

GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

293RD MEETING

FULL COUNCIL SESSION

Hilton Baton Rouge

Baton Rouge, Louisiana

FEBRUARY 1-2, 2023

VOTING MEMBERS

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

NON-VOTING MEMBERS

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

STAFF

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

1
2 **OTHER PARTICIPANTS**
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4 Kindra Arnesen.....Plaquemines Parish, LA
5 Major Dean Aucoin.....LA
6 Keith Banks.....Port Aransas, TX
7 Eric Brazer.....Shareholders Alliance
8 Catherine Bruger.....Ocean Conservancy
9 Gary Bryant.....Orange Beach, AL
10 B.J. Burkett.....Panama City, FL
11 Phil Calo.....
12 Cody Chivas.....FL
13 Doug Daigle.....LA
14 Scott Daggett.....Madeira Beach, FL
15 Jason Delacruz.....FL
16 Joshua Ellender.....LA
17 Katie Fischer.....Matlacha, FL
18 Jamie Gaspard.....Grand Isle, LA
19 Ian Giancarlo.....Environment America
20 Jim Green.....Destin, FL
21 Marshall Gross.....Leesville, LA
22 Buddy Guindon.....Galveston, TX
23 Ken Haddad.....ASA, FL
24 Nick Haddad.....Sea Grant, FL
25 Kevin Haller.....Port Aransas, TX
26 Alan Harris.....Lakeland, FL
27 Jonathan Hernandez.....
28 Sean Heverin.....Madeira Beach, FL
29 Scott Hickman.....Galveston, TX
30 Rachel Hisler.....Devils Bayou, TX
31 Dylan Hubbard.....FL
32 Holden Hunter.....
33 Graham Jankura.....Palm Harbor, FL
34 Gary Jarvis.....Destin, FL
35 Mike Jennings.....Freeport, TX
36 Trenton Knepp.....FL
37 Randy Lauser.....
38 Brian Lewis.....
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40 Lawrence Marino.....LA
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11 Bob Zales, II.....Panama City, FL
12 Jim Zurbrick.....Steinhatchee, FL

13
14
15

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TABLE OF MOTIONS

1
2
3 [PAGE 138](#): Motion that anti-harassment training should be
4 completed at the time of appointment or reappointment of Council
5 members, SSC members, and AP members. State directors and their
6 designees should complete anti-harassment training every three
7 years and at the time of appointment. [The motion carried on](#)
8 [page 139](#).

9
10 [PAGE 139](#): Motion to approve modifications to Sections 4.8 and
11 4.8.1 of the council SOPPs. [The motion carried on page 139](#).

12
13 [PAGE 139](#): Motion to approve modifications to the SOPPs as
14 recommended by the LETC and proposed in Tab G, Number 4(c). [The](#)
15 [motion carried on page 139](#).

16
17 [PAGE 140](#): Motion to approve the proposed EFH contract as
18 presented. [The motion carried on page 140](#).

19
20 [PAGE 140](#): Motion for a \$5,000 increase in funding for the state
21 and commission liaison contracts. [The motion carried on page](#)
22 [141](#).

23
24 [PAGE 143](#): Motion to advertise to repopulate the CMP AP only.
25 [The motion carried on page 143](#).

26
27 [PAGE 155](#): Motion to approve the letter, with edits, from the
28 council and that it be sent to the FKNMS. [The motion carried on](#)
29 [page 155](#).

30
31 [PAGE 160](#): Motion to approve Abbreviated Framework Action:
32 Modification of For-Hire Vessel Trip Declaration Requirements
33 and that it be forwarded to the Secretary of Commerce for review
34 and implementation, and deem the codified text as necessary and
35 appropriate, giving staff editorial license to make the
36 necessary changes in the document. The Council Chair is given
37 the authority to deem any changes to the codified text as
38 necessary and appropriate. [The motion carried on page 161](#).

39
40 [PAGE 166](#): Motion that the Ecosystem Technical Committee charge
41 be revised to have the Outreach and Education Technical
42 Committee develop the plan to engage stakeholders in the process
43 of creating the Fishery Ecosystem Plan. [The motion carried on](#)
44 [page 167](#).

45
46 [PAGE 168](#): Motion to approve Framework Action: Modification of
47 Gray Triggerfish Commercial Trip Limits and that it be forwarded
48 to the Secretary of Commerce for review and implementation and

1 deem the codified text as necessary and appropriate, giving
2 staff editorial license to make the necessary changes in the
3 document. The Council Chair is given the authority to deem any
4 changes to the codified text as necessary and appropriate. [The](#)
5 [motion carried on page 170.](#)
6

7 [PAGE 171:](#) Motion that, no later than June 2023, the council
8 should conduct a review of IFQ program goals and objectives, and
9 recommend changes. Based on the newly updated goals and
10 objectives, the council should then initiate an amendment to
11 address program changes consistent with the resulting goals and
12 objectives corresponding with the themes presented in Tab B,
13 Number 5(c) at the January 2023 Gulf Council meeting. [The](#)
14 [motion carried on page 181.](#)
15

16 [PAGE 181:](#) Motion In Action 1 to move Options 2c and 3c in
17 Alternatives 2 and 3 to Considered but Rejected. [The motion](#)
18 [carried on page 181.](#)
19

20 [PAGE 183:](#) Motion in Action 2 to move Alternative 4 to
21 Considered but Rejected. [The motion carried on page 183.](#)
22

23 [PAGE 184:](#) Motion to direct staff to develop the following
24 options for exploration in a framework action or amendment:
25 lowering the gag and black grouper recreational bag limit;
26 establishing a gag and black grouper recreational vessel limit;
27 spatial areas to protect spawning gag. [The motion carried on](#)
28 [page 187.](#)
29

30 [PAGE 189:](#) Motion to take Draft Amendment 56: Modifications to
31 the Gag Grouper Catch Limits, Sector Allocations, and Fishing
32 Seasons out for public hearings in the following Florida four
33 locations and on virtual: Destin, Cedar Key, Tampa, Naples. [The](#)
34 [motion carried on page 189.](#)
35

36 [PAGE 191:](#) Motion in Action 1 to add an Option b to Alternatives
37 2, 3, and 4: Option b is modify the recreational fishing season
38 for the Gulf jacks complex (i.e. lesser amberjack, almaco jack,
39 banded rudderfish) such that this season is open June through
40 February. [The motion failed on page 192.](#)
41

42 [PAGE 192:](#) Motion to remove consideration of the jacks complex
43 from the document. [The motion carried on page 193.](#)
44

45 [PAGE 194:](#) Motion in Action 2 to add an Alternative 4:
46 Alternative 4 is establish a commercial trip limit of seven
47 fish. [The motion carried on page 194.](#)
48

1 [PAGE 194](#): Motion to request SEFSC provide a presentation to the
2 council regarding multiyear ACL averages to monitor ACLs. [The](#)
3 [motion carried on page 194](#).
4

5 [PAGE 195](#): Motion to request that staff begin development of a
6 framework action to update the recreational red snapper data
7 calibration ratios for Florida, Alabama, and Mississippi, using
8 the calibration ratios recommended by the SSC during their
9 January 2023 meeting. [The motion carried on page 196](#).
10

11 [PAGE 197](#): Motion to direct staff to start a document to modify
12 Gulf gray snapper catch limits. [The motion carried on page 198](#).
13

14 [PAGE 201](#): Motion to direct staff to initiate a document that
15 addresses elimination of recreational red grouper overruns by
16 considering changes including seasons, bag limits, size
17 constraints and other measures. [The motion failed on page 204](#).
18

19 [PAGE 208](#): Motion to initiate development of a recreational
20 fisheries management initiative for reef fish in 2023. The goal
21 of this initiative is to evaluate the efficacy of current
22 federal recreational reef fish management in the Gulf of Mexico
23 and develop future management approaches and guidance intended
24 to prevent overfishing, address discards and/or discard
25 mortality, account for uncertainty in recreational data, and
26 provide for innovative new management approaches to regulate
27 federally-managed recreational fisheries. The initiative would
28 include: 1)development, review, and revision of goals and
29 objectives for recreational fisheries management; 2)review of
30 the status of federally-managed species in the Gulf of Mexico
31 that are highly sought after by recreational anglers, including
32 recreational sources of directed and bycatch mortality; 3)review
33 of recreational management measures, including how management
34 measures have changed over time; 4)assessment of the performance
35 and efficacy of recreational accountability measures and
36 recommended improvements; 5)evaluation and consideration of
37 harvest control rules (i.e., pre-agreed guidelines) for setting
38 bag, size, and season limits; 6)scientific recommendations to
39 the council for addressing variability and uncertainty in
40 recreational catch estimates, including use of multiple years of
41 data, identification of catch estimates that are the result of
42 low sample sizes or outliers, and statistical recommendations
43 and guidance for how such approaches could be implemented; and
44 7)exploration of innovative new management strategies, including
45 but not limited to: regional management, sector separation, a
46 bottom-fish season, effort rationalization, and management
47 approaches for reducing discards and discard mortality. [The](#)
48 [motion carried on page 215](#).
49

1 The Full Council of the Gulf of Mexico Fishery Management
2 Council convened at the Hilton Baton Rouge in Baton Rouge,
3 Louisiana on Wednesday morning, February 1, 2023, and was called
4 to order by Chairman Dale Diaz.

5 6 **CALL TO ORDER AND INTRODUCTIONS**

7
8 **CHAIRMAN DALE DIAZ:** I want to welcome everybody back to the
9 Gulf of Mexico Fishery Management Council meeting. We're at the
10 point where we're ready to start our council meeting. Welcome
11 to the 293rd meeting of the Gulf Council. My name is Dale Diaz,
12 chair of the council.

13
14 If you have a cell phone or similar device, we ask that you
15 place it on silent or vibrant mode during the meeting. Also, in
16 order for all to be able to hear the proceedings, we ask that
17 you have any private conversations outside. Please be advised
18 that alcoholic beverages are not permitted in the meeting room.

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

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

33
34 The membership also includes the five state fishery managers
35 from each Gulf state and the Regional Administrator from NOAA's
36 Southeast Fisheries Service, as well as several non-voting
37 members.

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

43
44 Anyone joining us virtually that wishes to speak during the
45 public comment should register for comments online. Virtual
46 participants that have registered to comment should ensure that
47 they are registered for the webinar under the same name they
48 used to register to speak. In-person attendees wishing to speak

1 during the public comment should sign-in at the registration
2 kiosk located at the back of the room. We accept only one
3 registration per person. A digital recording is used for the
4 public record, and, therefore, for the purpose of voice
5 identification, we will call attendance for council members
6 attending virtually first. After this is completed, members in
7 the room should identify him or herself, starting on my left.
8 Dr. Shipp and Dave, if you all would --

9
10 **DR. BOB SHIPP:** Bob Shipp, Alabama.

11
12 **MR DAVE DONALDSON:** Dave Donaldson, Gulf States Marine Fisheries
13 Commission.

14
15 **MR. MICHAEL MCDERMOTT:** Michael McDermott, Mississippi.

16
17 **GENERAL JOE SPRAGGINS:** Joe Spraggins, Mississippi.

18
19 **MR. TROY WILLIAMSON:** Troy Williamson, Texas.

20
21 **MR. DAKUS GEESLIN:** Dakus Geeslin, Texas.

22
23 **MR. BOB GILL:** Bob Gill, Florida.

24
25 **DR. C.J. SWEETMAN:** C.J. Sweetman, Florida Fish and Wildlife
26 Conservation Commission.

27
28 **MR. PHIL DYSKOW:** Phil Dyskow, Florida.

29
30 **MR. KEVIN ANSON:** Kevin Anson, Alabama.

31
32 **MS. SUSAN BOGGS:** Susan Boggs, Alabama.

33
34 **MS. KERRY MARHEFKA:** Kerry Marhefka, liaison from the South
35 Atlantic Fishery Management Council.

36
37 **LCDR LISA MOTOI:** Lieutenant Commander Lisa Motoi, U.S. Coast
38 Guard.

39
40 **MS. MARA LEVY:** Mara Levy, NOAA Office of General Counsel.

41
42 **MR. ANDY STRELCHECK:** Andy Strelcheck, NOAA Fisheries, Southeast
43 Regional Office.

44
45 **DR. CLAY PORCH:** Clay Porch, NOAA Fisheries, Southeast Fisheries
46 Science Center.

47
48 **MR. PETER HOOD:** Peter Hood, NOAA Fisheries, Southeast Regional

1 Office.

2

3 **MR. J.D. DUGAS:** J.D. Dugas, Louisiana.

4

5 **MR. CHRIS SCHIEBLE:** Chris Schieble, Louisiana.

6

7 **MR. BILLY BROUSSARD:** Billy Broussard, Louisiana.

8

9 **DR. TOM FRAZER:** Tom Frazer, Florida.

10

11 **EXECUTIVE DIRECTOR CARRIE SIMMONS:** Carrie Simmons, Gulf Council
12 staff.

13

14 **DR. GREG STUNZ:** Greg Stunz, Texas.

15

16 **ADOPTION OF AGENDA AND APPROVAL OF MINUTES**

17

18 **CHAIRMAN DIAZ:** Thank you, all. All right. I do want to call
19 the meeting to order, and I want to make sure everybody knows
20 that, at 11:00, the Secretary of the Louisiana Wildlife and
21 Fisheries will be here to give us some opening remarks and a
22 welcome statement. We're running a little early, but, as close
23 to 11:00 as possible, we're going to give the Secretary of
24 Louisiana Wildlife and Fisheries and Parks an opportunity to do
25 that, and so we're going to make a break right there, as close
26 as possible.

27

28 Okay, and so the first order of business is the Adoption of the
29 Agenda, and I would like to add, to Other Business, Council
30 Elections. Is there any other business, or any other business
31 to be added to the agenda?

32

33 **DR. SHIPP:** Dale, I would like to add an item to the agenda, and
34 I would like a brief discussion on the shark problem and what we
35 can do about it. Thank you.

36

37 **CHAIRMAN DIAZ:** Thank you, Dr. Shipp. We have that, and I've
38 got that down under Other Business. Any other business to add
39 to the agenda? All right. Then I would entertain a motion to
40 accept the agenda, as amended.

41

42 **DR. STUNZ:** So moved.

43

44 **CHAIRMAN DIAZ:** It's so moved by Dr. Stunz, and it's seconded by
45 Ms. Boggs. Any opposition? The agenda is adopted. The next
46 order of business is the Approval of the Minutes. Are there any
47 corrections or modifications to the minutes? Seeing none, is
48 there any opposition to adopting the minutes? The minutes are

1 adopted.

2
3 Moving down our agenda, the first item of business is we have
4 some presentations, and the first presentation is going to be by
5 Mr. Haddad, and it's going to be on an update for the Return 'Em
6 Right project. Mr. Haddad.

7
8 **PRESENTATIONS**
9 **UPDATE ON RETURN 'EM RIGHT PROJECT**

10
11 **MR. NICK HADDAD:** Good morning, and thank you, Mr. Chair. My
12 name is Nick Haddad, and I'm here to give an update on Return
13 'Em Right. I'm with Florida Sea Grant, and I'm joined by my
14 colleague, Charlie Robertson, from the commission, and so,
15 around halfway, I will hand over the stand to him.

16
17 Just a reminder, and I presented, in June of last year, an
18 introduction to the program, and so just some basics, for those
19 who did hear that presentation, and Return 'Em Right is a seven-
20 year project funded from Deepwater Horizon oil spill money, with
21 three main components, an education and outreach component, a
22 fish descending device distribution component, and both of those
23 are being led by us at Florida Sea Grant, and a monitoring and
24 evaluation component being led by the commission.

25
26 There is three main goals to reduce mortality in reef fish
27 resulting from barotrauma and release, improve anglers'
28 experience with the release gear, and both of those should, in
29 turn, improve the overall health of the reef fisheries.

30
31 The project plan was to build an independently-branded program
32 that resonates with anglers, and so that's what the whole Return
33 'Em Right is. It's guided by anglers and grounded in science,
34 and it promotes all best release practices, and so it's not a
35 program that is telling everyone to descend every fish, or vent
36 every fish, and it's giving anglers the power and the knowledge
37 to do what works best for them, in whatever situation that might
38 be on the water.

39
40 From a gear distribution standpoint, a major part of the plan is
41 to require education, and so we don't just hand out free
42 descending devices, or free gear, without an angler going
43 through an educational module that we have online, and part of
44 that comes from the DESCEND Act requirement. Now that venting
45 tools and descending devices are required in federal waters,
46 when fishing for reef fish, the added value from this program is
47 that educational component. If an angler is venting wrong, or
48 if they have a descending device getting rusty in a cup holder

1 on the boat, that doesn't support the resource much, and so
2 knowing how to vent, how to descend, and when to do so is the
3 added value from the program.

4
5 The plan was to roll out the program in two phases, starting
6 with federal for-hire reef fish permit owners, captains, and
7 crew, and then roll it out Gulf-wide to all recreational
8 anglers, offshore recreational anglers.

9
10 The current status, and I'm not going to go into too much of the
11 background work, because I presented last year on this, but the
12 program is fully up and running. Everyone, across the Gulf of
13 Mexico, has access, through returnemright.org, to an online
14 training on barotrauma best release practices, and eligible
15 anglers will get a shipping form, at the end of the module,
16 where they will be shipped free release gear to use out on the
17 water, to support the fishery, after completion of the module,
18 and gear is being distributed widely across the Gulf.

19
20 Here is a density map showing education module completions by
21 eligible anglers by county, and so, as of a couple of weeks ago,
22 we've had over 11,500 anglers, offshore anglers, complete our
23 online training on barotrauma and best release practices. You
24 can see the dark-red on the map is over 200 anglers per county,
25 and there is very high participation around Tampa and St. Pete,
26 and, headed south, I would like to think that's because I live
27 in that area, and I'm highly connected, but it's probably
28 because influencer extraordinaire Dylan Hubbard lives there, and
29 so that's more likely the case, but a lot of the participation
30 up through the Panhandle and Alabama, and into Louisiana as
31 well, and a fairly even distribution across Texas as well.

32
33 The average completion time is fourteen minutes, and so we
34 wanted this program to highlight barotrauma, general best
35 release practices, venting, and descending without too much
36 fluff involved. You can see the sector breakdown in the chart
37 on the top right, with over 270 federal for-hire captains and
38 crew and over 11,000 private recreational and 186 state for-hire
39 captains that have participated so far.

40
41 One of the cool things is, at the end of the training, once
42 anglers submit their shipping address, they receive an option to
43 complete a follow-up survey, and so I mentioned that we want
44 this program to be guided by anglers, and over 6,200 anglers
45 actually completed the follow-up survey, which is amazing. More
46 than half of the anglers have, and we use this survey to kind of
47 report on what anglers are saying and how we can improve the
48 program.

1
2 Another amazing thing is I know we get a ton of surveys, and
3 it's easy to pick multiple choice things, but actually taking
4 the time to write out responses -- I feel like we don't see that
5 as much, and you can see here, when we asked why people took the
6 training, and this is only through October as well, but over 860
7 responses, free responses, of anglers actually taking the time
8 to type out why they were interested, and a lot of them are
9 conservation purposes, and so, as anglers, we really care about
10 the resource. We want to do what's right for the resource, and
11 sometimes we just need additional education and outreach.

12
13 I know we talk about it a lot here, but I really stress the
14 importance of education and outreach. 99.9 percent of anglers
15 want to do the right thing in these situations.

16
17 Some other comments from anglers is they want to learn more, and
18 be able to teach others, and it was recommended through a bunch
19 of avenues, and I thank the council for pushing out the message,
20 and also a ton of other avenues that have helped. People have
21 mentioned that they think that it should be required, or have
22 open availability, and it is openly available on our website,
23 and so it's up to us to continue to push that out.

24
25 They thanked us for providing the gear as well, and, again,
26 teaching and sharing info. A misconception clarified, and I've
27 been reef fishing all my life, and I discovered that I've been
28 venting wrong, and thanks for the help, and so there's actually
29 quite a few comments like that, and so the power of education
30 and outreach can really help in this initiative.

31
32 We also asked was there any specific information that they were
33 expecting to see that was not covered, and so anglers,
34 additionally, asked us to provide more information, like how to
35 set depths on descending devices, and what's the preferred rig,
36 or setup, that you want to use on your boat. Then different
37 aspects of barotrauma with different species, how to vent with
38 different species, and I want to mention that, on the right
39 side, you'll see a Plan B here, and what if efforts do not seem
40 successful the first time, and do you retry something else?

41
42 Yesterday, there was a brief discussion on venting and
43 descending of fish, and, 99.9 percent of the time, if you have
44 the right amount of weight, there is no reason to vent the fish
45 and descend it. Now, there are some rare occasions, if you
46 don't have enough weight, where removing some of that air can
47 help get that fish down, if you don't have enough weight to pull
48 it down, and an example is we were fishing in Panama City last

1 year, and we caught a gag grouper out-of-season, that was
2 estimated to be around fifty pounds, and the captain vented the
3 fish quickly, and it still didn't go down.

4
5 I had a descending device rigged with three pounds of weight,
6 and that wasn't going to get a fifty-pound gag grouper down,
7 but, luckily, we had an additional four pounds that I quickly
8 looped on the device, and so seven pounds, in addition to
9 removing some air, through venting, did get that fish back down,
10 and it stayed down, and so that's a scenario where venting, and
11 releasing some of that air, might help, if you don't have enough
12 weight.

13
14 Lastly, we asked if anyone had any problems with the training,
15 and the majority didn't, but some anglers did have issues with
16 videos not loading, or we had some YouTube links in there, with
17 some additional education, and they were having some trouble
18 getting back to the training, and they had to start over, and so
19 this is all stuff that we're taking anglers' feedback and using
20 it to improve the program, improve the training, and make it a
21 better experience for anglers.

22
23 Next steps on the education and outreach side, and so we already
24 developed a new version of the education module that addressed
25 all those issues, and we reduced some of the video resolution
26 size to increase the loading time, and we removed all external
27 links. We added more information on the specifics of how to use
28 some of the descending devices, more information on the tips and
29 tricks for how to rig it on your boat to make it efficient, an
30 easy process. We removed -- Like I mentioned, we removed those
31 links, to improve the technical issues, and so that module is
32 already launched and exported and ready to upload to the server,
33 and so, in the coming week or so, we'll have a completely
34 refreshed module, with improvements made.

35
36 We want to retarget captains and crews, and so, as the educators
37 of the sport, it's really important to get them involved in the
38 program, and, again, I'm not -- I'm not saying that captains
39 should descend every fish, and have to do that every time, but
40 having the gear with them, having venting tools and descending,
41 really helps, from an education standpoint. I don't know any
42 anglers that just pick up a rod and buy a boat and go offshore
43 for the first time and know what they're doing. Most of them
44 started on a charter somewhere, and they learned from watching
45 the captains and crews.

46
47 We launched, again, back in October, but there's been
48 significant changes and improvements to the program since then,

1 and so we want to re-target them, and the same with areas of low
2 participation. You saw there were some hotspots on that density
3 map, but there were also some areas where we're lacking some
4 participation. Some of that is because angling effort isn't
5 spread evenly across the Gulf, but we can really take a look at
6 some of those areas where additional outreach and education can
7 help.

8
9 We also launched a device use follow-up survey, just last week,
10 and so we are surveying anglers that have had the gear for over
11 six months, to tell us about experiences with the gear, if they
12 need additional education, or outreach, on any particular
13 aspects of venting and descending, and, also, what kind of
14 species they used it with, how often they used the gear, and
15 questions like that.

16
17 Lastly, we want to develop new educational videos, and modules,
18 based on what those anglers are asking for, and a lot of anglers
19 are requesting more dehooking videos, more simple videos that
20 can help those minor nuances that we didn't include in the
21 training, to kind of keep it short, and, lastly, translating
22 products, and we want to translate some of these products into
23 Spanish, and possibly other languages, to continue to be as
24 inclusive as possible for anglers across the Gulf, and, with
25 that being said, I'm going to pass it over to Charlie, and I
26 will take a seat, but I will be available after, for questions,
27 as well.

28
29 **MR. CHARLIE ROBERTSON:** Thanks, Nick. My name is Charlie
30 Robertson, with the Gulf States Marine Fisheries Commission. As
31 you can see, there's a lot of really great work that's happening
32 here. Nick's side, Florida Sea Grant, is handling a lot of the
33 outreach and education, but they're so much stuff involved with
34 this project, and we've got our hands in so many different pots,
35 that we're really relying on each other to have some kind of
36 separate primary responsibilities, although we work together on
37 pretty much all aspects of the project, but the commission's
38 main role is to manage the monitoring and evaluation side of the
39 project. Since this is a Deepwater Horizon NRDA-funded project,
40 we've got to answer questions on the benefits of restoration,
41 and so that's kind of where our primary responsibility lies.

42
43 We've kind of relied on a lot of our partners in the states to
44 help us gather information, through existing platforms, and
45 through fishery-dependent and independent surveys, and so I've
46 listed those here, and I will kind of briefly go through each of
47 these, but I think what you'll see is there's a lot of questions
48 that we're asking, to help us understand what the benefits of

1 this project are to fisheries, that might be different from the
2 questions that you guys are asking from the council, but the
3 answers that we're hoping to get are things that could also
4 benefit your work and some of the discussions that you're having
5 here.

6
7 The Gulf at-sea observer programs, that's a program that we're
8 working with several states on right now. The Florida Fish and
9 Wildlife Commission, the Alabama Department of Conservation and
10 Natural Resources, and the Mississippi Department of Marine
11 Resources are working with us to help collect information from
12 the for-hire recreational anglers.

13
14 You guys are probably familiar with Florida's program, and
15 they've been doing it for a long time, and it's probably the
16 most long-standing at-sea observer program in the Gulf, and it's
17 very reputable, and so we've modeled some of the work in the
18 other states to kind of standardize the same types of data that
19 they're collecting, but we've also added some new stuff to that,
20 to help inform our project, and so the prevalence of use of
21 descending devices, as well as venting tools.

22
23 We're also hoping to capture some information on discard
24 mortality rates, through mark-recapture components, and each of
25 the states are implementing those as well, and then we're
26 standardizing some of the coding that's being recorded in the
27 different states, in things like barotrauma and disposition. In
28 the past, for instance, Florida was collecting information on
29 the symptoms, and not necessarily the severity, and so, instead
30 of going from a stomach sticking out of the mouth, or scales
31 sticking out, or anus protruding, we're using a number code, so
32 that we can codify that stuff, to standardize across the
33 different states, and actually do some data analysis for that.
34 That will help us understand how fish are affected at different
35 depths when they're caught.

36
37 As I've just mentioned, we're trying to standardize some of the
38 methodologies from the data collection in the different states,
39 and the data fields that they're actually collecting as well,
40 and, if you're familiar with the MRIP survey, the sampling is
41 done in much the same way, in that they're randomly selecting
42 for-hire vessels each month, for observers to be onboard those
43 vessels.

44
45 I did want to note here that, in the last council meeting, there
46 was some discussion about information on amberjack discards, and
47 I wanted to point out that Florida's program, their at-sea
48 observer program, has been collecting, through their routine

1 sampling, information on amberjack. However, since we started,
2 last year, supporting their program, they were able to increase,
3 and target, trips that are specifically targeting amberjack, so
4 that they can increase the sample size for amberjack, and I
5 think, to-date, right now -- Alabama is collecting information
6 as well on amberjack, and, to-date, I think just this last
7 season, they were able to tag and release over 200 amberjack in
8 Alabama and Florida.

9
10 We've already started to get some records of returned fish, and
11 we're hoping to tag more in the upcoming years, and get more
12 returns in, and, of course, we'll make that data available to
13 you guys, as it comes in.

14
15 We're also collecting information through the state reef
16 validation surveys in each state, and, again, Florida, Alabama,
17 and Mississippi are helping us with that, and we're able to
18 collect information from the private sector, through these
19 surveys, as well as the for-hire, and so the information that
20 we've added to the existing surveys, again trying to minimize
21 that, because, you know, we're cognizant of the fact that the
22 burden of the anglers having to answer questions -- We just
23 wanted to get a couple of things to help us understand the use
24 of devices, and so whether or not they have a device onboard
25 their vessel is something we're interested in, as well as the
26 number of fish that they release, by species, using the
27 different release types of venting and descending. Then the
28 average depth that they fish during their trip, because this
29 will help us understand how they're using those different
30 devices and whether they're using them appropriately.

31
32 The surveys that collect this information are the State Reef
33 Fish Survey, the Reef Fish Validation Form in Alabama, and Tails
34 'n Scales in Mississippi, and, again, these are dockside
35 intercept surveys.

36
37 We have also been working with NOAA to add some fields to the
38 Southeast Region Headboat Survey, and this is collecting
39 information from the for-hire headboat fleet, and so the new
40 fields that we've added are the venting and descending fields,
41 and this is an electronic-logbook-type application, and so it's
42 collected through the VESL app, and it's much in the same regard
43 as the intercept surveys. These are self-reported by the
44 captains, and so we're using this information, in combination
45 with the information from the at-sea observer programs, to
46 validate those two datasets.

47
48 I don't want to spend too much time going into details here, but

1 we're also planning some fishery-independent studies, and we've
2 got four different studies going on across the Gulf right now.
3 The key take-aways are that, you know, there's variety of high-
4 priority species that we're collecting information from, that
5 you're interested in as well as we're interested in, and so red
6 snapper, gag grouper, greater amberjack, and gray triggerfish
7 are all covered in these studies.

8
9 We're looking at release and discard mortality rates, as well as
10 depredation, and there's a broad geographic range of coverage
11 represented in these studies, and so they're in offshore waters
12 off of every state in the Gulf.

13
14 We've also funded, and you guys have maybe seen it at this
15 point, and we published it last year, but the baseline report
16 from our human dimensions survey that we were able to get a lot
17 of help from the states in achieving some really good success
18 with the sample size on this. We ran the survey from October to
19 December of 2021, and what we were interested in here was
20 learning about the attitude, perception, and the use of
21 different practices for release in the Gulf from our
22 recreational reef fish anglers.

23
24 We had over 4,200 responses from anglers that identified as reef
25 fish anglers in the Gulf, and so this is, to my knowledge,
26 probably the largest sample size of any survey of this type, and
27 so we feel like we got some really good information back.

28
29 Just to touch on some of the results from it, just a high-level,
30 quick snapshot, and you can read the full report on our website,
31 and I apologize, and I meant to link it in here, but some of the
32 results we saw were that over 90 percent of anglers recognize at
33 least one symptom of barotrauma, and we're hoping that we can
34 improve the percentage of anglers, or recognize some of the less
35 obvious signs of barotrauma, but we also learned that 71 percent
36 of anglers in the Gulf know about venting.

37
38 However, about 11 to 15 percent of those are not using venting
39 tools that comply with the current regulations, and so they're
40 using things like knives and ice picks to vent fish, and so
41 we've got some work still to do there. I think we all recognize
42 that venting is not as easy as we thought, and we really have
43 some education to still do in that regard, but, with respect to
44 descending devices, we learned that only about 32 percent of
45 anglers in the Gulf know, or are aware, of what descending
46 devices are, compared to the 71 percent for venting, and so we
47 really want to focus on trying to close that gap.

1 I think Nick mentioned earlier that our program is really
2 looking at best practices, but we have to kind of understand
3 that there's a big knowledge gap between venting and descending,
4 and so the point here is that we want anglers to make the best
5 decision for releasing their fish, and, if that includes -- If
6 that means descending a fish, they need to be able to know that
7 that option is available to them, and how to use it, if they
8 feel comfortable taking that action, and so, if we want to close
9 that gap and make sure that we're doing the right thing, we've
10 got to make sure that we educate them on their options.

11
12 Some of the next steps that we're hoping to achieve, in the next
13 year, and even the coming months, are we'll start to receive
14 some of the data from last year, the data collection efforts
15 from the states, and then we would like to continue the state
16 partnerships that we've developed so far, with the at-sea
17 observer programs and the reef fish validation surveys, to
18 continue collecting that data and make whatever, you know, minor
19 improvements we can to that program.

20
21 We're also hoping to develop a centralized database for those
22 datasets. Right now, each state is reporting their data in
23 their individual respective databases, and we're hoping to have
24 a centralized database that will help us manage and validate
25 that data, and also be able to share a little bit more easily
26 with folks that are interested in seeing that, and we've also
27 identified some areas to make improvements, potentially, in the
28 data collection, and so one example would be to use electronic
29 measuring boards on the observer trips, so that they can record
30 that information a little bit easier and quicker, to help get
31 fish back in the water and reduce the work that the observers
32 have to do, because it's quite a lot of information they're
33 collecting.

34
35 I don't know if you guys have ever seen their data sheets, but
36 they're like an eleven-by-fourteen, and they are filled with
37 information, and so there's a lot of information that they're
38 collecting.

39
40 We'll also do our follow-up survey to the human dimensions
41 survey, in 2024, that will allow us to measure the changes in
42 what we saw from the first one, and then we'll, obviously,
43 continue to explore opportunities to make improvements to the
44 program and to support our outreach and education efforts with
45 the data that we receive, and so, as we're getting in new
46 information, we'll tailor our messaging to incorporate whatever
47 new information we're learning.

48

1 I would just like to thank our partners, and we have a lot of
2 people helping us that, if we didn't have their support, we
3 wouldn't be able to do probably any of the stuff that we've been
4 able to achieve so far, and I just wanted to point out that the
5 council is part of Return 'Em Right, and you guys -- You're
6 probably aware, but maybe you're not, that Emily Muehlstein and
7 Peter Hood are part of our project management team, and so, if
8 you guys ever have questions about Return 'Em Right, or feedback
9 that you would like to get to us, feel free to work through
10 them, or Nick and I are always available as well, and, with
11 that, I would like to thank you all, and, if you have any
12 questions, Nick and I will be happy to entertain them.

13
14 **CHAIRMAN DIAZ:** Thank you, Mr. Robertson and Mr. Haddad. That
15 was a great presentation, and it's a great program, and so that
16 was well put together, and we appreciate your, and all your
17 partners, hard work in getting it to this point. Any questions
18 for Mr. Robertson or Mr. Haddad? Mr. Dugas.

19
20 **MR. DUGAS:** Thank you, Mr. Chair. Two questions, and my first
21 question is, is there any cost associated to the angler, or the
22 charter captain?

23
24 **MR. ROBERTSON:** For the at-sea observer program?

25
26 **MR. DUGAS:** No, for the descending tools.

27
28 **MR. ROBERTSON:** As Nick mentioned, we have our education module,
29 and they can go through the education module, and their cost is
30 really their time, to learn about how to use them and to
31 identify barotrauma and learn best practices, and so there's no
32 cost to the angler to get a device. Once they go through the
33 education module, which takes about fifteen minutes, they put in
34 their information, and we'll ship one directly to them.

35
36 **CHAIRMAN DIAZ:** Go ahead, Mr. Dugas.

37
38 **MR. DUGAS:** Thank you. My second question is it seems the
39 approach is more towards the recreational anglers, and/or the
40 charter fleet, but is there any talk, or discussion, about
41 engaging the commercial industry? To my knowledge, there's a
42 lot of discards in that industry as well.

43
44 **MR. ROBERTSON:** It is a recreational focus, and we had this come
45 up last year, and we had a workshop with some scientists, and
46 anglers as well, and that was one of the concerns that they
47 brought up, was that we would be potentially excluding the
48 commercial guys, and I don't know that we've come up with a

1 great solution to that just yet, but I think we're trying to be
2 as inclusive as we can, and include as many of the anglers in
3 the Gulf as we can, and so, if there's feedback, and I don't
4 know if Nick wants to talk about that.

5
6 **MR. HADDAD:** I just wanted to add one thing. A lot of
7 commercial folks like to fish too, and so you can be considered
8 a private recreational angler as well, and go through the
9 training, and so that option is always available as well.

10
11 **CHAIRMAN DIAZ:** Dr. Frazer.

12
13 **DR. FRAZER:** Thanks, Charlie and Nick. I always appreciate the
14 work that you guys do, but, Charlie, in your part of the
15 presentation, you made reference to a couple of collaborative
16 studies that deal specifically with release mortality and
17 depredation, and I know that it's probably going to be a while
18 before those studies are completed, but do you have any idea of
19 the timeframe and when we might learn, maybe something even on
20 an interim basis?

21
22 **MR. ROBERTSON:** I know, and I wish we could have the data right
23 now, or yesterday even, but we're probably looking at another
24 two years, probably, before we get some of the reports from some
25 of those studies, and so I know one of them is supposed to
26 finish up now, but we've actually extended it, so they can
27 collect some other data that they were realizing there was a
28 data gap in the study, and then a couple of the other ones had
29 some delays in getting started as well, and so we won't have it
30 as soon as we had hoped, but, when we have those, we'll
31 definitely be reporting back to you guys.

32
33 **DR. FRAZER:** I appreciate that. Thank you.

34
35 **CHAIRMAN DIAZ:** Dr. Porch.

36
37 **DR. PORCH:** Thank you for that presentation. It was very
38 enlightening for me, and potentially game-changing, in a number
39 of aspects, and so it's really exciting to see the progress
40 that's been made. As you're probably aware, one of the bigger
41 sources that we have in the management and assessment of these
42 species is the estimates of the total discards, and so not only
43 the discard mortality, but just the absolute number of discards,
44 and it's largely self-reported information, through our MRIP and
45 associated programs, and so I see that you have observer
46 coverage for the for-hire fishery, which is great to see, and I
47 have a couple of questions in that regard.

48

1 One, how representative is your sampling universe? Are you able
2 to pretty much get people on any vessel that you select
3 throughout the entire registry, and what is your percent
4 coverage? That is one thing, and then the other aspect that I'm
5 interested in is that private recreational component, the larger
6 component, which you've obviously targeted observers on vessels
7 there, and I wonder if you've tried to do that, or if you think
8 it's possible to get some observers on recreational, private
9 recreational, vessels, just to see how those discard rates
10 compare, and then you could actually compare it to the other
11 self-reported survey and see how things match up.

12
13 **MR. ROBERTSON:** Those are great questions. The first one, I
14 guess the only thing I can say there is that the states are
15 managing how the sampling is done, and so they would probably
16 have to -- They would be better suited to answer your questions
17 about the coverage, but I'm sure we can get that information. I
18 don't have it off-hand, but we can get that.

19
20 Then the second question, about the private fleet, that's a
21 challenging thing to do, and I don't know that there's a good
22 mechanism in place for us to do that. If you have suggestions,
23 we would definitely be open to hearing that, because I think the
24 point that you brought up about validating that data is
25 important to consider, but I don't know if we have a good
26 mechanism to be able to do that, unfortunately.

27
28 **CHAIRMAN DIAZ:** Okay, and so, next, I have Mr. Strelcheck.

29
30 **MR. STRELCHECK:** Nick and Charlie, thanks for being here. Great
31 presentation and great program. Two questions. You've had
32 about 11,000 people go through the program, and remind me,
33 again, how many devices are you hoping to target, in terms of
34 the overall funding.

35
36 **MR. ROBERTSON:** Our target is somewhere around the range of
37 40,000, and so hopefully, in the next three years or so, we can
38 continue doing this.

39
40 **MR. STRELCHECK:** I guess, related to that, I mean, are you
41 seeing a ramp-up of people learning about the program, and they
42 go through it, and they tell other people, and so you're seeing
43 more and more people participate in the program?

44
45 **MR. ROBERTSON:** Yes, and I definitely helps -- Like I mentioned
46 before, I need to thank everyone, the states and everyone that
47 has helped push out the message. We had a lot of participation
48 on that first coordinated launch last May, and so the numbers

1 kind of spiked, but we've pretty much had continued
2 participation. Just last week alone, without doing any
3 outreach, we've had another 128 people go through, and so, of
4 the 11,500 or so, 28 percent of them found out about the program
5 from another angler, and so it's being spread rapidly through
6 fishing networks, which is great, because that means they had a
7 positive experience with the program, and they're willing to
8 tell their angling community. The second is Facebook.

9
10 **MR. STRELCHECK:** All right. Well, I don't have a Facebook.

11
12 **MR. HADDAD:** Probably Dylan's Facebook page.

13
14 **MR. STRELCHECK:** The second question kind of builds on Clay's
15 comments, or questions, and, you know, I'm thinking of kind of
16 the long-term scientific gains here, right, and so I noticed,
17 like with your validation surveys, observer programs, they're
18 all focused in the eastern Gulf states, and there isn't
19 inclusion of MRIP, or the SEFHIER program, and so is there
20 opportunities there to expand this to more programs, and get
21 kind of that broader geographic coverage?

22
23 **MR. ROBERTSON:** I think, in general, the answer is yes.
24 Actually, Dakus and I were just speaking, last week, about the
25 potential in Texas, and there's a lot of things to consider
26 there, but we're definitely looking for opportunities to expand
27 across the Gulf, and to cover other regions, and I know it's
28 been talked about, potentially, SEFHIER, but, you know, I think
29 we're waiting in the wings, to see how SEFHIER evolves, before
30 we even think about making any kind of modifications to that
31 survey, or even starting the conversation about making
32 modifications, to incorporate things that we would be interested
33 in learning, but, in general, the answer is yes, we're hoping to
34 expand.

35
36 **CHAIRMAN DIAZ:** Okay. Next up is Mr. Geeslin.

37
38 **MR. GEESLIN:** Thank you, Mr. Chair, and, Charlie, I do
39 appreciate the consultation a week or two ago. There's a couple
40 of things on our front, way out in the western Gulf, one being
41 continue to investigate the feasibility of incorporating the at-
42 sea observer program, but, more recently, just last week, in
43 consulting with our colleagues in Florida as well, and C.J. can
44 speak to this, but I went before the commission and sought to
45 require not only to mirror the DESCEND Act, and have anglers
46 from all boats in state waters have the descending device and
47 venting tools rigged and ready, but we're going to propose to go
48 a step further and actually have them use those devices when

1 they observe a fish exhibiting signs of barotrauma.

2

3 I think we all recognize the criticality of the outreach and
4 education that goes along with that, just, as you mentioned, to
5 recognize what barotrauma looks like, and then, more
6 importantly, how to safely and effectively use these devices, so
7 they're not imparting more injury to the fish than benefit, and
8 so I just wanted to update you on that, and we do have a two-
9 step process. We go before the commission and ask their
10 permission to publish in the Texas Register, and that initiates
11 the public comment period, and so we'll go back in March and
12 seek adoption of that, but just kind of the update from the
13 state perspective.

14

15 **MR. ROBERTSON:** Thanks for that update, and I know, when we
16 talked last, you had mentioned that, once something like that
17 went into place, that the outreach and stuff that you would have
18 to do, from the state side of things, and I just wanted to
19 reiterate that that's kind of what we're here to help with, I
20 think.

21

22 Nick has done a really great job with the education module, and,
23 if you haven't seen it, I would recommend that you check it out.
24 Every time I go through it, to do reviews for him to update, I'm
25 more and more impressed with it, but we're here to help with
26 that kind of stuff. We've started to gather a lot of
27 information. Nick has been handling a lot of that, and he's
28 done a really great job with it, and I don't know if he wants to
29 add anything to that, but we're kind of here and poised and
30 ready to help with any of the outreach efforts.

31

32 **MR. HADDAD:** Yes, and I've had discussions with all the states,
33 and everyone seems very willing to help support the education
34 and outreach, and we're willing to help support it as well.
35 Part of the funding from this is we use the help of all the Gulf
36 Sea Grant programs, and so I work with Texas Sea Grant, to help
37 facilitate the distribution of materials and education and
38 outreach in Texas, and around all the states, and, as Charlie
39 mentioned, you know, awareness -- This whole first gap is simply
40 knowledge and awareness. You can't use a descending device, or
41 know what to do in that regard, if you don't know what it is,
42 and, after that, you know, another huge thing is how to use
43 these things properly.

44

45 I don't know how many people around the council have used
46 descending devices, but, the first time you go out and use them,
47 it's probably not going to be the best experience in the world,
48 and so I've been using them for five or six years now, and, once

1 you figure out what works, it really, really makes it easy out
2 on the water, but it takes some time, and so reiterating to be
3 patient in this process, and there's a lot of work to do still.

4
5 **CHAIRMAN DIAZ:** Ms. Boggs.

6
7 **MS. BOGGS:** So, with the outreach and education, and so I have
8 asked, a couple of times, about how -- So, for instance, at our
9 fuel dock, we sell venting tools, because I'm not going to
10 invest the money in the descending devices, because, you know,
11 people want what's cheap and easy to put on the boat to be
12 compliant, and I'm not going to lie, but, to help with the
13 outreach and education, if there was someone to walk through our
14 door and ask about it, do you have any kind of QR code or
15 something that we could post in our -- Not just our dock store,
16 but anybody else along the coast, to help with that outreach and
17 education, and, you know, I would even put it beside the venting
18 tools and say, if you want to go a step further, you could do
19 this.

20
21 **MR. ROBERTSON:** Yes, and we actually -- We have small business
22 cards, and we have tri-fold brochures, and we have flyers, and
23 we have posters that can be put up around the marinas, and so we
24 have all of that available, and I'm happy to send those
25 materials anywhere, if they're willing to be used.

26
27 Additionally, we've mentioned, as part of this project in the
28 future, creating displays for tackle shops, that can kind of
29 help with the education and outreach, but also bring together
30 some materials from the shop, so it's not taking business away
31 from venting tools, but you have all of your release gear, the
32 dehooking and venting tools, together in one spot to support
33 anglers, and so I'm very happy and welcome to work with any
34 marina, any shop, anyone at all to help spread the word on this
35 project, and we'll happily send anything anywhere to help.

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

38
39 **DR. STUNZ:** Thank you, Mr. Chairman. I wanted to follow-up to
40 Andy's point, related to the collaborative study slide that you
41 had, and somewhat Clay's as well, and, yes, I also agree that
42 the need for a broader, region-wide study, particularly on those
43 collaborative studies -- I don't know the reason, or the
44 decision point there, Andy, but it was limited, at the time of
45 that funding source, to PIs in the eastern Gulf of Mexico.

46
47 I think the intent was that it would open up broadly across the
48 region, but, obviously, there is very different regional

1 differences in the output of some of those collaborative
2 studies, and so I would encourage, you know, that we obviously
3 look at the Gulf as a whole, and so, anyway.

4
5 **MR. ROBERTSON:** Sorry, and I'm not sure if I understood you
6 correctly, and you said that it was limited to the eastern Gulf,
7 and what was that in reference too?

8
9 **DR. STUNZ:** In the request for those proposals, it was limited
10 to PIs that were in the eastern Gulf of Mexico only.

11
12 **MR. ROBERTSON:** I don't think that's correct. I can look back,
13 but I think we were looking at the priorities were Gulf-wide
14 priorities, from my understanding, and I came in right when the
15 RFP was put out, but we considered proposals from across the
16 entire Gulf. In fact, I think you were a PI on one of them, to
17 start, before you moved, and that was the Gulf-wide study with
18 Marcos Drymon, but we also had some proposals, I think, from
19 Judd Curtis that we were considering as well in Texas.

20
21 **DR. STUNZ:** Yes, you should look, and I'm pretty sure on that.
22 Yes, I'm involved with the Gulf-wide, as a co-PI, but it was
23 clearly an eastern Gulf of Mexico focus that was the focus of
24 the RFP, and I think the idea was that it would be opened up
25 more broadly, across the western Gulf states, and so, anyway,
26 yes, we can talk about that offline, if you want, but I'm pretty
27 sure that's accurate.

28
29 **CHAIRMAN DIAZ:** Mr. Dugas.

30
31 **MR. DUGAS:** Thank you, Mr. Chair. My question could be actually
32 for Andy, but for the requirements for the rec sector, the
33 charter/for-hire, and the commercial fleet, are the requirements
34 the same across-the-board, when it comes to like being rigged
35 and ready to go? Is all that the same?

36
37 **MR. ROBERTSON:** I believe, in the DESCEND Act, it states that
38 it's required evenly across-the-board for commercial,
39 charter/for-hire, and private recreational.

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

42
43 **DR. SWEETMAN:** Thank you, Mr. Chair. Great program, guys, and
44 great presentation. I appreciate all the work that you've been
45 doing along these fronts, and it's really important work. I am
46 just going to follow-up with what Mr. Geeslin was talking about,
47 and Florida is hoping to go final, in our upcoming February
48 commission meeting, for a proposed final rule that would require

1 possession of venting tools and descending devices in state
2 waters for a private vessel fishing for reef fish, and then,
3 also, as Mr. Geeslin was talking about, we are going to propose
4 requiring the use of that if a fish, reef fish, is experiencing
5 barotrauma.

6
7 As you mentioned, outreach and education is, obviously, a
8 critical important part of this, and one thing that we recognize
9 is that sometimes compliance isn't always the greatest, with
10 some of these, and people just don't understand how to use these
11 things properly, and, therefore, they aren't effectively using
12 them, and so I know we are coordinating with you all on our
13 descending devices coordination team, as far as the outreach and
14 education efforts, and so I just wanted to thank you all for
15 your efforts along those lines, and I think it's a really great
16 program.

17
18 **CHAIRMAN DIAZ:** Okay. I am not seeing any more hands, but I
19 want to thank you all again, and it was a great presentation,
20 and thank you for spending time with us today. We appreciate
21 it.

22
23 **MR. ROBERTSON:** Thank you all for having us.

24
25 **MR. HADDAD:** Thank you.

26
27 **CHAIRMAN DIAZ:** Next up on the agenda, we have a presentation
28 from Ms. Matthews, and it's an Update from the Bureau of Ocean
29 Energy Management on Wind Energy Development in the Gulf of
30 Mexico. Ms. Matthews.

31
32 **UPDATE FROM BUREAU OF OCEAN ENERGY MANAGEMENT ON WIND ENERGY**
33 **DEVELOPMENT IN THE GULF OF MEXICO**

34
35 **MS. TERSHARA MATTHEWS:** Thank you, Mr. Chairman. I'm Tershara
36 Matthews, and I'm the Chief of Emerging Programs in our New
37 Orleans office. Today, I'm going to talk about our new regional
38 leadership that starts actually today. I'm going to give you
39 some more background, and I'm going to talk about where we are
40 in the leasing process, the proposed sale notice, which is our
41 next big milestone step, and then we'll talk about next steps
42 for the actual lease auction itself.

43
44 Starting today, Dr. Jim Kendall is now the Regional Director for
45 the Bureau of Ocean Energy Management. Mike Celata, he retired
46 yesterday, and so I can't wait for Jim to come before you, so
47 that you all can meet him. He's from our Alaska office, but
48 he's done work in the Gulf of Mexico before, and he started his

1 career actually in the Gulf of Mexico. He's definitely a study
2 science guy, and so I think you will definitely enjoy meeting
3 him, when he's able to come before you.

4
5 I kind of wanted to remind you, and orient everyone, where we
6 are in the process, and we're still in the very early stages.
7 We have identified those areas, the wind energy areas, and we're
8 conducting our environmental reviews right now, and the next
9 major step for us is publishing those leasing notices, which we
10 hope to have within the next month or so, and so we're still in
11 the first stages, and we have not had an auction in the Gulf of
12 Mexico yet, and we're hoping to have one by the summer of this
13 year.

14
15 This kind of just shows you more of a linear where we are. Once
16 we publish that proposed sale notice, there is an opportunity
17 for a public comment, a sixty-day comment period, and so we'll
18 be looking for the council, and others, to provide us those
19 comments, and I will talk about what's going to be in that
20 proposed lease sale and the areas that will potentially be in
21 there.

22
23 As I mentioned, we went through a lot of stages, throughout the
24 last two years, and we had the planning area, and we had the RFI
25 area, which is essentially pretty much all of the Gulf of
26 Mexico, and then we went down to the call area, which was west
27 of the Mississippi River out to the Texas-Mexico border to 400
28 nautical miles -- To 400 meters of water depth. Then we went to
29 the wind energy areas, which is an area, and I will show those
30 in a second, but those are areas off of Galveston, and one off
31 of Lake Charles, and now, in the proposed sale notice, we're
32 going to look at the smaller lease areas, and so they'll be
33 smaller than the original wind energy areas, and so we're
34 continuing that winnowing-down process.

35
36 This kind of shows you the milestones of how we stepped through
37 these processes, as we started on June 11 of 2021. On October
38 31, we published those final wind energy areas, with the help of
39 NOAA, with that ocean planning model, and I will talk about that
40 in just a second.

41
42 On October 31, 2022, we announced these final wind energy areas,
43 and we did receive comments, as I mentioned before, and we have
44 received like 107 comments on these two areas, and so the reason
45 why we recommended these two areas was because, again, our
46 regulations asked if there was competitive interest, and there
47 was competitive interest, and there was less national security
48 concerns in these areas, proximity to points of interconnection

1 back on shore, less than 10 percent of the moderate to high
2 shrimping, and then there's enough acreage, within these two
3 wind energy areas, to further divide into those lease sale areas
4 that I mentioned earlier.

5
6 The next steps, for us, is we're continuing to work with NOAA on
7 the modeling, and NOAA is going to help us determine those model
8 lease sale areas, so that we can find the most deconflicted
9 areas to determine, and so they're working, and they're modeling
10 for us right, our subject matter experts, BOEM subject matter
11 experts, are providing those ranks, and, later on, I'm going to
12 talk about the cables, which I think a lot of people have
13 concerns with bringing those cables back to shore. NOAA is also
14 helping as to model the cable routes.

15
16 In addition to NOAA helping us to model those cable routes in
17 the water, onshore, we have the National Renewable Energy Lab
18 helping us to find those best points of interconnection to bring
19 the cables back to shore, and so those two studies are working
20 together, so that we can minimize as many impacts as possible in
21 bringing those cables back to the coastline.

22
23 This is the proposed sale notice, and it gives you the area that
24 we're going to actually lease, and it talks about those fiscal
25 terms. Currently, the terms that we have in our leases are
26 thirty-three years, and it used to be twenty-five years, but now
27 the equipment is able to be out there longer, and so we've upped
28 the terms to thirty-three years, and it also talks about the
29 auction details and the format, and it talks about those lease
30 terms, what the developer has to do, as far as stakeholder
31 engagement, and are we, you know, reaching out to the tribes,
32 reaching out to the fishermen, and so all of those terms and
33 conditions will be in those leases.

34
35 This is the last opportunity for those companies to come in and
36 submit their qualification materials, and so they have be
37 legally, technically, and financially qualified by us, and they
38 have to be a U.S.-based company, in order for them to qualify as
39 a company to participate in the actual auction itself, and then
40 it will talk about those non-monetary factors and what we call
41 bidding credits that they may get for doing some of the other
42 things that we require, and all of those things will be in that
43 proposed sale notice.

44
45 Once that sixty-day comment is over, and we have reviewed the
46 comments that we have received, and addressed those comments, we
47 will put out what we call the final sale notice. The final sale
48 notice has to be out at least thirty days prior to the auction,

1 so then they can see what those final conditions are that we
2 have decided that the bidders have to abide by in their actual
3 leases, and we'll have a mock auction, and then we'll have the
4 actual auction itself, which is all on the computer.

5
6 In the next few months, we'll identify those lease areas. As I
7 said, NOAA is actually helping us to model those lease areas,
8 looking for the least conflicted areas, and then we have the
9 final environmental assessment, and we'll have that final sale
10 notice, the proposed lease auction, and then we're still behind
11 the scenes, as I mentioned, working on those export cable
12 routes.

13
14 This is the modeling that we're using, as far as the export
15 cable routing. We're looking at the whole ecosystem, and we've
16 been working closely with the States of Texas and Louisiana in
17 understanding where your parks are, understanding where your
18 wetlands are, or your oyster leases, and so, that way, when we
19 are routing those cables, using the model, we understand where
20 those areas are that we need to try to avoid and looking at
21 those existing right-of-ways to actually bring those cables
22 back, and so our subject matter experts are actually looking at
23 the rules, and the methods, and looking at the rates, and then
24 NOAA is going to run the models for us, and that's it for the
25 update, and I will take any questions at this time.

26
27 **CHAIRMAN DIAZ:** Thank you, Ms. Matthews. Any questions for Ms.
28 Matthews? Mr. Schieble.

29
30 **MR. SCHIEBLE:** Thank you, Mr. Chair. Great presentation, and I
31 appreciate it, and I know you've come to our different taskforce
32 meetings in Louisiana, and you've done a great job explaining
33 all of this, and my question is regarding the cable routing
34 back, and you mentioned it briefly, but, when I look at an
35 existing nautical chart, you know, they have those magenta
36 lines, where current oil and gas infrastructure is routed back
37 into the mainland, the marsh, if you will, and is that the
38 safety fairway that will be utilized to run these cables back
39 in, the existing, or will there have to be new routes
40 determined?

41
42 **MS. MATTHEWS:** Right, and so we're looking at both options,
43 using those existing, and maybe using existing pipelines, but
44 the integrity of those pipelines has to be assessed by BSEE, our
45 sister agency, but we are looking at that, so we won't have to
46 disturb more sea bottom, running them back. If we can use those
47 existing right-of-ways, it would be great, and so we are looking
48 at that and modeling both.

1
2 **CHAIRMAN DIAZ:** Go ahead, Mr. Schieble.
3

4 **MR. SCHIEBLE:** Just a quick follow-up, and so, if you can't use
5 the existing fairways, are you working with NOAA to have the
6 nautical charts updated quickly, in a timely fashion, with new
7 routes, so that the shrimping industry will know where these
8 are?
9

10 **MS. MATTHEWS:** Yes, and they are getting the latest-and-greatest
11 information into the model, so that we can run it back. Yes.
12

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

15 **MR. ANSON:** Thank you for the presentation, Ms. Matthews. It's
16 good to see you again, and thank you for coming as many times as
17 you do, but we do appreciate you updating us, and so this may
18 have been answered in a previous presentation that you had
19 provided us, but I'm just curious, relative to the lease, and is
20 there a specific timeline that is included in each of the
21 leases, going forward, that will deal with removal of the
22 equipment, you know, for the oil and gas infrastructure that's
23 in place? I think, after the lease expires, or if the well is
24 no longer producing, it has to be removed within like five
25 years, and so can you describe if that's going to be like a
26 consistent language thing, or is that on a case-by-case basis,
27 regarding the removal of the infrastructure?
28

29 **MS. MATTHEWS:** Great question, and so, yes, in the actual lease,
30 we'll talk about decommissioning. Usually they have about a
31 year, once the equipment is no longer in use, and so they have
32 about a year to send all of their information, and to actually
33 remove it, and try to restore it back to its natural state.
34

35 **MR. ANSON:** I'm just curious, and I'm sure you're aware of the
36 Rigs to Reefs program, and have you all made any concessions, or
37 thought about that opportunity, for adjacent states to utilize
38 that infrastructure for use in their reef program?
39

40 **MS. MATTHEWS:** Yes, we have, and so it can be a case-by-case,
41 and so, if they submit -- Once the application is submitted, we
42 can reach out to the states, to see if someone else wants to
43 take that equipment.
44

45 **CHAIRMAN DIAZ:** Mr. Strelcheck.
46

47 **MR. STRELCHECK:** Tershara, it's great to see you. I appreciate
48 you being here. From the proposed sale notice to the final sale

1 notice, what's the general timeframe? You said the proposed
2 sale notice would be this summer, and so when would we be
3 looking at a final sale notice?
4

5 **MS. MATTHEWS:** The final sale notice will come after the sixty-
6 day comment period, and so you're looking -- The final sale
7 notice should come out in like thirty days, and so the sale
8 would hopefully be this summer, the summer of 2023, and so that
9 final sale notice would come out in say June, June of this year,
10 the final sale notice.

11
12 **MR. STRELCHECK:** So that's essentially decisions on the leases
13 to proceed, and then, at that point, we would know how many
14 lease sites and how many companies have competitively bid for
15 those sites.
16

17 **MS. MATTHEWS:** That is correct. We will end the final sale
18 notice, and it will list all of the qualified companies, all of
19 the companies that have gone through the financial, technical,
20 and legal qualifications, and those companies will be listed in
21 the final sale notice, and it will show those lease areas, how
22 many blocks, how many acres, and all of that will be in that
23 final sale notice.
24

25 **MR. STRELCHECK:** I am asking this because I think it's really
26 important that -- We've spent a lot of time working with BOEM
27 upfront, and they've been working NOS and NCOS, to do the marine
28 spatial planning, to deconflict potential issues with fisheries
29 and habitat, and so hopefully we've done a really good job, but
30 we're going to still have a lot of work to do, once those sale
31 notices go through, and my office will be consulting both on the
32 ESA and EFH, and as well as we're going to have to be looking at
33 survey mitigation and other factors, and so, from a timing
34 standpoint, really things will ramp-up come next fall.
35

36 **MS. MATTHEWS:** Right. That's correct.
37

38 **MR. STRELCHECK:** Thank you.
39

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

42 **DR. STUNZ:** Thanks again for the routine updates, and I had a
43 question, and we might have discussed this, and you might have
44 brought it up in the past, and I don't recall, but I am
45 wondering about, you know, the bonding requirements for removal,
46 or thinking down the line, or if, for example, a company doesn't
47 make it, and they have these structures out there, but then
48 there's no money for removal, and, of course, that's been an

1 issue with the oil and gas platforms, and so is that a
2 requirement in place, or how do you ensure that, if it doesn't
3 work out, let's say, that those structures aren't just sort of
4 derelict out there, twenty years from now, or something?

5
6 **MS. MATTHEWS:** Right, and so we have a Risk Management
7 Operations group that actually verifies their financials, to
8 make sure who are the companies that are backing them, or
9 venture capitalists that are backing them, and so we have to see
10 financial statements, before they can be financially qualified,
11 and they also have to put a bond in as well, before they can
12 actually put anything into the ground.

13
14 Before they -- Once their construction and operations plan has
15 been approved, which can take up to five years, because there's
16 going to be some back-and-forth, with some environmental
17 consultations, and comment periods, and all of that has to
18 happen before they can actually -- Before we can approve that
19 construction and operations plan, and we'll check their
20 financials again, to make sure they're still a financially-
21 viable company, before they can put anything in the ground.

22
23 **DR. STUNZ:** Just a quick follow-up, Mr. Chair, and so, of
24 course, going in with all the venture capitalist money, your
25 financials look probably pretty good, until maybe down the line,
26 but that -- Does that bond ensure let's say some time period
27 down the road, when that money is not maybe there? In other
28 words, what if the company goes -- What if it doesn't make it?

29
30 **MS. MATTHEWS:** The bond -- The money is still --

31
32 **DR. STUNZ:** That bond is still there to ensure that?

33
34 **MS. MATTHEWS:** It's still there. Yes.

35
36 **DR. STUNZ:** Okay. Good. Thank you.

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

39
40 **DR. FRAZER:** I was just trying to wrap my head around something,
41 and so you're going to -- The way it's worded, it's a notice of
42 final sale, right, which implies that there's a transfer of
43 ownership.

44
45 **MS. MATTHEWS:** Right.

46
47 **DR. FRAZER:** But it's not really a sale, right, and it's simply
48 a transfer of access to that area.

1
2 **MS. MATTHEWS:** That's correct.
3
4 **DR. FRAZER:** All right, and so it's a true lease agreement,
5 because there is some confusion, I think, in the community, and
6 so you're not actually selling that public resource, and you're
7 just providing access.
8
9 **MS. MATTHEWS:** Just access to it. That's correct.
10
11 **CHAIRMAN DIAZ:** Dr. Porch.
12
13 **DR. PORCH:** Thank you, again, Tershara, for this presentation,
14 and I really just wanted to publicly thank BOEM for embracing
15 the marine spatial planning and working with NOAA on this,
16 because it has totally changed the game, compared to previous
17 efforts, and being able to deconflict ahead of time, and to
18 identify areas with the least impact, is just a sea change, and
19 so you do this before the leases are issued, because, after
20 leases are issued, it's really hard to mitigate some of the
21 impacts, and so I really appreciate that, and I look forward to
22 continuing to work with BOEM, now that we have a little more
23 resources, and I think we can provide even better information to
24 deconflict this and other new areas that might be proposed.
25
26 **MS. MATTHEWS:** I agree, and so the Gulf is leading the charge,
27 as far as looking at the cable routing before we -- You know,
28 before the leases and stuff, and so we are leading the charge.
29 We also started, in the Gulf, with the marine spatial planning,
30 and so now the other regions have picked it up as well, for the
31 Gulf of Maine, the Mid-Atlantic, and then also Oregon as well,
32 and so James is working with all of those groups as well.
33
34 **CHAIRMAN DIAZ:** Mr. Williamson.
35
36 **MR. WILLIAMSON:** Thank you for coming, Ms. Matthews, and I may
37 have asked you this before, but, regarding your auction process,
38 is this going to be by a written bid, or is it like all these
39 folks will get in a room and raise their hand?
40
41 **MS. MATTHEWS:** No, and it's actually on the computer, and so you
42 will get -- Once you get a qualifying BOEM number, we will give
43 you login information, and the company will go on, and you
44 actually bid on the computer, and we can see the bids, and they
45 can see the bids, as they go through each phase, and so it's
46 anonymous. Once you get the number, you login, and then
47 everyone bids on the computer, and so there is no one in the
48 room.

1
2 **MR. WILLIAMSON:** A follow-up. Is this going to be with reserve
3 or without reserve?
4
5 **MS. MATTHEWS:** Can you explain a little bit?
6
7 **MR. WILLIAMSON:** In other words, is there like a floor of say a
8 thousand dollars per unit or --
9
10 **MS. MATTHEWS:** A minimum bid? Yes, they will start with a
11 minimum bid, and so we have a whole econ team for the economics
12 of looking at what the price should go, or how it should start,
13 in the Gulf of Mexico, compared to the other regions, because,
14 you know, the New York Bight, I think it was \$4.3 billion for
15 those leases, and then California was a little bit lower than
16 that, and so we're just trying to -- The economists are looking
17 at what the areas should be for the Gulf of Mexico.
18
19 **MR. WILLIAMSON:** Thank you.
20
21 **MS. MATTHEWS:** You're welcome.
22
23 **CHAIRMAN DIAZ:** Okay. I'm not seeing any more questions, but,
24 as always, Ms. Matthews, very good presentation, and we thank
25 you for spending your time with us today. We appreciate it.
26
27 **MS. MATTHEWS:** Thank you so much.
28
29 **CHAIRMAN DIAZ:** Next up, we have Secretary Montoucet from the
30 Louisiana Wildlife and Fisheries, who is going to share some
31 words with us, and welcome, Secretary Montoucet. We appreciate
32 you taking time out of your busy schedule to come and speak with
33 us today. Thank you.
34
35 **MR. JACK MONTOUCET:** Thank you so much. Good morning, members
36 of the Gulf of Mexico Management Council, and welcome to Baton
37 Rouge, and to Louisiana, the place we call sportsmen's paradise.
38 We are certainly proud to be hosting this event.
39
40 I don't know about you, but Baton Rouge, in French, is red
41 stick, and the only thing I've been able to find in Baton Rouge
42 is red lights, and I haven't found a stick yet, and so I have a
43 thousand-dollar check prepared for the first person out of you
44 who can find a red stick, and report it to Chris Schieble, and I
45 will get you a check signed. Okay?
46
47 Like you, our department believes in using the best science
48 available and listening to the public to make the soundest

1 recommendations to protect our fisheries resources. In that
2 vein, I want to take this opportunity to thank you again for
3 giving us state management for red snapper. It's been a real
4 great help to our department, and it has had a widespread
5 support from our fishing community.

6
7 Now I want to say something, and I've got to get this off of my
8 chest, guys, and I know a lot of you have heard a lot of stuff
9 about French fries, and did you know that French fries were
10 never fried in France? They were fried in grease, and so, with
11 that corny joke gone, again, I want to thank the opportunity to
12 thank all of you and your dedication to science and your
13 determination to make the right decisions, and it certainly is
14 important to not only us, but to all the Gulf states. I hope
15 you have a successful meeting, and I hope you buy a lot of
16 Louisiana seafood and have a wonderful time in our red stick
17 here. Thank you all so much, and I look forward to talking with
18 some of you. Thank you.

19
20 **CHAIRMAN DIAZ:** Thank you, Secretary Montoucet, and I want to
21 thank Louisiana for you all's leadership. I mean, Louisiana was
22 the first state hollering to do state management, and you all
23 always are well represented on the council, and you help this
24 council successfully manage a lot of our fisheries, and so we
25 appreciate you all's leadership.

26
27 **MR. MONTOUCET:** We have some wonderful people working for us,
28 and they're dedicated, and they have a lot of compassion for
29 what they do, and it certainly is important to me, and to the
30 department, and especially to the state as well. Thank you for
31 those kind words.

32
33 **CHAIRMAN DIAZ:** General Spraggins.

34
35 **GENERAL SPRAGGINS:** Mr. Secretary.

36
37 **MR. MONTOUCET:** I knew that was coming, Joe.

38
39 **GENERAL SPRAGGINS:** No, and I just wanted to thank you, and I
40 will tell you what. Louisiana has done an outstanding job,
41 again, as you always do. Every time we come over here, you're
42 always so hospitable, everything we could want, but I appreciate
43 it, and I know there's a big thing tonight, that we're looking
44 at to do, but we appreciate you, and we appreciate your staff,
45 and we appreciate your hospitality.

46
47 **MR. MONTOUCET:** Thank you so much. I've got to tell you a
48 little story about Joe, and I took him duck hunting, about a

1 week ago, and I let him shoot my limit, and he shot the guide's
2 limit, and he shot everybody's limit, but then he sent me a
3 text, and he said, my office could use one of those big white
4 birds that you've got flying around, and so I looked up, and,
5 sure enough, here comes a big white pelican, and I said, no,
6 Joe, you can't shoot the white one, but, if you find a brown
7 one, go ahead and have fun with it, okay, but that wasn't
8 enough, and he had to come back and look at trying to shoot some
9 other birds, and I said, Joe, we're here for duck hunting, duck
10 hunting only, all right, but we had a good time, and I certainly
11 appreciate your friendship, Joe.

12
13 **GENERAL SPRAGGINS:** I wanted one of those pink ones. That was
14 pretty.

15
16 **MR. MONToucET:** Yes, and those are even more dangerous than the
17 brown ones. Thank you, guys. I hope you have a good stay here
18 in Baton Rouge.

19
20 **CHAIRMAN DIAZ:** Thank you. All right. We're going to keep
21 working our way down the agenda, and we're going to move things
22 around a little bit, just to try to use our time as efficiently
23 as possible, and so, Kerry, are you ready to do the South
24 Atlantic liaison report?

25
26 **SUPPORTING AGENCIES UPDATES**
27 **SOUTH ATLANTIC COUNCIL LIAISON**

28
29 **MS. MARHEFKA:** Sure. I'm happy to do it. You all have already
30 talked about some of the things we're doing. As you know, and
31 we discussed earlier, we're working on the commercial logbook
32 amendment, and we're going to be moving forward with that. We
33 just approved our ABC Control Rule Amendment for submission to
34 the National Marine Fisheries Service.

35
36 In snapper grouper, we're working on, of course, red snapper,
37 and red snapper is overfished and undergoing overfishing, and we
38 have high levels of discard mortality, and so we're kind of
39 approaching that in a multipronged approach, the first one being
40 a discard mortality reduction amendment.

41
42 Right now, currently, it's out for public hearing, and we had, I
43 believe, the last public hearing last night online, that I was
44 able to listen to, and the two actions that are currently in
45 there to reduce -- Well, we need to change our ABC, and then we
46 are also going to look at prohibiting or only allowing the use
47 of single-hook rigs. At one point, we had talked about
48 prohibiting the use of hydraulic and electronic reels, but we've

1 removed that from consideration at this time.

2

3 Also, as part of our effort to reduce discards, in the appendix
4 of that document, we have a pretty solid outreach plan for best
5 fishing practices, and so education is going to be a huge part
6 of what we hope is some discard reduction, discard mortality
7 reduction, and then, long-term, we have contracted out an agency
8 to do a snapper grouper MSE, and so management strategy
9 evaluation, and we're going to kind of be looking at some of the
10 big, long-term issues that we have in snapper grouper, and
11 hopefully get more at this issue of high discards and high
12 discard mortality.

13

14 Of course, we already talked about the private recreational
15 permitting amendment, which is our Amendment 46, and I had said
16 that we had completed scoping, when I spoke earlier, but there
17 is one more scoping hearing next week, on February 6, and I
18 believe that's online, and so, if anyone is interested in
19 listening to it, you can sort of see the level of support we are
20 getting for that.

21

22 We're working on an amendment for snowy grouper, because snowy
23 grouper is also overfishing and overfished, and so we need to
24 reduce catch levels for that, and we're completing an amendment
25 for golden tilefish, in which we have good news, and we're going
26 to be able to increase golden tile a little, but we do need to
27 do some work on blueline tilefish, because the recreational
28 sector has had some overages for a few years.

29

30 As you know, we're working on a couple of coastal migratory
31 pelagic things together, and we have sort of stopped work on
32 Amendment 33 at this time, and our council has requested a
33 series of port meetings that are going to be held -- I am trying
34 to see when we decided we were hopefully going to get to hold
35 them, and I think those are still in planning. We're developing
36 a plan to hold port meetings, and it will include meetings in
37 the South Atlantic, the Gulf, and the Mid-Atlantic.

38

39 For Spanish mackerel, we're also in a waiting period, because we
40 don't have updated catch level projections, and our SSC is still
41 working on some issues with that, I believe one of the main
42 issues being there was a really high year of shore-based
43 landings, in 2019, that are maybe hard to -- Or 2020, and they
44 may be hard to believe, or they may be not hard to believe, and
45 so we are waiting on our SSC to come back and give us updated
46 catch levels for Spanish mackerel.

47

48 Then, finally, dolphin wahoo, we're stepping back for a little

1 bit, and NMFS is taking the lead on doing an MSE for dolphin
2 wahoo, and they're doing a lot of workshops for that right now,
3 and we're hoping that that is going to help us get at some of
4 these issues.

5
6 We have some different perceptions of the health of our dolphin
7 wahoo fishery. It, in general, tends to be that folks in the
8 north area of our region tend to think that the dolphin
9 population is doing well, and we're hearing the very opposite of
10 that in the southern part of -- In Florida, specifically south
11 Florida, and so we're hoping this MSE approach will help us
12 figure out the next tact to take with dolphin wahoo, and that's
13 really brief, and I'm happy to answer any questions, if you have
14 any.

15
16 **CHAIRMAN DIAZ:** Any questions for the South Atlantic? Seeing
17 none, thank you for your report, and so we're going to drop down
18 to the NOAA Office of Law Enforcement, and, Mr. O'Malley, if
19 you're ready for that, or Mr. Walia.

20
21 **NOAA OFFICE OF LAW ENFORCEMENT (OLE)**
22

23 **MR. MATT WALIA:** Thank you, Mr. Chair. ASAC O'Malley has been
24 here as well all week, and so he's available for questions, and
25 so I've got a couple of slides here. As far as our efforts,
26 what we want to present here, and I do have our whole report,
27 and it's in the briefing book, and I'm just giving a brief
28 summary of that, as far as efforts we have, and this is from our
29 Quarter 1 of the fiscal year, and so this is from October to
30 December of this past year that I'm reporting on.

31
32 Specific to the Gulf of Mexico, you will see here that we have
33 209 open incidents that we handled, and there is a slew of
34 different results of that. Six cases we ended up referring to
35 our General Counsel, and/or the U.S. DOJ, and some of that
36 included unpermitted charter and fishing in a closed area, and
37 there is twenty-nine summary settlements, and you can see the
38 range there. They can go from the low end to the high end of
39 \$3,000 for retention during closure, undersized possession, and
40 that's a pretty common one that we have within the recreational
41 fleet, and TED requirements always pop up, as well as fishing in
42 the sanctuary.

43
44 I do want to note that, out of the 209 incidents that we did
45 open, 40 percent of that resulted in no violation, or compliance
46 assistance, and so that's our folks getting out to the docks and
47 working with the fishermen, making our presence known, doing
48 boardings, helping them out with SEFHIER reporting, getting

1 their logbooks in, and stuff like that.

2
3 Some of the highlights, and this is a section in our report, and
4 there's a lot in there, and I encourage you to check it out on
5 your time, so you can see it, but some of the things that I
6 wanted to pull out of there is we are doing more port
7 inspections and IUU efforts. In the Gulf, a lot of that is on
8 the Texas-Mexico border, which I will get into here in a second,
9 as well as the Houston airport, and so that's a big focus of
10 ours.

11
12 One thing that I did want to note, that we were able to do, is
13 there was a shipment of Patagonian toothfish that came in on the
14 east coast, down in southeast Florida, and they didn't have the
15 proper paperwork, and some other stuff, and we ended up seizing
16 it. They forfeited the catch, and we were able to bring that up
17 to Tampa and donated it for Hurricane Ian efforts, and so that
18 was a donation, and it was about a little over 5,000 pounds of
19 toothfish that we donated at the time, after the hurricane.

20
21 As far as partnerships, that's what keeps us going, and we rely
22 on our partnerships with our state and federal partners on this.
23 We have a lot of joint patrols that are in there, and we did a
24 recent one with the Coast Guard recently, and it was Operation
25 Redfish, that we worked with FWC as well as the Coast Guard,
26 getting out there in the closure and seizing for retention, and
27 we had a slew of different violations and boardings going on,
28 and we worked with other state partners on patrols.

29
30 We do TED inspections, and there's a gear management team, folks
31 that we work with a lot too, and so they go with us, and we
32 partner up with the state partners, to give training on TEDs,
33 how to inspect them, how to take the measurements on them, and
34 as well as trainings. We've done a handful of recent SEFHIER
35 and TED-related trainings as well with our partners. We will go
36 to GRFTC for the Coast Guard as well, and present there as well,
37 and help out their officers.

38
39 As I said, the partnerships, you know, they're key, and they
40 help us get our mission done. Within this past quarter, we had
41 forty-four overall enforcement referrals come from our partners,
42 and that's encompassing the whole SED. Within here, in the
43 Gulf, you see Florida, Texas, and the Coast Guard were the ones,
44 this last time, that were able to give some to us. Florida was
45 a mix of Magnuson, the sanctuary, and a couple of TED/BRD cases.
46 The Coast Guard were TED and BRD patrols, and all of those came
47 from District VIII, and Texas were all reef-fish-related cases
48 that we got.

1
2 Some of the special operations that I wanted to highlight, and
3 so we always have our normal patrols and efforts, and we
4 normally have a few operations on top of that. This past
5 quarter, we had four operations that we did here, and you see
6 here those top two, Osprey II and Osprey III, and those were
7 targeted on the Texas-Mexico border, working with Texas Parks
8 and Wildlife, as well as CBP, and we did EEZ deterrence patrols
9 against lanchas. They would see us over there, and they zoom
10 back over the Mexico line when they see us out there, and we
11 able to pull gillnets out of the Rio Grande River, as well as
12 well as inspect -- You see quite a decent number of seafood
13 imports coming in, everything from snapper to yellowfin grouper,
14 and crabmeat as well, and so that was a good success.

15
16 Operation Acorn focused on the Lower Keys Sanctuary, and that
17 was a lot, you know, obviously, National-Marine-Sanctuary-
18 related patrols, and we were able to cite a few people for
19 operating personal watercraft in the wildlife refuge, and that's
20 been an area of concern too, and so we targeted that, and then
21 Triple Header, and you see here that that was working our
22 Alabama and Mississippi folks, and a lot of that had to do with
23 TEDs and SEFHIER training, as well as patrols. I mentioned the
24 gear management team folks before, and they came along on this
25 one as well, and we worked with our state folks on that.

26
27 As far as the current spotlight, where we are, I have this
28 broken down here, just to show where our efforts are, where
29 we're going with everything, and what's taking up our time.
30 SEFHIER outreach enforcement is always up there, and I know that
31 came up earlier today as well, and we continue to go to the
32 docks and work with folks. We get referrals from the SEFHIER
33 program staff, and then act on those as well, and so that's
34 always ongoing.

35
36 Unpermitted charter operations continues to be a priority, and
37 the U.S. Coast Guard recently initiated an illegal charter group
38 that we joined in, and we're working with our state partners on
39 how to ID those illegal charters. We do our normal patrols and
40 ops as well targeting that, and so that continues to happen
41 throughout the area, and in the Atlantic as well, and TED
42 requirements, and the same deal. We're doing a lot of training
43 with our folks, and we're getting out there with the gear
44 management team and inspecting vessels on that.

45
46 I hit on this a little before, with the Texas-Mexico stuff going
47 on, and so trade monitoring overall has been a big effort. You
48 know, a lot of it in the Atlantic is down in Florida and

1 Georgia, out of the Port of Savannah, but, like I mentioned,
2 here in the Gulf, Texas is the big one, and we center on that.
3 Our priority is to protect domestic seafood, and we're looking
4 for traceability of seafood, inspecting it, seeing what's going
5 on, and getting those products in, and the other thing that I
6 wanted to highlight too -- That's collaborating with other
7 agencies too, and I wanted to say that, and so we're working
8 with more state partners, and federal partners, at the airports
9 and stuff like that, which is a new thing moving forward, with
10 U.S. Fish and Wildlife and CBP.

11
12 Observer safety and compliance has taken up a lot of our
13 resources recently, and that continues to be a priority, and so,
14 just as a reminder, we've had a handful of cases coming in, and
15 just a reminder that captains and crew need to be professional
16 to the observer, and that's everything from access to gear,
17 catch, harassment, and, on the flip side, we expect the
18 observers to be professional. When they're out and deployed as
19 well, they need to conduct themselves properly to get their job
20 done.

21
22 As far as compliance, I just wanted to give a heads-up. We have
23 historically had high compliance reported to us, or non-
24 compliance, within the shrimp fishery, in the Gulf and the
25 Atlantic, and so one of the things that we're doing is we're
26 targeting a compliance letter that we're sending out to the
27 whole fleet, and so this all permit wide, and we're looking at
28 about 2,000 permit holders are going to be getting a letter, and
29 we're in the process of getting that out in the mail, just
30 stating that, hey, these are the requirements, and you need to
31 contact the observer program when you're selected, and make sure
32 you follow through and do what you're supposed to do to get
33 coverage and not have adverse actions from us afterward, and so
34 it's just one more step we're trying to work with the fleet on
35 that.

36
37 We do realize that some hurricane-impacted vessels are in that
38 area, and there's some cause with that, but, when you are
39 selected, you just have to call the observer program, and so
40 just a heads-up to the captains to do that.

41
42 Lastly, right whales are on there, and I know that's not really
43 centric to the Gulf, but that's taking up a huge resource for
44 us. We have agents in the Gulf that are working right whale
45 cases in the Atlantic, and taking up time, and there's been a
46 lot of mother-calf sightings recently off the coast of Florida,
47 and so we're taking resources off of there, and we're working
48 with FWC and doing joint patrols. We're doing speed monitoring

1 enforcement up and down the seaboard as well, and so that's
2 taking a lot of our effort.

3
4 This general slide we have up here a lot, and, obviously, our
5 resources, and the one thing that I wanted to point out here is
6 you see that top graphic, on the right, and that's our
7 priorities document. Our new one is pending, and we recently --
8 It was around last fall that we came out to all of you, council
9 members and different constituents, on feedback for our new
10 priorities, our five-year strategic plan.

11
12 We were waiting for NOAA to release their overall one, which
13 they did, and so we're now getting finalized comments, and I
14 just wanted to give a heads-up, and I believe, by the end of
15 February, our new priorities will be going out for a thirty-day
16 public review, and so keep an eye out for that, and that should
17 be coming shortly.

18
19 I think that's it, and before I take any questions, I did want
20 to note, because I know we moved up, instead of going tomorrow,
21 but we do have a new agent that is in the area, and he's based
22 out of Slidell, Special Agent Bryant, so, if he's here, ASAC
23 O'Malley can introduce him. If you see him tomorrow -- He may
24 be here tomorrow, and please come up and say hi to him, and we
25 also have an enforcement officer based on Houma, Louisiana now
26 as well, and so I just wanted to make a note of that, and that
27 concludes my report. Thank you.

28
29 **CHAIRMAN DIAZ:** Thank you. Any questions for NOAA OLE? Thank
30 you very much. We appreciate it. Mr. Donaldson, are you ready
31 to do your Gulf States Marine Fisheries Commission Report?

32
33 **GULF STATES MARINE FISHERIES COMMISSION**

34
35 **MR. DONALDSON:** Yes, sir. Thank you, Mr. Chairman. I really
36 don't have a whole lot to update. I was going to talk about the
37 Return 'Em Right, but Charlie and Nick did a great job of
38 covering that. We continue to work on the activities that we
39 presented at the last meeting, and things are running smoothly,
40 and we're planning for our October meeting, somewhere in
41 Louisiana, and so that's really all I've got, Mr. Chairman.

42
43 **CHAIRMAN DIAZ:** Okay. Any questions for Mr. Donaldson? We
44 missed you being here this week, Dave. It's always nice to have
45 you at the table, for all your historical knowledge and the
46 stuff you help us with, and so I look forward to seeing you at
47 the next meeting. Okay. I'm not seeing any questions, and so
48 we're going to move on down our list, and Lieutenant Commander

1 Motoi is going to give us the U.S. Coast Guard report.

2
3 **U.S. COAST GUARD**
4

5 **LCDR MOTOI:** Thank you, Mr. Chairman. All right. Good morning,
6 Mr. Chairman and members of the council. I'm Lieutenant
7 Commander Lisa Motoi, and I'm the Living Marine Resources
8 Officer at Coast Guard District VIII in New Orleans.
9

10 For today's update, I will discuss District VIII's area of
11 responsibility, Fiscal Year 2023 Quarter 1 domestic fisheries
12 and lanchas stats, and then recent operations, and so here's an
13 overview of District VIII, for new members. It covers all, or
14 part, of twenty-six states throughout the Gulf and the
15 heartland, and you can see that it's divided into seven sectors.
16 Of these, four are coastal, and they conduct the fisheries
17 mission, along with -- There is three air stations and five
18 fast-response cutters, which have been a key part to our lancha
19 threat.
20

21 For domestic fisheries, for the fiscal year, for 2023, for
22 Quarter 1, we conducted 114 vessel boardings across the Gulf.
23 Thirty-three vessels received one or more safety violations, and
24 twelve vessels received one or more LMR violations. Most safety
25 violations that we saw involved lack of lifesaving equipment,
26 such as distress signals, life jackets, and life rafts, and, for
27 LMR violations, the majority that we see are gear related, such
28 as illegal configurations and TED and BRD requirements.
29

30 The pictures, these pictures are from a search-and-rescue case
31 from like two days ago, and it involved a fifty-foot commercial
32 fishing vessel that was taking on water ten nautical miles
33 southeast of Pensacola. The vessel did have an EPIRB, and they
34 did activate it, and the position did come with the alert, and
35 so, as a result, we were able to launch an airplane and a
36 response boat. The response boat got on scene, and they were
37 able to take the three people onboard, and then take them to the
38 local marina, and the fishing vessel ended up sinking.
39

40 For look ahead, we want to continue to optimize LMR efforts to
41 overcome resource constraints, particularly with assets
42 supporting the Department of Homeland Security's Operation
43 Vigilant Sentry, which I will talk about in the next slide.
44 Second, continue to prioritize high and medium-precedence
45 fisheries, and three is pivot fast-response cutter employment
46 towards high-precedence fisheries, in particular highly
47 migratory species, and then strengthening relationships, both
48 internally and external.

1
2 I wanted to highlight the ongoing Operation Vigilant Sentry,
3 since it does impact our fisheries mission, and, notably, there
4 has been a sustained surge in Cuban and Haitian maritime
5 migration events, just demanding more and more resources, and so
6 we're at a thirty-year high for migrant at-sea migrations.
7 Since January of last year to now, there's been over 35,000
8 migrants interdicted at-sea, and so some of the push drivers
9 have been political instability, human despair, gang violence,
10 the Haitian president being assassinated last year, and so the
11 flow is really now a flood, and we're devoting just a myriad of
12 resources to deter at-sea migrations, and, at the same time
13 though, it has pulled resources from different mission areas,
14 like domestic fisheries and illegal incursions in our EEZ.

15
16 For lanchas, for the first quarter, we interdicted eight
17 lanchas, seizing 1,350 pounds of catch, mostly red snapper, and
18 then, for updates with this, back in September, I attended a
19 delegation with Mexico, at the Mexican Embassy, and it was
20 really the second iteration of technical discussions between the
21 Coast Guard and Mexico, concentrated on three key initiatives
22 that we're working on.

23
24 The first one is at-sea transfers of lanchas interdicted in U.S.
25 waters, and the second is case package transfer, how we transfer
26 to Mexico, and then the third initiative is combined patrols and
27 ship observer operations, and so, from this delegation meeting,
28 it became clear that we need to establish a legal working group
29 between us and Mexico, and I would say one key hurdle is that
30 Mexico -- They require all physical evidence for prosecution,
31 when they're prosecuting their cases, meaning the vessel, catch,
32 and gear, and so, of course, during this meeting, we had
33 concerns with this, mostly with the optics of us transferring
34 all of that to Mexico at-sea, and so there is progress being
35 made, but it's just rather slow, since there are things beyond
36 our control, like changing the Mexican law.

37
38 The last is new surveillance capabilities, and so we are
39 employing -- It's a joint operation with us and Customs and
40 Border Protection, but we are deploying an aerostat, and so it
41 should be going up any day now, if not already, and, hopefully
42 at the next council meeting, I can probably talk more on this
43 capability, as we're still kind of working out the standard
44 procedures and limitations of that right now. That concludes my
45 brief, Mr. Chairman, if there is -- Pending any questions.

46
47 **CHAIRMAN DIAZ:** Any questions for Lieutenant Commander Motoi?
48 Mr. Strelcheck.

1
2 **MR. STRELCHECK:** Thanks for your presentation, and not a
3 question with regard to the information that you presented, but
4 we talked, I guess on Monday, about the Florida Keys National
5 Marine Sanctuary expansion and Pulley Ridge, and the council is
6 going to be writing a letter, and they are supportive of
7 prohibiting anchoring in Pulley Ridge, right, but not under the
8 National Marine Sanctuaries Act, and so my question is do you
9 know the U.S. Coast Guard's authority, in terms of prohibiting
10 anchoring in navigable waters, and would that apply in this
11 instance? The goal here is to protect critical habitat, or key
12 habitat, in that area.

13
14 **LCDR MOTOI:** That is something that I will have to circle back
15 with you on, as far as our authority to anchor, or to prohibit
16 anchoring, in a closed area, and is that -- For the sanctuary?

17
18 **MR. STRELCHECK:** It wouldn't necessarily be a closed area, but
19 it is a habitat area of particular concern that we allow fishing
20 activity in, and so the goal is really to protect the bottom
21 habitat, and so, yes, if you could inquire about that, and
22 whether that would fall into the Coast Guard's authority, and
23 other agencies' authority, that would be helpful.

24
25 **LCDR MOTOI:** Thanks.

26
27 **CHAIRMAN DIAZ:** Okay. Any further questions? Seeing none,
28 thank you, Lieutenant Commander. We appreciate it. All right.
29 We're going to keep going through our agenda and take up the
30 business that we can take up. Ms. Levy, are you prepared to do
31 the litigation update at this point?

32
33 **OTHER BUSINESS**
34 **LITIGATION UPDATE**
35

36 **MS. LEVY:** Sure. I don't really have that much of an update,
37 and I feel like we already talked about the Amendment 53, red
38 grouper, litigation, and we also generally talked about the
39 challenge to the for-hire reporting requirement and the VMS, and
40 the status of that, which is still before the appellate court
41 waiting for a decision.

42
43 I guess the only other thing was Dale had mentioned a case that
44 was not -- NMFS was not a party to this case, and it was between
45 some local governments and businesses in Mississippi, I believe
46 were the plaintiffs, against the Army Corps of Engineers and
47 their operation of the Bonnet Carre Spillway, as a flood control
48 measure, and they had argued that the Army Corps violated the

1 Magnuson Act by not consulting with NMFS regarding impacts to
2 essential fish habitat.

3
4 The court issued a decision in that case, basically agreeing
5 with the plaintiffs, and arguing the Army Corps to consult with
6 NMFS by I believe September, the end of September, of 2023, and
7 so that I assume, will proceed. Again, NMFS wasn't a party, and
8 so we weren't really involved in that case, but, since it does
9 involve essential fish habitat, and Dale had mentioned it to me,
10 I thought that I would mention it to you.

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

13
14 **DR. STUNZ:** Mara, this may be something that we can talk about
15 offline or something, but it may be of interest to the council,
16 and someone had mentioned to me that that -- I think it's that
17 case was one of the first ones that I guess was sort of
18 precedent-setting, as it related to essential fish habitat, that
19 I guess maybe that -- The reason I'm asking is there's some
20 other issues going on in the western Gulf which might be similar
21 to that situation, but there wasn't any, I guess, tests, or
22 litigation, specifically around EFH, and is that true or not, or
23 is that -- In other words, it's sort of precedent-setting cases,
24 which might actually, you know, have broader implications around
25 the table.

26
27 **MS. LEVY:** I don't know, and I would have to look into that. I
28 mean, the main issues that the court decided -- I don't think
29 there was much of a dispute about there being essential fish
30 habitat and this impacting it, but the Army Corps had raised, as
31 a defense, a sovereign immunity defense and a standing argument,
32 and so basically saying that the plaintiffs couldn't
33 establishing standing, and then also that there was --

34
35 I guess they were immune because there was no action-forcing
36 mechanism in the Magnuson Act or the regulations, and so the
37 court decided against them on those issues, and so perhaps
38 that's something that hadn't been addressed before, and I don't
39 know the status of that litigation, in terms of I don't know
40 whether the government is going to appeal that, or how it's
41 going to progress, and the trial court just issued its decision
42 on January 18, and so the government still has time to decide if
43 they want to appeal that decision.

44
45 **CHAIRMAN DIAZ:** General Spraggins.

46
47 **GENERAL SPRAGGINS:** Ms. Levy, obviously, Mississippi is in the
48 middle of this, and it was a coalition in Mississippi that filed

1 this. The question I've got is, you know, we're having
2 different meetings and looking at it, and the way I look at it,
3 and I'm not sure if I'm 100 percent correct, and I'm asking you,
4 as far as NMFS' part of it, but it basically says that the Corps
5 needs to consult with you, and it didn't say that you could stop
6 the Corps from opening the Bonnet Carre, or doing anything to
7 that effect, and is that correct?

8
9 **MS. LEVY:** Right, and so, under the Magnuson Act, it basically
10 says that a federal agency needs to consult with NMFS before
11 taking any action that would adversely affect essential fish
12 habitat, and then NMFS has an obligation to make recommendations
13 to reduce any adverse effects, but none of that is preventative,
14 meaning, if the action agency, like the Corps, does not want to
15 adopt NMFS' recommendations, they can explain why they're not
16 adopting them, but there's nothing, per se, that forces the Army
17 Corps to do what NMFS suggests.

18
19 **GENERAL SPRAGGINS:** A follow-up question to that too is some of
20 the questions that have been brought to me is does NMFS have any
21 control over what happens in state waters, and we're talking
22 fresh water, and we're not talking marine, and, since this is
23 coming from a river, you know, and then flowing into it, is it
24 something that we -- I am just asking for information.

25
26 **CHAIRMAN DIAZ:** Go ahead, Mr. Strelcheck.

27
28 **MR. STRELCHECK:** So I'm not sure what you mean by "control",
29 but, when we consult on these types of projects, we're
30 consulting on whether they're going to have adverse effects to
31 essential fish habitat, or under the Endangered Species Act, and
32 so, under both of those, it applies, you know, beyond just
33 federal waters, right, and so we can consult, obviously, and, if
34 there are adverse effects, provide recommendations, terms and
35 conditions, or, potentially, the project can't proceed, because
36 there is adverse modifications.

37
38 With this one in particular, and I'm less familiar with the EFH
39 component, but, on the Endangered Species Act side, we know that
40 the Bonnet Carre Spillway is going to be operating, and it's a
41 flood control mechanism, and so what we were being asked to do
42 is essentially do after-the-fact emergency consultations, right,
43 but the Corps has essentially said, no, this is something that
44 they should have an operations plan for, that is foreseen, that
45 we need to consult upfront of it, and we agree with that, and
46 we've actually recommended that in the past, and so the intent
47 here would be, for both ESA and EFH, to do those upfront
48 consultations to consult on the impacts of these projects and

1 then provide recommendations, or terms and conditions, as I
2 mentioned.

3

4 **CHAIRMAN DIAZ:** Ms. Levy, is it to that point?

5

6 **MS. LEVY:** Just to make clear that there's a difference between
7 Endangered Species Act consultations and essential fish habitat
8 consultations, and I was focusing on the case that dealt with
9 the EFH, because that's within the council's purview, and there
10 was a separate case that involved a failure to consult
11 prospectively under the Endangered Species Act, and NMFS was a
12 party to that case, as was the Fish and Wildlife Service.

13

14 There are more things that the agency can do in the ESA context,
15 in terms of controlling what happens, then the EFH context.
16 Essential fish habitat does not have the same kind of sticks as
17 the Endangered Species Act.

18

19 **CHAIRMAN DIAZ:** General Spraggins.

20

21 **GENERAL SPRAGGINS:** Just one other question, and, you know, I
22 know it's stated that you all should do this prior to 30
23 September 2023, is I think what I read into it, but, knowing
24 that the Bonnet Carre -- If it is going to open, the odds are
25 that it's going to be March or April, somewhere in that
26 timeframe, and is there any projection, or do you all expect, to
27 consult with the Corps, if it happens sooner, and I know you
28 have until September to get the actual consultation together,
29 but is there something that NMFS is looking at to be able to
30 talk with the Corps, if they are going to have to open it up in
31 the March/April/May timeframe of this year, prior to you all
32 coming up with the final?

33

34 **MR. STRELCHECK:** I mean, we're in regular communication with the
35 Corps, but the Corps did not join the future operations of the
36 spillway, in terms of -- You know, they're still going to be
37 able to operate the spillway, going forward, and we will
38 consult, based on the timelines provided, and we'll continue to,
39 obviously, consult on the operations, going forward, and so I
40 think the simple answer is, right now, I don't think so, and I
41 don't think there's anything that we would do differently,
42 between now and when we have to complete kind of the updated
43 consultations.

44

45 **GENERAL SPRAGGINS:** Thank you.

46

47 **CHAIRMAN DIAZ:** Dr. Stunz.

48

1 **DR. STUNZ:** Andy, this is a good example, and, Mara, kind of
2 just maybe as predicting future things to come for your office,
3 and around this table maybe, and why folks out in Texas were
4 paying attention to this EFH case was because -- Unlike in this
5 situation, it's not about too much water. In our region, it's
6 not enough water, and it's having to do with desalination, and,
7 of course, those impacts affecting nursery grounds for species
8 that we manage, and my understanding was they were paying
9 attention to this because it had never been used as, I guess, a
10 tool in litigation before, in terms of EFH, probably for the
11 reasons that Mara is pointing out, in terms of, you know, how
12 much leverage do you have with it, but, anyway, it's -- I think
13 we'll be hearing a lot more about that in the future, but,
14 anyway, it's just kind of an FYI.

15

16 **CHAIRMAN DIAZ:** Mr. Anson.

17

18 **MR. ANSON:** Dr. Stunz just covered one of the points that I was
19 going to make, but relative to prolonged drought periods and the
20 release of water to help with, or maintain, EFH, and so that's
21 just another -- Rather than just a desalination question, but, I
22 guess, Andy, relative to the operations plan, and I realize that
23 there's, you know, the tools, or the sticks, if you will, as
24 Mara described, are somewhat limited as it relates to EFH, but,
25 for the operations plan, I mean, you are just going to -- Are
26 you going to address just the release of water, or do you also
27 address the quantity of water, the duration of the time, and, I
28 mean, how nuanced is that operations plan going to be, and will
29 that cover for future instances, any and all, you know, a super,
30 super flood, or just a regular flood, or, you know, can you
31 describe some of that?

32

33 **MR. STRELCHECK:** I can't speak to the specifics, but, in terms
34 of the consultation and giving this an operations plan, we would
35 hope to cover kind of the scope and scale of the operations,
36 right, and so it would cover the depth and breadth of, you know,
37 however they plan to operate it, under varying conditions.

38

39 **CHAIRMAN DIAZ:** General Spraggins.

40

41 **GENERAL SPRAGGINS:** Mr. Strelcheck, I would just like to ask
42 another question too, and, I mean, this has opened up kind of a
43 can of worms, and, you know, with the Bonnet Carre, but, also,
44 there is other diversions that are being proposed in the Gulf of
45 Mexico, and especially around the Louisiana and Mississippi
46 area, but are you all in consultation with that also, as to what
47 that diversion could do, or what it could do to the estuary and
48 what it could do as far as our fisheries and all, and are you

1 all with the Corps and working with that on it?

2
3 **MR. STRELCHECK:** Yes, and so we have actually worked on the Mid-
4 Barataria sediment diversion, which is one that I guess a record
5 of decision is going forth potentially today, and, in terms of
6 the other one that would be more likely to affect Mississippi on
7 the east side of the delta, is Mid-Breton, and so that work is
8 kind of early in the process, and we will be consulting on that
9 project, going forward, and I have staff that are working on
10 that project, but, at this point, we haven't officially been
11 requested to consult on it.

12
13 **CHAIRMAN DIAZ:** Okay. Thank you. General Spraggins.

14
15 **GENERAL SPRAGGINS:** Just a follow-up on that, and I would love
16 to talk with you, Andy, sometime, and we have done some studies
17 ourselves, with USM and Mississippi State, and I would love to
18 let you get a part of that, as soon as we can get it released.

19
20 **MR. STRELCHECK:** Sounds good, and I'm certainly happy to pull my
21 team together and meet with your staff.

22
23 **CHAIRMAN DIAZ:** Okay. Ms. Levy, did you have anything else?
24 All right. Any other questions for Ms. Levy? Thank you very
25 much. Major Aucoin, from the Louisiana Office of Law
26 Enforcement, is back, and so, Major Aucoin, if you would go
27 ahead with the Louisiana Law Enforcement report.

28
29 **LOUISIANA LAW ENFORCEMENT EFFORTS**

30
31 **MAJOR DEAN AUCOIN:** Thank you all for having me, and I hope you
32 all are enjoying you all's time in Baton Rouge, and I will keep
33 this pretty quick. I hope everything is going well.

34
35 Just to give you kind of an update, and I'm sure that everybody
36 is aware that the Gulf coast of Louisiana -- You know, we got
37 hit pretty hard, last year, with Hurricane Ida, and it affected,
38 you know, some major fisheries down by us, with Terrebonne and
39 Lafourche, in the lower Plaquemines, a lot of our docks.

40
41 You will see, compared to years past, that our numbers are lower
42 than they have been, and we have a few different things that
43 have played into this, and total man hours last year was 5,300,
44 that we worked, and NOAA Fisheries -- We put a heavy, heavy
45 investment in the commercial fisheries side, and one thing,
46 coming up for this year, that I'm excited about is one of our
47 state officers recently left the state and is now working for
48 NOAA, and he will be assigned to the Louisiana area, and I can

1 tell you that he's been boots-on-the-ground, and we meet weekly,
2 and we have significant plans, this year, to have multiple
3 endeavors within the fisheries to enforce, you know, the laws,
4 and we've already planned some TED, and we've also started some
5 ideas on working some SEFHIER things within the state, and so
6 we're looking forward to that.

7
8 Public contacts last year, and the last JEA year was 1,100, just
9 over 1,100, contacts. To kind of give you an idea where we are
10 with that, in Louisiana, we are graduating a cadet academy class
11 in March of this year, and that will put our TO at 214 officers
12 statewide, and this covers the entire sixty-four parishes
13 throughout the state.

14
15 Along the coast, we're sitting on about I would say a hundred
16 officers, and so, you know, we are kind of limited in our
17 manpower. We did graduate a class of fifteen last year, and
18 we're graduating a class of nineteen this year, and so we're
19 hitting a point, within the agency, where our officers have a
20 twenty-year retirement, and we had to switch to a twenty-five,
21 and so we will have five years where we should be able to get to
22 our TO, which is 234. That should give us a lot more officers,
23 a lot more manhours, a lot more ability to work our NOAA
24 Fisheries efforts.

25
26 Total inspections, as far as manhours worked commercially, it's
27 335 and fifty-four. This is just a breakdown of our number of
28 inspections versus compliance, and, you know, we typically have
29 a high compliance rate, when it comes to our number of
30 inspections, and we are -- We were in a transition with the
31 TEDs, kind of an educational phase, and we are going to ramp-up
32 our efforts this year, when it comes to enforcement of TED
33 fisheries in the Gulf of Mexico regarding Louisiana.

34
35 The same thing with recreational, and you will see a high
36 compliance rate with recreational fisheries, and, again, we saw
37 a significant decrease in recreational fisheries on the eastern
38 part of the state this year, whether it was due to COVID, the
39 economy, you know, whatever, but Grand Isle is a major fisheries
40 port, and Fourchon, Louisiana is a major recreational fishery,
41 and they had significant damage, and there was a lot less people
42 out.

43
44 Our western end of the state, Vermilion Parish, those guys have
45 really stepped it up for us this year, and they are at high
46 notes this year, as far as case reduction, and, if anybody is
47 familiar with that fishery, they have to travel a significant
48 way to get to snapper waters.

1
2 You know, one of the big cases they made this year is they cited
3 three subjects for having eighty red snapper filets and nine
4 whole red snapper, and so, you know, kudos to them guys for
5 going out, and, you know, they will have a three or four-hour
6 boat ride just to get to the fisheries, and they've really done
7 a great job for the state, stepping up and helping us work these
8 hours and these endeavors with NOAA. Any questions?

9
10 **CHAIRMAN DIAZ:** Questions for Major Aucoin? I would just like
11 to compliment you. Thank you for your presentation, and I have
12 met several of your officers, over the years, and they're very
13 professional people.

14
15 **MAJOR AUCOIN:** Thank you.

16
17 **CHAIRMAN DIAZ:** We appreciate you all's efforts.

18
19 **MAJOR AUCOIN:** We appreciate it, and, like I said, we, as an
20 agency, we've come a long way, and we are in the process of
21 developing some software, and some programs, within the agency,
22 where we will have real-time computer-aided dispatching, where
23 our dispatchers can, you know, login and pull up the body
24 cameras on this, and, you know, we'll have different things that
25 this agency is doing to better those relationships with the
26 public and, you know, be more transparent with the councils and
27 different organizations that we deal with, and so I appreciate
28 the feedback.

29
30 **CHAIRMAN DIAZ:** Thank you very much. We're going to tackle one
31 more agenda item. Dr. Shipp, if you're ready, I'm going to put
32 you on the spot and see if we can talk about your Other Business
33 item that you said about the shark problem.

34
35 **DR. SHIPP:** Yes, I can go. Are you ready?

36
37 **CHAIRMAN DIAZ:** Yes, sir. Why don't you go ahead and introduce
38 that topic that you want to discuss.

39
40 **OTHER BUSINESS (CONT.)**
41 **SHARK PROBLEM AND POSSIBLE SOLUTIONS**

42
43 **DR. SHIPP:** You know, the last several years, in public
44 testimony, we've heard, over and over again, how the shark
45 problem is increasing. Just yesterday, I got an email from a
46 very respected surgeon out of Mobile, who has scuba dived all
47 his life, and he said, the last few years, it's just been
48 incredible.

1
2 The problem is that some of these species, especially the
3 sandbar sharks, are protected, and, yet, their abundance is
4 incredible, and so I don't know what the council can do, and,
5 obviously, we don't manage sharks, and they're highly migratory,
6 but at least we ought to send a letter, or whatever process we
7 might have, to call attention to the fact that this is an
8 ongoing problem, and it's increasing. There are some solutions,
9 and, in a way, I'm kind of glad you got me up before public
10 testimony, because I will be curious as to whether we hear a
11 continuation of a description of this problem.

12
13 As an aside, Carrie's major professor, Dr. Steve Szedlmayer has
14 been running red snapper surveys off the north-central Gulf for
15 years and years, and I talked to him recently, and he says that
16 I've gotten to the point where I just don't even want my
17 students to get in the water, and there are so many sharks, and
18 so I just want to call this issue to the attention of the
19 council, and I don't know if the agency has some suggestions or
20 what, but I do think that we ought to acknowledge the problem
21 and do whatever we can to step a solution in that direction, an
22 that's all I have. Thank you, Dale.

23
24 **CHAIRMAN DIAZ:** Any comments? Mr. Strelcheck.

25
26 **MR. STRELCHECK:** Thanks, Dr. Shipp, for the comments, and I
27 received, I think, probably a similar email that you did, and
28 several other colleagues within NOAA Fisheries, and I guess a
29 couple of things.

30
31 One is, you know, our Highly Migratory Species Office is
32 responsible for conserving, regulating, and doing shark
33 management, and so I have referred that email to them for a
34 response, and I'm happy to, obviously, share that with the
35 council, going forward.

36
37 I think the challenge with sharks, and, you know, we continue to
38 hear about the depredation, not only from sharks, but also
39 dolphins, is that HMS, like us, is trying to recover and rebuild
40 shark populations, right, and, as they successfully do so,
41 people are seeing more and more encounters with sharks, and so
42 I'm not sure what the solution is, and it's certainly not an
43 easy one, because of the recovery of shark populations, but I am
44 certainly willing to pass along the concerns and have HMS come
45 talk to the council further about efforts underway to,
46 obviously, regulate and manage the shark populations.

47
48 **CHAIRMAN DIAZ:** Thank you, Mr. Strelcheck. Dr. Stunz.

1
2 **DR. STUNZ:** Just to follow-up, as a shark researcher, I'm kind
3 of sensitive to this issue, and I experience exactly what Bob is
4 describing, and others, and, you know, we've got to get our
5 tagged fish down, and the whole discussion we just had, and we
6 saw the presentations on all the ways to improve discard
7 mortality, you know, and then sharks are kind of offsetting a
8 lot of that, and, in fact, there's ongoing studies to try to put
9 a number on that, but, as far as what we do, you know, I don't
10 know.

11
12 I mean, we're sort of living in a time, and many of us have
13 never lived through an ocean that has healthy shark populations,
14 you know, and they're part of the ecosystem, is kind of what it
15 looks like, but, at the same time, you know, you're hearing
16 reports, and I will be astonished if we don't have a lot of
17 testimony about, you know, you can't bring your clients' fish
18 back, because they're just getting eaten too quickly, and so I
19 don't know what the solution is.

20
21 I mean, we would -- We don't manage this, but at least maybe
22 writing letters, or conveying messages, to HMS, and we want to
23 move very cautiously here, because, in the past, we didn't move
24 so cautiously, and we got in big trouble, and it took pretty
25 much until now to start recovering that. In the Gulf, we're
26 probably in a very good situation, compared to globally, in
27 terms of shark populations, which is a good thing, but it's a --
28 It puts us in a difficult situation, and, you know, I don't
29 really know what the solution is, but, you know, you can argue
30 both sides of the shark problem pretty easily.

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

33
34 **MR. ANSON:** Thank you, Mr. Chair, and, just to follow-up on the
35 comment that Andy just made about, you know, requesting HMS
36 folks to come to the council, I think, the last time that they
37 presented some summary information on some assessment, recent
38 assessment, or assessments, that had been done on some shark
39 species, that was a request that was made, and certainly just
40 reiterating, to the extent that you can encourage that, and get
41 that to happen, we certainly would like kind of a regular visit,
42 I guess, or an update on how assessments are going.

43
44 You know, I think, at the time, also, during a council meeting,
45 there was, you know, an extension, or an offer, to work with the
46 states, because the states are collecting, you know, additional
47 information, and making sure that there is, you know, good
48 communication in that regard, with those folks that are dealing

1 with those species, that, you know, they have the most complete
2 and up-to-date information to kind of give a good picture, since
3 they are somewhat data-limited, you know, for the majority of
4 the species. Thank you.

5
6 **CHAIRMAN DIAZ:** Thank you, Mr. Anson. Any further comments?
7 Mr. Dugas.

8
9 **MR. DUGAS:** Thank you, Mr. Chair. I recall, and I think it was
10 in the last year, Kevin, that there was a presentation given to
11 us, and I think it was Andy's folks, in his office, but I recall
12 the presenter telling us that nothing can be done. They're in a
13 rebuilding program, and it is what it is, and so I guess my
14 question is -- You know, in that regard, it's protecting the
15 MSA, and so does something need to be done on the congressional
16 level, out of our area?

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

19
20 **DR. STUNZ:** I think a suggestion here might be to write a letter
21 or something expressing our concerns, to kind of, you know, see
22 where we are with the situation, kind of, you know, our
23 baselines, and like the Szedlmayer example that Bob just had,
24 and, you know, the baseline there is, you know, a situation
25 where there is not many sharks, and now it seems like we've got
26 a lot of sharks, but is that --

27
28 You know, ecologically speaking, there might be room for even
29 more, you know, and so I don't know, and so I guess we really
30 probably need some more expertise to weigh-in on this, and the
31 reason that I was mentioning earlier, and I failed to, about
32 caution is just their life history doesn't -- It isn't real
33 amenable to heavy extraction, in terms of their ability to
34 respond to, you know, heavy fishing pressure, and so we've got
35 to be real careful about -- Let's say you open the fishery, and,
36 you know, you can knock them down pretty quickly.

37
38 I think -- I don't know what that letter looks like, Dale, right
39 now, but, I mean, maybe putting something together to say this
40 is a concern, and we're hearing about it in public testimony and
41 others, and how do we, you know, get in front of this problem,
42 would be my suggestion.

43
44 **CHAIRMAN DIAZ:** All right, and so, Dr. Simmons, did you want to
45 speak?

46
47 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair, and so I
48 think, if we're going to write a letter, I think a motion would

1 be good, and we can maybe come back to that, but I just also
2 wanted to mention that, you know, we are going to have that
3 ecosystem technical committee meeting, and it's scheduled in
4 April, and one of the things that I think we're going to really
5 be working on is those fishery ecosystem issues, FEIs, and I
6 assume that one of those is going to be these interactions and
7 depredation.

8
9 That's not going to solve our issue, but I think it hopefully
10 will put into perspective the why we're seeing these
11 interactions, and try to look at it at a more ecosystem level,
12 and so I know it's not an immediate answer to our issue, but I
13 think it might explain the why, or get at the why, and maybe
14 help inform, in the future -- My goal would be help us inform
15 some of our reef fish management decisions, potentially, as far
16 as seasons and that kind of thing.

17
18 **CHAIRMAN DIAZ:** So I'm just talking back and forth with Dr.
19 Stunz here. If it's okay with the council, I would like to
20 leave a placeholder in Other Business, at the end of the
21 meeting, to bring this subject back up, and I think Dr. Stunz
22 wants to talk to a few other council members about this letter
23 idea, and what would be in it, and I guess we can decide, at
24 that point, at the very end of business of the council session,
25 to do that. Mr. Strelcheck, did you have anything at this
26 point?

27
28 **MR. STRELCHECK:** I just wanted to respond to J.D.'s comment, and
29 certainly I can't lobby, and the agency can't lobby, Congress.
30 We have, obviously, mandates that are passed by Congress, that
31 we may or may not agree with, but we have to obviously abide by
32 those mandates, and, you know, certainly, you know, there can be
33 recommended changes that could shape, obviously, future
34 management and science, if MSA, or other laws, are changed.

35
36 I will note though that Congress, I think, has actually
37 tightened restrictions on sharks, based on passing of a law at
38 the end of last year prohibiting sale of shark fins, right, and
39 so that's kind of the additional restrictions and constraints
40 which may affect the shark market as well, and ultimately lead
41 to more sharks staying in the water, because there is less
42 economic incentive to harvest them, and so I just wanted to
43 acknowledge that.

44
45 **CHAIRMAN DIAZ:** Dr. Stunz, to that point, and then Dr. Shipp.

46
47 **DR. STUNZ:** Very quickly to your point, Andy, and that's not
48 just federal, but state regulations are as well, and so,

1 regulatory-wise, J.D., we're not really headed in the direction
2 of reducing shark numbers, and, in fact, it's just the opposite.

3
4 **CHAIRMAN DIAZ:** Dr. Shipp.

5
6 **DR. SHIPP:** Thank you. One of the problems that exacerbates
7 this whole issue is the fact that we continue to hear comments
8 about rebuilding the shark stocks, but it's much more
9 complicated than that, because there are multiple species
10 involved, and so many of those species are almost impossible to
11 tell apart, especially for the layman. You can rebuild one
12 species and totally ignore another.

13
14 The sandbar shark seems to be the one that the population is
15 exploding, at the Alabama Deep-Sea Fishing Rodeo and up and down
16 the coast. You know, this shark looks like a typical shark, and
17 there's nothing unusual about it, no color patterns or anything,
18 and it's anecdotal, but my feeling is that species is totally
19 rebuilt, at least in the Gulf of Mexico, and it just makes it a
20 difficult problem, but I appreciate the time, and I agree with
21 the comments about following the meeting. Thanks, sir.

22
23 **CHAIRMAN DIAZ:** All right. I don't see any further hands, and
24 so we're going to go ahead and stop discussion, at this point,
25 on this item, but bring it back later, and so we're at our
26 lunchbreak.

27
28 I want to remind folks about public testimony, and so we have a
29 kiosk, at the back of the room, for folks that want to do in-
30 person testimony. People that are online and listening now, and
31 so virtual testimony, it's required that you sign-up by 12:30,
32 to give virtual testimony, and so we will not accept people that
33 sign-up after 12:30 for virtual, and that's for several things
34 on our end, logistically, that we have to do to make sure that
35 that can happen, and so, people virtually, please take care of
36 signing-up prior to 12:30. All right. We're taking our lunch,
37 and we're going to be back at 1:30. Thank you.

38
39 (Whereupon, the meeting recessed for lunch on February 1, 2023.)

40
41 - - -

42
43 February 1, 2023

44
45 WEDNESDAY AFTERNOON SESSION

46
47 - - -

1 The Full Council of the Gulf of Mexico Fishery Management
2 Council reconvened at the Hilton Baton Rouge in Baton Rouge,
3 Louisiana on Wednesday afternoon, February 1, 2023, and was
4 called to order by Chairman Dale Diaz.

5
6 **CHAIRMAN DIAZ:** All right. Good afternoon, everybody. I would
7 like to welcome everybody back to the afternoon session of the
8 Gulf of Mexico Fishery Management Council. I am going to start
9 out by reading a statement about public testimony.

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

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

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

29
30 Knowingly and willfully submitting false information to the
31 council is a violation of federal law. We will welcome public
32 comment from in-person and virtual attendees. Anyone joining us
33 virtually that wishes to speak during public comment should have
34 already registered online. Virtual participants that are
35 registered to comment should ensure that they are registered for
36 the webinar under the same name they used to register to speak.
37 In-person attendees wishing to speak during the public comment
38 should sign-in at the registration kiosk located at the back of
39 the room. We accept only one registration per person.

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

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

7 The way we're going to do our public testimony is we're going to
8 go back and forth between virtual participants and in-person
9 participants, and we're going to do that until we go through all
10 of the virtual testimony, and so we have fifteen people signed
11 up right that are going to be testifying virtually, and so
12 that's how long that will last. We're going to start with in-
13 person and Mr. Lawrence Marino.
14

15 **PUBLIC COMMENT**
16

17 **MR. LAWRENCE MARINO:** Good afternoon. My name is Larry Marino,
18 and I'm here on behalf of Louisiana Attorney General Jeff
19 Landry. You've all heard about blackballing in the leasing of
20 shares, particularly in the red snapper fishery. As Casey
21 Streeter has detailed to you, he has been blackballed for
22 speaking his mind. Ron Chicola has told you about the
23 blackballing threats against him and his wife, Laura, and
24 several others have been threatened with blackballing and
25 intimidated into silence. You've heard that, too.
26

27 This is a fundamental problem that should be investigated and
28 addressed by this council and NMFS. It's bad enough when
29 threats are made to people who just want to tell you their
30 perspective on the fishery, which, of course, that's the purpose
31 of public testimony, but, when those threats are made to IFQ
32 Focus Group participants, as they were around the first focus
33 group meeting, that interferes with people that are charged with
34 making recommendations to this federally-created body. In
35 Louisiana, they would be public servants for that purpose, and
36 protected as such, and I would hope that there is no less
37 protection under federal law.
38

39 The existing allocation system is flawed, because it enables
40 this kind of economic duress. Dale, J.D., Troy, and others,
41 you've talked about it, and they've asked about it, and, so far,
42 there haven't been any consequences. I urge the council, and
43 NMFS, to investigate this dire problem, so you know exactly
44 what's going on. It's criminal, and it can be referred to the
45 proper authorities, or perhaps it's a fishing violation. It
46 certainly should be, and I urge you to keep this problem in mind
47 as you deliberate about reforming the IFQ program, so that you
48 can at least reduce the ability to enforce silence by

1 withholding allocation from those who would otherwise give this
2 council their true opinions, concerns, and ideas.

3
4 In your deliberations, please keep in mind that the fundamental
5 purpose of the IFQ program isn't to decide who controls access
6 to the fish, but, rather, it's a system to ensure that the
7 quotas are obeyed -- They've been very good at that, but it
8 needs to be reformed so that it allocates fish according to this
9 council's objectives, and one of those objectives should be
10 preventing those who benefit from the system from being the ones
11 who decide who gets to fish, and so one recommendation I have
12 for you is to have an objective and transparent body distribute
13 shares and allocation.

14
15 On a different point, another recommendation is to reject
16 reducing overcapacity as an objective for this program. It
17 shouldn't be a goal of this body to prevent people from working
18 in the career they choose. Originally, this may have been a
19 need to the end of ending derby fishing and improving safety-at-
20 sea, but there's no need for that now. The program itself
21 solved those problems.

22
23 As the council develops its objectives, you have to start with
24 the end in mind. What do you want this fishery to look like? I
25 don't think that you think that this fishery should look like a
26 private monopoly, where fishermen are merely sharecroppers for a
27 privileged few. Thank you.

28
29 **CHAIRMAN DIAZ:** Thank you, Mr. Marino. Next, we're going to go
30 to a virtual participate, Catherine Bruger. Ms. Bruger.

31
32 **MS. CATHERINE BRUGER:** Thank you. Good afternoon, and thank
33 you, Mr. Chair. My name is Catherine Bruger, and I'm a native
34 of St. Petersburg, Florida and Manager of Fish Conservation for
35 Ocean Conservancy. I'm sorry that I couldn't be there with you
36 today in-person, but I am grateful to the staff, and to the
37 council, for providing the opportunity to testify virtually.

38
39 My comments today focus on the gag rebuilding plan. Ocean
40 Conservancy reiterates that the future management of gag is
41 incredibly precarious, as the stock remains both overfished and
42 undergoing overfishing, with dangerously low male biomass. The
43 rebuilding plan, in its current state, represents the bare
44 minimum for a stock that needs maximum life support.

45
46 As discussed yesterday, Amendment 46 currently provides us with
47 effectively only two options that address overfishing, a Tmin,
48 or minimum rebuilding time scenario, and, effectively, several

1 Tmax scenarios. The Tmax scenarios have the maximum risk
2 legally allowed in a rebuilding plan. We ask that the council
3 support a more conservative rebuilding plan that follows NS 1
4 guidance and specifies a T target at some period between Tmin
5 and Tmax. Tmax is intended to be a limit and not a target.

6
7 Further, as was recently approved for amberjack, we request that
8 the council consider a constant catch approach, where baseline
9 catch levels are set and increases do not occur until tangible
10 signs of stock improvement are shown through an interim
11 assessment.

12
13 Further, five of the six analyses requested at the October
14 meeting are not included in the document, and I understand the
15 timing constraints. However, we urge the council to prioritize
16 inclusion of additional analyses before the April meeting. For
17 instance, bag limits could have significant effects on discard
18 rates.

19
20 Given the uncertainty surrounding increased discards and the
21 reduction of the gag season length, we urge the council to
22 request a historical discard analysis to help inform setting the
23 recreational season, with an aim at reducing out-of-season
24 discards.

25
26 In addition, we encourage the council to consider the inclusion
27 of an environmental buffer, based on likely future red tide
28 mortality events. We know that discards and environmental
29 conditions are significant sources of both uncertainty and
30 mortality. Yet, they are not addressed in the rebuilding plan.
31 We appreciate the inclusion of a more precautionary SPR
32 reference point, but, generally, the plan lacks safeguards for
33 high mortality due to a significant red tide event. We urge the
34 council to address these uncertainties in the design of the
35 rebuilding plan, to ensure success. We want a stronger
36 rebuilding plan, and we feel that there is still time to get it
37 done right.

38
39 Finally, on a separate note, we encourage the council to
40 consider establishing an annual review of catch and discard
41 estimates of rebuilding stocks in comparison to catch
42 projections. There is an example in our written comments.
43 That's all I have for you today. Thank you so much for your
44 time.

45
46 **CHAIRMAN DIAZ:** Thank you, Ms. Bruger. All right, and so, next
47 up, we have Dylan Hubbard, and Ian Giancarlo is on deck. Mr.
48 Hubbard.

1
2 **MR. DYLAN HUBBARD:** Thank you for the time to speak today. I
3 want to start out by talking first about gag grouper and talking
4 about what I feel is best for the fish. I've been thinking
5 about this for a really, really long time, and it's been
6 weighing on me a lot, and I've had a lot of conversations about
7 it, and so I'm going to lay out what I think is best for our
8 fish, not for me or my business or my area directly, but a
9 September start seems imperative, to me, and it's the beginning
10 of a wave.

11
12 We talk a lot about that around this table, and in our
13 committees and APs, and I think starting at the start of a wave
14 is important, and so September, Alternative 2, has my vote, for
15 that reason. Also, a high spike in effort occurs when we have
16 these limited seasons. We're shifting one of the most popular
17 fish in my area to a shorter season, and so you're going to see
18 a real big spike in initial effort, and so, if we shift that
19 effort spike to a time of year, like September, then gag grouper
20 fishing is not great, and it's hard to find that. It's going to
21 soften that big effort spike.

22
23 That effort spike would occur in a time where gag grouper
24 fishing is great, like October or November, and that initial
25 season spike could, in my opinion, completely overrun the quota.
26 If the season opened up right between cold fronts, and it's
27 beautiful, flat calm off of central west Florida, and gag
28 grouper season opened up, it's going to be shut down very
29 quickly, or we're going to have -- Or even worse, quota
30 overruns, with accountability measures, and a very short season,
31 and so I feel like September 1 is a great start date to smooth
32 out that initial spike in effort.

33
34 As far as red snapper concerns, not having gags open during red
35 snapper, we don't catch a ton of gag grouper in the summertime.
36 We do in the beginning of June, when the water is still pretty
37 cool, on the bottom, out there in deep water, and so
38 occasionally we do encounter those gag groupers, but that's
39 because we're really good fishermen, and good fishermen can find
40 those gag grouper in early June.

41
42 Come July, it's tougher to find those gag grouper, unless we're
43 in super deep water, and we avoid them by being selective and
44 targeting red snapper. That's what we're out there to target.
45 If you're not dropping down to the bottom, you're never going to
46 encounter a gag grouper, and, as Mr. Haddad spoke earlier, in
47 the Return 'Em Right presentation, if we do encounter gags, it
48 is easy to release them with those descending devices.

1
2 Also, let's not re-live jacks, amberjack, and we saw that
3 problem where we set goalposts, and we're constantly moving
4 them, because what we tried wasn't working. I have a feeling
5 that, if we set the season opener later in the year, and we see
6 these big spikes, these quota overruns, or, two or three years
7 down the road, all of a sudden, the season is getting longer, as
8 the ACL increases, and then, all of a sudden, we see people
9 wanting to revisit it. If we set it at September 1, we have
10 time to grow into that season. We can set it and forget it and
11 hopefully watch that fishery rebound exponentially quickly. As
12 far as jacks -- I'm running out of time, but I had a lot more to
13 talk about, but I will email you. Thank you.

14
15 **CHAIRMAN DIAZ:** Thank you, Mr. Hubbard. Dr. Sweetman.

16
17 **DR. SWEETMAN:** Give us your thoughts on jacks.

18
19 **MR. HUBBARD:** Thank you. For jacks, I would love to see
20 September and October, and leave out the healthy fish. The
21 jacks complex is doing really, really well, so much so that we
22 almost overran the quota, because we're catching them so well.
23 An almaco jack is an almaco jack, and it looks nothing like
24 other amberjacks.

25
26 Lesser jacks, rudderfish, are a little difficult to tell, and I
27 could see that problem, but experienced anglers are experienced
28 anglers, and I think we have to give recreational fishermen a
29 little bit more credit than that. Plus, the council does a
30 great job of outreach and education, and we have a really good
31 identification chart that works really well as well, and so, for
32 jacks, definitely Alternative 3 in Action 1.

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

35
36 **MS. BOGGS:** I know you have a VMS unit on your vessel, and which
37 VMS unit do you have, and are you experiencing any trouble?

38
39 **MR. HUBBARD:** We have multiple VMS units on multiple different
40 vessels. We have the Nemo units, and we also have the Triton
41 units. One of our Triton units was broken out of the box, and
42 so not even placed on the vessel and it was broken, and we had
43 that replaced. The Nemo units gave us a little bit of a
44 difficulty, but, once we got everything set up properly, and
45 functioning properly, we haven't had any problems ourselves.

46
47 What we have experienced though is, seven months after the fact,
48 we'll get a phone call that a report -- Like, in August, we'll

1 get a call that a report in February wasn't done properly, and
2 so we do get those big time delays, and then I've been reached
3 out to by a captain in the Keys, who had the exact same
4 situation that you outlined earlier in committee, where he was
5 sent a letter, from I believe NOAA OLE, that was like basically,
6 hey, you're going to jail, and so he was unaware that his VMS
7 wasn't working, and, as soon as he found out, he went out to the
8 boat and double-checked everything, and got it functioning, and
9 so I definitely see where you're coming from, but, as Andy put
10 it earlier in committee, I think it's a new program that
11 everybody is trying to figure it out.

12
13 Unfortunately, funding is always an issue, and so I understand,
14 and live with it, and it's not the best situation, but it does
15 happen, and I think we all have to kind of grin and bear it
16 together, because, in my opinion, I want to get to a place,
17 three years, or four years, down the road where this data is
18 calibrated and we're able to stand on our data and have it input
19 into the stock assessments and remove buffers and more fully
20 utilize our fishery, like the IFQ system does in commercial
21 fishing, but we would be managed under seasons, size limits, and
22 bag limits and not IFQs, but, through our daily electronic
23 reporting that's validated, we would be able to more fully
24 utilize that fishery.

25
26 **CHAIRMAN DIAZ:** Thank you, Mr. Hubbard. We appreciate it.

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

29
30 **CHAIRMAN DIAZ:** Next up is Ian Giancarlo, and on deck is Bob
31 Zales.

32
33 **MR. IAN GIANCARLO:** My name is Ian Giancarlo, and I'm an Oceans
34 Advocate for Environment America. We are an environmental
35 advocacy group that works for clean air, clean water, and open
36 spaces. First, I just wanted to thank the Gulf of Mexico
37 Fishery Management Council for allowing me, and everyone else
38 here, the opportunity to speak today, and I'm here to talk about
39 the Florida Keys Marine Sanctuary and its proposed rule.

40
41 Earlier this week, one of my colleagues from the Florida Keys
42 Restoration Partnership sent you along our topline and technical
43 comment letters, for your reference, and both were submitted to
44 the Federal Register and contain more detailed information on
45 our thoughts and recommendations on the proposed rule. These
46 letters were prepared by a coalition of local and national NGOs
47 who want to see the Keys better protected.

48

1 The sanctuary, and the ocean life that calls it home, need
2 better protections, given the critical value that it adds to our
3 ocean ecosystem, local communities, and to our nation.
4 Restoring degraded habitats and keeping reefs, seagrass meadows,
5 and other areas in the Keys vibrant is also critically important
6 if we want to maintain fish populations.

7
8 We are glad to see the Gulf of Mexico Fishery Management Council
9 has been really supportive of protecting coral habitats. As we
10 know, coral reefs, and coral reef fish species, are directly
11 impacted by motor speed and noise. When coral fish are exposed
12 to excessive noise, they are less able to care for their young
13 and feed, and it overall just helps the stability and health of
14 these delicate ecosystems, to reduce these negative impacts.

15
16 We were also glad to see an increase in the number of strongly
17 protected marine zones, an increase in the overall size of the
18 sanctuary, an expansion in the number of acres of the sanctuary
19 that are also strongly protected.

20
21 In your draft letter to the Florida Keys National Marine
22 Sanctuary on the proposed rule, you have mixed views on the
23 westward and southward expansions of the sanctuary. However,
24 large, contiguous, highly-protected marine reserves are the most
25 effective way to preserve biodiversity and create resilience to
26 climate change, and that's what these expansions will allow for.

27
28 Therefore, we are urging NOAA to include large areas, like the
29 Tortugas corridor, in two shore-to-reef protected areas from Key
30 Largo to Carysfort Reef and Long Key State Park to Tennessee
31 Reef in its final rule. We are also thankful that the proposed
32 rule protects the deeper, healthier corals at Western Sambo,
33 Alligator Reef, Tennessee Reef, and Carysfort Reef, and we
34 applaud the inclusion of Pulley Reef.

35
36 Again, in your draft letter, you are opposed to Pulley Ridge's
37 premature inclusion in the sanctuary, but we urge you to
38 reconsider. You acknowledge it is an area that shelters
39 mesophotic corals and agree that the proposed regulations would
40 benefit them, and so, by adding Pulley Ridge, and further
41 protecting it from anchor damage, oil drilling, and other
42 threats, the sanctuary can protect upstream coral populations
43 with demonstrated resilience to climate change and climate
44 extremes, as well as fish populations that seed the Dry
45 Tortugas, the Florida Keys, and beyond, via the Loop Current.

46
47 We all know there is a lot more we need to do, but establishing
48 these rules will ensure a future for this incredible ecosystem,

1 one where thriving coral, sprawling seagrass beds, and a vibrant
2 ocean life community, as well as the economic foundation of the
3 Keys, can thrive while staying protected. Thank you.

4
5 **CHAIRMAN DIAZ:** Thank you, Mr. Giancarlo. All right. Next up,
6 we have Captain Bob Zales, and on deck is Brian Lewis. Captain
7 Zales.

8
9 **MR. BOB ZALES, II:** Bob Zales, II, representing SOFA and also
10 the National Association of Charter Boat Operators. I am going
11 to talk on this excessive discard mortality that is affecting
12 our fisheries, and I'm not going to sit here and pick on any
13 particular sector, because I'm not sure it's a sector problem,
14 and I think it's more of a management issue.

15
16 In red grouper, discard mortality, from the recreational side,
17 is multiple times higher than what is in the commercial fishery.
18 The commercial fishery, and the for-hire fishery, both of us are
19 fully accountable, and we've got our logbooks, and you know how
20 many of us there are, and you know where we're going, where we
21 fish, how many days we fished, what we catch, what we throw
22 back.

23
24 On the recreational side, it's not there, and the problem with
25 that is that the overall quota in red grouper is reduced to
26 account for the discard mortality by the recreational sector,
27 and that means we all lose fish. Now, in 2021, they were over
28 their quota by 87 percent. In 2022, it was by 79 percent.

29
30 Right now, the season opened up on January 1, and it's projected
31 to stay open until the end of the year, and my guess is that,
32 about August or September, somewhere in there, like it has been
33 the past couple of years, the Fisheries Service is going to come
34 out and say, okay, the quota has been projected to be met at
35 some point, and so we're going to shut the fishery down.

36
37 The problem with those projections are that apparently they're
38 way off, because that same scenario has happened in 2021 and
39 2022, and so, when you shut them down, by the time you calculate
40 the numbers, they're 80 percent over, and that means that
41 discard mortality has been 80 percent higher, and we've got a
42 stock assessment coming up on red grouper, and, if this trend
43 continues, you're going to see this stock continue to go down,
44 and, eventually, we'll be in an overfished and undergoing
45 overfishing status, and the same situation is happening in gag
46 grouper.

47
48 You've got to get a handle on constraining that effort. There

1 is two ways to do it, from what I can see. You can do a payback
2 feature, but it's going to be difficult to do. You can, rather
3 than saying you're going to be open twelve months, here's your
4 season, and you get six months. At six months, you reevaluate.
5 If you've got quota left, give them more quota at the end of the
6 year. If not, you can prevent that overrun.

7
8 We've got to stop the discard mortality, because it's destroying
9 the fishery. Everybody loses. I lose, the commercial guy
10 loses, and the rec sector loses, because there's no fish to
11 catch.

12
13 With gag grouper, the latest stock assessment says that gag has
14 been overfished and undergoing overfishing since before
15 Magnuson, and that's over forty years. In 2014, supposedly it
16 was rebuilt. Now you've got projected plans to rebuild this
17 fishery in a maximum of twenty-two years, and my question is, in
18 the forty years that we've been managing, and we're going
19 downhill, how are you going to bring it back in twenty-two
20 years, and so any questions?

21
22 **CHAIRMAN DIAZ:** Any questions for Captain Zales? Ms. Boggs.

23
24 **MS. BOGGS:** In a short answer, what type of unit, VMS unit, do
25 you have on your vessel, and have you had any issues?

26
27 **MR. ZALES:** For VMS, Nemo. It's a great little unit. They
28 communicate with you. When it's out of power, they send me an
29 email that you need to go plug it in.

30
31 **CHAIRMAN DIAZ:** Thank you, Captain Zales. We appreciate it.

32
33 **MR. ZALES:** Thank you.

34
35 **CHAIRMAN DIAZ:** All right. Next up is Brian Lewis. Mr. Lewis.

36
37 **MR. BRIAN LEWIS:** Good afternoon, Chairman and members of the
38 council. I appreciate this opportunity to speak. It's really
39 great that I can do this in a virtual mode, and it makes it a
40 lot more flexible for me, and so thanks again, and kudos for how
41 you guys offer this to us.

42
43 For the record, I am Brian Lewis, and I'm a commercial vessel
44 owner, IFQ stakeholder, recreational fisherman, and a concerned
45 person. Okay, and we're talking about this IFQ, and wanting to
46 make changes in it, and yet, according to the review process, it
47 has met most of its goals, and we started talking about
48 overcapacity. Well, according to what we've been doing in the

1 commercial fishery, I can't see it being in overcapacity mode.

2
3 We've been catching our fish sustainably, and, according to what
4 I've read, there's not any real way to define "overcapacity",
5 but that's been one of the methods, and so it's been left up to
6 interpretation of how we define "overcapacity", and so I would
7 exercise caution on how the Gulf Council proceeds in considering
8 what overcapacity really is, or even being able to define it.

9
10 Moving on, I would like to talk about the process, and I
11 overheard somebody on the council speak about maybe possibly
12 creating a multiuse allocation, such as maybe using some of my
13 red grouper allocation, two-to-one or three-to-one or whatever,
14 to be able to utilize to have access to red snapper, and
15 trading, rather than having to pay out-of-pocket, and maybe we
16 can consider something of that sort.

17
18 I was going to talk about the gag grouper, and, after hearing
19 other charter fishermen speak, and, you know, even thinking in
20 my own mind here of, you know, how do we reduce discards, well,
21 you know, you open up the red snapper season, and it's going to
22 be likely that gag grouper is going to be caught, but there is
23 also, with proper education, the ability to release them right,
24 with a venting tool, and, also, I heard another council member
25 bring up the subject and ask somebody if they vented the fish
26 prior to trying to descend them on a descending device, and it's
27 a two-part process, and hopefully we keep on going on about the
28 education and the awareness of that.

29
30 I support a fall season for gag grouper, and I think that they
31 can release these fish during red snapper season, because the
32 gag grouper fishing is not as great in the summer as it is come
33 fall.

34
35 I would also like to bring up -- I don't have a degree, and I
36 went to the school of hard knocks, but I will tell you one
37 thing, and there is so many tools in the toolshed that we can
38 employ in trying to manage our fisheries, and, you know, some of
39 the things that maybe we can consider doing is, even on the
40 commercial side of things, is releasing the rusty bellies, and I
41 don't know how we're going to manage that, and I know that
42 fishery management is a tough thing, but maybe we can do that.

43
44 Regarding sharks, we have lost, on occasion, as many as 400 to
45 500 pounds of gag grouper, a trip, a seven-day trip, and so
46 we've got a real problem with the sharks, and so hopefully, with
47 congressional oversight or something, we can do something about
48 that.

1
2 I do support a vessel reef fish license, and quite possibly a
3 fish tag program for the other anglers that are onboard the
4 vessel, some way that we can start counting the real number of
5 fish in the recreational sector, so we can really know where
6 we're at with the recreational sector. I appreciate all the
7 effort in calibrations and everything else, but let's just face
8 it. We're still guessing, and so I'm hopeful, and I'm hearing
9 some traction, maybe, going on, and I hope that we can move
10 forward with something without taking ten years and doing so.

11
12 **CHAIRMAN DIAZ:** Mr. Lewis, I would ask you to --

13
14 **MR. LEWIS:** Okay. I'm just finishing up. I do not support an
15 increase in gag grouper allocation for any sector until we get
16 this overfishing under control. I appreciate this opportunity
17 to speak, and I would welcome any questions you may have, and,
18 by the way, my VMS system is working just fine in my commercial
19 vessel, and it's a fantastic system, and so I just wanted to add
20 that in there. Have a nice day.

21
22 **CHAIRMAN DIAZ:** Thank you for taking the time to be with us
23 virtually, Mr. Lewis. Next up is Mr. Ken Haddad, and on deck is
24 Katie Fischer.

25
26 **MR. KEN HADDAD:** Thank you, Mr. Chairman and council members.
27 My name is Ken Haddad, with the American Sportfishing
28 Association, and I've got a couple of things to briefly cover
29 today, and one is the letter to NOAA on the sanctuary.

30
31 We agree with most of the letter. However, we do believe that
32 Pulley Ridge should be included in the sanctuary as a no-anchor
33 zone. When the council designated the area as an HAPC, it was
34 able to regulate fishing vessels only, and a sanctuary
35 designation would allow all vessels to be regulated, in that
36 sense, to protect that habitat. We also support Florida's
37 interest in power poles and push poles being allowed in these
38 zones.

39
40 On gag grouper, we want to note that, although we're good with
41 all the elements in the amendment right now, there has been no
42 input on socioeconomics, and you had a discussion that that
43 should be coming upfront in your discussions, instead of on the
44 backend, and here's another example where that's not happening.

45
46 On allocation accountability, it was nice to hear a discussion
47 actually get going across the council on that topic, and we do
48 believe a detailed introduction to the South Atlantic decision

1 aid would be, at a minimum, a focused discussion, and, at a
2 maximum, maybe a tool to build off of for this council, and it
3 would be nice to see what they're doing and how it could apply
4 here to the council to do all that.

5
6 We also have provided a detail letter to you, ASA and other
7 organizations, on the CHTS to FES conversions, and our read of
8 how that's going and some recommendations, and we hope that you
9 will take that into account, at some point, and we would be
10 interested in getting any feedback from staff as to whether
11 we're off-base on our thinking, because there is a lot of
12 confusion in this area, and we would like to be on the right
13 side of how that works.

14
15 Then, finally, I want to compliment my counterpart, Nick, and
16 Charlie, on their work that they're doing with Return 'Em Right.
17 I think it's critical. All these discussions that we're having
18 on discards are very important, and I think, in the long-term,
19 that it's going to play a pretty important role, and one of the
20 things that we would like to see is that the council members
21 themselves become ambassadors to this program. You've got a lot
22 of power behind you, and you don't talk about it much, and you
23 get presented occasionally, but, almost every species that comes
24 up, discards is an issue, and it should be concurrent with
25 Return 'Em Right. Thank you.

26
27 **CHAIRMAN DIAZ:** Thank you, Mr. Haddad. Okay, and so next up we
28 have -- I'm sorry. We've got a question for you, Ken, from J.D.

29
30 **MR. DUGAS:** Thank you, Mr. Chair. Ken, I know you guys are
31 associated on the east coast and other areas besides the Gulf,
32 and do you all have any input on the shark issues that are going
33 on?

34
35 **MR. K. HADDAD:** ASA has developed a position paper on shark
36 depredation, and that can be made available to the council, and
37 I think it may have been, at least to some council members, and
38 so, yes, we have some very specific thoughts on that that are
39 readily available.

40
41 **CHAIRMAN DIAZ:** Okay, and so, next up, we have Ms. Katie
42 Fischer, and Eric Schmidt is on deck.

43
44 **MS. KATIE FISCHER:** I'm Katie Fischer from Matlacha, Florida,
45 fish house owner, and also a vessel owner. First, I want to
46 start off by saying that the last review on the IFQ program,
47 that said it was successful, was in 2018, and that was five
48 years ago, and so I think a lot has changed since then, and

1 definitely we need to address some needed changes to this.

2
3 Mostly, today, I want to talk about the presentation on the
4 adaptive catch shares, and it was excellent, and kudos to Andy
5 for that, and he did an excellent job of presenting it in a very
6 understandable way. I know a lot of the people that were at the
7 IFQ Focus Group meeting wanted to hear about it, and we didn't
8 get to, and now we have, and so thank you very much on that.

9
10 One of the things that comes up, all the time, is a "new
11 entrant" definition, and the council has never been able to
12 decide on what a "new entrant" definition is, and I have a very
13 simple solution to that. A new entrant is any fisherman who has
14 entered the fishery post-IFQ implementation. This creates two
15 separate groups, the first fishermen that were allocated the
16 fish, given the fish, and then another group where they have had
17 to buy-in or are lease-dependent.

18
19 I think actually a better term for "new entrant" could be
20 "second generation", and it kind of -- You know, "new entrant"
21 says "new", and it's like a couple of years. Well, there's a
22 gap in between when implementation happened until now, a large
23 gap, and so that leaves a lot of fishermen out, but I think that
24 would be a very simple solution to a definition.

25
26 Also, dealers, and it got brought up of what about dealers, and,
27 look, I'm a dealer, and I support a program like this. Dealers
28 would be required to own a permitted vessel, to own shares, and
29 this would encourage them to participate in the harvesting
30 aspect of our fishery, and not just the buying and selling, and
31 this type of program would also give fishermen the freedom to
32 fish and land where they choose and not just where quota is
33 available.

34
35 I also have a question for Bob, and this is kind of an open-
36 ended question, you know, just a thought that I had, but you
37 mentioned that all actions need to be measurable, and how would
38 you measure like the successfulness of policies that would be
39 put into place to remedy some of our socioeconomic issues that
40 we have in our fishery? I know, in the past, it's very hard to,
41 you know, quantify something like that, but that's just a
42 thought that I had, and it may be hard to, you know, have that
43 be measurable, but that is definitely an issue in our fishery.

44
45 Also, the comment was brought up about unintended consequences
46 of a program such as this, and I can guarantee you the people
47 that, you know, wrote and that designed the current IFQ program
48 did not intend, and did not foresee, our fishery, and our

1 industry, to be in the position that it is now, where lease
2 prices are extremely high, and allocation is scarce, and the
3 small-boat fleet takes, you know, most of the brunt of that, and
4 so I feel like, any change that we make, there is going to be
5 unintended consequences to one party or the other.

6
7 Also, you know, a timeframe was mentioned, and, you know, there
8 really wasn't a timeframe given, but I can tell you that time is
9 of the essence. We are losing fishermen by the day, due to lack
10 of access, and also the inability to be profitable, due to high
11 lease prices, and the future of our fishery cannot wait for
12 change. We are already having trouble recruiting our
13 replacement fishermen for the next generation.

14
15 Again, I just want to reiterate that it was very refreshing to
16 hear this discussion yesterday, and I know it provided a lot of
17 hope to the fishermen that I talked to, the small-boat fleet,
18 that change could be coming.

19
20 Next, on gag, I don't know, and everyone that we fish -- My son
21 and I, we bumped offshore to do a rec trip a couple of weeks
22 ago, and gag were everywhere. Literally we were saying, every
23 time we hooked up, don't be a gag, don't be a gag, and, I mean,
24 my son even made the comment of, Mom, these gags are like
25 catfish.

26
27 I talked to another recreational fisherman, today actually, who
28 went out yesterday, and he said they had to throw back twenty-
29 five keeper gags in under a hundred feet of water, and so I
30 think there's a definite lag in between management and the stock
31 assessment and what is actually going on on the water, you know,
32 and that brings me to my next point of when are fishermen going
33 to be considered the best available science? I mean, we are
34 real-time, and we are your real eyes on the water.

35
36 Lastly, I support a recreational permit, and we definitely have
37 to define our universe, because you guys are just managing on
38 guesses, and we need to define our universe in order to manage
39 our fisheries fully, to ensure that future generations can fish
40 as well, and that's all I've got for you guys. Thanks for the
41 time, and thanks for the meeting, and it's definitely great
42 discussions. Thank you.

43
44 **CHAIRMAN DIAZ:** Next up, we have Captain Eric Schmidt. Folks,
45 at some point, if I ask you to wrap-up, it's not being
46 disrespectful, but I'm trying to keep everybody with the same
47 amount of time, and I'm letting people go over just a few
48 seconds, but not double or triple the amount of time, and so I'm

1 trying to be fair to everybody, and I'm trying to be respectful
2 to you all, too. Captain Schmidt.

3
4 **MR. ERIC SCHMIDT:** Thank you. Captain Eric Schmidt, Fort Myers,
5 Florida, and I charter fish and commercial fish. First off, if
6 I had to pick a -- At this point in time, if I had to pick a
7 date, start date, for the harvest of gag for the recreational
8 and for-hire sector, it would be September.

9
10 Second of all, I will totally agree with what Captain Zales had
11 to say about the discards on red grouper and gag grouper. Now,
12 I have been to just about every council meeting, whether it be a
13 full council meeting, an SSC meeting, or an AP meeting, or an
14 IFQ Focus Group, probably in the last calendar year, with the
15 exception of one, and that was at the Lodge in Alabama.

16
17 Yesterday, when I saw the presentation on amberjack, and I've
18 seen that document several times, and that is the first time in
19 that document that I saw any mention of closing in on a closed
20 season of almaco, banded rudderfish, and lesser amberjack. I
21 don't know where that came from, but I had several phone calls
22 and text messages from fishermen in southwest Florida.

23
24 Now, we're hurting, after the hurricane, and they're probably
25 not going to have much of any kind of season this year, and so
26 maybe that won't affect them this year, but it's going to affect
27 them down the road. There's been no stock assessment done on
28 any of these fish, and we are not going over the ACL. We need
29 to be able to keep as many fish as we possibly can.

30
31 If I were commercial fishing, or I were charter fishing, right
32 now, this is what I'm looking at, the potential of a two-month
33 gag grouper season, the potential of a possibly eight-week
34 amberjack season, if not shorter, and, if you're going to open
35 it up, they're going to open it up when the amberjacks aren't
36 around. Two cobia per vessel, and triggerfish is only open a
37 couple of months, and now you're going to take away rudderfish,
38 which we catch a lot of, and almaco jacks.

39
40 You also had a presentation, yesterday, by council staff about
41 outreach and education. If you really -- These people that
42 called me last night, they're very upset, because they feel like
43 it was snuck in on them, and I have to say that I was startled,
44 yesterday, when I saw it myself, but, if you would like to have
45 outreach and engage with your stakeholders, this really needs to
46 be a more transparent process, because, as I said, I have no
47 idea where it came from. There had been no discussion, in all
48 of the council meetings that I have been to, about doing

1 anything with almaco or rudderfish or lesser amberjack. Thank
2 you.

3
4 **CHAIRMAN DIAZ:** Thank you, Captain Schmidt, and I want to thank
5 you for -- I know you spend a lot of your own time trying to
6 come to our public meetings and give us your expertise, and
7 you've got a lot of good historical knowledge, and we appreciate
8 you sharing that with us, and so thank you.

9
10 **MR. SCHMIDT:** Thank you.

11
12 **CHAIRMAN DIAZ:** Ms. Boggs.

13
14 **MS. BOGGS:** So, with the hurricane season down here, and I
15 understand, and so this may be kind of a loaded question about
16 VMS units, and I'm going to ask a more general question, if I
17 may have just a little leeway, and so I'm guessing a lot of
18 those units down there are having to power-down, because their
19 boats are out of the yard, and things of that nature, and is
20 that a correct assumption on my part?

21
22 **MR. SCHMIDT:** A few of them powered-down, and a few of them were
23 destroyed. They're powered-down permanently, but I know of
24 three fishermen, between Englewood and Marco Island, that had
25 SkyMate issues, and they had issues -- According to National
26 Marine Fisheries Service, they had issues in August, prior to
27 the storm, and they were just now notified, and, if I may add, I
28 listened to the discussion with Mr. Strelcheck and yourself
29 during the Data Collection Committee, and I owned a commercial
30 boat, a commercial vertical boat, and, sixteen years ago, we
31 were supposed to have VMS, and that's when the VMS program came
32 along.

33
34 I bought a unit called a SkyMate, and SkyMate was a large unit,
35 and it had a big, giant dome, and it was about half the size of
36 a satellite antenna that you put on your boat, and the keyboard
37 looked like a keyboard from home computer, but the problem with
38 these VMS units is they drew a lot of power.

39
40 A couple of times, I was offshore, and I woke up in the middle
41 of the night, and I had lost all my power, and it caused my boat
42 to sink at the dock. I was in Madeira Beach, in a small canal,
43 and the January north wind sucked all the water out, and the
44 boat went down, and the VMS killed the batteries. The water
45 came back in, and the boat sunk, and I had to rebuild the
46 engine.

47
48 Now, Mr. Strelcheck, you had mentioned something about a

1 strongly-worded letter, and, at that time, I was still very
2 involved with the council process, and everybody knew who I was,
3 and I had been coming to meetings for a very long time, and it
4 was seventy-two hours later that I received a letter from
5 National Marine Fisheries Service, a certified letter, telling
6 me that I was at risk of losing my permit and a \$5,000 fine.

7
8 Again, with outreach, and wanting to talk to stakeholders, maybe
9 law enforcement could have just called me and said, hey, what
10 happened, and, I mean, I understood what was going on there,
11 and, you know, we got it finally taken care of, but, if I were
12 just a casual fisherman that didn't come to these meetings, and
13 didn't know people, at various levels, I would have been very
14 upset, and so perhaps law enforcement could think about a better
15 way to introduce an issue with the various permit holders, if
16 something happens.

17
18 **CHAIRMAN DIAZ:** Mr. Dugas.

19
20 **MR. DUGAS:** Thank you, Eric. I hear your concerns about the
21 jack complex, and I have the same concerns, but, regarding AJs,
22 my question to you is would the eastern Gulf, in your area,
23 benefit from an east and west division of that species, and it
24 would allow you guys to set your own season that's beneficial
25 for you all's timeframe.

26
27 **MR. SCHMIDT:** Would I be in support of that? I have been a
28 proponent of regional management in the Gulf of Mexico for about
29 as long as I've been coming to meetings, and so yes, because
30 when they catch them in the western Gulf, we don't catch them in
31 the eastern Gulf. If you were going to ask me what month, and I
32 know Captain Hubbard said that Captain Hubbard said that he
33 would support opening it in September.

34
35 In our area, most of the amberjack that we catch come in January
36 and February, when they aggregate on wrecks to spawn, but most
37 of the dates that have been bandied about in recent discussions
38 wouldn't really affect me, because, if you open it up in June,
39 they're not there to catch anyway.

40
41 **CHAIRMAN DIAZ:** Thank you, Captain Schmidt. All right. Next
42 up, we have Cody Chivas, and on deck is Scott Daggett.

43
44 **MR. CODY CHIVAS:** My name is Cody Chivas, and I'm a charter
45 captain and commercial fisherman here on the west coast of
46 Florida, and I will try to be short and sweet. I am commenting
47 in regard to the fall gag grouper season, and I think an October
48 1 start would be great. It's usually when, you know, when the

1 fishing really starts to pick up for those fish, over here, and
2 a lot of my clients really start calling me to go fishing, you
3 know, and that October and November, you know, the first half of
4 December, is definitely peak harvest for them, you know, for the
5 for-hire.

6
7 Then, you know, the September, the last few years, it seems that
8 we've lost a few weeks to hurricanes, and I know that doesn't
9 happen every year, but I think, you know, that's just kind of
10 been one part of my decision, and why I think we need an October
11 start.

12
13 Then, as the water gets cooler, we don't have to run as far.
14 Some of the trips that I do in September for gags, you know,
15 we're going out to deeper water and catching those bigger fish,
16 and, like everyone that's been on here, you know, the last four
17 or five years, we've really had a problem with sharks, you know,
18 anytime we're fishing those gags out deeper, but for sure when
19 that water is warmer.

20
21 Then, in regard to the VMS system, I really have been using that
22 commercially since, you know, it was implemented, and it's
23 gotten a lot better, on the commercial side, over the years.
24 It's a lot easier to use, and there are very few issues, and,
25 when you do have an issue, you know, within twenty-four hours,
26 NOAA is calling and letting me know, usually.

27
28 I just had an incident with CLS, and, like I said, they've been
29 great on the commercial side, but I had someone contact me from
30 NOAA and let me know that I have never reported a for-hire trip,
31 and I've been doing it since this started, and so they ended up
32 finding that it was some kind of software problem on their end,
33 and CLS had every single report, you know, for the for-hire that
34 I had every submitted, and so I do think there is a little
35 disconnect on that side, and, you know, I was a little upset
36 that it took so long to figure it out, because those for-hire
37 reports are a little more intrusive, and time-consuming, in my
38 opinion, you know, than the ones we submit for the commercial
39 side, and that will be all that I've got to comment. Thank you.

40
41 **CHAIRMAN DIAZ:** Thank you, Mr. Chivas. All right. Next up, we
42 have Scott Daggett, and Kindra Arneson is on deck.

43
44 **MR. SCOTT DAGGETT:** All right. I'm an owner-operator out of
45 Madeira Beach, Florida, and there are so many things that I
46 wanted to touch on, but I will keep it pretty simple here.
47 About the black grouper, you know, it's usually about 10 to 15
48 percent of my catch. Sometimes, when I go to the Edges, it can

1 be up to 40 percent of my catch, and so, you know, that's maybe
2 once or twice a year that it gets that high. When the opening
3 happens on May 1, black grouper fishing is usually pretty good,
4 and so that's going to hurt us in a bunch of ways.

5
6 I heard you just mention something about an east and west Gulf,
7 and that's something we've been trying, for a long time, to get
8 implemented on the red snappers. I mean, when I first started
9 fishing, I was pretty young, and I'm getting pretty old now,
10 but, you know, we hardly saw a red snapper on our side of the
11 Gulf, in the eastern Gulf, and now you can't -- I mean, every
12 trip I go, it's 2,000 to 3,000, without even trying, and so, you
13 know, I was hoping something might change there one day.

14
15 I don't want to take fish away from anybody in the western Gulf,
16 and I don't want to feel a target on my back right now, but I
17 would like to see something implemented in the eastern Gulf, and
18 I think that would be a huge help to us. All right. Thank you.

19
20 **CHAIRMAN DIAZ:** Thank you, sir. All right. Next up is Kindra
21 Arneson.

22
23 **MS. KINDRA ARNESON:** Good afternoon. I'm Captain Kindra Arneson
24 out of Plaquemines Parish, Louisiana. I am the Commercial
25 Fishery Representative for the Plaquemines Parish Government
26 Coastal Zone Management Advisory Committee. My husband and I
27 have been involved in the federal fisheries reef program for the
28 last twenty-four-and-a-half years, him a little bit longer than
29 that, but that's how long I've been in it with him.

30
31 I'm reaching out today to comment on the amberjack decision
32 coming up. Due to the actions prior to today on amberjack, our
33 small family-ran fishing business is hanging by a thread.
34 During the public comment period just prior to decreasing the
35 amberjack daily limit to 1,000 pounds, I traveled to attend the
36 Gulf Council meeting to plead for our livelihood.

37
38 The decision made on that day cut our business by \$1,250 per
39 day. At a thousand pounds per day, we have the opportunity of
40 \$2,500 in sales, per trip. After fuel, tackle, bait, and wear-
41 and-tear on the equipment, we are left with about \$1,400 to
42 split between our boat and our truck. When I deliver amberjack
43 to the cutting houses in New Orleans, the catch is less than
44 twenty-four hours out of the water, and our catch is distributed
45 to restaurants throughout the greater New Orleans area and Baton
46 Rouge.

47
48 This gives the American consumer, from all parts of our nation,

1 a chance to obtain the best the Gulf has to offer, and we do not
2 own IFQ allocation. The lease price has reached a price point
3 that makes leasing quota out of our reach.

4
5 Alternative 1, no action, at this time would be my preferred
6 alternative. Any other alternative would result in eliminating
7 our ability to harvest amberjack. Any other alternative would
8 shift greater amberjack to a bycatch species for those who have
9 access to our own IFQ allocation. Any other action than
10 Alternative 1 will be the death blow to our small family fishing
11 business and to others like ours. I understand that this can
12 result in shorter seasons. In my opinion, this would be better
13 than ending this altogether. Thank you for your time and
14 hearing me out on the amberjack.

15
16 Lastly, I would like to address the shark population. It has
17 been a common conversation, for at least the last thirty-six
18 months, where the shark population in the Gulf of Mexico has
19 become a serious problem for all sectors. This is not only a
20 problem for all sectors, but this is a problem for the
21 sustainability of all stocks of all species, in my humble
22 opinion.

23
24 I would suggest that the council consider asking for emergency
25 action, so that we can expand the commercial shark fishing
26 effort, in order to call out some of this overpopulation that
27 we're all dealing with. Thank you for your time, and, if you
28 have any questions, I will be standing by.

29
30 **CHAIRMAN DIAZ:** Thank you, Ms. Arnesen. I appreciate it. All
31 right. We're going to move on to Charlie Renier, and then on
32 deck is going to be Alexandra Spring.

33
34 **MR. CHARLIE RENIER:** Hello. My name is Charlie Renier, and I'm
35 a second-generation fisherman from the Keys. My dad started
36 fishing in the 1950s down there, and, when I graduated school in
37 the 1980s, I've been fishing ever since.

38
39 I have been attending you all's meetings since they started, and
40 I remember that all the old-timers said that, as soon as you all
41 started your meetings, we were all out of business. Well, it's
42 thirty years later, and we're still here. I want to tell you
43 all that you've done a good job, because I was worried about it,
44 and I want my daughters to be able to run my business. I still
45 own a seafood business in Key West, and I've been there thirty
46 years, and I've got one in Madeira Beach that's been there for
47 sixteen years. I own crab boats, lobster boats, mackerel boats,
48 kingfish boats, and, five years ago, I started buying longline

1 boats.

2

3 I own longline boats and bandit boats, and the IFQ is the reason
4 that I bought them, because I was able to go buy quota so that I
5 could go catch my fish. I stand behind the IFQ system 100
6 percent. There's some tweaks that you all need to do to get it
7 right, but, in my mind, it's the best thing that ever happened
8 to this fishery. I own the boat, and I own the permit, and I
9 own the fish house, and I own the quota, and so I'm in control
10 of my own destiny.

11

12 There's one thing that you've all got to remember, and there's
13 300 million Americans around this country that don't get the
14 seafood that we get on the coast, and we catch it and provide it
15 to everybody in this country, and it's not just the recs and the
16 commercial fishermen, but it's all the people out there that
17 want to eat it, and we're supplying them constantly, and I'm
18 still buying quota to this day.

19

20 The one thing that I do think you all need to do is, when the
21 quota system came out, there was no red snapper caught on the
22 eastern Gulf. We didn't have red snapper. You could fish for a
23 year and catch one or two, and, since you all did such a good
24 job regulating and managing it, now we have an unbelievable
25 fishery down there, and we don't have any red snapper quota. I
26 buy some out of the Gulf, and I lease a lot out of the Gulf, but
27 I would love to see somebody do a stock assessment on what we
28 have in that area and give us some fish to catch for what we
29 have, because all my longline boats catch from a thousand to
30 3,000 pounds a trip.

31

32 It used to be a bycatch, and this is a viable fishery that we
33 have, and I think these fishermen need a chance to catch it, and
34 you all -- You know, if you could help us, that would be greatly
35 appreciated.

36

37 On your gag groupers, I think you all are getting a -- I think
38 the information you're getting is bad on the gag groupers. I
39 probably produce, and handle, more gag grouper than anybody
40 there is, and, in the last two years, I've seen an abundance of
41 gag grouper, and I'm going to tell you why I think your
42 information is flawed. You all said there's more females than
43 males, and these ladies come and check our fish almost every
44 time we've got boats unloading, and I unload all the boats.

45

46 I watch them, and our gag groupers are from ten to fifty pounds.
47 They will come in there, and they will take a five-pounder, or
48 an eight-pounder, or a ten-pounder, fifteen-pounder, and I've

1 never seen them put a thirty or forty or fifty-pounder on their
2 table and check it, and I've asked them every time, and I'm
3 like, are we getting the right numbers, with you all looking at
4 the small fish, and there's a lot of big fish here, and, you
5 know, they've never checked them, and so that's just for you
6 all's information, and somebody needs to look into that,
7 because, like I said, we've had the best two years that we've
8 ever had on gags. We've never caught that many.

9
10 Any time any of you all want to come to my fish house and watch
11 what's going on, and learn about what we're doing, I'm game for
12 it, and it's right in Madeira Beach. Thank you.

13
14 **CHAIRMAN DIAZ:** Thank you, Mr. Renier. I've got a question for
15 you, Mr. Renier, from Mr. Anson.

16
17 **MR. ANSON:** Thank you. Thank you for coming from far away in
18 Florida.

19
20 **MR. RENIER:** You're welcome.

21
22 **MR. ANSON:** You mentioned that you're in support of the IFQ
23 program, but you thought that it needs a few tweaks, and you
24 mentioned one of them, talking about the distribution of the
25 fish, and do you have any other? Just briefly, can you touch
26 upon the other tweaks that you --

27
28 **MR. RENIER:** Well, the tweaks that I foresee is the rec
29 fishermen go over every single year on our red grouper. Our
30 main industry is red grouper. That's what we sell, and that's -
31 - Madeira was known for the red grouper capitol of the world,
32 and that's what we catch, and now, with the sports going on, and
33 I have a ton of friends that are sport fishermen and rec
34 fishermen, and they tell me, all the time, if we had a season,
35 it would be fine. You all just need to pick a season. Give
36 them -- If you gave them a four-month season, and they caught
37 half of the fish, and then gave them another three or four
38 months, they would never go over.

39
40 You need the time to analyze it and see what they got, and we
41 want everybody to catch fish. We want the sports to catch it,
42 and the recs to catch it, and you know why? Every year, all the
43 people come to Florida, and I sell them seafood. All my buddies
44 take them out on boats, and they all go out. Everybody has got
45 to be happy in this thing, or it doesn't work, but, if you all
46 were to give them a specific time, let them go catch them, and
47 then shut them off and then reopen them back up, they don't have
48 a problem with that. Thanks.

1
2 **CHAIRMAN DIAZ:** Thank you. Dr. Frazer.
3

4 **DR. FRAZER:** Thank you for your testimony, and so just a quick
5 question. When your fish are being processed, and I guess when
6 you bring them to shore, and kind of the dealers, I mean,
7 they're already gutted at-sea, right?
8

9 **MR. RENIER:** Yes, they are.
10

11 **DR. FRAZER:** I just wanted to make sure that I was understanding
12 that, right, and so it's hard to sex a gag when --
13

14 **MR. RENIER:** Well, no, and they say they take out a specific ear
15 bone, or some kind of bone, that they can tell what they are,
16 but, if you never put a big fish on that table, they're never
17 going to find out what they are.
18

19 **DR. FRAZER:** Fair deal, and I appreciate the information, and
20 that's why I'm trying to follow-up on this a little bit, but
21 it's difficult to sex a fish from the ear bone, and so therein
22 lies part of the problem, but what I am interested in is, given
23 that you have a broad range of sizes of fish, and you know, when
24 you're gutting those fish on the water, and do you have records
25 that would indicate that --
26

27 **MR. RENIER:** No, and, you know, it's funny, because Randy and
28 Scott are my -- They fish for me, and I asked both of them, and
29 I said, have you all ever looked to see what the big ones are,
30 and they're like no, and our crew is gutting them in the back,
31 but you can bet, from now on, we're going to start checking on
32 that, because I want to know, and I really think there's an
33 issue, because, if it was an unhealthy fishery, we would be
34 getting a lot of small fish, and we wouldn't be getting these
35 big fish that we get now, and, in the last two --
36

37 I mean, I think, last year, I handled probably 75,000 gags, or
38 the year before, and, last year, I think it was upwards of
39 120,000 pounds of gags, and, I mean, it's -- So I know we handle
40 a lot of gag grouper, and, to go back, I mean, I think me and my
41 partner was the number-one holder in gag grouper, and I think we
42 got 5,000 pounds this year. You know, we got crushed on the gag
43 side, and, you know, that's a great fish that helps everybody
44 out, and there's a lot of restaurants that want black or gag
45 grouper, and now we're not going to be able to give that to
46 them.
47

48 You know, we produce a lot of red grouper, and it's -- You know,

1 they're already calling me and saying what do we do, and are we
2 going to buy imports, or frozen, or whatever, and, now, if
3 there's a problem with the fishery, I am all for let's fix it,
4 but, if it's not, which I don't think it is, and I think it's --
5 I think we need to look at this and figure it out. I think
6 there's an issue somewhere, and so I don't know who does it, but
7 I would like to see you check into it.

8
9 **DR. FRAZER:** Yes, and so, I mean, I think there's an opportunity
10 here to work with your captains, right, and I'm not talking
11 about necessarily overhauling the whole data collection system,
12 but we have an immediate problem that, if we could get some
13 records, on the water, of sex ratios of fishes, I think that
14 could be very helpful and direct our efforts moving forward, and
15 so I appreciate you sharing that information.

16
17 **MR. RENIER:** Okay. Thanks.

18
19 **CHAIRMAN DIAZ:** Thank you. All right, and so, next up, we have
20 Alexandra Spring, and then on deck is Randy Lauser.

21
22 **MS. ALEXANDRA SPRING:** I will keep this short and sweet. I just
23 want to say thank you for taking your time to hear me out. My
24 name is Alexandra Spring, and I live in the Tarpon Springs area.
25 I'm a diehard recreational gag grouper angler, and I support
26 opening the gag grouper season in October.

27
28 The cooler months are always when I gag fish, and they are our
29 peak shallow-water season. The cooler months consist of shorter
30 runs offshore, more fishermen being able to enjoy the season,
31 and short fish being released safely in shallower water. I, and
32 many other individuals I know, would love to be able to fish in
33 October and November. September is simply too hot, and it
34 requires us to run much farther offshore in order to catch these
35 gags.

36
37 Less short gags dying from barotrauma sounds like a win-win
38 proposal to me, and thank you for taking your time to listen to
39 what I have to say, and your consideration, and I hope you all
40 have a wonderful day.

41
42 **CHAIRMAN DIAZ:** Thank you very much for taking your time to give
43 us some testimony. We appreciate it.

44
45 **MS. SPRING:** Of course. Thank you.

46
47 **CHAIRMAN DIAZ:** Randy Lauser, and then on deck is B.J. Burkett.

48

1 **MR. RANDY LAUSER:** Good afternoon, council. My name is Randy
2 Lauser, east Gulf, commercial, owner-operator longliner, and
3 I've been doing it quite some time. I am just going to
4 reiterate about the black grouper. Last year, I had 15,000
5 pounds. This year, I got 1,200 pounds, and so we're going to
6 take a real big hit on that, and I think you all need to look a
7 little bit more into the data.

8
9 I've got a lot of recreational friends who go out fishing, and
10 they are bringing in some nice gag groupers and all that, and I
11 support an east-west sector too there, because a lot of times --
12 It's a pretty different fishery from Texas to Florida, with the
13 red grouper and snapper, and I would like to see some kind of
14 allocation go for the red snapper to the eastern Gulf.

15
16 On the shark issue, I've got a pretty good solution on that.
17 Open a season. I mean, I've got a directed shark permit, and
18 they've got deer season, bear season, geese season, turkey
19 season, and open it back up. I've got a permit that used to be
20 -- I used to make a lot of money shark fishing, and I won't even
21 jump in the water now. The population has exploded. They have
22 no predators, and, if you want to clean up the fishery, we can
23 do it for you, and I have a CLS VMS, two of them, and they work
24 just fine. Thank you very much.

25
26 **CHAIRMAN DIAZ:** Thank you. Next up is B.J. Burkett, and then on
27 deck is Mark Tryon.

28
29 **MS. BERNADINE ROY:** Mr. Burkett, if you could go ahead and
30 unmute your line.

31
32 **CHAIRMAN DIAZ:** Okay. We're having a little bit of trouble with
33 Mr. Burkett. We're going to move him down a slot or two and try
34 him back in a minute, and so let's go back into the room and
35 Mark Tryon.

36
37 **MR. MARK TRYON:** Mark Tryon, commercial fisherman, Gulf Breeze,
38 Florida. I run day trips, mainly for red snapper, and I also
39 recreational fish. I just want to respond, real quick, and we
40 just had a woman on the virtual who was very upset about the
41 amberjack fishing, because they do a directed fishery, and now,
42 if we go to this five-fish deal, or whatever is proposed, that
43 that part of their fishery -- That it would, you know, put them
44 out of business.

45
46 One of the things that I got to thinking is like, for instance,
47 in my case, I only catch maybe a couple a year, right, and, now,
48 I don't care, and that five-fish thing doesn't affect me at all.

1 However, somebody like that, it is a big deal, and, at one
2 point, years ago, we were supposed to integrate these other
3 species into the IFQ program, and apparently IFQ, for whatever
4 reason, got such a bad name that the council is afraid to pursue
5 that, and nothing is being done about it, but, with this woman
6 who was on the virtual, that would be a beneficiary of such a
7 program, okay, and so, anyway, it's just food for thought on
8 that.

9
10 A lot of times, we have reports, and numbers, and it's
11 overwhelming, some of the data that we try to sort through and
12 make sense of, and I like to kind of simplify things. For
13 instance, red snapper, you were talking about this universe of
14 anglers, and, well, what's the universe of anglers? Everybody
15 is throwing their hands up in the air, and we can't figure it
16 out, like it's some super complex thing that you need to be a
17 rocket scientist to figure out, which, to me, is ridiculous.

18
19 Let's just throw out some numbers here, simple numbers, and
20 we've got approximately seven-and-a-half million pounds of red
21 snapper which is allocated to the recreational sector, and let's
22 just make up -- That, we know, okay, and now let's make up a
23 number of universe of anglers, and is it reasonable to think
24 that there's one-million anglers that fish in the Gulf of Mexico
25 recreationally for red snapper? I think so, and I think it may
26 be more than that.

27
28 If we do the simple arithmetic on this, and we take 7.5 million
29 pounds, divided by one-million, each angler would get seven-and-
30 a-half pounds, and so something seems very wrong here, okay, and
31 how can we justify these long seasons if each angler is only
32 allocated less than ten pounds, or two fish, for a whole season?
33 It seems, you know, just totally improbable, and so, anyway, I
34 would just like to make the point that way, and it looks like
35 I'm running out of time, and so I will leave it at that.

36
37 **CHAIRMAN DIAZ:** Thank you, Mr. Tryon. Okay, and so, next up, we
38 have C.J. Peppe. All right. Next up, we're going to Mr. Alan
39 Harris, and then on deck is going to be Tyler Massey,

40
41 **MR. ALAN HARRIS:** Hello. My name is Alan Harris, and I live in
42 Lakeland, Florida, and I want to support the gag grouper season
43 for October and November, as was mentioned before, and September
44 is just too hot, and it's too far to go. I have always done
45 charters, multiple ones, in the cooler months, when they come in
46 closer to shore, in shallower waters, and I hope that you do
47 take this under consideration, because, again, I much prefer the
48 cooler months, and the fishing is so much better, and, again,

1 it's the October and November time, and I will be short and
2 sweet, and thanks for the consideration.

3
4 **CHAIRMAN DIAZ:** Thank you, Mr. Harris. Next up, we're going to
5 Tyler Massey and then Michael Rolewski is on deck. Tyler
6 Massey.

7
8 **MR. TYLER MASSEY:** My name is Tyler Massey, and I'm a
9 charter/for-hire and recreational and commercial fisherman from
10 the Pensacola area. A few things that I wanted to touch base
11 on, and so it was brought up, for a second, being a dual-
12 permitted vessel and having to hail-out both on a charter and on
13 my commercial -- So I use the app to report, and, when I'm on a
14 charter, I also have to go into my VMS tablet and hail-out on
15 that one too, and so you have to double report, you know, the
16 trip for each charter trip, when I'm also commercially, you
17 know, permitted, and so that's one thing that -- Maybe if there
18 was a streamlined thing we can do with that, to make like it
19 accept the one hail-out on the app, just to know that you're
20 charter fishing and not commercial fishing for that day.

21
22 Another thing is so our area -- The grouper have been brought up
23 a lot. In the northern Gulf, out of Pensacola, our grouper -- I
24 mean, you can definitely target gags, and it's nowhere near as
25 productive as it is, you know, southern and central Florida, and
26 it's more of a bycatch for us. I don't really ever have any
27 trips, you know charter trips, where I'm targeting gags. It's
28 usually, when we go scamp fishing, we catch a gag or two, or we
29 go amberjack fishing and catch a gag, or snapper fishing and end
30 up catching a gag, and so, you know, the short season, it
31 definitely hurts us.

32
33 We'll have a little bit more release of the gags, if it's not
34 open in different times of the year, and so, you know, we fish
35 in the deeper water, on average and stuff, and so it's just a
36 little different for us.

37
38 Another thing is the jacks complex, the almaco, the rudderfish,
39 and lesser amberjacks, there is no need to modify the season for
40 those, based on someone not being able to identify an amberjack,
41 a greater amberjack, and so, you know, that would hurt us, if it
42 was closed most of the year and aligned with the greater
43 amberjack, and that's just not something that -- You know, that
44 needs to be on a law enforcement and an education base.

45
46 Another thing is so she has asked most people about our VMS, and
47 we had very similar situations to you, and we have three federal
48 for-hire charter permits and then one commercial permit, and we

1 have Nemo on two and then the Triton on one boat. Before we had
2 the Nemo, we had a Feria unit, and it ends up being that those
3 units were not reporting for almost two months in the
4 summertime.

5
6 One of our local -- There was about ten or twelve of us that had
7 the same units, and we bought them from the same -- It was an
8 approved unit, and they ended up getting fined. They got
9 stopped by NOAA Law Enforcement, out on the water, and they got,
10 you know, shut down because you're not reporting, and, well, it
11 was an issue with the actual company and their service, and so
12 they got a big fine and shut down, and, you know, it was a big
13 hassle, and we couldn't go fishing, because the ones that were
14 approved did not function correctly.

15
16 We have since -- It took about two-and-a-half months, you know,
17 from when it started to when we got our new -- They took them
18 all back, and they sent us all the Nemo units, and so, yes,
19 that's been resolved, but, still, in different situations,
20 where, you know, we tried to renew permits, and it said that we
21 were not pinging, and you call the company directly, and it says
22 you're pinging, and you call law enforcement, and they say
23 you're pinging, but then the office where we renew would not let
24 us move forward with the process, because, on their side, it
25 says they are not pinging, and so that's all I have to say.

26
27 **CHAIRMAN DIAZ:** Ms. Boggs.

28
29 **MS. BOGGS:** So you said there was fines that were associated
30 with this, and were they reversed once --

31
32 **MR. MASSEY:** Not yet, no, and so two people, that I'm aware of,
33 in the same situation, where the VMS is not operating correctly,
34 and it's from the manufacturer's end, were issued fines, and
35 they're still in the process of dealing with those fines.

36
37 **CHAIRMAN DIAZ:** Thank you. Next up, we have Michael Rolewski,
38 and on deck is Jim Zurbrick.

39
40 **MR. MICHAEL ROLEWSKI:** Good afternoon. My name is Michael
41 Rolewski, and I'm an avid gag grouper angler out of Tarpon
42 Springs, Florida. I just wanted to say thank you to you all for
43 your time and for allowing me to express my opinion on the topic
44 of the gag grouper seasons, and I just wanted to say that I
45 support gag grouper opening on October 1 through the following
46 months.

47
48 Agreeing with previous testimonies, it's less of a run-out, and

1 it's better for the people, better for recreational anglers,
2 and, at the end of the day, it's safer for the fish that are not
3 being kept and harvested. It's a safer release in shallower
4 water, and it makes them more capable to grow, grow bigger and
5 produce, so we don't have this issue further in the future.
6 Thank you.

7
8 **CHAIRMAN DIAZ:** Thank you. Next up, we have Jim Zurbrick, and
9 on deck is going to be Graham Jankura.

10
11 **MR. JIM ZURBRICK:** Thank you, council, for allowing me to speak.
12 I'm Jim Zurbrick from Steinhatchee, many times up here, and I'm
13 a commercial fisherman, an active commercial fisherman, and I'm
14 a dealer. My wife and I are dealers, and I have a CLS, and my
15 guys have three CLS and a SkyMate, and so we're keeping track.
16 I love my CLS, and I went through the whole beginning, with the
17 Tron-and-Tron and the Boatracs and all that, and so I'm really
18 happy with CLS, but I haven't had any violation issues where I
19 had to familiarize myself.

20
21 I'm a focus group member, and I have never been threatened, and
22 everybody knows, many of you council members know, that I've
23 been touting a plan to do something different with the increases
24 that would affect me too as a shareholder, but doing something
25 with the increases, and also doing something about the
26 speculating, the pure speculators that are buying the allocation
27 and stepping on it and reselling it, but the plan is a great
28 plan, because there are guys that own their quota.

29
30 The stuff that my wife and I personally own, we don't lease that
31 out, okay, but we do have to go out and lease for the other
32 three guys that fish for me, because they're not in a situation
33 to have money to buy, and so I provide it for them, and so
34 leasing -- I need some people that are willing to lease me some
35 of their quota, but we caught 98.6 percent, or 99 percent, of
36 the red snapper quota, and so the problem is there's too many
37 people that want it and not enough quota.

38
39 Let's just double the red snapper quota commercially, and then
40 we could solve this problem like we have the red grouper.
41 Remember when red grouper was six-million pounds, and, hell,
42 people gave it away. All my guys got red grouper free, because
43 we couldn't catch it, and so inflated quota might -- Abstractly
44 now that, obviously, I'm talking about, because there is the
45 potential to catch it. That is my comment about the focus
46 group, and those are my opinions, and everybody knew it.

47
48 I'm so glad that we went to twenty-five fish for the

1 triggerfish, and it helps. A little bit helps, and so my guys
2 are bandit fisherman, and I'm a bandit fishermen, and it has
3 been a little extra money, and I don't think -- Hopefully, we
4 don't get to the point where, commercially, we restrict the
5 banded rudderfish, that along with the amberjack, because, you
6 know, I have a biologist at every one of my offloads, and we're
7 all very familiar. We have the charts on the boat, onboard, and
8 so we know when it's a banded rudderfish, versus a lesser jack,
9 or a small amberjack, and I have one last thing here.

10
11 One of the most respected council members made a comment
12 yesterday that, in allocation decisions, one must consider
13 Magnuson requires you to consider what is the best overall use
14 for the nation, and giving any fish to a sector that will cause
15 the quota to be reduced, just because of discards, is hard to
16 handle.

17
18 It's very hard to stomach, and we're going to get through this
19 gag thing, but there is going to have to be some tough love, and
20 it affects me, believe me, and my guys, and, by the way, we're
21 not using live bait. None of my guys, and I don't know what
22 they do when they get out there, and, I mean, I have cameras,
23 and so I can count what I do, because of this camera system that
24 Mote put on, but we're not going to use live bait, just trying
25 not to have the interaction with gags. Thank you.

26
27 **CHAIRMAN DIAZ:** Thank you, Captain Zurbrick. All right. Next
28 up, we have Graham Jankura, and then on deck is going to be
29 Marshall Gross.

30
31 **MS. ROY:** Mr. Jankura, please unmute your line, so that you can
32 speak.

33
34 **MR. GRAHAM JANKURA:** All right. I appreciate it. Council,
35 thank you for your time today, and thank you for your
36 interaction. I will be short and sweet with this. I'm not
37 quite sure how we got to the gag grouper situation that we're in
38 right now, and I do support a reassessment, because we see more
39 gag grouper than we've ever seen before.

40
41 With that being said, I'm out of Palm Harbor, Florida, and I'm a
42 recreational fisherman and spear fisherman, and, if I have to
43 support a season for us next year, it would have to start in
44 October, and the reason I say that is the same thing the
45 previous speakers have talked about, with the cooler water,
46 cooler air temperatures, less discards, but, you know, for me,
47 it's about running offshore. I've got two little girls at home
48 that I like to, you know, share the love of fishing with, and,

1 for me, you know, not being able to run as far, and it being a
2 little bit cooler out, and having a successful day, because we
3 know that's the peak of the season, and that's how we bring our
4 young anglers along.

5
6 That's, you know, kind of where my focus is, at this stage of my
7 life, and I think it's good for everybody, and I can't see a
8 better time to start the season than October and beyond, and I
9 just appreciate your time and your efforts. Thank you very
10 much.

11
12 **CHAIRMAN DIAZ:** Thank you, sir. Next up is Marshall Gross,
13 followed by Holden Hunter.

14
15 **MR. MARSHALL GROSS:** How are you all doing? I'm a commercial
16 fisherman from Leesville, Louisiana. I'm a boat captain, and I
17 do not own a boat. I have managed to buy 5,000 pounds of
18 snapper quota, and the boat owner said that we ain't really safe
19 right now, because I don't own a boat and a permit, and so we
20 are hoping to have a little job security, and I'm all for IFQs,
21 and I love the system.

22
23 The VMS, we have CLS, and it works fine, and we have no trouble.
24 I just -- I don't know if I'm safe or not to own fish, without a
25 boat and a permit, because of the stuff that I hear, and so I
26 was just addressing that.

27
28 **CHAIRMAN DIAZ:** All right. Thank you, Mr. Gross. We appreciate
29 it.

30
31 **MR. GROSS:** All right. Thank you.

32
33 **CHAIRMAN DIAZ:** Next up is Holden Hunter, and then on deck is
34 going to be Kelia Paul. Okay, and we're not able to get Mr.
35 Hunter at this time. B.J. Burkett.

36
37 **MS. EMILY MUEHLSTEIN:** Mr. Chairman, we're going to do him on my
38 phone, okay?

39
40 **CHAIRMAN DIAZ:** Okay. Go ahead.

41
42 **MS. MUEHLSTEIN:** B.J., go ahead.

43
44 **MR. B.J. BURKETT:** My name is B.J. Burkett, and I own and
45 operate three boats out of Panama City, Florida, and they're all
46 dual-permitted. One mainly commercial fishes. The first point
47 that I want to talk about today would be the gag issue.

48

1 What I'm saying, and I've said it at the last two or three
2 meetings, is I'm talking for the health of the fishery, for what
3 I see will make the fishery better, and not for my business, and
4 so fall would be a better time for me to have a gag season,
5 business-wise, but, for the health of the fishery, when you all
6 do not open it in June, you all are going to kill a pile of
7 these fish, for no good reason.

8
9 The assessments for the SDC are so far behind, and the stock is
10 drastically improving, and you're not listening to the
11 stakeholders. I mean, we're giving you real-time data, and
12 you're not using it.

13
14 The next thing I want to talk about is the intersector trading,
15 and I heard that was on the table yesterday, and, you all, the
16 council does not even need to entertain intersector trading at
17 this time. I don't know how in the hell you think intersector
18 trading will help, when there's not enough fish for the
19 stakeholders that are trying to get fish now. I mean, how is
20 intersector trading going to help? That's only going to make it
21 worse.

22
23 For the amberjack, I don't know why there is no talk about
24 putting the fishing year back to January, as it was a few years
25 back, and the August is there for no reason, and a smaller size
26 limit. Back years ago, at a twenty-eight-inch size limit, there
27 was a lot more fish out there, and you're going the wrong way
28 with the regulations, with no result.

29
30 The dolphins and sharks, the council really needs to get
31 involved with the HMS staff and the mammal protection people and
32 quit saying it's not the council's problem, because it is,
33 because there is not going to be any fish to manage if you all
34 don't get the dolphins and sharks figured out.

35
36 The last thing I want to talk about today is about fishery
37 permits and logbooks. As of today, I have a boat and a crew of
38 three men that cannot go out and make money, because I'm held up
39 because of the permit process. I have sent logbooks in twice,
40 priority mail with tracking, and the logbook office has lost
41 them both times, and why do we have to rely on the mail system,
42 with today's technology? I mean, you will not allow faxes
43 anymore, or emails of these reports, and I want to know why,
44 especially with a situation like mine, and this would be
45 directly towards you, Mr. Strelcheck, and how can you help me
46 get this resolved, where my guys can go out and fishing and feed
47 their families? Thank you.

48

1 **CHAIRMAN DIAZ:** Thank you, Mr. Burkett. All right. Right now,
2 we've got three people that's online that we have not been able
3 to establish a connection with. If we get those people on,
4 we're going to work them in, and so we're going to start working
5 through the people in the room, but we might pick up some of
6 those online people, if we can make that connection. Kelia
7 Paul.

8
9 **MS. KELIA PAUL:** Good afternoon. My name is Kelia Paul, out of
10 Panama City Beach, and I have two dually-permitted vessels. I
11 was already going to bring this to the council's attention, but
12 Ms. Boggs stole my thunder this morning, with all the VMS stuff,
13 and so -- But I appreciate that Mr. Strelcheck said that they're
14 committed to fixing this issue, but, unfortunately, I'm going to
15 add another one to it.

16
17 We have issues with our system, and we have a Thorium, through
18 Woods Hole group, and I know you're going to ask, and so I'm
19 going to go ahead and tell you, but we're having an issue where
20 we're submitting logbooks for our charters, and they're not
21 going through to NMFS, but the Woods Hole group says they're
22 there. I have this whole rigmarole of an email chain with them
23 right now, and they're going back and forth, and so here's the
24 other piece of that.

25
26 We didn't find out about these, and they're from the middle of
27 the summer, and we didn't find out about them until October, and
28 a lot of the calls where you're not going to be able to renew
29 your permits, et cetera, et cetera, and we have all the little
30 green checks, and the time stamps that say that we have
31 submitted these, but they can't find them, and my permits are in
32 danger, essentially.

33
34 Something has to kind of -- Something has to give with that, and
35 these are approved vendors, and one hand is blaming the other at
36 this point, and so we've got to figure out something that -- We
37 can't manage our business, and I can't -- If I don't know that
38 something is wrong, I can't fix it, and the other piece of this
39 is, if it was a truly missed logbook, if we forgot to submit an
40 afternoon or whatever, we're getting calls a month later, and do
41 you really think that we're going to remember what ten people
42 caught on the 3rd of July in October? There's no way, and so
43 there goes your data integrity, right?

44
45 That kind of piece of is the big piece of it, but my suggestion,
46 which I haven't heard anything for that yet, and my simple
47 suggestion would be, while I know that non-compliance has to be
48 addressed, there should be some kind of a threshold. If I run

1 300 trips a year, and we miss three logbooks, I mean, I don't
2 think that my permit should be in danger for that, and, right
3 now, they are, and so deal with the ones that really aren't
4 compliant.

5
6 I am encouraged by the commercial logbooks going electronic, and
7 I'm actually happy about that. I do have a couple of comments,
8 and I would like to see -- I think it was mentioned to have a
9 test term for those, with feedback, and so we had that test
10 term, last year, with SEFHIER, but we didn't get any feedback to
11 say, hey, you missed these, and so, if we do that for
12 commercial, hopefully it will eliminate that.

13
14 Then the other piece, which I haven't heard, and I might have
15 missed, is I would like to know if it's going to be through the
16 VMS system or if it's going to be through like the IFQ, or web-
17 based, because we get trip tickets, and I know I'm over, but we
18 get trip tickets after we sell our fish, and so going back to
19 the boat and redoing that would kind of be a hassle, and so I
20 would like to see how that all works, and I'm out of time, and
21 so thank you.

22
23 **CHAIRMAN DIAZ:** Thank you, Ms. Paul. Okay. Next up, we're
24 going to go back online, and we've established a connection with
25 C.J. Peppe. Go ahead.

26
27 **MR. C.J. PEPPE:** Hi, everybody. My name is C.J. Peppe, and I'm
28 just here to promote the October start. I'm a recreational
29 fisherman out of Tarpon Springs, Florida, and I kind of echo a
30 lot of the other things that people have said on this call. You
31 know, if we're trying to protect these fish, having us go out
32 there in the summer, when we have to go deeper, just doesn't
33 make any sense to me, and so an October start would be a win-
34 win, and so let's make it happen. That's all. Thank you.

35
36 **CHAIRMAN DIAZ:** Thank you, sir. All right, and so Billy Archer
37 is next, and Gary Bryant is on deck.

38
39 **MR. BILLY ARCHER:** Thank you, Mr. Chairman. My name is Billy
40 Archer, and I'm a third-generation fisherman from Panama City,
41 Florida. I'm a dual-permit holder and Vice President of the
42 Gulf Fishermen's Association. I'm speaking for myself and the
43 CFA.

44
45 We support a September 1 opening date for gag grouper, and we
46 also support Action 1, Alternative 2d. We also support Action
47 2, Alternative 2. For greater amberjack, CFA supports a
48 September 1 to October 31 season, and we support Action 1,

1 Alternative 3 in that.

2
3 For SEFHIER, I personally think, on the SEFHIER, and I have a
4 CLS VMS, and I've had it the whole time, and it has worked
5 perfectly. I've got a handheld, a little iPad, and I just sign-
6 in and sign-out, with no problems, and I want to thank you all
7 for doing that, and thank you for modifying the trip declaration
8 requirements. It shows that you're working with us.

9
10 The permit-swapping issue in Texas, and so our biggest concern,
11 as a fleet, is, no matter system of swapping permits they use,
12 it's imperative that the fish are categorized under what sector
13 they come in, if they're recreational fish, or private recs or
14 whatever, and that's very important to us, and so we would like
15 to see that taken care of.

16
17 I did mention that I'm a dual-permit owner, and, with that being
18 said, I will put my other hat on and speak to the commercial
19 sector, and we support commercial logbooks, for better data and
20 accountability. We support an increase in commercial
21 triggerfish from sixteen to twenty-five per person, and then,
22 also, Andy, as you mentioned, or Mr. Strelcheck, pardon me, and,
23 as you mentioned earlier, with the IFQ system and things that
24 you all are thinking about right now, and the process, as you
25 called it -- Please don't put the cart before the horse.

26
27 Let's take our time before we wade into this. As you've heard
28 today, the program is working, and I support it. If it needs
29 tweaking, tweak it, but don't do anything that you can't
30 reverse, and thank you very much.

31
32 **CHAIRMAN DIAZ:** Thank you. Next up, we have Gary Bryant, and on
33 deck is Gary Jarvis.

34
35 **MR. GARY BRYANT:** I'm Gary Bryant, charter boat owner and
36 operator and current President of the Alabama Charter Fishing
37 Association, at least for a few more weeks, and then I'll be
38 stepping down and let somebody else do that.

39
40 A couple of things here, and nobody has mentioned our sector
41 separation, and we still fully support that, and I would like to
42 see some progress in that, and it was mentioned about the Texas
43 swapping, and our biggest deal with that is make sure, if
44 they're state-water fish, they go against the state-water quota.
45 If our season is open on January 1, I might be doing that too,
46 but that's not an option, but, anyway, make sure they're in the
47 right -- If they're state fish, they go against the state quota.

48

1 The gag groupers, I support all the comments that Dylan Hubbard
2 made earlier. I think September 1, and I think his comments was
3 that it was better for the fish, and I fully support that.

4
5 For greater amberjack, I support the September and October, and
6 I don't feel it's necessary to pull the other jacks complex into
7 it, and just stay with amberjack. I fully support the SEFHIER
8 and changing the hail-out requirements, and, let's see, and I
9 would like to make a comment that one of my greatest fears, when
10 we started this VMS, was something would go wrong and I couldn't
11 renew my permits, and I recently renewed my permits, and I do
12 have some deficiencies, which, you know, is kind of a panic.

13
14 The captain that runs my other boat, there was about ten trips
15 that were either incomplete or duplicates, but I would like to
16 brag on your people. I called the number, and the lady was
17 super helpful, and I had to talk to her three or four times, to
18 work through the VESL app and make corrections and delete the
19 ones that were duplicated, which he had started one, and, for
20 some reason, started another one, and he hailed-out twice on the
21 same day, for the same trip, but, anyway, I would like to say
22 they were very helpful, and we were able to work that out, and I
23 was able to renew my permits in a timely manner, and that's it.
24 Thank you. Yes, ma'am.

25
26 **MS. BOGGS:** As President of the Alabama charter fleet, or the
27 Charter Fishermen's Association, have you heard anything from
28 your members, any issues that they've had with their VMS units,
29 or you personally?

30
31 **MR. BRYANT:** Well, we've had a couple at my marina have some
32 issues, and I have -- I heard the comments, and the charter guys
33 were saying -- I mean, the commercial guys, and, when I had
34 commercial permits on my boat, I never had a VMS issue, and so I
35 thought it was kind of strange, but I never had an issue with
36 the VMS, but I'm using the Nemo unit, which has a solar panel,
37 and so it's supposed to charge itself, and it has went dead, and
38 so I think they must have looked at the data at the same time
39 they called you, because they called me in January and told me
40 that I hadn't had a VMS since June 25, almost the same time, and
41 I didn't know it.

42
43 The Nemo has a little solar panel on it, and that's supposed to
44 be the thing, and you don't have to charge it, and it's sitting
45 on my dash, underneath the windshield, and so I thought that I
46 was doing good by protecting it from the weather, but it has a
47 light, and it's supposed to blink once every two minutes, and I
48 think that's the fallacy with that unit, is you don't know if

1 it's working. I mean, you've just got to happen to be glancing
2 at it once every two minutes, when it blinks, but it went dead,
3 and I had to -- It wasn't an issue, but I was very concerned
4 about these things breaking.

5
6 As long as we're reporting on our VESL app, it looks like we're
7 good, I mean, because, if we get checked -- That's one thing.
8 When they come down to the boat, and they check us, as a charter
9 boat, they want to be sure that we've done our report, and so, I
10 mean, even if the VMS isn't pinging, if they check me, and I
11 don't have a -- I'm in trouble if I haven't done my thing, and
12 so hopefully we can work through those issues and not have to
13 stay at the dock. Thank you.

14
15 **CHAIRMAN DIAZ:** Thank you, Captain Bryant. Next up is Gary
16 Jarvis, followed by Alicia Paul.

17
18 **MR. GARY JARVIS:** Captain Gary Jarvis, former mayor of the
19 luckiest fishing village in the world, and now a civilian once
20 more. I am going to throw my hat in the ring to maybe be
21 sitting where you all are sitting and participate in the
22 improvement of our fisheries.

23
24 I am in support, 100 percent, of what Captain Hubbard's
25 statements were concerning amberjacks and gags. If you want to
26 talk about the VMS at the tail-end, I will answer any questions
27 there, because I've had a couple of issues.

28
29 The last four years, this council has taken a focus on
30 recalibration and common currency and the de facto reallocation
31 that has produced, whistling through the graveyard, I believe,
32 hoping that great fish counts and other assessments would allow
33 for increased access to historical fisheries, and, needless to
34 say, that is not working out too well for the fish.

35
36 Now we have fisheries, species, that have gone from not
37 overfished or undergoing overfishing to now overfished and
38 undergoing overfishing. If your pie is big, and it's getting
39 bigger, then perhaps focusing on getting a bigger piece of that
40 pie is a worthy cause, and I understand that, but, when your pie
41 is now the size of a cupcake, focusing on getting a bigger piece
42 seems trivial and pointless, especially if it's to satisfy an
43 unsatiated appetite.

44
45 I would like to encourage this council, in the coming months,
46 and after some of these preferred management decisions you're
47 going to make tomorrow come to fruition, that we refocus on the
48 fish again, and let's put our eyes back on the prize, and really

1 work on maybe focusing on building the pie, and making it
2 bigger, which will satisfy the appetite of more participants.

3
4 At an FWC meeting a few years back, a commissioner made a
5 statement that struck a chord with me, and I'm never going to
6 forget it. He asked his fellow commissioners if it would be
7 unreasonable to ask for his commission to start managing their
8 resources for abundance instead of barely getting by, and maybe
9 that's a question for all of us in the future. Thank you very
10 much.

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

14
15 **MS. BOGGS:** So which VMS unit do you have on your vessel? Well,
16 you don't have a vessel anymore, do you?

17
18 **MR. JARVIS:** I don't, but David Walker does, and it's a forty-
19 foot center console, and it's dual-permitted, and I have the
20 blessing to be able to ride on that magnificent piece of
21 machinery and get to fish for charter fishing, and I've kind of
22 come full circle. I tie knots now and gaff fish, like I used to
23 when I was a deckhand.

24
25 That CLS, and it's a really good company, but I know one of the
26 requirements are all the providers -- When there's an issue with
27 their equipment, they are supposed to notify the user, and that
28 is I think a -- That's where I think the agency really needs to
29 reiterate that, and begin to work out a better system, because I
30 had a similar problem.

31
32 We had a period of time where our VMS wasn't working, and, when
33 we went to redo our permits, we found out that two of my reports
34 were incomplete, and I had no idea that they weren't there, and
35 so I called CLS, and my reports were on their system, but they
36 hadn't been transmitted, and it was just two reports out of
37 sixty or seventy days, and so I think, apart from any type of
38 software issues, or user issues on the captains and crew side of
39 things, I think a little bit more emphasis needs to be put back
40 on making sure the providers are monitoring their equipment a
41 little bit better and inform us sooner that, hey, you know, your
42 unit is not pinging or --

43
44 I mean, they're getting our reports before they send them to
45 NMFS, and if it's like I hailed-out, and they don't get a report
46 for that day, and I hail-out a second day, that should be a
47 signal that something is wrong here, and we need to rectify it,
48 because it was kind of scary, in the first year of SEFHIER, when

1 you go to renew your permits and they're like, well, we can't
2 give you a permit, because you're missing ten reports, or we see
3 that, you know, your unit wasn't pinging from this timeframe,
4 and did you fish during that time, and so that's, I think, right
5 now, where the program has dropped the ball a little bit.

6
7 I think, if you look back at the problems that you've heard from
8 the podium, most of them really are kind of on the provider end
9 and not on the user that is actually using the machine.

10
11 **CHAIRMAN DIAZ:** Go ahead, Ms. Boggs.

12
13 **MS. BOGGS:** So just a follow-up, and it just occurred to me, and
14 I can explain this to the council later, but so you report on
15 the tablet that comes with your unit, and you're not reporting
16 through VESL or eTRIPS.

17
18 **MR. JARVIS:** No, because we're dual-permitted, and so we've got
19 the VMS, because there was no other option with a commercial
20 permit. I had a VMS on the Backdown II since 2006, and I never
21 had any of these issues, and this issue seems to be kind of
22 earmarked in the SEFHIER program that we've had these problems.

23
24 **CHAIRMAN DIAZ:** Thank you, sir.

25
26 **MR. JARVIS:** Thank you, Mr. Chairman.

27
28 **CHAIRMAN DIAZ:** Alicia Paul, and then on deck is Jamie.

29
30 **MS. ALICIA PAUL:** Good afternoon. On grouper regional landings,
31 I would like to see the regional landings -- From what I
32 understand, there is five different regions, and, if our goal is
33 to mitigate discard mortality, I think that information would be
34 helpful, to help -- To reduce that discard mortality.

35
36 For me personally, in my area, as a whole, in the Panhandle
37 right there, we catch a lot of gags in the first couple of weeks
38 of June, and then it kind of fizzles out, and I do believe, with
39 that water temp being real high, that we're going to have a huge
40 discard morality rate, and so I don't know what the answer is to
41 that, if regional management -- You know, with different sectors
42 opening at different times, or splitting those couple of months
43 up, and, you know, if you look at that chart, in June, it
44 peaked.

45
46 Now, historically, I know that it's open June 1, whereas, if you
47 all push it back to September, it's not going to have that peak,
48 but I believe that the handling of fish by the recreational

1 sector -- That we're going to have a high mortality rate, and
2 even by the charter sector. You know, we do our best to vent
3 them, or to put them down with a descending device, and, a lot
4 of times, those fish will just float off, regardless.

5
6 The sharks, we can go on and on about them, and we all know that
7 they're a problem. The biggest thing that stands out, to me, is
8 there has not been a stock assessment on the sandbar sharks
9 since 2016, and they're a long way behind, and an interim
10 assessment from HMS would be very helpful. Open up the season
11 recreationally, if you don't want to open them up commercially,
12 and let's try and thin them out just a little bit, one way or
13 the other, and I don't think that would hurt the population.

14
15 On amberjack, who knows what the answer to that is, but, as Mr.
16 Schmidt said earlier, you know, that's the first time we've
17 seen, in that presentation, that the lesser and the rudderfish
18 and everything, and it kind of combined them, and that was a
19 little bit of a shock for all of us, I think, and, for me
20 personally, we need those fish, and we're already cut back two
21 months here and two months there, and so those fish do help.

22
23 The triggers, I support the preferred Alternative 3 for the
24 commercial sector of twenty-five fish. The IFQ program, you all
25 know it's got flaws, and it needs to be tweaked, and I'm not
26 really sure what the answer is to that, but please continue to
27 do work.

28
29 The adaptive shares presentation, that was very interesting.
30 The only thing that really stood out to me was, in like year-
31 four or five, the person that didn't have anything ended up
32 having more than the guy who started at the top, and so I don't
33 know that that's fair to those shareholders, but it is a
34 different approach, and, like I said, it's very interesting, and
35 I appreciate that presentation and thank you.

36
37 I commend you all on working on a permit for the recreational
38 management. Please keep doing that. We need an accurate
39 accountability on how many we've got out there.

40
41 The VMS, I'm not going to go way into that, but we've had
42 issues. For me, like Kelia said earlier, and I get a call, six
43 months later, that I'm missing a logbook from June 3rd, and, my
44 god, I don't remember what shirt I wore the day before
45 yesterday, much less what I caught six months ago, and so your
46 information there is going to be very flawed, when you call us
47 six months later. Other than that, thank you all for doing the
48 work, and thank you all for giving me the time to speak today.

1
2 **CHAIRMAN DIAZ:** Thank you, Ms. Paul. Next up is Jamie, and Ed
3 Walker is on deck.
4

5 **MR. JAMIE GASPARD:** How are you all doing, council members? I
6 am Captain Jamie Gaspard from Grand Isle/Fourchon, Louisiana.
7 Just a couple of things. One of our worst things going on right
8 now is the shark population. We're seeing them where we've
9 never seen them before, a hundred-plus miles offshore, running
10 us down and eating fish.

11
12 One thing people have got to understand is these things don't
13 eat just crippled fish. You know, they work on a population of
14 fish. We're preserving certain fish and letting other fish have
15 unfair advantages, and we need to do something about sharks, for
16 sure.

17
18 I am excited about getting some structure back in the water with
19 the top of the windmills, because lord knows, in Louisiana,
20 we're losing them quick. We've lost so much structure, over the
21 last few years, that it don't even look like the same scenery.
22 We used to be able to leave the dock, and we never lost sight of
23 a platform, for sixty or seventy miles, and now you run for an
24 hour without seeing a platform, and we had the luxury, in this
25 state, for many years, of not having to have reefs and other
26 natural bottom, because we had the platforms, and so we're very
27 far behind on artificial structures.

28
29 We're taking them out left and right, and, if you touch a piece
30 of coral, they're going to put you in jail, but you can destroy
31 a platform, with tons of coral, and it's like nothing is ever
32 said, and have any of you all ever seen a dynamited structure
33 and how many fish perish on a structure that's torn out like
34 that? That's a big issue that I have, and, if you all have seen
35 what's going on in the past five years, it would frighten you,
36 too.

37
38 As I said, I'm really happy to hear about the structure coming
39 back, with the windmills, and I think that's going to be a good
40 thing. One thing I am worried about though is access to that,
41 and are they going to put zones, to where you can't get close,
42 that kind of stuff, and I think that kind of stuff needs to be
43 addressed. That's pretty much it.

44
45 VMS, I've had a couple of issues, and nothing real big, but one
46 thing that I will say is so I run a center console boat, and
47 it's on a trailer, and it gets stored in a building, and I've
48 had a couple of issues where reporting, because it's in a

1 building, stuff like that, and I had a power-down exemption.
2 Well, if you power the boat down, and somebody calls you to go
3 on a trip, and it's a seventy-two-hour power-down. I would like
4 to see it to where, if you power it down, and you get a call to
5 go back fishing, you can go out, and you wouldn't have to wait
6 the seventy-two hours, and so stuff like that. Thank you all
7 for you all's time, and any questions?

8
9 **CHAIRMAN DIAZ:** I've got a question for you from Mr. Schieble.

10
11 **MR. SCHIEBLE:** Thank you, Captain Gaspard, for coming all the
12 way over here to speak today. I'm curious, and do you fish for
13 amberjack out there, and, if you do, do you target them, or do
14 they become an incidental catch, and, if you do target them, how
15 do you feel about the actions in the document we're looking at,
16 as far as a full-retention fishery, versus what we currently
17 have?

18
19 **MR. GASPARD:** Well, so our amberjack population is down, and I'm
20 going to say that, but I think it's because of the habitat loss.
21 I did a research project, about five or six years ago, with the
22 University of Florida, and I tagged over 400 amberjack, over the
23 course of a couple of days, and those fish were caught all over.
24 I never thought they moved as far as they did, and I actually
25 ended up catching over a hundred that I tagged myself, and they
26 were released again, and then, the next year, we caught a few,
27 and a few, and so forth. I didn't hear the full extent of your
28 question, like toward the end.

29
30 **MR. SCHIEBLE:** Real quick, one of the actions in the document
31 that we're looking at is a full retention amberjack fishery, and
32 so instead of, you know, catch-and-release or whatever, you
33 would retain the fish immediately when you catch it, and how do
34 you feel about that?

35
36 **MR. GASPARD:** Well, I don't know if this answers your question
37 or not, but they are hearty fish, and they do survive, if you
38 release them, if they're vented, or a descending device and
39 stuff like that, and so that's pretty much my take on it. Thank
40 you.

41
42 **CHAIRMAN DIAZ:** We've got one more question for you. Mr.
43 Geeslin.

44
45 **MR. GEESLIN:** Thank you. I appreciate you sharing your thoughts
46 on the artificial reefs and nearshore rigs. We hear about
47 localized depletion, and I would like to hear your experience
48 about how often you're fishing those rigs and if you're

1 experiencing any of that localized depletion on those
2 structures.

3
4 **MR. GASPARD:** We do fish a lot of structure, and what did you
5 say -- I didn't --

6
7 **MR. GEESLIN:** Localized depletion, and less abundance on --

8
9 **MR. GASPARD:** Definitely. The rigs are our bread-and-butter,
10 because I'm going to tell you, and I also did the snapper count
11 deal, and the rigs, and the artificial structure, there's no
12 comparison to natural bottom. I mean, the rigs are the
13 lifeblood, and the artificial structure. Natural bottom doesn't
14 even come close, and maybe 10 percent, in my opinion, of where
15 the fish are, on vertical structures.

16
17 Amberjack, in my area at least, don't seem to sit, unless they
18 have some type of vertical structure, and like, on natural
19 bottom, they're very small, kind of gradual, the coral and stuff
20 like, and the almaco seems to like it, but like the amberjack
21 don't, and they want something high.

22
23 You know, in our area too, we catch snapper and amberjack and
24 groupers together, and so these rigs are really the way to go,
25 and you've got a few that are cut off at a hundred foot, you
26 know, from the bottom, and those things are just magnets. If
27 they go all the way to the top, well then, mangroves,
28 triggerfish, and all your bait species and all that, and so, if
29 I could urge the council to do anything, let's preserve some of
30 these platforms. You know they're going to take them out, but
31 at least let's cut them off and put them there. Thank you, all.

32
33 **CHAIRMAN DIAZ:** All right, and so, next up, we have Ed Walker,
34 and Wayne Werner is on deck.

35
36 **MR. ED WALKER:** Thank you, Mr. Chair. First and foremost, I
37 would like to address Action 2, modification of the gag
38 recreational fishing. In the document, the stated purpose is
39 the intent of this action is to balance the number of days the
40 season would be open with the necessity to reduce overall
41 mortality of gag, with special attention paid to reducing
42 fishing mortality on male gag.

43
44 I think that's key to the considerations that you have in front
45 of you, as far as our season goes here, and I am in favor of
46 Alternative 3, and the big difference there is you're
47 eliminating September, September being the hottest month of all
48 that you have selected here, and the warmest months being the

1 ones that are going to push the effort offshore, where the male
2 gag population lives, and so that's that really a primary
3 consideration in selecting the dates, and I would suggest taking
4 September, Alternative 2, and not going that way, and moving
5 forward with Alternative 3, which starts in October, which, as
6 you've heard in testimony, is fairly well supported by quite a
7 few people.

8
9 Some of the benefits to removing September, besides that, is it
10 will reduce red snapper discards, at least in my part of the
11 Gulf, because we can fish where there are no red snapper for the
12 whole season, and we have much shorter runs, and we have higher
13 release survivability in those depths where we'll be fishing in
14 the cooler months, and, personally, I have built my charter
15 business for the fall fishery in the shallow water. It's a
16 thing, and people come there in the fall to fish with me,
17 because it's a destination, and it's a unique fishery, and they
18 like to do it.

19
20 I prefer -- I came here, ideally hoping that you would consider
21 November and December, but, in talking with some of the other
22 guys in the room, from other parts of the state, essentially, I
23 have come to the middle, for me, and eliminated that and decided
24 that I would like to go with the opening in October.

25
26 I've caught seven world-record gag groupers on my boat in the
27 last couple of years, and all of them were caught in December,
28 and so this not having December is going to hurt for me, and I
29 think it also demonstrates that it's the best time of the year.
30 I don't think that you should stretch the season into the time
31 it's not that good, just like you wouldn't do with deer season,
32 and you wouldn't say we can make deer season six months and give
33 you the mid-summer to go deer hunting. The guys would rather go
34 in the rut, in the fall, when it's the best, and so that's my
35 comparison. I'm just about out of time, and I do have a quick
36 amberjack comment, if anybody wants to ask me my opinion on
37 jacks.

38
39 **CHAIRMAN DIAZ:** Ms. Boggs.

40
41 **MS. BOGGS:** Tell me about amberjack.

42
43 **MR. WALKER:** It's actually -- Thank you, Ms. Boggs. I just
44 wanted to address the closing of the jack complex, or the
45 consideration of closing the jack complex, and I believe this is
46 the first that any of us on the Reef Fish AP have heard this
47 idea, and I was kind of -- I was surprised to hear it, but I
48 catch a lot, a lot, of banded rudderfish. I catch them

1 commercially, and I catch them on charters, and I don't really
2 target them, and sometimes I do, and I can tell the difference.

3
4 From what I can tell, that's a really healthy stock of fish, and
5 them and almaco are something that people can take home and eat
6 that you don't have any bad news about, and so I think it would
7 just be really bad faith for the Gulf Council to close a
8 perfectly healthy fish that a recreational Joe is allowed to put
9 in his cooler and take home and eat based on an assumption that
10 maybe people are misidentifying large numbers of these, which I
11 don't believe to be accurate either, without, you know, some
12 identified bad news. Thank you.

13
14 **CHAIRMAN DIAZ:** Thank you, Captain Walker. All right. Next up
15 is Wayne Werner, and on deck is Keith Banks.

16
17 **MR. WAYNE WERNER:** Good afternoon. We're well over the
18 hundredth time that I'm here to address the council. I don't
19 know anybody that's been at more meetings than me, even on the
20 council, except for Dr. Bob Shipp, and I would like to thank,
21 first off, Troy, for the crawfish last night, and that was a
22 great deal.

23
24 My nephew was up here, and he's bought 5,000 pounds of snapper,
25 and I'm trying to get out of the business, and he's trying to
26 get into the business, but we need to know how you're going to
27 set this thing up. You know, am I going to be required to have
28 a boat to own quota, because I want to get out, but I would like
29 to have a few years that I can distribute my fish to smaller
30 fishermen, and I don't want to let them all go, you know, just
31 to one person and more monopolize the fishery. I am trying to
32 spread them out, and so, you know, if you set this thing up to
33 where someone like me retires, I would like to see you give us
34 five, six, seven years to get rid of them, so that we can
35 distribute the fish. You know, we need a business plan, and
36 that's what I'm looking for, for a young man, a younger man.

37
38 Anyway, I want to say one thing about the gags, because I
39 brought it up last time. It was in 1984, and it was the best
40 gag fishing that I ever saw, and Hurricane Elana came all the
41 way up the coast and went in, you know, close to Panama City. I
42 thought we were really killing them, you know, and we were
43 catching 3,000 or 4,000 pounds a day, and, well, they were
44 hurricane fish, and we got three tremendous storms in the Gulf,
45 the last three years, and I think it has an effect on the
46 abundance of fish that you can catch.

47
48 I thought that we were catching, you know, a lot of fish, and

1 then I come to the dock, and I find out that people are catching
2 500 pounds a day off the pier in Panama City, you know, and
3 that's how much hurricanes affect these fish. Four or five
4 years without hurricanes, and you might see some real trouble
5 with some of these fish, and I just wanted to bring that up, and
6 that's from fifty years of experience. Thank you.

7
8 **CHAIRMAN DIAZ:** Thank you, Captain Werner. All right. Next up
9 is Keith Banks, and on deck is Kevin Haller.

10
11 **MR. KEITH BANKS:** Hello. My name is Keith Banks, and I'm the
12 head captain at Deep-Sea Headquarters in Port Aransas, Texas.
13 We run for-hire trips on headboats and charter boats. I am here
14 today to discuss the issue of removing the federal reef fish
15 permit from a headboat to legally fish in Texas state waters.

16
17 Since 2018, we have transferred the federal reef permit off the
18 New Kingfisher around the end of the year, to have the permit
19 100 percent transferred before January 1, leaving enough time to
20 deal with any transfer issues. Then we're fishing in state
21 waters January, February, and March, and most of April,
22 targeting red snapper. Usually, sometime in April, we will then
23 transfer the reef fish permit back to the New Kingfisher to
24 participate in the federal red snapper season. After the
25 closure of the federal red snapper season, the New Kingfisher
26 keeps its permits until we transfer it off for the following
27 year, never fishing in state waters for red snapper once the
28 vessel has the federal reef fish permit.

29
30 When we began to discuss the possibilities of the first permit
31 transfer in 2018, I personally contacted members of NOAA, the
32 Permits Office, and federal and state law enforcement, to ensure
33 this was okay, and this process was never described as a
34 loophole to me, but only a completely legal business model and a
35 great way to sustain our wintertime fishery.

36
37 It has never been in our interest, as a company, to do anything
38 that would jeopardize a permit. Each year, I am very clear
39 about our intentions with the Permit Office, and it is my
40 understanding that we have the right to fish for red snapper
41 outside of the federal season in state waters, due to Texas
42 regulations and Texas' right to manage its state waters.

43
44 We have never tried to operate under the radar or felt like we
45 were getting away with anything. We have reported these catches
46 in the headboat survey and continue to report through VMS, to
47 stay compliant, even though we weren't required, without a reef
48 fish permit. In no way are we trying to balloon our historical

1 data in preparation for an IFQ.

2
3 In fact, I would prefer to report to the state alone, simply
4 because I believe that fish taken out of state waters during the
5 federal closure come out of the state quota and not the federal.
6 I don't believe we are exploiting the state fishery in any way.
7 It is my understanding that Texas believes the \$10 million Great
8 Snapper Count showed that counts were off times-three, and I
9 personally think those numbers are light, at least in our local
10 waters, due to twenty years of observation and the
11 underestimated amount of open-water structure.

12
13 We, as a company, are faced with new challenges every day, and
14 one of my jobs, as head captain, is to use every perfectly legal
15 and viable option to grow and continue our business. In all of
16 Texas, there are three boats that transfer reef permits, and
17 there might be four. There might be a fourth in Port Isabelle,
18 but I believe it could be one of the vessels that fishes year-
19 round in state waters and never has a federal permit.

20
21 Deep-Sea Headquarters has always been a stewardship of the red
22 snapper fishery, state or federal, and we have always given
23 every effort to comply with any and all regulations, in a highly
24 and increasingly monitored fishery, and we are not causing any
25 problems or taking anything away from the state anglers in
26 Texas. We are the state angler. We provide a way for people in
27 Texas to enjoy the state fishery that might not otherwise have
28 the finances or not wish to do so.

29
30 **CHAIRMAN DIAZ:** We have a question for you. Go ahead, Dr.
31 Stunz.

32
33 **DR. STUNZ:** Kevin, thanks. Thanks for traveling this far, and I
34 know it's a long way from Port Aransas, but I have two questions
35 for you. Did I hear you say that there is just three boats that
36 are doing this that you know of?

37
38 **MR. BANKS:** I have tried to gather that information, and, you
39 know, we're in touch with much of the fleet, up and down the
40 coast, and, as far as I can figure, there are three, and
41 possibly a fourth in Port Isabelle, but they're having engine
42 troubles right now, and I don't know if they're going to be up
43 and running, and I don't know when, but, as I know right now,
44 it's us and two other vessels.

45
46 **DR. STUNZ:** Okay, and so it's relatively small, and I think you
47 heard some discussion, around here, and even some testimony from
48 your other captain colleagues, about we just want to make sure

1 that the fish that you're catching are debited from the right
2 group, so to speak.

3
4 **MR. BANKS:** Yes, and, when we first started doing this, we were
5 already VMS compliant, and already, of course, involved in the
6 logbook program, and it was brought up, to a couple of members
7 of our local NOAA people, what we should do with this, and it
8 wasn't discussed in-depth, but we basically left the VMS and the
9 logbook in place, just so that -- It was stated, through NOAA,
10 that leave them in place, so that basically there was some
11 record, and I would greatly appreciate if we could figure out
12 exactly where to get these fish reported, because, like I said,
13 I do believe that they should come out of a state quota and not
14 a federal.

15
16 **DR. STUNZ:** One more question, real quick, Mr. Chair. When this
17 issue came up, and just historically around this table, in the
18 groups, there's been a lot of questions about the viability of
19 the amount of red snapper in state waters, and, since you have
20 lived this, I was hoping that maybe you could just comment on
21 what's your thought, particularly in this middle Texas coast
22 south, about, within that nine nautical miles -- In other words,
23 people are -- They often say there's no way those fish are
24 coming from federal waters, or there's not a viable, sustainable
25 snapper population like that that headboats could target at that
26 level, and I was hoping that maybe you could comment, since you
27 see this every day.

28
29 **MR. BANKS:** We have a very viable fishery, especially to the
30 south of us, simply because of open-water, hardbottom structure,
31 and it's very sustainable, or very viable, and one of the
32 reasons we did leave the VMS on was because of that exact issue,
33 and people were like there's no way that you can do this inside
34 of state waters, and so sort of left the VMS on to sort of erase
35 those doubts, and it was like we're being monitored, and you can
36 see where we're at, you know, at all times.

37
38 **CHAIRMAN DIAZ:** Thank you, sir. We appreciate it. I'm sorry.
39 We have one more question that I did not see from Ms. Boggs.

40
41 **MS. BOGGS:** Thank you, Keith, for coming. When you say you
42 transfer the permits off, are you transferring them to another
43 vessel?

44
45 **MR. BANKS:** Yes.

46
47 **MS. BOGGS:** With a VMS and everything?

48

1 **MR. BANKS:** Yes, and we transfer them to -- The other vessel has
2 a VMS, yes, a fully-compliant VMS, since I think it was spring
3 of 2010 or 2011.
4
5 **CHAIRMAN DIAZ:** Mr. Anson.
6
7 **MR. ANSON:** Thank you for coming, Captain Banks, and so you had
8 mentioned that you had talked with some NOAA folks there locally
9 in Texas, or have you talked directly with the folks that run
10 the headboat survey, because they're out of --
11
12 **MR. BANKS:** When? When we first started doing this or
13 currently?
14
15 **MR. ANSON:** Well, either, when you first started doing it or
16 recently, and, I mean, you talked to them and notified folks
17 directly with the program that you were doing this, and you were
18 still submitting your data in those months when you didn't have
19 a federal permit, but were going out, you know, fishing in state
20 waters, and this was very clear to those folks?
21
22 **MR. BANKS:** Specifically the reporting issue, to keep reporting?
23
24 **MR. ANSON:** Your logbook reporting, yes.
25
26 **MR. BANKS:** The logbook reporting, and that was in 2018, but I
27 did take it -- It was local NOAA people, some of the people that
28 are around the docks every day, and one of my -- I can never
29 remember his last name, but his first name is Will, and I talked
30 with him, and I think I made a call to the logbooks office, and,
31 like I said, it was 2018, and I'm not exactly sure who I spoke
32 with, but, you know, like I said, I'm not exactly sure how to
33 get this into the right, you know, pot, the state pot versus the
34 federal pot, and, you know, I would be open to ideas on how to -
35 - Because I do want them in the correct spot, you know?
36
37 **CHAIRMAN DIAZ:** Ms. Boggs.
38
39 **MS. BOGGS:** Thank you, Mr. Chair, and so, Mr. Banks, do you only
40 report through VESL your landings?
41
42 **MR. BANKS:** Yes, currently, but we have spoken with the state,
43 to start reporting directly through the state, to, like I said,
44 get them reported in the right area.
45
46 **CHAIRMAN DIAZ:** Mr. Geeslin.
47
48 **MR. GEESLIN:** Thank you, Mr. Chair. Keith, I applaud you for

1 coming, and I appreciate you bringing this to the council, and I
2 also look forward to working with you, personally and with
3 members of the council and NOAA/NMFS, as we navigate through
4 this issue. In your mind, what is your preferred outcome?
5

6 **MR. BANKS:** To be able to keep doing this, you know, to keep
7 doing basically status quo, no change.
8

9 **CHAIRMAN DIAZ:** All right. Thank you. We appreciate your
10 testimony, Mr. Banks. Next up is Kevin Haller, followed by Mac
11 Owens.
12

13 **MR. KEVIN HALLER:** I am Captain Kevin Haller from Deep-Sea
14 Headquarters in Port Aransas, Texas. I am here to talk about
15 the lack of communication through the multiple agencies that we
16 deal with in our reef fishing in the Gulf of Mexico. We were
17 contacted, on November 30, from NOAA Law Enforcement on our
18 permit legality for what we're doing with transferring permits
19 so we can state-water snapper fish, and it took us until January
20 9 until we could feel comfortable enough to operate our
21 business.
22

23 We had to cancel a bunch of trips, refund a bunch of customers,
24 and it really affected our business that we've been trying to
25 grow since 2018, because of the lack of communication. We have
26 been legally transferring our permit over to another boat, so we
27 can fish our state-water season January through April that the
28 State of Texas provides for us.
29

30 We've had no issues since 2018, and it just started now, and,
31 also, we've been monitored by VMS, and we're reporting all of
32 our catches, and, like Keith said earlier, we would be more than
33 happy to change where we report our catches with the State of
34 Texas, but we're held to a higher standard than a non-permitted
35 state-water boat, because we're monitored, and they know exactly
36 where we're fishing, and how we're fishing, and what we're
37 catching. State-water boats, state-water headboats, in the
38 State of Texas don't have to report that, and so I just wanted
39 to put that on the record.
40

41 The OLE contacted us and explained that we were in violation,
42 and it took talking to several members of NOAA, the Gulf
43 Council, Texas Parks and Wildlife, and federal law enforcement
44 to get an answer to where we felt comfortable to continue with
45 our business. Communication through the multiple agencies
46 involved was a difficult and frustrating process, and I'm asking
47 for a better means of communication, especially when people's
48 businesses and livelihoods are on the line.

1
2 We have multiple people -- We have met multiple people here in
3 this process, and here at the council, that is going to make it
4 easier for us in the future, but I believe that all fishermen
5 should have a way to talk to someone when they need to. All
6 fishermen should be able to contact who they need to talk to
7 when they're facing these issues. I guess I'm kind of out of
8 time, and I was going to talk about the red snapper population
9 on the coast, but thank you.

10
11 **CHAIRMAN DIAZ:** Hold on. We have a question for you from Mr.
12 Geeslin.

13
14 **MR. GEESLIN:** Captain Kevin, can you talk about the red snapper
15 population along the coast?

16
17 **MR. HALLER:** Okay. Our state waters, and federal waters, in our
18 area of south Texas, is booming. It's getting to the point
19 where it's hard to fish for other species, if you direct for
20 kingfish or trying to catch groupers, and, I mean, you're
21 drifting flat lines, no weights, and catching snappers on the
22 surface.

23
24 We also have a huge problem with sharks, like what's been said
25 in the past, and so you're venting and releasing these snappers
26 that you're catching as discards, and you're watching ten
27 sandbar sharks circle the boat and eating them, and it's become
28 a real problem, but we do have a lot of natural and manmade
29 reefs in the state waters, up to nine miles, all the way up and
30 down our coast, that have plenty of snappers, undersized, full
31 size, up to twenty pounds, and I just wanted to put that on the
32 record.

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

35
36 **MS. BOGGS:** Thank you for coming today, Kevin. I do appreciate
37 it, and I'm just doing some fact-finding, and so I didn't think
38 to ask Keith, but I think your answer will be similar to what
39 his would be, and what is your COI on your headboat that you're
40 running?

41
42 **MR. HALLER:** You're asking how many people we can take on that
43 boat? I believe it's forty-nine passengers, or forty-eight
44 passengers, something like that.

45
46 **CHAIRMAN DIAZ:** Thank you, sir. We appreciate it.

47
48 **MR. HALLER:** Thank you very much.

1
2 **CHAIRMAN DIAZ:** Next up is Mac Owens, followed by Rachal Hisler.

3
4 **MR. MAC OWENS:** My name is Mac, and I'm coming from Deep-Sea
5 Headquarters, just like the other two, but I'm here to give like
6 a business perspective on it. There is lots of communication
7 and missing information, and Ms. Boggs brought up that why
8 didn't you go to the top of the command, and we didn't know
9 that, and we talked to the NOAA guy, and he should have told
10 them, you know, and so there's missing information there.

11
12 We ran fifteen trips last year, with an average of twenty-seven
13 people, and it's a small problem, or maybe not too big of a
14 problem, and I am just here to make sure that we can continue as
15 our business model. If you all want to entertain this problem
16 and include us, and we're going to have the information and the
17 data that you all need. We've been doing this since 2018, and
18 we know people that have been doing it longer, and, you know, I
19 want to be able to run this business, in the next ten years,
20 knowing what's going to happen, instead of, at the zero hour,
21 having something getting pulled that we have no clue about, and
22 so we're going to be here more often, and we're looking forward
23 to working with everyone, and that's kind of all I have to say
24 on that.

25
26 **CHAIRMAN DIAZ:** We have a question for you, real quick, from Dr.
27 Stunz.

28
29 **DR. STUNZ:** Captain Owens, again, thank you all for coming, and
30 your two captains before you, and I know you all traveled out
31 here together, and several of you have brought, you know, just
32 maybe the difficulty you had communicating, whether it was the
33 council or NOAA or whoever, and that's why I had recommended
34 that you guys come to a council meeting, so you could understand
35 and put some names with the faces, because it's not real easy to
36 navigate, I guess, and obviously it's not, if you're not living
37 this every day, and so I just wanted to make sure, and I can
38 probably speak for everyone and say, you know, we want to talk
39 to the fishermen in the fishery and that kind of thing, and so
40 hopefully you all are able to understand better who you need to
41 talk to and resolve those problems, but it's sounding like maybe
42 we're moving forward to a solution, but we're glad to have you
43 here and have you comment and bring up some of these issues from
44 the western Gulf.

45
46 **MR. OWENS:** Perfect.

47
48 **CHAIRMAN DIAZ:** Thank you. All right, and so we were able to

1 establish some communication with one of our virtual people, and
2 so, next up, we're going to do virtual testimony from Jonathan
3 Hernandez. Mr. Hernandez. Check and see if you're muted on
4 your end, Mr. Hernandez. Test and see if you're unmuted, Mr.
5 Hernandez. On our end, it looks like you can speak. All right,
6 and so we're having some more difficulties with Mr. Hernandez,
7 and we're going to go back to the in-room. All right, and so on
8 deck is Rachal Hisler, and then on deck is Trenton Knepp.

9
10 **MS. RACHAL HISLER:** Good afternoon. I am Rachal Hisler, and I'm
11 here today representing my multi-generational family commercial
12 seafood business out of Devils Bayou, Texas. First off, I would
13 like to say that I really appreciated the conversation
14 concerning the lack of a real universe of the private anglers
15 that exist in the Gulf. We've seen proven success in the
16 commercial sector, by providing a data-rich environment, and I
17 would like to see that success replicated in the recreational
18 sector.

19
20 Secondly, I would also like to express my support of moving to
21 electronic logbooks for the commercial harvesters. In my
22 opinion, this will streamline the reporting process, by reducing
23 redundancy and also allow for more efficient and accurate data
24 collection. This will also provide for a more real-time
25 snapshot of landings for scientists to access and analyze.

26
27 Lastly, I would like to touch on the topic of diversity and
28 equity as it pertains to the fishery. As federal and state
29 regulations have expanded, the opportunity for new entrants into
30 the fishery has become more elusive. The ability to navigate
31 the process of starting a new business can be difficult, to say
32 the least. Owners and operators must comply with multiple
33 layers of regulations and agencies.

34
35 I would like to hear discussion of an existing department
36 creating a program that would focus on educating and assisting
37 new entrants with the process of building a compliant business,
38 and I think the gentlemen who just spoke before me are a perfect
39 example of that, where they're looking to diversify their
40 business, and they thought that they had met the requirements,
41 but now they're having to backtrack a little bit, and they're
42 unsure about their future business model, and so I think that's
43 a great need that we can address using a department that is
44 already in existence and staff that is already onboard.

45
46 Then, also, I would like to agree with the previous speakers
47 about the shark populations and then information concerning
48 access to the offshore windfarm areas as well. Thank you.

1
2 **CHAIRMAN DIAZ:** Thank you. Okay. We're going to try Mr.
3 Jonathan Hernandez again on virtual, and so, Mr. Hernandez,
4 let's see if we can get a connection with you.
5

6 **MR. JONATHAN HERNANDEZ:** Thank you so much for having me. I
7 think the fishery out of the Gulf of Mexico is as strong as it's
8 ever been, and I can side with the guys who are trying to
9 continue to prolong their business that has been multi-
10 generational. I think we need a little bit better communication
11 with the stats of what is happening with the numbers of fish
12 being caught and the restrictions, and I think that -- I think,
13 like I said, the grouper fishery, and the snapper fishery, in
14 the Gulf of Mexico is as strong as it's ever been.
15

16 **CHAIRMAN DIAZ:** Thank you, Mr. Hernandez. We appreciate your
17 testimony. We're going to go back to the in-room list, and so
18 Trenton Knepp, and then Scott Hickman is on deck.
19

20 **MR. TRENTON KNEPP:** Hi. My name is Trenton Knepp, and I'm a
21 commercial rod-and-reel fisherman, commercial stone crabber, and
22 my parents and my brother have been in the commercial fishing
23 industry, and my parents got into it when I was a little kid, a
24 young teenager.
25

26 The issue that I am personally having is the whole IFQ, and the
27 quota prices have jumped 300 to 400 percent. 300 to 400 percent
28 the quota prices have jumped, and it's become unprofitable, for
29 me as a dayboat, to rod-and-reel fish, and we've been turned
30 into sharecroppers, and they're taking all of our money, and
31 retaliation is very real.
32

33 I've got an eleven-and-a-half-hour drive home, alone, because
34 the guys that were coming to the meetings with me have been
35 blackballed, and they can't get quota now, and they're afraid to
36 come and speak, because they're getting blackballed, and,
37 personally, and I don't know if it's a coincidence, but, ever
38 since I've been coming, I have been getting law enforcement down
39 my neck, over and over and over, from FWC, and my neighbor calls
40 me and says, just to give you a heads-up, NOAA is on his side of
41 the canal spying on you.
42

43 Then they came over and searched my boat, and searched and
44 searched and searched, looking for reef fish, when I was stone
45 crabbing, and you could clearly see I was stone crabbing, and
46 I've got seventy-five pounds of claws in the boat, and I've got
47 crab bait, and I don't have a single fishing pole, and they even
48 looked in my tiny lunchbox, trying to find a reef fish, and they

1 said, if you take as much as two reef fish off this boat,
2 without properly documented, we're taking your permit, and
3 you're not getting it back, and they were there for -- I don't
4 even know what to say about all that.

5
6 Gag grouper, it's been -- When I was a kid, it was killer, and
7 it's been on an even plane for a long time in our area. Ever
8 since Ian, everybody is catching lots of gags, and true blacks,
9 and we never caught true blacks in our area. I mean, one a
10 year, maybe, and, since then, lots of true blacks are being
11 caught, but my whole thing goes back, again, to blackballing and
12 harassment and no profit.

13
14 On the stone crabbing, if you don't -- Like I can't go lease
15 somebody else's crab tags, and I have to fish it myself. It's
16 illegal, and I can't even lease my brother's tags. If you don't
17 fish your stone crabs, if you don't make your 5,000, in three to
18 five years, you're done. You're out, and you have to get out,
19 in three to five years, and you're done. No more. Period.
20 However, the sharecroppers get to control us from here until the
21 end of time. Thank you.

22
23 **CHAIRMAN DIAZ:** Thank you. We have a question for you from Mr.
24 Geeslin.

25
26 **MR. GEESLIN:** Mr. Knepp, I applaud your courage in continuing to
27 address the council. Clearly, this retaliation, behavior,
28 blackballing, it's got to stop.

29
30 **MR. KNEPP:** I just got pulled over, a couple of weeks ago, in
31 the jetty, and it could have been a coincidence, again, but the
32 guy asked me, and he said, are you the guy on Albee Farm Road
33 that does the IFQ landings, and I said, yes, sir, I am, and he
34 said, they, and I don't know who they is, but they keep telling
35 me to come up and check you when you come in with fish, but,
36 every time they call, I've been too busy, and it's like -- I had
37 them follow me to a fish house and raid the fish house as soon
38 as I left, and it's nonstop, and I know somebody is kicking the
39 dogs, and I'm not a conspiracy theorist, but --

40
41 **MR. GEESLIN:** Mr. Knepp, were you able to see the adaptive catch
42 share presentation?

43
44 **MR. KNEPP:** Yes, and that's what we need. Like, with
45 sharecroppers, they own the land, and they guys don't own the
46 ocean. The American public owns it, as a whole, and not a
47 couple of guys, and, on top of that, another fisherman that was
48 at the meeting with me, who was also scared to come, he heard

1 one of the shareholders tell another one how he would like to
2 kill the one guy who was speaking now. Kill him. I know it was
3 a joke, but come on, man, you don't talk about killing people.
4 Something has got to change.

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

7
8 **MR. DUGAS:** I just want to say thank you for coming and speaking
9 your mind. I appreciate it.

10
11 **MR. KNEPP:** Thank you. My wife is nervous, and she was like, is
12 one of those guys going to kill you, and one of those guys wives
13 told me that, if he was going to keep speaking out, you had
14 better be right with Jesus, because these guys will kill you. I
15 haven't felt a threat with my life, but maybe I don't know who
16 I'm speaking against either.

17
18 **CHAIRMAN DIAZ:** All right. Thank you, Mr. Knepp. Next up is
19 Scott Hickman, followed by Jason Delacruz.

20
21 **MR. SCOTT HICKMAN:** Good afternoon, ladies and gentlemen of the
22 council and Chairman Diaz. Captain Scott Hickman, IFQ
23 shareholder, and I think the system is actually working really
24 well. I bought-in over ten years ago, and I made the
25 investment, and the system, for me, has been very, very good,
26 and you've just got to make the investment.

27
28 I'm also a federal charter/for-hire operator and a founding CFA
29 board member, and I support all of CFA's recommendations on gag
30 and greater amberjack that Dylan Hubbard read to you, and Jim
31 Green will give testimony to you in a little while.

32
33 I would like to thank Dale Diaz for being an outstanding chair,
34 and he's been a fair and balanced council member, and he's been
35 great to work with, very open, and you can always go to Dale
36 with issues, and he thinks about them, and he's been a very fair
37 council member. I would suggest that the rest of this council
38 always look to Dale as being very balanced, very approachable,
39 and, you know, currently, folks from the charter/for-hire
40 industry, the commercial industry, think the number-one thing
41 that threatens their existence, moving forward, is an unbalanced
42 council. Don't take that personal, because I like everybody
43 that sits around this table, but I don't think we have a
44 balanced council.

45
46 We should have equity and fairness for all of our user groups,
47 and that should be paramount, and do the right thing for the
48 resource. Please use the Texas rec quota for that harvest

1 happening in south Texas during the closed federal season. I
2 applaud these headboats for being very innovative, because many
3 of you know what I do, my fishery, and I think innovation is
4 important. We should be innovative to all of our approaches,
5 and that's the key to good management.

6
7 I want to revert back to something Dr. Bob Shipp said, about
8 twelve or thirteen years ago, when we were dealing with the idle
9 iron issue under the Obama administration, and they were pulling
10 out platforms out of the Gulf faster than we could look at them,
11 and Dr. Shipp said that the removal of these platforms could
12 result in stock declines, cause recreational and charter and
13 commercial issues, all those fish in the same spots, and overall
14 localized depletion, et cetera, and it looks like that chicken
15 has come home to roost.

16
17 The one thing that we have that looks great, from this BOEM
18 presentation today, is the idea of having hundreds and hundreds
19 and hundreds of new platforms in the Gulf of Mexico, and it
20 would be hugely beneficial to the fishers, the fishery, for
21 forage fish and recruitment, everything. The council should get
22 behind this, but, also, the council should make sure that the
23 stakeholders will be able to fish around these structures.
24 Spreading out effort would make a big difference in this
25 localized depletion issue.

26
27 The VMS on both of my boats work really well, and one of them is
28 about four years old. It's a triple-engine boat, and it goes
29 real fast, and I cruise at like thirty-five knots, and I fish a
30 lot, and I have no issues with it. The other one of my charter
31 boats is a Nemo, and that's one of the units that they were
32 talking about, and it's on the diesel boat, and it has worked
33 really good. I did get an email, like two ago, that the battery
34 is dead, and that's how good they are to let you know that it's
35 not working, and I had one of the captains go down and plug it
36 in, and so that's all I've got today, and I appreciate you all,
37 and I look forward to seeing you later.

38
39 **CHAIRMAN DIAZ:** Thank you, Captain Hickman. Next up is -- I'm
40 sorry. Mr. Dugas.

41
42 **MR. DUGAS:** Thank you. Scott, what's your opinion on amberjack,
43 east and west, regional?

44
45 **MR. HICKMAN:** It's a huge difference. You know, our fish are
46 hurt, and you've got to run a little further to catch them, and,
47 you know, once again, I will point at Billy Broussard, and I've
48 done a lot of research work out of central Louisiana, and the

1 amberjack biomass off of central Louisiana is like nothing in
2 the Gulf of Mexico. It's hard to sample snapper in more than
3 about 160 feet, because there are so many amberjacks. If we go
4 over to the other side of the river, they're in short supply.
5 They're undersized, and there's not a lot of them.

6
7 In some parts of Texas, in close, where we used to catch them in
8 fifty miles, those fish aren't there anymore. If you get around
9 Flower Garden Banks, those cutoffs out in those areas, we still
10 have a lot of nice amberjacks, and so, you know, we've had these
11 discussions before, and I believe that this is a good species to
12 look at for doing an east-west Gulf split.

13
14 I think that, you know, a biomass component would be very
15 helpful, and, you know, I heard the other day -- You know, I
16 listened, coming in here, and you had mentioned that, and I know
17 it's a tough thing to discuss with the council, but this is a
18 good species to test it out on, and you came up with regional
19 management for red snapper by the states, and this would be a
20 bigger regional-management-type thing, and I think I would help
21 with the rebuilding stocks of amberjack and recreational,
22 commercial, and charter/for-hire access.

23
24 **MR. DUGAS:** Thank you.

25
26 **CHAIRMAN DIAZ:** Thank you. Next up is Jason Delacruz, followed
27 by Joshua Ellender.

28
29 **MR. JASON DELACRUZ:** Real quick, first, I want to agree with
30 Charlie Renier. He's right about the gags, and I apologize,
31 Clay, and I've been hard on you, the last few years, about data
32 lags and when we get things done, from what we did with red
33 grouper, and now we're kind of doing the same thing with gags.
34 He's right that we've caught more gags, in the last couple of
35 years, than we have in a lot of years, and we are going to be in
36 the same place. We're going to have fish coming out of our
37 ears, with no quota, and it is what it is, and we've got to
38 figure out a better way to work that system.

39
40 Like him, I have a lot of gag, compared to a lot of people, and,
41 right now, my personal boats, just the boats that I own, and I
42 have like a 200-pound trip limit to get through the end of the
43 year, and there's going to be times when they're just going to
44 throw fish back.

45
46 We can manage our fish better, if you let us control it, and so,
47 when we start talking about season closures, on a commercial
48 fishery that's an IFQ, it kind of freaks me out, because I'm

1 like that kind of defeats the whole purpose, and let me let my
2 guys do their job, and be good at what they do, and try to avoid
3 them. We have had trips where we've had 6,000 or 7,000 pounds
4 of red grouper, and we have 200 pounds of gag, and so we can do
5 that very successfully, and so give us that opportunity, and
6 don't close the season and make me throw fish back.

7
8 When you roll that into the amberjack conversation,
9 unfortunately, this is a bycatch fishery, and I feel bad for
10 somebody who thinks they're going to directed fish for
11 amberjack, and I don't know how that's going to happen, because
12 we weren't able to get the rules changed before it happened, and
13 we just did it under an emergency rule, and so we have a
14 thousand-pound trip limit in the commercial fishery right now,
15 and that fishery will be closed the rest of the year, I
16 guarantee it, because I know guys that are going out and fishing
17 like crazy, and so that fishery has to become a bycatch fishery,
18 and I hope we go to this twelve-fish count, or whatever we do,
19 so that my guys aren't throwing fish back when they catch them,
20 and so that just doesn't make any sense.

21
22 Then, lastly, I am a VMS dealer, and I have been told that I am
23 one of the biggest VMS dealers, and so I keep everybody else's
24 VMSs working a lot, and there are some times where the VMSs
25 don't work right, and maybe I see it more because I'm a dealer,
26 and so you're very right on that, Susan, that that's becoming a
27 problem, and now, with the systems crossing over, I had one of
28 my fishermen that got a call today and said that he had a trip
29 in 2021 that did not have a three-hour notice and that he was
30 potentially going to get a thousand-dollar fine for a trip in
31 2021.

32
33 My wife, which is who I'm probably really speaking for today,
34 because she's reaching out about this, is trying to research it
35 backwards, and, if I remember it, we had an issue that the VMS
36 company -- That their system got screwed up, and it had to do
37 with a Google crossover, and the problem is we have to
38 understand that there are much more powerful players in this
39 game, when it comes to the stuff we're using with VMS, because
40 we use Google and things like that, and so security protocols
41 cause emails to stop working properly, and he's staring at a
42 thousand-dollar fine for nothing that he did wrong.

43
44 You know, we can show the track where we worked on it, but I
45 guess we need to either be a little quicker to talk about it,
46 when there's a problem, and I guess we must have new people in
47 that arena right now, and they're looking up stuff and then
48 getting back, because we're getting a lot of things that are

1 coming that are old, but that's a little worrisome.

2
3 Like it needs to be a little bit more timely or try to look at
4 the track record of what a guy is doing, and, if he's doing the
5 right thing -- I mean, this particular boat caught 66,000 pounds
6 of fish, on a rod-and-reel boat, and he had -- That was the only
7 problem he had that year, and it's like, hey, don't threaten him
8 with a fine, and let's try to work it out and figure out what
9 we're doing wrong or right, and so, anyway, thank you.

10
11 **CHAIRMAN DIAZ:** We've got a question for you. Go ahead, Mr.
12 Strelcheck.

13
14 **MR. STRELCHECK:** Thanks, Jason, for being here. I am curious,
15 and you, as a VMS dealer -- I mean, we've heard a lot of
16 comments today that commercial units, you know, have been in
17 place for quite some time, and they're working fairly well, and
18 now some are having some problems under the SEFHIER program.

19
20 Obviously, we did certify and type-approve new units when that
21 program came online, GPS units, but are you seeing any trends,
22 any certain units or companies, that are having problems, or
23 it's kind of across-the-board with these newer units?

24
25 **MR. DELACRUZ:** My trend is that I'm only a dealer for one, and
26 so I only see the CLS, and so it's kind of hard for me --
27 Because I said I don't want to be a dealer for -- But I really
28 need to express to you that it's like -- It is a weird thing,
29 where Google protocols change for emails, and it will screw it
30 up, and they didn't even know it.

31
32 I mean, I have two or three emails back and forth, where it was
33 like, hey, are you getting emails from this boat, and they say
34 yes, and then it's a myriad of problems. It can be that they're
35 getting them, but then you guys aren't getting them, and you
36 guys aren't getting them, and I'm getting them, and it's all
37 over the place, and so we're got to figure out some sort of -- I
38 don't want to say flexibility, but, I mean, he's not bad actor,
39 and you can see the bad actors, and let's focus on that, but, if
40 you have guys that are being compliant -- These guys, most of
41 these guys, don't do what I do.

42
43 They don't talk to you like I talk to you on a regular basis,
44 and so, when somebody threatens them with a fine, they freak
45 out. I mean, it's a stressful thing for them, and it's not as
46 big of a deal for us, because we're used to dealing with you,
47 and we know that everybody is trying to do the right thing, and
48 so -- But I have seen a little bit of problems with the other

1 CLS, the Nemo, but it's not been bad, and it's mostly been
2 battery issues, but my own personal charter boat, that I partner
3 on, they called us and said, hey, you missed a report, and it
4 was like four months, or five months, before, and could you fill
5 that out, and I'm like, okay, and so not a problem, but that's
6 just -- I don't know, and we've got to kind of work through
7 these things, and they're a little bit tricky.

8
9 **CHAIRMAN DIAZ:** Okay. Joshua Ellender and then Randy is on
10 deck. Go ahead, Mr. Ellender.

11
12 **MR. JOSHUA ELLENDER:** Good afternoon, ladies and gentlemen of
13 the Gulf Council and staff. Thank you for your time and effort
14 for continually trying to improve the fisheries of the Gulf of
15 Mexico. For those of you who don't know me, my name is Joshua
16 Ellender, and I own Ellender Charters and co-own and manage
17 Cocoa Charters, which operates out of Cocodrie, Louisiana. I
18 also serve on the Reef Fish and Coastal Migratory Advisory
19 Panels for the Gulf Council.

20
21 The first topic is greater amberjack, and, as you all know, it
22 has puzzled the council for many years of why it hasn't
23 rebounded. Since the inception of Amendment 1 in 1990,
24 regulations began on greater amberjack to reduce the overall
25 harvest.

26
27 Starting in the year 2000, and still to this day, the stock
28 status has been overfished, and it has been experiencing
29 overfishing. It seems, no matter what we do, the stock status
30 continues to decline. My recommendation is to try something
31 different. I recommend exploring the option of state management
32 for greater amberjack. This would help keep each state
33 accountable for their own fishery, which could help pinpoint
34 exactly where the overfishing is occurring.

35
36 Due to the extreme restraints coming forward in Amendment 54,
37 this could be a great time to start the process of state
38 management, and I would be happy to help with moving this
39 process forward.

40
41 Secondly, I would like to comment on the modifications to the
42 for-hire trip declarations. Data collection is vital to the
43 conservation of our fisheries, and I applaud everyone who has
44 been behind the design and implementation of a logbook process.
45 With that being said, sometimes we can overcomplicate things.
46 In my opinion, hailing-out to perform a charter makes sense.
47 This helps to validate fishing effort and what fish were removed
48 from our waters.

1
2 What doesn't make sense is hailing-out to move my boat a hundred
3 yards to fuel up. I have tried to think of different points of
4 view to justify this action, but I have found none, and so, with
5 this, I support Preferred Option 4.
6
7 As for the VMS units, we run the Nemo, and we currently haven't
8 had any issues, but we're still pretty new in our offshore
9 charter business.
10
11 Going off of what people said about sharks, they're horrible in
12 our area as well, inshore and offshore, and so I just agree with
13 everybody else, that something needs to happen there, but I do
14 thank you all for the time to speak today.
15
16 **CHAIRMAN DIAZ:** Thank you. We have a question for you from Mr.
17 Schieble.
18
19 **MR. SCHIEBLE:** Real quick, Captain Ellender, thank you for
20 coming down here today and talking to about this, and my only
21 question is, on the Reef Fish AP, one of the recommendations
22 that came out of there was for us to consider a full-retention
23 amberjack fishery, and how do you feel about that? Do you have
24 any opinion?
25
26 **MR. ELLENDER:** When we say full retention, can you define that
27 for me, if you don't mind?
28
29 **MR. SCHIEBLE:** I think it's to eliminate discards.
30
31 **MR. ELLENDER:** Okay. All right, and so I think you would
32 increase take, or speed up the take, if you do that, full
33 retention, and so could that have a negative effect on season
34 length, and then it turns into a derby season, potentially, and
35 I still think, if you separate -- If you go to regional
36 management, at a minimum, your fishermen will be fishing more of
37 the biomass, as J.D. has spoken to, and -- I don't know, and I
38 don't think that full retention is the way to go, just because I
39 think it will cause a derby-type scenario, which I think it's in
40 Magnuson-Stevens that that's not the way to go.
41
42 **CHAIRMAN DIAZ:** Thank you. We appreciate it.
43
44 **MR. SCHIEBLE:** Yes. Thank you. I appreciate it.
45
46 **CHAIRMAN DIAZ:** Next up is Randy Sobieraj.
47
48 **MR. RANDY SOBIERAJ:** How are you doing, council? My name is

1 Randy Sobieraj, owner and operator a fishing vessel out of
2 Leesville, Louisiana, or Dulac, Louisiana, and I guess I don't
3 have much to say about the fishery. I think you guys are well
4 aware of what is hurting and what is not, but I had once heard
5 that, if there's no kids in a fishery, or in an industry,
6 there's no future, and, if there's no future, there's no light,
7 and so I would like to ask ourselves, what we managing, if
8 there's no future in this industry? I would hope to be able to
9 get the same opportunities as my previous generation has, and
10 that's all I would ask for, or at least have some kind of
11 opportunities. Thank you.

12
13 **CHAIRMAN DIAZ:** Thank you. Next up is Doug Daigle, followed by
14 Eric Brazer.

15
16 **MR. DOUG DAIGLE:** Thanks. Hi. I'm Doug Daigle, and I am the
17 coordinator of the Louisiana Hypoxia Working Group, and also the
18 Lower Mississippi River Sub-Basin Committee, which is affiliated
19 with the Gulf of Mexico Hypoxia Taskforce, and I think most of
20 you are familiar with that effort, you know, the Gulf hypoxia
21 action plan, to try to reduce the dead zone in the Gulf, and
22 it's been underway for over twenty years, and the involvement of
23 the fishing industry and the council has been, you know -- It's
24 come and gone, but I want to encourage you to become more
25 engaged in it.

26
27 The timing is good, because the action plan has some key
28 milestones that are coming up, and we have a new farm bill
29 that's going to be put together in Congress this year, and the
30 farm bill is one of the key tools to alleviate the problem that
31 is causing the low oxygen in the Gulf, which is nutrient loading
32 from the Mississippi/Atchafalaya River Basin.

33
34 As an invitation and step towards some further engagement, I am
35 submitting you all a draft resolution to consider, you know,
36 about expressing support for the action plan, but, in the
37 process of doing that, you know, I would invite you to learn
38 more about it and engage more with that taskforce, for the
39 council to do that, and so, going forward, I hope we can work on
40 that together, and I'm happy to answer any questions.

41
42 **CHAIRMAN DIAZ:** Okay. Any questions? Mr. Anson.

43
44 **MR. ANSON:** Thank you for coming, by the way. I may not be
45 getting the right emails, and certainly I don't go out of my way
46 to try to find the data, but I'm just curious, and I've not seen
47 much information, like I did five or seven years ago, where it
48 seemed to be a lot of press releases on annual estimates of the

1 area of coverage, and I am just curious, in the last several
2 years, relative to five or ten years ago, and, you know, what is
3 the size, relative size, of the hypoxic zone?
4

5 **MR. DAIGLE:** Well, it fluctuates, and things like hurricanes,
6 you know, can lead to a smaller size, and, because it's
7 fluctuating, when they do that cruise every year, that gives
8 them a snapshot, but it's just that, and so, last year, it was a
9 little smaller than they expected, because there was a storm of
10 fronts, and, of course, this year, the river has been low,
11 unlike some previous years, and so, anyway, long story short,
12 the trend is one of growth, but, you know, the action plan is
13 trying to reach an average size that's smaller, and so that's --
14

15 **MR. ANSON:** Thank you.
16

17 **MR. DAIGLE:** Thanks.
18

19 **CHAIRMAN DIAZ:** Thank you, sir. Next is Eric Brazer, followed
20 by David Walker.
21

22 **MR. ERIC BRAZER:** Thank you very much, Mr. Chair and council.
23 My name is Eric Brazer, Deputy Director of the Gulf of Mexico
24 Reef Fish Shareholders Alliance. Thank you for the chance to
25 speak, and I'm going to speak quickly, so I can stay within my
26 allotted time.
27

28 First off, on triggerfish, we support the preferred alternative
29 of going from sixteen to twenty-five fish. Thank you, guys, for
30 providing the opportunity to the commercial sector to harvest
31 its quota.
32

33 On amberjacks, like a lot of the guys that came before me, we're
34 concerned that this has somehow gone from a greater amberjack
35 document to a multispecies jacks document without your explicit
36 direction, and so, if the problem is identification, the
37 solution isn't to lump everything together into one document,
38 and it's turn Emily and Carly lose and let them do what they're
39 best at, and so you guys got it.
40

41 Commercial logbooks, we support it, and it's a long time coming,
42 and we're concerned about the rollout and the implementation.
43 We're going to look at voluntary testing, but, the more we can
44 hear from the agency on operations and technical support,
45 trainings, things like that, the better the compliance and the
46 better the data.
47

48 On allocations, if you're going to look at allocations, please

1 do it holistically. Look at allocations, look at reallocations,
2 look at de facto reallocations, and, quite frankly, you should
3 look at landings and discards, when it comes to allocations, as
4 well. If you're going to do this, do it right, and look at the
5 whole thing.

6
7 IFQs, speaking of comprehensive and deliberate and holistic, for
8 the IFQ system, we support the process that you're developing to
9 come together and identify goals and objectives. Some folks
10 want to jump right in and develop alternatives, but, as we've
11 said for a while, how can you build-out the solution if you
12 can't agree on the problem and the goals and objectives of any
13 changes you may want to make, and so we support this process.

14
15 Finally, in my last minute, most of you are familiar with the
16 reef fish quota bank, and it's a program that we built almost
17 ten years ago to help get red snapper allocation into the hands
18 of fishermen that need it for discards and next-generation
19 commercial fishermen.

20
21 I just wanted to give you a quick update. We just kicked off
22 our ninth year of operation, and we got a loan, a couple of
23 years ago, and we bought 1 percent red snapper shares, plus we
24 have a few thousand pounds that we lease out, and so we lease
25 out about 70,000 pounds every year.

26
27 In Quarter 1, right now, we're working with fifteen fishermen
28 across ten communities, from Texas to Louisiana to Fort Myers,
29 and we accept applications on a rolling basis, but they are
30 approved quarterly, and so the next opportunity to access
31 allocation is going to be in Quarter 2, and I'm happy to talk
32 with any of you guys in more detail this week, and I'm hoping
33 that you can help me spread the word.

34
35 The last thing on this, in my last fifteen seconds, is one of
36 the problems we're hearing is that, when IFQ shares become
37 available, the chunks are too large, and they get bought-up too
38 quickly, before some of the smaller operators can pull together
39 the capital. I really want to thank Maria Star, and the agency,
40 for their work to make the finance program more accessible, and
41 I am really wrapping up, Mr. Chair, but we're trying to come up
42 with a stop-gap.

43
44 We were approached by a commercial fisherman who is selling some
45 of his shares, and we're partnering with him to take those
46 shares and break them up into smaller chunks and get them out to
47 some of the smaller operations. We already have a few folks
48 interested to buy those shares, and I'm out of time, and so I'm

1 happy to talk with you guys more later, offline, and please help
2 me spread the word, and we're trying to get these shares,
3 smaller chunks, into the hands of the smaller operators, and
4 thank you, council staff, for getting the Ecosystem Technical
5 Committee up and running and meeting in April. Thank you.

6
7 **CHAIRMAN DIAZ:** Thank you. I appreciate your testimony. All
8 right. Next up, we have Captain David Walker, an ex-council
9 member. Thank you for coming to join us, Captain Walker.

10
11 **MR. DAVID WALKER:** Thank you. Thank you for the opportunity,
12 and happy new year to everyone that I haven't seen so far this
13 year. I began fishing in 1975, and I was twelve years old, and
14 my dad took me reef fishing, and I caught a twenty-five-pound
15 gag grouper, and I was hooked, you know, and so, in 1984, I
16 began commercial fishing, and I have loved it.

17
18 Like I said, my name is David Walker, from Alabama, commercial
19 fisherman, and I would like to begin with Dr. Bob Shipp had
20 mentioned about sharks, and I would just like to echo a lot of
21 what he said, and one thing that I'm not sure that all you
22 council members know about is your boat runs seven or eight
23 knots, and a shark finds you, and then you move, and they follow
24 you. You run an hour or two, and the sharks just swim behind
25 you, and you might get it down, and then you have to move again,
26 and so I'm just echoing a lot of what you're hearing, and they
27 are a problem, and so I would like to bring that up.

28
29 Triggerfish, I would like -- I do support the twenty-five-fish
30 bag limit, and I've heard a lot of testimony about electronic
31 logbooks for the commercial fishery, and that would be something
32 that we would welcome, and it could expedite getting the data
33 in.

34
35 It was mentioned of the platforms, and I can remember, at one
36 time, there were so many platforms off of Louisiana that it was
37 running the gauntlet. You had to avoid the rigs, and then you
38 had to avoid the cans with the lines hanging off of it, and they
39 have diminished, and I would hope to see some of these rigs go
40 into reefs in the future, and I'm just keeping it kind of short
41 today, but it's good to see you all. Thank you.

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

45
46 **MR. DUGAS:** Thank you, Mr. Walker. With your past on the
47 council, and you talked about sharks, and do you have a
48 recommendation for us today of a path forward that we should try

1 to go down and work on with the shark issues?
2

3 **MR. WALKER:** I certainly think it's something that we need to
4 explore. I mean, it's gotten worse, and I have noticed, in her
5 testimony, and some other folks, that, since the BP oil spill,
6 it seems like it's -- I don't know if it's the fish that they
7 normally feed on, or the abundance is more of sharks, or a
8 combination of everything, but I think it's something that we
9 need to explore, to maybe open it up and target some of these
10 fish, and, you know, we all hear about rebuilding the reef fish,
11 and so we've got to find some kind of balance in there somewhere
12 about, you know, giving the sharks some balance with the
13 snapper. Everyone here enjoys catching snapper.
14

15 **CHAIRMAN DIAZ:** Thank you, Mr. Walker. Just to make sure, for
16 folks that are online, and just to make a point that the council
17 does not manage sharks, and so they're strictly managed by the
18 Highly Migratory Species Division, and we can write letters and
19 provide comments and such, but we do not have direct management
20 responsibility. All right. Next up is Captain Green, and then
21 Sean Heverin is on deck.
22

23 **MR. JIM GREEN:** Good afternoon, Chairman and council. Jim
24 Green, and I'm the President of the Destin Charter Boat
25 Association, and I'm President of the Charter Fishermen's
26 Association, and I'm speaking on behalf of both organizations
27 today.
28

29 Gag grouper, I defer to Dylan. Dylan did an excellent job
30 explaining our stance on it. Action 1, Alternative 2d, Action
31 2, Alternative 2, with a September opening.
32

33 Jacks, you've all been beat over the head with the jack complex
34 thing today, and so I'm going to add to it that, you know, I
35 understand the intent, but it's definitely -- We don't need to
36 inject other fish into another attempt to manage the greater
37 amberjack.
38

39 Emily has done a great job, and I was like, hey, Emily, you
40 should do a blog post on misidentification of jacks, and she did
41 one last week, and so using that, and the pictures that she had
42 from that document, and putting it on the Fish Rules app -- It's
43 great to read that thing, but I fish 250 days out of the year,
44 and I look at that app a lot, for the questions from other
45 fishermen too, and so putting it on there and having it onboard
46 for people to use is a great idea. DCBA and CFA support Action
47 1, Alternative 3, and we strongly urge the Considered but
48 Rejected, pertaining to the jack complex being involved in the

1 document.

2

3 The trip declarations, please take final action, and we
4 appreciate it. This will help relieve the burden on some
5 fishermen that work hard to stay compliant.

6

7 The permit swapping in Texas, generally, the biggest concern for
8 our industry is what allocation is being affected by this. If
9 they're a state boat, it comes off the state. If they're a for-
10 hire, and they're compliant with SEFHIER, then you take it off
11 the federal, but they're following permit policy, and, you know,
12 I wouldn't call it a loophole. I would call it a business plan,
13 and we shouldn't just go changing it up just because you don't
14 like that. If you do, then there's a path for that at the
15 permit policy department.

16

17 I'm going to close with sector separation. In August of last
18 year, the Gulf Council passed a scoping document, to flesh out a
19 scoping document, and I know that there is a lot going on, but
20 there's always a lot going on at this Gulf Council, and so, if
21 we at least get it somewhere on the schedule in the future, and
22 know that we're pushing forward with that, and give our industry
23 the opportunity to manage these fish, similar to what we did in
24 Amendment 40 -- You know, in Amendment 40, we took an
25 allocation, and we fished within it. We were sustainable, and
26 we were accountable, and we got more days over that, and we're
27 easily identified as a sector.

28

29 You know, we've got permits, and we represent a lot of fishing
30 effort on the recreational side, and we should have the
31 opportunity to take the fish that we catch for those anglers and
32 be able to apply a system that has proved to be accountable and
33 sustainable and, most important for our business model, stable,
34 and so I really appreciate it. I'm out of time, but I was going
35 to speak to sharks, but thank you for the opportunity today.

36

37 **CHAIRMAN DIAZ:** Ms. Boggs.

38

39 **MS. BOGGS:** Captain Green, what are you seeing with the shark
40 population?

41

42 **MR. GREEN:** Thank you for that. I picked that up from other
43 people that are way better at this than me. I'm not the
44 sharpest, but I pay attention, but, like everybody said, we're
45 seeing an explosion.

46

47 When it comes to sharks, I think, you know, where we lose this,
48 and I understand that we don't manage them, but, just speaking

1 in general terms, you know, I heard Andy, or somebody way
2 smarter than me, say that we were talking like a fifty or sixty
3 or a hundred-year timeline to rebuild them, or something like
4 that, and that's not realistic to us.

5
6 We see the sandbar shark, the ridgeback sandbar shark, has
7 exploded, and why don't you take what's going on with those and
8 then model your metrics for management of sharks off of that,
9 because they have come back tenfold, and, you know, these are
10 apex predators, the mammals and the sharks, and they don't have
11 -- You know, they don't have very many natural predators, and
12 they are exploding, and it's dangerous, in many different ways,
13 and so I would urge the council to write a letter to whoever is
14 the regulatory body of this and start thinking about revising
15 these rebuilding timelines and make it something that is
16 actually measurable.

17
18 We're not going to get back to the Cretaceous period, you know,
19 and it's just not going to happen, but we need to find something
20 that is stable for them and can coexist with us, and I
21 appreciate the question, Ms. Boggs. I have a SkyMate, and it's
22 awesome.

23
24 **CHAIRMAN DIAZ:** All right. Sean Heverin, followed by Mike
25 Jennings.

26
27 **MR. SEAN HEVERIN:** My name is Sean Heverin, and I currently live
28 in Madeira Beach, but I fish in Louisiana and the South
29 Atlantic. I have longlined, bandit fished, rod-and-reel, and
30 I'm currently a fish dealer, and I own three longline boats.

31
32 One of the most important topics I think that needs that be
33 addressed is sharks, and I'm urging the council to maybe get
34 some kind of joint partnership with the HMS council, that
35 manages the shark fishery, to work together in the Gulf to
36 develop a solution. Sharks are great bait, and why don't we
37 harvest some sharks to recycle back into our fishery and use on
38 -- Whether they're longline boats or stone crabbers or blue
39 crabbers, and, you know, we could give business to a lot of fish
40 houses and bait dealers along the Gulf coast, by letting them
41 harvest sharks and then resell them back to the fishermen that
42 are operating out of their docks.

43
44 I support the triggerfish increase that you guys are talking
45 about. As a fisherman in Louisiana, and I've only fished there
46 for about five years, and I did notice a big change in the
47 removal of the oil rigs and structure, and it's definitely
48 affected the habitat of amberjacks, and the kingfish population,

1 because we don't have as many different rigs to support the bait
2 where the kingfish migrate through. I think that adding these
3 wind platforms and allowing the fishermen to fish near the
4 platforms would be very positive, not only for the commercial
5 sector, but recreational charters, and it would bring business
6 to the State of Louisiana and Texas and Alabama, and so I think
7 that's important.

8
9 Other than that, I mean, on the VMS thing, I mean, at the end of
10 the day, the VMS, they work fine, and you can login and set it
11 up and hail-out and hail-in, but it's an electronic device, and
12 all electronic devices and programs break. I was sitting at the
13 table here trying to do six landings earlier today, for boats
14 that are offloading in Madeira Beach, and, right now, my dealer
15 account is messed up, and so I have to manually submit my
16 landings, and then somebody has to put that stuff in, and so
17 every electronic device, or program, is going to have errors,
18 and there is problems, and so, you know, just kind of work with
19 us, and we're trying to do the right things.

20
21 I came from the South Atlantic fishery, and I have a lot of
22 friends that are still over there, and there's a lot of outlaws
23 without the VMS system, and so, overall, I think the VMS are
24 kind of keeping everybody in-check, and everybody is kind of
25 trying to do the right thing with them, but it's an electronic
26 device, and there are going to be problems with them. I don't
27 want to keep you guys any longer. Have a nice day.

28
29 **CHAIRMAN DIAZ:** Thank you. Next up is Mike Jennings, followed
30 by Richard Fischer.

31
32 **MR. MIKE JENNINGS:** Good afternoon, council and Chairman. Thank
33 you for having me today. My name is Mike Jennings, and I own
34 two federally-permitted charter boats and one reef fish and
35 mackerel commercial boat in Freeport, Texas. I am the President
36 of the Gulf Fisheries Research Foundation, and I'm also a
37 certified installer and a distributor for CLS America VMS
38 products.

39
40 Real quickly, I want to touch on -- It's been talked about
41 several times, but on the gag groupers, just to the point that I
42 support, in Action 1, Alternative 2d, and, in Action 2,
43 Alternative 2, a September 1 opening, on amberjacks. Also, a
44 September 1 opening is what I support on that.

45
46 I want to ask the council, real quickly, to continue moving
47 forward, on the commercial side, with our logbooks and the
48 discussion about the electronic logbooks, and I believe,

1 personally, that it would make my life a whole lot easier. I
2 have had, also, some issues with the logbook office losing
3 logbooks, one of six, when they were all six in the same
4 envelope, and so that kind of stuff gets irritating.

5
6 My main point today is talking about the boats in south Texas
7 and these permits, and that model of fishing that wintertime
8 fishery was a model for all of us prior to the rule of 30B, and
9 we can argue the merits of that or otherwise, and that's not my
10 point today, but the point is that those boats down there, in my
11 opinion, they are following the federal regulation.

12
13 That's a lot of hoops for them to jump through, and I applaud
14 them. It works for them, but the problem with it is that we're
15 seeing those fish being reported as landings on the charter/for-
16 hire allocation, and those are two separate allocations. To me,
17 that's a reporting issue within the agency, and I have no doubt
18 whatsoever that, when we sit back and look at this, they
19 obviously don't have a permit on them, and they're obviously
20 within state waters, and the federal season is closed. Not only
21 that, but they're jumping through hoops, and, of their own
22 accord, going above and beyond, by reporting those fish on their
23 reporting devices that they're not even required to do so by
24 regulation.

25
26 It's something that we can take and see those three facts and
27 say, well, okay, those are fish that are being caught in state
28 waters, and they come off of this allocation and not this
29 allocation, and I think that's a simple fix, without going in
30 and attempting to crush someone's business model, simply because
31 they're doing everything correctly, but we don't like it, and I
32 applaud them, and I hope you all can find an easy fix for that,
33 without major regulatory changes, and I believe that's it for
34 today, and I appreciate it.

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

37
38 **MS. BOGGS:** You're not going to believe this, but tell me about
39 king mackerel. What do you see? You commercial fish for king
40 mackerel, and we've had a lot of discussion, and I know we've
41 already passed the document, but I want to keep a pulse on it.

42
43 **MR. JENNINGS:** So I hear people talking about this app today,
44 and I use the fish app on the commercial and the recreational
45 side daily, and, on my last trip, between -- A commercial trip,
46 and it was between Christmas and New Year's, and I pulled it up,
47 and now I forget, and I think it was twenty -- It was less than
48 30 percent of the king mackerel allocation was caught in the

1 western Gulf of Mexico.

2
3 I can tell you right now, when we can't even catch barely over a
4 quarter of our king mackerel allocation in the western zone,
5 we're in trouble, and we saw a few spurts during the summertime
6 of king mackerel that would show up on some bottom, historical
7 bottom, and it would come in every year, and you would roll in
8 there, and you would catch a limit in fifteen minutes, and
9 you're like, finally, they're here, and they're just late, and
10 you go out two days later and you catch one.

11
12 It was just -- It was the strangest thing, but our king mackerel
13 numbers are in trouble, whether it's water quality or
14 temperature of the water or, you know, cyclical migrations, and
15 that's for someone smarter than me to work that one out, but
16 we're lacking a lot of our king mackerel in the zone that I fish
17 in. Just a few years ago, and for most of fishing career, you
18 just tripped over them. Thank you.

19
20 **CHAIRMAN DIAZ:** Thank you. Richard Fischer, followed by Buddy
21 Guindon.

22
23 **MR. RICHARD FISCHER:** Good afternoon, Mr. Chair and members of
24 the council. Thank you all for allowing me to speak. Richard
25 Fischer, representing the Louisiana Charter Boat Association and
26 the offshore fleet here in Louisiana. Welcome back to
27 Louisiana. I wish we had better weather for you all. Who
28 knows, and maybe the sun will come out tomorrow, and let's cross
29 our fingers.

30
31 Thank you all so much for what you all are doing on logbooks and
32 giving our guys a little bit more time and not have to worry
33 about multiple hail-outs, and so thank you all for the preferred
34 alternative. We support it, and we hope that you all go ahead
35 and finalize it and pass it tomorrow.

36
37 Ms. Boggs, I want to thank you, and I appreciate you for what
38 you said about what's been going on, and I'm sorry that's been
39 happening to you on the logbook front, and, you know, it's,
40 unfortunately, been a reality of the program, and I've heard a
41 lot of similar things in Louisiana, from a lot of our guys, but,
42 also, I do want to thank Mr. Strelcheck for the comments that
43 you made about NOAA Fisheries looking into the problems and
44 fixing those problems, and I also do want to give a shoutout to
45 Dr. Michelle Masi, who has been great, from an outreach
46 perspective, from a communication perspective, from a hands-on
47 perspective, working with captains individually and helping
48 solve their problems.

1
2 In fact, she was on the phone with one of our captains just last
3 week, to straighten out one of those issues, and so, you know,
4 despite a lot of the complaints that you all have heard from me
5 over the years, we do want to shoutout the good things and the
6 help that we've gotten on that program.

7
8 I want to switch gears to amberjack now, and let's talk a little
9 state management. You know, two meetings ago, over in Corpus
10 Christi, Texas, there was a motion that was put up, and passed,
11 to go ahead and look into state management for amberjack, and
12 we're two meetings later, and it's still on the action guide,
13 and we're wondering if we should rename it the inaction guide,
14 because it's still pretty far down the list, and so I would like
15 to see a motion tomorrow, if it's the appropriate thing for you
16 guys to do, and I'm not sure what the protocols are, but to go
17 ahead and see if we can move it up to a higher rung on the
18 action guide and actually go ahead and hopefully have a document
19 ready for the next meeting, or the meeting after, and get things
20 rolling for amberjack state management, and, of course, we would
21 like to see if the states would have the option to go ahead and
22 manage their charter boats in that system, and so that's
23 something that we would, of course, support, and we hope it's
24 something that you all go ahead and consider here, moving
25 forward here, pretty quickly.

26
27 That's really all I have, and the last thing I wanted to say is
28 I wanted to thank you, Mr. Chair, for the shoutout for my dad
29 yesterday, and that was really awesome, and really appreciated,
30 and it meant a lot to us, and I am happy to take any questions.
31 Thank you all for the time.

32
33 **CHAIRMAN DIAZ:** We appreciate your dad's service on this
34 council, and he's a very good scientist, and so he's very much
35 missed. Any questions? All right. Thank you very much.

36
37 **MR. FISCHER:** Thank you, all.

38
39 **CHAIRMAN DIAZ:** Buddy Guindon, and then Jay Mullins is on deck.

40
41 **MR. BUDDY GUINDON:** I am only up here because Bob Gill forced me
42 up here. He sent me a text, and I guess I want you to know that
43 I've been fishing lately, and I had a couple of really good
44 trips down there in Dr. Stunz's area, and there's some good
45 fishing down there, and I am going to help clean that up for
46 you. I'm going next week.

47
48 We have a movement, in committee, in the Reef Fish Committee, to

1 talk about maybe advancing the five-year red snapper review, and
2 maybe accomplishing some things and putting it to rest, and I'm
3 sixty-seven. If it takes another ten years, I may not be here
4 to see it, and so I hope you really do that. I hope you get
5 ahold of it, and let's work through whatever issues there are,
6 that are perceived issues or real issues, and give it some due
7 diligence. Give it some hard work. Give it some thought, and
8 represent the people that are here speaking to you.

9
10 I loved what Mr. Dyskow said about let's just let the noise go
11 away from the outside. The people that came into a management
12 system that was already in place are here making a lot of noise,
13 and they're not involving themselves in the rules that you set
14 when you put this management system in place, or they would be
15 out buying shares and involving themselves with getting in this
16 business, and they're looking to you to give them something for
17 free, and there is enough of that going on in this country. If
18 we just let people earn --

19
20 I would love to see you do something with amberjacks. It's been
21 going the wrong way for a long time. There's been many years of
22 management, and it might be the fact that you keep making the
23 fish bigger, and maybe we should start making them smaller, and,
24 if you want to really, really improve the stock of fish in the
25 Gulf of Mexico, put the commercial fishery on a full retention
26 fishery, so we stop wasting fish because we don't want to
27 participate, because we're mad that we don't get any quota.
28 It's the best thing for the fishery. Let's work on that baby
29 first, and let's see where it lands.

30
31 You guys are doing a great job, and keep it up and move things
32 forward. I know that Mr. Dyskow would like to see some things
33 move forward. He's a businessman, and it probably drags him
34 down to be here a little bit, but thanks for your time.

35
36 **CHAIRMAN DIAZ:** Thank you, Captain Guindon. All right. Next up
37 is Jay Mullins. Mr. Mullins, are you there?

38
39 **MR. JAY MULLINS:** Good afternoon. Thank you for having me. My
40 wife left out of town, and so I've got the daddy duties. I want
41 to speak on the gags a little bit. We consistently run behind
42 on our data, and I don't feel like our data is very complete.
43 We do a lot of hook-and-line, or vertical, data, when we look at
44 a stock assessment, instead of doing a longline.

45
46 Instead of using a longline, to see the full reef composition,
47 and I know everybody is doing their best with the data they've
48 got, and I respect that, but it still seems to be a snapshot, or

1 one frame, out of a whole reel, and so I would like to see, at
2 sometime in the future, that maybe we could incorporate
3 longlines, the longlines to do stock assessments, instead of
4 running old data like that.

5
6 In saying that, we're looking at a 2019 stock assessment, and
7 all of us active fishermen know that we're moving into a new
8 cycle of fish, and that's where the adaptive catch share program
9 would make strides forward for helping NOAA keep up, in real
10 time, with what's actually going on on the water. It sounds
11 like a great management tool, and we could stay real time with
12 how the fish stocks are responding, not to mention that it would
13 give new entrants a chance to get their feet wet.

14
15 Anybody that has been in this from the beginning of the catch
16 share program got paid handsomely from BP, and we didn't have to
17 buy nothing, and it was given as a gift, you know, a right to
18 fish, and it was a great idea about going out and buying
19 something.

20
21 Well, Jim Zurbrick asked me why I didn't go out and buy red
22 grouper, whatever year it was, when it was down there at \$6.00,
23 or \$4.00, a pound. It's kind of hard to go buy something when I
24 just lost forty-some-thousand pounds of red grouper, you know,
25 because our stocks are in bad shape, and then not to mention the
26 80 percent reduction of gags last year, and, in my eyes, that
27 doesn't fit for a strong business model, to sink your money into
28 a dying ship.

29
30 Most off, I really want to say about our fish, and our stocks
31 are not in good shape. Do I agree with the numbers and
32 percentage of males with the gags? No, and I think it's
33 incomplete, but the size composition definitely dictates that
34 all of our stocks in the eastern Gulf are in bad shape.

35
36 A mutton stock assessment is coming up, and our muttons are in
37 bad shape, and all of our stocks are not doing well, and what I
38 am asking the council to look at -- We're all going to eat crow,
39 like Ms. Boggs said, and we need to have a full reef fish
40 closure during the spawn.

41
42 We're not going to like it, and we didn't like it back in 2000,
43 but, boy oh boy, the greatness that we've seen, when it got
44 opened back up in 2010, was like no other. I am asking the
45 council to look heavily into weighing not just the gag, or a
46 certain type, so we shift -- What I don't want to see is one
47 complex get shut down so that we shift all the effort to another
48 species. I'm asking that the council would look at a full reef

1 fish closure. Thank you very much.

2
3 **CHAIRMAN DIAZ:** Mr. Mullins, we appreciate your testimony. All
4 right. I believe that's everybody that we had virtually and in-
5 person, and did we miss anybody? Did anybody sign-up and did
6 not get a chance to be heard that signed-up? I am not seeing
7 anybody raising their hands. All right, and so it's ten minutes
8 to five. Dr. Simmons had something she wanted to say. Dr.
9 Simmons.

10
11 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair, and so I
12 wanted to just say a few things about you, Chairman Diaz, since
13 this is your last council meeting as the Chair, about your
14 leadership, and so it's been truly a pleasure to have you at the
15 helm.

16
17 Your rich history in the Gulf of Mexico fisheries have made you
18 an incredible and thoughtful and confident leader on the
19 council. Dale spent his entire career working with the marine
20 resources of the Gulf of Mexico. He retired as the Director at
21 the Office of Marine Fisheries for the Mississippi Department of
22 Marine Resources in 2013.

23
24 During his career, he worked as an owner and captain of a fifty-
25 two-foot commercial shrimp and oyster vessel, as a marine law
26 enforcement officer, as a fisheries scientist, and as a
27 fisheries administrator. We are honored to have worked with
28 Dale since 2011. He served as the Vice Chairman from 2018
29 through 2021, and then he became the Chair in 2021.

30
31 During his tenure with the council, he has also served as the
32 Chair of Habitat, Sustainable Fisheries, Law Enforcement,
33 Shrimp, Red Drum, Personnel, and the Ad Hoc Restoration
34 Committees. In your leadership role, you have helped council
35 staff with difficult employment issues and the return to office
36 after the COVID-19 pandemic. We look forward to your continued
37 service and future contributions on the council, but we wanted
38 to thank you for your service as the Chair and Vice Chair.

39
40 **CHAIRMAN DIAZ:** Thank you, Dr. Simmons, for those kind words,
41 and, while I'm just stepping aside out of leadership, I will say
42 that leadership, for this council, is fairly easy, because we
43 have such great staff, and I have to commend you and Dr.
44 Froeschke and the rest of the staff.

45
46 We've got a hardworking staff, and you see people talking about
47 they want things to come up quicker, and the staff is working
48 full steam ahead, and I just can't say enough about the hard

1 work of the staff and how good of a job that you all do every
2 single meeting, and so I appreciate that, and so, with that,
3 that's enough of that for one day, and we're going to call it a
4 day, and I appreciate everything, and we are going to start up
5 at 8:00 a.m. in the morning, and we're going to start working
6 down our agenda, in order. Thank you.

7
8 (Whereupon, the meeting recessed on February 1, 2023.)
9

10 - - -

11
12 February 2, 2023

13
14 THURSDAY MORNING SESSION
15

16 - - -
17

18 The Full Council of the Gulf of Mexico Fishery Management
19 Council reconvened at the Hilton Baton Rouge in Baton Rouge,
20 Louisiana on Thursday morning, February 2, 2023, and was called
21 to order by Chairman Dale Diaz.
22

23 **CHAIRMAN DIAZ:** Good morning, everyone. I would like to welcome
24 folks back to the final day of the Gulf of Mexico Fishery
25 Management Council meeting, and we're going to jump right into
26 our committee reports this morning, and we're going to start off
27 -- We're going to follow the agenda just as it's written and
28 work our way down the agenda, and we're going to start first
29 with the Administrative/Budget Committee and General Spraggins.
30

31 **COMMITTEE REPORTS**

32 **ADMINISTRATIVE/BUDGET COMMITTEE REPORT**
33

34 **GENERAL SPRAGGINS:** Good morning, Mr. Chairman. The
35 Administrative/Budget Committee report from January 30, 2023,
36 and I'm the Chair, Joe Spraggins, and the committee adopted the
37 agenda, Tab G, Number 1, after adding a discussion about public
38 comment under Other Business. The minutes of the August 2022
39 meeting were approved as written, Tab G, Number 2.
40

41 We reviewed and discussed the proposed modifications to the
42 council's Statement of Organization Practices and Procedures,
43 the SOPPs, Tab G, Numbers 4(a) and (c). Committee members
44 provided suggestions to clarify specific verbiage in the
45 antiharassment policy for process participants, Tab G, Number
46 4(a).
47

48 A committee member suggested that the council reiterate that the

1 policy is intended to cover all participants, including members
2 of the public. The NMFS representative spoke to encourage the
3 reporting of any case of harassment to NMFS, as it has multiple
4 resources in order to support various situations.

5
6 Discussion about the frequency of members' participation in
7 training resulted in the recommendation that the following
8 policy and verbiage be included in the SOPPs as the last
9 paragraph in Section 4.8.

10
11 **The committee recommends, and I so move, that antiharassment**
12 **training should be completed at the time of appointment or**
13 **reappointment of council members, SSC members, and AP members.**
14 **State directors and their designees should complete**
15 **antiharassment training every three years and at the time of**
16 **appointment.** That motion carried with no opposition.

17
18 The committee recommends, and I so move, that the council
19 approve the modifications to Sections 4.8, and 4.8.1 of the
20 council SOPPs.

21
22 **CHAIRMAN DIAZ:** Okay, and so we basically have two motions right
23 now that we're dealing with, and so the first motion, that
24 antiharassment training should be completed at the time of
25 appointment or reappointment of the council members, SSC
26 members, and AP members. State directors and their designees
27 should complete antiharassment training every three years and at
28 the time of appointment. Is there any discussion on that
29 motion? Mr. Anson.

30
31 **MR. ANSON:** Just so it's clear, I mean, "should be completed" is
32 not an absolute, and so I just wanted to bring that up, and
33 then, also, in regard to, you know, documentation, I guess, is
34 the intent, at least at this time, for the state directors, and
35 designees, to be providing documentation that they have
36 completed their state training? I just wanted to ask.

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

39
40 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair, and so my
41 understanding is that the state folks would be completing the
42 same training that we're asking the other council members to,
43 and, at that time, I think there's like a certificate of
44 completion that we would get from that member.

45
46 **CHAIRMAN DIAZ:** Mr. Gill.

47
48 **MR. GILL:** Thank you, Mr. Chairman. Just a point of clarity.

1 In the written description, it says that the policy is intended
2 to cover all participants, and should we not add "except for
3 council staff", to clarify that they're going to be under a
4 separate policy?

5
6 **CHAIRMAN DIAZ:** Dr. Simmons.

7
8 **EXECUTIVE DIRECTOR SIMMONS:** I don't know, and we can have
9 Bernie bring up the policy, but I thought we did that in the
10 draft, and so Tab G, Number 4(a).

11
12 **MR. GILL:** Where I was coming from was that, yes, the policy we
13 discussed and approved was for everybody but council staff, and
14 a separate policy was coming for council staff, and you made it
15 quite clear, during the meeting, that was the case, but, here,
16 it suggests that it's everybody, and I'm just suggesting that
17 maybe clarity would help, if we make that separation.

18
19 **EXECUTIVE DIRECTOR SIMMONS:** Bernie, could you just pull up the
20 draft changes to Tab G, Number 4(a), and so that particular
21 section on the training is just one tiny piece of the whole
22 antiharassment policy in the SOPPs, which addresses council
23 process participants, and then we have a link to our handbook
24 for council employees. I don't -- If you think that's not
25 explicit, I'm open to suggestions.

26
27 **CHAIRMAN DIAZ:** Did you have something on this, General
28 Spraggins?

29
30 **GENERAL SPRAGGINS:** No, and I think she answered it, but, you
31 know, one of the reasons that -- I don't think they can direct
32 state directors to take it. I think that the directors -- You
33 know, the states do that, but I think, for all of us -- I don't
34 think anybody on this council has a problem trying to take it,
35 but I don't think, by law, that you can direct it.

36
37 **CHAIRMAN DIAZ:** Mr. Anson.

38
39 **MR. ANSON:** I recognize that, you know, everyone here doesn't
40 have a problem taking it, but I'm just thinking of the future,
41 you know, as to how strict we want the requirement that
42 individuals participating in the process take the training,
43 because "should" is not -- Again, "should" just says they should
44 take it, but it doesn't mean they have to or shall take it.

45
46 **CHAIRMAN DIAZ:** Dr. Simmons.

47
48 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair. I would

1 suggest that Ms. Levy perhaps weigh-in here, but I think it
2 should be "should recommend", or "should request", and maybe
3 "request" is the word we want to use, and, you know, we can be
4 very irritating and aggravating if you don't complete the
5 training.

6
7 **CHAIRMAN DIAZ:** I am not seeing Ms. Levy waving her hand. Did
8 you have something, General? All right, and so we've had some
9 discussion on this, and nobody is making a move to alter this
10 motion at this point. **Is there any opposition to the motion?**
11 **Seeing no opposition, the motion carries.** General Spraggins.

12
13 **GENERAL SPRAGGINS:** Okay. **The second motion is the committee**
14 **recommends, and I so move, that the council approve**
15 **modifications to Section 4.8 and 4.8.1 of the council SOPPs.**

16
17 **CHAIRMAN DIAZ:** We have a committee motion. Is there any
18 discussion on the motion? **Is there any opposition to the**
19 **motion? The motion carries.** General Spraggins.

20
21 **GENERAL SPRAGGINS:** All right. Next is staff provided an
22 overview of the Law Enforcement Technical Committee's
23 recommendations on the fishing violation section of the SOPPS
24 outlined in Section 2.6, Advisory Panels (APs)/Fishing Industry
25 Advisory Committees (FIACs). The committee agreed with the
26 recommendations of the LETC to amend the SOPPs as presented in
27 Tab G, Number 4(c).

28
29 **The committee recommends, and I so move, that the council**
30 **approve the modifications to the SOPPs as recommended by the**
31 **LETC and proposed in Tab G, Number 4(c).**

32
33 **CHAIRMAN DIAZ:** We have a committee motion. Is there any
34 discussion on the motion? **Is there any opposition to the**
35 **motion? Seeing none, the motion carries.** General Spraggins.

36
37 **GENERAL SPRAGGINS:** Okay. We reviewed and approved the proposed
38 2023 activities and contract, Tag G, Number 5(a) and (b).
39 During the discussion of proposed activities, Tab G, Number
40 5(a), a committee member requested that staff consider and
41 budget to hold an SSC and Reef Fish AP meeting in the western
42 Gulf.

43
44 The NMFS representative requested that additional meetings be
45 considered in coordination with council staff and ongoing
46 meetings to engage the for-hire sector in additional outreach
47 and education materials.

48

1 Staff presented a draft contract outlined for an essential fish
2 habitat project, including timeline, maximum budget request, and
3 product deliverables. **The committee recommends, and I so move,**
4 **to recommend approval of the proposed EFH contract, as**
5 **presented.**
6

7 **CHAIRMAN DIAZ:** Okay. We have a committee motion. Is there any
8 discussion on the motion? **Seeing no discussion, is there any**
9 **opposition to the motion? The motion carries.** General
10 Spraggins.
11

12 **GENERAL SPRAGGINS:** Okay. We reviewed the 2023 budget, Tab G,
13 Number 6. Although the full funding for 2023 is not known at
14 this time, the projected budget includes the council's
15 consideration of increasing each state and the commission's
16 liaison contracts by \$5,000 in funding.
17

18 A committee member pointed out that Florida provides more
19 uniformed officer support than the other states, due to the
20 number of meetings held in the state at the council office. The
21 Florida representative noted that the proposed increase is
22 anticipated to help this situation and will continue to discuss
23 any further needs with the state agency leadership. Staff noted
24 that consideration to provide additional funding is usually
25 given if funds are available at the end of the five-year award
26 period.
27

28 **The committee recommends, and I so move, that the council**
29 **approve a \$5,000 increase in funding in 2023 for the state and**
30 **commission liaison contracts.**
31

32 **CHAIRMAN DIAZ:** Okay. We have a committee motion. Dr. Simmons.
33

34 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair, and so
35 apologies, and I think, during committee, I misspoke when I
36 suggesting that we put in the 2023, upon writing the report up
37 and reviewing it, and so our intent here would be to budget for
38 this also in 2024, with the knowledge that it's the end of our
39 five-year award, and there could be additional funds, and so the
40 \$50,000, regardless, in 2023 and 2024, and we'll see if there's
41 more at the end of that five-year grant cycle, and so I think,
42 if we could just maybe make a substitute motion and scratch
43 through the "2023", and that would handle it.
44

45 **CHAIRMAN DIAZ:** Okay. Would anybody entertain making that
46 substitute motion? Ms. Boggs.
47

48 **MS. BOGGS:** Well, I will make the substitute motion, for

1 discussion, to approve a \$5,000 increase in funding for the
2 state and commission liaison contracts.

3
4 **CHAIRMAN DIAZ:** Is there a second for that motion? It's
5 seconded by Mr. Dugas. Is there further discussion? Ms. Boggs.

6
7 **MS. BOGGS:** So, Carrie, this would be a \$5,000 increase until we
8 change it? Okay. I just wanted to be clear, and so it's not
9 just through 2024, and we would have to look at it again, if we
10 wanted to change it. Okay. I just wanted clarification.

11
12 **CHAIRMAN DIAZ:** Okay, and so we have a substitute motion on the
13 board to improve a \$5,000 increase in funding for state and
14 commission liaison contracts. It's seconded. Is there any
15 further discussion? **Is there any opposition to the motion? The**
16 **motion carries.** General Spraggins.

17
18 **GENERAL SPRAGGINS:** Okay. Discussion of the Advisory Panels Due
19 for Reappointment in 2023 --

20
21 **CHAIRMAN DIAZ:** General Spraggins, I'm sorry. Mr. Gill.

22
23 **MR. GILL:** Thank you, Mr. Chairman. As I recollect, during the
24 committee meeting, or after the committee meeting, you made the
25 suggestion that we consider increased funding for the FWC's
26 additional workload, because everything happens in Florida, and,
27 as I recall that discussion, Dr. Sweetman was going to go back
28 and consult and come back to us with their thoughts on that
29 suggestion and give the appropriate amount, and so, before we
30 leave this, it seems, to me, this is the time for that
31 discussion.

32
33 **CHAIRMAN DIAZ:** Absolutely. If Dr. Sweetman would like to
34 discuss that, we could do that right now. Dr. Sweetman.

35
36 **DR. SWEETMAN:** Thank you, Mr. Chair, and thank you, Mr. Gill.
37 We are okay with the \$5,000 increase, and we're not requesting
38 any additional funds.

39
40 **CHAIRMAN DIAZ:** Thank you, Dr. Sweetman. General Spraggins.

41
42 **GENERAL SPRAGGINS:** The only thing I had with that is I thought
43 this -- As you're reading into it, that they normally don't add
44 this, and, Dr. Simmons, you'll have to ask if this is true, but
45 we normally don't give additional funds like that until we see
46 if we have funds at the end of the year, end of the contract,
47 and is there funds available, Dr. Simmons?

1 **CHAIRMAN DIAZ:** Dr. Simmons.
2
3 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair, and so are
4 you referring to 2023 or --
5
6 **GENERAL SPRAGGINS:** I am referring to the \$5,000 that we all
7 talked about, as far as giving Florida, which I'm 100 percent
8 for, but I just want to know that there's funds available for
9 it.
10
11 **EXECUTIVE DIRECTOR SIMMONS:** Yes, sir, right now, and so this
12 \$5,000 is going to go to all -- Or be available to all of the
13 states and the commission, for a total of \$50,000.
14
15 **GENERAL SPRAGGINS:** Okay, and my understanding is that this is
16 an additional \$5,000.
17
18 **EXECUTIVE DIRECTOR SIMMONS:** Right, and they're currently
19 getting \$45,000.
20
21 **GENERAL SPRAGGINS:** Yes. Okay. Maybe I'm not making my point.
22
23 **EXECUTIVE DIRECTOR SIMMONS:** It's for an additional \$5,000, and
24 so for a total of \$50,000 to each of the states and the
25 commission.
26
27 **GENERAL SPRAGGINS:** Yes, ma'am, but what I'm talking about is
28 the additional on top of that, and didn't we talk about giving
29 Florida another \$5,000 for the law enforcement?
30
31 **UNIDENTIFIED:** (The comment is not audible on the recording.)
32
33 **GENERAL SPRAGGINS:** He didn't want it?
34
35 **DR. SWEETMAN:** We're not greedy.
36
37 **GENERAL SPRAGGINS:** Mississippi will take it.
38
39 **CHAIRMAN DIAZ:** Whenever you're ready, General.
40
41 **GENERAL SPRAGGINS:** All right. Now we'll get off of that, and
42 may I say that, if it hadn't been for Mr. Gill, I wouldn't have
43 got there. All right.
44
45 Discussion of Advisory Panels Due for Reappointment in 2023,
46 during the discussion to determine if the Red Drum and the CMP
47 AP committees should be repopulated this year, it was noted that
48 the Red Drum Committee has not met since it was appointed.

1
2 As no activities are currently planned for this group, and in
3 consideration of the fact that the panel can be reappointed at
4 any time in the future, the committee decided that it was
5 unnecessary to change the membership of the Red Drum Committee.
6 **The committee recommends, and I so move, that the council**
7 **advertise to repopulate the CMP AP only.**
8

9 **CHAIRMAN DIAZ:** All right. We have a committee motion. Is
10 there any discussion on the motion? **Seeing no discussion, is**
11 **there any opposition to the motion? Seeing none, the motion**
12 **carries.** General Spraggins.
13

14 **GENERAL SPRAGGINS:** All right. Discussion of Public Comment
15 Process, a committee member pointed out that the council and SSC
16 may benefit from considering alternative ways to incorporate
17 public comments into the deliberative process.
18

19 The member suggested that garnering public comment during
20 different times other than when the council traditionally has
21 taken public comment may better inform the process and
22 discussion of issues under consideration. Staff indicated that
23 the Council Coordination Committee's subcommittee of
24 communications staff planned to discuss this particular issue
25 during its meeting planned in February. Staff will develop a
26 presentation for the next O&E Committee to inform the council of
27 the results. Mr. Chair, this concludes my report.
28

29 **CHAIRMAN DIAZ:** Thank you, General Spraggins. Was there any
30 other business to come before the Administrative and Budget
31 Committee? Seeing none, that concludes this committee. We're
32 going to move right into the Coral Committee and Dr. Frazer.
33

34 **CORAL COMMITTEE REPORT**

35
36 **DR. FRAZER:** Thank you, Mr. Chair, and so the Coral Committee
37 report. The committee adopted the agenda, Tab N, Number 1, and
38 approved the minutes, Tab N, Number 2, of the August 2022
39 meeting as written.
40

41 Florida Keys National Marine Sanctuary Proposed Rule, Tab N,
42 Number 4, staff presented the recommendations provided by the
43 Coral, Shrimp, Reef Fish, Spiny Lobster, and Coastal Migratory
44 Pelagic Advisory Panels regarding the Florida Keys National
45 Marine Sanctuary proposed rule. The council will submit the
46 letter to the Florida Keys National Marine Sanctuary by February
47 17, 2023.
48

1 A committee member asked if the Reef Fish AP had any comments or
2 recommendations about the Florida Keys National Marine Sanctuary
3 expansion to include Pulley Ridge. The Reef Fish AP chair noted
4 that the AP did not make any comments specific to that region,
5 because no additional fishing regulations were proposed in the
6 Florida Keys National Marine Sanctuary proposed rule.

7
8 Regarding the no-anchor regulation for Pulley Ridge, the
9 committee chair asked if the current designation of the area as
10 a habitat area of particular concern and the associated
11 anchoring prohibition would be extended to all vessels and not
12 just fishing vessels.

13
14 NOAA General Counsel responded that an HAPC designation for
15 essential fish habitat would trigger a consultation to protect
16 the habitat, but not automatically extend a no-anchor regulation
17 to all vessels. NMFS and the council solely have the authority
18 to regulate fishing and fishing vessels only. Another agency
19 would have to enforce any no-anchor regulation for all vessels.

20
21 A committee member asked if the council staff had consulted with
22 the Florida Fish and Wildlife Conservation Commission regarding
23 the recommendations to be provided to the Florida Keys National
24 Marine Sanctuary. Staff affirmed open communication with FWC
25 and noted that Dr. Sweetman has been the council liaison at
26 various AP meetings where the draft rule was discussed.

27
28 A committee member recommended that the council's letter include
29 comments on the definition of a no-anchor regulation and to
30 remove push poles and power poles from the definition, as these
31 do not generally pose a physical threat to coral habitat.

32
33 The committee member also recommended clarified language in the
34 letter regarding increasing resources to enhance law enforcement
35 presence in the Florida Keys National Marine Sanctuary, as the
36 funds dedicated to FWC Law Enforcement have been substantially
37 reduced.

38
39 The AP chairs addressed the committee and conveyed key
40 discussion items from their meetings. The Shrimp AP chair
41 highlighted the enforcement implications associated with the
42 proposed sanctuary expansion and commented that the data
43 utilized for the economic impact analysis should be updated with
44 more recent information. The Shrimp AP Chair also mentioned
45 that the AP did not find the rationale for the boundary
46 expansion to be particularly compelling. Therefore, the group
47 reiterated the motions expressed in response to the 2019 draft
48 environmental impact statement opposing the proposed sanctuary

1 expansion.

2

3 The Reef Fish AP chair commented that the AP was pleased to see
4 the Florida Keys National Marine Sanctuary working to pursue its
5 conservation goals while also listening to stakeholders'
6 concerns regarding proposed area closures.

7

8 The CMP AP chair recognized the importance of coral protection
9 efforts, but suggested that the Florida Keys National Marine
10 Sanctuary address broad-scale water quality issues before moving
11 forward with the proposed sanctuary expansion. The CMP AP chair
12 also relayed the AP's opposition to incorporating the Pulley
13 Ridge HAPC into the Florida Keys National Marine Sanctuary,
14 given the concern that it would diminish, or interfere, with the
15 council's authority to develop fishing regulations specific to
16 this area.

17

18 Ms. Dieveney, Florida Keys National Marine Sanctuary staff,
19 presented the expected timeline in which the Protocol for
20 Cooperative Fisheries Management and the final EIS are expected
21 to be finalized, Tab N, Number 4(c).

22

23 The current plan is to include the definition of "traditional
24 fishing" in the protocol and finalize the interagency agreement
25 before the FEIS is published. In the instance where all parties
26 do not agree on the protocol, Ms. Dieveney commented that the
27 Florida Keys National Marine Sanctuary would have to determine
28 next steps that would honor the partnerships with the agencies
29 involved as well as the public requests.

30

31 A committee member asked if the council would be able to provide
32 comment on the definition of traditional fishing. Ms. Dieveney
33 responded that the plan is to present a draft to the council for
34 comment, that stakeholders can provide comments during public
35 testimony, and that all agencies have to agree and sign the
36 protocol for it to take effect.

37

38 NOAA General Counsel reminded the committee that, under the
39 National Marine Sanctuaries Act, the Florida Keys National
40 Marine Sanctuary is required to consult with the councils to
41 review and draft fishing regulations that meet the sanctuary's
42 goals and that the authority to implement fishing regulations
43 rests with the Secretary of Commerce.

44

45 As part of this consultation process, the council can comment on
46 the proposed definition of traditional fishing as expressed in
47 the draft rule, and it does not need to wait until a draft of
48 the updated protocol is presented. Staff reminded the committee

1 that the draft letter included in the briefing book states the
2 council's opposition to the definition of "traditional fishing"
3 in the draft rule and that the council looks forward to working
4 with the partner agencies on this matter.

5
6 Based on feedback provided by the committee, staff will modify
7 the draft letter and present it for approval during Full
8 council. I am almost done, Mr. Chair, with this report, and
9 maybe we can bring that letter up right after I'm done.

10
11 Coral Reef Conservation Program Update, Tab N, Number 5, staff
12 provided an update on the products produced and services
13 provided under the most recent NOAA Coral Reef Conservation
14 Program grant cycle, from 2020 to 2022, noting that many of
15 these products and services are potentially useful in decision-
16 making processes. Due to time constraints, staff asked council
17 members to provide any comments or feedback on the products
18 directly to staff. Mr. Chair, this concludes my report.

19
20 **CHAIRMAN DIAZ:** Thank you, Dr. Frazer, and so I believe Dr.
21 Mendez-Ferrer is going to lead us through a discussion about the
22 letter. Dr. Mendez-Ferrer.

23
24 **DR. NATASHA MENDEZ-FERRER:** Thank you, Mr. Chair, and so,
25 Bernie, if you could pull up the letter. What we have shared
26 with you all is an updated draft, and so I've highlighted, in
27 yellow, the additions to the letter that was originally included
28 in your briefing book.

29
30 We begin the letter -- The letter, like I had mentioned, it's
31 divided by topics, and, if you scroll down, we've made an
32 addition to the section about the protocol for cooperative
33 fisheries management, and it basically states that the council
34 is looking forward to working with the partner agencies and the
35 concerns regarding how we would collaboratively work on
36 fisheries management within the sanctuary.

37
38 If anyone has any suggestions, or additions, to any portions of
39 this letter, please let us know, so that we can make the proper
40 edits, since we have to submit the letter by February 17.

41
42 In the next section, the definition of "traditional fishing",
43 we, again, included -- One of the requests was to be stronger in
44 the language on how the council wants to be involved in drafting
45 the definition of traditional fishing, and the next two sections
46 relate to the sanctuary boundary expansion and Pulley Ridge. I
47 do want to highlight that, right now, we are not -- The way that
48 the letter is written, it's not in support of the expansion,

1 given some of the comments that we received from the advisory
2 panels and the concerns as to what the implications would be to
3 fisheries management and what we want to work through with the
4 protocol for cooperative fisheries management. If you don't
5 have any edits --
6

7 **CHAIRMAN DIAZ:** Mr. Gill.
8

9 **MR. GILL:** Not an edit, but, going back to traditional fishing,
10 that -- My sense is that's pretty important, to many folks on
11 this council, and the way we have it worded is we request full
12 involvement in drafting the definition of "traditional fishing",
13 and, clearly, we're not going to get beyond that at this
14 meeting, but what I would like to suggest is that, at the next
15 meeting, that we agenda that item and provide, proactively, to
16 them what we believe that definition should be, and that could
17 be the starting point, from the council's perspective, of what
18 traditional fishing is and use it as a baseline for that
19 discussion.
20

21 **CHAIRMAN DIAZ:** Ms. Boggs.
22

23 **MS. BOGGS:** Yes, and I was going to let Natasha finish the
24 document before I asked, but "traditional fishing" -- I have
25 given this a lot of thought since the committee meeting, and
26 "traditional", in my mind, is what's always been done, and so I
27 don't know if we don't need to ask them to change the language
28 from "traditional fishing" to "fishing", I mean, because
29 "traditional" is long-standing, in my mind, and so, when you
30 say, "redefine traditional fishing", well, you're redefining
31 what has always happened, if that makes sense, and that just has
32 kind of bothered me.
33

34 I mean, maybe it needs to remain "traditional fishing", but
35 fishing is going to evolve, and I think the definition of
36 "fishing" will change over years, and I don't know that it needs
37 to remain "traditional fishing", and that just is something that
38 I wanted to throw out there.
39

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

42 **DR. SWEETMAN:** To that point, Susan, the reason why "traditional
43 fishing" does have to be a definition in there, the word
44 "traditional", is because there are explicit exemptions from
45 traditional fishing activities that are allowed within the
46 Florida Keys National Marine Sanctuary within other components
47 of their rule, and so it constantly refers back to those
48 traditional fishing activities.

1
2 **CHAIRMAN DIAZ:** Dr. Mendez-Ferrer.

3
4 **DR. MENDEZ-FERRER:** I guess the next steps, and I'm not sure,
5 you know, if saying that, explicitly for the next council
6 meeting, we will bring this to the agenda, given that we haven't
7 seen -- We haven't had a meeting with the sanctuary folks
8 directly to go over their edits to the protocol that we've been
9 working on, but it is -- You know, it is in the plans, that,
10 once we have an agreed-upon draft, that we will bring it to the
11 council and have this discussion about the definition. Does
12 that address your concerns?

13
14 **MR. GILL:** The honest answer is I'm not sure. I think what I'm
15 suggesting is -- I know you're all going to get together, and
16 the partners may well have different perceptions and viewpoints
17 of what constitutes traditional fishing, but my thought was,
18 from a council perspective, we put our definition on the table,
19 and it's out there for consideration, rather than getting to the
20 table and trying to wing it at that time and modify it, and so
21 it's there, and there's something for partners to consider and
22 change, and I don't know whether they're in agreement or not,
23 and maybe not, but we have our position, and it's clear, and we
24 don't go through the long council process to ultimately get it
25 at the end of the day somewhere, but I would rather been on the
26 front-end and not the back-end.

27
28 **CHAIRMAN DIAZ:** Dr. Frazer.

29
30 **DR. FRAZER:** I guess the question would be -- I mean, the
31 cooperators are going to be the FWC and the South Atlantic
32 Council and NMFS, and I think, to Bob's point, right, you're
33 just asking that is somebody going to take the lead there, or at
34 least take a whack at it, and I don't have the answer to that,
35 to be honest with you, and, C.J., maybe the FWC has already
36 started a draft, and, if they have -- You know, I don't want to
37 interfere, you know, with the activities of the folks that are
38 involved in the protocol, but, if there's already a draft, I
39 don't think it's necessary, and perhaps the FWC, if they're
40 started one, they could share it, and that's all I'm suggesting.
41 I don't want to necessarily be redundant.

42
43 **CHAIRMAN DIAZ:** Ms. Levy.

44
45 **MS. LEVY:** So I understand that these processes are moving
46 together, but they are different, right, and so the rulemaking
47 is different than the protocol, and the rulemaking is where the
48 sanctuary is defining "traditional fishing", and the rulemaking

1 is open for public comment, and they've given extension for the
2 councils and Florida to provide public comment on the rule, and
3 so, to the extent you want to provide public comment, or comment
4 from the council, on the rule, which includes the definition of
5 "traditional fishing", you should be attempting to do that now.
6

7 I don't see the protocol itself changing a definition that
8 they're promulgating through a rulemaking, and so I just want to
9 kind of throw that out there, and so you kind of already are on
10 the backend, right, and so they came to you when they published
11 the draft environmental impact statement, and they came to you
12 with a formal request for consultation, asking whether you
13 wanted to do proposed fishing regulations, and that happened a
14 long time ago, and so that process was complete.
15

16 Then they moved forward, and they did their proposed rule, and
17 now they have a public comment period included in their thing on
18 the proposed rule, and, in conjunction with that, they're
19 working on the protocol that's supposed to talk about how these
20 entities operate together, but the protocol is not setting out
21 substantive, you know, requirements, I guess is what I'm trying
22 to say.
23

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

26 **DR. FRAZER:** I guess, for Mara, right, the comment, as it
27 relates to the definition of "traditional fishing" in this
28 letter, right, and so we're commenting as part of that process,
29 and, to capture what Ms. Boggs said, you know, the council looks
30 forward to -- They're essentially suggesting a modification of
31 the definition, right, so that it captures existing fishing
32 regulations promulgated by both state and federal authorities,
33 and it allows also for future development and use of innovative
34 gear types intended to reduce impacts on the Florida Keys
35 National Marine Sanctuary resources. The sanctuary, as part of
36 that rule process, in considering these comments, could, right,
37 change the definition, as it's written in the rule, right, and
38 it's a proposed rule right now.
39

40 **MS. LEVY:** Right, and all I'm saying is this idea that the
41 council requests full involvement in the drafting of the
42 definition of "traditional fishing" -- Like this is the
43 involvement, right, and so I guess that I just wanted to kind of
44 reiterate the process, because part of what was in the report,
45 right before the end, which talked about this letter, was the
46 idea of the consultation, like that's happening now, but that's
47 not happening now, and the consultation that happened under the
48 Sanctuary Act happened before, and now we're at the proposed

1 rulemaking stage, and so I just kind of wanted to lay out where
2 in the process we are, but certainly the sanctuary can look at
3 all the public comments they get related to this, including
4 yours and the State of Florida, and they can do what they feel
5 is appropriate with regard to the definition.

6
7 **CHAIRMAN DIAZ:** Ms. Boggs.

8
9 **MS. BOGGS:** Well, so I brought up, in committee, three specific
10 things, trawling with a net, trapping, and hook-and-line, and is
11 that something maybe that we should go ahead and be specific in
12 here about? I mean, I know we said innovative gear types, and
13 do we need to be a little more specific in this letter?

14
15 **CHAIRMAN DIAZ:** I am looking for some help with this. If those
16 activities are ongoing now, what's in the letter may capture
17 that, and it fully captures existing fishing regulations
18 promulgated by state and federal authorities. Any other
19 comments?

20
21 **DR. MENDEZ-FERRER:** Mara, I guess I'm a little confused, and I
22 understand that the definition of "traditional fishing" is going
23 to be included in the final rule, and the way that I was
24 envisioning this process moving forward is that -- Based on the
25 comments that we're providing, such as make this definition be
26 clear and not referencing another document, so that the
27 stakeholders can, you know, know, front and center, this is what
28 we can and can't do while in the Keys, but, even in the draft
29 rule, it says that the protocol for --

30
31 That the updated protocol will further clarify what traditional
32 fishing activities consist of and develop a transparent process,
33 and so we could, in this letter, say something along the lines
34 of we want the definition of "traditional fishing" to be solely
35 focused on gear types, for example, instead of gear types and
36 species, which is what's included in that 1996 management plan.

37
38 That's something that we could include here, but I guess that
39 maybe I wasn't envisioning such a detailed traditional fishing
40 definition, at this point, without consulting with the other
41 agencies, but maybe I'm wrong.

42
43 **CHAIRMAN DIAZ:** Dr. Simmons.

44
45 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair, and so, I
46 mean, if you look at that protocol, there's a highlighted
47 section for traditional fishing that this group has to address
48 and then will bring to the council, and so clearly that needs to

1 be defined in the protocol, and the plan, I think, is to bring
2 it back to the councils perhaps as early as June, but I think
3 that was ambitious, when we had the call with the South Atlantic
4 Council, the sanctuary, and NOAA staff.

5
6 **CHAIRMAN DIAZ:** All right. I am not seeing any further
7 discussion around the table. Go ahead, Dr. Mendez-Ferrer.

8
9 **DR. MENDEZ-FERRER:** If we scroll down -- I guess I want to make
10 sure that the council is okay with the stance on Pulley Ridge
11 right now, and it says that it opposes the integration of Pulley
12 Ridge into the National Marine Sanctuary, given the concerns
13 about fishing regulations.

14
15 In the draft rule, there is a mention of going the route of the
16 International Maritime Organization, and so we could make
17 another edit in here, to make that more explicit, so that the
18 council supports NOAA's pursuit of International Maritime
19 Organization for designating Pulley Ridge as a no-anchoring
20 zone, and so, if the council agrees with making that change,
21 that's something that staff can work on, or, if we believe that,
22 the way that it's written right now, it's enough, that's also a
23 way forward.

24
25 **CHAIRMAN DIAZ:** All right. Ms. Boggs and then Mr. Gill. Ms.
26 Boggs.

27
28 **MS. BOGGS:** The way I read this, this addresses the CMP AP's
29 concerns, correct?

30
31 **DR. MENDEZ-FERRER:** Yes, ma'am.

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

34
35 **MR. GILL:** Thank you, Mr. Chairman. Just a typo edit, and that
36 is on the next-to-last-line. After "that", it's "that are", as
37 opposed to that "that is".

38
39 **CHAIRMAN DIAZ:** Mr. Strelcheck.

40
41 **MR. STRELCHECK:** I guess I will say that I'm neutral with regard
42 to the letter, because we are working closely with the National
43 Ocean Service on coordination comments, but I guess, with Pulley
44 Ridge, what I'm struggling with is, you know, if there isn't an
45 alternative way of designating this as a no-anchoring area -- I
46 mean, I know you just suggested there's a potential way to do
47 that, but, you know, it kind of leaves you with kind of an all-
48 or-nothing approach, right, and part of the concern from the CMP

1 AP really related to just kind of a lack of a understanding of
2 the process, in terms of how fishing regulations would or
3 wouldn't be established, right, and so, to me, there's kind of
4 that third option, which is we would support this, but we would
5 like further clarity with regard to establishment of fishing
6 regulations before, you know, putting our full support behind
7 it, something along those lines.

8
9 You would have to figure out how to word it, but so I just offer
10 that as a suggestion, that you would want to consider that, and
11 they wouldn't be able to designate it as a no-anchoring through
12 some other means.

13
14 **CHAIRMAN DIAZ:** Any further comments? Dr. Sweetman.

15
16 **DR. SWEETMAN:** To Andy's point, that is exactly what the new
17 updated version of the protocol for cooperative fisheries
18 management is intended to address, for exactly the step-wise
19 process and procedure that we would go through, involving both
20 the councils and NMFS and the sanctuary and FWC to bring on
21 additional regulations, if that's so intended into the future,
22 but there's going to be an explicit step-wise process that that
23 would follow, and, as Carrie said, that's currently in draft
24 form right now.

25
26 **CHAIRMAN DIAZ:** Okay. Are you okay with -- Mr. Anson.

27
28 **MR. ANSON:** I had asked the question, the pointed question,
29 relative to inclusion of Pulley Ridge and the protocol, as to
30 how the process would work relative to imposition of any
31 additional fishing regulations, and, if this area is designated,
32 or included, within the expanded areas under the Florida Keys
33 National Marine Sanctuary area, then it would be subject,
34 ultimately, to fishing regulations that would come through the
35 sanctuary, and certainly there would be a protocol for, you
36 know, a negotiation, if you will, to try to get it right, so it
37 fits, but, you know, having that area designated within the
38 sanctuary automatically puts it in a position where fishing
39 regulations can be established under the sanctuary.

40
41 I attended the last CMP AP meeting, and that, I think, was their
42 concern, was that the designation of the area, you know, for at
43 least no-anchor designation, is not necessarily an issue, and
44 they don't have a problem with that, and they see the benefits
45 of that, but they are concerned that, once it is included in the
46 sanctuary, that there would be -- The potential would exist for,
47 you know, those more restrictive fishing regulations in the
48 future, potentially, whereas, if it's not designated within --

1 Certainly, if there is a mechanism to put a no-anchoring
2 designation in that area, and it still retains some of the
3 council's jurisdiction for the regulations, they would be much
4 more comfortable with that situation.

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

7
8 **MR. GILL:** Thank you, Mr. Chairman, and so I may be thoroughly
9 confused, and so I'm looking for clarification. In that last
10 sentence in Pulley Ridge, I read the portion after "vessels" to
11 refer to the vessels, but maybe it's referring to the
12 designation, and so I am not clear as to what that is referring
13 to, the way the sentence is written, and so I suggest that it
14 may want to be reworded to make it clearer.

15
16 **DR. MENDEZ-FERRER:** We can work on that, Mr. Gill. Pulley Ridge
17 is already designated as a HAPC, and it has fishing regulations
18 that came through Coral Amendment 9, but we can work on it, to
19 make it more clear, but just, you know, to remind the council
20 that Pulley Ridge has a no-anchoring designation for all fishing
21 vessels, and so what the Florida Keys is proposing is extending
22 that no anchoring to all vessels.

23
24 I can continue with the letter, and so we have a section on the
25 expansion of sanctuary preservation areas and the bait fishing
26 permits, and so, right now, the letter is written as the council
27 supports that expansion of SPAs for the protection of corals,
28 but it does not support the phase-out of the bait fishing
29 permits in Conch Reef, Alligator Reef, Sombrero, and Sand Key,
30 based on the discussions that we got from the stakeholders that
31 the gear utilized does not pose a threat to the bottom habitat.

32
33 The next section is restoration area and the designation of
34 nursery habitat zones, and so that's written in support of
35 protecting those areas where coral farming and nursery and
36 habitat restoration zones are being developed.

37
38 For the Western Dry Rocks, this is slightly modified to what the
39 Coral AP -- The motion that they passed, and so there was no
40 specificity, and they just said, yes, go with -- Designate the
41 Western Dry Rocks Wildlife Management Area as is in the rule,
42 but we have modified this to say that the council supports the
43 seasonal prohibition of anchoring from April 1 to July 31, but
44 that anything related to fishing regulations in this area should
45 be explicitly developed by the Florida Fish and Wildlife
46 Conservation Commission, since it is in state waters.

47
48 We have a section on water quality, and it's reminding the

1 Florida Keys of all the concerns that have been expressed and
2 how water quality is a key component of restoring and preserving
3 habitat in the Florida Keys, and, in the law enforcement
4 section, we added a sentence, based on the committee's
5 discussion, recommending an increase in funds to FWC to enhance
6 law enforcement presence in the sanctuary, especially given, in
7 the proposed expansion, the larger area to be patrolled. For
8 the temporary regulations, the council, you know, urges great
9 caution relating to -- Do we have a comment?

10
11 **CHAIRMAN DIAZ:** Hold on a second. Mr. Strelcheck.

12
13 **MR. STRELCHECK:** Just going back to the enforcement section, I
14 certainly can't lobby on behalf of the agency, but we do have
15 NOAA Enforcement agents that also patrol and work in the Florida
16 Keys National Marine Sanctuary, and so I think expanding this to
17 include a recommendation for enhanced enforcement for both
18 federal and state agents is important to note.

19
20 **DR. MENDEZ-FERRER:** Thank you, Mr. Chair, and so, for live rock
21 aquaculture, this -- I included this comment based on what the
22 council's letter to the DEIS had recommended initially, and so,
23 at this point, the Florida Keys is not proposing an additional
24 permit for live rock aquaculture activities, but just an MOA to
25 increase interagency communication, and so this is written in
26 support of that, and I want to remind you that we do have live
27 rock as part of our Coral FMP, and that's why I included it in
28 the letter.

29
30 Then, based on the recommendation from the Coral Committee, we
31 have a section on the definition of "anchoring", the council's
32 recommendation on revising the definition of "anchoring", which
33 is to secure a vessel to the seabed by any means, to include an
34 exemption for push poles and power poles, as this would allow
35 anglers to target species in backcountry regions without
36 negatively impacting soft-bottom habitats, such as seagrasses
37 and other flats areas that are usually devoid of corals. This
38 is our letter right now. We do need approval from the council
39 before we submit it to the Florida Keys.

40
41 **CHAIRMAN DIAZ:** Okay. I had a side conversation with Dr.
42 Simmons. Go ahead, Dr. Frazer.

43
44 **DR. FRAZER:** I didn't want to cut you off, but I was just going
45 to make a motion that, you know, we let staff go ahead and make
46 changes, or modifications, to the letter, based on the comments,
47 and then they pass it to the Chair for approval, so we can meet
48 that February 17 deadline.

1
2 **CHAIRMAN DIAZ:** Yes, and so let's get that motion on the board.

3
4 **DR. FRAZER:** To approve the letter to the Florida Keys National
5 Marine Sanctuary as -- I guess what I would say is to approve
6 the letter, with edits, from the council to the Florida Keys
7 National Marine Sanctuary. That's fine.

8
9 **CHAIRMAN DIAZ:** Okay, and so we have a motion to approve the
10 letter, with edits, from the council and that it be sent to the
11 Florida Keys National Marine Sanctuary. Is there a second for
12 the motion for the letter? It's seconded by Dr. Sweetman. Is
13 there any further discussion on the motion? Ms. Boggs.

14
15 **MS. BOGGS:** I just want to make sure, Natasha, that you captured
16 Andy's edits about the enforcement. Okay. Thank you.

17
18 **CHAIRMAN DIAZ:** Okay. Any further discussion on the motion? **Is**
19 **there any opposition to the motion? Seeing none, the motion**
20 **carries.** Is there any other business to come before the Coral
21 Committee? Seeing no other business, we are going to move down
22 our agenda, and next up is Dr. Sweetman with the Sustainable
23 Fisheries Committee. Dr. Sweetman.

24
25 **SUSTAINABLE FISHERIES COMMITTEE REPORT**

26
27 **DR. SWEETMAN:** Thank you, Mr. Chair. The Sustainable Fisheries
28 Committee Report, the committee added a litigation update to the
29 agenda, adopted the modified agenda, Tab E, Number 1, and
30 approved the minutes, Tab E, Number 2, of the October 2022
31 meeting as written.

32
33 Alternative Allocation Approaches, Tab E, Number 4, Dr. Carter,
34 of the Southeast Fisheries Science Center, gave a presentation
35 on alternative allocation approaches. Allocation approaches
36 discussed included catch-based, equal distribution or lottery,
37 auctions, intersector trading, multi-criteria, and negotiated
38 allocations. Dr. Carter also noted that, regardless of the
39 allocation strategy considered, detailed data are necessary.
40 The committee made a distinction between multi-criteria
41 allocation alternatives and catch-based allocations that are
42 analyzed using a multi-criteria evaluation.

43
44 Committee members inquired about potential drawbacks of
45 intersector trading and about the impacts of auction-based
46 allocations on equity and environmental justice. Dr. Carter
47 noted the importance of hearing from individuals who specialize
48 in dealing with or studying resource allocations.

1
2 Scientific and Statistical Committee (SSC) Report on Allocation
3 Approaches Presentation, Tab B, Number 8(b)(i), Dr. Jim Nance,
4 the SSC Chair, summarized the SSC comments relative to the
5 September 2022 Southeast Fisheries Science Center presentation
6 on alternative allocation approaches.

7
8 Dr. Nance noted that allocation decisions are inherently
9 challenging and stated that the SSC role should be limited to
10 the scientific aspects of allocations. He indicated that an
11 understanding of reallocation objectives is important to
12 evaluate whether the approach used would achieve the stated
13 objectives. The SSC may have more to contribute once allocation
14 objectives are clearly specified. The committee requested that
15 the SSC fully evaluate the presentation on the use of
16 bioeconomic modeling in allocation analysis scheduled during the
17 March 2023 SSC meeting.

18
19 Allocation Overview Discussion, Tab E, Number 6, Mr. Andy
20 Strelcheck from the Southeast Regional Office provided an
21 overview on allocation policies and procedural directives. He
22 summarized recommended practices and criteria to consider when
23 reviewing and making allocation decisions and stated his intent
24 to generate more council discussion on allocation issues.

25
26 Mr. Strelcheck noted that it is important that the council place
27 more emphasis on fully reviewing and discussing criteria and
28 analyses presented while considering allocations. He recognized
29 the uniqueness of each allocation decision and stressed the
30 importance of clearly stated objectives when initiating
31 reallocations.

32
33 The committee inquired about progress made on the development of
34 the South Atlantic Fishery Management Council's allocation
35 decision tree. Ms. Kerry Marhefka, the South Atlantic liaison,
36 indicated that the decision tree was used in a test run and that
37 its use is planned in the short term. The committee noted that
38 the decision tree may lay out allocation issues in a more visual
39 manner.

40
41 Committee members noted that, when considering allocation
42 decisions, an emphasis on data availability is warranted. Staff
43 noted that a presentation on the South Atlantic's allocation
44 decision tree is tentatively planned for the May 2023 SSC
45 meeting.

46
47 The committee suggested that, given the multitude of analyses
48 and criteria to consider when reviewing or making allocation

1 decisions, a checklist or outline may be helpful. Staff
2 indicated that a list similar to the one used during the
3 council's discussions on Reef Fish Amendment 54 could be
4 developed to support allocation discussions relative to Reef
5 Fish Amendment 56.

6
7 Committee members noted that, despite existing policies and
8 procedures, some factors are difficult to value, for example how
9 to quantitatively evaluate EEJ considerations. Committee
10 members suggested the use of quasi-quantitative scales for these
11 considerations. For future allocation deliberations, the
12 committee emphasized the importance of deliberate discussions
13 and review of the information and analyses included in the
14 amendments. The committee highlighted the importance of data
15 availability in allocation decisions.

16
17 Litigation Update, Ms. Mara Levy, NOAA General Counsel,
18 summarized the court decision relative to the Reef Fish
19 Amendment 53 litigation. Ms. Levy indicated that the court
20 found that Reef Fish Amendment 53 and the associated rule are
21 consistent with National Standards 2, 4, 9, and other
22 requirements of the Magnuson-Stevens Fishery Conservation and
23 Management Act, the Administrative Procedures Act, and the
24 National Environmental Policy Act. Ms. Levy emphasized the
25 importance of building the record when making management
26 decisions.

27
28 **CHAIRMAN DIAZ:** Hold on a second, Dr. Sweetman. Ms. Levy.

29
30 **MS. LEVY:** Thanks. I should have mentioned this when we were
31 talking about this, and so I just wanted to make sure, and I'm
32 sure you know this, that these decisions are appealable, right,
33 and so there is a time in which the plaintiffs can appeal, and
34 that would run until the beginning -- Until the first week of
35 March.

36
37 **CHAIRMAN DIAZ:** Thank you, Ms. Levy. Dr. Sweetman.

38
39 **DR. SWEETMAN:** Okay. SSC Recommendations on Acceptable
40 Biological Catch Control Rule, Tab B, Number 8(b)(i), Dr. Nance
41 reviewed the Southeast Fisheries Science Center's presentation
42 on alternative approaches to the current Acceptable Biological
43 Catch Control Rule used for determining the scientific
44 uncertainty between the overfishing limit and the ABC.

45
46 The SSC has been discussing revisions to the ABC Control Rule
47 since May 2021 and is considering alternatives using the Ralston
48 et al. 2011 approach, the Restrepo et al. 1998 approach, and the

1 Privitera-Johnson and Punt 2020 modification of the Ralston
2 approach.

3
4 The current ABC Control Rule has been in place since 2011.
5 However, SSC members have regularly expressed a desire to
6 revisit it. Of particular concern is the tendency of stock
7 assessments to underestimate the uncertainty associated with
8 projections of yield, or OFL, resulting in unrealistically small
9 buffers between the OFL and ABC when the P* approach is applied.
10 The approaches being considered by the SSC are intended to
11 better account for scientific uncertainty in the yield
12 projections.

13
14 Dr. Nance discussed how the Ralston method estimates uncertainty
15 and uses it to generate the probability density function of
16 yield for Pacific stocks, which is then used to determine the
17 OFL, the center of the distribution, and ABC, at some point
18 below the center of the distribution, using the P* approach.

19
20 The Southeast Fisheries Science Center is developing a version
21 of this approach using data for Gulf stocks. The SSC has also
22 set the ABC at 75 percent of the yield at the fishing mortality
23 rate corresponding to the maximum sustainable yield proxy
24 following some recent stock assessments, in keeping with the
25 Restrepo approach.

26
27 The Southeast Fisheries Science Center described the data needed
28 to evaluate these methods for Gulf stocks, with particular
29 detail on the Privitera-Johnson and Punt revisions to the
30 Ralston approach, and added that Gulf assessments are more
31 complex, due to the number of data sources used. The Southeast
32 Fisheries Science Center and SSC will continue working on these
33 revisions in 2023.

34
35 A committee member noted the increasing complexity of the data
36 and analyses used in stock assessments, often at the expense of
37 throughput. The Southeast Fisheries Science Center replied that
38 approaches, such as the Ralston method, implicitly consider more
39 sources of uncertainty than current approaches, including the
40 effect of different assessment methods used by different
41 assessment panels, and would produce more realistic variance
42 estimates. The initial time investment to do this is
43 considerable, but, once completed, would save time, because the
44 uncertainty associated with each subsequent stock assessment
45 would not have to be re-estimated.

46
47 The Southeast Fisheries Science Center added that frequent
48 updates would not be necessary, because so many assessments have

1 already been conducted and the estimates of uncertainty would
2 not change much with a new assessment. However, the Gulf-
3 modified Ralston approach could be periodically revisited. Mr.
4 Chair, this concludes my report.

5

6 **CHAIRMAN DIAZ:** All right. Mr. Dugas.

7

8 **MR. DUGAS:** Thank you, Mr. Chair. I see that there's a
9 presentation for the South Atlantic's decision tree planned in
10 May of 2023 for the SSC, and I'm wondering if the council can
11 have a presentation as well.

12

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

14

15 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair. Yes, I think
16 we can certainly do that, and any recommendations that come from
17 the SSC would also be presented at that time.

18

19 **CHAIRMAN DIAZ:** Thank you, Mr. Dugas. Any other questions about
20 the report? Is there any other business to come before the
21 Sustainable Fisheries Committee? Seeing none, we're going to
22 move on. The next committee is going to be the Data Collection
23 Committee and Ms. Boggs.

24

25 **DATA COLLECTION COMMITTEE REPORT**

26

27 **MS. BOGGS:** Thank you, Mr. Chair. The committee adopted the
28 agenda, after adding discussion on VMS equipment concerns to
29 Other Business, Tab F, Number 1, and approved the minutes of the
30 October 2022 meeting, Tab F, Number 2.

31

32 Final Action: Abbreviated Framework Action to Modify For-Hire
33 Trip Declaration Requirements, Tab B, Number 4(a) through (c),
34 council staff presented public comments, the framework action
35 document, and codified text for the committee's review. Council
36 staff noted that administrative changes, hailing out within
37 twenty-four hours of a trip and hailing out as a dually-
38 permitted commercial vessel, were not included in the presented
39 codified text, but those changes would be included during
40 rulemaking.

41

42 The committee discussed the possibility of delaying approval of
43 the document while awaiting an appellate court's decision
44 regarding the program's vessel monitoring system (VMS)
45 requirement. Southeast Regional Office staff indicated that an
46 unfavorable court ruling, along with already reduced funding for
47 the program, could affect data integrity. Program participants
48 have requested quick action in implementing the modification to

1 the trip declaration requirement, and there is no indication
2 when a court ruling will be issued. Given these factors, the
3 committee decided to proceed with taking final action.

4
5 **The committee recommends, and I so move, to recommend the**
6 **council approve Abbreviated Framework Action: Modification of**
7 **For-Hire Vessel Trip Declaration Requirements and that it be**
8 **forwarded to the Secretary of Commerce for review and**
9 **implementation and deem the codified text as necessary and**
10 **appropriate, giving staff editorial license to make the**
11 **necessary changes in the document. The Council Chair is given**
12 **the authority to deem any changes to the codified text as**
13 **necessary and appropriate.**

14
15 **CHAIRMAN DIAZ:** Okay. Thanks, Ms. Boggs, and so we have a
16 committee motion. Is there any discussion on the motion?
17 Seeing no discussion, this will be a roll call vote. Dr.
18 Simmons.

19
20 **EXECUTIVE DIRECTOR SIMMONS:** Okay. Thank you, Mr. Chair. Dr.
21 Shipp.

22
23 **DR. SHIPP:** Yes.

24
25 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Broussard.

26
27 **MR. BROUSSARD:** Yes.

28
29 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Schieble.

30
31 **MR. SCHIEBLE:** Yes.

32
33 **EXECUTIVE DIRECTOR SIMMONS:** Mr. McDermott.

34
35 **MR. MCDERMOTT:** Yes.

36
37 **EXECUTIVE DIRECTOR SIMMONS:** Dr. Sweetman.

38
39 **DR. SWEETMAN:** Yes.

40
41 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Dugas.

42
43 **MR. DUGAS:** Yes.

44
45 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Williamson.

46
47 **MR. WILLIAMSON:** Yes.

1 **EXECUTIVE DIRECTOR SIMMONS:** Dr. Frazer.
2
3 **DR. FRAZER:** Yes.
4
5 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Dyskow.
6
7 **MR. DYSKOW:** Yes.
8
9 **EXECUTIVE DIRECTOR SIMMONS:** Ms. Boggs.
10
11 **MS. BOGGS:** Yes.
12
13 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Gill.
14
15 **MR. GILL:** Yes.
16
17 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Strelcheck.
18
19 **MR. STRELCHECK:** Yes.
20
21 **EXECUTIVE DIRECTOR SIMMONS:** Dr. Stunz.
22
23 **DR. STUNZ:** Yes.
24
25 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Anson.
26
27 **MR. ANSON:** Yes.
28
29 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Geeslin.
30
31 **MR. GEESLIN:** Yes.
32
33 **EXECUTIVE DIRECTOR SIMMONS:** General Spraggins.
34
35 **GENERAL SPRAGGINS:** Yes.
36
37 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Diaz.
38
39 **CHAIRMAN DIAZ:** Yes.
40
41 **EXECUTIVE DIRECTOR SIMMONS:** **The motion carries unanimously, Mr.**
42 **Chair.**
43
44 **CHAIRMAN DIAZ:** Thank you, Dr. Simmons. Ms. Boggs.
45
46 **MS. BOGGS:** Thank you. Modification to Commercial Coastal
47 Logbook Reporting Requirements and Advisory Panel
48 Recommendations, Tab F, Number 5(a) and 5(b), council staff

1 provided a verbal update on the advisory panel activities and
2 the development of the joint amendment.

3
4 The Coastal Migratory Pelagic AP met in the fall of 2022, and
5 members were supportive in moving forward with transitioning to
6 an electronic logbook submission. The Data Collection AP will
7 meet in February and receive the same Southeast Fisheries
8 Science Center presentation. Council staff will report those AP
9 recommendations to the committee in April.

10
11 The amendment is being developed, and a complete draft will be
12 submitted to the South Atlantic Fishery Management Council in
13 March, and that draft will also be presented to the Gulf Council
14 in April, with the goal of both councils approving a final draft
15 in June. Given the feedback across several APs, and the
16 technical nature of the program modification, council staff
17 recommended a mailout to permit holders informing them of
18 virtual public hearings. The committee agreed with that plan
19 for engaging the public.

20
21 A committee member inquired if there had been any indication of
22 opposition from stakeholders or disagreement between the Gulf
23 and South Atlantic on the program modification. Council staff
24 reported that the APs had been supportive of the program
25 transition, and Ms. Kerry Marhefka, the South Atlantic liaison,
26 reported a similar sentiment of program participants in the
27 South Atlantic. Southeast Fisheries Science Center staff
28 indicated that the agency was ready to begin receiving
29 electronic reports once the amendment has been implemented.

30
31 Overview Presentation of State-Specific Private Angler Licensing
32 and Reporting Requirements Currently Used to Define Offshore
33 Anglers in Each State, Tab F, Number 6, council staff presented
34 current private angling licensing and reporting requirements for
35 each state and asked about potential next steps in exploring a
36 potential federal license and potential reporting for private
37 anglers.

38
39 A committee member inquired whether the states of Florida and
40 Alabama could provide information on the proportion of private
41 anglers that do not possess an offshore designation or
42 endorsement. The Florida representative indicated he would have
43 to confer with staff and report at a later time, and the Alabama
44 representative stated that, through law enforcement records,
45 that compliance is high.

46
47 The committee discussed the various differences in state
48 licensing requirements, including age-based exemptions and how

1 states collect data at either a vessel or individual angler
2 level. Given these variations, the committee stressed the
3 importance in defining explicit goals and objectives before
4 pursuing the federal recreational permit issue further.

5
6 The South Atlantic liaison reported that some progress conducted
7 in her region has highlighted that the issue is complex and
8 would require technical expertise to develop next steps. The
9 representative from the Gulf States Marine Fisheries Commission
10 stated that his office is willing to help explore this
11 management measure, but reiterated the importance of
12 establishing goals and objectives before proceeding.

13
14 The committee asked for more information about the National
15 Saltwater Registry program. Office of Science and Technology
16 staff reported that the federal registry was used to improve the
17 efficiency of sampling efforts, rather than estimate fishing
18 participation.

19
20 Southeast Fisheries Science Center staff further inquired if
21 refining that registry would substantially improve the
22 estimation process. OST staff replied that more investigation
23 would be required to answer that question, but did note that
24 investigating the use of a vessel-based permitting system,
25 rather than individual permits, may increase precision of the
26 federal reporting program.

27
28 A committee member asked if the Gulf Marine Recreational
29 Information Program Transition Team was planning to examine ways
30 to improve identification of the universe of federal private
31 anglers. OST staff reported that was something the team could
32 investigate. National Marine Fisheries Science staff suggested
33 that their offices could collaborate further to explore these
34 questions and provide more specific information to the committee
35 in April.

36
37 Other Business, the committee received a report regarding an
38 observation of defective VMS devices on two for-hire vessels.
39 The vessel operator was not aware that the units were not
40 properly transmitting for several months, until contacted by law
41 enforcement.

42
43 The observation highlighted several issues: the VMS vendors are
44 not consistent in monitoring the units for proper transmission
45 and are not always readily available by phone; indicator lights
46 on the unit hardware do not always communicate a transmission
47 problem; and federal law enforcement was delayed in reporting
48 the issue to the captain. So far, this does not appear to be an

1 isolated incident, and the council needs to be aware of what
2 some program participants are experiencing.

3
4 Mr. Strelcheck stated that the agency was actively working to
5 mitigate the communication delays in engaging program
6 participants when transmission issues arise. He continued that
7 vendors must agree to certain contractual requirements before
8 agency type-approval for use in the program and the agency can
9 communicate with vendors to ensure they uphold those provisions.

10
11 NOAA General Counsel added that the current federal regulations
12 require the vessel owner or operator to contact NMFS if their
13 equipment is not operating properly and follow the instructions
14 provided. This allows NMFS the flexibility to address the
15 circumstances related to any specific instance of equipment
16 failure. The committee agreed that, if program participants
17 discover an issue, that they should communicate with NMFS to
18 resolve the problem. Mr. Chair, this concludes my report.

19
20 **CHAIRMAN DIAZ:** Thank you, Ms. Boggs. Any discussion on the
21 report? Any other business to come before the Data Collection
22 Committee? Seeing none, we're going to go ahead and start up
23 the Outreach and Education Committee. Mr. Gill.

24
25 **OUTREACH AND EDUCATION COMMITTEE REPORT**

26
27 **MR. GILL:** Thank you, Mr. Chairman. The committee adopted the
28 agenda, Tab O, Number 1, and approved the minutes, Tab O, Number
29 2, from the August 2022 meeting as written.

30
31 Agenda Item IV: Presentation of the 2022 Communications
32 Improvements and Analytics, staff provided an overview of
33 communications analytics, along with a progress report on the
34 2022 communications improvement plan. The committee emphasized
35 the need to develop communication tools that explain the data
36 currency conversions occurring with the transition to MRIP-FES,
37 including the need to use standard terminology across all
38 council materials.

39
40 The committee asked about the potential for using social media
41 influencers to help promote council communications and
42 messaging. Staff explained that this has been considered.
43 However, most influencers require payment for their, quote,
44 unquote, product placement efforts, which could have both
45 budgetary and ethical implications for the council. The
46 committee also commended the staff for its virtual efforts to
47 solicit public comments and encouraged staff's continued efforts
48 to host virtual public hearings to engage Gulf constituents.

1
2 Agenda Item V, Recreational Data Collection Story Map, staff
3 presented a draft of its recreational data collection story map,
4 and that's a mouthful, which was created after the Outreach and
5 Education Technical Committee recommended that staff convert the
6 MRIP infographic to a more dynamic format.

7
8 In response to an inquiry from the committee, staff affirmed
9 that the landings column on the data currency table, which shows
10 the MRIP-FES currency being used for all species, is accurate.
11 The committee complimented the tool, which will be launched
12 publicly after it clears review from the appropriate state
13 agency and MRIP staff.

14
15 Agenda Item VI, 2023 Outreach Event Plan, staff presented its
16 2023 outreach event plan, which aims to have staff and council
17 members attend at least one in-person event in each state to
18 engage a broad fisheries-focused audience. The plan, which
19 focuses on speaking opportunities, rather than tabling at
20 events, will remain flexible, in case event hosts are unable or
21 unwilling to accommodate the council. The committee confirmed
22 that staff will coordinate council member attendance at each
23 event. The committee and staff also discussed why hosting a
24 booth at ICAST was not a priority at this time.

25
26 Agenda Item VII, 2023 Communications Improvement Plan, staff
27 presented the 2023 communications improvement plan, which was
28 developed by the council staff communications team in response
29 to communications analytics and suggestions from the Outreach
30 and Education Technical Committee.

31
32 Staff also noted its intent to highlight the "Navigating the
33 Council Process" document, develop position descriptions for
34 public advisory roles, develop a manual for the website, and
35 continue to work on creating web-based management timelines for
36 each managed species.

37
38 Agenda Item VIII, Other Items from the O&E Technical Committee
39 Summary, the chairman of the Outreach and Education Technical
40 Committee, Captain Dylan Hubbard, presented the remaining items
41 from the December 2022 Outreach and Education Technical
42 Committee meeting.

43
44 He emphasized support for electronic voting for the council,
45 which enhances public engagement. Captain Hubbard also
46 explained that the Outreach and Education Technical Committee
47 identified itself, through discussion and a motion, as the most
48 appropriate body to develop an outreach plan for the Fishery

1 Ecosystem Plan.

2

3 Staff explained that the responsibility currently falls in the
4 purview of the Ecosystem Technical Committee, which may not be
5 the most appropriate group for communications planning and
6 execution. The Outreach and Education Technical Committee chair
7 and vice chair will be invited to the next Ecosystem Technical
8 Committee meeting, and staff expects that the Outreach and
9 Education Technical Committee will need to convene to develop a
10 fishery ecosystem outreach plan.

11

12 In that regard, we did not getting to, during that committee,
13 Mr. Chairman, to affirm the wishes of the Outreach and Education
14 Committee, Technical Committee, to affirm that change to the
15 ecosystem plan that they desired, and it makes good sense, and
16 the last sentence of the Ecosystem Technical Committee charge
17 was for the ETC to develop a plan to engage stakeholders in the
18 process, and the motion by the Outreach and Education Technical
19 Committee read to charge the Outreach and Education Technical
20 Committee with developing the fishery ecosystem plan stakeholder
21 engagement plan, in collaboration with the Ecosystem Technical
22 Committee.

23

24 I believe that what we need to do is, since we provided the plan
25 charge to the Ecosystem Technical Committee, we need to make
26 that change here, and so, accordingly, Bernie, if you would
27 bring up the ecosystem motion.

28

29 **CHAIRMAN DIAZ:** Okay, and so I will read it into the record and
30 see if we get a second. **The motion is that the Ecosystem**
31 **Technical Committee charge be revised to have the Outreach and**
32 **Education Technical Committee develop the plan to engage**
33 **stakeholders in the process of creating the fishery ecosystem**
34 **plan.** Is there a second for the motion?

35

36 **MR. ANSON:** I will second for discussion.

37

38 **CHAIRMAN DIAZ:** It's seconded by Mr. Anson. Go ahead, Mr. Gill,
39 and it looked like you had something you wanted to say.

40

41 **MR. GILL:** Thank you, Mr. Chairman, and, to me, it's fairly
42 obvious that the expertise on outreach and education is the
43 Outreach and Education Technical Committee, and it does not like
44 within the Ecosystem Technical Committee, and that will free up
45 a bunch of time from our charge for the Ecosystem Technical
46 Committee to address developing their FEP and the FEIs, et
47 cetera, and so it makes logical sense, to me, and put it in the
48 no-brainer requests.

1
2 **CHAIRMAN DIAZ:** Thank you, Mr. Gill. Any further discussion on
3 the motion? I see, Kevin and Susan, you all looking real hard
4 at it, and I don't want to call for a vote unless you all are
5 ready. Ms. Boggs.

6
7 **MS. BOGGS:** I am just trying to process it in my mind, and so
8 we're -- To me, I guess we're changing both charges, and is that
9 correct? We're reassigning the charge to develop the plan and
10 engage stakeholders from the Ecosystem Technical Committee to
11 the Outreach and Education Technical Committee, and is that what
12 we're doing, and, if so -- Well, okay.

13
14 **CHAIRMAN DIAZ:** Mr. Gill, to that point.

15
16 **MR. GILL:** Thank you, Mr. Chairman, and so, yes, we're revising
17 the Ecosystem Technical Committee charge, and we're not revising
18 any other charge, and so the Outreach and Education Technical
19 Committee is taking on this task to work in conjunction with the
20 Ecosystem Technical Committee and carry forth the FEP that the
21 Ecosystem Technical Committee is working on, but they're taking
22 the outreach section.

23
24 **MS. BOGGS:** Okay. Well, I guess I haven't read the charge for
25 the Ecosystem Technical Committee, and so that's why I'm
26 struggling with this.

27
28 **MR. GILL:** I can read it for you, if you would like.

29
30 **CHAIRMAN DIAZ:** Any further discussion on the motion? **Is there**
31 **any opposition to the motion? The motion carries.** Is there any
32 other business before the Outreach and Education Committee?
33 Seeing none, the next committee is Reef Fish, and I would like
34 for us to take a break before we start Reef Fish, and I think
35 it's going to be a longer committee report, and so let's take a
36 fifteen-minute break, and we're going to start back at 9:35, and
37 we're going to start pretty close to that time, and so try to be
38 back in here, so we can wrap this up. Thank you.

39
40 (Whereupon, a brief recess was taken.)

41
42 **CHAIRMAN DIAZ:** Okay. We're going to start back up in our Reef
43 Fish Committee, and are you ready to start, Dr. Frazer?

44
45 **REEF FISH COMMITTEE REPORT**

46
47 **DR. FRAZER:** I am, Mr. Chair. The Reef Fish Committee report,
48 the committee adopted the agenda, Tab B, Number 1, and the

1 minutes, Tab B, Number 2, from the October 2022 meeting were
2 approved as written.

3
4 Final Action: Draft Framework Action for Gray Triggerfish
5 Commercial Trip Limit, Tab B, Number 4, council staff summarized
6 written public comments received prior to reviewing the
7 framework action to increase the gray triggerfish commercial
8 trip limit from the current trip limit of sixteen fish per trip.

9
10 The council chose Alternative 3, twenty-five fish, as the
11 preferred alternative at its October 2022 meeting. The
12 committee members had no further discussion on the document and
13 decided to proceed with the preferred alternative for final
14 action.

15
16 **The committee recommends, and I so move, to recommend the**
17 **council approve Framework Action: Modification of Gray**
18 **Triggerfish Commercial Trip Limits and that it be forwarded to**
19 **the Secretary of Commerce for review and implementation and deem**
20 **the codified text as necessary and appropriate, giving staff**
21 **editorial license to make the necessary changes in the document.**
22 **The Council Chair is given the authority to deem any changes to**
23 **the codified text as necessary and appropriate.** The motion
24 carried seventeen to zero using the Meridia voting system. Mr.
25 Chair.

26
27 **CHAIRMAN DIAZ:** Thank you, Dr. Frazer, and so we have a
28 committee motion. Is there any discussion on the motion? All
29 right. Seeing no discussion, this is a roll call vote. Dr.
30 Simmons.

31
32 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair. Mr.
33 Schieble.

34
35 **MR. SCHIEBLE:** Yes.

36
37 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Dugas.

38
39 **MR. DUGAS:** Yes.

40
41 **EXECUTIVE DIRECTOR SIMMONS:** Dr. Shipp.

42
43 **DR. SHIPP:** Yes.

44
45 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Dyskow.

46
47 **MR. DYSKOW:** Yes.

48

1 EXECUTIVE DIRECTOR SIMMONS: General Spraggins.
2
3 GENERAL SPRAGGINS: Yes.
4
5 EXECUTIVE DIRECTOR SIMMONS: Ms. Boggs.
6
7 MS. BOGGS: Yes.
8
9 EXECUTIVE DIRECTOR SIMMONS: Dr. Sweetman.
10
11 DR. SWEETMAN: Yes.
12
13 EXECUTIVE DIRECTOR SIMMONS: Mr. Anson.
14
15 MR. ANSON: Yes.
16
17 EXECUTIVE DIRECTOR SIMMONS: Dr. Stunz.
18
19 DR. STUNZ: Yes.
20
21 EXECUTIVE DIRECTOR SIMMONS: Mr. Geeslin.
22
23 MR. GEESLIN: Yes.
24
25 EXECUTIVE DIRECTOR SIMMONS: Mr. Strelcheck.
26
27 MR. STRELCHECK: Yes.
28
29 EXECUTIVE DIRECTOR SIMMONS: Dr. Frazer.
30
31 DR. FRAZER: Yes.
32
33 EXECUTIVE DIRECTOR SIMMONS: Mr. Broussard.
34
35 MR. BROUSSARD: Yes.
36
37 EXECUTIVE DIRECTOR SIMMONS: Mr. Williamson.
38
39 MR. WILLIAMSON: Yes.
40
41 EXECUTIVE DIRECTOR SIMMONS: Mr. Gill.
42
43 MR. GILL: Yes.
44
45 EXECUTIVE DIRECTOR SIMMONS: Mr. McDermott.
46
47 MR. MCDERMOTT: Yes.
48

1 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Diaz.

2
3 **CHAIRMAN DIAZ:** Yes.

4
5 **EXECUTIVE DIRECTOR SIMMONS:** The motion carried unanimously, Mr.
6 **Chair.**

7
8 **CHAIRMAN DIAZ:** Thank you, Dr. Simmons. Dr. Frazer.

9
10 **DR. FRAZER:** Individual Fishing Quota (IFQ) Focus Group, Tab B,
11 Number 5, the IFQ Focus Group's second meeting was held November
12 30 through December 1, 2022. One of the meeting's facilitators,
13 Dr. Joy Hazell, presented a meeting summary that highlighted
14 benefits and drawbacks identified by the members and noted that
15 a benefit to one member may be a drawback to another. She also
16 summarized several themes that came out of the meeting.

17
18 Next, Dr. Andrew Ropicki, the knowledgeable non-participant
19 member of the focus group, presented on adaptive catch share
20 management, which is a process of share redistribution based on
21 vessel landing activity. Then, Dr. Jessica Stephen, from the
22 Southeast Regional Office, presented several IFQ-related issues
23 and potential program changes, including modification of the
24 program's goals and objectives and information about the loan
25 program.

26
27 Committee members discussed difficulties with tackling changes
28 to the program and expressed support for focusing on the goals
29 and objectives first. There was support for two approaches,
30 dedicating a small amount of time at subsequent council meetings
31 for focused discussion or convening a separate council session
32 before a council meeting begins to provide a longer amount of
33 dedicated discussion time. The committee deferred making a
34 motion pertaining to convening a special session to address
35 changes to the IFQ programs until Full Council.

36
37 **CHAIRMAN DIAZ:** All right. I see a couple of hands up. Mr.
38 Gill.

39
40 **MR. GILL:** Thank you, Mr. Chairman. First, an edit, if I could.
41 Joy Hazell does not have her doctorate, though she is pursuing
42 it, but, relative to that last sentence, I do have a motion to
43 suggest to the council. Bernie, if you would pull up the IFQ
44 motion to address this, and the idea being that we really don't
45 know how long it's going to take to get to some endpoint that we
46 like, but we shouldn't start that until after the new members
47 are seated in August, and that's the essence of this, but it is
48 a little bite of determining goals and objectives only, as far

1 as a motion, and that says that everything else we set in a
2 parking lot until we determine the goals and objectives. If you
3 would like, I will read it.

4
5 **The council conduct a special session, or sessions, to determine**
6 **the goals and objectives of both IFQ programs going forward.**
7 **The session should be scheduled for after the August 2022**
8 **meeting.**

9
10 **CHAIRMAN DIAZ:** Okay, and so we have a motion. Is there a
11 second for the motion? It's seconded by Dr. Sweetman. All
12 right. Is there discussion on the motion? Dr. Stunz.

13
14 **DR. STUNZ:** Bob, I support your motion, and, in fact, maybe we
15 should have talked a little more, because I just sent a similar
16 motion to Meetings, but it was a little bit different, and so
17 maybe we can talk about that, or maybe I will follow-up with
18 that, this one, but I'm wondering -- My motion was a little more
19 explicit, in terms of what I would like to discuss, in terms of
20 the goals of the objectives, such as adaptive catch shares, but
21 why after the August 2023 meeting? Sorry. I didn't catch that.

22
23 **MR. GILL:** That's to allow incorporation of the new members to
24 be seated in August to participate in that, since the discussion
25 will probably not be a one-off, and it will probably be
26 multiple, would be my guess, and they will be part of it, and so
27 they need to be at the beginning and not us entertain and get
28 down the road and they get in the middle of it.

29
30 **CHAIRMAN DIAZ:** Is there further discussion on the motion? Ms.
31 Boggs. Mr. Strelcheck.

32
33 **MR. STRELCHECK:** Thanks, Mr. Chair, and so it sounds like,
34 between Greg, Bob, and I, we're all kind of thinking along
35 similar lines, in terms of how to move this forward. My concern
36 is, obviously, with the schedule, and we have been talking about
37 this for quite some time, and we've been struggling to move
38 forward with the program, and I think we either need to approach
39 this much more aggressively or abandon it altogether, and, to
40 me, I don't think we can abandon it until we discuss the goals
41 and objectives, so we're in agreement with that, and so, with
42 that said, Bernie, if you could bring up my substitute motion,
43 specific to the IFQ.

44
45 **DR. STUNZ:** Actually, that's my motion, but I was going to ask
46 to bring it up too, and so it's fine.

47
48 **CHAIRMAN DIAZ:** That's the second substitute motion.

1
2 **DR. STUNZ:** That's right. I'm not fighting you, Bob, here, but
3 I just want to move this forward.
4

5 **MR. STRELCHECK:** My substitute motion is, no later than June of
6 2023, the council should conduct a comprehensive review of IFQ
7 program goals and objectives and recommend changes. Based on
8 the newly-updated goals and objectives, the council should then
9 initiate an amendment to address program changes, consistent
10 with the goals and objectives and themes presented at the
11 January 2023 Gulf Council.
12

13 I am intentionally providing for some flexibility, between now
14 and June, based on the scheduling of other priorities, but like
15 this is a more aggressive schedule than what's being suggested
16 by Mr. Gill, and it would allow us to move forward more quickly,
17 to give more certainty to the industry, in terms of how we're
18 proceeding.
19

20 **CHAIRMAN DIAZ:** Okay, and so we have a substitute motion. Is
21 there a second for the substitute motion? It's seconded by Dr.
22 Stunz. Any discussion? Mr. Gill.
23

24 **MR. GILL:** Thank you, Mr. Chairman, and so a couple of thoughts.
25 Number 1, that implies that we can effectively do that in rather
26 short order, given the timing that we've got, and I don't share
27 Andy's concern over time, because we haven't had that before,
28 and so why would worry about that, all of a sudden? I think
29 it's more important that we try to get agreement on whatever
30 those goals, or objectives, are, within reason, and the
31 timeframe is the second priority.
32

33 I have my doubts that we will necessarily come to agreement on
34 goals and objectives, and I don't think it will be an easy
35 exercise, and so shortening up the timeframe suggests that we
36 may not do the job we need to do, and so I am not really fond of
37 this one, Andy.
38

39 **CHAIRMAN DIAZ:** All right, and so, next, I have Mr. Williamson.
40

41 **MR. WILLIAMSON:** Thank you, Mr. Chairman. You know, I would
42 suggest that we do it on a faster schedule. We have a meeting
43 in April, and we have people around this table that are
44 knowledgeable about this program, and we've listened to public
45 comment, for years now, and we've seen these issues come up,
46 and, as far as consistent with the goals and objectives and
47 things presented at the January 2023 meeting, I think there are
48 additional issues that need to be addressed in this.

1
2 That was just a sketchy presentation from the IFQ Focus Group
3 that I don't think all of us were all that impressed with the
4 results of the IFQ Focus Group, and it didn't go far enough, for
5 me. This program, as I have stated in the past, I think, is
6 flawed, and, as far as I'm concerned, and this is my personal
7 opinion, but, as long as the shareholders have the quota, the
8 allocation, in their possession, then we're not going to be able
9 to effectively address this program. The tail will continue to
10 be wagging the dog.

11
12 Until this council reclaims those shares, then I don't think
13 we're going to be able to move forward with an effective
14 program. Additionally, there's nothing -- There was nothing in
15 that presentation that addressed any kind of royalty, if you
16 want to call it, for the American public, or resource rent, and
17 look at the presentations that we've seen from BOEM over the
18 last few meetings.

19
20 They're conducting an auction for these leasehold interests, and
21 they're getting money back from these companies for the American
22 public, and that's something that should be built into this
23 system, if you want to continue to call it an IFQ program, and
24 we should be auctioning these shares off and not doing a program
25 where we just gradually take them back, and so, with that, I
26 will stop my comments.

27
28 **MS. BOGGS:** A point of order.

29
30 **CHAIRMAN DIAZ:** Go ahead, Ms. Boggs.

31
32 **MS. BOGGS:** Do we have a second on this motion?

33
34 **DR. STUNZ:** I seconded it.

35
36 **CHAIRMAN DIAZ:** It was seconded by Dr. Stunz. All right. I've
37 got a list of folks. Dr. Stunz.

38
39 **DR. STUNZ:** Thank you, Mr. Chair. Andy, a couple of things. I
40 like your motion better than mine, but I wanted to ask you a
41 couple of questions regarding that. One, when you say, in the
42 end there, about the themes presented, is that, for example, the
43 adaptive catch shares that you're talking about there? I will
44 have a follow-up to that.

45
46 **CHAIRMAN DIAZ:** Mr. Strelcheck, to that point.

47
48 **MR. STRELCHECK:** Just for clarification, because I think there's

1 confusion, and so the first part, with regard to the goals and
2 objectives, those are the updated goals and objectives, as
3 decided upon by the council, right, and so maybe we can put
4 "updated" in front of that.

5
6 In terms of the themes, that was a presentation that Dr. Stephen
7 gave, which was kind of broad buckets of various areas that we
8 could focus on, and we would come back to that, once we know the
9 goals and objectives, and hone-in on what themes, or areas, we
10 would want to put directed effort into.

11
12 **DR. STUNZ:** Okay. I have a follow-up.

13
14 **CHAIRMAN DIAZ:** Dr. Stunz.

15
16 **DR. STUNZ:** I like the themes, because it's broader, and it
17 gives us some flexibility there, Andy, and I preferred the more
18 aggressive timeline, Bob, only because, you know, the sand is
19 running out of my hourglass, and I won't be here in August, and
20 so I would like to weigh-in on a little bit of this before my
21 time is up, but, Andy, I guess the main question I have is I
22 don't disagree with conduct a comprehensive review, but what
23 does that look like? Is that through a white paper, or is that
24 through -- You know, I'm trying to envision, if we have this
25 aggressive timeline by June, what does that -- I am all for it,
26 but I'm just trying to get a better handle on what that is.

27
28 **MR. STRELCHECK:** Yes, and, I mean, I don't have any preconceived
29 notions, in terms of what this looks like, and I'm happy to
30 strike "comprehensive" and just say "conduct a review of IFQ
31 program goals and objectives". I think it's just we need to go
32 through the goals and objectives, in a thorough, detailed
33 manner, and determine which ones we are going to maintain, which
34 ones we're going to modify, and which ones we're going to
35 eliminate, and so I am open to suggested edits to the motion.

36
37 **CHAIRMAN DIAZ:** To that point, Dr. Stunz?

38
39 **DR. STUNZ:** Andy, thank you, and, to that point, the piece that
40 I like of Bob's motion, that maybe isn't captured in yours, is
41 that I think we're going to have to have a special either
42 meeting or session or -- I mean, the time we have, I don't know,
43 and I just -- Maybe that can just be captured in this
44 discussion. If we need to dedicate time at a meeting or
45 something, or any extra day, or I don't even know what that
46 looks like, Dale, but something to really give us some time
47 adequately vet all of this.

1 **CHAIRMAN DIAZ:** For clarity, Andy, did you want to strike the
2 word "comprehensive" out of your motion?
3

4 **MR. STRELCHECK:** Yes, and, if the seconder agrees, I would
5 recommend removing "comprehensive" and then adding "updated", in
6 the second-to-last line, before "goals and objectives". Greg,
7 you seconded it, and do you agree with that? Okay.
8

9 **CHAIRMAN DIAZ:** Okay. In a minute, I will read the motion
10 again, and we're going to work down our list. Ms. Boggs.
11

12 **MS. BOGGS:** Thank you, Mr. Chair. I agree with the more
13 aggressive timeline. I mean, you're going to have turnover in
14 August, and you're going to have turnover the following August,
15 and, the snail's pace that we've been moving at with this, I
16 don't look at that as something that we need to wait on, because
17 maybe we get this resolved before June, and I don't know, but I
18 do think we need to move forward with this.
19

20 We have fishermen that their livelihood depends on what this
21 council does, and they've been hanging in the balance now for
22 eight or ten years, and some of them gave comments that, you
23 know, they're getting older, and they're looking to retire, but
24 they don't know what they need to do, and they don't know how
25 it's going to affect their family, the businesses that they
26 leave behind, and so I think this is -- Troy, I don't think we
27 can do this by April, and I've already given Carrie enough gray
28 hair, but my question too is to the council staff.
29

30 This is a heavy lift, and I know we have quite an action list
31 going, but, to me, this is probably the number-one priority,
32 other than amberjack, I guess, and grouper, that we have to act
33 on, that this council needs to take some time and really focus
34 on, and a special session, a special meeting, you know, of reef
35 fish, if we do nothing but this at the June meeting, but I think
36 it's time, and I think it's something that needs to be done.
37

38 **CHAIRMAN DIAZ:** Thank you, Ms. Boggs. Mr. Anson.
39

40 **MR. ANSON:** Most of the things I wanted to address have been
41 covered. I agree with a little bit more of the aggressive
42 timeline, you know, just as a nod to those members who may be
43 going off in August, to allow them an opportunity to go ahead
44 and have some input at this stage of this issue, since it has
45 been a topic, a long-standing topic, that the council has been
46 trying to move forward on.
47

48 I am not very clear, not very supportive, as I understand it, on

1 the second-half of the motion, related to the updated goals and
2 objectives and themes, and I could certainly understand themes,
3 I guess, but the goals and objectives are a little restrictive,
4 I guess, in nature, relative to what could be done, or what
5 could be addressed, that some people have indicated are a
6 problem with the program, and one of those is what Mr.
7 Williamson brought up regarding resource rent, and so I'm still
8 undecided as to how I'll vote on this motion. Thank you.

9
10 **CHAIRMAN DIAZ:** Thank you, Mr. Anson. Mr. Gill.

11
12 **MR. GILL:** Thank you, Mr. Chairman, and so I would like to offer
13 a couple of friendly amendments, if the maker and the seconder
14 agree, and, first, I guess, is, instead of "updated", something
15 like "resulting", because, the way it reads right now, it says
16 "consistent with the updated goals and objectives presented at
17 the January 2023 Gulf Council meeting", and we didn't update
18 goals and objectives at the meeting.

19
20 Then, after "objectives", delete "and" and put in "corresponding
21 with the themes presented by Dr. Stephen", to clarify where
22 those themes are and what they're talking -- Because we did have
23 Dr. Carter's discussion as part of all this, and this is not
24 what you're talking about, I believe, and so I think we need
25 some clarity. "Corresponding with the themes presented by Dr.
26 Stephen", and the updated -- You know, the reference back to the
27 result of the review is not clear to me, from that wording, and
28 so I think clarity there is needed, but I would suggest that as
29 an improvement, Andy, if you would.

30
31 **CHAIRMAN DIAZ:** Mr. Strelcheck, are you amenable to those
32 friendly amendments?

33
34 **MR. STRELCHECK:** Yes.

35
36 **CHAIRMAN DIAZ:** So we need to take the word -- Based on "newly
37 updated", and take the word "updated" out, and you said replace
38 it with --

39
40 **MR. GILL:** My suggestion was "resulting", so we don't have to
41 reword the whole thing, but you need to refer back to the review
42 in some fashion.

43
44 **CHAIRMAN DIAZ:** Dr. Stunz recommends the word "modified". Does
45 that fit?

46
47 **MR. GILL:** Well, we don't know that we're going to modify them,
48 right, and, in fact, if I could carry on a little bit, if you

1 look at -- We have weighed-in on the original goals and
2 objectives, previously, as the council, and only one remains
3 open, and that's the reduce overcapacity, and all of the others
4 were considered achieved, and so, unless we're interested in
5 going back and resurrecting those things and saying, well, do we
6 really want to do something with that, or are we -- That's
7 different, but the only one that sits on the table today is
8 reducing overcapacity, because the council has already deemed
9 the others met.

10
11 **CHAIRMAN DIAZ:** Okay, and so I would like for us to get the
12 verbiage of the motion correct. Mr. Strelcheck, can you help us
13 with that?

14
15 **MR. STRELCHECK:** I am not offering suggestions to the wording at
16 this point, and I'm certainly open to more recommendations. You
17 know, I guess, a couple of things. In terms of what Kevin was
18 stating, you know, in his potential non-support of the second-
19 half of this, to me, I think the key component is we're the ones
20 that are responsible for reviewing and updating the goals and
21 objectives, right, and so the way we're going to proceed then
22 is, once we have defined those goals and objectives, we should
23 align changes to the program based on those goals and
24 objectives, right, and so things like what Troy is suggesting
25 making it into the updated goals and objectives, and that would
26 be what we would then pursue, in terms of program changes. If
27 they don't, then we would go another course.

28
29 I don't want that last part, in terms of "corresponding with the
30 themes presented by Dr. Stephen", to bog this conversation down,
31 and the struggle though I feel like this council has had, for
32 quite some time, is we have a lot of issues floating around,
33 with regard to the IFQ, that we want to tackle, but we don't
34 have a clear gameplan, in terms of how we approach those, and so
35 my thought was let's start with the goals and objectives and
36 then kind of take smaller bites of the apple, so to speak, and
37 focus on specific themes, or areas, that we really feel like are
38 the most important to address within the program, and so that's
39 why I added that second-half and that last sentences.

40
41 **CHAIRMAN DIAZ:** Okay, and so I am going to read the motion, and
42 them Mr. Dyskow had his hand up, and we're going to go to Mr.
43 Dyskow, but just to make sure everybody understands what we're
44 currently discussing.

45
46 **The substitute motion is, no later than June 2023, the council**
47 **should conduct a review of IFQ program goals and objectives and**
48 **recommend changes. Based on the newly-updated goals and**

1 objectives, the council should then initiate an amendment to
2 address program changes consistent with the resulting goals and
3 objectives corresponding with the themes presented by Dr.
4 Stephen at the January 2023 Gulf Council. Mr. Dyskow.

5
6 **MR. DYSKOW:** Thank you, Mr. Chair. I support the substitute
7 motion also, and the revised objectives may not be that
8 complicated, because what does the current program accomplish?
9 It manages the capacity issue that we've all talked about. We
10 have a finite number of people prosecuting this fishery, and
11 we've accomplished the goal of effectively managing the
12 resource, and so I don't know that that's going to change.

13
14 All we're really talking about is how do we go forward with the
15 program that does that, and, if it's not the IFQ program, what
16 is it, and, if it's the Dr. Stephen approach, that has merit,
17 and that is one issue, but my concern -- I guess I'm rambling,
18 but there's a reason for that.

19
20 We hear at these meetings, every single meeting where we have
21 testimony, everybody wants to enter the fishery, and I don't
22 think we can accomplish that, and the biggest principal, you
23 know, objective that people have is they want into the fishery,
24 and I can understand that, but how do we do that, because, if we
25 do that, we can easily, you know, destroy the excellent position
26 we are right now with red snapper, and so we have to be very
27 focused on the goals and objectives.

28
29 I don't think we can take all the things we've heard and make
30 that the new goals and objectives, because it's not possible to
31 do that. The fishery is finite in size, and what we have
32 addresses that, effectively, to protect the resource, and so we
33 need to go forward with something that does that, and, you know,
34 we've had some ideas here, and this auction idea has merit, the
35 Dr. Stephen approach has merit, but we can't do what most of the
36 people that come here and testify want us to do. We can't open
37 the floodgates with red snapper, and that's just not possible,
38 and so I think the -- I am rambling here, and I apologize, but
39 the focus can be very specific, and it doesn't have to be
40 overreaching, because we can't do most of those things. That's
41 my point.

42
43 **CHAIRMAN DIAZ:** Thank you for that, Mr. Dyskow. Mr. Anson.

44
45 **MR. ANSON:** Just to go back to my earlier comment about the
46 second part of the substitute motion, and the goals and the
47 objectives and themes that were presented by Dr. Stephen in her
48 presentation, is that, relative to the comment that was made

1 earlier by Mr. Williamson, that, you know, resource rent is not
2 included in those goals and objectives, in her presentation, or
3 not at least explicitly on the slides.

4
5 It may have come up as part of the discussion, but, at least
6 explicitly on the slides, resource rent is not one of those
7 items that were included as a goal, objective, or a theme, and
8 so that's all I was just -- That's my concern, is that --
9 Granted, we need to stay somewhat focused, as to what ultimately
10 we want to move forward with, kind of to Mr. Dyskow's comment,
11 you know, and there's been lots of comments made by folks that
12 have come to public testimony that, you know, they don't like
13 the notion of the council discussing the IFQ program, because
14 just discussing it, and discussing changing the program, causes
15 instability and unease in the program, and so I would think
16 that, once we get to the point where we are talking about
17 changes to the program, that we determine what those changes are
18 and, you know, try not to mess with it, or at least, you know,
19 set up a schedule that we just review it every year, or we make
20 a change here, or a change the next year, or a change there,
21 because, again, it just -- It prolongs the instability of that,
22 and so having it written as-is right now is just a little bit
23 more restrictive, I guess, than what it could be. Thank you.

24
25 **CHAIRMAN DIAZ:** Thank you. Mr. Gill.

26
27 **MR. GILL:** Thank you, Mr. Chairman, and so I'm seeking a little
28 clarity here, and I have a two-part. Andy, based on the "no
29 later than June 2023", what you're suggesting is that we put it
30 in the agenda in April, and, assuming we need more, we put it in
31 the agenda in June, to get to an endpoint, and is that your
32 thinking?

33
34 **MR. STRELCHECK:** You have assumed incorrectly.

35
36 **MR. GILL:** Again?

37
38 **MR. STRELCHECK:** You're assuming I've been wanting to be that
39 prescriptive, and I'm not. I'm very intentional in the wording
40 that I made, so that the council staff would have flexibility,
41 in terms of how to approach this, as multiple meetings, or one
42 lengthy meeting, or potentially meetings that are outside of the
43 council meetings, and so I want to be able to come up with the
44 best solution for how to address this without prescribing that
45 to the council staff.

46
47 **MR. GILL:** Thank you.

1 **CHAIRMAN DIAZ:** All right. Thank you. All right. I think
2 we've got this right. Dr. Stunz and Mr. Strelcheck, we've had a
3 fair amount of discussion, and we're going to bring this to a
4 close very soon. Dr. Stunz.

5
6 **DR. STUNZ:** Thank you, Mr. Chairman. I recommend, instead of
7 "by Dr. Stephen", that we need to put the tab number in there,
8 you know, of the presentation, just for clarity there, just to
9 clean that up just a little bit.

10
11 I want to comment, just really briefly, to Kevin and then what
12 Andy initially said leading into this, and, Kevin, I too shared
13 some of your concerns with some different other things, to
14 incorporate -- I quickly just re-looked at that presentation,
15 and I think there's enough -- It's broad enough to capture a lot
16 of things, but, you know, obviously, we want to look through
17 that, but my main point here was back to Andy, about the timing,
18 and I completely agree.

19
20 I just wanted to reinforce what you said, Andy, about -- I feel
21 like we've got some momentum now, that we haven't had in all the
22 years past that we've been discussing that, and I really think,
23 if we're not moving out on this at this point, you know, what
24 are we doing here, that kind of thing, and so that's why I'm
25 still supportive of this aggressive timeline, is that we need to
26 move. If we're going to do anything, now is the time. We've
27 got everything sort of in place and set up to move it forward,
28 and so I'm going to support the motion.

29
30 **CHAIRMAN DIAZ:** Okay. Then I have Mr. Strelcheck, and then
31 we've had a fair amount of discussion. After that, we're going
32 to vote this up or down. Mr. Strelcheck.

33
34 **MR. STRELCHECK:** Just for clarity, and Greg just covered a
35 portion of it, and, you know, when I'm referring to the themes
36 in Dr. Stephen's presentation, I mean, there are broad themes in
37 there, and we did get somewhat prescriptive in terms of, you
38 know, tactical management response, but it's not a fully
39 inclusive list of everything that could be considered, and so I
40 was thinking more those high-level themes and what we would want
41 to prioritize going forward. Thanks.

42
43 **CHAIRMAN DIAZ:** Okay, and so we've had a fair amount of
44 discussion, and we're ready to vote on this, and so I want to do
45 this by a show of hands. I'm going to read the motion one more
46 time, and then we'll vote.

47
48 **No later than June 2023, the council should conduct a review of**

1 IFQ program goals and objectives and recommend changes. Based
2 on newly-updated goals and objectives, the council should then
3 initiate an amendment to address program changes consistent with
4 the resulting goals and objectives corresponding with the themes
5 presented in Tab B, Number 5(c) at the January 2023 Gulf Council
6 meeting. All right. All those in favor of the motion, signify
7 by raising your hand. Dr. Shipp votes yes. The motion carries.
8 All right. Dr. Frazer.

9
10 **DR. FRAZER:** Yes, sir. All right. We'll continue with Draft
11 Amendment 56: Modifications to the Gag Grouper Catch Limits,
12 Sector Allocations, and Fishing Seasons, Tab B, Number 6. SERO
13 staff reviewed the timeline for the gag interim rule that the
14 council requested, which is intended to reduce fishing mortality
15 ahead of the development and implementation of Amendment 56. On
16 January 1, 2023, commercial allocation in the IFQ program was
17 withheld, in anticipation of the interim rule being implemented
18 by May 2, 2023.

19
20 Council staff reviewed the options under consideration in
21 Amendment 56, including revised catch limits informed, in part,
22 by the State of Florida's State Reef Fish Survey and
23 highlighting new data for the recreational fishing season
24 durations using SRFS and MRIP data.

25
26 NOAA General Counsel clarified that Options b through d in
27 Alternatives 2 and 3 constituted the maximum time to rebuild the
28 stock, Tmax, whereas, Option a represents the minimum time
29 needed to rebuild the stock, Tmin. A committee member noted
30 that Options b and c were very similar to one another and
31 thought removing the generation time option would be appropriate
32 and would simplify the document.

33
34 **The committee recommends, and I so move, in Action 1, to move**
35 **Options 2c and 3c in Alternatives 2 and 3 to Considered but**
36 **Rejected.** That motion carried without opposition. Mr. Chair.

37
38 **CHAIRMAN DIAZ:** Okay. Thank you, Dr. Frazer, and so we have a
39 committee motion. Is there any discussion on the motion? **Is**
40 **there any opposition to the motion? The motion carries.**

41
42 **DR. FRAZER:** A committee member noted that the council can select
43 a rebuilding time target between Tmin, as shown in Option a, and
44 Tmax, as shown in the remaining options, in Alternatives 2 and
45 3. Staff advised that any additional options would require
46 revised projections, which would need to be reviewed and
47 approved by the SSC prior to incorporating these additional
48 options into the document.

1
2 NOAA General Counsel noted that the difference between Tmin and
3 the Tmax with the shortest rebuilding time. Option b, eighteen
4 years, is seven years, and, thus, a target could be chosen that
5 came between those options. A committee member thought
6 selecting a rebuilding target between Options a and b would be
7 fractional, due to the minimal differences between the
8 rebuilding yield stream projections, and, thus, of limited
9 benefit to the stock.

10
11 Staff reviewed the options in Action 2 for modifying the
12 recreational fishing season. SERO noted a spring season in
13 state waters for gag in four coastal counties in the Big Bend
14 region of Florida, which accounted for landings outside the
15 federal season in 2019 through 2021. The Florida Fish and
16 Wildlife Conservation Commission confirmed that this spring
17 season has been eliminated, in anticipation of the interim rule
18 coming into effect in 2023.

19
20 Another committee member asked about the effects of starting a
21 fishing season in the middle of an MRIP wave. SERO replied that
22 most recreational landings come from private vessels and are
23 determined by monthly SRFS landings estimates. The remainder of
24 recreational landings would be subject to the two-month waves
25 characteristic of MRIP. FWC replied that SRFS was not designed
26 for in-season quota monitoring at short time scales. A
27 committee member asked about addressing discards in the summer
28 months if the fishing season for gag were to open in the fall.

29
30 Captain Ed Walker, chair of the Reef Fish Advisory Panel,
31 replied that, for west-central Florida, the overlap between red
32 snapper and gag is not particularly problematic, though that is
33 not to say that fishermen would not catch any gag during the
34 summer when fishing for red snapper.

35
36 He added that opening gag in warmer months may result in higher
37 discard mortality from fishermen having to fish deeper water to
38 find biting fish. He stated that the combination of fishing at
39 deeper depths and releasing fish into warmer surface waters
40 increased discard mortality. Another committee member noted
41 that fishing practices for gag are diverse across the eastern
42 Gulf, recalling the preference from FWC for a September 1
43 opening date for the interim rule.

44
45 A committee member thought derby fishing behavior may result
46 from a compressed fishing season. They thought some additional
47 measure may be necessary to try to reduce the chance of
48 exceeding the recreational annual catch limit. Another

1 committee member asked to also account for discard mortality in
2 the fishing season duration projections.

3
4 NOAA General Counsel reiterated that the projections were
5 dependent on the data available now and that NMFS would have to
6 project when the fishing season would close, based on the data
7 available in each fishing year. Dr. Sweetman.

8
9 **CHAIRMAN DIAZ:** Dr. Sweetman.

10
11 **DR. SWEETMAN:** Thank you, Mr. Chair. I figured this would be a
12 good time, since we're discussing Action 2 here, and one thing
13 that was obvious, during all of our deliberations on this topic,
14 as well as in public comment, was I did not hear much support
15 for a November 1 start date, and so, Bernie, if you will, I
16 would like to make a motion here. **I will make this short and**
17 **sweet, and the motion would be, in Action 2, to move Alternative**
18 **4 to Considered but Rejected.**

19
20 **CHAIRMAN DIAZ:** All right, and so hopefully everybody
21 understands what we're doing here, and so, in Action 2, to move
22 Alternative 4 to Considered but Rejected, and that's the
23 November 1 start date. Is there a second for the motion? It's
24 seconded by Mr. Dyskow. Is there any discussion on the motion?
25 **Seeing no discussion, is there any opposition to the motion?**
26 **One in opposition. The motion carries.** Dr. Frazer.

27
28 **DR. FRAZER:** In October 2022, the council requested that staff
29 explore several management measures in the development of
30 Amendment 56. Staff recommendations were provided to the
31 committee for each requested measure. A committee member asked
32 that staff investigate a two-fish-per-six-people recreational
33 vessel limit, combined with keeping the recreational fishing
34 season open as long as possible.

35
36 Another committee member asked about the benefit of selecting a
37 date-certain closure for the recreational fishing season. Staff
38 replied that the benefit comes when the date-certain closure is
39 expected to be prior to the date when the ACL would be projected
40 to be met, resulting in a positive biological benefit to the
41 stock.

42
43 However, as the ACL increases in successive years, a date-
44 certain closure limits the potential of longer fishing season
45 durations as the ACL increases, limiting future fishing
46 opportunities. The committee member countered that, if the
47 estimated closure date underestimates landings, and an ACL
48 overage results in a payback because the stock is in a

1 rebuilding plan, then there would be negative biological,
2 social, and economic effects resulting from that overharvest.

3
4 A committee member thought that moving the fishing season later
5 into the fall may result in the FWC not implementing a
6 reciprocal fishing season, with the majority of the gag
7 recreational ACL being landed in state waters in earlier months
8 during a state-waters fishing season.

9
10 The committee member also noted an effort by the South Atlantic
11 Fishery Management Council to manage gag in the same manner as
12 black grouper with respect to fishing seasons, minimum size and
13 bag limits, and other measures, since the two species are caught
14 concurrently there and have often been misidentified in the past
15 by anglers and port samplers.

16
17 Another committee member discussed the low proportion of males,
18 the current closed season, and Madison-Swanson, Steamboat Lumps,
19 and, seasonally, the Edges, and the directed fishing effort on
20 females in shallower waters in the fall. A committee member
21 thought it was in the best interest of the council to focus its
22 efforts on items that were most likely to be implemented and
23 result in net positive benefits to the gag stock and
24 stakeholders. Another committee member thought these issues
25 should be addressed in a sector-specific manner.

26
27 **The committee recommends, and I so move, to direct staff to**
28 **develop the following options for exploration in a framework**
29 **action or amendment: lowering the gag and black grouper**
30 **recreational bag limit; establishing a gag and black grouper**
31 **recreational vessel limit; and spatial areas to protect spawning**
32 **gag.** That motion carried without opposition. Mr. Chair.

33
34 **CHAIRMAN DIAZ:** Thank you, Dr. Frazer, and so we have a
35 committee motion. Is there any discussion on the motion? Ms.
36 Boggs.

37
38 **MS. BOGGS:** I know this is not dealing with allocation, but I
39 noticed, with allocations, that we have to work jointly with the
40 South Atlantic, and we don't have to do that in this instance,
41 because we're just dealing with bag limits and vessel limits and
42 spatial areas, and is that correct?

43
44 **MR. RYAN RINDONE:** Yes.

45
46 **CHAIRMAN DIAZ:** Any further comments on the motion? Dr.
47 Simmons.

48

1 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair. Regarding
2 maintaining black grouper, I know we're just looking at this in
3 lowering the bag limit and the vessel limit, but it seemed like
4 several people that came up to the podium stated that landings
5 were really low, and they're very associated with coral-type
6 habitat for black grouper, and they're not really in the same
7 areas as many of the gag, except for south Florida and probably
8 off of the Flower Garden Banks area, and so I guess I'm asking,
9 and is that still something that we could maybe accomplish, in a
10 better manner, by doing some really, you know, strategic
11 outreach and education regarding species ID, for black grouper,
12 or is this something that we really need to move forward with
13 looking at?

14
15 **CHAIRMAN DIAZ:** Ms. Boggs.

16
17 **MS. BOGGS:** After Ryan clarified my last question, I look at
18 this kind of like the jack complex, and I have to share this,
19 because it was really funny, and my husband and daughter were
20 telling me, the other day, if we catch a fish, and we don't know
21 what it is, we throw it back, and, you know, if you have a
22 question, to me, it's very easy, and you release the fish, and
23 you move on with life, and I think we're complicating this.

24
25 I mean, gag is not a fishery that I am familiar with, but, based
26 on what Carrie just said, and what we're looking at in the
27 amberjack document, I just -- I think outreach and education
28 and, again, to the fishermen, if you don't know what you've got,
29 release it.

30
31 **CHAIRMAN DIAZ:** Okay. Any further comments? Dr. Sweetman.

32
33 **DR. SWEETMAN:** Thanks, Mr. Chair. My preference would be to
34 keep this in there. I certainly think that outreach and
35 education would be an important component of anything that we do
36 here at the council, but, given just the historical
37 identification issues, the lack of ability for conducting a
38 stock assessment on this, and this has just been an ongoing
39 issue that I'm not entirely sure that outreach and education can
40 resolve by itself.

41
42 **CHAIRMAN DIAZ:** Thank you, Dr. Sweetman. Dr. Froeschke and then
43 Mr. Broussard.

44
45 **DR. JOHN FROESCHKE:** Just to clarify on the timing of this, and
46 is it your understanding that we would complete, or get farther
47 along, on the rebuilding plan before we would initiate work on
48 this and bring it back to you?

1
2 **CHAIRMAN DIAZ:** I am going to get Dr. Simmons to weigh-in on
3 that, on the timing of it.
4

5 **MR. RINDONE:** So, I mean, the most pressing thing is to get
6 Action 1 in the document taken care of by the June meeting. As
7 far as doing this one is concerned, our current -- The last
8 black grouper assessment, and I think it was mentioned that we
9 had pulled the plug on that one, and so what we know about that
10 stock is, at this point, is pretty well limited to just
11 landings, which carries some pretty substantial PSEs, and it can
12 be pretty variable, anywhere from, you know, a couple of
13 thousand fish a year to 17,000 fish a year, and this is,
14 obviously, numbers of fish.
15

16 Even still, black grouper landings are a fraction, in the Gulf,
17 of what they are for gag, and the misidentification issue,
18 fishermen told us, is less of an issue now, and it was like, Dr.
19 Sweetman mentioned, a bigger issue in the historical part of the
20 time series, like basically the mid -- The early to mid-1990s
21 and prior, and we have corrections for that for gag, but not
22 going the opposite way, and, again, that relates to the
23 magnitude, and so I don't know how we would address that,
24 specifically, in a framework action, because that issue is what
25 pulled the plug on the last black grouper stock assessment.
26

27 I mean, we've asked for one, but I don't know where that stands
28 yet, and I don't have any information for you guys on that yet.
29 I mean, this would probably not start until the fall, and so, I
30 mean, we need to get gag done, and we need to get this amberjack
31 stuff -- We need to get 56 done, and we need to get this
32 amberjack stuff done, and I would imagine that the red snapper
33 calibrations are going to be an A priority, and so we need to
34 get that done, and we have yellowtail that's starting back up
35 that we're working on concurrently with the South Atlantic, and
36 so we'll need to be working on that. I think I'm making the
37 point.
38

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

41 **MR. BROUSSARD:** C.J., are your intentions, or do you foresee
42 that we're going to close down black grouper with gag?
43

44 **DR. SWEETMAN:** This would only be specific for the bag limit and
45 the vessel limit.
46

47 **MR. BROUSSARD:** So we'll still have a black grouper season?
48

1 **DR. SWEETMAN:** Yes, that's correct, for the record.
2
3 **CHAIRMAN DIAZ:** Okay, and so I'm not seeing any more hands, and
4 we're going to go ahead and vote on this. I want to do this by
5 a show of hands. **All in favor of the motion, signify by raising**
6 **your hand; all opposed, like sign. The motion carries.** Dr.
7 Shipp, how did you vote?
8
9 **DR. SHIPP:** I voted yes.
10
11 **EXECUTIVE DIRECTOR SIMMONS:** It's twelve to three, Mr. Chair.
12
13 **CHAIRMAN DIAZ:** Twelve to three. Thank you. Thank you, Dr.
14 Shipp. Okay. Not seeing any further discussion, Dr. Frazer.
15
16 **DR. FRAZER:** A committee member asked -- Mr. Strelcheck.
17
18 **CHAIRMAN DIAZ:** Mr. Strelcheck.
19
20 **MR. STRELCHECK:** A suggestion, and maybe a question for Ryan,
21 and I don't know how full the SSC schedule is in the coming
22 meetings, and I know they're meeting kind of every other month,
23 and I really think that both the AP and the SSC would benefit
24 from researchers working on spatial area closures, or not
25 closures, but spawning aggregations, and reproductive biology
26 for gag, if we could bring them in to present on new, ongoing
27 research and past research. We have members within the agency,
28 academics, as well as state biologists, all that have worked in
29 this area, and I think that would help to kind of frame this
30 discussion upfront, early on.
31
32 **CHAIRMAN DIAZ:** Go ahead, Mr. Rindone.
33
34 **MR. RINDONE:** Thank you, and so the March and May meetings are
35 full, and, just to give you guys an idea of what we're talking
36 about here, we have shrimp day in March, which is going to talk
37 about the new models for estimation and the upcoming research
38 track, and we have a whole bunch of socioeconomic presentations
39 that are going to take place. We're talking about scamp and
40 yellowmouth ACLs within the shallow-water grouper complex, and
41 then we have a discussion about the greater amberjack count,
42 discard mortality, wenchman, and evaluating bottom fishing
43 closures in the rec fishery, or a past analysis that an SSC
44 member had done, and then some SSC modeling.
45
46 Then, in May, we're talking about a Spanish mackerel stock
47 assessment, the shelf model that Chris Stallings is responsible
48 for, the allocation decision tree from the South Atlantic

1 Council, and we're having a whole day dedicated to management
2 strategy evaluations, talking about the ABC Control Rule,
3 ecosystem modeling and Gulf stock assessments, and so that
4 meeting is also full, and so the soonest would be July.

5
6 **CHAIRMAN DIAZ:** Dr. Simmons.

7
8 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair, and so what
9 we could do, and we should do, between now and then, and I have
10 asked, in Amendment 56, for gag rebuilding, that we do a
11 literature review in there of all the new information we have
12 regarding gag grouper spatial ecology and sex change and all
13 that kind of stuff, and so we'll definitely at least have that,
14 as a minimum, before the council takes final action.

15
16 **CHAIRMAN DIAZ:** Okay. I am not seeing any further discussion.

17
18 **DR. FRAZER:** I'm not sure, and, J.D., did you have your hand up
19 too?

20
21 **CHAIRMAN DIAZ:** I'm sorry. Are you good? All right. Dr.
22 Frazer.

23
24 **DR. FRAZER:** A committee member asked about restocking efforts
25 for a species like gag and what the likelihood of success of
26 such a program might be. The Southeast Fisheries Science
27 described the difficulties of raising and preparing hatchery-
28 grown fish to survive after being released and will provide
29 relevant previous research proposals exploring these issues.

30
31 Another committee member asked if the peaks in landings could be
32 regionally correlated. Staff will explore the landings data and
33 bring that information back to the Council in April. The
34 council should select public hearing locations during Full
35 Council. This might be a good time, Mr. Chair, to talk about
36 those public hearings, before we get into amberjack.

37
38 **CHAIRMAN DIAZ:** I agree, Dr. Frazer, and so would you want to
39 lead that discussion, Dr. Simmons? Dr. Sweetman.

40
41 **DR. SWEETMAN:** Thank you, Mr. Chair. Just a couple of
42 suggestions out there, and I figured, you know, probably -- I
43 mean, we can ask council staff about this, but four max, I would
44 envision, for something along these lines, and, for this
45 particular amendment, gag grouper, I was thinking maybe Destin,
46 Cedar Key, Tampa, and Naples, would be my suggested workshop
47 locations.

1 **EXECUTIVE DIRECTOR SIMMONS:** It would be good if we could just
2 get a motion.
3
4 **CHAIRMAN DIAZ:** Would you put that in the form of a motion, Dr.
5 Sweetman?
6
7 **DR. SWEETMAN:** Sure thing, Mr. Chair. **Motion to conduct public**
8 **hearings in the following locations: Destin, Cedar Key, Tampa,**
9 **and Naples.**
10
11 **CHAIRMAN DIAZ:** Is there a second to the motion? It's seconded
12 by Mr. Dyskow. Is there any discussion on the motion? Mr.
13 Gill.
14
15 **MR. GILL:** Thank you, Mr. Chairman. Would it be appropriate to
16 consider a virtual hearing, for those that are not able to make
17 the in-person hearings, and, if so, add it to the motion?
18
19 **CHAIRMAN DIAZ:** Dr. Froeschke.
20
21 **DR. FROESCHKE:** We always do those, either way.
22
23 **CHAIRMAN DIAZ:** Okay, and so there will be a virtual option
24 also, in addition to those four. Ms. Boggs.
25
26 **MS. BOGGS:** I mean, I really don't have a dog in this fight,
27 but, I mean, are we going to set a timeframe, and is this going
28 to be before our next meeting, or after we -- What's the
29 timeframe for those?
30
31 **CHAIRMAN DIAZ:** Dr. Frazer.
32
33 **DR. FRAZER:** I mean, the public hearing draft comes out in
34 April, right, and sometime between there and June.
35
36 **CHAIRMAN DIAZ:** Is there any further discussion on the motion?
37 **Is there any opposition to the motion? Seeing no opposition,**
38 **the motion carries.** Dr. Frazer.
39
40 **DR. FRAZER:** Draft Framework Action -- Andy I think had --
41
42 **CHAIRMAN DIAZ:** Mr. Strelcheck.
43
44 **MR. STRELCHECK:** Sorry, Dr. Frazer, and so we heard a lot, in
45 public testimony, and we've heard it in past public testimony,
46 about kind of this time lag in terms of the assessment results,
47 and maybe the fishery in a little bit better shape than what,
48 you know, the assessment is indicating, and so I know, at one

1 point, we had asked for the Science Center to investigate the
2 suitability of like conducting interim analysis and their trap
3 survey, and I just wanted to come back to that, and it's
4 something I think we should go back and look at. I don't know
5 if we ever finalized the response, but, given our need to kind
6 of more timely manage the fishery with current trends in
7 information, I think that would be beneficial. Ryan.

8
9 **MR. RINDONE:** I have that on the July agenda right now.

10
11 **CHAIRMAN DIAZ:** Okay. I want to -- Before we get back going, I
12 want to acknowledge a gentleman that just walked into the room,
13 Mr. Camp Matens. He just walked into the room, a former council
14 member, and it's good to see you, Camp. Thank you for coming.
15 We miss you too, and thank you for coming to spend some time
16 with us. We appreciate you doing that. Dr. Frazer.

17
18 **DR. FRAZER:** All right, and so Draft Framework Action: Modify
19 the Greater Amberjack and Jacks Complex Management Measures, Tab
20 B, Number 7, council staff reviewed a draft document that would
21 modify management measures for both greater amberjack and the
22 jacks complex (almaco jack, lesser amberjack, and banded
23 rudderfish).

24
25 Juvenile greater amberjack may be misidentified as other species
26 within the jacks Complex. Unintended harvest of greater
27 amberjack misidentified as another jack species could influence
28 the rebuilding goals for greater amberjack. To address this
29 issue, the proposed alternatives include options to establish
30 season closures for the jacks complex to reduce fishing
31 mortality of juvenile greater amberjack.

32
33 Action 1 outlines proposed modifications to the recreational
34 fishing season. Preliminary season projection analyses,
35 assuming the new reduced catch limits, indicate that the greater
36 amberjack fishing season will likely be only a few weeks in
37 duration, regardless of which month the season starts in the
38 fall. The greater amberjack recreational season has not been
39 open during the months of November and December in the past
40 decade. Another method for predicted season duration will be
41 explored in an updated draft of this document.

42
43 The committee discussed the structure of the language used in
44 the document alternatives and discussed whether other season
45 start dates should be considered. A committee member suggested
46 that a table title reporting the fishing season duration across
47 the document alternatives be amended to explicitly state that
48 these results were based on greater amberjack harvest only. He

1 continued that a table of greater amberjack landings by state
2 would also be informative, and staff indicated that those
3 changes could be incorporated in the next draft of the document.
4

5 Another committee member stated that adding an option that would
6 close the jacks complex fishing season during peak greater
7 amberjack spawning would aid in protecting greater amberjack,
8 while limiting the closure period for the jacks complex.
9

10 A Committee member asked if the different recreational data
11 collection programs between the two stocks would be problematic.
12 Staff indicated that, while, ideally, both stocks would have
13 harvest estimated using the same data collection methodology,
14 this distinction does not prevent the action from being
15 implemented as intended. Staff added that they would explore
16 reworking the action alternatives, such that a jacks-complex-
17 specific fishing season alternative could be added and then
18 concurrently selected as preferred with a greater amberjack
19 fishing season alternative. That was a mouthful.
20

21 **The committee recommends, and I so move, in Action 1, to add an**
22 **Option b to Alternatives 2, 3, and 4: Option b is modify the**
23 **recreational fishing season for the Gulf jacks complex (i.e.**
24 **lesser amberjack, almaco jack, banded rudderfish) such that this**
25 **season is open June through February. That motion carried with**
26 **no opposition. Mr. Chair.**
27

28 **CHAIRMAN DIAZ:** Okay, and so we have a committee motion. Is
29 there any discussion on the motion? Mr. Broussard.
30

31 **MR. BROUSSARD:** I am going to speak in opposition. We heard a
32 lot of people were frustrated that this motion was made, and I'm
33 not going to support it.
34

35 **CHAIRMAN DIAZ:** Mr. Dugas.
36

37 **MR. DUGAS:** I am going to echo what Mr. Broussard just said. In
38 public testimony, there was a lot of opposition to adding the
39 jack complex in with amberjack.
40

41 **CHAIRMAN DIAZ:** Is there further discussion on the motion? Ms.
42 Boggs.
43

44 **MS. BOGGS:** Well, I was just making sure that -- I mean, I'm
45 going to speak in opposition to this as well.
46

47 **CHAIRMAN DIAZ:** Thank you, Ms. Boggs. Dr. Frazer.
48

1 **DR. FRAZER:** I mean, I originally seconded this motion in
2 committee, right, just for discussion, but I think it's pretty
3 clear, based on the public testimony, that there's little
4 appetite for this, and so I probably will oppose the motion as
5 well.

6
7 **CHAIRMAN DIAZ:** Okay. Seeing no further hands, we're going to
8 go ahead and vote on this. I am going to read the motion into
9 the record, and we're going to do a show of hands. **In Action 1,**
10 **to add an Option b to Alternatives 2, 3, and 4. Option b is**
11 **modify the recreational fishing season for the Gulf jacks**
12 **complex, and that's lesser amberjacks, almaco jacks, and banded**
13 **rudderfish, such that this season is open June through**
14 **September. All in favor of the motion, signify by raising your**
15 **hands; all opposed, signify by raising your hands. The motion**
16 **fails.** Dr. Shipp, did you get a chance to cast your vote? Dr.
17 Shipp, I just wanted to check, and we wanted to make sure and
18 get you on the record for your vote. All right. The motion
19 fails. Dr. Froeschke.

20
21 **DR. FROESCHKE:** Just to clarify, and I know you're going to get
22 here in a minute, and so, this way, we wouldn't add that
23 alternative, but do you want us to remove the option that's in
24 there currently regarding the jacks or just take everything out
25 about the jacks complex?

26
27 **CHAIRMAN DIAZ:** Ms. Boggs.

28
29 **MS. BOGGS:** Well, I sent a motion to Bernie. I just realized
30 that I may have missed part of it, and so I need to look at it.
31 I need to add Alternative 4, because I forgot that John came
32 back and added my request in there. **It would be, in Action 1,**
33 **Alternatives 2, 3, and 4, and would it be in Option 4 also,**
34 **John, since we can't see it in the document, the Option a?**

35
36 **DR. FROESCHKE:** I think you could just simplify it and just say
37 remove consideration of the jacks complex from the document or
38 something.

39
40 **MS. BOGGS:** That works for me too.

41
42 **CHAIRMAN DIAZ:** Okay, and so we have a motion. **The motion is to**
43 **remove the jacks complex from the document.** Is there a second
44 from the motion? It's seconded by Mr. Anson. Is there any
45 discussion on the motion? Ms. Boggs.

46
47 **MS. BOGGS:** Well, I did want to give a little rationale to that,
48 because I was looking at the catch levels for these species,

1 and, yes, there's been a couple of years that we've gone over,
2 but it's just been two years, and so, I mean, if we need to do
3 something different with this, I think we can look at it
4 differently, but I don't think we need to look at it in this
5 document, and it's not a species that we can continuously
6 overfish, and so I just feel like this is not the place to have
7 the discussion for the jacks complex.

8
9 **CHAIRMAN DIAZ:** Thank you, Ms. Boggs. Mr. Anson, did you have
10 anything?

11
12 **MR. ANSON:** Yes, and, I mean, I would follow Ms. Boggs'
13 comments, and I agree with them and just I appreciate the
14 staff's time to go ahead and put the information together and
15 such, but it did provide some information that maybe we weren't
16 quite as keenly aware of as we are now, relative to the ACLs and
17 where they've been here lately, and so it might be something
18 that we might need to address here in the not-too-distant
19 future. Thank you.

20
21 **CHAIRMAN DIAZ:** Thank you, Mr. Anson. Okay, and so we have a
22 motion, and it's seconded. Is there any further discussion on
23 the motion? **Seeing none, is there any opposition to the motion?**
24 **Seeing no opposition, the motion carries.** I do want to thank
25 the members of the public that commented on this and gave us
26 their opinion yesterday during public testimony. Dr. Frazer.

27
28 **DR. FRAZER:** In Action 2, staff indicated that the commercial
29 trip limit step down from 1,000 pounds to 250 pounds when 75
30 percent of the annual catch target had been harvested has yet to
31 be triggered. Staff stated it was highly likely that the trip
32 level step-down would be triggered once the reduced stock catch
33 levels are implemented.

34
35 The alternative of a five-fish trip limited was recommended by
36 the council's Reef Fish AP during its October 2022 meeting. The
37 rationale of the AP was that it was easier to comply with a
38 number of fish than a weight limit. Staff stated that the
39 commercial fleet average weight of an individual greater
40 amberjack was approximately thirty pounds.

41
42 A committee member noted that a limit of five fish was equal to
43 approximately 150 pounds, which was less than the other
44 alternatives. The committee suggested that an additional
45 alternative be added that would consider a commercial trip limit
46 in numbers of fish that would be closer in terms of weight to
47 the other alternatives.

1 **The committee recommends, and I so move, in Action 2, to add an**
2 **Alternative 4 to establish a commercial trip limit of seven**
3 **fish, approximately 200 pounds gutted weight. That motion**
4 **carried without opposition. Mr. Chair.**

5
6 **CHAIRMAN DIAZ:** Thank you, Dr. Frazer. We have a committee
7 motion. Is there any discussion on the motion? **Seeing none, is**
8 **there any opposition to the motion? Seeing no opposition, the**
9 **motion carries. Dr. Frazer.**

10
11 **DR. FRAZER:** The committee informed staff that a decision tool
12 to support the document discussions was not necessary at this
13 time.

14
15 The committee discussed the problematic nature of monitoring
16 small catch levels for a short fishing season duration,
17 especially when the stock has a payback provision for the
18 following season if the ACL is exceeded in the previous fishing
19 season.

20
21 A committee member contended that MRIP struggles to capture
22 fishing effort in states with smaller coastlines, like
23 Mississippi. He reported some occurrences where a small number
24 of intercepts during a wave translated into large harvest
25 estimates.

26
27 With greatly reduced catch levels for greater amberjack,
28 monitoring harvest for this stock will need to be precise, to
29 achieve management goals. Southeast Fisheries Science Center
30 staff stated that low sample size at angler intercepts can
31 influence harvest estimates and recommended using a multiyear
32 average for the ACL. This could aid in managing recreational
33 greater amberjack and other species. This method is permissible
34 under National Standard 1 and may be worth exploring. The
35 committee agreed that more information on this approach would be
36 beneficial.

37
38 **The committee recommends, and I so move, to request the**
39 **Southeast Fisheries Science Center provide a presentation to the**
40 **council regarding multiyear ACL averages to monitor ACLs. That**
41 **motion carried without opposition. Mr. Chair.**

42
43 **CHAIRMAN DIAZ:** Okay. We have a committee motion. Is there any
44 discussion on the motion? **Seeing no discussion, is there any**
45 **opposition to the motion? Seeing no opposition, the motion**
46 **carries. Dr. Frazer.**

47
48 **DR. FRAZER:** Revised Recreational Red Snapper Calibration

1 Ratios, Tab B, Number 8, Dr. Jim Nance, the SSC Chair, presented
2 the SSC's deliberations and recommendations based on its review
3 of the revised recreational red snapper calibration ratios, as
4 presented to the SSC by representatives from Florida, Alabama,
5 and Mississippi at the SSC's January 2023 meeting.

6
7 Each state presented a proposal to revise calibrations for its
8 respective estimates of private vessel and state charter for-
9 hire landings of red snapper to MRIP's Coastal Household
10 Telephone Survey, CHTS, for Mississippi and Alabama, or MRIP's
11 Fishing Effort Survey, FES, for Florida). The states provided
12 justification for their recommended selection of years and waves
13 within the years.

14
15 Dr. Nance discussed the SSC's review of the terms of reference
16 for each state's proposal and the SSC's resultant
17 recommendations by state. Committee members expressed
18 appreciation for the SSC's efforts to review the revised
19 calibration proposals and the transparency demonstrated in the
20 SSC's review process.

21
22 **The committee recommends, and I so move, to request that staff**
23 **begin development of a framework action to update the**
24 **recreational red snapper data calibration ratios for Florida,**
25 **Alabama, and Mississippi, using the calibration ratios**
26 **recommended by the SSC during their January 2023 meeting. That**
27 **motion carried without opposition.**

28
29 **CHAIRMAN DIAZ:** Okay, and so we have a committee motion. Is
30 there any discussion on the motion? Mr. Anson.

31
32 **MR. ANSON:** I was just wondering, Dr. Simmons, where, or when,
33 the council might be able to see this document.

34
35 **CHAIRMAN DIAZ:** Dr. Simmons.

36
37 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair, and so we'll
38 be working with the Chair and Vice Chair on the priority on
39 this, but I assume this is something the council would like to
40 see a draft of in April, and then shoot for final action in
41 June, is our goal right now.

42
43 **MR. ANSON:** Thank you.

44
45 **CHAIRMAN DIAZ:** That sounds excellent. General Spraggins.

46
47 **GENERAL SPRAGGINS:** That was one of the questions I had, and I
48 thank you for that, and the other thing is I do want to thank

1 the SSC and the group for listening, and at least understanding
2 some of the points that we had, and I appreciate you all
3 listening to Trevor, to tell his story about what we have in
4 Mississippi. I still think that we are taking it a little bit
5 in the shorts, but that's okay, and, you know, we have to do
6 what we have to do, and we know that you're trying, and we know
7 that you're trying hard to try to help us, and we appreciate
8 that. I mean, I can't say that I agree with it, but I will
9 definitely support it. Thank you.

10
11 **CHAIRMAN DIAZ:** Thank you, General Spraggins. Any further
12 discussion? All right. Let's try this. **Is there any**
13 **opposition to the motion? Seeing no opposition, the motion**
14 **carries.** Dr. Frazer.

15
16 **DR. FRAZER:** January 2023 Gulf SSC Summary Report, Tab B, Number
17 9, SEDAR 75: Gulf Gray Snapper Operational Assessment, Dr. Nance
18 reviewed the SSC's discussions on the SEDAR 75 stock assessment
19 of Gulf gray snapper. Dr. Nance reviewed the settings for
20 generating yield projections, and the SSC's recommendations for
21 the overfishing limit and acceptable biological catch.

22
23 The SSC did not recommend a change from the current proxy for
24 the fishing mortality at maximum sustainable yield, which is
25 calculated using a 26 percent spawning potential ratio. The
26 recommended catch limits in the table below are an increase
27 above the current catch limits. Table 1 is the SSC's
28 recommended OFL and ABC for 2024 through 2028 for Gulf gray
29 snapper, based on SEDAR 75, in millions of pounds whole weight.
30 I will refer folks to the table on the screen.

31
32 The SSC also supported a five-year constant catch scenario that
33 results in an OFL of 7.547 million pounds whole weight and an
34 ABC of 6.226 million pounds while weight. A committee member
35 asked for clarification about the SSC's planned discussion about
36 MSY proxies at its March 2023 meeting. Dr. Nance clarified that
37 the planned March 2023 discussion did not affect the SSC's
38 recommendation regarding gray snapper.

39
40 Another committee member asked about the contrast between the
41 SEDAR 75 assessment and the previous assessment, SEDAR 51, which
42 was completed in 2017, and whether this would constitute a
43 reason for revising the estimation of variance for calculating
44 the uncertainty in the stock assessment when calculating yield
45 projections. The Southeast Fisheries Science Center replied
46 that the difference between the assessments would be included in
47 the determination of that variance.

1 The committee recommends, and I so move, to direct staff to
2 start a document to modify Gulf gray snapper catch limits. That
3 motion carried without opposition and with one abstention.
4

5 **CHAIRMAN DIAZ:** All right, and so we have a committee motion.
6 Is there any discussion on the motion? Dr. Froeschke.
7

8 **DR. FROESCHKE:** Is there any appetite to combine this with the
9 red snapper calibration? It seems like we could get them there
10 on a similar timeline if we just put them in one document.
11

12 **CHAIRMAN DIAZ:** I will look for input from the committee. Dr.
13 Frazer.
14

15 **DR. FRAZER:** Does that make your life easier, John and staff?
16

17 **DR. FROESCHKE:** I think so.
18

19 **DR. FRAZER:** Well, our aim is to please, and so, if it doesn't
20 cause any confusion, and it makes the staff's lives easier --
21 Peter.
22

23 **CHAIRMAN DIAZ:** Mr. Hood.
24

25 **MR. HOOD:** What it would do is it would mean that we would have
26 one IPT, rather than two, and so it creates a little bit of
27 efficiency for us. Thanks.
28

29 **CHAIRMAN DIAZ:** Okay. I guess my only concern is that it
30 doesn't slow down the calibration document, and that would be my
31 caveat on it. Mr. Dugas.
32

33 **MR. DUGAS:** Same concerns, and we -- You know, sometimes we try
34 to split things up, to speed one up versus the other, and so
35 that's my question, is slowing it all down.
36

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

39 **MR. RINDONE:** Thank you, Mr. Chair, and so, I guess, thinking
40 about gray snapper, the catch limits that are projected from the
41 stock assessment are actually higher than what we have now, and
42 so, unless you guys were thinking of changing other management
43 actions related to gray snapper, the fishery, as it is currently
44 operating, could continue to operate exactly as it is, completed
45 unfettered, under the new catch limits also, with no immediate
46 risk, based on what the projections show, of exceeding the new
47 ACL, legally, and so, as long as you're not planning on doing
48 something creative with gray snapper, there's nothing about

1 changing those catch limits that should have any effect on how
2 the fishery is currently functioning.

3
4 **CHAIRMAN DIAZ:** Okay. Any further discussion? Mr. Anson.

5
6 **MR. ANSON:** I am just concerned, Ryan, with the call of -- I
7 haven't looked to see what the catches have been, relative to
8 the current ACL, but have been fairly consistent, and the risk
9 of actually exceeding the current ACL is very low, because I
10 just don't want to get into a situation where we haven't,
11 administratively, approved them, and then we get into a
12 situation where we exceed the ACL, I guess, when we could have
13 started the document, and that's all I'm asking.

14
15 **MR. RINDONE:** They're underneath the ACL.

16
17 **CHAIRMAN DIAZ:** Dr. Froeschke.

18
19 **DR. FROESCHKE:** Just one thing, and this will be that currency
20 swap too, and so we've had a couple of years of overages and
21 underages, but it's a little more complicated, but I think this
22 would actually -- It's going to be less likely that we would
23 approach the ACL than what we have on the books, but, I mean, I
24 guess my planned approach is I would combined them. If, for
25 some reason, the IPT -- If we feel like there's an issue that
26 pops up, we would just cleave off the red snapper and go it
27 alone.

28
29 **CHAIRMAN DIAZ:** Okay. That sounds good, and so I'm looking
30 around. Mr. Hood.

31
32 **MR. HOOD:** Just to Kevin's question, and so I'm looking at the
33 gray snapper landings from 2012 to 2021, and, basically -- Well,
34 we're still measuring -- We evaluate the ACL using MRFSS, but
35 the percent of the ACL that's been caught really ranges between
36 about say 70 to 90 percent, annually.

37
38 **CHAIRMAN DIAZ:** Okay. I am not seeing any more hands, and so
39 we're going to go ahead and vote on this motion. **The motion is**
40 **to direct staff to start a document to modify Gulf gray snapper**
41 **catch limits. Is there any opposition to the motion? Seeing no**
42 **opposition, the motion carries.** Dr. Frazer.

43
44 **DR. FRAZER:** 2023 Red Grouper Interim Analysis, Dr. Nance
45 reviewed the SSC's discussions of the 2023 interim analysis for
46 Gulf red grouper. This is part of a standing request for annual
47 interim analyses for red grouper to be reviewed by the SSC. The
48 last interim analysis from 2022 was used as a health check, as

1 the 2021 interim analysis was used to revise the catch limits
2 for red grouper to their current levels.

3
4 The SSC evaluated the NMFS bottom longline index, which selects
5 for larger and older red grouper relative to those selected by
6 the commercial vertical line fleet and the private angling and
7 for-hire fleets from the recreational sector. The NMFS bottom
8 longline index was relatively flat over the last ten years, 2013
9 to 2022, and, therefore, the interim analysis indicated that no
10 substantive change in ABC was warranted.

11
12 Given the age of the last stock assessment, which used a
13 terminal year of 2017, and that any change in catch limits would
14 not take effect until 2024, when the next operational assessment
15 of red grouper is to begin, and end in early 2025, the SSC did
16 not think it had any additional basis to support modifying the
17 OFL and ABC.

18
19 The SSC acknowledged the increased recreational landings of red
20 grouper in 2021 and 2022. However, without having more data to
21 evaluate, like those generated from a stock assessment, for
22 example recruitment, age and length compositions, reproduction,
23 stock responses to management, red tide, et cetera, to determine
24 the reason for and effects of changes in landings, the SSC
25 decided not to recommend catch limit modifications for red
26 grouper at this time. Mr. Gill.

27
28 **DR. STUNZ:** Dale stepped out, and I'm moving in. Mr. Gill, go
29 ahead.

30
31 **MR. GILL:** Thank you, and so I don't think we addressed this
32 topic adequately in the Reef Fish Committee, and the reason I
33 say that is that we have a fishery that has run over its ACL,
34 dramatically, two years running, by 70 percent, and, if you're
35 talking numbers, somewhere on the order of millions of pounds,
36 and so you're talking a significant impact to the fishery, but
37 we haven't addressed it from a management perspective and
38 whether or not we should do something, and I don't honestly know
39 whether we should or not, but I think we at least need to
40 address it, whether we think we should proceed on management
41 changes, since we have a clear problem in the fishery, to the
42 point where the overruns may be hurting that fishery, and I
43 don't know that, but, when you're talking millions of pounds, in
44 a millions of pounds fishery, you're talking some impact to that
45 fishery.

46
47 I think we need to talk about that and come to a conclusion
48 about whether we should do something or not, and I think I would

1 like to hear the agency's view on what their thoughts are
2 relative to this process, and I have to say that you recall my
3 discussion regarding gag grouper and the sense that we're
4 estimating and hoping to come up with an end date and constrain
5 the fishery and not overrun, which, in gag grouper, would be
6 really bad, and I don't have a whole lot of faith that we're
7 doing any better in red grouper.

8
9 You know, this is the second here to use that process, and,
10 during the presentation, we had the simplistic approach to
11 estimating what that closure date ought to be, and I'm not
12 persuaded that we're doing that well, and so, from an agency
13 perspective, it seems, to me, that there's a high degree of
14 uncertainty, and we certainly don't want to continue this trend,
15 if I could call it that, in red grouper, and so I would like to
16 hear, if I could, from the agency on their thoughts, so that we
17 consider whether or not we ought to move forward with looking at
18 management changes to constrain this fishery, so it isn't
19 constantly in a large overrun position. Andy, if you could
20 respond.

21
22 **CHAIRMAN DIAZ:** Mr. Strelcheck.

23
24 **MR. STRELCHECK:** Thanks, Bob, and I certainly would like Clay to
25 weigh-in from a science perspective as well. From the
26 management perspective, I think you're spot-on, and I think this
27 is something that we should go back and evaluate and assess.

28
29 The overrun last year, we had adjusted the season, shortened the
30 season, based on what we learned from 2021, as part of the
31 accountability measures, and, unfortunately, that wasn't
32 adequate, in terms of response, despite capturing some of the
33 uncertainty in those estimates and trying to factor in how to
34 make sure we're constraining catch to the catch limit.

35
36 With that said, I mean, there's certainly potentially
37 improvements, in terms of how we project these closures, but,
38 ideally, that's not the best result that we were wanting to
39 achieve, and I think we're getting to a point now where we had a
40 year-round season, or close to a year-round season, for red
41 grouper, and it's becoming considerably shorter, and moving
42 toward the beginning of the year, and should we be reevaluating
43 the nature of how we structure the fishery, and fishing season,
44 as well as any other management options, and so I support,
45 obviously, moving forward with some evaluation of recreational
46 management.

47
48 **CHAIRMAN DIAZ:** Dr. Porch.

1
2 **DR. PORCH:** Just from the science perspective, and where the SSC
3 was coming from, I think you can understand why they struggled
4 to make a recommendation for even a very small increase in
5 catch, because the bottom longline survey that we base the
6 interim analysis on targets a bit larger fish than the
7 recreational fishery does, which makes it kind of a lagging
8 indicator, and it probably will be a couple of years before we
9 see the impact of the recreational fishery overrun on that
10 survey, and so that's why the SSC said, even though that
11 increases a little bit, and not very much, a very small
12 percentage, they didn't want to increase the catch, because they
13 were concerned about that very issue you had raised.

14
15 **CHAIRMAN DIAZ:** Dr. Simmons.

16
17 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair. Mr.
18 Strelcheck, you could have said this, and I missed it, but do
19 you have any more updated information regarding the projection
20 process that's going to be used in 2023 and what that season is
21 going to look like this year for red grouper, the recreational
22 sector?

23
24 **MR. STRELCHECK:** No, I don't, in terms of the projection process
25 and any changes we would make, and we haven't begun the
26 projections yet for 2023.

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

29
30 **MR. GILL:** Thank you, Mr. Chairman. To be clear, my intent here
31 is not looking for an increase, but it's expressing my concern
32 that we don't need a third year of such overruns in the red
33 grouper fishery, and that ignoring it makes me quake a little
34 bit, and so, Bernie, if you would pull up my red grouper motion,
35 and I would like to proffer considerations, and perhaps we don't
36 do anything, as we go forward, but I think we need to consider
37 whether or not we have the right management plan in place in
38 this fishery, and, if not, then perhaps we need to modify it. I
39 don't have any driver here, other than to eliminate these
40 overruns that threaten the stock.

41
42 **The motion I have is direct staff to initiate a document that**
43 **addresses elimination of recreational red grouper overruns by**
44 **considering changes, including seasons, bag limits, size**
45 **constraints, and other measures.**

46
47 **CHAIRMAN DIAZ:** All right, and so have a motion. Is there a
48 second for the motion? It's seconded by Ms. Boggs for

1 discussion. Ms. Boggs, you had your hand up, and did you want
2 to speak now or wait?

3
4 **MS. BOGGS:** No, but I wanted to second the motion, so we could
5 start the discussion, but I can go now, and that's fine.

6
7 **CHAIRMAN DIAZ:** Go ahead.

8
9 **MS. BOGGS:** If I am looking at this right, did we not have a
10 closure in 2022 for red grouper? We did? Okay, because it's
11 not reflected on the ACL page, and so I guess we had a closure
12 in October, and I can't remember now, in 2021, and I am not
13 exactly sure when it closed in 2022, but it was pretty late in
14 the year, as I recall, and so we're already into February, and
15 the agency is not looking at it yet for overruns for the current
16 year, and so when we might know if you intend to close it, so
17 that we can -- Because, I mean, what I'm looking at was
18 currently 63 percent over, and we don't have Waves -- The last
19 two waves.

20
21 **CHAIRMAN DIAZ:** Mr. Strelcheck, to that point.

22
23 **MR. STRELCHECK:** I don't recall the specific date that we closed
24 in 2021, but I think it was the mid-October time range. It was
25 September 15, and we closed last year on August 31, right, and
26 so, in terms of the projections, and looking at closure dates
27 for this year, probably, in the coming months -- We could
28 probably advise at the April council meeting, in terms of a
29 projected closure date.

30
31 **CHAIRMAN DIAZ:** Okay. Dr. Simmons.

32
33 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair, and so, I
34 mean, I think we can certainly look at this, but I think we need
35 to be clear that none of this is going to be able to be
36 implemented to help us in 2023, right, and I'm not sure that's
37 crystal clear, with the discussion.

38
39 **CHAIRMAN DIAZ:** Mr. Rindone.

40
41 **MR. RINDONE:** The other thing -- Thank you, Mr. Chair, and the
42 other thing that I wanted to bring to the council's attention is
43 that, like when we're doing the season duration projections,
44 it's predicated pretty heavily on what has happened in the past,
45 and so, if we make changes to what we expect to happen in the
46 future, the amount of uncertainty that you would have to assume
47 for those new season duration projections is going to have
48 increased, because, while we can do things like a bag limit

1 analysis and size limit analysis, to see how we think those all
2 might interplay, holding all of that stuff together for
3 basically a new paradigm, moving forward, will make those season
4 projections less certain.

5

6 **CHAIRMAN DIAZ:** Thank you, Mr. Rindone. Dr. Frazer.

7

8 **DR. FRAZER:** I was just asking Dr. Froeschke to look at some of
9 the data, right, and, I mean, clearly, you know, in 2021, the
10 season was extended to September 15. In 2022, it was shortened
11 to August 30, and we still had those significant overruns, but
12 the interesting thing, when you look at the data by waves,
13 right, is the entire quota was actually caught in one wave,
14 right, in that July-August kind of timeframe, and so, in
15 anticipation of that, or at least seeing two years of data, you
16 know, regardless of what your projections say, it might be said
17 that we're going to shut that fishery down, you know, prior to
18 that wave, and so that's just a suggestion.

19

20 **CHAIRMAN DIAZ:** Thank you, Dr. Frazer. Ms. Boggs.

21

22 **MS. BOGGS:** Dr. Frazer captured what I was going to say.

23

24 **CHAIRMAN DIAZ:** Great minds think alike. Mr. Gill.

25

26 **MR. GILL:** Thank you, MR. Chairman, and so the question, and I
27 recognize this is certainly not a near-term fix, but the
28 question, in my mind, is do we have a structural problem in this
29 fishery, and, if we don't look at it, and we get an overrun, for
30 example, in 2023, we're not doing our job properly. I think we
31 need to take a look at whether or not we have the right system
32 in place for this fishery at this time, and it will take
33 something like the motion to do that. Thank you.

34

35 **CHAIRMAN DIAZ:** Thank you, Mr. Gill. All right. I'm not seeing
36 any more hands, and we're going to go ahead and vote on this
37 motion. Mr. Strelcheck.

38

39 **MR. STRELCHECK:** Just to the point about the Wave 4 landings,
40 that's part of the challenge of why we exceeded the catch limit
41 last year, and they were high, right, but we didn't predict them
42 to be that high, and, if you look at the years prior to that,
43 2019 and 2021, there wasn't a discernable trend, and, you know,
44 they were probably 40 or 50 percent less than what we actually
45 got, and so that's why you see this enormous overage, because it
46 was a surprise estimate coming out of MRIP catch estimation, and
47 so that's the challenge, and the limitation, and certainly I
48 think, from a projection standpoint, we can be more

1 conservative, but there's the risk of then, you know, the
2 estimate bouncing around, and we maybe aren't meeting the catch
3 limit, but, in this instance, with two years of overages, we
4 need to be more strategic with regard to how we approach these
5 overruns. Thanks.

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

8
9 **MR. RINDONE:** Thank you, Mr. Chair. Mr. Strelcheck, do you
10 think maybe we could take a look at the APAIS intercept
11 information and make sure there wasn't anything peculiar, if
12 that particular Wave 4 in that year was off-pace in some way?

13
14 **MR. STRELCHECK:** Hold that thought.

15
16 **CHAIRMAN DIAZ:** Okay. Did you have something, Dr. Frazer?
17 Okay. I'm not seeing any more comments, and so I'm going to
18 read the motion into the record, and we're going to vote. **To**
19 **direct staff to initiate a document that addresses elimination**
20 **of recreational red grouper overruns by considering changes,**
21 **including seasons, bag limits, size constraints, and other**
22 **measures. All in favor of the motion, please signify by raising**
23 **your hand.** Dr. Shipp.

24
25 **DR. SHIPP:** Yes.

26
27 **CHAIRMAN DIAZ:** Okay. **All opposed to the motion, signify by**
28 **raising your hand. All right. The motion fails seven to eight.**
29 **The motion fails with two abstentions.** Ms. Levy.

30
31 **MS. LEVY:** Thank you, and so I guess I would just say that, just
32 remembering the National Standard 1 Guidelines and the idea that
33 if, you know, you do exceed your catch limits multiple times in
34 a four-year period, that you are supposed to reevaluate your
35 system of annual catch limits and accountability measures, and
36 so I understand that this failed now, and I guess you can wait
37 and see what happens in 2023, but there is going to come a time
38 where, if, you know, you keep exceeding the catch limit, that
39 you really are compelled to at least reevaluate, or relook, at
40 the management system.

41
42 **CHAIRMAN DIAZ:** Thank you, Ms. Levy. Okay. I am not seeing any
43 hands for this discussion point. Dr. Frazer.

44
45 **DR. FRAZER:** Okay. Thank you, Mr. Chair. Other Business,
46 Discussion of Transfer of Federal For-hire Reef Fish Permits, a
47 committee member discussed an issue, primarily with the Texas
48 for-hire fleet, with switching vessel permits to allow for-hire

1 vessels with federal for-hire reef fish permits (hereafter, just
2 permit) to move that permit off the vessel and fish in state
3 waters for red snapper when the federal for-hire season was
4 closed.

5
6 NOAA General Counsel clarified that the red snapper for-hire ACL
7 and ACT applies to vessels that have been issued a valid federal
8 permit at any point during the fishing year, which is the
9 calendar year. Therefore, if a vessel has a permit on January
10 1, the vessel is considered a federal for-hire reef fish vessel
11 for the calendar year and cannot fish for red snapper in state
12 or federal waters when the federal for-hire season is closed,
13 even if that permit is removed from the vessel at some point
14 during that year.

15
16 However, if the vessel does not have a permit on January 1, it
17 can fish in state waters, as part of the private angling
18 component, until the federal permit is put on the vessel. This
19 would allow the vessel to fish the Texas private angling season
20 beginning on January 1, add the permit before June 1, and then
21 fish during the federal for-hire season.

22
23 The committee member added that they thought this permit
24 switching practice has been common for a limited number of
25 vessels for a number of years and that these vessel owners are
26 not intending to break the law. Rather, they are seeking
27 clarification on what is legal to do.

28
29 Another committee member thought that the practice of these
30 vessels fishing both the federal for-hire and the private
31 angling fishing seasons was against the spirit of the sector
32 separation regulations and that the council should consider
33 explicitly addressing this issue. Staff recommended that
34 clarification on this issue be added to the Southeast For-Hire
35 Integrated Electronic Reporting (SEFHIER) or permits website.
36 Mr. Chair, this concludes my report.

37
38 **CHAIRMAN DIAZ:** Thank you, Dr. Frazer. Any discussion on other
39 business? I've got a few hands. Mr. Strelcheck.

40
41 **MR. STRELCHECK:** I have two things, but I guess, with regard to
42 that last section, I think what we need to do is, as an agency,
43 we'll look at the regulations, and we've had some conversations,
44 with Dakus and others, about the catch accounting, and, if
45 that's appropriate, and allowed for, under the current
46 regulations, to apply those state-water landings to the Texas
47 quota, then we can come back and advise on that, after further
48 discussion and review, and so I just wanted to, you know, state

1 that, and certainly, Dakus, or others, if you want to comment on
2 that front.

3

4 **CHAIRMAN DIAZ:** Dr. Stunz.

5

6 **DR. STUNZ:** Just a follow-up to Andy's point about the
7 accounting, and, I mean, certainly, if this is going forward,
8 and it sounded like there was public testimony that it was not
9 that big of a concern, but we want to make sure that we get the
10 accounting right, in terms of where those fish are detected, and
11 so --

12

13 **CHAIRMAN DIAZ:** Thank you, Dr. Stunz. Ms. Boggs.

14

15 **MS. BOGGS:** So, yes, and the accounting is an issue, but I do
16 want to call to this council's attention, and I was trying to
17 get the previous year, but I can only look at -- For last year,
18 we also had landings, red snapper for hire, in September and
19 October, and, well, clearly, red snapper season was closed in
20 September and October for the for-hire fleet, and so, if there
21 is a vessel that thinks that they can swap the -- I mean, I know
22 we heard from some yesterday, and they're fishing perfectly
23 legal, and I have no issue with that, but now I want to find out
24 where these September and October landings are coming from,
25 because that is clearly an issue, because red snapper would have
26 been closed for the charter/for-hire fleet.

27

28 Then my other question would be are there any other landings
29 that were reported by these vessels in the timeframe that should
30 not go against -- I mean, I don't think there is, but I want to
31 look at all the landings and make sure everybody is -- That all
32 the landings are in the right pot, if you will, but I am
33 concerned now about these September and October landings that
34 I'm seeing. Thank you.

35

36 **CHAIRMAN DIAZ:** Thank you, Ms. Boggs. Mr. Geeslin.

37

38 **MR. GEESLIN:** To Mr. Strelcheck's point, we are certainly
39 supportive of looking back and making sure the accounting is
40 right, and I too -- I share Susan's interest in seeing where
41 those landings have been attributed in the past, the seasonal
42 pattern in which those landings occur, and then really thinking
43 about how we move forward in a reasonable fashion and ensure
44 that those landings are counted towards the private recreational
45 sector in Texas.

46

47 **CHAIRMAN DIAZ:** Thank you, Mr. Geeslin. Mr. Dugas.

48

1 **MR. DUGAS:** Thank you, Mr. Chair. I am referring to Susan's
2 comments, I am trying to think back, and I thought the
3 charter/for-hire fleet opened back up in September and October
4 last year, but Chris and I were talking that maybe it was 2021.

5
6 **CHAIRMAN DIAZ:** I believe that was 2021, and Mr. Strelcheck is
7 shaking his head yes. Okay. Mr. Anson.

8
9 **MR. ANSON:** Andy, you may have inferred what I'm about to say in
10 your previous comment relative to this topic, but, you know,
11 relative to the reporting, from what I recall, they were
12 participating in the Beaufort Lab's Headboat Survey, and so
13 certainly if, you know, that could be addressed internally to
14 the survey, to make sure those vessels are removed from the list
15 when they don't have a permit, and put back on, I guess, and,
16 you know, have those conversations, and keep close contact with
17 those captains, to identify those vessels, to make sure that, A,
18 they're taken off appropriately, and, B, added on, but then,
19 also, when they submit reports, that they don't need to be
20 included, because that seems to be the --

21
22 **MS. BOGGS:** (Ms. Boggs' comment is not audible on the
23 recording.)

24
25 **MR. ANSON:** Well, but the -- They say they are off, and yet
26 still submitting their reports to the agency, you know, and so,
27 anyway, that's all. Thank you.

28
29 **CHAIRMAN DIAZ:** Thank you, Mr. Anson. Okay. Mr. Strelcheck.

30
31 **MR. STRELCHECK:** So I have one other motion that I would like
32 Bernie to bring up, and, once she brings it up, I will read it,
33 and, if I get a second, I can explain the motion.

34
35 Just to set some context, we spent some time, this meeting,
36 talking about the IFQ program, the need to refine the goals and
37 objectives, and, obviously, improve that program. What I have
38 been concerned about is we have not been focusing much attention
39 on our recreational fisheries, and improvements to the
40 recreational fishery, and so I feel like it's equally important
41 that we also have an initiative to focus on improvements to
42 recreational fisheries management, and so I have a long motion
43 here, and I'm going to read it, but what I tried to do is
44 synthesize input and thoughts and comments that I was hearing
45 throughout the last several meetings and try to capture them in
46 what I would consider kind of a step-wise process that we could
47 follow, with no specific timeline, other than to kind of work
48 through this in 2023.

1
2 **My motion is to initiate development of a recreational fisheries**
3 **management initiative for reef fish in 2023. The goal of this**
4 **initiative is to evaluate the efficacy of current federal**
5 **recreational reef fish management in the Gulf of Mexico and**
6 **develop future management approaches and guidance intended to**
7 **prevent overfishing, address discards and/or discard mortality,**
8 **account for uncertainty in recreational data, and provide for**
9 **innovative new management approaches to regulate federally-**
10 **managed recreational fisheries. The initiative would include:**
11 **1)development, review, and revision of goals and objectives for**
12 **recreational fisheries management; 2)review of the status of**
13 **federally-managed species in the Gulf of Mexico that are highly**
14 **sought after by recreational anglers, including recreational**
15 **sources of directed and bycatch mortality; 3)review of**
16 **recreational management measures, including how management**
17 **measures have changed over time; 4)assessment of the performance**
18 **and efficacy of recreational accountability measures and**
19 **recommended improvements; 5)evaluation and consideration of**
20 **harvest control rules (i.e., pre-agreed guidelines) for setting**
21 **bag, size, and season limits; 6)scientific recommendations to**
22 **the council for addressing variability and uncertainty in**
23 **recreational catch estimates, including use of multiple years of**
24 **data, identification of catch estimates that are the result of**
25 **low sample sizes or outliers, and statistical recommendations**
26 **and guidance for how such approaches could be implemented; and**
27 **7)exploration of innovative new management strategies, including**
28 **but not limited to: regional management, sector separation, a**
29 **bottom-fish season, effort rationalization, and management**
30 **approaches for reducing discards and discard mortality. That's**
31 **a mouthful, but, if someone wants to second it, we can discuss**
32 **it further.**

33
34 **CHAIRMAN DIAZ:** All right, and so we have a motion. It's
35 seconded by Ms. Boggs. Mr. Strelcheck.

36
37 **MR. STRELCHECK:** You have already heard my rationale, and I
38 think there's a lot of things in this that we have common ground
39 on, that have been challenges and problems that we've been
40 wrestling with for quite some time, and what I'm trying to do is
41 provide somewhat of a strategic roadmap that we could walk
42 through and have a vision for our recreational fisheries, going
43 forward in the Gulf of Mexico, and, by focusing on reef fish,
44 where I'm seeing the greatest challenges and problems right now,
45 I think this is an opportune time, obviously, to kind of work
46 through this in a very systematic manner, similar to what we're
47 talking about for the commercial fisheries, and see where we can
48 make some vast improvements, in terms of management strategies,

1 as well as the conservation and management approaches that we're
2 implementing for reef fish.

3
4 **CHAIRMAN DIAZ:** Okay. I am starting to make a list here. Dr.
5 Frazer.

6
7 **DR. FRAZER:** Andy, I like this motion, and kind of the intent
8 behind it, and, you know, I guess what I'm trying to think about
9 is what it looks like really and put it in simple terms, and
10 it's really kind of an assessment of the recreational fisheries,
11 right, in the Gulf of Mexico, because a lot of this information
12 will be found in any individual amendment, or framework action,
13 dealing with whatever species, right, and so one of the goals
14 here is to kind of take a step back and then say, okay, how are
15 we doing, in general, right, with regard to these types of
16 management measures, and where we might go forward, and is that
17 -- Am I interpreting that right? Okay.

18
19 **CHAIRMAN DIAZ:** Thank you, Dr. Frazer. Mr. Anson.

20
21 **MR. ANSON:** My initial take on this is that, you know, it could
22 be helpful to us, as we continue to deal with these similar
23 challenges for multiple species. You know, it could provide
24 some more direction, depending upon how we go about, you know,
25 setting up the roadmap, as Andy described, and, you know, a
26 couple of things, specifically in this particular motion, we've
27 had motions on earlier today, and so, I mean, it might just kind
28 of, again, be a good method, or way, for us to, you know,
29 identify the main, overarching issues, and then those can help
30 us as we look at specific species, I guess, but look at it
31 holistically.

32
33 I'm kind of intrigued by the motion, myself, but I'm curious,
34 maybe, if Ms. Marhefka -- When I saw this, and started hearing
35 Andy read the motion, I mean, a lot of this was contained within
36 the South Atlantic's visioning process, was it not, as far as
37 the recreational fisheries?

38
39 **MS. MARHEFKA:** Yes, and I was not on the council when they did
40 visioning, but, of course, I'm familiar with it, and, yes, we
41 went out for both commercial and recreational. I don't -- It
42 was not as comprehensive. I mean, when we did visioning, we
43 asked the public what they wanted, but it didn't, I do feel, lay
44 out the roadmap the way that Andy does here, for us as a council
45 to manage forward from that, and it's a baseline for making
46 those decisions, once you get into that, but that's how I
47 perceive it.

48

1 **CHAIRMAN DIAZ:** Thank you, Ms. Marhefka. Next up is Dr. Stunz.

2
3 **DR. STUNZ:** Andy, I support the motion, and I think it's a good
4 idea. I mean, obviously, you spent some time thinking on it,
5 but I didn't -- It's coming in Other Business, and so are there,
6 I guess, constituents, or stakeholders, that you've run this by?
7 I'm trying to see where all of this has come from, and it sounds
8 like another rec summit, you know, and there's a lot of ideas
9 that I think were discussed there, and so I'm just wondering the
10 nature of it, and, I mean, I think we need to move in this
11 direction, but, you know, I'm trying to see, kind of broadly,
12 where we go with it and the buy-in that we've got behind this.

13
14 **CHAIRMAN DIAZ:** To that point, Mr. Strelcheck?

15
16 **MR. STRELCHECK:** Well, I will share a brief story, and so Dr.
17 Frazer came up to me on Tuesday night and said that I need to
18 smile a little bit more, and I don't know if you noticed, when
19 we were going through the second-half of Reef Fish Committee, on
20 Tuesday, but my mind was spinning around this, because we were
21 talking about short seasons for gag, and we were talking about
22 short seasons for greater amberjack, and we're dealing with,
23 obviously, overfishing with a number of other species, and I am
24 just trying to kind of take a step back, as Dr. Frazer talked
25 about, and kind of look at this from a big-picture standpoint.

26
27 I think we get so spun-up on the mandates that we have to work
28 under, and what are we going to try to fix, kind of here and
29 now, with this individual species, and this would hopefully give
30 us an opportunity to kind of take a step back and look at what's
31 working and what's not working for the recreational fishery as a
32 whole, just like we're doing with the IFQ program on the
33 commercial side, and then see if we can't make some fundamental
34 changes based on that assessment and review, and so that's
35 really where it's coming from.

36
37 It's really kind of the broad intake of input and information
38 that we've been hearing from the council, from the rec summit,
39 from a whole variety of areas, and so it's a synthesis of that.

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

42
43 **MR. GILL:** Thank you, Mr. Chairman. I like the motion intent,
44 and I think it's spot-on, and it's probably long overdue. The
45 only little cloud that I see is this motion is huge, in terms of
46 incorporating and implementing and doing, and so I'm sure you've
47 given this thought, about how to go forward, and that's why you
48 landed where you did, but might there be an advantage to do it

1 in a phased process, or a step-wise kind of process, rather than
2 trying to eat the whole darned elephant at once, and, you know,
3 it's headed in the right direction, but the question is getting
4 your arms around it and actually addressing it, and that's
5 tough. We've had that problem with the IFQ review, and I
6 wouldn't want to get bogged-down here, for many of the same
7 reasons, because it's complex, and it's very big and
8 comprehensive, and so could you comment on why you opted not to
9 do a phased, or step-wise, or a small bite at a time, some other
10 approach that doesn't deal with a whole elephant all at once?

11
12 **MR. STRELCHECK:** Well, first, Mr. Gill, you eat a lot of
13 elephants, I've noticed. You really need to change your diet.
14 It's good to bring levity to this complex situation, but I go
15 back to the roadmap, right, and so I agree with you, and I think
16 it has to be done in phases.

17
18 You have to kind of step through this, and so what I have tried
19 to do is kind of that logical order of how I think would be best
20 to step through this, and maybe it's a little overly
21 prescriptive, and we could certainly soften the language and,
22 rather than say "would include", we could say "should include",
23 or, you know, it could be phased, you know, in terms of
24 consideration, but what I'm really trying to get to do is get us
25 from where we're at today to where that future state would be
26 down the road, right, and it's not going to, obviously, happen
27 just in 2023, but it's going to take a period of time to get
28 there and those phases, and steps, that we're going to have to
29 walk through over that time period.

30
31 **CHAIRMAN DIAZ:** Dr. Sweetman.

32
33 **DR. SWEETMAN:** Thanks, Mr. Chair. A question for Andy. Bernie,
34 can you just scroll down to Number 7? I just want to see the
35 language in there, and I've got a question along those lines.
36 Andy, can you try and clarify what you're meaning by "a bottom-
37 fish season and effort rationalization"?

38
39 **MR. STRELCHECK:** When I originally had written this, I had not
40 included this, and I thought, well, that's not really fair, but
41 I think we do need to put in some controversial topics and
42 issues that might not be popular, and so a bottom fishing season
43 is really simply that, that there would be fishing for reef fish
44 at a certain time of the year and then restrictions for when you
45 could fish for reef fish other times of the year.

46
47 Effort rationalization is no different than what we've done on
48 the commercial side, in terms of thoughts about how do we limit

1 effort, or access, and so I realize that these are unpopular,
2 but I felt it was really important that they be laid out as
3 potential options, and I'm not saying that they're the final
4 options we choose, but I think we need to be open to
5 consideration of those ideas and make sure that they're at least
6 on the table upfront for conversation.

7
8 **CHAIRMAN DIAZ:** General Spraggins.

9
10 **GENERAL SPRAGGINS:** You know, I think this is, obviously, an
11 option that we could look at, and I think it's something that's
12 headed in the right direction. Looking at sample sizes, looking
13 at outliers, looking at the way we do things, and the way that
14 we need to look at it, I think it really helps, especially
15 Mississippi, and, you know, unlike Bob, I like to eat that whole
16 elephant at one time, and, you know, us tigers, we like to eat
17 elephants, and so that's fine, but the point I'm getting at is,
18 you know, this is something that's far overdue, and, you know,
19 we've been talking about it, and we've been talking about it,
20 and, every little piece of this, we've been talking something
21 about it, for the last several years, and I think that, the more
22 effort we put to this, to be able to do something, it will help
23 us be able to solve the issues. The discards, I agree with you
24 100 percent. Discards is one of the major issues that we need
25 to look at, and how do we take care of that, and I've been
26 looking at in Mississippi, how we can take care of it, and other
27 ways of doing it, but I want the record to show that Mississippi
28 is onboard with NMFS on this one.

29
30 **CHAIRMAN DIAZ:** I like the tigers and elephants reference,
31 General. Ms. Boggs.

32
33 **MS. BOGGS:** Thank you, Mr. Chair, and, Andy, I seconded the
34 motion for discussion, and I do think it is long overdue, and I
35 think, a lot of times, that this council -- It's the council's
36 fault, if you will, by any means, but we're reactionary, and
37 gag, amberjack, red grouper, all these different species that
38 we're having to react to, and, along the way, yes, we're going
39 to have to take actions, but, Bob, I think these each feed off
40 of one another, and, if you start piecing and parsing it out,
41 you're going to lose the comprehensive goal that you're trying
42 to achieve here.

43
44 I sit on other boards, and we have these types of things all the
45 time, and, yes, you're not going to get it done in one meeting,
46 and you may not get it done in ten meetings, but it is a goal,
47 and I think there's a lot of measurable things in there that we
48 can show that we're taking action on.

1
2 You know, there's not a lot in here that I see that you need a
3 motion to do, and it's just that we're exploring it, and trying
4 to see what can we do, and I almost see it like building a
5 storyboard. This is where we are, and this is where we've been,
6 and get a full picture of what we're doing, and then, you know,
7 we may see the gags and the black groupers can go together, and
8 it makes more sense to put the jack complex with the amberjack,
9 and different things, and I really like this idea, and I hope
10 I'm around the council long enough to see it through. Thank
11 you.

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

14
15 **MR. ANSON:** Just, as I hear more of the conversation, I feel
16 more strongly in support of the motion, you know, and some of
17 the concerns. Again, it's not prescriptive, and, as Andy
18 described, they're just things that he recalled that were topics
19 that have been brought up here, and so it doesn't necessarily
20 mean that we need to do them, but I'm just -- You know, as we --
21 If this gets passed, the motion, and then we try to
22 operationalize it, and that's, I guess, where I am more
23 concerned about, is how do we efficiently go through that
24 process, go through the flow, to address these, you know,
25 specific initiatives, in addition to just trying to do the
26 normal machinations of the council and trying to get things
27 done, and so I will be, you know, interested to see how we might
28 progress with identifying that process. Thank you.

29
30 **CHAIRMAN DIAZ:** All right, and so we're close to voting on this.
31 I want to make a few comments before we do. I agree with a lot
32 that's been said around the table, and I do thank you for your
33 motion, Andy. I think it's helpful, and it's needed.

34
35 One of my frustrations with the council, and I don't know that
36 we can ever solve it, is that we are reactionary, and I would
37 love for us to be more proactive, and I think this is a step
38 towards trying to help us be proactive for the recreational
39 fishing, and I know that's one of your intents, but the reality
40 is that our action list is overflowing, and I've had people tell
41 me, at this meeting, that we would like to see things move
42 further up that action list, and then, at the same time, at this
43 meeting, we've added I don't know how many new documents for the
44 staff to work on, and so we've put two to rest, and I don't have
45 the number in front of me, but I think we added about five
46 documents to that action list, and so this is going to be --
47 People need to understand that, if we pass this, this is
48 something we can work on, but it's going to be a long process,

1 and it's a heavy lift for the staff, and the staff has already
2 got a lot of balls in the air right now, and so I am going to
3 support the motion, but I just want people to understand those
4 realities, and that's -- Did you have something that you wanted
5 to mention, Dr. Simmons?
6

7 **EXECUTIVE DIRECTOR SIMMONS:** Yes, and thank you, Mr. Chair. I
8 would also like us to move forward with this long-term planning,
9 but I think several of these things that we have in here are
10 going to take a tremendous amount of effort, not just for our
11 staff, but for Science and Technology staff, Regional Office
12 staff, and Science Center staff to do this correctly, and so I
13 think, you know, should this pass, we probably should have some
14 planning meetings on how we really see this practically moving
15 forward.
16

17 I did have some questions in regard to Number 1, and so, right
18 now, we have FMP objectives, right, and it seems, to me, this is
19 a reef fish initiative that we want to focus on first, but those
20 FMP objectives are for the whole fishery right now, and for the
21 FMP, and so I think we just need to carefully think about how
22 we're going to develop, review, and revise those, specifically
23 for the recreational fisheries, while still maintaining that
24 whole larger picture of our longer-term overarching goals of the
25 Reef Fish FMPs.
26

27 **CHAIRMAN DIAZ:** All right. We've had a fair amount of
28 discussion. Mr. Strelcheck, you get the last word.
29

30 **MR. STRELCHECK:** I don't want to belabor the discussion, and so
31 I agree wholeheartedly with Carrie, and I was intentional in
32 saying recreational fisheries there, understanding that the FMP
33 objectives are more broad than that.
34

35 The other point, which is the one that you raised, Dale, is I
36 wholeheartedly agree as well, right, and I'm not trying to dump
37 a bunch of additional workload on top of staff right now, and I
38 tried to be intentional, in terms of initiating development in
39 2023, and so it's kind of a gray area, in terms of timing, and I
40 also agree with Carrie that we spend a lot of time talking about
41 priorities and what's going to be coming before the council, and
42 I know you work, as Chair and the Vice Chair, with those
43 priorities.
44

45 One of my suggestions, going forward, is that the council, at
46 the end of meetings, similar to what the South Atlantic does,
47 has some discussion about the priorities, and kind of a time
48 horizon of when things are going to be coming before the

1 council, so that there's more transparency in terms of what to
2 expect from one meeting to the next, right, and so I would like
3 to work on that, because it relates to a lot of times when
4 things both fall off the plate as well as they get added to the
5 plate, such as what I've suggested here.

6
7 **CHAIRMAN DIAZ:** Okay, and thank you for those comments, Andy,
8 and I think that actually would be a good step forward for us,
9 for the council folks to really weigh-in on the priorities more,
10 and I think that would be helpful. We're going to call for a
11 vote on this. I'm not going to read it, because it's too long,
12 and it's been read into the record, and I think everybody
13 understands what we're voting on. **Is there any opposition to
14 the motion? Three in opposition and one abstention.** Dr. Shipp.
15 Dr. Shipp, we wanted to get your thoughts on the motion and vote
16 on it.

17
18 **DR. SHIPP:** Yes.

19
20 **CHAIRMAN DIAZ:** Okay, and so we've got three in opposition and
21 one abstention. **The motion carries.** All right. That concludes
22 Reef Fish. Is there any other business to come before the Reef
23 Fish Committee? Mr. Williamson.

24
25 **MR. WILLIAMSON:** Not business, but just a clarification, if we
26 could. Andy's motion regarding the IFQ mention, and I don't
27 exactly know the language, and I think it was before the end of
28 June 2023, we would address those issues, and I am confused as
29 to are we going to address it in April as well?

30
31 **CHAIRMAN DIAZ:** I think, the way the motion was worded, and
32 correct me if I'm wrong, Andy, is that, by June of 2023, we
33 would address it, and so, if the council can get some stuff
34 before us in April, that could be done, and it's at the
35 flexibility of dealing with the schedule and the actions
36 schedule and other things, but no later than June.

37
38 **MR. WILLIAMSON:** Okay. Well, it would be my suggestion that we
39 address it in April. That way, we can get a head start on this.
40 It's a complicated issue, and I don't think we want to wait
41 until just June to address it, and so that would be my
42 recommendation.

43
44 **CHAIRMAN DIAZ:** Thank you, Mr. Williamson. All right. Any
45 further business to come before the Reef Fish Committee? All
46 right, and so we have -- That concludes the Reef Fish Committee.
47 We have two Other Business items, and the first one is we
48 started Other Business on the shark problem issue that Dr. Shipp

1 brought up, and I think we addressed it partially yesterday, but
2 Dr. Hollensead, I think, is going to give us a little bit of an
3 update on what we've done recently with sharks, just so that it
4 will be fresh in everybody's minds, and we'll see where that
5 Other Business item goes after Dr. Hollensead has a chance to
6 educate us. Dr. Hollensead.

7
8 **OTHER BUSINESS (CONTINUED)**
9 **SHARK PROBLEMS AND POSSIBLE SOLUTIONS (CONTINUED)**

10
11 **DR. LISA HOLLENSHAD:** Thank you, Mr. Chair, and so you may
12 recall that we did have a presentation from HMS staff in January
13 of 2020, regarding some of the status of some of the Gulf
14 species of sharks and things like that, and I think it was
15 distributed, some recent letters that we've written, as well.

16
17 One specifically that was written was sent out on November 10 of
18 2021, and it was asking for some input from the council
19 regarding the 2021 Consolidated Appropriations Act, the Joint
20 Explanatory Statement, and that's a mouthful too, on assessing
21 the conflicts between sharks and dolphins, and so we wrote that
22 letter, and it was supposed to be incorporated into a report to
23 Congress.

24
25 That report to Congress was published in August of last year, of
26 2022, and our letter is included in that appendix, and it's
27 referenced at one point in the document, and I haven't gotten to
28 read through it just yet, but, specifically, the research
29 recommendations that the council had mentioned, about perhaps
30 having higher penalties for deliberating feeding dolphins and
31 those human interactions, which may cause increased depredation
32 and those sorts of things, and so it was incorporated in that
33 report to Congress, if that helps give you some context of some
34 recent history.

35
36 We also requested that HMS and the Science Center give a
37 presentation again, updating the council on some of the species
38 status for sharks, and that was done, if you recall, at the
39 Texas meeting, we had Dr. Enri Cortes come over and speak to
40 that as well, and so that's what's in the contemporary history,
41 which provides some context for your discussions.

42
43 **CHAIRMAN DIAZ:** Thank you for that, Dr. Hollensead. With that,
44 is there any further discussion on the shark issue that was
45 brought up by Dr. Shipp? Mr. Anson.

46
47 **MR. ANSON:** I thought -- I brought this up during committee, and
48 I thought I saw Dr. Porch nod, but I don't think there was a

1 verbal response, but, I mean, it's my understanding that, when
2 we had discussed this back in 2021, and then after the
3 presentation that was provided last August, that it would be
4 kind of a regular, routine event for the agenda, the council's
5 agenda, and availability of time, but that it would be a regular
6 event that the HMS folks would come and kind of give a status.

7
8 I know, for a lot of the species, there's not a lot of data, but
9 I don't know if that data is analyzed on an annual basis, and so
10 I'm just trying to see, you know, just like we do with some of
11 these species, looking at some key indices, to kind of get a
12 snapshot in time, in between assessments, and I am just
13 wondering, Dr. Porch, if that's something that has been
14 discussed amongst your staff and if it's a possibility that more
15 regular updates can be provided.

16
17 **DR. PORCH:** I guess it depends on the specifics of what you
18 want, and so I have staff that conduct the shark assessments and
19 then other staff that conduct assessments for highly-migratory
20 species, like tuna, in support of ICCAT, but then there's the
21 HMS Division in Silver Spring part of the Sustainable Fisheries
22 FMC, and I'm not sure -- If you're wanting more management
23 implications, general overviews of status of stocks, they might
24 be the ones that you would want to give regular updates, and so
25 it really depends on how detailed you want to get and what kind
26 of information you're interested in.

27
28 **CHAIRMAN DIAZ:** Okay. Any further discussion? Mr. Anson.

29
30 **MR. ANSON:** So I took that to mean an open question to the
31 council, and I don't want to certainly speak on behalf of the
32 council, but, you know, to the extent -- At least, you know, I
33 understand that the HMS species are managed outside of the
34 council process, and so I don't want to upset the apple cart,
35 necessarily, you know, and I don't see a real need to have the
36 HMS Division folks in Silver Spring come down and give regular
37 updates, but I guess, knowing that, you know, there is
38 potentially data that is used for the assessments, you know,
39 just, again, as we try to keep a pulse on the finfish species,
40 by doing some of these interim assessments and some of these
41 alternative methods, to kind of get a snapshot in time for
42 species, as to whether or not that possibility exists, based on
43 the data availability for sharks, and that that could, you know,
44 change how we might want to address the HMS Division with any
45 additional particular concerns, based on what we're hearing from
46 fishermen. I don't know how to answer that question, relative
47 to, you know, who we ask, or what we ask for, per se.

48

1 **CHAIRMAN DIAZ:** Mr. Hood.

2
3 **MR. HOOD:** Just so you know, I knew this conversation was
4 coming, and so I let Jennifer Cudney, who runs our HMS shop,
5 know about this discussion, as well as Randy Blankenship, and so
6 I believe they're listening right now, and so, you know, they're
7 aware of the issue, or your conversation anyway. Thanks.

8
9 **CHAIRMAN DIAZ:** All right. Go ahead, Dr. Hollensead.

10
11 **DR. HOLLENSEAD:** When I was sort of updating the recent shark
12 activities with the council, I forgot to mention that we did
13 have a specific HMS shark depredation Q&A with the public as
14 well, and I just wanted to remind folks of that as well, and so
15 that was directly engaging in the public, and we did have HMS
16 staff there to answer questions directly.

17
18 **CHAIRMAN DIAZ:** All right. I don't know that anything is moving
19 on this issue, and we've discussed it, and no motions were made
20 at this time, and so thanks, everybody, for the discussion, and
21 thank you, Dr. Hollensead, for bringing us up to speed on what
22 we've done to this point. We appreciate it. Seeing no further
23 discussion on the shark issue, we're going to move to our last
24 agenda item, and the last agenda item is Council Elections, and
25 I have asked the South Atlantic representative, Kerry Marhefka,
26 and Lieutenant Motoi to take care of the elections.

27
28 I will set the stage a little bit, and staff has got some
29 papers, some small pieces of paper, that they're going to give
30 to each person, if we have to actually conduct a vote, and you
31 all can put your vote in, the folded papers, from there. Dr.
32 Shipp, just to let you know, if this comes to a vote, Dr.
33 Simmons will give you a call, and so, with that, I'm going to
34 turn it over to the South Atlantic representative, and, Ms.
35 Marhefka, can you take it from there?

36
37 **COUNCIL ELECTIONS**

38
39 **MS. MARHEFKA:** It is my honor and privilege to do this, and
40 forgive me. Our system is a little different, and so bear with
41 me. At this time, I would like to open nominations for Chairman
42 of the Gulf of Mexico Fishery Management Council.

43
44 **MR. GILL:** Thank you. I nominate Dr. Frazer as the Chairman.

45
46 **MS. MARHEFKA:** Dr. Frazer is nominated. Any second for that
47 nomination? It's seconded by Dr. Sweetman. General Spraggins.

1 **GENERAL SPRAGGINS:** I would like to nominate Greg Stunz.
2
3 **MS. MARHEFKA:** Is there a second for that nomination? It's
4 seconded by Mr. Dyskow.
5
6 **MR. DYSKOW:** Just as a point of order, and I understand what
7 we're doing, but we currently have a chair who is resigning from
8 that position, and we have currently a serving vice chair, and
9 isn't it normal that, when the chairmanship becomes open, that
10 the vice chair assumes that position, and we would simply vote
11 for a new vice chair?
12
13 **CHAIRMAN DIAZ:** Ms. Levy, I am not running the meeting, but I
14 think that would be a question for you to respond to.
15
16 **MS. LEVY:** I mean, I guess we can look to see if the SOPPs
17 address this, but I kind of assumed that Carrie already did
18 that, and that's why you're pursuing it this way.
19
20 **EXECUTIVE DIRECTOR SIMMONS:** Yes, Mr. Dyskow, and so we
21 currently don't have it defined that way in the council SOPPs,
22 and, I mean, if that's the way the council wanted to move
23 forward, that's certainly in their prerogative, but we just
24 don't have it defined that way right now.
25
26 **MR. DYSKOW:** Is it defined in another way, or is it just
27 undefined?
28
29 **EXECUTIVE DIRECTOR SIMMONS:** It's just undefined, if there's a
30 resignation, and it's just, in the absence, in the interim, the
31 vice chair takes over, and it doesn't say that they assume the
32 position permanently.
33
34 **MR. WILLIAMSON:** But it doesn't say that they don't though?
35
36 **EXECUTIVE DIRECTOR SIMMONS:** Excuse me. I'm sorry. I didn't
37 hear that.
38
39 **MR. WILLIAMSON:** Your comment was that it doesn't say that they
40 do, but it doesn't say that they don't, right?
41
42 **EXECUTIVE DIRECTOR SIMMONS:** Correct.
43
44 **MS. MARHEFKA:** I feel like you all have set me up for an
45 interesting situation here. Bob.
46
47 **MR. GILL:** I move that we close nominations.
48

1 **MS. MARHEFKA:** Is there a second to close nominations? All
2 right. It's seconded by Mr. Broussard, and so, at this point, I
3 have a nomination for Dr. Frazer and a nomination for Dr. Stunz.
4 Dr. Shipp is clarifying whether this is just for the remainder
5 of the current term or beyond, for an additional term, and I am
6 hearing confirmation that it's for the remainder of Mr. Diaz's
7 current term, two meetings and a CCC. Does that help? The
8 results are -- Congratulations, Dr. Stunz, and you are now the
9 Chair of the Gulf of Mexico Fishery Management Council.

10
11 Now I believe we need to find you all a vice chair, and so, at
12 this time, I will open nominations for Vice Chair of the Gulf of
13 Mexico Fishery Management Council.

14
15 **MR. GILL:** I nominate Tom Frazer.

16
17 **MS. MARHEFKA:** It's seconded. Go ahead, Mr. Anson.

18
19 **MR. ANSON:** I nominate Susan Boggs.

20
21 **MS. MARHEFKA:** It's seconded. Any other nominations?

22
23 **DR. SHIPP:** I nominate Mr. Williamson.

24
25 **MR. WILLIAMSON:** I withdraw that.

26
27 **DR. SHIPP:** Okay.

28
29 **MS. MARHEFKA:** I am not sure if that is a proper procedure, but
30 is there a second for nomination of Mr. Williamson? It fails
31 for lack of a second. Currently, on the slate, we have Ms.
32 Boggs and Dr. Frazer. Any other nominations at this time?

33
34 **MR. GILL:** I move that we close nominations.

35
36 **MS. MARHEFKA:** Okay. Nominations are closed. At this time, we
37 will collect votes for Mr. Boggs or Dr. Frazer. The results are
38 that Dr. Frazer is the vice chairman of your council.

39
40 **DR. STUNZ:** All right. Well, thank you, Dale, and, with that, I
41 don't have any other business I think that needs to come before
42 this council, and I'm not seeing any other hands, and so I guess
43 we will see everyone in -- Andy.

44
45 **MR. STRELCHECK:** Real quick, I wanted to let everyone know that
46 the gag interim rule, the proposed rule, will be publishing
47 tomorrow.

48

1 **DR. STUNZ:** Thank you, Andy, and, with that, that will conclude
2 the business of this meeting, and we'll see everyone in Gulfport
3 in April. Thank you.

4

5 (Whereupon, the meeting adjourned on February 2, 2023.)

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