're seeing back in Texas, on the upper Texas coast  
26 especially, is we're seeing a decline, both in size and  
27 abundance of red snapper, and this is nothing new to a lot of  
28 you, what you've been hearing, and it's been a pretty rapid  
29 decrease in the stock.  
30

31 We would like to see no increases in red snapper. What we've  
32 got now is working, and let's let it hold. Now, you go to Billy  
33 Broussard's part of the world, in the middle of nowhere, they've  
34 got lots of fish. Big portions of the Gulf have got lots of  
35 people, and we're extracting a lot of fish really quickly. You  
36 did a good job on red snapper, and let's try to hold what we've  
37 got.  
38

39 Let's start working and pushing a federal reef fish endorsement  
40 for recreational anglers. We keep going round and round and  
41 round on all these recreational issues. Find the universe, who  
42 is doing it. You want to get this dispersion between what  
43 Alabama and Mississippi and the states are doing, seeing what  
44 they're catching and what's going on with FES, and we need an  
45 exact way to see how many people are participating in the  
46 recreational fishery.  
47

48 The states, you know, start working in line with MRIP and FES,  
49

1 and some states are doing a good job, and some states are far  
2 from being compliant, and what's the process for this council to  
3 get a compromise with NMFS? SEDAR 74 is an example. In Texas -  
4 - In SEDAR 74, it cites, in my own state, that our recreational  
5 fishermen are catching ten-times, by the FES numbers, than what  
6 was being reported by the Texas creel survey. That's a big  
7 number. Where is it at? Is it somewhere in between, or is it  
8 somewhere close to FES or what the creel survey says? That all  
9 needs to be fine-tuned.

10  
11 Fish disappearing at a rapid rate probably has a lot to do with  
12 now knowing all this increasing pressure. With five-dollar  
13 fuel, I'm seeing more boats out fishing than I've seen ever,  
14 even at five-dollar fuel. People are catching their red  
15 snappers.

16  
17 Basically, charter/for-hire and commercial fishing, we're  
18 staying within our ACLs, and let's get the rec sector inside  
19 their ACLs, and let's see how many there really are.

20  
21 King mackerel and cobia and greater amberjack, in my part of the  
22 world, they're all in the toilet. I don't know what happened  
23 with the kingfish fishery, but it's gone away really, really  
24 quickly, the same thing. We have one good success story in the  
25 Gulf, and that's red snapper. Let's not screw that up. Get to  
26 work on these other fisheries that are declining at a rapid  
27 rate, and let's get these interim assessments sped up, so we're  
28 not making decisions on fisheries that we've got three years of  
29 old data, and we're always behind the curve ball. We're always  
30 behind the curve ball. Action 2, Alternative 2 for gag grouper  
31 --

32  
33 **CHAIRMAN DIAZ:** Mr. Hickman, could you start to wind it up?

34  
35 **MR. HICKMAN:** Wrap it up?

36  
37 **CHAIRMAN DIAZ:** Yes, sir.

38  
39 **MR. HICKMAN:** All right. I had some more to say, but that's  
40 good. Thank you, all.

41  
42 **CHAIRMAN DIAZ:** We have a couple of questions for you, Mr.  
43 Hickman. Mr. Dugas.

44  
45 **MR. DUGAS:** Thank you, Scott. Can you tell us a little bit  
46 about amberjack in your area?

47  
48 **MR. HICKMAN:** Thirty years ago, I could catch nice ones about

1 forty miles out, and I can still catch them, but I've got to run  
2 about eighty-five miles. They're further offshore, and there's  
3 a lot less. The further I run east, towards Billy's part of the  
4 world, they're a hell of a lot more abundant. If you run more  
5 to the south, where there's a lot of fishing pressure out of  
6 Galveston, we don't see as many, and you've got to run further  
7 out to catch them.

8

9 **CHAIRMAN DIAZ:** Ms. Boggs.

10

11 **MS. BOGGS:** Gag grouper, Scott. Tell me about gag grouper.

12

13 **MR. HICKMAN:** We don't catch many anymore, not off of Texas. We  
14 used to catch quite a few.

15

16 **MS. BOGGS:** But did you not have an alternative that you wanted  
17 the council to look at?

18

19 **MR. HICKMAN:** Yes. Action 2, Alternative 2, and my good friend,  
20 Dylan Hubbard, sits on our board, and he fishes more people than  
21 anybody in the whole Gulf of Mexico, and they probably run  
22 150,000 people through their boats, and he says gag grouper have  
23 been doing better every year for the last three years, and  
24 that's what he is seeing, and I believe him, and I trust him,  
25 and so Alternative 2 -- Action 2, Alternative 2 for gags, and  
26 that's what CFA would like to see, and, as far as greater  
27 amberjack, we would like to see a September/October season.

28

29 **CHAIRMAN DIAZ:** Thank you, Mr. Hickman. All right. Next up is  
30 Buddy Guindon.

31

32 **MR. BUDDY GUINDON:** Hello. Thanks for everything, council,  
33 especially you, Leann. You've been a stalwart ally to all  
34 fishermen and all fishes in the Gulf of Mexico, and so thank  
35 you, and go back and enjoy your family for a while. You've done  
36 a great job.

37

38 With some forty-five years of fishing in the Gulf of Mexico, I  
39 have watched the stock go from really bad to worse and then  
40 start improving and become one of the wonders of the world for a  
41 rebuilding program that is second-to-none, and it's a shining  
42 example of a group that came together and did a lot of work to  
43 put in management systems and work and built a great stock.

44

45 Now we have a problem, and I've been watching the decrease of  
46 all the stocks, and one of the things that I -- Five years ago,  
47 I would have probably bet you that this would never happen, but  
48 a decline in the stocks of fish off the State of Texas. There

1 are smaller fish, and less of them, and the only thing that has  
2 really changed is the states get to manage the private  
3 recreational anglers now, and so we need to take a strong look  
4 at that failure to manage, because it has created a downturn in  
5 a fishery that I never thought would happen. I really thought  
6 the red snapper stocks were at a point where it would just be  
7 hard to return it to where it was.

8  
9 I learned, over the past three years, that one hook at a time,  
10 one fish at a time, you can take the stock of fish and put it  
11 back where it was, and, you know, the party boats, I think, were  
12 discarding a lot of fish, in the past couple of years, but  
13 they're not doing that anymore, because they're not searching  
14 for a ten-pound fish anymore, and they're just trying to catch  
15 their limit, and they're out around sixty, seventy, eighty miles  
16 to catch that limit of fish.

17  
18 We came in here, when you gave us a giant increase in red  
19 grouper, and said please don't do that, and so we're coming in  
20 here again, and, just to put it in perspective, if we get the  
21 red snapper raise that you're talking about, it would be 28,000  
22 pounds to me, based on my allocation, my percentage of the  
23 allocation, and it would be a huge amount of money. I could buy  
24 something really cool with that. Please don't do it.

25  
26 It's not warranted, and it's definitely needed to a lot of  
27 people around the Gulf, with the changes in red grouper that are  
28 hurting real bad, and we could use more fish, but you'll destroy  
29 a stock of fish if you don't get state management under control.  
30 Thank you.

31  
32 **CHAIRMAN DIAZ:** Mr. Guindon, I did want to thank you for  
33 spending time on the red snapper data workshop. I appreciate  
34 you donating several days of your time to give the commercial  
35 perspective and let us benefit from your experience, and so  
36 thank you for doing that. We appreciate it. All right. Next  
37 up is Mr. Eric Schmidt.

38  
39 **MR. ERIC SCHMIDT:** Good afternoon, and welcome to Fort Myers,  
40 or, as we call it in tourist season, Fort Misery. I would like  
41 to thank Leann for her service. You have been just an  
42 outstanding council member, and you are always well prepared,  
43 and you're always pleasant, and you're always engaging, and so  
44 best wishes to you, and hopefully we'll see you again soon.

45  
46 Okay, and so I have served on the IFQ, grouper-tilefish IFQ, AP,  
47 and I was on the red snapper IFQ AP, and I was a Category 2  
48 permit holder, and, most recently, I have served on the IFQ for

1 headboats. I voted against IFQs, across-the-board, at every  
2 meeting, and many of the people in here will verify that, but I  
3 come before you today because something has changed. Our  
4 fishery has changed.

5  
6 You're using this MRIP-FES data that will change the dynamics of  
7 our fishery, and it's affecting us, and it's affecting the way  
8 we do business, and so, if we're going to continue to do this  
9 for every single species, then we need to look at a different  
10 aspect of how we're going to manage our fishery. I'm going to  
11 ask you, and I can't believe that I'm doing this, but I'm going  
12 to ask you to open Amendment 42 and put the band back together,  
13 and put the headboat AP and reconvene us, so we can have this  
14 discussion.

15  
16 We haven't had a meeting for five years, but things have changed  
17 dramatically in five years, and it's time that we revisit this.  
18 We need new ideas, and I was diametrically opposed to anything  
19 having to do with IFQs, but, now, last year, you closed red  
20 grouper, and you closed lane, and I listened to the testimony  
21 yesterday, and you're going to close red grouper again this  
22 year, and I see what the alternatives are and what is the FES  
23 recalibration on gag grouper, and you're shifting fish around  
24 here and changing historical allocations at a whim.

25  
26 I mean, MRIP is an estimate, and now you've got the FES, and so  
27 you have a recalibration of an estimate, and so you've got two  
28 estimates, and then that's how we're managing our fishery, and  
29 so, yes, I would ask that you really consider untabling  
30 Amendment 42 and bringing this back for discussion.

31  
32 **CHAIRMAN DIAZ:** Thank you, Mr. Schmidt. We have a couple of  
33 questions. Mr. Gill.

34  
35 **MR. GILL:** Thank you, Mr. Chairman. Thank you, Eric, for your  
36 testimony. You heard Scott Hickman talk about gag off of Texas,  
37 and would you talk about gags off of southwest Florida?

38  
39 **MR. SCHMIDT:** Yes, and we used to have a very robust gag  
40 fishery, and I was on the SEDAR for gags, and I have read all  
41 the documents, and, yes, I will definitely agree that there has  
42 been a decline in the number of male fish, and I fish a lot of  
43 tournaments, and I fish against the same guys every year, and  
44 some of them are really, really good fishermen, and the average  
45 size of the fish has gotten smaller.

46  
47 Now, what I will say is, in 2018, we had a catastrophic red tide  
48 event, and thousands, or tens of thousands, of fish were killed,

1 dolphins and turtles and everything, and it was -- It lasted for  
2 about a year, but what has happened here, on my charters, now  
3 when I fish close to the beach, is that we've seen an increased  
4 abundance of juvenile fish, and this is the problem that I have  
5 seen in grouper management through my experience with the  
6 council.

7  
8 By the time that you guys get the data, by the time that you  
9 actually do something, the fishery -- Because grouper work in  
10 cycles. By the time that you actually take action, the fishery  
11 is already turned around and is on an upswing, and I have talked  
12 to several fishermen that fish around up around the middle  
13 grounds and so forth, and I have seen pictures on Facebook, and  
14 it must be true, if it's on Facebook, but the number of gags  
15 have increased.

16  
17 Now, we're not seeing it in our area, and I will say that, in  
18 forty fathoms, fifty fathoms, where we usually catch the big,  
19 large fish, you can't get through them. You can't get through  
20 the red snapper to get to the fish, and so I don't know if  
21 they're not there or you just can't get to them, because, when I  
22 commercial fished -- I'm not going to sit there and burn up  
23 fifty pounds of bait to catch one grouper, and throw back, you  
24 know, sixty-five red snappers, because I can't get allocation.

25  
26 **CHAIRMAN DIAZ:** Ms. Bosarge.

27  
28 **MS. BOSARGE:** Well, and I think you may have answered my  
29 question, but I was going to ask you, in this area, what are you  
30 seeing relative to red snapper, compared to what I consider down  
31 south, from Mississippi anyway.

32  
33 **MR. SCHMIDT:** The area on the west Florida coast, from Tampa to  
34 the Dry Tortugas, we have always been the red-headed stepchild.  
35 I mean, we just get ignored. When I would go to meetings, guys  
36 from the northern Gulf would say, you know, when the fishery  
37 gets rebuilt, you can participate. Well, anybody that fishes  
38 here, from Tampa to the Tortugas, realizes that, yes, okay, we  
39 can't go twenty miles and catch fish, but our fishery is very  
40 robust, and our fish are larger.

41  
42 When I was at SEDAR in Mississippi, I saw -- When the data came  
43 together, the majority of the sampling was basically from Panama  
44 City to Louisiana, and, now, Texas has their own issues, and  
45 that was a major issue, but there is not a lot of sampling. I  
46 had talked to Dr. Stunz, when he started the red snapper count,  
47 and I said, look, I've got five or six boats right here that --

48

1 You know, we can go and sample off the west Florida coast, and  
2 we have a very robust fishery for them, and our fish are much  
3 larger, and more fecund, than the fish that you get in the  
4 northern Gulf, and I understand that, when you have boats --  
5 Especially now, with the price of fuel, you have boats that are  
6 going as short a distance as they possibly can to catch those  
7 fish, and, down here, we have to go fifty, sixty, seventy miles,  
8 and it's generally a two-day trip, on the for-hire side, but  
9 we've not experienced what I am hearing is happening in Texas  
10 and the Panhandle.

11  
12 **CHAIRMAN DIAZ:** Thank you, Mr. Schmidt, and I also want to thank  
13 you for donating your time to the red snapper data workshop and  
14 sharing your experience, also. We appreciate it. We have one  
15 more question for you from Ms. Boggs.

16  
17 **MS. BOGGS:** Thank you. I'm going to shift gears, and I forgot  
18 to ask Scott Hickman, but we had a discussion this morning about  
19 the VMS and the timing period, where if you have to go get ice  
20 and things like that, and hailing-out, and the discussion was, I  
21 think, sixty, ninety, and 120 minutes, and what are your  
22 thoughts on that?

23  
24 **MR. SCHMIDT:** I think that, in my time dealing with the Gulf  
25 Council, and it's not a personal attack against anybody sitting  
26 at the table, because I've been here when there were seventeen  
27 other people sitting here at the table, but what the council has  
28 the propensity to do is take something that should be very  
29 simple and make it very complicated.

30  
31 Then you take something that's complicated and make it simple,  
32 but this is a very different business. This is not like owning  
33 a brick-and-mortar store, and this isn't like owning a  
34 restaurant, where you open the doors at 11:00, and you close at  
35 11:00 that night. This is a business where there are so many  
36 variables, the weather, mechanics, and you can't set something.

37  
38 For instance, the party boat that I run, it takes me twenty  
39 minutes to get to the fuel dock, and it's a commercial dock.  
40 They fuel shrimp boats there. If I get there right as they  
41 start fueling a shrimp boat with 4,000 gallons of fuel, I'm not  
42 going to get done in sixty, ninety, or 120 minutes. I'm going  
43 to have to sit there, and then I'm going to hope that the  
44 captain didn't walk down the street and go to the strip club.  
45 No, this is honest. They put a strip club right down by the  
46 shrimp docks.

47  
48 I go back to the -- Okay. I sit on the Data Collection AP, and

1 we had a discussion about this, and we're going to go back to  
2 the COLREGS, okay, and anybody that has one of those little red  
3 books, that you're a merchant mariner, they know where the  
4 COLREGS line is, and they know what it is all about, and we  
5 should be able to move around inshore, if we're just going to  
6 get fuel, or we're going to get ice, without the burden of  
7 having to make thirteen declarations before we actually have  
8 paying customers on the boat, because we don't take customers to  
9 go get fuel.

10  
11 It's me and two deckhands, and so, yes, it is burdensome, and  
12 just putting a stoic number there of sixty, ninety, or 120  
13 minutes, it sounds good, when you're sitting in a cubical, but,  
14 when you apply it to the real world, it's a different story.

15  
16 **CHAIRMAN DIAZ:** Thank you, Mr. Schmidt. Next up is Bob Zales.  
17 Mr. Zales.

18  
19 **MR. BOB ZALES, II:** Bob Zales, II, representing SOFA, NACO, and  
20 Panama City Boatmen. I pretty much agree with most everything  
21 that's been said already, and, like Eric just said, to get off  
22 on the SEFHIER thing, which I'm sure all the emails that I sent  
23 out about a month ago, it's really upset Andy, I guess, and Andy  
24 is not here to talk about that.

25  
26 Anyway, Andy called me, and we had a real good conversation and  
27 straightened some things out, but, in talking to Dr. Masi, or  
28 whatever-her-name-is, we had a good conversation, but her  
29 answers to my questions really didn't satisfy the concern, and  
30 you all have seen my concern on all of this, and, like Eric  
31 said, these are real-world issues.

32  
33 The commercial fishery is a fishery, and the charter fishery is  
34 similar, in the fact that we make money, but, other than that,  
35 they're completely different. You can't apply a VMS or logbook  
36 that a commercial boat does to what a charter boat does.

37  
38 Two days before I came here, I ran three four-hour trips, and  
39 every trip I had to do, and so a lot of the information in the  
40 SEFHIER thing is redundant. We've got VMS over here, and you've  
41 got SEFHIER here. When I called and asked, why do we have both,  
42 since I'm telling you where I'm going on the SEFHIER, it was,  
43 well, VMS is enforcement, and SEFHIER is data, and the two  
44 fishery departments don't talk, and so you need to get  
45 everything together and see where it is.

46  
47 In talking to the people in charge that created SEFHIER and all  
48 this, the suggestions that we made, they agree with. The

1 problem, just like was in that email, is with the Fisheries  
2 Service, and they're hellbent on keeping things like they are,  
3 rather than keeping it simple, and you need to fix that.

4  
5 When it comes to gags, we would suggest that you really look at  
6 the data that's in here and see where we are, and you all saw my  
7 email on that too, I'm sure, about, in 2014, this fishery was  
8 completely rebuilt, and that was big news across the world, and  
9 the Fisheries Service did a great job with gags and rebuilt  
10 gags. In seven years, it's all in the toilet, but the  
11 assessment says it was in the toilet the whole time, and so  
12 there's an issue here.

13  
14 We would like to have answers as to why we're going back and  
15 forth, back and forth, and, like Eric said, we go up and down,  
16 and, as I said in the email, that's exactly what red grouper do,  
17 and pretty much every fish. King mackerel is an issue, and red  
18 snapper, where we are, it's not as good as it has been, but  
19 we're catching fish. You will catch some, and you don't catch  
20 your limit every day, but we would like to see the increase in  
21 red snapper.

22  
23 Jacks, if you do anything more than a month on jacks, it's never  
24 going to recover. It's been below MSST forever, and something  
25 has got to be done. Something is going on with that fishery,  
26 and I have fished it a lot, and I can't figure it out. It's an  
27 enigma to me, because, with everything we've done, the fishery  
28 hasn't responded. Gags are kind of similar, and so, right now,  
29 king mackerel is an issue. That's it. If you've got any  
30 questions, I will be glad to answer them.

31  
32 **CHAIRMAN DIAZ:** No. Thank you, Mr. Zales. We appreciate it.

33  
34 **MR. ZALES:** Thank you for accommodating me.

35  
36 **CHAIRMAN DIAZ:** All right. Next up is Mr. Bob Spaeth.

37  
38 **MR. BOB SPAETH:** Mr. Chairman, it's already been covered, and I  
39 won't reiterate it, and so thank you.

40  
41 **CHAIRMAN DIAZ:** Thank you, Mr. Spaeth. We're going to go to  
42 some of our online folks, and first up is Kindra Arnesen.

43  
44 **MS. KINDRA ARNESEN:** Good afternoon. Thank you for taking me.  
45 I am the commercial fishing representative for the Plaquemines  
46 Parish Coastal Zone Management Advisory Committee, and my  
47 husband and I are in both state and federal fisheries, and have  
48 been for about twenty-five years.

1  
2 I am calling in today to go over the proposed changes to the  
3 greater amberjack fishery, and Alternative 1 is not consistent  
4 with the National Standards or the Magnuson-Stevens Act, and I  
5 don't see that as an option. Alternatives 2 through 4 would  
6 have major economic impacts on an already stressed fleet, by  
7 reducing the ABC and/or reallocation from the commercial sector  
8 to the recreational sector.

9  
10 Alternative 5 is just another reallocation of the overall Gulf  
11 amberjack quota to the recreational sector. In my opinion,  
12 Alternative 6 seems to be the most radical option that is very  
13 unrealistic, in my opinion, with the pressure from the political  
14 lobby, from the recreational sector, and this alternative would  
15 not be attainable in the current environment.

16  
17 I would ask that the council consider scrapping all of the above  
18 and explore a different alternative, in order to rebuild the  
19 stock, of course, and to be in compliance with federal law,  
20 create an ABC that rebuilds the stock, split the Gulf amberjack  
21 quota 51 percent commercial to 49 percent recreational overall,  
22 and this resource belongs to all Americans, and let's make sure  
23 that all Americans have access to this food source.

24  
25 My research shows me that approximately 6 percent of Americans  
26 have a recreational fishing license, and only a portion of those  
27 Americans that hold those licenses target federal reef fish, and  
28 the other 94 percent of Americans that do not hold a  
29 recreational license obtain their food source through the  
30 market. If we continue to cut the commercial sector, over and  
31 over again, and we don't do something to put back, I'm afraid  
32 that, one day, that this way of life, this access to this food  
33 source, will be eliminated from Americans, and I don't think  
34 that that's fair.

35  
36 At some point, I think we all need to take a big step back and  
37 consider what I said about the percentage of who has a  
38 recreational license and who don't and where all Americans  
39 access this food resource.

40  
41 Having said that, I would ask that, if anyone has any questions,  
42 to please ask those now, and please accept my apology, and I've  
43 been up for the last forty-eight hours, all but four hours,  
44 shrimping, and so I'm a little bit tired and shaky right now,  
45 and so thank you.

46  
47 **CHAIRMAN DIAZ:** Thank you, Ms. Arnesen. We have a question from  
48 Ms. Bosarge, Ms. Arnesen.

1  
2 **MS. BOSARGE:** Not a question, Ms. Arnesen, but I just wanted to  
3 say thanks for logging-on and talking to us. I know you and  
4 your husband do directed amberjack trips, and we don't have a  
5 lot of directed fishery really left, and so I always appreciate  
6 your input, and please don't give up on us.  
7

8 **MS. ARNESEN:** Thank you, Ms. Bosarge. We appreciate you.  
9

10 **CHAIRMAN DIAZ:** One more question from Mr. Banks.  
11

12 **MR. BANKS:** Thank you, Kindra, for making those comments. I  
13 wanted to get your take on what impacts the change in the trip  
14 limit has had on you all's business. Can you give us a little  
15 idea there, because that was some moves that we made a while  
16 ago, and I'm just curious to know how it impacted your business.  
17 Thanks.  
18

19 **MS. ARNESEN:** Thanks for the question, Mr. Banks. The reduction  
20 from 2,000 to 1,500 had a small impact, but, when the reduction  
21 went from 1,500 to 1,000 pounds per day -- You know, if I catch  
22 700 or 800 pounds one day, and I'm able to catch 1,500 two days  
23 later, when I go out the next day, then that's going to make up  
24 for that difference, but I found, when I was trying to target up  
25 to 1,000 pounds a day, if I had a bad day, then I didn't have a  
26 good day, like what I would have for 1,500 pounds, and make up  
27 the difference.  
28

29 What ultimately ended up happening was I had to make less and  
30 less trips, unless I knew something was going on that I could  
31 catch another species to go with it, and so just kind of --  
32 Also, I wanted to just to mention, Mr. Banks, if you will humor  
33 me, and Mr. Chairman. At the end of 2017, and then through 2018  
34 and 2019, we had major impacts from a high river.  
35

36 Some people may think that that wouldn't affect the federal  
37 fishery, but I'm here to tell you that it absolutely does,  
38 because what happened was it caused what we've seen is species  
39 displacement. When we couldn't find bait, we wasn't able to  
40 target the fish where we would normally target them on our  
41 fishing grounds, and, some days, I was making up to a 180-mile  
42 round trip. I mean, I have a fast boat, and, you know, we stop  
43 and we fish, and, if we don't catch, then we take off again.  
44

45 Some days, I was making those really long trips, because, and I  
46 just mentioned the high-river disaster, and, you know, we live  
47 in hurricane alley, because, before the change to that thousand  
48 pounds per day, you know, Louisiana was catching the bulk of the

1 amberjack, and, so, between all of it, with the storms, with the  
2 high river, I did want to mention that, when we were talking  
3 about overfishing and overfished, and I know that we're trying  
4 to rebuild the stock, but I just don't think that enough  
5 information has been taken into consideration.

6  
7 **CHAIRMAN DIAZ:** Thank you, Ms. Arneson. Next up, we have Ms.  
8 Catherine Bruger.

9  
10 **MS. CATHERINE BRUGER:** Thank you, Mr. Chair. Good afternoon,  
11 and it's really refreshing to be here in-person before you all  
12 today, after a long time. My name is Catherine Bruger, and I'm  
13 a Fish Policy Analyst with Ocean Conservancy, and, first, I  
14 would like to thank Ms. Bosarge for your time on the council.  
15 I'm just seconding what's already been said before, and you are  
16 always well informed, and you have a strong voice, and we're all  
17 really going to miss you.

18  
19 I would like to begin my comments today on the topic of private  
20 recreational red snapper management. This sector is going on  
21 six years of being out of compliance with the MSA. State  
22 management is failing in several ways, and, first, due to lack  
23 of calibration, the private recreational sector has been allowed  
24 to continually exceed ACLs.

25  
26 Additionally, required accountability measures, in calibrated  
27 units, sufficient to address the overages have not been  
28 enforced. Second, the 2019 OFL was exceeded, yet NOAA Fisheries  
29 has failed to make the required overfishing declaration in the  
30 Federal Register. Third, indicators of stock health are  
31 trending unfavorably. The bottom longline index is trending  
32 down, catch per unit effort for the for-hire sector is down 34  
33 percent, and we are hearing reports of declining average weight  
34 and localized depletion.

35  
36 We urge the council to proceed cautiously. Revisions to  
37 management cannot take place prior to calibrations to bring red  
38 snapper state management into compliance with the MSA.

39  
40 Shifting gears, I would like to express my deep concern for the  
41 overall health of reef fish stocks in the Gulf. In 2019, there  
42 was an emergency rule to reduce the red grouper ACL by over 60  
43 percent. Now, both gag and greater amberjack are facing  
44 possible 80 percent reductions in the quota. High-risk  
45 management practices in the Gulf have left us with little room  
46 for error.

47  
48 The downstream implications lead to drastically-reduced catch

1 limits, inconsistent season lengths, market swings, and make  
2 owning and operating a business reliant on Gulf fisheries  
3 incredibly challenging. Further, climate change is impacting  
4 the Gulf of Mexico. However, the extent to which productivity  
5 will be impacted is yet unknown.

6  
7 There has been a lot of talk about improving access for new  
8 entrants, but who could blame a young fisherman for being  
9 cautious to enter Gulf fisheries? Given these challenges, we  
10 urge the council to improve the resiliency of fisheries, by  
11 protecting our fish stocks from chronic overfishing, learning  
12 from our rebuilding failures, and developing a more  
13 precautionary approach to our risk policies.

14  
15 For both the gag and greater amberjack documents, I encourage  
16 you to set catch at constant levels and to not proceed with  
17 step-wise increases until tangible signs of improvement are  
18 indicated through either interim or full stock assessments.  
19 That's all I have today. Thank you.

20  
21 **CHAIRMAN DIAZ:** Thank you, Ms. Bruger. All right. Next up,  
22 we're going to go back to the web. Richard Fischer is up next.  
23 Mr. Fischer.

24  
25 **MR. RICHARD FISCHER:** Thank you, Mr. Chair and members of the  
26 council. I appreciate you all letting me speak this afternoon.  
27 Richard Fischer, representing the Louisiana Charter Boat  
28 Association. I will start by talking about sharks.

29  
30 As you guys know, sharks are a huge, huge problem. It's costing  
31 our captains hundreds more a day in bait that gets eaten up by  
32 these sharks, and, even if you get a fish that you're targeting  
33 on the line, most of the time, you can't get it up to the boat.  
34 It's a legitimate crisis, and we've got to do more to deal with  
35 it.

36  
37 Speaking of a crisis, or what would be a crisis, I've got to  
38 address a comment from earlier. Please, please, please do not  
39 reopen Amendment 42. No IFQs in charter fishing. Yes, we are  
40 in a crisis, but, if you reopen Amendment 42, it's going to  
41 squeeze the rest of us even more, and the answer is certainly  
42 not reopening Amendment 41 to give everyone IFQs. For the 90 or  
43 95 percent of the fleet that qualify as have-nots, IFQs would be  
44 like taking a gas can to a house on fire and saying let's try  
45 this, because we haven't tried it yet. It would be a disaster,  
46 and, please, let's not go down that road again. It got voted  
47 down for a reason.

48

1 I will move on to logbooks. Amen to everything Bob Zales said.  
2 As for what's currently up for discussion, we want the most days  
3 and the longest time series. Some speakers and members of the  
4 council brag about the industry coming to the industry, five or  
5 six years ago, and asking for logbooks, and the council  
6 listening to them and giving it to them, and, while that was  
7 true for a very small, vocal number of captains, and was not  
8 representative of the entire fleet, you all did listen.

9  
10 Well, the fleet is coming back, right now, after having  
11 experienced difficulties with the problem, or with a lot of  
12 problems out there, and asking for the most days possible, in  
13 case of a breakdown, and the most possible time to run errands,  
14 before heading offshore. We've got to thank J.D. for asking for  
15 extra time earlier.

16  
17 The longest time series among the current options for a  
18 breakdown is forty-two days, and that's less than a month-and-a-  
19 half. That's still ten-and-a-half months where a captain would  
20 be operating illegally if they're abusing this breakdown  
21 exemption. Like, come on, and you guys can catch them in ten-  
22 and-a-half months. Forty-two days is still not enough, because,  
23 as I've said before, it doesn't matter how rare it is. If it  
24 happens to you, you're SOL.

25  
26 The longest hail-out exemption time, among the options, is two  
27 hours. No one is sneaking in a trip in two hours, and, if they  
28 do, their customer isn't going to book again with them, and so  
29 let's use some common sense there, and a lot of this is really  
30 common sense, and we're kind of in a situation, with logbooks,  
31 where we are legislating common sense, but that's okay, and  
32 let's make the best of it.

33  
34 As for amberjack, I made an effort to poll our fleet in the last  
35 twenty-four hours, since yesterday's presentation and revelation  
36 that this year's season might be cut shorter. In twenty-four  
37 hours, during red snapper season, I have not been able to build  
38 a consensus. With all this said though, the central coast, the  
39 area most devastated by Hurricane Ida, Cocodrie and Grand Isle,  
40 they rely more on amberjack than our Venice fleet, and they're  
41 not a full go yet, due to the storm and lodging and other  
42 concerns, but they will be a full go next year, and so it's  
43 very, very important that we get a season next year.

44  
45 Without having and getting the full opinion of our fleet, I  
46 would say that probably the least bad outcome would be for us to  
47 not double-up days with red snapper, and so let's go ahead and  
48 start in September. I think our guys in the western Gulf can

1 live without a May season, and so, if a second month is  
2 available, I would say let's go with September and October.

3  
4 Finally, I will echo the same thoughts for Ms. Bosarge. It's  
5 been great working with you. We haven't always agreed on  
6 everything, but we have always been able to have a respectful  
7 conversation, from a common set of facts, and that's really all  
8 you can ask for, and so we're going to miss you. Thank you so  
9 much for your service, and I appreciate you all allowing me to  
10 speak.

11  
12 **CHAIRMAN DIAZ:** We have a question for you from Mr. Gill.

13  
14 **MR. GILL:** Thank you, Mr. Chairman. Thank you for your  
15 testimony, Mr. Fischer. Regarding sharks, since the council  
16 does not manage sharks, what is it that you would like the  
17 council to do that is meaningful to the problem?

18  
19 **MR. FISCHER:** You know, I would have to go to the drawing board,  
20 as I'm sure you all have, to come up with a specific answer for  
21 that, but I think we can all agree that it is a huge crisis for  
22 the Gulf-of-Mexico-federally-permitted fleet, as well as  
23 recreational fishing, and even commercial fishing as well, and I  
24 just would like for us to all think about things that could be  
25 done in addition to that. I don't have anything specific for  
26 you, but I can make you the promise that I will come back, at a  
27 future meeting, with some specifics.

28  
29 **CHAIRMAN DIAZ:** Thank you, Mr. Fischer. All right. Next up is  
30 Charlie Bergmann. I'm sorry. Ms. Bosarge has a question for  
31 you, Mr. Fischer.

32  
33 **MS. BOSARGE:** Not a question, but just a comment. Just a heads-  
34 up that I am trying really hard to at least get some like shark  
35 stock assessments in front of our SSC, because I know our  
36 fishermen listen into those meetings, and so, if you ever see  
37 one on that agenda, and you have feedback, all the relative  
38 scientists would be all the line at that point, and hopefully  
39 could hear your feedback, because, as you know, everything we do  
40 starts with the science, and so, if see something on the water  
41 about sharks, and we want to make sure that that message is  
42 conveyed, those are the people that we need to make sure that we  
43 talk to and communicate with.

44  
45 **MR. FISCHER:** Thank you, Ms. Bosarge.

46  
47 **CHAIRMAN DIAZ:** Mr. Bergmann.

1 **MR. CHARLES BERGMANN:** Good afternoon. Leann, you did good.  
2 Thanks. A little bit about gag grouper, and I've talked with a  
3 lot of folks and friends in Florida, and the suggestion from  
4 them was to let's close gag grouper in January through April, to  
5 further assist the health of the stock.

6  
7 Now, that was the commercial folks. When it comes down to what  
8 has been discussed about this possible interim rule, you know,  
9 Action 1, Alternative 2 is a good, even balance. Action 2,  
10 Alternative 2 is probably a very good thing, but it brings into  
11 question that the 403,000 pounds of fish, that's 41,000 fish,  
12 and how many thousands of anglers does the State of Florida have  
13 that fish and catch gag grouper?

14  
15 How is the Science Center going to be able to collect the data  
16 of these harvests? With the lag time that is going to be there,  
17 how is the Center, or the SERO, and this council going to be  
18 able to address any overages? We're back into another year and  
19 coming back, and you can't address it.

20  
21 We've heard two people today, or in the last two days, and  
22 General Spraggins makes mention of the FES data, where the FES  
23 people have said they've got thousands of people going out on  
24 these trips, but the State of Mississippi says it's a miniscule  
25 amount, like 2,000 or 3,000 people, or boats, and you've got Mr.  
26 Hickman talking about FES off of Texas.

27  
28 With this type of disparity in the actual effort, with this  
29 modeling, how do you address this red grouper issue that you're  
30 going to have? These are two Florida areas, or two  
31 predominantly Florida groupers, red grouper and gag grouper, and  
32 I would think that we could look real close at the State of  
33 Florida and get a whole lot better estimate than what the effort  
34 is. I would encourage the council to look at those measures.  
35 Thank you.

36  
37 **CHAIRMAN DIAZ:** Thank you, Mr. Bergmann. We're going to go back  
38 to online folks. James Hock. He's not on, Bernie? All right.  
39 Then we're going to go down to the next one. Jim Green.

40  
41 **MR. JIM GREEN:** Hello. I'm Captain Jim Green, President of CFA  
42 and DCBA. Leann, thank you so much for your years of service  
43 and commitment to our fisheries. Man, you will certainly be  
44 missed.

45  
46 I want to start off with the state calibration issue, because  
47 this is by far the most pressing issue for the red snapper  
48 fishery. All sectors and anglers feel the effects of

1 overharvesting, and overharvesting leads to localized depletion,  
2 which is being reported around the Gulf, and there has been a  
3 reduction in the bottom longline trawl survey, and all of this  
4 started when Amendment 50 was implemented, and that's not to say  
5 that our industry doesn't support the state's ability to manage  
6 their anglers and seasons, but what we do want to see is their  
7 fishery managed to the same level of accountability as everyone  
8 else is.

9

10 I urge the agency and this council to get it done. I know it's  
11 tough, and our industry has had to deal with adversity in the  
12 past, from being pushed out of the fishery to rebuilding it and  
13 doing what is right to preserve the resource, and it's time we  
14 put away the political and special-interest concerns and  
15 preserve the resource, and, if we do it now, all the gains in  
16 this fishery will not be wiped out.

17

18 I have lived through a rebuilding of red snapper, and it's not a  
19 fun proposition. We have states holding up calibration and eye-  
20 popping reports from NMFS' FES effort survey off of Texas  
21 showing astronomical amounts of underreporting and  
22 overharvesting, and, even if you don't believe that report, even  
23 a percentage of that is still a huge number.

24

25 There is little doubt why we are seeing these indicators show us  
26 the stock is not moving in the right direction. This is, pure  
27 and simple, a lack of goodwill of being co-managers in the  
28 resource. Fix your problem, and take the hit, and work to find  
29 the solution. That is what every other sector has had to do in  
30 the past, and never have I seen so much leniency being given to  
31 a subsector, much less a co-manager of the fishery.

32

33 With that said, the CFA and the DCBA do not support an increase  
34 of allocation for red snapper for any sector. We are seeing a  
35 potential decrease in the stock, as we speak, and we believe it  
36 has to do with the overharvesting that's occurring with the non-  
37 calibrated data. It is counterintuitive to allow more fish to  
38 be harvested when overfishing has occurred, like in 2019, and  
39 all signs are showing it's still occurring from that sub-sector.

40

41 With all due respect to the increase that has been sent back to  
42 the SSC multiple times, and really has the allure of political  
43 pressure and not of science, never have I seen a sub-sector be  
44 catered to and given the time to allow overharvesting to be  
45 rationalized, and this deviation from the process set forth by  
46 the MSA to help rebuild this fishery is now what is starting to  
47 lead the issues.

48

1 Correct the course, calibrate the data, and bring the fishery  
2 back to an accountable state. Then worry about allocation. I  
3 have to say, for a regional council that was set up to remove  
4 the D.C. effect and influence, this path that's being taken  
5 really replicates the out-of-touch, bend-the-rules attitude of  
6 D.C. Itself. Fix the issue and use the correct process.

7  
8 Concerning amberjack, CFA and DCBA support Action 1, Alternative  
9 5, and, for the gag grouper interim rule, CFA and DCBA support  
10 Action 1, Alternative 2, and Action 2, Alternative 2, and,  
11 finally, with the SEFHIER program and the medication of  
12 reporting, please take final action to pass these modifications  
13 to the reporting requirements. This really makes sense, and it  
14 allows for anglers not to be disrupted by a technical glitch,  
15 while preserving the strength of the data. I appreciate the  
16 opportunity to speak today.

17  
18 **CHAIRMAN DIAZ:** Thank you, Captain Green. We have one question  
19 from Ms. Boggs.

20  
21 **MS. BOGGS:** Thank you, Captain Green, and so you talked about  
22 part of the VMS, but, today, we had discussions about being away  
23 from the dock for fuel, bait, and ice, talking about a sixty,  
24 ninety, or 120 minutes, and so you wouldn't be required to hail-  
25 out, and what are your thoughts on that?

26  
27 **MR. GREEN:** I believe that sixty minutes, minimum, would be  
28 great. I think an-hour-and-twenty, especially with what Mr.  
29 Schmidt said, and, you know, you have different situations  
30 around the Gulf. I think sixty minimum is great, and, for those  
31 people that deal with different things than we do -- In a very  
32 small port like Destin, I think as much time as you can give and  
33 still feel that it's credible to the program, I think that would  
34 be great, and so sixty minimum, and anything above that would be  
35 great.

36  
37 **CHAIRMAN DIAZ:** Thank you, Captain Green.

38  
39 **MR. GREEN:** Thanks so much.

40  
41 **CHAIRMAN DIAZ:** Next up, we have Trenton Knepp.

42  
43 **MR. TRENTON KNEPP:** Hi. My name is Trenton Knepp. My family  
44 has been in the commercial fishing business for over thirty  
45 years, and my parents and my brother have longline boats. I  
46 have been commercial crabbing since I was a child, and I've been  
47 crabbing forever.

48

1 The issue we're having right now, specifically for me, is, when  
2 we cut the red grouper allocation, it drove the quota prices  
3 from sixty-cents a pound to \$3.55 to \$3.95, and we have 3  
4 percent that we have to give back on top of that. That, coupled  
5 with the gas, has put me completely out of work this year. It  
6 sucks. I'm watching my wife pay over all the bills, and I have  
7 well over \$100,000 invested in a business that's completely  
8 useless, and I can't do anything with it.

9

10 I wish we could do something with the whole IFQ system. Like  
11 we're paying for rights, for people who were given the rights,  
12 who aren't even fishing anymore, and investors have taken over,  
13 and why can't the fishermen who are fishing get some of the  
14 rights to go catch those fish without having to give all of our  
15 profit to somebody who has not got gas, not got fuel, who is not  
16 risking their life. I do day trips, and I'm doing nineteen  
17 hours a day, on average, and I come home, and I'm beat, and all  
18 I did was pay for gas and IFQ. It sucks.

19

20 On the red snapper -- In our area, and I'm out of Sarasota, and  
21 I'm an hour north of here, and, when I was a child, there was  
22 zero red snapper here. We saw nothing. Now you go out sixty  
23 miles, and I try not to go sixty miles, because I will throw  
24 more red snapper over, and I'm talking nice red snapper, than I  
25 keep in grouper.

26

27 It's a shame, and I hate throwing them back, and so many of them  
28 die, and, I'm like, well, I'm just trying to fish in shallower,  
29 try staying in the grouper water, and, on the note of the  
30 crabbing, and like I said, I've been crabbing my whole life, and  
31 never in my life have I seen red snapper in crab traps until  
32 this year. In forty-five feet of water, I'm getting bunches of  
33 juvenile red snapper. We're catching red snapper in eighty and  
34 a hundred feet of water, and it's unheard of.

35

36 I totally believe that they are having hard times in other  
37 areas, but our area is -- We have an abundance, and I question -  
38 - Is there reason there is no red grouper -- I mean, red grouper  
39 is a Tampa and south fishery, and is the reason we don't see red  
40 grouper up north because the red snapper have chased them out of  
41 the area, and are we completely going to kill our red grouper  
42 fishery in the name of saving snapper that aren't in this area  
43 and don't have anything to do with us? I mean, we've got to  
44 work local.

45

46 On the whole quota thing, like, if I was to say, on the  
47 aquaculture, we need to have them pay us half of what their fish  
48 is worth, because we have been fishing before them, I would get

1 laughed out of the room, but, yet, that's what we're doing with  
2 the IFQ system.

3  
4 **CHAIRMAN DIAZ:** Thank you, Mr. Knepp. I'm going back to the  
5 online people. Matt DePaolis.

6  
7 **MR. MATT DEPAOLIS:** Thank you. My name is Matt DePaolis, and  
8 I'm representing the Sanibel Captiva Conservation Foundation.  
9 Leann, we never crossed paths, but it sounds like you were doing  
10 a great job, but I'm here to talk today about the aquaculture  
11 opportunity areas in the Gulf of Mexico.

12  
13 Since we represent a barrier island community and the  
14 surrounding area, water quality is paramount in everything we  
15 do, and it's the forefront in our way of life, and it is the  
16 most important thing for our environment and our economy, and in  
17 the back of our mind is always this fear of a looming harmful  
18 algal bloom, and, specifically, a red tide.

19  
20 We had a red tide hit our coast in 2018, and some people have  
21 mentioned it, and that took our islands completely out of  
22 commission, as well as the surrounding areas. Fishing shut  
23 down, and aquaculture shut down. Tourism left, and we lost, in  
24 our area specifically, \$46 million, and we had 250 tons of dead  
25 sea life wash up on our shores.

26  
27 No one could get out on the water, and no one could make any  
28 money, and it was horrible, and we now know, from research that  
29 we've done at our organization, as well as with our partners at  
30 the University of Florida, that a driving force of the  
31 exacerbating effect of these red tides are anthropogenic  
32 nutrient inputs.

33  
34 We've shown, through research and a recently-published paper,  
35 that a lot of these nutrient sources coming from land are being  
36 flushed into the water and interacting with red tide that's  
37 there and then exacerbating greatly the red tide blooms, until  
38 they're these catastrophes that we've had to experience before.

39  
40 When we're talking about siting one of these fish farm  
41 aquaculture pens in the area that we know red tide begins in,  
42 off the coast of southwest Florida, that really gives us pause.  
43 We know that red tide is forming there, and it's got specific  
44 initiation areas off the coast of Sarasota and off the coast of  
45 southwest Florida, and so we just can't support any introduction  
46 of a potential massive source of nutrients into this area, or  
47 the surrounding areas, where it's likely going to feed any red  
48 tide that is present in that area.

1  
2 People have been talking about these aquaculture farms as  
3 they're a natural source of nutrients, and it's just farming,  
4 but in the ocean, but, if you're drawing up connections to a  
5 small-scale dairy farm or something, that's not at all akin to  
6 what these fish farms are.

7  
8 They are much more akin to the centralized animal feeding  
9 operations that just produce massive amounts of effluent,  
10 antibiotics, heavy metals, huge nutrient inputs, and so, to drop  
11 one of these directly in the area where we know red tide forms -  
12 - We just see a disaster looming, and so we hope that this will  
13 all be taken into account in those EISs that are going to be  
14 coming out, and we at SCCF are just strongly against putting any  
15 of these high-intensity fish farms in an area that's already  
16 undergoing so much stress from the natural pressures and  
17 anthropogenic nutrients that are already there. Thank you very  
18 much.

19  
20 **CHAIRMAN DIAZ:** All right. Next up, we have Mr. Dylan Hubbard.

21  
22 **MR. DYLAN HUBBARD:** Hello. I'm Dylan Hubbard from Hubbard's  
23 Marina in central-west Florida, a little further north of here,  
24 and, gag grouper, I want to start out with that. Me personally,  
25 our captains, for our whole area, I do not see the end-times  
26 story on gag grouper, like that stock assessment was kind of  
27 played out to be.

28  
29 Gag grouper fishing has definitely been down, but it's coming  
30 back in a big way. We've seen a lot of juvenile fish, and we've  
31 seen a good number of fish, and the last three years has been  
32 better and better and better. I think an interim analysis is  
33 extremely needed for gag grouper, before moving forward with an  
34 amendment for a rebuilding plan. Also, the terminal year of the  
35 last stock assessment is just too old to move forward, and so we  
36 have that interim analysis.

37  
38 This is a cyclical fishery, much like the red grouper fishery,  
39 and we see big upswings and downswings, and it would be really  
40 nice to have the annual interim analysis, like we have for red  
41 grouper, and so I would ask the council and ask the Southeast  
42 Fisheries Science Center to do those annual analyses, just like  
43 we do for red grouper, and hopefully continue doing them for red  
44 grouper, to keep the finger on the pulse of those fisheries and  
45 try to smooth out these big up-and-down swings.

46  
47 Thank you for moving the document final on the modifications to  
48 location reporting for SEFHIER. Also, I appreciate the motion

1 to add that abbreviated framework. Like Captain Green said,  
2 sixty minutes is okay, but anything you guys could do to  
3 alleviate some burden on the fishery, on the fleet, would be  
4 extremely appreciated.

5  
6 SEFHIER is extremely important to us, and we want to build  
7 compliance and buy-in, and we want to continue moving that  
8 program forward, and so, again, that abbreviated framework helps  
9 to preserve that buy-in and help keep people motivated to  
10 continue providing increased data collection, and hopefully some  
11 better science to moving this management forward of our  
12 industry.

13  
14 Amberjack is definitely a little different from gag grouper. I  
15 think it is pretty poor, and we've seen it get worse and worse  
16 and worse over the years, and I know there's been a lot of work  
17 done to try to figure that out, and all I know is I think you  
18 need to match the commercial minimum size limit of thirty-six  
19 inches, and I would support an alternative action to Alternative  
20 5.

21  
22 We still have a really big problem with illegal charters and  
23 localized depletion of red snapper. I've heard a lot about that  
24 from across the Gulf, and, in our area, we see it get more  
25 difficult to catch limits towards the end of the season, but  
26 they always seem to be right back to normal the next year, when  
27 we start up our red snapper season again.

28  
29 Sharks and dolphins are a huge problem for us in our area, and  
30 thank you, Leann, for all you've done. You've been a huge  
31 motivation to always be prepared when I come to council  
32 meetings, and I always think about you when I'm driving here and  
33 trying to cram the last minute, that I should be more like  
34 Leann. Also, please never, ever resurrect 42, ever. Move  
35 forward with the CFA plan, and move those fish into sector  
36 separation, and that's a much better plan for them than ever  
37 thinking about 42 ever again. Thank you.

38  
39 **CHAIRMAN DIAZ:** Thank you, Captain Hubbard. Next up is Mr. Jim  
40 Zurbrick, and Casey Streeter is on deck.

41  
42 **MR. JIM ZURBRICK:** Thank you, council, for allowing me to speak.  
43 I appreciate it, and I always do. Thank you to Leann. A couple  
44 of points. One thing is let's not forget about triggerfish. I  
45 was told it's coming, and, at the next meeting, we're going to  
46 have a presentation, and so, if we get a presentation, and we  
47 get the draft rule, and we send it out, and we do this, we're  
48 not going to make it, and we might not even make it next year,

1 right, and we've had a quota increase for almost a year, right,  
2 and we could have raised -- I wish we would have done more so we  
3 could catch that quota, but we're not going to catch the 88,000  
4 pounds of triggerfish that we have, with a sixteen-fish limit.

5  
6 It makes fishermen like myself feel that the fix is in, and that  
7 somebody doesn't want us to catch those fish, and sorry that --  
8 I always try to be as honest as I can, but I want to be  
9 respectful, but, hey, Leann made a comment, and this is about  
10 the amberjacks, on the Alternative 6. You know, in all honesty,  
11 if you really look at it, and it's called tough love.

12  
13 It's like I was telling Jessica, and it's like putting your  
14 parents in rehab, but there are times you make it, because, if  
15 the sector that is responsible for the most discards in gags,  
16 red grouper, and amberjack, and overfishing in all three of  
17 those is the problem, let's try giving the fish to the sector  
18 and see if we don't get a comeback, a rebound, and it really  
19 does make sense.

20  
21 I know the lady who was online -- She said, oh, it would never  
22 fly politically, and I understand that. I understand that, but  
23 it is a shame that the most honest approach to solving some of  
24 these overfishing issues can't be worked out.

25  
26 The gag, there is not enough fish, and we've just got to go  
27 with, on Action 1, Alternative 2, to keep the allocation the  
28 same, and I applaud like Florida for supporting that, and, also,  
29 I support them getting the longest days they can get, because I  
30 know they're going to do a really good job of trying to -- They  
31 know their feet are to the fire on this issue.

32  
33 The camera -- Like the last few times, I've got the camera on my  
34 boat, like what Mote has out here, and they're a very advanced  
35 camera system, and I have, caught, individually, 1,682 red  
36 snappers, individual, in my last four trips, and I have five  
37 discards, and I can prove it, and I think that that's some of  
38 the data you need to look at, is this camera data, of those of  
39 us that have it, and, really, when we get into this discard  
40 issue, of what we actually are discarding.

41  
42 One last time, if I could. The guys who clapped about the anti-  
43 comments about the IFQ -- Listen, we need to massage some things  
44 in the IFQ, and we absolutely do, but I went through the years  
45 when we didn't fish whole years for grouper, and, with the  
46 snapper as big as it is, we'll catch that snapper quota in three  
47 months, and everybody will be out of work, because the discards  
48 on snapper will keep us from fishing for the groupers, and so it

1 is a great system. We need to modify it, and we need to come up  
2 with some solutions to some of the issues. All right. Thank  
3 you very much.

4  
5 **CHAIRMAN DIAZ:** Thank you, Mr. Zurbrick. Mr. Banks. We have a  
6 question for you, Mr. Zurbrick.

7  
8 **MR. BANKS:** Thank you, Jim, for those comments. I am just  
9 curious to know, and do you have any ideas of how to tweak that  
10 system to try to help us with those regulatory discards that we  
11 have? For instance, I think we're looking to increase the ABC  
12 for snapper, and I heard one gentleman say that they didn't  
13 necessarily need that extra quota in the commercial sector, and  
14 is it something where you think it's a good idea to put that  
15 extra quota for the commercial side towards some of these guys  
16 who don't have their own quota, and certainly can't get shares,  
17 especially down in this area, to try to deal with those  
18 regulatory discards?

19  
20 **MR. ZURBRICK:** I think we could work on a program. If we did  
21 increase this quota -- That's a huge increase, and I would think  
22 that we could have something carved out for some research, and  
23 we could also carve out something to cover discards for those  
24 boats that can document discards, and I mentioned that camera  
25 system, but I don't know what that amount would be, the  
26 percentage of the increase, but there needs to be -- We need to  
27 get at it.

28  
29 Of course, I'm on that focus group, but I'm not sure how we're -  
30 - If we're going to be discussing those kind of things, but it  
31 seems to me that the relief -- Because I don't want to see us  
32 lose more fishermen, and we don't need more fishermen entering.  
33 We've already got an effort level that is adequate for catching  
34 the snapper, but the replacements that are coming up -- They  
35 need to have a viable opportunity to make a living.

36  
37 Guys like me, I've been in it a long time, and I'm going to move  
38 out, and somebody needs to come in and replace me, but they have  
39 to have the ability, especially on red snapper. Nobody ever  
40 thought this would get crazy like this, back in the day. We  
41 didn't even -- It wasn't even an issue when we had the grouper  
42 IFQ, and we never even thought about that, but maybe we would  
43 have put something in, had we had this same problem for the  
44 snapper IFQ part of it.

45  
46 **MR. BANKS:** To that, Mr. Zurbrick, I just challenge you guys on  
47 that focus group to talk about some advice to the council on how  
48 we used these increases in OFL and ABC to try to address some of

1 those things, because I feel like that's really our only option  
2 to try to help some of these folks who are in the fishery, that  
3 don't have their own quota, or they can't get quota, and so they  
4 have to throw all these red snapper back, and so that's a  
5 challenge of that focus group.

6  
7 **MR. ZURBRICK:** I do have a point on that, and there is kind of a  
8 generic outline, but I think it gets to the idea that we could  
9 take something ,but, you know, there is rules and regulations,  
10 and there will be criteria of who would get it. You can't give  
11 it to a guy that's a weekend warrior that's got a boat that's  
12 using his lease, that he goes out and leases snapper just so he  
13 can come home with more than a bag limit. You know, that is  
14 going on too, and so there's many issues, but I think we can  
15 solve some of it with a diverse -- Divvying up an increase, a  
16 percentage of it, some of it, whatever that is, to help some of  
17 the folks that can't find it. Thank you.

18  
19 **CHAIRMAN DIAZ:** Ms. Bosarge.

20  
21 **MS. BOSARGE:** Captain Zurbrick, you mentioned that you had a  
22 little plan of some sort fleshed out, and I know you are on that  
23 focus group. You know, the IFQ, the ad hoc IFQ AP, we brought  
24 that group together, and I feel like maybe one of the things we  
25 did wrong with that group, as a council, is that we kind of  
26 force-fed them what we had already sort of developed and asked  
27 them for their feedback on our document, which was somewhat  
28 bipolar, that document, and it was all over the place.

29  
30 I'm hoping, if you do have some plans, and anybody else who is  
31 on that focus group, send those to staff before the meeting, and  
32 let staff, you know, see what they can do with that, as far as  
33 maybe even giving a little bit of time to a focus group member  
34 to present that information, or talk about that plan, or put it  
35 in the briefing book, and I really feel like any changes that we  
36 make to that system -- It needs to be a bottom-up change, and I  
37 feel like what we've tried to do, as a council, to tweak that  
38 system, has been a top-down change, coming from the council and  
39 shoved down, and, now, what do you think about this, and the  
40 ideas really need to come from you all.

41  
42 You all are the ones that operate in that fishery on a daily  
43 basis, and you understand it. There are so many unknowns for  
44 us, and even me. I don't operate in that fishery, and so I  
45 really -- I want you all to push back on us, okay, and get in  
46 there and get your staff on the agenda, and I want the ideas to  
47 come from you all, okay, please.

48

1 **MR. ZURBRICK:** We hope to bring back something. Bob got us  
2 started, and we're going to have a facilitator, someone that  
3 knows how to move the conversation, and so I look for some  
4 positive things to come out of it. Thank you.

5  
6 **CHAIRMAN DIAZ:** Thank you, Mr. Zurbrick. Next up, we have Casey  
7 Streeter, and Andrew Egeland is on deck. Mr. Streeter.

8  
9 **MR. CASEY STREETER:** Casey Streeter, commercial fisherman, owner  
10 of Island Seafood, and I want to welcome you guys to southwest  
11 Florida. I'm grateful to see you guys here, finally. It's good  
12 to not have to travel.

13  
14 First and foremost, I want to speak about fish farming. We do  
15 not want fish farming in southwest Florida. We do not need fish  
16 farming in the Gulf. Our water is too warm, and our weather is  
17 too volatile, and we have too many water quality issues. We  
18 have an incredible ecosystem fishery that just doesn't need the  
19 risk.

20  
21 I mean, there's so much more risk than reward for this for  
22 everybody that partakes in our fisheries or enjoys our waters,  
23 and so hopefully there's going to be some pushback, and people  
24 are going to realize that this is a terrible place to do these  
25 things at.

26  
27 The real main thing that I want to talk about from this week is  
28 our recreational effort and what they're really doing to our  
29 fishery. You know, it's incredible, and I wish that you guys  
30 would have went over the spreadsheet that showed the landings of  
31 who is catching what. It's shocking. I mean, we were closed  
32 down after six months of red grouper, and we almost got 200  
33 percent of our quota.

34  
35 You guys just laid out a plan for next year's season, where  
36 we're going to have red grouper open, and then we're going to  
37 discard red snappers and gags. The way the catch rate looks,  
38 we're probably going to close down by no later than May, because  
39 they're going to catch over, and so we're going to discard red  
40 grouper and gags during red snapper season, and then we're going  
41 to have a gag season where we're going to discard red grouper  
42 and red snapper.

43  
44 There is no way this is really management. I mean, discards are  
45 putting us in this position, and you're going to hear a lot  
46 about commercial fishermen not being able to find fish, and the  
47 cost of it, but the reason we don't have the fish is because of  
48 the cuts and the discards and the participation of our

1 recreational fishery. If they were under control, there would  
2 be more fish for everybody, including our recreational  
3 fisheries.

4  
5 I would really like to put out there that why are we not talking  
6 about regional parallel seasons, where bottom fishing is open  
7 and where it's not open. Quotas are met, and discards are a  
8 thing of the past, and the fishery has a chance to rebuild.  
9 Let's all get more fish. I mean, we need these fish. We've got  
10 a lot of fishermen here and people that are fishery dependent  
11 from our area, and we do not have a lot of access, and that's a  
12 fact. We have a lot of fish, and we've got a lot of young  
13 fishermen.

14  
15 I've got a lot of guys here right now that are younger that  
16 might not speak, but, if you could, if you're dependent on the  
17 fishery in southwest Florida, and you partake in the fishery in  
18 southwest Florida, if you could please raise your hand, so they  
19 know. Okay. These are the people that I always speak about,  
20 when I go and travel, because they can't, and so I'm not a one-  
21 man band, all right, and it's important to them. They suffer.

22  
23 I mean, I really can't even fish right now, because I can't  
24 afford to burn up the IFQ that my guys are dependent on, and so  
25 that financially hurts me as well. We've got enough fish for a  
26 couple of months, and, unfortunately, it looks like we're  
27 halfway through our quotas, and so I'm not really sure where the  
28 fish is at, but no one can find it, and, if you can find it,  
29 you're not going to make any money on it, with the cost of  
30 everything.

31  
32 We need to manage our fishery, or there will be nothing left for  
33 the generations that move forward. There's a lot of older faces  
34 in the room, yesterday, at the party yesterday, and so the young  
35 guys that are here right now are the ones that won't have the  
36 opportunity, and my son won't have an opportunity, and  
37 everything that we make so much money on, economically, with our  
38 recreational fisheries, will be a thing of the past, and so  
39 manage this fishery, and do what's right. It's going to hurt,  
40 but we're approaching dangerous things.

41  
42 I mean, 400,000 pounds of red grouper for our state, here in the  
43 state of Florida, four counties does that in a month, or two-  
44 month, season, and so what are we going to do with the whole  
45 state partaking in this fishery? They're going to blow it out  
46 of the water, and then they're going to discard it the rest of  
47 the year and ruin any chance we have of bringing these things  
48 back, and so please take it -- It means something to a lot of

1 people, and this is a big deal. It's not a political thing, and  
2 this is everyone's fishery. This is America's fishery. Thank  
3 you.

4  
5 **CHAIRMAN DIAZ:** Thank you, Mr. Streeter. We have a question for  
6 you, Mr. Streeter.

7  
8 **MS. BOSARGE:** No, it's not a question, and it's okay. I just  
9 wanted to say thank you for coming, to all those people that  
10 raised your hands in the back of the room. It does mean  
11 something, and please don't hesitate to come up to the podium  
12 and talk to us, because we're just normal people, too.

13  
14 **MR. STREETER:** We've got a lot of guys that are actually off  
15 fishing too, that couldn't be here, and I know that they wish  
16 they could, but we've got to make a living, and, Leann, thank  
17 you for everything. I came into the fishery and knew nobody,  
18 and you were always very great to me, very supportive, always  
19 someone that I could bounce ideas off and get guidance from, and  
20 I'm grateful. You're going to be missed, for sure. You will be  
21 impossible to replace, and so hopefully you come back. Thank  
22 you.

23  
24 **MS. BOSARGE:** Thanks, and I hope your guys come to the podium.  
25 This is your chance to give us what-for, and don't pass it up.

26  
27 **CHAIRMAN DIAZ:** Thank you, Mr. Streeter, and thanks to the folks  
28 that also came with Mr. Streeter. All right. Mr. Egeland is  
29 next, and Andrew Peterson is on deck.

30  
31 **MR. ANDREW EGELAND:** Hello. My name is Andy Egeland. Thank you  
32 for the opportunity to make a comment up here today. I'm a  
33 commercial fisherman out of Venice, Florida. I've been doing it  
34 for about ten years now. When I started commercial fishing --  
35 Actually, during that time period, I have leased all of my  
36 allocations, in that ten years, and I have never owned a share.

37  
38 When I started out, our leased allocations were ten-cents for  
39 the red grouper. For the red snapper, it was \$2.50. This year,  
40 I spent \$3.25 a pound for red grouper and \$5.50 for red snapper.  
41 At that price, as a commercial fisherman, you cannot make any  
42 money. It is impossible for a commercial fisherman to make a  
43 profit, and I feel the fundamental problem with the IFQ program  
44 is that shareholders are able to determine their own lease  
45 price, as to their need, and it doesn't matter.

46  
47 If you call a guy in January, or you call him in December, and  
48 he says, you've got to wait until January. On January 1, you

1 call him, and let me see what it's going for, and it's \$4.75,  
2 and how can you afford that, with the cost of fuel, with the  
3 cost of maintenance, and all of our regulations and keeping our  
4 boats up, and you are going to put the commercial fishing  
5 industry out of business.

6  
7 I've been listening in, over the last couple of days, to the  
8 council meeting, and something I've heard Leann say numerous  
9 times is, you know, it's getting too much, and it's too  
10 difficult, and it's too confusing. You know, there is too much  
11 politics in fishing. Fishing is supposed to be fishing, and  
12 it's not supposed to be politics. Thank you for your time.

13  
14 **DR. STUNZ:** Up next is Andrew Peterson.

15  
16 **MR. ANDREW PETERSON:** Hi, guys. My name is Andrew Peterson, and  
17 I'm with BlueFIN Data, and we are a technology company that has  
18 been providing software for data collection to agencies from  
19 Texas to Maine, over the past fifteen years.

20  
21 Our first program started in Louisiana, with Gulf States Marine  
22 Fisheries Commission, and, over the years, we've slowly migrated  
23 to all the various regions, and so we understand the  
24 complexities of all the different reporting requirements across  
25 the Gulf of Mexico, and I'm here to tell you that we've been  
26 working on software to be able to satisfy those reporting  
27 requirements at scale.

28  
29 Most recently, we were approved for the SEFHIER program, and  
30 there are a lot of talks about the commercial e-logbook going to  
31 -- The commercial paper log going to an e-logbook, and there's  
32 talk, in the shrimp fishery, about going to a new technology,  
33 and I'm just here to say that let's improve communications, as  
34 far as what the requirements are, so that us as vendors can know  
35 what to build, because, on both sides, the agency and the  
36 fishermen, there is no shortage of problems, and it's because of  
37 the lack of data. We have the solution to be able to collect  
38 the data from the industry, but we just have to get it out  
39 there. Thank you for your time.

40  
41 **DR. STUNZ:** Okay. Thank you, Mr. Peterson. I'm not seeing any  
42 questions. Up next is Jack Flynn, followed by Ron Chicola. Mr.  
43 Flynn are you out there? All right. Not seeing Mr. Flynn,  
44 we'll come back to him. Ron Chicola is up next, followed by  
45 Laura Guzman.

46  
47 **MR. RONALD CHICOLA:** Good afternoon, council. Congratulations  
48 to Ms. Bosarge. I'm up here to talk about the lease, the lease

1 prices. Things are rough here in Louisiana. There's was a lot  
2 of storms, and the whole year was bad. We had two hurricanes.  
3 I was able to lease enough fish, all I wanted, really, and I  
4 guess because of the weather.

5  
6 We fished for eight months. In eight months, we caught a little  
7 over 200,000 pounds of grouper and tilefish and snapper. I paid  
8 -- The dock price for the fish was \$1,240,000 to the boat. I  
9 paid the fish lords, for the privilege to go catch those fish,  
10 \$782,135.54. Did I say it right, Greg? He's got a copy of the  
11 trip --

12  
13 **DR. STUNZ:** Yes, sir, you did. He provided me with a copy of  
14 that.

15  
16 **MR. CHICOLA:** \$782,135, over three-quarters of a million  
17 dollars, and that's not fair, but we made a living with it,  
18 because I still had \$400,000 left over, and the boat ended up  
19 making \$80,000 for the year, on a \$600,000 investment, but the  
20 boat did turn a profit.

21  
22 This year, we switched the boat over in January and went  
23 swordfishing for four months, and we did pretty good, amazingly  
24 well, and there's a lot of small swordfish to the west, but we  
25 did real well, 10,000 or 15,000 pounds a trip.

26  
27 We switched the boat back over in May, and we made the first  
28 trip in May, and you talk about -- The boat worked offshore for  
29 eight days in the deep water, 1,000 to 2,000 feet of water for  
30 the tilefish, and we caught 8,000 pounds of tilefish in eight  
31 days, a little over 8,000. We moved inshore, in 400, 350, 500  
32 feet of water, and we worked for two-days-and-a-half in that  
33 water, and the stock is depleted, everybody says, and we caught  
34 16,786 pounds of red snapper, from fifteen to twenty-five pounds  
35 each. To go along with it, about 1,800 pounds of a grouper.

36  
37 The boat stopped in ten days, and there was \$151,645.75. After  
38 fuel, shareholders, and we paid the lords for the fish and ice,  
39 the check was \$47,442. Out of that, there's another \$8,000  
40 worth of expenses, and the gross shared up on about \$38,000. I  
41 gave the crew \$18,000, and the boat made the rest.

42  
43 You're talking about two-and-a-half days, and we put over 20,000  
44 pounds of fish on the boat. That's how depleted the stock is.  
45 It's depleted in the shallow water, if you want to go in there  
46 where it's knee-deep, but, if you move offshore, there is plenty  
47 of fish. We don't stay, and we don't never go inside of 350  
48 feet. There's plenty of big fish, plenty of fish, and no

1 sharks.

2  
3 The only thing short this year is leasing, and I got 45,000  
4 pounds of fish to catch right now, grouper and tilefish, and I  
5 don't have any pounds of red snapper. On 1,500 pounds of  
6 grouper, I caught 16,000 pounds of swordfish. I do not want to  
7 -- I need somebody to lease me 100,000 pounds of snapper now.  
8 The boat is going to unload on Monday. He's on his way in on  
9 Sunday. If you want to see a catch, come to the dock, and he's  
10 got about 25,000 on of tilefish, grouper, and snapper, but I'm  
11 out of snapper, and somebody needs to step up and give me  
12 100,000 pounds to lease.

13  
14 **CHAIRMAN DIAZ:** Mr. Chicola, I'm going to ask you to start  
15 wrapping up, if you would, please.

16  
17 **MR. CHICOLA:** That's it. I'm done with it.

18  
19 **CHAIRMAN DIAZ:** Dr. Stunz has a question for you.

20  
21 **DR. STUNZ:** Mr. Chicola, you provided, I guess, several of us  
22 with that 700,000, or almost 800,000, pounds of leasing, and  
23 that's certainly a lot of money. Do you lease -- Is that from a  
24 variety of sources or are you --

25  
26 **MR. CHICOLA:** Two people.

27  
28 **DR. STUNZ:** Two people?

29  
30 **MR. CHICOLA:** Two people I make rich, and I give them three-  
31 quarters-of-a-million dollars, from fish that you all give them.

32  
33 **DR. STUNZ:** Well, the question I was going to ask, what  
34 intrigued me, is so, if you need 100,000, because your ratio --  
35 You're catching more snapper than grouper, and, if you need  
36 100,000 pounds of snapper, those fish will go back in the water,  
37 if you don't get the 100,000 pounds of snapper?

38  
39 **MR. CHICOLA:** Those fish will go back on the deck until we get -  
40 - You can't just -- Discards are a problem, and it's not easy,  
41 because you've got to unhook him. You can't just throw him  
42 overboard right there. If you do, the sharks are going to eat  
43 you alive, and so you've got to put him on the deck and put him  
44 in the basket and wait until you get through hauling the gear  
45 and get out of the grounds and dump the fish and go back to  
46 fishing, and it's really a pain in the ass to discard. I would  
47 just as soon put him in the hold, you know, and there is no  
48 reason to discard them anyway. Somebody needs to step up, and

1 half the quota is still there. Half of the quota is still out  
2 there.

3

4 **CHAIRMAN DIAZ:** Mr. Banks.

5

6 **MR. BANKS:** Thank you, Ron, for coming, and I will just tell you  
7 all that I have been at his dock, on his boat, and it is amazing  
8 the amount of fish, of all different species, that they bring  
9 in. It's quite impressive what you all do, and so I can feel  
10 for you going out and working your tail off for a dollar a pound  
11 on snapper, and so I'm going to ask you, I guess, a little bit  
12 like I asked Mr. Zurbrick, and we're looking at an increase  
13 overall for red snapper, and I think it's going to be -- I can't  
14 remember how much to the overall commercial sector, 350,000  
15 pounds maybe, and how do we -- How do we take 350,000 pounds and  
16 get it to folks like you, who need it for discards, to cover  
17 discards and things like that?

18

19 **MR. CHICOLA:** You've got a problem, because that's just a  
20 handful of fish. It's just a handful of fish. I mean, there's  
21 plenty of fish, and it's not like -- I mean, you can stand in  
22 the knee-deep water and beat the rock piles to death, and the  
23 big shareholders will come up here and say, there ain't no more  
24 fish, and they're in trouble. When you're catching the juvenile  
25 fish off the rock piles, it's true. If you move outside the  
26 knee-deep water and get out to where the real stuff is, they're  
27 all fifteen to twenty-five pounds, and you saw it, Patrick. You  
28 came to the dock.

29

30 Patrick walked up to the hold, and he looked in there, and he  
31 said, if the recreational fishermen saw that, they would die,  
32 because all of them is over fifteen pounds. We don't catch  
33 little fish, and they don't belong out there in that deep water  
34 anyway. They shouldn't be out there, outside of 300 feet of  
35 water, and that just goes to show you how many is in the shallow  
36 water, because the fish are out there in 400 to 500 feet of  
37 water.

38

39 **CHAIRMAN DIAZ:** Ms. Boggs.

40

41 **MS. BOGGS:** Mr. Chicola, I have a question. Without giving up  
42 your secrets, are you fishing -- You're docked in Louisiana, and  
43 are you fishing like straight south, or are you coming over to  
44 the western Gulf, or the eastern Gulf?

45

46 **MR. CHICOLA:** This trip right here came out of Mississippi  
47 Canyon, in 400 to 500 feet of water.

48

1 **CHAIRMAN DIAZ:** Ms. Boggs.  
2  
3 **MS. BOGGS:** I'm going to ask if Greg and Patrick can share those  
4 papers with the rest of the council.  
5  
6 **DR. STUNZ:** Sure. I would be happy to share that.  
7  
8 **CHAIRMAN DIAZ:** Dr. Stunz.  
9  
10 **DR. STUNZ:** Mr. Chicola had shared those papers with me, and I  
11 appreciate it, because, until you look at -- I mean, he shared  
12 the real invoices and what he has --  
13  
14 **MR. CHICOLA:** I paid three-quarters-of-a-million dollars last  
15 year.  
16  
17 **DR. STUNZ:** The snapper are not making money, other than just  
18 paying for your cost to essentially handle the fish and not have  
19 to discard them, even though you discard a lot.  
20  
21 **MR. CHICOLA:** We leave the dock, and we go offshore, and we  
22 catch our tilefish, and we come inshore and catch our groupers.  
23 When we come inshore to catch our grouper, you've got to deal  
24 with the snappers, and there is one to two to three to four  
25 snappers to a grouper.  
26  
27 **DR. STUNZ:** Mr. Chicola, I wanted to just remind this group that  
28 you're fishing in 300 to 500 feet of water, and the snapper  
29 count that was recently done, that found the fish on all of that  
30 open bottom, or the uncharacterized bottom, you're mainly  
31 setting -- We were required, in that study, to be 300 feet back,  
32 and those are fish are currently still unaccounted for, in terms  
33 of population abundance.  
34  
35 **MR. CHICOLA:** When we killed them all, I was there when we did  
36 it. We caught the red snappers, back in the 1960s and the  
37 1970s, with bandits, until it came time to longline, and we got  
38 outside and caught the groupers. When we figured out that you  
39 could take that longline in 150 feet of water and catch the sows  
40 -- In two years, we murdered them all. That's when the red  
41 snapper collapsed, but, if you keep that longline outside of  
42 fifty fathoms, you will never ever catch the -- That is born  
43 every year.  
44  
45 If you did a real study in the mouth of the river to  
46 Brownsville, there will tell you there is sow snappers, and, in  
47 Louisiana, they call it uncharted bottom, and there is pipelines  
48 everywhere, and we fish the pipelines. You get on a pipeline,

1 and you get to a junction box, where two or three cross, you  
2 might as well just shut the engine off, because you'll be there  
3 picking fish off every hook, snappers, twenty-five pounds, with  
4 a few grouper to go with them.

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

7  
8 **MR. BANKS:** I'm sorry, Ron, for keeping you up there.

9  
10 **MR. CHICOLA:** That's all right.

11  
12 **MR. BANKS:** But I would like for you to share with the group  
13 what is -- What goes into your decision to lease shares, rather  
14 than to take the little bit of profits you make and slowly buy  
15 shares?

16  
17 **MR. CHICOLA:** I am seventy-two years old. That's one of the  
18 reasons, and my son, that's running the boat right now, he's  
19 fifty, and I would like to leave him a little something. I am  
20 not going to pay anybody for something that the government gave  
21 them, and I should have got fish when they gave them, but, when  
22 we killed them all, I had to move south, and I couldn't stay up  
23 here. I had to find a place, and I sold a boat in Mexico and  
24 worked down there for twenty-five years and then came back up  
25 here and built this new boat, on the promise of some fish to  
26 lease, and money comes between friends, you hear? Is that all?

27  
28 **CHAIRMAN DIAZ:** Thank you, Mr. Chicola. Next up, we have Jack  
29 Flynn, and Laura Guzman is on deck. Laura Guzman, and then  
30 Shawn Watson is on deck.

31  
32 **MS. LAURA GUZMAN:** Good afternoon. My name is Laura Guzman,  
33 owner of JNB Fisheries since 2006. Four years ago, I stood up  
34 before you, and I was naïve then, thinking that anybody that can  
35 get to this country and wanted to work hard can do it. I bought  
36 a boat, a commercial fishing boat, in 2017, and I bought a reef  
37 permit, fishing tackle, and I was set up.

38  
39 Then I realized that I was not as -- Lots of things have changed  
40 around the world since the COVID-19 pandemic. As a matter of a  
41 fact, the shareholders became more greedy than ever. The quota  
42 is increasing, and they manipulating the quota price, and no one  
43 has stopped to think -- I am going to say no one, and it's  
44 probably you, has been thinking about the consumer. These are  
45 very hard times.

46  
47 People are struggling to buy food. Increasing the quota prices,  
48 we add the cost to the consumer, to them. Increasing the cost

1 of the quota hampers us to pay higher wages to our crew members,  
2 plus the fuel prices, and to levels of five-dollars a gallon.

3  
4 On the other hand, after I listened to the EEJ presentation,  
5 today, I am here also to talk about President Joe Biden's  
6 Executive Order Number 13985 that talks about racial equity,  
7 diversity, inclusion, and I'm sorry about these big words, and  
8 competitiveness, and I'm sorry, and I struggle with big words,  
9 but the IFQ program has -- I am here to tell you that I have  
10 been discriminated against, as a Hispanic female. I have been  
11 underrepresented, and that's it. Thank you so much.

12  
13 **CHAIRMAN DIAZ:** Thank you, Ms. Guzman. We have a question from  
14 Dr. Stunz.

15  
16 **DR. STUNZ:** Ms. Guzman, did you say that you bought your vessel  
17 in -- You've been in the business since 2017, or what's your  
18 history with the business?

19  
20 **MS. GUZMAN:** Well, I have been in the fishing business for  
21 twenty-five years, since twenty-five years ago, 1997. In 2017,  
22 we bought this boat here in the United States, and so I've been  
23 in the fishing business for twenty-five years.

24  
25 **DR. STUNZ:** Okay. Thank you.

26  
27 **CHAIRMAN DIAZ:** Thank you, Ms. Guzman.

28  
29 **MS. GUZMAN:** Thank you.

30  
31 **CHAIRMAN DIAZ:** Next up, we have Shawn Watson, and Mike Birren  
32 is on deck.

33  
34 **MR. SHAWN WATSON:** Good afternoon. My name is Shawn Watson, and  
35 I'm a commercial fisherman out of Madeira Beach, Florida. I've  
36 been in the business now for about fourteen years, and so some  
37 of you probably have seen me, and some of you probably have not,  
38 and I used to come to the meetings, and my first meeting was in  
39 Key West, Florida, maybe about ten years ago or so.

40  
41 My particular fishery is grouper, okay, and we do catch snapper,  
42 but I want to talk about grouper right now. We are definitely  
43 seeing any increase in our catches and less access to quota.  
44 For instance, you've heard already that prices of red grouper  
45 allocation have gone -- I have seen it go up, and I've seen it  
46 go down, and I've been here over the years now, and I've seen it  
47 at fifty-cents, and I've seen it at ten-cents. This year, I'm  
48 seeing it at \$3.95, \$2.00, and the average cost is two-bucks, or

1 \$2.50, if you can get it.

2  
3 When I got into this fishery, I got in because I love fishing.  
4 As you can see, I'm also a minority in this industry, okay, but  
5 I've been fishing my whole life, and I love it. I'm going to  
6 continue to do it as long as I can.

7  
8 We have an EEJ, and, hey, I'm here to -- We need to start making  
9 some serious changes to keep the IFQ and the shares in the hands  
10 of the fishermen and not in the hands of investors and not in  
11 the hands of people that aren't going to use that resource, but  
12 in the hands of the fishermen, these young men and these young  
13 women.

14  
15 Since I've been in this business, I've seen faces change, and  
16 I'm seeing it now, because, when I got in, some of the young  
17 guys that you see sitting behind us now -- They weren't there,  
18 and some of the older guys have gotten out. I'm not here to say  
19 take anything away from the ones that have gotten it. They  
20 worked hard, and they deserve it, but there are some of us here  
21 that are working hard, just as they did. When does our time  
22 come into effect?

23  
24 You have a perfect opportunity right now, and I'm hearing that,  
25 in some areas, they're not catching red snapper the way they  
26 used to, and they don't want the quota.

27  
28 In Madeira Beach, in southeast Florida, where I fish at, we're  
29 seeing an abundance of red snappers, okay? I do a lot of rod-  
30 and-reel fishing myself, going out on the weekends with my  
31 friends, and we're catching them in forty and fifty feet. You  
32 heard that you're seeing them in crab traps, and I've seen that  
33 as well. Okay?

34  
35 You have the perfect opportunity now, and, if you don't want to  
36 give it to the western Gulf, if they don't need it, great. We  
37 need it in southeast Florida, and it's the perfect opportunity  
38 now to divide it and say, hey, if you guys are fishing, we're  
39 going to put it into the hands of you to stop some of the  
40 discards. My longline boats, we throw away a lot of snapper,  
41 and you hate seeing it. They call me and they say, hey, Shawn,  
42 can we keep snapper? No. Why not? Why not? We're catching  
43 them, and we've got 200 on that line. Well, at \$4.50 a pound,  
44 or \$4.60 a pound, and that fish is getting sold on the market  
45 for six-bucks, there's not much there. When are we going to do  
46 something to keep the IFQ in the hands of the fishermen? Thank  
47 you.

48

1 **CHAIRMAN DIAZ:** We have a question Dr. Shipp.  
2  
3 **DR. SHIPP:** Thanks, Shawn, for coming. You said you've been in  
4 the industry for, what, eight or ten years?  
5  
6 **MR. WATSON:** Fourteen.  
7  
8 **DR. SHIPP:** Okay. That's even better. Have you seen the  
9 population of red snapper slowly increase, or has it been up and  
10 down and up and down?  
11  
12 **MR. WATSON:** I moved here in 1998. In 1998, I moved here. When  
13 I moved to the Gulf states, I didn't even know what a red  
14 snapper was, to be honest with you. All I kept hearing is, man,  
15 we've got to try to catch a red snapper. I started fishing, and  
16 I had never seen a red snapper. I really think, over time, with  
17 the pipeline, that those snappers have got a highway in the  
18 water. Maybe it was about ten or twelve years ago, when I first  
19 saw my first red snapper, and I was grouper fishing.  
20  
21 Now, I see snapper everywhere, and we can't get to the gags.  
22 They're there. I mean, we're seeing record numbers of gags  
23 being caught. I mean, I caught gags, this year, in twelve feet  
24 of water, and they were jumping out of the water like kingfish.  
25 If you want to see it, I can show you the videos, and I would be  
26 willing to bring the videos and show you on the gags, but, the  
27 snapper, I've seen a steady increase in snapper. We definitely  
28 need snapper in our area.  
29  
30 **CHAIRMAN DIAZ:** Dr. Stunz.  
31  
32 **DR. STUNZ:** Thank you, Shawn, for that. I met Shawn at this  
33 meeting, in the hallway, and one thing I just wanted to say is  
34 that I was very interested -- He's a modest guy, but he's an  
35 Olympic athlete, and he actually beat Carl Lewis, and I thought  
36 that was worth noting. I wanted to make sure that that got in  
37 the record, but that's not really -- I mean, that's obviously a  
38 major accomplishment, but that's not my question.  
39  
40 Obviously, there's a lot of us around the table that want to get  
41 shares to you guys, but especially from a fairness aspect of  
42 getting into it, and especially being leased and all those  
43 issues that we've been hearing about today, but I'm wondering --  
44 You know, part of it could be, as the allocation grows, and  
45 there is more fish to allocate, that could be a method.  
46  
47 I mean, we also want to do this in a fair way, and some have  
48 paid for it, and some have received it, just gifted it

1 initially, essentially, and so what I'm trying to see is if you  
2 have any ideas, and I don't want to really put you on the spot,  
3 but what way do you see that we can get you allocation in a fair  
4 manner?

5  
6 **MR. WATSON:** Well, it's like, right now, on grouper, we're at  
7 the lowest point we've even been in, that I believe. Again, I'm  
8 not here to try to take anything from anybody that's already got  
9 it, and that's not my point, but I feel like, when we're at the  
10 lowest point right now, when we do give those increases, how  
11 come I can't be included, and these guys can't be included?  
12 We're at the lowest point right now, and even the current  
13 shareholders -- Give them some as well, and they're not going to  
14 lose anything. They're going to gain. Give them an equal  
15 portion. You've got a reef permit, and I've got a reef permit,  
16 and I've got longline endorsements. Give me a piece of the pie.  
17 We're fishing. Give us all a piece of the pie.

18  
19 If somebody wants to get out of the business, hey, they can have  
20 government buybacks and figure out a way to do that, but put  
21 those fish back into the fishery. If an investor wants to get  
22 out, figure out a government buyback, and take those fish and  
23 put them back into the fishery and keep them in the hands of the  
24 fishermen.

25  
26 **CHAIRMAN DIAZ:** Thank you, Mr. Watson. Next up, we have Mike  
27 Birren, with Ken Haddad on deck.

28  
29 **MR. MIKE BIRREN:** My name is Mike Birren, and I'm a third-  
30 generation commercial fisherman. We fish in Hernando Beach,  
31 Florida, pretty much from there all the way to Key West. I'm  
32 also a new 2020 graduate of the MREP program, which has given me  
33 the nerve to get up here and speak in front of you all.

34  
35 I learned a lot during that process, and I'm very proud of it,  
36 that I was able to attend it, and I want to thank the council  
37 and everyone involved. Thank you, guys, for doing a great job,  
38 and I know you do a lot for the process, to keep our fishery  
39 alive.

40  
41 The first thing I wanted to comment on, and I've heard a lot of  
42 great comments, and the last one that that gentleman just made  
43 of putting red snapper back into the fishery, that's an awesome  
44 idea. This year, I've been fishing -- I'm fifty-four years old,  
45 and I've been fishing since I was six years old. Like I said,  
46 I'm third-generation. It's the first year in thirty-five years  
47 that I'm unemployed. Because of Amendment 53, I cannot get any  
48 quota. I've looked, and I can't find it, or, even if I can find

1 it, it's just not profitable for me to go ahead and purchase it  
2 and make enough profit, in the end.

3  
4 Anyway, we're basically doing boat work, and we do multiple  
5 different fisheries. We stone crab, and we grouper, and  
6 kingfish, and gillnet. I'm going to comment on that next, but  
7 the gag grouper in our area, which is, again, north of Tampa,  
8 there is a lot of gags up in our area. We don't experience the  
9 red tide like south Florida does. I've heard a few people say  
10 that south Florida is more for the red grouper, and that's true.

11  
12 Our area, if we want to catch gags, we stay from Clearwater  
13 north, and we have gags in six to eight feet of water in our  
14 area. There are a lot of rocks and everything else. When we're  
15 diving on a rock, we'll see twenty and thirty gags on one rock.  
16 I mean, it's just unbelievable, up in our area.

17  
18 I know you guys are getting ready to make some changes on the  
19 gag grouper. That said being said, I would just like to urge  
20 the council to take into consideration, with Amendment 53, how  
21 it kind of displaces some of us fishermen and families, and  
22 maybe just think about that for the gag. There is a lot of gag,  
23 and maybe some areas are hurting, because of the water quality  
24 in south Florida, with the red tide and all the other things  
25 that has affected them, but, in our area, that's not an issue.

26  
27 Next on my agenda is kingfish, and we've been pretty well -- A  
28 long time, and we have not gotten an increase, and I know we're  
29 looking at an increase on the kingfish, and I would urge the  
30 council to hopefully give us that increase, on both sides, and  
31 I'm not just asking for the gillnet side, but the troll fleet  
32 and everything else.

33  
34 You know, it's well deserved, and our gillnet fishery is 100  
35 percent self-governed. There is only sixteen boats in this  
36 fishery, and fourteen active permits, fourteen active boats, and  
37 we pretty well give real-time data, when we catch it, reporting,  
38 and the weekend closure, like Mr. Bill Kelly had mentioned  
39 earlier, we would like to do away with that. We do have real-  
40 time data that we're providing to the feds on that, and so there  
41 is really no reason for -- That's kind of outdated stuff, to be  
42 closed on the weekend, honestly.

43  
44 I know I'm running out of time here, but the shark thing -- I  
45 know you guys don't handle that, but sharks and predation is  
46 definitely an issue in the grouper fishery. I mean, that has  
47 affected a lot of things.

48

1 Last on my list is like what Casey had mentioned, and we don't  
2 really need -- In my opinion, we don't need the fish pens out  
3 here, and I just feel like this is Florida and the Gulf of  
4 Mexico, which is too volatile, with the hurricanes, and I think  
5 it's a recipe for disaster, and I would urge the council to  
6 really consider against that. Thank you for allowing me to  
7 speak today.

8  
9 **CHAIRMAN DIAZ:** Thank you, Mr. Birren. We have a question for  
10 you from Ms. Boggs.

11  
12 **MS. BOGGS:** Well, I just had a comment. I did meet Mike at  
13 MREP, and so I'm very glad to see you here, at your first real  
14 council meeting, and we did the trial council meeting at the  
15 MREP, and he was not sure about all that, but we're glad to have  
16 you here. Thank you.

17  
18 **MR. BIRREN:** I earned my doctorate there. Thank you, again.

19  
20 **CHAIRMAN DIAZ:** All right, and so next up is Ken Haddad, and  
21 Wayne Werner is on deck.

22  
23 **MR. KEN HADDAD:** Thank you, Mr. Chairman and council members.  
24 Leann, we'll miss you. You've done a great job. I can't say  
25 that we've agreed on anything, but it's been a good time. Good  
26 luck for you.

27  
28 I want to have just a quick general comment. The council is in  
29 the process of developing allocation review processes and  
30 procedures, and you have a review schedule. The FES  
31 conversions, the updated SEDARs, have created kind of a hurried  
32 reallocation situation, and we know the simple fact is that,  
33 when you do this recalibration, you really should recalibrate  
34 not just OFL and ABC and ACL, but also the allocation, because  
35 you're changing currencies.

36  
37 This is creating confusion amongst many of us, and there is a  
38 lot of people upset, but it's deemed the best scientific  
39 approach. We hope that you would take some time to decide how  
40 to consistently deal with this issue, because it's just going to  
41 come over and over again.

42  
43 King mackerel, Amendment 11, get the fish out to the fishermen,  
44 and we're good with that. Amendment 33, we're not so happy.  
45 Current observations on the difficulty in finding fish, and it's  
46 a scientific fact that recruitment has been below target, for a  
47 number of years, and, because the council and the SSC have not  
48 yet addressed the recreational concerns that we've been voicing

1 over and over again, we would like to just see this moved to a  
2 point where you get the next stock assessment, and, in the  
3 meantime, address the concern we have with leaving fish in the  
4 water when you have a catch-and-release and a fishery that's  
5 distributed differently, and fished differently, by the  
6 recreational sector.

7  
8 We would like to see OY addressed in the objective and the  
9 purpose and need, and that's something that also has been  
10 requested, and we would like to also point out that, for  
11 Alternatives 2 and 3, there may be some mischaracterization of  
12 rec landings, in the Model 2, and the four years used included a  
13 COVID year, and it's a 35 percent less landings, as compared to  
14 the other three years in there, and we just wonder how that  
15 affects the model and the outcome of the difference in ACL and  
16 landings that are being used in Amendments 2 and 3.

17  
18 For amberjack, we are okay with the emergency rule. We support  
19 Alternative 3, as it's the baseline recalibration process, and  
20 we agree with the IPT that Alternative 6 should be rejected.  
21 For gag, we support further discussion on depth and distance,  
22 relative to reducing landings of male fish and reducing  
23 barotrauma.

24  
25 For the interim rule, we would prefer Alternative 3, but, if  
26 you're going to stick with Alternative 2, we hope you make it  
27 clear that you're not setting some consistent pattern that you  
28 haven't really discussed on setting allocations using the FES  
29 conversions. Thank you, Mr. Chair.

30  
31 **CHAIRMAN DIAZ:** Thank you, Mr. Haddad. We've got a question for  
32 you, Ken, from Mr. Dugas.

33  
34 **MR. DUGAS:** Thank you. Ken, you mentioned something, about in  
35 the purpose, in Amendment 33, I think it was, about OY,  
36 addressing OY, and can you explain that a little bit more?

37  
38 **MR. HADDAD:** Yes. Well, first, the SSC recommended looking at  
39 the objectives and had suggested that MSY -- Instead of that  
40 being used the terms used in the Number 1 objective, that it  
41 conflicts with Objective 8, which is social and economics, and  
42 they suggested that it be OY, and I think the council discussed  
43 this, and there may even have been a motion to do that, and I'm  
44 not sure.

45  
46 The purpose and need, for Amendment 33, right now is just  
47 talking about differences in ACL and landings. If the -- We  
48 disagree with that. The OY has not been looked at. If the

1 objective is changed to OY, then there is -- And OY isn't  
2 changed to reflect the recreational use of a fishery, and, in  
3 other words, OY may be reduced from an MSY, or some equivalent  
4 in the ACLs, and we're concerned that you're not going to  
5 address our concern of leaving fish in the water for the  
6 fishermen, and that's the bottom line, and, somehow, all those  
7 have to match.

8  
9 **CHAIRMAN DIAZ:** Thank you, Mr. Haddad. Wayne Werner, and on  
10 deck is Katie Fischer.

11  
12 **MR. WAYNE WERNER:** Good afternoon. Wayne Werner, owner of the  
13 Fishing Vessel SeaQuest. Well, this is one more time since  
14 1988, my first meeting. Mr. Bob, me and you were here for the  
15 whole shot.

16  
17 The first thing I would like to say is, Leann, you know, you're  
18 always on-point, and you get a lot of opinions from a lot of  
19 people, and you get a lot of facts from a lot of people, and you  
20 put them together better than anybody I've ever seen, but I wish  
21 you had just took my opinion and ran with it, you know?

22  
23 Anyway, getting to king mackerel, you know, we have a big  
24 reduction of the fleet coming over in the western zone, and  
25 you're starting to see more production in the wintertime, and  
26 you're going to see more production in the wintertime. I showed  
27 them where the fish were last year, and now they had six boats  
28 over there instead of just me.

29  
30 Next year, you'll have a dozen boats coming back to do it, and,  
31 you know, I'm trying to get them to go out there and look  
32 offshore, on the lumps and all, and I guess I'm going to have to  
33 stop my boat from bottom fishing and go look, right as they're  
34 coming that way, because, in some way, shape, or form, they end  
35 up off of Louisiana in the winter, and so they have to be coming  
36 in some direction.

37  
38 The gag grouper, we've seen a lot more gags off of Louisiana,  
39 big fish, thirty or forty pounds, and I had a dozen fish the  
40 other day, and they averaged forty-one pounds, gutted, and so  
41 we're seeing some of them, but you've got to keep in mind that,  
42 the last three years, we've had three major hurricanes in the  
43 Gulf, and, you know, I've been doing this since I was ten years  
44 old, and, with every hurricane, you get a movement of fish. I  
45 wouldn't look these fish too dead in the eyes and see if they'll  
46 hold up, because they might just fade out. You know, hurricanes  
47 do have that tendency to do that.

48

1 I want to bring up something that Buddy Guindon brought up that  
2 got kind of twisted up there. He said that he could use the  
3 money, but he said he wanted to protect the resource, and so I  
4 have to make more money off of more fish, and I could use the  
5 money. Let's make sure we get it clear, before I go any  
6 further. I will take the money, but, you know, it kind of  
7 hurts.

8  
9 You know, I don't want to see the fishery go downhill. We're  
10 seeing a reduction in fish, and it's like going from 10,000  
11 pounds a day that we could catch to 5,000, and that's still a  
12 lot of fish, and I just wish you realized what kind of reduction  
13 we're talking about.

14  
15 Just real quick, and I know that I'm running out of time, you  
16 were talking about fishermen in Florida, and these guys need to  
17 get ahold of the places where they don't have the snappers, the  
18 dealers, and, like I told you all last time, at a meeting, that  
19 I was here, they're coming to me and getting me to catch the  
20 fish for \$2.00 a pound, and I'm not putting out any money. They  
21 need to get ahold of the dealers. They're up there. They want  
22 the fish. They can't get them with their own fishermen up  
23 there, and get your dealers to call the dealers in the northwest  
24 Gulf.

25  
26 I leased 35,000 last year, and I've leased 24,000 this year, and  
27 they're coming to me, no money out, and I just want all these  
28 guys to realize that, and one more thing, and I'm sorry, but we  
29 talked about fishermen having them.

30  
31 You know, whenever you all start looking at that, I have a  
32 nephew, and he doesn't own a boat, and he's running mine, but  
33 he's bought 2,500 pounds of quota, and he's opened an account,  
34 and he's rented a boat, and he's paying a big price for his  
35 fish, and, you know, he's trying to get set up before I die and  
36 he gets the boat, and so, you know, I mean, he's coming into  
37 this business with open eyes. He didn't come into this business  
38 with no quota, and he's trying to get into this business with  
39 quota, and that's an important factor for anybody that's going  
40 into business. Thank you.

41  
42 **CHAIRMAN DIAZ:** I have a question for you from Dr. Stunz.

43  
44 **DR. STUNZ:** Captain, I've got a question for you, and you're  
45 saying you lease part of your shares, and so what we're hearing  
46 here is that, from some of the captains, that the lease price  
47 they're paying is so high that --

48

1 **MR. WERNER:** I'm saying there's no price, Greg. They're coming  
2 to me and giving me \$2.00 a pound to get it, and I don't put out  
3 any money.

4  
5 **DR. STUNZ:** I must not be following. I guess what I'm trying to  
6 figure out is, if the lease price is that high, and the cost of  
7 doing the business is high, with fuel and all that, how are you  
8 all leasing -- Money has to be being made somewhere, and how is  
9 that --

10  
11 **MR. WERNER:** They are giving me \$2.00 a pound to catch those  
12 fish, period. I am not giving them anything, and I've done it  
13 for four people now, four different dealers now, and I really  
14 want to get away from it, because I've got other fish that I  
15 really want to go catch, believe it or not.

16  
17 **CHAIRMAN DIAZ:** Ms. Bosarge.

18  
19 **MS. BOSARGE:** I think, just to clarify, and I was going to ask  
20 Wayne that same question, because I thought people might be  
21 confused, because we hear "lease", and we think that means one  
22 thing, and I think what Wayne was saying was something else, and  
23 so Wayne has quota, and Wayne fishes and everything, but he's  
24 saying there is times, here recently, in the last year or two,  
25 where people are coming to --

26  
27 People that have quota are coming to Wayne and saying that we  
28 can't land all of our fish, and we need somebody to go catch  
29 them, other dealers or whatever, and would you go catch them,  
30 and they're not saying, hey, Wayne, pay us upfront, and we just  
31 want to lease you the fish, but they want somebody to catch the  
32 fish, and I think that's what Wayne was saying, that maybe  
33 sometimes -- It doesn't solve everything, and I understand that,  
34 but maybe there is some quota that, if we could get better  
35 communication across the Gulf, that we could move around a  
36 little bit better and at least help the problem, right?

37  
38 It doesn't solve the problem, but, if some of the guys in the  
39 back of the room could get that quota without having to pay  
40 upfront, it is there, and there are people that want somebody to  
41 catch it, and at least that helps a little, and there are still  
42 other problems to solve.

43  
44 **MR. WERNER:** To that point, I ended up leaving like 7,000 pounds  
45 of deepwater grouper and 5,000 pounds of shallow-water grouper  
46 on the table, unharvested, and I never even went to fish for  
47 them, because I got too busy catching other people's fish, and  
48 so that's where we're at today, and these guys -- It's not going

1 to get better for those guys in the Panhandle. It's going to  
2 get worse, and they're going to need people to catch the fish,  
3 and they're coming to me right now, and they're coming to some  
4 of our friends, and I know other people that are doing the same  
5 thing I'm doing, and so the fish are there, and the opportunity  
6 is there.

7  
8 I'm just letting these guys know that have an opportunity for  
9 their dealers maybe to try to get ahold of those dealers up  
10 there and get some of those fish, and that's all.

11  
12 **CHAIRMAN DIAZ:** Mr. Banks.

13  
14 **MR. BANKS:** Thanks, Wayne, for your testimony. I'm interested  
15 in your nephew that you talked about. If you recall, I asked  
16 Mr. Chicola why he chose to lease fish and not slowly buy  
17 shares, and he said, look, I'm seventy-two years old, and what  
18 about your nephew? Is he young enough to where he feels like  
19 it's worth his while to buy the shares, because he's going to be  
20 in it for a long time?

21  
22 **MR. WERNER:** Yes, and he's thirty-three, and he's on his way up.  
23 He's like me, on his way out, and so --

24  
25 **CHAIRMAN DIAZ:** Also, Mr. Werner, I also want to thank you for  
26 donating your time and sharing your knowledge with the SEDAR red  
27 snapper data workshop. We appreciate you doing that.

28  
29 **MR. WERNER:** No problem. It was a pleasure.

30  
31 **CHAIRMAN DIAZ:** Thank you. Okay. Next up is Katie Fischer.  
32 Michael Beaty is on deck.

33  
34 **MS. KATIE FISCHER:** First of all, I want to say, Leann, please  
35 don't leave us. We'll miss you, and you've been incredible for  
36 us. You've always been an advocate. Your ears have always been  
37 open, and you're always engaging in everything, and I will  
38 second what Dylan said, that you are an inspiration in how you  
39 prepare for these meetings, and so thank you very much, and we  
40 really are going to miss you, and, honestly, it's kind of scary  
41 to think about being in the commercial sector and going through  
42 this process without your voice, but I thank you again.

43  
44 First off today, I would like to say that I definitely oppose  
45 fish farms, and you're going to keep hearing that over and over  
46 and over, and it will not be just from the commercial sector,  
47 but it will also be from the recreational sector. We do not  
48 want these in the Gulf of Mexico, and we have a very fragile

1 ecosystem out west of where we live right here, and we do not  
2 need these fish farms. The risk is definitely not worth the  
3 reward.

4  
5 Then the next thing that I want to talk about today -- You know,  
6 this past weekend, I was getting ready for the meeting, and I  
7 started reading, you know, what our agenda is and going through  
8 all of our meeting materials, and I came across the equity and  
9 environmental justice presentation, and, as I read it, I sat on  
10 it a minute, and I was thinking through it, and the conclusion  
11 that I came to is, actually, in our story, in this fisheries  
12 story, the commercial sector is the minority, okay?

13  
14 The underserved community is the non-fishing Americans that we  
15 represent. The commercial sector represents the access for 99  
16 percent of non-fishing Americans in this country, yet the lion's  
17 share of our quotas are given to the top 1 percent in our  
18 country, which encompasses the recreational sector.

19  
20 You know, the definition for "equality" means the consistent  
21 systematic, fair, just, and impartial treatment of all  
22 individuals, including individuals who belong to underserved  
23 communities that have been denied such treatment. Well, I  
24 consider that the non-fishing Americans in our country who we  
25 represent, the commercial sector represents, have not been given  
26 equal treatment, okay?

27  
28 We don't get equal representation, and environmental justice key  
29 terms -- Environmental justice is the fair treatment, and  
30 meaningful treatment, for all people, regardless of race, color,  
31 gender, national origin, or income with respect to the  
32 development, implementation, and enforcement of environmental  
33 laws, regulations, and policy, included, but not limited to,  
34 equitable protection for environmental and health hazards.

35  
36 I would say the lack of management, and the lack of  
37 accountability, for the recreational sector and the use of  
38 biased studies and calibration methods, including FES, puts our  
39 fish stocks and food security for all non-fishing Americans at  
40 risk.

41  
42 Equitable access to the decision-making process, it is no secret  
43 that the commercial sector is extremely underrepresented in this  
44 process, and the unbalanced council, unfortunately, is allowed  
45 by law, but it does not serve the majority of Americans equally.  
46 Also, equitable opportunity for disadvantaged communities that  
47 have historically been marginalized. The non-fishing consumer  
48 is not receiving equitable access to our resource. Instead,

1 their share is continually being sold out to the recreational  
2 sector.

3  
4 Profits for recreational special interests have been made a  
5 priority, while food security and access for non-fishing  
6 Americans has become a very distant second, and I was thinking  
7 about the name of our sector, the commercial sector, and maybe a  
8 better name for our sector would be the consumer sector, because  
9 that's really who we represent. We represent a far greater  
10 amount of people's access than the recreational sector, and I  
11 feel that's never taken into account. I feel like that's never  
12 even talked about or taken into account.

13  
14 **CHAIRMAN DIAZ:** Ms. Fischer, can I ask you to start wrapping up,  
15 please?

16  
17 **MS. FISCHER:** Yes, and then the last thing -- The last thing I  
18 want to end with is the portion of that that says tackling  
19 climate change, and I would like to just kind of leave on a  
20 question, and how does advocating for hundreds of thousands of  
21 boats to get extra days on the water -- How is that supposed to  
22 curb climate change?

23  
24 Our fishery, the commercial fishery, is executed with 500 boats,  
25 yet the recreational sector has hundreds of thousands of boats,  
26 and so, if we want to start doing these climate change things, I  
27 think we need to stop being hypocritical and actually making  
28 decisions that are fair to everybody and that are right. Thank  
29 you very much.

30  
31 **CHAIRMAN DIAZ:** Thank you, Ms. Fischer. All right. Next up, we  
32 have Michael Beatty, and on deck is Bill Dantuono. All right.  
33 I'm not seeing Michael Beatty come to the podium. Bill  
34 Dantuono.

35  
36 **MR. BILL DANTUONO:** Thank you for having me here today. My name  
37 is Bill Dantuono, and my homeport is Naples, Florida. I'm a  
38 dual-permitted vessel, charter/for-hire and commercial. I also  
39 am a graduate of the MREP program.

40  
41 Currently, we're witnessing the erosion of our rights and access  
42 to the public resource that is fresh fish in our area. This is  
43 something that's not only happening here, but it's happening  
44 worldwide. Recent measures adopted by this council, such as  
45 Amendment 53, has made it nearly unaffordable, or pointless, to  
46 target red grouper, which is already seen with red snapper.

47  
48 We are in a red-grouper-dependent fishery here in southwest

1 Florida, and so it's a major setback to see allocation price go  
2 up 350 percent in less than one year. Red grouper, gag grouper,  
3 and cobia, all of which are our main species for our  
4 livelihoods, they all have been slashed within one year, to make  
5 it -- Honestly, I can't even go out on a commercial trip without  
6 getting creative and figuring out what I have to do to make ends  
7 meet.

8  
9 Recent scoping meetings in this very room have fallen on deaf  
10 ears on cobia and red grouper, and the public input that's been  
11 kicked to the curb, such as Amendment 53, which had 98 percent  
12 opposed public comments online, and in person, and commercial  
13 cobia was reduced from two per person per day to two per trip.  
14 By the council's own data, reducing cobia to two per boat on  
15 commercial would make less than 1 percent of an impact. To me,  
16 that doesn't make any sense.

17  
18 We had a headboat in southwest Florida recently catch sixty-one  
19 large cobia, this year, and not that I agree with that abundance  
20 of harvest, but it should be noted that -- Even if we just had  
21 it limited to six per boat, or even four, for commercial and  
22 charter, but two is just simply too low on my charters, and  
23 especially for commercial.

24  
25 Cobia -- Fish swim. They're a migratory fish, and they may have  
26 moved from the Deep Horizon fallout from the northern Gulf, and,  
27 currently, there's a study to determine that by FWC. Once  
28 again, we chose to go against the best available data to punish  
29 the American commercial fishermen and reward a sector that has  
30 little accountability, the majority of the discards, and  
31 inaccurate data.

32  
33 Permit holders in the southeastern Gulf represent the highest  
34 percentage of stakeholders in the Gulf, and we are  
35 underrepresented, at this time, in the charter and for-hire and  
36 commercial sectors.

37  
38 So far this year, it's one of the best years I've seen for gag  
39 in a long time, since before the red tide, and it's good for red  
40 grouper, and cobia were great. The water quality has been  
41 fantastic. These three fish, again, are our main targets, and  
42 so it's tough to lose them slowly. If you close one staple fish  
43 like that, especially three, we're going to have to go after  
44 other ones, and so those fish are also -- The other species,  
45 that are not mentioned, are going to be on a decline. Over the  
46 last few weeks, I've had big red snapper on my fishing charters,  
47 and this has been seen across-the-board on other charters.

48

1 To close up, I just don't know what I'm going to be able to fish  
2 for on the commercial side, and, as far as the fish farms, I  
3 really just think that it's a slippery slope to let private  
4 firms owning large areas of our fishery, while driving the  
5 current commercial sector into the abyss and limiting fishing  
6 areas for recreational fishermen.

7  
8 We've already witnessed our hometown, and my reefs, become  
9 wastelands, due to red tide, and it's amazing how it's bounced  
10 back, and we cannot risk this in our area. Keep Amendment 42  
11 closed, and open goliath groupers everywhere. Thank you.

12  
13 **CHAIRMAN DIAZ:** Thank you, Mr. Dantuono. Next up, we have Ted  
14 Venker, and Rob Murphy is on deck.

15  
16 **MR. TED VENKER:** Thank you. My name is Ted Venker, and I'm with  
17 the Coastal Conservation Association, and I wanted to make some  
18 comments to clarify, or probably I need clarification on some  
19 things, when it comes to FES.

20  
21 If I understand it correctly, there are no pounds taken away  
22 from the commercial sector in these historic data conversions.  
23 It's an allocation percentage change that comes about as a  
24 result of the way NOAA's rec data has been recalibrated. Now,  
25 you can dispute FES, and you should, because some of those  
26 numbers are pretty hard to believe, but that information is  
27 what's been through the system, the SSC and all the other  
28 review, and is now the best scientific information available,  
29 and that's what we have to work with now.

30  
31 When we plug that FES data, that shows a much higher rec  
32 harvest, into a stock assessment, and it indicates a larger  
33 stock size, and the rec percentage should be higher, based on  
34 the way this council has chosen to allocate in the past. It  
35 reflects the rec past catch history is larger than we thought it  
36 was, and, since these allocations are set purely on past catch  
37 history, this is how you get to where we are, and I think what  
38 is lost in this is the effort that has been made to keep the  
39 commercial sector whole, which makes sense.

40  
41 If the FES data had gone the other way, and shown less rec  
42 angler effort, and therefore a smaller population, I think it's  
43 safe to assume that the council would have done the same thing.  
44 It would have kept the commercial sector whole and changed the  
45 allocation percentage to reflect a smaller recreational  
46 allocation, and, if this council is unhappy with that, and you  
47 should be, because allocating by past catch history is a pretty  
48 silly way to allocate resources, then it's probably time to

1 start a proper allocation process that looks at demographics,  
2 stock size, economics, and those kinds of forward-looking  
3 criteria.

4  
5 That is the modernization that I think is sorely needed here,  
6 and red grouper and amberjack and all these fisheries -- The  
7 commercial sector has roughly as many pounds today as it did  
8 before the FES conversions, and, if this council wants to change  
9 that, then it really should develop and go through a full  
10 allocation process.

11  
12 I think Leann made a lot of great points to that effect on  
13 Tuesday, that should be evaluating the process like that. CCA  
14 encourages this council to take all relevant information and  
15 start an allocation process that breaks away from past catch  
16 history entirely and move onto something that's standardized and  
17 forward-looking, understandable, defensible, and is designed to  
18 be updated regularly.

19  
20 I think, if this experience with red grouper has taught us  
21 anything, it's that information changes, and it is better for  
22 everyone to have a system that can incorporate new information  
23 and act on that, instead of letting it reach a point where any  
24 correction, even to the best scientific information available,  
25 is cause for a lawsuit.

26  
27 Finally, I would like to say a few words to Leann. I remember  
28 when Doug Boyd left the council, after nine years, and Buddy  
29 Guindon came to the podium and thanked him for his service and  
30 then proclaimed that his reign of terror was over, which I  
31 thought was pretty funny. I don't think it was meant as a  
32 compliment, but it kind of was, and so, today, I certainly  
33 understand where Buddy was coming from, but there's a nicer way  
34 to say it, with regard to your departure, and that is to say  
35 that I admire what a formidable and effective advocate you've  
36 become for the commercial fishing sector over the years.

37  
38 Ken was right, and we didn't agree on anything, but your  
39 relentless work here on that sector's behalf reflects a lot of  
40 dedication and preparation, and that deserves respect, no matter  
41 what side of the issue you're on, and so thank you, and  
42 congratulations on your nine-year run.

43  
44 **CHAIRMAN DIAZ:** Thank you, Mr. Venker. Next up is Rob Murphy,  
45 and Tim Dillingham is on deck.

46  
47 **MR. ROB MURPHY:** Thank you for the time. My name is Rob Murphy,  
48 and I've been fishing and diving and spearfishing all over

1 Florida, both coasts, Gulf and Atlantic, my entire life, and,  
2 two years ago, I took the leap and put everything I had into a  
3 commercial boat and a Gulf of Mexico reef permit, and so,  
4 obviously, I picked a heck of a time to get into commercial  
5 fishing. It's become challenging.

6  
7 I appreciate the job you guys do and the difficult position it  
8 puts you in, having to balance the needs of all sectors of the  
9 fishery, but I'm here today to implore you to reconsider the  
10 fairness and treatment of the commercial sector.

11  
12 Recreational data collection and accountability are inadequate.  
13 I've held a Florida fishing license my whole life, and I have  
14 never been asked to take a survey. I've been trailer boater my  
15 entire adult life, and I spend a hundred days a year on the  
16 water, in boat ramps all around Florida, and I've been ramp  
17 surveyed one time.

18  
19 People that use marinas or live on the water are never surveyed.  
20 Please implement recreational accountability measures for better  
21 data. Some suggestions are incentivize voluntary reporting with  
22 some type of, you know, monetary incentives or extra days or  
23 something like that, and potentially require low-cost stamps for  
24 the fish that people intend to target, and like, for grouper  
25 stamps, you know how many of the total fishing licenses actually  
26 intend to target grouper, and I think that would help.

27  
28 Also, potentially a pool of limited tags for the rec sector,  
29 like deer or alligator. Also, using surveys that are completed  
30 by 3 percent of the license holders, because that's what we're  
31 looking at, to make decisions that impact the ability of the  
32 commercial sector to make a living and feed our families is  
33 reckless. The study is three years old. Three years ago, gas  
34 was \$1.80 a gallon. Now it's three-times that. That alone  
35 means drastically-reduced recreational pressure, and it's just  
36 not accurate data.

37  
38 It's also pointless to reduce total allowable catch while not  
39 addressing some of the biggest points of pressure on the  
40 fishery. Shark and goliath populations are out of control. The  
41 recreational predator loss is very high, and that really needs  
42 to be addressed.

43  
44 I respect that you guys are required to use the best available  
45 data, but you have better data at your fingertips than these  
46 studies. The commercial landings are a great indicator, and all  
47 of our landings are tracked to the ounce, and gag landings are  
48 higher, to-date, than they have been in previous years, and I

1 see it firsthand.

2  
3 The gag population is healthy in the areas that we fish, which  
4 is all up and down the Gulf coast of Florida. It's the best  
5 I've seen in years, and so I beg you to reconsider this  
6 reduction entirely, but, if you can't do that, please at least  
7 support the amendment by Commissioner Gill that favors a less-  
8 drastic reduction.

9  
10 Since I'm not one of the few quota barons that own almost all of  
11 the quota in the Gulf of Mexico, I have to lease mine, if I can  
12 find it, and red snapper is \$4.50 a pound, to sell it for \$6.50.  
13 Red grouper is over three now, and gag is already at \$2.00, and  
14 the proposed reduction would drive it over \$4.00. This isn't  
15 sustainable, and it's also worth noting that it squeezes out the  
16 little guys, the independent guys like myself, making short  
17 trips, and we bring the freshest product to market, and we're  
18 being squeezed out by large-scale commercial operations that  
19 bring week-old fish to the market.

20  
21 I'm already forced to keep a second job to support my family.  
22 Quota and fuel prices are going to put us out of business.  
23 Please reassess the current quota system that allows a few  
24 people to get rich sitting home, while we pay egregious amounts  
25 for the right to fish.

26  
27 A suggestion, on that note, is take a portion of the outstanding  
28 quota and reallocate it to the people that actually fish, people  
29 that go out, based on our catch histories, and reallocate the  
30 quota based on that.

31  
32 I also want to address red snapper, quickly. Red snapper are  
33 overpopulated and are displacing other fish on most spots, and,  
34 with gag and red grouper total allowable catch being slashed,  
35 please raise the ARS TAC, so we can afford to target them.

36  
37 One last note is divers are in a unique position to observe the  
38 health of the fishery, and I would love the chance to interact  
39 with you guys and show GoPro videos and show all kinds of  
40 firsthand accounts of the health of the fishery. Please listen  
41 to the divers. We see it firsthand. Thank you.

42  
43 **CHAIRMAN DIAZ:** Thank you, Mr. Murphy. We have a question for  
44 you from Mr. Banks.

45  
46 **MR. BANKS:** I am going to ask the same question that I've asked  
47 several folks. What has gone into your decision to only lease  
48 and not slowly buy shares?

1  
2 **MR. MURPHY:** I'm relatively new to this, only being in it for  
3 two years, and so, you know, I haven't had the opportunity to  
4 buy it while it was somewhat affordable. With the prices now,  
5 to be honest, I just don't have the capital to start buying it,  
6 with the current prices, and so I'm forced to lease, and, in a  
7 lot of circumstances, I can't find it at all. Thanks.

8  
9 **CHAIRMAN DIAZ:** Thank you, Mr. Murphy. Next up is Tim  
10 Dillingham, and on deck is Scott Koskow.

11  
12 **MR. TIM DILLINGHAM:** First of all, I want to thank the Gulf  
13 Council for giving us the opportunity to speak and to give our  
14 input on the fishery. Rob is a great guy, and a great  
15 spearfisherman, and he's part of my team. I am here locally, in  
16 southwest Florida, and I own a company called Billy's Fish Co.,  
17 and I manage five boats, and I'm also an owner-operator, and so  
18 I manage my own boat as well, and so I'm actually out there on  
19 the water, and, when I hit land, I'm managing five other boats  
20 and moving all their product.

21  
22 In the crowd today, you will get a chance, if you guys are  
23 coming up, and I've got a bunch of my chefs that I brought  
24 today. To kind of back to what Katie Fischer was saying, maybe  
25 we should rename the commercial to the consumer, because I  
26 think, when the council is making votes, they are thinking there  
27 are so many recreational anglers out there that we've got to  
28 take care of them, but they're forgetting about how many people  
29 are going into our restaurants and country clubs and buying our  
30 fish.

31  
32 I sell fish to Bonita Bay, and it's the largest country club in  
33 the entire state of Florida, and there is 2,800 residents in  
34 there, and all those people want our fish. They won't buy fish  
35 from another company, because they don't want to take fish  
36 that's coming from overseas or a market that isn't going to  
37 provide the freshest product for them, and so I know that we  
38 don't have much time.

39  
40 Thank you, council. Leann, you're the greatest thing that I've  
41 ever seen on this council, and we're going to desperately miss  
42 you, and we're begging you to come back in three years. I  
43 appreciate everybody on this council, and, obviously, you guys  
44 are very educated and intelligent people, but, at this point in  
45 time, I believe, as a commercial sector, we're very  
46 underrepresented here.

47  
48 I mean, Mr. Gill, we appreciate everything you've done, and the

1 comments that you've made, especially on the gag grouper, which  
2 is traumatic for us, and so I'm going to go through this as  
3 quick as possible, because I'm running out of time.

4  
5 Aquaculture fish farms, absolutely not. Not recreational, not  
6 charter, not commercial, and nobody in this area wants those  
7 things, and it's going to be an environmental effect, and, from  
8 what I'm hearing, everybody is saying we're going to get them  
9 anyways. No matter what we do, they're coming, and so, if we're  
10 going to do that, let's take it out. This is big money, and  
11 some big business, and so they should be able to put these  
12 things way offshore. Put them out a thousand feet. That way,  
13 you're not affecting any of us, not the longliners and not any  
14 of us.

15  
16 Moving on to the next one, amberjack, there's tons of amberjack  
17 out here, and I'm specifically speaking about southwest Florida.  
18 Of the boats that I manage, I'm the only boat that actually does  
19 rod-and-reel and spear. All the rest of them are spear, and we  
20 have countless hours of GoPro video. If you guys want to know  
21 about the health of the stock of fish, create a pattern of  
22 spearfishermen, because sometimes the fish aren't biting. The  
23 bite is good, or the bite is bad. With spearfishing, we get to  
24 see them with our own eyes, with our GoPro videos. Please let  
25 us help you make better-educated decisions.

26  
27 That kind of falls into goliath grouper. You want to help out  
28 the grouper populations? Open that up. It doesn't have to be  
29 drastic, and it can be small amounts, but it could give us an  
30 opportunity to get fish to our chefs and let us take away some  
31 of the pressure that we're putting on the other species.

32  
33 Red snapper, like everybody said, literally we're scuba diving,  
34 and, at a fishing spot last week, we couldn't catch nothing but  
35 red snapper. After I put 200 pounds of those, roughly, in the  
36 boat, we dive down there, and we shoot a 103-pound black, and we  
37 shoot an eighty-pound black, and we shoot a forty-six-pound gag,  
38 and we shoot a forty-four pound gag, and so I don't know what  
39 everybody is talking about there not being big gags out there.  
40 I will show you on the videos, and I will show you all the  
41 pictures. I have them on my phone right now. Every trip we go  
42 out there, and I'm having my best gag year ever.

43  
44 You guys put on the graph, yesterday, that historical gag -- If  
45 you put that back up there, you will see that this year is  
46 astronomically better than other previous years. We're having  
47 our best year, by threefold, at least.

48

1 Trying to cut this gag fishery, the way you guys have cut the  
2 red grouper and created an absolute nightmare for the commercial  
3 sector, and you're talking about taking 80 percent to 90 percent  
4 of our gag away, and all of these chefs are getting ready to  
5 come up and speak in our defense, and I'm not going to be able  
6 to get them any gag, because, you know, I support all commercial  
7 fishermen, and I support all charter fishermen, and I support  
8 all recreational fishermen.

9  
10 If you put on your boots and go out there to make a living, I  
11 will fight for you, but, at this point in time, we're not  
12 getting fairness in the fishery, and I think we can all agree on  
13 that. There is political things that are coming into play, and  
14 it shouldn't be that way.

15  
16 **CHAIRMAN DIAZ:** Mr. Dillingham, can I ask you to start wrapping  
17 it up, please?

18  
19 **MR. DILLINGHAM:** I will go ahead and stop there, because a lot  
20 of the topics that I'm talking about -- The last thing I will  
21 say is data collection, and literally all we've got to do is  
22 create a phone app. All of us have phones, and we can't get our  
23 faces out of them.

24  
25 If you create a phone app, and, if you're a recreational  
26 fishermen, and you want to fish in a federal fishery, and people  
27 are probably going to hate me for saying this, but create the  
28 phone app, and at least that. Even if they lie on their  
29 numbers, at least you will know they're going offshore, and it  
30 will give you guys, and it will give NOAA, a better ability to  
31 understand the numbers that are coming out here.

32  
33 Taking a consensus of literally less than 10 percent of the  
34 recreational fishermen, which is what you guys said yesterday,  
35 and, out of that 10 percent, only 30 percent of the people are  
36 being reached, and so you're basing this on 3 percent. Nothing  
37 against NOAA and the scientists, and I've got a lot of respect,  
38 but that is not enough information to make an intelligent  
39 decision on this. Thank you very much for your time.

40  
41 **CHAIRMAN DIAZ:** We have a question for you from Ms. Boggs.

42  
43 **MS. BOGGS:** Thank you, Mr. Dillingham, for coming today. I  
44 didn't understand about the amberjack. You are seeing a lot of  
45 amberjack?

46  
47 **MR. DILLINGHAM:** We scuba dive, and we're spearfishermen, and  
48 so, you know, I do rod-and-reel as well, and I try and fish rod-

1 and-reel when the bite is on. When the bite stops, we've got to  
2 quit the fishing pole, because I only do day trips and overnight  
3 trips, to ensure that I'm getting my fresh fish to the chefs. I  
4 don't want to sell them a week or two-week-old fish. They know,  
5 if they're going to get it from me, it's going to be one to two  
6 days out of the water. All five of the boats that work for me  
7 only do day trips and overnight trips, for that purpose.

8  
9 We dive down there, and, literally, as soon as we jump in the  
10 water, a whole school will come up. If any of you want to come  
11 with me, I welcome anybody on this council to come on my boat.  
12 If you tell me that you want to see gag grouper, you want to see  
13 amberjack, and I'm only talking about southwest Florida, because  
14 I don't fish north of Fort Myers, but, from here to the Keys, I  
15 can take you and show you a tornado of amberjack.

16  
17 That spot I was just telling you, where we couldn't catch  
18 nothing but red snapper, there was thousands of them down there.  
19 There was also giant blacks and gags, and you can't catch them,  
20 because you can't get past the red snapper, but thank god that  
21 we can actually go down and spearfish, because I went to that  
22 spot, and it literally filled my entire fish box without leaving  
23 the one spot.

24  
25 Now, I won't go back to that spot for like six months to a year,  
26 because I want it to rebuild. I'm not trying to take everything  
27 out of the ocean. I want to have longevity in supplying to my  
28 chefs.

29  
30 **CHAIRMAN DIAZ:** Thank you. Next up, we have Scott Koskow, and  
31 Ryan Balbin is on deck. Scott.

32  
33 **MR. SCOTT KOSKOW:** Good afternoon, everybody. My name is Scott  
34 Koskow, and I'm an executive chef here in town, at a local  
35 restaurant, and so I'll just keep it short and simple today. I  
36 am not a fisherman, and I'm a chef, and so people like Billy  
37 bring fish to me almost every single day, to try to keep it as  
38 fresh as possible for our guests.

39  
40 That's the biggest thing, to keep it fresh, local fish, to feed  
41 Americans, and, obviously, our guests, who come from all over  
42 the world, and it kills me to have to buy, you know, imported  
43 fish from other countries, because it's not supporting our  
44 people, people that are fishing here for us, to feed us, and so,  
45 as the prices increase, so does our menu. We have to print the  
46 menu every other day, just because menu prices and everything  
47 gets more and more expensive every single day. In turn, that  
48 makes the guests have to pay a lot of money, and lots of people

1 come to us, and it gets more expensive. That's about it, guys,  
2 and so I'll keep it short and simple.

3  
4 **CHAIRMAN DIAZ:** We have a question for you, real quick, from Mr.  
5 Banks.

6  
7 **MR. BANKS:** I am just curious. As a chef, are you cooking the  
8 traditional snapper or grouper, or are you looking for any new  
9 types of species that folks are wanting? I'm just wondering if  
10 there's opportunities out there for new fisheries other than  
11 these traditional ones that we're always fighting over.

12  
13 **MR. KOSKOW:** Typically, when people come to Florida, they're not  
14 coming for the chicken. They're coming for snapper and grouper,  
15 and that's what they ask for, and they request it, even if it's  
16 not on the menu.

17  
18 **MR. BANKS:** I'm sorry. What I meant was new fish species and  
19 not chicken or something like that.

20  
21 **MR. KOSKOW:** Typically, for specials and whatnot, I will try to  
22 diversify a little bit, like tripletail, or even like hogfish,  
23 and amberjack as well, and so they do, on occasion, get that.

24  
25 **CHAIRMAN DIAZ:** Ms. Bosarge.

26  
27 **MS. BOSARGE:** I just wanted to say thank you for coming, and  
28 thank you for buying wild-caught, domestic product. I mean,  
29 that's so important to all commercial fishermen, and, to me,  
30 it's important for the consumers in our country to have access  
31 to that, I think sometimes, you know, like a lot of the people  
32 before you have said, you are the one that gets our fish to the  
33 rest of the citizens in this country, and so I just wanted to  
34 say thank you so much for coming to the podium and speaking to  
35 us.

36  
37 **MR. KOSKOW:** Absolutely. Thank you, guys.

38  
39 **CHAIRMAN DIAZ:** All right. Next up is Brian Balbin, and on deck  
40 is Luke Hand.

41  
42 **MR. BRIAN BALBIN:** Good evening. Thank you all for taking time  
43 to listen to us, and this is actually my first meeting, and it's  
44 encouraging that I'm here, because, in the past, I always felt  
45 that our voices about fish fell on deaf ears. I am not here so  
46 much today about the fish, even though I have a little bit about  
47 the red snapper, but I'm here about these aquaculture farms.

1 You're saying that three to five in operation is going to fall  
2 on these properties, and two of these are off our coast here in  
3 Florida, in about 2,000 acres. You could look online, and there  
4 are plenty of different examples of salmon lice. In Scotland,  
5 the salmon had HSMB, which is heart and skeletal muscle  
6 inflammation, and they had a 55,000 fish kill-off.

7  
8 When these hurricanes come through, these fish are going to get  
9 out, and it's been shown that they get out all the time, and it  
10 seems like this is already going to happen. These farms, it's  
11 seems like it's here, but they've got no place here. If they  
12 want to do aquaculture, do it on land, and run the excess out  
13 through a sanitation plant, and you don't have to have that  
14 excess waste being dumped in the water.

15  
16 On the red snapper, I mean, I can't fish deeper than 140 foot.  
17 On some of these stops, I'm catching a thousand pounds, and I'm  
18 a rod-and-reel guy. I don't have big -- I appreciate the rec  
19 guys and charter guys, and, if my traps get robbed on the way  
20 out, and I can't get the hard bait, I am bailing through red  
21 snapper, and I ain't in the business of killing fish for no  
22 reason.

23  
24 We try to reach out to Hans Guindon, and Instagram has been a  
25 great thing, because you can find guys our age, and I'm twenty-  
26 eight years old, and you find guys our age that are in the  
27 industry, and his family has been in the industry, that we tried  
28 to get quota from, and my dealers reached out to the guys in the  
29 northwest Gulf, and no one wants to give it up. It's too  
30 expensive to buy, even if you can find it to buy it, and so what  
31 are we going to do here?

32  
33 You know, I'm sitting there catching thousands and thousands of  
34 red snapper a trip, and they're going back in the water. For  
35 every 500 pounds of red grouper I catch, I'm catching 2,000  
36 pounds of red snapper, and this is getting to the point now that  
37 I don't know what to do. I was fishing last week at the Skyway  
38 and digging up bait, and there were red snapper that big, and I  
39 go out to 600 foot, southwest of here a little, trying to catch  
40 yelloweyes, and I'm catching red snapper this big, in 600 foot.  
41 When is enough enough? You know, we need red grouper, and we  
42 don't need the --

43  
44 **CHAIRMAN DIAZ:** Thank you. Luke Hand is next and then Caitlin  
45 Chase.

46  
47 **MR. LUKE HAND:** Hello. My name is Luke Hand, and I'm the chef  
48 at Cuisine, at the La Playa Members Only Club. Besides salmon,

1 every single fish that I purchase at our club comes from Tim  
2 Dillingham, who was just up here, and it's unequivocally the  
3 best fish I've ever been able to work with in my life.

4  
5 I'm going to start with a quote: Tell me what you eat, and I  
6 will tell you who you are. That's from Jean Brilliat-Savarin,  
7 the author of the most influential work describing the  
8 physiology of taste. Simply put, you are what you eat. We are  
9 what we eat. What we eat reveals the mental, emotional, and  
10 physical health of ourselves as individuals, and also as a  
11 community.

12  
13 Brilliat-Savarin was promoting the idea that good food leads to  
14 good character and good health and that food resources are a  
15 measurement of our ability to thrive. If he were alive today,  
16 he would surely reinforce that good food means eating the  
17 freshest food possible, not only for personal wellbeing, but for  
18 the greater health of the local community.

19  
20 I have been a chef in Naples for years, in a very public role,  
21 and have access to the operations of some of the top country  
22 clubs in our area. Fresh, local fish is the very centerpiece of  
23 the gastronomy of south Florida. The education that I received  
24 at the Culinary Institute of America reinforced the importance  
25 of the supply of fresh fish to our kitchens and of the quality  
26 of what is placed for consumption.

27  
28 On the front lines of the food industry, and with direct  
29 responsibility for product procurement, I can share with the  
30 council that south Florida has a reliance on our supply of local  
31 fish, without which we are unable to serve the public need.

32  
33 At both clubs I have worked at, fresh fish accounts for  
34 approximately 65 percent of sales and is the focus of most menus  
35 at the restaurants in our area. Every day, chefs from south  
36 Florida go out and speak to people at their tables while they  
37 are eating, to assess the quality of our guests' experience. We  
38 have heard, consistently, and with certainty, that expectation  
39 of healthy and fresh food from our food for our clients.

40  
41 We hear from residents, snowbirds, and tourists the same  
42 message, that local, fresh fish is unequivocally the best fish  
43 they have ever had, and one of the reasons that they continue to  
44 reside here. The people of this area have a great need for the  
45 supply, and we would not be in business without the products  
46 sourced by the fishermen of south Florida.

47  
48 If greater restrictions are placed on our fishermen, over time,

1 this will erode the value of our area and slowly affect the  
2 happiness, health, and ultimately the retention of wellbeing we  
3 are known for, which is the driving force behind our long-term  
4 sustainability.

5  
6 Each year, a Gallup poll shows that the Naples metro area tops  
7 the national ranking for wellbeing. The index assesses five  
8 different elements that affect happiness: physical health,  
9 economic security, relationships, community, and purpose.  
10 Physical health is a function of nutrition, and, the fresher the  
11 ingredients, the greater the nutritional value.

12  
13 If chefs in south Florida are unable to procure products from  
14 our local vendors, we are forced to purchase lesser quality  
15 frozen ingredients from out of state. When forced to buy out-  
16 of-state products, we compromise quality and nutrition. As  
17 frozen fish thaws, it loses water content, from which contains  
18 some of the water-soluble vitamins and minerals.

19  
20 Because fresh fish doesn't lose any of its water content, we are  
21 able to retain the full nutritional value of the product and  
22 provide the healthiest food to the people of south Florida. The  
23 demand for fresh fish is independent of regulations and will not  
24 change, no matter the restrictions placed upon our local  
25 fishermen. To stay in business, you must provide the fish that  
26 our customers require and that is expected to be on the menu.

27  
28 Our local economy is based on the network of local fishermen and  
29 their ability to consistently deliver the products we need. As  
30 chefs, we have great respect for the work they do. The risks  
31 they take and the challenges they face include elements out of  
32 their control, such as weather and migration patterns.

33  
34 Our fishermen risk their lives every time they go out to provide  
35 our community with the healthiest and best fish, and using high-  
36 quality products is critical in the work that chefs do to ensure  
37 the people of south Florida have the greatest and freshest food  
38 on their plates.

39  
40 In addition, we understand that there is a greater impact of  
41 using fish from giant, out-of-state ships that dredge and  
42 destroy ecosystems, rather than a single boat, like our local  
43 fishermen do, that go to specific spots and line catch or spear  
44 individual-targeted species.

45  
46 In closing, as chefs, we appreciate the tremendous work of the  
47 council, as you balance the preservation of our Gulf, as well as  
48 the preservation of our local industry. We are hopeful that

1 these comments highlight the importance of the local commercial  
2 fishermen to the work of chefs, the food service industry, and  
3 the strength and health of south Florida. Thank you.

4  
5 **CHAIRMAN DIAZ:** Thank you, Mr. Hand. We have a question for  
6 you, Mr. Hand. Dr. Shipp.

7  
8 **DR. SHIPP:** Thanks, Luke, for coming. I am just curious, and do  
9 you encounter tripletail being offered in your restaurants?  
10 It's all over the northern Gulf.

11  
12 **MR. HAND:** It just depends on Billy and his guys, and that's not  
13 really a species that they target, but I do -- I get pompano,  
14 and I get -- I mean, anything they bring to my back door -- I  
15 know how to cook pretty well, and so I can make anything pretty  
16 much taste good. Thank you.

17  
18 **CHAIRMAN DIAZ:** Ms. Bosarge.

19  
20 **MS. BOSARGE:** Thank you for coming today. I appreciate it, and  
21 I have a question for you. You talked a lot about the fish, and  
22 are you able to get domestic shrimp? Are you able to source  
23 those?

24  
25 **MR. HAND:** Yes, ma'am. We also get Key West pink shrimp.

26  
27 **MS. BOSARGE:** Beautiful. Keep it on the menu. Thank you.

28  
29 **MR. HAND:** It has no preservatives, and it's straight from the  
30 boat to your plate.

31  
32 **MS. BOSARGE:** I love it.

33  
34 **CHAIRMAN DIAZ:** Okay. Next up is Caitlin Chase, and Eric Brazer  
35 is on deck.

36  
37 **MS. CAITLIN CHASE:** Hello. I am Caitlin Chase, and I am not a  
38 fisherman or a charter captain or anything, and I am a local  
39 resident here in the county and a local diver. I have dove from  
40 Jupiter on the east coast down to the Keys, and, on the west  
41 coast here, out of Venice and Englewood, and I go diving for  
42 sharks teeth and make earrings and jewelry out of them, and so  
43 it's my own personal gain out of this, but I'm here to just  
44 express concern and stand up for our local fishermen and just  
45 express concern for these fish farms that are going out into our  
46 Gulf.

47  
48 I am concerned about the environmental health out of this, the

1 public health out of this, the wildlife health out of this.  
2 There is known diseases that happen within fish farms, and  
3 they're known to escape their pens, and they're known to create  
4 more nutrients in the water.

5  
6 This area has an over-nutrient issue from Tampa Bay, from Piney  
7 Point that happened, from everything coming out of the Peace  
8 River, from the Caloosahatchee that comes from Lake Okeechobee  
9 all the way out. The bay has over-nutrients, and we have a  
10 wastewater issue, and we have so many water issues here locally,  
11 and we need to restore our habitats, protect our habitats, and  
12 not create a fake habitat out there that's going to create more  
13 nutrient issues.

14  
15 Restore habitats, and restore our reefs. I dive locally,  
16 inshore, and it's completely different than the other side. Our  
17 reefs are dead inshore. The dissolved oxygen, the fish, the  
18 crabs, the sand dollars, they are not breathing down there.  
19 Maybe, as you go further out, and that's awesome. It's really  
20 good to hear that you're seeing that much life out there, but,  
21 inshore, that's not the case.

22  
23 During 2018, in August, there was about this much blackness  
24 covering the entire bottom, and it was covering the -- Like  
25 everything was dead down there, and so our solution here is to  
26 put a fish farm out in the middle of the Gulf, multiple of them,  
27 instead of restoring our reefs, restoring seagrass, and reducing  
28 nutrients that are coming into our waterways from our own issues  
29 and from our own yards, fertilizer, from our wastewater  
30 treatment, and let's rebuild our wastewater treatment  
31 infrastructure.

32  
33 There are so many things that we could be doing, and so many  
34 solutions, and reopening certain permits for fish that your  
35 fishermen are telling you that there's an abundance of, and  
36 there are so many solutions, and I am having a hard time seeing  
37 that there is no solution. I think it's just political will and  
38 listening to the people and not putting profit and companies  
39 over your people, over your local fishermen.

40  
41 If you want to save your fishermen, if you want to save the  
42 world, and feed people, it's not through these fish farms. They  
43 create diseases and more harm and more nutrients out of the  
44 water. They poop, and you've got to feed them somehow, and  
45 you're taking more fish out to feed those fish, and it's just  
46 this horrible cycle that you're creating. Restore your  
47 habitats, and you will restore the fish population. Protect  
48 that, and I think that's the best solutions that you could be

1 doing. That's all I've got. Thank you.

2  
3 **CHAIRMAN DIAZ:** Thank you, Ms. Chase. Next is Eric Brazer, and  
4 Jill Popham is on deck.

5  
6 **MR. ERIC BRAZER:** Great. Thank you very much, Mr. Chair and  
7 council. My name is Eric Brazer, Deputy Director of the Gulf of  
8 Mexico Reef Fish Shareholders Alliance. You know where we stand  
9 on accountability, on chronic recreational overages, and the  
10 problems with recalibration and using that to force a  
11 reallocation, and so I'm not going to repeat that here.

12  
13 What I am going to focus on is gags and amberjacks. With gags,  
14 you know, I want to thank the council, and I'm being sincere  
15 here. I want to thank you guys for recognizing that an interim  
16 rule is not the place to reallocate. It doesn't provide the  
17 necessary time or review for any reallocation.

18  
19 We encourage you to focus on protecting and rebuilding this  
20 stock, and I hope that you support some sort of interim analysis  
21 that gives us a regular update. I think the terminal year of  
22 SEDAR 72 is 2019, which is three years ago, and the next gag  
23 assessment won't be completed until the fall of 2026, which is  
24 more than four years from now, and we can't wait that long to  
25 see if an 80 percent cut in quota is going to work, and, even  
26 though hindsight is 20/20, I dare say, if we had these interim  
27 assessments in place prior to now, I really don't think an 80  
28 percent cut in quota, and a massive reduction in the rec season,  
29 would be necessary.

30  
31 This also applies to amberjack as well, right, and we need to  
32 focus on getting the stock back on track and not pitting  
33 recreational and commercial fishermen against each other in a  
34 needless reallocation debate. I also think, and correct me if  
35 I'm wrong, there's a four-year gap between the terminal year of  
36 SEDAR 70 and when you're looking to implement management changes  
37 and that we're not going to see the next completed amberjack  
38 assessment until the fall of 2026, and so, again, this is too  
39 long to wait to know if this medicine is actually working. We  
40 need interim analyses in place for these species.

41  
42 In closing, if the commercial fishermen are going to be forced  
43 to take these cuts, they deserve some sort of assurances that  
44 this is going to actually help the fishery, and it's going to  
45 rebuild the fishery, and it's going to restore some stability  
46 into their businesses, and so let's focus on what's going to  
47 help these stocks, help the resource, and help these businesses,  
48 and a reallocation is not going to do this.

1  
2 I have more to say, but I'm going to end on a positive note.  
3 Leann, there is nothing that I can say that hasn't been said  
4 before, and you've been a great leader, and you've been an  
5 inspiration to us. I have never -- The last time I saw that  
6 many sticky notes and highlighted portions of documents and  
7 notes in the columns, I think it was in college, and it  
8 certainly wasn't my work, and so thank you again, and please let  
9 your family know that we appreciate them sharing you with us.  
10 Thank you.

11  
12 **CHAIRMAN DIAZ:** Thank you, Eric. Next up is Jill Popham, and  
13 Johnny Williams is on deck.

14  
15 **MS. JILL POPHAM:** My name is Jill Popham, and I have worked as a  
16 commercial sampler in Louisiana for a couple of years, as a  
17 contractor, and then I have worked in southwest Louisiana, and,  
18 every year that Casey comes to a meeting, I prepare for the  
19 emergent phone calls that they're saying this and this about red  
20 snapper, but that's not what it is, and let me tell you what is  
21 up.

22  
23 It's because over 90 percent of the shares belong from Pensacola  
24 to Tampa Bay, and over 90 percent of the landings are there, and  
25 over 90 percent of the sampling effort is up there. Their world  
26 is different, and they're a snapper fishery with a side of  
27 grouper. You're a grouper fishery that is supposed to have a  
28 side of snapper. Your continental shelf is bigger, and your  
29 reefs are different. Your whole world is different.

30  
31 Your fishery is huge. Those red snapper are huge. I was  
32 working in Louisiana, and you might have forty or fifty head in  
33 a hundred-pound total, and, if I could find a tote with thirty  
34 whole red snapper in it to sample, that hundred-pound tote, I  
35 could count those number of times on one hand and have fingers  
36 left over.

37  
38 When you put data in TIP, it gives you a warning that you put  
39 this number, and you might have mistyped this number, and it's  
40 too small, or it's too big, and I had one particular day that I  
41 sampled fish off of a boat, and over a third of them flagged as  
42 being too big. I nearly lost my mind, and I had to make phone  
43 calls of why is this happening, and, well, this is why. All the  
44 other data from the rest of the Gulf, these fish are not that  
45 big, and I said, well, this doesn't work for me down here.

46  
47 The next year, they made that interval smaller, and I had even  
48 more fish, and it drove me nuts, and nobody seems to listen, but

1 those fish are huge down here, and they're down here and huge  
2 for a reason. Now, I can't see what that reason is, and did  
3 they get forced here by the oil spill, or did they have really  
4 great spawns, or did they find out that they had great habitat  
5 when they got here, and they could overpower the grouper? I  
6 don't know.

7  
8 Are the grouper there, and they're just below the snapper, and  
9 you can't get to them? I don't know. Are the grouper getting  
10 pushed off to a deeper reef? I don't know, and those are  
11 different things that you have a hard time telling, and I don't  
12 know the answer, but, like, Tim said, you've got too many red  
13 snapper, because it happens time and time again, and it didn't  
14 matter what boat I was talking to, and you would get the story,  
15 over and over again, about I had to run from snapper to get to  
16 the grouper, and I had to run from snapper.

17  
18 You would ask the question of, well, how long did it take you to  
19 fish, because I had to ask that question, and they said, well, I  
20 only spent ten hours catching all those snapper, but you were  
21 gone for five days, and that's a big difference in time.

22  
23 I have a particular fisherman out of Everglades City that never  
24 interacts with any other guides, and he told me, and he said, I  
25 spent every bit of the red snapper quota that I have keeping red  
26 snapper that I know for a fact if I threw them back that they  
27 would die. That's his limiting fishing factor, is his quota,  
28 and so you've got to understand that it's a different animal in  
29 southwest Florida than it is everywhere else, and it's not  
30 proper to manage it the same way. Thank you.

31  
32 **CHAIRMAN DIAZ:** Thank you. We appreciate it. Next up is Mr.  
33 Johnny Williams, and Shawn Watson is on deck.

34  
35 **MR. JOHNNY WILLIAMS:** Johnny Williams, Williams Partyboats,  
36 Galveston, Texas. I want people to consider this. Basically,  
37 the only component of the fishery that's not under a catch share  
38 program is the for-hire sector.

39  
40 The commercial fishermen, they have a catch share program for  
41 red snapper, and the state programs now are basically a catch  
42 share program, where they get to choose what they think is best  
43 for the participants in their state, and they have different  
44 rules and regulations. Some of them are open on Friday and  
45 Saturday and Sunday for harvesting red snapper, and some of them  
46 are open every day, and Louisiana has three-fish bag limit, and  
47 most states have two, and Texas has a four-fish state-water bag  
48 limit.

1  
2 Basically, they're all fishing under a catch share program, and  
3 the only component of the fishery that's not is the for-hire  
4 sector, and we would like that same opportunity, or at least I  
5 would, and I think that should reconvene some panels, 41 and 42,  
6 and try to design something to allow us the same opportunity  
7 that the rest of the fishery has.

8  
9 People say, well, right now, we don't have the data, which is  
10 true, but we're collecting it. The pace that the council works  
11 at, due to constraints, I think it would be a good idea to  
12 convene these panels right now and to come up with a plan, so  
13 that we can participate in this too, because, as I've always  
14 said at the council meetings, I can run my business better than  
15 the government can, and apparently the states feel that way,  
16 because they're doing it, and commercial fishermen feel that  
17 way, and they're doing it. I think we should be given the same  
18 opportunity.

19  
20 As far as king mackerel, back in October of 2019, I had told the  
21 council -- I said, you know, the kingfish are in bad shape, and  
22 I said we caught forty-eight for the eighty-one days that we  
23 fished that year, and between my two boats, offshore, and we  
24 used to catch that many in one day. This year, we made twenty  
25 trips, and we caught four.

26  
27 The kingfish are in bad shape. If you look at the paperwork,  
28 and it says, well, you know, they're not being overfished, and  
29 overfishing is not occurring, and, you know, the scientists -- I  
30 don't know where they're at, but I have talked to people out of  
31 Florida, out of Alabama, over in Texas, and we're all seeing a  
32 shortage of king mackerel.

33  
34 I was at the SEDAR, over in Mississippi, and they were  
35 presenting some data that entailed what they thought we might  
36 have caught back as far as 1957 and stuff like that, and I  
37 didn't agree with some of the assumptions they had, and like I  
38 don't think the recreational component really caught many fish,  
39 back in the old days, off of Texas, but, you know, that's what  
40 they came up with, but, anyway, what's interesting was the peak  
41 of the harvest in red snapper was about where we're fishing at  
42 right now, and the stock basically collapsed from there.

43  
44 I posed the question, and I said, well, why can we fish at this  
45 level and not collapse the stock again, if we fished at this  
46 level and collapsed it before, and everybody just kind of looked  
47 around, but nobody really knew the answer, and so I would pose  
48 that question to you, and how can we continue increasing the

1 quota and not collapse the stock, if we were fishing at these  
2 levels before and collapsed it?

3  
4 The dynamic has changed, and so it's something that you all need  
5 to think about, and, you know, when these fishermen come up here  
6 and tell you that the fish are not in good shape, you should  
7 listen to the fishermen and not just the scientists. We're up  
8 here trying to protect the species.

9  
10 I mean, I could if we were saying that, oh, yes, we need to  
11 catch more, and you might say, yeah, that's a typical fisherman,  
12 and they're trying to rape the Gulf, and we're not. We're out  
13 here trying to protect these fish, and so we need your help.  
14 When the fishermen come up here and tell you that the fish are  
15 in a decline -- The red snapper this year, off of Texas, the  
16 fishing is not as good as it was last year, and we're getting a  
17 lot more regulatory discards, and the fish aren't as big, in  
18 order to catch them, and it's been the same over the last few  
19 years. Thank you very much.

20  
21 **CHAIRMAN DIAZ:** Mr. Dugas has a question for you, please.

22  
23 **MR. DUGAS:** I may have missed it, but did you mention anything  
24 about amberjack in your area, or how is that looking this year?

25  
26 **MR. WILLIAMS:** No, I did not. I didn't mention that, amberjack  
27 or gag grouper. We catch a few, but that's not the largest  
28 component of my fishery. Right now, most of the fish that we're  
29 catching are red snapper, vermilion snapper, and tuna, and I --  
30 Just like with the recreational fishermen with red, and  
31 vermilion snapper, the proposal is to raise the limit up to  
32 twenty, and the fishermen came in and said, no, we don't want  
33 twenty, and the fishery is great at ten, and let's leave it  
34 here, and so, you know, listen to the fishermen, the people in  
35 the fishery. They know more about what's really going on in the  
36 water, I think, than some of the scientists do. Thank you.

37  
38 **CHAIRMAN DIAZ:** Mr. Williams, I did want to thank you for  
39 volunteering your time and sharing your experience too with the  
40 SEDAR red snapper data workshop. We appreciate you doing that.  
41 It was very helpful. Dr. Shipp.

42  
43 **DR. SHIPP:** I just wanted to tell Johnny that you dropped  
44 something out of your pocket, and it might be a credit card.

45  
46 **MR. WILLIAMS:** Thank you, ladies and gentlemen. Leann, we  
47 surely will miss you, and thank you so much for all your hard  
48 work, and we appreciate it.

1  
2 **CHAIRMAN DIAZ:** All right. Shawn Watson is next, and Matt Pless  
3 is on deck.

4  
5 **UNIDENTIFIED:** Shawn already went.

6  
7 **CHAIRMAN DIAZ:** Okay. He might have been on there twice. Matt  
8 Pless, and then Nick Ruland is on deck.

9  
10 **MR. NICK RULAND:** Hello. Matt Pless, I believe he already left.  
11 My name is Nick Ruland, and I've been in the fishing business  
12 for forty-one years, mainly unloading, but I've been in pretty  
13 much every part of it, from having vessels to having a fish  
14 house to then having restaurants as well in Fort Myers, Florida.

15  
16 I know we're running out of time, and so I would like to just,  
17 for the record, say that I agree wholeheartedly, and almost to  
18 the word, with what Casey Streeter said and Andrea from Sea  
19 Grant, and Jill probably gave some great information, because  
20 she does the -- She was a biologist that has the most  
21 information about southwest Florida, in my opinion.

22  
23 I would like to then look at how you guys do your -- It seems  
24 like a lot of the controversy moves around the means of data,  
25 data collection or data use or how the estimates go, et cetera,  
26 and what I've seen, and I don't understand things totally, and  
27 that's for sure, but we've got something called MRIP, which is  
28 an estimate, using estimates within certain parameters, I guess.  
29 I don't know if that's right or wrong.

30  
31 Then we've got something that's called FES, which is then going  
32 back in time or then re-guessing about the guesses about the  
33 estimate, from what I can see, but it's solid numbers, and then  
34 the other part that's being used is the IFQ information, and,  
35 now, I can tell you, to the moment -- I can tell you, at 10:14  
36 this morning, exactly how many pounds were caught out of all the  
37 IFQ species in the entire Gulf. If you like, I can tell you  
38 right now, at 10:14, and that's how good and solid the  
39 information is that we have, that we're presenting as far as on  
40 the commercial side. I hope that has some serious value.

41  
42 Then what came up to me is -- Because it seems like you guys do  
43 so much work around trying to manipulate, or not manipulate, and  
44 I didn't mean it like that, but truly it could happen, but, when  
45 I went back through it and started looking back through the  
46 numbers, sort of in different times and how it's done,  
47 basically, the distance -- My statistics professor in college  
48 would say -- I remember when math used to be an absolute

1 science, and you've got stuff all over the board.

2  
3 I heard someone say something about bipolar, and bipolar seems  
4 to fit some of this stuff, when you look at one side is right  
5 on, and the other side is so askew. Anyways, I would hope that  
6 you would try to figure it out, and it looks like recreational -  
7 - I'm not against recreational, but there was a gentleman that  
8 was here, and his name was Peterson, that came up here real  
9 briefly, and said he's a tech.

10  
11 Now, he is already a vendor for Florida, because his -- Clyde,  
12 and I don't know if it's his father, but Clyde Peterson runs,  
13 and does an unbelievable job, on the trip ticket program, and  
14 what he is trying to say is he can make this work. I just met  
15 him, but he can make this work, where everyone that is a rec  
16 fisherman has a number on their license, okay, and/or on their  
17 vessel, and the FL number, that we use in Florida, and all they  
18 have to do is hit those same -- Right now, we've got one, two,  
19 three -- We've got six things that have to be reported that then  
20 match up with the IFQ, which seems good to start with, okay?

21  
22 That could really -- I mean, please -- I implore you to get in  
23 touch with him, and I would be glad to give you his number, and  
24 I just caught him on his way out to the airport, and what some  
25 of those --

26  
27 **CHAIRMAN DIAZ:** Mr. Ruland, can you start to wrap up, please?

28  
29 **MR. RULAND:** I will. Thank you for your time. Snapper is one  
30 thing that I think you might want to look at, and how the  
31 snapper took place, and it would be easier if you asked me  
32 questions, but how snapper took place in the beginning is there  
33 were two classes of snapper.

34  
35 I heard someone ask some of the people, many times, how could  
36 you do something, and what do you do, and we have, in southwest  
37 Florida, believe it or not, and I just unloaded 3,000 pounds,  
38 and the average was twelve to fourteen pounds, and that's closer  
39 to fourteen, and that's a breeding stock. That shows the health  
40 of that fishery.

41  
42 That health of that fishery is so bad that it's not healthy,  
43 because of what's it taking over, the environment and the rest  
44 of the species, and we also -- We're not allowed to catch them.  
45 If you look back when the first allocations took place, or  
46 distributions took place, from Sarasota County to Key West,  
47 there was less than 20,000 pounds allocated, because we had two  
48 classes of licenses then, Class 1 and Class 2.

1  
2 Class 2, we were regulated out of participating in the snapper,  
3 and we're not saying we need all of it, but we were regulated  
4 out of participating and voting and being any part of it. I  
5 believe I'm right on that, and please correct me if I'm not, and  
6 so there are some things that could be done.

7  
8 You could then -- Someone asked about how we could do it, and  
9 you could then create another class to bring some stuff into the  
10 areas that is needed. We had it one time, and it could be done  
11 again. You were allowed 200 pounds a trip, or something like  
12 that, but they never could do it, because the first ten days of  
13 the month in southwest Florida -- That's the windiest time, and  
14 I know the guys that participated in that program that had Class  
15 1 licenses, and they went out in the worst weather there could  
16 be. That's the whole reason we got Perfect Catch, or whatever  
17 it's called. Anyways --

18  
19 **CHAIRMAN DIAZ:** Thank you, Mr. Ruland. We appreciate it. All  
20 right. Next up, we have --

21  
22 **MR. RULAND:** No question for the record?

23  
24 **CHAIRMAN DIAZ:** I am not seeing any. Next up, we have Greg  
25 Strotbeck, and then Randy Myers is on deck.

26  
27 **MR. GREG MATTHEW:** Good afternoon. My name is Gregory Matthew,  
28 and I've been a chef specializing in serving my customers life  
29 that come from the sea for more than twenty years. I am here to  
30 represent the quotas being protected to commercial fishermen, as  
31 opposed to recreational fishing.

32  
33 My success as a chef is completely reliant on my relationships  
34 and supply with local fishermen, such as my dear friend, Tim  
35 Dillingham from Billy's Fish Co. And many of the other fishermen  
36 here today. I take fish extremely serious. It's my life. If I  
37 don't find the absolute best ingredients, I do not survive. I  
38 do not stand apart, and I do not win awards, and I do not grow,  
39 and I become a statistic.

40  
41 A study by *Vice Magazine* just released said that 70 percent of  
42 chefs suffered serious mental illness, due to their work and  
43 life balance. Anthony Bourdain, he made it, and then he killed  
44 himself. Some chefs work for money, and some work for status,  
45 and I work for fish, for my relationships with fishermen.

46  
47 You can look at uneducated statistics and pieces of paper, but  
48 if you think recreational fishing deserves the fish more than

1 us, you do not understand fish the way that I do. When I hold a  
2 piece of fish, I feel its energy, and I see a jowl that needs to  
3 be aged and smoked and a belly that needs to be served raw, a  
4 center chateaubriand that needs to be deboned and roasted over  
5 coals.

6  
7 A gentleman from Branson, Missouri, an oil executive, is going  
8 to go out and catch his limits only to put the fish into plastic  
9 bags and to freeze it, and you want to give him fish more than  
10 me. I'm an avid fisherman, and why am I not logging my catch?  
11 Why am I not held accountable for the fish that I take from this  
12 ocean?

13  
14 We need to use technology, and we need to be held accountable.  
15 If I'm going to go out in the ocean and catch fish, I need to be  
16 held accountable. I need to be responsible to log the fish that  
17 I catch, so that these issues do not happen. Please do not make  
18 the wrong decisions and take fish away from me and give it to  
19 people who do not need it. I need it, and it's all that I have.  
20 Thank you.

21  
22 **CHAIRMAN DIAZ:** Thank you, sir. All right. Next is Randy  
23 Myers, and on deck is Alexander Trapasso.

24  
25 **MR. RANDY MYERS:** Good evening. My name is Randy Myers, and I'm  
26 a commercial fisherman, and I've been fishing for about  
27 seventeen years, from Naples to Alaska. I just wanted to bring  
28 up some considerations, some observations that I've made,  
29 throughout my history in commercial fishing.

30  
31 In Alaska, it's written into the constitution for conservation  
32 and sustainability within the commercial fishing industry, and  
33 they've done a pretty good job of managing it. We don't have  
34 any -- I have heard the council members ask a few questions of  
35 how come you don't buy quota, and I don't own any quota, and I'm  
36 a crew here in Naples, and the capital investment is ridiculous.  
37 It's an eight-year return, or a nine-year return, and you can't  
38 do that. It doesn't pencil out, when you've got a boat, fuel,  
39 crew, and everything out, right, and that's eight years at 100  
40 percent, and that ain't going to work out right.

41  
42 The fishermen in Alaska, an IFQ holder, has to be on the boat to  
43 catch the fish and to sell the fish at the dock. We don't have  
44 any brokers or dealers with king mackerel permits sitting here,  
45 but I was a salmon troller there, and I had the permit, and I  
46 had to be on the boat to harvest the fish, and I had to be on  
47 the boat to sell the fish, and we don't have brokers with ten  
48 different salmon permits and power troll permits at

1 unsustainable prices, right?

2  
3 I think keeping those coastal communities -- The point for  
4 Alaska is to keep the coastal communities alive, the fishermen  
5 alive, the infrastructure, the crew wages, the capital wages  
6 that go to the fishermen, and not people sitting in offices  
7 collecting money and everything else that you see.

8  
9 Some other observations we see, just locally here, is the red  
10 snapper -- It seems like it's a very healthy population, and  
11 it's very difficult for us to actually catch grouper, compared  
12 to the snapper, when you're looking at the weights coming in the  
13 boat and how much grouper do we have compared to how much  
14 snapper, and we can't find the snapper to lease.

15  
16 I don't know where the guy is getting paid \$2.00 a pound to go  
17 catch them, and that would be nice, but I'm not seeing that, and  
18 that's pretty much all I had to say. I really appreciate you  
19 guys' time, and I'm sorry that I couldn't catch some of the  
20 classes that you offered, some of the data that's out there, but  
21 you have to consider that a lot of the data that we're looking  
22 at is so skewed, especially in the recreational sector, and  
23 there is no oversight, and there is no reporting.

24  
25 In Alaska, there is a few small towns, right, and so it's a lot  
26 easier for them to send somebody to the dock for how many  
27 halibut do you have, how many rockfish do you have, how many  
28 lingcod do you have, and then it has to go the airport and get  
29 transferred, and it's very easy to track there. They do a great  
30 job of their sportfishing sector, and they know how much fish  
31 are being caught, and we're missing the ball here in the Gulf,  
32 by a bit shot.

33  
34 It sounds like technology is improving, and there is going to be  
35 ways to track how much is actually being caught and then make  
36 observations, and you can't make -- You can't make policy  
37 changes without having accurate data, and I think having the  
38 data, with better reporting on the sport sector side, really  
39 could help the Gulf Council here, and so that's pretty much all  
40 I had to say. Thank you.

41  
42 **CHAIRMAN DIAZ:** Thank you, Mr. Myers. We have a question for  
43 you, Mr. Myers. Mr. Dugas.

44  
45 **MR. DUGAS:** Thank you for your comments. Did I hear you  
46 correctly when you said, in Alaska, you have to be on the vessel  
47 as an IFQ shareholder?

48

1 **MR. MYERS:** Yes. All the IFQ permit holders have to be present  
2 on the boat, and we have several boats that will go out and take  
3 IFQ holders in the boat, that come on the boat, and the  
4 shareholder has to be on the boat present while the fish are  
5 being caught, collected, and at the dock to be sold, and it  
6 really helps to keep everybody involved in the fishery.

7

8 **MR. DUGAS:** Did you say that there are no brokers either?

9

10 **MR. MYERS:** There is no -- There is brokers, and there is firms  
11 that will list your permits, if I'm retiring, or I want to sell  
12 quota, whatever that may be, and there are sites that will list  
13 those permits, and they make a commission on the sales, but no  
14 investors and no corporations can own quota.

15

16 **CHAIRMAN DIAZ:** All right. Alexander Trapasso, and then  
17 Matthews Sexton is on deck.

18

19 **MR. ALEXANDER TRAPASSO:** Hi. How are you doing? Good  
20 afternoon. I'm a first-generation fisherman out of -- I'm from  
21 Naples, Florida, and I moved my boat up to Island Seafood  
22 Market, where Katie and Casey have their place, and I'm very  
23 grateful to them. They supply us with quota, and I just wanted  
24 to start by saying that I oppose the aquaculture farms.

25

26 That would be a horrible thing for southwest Florida, and we do  
27 not need that, with the red tide and the hurricanes. That will  
28 just -- The hurricanes will take it out, or the red tide will,  
29 one or the other, and so I'm against that.

30

31 As far as the red snapper, I mean, there is more than we can  
32 catch. We could go out and catch 4,000 pounds in three days,  
33 all the time, year-round, and I can't get the quota, and I  
34 struggle to find the quota. Katie and Casey, we all come  
35 together to try to find it as a team, and Dilly as well, and we  
36 all -- We're all working together, and so we just can't get  
37 enough of it, you know, and another thing is the recreational  
38 fishermen, and I think they should be held accountable.

39

40 We're held accountable for everything, and I believe they should  
41 be too, you know, and somehow we've got to find a fair way,  
42 where they're not going to lie or, you know, not do it, and it  
43 has to be easy, and it has to be quick, and it has to be on your  
44 phone and accessible. Right there when you come in, just a  
45 couple of little questions, and it will help us try to figure  
46 out the fish amount out there, and so that's all I really have  
47 to say. Thank you.

48

1 **CHAIRMAN DIAZ:** Thank you. Matthew Sexton.

2  
3 **MR. MATTHEW SEXTON:** Hello. Thank you, guys, for being here for  
4 us. This is my second Gulf Council meeting, and I came to the  
5 last one, the last time you guys had it here. My name is  
6 Matthew Sexton, and I'm a captain at Pine Island, and I fish for  
7 Island Seafood Market, Casey and Katie. They're great people,  
8 and they're a great fish house to be out of.

9  
10 I've been commercial fishing for three years now, and I've seen  
11 an increase in red snapper. Every time I go out fishing for red  
12 grouper, I can't get away from the red snapper. We're talking,  
13 in three days of fishing, catching 4,000 pounds of red snapper,  
14 and, like I've heard other people say, using hard baits just to  
15 get past, and the cost of red snapper is just unaffordable to  
16 me, and I can't afford to buy leases. Eight years from now, who  
17 knows if I'll even be standing here.

18  
19 It's hard to put all the time, the gas, insurance, bait, rods,  
20 and equipment and then drive eighty to 180 miles just to throw  
21 back fish, because, one, I can't find quota, and because, two,  
22 nobody has any to lease me, or they're just hoarding it. Why  
23 isn't it easier for me to find quota? Why can't I be the one to  
24 get quota? The commercial keeps getting quota reductions based  
25 on made-up recreational numbers.

26  
27 The commercial caught 93,000 pounds, and we as commercial caught  
28 93,000 pounds of mangs, when recreational did almost two-  
29 million, and what part of that is even fair?

30  
31 Red grouper also cost way more, due to reductions in quota. I  
32 remember, when I first started fishing, my first year, I was  
33 selling some of these guys quota, and I was able to find it for  
34 forty-cents and make a little bit of money to pay my crew and  
35 buy some extra stuff that I needed for the boat, but now I  
36 can't. I can't even find it for myself to go fish. How am I  
37 going to buy shares, when I can't even find quota to lease?

38  
39 Shareholders don't have enough to provide smaller boats like me,  
40 and they don't even have enough to provide themselves. Like  
41 Casey said when he was up here, he doesn't even go fishing, just  
42 so he can let us go fish, because, if he goes fishing, he won't  
43 have enough to give us to even make money, and I'm only twenty-  
44 three years old, and I need as much money as I can get. I've  
45 got to get a house, and I've got to get another boat, and I'm  
46 trying to build my business, and it seems like my business is  
47 getting destroyed.

1 Another thing I would like to say with these fish farms is these  
2 fish farms -- If they're not bad to us, and they're not going to  
3 do any damage to us, and everything you guys are talking about,  
4 why don't you guys put them right in the -- Why don't you guys  
5 take these fish farms and put them in the Steamboat Lumps, where  
6 all the fishermen are prohibited to fish, or put them in the Dry  
7 Tortugas, where we're not allowed, or some closure areas, since  
8 it's not so harmful for the environment? If you guys have no  
9 worries about them, go put them there, where we're not allowed  
10 to fish.

11  
12 The lack of management for the recreational sector and the use  
13 of biased studies and methods puts our fisheries and food  
14 security at risk. Now the new news is all these fish farms --  
15 It's a horrible idea, and it's a disaster to our fisheries, and  
16 it's already hard enough to make a living, much less have to  
17 deal with fish farms. We already have red tide to deal with,  
18 and we're recovering from it.

19  
20 I want to fish forever. I want things to be sustainable for  
21 every fisherman out there, recreational and charter and  
22 commercial. By being invested in permits and boats, I want to  
23 make sure that I'll have a fair future in fishing. I'll never  
24 be able to afford red snapper shares, and so how am I ever going  
25 to make it in fishing? I appreciate all you guys being here to  
26 listen to my concerns, and I hope something is taken into  
27 consideration.

28  
29 **CHAIRMAN DIAZ:** Thank you, Mr. Sexton.

30  
31 **MR. SEXTON:** Thank you.

32  
33 **CHAIRMAN DIAZ:** All right. That concludes our public testimony  
34 for today, and so that's going to wrap up our council meeting  
35 for today. We are going to start at 8:00 in the morning, and  
36 we're going to start and follow the agenda just as it's written.  
37 Thank you.

38  
39 (Whereupon, the meeting recessed on June 23, 2022.)

40  
41 - - -  
42  
43 June 24, 2022

44  
45 FRIDAY MORNING SESSION

46  
47 - - -

48  
124

1 The Full Council of the Gulf of Mexico Fishery Management  
2 Council reconvened at Crowne Plaza @Bell Towers Shops in Fort  
3 Myers, Florida on Friday morning, June 24, 2022, and was called  
4 to order by Chairman Dale Diaz.

5  
6 **CHAIRMAN DIAZ:** All right. We're going to welcome everybody  
7 back to day-four of the Gulf of Mexico Fishery Management  
8 Council. I want to thank the folks that showed up yesterday for  
9 public testimony and the people that showed up online. We had a  
10 lot of good public testimony, and we appreciate people taking  
11 time out of their day to come and talk to us about fisheries  
12 issues and help us be better informed. We're going to start off  
13 today with the Coral Committee. Dr. Frazer, are you ready?

14  
15 **COMMITTEE REPORTS**  
16 **CORAL COMMITTEE REPORT**  
17

18 **DR. FRAZER:** I am taking my last sip of coffee right now, Mr.  
19 Chair.

20  
21 **CHAIRMAN DIAZ:** Whenever you're ready, Dr. Frazer.

22  
23 **DR. FRAZER:** All right. The Coral Committee Report, the  
24 committee adopted the agenda, Tab N, Number 1, and approved the  
25 minutes, Tab N, Number 2, of the January 2020 meeting as  
26 written.

27  
28 Results from Coral RFP: Gulf of Mexico Mesophotic and Deepwater  
29 Coral Assessment, Tab N, Number 4, Mr. Stephen Viada of CSA  
30 Ocean Sciences, Incorporated presented the results from the  
31 contracted work to assess mesophotic and deep-sea coral reefs in  
32 the Gulf of Mexico.

33  
34 The purpose of the work was to compile new data on areas that  
35 were not included in Coral Amendment 9, identify additional  
36 coral habitats for consideration in Coral Amendment 10, based on  
37 a comprehensive literature review, perform an ecological  
38 assessment of the areas, and design a ranking strategy that the  
39 council could use for prioritization in its effort to protect  
40 corals and coral habitats that support sustainable fisheries.

41  
42 A committee member suggested analyzing finer-resolution fishing  
43 effort data. Mr. Viada stated that the benthic trawl data  
44 utilized in the report was derived from NMFS data evaluated by  
45 Clark et al. 2018. A committee member suggested that, moving  
46 forward, more recent trawl data could be provided by the  
47 Southeast Fisheries Science Center.

1 Joint Coral AP and Coral SSC Recommendations and Proposed Next  
2 Steps, Tab N, Number 5, staff summarized recommendations from  
3 the Coral Advisory Panel and the Coral Scientific and  
4 Statistical Committee and provided an overview of previous  
5 motions intended to advance the development of Coral Amendment  
6 10.

7  
8 Given the recommendation to convene a more inclusive group of  
9 coral experts to guide the development of Coral Amendment 10,  
10 the committee asked who would be part of the group and if  
11 participants in the expert working group would be different from  
12 the current coral advisory bodies. Staff stated the working  
13 group would include scientists currently engaged in coral reef  
14 research, in addition to the council's Coral AP and Coral SSC  
15 members.

16  
17 Staff also recounted how instrumental the previous coral working  
18 group was in narrowing down the areas that were ultimately  
19 included in Coral Amendment 9. A committee member requested  
20 that fishermen input also be solicited by the coral working  
21 group.

22  
23 After the committee meeting, staff discussed the council's  
24 motion made in 2018 to include the Shrimp AP and Shrimp SSC in  
25 the process and proposed the following, to convene the coral  
26 working group (i.e., Coral AP, Coral SSC, and a small group of  
27 other coral experts) first to identify candidate sites for  
28 consideration in Coral Amendment 10 and provide an initial  
29 inventory of priority sites for management consideration. Then  
30 convene the Shrimp and Reef Fish APs to review and provide input  
31 on the prioritized sites, either in a back-to-back meeting or a  
32 two-stage-plus meeting process.

33  
34 Lastly, a committee member expressed concern regarding the  
35 limited amount of time to provide comment on the Florida Keys  
36 National Marine Sanctuary expansion draft rule. Given the  
37 expected release date of the draft rule in July 2022 and the  
38 hundred-day public comment period, the council may want to  
39 consider drafting a letter to the Florida Keys National Marine  
40 Sanctuary superintendent requesting an extension for comment  
41 until after its October 2022 meeting, to ensure feedback can be  
42 captured from its advisory panels. Mr. Chair, this concludes my  
43 report.

44  
45 **CHAIRMAN DIAZ:** All right. Is there any other business to come  
46 before the Coral Committee? Ms. Bosarge.

47  
48 **MS. BOSARGE:** I wanted to have a little further discussion on

1 the Florida Keys Sanctuary expansion. You know, we had a little  
2 bit of talk about -- You addressed it, I think, in your report,  
3 and we've got kind of got many things on our plates this  
4 morning, and we're going to get it in front of our APs. As far  
5 as the Shrimp AP, which it would have a big impact on, right,  
6 and this is primetime shrimp season.

7  
8 If that comes out in mid-July, how you manage to pull together  
9 that AP in July, August, or September, which is your hundred-day  
10 period, I really don't know how you do it, and I'm not sure that  
11 you can even get a quorum. However, I don't know, and we may be  
12 tied to the dock, and you might get all kinds of quorums, but  
13 we've got to figure out a gameplan here.

14  
15 I heard Florida say that -- I think maybe this was me talking on  
16 the sidelines with Jessica, but that you all might be asking for  
17 an extension, and could you speak to what Florida is doing and  
18 what the South Atlantic -- If it has plans to do with this  
19 expansion, as far as addressing it.

20  
21 **MS. MCCAWLEY:** Sure, Leann, and so let's start with the South  
22 Atlantic Council first, and so, last time, the South Atlantic  
23 Council had Sarah Fangman come to their council meeting and give  
24 a presentation, plus have FWC give a presentation about what we  
25 thought were some of the topics that the South Atlantic should  
26 focus on, and so this -- Then they also met all of their APs,  
27 like you're suggesting, before they finalized the letter.

28  
29 I think that the sanctuary item only came to one council  
30 meeting, just because of the length of time of the comment  
31 period, and then it was a lengthy letter that was prepared by  
32 the council staff. This time, the South Atlantic is unsure if  
33 they need to get an extension yet, and so their plan right now  
34 is to have a special council meeting about this sanctuary, and  
35 they are looking at dates in August, and, at that meeting -- It  
36 would be a webinar, and it would be half a day, and Sarah  
37 Fangman would give a presentation, and then FWC staff would give  
38 a presentation as well.

39  
40 Then, based on that, I don't know if they have time to meet  
41 their APs before we get to the September South Atlantic Council  
42 meeting. That's a little unclear to me, and so I don't know  
43 that they fully know whether they need to ask for an extension,  
44 but their gut reaction, at the beginning, when it was the  
45 hundred-day period, they said, oh, we would like to take this to  
46 two council meetings, but we don't have time to do that, because  
47 their next meetings are September and then December.

1 I don't know that they have a final answer yet, but their gut  
2 reaction was how do we get all this in and meet the APs, plus  
3 have a council discussion, or a couple of council discussions,  
4 within the hundred days, and then, on the FWC, we are working on  
5 our gameplan now, but we will definitely be asking for an  
6 extension, and we usually like to take it to at least commission  
7 meetings, and sometimes three, and then we also have meetings  
8 with stakeholders ourselves, and so without the sanctuary, and  
9 FWC staff, with various stakeholders, down in the Keys, onsite,  
10 to hear a little bit more, because we just want to make sure  
11 that we have heard everything, all the perspectives, before we  
12 finalize our letter.

13  
14 **MS. BOSARGE:** Just a follow-up on that, Mr. Chairman, if I may,  
15 and so what was the South Atlantic -- So you will have a  
16 meeting, a South Atlantic Council meeting, a regular one, within  
17 the hundred-day comment period, and so what was your rationale,  
18 or your thought process, behind having a special meeting,  
19 because that sanctuary is just so large and complicated?

20  
21 **MS. MCCAWLEY:** Yes, and so what's been happening -- So the South  
22 Atlantic has a process where they establish priorities and what  
23 items are coming to each council meeting, and they look about a  
24 year-and-a-half out, and so they have a complicated Excel sheet,  
25 where they figure out how many hours each item is going to take  
26 and what amendments are coming to which meeting, do you have to  
27 do AP selection, or SSC selection, et cetera, and, based on  
28 everything that's coming to the next couple of council meetings,  
29 there wasn't any room, once the sanctuary announced that they  
30 would have a hundred-day comment period.

31  
32 What the South Atlantic Council has been doing is, if there is  
33 something, whether it's an amendment, whether it is something  
34 special, like this, they have been having a couple of these  
35 half-day webinar meetings, where they bring the council  
36 together, a couple of times a year, in order to tackle issues  
37 that they can't get done in the regular week, because the agenda  
38 is already full, because of the way we set the priorities now.

39  
40 **MS. BOSARGE:** Mr. Chairman, I'm just hoping that we can have  
41 some conversation on what's the best path forward for this  
42 council. You know, we went through the original plan that the  
43 Florida Keys had, and I think this one is just as important, in  
44 that original plan, and some of those options were expanding  
45 that sanctuary to like 4,000 and something square miles, and so,  
46 as you know, at least for me, in the shrimp world, the pink  
47 shrimp fishery is a vital piece of our fishery, but it's also a  
48 very small piece, as far as where it's prosecuted, and down in

1 that Florida Keys area is a big part of that. If they were to  
2 take in shrimp grounds down there, it would have a huge impact  
3 on that fishery, and so what's your pleasure?  
4

5 **CHAIRMAN DIAZ:** My question to you would be do you feel like the  
6 hundred days -- So we're starting on July the 12<sup>th</sup>, and roughly -  
7 - August, September, October, and October 12 would be somewhere  
8 around the end of the hundred days. What time of year do you  
9 think we would need to get into to get the Shrimp AP together  
10 and get the feedback that we need?  
11

12 **MS. BOSARGE:** Well, Matt -- Usually, if we had one in the latter  
13 part of the year, we try and do it in November or December,  
14 right, and that's when we've been able to actually get people to  
15 be able to attend, right?  
16

17 **DR. MATT FREEMAN:** That's correct.  
18

19 **CHAIRMAN DIAZ:** I mean, I would not have a problem if this  
20 council decided to ask for an extension, to give us the ability  
21 to get that AP to meet in the latter part of November. If  
22 that's the will of the group, I think that would be something  
23 that would be fine. Dr. Froeschke.  
24

25 **DR. FROESCHKE:** Two questions, just kind of going through the  
26 timeline in my head, and ideally -- I mean, if we could just get  
27 to December 15, or even just to the end of the year, it would be  
28 nice, so it would give us some time to do that. If you all had  
29 an interest in reviewing the comments of the AP before we tried  
30 to submit something, then we would have to go a little bit  
31 farther, and I'm not sure if we would want to do that, and so I  
32 guess that's for you guys to decide.  
33

34 **CHAIRMAN DIAZ:** You had a comment, Ms. Bosarge?  
35

36 **MS. BOSARGE:** Yes, and do you need a motion to write a letter to  
37 ask for an extension, and I guess I will just kind of leave it  
38 open-ended, as far as the extension that you asked for, so that  
39 staff can confer and figure out what is the --  
40

41 **CHAIRMAN DIAZ:** I would prefer a motion.  
42

43 **MS. BOSARGE:** All right. I will make a motion that the council  
44 write a letter to the Florida Keys National Marine Sanctuary  
45 requesting an extension for commenting on the -- Is it an EIS or  
46 a DEIS?  
47

48 **MS. MCCAWLEY:** It's a draft rule.

1  
2 **MS. BOSARGE:** A draft rule. Okay. On the draft rule. An  
3 extension for submitting comments on the draft rule.  
4  
5 **CHAIRMAN DIAZ:** All right. The motion is the council write a  
6 letter to the Florida Keys National Marine Sanctuary requesting  
7 an extension for submitting comments on the draft rule. Is  
8 there a second to the motion? Second, Mr. Gill?  
9  
10 **MR. GILL:** I would like to ask the maker of the motion, before  
11 we get a second, if she would be willing to put on there to  
12 request an extension until 12/31/2022, but put a time certain,  
13 so that they know what we're talking about.  
14  
15 **CHAIRMAN DIAZ:** Are you okay with that, Ms. Bosarge?  
16  
17 **MS. BOSARGE:** Requesting an extension --  
18  
19 **MR. GILL:** Until December 31.  
20  
21 **MS. BOSARGE:** Okay. Well, I was going to kind of leave that  
22 flexible, for staff, and let them -- How about until at least  
23 December 31? I guess that gives staff some flexibility, at  
24 least.  
25  
26 **CHAIRMAN DIAZ:** The motion now reads: The council write a letter  
27 to Florida Keys National Marine Sanctuary requesting an  
28 extension until at least December 31, 2022, for submitting  
29 comments on the draft rule. That is seconded by Mr. Sweetman.  
30 Any discussion on the motion? Seeing none, is there any  
31 opposition to the motion? The motion carries. Is there any  
32 other business to come before the Coral Committee? Dr. Frazer.  
33  
34 **DR. FRAZER:** I just wanted to make sure that everybody is on the  
35 same page here, and so, as part of the committee report, we  
36 talked about forming this working group, and I don't know if we  
37 need a motion to do that or if it's just understood by staff  
38 that we're to carry forward.  
39  
40 **DR. FROESCHKE:** I think we have that understanding, and we'll  
41 share that out.  
42  
43 **DR. FRAZER:** All right. Thank you.  
44  
45 **CHAIRMAN DIAZ:** Thank you, Dr. Frazer. Any other business for  
46 the Coral Committee? Seeing none, we're going to move down the  
47 agenda, and next up is Habitat Protection and Restoration. Mr.  
48 Banks.

1  
2 **MR. BANKS:** Let me find the report in my email. I don't recall  
3 getting it.

4  
5 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Chair, I believe Mr. Gill is  
6 the Chair of Habitat.

7  
8 **CHAIRMAN DIAZ:** I'm sorry.

9  
10 **MR. BANKS:** I was struggling to try to figure out who was the  
11 chair and why was I doing the report.

12  
13 **CHAIRMAN DIAZ:** I have not had a lot of coffee, but my agenda  
14 says, Habitat Protection & Restoration, Mr. Banks.

15  
16 **MR. GILL:** I thought it was a fine idea.

17  
18 **MR. BANKS:** I thought it had something to do with the letter  
19 that I was speaking against, and you all were --

20  
21 **MR. GILL:** It was payback for getting off the SEDAR Committee.

22  
23 **CHAIRMAN DIAZ:** I apologize for that. Mr. Gill.

24  
25 **HABITAT PROTECTION & RESTORATION COMMITTEE REPORT**

26  
27 **MR. GILL:** Thank you, Mr. Chairman. I liked the way you were  
28 going better than this way. The Habitat Protection and  
29 Restoration Committee met on the 21<sup>st</sup> of June and adopted the  
30 agenda in Tab B, Number 1 and approved the minutes, Tab B,  
31 Number 2, of the January 2022 meeting as written.

32  
33 Essential Fish Habitat Generic Amendment, Tab P, Number 4(a)  
34 through (e), council staff provided a presentation on an  
35 essential fish habitat (EFH) document development rationale,  
36 current draft options, conceptual overview and assumptions of  
37 the proposed modeling options, and next steps for the committee  
38 to consider.

39  
40 The committee discussed the various proposed modeling  
41 methodologies. A committee member inquired whether other  
42 regional councils use differing methods for describing EFH for  
43 their managed species, and council staff indicated that does  
44 occur in a few regions. The committee also discussed workload  
45 for the proposed alternatives, and council staff indicated work  
46 could be completed for all four options, as only a small subset  
47 of species had enough data available to implement the more  
48 technical approaches.

1  
2 Mr. David Dale, from the NOAA Habitat Conservation Division,  
3 indicated that EFH descriptions should be consistent with the  
4 best scientific information available, and so considering  
5 alternative modeling approaches would be appropriate to better  
6 refine descriptions of EFH. It was requested that some  
7 additional information on the three options proposed under  
8 Alternatives 3 and 4 be provided, along with continuing work on  
9 a webtool to better visualize spatial data layers and provide  
10 comparative maps of the various model outputs.

11  
12 NOAA General Counsel reminded the committee that rationale for  
13 alternative selection will need to be provided for describing  
14 EFH. The committee stated that, for species and life stages  
15 where there is not data available to implement Alternatives 3  
16 and 4, that Alternative 2 be selected in those cases. For  
17 relatively more data-rich species and life stages, a  
18 determination will be made in the future, after review of the  
19 decision webtool by the Scientific and Statistical Committee and  
20 the council.

21  
22 Results of the Aquaculture Opportunity Areas Atlas for the Gulf  
23 of Mexico, Tab P, Number 5, Mr. Andrew Richard, from the  
24 Southeast Regional Office, provided results of the Aquaculture  
25 Opportunity Area (AOA) Atlas for the Gulf of Mexico. A council  
26 member asked whether distance from shore, which would allow for  
27 processing of harvest, had been accounted for when selecting  
28 sites, and Mr. Richard indicated that it was. A committee  
29 member inquired if the selected sites presented were located in  
30 the same place as those presented to the Shrimp Advisory Panel  
31 in December 2021, and Mr. Richard indicated that they were.

32  
33 Mr. Richard was asked what determination would be made if an AOA  
34 site was also deemed appropriate for an offshore energy  
35 installment. Mr. Richard indicated that depth requirements for  
36 anchoring structures was different for aquaculture farms and  
37 offshore energy platforms, including wind, which limited spatial  
38 overlap.

39  
40 A committee member cautioned that limiting wild fleet efforts  
41 for aquaculture development did not achieve objectives  
42 associated with bolstering domestic fish production and should  
43 be avoided. Mr. Richard indicated that shrimp trawling and  
44 commercial reef fish fishing effort had been accounted for when  
45 building the atlas, but he would have to inquire whether other  
46 fisheries data had been included. He also added that, while  
47 AOAs in state waters were also to be considered, the current AOA  
48 Atlas was focused on federal waters.

1  
2 Notice of Intent to Prepare a Programmatic Environmental Impact  
3 Statement for Aquaculture Opportunity Areas in the Gulf of  
4 Mexico, Tab P, Numbers 6(a) through (d), following the  
5 development of the AOA Atlas, a Notice of Intent has initiated a  
6 Programmatic Environmental Impact Statement for AOA's, and an  
7 associated scoping period has been scheduled.

8  
9 Mr. Richard was asked if the atlas was a dynamic output, where  
10 AOA sites may be modified as offshore energy platforms are  
11 removed. Mr. Richard indicated that the atlas was a snapshot in  
12 time. However, as aquaculture operations are added, they will  
13 be required to consider the same factors as used to build the  
14 atlas. A committee member provided an illustration showing high  
15 fishing effort within AOA site C-11 and indicated that location  
16 should be modified, to avoid placing an aquaculture farm within  
17 a high-effort shrimp trawling area. Public comment will be open  
18 through August 1, 2022.

19  
20 Update on Ocean Era and Manna Fish Farms Projects, Tab P, Number  
21 7, --

22  
23 **CHAIRMAN DIAZ:** Thank you, Mr. Gill. Ms. Levy.

24  
25 **MS. LEVY:** Well, I guess, before you leave the Aquaculture  
26 Opportunity Areas, the public comment period is open, and I  
27 guess I am just like asking you whether you want to talk about  
28 whether you want to provide public comment on that.

29  
30 **CHAIRMAN DIAZ:** Ms. Bosarge.

31  
32 **MS. BOSARGE:** I wasn't sure which section of the report to stop  
33 and talk about that at, but we heard a lot of public testimony  
34 yesterday about aquaculture facilities in this area. Now, I'm  
35 not sure what the council's opinion on all of that is, but I  
36 feel like, at a very minimum, we should try and summarize those  
37 comments and elevate those to a higher level, and, really, I  
38 thought the most telling comment, for me, that made me stop and  
39 think was the --

40  
41 I don't remember who it was, but, anyway, they got up and they  
42 said, you know, we keep being told that all the effluent and  
43 things from these pens won't -- It won't be a problem, and it's  
44 fine, and it's no big deal, and yet they won't allow these to be  
45 sited over coral and over, you know, pristine habitat and things  
46 like that, and I thought -- They were essentially saying, well,  
47 you know, if it's good enough for us, and it's not going to  
48 bother our fish grounds, why don't you put it right over there,

1 in the spots that you think are really important, and so I  
2 thought that was a pretty good comment, and so I wanted to have  
3 some conversation on how we make sure that the people that took  
4 the time to come out here, when we got down here to their neck  
5 of the woods, where some of this is being proposed, that we  
6 elevate those comments.

7

8 **CHAIRMAN DIAZ:** Mr. Williamson.

9

10 **MR. WILLIAMSON:** We've got a lot of scientists sitting around  
11 the room here, and, you know, these fish farms are not new, and  
12 I wonder if someone could weigh-in who has investigated the fish  
13 farms that are out there, as to the extent of the pollution from  
14 the toxins and the nutrients and whatever, if that's really an  
15 issue, or was it just anecdotal concerns.

16

17 **CHAIRMAN DIAZ:** Dr. Frazer.

18

19 **DR. FRAZER:** I mean, I'm happy to weigh-in a little bit. I  
20 mean, clearly, there can be localized effects, right, and I  
21 think, over time, you know, the regulatory policies that are in  
22 place are intended to minimize and reduce those localized  
23 impacts, but what I did recognize in the comments yesterday was  
24 the potential for these larger facilities, in the particular  
25 region that was proposed, might have the potential to contribute  
26 to red tides.

27

28 I think that merits further investigation, and I think it was a  
29 valid point, right, because one of the things that doesn't  
30 appear to have happened is whether or not the folks who are in  
31 charge of permitting have consulted with the physical  
32 oceanographers, right, and so we know a lot about where red tide  
33 is formed and how it's transported, or where we can better be  
34 forecasting that, and so, if these aquaculture sites are in that  
35 trajectory, then there is a possibility, or the potential, to  
36 exacerbate their growth, right, and that could be problematic.

37

38 What I don't know is whether or not they have engaged the  
39 physical oceanographers and the folks that would be interested  
40 in forecasting that in this process and as part of the decision-  
41 making.

42

43 **CHAIRMAN DIAZ:** Mr. Gill.

44

45 **MR. GILL:** Thank you, Mr. Chairman. Mr. Richard indicated that  
46 he would be online and listening to this part of the discussion,  
47 and I don't know if that's true, but, if he is, perhaps he can  
48 address the points being raised at the moment.

1  
2 **CHAIRMAN DIAZ:** Mr. Banks and then --

3  
4 **MR. WILLIAMSON:** Well, I guess my -- Despite a letter, do we  
5 have any chance of impacting this decision on fish farms, if you  
6 will?

7  
8 **CHAIRMAN DIAZ:** Mr. Banks.

9  
10 **MR. BANKS:** I think we do, but these concerns should be  
11 evaluated during the EIS, period, and so, to Mara's point about  
12 whether we want to make comment, I think the only thing we can  
13 make comment on right now is the atlas, but, once this EIS comes  
14 out, I believe that's when we need to really sit up and take  
15 notice and look at those kinds of impacts that are borne out  
16 through the EIS process, and so I think we might be a little bit  
17 ahead of ourselves, in terms of making public comment, at least  
18 from my standpoint on the scientific -- It's the EIS, is what I  
19 am going to be paying attention to, to see if they have engaged  
20 the physical oceanographers and the red tide experts and things  
21 like that, and see what kind of information comes out of that  
22 process.

23  
24 **CHAIRMAN DIAZ:** Mr. Richard.

25  
26 **MR. ANDREW RICHARD:** Good morning. My apologies for not being  
27 able to be there in-person this morning, but there's a couple of  
28 points that I definitely would like to make sure that I hit  
29 upon. The first is that, to support the development of the  
30 programmatic environmental impact statement, we are bringing to  
31 bear a multidisciplinary science team from across our NOAA  
32 network, and outside of our NOAA network, to help inform the  
33 development of the programmatic environmental impact statement.  
34 Harmful algal blooms and red tide and water quality issues are  
35 things that we certainly would be analyzing in that programmatic  
36 environmental impact statement.

37  
38 This sixty-day public scoping period is to inform the  
39 development of that programmatic environmental impact statement.  
40 While we do have the atlas out there right now, what we're  
41 asking for public comment on, and public feedback on, is, you  
42 know, important information about what locations we should  
43 consider for identifying aquaculture opportunity areas, which  
44 our preliminary alternatives are centered around those locations  
45 in the atlas, but we're also asking for information that we  
46 should include and consider and analyze within the programmatic  
47 environmental impact statement as well.

1 **CHAIRMAN DIAZ:** Dr. Froeschke.  
2  
3 **DR. FROESCHKE:** I think he's asking for comments, if the council  
4 has a preference on any of those proposed locations, if some are  
5 preferred, or not preferred, over others, and so that was sort  
6 of my question. If we were to write a comment letter, then the  
7 comments we heard yesterday were focused on this region where we  
8 are, but perhaps that would be something we could include, is if  
9 you all had a preference over some of those proposed areas over  
10 others.  
11  
12 **CHAIRMAN DIAZ:** Mr. Richard, we did have a hard time hearing  
13 you, but, at the very end, did you say one of the things you  
14 were asking for comments is what should be included in the DEIS?  
15  
16 **MR. RICHARD:** Yes, that's correct. We're asking for input and  
17 feedback on the location, as well as what information should be  
18 included in the programmatic environmental impact statement.  
19  
20 **CHAIRMAN DIAZ:** Mr. Banks.  
21  
22 **MR. BANKS:** Then certainly some of the things that Dr. Frazer  
23 said are important then in our comments to them, to make sure  
24 that they are thinking along those lines in evaluating those  
25 types of things.  
26  
27 **CHAIRMAN DIAZ:** All right, and so my preference would be, if the  
28 council would like to write a letter, for somebody to make a  
29 motion to write that letter, would be my preference. Dr.  
30 Frazer.  
31  
32 **DR. FRAZER:** Okay. **I'm happy to make the motion that the**  
33 **council write a letter to comment on I guess the AOA Atlas and**  
34 **subsequent DEIS.**  
35  
36 **CHAIRMAN DIAZ:** All right, and so we have a motion for the  
37 council to write a letter to comment on the --  
38  
39 **DR. FRAZER:** **It would be on the AOA Atlas.**  
40  
41 **CHAIRMAN DIAZ:** The AOA Atlas and the subsequent DEIS.  
42  
43 **DR. FRAZER:** Yes.  
44  
45 **CHAIRMAN DIAZ:** Is there a second to that motion? It's seconded  
46 by Mr. Riechers. Mr. Williamson, did you have something, or  
47 were you seconding it? Seconding it. Okay. Any discussion on  
48 the motion? Mr. Anson.

1  
2 **MR. ANSON:** I know Dr. Frazer talked about at least the main  
3 issue related to nutrient -- The potential for nutrient  
4 overloading, if you will, and the impact to red tide, and that  
5 could be something that would fall under the DEIS side of the  
6 letter, but, relative to the locations that have been selected  
7 in the AOA Atlas, I mean, do we have any other comments that  
8 would give to staff that would kind of reflect what the  
9 council's comments are, just so it's on the record?

10  
11 **CHAIRMAN DIAZ:** Ms. Bosarge and then Dr. Frazer.

12  
13 **MS. BOSARGE:** Yes, and it was in the committee report, and we  
14 had a good discussion during the committee itself, about the  
15 locations and their possible -- Not possible, but the impact on  
16 shrimp trawling, with some specific locations, and we talked  
17 mainly about C-11, and C-13, to a lesser extent, has some shrimp  
18 trawling in it, and I would appreciate it if they would look at  
19 that one. I know though that, on that C-11, if they just shift  
20 that box slightly, it would alleviate our problems, and it might  
21 cause other problems for them, but that one is a definite issue  
22 for the shrimp fishery.

23  
24 **CHAIRMAN DIAZ:** Dr. Frazer.

25  
26 **DR. FRAZER:** I guess what I was -- I mean, Kevin, are you asking  
27 for some specificity in the motion with regard to specific  
28 areas, whether it's the C-11 and the 13, and then the site off  
29 of southwest Florida?

30  
31 **CHAIRMAN DIAZ:** I think we can get that from the discussion  
32 around the table, Dr. Frazer, and so, in my opinion, the motion  
33 is fine, and we're going to use the discussion here and the  
34 discussion in committee as the primary thing for the letter, and  
35 I guess maybe what I would like some input in is we did have  
36 some public testimony, and, I mean, we could probably find a way  
37 to include something on that, but, if anybody has strong  
38 feelings about the public testimony, now would be the time to  
39 say something.

40  
41 All right. Seeing none, I think we have enough information to  
42 write a letter, and so we're going to vote on this motion. **The**  
43 **council write a letter to comment on the AOA Atlas and the**  
44 **subsequent DEIS. Is there any opposition to the motion? Seeing**  
45 **none, the motion carries. Mr. Gill.**

46  
47 **MR. GILL:** Thank you, Mr. Chairman. Update on Ocean Era and  
48 Manna Fish Farm Projects, Tab B, Number 7, Mr. Richard provided

1 updates on existing aquaculture projects in the Gulf and an  
2 upcoming research study for an integrated multitrophic  
3 aquaculture demonstration project. Given the amount of input  
4 for shrimp trawling effort, a committee member requested that  
5 council staff work on providing analogous information to an AP  
6 with longline representation, to allow those stakeholders to  
7 provide comment.

8  
9 A committee member asked if restrictions from COVID safety  
10 implementations created the four-year process timeline for  
11 permitting the Ocean Era project, and Mr. Richard indicated  
12 delays were largely attributable to COVID protocols. In his  
13 presentation, Mr. Richard had provided an example from the  
14 Northeast Region of an IMTA which focused on steelhead trout, a  
15 non-native species.

16  
17 Mr. Richard was asked to verify that only native species were  
18 being considered for IMTA in the Gulf, and Mr. Richard stated  
19 that was correct. He was also asked about red tide events, and  
20 Mr. Richard replied that each aquaculture participant was  
21 required to develop an emergency or best practice plan for  
22 environmental disaster events before deploying aquaculture  
23 installations. A committee member asked if the atlas and other  
24 resources regarding aquaculture were available to the public.  
25 Mr. Richard indicated the atlas was available for public view  
26 and that NMFS was developing dedicated webpages for these  
27 projects.

28  
29 A committee member asked if fish harvested from an aquaculture  
30 program would have the same requirements for sale as those  
31 applied to commercial fishermen and seafood dealers. Ms. Levy  
32 reminded the committee that a court ruling had determined that  
33 NMFS and the council did not have the authority to regulate  
34 aquaculture harvest in the Gulf. However, NMFS is consulted  
35 when siting aquaculture projects and provides comments during  
36 that process.

37  
38 America the Beautiful Thirty-By-Thirty CCC Area-Based Management  
39 Subcommittee Update Mexico, Tab P, Number 8(a), Dr. John  
40 Froeschke provided a verbal update on the recently-published  
41 Evaluation of Conservation Areas in the U.S. EEZ. Dr. Froeschke  
42 was asked if an official standardized definition of  
43 "conservation" had been communicated to the area-based  
44 management committee. He replied that the committee had been  
45 told that definition would be a higher-level policy decision,  
46 and the Committee was still awaiting that guidance. However,  
47 the subcommittee had proposed its own definition to complete the  
48 report.

1  
2 A Habitat Protection committee member argued that the council  
3 has already established spatially-explicit conservation and  
4 management measures, and the entire U.S. EEZ should be  
5 considered as conservation area. Dr. Froeschke indicated that  
6 perspective has been discussed within the area-based management  
7 committee, but that a formal determination about the areas  
8 identified as conservation areas is outside the purview of this  
9 committee. Mr. Chair, this concludes my report.

10  
11 **CHAIRMAN DIAZ:** Thank you, Mr. Gill. Dr. Froeschke.

12  
13 **DR. FROESCHKE:** Just one quick comment, and I wanted to provide  
14 a little more context on the discussion and the feedback that we  
15 had received on those areas, because we talked about that, and I  
16 had offered that perspective, along with others, and the  
17 feedback that we had received was that, in their vision, it  
18 would be year-round closed areas that were essentially  
19 prohibited from bottom-contact gears, and so, if you look at the  
20 way our management, spatially-explicit management, areas are  
21 proposed and developed, there are not many of them that are that  
22 way, and so that's just some feedback.

23  
24 **CHAIRMAN DIAZ:** Ms. Bosarge.

25  
26 **MS. BOSARGE:** Well, obviously, that scares me. I mean, what are  
27 -- So what are you -- What are you asking for?

28  
29 **DR. FROESCHKE:** I'm not asking for anything, and I just wanted  
30 to clarify, or at least provide a little bit of feedback that  
31 they provided to us, and just so you all are aware that, you  
32 know, we did offer that perspective, and the reason that -- That  
33 was sort of their response, their initial response, to that  
34 perspective, that, you know, we --

35  
36 There were several members of that committee that said,  
37 essentially, everywhere that things are constrained by catch  
38 limits and managed to OY and MSY and all of these things, and so  
39 the argument could be made that the entire region is a  
40 conservation area, and so, again, we didn't have a working  
41 definition, but that was what they inferred to us, that that  
42 wasn't consistent with their vision for a conservation area, and  
43 it was something that was more developed through the America the  
44 Beautiful principles, which is in the report, and more  
45 geographically constrained year-round, and it likely has limited  
46 bottom-contact fisheries and things like that. It's an ongoing  
47 thing, and it doesn't necessarily indicate any specific action  
48 is required or will occur, but that's where it's at.

1  
2 **MS. BOSARGE:** So their focus is not so much the fish in the area  
3 or anything like that, and it's the actual seafloor, and is that  
4 what you're telling me, that they feel, I guess -- I mean, I  
5 just -- I'm trying to envision how this plays out, right, and so  
6 a lot of what we trawl is mud bottom, right, and so, I mean, are  
7 we looking, into the future, that we're about to close a bunch  
8 of mud bottom, or something like that, or -- I guess, because I  
9 don't see where, in the hierarchy of things, it's going to be  
10 made at the top, and I'm not sure that they know and are going  
11 to get that in the weeds, and so I don't know. Help me through  
12 this, John, and you just scared the heck out of me.

13  
14 **CHAIRMAN DIAZ:** Dr. Froeschke.

15  
16 **DR. FROESCHKE:** Some of my feedback to the group is that, the  
17 way that the Gulf of Mexico is to other federally-managed areas,  
18 in the U.S. at least, is quite different, in that we have large  
19 areas of shallow water that is soft bottom and that, typically,  
20 the practice of the council is not to prohibit activities,  
21 spatially, that don't occur there, because it's not suitable or  
22 whatever.

23  
24 Most of -- If you look at the Western Pacific, if you go two or  
25 three miles off, you're in very deep water, and so the  
26 likelihood of bottom-contact gear anyway is minimal, and so, if  
27 you look at the geographic extent of hardbottom and things like  
28 that, we don't have 30 percent of the Gulf with that habitat  
29 type, and so I don't necessarily think it's imminent that a  
30 specific amount of area has to be closed in the Gulf of Mexico.  
31 That's a different discussion.

32  
33 If you look at the results, at least, and I will speak to say  
34 two points. One I think we identified in the development of the  
35 report, that at least I had suggested that we have further  
36 review, because I think the methodologies that different regions  
37 used is slightly different. Our area was the smallest, by far,  
38 in terms of areas identified as conservation area, and I don't  
39 think that's -- I guess this is personal opinion, but it doesn't  
40 seem inappropriate.

41  
42 We did look at a peer-reviewed publication that looked at the  
43 percent of areas that were identified as MPAs, and the Gulf, in  
44 that, basically was 1 to 2 percent, and our estimate was right  
45 in that neighborhood. Take it for what it's worth.

46  
47 Other areas, for example in the Western Pacific, because they  
48 have those monuments and things, they have a lot of area, and

1 so, when you took all of that together, the U.S. EEZ is well  
2 above 50 percent of that value already, and so it already meets  
3 that goal, and I don't know how all of that would play out, but  
4 I'm engaged in the process, and I am happy to keep everyone  
5 informed and provide any opportunity to provide feedback on  
6 this.

7

8 **CHAIRMAN DIAZ:** Okay. Ms. Levy.

9

10 **MS. LEVY:** Just a question, because I haven't been very engaged  
11 in this process, and is it correct that the process that the CCC  
12 is undergoing now, with respect to this, is to identify those  
13 areas that it believes meets the purpose of the Thirty-by-  
14 Thirty, right, so that it can provide that information and say,  
15 look, the councils, as a whole, have these areas that satisfy  
16 the Thirty-by-Thirty directive, and is that --

17

18 **DR. FROESCHKE:** I will just jump in, and, yes, the purpose of  
19 this working group was to conduct an inventory on our areas, and  
20 we weren't making recommendations or any further ideas about  
21 what could or should be done with it.

22

23 **CHAIRMAN DIAZ:** All right. I am not seeing any further hands.  
24 Is there any other business to come before the Habitat  
25 Protection and Restoration Committee? Seeing none, thank you,  
26 Mr. Gill. Good job. We're going to move right into the  
27 Mackerel Management Committee. Mr. Riechers.

28

29

#### **MACKEREL COMMITTEE REPORT**

30

31 **MR. RIECHERS:** Thank you, Mr. Chairman. The Mackerel Committee  
32 as called to order on June 21, 2022. The committee adopted the  
33 agenda, Tab C, Number 1, and approved the minutes, Tab C, Number  
34 2, of the April 2022 meeting as written.

35

36 We then went into Review of Coastal Migratory Pelagics Landings,  
37 which is Tab C-4. Ms. Kelli O'Donnell from the NMFS Southeast  
38 Regional Office reviewed the recent landings for the Gulf  
39 migratory groups of cobia, king mackerel, and Spanish mackerel.

40

41 A committee member asked about the low cobia landings and if  
42 this was due to no intercepts or a reflection of the condition  
43 of the stock. At the time, Ms. O'Donnell could not answer the  
44 question, since it would require revisiting the original  
45 dataset. A committee member commented that anglers in Alabama  
46 have also reported very low numbers of cobia and king and  
47 Spanish mackerel.

48

1 We then moved to final action on Framework Amendment 11:  
2 Modifications to the Gulf of Mexico Migratory Group King  
3 Mackerel Catch Limits, Tab C-5. Staff reviewed Framework  
4 Amendment 11, which considers modifying the catch levels for  
5 Gulf migratory group king mackerel, or otherwise known as Gulf  
6 king mackerel. Recommendations follow the results from the  
7 SEDAR 38 update assessment, which determined Gulf king mackerel  
8 to not be overfished or undergoing overfishing.

9  
10 A committee member noted that, just by virtue of adopting new  
11 catch limits without addressing allocation, Alternative 2 would  
12 result in a reallocation to the commercial sector. Council  
13 staff concurred, noting that the transition from Marine  
14 Recreational Information Program, or MRIP, Coastal Household  
15 Telephone System to the Fishing Effort Survey (FES) recognizes  
16 increased historical private recreational catch and effort. Not  
17 reallocating to the recreational sector does result in an  
18 increase in the catch limits for the commercial sector.

19  
20 A committee member noted that, had MRIP-FES been used when the  
21 original catch limits were put into effect, it is estimated,  
22 from the analysis conducted by the SEFSC, the commercial sector  
23 would have been allowed to catch over a million pounds more than  
24 they were allowed, based on the results of the original SEDAR 38  
25 stock assessment.

26  
27 A committee member expressed concern about the comments from the  
28 fleets about not seeing king mackerel this year like in previous  
29 years and asked about the composition of the fish being captured  
30 by the Southern Zone gillnet fleet. Council staff noted that,  
31 given the 4.75-inch mesh size of the run-around gillnets used by  
32 that fleet, and their portion of the commercial annual catch  
33 limit, the younger and smaller king mackerel were likely to get  
34 through that net.

35  
36 Another committee member mentioned the possibility of a change  
37 in the migratory patterns for the species, as some fishermen are  
38 still able to find Gulf king mackerel. Council staff described  
39 the current landings by commercial zone, which are below the  
40 typical landings observed in this fishery. The committee member  
41 noted that other factors, like elevated fuel prices, may be  
42 affecting commercial landings for the 202102022 fishing year.

43  
44 Council staff reviewed the public comments received for  
45 Framework Amendment 11, which noted that Gulf king mackerel  
46 landings were down for the last few fishing years and may be  
47 attributable to red tide or changes in migratory patterns. **The**  
48 **committee recommends, and I so move, in the action, to make**

1 **Alternative 2 the preferred alternative.**

2  
3 **CHAIRMAN DIAZ:** Okay, and so we have a committee motion on the  
4 board. Is there any discussion on the motion? **Is there any**  
5 **opposition to the motion? The motion carries.**

6  
7 **MR. RIECHERS:** NOAA General Counsel reviewed the codified text  
8 with the committee, stating that the revisions to the codified  
9 text would exclude past fishing years from the rulemaking, based  
10 on when the rule is drafted and submitted.

11  
12 We then went into the research set-aside presentation, Tab C,  
13 Number 6. Mr. Jonathon Peros, from the New England Fishery  
14 Management Council staff, presented the use of research set-  
15 aside programs by the Northeast Fishery Management Council, Tab  
16 C, Number 6(a).

17  
18 A committee member inquired how research funds are raised in the  
19 RSA process. Mr. Peros explained that a researcher, or academic  
20 institution, works directly with a harvester to land poundage,  
21 and the revenue from the harvest is split between the harvester  
22 and researcher.

23  
24 Another committee member asked how the administrative costs are  
25 covered. Mr. Peros stated that the NMFS Science Center budget  
26 must cover the administrative costs. The committee member then  
27 asked if monies are split after the harvesters' costs, and Mr.  
28 Peros explained that the NEFMC is not involved in that part of  
29 the process. The committee member asked what happens if there  
30 is a disagreement about the process and who is the mediator.  
31 Mr. Peros responded that the NEFMC is not involved in that  
32 process, except for setting the policy in the RSA program.

33  
34 SEFSC staff inquired how multiyear surveys are funded by an RSA  
35 program. Mr. Peros stated that, currently, two-year projects  
36 are allowed, but the NEFMC is considering lengthening that to  
37 three years. A committee member noted, and Mr. Peros agreed,  
38 that an RSA program could be established to meet a council's  
39 needs. The committee member then commented that the species in  
40 NEFMC's RSA program are single-use, in contrast with mixed-use  
41 fisheries in the Gulf, and asked if Mr. Peros had any  
42 recommendations or advice to that end. Mr. Peros stated that  
43 one consideration is whether or not certain research needs could  
44 be met without an RSA program.

45  
46 Staff inquired if the NEFMC had observed researchers working  
47 primarily with large harvesters, rather than working with small  
48 harvesters and potentially having to split the poundage among

1 various harvesters. Mr. Peros responded that vessel size can  
2 factor in, but that opportunities can exist with smaller  
3 vessels.

4  
5 A committee member asked if there were more private or public  
6 institutions participating. Mr. Peros responded that a mix of  
7 public and private institutions participated, with universities  
8 being more involved.

9  
10 Next, Mr. Brandon Muffley, from the Mid-Atlantic Fishery  
11 Management Council, presented on the use of RSA programs by the  
12 Mid-Atlantic Fishery Management Council, which was Tab C, Number  
13 6(b). Due to time constraints, and I don't know if Mr. Muffley  
14 is on the phone or not, but he did indicate that he would be on  
15 the phone for any questions today, if we had them, but we didn't  
16 have time for them during the committee session.

17  
18 **CHAIRMAN DIAZ:** Let's pause right there. This would be a good  
19 time if anybody wants to have any discussion on the RSAs. Mr.  
20 Gill.

21  
22 **MR. GILL:** Thank you, Mr. Chairman. Is Mr. Muffley online? He  
23 is? Okay. Brandon, it was unfortunate that we did not get an  
24 opportunity to have that discussion when you gave your  
25 presentation, which I thought was very interesting, and one of  
26 the questions that I had was, now that the council, the Mid-  
27 Atlantic Council, has decided to move forward with development,  
28 have you got a projected timeline on when you get the go or no-  
29 go on deciding on whether you're going to implement or authorize  
30 the program?

31  
32 You're in the, as I understand it, putting it together stage,  
33 based on your decision on June 8, which, by the way, I would  
34 note that it was unanimous, with no abstentions, and so I'm  
35 interested in the timeline from here on out, and when do you  
36 think you'll get to an endpoint?

37  
38 **MR. BRANDON MUFFLEY:** Thanks. The timing question I think is  
39 going to be a little bit challenging. You know, our council has  
40 set its priorities for 2022, and, in regard to what they plan to  
41 accomplish with the RSA program for this year, it was to hold  
42 those workshops that I had mentioned during my presentation and  
43 for the council to consider action, which they did in June, and  
44 so there's really no additional plans to work on the RSA program  
45 for the remainder of this year, and so then the council will  
46 need to identify it as a priority for next year, and so,  
47 assuming that they plan to put it on their priorities for next  
48 year, that work will likely occur and take place throughout

1 2023.

2  
3 I think it's going to require a framework or an amendment,  
4 depending on the kinds of changes that the council is looking to  
5 do, and so I would anticipate the earliest that the council may  
6 do something would be in 2024, and so for potential  
7 implementation in the 2025 season, and so it's going to take a  
8 little bit of time, and I think there are a lot of details yet  
9 to work out, but I think, in 2023, a lot of work would happen,  
10 and the council would likely then consider something in 2024,  
11 with implementation in 2025.

12  
13 **CHAIRMAN DIAZ:** Any further discussion? Mr. Gill.

14  
15 **MR. GILL:** This is not discussion specifically to Mr. Muffley's  
16 presentation, and are you looking for directed to him or general  
17 discussion?

18  
19 **CHAIRMAN DIAZ:** Either one, Mr. Gill, would be fine.

20  
21 **MR. GILL:** Then general discussion I would like to have. I  
22 thought the presentations by both the New England and Mid-  
23 Atlantic Councils were very informative, and they helped me a  
24 lot in understanding what they were doing and how they were  
25 doing it, and I think, in terms of potential for the Gulf  
26 Council, that was very helpful, because I think there's a lot of  
27 issues, and, as we noted, New England is a directed fishery,  
28 single-use, and we're definitely not.

29  
30 Nonetheless, at the end of the day, they're both high in their  
31 programs, and the Mid-Atlantic, I was rather surprised, voted  
32 unanimously to proceed with development, despite the problems  
33 they've had with their original program, and so the message I  
34 get from that is that they think the endpoint is worth the  
35 effort to draw in and get back to, which I think is a resounding  
36 statement in favor of consideration of ours, and so my take is  
37 that we would be well advised to proceed, and I would suggest  
38 cautiously, to look at and see whether RSAs make sense for the  
39 Gulf.

40  
41 At the end of the day, I don't know if they will or not, but, on  
42 the other hand, at this point, we don't know enough about them  
43 and what the pros and cons relative to our situation make any  
44 sense, and so, in that regard, Bernie, if you could bring up my  
45 RSA motion.

46  
47 I would like to suggest that we take a baby-step forward and try  
48 to look at what the pros and cons, on an informal basis, would

1 be to determine whether or not it makes sense to consider going  
2 further. That's not a giant step on, hey, let's go do it, but  
3 it's a, hey, let's take a reasonable look, and so the motion  
4 identifies a process to do it.

5  
6 My suggestion, if the motion is passed, is that the council  
7 members -- There would be perhaps two, and, if I had my  
8 druthers, Mr. Chairman, it would be one of the science members  
9 at the table and a state director.

10  
11 In discussions that I've had, I believe there are some  
12 volunteers for each, and that would cover a wide range of ground  
13 for consideration, from a council viewpoint, that I think would  
14 be helpful and informative, and I would, idealistically, like to  
15 look to this is a collaborative group, that it's not just  
16 council staff doing all the work and interacting with council  
17 members, but collaboratively put together a decent look and  
18 evaluation and bringing back to the council their  
19 recommendations on whether we should pursue this further,  
20 because, as was indicated, the programs are complicated, and  
21 it's going to take a lot of time to put one together, and it may  
22 or may not fit for the Gulf.

23  
24 There's lots of questions about the details, and I would hope  
25 that this group does not get into the details, but does a  
26 twenty-thousand-foot overview standpoint to consider the merits,  
27 or the lack, for moving forward.

28  
29 If they come back and say, okay, there is pros and cons, and we  
30 think the pros outweigh the cons, then recommend the next steps,  
31 and I would recommend a baby step, on dipping our toes into that  
32 water and seeing if we could move forward, and so that's my  
33 motion, Mr. Chairman.

34  
35 **CHAIRMAN DIAZ:** All right. Would you like to read the motion  
36 into the record and see if we can get a second?

37  
38 **MR. GILL:** I would be happy to, Mr. Chairman. **The motion is to**  
39 **request council staff to work with council members identified by**  
40 **the Chair to evaluate the potential for establishing a research**  
41 **set-aside in the Gulf of Mexico, using the examples in the New**  
42 **England and Mid-Atlantic regions as a basis. Council staff**  
43 **should consult with agency staff and Science Center staff to**  
44 **inform the evaluation, as appropriate. The evaluation and**  
45 **recommendation for next steps, if any, shall be presented to the**  
46 **council at its upcoming meeting. Mr. Chairman.**

47  
48 **CHAIRMAN DIAZ:** Thank you, Mr. Gill. Okay. We have a motion.

1 Is there a second to the motion? It's seconded by Dr. Stunz.  
2 Is there discussion on the motion? Dr. Stunz.

3  
4 **DR. STUNZ:** Thank you, Mr. Chairman. Bob, I think that this is  
5 a good idea, and so I'm going to support the motion. I think  
6 another tool in our toolbox is certainly going to help, and we  
7 could be really creative with these, especially with -- We had  
8 testimony just yesterday, in fact, that there's some opportunity  
9 to solve some of those problems, with some research set-asides,  
10 and test that and see if it really works before we really scale  
11 that up to a larger extent or something, and it's just one  
12 example, and so I think it's a good idea to start exploring  
13 these.

14  
15 Like you were saying, it will be a long -- I think it will be a  
16 long time before one of these might materialize, but, if we  
17 don't start looking at it now, to see if it's a viable option --  
18 You know, we would need to move forward.

19  
20 **CHAIRMAN DIAZ:** Any further discussion? Mr. Williamson.

21  
22 **MR. WILLIAMSON:** I listened, with great interest, to both of  
23 these presentations, and I was struck by Dr. Muffley, and he was  
24 very negative in the first part of his presentation about this  
25 program, and they ultimately quit using it, for a variety of  
26 reasons, and, you know, if we pursue this, possibly their  
27 experience could be invaluable to us in not making the same  
28 mistakes again and making it basically a successful program.

29  
30 **CHAIRMAN DIAZ:** Thank you, Mr. Williamson. Mr. Strelcheck.

31  
32 **MR. STRELCHECK:** I support the motion, and Bob and I had a  
33 chance to talk about this a little bit prior to the council  
34 meeting, as an idea, and I think it's good to have another tool  
35 in the toolbox, as Greg indicated, and something that we're not  
36 obligating ourselves to at this point, and we're just evaluating  
37 it, to see if there's potential for it.

38  
39 I guess a point of clarity and a comment, and so the point of  
40 clarity is Science Center staff are NMFS staff, and so we may  
41 want to modify the motion slightly, and so I wasn't sure if --  
42 To me, it's not just Southeast Region staff though, because you  
43 want to maybe consult with our Greater Atlantic Regional staff  
44 as well, and so keep that in mind, if you want to modify the  
45 motion.

46  
47 Then, from a priority standpoint, I think it would be good to  
48 discuss kind of timing of this. There's a lot on the council's

1 plate right now, moving through the system, and so kind of what  
2 timeframe are we looking to move this forward, given the other  
3 priorities?

4  
5 **CHAIRMAN DIAZ:** Dr. Porch.

6  
7 **DR. PORCH:** I also wanted to speak in favor of this, and the  
8 reality is that, you know, the resources we have to answer some  
9 of the question that are out there are actually diminishing.  
10 Any increases we've gotten don't match the increase in cost due  
11 to inflation, and so that means we're essentially less and less  
12 able to support some of those research questions that are listed  
13 in your research plan, and so, if you want those addressed, this  
14 would be an effective way to move forward.

15  
16 **CHAIRMAN DIAZ:** Thank you, Dr. Porch. I am not seeing any other  
17 -- To correct the motion, Mr. Gill, did you want to delete the  
18 words that are highlighted in the motion?

19  
20 **MR. GILL:** I think Andy brings up a good point, and I think I  
21 would delete "SEFSC staff" and -- Well, in place of "Greater  
22 Atlantic", "other appropriate council staff".

23  
24 **CHAIRMAN DIAZ:** All right. Is there seconder okay with the  
25 changes? Dr. Stunz?

26  
27 **DR. STUNZ:** Yes.

28  
29 **CHAIRMAN DIAZ:** While they're getting that going, Dr. Sweetman.

30  
31 **DR. SWEETMAN:** Thank you, Mr. Chair. Mr. Gill, I had a question  
32 for you. Were you thinking, in the intent of this motion -- Was  
33 this to focus more on the commercial sector, the recreational  
34 sector, or a combination of them both, or --

35  
36 **CHAIRMAN DIAZ:** Mr. Gill.

37  
38 **MR. GILL:** Thank you, Mr. Chairman. No, sir. You're getting  
39 into details that are not part of this discussion. This  
40 discussion is that thirty-thousand-foot view, which says, all  
41 right, here's some issues, and here is the good side, and it  
42 takes so long, and you're talking about what the point of the  
43 research that would be done, or the funding mechanism, and all  
44 of that is TBD, and so I don't see this group getting into that  
45 level of detail.

46  
47 I think they need to take a look at it and say here are the  
48 pros, here are the cons, and here is the problem, and this is

1 how long it would take, in our estimation, at this level, and do  
2 you want to go down that route, and, if the answer is yes at the  
3 end of that, then you start getting into more and more detail  
4 and bringing it down to the twenty-thousand-foot level, and then  
5 the ten-thousand, or whatever, but there are a lot of details,  
6 as we saw from both presentations, and those are down the road,  
7 if we want to go that far.

8

9 **CHAIRMAN DIAZ:** All right. Thank you, Mr. Gill. Ms. Boggs.

10

11 **MS. BOGGS:** I will support this motion as a thirty-foot view,  
12 but I hope we approach this very cautiously. Thank you.

13

14 **CHAIRMAN DIAZ:** Thank you, Ms. Boggs. All right. We've had a  
15 lot of discussion, and I'm going to go ahead and call for a  
16 vote. I think everybody -- I will read it into the -- Since  
17 it's been corrected.

18

19 **The motion is to request council staff to work with council**  
20 **members identified by the chair to evaluate the potential for**  
21 **establishing a research set-aside in the Gulf of Mexico, using**  
22 **the examples in the New England and Mid-Atlantic regions as a**  
23 **basis. Council staff should consult with NMFS staff and other**  
24 **appropriate regional fishery management council staff to inform**  
25 **the evaluation, as appropriate. The evaluation and**  
26 **recommendations for next steps, if any, shall be presented to**  
27 **the council at an upcoming meeting. Is there any opposition to**  
28 **the motion? Seeing none, the motion carries. Mr. Riechers.**  
29 Sorry about that. Bernie, can you bring us back, in the  
30 document, to the top of page 2? Ms. Boggs.

31

32 **MS. BOGGS:** Thank you, Mr. Chair. I didn't realize that we were  
33 at the end, and I apologize. I would like to make a motion, if  
34 Bernie gets it up, to recommend the council approve the king  
35 mackerel catch limits, to make Alternative 2 the preferred --  
36 I'm sorry, and I'm blowing this, because you caught me off-  
37 guard. This is Framework Action Amendment 11 to the Secretary  
38 of Commerce and all the additional language that we use, and do  
39 you want me to read it out?

40

41 **CHAIRMAN DIAZ:** I think that we might have some canned language  
42 that the staff can put up there.

43

44 **MS. BOGGS:** That's what I was trying to --

45

46 **CHAIRMAN DIAZ:** Thank you, Bernie. I would like to make a  
47 motion to approve the Framework Amendment 11: Modifications to  
48 the Gulf of Mexico Migratory Group King Mackerel Catch Limits

1 and that it be forwarded to the Secretary of Commerce for review  
2 and implementation and deem the codified text as necessary and  
3 appropriate, giving staff editorial license to make the  
4 necessary changes in the document. The Council Chair is given  
5 the authority to deem any changes to the codified text as  
6 necessary and appropriate.  
7  
8 **CHAIRMAN DIAZ:** Thank you, Ms. Boggs. We have a motion. Is  
9 there a second? It's seconded by Mr. Gill. Is there any  
10 discussion on the motion? Seeing none, this is a roll call  
11 vote. Dr. Froeschke.  
12  
13 **DR. FROESCHKE:** Mr. Strelcheck.  
14  
15 **MR. STRELCHECK:** Yes.  
16  
17 **DR. FROESCHKE:** Dr. Frazer.  
18  
19 **DR. FRAZER:** Yes.  
20  
21 **DR. FROESCHKE:** Mr. Dugas.  
22  
23 **MR. DUGAS:** Yes.  
24  
25 **DR. FROESCHKE:** Mr. Banks.  
26  
27 **MR. BANKS:** Yes.  
28  
29 **DR. FROESCHKE:** Mr. Williamson.  
30  
31 **MR. WILLIAMSON:** Yes.  
32  
33 **DR. FROESCHKE:** Dr. Shipp.  
34  
35 **DR. SHIPP:** (Dr. Shipp's response is not audible on the  
36 recording.)  
37  
38 **DR. FROESCHKE:** Ms. Bosarge.  
39  
40 **MS. BOSARGE:** Yes.  
41  
42 **DR. FROESCHKE:** Dr. Stunz.  
43  
44 **DR. STUNZ:** Yes.  
45  
46 **DR. FROESCHKE:** Dr. Sweetman.  
47  
48 **DR. SWEETMAN:** Yes.

1  
2 **DR. FROESCHKE:** General Spraggins.  
3  
4 **GENERAL SPRAGGINS:** Yes.  
5  
6 **DR. FROESCHKE:** Ms. Boggs.  
7  
8 **MS. BOGGS:** Yes.  
9  
10 **DR. FROESCHKE:** Mr. Anson.  
11  
12 **MR. ANSON:** Yes.  
13  
14 **DR. FROESCHKE:** Mr. Dyskow. Absent. Mr. Gill.  
15  
16 **MR. GILL:** Yes.  
17  
18 **DR. FROESCHKE:** Mr. Riechers.  
19  
20 **MR. RIECHERS:** Yes.  
21  
22 **DR. FROESCHKE:** Mr. Broussard.  
23  
24 **MR. BROUSSARD:** Yes.  
25  
26 **DR. FROESCHKE:** Mr. Diaz.  
27  
28 **CHAIRMAN DIAZ:** Yes.  
29  
30 **DR. FROESCHKE:** **It's sixteen to zero with one absent.**  
31  
32 **CHAIRMAN DIAZ:** Okay. Mr. Riechers.  
33  
34 **MR. RIECHERS:** We'll pick up the committee report again, and we  
35 next reviewed Draft Amendment 33: Modifications to the Gulf of  
36 Mexico Migratory Group King Mackerel Sector Allocation, Tab C,  
37 Number 7.  
38  
39 Staff presented draft CMP amendment, Tab C, Number 7(a), which  
40 proposes modifying the sector allocation of Gulf king mackerel.  
41 This amendment will also update the CMP Fishery Management Plan  
42 objectives.  
43  
44 A committee member requested draft language for the CMP FMP  
45 objective similar to Reef Fish FMP Objective Number 2, as well  
46 as a revised purpose statement that references optimum yield.  
47 Staff will have this revised language during the Full Council,  
48 and I know they do, but I will go ahead and finish the report

1 and then let them put that language up.

2  
3 Another committee member noted that the draft amendment included  
4 an explanation for why an alternative was not included that used  
5 the 1975 to 1979 time series with MRIP-FES data and asked that  
6 staff provide that explanation verbally. SEFSC staff responded  
7 that estimates for the landings prior to 1981 are not available  
8 in any recreational currency.

9  
10 Another committee member requested further explanation of the  
11 percentages shown for the commercial sector in Table 2.1.5 of  
12 the draft amendment. Staff explained that the average assumed  
13 landings for the 2016-2017 through 2019-2020 fishing years,  
14 under Model Simulation 2, which was Appendix B of the draft  
15 amendment, represented 97.3 percent of the commercial ACL under  
16 Alternative 2, and 78.2 percent of the commercial ACL under  
17 Alternative 3, and that the average historical landings for the  
18 2016-2017 through 2019-2020 fishing years represent 67.3 percent  
19 of the commercial ACL under Alternative 2, and 54.1 percent of  
20 the commercial ACL under Alternative 3. Staff noted the  
21 percentages do not necessarily represent what the commercial  
22 sector would be expected to harvest under these two  
23 alternatives. That concludes my report, short of us now going  
24 into any discussion about this and the language that staff did  
25 try to work on.

26  
27 **CHAIRMAN DIAZ:** Thank you, Mr. Riechers. Dr. Mendez-Ferrer, are  
28 you going to lead us through that discussion?

29  
30 **DR. NATASHA MENDEZ-FERRER:** Thank you, Mr. Chair. We'll have  
31 Dr. Freeman going over the draft language, and I believe it's  
32 been forwarded to Bernie.

33  
34 **DR. FREEMAN:** I am just giving admin staff a second to pull it  
35 up.

36  
37 **CHAIRMAN DIAZ:** Okay. Just whenever you're ready, Dr. Freeman.

38  
39 **DR. FREEMAN:** Okay. The draft proposed language to be added to  
40 the CMP FMP objectives would be to achieve robust fishery  
41 reporting and data collection systems across sectors for  
42 monitoring the coastal migratory pelagic fishery which minimizes  
43 scientific management and risk uncertainty, and that would  
44 mirror the language that was recently modified, about a year-  
45 and-a-half ago, for the Reef Fish FMP objectives.

46  
47 **CHAIRMAN DIAZ:** All right. Any discussion on the new language?  
48 Ms. Bosarge.

1  
2 **MS. BOSARGE:** Matt, as always, you have done excellent work. I  
3 like that a lot. Thank you.

4  
5 **CHAIRMAN DIAZ:** Any further discussion? You can proceed, Dr.  
6 Freeman.

7  
8 **DR. FREEMAN:** If the council likes the language, we would need a  
9 motion to adopt that, and then the South Atlantic Council would  
10 have an opportunity to review that at their September meeting,  
11 and so is that something that the council would like to address  
12 or just wants to consider that language, for the time being?

13  
14 **CHAIRMAN DIAZ:** All right, council. What's your pleasure? Ms.  
15 Bosarge.

16  
17 **MS. BOSARGE:** I will make a motion that we add the following  
18 objective to the list of CMP objectives, the CMP -- Matt, help  
19 me out. Is it the CMP Fishery Management Plan objectives, and  
20 then we copy-and-paste -- Not the purpose and need statement,  
21 and I don't think we've gotten to that yet, staff. Just the  
22 first bullet that is highlighted.

23  
24 **CHAIRMAN DIAZ:** If you would read it, and we'll see if we get a  
25 second, Ms. Bosarge.

26  
27 **DR. FREEMAN:** Bernie, if you could add "to add the following  
28 language to the joint CMP FMP objectives", and then have that  
29 bullet point.

30  
31 **MS. BOSARGE:** All right, and so, Mr. Chairman, my motion is to  
32 add the following language to the joint CMP FMP objectives: To  
33 achieve robust fishery reporting and data collection systems  
34 across all sectors for monitoring the coastal migratory pelagic  
35 fishery, which minimizes scientific, management, and risk  
36 uncertainty.

37  
38 **CHAIRMAN DIAZ:** All right, and so we have a motion. Is there a  
39 second? It's seconded by Mr. Gill. Any discussion on the  
40 motion? **Seeing no discussion, is there any opposition to the**  
41 **motion? Seeing none, the motion carries.** Dr. Freeman.

42  
43 **DR. FREEMAN:** Certainly. The next item is a revised purpose  
44 statement, and so that would read that the purpose of this  
45 amendment is to revise the Gulf king mackerel allocation between  
46 the commercial and recreational sectors, in order to address the  
47 differences in sector landings relative to the sector ACLs and  
48 to continue to achieve optimum yield from the Gulf king mackerel

1 stock.

2

3 **CHAIRMAN DIAZ:** Mr. Banks.

4

5 **MR. BANKS:** Just a question, Dr. Freeman. Are you able to put  
6 up the changes to the purpose, so we can see exactly what  
7 changed? Do you have that, maybe in a tracked changes or  
8 something?

9

10 **DR. FREEMAN:** I do not. I will apologize, and, unfortunately,  
11 as of yesterday, the laptop that I was working on decided to  
12 repeatedly crash, and I'm on a --

13

14 **MR. BANKS:** That's all right. I am going to go look at the  
15 document.

16

17 **DR. FREEMAN:** I will say that it wore out before everybody else  
18 did during the council week, but just to note what it said  
19 before, and, basically, the sentence ended after it said,  
20 "relative to the sector ACLs", and there was a period, and so  
21 picking up with "and to continue to achieve optimum yield from  
22 the Gulf king mackerel stock". That would be the new language.

23

24 **CHAIRMAN DIAZ:** Did you have any comments, Mr. Riechers?

25

26 **MR. RIECHERS:** No.

27

28 **CHAIRMAN DIAZ:** So, Dr. Freeman, again, do we need a motion to  
29 adopt this language?

30

31 **DR. FREEMAN:** A motion for this isn't necessary, unless I hear  
32 any opposition, and it's something that we could incorporate  
33 into the next version that we come to the council, and certainly  
34 the council can continue to provide feedback, but, for something  
35 like this, unless I hear opposition, we'll move forward with  
36 incorporating it into the document.

37

38 **CHAIRMAN DIAZ:** Okay. So, if anybody does not like the  
39 language, now would be a good time to say so. I am not seeing  
40 any discussion on that, and so that concludes the Mackerel  
41 portion, and is there any other business to come before the  
42 Mackerel Committee? Dr. Stunz and then Ms. Levy.

43

44 **DR. STUNZ:** Well, I just wanted to bring up a couple of things,  
45 before we go a little further with this document. I mean,  
46 obviously, we heard a lot of public testimony, yesterday, about  
47 some real concerns the fishery has with mackerel, in terms of  
48 the catch rates being low and them not showing up where they

1 traditionally have been.

2  
3 We see that there is some recruitment problems, obviously, and  
4 that looks like that's down, and we, obviously, just passed 11,  
5 which is going to give more fish into the fishery, and so that  
6 should curb any immediate problems that we just have, but I'm  
7 concerned a little bit about the dynamics that we're seeing here  
8 in this fishery and maybe not letting it play out a little bit,  
9 in terms of are we just starting to see some problems, before we  
10 move forward with something like this.

11  
12 I don't know, and I don't know if others feel the same around  
13 the table here, but I'm feeling like we might be just a little  
14 bit premature in moving this forward, based upon sort of all  
15 these things that have come together at this meeting.

16  
17 **CHAIRMAN DIAZ:** Ms. Levy.

18  
19 **MS. LEVY:** Thanks. Mine just went to I think that -- I think it  
20 was fine to add the OY to the purpose, and we're always trying  
21 to continue to achieve OY, but I would suggest, and staff can  
22 just do this, and I've talked with Matt about this, but more  
23 explicitly talking about what the current OY is and the council  
24 actually explicitly reviewing that at an upcoming council  
25 meeting, in the context of this document, and deciding whether  
26 that's still appropriate, or I just think there should be some  
27 more explicit discussion about that, because we've had a lot of  
28 comments about achieving OY, and especially, you know, in the  
29 various fisheries and when we're considering reallocations, and  
30 it would be helpful to more expressly talk about that in the  
31 documents.

32  
33 **CHAIRMAN DIAZ:** Thank you, Ms. Levy. Mr. Rindone.

34  
35 **MR. RYAN RINDONE:** Thank you, Mr. Chair. I just wanted to note  
36 that the catch limits that you guys are approving for Framework  
37 Amendment 11 are actually a reduction from the status quo, if  
38 the status quo were examined in FES-equivalent numbers, and that  
39 is representative of the fact that the last stock assessment  
40 showed that the stock biomass was lower than that at maximum  
41 sustainable yield, but still above the minimum stock size  
42 threshold, and that's why those catch limits that were proposed  
43 in Framework Amendment 11 increased, because the assumption is  
44 that the stock, over time, would be building back towards SSB at  
45 MSY, and so this is actually a reduction from where we are now.

46  
47 **CHAIRMAN DIAZ:** Thank you, Mr. Rindone. Mr. Dugas.

48

1 **DR. FREEMAN:** Can I ask, just to clarify, and so it's a  
2 reduction for the recreational sector, in FES currency, and  
3 equivalent currency, and the commercial --

4  
5 **MR. RINDONE:** It's an increase for the commercial sector,  
6 because you're not reallocating based on FES, but the total  
7 stock ACL is lower than its FES equivalent from the catch limits  
8 that we have now, and so the total amount of allowable harvest,  
9 in Framework Amendment 11, is less than we currently have on the  
10 books. Because there is not a reallocation happening between  
11 the recreational and commercial sectors based on converting from  
12 CHTS to FES, the commercial sector does get a bump, but,  
13 overall, the total ACL is less.

14  
15 **CHAIRMAN DIAZ:** Mr. Dugas.

16  
17 **MR. DUGAS:** Thank you, Mr. Chair. I just wanted to echo what  
18 Dr. Stunz said, and it seems like there's a lot of concern about  
19 this fishery, some uncertainty, and Amendment 11 is going to, to  
20 my knowledge, increase some quota on both sectors. **So, with**  
21 **that being said, I would like to make a motion to postpone**  
22 **Amendment 33 until the next king mackerel stock assessment is**  
23 **presented to the council.**

24  
25 **CHAIRMAN DIAZ:** Okay. While we get that on the board, is there  
26 a second for that motion? It's seconded by Dr. Shipp. We'll  
27 get it on the board, and we'll have some discussion. **The motion**  
28 **is to postpone Amendment 33 until the next king mackerel stock**  
29 **assessment is presented to the council.** All right. Is there  
30 discussion on the motion? Mr. Strelcheck.

31  
32 **MR. STRELCHECK:** I guess a couple of questions and then a  
33 comment, and so, from -- I don't know the timing of the next  
34 stock assessment and how that aligns, or doesn't align, with our  
35 allocation review for king mackerel, and so it would be good to  
36 discuss timing of that.

37  
38 I'm a little surprised, I guess, by this motion, with regard to  
39 it pertaining to Amendment 33, and we just walked through  
40 Regulatory Amendment 11 and didn't discuss this issue, and, if  
41 there's concerns about changing the catch limits, it seems like  
42 that's the appropriate location to be talking about whether or  
43 not we should be increasing or changing harvest, given the  
44 changes in FES, and so, to me, the allocation is now a component  
45 of what our decision was in Reg Amendment 11, and, if there's  
46 concern about changing harvest, we should go back and take a  
47 look at the Reg Amendment 11 decision.

1 **CHAIRMAN DIAZ:** To answer your question, the next stock  
2 assessment for king mackerel is scheduled to start in early  
3 2025, and it's scheduled to be completed in late -- The fourth  
4 quarter of 2025. I did have a list of people with their hands  
5 up, but we're taking discussion, right now, on the motion. If  
6 somebody had their hands up and wants to go, just let me know,  
7 and so any further discussion on the motion? Ms. Bosarge.

8  
9 **MS. BOSARGE:** I am trying to remember what year we had that  
10 joint meeting in Key West, Florida, and Doug Boyd was our  
11 chairman at that point, and it must have been like, I don't  
12 know, about 2015. No, because I think I was Vice Chair in 2015.  
13 I think it was 2014, because we had his last council meeting, I  
14 think, in Key West, Florida.

15  
16 Anyway, the point being -- That's how I keep track of when  
17 things happen, is where we were at, and that was the meeting  
18 where the South Atlantic and the Gulf Councils met together, and  
19 we went over an allocation document for king mackerel, and I  
20 proposed an option, and it just came to me at the time, that,  
21 hey, you know, maybe we could share some of these fish that are  
22 uncaught, and, at some point in the future, if the recreational  
23 sector needs them, we would give them back, and that's what we  
24 hear Bill Kelly refer to as the Bosarge Plan.

25  
26 It was like a loan program, right, and loan us your fish until  
27 you need them, and we won't take them in a hard allocation  
28 shift, and so, anyway, we went through that document, for  
29 several years after that, and the recreational sector, and the  
30 government too, was saying, hey, you know what, maybe we just  
31 need to wait, wait, wait, wait, wait until the next king  
32 mackerel assessment and we have these landings recalibrated,  
33 because what if there is no room for reallocation, and what if  
34 the recreational sector is actually catching all those fish and  
35 don't realize it?

36  
37 We waited, and we've waited, and we've waited, and the new stock  
38 assessment has come out, and the stock is not overfished nor  
39 undergoing overfishing, and the rec landings are still not up  
40 there bumping up against their quota. The commercial landings  
41 are bumping up against their quota.

42  
43 There's a couple of options in this document, and I think that  
44 Alternative 2 is fairly conservative, and we're not going to --  
45 We still won't harvest the whole ACL that's out there, and we  
46 won't come anywhere close to the overfishing limit, but it would  
47 give commercial fishermen a few more fish to catch, and, if you  
48 look at what is happening in every one of our other fisheries,

1 where we're realizing that the recreational pressure was double  
2 and triple what we once thought, for the last thirty years, on  
3 those commercially-important species, we're looking at  
4 commercial fishermen and saying, sorry, we've got to pay this  
5 stuff back and rebuild these fisheries, and we're taking fish  
6 out of commercial hands, and we're running out of things to  
7 catch.

8  
9 This is something that is not all that important, from what I  
10 can see in the landings stream, to the private angling sector.  
11 I know it's important to the for-hire. Let us have a couple of  
12 fish, for crying out loud. You're not catching them. The stock  
13 is healthy. Yes, maybe the quota came down just a hair from  
14 where it was before, but the stock is healthy. Please, don't  
15 postpone this amendment. I just find that absolutely selfish at  
16 this point.

17  
18 **CHAIRMAN DIAZ:** Dr. Stunz.

19  
20 **DR. STUNZ:** Leann, I hear you regarding the timing, but, you  
21 know, yesterday, we just heard a lot of testimony that the  
22 recreational fleets are having trouble catching their fish, and  
23 they're not sure what's going on, and so that concerns me a  
24 little bit.

25  
26 What Mara just pointed out, regarding optimum yield, we still  
27 haven't really got to the core, in my opinion, of some of the  
28 issues with optimizing this fishery, in terms of leaving fish in  
29 the water for encounter rates and high catch per unit effort and  
30 all that, and I plan to discuss that later, and I don't want to  
31 bog down that discussion with this motion right now, but, in  
32 addition, and I don't know, and maybe, staff, you all can tell  
33 me, but, in 11, they just got several hundred thousand pounds to  
34 the commercial fishery, I think, right? I don't recall what  
35 that number was.

36  
37 **MR. RINDONE:** For the 2023-2024 fishing year, it's equivalent to  
38 420,000 pounds.

39  
40 **DR. STUNZ:** Right, and so 400,000-ish pounds, and that's some  
41 relief, while we really watch what's going on and the dynamics  
42 of this fishery, because what I heard yesterday, and have been  
43 hearing, is that that's not the case, in terms of the  
44 assessments may not be really indicating what's going on out  
45 there.

46  
47 **CHAIRMAN DIAZ:** All right. Any further discussion? Go ahead,  
48 Ms. Bosarge.

1  
2 **MS. BOSARGE:** Just to that point, you also heard testimony from  
3 commercial fishermen, and I think some of it is the difference  
4 in how we fish and how the recreational fishery is prosecuted,  
5 and so, essentially, the commercial fishermen have the  
6 opportunity to go out there and get a whole host of spots off of  
7 both Texas and Louisiana, in that particular case that that  
8 gentleman was talking about, until he finds the fish.

9  
10 I don't see where, on a ten-hour or twelve-hour trip, right,  
11 where people are paying to catch fish, that you really have an  
12 opportunity to go make that kind of run, just looking for fish,  
13 to try and find them until you find them. We can do that, in  
14 the commercial fishery, and our livelihood depends on it, right,  
15 and we're not selling the opportunity to catch fish. We don't  
16 get paid unless we catch the fish, and, when that fishery is  
17 important to you, you will spend the time to go find those  
18 things, and we have found them, and they are out there.

19  
20 I am not -- I am not trying to disagree, because I have the  
21 utmost respect for our for-hire fishermen, and I just wonder if  
22 they're having the opportunity, and the time, and the incentive  
23 really, to go and do that, and maybe there is a change in  
24 migratory pattern, even over here in the northeastern Gulf,  
25 because I'm hearing those comments a lot off of Alabama and The  
26 Panhandle, and we just haven't figured out that pattern yet, but  
27 the science tells us it's healthy, and what I'm hearing on the  
28 commercial side, anecdotally, is it's healthy, and I don't think  
29 we need to table this.

30  
31 **CHAIRMAN DIAZ:** Ms. Boggs.

32  
33 **MS. BOGGS:** I know you're trying to wrap up this, and Leann is  
34 right. I mean, the charter/for-hire fleet, their job is to go -  
35 - They are being paid to catch fish, and so they're going to go  
36 where they know there is fish. Yes, we troll, and we put out a  
37 drift line, in hopes to catch a king mackerel, but that's not  
38 our target species.

39  
40 I do agree -- I know we've heard a lot of comments, and I was  
41 curious to hear is everybody seeing it up and down the Gulf,  
42 which that sounds like it is, but, again, I think maybe, because  
43 you've got cobia -- You've got all your CMP species that have  
44 disappeared, and so, kind of, in my mind, I'm thinking, is it a  
45 migration pattern, and have these fish moved further offshore?

46  
47 I don't think that we postpone. I think we move forward, and we  
48 don't be drastic with what we do, and we be cautious with it,

1 but I think there's more we need to learn about these species,  
2 and I don't think we just need to shut them down or anything  
3 like that, and I think we can maybe look at sharing a few fish,  
4 and so thank you.

5

6 **CHAIRMAN DIAZ:** Mr. Banks.

7

8 **MR. BANKS:** Well, this is tough, but I tend to agree with Leann  
9 here. We have so many of these actions that we take that have  
10 taken from the commercial sector, and it appears to be a very  
11 good opportunity for the commercial sector to get some fish and  
12 not impact the recreational sector at all, and so it seems to be  
13 sort of a no-brainer, in my mind, that this is a great  
14 opportunity to give something to the commercial sector and it  
15 not impact the other sectors.

16

17 Then something that Greg said really sparked a thought in my  
18 brain about the value to the recreational sector for leaving  
19 fish in the water and an opportunity to catch, and certainly, by  
20 that argument, you don't need any allocation, except for to  
21 cover your discard mortality. If you're not landing any fish,  
22 and your intent is to just catch and release -- I deal with a  
23 lot of bass fishermen, in my other part of my job, and that's  
24 definitely a value to catch and release, but, by that line of  
25 thinking, you don't need any allocation at all, except to cover  
26 the discard mortality, and so I don't know that that's the  
27 argument we want to go with.

28

29 **CHAIRMAN DIAZ:** All right. Mr. Strelcheck.

30

31 **MR. STRELCHECK:** We had discussion, at prior meetings, about  
32 splitting this action, and I was not in support of that, and I'm  
33 not in support of, obviously, this motion at this point. I  
34 think, based on the concerns I've heard from Greg and J.D., the  
35 amendment is structured in a way that it can analyze and  
36 evaluate whether or not we should be reallocating or not, based  
37 on the status quo option, and so, rather than tabling it, let's  
38 look at the amendment, and let's proceed with working on the  
39 amendment.

40

41 Status quo allocation is certainly one of the options for  
42 consideration, and, if the analysis bears that out, based on the  
43 information, so be it, but, to me, there is plenty of rationale  
44 and reason why other valid options for reallocation are on the  
45 table and should be considered at this point.

46

47 **CHAIRMAN DIAZ:** Thank you, Mr. Strelcheck. I am not seeing any  
48 hands, and we're going to go ahead and call this for a vote.

1 All in favor of the amendment, signify by raising your hand.  
2 **All in favor of the motion, signify by raising your hand.** Okay.  
3 **All opposed, like sign. The motion fails.** All right. I had a  
4 list of people that were asking to speak before the motion came  
5 up. Ms. Boggs.

6  
7 **MS. BOGGS:** Thank you, Mr. Chair. This question is probably for  
8 FWC, or maybe Jessica, more specifically, but what are you all  
9 seeing in the South Atlantic with the king mackerel?

10  
11 **MS. MCCAWLEY:** So king mackerel appears to be in better shape  
12 over there, and, in fact, we just completed an amendment that  
13 increased the bag limit for recreational off of Florida, because  
14 the recreational bag limit was less off of Florida than it was  
15 off the other states, but, yes, I would say that what we're  
16 hearing, and the actions that we've taken, indicate that the  
17 stock seems to be doing pretty good. I would say that maybe  
18 better than over here, even though it's the same -- You know,  
19 we've got the Gulf migratory group and the Atlantic migratory  
20 group, but we're hearing positive things over there.

21  
22 **CHAIRMAN DIAZ:** Mr. Williamson. You're good? Okay. Mr.  
23 Strelcheck. Okay. Is there any other business to come before  
24 the Mackerel Committee? Mr. Banks.

25  
26 **MR. BANKS:** I was thinking I would make a motion, but I think  
27 I'm just going to sort of throw this out for thought, for maybe  
28 the next meeting, but we get so bogged down in some of these  
29 what I consider minutia, and it seems like we need to start  
30 considering giving some flexibility to the agency to make some  
31 very slight adjustments to things that we don't spend a lot of  
32 time going over documents that increase or decrease ACLs, for  
33 instance by a couple hundred thousand pounds, when we're dealing  
34 with, you know, eighteen million pounds. I would like for us to  
35 start thinking about ways we can streamline things and give the  
36 agency a little bit more flexibility.

37  
38 Now, I am not talking about a lot of flexibility, because we  
39 don't -- You know, we want to see a lot of things, but, if the  
40 SSC is recommending to go up on a catch level by 400,000 pounds,  
41 in an eighteen-million-pound fishery, I mean, I'm not so sure --  
42 We're bound by what the SSC recommends, in those cases, and I'm  
43 not so sure that we need to see all of those, and that's just  
44 some food for thought. Thanks.

45  
46 **CHAIRMAN DIAZ:** Thank you, Mr. Banks. Mr. Gill.

47  
48 **MR. GILL:** Thank you, Mr. Chairman, and so, since we passed the

1 motion relative to a research set-aside, I would like to suggest  
2 that we move it out of the Mackerel Committee and probably into  
3 Sustainable Fisheries, and I believe it's in the Mackerel  
4 Committee because that's where the question first came up, when,  
5 in reality, it's not tied to mackerel, and it's a broader  
6 question, and that belongs somewhere else.

7  
8 **CHAIRMAN DIAZ:** I think that's a good point, Mr. Gill, and we'll  
9 make that happen. All right. Any other business related to  
10 Mackerel? I think this is a good time to take a break. Let's  
11 take a fifteen-minute break, and we'll start back at 9:55.

12  
13 (Whereupon, a brief recess was taken.)

14  
15 **CHAIRMAN DIAZ:** We're going to get back started, and next up on  
16 the agenda is the Shrimp Committee. Ms. Bosarge, are you ready?

17  
18 **MS. BOSARGE:** Yes, sir.

19  
20 **CHAIRMAN DIAZ:** Take it away, please.

21  
22 **SHRIMP COMMITTEE REPORT**

23  
24 **MS. BOSARGE:** All right. The Shrimp Committee Report, the  
25 committee adopted the agenda, Tab D, Number 1, with the addition  
26 of empirical Dynamic Models (EDM) Working Group under Other  
27 Business. The committee then approved the minutes, Tab D,  
28 Number 2, of the April 2022 meeting as written.

29  
30 Update on Testing and Development of Options Proposed as  
31 Replacements for the Historical cELB Devices in the Gulf Shrimp  
32 Fishery, Tab D, Numbers 4(a) through (b), Mr. Wallace, from the  
33 Southeast Fisheries Science Center, presented an update on side-  
34 by-side testing of cellular vessel monitoring system (cVMS)  
35 units and cellular electronic logbook (cELB) units by NMFS, as  
36 seen in Tab D, Number 4(a).

37  
38 A committee member asked for clarification if the vessels  
39 identified in the presentation from Louisiana had been sold and  
40 were no longer available for participation in the testing.  
41 Another committee member responded that the vessels were for  
42 sale, from her understanding, and then inquired why the Research  
43 Vessel Caretta was not testing the Woods Hole unit, in addition  
44 to the Faria Beede, in order to test both NOAA-approved cVMS  
45 devices on the same vessel. Mr. Wallace responded that the two  
46 cellular VMS units use the same GPS sensor and would have the  
47 same data stream, and so NMFS did not see a purpose in testing  
48 both cellular VMS devices on the Research Vessel Caretta.

1  
2 A committee member asked for confirmation that the cellular VMS  
3 data collected from the participating vessels would be run  
4 through the shrimp effort algorithm and if the algorithm outputs  
5 and results would be presented to the council no later than its  
6 January 2023 meeting. Mr. Wallace responded in the affirmative  
7 to both questions. Mr. Wallace also confirmed that a substitute  
8 vessel from Louisiana would be selected to replace the Louisiana  
9 vessel for sale.

10  
11 Dr. Putman, from LGL, presented an update on LGL Ecological  
12 Research Associates' pilot study of the P-Sea WindPlot program  
13 for vessel position data collection and automatic transmission  
14 on shrimp vessels, as seen in Tab D, Number 4(b). The committee  
15 was informed that successful cellular transition from P-Sea  
16 WindPlot to a designated server had occurred in a land-based  
17 test and that the next step would be to reproduce a successful  
18 transmission from onboard a vessel at sea. A committee member  
19 inquired if the data collected would be run through the shrimp  
20 effort algorithm. Dr. Putman responded in the affirmative.

21  
22 Finfish Commercial Logbook Reporting: Considerations Related to  
23 the Potential Applicability of this System to Shrimp Effort  
24 Collection, Tab D, Number 5, Dr. Brown, from the Southeast  
25 Fisheries Science Center, presented on the potential  
26 applicability of the finfish commercial logbook reporting system  
27 to shrimp effort collection, as seen in Tab D, Number 5.

28  
29 A committee member noted that additional staff were needed for  
30 quality control if eTRIPS was to be utilized in the Gulf shrimp  
31 industry and asked how that would compare to what would be  
32 needed for use of the GPS logger, such as P-Sea WindPlot, and  
33 cellular VMS programs. Southeast Fisheries Science Center staff  
34 replied that a GPS logger would need two additional staff and  
35 that a cellular VMS program would likely need two additional  
36 staff as well.

37  
38 A committee member inquired about the cost of eTRIPS. Dr. Brown  
39 responded that the eTRIPS software is free, but there would be a  
40 monthly fee for transmission, such as a cellular plan. Another  
41 committee member asked if it was possible for eTRIPS to  
42 passively collect information, and Dr. Brown stated that it was  
43 not possible for eTRIPS to do so in its current form, but  
44 software developers and engineers might be able to accomplish  
45 that.

46  
47 The committee member then added that she did like that the data  
48 went directly to the Science Center and that the Science Center

1 oversees both the approval specifications and testing process,  
2 but eTRIPS might be burdensome on shrimpers in its current form,  
3 as it requires manual entry of data by the fishermen, instead of  
4 the automatic, passive data collection process associated with  
5 the shrimp industry's current electronic logbook program.

6  
7 Updated Draft Framework Action: Modification of the Vessel  
8 Position Data Collection Program for the Gulf of Mexico Shrimp  
9 Fishery, Tab D, Numbers 6(a) through (c), this agenda item will  
10 be covered in Full Council, and, Mr. Chairman, if it's okay with  
11 you and the council, I think we'll just go ahead and maybe  
12 finish the report and then come back to that. Is that okay?

13  
14 **CHAIRMAN DIAZ:** That is fine.

15  
16 **MS. BOSARGE:** Okay. All right. SSC Recommendations, Tab B,  
17 Numbers 10(a) through (b), Dr. Nance, our SSC representative,  
18 presented SSC recommendations on several shrimp-related items  
19 from its May 2022 meeting, as seen in Tab B, Number 10(a).

20  
21 A committee member inquired if Argentinian shrimp and Gulf royal  
22 red shrimp are two different species. Dr. Nance responded that  
23 they are two species in the same genus. The committee member  
24 then relayed that industry members were concerned that these  
25 Argentinian shrimp were being marketed in a way that would lead  
26 many consumers to think the shrimp were wild caught, domestic  
27 royal reds.

28  
29 Other Business, a committee member asked for an update from the  
30 Southeast Fisheries Science Center on the council request for  
31 participation in an EDM working group. Southeast Fisheries  
32 Science Center staff accommodated this request by saying they  
33 concurred with the request in the Gulf Council's letter and plan  
34 to hold the first meeting of the working group in August 2022.  
35 Mr. Chair, this concludes my report.

36  
37 **CHAIRMAN DIAZ:** Thank you, Ms. Bosarge. Is there any questions  
38 about this portion of the Shrimp Committee report? Any further  
39 business for the Shrimp Committee? Seeing none, Dr. Freeman,  
40 will you lead us through the discussion on the section that we  
41 have to go back and get to?

42  
43 **DR. FREEMAN:** Certainly, and so, to read the item off the action  
44 guide, for the updated draft framework action, the committee  
45 will be presented with an updated draft framework action to  
46 transition the Gulf shrimp fishery from the expired 3G cELB to a  
47 new device collecting vessel position data for the purpose of  
48 maintaining effort estimation.

1  
2 Staff will review draft alternatives and provide a comparison of  
3 the draft alternatives. The committee should ask questions and  
4 provide feedback to staff, and staff plans to next bring the  
5 draft framework actions before the committee in October, when  
6 more information on the pilot studies are available. Bernie, if  
7 you could pull up the presentation.

8  
9 I think this is really just a ploy that Leann wanted to keep  
10 going in the Shrimp Committee, and she's going to draw it out as  
11 much as possible. Bernie, you can go ahead and go to the next  
12 slide.

13  
14 As a reminder of the purpose and need statements, the purpose is  
15 to transition from the expired 3G cellular electronic logbook  
16 program to a system that would maintain the council's and NMFS'  
17 scientific ability to estimate and monitor the fishing effort in  
18 the Gulf shrimp fishery, while minimizing economic burden on the  
19 industry, to the maximum extent practicable.

20  
21 The need is to base conservation and management measures on the  
22 best scientific information available and to minimize bycatch,  
23 to the extent practicable, as required by the Magnuson-Stevens  
24 Fishery Conservation and Management Act, and minimize  
25 interactions with protected species, as required by the ESA.

26  
27 This is a list of the Shrimp FMP objectives. It was last  
28 modified in 1981, and so, just to highlight a few points, while  
29 I've got it in front of you, I did hear one comment, from SERO  
30 staff, that, at some point, the council might want to consider  
31 rewording Item 7, to minimize adverse effects of obstructions to  
32 shrimp trawling, simply given some of the recent discussions  
33 regarding artificial reef permit requests in the federal waters  
34 by the Army Corps of Engineers, and just sort of, again, taking  
35 that into consideration, how that might interact with that one.

36  
37 Bob, I see your hand, but, if you don't mind, let me go to the  
38 next slide, and there was also some feedback from the SSC, and,  
39 again, just to present this to you, and the council doesn't  
40 necessarily need to respond to these.

41  
42 The additional feedback from the SSC, they noted that  
43 potentially Objectives 6 and 7 may no longer be pertinent,  
44 although, as I just mentioned, I would defer to the SERO staff  
45 for some wording regarding Objective 7, and, again, the SSC also  
46 noted that it could conflict with priorities of reef  
47 construction by some states.

48

1 The main reason that I brought them before you is looking at  
2 that first bullet, and it's sometimes helpful to just identify  
3 the FMP objective or objectives that the draft framework is  
4 working to accomplish, and so, Bernie, if you could go one slide  
5 previous, and so, if the council would like to have a discussion  
6 about what they're trying to achieve, it would be an  
7 opportunity.

8

9 Offhand, I would offer some thoughts that it's likely working to  
10 achieve Objective Number 8, but certainly the council can have  
11 any discussion they want about it, and I believe that Mr. Gill  
12 had a comment, or a question, and so I will pause.

13

14 **CHAIRMAN DIAZ:** Mr. Gill.

15

16 **MR. GILL:** Thank you, Mr. Chairman. I guess my most pertinent  
17 question is Objective Number 5, and it seems to me that the  
18 "when appropriate" is not appropriate, and we ought to remove  
19 that, because part of the objective ought to be minimizing  
20 finfish bycatch, and I have a difficult time trying to figure  
21 out when "when appropriate" would be appropriate.

22

23 **CHAIRMAN DIAZ:** Thank you, Mr. Gill. Any further discussion on  
24 the Shrimp FMP objectives? Ms. Bosarge.

25

26 **MS. BOSARGE:** I think "when appropriate" is there because,  
27 regardless of whether it's shrimp or directed fisheries for any  
28 finfish, there is bycatch, and so, if you wanted to minimize  
29 bycatch, period, you just wouldn't fish for anything, right, and  
30 so you have to do it as appropriate, and there has be some --  
31 What is the word that you used the other day, Tom, where you  
32 were telling us that, to be human, there has to be some --  
33 Discretion, I think is what the word was, and so I think that's  
34 why that's there, you know, using the appropriate level of, I  
35 guess, discretion, or human-ness, in any fishery, right?

36

37 **CHAIRMAN DIAZ:** Mr. Strelcheck.

38

39 **MR. STRELCHECK:** To that point, we often use the term "to the  
40 extent practical", rather than "when appropriate", and so we  
41 certainly could consider that, and I would also go to Number 2,  
42 and so it's specific to prevent undue loss of shrimp habitat,  
43 and I think we really want to prevent undue loss of habitat, and  
44 there is essential fish habitat, which includes shrimp, more  
45 broadly, given the council's role.

46

47 **CHAIRMAN DIAZ:** Dr. Freeman.

48

1 **DR. FREEMAN:** I certainly encourage any discussion of this, and,  
2 similar to what we did for king mackerel, if the council would  
3 like to see these changes, a motion would wind up being needed,  
4 I believe, and Ms. Levy wanted to add something.

5  
6 **CHAIRMAN DIAZ:** Ms. Levy.

7  
8 **MS. LEVY:** Right, and, well, right now, we're looking at a  
9 framework, and, so, if you want to change the objectives of the  
10 FMP, you have to do an FMP amendment, and that's not to say that  
11 we can't do that, or we could change this to an amendment, or  
12 you could do it in a future amendment, but it's not really  
13 something to do in a framework action.

14  
15 **CHAIRMAN DIAZ:** That's good information. Thank you, Ms. Levy.

16  
17 **DR. FREEMAN:** Certainly, and so, just to tie into that, as I  
18 mention on the next slide, the reason I brought it up was just  
19 in case the council wanted to guide some discussion to which  
20 objective they were working towards with this framework, and so,  
21 as I mentioned, certainly, if the council wanted to discuss or  
22 revise any of these, we could do so in a plan amendment.

23  
24 **CHAIRMAN DIAZ:** Ms. Bosarge.

25  
26 **MS. BOSARGE:** Okay. Well, then we'll just keep it in mind next  
27 time we go to a plan amendment, but I think you're right that  
28 probably Number 8 is what we're shooting for here, and so I  
29 won't be around when you do that next time, but it would be my  
30 preference that you leave "shrimp habitat" in there, because you  
31 can encourage habitat in any direction, right, and that's  
32 essentially artificial reefs, many times, right, and they take  
33 shrimp habitat and turn it into reef fish habitat, and so I  
34 think probably leaving that clear, at least in this particular  
35 FMP, probably is a good way to go, and, obviously, there may be  
36 discussion and conflict over that, but this is the Shrimp FMP,  
37 and so I think that would be the way to go here. All right, and  
38 so have you got direction on that, Matt?

39  
40 **DR. FREEMAN:** Yes, ma'am. Thank you. Not seeing any other  
41 hands raised, Bernie, we can go forward two slides. Great. As  
42 a reminder, the one action is to modify the method used to  
43 collect vessel position data for the Gulf of Mexico shrimp  
44 fishery.

45  
46 The alternatives have not changed since the council last saw  
47 them, but I still have them present, and so, Bernie, if we could  
48 go forward to the first alternative, and that would be no

1 action, where we are maintaining the current method to collect  
2 vessel position data through the cELB units supplied by NMFS.

3  
4 I will pop down to that last sentence. As a reminder, because  
5 3G transmission is no longer possible, NMFS will collect the  
6 memory cards from the units via mail. I don't believe it's come  
7 up yet this week, but just to provide an update to the council,  
8 and Ms. Muehlstein has scheduled an O&E meeting in early August,  
9 based off a motion from the council to get information regarding  
10 identifying ways to improve the return rates and then share that  
11 information via a letter to NMFS, and so that's on the books,  
12 and that meeting is planned for early August.

13  
14 Alternative 2 would implement a cellular VMS requirement for the  
15 Gulf shrimp fishery, and Alternative 3 is that, if selected by  
16 the SRD, an owner or operator would be required to install an  
17 approved ELB that archives vessel position when on a fishing  
18 trip in the Gulf and automatically transmits that data, via  
19 cellular service, to NMFS.

20  
21 One of the ideas that can potentially fall under Alternative 3  
22 is the work that LGL is doing with its study of the P-Sea  
23 WindPlot software.

24  
25 Something that was proposed from the IPT, that I would like to  
26 get feedback from the council, is to modify the language of  
27 Alternative 3, and so, in Alternative 3, it says an approved  
28 electronic logbook, and then it later references "via cellular  
29 service to NMFS", and so, if it's fine with the council, we will  
30 combine that language and simply refer, in Alternative 3, to an  
31 approved cELB, and so, in essence, a cellular electronic  
32 logbook, and so I will pause there for a second and see if  
33 that's acceptable to the council.

34  
35 **CHAIRMAN DIAZ:** Ms. Bosarge.

36  
37 **MS. BOSARGE:** Yes, Matt, and I think that kind of minor change  
38 is fine with me.

39  
40 **CHAIRMAN DIAZ:** All right, Dr. Freeman, and you can proceed.

41  
42 **DR. FREEMAN:** Okay, and so the next couple of slides are -- They  
43 are simply to address some of the similarities and differences  
44 that the council had asked that we include in the discussion of  
45 the alternatives, and so I wanted to just highlight them here,  
46 rather than go through the document itself.

47  
48 Similar to between Alternatives 2 and 3, the types of data, in

1 terms of degrees, minutes, seconds, the amount/timing of data  
2 collection, and minimum number of positions fixes would not  
3 vary. Vessel position would be recorded every two minutes, and  
4 the minimum number of position fixes would be set at 14,400. I  
5 believe Ms. Bosarge has a question before we --

6  
7 **CHAIRMAN DIAZ:** Ms. Bosarge.

8  
9 **MS. BOSARGE:** Matt, that's actually a paragraph straight from  
10 the document there, and so thanks for pulling it out like that,  
11 and, when I was reading through it, I don't know, and that  
12 paragraph just reads very -- It's very confusing to me, right,  
13 when I read it, and I think maybe -- I'm hoping the IPT can  
14 restructure it just a little bit, because right -- So, right  
15 now, Alternative 2 has a minimum number of position fixes, which  
16 is a thousand, I think, on the books, right, and in the regs, is  
17 what it says, and Alternative 3, the draft specification for  
18 that one say the 14,400.

19  
20 The vessel position, for Alternative 3, is recorded every ten  
21 minutes, and that's correct, but the vessel position on the  
22 Alternative 2 -- The main pings, yes, can be programmed to come  
23 every ten minutes. However, there are a multitude of additional  
24 pings that come in on that one, which means it's not -- When you  
25 actually get the stream of data, it won't be a ten-minute ping,  
26 because it will be a lot of other pings that cause different  
27 rates, which is really the reason that -- One of the reasons  
28 that we're testing those other units, to make sure that all  
29 those additional pings, when it runs through that effort  
30 algorithm, to try and compute average speed, it doesn't cause a  
31 problem, because, right now, I think the algorithm has to throw  
32 out all those extra points, until it actually gets to a set of  
33 pings where there was a ten-minute interval between them, and so  
34 it's going to start throwing stuff out, and we're trying to make  
35 sure that's not going to screw anything up, essentially, right?

36  
37 Right now, those two alternatives are different, and I guess,  
38 maybe if you went through those differences, and then said, you  
39 know, I guess it's the council's intent that, if we do move  
40 forward with Alternative 2, we would require the VMSs for the  
41 shrimp fleet to have a minimum number of position fixes of  
42 14,400, and we would beef that up, over and above what the  
43 requirement is for standard -- Do you see what I'm saying?

44  
45 There are a lot of differences, which is why we're testing them,  
46 but maybe just try rewording that a little bit, next time you  
47 all meet, and address some of the things that I brought up  
48 there.

1  
2 **CHAIRMAN DIAZ:** Mr. Strelcheck.  
3

4 **MR. STRELCHECK:** I would like to put Matt Walia on the spot, and  
5 I'm sorry, Matt, but if he could maybe come up, and so I don't  
6 see as much distinction between the alternatives, but one of the  
7 things you just said was the extra pings, and I believe, with  
8 our cellular VMS units, and not satellite, but cellular, because  
9 they are collecting data out of range of cell towers, but  
10 there's no way of them collecting those extra ten-minute pings,  
11 and so that would not be a problem, at least under Alternative  
12 2, but I wanted to confirm that with Matt.  
13

14 **MR. MATT WALIA:** I appreciate it. There is a couple of things  
15 that I have noted in there, and I know we stated it before in  
16 the IPT, but, Ms. Bosarge, you know the thousand positions,  
17 versus the 14,400, the thousand positions that we have currently  
18 in the regs, that is just locally stored on the device, and so  
19 all positions, per type regs, do go, and so we were able to show  
20 that the current type-approved units are capable of ten-minute  
21 increments.  
22

23 It's just the thousand positions are stored internally, and say,  
24 if someone gets boarded offshore, you can see, internally on the  
25 device, those current positions, and so I see what the  
26 difference between the two alternatives are, but the units are  
27 capable of that, and I don't know if that clarifies what you're  
28 asking.  
29

30 **MR. STRELCHECK:** Well, the comment was being made that let's say  
31 the approach of marine reserves, a spatial area closure, that  
32 there would be additional pings on the cellular VMS unit, and my  
33 understanding is that's not the case, based on how the cellular  
34 VMS units work, and is that correct?  
35

36 **MR. WALIA:** Yes, that's correct, and sorry I misunderstood what  
37 you were saying, and so the units don't automatically ping if  
38 you approach an area. That's something that would manually have  
39 to be done. The possibility is there, but that doesn't happen,  
40 and, since it is cellular, like he's saying, it would all be  
41 archived, and we would get it after the fact.  
42

43 **CHAIRMAN DIAZ:** Ms. Boggs.  
44

45 **MS. BOGGS:** So I was thinking about this and what Leann was  
46 saying, and, if I'm following correctly, if we do this maybe in  
47 like a table format, where you have Alternative 2 and  
48 Alternative 3 side-by-side, and this is this, and this is -- Do

1 you understand what I'm asking, Matt? Can it be more easy,  
2 instead of trying to read through it?

3  
4 I think I'm a little bit confused, and I have been with this  
5 whole process, and do we -- Are there approved devices to handle  
6 whatever this council approves, and I know we're not at final  
7 action yet, because I keep hearing about this testing, and so do  
8 we not need to wait for testing to be completed and figure out  
9 what they're capable of before we move forward with this?

10

11 **CHAIRMAN DIAZ:** Dr. Freeman.

12

13 **DR. FREEMAN:** Certainly, and so that's a great question, and  
14 something that the council had previously discussed was the  
15 timing of LGL's project, as well as the project that Mr. Wallace  
16 and his group are doing with the R/V Caretta and others to  
17 verify the currently-approved cellular VMS units would be  
18 capable of collecting and running that data through the current  
19 effort algorithm to produce similar results, and then, with LGL  
20 -- Sorry.

21

22 Mr. Wallace's would fall under Alternative 2, and so just sort  
23 of verifying that, and LGL would be one that would potentially  
24 be useful for Alternative 3, because, the way Alternative 3 is  
25 worded right now, the IPT is a little unclear, in terms of what  
26 sort of devices might fall under there, and so, yes, and that's  
27 in the action guide, and so a preliminary -- We suggested  
28 bringing it back -- The earliest the council saw this document  
29 would be October, and we could certainly bring it back a little  
30 bit later, but waiting until some additional results of those  
31 studies are available for your consideration.

32

33 **CHAIRMAN DIAZ:** Ms. Boggs.

34

35 **MS. BOGGS:** So, to follow-up with that, we have basically there  
36 is two options that are being looked at, that are being tested,  
37 and then would they have to be type-approved by the agency  
38 before, or is that kind of going on concurrently?

39

40 **CHAIRMAN DIAZ:** Dr. Freeman.

41

42 **DR. FREEMAN:** I am going to defer to NMFS on the type approval  
43 portion. My understanding, which could be incorrect, is that,  
44 after the document is prepared, things would be type approved,  
45 and it's specific for the shrimp industry, because things are  
46 type approved right now, but for other fisheries, and so it's --  
47 I mean, I understand that it almost sounds a little bit chicken-  
48 and-egg.

1  
2 You want to make sure there are units that are capable of doing  
3 it and that would be type approved, but they need to know what's  
4 going to be required first, in order to type approve it,  
5 basically, what needs to be met.

6  
7 **CHAIRMAN DIAZ:** Ms. Boggs.

8  
9 **MS. BOGGS:** So, to follow-up with that, is this going to be  
10 similar to the SEFHIER program, I guess, and maybe what we're  
11 getting ready to do with commercial logbooks, and will these  
12 units be able to apply for the reimbursement through the same  
13 program?

14  
15 **DR. FREEMAN:** Right, and so that's one of the items that we're  
16 going to talk about in one of the next slides, and so, if you  
17 still have a question about it then, I'm certainly glad to  
18 revisit it after I go through that.

19  
20 **CHAIRMAN DIAZ:** Ms. Bosarge.

21  
22 **MS. BOSARGE:** As you know, I've gotten pretty far into the weeds  
23 in looking at the actual specifications for the current type  
24 approval process for VMSS, right, and so here's where I start  
25 having problems, with that paragraph there, and so, first off,  
26 it says "an EMTU, or EMTU-C", and so that's either satellite or  
27 cellular-based VMS, "must have the ability to, Number 1, store  
28 1,000 position fixes in local, non-volatile memory".

29  
30 Well, if you're archiving GPS, you've got to store it locally,  
31 until you get to a cellphone signal, right, and so that's not  
32 going to locally store the 14,400, and the regs say 1,000. Now,  
33 I agree with you that most of the things that have been type  
34 approved, to the best of my knowledge, store more than that, but  
35 the point is that you couldn't reject the units, the ways the  
36 regs are written right now, if it only stored 1,000.

37  
38 That's why the paragraph is confusing to me, and then the  
39 regulation goes on to say that an EMTU must be able to  
40 essentially have the GPS pings anywhere in intervals between  
41 five and twenty-four hours, whatever you program it for, okay,  
42 and so, for shrimp, it would be programmed for ten-minute  
43 intervals.

44  
45 That's fine, but then it says that the VMS, the EMTU or EMTU-C,  
46 must generate specifically-identified position reports upon  
47 antenna disconnection, and that's another ping, and loss of  
48 position reference signal, and that's another ping, and security

1 events and power-up and power-down and other status data.  
2 That's a ping.

3  
4 We have a VMS, and I see it on our reports, when I go look at  
5 our things, and I see pings for each one of these, and then it  
6 goes on and on and on, and so there's going to be -- Loss of  
7 mobile communication signal, and that's going to happen a lot in  
8 a cellular VMS. We're going to go in and out of cellphone range  
9 and cellphone signal, and so you're going to have these  
10 additional pings there, and that's why we're testing the  
11 devices, to go out there and see how many of these additional  
12 pings we're getting on a daily and weekly basis and plug that  
13 into a shrimp algorithm that, as I said before, I'm pretty sure  
14 is hard-coded to only be able to handle ten-minute pings, and so  
15 it starts kicking stuff out, and it's kicking out the regular  
16 ten-minute ping too, until it gets to a window where there is  
17 just ten minutes in between the pings, to make sure that's not  
18 going to screw up the effort data, and this is all to get the  
19 effort data, to generate effort data.

20  
21 I know I harp on this, but I think the details of the tech specs  
22 are actually very important to the scientific process for the  
23 shrimp fleet, and so, anyway, Matt, I hope you all go back and  
24 look at that again.

25  
26 **CHAIRMAN DIAZ:** All right. Dr. Freeman.

27  
28 **DR. FREEMAN:** All right. Ms. Boggs, I believe this might  
29 address a portion of your question, and so, with Alternative 2,  
30 because that would fall under the national VMS program,  
31 reimbursement is currently available nationally for the purchase  
32 cost of the units, noting, of course, the installation,  
33 maintenance, and communication costs are covered by the vessel  
34 owners, and reimbursement is currently capped at \$950,  
35 individually, under that program, for the use of a cellular VMS.

36  
37 I have not checked most recently, but, the last I looked, the  
38 maximum reimbursement is under review if the programs only allow  
39 satellite VMS, although, currently, the way the draft framework  
40 is worded, only cellular is being considered. Bernie, if we can  
41 go to the next slide.

42  
43 With Alternative 3, an approved ELB would operate in the same  
44 manner as an approved VMS, but, here, the collected data would  
45 be transmitted to an intermediary server for processing, such as  
46 by the Gulf States Marine Fisheries Commission or the National  
47 Environmental Satellite Data and Information Service, and you  
48 may heard the term "NESDIS", with the Science Center housing the

1 final data, and OLE would retain access to this data.

2  
3 If the national VMS type-approval process is not followed, which  
4 is what would occur under Alternative 2, with it being followed,  
5 but, under Alternative 3, the Science Center would need to  
6 develop a separate contract for shrimp-specific testing and  
7 certification, as well as maintain requirements for vendors on a  
8 separate, to-be-developed Science Center shrimp program website.

9  
10 Just to note one of the other things that I have heard from some  
11 of the NMFS folks is that, again, this would be sort of a  
12 duplicative effort for some of the items that already exist, in  
13 terms of the system in process, and so I will pause there, and I  
14 see Ms. Boggs' hand up.

15  
16 **CHAIRMAN DIAZ:** Dr. Porch.

17  
18 **DR. PORCH:** Thank you. Just to that point that Matt just made,  
19 there actually are no funds to set this up, and it would come at  
20 considerable added cost to the government.

21  
22 **CHAIRMAN DIAZ:** Ms. Boggs.

23  
24 **MS. BOGGS:** Well, I was thinking about what Ms. Bosarge said a  
25 moment ago, and I was scrolling down and looking at a figure in  
26 the document, but, since shrimpers were using cELBs, and so how  
27 is -- I can take this offline, if necessary, and it may be more  
28 complicated, but this is still a cellular electronic logbook,  
29 and I heard Ms. Bosarge worrying about the pings, and so I'm  
30 trying to figure out what is different, when you go to upload  
31 the data, if you do it from a card that they're currently  
32 uploading when they get into cellular range, and I guess I don't  
33 understand the conflicts there.

34  
35 **CHAIRMAN DIAZ:** Ms. Bosarge.

36  
37 **MS. BOSARGE:** The data itself, there is no difference with the  
38 hard data, per se, as long as the machine is functioning, right,  
39 and the difference is in the timeliness, right, Clay, when you  
40 receive it, if it's a chip, and are you talking about the mail-  
41 in chip program, versus actually having a replacement cELB  
42 that's just like our current device that would transmit  
43 automatically? The difference is in the timeliness, right, and  
44 being able to know if there is an issue the machine, right, on  
45 the boat, if you were monitoring it in -- Let's call it semi-  
46 real-time, since it's a cellular thing.

47  
48 If you saw a problem, you could call the boat and say, hey, I

1 don't think your antenna is working right, or what's going on,  
2 and have you lost power, and so there's some troubleshooting  
3 that could be done, but the data itself is all the same, and  
4 it's just the matter of when you get it.

5

6 **CHAIRMAN DIAZ:** Dr. Porch.

7

8 **DR. PORCH:** Yes, it's the time lag, and it's apparently more  
9 difficult for people to report the information, because they  
10 have to mail them in, and, right now, our response rate is only  
11 slightly better than half of the people reporting, sending in  
12 the cards with the information, and so it's been a real  
13 challenge.

14

15 **CHAIRMAN DIAZ:** Okay. Ms. Boggs.

16

17 **MS. BOGGS:** To that point, there may be a time lag, but, if  
18 you're getting 100 percent compliance, versus 50 percent  
19 compliance, it seems like that would be better, but I still  
20 don't understand, if they're currently using a cellular device,  
21 and this is going to be cellular-based, and the timing -- That's  
22 where I am having trouble understanding what the difference is.  
23 They're both cellular devices, and it seems like they would both  
24 function in the same manner. Thank you.

25

26 **CHAIRMAN DIAZ:** Dr. Freeman.

27

28 **DR. FREEMAN:** I will start, and, if anybody else wants to chime-  
29 in, I am more than happy to -- With Alternative 1, which is  
30 described as a cELB unit, the whole issue is, while it's  
31 collecting the device, the cellular portion, in terms of  
32 transmission, no longer works, and hence why they have to take  
33 the SD card off the vessel and mail it to NMFS and put a new one  
34 in.

35

36 Alternative 3 would suggest a program, which is what LGL is  
37 trying to test, of is there something similar onboard currently,  
38 in this case P-Sea WindPlot software, that would be capable of  
39 achieving that cellular transmission, which is what used to  
40 occur under Alternative 1.

41

42 **CHAIRMAN DIAZ:** All right, Dr. Freeman, and do you still have  
43 other slides to go through? Okay. Proceed.

44

45 **DR. FREEMAN:** Okay, and so one other thing, and the highlights  
46 were added for emphasis, for the purpose of the presentation.  
47 Under Alternative 2, the way it currently states, as part of its  
48 review, NMFS OLE may perform field tests and at-sea trials that

1 involve demonstrating every aspect of EMTU/EMTU-C and  
2 communications operation. The field tests and at-sea trials  
3 would not be mandatory under Alternative 2, but would be under  
4 Alternative 3, and so, as part of the review for approval of  
5 devices under Alternative 3, NMFS will perform at-sea trials  
6 aboard an offshore commercial shrimp vessel, i.e., in federal  
7 waters of the Gulf of Mexico, that involve demonstrating  
8 functionality of every aspect of the hardware/software device,  
9 cellular mobile communications service, or bundle operation.  
10 That was the last, in terms of differences, and I believe that  
11 Ms. Bosarge had a comment or a question.

12

13 **CHAIRMAN DIAZ:** Ms. Bosarge.

14

15 **MS. BOSARGE:** So there was on difference that I was wanting the  
16 IPT to take a look at next time that you all meet, and I'm not -  
17 - I hope that I don't offend my friends in law enforcement back  
18 there, but so it says that, under both Alternatives 2 and 3,  
19 that OLE has access to the data, and that's correct, and there's  
20 nothing wrong with that statement.

21

22 However, I think that we can be a little more detail oriented,  
23 and, if you actually go and look at the privacy policy that  
24 surrounds scientific data for the Southeast Center, it goes  
25 into, yes, this agency and this entity and whatever will or will  
26 not have access, and it, obviously, says OLE has access.  
27 However, then it goes one step further and talks about what type  
28 of access each one of those entities has.

29

30 If the data goes to the Science Center, and they have it as a  
31 repository, then law enforcement will be able to access that on  
32 a case-by-case basis, right, sort of like I guess with our  
33 cellphones or something. If the government wants to listen into  
34 your phone calls, they can, but I don't think they can do it on  
35 a blanket basis for all people in the U.S. It's a case-by-case  
36 basis, and they go through some procedure to do that, right?

37

38 However, under Alternative 2, and, under that alternative, the  
39 data would go straight to OLE, and they would be the final  
40 repository for it, and that is a blanket bulk access, right, and  
41 it's theirs, and the Science Center will request it from them,  
42 and so I think it's the difference in a case-by-case access  
43 versus a direct bulk type of access, and so, if you could make  
44 that distinction, I think that would be helpful to fishermen  
45 that will read this. Thank you.

46

47 **CHAIRMAN DIAZ:** Ms. Levy.

48

1 **MS. LEVY:** NMFS and OLE can weigh-in, but, regardless of where  
2 the repository is, right, OLE accesses the information when they  
3 need it, right, when it's appropriate for whatever purpose the  
4 FMP is collecting it for, and so the repository is -- It's  
5 getting collected by the agency.

6  
7 Regardless of where the repository is, OLE collects it, based on  
8 the needs that it has under the fishery management plan, in  
9 terms of what the data is collected for and what enforcement  
10 needs they have, and so it's not different, and I don't think we  
11 should be saying that it's different, depending on where it's  
12 actually held. That's not a correct statement.

13  
14 **CHAIRMAN DIAZ:** Ms. Bosarge.

15  
16 **MS. BOSARGE:** Well, I have to beg to differ with you on that,  
17 and so I'm looking at the U.S. Department of Commerce privacy  
18 impact statement for the Southeast Fisheries Science Center,  
19 NOAA 4400, and, if there was no difference, I don't know why  
20 they would have gone to the extent to put a table in here that  
21 actually talks about, for scientific data that fishermen provide  
22 to the government, in order to better manage our fishery, what  
23 type of access will all these people have, and it speaks  
24 specifically to law enforcement, and there is three columns, a  
25 case-by-case access, a bulk transfer access, or a direct access.

26  
27 The X is under case-by-case, with an asterisk next to it to  
28 specifically say "law enforcement and Department of Justice",  
29 and so, if it was important enough to put in this document, I  
30 would like it in the shrimp document, to make it clear what the  
31 difference is in the two alternatives to the fishermen that will  
32 have to live under that system and their scientific data that  
33 they are willing and happy to give to the government, to try and  
34 make sure we manage all of our fisheries in a sustainable way.

35  
36 **CHAIRMAN DIAZ:** Okay. I'm not seeing any more hands. Do you  
37 have anything else, Dr. Freeman?

38  
39 **DR. FREEMAN:** Yes, sir, and I will just make one quick side  
40 note. With Leann pulling out things like that, I did have to  
41 tease her this week that I will miss seeing her dragging into  
42 the meeting room the entire Library of Congress. Anyone who has  
43 seen her at the council table, she's always got her massive  
44 stack of papers to reference.

45  
46 I guess, in terms of the presentation, and, Ms. Boggs, I believe  
47 this might speak to one of the questions that you had earlier,  
48 and also in the action guide, and, unless otherwise directed,

1 staff was planning on bringing the document back at the October  
2 council meeting.

3  
4 However, as Ms. Boggs pointed out, the council may want to wait  
5 until some of the results are available, and they might be  
6 available from LGL -- I should say that LGL won't have final  
7 results until the spring, based off their contract, and so, if  
8 the council has guidance for staff on when they would next like  
9 to see it, we are open to that.

10  
11 **CHAIRMAN DIAZ:** Ms. Boggs.

12  
13 **MS. BOGGS:** I would like Ms. Bosarge to give the council  
14 direction on that, since this is her last meeting. Thank you.

15  
16 **CHAIRMAN DIAZ:** Ms. Bosarge.

17  
18 **MS. BOSARGE:** Thank you. Thank you, Ms. Boggs. I think the IPT  
19 did a good job of incorporating a lot of the commentary that we  
20 had to flesh-out those two alternatives more fully, and I  
21 appreciate that, and there's a little bit that you can work on,  
22 but, I mean, that's a pretty simple thing, the two items that I  
23 brought up, that one paragraph and then the difference in bulk  
24 and case-by-case access.

25  
26 Other than that, I mean, I really don't see where the council  
27 can pick preferreds and move forward until they get some results  
28 from the two studies. The LGL study, I think you all are  
29 scheduled to get a presentation from them in March, and so that  
30 would be at your April meeting, I guess, and the Science Center  
31 VMS study -- I think we said, in committee, that by January,  
32 hopefully, they would have some results, and so, if you want to  
33 see them both at the same time, that would be your April  
34 meeting.

35  
36 If you want to take them one piece at a time, I guess you could,  
37 and bring it back in January and in April, but I would say  
38 January at the earliest. If you want to be efficient, bring it  
39 back in April and look at the studies of both and see if there's  
40 anything else you need to flesh out in the document and see  
41 where you're going to go.

42  
43 **CHAIRMAN DIAZ:** Okay. Thank you for that, Ms. Bosarge. Any  
44 further comments? Do you have anything else, Dr. Freeman?

45  
46 **DR. FREEMAN:** No, sir. That's all.

47  
48 **CHAIRMAN DIAZ:** Is there any other business to come before the

1 Shrimp Committee? Mr. Strelcheck.

2  
3 **MR. STRELCHECK:** Well, I was kind of hoping that Leann would say  
4 bring it back in October, so that we could be in Biloxi, and we  
5 could get public comment from her during our council meeting. I  
6 thought I would make light of your last committee meeting.

7  
8 **MS. BOSARGE:** You already know what I want, and you're not going  
9 to do it, and so what's the point?

10  
11 **CHAIRMAN DIAZ:** General Spraggins.

12  
13 **GENERAL SPRAGGINS:** All I've got to say is, Leann, I know you've  
14 worked on a lot of things, but shrimp has probably been the  
15 strongest thing that you've worked on, and, whoever tries to  
16 fill them shoes, I wish them luck, because you have done an  
17 outstanding job, and the shrimping community is definitely going  
18 to miss having you sitting on this committee.

19  
20 **CHAIRMAN DIAZ:** Amen to that, General Spraggins. All right.  
21 Seeing no further business coming before the Shrimp Committee,  
22 we're going to close this committee out, and we're going to move  
23 right into Reef Fish. Did you get a fresh cup of coffee, Dr.  
24 Frazer?

25  
26 **REEF FISH COMMITTEE REPORT**

27  
28 **DR. FRAZER:** I believe that Mr. Banks volunteered to read this  
29 volume. All right. We'll give it a whirl. The Reef Fish  
30 Committee report of June 23, 2022, the committee adopted the  
31 agenda, and the minutes from the April 2022 meeting were  
32 approved as written.

33  
34 The Review of Reef Fish and IFQ Landings, Tab B, Number 4(a) and  
35 (b) and Status of Revised Recreational Red Snapper Calibration  
36 Ratios, Ms. Kelli O'Donnell, from the NMFS Southeast Regional  
37 Office, reviewed preliminary 2021 and 2022 commercial and  
38 recreational reef fish landings.

39  
40 A committee member noted the recent reduction in the commercial  
41 allocation of red grouper in Reef Fish Amendment 53 and that the  
42 recreational landings of red grouper in 2021 exceeded the  
43 recreational annual catch limit. The committee member thought  
44 the council and SERO needed to do more to constrain the  
45 recreational red grouper landings, since overages by that sector  
46 were also likely to negatively affect the commercial sector.  
47 SERO replied that the recreational ACL overage for red grouper  
48 was not anticipated. However, more attention is being paid to

1 those landings in 2022, and an earlier closure for that sector  
2 is anticipated.

3  
4 The Gulf states reviewed their private angler landings for the  
5 2022 fishing season. Some state seasons opened on or about  
6 Memorial Day weekend, with the exception of Florida, which  
7 opened on June 17<sup>th</sup>. A subsequent landings update from the  
8 states will be provided at the August 2022 council meeting.

9  
10 Dr. Richard Cody briefed the committee on the proceedings of the  
11 Marine Recreational Information Program (MRIP) Transition Team  
12 to calibrate state surveys to the MRIP data currency. He noted  
13 the availability of the report from the MRIP Transition Team's  
14 February 2022 workshop and the development of an outline to  
15 address the plan for moving forward with the tasks required of  
16 the MRIP Transition Team.

17  
18 Dr. Cody also briefed the committee on the proposed calibration  
19 of Texas state private angler landings for red snapper that was  
20 presented at the SEDAR 74 research track data workshop. This  
21 proposed calibration used landings trends and required other  
22 assumptions about the single year of data available to generate  
23 a ratio to convert the Texas private vessel landings to MRIP-  
24 FES.

25  
26 The committee asked about the possible changes to the red  
27 snapper calibrations that were submitted as part of the  
28 framework action transmitted to NMFS following its approval by  
29 the council at its June 2021 meeting. Dr. Cody did not  
30 anticipate other changes to those calibration ratios in the near  
31 future and said that any new information that might alter the  
32 calibrations would be accompanied by collaborative work with  
33 SERO, the council, and the Gulf states prior to any formal  
34 recommendation.

35  
36 A committee member asked why the approach proposed for Texas was  
37 so dissimilar to those for the other Gulf States. Dr. Cody  
38 noted the absence of MRIP in Texas since the inception of the  
39 Texas creel survey. Thus, an identical approach was not  
40 possible, as in the other states where both MRIP and the then  
41 new state survey could be examined concurrently. He added that  
42 Texas data were not provided or considered as part of the  
43 original calibration effort undertaken by the other Gulf states  
44 or as part of the MRIP Transition Team's February 2022 workshop.  
45 Further, Dr. Cody reiterated the opportunity to revisit the  
46 state-specific calibration ratios in the future, as more data  
47 become available.

48

1 Draft Amendment 54: Modifications to the Greater Amberjack Catch  
2 Limits and Sector Allocations, and other Rebuilding Plan  
3 Modifications, Tab B, Number 5(a) and (b), council staff  
4 reviewed management alternatives considered in Draft Reef Fish  
5 Amendment 54 that considers modifications to sector allocations  
6 and catch limits in response to the results of the SEDAR 70  
7 stock assessment.

8  
9 SEDAR 70 determined that greater amberjack was overfished and  
10 experiencing overfishing, as of the end of the 2018 fishing  
11 year, and that reductions in harvest would be necessary to  
12 immediately end overfishing and rebuild the stock by 2027, as  
13 required by the current rebuilding plan.

14  
15 SEDAR 70 incorporated the calibrated MRIP-FES recreational catch  
16 and effort data. The council received a notice from SERO that  
17 greater amberjack was overfished and experiencing overfishing in  
18 April 2021 and that the rebuilding plan would need to be  
19 modified and implemented by April 2023. The data necessary to  
20 address the depleted condition of the Gulf greater amberjack  
21 stock was not received from the Southeast Fisheries Science  
22 Center and reviewed by the council's Scientific and Statistical  
23 Committee until November 2021.

24  
25 The committee recommended modifying the need statement to better  
26 encapsulate the objectives addressed by all the proposed  
27 alternatives. Additionally, the committee suggested omitting  
28 any reference to considering alternatives for the overfishing  
29 limit and acceptable biological catch, as those values are  
30 determined by the SSC. The committee also included language to  
31 reflect the sector allocation being considered in the document.

32  
33 **The committee recommends, and I so move, to modify the need in**  
34 **the document to read as follows: The need is to end overfishing**  
35 **and rebuild the greater amberjack stock as required by the**  
36 **Magnuson-Stevens Fishery Conservation and Management Act, update**  
37 **existing greater amberjack catch limits and allocations to be**  
38 **consistent with best scientific information available, FMP**  
39 **objectives, and contemporary data collection methods. That**  
40 **motion carried with no opposition. Mr. Chair.**

41  
42 **CHAIRMAN DIAZ:** Thank you, Dr. Frazer. We have a committee  
43 motion. Is there any discussion on the motion? **Is there any**  
44 **opposition to the motion? The motion carries.** Dr. Frazer.

45  
46 **DR. FRAZER:** The council staff reviewed the six proposed  
47 alternatives. The changes in the recreational data collection  
48 survey have revealed that the stock biomass was likely larger

1 than historically perceived, and a committee member contended  
2 that this new information has disproportionately affected the  
3 sectors, with the commercial sector being relatively more  
4 constrained.

5  
6 The committee discussed possibilities for public hearings for  
7 Amendment 54. A committee member suggested the use of more  
8 virtual meetings in the future. However, he recognized that  
9 this amendment would likely require some in-person hearings,  
10 because the catch levels considered in Amendment 54 are  
11 substantially lower than current levels.

12  
13 Council staff provided a list of possible locations for public  
14 hearings, based on landings data and previous greater amberjack  
15 hearings: Galveston in Texas; Kenner/New Orleans in Louisiana;  
16 Pensacola or Orange Beach, in Florida and Alabama, respectively;  
17 Tampa/St. Petersburg, Florida; and Marathon/Key West, Florida.  
18 The Committee decided to select public hearing locations at Full  
19 Council. Mr. Chair.

20  
21 **CHAIRMAN DIAZ:** Thank you, Dr. Frazer. Anyway, at this time, I  
22 would like to kind of go around to the state and make sure that  
23 they're all right with what's being proposed, or see if they had  
24 any modifications. I am just going to -- If it's all right, I'm  
25 just going to go around from state to state. Florida? Florida  
26 is good. Alabama?

27  
28 **MR. ANSON:** We would certainly prefer Orange Beach, but, if  
29 Pensacola were selected, that would be fine, too.

30  
31 **CHAIRMAN DIAZ:** Thank you, Mr. Anson. Mississippi?

32  
33 **GENERAL SPRAGGINS:** I feel like a little stepchild. We got left  
34 out. No, I'm good with it.

35  
36 **CHAIRMAN DIAZ:** Thank you, General Spraggins. Louisiana?  
37 Louisiana is good? Texas?

38  
39 **MR. RIECHERS:** We're fine.

40  
41 **CHAIRMAN DIAZ:** Texas is fine. Dr. Frazer. Mr. Riechers.

42  
43 **MR. RIECHERS:** We selected these as public hearings, but I do  
44 want to go back to the comments that Bob had made in the  
45 committee arena regarding -- I mean, it seems like we -- Bob  
46 made the comments about trying to use more virtual -- Bob, I  
47 hope I'm getting this correct, as I'm recalling, and it kind of  
48 got lost as we were trying to select these, and it became more

1 of a we're going to hold these in those locations, but I would  
2 just encourage staff, at every time and juncture, much like Bob  
3 was suggesting, and there may be some that are more appropriate  
4 than others, depending on the topic, but we've just come a long  
5 way in the environment of virtual and webinar and so forth,  
6 during this recent COVID time, and so I know -- I think Florida  
7 had mentioned their agency as well, and I know we're taking full  
8 advantage of that, from a state agency perspective, and I would  
9 just encourage us to look at that at every turn.

10  
11 **CHAIRMAN DIAZ:** Thank you, Mr. Riechers. Seeing no further  
12 discussion, Dr. Frazer.

13  
14 **DR. FRAZER:** Okay, and so the next topic is the Draft Emergency  
15 Rule to Modify Recreational and Commercial Greater Amberjack --

16  
17 **CHAIRMAN DIAZ:** Dr. Froeschke.

18  
19 **DR. FROESCHKE:** Just before we get too far into this topic,  
20 Emily stated that we received some public comments relative to  
21 the emergency rule, and so perhaps you want to consider those  
22 before you deliberate.

23  
24 **DR. FRAZER:** Okay, and so maybe I'll go ahead and read the  
25 section, and then we'll stop and give Ms. Muehlstein a time to  
26 share those, and then we'll deliberate. Okay. Again, I will  
27 just go back to the top here, and it's Draft Emergency Rule to  
28 Modify Recreational and Commercial Greater Amberjack Fishing  
29 Seasons, Tab B, Numbers 6(a) and (b), the committee discussed  
30 the proposed closed seasons for the emergency rule.

31  
32 There is uncertainty associated with how a shift in effort may  
33 affect the predicted season length. A shorter season may cause  
34 an increase in directed effort for greater amberjack in the  
35 fall. The committee inquired if a May 2023 season would be  
36 possible. SERO staff replied that a few alternatives were  
37 predicted to result in a May season.

38  
39 An emergency rule is to only be implemented for 180 days, with a  
40 possible extension of 186 days, for 366 days total, if required.  
41 NMFS could monitor harvest in the fall, have preliminary  
42 landings by January 2023, and then reassess if an extension of  
43 the emergency rule was warranted. If NMFS does not extend the  
44 emergency rule, then the season would default to current  
45 regulations.

46  
47 A committee member asked if data collected from the SEFHIER  
48 program would be available to monitor greater amberjack landings

1 in the fall. SERO staff stated that SEFHIER data have not yet  
2 been vetted for landings estimates. Additionally, the emergency  
3 rule only allows for modification to the seasonal closures to be  
4 monitored to the current ACL. The council should consider  
5 making any recommendations to the agency at this meeting, since  
6 the interim rule will need to be finalized as soon as possible,  
7 and so now we can receive comments from Ms. Muehlstein.

8  
9 **CHAIRMAN DIAZ:** Ms. Muehlstein, can you provide the public  
10 comment, please?

11  
12 **MS. EMILY MUEHLSTEIN:** Yes, I sure can, and, just for reference,  
13 if you would like to look at the comments themselves, they have  
14 been put on the general public comment link that is on your  
15 meetings materials page under the Public Testimony item.

16  
17 What we generally heard was that everybody wanted to avoid a  
18 total closure in the upcoming fishing seasons. We heard support  
19 for sort of two separate things. First, we heard support for  
20 opening in September and October only, and then we also heard  
21 support for the fixed closure that was going to begin on August  
22 1 and run through September 30 and then again November 1 through  
23 July 31, which essentially would allow for an open season in  
24 August only, and that summarizes what we heard.

25  
26 **CHAIRMAN DIAZ:** Thank you, Ms. Muehlstein, and so, at this  
27 point, we're ready to entertain a motion, and so, if anybody has  
28 a motion that they would like to put out there on how we should  
29 proceed with this emergency rule, this would be the time to do  
30 it. Ms. Boggs.

31  
32 **MS. BOGGS:** I will step in it. **I would like to make a motion to**  
33 **recommend, in Action 1, Alternative 5, to modify the**  
34 **recreational fixed closed season to be August 1 through August**  
35 **31 and November 1 to July 31 (open September 1 through October**  
36 **31).**

37  
38 **CHAIRMAN DIAZ:** We have a motion by Ms. Boggs, and it's seconded  
39 by Mr. Banks. I'm going to wait until we get the motion up on  
40 the board, and we will have some discussion. Mr. Strelcheck.

41  
42 **MR. STRELCHECK:** My suggestion would be to make the motion to  
43 request NMFS implement an emergency rule, and then specify the  
44 season, as Ms. Boggs just stated. Otherwise, you have to make  
45 two motions, instead of one motion.

46  
47 **CHAIRMAN DIAZ:** Ms. Boggs, are you amenable to having Mr.  
48 Strelcheck help you with some wordsmithing?

1  
2 **MS. BOGGS:** I would like to recommend that the agency take  
3 emergency action to modify the greater amberjack recreational  
4 fixed closed season to be as described in Action 1, Alternative  
5 5, and so just take out the "preferred" after "Alternative 5".  
6 **Action 1, Alternative 5.** Then I can -- Then specify -- To  
7 modify the fixed closed season -- Okay. Can we take out "Action  
8 1, Alternative 5" and just stated a fixed closed season to be  
9 August 1 through August 31, or, because this is a council  
10 action, do I need to refer -- I am looking at you, Ryan or Mara.  
11 **Okay. Then I will say what I want then. The fixed closed**  
12 **season to be August 1 through August 31 and November 1 through**  
13 **July 31 (open September 1 through October 31).**  
14

15 **CHAIRMAN DIAZ:** Okay. Is the seconder okay with the new  
16 language? Mr. Banks? All right, and so we're at the point  
17 where I think we can have some discussion, but I'm going to ask  
18 Ms. Boggs to read her motion one more time, to make sure  
19 everybody is crystal clear on what we're discussing. Ms. Boggs.  
20

21 **MS. BOGGS:** Okay. **My motion is to recommend the agency take**  
22 **emergency action to modify the greater amberjack recreational**  
23 **fixed closed season to be August 1 through August 31 and**  
24 **November 1 through July 31 (open September 1 through October**  
25 **31).**  
26

27 **CHAIRMAN DIAZ:** It's seconded by Mr. Banks. Dr. Froeschke.  
28

29 **DR. FROESCHKE:** Do you want to add that this is for the 2022-  
30 2023 recreational fishing year only?  
31

32 **MS. BOGGS:** Well, I mean, I was thinking about the definition of  
33 an emergency action, and it's pretty well defined, because an  
34 emergency action is only 180 days, correct, and so -- I mean, it  
35 really would be only for the 2022 season, unless they decide to  
36 -- I mean, we can add that, "the greater amberjack recreational  
37 fixed closed season for 2022 and 2023 to be" -- It will be fixed  
38 closed season for 2022-2023. John, are we going to add  
39 "recreational fishing"?  
40

41 **CHAIRMAN DIAZ:** All right. I'm sorry, Ms. Boggs, but read it  
42 one more time.  
43

44 **MS. BOGGS:** Well, it's still not right, because we're being  
45 redundant with the recreational fixed closed season. Do we need  
46 to say it twice? Okay. Are we ready?  
47

48 **My motion is to recommend the agency take emergency action to**

1 modify the greater amberjack recreational fixed closed season  
2 for the 2022-2023 recreational fishing year to be August 1  
3 through August 31 and November 1 through July 1 (open September  
4 1 through October 31), as described in Action 1, Alternative 5.

5  
6 **CHAIRMAN DIAZ:** All right. The seconder is good. Dr. Frazer.

7  
8 **DR. FRAZER:** I understand the motion, and I think there's  
9 probably pretty widespread agreement that we need to move  
10 towards the emergency action here, and I think the public  
11 comment addressed the issue of a preferred start date of  
12 September, and all those things I think I agree with.

13  
14 I guess the concern here that I have is that this is a fishery  
15 that's in need of some -- You know, it's in trouble, and we're  
16 going to have, coming up in this reef fish section here, a  
17 similar proposal to deal with gag, and probably we'll very  
18 likely have the same start date, and there's going to be a  
19 tremendous amount of effort in September, and likely into  
20 October, and, given the small number of fish that are available,  
21 there is the potential, and I think we have to recognize that we  
22 might kind of blow through that quota pretty quickly.

23  
24 Because this fishing season is different, and it's not on the  
25 calendar year, right, and it's split between 2022 and 2023, if  
26 we constrain the open period just to the month of September, it  
27 will give us some time to evaluate what that catch looks like,  
28 and, if there are fish available, then we could allocate them in  
29 May still, without the problem, and it gives us a bit of a  
30 protection, and so I'm not sure what I'm going to do, and I'm  
31 going to listen to everybody around the table, but my  
32 inclination maybe is to move towards Alternative 3, but I will  
33 get there, if necessary.

34  
35 **CHAIRMAN DIAZ:** Mr. Gill.

36  
37 **MR. GILL:** Thank you, Mr. Chairman, and so Dr. Frazer made many  
38 of the comments that I was going to make, and, when I looked at  
39 this action, to decide where I was going, the first place I went  
40 was exactly here, Alternative 5, but, when you look at the  
41 analysis, the difference between the ACT and the average  
42 landings to-date is something under 50,000 pounds, and about 12  
43 percent or so of the ACT, and I think it's fair to assume that,  
44 given the drastic cuts we have in this fishery, that there's  
45 going to be substantial effort shift, and so the likelihood of  
46 being anywhere close to that ACT is not good.

47  
48 I got back to either Alternative 3 or 4, rather than this one,

1 for those very reasons, because we shouldn't be doing this,  
2 given the state of this fishery, expecting to blow out the  
3 landings level, and so I would support 3 or 4, but I cannot  
4 support Alternative 5.

5  
6 **CHAIRMAN DIAZ:** Ms. Boggs.

7  
8 **MS. BOGGS:** I will give some rationale as to why I went this  
9 way, and there are several reasons. The reason I don't support  
10 Alternative 2 is we close the commercial fishery in March,  
11 April, and May, due to spawn, but yet we're opening it in May  
12 for the recreational fishery

13  
14 I've had many recreational fishermen tell me, charter/for-hire  
15 tell me, that, when they catch these fish in August, they're  
16 still full of roe, and they're coming off the spawn.

17  
18 I am confused with this, because there seems to be an issue with  
19 spawn in one sector, and we don't look at it in our sector, and  
20 then I talk about spawn, and I have scientists tell me that a  
21 dead fish is a dead fish, and so I really don't know what to do  
22 with the spawn and the fish, okay, but I feel like we need to be  
23 somewhat consistent with what we're doing to the commercial  
24 sector. Otherwise, open them up in May.

25  
26 The other reason that I went with the September to October 31 is  
27 just exactly what you're saying, is fishing effort, and they  
28 already expect it, quote, unquote, to open August 1, and they  
29 have the red snapper to catch in August. They don't catch them  
30 in September and October anyway, and so I really don't think  
31 it's going to make a difference if you open it in September and  
32 October, but I guarantee you, if you open it in September, or  
33 you open it in October, you are going to have an increased  
34 fishing effort. Thank you.

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

37  
38 **DR. SWEETMAN:** Thank you, Mr. Chair. I agree with a lot of the  
39 points that Dr. Frazer made in support of Alternative 3.  
40 Normally, FWC would be in favor of the longest possible fishing  
41 season, but, based on concerns in this fishery, we think two  
42 months might be a bit too long, and we don't really know what's  
43 going on and what's causing these declines. We've been through  
44 multiple rebuilding plan, and, because of that, we think that a  
45 one-month season might be more appropriate.

46  
47 **CHAIRMAN DIAZ:** Thank you. Any further discussion? Mr. Dugas.

48

1 **MR. DUGAS:** Thank you, Mr. Chair. I'm going to try to swing  
2 this a little. What I have heard, from the public, and one  
3 particular guy got up, and he lives down here, and he fishes  
4 down here, and he stated that he's a diver, and they see  
5 amberjack all over down here, and so, in my opinion, the issues  
6 are in the Panhandle of Alabama and Florida.

7  
8 The western Gulf doesn't seem to be in so much trouble, and I'm  
9 going to support this motion, but I think this brings us down  
10 the path of regional management, and I think it's something we  
11 all need to be thinking about.

12  
13 **CHAIRMAN DIAZ:** All right. Dr. Frazer.

14  
15 **DR. FRAZER:** J.D., I'm thinking about this, and so, by going  
16 with Alternative 3, right, it's not saying that you won't be  
17 able to exploit fish in a particular region if they're  
18 available, right, and so, if you underharvest the quota that's  
19 allocated in September of one year, then you can access those  
20 fish in May, right, and so it's not like, in my opinion, by  
21 reducing, or truncating, the first part of the season in the  
22 fall, right, that you're at a loss, or jeopardy -- The sector is  
23 not in jeopardy of losing access to their allocation.

24  
25 I just think that it allows you to be fairly conservative,  
26 moving forward, realizing that there are legitimate reasons for  
27 concern, because, at this point, we don't actually have MRIP  
28 data in November or December to evaluate whether or not there  
29 was an effort shift and a higher-than-expected catch, and so I  
30 think it's probably a more responsible approach, moving forward,  
31 and so I would like to make a substitute motion, or I will wait  
32 until Mr. Riechers --

33  
34 **CHAIRMAN DIAZ:** Mr. Riechers.

35  
36 **MR. RIECHERS:** Well, Tom, and I'm -- Obviously, you're going to  
37 make your substitute motion, and so I'll kind of speak to that  
38 as well, but, I mean, you're suggesting that we will have  
39 availability of those fish, but that's not the case, based on  
40 the emergency action that we're taking, because it's setting it  
41 for the whole year. It would basically -- I mean, it's not like  
42 we can reevaluate and then -- I guess you could do another  
43 emergency action, but I think we're going to run into  
44 difficulties of doing that, from a timing perspective.

45  
46 **DR. FRAZER:** I don't think that's the case, but I will let Mr.  
47 Strelcheck weigh-in.

1 **CHAIRMAN DIAZ:** Mr. Strelcheck.

2  
3 **MR. STRELCHECK:** To that point, if we get the landings late this  
4 year, and it indicates we're still well below the catch level,  
5 there is then the potential where we could just let the  
6 emergency rule expire, and then we're back to the May opening.

7  
8 The question would become, if we get in a situation where  
9 landings are below the catch level -- By reopening the whole  
10 month of May, we potentially are going to then exceed the catch  
11 level and have to have a payback provision, right, and so that's  
12 kind of the unknown, and it would potentially then either  
13 require another emergency rule, with a modification of the May  
14 season, or the acceptance that we might have an overage, after  
15 May, that would then have to be paid back in the following  
16 fishing year.

17  
18 I think Tom is exactly right with September and October, and  
19 there's kind of a risk-reward there as well, right, and so you  
20 have lower effort in the fall, but there's potential for effort  
21 shifting, and then we could have the same situation, where you  
22 go over what we're projecting would be landed, and then that  
23 gets paid back regardless, and you wouldn't have a May season to  
24 begin with.

25  
26 **CHAIRMAN DIAZ:** Okay. Dr. Frazer.

27  
28 **DR. FRAZER:** I would like to make just a substitute motion, and,  
29 **Bernie, it's going to be pretty much the same, except for we're**  
30 **just going to change Alternative 5 to Alternative 3, and the**  
31 **parenthetical statement just says "(Open September 1 through**  
32 **September 30)".** All right, and so the motion is to recommend  
33 the agency -- Bernie, we have to fix the fishing year, and so  
34 change "November 1" to "October 1". I believe that's right, Dr.  
35 Froeschke.

36  
37 **CHAIRMAN DIAZ:** I am going to attempt to read this into the  
38 record, real quick. **To recommend the agency take emergency**  
39 **action to modify the greater amberjack recreational fixed closed**  
40 **season for 2022-2023 recreational fishing year to be August 1**  
41 **through August 31 and October 1 through July 31 (open September**  
42 **1 through September 30) as described in Action 1, Alternative 3.**  
43 Is there a second for the motion? It's seconded by Dr.  
44 Sweetman. Discussion on the motion? Dr. Stunz.

45  
46 **DR. STUNZ:** Tom, I hear what you and all the others are saying  
47 on the other alternatives, on 3 for example, and I think I still  
48 support Alternative 5, and, also, you know, I mean, I think

1 whatever we do here is not going to be that much of a game-  
2 changer, but the reason -- You remember some of the discussion,  
3 when this was up in committee, and, really, when you're getting  
4 down to a month and below, that's when you really, at least from  
5 some of our work and others, it shows that you start compressing  
6 that into more of a race for fish, and then everybody has got to  
7 go and get in, and so you artificially compress and increase  
8 that effort, where at least the science shows that, when you  
9 spread it out a little more, you still get roughly, you know,  
10 similar amounts of effort, but maybe not as much, because there  
11 is other opportunity and other things going on, especially  
12 during that timeout in Texas, and so, I mean, either way this  
13 vote goes, I mean, I'm not -- I don't think it's -- I am not  
14 that concerned over it, but I would still support Alternative 5  
15 as the preferred.

16  
17 **CHAIRMAN DIAZ:** Thank you, Dr. Stunz. All right. I'm not  
18 seeing anybody's hands up, and we're going to call for a vote.  
19 All in favor of the motion, signify by raising -- Dr. Froeschke.

20  
21 **DR. FROESCHKE:** I think we need a roll call on this one for  
22 final action.

23  
24 **CHAIRMAN DIAZ:** All right. Thank you, Dr. Froeschke. Mara,  
25 does this require a roll call vote? This is not going forward  
26 to the Secretary of Commerce, as we usually do.

27  
28 **MS. LEVY:** It is, because you're recommending that the agency  
29 take some kind of action.

30  
31 **CHAIRMAN DIAZ:** Okay. Then a roll call is the right way to go.

32  
33 **MS. LEVY:** It's just that you have a substitute, and so, if this  
34 fails, right, you're going to go back to the original, and so  
35 we're kind of in an odd posture, but, if it passes, then you're  
36 actually making a recommendation to the Secretary of Commerce to  
37 implement this, and so it's like a final action. We don't  
38 usually have this context when we do that, because there's no  
39 substitute. You either take it or you don't, but we have  
40 different options here, and so it's a little bit odd.

41  
42 **CHAIRMAN DIAZ:** Okay, and so we're going to take a roll call  
43 vote, and if it fails, there will be another roll call vote on  
44 the original motion. Dr. Froeschke.

45  
46 **DR. FROESCHKE:** Mr. Dugas.

47  
48 **MR. DUGAS:** No, sir.

1  
2 **DR. FROESCHKE:** Mr. Dyskow. Mr. Riechers.  
3  
4 **MR. RIECHERS:** No.  
5  
6 **DR. FROESCHKE:** Mr. Banks.  
7  
8 **MR. BANKS:** (Mr. Banks' response is not audible on the  
9 recording.)  
10  
11 **DR. FROESCHKE:** Dr. Stunz.  
12  
13 **DR. STUNZ:** No.  
14  
15 **DR. FROESCHKE:** Ms. Bosarge.  
16  
17 **MS. BOSARGE:** I am going to abstain.  
18  
19 **DR. FROESCHKE:** Mr. Williamson.  
20  
21 **MR. WILLIAMSON:** No.  
22  
23 **DR. FROESCHKE:** Mr. Strelcheck.  
24  
25 **MR. STRELCHECK:** Abstain.  
26  
27 **DR. FROESCHKE:** Ms. Boggs.  
28  
29 **MS. BOGGS:** No.  
30  
31 **DR. FROESCHKE:** Dr. Shipp.  
32  
33 **DR. SHIPP:** Yes.  
34  
35 **DR. FROESCHKE:** Dr. Sweetman.  
36  
37 **DR. SWEETMAN:** Yes.  
38  
39 **DR. FROESCHKE:** Mr. Broussard.  
40  
41 **MR. BROUSSARD:** (Mr. Broussard's response is not audible on the  
42 recording.)  
43  
44 **DR. FROESCHKE:** Mr. Anson.  
45  
46 **MR. ANSON:** Yes.  
47  
48 **DR. FROESCHKE:** Dr. Frazer.

1  
2 **DR. FRAZER:** Yes.  
3  
4 **DR. FROESCHKE:** General Spraggins.  
5  
6 **GENERAL SPRAGGINS:** No.  
7  
8 **DR. FROESCHKE:** Mr. Gill.  
9  
10 **MR. GILL:** Yes.  
11  
12 **DR. FROESCHKE:** Mr. Diaz.  
13  
14 **CHAIRMAN DIAZ:** As the Chair, I'm going to --  
15  
16 **DR. FROESCHKE:** Okay. **So I have six yes and eight no and three**  
17 **abstains. The motion fails.**  
18  
19 **CHAIRMAN DIAZ:** Okay, and so, if there's any other discussion,  
20 this would be the time to have it. If not, we're going to call  
21 a roll call vote on the regular motion. Seeing no discussion,  
22 Dr. Froeschke. I'm sorry. Mr. Anson.  
23  
24 **MR. ANSON:** I was distracted earlier, when there was discussion  
25 regarding timing, as to whether or not this motion, now the  
26 motion that we're going to be voting on, will still provide the  
27 opportunity for, if fish are available after the fall season,  
28 for spring, and I just want to make sure that there would be --  
29 The agency -- It's going to go for 180 days, and so the window  
30 would, I guess, go back, revert back, to the previous management  
31 regime, and you would have the opportunity to open the season in  
32 May, and is that correct?  
33  
34 **MR. STRELCHECK:** I would say that's a possibility, but very low  
35 likelihood, based on landings estimates for this time period,  
36 and we would expect the quota to be caught up for whatever you  
37 adopt in Amendment 54.  
38  
39 **MR. ANSON:** But, just to follow -- But, if the landings report  
40 showed that there was pounds available, that could support a --  
41 It might not be a full month in May, but a limited fishing  
42 season for May, because, you know, we have high fuel prices and  
43 such, and you may have storms in September and October, and so I  
44 just want to make sure that that option is still available.  
45  
46 **MR. STRELCHECK:** Right, and so, just to be clear, there would  
47 have to be either the expiration of the emergency rule, which  
48 would allow the whole month of May to be open at that point, or

1 a second emergency rule that would follow this that would change  
2 the May season to something other than the thirty-one days,  
3 because, right now, we're saying, with this alternative, it will  
4 be closed.

5  
6 **CHAIRMAN DIAZ:** Go ahead, Mr. Anson.

7  
8 **MR. ANSON:** Then I guess we would just say, for the 2022-2023  
9 recreational -- It would be -- I am trying to think here, and  
10 I'm just having difficulty of just saying for it to be open  
11 September 1 to October 31, and, if landings were available to  
12 have an open season in May. Mara.

13  
14 **MS. LEVY:** The issue is you're not changing the catch limits  
15 here, right, and you're changing the fixed closed season, and  
16 so, if this rule expires, and we don't have the new amendment  
17 implemented that lowers the catch limits, you have the higher  
18 catch limit, and so May would presumably be open, because we  
19 would have no authority to close.

20  
21 If the amendment gets implemented before the May season, and  
22 then this rule expires and there are landings left, then you  
23 could open, and NMFS could close based on the new implemented  
24 catch level, but the problem is, right now, is the catch level  
25 on the books is very high, and so there's a lot of things that  
26 have to line up.

27  
28 **CHAIRMAN DIAZ:** All right. I'm looking around for discussion,  
29 and I'm not seeing anybody's hand raised. Mr. Anson, I don't  
30 want to leave this if you feel like there's undone business. I  
31 am going to call for a vote, if you don't tell me no.

32  
33 **MR. ANSON:** I just can't think of anything that I could -- How I  
34 could work it to thread the needle to get us to where we need to  
35 be, and I guess there would be opportunity, in the January  
36 meeting, to -- We would have the landings information at that  
37 time, and we would be much more down the road relative to the  
38 timing of when the other item would be implemented.

39  
40 **CHAIRMAN DIAZ:** Possibly we could ask staff to give us any  
41 information that's available at the October meeting too, and we  
42 might have some preliminary idea of what's going on, to give us  
43 some idea of where we're going, and so that might be a good way  
44 to handle this, to try to deal with it at a future meeting, when  
45 we have more information, but I will leave that up to you. All  
46 right, Dr. Froeschke.

47  
48 **DR. FROESCHKE:** Mr. Broussard.

1  
2 **MR. BROUSSARD:** (Mr. Broussard's response is not audible on the  
3 recording.)  
4  
5 **DR. FROESCHKE:** Dr. Frazer.  
6  
7 **DR. FRAZER:** Yes.  
8  
9 **DR. FROESCHKE:** Mr. Riechers.  
10  
11 **MR. RIECHERS:** Yes.  
12  
13 **DR. FROESCHKE:** General Spraggins.  
14  
15 **GENERAL SPRAGGINS:** Yes.  
16  
17 **DR. FROESCHKE:** Dr. Stunz.  
18  
19 **DR. STUNZ:** Yes.  
20  
21 **DR. FROESCHKE:** Dr. Shipp.  
22  
23 **DR. SHIPP:** Yes.  
24  
25 **DR. FROESCHKE:** Mr. Strelcheck.  
26  
27 **MR. STRELCHECK:** No.  
28  
29 **DR. FROESCHKE:** Mr. Banks.  
30  
31 **MR. BANKS:** (Mr. Banks' response is not audible on the  
32 recording.)  
33  
34 **DR. FROESCHKE:** Mr. Williamson.  
35  
36 **MR. WILLIAMSON:** Yes.  
37  
38 **DR. FROESCHKE:** Mr. Anson.  
39  
40 **MR. ANSON:** Yes.  
41  
42 **DR. FROESCHKE:** Mr. Dugas.  
43  
44 **MR. DUGAS:** Yes.  
45  
46 **DR. FROESCHKE:** Dr. Sweetman.  
47  
48 **DR. SWEETMAN:** Yes.

1  
2 **DR. FROESCHKE:** Ms. Bosarge.  
3  
4 **MS. BOSARGE:** Abstain.  
5  
6 **DR. FROESCHKE:** Mr. Dyskow.  
7  
8 **MR. DYSKOW:** Yes.  
9  
10 **DR. FROESCHKE:** Ms. Boggs.  
11  
12 **MS. BOGGS:** Yes.  
13  
14 **DR. FROESCHKE:** Mr. Gill.  
15  
16 **MR. GILL:** No.  
17  
18 **DR. FROESCHKE:** Mr. Diaz.  
19  
20 **CHAIRMAN DIAZ:** Yes.  
21  
22 **DR. FROESCHKE:** **It's twelve yes, four no, one abstain.**  
23  
24 **CHAIRMAN DIAZ:** Mr. Strelcheck.  
25  
26 **MR. STRELCHECK:** I just wanted to explain my vote, and so, for  
27 those not familiar with this process, I voted no, which would  
28 come across as I'm opposed to this motion. I am not opposed to  
29 the motion, but, based on our emergency regulation guidance, if  
30 the council votes unanimously, then we're obligated to implement  
31 this measure, and so my vote for no is essentially to indicate  
32 that we're preserving our authority as an agency that we may  
33 determine that it is not required for us to implement this  
34 management measure. I don't think that will be the case, but  
35 I'm just preserving our right to do so. Thank you.  
36  
37 **CHAIRMAN DIAZ:** Thank you Mr. Strelcheck.  
38  
39 **DR. FROESCHKE:** Just, real quick, can I clarify?  
40  
41 **CHAIRMAN DIAZ:** Yes.  
42  
43 **DR. FROESCHKE:** Mr. Anson, you were a yes?  
44  
45 **MR. ANSON:** Yes.  
46  
47 **DR. FROESCHKE:** Mr. Dugas, you were a yes?  
48

1 **MR. DUGAS:** (Mr. Dugas' response is not audible on the  
2 recording.)  
3

4 **DR. FROESCHKE:** So fourteen to two with one abstention. The  
5 motion carries.  
6

7 **CHAIRMAN DIAZ:** I am going to get up on my soapbox for just a  
8 minute, and, now that this has passed, I want to bring this up.  
9 You know, last August, I talked about the problems with MRIP and  
10 how they impacted Mississippi with crazy numbers, that nobody  
11 has disputed to this point, just by crossing waves and having  
12 big numbers, and I do have a fear, in the back of my mind, that  
13 just a couple of intercepts at a dock in Mississippi could be  
14 extrapolated to some gigantic numbers in this, and we did not  
15 come up with a way to deal with these irregularities that are in  
16 the system, and I think were never in the system, and it might  
17 not happen.  
18

19 I don't have a crystal ball, but, in the back of my mind, I  
20 could see one or two intercepts throwing out a number out there  
21 that just blows all of this out of the water, and so I just  
22 wanted to bring that up, because I have that concern.  
23

24 We've got that issue out there, and we haven't ever dealt with  
25 it, and I can tell you, in the past, we have had some very big  
26 numbers on amberjack coming out of Mississippi that I think are  
27 in the same category as what we had with our red snapper issues  
28 back in August, and so I just wanted to mention that on the  
29 record. Dr. Frazer.  
30

31 **DR. FRAZER:** While you're bringing that up, Dale, I'm just --  
32 I'm trying to think about, you know, this late fall season and  
33 who that benefits, and I appreciate that, and I think it  
34 probably more representatively distributes the effort, so folks  
35 in Texas can have access to this fishery that they would  
36 normally like.  
37

38 My question, related to MRIP, is, because Texas doesn't have an  
39 MRIP program, right, and so, when we're trying to estimate the  
40 catch for greater amberjack, how will we know what's coming from  
41 Texas?  
42

43 **CHAIRMAN DIAZ:** Mr. Riechers.  
44

45 **MR. RIECHERS:** You will know what's coming from Texas exactly  
46 like you know with all of our landings, and, obviously, our  
47 system with stratification is different, and it's not on a wave  
48 system, and so it won't come in at the same time, but our waves

1 do split though at November, and so there's a chance that, as  
2 soon as we can get the data in and turn it around, we will, and  
3 we can talk about what is what we call our high-use season,  
4 April to November, and we will hopefully be able to provide what  
5 we can provide at that time.

6  
7 We may be able to get that window before the spring, quite  
8 possibly, but that is what will go on, and so, you know, when we  
9 talk about -- I don't want to get into the calibrations and the  
10 ratios and all that stuff, and we can, but, I mean, that's how  
11 we will have to come in, because, again, we just stratify in a  
12 different way.

13  
14 **DR. FRAZER:** I appreciate that, and I just really just wanted to  
15 make sure that, at some point, right, after this fall season --  
16 I think we're going to learn a lot, right, about effort shifting  
17 and all of that, and I just want to have access, in my mind, so  
18 I can evaluate the consequences of this action on the number of  
19 fish that we actually prosecuted in the fall, and so it would be  
20 good to have the Texas data to go with the MRIP data, right?  
21 Thanks.

22  
23 **CHAIRMAN DIAZ:** Mr. Williamson.

24  
25 **MR. WILLIAMSON:** Well, this is not a criticism, but it's just  
26 kind of an observation, from my standpoint, and this is a very  
27 short, compressed time period, and I think we've heard, around  
28 the table, numerous times, that MRIP is not a good measure for a  
29 short period of time, and so it will probably be interesting to  
30 see how we come up with a sixty-day season.

31  
32 **CHAIRMAN DIAZ:** Thank you, Mr. Williamson. Mr. Strelcheck.

33  
34 **MR. STRELCHECK:** Mr. Chair, I'm going to get on my soapbox a  
35 little bit, and I've said this before, and we use data as a  
36 scapegoat a lot of times, and I'm not necessarily disagreeing  
37 with some of the comments about MRIP, but I think, based on what  
38 we've been seeing with some of these very short fishing seasons,  
39 this council really needs to come up with a vision, in terms of  
40 how we are going to manage recreational fisheries, and what is  
41 being done right now is not something that our constituents  
42 like, and it's not something we like.

43  
44 These are tough decisions, but we are getting into very, very  
45 short fishing seasons, in large part because we have immense  
46 fishing effort in this region, and so I hope that the council  
47 can think more broadly than just the data challenges that we  
48 have and think about a broader vision, in terms of how we can

1 better manage our recreational fisheries to meet both the needs  
2 of our constituents as well as our conservation and management  
3 goals. Thanks.

4  
5 **CHAIRMAN DIAZ:** I would welcome any ideas that folks have on how  
6 we could move forward on that front. I know that there was some  
7 discussion that, if all the states had an offshore landings  
8 permit, similar to what Louisiana had, we could get a really  
9 good handle on effort, and we can get weight and numbers, and  
10 that's not a problem. If we could get a better handle on  
11 effort, I think that would be, in my mind, the way to radically  
12 improve our data collection program, but I'm sure that folks  
13 around here that are a lot smarter than me have better ideas  
14 than that, but I agree with you, Andy, and how we can move in  
15 that direction would be welcome. Ms. Boggs.

16  
17 **MS. BOGGS:** Leann actually had her hand up before I did.

18  
19 **CHAIRMAN DIAZ:** Ms. Bosarge.

20  
21 **MS. BOSARGE:** I'm so glad that we're having this conversation,  
22 because I have referred to it, indirectly, several times at this  
23 meeting, and I'm proud of this council for beginning to have  
24 this discussion.

25  
26 I think there's a lot of different things we can do. Data  
27 collection does have to improve. We have to become more precise  
28 and deal with the challenges that are in front of us, which are  
29 shorter seasons, and we also have to think outside the box  
30 though, right, and, if we know we're going to have shorter  
31 seasons, even if we can measure it and constrain catch to those  
32 seasons, it's probably not ideal for the recreational fishery.  
33 We need to find some out-of-the-box ways to manage them, where  
34 their access is not so much in pounds, a lot of times, as it is  
35 in going when they want to go. That's what they want to do,  
36 okay, within certain limitations, but I think there's some baby  
37 steps that we can take to start to at least improve the system  
38 that we have on the data collection side.

39  
40 I love the systems that the states have put in place. However,  
41 I don't see where the states are ever going to be able, budget-  
42 wise, to manage every single species that we -- To handle data  
43 collection for every species that we manage federally, where the  
44 predominance of the catch is in federal waters. That seems, to  
45 me, like a lot to push onto the states, budget-wise, and so this  
46 is a federal council, and we manage it federally, and I grant  
47 you that we might not have the assets in the federal budget,  
48 but, if it's our responsibility, we need to look there first.

1  
2 The first thing that we could probably do is look at making the  
3 system that we have, MRIP, which captures the data for most of  
4 the species we manage, with the exception of Louisiana, because  
5 you do do all the species, and I appreciate that, and make it  
6 mandatory. That's the simple step that we could take, first  
7 off.

8  
9 We talked about how less than 10 percent -- For the effort side,  
10 less than 10 percent of the total trips are probably surveyed to  
11 begin with, right? Somewhere south of 10 percent of the  
12 universe gets surveyed. Of those less than 10 percent, and it  
13 could be 3 percent, and I don't know, but let's just go with 10,  
14 and about 30 percent you get a response on, all right, and that  
15 brings you down to 3 percent of the universe that you got a  
16 response on, and there's some big assumptions that we're making  
17 there on all the responses that we don't get and all the people  
18 we don't sample.

19  
20 Make it mandatory. If we're going to sample 10 percent, let's  
21 at least try and get a response out of close to the 10 percent  
22 that we do sample. That's a first step that we can take.

23  
24 A second step that we can take is, if you remember, at the last  
25 council meeting, I told you all about a focus group, or a  
26 workgroup or something, that they had at the South Atlantic that  
27 was chaired by a very well-spoken and intelligent recreational  
28 fisherman, and it was the first time I had ever met him, was at  
29 that South Atlantic meeting, and that workgroup came up with  
30 some recommendations, and one of the things that they're talking  
31 about, at the South Atlantic, is having a federal recreational  
32 permit.

33  
34 I know that probably scares the heck out of Andy, thinking how  
35 the heck am I going to manage that and issue that many permits,  
36 but we've got to get a universe. We don't even have a universe  
37 out there, and that is basic information. We are never going to  
38 get anywhere managing these fisheries if we can't get to that  
39 point, and I thought it was just hilarious, when I went back,  
40 and I was doing my research on some of these species that we're  
41 gutting, as far as the quotas, for amberjack and for gag and  
42 things like that, and you know what it said in the very first  
43 management plan, what the recommendation was?

44  
45 It was to have a mandatory data collection program for all the  
46 sectors. That was the recommendation, and, of course, as usual,  
47 it just -- Financially, we don't know how we'll swing that, but  
48 imagine where we would be right now, forty-something years

1 later, if we had actually had a mandatory data collection  
2 program for the private recreational fleet since 1980, or  
3 something like that, and I don't think we would be dealing with  
4 some of the problems that we're dealing with.

5  
6 We've got to get there, and I would like to ask staff, and  
7 hopefully Carrie or John can speak to this, but when can we hope  
8 to see that presentation from the South Atlantic on the work  
9 that that group did and the things that they're thinking about?

10  
11 **CHAIRMAN DIAZ:** We will come back to that, Ms. Bosarge. I've  
12 got a list of folks. Ms. Boggs.

13  
14 **MS. BOGGS:** Well, Ms. Bosarge touched on what I was going to  
15 touch on, which is a federal reef fish permit for the private  
16 recreational anglers, and I say that because I know the charter  
17 fleet, and I don't know about the commercial or the shrimp  
18 fleet, but we have to have a state license to land the fish in  
19 the state in which we operate our business out of.

20  
21 It seems odd, to me, that I have to have a state license as well  
22 as a federal reef fish permit and a federal coastal migratory  
23 pelagics permit, but yet -- Then I know some of the states have  
24 a reef fish endorsement, and so, I mean, I think that's helpful,  
25 but it's kind of tit-for-tat. You know, this group has to do  
26 this, and this group doesn't have to do that, and it just seems  
27 to me like that might be the way to go, is to get some kind of a  
28 permit that would define the universe, and then, of course,  
29 there is data collection.

30  
31 I know the states have the data collection, but we need to  
32 figure out how to get -- I say we, and maybe it's the burden of  
33 the state how to get better compliance, and, if you had that  
34 federal permit, just like -- You could maybe do it on a state  
35 level, and, Patrick, you all don't issue a license if that  
36 person has never reported his fish, or the same with the State  
37 of Alabama, because we don't get our permit if we don't do our  
38 logbooks, and I'm sure it's the same with the commercial and the  
39 shrimpers, and so I think there's some things, and not to burden  
40 the private recreational angler, but maybe some simple things,  
41 just such as that.

42  
43 I mean, we have to do it, to be able to take the private rec --  
44 To take recreational fishermen fishing that don't own their own  
45 boats, and so why would the private recreational angler not -- I  
46 just don't understand why they don't -- I am not going to say  
47 comply, but they're just kind of resistant to wanting to -- I  
48 guess it's the Big Brother theory, and I'm not sure.

1  
2 **CHAIRMAN DIAZ:** Mr. Anson.  
3

4 **MR. ANSON:** It is good that we're having this discussion, Leann,  
5 and you mentioned an opportunity to be more precise with the  
6 recreational data, but, from our perspective, it also is an  
7 issue of accuracy. The recreational data, in many of our  
8 assessments, plays a big role in the final number, in the OFL  
9 that's generated, and so, you know, we can come up with a system  
10 that, you know, is manageable, manageable from the state's  
11 perspective, if the states in fact get involved with that  
12 system, or from the federal agency.

13  
14 You know, if it were easy, it would have been done by now, I  
15 guess is the comment that I tell folks on various things, and it  
16 will take money. It takes an investment of time and resources,  
17 and, when you're talking about trying to get all those  
18 individual now reports, you know, it's a big lift just to go to  
19 SEFHIER for the agency, I'm sure, dealing with the volume of  
20 reports that they now have to manage and do the analysis on.

21  
22 To the point that was made earlier, we're playing more and more  
23 whack-a-mole here and trying to manage these fisheries and get a  
24 handle on the effort and where that effort is going to shift and  
25 when it's going to pop up here or go over there, and so, yes, it  
26 is a good time to evaluate and have some more discussion on what  
27 we can do to make inroads in trying to determine more accurate  
28 and more precise recreational fishing effort. Thank you.

29  
30 **CHAIRMAN DIAZ:** Thank you, Mr. Anson. General Spraggins.  
31

32 **GENERAL SPRAGGINS:** Well, obviously, I don't talk very often,  
33 but this is something that I'm very strong on. MRIP is a broken  
34 system. We're sitting here wanting to support a broken system.  
35 We know it's broken, and, if we didn't know it was broken, it  
36 would be entirely different. You know, we talk about -- Back  
37 years ago, in I think the 2016 to 2018 timeframe, they gave the  
38 states Amendment 50, and it was passed all the way to the  
39 Secretary, to give the states an opportunity to do what they  
40 needed to do to manage the species.

41  
42 The states have managed that species about as good as any you  
43 could ever see. It's better than MRIP, but, yet, we don't want  
44 to accept that, but, yet, we want to go back and take a broken  
45 system, that is not working, and try to accept it. It's almost  
46 like we want to punish everybody for some reason, and it's like  
47 when you talk about the commercial fishermen and they are  
48 getting punished because of it.

1  
2 Well, you know, if that's the case, why don't we tell everybody  
3 that drives a car that you have to turn in a ticket, just like a  
4 truck driver does? You know, they're commercial too, and so  
5 they have to do it, and I'm just throwing that out, but what I'm  
6 getting at is it's about time that somebody -- If we want to do  
7 something, maybe do away with MRIP and give the states some  
8 money to do what they need to do and let us build our own  
9 program.

10  
11 We would love to do our own program, and we would love to do our  
12 own program that you could sit there and criticize all day long.  
13 You can look at it from one end to the other, but, just like  
14 what you're asking for, if we do this, and you bring it up, and  
15 Mississippi is a great example, just because we're a small  
16 state, but MRIP doesn't work, but you've mentioned it numerous  
17 times here today, that MRIP doesn't work in a small area.

18  
19 Just to give you an idea, right now, we know how many fish we  
20 catch, as far as speckled trout in the State of Mississippi.  
21 MRIP is three-times that, and there is no way. There is no way  
22 in the world, and there's not that many fish out there, but yet  
23 they turn around, but, because the federal doesn't have any  
24 control over that, we're able to manage it and not have to worry  
25 about, but, with the federal having control over it, then you  
26 want to turn around and say, Big Brother says, no, you're going  
27 to do this, and this is the way you're going to do it, and  
28 that's wrong.

29  
30 I mean, I would be glad to move out of MRIP, and I will tell you  
31 right now that I'm working hard right now in the State of  
32 Mississippi to move out of MRIP. I'm going to move out of it,  
33 and I'm going to move into a process that we do it ourselves,  
34 and that we show everyone, and I will stand up in any court in  
35 the United States of America, with our data, and put it in front  
36 of anybody, but, for us to turn around and try to take a broken  
37 system and shove it down the throats, it's the wrong thing to  
38 do.

39  
40 **CHAIRMAN DIAZ:** Okay. I've got a list of folks. Dr. Frazer.

41  
42 **DR. FRAZER:** You know, there are issues related to MRIP, and I  
43 think about my colleagues that work in the agencies, and I try  
44 to understand the pressures that they face in the management  
45 issues that we're dealing with, and I don't think that MRIP is a  
46 broken system. MRIP is not appropriate to deal with the short  
47 seasons that we have now, because of the tremendous amount of  
48 pressure that's put on the resource.

1  
2 We have to remember to divorce ourselves from what the intent of  
3 the broader-scale sampling, surveying and sampling, program is  
4 about, and we could ditch MRIP, but, if we did that, the states  
5 would focus on maybe one or two species that were of economic  
6 importance to them, like snapper, grouper, or more, but MRIP  
7 captures all of that, right, and it's very valuable for  
8 assessing trends over time, a long period of time, and that's an  
9 important part of the management process.

10  
11 That withstanding, what I would say is do we need a more  
12 appropriate data collection effort? We probably do, right, but  
13 we need to be careful what we're talking about here, and so I'm  
14 not saying -- I wouldn't say that MRIP is broke, but it's not  
15 appropriate for the problem that we're trying to deal with right  
16 now, and, by abandoning it, you're potentially losing a very,  
17 very valuable source of information that's going to allow us to  
18 manage fisheries more effectively in the future, and so that's  
19 one.

20  
21 The other thing that I think that's important to understand here  
22 is that, even though the states have put tremendous resources  
23 into their individual sampling programs, and they are probably  
24 very good, right, at capturing the effort and the catch data,  
25 everybody needs to understand that those state sampling and  
26 survey programs were not used in the assessment process, right,  
27 and they're different streams of data, and that's why the  
28 calibrations are important, so can use the state data, right,  
29 for the in-season monitoring.

30  
31 I think LA Creel is a good example of that, and Tails 'n Scales,  
32 right, and we should take advantage of that opportunity as well,  
33 but, in the short-term, you just can't ditch MRIP and implement  
34 that state sampling and survey programs to achieve your  
35 objectives, because we didn't assess the stocks using those  
36 data, and so there will be a period of time before we can get to  
37 that point, and so, again, I think we need to be very careful  
38 about how we talk about MRIP, moving forward.

39  
40 I'm not saying I'm a big fan, and I'm not saying one way or the  
41 other, but I see tremendous value in that program, and it serves  
42 a lot of people beyond the Gulf region.

43  
44 **CHAIRMAN DIAZ:** Okay. I'm going to go down my list. Ms. Boggs.

45  
46 **MS. BOGGS:** I think that General Spraggins wanted to speak to  
47 Tom's comment.

48

1 **CHAIRMAN DIAZ:** To that point, General Spraggins?

2  
3 **GENERAL SPRAGGINS:** Tom, I appreciate your information, but,  
4 once again, I don't know a better way to put it than to say that  
5 it's broke, and I guess it's a situation that is not working  
6 correctly, in a lot of ways, and we need to look at that. If we  
7 -- If the answer is to fix the part that's not working, and, if  
8 your state was in there, and you were getting jeopardized  
9 because of only two days that you fished in two months, and you  
10 got jeopardized, and they're going to tell you that they're  
11 going to take two-thirds of your allocation away because of it,  
12 you would be fighting a different battle, and I believe that,  
13 100 percent.

14  
15 **CHAIRMAN DIAZ:** Okay. Ms. Boggs.

16  
17 **MS. BOGGS:** Okay, and I'm going to ask Assane to turn his ears  
18 on, to make sure I haven't messed this up, and I'm not going  
19 down the Amendment 42 path, but I wanted to talk about a couple  
20 of things we learned in -- Or not 42, but in the Headboat  
21 Collaborative.

22  
23 When Dr. Cody gave his presentation the other day, and he got  
24 pinned down on how many surveys do they send out, and it was  
25 10,000, if I recall correctly, and I looked at the numbers. For  
26 the Reel Surprise, last year, we fished 4,300 people. That's  
27 almost half of what MRIP surveyed, and so I'm not trying to put  
28 the burden on anyone else, but I got to thinking about that,  
29 and, during the Headboat Collaborative, we had to ask the people  
30 that fished on our boat to fill out a little simple -- I think  
31 it was a postcard with socioeconomic data, just like I think --  
32 I mean, MRIP, all they ask you is did you go fish which I have a  
33 problem with, because it doesn't ask what do you fish for and  
34 what do you do, but, in the Collaborative, we had to gather that  
35 information, and it's in the report for the Collaborative, and I  
36 think Andy could maybe back me up on this.

37  
38 We were able to gather the data that I think we're missing here,  
39 and, why MRIP doesn't do the same type of thing, I don't  
40 understand, and so I guess my point here is, and something I  
41 thought about, is, if you took the money, or part of the money,  
42 I guess, that we're using in MRIP, and you put boots on the  
43 ground, instead of somebody looking at these 10,000 postcards  
44 that say I did fish, but you have those people not sitting  
45 behind a desk and putting numbers in the computer, but boots on  
46 the ground, where they're talking to these fishermen and  
47 actually getting the information that they need, and maybe use  
48 part of MRIP. Continue to use your state data, but realign how

1 we're collecting the data through MRIP. Thank you.

2  
3 **CHAIRMAN DIAZ:** Thank you, Ms. Boggs. Mr. Strelcheck.

4  
5 **MR. STRELCHECK:** I am glad that we're having this conversation,  
6 and I guess a few comments, right, and we all sit around this  
7 table, as either representatives of our state or the federal  
8 government, and I think, unfortunately, that's, in part, been  
9 lost in this process, as to why this process was created, which  
10 is to work together, right, to collaboratively come up with  
11 solutions and, you know, tackle the huge challenges we have with  
12 regard to federal fisheries management.

13  
14 I appreciate your comments, General Spraggins, but it concerns  
15 me, right, because, if Mississippi decides that they're going to  
16 go their separate way, well, that doesn't make things any  
17 better. You may think it makes things better, but we already  
18 have a patchwork of data collection systems, and Clay has the  
19 hardest job in the world, in my opinion, in some of the stock  
20 assessments, in trying to weave and put together all of this  
21 complex data, through the many, many different data streams that  
22 we have.

23  
24 I agree that we need to make the data and information more  
25 nimble, and I think there are some good ideas that have emerged  
26 today, in terms of the federal permitting process and other  
27 ideas, and that's really, I think, where we need to spend some  
28 energy and time trying to think through this, but I will say  
29 that, yes, whether you're talking MRIP or something else, in  
30 terms of variability of the data, there is other data streams  
31 that are independent of that that show obvious signs, in terms  
32 of the fisheries changing and the fisheries maybe not doing as  
33 well, and that is reflected in age composition data, where the  
34 fish are getting younger, and there's not many older fish, and  
35 there's trends in fishery-independent data, where there's been  
36 declines in the abundance of the stock, and so we can point to  
37 the recreational data as a problem, and I'm not going to argue  
38 that it can't be improved, but there's a lot of other sources of  
39 other data that go into stock assessments, and that's, in part,  
40 why we're addressing some of the things before this council at  
41 this meeting, and many past meetings, and many future meetings,  
42 is because that information, as a whole, including the  
43 recreational data, is telling us that we need to change the  
44 management, in order to prevent overfishing and rebuild  
45 overfished stocks.

46  
47 **CHAIRMAN DIAZ:** Thank you, Mr. Strelcheck. Dr. Porch.

1 **DR. PORCH:** I just wanted to remind folks what you heard from  
2 Dr. Cody, and it's certainly an oversimplification to say that  
3 the system is broke. It was not designed for in-season  
4 monitoring and on small spatial scales, and so, what it does, it  
5 does rather well. I mean, it's the most reviewed survey out  
6 there, and it's certainly more intensely reviewed than any of  
7 the state surveys, as far as independent review, but it was  
8 designed to give estimates for a lot of species over a broader  
9 spatial scale.

10  
11 Now that we've started to try and manage recreational fisheries  
12 on shorter and shorter time scales, because the effort is  
13 getting higher and higher, we're running into these sorts of  
14 challenges, and so, if you wanted to do in-season monitoring,  
15 for instance with the recreational fishery, using a system like  
16 MRIP, you're probably talking about quadrupling the number of  
17 boots on the ground, in terms of the intercepts. I mean, we're  
18 not talking a small increase, and, quite frankly, there hasn't  
19 been the will to appropriate more money to increase the sampling  
20 for the recreational fishery.

21  
22 At the same time, the effort estimate is a big issue, and that's  
23 probably the core of the difference between some of the state  
24 surveys and the federal MRIP survey, and it may be that a  
25 federal fishing license would help that, because we narrow down  
26 the sampling frame for the offshore portion of the effort, and  
27 remember that MRIP is not just the offshore effort for the  
28 federally-managed fisheries, but it's getting everything, and so  
29 that would probably be a helpful development, and certainly the  
30 South Atlantic has suggested that, and the recreational fish  
31 summit suggested that, and that may be a viable way to go, but  
32 it's not an easy lift.

33  
34 Then the last thing I would leave you with is one of the  
35 challenges we have with the state surveys, of course, is,  
36 because funding is limited, they only do a limited suite of the  
37 species that we actually manage, and so we may do assessments  
38 for some species that eventually would be converted to a state  
39 currency, like the gag assessment. However, there's going to be  
40 another bunch of others that aren't covered by the various state  
41 surveys, and we're still going to need MRIP, and so the  
42 situation is rather complicated and challenging, and the bottom  
43 is, really, to do it right, I think you need more resources.  
44 Thank you.

45  
46 **CHAIRMAN DIAZ:** Thank you, Dr. Porch. I'm going to go to Mr.  
47 Anson, and then we're end the discussion. General Spraggins and  
48 then Mr. Anson, and then we're going to end the discussion and

1 start moving forward. General Spraggins.

2  
3 **GENERAL SPRAGGINS:** Once again, I appreciate everything that  
4 everybody is talking about, and, number one, I'm not against the  
5 federal getting the data, and I want them to have the data, and  
6 I want everything to happen, but, you know -- Maybe, when I say  
7 I'm looking at coming out of MRIP, what I'm talking about doing  
8 it is in the state and doing it and reporting it anyway, and so  
9 we would have the data, but we can put it under a better system  
10 that would allow us, as a state that does not work correctly  
11 with MRIP, that we could give you better data. We could give  
12 you a lot better data than you're getting right now from us,  
13 and, you know, that's what we're looking at.

14  
15 We're not after anything different than what you are. The State  
16 of Mississippi does not want to overfish anything. We want to  
17 do everything we can to follow the rules and do it the way we  
18 are, or try to do it the way it should be done, and we are  
19 trying that 100 percent, but, when we get penalized every time  
20 we try to do something, we get to wondering about it, and you  
21 have to think about that.

22  
23 If you were penalized every time you did something, you would  
24 worry about it, and we're sitting here trying to do what's  
25 right, and we want to give you -- I have no idea that we can get  
26 you the best data in the world in the State of Mississippi, and  
27 we will give you that data, and we will give you anything in the  
28 world. I would love to be able to put Tails 'n Scales to  
29 everything is fished, and it would tickle me to death, but it's  
30 going to cost me more money than -- If you give me \$4 or \$5  
31 million a year, I could probably do it, but I don't have that  
32 extra money, and so I would love to do that though, to show you  
33 the data, because we can give you 100 percent better data than  
34 what you're getting.

35  
36 As far as MRIP boots on the ground, we give it everything we've  
37 got, and we put as many of them as we can. Like Ms. Boggs said,  
38 we put them out there, and we try, but we only get like, I don't  
39 know, maybe \$500,000 or \$600,000 for MRIP, to do everything that  
40 we do, and we can only put so much on the ground during the  
41 whole year to do that, and we do every bit of it though, but we  
42 do every bit we can, and we use our own resources to even do  
43 more, and so I don't think that -- You know, when I say it's a  
44 broken system, once again, I want you to understand that it's a  
45 word that can be used in a different ways, but it's not working  
46 100 percent, and that's the big thing.

47  
48 If it worked better, if there was a way that we could look at

1 trying to take it -- Here we are looking at trying to say, well,  
2 you know what, this doesn't work very well in a short season,  
3 and we've all sat here, and I've heard that come across more  
4 than one time today, but, yet, when we go look at a situation  
5 like Mississippi, when they said that it didn't work for a small  
6 state, we're not willing to say that, and we're not willing to  
7 pull that back and say it doesn't work for that, and you  
8 shouldn't penalize that.

9

10 I guess the hard thing is, you know, we want to be a part of the  
11 team, and we want to be a part of America, and we want to be a  
12 part of doing the things that are supposed to be done, but we  
13 don't want to get chastised on everything that we do, and we  
14 don't want to be misrepresented, and I think that we are with  
15 MRIP and the way it's been done on a lot of species, and that's  
16 just my biggest point, and so I appreciate you listening.

17

18 **CHAIRMAN DIAZ:** Thank you, General Spraggins. Mr. Anson, real  
19 quick, and then we're stopping this conversation. We just have  
20 to move on, in the interest of time, but it's been a great  
21 discussion. Mr. Anson.

22

23 **MR. ANSON:** I agree that it has been a good discussion, and,  
24 going back to Leann's question earlier about the South Atlantic  
25 and the analysis, or the evaluation, that they did for trying to  
26 explore different ways, and I don't know if Dr. Froeschke can  
27 answer that or not, but, at some point, as Clay mentioned, what  
28 the Science Center, or the Office of Science and Technology, the  
29 MRIP folks --

30

31 You know, they've looked at different things and explored new  
32 ways to try to look at the data, or get the data, and so, if  
33 there is a presentation that's brought forward in the future to  
34 the council, it would be good to kind of have just kind of a  
35 summary of those pilot studies that were done, because, you  
36 know, we have been providing -- The states have been providing  
37 recreational license data to the MRIP folks, but I myself am not  
38 familiar as to how much, in the process of estimating effort,  
39 those data frames are used, and so, you know, it just would be  
40 helpful to understand that better, if it's brought in the  
41 future. Thank you.

42

43 **CHAIRMAN DIAZ:** Thank you. All right, and so we're going to  
44 stop discussion on this, but this has been a good discussion,  
45 and I'm glad we've had some of this discussion, and I'm trying  
46 to figure out how we can capitalize off of this discussion in  
47 the future. For now, I would like for us to go ahead and break  
48 for lunch. I think we're at a pretty good breaking point.

1 Would you agree, Dr. Frazer?

2  
3 Some people do have some travel arrangements this evening, and  
4 so I'm going to ask that we take lunch for an hour, instead of  
5 an hour-and-a-half. Looking around the table, does everybody  
6 think they can make it back in an hour? Okay. I'm not hearing  
7 anybody say no, and so we're going to start back at 1:00 and try  
8 to move through the rest of our agenda as efficiently as  
9 possible. 1:00. Thanks.

10  
11 (Whereupon, the meeting recessed for lunch on June 24, 2022.)

12  
13 - - -

14  
15 June 24, 2022

16  
17 FRIDAY AFTERNOON SESSION

18  
19 - - -

20  
21 The Full Council of the Gulf of Mexico Fishery Management  
22 Council reconvened at Crowne Plaza @Bell Towers Shops in Fort  
23 Myers, Florida on Friday afternoon, June 24, 2022, and was  
24 called to order by Chairman Dale Diaz.

25  
26 **CHAIRMAN DIAZ:** We're going to get back started. I think we've  
27 got more than a quorum at this point, and, whenever you're  
28 ready, you can proceed.

29  
30 **DR. FRAZER:** All right. I will start reading. We are on Draft  
31 Options: Modification of Catch Limits for Gulf of Mexico Red  
32 Snapper, Tab B, Number 7, council staff reviewed options in the  
33 draft framework action to modify catch limits for red snapper,  
34 following the review of an updated catch analysis by the  
35 council's SSC.

36  
37 These revised catch limits are based on the SSC's review of the  
38 updated estimates of absolute abundance of red snapper derived  
39 from the Great Red Snapper Count (Florida, Alabama, Mississippi,  
40 and Texas) and by LGL Ecological Associates, Incorporated,  
41 (Louisiana), which resulted in a combined estimate of 85.6  
42 million age-two and older red snapper. As shown in Alternative  
43 2, the SSC's recommended catch limits would set the OFL at 18.91  
44 million pounds whole weight and ABC at 16.31 million pounds  
45 whole weight.

46  
47 The council previously transmitted two related framework  
48 actions, one to revise red snapper catch limits and one to

1 calibrate catch limits for Gulf state surveys' quota monitoring.  
2 As yet, these framework actions have not been implemented. If  
3 this draft framework action is ultimately implemented, its  
4 proposed catch limits would replace those previously submitted  
5 by the council.

6  
7 A council member asked to include the origin and data units  
8 respective to the previous OFL recommendation from the SSC of  
9 25.6 million pounds whole weight in Table 1.2.1. A committee  
10 member asked to include a table of the private recreational  
11 landings by state in the document to demonstrate the differences  
12 in landings by state. The committee member thought that the  
13 calibration ratios, which would affect the state-specific catch  
14 limits post-implementation, would likely require updating at  
15 some point in the future.

16  
17 A committee member noted that, although the abundance surveys  
18 support a larger estimate of absolute abundance than previous  
19 stock assessments estimated, there are also reports from  
20 fishermen about localized depletion and declining fish size.  
21 Another committee member recognized the possibility of localized  
22 depletion, but added that the bulk of the larger, older fish are  
23 thought to occur over bottom subject to lower rates of  
24 exploitation. Another committee member countered that, while  
25 there may be areas subject to localized depletion, other regions  
26 are experiencing a healthy fishery.

27  
28 **The committee recommends, and I so move, in the action, to make**  
29 **Alternative 2 the preferred alternative. Alternative 2 is to**  
30 **modify the red snapper OFL, ABC, ACLs, and recreational ACTs for**  
31 **2022 and subsequent years based on the OFL and ABC**  
32 **recommendation of the SSC at the March 8 through 10, 2022, SSC**  
33 **meeting. These catch limits are based on data derived from the**  
34 **Great Red Snapper Count, including a post-stratification**  
35 **analysis of the data for Florida, and on the LGL Ecological**  
36 **Associates, Incorporated study of the absolute abundance of red**  
37 **snapper off Louisiana. The motion carried twelve to two with**  
38 **three abstentions by a roll call vote. Mr. Chair.**

39  
40 **CHAIRMAN DIAZ:** Thank you, Dr. Frazer. All right. We have a  
41 committee motion. Is there any discussion on the motion?  
42 **Seeing none, is there any opposition to the motion? One in**  
43 **opposition. The motion carries. Dr. Frazer.**

44  
45 **DR. FRAZER:** Thank you, Mr. Chair. A committee member asked  
46 whether the application of the calibration ratios would show  
47 that the private angling component of the recreational sector  
48 has been exceeding its ACL in recent years, adding that they

1 thought the lack of constraint in recent years of these landings  
2 was to the detriment of all fishery participants.

3  
4 The application of the calibration ratios would be expected to  
5 constrain landings in the future, but the committee member said  
6 that didn't correct for the overages of past years, due to the  
7 absence of a calibration in those years. Another committee  
8 member contended that the proposed increase already accounted  
9 for scientific uncertainty, and would benefit all sectors.

10  
11 A committee member recalled the impetus for the creation of the  
12 state survey programs, noting the assertion from the National  
13 Academies of Sciences study that MRIP was not appropriate for  
14 in-season quota monitoring. The committee member expressed  
15 greater confidence in the state survey programs to accurately  
16 measure private angling catch and effort for red snapper and  
17 thought the calibration ratios for the states would need to be  
18 revisited in the near future. Staff plans to bring a final  
19 framework action to the council at its August meeting.

20  
21 Presentation and Discussion of Gulf of Mexico Gag Grouper  
22 Interim Rule, Tab B, Numbers 8(a) and (b), council staff  
23 reviewed regional fishery dynamics with the committee to  
24 demonstrate the differences in fishing practices and preferences  
25 throughout gag grouper's range.

26  
27 A committee member asked about the difference between  
28 recreational and commercial fisheries with respect to the sex  
29 ratio between males and females. SERO staff with previous  
30 experience ageing gag recounted the gradual decrease in males  
31 over time, anecdotally related to more aggressive feeding  
32 behavior by males.

33  
34 A committee member asked about the special four-county spring  
35 season in the Big Bend. Another committee member replied that  
36 FWC staff were recommending suspending the special spring season  
37 until the stock status improves.

38  
39 SERO staff presented options for the proposed interim rule for  
40 gag grouper, which is intended to reduce fishing mortality ahead  
41 of the development of Amendment 56, which proposes a rebuilding  
42 plan for gag grouper. The council was notified of the stock  
43 status of gag grouper on January 26, 2022, and must end  
44 overfishing and implement a rebuilding plan by the 2024 fishing  
45 year, which is January 1, 2024, for the commercial sector.

46  
47 In April 2022, the council requested that SERO provide an  
48 analysis of data needed to develop an interim rule to reduce

1 overfishing of gag grouper for the 2023 fishing year. The  
2 interim rule will include options for distributing quota to the  
3 recreational and commercial sectors in an equitable manner and  
4 options to maximize the number of fishing days for the  
5 recreational sector based on various fishing season start dates  
6 in 2023.

7  
8 Action 1 addresses the new catch limits, contingent on  
9 allocation decisions, and of the red grouper individual fishing  
10 quota program multiuse provision. Action 2 addresses the  
11 recreational season start date and the duration of the  
12 recreational fishing season based on that start date.

13  
14 A committee member asked whether, with respect to the catch  
15 limits, the decrease in the catch limit as the recreational  
16 allocation increases was related to discards. The Southeast  
17 Fisheries Science Center replied that it was, in part,  
18 attributable to the smaller length composition of the  
19 recreational catch compared to the commercial catch, and, in  
20 part, to the increased probability of discards.

21  
22 The Southeast Regional Office requested definitive feedback from  
23 the council, with respect to the proposed measures, at this  
24 council meeting to implement the interim rule prior to the start  
25 of the 2023 fishing season. SERO staff noted that season  
26 duration predictions were made without consideration of possible  
27 effort shifting, due to a change in the recreational fishing  
28 season start date, but considered historical landings.

29  
30 A committee member asked to see the uncertainties associated  
31 with the recreational fishing season duration estimates. SERO  
32 staff replied that the inclusion of the earliest closure  
33 estimates was intended to serve that purpose. However,  
34 uncertainty estimates for season duration predictions were not  
35 available. The dates presented for each alternative in Action 2  
36 were based on an analysis of historical landings, with the  
37 earliest closure date based on the year with the highest  
38 landings in the time series.

39  
40 A committee member thought it prudent to consider the timing of  
41 the recreational fishing season for greater amberjack alongside  
42 the fishing season start date for gag grouper, due to potential  
43 effort shifts. They also thought it inappropriate to consider  
44 reallocation as part of an interim rule, and some other  
45 committee members concurred. Another committee member thought  
46 it imprudent to shift allocation to the recreational sector, due  
47 in part to the uncertainty in the precision of those landings  
48 and discards.

1  
2 **The committee recommends, and I so move, in Action 1 of the**  
3 **proposed interim rule, to make Alternative 2 the preferred**  
4 **alternative.** That motion carried without opposition. Mr.  
5 Chair.

6  
7 **CHAIRMAN DIAZ:** Okay. We have a committee motion. Is there any  
8 discussion on the motion? Seeing none, is there any opposition  
9 to the motion? Ms. Boggs, do you have a question?

10  
11 **MS. BOGGS:** I apologize, and I'm trying to find the document,  
12 and so what was Alternative 2?

13  
14 **CHAIRMAN DIAZ:** Bernie, would it be possible to paste that  
15 alternative underneath the motion? We're going to hold on until  
16 that gets on the board, and then we'll vote this up or down.  
17 Mr. Rindone.

18  
19 **MR. RINDONE:** Thank you, Mr. Chair. Simply, for Alternative 2,  
20 it maintains the same sector allocation scenario that's on the  
21 books right now for gag, and so 39 percent commercial and 61  
22 percent recreational, and it applies that to the projections to  
23 get the catch limit recommendations for the interim rule.

24  
25 **CHAIRMAN DIAZ:** Okay. Are you happy with that, Ms. Boggs? All  
26 right. Any further discussion? Then we're going to vote on the  
27 motion. **Is there any opposition to the motion? Seeing no**  
28 **opposition, the motion carries.** Dr. Frazer.

29  
30 **DR. FRAZER:** Thank you, Mr. Chair. A committee member talked  
31 about the recreational season start date, noting that the FWC  
32 agreed to remove the special spring season in the four-county  
33 area in the Big Bend if the council selected the longest fishing  
34 season possible for the interim rule.

35  
36 Another committee member identified that the landings, as  
37 reported by MRIP, would not be available until after the  
38 recreational season is predicted to be closed for any of the  
39 alternatives in Action 2. The committee member thought that the  
40 probability for a substantial recreational quota overage  
41 existed, and that such an overage would ultimately also penalize  
42 the commercial fishermen. Committee members expressed some  
43 concern about a compressed recreational fishing season and  
44 creating a derby fishery akin to past red snapper recreational  
45 fishing seasons.

46  
47 **The committee recommends, and I so move, in Action 2 of the**  
48 **proposed interim rule, to make Alternative 2 the preferred**

1 **alternative, with a season closure date of November 10<sup>th</sup>.** That  
2 motion carried with one in opposition.

3  
4 **CHAIRMAN DIAZ:** All right. We have a committee motion. Is  
5 there any discussion on the motion? Mr. Dugas.

6  
7 **MR. DUGAS:** A question for Ryan. Ryan, can you state this  
8 alternative?

9  
10 **MR. RINDONE:** Alternative 2 was the September 1 season opening,  
11 and it was in the analysis that was provided by SERO in Mr.  
12 Lures' presentation that would have the longest season duration,  
13 and it was eighty to ninety days, depending on which alternative  
14 was selected in Action 1, and the earliest that it would close,  
15 under Alternative 2, was shown to be November 10, based on the  
16 season duration analysis, and so, in an effort to be a little  
17 bit more conservative, you guys had selected November 10 as the  
18 closure date, to help try and buffer it a little bit, to ensure  
19 that the earliest -- To decrease the probability of it being  
20 over, acknowledging that looking at this with MRIP, or even with  
21 SRFS, with the closure date being in the middle of the month,  
22 it's going to be difficult to hit the nail on the head.

23  
24 **CHAIRMAN DIAZ:** Okay. Any further discussion? **Seeing none, is**  
25 **there any opposition to the motion? Seeing no opposition, the**  
26 **motion carries.** Dr. Frazer.

27  
28 **DR. FRAZER:** In the event the FWC does not suspend the special  
29 spring season, it is possible that the available recreational  
30 ACL, based on Alternative 2 in Action 1, would be landed prior  
31 to the federal season opening of September 1. In that event,  
32 there would be no federal season. A committee member asked  
33 whether FWC could implement a tag system for gag grouper similar  
34 to the goliath grouper harvest program. FWC replied that they  
35 thought it unlikely that such a program was possible to  
36 implement for gag grouper in the short term.

37  
38 **The committee recommends, and I so move, to request that NOAA**  
39 **Fisheries implement interim measures to reduce overfishing of**  
40 **gag grouper that include actions related to catch limits and**  
41 **seasons: Alternative 2 of Action 1 and to open the recreational**  
42 **fishing season on September 1 and close it on November 10<sup>th</sup>.**  
43 That motion carried without opposition.

44  
45 **CHAIRMAN DIAZ:** Okay. We have a committee motion. Is there any  
46 discussion on the motion? Okay. Ms. Muehlstein, can you give  
47 us your public comments, before we vote on this motion, please?

1 **MS. MUEHLSTEIN:** I would be delighted to do that. The comments  
2 that we received are in the exact same place that the greater  
3 amberjack comments are, and you can find them, on your meetings  
4 material page, under the Public Testimony item, and there is a  
5 bulleted point that says, "General Public Comments", and that's  
6 where we're storing these as well.

7  
8 We did get a number of comments on this gag interim rule, and I  
9 will just quickly summarize what we heard. We were told that we  
10 should maintain the current allocations or increase allocation  
11 to accountable sectors, and they were referencing the commercial  
12 and for-hire sectors there, and we heard that an interim rule is  
13 an inappropriate vehicle for reallocation.

14  
15 We also heard support for adjusting the allocation based on the  
16 MRIP-FES numbers, which would result in a 79.5 recreational  
17 allocation and 20.5 commercial allocation. Next, we heard  
18 support for maintaining the June 1 recreational opener and a  
19 reduction to a one-fish-per-person bag limit, rather than what  
20 is being considered, and we heard support for opening a  
21 recreational season in the fall, when the fish are in shallow,  
22 to allow the longest possible open season. Finally, we, pretty  
23 much overall from those comments, did hear support for a quota  
24 reduction, and that summarizes what we got.

25  
26 **CHAIRMAN DIAZ:** Any discussion on the motion? Seeing no  
27 discussion, is there any opposition to the motion? I'm sorry.  
28 This is a roll call vote. Dr. Froeschke.

29  
30 **DR. FROESCHKE:** Mr. Riechers.

31  
32 **MR. RIECHERS:** Yes.

33  
34 **DR. FROESCHKE:** Mr. Anson.

35  
36 **MR. ANSON:** Yes.

37  
38 **DR. FROESCHKE:** Dr. Shipp.

39  
40 **DR. SHIPP:** Yes.

41  
42 **DR. FROESCHKE:** Mr. Dyskow.

43  
44 **MR. DYSKOW:** Yes.

45  
46 **DR. FROESCHKE:** Mr. Strelcheck.

47  
48 **MR. STRELCHECK:** No.

1  
2 **DR. FROESCHKE:** Dr. Frazer.  
3  
4 **DR. FRAZER:** Yes.  
5  
6 **DR. FROESCHKE:** Ms. Bosarge.  
7  
8 **MS. BOSARGE:** Yes.  
9  
10 **DR. FROESCHKE:** Mr. Williamson.  
11  
12 **MR. WILLIAMSON:** Yes.  
13  
14 **DR. FROESCHKE:** Dr. Sweetman.  
15  
16 **DR. SWEETMAN:** Yes.  
17  
18 **DR. FROESCHKE:** Mr. Gill.  
19  
20 **MR. GILL:** Yes.  
21  
22 **DR. FROESCHKE:** Mr. Broussard.  
23  
24 **MR. BROUSSARD:** Yes.  
25  
26 **DR. FROESCHKE:** General Spraggins.  
27  
28 **GENERAL SPRAGGINS:** Yes.  
29  
30 **DR. FROESCHKE:** Mr. Dugas.  
31  
32 **MR. DUGAS:** Yes.  
33  
34 **DR. FROESCHKE:** Ms. Boggs.  
35  
36 **MS. BOGGS:** Yes.  
37  
38 **DR. FROESCHKE:** Dr. Stunz.  
39  
40 **DR. STUNZ:** Yes.  
41  
42 **DR. FROESCHKE:** Mr. Diaz.  
43  
44 **CHAIRMAN DIAZ:** Yes.  
45  
46 **DR. FROESCHKE:** **It's fifteen yes, one no, and one absent.**  
47  
48 **CHAIRMAN DIAZ:** All right. **The motion carries.** Dr. Frazer.

1  
2 **DR. FRAZER:** Thank you, Mr. Chair. The next item is the IFQ --

3  
4 **CHAIRMAN DIAZ:** Go ahead, Ms. Bosarge.

5  
6 **MS. BOSARGE:** Mr. Chairman, when you bring the rebuilding plan  
7 document, I won't be around, but one thing I learned, when I was  
8 studying this time for the meeting, that I found very  
9 interesting and helpful to me, and I actually learned it during  
10 amberjack, when I was looking at minimum size limits that we've  
11 had in place on those fish for each sector from the beginning of  
12 management for each one of them, right, and I think that would  
13 be helpful to put in a table in any rebuilding plan that we  
14 bring to the council, and, right next to that, put the size at  
15 maturity, sexual maturity, next to that table.

16  
17 It just will -- It will cause us to step back and take a look at  
18 it and say, okay, are we harvesting fish before they have a  
19 chance to reproduce, and I think that's important to look at for  
20 a stock that's overfished, that you're trying to rebuild, and I  
21 didn't get to make my positive comment during amberjack, and I  
22 was going to tell you that we just recently finally stopped  
23 harvesting fish that were not sexually mature in all sectors,  
24 and we so bumped up that size on the recreational side, and I  
25 think we've got a good shot at rebuilding amberjack, finally.

26  
27 If we can constrain the catch to the catch limit and let those  
28 fish reproduce, I think we'll do good work, and we'll finally  
29 rebuild them, and so I've got every faith in you all, but, if we  
30 can put that in the document, the rebuilding plans, I think  
31 that's a really good thing to just stop and look at in a plan  
32 like that.

33  
34 **CHAIRMAN DIAZ:** I like your optimism, Ms. Bosarge. Dr. Frazer.

35  
36 **DR. FRAZER:** I too like your optimism, Leann. The IFQ Focus  
37 Group Update, staff informed the committee that the IFQ Focus  
38 Group will meet August 2 and 3, 2022, at the council office in  
39 Tampa.

40  
41 The next item is Review of Southeast Fisheries Science Center  
42 Analysis of Historical Red Grouper Stock Assessments using  
43 Alternative Marine Recreational Information Program Landings  
44 Data, Tab B, Number 10(a) and (b), Dr. Jim Nance, the SSC Chair,  
45 presented an overview of the Southeast Fisheries Science  
46 Center's analysis of historical red grouper stock assessments  
47 using alternative recreational landings data, as well as the  
48 SSC's discussion of that analysis, Tab B, Number 10(a).

1  
2 Discussion of Goliath Grouper Closure and Federal Catch Limits,  
3 Tab B, Number 10(a) and (b), Dr. Nance reviewed the SSC's May  
4 2022 discussion of the goliath grouper federal closure and  
5 federal catch limits, as was requested of the SSC by the council  
6 in April 2022.

7  
8 The SSC also reviewed the proposed limited harvest program  
9 recently approved in state waters by the Florida FWC. The  
10 Southeast Regional Office indicated that the FWC state waters  
11 limited harvest of goliath grouper is outside of the federal  
12 management purview. Only 200 harvest tags for goliath grouper  
13 between twenty-four inches and thirty-six inches total length  
14 will be distributed via lottery, with tags attached to each  
15 harvested fish.

16  
17 The SSC discussed exploring what modeling approaches may be  
18 feasible for goliath grouper, as it may be informative not only  
19 for goliath grouper management, but also for other species which  
20 have been closed to harvest for extended time periods. The SSC  
21 requested that the council consider adding representatives from  
22 the Gulf Council's SSC to the South Atlantic Council's SSC  
23 workgroup, in an effort to develop a cooperative workgroup  
24 focused on establishing a method for evaluating catch limits for  
25 federally-managed species currently closed to harvest, including  
26 goliath grouper.

27  
28 A committee member asked about the timeline of the efforts for  
29 such a workgroup. Dr. Nance replied that the South Atlantic  
30 Council's SSC has already convened such a workgroup and that the  
31 SSC's request is to collaboratively join those efforts. At this  
32 time, the timeline of anticipated deliverables for this  
33 workgroup is unknown.

34  
35 The committee asked about the number of participants. Dr. Judd  
36 Curtis, from the South Atlantic Council Staff, replied that  
37 there are currently five members of the South Atlantic Council  
38 SSC on the workgroup and that the Gulf Council might consider  
39 supporting a similar number of its own SSC members. A committee  
40 member discussed their support for this workgroup in its work on  
41 goliath grouper, but may feel differently if the same were  
42 applied to red drum.

43  
44 **The committee recommends, and I so move, to add up to five**  
45 **representatives from the Gulf SSC to the South Atlantic Council**  
46 **SSC workgroup, in an effort to develop a cooperative workgroup**  
47 **focused on establishing a method for evaluating catch limits for**  
48 **federally-managed species currently closed to harvest, including**

1 **southeastern U.S. goliath grouper.** The motion carried with two  
2 opposed. Mr. Chair.

3  
4 **CHAIRMAN DIAZ:** All right. We have a committee motion. Is  
5 there any discussion on the motion? Mr. Dyskow.

6  
7 **MR. DYSKOW:** Thank you, Chairman Diaz. I oppose this motion,  
8 not because I have any heartburn over the issue of goliath  
9 grouper, but my concern was where is this going to go next, and  
10 I suspect that next on their list is red drum, and that's a  
11 whole different issue than goliath grouper, and I wish there was  
12 some way that we could limit this motion to goliath grouper  
13 only, as opposed to leaving the door open to move on to other  
14 species, which we may have a totally different opinion about.

15  
16 **CHAIRMAN DIAZ:** Ms. Boggs.

17  
18 **MS. BOGGS:** I understand what Mr. Dyskow is saying, and this is  
19 something that is -- It's not a targeted fishery, obviously, for  
20 the charter fleet, but they do catch some, periodically,  
21 offshore, and they said it would be nice to be able to retain  
22 them, so that they're not releasing them, or discarding them,  
23 and watching them float off. I don't think the charter fleet  
24 would look for it as a targeted fishery, more than just  
25 incidental catch, so they're not killing these species, and  
26 that's just a thought.

27  
28 **CHAIRMAN DIAZ:** Thank you, Ms. Boggs. Mr. Gill.

29  
30 **MR. GILL:** Thank you, Mr. Chairman, and so I understand what Mr.  
31 Dyskow is saying, but I see the motion differently than he, and  
32 he is correct, and evaluating that for red drum, as possible  
33 management measures, is a different issue, and that's not the  
34 question in this motion. The question in this motion is, if you  
35 take zero-harvest species, of whatever sort, how do you gain  
36 back the question of whether you want to open it up to the  
37 actions of scientific data, and that's not related to species  
38 directly, and that's a science question, and I support the  
39 motion.

40  
41 **CHAIRMAN DIAZ:** I am going to make a quick comment, and, we're  
42 not that far away from not being able to harvest amberjack and  
43 gag at this point, and so this could be some work that might  
44 influence some of that. Mr. Williamson, and then Dr. Porch is  
45 next.

46  
47 **MR. WILLIAMSON:** I think the states have significant data on  
48 measuring red drum populations. Focusing on the catching of red

1 drum in federal waters is kind of like the camel in the  
2 sandstorm wanting to stick his nose under the tent of the Arab,  
3 and, the next morning, the camel is in the tent with the folks,  
4 and I think it's just opening a door that is unnecessary.

5  
6 **CHAIRMAN DIAZ:** Dr. Porch.

7  
8 **DR. PORCH:** I don't have any particular issue with this motion,  
9 and, I mean, this is just an example of a suite of data-limited  
10 approaches, and so I don't know that they will actually come up  
11 with anything especially new, and I can't resist saying that the  
12 assessment approach that the State of Florida has been using  
13 addresses this exactly. That's what it was designed for, is  
14 cases where you don't have catch.

15  
16 **CHAIRMAN DIAZ:** Mr. Dyskow.

17  
18 **MR. DYSKOW:** Thank you, Mr. Chairman. Would it be appropriate  
19 for me to offer a substitute motion?

20  
21 **CHAIRMAN DIAZ:** You most certainly can offer a substitute  
22 motion.

23  
24 **MR. DYSKOW:** I would offer a substitute motion exactly like this  
25 one, but taking out the word "including", and just have it say  
26 "closed to harvest" -- I guess we want to wordsmith the sentence  
27 to limit it to goliath grouper. Where it says, "including  
28 goliath grouper", but leaves it open to other species, and,  
29 basically, limit it to southeastern U.S. goliath grouper.  
30 Limited to southeastern U.S. goliath grouper.

31  
32 **CHAIRMAN DIAZ:** Ms. McCawley, you had your hand up, and I guess  
33 I better get a second for this, first. Let's make sure the  
34 wording is right, Mr. Dyskow, and you tell me when you're  
35 comfortable with it. All right and so we have a motion. Is  
36 there a second for the motion? It's seconded by Mr. Williamson,  
37 and so is there any discussion? Ms. McCawley.

38  
39 **MS. MCCAWLEY:** The South Atlantic Council discussed this last  
40 week, and I guess I would just caution the Gulf Council to  
41 limiting it only to goliath grouper. They have a number of  
42 species on the South Atlantic side that they were wanting to  
43 work on, and one of them is warsaw, and so they were trying to  
44 find something -- Yes, this has started because of goliath, but  
45 they were trying to find something that would work for multiple  
46 species, and so it just seems, if we're going to go to the  
47 difficulty of putting this workgroup together, that you would  
48 want to find something that doesn't just work for goliath and

1 that might work for other species. This has already been  
2 passed, and a very similar motion passed by the South Atlantic.

3  
4 **CHAIRMAN DIAZ:** Thank you, Ms. McCawley. Mr. Rindone.

5  
6 **MR. RINDONE:** Thank you, Mr. Chair. I just also wanted to point  
7 out that this is a present South Atlantic Council SSC workgroup  
8 that we are trying to join, and they already have designated  
9 instructions from their council, like Ms. McCawley said, to look  
10 at species that are currently closed to harvest, including  
11 goliath groper, and apparently also warsaw and some others.

12  
13 Also, whatever recommendations that this workgroup develops,  
14 obviously, they would be considered by the council, and, if the  
15 council chose to keep its current management situation in place  
16 for a species that was closed to harvest, like red drum, and  
17 certainly that council could do so in its jurisdiction, and so  
18 it's kind of two-pronged, right? Like this is their workgroup  
19 that we're trying to join, and, just because they decide to do  
20 something or not do something with red drum, it doesn't mean the  
21 council has to do something or not do something.

22  
23 **CHAIRMAN DIAZ:** Thank you, Mr. Rindone. Mr. Dyskow, you had  
24 your hand up?

25  
26 **MR. DYSKOW:** Thank you. Based on what Mr. Rindone said, maybe  
27 this substitute motion is meaningless, but the spirit and intent  
28 of what I'm trying to do is hold back the horses of those groups  
29 that want to open red drum in the Gulf of Mexico, because I  
30 think there would be overwhelming support against that. **I will**  
31 **withdraw the motion.**

32  
33 **CHAIRMAN DIAZ:** Okay. Is the seconder okay with that?

34  
35 **MR. WILLIAMSON:** I'm fine with that. I think what I would  
36 propose is that, in the original motion, that we put in there  
37 "excluding red drum", and that would leave it open to all the  
38 other species. I know we're fighting an uphill battle here, but  
39 I agree with Phil wholeheartedly. It's opening a door that  
40 doesn't need to be opened.

41  
42 **CHAIRMAN DIAZ:** Thank you, Mr. Williamson. Mr. Dugas.

43  
44 **MR. DUGAS:** My question was for Jessica or Ryan. Do you all  
45 know what other species the South Atlantic is involving?

46  
47 **MR. DYSKOW:** Well, the only one that Dr. Nance mentioned  
48 specifically yesterday was red drum. That was next on the list,

1 according to him.

2  
3 **CHAIRMAN DIAZ:** Ms. McCawley.

4  
5 **MS. MCCAWLEY:** I just want to point out that the South Atlantic  
6 Council does not manage red drum. They do not have an FMP for  
7 that, and they have no intention of managing red drum in federal  
8 waters. Warsaw is one of the ones that they are looking at, but  
9 this was all because of goliath grouper, and so the intent -- We  
10 were asking them -- FWC was asking them to start with goliath  
11 grouper.

12  
13 **CHAIRMAN DIAZ:** Okay, and so the substitute motion has been  
14 withdrawn, and so we're going to go back to the original motion.  
15 Is there any discussion on the original motion? **Seeing no**  
16 **discussion, is there any opposition to the original motion? The**  
17 **motion carries.** Dr. Frazer.

18  
19 **DR. FRAZER:** Thank you, Mr. Chair. The next item is Return 'Em  
20 Right, Tab B, Number 12. Mr. Nick Haddad, with Florida Sea  
21 Grant, reviewed the development and rollout of the Return 'Em  
22 Right program, which aims to increase survival of reef fish that  
23 are caught and released in the Gulf.

24  
25 Project partners include Florida Sea Grant, Gulf States Marine  
26 Fisheries Commission, National Marine Fisheries Service, and a  
27 coalition of anglers, industry groups, state agencies,  
28 universities, and non-government organizations. The project  
29 provides training and gear to Gulf anglers to improve the  
30 survival of reef fish and benefit the health of the fisheries.  
31 The committee requested that Mr. Haddad return in January 2023  
32 to inform the council about the continued progress of Return 'Em  
33 Right. Other Business, no other business was brought before the  
34 Committee. Mr. Chair, this concludes my report.

35  
36 **CHAIRMAN DIAZ:** Thank you, Dr. Frazer. Is there any other  
37 business to come before the Reef Fish Committee? I've got a few  
38 hands. Mr. Anson, Mr. Strelcheck, Mr. Gill. Mr. Anson.

39  
40 **MR. ANSON:** I sent the motion to staff, if they can bring that  
41 up, please. **Mr. Chair, my motion is to have the SSC review**  
42 **state private recreational red snapper calibration rates, using**  
43 **more recent state survey data, and provide a recommendation to**  
44 **the council on changes to ratios, if necessary, prior to the**  
45 **January 2023 council meeting.**

46  
47 **CHAIRMAN DIAZ:** Okay, and so we have a motion. Is there a  
48 second to the motion? It's seconded by Dr. Shipp. All right.

1 Can you give some rationale, Mr. Anson?

2

3 **MR. ANSON:** Yes, and so -- Certainly, Andy, if you want to  
4 chime-in, you can, but, based on a comment you had made earlier  
5 in the week, relative to the council can request to have the  
6 state calibration ratios reassessed, or reevaluated, that was up  
7 to the council, as I recall him saying, and so I'm using this  
8 motion to try to do that.

9

10 We have made comments at this meeting, as well as previous  
11 meetings, that, for Alabama, there is -- If you use more recent  
12 time series, or years of data, the state calibration ratio would  
13 be different than what it is currently listed, or provided, in  
14 those two years that were used during the initial review and  
15 approval for the simple calibration ratio method, and so that's  
16 all I'm suggesting, is to use the same methodology that was used  
17 for the current calibration ratios that have been identified for  
18 future management, but using a more recent time series that  
19 reflects a fishery that probably is a little more realistic, in  
20 as much as a time period, and we've all been exposed to, you  
21 know, how the federal survey responds to compression of days, or  
22 effort, and how that may have an impact on landings and such,  
23 and so that's all I'm requesting and attempting.

24

25 I put the time period in there, just so that there is a time  
26 certain that we'll have the information. What I'm a little  
27 unclear about is whether or not that's an appropriate date for  
28 us to take management action on, and, also, in light of the  
29 potential use of having those revised, if they in fact are  
30 revised, state ratio calibration ratios, if they're different  
31 for use possibly in the assessment, and so we would like any  
32 comments from Andy or Dr. Porch.

33

34 **CHAIRMAN DIAZ:** Okay. Thank you, Mr. Anson. Mr. Strelcheck.

35

36 **MR. STRELCHECK:** During the Reef Fish Committee, I did make a  
37 comment about -- Related to it's within the council's purview to  
38 reevaluate calibration ratios and allocations, and Kevin had,  
39 obviously, provided some perspective, based on what he's seeing  
40 with Alabama, in terms of information, and so certainly I think  
41 it's appropriate to be able to bring this back to the SSC for  
42 their review, right, and the question then becomes whether or  
43 not there would be changes made, what years are going to be  
44 used, and the CHTS is no longer being run, and so we no longer  
45 have that, and so we're having to back-calculate on that.

46

47 I don't know what the end outcome is, but I think it's a  
48 reasonable motion. I think the one question that I would have

1 for Clay is, you know, the scientific review that took place  
2 also involved independent peer review, and I think, Kevin, what  
3 you're implying is you would like kind of more of just an update  
4 on what's already been kind of approved, in terms of how that  
5 calibration was calculated, and so do you see this as needing  
6 additional peer review beyond the SSC, Clay?

7  
8 **DR. PORCH:** I think probably. First of all, I think the  
9 technical staff that have been working on this, the consultants,  
10 would need to work with the state personnel and then come up  
11 with the new estimates, what they are, what years we're going to  
12 use, and everything else, and then they would come up with a  
13 recommendation, and then the SSC would review it, just like they  
14 did in the past. Whether that could be done prior to the  
15 January 2023 council meeting, I can't answer.

16  
17 **CHAIRMAN DIAZ:** Mr. Anson, to that point?

18  
19 **MR. ANSON:** To that point, yes, and that's essentially all I was  
20 looking for with this motion, was for the states to supply the  
21 landings information and plug those in, and whether or not it's  
22 the whole time series, the most recent years, and I think that  
23 would be kind of up for discussion for the SSC, as part of their  
24 recommendation to the council, but, you know, certainly to have  
25 that data looked at and have those discussions.

26  
27 You have a point about whether or not consultants need to be  
28 involved, and I didn't think it was really necessary for the  
29 consultants to be involved, because I don't think they would  
30 have much new information to provide, relative to the statistics  
31 part of it, but certainly the expertise that the SSC provides  
32 regarding, you know, the population and that type of thing,  
33 would, I think, be part of their discussion, relative to the  
34 whole time series and such, but, again, my point was, you know,  
35 going back to what I had mentioned earlier, on Tuesday, was that  
36 the MRIP survey, throughout its iterations, has not been very  
37 good at short-season estimation and landings, and so, you know,  
38 once you get outside of a short season -- A short season may be  
39 different to different people, but certainly, as we're getting  
40 more into a four or five-month season, the landings, at least  
41 for Alabama, have gone down significantly.

42  
43 **CHAIRMAN DIAZ:** Mr. Rindone.

44  
45 **MR. RINDONE:** Thank you, Mr. Chair. Based on what Mr. Anson is  
46 saying, and based on what Dr. Porch said, it seems like, before  
47 we can nail a date down of when we would do this, which we  
48 probably need to gauge the availability of the consultants to be

1 able to look at any of this prior to it coming to the SSC, and  
2 we certainly wouldn't want to get stuck in some kind of  
3 circuitous feedback loop, where it keeps having to go back and  
4 forth.

5  
6 That being said, the September agenda for the SSC is pretty  
7 packed, and I lack the time to properly dedicate to something  
8 like this, and I wouldn't want to try and squeeze it in, which  
9 pushes us to the January SSC meeting, and, again, without  
10 knowing the availability of the consultants and getting the  
11 states together to be able to talk about whatever changes they  
12 are proposing for their ratios, based on time series of landings  
13 and what time series they want to use, if there are waves to  
14 exclude, and like I know that we've talked about, in the past,  
15 for certain years, and it seems like that some of that -- It  
16 might be useful, for efficiency, to flesh that out in advance,  
17 before we schedule and actually have it.

18  
19 The data needs to be lined up, and the consultants need to be  
20 lined up, and whatever powwow needs to happen between the states  
21 and the consultants, and then, when there is a reviewable  
22 product to the bring to the SSC, because the SSC itself does not  
23 perform those analyses, and they review the final work product.

24  
25 **CHAIRMAN DIAZ:** Thank you, Mr. Rindone. Mr. Gill.

26  
27 **MR. GILL:** Thank you, Mr. Chairman. I am wondering, Kevin, if  
28 you would be amenable to deleting everything from "prior" on and  
29 put "at the earliest opportunity", so that we don't get hung up  
30 on dates. That's my suggestion.

31  
32 **CHAIRMAN DIAZ:** Dr. Froeschke.

33  
34 **DR. FROESCHKE:** We were just talking about that, in order for  
35 the staff to convene the SSC and facilitate this motion, we're  
36 going to be relying on some other things, and so if we could  
37 perhaps revise this, and so, when the data are available and  
38 then reviewed by the consultants or something, then we would  
39 schedule this to be reviewed by the SSC.

40  
41 **CHAIRMAN DIAZ:** Dr. Simmons.

42  
43 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair. We went back  
44 through the log file regarding letters we sent to NOAA S&T after  
45 the SEDAR Committee, and, in regard to Mr. Anson's question  
46 about his motion, and it looks like we did not write that letter  
47 to NOAA S&T regarding this request, because Dr. Cody said that  
48 this was one of the things that the MRIP Transition Team was

1 going to be working on, and, therefore, we did not send a letter  
2 at that time, and that was in October of 2021.

3  
4 In regard to that, it seems, from the agendas, and perhaps from  
5 some of the report, that the transition team has started to work  
6 on this, but I'm just not really sure what recommendations the  
7 consultants have made on this, and so perhaps that's where we  
8 should start with this, and not maybe redo what's already been  
9 done, and I'm a little confused on that, and so maybe Dr. Porch  
10 and Dr. Cody could help us with that. Thank you.

11  
12 **CHAIRMAN DIAZ:** Mr. Anson, to that point?

13  
14 **MR. ANSON:** Yes, and so this motion is somewhat tied to that  
15 motion from the August 2021 meeting, and that motion from the  
16 2021 meeting was a little bit more involved than this motion,  
17 and that one involved a little bit more analysis and a little  
18 bit more, potentially, of a lift for consultants, and it was in  
19 preparation for use in the assessment, as part of an assessment  
20 run, if you will, using state data and converting that  
21 historical data prior to the state survey data and using  
22 calibrations to back-calculate that, so you have the whole time  
23 series of data.

24  
25 That, apparently, is not going forward for this assessment, or  
26 at least being explored in the research track assessment, and so  
27 all this is for our pending management with using the state  
28 survey data to calibration the CHTS units for the next fishing  
29 year prior to the next assessment that's being conducted, and we  
30 have a new OFL, based on FES landings, and so, again, I don't  
31 see this as a -- I don't see consultants needing to be involved  
32 with this.

33  
34 They have already reviewed the use of the state survey data as a  
35 ratio against the CHTS data, and they have approved it. The SSC  
36 has already approved it, and all I'm saying, with this motion,  
37 is to use more recent information, which would reflect probably  
38 more of a realistic fishing season, and the more realistic  
39 fishing season seems to have an effect on the landings, and so  
40 that's all I'm saying is that would need to be done.

41  
42 I mean, if a consultant needs to be involved, then what Dr.  
43 Froeschke mentioned is probably a point that we need to take  
44 into consideration, but I am really trying to get this done, so  
45 that we have a chance to reevaluate the calibration that's going  
46 to be used for managing and monitoring the landings for the next  
47 fishing season, and so that's why I put it for January, so that  
48 it would be enough time to try to have that discussion in the

1 council, using that meeting, as well as potentially the April  
2 meeting, before we get to June and the state season starts.

3  
4 **CHAIRMAN DIAZ:** Mr. Rindone, to that point?

5  
6 **MR. RINDONE:** Yes, sir. To that point, and so, when we draft up  
7 any kind of management recommendation from you guys, and an  
8 amendment or framework action that ultimately gets sent to the  
9 Science Center to be certified as being consistent with BSIA,  
10 and so my question would be to Dr. Porch. Based on what Mr.  
11 Anson described, if all of that went as dictated, is that  
12 something that you guys would be able to certify as BSIA, based  
13 on the decisions by the consultants made prior to?

14  
15 **DR. PORCH:** I don't think that's the problem. The problem is,  
16 as you mentioned earlier, one, the SSC doesn't do these  
17 calculations, and I have not seen any new calculations, and then  
18 there's the subtleties having to do with which waves you use,  
19 and I don't know if any of those decisions would change with the  
20 newer data, and so I don't think it's just a plug-and-play here.

21  
22 **CHAIRMAN DIAZ:** Mr. Gill.

23  
24 **MR. GILL:** I've already spoken, Mr. Chairman.

25  
26 **CHAIRMAN DIAZ:** Okay. Sorry about that. Ms. Bosarge.

27  
28 **MS. BOSARGE:** Well, I had raised my hand for a totally different  
29 subject, and I'm just going to stand by.

30  
31 **GENERAL SPRAGGINS:** I appreciate Kevin bringing this up, and I  
32 do support what he's talking about. The one thing that -- You  
33 know, we have found -- We do have a consultant that we're  
34 bringing in, next month, as a matter of a fact, to help us with  
35 ours more, and so I would love to have that information, if we  
36 could, which I think we'll already have enough time to do it,  
37 and so that's not an answer, and I agree with the other part,  
38 you know, in the sense of we've kicked this can down the road a  
39 long time, and we've made some kind of commitment of January of  
40 2023.

41  
42 If there's any way possible, I would ask that the SSC and all  
43 look at it, and, if there's any way possible to have that, and,  
44 you know, we would like to do it sooner, and we would like to  
45 see things work the same way, and so I support that.

46  
47 **MR. ANSON:** My recollection is that, when the simple calibration  
48 ratio was determined, it was based on annual landings and

1 realizing that, at least in 2018 and 2019, for Alabama's case,  
2 you know, a twenty-eight-day season in 2018 and a forty, or  
3 forty-two, day season in 2019, and, granted, those were three-  
4 day and four-day weekends, and so it was more than just the one  
5 and two months, but it was annual.

6  
7 It wasn't waves. We didn't look at waves, and it was annual  
8 landings from each survey, and so, you know, we don't need to  
9 get in the weeds with waves. In my opinion, we don't need to  
10 get in the weeds with an analysis of waves and these types of  
11 things, and it's just an annual estimate at that point.

12  
13 **CHAIRMAN DIAZ:** All right, and so can you speak to that, Dr.  
14 Froeschke? I want to make sure that everybody understands.

15  
16 **DR. FROESCHKE:** Okay. I will try. I guess, just thinking from  
17 the staff, if -- The SSC doesn't compute the ratios, and so, if  
18 some other group, in some other form, computes the ratios and  
19 makes them available to the SSC, we'll get it on the agenda and  
20 have them reviewed, but, if they don't, then we're not going to  
21 be able to execute the motion, as it's written.

22  
23 **CHAIRMAN DIAZ:** Mr. Anson, to that point?

24  
25 **MR. ANSON:** To that point, yes, and it's longer than I thought  
26 it would take, Mr. Chair, and so, if this motion is passed by  
27 the council, then that would, you know, give some impetus to the  
28 agency to provide the states, or the states could provide the  
29 data to the agency, and the agency could then add that to the --  
30 Just add it into the simple division, or the equation, depending  
31 on how you look at it, but apply the ratio, or use those two  
32 estimates, to develop a ratio. There isn't much heavy lifting,  
33 as far as analysis, and we just need to get the data to the  
34 right people and someone do the simple calculation.

35  
36 **CHAIRMAN DIAZ:** All right. Dr. Frazer, and then we're going to  
37 vote on this, because we just have to, with the time concerns.  
38 Dr. Frazer.

39  
40 **DR. FRAZER:** Thank you, Mr. Chair, for allowing me a little bit  
41 of time. I think Andy made a good point, early on in the  
42 original committee meeting, right, that we should always  
43 continue to improve on these estimates, right, and I'm all for  
44 that, and what I don't understand on this process right now is  
45 how long it will take, and I don't think anybody actually does,  
46 but, if we move forward on this, and let's say it's in March, or  
47 April, that you finally get some revised calibration ratio,  
48 then, from the agency's perspective, how long would it take to

1 actually implement in the regulations, as it applies to the  
2 regulation?

3  
4 What I don't want to do, right, is to get into a situation where  
5 we say the ratio is in revision, and, until it's revised, we're  
6 not going to apply it. That's where I don't want to get, and so  
7 I need to be assured that in fact we're going to apply the  
8 ratios that we have for the January 2023 season that would be  
9 consistent with the actions that we've already passed.

10  
11 **CHAIRMAN DIAZ:** Mr. Strelcheck.

12  
13 **MR. STRELCHECK:** The way that, I guess, I'm thinking of this,  
14 Tom, is that we do have framework action before the agency, and  
15 I will say a proposed rule is imminent, with regard to the  
16 calibrations that were submitted to us previously, and we will  
17 go through that rulemaking between now and the end of the year.  
18 Presuming the agency moves forward with that and adopts that,  
19 those would be -- The calibrations would be in effect on January  
20 1, 2023, and then any changes, or updates, revisions, to the  
21 calibrations would come thereafter and would go through the  
22 council and be adopted and ultimately inform either the 2023  
23 fishing season, depending on timing, or, more likely, the 2024  
24 fishing season.

25  
26 **CHAIRMAN DIAZ:** Okay, and so we've had a lot of good discussion.  
27 We're going to go ahead and vote on the motion. I'm going to  
28 ask for a show of hands. **All in favor of the motion, signify by**  
29 **raising your hand; all opposed, like sign. The motion carries.**  
30 Dr. Frazer.

31  
32 **DR. FRAZER:** I think I'm done with the report, and I think Mr.  
33 Gill had his hand up for an additional discussion item.

34  
35 **CHAIRMAN DIAZ:** Thank you. I think we have Mr. Gill and Ms.  
36 Bosarge. Mr. Gill.

37  
38 **MR. GILL:** Thank you, Mr. Chairman. During committee discussion  
39 of Amendment 23, relative to AJs, we had some discussion on  
40 Alternative 6 in Action 1 and how it didn't fit with the other  
41 alternatives that were in place, and my sense, from that  
42 discussion, was that the committee thought that it belonged in  
43 Considered but Rejected, but we didn't do anything about it. **I**  
44 **would like to make a motion that, in Amendment 54, Action 1,**  
45 **Alternative 6 be moved to Considered but Rejected.**

46  
47 **CHAIRMAN DIAZ:** All right. We're going to take just a minute to  
48 get this motion on the board.

1  
2 **DR. FROESCHKE:** That's for greater amberjack, and it deals with  
3 the allocation and the catch limits, and this is the one that's  
4 based on holding the commercial allocation at the status quo in  
5 2022, at 484,380, I believe, and then the rest of it would go to  
6 the recreational sector, and that would establish an allocation  
7 of about 25 percent recreational and 75 percent commercial, and  
8 then you would use the allocation to carry out the yield stream  
9 forward.

10  
11 **CHAIRMAN DIAZ:** Thank you for that summary, Dr. Froeschke. The  
12 motion is -- I'm going to wait until the alternative gets on the  
13 board. I want to make sure that everybody is crystal clear on  
14 what we're voting on. In the meantime, is there any discussion?  
15 Well, first off, is there a second for the motion? It's  
16 seconded by Dr. Frazer. Is there any discussion on the motion?  
17 Ms. Bosarge.

18  
19 **MS. BOSARGE:** Okay. Well, I guess it sort of ties into what I  
20 was going to say, and I was going to make a more general  
21 statement, but, if you're looking at this document, and, I mean,  
22 I'm not in favor, honestly, of moving that much allocation to  
23 the commercial sector. However, what bothers me about the  
24 document is, if you take that out, that is the only alternative  
25 that increases commercial allocation whatsoever.

26  
27 There is one that will hold that allocation where it is  
28 currently, which is not a whole lot for commercial already, and  
29 everything else takes more and more and more out of the  
30 commercial sector and puts it in the recreational sector, and,  
31 actually, the overarching comment that I was going to make is on  
32 allocations in general.

33  
34 You know, I thought a lot of people gave some really good public  
35 testimony about maybe renaming the commercial sector to the  
36 consumer sector, and so what we do is to provide food to the  
37 population at-large, right, en masse, okay, and we don't take  
38 our fish home with us and only feed the people in our household.  
39 That is the fish that ends up in all the restaurants and the  
40 grocery store, and it gets spread out all over the country, to  
41 feed all the people of this country food that is a resource to  
42 all of the people in the country.

43  
44 What I'm seeing, in general, with the commercial fisheries is  
45 that, unfortunately, most of the commercially-valuable fisheries  
46 are on a downward trajectory right now, and, personally, I do  
47 not believe that is because the commercial fishermen are  
48 overharvesting and unaccountable, okay, but let's not focus on

1 why they're going down.

2  
3 The point is, as they're going down, we have to reduce quotas.  
4 The next thing that we're doing, that just magnifies the impact  
5 on the commercial sector, on the consumer sector, is that we are  
6 then going in and taking more fish away and changing the  
7 allocation, and so, at some point, we need to have a discussion  
8 about what a minimum allocation is in the commercial sector, to  
9 make sure that we can still have a food source for this country,  
10 because I am watching them go out of business.

11  
12 I am watching them fade into the sunset and go away. You have  
13 to have at least some minimum amount to keep the industry  
14 functioning, and, if we keep going down this road -- It's hard  
15 enough already, with the sustainability regulations that have  
16 been forthcoming from this council for forty years now, since  
17 Magnuson was implemented, because, if you look at what we've  
18 done, that is what we have done to keep our fishery sustainable,  
19 and we have capped commercial effort, and we have cut them back,  
20 and we make them report to the Nth degree, and that's fine.

21  
22 It kept everything sustainable for a while. However, it's not  
23 working anymore, and what that caused is for a lot of people to  
24 be removed from our commercial fishery, and this is -- That's  
25 the story that I guess I've never told you about myself, and so  
26 my -- We have a lot of talk about the reef fish commercial  
27 fishery and the IFQ, and there is people that, you know, are  
28 doing very well right now, and these other people don't have a  
29 chance, and we don't like this and that, but, you know what,  
30 that's what we had to do to rebuild those fisheries.

31  
32 My father was one of the men that was pushed out of that  
33 fishery, and I think we take light of the sacrifices that those  
34 men have made. Now, my father doesn't hold a grudge against any  
35 of those reef fish fishermen, and he understands that, to  
36 rebuild that stock, and to be able to have a supply of fish to  
37 keep the commercial industry viable, some people had to go away,  
38 and he was one of them, because he shrimped during part of the  
39 year, and he snapper fished during the rest of the year.

40  
41 Somebody had to go away, and he said, those men that rely purely  
42 on that red snapper fishery, let them stay in it, and I will  
43 find another way, and we're staring down the barrel of that  
44 again though, and you're going to take us out of this fishery  
45 for good this time if you don't come up with some sort of  
46 minimum threshold of allocation that we have to have to maintain  
47 an industry, and so, as we're going through these documents, and  
48 I see absolutely no alternatives that shift allocation into the

1 less-risky sector, that we know we can constrain catch in, and  
2 it keeps pushing it to the sector we can't control --

3  
4 Red grouper, we're trying to rebuild, and what did we just do  
5 last year in red grouper? The rec sector caught a-hundred-  
6 seventy-something percent of its red grouper quota, and is that  
7 rebuilding the population that we just cut the commercial  
8 fishermen out of again and pulled them in and said you can't  
9 catch them?

10  
11 Hell, no. We still killed all those fish, and they just didn't  
12 get to make a living doing it, and so, at some point, we have to  
13 have a minimum threshold. If you want to take this out -- I  
14 don't think it should be that big of a shift, but we have to  
15 have a conversation about moving some fish into the sector that  
16 you can control, and you can maintain your catch limits at, if  
17 we're going to rebuild these fisheries and make sure those men  
18 can still make a living.

19  
20 **CHAIRMAN DIAZ:** Okay. We have a motion on the board. Is there  
21 any further discussion on the motion? Now that the motion is  
22 up, is everybody clear what the motion is doing? All right.  
23 People are shaking their heads. I am going to ask for a show of  
24 hands. **All in favor of the motion on the board, please signify**  
25 **by raising your hand; all opposed, like sign. The motion**  
26 **carries.** I have a couple more people on the list. Mr.  
27 Strelcheck.

28  
29 **MR. STRELCHECK:** Thanks, Dale. I just wanted to say a word of  
30 thanks to this council. You've had very difficult decisions  
31 before you this week, with the emergency rule for amberjack and  
32 the interim rule for gag. Those are not easy decisions, and I  
33 know they weren't taken lightly, and we will work to implement  
34 those actions very quickly.

35  
36 Amberjack, in particular, I ask for the help of not only the  
37 council, but the states, because we are changing that August 1  
38 opening date, and we're going to need to get the word out and  
39 let people know of that change, and I expect the emergency  
40 rulemaking might come right down to the wire, unfortunately, in  
41 terms of when we can publish it, and so, if you can, please  
42 communicate out with your constituents, with our constituents,  
43 as much as possible, to let them know about that change in the  
44 opening date for amberjack, and then we'll keep you apprised,  
45 obviously, as the interim rule progresses for gag grouper, but  
46 thank you very much for the work this week.

47  
48 **CHAIRMAN DIAZ:** Thank you, Andy. All right. Is there any other

1 business to come before the Reef Fish Committee? Ms. Bosarge.

2  
3 **MS. BOSARGE:** One more question, and so that commercial gray  
4 trigger trip limit that I've been hearing just about at every  
5 meeting, and the fishermen have been asking, when will we see  
6 the commercial document, when will we see the commercial  
7 document, and we haven't been able to meet our quota in two  
8 years, even though it's out there for us to catch, and we don't  
9 have the ability, from a regulatory standpoint, and when will we  
10 see that, please?

11  
12 **CHAIRMAN DIAZ:** Dr. Froeschke.

13  
14 **DR. FROESCHKE:** You will see that at the next meeting, and it's  
15 on the action schedule. We have a presentation on there at this  
16 point for August, with draft options in October.

17  
18 **CHAIRMAN DIAZ:** All right. I am not seeing any other hands up  
19 for the Reef Fish Committee, and so we're going to move out of  
20 Reef Fish. The next committee on the agenda is Data Collection.  
21 Ms. Boggs, are you ready?

22  
23 **MR. STRELCHECK:** Susan, I'm getting an error message on our end.

24  
25 **CHAIRMAN DIAZ:** I can do the Gulf SEDAR report, if you want me  
26 to, and we can come back to you.

27  
28 **DATA COLLECTION COMMITTEE REPORT**

29  
30 **MS. BOGGS:** I was putting in our triggerfish that we couldn't  
31 keep. Okay. The Data Collection Committee report, the  
32 committee adopted the agenda, Tab F, Number 1, and approved the  
33 minutes of the April 2022 meeting, Tab F, Number 2.

34  
35 Final Action: Modification to Location Reporting Requirements  
36 for For-Hire Vessels, Tab F, Number 4(a) through (c). The  
37 committee reviewed the public comment report and codified text  
38 for a framework action to address unforeseen malfunctions with  
39 required vessel monitoring system (VMS) equipment in the  
40 Southeast For-Hire Integrated Electronic Reporting (SEFHIER)  
41 program.

42  
43 A committee member asked how quickly procedures for handling VMS  
44 exemptions could be implemented, and SERO staff responded the  
45 development was ongoing with the goal of completing those  
46 procedures by publication of the final rule. A question was  
47 asked regarding whether a SEFHIER participant who also holds a  
48 state for-hire permit would be able to operate in state waters

1 if the VMS failed and all exemption opportunities had been  
2 exhausted.

3  
4 General Counsel clarified that, in that instance, the individual  
5 would be restricted to their federal for-hire permit regulations  
6 and would not be able to go out on a fishing trip until their  
7 VMS unit was operational. The committee also reviewed the  
8 framework document, including the preferred alternatives, and  
9 made no changes.

10  
11 **The committee recommends, and I so move, to recommend the**  
12 **council approve the Framework Action: Modification to Location**  
13 **Reporting Requirements for For-Hire Vessels and that it be**  
14 **forwarded to the Secretary of Commerce for review and**  
15 **implementation and deem the codified text as necessary and**  
16 **appropriate, giving staff editorial license to make the**  
17 **necessary changes in the document. The Council Chair is given**  
18 **the authority to deem any changes to the codified text as**  
19 **necessary and appropriate. Mr. Chair.**

20  
21 **CHAIRMAN DIAZ:** Thank you, Ms. Boggs. All right, and so we have  
22 a committee motion. Is there any discussion on the motion?  
23 Seeing none, this is a roll call vote. Dr. Froeschke.

24  
25 **DR. FROESCHKE:** Mr. Banks is absent. Ms. Bosarge.

26  
27 **MS. BOSARGE:** Yes.

28  
29 **DR. FROESCHKE:** Mr. Strelcheck.

30  
31 **MR. STRELCHECK:** Yes.

32  
33 **DR. FROESCHKE:** Mr. Williamson.

34  
35 **MR. WILLIAMSON:** Yes.

36  
37 **DR. FROESCHKE:** Mr. Gill.

38  
39 **MR. GILL:** Yes.

40  
41 **DR. FROESCHKE:** Dr. Shipp.

42  
43 **DR. SHIPP:** Yes.

44  
45 **DR. FROESCHKE:** Dr. Stunz.

46  
47 **DR. STUNZ:** Yes.

48

1 **DR. FROESCHKE:** General Spraggins.  
2  
3 **GENERAL SPRAGGINS:** Yes.  
4  
5 **DR. FROESCHKE:** Mr. Dugas.  
6  
7 **MR. DUGAS:** Yes.  
8  
9 **DR. FROESCHKE:** Mr. Riechers.  
10  
11 **MR. RIECHERS:** Yes.  
12  
13 **DR. FROESCHKE:** Mr. Dyskow.  
14  
15 **MR. DYSKOW:** Yes.  
16  
17 **DR. FROESCHKE:** Dr. Frazer.  
18  
19 **DR. FRAZER:** Yes.  
20  
21 **DR. FROESCHKE:** Ms. Boggs.  
22  
23 **MS. BOGGS:** Yes.  
24  
25 **DR. FROESCHKE:** Mr. Broussard.  
26  
27 **MR. BROUSSARD:** Yes.  
28  
29 **DR. FROESCHKE:** Dr. Sweetman.  
30  
31 **DR. SWEETMAN:** Yes.  
32  
33 **DR. FROESCHKE:** Mr. Anson.  
34  
35 **MR. ANSON:** Yes.  
36  
37 **DR. FROESCHKE:** Mr. Diaz.  
38  
39 **CHAIRMAN DIAZ:** Yes.  
40  
41 **DR. FROESCHKE:** **The motion carries sixteen to zero with one**  
42 **absent.**  
43  
44 **MS. BOGGS:** Update on Southeast For-Hire Integrated Electronic  
45 Reporting (SEFHIER) Program, Tab F, Number 5, SERO staff  
46 presented on the SEFHIER program, highlighting participation and  
47 reporting to-date. Approximately 30 percent of identified  
48 program participants have not yet installed VMS units, and the

1 committee inquired as to what could be driving that observation.

2  
3 SERO indicated that outreach had been conducted through Fishery  
4 Bulletin publications, council meetings, council outreach staff,  
5 and NOAA Office of Law Enforcement (OLE). Deputy Special Agent  
6 in Charge, Mr. Logan Gregory, indicated that officers within OLE  
7 had been speaking with participants in-person about the program  
8 and enforcing compliance when necessary.

9  
10 SERO staff was asked what percentage of VMS non-compliance could  
11 be attributed to permit latency. SERO staff replied they were  
12 unsure, and the committee requested that future presentations  
13 include details regarding latent permits, if possible.  
14 Additionally, the committee requested more information  
15 quantifying the funds available for VMS reimbursement for the  
16 SEFHIER program. SERO staff indicated they would provide that  
17 information if they were able to access those data from the  
18 Pacific State Marine Fisheries Commission.

19  
20 Presentation on Framework Action to Modify For-Hire Trip  
21 Declaration Requirements, Tab F, Number 6, council staff  
22 presented some options for addressing the hail-out declaration  
23 of the SEFHIER program, which several participants have  
24 indicated is burdensome when moving a vessel to make non-fishing  
25 trips.

26  
27 Currently, three time period windows have been suggested for  
28 moving a vessel without a declaration. General Counsel  
29 indicated that an abbreviated action considering options could  
30 be developed to direct action. A committee member stated that  
31 the current reporting software allows for a no-fishing intended  
32 declaration, and that any trip where paying passengers are  
33 onboard might create the opportunity to collect socioeconomic  
34 data.

35  
36 **The committee recommends, and I so move, to develop the options**  
37 **(timeframes of sixty, ninety, and 120 minutes) in the**  
38 **abbreviated framework. Mr. Chair.**

39  
40 **CHAIRMAN DIAZ:** All right. We have a committee motion. Is  
41 there any discussion on the motion? Ms. Boggs.

42  
43 **MS. BOGGS:** Yes, and I would like for General Counsel -- We were  
44 discussing the timeframes of sixty, ninety, to 120 minutes and  
45 what that actually -- How that would actually be interpreted in  
46 the document.

47  
48 **CHAIRMAN DIAZ:** Ms. Levy.

1  
2 **MS. LEVY:** Thanks. I just think that it would be good to talk  
3 about this, and we obviously haven't written it out yet, because  
4 it's not at that stage, but the intent is that this is the time  
5 that you can leave for a trip, and a trip is dock-to-dock, a  
6 dock to a dock, or a berth to a berth, and it's not a round  
7 trip. You can leave for a trip without a declaration, and so,  
8 if you can go from Dock A to Dock B to get fuel in sixty  
9 minutes, you don't need a declaration.

10  
11 Then, when you're done at Dock B, and you can get back to Dock A  
12 within sixty minutes, you don't need a declaration, and so I  
13 think there was some confusion about maybe this was a round-trip  
14 time, but the declaration is required whenever you leave for a  
15 trip, and a trip is defined as leaving from a dock and returning  
16 to a dock, and not necessarily the same dock, right?

17  
18 **CHAIRMAN DIAZ:** Okay. Thank you, Ms. Levy. Dr. Froeschke.

19  
20 **DR. FROESCHKE:** So, just as a point of clarification, for  
21 example, on a for-hire trip, if they might leave the dock and go  
22 offshore a mile or two to get bait, and they pull their traps  
23 and get bait, and then they go another 500 yards and get more  
24 bait, are all those declarations, or is that encompassed within  
25 this?

26  
27 **MS. LEVY:** So a non-fishing trip. If you're going to fish to  
28 get bait, you declare it, no matter how long it is, right, and  
29 it's a -- This would only apply to a non-fishing trip.

30  
31 **DR. FROESCHKE:** Okay, and so, just so I understand, if you have  
32 traps, and I have them here, and then I have them in the back of  
33 the room, and I go and pull them, each one of those I would  
34 technically need to declare?

35  
36 **MS. LEVY:** Well, if you're going fishing, you're declaring a  
37 fishing trip, and you're not returning to a dock. I mean, if  
38 you go from A to B in the water, you're not returning to a dock.

39  
40 **DR. FROESCHKE:** Sorry, and I'm just trying to understand, and  
41 so, for example, if I were charter, and, before the customers  
42 come, I run two miles offshore and get my bait trap and pull my  
43 bait, put it in my boat, and then come back and get the people,  
44 and that's what I'm asking.

45  
46 **MS. LEVY:** Right, but, because it's a fishing trip, the time  
47 doesn't matter. Going to get bait is a fishing trip. If you're  
48 going from your dock to the fuel dock to get fuel, and you're

1 going to be -- If it's going to take you less than sixty  
2 minutes, or whatever the timeframe is, you don't need to declare  
3 that trip. A trip is from a dock to a dock or a land to a land.

4  
5 **CHAIRMAN DIAZ:** Mr. Anson.

6  
7 **MR. ANSON:** To that point, Mara, just for my clarification, you  
8 said sixty minutes, and you have a sixty-minute window, for  
9 instance, and so you can go to multiple docks. For instance, if  
10 your fuel is at one dock, and you're at Dock A, where you keep  
11 the boat and pick up the customers, and you have to go to Dock B  
12 to get fuel, and then Dock C to get bait and ice, as long as you  
13 go to Dock B and C and come back to Dock A within sixty minutes,  
14 you're okay? No?

15  
16 **MS. LEVY:** That's what I am trying to say, is it's not a round  
17 trip. It's a trip, and the trip is from dock to dock.

18  
19 **CHAIRMAN DIAZ:** Okay. Ms. Bosarge.

20  
21 **MS. BOSARGE:** This drives me absolutely bonkers. Mara, we wrote  
22 this regulation in such a form that it says that you have to  
23 declare all trips, right, and that's what I'm hearing you say,  
24 and so we can fix our problem if we change the regulation to say  
25 you have to declare all fishing trips, and then, if you're not  
26 going fishing, you don't have to do the declaration, and we  
27 don't have to start trying to figure out how many minutes a non-  
28 fishing trip would be.

29  
30 **MS. LEVY:** But you included all trips for a reason, and there  
31 was a -- Jessica can speak to this, or NMFS can speak to this,  
32 but there was a desire to have data about trips, right, and so  
33 it wasn't limited to fishing trips for a reason, but now you're  
34 -- So, if you want to do that, but I do think you should talk to  
35 the program about the data you're collecting if you do that.

36  
37 **CHAIRMAN DIAZ:** Ms. Bosarge.

38  
39 **MS. BOSARGE:** Yes, that's right, scientific data, and we manage  
40 fish. We want data on fishing trips, and I understand there is  
41 a small enforcement piece to this, and lord have mercy, and I  
42 guess somebody could not declare a trip and get out there and go  
43 fishing, but they've got a VMS on the boat. They would be a  
44 fool. I mean, it's too easy to catch them, and so I say just  
45 change it and make it where you have to declare the fishing  
46 trip. That's what we want the data on. We don't care about  
47 fueling the boat trips and ice trips and all the rest of that --  
48 Sunset cruises, and, if you're not going fishing, you don't have

1 to do the declaration, and we're done with this.

2

3 **CHAIRMAN DIAZ:** Mr. Dugas.

4

5 **MR. DUGAS:** I would have to agree with Leann. That was well  
6 said.

7

8 **CHAIRMAN DIAZ:** Okay. Ms. Boggs.

9

10 **MS. BOGGS:** I agree too, and I understand there is that  
11 socioeconomic piece that they're trying to collect the data on,  
12 and maybe, God forbid, we get a presentation on the why we're  
13 having to do this, but my only question would then be, and it  
14 would be only a couple of exceptions, but I do ask the question,  
15 because I do know that they use it, I believe, for validation,  
16 and I'm kind of looking over there to OLE, because your VMS  
17 pings, and so the whole point to my question is, if you leave  
18 the marina, and you can go to your boatyard in less than  
19 whatever the timeframe is, and that's another dock, but then, if  
20 you're there for two weeks, and they don't know where the boat  
21 is -- I'm not trying to complicate it, but I'm trying to figure  
22 out some of these unintended consequences that we always seem to  
23 get ourselves into. Anyway, here's the motion, and I don't know  
24 what we do from here.

25

26 **CHAIRMAN DIAZ:** All right. I am looking for discussion, and I'm  
27 not seeing any discussion. This is the motion that we have on  
28 the board, and so I'm going to call this for a vote. **All in  
29 favor of the motion on the board, signify by raising your hand;  
30 all opposed, raise your hand. The motion carries fourteen to  
31 one with one absent.** Ms. Bosarge.

32

33 **MS. BOSARGE:** If we also add an option to that document to  
34 change when you have to declare to only for a fishing trip, will  
35 that kick it out of this abbreviated framework status? Can we  
36 make a motion to add that option, Mara, without screwing up the  
37 abbreviated part of it?

38

39 **CHAIRMAN DIAZ:** Ms. Levy.

40

41 **MS. LEVY:** I don't know that it would kick it out of the  
42 abbreviated document, but you're putting something in there that  
43 hasn't been discussed or contemplated or is reflected in the  
44 draft purpose and need, meaning I don't know that it's something  
45 -- It might slow down the timeline, regardless of what type of  
46 document it is.

47

48 **CHAIRMAN DIAZ:** Mr. Strelcheck.

1  
2 **MR. STRELCHECK:** I won't comment in terms of the abbreviated  
3 framework, but I think this is one of those situations where we  
4 just need to be very careful, in terms of how we're proceeding,  
5 and I hear Leann clearly, in terms of simplicity and not be  
6 onerous on the industry, and it's also, obviously, a new  
7 program, and we're trying to ensure data validation and not  
8 create loopholes in the system, and so I won't oppose an  
9 alternative to be added that she would be suggesting, but I  
10 think we would want some analysis and consideration then of what  
11 the impacts would be on data collection of doing something like  
12 that.

13  
14 **CHAIRMAN DIAZ:** Ms. Bosarge.

15  
16 **MS. BOSARGE:** Well, how about we just get a presentation on it  
17 at the next meeting, and by "we", I mean you all. **I will just**  
18 **make a motion, if that's okay with you, that we receive a**  
19 **presentation at the next meeting about relative to changing the**  
20 **declaration for the for-hire fishery to apply only when going on**  
21 **a fishing trip. I think that's what we want to do. Relative to**  
22 **declarations for the for-hire fishery applying on when going on**  
23 **a fishing trip.** Does that give staff enough direction? That  
24 is, obviously, as opposed to a trip in general, and it's a  
25 fishing trip.

26  
27 **CHAIRMAN DIAZ:** John is shaking his head. It's seconded by J.D.  
28 We have a motion to bring a presentation to the August council  
29 meeting on relative on to the declaration for the for-hire  
30 fishery applying only to when going on a fishing trip. We might  
31 clean up the grammar in that, but is there any discussion on  
32 that motion? **Is there any opposition to the motion? The motion**  
33 **carries.** Okay. I am not seeing any hands up. Ms. Boggs.

34  
35 **MS. BOGGS:** Draft Options Joint Amendment to Require Electronic  
36 Reporting for Commercial Logbooks, Tab F, Numbers 7 and 7(a),  
37 council staff reviewed proposed changes, advisory panel  
38 recommendations, and next steps for modifying the commercial  
39 coastal logbook program to allow for electronic data submission.

40  
41 A committee member inquired about the status of a report on a  
42 pilot project to test the feasibility of commercial electronic  
43 reporting in the Southeast. Southeast Fisheries Science Center  
44 staff indicated the report was under review and would be  
45 published as a NOAA technical report in a couple of months.

46  
47 Southeast Fisheries Science Center staff stated that work to  
48 prepare for receiving electronic submissions in the southeast

1 had largely been completed and that this technology was  
2 currently being used in the Northeast Region. It is likely that  
3 this work could be completed through a joint categorical  
4 exclusion document with the South Atlantic Fishery Management  
5 Council.

6  
7 A committee member requested that the appropriate advisory  
8 panels with commercial representation be presented an update on  
9 the program from the Southeast Fisheries Science Center staff.

10  
11 Overview and Demonstration of new SERO Permits System, Tab F,  
12 Number 8, Mr. Kevin McIntosh, SERO Permit Office Branch Chief,  
13 provided an overview and demonstration of the recently-updated  
14 permit system. The committee applauded the work of the Permit  
15 Office in helping permit holders navigate through the renewal  
16 and transfer process.

17  
18 Council staff stated Mr. McIntosh would be scheduled to provide  
19 a similar presentation to several of the council's advisory  
20 panels, to engage those stakeholders. Mr. McIntosh was asked if  
21 he would be able to provide a future presentation classifying  
22 the nature of commercial and for-hire permit transfers for the  
23 committee's consideration. Mr. McIntosh indicated he would be  
24 available to do so.

25  
26 Other Business, Mr. Gregory provided some additional information  
27 on enforcement compliance within the SEFHIER program.  
28 Throughout the southeast, 172 issues of non-compliance had been  
29 reported, and 163 of those have or are being processed. Of  
30 those 163 reports, 51 percent were categorized as compliance  
31 assistance.

32  
33 A committee member asked for clarification on the process for  
34 investigating an issue, and Mr. Gregory replied that OLE would  
35 be alerted by program managers and would follow up with an in-  
36 person visit with the SEFHIER participant. After that  
37 interview, OLE would then determine the characterization of the  
38 enforcement determination. Mr. Chair, this concludes my report.

39  
40 **CHAIRMAN DIAZ:** Thank you, Ms. Boggs. Is there any other  
41 business? Mr. Strelcheck.

42  
43 **MR. STRELCHECK:** I talked to Carrie and John about this, and  
44 I've also had a conversation with Dave Donaldson, and I wanted  
45 to make the council aware, if you weren't, that the SEFHIER  
46 budget was reduced, in our congressional budget this year, from  
47 two-and-a-quarter-million dollars down to \$1.5 million.

48

1 We just received our budget allocation in mid to late May, and  
2 so we are finalizing our spend plan, but I want the council to  
3 know that we're having to make some tough decisions, and we  
4 can't fully support the program at this funding level that we  
5 have available to us, and that likely will mean some cuts in the  
6 program, and potentially less funding going to Gulf States, with  
7 regard to dockside validation, but I will be able to provide a  
8 more detailed report at a future council meeting, but I just  
9 wanted to give you a heads-up, to make sure you heard it from me  
10 first.

11  
12 **CHAIRMAN DIAZ:** Thank you, Mr. Strelcheck, and, if you would  
13 follow-up us with you can, and share more information about what  
14 things you're having to cut, and so we understand the budget  
15 situation. Ms. Boggs.

16  
17 **MS. BOGGS:** I understand that it's premature, Andy, and, of  
18 course, I will probably get crucified when I go back to the  
19 dock, but is there any way in assistance from -- I think the  
20 commercial fishermen pay a fee, and I don't exactly know how it  
21 -- But, I mean, can the charter fleet share in the cost to keep  
22 this program up and going? They worked so hard to get it, and  
23 they have invested a lot of time, and some money, and this is  
24 very important to them.

25  
26 You were talking about we need to be creative and work on  
27 getting this fishery back in better shape, and, I mean, if you  
28 don't want to lose all the faith of the fishermen in this  
29 process, we've got to save this deal.

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

32  
33 **MR. STRELCHECK:** Thanks, Susan, for that comment, and we  
34 probably would want to look into, obviously, what authorities we  
35 have, in terms of receiving funds, and the commercial program --  
36 We have a limited access privilege program fund that allows us  
37 to receive up to 3 percent cost recovery for that program  
38 explicitly, and I'm not sure what, if anything, would be similar  
39 to that for the SEFHIER program that could be pursued, but  
40 certainly, from the Fisheries Service, we can't lobby Congress,  
41 and we can't, obviously, go to bat for our budget, in terms of  
42 the specifics, and so what's been changed, or cut, but just  
43 declare to our constituents that we are trying to run the  
44 program as best we can, and we have to make some tough  
45 decisions, and so we'll need to do that and let you know what  
46 the implications are to those budget cuts.

47  
48 **CHAIRMAN DIAZ:** Thank you. Mr. Anson.

1  
2 **MR. ANSON:** A question for Dave. We had just, two weeks ago,  
3 three or four weeks ago, resolved the funding for this year, and  
4 so, what Andy is telling to us right now, that's going to impact  
5 those budget for this year, or no?

6  
7 **MR. DONALDSON:** The good news is that it will not impact  
8 activities for this year. It will have an impact on it for next  
9 year.

10  
11 **CHAIRMAN DIAZ:** Ms. Bosarge.

12  
13 **MS. BOSARGE:** Is there any capacity to use some port agents?  
14 You said that there may be an issue with actually doing the  
15 sampling, the dockside sampling, and so you brought on a bunch  
16 of new port agents, I remember, and that's how you used to  
17 capture certain scientific data from the shrimp fleet, and I  
18 wish you still did that, and that was actually nice, to have  
19 that interaction with the fishery, but can you lean on that at  
20 all? Can you start multitasking with a few people, you know,  
21 that maybe things that they used to do, and they don't, and we  
22 could get them back to that? Is that a potential?

23  
24 **MR. STRELCHECK:** The port sampling program falls under Clay, and  
25 so I don't want to speak for him, but what I can say is we have  
26 priorities for the agency right now, and we're being faced with  
27 some tough budget decisions, and Congress was explicit, in terms  
28 of cutting our budget for SEFHIER, right, and so, if we're going  
29 to try to make SEFHIER hold, that means that some other area of  
30 our budget is going to be impacted by that, and I don't have  
31 just \$750,000 available in my budget to turn around the and put  
32 to SEFHIER, without having major impacts somewhere else, right,  
33 and so that's the challenge we're facing.

34  
35 I think the states have often faced that as well, with their  
36 budget cycles, and so I think, from my standpoint with SEFHIER,  
37 we want to, obviously, continue to ensure that the data and  
38 software and collection of the data is coming in, and is user  
39 friendly, and we want to continue to do the QA/QC and compliance  
40 assistance, and we want to try to do as much dockside intercepts  
41 as we can, to do the validation, but, at this point, because of  
42 the budget cut, that was the area that we thought we would have  
43 to cut the most, because of the implications on the budget.

44  
45 **CHAIRMAN DIAZ:** Dr. Porch.

46  
47 **DR. PORCH:** I would just add that there is always some room to  
48 reposition staff to do some things, but, as Andy said, that

1 means we would have to cut something, and so, for instance, if  
2 we shifted people to do the dockside validation, that means  
3 those same people wouldn't be collecting TIP data, or something  
4 like that, and so something has to fall off the table.

5  
6 Unfortunately, we don't have, like maybe some people think,  
7 folks that are just kind of sitting around looking for something  
8 to do. They're all pretty busy, and we've been under the less  
9 with less mantra for a long time now, and we just can't continue  
10 to -- Sorry. Do more with less for a long time, and we just  
11 can't do more with less.

## 12 13 **GULF SEDAR COMMITTEE REPORT**

14  
15 **CHAIRMAN DIAZ:** Thank you, Dr. Porch. All right. I am not  
16 seeing any other business for the Data Collection Committee.  
17 Nobody is raising their hands, and we're going to close out the  
18 Data Collection Committee. Thank you, Ms. Boggs, for  
19 efficiently leading us through that. We're going to move right  
20 into the SEDAR Committee Report.

21  
22 The SEDAR Committee adopted the agenda, and the committee  
23 approved the minutes of the October 2021 meeting as written.  
24 Summary Report of May 9, 2022, SEDAR Steering Committee Meeting,  
25 council staff reviewed the proceedings of the SEDAR Steering  
26 Committee.

27  
28 Staff noted the consensus statement passed by the SEDAR Steering  
29 Committee with regard to expediently calibrate and approve the  
30 red snapper recreational historical landings time series for use  
31 in the SEDAR 74 red snapper operational assessment.

32  
33 **The committee recommends, and I so move, that the council draft**  
34 **a letter commensurate with the SEDAR Steering Committee's**  
35 **consensus statement to the NOAA Office of Science and Technology**  
36 **stating the need and urgency of this request.** The motion  
37 carried without opposition. We have a committee motion. Is  
38 there any discussion on the motion? Seeing none, the motion  
39 carries.

40  
41 Other Business, a council member asked about the formulation of  
42 the council's SEDAR Committee, noting that there is not a  
43 current stock assessment for red drum. Other council members  
44 expressed support for exploring modifications to the makeup of  
45 the council's SEDAR Committee.

46  
47 A council member recalled data from the stock assessment for  
48 hammerhead sharks, which showed a considerable increase in

1 landings in the terminal year. The council member thought this  
2 corroborated the observations of Gulf fishermen and their public  
3 testimony about increased numbers of sharks compared to years  
4 past. They thought it would be beneficial to find ways to keep  
5 fishermen informed of the proceedings of this shark assessment.  
6 This concludes my report.

7  
8 I would like to make a quick comment to Mr. Gill's note that the  
9 way the Steering Committee is set up now for SEDAR, and, if the  
10 council so chose -- I mean, the other committees are set up in  
11 the fall of the year, after the August meeting, and the council  
12 chair recommends people for other committees. Ultimately, it's  
13 brought back to the council, at the October meeting, and the  
14 council approves committee assignments for the following year,  
15 and so that is one way that we could populate the SEDAR Steering  
16 Committee in the future, or we could leave it like it is, and  
17 there may be some other options, but I just wanted to throw that  
18 out there as a possible way to redo the makeup of the SEDAR  
19 Steering Committee. The SEDAR Committee. Mr. Gill.

20  
21 **MR. GILL:** Thank you, Mr. Chairman, and so, for the committees  
22 that are populated ex-officio though, they're in the SOPPs as  
23 ex-officio, are they not, and so --

24  
25 **CHAIRMAN DIAZ:** Are they?

26  
27 **MR. GILL:** I would defer to Dr. Froeschke, but that's my memory,  
28 and, if that's so, then going through the normal procedure is  
29 not the same as just populating a committee with people.

30  
31 **CHAIRMAN DIAZ:** Okay, and so we might have to look into that,  
32 and we'll look into that, and we'll get back to you, Mr. Gill,  
33 and we'll let you know. Mr. Gill.

34  
35 **MR. GILL:** You asked for my recommendation on who should replace  
36 the Red Drum Chair, and my recommendation is the Sustainable  
37 Fisheries Committee Chair.

38  
39 **CHAIRMAN DIAZ:** Thank you, Mr. Gill. All right. Is there any  
40 other business to come before the Gulf SEDAR Committee? Go  
41 ahead, Dr. Simmons.

42  
43 **EXECUTIVE DIRECTOR SIMMONS:** I just wanted to clarify something  
44 that I said during committee, and I had a chance to go back  
45 through and look at the log file regarding letters we sent to  
46 NOAA S&T on red snapper, and, as I mentioned earlier, we did not  
47 send a letter specifically on this issue, or Mr. Anson's issue,  
48 and we just sent a letter regarding the urgency for gag, on the

1 calibration, and so I just wanted to correct that, from the  
2 committee. Thank you.

### 3 4 **FULL COUNCIL CLOSED SESSION REPORT**

5  
6 **CHAIRMAN DIAZ:** Thank you, Dr. Simmons. All right, and so no  
7 further business before this committee, and we're going to move  
8 on to our next committee report, and the next committee report  
9 is Full Council Closed Session Report, Selection of Coral, Data  
10 Collection, and Spiny Lobster Advisory Panels.

11  
12 The Full Council was convened in a closed session on the  
13 afternoon of June 21st to appoint the Coral, Data Collection,  
14 and Spiny Lobster Advisory Panel members. The council made the  
15 following appointments.

16  
17 For the Coral Committee, Jon Paul "J.P." Brooker, Martha Guyas,  
18 Scott Hickman, Shelly Krueger, and Richard Ruzicka. The Data  
19 Collection AP, Michael Colby, Troy Frady, Sepp Haukebo, Scott  
20 Hickman, Dylan Hubbard, Charlotte Marin, John Marquez, Jr.,  
21 Ashford Rosenberg, Eric Schmidt, and Zac Sturm. For the Lobster  
22 AP, Donald Behringer, Jr., Casey Butler, Bill Kelly, John  
23 Nicklaus, George Niles, Daniel Padron, and Simon Stafford. This  
24 concludes my report. Any comments on the closed session from  
25 any council members? Seeing none, that concludes that section  
26 of the agenda.

27  
28 We're going to -- We're scheduled for a break, and we probably  
29 have an hour's worth of reports. I am going to look around for  
30 a thumbs-up and thumbs-down, if you all want to take a ten-  
31 minute break. All right. I am seeing thumbs-up.

32  
33 All right. I am hearing more people over in this section saying  
34 to keep going than are saying to take a break. If people need a  
35 break, and they have to get something to drink, or a bathroom  
36 break, please go and come right back.

37  
38 We're going to move right into our next agenda item, and we're  
39 going to do some supporting agency updates, and the South  
40 Atlantic Fishery Management Council liaison is not here, and so  
41 I'm going to defer to Jessica McCawley and see if she has an  
42 update from the South Atlantic.

### 43 44 **SUPPORTING AGENCIES UPDATES** 45 **SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL**

46  
47 **MS. MCCAWLEY:** Let me give you a couple of updates from the  
48 South Atlantic Council meeting. The South Atlantic Council

1 approved a public input tool, kind of like the Gulf Council's  
2 Fishermen Feedback tool, that they will be gathering information  
3 on the website.

4  
5 They also worked on the ABC Control Rule, and they worked on the  
6 commercial electronic logbook amendment, and they spent a lot of  
7 time talking about dolphin, and this is a big issue over on the  
8 South Atlantic side, and NMFS and council staff are going to be  
9 holding multiple stakeholder workshops across the South  
10 Atlantic, to collect feedback on what the fishermen would like  
11 to see for the dolphin fishery and bring that back in December.

12  
13 Another hot topic from the meeting last week was the holistic  
14 snapper grouper management, and so this is somewhat trying to  
15 get at revising red snapper catch levels, but it's really  
16 looking at reducing dead discards across the entire snapper  
17 grouper fishery, and the council directed staff to develop  
18 actions and alternatives to revise red snapper catch levels,  
19 look at gear modifications for the entire snapper grouper  
20 fishery, including disallowing the use of electric reels for the  
21 recreational sector, and requiring the use of single-hook rigs,  
22 as well as time and area closures in federal waters throughout  
23 the South Atlantic region, and increasing their outreach and  
24 education, in order to help reduce discards.

25  
26 The council also is working on gag grouper and took a number of  
27 actions relative to gag grouper. They are working on snowy  
28 grouper, and they took a number of actions on modifications for  
29 snowy grouper, and they also are working on greater amberjack,  
30 but it's not in the same shape on the Atlantic as it is over  
31 here, and so they are still working through an amendment on  
32 amberjack, and they're also working on an amendment that  
33 includes golden tilefish and blueline tilefish in a number of  
34 actions for both of those fisheries, and then I will just stop  
35 there, and, if you guys have any questions, just let me know.

36  
37 **CHAIRMAN DIAZ:** Any questions for Ms. McCawley? I am not seeing  
38 any. Thank you, Ms. McCawley, and I don't know if you're going  
39 to be back with us in August or not, but it has been a pleasure  
40 having you with us at the last few meetings.

41  
42 **MS. MCCAWLEY:** Well, thank you. I'm sure that I will make some  
43 more visits to you.

44  
45 **CHAIRMAN DIAZ:** Thank you. We're going to move right into our  
46 next agency update, which is Florida Law Enforcement Efforts and  
47 Captain Pearce.

48

1 **FLORIDA LAW ENFORCEMENT EFFORTS**

2  
3 **CAPTAIN SCOTT PEARCE:** Good afternoon, Chairman and council  
4 members. Thank you for letting me be here for this  
5 presentation. I promise you that I will help you out this  
6 afternoon with the time.

7  
8 You all have seen this before, and so we have a couple of  
9 adjustments within our fleet, and so, as usual, we have the  
10 largest vessel in the fleet is an eighty-five-foot Gulf Sentry  
11 out of Tampa that is operated by the crew that you saw here  
12 yesterday that got the Team of the Year Award.

13  
14 That's our heavy-endurance class, and it can go out for multiple  
15 days at a time and cover a large range. They're typically --  
16 You know, they can range anywhere from Pensacola to Key West, or  
17 further, if they need to. We have four endurance-class vessels,  
18 or, actually, five now, because we replaced -- We used to have  
19 the CT Randall out of Marco Island, and that vessel has been  
20 retired, and so we're replacing it with a forty-one-foot Safe  
21 boat, but it's not in service yet, and so that boat will soon be  
22 named, and I think it's going to be called the Gulf Ranger, but  
23 I'm not 100 percent sure about that.

24  
25 Then, in our endurance-class feet, we have the Guardian, which  
26 is a forty-five-foot catamaran out of Carrabelle, Florida. We  
27 have the Vigilance, which is a thirty-nine footer, and we have  
28 the Interceptor, another thirty-nine-foot Safe boat, and we have  
29 the Trident, which is another thirty-eight-foot cabin Safe boat  
30 type vessel, and then we're going to have a forty-one-foot Safe  
31 boat in service, hopefully in the next year.

32  
33 In the intermediate class, we have a twenty-nine foot Intrepid  
34 out of Carrabelle, and, again, a 2005 Fincat out of Crystal  
35 River, and another Fincat out of Pensacola, and so we have -- We  
36 pretty much have the whole Gulf pretty well covered and  
37 overlapped, with our fleet, to be able to respond.

38  
39 Just to give you an idea of what we've done over the last year,  
40 and so this is all based on the last JEA contract cycle, and so,  
41 over that cycle, we've 1,480 total hours of federal enforcement  
42 that has been conducted by all of our vessels in the Gulf, and  
43 that's just the Gulf vessels.

44  
45 We have 553 hours that were focused on reef fish enforcement,  
46 187 hours on TED enforcement, and then we've done thirty-eight  
47 TED boardings throughout the year. We had 229 hours of federal  
48 enforcement that was just any general enforcement outside of the

1 priorities that were established, and we had seventy-eight hours  
2 of marine mammal enforcement, and 382 hours were directed  
3 towards SEFHIER, and then 256 enforcement actions, which were  
4 108 combined warnings, for federal and state warnings, and 147  
5 combined citations, whether it be a federal or state violation  
6 or citation.

7  
8 Then, as I always, I'll talk about -- We have our offshore  
9 patrol vessel program that generates a lot of activity from the  
10 JEA effort, but we also utilize all the rest of the officers  
11 around the state that are coastal officers, and they also  
12 contribute to our JEA effort, and so those other regional assets  
13 have put forth 721 hours of dockside patrols that is JEA  
14 related, 656 hours of vessel patrol, and that's all JEA related.  
15 Twenty-hours of SEFHIER enforcement, 308 hours of marine mammal  
16 enforcement, 277 hours contributed to outreach, and the total  
17 regional federal patrol efforts were 1,979 hours during this  
18 contract period.

19  
20 For IFQ and IUU and the Florida Keys National Marine Sanctuary,  
21 for IFQ, we contributed 354 hours to IFQ offloading and dockside  
22 enforcement. For IUU, we have 109 hours documented, and that's  
23 with our Port Investigations Unit. Then, in the Florida Keys  
24 National Marine Sanctuary, we had documented 1,218 hours of  
25 enforcement over this last contract cycle. 605 of that goes to  
26 outreach and administrative duties, and that includes case  
27 preparation, report writing, things like that, and it gives you  
28 an idea of how much effort has to go into all that stuff after  
29 the case is made. There's a lot of time spent in just  
30 documenting and taking care of all the evidence and things of  
31 that nature.

32  
33 I will give you a few case examples over the past year, and this  
34 was a recreational vessel, and the vessel was -- This was all  
35 they had onboard. They had five undersized greater amberjack,  
36 and they had three undersized gray triggerfish, one undersized  
37 vermilion snapper, and they had possession of red snapper out of  
38 season, and they also had possession of twenty-two red snapper  
39 fillets, and so everything onboard on this vessel was in  
40 violation.

41  
42 Then another boarding we had, a recreational vessel, they were  
43 found to be in possession of eight undersized hogfish, six  
44 undersized red snapper, two undersized greater amberjack, and  
45 possession of four gag grouper during the closed season, three  
46 of which were undersized. These were all in the Panhandle/Big  
47 Bend region area, in both of these cases.

48

1 This one was a vessel that was an IFQ offload inspection, and I  
2 think it was in the Tampa area, and they were landing red  
3 snapper with insufficient allocation, and they were landing red  
4 grouper with insufficient allocation, and they also failed to  
5 possess the appropriate turtle mitigation gear onboard.

6  
7 Then this case was a shrimp vessel that was inbound to Tampa Bay  
8 and boarded by our officers, and the turtle exclusion gear --  
9 When they inspected the gear -- It was in the rigging, and it  
10 was ready to fish, and they inspected the gear, and it was not  
11 in compliance. They had a lot of problems with bar spacing, and  
12 the flaps were all sewn in the wrong way, and it would not have  
13 operated the way they were intended to operate.

14  
15 They also did not have a restricted species endorsement to land  
16 the shrimp, or harvest the shrimp, and then they also had  
17 possession of cobia fillets onboard, and, in that case, 11,823  
18 pounds of shrimp were seized, based on not having the proper  
19 licensing and not having a restricted species endorsement.  
20 That's all I've got. Any questions?

21  
22 **CHAIRMAN DIAZ:** Questions for Captain Pearce? General  
23 Spraggins.

24  
25 **GENERAL SPRAGGINS:** Tell me you didn't give that guy a warning.

26  
27 **CAPTAIN PEARCE:** Which one? None of them got warnings, I  
28 promise you. Yes, ma'am.

29  
30 **MS. BOSARGE:** Thank you for the presentation. I remember, a  
31 while back, you all give us a presentation, and I was really  
32 impressed, because I saw where you all were making some efforts  
33 to kind of inspect seafood under the IUU aspect of your goals  
34 and strategies, to inspect seafood that was coming into this  
35 country illegally, and I don't remember if it was the trans  
36 shipping or what it was from, but I was wondering, and are you  
37 all still focused on things like that? That's huge to us, in  
38 our industry.

39  
40 **CAPTAIN PEARCE:** Yes, ma'am.

41  
42 **MS. BOSARGE:** In fact, I think that part of the reason that our  
43 industry is in such dire straits right now, as far as prices are  
44 concerned, and people not -- Possibly not even buying shrimp  
45 from the boats anymore, is because of the Ecuadorian shrimp that  
46 have just recently been dumped on this country, on our market,  
47 and I don't have any evidence to prove this, but this is what I  
48 am hearing across the Gulf of Mexico, is that there was about

1 fifty-million pounds of Ecuadorian shrimp that were supposed to  
2 be bought by China, and they were rejected by China, and they  
3 ended up on this market right here, in the U.S.

4  
5 Now, why they were rejected, I don't know, and I don't know if  
6 it's because of quality and drugs in it that shouldn't have been  
7 in it, and, by drugs, I mean antibiotics and things, or if it's  
8 simply due to China being shut down because of COVID, but that  
9 has driven the price -- That's why you see those boats tied up  
10 down here in Fort Myers, five deep, four rows of them, because  
11 the price of shrimp right now will not allow us to go out and  
12 catch shrimp, with the price of fuel where it is.

13  
14 In fact, and I'm sorry, but I'm going to digress for a minute,  
15 but a boat over in Mississippi just unloaded a week or so ago,  
16 and we go to the dock, and we have so much product that we  
17 offload, but you don't get paid right then, right, and they have  
18 to share up the boat, and he also took on fuel at that time, and  
19 they called him, a little later, and said, well, you can swing  
20 on by, and he said, okay, to pick up my check? They said, no,  
21 and you're going to bring us a check for about \$10,000. He  
22 said, do what? They said that's how much you owe us after you  
23 offloaded your shrimp and filled with fuel, because that's how  
24 much the fuel cost.

25  
26 The shrimp price is so low, and the fuel price is so high, that  
27 he had to pay the dock, and so, anyway, I just wondered, and are  
28 you -- Are you making any effort, you know, to maybe catch some  
29 of these shrimp that are coming into this country that should  
30 not be?

31  
32 **CAPTAIN PEARCE:** I wanted to say one thing, and I'm so glad that  
33 I got one more question from you before I was done here, and  
34 that's awesome. No, and it's a really top priority for us. We  
35 have our Port Investigations Unit that focused on all imported  
36 seafood and different things that are coming into the country.

37  
38 Obviously, there's a lot coming in, and we really do -- Going  
39 back to industry, we really, really rely on information coming  
40 in from industry, and so if anybody -- If you will spread the  
41 word too, and, if anybody in the industry has information on  
42 something like that happening, if they can give us that, we'll  
43 start looking out for it, and we have connections.

44  
45 We have really good connections with the cold storage facilities  
46 around the state, and, whenever product comes in, we can go into  
47 those facilities and take a look at what they've got, and that's  
48 where we identify a lot of stuff, is the cold storage

1 facilities.

2

3 We've identified egg-bearing undersized lobsters coming into the  
4 country before, and we've had several -- In one case, where  
5 people were going to the Bahamas and harvesting fish and then  
6 bringing them into -- Laundering them into their restaurant, and  
7 so there's a lot of things that we're working on and trying to  
8 get better at it, but we are putting a lot into it, and we  
9 really, really welcome any information that will help us combat  
10 that, because it's a large market, and we're still trying to  
11 figure out the best way to stay on top of it, or get on top of  
12 it, but stuff like that is something we really want to hear  
13 about, because, if there is anything illegal about that import,  
14 then we want to try to be aware of it.

15

16 **CHAIRMAN DIAZ:** General Spraggins.

17

18 **GENERAL SPRAGGINS:** In reference to what Leann is talking about,  
19 obviously, in Mississippi, we can't board the boats that are  
20 coming in from out of the country, and it really is a big issue  
21 for us, because we have no idea what's coming in, and our law  
22 enforcement cannot board that boat, and we have no control of  
23 it, and I guess like the FDA or whoever has that control 100  
24 percent, but we don't know what's coming in, what quality is  
25 coming in, or anything else, and Leann -- What they're selling  
26 for is sixty cents a pound, and lord have mercy. Those poor  
27 people out there trying to fish every day and make a living, at  
28 sixty cents a pound, they can't do it, but, anyway you can get  
29 help, we would appreciate it.

30

31 **CAPTAIN PEARCE:** Yes, sir, and I can let NOAA Law Enforcement  
32 comment more on the foreign vessel stuff, and, for the most  
33 part, there shouldn't be any foreign vessels coming into our  
34 waters to offload seafood products.

35

36 **CHAIRMAN DIAZ:** All right. I am not seeing any other questions.  
37 Thank you very much, Captain Pearce, for being with us all week.  
38 We appreciate it. Next up, we have the NOAA Office of Law  
39 Enforcement and Mr. Gregory.

40

41

#### **NOAA OFFICE OF LAW ENFORCEMENT**

42

43 **MR. LOGAN GREGORY:** Thank you, Mr. Chairman. I will be giving  
44 the enforcement report for the Office of Law Enforcement. I  
45 will just add, beforehand, just to kind of tap off of Captain  
46 Pearce and what he was saying about imports, it is a high  
47 priority for the Office of Law Enforcement as well, and our  
48 partnerships with the states have been tremendous in that

1 regard, and, to shrimp, I actually have intercepted some shrimp,  
2 and so you will see some cases on it.

3  
4 During this period, we opened 160 incidents, and, basically,  
5 incidents are patrols, inspections, and complaints. We referred  
6 seven cases to the Office of General Counsel and one case to the  
7 Department of Justice, and we had forty-nine summary  
8 settlements, and each one of those summary settlements ranged  
9 from approximately \$100 to \$3,000. Those cases involved  
10 retention during closure, undersized, possession limits, TED and  
11 BRD requirements, observer program requirements, and permit  
12 requirements, and fishing in the sanctuary.

13  
14 The remaining of that 160 open incidents were either closed as  
15 unfounded, written warnings, fix-its, or just boardings in  
16 general, where we didn't find any violations.

17  
18 Some quick highlights, we've had a significant issue, in the  
19 Panhandle, with regard to dolphin feeding, and so we've had  
20 quite a bit of effort there recently, and we also have some  
21 rewards out for some dolphin killings that have occurred, and  
22 these are particularly difficult investigations to enforce, or  
23 to investigate, because we just don't get information or who or  
24 when these incidents have occurred, and so, hopefully, with  
25 offering some rewards, and we've had some other entities join in  
26 on those rewards efforts, and hopefully we'll get some  
27 information, but, so far, nothing on those. We've had some  
28 closed area detections, working with the U.S. Coast Guard, and  
29 we're working those cases currently.

30  
31 Our enforcement partnerships, like I said, we just enjoy our  
32 enforcement partnerships, and we can't do our mission without  
33 it. We just can't. I will say we just added two new  
34 enforcement officers in the Gulf, and so that brings our total  
35 complement, I think, of sworn people in the field, region-wide,  
36 to about thirty-seven, and so our partnerships with the states  
37 and the United States Coast Guard are invaluable.

38  
39 We've gotten a number of referrals, and, as you can see, Captain  
40 Pearce and Florida, by far, gives us the most referrals, and  
41 you'll see that in the report, for our quarterly report, the  
42 twenty-seven-page report that we have.

43  
44 A few highlights from some operations with Texas Parks and  
45 Wildlife and the Coast Guard, where they checked approximately  
46 20,000 pounds of red snapper, and, also, again, back to the IUU  
47 and port inspections, we do quite a few of those in Texas, stuff  
48 coming over the border from Mexico, and so a lot of that work is

1 being done. We had another operation in Alabama, and then also  
2 the operations in the sanctuary and the SEFHIER-focused  
3 operations.

4  
5 We spoke a little bit about SEFHIER earlier, and so we are  
6 continuing those outreach efforts, and we are writing cases for  
7 SEFHIER violations. I know Mr. Hubbard mentioned quite a bit  
8 about unpermitted charters, and this is a high priority for us  
9 as well, and we are conducting investigations on those. TED  
10 requirements is always a priority, and the Florida Keys, and  
11 we've done a number of operations there, and those will continue  
12 this year, and, of course, I've already mentioned the dolphin  
13 feeding and harassment issues. Here is some resources and some  
14 information that, at your leisure, that you can take a look at  
15 and see everything else that we've been working on, and, with  
16 that, that's my report.

17  
18 **CHAIRMAN DIAZ:** Thank you. I am referring to you as Mr.  
19 Gregory, but I would like to refer to you by your rank, but I --  
20 What is your rank, so we can get it properly?

21  
22 **MR. GREGORY:** Mr. Gregory is fine. It's Deputy Special Agent in  
23 Charge, or officer, whatever you want.

24  
25 **CHAIRMAN DIAZ:** Okay. Do we have any questions for Deputy  
26 Special Agent Gregory? General Spraggins.

27  
28 **GENERAL SPRAGGINS:** Yes, sir. Thank you all for everything you  
29 do. We appreciate it very much, and so, when you say you're  
30 working with our local law enforcement, you're working with our  
31 Department of Marine Resources, and I guess are you working with  
32 our law enforcement also, or --

33  
34 **MR. GREGORY:** Yes, sir.

35  
36 **GENERAL SPRAGGINS:** I mean, when you say that, are we allowed to  
37 -- Can you go on the boats that come in and inspect them?

38  
39 **MR. GREGORY:** So I'm not sure which boats you're talking, and so  
40 there shouldn't be any foreign fishing vessels landing in the  
41 United States, and so are you talking about container ships?

42  
43 **GENERAL SPRAGGINS:** Mainly, yes, container boats coming in with  
44 different types of, you know, product on it, and, when they do  
45 that, they ship them in on containers, and I didn't know if you  
46 all could do that or not.

47  
48 **MR. GREGORY:** Basically, how we do that is we work with Customs

1 and Border Protection, and we check those at the port, when they  
2 come in. We don't go onboard the boat. When the containers are  
3 there, we have customs information, and we're looking at that  
4 information, and we already have things set up where we look for  
5 specific things, because there's, you know, obviously, millions  
6 and millions of pounds of seafood that come into the United  
7 States, and so we focus on a top number of species to look at,  
8 and shrimp being one of them.

9  
10 We crack those containers and do inspections, and we check the  
11 paperwork, to make sure that everything matches up, and, if it  
12 doesn't, we conduct a further investigation, and we may take  
13 samples of the fish, to ensure that they are what they say they  
14 are, and so all of that happens actually in the port and in  
15 cooperation with Customs and Border Patrol.

16  
17 **CHAIRMAN DIAZ:** I am not seeing any hands, but I do want to make  
18 a comment. Unfortunately, when I look in the mirror lately, I  
19 realize that I'm an old-timer nowadays, and I've been around for  
20 quite a while, and I will say that the JEA program is a great  
21 program.

22  
23 Originally, back when I started in 1990, and, in that time  
24 period, just a small amount of JEA funds flowed into the State  
25 of Mississippi, and we would buy an outboard or two, or some  
26 small boat or things like that, and there wasn't enough money to  
27 really make a difference, but, over the years, it has evolved  
28 into enough money where we can actually pay people to dedicate  
29 time to do offshore enforcement, and it's a game-changer.

30  
31 Now, at my stage of life now, I go around to all these states,  
32 and every state gives a report on what they're doing with JEA,  
33 and it just impresses me how far we've come, and so I think it's  
34 one of the most successful law enforcement things that has ever  
35 been done for federal law enforcement, especially in the Gulf of  
36 Mexico, and so I would wholeheartedly say that supporting  
37 keeping that program running, and funding it at a high level,  
38 definitely should be a priority, and so I appreciate you  
39 highlighting that, and I appreciate you saying it. Any other  
40 comments? General Spraggins.

41  
42 **GENERAL SPRAGGINS:** I would just echo that 100 percent. We  
43 appreciate you so much with the JEA, and it's a great program.

44  
45 **CHAIRMAN DIAZ:** Thank you, Deputy Special Agent in Charge, and  
46 we appreciate it.

47  
48 **MR. GREGORY:** You're welcome. Well done.

1  
2 **CHAIRMAN DIAZ:** Okay. Next up is Mr. Donaldson and the Gulf  
3 States Marine Fisheries Commission.  
4

5 **GULF STATES MARINE FISHERIES COMMISSION**  
6

7 **MR. DONALDSON:** Thank you, Mr. Chairman. I know it's late in  
8 the day, and so I had a twenty-five-slide presentation, but I  
9 narrowed it down, and now I've only got twenty-four. Just  
10 kidding. I've got one item to report, the Return 'Em Right.  
11

12 We are continuing with research that's looking at collaborative  
13 studies to investigate post-release mortality for reef fish and  
14 the effectiveness of descending devices and how it relates to  
15 depredation, as well as monitoring, and we're working with NOAA  
16 in the state of Florida, Louisiana, and Mississippi, or, excuse  
17 me. It's Florida, Alabama, and Mississippi, to expand data  
18 collection through at-sea observers and dockside validation.  
19

20 Data collection for that began last month, and it will continue  
21 throughout the year, and I would like Charlie Robertson, our  
22 program coordinator for this program, to present some  
23 preliminary findings of the research and monitoring at a future  
24 council meeting next year, and I'll work with staff to find the  
25 appropriate time there. I was going to talk a little bit about  
26 the gear distribution, but Nick Haddad covered that, and so that  
27 concludes my report, pending any questions.  
28

29 **CHAIRMAN DIAZ:** Thank you, Mr. Donaldson. I will say that  
30 Return 'Em Right was well thought and well done, and you all's  
31 participation in there was huge, and, in fact, I can't think of  
32 a program that's been better thought out than that one in recent  
33 times, and so I'm really impressed with the way it's run. Any  
34 questions for Mr. Donaldson? Okay. Lieutenant Commander Motoi.  
35

36 **U.S. COAST GUARD**  
37

38 **LCDR MOTOI:** Thank you. Good afternoon, Mr. Chairman and  
39 members of the council. I am Lieutenant Commander Lisa Motoi,  
40 and, first, thanks for a great week of learning. I serve as the  
41 Living Marine Resources Officer at Coast Guard District 8 in New  
42 Orleans.  
43

44 For today's agenda, I will briefly discuss District 8's area of  
45 responsibility, performance metrics for Fiscal Year 2022,  
46 enforcement and safety violations, lanchas, and recent  
47 operations.  
48

1 Here is an overview of Coast Guard District 8, which covers all  
2 or part of twenty-six states throughout the Gulf coast and the  
3 heartland. The district has three air stations and is divided  
4 into seven sectors, as seen in the picture, and, of these seven  
5 sector, four of them are coastal sectors, Mobile, New Orleans,  
6 Houston/Galveston, and Corpus Christi, and these are the sectors  
7 that conduct the Coast Guard's living marine resources mission.

8  
9 There are also five fast-response cutters assigned to the  
10 district, which have been instrumental in combating the lancha  
11 threat. In fact, nearly half of all lancha interdictions come  
12 from our fast-response cutters.

13  
14 This slide depicts the total number of at-sea vessel boardings  
15 conducted in Fiscal Year 2022, to date, and this includes  
16 commercial fishing vessel, passenger, and recreational vessels,  
17 and the horizontal axis shows the fishery. Historically, the  
18 most challenging boarding target for us has been the highly-  
19 migratory species, due to limited resources to operate that far  
20 offshore. Though our fast-response cutters are more than  
21 capable, the persistent lancha threat keeps them busy near the  
22 maritime boundary line.

23  
24 This is a breakdown, and so this commercial vessel boardings so  
25 far to date, Fiscal Year 2022, and a breakdown -- This is both  
26 recreational and passenger vessel boardings. Vessels with LMR  
27 violations, so far, there have been thirty commercial fishing  
28 vessels, two recreational, and one charter that had at least one  
29 or more LMR violations.

30  
31 These are the most common LMR violations that we see, with  
32 bycatch reduction device violations, gear restrictions, and  
33 permit violations being at the top. Vessels with safety  
34 violations, this is the total number, 147 vessels, and there  
35 were 124 commercial fishing vessels, twenty-one recreational,  
36 and two passenger or charters that have at least one or more  
37 safety violations, and these are the most common safety  
38 violations that we see, with insufficient or not properly marked  
39 life jackets, discrepancies with life rafts and distress  
40 signals, and lack of documentation being at the top.

41  
42 For lancha interdictions, the Mexican lanchas are the most well-  
43 defined threat for known and suspected illegal, unreported, and  
44 unregulated fishing in the Gulf of Mexico, based on historical  
45 case data, custodial interviews, threat assessments, and network  
46 analysis.

47  
48 The illegal trade of red snapper, grouper, and other species,

1 like shark, they have become extremely lucrative for the  
2 transnational criminal organizations in Mexico, and so Mexico  
3 was identified an illegal, unreported, and unregulated fishing  
4 nation, in NOAA Fisheries' 2021 Report to Congress on Improving  
5 International Fisheries, for its continued failure to address  
6 unauthorized fishing activities by lanchas in U.S. waters.

7  
8 As a result, they have received a negative certification, and,  
9 earlier this year, in February, port denials for Mexican-flagged  
10 vessels that fish in the Gulf of Mexico were instituted.  
11 However, we're not confident that these port denials have  
12 impacted Mexican lanchas fishing in the U.S. EEZ. In fact, to  
13 date, no Gulf coast port denials of Mexican-flagged vessels have  
14 occurred.

15  
16 Improving efforts, the Coast Guard is in support of Customs and  
17 Border Protection's effort to reinstall aerostat infrastructure  
18 along the southwest border, to increase maritime domain  
19 awareness and bolster intel of operations, and then, from a  
20 Coast Guard perspective, we continually explore new ways to  
21 share information, patrol cooperatively, and support Mexico's  
22 efforts to prevent illegal EEZ incursions.

23  
24 Next month, I will be attending the joint meeting at the Mexico  
25 Embassy in D.C., along with NOAA Fisheries, Coast Guard  
26 Fisheries Enforcement Division at the Headquarters level, and  
27 Mexican officials, to discuss the lancha threat and possible  
28 proposals, and so, hopefully at the next council meeting, I can  
29 speak more to that.

30  
31 The top two pictures here in this slide, they are the standard  
32 lancha. They're low-profile, twenty to thirty-five feet in  
33 length, open hull, fiberglass, with one outboard engine, and  
34 they travel -- They can reach speeds up to twenty knots, and  
35 they are typically manned by three to five Mexican nationals,  
36 and their primary target species are the red snapper, as you can  
37 see.

38  
39 When we have an interdiction, the lancha gear and catch are  
40 seized, and the crew is transferred to Customs for repatriation  
41 to Mexico, and then the lanchas are then stored at one of our  
42 Coast Guard stations for forty-five days, as you can see, to  
43 allow opportunity for Mexican authorities to reclaim, and we  
44 also have a program where we donate fish to a non-profit  
45 organization that rehabilitates injured sea turtles and to a  
46 local zoo. The next few slides just show some --

47  
48 **CHAIRMAN DIAZ:** Lieutenant Commander, we have a question for you

1 from Mr. Dyskow.

2  
3 **MR. DYSKOW:** Thank you, Mr. Chair. Have any Mexican nationals  
4 ever attempted to reclaim one of those vessels?

5  
6 **LCDR MOTOI:** No.

7  
8 **CHAIRMAN DIAZ:** General Spraggins.

9  
10 **GENERAL SPRAGGINS:** One question. When you show that picture  
11 there, how often are you all able to intercept someone catching  
12 that many snapper, and I know you indicated that you only have  
13 so much, and what percentage do you think that you actually  
14 intercept?

15  
16 **LCDR MOTOI:** We believe there is probably about a thousand  
17 incursions a year.

18  
19 **CHAIRMAN DIAZ:** Mr. Donaldson.

20  
21 **MR. DONALDSON:** On your lancha interdiction, in FY20, there was  
22 a huge increase in actual encounters, and was that because of  
23 increased effort or just increased activity?

24  
25 **LCDR MOTOI:** We believe it was from COVID, and there is a period  
26 of time where it was -- We did like a catch-and-release, where  
27 we would not seize the lancha, and we would just seize the catch  
28 and the gear, but not the lancha, and so the Mexicans would just  
29 go back the next day, and we did that for protocol reasons, and  
30 so there was a period of time, several months, where we did  
31 that, and that probably explains the spike.

32  
33 **CHAIRMAN DIAZ:** Dr. Porch.

34  
35 **DR. PORCH:** Just a follow-up to that. In FY21 though, it goes  
36 down substantially, and, granted, FY22 is not done yet, but 2021  
37 is almost a 50 percent drop, and I was wondering if that was  
38 related to maybe, you know, patrols going a different way or if  
39 it's really reflecting a drop in the total number of incursions.

40  
41 **LCDR MOTOI:** We average around -- Like, with 2019, it was like  
42 seventy-four, or seventy-eight, and it's right around like that  
43 number, based on historical numbers, and 148 is -- I think a lot  
44 of that had to do with COVID.

45  
46 **CHAIRMAN DIAZ:** Mr. Riechers.

47  
48 **MR. RIECHERS:** To help with a little bit, from the Texas

1 perspective, one of our wardens who used to work down there is  
2 now our law enforcement liaison in Austin, and they will see the  
3 captain, or some of these captains, and they -- I mean, they  
4 literally get to know who they are, meaning they will go back  
5 home and get a new boat and come back, and so, the year when  
6 they weren't taking the boats, it was a lot easier to get a new  
7 boat and come back. If you went home on a boat, you came back  
8 on a boat, and so my suspicion is that you're right, and I  
9 believe it probably would have a lot to do with that. Like I  
10 said, it's just the cost of doing business for them to lose a  
11 boat and start over again.

12  
13 **LCDR MOTOI:** Some of these nationals, we have our boarding  
14 teams, and they'll say, see you tomorrow. The next few slides  
15 just show some recent operations, and this was a marine  
16 protected resources piece involving an entangled dolphin in  
17 illegal fishing net, and it made local news, and Coast Guard  
18 Station South Padre Island retrieved four nautical miles of  
19 gillnet found in the vicinity of the Brownsville Ship Channel,  
20 and the entangled dolphin was safely released, after consulting  
21 with the Texas Marine Mammal Stranding Network, and certainly we  
22 suspect it was gillnet used by the lancheros.

23  
24 This was a recent joint op with FWC and NOAA involving an  
25 illegal charter in Panama City, and this was an FWC-intel-driven  
26 boarding that resulted in multiple violations, including the  
27 charter captain operating outside the scope of his credentials.  
28 Especially with spikes in tourism, illegal charters bring great  
29 concern, not only for the safety of the people who ride on them,  
30 but for the livelihood of the charter captains who are following  
31 the rules.

32  
33 The last slide, this shows the Coast Guard conducting -- We do  
34 routine joint patrols with the Texas Parks and Wildlife  
35 Department, who is a key partner in combatting the lancha  
36 threat, and here you can see them on patrol and retrieving  
37 illegal net and highlighting the illegal activity that is  
38 happening in our waters.

39  
40 Aside from the law enforcement aspect, the Coast Guard and Texas  
41 Parks and Wildlife work together to bring awareness and urge the  
42 public to enact safety practices when fishing along the Texas  
43 coast and waterways, and so, in 2020, twenty-two people died,  
44 nine of whom were wave fishing. In 2019, nineteen people  
45 drowned, nine of whom were wave fishing, and so the  
46 environmentals, like river currents and riptides, they just  
47 present a significant risk, and the Coast Guard and Texas Parks  
48 and Wildlife have done a great job working together to raise

1 awareness. Pending any questions, that concludes my brief, Mr.  
2 Chairman.

3

4 **CHAIRMAN DIAZ:** Dr. Stunz.

5

6 **DR. STUNZ:** Just to follow-up, thank you again for a very  
7 informative presentation, and I just wanted to follow-up back on  
8 the lancha discussion. You know, the interdictions are one  
9 thing, obviously, and the detections are another, and I realize  
10 that you can't interdict all of them, especially if it's a  
11 thousand, but my understanding is these are carrying 1,500 to  
12 2,500 pounds of snapper, if they're caught once they fill their  
13 boat kind of thing, and so you look at that times a thousand,  
14 and we're looking at seven-million, which is the recreational  
15 quota, and that's -- It's not an insignificant number that's  
16 going out the back door.

17

18 It's broken record for me, and Robin too, and it's like, at  
19 every meeting, we -- It's just -- I don't know what else to say,  
20 but it's not something that's an insignificant problem. 2,000  
21 pounds of snapper could curb a lot of problems that we  
22 experience around this council table, in terms of getting quota  
23 to fishermen and that kind of thing.

24

25 **CHAIRMAN DIAZ:** Mr. Riechers.

26

27 **MR. RIECHERS:** On behalf of Texas Parks and Wildlife Law  
28 Enforcement, we do want to thank you for your partnership, the  
29 partnership of both you and NOAA Law Enforcement, because,  
30 obviously, that's a difficult area to work in, and difficult  
31 activities that go on down there every day, and so we appreciate  
32 it. We appreciate the partnership.

33

34 **CHAIRMAN DIAZ:** Mr. Anson.

35

36 **MR. ANSON:** Regarding the lancha harvest, Dr. Porch, isn't that  
37 going to be looked at in the research track assessment? Weren't  
38 you working with the Coast Guard, to try to estimate how much  
39 was being harvested?

40

41 **DR. PORCH:** The problem is getting that estimate of total number  
42 of incursions that we can extrapolate, and we've not actually  
43 gotten that information, and so there's more to it. I mean, we  
44 could look at -- We looked at it in the past, and, of course,  
45 the amount taken by Mexican lanchas was estimated to be a very  
46 small fraction of the total kill, and so it didn't have a high  
47 impact on the assessment.

48

1 I am actually not aware of receiving any information from the  
2 Coast Guard on either the interdictions or the estimated total  
3 number of incursions, and so I can check and see if something  
4 was submitted, but I don't recall.

5  
6 **CHAIRMAN DIAZ:** Ms. Bosarge.

7  
8 **MS. BOSARGE:** A couple of things. First, I wanted to thank you  
9 for coming in-person to this meeting. I think it's been very  
10 helpful, having you here to answer questions, and you and I have  
11 talked a little offline, and I really appreciate that, and then,  
12 secondly, I just want to say thank you for everything you all  
13 do.

14  
15 I mean, I know you have this huge scope of responsibility, but,  
16 when it comes right down to it, if we get in trouble out there,  
17 you all are -- We know that you're coming to get us, and so, if  
18 worse comes to worse, and so we appreciate that. We really do.

19  
20 I did have a couple of questions and an issue that I wanted to  
21 raise with you, really regarding life rafts, but, before we get  
22 to that, I just wanted to go back to Slide 4, and this is not  
23 necessarily meant for you, Lieutenant Commander, or anything,  
24 and it's just more of a comment, to kind of help, I guess, maybe  
25 people around the table understand some of my hesitation in  
26 Shrimp Committee and my real desire for our data to go to the  
27 Science Center, instead of law enforcement, and it's not  
28 anything against law enforcement, but it's just to help you  
29 understand how we feel out there on the water as a fishery.

30  
31 This is domestic fisheries law enforcement, right, and there's  
32 about five-million domestic fishing licenses issued every year,  
33 okay, five-million, and there's about 1,300 shrimp licenses  
34 issued, but, if you look at the vessels that get boarded  
35 offshore, just on this screen, 60 percent of the boardings  
36 targeted shrimp vessels. Five-million boats, and we're 60  
37 percent of the boardings, and there is only 1,300 of us.

38  
39 We don't mind, and you keep us safe, and keep coming, but it's  
40 just sometimes we feel like we have a target on our backs, and,  
41 all right, and we've got that out of the way, and let's go over  
42 to the issue with the life rafts.

43  
44 You heard me talk earlier about how tough it is right now to  
45 make a living in the shrimp industry, and that life raft cost,  
46 as far as regulations go, is one of our more expensive costs to  
47 comply with. In 2011, repacking that life raft was around 600  
48 to 700 bucks, and, at this point, about the cheapest we can get

1 it is \$1,200 to \$1,600, and the last one we had repacked was  
2 \$2,400. Okay?

3  
4 We have to repack those rafts every single year. At the fifth  
5 year, we might as well buy a new raft, because the cost to  
6 repack it on the fifth year is only a couple hundred bucks  
7 different from buying a brand-new one for about \$3,000, or more.  
8 We buy ours wholesale, and so it's around 3,000 bucks, but  
9 because we have five boats, and so we can go through a wholesale  
10 distributor, but, for people that just have one boat, and  
11 they've got to go buy it retail, I wouldn't even want to know  
12 what it costs.

13  
14 From what I can see, part of it seems to be that there's not  
15 enough competition in that repacking servicing industry, and so  
16 I'm out of Mississippi, and we can get our rafts repacked in  
17 Alabama, and there's one place in Alabama on the coast.  
18 Otherwise, we go all the way to Louisiana, to New Orleans, to  
19 get it repacked, and we are now trying to take our rafts,  
20 because we also shrimp on the east coast, and we're driving and  
21 dropping them off in Savannah, Georgia, because the next closest  
22 place to the east, after we pass up Mobile, we can go to Miami  
23 or Savannah to get that raft repacked, for our brand of raft.

24  
25 I don't know if the Coast Guard regulations -- Because I know  
26 you regulate those services, and they have to meet certain  
27 requirements, and, obviously, because it's life-saving  
28 equipment, and I'm not sure if we need to relax some of those  
29 requirements, and I don't know, but we've got to make some  
30 improvements somewhere.

31  
32 One solution that I thought of -- Our rafts, for the commercial  
33 fishing industry, have to be the inflatable rafts, which those  
34 are the really expensive ones to service. However, strangely  
35 enough, in passenger-carrying vessels, like the for-hire fleet  
36 or the crew boat and supply boat fleet in the oil industry, and  
37 they are taking passengers, and they don't have to have an  
38 inflatable. They get to carry a shark feeder, as we call them,  
39 right, and it's a raft that has just got a hard, floating border  
40 around it, and a net, and we call them shark feeders. However,  
41 at this point, with the cost of an inflatable raft and the  
42 repack, we will take our chances with the sharks.

43  
44 You know, I don't know if that's an option for us, right, and  
45 maybe we could look at changing that requirement to be either an  
46 inflatable or, for lack of a better word, the shark-feeder one,  
47 but can you -- Do you mind just raising those concerns up the  
48 ladder for me and telling them that we're barely making a living

1 at this point, and we've got to have some relief somewhere. Our  
2 regulations are getting too expensive.

3  
4 **CHAIRMAN DIAZ:** Mr. Anson.

5  
6 **MR. ANSON:** Lieutenant Commander Motoi, thanks for the  
7 presentation, and thanks for your attendance. Just a question  
8 on the slide that you had with the pie chart and the most common  
9 safety violations, and you had documentation as thirty-nine  
10 incidents, and can you describe what documentation would apply  
11 to a safety violation, in this context?

12  
13 **LCDR MOTOI:** More like their required paperwork that they need  
14 to have onboard, the registration, permits, and so that falls  
15 under that.

16  
17 **CHAIRMAN DIAZ:** Okay. Ms. Bosarge.

18  
19 **MS. BOSARGE:** And I can see that, because, for us, for all the  
20 different -- Documentation, like Coast Guard documentation, but  
21 they check all the different documentation when they come  
22 aboard, and, for us to go shrimping, we have a three-ring binder  
23 that's about an inch or an inch-and-a-half thick with papers  
24 that we have to keep up-to-date constantly, all our licenses and  
25 all our permits, and that's what it takes for us to get -- Those  
26 are all the licenses that we have to have, and most of them have  
27 reporting requirements with them.

28  
29 **OTHER BUSINESS**

30  
31 **CHAIRMAN DIAZ:** Okay. I am not seeing any further comments.  
32 Great report. We appreciate it, and I echo everybody else. I  
33 was glad to have you in-person. I look forward to seeing you in  
34 August.

35  
36 I think that brings us to the end of our agenda. We do have  
37 Other Business. The only thing that I have down is I wanted to  
38 remind people that we sent that CMOD document out at the  
39 beginning of the meeting, and I did get a few responses, but, if  
40 you are interested, I would encourage you to email me and let me  
41 know that very soon, and we're going to make a decision on that  
42 probably Monday of next week. Dr. Simmons, are you on the line?  
43 I wanted to see if you had anything that you wanted to say  
44 before we closed the meeting out.

45  
46 **EXECUTIVE DIRECTOR SIMMONS:** No, sir, and I'm right here. Thank  
47 you.

1 **CHAIRMAN DIAZ:** I wanted to thank you for being with us all week  
2 while you're sick, and I can tell. I knew you were a good  
3 manager before this week, but I think a real good sign of a good  
4 manager is if their staff performs really good when they're not  
5 around, and your staff has performed very good this week. We  
6 did miss you, however, and it's very comforting to have you  
7 sitting next to me and advising me here, and so I'm looking  
8 forward to having you back in August.

9  
10 I want to specifically mention Beth, Bernie, and Charlotte.  
11 They've been working hard this week, and we appreciate them  
12 staying on top and working behind the scenes and keeping us up-  
13 to-date.

14  
15 I want to mention something specific about Bernie though. I  
16 don't know if any of you all ever watched MASH before, but you  
17 know how Radar would know what Henry needed, or General Potter  
18 needed, and that's how Bernie is. Whenever I look back there,  
19 she tells me what I'm going to say, and it's almost always  
20 right, and she's got ESP, and so it's uncanny, and so thank you,  
21 Bernie. We appreciate it, being so prepared, and General  
22 Spraggins has something, and then, very soon after that, we're  
23 close this meeting out. General Spraggins.

24  
25 **GENERAL SPRAGGINS:** I just didn't want to leave without thanking  
26 Leann. Thank you so much. I tell you what, and, you know, a  
27 lot of times, me and you have sat there and argued back and  
28 forth, but I will tell you that I have learned a lot from you,  
29 and I have learned a whole lot, and I appreciate you, and I  
30 appreciate what you've done, and I would like to give her a  
31 standing ovation.

32  
33 **CHAIRMAN DIAZ:** All right, Ms. Bosarge. If you want some final  
34 words, let's have them.

35  
36 **MS. BOSARGE:** Thank you for everything, and I will miss  
37 everybody. I'm sorry that I had to be such a turd in my last  
38 meeting though. I just had to get that word on the record one  
39 more time.

40  
41 **MR. ANSON:** Recognizing it is the first step.

42  
43 **CHAIRMAN DIAZ:** All right. I want to thank you also, Leann.  
44 Anyway, that's the end of this meeting, and we're going to be  
45 meeting again in August, in Corpus Christi, Texas, August 22  
46 through August 25, at the Omni Hotel, and you all have safe  
47 travels home, and thanks, everybody, for your hard work.

48

1 (Whereupon, the meeting adjourned on June 24, 2022.)

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