

GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

289TH MEETING

FULL COUNCIL SESSION

The Lodge at Gulf State Park Gulf Shores, Alabama

April 6-7, 2022

VOTING MEMBERS

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

NON-VOTING MEMBERS

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

STAFF

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

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3 Bryan Anderson.....
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5 Charlie Bergmann.....Vancleave, MS
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3 John Walter.....SEFSC
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5 Wayne Werner.....Alachua, FL
6 Jason Wetmore.....
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9 Jim Zurbrick.....Steinhatchee, FL
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TABLE OF MOTIONS

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2
3 [PAGE 81](#): Motion to implement an electronic voting system for
4 council and council committee motions that have opposition. All
5 roll call votes shall be by electronic voting. Results shall be
6 recorded and included in the minutes. Staff to select
7 appropriate software and timing of implementation and modify the
8 SOPPs as necessary. [The motion failed on page 87.](#)
9

10 [PAGE 87](#): Motion to pilot an electronic voting system for
11 council and council committee motions that have opposition. All
12 roll call votes shall be by electronic voting. Results shall be
13 recorded and included in the minutes. Staff will select
14 appropriate software and timing of implementation and modify the
15 SOPPs as necessary. [The motion carried on page 88.](#)
16

17 [PAGE 90](#): Motion to accept the FEP plan developed by LGL
18 Associates as a framework to begin discussions and
19 operationalize future FEP plans. [The motion carried on page 92.](#)
20

21 [PAGE 92](#): Motion that the ETC be charged with the following
22 tasks: 1)Revise the ETC mission to ensure long term advice to
23 the council for the FEP; 2)Develop goals and measurable
24 objectives for the FEP and up to four FEIs; 3)Create criteria
25 for prioritizing FEIs. Utilize the criteria to recommend the
26 top four FEI; 4)The ETC is to develop a plan to engage
27 stakeholders in the process. [The motion carried on page 100.](#)
28

29 [PAGE 101](#): Motion to request NMFS to continue with the Texas
30 federal closure in the coming year in conjunction with the State
31 of Texas closure in 2022. [The motion carried on page 101.](#)
32

33 [PAGE 102](#): Motion to request staff work with the Outreach and
34 Education Technical Committee to identify the best process for
35 conveying the importance of recovery of secure digital cards to
36 Gulf of Mexico federal shrimp permit holders that have been
37 selected by the Science and Research Director to report vessel
38 position data. Once a notification process for shrimp permit
39 holders is identified, letters to NMFS Fisheries Statistics
40 Division should be sent emphasizing the importance of recovery
41 of SD cards on Gulf of Mexico shrimp vessels and the efforts
42 that have been identified to improve this outreach effort. [The
43 motion carried on page 102.](#)
44

45 [PAGE 103](#): Motion to convey to the SEFSC the support of the
46 formal inclusion of the appropriate SSC members, council staff,
47 and shrimp industry representatives in the development of the
48 shrimp Empirical Dynamic Models outside of formal SSC review and

1 prior to the SEDAR research track. [The motion carried on page](#)
2 [103](#).

3
4 [PAGE 112](#): Motion to recommend the council approve Amendment 34:
5 Atlantic Migratory Group King Mackerel Catch Levels and Atlantic
6 King and Spanish Mackerel Management Measures and that it be
7 forwarded to the Secretary of Commerce for review and
8 implementation and deem the codified text as necessary and
9 appropriate, giving staff editorial license to make the
10 necessary changes in the document. The council chair is given
11 the authority to deem any changes to the codified text as
12 necessary and appropriate. [The motion carried on page 114](#).

13
14 [PAGE 115](#): Motion to direct staff to create a framework
15 amendment to eliminate weekend and holiday closures in the
16 gillnet component of the mackerel fishery. [The motion carried](#)
17 [on page 116](#).

18
19 [PAGE 119](#): Motion to direct staff to develop an abbreviated
20 framework document addressing the trip declaration requirements.
21 [The motion carried on page 119](#).

22
23 [PAGE 146](#): Motion to direct staff to begin work on a framework
24 action to revise the red snapper catch limits based on the SSC's
25 March 2022 catch limit recommendations. [The motion carried on](#)
26 [page 147](#).

27
28 [PAGE 149](#): Motion to request that SERO provide to the council at
29 its June 2022 meeting an analysis of data needed to develop an
30 interim rule to reduce overfishing of gag grouper in the Gulf of
31 Mexico for the 2023 fishing year. The analysis will include:
32 1)options for distributing quota to the recreational and
33 commercial fishery sectors in an equitable manner (e.g.,
34 proportional reduction in catch using data from 2017-2019) given
35 an ABC of 660,000 pounds whole weight based on a rebuilding time
36 frame of T_{min} times two; and 2)options to maximize the number of
37 fishing days for the recreational sector based on various
38 fishing season start dates in 2023, including October 1 and
39 November 1. [The motion carried on page 152](#).

40
41 [PAGE 155](#): Motion that, as part of the gag rebuilding plan,
42 evaluate the components outlined in the Allocation Review
43 Guidelines presented in the "Allocation Review Criteria" for
44 inclusion in the amendment to fully consider the various
45 allocation scenarios and corresponding catch advice decisions
46 before the council. [The motion carried on page 155](#).

47
48 [PAGE 156](#): Motion that the SEFSC and SSC prioritize increased

1 human dimensions data collection and analysis, consistent with
2 the recommendations from the report, "The Use of LAPPs in Mixed-
3 Use Fisheries." [The motion carried on page 156.](#)

4
5 [PAGE 157](#): Motion to request that the SSC reconsider the OFL and
6 ABC for goliath grouper. [The motion carried on page 157.](#)

7
8 [PAGE 159](#): Motion to recommend the council approve Framework
9 Action: Historical Captain Permits Conversion and that it be
10 forwarded to the Secretary of Commerce for review and
11 implementation and deem the codified text as necessary and
12 appropriate, giving staff editorial license to make the
13 necessary changes in the document. The council chair is given
14 the authority to deem any changes to the codified text as
15 necessary and appropriate. [The motion carried on page 161.](#)

16
17 [PAGE 162](#): Motion to approve the Allocation Review Guidelines
18 document. [The motion carried on page 165.](#)

19
20 [PAGE 167](#): Motion to request the SEFSC analyze alternative
21 practicable approaches to sector allocation determination, other
22 than using historic landings only, that specifically include
23 socio-economic evaluation. The SSC should review, make
24 recommendations, and give advice to the council. [The motion](#)
25 [carried on page 169.](#)

26
27 - - -
28

1 The Full Council of the Gulf of Mexico Fishery Management
2 Council convened at The Lodge at Gulf State Park in Gulf Shores,
3 Alabama on Wednesday afternoon, April 6, 2022, and was called to
4 order by Chairman Dale Diaz.

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

8 **CHAIRMAN DALE DIAZ:** If everybody is ready to get started, I'm
9 going to go ahead and kick things off and try to keep us close
10 to our schedule, if we can, but, before I start, I do want to
11 remind people in the room that we have a kiosk in the back of
12 the room for folks that are here that wish to sign-in to do
13 public testimony, which will start roughly around 2:30.

14
15 Welcome to the 289th meeting of the Gulf of Mexico Fishery
16 Management Council. My name is Dale Diaz, chair of the council.
17 If you have a cell phone or similar device, we ask that you
18 place it on silent or vibrant mode during the meeting. Also, in
19 order to be able to hear the proceedings, we ask that, if you
20 have private conversations, please take them outside. Please be
21 advised that alcoholic beverages are not permitted in the
22 meeting room.

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

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

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

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

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

7
8 A digital recording is used for the public record, and,
9 therefore, for the purpose of voice identification, we will call
10 attendance for the council members attending virtually first.
11 After this, we will complete with members in the room, and they
12 should identify himself or herself starting on my left. With
13 that, Andy and Phil, if you all can identify yourself.

14
15 **MR. PHIL DYSKOW:** This is Phil Dyskow, representing Florida.

16
17 **MR. ANDY STRELCHECK:** Andy Strelcheck, NOAA Fisheries, Southeast
18 Regional Office, Administrator.

19
20 **EXECUTIVE DIRECTOR CARRIE SIMMONS:** Carrie Simmons, Gulf Council
21 staff.

22
23 **MR. DAVE DONALDSON:** Dave Donaldson, Gulf States Marine
24 Fisheries Commission.

25
26 **MS. LEANN BOSARGE:** Leann Bosarge, Mississippi.

27
28 **MR. RICK BURRIS:** Rick Burris, Mississippi Department of Marine
29 Resources.

30
31 **DR. TOM FRAZER:** Tom Frazer, Florida.

32
33 **MS. JESSICA MCCAWLEY:** Jessica McCawley, Florida.

34
35 **MR. BOB GILL:** Bob Gill, Florida.

36
37 **MR. C.J. SWEETMAN:** C.J. Sweetman, Florida.

38
39 **MS. LAURILEE THOMPSON:** Laurilee Thompson, Florida.

40
41 **DR. JOHN WALTER:** John Walter, Southeast Fisheries Science
42 Center.

43
44 **MS. MARA LEVY:** Mara Levy, NOAA Office of General Counsel.

45
46 **MR. PETER HOOD:** Peter Hood, Southeast Regional Office.

47
48 **MS. SUSAN BOGGS:** Susan Boggs, Alabama.

1
2 **DR. BOB SHIPP:** Bob Shipp, Alabama.

3
4 **MR. KEVIN ANSON:** Kevin Anson, Alabama.

5
6 **MR. BILLY BROUSSARD:** Billy Broussard, Louisiana.

7
8 **MR. J.D. DUGAS:** J.D. Dugas, Louisiana.

9
10 **MR. CHRIS SCHIEBLE:** Chris Schieble, Louisiana Department of
11 Wildlife and Fisheries.

12
13 **MR. DAKUS GEESLIN:** Dakus Geeslin, Texas Department of Parks and
14 Wildlife.

15
16 **DR. GREG STUNZ:** Greg Stunz, Texas.

17
18 **ADOPTION OF AGENDA AND APPROVAL OF MINUTES**

19
20 **CHAIRMAN DIAZ:** With that, I would like to call the council to
21 order, and the first item on the agenda is the Adoption of the
22 Agenda.

23
24 **MR. GILL:** Move adoption, Mr. Chairman.

25
26 **CHAIRMAN DIAZ:** I have a motion to adopt the agenda. Is it
27 seconded?

28
29 **MS. MCCAWLEY:** Second.

30
31 **CHAIRMAN DIAZ:** It's seconded by Ms. McCawley. Any opposition
32 to adopting the agenda? The agenda is approved. Ms. Bosarge,
33 go ahead.

34
35 **MS. BOSARGE:** There was one item that I was hoping to bring up
36 during Other Business, and that was going to be real brief, just
37 to mention an amendment that they have in the South Atlantic
38 regarding permits, if that's okay. Would that be all right?

39
40 **CHAIRMAN DIAZ:** Yes, Ms. Bosarge, and so the agenda is adopted
41 with the other business from Ms. Bosarge. Is there any other
42 business that anybody wants to add to the agenda?

43
44 **MR. STRELCHECK:** Dale, I had one item.

45
46 **CHAIRMAN DIAZ:** Go ahead, Andy.

47
48 **MR. STRELCHECK:** We have gotten some inquiries from an attorney

1 with regard to gillnetting of pompano off of Florida, and I know
2 this is a sensitive issue that Florida is being sued on, but I
3 think we at least need to briefly discuss the matter.

4
5 **CHAIRMAN DIAZ:** All right. We added it to Other Business, Mr.
6 Strelcheck. Any other business? With that, the agenda is
7 adopted with those two other business items. Next up is the
8 Adoption and Approval of the Minutes. Are there any additions
9 or corrections to the minutes? Seeing none, is there anyone
10 that would suggest approving the minutes? Dr. Frazer moves
11 approval. Does anybody second? Second by Mr. Anson. Any
12 opposition? The minutes are approved.

13
14 Next up, we have a couple of presentations that we're going to
15 work through, and the first one of the Gulf of Mexico renewable
16 energy update, and that's going to be Ms. Matthews. Ms.
17 Matthews, are you online?

18
19 **PRESENTATIONS**
20 **GULF OF MEXICO RENEWABLE ENERGY UPDATE**

21
22 **MS. TERSHARA MATTHEWS:** Yes, I am. Thank you, Mr. Chairman, and
23 good afternoon, everyone. I am going to provide a verbal update
24 this time, just because we didn't have our slides ready for the
25 new information.

26
27 As many of you are aware, we're in the process of the renewable
28 energy, the windfarm, and we're targeting a lease sale now in
29 March of 2023. Just to kind of orient ourselves to the process,
30 we had a call for information, and that call resulted in roughly
31 forty comments, and that call area is west of the Mississippi
32 River, all the way to the Texas/Mexico border, out to 400 meters
33 of water depth, and so we're still there in that process.

34
35 You all have requested that we work very closely with NOAA to
36 utilize the Aquaculture Opportunity Atlas and the modeling that
37 they did, and so, for the last few months, we have been working
38 very closely with NOAA, during that process, and looking at that
39 modeling. We actually go some of the model results this
40 morning, and so I'm going to review those and send them up
41 internally for review, and so I want to talk to you about what
42 the model looks like, and what was included in the model, and
43 then we can have any questions that you may have, and so we
44 haven't determined those wind energy areas yet.

45
46 We're still at that call area, and so we're still in that
47 winnowing-down process. What the model is going to do is help
48 us define those wind energy areas, utilizing fisheries data,

1 logistics, industry data, natural and cultural resources,
2 national security, and economics, and so those are the parts of
3 the model that have been included in there, that NOAA is working
4 on for us, and so I want to talk about what's in the fisheries
5 model, so that everybody can kind of be aware of the layers that
6 are in there.

7
8 In those layers, we have the commercial shrimp electronic
9 logbook that goes through 2004 to 2019, that same data that was
10 used in the Aquaculture Opportunity Areas Atlas, and we have the
11 menhaden data, fisheries data, that was from 2000 to 2016, and
12 we have the highly migratory species pelagic longline gear
13 observer data, and that was from 1993 to 2019. We have the reef
14 fish bandit gear, the reef fish longline gear, and the Southeast
15 Region Headboat Survey data is in there from 2014 to 2020, and
16 so that's what is in the fisheries sub-model.

17
18 In the natural resource sub-model, we have the NOAA fish havens,
19 we have the low-relief structures, we have a lot of coral data
20 that's in there, and we have the protected species, or protected
21 resources, data that's in there as well, and so that's kind of
22 what is in the natural and cultural resources sub-model.

23
24 In the industry and operations sub-model, we have what we call
25 the NEXRAD sites, and that was from NOAA, and we have the
26 fishing surveys, and that was from NOAA, and we also have the
27 AIS vessel traffic from fishing, from 2019 fishing, and we have
28 a cargo passenger, and all of those things are in that industry
29 and operations sub-model.

30
31 James Morris' group is currently running those models for us, to
32 better refine those wind energy areas. Once we get those areas
33 defined, we will go out and have stakeholder engagement
34 meetings, to show what those areas look like, before we have
35 that final proposed sale notice, which will come out in mid-
36 July, and so I'm hoping that I can come back at the June meeting
37 to show you the actual wind energy areas, but, prior to that,
38 we're going to reach out to these stakeholder groups and kind of
39 show what the areas are, so that, if you have any comments or
40 concerns where those areas are, then we can address those and
41 make any tweaks that we need to make as we continue to move
42 through this process.

43
44 I do apologize for just giving a verbal update, but I wanted to
45 let you know that we have not defined those wind energy areas
46 yet, that we're still working with NOAA, and that's one of your
47 requests, that you asked us to continue to work with NOAA,
48 because they have all of the fisheries data and the other

1 things, and so we are doing that, and they are working on those
2 models now. I will stop there, to see if you have any
3 questions.

4
5 **CHAIRMAN DIAZ:** Okay. Thank you, Ms. Matthews. Any questions
6 for Ms. Matthews? Ms. Bosarge.

7
8 **MS. BOSARGE:** Hi, Tershara. It's good to hear your voice again.

9
10 **MS. MATTHEWS:** Yes, and it's great to hear you, too.

11
12 **MS. BOSARGE:** Thanks for that update, and I'm really excited to
13 hear that you all are going to use that atlas that NMFS was
14 using, or NOAA was using, for the aquaculture areas, and so
15 that's exciting news. I know that all the fishing data is in
16 there, and I feel really good that, as far as shrimp is
17 concerned, that all of the ELB points are in there.

18
19 It seems like I recall though, after all that is input, there is
20 this next step, or another layer, let's call it, where each one
21 of these datasets almost gets a priority, or a weighting, and so
22 something that's a military area, say, that will be weighted in
23 such a way that it understands, the model understands, that's a
24 no-go, and you can't negotiate putting an aquaculture area in
25 that particular location, but what about on fishing? Are you
26 all going to give some sort of weighting, or priority, to that?

27
28 **MS. MATTHEWS:** Yes, they will be weighted as well, and so the
29 way that the model sits right now is that we have those -- I am
30 looking at seven categories, and we have national security, and
31 we have natural and cultural resources, and the constraints
32 model, which is the no-go areas, and then industry and
33 operations, fisheries, logistics, and econ. All of those are
34 weighted the same, and then they will come out with a
35 suitability score after that, and so you're correct.

36
37 **MS. BOSARGE:** Is it a 0.5, or what do you think it is? Do you
38 know?

39
40 **MS. MATTHEWS:** I would have to go back and look for fisheries.

41
42 **MS. BOSARGE:** You don't have to tell us right now, Tershara, but
43 maybe if you could just get us that information, and I think
44 like, if it's a one, that means it's a no-go, and like that's
45 the military areas, and so, if it's on a scale from zero to one,
46 I would kind of like to know where we're putting fishing there,
47 because we can put all the data in there that we want, but, if
48 we then tell the model that it's okay to locate something there,

1 in the middle of that, that becomes kind of an important
2 discussion, and so thank you.

3

4 **MS. MATTHEWS:** Right. You're welcome.

5

6 **CHAIRMAN DIAZ:** Mr. Anson.

7

8 **MR. ANSON:** Thank you, Mr. Chair, and thank you, Ms. Matthews,
9 for the information. It sounds like you've got potentially all
10 of the datasets for the time series and scope that you would
11 need to do a very good evaluation, but I just wanted to make
12 sure, with Dr. Walter, with the spatial analysis that you did
13 for red snapper, to look at the uncharacterized bottom and all
14 that, do you know if that data, the commercial logbook data, was
15 part of the data that's been given, or requested, from BOEM?

16

17 **DR. WALTER:** Mr. Chair, can I respond?

18

19 **CHAIRMAN DIAZ:** Yes, sir. Go ahead.

20

21 **DR. WALTER:** In terms of the VMS data that went into it, but not
22 specifically to landings, and we don't have landings information
23 right there, and I believe that -- I think the landings for
24 individual species are not in it, and it's overall effort.

25

26 **MR. ANSON:** Sorry, and I should have made myself clear. That's
27 what I was curious about, is just where the fishing effort was
28 occurring, and not so much individual species or landings, and
29 that was what I wanted. Thank you.

30

31 **CHAIRMAN DIAZ:** Okay. Any further questions for Ms. Matthews?
32 Mr. Strelcheck.

33

34 **MR. STRELCHECK:** Thanks, Tershara, for being here and
35 presenting. I really appreciate the coordination and
36 collaboration with our agencies and the funding that's being
37 used to support the marine spatial planning.

38

39 I just wanted to go back to Leann's comment, with regard to the
40 data layers, and John may be able to weigh-in even better than I
41 can, but you're correct, Leann, with regard to the data layers,
42 that there is certainly things that are go or no-go, and so they
43 kind of get eliminated outright from the model, but things like
44 fishing effort, or fishing data, will have a continuous scale
45 from zero to one, and so that essentially is then averaged
46 across all the other data layers and variables that are being
47 considered, and so it's kind of comparative to any additional
48 cells within the marine spatial planning effort, and so it's

1 going to essentially tell you what's the most desirable, or
2 suitable, spot, but it may not tell you that there is certain
3 activities, or factors, that may be less desirable for that area
4 that's been identified.

5
6 In a relative sense, it's trying to screen out and deconflict,
7 as much as possible, with regard to where to site these
8 facilities, and, in doing so, it's trying to, obviously, look at
9 the well of information that's being considered all at once.

10

11 **CHAIRMAN DIAZ:** Ms. Bosarge.

12

13 **MS. BOSARGE:** Thanks for that, Andy, and, maybe at some point,
14 maybe at the next council meeting, or later tomorrow, somebody
15 can just get back with us and tell us what we're giving -- Is
16 fisheries, in general, getting a 0.5? It seems like, in that
17 scallop fishery analysis that I saw, that maybe that's where
18 they were at, somewhere right in there, and maybe John has that
19 information, and I don't know, but I would like to know what our
20 rating is.

21

22 If we're right there saying, yes, you put all the layers in, but
23 then we get weighted as something that is really -- It doesn't
24 matter all that much, and it's okay to put it in our area, and
25 like somebody gives us a weighting of 0.1, and, if one is a no-
26 go, and we get a 0.1, right above zero, then, you know, the data
27 is not really doing us much good being in the model, and we're
28 still going to have something right in our backyard, and so I
29 would like to know how we're being rated.

30

31 **MS. MATTHEWS:** Yes, and I definitely agree with you. We had
32 spoken with the Southern Shrimp Alliance, probably back in -- I
33 think it was back in January, and we looked at those -- The high
34 -- Let me look at it, real quick. The moderate and high fishing
35 areas, and to make sure that we at least look at it that in the
36 constraints model and look at it and see, you know, where we can
37 stay out of those areas that we have, and so those are some of
38 the things we have been looking at.

39

40 **CHAIRMAN DIAZ:** Dr. Walter.

41

42 **DR. WALTER:** Thank you for the opportunity, Mr. Chair, and I
43 want to respond on a couple of points. One, I think it's going
44 to be really timely for the council to consider getting a
45 briefing on the actual model and what's being put together,
46 probably for the June council meeting, and I think that our
47 partners within NOAA could probably do that, and I think that,
48 because that's a product we've been working on, we would be

1 happy to do it, and I think that it would be useful,
2 particularly in advance of the July lease sales, and it would
3 probably answer some of these questions and then bring up any
4 further concern that may occur.

5
6 The second point is that the socioeconomic aspect of it is one
7 of the things that we have not been able to as fully incorporate
8 as we had wanted to, and particularly the economics, in being
9 able to say that a particular location would have this sort of
10 economic implications, if wind was put there.

11
12 That's something we would like to work on, but, unfortunately,
13 we may not have time to get that fully incorporated, or the
14 resources, and that's a key decision point, I think, but I'm not
15 sure that the model will have that fully incorporated in time
16 for the decisions, and the third point is a question that I
17 actually have for Tershara, if you don't mind, and I know that
18 the call for information area, which is a pretty large thirty-
19 million-acre area, also -- The industry response was for a
20 reduced area of that, but, also, there was industry interest
21 outside of that.

22
23 Two questions. Are there any plans to consider wind siting
24 outside of the original call for information, and do you have
25 any insights on what the spatial extent might be for what is
26 considered for leasing?

27
28 **MS. MATTHEWS:** Great question, and so the answer is yes. Due to
29 our process -- In our regulations, we allow something called
30 unsolicited lease requests, where a company can come in and
31 request a certain area, and what happens in that area is that we
32 would have to put out another notice to see if anyone else is
33 interested in that. If no one else is interested in that area,
34 then we can go what is called the unsolicited lease request
35 process, where we can lease that area outside of the call that
36 we currently have.

37
38 I don't know if fortunately or unfortunately, but we do have an
39 unsolicited lease request that has come in that is outside of
40 the call area. The area that is shown is really the eastern
41 portions of Louisiana all the way to Alabama, is where -- Is the
42 area that they're interested in. They haven't pinpointed
43 exactly where in that area that they're looking at, but they
44 will have to come in and tell us where, because we have to put
45 out that request to see if someone else is interested in that
46 particular area and so, yes, it does happen, and it has
47 happened, because we have received it in-house, the application
48 in-house. We are going through the review process of it now.

1
2 **CHAIRMAN DIAZ:** All right. Any further questions for Ms.
3 Matthews? Not seeing any, I would encourage Dr. Walter and Ms.
4 Matthews to work with our staff between now and the June meeting
5 and have some discussions with them on the proper presentation
6 for the June meeting, and we would welcome that.

7
8 **MS. MATTHEWS:** Thank you, Mr. Chairman.

9
10 **CHAIRMAN DIAZ:** Thank you, Ms. Matthews. We appreciate your
11 time. Next up, we're going to move down our agenda, and we have
12 a presentation on understanding population dynamics of adult red
13 drum, and that's going to be given to us by Dr. Drymon.

14
15 **UNDERSTANDING POPULATION DYNAMICS OF ADULT RED DRUM**

16
17 **DR. MARCUS DRYMON:** Thank you, Mr. Chair. Good afternoon. It's
18 really good to see folks here today. It's nice to be at these
19 meetings in-person again, and I want to say thank you for
20 inviting me to share some of the results of this project. This
21 is something that we're pretty excited about, this effort to
22 better understand what's going on with this adult population of
23 red drum.

24
25 I would like to start off by acknowledging my co-author, who is
26 the lead investigator for this series of fishery-independent
27 surveys that we do, and that's Sean Powers out of the University
28 of South Alabama.

29
30 As we all know, redfish are these highly-prized sportfish that
31 support valuable fisheries, primarily recreational fisheries,
32 and that's across the entire Gulf of Mexico. Now, they are
33 primarily harvested recreationally, and, as everyone knows,
34 they've been under a federal harvest moratorium since 1987.

35
36 Given their popularity as a sportfish, it's perhaps not
37 surprising that we know a fair bit about their population
38 connectivity, their movements, migrations, and their spawning
39 and things of the like, but it's, to me at least, a surprise
40 that we still continue to assess this species as a data-poor
41 species, and so, accordingly, this species was last assessed in
42 2016, at SEDAR 49, which we commonly refer to as the data-poor
43 SEDAR.

44
45 During that exercise, analysts primarily relied on something
46 called the DLM Tool, and that's the Data Limited Method Tool,
47 and that tool is appropriate for assessing things like lane
48 snapper, wenchman, some of these things that are really truly

1 what I consider to be data-poor species.

2
3 That brings me to what I would like to talk about today with
4 respect to this project, and there were certain research
5 recommendations that came from that data-poor SEDAR in 2016, and
6 shown here are three of them. Expand efforts to collect age
7 and length samples at varying sizes, seasons, months, et cetera,
8 for offshore redfish, right, and we know a fair bit about what
9 the inshore redfish are doing, and much less so about what those
10 offshore fish are doing.

11
12 Alongside that recommendation was this idea that we really
13 needed to identify, or otherwise optimize, existing fishery-
14 independent surveys, so that we could really capture what this
15 population is doing in the offshore federal waters.

16
17 With that in mind, our objectives were to combine data from two
18 fishery-independent surveys operating throughout the year and
19 across the shelf, and so from shallow all the way out to the
20 very deep waters, to produce up-to-date overall and sex-specific
21 growth models, provide updates for mortality, and, importantly,
22 generate a standardized index of relative abundance, and we feel
23 like that was a major component of the work that we were doing,
24 and then we also wanted to explore the utility of some new tools
25 to provide habitat suitability predictions.

26
27 I will take just a moment to orient you to our survey universe,
28 and it's literally just due south of here, primarily the waters
29 off the coast of Alabama, but including Mississippi, and a
30 little bit of Florida as well, and so, just to orient you, the
31 big solid-line box is the area that we consider our survey
32 universe for the bottom longline survey. Now, this survey is
33 the standard bottom longline survey employed by National Marine
34 Fisheries Service across the Gulf of Mexico.

35
36 Another feature of this map is the smaller box outlined with the
37 dashed line, and that's the survey universe for the Alabama
38 Marine Resources Division fishery-independent gillnet survey,
39 and I will talk about that a bit more here in just a moment, and
40 then, importantly, there's a dashed, curved line that follows
41 the coast, and that's the boundary between state and federal
42 waters, which, of course, as we know is three miles in our neck
43 of the woods or nine miles in places like Florida or Texas.

44
45 Shown here is that same map, but, rather than the features, I
46 have removed those, just to show you the catch and the effort,
47 and so, over the course of this project, or over the course of
48 the data we analyzed, I should say, every one of the Xs that you

1 see represents a single, standardized, 100-hook bottom longline
2 set, and the circles represent catch for red drum, expressed as
3 CPUE, or catch per unit effort, where the size of the circle
4 scales according to the number of fish caught on that particular
5 bottom longline set, and so you can see many, many Xs, where we
6 don't catch any red drum, and you can see several large bubbles,
7 indicating that we caught upwards of twenty fish on a single
8 100-hook bottom longline set.

9
10 Naturally, our objective was to explore the distribution and
11 relative abundance of red drum in these offshore federal waters,
12 but what you can see very clearly, from this plot of simple
13 catch per unit effort, is that the majority of these fish are
14 occurring in relatively shallow, primarily state, waters.

15
16 Let's talk a little bit about what the composition of that catch
17 looks like, and so, for some details, between May of 2006 and
18 November of 2018, that's the time period with which we chose to
19 analyze these data, and we conducted just shy of 1,300 bottom
20 longline sets, and we cut just over 800 redfish, most of which
21 were retained, and so, if you look at Plot A, on the right-hand
22 side, you can see a length frequency, stretch length, stretch
23 total length, on the X-axis, and the percent frequency on the Y-
24 axis, but, importantly, there is a dashed line between 600 and
25 700 millimeters.

26
27 That dashed line is the size, the median size, of maturity, as
28 recently documented by Bennetts and colleagues in 2019, within
29 our exact same survey universe, and so what you can see, very
30 clearly, from Panel A, is that our survey is sampling
31 exclusively these large individuals that are mature.

32
33 Now, one of the main objectives of this work was to characterize
34 the age and growth of this population, and, of course, you don't
35 want a sample size that's just dominated by old, mature
36 individuals, and so, to flesh out our sample size, and to obtain
37 fish across the entirety of their size distribution, we
38 supplemented our bottom longline data with data from the state
39 fishery-independent gillnet survey, and, of course, that's the
40 survey run out of Dauphin Island.

41
42 What you can see, when you combine those data, is that we had
43 essentially 400 males, about 400 females, and about 400 fish
44 with undetermined sex to include in our age and growth models,
45 and the length frequency of those males and females and the fish
46 that were aged is shown in Plot B on the bottom there.

47
48 Age and growth, very standard, very typical, results. We

1 assigned ages to just shy of 1,200 fish. We used a multi-model
2 framework, which identified the von Bertalanffy growth function
3 as the best-fitting model for these particular data, and, if you
4 just look at the shape of the curves, and the fit of the data to
5 the curves, it's nothing terribly surprising that this aligns
6 well with the most recent age and growth estimates for the
7 species in that same part of the world.

8
9 Notably, they get to be about thirty-six years old, and they're
10 a pretty long-lived fish. We had a mean age of just shy of
11 twelve for females, and just shy of ten for males, and I
12 included this photo of this section of an otolith, and I
13 certainly wish -- As an age and growth person, I wish every
14 cross-section of a fish's otolith that I read looked that nice,
15 but I will point out that we had several old individuals in this
16 dataset, which really gives us a lot of confidence when that
17 curve is coming up to its asymptote.

18
19 With these age and growth data, one of our objectives was to
20 calculate, or estimate, total mortality, just using basic catch
21 curves. Now, for those of you that haven't thought about catch
22 curves in a while, typically, what we expect to see is this very
23 steep ascending limb and then a very gradual descending limb,
24 when you plot the data, but, if you look at this plot shown here
25 on the screen, that's very much not what you see with our
26 dataset, right, and so what that is suggesting, to us, is that
27 some of the critical assumptions needed to perform these catch
28 curve analyses have been violated.

29
30 Specifically, we feel like an abundance of fish from the early
31 1990s, when the harvest was low and high recruitment was
32 present, led to this sort of distribution that was a little bit
33 surprising for us, something we didn't really expect, and so,
34 for that reason, we were unable to use catch curves to calculate
35 total mortality, but, instead, we used the Hoenig method, both
36 the original 1983 and the updated method, to estimate natural
37 mortality, and those values are shown on the screen, ranging
38 from 0.12 to 0.14.

39
40 Now, one of the things that came up repeatedly during the stock
41 assessment, during the data-poor SEDAR for redfish and other
42 species, was the lack of a really strong index of relative
43 abundance that really characterized what that offshore
44 population was doing. In fact, the index generated from our
45 bottom longline survey was the one that they ended up using as
46 the most representative in that SEDAR process, and so we looked
47 to update that index, and that is what is shown in this plot
48 here.

1
2 You see the time series on the X-axis, 2006 to 2018, and catch
3 per unit effort, individuals per set, per hour, on the Y-axis,
4 and you can see both a nominal, or a simple, CPUE in the open
5 circles, and then you see a CPUE that's been standardized, using
6 a negative binomial GLM, shown with the filled circles.

7
8 A little bit surprising to me, and I expected to see a little
9 bit more of a trend in the standardized index, but that's just
10 not the case, and we can see that the relative abundance of
11 redfish in our part of the world has been somewhat stable, based
12 on these data from 2006 to present.

13
14 The last thing that I want to talk about, and the last thing we
15 did as part of this exercise, was to use the catch data from our
16 bottom longline coupled with a suite of potential predictive
17 variables, things like temperature and salinity and distance
18 from shore, to both explain and predict the distribution and
19 relative abundance of redfish across our survey universe, and
20 so, again, that square area that I showed on the original map is
21 the area over which we extend statistical inference in our
22 fishing area, and so, to do this, we used a tool called a
23 boosted regression tree, a BRT, which allows both for data
24 explanation and prediction.

25
26 BRTs are good for fitting complex, non-linear relationships,
27 much in the same way that a generalized additive model does, for
28 example, but BRTs have this added bonus of being relatively
29 insensitive to something called multi-collinearity, or the
30 situation where you have multiple potential predictors, like
31 surface temperature and bottom temperature, which you would
32 expect to be highly correlated, and so, in other words, the BRT
33 is a good approach for dealing with variables that you suspect
34 might be highly correlated.

35
36 Again, this is a great tool both to explain and predict the
37 distribution of suitable habitat, but I will finish up here
38 today just showing how we use this tool to make habitat
39 suitability predictions, and those maps on the bottom here show
40 the distribution of suitable habitat.

41
42 Moving from left to right, we're showing those distributions for
43 the spring, the summer, and the fall, where the darker colors
44 indicate the highest habitat suitability, and the lightest
45 colors indicate the least favorable habitat.

46
47 I think it's a good time just to remind us all that these fish
48 have been under a federal moratorium since 1987, but there's

1 been substantial recreational harvest permitted in all Gulf of
2 Mexico states within the state waters, which is, again, either
3 three or nine miles, and that's the dashed line, and it's not
4 very clear, but that's what that dashed line indicates.

5
6 Based on our catch data, and based on these habitat suitability
7 predictions, which tell us where we would expect to find high
8 relative abundance of adult red drum, both of those analyses, in
9 tandem, revealed that adult red drum were significantly more
10 abundant in state waters, relative to federal waters.

11
12 Just to land the plane here, clearly, assessing a stock that's
13 under a complete harvest moratorium presents very distinct
14 challenges, and I would argue that red drum is the perfect case
15 example of that, and it's just hard to assess a stock when you
16 lack some of the data that you get coming from commercial
17 harvest.

18
19 Now, in addition to updated ages and growth models and natural
20 mortality estimates, our investigation suggests that the adult
21 spawning stock is not fully protected by the federal harvest
22 moratorium, and, thinking about this a little bit more globally,
23 we suggest that this means a Gulf-wide index of relative
24 abundance, generated from fishery-independent surveys, is
25 critical to the future assessment of red drum, especially if we
26 want to advance this assessment from a data-poor to at least a
27 data-moderate situation.

28
29 I have included, at the bottom of this slide, a citation, and
30 this work is now in press at *Fishery Bulletin*, and I am happy to
31 share the final version of that paper, but it's the same thing
32 that's in your briefing books. With that, I would like to thank
33 you for your attention, and I would like to send a special
34 thanks to the council for funding this synthesis, as well as our
35 state partners, the Alabama Department of Conservation and
36 Natural Resources, MRD, for continuing to fund these long-term
37 fishery-independent assessments, particularly the bottom
38 longline, and I would be remiss if I don't thank Crystal
39 Hightower for her exhaustive and enthusiastic pursuit of
40 everything that has to do with red drum, and so thank you for
41 your attention, and I would love to take any questions.

42
43 **CHAIRMAN DIAZ:** Thank you, Dr. Drymon. That was a very good
44 presentation. Dr. Stunz.

45
46 **DR. STUNZ:** Thanks, Dr. Drymon. That's great, and, obviously,
47 these data have been very elusive to this committee, and even
48 the nature of that fishery, and, also, I just wanted to commend

1 you and your team, because, you know, what you presented here,
2 it doesn't really reflect the amount of effort and things that I
3 takes to do that kind of work, to pull off ageing that number of
4 fish, much less all the bottom longline work, but I did have a
5 question.

6
7 If you could go back, or I guess if we could go back, to those
8 indices of abundance slides that you had, and I will wait until
9 they pull it up, so you can see what -- When you compare that
10 nominal versus standardized CPUE, and you look at those early
11 years of 2006 to 2010, I am just wondering what's driving that
12 difference there between those two indices.

13
14 **DR. DRYMON:** Thank you for that question, Dr. Stunz. Actually,
15 I should have mentioned that, and so you look at a plot like
16 this, and one of the first things you would ask yourself is,
17 okay, why does that nominal index vary so drastically from the
18 standardized index during part of the time series, but not the
19 entirety, and so, starting in 2010, you can see the two series
20 track each other relatively well, and so that's something we
21 thought about at length, and then, when we took a close look at
22 the data, there's a very easy explanation.

23
24 In 2006, 2007, 2008, and 2009, our survey had a lot higher focus
25 in the inshore waters and the state waters, and our time series
26 was more robust, and we did more sampling per month back then,
27 and the time series started in March of each year, rather than
28 in April or May, and so it was just expanded effort in the
29 nearshore portion of our survey in 2006, 2007, 2008, and 2009,
30 and so, in that respect, the standardized CPUE is doing exactly
31 what you might expect it to do, which is to standardize the
32 series irrespective of changes in fishing location. The simple
33 answer is we just did a lot more inshore sampling back then that
34 we don't -- That we're not able to do right now.

35
36 **DR. STUNZ:** My last question is a quick follow-up, Marcus, and
37 so I was wondering though, and that makes sense then, but I was
38 just wondering, and so, in terms of the gear that you're using,
39 the gillnets that were inshore, and, obviously, this was bottom
40 longline, and, for that fishery, do you think the bottom
41 longline is -- I mean, obviously, we have a lot of gear, and you
42 had a lot of different gears at your disposal, and is that
43 reflective, or do you think there are some selectivity issues?
44 I am just wondering if you feel like that's a good
45 representation of the population.

46
47 **DR. DRYMON:** That's another great question, and that's something
48 we've thought about a lot, and I do think this particular bottom

1 longline gear is a very good gear type with which to completely
2 assess a population like this, and it would just have to be
3 executed in waters slightly deeper than what the current SEAMAP
4 protocols allow for.

5
6 SEAMAP, because of funding, and those budgets are oftentimes
7 shrinking, and so we're often restricted in the amount of
8 sampling, both spatially and temporally, that we can do, but the
9 short answer is the bottom longline is a very effective gear for
10 capturing the dynamics of this portion of the stock, and what
11 we're seeing is that there's just gillnets and really focused
12 inshore surveys just don't do that nearly as well.

13
14 **CHAIRMAN DIAZ:** Any further questions? Mr. Schieble.

15
16 **MR. SCHIEBLE:** Thank you for the presentation. That's great
17 work, and that's a long-term dataset, and that's a lot of work,
18 is what I see there. If I am recalling this correctly, you
19 showed the average age of females is about twelve years,
20 roughly, and males is about ten, and is that right? 11.7 and
21 9.9. Okay. Do you recall, from back during the 2016 stock
22 assessment, the data-poor one, what the average age was for both
23 of those?

24
25 **DR. DRYMON:** Yes, sir. Great question, and I do. I remember
26 being at that assessment, and the maximum age was a little bit
27 higher for the 2016 assessment, and that's because we made the
28 decision to include very old datasets, particularly the ones
29 coming out of Louisiana, the Nieland and Wilson work and
30 whatnot, where fish had been aged up to forty-two years old, and
31 so our estimates are consistent with that, a little bit younger,
32 but within the realm, but we aged several individuals at thirty-
33 six years old, and so we feel pretty confident that, in our
34 area, that's probably near the peak of their age distribution,
35 but certainly, in Louisiana, they've been aged as old as forty-
36 two.

37
38 **CHAIRMAN DIAZ:** All right. Mr. Anson.

39
40 **MR. ANSON:** Dr. Drymon, thanks for the presentation and the work
41 that you and the other members of the team performed on this,
42 and so you just made a comment about the bottom longline as
43 being a good gear for sampling the adult red drum, at least in
44 this case, but you recommended it going out deeper than what the
45 current SEAMAP protocols allow, or provide, for the bottom
46 longline gear, but yet, in your slide there, where you gave the
47 catch rates, and I'm just trying to remember exactly what the
48 depth range is for the gear and SEAMAP, but I would suspect that

1 it kind of aligns where most of the fish, at least off of
2 Alabama, are being caught. Do you have other information to
3 indicate, off other states in the Gulf, that they tend to go
4 deeper?

5
6 **DR. DRYMON:** Thank you, Mr. Anson. That's a good question, and
7 I should have been a little clearer. Really, allowing us to
8 sample earlier in the season would allow us to capture a larger
9 slug of that spring biomass that really moves up into those
10 nearshore waters.

11
12 Going a little bit deeper, out to twenty meters or so, would
13 capture all of these bubbles really that you're seeing in this -
14 - The big concentration of bubbles there, you capture most of
15 those, but, you know, if it was a choice between more sampling
16 that goes deeper or sampling that starts earlier in the year and
17 goes a little later in the year, I would certainly suggest that
18 the temporal expansion of the survey would be most beneficial,
19 and, from what we know about their distribution in places like
20 Louisiana, we think it's probably pretty similar to this.

21
22 Just chatting with Jason and those guys over there, they catch a
23 lot of them, and so one of the things we're starting to think
24 about is trying to put together these disparate longline and
25 gillnet surveys from across the northern Gulf, to see if we
26 can't stitch together a much broader-scale picture of this.

27
28 **MR. ANSON:** Thank you.

29
30 **CHAIRMAN DIAZ:** Okay. I have two questions for you, Dr. Drymon.
31 First, on your summary page, your second bullet there, the last
32 part of that says, "our investigation reveals that adult
33 spawning stock is not fully protected in a federal harvest
34 moratorium", and could you explain that a little bit better to
35 me?

36
37 **DR. DRYMON:** Absolutely. Thank you, Mr. Chair. Once these fish
38 are federal waters, they've not allowed to be harvested, and so
39 one of -- At least as I understand it, one of the original
40 concepts behind instituting that federal harvest moratorium was
41 to protect the adult spawning stock, under the assumption that
42 these fish spend a lot of time in federal waters.

43
44 We know that the young fish, the small fish, are inshore, inside
45 shallow state waters, but what these data suggest is that the
46 large adult spawning stock is also in state waters, and so
47 they're susceptible to harvest, to varying degrees, depending on
48 the state regulations, but, essentially, this idea that they

1 would be protected by being in federal waters isn't quite true,
2 because they just don't spend that much time in federal waters.

3
4 **CHAIRMAN DIAZ:** Okay. I understand now. My second question to
5 you would be, where we're at today -- I know we tried to assess
6 this stock in 2016, and, basically, where we were at is we
7 didn't have enough information to even do it under a data-poor
8 method, and so is it possible -- I know you all are saying we
9 should do more sampling, through SEDAR and deeper waters and
10 things, but is it possible, with the information you have today,
11 to do an assessment, a Gulf-wide assessment, on this stock?

12
13 **DR. DRYMON:** I don't think so. I think we're closer than we
14 realized, and maybe -- I mean, perhaps like many of you, I was
15 surprised, in 2016, to even see red drum included in the data-
16 poor SEDAR, and we kind of laughed, the whole week, as we were
17 compiling data as part of the data workshop, saying we've got
18 tons of data on red drum, and why are they so data poor, but,
19 really, what it is is the adult spawning stock is in a data-poor
20 situation.

21
22 I feel like we're closer than we were in 2016, but I feel like
23 just an effort to better optimize, just like the research
24 recommendations, to better optimize existing fishery-independent
25 surveys, to allow us to better collect the data from that
26 portion of the stock, would get us a lot closer to where we need
27 to be, and so an emphasis on collecting adults for their hard
28 parts, to characterize CPUE and seasonal trends and things like
29 that.

30
31 **CHAIRMAN DIAZ:** Thank you, and thank you also, Dr. Powers, for
32 your work. Mr. Williamson.

33
34 **MR. WILLIAMSON:** Thank you for that presentation. Did you all
35 do any tissue analysis to investigate toxins or heavy metals?

36
37 **DR. DRYMON:** Not as part of this project, this recent effort,
38 but Dr. Powers certainly has a large archive of tissue samples
39 from these individuals, with an express intent of measuring
40 mercury, and some of the folks in his lab have measured those,
41 and these big adult bull reds have enough mercury to where you
42 wouldn't want to eat them every day, and so we have looked at
43 that before, and, yes, they are certainly full of metals.

44
45 **CHAIRMAN DIAZ:** All right. I am not seeing any other questions,
46 but we really appreciate you spending time with us today. Thank
47 you.

1 **DR. DRYMON:** Thank you, and thank you, again, for funding this
2 work.

3
4 **CHAIRMAN DIAZ:** All right, and so we're going to take a short
5 break, and then we're going to start up with public testimony,
6 but let's take a ten-minute break and let the staff get
7 everything set up, and we'll start back up promptly in ten
8 minutes. Thank you.

9
10 (Whereupon, a brief recess was taken.)

11
12 **CHAIRMAN DIAZ:** I'm going to go ahead and call us back to order,
13 and we're going to get lined up and start public testimony.
14 Good afternoon, everyone. Public input is a vital part of the
15 council's deliberative process, and comments, both oral and
16 written, are accepted and considered by the council throughout
17 the process.

18
19 The Sustainable Fisheries Act requires that all statements
20 include a brief description of the background and interest of
21 the persons in the subject of the statement. All written
22 information shall include a statement of the source and date of
23 such information.

24
25 Oral or written communications provided to the council, its
26 members, or its staff that relate to matters within the
27 council's purview are public in nature. Please give any written
28 comments to the staff, as all written comments will be posted on
29 the council's website for viewing by council members and the
30 public and will be maintained by the council as part of the
31 permanent record.

32
33 Knowingly and willfully submitting false information to the
34 council is a violation of federal law. We will welcome public
35 comment from in-person and virtual attendees. Anyone joining us
36 virtually that wishes to speak during public comment should have
37 already registered online. Virtual participants that are
38 registered to comment should ensure that they are registered for
39 the webinar under the same name they used to register to speak.
40 In-person attendees wishing to speak during the public comment
41 should sign-in at the registration kiosk located in the back of
42 the room. We accept only one registration per person.

43
44 Each speaker is allowed three minutes for their testimony.
45 Please note the timer light on the podium and on the webinar.
46 It will be green for the first two minutes and yellow for the
47 final minute of testimony. At three minutes, a red light will
48 blink, and a buzzer may be enacted. Time allowed to dignitaries

1 providing testimony is extended at the discretion of the Chair.
2 If you have a cellphone or similar device, we ask that you keep
3 it on silent or vibrating mode during the meeting. Also, in
4 order for all to be able to hear the proceedings, we ask that
5 you have any private conversations outside, and please be
6 advised that alcoholic beverages are not permitted in the
7 meeting room.

8
9 The way we're going to do this today is we're going to alternate
10 between in-person and virtual participants, and we're going to
11 start with in-person, and so the first in-person participant
12 will be Jason Delacruz. On the virtual side, on deck will be
13 Bob Zales.

14
15 **PUBLIC COMMENT**
16

17 **MR. JASON DELACRUZ:** Good afternoon, and thank you guys for the
18 opportunity to speak, Chairman. Just a couple of quick things.
19 On gag and amberjack, I really, really think we need to focus a
20 little closer on discards in this fishery, both of these
21 fisheries.

22
23 On the AP, I was actually -- I brought it to everybody's
24 attention, some of the discard numbers that were actually in the
25 SEDARs for those two stocks, and that seems like something we
26 need to talk about more in this group, and we need to get it in
27 front of everybody. They kind of drive this entire fishery,
28 because both of these stocks are so heavily exploited with
29 private rec, and that's the number-one thing. We've got to
30 start getting a handle on that, or we're never going to get
31 ahead of these two stocks. It's killing me, because they're
32 critical to both of my businesses, my marina and my wholesale
33 seafood company, and so I really hope that's something we can
34 start taking a closer look at.

35
36 Red grouper multiuse, I keep hearing that pop up a little bit,
37 and I hope we don't do away with that. That actually helps the
38 little guy, who owns a little bit of quota and gets an
39 opportunity to fish, and that kind of goes for gag, and I think,
40 if I understand how it works, it's a zero-sum game, and so, when
41 whether we're pulling a little off here and pulling a little off
42 there, we're not hurting the stock, but it gives an opportunity
43 of somebody that owns just a little bit of one to not have to go
44 lease or discard those fish when he has an unexpected
45 interaction, and so that seems like something we need to like
46 not let go of, because I keep seeing the tendance to want to let
47 go.

48

1 I heard the conversation a little bit about talking about
2 electronic voting for you guys when you're up here, and I think
3 that would really do well to really give a little more buy-in to
4 the people that aren't here on a daily basis and can't see that
5 stuff, because that gets asked a lot, and so it seems like it's
6 an easy, simple thing, and I really think that's something you
7 guys should consider and try to move forward on.

8
9 Triggerfish, we increased our availability of what we could
10 catch, but we didn't change anything on the commercial side for
11 the bag limit, and so I've got my guys hitting the limit every
12 single time, and having to discard fish, and that just doesn't
13 make any sense, to me. You know, if we've got more fish to
14 catch, give us the opportunity to catch those fish and exploit
15 that fishery. It's a great fish that everybody wants to catch,
16 and so let's see what we can do to kind of keep that open. I
17 think that's pretty much it. Thank you.

18
19 **CHAIRMAN DIAZ:** Thank you, Mr. Delacruz. We have a question for
20 you, Jason. Ms. Boggs.

21
22 **MS. BOGGS:** Thank you for giving testimony today, Jason. On the
23 triggerfish commercial limit, what are you thinking on that?

24
25 **MR. DELACRUZ:** I kind of want to -- Let's put a little thought
26 behind it, before we just do it. We're doing sixteen. If we
27 are getting to half of our catch, let's say maybe we double it,
28 to thirty-two, but we don't have to get carried away. I don't
29 necessarily have a problem with a weight number, but then it
30 gets a little bit weird when we go up and down on the weights.
31 In other words, what if my guys are miscalculating, because
32 that's a challenge at-sea, and so I kind of like the fish
33 number, personally, because everybody can count fish.
34 Commercially, we just don't high-grade, and it's not like we're
35 chasing triggerfish, at least for my guys, and it's just
36 something we catch on the side.

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

39
40 **DR. SHIPP:** Hi, Jason. Thanks for coming. I've got a question,
41 totally unrelated to what we've been talking about right here,
42 but, last week, I ate dinner at two successive restaurants in
43 Pensacola, and both of them had featured fish-of-the day as
44 tripletail. Tell me what's going on with tripletail.

45
46 **MR. DELACRUZ:** I think that's probably an imported fish. We
47 just don't see that. For us, we don't see that much tripletail,
48 and I think we're only allowed to land the stuff in federal

1 waters, and so, for us, it's a -- I mean, we may see two or
2 three fish a year. I'm pretty sure what you're seeing is an
3 imported product.

4
5 **CHAIRMAN DIAZ:** Thank you, Mr. Delacruz. Next up is Mr. Bob
6 Zales.

7
8 **MR. BOB ZALES, II:** Bob Zales, II, representing the Southern
9 Offshore Fishing Association and also the National Association
10 of Charter Boat Operators. I am going to talk to you all a
11 little bit about what some of us believe to be the elephant in
12 the room, and that's reallocation based on MRIP-FES data. As
13 some of you all probably know, or all of you may not, in
14 September of 2019, Chris Oliver, AA at the time, issued a policy
15 statement letter about FES.

16
17 One of the ways that is in that letter that's listed as FES that
18 could become the so-called data program, was to have it included
19 in a stock assessment and have the stock assessment say that FES
20 was the best recreational data.

21
22 In October of 2019, you all took up red grouper, and that's when
23 the interim assessment took off, and Dr. Crabtree, at the time,
24 and I think a lot of people would agree with me, he was pretty
25 adamant on pushing FES in the assessment for red grouper. Now,
26 what has happened with that, since that time, and this is all
27 based on a policy statement, and this is not a requirement, and
28 it's not a regulation, and it's not a law, but FES then went
29 into red grouper, and 17 percent of the commercial allocation
30 was taken away from the commercial sector.

31
32 Now we're into gags. Well, now the proposal is to take 19
33 percent of the commercial quota away from the commercial sector
34 in the gag fishery. Next up in line is going to be red snapper.
35 Where that percentage is going to go, we don't know, but what
36 you're doing, when you change these allocations, is you're
37 providing fish to a total and completely unaccountable sector,
38 and that being the private rec sector. Without a program, it's
39 pretty much useless, and they pretty much have resisted every
40 effort to try to bring accountability into that sector, so that
41 we can know what they catch and what they throw back, and
42 discards is another significant problem with the private
43 recreational sector, as their discards are far higher than the
44 commercial sector.

45
46 When you give more fish to that sector, you're doing damage to
47 the stock, and so, as they're gaining fish, everybody is losing,
48 because the stock is going to have more dead discards, and it's

1 got -- We don't know how much fish are coming out of it, and
2 that's a significant problem, and so we need to look at this,
3 because it's creating a lot of problems within industry and
4 consumers, and, to Bob Shipp's question, I suspect, because
5 restaurants in Panama City are doing tripletail, I suspect that
6 it's taken the place of red grouper, because the grouper prices
7 have jacked up.

8
9 I was sent a picture earlier today in Indiana, and grouper is
10 selling for \$45.99 a pound, and so that tells you right there,
11 because I'm certain that tripletail is a lot cheaper, and so
12 that's it for me. If you've got any questions, I will be glad
13 to answer them.

14
15 **CHAIRMAN DIAZ:** Thank you, Captain Zales. Ms. Laurilee
16 Thompson.

17
18 **MS. THOMPSON:** I appreciate what Captain Zales just said, and I
19 wanted to add too that, as the owner of a restaurant that works
20 really, really hard to try to get real Florida seafood to my
21 guests, tripletail is caught on the east coast and in the Keys,
22 and so there's a possibility that what you had in the restaurant
23 -- It could have come from Florida, from the east coast or out
24 of the Keys, and I don't want the restaurants to take a hit that
25 maybe wasn't deserved, and it could have been imported too, but
26 I don't think so, because, when you have forty-five-dollar-a-
27 pound grouper, and then you have tripletail, that's twelve or
28 fourteen dollars a pound, and it still qualifies as a fresh,
29 domestic fish, the restaurant owner is probably going to pick
30 the tripletail, because he can't charge enough money for
31 domestic grouper. Thank you for the opportunity.

32
33 **CHAIRMAN DIAZ:** Thank you. All right. I'm not seeing any more
34 questions. Next up is Mr. Charlie Bergmann, and on deck,
35 virtually, is John Pendergrast.

36
37 **MR. CHARLIE BERGMANN:** Good afternoon, everybody. Sorry for all
38 this stuff up here, but I had to have a couple of props for what
39 I'm going to say. I was going to do a PowerPoint, but there's
40 no way of doing that, and so I'm improvising, if you will bear
41 with me.

42
43 I would like to talk a little bit about the gag grouper. When
44 we saw that presentation yesterday, the information on Slide 4,
45 showing the weights of landed fish, was in MRIP, the phone
46 survey, yet, when you go to Slide 7, it shows the average
47 landings over the same time periods, and one of them was in the
48 phone survey, and the other one was FES.

1
2 The phone survey shows that we're an average of 890,000 pounds
3 of gag grouper landed recreationally. However, with the FES, it
4 was 2.8 million pounds. I have always wanted to say that the
5 council does a great job, and I have -- Sometimes I don't agree
6 with my statement there, but this FES stuff is -- It needs to
7 really be looked at hard.

8
9 In this paper that I was talking about, eliminating the multi
10 allocation for red grouper, that is something that is
11 desperately needed, but, getting back to that extra two million
12 pounds of fish, it's the same thing that happened with red
13 grouper, and, if you go and reallocate, and I'm a strong
14 proponent of not reallocating, you're giving all this extra fish
15 to a fishery that's not accountable. You've got people back
16 here in the back room here that account for every fish they
17 catch, be it the for-hire sector or the commercial sector, and
18 they account for all of their fish, and, in the private
19 recreational, there is no way.

20
21 You said yourself that you don't have the information on the
22 wave information until two years down the road, and that is not
23 the right way to manage fish, but, then again, the MRFSS data is
24 not supposedly for managing the fishery, but let's get back to
25 my pie chart here, and this kind of correlates with, in my way
26 of thinking, with what I was just saying.

27
28 Picture this as your quota. Well, the stock assessment is
29 rolled by, and it says we've got to reduce the pie, and it's
30 still the same pie, but it's just a smaller version of it, and,
31 in either one of these pies, you can cut your allocation out.
32 If you look at a 75 percent/25 percent spread, it's pretty
33 damned easier. If you cut a quarter of it out, that's the 25
34 percent, and you do the same thing on this one, but you keep
35 running around and putting these volumes of fish into areas that
36 aren't accountable for what they catch, and they just keep
37 rolling on and rolling on and rolling on, and you're going to
38 end up with another type of a pie, and that's an empty pie.

39
40 **CHAIRMAN DIAZ:** Mr. Bergmann, I was just going to check with you
41 about starting to wrap up.

42
43 **MR. BERGMANN:** Yes, I am. I have had some reports, here
44 recently, of a fish dealer who landed 48,000 pounds of gag
45 grouper in the first quarter of this year, and he's also saying
46 that they're seeing large amberjack in the 700-foot to 1,000-
47 foot depth. Thank you.

48

1 **CHAIRMAN DIAZ:** Thank you, Mr. Bergmann. Ms. Bosarge.
2
3 **MS. BOSARGE:** Charlie, do you want to tell them that you brought
4 them some pie, too?
5
6 **MR. BERGMANN:** I'm sorry?
7
8 **MS. BOSARGE:** Did you want to tell the council that you brought
9 them some pie? I put it back there on the table for them, and
10 there's some over there for you all, too. So thank you,
11 Charlie.
12
13 **CHAIRMAN DIAZ:** Thank you, Mr. Bergmann. Next up, we have Casey
14 Streeter, and on deck is Dylan Hubbard. Mr. Streeter.
15
16 **MR. CASEY STREETER:** This is Casey Streeter, commercial
17 fisherman, owner of Island Seafood Market, offshore charter
18 captain, permitted captain, dual-permitted boat owner. I am
19 going to really echo the same thing that the last two gentleman,
20 Mr. Zales and what he said about FES, guys. I mean, look, if
21 you look at the six-year plan on reallocation, and we're going
22 to be moving fish from an accountable sector into an
23 unaccountable sector.
24
25 I mean, this is absolutely crazy. I mean, it's like you losing
26 your house because your neighbor didn't pay his mortgage. I
27 hear nothing, no conversations, about the discards. We look at
28 all of our landing rates and where we're going with our fish,
29 and, I mean, the discards are out of control. I mean, there's
30 no talk about reining-in the discards of our recreational
31 sector.
32
33 I mean, what about -- while we're catching red grouper, and then
34 red grouper season is going to close on the recreational sector
35 sometime in the summer, and gags are going to open up, and we're
36 going to discard red grouper, and we're going to probably look
37 at an extended red snapper season, where we're going to be red
38 snapper fishing and potentially discarding red grouper and gags.
39
40 I mean, for being one of the most well-managed fisheries in the
41 world through science, it doesn't seem very sustainable, the way
42 that we're going, and the people that lose out are our
43 consumers. I mean, I talk to my customers that come into my
44 shop every day, and they have no idea what's going on with their
45 fishery, and they're shocked to hear what I have to say about
46 it, and they're the ones that lose out.
47
48 Our fishermen lose out, and our businesses lose out, and we're

1 creating a -- FES is creating a deferred class of citizen,
2 American citizen, who gets access to these fish. You have to
3 have a fast boat, and you have to have the ability to catch it,
4 and you have to have the money to pay for fuel.

5
6 I mean, we've got twenty-one million people, just in Florida,
7 that live here, and we've got a million registered boats.
8 That's half the percentage of our percentage that's fishing
9 here, and we've got a hundred-million-plus people a year coming
10 to Florida to access fresh seafood.

11
12 When you were talking about tripletail, well, it probably was
13 imported. Not much -- I don't see much access to tripletail
14 unless it's imported from Ecuador and these other places, and
15 so, you know, we've got a fishery here, and we're undermining
16 our commercial fishery, and our consumers are losing access, to
17 where we're only going to be access-dependent on import fish,
18 and that's crazy.

19
20 I am extremely disappointed in the direction that we're going,
21 and I know there's a lot of doubt on FES, and I've heard a lot
22 of council members express doubt on FES, but we continue down
23 this road, and, I mean, there really needs to be some sort of
24 check on what we're doing, because, once we put ourselves there,
25 there's going to be no coming back.

26
27 Charlie was right that there won't be anything left, if we
28 continue down this road. We're going to discard this fishery to
29 where no one has access. Who cares if you have 300 days to go
30 catch red snapper, if there's none there to go catch, or 300
31 days to go catch gag, if there's none to catch? I mean, it's --
32 I am disappointed with the direction that we're going, and I
33 really hope that you guys understand the position of power that
34 you're in, because everyone that sits at that table, maybe
35 except one or two, you don't have to -- You don't have to reap
36 any of the consequences of your decisions, and I am directly
37 affected every day by these decisions, and so that's it, and so
38 thank you.

39
40 **CHAIRMAN DIAZ:** Thank you, Mr. Streeter. Okay. Next up, we
41 have Dylan Hubbard. Ms. Boggs.

42
43 **MS. BOGGS:** Casey, are you still with us?

44
45 **CHAIRMAN DIAZ:** Sorry about that, Ms. Boggs. I didn't see your
46 hand until too late. Next up is Dylan Hubbard. He's still
47 there. Go ahead, Mr. Streeter.

48

1 **MR. STREETER:** I'm here. I'm sorry, guys.

2
3 **CHAIRMAN DIAZ:** Ms. Boggs has a question for you.

4
5 **MS. BOGGS:** Casey, is triggerfish something that's important to
6 you, and, if so, what would you like to see the limits increased
7 to, if the council does --

8
9 **MR. STREETER:** We definitely land them. My boats land -- We hit
10 our sixteen every trip. I mean, if we've got the fish, I think
11 the guys would rather keep them than discard them while they're
12 catching them, and maybe twenty-six or twenty-eight, and, I
13 mean, I would have to really look at it and talk to my guys and
14 see who many they're tossing back once they hit their sixteen,
15 or if they can continue to work a bottom, where they're not
16 throwing fish away, but, I mean, if we're going to get the fish,
17 let's let us utilize them, and why throw half away, when we're
18 going to try to catch them again later on in the year, and so
19 maybe double what we've got now, or a little less.

20
21 **CHAIRMAN DIAZ:** Okay. Next up we have Dylan Hubbard, and on
22 deck is B.J. Burkett.

23
24 **MR. DYLAN HUBBARD:** Good afternoon, and thanks for the
25 opportunity to speak. I'm Dylan Hubbard, from Hubbard's Marina,
26 fishing out of central west Florida. We have multi-passenger
27 charter boats and party boats, but, first, I want to talk about
28 gag grouper.

29
30 The majority of gag grouper landings, I would argue, if not all
31 of them, but, for the most part, they overwhelmingly occur in
32 central-west and southwest Florida. Please keep that in mind
33 today while you're hearing public comment and as we move through
34 this process, in regard to management changes on gags.

35
36 Our area has held meetings, and we already have discussed, as a
37 group, in the private and for-hire recreational industries and
38 sectors, about what we wanted to see season-wise, because I knew
39 this was coming, and I didn't realize that it would be here so
40 soon, but we would like to make sure that, in this stressed
41 fishery, that we're able to have a directed fishery open when
42 the fish are in shallow, cool water with high levels of
43 dissolved oxygen, and that occurs when the water gets cooler.

44
45 In mid to late October, cold front start rolling through, and
46 those female gags come inshore that are easily targeted by
47 recreational fishermen, for-hire and private rec alike, and
48 there is very little barotrauma issues, because they're in less

1 than a hundred foot of water, and very cool water, and it's a
2 very highly sought after and prized fishery in our area, in our
3 region, and I think this is the time of the year that the
4 fishery needs to be open, and, if we're worried about the stock,
5 especially the male population of the stock, let's open it at
6 the time of year where everybody is catching females, and you
7 know that without a shadow of a doubt. This is what is right
8 for the fish and what's best for our area.

9

10 Amberjack, I would like to make sure we keep this fishery open,
11 to preserve the fisheries-dependent data collection. However,
12 I'm kind of concerned, listening to the meeting and the
13 conversations, that the season is going to open on August 1 of
14 this year, and, by spring of 2023, when we're supposed to be
15 ending overfishing, we could be enacting a lower catch level
16 that's already been blown out and overfished, and so I really
17 want to make sure that we're careful, as a council, in working
18 through this process, to be mindful of that, because I don't
19 want to see a payback provision in 2024, with our new lower
20 catch level.

21

22 I would like to bring up that I would like to try to avoid any
23 predatory vessel limits on amberjack, and so, if we're going to
24 change some bag limits to try to extend the season, looking back
25 at fractional bag limits -- I have heard discussion of one per
26 boat, and we could do one per six people, or one per boat,
27 whichever is greater, and so, that way, you're not making it
28 more difficult for people who can only access the fishery on
29 multi-passenger vessels.

30

31 For the twenty-fathom -- This one is kind of off the wall, but
32 the twenty-fathom closure that occurs in the recreational
33 fishery for the shallow-water grouper complex, a lot of
34 confusion surrounds that, and not a lot of people even know it
35 happens, and there is a lot, a lot, of people out there fishing
36 deeper than they should be when it's closed.

37

38 I'm kind of wondering -- If that's a spawning closure, that
39 we're worried about the fish, and we have this twenty-fathom
40 closure going on every February and March -- If it's a spawning
41 closure, why isn't it closed for all stakeholders? If it's not
42 a spawning closure, if it's not that important, let's remove it,
43 because all we're doing is creating poachers. There is no
44 enforcement out on the water that's sitting at that twenty-
45 fathom line. The SEFHIER reporting program, I wanted to -- Am I
46 over time? Well, I wanted to talk about SEFHIER, but I will
47 email it to you guys.

48

1 **CHAIRMAN DIAZ:** Go ahead, Mr. Dugas.

2
3 **MR. DUGAS:** Thank you, Dylan. I would like to hear what you
4 have to say about SEFHIER.

5
6 **MR. HUBBARD:** Thank you, J.D. I appreciate that. A lot of
7 discussion occurred, at this meeting, about buy-in and
8 compliance. One big reason, in my opinion, is the slow rollout
9 of enforcement on the requirements, and like, on January 25, you
10 had to start electronically reporting, and a lot of people
11 didn't know how, and they didn't start right away, and there was
12 no enforcement coming down and banging on your door, and so
13 that's going to be the reason that there is not a lot of
14 compliance.

15
16 People, especially people who are opposed to it, aren't going to
17 do it until they're forced. Now, you can't renew or transfer a
18 permit. I just tried to go through the transfer process, and I
19 am very hip to SEFHIER, and it was difficult for me to do that
20 without minding my Ps and Qs, you know, and so I think we're
21 going to see compliance skyrocket as people go to renew their
22 permits, but keep in mind that revolving permit -- That could
23 take a year.

24
25 Also, buy-in continues to be -- Not all the time, but these
26 little issues arise where buy-in is undercut, or affected,
27 especially with this recent reimbursement change. A lot of
28 people were pretty upset about that email, and, once you learned
29 more and dug into it, yes, it's after the 24th that all these
30 things come into effect, but people felt like they had been sold
31 a bad bill of goods, and so it's just one of those things that
32 we're kind of working through, and it's the first of its kind in
33 the entire nation in private recreational, or in recreational,
34 data collection, and so I think the program is -- Just everybody
35 is working hard together, and that's why the buy-in is slow and
36 the compliance is slow.

37
38 Also, one thing, real quick, about it is, in the proposed rule
39 changes brought up by the agency, I think these definitely help
40 to start alleviating some of the challenges we're facing with
41 SEFHIER, especially the sixty-minute option that was discussed
42 in the presentation, but, like J.D. said, I feel like it's not
43 enough time.

44
45 However, anything is better than where we're at now, but I still
46 don't really understand the necessity to declare at all if
47 you're moving your boat and you're not intending to fish. If
48 I'm not intending to fish, why is there a declaration needed at

1 all?

2
3 The second issue brought up by the agency that wasn't as fully
4 discussed, that I wanted to make sure we brought some attention
5 to, was the issue of duplicative reporting for dual permit
6 holders. A dual permit holder -- If he has to hail-out three
7 times in a day, he's got to do it six times, because he's having
8 to hail out twice to both programs, and so that was in Dr.
9 Masi's report today, or this morning, but it wasn't as fully
10 vetted in conversation, and so I really want to make sure that
11 that was included in the council motion, as you guys work
12 through the committee reports. I've got some more stuff, but I
13 will email it.

14
15 **CHAIRMAN DIAZ:** Go ahead, Ms. Boggs.

16
17 **MS. BOGGS:** I have a question about gag grouper. You mentioned
18 when you would like to see an opening. One of the options
19 before the council is maybe a change in the bag limits. Any
20 thoughts on that?

21
22 **MR. HUBBARD:** I want to emphasize, again, as far as the opening
23 goes, as late as possible in the year, as long as possible after
24 October 1, as far as the opening dates, and then, as far as bag
25 limit goes, in my experience, it's very difficult to get bag
26 limit back, once it's been given up, and especially in a fishery
27 that's going into a rebuilding process, and we're going to be
28 working through this for a long time, and so I'm very hesitant
29 to just, right off the bat, give up one of my fish and a two-
30 fish bag limit.

31
32 Plus, on top of that, I personally don't think gags are in that
33 much trouble. I mean, we see a ton of gags. The last two
34 years, we've had an incredible gag fishery, at the end of the
35 year, when those fish pull in shallow, and so I'm not seeing the
36 issues, and I think they're very cyclical.

37
38 Just like we saw with red grouper, and everybody is worried
39 about red grouper, and now it's bouncing back, and now we can't
40 get away from eighteen and nineteen-inch red grouper that are
41 about to enter the fishery. I think it's cyclical, and I think
42 it will bounce back quicker, but I'm hesitant to start giving up
43 bag limit right away, but I would like it on the table as an
44 option.

45
46 **MS. BOGGS:** Thank you.

47
48 **CHAIRMAN DIAZ:** Thank you, Mr. Hubbard. Next up, we have B.J.

1 Burkett. Mr. Donaldson, go ahead.

2
3 **MR. DONALDSON:** Thanks, Dylan. You mentioned the sixty-minute
4 trip declaration for non-fishing trips, that it's not enough
5 time, and I can certainly understand that, and do you have a --
6 Would ninety or -- Do you have a different timeframe?

7
8 **MR. HUBBARD:** Yes. I mean, to me, anything is better than
9 nothing, and so let me start off by saying I'm glad we got
10 sixty, but, in my area, the way it's spread out, and the way
11 boats move around, ninety would be cutting it close, but I think
12 120 minutes -- If you ping every hour, two pings would be 120
13 minutes, or two hours, and I think that would be sufficient,
14 but, I mean, in other areas, that are more spread out, like J.D.
15 was saying in Venice, and I would hate to be one of those guys.
16 They need more time. Thank you.

17
18 **MR. DONALDSON:** Thanks.

19
20 **CHAIRMAN DIAZ:** Thank you. All right. Next up is B.J. Burkett,
21 and Ken Haddad is on deck.

22
23 **MR. B.J. BURKETT:** My name is B.J. Burkett from Panama City
24 Beach, Florida. I own and operate two charter boats, and I also
25 own a commercial fishing vessel out of Apalachicola. I'm dual-
26 permitted one of the charter boats, and I'm an IFQ holder. I'm
27 about as invested as the bank will let me be in the fishery.

28
29 The first thing I want to talk about is the gags. As I've said
30 a year ago, and probably two years back, on public comment, the
31 gag fishery has improved. Is it in good shape? No, but we are
32 seeing improvement. My vessel has already caught, this year,
33 more than he's caught through August the last year, and we are
34 primarily a grouper and snapper boat. We don't target
35 triggerfish, and we don't target vermilion, and it's mainly one-
36 hook gear fishing.

37
38 The fishery is better now than we've seen it in the last five
39 years, and I would hate to see you all cut the quota, the same
40 way you did on the red grouper, when the fishery is finally
41 improving. I would be good with a spawning closure,
42 commercially, because that still gives the fishermen an
43 opportunity to fish later in the year, and you catch them all
44 summer, all fall, and you close it down for three or four more
45 months in the spring, the whole Gulf, no gags, and help the
46 fishery out, but don't take no more of our quota, because we
47 rely on them.

1 The next one would be jacks, and we need a big change. The
2 jacks are struggling, and you all have tried a bunch of what I
3 would call off-the-wall ideas that didn't work, the changing the
4 start date and all that, and what needs to be done is it needs
5 to get back simple, and you need to get it back to a January
6 start date, and it can go down to smaller size limit, like it
7 was.

8
9 The more you all up the size limit, and I don't know if you all
10 have figured this out yet or not, but you upped the size limit,
11 and the fisheries got worse, and I wouldn't open it in January
12 commercially.

13
14 The VMS, the SEFHIER VMS, we need some kind of tab on there for
15 the predation that we're having, and we're having a huge
16 problem, on the charter boat side, of dolphins and sharks.
17 They're both a huge problem, but those need to be handled some
18 way, and I'm not sure how you're going to do that, but letting
19 us harvest the sharks would be great. I mean, I would love to
20 see what a dolphin tastes like too, if you all would let us.

21
22 The FES survey, I'm not a fan of that, and it's -- You are
23 making everything way too complicated, trying to switch quotas
24 back and forth from private rec to commercial, and there is no
25 reason for all this. Every five years, there's going to be a
26 new survey out, and it's going to have different data, and
27 you're going to be at it again. You're making your job way too
28 complicated. That's all I've got.

29
30 **CHAIRMAN DIAZ:** All right. I am not seeing any questions, and
31 so we're going to move on to Mr. Ken Haddad, and on deck is Jeff
32 Crutcher.

33
34 **MR. KEN HADDAD:** Thank you, Mr. Chairman and council members.
35 My name is Ken Haddad with the American Sportfishing
36 Association, Lloyd, Florida. I want to first talk about
37 accountability, and I just want everybody to understand the
38 recreational fisherman fishes to the regulations that are given
39 to him, just like everybody else, and we're accountable to those
40 regulations.

41
42 For mackerel, we would like to see Alternative 2 be the
43 preferred alternative. I want to talk kind of on FES
44 calibration in general, but it does pertain to amberjack and
45 gags. For these species, and more to come, the framework for
46 FMPs represents a technical revision of the OFL and ABC and ACL,
47 based on new and officially the best scientific data, and we can
48 argue that, but that's where it is today.

1
2 This is to correct the historic record and recalculate stocks
3 based on the new data, but, currently, effects of recalibration
4 of allocation, as a result of correcting the historic record, is
5 also necessary, based on the new data. As has been stated by
6 NOAA numerous times, to not adjust the allocation across sectors
7 is in fact a reallocation.

8
9 For red grouper, you followed this approach, and you
10 recalibrated the allocation to allow the commercial and
11 recreational sectors to maintain parity in allocation as the
12 data system is converted to MRIP-FES. It's difficult to
13 understand, and it's complex, and it's confusing, but, to do
14 anything else at this juncture, without a full allocation review
15 and analysis for that species, would not be fair and equitable
16 treatment.

17
18 On the allocation guidelines that Assane presented, our interest
19 is in seeing the allocation process and decisions accountable
20 and defensible, and we concur with Dr. Frazer's and others
21 comments that this is a start, but it does not appear to be able
22 to give the council decision points in their process, and we
23 hope that you will move immediately to their concerns when this
24 document is approved.

25
26 Some specific comments, and, in the background and elsewhere,
27 there's an opt-out, and you discussed this briefly today, that
28 says, in some instances, the council can elect to skip a formal
29 allocation review and proceed with an FMP amendment and the
30 policy would not apply.

31
32 We would like to see this better defined, the specific opt-out
33 measures, such as FES calibrations, other data corrections, or
34 interim actions, so it's not a blanket opt-out. We would like
35 to see socioeconomic factors become much more robust in the
36 process, and we hope that Mr. Gill and others will continue to
37 push for better inclusion. Finally, we recommend the council
38 bring someone from the South Atlantic Council to present how
39 they are approaching an allocation process that uses decision
40 trees. Thank you.

41
42 **CHAIRMAN DIAZ:** Thank you, Mr. Haddad. Okay. Next up, we have
43 Jeff Crutcher. Jeff, are you on? Okay, and so we're going to
44 go to Meaghan Emory.

45
46 **MS. MEAGHAN EMORY:** Thank you, and thank you all for the
47 opportunity to speak with you today. My name is Meaghan Emory,
48 and I'm a spear fisher on the west coast of Florida, and I'm

1 secretary of the Florida Skin Diver's Association. I've been
2 diving and spearfishing in Florida Gulf waters for about ten
3 years.

4
5 I am here to talk about the interim gag regulations that are
6 being proposed. As far as the ACL reduction goes, I think it's,
7 without a doubt, that some kind of reduction needs to occur,
8 since the stock assessment does not look good right now, but I
9 would really defer to the SSC on their recommendation for which
10 amount of ACL reduction we're going to be looking at for the
11 2023 season.

12
13 I am hoping that, if we knock it down now, hopefully that the
14 long-term rebuilding plan that the council would work on could
15 be somewhat of a more moderate reduction in the future, and I
16 would like to see harvest open, as much as possible, to maintain
17 consistent fisheries-dependent data collection as well, and so
18 whatever we can do to maintain consistent data over the next few
19 years would be ideal, in my opinion.

20
21 Regarding the opening date and season, I prefer a later start
22 date, in exchange for maximizing the number of days of harvest,
23 which I think a lot of people in our community would prefer to
24 see. I really don't want to see a June 1 start date with twelve
25 to seventeen days of fishing, and I don't want to see gag turn
26 into the next derby-red-snapper-style fishing season, and so I
27 think a later start date, with a maximum number of days, would
28 be the preferred method.

29
30 I also realize that we may not get all of the days that are
31 planned either. I mean, if we hit that quota early, it might
32 still get shut down, but, as long as we go into it doing the
33 best that we can, I think public perception would be a little
34 bit higher, if we're trying to maximize the number of days, as
35 much as possible.

36
37 Allocation-wise, I think we should keep it as-is and really
38 continue to work on uncertainties in recreational data
39 collection. I am happy to hear that there's some exploration of
40 different indices being used for recreational data, like SERFS
41 data, and so I think we should continue working to improve
42 recreational data collection, so we can have a little bit more
43 accountability on the recreational side, and, for now, not
44 increase the recreational sector's catch.

45
46 As far as the bag and vessel limit is concerned, I would prefer
47 to see a reduced bag limit, rather than a vessel limit. I
48 think, if you work towards doing a vessel limit, people would be

1 up in arms, and people would not be happy about that, and so, as
2 far as public perception goes, I think we should try maybe
3 reducing the bag limit first, and see how it goes, and maybe
4 work in something more extreme in the long-term rebuilding plan,
5 if necessary. Thank you all for your time.

6
7 **MR. BILL STAFF:** (The first part of Mr. Staff's comments are not
8 audible on the recording.) If they need help, shut them down
9 during the spawn, if they need a break. I agree with Dylan on
10 the twenty-fathom shallow-water grouper. That's a loophole, and
11 it needs to be closed. I saw scamp come into my marina that
12 were not caught inside of 120 feet, I promise you, this year.

13
14 As for red snapper, I think the pressure that's on the snapper -
15 - The seasons are just too long. Everybody that has a truck has
16 a boat that can fish in the Gulf now, and I know I'm having to
17 fish farther and farther to catch decent-sized fish that I used
18 to could catch ten or twelve or fifteen miles closer just a few
19 years ago.

20
21 I will say that, trigger fishing this year, I've seen more and
22 more little snapper than I've seen in the last few years. Every
23 user group needs to be 100 percent accountable. I would like to
24 close with, on both of these species, the quotas aren't being
25 met due to the lack of effort, but due to the lack of fish, and
26 I certainly encourage the use of a SeaQualizer, as it works
27 great. Thank you. Bill Staff.

28
29 **CHAIRMAN DIAZ:** Thank you, Mr. Staff. Next up is Brian Lewis.
30 Check to see if you're muted on your end, Mr. Lewis. All right.
31 We're going to have to try to come back to you, Mr. Lewis. Next
32 up, we have Ms. Jane Black-Lee, and on deck will be Greg Abrams.

33
34 **MS. JANE BLACK-LEE:** Hi. I had actually pushed no, that I
35 wasn't going to speak, and so I was a little surprised when I
36 was called up, and I thought that maybe I would be quiet today.
37 I appreciate you supporting all of our fishermen, whether they
38 are recreational or commercial, and, in particular, when our
39 dual-permitted charter boats testify, please remember that
40 they're new in the game.

41
42 While they have a commercial interest, they also have a
43 recreational interest, and listen to them carefully. They know
44 both sides of the game, and don't hesitate to ask them, how do
45 you feel about it when you're commercial fishing, and how do you
46 feel about it when you're recreational fishing, and I believe
47 that we'll see more and more of these boats as time passes. I
48 think there's about 134 now, at least, that are dual-permitted.

1 Listen to them, and I think they can help us as we go forward.
2 Thank you.

3
4 **CHAIRMAN DIAZ:** Thank you, Ms. Lee. All right. We're going to
5 try Brian Lewis one more time. Mr. Lewis, see if you can get on
6 now. We think you're muted on your end, Mr. Lewis, if you could
7 check that, please. Sorry, Mr. Lewis. We're not able to hear
8 you, and please hang around, and we'll try you again. All
9 right. We're going to try Mr. Greg Abrams. Mr. Abrams, are you
10 online?

11
12 **MR. GREG ABRAMS:** I am here. The last meeting that I was at,
13 and I'm Greg Abrams, from Panama City, Greg Abrams Seafood, one
14 of the National Marine Fisheries scientists said that we need to
15 close gag grouper for ten years, and it devastated me, and so I
16 come back home and told my fishermen to get your winter rods
17 back on the boat, and get the live wells back on the boat, and I
18 called Steve Rash at Water Street Seafood, and told him to get
19 his boats geared up, and we've got to go catch some gags.

20
21 We had the worst winter we've had in twelve years, between his
22 fish house and my fish house, and we have produced 74,872 pounds
23 of gag, on a twelve-to-fourteen-pound average. Now, we ain't
24 fished half the time, because of weather, but we quit fishing
25 for gags, because snapper was so much easier, and the crew can
26 go out for two days and get their money and come in, and so we
27 quit fishing for gags, but now we put the winter rods back on
28 the boat, and we're gag fishing.

29
30 There is plenty of gags, and, if you're going to do anything,
31 close it January, February, and March. There is no need to give
32 my 19 percent, or our 19 percent, and 17 percent red grouper, to
33 the recreational that will not get a tagging program. It's
34 wrong. It's wrong for the environment and for the resource.

35
36 Next is amberjack, and it's all on logbooks, and my tilefish
37 boats, and yellowedge boats, are catching their limit in 700
38 foot of water, and you all give me an answer and tell me why
39 we're catching fish out there in that deeper water right now,
40 each trip. Now it's closed, and you all have got it closed
41 March, April, and May. You all open it back up when they're
42 spawning, which I've been trying to tell you all that, but you
43 all won't do anything for the resource.

44
45 If you don't get a tagging program in five to seven years, you
46 will not have a fishery for nobody, for recreational or
47 commercial. You will be just like Texas is right now, with no
48 trout, and no redfish, and there's been no commercial fishery

1 out there for twenty-four years, and so you all can't blame it
2 on us. We're here to try to manage our resource, but you all
3 are not doing the right thing.

4
5 Shark fishing, I'm fixing to send two of my boats shark fishing,
6 and I'm allowed fifty-five fish per trip, and we've got to do
7 something, because my tackle bills on my tuna boats and snapper
8 boats and grouper boats has doubled, and there is sandbars, as
9 big as they grow, over a hundred miles offshore, and sandbars is
10 normally an inshore shark, but you all need to listen to the
11 people that wrote in 2,800 comments on the red grouper, and you
12 all are not paying attention to our comments, and so I can tell
13 everybody that goes and wastes his money going to the meetings
14 and putting their time in that let's boycott it, and we're
15 wasting our time, and I hate to be that way, but we put a lot of
16 effort into this fishery and keeping logbooks and doing the
17 right thing. Thank you.

18
19 **MR. RANDY SOBIERAJ:** (Part of Mr. Sobieraj's comments are not
20 audible on the recording.) -- commercial in Louisiana, and I
21 really don't have much to say about what you all are discussing
22 at this meeting, but I guess, as the Gulf Council as a whole, I
23 got a letter in the mail from the United States Department of
24 Commerce stating that I have to take an observer, based on the
25 Magnuson-Stevens Act, which they had said, with the Magnuson-
26 Stevens 303(b)(8), that I have to participate in the observer
27 program, and the same with Magnuson-Stevens and you guys applied
28 the MPA, and so I can't fish, but, if I do fish in there, or I
29 don't take the observer, I do have ramifications, whether it's a
30 fine or taking my permits away or whatnot, but, on the Magnuson-
31 Stevens Act, it states that -- On page 83, it says include
32 measures to assist, when necessary and appropriate, entry-level
33 and small vessel owners and operators through set-asides of
34 harvesting allocations.

35
36 The last I have checked, I have not gotten no set-asides and no
37 assistance and no nothing, and I was just seeing how come I get
38 ramifications for not following the law, but, in the law, it
39 states assistance too, and that's pretty much all I have to say.
40 Thank you.

41
42 **CHAIRMAN DIAZ:** Thank you. Next up, we're going to go to Steve
43 Papen.

44
45 **MR. STEVE PAPEN:** Thank you for letting me speak today, and I'm
46 just going to try and keep it as short as possible, but I am a
47 full-time dual-permitted boat out of central Florida, the
48 Madeira Beach area, and I actually run out of Jason's dock

1 there.

2
3 I have been in this business since 1996, and I've had both
4 permits for almost that entire time. I bought my charter permit
5 for ten bucks. As far as grouper goes, gags, I mean, yes, there
6 is definitely an issue, and I definitely support the longest
7 season, the longest -- As many days as we can get as late in the
8 year as possible. We can use that for our charters. People
9 that come down for Christmas and stuff like that, we can take
10 them out and actually give them something, and, realistically,
11 that time of the year, it's going to take a whole lot of
12 pressure off of the hogfish, which has become so popular.

13
14 Everybody is out there just beating on them and beating on them,
15 and, you know, they're fishing them real hard, and everybody's
16 main target is going to be hogfish. If you give them something
17 else to target, it's going to be a great thing that we're going
18 to be able to go out, and I would rather go out and catch my
19 guys four or five gag grouper than try to go out and catch
20 fifteen hogfish. I think it's better for the fishery.

21
22 I also would love to know -- I would love to see an interim
23 assessment done on gags before you guys make a decision, and the
24 same thing happened with the red grouper, and the interim
25 assessment showed, I believe, that the red grouper were
26 healthier than everybody was thinking, and so I think this is
27 another time than an interim assessment would be a great idea.

28
29 As far as the males go, the males are in the deep water, and we
30 all know this, and they're not in great shape. We just got done
31 with a three-year study with MRIP, with all the great biologists
32 over there at MRIP, or not MRIP, but FWC, and we did a study
33 with them for three years on male gags in deep water, from 240
34 out to 500 foot, and there was definitely a lot less gags than I
35 saw growing up, and so we do have a problem there.

36
37 Bag limit reduction, I don't support that, and I don't think
38 it's a good idea. We went from five to four to three to two,
39 and now we're talking about going to one, and I don't think
40 that's great. The twenty-fathom closure, again, just like Dylan
41 said, it's one of the other. Either close beyond twenty fathoms
42 because they're spawning, and, if that's the case, nobody should
43 be catching them. If that's not the case, then let's lift it
44 and get rid of it.

45
46 The last thing is multiple hail-outs, and I'm glad you guys are
47 working on that. I'm dual-permitted, myself, and I have to do
48 so many declarations in one day that it's unreal. I have to do

1 from my dock to the fuel dock and from the fuel dock to fishing,
2 and, if I do two trips a day, I'm doing ten or eleven
3 declarations a day, and my VMS bill, at certain times of the
4 year, is upwards of ninety bucks a month, and so I appreciate
5 you guys doing some work on that for us. That's all I have, and
6 I have used up my time. Thank you very much.

7
8 **CHAIRMAN DIAZ:** Thank you, Mr. Papen. Next up, we have Anthony
9 Colletti, and on deck is Mr. Jim Zurbrick.

10
11 **MR. ANTHONY COLLETTI:** Good afternoon. How are you doing? I
12 commercial fish out of Leesville, Louisiana. The amberjacks, I
13 feel that the fish have moved, and we're still catching them.
14 The guys work a little bit harder, travel farther, and the fish
15 are healthy, and there's plenty of them.

16
17 The mackerel, the migration pattern has changed, and a lot of
18 oil platforms have been removed. We've had a lot of weather and
19 hurricanes, and I think we need some more time to pinpoint the
20 migration pattern that has changed for the fish. It seems like
21 there's a lot on the plate, and I think everybody needs to just
22 take a slow approach to everything and address it correctly.
23 That's all I have to say for today.

24
25 **CHAIRMAN DIAZ:** Mr. Schieble.

26
27 **MR. SCHIEBLE:** Hi, Anthony. Thank you. A quick question. Have
28 you seen an impact in your fishing due to the reduction in the
29 trip limit? We went from 1,500 pounds for amberjack to a 1,000-
30 pound trip limit, and has that reduced your total overall
31 harvest that you've landed over the course of the year because
32 of that?

33
34 **MR. COLLETTI:** Absolutely. We have to travel farther for the
35 fish, and, as I said, migration pattern, and a lot of oil
36 platforms have been removed, and we don't get as many trips as
37 we used to. With the trip limits reduced, obviously, the catch
38 landings are reduced.

39
40 **MR. SCHIEBLE:** Thank you. That's what I needed to hear. I am
41 assuming that, overall, it would take, obviously, longer and
42 multiple trips to go out and get them and harvest, but is that
43 precluding the fact that you can't even achieve the harvest that
44 you used to throughout the year, and is that correct, would you
45 say?

46
47 **MR. COLLETTI:** Because of the trip limit reduction, yes. I
48 believe, if we had a trip increase a little bit, I feel like we

1 would be doing a little bit better job filling the quota.

2

3 **CHAIRMAN DIAZ:** We have one more question for you from Ms.
4 Boggs.

5

6 **MS. BOGGS:** Thank you for coming today, Anthony. About how far
7 are you having to fish for the amberjack?

8

9 **MR. COLLETTI:** Well, it used to be between twenty and forty
10 miles, and it's now a sixty-to-eighty-mile run. It's deeper
11 water and different tactics to catch the fish.

12

13 **CHAIRMAN DIAZ:** Thank you, Mr. Colletti.

14

15 **MR. COLLETTI:** Thank you.

16

17 **CHAIRMAN DIAZ:** All right. Next up, we have Mr. Jim Zurbrick,
18 and, on deck, we have Martha Guyas.

19

20 **MR. JIM ZURBRICK:** I wanted to thank the council for allowing me
21 to speak. I've got so many things that hopefully I can get them
22 all in. First of all, triggerfish, and we need to increase the
23 bag limit. We got an increase in the overall catch, but there
24 is no way to catch it, based on the sixteen-fish bag limit, and
25 so that's something we need to work on, and, by the way,
26 something like this really shows the fishermen that we're on
27 their side, because this is really a no-brainer. I mean, this
28 is one of the easy ones, I think.

29

30 Also, I do support the electronic voting, as motioned by Bob
31 Gill. I would not think it would be that difficult, but I
32 definitely agree with it.

33

34 The gag issue, I think everyone knows that I'm actual fisherman,
35 and I'm a fish dealer, and I work in the process. The gag is in
36 trouble, and I know that, in different localities -- Dylan made
37 mention that they're not seeing it as bad there, and I'm seeing
38 it that bad up here in the Big Bend area of Florida, and my
39 landings -- I supply fish to four different boats, and
40 everybody's landings are down, unless they get way offshore, and
41 we're going to need to do something, but, in the meantime,
42 allocation can't be a discussion for the interim rule.

43

44 We need all hands on deck, and we need all the reserves, and
45 everybody needs to step up to the plate, and let's just leave it
46 like it is and get us through this time, because the interim ACL
47 is going to be so low that you can't hurt the commercial
48 fishermen worse than that, nor the rec guy. I mean, it's a sad

1 state of affairs.

2
3 The SEFHIER, I have been listening to this for so long that I
4 think I'm part of the old testament, but, right now, I see that
5 we're right there on the verge, especially now that we're not
6 going to renew permits. I have folks in my town here that say,
7 heck, no, I'm not going to do it, and this just can't be.

8
9 They're sitting there with a permit worth a lot of money, and
10 all we're asking them for is some accountability, although I am
11 aware that it might be overkill with some of the information
12 that's required.

13
14 Also, as a bystander, listening to the SSC meeting about setting
15 the red snapper ACL, when you hear that the vote was eleven to
16 nine with three abstains and one absent, it's kind of hard to
17 get behind it like it was the feeling of the SSC that that's
18 what we should do, and I just again, say to be cautious, and,
19 personally, I don't think we need a red snapper increase,
20 commercially, and I have seen a turndown already, locally, that
21 local depletion, and I'm seeing it here in the Big Bend, but I
22 know that other folks maybe are covered up, and I know that the
23 red sector needs more fish, but I don't know at what expense
24 that should be.

25
26 One last thing, and accuracy on discards, and I think everybody
27 is aware that I've got a camera system on my boat now, and so,
28 when I hear talk about the commercial discards are not accurate,
29 I just want them to know that they can contact Mote Laboratory,
30 and I will sign a disclosure statement that allows any council
31 member or the science lab to look at my data, so that we can
32 verify that it is probably matching up with the observers, and I
33 thank you very much.

34
35 **CHAIRMAN DIAZ:** Thank you, Mr. Zurbrick. Next up is Ms. Martha
36 Guyas, and on deck is Chad Hanson.

37
38 **MS. MARTHA GUYAS:** Hi, everybody. Martha Guyas, representing
39 the American Sportfishing Association. It's great to see you
40 all from this side of the table, or in the room, really, and gag
41 is one of the first fisheries that I worked on in getting into
42 the council process, and so I feel like I've kind of come full
43 circle here, and that's what I'm going to talk about today,

44
45 As you all have heard, the fishery is in a tough spot right now,
46 and both sectors, unfortunately, are going to have to face
47 drastic cuts, and so, because I might run out of time, let me
48 give you my three points, and then I will expand on them a

1 little bit.

2
3 The first one is, if the council uses FES for quotas and
4 management, you need to convert the allocation to FES, to
5 maintain stability in the fishery. Number two, spend some time
6 getting to know this fishery before you make management changes,
7 and then, number three, successful management of gag is going to
8 require state and federal coordination.

9
10 If the council, and Ken already spoke to this, but, if the
11 council decides to move forward with an interim rule to update
12 quotas for gag into FES, you've got to convert the allocations
13 to FES. You can use the current allocation formula, which is in
14 rule, set in Amendment 30B, with the time series that you all
15 talked about yesterday.

16
17 This ensures that catches, catch limits, and allocations are all
18 set using the same currency, and the resulting change in the
19 percentages allocated to each sector essentially maintains the
20 status quo, in terms of what is happening on the water, keeping
21 in mind that everybody is going to take a cut. Not converting
22 the allocations to the currency being used to set the quotas and
23 monitor the fishery will result in a de facto reallocation that
24 is not fair and equitable.

25
26 As the council thinks about how to change management measures
27 for gag, whether it's on an interim basis or for the long-term,
28 I encourage the council to take the time to understand the
29 dynamics of this fishery. You've got to look at the life
30 history, who is harvesting them, where they're being harvested,
31 and when they are being caught.

32
33 You all know that gag is a Florida fishery, but, within Florida,
34 people target gag at different times, based on when the fish are
35 available and their regional needs when people are fishing, and,
36 within the recreational gag fishery, most of the fish are being
37 caught by private recreational boats, and a large percentage of
38 that catch is coming out of state waters, by folks on smaller
39 vessels, and even from shore.

40
41 The heart of the fishery is off of west-central Florida and
42 southwest Florida and into the Big Bend, and I can talk all day
43 about this, but, in my experience, folks off of west Florida
44 prefer to fish for gags in the fall and winter, for the Big
45 Bend, where there's a lot of great seagrass habitat for gag, and
46 those folks have access during the spring, and to some degree in
47 the fall, and the Panhandle, at least when I was working through
48 that fishery, generally preferred a harvest during the summer,

1 when red snapper was open.

2
3 Looking at the options in front of the council, a fall opening
4 would seem to make sense, but, again, I really encourage you all
5 to think about all the different dynamics in this fishery before
6 making a decision, and then, as I mentioned before, lastly,
7 because such a large component of this fishery occurs in state
8 waters, with private anglers, I encourage the council to work
9 with the State of Florida to get on the same page and work
10 together to manage this fishery. I think that's really the only
11 way that this is going to end up in a good place and get it
12 right, and that's all. Thank you, all.

13
14 **CHAIRMAN DIAZ:** Thank you, Ms. Guyas. All right. Next up is
15 Mr. Chad Hanson, and on deck is Ted Venker.

16
17 **MR. CHAD HANSON:** Thank you, Mr. Chair. Good afternoon, members
18 of the council and staff. My name is Chad Hanson, with the Pew
19 Charitable Trusts. Thank you for the opportunity to provide
20 comments virtually today, and I apologize for not being there
21 in-person with you all.

22
23 Pew is very pleased with the draft fishery ecosystem plan. Dr.
24 Heyman and LGL did a great job pulling together a very complex
25 project in a short period of time. We would also like to thank
26 staff in keeping the FEP moving and providing clear guidance on
27 the next steps. Pew wants the FEP to actually address
28 challenging issues that may fall outside of the normal single-
29 species management process. The draft FEP provides a clear
30 path, through fishery ecosystem issues, to do just that.

31
32 There are still a few pieces of the puzzle needed to ensure the
33 FEP clearly lays out the process for identifying and developing
34 FEIs. To put these pieces together, we recommend convening the
35 Ecosystem Technical Committee soon. The ETC should first
36 incorporate overarching goals and objectives into the FEP.
37 Next, they should outline specific guidance for how to identify
38 and work through FEIs, following the direction from staff and
39 the aptly named FEP loop highlighted in the draft FEP. Third,
40 the ETC should develop a process for vetting and prioritizing
41 FEIs for further consideration and action.

42
43 As those pieces come together, we also suggest the Ecosystem and
44 Outreach and Education Technical Committees coordinate to
45 develop a stakeholder engagement plan for key steps in the
46 development of FEIs. We also recommend identifying a short list
47 of potential FEIs, using the prioritization process developed by
48 the ETC, which should include input from the council and

1 stakeholders. Many ideas have been brought up by stakeholders,
2 and that would be a good starting point for beginning to
3 implement the FEP.

4
5 Lastly, to inform and fine-tune the process on how all these
6 pieces fit together, we recommend developing a case study to
7 address ongoing effects from red tide. That issue is at the
8 forefront now and is most ready to be turned into an actual FEI.
9 This could go a long way towards ensuring that we have an
10 operational FEP that promotes healthy fish populations and
11 robust fisheries.

12
13 With that, thank you for your time and attention this afternoon,
14 and we look forward to working with you all on finalizing and
15 implementing the FEP.

16
17 **CHAIRMAN DIAZ:** Thank you, Mr. Hanson. All right. Next up is
18 Ted Venker.

19
20 **MR. TED VENKER:** Good afternoon. Thank you for the opportunity
21 to speak to you today in-person. I'm Ted Venker, and I'm with
22 the Coastal Conservation Association, and my comments today are
23 only about the FES conversion issue, which is truly a
24 complicated thing that most recreational anglers are just not
25 familiar with, and you're probably not going to get a lot of
26 comments and input from regular anglers, although it does stand
27 to impact the recreational angling community significantly if
28 it's not handled correctly.

29
30 As it stands now, no one really knows what the correct
31 allocation should be in any given fishery. Setting them on past
32 catch history from some set of years is not the ideal way to do
33 it, and, actually, it may be the worst way to do it. The
34 councils, in the past, have chosen to set allocations based on
35 past catch history, and, unfortunately, those allocations have
36 often been allowed to stay in place for decades.

37
38 Bob Gill made some great points yesterday about bringing
39 socioeconomics into this process, which is a concept that we
40 would welcome, and I think Tom's comments this morning on
41 assigning values to the various criteria in the proposed
42 allocation policy were really on target too, and I'm not an
43 economist, but I have heard there are things called bioeconomic
44 models that can really be used here as well.

45
46 However, at this moment, allocation is based almost exclusively
47 on past catch history, and the only thing we know for certain
48 now is that, in those fisheries that have run FES data through

1 an assessment, the current allocations aren't correct. If the
2 allocation is based on past catch history, and that history has
3 been corrected with the best information available, then the
4 allocation should be updated accordingly, and anything else
5 should be considered arbitrary. Technically, this shouldn't
6 even be called a reallocation, and it's more of a data
7 correction.

8
9 Now, having said all of that, if I was sitting at this council
10 and having to make these FES allocation conversions, my very
11 next motion would be to start a true reallocation process for
12 each of these species that looks at forward-looking criteria
13 like changing social and environmental conditions and
14 demographics and socioeconomic information.

15
16 Now, we're not under the illusion that these changes will
17 benefit rec angling always, or even often, and nobody knows that
18 the outcomes will be, but, if it starts us on a fair and
19 equitable process to determine allocations, looking at relevant,
20 modern criteria, and as painful as adopting these FES
21 allocations may be now, it would ultimately be a good thing in
22 the future. Thank you.

23

24 **CHAIRMAN DIAZ:** Thank you, Mr. Venker. Ms. Boggs, go ahead.

25
26 **MS. BOGGS:** Thank you, Mr. Venker, for coming today, and so
27 you're saying that you would like to see socioeconomic and all
28 these other things incorporated, and would the private
29 recreational angler be acceptable to all this data collection,
30 such as the commercial fishermen, as well as the charter/for-
31 hire fleet, who are currently collecting that information?

32
33 **MR. VENKER:** Well, we're completely different from the
34 commercial sector, but I think that you would find the
35 recreational community is more than willing to participate in
36 reasonable data collection efforts, yes.

37
38 **CHAIRMAN DIAZ:** Thank you. We appreciate it. Next up, we have
39 Mr. Bill Kelly, and Mark Tryon will be up on deck. Mr. Kelly,
40 are you there?

41
42 **MR. BILL KELLY:** Yes, Chairman Diaz and council members. My
43 name is Bill Kelly, and today I'm here representing the permit
44 holders in the gillnet fishery, mackerel gillnet fishery, of the
45 Gulf of Mexico. I submitted written comments, but I wanted to
46 address the three points that I raised in that letter.

47
48 Number one, I want to salute the Mackerel Advisory Panel, the

1 council's panel, in supporting our request for a framework
2 amendment to eliminate the prohibition on fishing on Saturdays
3 and Sundays and holidays, which essentially reduces the fishery
4 to a four-day work week.

5
6 The requirement further states that fishermen must return to the
7 dock by six o'clock in the morning and be unloaded, and that's
8 virtually impossible. For example, we have one marina that
9 processes six boats. When they're fully loaded, they're making
10 less than ten knots, and it's almost impossible to get back to
11 the dock by 6:00 a.m., and it takes four hours per vessel to
12 process those catches, and so we would like to see that
13 framework amendment be in place in the council for this upcoming
14 season and have the council -- We politely request that you do
15 everything you can to make that happen. We could have
16 prosecuted this fishery in two weeks this past season, instead
17 of five, because of weather patterns.

18
19 Also, I would like to address the representation on the advisory
20 panel. Currently, there are seventeen members, and only one of
21 them is a gillnet fisherman. We've been trying for over ten
22 years to get that number increased, with two or more applicants
23 per year.

24
25 Number three is allocation in the king mackerel fishery and
26 compliance with National Standard 4. We have been begging for
27 an increase in allocation, and we would like to see it based on
28 a positive stock assessment, and also on the fact that the
29 recreational anglers are not and have not been fishing their
30 quotas. Whether you use MRIP statistics, MRFSS statistics, or
31 FES, they have not fished their quota, and it's interesting, by
32 comparison, that, now with the FES data, that the council seems
33 to be, by comparison, moving at lightning speed to transfer
34 quota over to the recreational side.

35
36 Just think back to a few moments ago, when Captain Zales spoke
37 and stressed the point that you're moving fish over to a sector
38 that is unaccountable to one that is fully accountable. We
39 volunteered paybacks, and we give them in the king mackerel
40 fishery, and so we see no such things happening in the
41 recreational side or in other sectors.

42
43 We would like to see that changed as well and the council move
44 forward to support these efforts. Our industry, and this
45 particular fishery, has a track record of working very closely
46 with the councils and National Marine Fisheries Service and NOAA
47 to streamline this fishery and make things happen. Thank you.

1 **CHAIRMAN DIAZ:** All right. Next up, we're going to go to Mark
2 Tryon, and then on deck we're going to have Brian Lewis on deck.
3 Mr. Tryon.

4
5 **MR. MARK TRYON:** Mark Tryon, commercial fisherman, Gulf Breeze,
6 Florida. I guess the first thing I want to talk about is the
7 triggerfish. I've got my triggerfish hat for the occasion. We
8 need to increase the trip limit.

9
10 I did a little study on where we're at here, and we caught 14
11 percent of the quota for the year, and we have to bear in mind
12 that we've got a ten-month season and not a twelve-month season,
13 and so, basically, we should be at about 30 percent, if we're
14 going to catch the quota, or have a chance to, and that proves,
15 mathematically, that we need to probably like double this to
16 thirty-two fish, and, as I've spoken previously, maybe do like a
17 step-down at 75 percent, to sixteen fish.

18
19 How does this rule, or lack of rule, at this point in time,
20 impact me? Basically, every trip, when triggerfish is open, I
21 catch in excess of the sixteen fish, and, after the sixteen
22 fish, I'm discarding legal-sized fish that I could be keeping
23 and making a little bit of extra money on, and so it would be
24 quite helpful, to me.

25
26 In my current situation, basically since 2019, I'm mainly a red
27 snapper fisherman, and triggerfish is a bycatch, but due to -- I
28 guess the term is "localized depletion", or fished out, whatever
29 you want to call it, and I'm a day fisherman, and so I can't run
30 like the one gentleman from Louisiana said, that he's going
31 sixty to eighty miles to catch the same amount, I guess, of
32 amberjack that he used to, and I think I'm seeing that
33 phenomenon with the red snapper, the problem being I go on
34 twelve to fourteen-hour trips, and so I can't really run that
35 far. I would spend the whole day running, and so my landings
36 are down about 20 percent of what they were at their peak in
37 2019. Going back to the triggerfish, you can see where just
38 anything helps with extra revenue coming in per trip.

39
40 The other thing that I would like to talk about, just in closing
41 here, is I think the council, at some point in time, has to
42 address the recreational effort in general. I mean, it's just
43 getting more and more boats, bigger boats, faster boats, better
44 electronics, a lot more fishing pressure, and, really, nothing
45 is being done to acknowledge this or address this, and so it's
46 something that there needs to be a taskforce or something put
47 together, like you did with the IFQ focus group, and I think
48 there should be some sort of focus group on the constant

1 increase in this recreational effort, and it's not the people's
2 fault.

3
4 As the one gentleman said before, they're following the rules
5 that are in place, put in place by this council, and so that's
6 basically I have to say today, and thank you for allowing me to
7 speak.

8
9 **CHAIRMAN DIAZ:** Thank you, Mr. Tryon. All right. We're going
10 to go back to Brian Lewis, and we had some problems with him
11 earlier, and we'll see if we've got him on now. On deck is Mr.
12 Joe Nash. Mr. Lewis, are you there?

13
14 **MR. BRIAN LEWIS:** Yes, I'm here. Good afternoon, everyone, Mr.
15 Chair, and members of the council. My name is Brian Lewis, for
16 the record, and I own a fishing vessel that operates out of
17 Clearwater, Florida that fishes for Frenchy's Seafood
18 Restaurants and his newly-opened seafood retail market.

19
20 I want to address a couple of things, one of which is the
21 triggerfish, and I echo what others have been speaking about.
22 We do need to get an action in place to start increasing the bag
23 limit per trip, and, obviously, that's something for you all to
24 decide how to figure out, what that should be, and the next
25 thing that I would like to speak about is the gag grouper.

26
27 You know, you are the voice of the fish. They don't have a
28 voice, and so you guys need to get working on protecting our
29 fishery. The gag grouper fishery has been practically
30 decimated, from what I knew it was forty years ago, where we
31 threw back twenty-pound fish, and we're lucky to see twenty-
32 pound fish anymore, and so I don't think that the fishery is as
33 good as maybe others may say, and maybe there is pods of fish,
34 but, in general, I don't support a total closure. We need data
35 collection of some sort.

36
37 For the charter/for-hire industry, they're going to need to be
38 able to entertain their clients, and so maybe that would be a
39 good move, to have the season open later in the year for them,
40 when they have more influx of their clients coming in.

41
42 Then, in closing, I want to remind the council that every one of
43 these fishery management plans, or amendments, that you approve
44 and submit to National Marine Fisheries Secretary of Commerce
45 for implementation has lasting effects on all of us, and that,
46 once it goes to them, okay, unless it's in violation of any
47 administrative laws, it's a done deal, and they can't change
48 anything that you all come up with.

1
2 When you're thinking about all the consequences of all this,
3 make sure you keep that in mind, okay, because it will last
4 forever, and one thing I've learned is, once we lose a fishery,
5 it never comes back, and so, in closing, do the best job you can
6 do.

7
8 You guys have got a tough job, and we appreciate everything that
9 you try to do, but keep everybody all in mind, and remember one
10 thing, that economics cannot be the sole purpose, and so
11 remember that, because the recreational fishery is outnumbering
12 the commercial guys, and it's going to be awful tough for us to
13 compete with that. I appreciate this time to speak, and I'm
14 open to any questions you all may have.

15
16 **CHAIRMAN DIAZ:** Thank you, Mr. Lewis. I am not seeing any
17 questions, and we're going to move on. Mr. Joe Nash is next,
18 and on deck is Bryan Anderson.

19
20 **MR. JOE NASH:** My name is Joe Nash, and I'm an owner-operator
21 right here in Orange Beach, Cool Change Charters. Just a couple
22 of things. I, as well as all the user groups, should be 100
23 percent accountable. We're trying to be accountable with our
24 VMS and our VESL app that we have to fill out every day and
25 hail-in and hail-out. That was the other thing that I wanted to
26 talk about, is the VMS.

27
28 We should have some kind of reasonable amount of time, just in
29 case it does go down, where we can fix it or get another one on
30 the way without being -- Without having to cancel charters, and
31 I think that was -- I can't remember exactly what option that
32 was, but somewhere seven to ten days would be fair enough, to
33 where we can get VMS back in a working order. You're not going
34 to lose any data.

35
36 We're hailing-out every day, and we're hailing-in, and we are
37 putting in all our fish, and everybody, as of last year, had to
38 have it on their phones anyway, and so, whether you have the
39 most expensive unit that you can do all your fish catch and all
40 that stuff on, down to the NEMO, you should still have that app
41 on your phone, and so there shouldn't be any issues with that,
42 and everybody is -- You're not going to lose any data, is all
43 I'm saying.

44
45 Also, as far as the reimbursement, quite a few years ago, we
46 were all on a pilot program for CLS, and those units basically
47 are -- There is no parts for them, if you have to get them
48 fixed, and they are basically -- I can't say unusable, and you

1 can use them, but, if they do break, you're done, because
2 there's no parts, and so you're going to end up having to get
3 the newer units anyway, and so that email that came out the
4 other day is that, if you have previously gotten a grant and put
5 the CLS on your boat, you do not qualify for any kind of
6 reimbursement for the units that you bought this year.

7
8 That's one of the issues that we have with that, and I would
9 like to see that taken care of, to where all the boats should be
10 able to get reimbursed for it, as well as the NEMO is advertised
11 as a great self-installation, and so all it basically is is it's
12 putting a couple of screws in your boat and mounting it on the
13 wheelhouse, or wherever you want to mount it at, and plug it in
14 like a cellphone.

15
16 It says here that, in order to get reimbursed, you have to hire
17 somebody to do that for you. Well, most charter boat people can
18 do a lot of stuff for themselves, and I feel that that's just a
19 little overkill. Now, some of the other units, that there's a
20 little more entailed, yes, I can see that, but I installed both
21 of mine, and they were fine, and it doesn't take a rocket
22 scientist, and so that's basically all I was wanting to say.

23
24 **CHAIRMAN DIAZ:** Go ahead, Ms. Boggs.

25
26 **MS. BOGGS:** Thank you for coming today, Joe. Do you fish for
27 the gag or amberjack? If so, what is your opinion on those?

28
29 **MR. NASH:** Well, over the years, yes, I used to fish for a lot
30 of amberjack and a lot of gags, but now we're running shorter
31 trips, and so I'm not out there enough in the deeper waters. I
32 do know that, when I do go out there, I don't see what I want to
33 see, and so I would say that that's probably just the lack of my
34 presence in the deep water right now, and I know that amberjack
35 have been an issue over the last five or six years, and I used
36 to log every amberjack that I caught, and I guess close to 700 a
37 year, and now it's down to like five or six keepers a year, and
38 that's it.

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

41
42 **MR. DUGAS:** Thank you. How much time would you say you need in
43 a marina to take on fuel, bait, and ice? Would you need more
44 than an hour's time?

45
46 **MR. NASH:** Well, we're fortunate, at our marina, that the fuel
47 is right behind the boat, but, if somebody is docked at their
48 house, and they have to go to another marina to get their fuel,

1 yes, and it depends on where they're located. Some people are
2 located say up in the north bay, and they might have an hour one
3 way just to get to where they can take on fuel and then go back
4 home, and so there's not too many people like that, but, yes, I
5 would say you need a little bit of time, but they have a place
6 for that on that VMS, or not on the VMS, but on the VESL thing,
7 and you can just put trip with no fishing intended. You put
8 that on there, and it doesn't even ask you for a return time.

9

10 **CHAIRMAN DIAZ:** Thank you. Next up, we have Bryan Anderson, and
11 Ed Walker is on deck.

12

13 **MR. BRYAN ANDERSON:** Bryan Anderson, recreational spear
14 fisherman out of west central Florida for the past twenty years.
15 Thank you for the opportunity. The gag fishery definitely needs
16 help. I've been seeing it for a number of years now, and so I
17 definitely support the later fall opening, with the maximum
18 amount of days possible, and I think that would be best for all
19 the user groups.

20

21 I would echo the previous gentleman's comments regarding sharks,
22 and, as a spear fisherman, we've seen a tremendous uptick in
23 encounters with sharks over the past five years, and I've just
24 seen a lot more, and I'm having a lot more interactions, and I
25 would encourage some type of management on the sharks.

26

27 Last, but not least, hogfish, and I would encourage the council
28 to look at dead discards of hogfish from hook-and-line. It's
29 been hammered in the last two to three years, and we're starting
30 to see a decline in the waters off of west central Florida. You
31 can look on Facebook or Instagram, any of the charter guys, all
32 their fish are suffering barotrauma, and I can't imagine how
33 many fish they're pulling up to get their five fish over
34 fourteen, and there's a lot of fish being thrown back that are
35 dying. That's all I've got. Thank you.

36

37 **CHAIRMAN DIAZ:** Next up, we have Ed Walker, and Mark Huffman is
38 on deck.

39

40 **MR. ED WALKER:** Thank you, Mr. Chair. My name is Ed Walker, and
41 I'm a recreational, charter, commercial gag fisherman, among
42 other things, and I've been involved in gag research for the
43 last ten years, and I believe probably most of the gag projects
44 I've been on in the Gulf. I was on the gag assessment, and
45 where I live is essentially the center of abundance for gags,
46 and so it's very important to me.

47

48 As far as the potential gag season, myself, and others that I've

1 spoken to in my area that do what I would, would prefer the most
2 season length we could get for the very latter part of the year.
3 Our fishing is best in the cooler months.

4
5 Sometimes October is cooler, and sometimes October is kind of
6 warm, but, right now, I think the October 1 option, based on the
7 kind of loose estimated projections that are floating around,
8 would work best for us, and I would certainly rather have fifty-
9 four days starting in October than twenty-four days starting in
10 November, because, from the charter perspective, the opportunity
11 to catch a gag will get a guy to book your boat.

12
13 It doesn't have to be the absolute best fishing of the year, and
14 I would rather have a longer season than a very short season,
15 not to mention that, at that time of the year, you get a couple
16 of back-to-back cold fronts, and you can wipe out a twenty-day
17 season and have virtually no fishing.

18
19 Just a brief reason why we like the fall is the fish are in
20 shallower, as has been mentioned here many times, and I run most
21 of my trips in twenty feet of water for gag at that time of the
22 year. You can see them on the bottom before you catch them, and
23 discard mortality is virtually zero. There is very little shark
24 depredation in there.

25
26 Also, it will take the pressure away from those old male gags
27 that live way out in the deep water, in the 250-foot depth. If
28 you open it in the summertime, like June and July, that's where
29 the guys run to gag fish, and so you will essentially be taking
30 pressure off of that really stressed male gag population in the
31 deep water by designating a season where the fishing will take
32 place in shallower water.

33
34 The cooler water helps with survivability, and perhaps you will
35 be directing the effort toward younger fish. The fish we catch
36 on those shallow rocks are four to six-year-old fish, generally.
37 We almost never catch one over twenty pounds, which is maybe a
38 ten-year-old fish, and we never, ever catch males. We have
39 sampled at least a thousand of my fish in the inshore fishery
40 with a researcher, and we've never caught a male in there, not
41 one time, and so I think, by steering the angling pressure to
42 the younger fish, you will actually be making some gains towards
43 the rebuilding program from the beginning.

44
45 I don't know how much time I have left, but to Ms. Boggs'
46 question earlier, I don't think the bag limit thing is going to
47 work. In the document, it said that there would be a very
48 negligible gain, since most people on boats -- They don't catch

1 one per angler on the boat anyway, and so I don't support that,
2 and I don't think a vessel limit would really help either, and I
3 think the best thing would be to keep it as it is and just
4 manage it by season length, overall.

5
6 I have more, but I can't see my timer on the screen. Do I have
7 any time left? Excellent. Okay.

8
9 When it comes to FES, I don't want to beat a dead horse, but I
10 honestly believe there is something wrong with the estimates,
11 particularly in gag. To say that, historically, recreational
12 anglers caught 80 percent of the gag is just not true. That's
13 not the way it was, and there was not that much recreational
14 pressure way offshore back in the day.

15
16 It's beyond my intellectual capability to tell you exactly where
17 it went wrong in FES, but I honestly believe that something is
18 not right there, and so I know there's only so much that you can
19 do about it, under the circumstances.

20
21 I'm a charter boat, and I'm dual-permitted, and I live on the
22 water, and so I have to drive to the dock, and so I'm greatly
23 affected by the multiple hail-out problem. I'm glad to hear
24 that NMFS is looking into some solutions, some new solutions,
25 and the sixty-minute thing is a step in the right direction, and
26 I don't think it's enough, but it's showing that they're willing
27 to work on it, and I think it's good, and hopefully we can get
28 together and make some improvements. I personally need a little
29 bit more time than that, and I would be happy to sit down with
30 them and discuss that anytime.

31
32 On the commercial triggerfish, I think that's an easy one. The
33 guys aren't catching their quota, and they're discarding a fish
34 that they could sell and not exceed the quota, and I think
35 that's an easy pass. I know, at the AP, that was universally
36 thumbs-up, and so I would suggest you do that.

37
38 I think the council might want to revisit the 120-foot grouper
39 closure, and it's a really old rule, and I'm not even positive
40 why it was put in place, but I know it impacts a lot of guys
41 where I live negatively, and so maybe just take another look at
42 that and make sure it's still needed.

43
44 **CHAIRMAN DIAZ:** Any questions for Captain Walker? Captain
45 Walker, I want to publicly thank you for all the time that you
46 put in to help us, by chairing our AP and being willing to come
47 and be available to answer questions on behalf of the AP. It's
48 not unnoticed that you're doing a lot to help us, and we

1 appreciate that, and so thank you, Captain Walker.

2
3 **MR. WALKER:** Thank you, sir. I appreciate you all putting me on
4 there and giving me the opportunity.

5
6 **CHAIRMAN DIAZ:** Okay. Next up, we have Mark Huffman, and on
7 deck is Scott Hickman. We're not able to get Mr. Huffman at
8 this time. Scott Hickman, and then on deck will be Jason
9 Wetmore.

10
11 **MR. SCOTT HICKMAN:** Hello, ladies and gentlemen of the council.
12 It's good to see all of you today. Like Ed, I'm going to go
13 ahead and beat the dead horse a little bit more on FES.

14
15 You know, I had an interesting conversation with Scott Bannon
16 today, and something I didn't know was that Alabama has a
17 mandatory recreational reef fish permit, and I started thinking
18 about that, the rest of the Gulf not having that, or it's
19 voluntary I think in Florida, and there's no way to tell, with
20 saltwater anglers, who is fishing in the EEZ and inshore in the
21 rest of the Gulf and trying to capture what is really going on
22 in the recreational, purely private recreational, fishery, now
23 that we've got full limited access and accountability in the
24 charter/for-hire and commercial side.

25
26 If the Gulf Council, or, you know, SERO or whoever, comes up
27 with a way to capture that and to really see -- You know, really
28 define that universe of recreational anglers, I think you would
29 go a long way in solving a lot of you all's problems in a state-
30 agency-run state management program.

31
32 You know, you look at the FES program, and I know Alabama says
33 there's no way we've got that much effort, and we look at this
34 different, and, if all the states participated in something like
35 that, you would know how many folks are actually fishing in
36 federal waters. Define the universe and know how many people
37 are doing it.

38
39 Maybe FES is overcompensating on how many people are doing it,
40 but we're not going to know until we define the universe that
41 all these people are fishing.

42
43 Will Heyman and his little talk on the fisheries ecosystem plan
44 was great. There are big dead zones off the western Gulf. With
45 the big runoff we had in Texas last year, we have no king
46 mackerel, and I would assume that our cobia have gone somewhere
47 else or we caught them all. The red tide events in the eastern
48 Gulf, all these shifting stocks, all the stuff that's going on

1 in the Gulf itself, and no sargassum weed for the last eight
2 years in the western Gulf, and I wonder why we're not getting --
3 We have all these problems with greater amberjack, and they
4 spend the first year of their life in sargasso weed. No
5 sargasso weed, no baby amberjacks.

6
7 The same thing with gray triggerfish in the western Gulf, and we
8 don't have triggerfish off of Texas, and I don't think the
9 snappers are eating them, and I don't think they're not showing
10 up because we don't have sargasso weed.

11
12 The fisheries ecosystem plan is something this council needs to
13 start working on, because a lot of the problems are not just
14 based on data collection and all the things and the way we've
15 been doing it. You've got to think outside the box, and we've
16 got to look at what's going on in the environment, and an FEP
17 will get you down the road to doing that.

18
19 Recreational effort, I believe, by looking at it and fishing for
20 thirty-five years, we've got a lot of brand-new boats, and a lot
21 of people in the fishery, and some type of limited-access
22 program, whether it be fish tags or -- You know, we go online to
23 get an HMS permit, recreational HMS permit, and everybody has
24 got to do it, and, Billy, you do it, I'm sure, and you fish a
25 lot way offshore, and you've got to go online and get your
26 federal HMS permit recreationally in the Gulf, and it's not hard
27 to do, and we could be doing that, and, if amberjack are in big
28 trouble, we could do some kind of lottery for amberjack.

29
30 We're not going to turn the corner and get where we want on some
31 of these fisheries until we make some real decisions to reverse
32 these trends.

33
34 I have come to this microphone over and over and over, for years
35 and years, and beating the dead horse on red snapper, and we're
36 going to try to reinvent the wheel with the IFQ program, which
37 is working great, and we're always trying to reinvent the wheel
38 with the stuff that's working, and we're not going after the
39 species that are doing badly.

40
41 Everybody has seen this trainwreck coming on with gag for years
42 now, and it's the same thing, and we've twisted and tried every
43 little thing with greater amberjack, and it's worse, worse,
44 worse. Start focusing on the stocks that are doing terrible and
45 quit spending so much time on the stocks that are doing great.

46
47 **CHAIRMAN DIAZ:** Mr. Hickman, can you start to wrap up, please?

48

1 **MR. HICKMAN:** Thank you all very much. Have a great day.

2
3 **CHAIRMAN DIAZ:** Thank you. Next up is Jason Wetmore, and on
4 deck is Richard Fischer.

5
6 **MR. JASON WETMORE:** Hello, and thank you very much for having me
7 today. My name is Jason Wetmore, and I'm a dual-permitted
8 operator, and everything that Captain Walker said was pretty
9 much spot-on for gag grouper. I think it would be really
10 beneficial to have the opening October to December. This would
11 allow us to reduce fuel consumption on my charter vessels, and
12 it would decrease the fishing depth, which would reduce
13 barotrauma, and it would also improve survival rates on any
14 released fish, as well as avoid interaction with male fish.

15
16 I also do not support reallocation of gag grouper. I think
17 that's going to come up here in the future, and I would request
18 that the current allocation of the gag grouper stock remain
19 unchanged between commercial and recreational, because we need
20 to maintain the ability to feed the rest of America. Thank you
21 very much for letting me speak today, and I hope you all have a
22 great day.

23
24 **CHAIRMAN DIAZ:** Thank you, Mr. Wetmore. All right. Next up is
25 Mr. Richard Fischer.

26
27 **MR. RICHARD FISCHER:** Good afternoon, council. After spending
28 the last couple of days at our state capital and dressing up,
29 it's nice to wear shorts at the beach today. I'm representing
30 the Louisiana Charter Boat Association, and I will start out
31 talking about sharks.

32
33 I had a phone conversation with one of our captains earlier
34 today who, once again, reiterated how the sharks are just out of
35 control. He said that, on one trip alone, he lost \$500 in bait,
36 and that's a normal occurrence, and I know, as a council, it's
37 not in your purview, but, if there's anything you all could do
38 to write a letter to HMS, because it's not just us here from
39 Louisiana talking about the shark problem in the Gulf. It's
40 getting real bad out there.

41
42 I will move on to amberjack, and I wasn't going to address
43 amberjack, but it keeps coming up in public comments. Louisiana
44 would staunchly be against the January opening, and we've seen
45 what happens when that happens. The eastern Gulf catches the
46 whole quota before the western Gulf can get out there, due to
47 our weather and conditions discrepancies.

1 I believe that, if we went back to January, that would conflict
2 with both Standards 6 and 4 of Magnuson-Stevens, and maybe even
3 10, if you talked about safety-at-sea and forcing guys,
4 motivating guys, to go out there when it's just not safe in the
5 western Gulf.

6
7 I will spend the rest of my time on logbooks, and we believe
8 that an hour of moving around in your marina, or your local
9 area, before going out is just also not enough, and I agree with
10 J.D. on that, and thank you for bringing that up earlier, but,
11 as Dylan said, anything is better than nothing.

12
13 I feel like coming up with a time, when you're obviously in an
14 area where you're not catching any federally-managed fish, we're
15 kind of trying to legislate common sense a little bit, and it's
16 obvious that you're not running a trip until you're much further
17 away from the marina, and we feel like a good option here might
18 be to give them unlimited time while they're in close proximity
19 to shore, because obviously you're just not fishing while you're
20 in close proximity to shore.

21
22 We're happy to hear that there have been no breakdowns so far
23 for the federal logbook situation, and it's been established
24 that they will happen though, and, no matter how rare it is,
25 they're going to happen, and, if it does happen, and it happens
26 to you, it doesn't matter how rare it is. In a customer-driven
27 fishery, where you can only fish when your customers want to
28 fish, where we talk about a max of twenty or thirty days for the
29 year, while it's being down, that's just not enough.

30
31 I think the fact that there has been no breakdowns so far proves
32 that no one is trying to cheat the system, and, if they do, it
33 would be very easy to snuff them out, and so I think that
34 concern is not a concern, and that's a good thing.

35
36 Finally, the last point that I will make on logbooks, and it's
37 one that I've been thinking about in the last few weeks, and it
38 has to do with the latent permits for multi-permitted
39 individuals who haven't planned on fishing this year or for the
40 foreseeable future.

41
42 My question would be why should they be forced to put a logbook
43 on their vessel, which might be nowhere near the coast, in order
44 for them to renew their permit? If they don't, then the federal
45 government would essentially be taking away their multi-
46 thousand-dollar asset, and I think everyone here would be in
47 agreement that that just shouldn't happen, and that was never
48 the intent of the logbook program. I see that I'm about twenty

1 seconds over, and I thank you for letting me go over a little
2 bit, and I will take any questions, if there are any.

3
4 **CHAIRMAN DIAZ:** Mr. Schieble.

5
6 **MR. SCHIEBLE:** Thank you, Richard. I appreciate the
7 information. Just an FYI, we went to our finfish taskforce
8 regarding the shark problem, most recently, and we will probably
9 be bringing it to the commission for state management.
10 Currently, we have a closed season from April 1 to the end of
11 June, where they cannot be harvested, and we are thinking of
12 shortening that to probably a May 1 through the end of June
13 season, to allow the fishers to continue fishing through the
14 month of April, prior to the start of shrimp season, which we
15 think would help a little bit with that, but, at some point, I
16 would like some feedback from your group on that, to see what
17 you think. You also said that twenty to thirty days of downtime
18 is not enough for the ELBs, and what do you think is enough, and
19 what would you say?

20
21 **MR. FISCHER:** I will first address the sharks, and thank you for
22 bringing that up, Chris. That actually came up in my
23 conversation earlier with our captain, and the exact idea of
24 keeping it open through May, because it's still cool enough in
25 the year that the docks are still open, and so it would be worth
26 it for those guys to go out there and harvest sharks.

27
28 As for the amount of time for the logbooks being down, I would
29 say it should be unlimited, because, if the device breaks,
30 through no fault of your own, and we have a phone back-up plan,
31 and we have these back-up plans in place, why not use those
32 back-up plans for reasonable amount of time, until the logbook
33 gets fixed again, especially right now, with what we're seeing
34 in the country with inflation and supply chain issues.

35
36 If your boat breaks down, if your motor breaks down, good luck
37 getting a new motor in six months right now, and so it's really
38 difficult to get parts right now, and even during normal times,
39 and why would we even consider telling individuals that you
40 can't make money to feed your family, through no fault of your
41 own, when there is a backup plan in place?

42
43 **CHAIRMAN DIAZ:** Thank you, Mr. Fischer. Ms. Boggs.

44
45 **MS. BOGGS:** Thank you for being here today, Richard. With the
46 amberjack, when you do fish for them, how far offshore are you
47 seeing these fish, and are you seeing many?

1 **MR. FISCHER:** Well, I'm not a fisherman myself, and I would have
2 to poll our captains on that. I'm just a guy behind a keyboard
3 representing those guys. I can tell you, the last time that I
4 fished offshore, in and out of being seasick, as best as I can
5 remember, I would say we were probably at least twenty to forty
6 miles offshore, where we were able to find some amberjack around
7 some rigs, but that was one fishing trip, a very small sample
8 size, and it was about five years ago.

9
10 **CHAIRMAN DIAZ:** Thank you, Mr. Fischer. We appreciate it.

11
12 **MR. FISCHER:** Thank you all so much.

13
14 **CHAIRMAN DIAZ:** Next up is Mr. Donald Waters.

15
16 **MR. DONALD WATERS:** Good afternoon, council. It's been a long
17 time since I've been here, a couple three or four years, and I'm
18 a retired commercial fisherman, and now I speak on behalf of the
19 recreational fishermen.

20
21 I hear complaints about the sharks, and I agree with them. I
22 think sharks are -- Something is going on. What I would
23 recommend, and I hope that this council might be able to do, is
24 promote a shark tournament to each state and then come in behind
25 it and do studies and collect the data. It would make it a good
26 day, like the old Dauphin Island Rodeo.

27
28 I guess probably the first time I spoke to this council was in
29 1987 or something like that, and you all have got a really tough
30 job, and I told you back then that you have a tough job. If all
31 you all overprotect one species, it offsets the balance of the
32 Gulf, and the balance of the Gulf is pretty hard to get. I
33 think the sharks is overprotected, and redfish is overprotected,
34 and triggerfish is overprotected, and probably some other fish,
35 also.

36
37 We need to try to just use a little bit of common sense to get
38 these fish equally protected, and fish does need protection, and
39 I'm not for opening it wide open or anything like that, and I
40 think a shark rodeo for each state -- I expect that five rodeos
41 could produce a lot of good information, plus take a few of
42 those sharks and try to find out what's going on with them.
43 That's about it for today. I will be back with you and hope to
44 see you all soon.

45
46 **CHAIRMAN DIAZ:** Mr. Waters, I appreciate you taking the time to
47 come back. When I saw you name up there -- I hadn't seen it in
48 such a long time, and I realize that you have a tremendous

1 amount of historical knowledge, and we appreciate you coming,
2 and so thank you, Mr. Waters. All right. Next up is Randy
3 Boggs. Mr. Boggs.

4
5 **MR. RANDY BOGGS:** Good afternoon, council. My name is Randy
6 Boggs, and most of you know me. I'm going to speak about some
7 things that I am seeing. Number one, if we don't do something
8 with cobia, the cobia fishery is going to collapse. If we don't
9 do something soon, we're going to lose our cobia stock.

10
11 For forty years, on April 20 and 21 in Orange Beach, you can see
12 the first cobia come to the dock, and you would see fifty,
13 sixty, seventy-pound fish, and those were common. We've seen
14 one fish come to the dock here all year long, and all the major
15 cobia tournaments along the Gulf coast have been cancelled. The
16 cobia are in dire straits. Gag grouper are in dire straits.
17 Amberjack are in dire straits.

18
19 You see guys that used to catch 700 fish a year, and they're
20 telling you now that they catch twelve or fifteen fish a year.
21 The gag grouper off of Alabama got blown up in here during Ivan
22 and one of the other storms, and there was a huge amount of
23 harvest out of here. The fish are not just off of Florida.
24 That central Florida area, where they're catching a lot of these
25 fish, has been spared major hurricanes, to the best of my
26 memory, but Texas, off Texas, along their natural bottom,
27 there's a lot of longlining.

28
29 I wish that Buddy Guindon was here, and Buddy's boats fish out
30 of there, and they supply the commercial market with a huge
31 number of gag and scamp that come off of the Texas coast, and so
32 it's not just a Florida fishery, and it's along there.

33
34 Guys, please remember that the VMS system that we're going to
35 was a voluntary system, and it was asked for by industry. This
36 was not something that was put in place. I stood up here and
37 told you guys that I was really, really concerned, because the
38 first thing I saw coming out was a punitive document and the
39 punishment you would get if you didn't follow this VMS.

40
41 I promise you that, if 20 percent of the fleet's VMS is down,
42 and you're getting 80 percent data, you're still getting a whole
43 bunch more than you would have ever gotten with the old system.
44 It's way better. Why are we worried about somebody that takes
45 an hour to go fuel their boat and they don't go outside the
46 pass? They're doing this fishery no harm. Remember that it was
47 a voluntary system that was asked for by industry.

48

1 We've got to take action on the gags, and we've got to take
2 action on the amberjack, and I'm telling you guys that the cobia
3 fishery is going to go extinct. These fish -- I know they're
4 off of Louisiana, and they aggregate on the rigs, but we've got
5 to do something.

6
7 The red snapper fishery, guys, with the state management,
8 there's pockets of red snapper, where they're thick and they're
9 heavy, if you go west of the river, where a lot of the
10 commercial guys are working, and there's a fish over in there,
11 where there's not a population center, but, if you get around a
12 population center, like Tampa or Clearwater, they're still
13 catching fish down there that they haven't historically seen,
14 and, here in this area, you're sitting in a county that has the
15 largest population growth that has ever exploded, ever, and it's
16 ridiculous the amount of fishing pressure that there is here.

17
18 By July 1, you won't be able to find a keeper red snapper unless
19 you get very, very lucky, within twenty-five miles of this pass,
20 and it's getting further and further and further. We're seeing
21 a big influx of these go-fast boats that travel, and they run
22 charters while they're traveling, and we saw a boat come in here
23 the other day, and they run tuna and swordfishing trips, and
24 they go to Louisiana, and they fish everywhere, and we're seeing
25 lots of effort in this fishery. Please try to do something with
26 the cobia, guys. They are really, really, really in trouble,
27 and that's all I've got.

28
29 **CHAIRMAN DIAZ:** Thank you, Mr. Boggs. All right. We're going
30 to go back to online, and we're going to try Mr. Mark Huffman.
31 We tried him earlier, but there were some technical problems.
32 are you available, Mr. Huffman?

33
34 **MR. MARK HUFFMAN:** Yes, sir. Good afternoon, council. Mark
35 Huffman with Southeast Fisheries out of Florida here. I'm a VMS
36 dealer, supporting the commercial and the for-hire permit
37 holders, and I wanted to voice a concern on a change that you
38 guys are pushing now, with the difference between a cellular and
39 a satellite VMS and the reimbursement amounts.

40
41 My understanding is, when this program started, the cellular
42 units weren't even available, and the ones that were were in
43 review, or in testing modes, and so the program was built around
44 the satellite-based VMSs, which gave a reimbursement amount up
45 to \$3,100, and, as you know, all the satellite-based VMSs range
46 from \$2,700 to \$3,000.

47
48 Now, what has happened, over the last couple of months, is we

1 financed the commercial guys, and we financed the for-hire guys,
2 and guys decided to put it on credit cards, and guys have
3 purchased many of these units that haven't been activated, or in
4 the process of being activated, or are in the process of waiting
5 on a reimbursement code, and what there is no clarity on is what
6 the reimbursement amount is for these units that these people,
7 or fishermen, have purchased.

8
9 I am concerned on why we reversed path on that after the fact,
10 and then second is that I understand that there is a concern
11 over the budget that was assessed for for-hire, and that's
12 really unclear to me, when you know the designated vessels, and
13 you know what your financial exposure was, and how can we only
14 be halfway through this and be running into a budgetary concern?

15
16 This wasn't a math equation issue that had variables. You know
17 what your permit holder volume was, and you knew what your
18 exposure was for reimbursement, and that should have given you a
19 delta of what your budget should be, at worst case.

20
21 You know, I've called multiple times, and I've talked to NOAA,
22 and I've talked to the Pacific States, and I cannot get a clear
23 answer today on what the reimbursement is for a satellite-based
24 VMS, and then, second to that, if there is a change for those
25 particular units, when does it go into effect, and what are the
26 new rule around it, and what is the amount, because \$950 does
27 not even come close to covering the cost of a satellite-based
28 system. Thank you.

29
30 **DR. STUNZ:** Dale had to step out for a few minutes. All right.
31 Up next is Mr. Wayne Werner, and Eric Brazer will be on deck.

32
33 **MR. WAYNE WERNER:** Good afternoon. Wayne Werner, owner of the
34 Fishing Vessel Seaquest. Let's talk about a couple of things on
35 the west side of the river. You know, we still have a lot of
36 amberjacks. Like it was brought up here, a lot of rigs have
37 been taken out, and that's a lot of habitat.

38
39 You know, we've seen habitat going way for the mackerel, and,
40 for some reason, since the oil spill, they won't come to stay
41 off of Grand Isle, and we haven't really pinned down where
42 they're spawning at yet, and they're spawning somewhere over
43 there, because we're starting to catch -- We caught more fish
44 this winter than last winter, for sure, because we have a half-
45 dozen boats over there fishing them.

46
47 Next year, we're dropping thirty boats, because they're not
48 coming back for the summer fishery, because it's going away.

1 The fishery is changing. We're losing the habitat, and, you
2 know, the amberjacks -- We still see plenty of them offshore on
3 the bottom. When you get out there, on the bottom, there's a
4 lot of amberjacks, where we fish, and they're a real pain, of
5 course, because they're eating up our vermilion snapper, and
6 they're eating up our gears and tearing us up, and they're
7 really irritating.

8
9 We don't want to see them, and catching a thousand pounds -- If
10 we could catch 3,000 pounds, at least we could get rid of a few
11 of them. A thousand pounds, after a couple of days, we're
12 burdened with them for the rest of the trip, and I just wanted
13 to bring that up.

14
15 I'm changing hats here, because we're going recreational
16 fishing, and that's all I do on the east side of the river, and
17 so what we're seeing here is a decline in the fishery, and it's
18 going downhill, and it comes back to my commercial side. For
19 years, I've heard how these snapper were on the east of the
20 river, and how it was a pain in the ass, and how they were a
21 problem, problem, problem. Now I've got fish dealers coming to
22 me left and right for me to catch their snappers, because their
23 boats can't catch them east of the river.

24
25 That's a problem, you know, and, if we continue to catch their
26 fish for them, I think, eventually, it will catch up with us,
27 because we've lost a few thousand rigs over there, and it's
28 unbelievable. We have plenty of fish on the bottom right now,
29 and it's not a problem, but, as time goes on, I think we're
30 going to have a problem, and that's really all I have to say
31 today. Thank you.

32
33 **DR. STUNZ:** Mr. Werner, Mr. Schieble has a question for you.

34
35 **MR. SCHIEBLE:** Can you put your other hat on for me for a
36 second?

37
38 **MR. WERNER:** The commercial hat? All right.

39
40 **MR. SCHIEBLE:** It's a commercial question. I'm going to ask the
41 same question that I asked the gentleman earlier. Are you
42 having a total harvest, throughout the course of the year,
43 reduction, because of the trip limit difference on amberjack?
44 We went from 1,500 pounds to a thousand-pound trip limit. Over
45 the course of the entire year, is your overall harvest lower?

46
47 **MR. WERNER:** Certainly on our side of the river, but, if I put
48 on my other hat and go to this side of the river, we're having a

1 hard time seeing amberjack, and so how do you play that
2 balancing act? That's the problem. We see plenty of them over
3 there. If you raise the quota to help us, because we get to get
4 rid of more of them before we catch our beeliners, or vermilion
5 snapper.

6
7 **MR. SCHIEBLE:** Good answer. I appreciate it.

8
9 **MR. WERNER:** All right. Thank you.

10
11 **DR. STUNZ:** All right. Up next is Eric Brazer, with Clarence
12 Seymore following that.

13
14 **MR. ERIC BRAZER:** Great. Thank you very much, Mr. Vice Chair
15 and Mr. Chairman. It's always hard to follow Wayne. My name is
16 Eric Brazer, Deputy Director of the Gulf of Mexico Reef Fish
17 Shareholders Alliance. I've got a lot to cover, and so I'm
18 going to move quickly, and I apologize.

19
20 Allocation reviews, the presentation that we got today was the
21 first time the public has been told that the council interprets
22 NOAA's allocation review policies to allow a council action to
23 replace a formal allocation review. If the council can skip
24 these reviews, why do we have these policies in place to begin
25 with? This was not how it was presented to the public last
26 year, and we've been left in the dark as to what has happened,
27 and what changed, and how did this change?

28
29 I actually agreed with Ken Haddad on this next point, that we
30 need more information about this exemption. The public should
31 be made aware of the specifics of the circumstances in which the
32 council can exempt itself from what is ultimately intended to be
33 a public and transparent and science-based allocation review
34 process.

35
36 Now that I've got that out of the way, let's talk about gags and
37 amberjacks. I am going to combine these both into one. These
38 stocks appear to be trouble, and cuts are needed, and the
39 council is considering reallocating to the sector with more
40 uncertainty and more than 97 percent of the total, and that is
41 from the SEDAR document, and so the council is also talking
42 about skipping the allocation review process that would inform
43 you if you should even consider reallocating. This just doesn't
44 make sense.

45
46 Both of these stocks need conservation, and reallocation does
47 not promote conservation, and it's actually going to weaken
48 conservation, and so let's just take the cuts that are needed,

1 and let's take the medicine and get these stocks back on track,
2 and we can always initiate a formal allocation review later, if
3 you really want to open that can of worms.

4
5 Triggerfish, I want to echo what Casey and Jason and Jim and
6 Mark and Bryan and Ed and others said. The quota has been
7 raised, and now give these guys a chance to go catch it.

8
9 Switching gears here, quickly, to ecosystem management, and a
10 lot of really good work has been done on this effort, and I want
11 to make sure that the entire LGL team, and all of their
12 partners, know they did a really great job putting it together,
13 and so now let's get it over the finish line.

14
15 Please consider tasking us, the Ecosystem Technical Committee,
16 with operationalizing this FEP, whether it's endorsing it or
17 developing goals and objectives, things like that, but we need
18 guidance from you guys on how to take this idea and put it over
19 the finish line, and so please help us help you move it forward.

20
21 Electronic voting seems to make sense. It's cheap, and it's
22 simple, and it sounds like a slam dunk, and let's do it. Red
23 snapper, we're pretty comfortable with where the SSC and the
24 committee ended up, and we still need to keep an eye on things,
25 and you hear about localized depletion, and you've seen the
26 bottom longline index and the CPUE reductions, and so let's keep
27 an eye on this as we move forward, but thank you, guys.

28
29 If you permit me, Mr. Chair, very quickly, in my final seconds,
30 I want to quickly reiterate something that Ashford brought up
31 yesterday during the round table, and there's a mechanism on the
32 IFQ to withhold allocation in the face of a quota reduction, but
33 there's no similar mechanism on the recreational side.

34
35 Because of that, there are implications with paybacks, and
36 paybacks on top of paybacks, that might result in no season, and
37 so we just ask you to consider some sort of mechanism that's
38 proactive and precautionary, similar to what you've built on the
39 commercial side, and I'm way over, and so thank you, Mr. Chair.

40
41 **DR. STUNZ:** Okay. Next is Mr. Clarence Seymour, with Johnny
42 Williams on deck.

43
44 **MR. CLARENCE SEYMOUR:** Good evening. Thank you all for having
45 us, and I appreciate the opportunity to speak. I have a few
46 things. I was here Monday for the shark workshop with Dr.
47 Drymon and his staff, and the results of that is going to turn
48 out to be really good for the shark problem.

1
2 The way the roundtable worked, he broke us up in five stations,
3 with a lot of folks that had a lot of good points about what's
4 going to happen with each area and how we can make this work on
5 the HMS side, and the private anglers, yes, with the technology
6 we have today, and I think they can be good stewards to the Gulf
7 and that resource, that they call and report.

8
9 We're halfway there, with a couple of states, and so I don't
10 know why -- I mean, we should be able to get the rest of the
11 states onboard, at least hail-in and hail-out, so that the
12 private angler be known that he's in the EEZ.

13
14 The ecosystem, we talked about that in the shark meeting, and
15 one of my big topics was the anchovy red minnow, and that's the
16 biggest loss of eco that I have seen in my career in the Gulf,
17 off the northern Gulf of Mississippi, and the cobia -- We got a
18 good fall run last year, and I've got my fingers crossed that we
19 can get them back after this is implemented, and we can get the
20 cobia stock back on, because I would really love to see the
21 future have a stock that the rest of the guys like us have seen
22 in our past, and so, other than that, that's all I have, and
23 thank you all for you all's time.

24
25 **DR. STUNZ:** Thank you, Mr. Seymour. Up next is Johnny Williams,
26 with Troy Frady next.

27
28 **MR. JOHNNY WILLIAMS:** Good afternoon. Johnny Williams with
29 Williams Partyboats, Galveston, Texas, third-generation
30 partyboat operator out of Galveston. One thing that I wanted to
31 mention, and I've brought this up several times before, is the
32 king mackerel -- They're just not there anymore. I remember
33 that, years ago, we used to have a closure, when we had fish.
34 Now, we don't catch any king mackerel anymore, and, instead of
35 reducing the bag limit, or having some sort of closure, they
36 raise it to three, and that seems kind of idiotic, to me.

37
38 I suspect the purpose to raise it was because we weren't
39 accomplishing the quota, and I think the problem is that the
40 fish just aren't there, and I certainly wish you all would take
41 a real close look at this, because, if the science says that the
42 fish are in good shape, and I don't know, and maybe they are in
43 other places, but they sure aren't in Texas, and I've spoken
44 with some of my friends over here in Alabama, and they have the
45 same perspective that I do, that the fish just aren't there.

46
47 The other thing that I wanted to mention is I mentioned, the
48 last time I spoke to you all, is I wish you all would rescind

1 that thirty-hour minimum for a two-day bag limit. I am one of
2 the partyboats that used to make trips like twenty-four hours
3 and a minute to catch a two-day bag limit, and some of these
4 charter boats go out and make two or three trips with passengers
5 in twenty-four hours.

6
7 I mean, they make two a day, and I've heard some of them even
8 make three a day, and then they can make one the following day.
9 I can keep one bag limit in twenty-four hours, and they can keep
10 three or four, and that doesn't seem fair.

11
12 I would quit all this whining and stuff if you all would, once
13 again, look at Amendment 42, and it's the best program that I
14 have ever seen, and it accomplishes everything that the National
15 Standards require, better than what is currently in place, and
16 so I certainly wish you all would look at that again and let me
17 run my own business and keep the government out of my life.
18 Thank you very much, and have a great day.

19
20 **DR. STUNZ:** Okay. Thank you. Up next is Troy Frady, with Tom
21 Ard on deck.

22
23 **MR. TROY FRADY:** Good afternoon. I'm Troy Frady, from here in
24 Orange Beach, Alabama. Welcome to our city. First, I want to
25 start with amberjack. Leave the bag limit alone, and leave the
26 season alone, and let this thing run for a few more years. We
27 are seeing a few twenty-eight to thirty-two-inch amberjack out
28 there, but one of the problems we have out here is the
29 population has increased down here, and the tourism has doubled
30 in the past ten years, and everybody is trying to catch a bigger
31 fish, whether it be a red snapper or anything that tugs on the
32 line.

33
34 What I am seeing, myself, is, when we're out fishing and trying
35 to catch that one biggest fish, we'll often fish for like red
36 snapper, trying to catch one over ten pounds, or over eight
37 pounds or something, and, all of a sudden, you get an amberjack,
38 but, but during the summertime, those fish don't do well,
39 because of the lactic acid that builds up in the fish when
40 they're stressed, and, when they're released, they hurt
41 themselves, and they have a real hard time going back down.

42
43 We are using fish descenders, and we're doing everything we can
44 to help these fish survive, but another problem we've got is the
45 behavior of what we're targeting and how we're targeting the
46 species, and it's kind of an unintentional thing, for me, when I
47 catch an amberjack when I'm trying to catch a big snapper, and
48 so that's one of the problems, and possibly a solution, is

1 changing the way we fish, especially in the heat of the summer.

2
3 On the SEFHIER program, I love it. I've been doing this, the
4 pilot program, for over seven years, and I'm hearing people
5 talking about one hour and three hours, and that's all fine, but
6 what you need to know about the SEFHIER program is the NEMO that
7 I have on my boat -- I would not even know if that thing is not
8 transmitting unless I get a phone call from someone at NOAA
9 Fisheries saying, hey, it's not transmitting. You can't see it
10 unless you climb up on the top of the boat and look at the red
11 dot up there, to see if the battery is charged, and so I don't
12 know.

13
14 I am going to keep submitting my dual -- It's an app that we use
15 called VESL, and I won't know that my pinger is not even
16 working, but I can still submit my information, and, unless
17 someone tells me that we don't see you, I am moving on as
18 business as usual, and so that's what you need to know about
19 this. You won't know it's not working unless someone tells you
20 it's not working. All right.

21
22 Red snapper here off of Alabama, we have deemed ourselves the
23 red snapper capital of the world, and, at one time, yes, and
24 we've got ourselves in a situation now where populations have
25 increased, and we're growing like 25,000 people a year in
26 Baldwin County, and they all want boats, and they want access to
27 the water, and working waterfronts are getting harder to come
28 by, and everybody is raising the rent, and insurance is going
29 up, and fuel prices are high, and there's a lot going on. This
30 is a big, big engine down here, and we're glad that we do have
31 the red snapper down here, but we're having to go farther and
32 farther offshore.

33
34 I was talking to Director Bannon, about five years, and I said,
35 look, we're seeing localized depletion, and that was one of the
36 first times that we mentioned localized depletion, and now
37 everybody is like, well, localized depletion is now out to forty
38 or forty-five miles, and so some of the larger boats, that had
39 told me to shut up five years ago, are now saying you're right,
40 and we're seeing it too.

41
42 My problem is no one has defined the rate of exchange versus the
43 fish being removed off the wrecks versus those that are
44 replenishing the wrecks from natural bottom. Nobody can ever --
45 I guess there can be a study done, and there probably needs to
46 be, but we're removing the fish off the wrecks faster than they
47 can replenish the reefs or grow, and so we're having to go
48 farther, but the problem is, being a tourist economy, we can

1 only go so far on a half-day trip, unless we've got a quad-
2 engine boat and a million-dollar investment and a boat that runs
3 fifty or sixty knots, but that just further exacerbates the
4 problem.

5
6 I don't know what the answer is, and I just know that it's tough
7 having an economy that's based on a half-day trip, and everybody
8 now is running two-day trips, and one thing about the shark
9 observation -- Give me one second, please. The shark
10 observation is, when the fishing pressure is tough, especially
11 during around July, when the water is hot, and every spot out
12 there has been hit really hard, I have noticed, myself, that the
13 shark problem gets worse, because, when the fish are spawning,
14 and they finally decide to bite, the shark hits them.

15
16 When the shark hits them, it increases anxiety, and it upsets
17 the captain, because that's that one snapper, because we're not
18 even catching limits on half-day trips in the middle of the
19 summer, and so everybody gets mad at the sharks for doing what
20 they do, but the problem is some of the reefs are beat down so
21 bad that, when a smart fish finally bites, and a shark eats
22 them, they're just part of the process, and so I'm not mad at
23 the sharks, but I'm just saying I wish they wouldn't bite the
24 fish, because I need that fish. Anyway, thank you, and excuse
25 me for running over for a minute.

26
27 **CHAIRMAN DIAZ:** Thank you, Mr. Frady. All right. Next up is
28 Tom Ard, followed by Elizabeth Boggs.

29
30 **MR. TOM ARD:** Thank you, everybody. Tom Ard, owner and operator
31 of four boats here in Orange Beach. I guess I'm just here to
32 complain. I think I was in a voluntary program for the VMS, the
33 pilot program, to see if it would work, and I said, okay, we'll
34 do that, and we did it, and then we finally got our new NEMO
35 units, and it was told that it's all going to be reimbursed, and
36 I just got hit with, no, you're in that pilot program, and
37 you've got equipment that won't work now, and we can't get parts
38 for it, and this and that and the other, and we already paid for
39 that, and so we're not going to pay for a NEMO unit.

40
41 It's not a big deal, and it's \$2,000, but my insurance went up
42 three times, and slip rent is going up, and fuel is \$5.00, and
43 it's just another thing, and I was told that it wasn't going to
44 be that way, and it is, and I don't really feel that's fair.
45 The people that wasn't here, when we did that, they're getting
46 all their stuff reimbursed, and the ones that actually forged
47 through this are kind of getting screwed, and I don't really
48 like that.

1
2 Another thing is amberjacks, and you all wanted to go to thirty-
3 four inches, and I stood up here, and I was like you all are
4 going from twenty-eight to thirty-four inches, just like that,
5 and, I mean, just like that, you're going to do it, and you're
6 not going to test the waters at all, and you're just going to go
7 to thirty-four inches.

8
9 That's what science said, and science didn't think about how
10 hard a twenty-eight-inch amberjack fights, especially with a
11 tourist on the line, and you didn't think about a bycatch
12 mortality of sharks and dolphins and stuff like that, you know,
13 and everybody wanted to come up here and keep full limits on the
14 boats, and I wanted a fractional bag limit of three fish per
15 boat, and maybe four.

16
17 You catch your three twenty-eight-inch amberjack and quit
18 amberjack fishing. It takes live bait to catch amberjack,
19 pretty much everywhere, and what you're doing is you're going
20 out there and targeting breeder fish, targeting breeder fish,
21 and you caught all these undersized fish, and they all died.
22 Amberjack fishing is worse today than it was when you went to
23 thirty-four inches. Thank you.

24
25 **CHAIRMAN DIAZ:** Thank you, Mr. Ard. Elizabeth Boggs.

26
27 **MS. ELIZABETH BOGGS:** Good afternoon. My name is Elizabeth
28 Boggs, and I am sixteen years old. I have lived in Orange Beach
29 for my whole life. Most of you all probably know my mom, Ms.
30 Susan, and she's been on the council with you all for a couple
31 of years, and my dad, Mr. Randy, just spoke. I have been
32 involved in fisheries since I was little, as long as I can
33 remember.

34
35 I have seen a lot of changes through the years. A lot of what I
36 have seen is the red snapper fishery has really become a
37 challenge with charter boats. We have a lot more private boats
38 in our area now, and it's a lot more targeted by private boats
39 in our area, and it's become harder and harder for us to compete
40 with people like that, smaller, faster boats, lighter weight,
41 that burn less fuel, and it's cheaper for them. Sometimes it's
42 more expensive, and they can run out farther and fish harder.

43
44 Weather days for us, customer safety, they don't have those
45 issues, and we fish almost every day during the summer, and it's
46 really hard to see the snapper fishery change, because I hear
47 everybody down here has been here forever, and there's not a lot
48 of new people in this fishery, and it's really hard for me to

1 hear these giant fish stories, and everybody has caught this,
2 and then I've seen it go downhill, and I don't get to see that,
3 and so it's hard for me to be able to see what they had, versus
4 what I am getting, and there's not a lot of change going on to
5 help me be able to see it. That's all I have to say.

6
7 **CHAIRMAN DIAZ:** Mr. Schieble.

8
9 **MR. SCHIEBLE:** It's easy, and I just have a comment. I just
10 wanted to say that my son is sixteen years old, and I don't
11 think he could stand up there and do what you just did, and so
12 good job.

13
14 **MS. E. BOGGS:** I am not a public speaker, and I didn't want to
15 do this.

16
17 **CHAIRMAN DIAZ:** You are a very good public speaker, and thank
18 you for sharing your mom with us. We appreciate that. All
19 right. Did we miss anybody? Did anybody sign up that did not
20 get a chance to speak? All right. As far as we can tell, we've
21 been through our list, and it is 5:01, and so does anybody have
22 any other business for us today? I am not seeing any, and the
23 council will reconvene at 8:00 a.m. in the morning, and we'll
24 try to tackle our last day. We're right on target on our
25 agenda, and so thank you all.

26
27 (Whereupon, the meeting recessed on April 6, 2022.)

28
29 - - -

30
31 April 7, 2022

32
33 THURSDAY MORNING SESSION

34
35 - - -

36
37 The Full Council of the Gulf of Mexico Fishery Management
38 Council reconvened at The Lodge at Gulf State Park in Gulf
39 Shores, Alabama on Thursday morning, April 7, 2022, and was
40 called to order by Chairman Dale Diaz.

41
42 **CHAIRMAN DIAZ:** Okay. Welcome back to the fourth day of the
43 Gulf of Mexico Fishery Management Council meeting. We're going
44 to get started right away this morning. First up on the agenda
45 is our Administrative Budget Report. Mr. Dyskow, are you
46 prepared for that report?

47
48 **MR. DYSKOW:** Yes, I am, Mr. Chair.

1
2 **CHAIRMAN DIAZ:** Whenever you're ready.
3

4 **COMMITTEE REPORTS**
5 **ADMINISTRATIVE BUDGET COMMITTEE REPORT**
6

7 **MR. DYSKOW:** Thank you. The meeting was held on April 4, 2022.
8 The committee adopted the agenda, which was Tab G, Number 1, as
9 written and approved the minutes, Tab G, Number 2, of the August
10 2022 meeting as written.
11

12 Review of Anticipated 2022 Activities, which is Tab G, Number
13 4(a), and Draft 2022 Budget with 2021 Expenditures, which is Tab
14 G, Number 4(b), staff presented Tab G, Numbers 4(a) and 4(b).
15

16 A committee member asked about the 2021 expended funds relative
17 to the original 2021 budget and the proposed budget for 2022
18 travel expenses. Staff explained that, once we received the
19 final 2021 funding, the budget was decreased based on changes to
20 travel expenses, due to the hybrid meetings and offsetting costs
21 from our 2019 no-cost extension.
22

23 Another committee member asked where the council was in the
24 current five-year grant cycle. Staff responded we are in our
25 third year. The committee did not make any motions on this
26 agenda item.
27

28 The final budget request will be brought back to the council
29 after the actual funding figure is known. Due to the still
30 changing meeting environment, and because many travel-related
31 costs are increasing very rapidly, adjustments based on activity
32 to date and any other relevant factors at that time will be
33 included in the final funded budget iteration.
34

35 Discussion of Electronic Voting Process for Council and Council
36 Bodies Including Available Technology, and this is Tab G, Number
37 5, staff gave a presentation in response to the October 2021
38 council request to explore options for electronic voting, Tab G,
39 Number 5.
40

41 Committee input included examples of other non-council bodies
42 using similar technology, the suggestion of implementing the
43 system on a trial period, and feedback that stakeholders have
44 asked for more transparency on how members vote. The NOAA
45 General Counsel representative shared with the committee that
46 roll call votes would still need to be read into the record even
47 if an electronic system was used.
48

48 **The committee recommends, and I so move, that the council**

1 implement an electronic voting system for council and council
2 committee motions that have opposition. All roll call votes
3 shall be by electronic voting. Results shall be recorded and
4 included in the minutes. Staff to select appropriate software
5 and timing of implementation and modify the SOPPs as necessary.
6 Chairman Diaz.

7
8 **MR. GILL:** Mr. Chairman, I would like some clarification,
9 because, in my mind, there is some confusion about specifically
10 the last sentence in the committee report, and we discussed this
11 at committee, and there is clearly a number of council members
12 that would agree with the statement that has been reported. My
13 understanding, however, is different.

14
15 My understanding is that it does -- The results of the
16 electronic voting would have to go into the minutes, and that's
17 good, and it's in the motion, but they don't necessarily have to
18 be read into the minutes, and that they could be electronically
19 transferred, cut-and-paste, however that's done, but they don't
20 have to be read into the minutes, and that, to me, is a
21 significant difference on whether this makes sense or not, and I
22 would ask Mara if she would clarify whether that's correct as
23 written or my understanding is closer to where we need to be.
24 Thank you.

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

27
28 **MS. LEVY:** Thank you. I think Bob's understanding is correct,
29 and so the act says that the official minutes have to identify
30 roll call votes, the name of each member present, and how each
31 member voted, and it doesn't say how the minutes do that, right,
32 and so it doesn't say you need to read it into the record while
33 it's happening, and it just says, when you have the official
34 minutes, you need to have all this information, and you could
35 potentially do that in different ways.

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

38
39 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair. I guess
40 that's the process we're using now, and, I mean, if we can try
41 to streamline it in the future, we will, but I guess I'm afraid
42 of issues down the line, if we can't use that process for
43 verbatim minutes right then and read it into the record and
44 then, on the hind-end, wait until the minutes come out and try
45 to link the roll call votes with the minutes, and I'm not sure
46 exactly how that would work.

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

1
2 **MR. ANSON:** I am not, obviously, familiar with the process, but
3 that's what my concerns were, is what Dr. Simmons just
4 elucidated, is trying to get the minutes that the stenographer
5 is just listening to the recordings and then putting that on,
6 and then that's what shows up in the report, versus having some
7 cut-and-paste thing, where it's not read into the minutes and
8 verbally identified, and then how do you then merge those two
9 processes together, that new piece of information now, that
10 would have to be input into the report, and maybe that's an
11 attachment maybe that goes in, but then how do you then
12 reconcile that into the minutes, and so, yes, it's something
13 that will probably have to be worked out and just try to look at
14 it.

15
16 **CHAIRMAN DIAZ:** So I have a question, and I don't know who would
17 answer it, but, generally, the chair of committees do not vote,
18 unless there's a tie, or unless it's -- It's the privilege of
19 the chair, under Roberts Rules of Order, that the chair can
20 reserve the time to vote until it's a tie, or something to that
21 effect, and I am just wondering how that would be impacted by
22 this, and I don't know who would answer that question. Would
23 you have any insight on that, Ms. Levy?

24
25 **MS. LEVY:** Well, I mean, you're going to vote electronically,
26 but you're going to say what the results are, right, and so, if
27 it's a tie, you're going to know that, and then I guess the
28 chair could vote, and, I mean, I don't know how this system
29 works, but it doesn't seem, to me, like it should change what
30 you're doing here, in terms of telling people what the vote was,
31 and I don't know if it's going to show up on a screen, or how
32 it's going to work, but it should still work. I mean, one --
33 Again, I don't know what happens after the meetings, but, you
34 know, in the minutes, at the end, are all the motions, right,
35 and you have all the motions at the end of the document, and I
36 don't know if there's a way to like insert roll calls there,
37 but, again, I don't know what happens after the process, and
38 Carrie would be more familiar.

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

41
42 **EXECUTIVE DIRECTOR SIMMONS:** We can insert them after the
43 process. I mean, the system we bought, I think the votes can
44 show up on the screen. The question is us just sending all
45 those votes, with those motions, for each of the committees,
46 after Full Council, to the stenographer, like Mr. Anson said,
47 making sure -- I mean, it would just be an extra step of making
48 sure that that is correct. I guess my confusion is why wouldn't

1 we just read it quickly into the record, either myself or the
2 chair, but we can work it out.

3
4 **CHAIRMAN DIAZ:** Ms. Boggs and then Mr. Anson.

5
6 **MS. BOGGS:** Well, could you not amend this motion to say that
7 the results shall be read into -- I mean, maybe -- Is that what
8 you're wanting, Bob, is to make sure that it's verbally done,
9 and I guess I don't --

10
11 **CHAIRMAN DIAZ:** To that point, Mr. Gill?

12
13 **MR. GILL:** Thank you, Mr. Chairman. No, and I think reading it
14 into the minutes after every vote is effectively like doing it
15 how we do now with roll call votes, and all we're doing is
16 slowing the process down, and my point is that we don't want to
17 do that, and, if I understand it from Ms. Levy, we don't have to
18 do that, and we just have to make sure that we get into the
19 minutes, which is right, and that's kind of what the motion
20 says, and so I would not support requiring reading it into the
21 minutes in the motion.

22
23 **CHAIRMAN DIAZ:** Mr. Anson.

24
25 **MR. ANSON:** Mr. Chair, I don't want to assume the point you were
26 trying to get at with your previous question to Ms. Levy, but I
27 thought maybe what you were trying to get at was, during a roll
28 call vote, it's the deference to the chair to not vote, and so,
29 I guess, in that instance, if they did not want to vote, it
30 would just be an abstention, because you would have to have
31 something next to your name, and you were here, and so you would
32 have to give either a yes or no or an abstention, and so I think
33 that's how it would be resolved, is that you would just abstain
34 from voting.

35
36 **CHAIRMAN DIAZ:** Ms. Bosarge.

37
38 **MS. BOSARGE:** I have listened to the conversation in committee,
39 and then around the table today, this morning, and, I mean, it
40 sounds like we're essentially going to be in a situation where
41 everything that's not unanimous is going to be a roll call, and
42 we're going to do the roll call with the little electronic
43 clicker that Leann has got to keep up with, and do you see my
44 area right here? Okay. I don't want to keep up with anything
45 else, but I have to keep up with it, and then, after that,
46 Carrie is going to have to turn around, more than likely, and
47 read into the record how I voted.

48

1 At that point, I have a mouth, and I can just speak, and I can
2 just answer my roll call vote with my mouth, and I don't need a
3 clicker, and I can say yes or no, and I don't need a clicker to
4 help me raise my hand, and I can do it without a computer, and
5 I'm sorry, and I just think we're totally over -- We're trying
6 to use technology to solve a problem, but, really, it's just
7 totally overcomplicating something that we can do on our own,
8 right around the table.

9

10 **CHAIRMAN DIAZ:** I tend to agree, and any council member, at any
11 time, can call for a roll call vote, and it's done
12 automatically, and it's in our SOPPs that way. Mr. Dugas and
13 then Mr. Anson.

14

15 **MR. DUGAS:** Thank you. I agree with Leann, and what's wrong
16 with what we do now? I think we're just creating more work for
17 the staff, and it's easy to raise your hand and say yes or no.

18

19 **CHAIRMAN DIAZ:** Mr. Anson.

20

21 **MR. ANSON:** It may have come up in committee, and I wasn't --
22 Since I wasn't on the committee, I didn't pay attention during
23 the entire discussion earlier in the week, but do we not have,
24 in our current report, in the motions report, where it has --
25 When we have roll call votes, the stuff that we see on the
26 board, it gets inserted into the motions report? Okay. Thank
27 you.

28

29 **CHAIRMAN DIAZ:** Mr. Gill.

30

31 **MR. GILL:** Thank you, Mr. Chairman. Let us not forget that the
32 major advantage of this is not for us at the table. It's to be
33 more inclusive for the virtual attendees and to encourage them
34 to attend if they can't physically make it to the meeting, and
35 they can participate more fully than they can today, and that's
36 where this action is trying to take us.

37

38 To the extent that we don't impede it by administrative handling
39 here in the room, that's what we want. We want greater
40 participation, and we want folks to come to the meeting, either
41 virtually or physically, and not everybody can afford to come to
42 these things, not only the time, but the cost, and what we're
43 trying to do is ensure that the virtual version is as close to
44 being physically present as we can make it, within reason, and
45 that's the whole point.

46

47 I don't get hung up on these issues, and I think they can be all
48 resolved, and I don't think reading it into the minutes is

1 required, and I think that can be worked out, however it's
2 worked out, but we're trying to be attentive to all the
3 stakeholders and encourage their participation in these
4 meetings, because more participation makes for a better process.
5 Thank you.

6
7 **CHAIRMAN DIAZ:** All right. I've got a couple of people on the
8 list, and we've had a fair amount of discussion. After we go
9 through those folks on the list, we're going to vote this up or
10 down. Dr. Simmons.

11
12 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair. I mean, I
13 agree with Mr. Gill. If you all want us to do this, I think we
14 can work through a process and very closely check, after the
15 minutes come out, and we're not going to read into the record
16 those votes with the verbatim minutes, and I think we can work
17 through that process and try to streamline it, but it will just
18 be an added step that we will need to ensure that there is no
19 errors introduced by doing it that way.

20
21 **CHAIRMAN DIAZ:** Ms. Boggs.

22
23 **MS. BOGGS:** In sitting here thinking about this, if we're -- I
24 understand the inclusion, if you will, of those that are
25 participating virtually, and, if we do a vote by hands or
26 whatever, no one knows how each council member is voting. I
27 understand Leann's point about, you know, it's just one more
28 thing that we have to keep up with, and I'm sure the council
29 staff will have them and hand them out at every meeting, and
30 then we have to keep up with it during the meeting, but, if
31 you're going to do a roll call vote --

32
33 I mean, we don't have a whole lot -- I mean, we've got a lot of
34 contentious things coming up now, but most things that we do, at
35 least at the committee level, are -- There is no opposition,
36 and, to me, it might just seem easier to just do a roll call
37 vote and do away with -- Because that takes the burden off of
38 staff, and I appreciate what you all have done, and you've done
39 a lot of work, and I'm sorry to step on it, but maybe, in the
40 long run, it alleviates some work for you all, and how long does
41 it take to do a roll call vote? Not that long, and so that's my
42 opinion. Thank you.

43
44 **CHAIRMAN DIAZ:** Mr. Anson.

45
46 **MR. ANSON:** I am all for transparency and the ability of folks
47 that aren't able to attend the meetings and are participating
48 remotely. I am all for having them, you know, get a feel for

1 who is voting which way on which motions, but I just think, at
2 this point in time, without really kind of understanding the
3 system and understanding the actual impacts it would have on our
4 process, that this might be a little bit digressive, I guess, in
5 that, maybe if we just kind of give general instruction to staff
6 that we try to incorporate that over the next couple or three
7 meetings, I think I would be probably more inclined to do that
8 than to say that we're just going to go out and do this, and
9 then staff has to try to work through those issues on
10 potentially a faster schedule and such, and so that's all.
11 Thank you.

12
13 **CHAIRMAN DIAZ:** All right. I've got one more hand, and then I'm
14 going to call the vote, if that's all right. Do you have
15 something really pressing, Mr. Dugas? All right. Two quick
16 comments. Make them quick, and we're going to call this vote.
17 Mr. Schieble.

18
19 **MR. SCHIEBLE:** Mine is just a technical question, and I probably
20 missed this on Monday. So the virtual participants, when we are
21 having a hybrid meeting, and so we're having a hybrid meeting,
22 and we have like Andy and Phil participating virtually today,
23 right, and how are their votes going to be -- They're still
24 going to have to verbalize a vote, right or they're going to
25 have a clicker?

26
27 **EXECUTIVE DIRECTOR SIMMONS:** There's a link. We'll send them a
28 web link, or an app on their phone, that they can vote with that
29 is specific to them.

30
31 **CHAIRMAN DIAZ:** Mr. Dugas.

32
33 **MR. DUGAS:** So, when there is a roll call vote, staff already
34 puts the votes on the screen, and the virtual participants can
35 see it, right?

36
37 **CHAIRMAN DIAZ:** I did not notice that Mr. Strelcheck's hand has
38 been up. Mr. Strelcheck.

39
40 **MR. STRELCHECK:** Thanks, Mr. Chair. A couple of comments, and I
41 won't reiterate the support that our people provided with regard
42 to benefits of this, and I certainly also hear the concerns that
43 it might create a more burdensome process for us and that we
44 need to kind of be thoughtful, in terms of how we implement it,
45 but I know this is a committee motion, and I'm wondering if
46 there would be more support and buy-in by the council if it was
47 worded more along the lines of the council would pilot an
48 electronic voting system at a future council meeting, and, that

1 way, it allows us the opportunity to test it out and see how it
2 works.

3
4 If it does work, great. Then we would continue it, and it would
5 be successful, and we could talk about it at that meeting. If
6 it's not a success, well, then we abandon it and move forward
7 with, obviously, kind of the status quo approach, but it sounds
8 like people are kind of concerned about jumping full feet in
9 without at least kind of transitioning and testing this out and
10 trying to gauge, obviously, where people are at and if that
11 would be more amenable to folks.

12
13 **CHAIRMAN DIAZ:** Ms. Levy.

14
15 **MS. LEVY:** Well, I mean, I'm just wondering -- It seems to me
16 like there's two issues, right, and there's the electronic
17 voting, and then there's the idea of everything being a roll
18 call vote in which there's opposition, right, and so you can do
19 the electronic voting and it not be a roll call vote, and like
20 Carrie indicated that the software has that capability, either a
21 roll call vote or not roll call vote, and it just shows you if
22 there's a majority, right, and so, I mean, I'm not suggesting
23 one way or another, but I am just suggesting that, in this
24 motion, those issues are combined, and you might want to think
25 about whether you want to divorce them, the roll call voting and
26 the actual using the electronic voting.

27
28 **CHAIRMAN DIAZ:** Thank you, Ms. Levy. Okay. We've had a fair
29 amount of discussion, and so we're going to go ahead and call
30 the vote on this. **All in favor of the motion, signify by**
31 **raising your hand.**

32
33 **MR. STRELCHECK:** I support the motion, Dale.

34
35 **CHAIRMAN DIAZ:** Phil?

36
37 **MR. DYSKOW:** I am going to continue to abstain on this, as the
38 committee chair.

39
40 **CHAIRMAN DIAZ:** **All opposed, like sign. The motion fails five**
41 **to ten with two abstentions.** Dr. Frazer.

42
43 **DR. FRAZER:** I thought that Andy had a good comment, and maybe
44 we can make another motion here that essentially changes one
45 word in that original motion that says that the council pilot an
46 electronic voting system.

47
48 **DR. STUNZ:** I will second that.

1
2 **CHAIRMAN DIAZ:** Okay, and we have a new motion on the board for
3 the council to pilot a new voting system, and so staff is
4 getting the wording correct on that. Ms. Boggs.

5
6 **MS. BOGGS:** So, when the question was asked about those that are
7 participating virtually, and you could have an app on your
8 phone, as opposed to a clicker, and could we have all have an
9 app on our phone, and that way -- Everybody carries their phone.

10
11 **CHAIRMAN DIAZ:** Let me make sure that everybody understands the
12 new motion. **The new motion is for the council to pilot an**
13 **electronic voting system for council and council committee**
14 **motions that have opposition. All roll call votes shall be by**
15 **electronic voting. Results shall be recorded and included in**
16 **the minutes. Staff to select appropriate software and timing**
17 **of implementation and modify the SOPPs as necessary. Any**
18 **further discussion? Seeing none, all in favor raise your hands.**

19
20 **MS. MCCAWLEY:** There is no second on this motion.

21
22 **DR. STUNZ:** I seconded it.

23
24 **CHAIRMAN DIAZ:** It was seconded by Dr. Stunz.

25
26 **MS. MCCAWLEY:** Okay. Thanks.

27
28 **CHAIRMAN DIAZ:** All in favor, raise your hands.

29
30 **MR. STRELCHECK:** I support the motion.

31
32 **CHAIRMAN DIAZ:** All opposed, like sign. The motion carries
33 twelve to three with two abstentions. Mr. Dyskow.

34
35 **MR. DYSKOW:** Mr. Chairman, this concludes my report.

36
37 **CHAIRMAN DIAZ:** Thank you, Mr. Dyskow. All right. We're going
38 to move right along, and the next item on our agenda is the
39 Ecosystem Report. Mr. Anson.

40
41 **ECOSYSTEM COMMITTEE REPORT**

42
43 **MR. ANSON:** Thank you, Mr. Chair. The Ecosystem Committee
44 convened on April 4, 2022. The committee adopted the agenda and
45 approved the minutes of the December 2020 meeting as written.

46
47 Review and Discuss Contracted Draft Gulf of Mexico Fishery
48 Ecosystem Plan (FEP), in 2021, the council contracted LGL

1 Ecological Research Associates (LGL) to begin work on developing
2 a fishing ecosystem plan (FEP) for the Gulf of Mexico. Dr. Will
3 Heyman presented the work completed as part of their contract,
4 which included an FEP with a proposal to base it around fishery
5 ecosystem issues (FEIs).

6
7 A committee member requested clarification regarding subdividing
8 the Gulf into separate management regions. Dr. Heyman responded
9 that the FEP did not recommend dividing the Gulf into separate
10 management zones, but rather that FEIs could have regional
11 considerations, depending on the specific issue being considered
12 in a FEI. A committee member asked if there was opportunity to
13 provide feedback to the work presented by LGL. Council staff
14 replied that recommendations will be incorporated into the final
15 FEP by council staff.

16
17 A committee member mentioned that the FEP/FEIs should encourage
18 pathways to promote partnerships with external agencies as
19 necessary to address issues that affect the Gulf ecosystem. The
20 committee liked the FEI concept as a way to incrementally
21 address ecosystem issues.

22
23 The South Atlantic Council liaison asked if including the
24 commercial fleet into data collection and monitoring efforts is
25 something that the council would be amenable to, as also
26 proposed by LGL as an example to expand the Cooperative Research
27 Program. Dr. Heyman responded that science and management would
28 benefit from increasing direct collaboration with fishermen.

29
30 A committee member proposed developing a FEI around climate
31 change as it relates to changes in weather patterns, for example
32 hurricane frequency and rainfall patterns, and that red tide
33 might be one that is too big to undertake as a first step. The
34 committee also agreed that there needs to be a procedure in
35 place that would help identify and prioritize how to address the
36 FEIs.

37
38 Ecosystem Technical Committee Recommendations, Tab Q, Number 5,
39 following the work provided by LGL, council staff presented an
40 example on how to begin work on a red tide FEI, given the amount
41 of stakeholder input, ongoing research, and monitoring efforts
42 at the state and federal level. Due to the amount of
43 information presented, the committee requested to continue the
44 discussion during Full Council and allow time to provide
45 additional ideas and feedback to contribute to the final FEP.
46 Mr. Chair, this concludes my report.

47
48 **CHAIRMAN DIAZ:** Thank you, Mr. Anson. This would be a time when

1 we could have some of that discussion. Does anybody have some
2 ideas and want to kick us off? Mr. Gill.

3
4 **MR. GILL:** Thank you, Mr. Chairman. I was not on the Ecosystem
5 Committee, but I think the discussion was good, and I think the
6 work done by LGL to provide the basis for going forward on an
7 ecosystem plan is good, and I have, in my mind, some things that
8 I would change in that, but, overall, the structure is good, and
9 it moves us forward in thinking along these lines and how we can
10 incorporate ecosystem considerations into our management, and I
11 have two motions available.

12
13 **The first one I think is probably needed, that we accept the**
14 **FEP, as provided by LGL, and the second one addresses specific**
15 **tasks that we could charge the ETC with to carry it forward, and**
16 **so, with your permission, I would like to offer the first**
17 **motion.**

18
19 Bernie, if you could pull up the FEP first motion and use that
20 as the basis for, yes, we could use that as the structure for
21 moving forward, and then the details we can get into later, but,
22 you know, if we don't want to accept the plan, then that's a
23 whole different conversation. Thank you, sir.

24
25 **CHAIRMAN DIAZ:** All right. **Mr. Gill has made a motion to accept**
26 **the FEP plan, as developed by LGL Associates, and recommend its**
27 **implementation.** Is there a second for the motion? It's
28 seconded by Mr. Broussard. Is there discussion? Mr. Anson.

29
30 **MR. ANSON:** I just had a couple of minor points, I guess,
31 relative to the document that I wanted to discuss during the
32 committee. It's a little bit of wordsmithing. For example, on
33 page 21, the first sentence, in the first paragraph, I believe,
34 it says, "The FEI will eventually reach a level worthy of Gulf
35 Council consideration."

36
37 This is after it's going through that process and such of an
38 application, if you will, from a stakeholder, for instance, and
39 that gets reviewed by the ETC and goes into the hopper and such,
40 and so it's at that point, and those words seem a little high,
41 and so I just was going to say that the FEI "could eventually
42 reach a point where it can be considered by the Gulf Council"
43 and not "worthy", and just to try to drop some of that language,
44 and it seems a little much.

45
46 Then there was a couple others too, and I don't want to slow up
47 the process, and we have other things here on the agenda, and,
48 again, I had hoped to kind of bring these up just for more

1 discussion and such, but I don't know if we can do that after
2 the fact, and I think, overall, the document is good, and it
3 does provide a good framework to go through a process that we
4 can try to incorporate a specific issue and try to get it
5 analyzed in more detail and have some recommendations be brought
6 back to the council that we can use in management.

7
8 I like the process and everything, and I'm fine with it, but I
9 just had some other minor points, and so I don't know if I can
10 bring them up to staff after the fact or such.

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

13
14 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair. Yes, I
15 think you can provide those to staff. I mean, my understanding
16 is these are the final deliverables from Dr. Heyman and his team
17 that LGL has provided, and so, really, it's us taking this and
18 molding it into the next steps and finalizing, as Dr. Mendez-
19 Ferrer said, those bones, that structure, and then further
20 developing the FEI, and so I think we would take that and take
21 it to the next step, and I don't know that we would go back and
22 make any changes to what's been delivered.

23
24 **CHAIRMAN DIAZ:** Dr. Stunz.

25
26 **DR. STUNZ:** Bob, I support your motion, and I just have one
27 question, and I think the plan was good and all that, but both
28 Kevin and Carrie kind of touched on what I was going to say, and
29 that is it's really a framework for, you know, sort of like a
30 departure point of where we are today to move forward, and I
31 want to make sure that your motion doesn't tie us to that
32 detailed plan there, which was perfectly fine, you know, and it
33 was a good plan, and I have no real issues, but we might have
34 other ideas or other ways you want to move, and so I would maybe
35 recommend something like "is a framework for future
36 development", or something that keeps us a little more -- Our
37 options open a little bit more than just directly tied to that
38 plan.

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

41
42 **MR. GILL:** Thank you, Mr. Chairman, and that's my thinking
43 exactly. Much like Kevin, I have some things that I would like
44 to see different than have been suggested within the report from
45 LGL, and so I view this as precisely that, as a structure that
46 the ETC will weigh-in on, and staff will weigh-in on, and we'll
47 message to get to where we want to do it, and I don't see it as
48 accepting every word verbatim, and, if I'm wrong, and if we need

1 to rephrase, I'm good with that, and so, if you would like to do
2 that, sir, please go ahead.

3
4 **DR. STUNZ:** Well, then Bob is willing to accept a friendly
5 amendment to accept the -- I guess I'm trying to see how we
6 would say it. Accept the FEP plan as a framework for
7 development -- I don't know, and I'm getting lost in the grammar
8 here. To accept the FEP plan as a framework, or I guess, and
9 I'm sorry, but it needs to come after the "LGL Associates", and
10 so accept the FEP plan developed by LGL Associates as a
11 framework -- After "Associates", "as a framework", and I don't
12 know, Bob, and do you want to say, "to begin discussions", or
13 "to operationalize". "Begin a discussion to operationalize and
14 recommend". That still doesn't make sense. To accept the --
15 "and operationalize future FEP plans".

16
17 Bob, feel free, and I substantially changed the wording of your
18 motion there, but the intent was to make sure that we -- It's a
19 great framework for where we are, and we'll move forward based
20 on that.

21
22 **MR. GILL:** Thank you, Dr. Stunz. **I like it better.**

23
24 **CHAIRMAN DIAZ:** Okay, and so the new language is to accept the
25 **FEP plan developed by LGL Associates as a framework to begin**
26 **discussions and operationalize future FEP plans.** Any further
27 discussion? **Seeing none, is there any opposition to the motion?**
28 **The motion carries.** Mr. Gill.

29
30 **MR. GILL:** Thank you, Mr. Chairman, and so I think the role that
31 we ought to play now is to give some thoughts, much as the chair
32 of the Ecosystem Committee suggested, on what direction to go,
33 and I've got a few that I think that act as a starting point to
34 that discussion, and so, Bernie, if you would pull up my FEP
35 motion. **I offer that as a suggestion on the way forward, and I**
36 **am fully open to consideration of other ideas or whatever, but I**
37 **think this will help provide some focus to the discussion.**
38 Thank you.

39
40 **CHAIRMAN DIAZ:** Okay. Mr. Gill's motion is that the ETC be
41 **charged with the following tasks: 1)Revise the ETC mission to**
42 **ensure long-term advice to the council for the FEP; 2)Develop**
43 **goals and measurable objectives for the FEP and up to four FEIs;**
44 **3)Create criteria for prioritizing FEIs and utilize the criteria**
45 **to recommend the top four FEIs.** Is there a second to the
46 motion?

47
48 **MR. ANSON:** I will second for discussion.

1
2 **CHAIRMAN DIAZ:** It's seconded by Mr. Anson for discussion. Any
3 further discussion? Ms. McCawley and then Mr. Anson and Mr.
4 Gill.

5
6 **MS. MCCAWLEY:** I guess my question, for the motion maker, is why
7 four?

8
9 **MR. GILL:** Can I respond, Mr. Chairman?

10
11 **CHAIRMAN DIAZ:** Yes, sir.

12
13 **MR. GILL:** That was going to be my comment, Jessica, is that's
14 arbitrary, and we laid out -- I have forgotten the terminology
15 that Will used, but we've got to somehow get this down to a
16 manageable where do we start, and whether it's four or
17 something, but we don't want them to try to address all possible
18 FEIs, and whether it's four or some other number, but I just put
19 it in there as that seems reasonable to me, but I'm fully
20 amenable, and, if the council thinks it ought to be something
21 else, let's do that, but it needs to be a small number.

22
23 **CHAIRMAN DIAZ:** Mr. Anson.

24
25 **MR. ANSON:** I think I'm fine with the motion, but I'm just --
26 Looking at Number 2, and considering the fishery ecosystem plan,
27 as we reviewed earlier in the week, the FEIs -- It doesn't have
28 to be this way, but certainly it was presented that they would
29 be kind of stakeholder driven, or originated through stakeholder
30 input, and so I just -- This kind of gives the sense that
31 they're actually going to be created independent from that
32 process and input, and so maybe if we add to this "and up to
33 four FEIs with stakeholder engagement", or "through stakeholder
34 engagement", or something like that, so that we can keep the
35 emphasis on that there's folks outside of the council process
36 that are helping to kind of bring these issues up.

37
38 **CHAIRMAN DIAZ:** Mr. Gill.

39
40 **MR. GILL:** Thank you, Mr. Chairman, and I'm fine with that, and
41 that was expressed well in the plan developed by LGL, and I'm
42 good with that. I think this motion was driven with the concept
43 that this FEP, without some drivers, some catalyst, something
44 pushing it, will die. It will sit on the shelf and gather dust,
45 and we're not the body to do that, but the ETC is, and so what
46 we need to do is establish a framework for the ETC to drive the
47 continued performance of the FEP and to have it grow and
48 continue to work, and that job will be ongoing long after all of

1 us have left this table, and that's what we need to establish
2 going in, and clearly the stakeholder is part of that process,
3 as expressed in the plan, and so, Kevin, I'm fine if you want to
4 modify the wording to make that more explicit, and I'm good, but
5 it's totally consistent with what my thinking was.

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

8
9 **DR. STUNZ:** I like Kevin's comment, and I don't know, Bob, and
10 do we need another friendly motion, maybe, to add a Number 4
11 there or something, because I agree with the stakeholder input,
12 Kevin, and I also think that Bob's point about, you know,
13 sitting around this table -- These plans are complex, and some
14 of us happen to be ecologists, but that's not the role we're
15 playing here at the council, and I think that's the reason they
16 keep stalling, because it's kind of like whose job is it.

17
18 We don't have the collective knowledge to really do that. You
19 have to hire a group like LGL, and then you have to have those
20 ETC groups, and so it's a very complicated process, if we don't
21 -- Like I don't think, as a council, we're going to be able to
22 do that, given our expertise and our role, and so I wanted to
23 make sure I get that in the record, of why I think this is good,
24 but is the plan -- We've had discussion, inside and outside this
25 group, about involving the stakeholders, and I want to make sure
26 -- So I would add a fourth one, Bob, and sorry that I'm all over
27 the place.

28
29 The fourth one would be -- Let me think of what that -- That
30 this -- The ETC develop a plan to engage stakeholders in the
31 process, if you're acceptable to that, and I also want to say
32 something about engaging stakeholders, and having talked and
33 been somewhat involved in the socioeconomic process, and some of
34 our SSC members, we want to engage them very closely in this,
35 because, in my mind, this is not just the testimony of the
36 public here, and you know how we hear public testimony, but,
37 while that's important, they tell us that really seeking out
38 direct public comment on a specific issue is very valuable, and
39 it's much more valuable than -- In other words, there's a
40 certain way that you have to go about it to make it very
41 meaningful for this process, and so, Carrie, I just want to make
42 sure that's in the record here, that that is beyond just a
43 public hearing or something like that, and there's a real
44 meaningful stakeholder-driven process. I don't want to bog down
45 the discussion here with that, but there's more to it than
46 public testimony, I guess is what I'm saying.

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

1
2 **MR. ANSON:** I am just wondering, Dr. Simmons, on -- We have the
3 technical committee, and does it have a long-standing charge, I
4 guess, currently, or do we have to -- Is this going to then add
5 that to it, to make sure it's going to be a longer-term -- I
6 just had, in my mind, that it was more of a short-term like
7 committee, relative to specific issues, i.e., development of
8 this fishery ecosystem plan, at least to get it off the ground,
9 but do you see that charge kind of -- We don't need to do
10 anything at the council to kind of operationalize their
11 committee as more of a full-standing committee, do we?

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

14
15 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair, and so it's a
16 technical committee, and you have your three SSC members that
17 are on the Ecosystem, Special Ecosystem, SSC that are on there,
18 as well stakeholders, and it's -- Unless you change that body,
19 or you reappoint those SSC members, it's pretty static.

20
21 Dr. Froeschke just reminded me that they did come up with a
22 mission statement for the FEP, and so I am not sure that we need
23 the first number there, but I think we understand what you mean.

24
25 Regarding the engagement of stakeholders, I mean, we will have
26 to come up with a process and continue to kind of flesh it out
27 and bring that back to you, and so we'll see what we can come up
28 with.

29
30 **CHAIRMAN DIAZ:** Mr. Gill.

31
32 **MR. GILL:** Thank you, Mr. Chairman, and, Kevin, you raised a
33 point on the rationale for my first item there, is that, the way
34 I read the mission of the ETC is it's supposed to develop the
35 FEP, and then it terminates, and I don't see that being
36 appropriate, going forward, because, as I mentioned, this is
37 going to be a forever kind of process, and they need to be
38 engaged and involved all the way through, and that's why, unless
39 I misread the mission, we need to change it to incorporate that
40 as part of what they're supposed to do, and, looking forward,
41 where their part in the process is. Thank you.

42
43 **CHAIRMAN DIAZ:** Thank you, Mr. Gill. All right. I am not
44 seeing any further discussion. We have a motion on the board.
45 I'm sorry, Andy. Go ahead.

46
47 **MR. STRELCHECK:** No worries. I appreciate you recognizing me,
48 and so a couple of comments. I appreciate the motion, and I

1 like the motion that Bob has laid out here. I am, I guess,
2 questioning, in Number 2, whether we want to limit them to just
3 up to four FEIs, and I think we want them to identify a broader
4 list of FEIs and not keep them bound by a set number, but then
5 prioritize that, which is essentially what is stated in the
6 third bullet, and make sure that that's a manageable list to
7 proceed with.

8
9 That's one, I guess, comment, or recommendation, is to whether
10 we want to let them create a broader list of FEIs and not limit
11 them to four in Number 2, and then the second question would be
12 kind of the timing of this, and certainly this is not a quick
13 exercise, and it's going to take some time, but, Bob, do you
14 want to put any time bounds on this, that the recommendation of
15 the ETC be brought back to the council by the start of next
16 year, or some other timeframe, just to give them time to work on
17 this?

18
19 **CHAIRMAN DIAZ:** Mr. Gill.

20
21 **MR. GILL:** Thank you, Mr. Chairman. Thank you, Andy. The
22 reason for the second item there is I don't see that as limiting
23 the ETC in trying to figure out FEIs. They could develop a list
24 of a dozen or two dozen or three dozen, whatever the number is,
25 but they should focus on just four of them to develop goals and
26 manageable objectives.

27
28 If you're going to develop goals and manageable objectives for
29 every FEI that they can come up with, they will get bogged down,
30 and we need to focus on the things that are practicable and
31 actionable, as LGL put it, and, within reason, to be
32 accomplished, and so scanning the universe for all the possible
33 FEIs -- I would expect them to do that, in order to get down to
34 which ones they ought to consider, and perhaps Number 3 should
35 be in Number 2's place, and Number 2 should be in the Number 3
36 sequence, and the idea is to scan the universe for all the
37 possible FEIs, but focus on only up to four, four or less.

38
39 **CHAIRMAN DIAZ:** Dr. Simmons did get a text from staff a minute
40 ago, and so the ETC was formed in 2018, with the mission of
41 developing the FEP, and so that was the original charge. I
42 think we're at a point where we're ready to vote on this, and I
43 think Andy did recommend some changes, but I haven't heard
44 nothing officially to change it. Go ahead, Dr. Mendez-Ferrer.

45
46 **DR. NATASHA MENDEZ-FERRER:** Thank you, Mr. Chair. I was raising
47 my hand to ask for clarification on that Number 1, like you just
48 mentioned. In 2018, the original motion was to establish an

1 Ecosystem Technical Committee charged with helping to develop
2 the Fishery Ecosystem Plan, and so I guess, in terms of
3 clarification, do we want to make any -- Is Mr. Gill's concern
4 regarding the mission of the FEP or what we're charging, or
5 tasking, the Ecosystem Technical Committee with doing? I know
6 we have a lot of acronyms and kind of terminology, and so I just
7 want to make sure that we're all on the same page.

8

9 **CHAIRMAN DIAZ:** Ms. Bosarge.

10

11 **MS. BOSARGE:** When we went through this discussion in committee,
12 one of the things that I felt was vital, and it can be very
13 helpful to our council process, was this gathering and
14 presenting of the most fundamental data that I feel like we're
15 missing as we make decisions on different species and things,
16 and the one that I think I mentioned -- I had a couple in mind,
17 but I think I mentioned this idea of temperature changes within
18 the Gulf of Mexico and that being not just -- I don't want just
19 sea surface temperature, and I mean the seafloor, what we're
20 seeing in change in temperature there, midwater, and sea
21 surface, things like that, and I think I mentioned rainfall at
22 the committee level.

23

24 Anyway, there is some very fundamental data that could shape our
25 understanding, maybe, of what's happening with some of these
26 species, and I don't think we're even getting that, and so my
27 question is, as we jump straight into the FEIs, will that type
28 of request, something that I feel is important, is that going to
29 end up in an FEI, or are we just going to skim right past that
30 basic data and making sure that the council is at least getting
31 a handle on those changes that are happening in the environment?
32 Where will that enter this process, if we go down this road?

33

34 **CHAIRMAN DIAZ:** Dr. Froeschke.

35

36 **DR. JOHN FROESCHKE:** I guess the way I would see this is, if
37 there's an FEI that has some question of interest to the
38 council, and it requires gathering, or incorporating, that kind
39 of information, whether it's through an index or something else,
40 that we would -- We would do it as part of the FEI, and so I
41 don't see these as excluding that kind of information.

42

43 **CHAIRMAN DIAZ:** Ms. Bosarge, to that point?

44

45 **MS. BOSARGE:** Yes, and that's what I'm kind of worried about.
46 Like I hoped that this process would bring me broad information,
47 right, and so, if we go about it that way, we're
48 compartmentalizing again, almost the same way we do with looking

1 at single-species stuff, and we're only going to bring that
2 fundamental information that's affecting all our species and the
3 interactions between them and the habitat and everything else if
4 we get something that says, oh, well, we might want to look at
5 that, and am I only going to get that for Florida, if we're
6 looking at red tide, and gag or red grouper or something?

7
8 I think that's something fundamental that this council needs,
9 right, those basic elements that climate change is driving, some
10 sort of differential there, and we need to understand that, to
11 understand maybe some of these broader interactions that we're
12 seeing.

13
14 **CHAIRMAN DIAZ:** Mr. Anson.

15
16 **MR. ANSON:** I have two comments. One, I wanted to address that,
17 and then I have another thing to the motion, but I will address
18 what Leann has been discussing, and so I understand what you're
19 saying, Leann, and I don't have the answer as to where that
20 break is, or what's good and what is not good relative to size
21 and such, and so, as I recall from the Fishery Ecosystem Plan
22 that we had reviewed, and had the presentation for, the process,
23 the way it's set up, is that the ETC is kind of going to be that
24 filter.

25
26 They kind of would use, or look at, the issue that's brought up,
27 or raised, or the one that they're going to be looking at, and
28 then trying to make that determination based on the data
29 availability and time scales, temporal scales, these types of
30 things, relative to the specific fishery that's identified in
31 the issue or, if it's not a fishery, and it's just a general
32 topic, then, you know, I think it's up to them to use their
33 expertise in that area to kind of --

34
35 They get it into the hopper, and then, from there, find out
36 whether -- You know, what floats to the top, so to speak, as far
37 as what might be the most pressing, and the most pressing issue
38 may not be the one that is the most pressing for our needs to
39 manage the fishery, but it just may be one that has more
40 availability in the data and the analysis and those types of
41 things that could provide a product, which would provide
42 recommendations, is the way I see it.

43
44 Going back to what Andy had brought up relative to the motion, I
45 kind of agree with him that 2 and 3 are somewhat restricting,
46 inasmuch as at least 2 says up to four, and 3 says the top four,
47 and so, you know, it precludes that they will have four, I
48 guess, at that point, but, you know, I guess, Bob, if you could

1 -- You have already responded to Andy's comment, but if you
2 would just reconsider possibly dropping the "and up to four
3 FEIs" in Number 2 and just leave it after "FEP", and just end it
4 there.

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

7
8 **MR. GILL:** Thank you, Mr. Chairman. Are you suggesting that we
9 just do goals and objectives for the FEP alone and not for the
10 FEIs?

11
12 **MR. ANSON:** No, and what I'm saying is that, in Number 2, just
13 say "Develop goals and measurable objectives for the FEP." Then
14 3 would be: "Create criteria for prioritizing FEIs. Utilize the
15 criteria to recommend the top four FEIs."

16
17 **CHAIRMAN DIAZ:** Mr. Gill.

18
19 **MR. GILL:** Thank you, Mr. Chairman. Well, the problem that I
20 have with that is that I think the FEIs need goals and
21 objectives in order to be accomplished. You know, if you don't
22 know where you're going with the FEI, just saying, okay, we want
23 to do this, and you don't have a path to get there, and you're
24 missing the bat, and you need to provide the focus on how you're
25 going to get to those FEIs, and that's the intent of Number 2.

26
27 **CHAIRMAN DIAZ:** Mr. Anson.

28
29 **MR. ANSON:** I will be brief then. So then maybe change it to
30 "Develop goals and measurable objectives for the FEP and FEIs."

31
32 **CHAIRMAN DIAZ:** Mr. Gill.

33
34 **MR. GILL:** Well, that gets to my comment to Andy, in that I
35 don't think you want to embark on -- We've got fifty FEIs, or
36 whatever the number is, and develop goals and objectives for
37 every one that they're not going to do, and you want to
38 concentrate on the things that you think you're going to do, as
39 defined in Number 3.

40
41 **CHAIRMAN DIAZ:** I have talked a little bit with staff here, and
42 they have been following the discussion very closely, and they
43 think they have a good handle on how to execute this motion, and
44 so is there any further discussion on the motion? **Seeing none,**
45 **is there any opposition to the motion?** Mr. Strelcheck, I'm
46 sorry. Did you want to speak before we voted?

47
48 **MR. STRELCHECK:** No, I'm fine, and I was just going to say the

1 same thing you did, which is I think that staff has a good
2 understanding, and they can execute this motion, and so I agree
3 with Bob's comments that we want goals and measurable objectives
4 for a subset of the FEIs, and my point was just that let's not
5 constrain them to thinking about a broader suite of FEIs, but we
6 need to get them to prioritize those down and set goals and
7 measurable objectives, which I think is Bob's intent and is
8 reflective in the discussion we just had.

9
10 **CHAIRMAN DIAZ:** Thank you, Mr. Strelcheck. All right. **The**
11 **motion carries.** By the way, Mr. Strelcheck and Mr. Dyskow,
12 please jump in. I'm having a hard time keeping up with you all,
13 and so, if you're not being recognized, please jump in. Mr.
14 Anson, did you have anything else?

15
16 **MR. ANSON:** No, Mr. Chair. That concluded my report.

17
18 **CHAIRMAN DIAZ:** Dr. Stunz.

19
20 **DR. STUNZ:** Thank you, Mr. Chair. I had something just very
21 briefly, and I didn't want to bog down that motion, and so, as
22 we're moving forward with this, and, yesterday, and I think it
23 was yesterday, we had a little bit of discussion about
24 allocation and about that we really will help those guidelines,
25 as well as what we're trying to do here, when we actually start
26 developing some of these, and I think -- I didn't want to slow
27 down this process, and I think this needs to develop some, but I
28 think, once that gets going, running this through with an issue
29 that we identify, that maybe is not red snapper related, for
30 example, that is a little less controversial, to sort of give
31 this a test run, so to speak, would really inform us on the
32 process and how to do this, at maybe a bigger level, where there
33 may be a little more controversy, and so, at that point -- I'm
34 not prepared to make a motion today, because I'm going to let
35 this develop, but, once that does, I think sort of test running
36 this, so to speak, is the next step, and we should probably do
37 that sooner than later.

38
39 **CHAIRMAN DIAZ:** Thank you, Dr. Stunz. Any further discussion on
40 ecosystem matters? Seeing none, we're going to move right into
41 the Shrimp Committee Report. Ms. Bosarge.

42
43 **SHRIMP COMMITTEE REPORT**

44
45 **MS. BOSARGE:** Thank you, Mr. Chairman. All right, and so the
46 Shrimp Committee met on April 4, 2022, with myself, Leann
47 Bosarge, as the chair. The committee adopted the agenda, Tab D,
48 Number 1, with Agenda Item VIII moved to follow Agenda Item V

1 and the addition of the Southern Shrimp Alliance scholarship
2 information under Other Business. The committee then approved
3 the minutes, Tab D, Number 2, of the January 2022 meeting as
4 written.

5
6 Biological Review of the Texas Closure, Tab D, Number 4,
7 Southeast Fisheries Science Center (SEFSC) staff presented on
8 the biological review of the Texas closure, as seen in Tab D,
9 Number 4. Staff conveyed to the council that the Shrimp
10 Advisory Panel (AP) made a motion in support of continuing the
11 Texas Federal Closure in 2022.

12
13 **The committee recommends, and I so move, to request NMFS to**
14 **continue with the Texas federal closure in the coming year, in**
15 **conjunction with the State of Texas closure in 2022.** The motion
16 carried unanimously.

17
18 **CHAIRMAN DIAZ:** Okay. We have a committee motion. Is there any
19 discussion on the motion? **Seeing no discussion, is there any**
20 **opposition to the motion? The motion carries.** Ms. Bosarge.

21
22 **MS. BOSARGE:** Update on Current Vessel Position Data Collection,
23 Tab D, Number 5, Southeast Fisheries Science Center staff
24 presented an update on the collection of current electronic
25 logbook (ELB) data for the federally-permitted Gulf shrimp
26 industry, as seen in Tab D, Number 5.

27
28 A committee member asked about reporting requirements and the
29 impacts on permit renewal if secure digital (SD) cards aren't
30 returned. The Southeast Regional Office (SERO) staff stated
31 that permit holders have to comply with electronic reporting, as
32 required by the Science and Research Director, and the council
33 could refer to those regulations.

34
35 SERO staff noted that permits are renewed annually, and so a
36 fair amount of time could pass before late SD cards are
37 returned. Southeast Fisheries Science Center staff responded
38 that SD cards are a short-term solution, but any efforts to
39 increase the return rates would be welcome. A committee member
40 noted that outreach efforts are needed to increase the return
41 rates of SD cards and that the council's Outreach and
42 Educational Technical Committee may be a good starting point, as
43 this group includes membership from both Sea Grant and state
44 agency staff.

45
46 The suggestion was also made to include the NOAA Gear Monitoring
47 Team, which works with the shrimp industry on turtle excluder
48 devices and has familiarity with members of the industry. SERO

1 staff recommended consideration of tailored outreach with the
2 Vietnamese shrimping community in the Gulf.

3
4 A committee member asked for, and received, clarification on the
5 process for returning the SD cards. It was stated that more
6 urgency is needed in the communication on the return of the SD
7 cards beyond the original and reminder letters mailed to Gulf
8 shrimp moratorium permit holders selected to participate in the
9 cellular ELB program.

10
11 **The committee recommends, and I so move, to recommend that the**
12 **council request staff work with the Outreach and Education**
13 **Technical Committee to identify the best process for conveying**
14 **the importance of recovery of secure digital (SD) cards to Gulf**
15 **of Mexico federal shrimp permit holders that have been selected**
16 **by the Science and Research Director to report vessel position**
17 **data. Once a notification process for shrimp permit holders is**
18 **identified, letters to NMFS Fisheries Statistics Division should**
19 **be sent emphasizing the importance of recovery of SD cards on**
20 **Gulf of Mexico shrimp vessels and the efforts that have been**
21 **identified to improve this outreach effort. The motion carried**
22 **unanimously.**

23
24 **CHAIRMAN DIAZ:** We have a committee motion. Is there any
25 discussion on the motion? Mr. Gill.

26
27 **MR. GILL:** Thank you, Mr. Chairman. I noted in committee that I
28 hope that, if this motion passes, that staff will work with
29 industry to get that information out, and I think it would be
30 more effective, and it's not part of the motion, and I don't
31 think it needs to be, but I just wanted to reiterate it in Full
32 Council, for the record. Thank you.

33
34 **CHAIRMAN DIAZ:** Thank you, Mr. Gill. Any further discussion?
35 **Seeing none, is there any opposition to the motion? The motion**
36 **carries.** Ms. Bosarge.

37
38 **MS. BOSARGE:** SSC Recommendations on Development and Process of
39 Using Empirical Dynamic Models on Brown and White Shrimp, Tab B,
40 Number 7, the Scientific and Statistical Committee (SSC) Chair
41 presented on SSC discussions on the development and process of
42 using empirical dynamic models (EDMs) on brown and white shrimp.

43
44 He noted the SSC recommended running simple biomass models for
45 comparison with the EDM results. Staff explained that the
46 Shrimp AP had questions about the EDMs, including the pooling of
47 data across certain statistical zones, and had made a motion for
48 the SEFSC to formally include appropriate SSC members, council

1 staff, and shrimp industry representatives in development of the
2 EDMs.

3
4 The Shrimp AP chair shared that he also had questions and
5 concerns about the EDMs being used for brown and white shrimp
6 and fully supported the AP's motion. A committee member
7 commented that this would be an opportunity to combine applied
8 knowledge of the fishery with scientific knowledge related to
9 these shrimp models.

10
11 Southeast Fisheries Science Center staff noted that the process
12 of using EDMs for management advice has not been outlined yet,
13 but he is supportive of the AP's motion. A committee member
14 emphasized that this would be a good opportunity for
15 collaborative work.

16
17 **The committee recommends, and I so move, to convey to the**
18 **Southeast Fisheries Science Center the support of the formal**
19 **inclusion of the appropriate SSC members, council staff, and**
20 **shrimp industry representatives in the development of the shrimp**
21 **EDMs outside of formal SSC review and prior to the SEDAR**
22 **research track. The motion carried unanimously.**

23
24 **CHAIRMAN DIAZ:** Okay. We have a committee motion. Is there any
25 discussion on the motion? **Seeing no discussion, is there any**
26 **opposition to the motion? The motion carries.** Ms. Bosarge.

27
28 **MS. BOSARGE:** The three remaining agenda items of Summary of the
29 March 2022 Shrimp Advisory Panel Meeting, Update on Council
30 Request for Proposals to Address Expanded Sampling of the Fleet
31 for Effort Monitoring in the Gulf Shrimp Industry, and Other
32 Business, the Southern Shrimp Alliance Scholarship Information,
33 will be covered in Full Council. Mr. Chair, this concludes my
34 report, and, if you want, I will quickly do the scholarship, and
35 then maybe Carrie can do hers, and then Matt will take us
36 through that other.

37
38 **CHAIRMAN DIAZ:** That sounds like a good plan. Go ahead, Ms.
39 Bosarge.

40
41 **MS. BOSARGE:** Okay, and so the Other Business, real quick, is I
42 was just going to let you all know that the Southern Shrimp
43 Alliance, which is an industry organization that represents the
44 shrimp industry throughout not only the five Gulf states, but
45 also the four South Atlantic states, recently set up a
46 scholarship program.

47
48 The scholarships are \$1,000 each, and you can be entering either

1 a four-year university or a trade school, or you can be in one
2 of those already, and you can apply. The main eligibility
3 criteria is that you have to have some sort of link, or
4 connection, with the shrimp industry, and you essentially write
5 a very brief essay, like very brief, and 500 words, I think,
6 just kind of detailing what your connection to the industry is,
7 and fill out the rest of the application, and you can apply.

8
9 I am really excited about this, and it doesn't matter your field
10 of study, and you don't have to be going into something like
11 marine biology related, you know, and so I just wanted to let
12 everybody know that's out there, and you can go to the Southern
13 Shrimp Alliance website, if you know anybody that wants to
14 apply, and the application is there.

15
16 **CHAIRMAN DIAZ:** How many scholarships are there?

17
18 **MS. BOSARGE:** I think their aim is to try and give out two per
19 state, and I'm not sure on Florida, if it's just two or if that
20 should be four, two for each coast, but their aim is two per
21 state, depending on the applicants, if they get enough
22 applicants.

23
24 **CHAIRMAN DIAZ:** Thank you for that. Dr. Simmons.

25
26 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair, and so I'm
27 going to be covering the update on the council request for
28 proposals to address the expanded sampling of the fleet for
29 effort monitoring in the Gulf shrimp industry.

30
31 I am pleased to say that the council has an executed contract
32 with LGL Ecological Research Associates, and that's Dr. Benny
33 Gallaway and Dr. Nathan Putman, and that is a twelve-month
34 contract, and so we signed that at the end of March, and they
35 have until the end of next year, March of 2023, to complete that
36 work.

37
38 We do have, written in the contract, some progress reports and
39 mid-term progress reports, but I spoke with Dr. Putman last
40 night, and he said they're willing to provide any updates to the
41 council as they become available. We are expecting a very brief
42 update for the June council meeting, just a couple of slides on
43 what they've been able to do so far, and then, if there's any
44 other information that the council -- New information that would
45 be available for subsequent meetings, we can bring that to the
46 council, if you would like us to. Thank you.

47
48 **CHAIRMAN DIAZ:** Any questions for Dr. Simmons? Seeing none,

1 Matt, are you available for your update?

2

3 **DR. MATT FREEMAN:** Yes, sir, I am.

4

5 **CHAIRMAN DIAZ:** Go ahead, Matt.

6

7 **DR. FREEMAN:** Okay. Great. I wanted to mention that -- I
8 wanted to note that the AP had received an update to the
9 presentation that the council received at its January meeting on
10 the pilot testing of the VMS units. If the council recalls,
11 there were some questions about having the volunteer vessels,
12 and so Mr. Wallace was able to update us on that, and, as a
13 reminder, tentatively, the council is scheduled to receive an
14 update on this at the June meeting.

15

16 The next item to go through was the review of the draft shrimp
17 framework action, and I shared with the AP some of the items
18 that were presented and discussed by the council at the January
19 meeting, following the discussion of NMFS' evaluation of the
20 draft technical specs, and I let them know that they would be
21 discussed by the IPT, in terms of incorporating those into the
22 discussion of the alternatives.

23

24 Between the RFP that Dr. Simmons covered and the update on the
25 NMFS pilot testing, there was, obviously, some discussion
26 amongst the AP members as far as the timing of those projects.
27 In particular, I wanted to note that an AP member emphasized the
28 council's interest in waiting for the completion of the NMFS
29 project and the council-funded project, and he commented that he
30 would also like to wait for the results of those two studies,
31 but he noted that the P-Sea WindPlot results would not be until
32 March of 2023.

33

34 As a result, the AP made two motions, and so I will read through
35 both of those, if it's okay, and then, like I said, they're kind
36 of linked, and then I'll let the council discuss that, before I
37 go further into the report.

38

39 The first motion was that the Shrimp AP requests the council to
40 postpone selecting a preferred alternative in the framework
41 action until after the council and the Shrimp AP have received
42 and considered definitive results from both the VMS testing
43 program, based on three-day trips in the pink, white, and brown
44 shrimp fisheries, and from the LGL P-Sea WindPlot cellular
45 transmission development project. That motion carried
46 unanimously.

47

48 However, given the uncertainty of the timing of how the council

1 will proceed on the draft framework action, and the perceived
2 need for urgency by NMFS on selecting a new method, there was an
3 additional motion, which was, that if the Shrimp AP is unable to
4 review the framework action again prior to the council selecting
5 a preferred alternative, then the Shrimp AP recommends, based on
6 current available information, to the council that it selects,
7 as its preferred alternative, Framework Action 1, Alternative 3,
8 the purposes of which the AP continues to understand are to
9 provide a clear alternative to the VMS system-based program set
10 forth in Alternative 2, which would transmit data directly to
11 OLE and instead to maintain a scientific shrimp fishing effort
12 data collection program by replacing the current cELB system
13 with a new ELB system that automatically transmits data
14 generated through P-Sea WindPlot navigational software via
15 cellular service through a non-OLE server to the Southeast
16 Fisheries Science Center for analysis. That motion carried
17 unanimously.

18
19 Like I said, I wanted to read both of those, since they are
20 linked, and I do want to note that certainly for the council to
21 discuss this, but as well, tentatively, we would be bringing the
22 draft shrimp framework action back at the June meeting, and so
23 that would potentially be an opportunity to revisit these
24 motions as well then too, and so I will pause there for
25 discussion.

26
27 **CHAIRMAN DIAZ:** Mr. Gill.

28
29 **MR. GILL:** Thank you, Mr. Chairman. I support the intent of the
30 first motion, because it makes no sense to me that we go ahead
31 with various programs to find what the issues are, or are not,
32 with the various electronic units, and to proceed without
33 getting that information says why are we doing them in the first
34 place, and the downside to that, of course, is it pushes things
35 out, but we've already committed, and so that ship has sailed,
36 and I use that term intentionally.

37
38 I don't think it needs a motion from the council, but I wanted
39 to express that I fully support the intent of that motion, and
40 we need to find out what the results of the testing programs are
41 and then move forward with whatever we think best at the time.
42 Thank you.

43
44 **CHAIRMAN DIAZ:** Thank you, Mr. Gill. Any further discussion?
45 Mr. Strelcheck.

46
47 **MR. STRELCHECK:** It probably won't come as a surprise to anyone
48 that I'm actually opposed to this motion. I guess I want to

1 lead with I am certainly wanting industry buy-in for those
2 program, and I think that's where we're at a crossroads at this
3 point.

4
5 The concern I've had, and I shared this in a short conversation
6 with Leann after the Shrimp Committee, is I feel like we are
7 kicking the can down the road, and we don't have a clear plan at
8 this point, in terms of how to proceed, and we haven't kind of
9 outlined a timeline, in terms of how we're going to resolve our
10 data collection issues in this fishery right now, and, in the
11 meantime, what is happening is, obviously, the data is getting
12 worse.

13
14 Now, we've talked about some outreach and some efforts that
15 potentially could improve that, but there is no guarantee of
16 that, and so we have an erosion of the quality of data,
17 obviously, coming in, first and foremost.

18
19 In terms of then kind of getting into some details, the concerns
20 I have, one, is that there's been argument made that we need to
21 test this in all three of the shrimp fisheries on the VMS side,
22 and I don't think that's correct and accurate, and one of the
23 things that has been raised, with regard to meeting the testing
24 in all three, is the differences in boundaries, with regard to
25 where they operate, but these cellular VMS units -- They ping
26 every ten minutes, and there is not going to be any increase in
27 pings if they cross a boundary, and I have confirmed that with
28 our VMS program, and so it's really we need to test these on
29 shrimp vessels and make sure that it's compatible with the
30 algorithm, and I think that can be done regardless of if we test
31 it in one, two, or all three of our shrimp fisheries.

32
33 The other, I think, broader concern about waiting until the P-
34 Sea WindPlot testing is complete is, right now, that's not a
35 workable solution, and I don't know what the outcome will be of
36 LGL, and I have, obviously, a lot of respect for them, and they
37 do a lot of great work, but will they be able to ensure that
38 data can be transmitted cellularly to meet, obviously, the data
39 collection needs for the industry and the government, and will
40 there be, you know, enough vessels that are using that, and I'm
41 being told that a majority of vessels use it in the industry,
42 but we aren't clear, at this point, as to what fraction of the
43 vessels fully use that technology, and then, most importantly,
44 that solution relies on us then building out additional systems,
45 and there's an increased cost to the government, which
46 ultimately are increased costs to the taxpayers.

47
48 We have not gotten any additional congressional funding, and

1 that was taken out this year from the budget, and so there is no
2 guarantees, from the government's standpoint, that we're going
3 to have funding to support a separate parallel system, and would
4 not support a separate parallel system at this point, given we
5 have a fully functioning system that accomplishes the same thing
6 through VMS.

7
8 I think we really need to be thoughtful and strategic and
9 careful about how we proceed on this, and, if we're going to go
10 down this path of delaying, I would much prefer that we have a
11 very clear timeline of decision points and the requirements in
12 order to proceed, because I think the VMS solution could
13 certainly be in place far sooner and be much easier to implement
14 at this point. Thanks.

15
16 **CHAIRMAN DIAZ:** Thank you, Mr. Strelcheck. Ms. Bosarge.

17
18 **MS. BOSARGE:** I think this discussion is kind of moot at this
19 point. I will give you an example. The AP also received an
20 update from NMFS on effort, and so they process our effort,
21 right, and they give us total effort and see how we're doing
22 relative to certain effort thresholds that the shrimp industry
23 has for different species, and our 2020 effort data that came
24 out of the logbooks that are on our boats right now -- We
25 transmitted all year in 2020, automatically, and this was not a
26 chip year, okay, and it didn't shut down the transmission until
27 mid-December, and NMFS hasn't processed that data, and so I'm
28 not sure what the impetus is here that we've got to get
29 something else on the water right now, that we have something,
30 and you're getting chips from 2021, and you haven't even
31 processed the 2020 data that you got automatically.

32
33 I don't see why the council has to be in some heated rush to
34 implement a new plan, that you obviously still won't be able to
35 process the data from, before we even get the results of all the
36 testing, both the NMFS testing and the council-funded testing,
37 and so I say bring this document back in June, and let's make
38 sure that we actually include the discussion this time that was
39 brought up in the January council meeting that Matt just told
40 we're going to incorporate some of that information from the
41 draft tech specs and flesh out this idea that there is a
42 difference in the data going to OLE and going to some other
43 server that's not a law enforcement server and that will be
44 managed by the Science Center.

45
46 We'll get that fleshed out, and maybe we'll have some
47 preliminary results from that VMS that NMFS has on one boat
48 right now. If they can't run the effort algorithm from the 2020

1 data -- They've got a lot of work to do between now and then, to
2 actually give us some results.

3
4 Let's see how that goes. We'll get a preliminary update from
5 the LGL-funded study that we've got going, and we'll take it
6 from there, but I don't see the urgency, when the 2020 data
7 hasn't even been processed.

8
9 **CHAIRMAN DIAZ:** All right. Any further discussion? Seeing
10 none, Dr. Freeman, do you want to proceed?

11
12 **DR. FREEMAN:** Yes, sir. If I can go back to Ms. Bosarge's last
13 comment, just to clarify, for the June council meeting, at this
14 point, the main thing is to further flesh out the discussion of
15 the alternatives and otherwise bring the draft framework, more
16 or less, with that addition, and is that correct?

17
18 **MS. BOSARGE:** Yes, Matt, with that further fleshing out of the
19 differences between Alternative 2 and Alternative 3, as you
20 discussed in the Shrimp AP meeting, and the recommendations that
21 were made by the council at our January council meeting, that
22 those items be in writing and incorporated in the discussion
23 section. Thank you.

24
25 **DR. FREEMAN:** Okay. Perfect. Thank you for that. Just to let
26 the council know a few other items, especially since they
27 related to motions stemming from previous council meetings, I
28 was able to share an update with the Shrimp AP on the Gulf of
29 Mexico Aquaculture Opportunity Areas notice.

30
31 The publication for the notice of intent is anticipated to be
32 published in late spring or summer of 2022, which will start the
33 public scoping process for the development of the programmatic
34 environmental impact statement, and that is going to seek to
35 identify at least one aquaculture opportunity area.

36
37 One of the other items in the AP's discussion related to
38 offshore wind development with BOEM, and the Southeast Fisheries
39 Science Center staff discussed a request from the council to
40 NMFS on inclusion of spatial analyses and economic data from the
41 Gulf shrimp industry for consideration of offshore wind energy
42 studies, and so the AP was able to receive sort of a preliminary
43 update and have some discussion there, and then one other item,
44 again stemming from the council's motion, is SERO staff was able
45 to provide information on shrimp landings and market
46 information, as well as updated information on permits and
47 economic return estimates, and that was well received by the AP
48 and facilitated some of the discussion related to other agenda

1 items, and so I think that summarizes the information from the
2 AP, if there is any questions from the council.

3
4 **CHAIRMAN DIAZ:** Dr. Walter.

5
6 **DR. JOHN WALTER:** Thank you, Chair. I wanted to just bring up
7 something, because there's going to be a lot of work ahead of
8 the IPT team, and that's the implementation planning team, who
9 is going to work on that framework for shrimp, and I just wanted
10 to get a read from people about -- Since there's been a lot of
11 water under the bridge since that framework was really first
12 worked on until now, about the idea of the commercial electronic
13 logbooks, and there's been a lot of work on those since then,
14 and whether that is even something that people might want to
15 consider, or is that still off the table.

16
17 I bring it up, one, because we've gotten a little bit further
18 along on those logbooks, and, two, it could address some of the
19 issues that we've seen, in terms of the timing of things and the
20 routing of the data, and so I just wanted to know if there was
21 any appetite for that, and it also might get us the catch data
22 and streamline the documentation of the catch data, and I don't
23 want to have a long conversation, but I just wanted to hear if
24 there -- Maybe this is to Leann, but if there is maybe a think
25 about it or a no-go. Thanks.

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

28
29 **MS. BOSARGE:** Yes, I will definitely think about it. I am not
30 going to rule anything out without looking at it, and I
31 certainly, obviously, like the idea that -- I am assuming that
32 data goes through ACCSP. Staff is dying over here, John, but,
33 anyway, there were some things, and I remember seeing that
34 presentation to one of our commercial finfish type APs, and
35 there were some things that I didn't like about it, but I am
36 open to looking at it, John, and so maybe we'll have a
37 presentation -- I am assuming -- We asked for a document on that
38 to be brought back at some point, and so I guess, as we get into
39 that, we can take a look at it and see if it's a fit or not.

40
41 **DR. WALTER:** All right. Well, then I think maybe we could take
42 that offline and try to at least come up with some of the specs
43 for it, cost and pros and cons.

44
45 **CHAIRMAN DIAZ:** Mr. Gill.

46
47 **MR. GILL:** Thank you, Mr. Chairman. I am in the same camp as
48 Leann on this one, and I don't know enough to say no, and, if it

1 offers some opportunity to provide a usable solution, I would
2 like to learn more, and so I would encourage a presentation on
3 what it really means and how it stacks up, versus the
4 alternatives that we've currently been talking about.

5
6 **CHAIRMAN DIAZ:** Thank you, Mr. Gill. All right. Any further
7 discussion? Seeing none, Dr. Freeman, do you have anything
8 else?

9
10 **DR. FREEMAN:** No, sir. That was the remainder of the agenda
11 items. Thank you.

12
13 **CHAIRMAN DIAZ:** Ms. Bosarge, do you have anything else? All
14 right. I think that concludes the Shrimp Committee. We're
15 going to do one more committee, and then we're going to take a
16 break. Next up is the Mackerel Committee and Mr. Anson.

17
18 **MACKEREL COMMITTEE REPORT**

19
20 **MR. ANSON:** Thank you, Mr. Chair. The Mackerel Committee
21 convened on April 4, 2022. The committee adopted the agenda,
22 Tab C, Number 1, and approved the minutes, Tab C, Number 2, of
23 the January 2022 meeting as modified.

24
25 Review of Review of Coastal Migratory Pelagics (CMP) Landings,
26 Tab C, Number 4, Ms. Kelli O'Donnell of NMFS Southeast Regional
27 Office, (SERO) reviewed the recent landings for the Gulf
28 migratory groups of cobia, king mackerel, and Spanish mackerel.

29
30 Draft Framework Amendment 11: Modifications to the Gulf of
31 Mexico Migratory Group King Mackerel Catch Limits, Tab C, Number
32 5, staff reviewed the framework amendment, which has a single
33 action to consider modifying the catch levels for Gulf migratory
34 group king mackerel (Gulf king mackerel).

35
36 The SEDAR 38 update assessment and Scientific and Statistical
37 Committee (SSC) review found that Gulf king mackerel is not
38 overfished or undergoing overfishing. The spawning stock
39 biomass (SSB) is currently above the minimum stock size
40 threshold, but below the SSB at maximum sustainable yield,
41 likely due to depressed recruitment over the last ten years.

42
43 The SSC recommendations for the overfishing limit (OFL) and
44 acceptable biological catch (ABC) increase over the projection
45 time period, reflective of the estimated annual increase in SSB
46 as the stock builds towards SSB at MSY (maximum sustainable
47 yield) during that period.

1 A committee member was concerned about the condition of the
2 stock and the pace of the development and implementation of
3 catch advice.

4
5 Another Committee member commented on the openings of the Bonnet
6 Carré spillway in Louisiana, which can result in large influxes
7 of freshwater in the northern Gulf. He asked whether the
8 relationship between salinity in the northern Gulf and
9 recruitment had been analyzed. Council staff replied that such
10 an analysis was not done for the SEDAR 38 Update stock
11 assessment, but could be examined for future assessments.

12
13 The committee discussed other possible alternatives to consider,
14 including an average constant catch scenario, setting the catch
15 level at the 2022-2023 fishing year values, and applying the
16 council's Annual Catch Limit (ACL)/Annual Catch Target (ACT)
17 Control Rule to establish a buffer between the ABC and the total
18 ACL. Council staff noted that the ACL/ACT Control Rule would
19 create a 10 percent buffer between the total stock ABC and the
20 total stock ACL. Council staff also verified that adding an
21 alternative more conservative than Alternative 2 would not
22 prevent the ability to take final action on the document at the
23 June 2022 council meeting.

24
25 Final Action: Amendment 34: Atlantic Migratory Group King
26 Mackerel Catch Levels and Atlantic King and Spanish Mackerel
27 Management Measures, Tab C, Number 6, Ms. Christina Wiegand
28 (South Atlantic Council staff) presented the amendment, which
29 would modify catch levels, sector allocations, and bag and
30 possession limits for Atlantic migratory group king mackerel, as
31 well as the requirement to land recreational Atlantic king and
32 Spanish mackerel with heads and fins intact.

33
34 Currently, both councils concur on preferred alternatives to the
35 five actions included in the amendment. The South Atlantic
36 Council approved the amendment for final action during its March
37 2022 meeting. The committee reviewed the proposed codified
38 text.

39
40 **The committee recommends and I so move, to recommend the council**
41 **approve Amendment 34: Atlantic Migratory Group King Mackerel**
42 **Catch Levels and Atlantic King and Spanish Mackerel Management**
43 **Measures and that it be forwarded to the Secretary of Commerce**
44 **for review and implementation and deem the codified text as**
45 **necessary and appropriate, giving staff editorial license to**
46 **make the necessary changes in the document. The Council Chair**
47 **is given the authority to deem any changes to the codified text**
48 **as necessary and appropriate.**

1
2 **CHAIRMAN ANSON:** Thank you, Mr. Anson. We have a committee
3 motion, and this is a roll call vote. Dr. Simmons.
4
5 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair. Mr.
6 Strelcheck.
7
8 **MR. STRELCHECK:** Yes.
9
10 **EXECUTIVE DIRECTOR SIMMONS:** Dr. Shipp.
11
12 **DR. SHIPP:** Yes.
13
14 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Broussard.
15
16 **MR. BROUSSARD:** (Mr. Broussard's response is not audible on the
17 recording.)
18
19 **EXECUTIVE DIRECTOR SIMMONS:** Dr. Stunz.
20
21 **DR. STUNZ:** Yes.
22
23 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Gill.
24
25 **MR. GILL:** Yes.
26
27 **EXECUTIVE DIRECTOR SIMMONS:** Ms. Bosarge. We will come back to
28 her. Mr. Geeslin.
29
30 **MR. GEESLIN:** Yes.
31
32 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Dugas.
33
34 **MR. DUGAS:** Yes.
35
36 **EXECUTIVE DIRECTOR SIMMONS:** General Spraggins.
37
38 **GENERAL SPRAGGINS:** Yes.
39
40 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Anson.
41
42 **MR. ANSON:** Yes.
43
44 **EXECUTIVE DIRECTOR SIMMONS:** Ms. Boggs.
45
46 **MS. BOGGS:** Yes.
47
48 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Dyskow. I will come back.

1
2 **MR. DYSKOW:** Yes.
3
4 **EXECUTIVE DIRECTOR SIMMONS:** Thank you. Mr. Williamson.
5
6 **MR. WILLIAMSON:** Yes.
7
8 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Schieble.
9
10 **MR. SCHIEBLE:** Yes.
11
12 **EXECUTIVE DIRECTOR SIMMONS:** Dr. Frazer.
13
14 **DR. FRAZER:** Yes.
15
16 **EXECUTIVE DIRECTOR SIMMONS:** Ms. McCawley.
17
18 **MS. MCCAWLEY:** Yes.
19
20 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Diaz.
21
22 **CHAIRMAN DIAZ:** Yes.
23
24 **EXECUTIVE DIRECTOR SIMMONS:** **The motion carried unanimously with**
25 **one absent.**
26
27 **CHAIRMAN DIAZ:** Mr. Anson. Sorry. Dr. Simmons.
28
29 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair. I don't know
30 if we want to come back after you've completed the report, but
31 staff just had a question regarding the Framework Amendment 11.
32 Since we're trying to take final action, there was some
33 discussion at the committee about potentially adding an
34 alternative. If we're going to do that, we would need to have
35 that information at this meeting. Thanks.
36
37 **CHAIRMAN DIAZ:** Okay. I am looking around the room. I am not
38 seeing anybody's hands up at this point. Mr. Anson.
39
40 **MR. ANSON:** Other Business, Tab C, Number 7, council staff
41 discussed the current regulations prohibiting the harvest of
42 Gulf king mackerel via run-around gillnets in the Gulf Southern
43 Zone on weekends and federal holidays. This regulation was
44 implemented to better account for harvest via gillnets, as
45 reporting on weekends and federal holidays would not be received
46 and processed by NMFS until the next business day.
47
48 The pace at which landings can come in from the gillnet fleet is

1 such that quota overruns were possible under the commercial trip
2 ticket system. Currently, the gillnet fleet communicates in
3 real-time, including over the weekends and federal holidays,
4 with NMFS staff regarding landings and voluntarily ceases
5 fishing activity once the Gulf Southern Zone gillnet ACL is
6 projected to be met.

7
8 This more recent reporting method is later validated using
9 commercial trip ticket and seafood dealer reports and negates
10 the need for the prohibition on fishing on weekends and federal
11 holidays.

12
13 A committee member was concerned about season duration if
14 landings were allowed on weekends and holidays. Council staff
15 noted that the season duration was not as important to the
16 gillnet fishermen. The vessels used for gillnetting are also
17 used for pulling stone crab and lobster traps, and, while the
18 gillnet gear is on the vessel, pulling traps cannot occur.
19 Thus, if the weather does not allow for gillnet strikes on king
20 mackerel, the vessel cannot fish, which represents lost income
21 and inefficiency for the commercial fishermen.

22
23 **The committee recommends, and I so move, to direct staff to**
24 **create a Framework Amendment to eliminate weekend and holiday**
25 **closures in the gillnet component of the mackerel fishery.**

26
27 **CHAIRMAN DIAZ:** Okay. We have a committee motion. Is there any
28 discussion on the motion? Ms. McCawley.

29
30 **MS. MCCAWLEY:** I was just seeking clarification as to whether
31 this is getting added to the other framework action or these are
32 going to be separate, because it seems like, by adding this,
33 you're going to delay the timing on the other framework action,
34 and just I don't know where we ended up.

35
36 **MR. RYAN RINDONE:** We didn't end up yet, and so, whatever it is
37 that you guys want to ultimately do with that, you can just let
38 us know what that is, and I think adding a new non -- A new
39 action that's on a different vein than something like a catch
40 limit modification is going to make it difficult to bring this
41 back for final action in June.

42
43 **CHAIRMAN DIAZ:** Ms. McCawley.

44
45 **MS. MCCAWLEY:** Based on that, I think that my preference would
46 be to do this as two separate framework actions, so that the
47 other one can move forward and be finalized at the next council
48 meeting, and then this gillnet component can take a little bit

1 longer.

2

3 **CHAIRMAN DIAZ:** Mr. Rindone.

4

5 **MR. RINDONE:** Thank you, Mr. Chair. Just for additional, I
6 guess, prioritization clarification on that, it seems like our
7 priority should be to finish this one up before we dedicate a
8 lot to this season modification for gillnets.

9

10 **CHAIRMAN DIAZ:** Ms. McCawley.

11

12 **MS. MCCAWLEY:** Yes, that's my intent.

13

14 **CHAIRMAN DIAZ:** Okay, and so that's the way we're proceeding
15 right now, will be two separate documents. Any further
16 discussion on this motion? **Is there any opposition to this**
17 **motion? Seeing no opposition, the motion carries.** Mr. Anson.

18

19 **MR. ANSON:** Mr. Chair, that concludes my report.

20

21 **CHAIRMAN DIAZ:** Okay. Ms. Bosarge.

22

23 **MS. BOSARGE:** Just a follow-up on that discussion with staff,
24 and so we'll see that other document in June, and this one here,
25 the separate framework that we just voted on, we could possibly
26 see that in August?

27

28 **MR. RINDONE:** You could see options for it in August, and so,
29 just to give you guys an idea about timing here, even if we went
30 final on it in August, it still wouldn't be in effect in time
31 for the start of the gillnet fishing season after Martin Luther
32 King Day in January 2023, and so going final in -- Even if we
33 went final in August, it wouldn't be in place for their 2023
34 fishing year.

35

36 The need to really go wide open throttle on this -- From a
37 timing perspective, it doesn't help them for that fishing
38 season, and the soonest it would be in place anyway would be for
39 the 2024 gillnet fishing activity.

40

41 **CHAIRMAN DIAZ:** Ms. Bosarge.

42

43 **MS. BOSARGE:** We would be pretty close. When is Martin Luther
44 King Day? January what?

45

46 **MR. RINDONE:** It's usually the first Monday after January 15, I
47 think, or something like that. It's the second Monday of the
48 second full week of January, I think is when it's normally

1 scheduled.

2

3 **MS. BOSARGE:** So August, September, October, November, December,
4 January. It would be five months.

5

6 **MR. RINDONE:** Yes, and, well, you figure, after the August
7 meeting, it usually takes a few weeks to dot all the Is and
8 cross all the Ts and transmit, and NMFS has other things that
9 may step in front, from the priority perspective, but, even if
10 they didn't, it would be six months from that point.

11

12 **MS. BOSARGE:** Okay. Well, I just want to make clear that this
13 doesn't need to go in that black hole that some of these other
14 commercial amendments have gone in, you know when we talked
15 about commercial carryovers and stuff, and it's not a priority
16 level that low, but it's simply one priority behind the
17 amendment that we're already working on, and so I hope we can
18 see it in August, if possible.

19

20 **MR. RINDONE:** Sure, and I'm sure that Bill Kelly will make sure
21 that we don't forget about it.

22

23 **CHAIRMAN DIAZ:** Is there any further business for the Mackerel
24 Committee? Seeing none, we're going to take a pretty long break
25 right now, and so some folks need to check out of the hotel.
26 Let's come back at ten minutes after ten, and we'll get started
27 back up, and we'll follow our agenda as it's written, with the
28 Data Collection Committee. 10:10. Thank you.

29

30 (Whereupon, a brief recess was taken.)

31

32 **CHAIRMAN DIAZ:** Ms. Boggs, are you ready for Data Collection?

33

34 **MS. BOGGS:** Yes, sir.

35

36 **CHAIRMAN DIAZ:** You can proceed whenever you're ready.

37

38 **DATA COLLECTION COMMITTEE REPORT**

39

40 **MS. BOGGS:** Thank you, Mr. Chair. The committee adopted the
41 agenda, as written and approved the minutes of the January 2022
42 meeting, Tab F, Number 2, as amended.

43

44 Modification to Location Reporting Requirements for For-Hire
45 Vessels and Equipment Failure Exemption Implementation Plan, Tab
46 F, Numbers 4(a) and (b), council staff reviewed the latest
47 version of the framework action, Tab F, Number 4(a), and
48 Southeast Regional Office (SERO) staff provided a presentation,

1 Tab F, Number 4(b), on the technical aspects of implementing the
2 equipment failure exemption.

3
4 A committee member asked if it was necessary to include language
5 in the document that would stipulate future progress reports on
6 the program. SERO agreed that regular updates to the council
7 are needed, and it would not be necessary to include any formal
8 language in the document to achieve those updates.

9
10 A committee member asked for clarification on dually-permitted
11 for-hire and commercial participants and the equipment failure
12 exemption. SERO staff responded that those individuals would be
13 subject to the more stringent commercial regulations, and the
14 equipment failure exemption would not apply to them.

15
16 The committee member also asked if any participant had reported
17 any vessel monitoring system (VMS) issues so far, and SERO staff
18 replied that no issue had been reported, to date. Council staff
19 asked for clarification regarding who would be able to submit an
20 equipment failure exemption, the permit holder or the vessel
21 operator, or both. SERO staff indicated that the permit holder
22 would be responsible for submitting the equipment failure
23 exemption. Thus, the document would be updated with that
24 clarification for final action in June.

25
26 Update on Southeast For-Hire Integrated Electronic Reporting
27 (SEFHIER) Program, Tab F, Number 5, SERO staff provided an
28 update report, which included summary information on program
29 compliance, Tab F, Number 5. Additionally, the presentation
30 proposed a modification to the hail-out regulation language that
31 would exempt a declaration report for non-fishing trips with a
32 duration less than an hour.

33
34 A committee member stated that several stakeholders had reported
35 difficulty reaching SEFHIER staff to obtain information about
36 the program from the help call line. However, it was possible
37 they were not calling the official helpline. SERO staff
38 directed the committee to the contact information included in
39 the presentation and indicated that recent inquiries to the
40 SEFHIER call line had been regarding set up of the VMS units and
41 reporting requirements.

42
43 A committee member asked about the rationale on the recent
44 decision to cap the reimbursement for cellular VMS devices at
45 \$950. SERO staff indicated that, previously, the reimbursement
46 fund had prioritized the SEFHIER program. However, the
47 nationwide fund was now executing payments to SEFHIER
48 participants on a first-come-first-serve basis. The new maximum

1 reimbursement value is based on the average price for a cellular
2 VMS unit.

3
4 The committee asked why compliance for the program was not
5 higher and what steps could be taken to increase buy-in. SERO
6 staff indicated that non-compliant permit holders would not be
7 able to renew their permits, and it is likely compliance will
8 increase as permit renewal applications are submitted throughout
9 the year. Additionally, VMS information is now available, to
10 determine whether these observations are due to latency or are
11 attributable to non-compliance.

12
13 Another committee member asked whether SERO had encountered any
14 technical issues with data reporting, management, or storage,
15 especially related to data sent to the Office of Law Enforcement
16 (OLE). SERO staff replied that two dedicated technicians were
17 working on integrating the OLE and SEFHIER databases.

18
19 The committee discussed the merits of the proposed modification
20 to the trip declaration, i.e., hail-out, requirements. Several
21 committee members indicated that one hour may not allow enough
22 time to complete non-fishing tasks that may require the vessel
23 to leave the dock.

24
25 The committee also discussed the pros and cons of including an
26 action to address the hail-out issue into the existing VMS
27 exemption document. While combining these efforts in one
28 document would be advantageous, the committee agreed that
29 greatly extending the equipment failure exemption implementation
30 timeline should be avoided. The committee decided to proceed
31 with exploring actions to reduce the burden associated with
32 multiple hail-outs for a single for-hire trip and provide staff
33 flexibility to proceed as efficiently as possible with document
34 development.

35
36 **The committee recommends, and I so move, to direct staff to**
37 **develop an abbreviated framework document addressing the trip**
38 **declaration requirements.**

39
40 **CHAIRMAN DIAZ:** We have a committee motion. Is there any
41 discussion on the motion? **Seeing no discussion, is there any**
42 **opposition to the motion? Seeing none, the motion carries.** Ms.
43 Boggs.

44
45 **MS. BOGGS:** The committee discussed the frequency of SEFHIER
46 updates at future meetings. The committee generally agreed that
47 summary updates on compliance numbers would be helpful at each
48 meeting, with the potential to decrease the frequency of the

1 updates in the future. The committee also requested a report of
2 preliminary summary data collected from the program sometime in
3 early 2023, to assess program outputs and help identify any data
4 collection issues observed during the first year of full program
5 implementation.

6
7 NMFS-SERO Use of Council Funding Utilized by the Permit Office,
8 SERO staff indicated that funds acquired from the council last
9 year had been applied to overhauling and expanding the permit
10 application system. The improvements to the system have reduced
11 errors and decreased the amount of required paperwork. SERO is
12 currently working on outreach and education approaches to help
13 introduce the system to permit applicants. At a future meeting,
14 Mr. Kevin McIntosh will present more technical information to
15 the council.

16
17 Update on Workshop to Evaluate State-Federal Recreational Survey
18 Differences, staff with the Office of Science and Technology
19 provided an overview on a two-day workshop convened in late
20 February to address a congressional mandate to investigate
21 recreational fishery surveys and work to complete the transition
22 process for estimating recreational harvest. A report from the
23 workshop, including recommendations from independent statistical
24 consultants, will be made available soon. The Gulf Transition
25 Team will meet again on April 13th.

26
27 A committee member asked about a tentative timeline for
28 completing the transition process. OST staff indicated that
29 long-term research projects to investigate survey differences
30 would take several years. In the short-term, progress has been
31 made to investigate the use of Florida recreational survey data
32 in the recent gag stock assessment analysis.

33
34 Council staff inquired as to whether the recent work with the
35 transition team would be used to modify the previously-published
36 NMFS paper titled "Recommended use of the Current Gulf of Mexico
37 Surveys of Marine Recreational Fishing in Stock Assessments",
38 and OST staff stated that paper would need to be updated.

39
40 Council-staff-suggested updates to the document also include
41 information on integrating calibrated data into the stock
42 assessment process and outline implications for management. OST
43 staff agreed to continue keeping the council informed on the
44 transition process.

45
46 Other Business, a council member asked about the feasibility of
47 including additional questions in the SEFHIER reporting that
48 could assist with filling data gaps with information necessary

1 for considering ecosystem-based management approaches. SERO
2 staff replied that additional reporting questions were subject
3 to stipulations within the Paperwork Reduction Act and that
4 program vendors would have to be consulted when modifying
5 electronic reporting requirements.

6
7 Another committee member inquired when NMFS would be able to
8 report information on wenchman snapper to the council's
9 Scientific and Statistical Committee. Southeast Fishery Science
10 Center staff replied they were not sure what that timeline would
11 be, but could follow up at Full Council.

12
13 SERO staff reported the South Atlantic Fishery Management
14 Council had begun work on the development of a document to
15 implement commercial electronic reporting and suggested that the
16 IPT include Gulf staff members, so that the document could be a
17 joint action. The Gulf has had this item on the action schedule
18 for some time and would work to bring draft options to the
19 council in June. The action will allow for existing paper
20 commercial logbooks to be submitted electronically. Mr. Chair,
21 this concludes my report.

22
23 **CHAIRMAN DIAZ:** Thank you, Ms. Boggs. Any -- Ms. Bosarge.

24
25 **MS. BOSARGE:** In Susan's presentation, or in her committee
26 report, there's a couple of things that seem be going on, and I
27 think we need to maybe look at this more holistically, and so we
28 have an amendment right now where we're working on giving them
29 some sort of leniency and leeway when they have equipment
30 malfunctions, which I completely agree with, and I think that's
31 great.

32
33 We're probably going to have another amendment where we need to
34 look at giving them some leeway, so that they don't have to
35 hail-in and hail-out every time they go to get fuel or ice or
36 bait, and we heard some public testimony from one of the
37 fishermen that said you realize that this cellular device, which
38 is the only ones that we can get reimbursed for now, actually
39 has to go on top of the boat with a clear view to the sky, and I
40 have no way of -- There is nothing inside the boat telling him
41 whether it's working or not, and I have no way of knowing
42 whether that thing is actually transmitting unless I crawl up on
43 top of the boat every couple of hours and make sure that the
44 light is on.

45
46 Now, that is going to be a hefty fine for him if it's not
47 transmitting and law enforcement sees that somehow, and we don't
48 usually get small fines, in the commercial world, and so I'm

1 guessing it's going to be a four-figure fine. At a minimum,
2 probably five-hundred-bucks, and so the point is that I feel
3 like part of the issue, the reason that we're having to go
4 through so much work on the council side, is because they have a
5 program that they asked for, and they wanted to report their
6 landings.

7
8 They wanted that system set up, and we did that piece of it
9 through the Science Center, but then we had this separate piece,
10 which is only for validation of that scientific data, that we
11 sent through a different entity, and we're sending it through
12 law enforcement, and, in law enforcement's defense, they have to
13 have a clear line between black and white, right, and they don't
14 need a bunch of gray area.

15
16 There is very little wiggle room, when you go through that
17 entity, and, in fact, we had a whole presentation from SERO
18 staff on how many workgroups it took just to get a form ready so
19 that they could have an equipment failure exemption. I mean,
20 it's a lot of work, and so is there any way that we can get
21 their whole system under the Science Center, so that they can
22 have some leeway, so that we understand that this is for
23 scientific purposes?

24
25 I think Mr. Boggs made the best -- Had the best comment on this,
26 and he said, guys, where we came from, we had a voluntary system
27 that we asked you all to set up, and you've done that, so that
28 we could report. If you get 80 percent of the validation piece,
29 right, the VMS piece, because you're getting all of the logbook
30 part, where the actual effort and landings is coming in at, and,
31 if you get even 80 percent of the VMS side that you're only
32 using for validation, that's pretty dang good, but we can't give
33 them that leeway with it going through OLE.

34
35 I just -- At some point, I think we need to brainstorm and find
36 a way so that this can truly be a scientific program, and we can
37 give them the leeway that they need to get us the scientific
38 data that they want to give us without penalizing them so much.

39
40 **CHAIRMAN DIAZ:** Ms. Bosarge, are you specifically asking the
41 question of Mr. Strelcheck or Dr. Walter?

42
43 **MS. BOSARGE:** I am looking around the room and hoping that we
44 can have this discussion, and let's be proactive, rather than
45 continuously having to be reactive and come up with a new
46 amendment every time that we have to revamp something.

47
48 **CHAIRMAN DIAZ:** Ms. Levy.

1
2 **MS. LEVY:** Well, I mean, I guess I have a question, because it's
3 not clear to me what difference it makes, in terms of where the
4 data is going. The reason we're doing this is because the
5 program that the council set up requires a VMS, functioning all
6 the time, with no exception.

7
8 That's something that the council made a decision about, but
9 then folks want to change, because they're concerned about
10 potential equipment failure, and the same thing with the trip
11 declaration. The amendment that the council put in place
12 specified the trip declaration every time you go on a trip,
13 regardless of whether it's fishing or not, and so these are
14 council decisions, and it's not a matter of it being OLE or the
15 Science Center.

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

18
19 **MS. BOGGS:** I heard Leann, and I have now heard Mara, and maybe
20 part of -- I don't know that there's another route for the VMS,
21 as far as the monitoring of it, and I don't disagree that, yes,
22 that's what the council asked for, and so we have to do that,
23 unless we change it, which I don't think we will, but if there's
24 -- Because that I hadn't really thought about, and maybe --
25 Well, I do know, and, I mean, people don't like big brother
26 watching.

27
28 Now, if you're doing it for validation purposes, but, again, Mr.
29 Boggs was talking about, you know, you throw out these fines,
30 and it scares everybody to death, and now they're running around
31 to make sure that, pardon me, it's CYA. You know, if there
32 maybe is another way that you can use the VMS for your
33 validation piece, because that's what it was intended for, I
34 believe, and not for this enforcement and to scare these
35 captains, because we had that discussion at one meeting, and I
36 remember it very clearly, and the gentleman from OLE was -- I
37 mean, he was brutal, and it scared me, because I'm thinking, you
38 know, I can't mess up.

39
40 So I think the messaging, through this whole process, has not
41 been maybe the best messaging that it could be, and I don't know
42 that there's an option, but we need to give these captains some
43 comfort, is the best way I know to say it, that they're not
44 going to lose a trip, and they're not going to get these big
45 fines, and they're doing everything they can to comply, and are
46 there going to be mistakes? Of course there are, but, anyway,
47 thank you.

48

1 **CHAIRMAN DIAZ:** Ms. Levy.

2
3 **MS. LEVY:** Well, I will just say that, I mean, yes, it's for
4 validation, but it serves an enforcement purpose as well, and
5 not an enforcement purpose in terms of enforcing closed areas
6 and such like the commercial VMS, but it serves as an indicator
7 as to whether people are going on trips and not reporting, and
8 so it does serve an enforcement purpose, and, again, those are
9 the -- It's not a matter of where the data goes, right, and it's
10 a matter of how the program was set up.

11
12 **CHAIRMAN DIAZ:** Ms. Bosarge.

13
14 **MS. BOSARGE:** Mara, I thought, when we did that amendment --
15 Because we had a whole lot of discussion about VMS or not VMS,
16 and I thought the way we wrote that up is that we wanted a
17 device permanently affixed to the boat that was tracking
18 location, either VMS or an archived GPS, and so we didn't say
19 you have to have a VMS on your boat. We gave it some leeway.

20
21 **CHAIRMAN DIAZ:** Ms. Levy.

22
23 **MS. LEVY:** Okay, and so it's the same discussion that we're
24 having with shrimp. Under the definition of VMS, a cellular
25 device that archives the data and sends it is a VMS, and the
26 regulations were changed to allow for approval of that type of
27 device, and so, I mean, it's not a different type of device. It
28 can either have one that archives and sends, which is the
29 cellular, or they can have a satellite.

30
31 **CHAIRMAN DIAZ:** Ms. Bosarge.

32
33 **MS. BOSARGE:** Well, so but NMFS came in and put that regulation
34 in place after the council finalized that amendment, and, in
35 that amendment, we specifically went through a whole lot of
36 discussion to make sure that the for-hire sector would have an
37 option other than VMS, because there was a large portion of the
38 for-hire -- There was a portion of the for-hire sector, mainly
39 out of Louisiana, that didn't want a VMS, and so we put in there
40 an archived GPS system, and we intended that to mean not a VMS
41 and something else that archives position.

42
43 Now, in 2020, late 2019 or 2020, that is when NMFS came in and
44 said, oh, well, guess what? We have determined now that that's
45 a VMS too, and so you have to have a VMS, and that's the only
46 option for you, and so NMFS came in after the fact, and I think
47 that's kind of what is causing some animosity here between your
48 fishermen and this regulation, because OLE is now coming in,

1 after the fact, and saying, well, you know, we sold this bill of
2 goods to you that you would get reimbursed for these devices,
3 any of these VMS devices, and now we're telling you that, no,
4 you can only get reimbursed for cellular ones, and we're now,
5 instead of reimbursing you for the full cost of the device, the
6 way we've always done, we're going to take some average cost,
7 and that's all we'll reimburse you, and we won't actually
8 reimburse you for your cost.

9
10 This is the set fee, and so things are getting -- I just feel
11 like the fishermen are starting to get screwed a little bit
12 here, and, if we don't push back, as the council, I don't see
13 where they have a leg to stand on.

14
15 **CHAIRMAN DIAZ:** Okay. I am not seeing any further discussion.

16
17 **MR. STRELCHECK:** Dale, I want to weigh-in. Dale, can I speak?

18
19 **CHAIRMAN DIAZ:** Mr. Dugas first, and then Mr. Strelcheck. Mr.
20 Dugas.

21
22 **MR. DUGAS:** Thank you, Mr. Chair. This all took place before my
23 time on the council, and, from what Mr. Boggs said yesterday --
24 He specifically said that it was asked to be voluntary, and now
25 I feel like we're going down the path of trying to micromanage
26 these captains, and I don't think that that's what we should be
27 doing.

28
29 What I would like to see is us go back to some sort of voluntary
30 reporting, and I don't know if it's too late in the game to do
31 that or not, but I think that's what is fair for these guys,
32 because some guys want it, and some don't.

33
34 **CHAIRMAN DIAZ:** Mr. Strelcheck.

35
36 **MR. STRELCHECK:** I think there's some semantics here, and I'm
37 not going to go back and debate, obviously, whether we call it
38 VMS or an archival GPS. I also think there's some decisions
39 that this council has made, and some of the members are
40 currently still on, and some aren't, but, as Mara points out, I
41 mean, there were clear decisions made with regard to
42 recommendations to the agency and how we implement the SEFHIER
43 program, and we've implemented that, and so now, obviously,
44 hindsight is twenty-twenty.

45
46 If we had thought about some of these things upfront, maybe we
47 would have avoided them, and we would have made changes earlier
48 on, but we're bringing them back to the council, and we're

1 trying to be forward looking and flexible and trying to focus on
2 some adaptations and changes that we think are good for the
3 program, and this isn't because it's going to law enforcement.
4 This is because the council specified, and we wrote a rule, that
5 says this is how we are going to implement this program, and, in
6 order to then change those rules and regulations, we need the
7 council to come in and make those modifications.

8

9 In terms of the whole issue of VMS and it being as part of the
10 Office of Law Enforcement, if you recall, the final action for
11 the SEFHIER program is when the preferred alternative changed,
12 and that's when we went forth with these cellular devices. At
13 the same time, across the country, there was other cellular
14 devices being considered by other councils and science centers,
15 and the agency, as you would hope that any government would do,
16 was looking for efficiency, in order to ensure that we had clear
17 guidance with regard to the approval and acceptance of these
18 devices, and so we put together a rulemaking, yes, through the
19 Office of Law Enforcement, to ensure that we could have a -- I
20 will say a one-stop shop, a unified system across the country,
21 for these devices to be used.

22

23 Whether you're working in the Southeast or working anywhere
24 else, it created, obviously, that efficiency for use in
25 fisheries management, and so I get, obviously, the opposition to
26 it going to law enforcement, but there was reasons, valid
27 reasons, why the agency, obviously, took that path.

28

29 **CHAIRMAN DIAZ:** Ms. Boggs.

30

31 **MS. BOGGS:** So I have three quick things, and I do want to come
32 back to this VMS reimbursement program. I do -- As someone that
33 has two VMS units, I was a little surprised to see it go from
34 reimbursement to this value now of \$950. I will say though that
35 my understanding, at the beginning of this, is they would offer
36 reimbursements as long as funds were available, and it was not a
37 guarantee, and that's how I always understood it, and that's how
38 I've always relayed it to the captains that have talked to me.

39

40 Now, right or wrong, but still -- Now they're saying, instead of
41 me getting full reimbursement for my \$2,033 VMS, I'm only going
42 to get \$950. Okay. That clears that up.

43

44 Far be it for me to tell a man that he is wrong, but I believe
45 Mr. Boggs misspoke yesterday, or it was misinterpreted, because
46 the fishermen came to this council, and they asked for this, and
47 so I think what he was saying is they voluntarily came to the
48 council and requested this program, and so they are looking to

1 this council to say, hey, we're offering to give you this
2 information, and now help us get it to you, but let's not be
3 burdensome.

4
5 The other thing that I want to clarify, because I've had a
6 couple of fishermen ask me, yesterday, about, in Dr. Stephen's
7 presentation, about this declaration for the dually-permitted
8 commercial reef fish and for-hire vessels, and they were
9 concerned that the council needed to take action, but the way I
10 understood that, and I'm looking at the slide now, it says we
11 believe this can be handled administratively, without council
12 action, but I did have several fishermen ask me about that, and
13 I just wanted to be clear, on the record, if they're listening
14 today, that that's how the presentation was.

15
16 Now, if the agency deems that the council needs to take action,
17 as Andy just said, they will come back to us and ask the council
18 to take the action, and so I did want to clarify those three
19 points. Thank you for the time.

20
21 **CHAIRMAN DIAZ:** Thank you, Ms. Boggs. Any further discussion?
22 Ms. Levy.

23
24 **MS. LEVY:** Well, so just one clarification about the
25 reimbursement, and NMFS can correct me I'm wrong, but I believe
26 that cap on cellular units went into effect if you bought the
27 unit after March 24, and so, I mean, the requirement went into
28 effect for March 1, and so, if you actually bought the unit
29 consistent with when it was going to be effective, I don't think
30 that that cap applied, and so I'm just throwing that out there.

31
32 **CHAIRMAN DIAZ:** Ms. Bosarge.

33
34 **MS. BOSARGE:** All right. Different topic. Wenchman, and do we
35 still have Dr. Walter on the line? I think we do. He's
36 dedicated, and he got off the plane and got right on the
37 webinar, and so thanks. On wenchman, Dr. Walter, do you think
38 that it would be possible for you to have some data ready for
39 the briefing book for the next SSC meeting, if Dr. Simmons feels
40 like she can squeeze that onto their agenda? I know that agenda
41 has got to be published I think maybe the end of this week, but
42 can you get whatever data you have for wenchman rounded up in
43 time to get it in the briefing book for the next SSC meeting, so
44 that they can start that discussion?

45
46 **DR. WALTER:** Mr. Chair, can I respond?

47
48 **CHAIRMAN DIAZ:** Go ahead, Dr. Walter, and then Mr. Rindone.

1
2 **DR. WALTER:** Okay, and so, from our perspective, May is going to
3 be really tight, because that's when the next SSC meeting is,
4 because we would need to have basically two weeks to produce
5 something to get it in the briefing book. I think Mr. Rindone
6 can speak to how packed the SSC meetings are, and I have
7 consulted with staff, and the September one would be easier.

8
9 We might be able to stretch it for the July SSC meeting, if
10 there was space on that SSC meeting, and so it depends on where
11 they would be space, and then we might have to limit the request
12 to only to wenchman, rather than the entire mid-water snapper
13 complex, to get it in July, but the May is just too tight of a
14 timeframe. Thanks.

15
16 **CHAIRMAN DIAZ:** Okay. Mr. Rindone.

17
18 **MR. RINDONE:** Thank you, Mr. Chair, and Dr. Walter is correct.
19 We have less than an hour of time that can be filled for the May
20 SSC meeting, and that's provided that everything else goes
21 according to the amount of time that I've allotted for stuff on
22 the agenda, and, kind of like how fish don't abide by lines on a
23 map, the SSC doesn't always abide by the amount of time that I
24 put on the agenda for certain items.

25
26 For the July meeting, to give you guys a scope of what we're
27 looking at for that, we're looking at reviewing the SERFS
28 information, and, for gag, we have further development, and
29 hopefully some finishing up of the ABC Control Rule discussion,
30 and then we have the discussion about the discards request from
31 the Reef Fish AP, the Data Collection AP, and from the council,
32 and so there would be more time for this in July.

33
34 The other thing to think about is the scope of the request that
35 you guys made, which was to look at this for all the mid-water
36 snappers, and, if we're going to be setting a wenchman-specific
37 catch limit, then another thing that would need to be done would
38 be to look at the fishery-independent monitoring information,
39 which the Science Center, with enough time, can develop and
40 provide to the SSC, and so build a better base of justification
41 for breaking wenchman out of that mid-water snapper complex and
42 setting a separate catch limit for that species independent of
43 the complex, and I don't think that discussion can happen in the
44 span of forty-five minutes to an hour.

45
46 **CHAIRMAN DIAZ:** Thank you, Mr. Rindone. Dr. Simmons.

47
48 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair. Dr. Walter

1 and I talked a little bit about this yesterday, and I think the
2 idea of bringing just wenchman, with some updated landings and
3 getting any other permit type of information, or gear type
4 information, we have, life history, any of that, and I think we
5 could do that in July. I think that, in our staffs, we could do
6 that in July and pull that out.

7
8 The larger request though, I agree, and I think it's going to
9 have to wait until probably September, because of the
10 alternative models that I think you asked the Science Center to
11 look at for the whole mid-water snapper complex, and I think
12 that's a little bit -- That's going to take a little bit more
13 time. The other thing is we need to make sure we have the
14 fishermen there at the table that we need, and so, if we can do
15 that in July, for wenchman specifically, then we will shoot for
16 that.

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

19
20 **MS. BOSARGE:** Thank you, and so July. That sounds -- Well, it
21 doesn't sound good, but I will deal with it, but can we please
22 get the fishermen and the wenchman data in July? I mean, they
23 asked for this last year, and they're going to hit that quota
24 again, and it's starting to affect the for-hire fishermen,
25 because it's in a complex, and they fish for some of those other
26 fish in that complex, and so it's starting to be an issue for
27 more than just commercial fishermen, and so, I mean, it's data-
28 poor. Pull whatever data we have and put it in front of the
29 SSC, and let's get moving on this thing. Thank you.

30
31 **CHAIRMAN DIAZ:** Thank you, Ms. Bosarge. Dr. Simmons.

32
33 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, and so we'll be reaching
34 out to you, Ms. Bosarge, and probably Mr. Anson, to make sure
35 we're getting the right fishermen that we need, and the contact
36 information, at that meeting and that they're available.
37 Thanks.

38
39 **CHAIRMAN DIAZ:** Mr. Anson.

40
41 **MR. ANSON:** Just to that point, I know he came, or one of the
42 fishermen, came and testified, and I think, in part of that
43 discussion, there was the issue of confidentiality of the
44 landings, and so we might need to get him, or others, to sign
45 some sort of waiver, so that the SSC can look at the landings at
46 that detail.

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

1
2 **MR. PETER HOOD:** This isn't to wenchman, and so I don't know if
3 you're done with that conversation or not.

4
5 **CHAIRMAN DIAZ:** Any further discussion on wenchman? Okay.
6 Thank you for bringing that up, Ms. Bosarge. Go ahead, Mr.
7 Hood.

8
9 **MR. HOOD:** I'm sorry, and I should have jumped in a little bit
10 earlier, but back to the abbreviated framework document, and
11 usually we bring you some options, and I know we heard, in terms
12 of trip declaration and when it needs to be done, and Dr.
13 Stephen had suggested a one-hour limit, but then we heard, from
14 testimony, I think ninety minute and two hours and some other
15 things, and so are you more or less looking at just some time
16 options there, in terms of when to do their reports, or were you
17 looking for anything else?

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

20
21 **MS. BOGGS:** Thank you for the question, Peter. I mean, I think
22 time is what they're looking for. That's kind of what I picked
23 up on the testimony yesterday. I think my -- Well, I don't
24 think, and I know the ping is like once every hour, and so
25 you're probably going to have to do it in hour intervals, but I
26 think time is what would be most sufficient and easy to manage.

27
28 **MR. HOOD:** Okay. Thank you.

29
30 **CHAIRMAN DIAZ:** Any further discussion for the Data Collection
31 Committee? Seeing none, we're going to close this committee
32 out, and we're going to move right into our next agenda item,
33 which is going to be Reef Fish. Dr. Frazer.

34
35 **REEF FISH COMMITTEE REPORT**

36
37 **DR. FRAZER:** Thank you, Mr. Diaz. I hope everybody is
38 comfortable. All right. The committee adopted the agenda, Tab
39 B, Number 1, after adding two items to Other Business, a
40 discussion of the Reef Fish Advisory Panel (AP) motion regarding
41 permit leasing and discussion of the recent rule change for
42 goliath grouper by the Florida Fish and Wildlife Conservation
43 Commission. Council staff also noted the addition of a
44 discussion of the rebuilding plan and timeline for gag grouper
45 under Tab B, Number 8. The minutes, Tab B, Number 2, from the
46 January 2022 meeting were approved as written.

47
48 Review of Reef Fish and IFQ Landings, Tab B, Number 4(a) and

1 (b), and Review of 2022 Federal For-Hire Season Projection, Tab
2 B, Number 4(c), Ms. Kelli O'Donnell of the NMFS Southeast
3 Regional Office reviewed preliminary 2021 commercial and
4 recreational landings.

5
6 Ms. O'Donnell stated that recreational landings updates are
7 provided in June and October, based on when the data are
8 finalized each year. Reporting for MRIP-FES does not occur
9 until at least forty-five days after the end of a two-month MRIP
10 data collection wave, and those data are often not finalized
11 until a year or more after the end of that calendar year.

12
13 A committee member still thought that having all landings data
14 regularly reported to the committee was essential and requested
15 that the link to the SERO annual catch limit monitoring webpage
16 be provided in the briefing materials.

17
18 SERO staff is preparing the red snapper season projection for
19 the for-hire component, and expects the season will be
20 approximately seventy to eighty days in duration, with a start
21 date of June 1.

22
23 Red Snapper Private Recreational Component 2021 Landings Summary
24 and 2022 Season Projections, Tab B, Number 5, Alabama, Alabama
25 opened its 2021 season on May 28th, with the season open Friday
26 through Monday, for a total of 124 days. Reporting of red
27 snapper, and now greater amberjack and gray triggerfish, is
28 mandatory for private anglers through Alabama's Snapper Check
29 system.

30
31 Alabama requires a reef fish endorsement to harvest reef fish
32 species. Alabama estimates that it landed approximately 939,000
33 pounds of its 1,122,662-pound ACL in 2021. For the 2022 fishing
34 season, Alabama will open the fishing season on May 27th, on
35 Friday through Monday, with a two-fish bag limit and a sixteen-
36 inch total length minimum size limit.

37
38 Because federal for-hire vessels will be required to report
39 through the federal system, they will no longer be required to
40 report through Snapper Check. Compliance with the mandatory
41 reporting requirement is expected to increase through outreach
42 and education and enforcement. Alabama noted that catch-per-
43 unit-effort has decreased some over time. SERO recommended
44 overlaying explanatory variables for interesting changes in
45 trends in harvest, such as tropical weather events. Alabama
46 added that observed average weights have fluctuated for private
47 vessels and decreased for for-hire vessels.

1 Florida, Florida opened its 2021 season on June 4, with the
2 season open for fifty-five days. It ended on July 28. Florida
3 estimates that it landed approximately 113 percent of its
4 1,913,451-pound ACL in 2021, necessitating a payback in 2022.
5 For the 2022 fishing season, Florida will have an ACL of
6 1,657,163 pounds, to account for the 2021 payback.

7
8 The 2022 season has not yet been announced, but will be informed
9 by past landings and effort and with consideration of the
10 interest in a potential fall season. Florida requires a free
11 annual State Reef Fish Angler License to harvest reef fish.

12
13 Louisiana, Louisiana opened its 2021 season on May 28, with the
14 season open Friday through Sunday, plus Monday holidays, for a
15 total of 146 days. The fishing season was closed after Labor
16 Day, but later reopened, due to lower projected effort resulting
17 from Hurricane Ida. Louisiana estimates that it had a harvest
18 overage of 6,918 pounds in 2021, necessitating a payback in
19 2022.

20
21 For the 2022 fishing season, Louisiana will account for the 2021
22 payback and will maintain a two-fish bag limit and a sixteen-
23 inch total length minimum size limit. The 2022 season has not
24 yet been announced, but will start the Friday before Memorial
25 Day and will consider a weekends-only and continuous-season
26 option and social and economic data. Louisiana requires a free
27 recreational offshore landing permit for private anglers and has
28 observed an increase in the average weight of landed fish.

29
30 Mississippi, Mississippi opened its 2021 season on May 24, for a
31 total of 119 days. Mississippi uses both continuous fishing and
32 weekends-only fishing throughout its season, with a mid-season
33 summer closure. The fishing season was affected by lower than
34 projected effort, due to Hurricane Ida. Mississippi estimates
35 it harvested 143,042 pounds of its 151,550-pound ACL in 2021.

36
37 For 2022, Mississippi will open fishing on May 27, maintain a
38 two-fish bag limit and a sixteen-inch total length minimum size
39 limit and anticipates an August re-opening. The average weight
40 of fish landed by private anglers has increased marginally year-
41 over-year. Mississippi added that it observes a 95 percent
42 compliance rate for its mandatory Tails 'n Scales reporting
43 mobile application, which recently received an award from the
44 American Fisheries Society.

45
46 Texas, Texas previously used simulation modeling to project its
47 season durations. In 2021, quota monitoring was performed using
48 its Marine Sport Harvest Monitoring Program and the voluntary

1 iSnapper mobile application.

2
3 Texas opened its 2021 season on January 1, with the season open
4 continuously for 318 days, until November 15th. The fishing
5 season was closed earlier than anticipated, due to a larger
6 observed average weight of landed fish and favorable fishing
7 weather in the summer.

8
9 For the 2022 fishing season, Texas will maintain a two-fish bag
10 limit and a sixteen-inch total length minimum size limit in
11 federal waters and a four-fish bag limit and fifteen-inch total
12 length minimum size limit in state waters. Ms. Bosarge. We're
13 almost done with Texas.

14
15 The mean weight of landed fish was reported as 6.6 pounds, with
16 a mean length of 22.4 inches total length. The 2022 season
17 duration has not yet been announced, and there is no required
18 offshore or reef fish permit for private anglers.

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

21
22 **MS. BOSARGE:** I was wondering, and, Andy, this might be a
23 question for you. I know we have that holdback provision on the
24 commercial side, and then, a long time ago, we also -- It seems
25 like we took some action, commercially, that, if there was a
26 quota increase that didn't come until late in the year, that you
27 wouldn't push it out, because one time we got hit with a huge
28 increase, like in the last quarter of the year, and it created
29 like a derby situation, but, anyway, and so my question, Andy,
30 is we passed a -- We took final action on an amendment last year
31 to bump up that red snapper quota by like 400,000 pounds or
32 something, and that, I assume, has not been pushed out to the
33 commercial guys yet, because you haven't implemented that, and
34 when are you going to implement it, and I want to make sure that
35 they will actually get that this year, and I don't want that to
36 be held out, that little bit, just because it's the last quarter
37 or something.

38
39 **CHAIRMAN DIAZ:** Mr. Strelcheck.

40
41 **MR. STRELCHECK:** In response to Leann, we have been working on
42 the rulemaking for that action, and we're expecting to publish a
43 proposed rule I would expect in the next month, and we will be
44 going through rulemaking, with a proposed rule, obviously, over
45 the summer, and then the final rulemaking in the fall.

46
47 Timing-wise, we don't have any requirements to hold back a quota
48 increase at the end of the year, and there is no regulation that

1 would prevent a release of the quota at the end of the year,
2 like you're suggesting, and I do recall talking about that, but
3 I will be clear that, with our rulemaking right now, the
4 intention is to have that effective in time for the 2023 season.

5
6 While I have the mic, it was mentioned, during committee, that
7 there is several overages that the states have reported. As a
8 requirement, we will be publishing a Federal Register notice,
9 just officially documenting, obviously, those overages and
10 specifying the quota adjustment for 2022, and I appreciate the
11 states acknowledging the overages and taking those into account
12 as they set their seasons.

13
14 **CHAIRMAN DIAZ:** Ms. Bosarge.

15
16 **MS. BOSARGE:** So you're saying that we won't be able to access
17 that, and I'm sorry, Andy, but so we see, a lot of years now --
18 We've seen recreational overages, sometimes to the point that it
19 puts us over the OFL, and the commercial has a chance to finally
20 get a bump in quota, and we're not going to be able to get it
21 until 2023, yet there is, you know, very likely that the recs
22 may get to catch their quota and that bump, just because of the
23 way they're managed, because we can't always hold them to what
24 we want to constrain the catch to, and so I'm just getting
25 frustrated. We're not going to get these new quotas until 2023?

26
27 **CHAIRMAN DIAZ:** Andy, I want to make sure you're talking about
28 the same thing, and so Ms. Bosarge is talking about the quota
29 increase that was approved at previous meetings, and not the one
30 that we dealt with at this meeting, and so, anyway, I just want
31 to make sure you all are talking about the same thing.

32
33 **MR. STRELCHECK:** We are talking about the same thing, and that
34 is a combined action between the framework we developed for
35 calibration as well as the quota increase that was recommended
36 last year.

37
38 **CHAIRMAN DIAZ:** Ms. Bosarge.

39
40 **MS. BOSARGE:** So it's the calibration that's holding us up, and
41 so the commercial sector, once again, will not be able to
42 receive the benefits, because of an issue with recreational
43 reporting.

44
45 **CHAIRMAN DIAZ:** Mr. Rindone.

46
47 **MR. RINDONE:** Thank you, Mr. Chair, and I just wanted to provide
48 some clarity on the numbers that we're talking about here, and

1 so the current ABC for red snapper that's on the books is 15.1
2 million pounds, and the framework action that was passed,
3 concurrently with the calibration document, would have increased
4 that ABC to 15.4 million pounds, which would constitute a
5 153,000-pound increase to the commercial sector, or about 2
6 percent of their current 7,701,000-pound ACL.

7

8 **CHAIRMAN DIAZ:** Mr. Schieble.

9

10 **MR. SCHIEBLE:** My comment is an edit related to the Louisiana
11 report. If you want to hold on and keep discussing this and
12 then come back to me, that's fine.

13

14 **MR. RINDONE:** No edits are allowed. I'm just kidding, Chris.

15

16 **CHAIRMAN DIAZ:** I am not seeing any other hands up. Go ahead,
17 Mr. Schieble.

18

19 **MR. SCHIEBLE:** Okay, and so if you scroll back up to Louisiana,
20 in the middle, it says, "For the 2022 fishing season, Louisiana
21 will account for the 2021 payback and will maintain the two-fish
22 bag limit and the sixteen-inch total length minimum size limit."
23 I think, in my report, I said that we will recommend a two-fish
24 bag limit and a sixteen-inch total length minimum size limit,
25 but the commission may choose to select a three or a four-fish
26 bag limit, as they did last year when they reopened, and we went
27 to four fish, if you recall, and so "maintain" is not the
28 correct word to have in there, I don't think.

29

30 Then one last little edit, and the last sentence, it says that
31 we require the free ROLP for private anglers and have observed
32 an increase in the average weight of landed fish, and I put that
33 landing table up with monthly average weights, and it's actually
34 a decrease over last year, and so, on average, we have smaller
35 size average weights compared to the previous year, and so the
36 increase was the very last month, where it went up to 10.6
37 pounds, I think was the average weight, and so I don't know if
38 that's the correct wording for that whole synopsis or not, and
39 I'm not sure.

40

41 **CHAIRMAN DIAZ:** Do you all have that, Ryan?

42

43 **MR. RINDONE:** We do, Mr. Chair, and, Chris, it's your state, and
44 so we'll take your edits directly, and we'll make those edits.

45

46 **CHAIRMAN DIAZ:** Thank you, Mr. Rindone. Ms. Bosarge.

47

48 **MS. BOSARGE:** Just a more broad view, since Chris brought that

1 up, about those average weights going down, generally speaking,
2 and so we heard a lot of testimony, at the last several
3 meetings, that people are having to fish harder for red snapper,
4 and we're going in the opposite direction here at the council
5 table, and we're raising quotas, which is strange, but, if
6 calibration is what is driving that, if we're really catching
7 too many fish, because we haven't calibrated, and we've been
8 doing that for, what, five -- This will be year-five or year-
9 six, and I don't know, but something like that, and, Andy, we
10 need to calibrate that this year then, because the commercial
11 sector is going to pay the -- We're going to pay the price this
12 year, because we won't get our increase, and we're going to pay
13 the price in the long run, because we're fishing this stock
14 down, and you're going to get a stock assessment back, and we
15 know where the overfishing is coming from. I mean, it's in
16 black-and-white. It's there.

17
18 We can't even get a carry-forward in the commercial sector,
19 because the recreational sector catches their allocation plus
20 enough to push us over the OFL, for several years, and so we're
21 going over the OFL, and we know it's not the for-hire. We're
22 putting them -- We're actually making them have a buffer to
23 account for some of the overfishing that's happening on the
24 private angler side, and I feel like, if I don't bring this up
25 and push a little bit on the agency to get these calibrations
26 done and in place, then we're going to be staring down the
27 barrel of a stock assessment that says you're going to have to
28 make some big cuts to this quota in 2025, when we get that stock
29 assessment back, and here I was, and I sat on this council this
30 whole time and watched it be fished too hard, for five years,
31 and never said anything, and I have to do my job, and although
32 it's not -- I'm sure it's not palatable to the private recs, and
33 I apologize, and I wouldn't want somebody saying it to me, but
34 it's got to be said. Something has got to be done here.

35
36 **CHAIRMAN DIAZ:** General Spraggins.

37
38 **GENERAL SPRAGGINS:** Leann, I understand your frustration, but I
39 can tell you that if we calibrated your process of commercial
40 fishing the way they're trying to calibrate our recreational
41 fishing, you would be upset too, and you would be upset if they
42 tried to over calibrate you and say that you caught ten-times
43 what you did, and you know that it's not true, and so I think
44 the calibration system is totally broken, and, until they get it
45 fixed, I don't think we need to implement anything until they've
46 looked at it.

47
48 When you've got state data that proves 100 percent that it's

1 better, and when you get the national fisheries people saying
2 that it's the greatest, and we don't need to turn around and
3 punish someone because of that, and I do not think there is an
4 overfished limit, and I don't think we've done it, and I think
5 it's just an excuse to be able to say let's punish the
6 recreational, and I don't think that we should do anything at
7 this time, until we get it actually correct.

8
9 **CHAIRMAN DIAZ:** Ms. Bosarge.

10
11 **MS. BOSARGE:** Well, we are being calibrated. Every one of these
12 allocation decisions, we are taking the pain, and those same FES
13 landings are being used to say, hey, commercial guys, well, they
14 caught a whole lot more back in the day, and so we've got to cut
15 you, and we're getting cut on every species. The amount of fish
16 that we're allowed to go catch is decreasing, and that's why
17 that 2 percent of our allocation that Ryan was just talking
18 about on the snapper -- That's a big deal at this point, and how
19 many percent did we just lose on red grouper? We're staring
20 down the barrel of a gag cut, and we're going to lose the lion's
21 share of what we're allowed to harvest, and that's all because
22 of this FES calibration.

23
24 We are feeling the pain, and so I'm frustrated, and the
25 commercial sector seems to be the only one that has to be
26 calibrated and feel the pain, and so that's where my frustration
27 comes in. We can't get our gains in red snapper, and we're
28 losing fish on all the ones, but we can't calibrate on the rec
29 side and feel any pain there, and it gets frustrating after a
30 while.

31
32 **CHAIRMAN DIAZ:** Thank you, Ms. Bosarge. I do want to take issue
33 with one point that you just said. On gag and amberjack, both
34 of those stocks are overfished and undergoing overfishing, and
35 those stocks are going down, and all sectors are going to lose,
36 and so I want to make sure that that's a clear message coming
37 out of this council, where people understand the stocks are
38 going down, and the sectors are going to take a hit, no matter
39 what, because of the overfished and overfishing issues that we
40 have to deal with.

41
42 I do want to make a comment, and I don't see anybody else's
43 hands up. Not to say that there's not problems with us
44 implementing state management, and, obviously, we're working
45 through those problems, but I do want to commend the states, and
46 I think the states are doing a very good job of managing these
47 recreational fisheries, and I know anglers are having a lot more
48 opportunity, but the fact that we were able to go to state

1 management, and I think all the state are being responsible and
2 working very hard to do a good job with the programs, and I want
3 to commend you for your hard work. Any other comments or
4 questions on this?

5
6 Before we leave red snapper, I do want to ask either Mr.
7 Strelcheck or Mr. Hood -- We haven't talked about the
8 charter/for-hire red snapper season coming up, and do you all
9 have an estimated timeframe of when you all are going to
10 announce the charter/for-hire season, for this coming season,
11 either Mr. Hood or Mr. Strelcheck?

12
13 **MR. STRELCHECK:** Thanks, Dale. As I mentioned in committee, we
14 have an estimate of likely between about seventy to eighty days,
15 and we're finalizing the projections now, and I don't know how
16 quickly it can move to publication, but my goal is to have it
17 out of the region in the next week, and so I will say sometime
18 hopefully in mid to late April would be the timeframe to
19 announce the dates.

20
21 **CHAIRMAN DIAZ:** Thank you, Mr. Strelcheck. We appreciate that,
22 and we look forward to seeing that announcement. Any further
23 discussion? Dr. Frazer.

24
25 **DR. FRAZER:** Thank you, Mr. Chairman. We'll pick up with Draft
26 Options Amendment 54: Modifications to the Greater Amberjack
27 Catch Limits and Sector Allocations, which is Tab B, Number 6.
28 Council staff gave a presentation on a document to update catch
29 levels and sector allocations for greater amberjack in response
30 to SEDAR 70, Tab B, Numbers 6(a) and (b).

31
32 The stock is overfished and experiencing overfishing, and action
33 is required to reduce catch levels necessary to end overfishing
34 and rebuild the stock by 2027.

35
36 A committee member asked for clarification on the status of the
37 stock biomass relative to stock determination criteria, to gain
38 a better contextual understanding. Council staff replied that
39 the stock biomass has been below the minimum stock size
40 threshold for a long period of time, regardless of the more
41 recent change to the less conservative MSST criterion.
42 Historically, the stock has not responded to previous management
43 changes intended to end overfishing and rebuild the stock.

44
45 A committee member suggested that historical comparison of
46 biomass to the stock determination criteria be made available
47 for consideration at the June meeting.

48

1 The committee discussed a possible implementation timeline for
2 Amendment 54. Council staff stated that the council is required
3 to end overfishing by April 2023. To accomplish this, the
4 council would need to approve a public hearing draft at the
5 August 2022 meeting and take final action at the October 2022
6 meeting. Council staff will provide an updated document for
7 review at the June meeting.

8
9 The committee did not provide specific recommendations about
10 management alternatives in the document, but additional
11 discussion on the range of proposed alternatives and draft
12 purpose and need is expected to occur during Full Council. Mr.
13 Diaz, I had a discussion with Dr. Simmons earlier in the day,
14 and I just wanted to maybe give her an opportunity to talk about
15 our future action and timeline.

16
17 **CHAIRMAN DIAZ:** Sure thing. Dr. Simmons.

18
19 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair. I was just
20 conferring with Dr. Froeschke, and we don't think we need to go
21 back in right now and discuss the alternatives any further at
22 this meeting, or the purpose and need, and we'll bring that
23 back, with the information that you asked for, and try to get
24 Chapter 3 going for that document. I think Dr. Froeschke had a
25 different issue that he wanted to talk a little bit about
26 regarding amberjack.

27
28 **CHAIRMAN DIAZ:** Dr. Froeschke.

29
30 **DR. FROESCHKE:** Just following up on some offline conversations
31 and some of the public testimony about the concern for the 2022
32 recreational fishery, or the 2022/2023 recreational season that
33 would begin on August 1, the way it's schedule, and my
34 understanding is those landings would count towards the ACL, the
35 recreational ACL, that's implemented in 2023.

36
37 It seems likely that, if we go through with that three-month
38 season, that we would blow through the entire 2023 ACL, and then
39 there would be an issue with payback, and so I don't know that
40 there would be anything left over, and so that -- I guess
41 there's two issues to think about.

42
43 One is, obviously, the management ramifications of blowing
44 through the entire quota, but two is the yield stream is based
45 on -- It assumes that you're approximately catching what's in
46 there, and, if you're not, then that's going to compromise the
47 integrity of those projections.

48

1 **CHAIRMAN DIAZ:** Mr. Anson.

2
3 **MR. ANSON:** Considering those comments from Dr. Froeschke, I
4 wonder if, Dr. Simmons, there would be time available between
5 now and the June meeting that you would be able, working with
6 the Southeast Fisheries Science Center, I assume, to kind of do
7 some analysis of that, I guess, in the anticipation that we
8 would be able to have this in place sometime in 2022, what we've
9 been discussing for amberjack, relative to the reductions that
10 would be needed, to try to look to see what projections those
11 would be. I mean, we talked about a fall season, but I am just
12 trying to think, and I know we had some discussion about timing
13 of whether or not that could be implemented or not, as to
14 whether or not we want to request an emergency action or
15 something, or maybe Andy can probably best answer that.

16
17 **CHAIRMAN DIAZ:** Mr. Strelcheck.

18
19 **MR. STRELCHECK:** We have just been having some internal
20 conversation about the potential need for an interim rulemaking,
21 because of this very issue. I am not prepared, I think, at this
22 point to discuss whether or not we think that's necessary for
23 the council, and we wanted to kind of walk through the timing,
24 but certainly it could be problematic to have a major overage
25 and allow for additional -- At that point, have the payback and
26 allow for any additional harvest that we wouldn't be able to
27 limit to the lower catch levels.

28
29 **CHAIRMAN DIAZ:** Okay. I'm not seeing any further hands around
30 the room. Ms. Bosarge. I'm sorry.

31
32 **MS. BOSARGE:** It's just one comment to staff, and so it's not
33 relative to what Andy said though, and so if you want to look
34 for that.

35
36 **CHAIRMAN DIAZ:** Go ahead, Mr. Rindone.

37
38 **MR. RINDONE:** Thank you, Mr. Chair. Just to provide some
39 perspective for you guys, if you look at Slide 24 in Dr.
40 Froeschke's presentation that he gave during the Reef Fish
41 Committee, you can see the start year of projections, the
42 fishing year, and the projected OFL and ABCs based on the
43 different allocation scenarios, and, essentially, regardless of
44 which allocation scenario you go with, you're looking at a total
45 ABC of between about 500,000 and 750,000 pounds, which uses
46 MRIP-FES data currency, and the majority of the greater
47 amberjack allocation goes to the recreational sector.

1 If you think about that, conceptually, compared to the current
2 recreational annual catch target, which is set well below the
3 annual catch limit, and the annual catch target is 1,086,000
4 pounds, and so we would be going from a recreational ACT, in
5 CHTS, of 1,086,000 pounds and change to a total combined ABC,
6 and that's both of them together again, in FES, of between
7 500,000 and 750,000 pounds.

8

9 I am appreciative and encouraging of what Mr. Anson was talking
10 about, with getting these hard numbers in front of us, but,
11 conceptually, I think it should certainly be at the forefront of
12 you all's minds that this is a pressing problem.

13

14 **CHAIRMAN DIAZ:** Yes, and it sounds like this is a good candidate
15 for an emergency rule. Mr. Schieble.

16

17 **MR. SCHIEBLE:** This is quick, and I don't know if it's for Ryan
18 or for John, but we've been under this current fishing year
19 structure for two years now, right, since 2020, is when we
20 switched?

21

22 **MR. RINDONE:** The 2017/2018 season.

23

24 **MR. SCHIEBLE:** We started with the 2017/2018 season?

25

26 **MR. RINDONE:** It was implemented like towards the end of the
27 2018 season, and that's when that new structure went into place,
28 because, when we were doing some of the ACL/ACT Control Rule
29 stuff, there is some split season jiggering that has to happen
30 there, and so we've had it for a few years now.

31

32 **MR. SCHIEBLE:** Would it be possible for the next meeting, the
33 June meeting, for us to get a proportional landings breakdown
34 between the May versus the August -- Like how much of a percent
35 of the landings occurs with each part of, each season?

36

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

38

39 **DR. FROESCHKE:** Dr. Hollensead is looking at the analysis in the
40 amendment, but, going off of my memory, when we did this, I
41 think we looked at it, and it was about 65 percent we estimated
42 to be caught in the fall, and 35 percent in May, right around
43 there. In reality, it won't be quite that, because, in some of
44 the years, we didn't actually get the May season, because we
45 caught it all in the fall.

46

47 Just thinking about it, remember what we would expect to catch
48 this season, in the fall, you would say you're going to catch

1 that million pounds, and, when you convert that to FES, that's
2 going to be two million pounds, plus whatever the commercial
3 would catch.

4
5 **CHAIRMAN DIAZ:** Ms. Boggs.

6
7 **MS. BOGGS:** Thank you, Mr. Chair, and Mr. Schieble asked one of
8 the questions that I was going to ask, is to look to see the
9 proportion of the fish being caught, and I was not on the
10 council when this took place, and I believe Johnny Greene
11 championed the change, and the thought process behind that, and
12 we're getting ready to talk about it in grouper, and we talk
13 about being consistent, or at least I have, in the things that
14 we do, and the opportunity to have something open that is
15 available to catch.

16
17 Gray triggerfish, in theory, is open March, April, and May, and
18 you've got red snapper, and you've got now amberjack in the
19 fall, and now we're looking at pushing gag grouper to the fall,
20 and so I would be more inclined, and I know I'm speaking kind of
21 in front of what we're looking at, but to keep it as it is and
22 maybe reduce the fall season and juggle that, depending on what
23 we do with gag grouper.

24
25 Again, it's an opportunity to catch a fish. I mean, if the fish
26 aren't there, they're not going to catch them, and so I
27 understand the heartburn in the Florida Panhandle, but, you
28 know, if we did Amendment 42 and Amendment 41, we wouldn't be
29 having this conversation with the charter fleet, and I bring
30 that up because it's becoming apparent that this is an issue.

31
32 The states now have their flexibility, but yet -- The commercial
33 fishermen have their flexibility, but you all keep constraining
34 the charter fleet, and there's a lot of heartburn there, and I
35 know there's some pros and cons about that, but, again, we've
36 got to start thinking outside of the box with these fisheries,
37 if it's tags or whatever, and I know that nobody likes tags,
38 but, you know, we really have to become creative with what we're
39 doing and to give the access, but we also have to protect the
40 resource, and I sometimes think we're putting the people in
41 front of the resource, and we've got to find that balance
42 somewhere. Thank you.

43
44 **CHAIRMAN DIAZ:** Any other comments? Mr. Rindone.

45
46 **MR. RINDONE:** Thank you, Mr. Chair. I have Mr. Schieble's
47 information request, and so, just looking at the SERO ACL
48 monitoring webpage, using that link that got sent out to all of

1 you, and I'm looking at the 2019/2020 and 2020/2021 preliminary
2 recreational landings by MRIP wave, and, in the 2019/2020,
3 Chris, 26 percent was landed in the May season, and, in
4 2020/2021, 36 percent was landed in the May season. In both of
5 those years, the recreational ACT was not met.

6

7 **CHAIRMAN DIAZ:** Ms. Bosarge.

8

9 **MS. BOSARGE:** If we're with that, I will go on to my comments to
10 staff, and so just two things, for when we see that amberjack
11 document again, I guess in June, and so maybe the Alternative 6
12 in Action 2 -- Just maybe go back and look at the wording from
13 the red grouper amendment, because it's supposed to mirror that
14 alternative for red grouper, and there seems to be just a little
15 difference in the wording, and I'm sure you can look at that and
16 try and figure that out.

17

18 Then the charts that you had, John, that Ava did, that Dr.
19 Lasseter did, that I really liked, the pictures, where you had
20 all the management and the SEDAR and the landings and everything
21 in one, is there any way to add somehow into that picture that
22 the quota that might have been in place -- So I can see when
23 quotas went in place for each sector, and they may have gone in
24 at the same time, and I don't know, but, typically, if you look
25 at most of our species, we had a quota in place for commercial,
26 and it was some years later when we finally actually implemented
27 a quota on the recreational sector.

28

29 This gets back to that idea of what are our accountability
30 metrics over time in each fishery, as we're looking at
31 allocation decisions, and so I would like to see that, plus any
32 overages for those quotas, if you can add that to the diagram
33 somehow.

34

35 **CHAIRMAN DIAZ:** Dr. Froeschke.

36

37 **DR. FROESCHKE:** The second point first, and, yes, we can do
38 something on the figures. On the other part, regarding
39 Alternative 6, and I can have some discussions with the Science
40 Center, but, when we made the request, it was to keep the
41 commercial sector with the 484,400 pounds, and that's what the
42 request was, and so that's how the projections were done of
43 what's going to stay there.

44

45 The other way you could do that is you would use the 484,000 and
46 calculate an allocation percentage in the first year and then
47 maintain that, but I don't believe that's how the projections
48 were done, and so, in order to do that, and I think we would

1 need to confirm with the Science Center, but there's a potential
2 that you would need to get an updated projection for that
3 scenario, which is different than what we asked for.

4
5 **CHAIRMAN DIAZ:** Ms. Bosarge.

6
7 **MS. BOSARGE:** Well, I was the one that had asked for that to be
8 put in the document, and I asked for it to be just like the one
9 we had in red grouper, and that's how that red grouper one was
10 handled, and so however you've -- If you've got to get the
11 projections redone to get that, but that's how it should have
12 been laid out in there, and it's not a constantly changing
13 allocation every year, allocation percentage. We use that
14 484,000 or whatever to set an allocation, and then whatever
15 those percentages were carried forward.

16
17 **DR. FROESCHKE:** Yes, I understand that, but just that's how it
18 was done, and that was part of the discussion earlier, that that
19 particular alternative really flips how the whole fishery
20 operates and whether that's something that the council wanted to
21 do or not.

22
23 **MS. BOSARGE:** I think that was just a misinterpretation
24 somewhere, and it was supposed to get carried over just like the
25 red grouper Alternative 6 was, but you all can work on that.

26
27 **CHAIRMAN DIAZ:** Dr. Froeschke.

28
29 **DR. FROESCHKE:** Yes, and I guess I was just referring to, in the
30 red grouper, it was a primarily commercial fishery, and, when we
31 did that, it essentially fit right in the range of the
32 alternatives. When we do this for amberjack, it completely
33 inverts it, and it would be mostly a commercial fishery, and so
34 that's what I was trying to say, that that would change how it
35 is, and the need statement is not really consistent with that,
36 and so we might need to take a look at that whole thing, if we
37 want to move forward.

38
39 **CHAIRMAN DIAZ:** Ms. Bosarge.

40
41 **MS. BOSARGE:** I just want the alternative in the document the
42 way it was intended to be in there, and then we can have a
43 discussion as to whether it fits or not, but I think, maybe as
44 we go through these allocation reviews, and we start to look at
45 more than just landings and what we're trying to achieve in the
46 fishery -- You never know, and it might fall out.

47
48 **CHAIRMAN DIAZ:** Any further discussion? All right. Dr. Frazer.

1
2 **DR. FRAZER:** Thank you, Mr. Chair. We'll move on to red
3 snapper. Review of Revised Great Red Snapper Count Estimates
4 and SSC Recommendations for Red Snapper Catch Advice, Tab B,
5 Number 7, Dr. Jim Nance the Chair of the Scientific and
6 Statistical Committee, described the SSC's review of the revised
7 estimate of absolute abundance of red snapper derived from the
8 Great Red Snapper Count and the LGL Ecological Associates,
9 Incorporated study, the LGL study.

10
11 For the latter, the SSC reviewed the study design and response
12 to peer-review comments on the LGL study, which demonstrated
13 lower observations of abundance over natural and artificial
14 reefs than the Great Red Snapper Count. Abundance estimates
15 over uncharacterized bottom were similar.

16
17 The SSC thought that the comparability of the studies remained
18 difficult, due to differences in sampling design. However, the
19 SSC concluded that, in general, the difference between the
20 surveys highlights the uncertainty in both estimates, which is
21 likely underestimated. Ultimately, the SSC thought that the
22 empirically-collected data in LGL study likely contributed to a
23 better abundance estimate for that area compared to the Great
24 Red Snapper Count, which included some imputed data from
25 adjacent Texas waters.

26
27 The SSC also reviewed a post-stratification analysis of the
28 estimates of red snapper absolute abundance on the West Florida
29 Shelf, which was performed to more accurately assign fish to the
30 depths in which they are observed by other fishery-independent
31 surveys. This analysis still estimated a large relative
32 abundance of red snapper in the Big Bend region of Florida, with
33 a larger number of fish in the twenty-five to forty-meter depth
34 stratum compared to the ten to twenty-five-meter depth stratum.

35
36 Dr. Nance stated that the SSC agreed that the post-
37 stratification analysis for Florida is appropriate and should be
38 included in the overall estimation of age-two-plus red snapper,
39 informed by the finalized Great Red Snapper Count data and
40 random forest sampling design.

41
42 Dr. Nance reviewed the catch analysis, which used the Great Red
43 Snapper Count and LGL-study-derived data and the post-
44 stratification analysis for Florida to estimate an absolute
45 abundance of age-two-plus red snapper of 85.6 million fish, with
46 age and length composition information derived from SEDAR 52 in
47 2016.

1 An estimate of virgin spawning stock biomass was derived from
2 the fraction of SSB in 2019 divided by the projected SPR for
3 2019 from SEDAR 52. The catch analysis used a terminal year of
4 2019, with deterministic projections and Monte Carlo simulations
5 carried forward from that point in time.

6
7 The SSC agreed that the stock is larger and the exploitation is
8 lower than estimated in SEDAR 52. The SSC also acknowledged
9 that other aspects of population dynamics, like recruitment,
10 reproduction, age and length compositions, and other information
11 have not been updated with current information, as is customary
12 from a stock assessment.

13
14 A Committee member noted the distances from shore in the
15 northern Gulf in which the majority of the landings are
16 estimated to occur in the Gardner analysis, adding that state
17 data for Alabama indicate that those landings are occurring
18 closer to shore. The committee member said that the assumption
19 about distance from shore can affect the assumptions about age
20 and length composition for past and future harvests.

21
22 Another committee member thought that there was considerable
23 uncertainty in the proportion of UCB being fished and that
24 uncertainty included in the catch projections was also
25 considerable. As a consequence, a larger proportion of the
26 uncharacterized bottom could have been considered by the SSC as
27 exploited habitat.

28
29 Dr. Nance reviewed the SSC's deliberations related to catch
30 advice for red snapper based on the aforementioned data and
31 analyses. The SSC found that the catch analysis developed by
32 the Southeast Fisheries Science Center and informed by age-two-
33 plus red snapper abundance from the Great Red Snapper Count for
34 Texas, Alabama, Mississippi, and the post-stratified abundance
35 data for Florida, and from the LGL study for Louisiana,
36 constitutes the best scientific information available for
37 abundance information and is useful for development of
38 overfishing limit and acceptable biological catch
39 recommendations.

40
41 The SSC established an OFL of 18.91 million pounds whole weight,
42 based on the five-year average catch level projection, and an
43 ABC of 16.31 million pounds whole weight, based on the same, and
44 a P* value of 0.3. This represents a risk of overfishing of 30
45 percent.

46
47 **The committee recommends, and I so move, to direct staff to**
48 **begin work on a framework action to revise the red snapper catch**

1 limits based on the SSC's March 2022 catch limit
2 recommendations.

3
4 **CHAIRMAN DIAZ:** Okay. We have a committee motion. Is there any
5 discussion on the motion? **Seeing no discussion, is there any**
6 **opposition to the motion? The motion carries.** Dr. Frazer.

7
8 **DR. FRAZER:** Thank you, Mr. Chair. The committee asked about
9 the status of the pending framework action from June 2021 to
10 increase red snapper catch limits and whether the proposed
11 framework action would be affected, or affect, that transmitted
12 document. NOAA General Counsel replied that the proposed rule
13 is being developed for the transmitted framework action, which
14 is not expected to be affected by the development of the
15 proposed framework action.

16
17 Presentation and Discussion of Gulf of Mexico Gag Grouper
18 Interim Rule, State Reef Fish Survey Calibration, and Interim
19 Analysis, Tab B, Number 8, Mr. Andy Strelcheck, the SERO
20 Regional Administrator, presented the decision points and
21 timeline for a potential interim rule for gag grouper to reduce
22 fishing mortality based on the results of the SEDAR 72 and the
23 SSC's recommendations for catch levels following that
24 assessment.

25
26 An interim rule could be implemented for 180 days, may be
27 extended by 186 days one time, or 366 days total, and would be
28 intended to reduce fishing mortality while the council develops
29 a rebuilding plan. The council was notified by SERO that gag
30 grouper was overfished and experiencing overfishing on January
31 26, 2022, meaning the council has until January 26, 2024, to
32 submit and have implemented a rebuilding plan for gag grouper.

33
34 Mr. Strelcheck discussed decision points to consider for the
35 interim rule, including changes to recreational management
36 measures and the commercial individual fishing quota, or IFQ,
37 program. The proposed catch limits from the rebuilding
38 scenarios examined for gag grouper are expected to result in
39 substantial landings reductions from the status quo.

40
41 Mr. Strelcheck noted the current sector allocation was 61
42 percent recreational and 39 percent commercial and that the
43 council had the option of considering sector allocations in the
44 interim rule. The Southeast Fisheries Science Center noted that
45 alternative sector allocation scenarios would necessitate re-
46 running catch projections.

47
48 Mr. Strelcheck reviewed recent recreational landings and

1 discussed options for moving the opening date for the fishing
2 season to later in the fall, which was anticipated to result in
3 longer season durations compared to the current June 1 opening.
4 Since most anglers harvest one gag or less per angler, reducing
5 the bag limit from two fish to one fish per person is unlikely
6 to immediately affect fishing mortality. Additionally, setting
7 the commercial red grouper multiuse allocation at zero would be
8 expected to decrease the commercial gag grouper harvest.

9
10 Council staff encouraged the committee to be forward thinking on
11 any measures recommended for the interim rule, as multiple
12 management changes in a short time period can create additional
13 uncertainty in the fishery-dependent data used for stock
14 assessments. The committee discussed changing the sector
15 allocation, with a committee member commenting that they thought
16 it best to refrain from such action outside of a formal plan
17 amendment.

18
19 Council staff asked when the council would see the interim rule
20 proposal again. SERO replied that the goal was to define the
21 parameters of the interim rule as soon as possible, to allow for
22 it to be in effect by January 1, 2023. If the council makes
23 recommendations at this April 2022 meeting, additional
24 information could be provided by the June meeting to finalize
25 the council's interim rule request.

26
27 SERO encouraged the council to be expeditious about the
28 necessary decisions, to ensure the timely implementation of the
29 interim rule. Additionally, the council has requested that the
30 State Reef Fish Survey be used to supplant MRIP-FES in an
31 additional model run using the SEDAR 72 base model. This
32 request may be important to consider with respect to any
33 decision about sector allocations.

34
35 A committee member thought it would be informative to receive an
36 analysis from SERO at the June 2022 meeting that considers catch
37 limit reductions and allocations in a way that provides an
38 equitable reduction for each sector. These reductions would be
39 respective of the catch limit reductions necessary to begin the
40 rebuilding plan in 2023. SERO replied that a proportional
41 reduction could be considered based on the proportion of the
42 recent landings by each sector, since neither sector has landed
43 its ACL recently.

44
45 Another committee member added that the request for the analysis
46 on the change in the season start date be completed considerate
47 of effort shifting resulting from any proposed changes in the
48 sector allocation. SERO added that, to continue the multiuse

1 shares in the commercial IFQ program, the commercial quota would
2 need to be less than the commercial sector ACL by the amount of
3 the allowance for the multiuse shares. SERO also noted that the
4 recreational fishing season would need to be projected, due to
5 the short season duration and the reporting resolution of MRIP-
6 FES.

7
8 Staff requested the council consider a motion during Full
9 Council to clearly identify what it would like to see at the
10 June 2022 meeting in the interim rule analysis from SERO. Based
11 on that request, Mr. Chair, I might propose a motion at this
12 time.

13
14 **CHAIRMAN DIAZ:** Go ahead, Dr. Frazer.

15
16 **DR. FRAZER:** Bernie, if you could pull that motion up. Okay.
17 Again, based on the request in committee, and I don't know if
18 you want me, Mr. Chair, to just read it into the record, or do
19 you want to do that?

20
21 **CHAIRMAN DIAZ:** If you don't mind, please.

22
23 **DR. FRAZER:** Okay. The motion is to request that SERO provide
24 to the council, at its June 2022 meeting, an analysis of data
25 needed to develop an interim rule to reduce overfishing of gag
26 grouper in the Gulf of Mexico for the 2023 fishing year. The
27 analysis will include: 1)options for distributing quota to the
28 recreational and commercial fishery sectors in an equitable
29 manner, for example proportional reduction in catch using data
30 from 2017 through 2019, given an ABC of 660,000 pounds whole
31 weight, based on a rebuilding timeframe of T_{min} times two; and
32 2)options to maximize the number of fishing days for the
33 recreational sector based on various fishing season start dates
34 in 2023, including October 1 and November 1.

35
36 **CHAIRMAN DIAZ:** Okay, and so we have a motion. Is there a
37 second to the motion? It's seconded by Ms. McCawley. Is there
38 discussion on the motion? Ms. Bosarge.

39
40 **MS. BOSARGE:** So that last part of it, the options to maximize
41 the number of fishing days, and so, when we get that, Andy has
42 already told us that those projected seasons are very uncertain,
43 and what that translates to, in my mind, is it's fairly
44 uncertain as to whether we'll actually be able to constrain
45 catch to the level that we're trying to, and I want to see the
46 uncertainties around it.

47
48 We went through this exercise once before, and I think it was a

1 lawsuit that made us do it, but where we had to actually look at
2 the uncertainty and set the season in such a way that we didn't
3 have more than a whatever percentage chance of actually
4 overshooting it and overfishing on the recreational side, and so
5 we need to look at that. Then, Tom, you're going to have to
6 explain to me, one more time, that proportional reduction in
7 catch.

8
9 **DR. FRAZER:** So, again, I think, in my mind anyway, it's pretty
10 clear that we're going to be subject to a very significant
11 reduction in the quota, right, and I think, as Mr. Diaz said
12 earlier, nobody is going to be immune from the difficult
13 decisions that we have to make, and what I am trying to do is
14 give the agency an opportunity to provide the council a number
15 of alternatives, or options, to distribute that limited quota to
16 the sectors in a way that doesn't unnecessarily disadvantage one
17 over the other.

18
19 They're both going to be disadvantaged, and I am just trying to
20 get them to consider options that will distribute the quota in
21 the most equitable manner possible, and so I'm not dictating
22 what that approach looks like.

23
24 **CHAIRMAN DIAZ:** Okay. Any further comments on the motion? Mr.
25 Strelcheck.

26
27 **MR. STRELCHECK:** Thanks, Mr. Chair. In response to Leann's
28 comments, we certainly can bring back and show the uncertainty,
29 in terms of the catch estimates, based on waves or based on time
30 periods, and the probably much bigger uncertainty is, by
31 changing the start date and leaving fish in the water that would
32 have been previously caught, as well as now shifting effort to a
33 particular different time of year, we have to then make some
34 decisions and assumptions about how much effort shifting occurs,
35 and it will be very hard to predict that, as well as it will be
36 hard to predict like whether or not catch rates will see a bump,
37 because we're opening the season later, and so we can talk about
38 that, maybe in more depth, with the analysis that we bring back
39 to you, but I just wanted to acknowledge that there's going to
40 be uncertainties that are going to be much harder to estimate.

41
42 Then, in terms of Tom's motion, I appreciate the motion, and I
43 think it makes sense, and it's trying to figure out a way to
44 equitably spread the impacts of this very tough decision.

45
46 I guess the question, and maybe this is for Mara, is this would
47 not necessarily then line up with any sort of allocation that we
48 have on the books, and so would there have to be like a

1 temporary allocation decision, or could we just simply come in
2 and say, for the interim rule, based on equitable reductions in
3 harvest, this is what the commercial catch limit is, and this is
4 what the recreational catch limit is?

5
6 **CHAIRMAN DIAZ:** Ms. Levy.

7
8 **MS. LEVY:** I am not sure I completely understand it. I mean, if
9 it's going to result in -- Like if we're not going to apply the
10 current allocation to the current units, then whatever we do is
11 going to be some sort of allocation shift, right? If you're
12 asking me whether you can do that in an interim rule, I mean,
13 the Act says that any interim or emergency rule is considered an
14 amendment to the plan while it's in effect.

15
16 I think you could do that, and I think you're going to have to
17 justify the basis for it, and I don't -- I think, when you go
18 through the process of doing the plan amendment, it doesn't --
19 Whatever you do in the interim rule isn't confining you to
20 what's in your plan amendment, right.

21
22 **MR. STRELCHECK:** Okay. Then the other question would be for
23 Tom, and I know that Leann has been vocal about maintaining the
24 multiuse allocation, based on what was noted in the committee
25 report. In order to allow for multiuse, there needs to be a
26 buffer between the commercial catch limit and the commercial
27 quota, and so would you like your motion to reflect that the
28 agency would bring back some options for specifying multiuse,
29 based on a difference between the commercial catch limit and
30 commercial quota?

31
32 **DR. FRAZER:** I am happy to add that in, Andy. Again, I mean, if
33 we know, for example, that retaining that is going to result in
34 a buffer, a requisite buffer, then I think that we need to know
35 that. If you want me to add it to the motion, I will. If you
36 feel that the information in this discussion in the record is
37 sufficient, we can do that too, and it's your call.

38
39 **MR. STRELCHECK:** I am fine either way, and we can certainly
40 bring it back, if that's the council's intent.

41
42 **DR. FRAZER:** Okay, and so my intent, based on this discussion,
43 is to allow the agency the opportunity to provide that
44 information, along with the others that's been requested, Mr.
45 Chair.

46
47 **CHAIRMAN DIAZ:** Okay. I think everybody understands the
48 multiuse thing, and I will be part of the information that we

1 get, as to how that would fit into the commercial side. We have
2 a motion on the board. Ms. Bosarge.

3
4 **MS. BOSARGE:** Mara, what you said is -- So whatever gets brought
5 back to us, and whatever decision we make on this interim rule,
6 that actually changes the status quo in any amendment that we're
7 going to see in the future. Like we have a status quo
8 allocation on the books right now, and we're going to bring back
9 some information that would change these quotas, to possibly
10 change the buffer for multiuse, change all those things, and,
11 when we get a rebuilding plan, whatever we did here, that's the
12 new status quo, and we're actually changing what is on the books
13 in our amendments when we do this interim rule.

14
15 **CHAIRMAN DIAZ:** Ms. Levy.

16
17 **MS. LEVY:** Well, so we have this issue anytime you do an
18 emergency or interim rule, and then we're coming behind it with
19 an action to do something permanent, right, and so, especially
20 with respect to NEPA, Action 1 tends to be dual, right, and it's
21 what it would revert to if you didn't do anything else, right,
22 because it expires automatically, but it's also what's in place
23 now, and so we kind of deal with that specifying both, right,
24 because, if you don't do anything, the emergency rule, or the
25 interim measure, can only last a year and a day, and so you
26 would revert back to what it was before that, but you are also
27 currently operating under the interim measure, or the emergency
28 measure, and so you kind of have a dual, quote, no action.

29
30 **CHAIRMAN DIAZ:** Okay. Is everybody okay and understand what
31 we're voting on? **I am not seeing any heads nodding in**
32 **opposition, and is there any opposition to the motion? We have**
33 **two in opposition. The motion carries.** Ms. Boggs.

34
35 **MS. BOGGS:** So this is an interim rule, and we're trying to
36 solve a problem, and, in the interim of trying to resolve it, it
37 seems to me, as far as the reduction, you know the seasons or
38 whatever, but why would you not take the current, or the -- I
39 think we're looking at 660,000 pounds, but do your reductions
40 based on the current split of 61 rec and 39 commercial, and that
41 seems like the easiest way to do it, and it's proportional, and,
42 I mean, it's consistent with where we are today, and we still
43 haven't fleshed out the FES numbers, even though we're kind of
44 using FES, and, I mean, we're crisscrossing here, and that just
45 seems like it would be a lot more reasonable and fair, until we
46 can flesh this out in an actual framework action to reduce
47 overfishing. Anyway, I just -- I don't understand why we're
48 going down this path.

1
2 **CHAIRMAN DIAZ:** Dr. Frazer.

3
4 **DR. FRAZER:** Susan, I think that that's certainly one of the
5 alternatives that the agency could bring back, right, for us to
6 look at in June, and so it doesn't preclude us from considering
7 that scenario, and I was just trying to make sure that we looked
8 at this as holistically as we could, to see what an equitable
9 reduction might look like for the two sectors, and so I would
10 expect that that might be one of the options, or the
11 alternatives, that we discuss in June.

12
13 **CHAIRMAN DIAZ:** Ms. Boggs.

14
15 **MS. BOGGS:** Well, then I would like to request that the agency
16 look at that as one of the alternatives, and that just seems to
17 be a more fair way to do it, until we can flesh out these other,
18 because we don't want to use the new -- I wouldn't consider
19 using the new splits for the FES until we have an opportunity to
20 really flesh all of this out and make sure, because everybody
21 keeps talking about de facto reallocation, and, I mean, this, to
22 me, would resolve that issue.

23
24 **CHAIRMAN DIAZ:** Ms. Bosarge and then Ms. Levy.

25
26 **MS. BOSARGE:** Well, I have a motion that I was going to pull up,
27 but it's more towards the rebuilding plan for gag, and so I will
28 hold.

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

31
32 **MS. LEVY:** Well, just to note that that was in the presentation,
33 right, and that was presented. It did show the current -- Like
34 what the rebuilding catch limits would be with the current
35 allocation, and so I would expect you to have that before you
36 before you make any decisions.

37
38 **CHAIRMAN DIAZ:** Ms. Bosarge.

39
40 **MS. BOSARGE:** I will hold my motion until the end of this
41 section of the report, but this is the whole reason I'm not
42 comfortable with making any allocation decisions on the fly in
43 an interim rule, until it's been reflected in our amendment. I
44 mean, we have a year-long process to go through a review just to
45 figure out if we should even look at an allocation, and, if we
46 do decide to do that, then it's supposed to flow through into an
47 amendment, and so the fact that we skip that whole year-long
48 process, and skip the whole amendment process, and just do a

1 PowerPoint presentation and make a motion and we're done to
2 change the allocations, and that, to me, seems, well,
3 ridiculous.

4
5 **CHAIRMAN DIAZ:** Dr. Walter.

6
7 **DR. WALTER:** Thank you, Chair. I would just note, from the
8 Science Center perspective, we remain available to run different
9 scenarios, and it's helpful to get a range, and I think what we
10 see is a range, and probably we'll do one in the middle of the
11 two that we saw, and usually it's a linear relationship between
12 the allocation and the OFL, and so we'll be able to present
13 those I think fairly soon, and so similar as we had with other
14 stocks where these were under consideration. Thanks.

15
16 **CHAIRMAN DIAZ:** Thank you, Dr. Walter. Any further discussion?
17 Dr. Frazer.

18
19 **DR. FRAZER:** Thank you, Mr. Chair. The Southeast Fisheries
20 Science Center discussed the State Reef Fish Survey transition
21 process and integration in the SEDAR 72 base model, noting that
22 the process needed to be completed by May 28, in order to
23 provide the completed materials to the July 7 through 8, 2022,
24 SSC meeting for review.

25
26 The Southeast Fisheries Science Center noted that the committee
27 should not expect a different stock status, as a result of using
28 the State Reef Fish Survey, as the trends between the State Reef
29 Fish Survey and MRIP-FES were similar. The Southeast Fisheries
30 Science Center also discussed the feasibility of an interim
31 analysis for gag grouper, which would require established catch
32 limits to which the representative index of relative abundance
33 would be compared. The Southeast Fisheries Science Center is
34 considering the SEAMAP video survey data for use in an interim
35 analysis, once revised catch limits are established.

36
37 Council staff reviewed the timeline for completing the
38 rebuilding plan for gag grouper. To develop the rebuilding plan
39 in time to meet the statutory requirements, the rerun of the
40 projections in SRFS is needed for the July 7 through 8, 2022,
41 SSC meeting, which leaves little time for delays or other
42 factors to be addressed.

43
44 Council staff asked the committee to consider the potential
45 effects from the decision on the data that will be used in the
46 rebuilding plan. If MRIP-FES is used for the projections on
47 which the alternatives are based, and then the State Reef Fish
48 Survey is determined to be the best scientific information

1 available for gag grouper, then the rebuilding plan timeline
2 would be delayed while the Southeast Fisheries Science Center
3 provides new projections. Such delays could endanger the timely
4 implementation of the rebuilding plan by January 26, 2024.

5
6 **CHAIRMAN DIAZ:** Thank you, Dr. Frazer. Ms. Bosarge.

7
8 **MS. BOSARGE:** If staff could bring up that motion, and so this
9 was actually a discussion that we had in Sustainable Fisheries,
10 but I felt like it fit better here, and it was regarding that
11 allocation review policy that we went through there, but we had
12 a discussion in that committee about actually using gag as a
13 test run for that, to try and flesh it out, and let's see, since
14 that's going to be useful, going forward, anyway, as we discuss
15 this gag rebuilding. I got with staff, and they helped me craft
16 this motion.

17
18 **The motion is, as part of the gag rebuilding plan, evaluate the**
19 **components outlined in the allocation review guidelines**
20 **presented in the allocation review criteria for inclusion in the**
21 **amendment to fully consider the various allocation scenarios and**
22 **corresponding catch advice decisions before the council.**

23
24 **MR. GILL:** Second, Mr. Chairman.

25
26 **CHAIRMAN DIAZ:** Okay, and so we have a motion by Ms. Bosarge and
27 seconded by Mr. Gill. Any discussion on the motion? **Is there**
28 **any opposition to the motion? Seeing no opposition, the motion**
29 **carries.**

30
31 **DR. FRAZER:** We will move to Commercial IFQ Programs, Tab B,
32 Number 9. Staff provided an updated timeline for convening the
33 initial meeting of the IFQ Focus Group, Tab B, Number 9, and
34 noted that the council's selection of members for the focus
35 group will be announced on Thursday during Full Council.

36
37 Dr. Nance summarized the SSC's discussion of the National
38 Academies of Sciences study on "The Use of Limited Access
39 Privilege Programs in Mixed-Use Fisheries", Tab B, Number 7(a).
40 The SSC noted the lack of data available for evaluating the
41 impacts of LAPPs in existing commercial programs. Dr. Nance
42 also provided the SSC's recommendation to the council, which was
43 a statement of agreement with the report's recommendations.

44
45 A committee member expressed interest in the SSC providing more
46 specific feedback that could help the council. The committee
47 member also noted the report's conclusions about a lack of data
48 to complete mandated analyses and felt the priority should be

1 the collection of human dimensions data.

2
3 **The committee recommends and I so move, that the Southeast**
4 **Fisheries Science Center and the SSC prioritize increased human**
5 **dimensions data collection and analysis, consistent with the**
6 **recommendations from the report, "The Use of LAPPs in Mixed-Use**
7 **Fisheries."**

8
9 **CHAIRMAN DIAZ:** All right, and so we have a committee motion.
10 Is there any discussion on the motion? **Seeing no discussion, is**
11 **there any opposition to the motion? Seeing no opposition, the**
12 **motion carries.** Dr. Frazer.

13
14 **DR. FRAZER:** Thank you, Mr. Chair. Review of Gulf Red Grouper
15 Interim Analysis Health Status and SSC Recommendations, Tab B,
16 Number 10, Dr. Nance briefly reviewed the most recent interim
17 analysis for red grouper, which indicated that the stock size
18 appears to be increasing in recent years. This interim analysis
19 was viewed as a health check, since the last interim analysis
20 resulted in revised catch advice that is still going through
21 rulemaking.

22
23 A committee member asked when the council could expect the
24 interim analysis process to become more automated. The
25 Southeast Fisheries Science Center said work was continuing
26 towards this goal, with some species able to be analyzed with an
27 interim analysis quite rapidly. How rapidly this revised catch
28 advice can be acted upon will be another hurdle to navigate in
29 the future.

30
31 Other Business, Reef Fish AP Motion Regarding Permit Leasing, a
32 committee member recalled a motion by the Reef Fish AP at its
33 January 2022 meeting to request that the council consider
34 allowing the leasing of federal commercial fishing permits to
35 individuals other than the permit holder.

36
37 The chair of the Reef Fish AP recalled that some commercial
38 fishermen have several commercial permits, and a more formal
39 process for leasing those permits to other commercial fishermen
40 could streamline efforts to use those permits. A committee
41 member proffered a motion with a request for the SERO to provide
42 a presentation with this information, but it did not pass.

43
44 FWC Goliath Grouper Limited Harvest Rule Change, Ms. McCawley
45 summarized a rule change for the harvest of goliath grouper in
46 Florida state waters, which will allow for the take of 200 fish
47 via lottery. A slot limit, season, and area closures will be
48 used to regulate harvest.

1
2 The last stock assessment, which was SEDAR 47, did not pass peer
3 review, due to concerns about the data and the model. The
4 committee thought it important to have the SSC consider the
5 current OFL and ABC for goliath grouper, which has been closed
6 to harvest in federal waters and for which fishery-dependent
7 data have been largely unavailable since 1990.

8
9 Florida indicated that the data collected from the 200 fish
10 harvested would allow for the collection of new data points for
11 juvenile fish. The FWC will explore what additional data are
12 available to provide to the SSC to inform any revised catch
13 advice recommendation. **The committee recommends, and I so move,**
14 **to request that the SSC reconsider the OFL and ABC for goliath**
15 **grouper.**

16
17 **CHAIRMAN DIAZ:** Okay. We have a committee motion. Any
18 discussion on the motion? **Seeing no discussion, is there any**
19 **opposition to the motion? The motion carries.** Dr. Frazer.

20
21 **DR. FRAZER:** Mr. Chair, this concludes my report.

22
23 **CHAIRMAN DIAZ:** Thank you, Dr. Frazer. Dr. Simmons.

24
25 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair. I have a
26 question, and I think it's for Mr. Strelcheck. I guess does the
27 council need to get this information on goliath grouper and take
28 action regarding the ACLs and go through the implementation
29 process of changing that ACL, to allow the State of Florida to
30 move forward with this limited harvest in state waters? I am
31 not really clear on that.

32
33 **CHAIRMAN DIAZ:** Mr. Strelcheck.

34
35 **MR. STRELCHECK:** Certainly Mara can weigh-in, but the state has
36 authority to regulate species in their state waters, and so we
37 can't dictate regulations that would prevent them from doing so,
38 and so I think the answer is no, but, because this is a species
39 that occurs in state and federal waters, it would be good to get
40 the SSC's guidance and advice, and, if we need to ultimately
41 make changes with regard to how we specify the overfishing limit
42 or the ACLs specific to federal versus state waters, then we
43 could go ahead and do so, based on that advice.

44
45 **CHAIRMAN DIAZ:** All right. Ms. Levy is shaking her head, and I
46 don't think she has anything to add. Thank you, Mr. Strelcheck.

47
48 **MR. STRELCHECK:** Dale, I have one other item.

1
2 **CHAIRMAN DIAZ:** Yes. Go ahead, Mr. Strelcheck.
3

4 **MR. STRELCHECK:** Kind of related to this state versus federal
5 waters issue, and I forgot to bring it up when we were talking
6 about the gag interim rule, and so Jessica and I briefly talked
7 about the fact that the State of Florida has a state waters gag
8 grouper season off the Florida Big Bend, and I believe the
9 opening is either -- It's April 1, and it closes in June and
10 then reopens in September, and so I raise this because there is
11 potential that our gag quota could get caught up very quickly,
12 and, if that season remains open in state waters, we will need
13 to account for it when we're projecting the federal season.
14

15 I don't, obviously, know if the State of Florida has any
16 interest in modifying that season, but there is, obviously,
17 direct implications with regard to what we would be doing under
18 the interim rulemaking and the State of Florida maintaining that
19 season, or changing that season, and so I guess I would ask
20 Jessica if that's something that you could at least bring to the
21 commission as we progress forward on the interim rulemaking,
22 because it will influence how long we could set the federal
23 season.
24

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

27 **MS. MCCAWLEY:** Thank you, Andy. It's our intent to discuss this
28 with our commission at their upcoming meeting in May, about both
29 changing in the interim as well as changing once the rebuilding
30 plan is in place, and I can work with you on what those changes
31 might look like for state waters and what we discuss with our
32 commission.
33

34 **CHAIRMAN DIAZ:** Thank you, Ms. McCawley. Yes, I think good
35 communication and cooperation is very important in this. Ms.
36 Bosarge.
37

38 **MS. BOSARGE:** While we're on gag, just one reminder, Mr.
39 Strelcheck, don't forget that I mentioned, during committee,
40 that I would like to see some of those numbers presented as
41 numbers of fish on those slides, when you bring it back to us,
42 and so maybe you can have both pounds and estimated numbers of
43 fish for us. I think that will really start to put into
44 perspective what we're up against, and maybe what we can do to
45 manage it better.
46

47 **MR. STRELCHECK:** Will do, Ms. Bosarge. Thanks.
48

1 **CHAIRMAN DIAZ:** Okay. Any other business before the Reef Fish
2 Committee? Seeing none, we're going to jump right into the
3 Sustainable Fisheries Committee. Dr. Stunz.

4
5 **SUSTAINABLE FISHERIES COMMITTEE REPORT**

6
7 **DR. STUNZ:** Thank you, Mr. Chairman. This is the Sustainable
8 Fisheries Committee Report for April 6, 2022. The committee
9 adopted the agenda, Tab E, Number 1, and approved the minutes,
10 Tab E, Number 2, of the January 2022 meeting as written.

11
12 Historical Captain Permits Conversion, Tab E, Number 4, council
13 staff summarized a new framework action addressing the
14 conversion of historical captain permits into standard for-hire
15 permits. Staff noted that a previous action allowed the
16 replacement of valid or renewable Gulf historical captain
17 coastal migratory pelagics (CMP) and reef fish permits with
18 standard CMP and reef fish for-hire permits. To date, all
19 eligible historical captain permits have been converted into
20 standard for-hire permits.

21
22 That action also allowed outstanding letters of eligibility for
23 historical captain permits to be used to obtain a permit prior
24 to May 21, 2020. However, new historical captain permits issued
25 based on the redemption of eligibility letters were not eligible
26 for conversion to a for-hire permit at that time.

27
28 The present action allows entities who received historical
29 captain permits through the redemption of eligibility letters to
30 convert them into standard for-hire permits. Three entities
31 with a reef fish and a CMP historical captain permit each, for a
32 total of six historical captain permits, are eligible for this
33 conversion. NOAA General Counsel noted that the codified text
34 for this action was provided at Tab E, Number 4(c). The
35 committee approved the following motion.

36
37 **The committee recommends, and I so move, to recommend the**
38 **council approve Framework Action: Historical Captain Permits**
39 **Conversion and that it be forwarded to the Secretary of Commerce**
40 **for review and implementation and deem the codified text as**
41 **necessary and appropriate, giving staff editorial license to**
42 **make the necessary changes in the document. The Council Chair**
43 **is given the authority to deem any changes to the codified text**
44 **as necessary and appropriate. That motion carried with one**
45 **abstention.**

46
47 **CHAIRMAN DIAZ:** Okay, and so we have a committee motion, and
48 this is a roll call vote. Dr. Simmons.

1
2 **EXECTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair. Mr. Gill.
3
4 **CHAIRMAN DIAZ:** Hold on one second, Dr. Simmons. I didn't call
5 for discussion, and I apologize for that. Is there any
6 discussion on the motion? We have no discussion. Dr. Simmons.
7
8 **EXECTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair. Mr. Dugas.
9
10 **MR. DUGAS:** Yes.
11
12 **EXECTIVE DIRECTOR SIMMONS:** Ms. Bosarge.
13
14 **MS. BOSARGE:** Yes.
15
16 **EXECTIVE DIRECTOR SIMMONS:** Dr. Frazer.
17
18 **DR. FRAZER:** Yes.
19
20 **EXECTIVE DIRECTOR SIMMONS:** Ms. McCawley.
21
22 **MS. MCCAWLEY:** Yes.
23
24 **EXECTIVE DIRECTOR SIMMONS:** Mr. Anson.
25
26 **MR. ANSON:** Yes.
27
28 **EXECTIVE DIRECTOR SIMMONS:** General Spraggins.
29
30 **GENERAL SPRAGGINS:** Yes.
31
32 **EXECTIVE DIRECTOR SIMMONS:** Mr. Strelcheck.
33
34 **MR. STRELCHECK:** Yes.
35
36 **EXECTIVE DIRECTOR SIMMONS:** Mr. Schieble.
37
38 **MR. SCHIEBLE:** Yes.
39
40 **EXECTIVE DIRECTOR SIMMONS:** Dr. Shipp.
41
42 **DR. SHIPP:** Yes.
43
44 **EXECTIVE DIRECTOR SIMMONS:** Mr. Dyskow. Mr. Dyskow, you are
45 muted, maybe. I will go back to Mr. Gill. Mr. Gill.
46
47 **MR. GILL:** Yes.
48

1 **EXECTIVE DIRECTOR SIMMONS:** Mr. Broussard.
2
3 **MR. BROUSSARD:** Yes.
4
5 **EXECTIVE DIRECTOR SIMMONS:** Ms. Boggs.
6
7 **MS. BOGGS:** Abstain.
8
9 **EXECTIVE DIRECTOR SIMMONS:** Mr. Geeslin.
10
11 **MR. GEESLIN:** Yes.
12
13 **EXECTIVE DIRECTOR SIMMONS:** Mr. Williamson.
14
15 **MR. WILLIAMSON:** Yes.
16
17 **EXECTIVE DIRECTOR SIMMONS:** Dr. Stunz.
18
19 **DR. STUNZ:** Yes.
20
21 **EXECTIVE DIRECTOR SIMMONS:** Mr. Diaz.
22
23 **CHAIRMAN DIAZ:** Yes.
24
25 **EXECTIVE DIRECTOR SIMMONS:** **The motion carried unanimously with**
26 **one abstention.**
27
28 **CHAIRMAN DIAZ:** And Mr. Dyskow.
29
30 **EXECTIVE DIRECTOR SIMMONS:** I am sorry. Mr. Dyskow. **Then one**
31 **abstaining and one absent.**
32
33 **CHAIRMAN DIAZ:** Dr. Stunz.
34
35 **DR. STUNZ:** Next was Allocation Review Guidelines, Tab E, Number
36 5. Council staff gave a presentation on the allocation review
37 guidelines. The review guidelines detail the procedures and
38 discuss criteria to consider during allocation reviews.
39
40 Allocation review criteria include a review of FMP objectives
41 and evaluations of the status of the stock, acceptable
42 biological catch, annual catch limits and targets,
43 accountability measures, landings histories, quota utilization
44 rates, participation and effort measures, discards, habitat
45 impacts, and social and economic factors.
46
47 Committee members asked whether the guidelines, once adopted,
48 could be modified in the future. Staff indicated that the

1 guidelines could be revised at the council's discretion. The
2 committee noted that the guidelines presented do not detail
3 guiding allocation principles reflecting the council's values
4 relative to allocation. Staff noted that although they may need
5 to be revisited, those principles are addressed in the council's
6 allocation policy.

7
8 NOAA General Counsel reiterated the distinction between an
9 allocation review and an FMP allocation amendment. An
10 allocation review is conducted to determine whether or not the
11 initiation of an FMP allocation amendment is warranted.

12
13 Committee members inquired about the initial start dates for
14 allocation reviews and asked whether the timeline would be
15 adjusted to reflect recently completed and ongoing allocation
16 actions. Staff indicated that the schedule will be periodically
17 updated. Committee members noted that, although review
18 guidelines presented can be approved, the drafting of guiding
19 allocation principles that would inform the development of
20 meaningful reallocation alternatives is necessary. **The**
21 **committee recommends, and I so move, to approve the Allocation**
22 **Review Guidelines document.**

23
24 **CHAIRMAN DIAZ:** Okay. We have a committee motion. Is there any
25 discussion on the motion? Mr. Gill.

26
27 **MR. GILL:** Thank you, Mr. Chairman. I guess I want to ask a
28 question on whether or not I would vote for this motion. I have
29 serious concerns about the inclusion, in that document, where we
30 can bypass the entire review process. The way it was worded, as
31 I recall, was open-ended, and, to me, that opens the door to,
32 well, we don't want to go through this, and let's go ahead and
33 do reallocation.

34
35 To me, reallocation, as you've heard many times, and I will get
36 on my soapbox, and I will probably get on it again here shortly,
37 but it's a serious decision that has significant consequences,
38 and we need to give it the due deference that it deserves, which
39 includes consideration of socioeconomic things that we currently
40 don't do.

41
42 Opening the door to saying, oh, there's times when we don't have
43 to do it, without any definition of what those might be, to me,
44 seriously undermines the whole concept of the review process,
45 and so my view is that -- If I had my druthers, there wouldn't
46 be any, but I suspect there is probably some reasons that I
47 haven't thought of that suggest that, yes, be it time
48 limitations, like we're talking about here this week, or others,

1 and so, without some strict definition to that open door, I am
2 not comfortable in approving the guidelines document.

3
4 If we approve it, does that suggest that we're approving it in
5 toto? Is that what we're saying, because, if that's the case, I
6 will not support this motion.

7
8 **CHAIRMAN DIAZ:** Dr. Diagne.

9
10 **DR. ASSANE DIAGNE:** Yes, Mr. Chair. Thank you. If I may, I
11 would ask for Bernie or Karen to put up a short presentation,
12 and, I mean, it's just a few slides that we sent to them, and
13 that would perhaps allow me to speak to this point specifically,
14 as well as a related point, with your permission.

15
16 **CHAIRMAN DIAZ:** Yes. Go ahead, Dr. Diagne, and I think we'll
17 get the staff to put that up for you.

18
19 **DR. DIAGNE:** Thank you. This is just a very short presentation,
20 and, on purpose, I did leave the date of August 2018 here, as
21 well as a tab number, and it was to remind myself, and perhaps
22 all of us, that everything that I am going to say right now we
23 have said before to the council, on repeated occasions.

24
25 I will start with the definitions, which we discussed in the
26 past, and the first one simply defines "fisheries allocation",
27 and so I will skip that and zoom-in, perhaps, on the second one,
28 which, according to the policy, NMFS' allocation review policy,
29 defines an allocation review at the evaluation that leads to the
30 decision of whether or not the development and evaluation of
31 allocation options is warranted, but it is not, in and of
32 itself, an implicit trigger to consider alternative allocations.
33 Then, if we go to the next definition, this is essentially for
34 FMP amendments, which we are used to developing and approving.

35
36 As you recall, this slide is from the NMFS allocation review
37 policy, and it shows the different steps that would follow, and
38 this is essentially in the spirit of adaptive management,
39 whereby a trigger would be met, and we would conduct an
40 allocation review, which would include a review of the FMP
41 objectives, and those would be revised, if necessary, and then,
42 essentially, we would answer the central question of are the
43 objectives being met, and, also, are there other relevant
44 factors that have changed and that would impact allocations.

45
46 For the bullets indicated here, this is the justification for
47 the list of criteria that we have included in the guidelines as
48 to what it is that we can look at during an allocation review.

1 As you recall from yesterday's presentation, it starts with FMP
2 objectives and goes down from there, to include social,
3 economic, biological, and ecological factors.

4
5 Then, if the objectives are not met, or if there are other
6 relevant factors that have changed significantly, so that an
7 amendment would be warranted, we would initiate an amendment,
8 and the formal evaluations are initiated based on the factors
9 that should be considered when making an allocation decision,
10 and, typically, in our amendments, in Chapter 4, meaning the
11 environmental consequence, we go through an extensive set of
12 analyses that start with the impact and effects on the
13 biological environment, and then physical, and then
14 administrative, and then economic, and then social.

15
16 That is included in all of the amendments that we develop, and,
17 of course, after an allocation review, if there is no sufficient
18 justification for an amendment, then we go back to Step 1, and,
19 as you recall, as a council, we have established time-based
20 triggers as our primary trigger, and a secondary trigger is
21 based on, I would say, public interest.

22
23 These are the last two slides, and they were not in previous
24 presentations, but perhaps, in listening to the comments that
25 were offered yesterday during discussion and public comment, I
26 went ahead and put these points to clear up some
27 misunderstanding.

28
29 The allocation review policy is designed to make sure that
30 councils review their allocations periodically, and the main
31 purpose is to prevent councils from, for example, staying twenty
32 years, if not more, without revisiting an allocation. We have,
33 on the books, some allocations that were developed perhaps since
34 Amendment 1 and others that were established since the Generic
35 ACL Amendment.

36
37 The second point is that the policy does not preclude the
38 council from initiating a reallocation amendment, with or
39 without a formal allocation review. The policy is simply a
40 stopgap measure that, at regular intervals, would tell councils
41 that, if you haven't done anything, please take a look and
42 revisit your allocation. It has nothing to do with the
43 council's authority to start an allocation amendment as it deems
44 necessary.

45
46 The third point, perhaps, that we could discuss is that, when a
47 council initiates an allocation amendment without completing an
48 allocation review, it is indicating that the justification for

1 the allocation amendment is included in the amendment, and,
2 finally, during the amendment discussion and approval process,
3 should the council determine that there is not sufficient
4 justifications to modify the allocation, then it has the
5 latitude to vote to maintain the allocation on the books,
6 meaning the existing allocation.

7
8 This is the last slide, and this will speak directly to the
9 comments that were offered by Mr. Gill right now, and we heard
10 the same thing during discussions yesterday, and perhaps also
11 during public comment.

12
13 The first bullet is something that I copied from the
14 presentation that we discussed yesterday, and it reads: In some
15 instances, the council may skip a formal allocation review and
16 directly proceed with the development of an FMP amendment. In
17 these cases, these guidelines would not apply.

18
19 If I were to, I guess, change the very last segment of the
20 phrase, I would say, in these instances, these guidelines would
21 be irrelevant. This is not an exemption. This statement simply
22 acknowledges the fact that the council can initiate a
23 reallocation amendment without a preliminary review, because,
24 when we start an amendment, we are already past the review
25 stage, and so we don't need really any allocation review
26 guidelines at that point, and they are not going to be helpful
27 to the process, keeping in mind that, again, that the analysis
28 of all the factors, be they physical, biological, ecological,
29 social, and economic, are always included in the amendments that
30 we develop. Thank you very much, Mr. Chair, for giving me the
31 time to speak, and I will answer other questions, if there are
32 some.

33
34 **CHAIRMAN DIAZ:** Thank you, Dr. Diagne. Any questions for Dr.
35 Diagne? I am not seeing any questions. Would you all put the
36 motion back on the board? This motion is to approve the
37 allocation review guidelines document. Any discussion on that
38 issue? **Seeing none, is there any opposition to that issue? Mr.**
39 **Gill is in opposition, and Ms. Bosarge is in opposition. The**
40 **motion carries with two in opposition.**

41
42 **DR. STUNZ:** Mr. Chair, that concludes my report.

43
44 **CHAIRMAN DIAZ:** Thank you, Dr. Stunz. Ms. Bosarge.

45
46 **MS. BOSARGE:** Just a closing thought on that, and I will try and
47 say it better today. I think what I learned from that
48 presentation that Dr. Diagne gave us yesterday is that that

1 process he outlines in what we formally call the Allocation
2 Review Guidelines, regardless of the title of it and where we
3 originally thought it would be best served in our process of
4 looking, or determining, whether we should look at allocations,
5 I think it's an amazing process that truly gives us a fully,
6 well-rounded analysis of all the different things that we should
7 evaluate and look at in an allocation decision, like when we are
8 deciding on changing an allocation, whether that be are we going
9 to look at it or we're actually looking at it, and we're going
10 to pick one, and that analysis is something that, yes, we may
11 have bits and pieces of each one of those things in different
12 chapters in the amendment, but it needs to be pulled together in
13 one spot for us to look at, right there after those allocation
14 alternatives in an amendment.

15
16 I think that's the point that I was trying to make, that we
17 don't want to piecemeal this together, as council members, and I
18 was going back and looking at one of the amendments, and to find
19 what I needed -- It was actually footnoted that it was going to
20 be in SEDAR such and such, and I had to go to the SEDAR website
21 to pull that information, and so that one was on discards, and
22 so saying that it's in the document -- Okay, it's in the
23 document, but it's not very easily accessible, and so I think
24 this type of review, during any kind of allocation amendment,
25 needs to occur, and it needs to be presented to the council in
26 the amendment, all in one spot.

27
28 Show us all that history on the status of the stocks and the
29 accountability measures and utilization and the regulatory
30 structure, all in one spot, in one chart, so that we can
31 actually look at it at a glance and determine, you know, what we
32 want to weigh more heavily in our allocation discussions to meet
33 the objectives of that FMP.

34
35 **CHAIRMAN DIAZ:** Mr. Gill.

36
37 **MR. GILL:** Thank you, Mr. Chairman. You have heard me mention,
38 numerous times, about our need to consider socioeconomic
39 considerations when we're actually making allocation. Well, we
40 just approved, and we didn't do that. What it did was include a
41 lot of socioeconomic considerations on whether we should form
42 reallocation, and that's good, but, at the end of the day, our
43 process, historically, has been, forever, as far as I know, to
44 use historic landings only, and we don't get into the discussion
45 of all the other factors that it involves, and we don't do what
46 Magnuson is looking to do in National Standard 4, recommends
47 doing, and clearly we don't follow what we just passed, in terms
48 of considering all those things and whether we should perform an

1 allocation, but, when it gets down to actually doing it, we're
2 back to historic landings, and considerations of the broader
3 context is -- We basically pay lip service to it.

4
5 I think we need to -- I think I've heard a lot of support for
6 the concept that we need to be looking at alternative ways to
7 do, actually do, the allocation. If you will, that would
8 complement what we just passed, and, to that extent, I think
9 there's ways to do it, but, at the very least, we need to have
10 that discussion and start thinking and working on can we do it
11 and, if so, how.

12
13 **To help initiate that discussion, Bernie, if you would put up**
14 **the motion that I just sent, and I am proffering the motion**
15 **that's going to put on the board as a way to start that**
16 **discussion and see what alternatives there are.** My
17 understanding is there is at least one alternative. Whether
18 it's the right one or not, I think we need to start talking
19 about whether that's a road we want to go down, and I am hopeful
20 that the council will agree that starting that discussion and
21 looking into alternatives to a way that we can allocate, other
22 than solely using historic landings that makes sense.

23
24 Historic landings do have an amazing advantage, and they're
25 simple. You know, we've got the data, and we pick the years,
26 and whamo. They're not fun, but, you know, in terms of trying
27 to figure out what to do, the process is pretty simple, but they
28 don't, in my mind, comply with Magnuson, and they don't comply
29 with National Standard 4, and they don't do justice to the
30 question that we're really trying to answer. I offer this
31 motion as a way to start that discussion, and I will stop there.

32
33 **CHAIRMAN DIAZ:** All right, and so I will read your motion. **Mr.**
34 **Gill is proposing a motion to request that the Southeast**
35 **Fisheries Science Center analyze alternative predictable**
36 **approaches to sector allocation determination, other than using**
37 **historic landings only, that specifically include socioeconomic**
38 **evaluation. The SSC should review, make recommendations, and**
39 **give advice to the council. Is there a second? Mr. Gill.**

40
41 **MR. GILL:** I would just like to point out that the wording is
42 **"alternative practicable" and not "predictable", and that's a**
43 **key word.** You know, it's got to work, or there's no sense in
44 doing it. Thank you.

45
46 **CHAIRMAN DIAZ:** Is there a second to the motion? It's seconded
47 by Dr. Shipp. Is there discussion on the motion? Dr. Stunz.

1 **DR. STUNZ:** Bob, I support your motion, and I think this is a
2 good idea, and especially if it helps clarify what we just went
3 through, but I guess is it my understanding that we were kind of
4 already there, and maybe that was a misinterpretation on my
5 part, and not accurate or something, but, you know, for example,
6 when we started the FMP to reallocate, we would do this very
7 thing right there, but certainly, if this helps, you know, shine
8 a light on that's where we want to go, that's fine, and I'm
9 supportive of that.

10
11 **CHAIRMAN DIAZ:** Ms. Levy.
12

13 **MS. LEVY:** Just a clarification, first. So you want the
14 Southeast Fisheries Science Center to analyze alternative
15 practical approaches or the SSC, and then the SSC -- You want
16 them to present those to the SSC, but, to come up with the
17 approaches, you want the Science Center to do that? I am just
18 making sure that I am reading it right.
19

20 **MR. GILL:** Yes, that's correct, and the SSC doesn't do those
21 kinds of analyses. They review and then comment, et cetera, and
22 so somebody has to start that ball, as to what's out there and
23 what is worthwhile considering, and, once that's done, then the
24 SSC can weigh-in on well, this is good or this is bad or
25 whatever, but it can't start with the SSC.
26

27 **CHAIRMAN DIAZ:** Ms. Levy.
28

29 **MS. LEVY:** Well, and just one other comment, given what you have
30 said leading up to this motion, and so, I mean, I guess I just
31 want to clarify that I think that the council and the agency do
32 consider the requirements of the Magnuson Act when considering
33 their allocation decisions and that the FMP amendments that put
34 in place allocations, or allocation changes, comply with the
35 Magnuson Act, and so the council and the agency are considering
36 National Standard 4 and making a determination that it is
37 consistent with that. In addition, the requirement to have a
38 fishery impact statement that looks at social and economic
39 impacts of what you're proposing, and that, to me, is different
40 than what you're saying, which is incorporate different things
41 in order to get to allocation alternatives, right, and so that -
42 - I just want to make that clear. Thank you.
43

44 **CHAIRMAN DIAZ:** Thank you, Ms. Levy. Dr. Walter.
45

46 **DR. WALTER:** Thank you, Chair, and I will note that the Science
47 Center has been embarking on these, and we gave a presentation
48 to the September SSC on a pilot project to evaluate different

1 recreational allocation strategies, and so I think this is
2 something that we're working on, because I think it's a fertile
3 ground for further research and to bring other data and
4 potentially creative solutions to the table, and so it's
5 something that we're embarking on, and if the SSC -- I think the
6 SSC is amenable to considering these, and it's something that we
7 see as part of our overall strategy of better incorporation of
8 social sciences into the process. Thanks.

9
10 **CHAIRMAN DIAZ:** Thank you, Dr. Walter. Is there further
11 discussion? Any other business to come before the Sustainable
12 Fisheries Committee? We haven't voted on this. We have a
13 motion on the board. **Is there any opposition to the motion?**
14 **One in opposition, two in opposition. The motion carries.**

15
16 Any other business for the Sustainable Fisheries Committee? All
17 right, and so where we're at is we're a half-hour past our lunch
18 break, and we still have roughly, and I don't know an exact
19 idea, but an hour, or an hour-and-fifteen minutes, maybe, of
20 council work left to do. I am going to look around the room and
21 see if folks would like to power through this or if they would
22 like to go ahead and take lunch and come back and finish this
23 up. I have no preference, and I need some input from the
24 council. I am hearing lunch. All right, and so we're going to
25 take a lunch break, and we'll take our hour-and-a-half break,
26 and we will start back at 2:00.

27
28 **MR. RINDONE:** Mr. Chair, I'm not on your committee, but lunch.

29
30 (Whereupon, the meeting recessed for lunch on April 7, 2022.)

31
32 - - -

33
34 April 7, 2022

35
36 THURSDAY AFTERNOON SESSION

37
38 - - -

39
40 The Full Council of the Gulf of Mexico Fishery Management
41 Council reconvened at The Lodge at Gulf State Park in Gulf
42 Shores, Alabama on Thursday afternoon, April 7, 2022, and was
43 called to order by Chairman Dale Diaz.

44
45 **CLOSED SESSION REPORT**

46
47 **CHAIRMAN DIAZ:** Okay, everybody. Welcome back from lunch.
48 Welcome back to the Gulf of Mexico Fishery Management Council

1 meeting. We're going to jump right into our next report,
2 following our agenda down, and the next report is the Closed
3 Session Report, and I'm going to do that.

4
5 The closed session from April 4, the selection of IFQ Focus
6 Group participants, the Full Council was convened the afternoon
7 of April 4th to review the IFQ Focus Group applicants and
8 appoint its members. The council discussed the applicants and
9 made the following nine appointments. The council did not make
10 an appointment for the eastern Gulf longliner position.

11
12 The first appointment, a small shareholder, Casey Streeter;
13 medium shareholder, Jim Zurbrick; large shareholder, David
14 Walker; crew, Brad Gorst; new entrant, Lance Nacio; public
15 participant, Cliff Penick; permitholder who leases (no shares),
16 Laura Chicola; dealer, Jason Delacruz; knowledgeable non-
17 participant, Dr. Andrew Ropicki.

18
19 Selection of Coral, Data Collection, and Spiny Lobster Advisory
20 Panel Members, the council also reviewed the applicants for the
21 Coral, Data Collection, and Spiny Lobster Advisory Panels and
22 made preliminary appointments for each advisory panel.
23 Appointees will be announced at the June 2022 council meeting in
24 Fort Myers, Florida, after completion of background checks for
25 fisheries violation.

26
27 Selection of 2021 Law Enforcement Officer/Team of the Year, the
28 council reviewed the nominations received and recommendations
29 from the Law Enforcement Technical Committee. The council
30 selected the Florida Fish and Wildlife Commission's nominee, the
31 crew of the eighty-five-foot offshore patrol vessel, Gulf
32 Sentry, for the 2021 Law Enforcement Team of the Year. The team
33 will be honored at the June 2022 council meeting in Fort Myers,
34 Florida. This concludes my report. Any comments for the
35 council on the closed session report? Seeing none, we're going
36 to follow the agenda and work our way down, and we're going to
37 have some presentations from our supporting agencies, and the
38 first one is the South Atlantic Council liaison, Ms. Thompson.

39
40 **SUPPORTING AGENCIES UPDATES**
41 **SOUTH ATLANTIC COUNCIL LIAISON**
42

43 **MS. LAURILEE THOMPSON:** Hi, you all. I want to start out by
44 saying what a great time I've had this week. I enjoyed meeting
45 all of you, and it was really, really interesting, and I learned
46 a tremendous amount this week, and I appreciate the time that
47 some of you guys spent with me, trying to tell me what you're
48 doing and how that might help me in my home.

1
2 I am from Titusville, Florida, which is ground-zero for the
3 manatee deaths that are happening on the east coast of Florida,
4 and the nearly 100 percent total loss of seagrass in our
5 estuaries, and so it's been very interesting, and I appreciate
6 the time you all have spent with me, and I did fish here, back
7 in the 1980s, and I was one of the first boats to set longline
8 gear on the bottom in the Gulf of Mexico, primarily targeting
9 yellowedge grouper, and so it seems like some of my past
10 knowledge might be useful, and so I look forward to maybe
11 working with some of you all in the future and talking about
12 yellowedge grouper and bottom fishing in the 1980s in the Gulf
13 of Mexico.

14
15 You've got our report, and there is no reason for me to read it
16 word-for-word, and it's in your briefing book. I will pick out
17 some things that I consider to be highlights, starting with our
18 allocations decision tool, and so this is something that staff
19 has come up with to try to make it a little more or less
20 cumbersome for the council to be able to make decisions on
21 sector allocations, and so we had a special online meeting in
22 February, to kind of do a practice run and try it out on greater
23 amberjack.

24
25 Then we got some time to think about it, and so then, at our
26 March meeting, in our discussion, we made our suggestions, but,
27 basically, this thing does exactly what you guys were talking
28 about with your allocation decision document in how to
29 incorporate more focus on topics like long-term trends in the
30 fisheries and more input on social and economic factors and not
31 just depending on past catch records, and so we're really
32 excited about that, and we'll be talking about that more at our
33 June meeting, and then we're going to try another practice run
34 on Spanish mackerel at our December 2022 meeting.

35
36 We also instructed staff to develop an additional online way to
37 collect public input on these topics, and so we're quite proud
38 of that. We are finally starting an effort to get our
39 commercial boats to start using an electronic logbook, instead
40 of doing everything on paper.

41
42 On the Dolphin Wahoo Regulatory Amendment 2, that will expand
43 our oversight of the dolphin fishery all the way up the entire
44 east coast, and so we'll be managing the dolphin population all
45 the way up to Maine, and so we recently completed an action that
46 would reduce bag limits, but, in some of our opinions, it wasn't
47 enough, and so we're going to be looking at that again, and
48 we're going to be looking at further reductions in bag limits.

1
2 We went from sixty fish to fifty-four, and I don't think that's
3 enough, but it's delicate, because North Carolina wants fish,
4 and we in Florida are trying to -- We can see the writing on the
5 wall, that, if we don't quit catching all these dolphin, there
6 won't be any dolphin in the future, and so we'll still be
7 working on that.

8
9 On our snapper grouper amendments, we're working really hard on
10 short-term and long-term measures to try to reduce the snapper
11 mortality. The dead discards are killing us, and so we've
12 looked at different things, in the short-term and the long-term,
13 to try to reduce the discard mortality. We're looking at things
14 like mechanical stuff, hook sizes and stuff like that, or time
15 closures and depth restrictions, anything to try to reduce the
16 effort on the red snapper.

17
18 Then we also have -- We've had a private recreational reporting
19 workgroup, which has been pretty busy, and they have met five
20 times in 2021 and 2022, and our discussion is resuming the
21 development of an amendment that would establish a federal
22 permit and reporting requirements for the private recreational
23 snapper grouper, and so basically our entire bottom fish
24 fishery, in the South Atlantic region, and we're very excited
25 about that, too.

26
27 What's exciting is that the recreational fishermen are
28 supporting having a permit, and everybody sees -- The amount of
29 fish that we're allowed to catch in the South Atlantic is so
30 low, and everybody sees what's coming at them, and so everybody
31 is trying to work together to figure out how everybody can still
32 keep fishing.

33
34 Gag, well, you guys thought you had it bad, and we're in even
35 worse shape, and that's according to Andy Strelcheck. He says
36 it's worse in the Atlantic, and so we have to rebuild our gag
37 fishery in ten years, and so we're looking at draconian cuts in
38 our ACLs.

39
40 We're going from an ACL of 734,350 pounds down to -- We haven't
41 decided yet on what the damage is going to be, and it's going to
42 be somewhere between 158,000 and 175,000 pounds, and so that is
43 a draconian reduction, and it's going to really impact both the
44 commercial and the recreational industry. I think that I've
45 taken enough of your time. Again, I appreciate your
46 hospitality, and I've had an absolute blast this week. Thank
47 you.

48

1 **CHAIRMAN DIAZ:** Are there questions for Ms. Thompson? Ms.
2 Bosarge.

3
4 **MS. BOSARGE:** Not a question, and probably now, while that's up
5 on the board, that was actually what I had brought up and added
6 under Other Business, was I wanted the Gulf Council to receive a
7 presentation, at a future meeting, I hope in June, but I
8 understand if not, on that private recreational reporting
9 workgroup and their discussions and what came out of that, and
10 then Amendment 46, I think, that they're going to present to
11 their council again, in I think August they're going to present
12 it again, and it's like Laurilee said, and so, at their meeting,
13 most of the species that they're looking at, and they're trying
14 to make cuts to, they're looking at almost all of that in
15 numbers of fish, and it's like it's that low for their species,
16 and I was really impressed -- I realize that I'm commercial, but
17 I was really impressed with the gentleman that gave that
18 presentation, and he was the chair of the workgroup, right,
19 Spud, and so he's a private angler representative on their
20 council in the South Atlantic, and very well spoken, very
21 intelligent, and he just really impressed me.

22
23 I wanted our council to hear from him, and I don't want you to
24 hear it from me. I'm commercial. I want you all to hear it
25 from them and see what they're doing, and one thing, it seems
26 like around this council table, that we all halfway agree on is
27 we're not so sure about FES, and we're staring down the barrel
28 of some pretty drastic reductions too, and I think, if we don't
29 start moving in some direction, to get a better handle on the
30 data generally coming out of federal waters, for all our reef-
31 fish-type species, we're going to be in the same pickle that the
32 South Atlantic is in pretty soon, and so I would like to get
33 ahead of that curve, but that's not for me to do. I'm
34 commercial.

35
36 I want the recreational people to hear it from those
37 recreational people in the South Atlantic and the discussions
38 they had and where they landed and where they see their future
39 and just share ideas, and that's what I am hoping for a
40 presentation on in the future.

41
42 **CHAIRMAN DIAZ:** Thank you, Ms. Bosarge, and so that was your
43 Other Business item that you were going to discuss, and so we
44 took care of that? Okay. Any other questions for Ms. Thompson?
45 Ms. Thompson, I want to tell you that I have enjoyed having you
46 here this week, and, as a new council member, I mean, you hit
47 the ground running as fast as anybody I've ever seen, and so I
48 think the State of Florida did a very good job putting you up,

1 and I look forward to seeing some good things that you're going
2 to help accomplish over there, and don't be a stranger. You
3 know where we're at now, and so come back and see us.

4
5 **MS. THOMPSON:** I appreciate the kind words, and, yes, I hope I
6 get invited back.

7
8 **CHAIRMAN DIAZ:** Thank you. All right. We're going to keep
9 moving down our agenda, and next up is the Alabama Law
10 Enforcement Efforts Report and Major Downey.

11
12 **ALABAMA LAW ENFORCEMENT REPORTS REPORT**

13
14 **MAJOR JASON DOWNEY:** Good afternoon. It's good to see everybody
15 again. I am Major Jason Downey, Chief of Enforcement for
16 Alabama Marine Resources. Our enforcement section consists of
17 fourteen enforcement officers, two district supervisors, an
18 administrative training and outreach sergeant, operations
19 captain, and chief of enforcement.

20
21 We cover both Mobile and Baldwin Counties in coastal Alabama,
22 and we have seven officers and a supervisor in each county. We
23 just hired three new officers in Baldwin County, and so, for the
24 first time in a long time, we are actually full staffed, and so
25 we're happy about that.

26
27 For the last several months, we've really put some effort into
28 beefing up our outreach and education program, and here's a
29 picture of our recently-wrapped outreach trailer, which has
30 working emergency lighting, and it's used to haul all of our
31 outreach material and to serve as a backdrop at certain outdoor
32 events.

33
34 Here's a photo of our indoor outreach setup, and it consists of
35 two large tables full of information handouts and other items to
36 grab the attention of people passing by, and we also have eye-
37 catching banners and backdrops, as well as a sixty-inch TV that
38 has continuous video showing enforcement activities. We like to
39 have two or three officers at these events, to handle all the
40 many questions we get from the general public.

41
42 Here's a photo of our outdoor setup, and it's a little bit
43 smaller, but we use this customized tent, with banners, and we
44 usually have a patrol vessel or the outreach trailer in the
45 background. In the last few months, we've participated in three
46 large boat shows, the Mobile Boat Show in downtown Mobile, the
47 Wharf Boat Show in Orange Beach, and the Boat Show on the Bay,
48 located in Battleship Park on Mobile Bay. These events have

1 generated well over a thousand contacts between our law
2 enforcement officers and the general public.

3
4 One of our outreach topics we've been covering is the DESCEND
5 Act. We worked with the Return 'Em Right program to develop
6 outreach materials, and one of the favorite items we use is this
7 business card pictured here, and it has a QR code that will take
8 you to a site where you can watch an informative video, and then
9 they will send you a free descending device, and so this has
10 been a real big hit with the public, because they all like free
11 stuff.

12
13 Here is a picture of the descending device display, and it's
14 full of handouts, as well as some actual descending devices,
15 that people can actually put their hands on, and we can help
16 show them how they operate. The ones pictured here are the ones
17 that Return 'Em Right actually sends out to folks.

18
19 Another hot topic recently has been marine mammals, especially
20 the dolphin interactions, and so we're trying to educate the
21 public on what's considered harassment and what they should do
22 when they have these interactions. One way we're doing this is
23 traveling to area marinas and boat ramps that have the
24 ecotourism vessels, and we hand out educational materials while
25 we're speaking to captains and crew and customers about what
26 acceptable behaviors are when interacting with dolphins. These
27 dolphin tours have really become a big thing here in the Orange
28 Beach area.

29
30 Even with all the outreach and education going on, our officers
31 are still out there patrolling and making good cases. I can't
32 really go into details on some of these, but I have a couple of
33 photos here of some of the latest cases. This first picture
34 here is a load of illegal flounder. As you can see there, they
35 fill up the whole back-end of a pickup truck.

36
37 This is another case we had recently, where these are all
38 illegally-taken undersized greater amberjack, and that was a
39 pretty big case. Our officers work really hard to preserve the
40 resources we have here in Alabama and the Gulf of Mexico, and so
41 I'm real proud of them. That's all I have. Thank you.

42
43 **CHAIRMAN DIAZ:** Any questions for Major Downey? Ms. Boggs.

44
45 **MS. BOGGS:** Major Downey, I just want to compliment you all.
46 You all are a good presence at our marina, and I will say that,
47 but the outreach they do -- They actually come, and they put
48 posters, I guess, up, weatherproof posters, with the Return 'Em

1 Right information about the Snapper Check, and so you all do a
2 very good job getting the information out there, and I
3 appreciate it. Thank you.

4
5 **MAJOR DOWNEY:** Thank you.

6
7 **CHAIRMAN DIAZ:** I have a couple of questions for you. First
8 off, that photo that you had of the flounders, how were those
9 flounders taken?

10
11 **MAJOR DOWNEY:** So that was actually a case where one of the
12 officers were doing seafood shop inspections, and they were
13 illegally purchased from a non-commercial person, and so we
14 confiscated the flounder and wrote some citations there. I
15 don't know how they were taken.

16
17 **CHAIRMAN DIAZ:** Okay. I have another question for you, and you
18 mentioned three events that you all went to, three boat shows,
19 and the council may do some outreach, where we send some people
20 to some different events in each state, to try to reach the
21 maximum amount of our -- I don't want to say customers, but the
22 people that would be most interested in our regulations.

23
24 Of those three events, or another event that you might be aware
25 of, which would you recommend as being where the council could
26 get the most bang for their buck and reach the most people at in
27 the State of Alabama?

28
29 **MAJOR DOWNEY:** It's really hard to pick just one of those boat
30 shows. They're all pretty massive boat shows, and they're in
31 two different areas, and so I would say the Mobile Boat Show has
32 been around the longest, but the Wharf Boat Show is probably the
33 newest and more attractive, because it's outside, and, on good
34 weather days, a lot of people show up, and so, if you want, I
35 can get you a list of all the events that we participate in and
36 have you in touch with our outreach sergeant, who can help out.

37
38 **CHAIRMAN DIAZ:** We would appreciate that. Any other questions
39 for Major Downey? Thank you, Major Downey, and thank you for
40 having some folks here this week, too. We appreciate you all.
41 Okay. Next up on the agenda is the NOAA Office of Law
42 Enforcement Report. Mr. O'Malley.

43
44 **NOAA OFFICE OF LAW ENFORCEMENT REPORT**

45
46 **MR. MATT WALIA:** This is actually Matt Walia, and I'm the
47 Compliance Liaison. ASAC O'Malley was unable to make it, and so
48 I'll be providing the report, but I do have a presentation, and

1 I will just stand by, if you could have staff please pull that
2 up.

3

4 **CHAIRMAN DIAZ:** Okay. We'll be pulling that up.

5

6 **MR. WALIA:** Perfect. Thank you. What I'm going to do here, I'm
7 just going to go over a quick overview of our Quarter 1 effort,
8 from October to December, and there is, in the briefing
9 material, our report as well, and there's a lot more in-depth
10 material in there, and so I encourage you to please check that
11 out for more details.

12

13 In the Gulf of Mexico, I just wanted to give a snapshot of what
14 we've been doing, and so, in this past quarter, we opened up 198
15 open incidents. Of those 198, fifty-two of them were closed
16 with no violations documented, and so that's a lot of our folks
17 going out and doing boardings and inspections and working with
18 the industry and making our presence out there and doing that
19 outreach, and so we've had a good outcome with that.

20

21 Of the 198, we only had nineteen that were actually violations
22 at the time they were closed out, and so two of them were cases
23 referred over to the General Counsel or the U.S. Department of
24 Justice, and one of them was for an illegal take of species,
25 which was sawfish, and the other involved VMS program
26 requirements.

27

28 The seventeen summary settlements, as you see there, range from
29 \$100 to \$3,000 in fines, and we had a few fishing in closed
30 areas, a lot of TED and BRD requirements, and observer program
31 requirements were the most commonly seen. The remainder of all
32 those were either unfounded, fix-its, compliance assistance, and
33 written warnings, or they're still open.

34

35 What I wanted to highlight here, and this is in report, starting
36 on page 10, and we have all of our enforcement highlights. One
37 of the things we've been able to do, working with one of our
38 partners that happened during this time, is there was a shrimper
39 that was down in the Tortugas shrimp sanctuary, and there was a
40 Coast Guard cutter that was on the scene, and they were able to
41 intercept the vessel and bring him back into port.

42

43 Our officers assisted with that initial investigation, and
44 that's what that picture is there that you see. When we closed
45 the investigation out, we were able to determine how much catch
46 they had while they were in that closed area, and we ended up
47 seizing 447 pounds of pink shrimp from that case, and so that
48 was good cooperation with our partners and success on that one.

1
2 The other thing that I wanted to highlight here is you see those
3 URLs that are highlighted, and illegal charters has always been
4 a topic that's come up a lot and we want to highlight, and that
5 continues to be a priority, in what we've been able to do with
6 it.

7
8 We did some recent outreach, where we released a web story out
9 to the public, OLE did, offering rewards and how to be safe in
10 picking a charter boat, and so we are offering rewards for
11 successful tips on those moratorium permits, and some recent
12 case highlights, and so we had five cases that ended up having
13 over \$70,000 in recent combined civil penalties, and those were
14 between some charter operations based on Florida and Texas.

15
16 What we did is we released that story in conjunction with SERO
17 staff. They had another story of hooking you up with important
18 tips for a great day on the water, and so both of us releasing
19 our stories at the same time, and our goal is to reach out to
20 that broader public that's coming down as the summer kicks up,
21 and charter season is going to be going, and so we empower them,
22 so they know how to pick a proper charter.

23
24 A lot of these guys are doing the right thing, to make sure
25 someone has a mariner credential, are you going through the drug
26 consortium, and ultimately preserve the resource, and so that's
27 a big thing that we got out there, and I did just want to give a
28 quick shoutout and thank you to council staff, because they also
29 helped repost this story and reached a larger audience, and so
30 thank you for that.

31
32 Here, what I want to highlight in our report is our enforcement
33 partnerships are integral. It's our state partners and our
34 federal partners who are getting the job done, and it's a big
35 job, and there's a lot of stuff to do, and so what I wanted to
36 highlight here is we had seventy-nine overall, through all the
37 enforcement referrals, but that's our entire Southeast, and so
38 that is the Gulf, the Atlantic, and the Caribbean Council.

39
40 Within the Gulf, you see I have the four agencies that we did
41 receive referrals this past time, and so from FWC, Coast Guard,
42 Texas Parks and Wildlife, as well as Alabama Marine Resources,
43 and we received some.

44
45 What I wanted to highlight real quick, and some of this has come
46 up in discussions this week, is just to give a reminder on some
47 recent regulations that have come across as a reminder of kind
48 of what we're seeing out there and make sure everyone knows what

1 to do and how to do it the right way.

2
3 The TED requirements for skimmers is a new one, and that's been
4 enacted since February on vessels forty-foot or greater, and I
5 just wanted to give a reminder that the gear management team --
6 They can do courtesy compliance TED checks on your vessel.
7 They'll come down and schedule with you, and they host a whole
8 bunch of workshops, and training sessions are available, and
9 they have dealer information available to get the TEDs, and so
10 there's a lot of info out there, and I can help get that
11 afterwards, if someone needs that as well, and I just wanted to
12 make you aware of that.

13
14 The Gulf for-hire VMS, obviously there's been a lot of
15 discussion on that as well, and we all know that was effective
16 on March 1. A couple of things I wanted to highlight in there
17 is the compliance was noted on there, and there's still a lot of
18 accounts that have to get created, and there's still a lot of
19 boats that have to get VMS, and we're aware of that. We're
20 working with SERO staff, as they're doing their QA/QC and doing
21 referrals over to us, and that is an ongoing process.

22
23 One of the things that I wanted to highlight, and I know it's
24 tough being virtual, and I did try to raise my hand a few times
25 during committees, and I wasn't recognized, and, during the
26 council today, but I just wanted to reiterate that, for the VMS
27 reimbursement program, this does apply to all units that were
28 purchased after this requirement was in effect.

29
30 If you got your VMS, all these -- I forget the exact number, but
31 the 500 that already have an installed VMS unit, they're good to
32 go with what was given. This reassessment of the reimbursement
33 funds was done because this is nationwide and the funds that are
34 available -- There's a protocol that has to go through, and,
35 actually, that is kind of listed out in the notice that went
36 out. If you scroll to the bottom, there's a link that lays out
37 the process of how that is assessed and looked at.

38
39 Anything after from March 24 on, after this requirement, is how
40 this applies for the new adjustment of the \$950 for the cellular
41 unit, and so I just wanted to make that clear. The funds, as
42 we've always noted, they're always contingent as available. It
43 is a grant that we have, and we're able to do it nationwide, and
44 we've been to do it successfully this whole time, but it's
45 always contingent on being available that next year.

46
47 I do know, in talking to our Headquarters, we're trying to look
48 at other avenues to secure future funding, our HQ, and we may be

1 working with Congress, trying to get more in the line budget
2 item, and we've also been in initial talks with SERO and the
3 Science Center, and somehow we can try and get some more money
4 to secure that, going forward, and so to keep that reimbursement
5 program going.

6
7 One more thing that I just wanted to highlight that was raised
8 during committee, that I tried to highlight, and there was
9 questions that if our system could handle the influx of all
10 these vessels coming in, and, yes, it can, and for future
11 vessels. Currently, we have over 5,000 vessels that are
12 registered in our vTrack program, and, in talking to OCIO, in
13 the future, if new vessels, or new fleets, do have to come in,
14 such as the shrimpers, or another reef fish coming in, they can
15 adjust the servers and the storage process to handle that
16 capability, and so I just wanted to make that on the record.

17
18 Finally, you see the DESCEND Act, and just a reminder that, come
19 January, we want to see the venting tool or descending device
20 rigged and ready to use, and we've been getting pretty good
21 compliance reported to us through our folks and our partners,
22 and you just heard the Major talk about all the success they're
23 having, and so that was great to see.

24
25 What I wanted to highlight here, and this kind of goes into what
26 I just put with the new regulations, this is kind of our
27 spotlight, and there's a lot of things going on of how we can
28 kind of concentrate our efforts, and so a lot of our current
29 efforts right now are through those three that I just mentioned
30 with SEFHIER and charter operations and TED requirements, but
31 we're also doing a lot of work down in the Keys sanctuary.

32
33 The mini-season approaches very quickly, and we're already in
34 the planning stages for that, and the sanctuary is doing
35 outreach on the season, and we're also doing a lot of ATBA
36 cases, and those are the areas to be avoided, and so we've done
37 a combined either outreach, compliance assistance, some fines,
38 and, also, referrals over to our partners at the Office of
39 General Counsel for those.

40
41 Then dolphin feeding, just as you heard from the Major, that is
42 starting to gear up, as these tour operators are getting
43 underway, and so it's just a reminder for businesses to watch it
44 and keep their proper distance. We recommend fifty yards of
45 distance on those, not to alter their behavior, and so that is
46 something that we'll be putting our forces on.

47
48 This slide I've put in before in the past, and we just wanted

1 this for resources, if you need to refer, and it has our
2 website, how to get to these new stories, and our Office of
3 General Counsel enforcement action link is listed here as well,
4 and that's on the last four pages of our report. These are all
5 cases that we worked on, and we ended up forwarding over to
6 General Counsel for processing, and so this past one has totaled
7 over \$270,000, as well as a list of resolved cases that happened
8 during that timeframe.

9
10 Then, of course, the council report, which is in your briefing
11 material, and so that's all I have, Mr. Chair, and I just wanted
12 to make note that, virtually, it can get a little tough, and we
13 are looking forward to, in the future, we will be able to be
14 there, myself, and our Assistant Director, Manny Antonaras, has
15 been online as well, and we'll be able for questioning, as
16 needed for follow-up later, and we also have General Counsel
17 Enforcement Attorney Duane Smith available. That concludes my
18 report, Mr. Chair. Thank you.

19
20 **MS. BOGGS:** The permit violation that you had I think on your
21 Slide 1 that you referred to General Counsel, or DOJ, was that
22 commercial or in the charter fleet?

23
24 **MR. WALIA:** I'm sorry, but all I heard was Slide 1, and then the
25 audio cut out. Could you repeat that, please?

26
27 **MS. BOGGS:** Yes, sir. One of the two cases that was referred to
28 General Counsel, or the U.S. DOJ, I understood was a VMS
29 violation, and was that in the commercial or the charter fleet?

30
31 **MR. WALIA:** Commercial, and I would have to look back and see
32 which one, but, yes, that was a commercial violation.

33
34 **MS. BOGGS:** Thank you.

35
36 **CHAIRMAN DIAZ:** Any other questions? I have a comment. I
37 really like the idea that you all have this reward system set up
38 for these illegal charters, and that's been something that we've
39 heard from public comment, many, many times during our public
40 comment sessions over the last couple of years, and I appreciate
41 the fact that you all are thinking outside the box and going so
42 far as to set up a program like this, and I think it's creative,
43 and I am curious to see how it works out after you all have it
44 in place for a while, and so hopefully we'll hear about it in
45 future reports, but I want to commend you all for coming up with
46 that.

47
48 I want to apologize to you if we missed your hand during

1 virtual, and it's certainly my fault, and we will try to do a
2 better job, where we can catch you next time, and so I apologize
3 for that. Any other questions? Thank you. We appreciate it.
4

5 **MR. WALIA:** All right. Thank you, Mr. Chair.
6

7 **CHAIRMAN DIAZ:** You're welcome. Next up on the agenda is Gulf
8 States Marine Fisheries Commission and Mr. Donaldson.
9

10 **GULF STATES MARINE FISHERIES COMMISSION**
11

12 **MR. DONALDSON:** Thank you, Mr. Chair. I've got a couple of
13 items that I wanted to talk to the council about. The first is
14 our commission meeting, and we had our March 2022 meeting held
15 in-person for the first time since March of 2020 in Panama City
16 Beach, Florida. It was good attendance and discussion, and it
17 was great to be back in-person, and our annual meeting this year
18 will be the week of October 17 in Texas.
19

20 The other big issue is the Return 'Em Right project, and, as you
21 know, we are helping coordinate that activity, and we're
22 focusing on the research and monitoring, and work continues on
23 research, with collaborative studies to investigate the post-
24 release mortality estimates for Gulf of Mexico reef fish species
25 and effectiveness fish descender devices and how it relates to
26 depredation.
27

28 In terms of monitoring, we're working with NOAA Fisheries and
29 the Gulf states to expand data collection through at-sea
30 observer programs and validation surveys, to include information
31 on descending devices in the recreational fishery, and those
32 agreements should be finalized prior to the peak of the fishing
33 season this year.
34

35 Then the last issue is gear distribution, and Florida Sea Grant
36 is actually taking the lead, but we've been working with them.
37 The Phase 1, we had over 100 federally-permitted for-hire reef
38 fish captains that took the Return 'Em Right training session
39 and received a free release gear package. Plans are being
40 finalized for Phase 2, where private recreational anglers will
41 be able to take the training and receive this release gear.
42

43 Anglers are now able to preregister on the Return 'Em Right
44 website, which is returnemright.org, and the Return 'Em Right is
45 all one word, and, if they preregister, they will be notified as
46 soon as the training and the free gear becomes available, and so
47 you can visit the Return 'Em Right website for more details, and
48 that concludes my report, and I will answer any questions.

1
2 **CHAIRMAN DIAZ:** Are there questions for Mr. Donaldson? Ms.
3 Boggs.

4
5 **MS. BOGGS:** I am full of questions. Dave, thank you for your
6 report. The descending devices, other than getting them by
7 doing the Return 'Em Right training, which our crew has done and
8 received, is there another way to obtain those? For instance,
9 I've had some that were lost, or misplaced, and I don't know
10 what they're doing with them, but they're coming to me and
11 saying, hey, can I get one, and what can I tell them?

12
13 **MR. DONALDSON:** I know that they're available, and you have to
14 take the training to be able to get them. In terms of
15 replacements, I am not sure. Charlie Robertson, in our office,
16 is -- He's the coordinator that is running this program, and I
17 will talk to him and have him reach out to you, to get you that
18 information.

19
20 **CHAIRMAN DIAZ:** Okay. Ms. Bosarge.

21
22 **MS. BOSARGE:** Thank you, Mr. Chairman. On a different topic,
23 Dave, I was thinking, during this meeting, and I remember you
24 all gave a presentation, I think to the Shrimp AP, and you all
25 are handling the chips right now, reading the chips, and then
26 forwarding that information to NMFS, and I think it was your IT
27 man over there, and he said, you know, that, in the future,
28 going forward, if we were to automatically transmit to you all,
29 if you all were going to be required to clean up the data, the
30 way that you all are now, that there would probably be some
31 costs involved with that.

32
33 Do you think, since we have this contract ongoing right now,
34 with trying to actually build-out the new logbook program
35 through LGL, that would be something that would be interesting,
36 to forward that information to staff, and maybe they could pass
37 that along to the contractor, to see if that's something they
38 can look into, getting the data in the right format on the
39 frontend, so it doesn't have to be cleaned up when it comes in,
40 and so could you all get her more information on that?

41
42 **MR. DONALDSON:** Yes, and we can certainly provide that to
43 Carrie.

44
45 **CHAIRMAN DIAZ:** Mr. Strelcheck.

46
47 **MR. STRELCHECK:** Hi, Dave. Sorry if I've asked you this before,
48 and I appreciate the presentation on Return 'Em Right. As part

1 of the research, what we've seen in the South Atlantic, when
2 we've started to incorporate descending device information into
3 assessments, is -- It's two things. One is, obviously, what
4 reduction in barotrauma, or release mortality, there is, but
5 then the other aspect is how many people are actually using the
6 devices, and so is there any research that's going to be
7 underway, or ongoing, as part of Return 'Em Right that is
8 actually going to look at the usage of the devices as we get
9 more and more into the hands of anglers?

10
11 **MR. DONALDSON:** Thanks, Andy. I believe that there is a project
12 that's going to be conducted, or they actually did a project
13 that gave -- It got a general idea of how many people are
14 actually using the devices, or plan to use the devices, and I
15 don't believe that project has been finalized yet. I don't
16 think we have the results, but we did some initial research, and
17 then, also, as part of the monitoring, we're going to add
18 questions to the surveys, to try and get a better handle of the
19 uses of these devices by the fishing industry, but I can -- I
20 will talk with Charlie, to see if we've got any preliminary
21 information.

22
23 **CHAIRMAN DIAZ:** Mr. Rindone.

24
25 **MR. RINDONE:** Thank you, Mr. Chair, and, to Ms. Boggs' question
26 before about where to find replacement descending devices, they
27 can also be purchased off of websites, like Amazon.

28
29 **CHAIRMAN DIAZ:** Okay. Any further questions for Mr. Donaldson?
30 Seeing none, we're going to move right along, and next up on our
31 agenda is the U.S. Coast Guard Report, and that's going to be
32 Lieutenant Commander Motoi.

33
34 **U.S. COAST GUARD REPORT**

35
36 **LCDR LISA MOTOI:** Good afternoon, Mr. Chairman and members of
37 the council. This is Lieutenant Commander Lisa Motoi, and it is
38 nice to return at least virtually. I do apologize for the
39 hiatus, and I recently returned from -- I was there for almost
40 four months, but I am back now for good at Coast Guard District
41 8 in New Orleans, and I look forward to seeing you in-person for
42 June's council meeting.

43
44 For Coast Guard updates, I will break them down into two of our
45 statutory missions, the first being living marine resources,
46 which is our domestic fisheries, and then other law enforcement,
47 particularly with the Mexican lanchas illegally fishing in our
48 waters.

1
2 Since July of last summer, District 8's coastal sectors, which
3 would be Sectors Mobile, New Orleans, Houston/Galveston, and
4 Corpus Christi, they have conducted roughly 450 vessel boardings
5 across the Gulf of Mexico, yielding fifty-five safety and
6 fishery violations and fourteen case packages, and our strong
7 partnership with NOAA facilitated the prosecution of those
8 fourteen case packages, producing \$21,000 worth of fines.

9
10 We have also been more aggressive with targeting the highly
11 migratory species fishery. Historically, it's the most
12 challenging boarding target of ours, due to limited resources to
13 operate that far offshore, but, halfway through this fiscal year
14 already, we have made significant improvements compared to last
15 fiscal year.

16
17 Additionally, we are working to increase visibility of the high
18 seas pockets in the Gulf of Mexico, and we're also working with
19 NOAA to gain permit data to more rapidly identify potential
20 instances of illegal fishing in the high seas pockets and
21 working with our air stations to conduct more overflights of
22 them.

23
24 Moving on to other law enforcement, and so with the Mexican
25 lanchas, through Quarter 2 of this fiscal year, we have
26 interdicted a total of fifty-five lanchas. As a result, we have
27 repatriated a total of 243 individuals and seized a total of
28 7,500 pounds of red snapper. The total number of lancha
29 interdictions in Quarters 1 and 2, they have increased nearly 8
30 percent from the last fiscal year, and so, again, we are
31 continuing to work this persistent threat in our area of
32 responsibility.

33
34 With that, we have had difficult challenges this period, as far
35 as our assets. Two of our five fast-response cutters suffered
36 big-time casualties, one being a catastrophic fire while a
37 cutter was in dockside availability, and then, with our
38 neighboring District 7 in Miami, there's been a huge surge in
39 Haitian migration in the windward pass and the southeast border
40 and approaches that has been affecting our resources, but we've
41 been adapting, and we're figuring out like best opportunities to
42 maximize our resources to best protect our living marine
43 resources across the Gulf of Mexico, and that concludes my
44 brief, pending any questions. Thank you.

45
46 **CHAIRMAN DIAZ:** I am not seeing any questions, but I do
47 appreciate your report, and I know the Coast Guard is stretched
48 thin, and staying on this Mexican lancha issue is very

1 important, and so we do appreciate you all continuing to work
2 that issue, and so we do appreciate it, and we look forward to
3 seeing you in person in Ft. Myers in June. Thank you.

4
5 **LCDR MOTOI:** Thank you, Mr. Chair.

6
7 **CHAIRMAN DIAZ:** Okay, and so that concludes our presentations,
8 and I have a couple of things here. Mr. Strelcheck had
9 mentioned, under Other Business, that he wanted to talk about
10 gillnetting of pompano. Mr. Strelcheck.

11
12 **OTHER BUSINESS**
13 **GILLNETTING OF POMPANO OUT OF FLORIDA**
14

15 **MR. STRELCHECK:** Thanks, Mr. Chair, and certainly Jessica
16 McCawley may want to weigh-in as well here, and so we have, over
17 the last few weeks, received a number of letters from David
18 Horan, who is a lawyer that represents gillnet fishermen, and
19 he's out of, I think, Key West.

20
21 The issue relates to harvest of pompano in federal waters. As
22 everyone knows, we do not have a federal fishery management plan
23 for pompano, and so the state, or states, have authority to
24 manage into federal waters, under the Magnuson Act. Section 306
25 in the Magnuson Act allows states to regulate a fishing vessel
26 outside their boundaries if it's registered under their state
27 and there is no FMP.

28
29 Florida, several decades ago, from what I gather, had
30 established a pompano endorsement zone, which allows for
31 gillnetting off of southwest Florida, north of the Florida Keys,
32 and parallel between about Everglade City and the Naples/Cape
33 Sable area, and it allows for licensed, permitted fishermen to
34 harvest legally in gillnets in federal waters and then return
35 through state waters and land those fish in particular areas of
36 Florida.

37
38 At this point, Mr. Horan is really kind of, I think, asking the
39 council to take up management of pompano, and I just wanted to
40 bring this to your attention, and I think Florida is certainly
41 aware of many of the concerns that Mr. Horan has raised over the
42 years, and, at least from what we've looked at, there is nothing
43 -- That the state does have authority, at least, to regulate,
44 based on how they have currently established the regulations, to
45 date, in terms of pompano, given there is no management plan. I
46 will turn it to Jessica or anyone else who might want to add to
47 this.

1 **CHAIRMAN DIAZ:** Ms. McCawley.

2
3 **MS. MCCAWLEY:** Thank you, Mr. Chairman. Thank you, Andy. Yes,
4 we are in a lawsuit right now, filed by Mr. Horan, and so I
5 really don't want to get into the details of that, but we do
6 have a letter from the Gulf Council that is dated February 7 of
7 2000, where the Gulf Council acknowledges that maybe regulations
8 for pompano are needed and suggesting that the State of Florida
9 put those regulations in place and extend them into federal
10 waters and indicating that they had no intent, at that time, to
11 establish a federal FMP for pompano.

12
13 I guess I would put it out there that I am under the assumption
14 that that letter still stands, that the Gulf Council has no
15 intent to regulate pompano in federal waters.

16
17 As Andy mentioned, since the year 2000, the State of Florida has
18 developed a comprehensive and robust fishery management plan for
19 pompano that is in state and federal waters, including allowing
20 people to gillnet in federal waters, with a particular permit,
21 and transit those fish and land them in this area between Cape
22 Sable and Hurricane Pass, and so I don't want to get into the
23 specifics of the lawsuit, but I am presuming that the Gulf
24 Council has no intention of starting a federal FMP for pompano.

25
26 **CHAIRMAN DIAZ:** Mr. Gill.

27
28 **MR. GILL:** Thank you, Mr. Chairman, and so I presume, as part of
29 that consideration -- You know, there was a recent incident down
30 there on gillnetting pompano, and Florida's position would be
31 that there is no particular advantage to the council
32 implementing any management measures, I would presume, and is
33 that correct?

34
35 **MS. MCCAWLEY:** That's the council's decision, but we feel like
36 we have a robust set of regulations in place for pompano, and,
37 yes, there was a recent case, but we have been in a lawsuit with
38 Mr. Horan, and he is representing the individual in the case,
39 and that's since about December of 2020, and so not related to
40 the particular law enforcement activity that you mentioned that
41 you probably heard about.

42
43 **CHAIRMAN DIAZ:** Ms. Bosarge.

44
45 **MS. BOSARGE:** Well, so, Andy, I mean, have you all taken a look
46 at pompano? I know there's a whole list of criteria that the
47 council runs through to determine if we need to take a species
48 under management for federal waters, and have you all taken a

1 look at that yet, to see it rises -- If pompano today, versus in
2 2000, rises to that level now, or is that something that the
3 council has to request that we take a look at?

4
5 I mean, I only say that because shrimpers transit the entire
6 Gulf, and we shrimp all over, right, and it does start to get
7 really confusing when -- This is not a reflection on you all's
8 state, Jessica, and this is just general, right. When states
9 start extending their state regulations out into federal waters
10 -- You know, we're leaving out of Mississippi, and we're in
11 federal waters all throughout the Gulf of Mexico, and then so,
12 if we get, I guess, close enough off the state of Florida, we've
13 got to remember that, okay, well, let's see, they've got these
14 regulations and those regulations that they've extended into
15 federal waters for certain species, and we might normally catch
16 some of those as bycatch, and retain them, but we're in federal
17 waters, and usually that's okay, but now it's not, because we're
18 over by Florida, and they've extended their -- It just gets real
19 confusing really quickly when that happens, and so what do we
20 need to do? Do we need to look at this, Andy, or not?

21
22 **MR. STRELCHECK:** Well, so the point of me discussing this today
23 was to bring it to your attention. We have only been made aware
24 of the concerns as of the last week or two, and certainly it's
25 within the council's purview, if you wanted, to look at this in
26 greater detail, and you could make that request, and we could
27 consider whether or not it's in need of federal management
28 relative to past decisions that it made quite some time ago.

29
30 **CHAIRMAN DIAZ:** Ms. Bosarge.

31
32 **MS. BOSARGE:** So you had a request, I guess, from a fisherman
33 that we should at least look at that, and is that what you said
34 in the beginning?

35
36 **MR. STRELCHECK:** We have a letter from a lawyer that represents
37 a gillnet fisherman that is saying -- The lawyer, I believe, is
38 suing the State of Florida over a similar manner, and so the
39 request essentially is related to the fact that they're
40 opposing, or don't like, the state regulations that extend into
41 federal waters, and, therefore, the end of the letter -- I don't
42 have it open, but it essentially requests that the council
43 manage pompano under a federal fishery management plan.

44
45 **MS. BOSARGE:** Chairman Diaz, didn't we have a request from a
46 charter fisherman a while back on pompano, that he wanted us to
47 manage in federal waters, that the state had extended
48 regulations?

1
2 **MS. MCCAWLEY:** That was African pompano.
3
4 **MS. BOSARGE:** African pompano, and so another pompano species,
5 and so that's two pompano species that we've now had requests
6 from fishermen for us to take a look at in federal waters, and
7 it might be about time, I guess, to at least just get a
8 presentation, because, I mean, we can't manage it unless it
9 meets the -- If it rises to the level of the criteria that we
10 have, but it sounds like it's probably time to at least take a
11 look at it, sometime in the near future.
12
13 **CHAIRMAN DIAZ:** All right, and I'm not aware of pompano being
14 commercially fished anywhere close to our area, but I don't know
15 about other areas of the Gulf. Dr. Frazer.
16
17 **DR. FRAZER:** It's just a question for Jessica, and so how many
18 vessels are actually engaged in that pompano fishery?
19
20 **MS. MCCAWLEY:** I would have to go back and look at the number of
21 endorsements, and my recollection is it's probably less than
22 twenty.
23
24 **DR. FRAZER:** Thanks.
25
26 **CHAIRMAN DIAZ:** Mr. Anson.
27
28 **MR. ANSON:** Thank you, Mr. Chair. I guess, since we're going to
29 be requesting this, just because I am not familiar with the
30 process of how a species is decided on, at least for federal
31 management, and I'm somewhat familiar with the details, only
32 because I read up a little bit on it when the 2000 letter went
33 out that Jessica mentioned, but is to possibly add, into that
34 list, another species, and that would be permit. I'm just
35 curious about that as well, and it's a similar type of species,
36 and so if we can do that as well.
37
38 **CHAIRMAN DIAZ:** I think, to be clear, it would probably be good
39 if there was a motion for whatever you all would like to see,
40 just so we make sure that we move forward, if it's the intent.
41 Dr. Simmons.
42
43 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair, and I was
44 trying to find the letter, but I think, Dr. Shipp, you were the
45 chair of the council when we received a similar letter, and we
46 responded to them, as Jessica mentioned, that we weren't going
47 to consider --
48

1 **DR. SHIPP:** My recollection is that the issue was discussed,
2 and, to add a little bit of humor to this, it was discussed at
3 length at the bar the night before, with commitments from a
4 whole bunch of council members that they were going to look into
5 it, and, the next morning, the vote was held, and it was sixteen
6 to one against it, and I was the one against it, and so there is
7 a history, going back more than twenty years, discussing
8 pompano.

9
10 **CHAIRMAN DIAZ:** Dr. Simmons and then Dr. Frazer.

11
12 **EXECUTIVE DIRECTOR SIMMONS:** Yes, but, I mean, I guess we have
13 received multiple, or at least two, letters from Mr. Horan's
14 office over the course of -- I can't recall, but since 2007,
15 Jessica, you said?

16
17 **MS. MCCAWLEY:** 2020 is when the lawsuit began, December of 2020.

18
19 **CHAIRMAN DIAZ:** Dr. Frazer.

20
21 **DR. FRAZER:** I am just trying to think this through a little
22 bit, mostly thinking about delegation of duties, right, and we
23 always talk about how much workload that we've got going on and
24 things like that, and it seems, to me, with the relatively
25 limited number of vessels that are effectively managed by a
26 state agency, that I'm not sure why we would get into that, but
27 that's my two-cents on that.

28
29 **CHAIRMAN DIAZ:** Thank you, Dr. Frazer. Mr. Rindone and then Ms.
30 Boggs.

31
32 **MR. RINDONE:** Thank you, Mr. Chair. In the past, when we had
33 discussions about the management of some of the south Florida
34 species, we were able to request, from the Southeast Regional
35 Office, landings that were delineated by whether they came from
36 state or federal waters, which we used as kind of a litmus test
37 for whether certain things should be left to the State of
38 Florida to deal with or they should be something that the
39 council should look into, and so perhaps that's something that
40 you could guys could consider to look at, for pompano anyway, to
41 see the proportion of landings that occur in state waters versus
42 federal.

43
44 **CHAIRMAN DIAZ:** Thank you, Mr. Rindone. Ms. Boggs and then Ms.
45 Levy.

46
47 **MS. BOGGS:** I am just curious, and are these all gillnetters?
48

1 **MS. MCCAWLEY:** So this portion of southwest Florida that we're
2 talking about is the only area of the state where you can direct
3 harvest pompano with gillnets. Pompano can be taken as bycatch
4 in other types of gillnets in federal waters, like with king
5 mackerel and Spanish mackerel, but pompano can be taken
6 commercially with other gears, including hook-and-line and seine
7 nets.

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

10
11 **MS. LEVY:** Thank you. Just a couple of things. One that, in
12 the National Standard Guidelines, there's a section about stocks
13 that require conservation and management, and so it has a number
14 of factors that the council is supposed to consider. I mean,
15 one might be the proportion of landings in state waters, but --
16 I am not saying that you need to delve into all of these things,
17 but I just don't want it to be that that would be the only
18 factor and that that's somehow decisive in all cases, and there
19 is a list of factors.

20
21 The other thing that I will point out is that, in terms of
22 Florida's ability to regulate vessels in the EEZ, it's limited
23 to those vessels that are registered in Florida, right, and so,
24 if someone has a registered vessel somewhere else, I mean,
25 Florida might not even know what they're doing with pompano,
26 because they're not going to have a Florida special endorsement
27 for pompano, and so, in terms of that, I just wanted to make
28 that clear.

29
30 **CHAIRMAN DIAZ:** Thank you, Ms. Levy. Any further comments? I
31 do concur with Dr. Frazer that workload is a real consideration,
32 and we're taking on more stuff than we can push out the door,
33 currently, and so it's something that we have to factor in. All
34 right. Ms. Bosarge.

35
36 **MS. BOSARGE:** I think though, at some point in the future, what
37 we can get is just a presentation, kind of what Kevin was
38 speaking to, and Mara can lay out the National Standard
39 criteria, and we'll look at just some landings histories for
40 permit and possibly African -- Maybe pompano in general, or we
41 can just spell it out as African pompano, and I don't know, and
42 this other one, and I don't know exactly what kind of pompano he
43 was after, but --

44
45 **MS. MCCAWLEY:** Florida pompano.

46
47 **MS. BOSARGE:** What is it?

48

1 **MS. MCCAWLEY:** Florida pompano.

2
3 **MS. BOSARGE:** Florida pompano. Then maybe some clarification,
4 because, Mara, you kind of confused me, and so I guess there's a
5 line somewhere in the Gulf of Mexico, and so like, if Florida
6 extends its regulations into federal waters, is that the
7 entirety of all federal waters in the Gulf of Mexico at that
8 point, or is there some line that says Florida federal waters
9 stop here?

10
11 **MS. LEVY:** The Act doesn't speak to lines, right, and the Act
12 says that they can regulate a fishing vessel outside the
13 boundaries of the state under the following circumstance, and
14 one circumstance is if the vessel is registered under the law of
15 the state and there is no FMP, right, or no federal regulations,
16 and so it speaks to regulating vessels outside the boundaries of
17 the state, and it limits it to those vessels registered in the
18 state.

19
20 **CHAIRMAN DIAZ:** Okay. I am not seeing any further discussion,
21 and we're going to move on down the agenda. I have just a
22 couple of other items, and we're getting real close, but does
23 anybody have any other business at this point to come before the
24 council? Mr. Anson.

25
26 **MR. ANSON:** Real brief, it was to follow-up on your question to
27 Major Downey about the boat shows and the attendance of council
28 staff, and so it kind of -- You don't have to provide an answer
29 or anything right now, but I'm just wondering, for discussion
30 purposes, if those types of venues would be helpful for council
31 members, if they are so interested, to tag along, or be present,
32 when staff were to show up, to maybe coordinate a council member
33 being present there. I don't know what Emily or you all have
34 planned for that, but that's just a suggestion, and that's all.
35 Thank you.

36
37 **CHAIRMAN DIAZ:** That is the way we've tried to do in the past,
38 when we've had these limited number of things, and, if we get to
39 do them in the future, certainly a council member from that
40 state, that lives close by, would be a good person to check
41 with, or anyone from that state. Any other business? Mr.
42 Schieble.

43
44 **MR. SCHIEBLE:** Just a quick announcement. Today, our commission
45 voted to set the red snapper season in Louisiana, and we talked
46 about this the other day, the potential, but the news release
47 has come out, and so it's official.

1 The opening day will be Friday, May 27, which is the Friday
2 before Memorial Day, and it will open with a three-day weekend,
3 plus Memorial Day, and so that first weekend will be four, and
4 then we will fish with three-day weekends through the season.
5 Friday, Saturday, and Sunday constitutes a three-day weekend,
6 with a daily bag limit of three fish at sixteen inches minimum
7 length, and that includes 4th of July and Labor Day, if we get
8 that far, and we'll be fishing to that 809,316-pound adjusted
9 ACL that subtracts the overage of 6,918 pounds.

10
11 **CHAIRMAN DIAZ:** Thank you, Mr. Schieble. Ms. Boggs.

12
13 **MS. BOGGS:** I'm sorry, Chris, but what was the bag limit again?

14
15 **MR. SCHIEBLE:** I'm sorry. It's three fish per person, sixteen
16 inches minimum.

17
18 **CHAIRMAN DIAZ:** Thank you for that, Mr. Schieble. Hot off the
19 press. All right, and so I only have two things, and we're
20 going to wind this up. First, I want to thank the staff for all
21 the hard work they've done this week, but, also, after the
22 October meeting, we had a lot of problems with the sound system,
23 and staff have done some upgrades and tweaking, and I think they
24 have boosted our internet capacity in a couple of ways, and I
25 think the sound system is noticeably better.

26
27 I think, when we have trouble hearing people right now, mostly
28 it's on the other people's end, and I don't know -- I don't know
29 if we're going to be able to do much about that, and I know one
30 person mentioned that might try to encourage people not to use
31 cellphones and try to talk off their computers, if they could,
32 and that might help, and I don't know, but we'll see if we can
33 figure out something to help people on their end.

34
35 On our end, we've made some upgrades, and I want to thank the
36 staff for doing that. The first two days were perfect, and I
37 heard everything nice and clear. Yesterday, there were a couple
38 that were hard to hear, and then during public testimony, but,
39 again, I think it's on the user's end, with their equipment, or
40 the way that they're handling it, and so I don't know how much
41 we're going to be able to do about that, but it was a noticeable
42 improvement, and, when you all say something, we try to react,
43 and we heard it loud and clear. In October, there were some
44 problems, and the staff has worked on that, and I appreciate it.

45
46 Also, I do want to make sure, before we get out of here, that
47 our next meeting date is June 21 through 24, and that is Tuesday
48 through Friday, and so we normally, almost always, meet Monday

1 through Thursday, and that's a Tuesday through Friday, and so,
2 when you make your travel plans, and you start thinking towards
3 that meeting, try to remember that.

4
5 The reason that is like that is -- I don't know that we've run
6 into this in the past, and I don't know if we've been in that
7 week, but there's a Juneteenth holiday during there, and there
8 was some problems with setting up the meeting on a federal
9 holiday, and that holiday is also in a lot of states also, and
10 so that's how we got to a Tuesday through Friday. We will
11 probably try to avoid that week in the future, if we can, and I
12 can't promise you that we can, because it's hard enough now to
13 book hotels, with everything, but we will try to avoid that, if
14 we can.

15
16 Anyway, if there is no questions, that's all I have. Does
17 anybody have any concerns or any questions? Then I will see you
18 all in June. Thank you.

19
20 (Whereupon, the meeting adjourned on April 7, 2022.)

21
22

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