

1 GULF OF MEXICO FISHERY MANAGEMENT COUNCIL  
23 292<sup>ND</sup> MEETING  
45 FULL COUNCIL SESSION  
67 Beau Rivage Resort and Casino Biloxi, Mississippi  
89 OCTOBER 24-27, 2022  
1011 **VOTING MEMBERS**

Dale Diaz.....	Mississippi
Kevin Anson (designee for Scott Bannon) .....	Alabama
Susan Boggs.....	Alabama
Patrick Banks.....	Louisiana
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
Bob Shipp.....	Alabama
Joe Spraggins.....	Mississippi
Andy Strelcheck.....	NMFS
Greg Stunz.....	Texas
C.J. Sweetman.....	Florida
Troy Williamson.....	Texas

30 **NON-VOTING MEMBERS**

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

34 **STAFF**

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

1      **OTHER PARTICIPANTS**

2	Adam Abrams.....	Panama City, FL
3	Austin Abrams.....	Panama City, FL
4	Greg Abrams.....	Panama City, FL
5	Andrew Alexander.....	Biloxi, MS
6	Charlie Bergmann.....	MS
7	Randy Boggs.....	Orange Beach, AL
8	Eric Brazer.....	Shareholders Alliance
9	Chester Brewer.....	SAFMC
10	B.J. Burkett.....	FL
11	Lt. Patrick Carron.....	MDMR, MS
12	Ronald Chicola.....	LA
13	Patricia Davis.....	AL
14	Katie Fischer.....	Matlacha, FL
15	Troy Frady.....	Orange Beach, AL
16	Jim Green.....	Destin, FL
17	Johnny Greene.....	Orange Beach, AL
18	Buddy Guindon.....	Galveston, TX
19	Ken Haddad.....	ASA, FL
20	Chad Hanson.....	Pew Charitable Trusts
21	Rachel Hisler.....	Anahuac, TX
22	Dylan Hubbard.....	FL
23	Mike Jennings.....	Freeport, TX
24	Mark Kelley.....	Panama City, FL
25	Bill Kelly.....	FKCFA, FL
26	Marcus Kennedy.....	Mobile, AL
27	Larry Lemeux.....	Panama City, FL
28	Brian Lewis.....	Clearwater, FL
29	Lawrence Marino.....	LA
30	Tershara Matthews.....	BOEM
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32	Jay Mullins.....	
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43	Chance Seymour.....	Biloxi, MS
44	Duane Smith.....	NOAA OLE
45	Randy Sobieraj.....	Dulac, LA
46	Casey Streeter.....	FL
47	Josh Swinford.....	
48	Mike Sullivan.....	Panama City, FL

1 Mark Tryon.....Gulf Breeze, FL  
2 Russell Underwood.....Lynn Haven, FL  
3 David Walker.....AL  
4 Ed Walker.....Tarpon Springs, FL  
5 Matt Walia.....NOAA  
6 John Walter.....SEFSC  
7 Wayne Werner.....Alachua, FL  
8 Johnny Williams.....Galveston, TX  
9 Bob Zales.....Panama City, FL  
10 Jim Zurbrick.....Steinhatchee, FL  
11  
12 - - -  
13

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3 PAGE 10: Motion to adopt the proposed council committee  
4 assignments, as amended. The motion carried on page 10.  
5

6 PAGE 32: Motion to direct staff to initiate a document that  
7 would first review the state-specific private angler licensing  
8 and reporting requirements that are currently used to define the  
9 universe of offshore anglers in each state. The motion carried  
10 on page 35.

11 PAGE 40: Motion to have the council better incorporate optimum  
12 yield to fully consider biological, social, and economic aspects  
13 in achieving fleet-specific objectives during the management  
14 process. The motion carried on page 44.  
15

16 PAGE 149: Motion to recommend that the changes made to the  
17 fishing violations section of SOPPs be brought to the  
18 Administrative/Budget Committee for discussion and approval at  
19 their next meeting. The motion carried on page 149.  
20

21 PAGE 149: Motion that the Law Enforcement Committee concurs  
22 with the LETC's request to allow the operations plan to expire  
23 and strategic plans to only be updated as needed in the future.  
24 The motion carried on page 151.  
25

26 PAGE 153: Motion that landings reports be provided to council  
27 committees twice per year in April and October. The motion  
28 carried on page 153.  
29

30 PAGE 154: Motion in Action 1 to add a new Alternative 6 and  
31 make it the preferred. Alternative 6 is revise the allocation  
32 between the recreational and commercial sectors using MRIP-FES  
33 adjusted average landings during the years 1993 through 2019.  
34 The allocations for greater amberjack are 80 percent  
35 recreational and 20 percent commercial. Revise the OFL and ABC  
36 as recommended by the SSC based on SEDAR 70 (2020). Set the  
37 stock ACL equal to the 2023-plus ABC of 505,000 pounds. The  
38 motion carried on page 156.  
39

40 PAGE 167: Motion to approve the Draft Amendment 54:  
41 Modifications to the Greater Amberjack Catch Limits and Sector  
42 Allocations, and other Rebuilding Plan Modifications and that it  
43 be forwarded to the Secretary of Commerce for review and  
44 implementation, and deem the codified text as necessary and  
45 appropriate, giving staff editorial license to make the  
46 necessary changes in the document. The Council Chair is given  
47 the authority to deem any changes to the codified text as  
48

1 necessary and appropriate. [The motion carried on page 169.](#)  
2  
3 [PAGE 169:](#) Motion in Action 1 to move Alternatives 4 and 5 to  
4 Considered, but Rejected. [The motion carried on page 169.](#)  
5  
6 [PAGE 169:](#) Motion in Action 1 to make an alternative for a  
7 November 1 through December 31 season. [The motion carried on](#)  
8 [page 170.](#)  
9  
10 [PAGE 172:](#) Motion to reconvene the IFQ Focus Group for a second  
11 meeting with the remaining eight members. [The motion carried on](#)  
12 [page 172.](#)  
13  
14 [PAGE 173:](#) Motion to direct staff to develop a list of proposed  
15 IFQ related issues the council would review and prioritize at  
16 their January 2023 meeting. Thereafter, the council would  
17 either convene a special council meeting or dedicate significant  
18 time on a future Reef Fish Committee agenda to discuss the  
19 highest priority issues recommended by the council. [The motion](#)  
20 [carried on page 174.](#)  
21  
22 [PAGE 178:](#) Motion to modify the IFQ Focus Group's charge to  
23 evaluate benefits and drawbacks to get to active fishermen who  
24 own no shares: 1)increases in annual allocation (not shares),  
25 and 2)allocation held by the agency in non-active accounts. [The](#)  
26 [motion carried on page 184.](#)  
27  
28 [PAGE 190:](#) Motion to remove Action 2 from the framework  
29 document. [The motion carried on page 192.](#)  
30  
31 [PAGE 192:](#) Motion in Draft Framework Action for Gray Triggerfish  
32 Commercial Trip Limit in Action 1 to make Alternative 3 the  
33 preferred. Alternative 3 is increase the commercial trip limit  
34 to twenty-five gray triggerfish per vessel. [The motion carried](#)  
35 [on page 192.](#)  
36  
37 [PAGE 193:](#) Motion in Action to remove Alternative 5.  
38 Alternative 5 is increase the commercial trip limit to forty  
39 gray triggerfish per vessel. [The motion carried on page 193.](#)  
40  
41 [PAGE 199:](#) Motion to direct staff to develop the following  
42 options for exploration in Amendment 56: 1)summer recreational  
43 gag fishing season; 2)lowering the gag bag limit; 3)establishing  
44 a gag vessel limit; 4)commercial spawning season closure;  
45 5)spatial areas to protect spawning gag; 6)commercial bycatch  
46 trip limits. [The motion carried on page 203.](#)  
47  
48 [PAGE 205:](#) Motion to direct staff to provide catch levels for

1 scamp and yellowmouth grouper utilizing an MSY proxy of F 40  
2 percent SPR and consider other management changes necessary for  
3 the shallow-water grouper complex. [The motion carried on page](#)  
4 [207](#).

5  
6 [PAGE 213](#): Motion that Florida Pompano is not in need of federal  
7 conservation and management at this time. [The motion carried on](#)  
8 [page 214](#).

9  
10 [PAGE 214](#): Motion to direct staff to evaluate factors in  
11 determining whether African pompano is in need of federal  
12 management. [The motion failed on page 217](#).

13  
14 [PAGE 217](#): Motion to direct staff to evaluate factors in  
15 determining whether tripletail is in need of federal management.  
16 [The motion carried on page 220](#).

17  
18 [PAGE 228](#): Motion that landings reports be provided to council  
19 committees twice per year, in April and October. [The motion](#)  
20 [carried on page 228](#).

21  
22 [PAGE 228](#): Motion to remove Objective 3, as it is redundant with  
23 the newly-added Objective 9. Objective 3 is to provide  
24 necessary information for effective management and establish a  
25 mandatory reporting system for monitoring catch. [The motion](#)  
26 [carried on page 229](#).

27  
28 [PAGE 229](#): Motion to amend the language of Objective 1 to read  
29 as follows: Objective 1 is the primary objective of this FMP is  
30 to achieve and maintain optimum yield, to allow recovery of  
31 overfished populations, and maintain population levels  
32 sufficient to ensure adequate recruitment. [The motion carried](#)  
33 [on page 229](#).

34  
35 [PAGE 229](#): Motion to delete Objective 5. Objective 5 is to  
36 distribute the total allowable catch of Atlantic migratory group  
37 Spanish mackerel between recreational and commercial user groups  
38 based on the catches that occurred during the early to mid-  
39 1970s, which is prior to the development of the deep water run-  
40 around gillnet fishery and when the resource was not overfished.  
41 [The motion carried on page 229](#).

42  
43 [PAGE 229](#): Motion to remove Objective 7 from the Joint CMP FMP,  
44 as it is no longer supported by science. Objective 7 is to  
45 provide appropriate management to address specific migratory  
46 groups of king mackerel. [The motion carried on page 230](#).

47  
48 [PAGE 231](#): Motion to add a new Alternative 4. Alternative 4 is

1 modify the sector allocation for Gulf king mackerel by  
2 reallocating to the commercial sector 15 percent of the average  
3 difference between the total landings from the 2016-2017 through  
4 2019-2020 fishing years using Marine Recreational Information  
5 Program's Fishing Effort Survey data and the total simulated  
6 annual catch limit for Model 2 in Appendix D for the predicted  
7 total landings by sector and the total projected ACL. [The](#)  
[motion carried on page 231.](#)

9  
10 [PAGE 231:](#) Motion in Action 2.1 to make Alternative 1 the  
11 preferred and cease work on this document. [The motion carried](#)  
[on page 238.](#)

12  
13  
14 [PAGE 243:](#) Motion to request SEFSC update the ecosystem status  
15 report for the Gulf of Mexico as soon as possible. [The motion](#)  
[carried on page 244.](#)

16  
17  
18 [PAGE 245:](#) Motion to request staff write a letter to the SEFSC  
19 to explore the feasibility of an interim analysis for Gulf king  
20 mackerel. [The motion carried on page 245.](#)

21  
22 [PAGE 246:](#) Motion to make Option 2 the preferred. Option 2 is  
23 remove the weekend and holiday closure for the gillnet component  
24 for Gulf migratory group king mackerel. [The motion carried on](#)  
[page 246.](#)

25  
26  
27 [PAGE 247:](#) Motion to make Option 4 the preferred. Option 4 is  
28 require federally-permitted for-hire vessel owners and/or  
29 operators to submit a trip declaration for trips that will be  
30 engaging in any type of fishing or chartered activity. [The](#)  
[motion carried on page 247.](#)

31  
32  
33 [PAGE 273:](#) Motion to disband the Joint Council Workgroup on  
34 Section 102 of the Modern Fishing Act. [The motion carried on](#)  
[page 274.](#)

35  
36  
37  
38 - - -

1 The Full Council of the Gulf of Mexico Fishery Management  
2 Council convened at Beau Rivage Resort and Casino in Biloxi,  
3 Mississippi on Monday morning, October 24, 2022, and was called  
4 to order by Chairman Dale Diaz.  
5

6 **CHAIRMAN DALE DIAZ:** Good morning, everybody. We're going to go  
7 ahead and get started, and so we're going to start out with a  
8 Full Council session this morning, and this is the 292<sup>nd</sup> meeting  
9 of the Gulf of Mexico Fishery Management Council.  
10

11 There is just a couple of things that I want to mention before  
12 we start with the agenda. One is, if anybody hasn't logged into  
13 the internet yet, if you go to your computer function that  
14 brings you to the internet, MGM Resorts Wi-Fi is what you need  
15 to click on, and it's open. There's no password, and so just  
16 MGM Resorts Wi-Fi.  
17

18 The only other thing that I want to mention, before we start, is  
19 I want to let folks know that we did move our next meeting. We  
20 were scheduled to meet in New Orleans, but that's been moved to  
21 Baton Rouge, and so, in January, we'll be in Baton Rouge, so  
22 everybody is aware of that, and we're going to go ahead and  
23 start with our agenda.  
24

25 The first thing on the agenda is the Review and Adoption of  
26 Proposed Council Committees for 2022 through 2023, and so I'm  
27 going to open the floor up for any comments, and so are there  
28 any comments related to the committee assignments that are  
29 proposed? Dr. Sweetman.  
30

31 **REVIEW AND ADOPTION OF PROPOSED COUNCIL COMMITTEE ASSIGNMENTS**  
32 **OCTOBER 2022 THROUGH AUGUST 2023 AND CURRENT COUNCIL COMMITTEE**  
33 **ASSIGNMENTS**  
34

35 **DR. C.J. SWEETMAN:** Thank you, Mr. Chair. I would just like to  
36 request for myself, or Jessica McCawley, to be on the Mackerel  
37 Committee.  
38

39 **CHAIRMAN DIAZ:** Okay, and so if staff would add Dr. Sweetman to  
40 the Mackerel Committee. Any other comments about the proposed  
41 committees? Mr. Dugas.  
42

43 **MR. J.D. DUGAS:** Well, I wanted to be on the Mackerel Committee.  
44 Can I be added to the Mackerel Committee?  
45

46 **CHAIRMAN DIAZ:** Yes, sir. I am going to try to explain, and so  
47 what I tried to do -- My preference would be to not add you to  
48 the Mackerel Committee, Mr. Dugas, and my rationale is this, and

1 so what I tried to do is I tried to go through the committees  
2 and make sure that we had at least one person from each state on  
3 every committee and that we had somewhat of a balance between  
4 the different constituencies on the council, charter/for-hire,  
5 commercial, and recreational, and that was how I tried to  
6 balance the Mackerel Committee, and so my preference would be to  
7 not add you to the Mackerel Committee at this point. Any other  
8 comments about the proposed committees? Hearing none, I would  
9 entertain a motion, if anybody would make a motion that we  
10 accept these committees for the 2022-2023 council year.

11  
12 **DR. BOB SHIPP: Mr. Chairman, I so move.**  
13

14 **CHAIRMAN DIAZ:** Okay, and so we have a motion from Dr. Shipp to  
15 accept the proposed committees, as amended. It's seconded by  
16 Mr. Anson. Did you have a comment, Mr. Anson? Seconded by Mr.  
17 Anson. **Any opposition to the motion? The committees are**  
18 **approved as amended.**

19  
20 All right. Next up on our agenda, we have a demonstration of  
21 electronic voting technology, and Ms. Hager is going to lead us  
22 through that. Beth, if you will take it away.

23  
24 **DEMONSTRATION OF ELECTRONIC VOTING TECHNOLOGY**  
25

26 **MS. BETH HAGER:** Basically, we have been testing our voting  
27 software, just as an overview to let everybody know. Attached  
28 to you all's speakers, for the seventeen voting members, are  
29 these little fobs, and so we'll get to a live demonstration part  
30 of the presentation, and you all will be pushing buttons, and we  
31 actually did attach them, to ensure that they remained in the  
32 room and didn't accidentally go somewhere, go on a walkabout,  
33 but you are welcome to take them off to use them and to inspect  
34 them, when it starts happening.

35  
36 This was the motion that you all passed in April to pilot the  
37 electronic voting system for council and committee motions that  
38 have opposition. All roll call votes will be by electronic  
39 voting, and the results will be included in the minutes. Also,  
40 you all directed us to select the appropriate software and  
41 timing of the implementation and modify the SOPPs, as necessary.

42  
43 The Meridia system was chosen for the trials and testing, and  
44 that's due to the flexibility and seamlessness of the online  
45 integration with the system, and it has several different  
46 features, including the clickers for in the room and flexible  
47 display and tabulation options, and so some of those display  
48 options are what we're going to go through today.

1  
2 The two options that we're going to present during the live  
3 demonstration portion are showing the votes by name as they're  
4 being recorded, with the sub-totals of how people are voting,  
5 and then the other option, that we'll show on the next motion of  
6 the live demonstration, will be showing the results of the votes  
7 by name after it's closed, and so what you will see on the  
8 screen are the people have voted, but you won't see how they  
9 voted until after the voting is closed in that particular  
10 motion.

11  
12 Then there also are options for completely anonymous voting, and  
13 anonymous all the way through all of the reporting, and no name  
14 is recorded anywhere, but that is very simple. It's just a yes  
15 or no up on the screen, and that's all you see, and so, I mean,  
16 we can show that, if you all feel the need, but, in  
17 consideration of time, we thought that these might be the most  
18 efficient things to show.

19  
20 Now a live demonstration, and here we go. At the moment, we're  
21 going to have the motions up on one side of the screen, and then  
22 we will have the voting grid, which is actually what we would  
23 see during a live vote, on the other side of the screen, and we  
24 do have to effect this, at the moment, using the ring central.  
25

26 This piece of the portal that we're talking about here, where  
27 we're trying to get connected with each other, is going to be  
28 going away, because the folks that are -- The software  
29 developers are developing a portal that will be unique to the  
30 presenter and the person that is displaying the vote, and so  
31 that will be helpful.  
32

33 It just wasn't quite ready for October, and so hopefully it will  
34 be ready for January, when we start actually doing the testing,  
35 and so some of what you see on the screen, the top, where you  
36 see my little puppy in his shark suit, will go away, and you'll  
37 only see the voting grid. Then she's going to get up a motion  
38 here that will be just an example, just a little test motion.  
39

40 Theoretically, if this was a live council meeting, which it is,  
41 but if this was a live vote -- Dale, can you see that motion, to  
42 read it, or would you like me to -- It's a little small.  
43

44 **CHAIRMAN DIAZ:** I will just do the big print. In Action 1, to  
45 make Alternative 3 the preferred.

46  
47 **MS. HAGER:** Okay, and so, at this point, folks would pick up  
48 their little fob, and you would push yes, no, or abstain. On

1 the little fob here, you would push the -- There you go, and you  
2 can start to see, on the screen, how folks are actually voting,  
3 whether they're pushing the green or the yellow or the whatever.  
4

5 Now, I have it on my phone, while then I've got extra person in  
6 our vote, for example's sake, and, if anybody would like to see  
7 what this looks like, we can show it now, or I would be happy to  
8 take this around, and you can actually vote from this, and it  
9 integrates, and so that one that says "meeting room", on the  
10 left-hand side, in the top corner, that is me on my phone  
11 voting, and so I just voted yes, remotely, and so, if I was at  
12 home and trying to vote, we could do that.  
13

14 There we go. We're getting there. Tom, J.D., and Troy. Now,  
15 if anybody wants to change their vote, you are welcome to, right  
16 now, and it should change on the screen. There we go. Yay.  
17 Tom, is your clicker working? There we go. Now Troy. There we  
18 go. Okay.  
19

20 So, at this point, everybody has voted, and, if everybody likes  
21 what they have voted, we're going to close the vote, and so  
22 we're going to now stop polling, officially close the vote, and  
23 now you shouldn't be able to change anything that's up on the  
24 screen, and there is tracking within the software, and so, if we  
25 were try and go in there and -- Say you accidentally pushed the  
26 wrong button, and it closed, and you wanted to change it,  
27 there's a record created of any change to the vote at this point  
28 on the reporting, and so it can't just be monkeyed with.  
29

30 Okay, and so we're going to go to the next motion, Bernie, if  
31 you wouldn't mind, and, before anybody votes, let's make sure  
32 that we have delaying the results and delaying the subtotals  
33 turned on. Okeydokey. Here is our next motion, which is to  
34 recommend all elementary schools adopt Friday as pizza day.  
35 Sorry, Mr. Chair, but I totally took control there, and I didn't  
36 mean to, and we're also recommending strawberry milk as a  
37 permanent menu item, and so everyone please vote on that  
38 particular motion at this time.  
39

40 As you can see, it's turning light blue, to show that folks have  
41 voted, but it's not showing us how we voted, and it's not even  
42 sub-totaling. Now, these are little micro things, and like we  
43 could turn on the subtotals, if we wanted to. As we progress  
44 through the tests, I think it will be important stuff for you  
45 all to decide on later, but this lets you know the main ways  
46 that things can be displayed. Mr. Williamson, would you like to  
47 vote? Thank you so much.  
48

1 Okay. Now everybody has voted, and here we go. Now we're going  
2 to close the vote, and we can see that it did in fact pass, and  
3 Friday is now going to be Pizza Friday. Okay. That is our  
4 demonstration, and does anybody have any -- We will wait for  
5 questions until the very end, if that's all right. Bernie,  
6 could you go back to just the presentation at this point?  
7

8 We need to figure out what we're going to do next. We need to  
9 decide if we're going to start the trials in committees or  
10 during the council, and there are reasons for either way. If we  
11 were using the council, we pretty much know who the voting body  
12 is, and it's generally the same group of people, but, during  
13 committees, it's -- You're usually less people, and so that can  
14 go either way.  
15

16 Staff does anticipate that implementing the software will  
17 require a phase-in period, as you can see. We will need  
18 probably a few meetings, and there will be a learning curve for  
19 us and the council, and we really want to beta test this, so we  
20 can make sure that it's reliable, that there aren't any funny  
21 glitches or anything that we just haven't seen at this point  
22 yet. Logistically, staff will need to know which motions will  
23 be voting on prior to holding the vote, so the voting screen can  
24 be displayed in the room, and so this is really going to hold us  
25 to Roberts Rules.  
26

27 At this point, staff doesn't believe that the SOPPs should  
28 require modification, but, as we -- Because a roll call vote can  
29 be taken at any time, and this is effectively a roll call vote,  
30 and that's what our SOPPs currently say, but, as we work through  
31 this actual process, we'll continue to revisit that, and confer  
32 with the council, and make sure that nothing else has to change.  
33 Yes, ma'am.  
34

35 **MS. SUSAN BOGGS:** So you're saying the SOPPs will or will not  
36 need to be modified, because --  
37

38 **MS. HAGER:** There should be a "not" in there. At this point, we  
39 do not anticipate modifications to the SOPPs, and, actually,  
40 Bernie, if you could pop to the next slide, we do have the  
41 excerpt from the SOPPs here for you all's reference, as you all  
42 are having any discussion, and we have Magnuson excerpted on the  
43 next slide, and the information about the forum and roll call  
44 voting, just so it's available for you all, and that's the end  
45 of my presentation.  
46

47 **CHAIRMAN DIAZ:** So any questions for Ms. Hager? Mr. Anson.  
48

1   **MR. KEVIN ANSON:** So then how is this going to be incorporated  
2   into each of the minutes and such? Is this just going to be  
3   like an appendix, where we have the motions now, and then there  
4   will be a snapshot, essentially, or a table, for each of the  
5   votes, for each of the members?  
6

7   **MS. HAGER:** Effectively, I think that's the idea. Bernie, could  
8   you go back on the display, to show the first motion there?  
9   Okay, and so here's a great example of that, and that's why I  
10   used this motion, because this is actually contained within the  
11   minutes, and this becomes a part of the legal record, and it's a  
12   table, and so the result of the roll call voting would be  
13   effectively the same thing, and it could be incorporated the  
14   same way, because it's a table.  
15

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

18   **MR. PHIL DYSKOW:** Thank you, Mr. Chair. Is there any cost  
19   associated with this? This is a multipart question.  
20

21   **MS. HAGER:** Going forward, just a renewal cost for the software,  
22   and staff time, and it's primarily going to be time and effort  
23   voting, at this point, because the initial cost on this was  
24   already something that we had to have, in order to do the tests.  
25

26   **MR. DYSKOW:** Part two of this question is are any councils,  
27   fishery councils, using this system?  
28

29   **MS. HAGER:** No, sir, not according to --  
30

31   **MR. DYSKOW:** The final part is I am a little bit familiar with  
32   using these systems, on much larger committees, or action  
33   groups, than this, and we only have sixteen voting members, and  
34   so do we need something this complex to tabulate sixteen votes?  
35

36   **MS. HAGER:** I don't know if it's a matter of tabulating them or  
37   if it's a matter of being able to show how folks are voting, for  
38   transparency, for the webinar, and for even in the room  
39   sometimes, and it's hard to see whether or not somebody is  
40   voting. I just know that this was a motion that we were asked  
41   to do, and so that's what we're going forward with, and so  
42   that's definitely a question for you all to be considering.  
43

44   **CHAIRMAN DIAZ:** Part of the answer to your question is, a while  
45   back, councils wrote letters about different things with this  
46   electronic voting, and no other councils are doing it, and the  
47   primary thing that most of the councils listed was a concern  
48   about extra time at meetings that it might take to use a system

1 like this, and that was the primary concern of councils. Mr.  
2 Gill.  
3

4 **MR. BOB GILL:** Thank you, Mr. Chairman, and a comment on Phil's  
5 last question. Recall that part of the consideration of a  
6 system like this is for the virtual folks, who cannot see how  
7 the vote goes, and, since we don't record it, they ultimately  
8 don't know, unless they talk to somebody that is here, and so  
9 that's one of the rationales, and so I would argue, also, that  
10 there is a time savings, in addition to the transparency, that  
11 this thing provides, but a question.  
12

13 I guess this is for Beth, and does the difference between the  
14 installation for committees, versus using it for council -- That  
15 seems, to me, to be a temporary problem, right, and it will  
16 change every year, right, but, ultimately, since the motion went  
17 for the council and committee, that it's functionally only a  
18 learning curve, part of the learning curve, issue. Do I have  
19 that correctly?  
20

21 **MS. HAGER:** Yes, sir. Absolutely. That is just it, and it's  
22 the learning curve and being able to meet the needs of the  
23 meeting as the meeting is progressing, quickly and effectively,  
24 and that is a lot of the learning curve on the backend of it,  
25 and what comes out to you all is -- There's no difference either  
26 way. What the grid looks like would be slightly different,  
27 obviously, because that's directly related to the makeup of the  
28 voting people.  
29

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

32 **MR. GILL:** Thank you, Mr. Chairman. I would argue it's the same  
33 people voting, and the major part of the learning curve is us, I  
34 would argue, and, hence, I think that we ought to institute it  
35 for both the council portion and the committee meetings,  
36 because, as you mentioned, a learning phase for the committees  
37 has to be met anyway, and go through it, but I think the  
38 repetitive nature, for the committees and the council, will help  
39 us get up that learning curve faster, and so I think, from that  
40 standpoint, we ought to go full bore and do the whole thing.  
41

42 **CHAIRMAN DIAZ:** Just a comment to Mr. Gill's comment, and I do  
43 agree that the learning curve is us, but a big part of the us is  
44 the committee chairs and the chair, because the vote is for --  
45 The motion is to use this for motions that have no opposition,  
46 and so you've got to figure that out first, and then, a lot of  
47 times, the committee chair does not vote unless there's a need  
48 to vote, and how -- All committee chairs are going to have to

1 come to terms with when it's appropriate, or when they need to  
2 vote, and so I think that's part of the learning curve, too.  
3 Further comments? Mr. Anson.

4

5 **MR. ANSON:** Beth, as far as a transparency thing, how is -- Are  
6 the votes searchable, for instance? Does each vote go a  
7 meeting, or is it a meeting and a committee that you're going to  
8 be able to search down, or how will you be able to go and look  
9 in the voting record, I guess, for an individual, or is that  
10 even possible?

11

12 **MS. HAGER:** Well, we would look at the verbatim minutes, but  
13 there's also a report that's produced, and, Bernie, could you  
14 pop up the report, the example report, on the screen? We would  
15 use that though as a part of the verbatim minutes, to create the  
16 verbatim minutes, but, Kevin, do you mean during the actual  
17 meeting or after the vote is done?

18

19 **MR. ANSON:** After the meeting, if you were interested to see,  
20 you know, how votes went through time, I guess, for a particular  
21 topic, or an issue, is that possible? Can you drill down, I  
22 guess, down to that level?

23

24 **MS. HAGER:** You would see it for each motion, and see the  
25 results next to the motion, just like you would now in the  
26 verbatim minutes.

27

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

29

30 **CHAIRMAN DIAZ:** Beth and Carrie, this question is for you all,  
31 and so are you all wanting the committee to decide today when to  
32 first test this, and at what level? Is that something you -- Or  
33 is that something that you already have a plan for?

34

35 **EXECUTIVE DIRECTOR CARRIE SIMMONS:** Thank you, Mr. Chair. Good  
36 morning, everyone, and so I think you need to tell us if you  
37 like this, and you want us to move forward with it or not, and  
38 we need to confirm with Ms. Levy whether any changes need to be  
39 made to the SOPPs, and we would have to set up -- If we want to  
40 use it in committees, we have to know upfront who is on that  
41 committee, and so we just have to set that up beforehand, and so  
42 there's just going to be a little bit of a learning curve there.

43

44 Also, with the split screen, the council probably is going to  
45 have to get on the webinar to see the motions, because we have  
46 less of that up to display, and then our hind-end, with the  
47 administrative side of things, we're just going to have to be  
48 very careful about the motion, that it's clear, the motion in

1 the report, and the vote, and then line that up with the  
2 verbatim minutes, and so there's going to be a little bit of a  
3 learning curve there, but, I mean, do you want to go forward  
4 with this, and when do you want to start doing it, if so?  
5 Thanks.  
6

7 **CHAIRMAN DIAZ:** All right. Any comments from the council, any  
8 direction? Mr. Gill.  
9

10 **MR. GILL:** Thank you, Mr. Chairman. Not surprisingly, I think  
11 we should move forward with it, and I would also -- One of the  
12 questions asked was how we have the presentation, and I would  
13 suggest that we ought to have it so that it shows the voting, as  
14 the voting goes, keeping in mind that the virtual people have no  
15 clue who is doing that, but this allows them to be a greater  
16 participant in the process than they currently can.  
17

18 **CHAIRMAN DIAZ:** Dr. Simmons.  
19

20 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair. Mr. Gill,  
21 that means, essentially, if we start at a committee, then all  
22 committee votes would be roll call votes, or it would be up to  
23 the Chair to decide when we want to have a roll call vote in  
24 that committee?  
25

26 **MR. GILL:** Well, in essence, they're all roll call  
27 automatically, right, because, with everybody voting, it's  
28 recorded, and that's effectively the same thing, and, if it's  
29 visual on the screen, it's identical to doing it vocally, and so  
30 I would argue that there is no difference.  
31

32 **CHAIRMAN DIAZ:** Ms. Levy.  
33

34 **MS. MARA LEVY:** Just a question, and I think I asked this when  
35 we first started talking about this, but I can't remember. Does  
36 the software -- I guess it must record everybody's vote by name,  
37 regardless of whether it shows, meaning you're creating a record  
38 of everybody's vote by name, or does the software not identify  
39 it unless you ask it to?  
40

41 **MS. HAGER:** The software does not identify it unless you ask it  
42 to, and so you can make a completely anonymous vote that will  
43 not be recorded in the software or anything else, and all it  
44 records is the actual result of the votes, and it doesn't  
45 display on the screen. My name, in the report that we just had  
46 up, and there was a column that had "anonymous" all the way  
47 down, and that was an anonymous vote, and so nowhere is how  
48 people voted recorded, but we have to know that upfront, if we

1 were to want it anonymous, because that really does change all  
2 of the bits and pieces, and so you have to know what you want  
3 from the vote before you start doing the vote, and that's kind  
4 of going to be one of keys.  
5

6 **MS. LEVY:** Right, and so the reason I'm asking is it's kind of  
7 like an all or nothing, and so, the way we operate now, people  
8 raise their hands, for things that aren't roll call, and you can  
9 kind of see who is doing what, but the hands go down, and you  
10 don't record that, and so you don't have, in the minutes, who  
11 did what, but at least you're seeing it as it's happening, if  
12 you're here.  
13

14 With this, you either have a roll call vote for everything,  
15 because you're recording it, or you don't know who has voted for  
16 anything, and so I think -- I mean, to the extent you want to go  
17 towards adopting a roll call vote for everything, we probably  
18 are going to have to change the SOPPs, because they're not  
19 written that way, right, and, I mean, that's not necessarily a  
20 huge deal, but I guess, you know, you just have to think about  
21 it, and like it's all or nothing, and so it's very different  
22 than what you do now.  
23

24 **CHAIRMAN DIAZ:** All right. Any further comments? Mr.  
25 Strelcheck.  
26

27 **MR. ANDY STRELCHECK:** I mean, I don't feel strongly one way or  
28 another. You know, we have a very transparent process, and so I  
29 like the software, in that regard, in terms of, you know,  
30 further transparency. I guess one of the other questions that I  
31 had was it so easy for me to change my vote from yes to no, or  
32 something else, and, when we do votes in committee, or Full  
33 Council, we raise our hands, or we do a roll call, and it's  
34 locked-in, right, and we don't change it at that point, and so  
35 are there ways for the software, so that, once you've made the  
36 selection, that's it? I know mistakes could be made, but --  
37

38 **MS. HAGER:** It's designed so that, when the vote is open, you  
39 can change it. As soon as the vote is closed, you absolutely  
40 can't change it. I can't change it even. The report can't be  
41 changed. It locks it in, and, if somebody does go back in and  
42 make a change on the report, it tracks who has made the change,  
43 so that there's an explanation of it. I mean, the idea is that  
44 it's designed for --  
45

46 **CHAIRMAN DIAZ:** General Spraggins.  
47

48 **GENERAL JOE SPRAGGINS:** I heard your comment a while ago, and I

1 guess the question I had -- You know, like a chair, a lot of  
2 times, could not vote, and you don't vote, a lot of times, but,  
3 is there a way that we're going to be able to say that, if I'm  
4 the Chair or whatever, and are we going to be able to know if I  
5 need to vote or not, and how are we going to do that? Is it  
6 going to come up as a tie, and then they're going to give us the  
7 option of voting? If that's the case, then, okay, but I guess I  
8 did -- Is there some option there, to say that the Chair needs  
9 to vote or what?

10  
11 **MS. HAGER:** That is part of the wonderful thing about the  
12 transparency on the screen, is you can see how people have voted  
13 each way, and you can see who has voted, and, if someone chooses  
14 not to vote, their vote isn't included in the total votes, and  
15 so you can either abstain, which then are included in the total  
16 of what has passed or what hasn't, or you can not vote at all,  
17 and we can --

18  
19 This is one of those small things that we can adjust within the  
20 software, and we can have it tabulate based on who we expect to  
21 vote, or we can have it tabulate based on who has actually  
22 voted, to determine what makes the majority, and so there are  
23 incremental bits of the software that we can -- That's part of  
24 implementing it and the learning curve, and, as we're testing  
25 it, we need to see what works for us and what we are intending  
26 as we're using this.

27  
28 **GENERAL SPRAGGINS:** I guess what I'm asking there then is it  
29 going to show -- Like, if it was eight-to-eight, yes and no, is  
30 that going to show Dale that, if he hasn't voted, that he needs  
31 to make a tie vote, and, without showing the names, and it will  
32 show eight yes and eight no?

33  
34 **MS. HAGER:** If we were doing anonymous voting, we absolutely  
35 would show eight and eight, and then the person could decide if  
36 they wanted to vote, but that would be in an anonymous vote.  
37 Otherwise, you're going to see the names up on the screen, but,  
38 also, you could see eight people voted one way or --

39  
40 **CHAIRMAN SPRAGGINS:** But, as the vote is going on, is it going  
41 to show how many are voting one way or the other, and not names,  
42 but how many?

43  
44 **EXECUTIVE DIRECTOR SIMMONS:** Right, and so there's two different  
45 ways the software works. You can have it display as the votes  
46 come in, and so then you would have an idea if the Chair is  
47 going to need to vote, or you can have us close the vote and see  
48 whether we need to reopen it and have the Chair vote, and that's

1 going to be the learning curve type of stuff that we're talking  
2 about, and so which way do you want to do it, and those are the  
3 types of things that we kind of would need to know ahead of  
4 time, and it could take us more time, as we work through this  
5 process.

6

7 **CHAIRMAN DIAZ:** I, for one, would absolutely like to preserve  
8 the right for the Chair to vote, when they need to, but not  
9 necessarily beforehand. Ms. Boggs.

10

11 **MS. BOGGS:** Thank you, Mr. Chair, and I agree with Andy that the  
12 transparency of this council, and so I don't know -- I was  
13 sitting here thinking that the only time that I would think that  
14 we would do an anonymous vote is when we vote for Chair and Vice  
15 Chair. Other than that, I think it needs to be open, because,  
16 if you're sitting in the room, you can see, and, if we're not  
17 sitting in the room, we ask for roll call votes, so the people  
18 that are virtual know who is voting how.

19

20 The second example that Beth did, where it doesn't -- It shows  
21 that you voted, but it doesn't show how you voted, I think maybe  
22 that's what we need to do, in case there is influences, and then  
23 you only see -- I mean, you can see who voted, and then when you  
24 -- I was trying to remember, and, when you say come to this  
25 screen, then it will show you how everyone voted, but I think,  
26 at the initial vote, you should keep it -- Not anonymous, but  
27 you can see that they voted, and then, once it's tabulated, you  
28 can see how they voted, and that's my opinion.

29

30 **CHAIRMAN DIAZ:** Thank you, Ms. Boggs. Mr. Dyskow.

31

32 **MR. DYSKOW:** Thank you, Mr. Chairman. I want to speak in  
33 opposition to adopting an electronic voting system. This is a  
34 small council, and we are, from time to time, challenged with  
35 anything, any technology, that is electronic in nature, and we  
36 struggle with that on a regular basis, and why introduce another  
37 level of complexity that is totally not needed? We have a  
38 system that works, and this system adds a complexity that  
39 perhaps we would struggle with, and I guess, if it's not broken,  
40 why are we spending so much trying to fix it?

41

42 **CHAIRMAN DIAZ:** So I know you speak in opposition, and we do not  
43 have a motion to that effect on the board, and so we're  
44 currently operating under the motion that was passed in April.  
45 Ms. Boggs.

46

47 **MS. BOGGS:** Thank you, Mr. Chair, and I will be quick, and I  
48 tend to disagree with Mr. Dyskow. I think the technological

1 challenges that this council has been faced with since 2020 --  
2 They have overcome extraordinarily, and, I mean, I give my  
3 compliments to the staff, because it was a big undertaking, and,  
4 unfortunately, or fortunately, in this day and age, technology  
5 is always going to be a challenge, and, yes, we're a small  
6 council, but I do think that this would sometimes speed up all  
7 these roll call votes that we're doing, because it's a push of  
8 the button, and you're not calling everybody's name, and re-  
9 calling, and so I would disagree with Mr. Dyskow, and, if there  
10 is a motion to move forward with this, which I'm not ready to  
11 make, I would support the motion. Thank you.  
12

13 **CHAIRMAN DIAZ:** All right, and so I'm not seeing any further  
14 hands. We do have to make a decision on how to move forward,  
15 and there are no motions to do that. Mr. Gill did weigh-in and  
16 say that he thought that we should do it for committees and Full  
17 Council.

18 I am of the opinion that we should start this slower than going  
19 into it with one council member at one council meeting 100  
20 percent in, in case we have some problems, and we would have to  
21 deal with it throughout the whole council. If we deal with it  
22 in one or two committees, or just committees, we could actually  
23 work some things out and move forward from there, and so I would  
24 be of the opinion that, at the January council meeting, we try  
25 this, and I would suggest on Reef Fish, because it's a  
26 committee-of-the-whole, and see how it works in Reef Fish.  
27

28 That will be the pilot testing of it there, and then, if we have  
29 some kinks to work out, we could work those out, and then, at  
30 the January meeting, we could have a discussion on whether or  
31 not to move forward with it in a more comprehensive fashion at  
32 the April meeting, and so that would be my suggestion.  
33

34 I am not making a motion on that, and I'm just looking around  
35 the table, to if there's any opposition to that method. I'm not  
36 seeing any opposition, and so, by consensus -- Dr. Simmons,  
37 before I say anything else.  
38

39 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair. Sorry. I  
40 was trying to get you to finish that up, but I do think, if we  
41 do that for Reef Fish, we need to make sure, with Ms. Levy, and  
42 we could try to get this by Full Council for January, if we need  
43 to make any changes to the SOPPs, if we're going to use it as  
44 the official administrative record, and so we will try to get  
45 that work through.  
46

47 **MS. HAGER:** (The comment is not audible on the recording.)  
48

1  
2 **CHAIRMAN DIAZ:** Can you say that on the microphone, so that  
3 everybody can hear what you're saying?  
4

5 **EXECUTIVE DIRECTOR SIMMONS:** Beth was confused about it, because  
6 the original motion says to pilot, and so I guess we feel like  
7 this is the pilot, and so, if we're moving forward in committee,  
8 and we're going to start with Reef Fish, and Beth is telling me  
9 that would not be the official administrative record, and we  
10 would have to run it side-by-side, and then, if we want to move  
11 forward after that, then we would have to figure out if there  
12 needs to be changes to the SOPPs.  
13

14 **MS. HAGER:** I think all that would take would be to be reading  
15 out the votes, as we would for a roll call vote, but I just -- I  
16 would have a lot of concerns about just moving over and using  
17 this without having live testing in the actual committee, when  
18 there's a roll call vote needed, and that's my only concern, is  
19 just saying, okay, now this is going to be the administrative  
20 record, without having live testing, and, to me, that was the  
21 whole idea of piloting, and I think, where we're going to be  
22 able to see how this works, without getting ourselves into a  
23 pickle.  
24

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

27 **MS. LEVY:** I don't have any problem with you doing both, but  
28 just, I mean, we are creating a record when we do this, and so  
29 we still need to retain it, and it's still part of the record,  
30 for whatever it's worth, and, you know, it's FOIA-able and  
31 everything like that.  
32

33 **MS. HAGER:** My thought was just that it wouldn't be the only  
34 record that at that point, because it is still in piloting, and  
35 it's still in testing.  
36

37 **CHAIRMAN DIAZ:** Okay. Any further comments? Mr. Anson.  
38

39 **MR. ANSON:** Not a -- I can go either way, but just you were  
40 looking for approval for Reef Fish, and so, since you have to  
41 incorporate some sort of duplicative process, it sounds like,  
42 for votes, and that could be, you know -- It could eat up a lot  
43 of time, I guess, is maybe just another committee that we might  
44 want to select to do the trial on, rather than Reef Fish,  
45 because, in Reef Fish, we have a lot of motions that go in  
46 there, and it would be a lot of duplication, and so maybe just  
47 another committee that would -- You know, we have motions that  
48 come up, but not as many motions, since we would have to go

1 through it twice, maybe.

2  
3 **CHAIRMAN DIAZ:** Do you have a committee in mind? I know that  
4 Mackerel will be meeting in January.

5  
6 **MR. ANSON:** That's what I was going to suggest, was Mackerel.

7  
8 **CHAIRMAN DIAZ:** Mackerel?

9  
10 **MR. ANSON:** Yes.

11  
12 **CHAIRMAN DIAZ:** I would be okay with using Mackerel as the pilot  
13 committee to test it in January. All right. If there's no  
14 opposition to that, that's how we're moving forward, and we're  
15 going to proceed just as Ms. Hager suggested a few minutes ago  
16 and pilot test this on the Mackerel Committee in January.

17  
18 No further -- I don't think we've got anything else on this  
19 issue, and so we're going to go ahead and move right into  
20 committees, and, just to let you know, if you are with the new  
21 schedule that was just a little while ago -- If you're set to  
22 chair on the new schedule, you will be chairing those committees  
23 during this meeting, and so next up is the Shrimp Committee, and  
24 Mr. Schieble is going to lead us through the Shrimp Committee.

25  
26 (Whereupon, the meeting recessed on October 24, 2022.)

27  
28 - - -  
29

30 October 26, 2022

31  
32 WEDNESDAY MORNING SESSION  
33

34 - - -  
35

36 The Full Council of the Gulf of Mexico Fishery Management  
37 Council reconvened at Beau Rivage Resort and Casino in Biloxi,  
38 Mississippi on Wednesday morning, October 26, 2022, and was  
39 called to order by Chairman Dale Diaz.

40  
41 **CHAIRMAN DIAZ:** Okay, and so I want to welcome everybody back to  
42 the Gulf of Mexico Fishery Management Council meeting. I would  
43 like to call the meeting to order, and so I'm going to start out  
44 by reading the Chair's statement.

45  
46 Good afternoon, everyone. Public input is a vital part of the  
47 council's deliberative process, and comments, both oral and  
48 written, are accepted and considered by the council throughout

1 the process.

2  
3 The Sustainable Fisheries Act requires that all statements  
4 include a brief description of the background and interest of  
5 the persons in the subject of the statement. All written  
6 information shall include a statement of the source and date of  
7 such information.

8  
9 Oral or written communications provided to the council, its  
10 council members, or its staff that relate to matters within the  
11 council's purview are public in nature. Please give any written  
12 comments to the staff, as all written comments will be posted on  
13 the council's website for viewing by council members and the  
14 public and will be maintained by the council as part of the  
15 permanent record.

16  
17 Knowingly and willfully submitting false information to the  
18 council is a violation of federal law. We will welcome public  
19 comment from in-person and virtual attendees. Anyone joining us  
20 virtually that wishes to speak during public comment should have  
21 already registered online. Hold on, folks. I have to  
22 apologize. I started with the wrong Chair's statement, and that  
23 is my mistake, and so you all are going to have to bear with me  
24 while I start this again.

25  
26 Welcome to the 292<sup>nd</sup> meeting of the Gulf of Mexico Fishery  
27 Management Council. My name is Dale Diaz, Chair of the Council.  
28 If you have a cell phone or similar device, we ask that you  
29 place it on silent or vibrant mode during the meeting. Also, in  
30 order to be able to hear the proceedings, we ask that you have  
31 any private conversations outside. Please be advised that  
32 alcoholic beverages are not permitted in the meeting room.

33  
34 The Gulf Council is one of eight regional councils established  
35 in 1976 by the Fishery Conservation and Management Act, known  
36 today as the Magnuson-Stevens Act. The council's purpose is to  
37 serve as a deliberative body to advise the Secretary of Commerce  
38 on fishery management measures in the federal waters of the Gulf  
39 of Mexico. These measures help ensure that fishery resources in  
40 the Gulf are sustained, while providing the best overall benefit  
41 to the nation.

42  
43 The council has seventeen voting members, eleven of whom are  
44 appointed by the Secretary of Commerce and include individuals  
45 from a range of geographical areas in the Gulf of Mexico with  
46 experience in various aspects of fisheries.

47  
48 The membership also includes the five state fishery managers

1 from each Gulf state and the Regional Administrator from NOAA's  
2 Southeast Fisheries Service, as well as several non-voting  
3 members.

4  
5 Public input is a vital part of the council's deliberative  
6 process, and comments, both oral and written, are accepted and  
7 considered by the council throughout the process. We will  
8 welcome public comments from in-person and virtual attendees.  
9

10 Anyone joining us virtually that wishes to speak during public  
11 comment should register for comments online. Virtual  
12 participants that have registered to comment should ensure that  
13 they are registered for the webinar under the same name they  
14 used to register to speak. In-person attendees wishing to speak  
15 during the public comment should sign-in at the registration  
16 kiosk located in the hallway adjacent to the meeting room. We  
17 accept only comment, or registration, per person. A digital  
18 recording is used for the public record, and, therefore, for the  
19 purpose of voice identification, we will call attendance for  
20 council members attending virtually first. After this is  
21 complete, members in the room should identify him or herself,  
22 starting on my left. Dr. Stunz.  
23

24 **CALL TO ORDER, ANNOUNCEMENTS, AND INTRODUCTIONS**  
25

26 **DR. GREG STUNZ:** Greg Stunz, Texas.  
27

28 **MR. DAKUS GEESLIN:** Dakus Geeslin, Texas.  
29

30 **MR. TROY WILLIAMSON:** Troy Williamson, Texas.  
31

32 **DR. TOM FRAZER:** Tom Frazer, Florida.  
33

34 **DR. SWEETMAN:** C.J. Sweetman, Florida.  
35

36 **MR. GILL:** Bob Gill, Florida.  
37

38 **MR. DYSKOW:** Phil Dyskow, Florida.  
39

40 **GENERAL SPRAGGINS:** Joe Spraggins, Mississippi.  
41

42 **MR. MICHAEL MCDERMOTT:** Michael McDermott, Mississippi.  
43

44 **MR. CHRIS SCHIEBLE:** Chris Schieble, Louisiana.  
45

46 **MR. BILLY BROUSSARD:** Billy Broussard, Louisiana.  
47

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

1  
2 **MR. DAVE DONALDSON:** Dave Donaldson, Gulf States Marine  
3 Fisheries Commission.  
4

5 **MR. CHESTER BREWER:** Chester Brewer, South Atlantic liaison.  
6

7 **DR. JOHN WALTER:** John Walter, Southeast Fisheries Science  
8 Center, not a member of the council.  
9

10 **MS. LEVY:** Mara Levy, NOAA Office of General Counsel.  
11

12 **MR. STRELCHECK:** Andy Strelcheck, Regional Administrator,  
13 Southeast Regional Office, NOAA Fisheries.  
14

15 **DR. SHIPP:** Bob Shipp, Alabama.  
16

17 **MR. ANSON:** Kevin Anson, Alabama.  
18

19 **MS. BOGGS:** Susan Boggs, Alabama.  
20

21 **EXECUTIVE DIRECTOR SIMMONS:** Carrie Simmons, council staff.  
22

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

25 **CHAIRMAN DIAZ:** Thank you. Okay. The first item on the agenda  
26 is the Adoption of the Agenda. Are there any modifications or  
27 additions to the agenda? Dr. Shipp.  
28

29 **DR. SHIPP:** Yes, Mr. Chairman. I would like to add a discussion  
30 of triple tail as a possible species for management.  
31

32 **CHAIRMAN DIAZ:** Dr. Simmons.  
33

34 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair. I would like  
35 to add two items, an update on the CCC harassment policies and  
36 training and also an update on long-term planning concepts.  
37 Thank you.  
38

39 **CHAIRMAN DIAZ:** Any other additions or modifications to the  
40 agenda? Is there any opposition to approving the agenda, as  
41 modified? Seeing none, the agenda is approved.  
42

43 The next item up for business is Approval of the Minutes. Are  
44 there any edits? Any comments on the minutes? Seeing none, is  
45 there any opposition to approving the minutes? Seeing none, the  
46 minutes are approved.  
47

48 All right, and so, first up, we have a list of presentations

1 that we're going to work through, and the first presentation is  
2 Recommendations from the Joint Council Workgroup on Section 102  
3 of the Modern Fish Act. Mr. Anson.

4

5 **PRESENTATIONS**

6 **RECOMMENDATIONS FROM THE JOINT COUNCIL WORKGROUP ON SECTION 102**  
7 **OF THE MODERN FISH ACT**

8

9 **MR. ANSON:** Thank you, Mr. Chair. That would be Tab A, Number  
10 8, the presentation. I volunteered to serve as the chair for  
11 the last meeting of the workgroup, and Mr. Steve Poland, from  
12 the South Atlantic Fishery Management Council, chaired the  
13 previous three meetings, I believe, and did most of the work,  
14 and so -- But this presentation is a summary of all of those  
15 meetings, with some motions that came out of that, recommendations,  
16 from the last meeting.

17

18 The Gulf and South Atlantic Councils are responsible for  
19 managing the largest recreational fleets, fishing fleets, in the  
20 country. The two councils have explored, and continue to  
21 explore, many alternatives for recreational management, as  
22 partly was reviewed earlier today, from Data Collection, and  
23 previous meetings here at the Gulf Council. Southeastern U.S.  
24 management needs are dynamic, with shifting stakeholder needs  
25 and variable market conditions and climate concerns and  
26 increasing coastal populations.

27

28 The joint council workgroup convened to investigate current and  
29 as yet unused management options, over the course of those four  
30 meetings, with an emphasis on trying to identify opportunities  
31 within the constraints of the Magnuson-Stevens Act and the  
32 Modern Fish Act.

33

34 The workgroup members discussed successes and struggles for each  
35 council, and, again, that was highlighted today Data Collection,  
36 kind of where the South Atlantic Council is regarding the  
37 permit, but, throughout those meetings, we looked at various  
38 surveys and data collection activities that the states primarily  
39 have implemented, but also from the federal side as well, and,  
40 also, we looked at constraints, including managing to annual  
41 catch limits, as we looked at each of those programs, and,  
42 generally, it was a conclusion, amongst the workgroup members,  
43 that there seems to be odds between long-term yield goals,  
44 between OY and MSY, and, again, OY is the reduction from MSY,  
45 when you account for biological, social, and economic factors,  
46 and that's kind of where there is a dichotomy between the  
47 recreational and commercial sector for managing to an ACL.

48

1 Some of the outcomes of those discussions, those workgroup  
2 discussions, were defining a universe of anglers was deemed a  
3 high priority, and this was as a result of some conversations  
4 and deliberations related to the federal estimates on effort  
5 through MRIP, and again, that the South Atlantic is going  
6 forward on trying to develop a process for establishing a  
7 federal fishing permit in their jurisdiction.

8  
9 The workgroup also prioritized characterizing OY by species for  
10 recreational fleets, and this is expected to aid in management  
11 of efficacy and stakeholder buy-in, realizing that there just  
12 may not be enough of that data to help with trying to determine  
13 the value, or how much you could characterize OY, as it relates  
14 to MSY, and that some additional surveys, or more frequent  
15 surveys, would need to be enacted to try to come to a better  
16 understanding of OY in the recreational sector.

17  
18 Then, also, the workgroup tried to talk about flexibility in  
19 management efficiency, through utilizing adaptive management  
20 strategies going forward, using the process, the council  
21 process, and ACLs, as they are currently managed, and so, for  
22 instance, trying to look at ways to put in certain triggers that  
23 would occur that, incorporated with already established  
24 framework, would then result in some -- An automatic management  
25 action, for instance, rather than trying to go through a  
26 framework process for each time we wanted to address extending  
27 seasons in the future.

28  
29 We were able to, I think, wrap up those meetings, and the  
30 workgroup came up with some motions, and the first one is -- The  
31 motion that came from the workgroup is the Joint Section 102  
32 Workgroup recommends that the Gulf Council consider a federal  
33 recreational permit concurrently with ongoing efforts with the  
34 Gulf states, to define the universe of recreational anglers.  
35 Consider whether this permit should be for all offshore species  
36 or focus on reef fish species.

37  
38 Mr. Chair, I don't know -- Do we want to just go through the  
39 whole presentation and then just have general council  
40 discussion, or -- I know it's kind of odd, and so I guess I will  
41 go through everything. Let me do that.

42  
43 **CHAIRMAN DIAZ:** That is such a big topic, and I think I'm going  
44 to look around the room, and, if people have comments, as you  
45 make each motion, we'll recognize people to speak, and so are  
46 there any comments to the motion that's on the board? Mr. Gill.

47  
48 **MR. GILL:** Thank you, Mr. Chairman. I think that's an excellent

1 idea, as we've discussed, and, if you're looking for a motion, I  
2 will try to fumble my way through one.  
3

4 **CHAIRMAN DIAZ:** Mr. Geeslin.  
5

6 **MR. GEESLIN:** Thank you, Mr. Chair. From the Texas perspective,  
7 and the director seat, I am not sure that we are opposed to  
8 this, and we certainly have some concerns as to the efficacy of  
9 this, and being able to achieve the goals. I think, really, for  
10 us, the devil would be in the details, in determining how to  
11 administer that, how to structure it, and certainly how to fund  
12 it.  
13

14 For me, personally, I buy my super combo every year, and that  
15 comes along with various tags and endorsements and abilities to  
16 harvest different animals and fish, but I'm just not certain  
17 that this goes beyond what we have in the angler registry, or  
18 what we could incorporate into the iSnapper, through another  
19 means to get this data, and so, again, not necessarily opposed  
20 to this, but just I would love to hear, at some point, from the  
21 other states how they administer this, and how this is  
22 implemented, and so I just wanted to share that with the  
23 council.  
24

25 **CHAIRMAN DIAZ:** Thank you, Mr. Geeslin. General Spraggins.  
26

27 **GENERAL SPRAGGINS:** I appreciate the efforts that you all are  
28 looking at here, but Mississippi in general I can speak for, and  
29 we can definitely do what we need to do with this internally in  
30 the state, and I don't think we need to have the federal  
31 government being a part of it, and I think that we should be  
32 able to do this, and the State of Mississippi --  
33

34 I can't speak for the other states, but I can tell you that we  
35 can do this without even having to go to the legislature, to be  
36 able to do the things that we need to do in the State of  
37 Mississippi, and we will do it, and we will be more than glad to  
38 look at that, but I don't think that having the federal  
39 government involved in it any more -- I think, to me, it just  
40 causes us more issues than corrects the problem, if there is  
41 one, but I think that we can definitely do what needs to be done  
42 to get to the data, and I will definitely be opposed to this.  
43

44 **CHAIRMAN DIAZ:** Thank you, General Spraggins. Mr. Dugas.  
45

46 **MR. DUGAS:** Thank you, Mr. Chair. I echo some of the General's  
47 concerns. To me, our five Gulf states do a pretty good job with  
48 the systems in place, and I know Louisiana for sure, with LA

1 Creel, and, you know, we have a permit for every angler now,  
2 and, the way I understand it, it works pretty well. My  
3 suggestion would be maybe that the three states on the Atlantic  
4 side, that do not have permits, maybe each individual state  
5 should look at doing a state system, and that would be my  
6 recommendation. Thank you.

7

8 **CHAIRMAN DIAZ:** Thank you, Mr. Dugas. Mr. Anson.

9

10 **MR. ANSON:** I participated, obviously, in the workgroup  
11 meetings, and particularly at this last meeting, as we were  
12 trying to focus in on what motions could be developed. You  
13 know, we had some discussion about these issues, preemption, if  
14 you will, with a license, at least from the federal perspective,  
15 and realizing that each state is different, as to how they would  
16 be able to legislatively enact a permit, if they wanted to  
17 create one at the state level, but, you know, there has been --  
18 We've already gone through this with the angler registry, in  
19 that there is a federal permit that was created, some ten years  
20 ago I guess now, and that the states, at least in the Gulf, as I  
21 understand it, worked, through the commission and National  
22 Marine Fisheries Service, to come to an understanding as to, you  
23 know, how that could be established, created, how there was  
24 opportunity for the states to, if they wanted to, to create a  
25 license that would provide the same information, and we're  
26 talking about a permit and the data that would be associated  
27 with identifying those anglers, and so getting the universe of  
28 information that you would need of those universe of anglers, in  
29 order to do the surveys.

30

31 The states, you know, worked, through that commission process,  
32 to develop the minimum data standards, if you will, as to what  
33 that would entail for them to be able to provide, through their  
34 licensing system, the quantity, or the quality, of data that  
35 would be necessary for the federal government to use,  
36 potentially, not only for identifying who has got the license,  
37 or the permit, but also then potentially for a survey, and so,  
38 trying to take this, you know, a little bit further, through  
39 establishing, potentially, through the recommendation here on  
40 focusing primarily on offshore, or reef fish, species, is that  
41 this might be a second iteration to that process, if you will,  
42 in developing that license, and so I just wanted to make that  
43 comment. Thank you.

44

45 **CHAIRMAN DIAZ:** Thank you, Mr. Anson. Ms. Boggs.

46

47 **MS. BOGGS:** Mr. Anson covered several of the things that I was  
48 going to, but I was at this meeting as well, and there was a lot

1 of discussion about trying not to reinvent the wheel, but to  
2 work with the federal government, with the states, to try to  
3 create this permit, but I think it is very important, and Kevin  
4 touched on it, is we need to identify this universe of  
5 fishermen.

6  
7 I mean, they can come and buy a license, but are we really  
8 identifying where they're fishing? Are they freshwater or  
9 saltwater or offshore or inshore or nearshore, and that has been  
10 one of the biggest issues, in my mind, that we face, when we try  
11 to make decisions at this table, is who is actually fishing, and  
12 how many people are out there, and we know how many commercial  
13 fishermen are out there, and we know how many charter fishermen  
14 are out there, and, I mean, we're under a moratorium, and we  
15 can't issue any more --

16  
17 I mean, we're a universe that is very identifiable, and I think  
18 this is a good step towards working, and it says in the motion,  
19 or this motion that was made, to work with the Gulf states, and  
20 I think it's very important, I mean, that we try to look at this  
21 and work towards this. I know that Louisiana, Florida, and  
22 Alabama already have this, and so it's just like how do we mesh  
23 this into the federal system and not reinvent the wheel. Thank  
24 you.

25  
26 **CHAIRMAN DIAZ:** Thank you, Ms. Boggs. Mr. Strelcheck.

27  
28 **MR. STRELCHECK:** I appreciate the comments before me. A couple  
29 of things, and I certainly recognize the anti-federal sentiment,  
30 and not necessarily wanting this to be a federal permit, and I  
31 don't think we're at the point where we're able to evaluate the  
32 details, in terms of how we could administer and operate this  
33 program, but, as I said earlier, I think there's lots of  
34 economies of scale, and there's things that the states have done  
35 to set up permitting systems that hopefully would be an  
36 opportunity to pave the way for a federal recreational permit,  
37 or offshore recreational permit, or whatever we call it going  
38 forward.

39  
40 What I do want to say, and, you know, I'm supportive of this  
41 motion. My concern is we need to work through this, I think, as  
42 a council, because you have firsthand seen the challenges with  
43 all of the different recreational surveys, and standing up  
44 different methods and survey methodologies that are being  
45 operated across the five states, and so, if we don't have a kind  
46 of common universe of how we're going to be able to define  
47 anglers, and, ultimately, define, you know, how we issue these  
48 permits, and I think we're going to run into some of the

1 challenges that we've faced with the state surveys.

2  
3 Right now, you know, people are pointing to we've defined the  
4 universe of anglers off of many of the states, and I think  
5 that's true, but there's lots of gaps, in terms of exceptions  
6 and exemptions, that need to be factored in, and there is  
7 certainly a lot of species that aren't even included as part of  
8 those state surveys, and so taking, I think, the big-picture  
9 look at this, and putting my regional hat on, because this is of  
10 interest not only to the Gulf but the South Atlantic, having a  
11 system that's going to be universal and work for both the  
12 states, as well as kind of across the entire region, is going to  
13 be really important, moving forward, and potentially all the way  
14 up the east coast of the United States. Thanks.

15  
16 **CHAIRMAN DIAZ:** Thank you, Mr. Strelcheck. Dr. Frazer.

17  
18 **DR. FRAZER:** Thank you, Mr. Chairman, and I think Andy summed up  
19 much of what I was going to say, but I don't -- I'm also on this  
20 working group, and I don't think the intent of the motion was to  
21 say that the federal government was going to issue a permit. I  
22 think the focus, or the emphasis, was on the coordinating part  
23 of it, or helping to coordinate the efforts, right, and so, to  
24 exactly Andy's point, that we don't get into a situation down  
25 the road, like we do with the state red snapper data, right, and  
26 so we need to figure out how we can standardize some things, and  
27 so that was my comment. Thank you.

28  
29 **CHAIRMAN DIAZ:** Thank you, Dr. Frazer. Mr. Dyskow.

30  
31 **MR. DYSKOW:** Thank you, Mr. Chairman. This was a great tee-up,  
32 because I agree with everything that Susan said, and everything  
33 that John said, and everything that Tom said, but, at the same  
34 time, rather than continue to just debate these points  
35 endlessly, let's take a forward step that will answer some of  
36 those questions, so we know where our starting point is and we  
37 can better determine where it is that we have to go, and so, to  
38 that end, I have a motion.

39  
40 **My motion would be to direct council staff to initiate a**  
**document that would first review the state-specific private**  
**angler licensing and reporting requirements that are currently**  
**used to define the universe of offshore anglers in each state.**

41  
42 In other words, we have five different programs, and let's  
43 define them, analyze them, and see where we have common ground,  
44 and be in a better position to take that next step, whatever it  
45 is.

1  
2 The intent here is not to drive us towards something, but  
3 establish a starting point and some common ground. Each of the  
4 states, at some level, is interacting with these anglers that  
5 fish in federal waters, but let's see where the commonality is  
6 and what we actually need to do to have a universal action in  
7 federal waters.  
8

9 **CHAIRMAN DIAZ:** Okay, and so we have a motion. Is there a  
10 second to the motion?  
11

12 **MR. GILL:** Second.  
13

14 **CHAIRMAN DIAZ:** It's seconded by Mr. Gill. I do have two hands  
15 that were raised before, and I would like to come back to the  
16 people that had their hands raised before and give people an  
17 opportunity to speak to the motion that's on the board, and so  
18 is there any comments about the motion that's on the board? Dr.  
19 Simmons.  
20

21 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair. I was just  
22 going to ask Mr. Donaldson, or maybe Mr. Bray, and do you have  
23 anything like this currently at the Gulf States that kind of  
24 encapsulates what the different states are doing right now?  
25

26 **MR. DONALDSON:** We have a compilation of the various licenses,  
27 but we don't have -- It's not down to the data elements,  
28 although Kevin mentioned the national registry, and so we  
29 actually -- I would have to -- Greg, do you know the specifics  
30 on that? There's the potential that we do have that, and I was  
31 going to -- Since I have the mic, I was going to suggest that,  
32 any way the commission can help the council staff in compiling  
33 this information, we certainly are willing to help.  
34

35 **CHAIRMAN DIAZ:** Mr. Gill.  
36

37 **MR. GILL:** Thank you, Mr. Chairman, and so this question was  
38 addressed by MAFAC several years ago, specifically this, and, in  
39 the report that was generated from that, a review of exactly  
40 what the motion is asking for was created, and they contacted  
41 all the states, because we were trying to make a recommendation  
42 on exactly the same issues, and so it may be a little bit out-  
43 of-date, being a couple of years old, but it could be a good  
44 starting point for staff to consider.  
45

46 **CHAIRMAN DIAZ:** Thank you, Mr. Gill. Mr. Anson.  
47

48 **MR. ANSON:** I'm wondering, I guess for clarity, going forward,

1 Mr. Dyskow, the "offshore anglers" -- The workgroup did talk  
2 about segregating, potentially, offshore and then reef fish,  
3 because there is people that would just troll, or what have you,  
4 and so I just wanted to make sure that if it was your intent to  
5 try to get down, or drill down, to a subgroup of offshore  
6 anglers, just to make sure, and you could just state it, and the  
7 staff would know.

8

9 **MR. DYSKOW:** Thank you, Kevin. At this point, my intention,  
10 with the motion, is to use it as a starting point. I realize  
11 that that's a key decision that we would have to make, whether  
12 we focus on reef fish or the total universe of fish that are  
13 harvested recreationally in the Gulf.

14

15 I don't want to drill into that level of detail right now, and  
16 let's see where we have commonality in a starting point. My  
17 overall goal would be that the states collectively manage this  
18 licensing/permitting program, making sure that we achieve the  
19 objectives that NMFS has at the same time, but we've got to have  
20 a starting point, and that's all I'm intending to do here, is  
21 establish a starting point, so that we can take those next steps  
22 and drill down into those deeper details.

23

24 **CHAIRMAN DIAZ:** Thank you, Mr. Anson and Mr. Dyskow. I have  
25 General Spraggins and Mr. Brewer next to speak. General  
26 Spraggins, do you have anything related to the motion?

27

28 **GENERAL SPRAGGINS:** Yes, and, as a matter of a fact, I would  
29 just -- What I'm going to say would go with the motion, and so  
30 about that? Is that all right? First off, I want to tell Andy  
31 that I am not anti-federal, but the point is that, you know, we  
32 do think the states could do something, and why involve the  
33 federal government if the states can do it, right?

34

35 I do think that, as far as what Ms. Boggs was asking, we can do  
36 some type of permitting, to say that these people are fishing,  
37 and we can do it the way that it needs to be done. I am very  
38 much supportive of the motion that's on the board, and I think  
39 it's a great start for the states, to be able to go forward and  
40 let the states put the data out to the council and let them look  
41 at it, and let the council come back and us work together, as a  
42 council, to be able to figure out how to best do it in all the  
43 states.

44

45 **CHAIRMAN DIAZ:** Thank you, General. Mr. Brewer.

46

47 **MR. BREWER:** I pass, because what I was going to say has already  
48 been said by several other folks.

1  
2 **CHAIRMAN DIAZ:** Okay. I don't have any more hands on my list.  
3 We're going to go ahead and vote this motion up or down. Go  
4 ahead, Mr. Dyskow.

5  
6 **MR. DYSKOW:** May I make just one more comment, before we vote?

7  
8 **CHAIRMAN DIAZ:** Yes, sir.

9  
10 **MR. DYSKOW:** Another key element of what we're trying to  
11 accomplish here, and I appreciate General Spraggins' comments,  
12 because he was spot-on. If this is a federally-managed program,  
13 assuming there's a fee associated with it, that gets buried into  
14 a general fund somewhere, and we've lost that revenue to enhance  
15 our Gulf data collection system for private rec anglers.

16  
17 If it's managed through the states, that money would potentially  
18 be available to take the next few steps on getting better data  
19 on private rec angling, whether it's reef fish or the entire  
20 population, universe, of fish, and so let's not lose that  
21 component. You know, at some point, we're going to have to  
22 figure out how to pay for this, and I'm much more confident  
23 that, if we manage it through the states, we could retain those  
24 funds to accomplish our future goals on better data collection.

25  
26 **CHAIRMAN DIAZ:** Thank you, Mr. Dyskow. **All right, and so we're**  
27 **going to ahead and vote, and so I would ask that, all in favor**  
28 **of the motion, please signify by raising your hand. That is a**  
29 **unanimous vote.** Thank you for your motion, Mr. Dyskow. I  
30 appreciate that. Mr. Anson, you can proceed.

31  
32 **MR. ANSON:** Thank you, Mr. Chair, and so that will take us to  
33 the next slide. Another motion that came from the workgroup is  
34 the Joint Section 102 Workgroup recommends that the councils  
35 consider how to achieve optimum yield for the recreational  
36 fleets by species.

37  
38 **CHAIRMAN DIAZ:** Let's do the same thing with this motion. Is  
39 there any comments on the motion that's on the board? Mr.  
40 Brewer.

41  
42 **MR. BREWER:** This is a topic that is near-and-dear to my heart,  
43 and it's something that has been kicked around, certainly, for,  
44 I don't know, seven or eight years at the South Atlantic, and  
45 that is the fact that the goals of the commercial fishermen are  
46 different from the goals of the recreational fishermen.

47  
48 A commercial fisherman goes out and doesn't catch any fish,

1 doesn't bring any fish back to the dock, and that day is a  
2 disaster for them. Recreational folks can go out and bring back  
3 one or two fish, and maybe catch -- You know, maybe bring back a  
4 fish or two, and, in that trip, they caught a lot of fish, and  
5 they let a lot of them go, but they caught a lot of fish, and  
6 that's a phenomenal day for the recreational fishermen, even  
7 though they're not bringing back everything that they catch.  
8

9 There is a fundamental difference in what constitutes optimum  
10 yield for commercial and recreational fishermen, and it has not  
11 really been recognized in setting the different allocations. We  
12 got into this on dolphin, and the recreational folks were not  
13 catching their quota of dolphin. In fact, it was less than  
14 half, but the fishery was considered to be very successful on  
15 the recreational side, because, at least at that time, and  
16 that's not exactly the case now, but, at least at that time,  
17 people were able to go out and reliably catch a dolphin or two  
18 and bring them home for supper.  
19

20 The guides were able to put their clients on dolphin, and it was  
21 -- Things were working pretty well, but there was a clamoring,  
22 saying that you guys are not catching anywhere near your quota,  
23 and, therefore, we need to look at reallocation of dolphin.  
24 Well, from the recreational side, we said, excuse me. Excuse  
25 me, but our goals and objectives are different, and we think  
26 that leaving some fish in the water is a good thing, and that's  
27 not a wasted fish, to us. I think this whole idea of taking  
28 another look at OY is -- I think it's very important, and so,  
29 with that, I will be quiet.  
30

31 **CHAIRMAN DIAZ:** Thank you, Mr. Brewer. Dr. Stunz.  
32

33 **DR. STUNZ:** Thank you, Mr. Chairman. I pretty much think that  
34 Chester is spot-on, and I pretty much say, for this council,  
35 just substitute the words "king mackerel" in for your dolphin  
36 situation, because we're in the exact situation there, and so I  
37 had planned to have this discussion maybe later tomorrow, when  
38 we talked about king mackerel, because I think that's really an  
39 opportunity to really get at some of this optimal yields in a  
40 test-case-type of fishery, where it's maybe not as high stakes  
41 as red snapper or something like that.  
42

43 Mr. Chairman, I don't know if you need a motion, or just some of  
44 the discussion, but I certainly feel strongly about building  
45 optimal yield into recreational fisheries, particularly for  
46 exactly what Chester just said, that there's a fundamental  
47 difference between the reasons that recreational folks fish,  
48 versus commercial fish, and I don't think that that's always

1 incorporated into the stock assessments in a way that we should,  
2 and so I'm not sure what the best way is to proceed right now,  
3 if you wanted to wait, and my motion specifically dealt with  
4 mackerel, but, obviously, this would apply to a broader suite of  
5 fish, and so I could make a motion on the fly and revisit it in  
6 Mackerel, but, I mean, I think the point is I think there's ways  
7 to build in some of these optimal yield concerns directly into  
8 the FMPs, but there's also probably some alternative approaches  
9 that the Science Center and the Regional Office could adopt,  
10 through some alternative measures and ways to build in sort of  
11 these more socioeconomic considerations and that human dimension  
12 component.

13

14 Then, sorry, but the last thing that I wanted to say, before we  
15 go down there, down that route, is, you know, what I'm getting  
16 at with optimal yield, in this case, because that's a very broad  
17 term, but that's really managing the fishery for high catch per  
18 unit effort, high encounter rates, and things that are sought by  
19 the recreational fishery versus just, you know, what's a maximum  
20 yield and, you know, number at the dock, or something like that.

21

22 **CHAIRMAN DIAZ:** Thank you, Dr. Stunz.

23

24 **MR. RYAN RINDONE:** Thank you, Mr. Chair. Just trying to provide  
25 some context to some of the committee's discussions, and Mr.  
26 Anson might be able to augment this some as well, but, when the  
27 joint workgroup was talking about this, it was couched in the  
28 realm of what would each fleet want to optimize for each  
29 species.

30

31 When we're talking about optimum yield, when Magnuson was  
32 written, it was written during a time when most of these  
33 fisheries were dominated by commercial effort, and now, of  
34 course, recreational fishing effort has increased over time, and  
35 what's trying to be optimized might differ between the different  
36 fleets, and so like, if we're talking about say recreational red  
37 snapper in the Gulf, the goal might be to optimize the amount of  
38 time available to try to catch a fish.

39

40 For kingfish in the Gulf, it might be to optimize encounter rate  
41 with fish that are over a certain size, or something like that,  
42 and I'm, to some extent, making this up, but the council could  
43 think about that when it's considering management, when it's  
44 looking at, you know, what it wants to get out of each species  
45 for each fleet, and, if that's defined by the council, through  
46 discussions and deliberations and receiving public comment and  
47 things like that, then the council can improve its intended  
48 trajectory for its management actions.

1  
2 For example, since kingfish has been discussed, let's say it is  
3 the desire of the council to optimize an encounter rate with say  
4 kingfish that are at least thirty inches fork length, and it  
5 doesn't necessarily mean that it requires a change in the  
6 minimum size limit, but it might mean that, as some of the  
7 council members have discussed previously, that the recreational  
8 sector would prefer to leave a certain portion of their ACL  
9 behind, to ensure that some of those fish are escaping the  
10 fishery, and there's more of those fish that are available, and  
11 so the probability of encountering a fish above that size is  
12 more probable, and we can do things like work, perhaps, with the  
13 Science Center, to look at length compositions over time, to see  
14 if the management measures that are currently in place are  
15 helping achieve that intended optimization of encounter rate  
16 with a fish that's above a certain size.  
17

18 That doesn't mean that you're going to keep it, but you like to  
19 see more of them, perhaps, or whatever it might be, and so the  
20 length compositions, over time, by particular fleet, might help  
21 inform the council as to the success of its current management  
22 measures in achieving something like that.  
23

24 To the same token, to something like say red snapper, if the  
25 goal is to get more days, and you know how many pounds you have,  
26 and you know the kinds of tools that you have available, but,  
27 instead of starting with perhaps optimizing the number of  
28 pounds, you say I want to get this many days of fishing, and so,  
29 since the states manage their portions of it, they have  
30 different tools that they can use for the private angling  
31 component.  
32

33 For the for-hire component, it's still managed federally, and  
34 there are tools that the council can use to help them optimize  
35 days as well, and so, if you guys define and focus on what it is  
36 that you're trying to optimize for each fleet for each species  
37 in your discussions, that may help better aim the effort for  
38 modifying management measures, and may end up making it more  
39 successful, and we do have some tools available to help measure  
40 the success, quantitatively.  
41

42 **CHAIRMAN DIAZ:** Thank you, Mr. Rindone. Mr. Strelcheck.  
43

44 **MR. STRELCHECK:** I appreciate all the comments around the table.  
45 A couple of points. One is the motion itself speaks to  
46 optimizing yield for the recreational fleets, and Magnuson  
47 doesn't optimize yield for a sector, and it optimizes yield for  
48 the fishery as a whole, and so I think we need to keep that in

1 mind, that would be looking at maximum sustainable yield and  
2 then reducing that to set an optimum yield based on  
3 socioeconomic factors and other considerations that are being  
4 discussed, and the example of the Gulf and king mackerel I think  
5 are relevant.

6  
7 Ryan invoked red snapper, and I could, you know, come up with a  
8 number of other species, and I think the other challenge is that  
9 this conversation gets confused, in terms of optimizing yield  
10 and optimizing access, and I think those are two very different  
11 and competing objectives, and the challenge with the latter is  
12 optimizing access is not necessarily reducing from MSY, and it's  
13 actually going above MSY and having a fishery that maybe won't  
14 maximize sustainable yield, but actually allow for greater  
15 access for recreational fishing, which is, obviously, counter to  
16 the Magnuson Act and our mandates that we're operating under.

17  
18 I talked about this during the Section 102 workgroup, and so I  
19 think that's something that also needs to be considered, is  
20 that, if we're going to focus on things like optimizing access,  
21 it still has to be within the confines of how we're doing that  
22 and achieving our goals of keeping sustainability and -- Not  
23 necessarily maximizing sustainable yield, but optimizing yield  
24 at that access level.

25  
26 In principle, I am supportive of this, and I think it just --  
27 The motion needs to be refined to focus on optimizing yield in  
28 the context of the fishery as a whole, recognizing that this is  
29 of interest to address with the recreational fleet.

30  
31 **CHAIRMAN DIAZ:** Thank you. Mr. Anson and then Dr. Stunz.

32  
33 **MR. ANSON:** I appreciate Ryan's summary there and examples, and  
34 certainly Andy's comments, and, you know, there was discussion  
35 about that and how much of a challenge it would be to try to get  
36 there, one, and so that kind of speaks to, you know, what data  
37 is available, or would need to be available, to help with those  
38 decisions and then how would that go through, you know, in a  
39 quantitative process through the assessment, and so those were  
40 all certainly issues that we certainly discussed, but we just  
41 didn't have enough information.

42  
43 I will just, additionally, add that what Andy was getting at is  
44 that, you know, we are talking specific to the recreational  
45 fleet side here, private recs, and that you -- When you're  
46 looking at the stock as a whole, you know, you may be helping,  
47 in the sense of leaving more fish in the water, but there is  
48 derivative benefits then to the commercial side, for that fleet

1 to have more access to those fish too, and so there are some  
2 other impacts and such that could occur, focusing just on the  
3 recreational fleet.

4

5 **CHAIRMAN DIAZ:** Thank you, Mr. Anson. Dr. Stunz.  
6

7 **DR. STUNZ:** Thank you, Mr. Chairman, and, Andy, I just want to -  
8 - To your point, I agree with you completely. You know, I can't  
9 really think of a commercial fishery where the optimal yield for  
10 that fishery would not be maximum sustainable yield, but, on the  
11 other hand, the recreational side, there is a lot -- You know,  
12 theoretically, optimal yield could be zero yield for the  
13 recreational fishery, if you're catch-and-release or something,  
14 and so I think that we need -- So, in other words, I could  
15 envision a way, in a management plan, that you have optimal  
16 yield, but maybe there are subsets of that, of what it means to  
17 each individual sector, and, of course, that even -- Even, in  
18 the charter sector, might be different than the private sector  
19 or something, and so, anyway, I think we just really need to be  
20 having these discussions and really hash that out in the context  
21 of what optimal yield and how it's defined in the Magnuson.  
22

23 Mr. Chairman, I have a motion, and I sent that to Meetings, if  
24 they want to pull it up, and I did this on the fly, and, Andy, I  
25 still have "recreational sector" in there, because, literally, I  
26 just wrote this, you know, two minutes ago, before I sent it,  
27 and I'm happy for any, you know, friendly amendments, but I  
28 think you'll see where I'm getting at.  
29

30 Then I had planned to discuss this during Mackerel, because I  
31 think Mackerel is a real test case, where we can begin to do  
32 this, because we have real needs, as we speak, to do this  
33 tomorrow, and so I was really planning on having this discussion  
34 a little bit tomorrow, but, obviously, this is the time, and so,  
35 with that, Mr. Chairman, I would make a motion.  
36

37 **I would motion to have the council better incorporate optimal**  
**38 yield to fully consider biological, social, and economic aspects**  
**39 in the recreational sector during the management process.** If I  
40 get a second, I have a little more justification on that.  
41

42 **CHAIRMAN DIAZ:** Okay, and so we have a motion on the board. Is  
43 there a second to the motion? It's seconded by Mr. Williamson.  
44 Dr. Stunz.  
45

46 **DR. STUNZ:** I wanted to say something. Even though  
47 "recreational" is in there, Andy, I fully realize what you just  
48 mentioned, about having a broader -- That we need to do this for

1 the entire FMP, or fishery, but, really, this would affect them,  
2 and now I'm losing my exact train of thought, and I had another  
3 comment, but hopefully I will think about it here in just a  
4 second.

5

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

7

8 **MR. GILL:** Thank you, Mr. Chairman. I had another comment not  
9 relative to the motion, but, relative to the motion, I agree  
10 with the intent. I would also argue that that's just as true  
11 for the commercial and the for-hire sectors. The issue, of  
12 course, is -- Well, I guess I will get back to my comment prior  
13 to the motion, and optimum yield is something that we've  
14 grappled with for years in any sector, commercial, for-hire,  
15 private rec, and it makes no difference.

16

17 We've had a very difficult time getting our arms around it, and  
18 so the real question in my mind, is not that it's a recreational  
19 sector question, but it's how do we handle optimum yield in the  
20 context of Magnuson? We haven't done well with that, and that's  
21 a difficult topic, and we've not been successful in getting  
22 there anywhere, and so we need to recognize that what we're  
23 talking about in incorporating optimum yield is a big, tough,  
24 long discussion, and it's not going to happen overnight, but I  
25 would suggest that we consider it in the entire context of  
26 Magnuson and not just one sector.

27

28 I know we're talking the recreational sector, and, yes, I  
29 understand that there is differences and all, but it's a bigger  
30 question than just the recreational sector, and so that aspect  
31 says, to me, the motion is not really fully complete, because  
32 we're only talking about one sector, and, yes, that's part of  
33 the question, part of the issue, but not entirely, and so it  
34 doesn't really satisfy what we really need to do, and so I'm not  
35 sure that I'm going to support it in its present mode, from that  
36 aspect. The other aspect is I think that's certainly everything  
37 that people want, but exactly how we do it -- That's a toughie.

38

39 **CHAIRMAN DIAZ:** I agree, Mr. Gill. Dr. Frazer.

40

41 **DR. FRAZER:** Thank you, Mr. Chairman, and, Greg, I certainly  
42 appreciate the intent of the motion, and I think, with some  
43 refinement, I think I will be happy to support it, but, to  
44 follow-up on what Bob said, you know, I think the issue, really,  
45 with regard to optimal, or optimum, yield is not that we  
46 recognize the significance of the concept, right, but it's we  
47 haven't done a really good job, and I'm not pointing fingers at  
48 anybody, but at defining the objectives, right, that would help

1 us determine what the appropriate metrics are that would allow  
2 us to, you know, evaluate optimum yield.  
3

4 For example, it's an encounter rate, and that's an objective in  
5 the fisheries management plan, and, unless it's explicitly  
6 identified, we don't even know how to define the data collection  
7 methods, right, that would allow us to quantify it and  
8 incorporate it into the management process.  
9

10 We'll never be able to kind of -- It's like apples and oranges,  
11 right, and we have quantitative data, and then we've got really  
12 subjective data, like that, and so I like where this is going,  
13 right, but what I would probably suggest is that -- You know, to  
14 Andy's point, you probably can get rid of the "recreational  
15 sector" and just say we need to incorporate the biological,  
16 social, and economic aspects into the fisheries management  
17 process in general, right, but, again, I sat in this working  
18 group as well, and these are important issues, but, you know,  
19 they require thought about what type of data that we want to  
20 collect, right, and it's a different type of data.  
21

22 I mean, we've set up data collection methods to deal with  
23 maximum sustainable yield, right, and this is a whole different  
24 type of data collection effort, and what I've heard, earlier in  
25 this meeting today, right, is we generally data collect an  
26 adverse group of people, you know, and so we're going to have to  
27 compromise. If we want this type of data, people have to be  
28 willing to collect it, right, and participate in that data  
29 collection process. If not, this is a pipe dream. Anyways,  
30 thank you, Mr. Chair.  
31

32 **CHAIRMAN DIAZ:** Thank you, Dr. Frazer. Dr. Walter.  
33

34 **DR. WALTER:** Thank you, Mr. Chair, and I guess I would like to  
35 tie -- I won't really speak to the motion, but I would like to  
36 tie a lot of the threads together here. This is -- I think  
37 we're thinking that this is a really complicated process that  
38 maybe doesn't have a clear path forward, but there is in fact a  
39 structured decision-making process to do exactly what we're  
40 talking about here, which is what management strategy evaluation  
41 is designed to do.  
42

43 That would be to identify what the conceptual management  
44 objectives of the fishery are, what do you want out of it, how  
45 many fish per trip do you want, how much yield do you want, and  
46 those things, conceptually. Then define them into operational  
47 ones, which defines probabilities and timeframes for those, how  
48 many trips do you want, what probability of getting that catch

1 rate are, and then you can build a simulation to test does your  
2 management strategy meet those objectives.  
3

4 Those objectives are going to be different between commercial  
5 and recreational, or charter, or various other stakeholder  
6 groups, and you bring them to the table to define those  
7 objectives, which is I think what people are saying, is how do  
8 we define those objectives, and OY is going to be defined by  
9 finding the solutions based across those competing objectives  
10 and finding something that's acceptable or the best management  
11 that meets more of them than another one. Then that becomes the  
12 management procedure that could be selected.  
13

14 I think that there's a -- Using that structured process could be  
15 done through the fisheries ecosystem initiatives, which we've  
16 heard, from the Ecosystem Committee, back in April, that they  
17 were asking this council for what are your high-priority ones to  
18 embark upon, and, if it's something that we would spend this  
19 much time talking about, it's a high priority, and maybe some of  
20 this gets done, and I think this motion -- I hope to see  
21 something like this pass.  
22

23 What usually happens is then the council says, well, how are we  
24 going to do this, and, well, then they ask the Science Center to  
25 go do this, and the Science Center would say, well, it's not  
26 just us, and that's what I think the fishery ecosystem  
27 initiatives were designed to do, was to bring the various  
28 different pieces together to address these otherwise intractable  
29 issues, and so I would like to see that process proceed, and I  
30 think the Ecosystem Committee might be willing to take it on.  
31 Thanks.  
32

33 **CHAIRMAN DIAZ:** Thank you, Dr. Walter. Dr. Stunz.  
34

35 **DR. STUNZ:** I would be happy -- I mean, some of that came up  
36 after I sent this motion to Meetings, in terms of, you know,  
37 being more broad, but, first, I completely agree with what John  
38 is saying, and, Tom, I understand what you're saying clearly,  
39 and the right data collection is needed to carry out, you know,  
40 better optimal yield in these fisheries, but I think we've got  
41 mechanisms to do it, and John just pointed out MSE and other  
42 things that are going on, or, you know --  
43

44 There's ways to do it, I think, and I'm not saying that it can't  
45 be improved, or we can't build on it, but I think headed down  
46 that path is where we need to go, and that was the intent of the  
47 motion, and so, with that in mind, and maybe to get a little  
48 more buy-in, if we could modify the motion, and if my seconder

1 agrees, but, after the word "aspects" there, if we substitute in  
2 "in achieving" -- So "aspects in achieving fleet-specific  
3 objectives" and get rid of "in the recreational sector". Sorry.  
4 Leave "during the management process". I will have to re-read  
5 this now. So "achieving fleet-specific objectives during the  
6 management process". Okay. Maybe I should read that again, Mr.  
7 Chairman, since the modifications.

8  
9 **The motion is to have the council better incorporate optimal**  
10 **yield to fully consider biological, social, and economic aspects**  
11 **in achieving fleet-specific objectives during the management**  
12 **process.** That's my motion.

13  
14 **CHAIRMAN DIAZ:** Okay, and did the seconder agree to that? Okay.  
15 Thank you. Go ahead, Dr. Stunz.

16  
17 **DR. STUNZ:** I have just a little bit more discussion. I think,  
18 in addition to the council -- You know, I'm envisioning this is  
19 going to have to be some of the issues that Tom pointed out.  
20 You know, cooperation between not only our SSC, and, obviously,  
21 the expertise on that committee that can deal with this, but  
22 also the Science Center and Regional Office as well, and I don't  
23 think this is really an independent kind of sole council, and  
24 it's going to require, you know, a lot of input from the various  
25 experts.

26  
27 **CHAIRMAN DIAZ:** Thank you, Dr. Stunz. All right. I don't have  
28 any more hands raised. We'll go ahead and vote on this motion.  
29 **All those in favor of the motion, please signify by raising your**  
30 **hand. It's unanimous. The motion carries.** Mr. Anson.

31  
32 **MR. ANSON:** Thank you, Mr. Chair. The Joint Section 102  
33 Workgroup recommends that the councils consider adaptive  
34 management measures in response to stock condition.

35  
36 **CHAIRMAN DIAZ:** We've got another motion on the board, and I  
37 would just look around the room to see if there's any  
38 discussion. Mr. Dyskow.

39  
40 **MR. DYSKOW:** Kevin, could you, in your words, articulate what  
41 this motion means?

42  
43 **MR. ANSON:** I will try, and I may pass the mic to Ryan, but two  
44 things. I will answer your question and add something at the  
45 end, and so an adaptive management measure would be something  
46 that would improve efficiency in management of a particular  
47 species, and I mentioned that earlier in the presentation, about  
48 maybe setting up some sort of trigger mechanisms for, you know,

1 implementing reduced catches, or reduced bag limits, as certain  
2 thresholds are met for instance, relative to the ACL, and so  
3 that's just an example that I can come up with, and certainly  
4 Ryan can comment.

5  
6 The other thing I would say is that, you know, this isn't  
7 necessarily -- That it requires a council motion, necessarily,  
8 at this point, but it was just to bring up as part of the  
9 deliberations that the workgroup had, that an effort to try to  
10 address some of these issues that have come up relative to the  
11 charge that was given to the workgroup in trying to improve, or  
12 ways to improve, recreational access, through Magnuson and the  
13 Modern Fish Act, was to not only look at it from the data  
14 collection side of the house, but also the management side of  
15 the house and what things we can do in the management process  
16 that would allow for more efficiency and timeliness in, you  
17 know, how we allowed people access to the resource.

18  
19 **CHAIRMAN DIAZ:** Thank you, Mr. Anson. Did you have anything to  
20 add, Mr. Rindone?

21  
22 **MR. RINDONE:** Sure. The genesis of this was trying to look at  
23 an inverse process to the accountability measures, and, usually,  
24 when we have an accountability measure, it's trying to fix  
25 something bad that happened, and not everything that happens is  
26 bad, and so some of these things are good, like as stocks  
27 rebuild, and so an example was the option that we had put in the  
28 Amendment 56 options for the season change, for the September 1  
29 opening, and it was going to close sometime in November, and  
30 that, as the catch limits increase, and the stock is rebuilding,  
31 ultimately, the trigger would be, under that option, once the  
32 ACL hadn't been met, and the season had remained open for three  
33 years, that that arbitrary season ended, and it would go away,  
34 and then it would be open until NMFS projected that the season  
35 should close.

36  
37 As the stock got more healthy, then a management change would  
38 automatically take place to allow that harvest to change, or, if  
39 you had, say the Anson snapper, that we haven't caught the ACL  
40 for the Anson snapper in the last, you know, three years or  
41 something like that, and the limit is currently five, then that  
42 happens three years in a row, and now the limit is six, and, if  
43 the ACL is met, and the season closes early, then it goes back,  
44 and having those sorts of active measures in place, based on the  
45 performance of the fishery, compared to its ACL, and they could  
46 be based Won fishery stock status, and there's, you know,  
47 multiple different things that you guys could use as triggers  
48 for management changes that could be explored for this. The

1 idea was to find ways to allow additional access as stocks  
2 improve.

3

4 **CHAIRMAN DIAZ:** Thank you, Mr. Rindone. Mr. Gill.

5

6 **MR. GILL:** Thank you, Mr. Chairman, and Mr. Anson made my  
7 comment, and so I will pass.

8

9 **CHAIRMAN DIAZ:** Mr. Brewer.

10

11 **MR. BREWER:** This kind of tracks along with Ryan, but this is  
12 sort of the layperson's interpretation here. Roy Crabtree made  
13 the statement, several times, that one of the problems with  
14 managing to a hard annual ACL is at times problematic, and  
15 that's because you have something good happen in the fishery.

16

17 You have a year in which you've got a great recruitment, but, in  
18 any event, the fishery is doing really, really well, and people  
19 catch more fish. Well, under our current management techniques,  
20 that is -- You now have a problem. You've got to go in, and you  
21 might get one of your letters, saying that this particular  
22 fishery is undergoing overfishing, because you caught a lot of  
23 fish. Well, you caught a lot of fish because there were a lot  
24 of fish.

25

26 Conversely, you can have a situation where a fishery is in  
27 trouble, and you're not catching anything close to the ACL, and  
28 that goes on for two or three years, but you say, oh, great,  
29 look at this, and we are under the ACL, and we can increase the  
30 number of fish that people are allowed to keep, and that's on a  
31 fishery that's got problems, and so, to me, this is what we were  
32 trying to talk about, or at least my interpretation, and that's  
33 Chester, and that's not necessarily the group, but that was the  
34 kind of situation that at least I thought needed to be addressed  
35 and that we would have these different adaptive management  
36 techniques that would look to that, and perhaps change your  
37 accountability measures or whatever, and, you know, I think it's  
38 something that is -- That situation is a reality, and it's  
39 something that needs to be addressed. Thank you.

40

41 **CHAIRMAN DIAZ:** Thank you, Mr. Brewer. All right. I am not  
42 seeing any more comments. Mr. Strelcheck.

43

44 **MR. STRELCHECK:** So certainly I fully recognize that we need a  
45 more nimble management process than what we have at times, and  
46 we've tried to have a little bit more flexibility, in terms of  
47 adaptative management, and we've tried bag limit reductions for  
48 grouper, a number of years ago, as part of accountability

1 measures, and anglers, I think, found it confusing.

2  
3 They're looking for stability, oftentimes, and so, you know, how  
4 do we message that, and how do we reach out to anglers? You  
5 made the point, Chester, about, you know, conversations that Roy  
6 and I would often have about the challenges with catch limits  
7 and recruitment, and, when we're busting catch limits, it  
8 appears to be bad thing, but that may be not the case, and, when  
9 we're not catching the catch limits, well, that may be viewed as  
10 a good thing, but the reality is the stock might actually be in  
11 worse condition, and that's why we're not catching the catch  
12 limits.  
13

14 I know, and, unfortunately, I had to step out of the Section 102  
15 workgroup, and the Mid-Atlantic Fishery Management Council did  
16 develop, and I think has approved, a recreational reform  
17 initiative that looks at adaptive management, and so I think  
18 that's something that we probably need to take a look at.  
19

20 The other thing I will note is that I am struck by the contrast  
21 here between the prior motion on optimizing yield and this  
22 motion, which, to me, focuses more on maximizing yield, right,  
23 and so it seems like we're talking out of both sides of our  
24 mouth when it comes to what we want to do here, and so I just --  
25 I note that, and then I think the last comment I will make is I  
26 am supportive of adaptive management, but I think, if we pass a  
27 motion like this, it's going to be really important that we look  
28 carefully at the stock conditions, and we have a lot of stocks  
29 that have declined in recent years, and so, you know, when it is  
30 appropriate to adaptively manage, under what situations, under  
31 what stock conditions, and I think we really need to give some  
32 thought, in terms of where that can be done.  
33

34 In the South Atlantic, for example, we've talked a lot about  
35 carryover and under what situation we should carry over quota or  
36 not, and so overall supportive of it, but I think a lot of  
37 thought needs to go into how we would implement adaptive  
38 management.  
39

40 **CHAIRMAN DIAZ:** Okay. I don't have any other hands. Mr. Anson,  
41 if you want to proceed.  
42

43 **MR. ANSON:** Yes, sir, Mr. Chair. The Joint Section 102  
44 Workgroup recommends that the councils request the agency review  
45 and consider revisiting the National Standard 1 Guidelines to  
46 better align them to address the modern needs of management for  
47 all sectors. Additional technical guidance, and/or  
48 identification of other tools and applicable data for use of

1 annual criteria for achieving long-term yields for MSY and OY,  
2 as required in MSA, are requested.  
3

4 **CHAIRMAN DIAZ:** Okay. Any comment? Mr. Gill.  
5

6 **MR. GILL:** Thank you, Mr. Chairman, and I understand the context  
7 of the workgroup, but I guess my question is why just National  
8 Standard 1? You know, there's nine other standards, many of  
9 whom are probably way out-of-date, without any specific  
10 guidance, and so why are we just picking -- Granted, it's  
11 probably the most important National Standard, but the other  
12 nine are also applicable, and it seems, to me, if such a  
13 consideration was to be made, it ought to be included in that  
14 recommendation.  
15

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

18 **MR. STRELCHECK:** I will mention that, during Janet's remarks  
19 yesterday, and I think she skipped over some of the remarks, but  
20 she did intend to note that we were going to revisit National  
21 Standards 4, 8, and 9, as a part of revising the guidelines, and  
22 so that's already in progress, at least with the agency. Your  
23 point, I think, is well taken, Bob, in terms of taking a fresh  
24 look at many of our National Standard Guidelines.  
25

26 **CHAIRMAN DIAZ:** All right. Any further comment on this motion?  
27 All right. Mr. Anson.  
28

29 **MR. ANSON:** Just to address Mr. Gill's question, I guess, in the  
30 context of time, in trying to, you know, not have the workgroup  
31 meet for too many meetings, since we, you know, had a lot of  
32 presentations to go over relative to, you know, defining, I  
33 guess, what was out there for monitoring the recreational  
34 fishery and the potential for going forward, as we deliberated  
35 the what-ifs, I guess, for recommendations, and we just did not  
36 delve too much outside of National Standard 1, because, like you  
37 said, it's the biggie, if you will, of the National Standards.  
38

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

41 **MR. RINDONE:** Thank you, and, just to add onto what Kevin said,  
42 a lot of the focus, especially towards the end of this  
43 particular meeting, focused on optimum yield, and, since that's  
44 where National Standard 1 puts most of its focus, that's another  
45 reason why this was limited to that, and NMFS has a storied  
46 history of producing technical guidance and other memorandums  
47 and things like that to help with the council's interpretation  
48 of the different National Standards, and it seemed like, given

1 the workgroup's discussions about the changing landscape, if you  
2 will, from when the National Standards were drafted, and the  
3 understanding of Magnuson originally, and the way in which it's  
4 supplied now, and the various user groups that exist now, and  
5 their different goals for how they access the resource, the  
6 workgroup thought that getting guidance on what was possible was  
7 definitely going to be to the benefit of the councils.

8

9 **CHAIRMAN DIAZ:** Okay. Thank you, Mr. Rindone. I think that  
10 ends your report, right, Mr. Anson?

11

12 **MR. ANSON:** It does, Mr. Chair. Thank you.

13

14 **CHAIRMAN DIAZ:** Okay. I do want to thank the Gulf Council  
15 members, and Mr. Brewer, that were on the committee, and so Mr.  
16 Anson, Ms. Boggs, Dr. Frazer, Mr. McDermott, Mr. Schieble, and  
17 Mr. Williamson served on that committee. Thank you all for  
18 volunteering to do that. We appreciate it.

19

20 We're going to keep moving on our agenda, and we're going to  
21 move to our next agenda item, and it's going to be a  
22 presentation from Dr. Reinhart, and the presentation is the  
23 Deepwater Horizon Fish Restoration and Future Restoration  
24 Planning. Dr. Reinhart.

25

26 **DEEPWATER HORIZON FISH RESTORATION AND FUTURE RESTORATION**  
27 **PLANNING**

28

29 **DR. JAMES REINHART:** Thank you very much. I will give myself a  
30 brief introduction while the presentation gets loaded. My name  
31 is Jamie Reinhart, and I am with the NOAA Restoration Center,  
32 based up in Silver Spring, Maryland. The NOAA Restoration  
33 Center is a part of the Office of Habitat Conservation, which is  
34 within NOAA Fisheries.

35

36 My primary responsibility with the Deepwater Horizon Program is  
37 to help design, develop, and facilitate implementation of  
38 restoration projects that are intended to restore fish and other  
39 water column resources that have been damaged by the Deepwater  
40 Horizon oil spill.

41

42 What I am intending to do today is to just give everybody a  
43 quick update on the work that the Open Ocean trustees, NOAA, and  
44 some of our partners are doing as part of that fish restoration  
45 process and then talk about our fish restoration strategy, which  
46 is intended to help communicate about the future direction for  
47 fish restoration planning.

1 Part of my goal here is to continue to open up lines of  
2 communication with you all and the folks in the room, so that we  
3 can help create great restoration opportunities in the future  
4 for those injured resources. My presentation will be a little  
5 bit of background, kind of a description of the injury, which  
6 many people are familiar with, some of the past work that we've  
7 done in setting restoration goals, talk about other types of  
8 restoration that's ongoing, and not just those that are focused  
9 on working with fisheries, and then remind everybody of some of  
10 the ongoing work that we are presently doing with fish  
11 restoration projects and then switch gears and talk about our  
12 strategic plan, what we did, how we went about setting priority  
13 species and objectives for us to work on, and then, finally, a  
14 slide on some next steps.  
15

16 Most everybody is familiar with the injury that was a result of  
17 the Deepwater Horizon oil spill over ten years ago. There were  
18 many hundreds of species injured, because of the exposure to  
19 oil, in the magnitude of trillions of larvae. There were, you  
20 know, species, such as red snapper, bluefin tuna, and spotted  
21 seatrout, that were among those that were largely affected by  
22 the oil spill, and these injuries occurred from coastal habitats  
23 and estuaries all the way to the deepest parts of the Gulf of  
24 Mexico.  
25

26 In general, if a species was present in the northern Gulf at the  
27 time of this oil spill, there was likely some exposure and  
28 injury, and so, in addition to just the acute fatal toxicity due  
29 to the exposure to oil, there were other many non-lethal  
30 injuries that occurred, such as impairment to reproduction  
31 function and reduced growth rates, and also to the changes of  
32 what community composition was on reefs, for example, and so  
33 there were different numbers and types of species living on  
34 those reefs that also impacted the overall food web.  
35

36 Following the Deepwater Horizon settlement that happened with BP  
37 in 2015, the trustees released a programmatic plan, which laid  
38 out general approaches and goals for restoring the Gulf of  
39 Mexico ecosystem in response to those injuries, and to, help  
40 restore the multifaceted and massive scale of injuries to fish  
41 and water column invertebrates, the trustees set goals for  
42 reducing direct sources of mortality to fish and water column  
43 invertebrates and to support increases in the health of those  
44 fisheries, by providing communities the tools to reduce  
45 unnecessary impacts to fisheries resources.  
46

47 While, me personally, I'm focused on the work that's going on in  
48 the fish and water column restoration type, we call it, and

1 that's the pot of money that I am generally focused on, there  
2 are many other restoration types and projects that are going on  
3 that also affect fishery resources, and so I'm going to -- Just  
4 to list a few of those other types of restoration that are going  
5 on, our work that is focused on restoring wetlands, coastal and  
6 nearshore habitats, and so these substantial investments, for  
7 example, in saltmarsh restoration, which serve as important  
8 nursery habitats to juvenile fish and invertebrates.  
9

10 Restoration for fish and invertebrates will happen in the  
11 restoration that's going on in mesophotic and deep benthic  
12 communities, and so this restoration type will focus on habitat  
13 restoration for important deep-sea coral communities, for  
14 example, like those in the Alabama Alps and other areas and  
15 deepest parts of the Gulf.

16 Coastal nutrient reduction projects that have worked with  
17 farmers to implement voluntary actions to reduce nutrient  
18 runoffs, for example, from grazing and croplands will benefit  
19 water quality and the species that inhabit those coastal areas.  
20 Additionally, other projects taking place on federal lands, such  
21 as living shorelines work, SAV, and oyster restoration create  
22 important habitats for fish.  
23

24 Among important investments that NOAA and other trustees are  
25 making are contributions to our understanding about how habitat  
26 restoration can support fisheries production. NOAA has started  
27 studies to better understand how marsh habitat restoration  
28 benefits fish and invertebrate productivity, including how the  
29 lower-trophic-level prey -- Lower-trophic-level prey, such as  
30 worms and other infauna, benefit fisheries production.  
31

32 NOAA is also using fish and invertebrate monitoring at marsh  
33 creation projects in Louisiana and hydrologic restoration  
34 projects in Texas to assess restored habitat usage by forage  
35 species like grass shrimp, and also by top predators like red  
36 drum, and so, in the future, NOAA will continue to make  
37 investments in understanding the impacts of these habitat  
38 restoration projects and how habitat restoration can be designed  
39 to maximize productivity, as well as measure how productivity is  
40 exported from habitats and contributes to the pelagic ecosystem.  
41

42 Again, the point of this slide is really to show that  
43 restoration for the injury to fish and the water column isn't  
44 just occurring in one way, but, rather, it's a broad suite of  
45 activities that are contributing to the restoration.  
46

47 To switch gears back to the focus on our fish restoration type,  
48

1 and here's an overarching slide, and it's probably difficult for  
2 folks to read on the big screen, but the point of this slide is  
3 just to communicate that, presently, we have five funded  
4 restoration projects that are ongoing that have been funded at  
5 the level of \$80 million, and there is over \$320 million  
6 remaining for future restoration.

7  
8 Here is a list of the projects that have previously been funded  
9 and we have started implementing. Some are wrapping up, and,  
10 largely, these restoration projects have focused on decreasing  
11 bycatch and fishing mortality in various fisheries, by  
12 partnering with the fishing community, and certainly  
13 acknowledging the work that these fishing communities have  
14 already done in substantially reducing bycatch in the Gulf of  
15 Mexico.

16  
17 These projects had been selected, following public input, during  
18 our project preplanning, by gathering community ideas, by  
19 listening to public comment, and then selected following  
20 consideration of those comments, and so one thing I want to  
21 point out is that all of these projects depend on active  
22 participation of commercial and recreational fishermen, and,  
23 because of that outreach and engagement with the fishery and  
24 fishing communities as an important part of our strategy that we  
25 intend to continue.

26  
27 Our project teams for these projects, you know, have relied on  
28 industry stakeholders, again from ideation, that process of  
29 soliciting ideas, to project development, and, ultimately,  
30 partnerships during the implementation phases of these projects,  
31 and I do want to say that all of these projects are non-  
32 regulatory and voluntary, and so participation, you know, relies  
33 on developing relationships with fishing communities.

34  
35 These projects, and I'm going to go into detail on two of these  
36 projects, and I don't have time to run through all of them, but  
37 I do want to say that these restoration projects have helped to  
38 contribute to restoration of a number of different species,  
39 including tunas, swordfish, snappers, and groupers, through  
40 projects with recreational anglers, and also snappers and other  
41 sciaenids, with projects that we're working on with the  
42 shrimping community.

43  
44 The first project that I want to put a highlight on is the  
45 Return 'Em Right project, which Mr. Bray already covered a  
46 little bit, and this is a -- Return 'Em Right is a project that  
47 works with the recreational angling community, with the goals of  
48 helping to reduce release mortality in the reef fish sector,

1 and, in doing that, the idea is to help improve angler  
2 experiences with release gear and foster sort of a better --  
3 Overall better health of the reef fish fishery.  
4

5 This project has kind of just completed its first year of  
6 implementation, where the project team is able to kind of really  
7 focus on operational aspects of the project and get through some  
8 initial hurdles of how to operate a project like this. The  
9 project has had over 10,000 participants, folks who have taken  
10 online education and training and also received free gear as  
11 part of that process.  
12

13 This project is being implemented with the commission, and also  
14 Florida Sea Grant, as the lead implementation partners, but I  
15 want to acknowledge kind of the role that the council has  
16 played, and many other folks in this room, and at this table, in  
17 helping to design, and also implement, this project, and so this  
18 is a thank you as well to the folks that have participated and  
19 helped steer this project along the way. I do want to, again,  
20 talk about the work that the commission has done, in particular,  
21 in the monitoring aspects of the project.  
22

23 The commission has been leading most of the monitoring aspects  
24 of this project, of the Return "Em Right project, and, again,  
25 that work has included research on attitudes and opinions of  
26 best release practices, and so they've done some work to  
27 understand what baseline opinions are on different release  
28 practices, and they have also worked to -- We've worked with  
29 other researchers, to try and get better estimates of post-  
30 release mortality, and not just for red snapper, but amberjack  
31 and triggerfish as well, and gag grouper, and so focusing on a  
32 number of different species, and the intent is to help get more  
33 precise estimates of post-release mortality, and this work is  
34 important to help evaluate project success.  
35

36 Those improved estimates of post-release mortality, along with  
37 the additional fisheries-dependent monitoring that the  
38 commission is working with state agencies on, will help us  
39 understand how changes in the rate of use of descending devices  
40 can, ultimately, lead to more fish being in the water.  
41

42 The next project that I want to talk about is a project that's  
43 being led by the National Fish and Wildlife Foundation. The  
44 goal of the hotspots mapping initiative is to help reduce  
45 bycatch by supporting collaborations among fishermen, fishermen  
46 or anglers, to share fishing information. The idea is to  
47 develop communication and mapping tools that could help direct  
48 fishing activities, to avoid unwanted fishing interactions, and

1 hopefully also improve fishing experiences, and so this project  
2 is what we call a Phase 1 project, and it's sort of a design  
3 project, where the goal is to simply assess if hotspot mapping  
4 tools can be effectively implemented in the Gulf or in the  
5 Atlantic.

6  
7 As part of that process, the National Fish and Wildlife  
8 Foundation is actively soliciting interest from fishing groups  
9 and organizations that are interested in collaborating with  
10 them, and so, if there are interested parties, I would be happy  
11 to help put them in touch with the National Fish and Wildlife  
12 Foundation, so that they can learn more.

13  
14 Switching gears, again, over to our strategic plan, and, just to  
15 kind of, you know, reset the stage, I guess, and so, after we  
16 had those initial five projects funded, and they have begun  
17 their implementation, our planning team, and the Open Ocean TIG,  
18 thought it reasonable to kind of step back and take a look and  
19 plan for a longer-term vision about where we would focus our  
20 restoration planning efforts.

21  
22 About a year-and-a-half ago, the Open Ocean TIG put a planning  
23 team together to seek input on factors that we should consider  
24 on a strategic planning process. During this process, we sought  
25 input from stakeholders at a number of different venues, and  
26 that ultimately led to the design of a prioritization process,  
27 the prioritization of species that we wanted to focus on, and,  
28 today, I'm just going to provide a brief overview of that whole  
29 process. There are links in the slides, at the end of the  
30 slide, where you can find the full detailed document of that  
31 work.

32  
33 Again, this strategic plan is really intended to help serve as a  
34 basis of communication among stakeholders as we plan for how  
35 we're going to use the remaining funds in the fish and water  
36 column invertebrate pod of money, which is about \$320 million,  
37 to, you know, help restore those injured resources.

38  
39 Despite all that, you know, work that we've done, there still  
40 remains a lot of work to do in restoring fish, and so what's the  
41 point of this strategy? Well, the goal of this strategy was to  
42 help a species prioritization process and carry over that  
43 prioritization, to identify specific threats to injured species,  
44 and to understand what associated restoration opportunities go  
45 along with those threats, and then, ultimately, use that  
46 prioritization process and those threats to set specific -- To  
47 set objectives for restoration, and so a little bit more about  
48 that process.

1  
2 It all started with engagement, and, again, I do need to thank  
3 the council for being a part of that engagement, many folks  
4 here, and so, yes, we held multiple meetings in the spring of  
5 2020, in coordination with fisheries management groups,  
6 including the Gulf Commission and council, to help get broad  
7 industry representation for our input, and we also sought input  
8 from academic and non-governmental organizations.  
9

10 Generally, we asked stakeholders what is important for us to  
11 consider during this process, what threats are important, and  
12 what criteria we should use to prioritize. Additionally, we  
13 heard from stakeholders about strategies to communicate and  
14 opportunities to develop collaborations.  
15

16 Let me get to -- This is a punchline slide, and what are the  
17 priority species that the strategy lays out as places for us to  
18 focus on, and those are blue marlin, spotted seatrout, greater  
19 amberjack, mullets and menhaden, red grouper, red snapper and  
20 vermilion snapper, yellowfin tuna, and king mackerel, and those  
21 are the high priority, and you will see that our priority  
22 species are across sort of the ecosystem, or spectrum of  
23 different types of species in the Gulf, and the purpose of that  
24 was to continue to have a more ecosystem perspective of  
25 restoration, allowing restoration to occur across the Gulf  
26 ecosystem.  
27

28 This doesn't necessarily mean that we're shutting the door on  
29 all other species, and one consideration that we had was that,  
30 you know, restoration for one species here may also have  
31 spillover effects to many other species as well.  
32

33 Following that species prioritization, we did a review of existing  
34 resources, to determine what the primary threats are to those  
35 species, and this table is just illustrative of the matrix that  
36 we put together, and the full matrix is in our strategy plan,  
37 and this threats matrix that we put together helped us look at  
38 what we might focus on, where we might focus on, developing  
39 restoration projects for specific interventions to help benefit  
40 our priority species, and so, based upon this table, we created  
41 restoration objectives, which are more explicit statements on  
42 how we might address the injury to the fish.  
43

44 Here is the list of our highest-priority objectives, which are  
45 to reduce negative effects, or risks, of bycatch, illegal  
46 fishing, marine debris to fish and other water column resources,  
47 reduce negative impacts of post-release mortality and of  
48 invasive species. Additionally, we had a specific goal, which

1 was to develop tools and techniques to reduce uncertainty in  
2 restoration and to provide best practices to stakeholders and  
3 the fishing community.

4  
5 This objective-setting process was led by our team of experts,  
6 which not only looked at factors such as the level of injury and  
7 things like that, but also on where were the best -- Where were  
8 the best opportunities to create restoration intervention, and  
9 so, again, this -- Laying out all these priority species and  
10 objectives is really a starting point for a dialogue with the  
11 broader community on how we're going to spend the remaining  
12 funds in this type.

13  
14 Really briefly on next steps, I do want to mention that the Open  
15 Ocean TIG is interested in looking at a data-gap study to look  
16 at opportunities to look for and develop tools to look more  
17 specifically at catch and bycatch rates in HMS species and the  
18 Caribbean fisheries, but, more specifically, I want to discuss  
19 the -- Sort of my goals for next steps for the fish and water  
20 column invertebrate restoration, and so, over the next few  
21 months, I'm going to continue to try and push and share the  
22 strategy with folks and the link -- We'll give you the link  
23 right here at the bottom, and it will give everybody access to  
24 the full document, and, you know, the goal is to kind of get  
25 everybody primed and prepped for a potential future restoration  
26 plan, which would likely be initiated next year, I would say in  
27 the summer timeframe, where we would start our official process  
28 of gathering ideas and then, ultimately, selecting what the next  
29 round of restoration projects would be.

30  
31 Again, thanks to everybody for the opportunity to present this  
32 to you, and I'm very happy to take questions, and also to, you  
33 know, make my contact information available to folks, so that we  
34 could follow-up at another time as well. Thank you.

35  
36 **CHAIRMAN DIAZ:** All right. Are there questions for Dr.  
37 Reinhart? Dr. Frazer.

38  
39 **DR. FRAZER:** Dr. Reinhart, thanks for being here, and we always  
40 appreciate the work that you guys are doing. I have always, and  
41 I think we've probably talked about this before, you know, but,  
42 whenever you are trying to employ, or deploy, an effective  
43 restoration program, you know, it's kind of built on the  
44 assumption that you have some accounting, and some inventory, of  
45 what resource has been impacted, right, and then you have to  
46 have a data collection system in place after that intervention,  
47 to determine whether you were successful or not, right, and so,  
48 in a fisheries space, I mean, we struggle, obviously, with just

1 characterizing these populations.

2  
3 You know, we don't know their absolute abundance, or, in some  
4 cases, we don't have a good handle on their distribution  
5 patterns, but, if we're going to think about interventions that  
6 would allow us to rebuild those fish stocks, part of the  
7 problem, or the struggles, that we have here is that we don't  
8 have the data collection programs in place that would allow us  
9 to kind of evaluate that, moving forward, and so my question  
10 really is, with \$300 million, is there an opportunity here to  
11 use some of that funding to supplement the data collection  
12 programs that would allow us, or provide us, with more resolute  
13 data, while spatially and temporally, that would fill those gaps  
14 and, in turn, allow us to better manage these fisheries, with a  
15 higher degree of certainty, right, and, to me, that would be  
16 kind of a restoration success, but I'm not sure if it fits  
17 within the purview of your program or not, but it certainly  
18 seems appropriate.  
19

20 **DR. REINHART:** Thanks for that question and also comment. One  
21 thing I do want to point out is that the goals that many of the  
22 data collection programs that are in place for the benefit of  
23 fisheries management and the goals under the Oil Pollution Act  
24 are not exactly aligned.  
25

26 That doesn't mean that there aren't places that they work  
27 together also, and I do want to point out, as was the example of  
28 the work that the commission is doing, as part of the Return 'Em  
29 Right project, we do have data collection that we designed  
30 specifically for our projects, to help evaluate our project  
31 performance, that might also contribute to understanding  
32 fisheries more generally.  
33

34 We continue to look -- You know, we have to, and we are  
35 obligated to kind of evaluate the kind of success of our  
36 restoration projects, and sometimes that -- You know, those  
37 monitoring programs that are designed for evaluating projects  
38 don't necessarily align perfectly with what long-term management  
39 of fisheries requires, and so I'm a bit ambiguous, and I'm not  
40 saying that there's not opportunities where the goals of the  
41 restoration, under the Oil Pollution Act, align with goals that  
42 others might have, but I just want to caution that they're not  
43 always the same, but I'm happy to continue to look for ideas  
44 that are going to benefit our fisheries that were injured from  
45 this spill.  
46

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

1   **MR. GILL:** Thank you, Mr. Chairman, and thank you, Dr. Reinhart,  
2   for your presentation. What is your plan for pushing out the  
3   results of all these important projects, particularly to those  
4   that are involved in a particular aspect, but getting the word  
5   out on what you have found and what is recommended as the result  
6   of all of this work?

7  
8   **DR. REINHART:** We have a database that we have at our  
9   gulfspillrestoration.noaa.gov website that we put all of our  
10   monitoring reports into, once they're completed, and so  
11   sometimes that takes a year or two after a project is done, and,  
12   in the example of the Return 'Em Right project, where the  
13   commission has led some studies that have already -- Or the  
14   initial aspect of studies that have already wrapped up, and I  
15   know the commission has those available on their website, and  
16   then we would also publish them on our own databases as well,  
17   for public consumption.

18  
19 You know, in times where we think that it's also worthwhile, we  
20 create web stories and other opportunities to kind of  
21 disseminate that, the results of studies, as well, and so we  
22 have, you know, our online sort of media folks working on  
23 putting things out, but we also utilize our partners for putting  
24 out reports as well, and, of course, we're happy to take  
25 opportunities to provide the results of our work at venues like  
26 this or otherwise.

27  
28   **CHAIRMAN DIAZ:** All right. Dr. Reinhart, I do want to thank you  
29 for coming in-person. We've had to endure a whole lot of remote  
30 presentations that, quite frankly, a lot of times, we can't hear  
31 them half the time, and so you taking time out of your busy  
32 schedule to travel all the way down here, and thank you for your  
33 presentation, and it was very good.

34  
35 I do want to make just a couple of comments. I'm excited about  
36 a lot of the things that you all are doing, and I really  
37 appreciate the fact that you all have this post-release  
38 mortality study and the Return 'Em Right, and I think that's --  
39 I am looking forward to seeing that data, and I'm hoping that we  
40 have some data that we can actually use to help us in future  
41 management from that.

42  
43 As you're talking, I mean, it's dawning on me that this oil  
44 spill was in 2010, and we're twelve years later, and, you know,  
45 we get stock assessments all the time, and, lately, we've been  
46 getting a lot of stock assessments that are saying, look, we've  
47 had a lot of low recruitment lately, and we don't talk about the  
48 oil spill that much as being a cause of low recruitment, but it

1 potentially could be. Lord knows there is other things that  
2 could cause it too, but, anyway, your information is very  
3 valuable, and I, for one -- It did make me pause and think about  
4 some of the other things that we're doing, and so thank you for  
5 coming.  
6

7 **DR. REINHART:** Thank you for the opportunity.  
8

9 **CHAIRMAN DIAZ:** Okay. we're going to move on down our agenda,  
10 and, next up, we have an Update from the Bureau of Ocean Energy  
11 Management on Wind Energy Development in the Gulf of Mexico by  
12 Ms. Matthews. Welcome, Ms. Matthews.  
13

14 **UPDATE FROM THE BUREAU OF OCEAN ENERGY MANAGEMENT (BOEM) ON WIND  
15 ENERGY DEVELOPMENT IN THE GULF OF MEXICO**  
16

17 **MS. TERSHARA MATTHEWS:** Thank you so much, and thank you,  
18 council. Today, I'm going to give you a verbal update on where  
19 we are with our draft wind energy areas that we published on  
20 July 20, and I think we first announced them here, when we had  
21 your meeting in June, and so, on July 20, we published two  
22 areas, one off of Galveston, which is like twenty-six nautical  
23 miles off of Galveston, and the other one is off of Lake  
24 Charles, which is about fifty-eight nautical miles.  
25

26 We closed that comment period on September 7, and we received  
27 107 comments on those two draft wind energy areas, and most of  
28 those comments were in support. We did have twenty-five that we  
29 kind of considered major comments that we are currently  
30 analyzing, and that's the reason why we haven't finalized them  
31 yet.  
32

33 We received some comments from the Department of the Navy that  
34 recommended that we only utilize the northern portion of Option  
35 I, which includes the area off of Galveston. The Coast Guard  
36 had some concerns also with that Option I, which is near  
37 Galveston, for some LIDAR zones as well, and we also got  
38 commended for the model from NOAA that we utilized to determine  
39 these wind energy areas, being that we had that twenty-nautical-  
40 mile coastline buffer for the migratory birds that we included  
41 in that model that I had mentioned in June, and so we got  
42 commended on that from several NGOs, about that.  
43

44 The Texas Parks and Wildlife Department asked that we have a  
45 one-nautical-mile buffer from artificial reefs. In the model,  
46 we currently have a thousand-foot buffer around those artificial  
47 reefs, and NOAA also plans to publish a proposed rule for the  
48 green sea turtle critical habitat in 2023, and so Option I and

1 Option M may overlap with that designation, and so we're looking  
2 at that through our analysis.  
3

4 We also received some very general comments, mostly from  
5 industry, that recommended that, once we go down -- The areas  
6 right now are pretty large. For Option I, it's like roughly  
7 546,000 acres, and Option M has 188,000 acres, and industry is  
8 asking us, as we move down to that lower lease sale size, that  
9 we go to at least 100,000 acres, to make it more economically  
10 viable, and other people have actually asked for additional wind  
11 areas near Port Fourchon, and there was some concern about cable  
12 routes coming from the wind energy areas.  
13

14 We are currently working with NOAA to help us, with the same  
15 model, to site those cable corridors going back to shore, and so  
16 we are reaching out to our state partners to get any inshore  
17 data, to make sure that, when those cable routes are being taken  
18 back, that we're not hitting critical habitat moving back to  
19 shore, and we're also working with NREL as well, the National  
20 Renewable Energy Lab, and we're partnering with them as well,  
21 and so the three agencies are working together to look at  
22 possible corridors to bring those cables back to shore.  
23

24 We did receive some positive comments on the community benefit  
25 agreement that was used for the California proposed sale notice,  
26 and that California proposed sale notice had mentioned about  
27 having a fisheries mitigation fund, and so people have been  
28 asking, agencies have been asking, for that, that, when we put  
29 out our proposed sale notice, that we have some type of  
30 fisheries mitigation fund in ours as well.  
31

32 We are looking at that internally for the Gulf of Mexico, and we  
33 are hoping to have that proposed sale notice out by the end of  
34 this year, and then there's a sixty-day comment period that goes  
35 with that, and so, if you all have comments about us including a  
36 bidding credit for fisheries, please let us know during that  
37 sixty-day comment period, which we're hoping to have that out in  
38 December.  
39

40 I do want to mention that our headquarters is handling our  
41 fisheries mitigation guidance that you all I think had reviewed  
42 back in the summer, and we're still on target to have that  
43 finalized for March of 2023, and so we're still going through  
44 all of the comments that we received from all of the regions,  
45 and our headquarters is actually handling that fisheries  
46 mitigation guidance, but that is supposed to come out, and it  
47 set to come out, for March of 2023, and so I will stop to see if  
48 you have any comments or questions.

1  
2 **CHAIRMAN DIAZ:** Any comments for Ms. Matthews? Mr. Schieble.  
3  
4 **MR. SCHIEBLE:** You may have said this, and I might have missed  
5 it, but do you have a timeline for when you're going to be  
6 working with the states for the cable corridors coming inshore?  
7  
8 **MS. MATTHEWS:** We're actually sending out emails this week, to  
9 start setting up those meetings, to reach out to them to get any  
10 data that we may have, wetlands data, oyster lease data, you  
11 know things like that, and so we're reaching out now.  
12  
13 **MR. SCHIEBLE:** Thank you.  
14  
15 **MS. MATTHEWS:** You're welcome.  
16  
17 **CHAIRMAN DIAZ:** Mr. Anson.  
18  
19 **MR. ANSON:** Thank you, Ms. Matthews, for being here and  
20 providing us the information. You had mentioned that you had  
21 107 comments, and then twenty-five you said were --  
22  
23 **MS. MATTHEWS:** I said were major.  
24  
25 **MR. ANSON:** Were major, and were those all negative that you  
26 commented to, or what proportion would you deem negative  
27 comments?  
28  
29 **MS. MATTHEWS:** No, they weren't negative. The ones that we  
30 received negative were for private citizens, that we don't want  
31 it in the Gulf of Mexico, and the other comments that we  
32 received were just adding additional areas or looking at  
33 tweaking the areas that we have put out.  
34  
35 **MR. ANSON:** Thank you.  
36  
37 **MS. MATTHEWS:** You're welcome.  
38  
39 **CHAIRMAN DIAZ:** Dr. Walter.  
40  
41 **DR. WALTER:** Thanks, Tershara, for coming and briefing us, and  
42 so I wanted to thank BOEM for extending the comment period. I  
43 think that was a request that came out and was heard loud and  
44 clear and gave time for them to get those 107 comments, and so  
45 that was good. Did I miss when the lease sale notices are  
46 likely to be posted and when that lease is going to happen?  
47  
48 **MS. MATTHEWS:** Well, we are trying to finalize. I am hoping

1 that, real, real soon, we'll have those final wind energy areas  
2 finalized, considering all of the comments that we received, and  
3 we are hoping to have that proposed sale notice in December of  
4 this year, and then we are hoping to have that auction in mid-  
5 2023, and so we're looking at June of 2023 for the actual  
6 auction itself.

7  
8 **DR. WALTER:** Okay. Thanks.  
9

10 **MS. MATTHEWS:** Okay.  
11

12 **CHAIRMAN DIAZ:** Any further comments for Ms. Matthews? Ms.  
13 Matthews, I also want to thank you for coming in-person. We  
14 enjoy in-person presentations, and you're always so  
15 knowledgeable, and your presentations are quite informative, and  
16 so we appreciate that.

17  
18 **MS. MATTHEWS:** Thank you so much.  
19

20 **CHAIRMAN DIAZ:** Okay. That wraps up what we have on the agenda  
21 before lunch. We're going to go ahead and take lunch. We're  
22 going to start back at 1:30, and we're going to start up with  
23 public comments at 1:30. Thank you.

24  
25 (Whereupon, the meeting recessed for lunch on October 26, 2022.)  
26

27 - - -  
28

29 October 26, 2022  
30

31 WEDNESDAY AFTERNOON SESSION  
32

33 - - -  
34

35 The Full Council of the Gulf of Mexico Fishery Management  
36 Council reconvened at Beau Rivage Resort and Casino in Biloxi,  
37 Mississippi on Wednesday afternoon, October 26, 2022, and was  
38 called to order by Chairman Dale Diaz.

39  
40 **CHAIRMAN DIAZ:** Okay, and so I want to welcome everybody back to  
41 the Gulf of Mexico Fishery Management Council meeting, and we're  
42 going to start our afternoon session, and we're going to start  
43 off with public testimony.

44  
45 Good afternoon, everyone. Public input is a vital part of the  
46 council's deliberative process, and comments, both oral and  
47 written, are accepted and considered by the council throughout  
48 the process.

1  
2 The Sustainable Fisheries Act requires that all statements  
3 include a brief description of the background and interest of  
4 the persons in the subject of the statement. All written  
5 information shall include a statement of the source and date of  
6 such information.  
7

8 Oral or written communications provided to the council, its  
9 council members, or its staff that relate to matters within the  
10 council's purview are public in nature. Please give any written  
11 comments to the staff, as all written comments will be posted on  
12 the council's website for review by council members and the  
13 public and will be maintained by the council as part of the  
14 permanent record.  
15

16 Knowingly and willfully submitting false information to the  
17 council is a violation of federal law. We will welcome public  
18 comment from in-person and virtual attendees. Anyone joining us  
19 virtually that wishes to speak during public comment should have  
20 already registered online. Virtual participants that are  
21 registered to comment should ensure that they are registered for  
22 the webinar under the same name they used to register to speak.  
23 In-person attendees wishing to speak during the public comment  
24 should sign-in at the registration kiosk located at the back of  
25 the room. We accept only one registration per person.  
26

27 Each speaker is allowed three minutes for their public  
28 testimony. Please note the timer lights on the podium or on the  
29 webinar. It will be green for the first two minutes and yellow  
30 for the final minute of testimony. At three minutes, a red  
31 light will blink, and a buzzer may be enacted. Time allowed to  
32 dignitaries providing testimony is extended at the discretion of  
33 the Chair.  
34

35 If you have a cellphone or similar device, we ask that you keep  
36 it on silent or vibrating mode during the meeting. Also, in  
37 order for all to be able to hear the proceedings, we ask that  
38 you have any private conversations outside, and please be  
39 advised that alcoholic beverages are not permitted in the  
40 meeting room.  
41

42 The way we're going to do our public testimony today is I'm  
43 going to alternate between in-person and virtual, and I am going  
44 to try to remember to let people know that they're on-deck, and  
45 so, if you're the next speaker, I will say you're on-deck, and  
46 if that speaker would at least be to the point where they could  
47 make their way to the podium, or be prepared to give virtual  
48 testimony very soon after the previous speaker ends, that would

1 be greatly appreciated. We're going to start with in-person  
2 testimony, and Mr. Lawrence Marino is first. Mr. Marino.  
3

4 **PUBLIC COMMENT**  
5

6 **MR. LAWRENCE MARINO:** Good afternoon. My name is Larry Marino,  
7 and I'm here on behalf of Louisiana Attorney General Jeff  
8 Landry. As to Amendment 54, regarding greater amberjack, in  
9 Action 1, Alternative 3 changes the percentages solely to take  
10 into account the conversions in CHTS to FES. Preferred  
11 Alternative 5 is a substantive reallocation from the  
12 recreational sector to the commercial, instead of just a reset  
13 due to FES. Attorney General Landry supports Alternative 3, as  
14 maintaining the status quo.

15 As to the IFQ Focus Group, it's not clear what benefit will be  
16 served by bringing them back together. They have done what the  
17 council asked and identified some ideas for improving the  
18 program. It's time to take those ideas, and the others already  
19 on the table, and make something out of them. Staff putting it  
20 all together, and the council meeting specifically to address  
21 that, does seem to be a good step forward.

22  
23 The problem with the IFQ program is not the program itself, but  
24 it's the allocation of the shares. The issues are well known,  
25 and the need is to lay them out with ideas for resolving them.  
26 Should shares be perpetual, or effectively perpetual, or should  
27 they be reallocated when a shareholder retires or dies? Should  
28 some percentages be reallocated every year or when quotas  
29 increase? Who should decide who gets the reallocated shares,  
30 NMFS, the council, a council-appointed body, a body composed of  
31 the states, or someone else? To whom should the shares be  
32 reallocated, and on what basis? To address discards? To make  
33 them available for new entrants? Simply to reserve them for  
34 actual fishermen?

35  
36 Who is an actual fisherman? Does it literally mean a captain,  
37 instead of the boat owner? Could it be a crew? How would  
38 "actual fishing" be documented? How should the shares be  
39 reallocated, by past actual landings, by experience, discard  
40 histories, something else? Should some shares be held back in a  
41 quota bank, or some other place, instead of being reallocated,  
42 and just have annual allocations made to target current concerns  
43 for each year?

44  
45 Should there be a charge for reallocated shares, and who should  
46 get the payment, private shareholders or the public? Is there  
47 too much concentration of ownership? Is there too much

1 concentration of control of shares or of allocation? Are trip  
2 limits needed or helpful? Are deeper changes to the program  
3 needed?

4  
5 Should private shareholders be able to decide who gets to use  
6 allocation that they don't fish for themselves, or should a  
7 council-appointed body, or someone else, make that decision, and  
8 should shareholders who don't fish their shares get the money  
9 for leasing them to others who do? Should they be able to  
10 charge others to fish their shares at all, and, finally, of  
11 course, how do we make the transition to whatever we do change  
12 to? There may not be perfect answers, but it's time to start  
13 moving forward with something. Thank you.

14  
15 **CHAIRMAN DIAZ:** Thank you, Mr. Marino. All right, and so, next  
16 up, we're going to move to Casey Streeter, and Charlie Bergmann  
17 is on deck.

18  
19 **MR. CASEY STREETER:** This is Casey Streeter, a commercial  
20 fisherman from Pine Island, Florida, located in Lee County. I  
21 want to thank you guys for listening, and I'm sorry that I  
22 couldn't make it, and, obviously, a devastation and tragedy  
23 happened in my county that we're trying to figure our way back  
24 from. I want to thank all the council members and council staff  
25 that have reached out to me. Ava, I know that feel the pain of  
26 the storm, and I want to tell you that my heart is with you,  
27 and, if there's anything that I can do to help you in any way,  
28 please, as I told you before, I will be there for you.

29  
30 A message to the Secretary of Commerce, and I wish I could have  
31 been there to talk to you about our infrastructure damage. Our  
32 fishery has been wiped away. We're on the verge of losing a  
33 thirty-million-plus-dollar-dockside-price industry in Lee  
34 County, and we're in desperate need. We don't have docks, and  
35 we don't have ice machines. This is unprecedented. It's  
36 unbelievable. I never, in my mind, thought that I would be in  
37 the position that I'm in right now, seeing all my friends, all  
38 my businesses that I count, all offline and out of business at  
39 one time.

40  
41 One of the things that I want to talk about, obviously, is our  
42 leasing industry and the financial burden the fishermen, like  
43 myself, have because of these leasing systems. I have \$90,000  
44 worth of quota that I just recently finally got access to, about  
45 three weeks before this storm. These leasing systems do not  
46 work for all fishermen. The financial burden that we take on,  
47 while investors walk away with a cash cow, regardless of any  
48 liabilities or responsibilities, or even access to the ability

1 to be in this industry, because of no permits or not being a  
2 fish house or fisherman, is ridiculous. This has to end.  
3

4 The second side of it is, for the last two years, I have heard  
5 rumblings of people in that room, right there right now, wanting  
6 Casey Streeter out of the fishery, because of my opinions, and  
7 because I fight for real fisherman, fishermen that are in the  
8 same space that I am. These things can't happen.  
9

10 -- a fisheries management program because of opposition of  
11 opinion. For two years -- This last year, I said this is what  
12 is going to happen, and the fishery is going to collapse, and  
13 the leasing market is going to collapse, and this was six months  
14 ago. Right now, we've got more fish than we can catch, and more  
15 fish than the market can take, and the fishery is collapsing all  
16 around us.  
17

18 I came to you last year, when I couldn't fish, and you met my  
19 fishermen who were struggling in Fort Myers in June, with no  
20 access to fish, because there is too many lumberjacks and not  
21 enough trees, but -- We don't have to worry about any  
22 lumberjacks don't here. I have been blackballed, and my  
23 business has been damaged, and you guys have allowed this to  
24 happen. I look forward to the next meeting that I come to, and  
25 I look forward to being there in person, because, in all  
26 honesty, I'm lucky that I have an opinion and a voice and the  
27 ability to stand on a platform to say, hey, wait, this is not  
28 right, and so I will be in this fishery, and I will not leave  
29 this fishery, no matter what my circumstance is.  
30

31 I will resurrect what we have down here, and I will bring my  
32 guys back online. This is a United States fishery, and it's not  
33 an investor fishery. We're U.S. fisherman, and we're U.S. food  
34 producers. We should be respected, and we should be treated  
35 fairly, and we should be taken care of, because of the value we  
36 bring to our communities and economies. I look forward to  
37 seeing you all at the next meeting.  
38

39 **CHAIRMAN DIAZ:** Thank you, Mr. Streeter. We appreciate your  
40 comments, and we have a question for you from Dr. Stunz.  
41

42 **DR. STUNZ:** Hello, Casey. I've very sorry to hear about your  
43 losses, and our prayers and thoughts are with you guys there,  
44 but I did have a question about what you brought up about, you  
45 know, that you had been blackballed from the fishery, and I was  
46 wondering if you could expand a little bit on that, or just give  
47 an example of what you mean by that, or how do you feel that  
48 that has occurred to you?

1  
2 **MR. STREETER:** First of all, for our panel, -- I received a call  
3 to explain to me why I couldn't access fish, and it's because  
4 the investors and the shareholders are done with me, and they're  
5 not going to give you anything, because of my opinion, and I'm  
6 one person. I have no votes on this panel, and then, also, to  
7 tell me that any one I lease -- You're going to lead them to  
8 their demise, because my guys showed up in June to say, hey, we  
9 want to be in business, and we want to fish.

10  
11 Secondly, for the handful of people that actually give me fish  
12 to access, out of Tampa, I called to ask, and have you heard  
13 that I'm blackballed, and, yes, I got a call, because I was  
14 trying to get fish, and I was wondering where it was going, and  
15 so I want to know for how many years has my business suffered,  
16 and how many years have I lost out on my ability to make a  
17 living for my family and support for my community, and that's  
18 what I would like to know, because it just didn't come out of  
19 nowhere.

20  
21 Again, many rumblings, and many frank conversations with many  
22 individuals, and I'm sure these things will come up, because, in  
23 all reality, to try to destroy me for an opinion, someone who is  
24 in no position to actually any change, other than to be the  
25 voice of people who are in dire straits, like myself, and that's  
26 -- what I see.

27  
28 **CHAIRMAN DIAZ:** Thank you, Mr. Streeter. We appreciate your  
29 comments, and good luck to you. Our thoughts and prayers are  
30 with you all. Thank you. Okay. No other comments? We're  
31 going to move on to Mr. Charlie Bergmann.

32  
33 **MR. CHARLIE BERGMANN:** Good afternoon. I want to thank you all  
34 for going ahead and starting this process of private angler  
35 permits. I would ask though that, as each individual state  
36 works to create these permits in their state, that they have the  
37 same elements in each one of the states, and maybe it would be  
38 better to run it through the commission, and the reason for all  
39 of the same elements is we're trying to collect data, and we  
40 don't want to have any gaps because one state doesn't collect  
41 this one and one state does.

42  
43 I also would like to caution the agency and the council, with  
44 the new MRIP-FES data, and it doesn't correctly address the  
45 historical effort in fishing vessels. This last amendment on  
46 red grouper, we went back -- The council went back in time and  
47 figured up what the effort was, and that's all well and good,  
48 but how do you figure -- How do you factor in today's larger

1 fishing vessels and the higher horsepower and just the bank of  
2 electronics that won't allow fish to hide? None of that was  
3 available back in time, and so I can't understand how you can  
4 run a model and go back in time without having those factors  
5 placed in.

6  
7 Also, on the DEIS and the look at the economic impacts to the  
8 fishery and who is impacted, based on a small business, for some  
9 reason, we keep forgetting that each crew member is a small  
10 business entity. The vessel is an entity, and the captain is an  
11 entity, and each crew member is an entity. They all get a 1099,  
12 and they're all a small business, and, if we're going to look to  
13 ensure that the SBA gets a clear picture for the RFA, we need to  
14 include those.

15  
16 Lastly, on the ITQ situation, the history of the ITQ, at least  
17 in this fishery, it went through two moratoriums, or two votes,  
18 to see if the fishery wanted to go ahead, and it did go ahead,  
19 and the purpose and need -- The purpose of the ITQ was to reduce  
20 capitalization, and we've reduced the capitalization, and now  
21 we're struggling with how do you increase it again. Well, the  
22 goal was not to increase it. The goal was to reduce. There is  
23 quota available, and folks can reach out to a lending agency and  
24 get money and go purchase the shares, but, with that, I'm over  
25 time, and so thanks.

26  
27 **CHAIRMAN DIAZ:** Thank you, Mr. Bergmann. Next up, we're going  
28 to go to our virtual, Mr. Chad Hanson, and Ken Haddad is on  
29 deck. Mr. Hanson.

30  
31 **MR. CHAD HANSON:** Good afternoon, council members and staff.  
32 Thanks for the opportunity to provide testimony today. I was  
33 hoping to make it this week, but I was unable to pull it off,  
34 and so thank you for the option of doing this virtually.

35  
36 I'm Chad Hanson, with the Pew Charitable Trusts. First, our  
37 thoughts are with the people and fishing communities impacted by  
38 Hurricane Ian in southwest Florida. We hope for a speedy and  
39 full recovery.

40  
41 Over the past few years, we've been talking with you all about  
42 the need for a strategic plan to incorporate ecosystem  
43 considerations into fisheries management, a fishery ecosystem  
44 plan, or FEP. The current situation with gag illustrates a  
45 strong reason why we need to have an FEP, to provide guidance on  
46 addressing ecosystem-level issues affecting an important  
47 fishery.

48

1 Now, we encourage the council to convene the Ecosystem Technical  
2 Committee, before the January council meeting, to keep the  
3 momentum going on the FEP and to start tackling fishery  
4 ecosystem issues head on.

5  
6 Back in April, the council directed the Ecosystem Technical  
7 Committee, or ETC, to develop a case study that looked at the  
8 effects of red tide on fisheries such as gag and red grouper.  
9 Getting the ETC together to start developing a management  
10 strategy for red tide is imperative, as more red tides could  
11 form next year, or the year following, and this is particularly  
12 urgent, given the vulnerability of the depleted gag population.

13  
14 In a fishery ecosystem plan, the council would establish goals,  
15 objectives, and strategies to address ecosystem considerations,  
16 such as red tide impacts and habitat needs. These goals,  
17 objectives, and strategies would inform decisions on rebuilding  
18 plans and management of species, such as gag. As an example,  
19 the council could hypothetically translate an objective, from  
20 the FEP, of maintaining at least a 10 percent male ratio in the  
21 gag population and incorporate that objective as management  
22 strategies into the rebuilding plan.

23  
24 The most recent assessment shows that the proportion of males  
25 remains around 2 percent, while a fully healthy population  
26 should be closer to 20 percent. Male gag reside in known  
27 locations along the shelf edge in the northeastern Gulf, and so  
28 ecosystem-based management strategies could target protecting  
29 those areas and portions of the population. The Ecosystem  
30 Technical Committee could help develop those types of  
31 strategies, through a fishery ecosystem plan, or an FEI, which  
32 would then be turned into actions and alternatives in management  
33 plans, such as Amendment 56.

34  
35 In summary, we urge the council to convene the ETC by January,  
36 to finalize the FEP, begin developing FEI strategies for red  
37 tide, particularly for gag and red grouper, and help develop an  
38 EBFM approach to rebuild male gag to healthy levels. With that,  
39 I will thank you.

40  
41 **MR. KEN HADDAD:** We recently -- I am going to speak on Amendment  
42 33 first, and we sent a letter, recently, describing, in detail,  
43 our concerns with this amendment, as currently presented, and I  
44 want to first state that we have not been opposed to looking at  
45 reallocation of king mackerel. We think it's warranted.

46  
47 However, we strongly oppose how this is being approached in  
48 Amendment 33. We believe that, instead of basing reallocation

1 on uncaught fish, it should include fish left in the water and  
2 the value of those fish, and you are making a change in the FMP,  
3 Objective 1, from MSY to OY, and, also, you just had a  
4 discussion on the 102 workshop that is suggesting a look at OY,  
5 and you had some discussion, and it sounded like you might be  
6 moving forward on that.

7  
8 Kings, we think, are a poster-child for this, and you could  
9 start that now by following the path that I think John  
10 suggested, using the new ecosystem and decision aid approach to  
11 looking at OY. I believe there is an operational assessment  
12 coming up in the second quarter of 2024, and, if things started  
13 now, they could actually go into place and be an element in the  
14 decision-making, and we would encourage that.  
15

16 More specifically, in 33, for Alternative 2 and 3, we are  
17 projected to fish at 80 percent and 97 percent of our ACL in  
18 those two alternatives, and this is based on just four years of  
19 data, of information, to make that number, and 2019-2020 is the  
20 lowest landings by the recreational sector since at least 2001.  
21 If that is taken out, we would be fishing at 88 percent and 107  
22 percent of our ACL, based on those two alternatives. Based on  
23 the variability in our landings, we could exceed our ACL in any  
24 given year, if those go forward.  
25

26 We think that Amendment 11, that has already gone through,  
27 provides an increase to the commercial sector, and there is  
28 anecdotal evidence, and maybe even real evidence, based on just  
29 recent landings shown at this meeting on the recreational  
30 sector, that something is going on with king mackerel, and so we  
31 don't think it's ready for public comment, and we think it needs  
32 to be really reevaluated as to where you are on 33.  
33

34 For 54, we are -- We would prefer Alternative 3, and we can  
35 accept Alternative 5, and we do not like when you convert CHTS  
36 to FES, that allocation changes are considered a change, when  
37 it's just a currency change, and so we look at the -- For  
38 example, for Alternative 5, we still look at that as the 4  
39 percent reduction to the recreational sector, but we can accept  
40 that, if we have to. Thank you, Mr. Chair.  
41

42 **CHAIRMAN DIAZ:** Thank you, Mr. Haddad. We appreciate your  
43 comments. We have a question for you, Mr. Haddad, from Mr.  
44 Strelcheck.  
45

46 **MR. STRELCHECK:** Hi, Ken. Thanks for being here. Irregardless  
47 of allocation, it's been floated, the idea of a constant catch,  
48 and we've talked about that some, and we didn't pass an

1 alternative, and I'm just curious of ASA's position on constant  
2 catch, especially given how difficult it's been to rebuild  
3 greater amberjack.

4

5 **MR. HADDAD:** We're okay with constant catch, but it's going to  
6 be put in conjunction with allocation, and that's where we would  
7 have a problem, depending on how that was presented.

8

9 **CHAIRMAN DIAZ:** Okay, and so, next up, we have Mr. Brian Lewis.

10

11 **MR. BRIAN LEWIS:** Thank you, Mr. Chair, for this opportunity to  
12 speak. As I've said before, and I will say again, I appreciate  
13 the opportunity to do these virtual meetings, because it's less  
14 burdensome on myself, and so thanks again for this.

15

16 I want to let you know that my name is Brian Lewis, for the  
17 record, and I own a commercial fishing vessel out of Clearwater,  
18 Florida. It employs my son-in-law, who runs that boat full-  
19 time. I am a permit holder, IFQ holder, and I'm a member of the  
20 Gulf of Mexico Shareholders Alliance, and I want to let you know  
21 that we participate in the quota bank, and it has had good  
22 success.

23

24 We have had good success with it. It is structured in such a  
25 way to promote sustainability and conservation. We are asked to  
26 provide proof that we have a venting tool or a descending device  
27 before we're even allowed to be even a part of being a  
28 membership, and so I'm really grateful about that, because I try  
29 to be a good steward to my fishery.

30

31 As a commercial fishing vessel, we are staying with our limits,  
32 and we use the allocations as we get them. When we have  
33 undersized fish, we vent them and return them right, and so I'm  
34 very glad to hear that we're getting some education offered to  
35 other fishers, so that they can try to protect the resource for  
36 years to come as well.

37

38 When fisheries are declared overfished and undergoing  
39 overfishing, I am against any reallocations, and I think that  
40 should be put on the backburner, until we really get a true view  
41 of what is going on with our fishery. I mean, the Gulf Council  
42 puts out the Something's Fishy with the red grouper, or  
43 Something's Fishy with other species of fish, and, well, it's  
44 true. We're seeing it.

45

46 We need true accountability at the individual state, sector, and  
47 fishery level, in all fishery levels. Therefore, I am talking  
48 about the private recreational fishery, and we need mandatory

1 reporting of landings and discards, fish tags, vessel monitoring  
2 at the private level.

3  
4 I want to tell you a story. I went fishing with my wife on my  
5 commercial fishing vessel, and we declared a recreational  
6 fishing trip. When we came back to the dock, we were greeted by  
7 an FWC officer. He wanted to see inside. He asked for my  
8 licenses and asked to see inside my coolers.  
9

10 My wife asked him, are you going to check the other vessels that  
11 were at the dock, and he said, can I, yes, but will I, no.  
12 That's a problem, okay. It's a real problem. We have no idea  
13 what the private recreational guy is really catching, okay, and  
14 I can't -- Can you go on my IFQ website, and you can see our  
15 landings today, in real-time data, and all I see is, on social  
16 media, about all these gag groupers that these guys are  
17 catching, all these red snappers these guys are catching, and I  
18 ask my fishing friends -- I'm a recreational fisherman too, and  
19 I go recreational fishing.  
20

21 Have I ever gotten a survey in the mail? Never. Have I gotten  
22 a phone call in the old Coastal Household Survey? No. Have  
23 they? Same response. No. We have no idea what the universe  
24 is, and so I'm happy to see that maybe some movement, and some  
25 traction, is going on trying to establish a reef fish license,  
26 and I hope that that takes foothold, and we need to get -- We  
27 need to know what's being caught, so that you guys can manage  
28 our fisheries. You are our voice of our fishery, okay, and  
29 you're there to protect the fish for us. The Magnuson-Stevens  
30 Act was there to --  
31

32 **CHAIRMAN DIAZ:** Mr. Lewis, can you wrap it up, please?  
33

34 **MR. LEWIS:** Yes, sir. In closing, I just want to put out there  
35 that we all want -- You know, here's a quote from tragedy of the  
36 commons. When resources are shared, and limited, though  
37 potentially renewable, they are often exploited, and that's  
38 exactly what is going on, and so please try to work together to  
39 protect our resource. Thank you for this opportunity.  
40

41 **CHAIRMAN DIAZ:** Thank you, Mr. Lewis. All right. We're going  
42 to move on to our next speaker, which is going to be Mr. Chris  
43 Niquet, and then Mike Sullivan is on deck.  
44

45 **MR. CHRIS NIQUET:** My name is Chris Niquet, and I'm from Panama  
46 City, Florida, commercial fishing sector. The people on this  
47 council have ignored, for twenty years, the problem with the  
48 recreational sector of information gathering, accountability,

1 and discards.

2  
3 You have limits on the number of commercial vessels that can be  
4 used, and you have VMS, and you have call-in and call-out  
5 requirements. You have -- In some places, you have landing  
6 areas, where you can only land at a certain dock, or marina, and  
7 why can't these be instituted on the recreational side? Let's  
8 get some accountability and some data that really matters and  
9 not this voluntary iFish, but I'm talking about something that  
10 is mandatory, involuntarily, real time, and accurate.

11  
12 If they violate, put a fine on them that will make their hand  
13 stand up like Don King's, and I will tell you what it will do.  
14 About three or four of them, you will have some compliance, and,  
15 if necessary, you may have to force them off the water for  
16 months, no fishing, closed season, and I don't mean for a  
17 species, but I'm talking about fishing, just like they do for  
18 turkey and quail and ducks and bear and bighorn sheep and elk,  
19 to name a few. Thank you very much for your time.

20  
21 **CHAIRMAN DIAZ:** Thank you, Mr. Niquet. All right. Our next  
22 speaker is going to be Mike Sullivan.

23  
24 **MR. MIKE SULLIVAN:** Good afternoon, council. My name is Mike  
25 Sullivan, and I am an owner of four certified charter vessels in  
26 Panama City, Florida, dual-permitted, and I'm in both games,  
27 commercial and charter. Again, like so many have said, I want  
28 to say thank you for allowing us to do this virtually, for some  
29 of us that aren't able to travel to all the meetings like this,  
30 and it helps us get our word out.

31  
32 We'll start with gag grouper, and I understand why we need a 78  
33 percent reduction in the gag fishery, for it's been in decline  
34 for many years. I am not for a recreational September 1 start  
35 date to November 15, and I would like to see some sort of bag  
36 limit reduction first, a boat limit, and I understand that the  
37 days are going to cut drastically, and I don't understand why we  
38 wouldn't have them during the summertime, even if was, you know,  
39 not the whole June and July partial month, but that's when most  
40 of the gags are going to be caught recreationally, during all of  
41 the states' red snapper seasons.

42  
43 As we know, the gags and the red snapper run together. With it  
44 being closed that whole time, it's going to be such a huge dead  
45 loss that we're going to reach a chunk of the quota before we  
46 even get to September, which it's terrible to watch the fish  
47 float off. As we know, in the deeper water, the gags recovery  
48 aren't that great, even with venting tools.

1       With the 78 percent reduction, why don't we have all gag grouper  
2 closed January through the end of May, when they spawn? We all  
3 know they spawn through that time, and it varies from one year  
4 to the next. The commercial sector, I know they catch a lot of  
5 them, but, at 22 percent, they will catch the rest of the quota  
6 for the next six months, and that will definitely allow the  
7 fisheries to hopefully rebound. You know, we try that for two  
8 or three or four years and see where that takes us.  
9

10      I am going to switch to amberjacks, and I am also in agreement  
11 that that fishery has declined, the size limit making it a  
12 massive thirty-four-inch fish, and it hasn't brought the fish  
13 back, and the season has gotten shorter most every year, most  
14 every year, and I am definitely for some sort of split season.  
15

16      That does two things. It allows two different people to fish  
17 for jacks, because, some places in the Gulf, the spring is more  
18 their business, and some is in the fall, and this tries to help  
19 out, you know, people throughout the Gulf, and, also, by having  
20 a May start, and a September fishery, with that split season,  
21 that will give the Fisheries Service several months to dictate  
22 that, hey, you've gone over the quota, or, hey, you haven't, but  
23 we're not in this mystery of, by the way, this year, you  
24 overfished the quota by 30 percent, and you're not getting  
25 hardly anything the year before. This way, we could stay ahead  
26 of the game and help our fisheries sustain.  
27

28      One last thing, and I understand this is already a done deal,  
29 but I am voicing my opinion again on the red snapper. I am way  
30 against the 8 percent increase. There has been a decline in the  
31 fishery, the size, the numbers, and I feel like, in a few years,  
32 we're going to be up here talking about them, just like we are  
33 the gags, just as we are with the gags, from several years ago,  
34 when you said they had recovered. Thank you for your time, and  
35 thank you for everything you all do, and that's it.  
36

37      **CHAIRMAN DIAZ:** Thank you, Mr. Sullivan. Our next speaker is  
38 Mr. Bob Zales, and Marcus Kennedy is on deck.  
39

40      **MR. BOB ZALES, II:** Bob Zales, II, representing SOFA and NACO.  
41 First off, on amberjack, I don't really know what to tell you to  
42 do on amberjack. I mean, we've been managing amberjack since  
43 1990, and that's, what, thirty-two years, and they have yet to  
44 respond to anything that's been done.  
45

46      We've argued against increasing size limits, on the recreational  
47 side, time and time again, because, the larger that fish gets,  
48

1 the more likely it's going to die from being released. They  
2 stress out, and so we would like to see a size limit reduction,  
3 and, other than that, I don't know -- You know, I don't know if  
4 anybody has got an answer on the amberjack, and they're an  
5 enigma to me, because they should have responded to something,  
6 but they've been going downhill this whole time, and so we've  
7 got to figure something out.

8  
9 Gag grouper, we've talked, to Andy and several others, about the  
10 possibility of doing a total Gulf six-month closure for  
11 everybody, or five months anyway, January through May. The rec  
12 side is already shut down, and the commercial side pretty much  
13 is willing to shut down, but not if they're going to be stuck  
14 with a 78 percent reduction in quota, and so we need to figure  
15 out something there.

16  
17 Clearly a lot of people are going to suffer with that kind of a  
18 reduction. Consumers are not going to have fish, and the  
19 fishermen are not going to be able to make any money. Fish  
20 houses are going to be losing, and the communities are going to  
21 be losing, and so we need to figure out something to try to help  
22 people through this, and the red grouper fishery is already  
23 reduced, and so you're going to have fishermen out there  
24 fishing, and, once the ITQs are caught up on gags and reds,  
25 they're not going to stop, and they're going to still fish for  
26 something else, and so you're still going to have discard  
27 mortality.

28  
29 Getting into the private rec licensing, on behalf of the  
30 committee, I requested that the council, several months ago,  
31 look at creating a private recreational vessel permit. This  
32 would be a way to identify the number of vessels that are out  
33 there, created just similar to the commercial and for-hire  
34 charter permits that are there. You have a vessel decal, and  
35 you require reporting.

36  
37 This would give you information on the number of anglers on each  
38 boat, and so you would have a better count of that, and,  
39 frankly, we don't care how it gets done. If the states want to  
40 do it, and cooperate with each other, so the data is compatible,  
41 that's fine. I don't necessarily have to have the feds do this,  
42 but, somehow, we've got to get a handle and get that sector  
43 accountable with the rest of us.

44  
45 Discard mortality is a tremendous problem. It could be that,  
46 once you start getting better data, that discard mortality may  
47 not be as big as it is, and so they could benefit from this, and  
48 so, other than that, my time is up, I guess, and the red light

1 is flashing, and so any questions?

2

3 **CHAIRMAN DIAZ:** Mr. Gill.

4

5 **MR. GILL:** Thank you, Mr. Chairman, and thank you, Bob, for your  
6 testimony, as always. Would you support a constant catch  
7 strategy on amberjack, such as that proffered and recommended by  
8 the Reef Fish AP?

9

10 **MR. ZALES:** I guess, Bob, and, I mean, we have, like I said,  
11 been down this road with amberjack, and nothing seems to work,  
12 and so, you know, anything that you throw out there that might  
13 work. I mean, all the scientific stuff -- Every time we came  
14 here and they said, oh, we need an increase on the size limit on  
15 the rec side, and that's going to solve your problems, and it  
16 didn't. It just got worse.

17

18 You know, that's the thing, and so, you know, I don't know who  
19 to believe that, if a constant catch would work, if it will  
20 work, but, if it hasn't been done yet, let's try that and see.  
21 Something has got to be done, because the jacks are just, you  
22 know -- Where they are and what they're doing -- I mean, I hear  
23 from fish houses in Panama City that they're catching fifty and  
24 a hundred-pound fish in 600 or 800 feet of water, and so they've  
25 gone someplace, and they're not where we are, and so, you know,  
26 and it's gotten worse.

27

28 It used to be, when we could keep smaller fish, there seemed to  
29 be an abundance of them, and you had a lot of smaller fish.  
30 Right now, we're not seeing a bunch of small fish anymore, and  
31 so I don't know where they went.

32

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

34

35 **MS. BOGGS:** Thank you, Captain Zales, for being here. Do you  
36 fish for king mackerel?

37

38 **MR. ZALES:** Yes.

39

40 **MS. BOGGS:** Are you seeing any king mackerel?

41

42 **MR. ZALES:** No, and, I mean, you all have heard me. My family  
43 and I, we got into this business in 1965, and that's what we did  
44 initially, was king mackerel fish, and, in all the years since  
45 1965 that we have king mackerel fished, I have never seen king  
46 mackerel be absent from the waters around Panama City for three  
47 years in a row, and this was the third year that we haven't seen  
48 the fish.

1  
2 If I have caught two or three dozen kingfish this year, total,  
3 I've caught a lot, and it's never been that way. Bait is a  
4 problem, and so we don't know what's going on with kingfish  
5 either, because apparently -- That's kind of a northern Gulf-  
6 wide fishery too, and so everybody is having problems with  
7 kingfish.  
8

9 **CHAIRMAN DIAZ:** Thank you, Mr. Zales. We appreciate it. Marcus  
10 Kennedy is next on the list. Mr. Kennedy. Just make sure  
11 you're not muted on your end, Mr. Kennedy. All right, and so  
12 we're going to -- While we're trying to work out technical  
13 problems with Mr. Kennedy, we're going to move to the next  
14 person in the room, Austin Abrams.  
15

16 **MR. AUSTIN ABRAMS:** How are you all doing? Thank you, all, for  
17 coming out here and listening to us today. I'm Austin Abrams  
18 from Greg Abrams Seafood, the commercial industry. I'm going to  
19 follow-up on what Bob Zales had said. You know, starting off  
20 with kings, and I remember, three or four years ago, we used to  
21 have king boats from the east coast follow the king mackerel up  
22 to us, and I haven't seen a king mackerel boat on our dock in  
23 three years. Our boats haven't caught king mackerel in a while,  
24 probably a handful.  
25

26 As you're sitting here, and we're telling you that you all  
27 should go ahead and do something about it, we're telling you  
28 it's in trouble, and listen. These guys back here do it for a  
29 living, just like the red snapper. They told you, time and time  
30 again, don't give the allocations out, and what did you do? You  
31 did it, just so, in two years, you're going to take more away  
32 than what you gave us, and so these guys are sitting here  
33 telling you all, and why don't you listen and recommend what  
34 they're saying?  
35

36 On the black grouper, I also agree that we should do a closure  
37 for six months during the spawn, and I think that would help out  
38 tremendously. On the amberjacks, you all upped the limit, the  
39 size limit, for the last couple of years, and it hasn't helped.  
40 Maybe try and do twenty-eight inches again, and see if that will  
41 help. You know, every little thing we recommend, it will help  
42 anything, and so next is recreational.  
43

44 You know, we want more accountability for the recreational. You  
45 know, there's a lot of guys in this room that are charter and  
46 commercial, and I don't see many recreational, and so that shows  
47 you something. You know, we're here to help this industry. We  
48 care, because it's a living. We make a living on it, and we

1 feed the ninety-plus-percent of people in the United States that  
2 don't have the means to go out there and catch it, and so you're  
3 hurting a lot of small businesses.  
4

5 Another thing is I would like to see the board be a little bit  
6 more even. There's a lot of recreational on here, and I would  
7 like to see a little bit more charter/for-hire and commercial,  
8 and I would like to see a little bit more requirements for board  
9 members. Thank you.  
10

11 **CHAIRMAN DIAZ:** Thank you, Mr. Abrams. All right. We're going  
12 to try Mr. Kennedy again? No Mr. Kennedy? Then we're try  
13 Kellie Ralston. Kellie Ralston, if you're on, we're ready for  
14 you.  
15

16 **MS. KELLIE RALSTON:** I appreciate the opportunity to comment  
17 today. The virtual option is most appreciated, and so thank you  
18 for continuing to have that at the meetings. I also wanted to  
19 express support and condolences for those impacted by Hurricane  
20 Ian in southwest Florida. It's really been devastating to see,  
21 not only from a personal perspective, but also from a fisheries  
22 perspective.  
23

24 For a little bit of background, and I know most of you, but I am  
25 Kellie Ralston, representing the Bonefish and Tarpon Trust. We  
26 are a science-based organization that is focused primarily on  
27 the management of bonefish, tarpon, and permit, but also on the  
28 fisheries and habitats that support those important fisheries  
29 for Florida.  
30

31 We would like to express our support for the Habitat Protection  
32 and Restoration Committee's decision to not move forward with  
33 federal conservation and management of Florida pompano at this  
34 time.  
35

36 Over the years, BTT has worked really closely with FWC on  
37 management of Florida pompano and permit, because of their  
38 similarities, and we supported the continued state management  
39 for both of these species and appreciate the conversation that  
40 happened in the committee to recognize that the stock is  
41 primarily harvested in Florida state waters, that the stock  
42 appears to be in good, or increasing, condition, with relatively  
43 stable recreational fishing effort. Therefore, federal  
44 management is not warranted at this time.  
45

46 BTT encourages the council to support the committee's motion and  
47 to not move forward with federal management for Florida pompano  
48 at this time. Thank you very much.

1  
2 **CHAIRMAN DIAZ:** Thank you, Ms. Ralston. We appreciate it, and  
3 so, next up, we have Adam Abrams. Mr. Abrams. Okay, and so  
4 we're going to move on to Mr. Eric Schmidt.  
5

6 **MR. ERIC SCHMIDT:** Good afternoon. Eric Schmidt, charter boat  
7 and headboat operator from Fort Myers, Florida. First off, I  
8 will reiterate what Casey Streeter said about southwest Florida.  
9 The fishing industry, as well as everybody's life, has been  
10 greatly impacted around the barrier islands in the last three  
11 weeks.  
12

13 This morning, I listened to the Data Collection Committee, and I  
14 will reiterate, and agree, exactly with what Captain Walker had  
15 to say. In the SEFHIER program, the fishermen are becoming very  
16 upset and frustrated with what is happening with this program.  
17 This was supposed to be a reporting program to create -- Improve  
18 the landings data for the charter boats, and the headboats  
19 already had their own program, but this has really like spiraled  
20 out of control.  
21

22 Also, I am going to speak in favor of the recommendation made by  
23 the joint session of the South Atlantic and Gulf Council for the  
24 creation of a federal permit, and, as Captain Zales said, a  
25 federal vessel permit, and, if you look at what has happened  
26 here in the State of Florida over the last couple of years, our  
27 population has just exploded. We recently just got to a point  
28 where the State of Florida topped one-million vessels in  
29 recreational registration.  
30

31 Granted, they all don't fish in the Gulf of Mexico, and they all  
32 don't fish, but the potential growth in this industry is  
33 alarming, and I don't want to say that people can't go buy  
34 boats, but this body needs to get a handle on the number of  
35 recreational anglers that are participating in our fisheries,  
36 and, I mean, if you go to Freeman, or you go to Intrepid, or you  
37 go to SeaVee, or you go to Yellowfin, you're looking at three to  
38 four years on a build wait.  
39

40 These people are buying these boats, and they're not going to  
41 the sandbar, and they're not, you know, motoring up the  
42 Caloosahatchee River. These are boats that are fifty-foot  
43 center consoles with four or five engines, and I know somebody  
44 who just placed on order for a forty-seven-foot Viking with four  
45 600-horsepower Mercury. That's a two-and-a-half-million-dollar  
46 boat. They're going to fish offshore.  
47

48 I've been involved in this process for about twenty-five years,

1 and there's been two things that have been constant. There's  
2 never enough money for research, and there's always -- We're  
3 always guessing as to how many fish the recreational sector is  
4 catching, and it's time -- Because we keep doing the same thing.  
5

6 Amberjack is a great example here. We keep doing the same  
7 thing. Size limits, trip limits, bag limits, closed seasons,  
8 open seasons, and none of it is working, and so it's time that  
9 you really seriously think about doing something different, and  
10 just requiring a federal permit on recreational vessels -- It  
11 isn't going to be painful. It's an open-access permit, and you  
12 know exactly how many participants there are in every other  
13 fishery, but we have no idea, and it's a guess.  
14

15 We were using MRIP, and now we're using MRIP-FES, and so you  
16 take an estimate, and we have an estimate of an estimate, and  
17 it's a guess, and so we need to know the number of participants,  
18 and we need to have a better idea as to what they're catching.  
19 Thank you.  
20

21 **CHAIRMAN DIAZ:** Thank you, Mr. Schmidt. We have a question from  
22 Ms. Boggs.  
23

24 **MS. BOGGS:** Thank you, Captain Schmidt, for being here, and I'm  
25 sure that I understand how you feel after Hurricane Ian. We  
26 suffered through Hurricane Sally, and some of us here in Ida,  
27 and so we all feel your pain, I believe. Do you fish for gag  
28 grouper?  
29

30 **MR. SCHMIDT:** Yes, I do.  
31

32 **MS. BOGGS:** How has the fishing for gag been?  
33

34 **MR. SCHMIDT:** Our area suffered a severe red tide event in 2017-  
35 2018, and the nearshore waters were devastated. I run a  
36 headboat that does half-day fishing trips, and we normally fish  
37 within twenty miles of the beach, and so we really didn't catch  
38 very many fish, and that whole area off of Boca Grande and  
39 Charlotte Harbor -- That's one of the nurseries for gag grouper.  
40 It got hit really hard.  
41

42 Now, offshore, we're starting to see reports from divers that a  
43 lot of six to twelve-pound fish, probably year-three or year-  
44 four, and, last winter -- When the water gets cold, the gags  
45 move in close to shore. Last year, we had a really good  
46 recruitment. I mean, there were trips that we had thirty,  
47 forty, fifty juvenile gags that were, you know, twelve to  
48 fourteen inches, but we've seen a decline in the deeper water.

1  
2 I fish a lot of tournaments, and I can go back to 2012 and 2013,  
3 and I fish against some pretty good people, and I fish against  
4 the same people almost every year, and, in 2013, we would see a  
5 lot of forty-pound fish. Now, if you get a thirty-two-pound  
6 fish, you're in the running to probably win.  
7

8 **CHAIRMAN DIAZ:** Thank you, Mr. Schmidt. One more question, Mr.  
9 Schmidt, from Mr. Dugas.  
10

11 **MR. DUGAS:** Thank you, Mr. Chair. Hi, Eric. I have a question  
12 for you, but a comment first. The State of Louisiana does have  
13 a permit in place for recreational anglers, and it is mandatory,  
14 and I'm only speaking for the State of Louisiana, and I'm going  
15 to speak of Florida, but what I know, and my question for you  
16 is, for data collection, you mentioned that it was in a spiral  
17 downward, and people were upset.  
18

19 I guess my question is do you have any suggestions that we can  
20 work on? I mean, you see what's in front of us, right, and  
21 Option 1, 2, and 3 is not reasonable. I'm trying to help build  
22 Option 4 for you guys, and, I mean, do you have a suggestion,  
23 and I've talked to Ed as well on the side.  
24

25 **MR. SCHMIDT:** Well, I know, and, okay, and, I mean, if that's  
26 the lesser of all the evils, yes, then that's what we do. I  
27 mean, if you asked me what I would do with the program at this  
28 point, I would scrap it, because this is not what -- This is not  
29 what this was originally intended to do. This industry came  
30 forth to the council and said, look, we want to be more  
31 accountable, and we want to create catch histories, and with the  
32 possibility of eventually moving into an IFQ program, and now  
33 you've -- There is this whole process of, you know, is it going  
34 to be thirty minutes between dock-to-dock, or sixty minutes, or  
35 ninety minutes.  
36

37 I know there's fishermen in my area that, prior to the  
38 hurricane, but they're very frustrated with the whole process,  
39 and how many people do you have, and how many hours, and what  
40 was your price of fuel, and, you know, some of these guys, they  
41 run two or three trips, and they don't fuel up, and they're  
42 calling me, and how come they want to know this information,  
43 and, I mean, I understand it.  
44

45 I was involved, years ago, when the economic information got  
46 added to the commercial logbook, and, in fact, National Marine  
47 Fisheries Service paid us to go around to different communities  
48 and talk to people in the industry and explain why they were

1 collecting that information, but, yes, to do -- The agency  
2 hasn't done a very good job on outreach as to why they're  
3 collecting all this.

4

5 **CHAIRMAN DIAZ:** Thank you, Mr. Schmidt. All right, and so, next  
6 up, we have Dylan Hubbard, and then, on deck, and I see him in  
7 the back of the room, Mr. Buddy Guindon. Dylan. Stand by,  
8 Dylan. Marcus Kennedy.

9

10 **MR. MARCUS KENNEDY:** (Mr. Kennedy's comments are not audible on  
11 the recording.)

12

13 **CHAIRMAN DIAZ:** Mr. Kennedy, if you would -- You're loud enough,  
14 but you're coming in a little muffled. If you could back away  
15 from the mic, and maybe slow down just a shade, and try it one  
16 more time, please.

17

18 **MR. KENNEDY:** Okay. Anyway, I'm commenting on king mackerel,  
19 and I have definitely noticed a problem with them. I complained  
20 to Dr. Drymon, eight or nine years ago, about it, and he told me  
21 that I needed to refine my techniques and change the location,  
22 and so I've been working on the location, but I still can't find  
23 the things, and I know how to catch them.

24

25 We have caught them for years, and I have fished here for over  
26 fifty years, as a bycatch to bottom fishing all summer, and we  
27 catch them as a bycatch to tuna and wahoo fishing in the winter,  
28 and they have steadily decreased, over the years. We target the  
29 things three or four times a year for tournaments, and I go all  
30 out looking for them.

31

32 This year and last year were both very difficult to locate, and  
33 I had to go 150 miles west of the Mississippi River before we  
34 were able to locate a reasonable amount of king mackerel to  
35 target in a tournament, and so I know the stock assessments say  
36 they are plentiful, and should be available, but, at least  
37 during the summer, when they're supposed to be here, they're not  
38 here.

39

40 In the winter, there's still a reasonable number of them out  
41 there, in 200 and 300 foot of water, that we run into when we're  
42 tuna and wahoo fishing, but, from May through September, when we  
43 traditionally catch the things here, there are very few of them.  
44 I mean, sporadically, we'll run into a school or two, but  
45 they're just not here.

46

47 You know, prior to ten or fifteen years ago, anywhere you  
48 fished, from the mouth of Mobile Bay to the mouth of the

1 Mississippi River, over in the west delta and South Ten Blocks,  
2 you know, anywhere from the beach out to a couple hundred foot  
3 of water, they were a nuisance, I mean forever, and that started  
4 declining maybe fifteen years ago, and it really got noticeable  
5 five or six years ago, and, in the past two years, it's been  
6 really tough to catch the things, and so I just wanted to, you  
7 know, bring that up.

8  
9 I know there's some talk about transferring quota from the  
10 recreational sector to the commercial sector and such, but I've  
11 got buddies that are commercial king fishermen out of Dauphin  
12 Island, and, you know, the commercial king quota used to be  
13 consistently reached, toward the end of summer, August or  
14 September, and, you know, now, it's on into the winter, and a  
15 lot of these guys have just given up trying to catch the things  
16 in the summer, and, you know, you can't find enough of them to  
17 justify a commercial trip, and so I just wanted to throw my two  
18 cents' worth in on that, and good luck with all the other stuff  
19 we're trying to do.

20  
21 **CHAIRMAN DIAZ:** Thank you, Mr. Kennedy. Mr. Strelcheck has a  
22 question for you, Mr. Kennedy. Go ahead, Mr. Strelcheck.  
23

24 **MR. STRELCHECK:** Mr. Kennedy, I appreciate your comments on king  
25 mackerel. You mentioned that you're from Mobile, and we had a  
26 presentation yesterday, or two days ago, with regard to red  
27 snapper, and I'm curious if you fish for red snapper off of  
28 Alabama and, you know, what you're seeing, in terms of trends in  
29 the fishery, and also just information about, you know, your own  
30 fishing effort and if you've made kind of less trips in the  
31 recent year, because of gas prices and other factors.  
32

33 **MR. KENNEDY:** Well, the red snapper, inshore of about 150 foot,  
34 seem to have disappeared. I don't think we caught them, but, I  
35 mean, even my -- Offshore of 150 foot, it doesn't seem to be any  
36 different now from in the past, but, anywhere you fish -- Red  
37 snapper is where we fish for king mackerel, and the king  
38 mackerel have been consistently declining over the last several  
39 years, but the red snapper just -- (Part of Mr. Kennedy's  
40 comments are not audible on the recording.)  
41

42 **CHAIRMAN DIAZ:** We have another question for you, Mr. Kennedy.  
43 When you do respond, try to do what you were doing originally.  
44 We had a hard time hearing you at the end there, and so back  
45 away from that mic a little bit, please. Ms. Boggs.  
46

47 **MS. BOGGS:** Good afternoon, Marcus. Susan Boggs. As I recall,  
48 you are a pretty good amberjack fisherman. Can you tell me what

1 you're seeing with the amberjack off of Alabama?

2

3 **MR. KENNEDY:** Yes, and there is a significant local depletion  
4 around Dauphin Island. Anywhere within about forty to fifty  
5 miles of Dauphin Island, they're not nearly the nuisance as they  
6 used to be during the king mackerel tournaments. We fish with  
7 live hardtails and light line around structure, and, in years  
8 past -- They have been a terrible nuisance, up until the last  
9 three or four years, and now not so much.

10

11 Now, once we get out into, you know, 300 foot of water and  
12 deeper, when we're deep-drop fishing, it still seems like it's  
13 the same number of amberjack out there, you know, and there's  
14 plenty of fish in the twenty to forty-pound range, and an  
15 occasional, you know, eighty to hundred-pound fish out there,  
16 but, you know, some of these -- Anywhere under about 200 foot or  
17 so, there's a significant decrease in amberjack, especially the  
18 close-in range.

19

20 Twenty years ago, we would catch plenty of amberjack on the  
21 public reefs, south of Dauphin Island, and we haven't done that  
22 in many years, and, you know, we've had to go a lot deeper to  
23 catch things.

24

25 **CHAIRMAN DIAZ:** All right, and so we're going to move on to Mr.  
26 Guindon, Mr. Buddy Guindon.

27

28 **MR. BUDDY GUINDON:** Thank you. I would implore the council to  
29 follow the advice of the Reef Fish AP, because, this AP meeting,  
30 something historic happened. Doug Boyd put forward an amendment  
31 to have full retention in the amberjack fishery, and I seconded  
32 it, and he said he understood better maybe what I come to this  
33 podium and say, passionately, or sometimes aggressively, and I  
34 don't mean to do that, but it's just my livelihood, and the  
35 livelihood that my children will have when I'm gone, and so I am  
36 very passionate about it.

37

38 I've heard some of those things from council members that are  
39 sitting here, and so I hope you all come around to the  
40 realization that we're here for the benefit of the fishery and  
41 the people that use it, and our advice shouldn't be taken  
42 lightly. Much like the advice on red grouper and not increasing  
43 the quota, we have red snapper that we're asking you now to  
44 reduce the quota. I know you're bound and determined to follow  
45 that best available science, but it ain't there. It's not  
46 there, and, if it was, I would tell you it was.

47

48 You're trying to give us some kingfish, and it's very kind of

1 you. We can't catch the ones we have, and so go ahead and let  
2 the recreational fishermen hang on to those and figure out where  
3 the kingfish went, because they're not in the western Gulf. I  
4 have a friend here that loves to catch kingfish, and I don't  
5 think he's caught two-dozen of them this year, and he's put his  
6 time in.

7

8 Balance on the council, I'm hoping that the visit from  
9 Washington will help, and I think that will, you know, bring  
10 this up to a more productive level. We have people on here that  
11 are not wanting to move issues forward, and they're from a  
12 sector that needs a lot of help, and they're not giving them the  
13 help that they need. We need to identify the people that are  
14 participating, and we need to work towards a better system of  
15 accountability, so we know what they're throwing away, so we  
16 know what they're keeping, we know how many people are fishing,  
17 and all the things we need to know as fishery managers.

18

19 Let's just drop the attack on the IFQ system. It's meeting all  
20 of its goals, unless you want to come up and figure out some new  
21 goals that you want to achieve, and it's already meeting all of  
22 its goals, and it's been through that process. I know there are  
23 some people that don't like the fact that some people make money  
24 off of it, and some people sit on the couch and make money off  
25 it, and it's the way the system was built, and it's operating  
26 very well for the fishermen that are participating in it fully,  
27 the ones that go out and lease fish, the ones that want to  
28 participate, and it's working very well. Thank you.

29

30 **CHAIRMAN DIAZ:** Thank you, Mr. Guindon. Ms. Boggs.

31

32 **MS. BOGGS:** Thank you for being here, Buddy. Do you boats fish  
33 for amberjack, and, if they do, what are you all seeing on the  
34 water?

35

36 **MR. GUINDON:** I fish for amberjacks personally, and there's not  
37 as many as they was before. When you open up that charter boat  
38 season, it seems like they get really hard to catch, and there's  
39 a pretty good group of guys that get out there and get after  
40 them, and I see that management has gone to getting bigger sizes  
41 and shorter seasons, and I would implore you to try a much  
42 smaller size with a much longer season. When we meet our quota,  
43 it's closed.

44

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

46

47 **MR. STRELCHECK:** Thanks, Buddy, for being here. I know you just  
48 mentioned the IFQ program is working well, and we are hearing,

1 certainly, some concerns about just having access to allocation  
2 and trying to find allocation. You being an initial  
3 shareholder, but also, you know, one of the Shareholders  
4 Alliance, do you have any thoughts, recommendations, on how  
5 allocation could be more fully accessed for those seeking it?  
6

7 **MR. GUINDON:** Well, Andy, we put in place a system of buying  
8 your allocation, buying your shares, and that is still available  
9 to everyone, and we have a government program, though it be  
10 pretty hard to access, but it's there. I would say that maybe  
11 National Marine Fisheries needs to start educating people that  
12 are getting into this business that they need to secure access  
13 to allocation before they secure access to a boat and a permit,  
14 and that goes for the guy that is just running someone else's  
15 boat.  
16

17 You can't run someone's boat unless you have allocation to  
18 catch, and, when you take your allocations and drop them 80  
19 percent, even the guys that were able to lease fish, and were  
20 making a living, now they're disenfranchised, and so, until we  
21 get stabilized catch, you're not going to have a stabilized  
22 fishery, no matter what nuance you use to push fish to this guy  
23 or that guy, and there's just not enough fish to go around, and  
24 we need fleet reduction and not a way for the folks that got in  
25 the fishery after 2007 to access allocation that they aren't  
26 interested in leasing or buying.  
27

28 There is allocation available right now, red snapper, and I'm  
29 having people contact me with 10,000 or 12,000 pounds of fish  
30 all the time, and so maybe those folks need to come here and  
31 meet some of the people that are in a bind right now to get rid  
32 of fish, because, frankly, my company can't take on any more  
33 load, going into the economic future that we are facing, I don't  
34 think, in the worst quarter of the year to sell fish, and we're  
35 behind schedule. We're behind our normal catch rates, and so  
36 those folks that have fish right now certainly would like to get  
37 rid of them to folks that don't have any.  
38

39 **CHAIRMAN DIAZ:** Thank you, Mr. Guindon. All right. So we're  
40 going to go back to Mr. Dylan Hubbard, and Jim Zurbrick is on  
41 deck.  
42

43 **MR. DYLAN HUBBARD:** For the gag grouper fishery, in my opinion,  
44 I think it is healthier than the recent stock assessment summary  
45 illustrated. While I agree that the gag grouper have trended  
46 down a little bit, I don't feel that it's as bleak as the  
47 assessment portrays, and I commend the council for making the  
48 request for the interim assessment for gag grouper in the

1 upcoming year, and I hope that will continue, as the recent  
2 stock assessment's terminal year of 2019 was too far in the  
3 past.

4  
5 I would encourage the council to stick to the Reef Fish AP  
6 recommendations on the gag grouper rebuilding plan, as that  
7 group was a great representation of the fishery that we worked  
8 hard to meet in an agreement on the following suggestions.  
9

10 In Action 1 of the document, please adopt a rebuilding timeline  
11 of  $T_{min}$  times two. Also, keep allocation the same, using  
12 Alternative 2 in Action 1. For the recreational season, please  
13 use Alternative 2 in Action 2, and, if needed, as brought up by  
14 Mr. Strelcheck, modify that alternative to reflect similar  
15 language as other alternatives.  
16

17 For SEFHIER, I completely support any changes to alleviate the  
18 burden on the fishery for multiple hail-outs. I want to only  
19 improve this data collection system and move to this validated  
20 census-based data collection.  
21

22 Our fleet has already invested in this program, and I personally  
23 have spent multiple years invested in this program, in helping  
24 with the rollout, and we already have the hardware, and we  
25 already have a good setup and a good amount of buy-in. Please  
26 do not harm our attempt at being a well-documented and very  
27 accountable subsector of the recreational fishery with  
28 validated, calibrated, and well-vetted data that will eventually  
29 be able to be used in stock assessments to better inform this  
30 council on recreational fishing trends.  
31

32 For amberjack, Amendment 54, I would like to encourage the  
33 council, once again, to strongly consider the Reef Fish AP  
34 recommendations for allocation and season dates. However, Bob  
35 Gill's committee suggestion was a very close and supported  
36 alternative option, in my opinion. Please keep allocations the  
37 same in this stressed fishery. There is a big need to be  
38 extremely conservative on the species and its continuing to fail  
39 rebuilding plans. I would like the season to remain the same as  
40 the current emergency rule, starting September 1 until the end  
41 of October.  
42

43 For fall red snapper, I would like to see the agency set a date  
44 in the future that we could expect an answer on whether or not  
45 the season is possible, with a set start date. For example, if  
46 we can expect an answer around October 20, we could expect the  
47 season to begin the second Monday in November, for example, if  
48 there's quota available.

1 Electronic participation, I am very thankful to be able to  
2 participate virtually, when unable to participate in person, and  
3 the option to give public comment virtually is highly  
4 appreciated. Also, please move forward with an electronic  
5 voting option. This would make participating virtually even  
6 easier and make the process a lot more efficient in the room.  
7

8  
9 For African pompano federal management, I would encourage the  
10 council to write a letter to FWC to encourage them to remove  
11 their African pompano regulations from federal waters. This  
12 would eliminate the request and petition for federal management  
13 of this species. I do have some other stuff about king mackerel  
14 and the joint council workgroup, but I'm out of time. I  
15 appreciate your time today. Thank you.  
16

17 **MR. JIM ZURBRICK:** (Part of Mr. Zurbrick's comments are not  
18 audible on the recording.) -- in the summertime fishing, and you  
19 felt pretty confident that you could always possibly, you know,  
20 get a couple, and that hasn't happened in the last few years.  
21

22 Amberjack, I listened to that Reef Fish Advisory Committee, and  
23 it was unanimous, and it's really frustrating to see a unanimous  
24 decision, and Ed Walker brought that decision to you there  
25 yesterday, and then the council take a different path. They  
26 said don't allocate, and it's a fishery that, right now, until  
27 we get a new assessment, and see if something -- If something is  
28 working, leave it like it is, and don't reallocate, and let's go  
29 with that constant catch.  
30

31 That's really tough love, but sometimes that is what necessary,  
32 and also in the gag fishery, and, as a caveat to this, I want to  
33 thank my Florida representatives, and I think Florida is the one  
34 state that has representation that covers a little bit of  
35 everything.  
36

37 We end up with an academic, and we have an officer from the  
38 agency, basically, Bob Gill, and then we have a recreational,  
39 and so I think Florida is doing its job with representation on  
40 this council, and even Florida, who has a lot invested, with gag  
41 especially, doesn't think we need to be thinking about  
42 reallocation until we see some kind of an interim assessment to  
43 say, hey, this is working. Then we review these, these kind of  
44 things, but, at a time when we're all going to be struggling, I  
45 think we need to hold the position.  
46

47 I'm so sorry for Casey Streeter and everything that has happened  
48 to him down there, and there's a lot of frustration right now,

1 with everybody down there in south Florida, and they do have  
2 quota, and they're trying to find a home for it. They've got  
3 money out there, and they don't know what the future is, and so  
4 there were some comments about, you know, some of the problems  
5 leasing, and now they've got it, and I am one of the people that  
6 helped those people in south Florida.  
7

8 I remember one of our council members called me, a few years  
9 back, and asked me to help, and, since then, I've been right  
10 there for them, when I can, but I have got guys that fish for  
11 me, and I fish myself, and so I go out and try to find it for  
12 them, and I don't think we get enough credit, in this system,  
13 that we do try to find quota for other fishermen, but, also,  
14 some guys need so much of it that you can't satisfy them.  
15

16 If a guy says that I need 150,000 pounds of red snapper a year,  
17 to cover my discards, I mean, what do you do? If we didn't have  
18 the IFQ system, would he still have that need? Then we would  
19 shut the fishery down, and restaurants and retail outlets  
20 wouldn't have the access, and the American consumer especially.  
21

22 I will wind down here, and I will say this, that that federal  
23 permit sounds good to me. I believe that the feds, personally,  
24 should have a permit in federal waters, and in conjunction with  
25 the state reef fish permit, and so thank you.  
26

27 **CHAIRMAN DIAZ:** Thank you, Mr. Zurbrick. Okay. Next up, we  
28 have Mr. Bill Kelly, and we have Mr. Mark Tryon on deck. Mr.  
29 Kelly.  
30

31 **MR. BILL KELLY:** Mr. Chairman and council members and staff,  
32 Bill Kelly, representing the king mackerel gillnet fishery of  
33 the southern sub-zone. I want to thank the council for the  
34 unanimous support of Framework Amendment 12. When this rule was  
35 initially developed, the intent was nets out of the water by  
36 6:00 a.m. on Saturday and not no weigh-ins after 6:00 a.m. This  
37 will be of enormous benefit to the efficiency of the fleet.  
38

39 On allocation, Amendment 33, thirty-seven years is a long time,  
40 and this should have been corrected over a decade ago, in  
41 compliance with Magnuson-Stevens National Standard 4, especially  
42 for a species not undergoing overfishing or overfished. There  
43 is no shortage of king mackerel of any size in the southern sub-  
44 zone. If there are issues in the northern Gulf, consider  
45 looking at water quality, bait availability, impacts of the  
46 Deepwater Horizon oil spill, and the ongoing Taylor Energy oil  
47 leak, the longest in U.S. history. Most certainly these two  
48 events have had negative impacts on a number of year classes of

1 king mackerel.

2  
3 Weather permitting, the gillnet fishery is typically prosecuted  
4 in seventy-two hours, and that is testament to the health of the  
5 stocks in our area. Nets used in the gillnet fishery have a  
6 four-and-a-half-inch mesh, easily allowing fish that are two  
7 feet in length or more to pass through. There is some  
8 fluctuation from year to year. The kingfish harvested in the  
9 gillnet fishery are currently averaging about twelve pounds.

10  
11 Observations from spotter plane pilots have seen no reductions  
12 in abundance or school classes and sizes. Therefore, we would  
13 recommend the council adopt Alternative 3 as the preferred and  
14 reallocate 50 percent from the recreational to the commercial  
15 sector. However, we would be amenable to Alternative 2 and 25  
16 percent, if the council would include a provision to revisit  
17 allocation at regular intervals of every three years. Thank  
18 you.

19  
20 **CHAIRMAN DIAZ:** Thank you, Mr. Kelly. All right, and so, next  
21 up, we have Mr. Mark Tryon. Mr. Tryon.

22  
23 **MR. MARK TRYON:** Mark Tryon, commercial fisherman, Gulf Breeze,  
24 Florida. I run a small, twenty-seven-foot MayCraft with twin  
25 Yamaha 250s, and I run day trips. First off, a fishing report.  
26 The subpart snapper fishing continues. My catch per trip peaked  
27 just before the implementation of state management, and, after  
28 that, it's gone downhill precipitously, in my opinion due to  
29 overfishing, too many days of fishing, for the recreational  
30 sector in my area of operation in Florida.

31  
32 For instance, as I said, it's rod-and-reel fishing, and it's  
33 only twelve-hour trips, to maybe fifteen hours, and so there's  
34 not a lot of fish here that I catch, and I catch other fish too,  
35 but, way back in 2012, when the fishery was still depleted, I  
36 was averaging a mere 267 pounds a trip, and then, by 2019, with  
37 the recovery of the fishery, I was up to 538 pounds a trip,  
38 which is quite a significant improvement, and now, all of a  
39 sudden, as Wayne Werner described it one time, we're obviously  
40 sliding down the mountain here. I am down to 338 pounds average  
41 per trip, year-to-date this year, and so that is a very alarming  
42 decline, and it's not good.

43  
44 Moving on to the triggers, I think, yesterday, we determined we  
45 weren't on the five-yard line, like I hoped, but on the fifteen,  
46 or in the red zone, for that, and so just keep the momentum  
47 going, and maybe we can push that across the goal line and get  
48 some relief next year on that. I'm in an area where I catch,

1 often catch, the sixteen fish on the day trips, and then end up  
2 throwing fish back at the end of the day, and so it would help  
3 me. Anything helps.  
4

5 Regarding the amberjack and the gag grouper proposals, I think  
6 it's wrong to reallocate any fish stock at a time when the stock  
7 is in trouble, and almost to the extent where I can describe  
8 that thought, or attempt to do it, as unconscionable.  
9

10 That brings me to the last item, and then I will wrap it up  
11 here, and, when you have a one-sided council, which we do right  
12 now, which favors the recreational, it would seem, to me, that  
13 that's a violation, in and of itself, of Magnuson, and what do  
14 we do, in our regard, and it's not like -- You guys are  
15 unelected officials, and so we can't vote you out or anything,  
16 and so this is a real problem, and hopefully, you know, it will  
17 get resolved, or improved, or whatever, as time goes on in the  
18 future, and that's about all I have to say. Thank you.  
19

20 **CHAIRMAN DIAZ:** Thank you, Mr. Tryon. Next up, we have Ron  
21 Chicola, and B.J. Burkett is on deck.  
22

23 **MR. RON CHICOLA:** I don't have a whole lot to say today. Fuel  
24 prices are \$4.50, or \$5.00, a gallon, and lease price is at  
25 \$4.00, or \$4.50, and I will leave the boat tied to the dock.  
26 One thing they need to do right now, with the shrimp boats all  
27 tied to the dock, and now is the time to make the survey of how  
28 many red snapper are on the uncharted bottom, because it's  
29 unbelievable how many fish have gathered up on that uncharted  
30 bottom.  
31

32 It's unbelievable how many fish has gotten out there on the  
33 shell bottom, where the shrimpers usually work. It is time to  
34 take a count on the uncharted bottom, Dr. Stunz, and, if you can  
35 get the permission to do it, it would be perfect, and it would  
36 show how many fish is there, because there is plenty of fish off  
37 of Louisiana. There might not be any on Florida, or anywhere  
38 else, but there's plenty of snapper, anywhere you want to go, in  
39 Louisiana.  
40

41 As far as the mackerel, I haven't seen any mackerel, and, as far  
42 as the amberjack, they're definitely on the decline, and there  
43 is not many amberjack around. We don't catch many amberjack.  
44 On a whole trip, we won't catch two or three amberjack in the  
45 deep water, and so that's all I've got today, but maybe, if fuel  
46 prices go down, maybe lease prices will go down, and we can  
47 work. Thank you.  
48

1   **CHAIRMAN DIAZ:**   Thank you, Mr. Chicola.   Next up is B.J.  
2   Burkett, and on deck is Mr. Mark Kelley.  
3

4   **MR. B.J. BURKETT:**   My name is B.J. Burkett, and I own and  
5   operate two charter vessels, COI boats, and both are dual-  
6   permitted, and also a full-time commercial fishing boat out of  
7   Apalachicola.  
8

9   The first issue that I would like to talk to you all about would  
10   be the commercial gag fishery. As you've heard us say, over the  
11   last year or two, the fishery is improving, and it is still in  
12   bad shape, but that 80 percent reduction -- That is going to  
13   wipe out the gag fishery. I mean, there is still a few gag  
14   fishermen left, but the 80 percent reduction is just -- I mean,  
15   that's going to put us out.  
16

17   I see a benefit in a five-month spring closure for the gags. If  
18   you close them for five months, and then maybe a 40 percent  
19   reduction, it would be a lot better off for the species and for  
20   the fishery, but getting you all to go along with that is kind  
21   of hard to do, as I'm sitting here watching.  
22

23   On the recreational side of gags, it's still the same, and  
24   there's an issue. It is improving, but I see a huge problem  
25   when you all are trying to give us a September and October  
26   opening. For my business, from my standpoint there, it's days  
27   is very important, but, for this species, if you open red  
28   snapper on June 1, all the discards of gags is going to be more  
29   than what you're allowing us to catch.  
30

31   I mean, there are so many gags that we will have to turn loose,  
32   and the majority of them are probably dead, because there is so  
33   much fishing pressure, and not just for the charter, but I'm  
34   talking about recreational, and there will be so many people out  
35   there, and they're just going to watch them float off, and  
36   that's not management. That's a waste.  
37

38   The amberjack, you all -- Bob Zales said it earlier, and we  
39   can't figure out what to do with them, but what we're doing is  
40   not working. We had a way better fishery with a smaller size  
41   limit, and that's what I would recommend, is going with a  
42   smaller size limit. There is no reason to not have the calendar  
43   year start at January, even if you don't open it until August,  
44   and we all changed that years back, and it didn't help, and so  
45   why not put it back to where it was, to where there's a lot less  
46   confusion?  
47

48   Dolphins and sharks, they've become a huge problem. You all

1 kind of just kind of forget about it, and don't talk about it,  
2 and you all keep telling us that it's not in your ballpark, but  
3 they're damaging the species that you're trying to manage, and  
4 so you all need to step up and start fighting for us and  
5 fighting for these species.

6  
7 I hear a lot of excuses and passing the ball, and, oh, well,  
8 that's not our department, and that's a whole different agency,  
9 but we have you all up here to fight for us and fight for these  
10 species. Thank you.

11  
12 **CHAIRMAN DIAZ:** Mr. Burkett, we have a question for you, please,  
13 from Dr. Stunz.

14  
15 **DR. STUNZ:** Captain Burkett, I have a question for you. Several  
16 captains have come up and said this, and you just said it, and  
17 so I just -- It kind of hit me that you talked about the discard  
18 rate with gags, or whatever it happens to be, and that they're  
19 floating off, and are you using descender devices or venting  
20 those fish, or do you think it's --

21  
22 **MR. BURKETT:** It's not necessarily the charter/for-hire fleet  
23 that you're going to have this problem with, and it's the  
24 recreational, is my opinion, and not that they're doing  
25 something wrong, but they just -- They don't have the knowledge.

26  
27 Gag, especially in deeper water, you can vent him or not, and,  
28 if he comes out of 300 or 400 foot of water, he don't have a  
29 very good chance of surviving, but the recreational -- I see so  
30 many fish hit the dock in that timeframe, and there won't be  
31 near as many at the dock in September, and it gives me more  
32 fishing days, and I make more money, and it's a good thing, but  
33 we're up here fighting to tell you all that, hey, we're trying  
34 to build these species up, but we're not getting you all to  
35 listen, but we would love to have more fish in ten years, and  
36 that's more for everybody, but a June opening -- I may only get  
37 twenty days to catch them, but at least I'm not wasting them.

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

40  
41 **MS. BOGGS:** Thank you, B.J., for being here. Can you tell me  
42 about the king mackerel off of Apalachicola? Are you seeing  
43 any, catching any?

44  
45 **MR. BURKETT:** It's in very poor shape. I charter fish out of  
46 Panama City, but we commercial fish out of Apalachicola, but, in  
47 both areas, king mackerel is in very, very bad shape. I've been  
48 in it for nineteen years now, and it's, by far, the worst year

1 I've ever seen. The last two years has been bad, but this year  
2 was horrible.

3

4 **CHAIRMAN DIAZ:** Thank you, Mr. Burkett. All right, and so, next  
5 up, we're going to go to Mr. Mark Kelley.

6

7 **MR. MARK KELLEY:** Mark Kelley, Panama City. I have two charter  
8 boats, which both boats are dually-permitted. I am fully  
9 invested in the IFQ system. The first thing is I'm having  
10 difficulty with my boats, and I'm getting dirty letters from  
11 NOAA dealing with the hailing-out. I am not hailing-out for my  
12 commercial permit, but I am hailing-out on my charter/for-hire  
13 logbook, and so I get dirty comments when I call from them, but  
14 I'm doing what I've been asked, and I shouldn't have to do it  
15 twice, and that's what I am being forced to do right now, is  
16 make two calls in the day, instead of one.

17

18 Also, I want to speak just a few minutes on gag, and I know that  
19 some of this is repetitious, but, if the council chooses to go  
20 to a 78/22 -- It's down to 22 percent of the stock, a 78 percent  
21 reduction, and they will able to catch 22 percent commercially,  
22 and I can't understand why, for once, and we've about beat this  
23 horse to death, is why we can't close the spawn totally, from  
24 January to the end of May, or somewhere in that timeframe, and  
25 get a double bang for our buck.

26

27 We're not going to be able to catch a whole lot of fish  
28 commercially, but let's at least let the ones that we're going  
29 to be harvesting have the opportunity to spawn before they get  
30 hauled to the dock. As far as -- I'm not for any kind of  
31 allocation change in jacks or the gag grouper industry, until we  
32 get this thing out of the overfished cycle.

33

34 As far as the amberjacks, good luck. You all have got your  
35 hands -- I don't know what the answer is. I think a split  
36 season would help us, in the charter/for-hire industry, to keep  
37 us from overfishing it. I'm kind of concerned that, if we keep  
38 it a September/October season, that we will over -- That we'll  
39 have payback measures, and that will even hurt us further down  
40 the road.

41

42 I am bouncing back to gags. One thing I wanted to say on gags  
43 was I didn't see anything in the plan to reduce the catch of the  
44 recreational angler maybe from two fish to one, or a boat limit  
45 of six, somehow or another to increase our season, which would  
46 help us financially.

47

48 The kingfish is non-existent, and it's a mystery of what has

1 happened to them. I fish -- I probably fish 160 or 180 days a  
2 year, and I may have caught twelve fish for the year. Also, the  
3 sharks and dolphins is a massive problem. If we catch an  
4 amberjack, if it ain't bit in half when we get him to the boat,  
5 and we release that amberjack, he gets ate, and you see him get  
6 ate, on his way back down. Thank you.  
7

8 **CHAIRMAN DIAZ:** Thank you, Mr. Kelley. Ms. Boggs has a question  
9 for you. Ms. Boggs.  
10

11 **MS. BOGGS:** Thank you, Mark, for being here. You're about the  
12 second or third person that has commented about closing the  
13 amberjack with a split season, and so you said you don't want it  
14 September -- I mean, what split season?  
15

16 **MR. KELLEY:** I mean, we -- In this whole process of amberjack,  
17 we got May taken away from us, because we changed the start  
18 date, which caused total confusion in our industry, and, well,  
19 is this May for 2022, or is this May for 2023, but we catch --  
20 Unlike a lot of places, we have the massive movement of jacks in  
21 May. When the hardtails show up, the jacks are right behind it,  
22 but my main concern, with the split, is I don't want us to have  
23 to have payback measures.  
24

25 I don't want our season to get any smaller while we're trying to  
26 increase -- I mean, I need the jacks. We rely heavily on jacks,  
27 and it's -- Next to red snapper, it's our number-two fish, and,  
28 I mean, I'm here wanting it to be better. I thought, at this  
29 point in my life, our jack fishery would be robust, and the  
30 snapper fishery would be in great shape, which it ain't, and the  
31 gag fishery would be recovered, and, here, you all have got a  
32 big task ahead of you in the next few years. Something major is  
33 going on in that Gulf right now.  
34

35 **CHAIRMAN DIAZ:** Thank you, Mr. Kelley. We appreciate it. Next  
36 up is Larry Lemeux.  
37

38 **MR. LARRY LEMEUX:** Good evening, Gulf Council. My name is  
39 Captain Larry Lemeux out of Panama City, Florida. I own a dual-  
40 purpose for-hire and commercial boat out of Panama City,  
41 Florida.  
42

43 The first thing I want to talk about is kingfish.  
44 Unfortunately, the kingfish have been in a decline, and I don't  
45 know why, and it's been in decline for years, but this year has  
46 been one of the roughest years with kingfish, like Mr. Kelley  
47 said. I dock at the same marina that he does, and I do a lot of  
48 half-day and six-hour trips for kingfish, and there has been

1 many days this year that my customers don't even get to catch  
2 one, and we've relied on Spanish mackerel, bonita, barracuda,  
3 anything I can scrape up to make a trip.  
4

5 Second of all, I would like to talk about the accountability for  
6 the recreational fishing sector. There's got to be some kind of  
7 endorsement or some kind of -- In Florida, we have a reef fish  
8 stamp, to get some kind of data started, to find out the number  
9 of fishermen. Like some of the other have said, now we have  
10 boats capable of running sixty or seventy miles an hour, and  
11 they carry twenty people on them, and I'm saying we have to have  
12 some kind of endorsement, or stamp, to find out how many number  
13 of that caliber of boats and how many folks is fishing in the  
14 Gulf.  
15

16 If you had some kind of endorsement, just per person, and, you  
17 know, it could be a free endorsement, but it would give you guys  
18 some kind of number to go off of, to know how many people we  
19 actually have, you know, with effort in the Gulf of Mexico, and  
20 it would be a starting point anyway.  
21

22 The second thing is the amberjack, again. I started charter  
23 fishing in 1992, and I'm forty-six years old. When I started,  
24 it was three per person, twenty-eight inches. No problem, and  
25 the fish were everywhere, and now here I'm forty-six, and you  
26 can't hardly get a bite, in places, and I just don't know why,  
27 and I don't know what you've got tasked ahead of you, as Mr.  
28 Kelley said, and I don't know what -- I just don't know what to  
29 tell you, whether it be a six-month closure, with a fall season  
30 with a payback measure, and we don't know. With the split  
31 season, with the year starting in August, what we're going to  
32 get the following year, and it's just -- We've got a mess.  
33

34 I don't know what to tell you to do, but we need something done.  
35 I think lowering the size limit -- We're killing the bigger,  
36 huge brood fish that carry -- I'm not a scientist, but I know a  
37 sixty-pound fish has got more eggs than a thirty-pound fish, and  
38 I do know that.  
39

40 As far as the snapper, we've told you all now, and I've been in  
41 quite a few of these meetings in the last few years, and the  
42 snappers -- We're not seeing the snappers that we've seen in the  
43 past. I don't know why, and I don't know if it's pollution, and  
44 I don't know if it's effort, but something has got to be done  
45 with the snappers, and here you all are giving us 8 more percent  
46 next year, and we were struggling this year, to end the year, to  
47 get a limit of snapper for our customers.  
48

1 A sixteen-inch fish is what we're seeing, and there's been a  
2 decline in population and in size, and another thing that some  
3 of the other captains has touched on is the sharks and the  
4 dolphins. They are a huge problem. I think that's part of the  
5 problem with the jacks and the snapper and the gags.  
6

7 They're eating them, I'm saying. When you're fishing, and it  
8 don't matter if you're fishing with an electric reel or a hand-  
9 crank reel, and it doesn't matter. You're not catching them.  
10 If you get on a place where there is sharks, you're not catching  
11 anything. They are going to bite everything off, and so is the  
12 dolphins.

13  
14 If you do get the jack, and you do return them right with your  
15 descending device, they're getting eaten before they get to the  
16 bottom. I mean, it's pathetic, and, again, I don't know -- I  
17 don't know the answer, and I know, like he said, a lot of people  
18 have passed the ball off, but something has got to be done.  
19 Like I said, we appreciate you all's time, and we just want to  
20 stay in business and do the best we can do, but I sure would  
21 like to see my daughter, in twenty years, be able to catch a  
22 fish. Thank you.

23  
24 **CHAIRMAN DIAZ:** Thank you. All right. Next up is Rachel  
25 Hisler, and then on deck is Mr. Ed Walker.

26  
27 **MS. RACHEL HISLER:** Good afternoon. I am Rachel Hisler from  
28 Anahuac, Texas, and I am in the commercial fishing sector. Good  
29 governance guidelines include the development and maintenance of  
30 a transparent and stable economic and regulatory environment  
31 conducive to private sector activities.

32  
33 Whether those private sector activities are commercial, for-  
34 hire, charter, or recreational, we fishermen depend on you all  
35 to, among things, provide a platform that is participatory,  
36 transparent, and accountable. It must also be effective and  
37 equitable, and it must promote the rule of law.

38  
39 As a stakeholder in the commercial fishery, our future depends  
40 on the guardianship of this God-given resource. We are the  
41 watchmen on the wall who are providing a data-rich environment  
42 for the scientists to utilize for the management and  
43 optimization of the fishery.

44  
45 As the providers of the real-time, more accurate data that is  
46 used to inform the decisions made by the council, we fully  
47 expect to be equitably represented on said council. Moving  
48 forward, we anticipate seeing a better representation of

1 commercial and charter sector council members.

2  
3 Obviously, I understand that you all do not choose the members  
4 of the council, but the Secretary of Commerce does value your  
5 opinion and your input, and so we would like to see better  
6 representation of the commercial industry on the council, and I  
7 know you've heard that from several of the speakers today, and  
8 so thank you.  
9

10 **CHAIRMAN DIAZ:** Thank you, Ms. Hisler. Next up is Captain Ed  
11 Walker, and then Johnny Greene is on deck.  
12

13 **MR. ED WALKER:** Thank you, Mr. Chair. My name is Ed Walker, and  
14 you've seen me before, but I run out of Tarpon Springs, Florida.  
15 I'm a commercial king fisherman, a recreational king fisherman,  
16 and a charter king fisherman, and I'm very happy to hear from my  
17 colleagues across the Gulf a pretty unanimous message that  
18 you're hearing.  
19

20 You know, we can all have a bad season, and we can have bad  
21 water in our area when they migrate through, and this and that,  
22 but, in my zone, it's been at least two years now where we  
23 haven't had enough to go commercial king fishing. When the big  
24 schools of small fish come through, and for us it's in the  
25 spring and fall, and the word gets out, and we all go out there  
26 and all beat up one school, and we'll catch, you know, sometimes  
27 a thousand pounds a day, and I haven't even put the gear on the  
28 boat in two year for that.  
29

30 We catch a handful on charters, and not what we should be  
31 catching, and so I'm happy to -- I don't know that you all had  
32 recognized the depth of the perceived problem until day, and I  
33 think you're getting the message.  
34

35 If you look at the western Gulf, commercial, those guys used to  
36 blow that -- That's the biggest quota in the Gulf for kingfish,  
37 sector-wise, or zone-wise, a million pounds, I believe, and they  
38 used to blow that thing out of the water, and I don't know the  
39 exact numbers, but it was quick, in two or three months, and it  
40 was just a mad derby. The east coast guys came over, and that  
41 thing closed up, and so they've only caught about half of it,  
42 and they left, and I don't think they're fishing it much  
43 anymore, and so that's a significant fact of a data point, that  
44 they are not near their quota, and it's been much longer than it  
45 used to be.  
46

47 Moving on, one thing I wanted to say to NMFS staff is apparently  
48 I walked in today right after you guys got a presentation on

1 some help that NMFS was going to give to the complaints that we  
2 have about the charter boat reporting, and so I missed that, and  
3 some of them help me directly, and so I apologize, and I  
4 appreciate your help on the issue, and no hard feelings there.  
5

6 As far as gag, gag is an important fish for me. Personally, I  
7 prefer a November/December season, and that's the best fishing  
8 season, by far, in our area, which is the gag capital of the  
9 Gulf, and that's when the best fishing is, and that's when I've  
10 built my charter business around, and it's also when they're  
11 active in the shallowest water, and so, the warm months, you're  
12 likely to have to go out into deep water and catch a gag, where  
13 I can catch them in twelve feet of water, eighteen feet of  
14 water, and most of my fishing is done in less than twenty feet  
15 of water in the fall, and so we have no real issue with dead  
16 discards.

17  
18 I speak in favor of the recreational license. I never thought I  
19 would say that, but, with the number of boats exploding in the  
20 Gulf, you're going to have to look at it sooner or later, and I  
21 think we should explore it. Thank you very much.  
22

23 **CHAIRMAN DIAZ:** Thank you, Mr. Walker. We have a question for  
24 you from Mr. Gill.  
25

26 **MR. GILL:** Thank you, Mr. Chairman. Thank you, Ed, for your  
27 participation all week. It's been most helpful. One of the  
28 conundrums that I see in your recommendation is the best fishing  
29 for gag is November and December. Given the fact that we've got  
30 a quota this big, it will snap it shut faster.  
31

32 **MR. WALKER:** Yes.  
33

34 **MR. GILL:** I didn't hear you address that side of the question,  
35 and I would like to hear your comments on that problem.  
36

37 **MR. WALKER:** So, to use your term, "conundrum", yes. You can  
38 have a long, crappy season, where you stretch out your season as  
39 long as possible, when it's not really that good, or maybe -- We  
40 don't know what the days are going to be, and they're just  
41 projected, and I suspect that the projections don't even count,  
42 really, and this has never happened before. I think, and it  
43 occurred to me at the AP meeting, that it's already -- We're not  
44 talking about this year, and we're talking about 2024, right,  
45 and you've already decided the season for 2023.  
46

47 That's going to be your best indicator of what you need to do  
48 after that. You know, it might crush that thing in a week, when

1 the entire recreational universe says that gag is open, and it  
2 may blow it out, or maybe not, and maybe it will go two months,  
3 and we can speculate on it, but you will have a much better idea  
4 of where to go after having a season and seeing what happens  
5 with such a strict, you know, short season, where everybody has  
6 to go fishing, if you want to go gag fishing. I think you  
7 should probably, you know, pick a date, but leave it open-ended,  
8 to update after seeing what happens in 2023.  
9

10 **CHAIRMAN DIAZ:** Thank you, Captain Walker. Captain Greene.

11  
12 **MR. JOHNNY GREENE:** Hello. I am Johnny Greene, charter boat  
operator from Orange Beach, Alabama. It's kind of nice being on  
13 this side of the podium for a change, but, anyway, to move on --  
14 I don't think I ever wrote a notes before, when I was sitting on  
15 that side, about what I was going to say, and it just kind of  
16 came to me, but sitting at the back of the room is a little  
17 different deal, and you've got to kind of keep up and listen to  
18 people's intent and where they were going with things, and,  
19 honestly, I kind of walked away from it, after fifty-six weeks,  
20 I think I put into it, and nine years, and I kind of needed a  
21 break, to be honest with you, and so there is a light at the end  
22 of the tunnel, for some of you guys that has been here.  
23

24  
25 On the data collection, I kind of was very intrigued by Mr.  
26 Dyskow's comments earlier, and that was an interesting idea, and  
27 basing it to the angler I think is a more sound avenue than the  
28 vessel. I see where there could be some issues between a vessel  
29 license and anglers, and, if you're trying to identify a  
30 universe, angler is a great way to start, especially if an  
31 individual angler has to have a license, unlike the charter boat  
32 industry, where you have blanket licenses that cover that.  
33

34 Onto the data collection part of the deal, where you talked  
35 about the log-in and log-out, I currently use the VESL app, and  
36 I don't really have an issue with it. I am not dually-  
37 permitted, and I just only have been a charter fisherman for a  
38 long time, and it's just one of those things, and it's not  
39 really a time-consuming deal to me, and I don't have the multi-  
40 facets of moving to another dock to pick people up, but if, you  
41 know, Alternative 4 solves a lot of guys' issues with what's  
42 going on, then that's what we need to do.  
43

44 We spent almost ten years working on that deal, to get it out of  
45 committee and to vote on it and to push forward with it, and we  
46 need to continue with that.  
47

48 On amberjack, I think the September 1 to October 31 season is

1 probably the best way to go at this point. On the size limit,  
2 if you drop that size limit, there is going to be a lot of fish  
3 landed quick, because, as the size limit has gone up, so has the  
4 size of the fish, and so, if you drop that down, there's going  
5 to be a huge surplus of landings in a very short order, I mean  
6 extremely short.

7  
8 The slot limit, that's a pretty interesting comment, and we've  
9 looked at that in different capacities in the past, with  
10 different species of fish, and the problem with the amberjack,  
11 as these guys are telling you, with the sharks and the dolphins  
12 and the porpoises, and it's a huge deal, and I'm afraid a slot  
13 limit may make that a whole lot worse. I think, in theory, it  
14 sounds great on paper, but, in real life, it's an issue.  
15

16 Fishing this past year was one of the toughest years I've had,  
17 as a whole. There is something environmental going on, with the  
18 water quality. I have fished a lot of artificial reefs in my  
19 lifetime, and, when you pull up on a spot, and there is  
20 absolutely nothing there, that's a huge issue. I mean nothing,  
21 to the point that we have dropped cameras down to make sure that  
22 fish finder -- That the transducer hadn't gone bad. Really,  
23 that's about all I've got. That's it.  
24

25 I think, to the new council members, look at the longer time  
26 series, when you're making a decision, and look for the  
27 conservation of the resource in everything you do, and don't let  
28 a couple of percent persuade you which way to vote. Do the  
29 right thing. Do it for your kids, and do it for your grandkids,  
30 and that's it. That's really all I've got. If you need to  
31 check a text message or run to the bathroom, I'm not going to be  
32 offended.  
33

34 **CHAIRMAN DIAZ:** Thank you, Captain Greene. We have a question  
35 for you from Mr. Schieble.  
36

37 **MR. SCHIEBLE:** I think, as an emeritus member of the council,  
38 you should get an extra minute, and so how has your king fishing  
39 been this past year?  
40

41 **MR. GREENE:** I was trying to think, and it's just been awful. I  
42 don't think I've caught but three or four. You know, we're  
43 fishing 200 days, and only catching three or four or five or ten  
44 king mackerel, and it's just -- There's nothing to it, Chris.  
45

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

48 **MR. DUGAS:** Thank you, Mr. Chair. Mr. Greene, with your

1 previous experience on the council, do you have any sort of  
2 suggestion, or recommendation, on the shark issue? You know, I  
3 would like to see something done as well, but, you know, I feel  
4 like our hands are tied, and do you have a suggestion?  
5

6 **MR. GREENE:** Well, I've thought about this a lot, because it's  
7 not just snapper grouper and king mackerel, and it's wahoo, and  
8 it's tuna fish. I mean, you've seen it yourself, and, I mean,  
9 it's terrible, and I don't care how far out in the middle of the  
10 Gulf you go, and you're going to deal with sharks and dolphins.  
11

12 There is no rig far enough to get away from it, but my concern  
13 is how does that get incorporated into the stock assessment,  
14 because mammals, marine mammals, like a dolphin, they are one of  
15 the most intelligent animals there are, and they are one of the  
16 few other mammals that actually has sex for fun, and so they're  
17 extremely intelligent, but how does that get incorporated into a  
18 stock assessment that we've been working on forever?  
19

20 I think it's something that has to be addressed, because, if you  
21 do find a piece of bottom that has a few grouper on it, you get  
22 two or three up, or scamp, or snapper, or whatever it is, and  
23 you get two or three up, and you can see that giant mark on your  
24 bottom machine, and you better hurry reeling them up, and it's  
25 me putting both engines in gear and driving away, hoping I can  
26 float them to the surface faster than that shark can swim, which  
27 doesn't work too well, and then, once they get on you, meaning  
28 once they find you, they're going to stay on you the rest of the  
29 day, pretty much.  
30

31 Now, there are boats that can outrun them, some that can and  
32 some that can't. I assume they follow me, but I'm beginning to  
33 think maybe there's one on every spot that I go to, and I don't  
34 know the answer to your question, to be completely honest, and I  
35 don't know. I think the stock assessment part of it, and how  
36 things calibrate into that -- My point is that maybe the stocks  
37 are rebuilding, but you're not noticing it, because it's not  
38 showing up in the landings, and you're not seeing it in observer  
39 trips or discards, because the fish aren't coming to the  
40 surface.  
41

42 **CHAIRMAN DIAZ:** Okay. Thank you, Captain Greene. I'm sorry.  
43 Dr. Frazer.  
44

45 **DR. FRAZER:** Johnny, thanks. I know you cover a lot of ground  
46 when you fish, right, and so I was pretty surprised to hear that  
47 there are places that you don't see fish, any fish, on  
48 hardbottom, and I am just trying to figure out if the frequency

1 of those zero kind of places -- How that's related to your  
2 distance from shore, from your homeport.  
3

4 **MR. GREENE:** I do cover a lot of ground, and you've heard a lot  
5 of testimony from Mr. Kennedy earlier, and he covers more ground  
6 than most people I could ever imagine, and hearing him say that  
7 certainly brought that up. It's not -- You know, you think  
8 about the words "localized depletion", and I don't know that  
9 that's necessarily the case, because I'll fish way out of the  
10 way, seventy or eighty miles, or ninety miles, further than some  
11 people, and, when you pull up a spot in a remote area, and  
12 there's just nothing there, that just baffles me to no end.  
13

14 I mean, I don't know what it is. I don't know if we had so much  
15 predominant west wind this year that it pushed the hypoxia zone  
16 over our way, and it moved on through the fishery, and it seemed  
17 like, the first week of June, the fishery was okay, and, after  
18 that it really started to stumble and move down, and that's why  
19 I think there is something environmental that's going on.  
20

21 I mean, it's not a free pass to say, well, we've done our job,  
22 and it's Mother Nature, but there is something going on to it,  
23 and I wish that I could provide you more information, but it's  
24 just there's something going on, and there's too much -- When  
25 you listen to what's going on, which is what you guys do, and  
26 you kind of come away with a common theme, and there's something  
27 going on that's bigger than what we're doing.  
28

29 **CHAIRMAN DIAZ:** Okay. Thank you, Captain Greene. Next up is  
30 Alicia Paul, and on deck is Troy Frady.  
31

32 **MS. ALICIA PAUL:** Good afternoon, y'all. Alicia Paul. I own  
33 and operate two dually-permitted vessels in Panama City,  
34 Florida. Amberjack, I know we've done a lot of increases with  
35 size limit over the years, and, from my experience, it seemed  
36 like we had a much better stock when we had a smaller fish to  
37 harvest. I would like to see that size limit go back down to  
38 maybe twenty-eight or thirty inches, and maybe that will help  
39 increase the stock, because going up hasn't -- We're not  
40 harvesting a lot of the mature females.  
41

42 Gag grouper, a 78 percent reduction, that's a lot, and it's  
43 going to hurt a lot of people, commercially and recreationally  
44 and retailers. I would like to see you all try and go down a  
45 different avenue, whether it be a five-month closure during the  
46 spawn or a boat limit, whatever we've got to do besides a 78  
47 percent reduction.  
48

1 King mackerel, I'm not sure what the answer is there, and we're  
2 just not seeing them, and we're not seeing the bait.  
3 Triggerfish, I like the idea of the thirty-fish bag limit for  
4 commercial. It's kind of like red snapper, and it's  
5 disheartening to hear all the public testimony against the  
6 increase at the last meeting, and then this council passed that  
7 increase, despite what all your fishermen were standing up  
8 telling you, that we're seeing a decline in the stock.  
9

10 You know, we want to protect our livelihood, and we want to be  
11 accountable, and we worry about the payback measures along the  
12 lines, with the stock assessment being so far behind.

13  
14 SEFHIER, I heard a comment earlier about just scrap the program,  
15 and we can't do that. It provides accountability for the for-  
16 hire sector, and we need that, and it works. Does it have some  
17 overburdensome issues? Yes, but please don't do away with it.  
18

19 One other thing is the reallocation of these species, and I  
20 think it was Ms. Boggs that make the statement that it just  
21 don't make sense to reallocate any species that is currently  
22 overfished or undergoing overfishing.  
23

24 I was happy today to see the discussion, or the motions made,  
25 with recreational permits. We do need to get a better handle on  
26 how many vessels that we actually have fishing for our reef fish  
27 in the Gulf, and not just in one state, but we need that Gulf-  
28 wide. That's pretty much all I have today. Thank you, all, for  
29 the opportunity to get up here and speak.  
30

31 **CHAIRMAN DIAZ:** Thank you, Ms. Paul. Troy Frady is our next  
32 speaker, followed by Russell Underwood.  
33

34 **MR. TROY FRADY:** I'm Troy Frady, a charter boat captain from  
35 Orange Beach, Alabama. I was going to write a short speech, but  
36 instead I wrote a long one, but, in order to get through it, I'm  
37 just going to go ahead and try to hit on everything here.  
38

39 We hear so many conversations about what we need to do with each  
40 species, in order to get it under control or to make it  
41 sustainable or make it rebound, or make it rebuild, and, I mean,  
42 I come from a different world. Twenty years ago, it was a  
43 totally different world, and I look at things a little bit  
44 differently, and I read a report, probably seven or eight or  
45 nine years ago, that, in the next fifteen years, which was a few  
46 years ago, you know, 75 percent of our nation's population is  
47 going to be living in coastal communities.  
48

1 We often don't really think about that, but Baldwin County,  
2 where we live in Alabama, has grown by like 28,000 people per  
3 year, for the past few years, and it continues on that path.  
4 You know, in 2010, we had about two-and-a-half to three million  
5 people visiting our area, and now, because of the oil spill and  
6 coastal populations increasing, and people loving warm weather,  
7 and, I mean, we've got seven to seven-and-a-half million  
8 tourists a year down in our area.

9  
10 According to our state director, Mr. Bannon -- I think, a year  
11 ago, we had like 714 boats per day on the water in Alabama, but  
12 I looked the other day, on one of the most notorious Russian  
13 booking websites, called fishingbooker.com, and Alabama has over  
14 395 boats, charter boats, on that website. You know, the best I  
15 can recollect, back in 2010, about 12 percent of our population,  
16 from the numbers that I found, went charter fishing.

17  
18 Now, when you're at seven-million people, with a population  
19 increase, we're looking at about 16 percent of the people go  
20 charter fishing as an activity, whether it be for food or just  
21 for fun, and so let's go on forward here to a conversation that  
22 a couple of council members had about optimum yield.

23  
24 You know, it was implied that the recreational anglers, this  
25 morning, in this conversation, talked about optimum yield is  
26 different for a person in commercial fishing than what it is for  
27 someone in recreational fishing, how a dolphinfish on a boat,  
28 with a couple of guys fishing, would make them happy, where, on  
29 a commercial boat, if they didn't catch their limit, or catch  
30 their quota, they didn't have a good trip.

31  
32 You know, I loved hearing that conversation grab hold and get  
33 some gears, because I have thought about optimum yield my whole  
34 -- It's not just about the fishing, and it's about the  
35 experience, and it's about producing those quality things that  
36 make fishing fun. The reason we do it is to have fun. and not  
37 necessarily to fill the freezer, at least for me.

38  
39 Anyway, thank you for having those conversations, and I just  
40 think it's important to go forward and keep looking at  
41 population, and you're going to have removals. If more people  
42 go fishing, more people are going to removing fish, and,  
43 therefore, you can only expect fish populations to decline, just  
44 because of the sheer number of people out there hammering those  
45 fish every day, and it's not that they're catching and  
46 releasing, and it doesn't matter. It has an effect on the fish.

47  
48 The electronic logbooks, it's still a good program, and I like

1 it. King mackerel, I haven't caught really but probably four or  
2 five in the past three years. Amberjack, I like the constant  
3 catch. Open it September 1 to October 31. If you have to go to  
4 November, that's fine, but that's pretty much all I've got.  
5 Thank you for the opportunity to be with you. Thank you.  
6

7 **CHAIRMAN DIAZ:** Thank you, Mr. Frady. All right. Next up, we  
8 have Russell Underwood, and Kelia Paul is on deck.  
9

10 **MR. RUSSELL UNDERWOOD:** Thank you, council. I'm Russell  
11 Underwood, a commercial guy from Lynn Haven, Florida. I own  
12 about five boats, and I would like to talk about a few things  
13 today.  
14

15 About triggerfish, I support the twenty-five-fish bag limit on  
16 triggerfish. I would like to talk about scamp on an IFQ  
17 program. You all need to leave them scamp alone. We were all  
18 fishing it for ten years in this IFQ, and we need to keep scamp  
19 in the same category, and don't mess with scamp.  
20

21 Anyway, I support that, but, anyway, I helped develop this IFQ,  
22 and, years ago, maybe ten years ago, I supported fishermen, some  
23 new fishermen to get in this business, and we're all getting  
24 older, and I'm getting older for sure, and I support maybe  
25 finding some fish that some people that didn't get into the  
26 fishing business, in the IFQ, in the earlier part, and so I  
27 support maybe finding some fish, and part of this quota, to help  
28 the fishermen that is getting new in this business and getting  
29 started, and to help them out a little bit.  
30

31 I know there is quota out there, and I personally -- I lost my  
32 pride and joy in Hurricane Michael, and I also survived Ida, and  
33 I rented a truck out, in Ida, during the hurricane, and I  
34 damaged three of my boats, and they're still in drydock right  
35 now, as I speak, and I will drive back Thursday and go back to  
36 work fixing my boats, and so I have not had a great three or  
37 four years, as far as things happening to me, but, anyway, we've  
38 got some problems with amberjack, and we've got some problems  
39 with gag grouper now, I hear.  
40

41 I support a closure on gag grouper, and I've been in this  
42 fishing business for about fifty years, and I support a closure,  
43 but, for recreational, if we get a closure, I think they should  
44 get one too, and maybe we will find the problem with the fish  
45 and find other ways to bring the fish back. It's a very  
46 important fish for everybody, as far as eating and catching and  
47 selling and supporting the families that we support, but,  
48 anyway, that's about it, I guess. Thank you.

1  
2 **CHAIRMAN DIAZ:** Thank you, Mr. Underwood, for taking the time to  
3 come and share your testimony with us.  
4

5 **MR. UNDERWOOD:** All right. Thank you.  
6

7 **CHAIRMAN DIAZ:** We have a question for you, Mr. Underwood.  
8

9 **EXECUTIVE DIRECTOR SIMMONS:** I just wanted to tell you that it's  
10 great to see you back at the podium, Mr. Underwood.  
11

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

14 **EXECUTIVE DIRECTOR SIMMONS:** You were one of the first people I  
15 ever met, when I started working for the council, about fourteen  
16 years ago, and you always had a lot of knowledge, and you shared  
17 that with our staff, and I really appreciate that.  
18

19 **MR. UNDERWOOD:** Thank you.  
20

21 **CHAIRMAN DIAZ:** Next up, we have Kelia Paul, and on deck is  
22 Randy Boggs.  
23

24 **MS. KELIA PAUL:** Good afternoon, y'all. My name is Kelia Paul,  
25 and I have two dually-permitted vessels out of Panama City,  
26 Beach. I am not going to beat you all up on the amberjack and  
27 gag and red snapper and all that stuff. You all have heard  
28 enough of that today.  
29

30 I just want to stress how much effort that it takes for us, and  
31 everybody behind me, to come stand at this podium. It's nerve-  
32 wracking, and you all are very intimidating, and like it's hard  
33 to come up here and have these conversations and say these hard  
34 things to you guys, and then it's kind of seen like it falls on  
35 deaf ears.  
36

37 We're taking away from our businesses, our families, all that  
38 stuff, and the cost it takes to come over here and go to all  
39 these meetings, and then, when things happen like happened in  
40 Texas, it makes it so much harder to want to come back, and so  
41 I'm just going to implore you guys to take the expertise and the  
42 comments that you are guys are hearing and act on them.  
43

44 What it really makes it hard to do is all these people that  
45 don't come to these meetings, that have all the knowledge to  
46 share, that have all these good opinions and ideas, we can't get  
47 them to come to the podium, because they don't feel like they're  
48 heard, and so that was my only point today, and I just wanted to

1 say to really kind of change the dynamic and the outlook of the  
2 council in us being heard when we come to these meetings and  
3 come up here and stand and what it takes for us to all be here.  
4 Thank you.

5

6 **CHAIRMAN DIAZ:** Ms. Boggs.

7

8 **MS. BOGGS:** I would like to thank every one of you all for being  
9 here.

10

11 **MS. K. PAUL:** Thank you, Ms. Boggs.

12

13 **CHAIRMAN DIAZ:** Thank you, Ms. Boggs. All right. Next up is  
14 Randy Boggs, and on deck is Steven Rash.

15

16 **MR. RANDY BOGGS:** Good afternoon, everybody. I am going to  
17 speak pretty quickly today on the amberjack, the Alternative 2,  
18 with 73 recreational and 27 percent commercial. Amberjack are  
19 in trouble, and I've been telling you this thing -- I've been  
20 here, guys, since before most of you were on the council, and  
21 amberjack are in trouble, and it's going to take a closure, and  
22 it's going to take opening the fishery just during the  
23 wintertime. You've got to take the pressure off these fish.  
24 Lowering the size limit is not the answer, and, if you lower the  
25 size limit, you're getting the pre-spawn fish, and you're  
26 killing them before they get anywhere.

27

28 The cobia are in dire straits. That's one of the fish that we  
29 hear about in the spring, and then everybody forgets about them  
30 this time of year. If you don't do something with cobia pretty  
31 soon, you're not going to have a cobia to worry about. If you  
32 see a cobia now, it's a baby. It's what we used to call a pork  
33 chop, a little bitty baby fish, and the fish that are barely  
34 legal. We're not seeing any of the sixty, seventy, eighty,  
35 ninety-pound fish that we used to have years ago.

36

37 I went back and looked on one of the tables, and I hate this  
38 phone, and it's got a new lock on it, and I'm wasting time.  
39 Anyway, I went back and looked at one of the tables on king  
40 mackerel, and we talk about reallocating king mackerel, and the  
41 recreational sector has not exceeded 54 percent of the quota  
42 that they've been given in the past. Why would you reallocate  
43 fish to a sector that has never caught half of what they've been  
44 allowed before? That makes absolutely no sense.

45

46 When you get a fishery that's at 99, or 100, percent, or  
47 exceeding the ACL, then you need to talk about reallocating  
48 fish, and now I'm going slow down just a little bit, since I got

1 through all that stuff.

2  
3 Things that we see in the Gulf, and Johnny fishes way offshore,  
4 and he travels a long way to the southwest, and even further  
5 west. I run a headboat, and I run a pretty fast boat, and I  
6 fish between the Destin edge and pretty much off of Mobile. We  
7 lost our spadefish, and I don't know where the spadefish have  
8 gone. You used to be able to pull up on any of the big wrecks,  
9 and you could tell where they were, and the spadefish would be  
10 on top.

11  
12 The hardtail population is gone, and my office is from here to  
13 the screen in front of a fish boning station, and we see  
14 thousands and thousands of red snapper come to the dock, and we  
15 see two or three king mackerel coming to the dock, and the king  
16 mackerel stocks are in terrible, terrible shape. I don't know  
17 where they've gone, and you hear about areas where they're  
18 catching fish, and I was talking to Wayne a while ago, and  
19 there's one big rock in the Gulf that they catch a lot of king  
20 mackerel off of, and it's high, and it's warm.

21  
22 King mackerel are not very temperature tolerant, and so, when  
23 the water gets cold, they go to a structure or something that  
24 holds heat and holds the upwelling, where there is oxygenated  
25 water. We've got major trouble with our fisheries out here, and  
26 I know that it hurts the council's feelings, and it hurts my  
27 feelings, to talk about a closure, or doing something to stop  
28 this, but all we have to do is look to the north.

29  
30 If you look at what just happened in the king crab fishery, they  
31 had what they thought was a very robust fishery, and, all of a  
32 sudden, the fishery crashed, and it died. There is places off  
33 of Alabama, and there are some private reefs that have fish, but  
34 there is far more that have no fish, and no show of fish, and  
35 there's places off of Panama City and Destin, and, guys, you've  
36 heard today about this fishery stock, all across the Gulf-wide,  
37 going down.

38  
39 We're looking at the same thing that happened in the crab  
40 fishery, and you had a robust fishery, three or four years ago,  
41 in the crab fishery, and it crashed, and it's closed, and  
42 they're talking about years for it to recover. If the council,  
43 and the people in this fishery, don't take action, I think we're  
44 looking at the same thing in the Gulf of Mexico. Thank you,  
45 guys.

46  
47 **CHAIRMAN DIAZ:** All right. Thank you, Mr. Boggs. Next up is  
48 Steven Rash, followed by Eric McNally.

1  
2 **MR. STEVEN RASH:** My name is Steven Rash, and I have owned and  
3 operated Water Street Seafood in Apalachicola for the last forty  
4 years. I hope that I can say something today here that will  
5 make a difference. My first comments today are concerning  
6 discards in the snapper grouper fishery.  
7

8 Snapper and grouper, to a lesser degree, have become discard  
9 fisheries, and discard mortality far outweighs landings. The  
10 National Standards require you to minimize discards. However,  
11 current bag limits and size limits and seasons actually maximize  
12 discards. Eliminating discard mortality must be accomplished.  
13

14 One way to greatly reduce discards in the recreational fishery  
15 is to eliminate the two-fish bag limit. The bag limit can be  
16 changed to a certain amount of fish measured in weight, or even  
17 more easily measured in total combined length of fish.  
18 Currently, the two-fish bag limit could represent four pounds of  
19 fish, or it could be over thirty pounds of fish, and, after  
20 running ten to twenty miles out in the Gulf, most fishermen  
21 would, obviously, prefer two large fish.  
22

23 By measuring the bag limit by weight, fishermen would always be  
24 allowed to keep the maximum amount of fish. Three five-pound  
25 fish would equal one fifteen-pound fish. Another way to  
26 minimize discards is to consolidate seasons of different  
27 species, such as grouper and snapper. All fishermen combined  
28 are killing over forty-million pounds of snapper, to  
29 theoretically land about fifteen-million pounds. Eliminating  
30 this tremendous waste of our resource must be your top priority.  
31

32 The proposed reduction in gag will create a similar scenario as  
33 the red snapper disaster. Gag populations have seen a  
34 tremendous rebound over the last few years. Basing an 80  
35 percent reduction on data that's old and is irrelevant now will  
36 create tremendous discards. We must conduct an interim  
37 assessment, which will confirm the rebounding gag populations.  
38

39 Imagine a fishery with a zero discard mortality. Your jobs  
40 would be much easier. While is obviously not possible, we must  
41 act to reduce the horrible waste from discards, and, also, you  
42 could, in turn, allow the increase in quota for all sectors.  
43

44 A couple other things that I wanted to talk about are the gag,  
45 and, at Water Street Seafood in Apalachicola, last year, we had  
46 gag quota left over at the end of the year, and it expired.  
47 This year, we used all of our gag quota the first week in April.  
48 Boats were catching gag grouper like I hadn't seen in twenty

1 years.  
2  
3 Amberjack, our boats don't target amberjack, but they get their  
4 limit any time they want. They usually go out and target  
5 snapper and grouper and then get a limit of amberjack. King  
6 mackerel, I am not disputing what other -- What my friends and  
7 colleagues say, but, in Apalachicola, we're unloading 5,000 to  
8 10,000 pounds a day of king mackerel. We don't have the size of  
9 the fleet that's normally there this time of the year.  
10 Otherwise, it would be probably 20,000 pounds a day.

11  
12 With quota, trying to get quota to new participants, there is a  
13 loan program, which I tried to participate in. You can borrow  
14 money from the federal government, but they won't take the quota  
15 as collateral, and so, on one hand, they will loan you the money  
16 to buy the quota, but, on the other hand, they might take it  
17 from you and say, hey, you still owe us the money, and I said,  
18 no thanks.

19  
20 Years ago, and I think it was in San Antonio, when the state  
21 management proposals came up, and everybody was, you know,  
22 getting onboard for state management, we said that's not going  
23 to work out, and it's going to create problems, and you see the  
24 problems that it's creating now, and you see what's happening  
25 with the snapper.

26  
27 The size is going down, and the abundance is going down, and the  
28 catches are going down, in the Panhandle of Florida and Alabama,  
29 and the state -- You know, that's another standard. Fish are  
30 supposed to be managed over their range, and the range of red  
31 snapper is the Gulf of Mexico, and it's not defined by state  
32 borders. That was a big mistake, and everybody pays for it.  
33 That is my comments. Thank you.

34  
35 **CHAIRMAN DIAZ:** Thank you, Mr. Rash. Next up is Eric McNally.  
36 I'm sorry, Mr. Rash. We do have a question for you. Ms. Boggs.  
37

38 **MS. BOGGS:** Thank you, Mr. Rash, for being here today. Did I  
39 understand you saying that you all are not seeing an issue with  
40 amberjack, and, if that is what you said, what depths of water  
41 are you seeing those fish?

42  
43 **MR. RASH:** Our boats don't target amberjack. I can't remember  
44 the last time a boat targeted amberjack. They get their limit,  
45 pretty much when they care to get their limit. If they're in  
46 the area where the amberjacks are, then they'll go get  
47 amberjack, but we get amberjacks on a regular basis, and I don't  
48 think the amberjack season closed last year, and it hasn't

1 closed this year, and I think the limits have extended the  
2 season, but amberjack is really not that important. Thank you.  
3

4 **CHAIRMAN DIAZ:** I have one more question, Mr. Rash, from Dr.  
5 Frazer.  
6

7 **DR. FRAZER:** Thanks, Steve. Thanks for coming. I want to  
8 follow-up on the gag comments that you made, right, and so, if  
9 you -- I mean, one of the benefits, obviously, of the IFQ  
10 fishery is it promotes some stability in the fishery, right, so  
11 you can rely on fish throughout the year, but, if you close gag  
12 in that early part of that year, to protect those spawning fish,  
13 how will that impact your business? In other words, how  
14 dependent are you on gag during those times of year?  
15

16 **MR. RASH:** Gag is an important fish. Like I stated, we used all  
17 our quota this year in January, February, and March. We ran out  
18 of our total annual quota the first week in April. Obviously,  
19 the gag aggregation, the spawns, which somewhere around March,  
20 or in that area, could be protected, but it's -- There are just  
21 a lot of fish there, and, if the quota is cut 80 percent,  
22 they're going to throw a lot of fish away, and a lot of fish are  
23 going to die, and so -- I just hate seeing fish wasted.  
24

25 We're wasting a tremendous amount of fish in the Gulf of Mexico,  
26 wasting them, when we could bring them to the dock, and, with  
27 different management approaches -- You know, I understand that  
28 it's really difficult to wrap your hands around and try to, you  
29 know, come up with solutions, but just throwing fish back and  
30 feeding them to the porpoises and the sharks and the crabs and  
31 everything else is just a tremendous waste of our resource.  
32 Thank you.  
33

34 **CHAIRMAN DIAZ:** Okay. Eric McNally, and then on deck is Ed  
35 Pitre.  
36

37 **MR. ERIC MCNALLY:** Good afternoon. I guess I'm probably one, or  
38 two, of a large group of individuals. I'm a private fisherman,  
39 and there's not a lot of us here. First of all, one of the  
40 reasons, probably, is most of the private guys are at the office  
41 working right now.  
42

43 I would ask the council, maybe in the future, that we look at  
44 other avenues of maybe hearing from the private guys, and maybe  
45 they can write an email, or maybe they can have something of  
46 this sort maybe on a Saturday or Sunday, because most of my  
47 friends, colleagues and whatnot, are at the office, and so they  
48 can't be here. Luckily, I'm self-employed, and I'm able to step

1 away and do that. I would just ask the council maybe to look at  
2 other avenues.  
3

4 I heard, from some of the other individuals earlier, about the  
5 recreational side and how they're going to keep up with that.  
6 Well, I have to commend the State of Mississippi, and I'm  
7 actually from Biloxi, and the State of Mississippi has done a  
8 great job in tracking the recreational side on an app, and it's  
9 called Tails 'n Scales.

10 You log-in, and you have to give where you are leaving from, and  
11 you have to tell whether it's a private boat ramp or a -- A  
12 public boat ramp, a private pier, or whatever it may be, and you  
13 have to give your registration number, how many individuals are  
14 going, and whatnot. It's a -- If you haven't seen it, it's a  
15 great app, and I feel like everybody, across the Gulf, should  
16 maybe look at something in that regard, and I think it would be  
17 a great way to help track the rec side.  
18

19 Everybody keeps pointing fingers at the rec guys, and I don't  
20 think we're really catching as many fish as everybody seems to  
21 think we are. To be honest with you, we had multiple trips this  
22 year, and our best one, on the snapper side of things, we were  
23 limited out in thirty-four minutes, with twelve guys on the  
24 boat, and it's never been that way, and so I congratulate the  
25 council on what I feel like you all have done to make our  
26 fishery fantastic, especially in the State of Mississippi.  
27

28 Now, do we venture south towards Alabama, and south towards  
29 Louisiana? Yes, but, as a general rule, we're pretty much due  
30 south of Mississippi, and so I congratulate you all, and I  
31 applaud you all on that.  
32

33 I also heard some other individuals speak about the sharks and  
34 porpoises, and I don't know what you're going to do in that  
35 regard, but it is definitely a problem. Maybe we could do  
36 something in regard to a tag system, where recreational people  
37 may get three or four tags, and so you're not turning away --  
38 You're not releasing ten-pound snapper to catch fifteen-pound  
39 snapper, but a tag system may be something to look into, but  
40 something -- When we're releasing these fish, we definitely are  
41 seeing porpoises and sharks take them, even if they're vented,  
42 and it doesn't matter.  
43

44 I also was told that there's a potential decrease in our fishing  
45 percentage, potentially maybe 60 percent, and, like I said, we  
46 had a great fishery this year, and we haven't met our quota yet,  
47 and so I don't know why they would decrease our allocation by 60  
48

1 percent, whether it be the days or the total, and I don't know,  
2 but, other than that, that's really all I have.  
3

4 **CHAIRMAN DIAZ:** Thank you, Mr. McNally. We have at least one  
5 question. Ms. Boggs.  
6

7 **MS. BOGGS:** Thank you, Mr. McNally, for taking the time to be  
8 here. I am going to throw Emily under the bus, but find Emily,  
9 because there are other ways to give testimony, but the reason  
10 for my question is, and I'm asking this for a reason, but what  
11 size boat were you on, and how far offshore were you all fishing  
12 to limit out in thirty-four minutes?  
13

14 **MR. MCNALLY:** In that particular instance, we were in a thirty-  
15 six Yellowfin, and we were forty-eight miles offshore. Now,  
16 keep in mind that we're not like Mississippi or Florida or  
17 Louisiana, and we still have to run a pretty substantial ways.  
18 We have to run twelve miles offshore just to get to the barrier  
19 islands, and so, I mean, our fishery is not as close as the  
20 other states.  
21

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

24 **MS. BOGGS:** In what depth of water?  
25

26 **MR. MCNALLY:** Seventy feet.  
27

28 **CHAIRMAN DIAZ:** Okay. One more question from General Spraggins.  
29

30 **GENERAL SPRAGGINS:** Thank you very much for coming out today.  
31 Obviously, you know, you went out fishing this year several  
32 times, and has anything restricted you? Have the fuel prices  
33 and all been restricting you a lot?  
34

35 **MR. MCNALLY:** No. No. We're going to go, and we're going to go  
36 fish, and we're going to enjoy our resource, and it's just what  
37 we're going to do. The only thing that really has restricted us  
38 is weather, and, yes, we are running some big boats, but, at the  
39 end of the day, nobody wants to get beat up. We're weekend  
40 warriors, and we work Monday to Friday, but, from Friday  
41 afternoon, Saturday and Sunday, we're going to do everything we  
42 can to get out there and attack the fishery as best we can,  
43 because we feel like, just as anybody else, it's just as equal a  
44 fishery as ours as anybody making money off it.  
45

46 **GENERAL SPRAGGINS:** You know, one of the things that Mississippi  
47 is looking at, and I know you fish in Mississippi waters, but  
48 one of the things we're looking at is the possibility of

1 shutting down the season at certain times of the year, and  
2 mainly in the July/August timeframe, when it's so hot, and the  
3 water -- Then coupled with the mortality of discards, and do you  
4 think that would help at all?

5

6 **MR. MCNALLY:** Well, it may. The main reason I feel like we  
7 didn't reach our quota this year is we were having -- I feel  
8 like we did a pretty good job until they closed the season, and  
9 they closed the season, and everybody kind of seems to lose  
10 focus, and let's be real.

11

12 Here in Mississippi, when the season opens back up, everybody is  
13 looking at Saints football, or Mississippi State football, and  
14 they're not focused on going fishing, or they're going deer  
15 hunting or whatever else it may be, and so I feel like that's  
16 probably our main reason why we have not hit our quota, is  
17 people are not fishing, recreational-wise, once the season  
18 reopen, like they do towards the first part of the season, if  
19 you will.

20

21 **GENERAL SPRAGGINS:** Kind of like football games, and you go to  
22 them because they lose. All right. Thank you.

23

24 **MR. MCNALLY:** Yes, sir.

25

26 **CHAIRMAN DIAZ:** Thank you, Mr. McNally.

27

28 **MR. MCNALLY:** Thank you, all.

29

30 **CHAIRMAN DIAZ:** All right. Eric Brazer. I'm sorry. Ed Pitre,  
31 and then Eric Brazer is on deck. Ed Pitre.

32

33 **MR. ED PITRE:** Thank you, council. My name is Ed Pitre, and I'm  
34 from Galiano, Louisiana. I was born and raised down there, and  
35 I'm a twenty-two-year commercial charter fisherman on a charter  
36 boat in Louisiana, out of Grand Isle, and I'm working my way up  
37 in this fishery with a few older guys, to buy them out, and I  
38 have five younger kids, five boys and a little girl, and I would  
39 love to see them take this over.

40

41 I don't want a handout. I am earning my way into this.  
42 Changing the IFQ now will make it harder for me to enter. I  
43 know the rules, and I'm trying to build a business that fits  
44 those rules. I don't fully understand the whole calibration  
45 process, but it looks like you guys have to recalibrate, and you  
46 don't have to reallocate. It's your choice to do calibration,  
47 with or without also reallocating quota from the commercial  
48 sector and the recreational sector. You don't have to do this,

1 and why can't we just calibrate?

2  
3 Amberjack is a problem for us, also. In Louisiana, I'm not  
4 seeing nearly the fish like I used to, and king mackerel is also  
5 a problem. I am not a big king mackerel fisherman, but we  
6 always catch them on our charters, and, on a hundred-and-  
7 something trips this year, I ain't seen but probably ten of  
8 them, and the electronic logbooks -- Keep them up. I like  
9 what's going on. We can keep moving forward with them, and  
10 that's pretty much what I've got to say, guys. Anybody got any  
11 questions?

12  
13 **CHAIRMAN DIAZ:** Any questions? No question at this time, Mr.  
14 Pitre. Thank you for coming.

15  
16 **MR. PITRE:** I appreciate it, council.

17  
18 **CHAIRMAN DIAZ:** All right. Eric Brazer and then Jay Mullins.

19  
20 **MR. ERIC BRAZER:** Great. Thank you very much, Mr. Chairman.  
21 I'm Eric Brazer, Deputy Director of the Gulf of Mexico Reef Fish  
22 Shareholders Alliance. I usually have, you know, my testimony  
23 typed out ahead of time, and I usually like to highlight some of  
24 the strongest points that we've made in our letter, and I'm not  
25 going to do that today though.

26  
27 I hope you have had a chance to read our letter, to see where we  
28 are on the points for this week, and I'm going to try and take a  
29 step back today, with my testimony, and just ask you to consider  
30 three things when you're making your decisions this week and  
31 moving forward.

32  
33 Is what I'm doing increasing the stock, is what I'm doing  
34 reducing management and scientific uncertainty, and is what I'm  
35 doing increasing accountability, either at the individual level  
36 or the subsector level? I would just encourage you to ask  
37 yourself these questions as a way to start to prioritize your  
38 work.

39  
40 You guys have a lot on your plate, and staff has a lot on their  
41 plate, and it seems like, at times, it's kind of a scatter-shot  
42 approach to the work that's in front of you, and it's  
43 frustrating for us, but I can see that it's frustrating for you  
44 guys as well, and so I would urge you to use these three  
45 questions, to use these as a lens to look at as you try and  
46 prioritize your work and get yourself back to a better place,  
47 where you're actually working for things, as opposed to reacting  
48 and responding to a lot of the negativity that is happening in

1 the fishery these days, and so, anyways, we want to help you  
2 guys get to a better place and start to actually move some  
3 things forward, and that's why I usually type this out ahead of  
4 time, and so thank you.

5

6 **CHAIRMAN DIAZ:** Thank you. All right, and so next up is Mr. Jay  
7 Mullins, followed by Greg Abrams.

8

9 **MR. JAY MULLINS:** Good afternoon. I think I came here two  
10 years, and, first off, I want to say this. The Gulf Council's  
11 charge is to manage our fisheries as a whole and not he-said-  
12 she-said. You guys took an oath to manage our fishery as a  
13 whole.

14

15 By one council saying another council member can't participate  
16 in a certain conversation is -- It blows me away, but I did come  
17 here, a few years back, and said, you know, America is supposed  
18 to be the greatest nation in the world, but yet we've got a  
19 third-world country, like Mexico, that institutes more  
20 sustainable laws than the United States of America. They have  
21 closures in Mexico, but the great catch share program says, oh,  
22 we're going to give you year-round access to these fish.

23

24 Grouper species can't handle year-round access to the fish, and  
25 that's why we had a closure put into place back in 2000, but it  
26 got lifted, and look at our fish stocks, and the evidence is  
27 there. You know, I said that, and I also said something about  
28 discards. You know, let's increase the hook size to reduce  
29 discards, and Mote Marine took my idea and ran with it and got  
30 their grants and their process of doing that, and NOAA calls me  
31 up, after Piney Point, and they have this deal at Piney Point,  
32 and NOAA calls me up and asks me if I will put the water testing  
33 equipment on my boat and go test the water for them, because  
34 they couldn't get their vessel right away. I did that, and I  
35 didn't ask for a penny. I went 200 miles and tested water.

36

37 It's a shame that we can't come together as a whole, and not to  
38 mention that we -- I sent you all emails the other night about  
39 the discard program that we showed you all, and it lays out the  
40 discard program in black-and-white, and it's the simplest thing  
41 in the world, and nothing gets done about that. That's too  
42 sustainable.

43

44 When are we going to start making sustainable changes? You  
45 know, it's like buying a car and saying that's what you've got  
46 for the rest of your life, and what happens when it blows up? I  
47 guess you're out of gas.

48

1 When are we going to start making sustainable changes to the  
2 catch share program? This thing was voted, and fishermen voted  
3 on it, and some of us didn't agree with it, and you had to have  
4 an income qualifier, and you had to be a fisherman, and you had  
5 to harvest fish, right, and what has transpired since we lifted  
6 all those restrictions? We've got 1,100 share accounts, and  
7 we've got a multitude of -- It's ridiculous.  
8

9 I've got friends, multimillionaires, out of Tallahassee, that  
10 have Freemans with reef fish permits on their boats, just so  
11 they can go fish out-of-season, and I beg this council to do  
12 something more sustainable, you know, and we knew that this  
13 blackballing with Casey was going to happen. Two years ago, or  
14 whenever the Key West meeting was, I was personally approached  
15 by a high-ranking member of the Shareholders Alliance, and it  
16 was said that we need to get Casey out of this fishery. Do they  
17 really care about our fishery, or do they only care about  
18 themselves and their own agendas?  
19

20 The snapper in the eastern Gulf, as it's outlined in that  
21 discard program, my brother was the highliner of the eastern  
22 Gulf. We had 18,000 pounds of grouper, and, if we had 1,000  
23 pounds of red snapper back in the 1980s, it was talked about it  
24 through the Gulf, and I do a thousand pounds a day right now.  
25

26 **CHAIRMAN DIAZ:** Mr. Mullins, I am going to ask you to start  
27 wrapping up, please.  
28

29 **MR. MULLINS:** Okay. What I'm getting at is the Great American  
30 Snapper Count proved that Florida has stocks, red snapper  
31 stocks, and why are those fish -- We had Senator Rubio and  
32 Senator Scott send a letter to the Secretary of Commerce, and  
33 why do our fish keep getting shipped out of our state? I am  
34 just asking that you all do something a little more sustainable  
35 for us fishermen. We have earned these fish. Thank you.  
36

37 **CHAIRMAN DIAZ:** Thank you, Mr. Mullins. I have a question for  
38 you from Mr. Dugas.  
39

40 **MR. DUGAS:** Thank you, Jay. I have a question for you. You  
41 mentioned Casey being blackballed, and I'm just wondering, and  
42 are you faced with the same challenges? Are you being  
43 blackballed as well?  
44

45 **MR. MULLINS:** Well, everybody kind of knows that me and Casey is  
46 really tight friends, and so the apple don't fall far from the  
47 tree, does it?  
48

1   **CHAIRMAN DIAZ:** Mr. Dugas.

2  
3   **MR. DUGAS:** So you talked about discards, and I'm just curious.  
4   On your fishing trips, how often are you fishing, and let's just  
5   say in a week's time, and how many trips are you making, or  
6   maybe in a month's time, and how many amount of red snapper  
7   discards would you estimate that you have?

8  
9   **MR. MULLINS:** My average intake of red snapper, when I'm  
10   fishing, is close to a thousand pounds a day. Whether I've got  
11   allocation for those fish, you know, I could tell you instances  
12   -- My December trip, when I was promised that I could fish wide  
13   open, we put on almost 25,000 pounds of fish in nine days, but  
14   then I had to dig my boxes out, because then he comes back and  
15   tells me that you can only have 5,000 pounds of red snapper, and  
16   I had to personally throw over 6,000 pounds of red snapper that  
17   my crew had packed in their boxes.

18  
19   **CHAIRMAN DIAZ:** We have another question for you, Mr. Mullins,  
20   from Dr. Stunz.

21  
22   **DR. STUNZ:** Captain Mullins, thank you, and, just so I have a  
23   firm understanding of what you're saying, so, traditionally, you  
24   did not get -- You were a grouper fisherman that did not have  
25   snapper shares, just because of the nature of the fishery at the  
26   time, and now you're catching all of these snapper, but you  
27   don't have an ability to get the snapper quota that you need to  
28   be able to not discard all those fish, and is that a fair  
29   understanding?

30  
31   **MR. MULLINS:** Absolutely. We didn't have a snapper fishery in  
32   the eastern Gulf, back when the snappers were given out, and our  
33   snapper stocks were destroyed. We were under a rebuilding  
34   program, and we have rebuilt, and it's been exponentially  
35   rebounded, but our shares, our snapper, keep getting taken out  
36   of the eastern Gulf and given away, and so that has created an  
37   extremely abundant -- I mean, the discards has gone nuts, and,  
38   with the proper discards, the proper allocation, put in our  
39   accounts, you increase safety-at-sea, reduce pressure on fish  
40   stocks, and it's all there. It's all black-and-white. It's all  
41   sustainable, but yet we don't have it, and we have to go pay for  
42   something that's in our backyard, and our senators know about  
43   it.

44  
45   **CHAIRMAN DIAZ:** I have one more question for you, Mr. Mullins.  
46   Mr. Dugas.

47  
48   **MR. DUGAS:** One more. You mentioned a letter that was emailed

1 to the council, and I think that's maybe the second time we've  
2 seen it, but you mentioned there were signatures on the bottom  
3 of it, on that, and I'm just curious how many signatures. How  
4 many people was this paper in front of and signed-off on it in  
5 your industry?

6  
7 **MR. MULLINS:** I think Tom is probably familiar with it, but  
8 maybe close to 350 true, active participants, captains and crew,  
9 ones that are actively landing fish. We are the industry.

10  
11 **CHAIRMAN DIAZ:** Thank you, Mr. Mullins.  
12

13 **MR. MULLINS:** Thank you.  
14

15 **CHAIRMAN DIAZ:** All right. Next up is Greg Abrams, and Johnny  
16 Williams is on deck.  
17

18 **MR. GREG ABRAMS:** I'm Greg Abrams from Panama City. We've seen  
19 the good, the bad, and the ugly today, and the company he works  
20 for, Glen Brooks, I offered him 20,000 pounds of snapper two  
21 weeks ago, to lease, and he said that he didn't want to, and he  
22 wanted to catch his red grouper, and so I'm saying no big deal,  
23 and so I'm going to nip that in the bud, but I'm here, and  
24 Apalachicola has a snapper tournament, the biggest snapper  
25 weigh-in, and it's fifty to sixty recreational boats.  
26

27 I've been wanting to tell the council, because they need to put  
28 a stop to it, because I told them to name the tournament the  
29 discard tournament, high-grading, and so that's one problem  
30 we've got.  
31

32 The next problem we've got to solve is sharks. You all need to  
33 promote recreational shark tournaments. We had them years ago,  
34 and people like it, and it will solve your problem, because  
35 we've got too many sharks, too big sharks, and I've got four  
36 shark permits, and it's not feasible for me, because I can't get  
37 my fifty-five sharks, and so we don't shark fish.  
38

39 Amberjack, I don't know if it's water quality or the size limit,  
40 because my boat that is fishing in 600 to 700 foot of water is  
41 catching seventy-five-pound amberjack, catching their limit tile  
42 fishing and in the deepwater yellowedge fishing, every trip, and  
43 I've got three boats doing it, and it's on record, and so I  
44 would try something -- I would try the size limit for two or  
45 three years, and see what happens. You've got to do something,  
46 because, the last thirty years, we've been going in the wrong  
47 direction.  
48

1 Gag groupers, you all told me what you were going to do, and so  
2 I made my boats -- I said you've got to go catch my gags, and  
3 I've been keeping 20,000 or 30,000 a year, because they've been  
4 going snapper fishing, and so you look at my record, Greg Abrams  
5 Seafood, and I caught 59,000 in about two months. The gags are  
6 not completely 100 percent back, but they're on the rebound, and  
7 I could deal with a six-month closure. I can't do a six-month  
8 closure and an 80 percent cut. Maybe a 30 or 40 percent cut,  
9 and we can live with that, because we want to do something for  
10 the resource.

11  
12 In my business, and I'm in the trucking business too, and I've  
13 got seven trucks, and I didn't want to get into the trucking  
14 business, and so I pick up freight from Bayou La Batre all the  
15 way to Cortez, every week, twice a week, Monday and Saturday.

16  
17 This week, for some unknown reason, we picked up 21,000 kings in  
18 Bayou La Batre, and I think they were fishing to the west a  
19 little bit, and, at Steve Rash's, at Water Street, I picked up  
20 12,000 that come from David Krebs' boats, and he's not here to  
21 tell you that, but I am here, because I see them. They all come  
22 to my fish house, and we swap trucks, and they go to  
23 Philadelphia, Atlanta, and New York, and so I see everybody's  
24 fish in the Panhandle and mid-Florida.

25  
26 I don't know if it's water quality off of Panama City, but  
27 they're catching kings in Apalachicola today, and Bayou La  
28 Batre, and they have already called my son and told him what  
29 we're going to have for this weekend, and so it's a hit-and-miss  
30 of what's going on, and I can't explain it to you, and I think  
31 it's water quality, because I see stuff in water that's gone  
32 real dark green, when the tide changes, and so I don't know, but  
33 you all have got to do something with the sharks.

34  
35 The gags, I wish you all had listened to us on the gags,  
36 because, if you -- We're going to have a discard rate. If you  
37 cut it 80, we're going to have a big discard, and we're going to  
38 kill more gags than we're trying to protect. Thank you.

39  
40 **DR. STUNZ:** Thank you, Mr. Abrams. Up next is Johnny Williams,  
41 followed by Patricia Davis. I'm sorry. Mr. Abrams, we have a  
42 question for you. Dr. Frazer has a question for you.

43  
44 **DR. FRAZER:** I just wanted to follow-up on the sharks a little  
45 bit with you, and so you have shark permits, but you said it  
46 wasn't worth your time to fish them, and can you elaborate on  
47 that a little bit?

1   **MR. ABRAMS:** Well, your fifty-five head is not many sharks, and  
2   not at the expense of tackle, because you're going to throw a  
3   tackle, and that's what they set the limit at, is fifty-five  
4   head. The shark fins, you can sell them, but, still, to do it  
5   commercially, you've got to have more, more head of sharks, per  
6   trip, and they're there. They're definitely there, but it's  
7   just a tough fishery.

8  
9   **DR. FRAZER:** i appreciate that. Thank you very much.

10   **DR. STUNZ:** Okay. Up next is Mr. Williams.

11   **MR. JOHNNY WILLIAMS:** Good afternoon. Johnny Williams from  
12   Williams Partyboats Incorporated, Galveston, Texas, third-  
13   generation partyboat operator out of Galveston. Back in  
14   October, and, actually, like October 23 of 2019, I came before  
15   this council, and I said, you know, we need to do something  
16   about king mackerel. We had made eighty-one offshore trips, and  
17   we caught a total of forty-eight king mackerel, and we used to  
18   catch that many in one day, many more than that in one day,  
19   actually, at times, but the king mackerel fishery has gotten  
20   even worse since then, and you heard other people say the same  
21   thing up here, but still we take no action.

22  
23   Out of curiosity, I texted one of my friends down in Port  
24   Aransas, Kelly Owens, and I asked him about how the king  
25   mackerel fishing was down there, and he texted me back today,  
26   and I told him it was bad here, and he said, yes, the last five  
27   or six years, it seems like there's a lot less, but there are  
28   not very many shrimp boats anymore either, and so he's not  
29   catching the king mackerel down there either, and so I don't  
30   know why this council doesn't do what the fishermen are asking  
31   and address this issue.

32  
33   We're collapsing the king mackerel population, if we have not  
34   already done so, and, as far as your red snapper is concerned,  
35   the snapper, in my opinion, at least in my area, are on the  
36   wane, and these other boats came up here, and they basically  
37   said the same thing, and so we need to address the issues.

38  
39   I mean, two-thirds of the fishery, the commercial sector and the  
40   for-hire sector, came up here and said, you know, let's not  
41   raise the quota next year, but, instead, it passes, and I think  
42   that -- I understand that a lot of you people aren't out there  
43   on the water every day, like we are, and I guess maybe we need a  
44   more diverse council and have people that are actually on the  
45   water making some of the decisions, because it seems kind of  
46   antithesis of what you would think.

1 You would think we would be crying for more fish, instead of  
2 less fish, but I've been with the council process since 1989,  
3 and, you know, we were told that we were going to rebuild the  
4 fishery, and we were going to rebuild it this year, and we were  
5 going to rebuild it this year, and we were going to rebuild it  
6 this year, and now we're at 2032, and we're going in the wrong  
7 direction right now, fellas and ladies. We need to do  
8 something.  
9

10  
11 Don't just listen to the science, but listen to the fishermen.  
12 If they were saying, yes, we need more fish, you could say that  
13 these guys are just money hungry, but that's not what is  
14 happening here. We're asking for just the opposite, but don't  
15 stress this fish out again. Don't put us in the situation where  
16 we're back there again.  
17

18 The cures that I would like to see still, and I bring this up at  
19 almost every council, is Amendment 42. We had a great pilot  
20 program that worked wonderfully for us, and all the boats that  
21 were in the first year were in it the second year, and they all  
22 loved it, and it went nowhere. I don't understand that.  
23

24 I think we ought to convene a panel for 42 again, and we're  
25 having a few issues with the IFQ system with commercial  
26 fishermen, and I think we ought to be proactive and convene a  
27 panel and try to come up with a good plan for 42, and hopefully  
28 we'll be able to implement that soon. Thank you.  
29

30 **DR STUNZ:** Ms. Boggs.  
31

32 **MS. BOGGS:** Thank you for being here, Johnny. I know you all do  
33 a lot of longer trips, and what are you all seeing with the king  
34 mackerel fishery? I didn't mean to say king mackerel.  
35 Amberjack. I'm sorry.  
36

37 **MR. WILLIAMS:** It seems like, this year, we've actually caught a  
38 few more amberjacks than we have the last couple of years, and I  
39 don't know if it's just they happened to be on some of the spots  
40 we were fishing this year, but the amberjack fishing is nothing  
41 like it used to be.  
42

43 I mean, we used to go out there, and we would catch a pile of  
44 amberjacks, and tear up all of our tackle and everything else,  
45 and we would snapper fish for a good portion of the trip, and,  
46 about the last hour, we would pull up to one of the deepwater  
47 rigs offshore, and I say deepwater, but 150 feet or so, and we  
48 would just annihilate the amberjacks, and tear up all of our

1 tackle, and go home with probably twenty-five or thirty big  
2 amberjacks and a bunch of broken tackle.  
3

4 Nowadays, you know, on our long-range trips, we go tuna fishing,  
5 and we fish some deepwater stuff, ninety miles or so offshore,  
6 and we've been catching some amberjacks, and it seems like it's  
7 been actually just a little bit better this year than it has  
8 been the last couple of years.  
9

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

12 **MS. BOGGS:** What size are the jacks that you're seeing?  
13

14 **MR. WILLIAMS:** Well, we're catching some undersized ones, but we  
15 -- Before -- I was on a trip before the season started, because  
16 it was delayed, and we caught one fish that we threw back that  
17 was probably sixty pounds, but, you know, we've been catching  
18 some nice-sized ones, too. It seems like it's a little bit --  
19 But, I mean, it's not good. It's not like it used to be, but it  
20 seems like it's a little bit better this year, so far, or at  
21 least that's our experience.  
22

23 **CHAIRMAN DIAZ:** Go ahead, Mr. McDermott.  
24

25 **MR. MCDERMOTT:** I've got a question about the king mackerel, Mr.  
26 Williams. You seem pretty serious about us making a decision on  
27 them, and we've got four options, and we started out with three,  
28 and I made a motion for a 15 percent reallocation, and, if  
29 memory serves me, the commercial sector is harvesting 100  
30 percent of their allocation, and our sector is not harvesting --  
31 I think it's about 40 percent, and so, if we reallocate those  
32 fish, there is certainly -- It would seem that they're going to  
33 be harvested, and, of the four options, what do you think that  
34 we ought to do with the king mackerel?  
35

36 **MR. WILLIAMS:** From my experience, what I think we should do is  
37 either close the season completely or reduce the quota  
38 substantially, because the fish aren't there. I mean, I have  
39 heard one gentleman from Louisiana come up, at the last meeting,  
40 and talk about how, you know, they were catching a lot of king  
41 mackerel in this one area last winter that they found the fish,  
42 and it's the same off of -- I think there's some left off of  
43 Florida, where the grouper congregate at certain times of the  
44 year, and they close it off then, because the fish are too  
45 easily harvested then.  
46

47 It's the same situation with the king mackerel. This fish  
48 congregate in this one area, but the king fishing is just

1 terrible, compared to what it used to, and these fishermen  
2 wouldn't be asking to do something, you know, if everything was  
3 fine, because we're actually being better stewards of the  
4 resource than you all are here, in my opinion, you know, and we  
5 care about these fish.

6  
7 I'm a third-generation, and my daughter is following in my  
8 footsteps, and my grandson wants to follow in hers, and so I  
9 want those fish to be available in the future, and so please,  
10 you know, don't run these fisheries into the ground, and let's  
11 be reasonable.

12  
13 **CHAIRMAN DIAZ:** Thank you, Captain Williams. We appreciate it.

14  
15 **MR. WILLIAMS:** Thank you so much, and have a great afternoon.

16  
17 **CHAIRMAN DIAZ:** Next up is Patricia Davis, and on deck is Wayne  
18 Werner.

19  
20 **MS. PATRICIA DAVIS:** I am Patricia Davis, with Davis Consulting,  
21 and I have -- Actually, I think it was 327 signatures that the  
22 gentleman was talking about, and over 230 signatures from  
23 recreational fishermen. I only recreational fish, but I have  
24 chartered Gary's boat, Williams, and I've been out with the  
25 Boggs, and there are several reasons why I'm here.

26  
27 Now, I know, and I realize, that there are different fish in  
28 different areas, and so, if you have June to August, which is  
29 also our hurricane season, and that's a horrible way to decide  
30 when people fish, and so I'm asking everyone to pass Amendment  
31 42. It's very serious.

32  
33 Then, when it comes to the snapper season, I have thought about  
34 it several times. My father is ninety years old, and he's in a  
35 wheelchair. I can't put him in my boat, and so I have to  
36 charter a boat for him to catch snapper, and that's about the  
37 only fish he will eat.

38  
39 He doesn't care about the rest of it, and he's not eating it at  
40 a restaurant, and he won't eat shrimp, and that's what he wants  
41 for his birthday on December 15, when he turns ninety. I can't  
42 get him on my boat. We can't catch snapper on a regular fishing  
43 trip, and so I can't call Randy Boggs and rent his boat for a  
44 birthday party, because they can't do it, but I can, and he can  
45 sit and look at it in driveway. That doesn't help him much, and  
46 so he said, would you name the boat Tony's Treasure and bring me  
47 back some fish?

48

1 Well, that's fine, but he wants to go. He fought in Korea, and  
2 he was in the Navy, and he said that nobody should be able to  
3 tell me when I can catch a damn snapper, and, now, that's him  
4 saying the "damn" word, and so we can delete that out, but I  
5 will say that, when it comes to each area, you can go out there,  
6 and you don't know, on the east coast, what's going to happen.  
7 You don't know which time of the year this is going to happen,  
8 and so, if you have certain types of fishing, and you go into  
9 Amendment 42, you don't worry about that anymore, and then these  
10 guys can tell you, basically, what fish are there and what  
11 aren't.

12

13 I agree with Johnny. When they show these fish need to stop,  
14 stop fishing them, and stop fishing them. Fish these, and  
15 smaller fish do not have as many eggs, and get them smaller. I  
16 mean, I get that, but there are a lot of people, and  
17 recreational fishermen are backing these charter fishermen.

18

19 Even CCA, I've been there, to the meetings, and they say that we  
20 want them to make money, and we want them to take people out  
21 fishing, and they don't understand why it's so complicated for  
22 the charter fishermen and the headboats, and that's what I'm  
23 hearing, and I am not a charter fisherman. I don't own a  
24 headboat, and I'm a recreational fisherwoman who has gone with  
25 Mobile Fish and Game, who has gone with CCA fishing, and I'm  
26 just saying that everybody work together, because it is a  
27 beautiful Gulf.

28

29 There is something wrong with the sharks. I am working on that,  
30 and that's going to take a lot more research, and I have four  
31 people on it right now, and that's not something that you guys  
32 deal with, but it will be handled in some type of manner.  
33 There's something wrong with the water. I have my own theories  
34 on that, and even our drinking water, which also is being  
35 contended with, and it's not something you can deal with, but,  
36 if you could pass Amendment 42, I think it would solve a lot of  
37 problems.

38

39 **CHAIRMAN DIAZ:** Thank you, Ms. Davis. I appreciate it.

40

41 **MS. DAVIS:** Thank you very much. Have a wonderful day, and I  
42 know you all care, and so that's why I'm here.

43

44 **CHAIRMAN DIAZ:** Thank you. Wayne Werner is next, and then Randy  
45 Sobieraj.

46

47 **MR. WAYNE WERNER:** Good afternoon. Wayne Werner, the gentleman  
48 from Florida, and not Louisiana, and I'm not sure about the

1 gentleman part, but there's a few things that I would like to  
2 bring up, and I really don't have the time, because usually I'm  
3 very brief.

4

5 You know, when we talk about the snapper populations, people  
6 like Buddy Guindon and myself -- You know, I'm looking at a 200-  
7 mile range, from the mouth of the river to Flower Gardens, or a  
8 240-mile range, fishing-mile range, and Buddy is looking at a  
9 range that comes into mine and goes all the way past Aransas  
10 Pass, and so we're not looking at a little spot here. We're not  
11 looking at a sixty-mile radius, you know, as far as fisheries  
12 go, and we're looking at a lot bigger area, and I really wish  
13 you guys would understand that when we talk about the snapper  
14 populations going down.

15

16 I heard a lot about a thousand pounds of fish day going  
17 overboard, and I was around here, you know, before we went to  
18 the IFQ program, and I sure would like to take a comparison of  
19 what we threw back, the 300 days a year that we were closed,  
20 compared to them, and we already know it was a lot lower,  
21 overall. We already know that by the science, by observer  
22 programs, by everything.

23

24 We know it's better, but, you know, take the fish from me and  
25 give them to him, and create my problem, where I become the  
26 problem instead of him, and it sounds like almost an unsolvable  
27 problem, and you've got a lot of boats down there that are  
28 catching 3,000 pounds of fish, and they say they're discarding  
29 7,000 or 8,000. Unfixable. It sounds like they want to become  
30 red snapper fishermen.

31

32 Right now, and with the observers that I have taken, we're not  
33 going to be out red snapper fishing, and we'll just go fishing,  
34 and, you know, 80 percent of my red snapper that we've caught  
35 with observers on the boat have been landed while trying to  
36 catch other fish, and it's become more and more of a problem,  
37 because of -- Well, because, you know, there's less rigs, and  
38 less habitat, and so they're moving out on that bottom, and that  
39 has created another situation.

40

41 I know I'm out of time, but I want to say just two things about  
42 king mackerel. We don't see king mackerel in the summertime  
43 anymore. They're gone, and I kind of agree with Johnny that  
44 they're getting bashed on one spot, and it's not good, and we're  
45 just not seeing them, but we're not seeing tinker mackerel, and  
46 we're not seeing bonita. We're not seeing a lot of other fish,  
47 and I don't know why. I don't know why.

48

1 Amberjacks, every trip that we went out on the bottom, going  
2 fishing, we've caught -- One trip we had 800, and the other time  
3 we had a thousand, and so this -- We haven't had the proper bait  
4 to catch them, and so that's what I have to say.

5  
6 **CHAIRMAN DIAZ:** Thank you, Captain Werner. We have a question  
7 for you.  
8

9 **DR. WALTER:** Captain Werner, you've had a lot of years on the  
10 water, and you've covered a lot of ground, as you said, and  
11 we've heard a lot of things that are kind of concerning from, I  
12 would say, an ecosystem perspective, because we've brought up  
13 things that aren't even managed by this council, or managed by  
14 anyone, which changes in those, and fairly substantial changes  
15 in things like the prey, then are going to have ripple effects  
16 on the system. Do you have any insights as to what may be  
17 causing those changes?  
18

19 **MR. WERNER:** Well, I thought, at first -- One of the things that  
20 I just brought up was, you know, the migration patterns of fish  
21 that were used to having thousands of rigs, oil platforms, and  
22 the king mackerels -- Like a lot of the hardtails and other  
23 stuff that Randy talked about kind of migrated down through  
24 there, and, at night, you have lights on them, big, bright  
25 lights, that attracted fish, and they just kind of kept them  
26 moving, and they're gone. That's one habitat change.  
27

28 We're not sure of the effects -- We know the Chandeliers -- You  
29 know, there's not as much recruitment since the oil spill,  
30 because the bottom is probably a little sour there, and that's  
31 just a couple of things that I can come up with off the top of  
32 my head.  
33

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

36 **DR. FRAZER:** Wayne, you said, for AJs, you don't have the right  
37 weight either, and what's the right weight?  
38

39 **MR. WERNER:** Well, that's what I was bringing up, is the chub  
40 mackerel, and they're actually called chub mackerel, and we call  
41 them tinker mackerel, and we always use them, and we always --  
42 We catch six or eight baskets and use them to catch scamps and  
43 gags and jacks, and they're just not there this year. They're  
44 gone, and they're not being -- They're gone from one year to the  
45 next. Last year, they were there, and, this year, they're gone.  
46 Thank you.  
47

48 **CHAIRMAN DIAZ:** Thank you, Wayne. All right. Randy Sobieraj,

1 and then Jim Green is on deck.

2

3 **MR. RANDY SOBIERAJ:** My name is Randy Sobieraj, owner and  
4 operator of the Fishing Vessel Last Sight. I'm talking more --  
5 Less on the fishery and more about, I guess, the system. I'm a  
6 fiberglass, welder, painter, electrician, and, most of all,  
7 commercial fisherman, but you can look at the room on every Gulf  
8 Council meeting, but I'm a dying breed, and how many young guys  
9 do you see entering into the fishery, and, if nothing gets  
10 addressed on it now, you won't have the fishermen to fish the  
11 fishery we're sustaining, and so that was really I had to say.  
12 It's just one observation. If you around to any dock, you won't  
13 see no new, young fishermen entering into it. Thank you.

14

15 **CHAIRMAN DIAZ:** Yes, and I do think that's a big problem, Randy.  
16 Ms. Boggs.

17

18 **MS. BOGGS:** I'm sorry, Randy, but where did you say you were out  
19 of?

20

21 **MR. SOBIERAJ:** I fish out of Dulac, Louisiana, but I have also  
22 fished the east coast, from the Carolinas, and, the last trip, I  
23 was off of Galveston, and so pretty much everywhere in between.

24

25 **CHAIRMAN DIAZ:** One more question, Randy, from Mr. Schieble.

26

27 **MR. SCHIEBLE:** Mr. Sobieraj, I don't want to put you on the spot  
28 here, and so we can talk about this outside the room too, if you  
29 prefer, but what kind of options do you think you would need, as  
30 a new entrant getting into the fishery?

31

32 **MR. SOBIERAJ:** One, it's hard, and it's not like you can just  
33 make a phone call, or you don't see it online, on leasing quota,  
34 or anything like that, as far as red snapper and deepwater  
35 grouper and shallow-water grouper for sale. Most of the time  
36 now, there's a handful of key players that you can make a phone  
37 call, and, hey, I've got 20,000 pounds, and it's sold without me  
38 even knowing about it, and so just the access alone is hard, to  
39 even come about, but whether there is some kind of set-asides or  
40 some kind of program that allows new entrants to even get access  
41 to the quota.

42

43 Since I don't mind investing into my business, or buying into  
44 it, I bought some last year, and not a lot, but, you know,  
45 you've got to start somewhere, and so that was just kind of  
46 where I noticed.

47

48 **MR. SCHIEBLE:** Thank you. That was exactly what I needed to

1 hear.

2

3 **CHAIRMAN DIAZ:** Thank you, sir.

4

5 **MR. SOBIERAJ:** All right. Thank you.

6

7 **CHAIRMAN DIAZ:** All right. Jim Green and then Andrew Alexander.

8

9 **MR. JIM GREEN:** Hello. I'm Jim Green, President of the Destin

10 Charter Boat Association and President of the Charter

11 Fishermen's Association. You all have been beat up pretty good

12 on jacks today, but I will keep it brief on that. We support

13 what Mr. Gill was trying to do in committee, having a leveled-

14 off ABC, until we can get an interim analysis, or a full stock

15 assessment, and, you know, it shouldn't be on the table, with a

16 fishery that's in this bad shape, to have a steady increase in

17 ABC going forward. I would think that that would come whenever

18 you start seeing those bar graphs go the other way.

19

20 I've heard talk about smaller fish. I mean, I would really like

21 to see the numbers on what that would do with discards, and

22 maybe with such a small amount of quota, but, I mean, my entire

23 life, we've been catching fish that had less than or equal to a

24 50 percent chance of spawning, and, up until recently, a 60 to

25 80 percent. A thirty-six-inch fish is what needs to be done,

26 and we need to have them in that 90 to 100 percent bracket.

27 They need to be able to have a chance to replenish themselves.

28

29 You know, if we're going to move forward with an increasing ABC,

30 which I really urge you to reconsider, but Alternative 2, with

31 keeping the sector allocations where they are, and taking the

32 reduction in Action -- I'm sorry. That was Action 1. In Action

33 2, the preferred alternative of three, with 17 for the rec

34 buffer and 7 for the commercial.

35

36 When it comes to the management measures for amberjack, in

37 Action 1, Alternative 2 would be the preferred, to be honest.

38 We would like to see the May in there, and that's more for when

39 the fishery rebuilds, but, for us in Destin and the western

40 Gulf, and our CFA, we came to the conclusion that the fall

41 season is the most important, and, again, a thirty-six-inch

42 fish. I mean, every other fishery, we're allowing that fish to

43 replenish itself, and, in amberjack, for years now, we have

44 tried different things, but, if it's good enough for the

45 commercial guys, then it should be good enough for everybody

46 else. I mean, there's a reason why they picked that.

47

48 When it comes to gags, we support what the Reef Fish AP pushed

1 forward through. In Action 1, Alternative 2, specifically 2d,  
2 which gives us the longest rebuilding timeline. In Action 2,  
3 Alternative 2, a September 1 opening and running through the  
4 ACL. We support the annual interim analysis that they requested  
5 from the SSC. You know, this fishery has a lot of dynamic  
6 changes, biologically and environmentally, and so I think that  
7 that would be very helpful.  
8

9 When it comes to the federal permit for recreational fishermen,  
10 I think it's a great idea. I think it would help with  
11 enforcement, and I think you create a pool that you can survey.  
12 You can survey them quarterly, ask them about their effort  
13 amount, the amount of anglers they took. You know, it doesn't  
14 have to be so much harvest out of it, but finding out that  
15 effort and identifying that universe would be a really, really  
16 good thing. I'm out of time, but I really wanted to address  
17 some of the SEFHIER talk that we heard earlier in the thing, if  
18 I may.  
19

20 **CHAIRMAN DIAZ:** I think Mr. Dugas has a question for you. Mr.  
21 Dugas.  
22

23 **MR. DUGAS:** I will ask you about SEFHIER.  
24

25 **MR. GREEN:** All right. I appreciate that, because I will tell  
26 you that I was hot back there, when the earlier gentleman said  
27 to scrap it. Some of these people that you hear say that, they  
28 weren't there for the hundreds of hours trying to figure it out,  
29 working with the staff, working with the SEFHIER managers on the  
30 calls every week for months, and you don't throw the baby out  
31 with the bathwater.  
32

33 I mean, we've asked for this for twenty years, our industry has,  
34 long before IFQs, long before any of that stuff, and we knew  
35 that counting the data was important, and the agency, and that  
36 group of managers for SEFHIER -- I mean, we've got a document  
37 that we need to pass now, and you spoke about Option 4, and  
38 anything over sixty minutes, but Option 4 would be great. I  
39 mean, we have made strides to make sure this rollout was as  
40 smooth as possible, and I appreciate this council working on  
41 that and the equipment failure protocol, or whatever it ended up  
42 being titled as.  
43

44 We thank you, and like this was our first year, and it's  
45 bringing people into compliance, and it takes me about three  
46 minutes to fill out a SEFHIER reporting, sitting -- I mean,  
47 three minutes. It's shorter than most people scrolling social  
48 media on the way in, and it has been so beneficial, and we see

1 what it can be, and please do not scrap it, whatever you do. I  
2 mean, like I had to contain myself back there, but it took a lot  
3 of work, and it took a lot of nimbleness from the agency and  
4 their staff, and it's really a blessing that we're this far, and  
5 we really appreciate it, and so please do not throw us out,  
6 whatever you do, and so thank you.

7

8 **CHAIRMAN DIAZ:** Thank you, Captain Green. All right, next up is  
9 -- I'm sorry, Captain Green. We've got one more question from  
10 Mr. Anson.

11

12 **MR. ANSON:** Thank you, Captain Green. Just to go back on the  
13 amberjack split season, and I thought I heard two things, but  
14 could you repeat yourself?

15

16 **MR. GREEN:** For us, we know that, right now, with the  
17 constraint, and the fall season is important to us, and I know  
18 Ms. Boggs pulled some of that out in committee, and I'm sorry,  
19 and I don't remember if it stayed there or not, but I understand  
20 that the spawn is in the late part of May, and into June, but,  
21 as that fishery grows and rebounds, we would like to see those  
22 fish come in that first couple of weeks of May, if it fills up  
23 September and October, but the fall season is by far the most  
24 important to us.

25

26 **MR. ANSON:** Thank you.

27

28 **CHAIRMAN DIAZ:** Ms. Boggs. Did you have a follow-up, Mr. Anson?

29

30 **MR. ANSON:** No. I was just thanking him. Thank you.

31

32 **CHAIRMAN DIAZ:** Ms. Boggs.

33

34 **MS. BOGGS:** Thank you, Jim, for being here today. Can you just  
35 quickly touch on king mackerel?

36

37 **MR. GREEN:** Yes, ma'am. It is completely miserable to  
38 absolutely terrible, and I don't know if it's water quality, and  
39 I think that might have a lot to do with it. Maybe they're  
40 pushed offshore. That was news to me, that they were catching  
41 that many pounds of fish.

42

43 For a long time, a lot of the guys joked that they all migrated  
44 north, and the traveling commercial guys that would come into  
45 our area in the fall and start catching them. We just don't see  
46 them, and I don't know exactly what that answer is, but I  
47 usually catch -- On my headboat, I usually catch somewhere  
48 between seventy-five to 150 mackerels a year, over the last

1 eighteen years, and I think I'm somewhere around fifteen this  
2 year, and so I would say that's a dramatic issue, but I'm sorry,  
3 and I don't -- It's not my targeted fishery, and so I don't know  
4 too much, but I do know a reduction. Thank you, all, for the  
5 chance.

6

7 **CHAIRMAN DIAZ:** Thank you. Andrew Alexander, and David Walker  
8 will be on deck.

9

10 **MR. ANDREW ALEXANDER:** Hello. My name is Andrew Alexander, and  
11 I'm a recreational fisherman from right here in Biloxi. I fish  
12 at least one or two days a week, and I just wanted to let you  
13 know that the snapper are there. We fished anywhere from  
14 Dauphin Island all the way across to Ship Shoal this year, and  
15 we've caught -- Every time we go, they're there, and you can  
16 catch them on jigs, and they're actually -- When the season is  
17 closed, it's aggravating. We catch them a lot cobia fishing,  
18 and so the guys that are saying they're not there -- I don't  
19 know what they're doing wrong, but there's fish there.

20

21 I don't agree with giving up to 60 percent back to the  
22 commercial. You know, I was doing this probably twenty years  
23 ago, when we could keep a bunch, and they were small, and it has  
24 gotten better and better every year, and so that's all I really  
25 wanted to say about it. Thank you.

26

27 **CHAIRMAN DIAZ:** Thank you, Mr. Alexander. David Walker,  
28 followed by Mike Jennings.

29

30 **MR. DAVID WALKER:** Thank you. David Walker, commercial fishing,  
31 from mainly Louisiana and Alabama. First of all, I would like  
32 to say that I'm encouraged by some of the discussion by the  
33 private angler federal vessel or angler permit, and defining the  
34 universe of the private anglers provides better management for  
35 that sector.

36

37 I can remember, through the years, before I was a member of the  
38 council, and even when -- Before and after, and I've had  
39 scientists tell me that identifying the sectors would be of  
40 great value, and the vessel type permit or something would  
41 definitely help, and everything that helps is beneficial.

42

43 As far as amberjack, I support the Reef Fish AP's motion to add  
44 an alternative that sets constant catch for amberjack and keeps  
45 current allocations. The IFQ Focus Group, I can remember that  
46 there was a lot of good discussion at that meeting, and, if we  
47 decide to meet again, I would like to have the opportunity for  
48 the Ad Hoc IFQ Advisory Panel -- They should be able to review

1 and discuss the IFQ Focus Group's discussions, before it gets to  
2 the council. The industry-related -- A lot of good members of  
3 that council.

4  
5 Of course, I would always like to see a more fair and equitable  
6 balance of the council. There's currently one commercial  
7 representative, one out of seventeen votes.  
8

9 Scamp I think should stay part of the shallow-water complex, the  
10 grouper complex, and it should not be separated and managed as a  
11 separate stock. Triggerfish, I support a twenty-five-fish bag  
12 limit, and that's about it. Thank you for the opportunity to  
13 speak.  
14

15 **CHAIRMAN DIAZ:** Thank you, Mr. Walker. Mike Jennings, followed  
16 by Josh Swinford.  
17

18 **MR. MIKE JENNINGS:** Thank you, Mr. Chairman. My name is Michael  
19 Jennings, and I own two permitted charter boats out of Freeport,  
20 Texas and one commercial boat that is permitted for reef fish  
21 and for king mackerel.  
22

23 I want to touch on something, real quick, on the SEFHIER issue  
24 that we've talked about today. From my perspective on the  
25 charter boats, and you heard from Captain Green just a few  
26 minutes ago, and I'm in the same boat he is. A lot of the  
27 people that are complaining weren't involved in all the work  
28 that was put in, the conference calls and the -- Outside of the  
29 agency, we informally had an ambassador's program, which now we  
30 have kind of made ourselves, the people that were involved from  
31 day-one, and have been pushing for this over the last two  
32 decades, to try to help educate these captains as we moved into  
33 Phase 2 this last year.  
34

35 For us, and I am getting very little to no complaints out of the  
36 areas in that greater Galveston-Freeport metroplex that's around  
37 Houston on the SEFHIER program. We have had some complaints  
38 about glitches, but we've worked through them, and the SEFHIER  
39 people have been really, really good at listening to our  
40 problems and helping us working through them.  
41

42 I am not dual-permitted on one boat, and I do wear both hats,  
43 and so I haven't dealt with that issue yet, but I think it's  
44 something that we can -- If we focus on it, we can come up, and  
45 we can bring it up to SEFHIER and get that done, but help us  
46 continue this program. I don't think there's anybody here that  
47 would argue that understanding -- Having a better grasp on what  
48 we're landing on the charter/for-hire side is not an asset.

1  
2 I think some of these issues, and I will put it mildly, and some  
3 of these issues that you're hearing about complaints are  
4 somewhat disingenuous, at best, but, with that, I'll touch on  
5 the king mackerel, real quick.  
6

7 Putting on my commercial hat, I don't want those king mackerel.  
8 I am not catching what I've got right now. There is no use to  
9 take a fishery that's struggling and start rearranging  
10 allocations, when we've got a bigger issue to deal with, and I  
11 made the comment that reallocation there -- I think we're  
12 starting to see, from the outside looking in, and I'm just --  
13 Nothing personal, but just a perspective of the outside  
14 onlooker, and it seems like we're beginning to confuse the  
15 reallocation and the recalibration intent, if I may use -- I  
16 don't know of a better word, but of this council.  
17

18 It seems like we are ignoring some of the larger issues with  
19 some of these fisheries with this preconceived idea that we must  
20 recalibrate, we must reallocate, and it almost is akin to, in my  
21 opinion, shuffling chairs on the deck of the Titanic. I mean,  
22 we can push some fish back and forth all we want, but the focus  
23 seems to be, in the conversations about it, about those fish,  
24 and moving those fish, and not what the problem is with that  
25 fishery, and I would ask the council to please focus on the  
26 problems in the fishery.  
27

28 Real quick, and I know my time has run out, but I will argue  
29 something that may get some gas from the back of the room, but  
30 we hear talk about the recreational fishery not being  
31 accountable, and I will argue that they are accountable. They  
32 are accountable to the level that this council has come up with.  
33 That level is what is miserable, and we need to focus on an  
34 accountability that raises them to the twenty-first-century  
35 level that the commercial fishery is in now and the charter/for-  
36 hire fishery is trying to get to. Thank you, and I appreciate  
37 you all not shutting me down when I went over time. Thank you.  
38

39 **CHAIRMAN DIAZ:** Thank you, Captain Jennings. All right. Josh  
40 Swinford, followed by Katie Fischer. Josh Swinford. I am not  
41 seeing Josh headed to the mic. Do we have Katie on the line?  
42 Okay.

43  
44 **MS. KATIE FISCHER:** I'm Katie Fischer from Matlacha, Florida,  
45 fish house owner and a vessel owner. Trust me that I would  
46 rather be there with you guys right now, talking fisheries, than  
47 cutting four foot of drywall out of everything that we own.  
48 Casey would also rather be there, but he's trying to help find a

1 solution for our shrimp boat fleet down at Fort Myers Beach. We  
2 currently have forty-five shrimp boats on land, tossed like  
3 toys, and it's about a \$5 million price tag just to put them  
4 back in the water, just to give you a perspective of what we're  
5 dealing with down here.  
6

7 It is true that we have lost our infrastructure down here.  
8 We've lost our docks, and we've lost several fish houses, and  
9 we've lost our ice machines, our ice houses, and Casey and I --  
10 We probably won't have water or power or sewer to our market for  
11 several months, at least, because our connections were washed  
12 out with our road.  
13

14 You know, those things are obvious to see. You know, the  
15 physical things are obvious to see, although I will tell you all  
16 that, whatever you've seen on the news, pictures and drone  
17 shots, they really do it no justice. Seeing it in-person, it  
18 will really take you back and take your breath away, and so if  
19 you could keep everybody in your prayers, and we desperately  
20 need it down here.  
21

22 The loss that you can't see is the financial loss that our area  
23 is going to incur due to this leasing system that we have. You  
24 guys know what our fleet looks like down here, and, you know,  
25 when you come to meetings, you see lots of owner-operators,  
26 young guys, you know, tons of new entrants, and, you know, we've  
27 all locked in our quota, because don't have a choice. You see  
28 an opportunity, that rarely comes up, and you get your quota,  
29 and you lock it in, because you don't know if you're going to  
30 have another opportunity.  
31

32 Casey and I, we locked our grouper in at \$2.50, and it looks  
33 like, right now, it's going for \$1.50, or a buck-seventy-five,  
34 and then another -- You know, another girl, who is a dealer,  
35 that I do a lot of business with, she locked in hers at three-  
36 and-quarter, and she took a \$22,000 loss, and I don't know what  
37 our losses are, because I haven't found a home for our fish yet.  
38 We will not have the ability to catch these fish by the end of  
39 the year, most definitely, and so, you know, for those that come  
40 up and say that this IFQ program is great, and it works how it  
41 should, and there's no problems, that's a lie.  
42

43 We are in desperate need of reform for this IFQ program. It's  
44 just -- It has so many problems, on so many levels, mainly, you  
45 know, protecting a future for our commercial industry. You  
46 know, most of the investment continually gets reinvested in that  
47 first generation, and we won't have a future, if this continues.  
48

1 With that said, I'm also -- You know, I'm calling on management,  
2 which is you guys, and you guys need to rise up. We need you  
3 all to level up and start making some changes, quickly and  
4 effectively. You know, we need you guys to be able to manage on  
5 your feet in an effective time period, and it's not just us. I  
6 mean, I'm talking for all fishermen, rec and commercial, and,  
7 you know, I sat here on my island -- Our island was disconnected  
8 from the mainland for a good week-and-a-half, and so, you know,  
9 all the commercial guys here, we were running supplies to our  
10 islanders, because you could only get to our island by boat.

11  
12 I sat here, and I watched them, in two days, fix a bridge in two  
13 places and build a road to reconnect our island, and then I log  
14 into our meeting, to start listening, and I listened to a forty-  
15 five-minute discussion on electronic voting, and, to me, that's  
16 a discussion that should have been ten minutes. It's a no-  
17 brainer. We're in 2022. Like move on, and let's start making  
18 progress here.

19  
20 It just feels like, time after time, stuff is kicked down the  
21 road. Kick the can down the road, and I feel like I hear that a  
22 million times, you know, and so we need -- Fishermen in general,  
23 we need you guys to step up and start being able to manage us  
24 faster and better, because, I mean, we're just -- Your  
25 management, time after time, is behind from what we really need.

26  
27 Then the last thing I want to touch on is, Jim Zurbrick, you are  
28 awesome. Patty Zurbrick, you are a saint. It is true. Those  
29 two have always helped Casey and I. They have always been  
30 guidance for Casey and I, and, you know, I know why they reach  
31 out and help us like they do, because their actions are not  
32 driven by greed. They truly believe in a future for our  
33 commercial fishery, and they want to see that.

34  
35 Not only that, you know, they sent us a lot of awesome stuff.  
36 We had a lot of communities in need that had children, and they  
37 sent boxes down to support this fishing community, and we are  
38 forever grateful for that. You guys are awesome, and you do  
39 deserve all the credit, because you really are. You are the  
40 realest of people, and exactly what this industry needs, and I  
41 wish there were more like you.

42  
43 Then that's about it. I do want to say one other quick thing.  
44 I hear a lot of things coming up about water quality up in the  
45 northern Gulf, and I would like to share what we did down here  
46 in southwest Florida in 2018, when we had our red tide. We  
47 actually raised about \$50,000 within our community to buy five  
48 pieces of water testing equipment, and we put those on our

1 commercial fishing vessels and worked with NOAA, and we tested  
2 water for them offshore, which seemed to be like the missing  
3 piece of, you know, the water testing.

4  
5 You know, we have that system set in place, and NOAA works with  
6 us, and so I would encourage other communities to do the same,  
7 because, you know, more knowledge of our water quality gives us  
8 better ways to manage our fisheries, and that's it. You guys,  
9 keep us in your prayers. We desperately need it. Thanks for  
10 the time today.

11  
12 **CHAIRMAN DIAZ:** Thank you, Ms. Streeter. We will keep you in  
13 thoughts and prayers, and we do know that you're going through  
14 an extremely tough time down there. A lot of people around this  
15 table have been through hurricane-prone areas at different  
16 times, and so I know how bad it is, and so good luck to you.

17  
18 **MS. FISCHER:** I will tell you, you know, the wind, and we've all  
19 done wind and hurricanes. The storm surge was real. I mean,  
20 our whole island was covered in water. Sanibel, the whole  
21 island was covered in water. I mean, this is like something --  
22 It's incredible, and so thank you, guys.

23  
24 **CHAIRMAN DIAZ:** A question for Ms. Streeter?

25  
26 **DR. WALTER:** Katie, this is John Walter, and I just wanted to  
27 say that -- Well, I feel for you guys, and I hope that you guys  
28 recover quickly. We were supposed to be down there on Pine  
29 Island to follow-up on that red tide outreach, to do a workshop,  
30 and so we should have been there, and I really like you  
31 highlighting the community work to do science together  
32 collaboratively and to do that work on monitoring, and I think  
33 that really sets a model for how communities can work and  
34 partner with NOAA to do science, and so I hope it can continue  
35 and grow, because it seems like we're facing similar issues  
36 throughout the Gulf, and so I like that you landed on a positive  
37 note, even though a lot of this is challenging, and I know you  
38 guys are struggling, and so thank you, and thank you for your  
39 testimony.

40  
41 **MS. FISCHER:** I appreciate that, and we would be welcome, if  
42 anybody needed any guidance on how to get that program started  
43 in their community, and we are the Florida Commercial Watermen's  
44 Conservation, and that's our non-profit, and that's what we do  
45 water testing through, and so, if anyone needs any help, Casey  
46 and I are here for you.

47  
48 **CHAIRMAN DIAZ:** Thank you. Just to let folks know, as soon as

1 finish public testimony, I am going to ask Dr. Sweetman to give  
2 us a quick update on some hurricane issues from Florida, and Mr.  
3 Strelcheck, and so we will cover that, after we do these last  
4 two public speakers. Jerry McClure, followed by Chance Seymour.  
5

6 **MR. JERRY MCCLURE:** Thank you, council My name is Jerry  
7 McClure, and I own a charter business over here in Biloxi,  
8 Mississippi. This is a different fishery than a lot of other  
9 places, like Florida and Louisiana and Texas and such as that,  
10 and it's that we have dumping grounds and stuff like that, where  
11 they go out there and make manmade fish havens for snapper  
12 fishing.

13  
14 I run a thirty-seven-foot Topaz, and it's not a real fast boat,  
15 and it takes it a while to get out there. This year was a very  
16 tough year for me, as far as snapper fishing goes, and I went  
17 out, toward the last thirty days of my snapper season, and I had  
18 to actually offer different type trips for the customers,  
19 because catching a limit of snapper was virtually almost  
20 impossible for me to do.

21  
22 I even started out the season early this year, snapper fishing,  
23 and, in doing so, the place that I caught fish last year, the  
24 fish were gone, and I wasn't even marking fish there, and we're  
25 very limited to where we can fish, as far as charter boats go,  
26 because of the distance we have to travel.

27  
28 The guy that was here earlier, that said he had a thirty-six  
29 Yellowfin that can run out there in two hours and fish seventy  
30 or eighty miles offshore, he's in a different fishery than what  
31 we're in. You know, we've only got six hours to fish, or eight  
32 hours to fish, and, during that period of time, you know, we go  
33 out there, and there is 600 boats out there, and I'm  
34 overexaggerating that, but there is seventy or eighty boats out  
35 there, and most of them are recreational guys, and we have to  
36 jump around between those guys to try to catch fish for our  
37 customers, and it's gotten really tough.

38  
39 I mean, it wasn't just me, and it was several charter boats this  
40 year that started offering these different type fishing trips,  
41 toward the end of snapper season, because we couldn't limit out,  
42 and it's hard to tell a person, you know, that we can't go out  
43 there and catch twelve legal snapper in eight hours, and it's  
44 just -- It's terrible.

45  
46 I mean, the Tails 'n Scales is definitely a great way to monitor  
47 what is being caught out there, and I'm sure that the rec guys  
48 do that, just as well as we do too. Now, if we're permitted, we

1 have a tracking device on our boat, and we have to hail-in and  
2 hail-out, and they monitor us two different ways now, but,  
3 either way, I think that there's something we need to do to look  
4 at that, because it is hurting our industry.  
5

6 You know, with the fuel prices going up this year like they  
7 have, you know, to run seventy or eighty miles, if you're taking  
8 a customer out and running a twelve or a twenty-hour trip, you  
9 know, the fuel costs, you can't hardly compensate for it, with  
10 the price that you can charge the customer, and they're willing  
11 to pay for it.  
12

13 You know, it's made it tough on us guys. You know, where the  
14 people in Florida can go out thirty miles and be in a hundred  
15 foot of water, you know, we have to drive farther than that to  
16 get out in deeper water, and so it's just -- It's tougher on us,  
17 but I think it's something we need to take a look at, because  
18 snapper season is the biggest season of the year for us guys  
19 over here in Biloxi. That's pretty much what I've got to say.  
20 Thank you.  
21

22 **CHAIRMAN DIAZ:** Thank you, Mr. McClure. All right. Next up is  
23 Chance Seymour.  
24

25 **MR. CHANCE SEYMOUR:** I'm Chance Seymour, and I'm out of Biloxi,  
26 Mississippi, owner and operator of the Mississippi Gulf Fish  
27 Fishing Charters. I'm federally permitted. I probably catch  
28 the most red snapper out of all six-pack boats in Biloxi, and I  
29 can definitely say the fishing is on a decline in Mississippi,  
30 and I would like to see some change or something, and maybe the  
31 whole quota in Mississippi go down, and I know we always are  
32 under our quota every year, but I'm twenty-five years old and in  
33 the business, and I've got a long career ahead of me.  
34

35 Mississippi's snapper grounds are tremendously smaller than  
36 other states, and I would love to see some more snapper grounds  
37 be accessible for more reefs, which I know is a hard thing with  
38 the shrimping alliance, but something, and we need more grounds.  
39

40 I would like to see Mississippi, if we did get more grounds,  
41 adopt Alabama's reef dumping program, where we could dump our  
42 own spots, if they're accepted by the DMR. Other than that,  
43 that's about all I've got. Thank you, all, for having me.  
44

45 **CHAIRMAN DIAZ:** We have a question for you from Mr. McDermott.  
46

47 **MR. MCDERMOTT:** Chance, you said you had a federal permit, and I  
48 know there's some state for-hire operators in Mississippi that

1 are supposed to be confined to nine miles, and I know you run a  
2 lot of trips, and have you ever witnessed unpermitted charter  
3 vessels fishing past the nine-mile line?

4  
5 **MR. SEYMOUR:** Yes. Multiple times, and I know that was a big  
6 thing with the nine-mile line, is that, when they got back into  
7 the recreational quota, besides all three of us being in  
8 different sectors, they promised to stay in their waters and  
9 only harvest their fish, and I'm not positive on how many people  
10 have been caught this year, but I think it's over three that got  
11 caught in federal waters, and so that's something to think  
12 about, also.

13  
14 **CHAIRMAN DIAZ:** Ms. Boggs.

15  
16 **MS. BOGGS:** Thank you for being here today, Chance. Do you all  
17 fish for king mackerel, and, if you do, are you seeing any?

18  
19 **MR. SEYMOUR:** We do troll for king mackerels after we get done  
20 catching snapper, if we have time, but, from what I hear about  
21 my dad, when he used to catch fish, for kings on the way in,  
22 it's nothing like it is now. We used to catch, you know, kings  
23 pretty often, when I was a deckhand, when I was fourteen or  
24 fifteen years old, and I might catch five or six king mackerel a  
25 year.

26  
27 **CHAIRMAN DIAZ:** Okay. Thank you, Mr. Seymour. We appreciate  
28 it.

29  
30 **MR. SEYMOUR:** Thank you, all. It's good having you, Michael.

31  
32 **CHAIRMAN DIAZ:** Okay. I am going to see -- Josh Swinford. I am  
33 going to make one more call, to see if Josh Swinford showed up.  
34 Josh Swinford is not here, and so that concludes our public  
35 testimony for today. We are going to have just a couple of  
36 quick things. Dr. Sweetman, would you be willing to talk for  
37 just a few minutes about some of the impacts of the hurricane in  
38 Florida, please? Thank you, sir.

39  
40 **DISCUSSION OF HURRICANE IMPACTS**

41  
42 **DR. SWEETMAN:** Absolutely, Mr. Chair. I would like to say that  
43 I would love to talk about this topic, but this is a tough one.  
44 Obviously, all hurricanes are unique, and this one was  
45 particularly unique. It had an extremely large eyewall, and  
46 there was just a massive amount of flooding, as we've heard from  
47 many people, and we heard from Casey, and we heard from Katie.

1 The governor's office had submitted a fishery disaster letter to  
2 the Secretary of Commerce and FWC, and we have been working,  
3 weekly and daily, with our commercial wholesale dealers and the  
4 charter industry members, to help facilitate getting them the  
5 help that they need, and we have weekly meetings to provide them  
6 updates with FWC.

7  
8 Andy's office is also on some of those calls, as well as other  
9 state agencies, and we learn from them what their particular  
10 needs are, and we try to help facilitate getting them what they  
11 need.

12  
13 FWC also issued a couple of Executive Orders, to try and help  
14 get people fishing on the water. As far as impacts goes, we  
15 have -- I have had so many conversations with people, and there  
16 are many heartbreaking stories, and I will just put it that way.  
17 As you heard from Casey and Katie, many in the impacted area  
18 lost everything, from their businesses to their homes, and it's  
19 going to take a while to get these people whole again, but I  
20 just wanted to -- If they're listening right now, I just wanted  
21 to let them know that we're here for them in every capacity that  
22 we possibly can, and we will work with them to get them what  
23 they need.

24  
25 As far as some of the direct impacts, we have estimated about  
26 6,000 derelict vessels that are out there as a result of the  
27 storm, and we are actively working on that. Of course, as one  
28 can imagine, there are a lot of debris issues that are  
29 associated with this, and so please operate carefully when  
30 you're going in that area, but, as I mentioned, this storm was  
31 unique, in terms of the eyewall, and it actually really first  
32 impacted the Dry Tortugas area, and, you know, we have a pretty  
33 heavy presence, for the spiny lobster fishery, from Key West out  
34 toward the Marquesas areas, and we have numerous reports of a  
35 lot of trap loss and damage in that particular area.

36  
37 As it relates to some of staff in FWC, we had about 600 staff  
38 that were in that area, and thank God no loss of life, but ten  
39 staff did lose everything, and so we are working with our  
40 foundation to try and get them the support that they need, and I  
41 think that's about it for now, Mr. Chair.

42  
43 **CHAIRMAN DIAZ:** Thank you, Dr. Sweetman, and I would like to  
44 follow that up -- Mr. Strelcheck, if you would like to say a few  
45 words about maybe some of the federal issues related to the  
46 hurricane.

47  
48 **MR. STRELCHECK:** Thanks, Chairman Diaz. I want to first thank

1 C.J. and Jessica McCawley and the State of Florida. Jessica and  
2 I had conversations shortly following Hurricane Ian, and she  
3 suggested having these calls with stakeholders on a regular  
4 basis, and I organized those, although I have not been able to  
5 participate in recent weeks, and I've had my disaster  
6 coordinator and others that have been participating in those  
7 calls and listening-in and providing updates from the federal  
8 perspective.  
9

10 We have the ability to issue revised or alternative reporting  
11 requirements following a storm event, and, obviously, there is  
12 significant damage, direct impacts as well as power outages and  
13 other kind of more temporary impacts, and so we did, on October  
14 7, issue, for certain counties that were impacted, both on the  
15 west coast of Florida, but, also, if you recall, it exited on  
16 the east coast of Florida and went up the east coast through the  
17 United States.

18  
19 That provision essentially allowed for alternative means for  
20 reporting and delayed reporting for both seafood dealers as well  
21 as those participating in our for-hire logbook program.

22  
23 That will be extended to November 7, and I expect that we will  
24 revise that, and probably continue that for certain counties,  
25 but probably reduce the area of impact, because power has been  
26 restored to a number of areas, especially on the east coast of  
27 Florida and farther north, and so that's what we're continuing  
28 to do.

29  
30 We did, in our bulletin, and we worked with FEMA to identify  
31 financial assistance and resources for not just the fishing  
32 industry, but all that have been impacted, and we have pointed  
33 them, obviously, to that assistance, where it's available, and  
34 that was one of the main things that we were hearing, C.J., from  
35 the industry, is the immediate need just for financial  
36 assistance.

37  
38 The longer process, and what I want to just briefly mention, and  
39 also share around our policy directive, is the fishery disaster  
40 determination, and so, if you were here for the Q&A the other  
41 night, Sam spoke a little more directly about it, and it's been  
42 acknowledged that the Fisheries Service is frustrated with the  
43 disaster determination process and, ultimately, the disbursement  
44 of any funding that comes along with that is very slow, and it  
45 takes quite some time, usually multiple years.

46  
47 There are some potential changes in the works, from  
48 congressional legislation, and we will wait to see, obviously,

1 if it occurs, but, right now, at least the way the process works  
2 is that we would receive a fishery disaster request, and the  
3 Fisheries Service then stands ready to conduct an evaluation,  
4 working with our state partners and others, to determine whether  
5 or not the event qualifies for a fishery disaster, and there's a  
6 number of factors that we look at.  
7

8 Once we've done that, the Secretary will make the determination  
9 as to whether a disaster has occurred, and then we have to get  
10 congressional appropriation, and so you can see, obviously, the  
11 steps that are involved, and, for those in the northern Gulf,  
12 dealing with water issues and flooding issues, I mean, it's  
13 still taking time to even get disaster funds released for that,  
14 and so we stand ready to work with, obviously, communities and  
15 industry to assess the impacts, and we've, obviously, been  
16 hearing from the State of Florida, and they've been gathering a  
17 lot of that information, but it will take some time, at least on  
18 the current process, with the hope that, in the longer-term,  
19 we're going to have a more streamlined process going forward,  
20 based on an act of Congress.

21  
22 **CHAIRMAN DIAZ:** Thank you for that, Mr. Strelcheck. I am not  
23 seeing any questions around the room. I appreciate Dr. Sweetman  
24 and Mr. Strelcheck giving those updates. I thought this was a  
25 better time to do it than later in the meeting. If I don't see  
26 any other business coming from council members, this is going to  
27 conclude our council session for today. We are going to start  
28 up at 8:00 a.m. in the morning, and we're going to start with  
29 committee reports. Thank you.

30  
31 (Whereupon, the meeting recessed on October 26, 2022.)  
32

33 - - -  
34

35 October 27, 2022  
36

37 THURSDAY MORNING SESSION  
38

39 - - -  
40

41 The Full Council of the Gulf of Mexico Fishery Management  
42 Council reconvened at Beau Rivage Resort and Casino in Biloxi,  
43 Mississippi on Thursday morning, October 27, 2022, and was  
44 called to order by Chairman Dale Diaz.  
45

46 **CHAIRMAN DIAZ:** All right. Good morning, everyone. We're going  
47 to start up with the final day of the Gulf of Mexico Fishery  
48 Management Council meeting. Welcome to folks that's online

1 listening in this morning.

2  
3 We're going to jump right into our Committee Reports this  
4 morning, and we're starting off with our Shrimp Committee  
5 Report. Mr. Schieble, are you ready to lead us through the  
6 Shrimp Committee?

7  
8                   **COMMITTEE REPORTS**  
9                   **SHRIMP COMMITTEE REPORT**

10  
11 **MR. SCHIEBLE:** Yes, sir. On short notice, I'm ready to go. The  
12 committee adopted the agenda, Tab B, Number 1, and the committee  
13 then approved the minutes, Tab B, Number 2, of the June 2022  
14 meeting as written.

15  
16 We received an update on testing and development of options  
17 proposed as replacements for the historical cellular electronic  
18 logbook devices for the Gulf shrimp fishery, Tab B, Numbers 4(a)  
19 through (b). Mr. Wallace presented an update on side-by-side  
20 testing of cellular vessel monitoring system units and cellular  
21 electronic logbook units by National Marine Fisheries Service,  
22 as seen in Tab D, Numbers 4(a) and 4(i).

23  
24 A committee member asked for clarification on what it meant for  
25 data to be cleaned. Mr. Wallace replied that it did not mean  
26 that mismatched data were removed, but rather that corrected  
27 position data has been used in some instances. The committee  
28 member inquired why the data from industry vessels were not as  
29 usable as the data from the research vessels. Mr. Wallace  
30 responded that the three industry vessels used Faria Beede  
31 cellular VMS units, which had a recall due to equipment failure,  
32 Tab D, Number 4(a) and (i).

33  
34 The committee member asked if further testing of cellular VMS  
35 units using the Woods Hole devices on industry would occur,  
36 since it would potentially assist with buy-in from industry if  
37 the council were to pursue cellular VMS as a replacement for the  
38 current cELB units. Mr. Wallace responded that further testing,  
39 with a different brand of cVMS units, would occur.

40  
41 Another committee member inquired if the data were run through  
42 the shrimp effort estimation model. Mr. Wallace responded that  
43 the data from the R/V Caretta were only examined for distance  
44 swept, which is the cumulative distance between each GPS point,  
45 when towing, times the net width, which is based on the foot  
46 length of rope.

47  
48 Another committee member stated that the cELB units stopped

1 transmitting in December 2020 and that progress needed to be  
2 made on the draft amendment in the near-term. He commented that  
3 cellular VMS units are already used by the agency in other  
4 fisheries and recommended ensuring the data from the cellular  
5 VMS units could be run through the shrimp effort algorithm.  
6

7 Mr. Donaldson, from Gulf States, stated that a stopgap solution  
8 by the Gulf States Marine Fisheries Commission was in place  
9 since the cellular ELB units stopped transmitting data and had  
10 been in place for almost two years, and so a replacement of the  
11 current cELB units should be a high priority.  
12

13 A committee member asked how many tows were accounted for by  
14 vessels in the research study. Mr. Wallace stated that, for the  
15 R/V Caretta, he believes that sixty to seventy tows were taken  
16 in about a hundred nautical miles. Another committee member  
17 asked for verification that the Woods Hole CVMS unit was on  
18 research vessels and the Faria Beede CVMS unit was on industry  
19 vessels. Mr. Wallace confirmed this.  
20

21 The committee member then stated that it would make sense, for  
22 data comparison, to run the same brand of CVMS on both research  
23 and industry vessels and then inquired how long it would take  
24 for additional industry testing. Mr. Wallace responded that  
25 industry vessels could be deployed with the new CVMS units  
26 fairly quickly. However, since the cELB data still has to be  
27 mailed back to National Marine Fisheries Service, it could take  
28 months to retrieve and analyze the data.  
29

30 Dr. Walter, from the Southeast Fisheries Science Center,  
31 responded that industry assistance in finding replacement  
32 industry vessels for further testing would be helpful. Council  
33 staff noted that a Shrimp AP meeting will be held on November  
34 15, and so a request could be made then. Dr. Walter also noted  
35 the Shrimp Effort Working Group would need to be reconvened to  
36 discuss future work on the shrimp effort algorithm.  
37

38 Dr. Putman, from LGL, presented an update on LGL Ecological  
39 Research Associates' pilot study of the P-Sea WindPlot program  
40 for vessel position data collection and automatic transmission  
41 on shrimp vessels, as seen in Tab D, Number 4(b).  
42

43 A committee member commented that numerous problems were  
44 outlined in the presentations and asked how many could be  
45 resolved, since some are user problems rather than technical  
46 problems. Dr. Putman responded that some hurdles seemed  
47 challenging to resolve, but that progress could be made. The  
48 committee member then stated that using the industry vessels in

1 the LGL project to also test the cellular VMS units in Mr.  
2 Farron's research study may be advantageous. Dr. Walter agreed  
3 that partnering to provide testing of many options as possible  
4 would be useful to the council.

5  
6 We then went into Other Business. A committee member asked for  
7 an update on the Shrimp EDM working group. Dr. Siegfried, from  
8 the Southeast Fisheries Science Center, responded that three  
9 Shrimp EDM working group webinar meetings had been held, which  
10 covered modeling approaches, data uses, and management needs.  
11 She also noted that the planning process for SEDAR 87 has begun  
12 for white, brown, and pink shrimp, with draft Terms of Reference  
13 being prepared and workshop participants being identified.

14  
15 A committee member asked if there would be opportunities for  
16 fishermen to provide feedback during the SEDAR process for  
17 shrimp. Council staff responded that such opportunities would  
18 exist during SEDAR workshops. Mr. Chair, this concludes my  
19 report.

20  
21 **CHAIRMAN DIAZ:** Thank you, Mr. Schieble. Is there any comments  
22 on the Shrimp Committee Report? Seeing none, we're going to  
23 move on down our agenda, and so next up is Habitat Restoration.

24  
25 **HABITAT PROTECTION AND RESTORATION COMMITTEE REPORT**

26  
27 **MR. GILL:** Thank you, Mr. Chairman. The Habitat Protection and  
28 Restoration Committee met on October 24, 2022 and adopted the  
29 agenda, Tab B, Number 1, and approved the minutes, Tab B, Number  
30 2, of the June 2022 meeting as written.

31  
32 Essential Fish Habitat Generic Amendment, Tab B, Number 4(a) and  
33 b) and Tab B, Number 10(a), council staff has been developing a  
34 webtool to support comparison analysis of alternatives proposed  
35 in a generic amendment to update the council's EFH descriptions  
36 for finfish and shrimp.

37  
38 During this process, a number of complications have been  
39 identified by council staff, Southeast Regional Office staff,  
40 and the Scientific and Statistical Committee, or SSC. These  
41 complications affect the visual accuracy of EFH descriptions and  
42 require further investigation.

43  
44 Council staff has determined that further engagement with state  
45 and regional habitat division offices is required to improve the  
46 spatial habitat data layers being incorporated in the webtool.  
47 Dr. Sean Powers, the SSC representative, reported that the SSC  
48 was supportive of exploring novel approaches to describing EFH

1 in the Gulf and the development of an EFH webtool. However, the  
2 SSC agreed that further investigation of the available spatial  
3 habitat feature layers, to address identified informational  
4 gaps, was warranted before finalization of the webtool.  
5

6 The committee inquired about the feasibility of updating the EFH  
7 descriptions in the tool as new data are made available.  
8 Council staff replied that the webtool would be updated as five-  
9 year EFH reviews were completed. Staff continued that textual  
10 descriptions would continue to function as the formalized  
11 description of EFH and could be updated as required.  
12

13 A committee member pointed out that an area off of Texas had  
14 incorrectly been identified as hardbottom in 2005 and was  
15 visualized in the webtool. However, more contemporary habitat  
16 data layers for hardbottom had been updated to remove this area  
17 in 2010. Council staff expressed appreciation for the comment  
18 and reiterated that this example justified the need to engage  
19 partners with habitat expertise to help improve the tool. The  
20 next steps will require obtaining more accurate habitat  
21 information and updating both the SSC and council as work on the  
22 webtool continues. Mr. Chair, this concludes my report.  
23

24 **CHAIRMAN DIAZ:** Thank you, Mr. Gill. Are there any comments  
25 related to the Habitat Protection and Restoration Committee?  
26 Seeing none, we're going to move down the agenda. Next up is  
27 the Law Enforcement Committee and General Spraggins.  
28

#### 29 **LAW ENFORCEMENT COMMITTEE REPORT**

30

31 **GENERAL SPRAGGINS:** Thank you, Mr. Chairman. The Law  
32 Enforcement Committee met on October 24, and the committee  
33 adopted the agenda, Tab L, Number 1, and the minutes of Tab L,  
34 Number 2 for the August 2021 meeting were approved as written.  
35

36 The LETC Meeting Summary for the October 2022 Meeting, Tab L,  
37 Number 4, staff reviewed the summary report from the October 18,  
38 2022, meeting of the LETC and noted that recommendations  
39 pertaining to actions to be reviewed by the council at this  
40 meeting will be provided under the respective agenda item.  
41

42 In closed session, the LETC discussed the changes made to the  
43 fishing violations section of the council's SOPPs, which the  
44 council had approved at its August 2022 meeting. The LETC  
45 described the differences between state and federal written  
46 warnings. Whereas a federal written warning includes a process  
47 for contesting the violation, there is no due process for  
48 contesting a state written warning.

1  
2 Consistent with the LETC's understanding of the types of  
3 violations the council intends to identify, the LETC provided  
4 some modifications to the recently approved language in the  
5 SOPPs to reflect that a federal written warning is an applicable  
6 fishing violation, while state written warnings for an advisory  
7 panel applicant should not be included.  
8

9 **The committee recommends, and I so move, to recommend that the**  
10 **changes made to the fishing violations section of SOPPs be**  
11 **brought to the Administrative/Budget Committee for discussion**  
12 **and approval at their next meeting.**

13  
14 **CHAIRMAN DIAZ:** Okay, and so we have a committee motion. Is  
15 there any discussion on the motion? **Seeing none, is there any**  
16 **opposition to the motion? Seeing no opposition, the motion**  
17 **carries.** General Spraggins.  
18

19 **GENERAL SPRAGGINS:** Thank you, sir. Also, the LETC also  
20 discussed whether to continue updating the Strategic and  
21 Operations Plans. While these documents were helpful in  
22 supporting enforcement work in the states and agencies in the  
23 past, their utility has changed over time. The LETC supports  
24 retaining the current version of the strategic plan until a  
25 change is determined to be needed, and to discontinue the  
26 Operations Plan.  
27

28 **The committee recommends, and I so move, the Law Enforcement**  
29 **Committee concurs with the LETC's request to allow the**  
30 **Operations and Strategic Plans to expire and only be updated as**  
31 **needed in the future.**

32  
33 **CHAIRMAN DIAZ:** Okay, and so we have a committee motion. Is  
34 there any discussion on the motion? Mr. Gill.  
35

36 **MR. GILL:** Thank you, Mr. Chairman, and so the paragraph above  
37 the motion indicates the intent to discontinue the Operations  
38 Plan, whereas the motion allows it to expire, but to be updated  
39 in the future, and it seems to me that it's conflict with what  
40 the intent was.  
41

42 **CHAIRMAN DIAZ:** Dr. Lasseter.  
43

44 **DR. AVA LASSETER:** Okay, and so the idea is that they're going  
45 to discontinue both. The Operations Plan is no more, but the  
46 Strategic Plan sits there, and they're not doing any more to it,  
47 but, if they decide that they need to make some change in the  
48 future, then they will do so, and that was through the

1 discussion of the LETC and how they used the two documents.

2

3 **CHAIRMAN DIAZ:** General Spraggins.

4

5 **GENERAL SPRAGGINS:** I guess, with what you're saying, I see  
6 exactly where you're coming from now, and I read this fourteen  
7 times, but I do see it, and so maybe it's something that we  
8 should change in the motion that says that the Law Enforcement  
9 Committee, the LETC, requests to allow the Operations Plan to  
10 expire and the Strategic Plan to stand and not be updated until  
11 needed in the future, and would that be something that would be  
12 better? Would that make more sense to you? Dr. Lasseter, does  
13 that make sense?

14

15 **DR. LASSETER:** I apologize. Dr. Froeschke was talking to me,  
16 and I didn't hear.

17

18 **GENERAL SPRAGGINS:** I'm sorry, and what I was asking is maybe we  
19 just need to change it for the committee, to allow the  
20 Operations Plan to expire and the Strategic Plan to stay in  
21 effect and only be updated as needed in the future.

22

23 **DR. LASSETER:** That sounds fine, and I did forward the -- It's  
24 the language from the motion that the commission examined, but,  
25 if that makes it more clear for the council, I think that is  
26 fine.

27

28 **GENERAL SPRAGGINS:** I think it makes it clearer for them, and  
29 does that make anybody -- So could we possibly change that?

30

31 **CHAIRMAN DIAZ:** Okay.

32

33 **GENERAL SPRAGGINS:** Okay, and, Mr. Chairman, if that's fine, I  
34 would like to move it to that other motion.

35

36 **CHAIRMAN DIAZ:** Okay, and so I think what we need to do is we  
37 need to make that as a substitute motion, because the regular  
38 motion did come out of committee, and so we can take the new  
39 language and just put it as a substitute. All right, and so we  
40 have the -- Is somebody willing to make that substitute motion?  
41 Mr. Gill.

42

43 **MR. GILL:** So moved.

44

45 **MS. BOGGS:** I will second.

46

47 **CHAIRMAN DIAZ:** All right, and so motion made by Mr. Gill and  
48 seconded by Ms. Boggs, and so the substitute motion now reads

1 that the Law Enforcement Committee concurs with the LETC's  
2 request to allow the Operations Plan to expire and the Strategic  
3 Plan to only be updated as needed in the future. Is there any  
4 discussion on the motion? **Seeing no discussion, is there any**  
5 **opposition to the motion? Seeing no opposition, the motion**  
6 **carries.** General Spraggins.  
7

8 **GENERAL SPRAGGINS:** Yes, sir, Mr. Chairman. If there's no other  
9 comments or questions about this report, we are done, and, sir,  
10 this concludes my report.  
11

12 **CHAIRMAN DIAZ:** Thank you, General Spraggins. Any comments  
13 related to the Law Enforcement Committee? Seeing none, I did  
14 have a request from a council member to move the Reef Fish  
15 Committee up slightly in the order, to possibly account for in  
16 case they have -- They have some travel plans that could affect  
17 them late in the day, and so I'm willing to accommodate that  
18 request. Dr. Frazer, are you ready with the Reef Fish  
19 Committee?  
20

#### 21                   **REEF FISH COMMITTEE REPORT** 22

23 **DR. FRAZER:** Yes, sir. All right. Reef Fish Committee Report,  
24 the committee adopted the agenda, and the minutes from the  
25 August 2022 meeting were approved as written.  
26

27 Review of Reef Fish, CMP, and IFQ Landings, Federal For-Hire Red  
28 Snapper Landings, and Status of Revised Recreational Red Snapper  
29 Calibration Ratios, Tab B, Numbers 4(a) through (c), Mr. Andy  
30 Strelcheck, NMFS Southeast Regional Office Administrator, noted  
31 that the for-hire red snapper landings were estimated to be at  
32 99.2 percent of the for-hire component's ACT and that NMFS would  
33 not reopen that component of the recreational sector for the  
34 2022 fishing season.  
35

36 Mr. Strelcheck also noted that the recreational harvest of red  
37 grouper was estimated to have exceeded the recreational ACL and  
38 that NMFS would not reopen recreational red grouper harvest in  
39 2022.  
40

41 Mr. Peter Hood, of SERO, reviewed preliminary 2021 and 2022  
42 commercial and recreational reef fish landings. Recreational  
43 landings data for 2022 are only available through Marine  
44 Recreational Information Program Wave 3. Once Wave 4 data are  
45 available, NMFS will know better where some of the stock harvest  
46 levels are relative to their 2022 catch limits.  
47

48 Dr. Richard Cody, from the NOAA Office of Science and

1 Technology, briefed the committee on the proceedings of the MRIP  
2 Transition Team and ongoing work to update calibrations for the  
3 state red snapper surveys to align catch advice with monitoring  
4 methods.

5  
6 The states will present revised calibrations to the council's  
7 Scientific and Statistical Committee in January 2023. Landings  
8 estimates, in pounds and numbers, are available in both MRIP  
9 Coastal Household Telephone Survey (CHTS) and Fishing Effort  
10 Survey (FES) data currencies by wave, from 2015 through 2021.

11  
12 The states were encouraged by OST's independent statistical  
13 consultants to maintain consistency in methods, where possible,  
14 and provide their reports about their calibration methods and  
15 estimates for the January 2023 SSC review by November 30. The  
16 SSC will then present its findings to the council in January  
17 2023 in Baton Rouge, Louisiana.

18  
19 A committee member asked for clarification regarding the  
20 expectation that states provide their calibration reports by  
21 November 30, 2022. SERO replied that the calibration letters  
22 went out to Florida, Alabama, and Mississippi. Louisiana's  
23 calibration is unchanged, and Texas' data are not calibrated.  
24 Thus, they were not expected to present revised calibrations in  
25 January 2023.

26  
27 A committee member asked about outliers, especially with respect  
28 to incidentally-caught species in small states. The committee  
29 member thought some of the catch estimates appeared implausible,  
30 given the effort available to land the estimated catch. Dr.  
31 Cody replied that the issue was largely related to sample size,  
32 despite samples having been appropriately collected. He said  
33 small sample sizes, under some conditions, can result in  
34 implausible landings estimates, and his office has provided  
35 guidance in the handling of such estimates. However, he thought  
36 censoring those data before they can go through a review was not  
37 a preferred approach.

38  
39 Review of State-specific Private Angling and State For-Hire Red  
40 Snapper Landings, Tab B, Numbers 5(a) through (e), council  
41 representatives from the five Gulf States reviewed their 2022  
42 private angling seasons for red snapper. The states also  
43 characterized available data for observed mean lengths and  
44 weights, which increased in Mississippi, remained similar in  
45 Florida and Louisiana, or marginally decreased in Alabama and  
46 Texas from 2021 to 2022. Some states attributed a decrease in  
47 catch rates in 2022 compared to 2021 to factors like increased  
48 fuel prices.

1  
2 A committee member noted that landings updates are being  
3 provided at each meeting, which may be more frequent than  
4 necessary. Another committee member replied that the state-  
5 specific information is not necessarily available for each state  
6 without a data request.  
7

8 Council staff indicated they could work with the states to  
9 develop a template presentation for the April council meeting  
10 where states would inform the committee about their expectations  
11 for their respective fishing seasons for that year. In October,  
12 the states would use the current template to inform the  
13 committee on the state's fishing season for that year.  
14

15 Another committee member expressed concern about losing the  
16 reporting resolution mid-season for species of concern. The  
17 Gulf States Marine Fisheries Commission added that it was  
18 working with the states to provide these data in a summary  
19 format on its webpage.  
20

21 **The committee recommends, and I so move, to direct staff to work  
22 with the state representatives to provide state recreational red  
23 snapper management presentations, pre and post-season, for the  
24 April and October council meetings, annually. That motion  
25 carried without opposition.**  
26

27 **CHAIRMAN DIAZ:** Okay, and so we have a committee motion. Is  
28 there any discussion on the motion? **Seeing no discussion, is  
29 there any opposition to the motion? Seeing no opposition, the  
30 motion carries.**  
31

32 I do want to let committee members know that the report was just  
33 posted on the website and that you can refresh your computer and  
34 make sure and get access to that report on the website. Mr.  
35 Strelcheck.  
36

37 **MR. STRELCHECK:** Thanks, Mr. Chair. I just wanted to make one  
38 point of clarification in the report. It says, I think in the  
39 second paragraph, that the states were encouraged by the Office  
40 of Science and Technology's independent statistical consultants  
41 to maintain consistency, and that's not technically accurate. I  
42 think we just strike "the Office of Science and Technology's  
43 independent statistical consultants", and so we, the agency,  
44 encourages them to maintain that consistency, to ensure that  
45 we're not invoking a new peer review, based on new methodologies  
46 that would have to be considered.  
47

48 **CHAIRMAN DIAZ:** Thank you, Mr. Strelcheck. All right. I think

1 staff is good. Mr. Rindone? Okay. All right, Dr. Frazer.  
2

3 **DR. FRAZER:** All right. Final Action: Draft Amendment 54:  
4 Modifications to the Greater Amberjack Catch Limits and Sector  
5 Allocations, and other Rebuilding Plan Modifications, Tab B,  
6 Numbers 6(a) through (b), the committee was presented an  
7 amendment which considers modifications to greater amberjack  
8 catch limits and sector allocations. Council staff summarized  
9 virtual and in-person public hearing and written comments.

10 For Action 1, several committee members stated that conservative  
11 measures were warranted, given the stock status, and other  
12 members contended that establishing catch levels based on  
13 recreational data collection calibration should be a priority.  
14 The various allocation scenarios were also discussed with  
15 several members stating that allocation from the recreational to  
16 the commercial sector was inappropriate, due to variations in  
17 their respective data collection programs and monitoring.  
18 Others argued that a modification to the sector allocation  
19 should occur during the allocation review scheduled for 2025.  
20

21 Captain Ed Walker, the Reef Fish Advisory Panel Chair, provided  
22 the recommendation from the Reef Fish Advisory Panel regarding  
23 Action 1. The Reef Fish Advisory Panel agreed on a constant  
24 catch approach with a status quo allocation. A committee member  
25 inquired if the recommendation from the Reef Fish Advisory Panel  
26 was unanimous and whether the Reef Fish Advisory Panel was  
27 populated with members from both sectors, to which Captain  
28 Walker responded in the affirmative for both questions.  
29

30 The committee was encouraged by NOAA General Counsel to consider  
31 multiple factors when selecting a preferred alternative. Both  
32 sectors have, at times, exceeded their sector-specific quotas,  
33 and greater amberjack species-specific identification was not  
34 recorded in the commercial data until 1993. Further, species-  
35 specific catch limits for greater amberjack, and the jacks  
36 complex respectively, were not implemented for either sector  
37 until 2012. The committee decided that a more contemporary data  
38 series should be used to inform a sector allocation.  
39

40 The committee recommends, and I so move, in Action 1, to make  
41 Alternative 5 the preferred alternative. Alternative 5 is  
42 revise the allocation between the recreational and commercial  
43 sectors using MRIP-FES adjusted average landings during the  
44 years 1993 through 2019. The allocations for greater amberjack  
45 are 80 percent recreational and 20 percent commercial. Revise  
46 the OFL and ABC as recommended by the SSC, based on SEDAR 70,  
47 and set the total stock ACL equal to the ABC. That motion

1 carried thirteen to three with one abstention.

2

3 **CHAIRMAN DIAZ:** Thank you, Dr. Frazer. We have a committee  
4 motion. Is there discussion? We will entertain discussion on  
5 the motion. Mr. McDermott.

6

7 **MR. MCDERMOTT:** Thank you, Mr. Chairman. You know, we heard a  
8 lot of public comment about the amberjack issue, and I like the  
9 Reef Fish AP's recommendation about the constant catch, and I  
10 know Mr. Gill floated that during the committee, and I thought  
11 it was a good idea, but it wasn't well supported, I think  
12 because of the split, and so I would like to propose a motion  
13 here for a constant catch, the total --

14

15 I want to get some input from the council, but I want to make a  
16 motion to revise the allocation for the recreational and  
17 commercial sectors using the FES-adjusted landings from 1993 to  
18 2019, 80 percent recreational and 20 percent commercial, and  
19 it's my understanding, from Ms. Levy's input, that we've got to  
20 use one of the ACL numbers that's in the document. The two that  
21 I'm looking at are 505,000 or 631,000, and so I don't know if we  
22 want to get some more input on that.

23

24 **CHAIRMAN DIAZ:** All right, and so we have --

25

26 **MS. BOGGS:** A point of order.

27

28 **CHAIRMAN DIAZ:** Go ahead, Ms. Boggs.

29

30 **MS. BOGGS:** We have a motion that we need to dispense of, or he  
31 needs to make a substitute motion, and am I correct?

32

33 **MR. MCDERMOTT:** I may not have phrased that correctly.

34

35 **CHAIRMAN DIAZ:** Yes, and so, if you do change what's on the  
36 board, it would have to be a substitute, Mr. McDermott, just to  
37 let you know, and so I think that point of order is correct.

38

39 **MR. MCDERMOTT:** I would like to make a substitute motion then,  
40 if it would be appropriate.

41

42 **CHAIRMAN DIAZ:** Yes, sir. You can proceed.

43

44 **MR. MCDERMOTT:** I will make a substitute motion to revise the  
45 allocation between the recreational and commercial sectors using  
46 the MRIP-FES-adjusted average landings during the years 1993 to  
47 2019. The allocations for greater amberjack would be 80 percent  
48 recreational and 20 percent commercial. Revise the OFL and the

1   **ABC as recommended by the SSC, based on SEDAR 70 in 2020. Set**  
2   **the stock ACL equal to the 2022 ABC of 505,000 pounds.**

3  
4   I am putting 505,000 in there, and we can use other numbers, you  
5   know, if discussion wants to change that, and I would be fine  
6   with a friendly amendment.  
7

8   **CHAIRMAN DIAZ:** Okay, and so we're getting your motion up on the  
9   board. Is there a second to that motion? It's seconded by Mr.  
10   Dugas, and so let's get it on the board correctly, and then  
11   we'll open the floor up for discussion. Did you want to speak  
12   before we get it up? Dr. Simmons.  
13

14   **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair, and so I  
15   don't think we can get this implemented before 2023, and so I  
16   didn't know if you wanted to start with that yield stream, the  
17   631,000.  
18

19   **MR. MCDERMOTT:** I would be fine with that.  
20

21   **CHAIRMAN DIAZ:** Okay. I am going to start taking a list of  
22   people, and I do want to make sure that the motion is correct on  
23   the board. While we're waiting on that, Mr. Strelcheck.  
24

25   **MR. STRELCHECK:** Just a point of clarification. I recognize,  
26   obviously, that the 505,000 is for this year, but, if we're  
27   talking about a constant catch, that is analyzed in the  
28   document, and it is a reasonable option to consider carrying  
29   forward into 2023 and beyond, and so we don't have to choose the  
30   2023.  
31

32   **CHAIRMAN DIAZ:** Okay, and so you're making a substitute motion,  
33   Mr. McDermott, and is your intention to make it a preferred, or  
34   just to add another option to the document?  
35

36   **MR. MCDERMOTT:** My intention would be to make that substitute a  
37   preferred.  
38

39   **CHAIRMAN DIAZ:** Make sure that's recognized in the motion. Mr.  
40   Gill.  
41

42   **MR. GILL:** Thank you, Mr. Chairman, and so the motion on the  
43   board does not reflect what I understand that Mr. McDermott was  
44   proposing, because he was proposing a constant catch, and there  
45   was some question as to which ACL should be used, and I speak in  
46   favor of the 505,000, but, nevertheless, the yield stream that  
47   is projected there is not consistent with the intent of the  
48   motion.

1  
2 **CHAIRMAN DIAZ:** Okay, and so let's take a minute and make sure  
3 we've got the motion exactly right, before we take any more  
4 discussion. Right now, it's a substitute motion, in Action 1,  
5 to add a new alternative, and then you would like to make it the  
6 preferred, Mr. McDermott? To add a new alternative and make it  
7 the preferred. The alternative would be, and let me know if the  
8 wording is incorrect, but revise the allocation between the  
9 recreational and commercial sector using MRIP-FES-adjusted  
10 average landings during the years 1993 through 2019. The  
11 allocations for greater amberjack are 80 percent recreational  
12 and 20 percent commercial. Revise the OFL and ABC as  
13 recommended by the SSC, based on SEDAR 70 in 2020. Set the  
14 stock ACL equal to the 2023 ABC of 631,000 pounds and maintain  
15 that as a constant catch. Maintain as a constant catch for --  
16

17 **EXECUTIVE DIRECTOR SIMMONS:** It wasn't clear if he wanted 2022  
18 or 2023 numbers.  
19

20 **MR. MCDERMOTT:** Well, I've got to put a number out there, to get  
21 the motion complete, and so let's put the 2023 ABC in there, the  
22 631,000, but I am open to some input on that, if the council has  
23 other ideas.  
24

25 **CHAIRMAN DIAZ:** All right, and so I think the motion on the  
26 board is correct at this time. If anybody has any problems with  
27 the motion, I would like for them to speak now. All right. I'm  
28 not seeing it, and I've got a list of people in the queue right  
29 now. Mr. Gill? All right. Were you pointing to Dr. Sweetman  
30 earlier, when you had your hand up?  
31

32 **MR. GILL:** Dr. Sweetman and General Spraggins had their hands  
33 up.  
34

35 **CHAIRMAN DIAZ:** All right. Dr. Sweetman, General Spraggins, and  
36 then Ms. Boggs.  
37

38 **DR. SWEETMAN:** Mr. Chair, are we at a point where we're actually  
39 discussing the motion itself or just the context of it right  
40 now?  
41

42 **CHAIRMAN DIAZ:** We're discussing the motion.  
43

44 **DR. SWEETMAN:** Thank you, sir. I think I would speak in  
45 opposition to this motion, for a couple of reasons. Coming into  
46 this meeting, the Reef Fish AP recommendation certainly wasn't  
47 my preferred, but, after hearing just, quite frankly, the  
48 unanimous support amongst the Reef Fish AP, which I think is,

1 quite frankly, remarkable, considering the makeup of that, and  
2 we have commercial fishermen on that AP, and recreational  
3 fishermen, and these are our experts in the industry. They know  
4 what's going on out there, and, for them to be -- To propose  
5 something like this, and have unanimous support, I think it was,  
6 quite frankly, remarkable, considering that we can barely get  
7 unanimous support on nearly anything here.  
8

9 I think this moves away from what the Reef Fish AP  
10 recommendation was doing, and I think what the Reef Fish AP was  
11 trying to recommend was something that is more conservative than  
12 this, as it relates to both the allocation split as well as the  
13 catch levels, and so, for those reasons, I am going to vote in  
14 opposition to this motion.  
15

16 **CHAIRMAN DIAZ:** Thank you, Dr. Sweetman. General Spraggins.  
17

18 **GENERAL SPRAGGINS:** I am going to support the motion, and I  
19 think it's the right way to go with things. I thought it was  
20 before, but I just didn't like the numbers a little bit, but I  
21 would like to see if we could entertain the possibility of  
22 changing it to the 2022, at 505,000 pounds, because I think  
23 that's what -- Listening to the fishermen yesterday, and  
24 listening to everything I've heard, we don't need to increase  
25 the quota.  
26

27 I think we need to give the fishery a chance to be able to  
28 rebuild, and I think that, if we can hold it at 505,000 pounds,  
29 and that would be the 2022, I think, ABC, and is that right? I  
30 would just like to ask the question, and is it possible to  
31 change that, to make it to read that 2022 of 505,000 pounds, and  
32 do we set that at a timeframe too, is the next question, and is  
33 there a timeframe that you want to do with this, or just leave  
34 it at that, and I'm good with leaving it.  
35

36 **CHAIRMAN DIAZ:** To the timeframe issue, Mr. Rindone?  
37

38 **MR. RINDONE:** Thank you, Mr. Chair. The catch limit would be in  
39 place until it's changed by the council, and so it could be a  
40 year, or it could be seven years, and it's however long it takes  
41 for you guys to come back and revisit it. Then just a reminder  
42 about the projections, and it's that whatever the ABC is  
43 projected to be for a given year is predicated on the previous  
44 year's ABC being landed, and so, if the previous year's ABC is  
45 not landed, if the landings are under that value by some amount,  
46 than the projected ABC in the following year is actually higher,  
47 or sorry. It's actually lower than it could be, and so it's  
48 more conservative.

1  
2 If you fix at 505,000, or 631,000, by the time you get towards  
3 the end of the rebuilding period, all other assumptions about  
4 recruitment, et cetera, being held constant, the catch limit  
5 will get more and more and more conservative as you get further  
6 away from that initial year.  
7

8 **CHAIRMAN DIAZ:** To that point, General Spraggins?  
9

10 **GENERAL SPRAGGINS:** Yes, and I agree with you, and I understand  
11 what you're saying, but I do also understand what I heard  
12 yesterday, and everything I heard was we don't need any  
13 increase, and we have a problem, and, you know, the way to stop  
14 that problem is to basically -- You know, one way to stop it is  
15 to put a -- Let's hold it status quo where we're at, and 505,000  
16 hasn't -- As you said, we have not received that yet, right, and  
17 so we don't know if that's a good number or a bad number, and so  
18 I guess I'm asking the question, and I don't want to be out of  
19 line, but, if we can hold it to 505,000, I think that would be  
20 showing a whole lot of effort of trying to be able to sustain  
21 the fishery, and that was my viewpoint on the whole thing, and  
22 so I understand your point though, and I appreciate it.  
23

24 **CHAIRMAN DIAZ:** I think Mr. McDermott might want to speak to  
25 that point. Mr. McDermott.  
26

27 **MR. MCDERMOTT:** I would like to accept the General's  
28 recommendation to amend the ACL to the 2022 ABC of 505,000  
29 pounds.  
30

31 **CHAIRMAN DIAZ:** Mr. Dugas, are you okay with that, as the  
32 seconder? All right. **The motion is amended to 505,000 pounds.**  
33 Ms. Boggs.  
34

35 **MS. BOGGS:** Okay, and so I will speak in opposition to this  
36 motion, for several reasons, mainly for what Dr. Sweetman said,  
37 that the Reef Fish AP was unanimous on a recommendation, but,  
38 again, I do not see why we would reallocate the fish with a  
39 fishery that is overfished and undergoing overfishing.  
40

41 **It was almost unanimous yesterday, in public comment, from both  
42 charter/for-hire, commercial, and recreational fishermen that  
43 this resource is depleted, and so I would like to make a  
44 substitute motion to make the Reef Fish AP motion the preferred,  
45 and I can read that, if you would like.**  
46

47 **CHAIRMAN DIAZ:** Yes, and so this would be second substitute.  
48

1   **MS. BOGGS:** That is correct. A preferred.

2  
3   **CHAIRMAN DIAZ:** You can go ahead and put your motion on the  
4 board, Ms. Boggs.

5  
6   **MS. BOGGS:** Bernie, I tried to send you an email, and I don't  
7 know that it went through, because I was talking and typing all  
8 at the same time, but it's the Reef Fish AP motion, which says,  
9 in Action 1, to make a new preferred alternative that would  
10 retain the current 73 percent recreational and 27 percent  
11 commercial allocation. The ACLs would correspond to the 2023  
12 recommendations in Alternative 2 for the years 2023 through  
13 2027. Then the alternative would be to maintain -- Well, I  
14 guess I don't need to re-read that.

15  
16   **MR. RINDONE:** Based on the motion that the Reef Fish AP had  
17 made, and so to make a new Alternative 6 that would retain the  
18 current sector allocation, and the ACL would correspond to the  
19 2023 recommendation in Alternative 2 for the years 2023 to --  
20 Okay, and so that's got it in there.

21  
22   **CHAIRMAN DIAZ:** All right, Ms. Boggs, and so go ahead and read  
23 your motion into the record, and then we're going to go ahead  
24 and get a second, and then we'll go from there.

25  
26   **MS. BOGGS:** Thank you, Mr. Chair. My second substitute motion  
27 is, in Action 1, to make a new Alternative 6 that would retain  
28 the current 73 percent recreational and 27 percent commercial  
29 allocation. The ACLs would correspond to the 2023  
30 recommendations in Alternative 2 for the years 2023 through  
31 2027, and make this alternative the preferred. Then Alternative  
32 6 would maintain the sector allocation at 73 percent  
33 recreational and 27 percent commercial. Revise the OFL and ABC  
34 as recommended by the Scientific and Statistical Committee,  
35 based on the SEDAR 70 in 2020. Set the stock ACL equal to the  
36 ABC.

37  
38   **CHAIRMAN DIAZ:** Okay, and so we have a second substitute motion.  
39 Is there a second to the motion?

40  
41   **DR. SWEETMAN:** Seconded by Dr. Sweetman. Any discussion? Mr.  
42 Gill.

43  
44   **MR. GILL:** Thank you, Mr. Chairman. I would like to ask the  
45 maker of the motion if we could clarify it a little bit. One is  
46 take the "s" off the "ACLs", because that indicates there is  
47 more than one. Second, I would argue that the "for the years  
48 2023 through 2027" are redundant, and I would recommend removing

1 them, if the maker of the motion would agree.

2  
3 **MS. BOGGS:** I don't mind taking the "s" off of "ACLs". I am  
4 just trying to determine the redundancy for the years 2023  
5 through 2027.  
6

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

9 **MS. LEVY:** I don't mind about the ACLs, although there are  
10 multiple ACLs. There is one total, but then there are other  
11 ACLs, and so, regardless of what years you put there, this is  
12 going to be in place until you change it. You can't have an end  
13 date with no corresponding catch limit that goes with it, and  
14 so, in that sense, it's from 2023 until changed, which is what's  
15 reflected in the table.  
16

17 **CHAIRMAN DIAZ:** Okay. Ms. Boggs.  
18

19 **MS. BOGGS:** So I'm fine with removing "the years 2023 through  
20 2027", Ms. Levy, if that doesn't change the intent of this  
21 motion.  
22

23 **CHAIRMAN DIAZ:** Okay, and so I did have Mr. Dugas earlier, but  
24 we've had a second substitute motion, but I don't want to pass  
25 you over. Did you want to wait, or did you want to go now, Mr.  
26 Dugas? Mr. Dugas.  
27

28 **MR. DUGAS:** Thank you, Mr. Chair. I will speak in opposition of  
29 this motion, and I seconded Mr. McDermott's motion, and I wanted  
30 to speak about the ACL, the 505,000 or the 631,000, but I'm okay  
31 with either one, but another point that I wanted to make was, in  
32 Action 2, just to remind everyone, the preferred alternative is  
33 to reduce the buffer of the ACL and the ACL for the commercial  
34 sector by 6 percent, and so I just wanted everybody to be  
35 reminded that that was coming up.  
36

37 **CHAIRMAN DIAZ:** Thank you, Mr. Dugas. All right. Dr. Stunz.  
38

39 **DR. STUNZ:** Thank you, Mr. Chairman. I will also speak in  
40 opposition to this motion. I think Mr. McDermott's motion was a  
41 good compromise, that, you know, everybody is giving a little  
42 bit and doing probably what's best for the fishery, and that's  
43 sort of why I have an issue with this.  
44

45 Number one, you know, that 649,000 is more than what we just  
46 talked about before, by bumping that down into the low  
47 500,000's, and sorry, but I don't remember exactly what that  
48 number was, and so, given what we heard yesterday, with the

1 status of this fishery, you know, that creates a little bit of a  
2 problem, but I think our second substitute motion is one that,  
3 while no one may be completely happy with it, it's a good  
4 compromise, where I think a lot of folks are around this table,  
5 and so I don't support this motion.

6

7 **CHAIRMAN DIAZ:** Thank you. General Spraggins.

8

9 **GENERAL SPRAGGINS:** I think you've said pretty much everything.

10

11 **CHAIRMAN DIAZ:** Mr. Strelcheck.

12

13 **MR. STRELCHECK:** Thanks, Mr. Chair. I speak in support of both  
14 the substitute motion and second substitute motion, with regard  
15 to the constant catch strategy, and so I commend, obviously, the  
16 council members for recommending that.

17

18 Knowing that this was going to be a discussion today, I spent  
19 some time kind of wrapping my mind around kind of what we're  
20 dealing with on the allocation side, and, obviously, we need to  
21 create a record with regard to allocation, but, when you take  
22 into consideration how we manage this fishery, and so, on the  
23 recreational side, we'll manage to the catch target, and that's  
24 the next action we have to discuss, when you factor in kind of  
25 what we're managing to, in terms of the catch targets, we're  
26 taking about a 10 percent difference between, you know, a  
27 preferred alternative allocation of status quo and, you know,  
28 the most extreme allocation alternative, in terms of how we're  
29 adjusting this fishery up or down with a catch limit.

30

31 My struggle is that 10 percent is about, you know, no more than  
32 than 30,000 or 40,000-pound shift one way or another, and it is  
33 a small amount of fish, and we, I think, all well know that it  
34 is very difficult to monitor landings in this fishery, and so,  
35 at the end of the day, you know, I don't have strong feelings  
36 about the allocations that are being discussed, but I think  
37 we're splitting hairs over what, at the end of the day, is  
38 really a pretty small shift in the overall allocation. In terms  
39 of management, we really do need to have this constant catch,  
40 and move that forward, and so thanks for moving that.

41

42 **CHAIRMAN DIAZ:** Thank you. Mr. Williamson.

43

44 **MR. WILLIAMSON:** Thank you, Mr. Chair. I would speak against  
45 the second substitute motion, and I think it's wonderful that  
46 we're moving in a direction of conservation and that we're  
47 paying attention to the AP and their recommendations. My  
48 objection to the second substitute motion is that we recognize

1 that, on the recreational side, this is pretty much a catch-and-  
2 release fishery, and the recs are putting back, you know, a  
3 large portion of the fish that they catch.

4  
5 However, this substitute motion would increase the commercial  
6 sector by 7 percent over the first substitute motion, and so, in  
7 my mind, that's a negative, to give the commercial sector  
8 another 7 percent to take out of the water, and so that's my  
9 reasoning for voting against the second substitute motion. It's  
10 just not conservative enough.

11  
12 **CHAIRMAN DIAZ:** Thank you, Mr. Williamson. All right. Mr.  
13 Schieble, and then we're going to vote these motions up or down.  
14 Mr. Schieble.

15  
16 **MR. SCHIEBLE:** Thank you, Mr. Chair. This is quick. I think,  
17 if this second substitute motion included the constant catch  
18 scenario from the prior substitute motion, I would be more  
19 inclined to be in favor of it, but, as they stand now, I'm not  
20 going to convolute the process any further here, and I think we  
21 need to move on these two and see where they go.

22  
23 **CHAIRMAN DIAZ:** Okay. Ms. Boggs, to that point?

24  
25 **MS. BOGGS:** No, and I was just going to ask for a roll call  
26 vote.

27  
28 **CHAIRMAN DIAZ:** Okay. A roll call vote. Dr. Simmons.

29  
30 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair. Dr. Shipp.

31  
32 **DR. SHIPP:** No.

33  
34 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Dugas.

35  
36 **MR. DUGAS:** No.

37  
38 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Schieble.

39  
40 **MR. SCHIEBLE:** No.

41  
42 **EXECUTIVE DIRECTOR SIMMONS:** Dr. Stunz.

43  
44 **DR. STUNZ:** No.

45  
46 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Dyskow.

47  
48 **MR. DYSKOW:** No.

1  
2 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Anson.  
3  
4 **MR. ANSON:** No.  
5  
6 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Strelcheck.  
7  
8 **MR. STRELCHECK:** Yes.  
9  
10 **EXECUTIVE DIRECTOR SIMMONS:** Ms. Boggs.  
11  
12 **MS. BOGGS:** Yes.  
13  
14 **EXECUTIVE DIRECTOR SIMMONS:** Mr. McDermott.  
15  
16 **MR. MCDERMOTT:** No.  
17  
18 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Williamson.  
19  
20 **MR. WILLIAMSON:** No.  
21  
22 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Broussard.  
23  
24 **MR. BROUSSARD:** No.  
25  
26 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Geeslin.  
27  
28 **MR. GEESLIN:** No.  
29  
30 **EXECUTIVE DIRECTOR SIMMONS:** General Spraggins.  
31  
32 **GENERAL SPRAGGINS:** No.  
33  
34 **EXECUTIVE DIRECTOR SIMMONS:** Dr. Sweetman.  
35  
36 **DR. SWEETMAN:** Yes.  
37  
38 **EXECUTIVE DIRECTOR SIMMONS:** Dr. Frazer.  
39  
40 **DR. FRAZER:** Yes.  
41  
42 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Gill.  
43  
44 **MR. GILL:** Yes.  
45  
46 **EXECUTIVE DIRECTOR SIMMONS:** The motion failed five to eleven.  
47  
48 **CHAIRMAN DIAZ:** Okay, and so we're going to go back to the

1 substitute motion, and we're going to wait until it gets on the  
2 board, so everybody can see it. **The substitute motion is, in**  
3 **Action 1, to add a new Alternative 6 and make it the preferred.**  
4 I think everybody knows what we're voting on at this point, and  
5 so I'm going to ask for a show of hands.  
6

7 **MR. GILL:** A roll call vote, please, Mr. Chairman.  
8

9 **CHAIRMAN DIAZ:** All right. We have a request for a roll call  
10 vote. Dr. Simmons. I will read the entire motion, just for the  
11 record. **In Action 1, to add a new Alternative 6 and make it the**  
12 **preferred. Alternative 6 is revise the allocation between the**  
13 **recreational and commercial sector using the MRIP-FES-adjusted**  
14 **average landings during the years 1993 through 2009. The**  
15 **allocation for greater amberjack are 80 percent recreational and**  
16 **20 percent commercial. Revise the OFL and ABC as recommended by**  
17 **the SSC, based on SEDAR 70 in 2020. Set the stock ACL equal to**  
18 **the 2023-plus ABC of 505,000 pounds.** Dr. Simmons.  
19

20 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair. Mr. Gill.  
21

22 **MR. GILL:** No.  
23

24 **EXECUTIVE DIRECTOR SIMMONS:** Mr. McDermott.  
25

26 **MR. MCDERMOTT:** Yes.  
27

28 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Dyskow.  
29

30 **MR. DYSKOW:** Yes.  
31

32 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Broussard.  
33

34 **MR. BROUSSARD:** Yes.  
35

36 **EXECUTIVE DIRECTOR SIMMONS:** Dr. Frazer.  
37

38 **DR. FRAZER:** Yes.  
39

40 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Geeslin.  
41

42 **MR. GEESLIN:** Yes.  
43

44 **EXECUTIVE DIRECTOR SIMMONS:** Dr. Stunz.  
45

46 **DR. STUNZ:** Yes.  
47

48 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Williamson.

1  
2 **MR. WILLIAMSON:** Yes.  
3  
4 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Schieble.  
5  
6 **MR. SCHIEBLE:** Yes.  
7  
8 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Dugas.  
9  
10 **MR. DUGAS:** Yes.  
11  
12 **EXECUTIVE DIRECTOR SIMMONS:** General Spraggins.  
13  
14 **GENERAL SPRAGGINS:** Yes.  
15  
16 **EXECUTIVE DIRECTOR SIMMONS:** Ms. Boggs.  
17  
18 **MS. BOGGS:** No.  
19  
20 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Strelcheck.  
21  
22 **MR. STRELCHECK:** Yes.  
23  
24 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Anson.  
25  
26 **MR. ANSON:** Yes.  
27  
28 **EXECUTIVE DIRECTOR SIMMONS:** Dr. Shipp.  
29  
30 **DR. SHIPP:** Yes.  
31  
32 **EXECUTIVE DIRECTOR SIMMONS:** Dr. Sweetman.  
33  
34 **DR. SWEETMAN:** Abstain.  
35  
36 **EXECUTIVE DIRECTOR SIMMONS:** The motion carried thirteen to two  
37 with two abstentions.  
38  
39 **CHAIRMAN DIAZ:** Thank you. Ms. Levy.  
40  
41 **MS. LEVY:** Just to clarify, and so we're setting it for 2023-  
42 plus, because that's where we are, but this comes from the table  
43 in which this is the 2022 catch limit, right, and so I just  
44 wanted to make that clear, because the language in the motion  
45 references 2023, and this references 2023, but this comes from  
46 the 2022 catch limit in the alternative, as written in the  
47 table.  
48

1   **CHAIRMAN DIAZ:** Thank you, Ms. Levy. Dr. Frazer.

2  
3   **DR. FRAZER:** Thank you, Mr. Chairman, for this opportunity to  
4 continue. The committee then reviewed Action 2, that would set  
5 the ACT for the recreational and commercial sectors, but made no  
6 further recommendations on this action. Draft Options:  
7 Modifications to Recreational and Commercial Greater Amberjack  
8 Management Measures --

9  
10   **CHAIRMAN DIAZ:** Okay, and so we do need a motion to move forward  
11 the codified text, if anybody would be willing to make that  
12 motion.

13  
14   **DR. STUNZ:** Yes, Mr. Chairman. I would be happy to make that  
15 motion, if we want to pull up our normal verbiage for taking the  
16 final action with the codified text.

17  
18   **CHAIRMAN DIAZ:** While we have a lull in the conversation, I want  
19 to mention that we have an ex-council member that just came in.  
20 Dr. Mickle, it's good to see you out in the audience. Thank you  
21 for coming to visit with us today, and so we appreciate you.

22  
23   **DR. STUNZ:** Okay, Mr. Chairman, and my motion is to approve the  
24 Draft Amendment 54: Modifications to the Greater Amberjack Catch  
25 Limits and Sector Allocations and Other Rebuilding Plan  
26 Modifications and that it be forwarded to the Secretary of  
27 Commerce for review and implementation and deem the codified  
28 text as necessary and appropriate, giving staff editorial  
29 license to make the necessary changes in the document. The  
30 Council Chair is given the authority to deem any changes to the  
31 codified text as necessary and appropriate.

32  
33   **CHAIRMAN DIAZ:** Okay. We have a motion. Is there a second?  
34 It's seconded by Dr. Frazer. Is there any discussion on the  
35 motion? I think this is a roll call vote, right, and so we're  
36 going to have a roll call vote.

37  
38   **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair. Mr. Dyskow.

39  
40   **MR. DYSKOW:** Yes.

41  
42   **EXECUTIVE DIRECTOR SIMMONS:** Dr. Stunz.

43  
44   **DR. STUNZ:** Yes.

45  
46   **EXECUTIVE DIRECTOR SIMMONS:** Mr. Schieble.

47  
48   **MR. SCHIEBLE:** Yes.

1  
2 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Williamson.  
3  
4 **MR. WILLIAMSON:** Yes.  
5  
6 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Dugas.  
7  
8 **MR. DUGAS:** Yes.  
9  
10 **EXECUTIVE DIRECTOR SIMMONS:** Dr. Sweetman.  
11  
12 **DR. SWEETMAN:** Yes.  
13  
14 **EXECUTIVE DIRECTOR SIMMONS:** Mr. McDermott.  
15  
16 **MR. MCDERMOTT:** Yes.  
17  
18 **EXECUTIVE DIRECTOR SIMMONS:** General Spraggins.  
19  
20 **GENERAL SPRAGGINS:** Yes.  
21  
22 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Anson.  
23  
24 **MR. ANSON:** Yes.  
25  
26 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Strelcheck.  
27  
28 **MR. STRELCHECK:** Yes.  
29  
30 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Geeslin.  
31  
32 **MR. GEESLIN:** Yes.  
33  
34 **EXECUTIVE DIRECTOR SIMMONS:** Dr. Frazer.  
35  
36 **DR. FRAZER:** Yes.  
37  
38 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Broussard.  
39  
40 **MR. BROUSSARD:** Yes.  
41  
42 **EXECUTIVE DIRECTOR SIMMONS:** Ms. Boggs.  
43  
44 **MS. BOGGS:** No.  
45  
46 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Gill.  
47  
48 **MR. GILL:** Yes.

1  
2 **EXECUTIVE DIRECTOR SIMMONS:** Dr. Shipp.  
3  
4 **DR. SHIPP:** Yes.  
5  
6 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Diaz.  
7  
8 **CHAIRMAN DIAZ:** Yes.  
9  
10 **EXECUTIVE DIRECTOR SIMMONS:** The motion carried sixteen to one,  
11 Mr. Chair.  
12  
13 **CHAIRMAN DIAZ:** Dr. Frazer.  
14  
15 **DR. FRAZER:** All right. We'll start again with the Draft Options: Modifications to Recreational and Commercial Greater Amberjack Management Measures, Tab B, Number 7. The committee was provided various management measure options for greater amberjack. Council staff requested the committee provide guidance on whether any of the proposed options should be removed or others added at this time.  
16  
17  
18  
19  
20  
21  
22  
23 The committee discussed options for a fixed closed recreational season. A committee member asked why the commercial season was closed in May, during the spawning period, while the recreational season was not. Captain Walker stated that the Reef Fish AP had discussed this topic also and decided an open recreational season of September 1 through October 31 would allow access, reduce harvest, and allow for data collection within the MRIP Wave 5, September and October.  
24  
25  
26  
27  
28  
29  
30  
31  
32 A committee member stated novel thinking was required when considering modifications to the recreational season. The committee decided to remove two options and add another.  
33  
34  
35  
36 **The committee recommends, and I so move, in Action 1, to move Alternatives 4 and 5 to Considered, but Rejected. Alternative 4 is a split season, open September 1 through October 23 and May 1 through May 19. Alternative 5 is a split season, open September 1 through October 5 and May 1 through May 31.** The motion carried without opposition.  
37  
38  
39  
40  
41  
42  
43 **CHAIRMAN DIAZ:** All right, and so we have a committee motion. Is there any discussion on the motion? **Seeing no discussion, is there any opposition to the motion? Seeing none, the motion carries.** Dr. Frazer.  
44  
45  
46  
47  
48 **DR. FRAZER:** The committee recommends, and I so move, in Action

1   **1 to make an Alternative for a November 1 through December 31**  
2   **season.** That motion carried without opposition.  
3

4   **CHAIRMAN DIAZ:** Okay. Again, we have a committee motion. Is  
5   there any discussion on the motion? **Seeing no discussion, is**  
6   **there any opposition to the motion? Seeing no opposition, the**  
7   **motion carries.** Mr. Strelcheck.  
8

9   **MR. STRELCHECK:** While we're talking about the seasons, I did  
10   want to mention an idea, or a comment, that was at least floated  
11   to me this week by a stakeholder. One of the things they noted  
12   is we've been increasing the size limit for amberjack, and, in  
13   part, that might be successful, one because we've been  
14   increasing the size limit, but also because greater amberjack  
15   are often misidentified, at juvenile, or younger, stages, with  
16   banded rudderfish and lesser amberjack.  
17

18   To me, there might be an opportunity here to consider closing  
19   the complex, and I recognize that that means that there's a  
20   downside to harvesting those two other species, but to  
21   betterment, and benefit, of, obviously, greater amberjack, and  
22   so I wanted to raise that for consideration here, given that  
23   we've been having such problems rebuilding greater amberjack,  
24   and it's something that at least staff could evaluate and look  
25   into and bring back to us at the next meeting.  
26

27   **CHAIRMAN DIAZ:** Mr. Gill.  
28

29   **MR. GILL:** Thank you, Mr. Chairman. That sounds like a good  
30   idea that's worth looking at, to me.  
31

32   **CHAIRMAN DIAZ:** Mr. Anson.  
33

34   **MR. ANSON:** I was just going to say the same thing. I think  
35   there is a problem with misidentification of the various  
36   species.  
37

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

40   **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair. Just,  
41   because we don't have a motion, just to make sure what you're  
42   looking for from staff, and it's a little bit of information  
43   about the jacks complex landings by month?  
44

45   **MR. STRELCHECK:** Well, let me ask. Remind me again of the  
46   timeline of this document, and when would be taking final  
47   action?  
48

1   **EXECUTIVE DIRECTOR SIMMONS:** I think I asked you that during  
2 committee, but next April would be a tight timeline. June.  
3

4   **MR. STRELCHECK:** Okay, and so June, and so I guess what I would  
5 be asking is to bring back to us information about the issues of  
6 misidentification of greater amberjack with those other species  
7 and potential options to consider, in terms of closing not just  
8 greater amberjack, but the jacks -- That jack complex, to aid in  
9 rebuilding of greater amberjack.  
10

11   **CHAIRMAN DIAZ:** Okay. I think we've got what we need. Thank  
12 you, Mr. Strelcheck. All right. Seeing no further discussion,  
13 Dr. Frazer.  
14

15   **DR. FRAZER:** The committee discussed the proposed options for  
16 modifying the recreational minimum size limit. A committee  
17 member requested consideration of also lowering the minimum size  
18 limit in the document. Council staff presented an option to  
19 increase the minimum size limit to thirty-six inches fork length  
20 and a second option that introduced a range of slot limits for  
21 consideration. There was concern that a slot limit would  
22 increase dead discards without reducing fishing mortality.  
23

24 Dr. John Walter, of the Southeast Fisheries Science Center,  
25 indicated that the recreational retention exhibited a dome-  
26 shaped relationship with length and that the recreational sector  
27 was not selecting many fish at larger sizes.  
28

29 Dr. Sean Powers, Standing SSC member, stated that his recently-  
30 published study using acoustic telemetry techniques indicated  
31 that discard mortality was mainly dependent on length, rather  
32 than capture depth or use of a descender device.  
33

34 Captain Walker reported that the Reef Fish AP thought a slot  
35 size limit would potentially increase discards and high-grading.  
36 The Reef Fish AP recommended moving towards a full-retention  
37 fishery. However, he noted that a few Reef Fish AP members  
38 cautioned that a full-retention fishery could lead towards  
39 targeting of juvenile fish. The committee decided that a slot  
40 size limit was unlikely to have a marked effect in achieving  
41 management goals and recommended not considering it further.  
42

43 Captain Walker reviewed the Reef Fish AP's recommendation on  
44 potential modifications to the commercial trip limit. The Reef  
45 Fish AP stated that the commercial sector was interested in  
46 managing greater amberjack as a bycatch fishery, and, thus,  
47 recommended a five-fish trip limit that would reduce to a two-  
48 fish trip limit when 75 percent of the commercial quota was

1 harvested.

2  
3 The committee requested a decision support tool to aid in  
4 analyzing potential alternatives. The committee acknowledged  
5 the importance of understanding the various effects of the  
6 considered management measures on catch levels to achieving  
7 conservation goals for greater amberjack.

8  
9 IFQ Focus Group, Tab B, Numbers 8(a) through (b), staff informed  
10 the committee that the dates of November 30 to December 1, 2022,  
11 had been selected to convene a second IFQ Focus Group meeting  
12 and that the member representing the public participant had  
13 resigned from his position.

14  
15 Staff also provided a potential new meeting charge proposed by  
16 the facilitators. With this information, staff asked whether,  
17 one, the committee intends for staff to proceed with convening a  
18 second focus group meeting, and, two, whether the committee  
19 wanted to modify the meeting charge.

20  
21 A committee member made a motion that would ask the focus group  
22 to provide options on how to get quota increases above the  
23 current commercial quota, plus allocation associated with non-  
24 active accounts, to active fishermen who do not have shares.  
25 After discussion, the committee tabled the motion, pending the  
26 council's decision on whether to proceed with convening focus  
27 group for a second meeting. A committee member noted that a  
28 second meeting of the focus group could help inform the council  
29 on what works and what does not work in the IFQ programs.

30  
31 **The committee recommends, and I so move, to reconvene the IFQ**  
32 **Focus Group for a second meeting with the remaining eight**  
33 **members. That motion carried with three in opposition.**

34  
35 **CHAIRMAN DIAZ:** Thank you, Dr. Frazer. We have a committee  
36 motion. Is there any discussion on the motion? **Seeing no**  
37 **discussion, is there any opposition to the motion? Two in**  
38 **opposition, and the motion carries with two in opposition.** Dr.  
39 Frazer.

40  
41 **DR. FRAZER:** Having made the decision to reconvene the focus  
42 group, the committee un-tabled the previous motion, but did not  
43 vote during the committee. The committee discussed the motion  
44 below and other potential changes to the focus group's meeting  
45 charge. The motion is to modify the IFQ Focus Group's charge to  
46 consider an Action that provides options on how to get:  
47 1) increases in annual allocation (not shares) above the current  
48 commercial allocation (approximately 6.3 million pounds), and

1   2) allocation held in non-active accounts to active fishermen who  
2 own no shares.  
3

4   The committee discussed addressing changes to the IFQ programs,  
5 and Mr. Strelcheck suggested that staff provide the council with  
6 potential program changes that the council could consider.  
7

8   **The committee recommends, and I so move, to direct staff to**  
9 **develop a list of proposed IFQ related issues the council would**  
10 **review and prioritize at their January 2023 meeting.**  
11 **Thereafter, the council would either convene a special council**  
12 **meeting or dedicate significant time on a future Reef Fish**  
13 **committee agenda to discuss the highest-priority issues**  
14 **recommended by the council.**   The motion carried without  
15 opposition.  
16

17   **CHAIRMAN DIAZ:** Okay. We have a committee motion. Is there any  
18 discussion on the motion? Ms. Boggs.  
19

20   **MS. BOGGS:** So, since we just voted to reconvene the IFQ Focus  
21 Group, when would that meeting be, and the reason I ask is I'm  
22 assuming, if that meeting is prior to the January 2023 meeting,  
23 those priorities that they discuss would be incorporated with  
24 the priorities that the staff discusses, and it's not going to  
25 be two separate exercises?  
26

27   **CHAIRMAN DIAZ:** Dr. Simmons.  
28

29   **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair, and so that  
30 meeting is scheduled for November 30 and December 1, at the  
31 Tampa office, and the plan would be to bring their  
32 recommendations to the council in January, with the other list  
33 of items for you to review and prioritize.  
34

35   **CHAIRMAN DIAZ:** Mr. Gill.  
36

37   **MR. GILL:** Thank you, Mr. Chairman. I note that there has been  
38 a fair number of lists developed by the council and staff in  
39 years past, relative to IFQ priorities and what might be  
40 changed, et cetera, and so my assumption, if we pass this  
41 motion, is what staff will wind up doing will take a compendium  
42 of all those lists, add to it anything that may have been  
43 missing, which is probably unlikely, and bring that forward, and  
44 is that a fair assumption?  
45

46   **EXECUTIVE DIRECTOR SIMMONS:** You can't hear, Dr. Lasseter?  
47

48   **DR. LASSETER:** I apologize, and I missed -- I was hearing

1 something from staff. Could you repeat that, please?

2

3 **MR. GILL:** I was noting that there have been some number, half-a-dozen, or whatever the number of lists prepared in prior

4 years, since the IFQ program was started, and I would assume

5 that, if this motion passes, that what you will effectively do

6 is reassemble all those lists, eliminate duplicates, add

7 anything that may be missing, and provide that at the next

8 meeting, and is that a fair assumption?

9

10

11 **DR. LASSETER:** That sounds like a starting point. I heard Andy

12 saying that he wanted SERO staff involved, and so I figured that

13 we would let them provide what changes they were willing to

14 consider to the program, and we can bring you that, but, Mr.

15 Gill, you do point out something, and it was in 2014 that this

16 council started with a list of proposed changes developed by the

17 council. That list is in a table in Amendment 36B, in Appendix

18 A, if you would like to take a look at it, and so, if we're

19 starting from that point, from 2014 again -- That is how I'm

20 understanding this.

21

22 **CHAIRMAN DIAZ:** Mr. Strelcheck.

23

24 **MR. STRELCHECK:** Just to provide clarity with regard to my

25 motion, there's a lot of different sources of information that

26 we can draw upon, the focus group being one of them, five-year

27 reviews, documents like Ava just noted, and my intent is let's

28 gather all that together.

29

30 I don't want it to become this massive laundry list, right, but

31 it allows us to then take a very careful and thoughtful look at

32 what we have out there, what could be considered, and prioritize

33 that and determine what is most important to address, from the

34 council's perspective, and then whittle down that list, so we

35 have a very focused discussion on specific topics.

36

37 **CHAIRMAN DIAZ:** Thank you, Mr. Strelcheck. I am not seeing any

38 further discussion. **Is there any opposition to the motion on**

39 **the board? Seeing no opposition, the motion carries.** Ms. Levy.

40

41 **MS. LEVY:** If we can just scroll back to that motion that you

42 talked about, the focus group's charge, there was a piece on the

43 bottom of that that's missing, right, and so it was how to get

44 these two things, and then there was to substantial

45 participants, and I don't remember what the language was, but

46 the idea was how do you use these things to get it to some user

47 group identified, and that part is missing from the bottom of

48 the motion.

1  
2 Oh, it's in Number 2, and so it was -- It was supposed to be  
3 those two things to get to active fishermen who own shares,  
4 right, and it's not just Number 2, right, and it was increases  
5 in annual allocation and allocation held in non-active accounts,  
6 and both of those things to active fishermen who own no shares.  
7 That's the way it was set up when it was read.  
8

9 **CHAIRMAN DIAZ:** Dr. Simmons, to that point?  
10

11 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair. Well, I  
12 think, you know, we need to bring this motion up again, by a  
13 council member, because this was not voted on in committee, and  
14 so we just noted it in the report, for ease of --  
15

16 **MS. LEVY:** Right, what I'm saying is it's not written correctly  
17 anymore.  
18

19 **EXECUTIVE DIRECTOR SIMMONS:** But nobody proffered the motion, I  
20 guess.  
21

22 **MS. LEVY:** Well, but it's in the report, and it's not written  
23 the way it was presented to the committee, is what I'm saying,  
24 because it was Number 1 and Number 2, and the "to active  
25 fishermen who own shares" was underneath that, because it was  
26 how you get these two things, Number 1 and Number 2, to active  
27 fishermen, and "to active fishermen" was not part of Number 2,  
28 is what I'm saying, and so I just want it to be reflected how it  
29 was discussed.  
30

31 **CHAIRMAN DIAZ:** Dr. Frazer.  
32

33 **DR. FRAZER:** I thought that Dr. Lasseter had her hand up, and  
34 then I will go.  
35

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

38 **DR. LASSETER:** Thank you, Mr. Chairman, and so we had the motion  
39 report with the phrase "to active fishermen who own no shares"  
40 on the following line, and, in the process of editing the  
41 committee report, it was simplified to remove it up, and so I  
42 felt like -- It seemed like, if you read the whole thing -- I  
43 don't care how you want to reformat it.  
44

45 **MS. LEVY:** I don't want to nitpick it, but it's different,  
46 right, and like the right way to write this would be -- I'm not  
47 going to change it to that, but to modify the IFQ Focus Group's  
48 charge to consider an action that provides options on how to get

1 to active fishermen who own shares: 1) increase in allocation;  
2 allocation held in non-active accounts. Both of those go to  
3 the active fishermen who own no shares.

4  
5 The way it was reworded, only Number 2 applies to that now, and  
6 so I just want to make it clear what was presented to the  
7 committee, and I want it to be reflected in this report.  
8

9 **CHAIRMAN DIAZ:** All right, and so Mr. Rindone says those changes  
10 can be made in the report to reflect that, and is that correct,  
11 Mr. Rindone?

12 **MR. RINDONE:** Mr. Chair, they have been made.  
13

14 **CHAIRMAN DIAZ:** Okay. Dr. Frazer.  
15

16  
17 **DR. FRAZER:** Again, I think Mr. Schieble was the motion maker,  
18 right, and so what I'm looking at, Mara, at this point, is,  
19 because we left this motion on the board, is there a need to  
20 vote on this motion? Okay. I'm just checking.  
21

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

24 **MR. STRELCHECK:** As long as we're done with this, I did want to  
25 go back to amberjack, real quick.  
26

27 **CHAIRMAN DIAZ:** I am trying to just make sure that we handle  
28 this correctly. Ms. Levy, to try to make sure that we handle  
29 this correctly, does this require, at this point, for the  
30 council to make that motion and for us to vote on that motion  
31 there, that you are referencing, or not?  
32

33 **MS. LEVY:** I am going to say no, although I am confused as to  
34 why it's in the report like this, if you never voted on it in  
35 committee, and like I'm not sure why it's structured like this,  
36 and so I am having trouble answering that question. I mean, you  
37 obviously didn't vote on it to present it to the council.  
38

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

41 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair. I think it  
42 was so that we could talk about it in Full Council, due to time,  
43 was my understanding, and Mr. Schieble did not withdraw the  
44 motion, and that's why it's in the report, and we should have  
45 dispensed with it during committee.  
46

47 **CHAIRMAN DIAZ:** Okay, and so I think we know why we're at this  
48 point right now, and so the motion was left in the report, and

1 so it's just a discussion point, because it was left hanging  
2 during committee, without being withdrawn, and so, if the  
3 council would like to have some discussion on that motion, we  
4 could do that now. I do have a short list of people that are  
5 wanting to be heard, and I want to go to them next, but, if  
6 that's where we want to go, let's go there. Mr. Dugas.  
7

8 **MR. DUGAS:** Well, I was a little bit confused on what was going  
9 on, and, if Chris needed to re-make the motion or not, and that  
10 was some of my question, and then I have another point to make,  
11 after we deal with this, before we leave the focus group.  
12

13 **CHAIRMAN DIAZ:** Okay, and so I will entertain any discussion on  
14 this part of the report. Mr. Schieble.  
15

16 **MR. SCHIEBLE:** I was confused as well, because it said it was  
17 untabled, and we did not vote on it in committee, and I assumed  
18 that we had to vote on it here, and that's why it was in the  
19 text. Otherwise, why would it even be in there, and so I didn't  
20 really understand where we were going with this either, but, to  
21 Mara's credit, she is correct, and it was intended that both of  
22 those actions were for active fishermen who own shares, and that  
23 is why that was in a separate sentence underneath the two  
24 bullets, but it could be reworded, if it needed to be, as she  
25 described in the first sentence, or you could add "to active  
26 fishermen" in both of those bullets, and I don't care how you do  
27 it, but that was the intention of it.  
28

29 You know, I see a couple of options here. We could make a  
30 motion that staff bring 36C back for the January meeting, and it  
31 includes this action within it, and that could be the  
32 alternative to this, or we can discuss it now.  
33

34 **CHAIRMAN DIAZ:** All right, and so it would be good if we vote  
35 this up or down or withdraw it. Dr. Frazer and then Dr. Stunz.  
36

37 **DR. FRAZER:** Well, I think, or I'm pretty sure, that Andy was  
38 going to go here too, and I think we left it here as a reminder  
39 that we need to discuss the charge, right, and I think that's  
40 the general discussion we had at the committee, at this point,  
41 or the council.  
42

43 **CHAIRMAN DIAZ:** Dr. Stunz.  
44

45 **DR. STUNZ:** Yes, because this is getting a little bit confusing,  
46 and I did understand it that way, Tom. I understood it the way  
47 that Chris did, that we needed to take a vote on this, and I  
48 would recommend that we take a vote. I know that that's your

1 motion, Chris, and I'm happy to make it, if you want to continue  
2 with a motion on that, but I also like your idea about bringing  
3 it back up in 36, and I don't know if I'm speaking out of line  
4 here, Tom, for our next meeting for 36, and when that would come  
5 up, but, at some point, I would like to really see it in both  
6 places, that this group take it up here, but we also take it up,  
7 you know, at the appropriate time.

8

9 **CHAIRMAN DIAZ:** Mr. Schieble.

10

11 **MR. SCHIEBLE:** Thank you, Mr. Chair. The intention here was  
12 that this would be posed to the focus group, at perhaps their,  
13 you know, next, or last, meeting, right, before we get it back  
14 here at the council level, and then we could consider what we  
15 want to do with it after that, and that's the purpose of why it  
16 was in here in this order, and so I think we need to -- If I  
17 need to remake the motion, in order for us to vote on it, and is  
18 that what needs to happen here, correct?

19

20 **CHAIRMAN DIAZ:** Yes.

21

22 **MR. SCHIEBLE:** All right, and so I will pose a new motion to  
23 modify -- Consider an action that provides options on how to  
24 get: 1) increases in annual allocation (not shares) above the  
25 current commercial allocation to active fishermen who own  
26 shares; and 2) allocation held to non-active accounts to active  
27 fishermen who own shares. Is that correct, the way you would  
28 like it?

29

30 **CHAIRMAN DIAZ:** Just make sure it's worded correctly on the  
31 board, Mr. Schieble.

32

33 **MR. SCHIEBLE:** That's fine.

34

35 **MR. RINDONE:** Chris, you're going to need to help wordsmith  
36 this.

37

38 **MR. SCHIEBLE:** Do you want me to read it out loud now, correct  
39 for the record?

40

41 **MR. RINDONE:** Just take a look at what's in the italics there,  
42 because we have moved the "to active fishermen who own no  
43 shares", which was the part under Point 2 there that Ms. Levy  
44 had asked be relocated.

45

46 **MR. SCHIEBLE:** That's fine, and so the motion is to modify the  
47 IFQ Focus Group's charge to consider an action that provides  
48 options on how to get to active fishermen who own shares --

1  
2 **MR. RINDONE:** Who own shares or who own no shares?  
3  
4 **MR. SCHIEBLE:** Who own no shares. To active fishermen who own  
5 no shares: 1) increases in annual allocation (not shares) above  
6 the current commercial allocation of approximately 6.3 million  
7 pounds; and 2) allocation held in non-active accounts.  
8  
9 **CHAIRMAN DIAZ:** Okay, and so we have a motion. Is there a  
10 second to the motion?  
11  
12 **MR. WILLIAMSON:** I second it.  
13  
14 **CHAIRMAN DIAZ:** It's seconded by Mr. Williamson. Is there any  
15 discussion on the motion? Dr. Sweetman.  
16  
17 **DR. SWEETMAN:** So just a general question. I agree that we need  
18 a little bit more specificity here for what the focus group's  
19 role in this is here, but would this completely eliminate what  
20 the previous charge was for the IFQ focus group, because this  
21 might be getting a little too prescriptive, if this is all that  
22 the IFQ focus group is going to be talking about here.  
23  
24 **CHAIRMAN DIAZ:** Did you want to respond to that? Dr. Lasseter,  
25 did you want to respond to that?  
26  
27 **DR. LASSETER:** So, looking at this motion, and I had some notes  
28 for Chris, but I hadn't had a chance to talk to him about it  
29 yet, but I am really wondering what you are -- What you would be  
30 intending for the focus group to provide from this, because I  
31 don't think this is what the facilitators had also meant by  
32 narrow. This is very specific. You're basically telling them  
33 that, okay, we are going to do this, and only this, and you're  
34 not even defining what is the problem, specifically, and you're  
35 talking about just giving allocation only to people who do not  
36 own shares, and so this motion includes several decisions that  
37 lead to a very narrow comment, or a narrow thing to comment on,  
38 and I believe it still says to provide options on how to get --  
39 So what options are you conceivably even considering there?  
40  
41 Like so, if staff was to look at this, the options would say  
42 don't own shares, you know, and we would need to tease out which  
43 share categories you're talking about, and, of course, we most  
44 need information on what "active fishermen" means.  
45  
46 If this would be the only charge for them, for the focus group  
47 to look at, it just seems kind of really focused, and I guess I  
48 just don't -- This isn't a broader part of what the council is

1 working on, and this seems just like one really narrow thing,  
2 and, I mean, we will go forward with it, and we will take them  
3 whatever you ask us to do, but this seems kind of prescriptive.  
4

5 **CHAIRMAN DIAZ:** Thank you, Dr. Lasseter. I've got a list of  
6 people here right now. Mr. Gill.  
7

8 **MR. GILL:** Thank you, Mr. Chairman. I'm in the mode, relative  
9 to this motion, of having to define how the focus group is going  
10 to deal with it. For one, we haven't defined what "active" and  
11 "non-active" is defined as. For another, it's, as Dr. Lasseter  
12 mentioned, it's awfully specific, with no defined endpoint, and  
13 so, unless we modify it, I cannot support it.  
14

15 **CHAIRMAN DIAZ:** Mr. Strelcheck.  
16

17 **MR. STRELCHECK:** Similar comments to what have been made. I  
18 struggle just with the first portion, about an action, and so  
19 one of my thoughts, or suggestions, would be to say to modify  
20 the charge to evaluate the benefits and drawbacks of getting to  
21 active fishermen who own no shares increases in annual  
22 allocation and allocation held in non-active accounts, and so  
23 you drop, essentially, the action and options and get them to  
24 really focus on what are the benefits and drawbacks of doing  
25 this, from their perspective.  
26

27 Then, also, take out the specificity, in terms of "above the  
28 current commercial allocation", and I'm asking my team for a  
29 suggestion on the non-active accounts, because I think I know  
30 what you mean, but I'm not definite, in terms of what that would  
31 pertain to, right, and so we withheld quota from accounts that  
32 were inactive previously, and I think that's really what you're  
33 after.  
34

35 **CHAIRMAN DIAZ:** So, Chris, did you want to respond to that  
36 point?  
37

38 **MR. SCHIEBLE:** So, I guess that could be a substitute motion, if  
39 Mr. Strelcheck wanted to make that, and I would be favorable to  
40 changing that language, if that's what he wants to do, or we can  
41 modify it right here, and either way is fine with me.  
42

43 **CHAIRMAN DIAZ:** If you're willing to accept a friendly  
44 amendment, that would be the cleanest way to handle it, and so  
45 are you -- Can you wordsmith that a little bit, Mr. Strelcheck,  
46 and then we'll see if the seconder agrees?  
47

48 **MR. STRELCHECK:** After "the IFQ Focus Group's charge to", say

1 "evaluate benefits and drawbacks", and then delete up to "on  
2 how". All right. Then "increases in annual allocation (not  
3 shares)", and then delete everything thereafter in that first  
4 bullet. Then "allocation held by --  
5

6 **CHAIRMAN DIAZ:** All right. Mr. Strelcheck, are you amenable to  
7 those amendments, or Mr. Schieble?  
8

9 **MR. SCHIEBLE:** Yes. I agree.  
10

11 **CHAIRMAN DIAZ:** All right. The seconder, is the seconder okay?  
12 All right. The seconder is okay, and so the motion has been  
13 modified. I still have a list of people. Ms. Boggs.  
14

15 **MS. BOGGS:** Mr. Strelcheck actually brought up all the points  
16 that I was going to, because, the way the motion was reading, it  
17 sounded more like something that this council would take up and  
18 not the focus group. Thank you.  
19

20 **CHAIRMAN DIAZ:** Mr. Anson.  
21

22 **MR. ANSON:** Same. Mr. Strelcheck had my comments and then some.  
23 Thank you.  
24

25 **CHAIRMAN DIAZ:** Dr. Stunz.  
26

27 **DR. STUNZ:** Same for me.  
28

29 **CHAIRMAN DIAZ:** Dr. Frazer.  
30

31 **DR. FRAZER:** Ditto.  
32

33 **CHAIRMAN DIAZ:** Okay. Mr. Dugas.  
34

35 **MR. DUGAS:** Mr. Chairman, I wasn't the seconder, and you were  
36 looking at me. It was Mr. Williamson.  
37

38 **CHAIRMAN DIAZ:** Mr. Williamson, are you okay with those changes?  
39 Okay. Thank you. Thank you, Mr. Dugas. Ms. Levy.  
40

41 **MS. LEVY:** I guess the only thing I'm going to ask is maybe more  
42 clarity about what the non-active accounts is referring to. I  
43 think, with the change made of "by the agency", I guess it's  
44 implying what the agency already took back, and is just sitting  
45 there, from those accounts that had never been activated, when  
46 you did 36A, but I am not sure that's what you meant.  
47

48 I don't know if this means to look at other non-active accounts

1 that have not yet been defined, or are you talking about what  
2 the agency has already taken back with 36A from those accounts  
3 that had never been activated?  
4

5 **MR. SCHIEBLE:** The intention was the ones that are held by the  
6 agency as a whole, but I'm not even sure that we need to have  
7 that prescriptiveness here, because this is to add to this list  
8 of those charges that we already gave the focus group to look  
9 at, right, going forward, and this isn't an action in a document  
10 at this point, and that's, I guess, my part of the contention  
11 here, is we're trying to get them to review this to come back to  
12 us with some recommendations, as an AP would.  
13

14 **CHAIRMAN DIAZ:** Okay. Mr. Strelcheck.  
15

16 **MR. STRELCHECK:** Just to clarify, the way I think we should  
17 interpret this is that this is the allocation shareholdings that  
18 we have pulled back from 36A, right, and so, regardless of the  
19 wording, I think that's the interpretation that is most  
20 appropriate.  
21

22 **CHAIRMAN DIAZ:** Okay. Thank you. I am not seeing any further  
23 discussion. Mr. Gill.  
24

25 **MR. GILL:** Thank you, Mr. Chairman, and so I'm fine with this  
26 motion, as it's currently written, but I think we ought to  
27 recognize that, relative to the original charge, fundamentally,  
28 this just addresses the new entrants.  
29

30 It does a little bit, perhaps, on discards, and it does a little  
31 bit, perhaps, on fairness and equity, but, fundamentally, it's  
32 focused on new entrants, which says that we really haven't  
33 discussed, or will not, if this is the only thing left on the  
34 table in the charge, that we will not have included a broader  
35 discussion on discards in the folks that hold shares, and that  
36 was part of what was important when we set this up, and so I'm  
37 thinking that consideration of additional, beyond this charge,  
38 to address those other items, or, specifically, we're leaving  
39 them out, and, if that's our intent, that's our intent, but we  
40 ought not, if we pass this motion, assume that that should be  
41 the entire charge to the focus group, in my opinion.  
42

43 **CHAIRMAN DIAZ:** Dr. Simmons, for some clarification, please?  
44

45 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair, and so Dr.  
46 Lasseter provided a draft charge, during the committee, and I  
47 think this follows, more specifically, that draft charge. It  
48 says the primary goal of the next meeting could be to focus on

1 new entrants, that is replacement fishermen, to the IFQ  
2 programs. What could such program changes look like, and what  
3 would be the implications of those changes?  
4

5 **CHAIRMAN DIAZ:** At this point, it would be -- We would be moving  
6 forward with the charge that was in the report and then this  
7 motion here, is my understanding, and anything else that would  
8 be brought forth after we deal with this motion. Okay. With  
9 that, Mr. Gill.  
10

11 **MR. GILL:** Thank you, Mr. Chairman, and so I recognize that, but  
12 what I want the council to recognize is that, if we follow the  
13 recommendation from the committee of focusing entirely on new  
14 entrants, we are not, therefore, focusing on the other things  
15 that we originally decided to focus on, and that's a difference  
16 that I think is significant, and, if that's our intent, so be  
17 it, but just passing this reflects Dr. Lasseter's suggestion of  
18 a charge, but it does not follow through on what we originally  
19 felt was important, and I'm fine if that's the way we want to  
20 go, but I want to make it clear that that's what we're saying.  
21

22 **CHAIRMAN DIAZ:** Dr. Frazer.  
23

24 **DR. FRAZER:** I think, to Bob's point, right, I mean, ultimately,  
25 we have another motion on the board that we're trying to  
26 prioritize what we would like to address, as related to the IFQ  
27 program, and this is still very specific and focused on, you  
28 know, the new entrant issue.  
29

30 There is lots of issues, right, and how do we deal with the  
31 discard issue, for example, more broadly, and so, in my mind, I  
32 think -- Again, there's lots of input, historically, here,  
33 right, and you can find lists of potential priority issues in  
34 various versions of Amendment 36, and, you know, we have another  
35 AP out there too, the IFQ AP, that might have a different list  
36 of priorities, right, and this focus group was intended to  
37 provide kind of a broader perspective on what those potential  
38 priorities might look like, potential mechanisms, or pathways,  
39 to address some of those, but then are we going to meet again,  
40 potentially, based on the motion that Andy made earlier, as a  
41 council, to address this specifically?  
42

43 All of that is kind of information that needs to be collated,  
44 right, in order to get us to that point, and where Andy was  
45 trying to get us to go, and so, if we keep this motion -- I  
46 mean, I'm okay, again, with this motion, as Bob said, but I  
47 think that we need to step back again and broaden it out a  
48 little bit, that charge.

1  
2 **CHAIRMAN DIAZ:** Okay, and so we've had a fair amount of  
3 discussion, and I want to go ahead and dispense with this  
4 motion, and, if anybody wants to bring up some additional things  
5 for the charge, we'll discuss them later. I'm going to call for  
6 a show of hands. **All in favor of the motion on the board,**  
7 **please signify by raising your hand. The motion carries.**

8  
9 It sounds like we might have some folks that would like to have  
10 some further discussion, and so I would open the floor up for  
11 discussion. Mr. Dugas.

12  
13 **MR. DUGAS:** Thank you, Mr. Chair. I wanted -- I am debating on  
14 a motion, but I wanted to revisit the last meeting, and I made a  
15 motion that failed about the modifications of catch limits to  
16 Gulf red snapper, and we heard the public testimony of the  
17 commercial guys not wanting an increase, and so I made a motion  
18 to set that aside for new entrants, dead discards, and so forth,  
19 and I think that's a good idea for this focus group, is to  
20 pinpoint on that increase in the red snapper quota, which we  
21 heard them clearly that they don't want. They don't want the  
22 fish, and so I am asking other council members, and, you know,  
23 is this something we should entertain, to have the focus group  
24 look at this quota and give us some direction on what to do with  
25 it?

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

28  
29 **MS. BOGGS:** Thank you, Mr. Chair. J.D., what I heard yesterday  
30 was the same thing, and the reason is the fish -- There's a  
31 problem with the fishery, and we don't need to take any more  
32 fish out of the Gulf.

33  
34 I understand the problem with the new entrants, and, yes, that  
35 would be a good idea, if everyone said, up here, we don't need  
36 any more fish, and the stock is healthy, but we're good, and  
37 that's not what I heard. I heard the depletion, and we heard it  
38 from commercial, charter/for-hire, and recreational. They're  
39 not seeing the fish, and they're smaller fish, and, to me, that  
40 wouldn't be a prudent move at this time, just because of what  
41 we're hearing about the condition of the stock. Thank you.

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

44  
45 **MR. GILL:** Thank you, Mr. Chairman. I echo Susan's comments.  
46 Everybody who argued against the increase in catch limit wants  
47 the catch limit increase if it was prudent for the stock. They  
48 do not believe it's prudent for the stock, and so the

1 characterization that they don't want it is quite incorrect, and  
2 the need is to focus on the status of the stock as they see it,  
3 and they're on the water, and most of us are not every day, and  
4 they see it, the problem, and that's why they're concerned and  
5 why they recommended no increase.

6

7 **CHAIRMAN DIAZ:** Thank you, Mr. Gill. Dr. Stunz.

8

9 **DR. STUNZ:** J.D., I think you got your points on the record,  
10 and, I mean, I agree with exactly what you're saying, and so  
11 hopefully that message will get through for this IFQ group to  
12 take up, but, for Susan's point about removing more fish from  
13 the water, and, J.D., I'm speaking for you, or at least my  
14 understanding of this, and I don't think that is what is being  
15 advocated here.

16

17 No one is saying we take more fish from the water than what is  
18 allocated, but fish are being taken from the water right now.  
19 From a discard statement, I mean, thousands of pounds per trip,  
20 like 7,000 to 10,000 pounds, that are being discarded back into  
21 the water, as a waste, and so I think what J.D. --

22

23 Or at least, in my mind, when I supported his motion, was these  
24 discussions in front of this panel will address that and figure  
25 out ways to optimize that program, to where we don't have such  
26 high discards and those fish aren't wasted, therefore retaining  
27 more fish in the water, to increase recruitment and all those  
28 sorts of things. Those are just one example of how I think this  
29 IFQ Focus Group, and then us as a council, can seek to address  
30 some of these issues in that program.

31

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

33

34 **MR. ANSON:** So I guess I just wanted to ask to bring up the  
35 previous motion, and doesn't 1 kind of address your concerns? I  
36 have another point, but go ahead.

37

38 **MR. DUGAS:** Thank you, and so, Kevin, originally, the motion had  
39 a number attached to it, 6.3, and, the way I look at that is  
40 anything from today forward, and my mindset is behind us, that  
41 what we did last meeting, and I don't remember the number, but  
42 that increase in allocation, or quota, that we all voted on to  
43 increase, that's the portion that I am talking about now, is  
44 there's a chunk of fish there that I heard clearly that  
45 fishermen didn't need it or want it. That's the fish I am  
46 focused on. It didn't go into effect yet, and so that's what  
47 I'm asking.

48

1   **CHAIRMAN DIAZ:** To that point?

2  
3   **MR. ANSON:** Then that was covered under our previous discussion  
4   related to that motion and the changes that were made and  
5   everything, relative to identifying a specific number, and so I  
6   don't know, and you can deal with it as you wish, I guess, but I  
7   guess my other point was related to, you know, what the current  
8   statements are.

9  
10 You know, we're going to be bringing them together, and so we  
11 ought to use their input, or their thoughts, on just the concept  
12 of what that would mean, which this kind of addresses, I think,  
13 more of a concept and not identifying a specific number, and so  
14 -- I think that would be their purview, would be to get feedback  
15 on a concept, and then the council would come back and kind of  
16 figure out the mechanics of it, relative to identifying specific  
17 levels of thresholds, is my personal take on it, and so I think  
18 it would be appropriate, albeit not the only thing that they  
19 would discuss, would be charged to discuss, but I think it would  
20 be appropriate for them to provide their comments and thoughts  
21 on it, regardless of what the current fishery is like, or what  
22 their comments or perspectives are, but it's just to provide  
23 comments on the benefits, the pros and cons, of doing such  
24 action.

25  
26   **CHAIRMAN DIAZ:** All right. Dr. Frazer, and then we're going to  
27 try to move this along. Dr. Frazer.

28  
29   **DR. FRAZER:** I think Mr. Anson captured many of the points that  
30 I was going to make.

31  
32   **CHAIRMAN DIAZ:** Thank you, Dr. Frazer. All right, and so we  
33 don't have any motions, any further direction, and so I think  
34 we're good to go at this point, Dr. Simmons? Dr. Simmons is  
35 okay, and Dr. Frazer.

36  
37   **DR. FRAZER:** I think Andy had something still.

38  
39   **CHAIRMAN DIAZ:** Mr. Strelcheck.

40  
41   **MR. STRELCHECK:** I was playing catch-up when we moved past  
42 amberjack, and so we did -- We didn't make a motion, but we  
43 recommended removing the alternatives that included slot limits.  
44 We do still have an action and alternatives for the minimum size  
45 limit of thirty-four inches, and then thirty-six inches, and so  
46 I just wanted to have a discussion of whether we wanted to  
47 continue to retain that, and we also heard some comments about  
48 reducing the minimum size limit, and so, just thinking of staff

1 workload and time, if it's not something that we're going to  
2 seriously consider, it would be good to remove it now, but, if  
3 people want to see analysis, then I wanted to find out if we  
4 wanted to add any alternatives.

5

6 **CHAIRMAN DIAZ:** Ms. Boggs.

7

8 **MS. BOGGS:** Thank you, Andy, and I was the one that brought up  
9 looking at size limits, and, again, that's just trying to look  
10 at every possible angle that we can to try to help this fishery.  
11 I have mixed emotions about it, and it really goes against  
12 anything I've ever said, and normally it's, you know, keep the  
13 bigger fish, so they can spawn, but, as I said in my comments on  
14 Tuesday, I was told one time, by scientists, that a fish out of  
15 the water is a fish out the water, and it doesn't matter when  
16 you take it, and so the only reason I was discussing maybe  
17 looking at lowering the size limit is if it would help with the  
18 discards.

19

20 I didn't understand, and I forgot who made the comment earlier,  
21 that amberjack is a catch-and-release fishery. Well, if that's  
22 the case, we're really going to have some problems, because  
23 those fish don't survive when you release them, and so I don't  
24 mind if we take it off the table, but it was just, again, going  
25 with what you said at the last meeting, to think outside the box  
26 and let's try something new, but, if the agency doesn't think  
27 it's something that's viable, then I have no problem removing it  
28 from discussion.

29

30 **CHAIRMAN DIAZ:** Mr. Strelcheck.

31

32 **MR. STRELCHECK:** I mean, in response to that, based on the  
33 information that Dr. Powers shared about release mortality  
34 increasing with the increasing size length of amberjack, I do  
35 have concerns with going up on the size limit. I think it's a  
36 valid idea to look at potentially lowering the size limit, and,  
37 as I mentioned during committee, we'll have a fishery that is  
38 open to harvest only a couple of months of the year, and most of  
39 the time it will be closed, and so I don't think that lowering  
40 the size limit might have a substantial impact, obviously, in  
41 terms of affecting the harvest, and it could benefit us in terms  
42 of reducing release mortality when the fishery is open, and so,  
43 with that, I mean, I'm -- I don't have a strong position on  
44 this.

45

46 I think, if we want to keep this, then my recommendation would  
47 be to probably add an alternative to reduce the size limit to  
48 thirty-two inches, and I don't think I would want to change it

1 much more than that. Otherwise, we should get rid of the  
2 action.

3  
4 **CHAIRMAN DIAZ:** Okay. I have just a couple of folks lined up.  
5 Dr. Stunz.

6  
7 **DR. STUNZ:** Thank you, Mr. Chairman. Andy largely made my  
8 point, and, I mean, I think I wouldn't be opposed to removing  
9 this, if we want to, for efficiency, but a couple of things,  
10 just to follow-up on what Andy had said, is, obviously, yes, it  
11 does matter what size we remove these fish from the water.

12  
13 It's a key component of fisheries management, but, in terms of  
14 the release mortality here, you know, we heard from Dr. Powers  
15 that, yes, there's a size factor in that release -- A larger  
16 size could have higher mortality, but, overall, it's generally  
17 low, and, in fact, I think it's lower than what we're currently  
18 using, and so there is a potential for catch-and-release and  
19 some size limit modifications, if we choose to do that, but I am  
20 not necessarily advocating that right now.

21  
22 **CHAIRMAN DIAZ:** Ms. Boggs and then Mr. Schieble.

23  
24 **MS. BOGGS:** I believe in the discussion -- I can't remember what  
25 I said, but it seems like I said anywhere from twenty-eight to  
26 thirty-six inches, but I would be -- I think we need to explore  
27 it and see, and I can certainly make a motion, but I would agree  
28 with Andy, and it really doesn't need to be smaller than thirty-  
29 two inches, but most people -- If they go out and they catch an  
30 amberjack, and it's, you know, a nice-sized amberjack, they're  
31 probably going to throw it in the box anyway, and so you might  
32 as well give it to them, and let's move on. I hate to think  
33 that way, but, you know, a lot of people, that's the biggest  
34 fish they've ever caught, and they are probably going to keep it  
35 anyway, but, again, if I need to make a motion, I will be happy  
36 to.

37  
38 **CHAIRMAN DIAZ:** I think, as far as staff is concerned, some  
39 clarification of exactly what's going to be analyzed would be  
40 very helpful in a motion. Mr. Schieble, I have you next, and  
41 then we'll go from there. Mr. Schieble.

42  
43 **MR. SCHIEBLE:** Dr. Froeschke had his hand up, and I want to hear  
44 what he says, and then I'll go after that.

45  
46 **CHAIRMAN DIAZ:** Dr. Froeschke.

47  
48 **DR. JOHN FROESCHKE:** I guess I'm just trying to understand and

1 trying to think through -- The purpose and need of that document  
2 is to find ways to reduce harvest and associated fishing  
3 mortality to meet the goals of the catch limits that are in  
4 Amendment 54.

5  
6 What I don't understand is like, if we do that analysis, by  
7 expanding the allowable size of harvest, meaning reducing the  
8 size limit, that's going to add to more retained catch in a  
9 shorter amount of time, and it's those smaller release that have  
10 the higher release -- The high survivorship.

11  
12 I am just -- I don't have any objection to that, but it does  
13 seem like any of the analysis that we're going to do is going to  
14 mean that you're going to have more retained catch in a smaller  
15 time, in a shorter season, and so I'm not sure how that is going  
16 to mesh with the rest of the document, and so I'm just trying to  
17 figure out what I'm missing, and there must be something.

18  
19 **CHAIRMAN DIAZ:** Johnny Greene made that point in public  
20 testimony yesterday, with his thoughts on that, also. Mr.  
21 Schieble.

22  
23 **MR. SCHIEBLE:** I think, during committee, I spoke to asking for  
24 the staff to come back with either like a decision tool or a  
25 table of the different options and which one would give us the  
26 most savings, and which combinations of options would give us  
27 the most savings, and that could include size, bag limit, trip  
28 limit, vessel limit, all those types of things, would be  
29 potentially in here, as we did back in 2019 when we went through  
30 this.

31  
32 I think including a size limit change in that would be  
33 important, because, as I recall, back then, it gave us the most  
34 savings, when we made the size limit changes, and so why would  
35 we want to take it out, if we're going to potentially have a  
36 high level of savings with that, in combination with something  
37 else?

38  
39 **CHAIRMAN DIAZ:** All right. I have Mr. Gill and then Mr.  
40 Strelcheck.

41  
42 **MR. GILL:** Thank you, Mr. Chairman. I come from the opposite  
43 point of view. We're making dramatic and drastic changes to the  
44 fishery, and we're shortening the season, and the catch level is  
45 way down, and my -- I am willing to make a motion to remove  
46 Action 2 from the management measures being considered, but that  
47 is an added complication on a dramatic change that I think we  
48 ought to defer until we have the stock in shape to consider it.

1 At this time, it would be more appropriate to focus on getting  
2 that stock back, and then, when it is, then we can consider  
3 whether we want to consider size limit changes.  
4

5 **CHAIRMAN DIAZ:** All right. You're not making a motion at this  
6 time, right?  
7

8 **MR. GILL:** Not at the moment.  
9

10 **CHAIRMAN DIAZ:** Mr. Strelcheck.  
11

12 **MR. STRELCHECK:** Thanks for the discussion. In response to  
13 Chris, you know, in terms of that decision tool, a decision tool  
14 will need to contain whatever actions and alternatives are in  
15 the document, and so you mentioned some things that aren't in  
16 the document, and we wouldn't put that in the decision tool,  
17 because the council is not, at this point, considering bag limit  
18 changes and vessel limit changes.  
19

20 With the discussion, and, you know, I made the comment that, if  
21 we're going to change the size limit, either up or down, I think  
22 it has to be fairly small. I agree with John Froeschke, in  
23 terms of reducing the size limit could lead to some additional  
24 harvest and us bumping up against the catch limits faster. **I am**  
25 **going to make a motion to recommend that we remove Action 2 from**  
26 **the framework.**  
27

28 **MR. GILL:** Second.  
29

30 **CHAIRMAN DIAZ:** All right, and so we have a motion, and it's  
31 seconded. I am going to hold to my list, but I'm also looking  
32 for hands that want to speak to the motion. Mr. Dugas.  
33

34 **MR. DUGAS:** Maybe it's to the motion, or maybe not, but I was  
35 going to ask Ryan or John, and I might have missed it, but the  
36 spawning of these fish, and does thirty-two inches, versus  
37 thirty-six inches, make a difference?  
38

39 **MR. RINDONE:** Yes. Thirty-six inches is the length at which 50  
40 percent of individuals are sexually mature, and so any size  
41 limit below thirty-six inches fork length and you're harvesting  
42 individuals that have a higher probability of not having  
43 reproduced yet.  
44

45 **CHAIRMAN DIAZ:** Dr. Froeschke.  
46

47 **DR. FROESCHKE:** I think it's a little lower than that, but there  
48 is a table in -- I think it was either in the presentation or

1 the document, but it has that information in there. I believe  
2 it's in the presentation. It's Slide 12. There it is, and so  
3 the proportion mature at thirty-four inches is 0.85, or 85  
4 percent, estimated. It's almost 100 percent by thirty-six and  
5 just under half at thirty-two inches.  
6

7 **MR. RINDONE:** So I misspoke on that. It's at 100 percent, and  
8 so I do remember that we had discussions about this, when it was  
9 raised to thirty-six inches, because the stock was still under a  
10 rebuilding plan, and that shift of a few inches seemed to make a  
11 considerable difference in the proportion mature.  
12

13 **CHAIRMAN DIAZ:** Dr. Simmons.  
14

15 **MR. RINDONE:** It's thirty-four, and so it used to be twenty-  
16 eight, back in the day, at which point you would expect very few  
17 individuals to be sexually mature.  
18

19 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair. I was just  
20 going to add to this discussion, and it sounds like you're going  
21 to remove this action anyway, but there is evidence that the  
22 females are significantly larger than the males, and, if they're  
23 reaching that minimum size faster, you're probably removing more  
24 females from the stock.  
25

26 **CHAIRMAN DIAZ:** Thank you. All right. Ms. Boggs and then Dr.  
27 Frazer.  
28

29 **MS. BOGGS:** I really don't know what I'm going to do with this  
30 motion, but I would like to make the comment, and I heard what  
31 Mr. Greene said yesterday, and I am very aware that, if you make  
32 the size limit smaller, you will be removing them faster, but,  
33 at the same time, Marcus Kennedy said he's fishing offshore, in  
34 300 feet of water, and releasing twenty to forty-pound fish, and  
35 so the bigger fish aren't there.  
36

37 The other side of this is the release mortality with the shark  
38 and the dolphin interactions, and, again, I'm trying to think  
39 outside of the box, and how can we deal with the depredation,  
40 how can we deal with reproduction, and, I mean, there's a lot of  
41 factors here, and I'm real mixed on this, and I understand, but,  
42 if we're releasing fish in the water, into the water, and the  
43 sharks are eating them, or the dolphins are, we've accomplished  
44 nothing, and so it's kind of a tit-for-tat, and I don't know how  
45 we go about fixing this problem, but those are some other issues  
46 that I considered when talking about reducing the size limit,  
47 and so thank you.  
48

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

2  
3   **DR. FRAZER:** Again, I'm going to speak in favor of the motion.  
4   I mean, we've talked about this a lot, and we've had numerous  
5   size limit changes, you know, over the years, twenty-eight,  
6   thirty, thirty-four inches, et cetera, and changes in bag  
7   limits, and changes in, you know, season limits.

8  
9   At this point, I mean, we're really down to a very small quota,  
10   and I don't -- I mean, I realize that discards are going to  
11   potentially be a problem in any scenario, and so I just -- I  
12   don't want to complicate things, but I'm not sure how we would  
13   interpret a response in the population to another size limit  
14   adjustment, and so I think this simplifies things, and I think  
15   we should just, you know, try to evaluate where we are, and so,  
16   again, I will speak in favor of the motion.

17  
18   **CHAIRMAN DIAZ:** All right, and so Mr. Anson, and then we're  
19   going to take a vote on this motion. Mr. Anson.

20  
21   **MR. ANSON:** I'm also going to support this motion. You know, I  
22   think Bob mentioned earlier about, you know, having some  
23   consistency here in management, and this would potentially add  
24   another wrinkle to that, if we make a change to the size limit,  
25   once again, and so I will be in support of the motion.

26  
27   **CHAIRMAN DIAZ:** All right, and so we've had a fair amount of  
28   discussion. Let me try this. **Is there any opposition to the**  
29   **motion? Seeing no opposition, the motion carries.** Dr. Frazer.

30  
31   **DR. FRAZER:** All right. We'll go to triggerfish. Draft  
32   Framework Action for Gray Triggerfish Commercial Trip Limits,  
33   Tab B, Number 9, council staff presented a draft framework  
34   action to explore increasing the gray triggerfish commercial  
35   trip limit from the current trip limit of sixteen fish.  
36   Commercial fishermen have requested this increase to allow them  
37   the opportunity to land the commercial ACT and reduce dead  
38   discards.

39  
40   Council staff reviewed trip limit analyses provided by SERO  
41   staff that used a three-year average body weight from 2019 to  
42   2021 and trip data from commercial logbooks. This analysis  
43   resulted in predicted changes in landings and closure dates for  
44   each of the five alternatives. Alternative 5, or forty fish per  
45   trip, is the only alternative that is predicted to result in an  
46   early closure, due to the percent increase in landings.

47  
48   Captain Walker provided the Reef Fish AP's recommendation of

1 Alternative 3, twenty-five fish per trip, because it was a more  
2 conservative option that would still provide the commercial  
3 sector an opportunity to reach its quota, while avoiding a  
4 seasonal closure and discards.

5  
6 Captain Walker added that the twenty-five-fish trip limit would  
7 also keep gray triggerfish as a bycatch fishery for the  
8 commercial sector, which was a goal of the Reef Fish AP.

9  
10 **The committee recommends, and I so move, in Action 1 to make**  
11 **Alternative 3 the preferred. Alternative 3 is increase the**  
12 **commercial trip limit to twenty-five gray triggerfish per**  
13 **vessel.** That motion carried without opposition. Mr. Chair.

14  
15 **CHAIRMAN DIAZ:** Okay. We have a committee motion. Is there any  
16 discussion on the motion? **Seeing no discussion, is there any**  
17 **opposition to the motion? Seeing no opposition, the motion**  
18 **carries.** Dr. Frazer.

19  
20 **DR. FRAZER:** The committee also decided to remove Alternative 5  
21 from consideration, as it results in a predicted early closure  
22 date. **The committee recommends, and I so move, in Action 1 to**  
23 **remove Alternative 5. Alternative 5 is increase the commercial**  
24 **trip limit to forty gray triggerfish per vessel. That motion**  
25 **carried without opposition.** Mr. Chair.

26  
27 **CHAIRMAN DIAZ:** Okay. We have a committee motion. Is there any  
28 discussion on the motion? **Seeing no discussion, is there any**  
29 **opposition to the motion? Seeing no opposition, the motion**  
30 **carries.** Dr. Frazer.

31  
32 **DR. FRAZER:** Committee members asked when the document can be  
33 ready for final action. Dr. Simmons stated a plan to have the  
34 document ready for final action in January 2023. The committee  
35 requested that the triggerfish framework not include any  
36 modifications to management measures for greater amberjack, in  
37 order to expediently move forward with this action.

38  
39 **CHAIRMAN DIAZ:** Dr. Frazer, I think this is a pretty good  
40 stopping point to take a break. Gag is going to take a while,  
41 and I know a few people have said they had to check out of the  
42 hotel, and so let's take a twenty-minute break right here and  
43 come back at 10:20, but, before I let the mic go, I did want to  
44 recognize that we had another former council member come in the  
45 door, Dr. Kelly Lucas. Thank you for coming to join us, and we  
46 appreciate it, and so thank you for spending some of your day  
47 with us. Let's go ahead and take a twenty-minute break, and  
48 we'll be back at 10:20, and we'll start up with Reef Fish and

1 take up gag.

2  
3 (Whereupon, a brief recess was taken.)

4  
5 **CHAIRMAN DIAZ:** All right, Dr. Frazer. For folks out there  
6 listening on the webinar, we're going to get back started with  
7 the Gulf of Mexico Fishery Management Council meeting, and we're  
8 in Reef Fish, and, if you're following along on the committee  
9 report, we're on page 6, and we're going to be taking up gag  
10 grouper. Dr. Frazer.

11  
12 **DR. FRAZER:** Thank you, Mr. Chairman. Draft Options for  
13 Amendment 56: Modifications to the Gag Grouper Catch Limits,  
14 Sector Allocations, Fishing Seasons, and other Rebuilding Plan  
15 Measures, Tab B, Numbers 10(a) through (e), SERO staff reviewed  
16 the development progress for the proposed interim rule for gag  
17 grouper, which is intended to reduce fishing mortality ahead of  
18 the development and implementation of Amendment 56, which will  
19 be a rebuilding plan for gag grouper.

20  
21 SERO staff indicated this interim rule was expected to be  
22 implemented in early 2023 and that commercial IFQ allocation  
23 could be withheld in anticipation of that implementation.

24  
25 Dr. Powers reviewed projections for gag under F 40 percent SPR  
26 for the 61 percent recreational and 39 percent commercial sector  
27 allocation scenario and the four rebuilding timelines, which all  
28 assume a total ACL of 661,000 pounds gutted weight in place via  
29 the interim rule for 2023. The projections assume management  
30 will begin in 2024. The SSC found the projections to be  
31 appropriate and noted that it was up to the council to determine  
32 the sector allocation and the pace of rebuilding.

33  
34 Council staff presented options for modifications to catch  
35 limits and the sector allocation and for modifying the  
36 recreational fishing season. The council will also have to  
37 select the pace at which the gag stock will be rebuilt from its  
38 overfished status, for which there are four options. The  
39 rebuilding timelines for the alternatives range between eleven  
40 to twenty-two years, with all rebuilding to the same target  
41 stock size.

42  
43 Captain Walker reviewed recommendations by the council's Reef  
44 Fish Advisory Panel at its October 2022 meeting. The Reef Fish  
45 Advisory Panel unanimously recommended the council adopt the  
46 T<sub>min</sub> times two rebuilding timeline, for rebuilding in twenty-two  
47 years, in Action 1, to request annual interim analyses for gag  
48 to be reviewed by the SSC, and be considered for revisions to

1 catch advice, and that the council adopt Alternative 2, with  
2 Option 2d, in Action 1 as its preferred alternative.  
3

4 The Reef Fish Advisory Panel thought changing the sector  
5 allocation was unwise with the stock in its present overfished  
6 condition and that it was critical that the council be updated  
7 on the rebuilding progress of gag as often as practical.  
8

9 Action 2 discusses modifications to the recreational fishing  
10 season. The proposed interim rule used MRIP-FES data to  
11 determine a September 1 to November 10 recreational fishing  
12 season for gag, which was selected to provide stability in the  
13 fishing season.  
14

15 Council staff noted concerns from the interdisciplinary planning  
16 team and the Reef Fish Advisory Panel about the ability to  
17 accurately project the fishing season over a short season  
18 duration, regardless of the alternatives considered. The season  
19 duration projections for Action 2 will be completed and provided  
20 at the January 2023 council meeting.  
21

22 Captain Walker reviewed recommendations by the council's Reef  
23 Fish AP, which recommended that the council adopt Alternative 2  
24 in Action 2 as its preferred alternative. The Reef Fish AP  
25 thought that effort to avoid discards in the summer months had  
26 merit, yet was interested in optimizing recreational fishing  
27 opportunity, where possible.  
28

29 A committee member asked about the timeline for development of  
30 Amendment 56. Council staff replied that a public hearing draft  
31 was planned for council review in January 2023 and a final draft  
32 in April 2023. The committee member noted gag has been  
33 overfished and undergoing overfishing for some time and thought  
34 changing the sector allocation at the beginning of a rebuilding  
35 plan was inappropriate.  
36

37 A committee member noted that, while Alternative 2 in Action 2  
38 constrains recreational catch, it does not allow for flexibility  
39 and discretion for setting the season duration. Another  
40 committee member added that Florida's State Reef Fish Survey is  
41 not designed for in-season quota monitoring, and, thus, the  
42 season projections would be entirely dependent on the data  
43 available from the previous fishing season, or seasons. The  
44 committee will discuss Action 2 further at Full Council.  
45

46 **CHAIRMAN DIAZ:** Tom, hold on just a second. Mr. Strelcheck.  
47

48 **MR. STRELCHECK:** I've given a lot of thought, and talked to,

1 obviously, a lot of fishermen during this meeting, as well as  
2 listen to public testimony, and I feel like we maybe need to be  
3 doing more than what we're at least considering in this action,  
4 or at least explore some additional analysis.

5  
6 First, we did talk -- C.J. and I spoke yesterday, and, with  
7 regard to the recreational season, we're in some new territory,  
8 because we are using the SRFS data now to project that season,  
9 and he reminded me that any season that NMFS sets -- That that  
10 could be approved by the commission, and so we want to be in  
11 lockstep with one another.

12  
13 There are some advantages and disadvantages of, obviously,  
14 leaving the backend of the season open-ended and projecting out,  
15 but, in terms of the accountability measures, essentially, that  
16 is the current authority that is provided to me, is to  
17 essentially project when the catch limit would be met and close  
18 the season. I wanted to just acknowledge that, and I certainly  
19 welcome C.J. talking specifically about that issue.

20  
21 In terms of where we're at in the document, some options that I  
22 think we should discuss adding, between now and January -- We  
23 heard a lot about the potential for discards during the summer,  
24 because of targeting of red snapper, and I recognize this would  
25 be something more preferred probably for the northern Gulf than  
26 my area off of Tampa, but, looking at that summer fishing  
27 season, that at least overlaps partially with red snapper,  
28 possibly in conjunction with that, a lower bag limit, or even a  
29 vessel limit.

30  
31 Then, on the commercial side, you heard a lot about a commercial  
32 closure, but the idea there was that, if you close the fishery,  
33 then they wouldn't have to reduce their catch levels as much,  
34 and that's, obviously, not feasible, but, when we went to the  
35 IFQ program, it became a year-round fishery, and we do have  
36 areas that protect spawning aggregations, but several thoughts  
37 have come to mind, and one is do we want to consider  
38 reinstituting the grouper closure during, I think, February 15  
39 to May 15 that was previously in place, and do we want to look  
40 at broadening some of the spatial area management, so that we're  
41 protecting gag, and, in particular, gag on the shelf that are  
42 spawning, and at least considering kind of expansion of that, to  
43 keep fishermen off of those areas.

44  
45 The third idea was, you know, just imposing a bycatch trip limit  
46 during the spawning season that would deter commercial fishermen  
47 from going out and targeting gag grouper, or fishing for gag  
48 grouper, while operating and fishing for other species, and so I

1 know that's a lot, but I wanted to toss out those ideas and get  
2 reactions, and certainly discuss with staff the potential for  
3 adding some of those options.

4

5 **CHAIRMAN DIAZ:** Mr. Rindone.

6

7 **MR. RINDONE:** Thank you, Mr. Chair. Andy, you had broadening of  
8 spatial closures for some period of time and consideration of  
9 bycatch trip limits during the spawning season, and what was the  
10 third one? You had said there were three.

11

12 **MR. STRELCHECK:** I had mentioned the previous spawning season  
13 closure, which was for multispecies of grouper.

14

15 **MR. RINDONE:** The previous shallow-water grouper closure for  
16 February and March?

17

18 **MR. STRELCHECK:** Correct.

19

20 **CHAIRMAN DIAZ:** All right. Any discussion? Dr. Frazer.

21

22 **DR. FRAZER:** Just, I mean, I appreciate Andy bringing up those  
23 points, right, and providing some potential alternatives for  
24 actions, moving forward, that would alleviate some of the  
25 pressure, particularly on the gag spawning populations. I guess  
26 what I'm interested in, and so there was a historical closure,  
27 commercial closure, from February 15, and was it to May 15?

28

29 **MR. RINDONE:** March.

30

31 **DR. FRAZER:** March 15, and when did that go into effect, and  
32 when did it end? Does anybody know?

33

34 **MR. STRELCHECK:** I don't recall when it went into effect, and I  
35 believe it went away when the IFQ program was --

36

37 **DR. FRAZER:** Prior to the IFQ? I guess what I was trying to  
38 figure out is how the fishery might have responded to that  
39 closure to begin with, and we may not be able to evaluate that,  
40 but certainly I think, if there's anything in the document that  
41 allows us to alleviate pressure on those spawning aggregations  
42 for gag, I think it's at least important to explore, and I do  
43 like the idea of potentially imposing a trip limit during the  
44 spawning season, to achieve that desired outcome, and so thanks,  
45 Andy, for bringing those up.

46

47 **CHAIRMAN DIAZ:** Dr. Sweetman.

48

1     **DR. SWEETMAN:** Thank you, Mr. Chair. I mean, I will touch on a  
2     few points here. I am certainly not opposed to looking at some  
3     of these alternatives that Andy put forward here, and I  
4     certainly think that, the more conservative actions that we can  
5     do for gag grouper, the better to help rebuild the stock in a  
6     quicker timeframe.

7

8     Regarding the potential option for what we heard at public  
9     comment yesterday, as it relates to June and July, the potential  
10    for that being the gag grouper season, due to discard issues in  
11    the red snapper fishery, I am not so certain how high the  
12    discard issues will be at that time. From everything that I've  
13    been hearing, it's the offshore population, where people just  
14    really aren't seeing gag grouper, and I think we're hearing a  
15    lot of these increases are more on the inshore side, in state  
16    waters, where people tend to target them during the fall months  
17    of the season. However, having said that, I'm certainly not  
18    opposed to looking at the option and seeing what benefit that  
19    could provide us.

20

21    As it relates to setting the gag grouper recreational season, as  
22    Andy said, this is going to be the first year that we'll be  
23    using SRFS data, during the interim rule season, and we really  
24    just don't know how effort is going to shift at that time, and  
25    so some of these projections, I would imagine, are going to be  
26    highly uncertain, along those lines, and, really, the last thing  
27    I want to do is have an overage and for people to lose faith in  
28    the system in year-one that we're trying to use SRFS data for  
29    that.

30

31    As I mentioned, gag grouper catch can be quite high in state  
32    waters, at some times, and I think roughly 40 percent in some  
33    years, and, as Andy mentioned, it would benefit the stock for  
34    the commission to go consistent with some of these regulations,  
35    but the federal rulemaking process is very different than the  
36    state rulemaking process, and I just want to highlight, to the  
37    council here, that it's not necessarily a given that the  
38    commission would go consistent with that particular season, for  
39    a variety of factors.

40

41     **CHAIRMAN DIAZ:** All right, and so we've had a little bit  
42     discussion, and, Mr. Strelcheck, right now my concern is clear  
43     direction to the staff, and I think it would be my preference,  
44     for whatever we want to move forward with and see at the next  
45     version of this document, that we make a motion, to give some  
46     clear direction to the staff. I'm putting you on the spot a  
47     little bit. Sorry about that.

48

1   **MR. STRELCHECK:** All right. I will try to craft a motion. To  
2   direct staff to develop the following options for inclusion in  
3   Amendment 56: 1)a summer recreational gag fishing season;  
4   2)lowering the gag bag limit; 3)establishing a gag vessel limit;  
5   4)a commercial spawning season closure; 5)spatial areas to  
6   protect spawning gag; and then Number 6 would be commercial  
7   bycatch trip limits. I'm sorry, staff.

8  
9   **CHAIRMAN DIAZ:** All right, and so we have a motion. Do we have  
10   a second for the motion? It's seconded by Dr. Frazer. Any  
11   discussion on the motion? Dr. Frazer.

12  
13   **DR. FRAZER:** I mean, again, I appreciate Andy bringing these up  
14   and directing staff to move forward here, but the question I  
15   have, and it's the same discussion I had, or point I tried to  
16   make, at the last meeting with regard to AJs, right, and so,  
17   when we -- If we open these gag seasons, potentially, under any  
18   of these scenarios, whether it's a summer, June and July, or  
19   whether it's September and October, or whether it's November or  
20   December, that's an MRIP wave, right, and, because we've reduced  
21   the quota considerably, right, there is concern about effort  
22   shifting and all of that, and there's a very high likelihood  
23   that, because these fish are -- The allocations, or the quotas,  
24   are so low, that they will be exceeded pretty early in a wave.

25  
26   What I don't -- What I would like, and this is just for staff to  
27   consider, right, is to think about, you know, what some  
28   combination of a month, perhaps in the summer, and a month in  
29   the fall, right, and the reason for that is because you might be  
30   able to evaluate how much fish were actually caught in early  
31   summer, right, and then, if you have some excess, you could,  
32   again, provide additional access to that fishery that is  
33   preferred, as Andy said, in some other geographical locations in  
34   the state.

35  
36   I'm just -- Again, I'm not opposed, and I seconded the motion,  
37   and I support the motion, but I'm just trying to ensure a little  
38   more flexibility for staff to kind of play with those dates a  
39   little bit.

40  
41   **CHAIRMAN DIAZ:** Mr. Anson.

42  
43   **MR. ANSON:** I think I could support the motion too, and I guess,  
44   to Andy, and certainly staff have been taking notes, and they  
45   can look at the minutes, but, on the spatial areas to protect  
46   spawning gag, I thought I heard you say, originally, before you  
47   were asked to develop the motion, that it would be in relation  
48   to those deeper-water areas, with maybe a trip-limit-type thing

1 and not necessarily an area that would be closed, and did I  
2 mishear that, or is that your intention, is to have a full  
3 closure, you know, no retention area?

4

5 **MR. STRELCHECK:** I mean, I think multiple options are on the  
6 table at this point. Certainly, I think the prohibition on  
7 harvest in a specific area is worth considering, but,  
8 alternatively, if that's not palatable, from the council's  
9 standpoint, as we move forward -- What I am trying to do is  
10 figure out ways to deter harvest during the spawning season,  
11 right, and so that's why I wanted to have a suite of options for  
12 consideration.

13

14 **CHAIRMAN DIAZ:** Mr. Rindone.

15

16 **MR. RINDONE:** Thank you, Mr. Chair. There were a couple of  
17 questions, prior to the motion, about the regulatory history for  
18 gag, and so, effective in June of 2000 was when the prohibition  
19 on commercial sale from February 15 to March 15 went through.  
20 Then that was maintained until -- I think until the IFQ program  
21 went into effect, and then there was a closed recreational  
22 season for the same period that was put into effect in late  
23 2006, and that was ultimately removed in 30B, and it put into  
24 place a recreational closed season for shallow-water grouper for  
25 all of February and March, and then was changed in a framework  
26 action in 2013, and so, after that, we have our current  
27 recreational fishing season, and we have the commercial IFQ  
28 program, and so just for a history on that.

29

30 Then, in terms of the number of things that are in this list, I  
31 would just remind the council of the wide-open throttle with  
32 which we are attempting to develop this amendment, and, right  
33 now, I'm looking at multiple variations of season projections,  
34 recreational retention analysis, and also something that we  
35 haven't had to do yet for an IFQ program, which would be the  
36 season closure.

37

38 Given the fact that, at least in the early years, the amount of  
39 allocation that we're talking about for the commercial sector is  
40 so small, having a couple of months closed doesn't, at least on  
41 the face of it, seem like that would be limiting in any way, in  
42 terms of the ability to actually catch those fish.

43

44 As far as the spatial areas are concerned, that would be -- That  
45 would be a third type of analysis, and I would really want a lot  
46 more information about what characteristics of that spatial area  
47 are what you're wanting to look for, and so it is primarily to  
48 protect the males, which represent the smallest fraction, or is

1 it primarily to reduce discard mortality, or is it specific to  
2 certain areas, geographically, that you've already thought  
3 about, or just anything that can help better define that,  
4 because, right now, that's very, very, broad.

5

6 **CHAIRMAN DIAZ:** Okay. Mr. Strelcheck and then Ms. Boggs.

7

8 **MR. STRELCHECK:** I appreciate that, Ryan, and, I mean, certainly  
9 we've heard a lot about the bottleneck of having insufficient  
10 males in the population, and so I think that was my first  
11 thought, in terms of thinking about spatial area management and  
12 protection of the spawning gag along that shelf edge in the  
13 deeper water, typically like forty fathoms or greater, and it  
14 doesn't, you know, exclude us from looking at, you know,  
15 shallower depths.

16

17 In terms of the commercial bycatch trip limits, I did want to  
18 clarify that the recommendation would be during the spawning  
19 season, to deter direct targeting of spawning aggregations.

20

21 What I guess I want to say, and I recognize this is a long list,  
22 and, I mean, I'm happy to modify the motion to not say for  
23 inclusion, but for exploration in Amendment 56, knowing that  
24 staff may not have time to work on all of this, and you're going  
25 to have to prioritize this.

26

27 I've also been talking to, you know, my team, and I've been  
28 talking to Carrie, and I really want us to empower our staff.  
29 They do such a great job in supporting the work we do, and I  
30 really want to give you, obviously, the information you need to  
31 run with, but also make sure that you feel empowered to be able  
32 to come up with a lot of great ideas and input that's brought  
33 back to us for council consideration.

34

35 **CHAIRMAN DIAZ:** Thank you, Mr. Strelcheck, and I agree with  
36 those ideas on empowerment. Mr. Rindone, to that point, and  
37 then Ms. Boggs.

38

39 **MR. RINDONE:** Thank you, Mr. Chair, and so the way that I  
40 envision this, right now, is, currently, we have the catch limit  
41 action, and then we have the recreational fishing season action,  
42 and then there would be an action to examine recreational  
43 retention limits and then an action to examine commercial  
44 retention limits, and then perhaps another one to examine the  
45 commercial seasonal closure.

46

47 We could -- As far as the commercial part of it is concerned, I  
48 mean, it might be possible to combine those into one, because

1 they're both going to have an effect on the same program, but  
2 I'm just trying to lay it out for you guys, so you have some  
3 vision of what this will ultimately look like, or what it could  
4 look like anyway.

5

6 **CHAIRMAN DIAZ:** Ms. Boggs.

7

8 **MS. BOGGS:** So I've been thinking about this, and, again, I'm  
9 trying to look at it holistically, discards and depredation, et  
10 cetera, and the establishing a gag vessel limit -- We need to  
11 really think about how we do that when it comes to the charter  
12 fleet, because you have your six-passenger boats, and you have  
13 your multi-passenger vessels that are anywhere from seven to,  
14 typically, twelve or eighteen, of course, and then you have your  
15 headboats.

16

17 I mean, if you lower the bag limit, and I'm trying to think of  
18 this realistically and holistically, and some of them are going  
19 to disagree with me, but, if you lower the bag limit to say one  
20 per person, and you're on a larger boat, and you can limit out  
21 and say have forty gag groupers, are we really helping, you  
22 know, the population there, but, if you establish a vessel  
23 limit, and it's one per boat, that complicates things too, if  
24 you've got forty people on a boat, and so we need to kind of  
25 look at how we do that, if it's six per vessel or, excuse me,  
26 one fish per six people, something like that, and, I mean, we  
27 have to take that into consideration.

28

29 The reason I'm bringing that up is, if you do go to a boat limit  
30 of one, and you've got a larger boat, and now we're dealing with  
31 discards again, and I think that's something we do have to  
32 consider when we make this decision, and so I don't know how to  
33 direct staff to look at that, but I think that's something we do  
34 need to consider, and, like I said, it's, again, more for your  
35 discards and your depredation, because that is an issue, and  
36 people say we're not addressing that, and this may be one way  
37 that we can address that issue.

38

39 **CHAIRMAN DIAZ:** Dr. Frazer.

40

41 **DR. FRAZER:** Again, I want to just reiterate something that Andy  
42 said earlier, and I think that we can certainly modify the  
43 motion to replace the word "inclusion" with "exploration", and  
44 kind of empower the staff to take into consideration many of  
45 these comments, right, and so there are some things that we can  
46 probably incorporate into the document in fairly short order,  
47 and some things are much more involved, and so I think I would  
48 just ask the staff if they feel like they have enough direction

1 to move forward with this list.  
2

3 **CHAIRMAN DIAZ:** Andy, you're okay with making that modification,  
4 and so if we could change the word "inclusion" to "exploration",  
5 and then either Mr. Rindone or Dr. Simmons to Dr. Frazer's point  
6 about enough information.

7

8 **MR. RINDONE:** I think that we have enough to take a swing at it.  
9

10 **CHAIRMAN DIAZ:** Thank you, Mr. Rindone. All right. Dr.  
11 Simmons.

12

13 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair. Yes, I think  
14 we do. I think we can look at the spatial areas, but remember  
15 one of the biggest problems we have is we don't have a way to  
16 quantify what the reduction would be for fishing mortality in  
17 those areas, and sometimes we're closing areas without a good  
18 understanding of that, and seeing it with reduced fishing  
19 mortality, and so we just need to keep that in mind as we're  
20 looking at those areas.

21

22 **CHAIRMAN DIAZ:** Okay. Ms. Boggs, and then we're going to vote  
23 this up or down. Ms. Boggs.

24

25 **MS. BOGGS:** Well, I mean, that is fine, and we can explore it.  
26 The other thing I was going to suggest is, because of the  
27 complexity with the charter fleet, is if we just remove the  
28 establishing of the gag vessel limit, but we can discuss that as  
29 we get more information on it. Thank you.

30

31 **CHAIRMAN DIAZ:** Okay, and so we've got a motion on the board.  
32 We've had a fair amount of discussion. I am going to try this.

33 **Is there any opposition to the motion? Seeing no opposition,**  
34 **the motion carries.** Dr. Frazer.

35

36 **DR. FRAZER:** Okay. I think we're going to move on to scamp.  
37 The SSC Recommendations for Review of the SEDAR 68 Operational  
38 Assessment for Gulf of Mexico Scamp, Tab B, Number 10(a), Dr.  
39 Powers summarized the SSC's review of the SEDAR 68 operational  
40 assessment of Gulf scamp and yellowmouth grouper.

41

42 These species were assessed concurrently, due to extreme  
43 difficulty in discerning between the two at smaller sizes during  
44 dockside intercepts, and similar life history characteristics.  
45 Landings historically were dominated by the commercial sector,  
46 though recreational landings have increased considerably in  
47 recent years.

1 Recruitment of scamp, which is estimated by the model, has shown  
2 a decrease in recent years. The SSC reviewed the scamp and  
3 yellowmouth grouper stock assessment, SEDAR 68, at its September  
4 2022 meeting and found it to be consistent with the best  
5 scientific information available.

6  
7 Although the assessment originally used a maximum sustainable  
8 yield, or MSY, proxy of F 30 percent SPR, the SSC asked that the  
9 Southeast Fisheries Science Center also produce a run using F 40  
10 percent SPR, considerate of the species' life histories,  
11 increased rate of exploitation of the stocks in recent years,  
12 and empirical studies demonstrating the benefits of managing  
13 stocks like groupers to a higher MSY proxy.

14  
15 Under both presented proxies for MSY, SEDAR 68 estimated that  
16 scamp and yellowmouth grouper are not overfished and are not  
17 undergoing overfishing, as of 2020. The SSC abstained from  
18 recommending catch advice until receiving guidance from the  
19 council about how it foresees the future of scamp and  
20 yellowmouth grouper management, considerate of the species'  
21 inclusion in the shallow-water grouper complex and in the  
22 commercial IFQ program.

23  
24 A committee member asked about the rationale for discussing  
25 changes to the management of the shallow-water grouper complex.  
26 Dr. Powers replied that, because scamp and yellowmouth grouper  
27 now have an accepted stock assessment using MRIP-FES, whether  
28 those species remain in the shallow-water grouper complex is the  
29 council's decision.

30  
31 It's also the council's prerogative to define the MSY proxy for  
32 a species or complex. However, the council typically relies on  
33 scientific input from the SSC to inform that decision. If there  
34 are options for an MSY proxy for a stock or complex that are  
35 both defensible, then the choice is a policy decision. However,  
36 if the current MSY proxy is determined to no longer be  
37 defensible by the SSC, then the decision of an MSY proxy should  
38 follow the recommendation of the best scientific information  
39 available.

40  
41 The SSC's recommendation does not preclude further consideration  
42 of F 30 percent SPR, but it does emphasize the SSC's support for  
43 F 40 percent SPR as the MSY proxy, given the groupers life  
44 histories and that scamp especially are being directly targeted,  
45 more so than in the past.

46  
47 The committee discussed the SSC's recommendation, and recognized  
48 that it was made given the best science available. Council

1 staff added that the catch limits for the shallow-water grouper  
2 complex ACL was established in the Generic ACL/AM Amendment,  
3 without a specified proxy for MSY. After that amendment, a  
4 proxy of F 30 percent SPR was established in Reef Fish Amendment  
5 48, but was not used to revise the ACLs for the complex.  
6

7 The Southeast Fisheries Science Center noted that producing  
8 projections for both proxies would represent a considerable  
9 analytical effort and that scientific justification would be  
10 necessary to decide which proxy to use. A committee member  
11 asked that IFQ program staff from SERO present the current  
12 composition of the grouper-tilefish IFQ program share  
13 categories, to better inform the committee.  
14

15 Captain Walker reviewed discussions by the council's Reef Fish  
16 Advisory Panel. The Reef Fish Advisory Panel did not make a  
17 formal recommendation, but noted the complex interconnectivity  
18 within the grouper-tilefish IFQ program and cautioned against  
19 modifying the program.  
20

21 **The committee recommends, and I so move, to direct staff to**  
22 **provide catch levels for scamp and yellowmouth grouper utilizing**  
23 **an MSY proxy of F 40 percent SPR and consider other management**  
24 **changes necessary for the shallow-water grouper complex.** That  
25 motion carried ten to six with one abstention. Mr. Chair.  
26

27 **CHAIRMAN DIAZ:** Okay. We have a committee motion. Is there any  
28 discussion on the motion? Mr. Anson.  
29

30 **MR. ANSON:** Just I brought it up during committee, and there is  
31 a new council member on, and so, you know, just that the report  
32 reflects the discussion, you know, during the SSC meeting, but  
33 also during the committee, regarding the council's  
34 responsibility, I guess, or duty, in this regard for this stage  
35 of management, and so the MSY proxy is up to the council's  
36 prerogative, as the report reflects, and it does rely,  
37 oftentimes, on the SSC's recommendation, and I would not  
38 necessarily have a problem with -- I don't have a problem with  
39 the motion, except for the fact, and I hope it's, you know,  
40 carried forward, maybe by staff, for future SSC meetings, for  
41 this type of deliberation, but, you know, is to have a  
42 consistent, you know, message, I guess, because the two motions,  
43 as they were offered by the SSC, are conflicting, to a degree,  
44 when you juxtapose that against what the council can do relative  
45 to establishing an MSY proxy.  
46

47 You know, certainly there is, you know, some merit in, you know,  
48 identifying or classifying a species, similar to the gag,

1 because of the change in sex and the ratios for those older  
2 adult fish. You know, I was looking over the data, and I did  
3 not review the data, and I did not listen into the discussion of  
4 the assessment, but, you know, the recruitment information --  
5 I'm just going to have to go and ask a few folks about the  
6 indices that went into, and the analysis that went into, the  
7 recruitment projections, but I just -- It just gives me pause,  
8 again, with how the motions came, the two motions, and then that  
9 the council has the -- You know, it's their prerogative to  
10 identify an MSY proxy.

11  
12 I do realize that there is an extra workload, but I just am  
13 worried about that, because it has been an issue in the past,  
14 with the SSC deliberations, and, you know, with this, we have an  
15 assessment where it appears the stock is not undergoing  
16 overfishing and not overfished, nor has it been in its history.  
17 Granted, there are an increase in landings, but, anyways, I just  
18 wanted to make those comments. Thank you, Mr. Chair.

19  
20 **CHAIRMAN DIAZ:** Thank you, Mr. Anson. Mr. Rindone.

21  
22 **MR. RINDONE:** Thank you, Mr. Chair. That point is -- Being the  
23 staff lead for the SSC, I can certainly work to try and lay out  
24 some discussion rules, or not rules, but guidelines, if you  
25 will, that, when recommending an MSY proxy that differs from the  
26 status quo, to provide some pretty clear justification as to why  
27 they think that is, and, also, to be clear if they think that  
28 the current MSY proxy is inappropriate, and then clearly state  
29 why they think that.

30  
31 I think that the SSC did a good job with that with gag, because  
32 the data made it pretty easy for them, from the assessment, and  
33 that Fmax just simply wasn't a sustainable path forward, and  
34 they laid things out pretty well, I think, with the progression  
35 from 30 percent SPR to now 40 percent SPR for gag, but I can  
36 certainly see where the same level of detail wasn't a part of  
37 the discussion for scamp.

38  
39 I think part of that though is that, right now, for scamp  
40 anyway, we're still at more of that exploratory stage, because  
41 the SSC didn't know how the council was going to manage it, and  
42 there's a lot of interdependencies with the different share  
43 categories for the IFQ program, and so getting some guidance  
44 from the council about, you know, the council's wishes for that,  
45 moving forward, is important, and so it's very likely that this  
46 discussion isn't over yet either, but we will work to be much  
47 more clear about that in the future.

48

1   **CHAIRMAN DIAZ:** All right. Thank you. Dr. Frazer.  
2

3   **DR. FRAZER:** Thank you, Mr. Chairman, and I guess, when we were  
4 having the discussion originally, and I was the council  
5 representative at that SSC meeting, and I probably didn't frame  
6 it quite the right way, when I was trying to explain what I  
7 thought transpired, and a better way to have done that is  
8 probably to say that, you know -- I tried to point out a  
9 sentence in the second motion that the SSC made, but I think,  
10 really, what the SSC was saying, right, is that 40 percent SPR  
11 was the best approximation of FMSY, and, by implication, right,  
12 that meant that there's a higher likelihood of using F 30  
13 percent SPR and overfishing, right, and so, if the council had  
14 decided, for example, to keep both of these, or to elect to  
15 pursue F 30 percent SPR, they would have been saying,  
16 essentially, that they're willing to accept a 50 percent chance  
17 of overfishing, and, you know, that's a flip of a coin.  
18

19 I think that's where the SSC was going, and they were trying to  
20 hone-in and provide a little more directed advice, and I think  
21 that's reflected in the motions, but I like what Ryan said, and,  
22 I mean, we can certainly work with the SSC to help them provide  
23 the information that can be more helpful, and most helpful, to  
24 this council, moving forward.  
25

26   **CHAIRMAN DIAZ:** Thank you, Dr. Frazer. All right. **We're ready**  
27 **to vote on this, and so is there any opposition to the motion on**  
28 **the board? Seeing no opposition, the motion carries.** Dr.  
29 Frazer.  
30

31   **DR. FRAZER:** Okay, and so the Reef Fish AP Recommendations from  
32 the October 2022 Meeting, Tab B, Number 6(b), the council staff  
33 reviewed remaining items from the summary report from the  
34 October 11, 2022, meeting of the Reef Fish AP in Tampa,  
35 including a discussion of the results of the recent update to  
36 the SEDAR 64 assessment of southeastern U.S. yellowtail snapper  
37 and the U.S. Coast Guard inspection requirements for Gulf  
38 federal commercial reef fish permits.  
39

40 The Reef Fish AP also passed a motion to have a fixed reopening  
41 determination date for the federal for-hire red snapper season,  
42 if there is available quota remaining after the initial  
43 projected season. SERO staff indicated that the recreational  
44 landings for MRIP Wave 4 (July and August) are not available  
45 until the middle of October and that any fixed reopening of the  
46 season would need to be considerate of the availability of the  
47 landings data and of providing sufficient notice to the for-hire  
48 fleet.

1  
2 **CHAIRMAN DIAZ:** Dr. Walter.  
3  
4 **DR. WALTER:** Thank you, Chair. I am sorry to take us back just  
5 a couple of sentences, but I had a slight modification to the  
6 text in the previous section on the options for the MSY proxy,  
7 and I passed that to staff, and it's minor, but I will read it,  
8 and it relates to the decisions by the SSC.  
9  
10 If there are options for an MSY proxy for a stock, or complex,  
11 that are both defensible, then the choice is a policy decision,  
12 but my recommendation would be that that we add "equally  
13 defensible" there, because I think that the SSC has a lot of  
14 insight, and is providing guidance based on what a  
15 scientifically-defensible proxy is, as they did, and, in that  
16 case, we probably don't want them to just be -- The burden of  
17 equally -- A lot of things could be defensible, but, here, it's  
18 got to be clarified there.  
19  
20 My other one other minor addition is, when it says, "best  
21 science available", I think we can say, "best scientific  
22 information available", and be clear on that, because "best  
23 science available is not defined", but BSIA is, or it soon will  
24 be, with the BSIA document that's coming out. Thank you.  
25  
26 **CHAIRMAN DIAZ:** Thank you, Dr. Walter, and both of those are  
27 noted. I think we're at Other Business, Dr. Frazer. I believe  
28 we're at the point of Other Business, and Mr. Schieble had a  
29 point of other business.  
30  
31 **MR. SCHIEBLE:** Yes, and thank you, Mr. Chair. This is very  
32 quick, and it's just an FYI. I sent an email to staff with a  
33 graphic, if they could pull it up, real quick, and so we got our  
34 final landings estimates for Louisiana for the private  
35 recreational red snapper season.  
36  
37 As you can see, it's an estimate of 811,090 pounds that came in,  
38 and it equals a difference of 1,775 pounds as an overage, which  
39 we will be paying back, obviously, next year for the 2023  
40 season. I would like to note that that difference in weight,  
41 the 1,775 pounds, is equal to about 280 fish, with our current  
42 average weight, which I will brag a little bit, but I think  
43 that's within the standard error either way of our estimates,  
44 and I think that's pretty good.  
45  
46 It's slightly going over, but it's close, and it's a testament  
47 to how well the state systems are working, I think, and so I  
48 just wanted to let you all know that, and our news release will

1 be probably be coming out with this information probably  
2 sometime later today, if not tomorrow. Thank you, Mr. Chair.  
3

4 **CHAIRMAN DIAZ:** Thank you, Mr. Schieble. Any other business for  
5 the Reef Fish Committee? Seeing no other business, Dr. Frazer.  
6

7 **DR. FRAZER:** Well, Mr. Chair, this concludes my report.  
8

9 **CHAIRMAN DIAZ:** Thank you very much, Dr. Frazer. Mr. Anson.  
10

11 **MR. ANSON:** Just to follow-up on Ryan's comment relative to --  
12 Going back to scamp and a couple of the issues that the SSC  
13 needed some direction, or clarification, from the council on to  
14 continue, and that would be whether or not to keep scamp and  
15 yellowmouth in the shallow-water grouper complex or separate  
16 them, and so just staff is still looking for that direction.  
17

18 **CHAIRMAN DIAZ:** Okay, and so thank you for that, Mr. Anson. Any  
19 comments or feedback for that staff on what Mr. Anson just laid  
20 out so well? Mr. Anson.  
21

22 **MR. ANSON:** I guess I would need -- I mean, how much of an extra  
23 lift is it if -- You know, is that just part of the process, if  
24 we said we would like to remove it? I guess just to explore it,  
25 you know, and, really, the biggest thing -- You know, on the one  
26 hand, I don't want to create a lot of extra work, certainly if  
27 it's not going to lead us anywhere, but, you know, I guess Andy  
28 too, on, you know, how that might change -- Certainly there was  
29 some discussion on how commercial fishermen can utilize that,  
30 you know, with trying to go back and forth between the deepwater  
31 grouper and such, but I'm just curious, you know, how that puts  
32 us.  
33

34 You know, seeing also that, as I recall, it was black grouper  
35 that was used as the index, and so that would still remain,  
36 but yet only for the two remaining species, and then you would  
37 still have -- You would be able to utilize the assessment now,  
38 since these have been assessed, and so I don't know.  
39

40 **CHAIRMAN DIAZ:** Mr. Rindone.  
41

42 **MR. RINDONE:** I think it would be the difference between finding  
43 out that you're having one kid and finding out that you're  
44 having quadruplets. The way that everything is set up right now  
45 with the program is -- I had described the way that the  
46 deepwater and the shallow-water grouper species can be shared  
47 between those share categories during committee.  
48

1 If that is taken out of there, if we take scamp and yellowmouth  
2 out of there, part of that relationship, from a biological  
3 standpoint, is based on the fact that scamp is kind of like that  
4 in between shallow-water grouper and deepwater grouper species,  
5 because you can catch it in the same general areas that you  
6 catch some of the shallow-water groupers and in the same areas  
7 that you catch the deepwater groupers.

8  
9 The advantage, at least, for the shallow-water grouper complex  
10 for scamp is that scamp is a regional stock that is caught by  
11 all five states, and it can be found in all five states, whereas  
12 black grouper, which is the current representative species for  
13 the shallow-water complex, is primarily a southwest Florida  
14 species. We don't have a current assessment for black grouper.  
15 The last one was SEDAR 19, and we had attempted to do another  
16 one, and we ran into some issues, and so, right now, we're kind  
17 of in a shoulder-shrug situation with black grouper, but we have  
18 an assessment scheduled in the future with that, and we're going  
19 to work with FWC on that one, since they're the analytical  
20 agency.

21  
22 In the meantime, essentially, what we would be looking at, if  
23 the shallow-water grouper complex was kept together with all  
24 four species, is that our current contemporary accepted  
25 assessment, SEDAR 68 for scamp and yellowmouth, would serve as  
26 the representative assessment for the complex, which is  
27 advantageous, given that we don't know what's going on, really,  
28 right now with black grouper, and we have never really known  
29 what was going on with yellowfin grouper, and so the scamp and  
30 yellowmouth assessment would serve as the indicator and the  
31 foundation upon which to stand for the complex.

32  
33 If we take that out of there, that leaves us in a very data-poor  
34 situation for black grouper and yellowfin, and that has nothing  
35 to do at all with -- Anything to do with the IFQ program, and  
36 that just disadvantages the council's ability to manage, because  
37 the uncertainty for those species is going to be quite  
38 considerable, and so these are just things for you guys to think  
39 about. It certainly would be easier to keep the complex  
40 together, and explorations of splitting it apart would certainly  
41 require quite a bit of thought and consideration.

42  
43 **CHAIRMAN DIAZ:** All right. Ms. Levy and then Mr. Anson.  
44

45 **MS. LEVY:** Just a question, and I'm just clarifying, and the  
46 councils never selected an indicator species for the complex,  
47 right, I mean, because the way you were talking -- Is there an  
48 actual -- When we made the complexes, we selected an indicator

1 species, as contemplated in the guidelines.

2

3 **MR. RINDONE:** So, in the ACL/AM Amendment -- I think it's in  
4 there, and it was selected to be black grouper, because, at the  
5 time, SEDAR 39 was a more current assessment, and it was the  
6 only assessment for the species that remained in the shallow-  
7 water grouper complex, because, eventually, we had taken red  
8 grouper and gag out, as they had -- This was before the IFQ  
9 program, and they had been taken out, because we had species-  
10 specific stock assessments for those.

11

12 **MS. LEVY:** Well, I guess, just following up on that, and so, if  
13 the council has designated an indicator species, and, with black  
14 grouper, we can change it, right, but we have to change it,  
15 meaning you can't just now throw out that this is the new  
16 indicator species, right, and so we have to do something to  
17 change it, and I just wanted to make that clear.

18

19 **CHAIRMAN DIAZ:** Mr. Rindone, to that point?

20

21 **MR. RINDONE:** Thank you, Mr. Chair, and, yes, to Ms. Levy's  
22 point, that would -- Whatever amendment is developed in order to  
23 address anything that's going to happen with scamp and  
24 yellowmouth, that would be part of it, is to say that this is  
25 the most recent stock assessment, and, if shallow-water grouper  
26 is keeping the family together, then, you know, that would be  
27 the indicator for the shallow -- Scamp and yellowmouth grouper  
28 would be the indicator species for that complex.

29

30 **CHAIRMAN DIAZ:** Mr. Anson.

31

32 **MR. ANSON:** Well, I thought that I was able to stay with Ryan,  
33 during much of what he said previously, but I think I won't  
34 proceed, and I really wasn't paying attention, because, when he  
35 said it would be akin to one versus four kids, as a father of  
36 one, I kind of lost a lot of focus there, and so thank you.

37

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

39

40 **MS. BOGGS:** Well, so, based on Ryan's comments, and I've  
41 actually been thinking about this, it seems to me like we would  
42 just leave it as a complex, instead of trying to split it out,  
43 because everybody keeps talking about the workload of the staff,  
44 and then, if you split it out, now you've got to figure out what  
45 to do with the other two species and how we manage those. We've  
46 got an IFQ program, which we can't certainly get to any  
47 agreement on at this point in time, and so, I mean, I don't know  
48 how extensive it is, Ryan, to look at both sides of it, but, I

1 mean, if you're asking for direction, and we need a motion, I  
2 can put one out there, just to keep it as a complex.  
3

4 **CHAIRMAN DIAZ:** I don't think, at this time, we need a motion,  
5 and I think staff has enough discussion, from what's been around  
6 the table right now at this point, but, if somebody has a  
7 motion, we'll entertain one, but I think we're in pretty good  
8 shape. Mr. Rindone.  
9

10 **MR. RINDONE:** I mean, we can ride on that. I think the  
11 discussion lays it out, and so, right now, we'll take the  
12 council's intention as to keep the family together, so to speak,  
13 and not break up the shallow-water grouper complex, and then, as  
14 we look to develop something for scamp, we'll move forward with  
15 that in mind.  
16

17 **CHAIRMAN DIAZ:** Okay. Thank you for bringing that to our  
18 attention, Mr. Anson. Any other business to come before the  
19 Reef Fish Committee? Seeing no other business, we're going to  
20 close out the Reef Fish Committee, and we're going to move into  
21 Sustainable Fisheries. Dr. Sweetman.  
22

#### 23 SUSTAINABLE FISHERIES COMMITTEE REPORT 24

25 **DR. SWEETMAN:** Thank you, Mr. Chair. The Sustainable Fisheries  
26 Committee met on October 24, 2022. The committee adopted the  
27 agenda, Tab E, Number 1, and approved the minutes, Tab E, Number  
28 2, of the August 2022 meeting as written.  
29

30 Review of Florida Pompano Landings and Requirements for  
31 Consideration for Federal Fisheries Management, Tab E, Number 4,  
32 council staff reviewed the landings from Florida pompano, which  
33 is landed predominantly in state waters, regardless of state or  
34 fleet.  
35

36 Factors to consider when evaluating a species for federal  
37 conservation and management, as outlined in the Magnuson-Stevens  
38 Fishery Conservation and Management Act (MSA) were reviewed and  
39 discussed. A committee member from Florida noted that landings  
40 trends for Florida pompano have been steady (recreational) or  
41 increasing over time (commercial), and that the State of Florida  
42 has conservation measures in place to adequately manage the  
43 stock, for example harvest controls along with catch and effort  
44 data collection.  
45

46 Further, the State of Florida produces status and trends reports  
47 for many of the species that it manages and offered to provide  
48 this information to the committee for Florida pompano. NOAA

1 General Counsel reminded the committee of a petition received by  
2 NOAA Fisheries to consider federal management of Florida pompano  
3 and that a determination about the necessity for federal  
4 management is requested of the council.

5  
6 Committee members noted that a majority of harvest is coming  
7 from state waters and that Florida has measures in place to  
8 ensure the conservation and management of the stock. Thus, it  
9 may not require federal management. Another committee member  
10 asked whether the factors included in the MSA were to be  
11 quantitatively or qualitatively evaluated. NOAA General Counsel  
12 replied that the level of evaluation was dependent on the data  
13 available to inform that evaluation. The Gulf States Marine  
14 Fisheries Commission representative added that Florida pompano  
15 is on its list for future development of a fisheries profile, or  
16 management plan, if necessary.

17  
18 A committee member asked about the limitations on where certain  
19 quantities of Florida pompano can be landed and why those  
20 regulations exist. The State of Florida replied that those  
21 regulations were implemented to help rebuild the stock in the  
22 late 2000s.

23  
24 Unlimited landings of Florida pompano are allowed only when  
25 harvested from federal waters off Florida within the Pompano  
26 Endorsement Zone by licensed commercial harvesters who hold a  
27 commercial pompano endorsement using gillnets, hook-and-line,  
28 cast nets, or beach or haul seines. Florida pompano harvested  
29 from the Pompano Endorsement Zone, pursuant to a pompano  
30 endorsement, may only be transported through state waters and  
31 landed in Florida between Cape Sable and Hurricane Pass in  
32 Collier County.

33  
34 Florida pompano may also be commercially targeted and directly  
35 harvested without a pompano endorsement in state and federal  
36 waters off Florida with beach or haul seines, cast nets, and  
37 hook-and-line with a limit of 250 fish, which can be landed  
38 anywhere in Florida. Up to 100 Florida pompano can be taken  
39 commercially as bycatch in gillnets while fishing for other  
40 species in federal waters, such as Spanish mackerel.

41  
42 They can be landed anywhere in Florida. However, commercial  
43 harvesters in possession of Florida pompano and gill or  
44 entangling nets must return from federal waters and transit  
45 directly and continuously through state waters to land such fish  
46 in Florida. **The committee recommends, and I so move, that**  
47 **Florida Pompano is not in need of federal conservation and**  
48 **management at this time.**

1  
2 **CHAIRMAN DIAZ:** Okay, and so we have a committee motion. Is  
3 there any discussion on the motion? **Seeing no discussion, is**  
4 **there any opposition to the motion? Seeing no opposition, the**  
5 **motion carries.** Dr. Sweetman.  
6

7 **DR. SWEETMAN:** Thank you. The committee also discussed the  
8 merits of considering African pompano for federal management.  
9 Several committee members expressed interest in exploring  
10 potential federal management, given the discussion on Florida  
11 pompano, while other members contended that Florida pompano  
12 management represented a separate issue. Ultimately, the  
13 Committee decided that, if desired, the subject of African  
14 pompano could be brought up at Full Council.  
15

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

18 **MS. BOGGS:** Is this the time to bring up African pompano? We  
19 have had some people asking us to look at African pompano, and I  
20 was just about to send a motion. I sent it earlier in the week,  
21 and we kind of glazed over it, but I did have a motion that I  
22 would like to make, and it's not completely formed, but we can  
23 go with it, if this is the time.  
24

25 **I would like to make a motion to request staff to look at**  
26 **factors that would need to be considered for federal management**  
27 **of African pompano.** If I get a second, we can have a little  
28 more discussion.  
29

30 **CHAIRMAN DIAZ:** All right, and so we have a motion. Is there a  
31 second?  
32

33 **MR. ANSON:** Second for discussion.  
34

35 **CHAIRMAN DIAZ:** It's seconded by Mr. Anson, and so go ahead and  
36 give some rationale, Ms. Boggs.  
37

38 **MS. BOGGS:** Well, we've had one fisherman that has come to the  
39 podium and has asked us to please look at this, because they are  
40 catching them in southern Florida waters, if you will, and I  
41 have heard, from other fishermen, that they are seeing more in  
42 federal waters, and we've done this kind of same exploration for  
43 the request of one person in the past, for other issues, and so  
44 I think we need to at least consider this, because it has been  
45 brought to our attention, and I certainly would like for this  
46 committee, or this council, to consider looking at this. Thank  
47 you.  
48

1   **CHAIRMAN DIAZ:** Okay. Dr. Stunz.

2  
3   **DR. STUNZ:** Susan, when this was brought to the council, I don't  
4 remember what format, or maybe this is sort of a question for  
5 Andy, about when we were asked to consider a species for federal  
6 management, and what's the process? I know we had some  
7 discussion on this in committee, but it seems like this can turn  
8 into an issue where -- I mean, at some level, you have to have a  
9 formal request to really do this kind of thing, and so I can't  
10 remember where we're at.

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

13  
14   **MR. STRELCHECK:** For Florida pompano, we had received a petition  
15 request for federal management, and so the National Standard  
16 Guidelines outline factors to be considered to determine whether  
17 or not a species is in need of conservation and management, and  
18 so this would be similar to that, except the council is being  
19 proactive in at least doing that evaluation and not waiting on a  
20 petition.

21  
22   **Since I have the microphone, I guess my recommendation would be**  
23 **to word the motion a little bit differently, to something along**  
24 **the lines of direct staff to evaluate factors in determining**  
25 **whether African pompano is in need of federal conservation and**  
26 **management.** I am suggesting this, and so you need --

27  
28   **CHAIRMAN DIAZ:** Ms. Boggs, I guess he is suggesting a friendly  
29 amendment. Are you amenable to that?

30  
31   **MS. BOGGS: Yes.** Then I have a comment to what Dr. Stunz was  
32 asking a moment ago.

33  
34   **CHAIRMAN DIAZ:** Okay. Let's make sure the motion is correct on  
35 the board. Is the seconder okay with the new language? Mr.  
36 Anson?

37  
38   **MR. ANSON:** Yes.

39  
40   **CHAIRMAN DIAZ:** Okay, and so the new language is on the board  
41 and accepted by the motioner and the seconder. Ms. Boggs, to  
42 Dr. Stunz's point, and then to Mr. Dugas. Ms. Boggs.

43  
44   **MS. BOGGS:** Dr. Stunz, thank you for that, because I was remiss  
45 in saying I don't have it, but I do recall, at one meeting, a  
46 while back, and it may have been just as I came on the council,  
47 but I believe the gentleman that came to the podium and asked us  
48 to look at African pompano did have a petition that had, as I

1 recall, over a hundred signatures. Now, I don't know what  
2 happened to it, if it ever made it into the council record, but,  
3 if that's something that you would like to see again, I will  
4 certainly reach out to him and see if we can get that put on the  
5 record. Thank you.  
6

7 **CHAIRMAN DIAZ:** Mr. Dugas.  
8

9 **MR. DUGAS:** Thank you, Mr. Chair. Not to put C.J. on the spot,  
10 but I'm curious what the State of Florida thinks of this.  
11

12 **DR. SWEETMAN:** Thanks, J.D. We certainly feel that -- We agree  
13 that there are -- We have some -- We have heard some concerns  
14 from people about whether the Florida regulations are too  
15 restrictive, and I believe that's where this recommendation is  
16 coming from. In terms of -- I believe most of this fishery is  
17 prosecuted generally in federal waters, from my understanding,  
18 and, at the moment, you know -- We, in the past, had put in  
19 these regulations of two fish per person, whether it was  
20 commercial or recreational, for the purpose of concerns that we  
21 have in the fishery, and I think there are some spawning  
22 aggregations in federal waters there, and that is why Florida  
23 has the regulations that are in place, is for specific  
24 conservation purposes.  
25

26 **CHAIRMAN DIAZ:** All right. Dr. Shipp, and then we're going to  
27 vote this motion up or down. Dr. Shipp.  
28

29 **DR. SHIPP:** Thank you, Mr. Chairman. Just talking to Andy, this  
30 would also be an appropriate time to take up tripletail, because  
31 we could use the exact same motion and replace "African pompano"  
32 with "tripletail". On the agenda, it's new business, but it  
33 seems like it would be much more efficient to go ahead and take  
34 care of it here.  
35

36 **CHAIRMAN DIAZ:** Okay, and, after we dispense with this motion,  
37 we would like to do that?  
38

39 **DR. SHIPP:** Yes.  
40

41 **CHAIRMAN DIAZ:** I would be okay with that. Let's do this by a  
42 show of -- Dr. Sweetman.  
43

44 **DR. SWEETMAN:** I'm sorry. I misspoke. I said two per person,  
45 and it's two per vessel. My apologies.  
46

47 **CHAIRMAN DIAZ:** Thank you for that correction. All right.  
48 Let's do this by a show of hands. **All in favor of the motion on**

1       **the board, please signify by raising your hand; all opposed like**  
2       **sign.** All right. **The motion fails.** Dr. Shipp.  
3

4       **DR. SHIPP:** We discussed a little of this the other day, and  
5       tripletail has really started to show up in markets, and  
6       especially at restaurants. I talked to some of the commercial  
7       guys, and they think that they may be coming in primarily from  
8       outside the U.S., but we don't know that, and, as I mentioned  
9       the other day, I had the occasion to visit five restaurants,  
10      just with going out to eat with my granddaughter, and three of  
11      the five were featuring tripletail as catch-of-the-day, and the  
12      other two restaurants had it on the menu, and so I think,  
13      potentially, it could be a problem.  
14

15      **We just don't know enough about it, and so I would adopt the**  
16      **same motion we have here, except replace "African pompano" with**  
17      **"tripletail", and so that would be my motion.**  
18

19      **CHAIRMAN DIAZ:** Okay, and so let's get that motion on the board.  
20      It's the same motion, but just replace "African pompano" with  
21      "tripletail".  
22

23      **DR. SHIPP:** Yes.  
24

25      **CHAIRMAN DIAZ:** You know the main thing that I got out of that,  
26      Dr. Shipp?  
27

28      **DR. SHIPP:** What's that?  
29

30      **CHAIRMAN DIAZ:** You've got a pretty good granddaughter. A lot  
31      of seafood restaurants. Okay, and so we have a motion on the  
32      board to direct staff to evaluate factors in determining whether  
33      tripletail is in need of federal management. We have a motion.  
34      Is there a second? It's seconded by Dr. Stunz. Is there  
35      discussion on the motion? I think you gave a little bit of  
36      rationale, but, if you want more, and you might want to, and did  
37      you want any more rationale?  
38

39      **DR. SHIPP:** No, and, I mean, that's the basis on which I  
40      considered this issue, but, again, it's -- I will add one more  
41      thing, in relation to its abundance, that I mentioned the other  
42      day. One of our former council members, Larry Able, and his son  
43      were out recently, and they caught forty-seven tripletail in one  
44      afternoon, most of which they tagged and released, and Larry  
45      told me that, in the Apalachicola area, five years ago, there  
46      was one guy who occasionally spent an afternoon on tripletail,  
47      and now there are seven fulltime tripletail guides, and so the  
48      pressure is certainly increasing on tripletail, and I would like

1 to catch it before it gets out of hand.

2

3 **CHAIRMAN DIAZ:** Yes, and I would note that the Mississippi  
4 Department of Marine Resources has a tagging program, where they  
5 are satellite tagging tripletail, and that tagging program, when  
6 I looked at it, did show that they move between state and  
7 federal waters, depending on the time of year, and so, Rick.

8

9 **MR. BURRIS:** Thanks, Dale. We are actively tagging tripletail  
10 with satellite tags, and, actually, this year, we've gone out  
11 and worked with some other states and started tagging some  
12 larger fish, off of Louisiana, and some in Florida as well, and  
13 so we're going to get the results of that here probably after  
14 the winter, but I do want to note that -- I can't remember when  
15 it was, but within the last ten years, and all the states have  
16 adopted regulations on the species.

17

18 Mississippi is three fish at eighteen inches, and Louisiana I  
19 believe is five fish at eighteen inches. Florida is two fish at  
20 eighteen inches, and Alabama is three at eighteen inches, and  
21 then Texas is three at seventeen inches, and so they're pretty  
22 consistent across-the-board, and I think the states are doing a  
23 pretty good job of managing it, and, if I'm not mistaken, if you  
24 catch a fish in federal waters, I believe the state that you're  
25 landing in has to match those state regulations.

26

27 **CHAIRMAN DIAZ:** Dr. Stunz.

28

29 **DR. STUNZ:** Just briefly, I'm hearing -- When Bob had discussed  
30 this earlier, and I was doing -- I was interested in it, and  
31 I've been hearing some anecdotal reports and other things that I  
32 am seeing about folks putting out FADs to attract them, and  
33 then, of course, fishing those, because they're so structure-  
34 oriented type of fish, and so I would encourage, if this passes,  
35 that that's something that the staff could look into as well,  
36 just so we can get a better handle, or idea, of what's going on.

37

38 **CHAIRMAN DIAZ:** Okay. Any further discussion? Mr. Donaldson.

39

40 **MR. DONALDSON:** Thank you, Mr. Chair. As I mentioned in  
41 committee, the commission does have a fisheries profile for  
42 tripletail, and it was conducted in -- Or completed in 2016, or  
43 2017, and, as Rick mentioned, we are also doing some tagging, in  
44 conjunction with Mississippi and GCRL, on some acoustic tags,  
45 and a genetic study, and so we are doing some work on tripletail  
46 as well.

47

48 **CHAIRMAN DIAZ:** Thank you, Mr. Donaldson. Mr. Dyskow.

1  
2 **MR. DYSKOW:** Thank you. I would just like to ask, and what is  
3 the endgame that we're looking for on this motion? Are we  
4 looking to establish commercial harvest in federal waters for  
5 tripletail?  
6

7 **DR. SHIPP:** I guess, if you consider what all the states are  
8 doing, it's an indication that things have changed with  
9 tripletail, and we may be headed toward a commercial harvest in  
10 federal waters, and we just don't know that. Tripletails  
11 certainly occur in federal waters, maybe more abundantly than  
12 they do in state waters, but it's just the fact that we don't  
13 know that, and it sounds like we have a database from the  
14 states, but we ought to carry it out from there on and see  
15 what's in the future with it.  
16

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

19 **MR. WILLIAMSON:** I had tripletail for dinner last night, and it  
20 was delicious, and, if it's need of protection, I'm all in.  
21

22 **CHAIRMAN DIAZ:** Thank you, Mr. Williamson. Dr. Frazer.  
23

24 **DR. FRAZER:** I am just -- I am thinking about the motion, and a  
25 little bit of what Mr. Donaldson said, and also what Mr. Burris  
26 said, and so we have, you know, state regulations, both for the  
27 recreational and the commercial sectors at this point, and what  
28 I'm not clear about is, for the Gulf States Marine Fisheries  
29 Commission, if there are any trends in catch statistics or  
30 anything, or is it just a profile?  
31

32 **MR. DONALDSON:** As part of that profile, there is data on  
33 landings and whatnot, and that's part of the profile, part of  
34 that document.  
35

36 **DR. FRAZER:** So that was -- You completed that in 2016, or 2017  
37 or something, and is there a planned update for that?  
38

39 **MR. DONALDSON:** Not in the near future. All of our profiles and  
40 plans get updated periodically, as resources are available.  
41

42 **DR. FRAZER:** Sorry, Mr. Chair, and if I can just finish, real  
43 quick, and so why I'm asking here is, I mean, rather than  
44 evaluating all the factors, I think, as a primary factor, we can  
45 look at the trends in catches over the last ten years, and, I  
46 mean, that might be a fairly simple fix, just to bring that back  
47 to the council at some point, so we can look at what the fishery  
48 is doing.

1  
2 **CHAIRMAN DIAZ:** All right. Dr. Sweetman, and we've given this a  
3 fair amount of discussion, and we're going to vote this up or  
4 down after Dr. Sweetman. Dr. Sweetman.  
5

6 **DR. SWEETMAN:** Just a real quick note. Since we were talking  
7 about regulations in each of the states, I just wanted to note  
8 that Florida's regulations do extend into federal waters.  
9

10 **CHAIRMAN DIAZ:** Thank you, Dr. Sweetman. Let's go ahead and  
11 vote on this. **All in favor of the motion, and I'm going to read**  
12 **the motion one more time. It's to direct staff to evaluate**  
13 **factors in determining whether tripletail is in need of federal**  
14 **management. All of the motion, signify by raising your hand;**  
15 **all opposed, like sign.** All right. **The motion carries nine to**  
16 **six.** All right. Any other business to come before the Reef  
17 Fish Committee? Ms. Boggs. Sustainable Fisheries Committee.  
18 Go ahead.  
19

20 **MS. BOGGS:** I am very disappointed in what I just saw, and, Dr.  
21 Shipp, you're a great man, but one person sits at this table and  
22 talks to us about tripletail, and, since we had the vote on  
23 African pompano, I found out that that gentleman stood at our  
24 podium in Corpus Christi with a petition with 1,200 people on  
25 it, asking us to look at African pompano, but we can't do that,  
26 and I am very disappointed in what this council did, and I just  
27 wanted it on the record what just happened. Thank you.  
28

29 **CHAIRMAN DIAZ:** Thank you, Ms. Boggs. All right. Dr. Sweetman,  
30 did you have anything else on your report?  
31

32 **DR. SWEETMAN:** Yes, Mr. Chair, I do.  
33

34 **CHAIRMAN DIAZ:** Go ahead.  
35

36 **DR. SWEETMAN:** Okay. SSC Recommendations from September 2022  
37 Gulf SSC, Tab B, Number 10(a), Dr. Sean Powers, the Standing  
38 Scientific and Statistical Committee (SSC) representative  
39 member, provided a review of the Socioeconomic Stock Assessment  
40 Workshop report.  
41

42 A committee member inquired if NMFS had plans to implement any  
43 of the recommendations within the workshop report or were going  
44 to assign any priorities for the report recommendations. Dr.  
45 John Walter of the Southeast Fisheries Science Center stated  
46 that recently considered management strategy evaluation  
47 approaches have been used to investigate ways of achieving  
48 maximum sustainable yield in a manner that does not solely rely

1 on yield to achieve management objectives. He continued that  
2 the agency would work with the SSC to prioritize the report  
3 recommendations and further stated that the council's SSC was  
4 the first regional SSC to consider the report findings. Other  
5 Business, the committee discussed the merits --  
6

7 **CHAIRMAN DIAZ:** Hold on just a second, Dr. Sweetman. Dr.  
8 Walter.  
9

10 **DR. WALTER:** I kind of fear that I have just written about five  
11 years' worth of work for our center in those four sentences,  
12 but, to follow-up with that, one thing that I think would be  
13 useful to do is to keep this committee informed of progress on  
14 things like this, and one thing I would offer up is a  
15 presentation on management strategy evaluation and how it could  
16 be used to address a number of the key issues before this  
17 council, perhaps even at the January meeting, if the council  
18 would budget that time, and I would be happy to give that,  
19 focusing on a couple of the examples that are currently ongoing.  
20

21 **CHAIRMAN DIAZ:** Thank you for that, Dr. Walter, and I do agree  
22 that a presentation on management strategy evaluations in the  
23 near future would be a good thing, and so thank you for that  
24 offer. Okay. Dr. Sweetman.  
25

26 **DR. SWEETMAN:** Thank you, Mr. Chair. Other Business, the  
27 committee discussed the merits of considering tripletail for  
28 federal management. Anecdotally, tripletail has been observed  
29 on restaurant menus with increasing frequency. The Gulf States  
30 Marine Fisheries Commission representative informed the  
31 committee that a genetic study sampling commercial sales of  
32 tripletail indicated that they were mainly imported fish. The  
33 committee determined that further discussion would be  
34 appropriate for Full Council. Mr. Chair, this concludes my  
35 report.  
36

37 **CHAIRMAN DIAZ:** I think we had a good bit of that discussion  
38 already, but I will open the floor up, if there's any further  
39 discussion on the other business. Dr. Frazer.  
40

41 **DR. FRAZER:** I just, again, would like to go back, and I have  
42 been thinking about Susan's comments here a little bit, about  
43 the discussion we had on African pompano, and then subsequently  
44 tripletail, and I guess what -- Susan, you can correct me if I'm  
45 wrong here, but I think the frustration largely is some of the  
46 inconsistency in things here.  
47

48 My suggestion is that, moving forward, and I haven't decided

1 whether a motion is needed or not, is that, if a fisheries  
2 species is currently managed by the states, if it's a candidate  
3 for federal management, that there's a process, and we identify  
4 a very specific process, whether that's a request to the agency,  
5 and then I think it will have more consistency, right, because I  
6 do share your concern, Susan, that we need to hone-in on these  
7 things a little bit better than we did.

8

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

10

11 **MS. BOGGS:** Thank you for recognizing that, Dr. Frazer. I mean,  
12 this has been the most frustrating meeting that I think I've  
13 attended since I've been appointed to this council, and you  
14 mentioned if it's not managed by a state. Well, I think the  
15 state has every right to manage every species within the state  
16 waters, and so I don't know how you quantify that, or clarify  
17 that, but I think it's very important.

18

19 If we're not going to listen to the people that spend their  
20 money, their time, their energy, and their effort to come and  
21 stand at that podium and talk to us, if we're going to  
22 completely ignore what they tell us, then can we do away with  
23 four-and-a-half hours of public testimony and end this meeting a  
24 day early, because that's what we've done at this meeting. We  
25 have ignored everything that has been said at that podium.  
26 Thank you.

27

28 **CHAIRMAN DIAZ:** Okay. Is there further discussion? Dr.  
29 Simmons.

30

31 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair. I guess, is  
32 it accurate to say that, if this individual sent a letter to Mr.  
33 Strelcheck, with the petition, that then the council would have  
34 to look at it?

35

36 **CHAIRMAN DIAZ:** Mr. Anson.

37

38 **MR. ANSON:** I kind of agree with Susan. You know, at least in  
39 this particular instance, with the amount of effort that was put  
40 in by the individual that came and spoke, relative to the  
41 signatures that were obtained and all, and, obviously, I don't  
42 think that we should consider every request that comes to us,  
43 that's provided in public testimony, that we have to follow  
44 through, but certainly, in this case, you know, I felt -- That  
45 was part of my rationale for voting for that.

46

47 You know, there's other things that would be under consideration  
48 regarding the process, and we kind of did with pompano. You

1 know, if it needs to be identified in a more, you know, discreet  
2 manner, I guess, then maybe that's something we ought to  
3 consider, going forward, but I thought that there is a process,  
4 and there are certain criteria that need to be met, and Andy  
5 kind of covered them today, and we certainly covered them at our  
6 last meeting, and, you know, that would be part of the  
7 evaluation, you know, is that we kind of go down that list of  
8 things that need to, you know, be determined before you go  
9 through the process of adding a species to the fishery  
10 management plan.

11  
12 Anyway, I just -- Again, I thought it was appropriate for the  
13 request for the African pompano, considering the information  
14 that was provided, and how it was provided, in regard to the  
15 request that the council look at it, and then other things  
16 related to where they're predominantly caught.

17  
18 You know, it may not pass muster in the end, because, looking at  
19 the recreational website, at least for Mississippi through  
20 Alabama, we're only talking about 40,000 to 50,000 pounds being  
21 landed per year, for the last twenty or thirty years, and so,  
22 anyways, thank you.

23  
24 **CHAIRMAN DIAZ:** Thank you, Mr. Anson. All right. Dr. Frazer.

25  
26 **DR. FRAZER:** Again, to Kevin's points, what I was trying to say  
27 is, with regard to process, right, if a fishery is being managed  
28 by a state, right, at least I want to hear from the state why  
29 they developed their management plan and what justification they  
30 had for that, moving forward. What I am trying to avoid are the  
31 factors of somebody comes in with an interest in any particular  
32 species and just simply doesn't like the rule, right, and that  
33 creates a ton of work for this council and the agencies that are  
34 involved, and so my suggestion simply is that we better  
35 articulate what our process is with regard to consideration of  
36 candidate species for federal management.

37  
38 **CHAIRMAN DIAZ:** Ms. Boggs.

39  
40 **MS. BOGGS:** So is that something that we can make a motion, and  
41 I hate to do this, but ask council staff to bring us a proposal  
42 of how we would look at that? Is that something that would have  
43 to go through the agency, because that is very important, and it  
44 is the inconsistency that frustrates me.

45  
46 It's like, well, he's a good guy, and we'll take care of him,  
47 but we don't know who he is, and he's Joe Blow coming in off the  
48 street, and he's never been in a meeting before, and we don't

1 look at him as much as we would the person that we know, and so,  
2 if there is criteria that need to be set, and it needs to be  
3 done by this body, then I would like to make a motion to ask  
4 staff to begin a document, unless we need to bring it up in  
5 Administrative and Budget, but, if we're going to do this, let's  
6 get started, and let's not wait, because this is going to happen  
7 again, and we're going to have this same conversation.

8

9 **CHAIRMAN DIAZ:** Dr. Simmons.

10

11 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair, and so we  
12 could work with Andy's team and see if we could come up with  
13 some criteria that the council would want to consider, but I  
14 think we should follow the guidelines.

15

16 **CHAIRMAN DIAZ:** Ms. Levy.

17

18 **MS. LEVY:** So I hear this as different than following the  
19 guidelines, and correct me if I'm wrong, Susan, but I hear you  
20 saying that you would like the council to sort of develop a  
21 policy about how you're going to handle requests to include new  
22 species in federal management, meaning, if somebody comes to you  
23 with a request, what are the steps that you as a council are  
24 going to follow to consider that request, and you would then  
25 treat that -- You would apply that policy to whoever comes and  
26 asks, and, at some point, it might involve considering the  
27 factors in the guidelines, but there would be a step, like  
28 maybe, you know, what Tom says. You would first get state input  
29 about -- You would gather the management that the state does and  
30 stuff, and is that what you're saying, that you want a council  
31 policy about that?

32

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

34

35 **MS. BOGGS:** Thank you, Mr. Chair. Well, I mean, if there's a  
36 policy already out there, and I think I was just corrected, and  
37 it's Magnuson, and so I need to go do my homework, then that's  
38 fine, but, if it's in Magnuson, and there's a guideline, or if  
39 there's not, then, yes, a council policy that states that, if  
40 someone comes before us, and asks us to look at African pompano,  
41 there is steps. Well, he's one person, and, no, we're not going  
42 to look at it, or the states say no, but I don't think -- I  
43 understand talking, or asking, the states how they manage the  
44 species, but, just like Dr. Shipp just brought up with  
45 tripletail, it looks like we've got a commercial fishery for it,  
46 and it looks like they're moving into the Gulf.

47

48 I don't think that's something that needs to be ignored.

1 African pompano, they are seeing more and more of the  
2 African pompano, and so is that something that we need to take  
3 into consideration? It doesn't hurt to look at anything, and I  
4 even said, yesterday, if the motion passed, that I don't care if  
5 it's Number 99 on our action guide list, but at least consider  
6 it, and we're not even giving this gentleman, and the people  
7 that signed his petition, any consideration, and so, yes, I  
8 think we need some guidelines that says, for one person, no, we  
9 don't do it. If ten people come up, yes, we do it, but we're  
10 inconsistent in how we've handled this, and that's the problem.  
11 That is why people lose faith, and have lost faith, in the  
12 people sitting at this table.

13

14 **CHAIRMAN DIAZ:** All right, and so we've got Mr. McDermott, and I  
15 think I have a path forward for us, after Mr. McDermott. Mr.  
16 McDermott.

17

18 **MR. MCDERMOTT:** I'm just getting a little confused by this  
19 conversation, because it was my understanding that the gentleman  
20 who made the petition for the Florida pompano -- That the  
21 council had a formal process where you would petition us to  
22 examine the situation, and this other gentleman has a petition  
23 where he got folks to sign a document saying they wished we  
24 would look at it, but he hasn't petitioned the council formally  
25 for us to look at it.

26

27 **CHAIRMAN DIAZ:** Ms. Levy.

28

29 **MS. LEVY:** Okay, and so there's two different things going on,  
30 and so anybody can come to the council, right, and you're a  
31 public body, and ask you if you would be willing to do  
32 something, and that's what happened with the gentleman that came  
33 to the podium. You can certainly be responsive to that, right,  
34 and like you can take action on that.

35

36 There's a completely separate obligation on the agency, when  
37 they get petitioned under the Administrative Procedure Act, to  
38 do something, and so, when that happened, and we got a petition  
39 that said we petition you to do rulemaking under the APA to  
40 address this issue, the agency has an obligation to respond back  
41 to the petitioner, and because, in this case, the petitioner was  
42 asking the agency to do something that is covered by kind of  
43 this council's jurisdiction under the Magnuson Act, our response  
44 was, okay, we're going to give it to the council to take a look  
45 at first, because this is your jurisdiction.

46

47 I do not think that we want to encourage people to have to  
48 petition the agency under the APA every time they want to ask

1 this council to consider something, right, and so I don't think  
2 that that should be the normal path forward. The normal path  
3 should be someone comes and asks you to do something, and you  
4 discuss it, and you make a decision about it, and so that would  
5 be my recommendation.

6

7 **CHAIRMAN DIAZ:** Thank you, Ms. Levy.

8

9 **MS. LEVY:** I do agree that it would be nice if you kind of had a  
10 policy, because it would tell people what to expect.

11

12 **CHAIRMAN DIAZ:** Okay, and so what I think we're going to do is  
13 that, the next time the Sustainable Fisheries Committee meets,  
14 we'll put an agenda item on there to have a general discussion  
15 about this, and staff can provide some background documents, and  
16 that will kind of educate everybody on what's out there now, and  
17 then we can have a more informed discussion, where people at  
18 least have some background, and so, if there's not any  
19 objections that, that's how we'll proceed, and we'll take this  
20 up again at the next Sustainable Fisheries Committee meeting.  
21 Ms. Boggs.

22

23 **MS. BOGGS:** So what were you just referencing, a policy?

24

25 **CHAIRMAN DIAZ:** We will gather -- We will look at what  
26 background documents are out there available that we can get to  
27 council members, so you all can review them, and we will have  
28 those available in the Sustainable Fisheries background  
29 documents section for a future agenda item to discuss, to see if  
30 we can flesh this out better. Ms. Boggs.

31

32 **MS. BOGGS:** I don't know if this is the appropriate time, but I  
33 would like to ask that, in the agenda for the next Sustainable  
34 Fisheries Committee, that we have African pompano as a  
35 discussion.

36

37 **CHAIRMAN DIAZ:** So noted. Okay. I don't think we need a motion  
38 on that. Mr. Donaldson.

39

40 **MR. DONALDSON:** If we're done with that topic, I just have a  
41 clarification.

42

43 **CHAIRMAN DIAZ:** Go ahead, Mr. Donaldson.

44

45 **MR. DONALDSON:** In the report, I just want to clarify that the  
46 commission is actually conducting a genetic study and that the  
47 commercial sales are mainly in Florida, and they kind of got  
48 combined, and I will get with staff to reword that, and I just

1 wanted to make sure that it was accurately reflected in the  
2 report.

3  
4 **CHAIRMAN DIAZ:** Okay. Thank you, Mr. Donaldson. Okay. So  
5 we're at the end of the report for Sustainable Fisheries, and we  
6 have been through some other business already. Is there any  
7 further business to come before the Sustainable Fisheries  
8 Committee?

10 Seeing none, we're at a point where we're ready to break for  
11 lunch, and we're just a few minutes before twelve o'clock. I am  
12 going to look around the table right now, and people give me a  
13 thumbs-up or a thumbs-down, but is it possible to get lunch in  
14 an hour, and come back in an hour, instead of an hour-and-a-  
15 half.

16  
17 I don't want to rush people, if you don't think you can do that,  
18 but we do have a fair amount to go through this afternoon, and I  
19 would hate for us to run beyond 4:30. I am not seeing anybody  
20 give me a thumbs-down. Thumbs-up. All right, and so we're  
21 going to be back at one o'clock, and we're going to start back  
22 with the next committee on the agenda, which will be Mackerel,  
23 at one o'clock. Thank you, all.

25 (Whereupon, the meeting recessed for lunch on October 27, 2022.)

- - -

October 27, 2022

## THURSDAY AFTERNOON SESSION

— — —

35 The Full Council of the Gulf of Mexico Fishery Management  
36 Council reconvened at Beau Rivage Resort and Casino in Biloxi,  
37 Mississippi on Thursday afternoon, October 27, 2022, and was  
38 called to order by Chairman Dale Diaz.

40 **CHAIRMAN DIAZ:** Okay. Let's go ahead and get started back up  
41 with the afternoon session of the Gulf of Mexico Fishery  
42 Management Council. We're starting back up with committee  
43 reports. Before we start the next committee report, it was just  
44 brought to my attention that Mr. Kevin Anson has a birthday  
45 today, and so I would like to wish him a happy birthday. I'm  
46 not going to mention his age, but there's a lot of wisdom there,  
47 Kevin, a lot of wisdom.

**MR. ANSON:** You know you're getting old when -- Yes.

**CHAIRMAN DIAZ:** All right, and so we're going to start up with the Mackerel Committee Report, and, Mr. Anson, if you can lead us through that report, we would appreciate it.

## **MACKEREL COMMITTEE REPORT**

**MR. ANSON:** Thank you, Mr. Chair. The Mackerel Committee met on October 24, and the committee adopted the agenda as written and approved the minutes of the June 2022 meeting as modified.

Review of Coastal Migratory Pelagics Landings, Mr. Peter Hood, from the NMFS Southeast Regional Office, reviewed the recent landings for the Gulf migratory groups of cobia, king mackerel, and Spanish mackerel.

The committee and NMFS staff discussed changing the way these updates are presented to the council. The committee concurred that presenting the landings updates in a graphic format twice a year would still provide opportunities to comment on trends, while also reducing the workload and time involved in the data request and discussions during council meetings. Mr. Hood also mentioned that the agency's website provides the most current status of landings in relation to the annual catch limits, or ACLs. A link to the website will be included in the briefing book, moving forward.

The committee recommends, and I so move, that landings reports be provided to council committees twice per year, in April and October.

**CHAIRMAN DIAZ:** Okay. We have a committee motion. Is there any discussion on the motion? **Seeing no discussion, is there any opposition to the motion? Seeing no opposition, the motion carries.** Mr. Anson.

**MR. ANSON:** Public Hearing Draft Amendment 33: Modifications to the Gulf of Mexico Migratory Group King Mackerel Sector Allocation, staff presented Draft CMP Amendment 33, which proposes modifying the sector allocation for Gulf king mackerel. This amendment will also update the CMP fishery management plan (FMP) objectives. After discussion of the motions from the South Atlantic Council's September 2022 meeting, the committee concurred and made the following motions.

The committee recommends, and I so move, to remove Objective 3, as it is redundant with the newly-added Objective 9. Objective

1       **3 is to provide necessary information for effective management**  
2       **and establish a mandatory reporting system for monitoring catch.**

3  
4       **CHAIRMAN DIAZ:** All right. We have a committee motion. Is  
5       there any discussion on the motion? **Any opposition to the**  
6       **motion? The motion carries.** Mr. Anson.  
7

8       **Mr. ANSON:** The committee recommends, and I so move, to amend  
9       the language of Objective 1 to read as follows: The primary  
10      objective of this FMP is to achieve and maintain optimum yield,  
11      to allow recovery of overfished populations, and maintain  
12      population levels sufficient to ensure adequate recruitment.  
13

14       **CHAIRMAN DIAZ:** Okay. We have a committee motion. Is there any  
15      discussion on the motion? **Is there any opposition to the**  
16      **motion? Seeing no opposition, the motion carries.** Mr. Anson.  
17

18       **MR. ANSON:** The committee then discussed if Objective 5 was  
19      still required. After discussion, the committee made the  
20      following motion. **The Committee recommends, and I so move, to**  
21      **delete Objective 5.**  
22

23       **CHAIRMAN DIAZ:** Okay. We have a committee motion. Any  
24      discussion on the motion? **Any opposition to the motion? The**  
25      **motion carries.** Mr. Anson.  
26

27       **MR. ANSON:** A committee member asked if Objective 7 needed to be  
28      updated or removed, as it only states migratory groups of king  
29      mackerel, and not the CMP group as a whole. Council staff  
30      proposed modifying the language of Objective 7 to follow the  
31      language of Objective 8. The committee will continue discussion  
32      on the CMP FMP objectives during Full Council. There's a hand  
33      up, Mr. Chair.  
34

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

37       **MS. BOGGS:** If I could, I would like to make a motion, and I  
38      have emailed it to Meetings. **The motion is to remove Objective**  
39      **7 from the Joint CMP FMP, as it is no longer supported by**  
40      **science.**  
41

42       **CHAIRMAN DIAZ:** Okay, and so we have a motion. Is there a  
43      second to the motion?  
44

45       **MR. ANSON:** I will second for discussion.  
46

47       **CHAIRMAN DIAZ:** It's seconded by Mr. Anson for discussion. Ms.  
48      Boggs, do you want to provide some rationale?  
49

1  
2 **MS. BOGGS:** Well, as I recall, Objective 8 addressed all CMP  
3 species, and it seemed like it was a little redundant, and, over  
4 the time, as these documents are developed, and this was added  
5 in 1990, and I just think it doesn't apply here anymore, because  
6 I don't think we're just talking about king mackerel anymore,  
7 and I think -- I believe that it should discuss all species and  
8 be joined basically with Objective 8 and the fact that the  
9 science no longer supports this objective.

10  
11 **CHAIRMAN DIAZ:** Dr. Freeman.  
12

13 **DR. MATT FREEMAN:** Certainly, and so, to add to Ms. Boggs'  
14 comment, in the discussion of CMP Amendment 5, when this  
15 objective was originally added -- At the time, it said that the  
16 councils are aware of evidence that two migratory groups of king  
17 mackerel occur in the Gulf and that seasonally, in the summer,  
18 in an area from Texas through Alabama, and so, to reiterate Ms.  
19 Boggs' comment, the science no longer supports that there are  
20 two groups mixing seasonally in the Gulf, and there is just one  
21 Gulf king mackerel that we manage.

22  
23 **CHAIRMAN DIAZ:** Okay. Thank you for that clarification, Dr.  
24 Freeman. All right. Is there any further discussion on the  
25 motion? **Is there any opposition to the motion? Seeing no  
26 opposition, the motion carries.** Mr. Anson.

27  
28 **MR. ANSON:** A committee member commented that Draft CMP  
29 Amendment 33 could include more recent years of landings data.  
30 Another committee member noted that the landings for the 2021-  
31 2022 fishing year were still preliminary, and so, at most, only  
32 the landings from the 2020-2021 fishing year could be presented  
33 as final.

34  
35 A committee member then stated that more recent years of  
36 landings could be skewed, because of COVID-19. Council staff  
37 referred to Tab C, Number 4 and noted that the recreational  
38 landings as a percentage of the sector ACL was 29.8 percent for  
39 the 2020-2021 fishing year, which was consistent with previous  
40 years for the recreational sector. A committee member stated  
41 that constantly updating landings data in draft amendments  
42 requires updating analyses and other written materials, which  
43 could potentially delay action by the council.

44  
45 A Committee member inquired why 25 percent and 50 percent of the  
46 average difference between MRIP-FES landings and total simulated  
47 ACL were considered, respectively, for Alternatives 2 and 3 for  
48 reallocating to the commercial sector. Council staff responded

1 that the council had previously considered 75 percent and 100  
2 percent of the average difference between MRIP-FES landings and  
3 total simulated ACL, but that those percentages were likely to  
4 constrain recreational harvest, resulting in a recreational  
5 season closure, due to the ACL being met, which is not a desired  
6 outcome ,as stated previously by the council.  
7

8 **The committee recommends, and I so move, to add a new**  
9 **Alternative 4. Alternative 4 is modify the sector allocation**  
10 **for Gulf king mackerel by reallocating to the commercial sector**  
11 **15 percent of the average difference between the total landings**  
12 **from the 2016-2017 through 2019-2020 fishing years using Marine**  
13 **Recreational Information Program's (MRIP) Fishing Effort Survey**  
14 **(FES) data and the total simulated annual catch limit (ACL) for**  
15 **Model 2 in Appendix D for the predicted total landings by sector**  
16 **and the total projected ACL.**  
17

18 **CHAIRMAN DIAZ:** Okay, and so we have a committee motion. Is  
19 there any discussion on the motion? **Seeing no discussion, is**  
20 **there any opposition to the motion? One in opposition, and the**  
21 **motion carries.**  
22

23 **MR. ANSON:** A committee member asked for verification that, in  
24 the council's Allocation Review Policy, Gulf king mackerel  
25 allocations were scheduled to occur in April 2025 and inquired  
26 why the council was considering reallocation at this time.  
27 Council staff responded that Gulf king mackerel allocations were  
28 planned to occur every six years, with an expected start of  
29 first review in April 2025, unless such an effort began sooner,  
30 from the time-based allocation review triggers. The council had  
31 also selected public interest-based review triggers as part of  
32 the Allocation Review Policy.  
33

34 **CHAIRMAN DIAZ:** We'll pause there for just a second, Mr. Anson,  
35 and so I just want to make a note here, and we're fixing to move  
36 to another section of the report, and this thing -- We were  
37 ready to go out for public comment, and, Dr. Simmons, update on  
38 us where we were planning on going with the document, and we'll  
39 talk a little bit about where the committee wants to go with  
40 this document.  
41

42 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair, and so we  
43 brought you a public hearing draft, hoping you could select a  
44 preferred alternative, and then you just added another  
45 alternative to the document, and so I think it will take us a  
46 little while to get that updated, before can go out to public  
47 hearings, but I think we're planning on that in January.  
48

1     **DR. FREEMAN:** Correct, and so the next group to see the document  
2     will be the South Atlantic, and its December meeting, and the  
3     IPT will be working to further develop Chapter 4, to account for  
4     the new alternative, and certainly we'll have to add a  
5     discussion in Chapter 2. The original proposal was to do public  
6     hearings in January, or possibly February, and so we'll have to  
7     see if we're able to keep on that timeline, if it's sent to  
8     public hearings.  
9

10    **CHAIRMAN DIAZ:** My question is, is there a likelihood that it  
11    could go to public testimony before our next council meeting?  
12

13    **EXECUTIVE DIRECTOR SIMMONS:** I think it would be difficult,  
14    since you just added the alternative in here.  
15

16    **CHAIRMAN DIAZ:** Mr. Dugas and then Ms. Boggs.  
17

18    **MR. DUGAS:** Thank you, Mr. Chair. I believe I'm correct when I  
19    say this document is in front of us not because of MSA  
20    requirements, but it's in front of us because someone asked us  
21    to review it, and, from what I heard at public testimony, and  
22    the fishermen around the table, it seems like we don't have a  
23    good idea on what's going on in mackerel. I feel like we should  
24    be looking at no action, and, with that being said, I would like  
25    to make a motion.  
26

27    **CHAIRMAN DIAZ:** Go ahead, Mr. Dugas.  
28

29    **MR. DUGAS:** In Action 2.1, to make Alternative 1 the preferred.  
30

31    **CHAIRMAN DIAZ:** Okay, and so we have a motion that, in Action  
32    2.1, to make Alternative 1 the preferred. Is there a second to  
33    that motion? It's seconded by Dr. Stunz, and so if you want to  
34    speak, and you were next on the list, Ms. Boggs, but, before you  
35    do that, J.D., I want to give you a chance, if you want to give  
36    some additional rationale, before we start taking discussion,  
37    and so it's up to you, if you have additional rationale.  
38

39    **MR. DUGAS:** Thank you, Mr. Chair. I would just add to what I  
40    said. I mean, we're not forced to take any action here, and we  
41    don't know exactly what's going on with this fishery, from what  
42    we heard from public comment, and I don't think we should be  
43    moving allocations around at this point, and I think it's okay  
44    if we just take no action right now.  
45

46    **CHAIRMAN DIAZ:** Okay, and so I have a list of folks. Dr. Stunz.  
47

48    **DR. STUNZ:** Thank you, Mr. Chairman. J.D., I speak in favor of

1 your motion, and I've been thinking a lot, lately, about what to  
2 do about this amendment, and, of course, even more after all the  
3 public testimony and other things that we've been hearing here  
4 at this meeting, and, obviously, you know, we have official  
5 stock status of, you know, not overfished and not undergoing  
6 overfishing is one thing, and, I mean, that's officially what  
7 we're going by, but I think it's hard to argue that there's not  
8 some compelling testimony that there's maybe something going on  
9 in this fishery, when you start hearing all the things and  
10 reports of what's going on, although, on the other hand, there  
11 is some commercial guys that got up and said that, you know,  
12 there were landings.

13  
14 There's just a lot of unknowns, and we've got this issue, and,  
15 we've been debating around about the unused recreational quota,  
16 and, you know, what that means, and allocating that and all that  
17 sort of thing, but, in a way, given, I think, where we are and  
18 what we're hearing, that uncaught quota is really just sort of  
19 an embedded kind of security measure we have in this fishery,  
20 and so, at this time, and especially given that, you know, a new  
21 assessment will be along here in a couple of years, I agree with  
22 what I think you're trying to do here, is just let's sit on  
23 where we're at and proceed cautiously with this, and don't make  
24 any allocations or do anything until we can get a better handle  
25 on how we go about this fishery.

26  
27 **CHAIRMAN DIAZ:** Dr. Freeman.  
28

29 **DR. FREEMAN:** Thank you. Bernie, could you pull up Table 2.1.1  
30 from the document? I know there was some discussion on Monday,  
31 in terms of the landings history, and we had highlighted,  
32 previously -- The highlighted showed, in that one column, where  
33 commercial landings had been exceeding the sector ACL, and we  
34 saw that, in other years, they were quite close to their sector  
35 ACL, and so, following the committee, I did look, again, at the  
36 information from the SERO website, and I did want to add just to  
37 the conversation, and, again, I think it's relevant to the  
38 public testimony that the council heard, that, for the 2020  
39 through 2021 fishing year, the commercial sector landed 91.3  
40 percent of its ACL, which is much lower than what we see in the  
41 table, and the recreational sector landed 29.8 percent of its  
42 sector ACL, and so a little bit more on the lower end of what we  
43 had seen historically.

44  
45 Then you had received the preliminary landings from SERO that  
46 day as well, and so I do want to reiterate that these are  
47 preliminary for the 2021 through 2022 year, that the commercial  
48 sector landed 65.5 percent of its sector ACL, and the

1 recreational sector landed 20 percent of its sector ACL, again  
2 stressing that that's preliminary, and so I just wanted to add  
3 that to the conversation.  
4

5 **CHAIRMAN DIAZ:** Before I get back to my list, and this might be  
6 a question for you or Mr. Rindone, and, Mr. Rindone, in the  
7 past, when we've swapped over, with a stock assessment, from  
8 CHTS to FES, we've been told that, even with no action, there's  
9 a certain amount of fish that might move from one sector to the  
10 other, and so, just for everybody's knowledge, before we take  
11 this vote, is that applicable here?  
12

13 **MR. RINDONE:** So, when you guys did the framework action, after  
14 the SEDAR 38 update the last time, and you didn't change  
15 allocations there, that actually -- As we stated in the  
16 document, and during discussions at the council meetings, that  
17 resulted in a de facto reallocation to the commercial sector of  
18 approximately 440,000 pounds, based on the yields for the 2023  
19 and subsequent fishing years projections from that model.  
20

21 From that document, there's already been that de facto  
22 reallocation, and the other important thing to remember about  
23 those projections is that, even considerate of the transition to  
24 FES, those catch limits are tantamount to a decrease from where  
25 we were under the old catch limits, if those had been calibrated  
26 to FES, and that's largely due to the lackluster recruitment  
27 that we've seen in the kingfish stock over the last roughly  
28 thirteen years or so.  
29

30 **CHAIRMAN DIAZ:** Thank you for that explanation, Mr. Rindone.  
31 Mr. Strelcheck.  
32

33 **MR. STRELCHECK:** With regard to the motion, I mean, if we choose  
34 status quo, we should just table this action, and there's really  
35 no need to proceed with it at this point. You know, I certainly  
36 have the same concerns, dealing with allocation, especially when  
37 you have stocks that aren't in good shape, and I was going to  
38 make the points with regard to the change in the catch limit.  
39

40 I don't agree with J.D., and, I mean, we did have an action to  
41 change the catch limit, and the council was intentional in  
42 separating this allocation change from that catch limit, and we  
43 haven't done that for species like gag or for amberjack, and we  
44 have proceeded with them linked together.  
45

46 I think my growing concern, and Susan touched upon this a little  
47 bit before lunch, is consistency, and we heard our Reef Fish AP  
48 say that we shouldn't be reallocating greater amberjack, right,  
49

1 and they made that recommendation. We heard plenty of public  
2 comments yesterday that said we shouldn't be reallocating  
3 greater amberjack, and we didn't listen to those comments, but  
4 then king mackerel comes along, and we're going to hear it  
5 differently, and we're going to decide to do something  
6 differently than what our constituents are saying.  
7

8 To me, we've got to get consistent, in terms of how we're  
9 approaching these allocations, and we need to be really  
10 thoughtful in terms of how we're approaching them, and, when it  
11 goes one way versus another, and I realize that these are tough  
12 decisions, but, at the end of the day, I think we're just all  
13 over the map, and it's concerning me that it's very sector-  
14 specific, in terms of how we're making these decisions.  
15

16 **CHAIRMAN DIAZ:** Okay. To respond to what Mr. Strelcheck just  
17 said, I just want to kind of give you my perspective of that.  
18 When we first started getting these FES numbers, Mr. Strelcheck,  
19 that's the way I had hoped it would be.  
20

21 I hoped that we would handle them all the same way and be  
22 consistent all the way through, but I think what I've come to  
23 realize is that each fishery has some unique circumstances that  
24 the council ends up considering, or is forced to consider, that  
25 makes it where it hasn't been practical to handle it all the  
26 same way, and so it's not turning out like I thought it would in  
27 the beginning, but the information that we were getting, as we  
28 get each fishery, in my opinion, has been enough to warrant for  
29 us to make other considerations, at least, and so it's been a  
30 difficult thing to wrestle with, for sure, and I think we have  
31 probably all struggled with that same line of thought about how  
32 to handle this, and it's been difficult, and I bet you that  
33 every council in the country is doing the same thing. Ms.  
34 Boggs, you were on the list earlier, but that was prior to this  
35 motion. We can wait until after the motion is dispensed with,  
36 if you would like. Okay. Dr. Stunz.  
37

38 **DR. STUNZ:** I will pass, Dale.  
39

40 **CHAIRMAN DIAZ:** Okay. Any further discussion? Mr. McDermott.  
41

42 **MR. MCDERMOTT:** I just wanted to follow-up on what you said, Mr.  
43 Diaz. You know, this is only my second meeting, and I have been  
44 kind of confused, when we're talking about reallocating and  
45 recalibrating, and it was my understanding, at the last meeting,  
46 that a motion was made to make it automatic, to where, once you  
47 recalibrate, whatever the result was, it was the new allocation,  
48 and take the council process out of it, and we voted against

1 doing that, and it's also my understanding that, when you have a  
2 recalibration to this new FES currency, like in the amberjack  
3 deal that we debated pretty heavily at this meeting, there was a  
4 de facto 4 percent reallocation to the commercial side, by  
5 selecting the 80/20 option.  
6

7 If we were to try and select the 84/16 option, I was told by  
8 people on this council, whose opinions I trust, that it wouldn't  
9 go anywhere, and so, you know, it's been confusing to me. You  
10 know, it might be worth looking at making it automatic again.  
11

12 **CHAIRMAN DIAZ:** It's confusing, but having a fresh set of eyes,  
13 like yours, to look at it and give us some perspective, is very  
14 valuable, I can assure you. Dr. Frazer and then Mr. Gill.  
15

16 **DR. FRAZER:** So I think I got to the same place that J.D. got  
17 to, and I think Andy is in a very similar place, and maybe a  
18 couple other people, but I got there using a kind of different  
19 reasoning.  
20

21 To me, it's nothing really about an allocation decision, right,  
22 and it's all about the biology, from my perspective, and so  
23 we've got a situation now where we've got both sectors not  
24 catching their overall quota, and, you know, we've got declining  
25 recruitment indices, and, as I said before, a change in the size  
26 structure of the population, and so, by adding more fish to one  
27 sector, we're not going to solve our problem, right, and, in  
28 fact, I'm concerned that, under the current situation, that, you  
29 know, there is relatively less discard mortality, probably, in  
30 the commercial fishery than there is in the recreational  
31 fishery, but we're not going to change the amount of  
32 recreational effort, moving forward, right, and so we're not --  
33 There is no net gain here, and so my preference is just to,  
34 based on the public comment and all the facts at hand, that we  
35 just throttle this back a little bit and sit on it.  
36

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

39 **MR. GILL:** Thank you, Mr. Chairman. I'm not as diplomatic as  
40 most others around the table, but let's be clear that this is a  
41 partisan issue. We've had discussions, at this very meeting, on  
42 species that are in trouble, relative to allocations, and the  
43 argument was the flip side, and now, all of a sudden, we're back  
44 to that's the argument why we shouldn't do it, and so we're not  
45 being consistent this week, here, and it's all about the  
46 allocation shift, and I understand that, but I think, when we  
47 make decisions, based on whatever the arguments are, that at  
48 least the arguments should be the same from one species to

1 another, in terms of where the concerns are.

2  
3 I guess, to Dr. Stunz's point, I am a little bit agog that four-  
4 million pounds in the water is -- That it ought to be left  
5 alone, and I think you can make the argument that some fish in  
6 the water makes sense. Four-million pounds? How much is  
7 enough? When do we get to the point of when we allow fishing or  
8 not allow fishing, and so I think the whole concept, to me, says  
9 that we're treading on thin ice, relative to Magnuson, in terms  
10 of achieving maximum net benefits and optimum yield, by those  
11 kinds of discussions. Some fish in the water makes sense, but  
12 maybe we ought to make it eight-million pounds, whatever the  
13 number is, but I do not support this motion.

14  
15 **CHAIRMAN DIAZ:** Dr. Frazer.

16  
17 **DR. FRAZER:** I just wanted to speak to Bob's kind of perspective  
18 here. I don't -- What I tried to do earlier was I don't see  
19 this as kind of a just a partisan-type of an issue, right, and I  
20 think the reality is that, if -- No matter how many fish you  
21 think that you're leaving in the water, right, we have some  
22 significant mortality, and we're not catching all of the fish  
23 that we could. By simply saying we can take some of those fish  
24 and harvest them, it's not going to alleviate the problem that  
25 we still have high mortality in the recreational sector, and so  
26 there's no other way -- I mean, I don't see any other outcome,  
27 except for even increased mortality, with going with one of the  
28 other alternatives, and so, to me, I've heard, pretty clearly,  
29 what people have said in public testimony.

30  
31 The data are pretty clear, to me, that the stock is not in a  
32 good way, right, and so, whether you think about in a  
33 reallocation context, or any other way -- I mean, the biology  
34 simply says we can't harvest any more fish, right, and we're  
35 likely not to change the discard mortality, because that effort  
36 is not going to change in the recreational sector.

37  
38 **CHAIRMAN DIAZ:** Okay. Any further discussion on this motion?  
39 Dr. Stunz.

40  
41 **DR. STUNZ:** Thank you, Mr. Chairman, and, J.D., I think I would  
42 like to add potentially maybe a friendly amendment to your  
43 motion, but, real quick, before that, just to Bob's point, I  
44 mean, I think having that optimal versus, you know, maximizing  
45 net benefit discussion is something --

46  
47 You know, that was the motion that we had outside of this  
48 particular thing that we definitely need to discuss, and my

1 comment was more about sort of, you know, essentially, given  
2 exactly what Tom just said, and the preliminary landings that we  
3 just heard about, this is really not the time to be really  
4 increasing catch in this fishery, but, with that in mind, J.D.,  
5 if you're willing, or I can make a substitute motion, but I  
6 think it would cleaner, and Andy kind of talked about tabling  
7 this motion, but I think, in this case, the best thing to do  
8 would be to add a small phrase to this, so it's very clear that  
9 -- **My recommendation would be, in Action 2.1, to make the**  
10 **Alternative 1 the preferred and cease work on this document.**  
11 **Add the phrase "and cease work on this document".**

12  
13 **CHAIRMAN DIAZ:** Mr. Dugas is shaking his head that he's okay  
14 with that.

15  
16 **MR. DUGAS:** Yes, sir.

17  
18 **CHAIRMAN DIAZ:** I forget who the seconder was.

19  
20 **DR. STUNZ:** Well, it was me, and so --

21  
22 **CHAIRMAN DIAZ:** So you're definitely okay with it. All right,  
23 and so the motion has been modified. I think everybody  
24 understands that. I am not seeing any further discussion. Ms.  
25 Boggs.

26  
27 **MS. BOGGS:** If this motion passes, we can bring it back, at some  
28 point, to discuss allocation, and do we have to wait until --  
29 That's another question I have about the allocation policy, and  
30 what does this do to our allocation policy? If we stop work on  
31 this document, do we reset our allocation, period?

32  
33 **CHAIRMAN DIAZ:** Dr. Simmons, can you respond, please?

34  
35 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair, and so Matt  
36 and I were just talking about this a little bit yesterday, and I  
37 don't think it changes your allocation policy, but we can think  
38 about that a little bit more, and the council can bring up  
39 reviewing allocations of any species any time they would like  
40 to, based on new information or those other triggers that we  
41 laid out in the guidelines.

42  
43 **CHAIRMAN DIAZ:** Okay. Anybody else? Last chance for  
44 discussion. All right, and so I think this motion is going to  
45 have some opposition, and so I want to make sure I do a show of  
46 hands. **All in favor of the motion, please signify by raising**  
47 **your hand; all opposed, like sign. The motion carries.** Mr.  
48 Strelcheck.

1  
2 **MR. STRELCHECK:** Dale, I just want to reflect, on the record,  
3 that I agree with the motion, but I am voting against it in  
4 principle, because of the problems that people are seeing with  
5 consistency in decision-making on this council, and so I just  
6 want to say that I think it's the right thing for the stock, but  
7 I think we really need to work on hard on our allocation  
8 decisions, going forward, and come up with a better way of  
9 avoiding the bipartisanship. Thanks.

10  
11 **CHAIRMAN DIAZ:** Thank you, Mr. Strelcheck. Dr. Stunz.  
12

13 **DR. STUNZ:** Andy, I mean, I think these are obviously difficult  
14 discussions, and we're not on the same page here, and, of  
15 course, Mr. McDermott was talking about the motion that I made  
16 last time, about making these calculations more automatic and  
17 then deal with the allocation issue after the fact, and I hope,  
18 maybe between now and the next meeting, maybe we can discuss  
19 that, Andy.

20  
21 I think you do the science piece, and then you do the hard  
22 allocation piece, and then just we have to live with whatever  
23 sector benefits from that allocation, and that's just the way it  
24 is, and then deal with the reallocation, if that's warranted  
25 after that, but I don't want to bring that motion up now, at  
26 this late stage in the game.

27  
28 I also want to make another comment, and I've been around the  
29 council now a long time, and related advisory panels, and some  
30 of the comments that we've been discussing here, Andy, and  
31 you've brought up, and certainly we highly value the information  
32 coming from our advisory panels, but, also, they are just that  
33 too, advisory panels, and what they say doesn't necessarily mean  
34 that's what we have to decide around this table, because, when  
35 it makes it to this table, the interests are very different than  
36 what might have been on this advisory panels, and we've got a  
37 long history of advisory panels have told us to go north, and  
38 we've gone south, and sometimes we're together, and, you know,  
39 it's just all over the place, and I think that's just one  
40 mechanism to feed into our decision-making process, and do we  
41 value that? Of course we do. We hear it at the podium and that  
42 kind of thing, and it feeds in, but I don't think it's just a  
43 given that whatever the advisory panel says on any issue -- That  
44 the council is just going to, you know, be agreeable to what  
45 that is, because of all the differences we have around the  
46 table.

47  
48 **CHAIRMAN DIAZ:** Dr. Simmons.

1  
2 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair. I was going  
3 to ask if you would like us to try to work with the Science  
4 Center and see if we could do an interim analysis, or an interim  
5 approach, for king mackerel, to see if we can get a hold on any  
6 fishery-independent indices we have, that we could look at, to  
7 see what they say regarding, you know, compared to the landings,  
8 and so, if folks are interested in that, we could work with the  
9 Science Center on it.

10  
11 **CHAIRMAN DIAZ:** Okay, and so I am seeing some folks shake their  
12 head around the table. If folks are interested, let Dr. Simmons  
13 know. I am seeing folks shake their head yes. Mr. Strelcheck.  
14

15 **MR. STRELCHECK:** I think that's a great idea, Carrie, and I just  
16 wanted to respond to Greg's comment, and I agree with you, Greg,  
17 right, and they're an advisory panel, and we don't always  
18 accepted all of their input, and there is certainly  
19 opportunities, especially when we see consensus, where maybe we  
20 need to be giving a little more deference to our advisory  
21 panels.  
22

23 I told several people that I ate dinner with last night that I  
24 was pretty depressed after public testimony yesterday. You  
25 know, we have a lot of stocks heading in the wrong direction  
26 right now, and so that's my concern, more than anything else, is  
27 we really need to focus-in on what we can do for conservation  
28 and management of these resources and turn the corner on a lot  
29 of these stocks that are in decline.  
30

31 Some of it is in our control, with fishing mortality, and  
32 certainly other factors, like climate change and water quality,  
33 are going to be drivers of the ecosystem, but I think we have a  
34 lot of tough work ahead of us, and so I look forward to working  
35 with this council to make that happen.  
36

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

39 **DR. FREEMAN:** Certainly. Thank you. As a separate note from  
40 CMP 33, the council has, obviously, been discussing the joint  
41 FMP objectives as well, with the intent that that would be its  
42 home, so to speak, and so I did want to note that the last two  
43 motions related to objectives -- Those, as well as motions from  
44 the South Atlantic Council's Cobia Mackerel AP, will be going to  
45 the South Atlantic Council for its December meeting, both to  
46 consider their AP's motions as well as, like I said, potentially  
47 to concur with the last two motions from this council.  
48

1 Currently, neither council has a plan amendment for CMP that we  
2 could house these changes in, but both councils are encouraged  
3 to still consider any further modifications. On that note  
4 though, one question I did have is, given that our CMP AP is  
5 scheduled for a meeting on December 1, would this council like  
6 feedback from our AP on the objectives, given that the South  
7 Atlantic had it presented to their Cobia Mackerel AP?

8  
9 **CHAIRMAN DIAZ:** I will look around the table. I think that  
10 would be a good idea, and I am seeing folks shaking their heads  
11 yes. Okay. Dr. Frazer.

12  
13 **DR. FRAZER:** I just wanted to, again, circle back to a comment  
14 that Andy made with regard to a no vote, based on principle,  
15 and, you know, I voted yes on this particular motion, but I also  
16 felt like it was principle, in large part because the second  
17 part of the motion says to cease work on the document, and that,  
18 essentially, gives us time to think about our allocation policy,  
19 moving forward, and try to get some consistency in there, and so  
20 I didn't want to leave this discussion with people having the  
21 perception that, you know, you had to vote no to move forward  
22 with a principle, right, and I think we all have some principles  
23 here.

24  
25 **CHAIRMAN DIAZ:** Okay, and so, Mr. Anson, go ahead.

26  
27 **MR. ANSON:** It's not really in the Mackerel Committee, per se,  
28 but it is an extension of the conversation that we just had,  
29 relative specifically to Andy's last comments about his worry,  
30 concern, frustration, with the comments that were made during  
31 public testimony, and I came away, yesterday, after public  
32 testimony, with a little bit different feeling, generally, to  
33 the overall health of the Gulf of Mexico too, with a lot of  
34 comments being made relative to the abundance of fish in areas  
35 where they previously were and they are not now, or have not  
36 been recently.

37  
38 You know, what came out of a lot of those same individuals'  
39 comments were that it could be environmental, and so I think  
40 maybe, Dr. Walter, and I don't know if we're there yet, but I'm  
41 just going to ask the question. Relative to development of an  
42 index, if you will, for mackerel, but looking, just big picture  
43 too, is there environmental data, spatially distributed, of some  
44 sort of historical context that can be quickly analyzed to kind  
45 of look and see if there is a change in state for a different,  
46 you know, year, or time, for instance dissolved oxygen?

47  
48 I know that the satellites help with sea surface temperatures

1 and salinity and chlorophyll-A and those types of things, but I  
2 don't know if we're quite there to get, you know, a pretty good  
3 spatial distribution of dissolved oxygen and give us an idea as  
4 to where those areas -- We might be seeing new areas, where,  
5 previously, it wasn't a problem, and it may be now.  
6

7 **CHAIRMAN DIAZ:** Dr. Walter.  
8

9 **DR. WALTER:** Thank you, Kevin. That's, I think, really astute,  
10 and what I would say, and refer people to, and I'm actually  
11 going to download it again, is the ecosystem status report, and  
12 it's a pretty comprehensive compilation of all the metrics for  
13 the ecosystem that we've got, and it's a couple of years old, I  
14 think, in terms of being updated, but I think, from what I  
15 heard, and I was quite disturbed by what I heard.  
16

17 I mean, we've had two consecutive council meetings with some  
18 pretty negative insights from the people who are on the water,  
19 and I think we probably want to look at updating that ecosystem  
20 status report and try to identify what might be going on,  
21 because it seems somewhat systemic, when it's a species that  
22 isn't even really fished, and isn't managed, it's something  
23 going on outside of management, and so I think we're going to  
24 take a -- I'm going to take a closer look at that, and I've  
25 been, behind the scenes, talking to a lot of our staff about  
26 these very topics, in terms of looking at our survey data, and  
27 is there something we can see about spatiotemporal trends.  
28

29 One thing I will note is there was a paper published, a couple  
30 of years ago, on climate velocities, and it showed that the Gulf  
31 of Mexico, and this is my Malin Pinsky, had relatively muted --  
32 When I first looked at it, I was like, well, they're really tiny  
33 little blips of what might happen in the Gulf, relative to the  
34 South Atlantic and other places, where the fish had a lot of  
35 places to move, and I think that was -- I am now looking at that  
36 in a different light, that that's because they could move in  
37 other places, and, in the Gulf, there's nowhere to go, except  
38 either deeper or on land.  
39

40 Maybe what we're seeing here is something going on that wasn't  
41 so obvious at the time, maybe ten years ago, and we need to take  
42 a look at it with a different lens, and I'm hoping that --  
43 There's a number of initiatives, and I know that the  
44 administration has a climate fisheries initiative, which is  
45 supposed to be putting in resources to be able to address that,  
46 and I'm hoping that those will come through, and I'm now seeing  
47 the Gulf in a different light, in terms of needing to do that.  
48 Thanks.

1  
2 **CHAIRMAN DIAZ:** Mr. Anson.  
3  
4 **MR. ANSON:** I am wondering how -- In light of all the other  
5 things, responsibilities, that your staff has to do -- I mean,  
6 how quickly can that report, or analysis of the data, so that we  
7 can have, you know, a comparison between the previous report and  
8 whatever becomes available, and how long would that take?  
9  
10 **DR. WALTER:** I am hesitant to put -- Among the other things that  
11 I have signed us up for, to put that out there, but I think that  
12 the key will be getting that request coming from the council to  
13 us, and then we would work with our staff to negotiate when that  
14 could be. It's not just us who puts that together, but it's a  
15 lot of our partners, with the NOAA integrated ecosystem  
16 assessment group, and so it takes a lot of people to do that,  
17 and so I can't promise when, but I think, if the request is  
18 made, it will get into the queue of our other tasks. Thanks.  
19  
20 **CHAIRMAN DIAZ:** Mr. Anson.  
21  
22 **MR. ANSON:** Yes, sir. So then I would like to make a motion  
23 then to request the Southeast Fisheries Science Center redo,  
24 reevaluate, the -- Update the ecosystem status report for the  
25 Gulf of Mexico. Thank you very much.  
26  
27 **CHAIRMAN DIAZ:** Second.  
28  
29 **MR. ANSON:** As soon as -- I hate to put these types of things on  
30 there, but as soon as possible, or as soon as you can, but the  
31 intent is there, and I don't know if it needs to be added.  
32  
33 **CHAIRMAN DIAZ:** Okay, and so we have a motion by Mr. Anson to  
34 request the Southeast Fisheries Science Center update the  
35 ecosystem status report for the Gulf of Mexico as soon as  
36 possible. Is there a second for the motion? It's seconded by  
37 Dr. Stunz. Is there any discussion on the motion? Dr. Stunz.  
38  
39 **DR. STUNZ:** Kevin, thank you for that, and I think this is also  
40 related to the motion that we'll hear soon and that was made the  
41 other day regarding optimal yield, and some of these ecosystem  
42 issues could be brought up in this optimal yield context as  
43 well, and so, you know, they're connected.  
44  
45 One other thing that I just want to say is something to be  
46 thinking about, in a situation like this, is that, while some of  
47 these issues we're talking about may not be as prevalent in the  
48 western Gulf, where it seems like some stocks seem to be in

1 better shape in that area, you know, on top of whether we're  
2 talking about climate change, that John was talking about, or  
3 whatever, you know, we've had significant habitat alterations to  
4 those areas, and, in our area, removal of oil and gas platforms,  
5 and, of course, it's occurring off this area in Louisiana as  
6 well, and, you know, you've got to -- I have to begin to wonder  
7 what were those structures doing.  
8

9 Of course, our science showed that they were playing key roles,  
10 but, you know, just as a practical example, my staff is having  
11 trouble catching bait right now to go catch amberjack to tag for  
12 our study. Before, that would never have been a problem, when  
13 there were oil and gas platforms, and so then you've got to  
14 wonder, and, well, what -- Does it have something to do with the  
15 pogy situation off of Louisiana, and maybe that's why we're not  
16 seeing king mackerel, and so I think there's a lot of moving  
17 parts here, climate change, or it could be a lot of things. It  
18 could be habitat-related, and, by exploring some of these  
19 ecosystem issues, particularly in the optimal yield framework,  
20 it might allow us to solve some of those problems.  
21

22 **CHAIRMAN DIAZ:** Thank you, Dr. Stunz. All right, and so we're  
23 going to go ahead and vote on this motion. Any further  
24 discussion on the motion? **Seeing none, is there any opposition**  
25 **to the motion? The motion carries.** Mr. Anson.  
26

27 **MR. ANSON:** Mr. Chair, I see a hand.  
28

29 **CHAIRMAN DIAZ:** Dr. Sweetman.  
30

31 **DR. SWEETMAN:** Thank you, Mr. Chair. Just a clarification. Dr.  
32 Simmons, your idea of an interim assessment -- I didn't know if  
33 we needed -- If direction to staff was okay or if we needed a  
34 motion for that.  
35

36 **EXECUTIVE DIRECTOR SIMMONS:** If you want to provide a motion,  
37 that would be great, and we'll get a letter to the Science  
38 Center right away.  
39

40 **DR. SWEETMAN:** Okay. Since I'm a relative newbie here, I would  
41 like a little help. **So to request the Southeast Fisheries**  
**Science Center -- Sorry. To request staff write a letter to the**  
**Southeast Fisheries Science Center requesting an interim**  
**analysis for king mackerel.**  
45

46 **EXECUTIVE DIRECTOR SIMMONS:** Or other biological information,  
47 something like that, and we could consider that, and we'll put  
48 that in the letter. That's fine. Thank you.

1  
2   **DR. SWEETMAN:** I appreciate it, Dr. Simmons.  
3  
4   **CHAIRMAN DIAZ:** Okay, and so we have a motion. Is there a  
5 second to the motion? It's seconded by Ms. Boggs. Is there any  
6 discussion on the motion? Ms. Boggs.  
7  
8   **MS. BOGGS:** Do we need to clarify that it's Gulf king mackerel?  
9  
10   **CHAIRMAN DIAZ:** I think that would be fine.  
11  
12   **DR. SWEETMAN:** Yes, that works for me.  
13  
14   **CHAIRMAN DIAZ:** Mr. Strelcheck.  
15  
16   **MR. STRELCHECK:** I am certainly fine with the motion. I think  
17 one of the questions, and we did this with gag, is determining  
18 whether or not there's a sufficient index of abundance that they  
19 can use for the interim analysis, right, and so that's going to  
20 be a key component as to whether or not we could even proceed  
21 with an interim analysis.  
22  
23   **CHAIRMAN DIAZ:** Thank you for that. All right. I am not seeing  
24 any further hands. **Is there any opposition to the motion?** Do  
25 you have a comment, before we vote, Mr. Rindone?  
26  
27   **MR. RINDONE:** No opposition, Mr. Chair, but, just in light of  
28 what Mr. Strelcheck said, and the fact that the only fishery-  
29 independent index of abundance for kingfish is the larval  
30 survey, maybe say to explore the feasibility of an interim  
31 analysis, because it may be that what needs to be done is -- It  
32 may look a little different, and I'm not saying that the Science  
33 Center can or can't do it, but it may not -- It may just look a  
34 little different, perhaps.  
35  
36   **DR. SWEETMAN:** Yes, and I'm good with that.  
37  
38   **CHAIRMAN DIAZ:** Okay, and the seconder --  
39  
40   **MR. RINDONE:** So request staff write a letter to the Science  
41 Center to explore the feasibility, and so just remove "request".  
42 I mean, we're going to do that anyway, and so it says the  
43 Science Center to explore the feasibility of an interim analysis  
44 for Gulf kingfish.  
45  
46   **CHAIRMAN DIAZ:** Okay. So we're back to voting. **Any opposition**  
47 **to the motion on the board? Seeing no opposition, the motion**  
48 **carries.** Mr. Anson.

1  
2 **MR. ANSON:** Thank you, Mr. Chair. Continuing on with the  
3 committee report, Draft Framework Amendment: Modifications to  
4 the Gulf of Mexico Migratory Group King Mackerel Gillnet Fishing  
5 Season, staff presented a draft of Chapter 1 of CMP Framework  
6 Amendment 12, which would modify the fishing season for the Gulf  
7 king mackerel commercial Southern Zone gillnet component.

8  
9 The action proposed has two options, to retain the weekend and  
10 observed federal holiday closures or to allow the gillnet  
11 component to continue to fish from the season start date until  
12 NMFS determines the quota has been met.

13  
14 **The committee recommends and I so move, to make Option 2 the**  
**15 preferred. Option 2 is remove the weekend and holiday closure**  
**16 for the gillnet component for Gulf migratory group king**  
**17 mackerel.**

18  
19 **CHAIRMAN DIAZ:** Okay. We have a committee motion. Is there any  
20 discussion on the motion? **Seeing no discussion, is there any**  
**21 opposition to the motion? Seeing no opposition, the motion**  
**22 carries.** Mr. Anson.

23  
24 **MR. ANSON:** NMFS staff also expressed support of the motion,  
25 given the agency's close relationship with the fishermen and  
26 regular updates on their landings. The committee will see a  
27 final draft of this document in April 2023, with the intent of  
28 implementing the change for the 2023-2024 fishing year, which  
29 begins on the Tuesday following Martin Luther King Jr. Day in  
30 January 2024, for the gillnet component. Mr. Chair, this  
31 concludes my report.

32  
33 **CHAIRMAN DIAZ:** Okay. Is there any other business to come  
34 before the Mackerel Committee? Seeing no other business, we're  
35 going to move right along, and so the last committee report  
36 today is going to be the Data Collection Committee, and Ms.  
37 Boggs is going to lead us through that. Ms. Boggs.

38  
39 **DATA COLLECTION COMMITTEE REPORT**

40  
41 **MS. BOGGS:** Thank you, Mr. Chair. The Data Collection Committee  
42 met on October 26, 2022. The committee adopted the agenda, Tab  
43 F, Number 1, and approved the minutes of the August 2022  
44 meeting, Tab F, Number 2.

45  
46 Abbreviated Framework Action to modify for-hire trip declaration  
47 requirements, Tab F, Number 4(a) and 4(b) and Tab B, Number  
48 6(b), Southeast Regional Office (SERO) staff reviewed two

1 administrative modifications related to hail-out timing and  
2 dually-permitted commercial and for-hire vessels.  
3

4 These administrative changes are not directly incorporated into  
5 the document, but will be included in the proposed rule, where  
6 these changes will be made available for public comment during  
7 the rulemaking process. Council staff reviewed updates to the  
8 abbreviated framework action, proposed action alternatives, and  
9 Law Enforcement Technical Committee recommendations.  
10

11 Captain Walker, the Reef fish Advisory Panel Chair, reported  
12 that the panel agreed that some of the issues related to the  
13 multiple hail-out implementation had been addressed in the  
14 action, but that some burdens still remained.  
15

16 A committee member inquired as to why hail-outs on non-fishing  
17 charters, such as cruises, were needed. Staff replied that the  
18 hail-outs on non-fishing charters are necessary to collect  
19 socioeconomic data and aid in program enforcement. A committee  
20 member asked Captain Walker how long it took him to report a  
21 hail-out, and he replied approximately ten minutes.  
22

23 SERO staff stated that addressing issues in the program, such as  
24 a multiple hail-out provision, is complicated, due to the  
25 diversity of fishing practices in the for-hire industry.  
26 Captain Walker replied that the industry was experiencing some  
27 hesitation about the program in its current form and encouraged  
28 progress towards a more directed data collection program for the  
29 for-hire industry. The committee selected a preferred option in  
30 the document, so that the council could consider final action  
31 early next year.  
32

33 **The committee recommends, and I so move, to make Option 4 the  
34 preferred. Option 4 is require federally-permitted for-hire  
35 vessel owners and/or operators to submit a trip declaration for  
36 trips that will be engaging in any type of fishing or chartered  
37 activity.** The motion carried in committee with no opposition.  
38

39 **CHAIRMAN DIAZ:** Okay, and so we have a committee motion. Is  
40 there any discussion on the motion? **Seeing no discussion, is  
41 there any opposition to the motion? Seeing no opposition, the  
42 motion carries.** Ms. Boggs. Go ahead, Mr. Strelcheck.  
43

44 **MR. STRELCHECK:** Before we move on from this section, just a  
45 couple of points of clarification. We're not collecting  
46 socioeconomic data on the hail-outs, and, when I talked about  
47 this in committee, yes, it's important, not only for program  
48 enforcement, but also data validation, in terms of making sure

1 that we know what trips are occurring, when they're occurring,  
2 and we can link those up to logbooks.  
3

4 The other point I will make is, and I wish that Captain Walker  
5 was here, but he did make those statements during committee, as  
6 reflected, and so that's accurate, and I did speak with Captain  
7 Walker afterward, and he did not hear the early portion of the  
8 committee discussing some of the changes they were making to  
9 trip declarations, and that was clarified with him, and he even  
10 made comments to that effect during the public hearing, and so I  
11 don't think -- Although there may still be some concerns, I  
12 don't think they're as great as how they're documented here in  
13 our committee report, and so I just wanted to reflect that.  
14

15 **CHAIRMAN DIAZ:** Thank you, Mr. Strelcheck.  
16

17 **MS. BOGGS:** I will agree with Andy, because Captain Walker did  
18 talk to me as well. Review of South Atlantic Council workgroup  
19 discussions on federal private angling reef fish permit, Tab B,  
20 Number 5(a), Ms. Myra Brouwer summarized discussions by a South  
21 Atlantic Fishery Management Council workgroup that investigated  
22 the feasibility of a federal private recreational fishing permit  
23 for harvesting snapper and grouper species.  
24

25 The workgroup recommended implementing the permit, development  
26 of a data collection program associated of that universe of  
27 anglers, and the creation of a grouper snapper permit technical  
28 advisory panel. Other workgroup recommendations included  
29 managing expectations, especially in the early years of the  
30 permit's implementation, and other research recommendations.  
31

32 Mr. Chester Brewer, a South Atlantic Fishery Management Council  
33 member, outlined the concerns of the South Atlantic Fishery  
34 Management Council with respect to the estimation of fishing  
35 effort in the South Atlantic region and the South Atlantic  
36 Fishery Management Council's years-long efforts to seek  
37 improvements to effort estimation. He added that development of  
38 this permit has substantial support in the South Atlantic and  
39 that the permit and standardizing the data collected across  
40 states is a priority. Mr. Brewer used the State of Florida's  
41 annual no-cost Gulf Reef Fish Angler permit endorsement as an  
42 example of how this permit might be implemented.  
43

44 A committee member asked about how funding for this proposed  
45 permit would be achieved. Ms. Brouwer replied that the South  
46 Atlantic Fishery Management Council doesn't have details about  
47 how it would be funded at this time. She added that the  
48 amendment in development will help define the structure of the

1 permit, but expected that other nuances would be resolved in the  
2 implementation effort.

3  
4 Another committee member agreed that a uniform method of  
5 licensing would be beneficial for recreational fisheries in the  
6 Gulf also, with such a permit managed through the states. They  
7 supported a private angling reef fish licensing program and  
8 encouraged the committee to explore methodologies to implement  
9 such a permit in the Gulf.

10  
11 SERO agreed with a goal of uniformity in any regional permit and  
12 added that any federal permit may only recoup administrative  
13 costs, while a state permit may use those funds for other  
14 purposes as well. Ms. Brouwer noted that the South Atlantic  
15 Fishery Management Council will continue to work with state and  
16 federal partners as it develops the amendment.

17  
18 Update from Gulf States Marine Fisheries Commission on fisheries  
19 data collection and management, Tab F, Number 6, Mr. Gregg Bray,  
20 Gulf States Marine Fisheries Commission staff, provided an  
21 overview of multiple data collection and other programs overseen  
22 by the Gulf States Marine Fisheries Commission. These programs  
23 are wide-ranging and address a number of fishery management  
24 objectives. He emphasized that the Gulf States Marine Fisheries  
25 Commission fosters working relationships between private,  
26 academic, Gulf state agencies, and federal partners to achieve  
27 management goals.

28  
29 The committee applauded the Gulf States Marine Fisheries  
30 Commission on their work throughout the Gulf. Specifically, the  
31 Gulf States Marine Fisheries Commission has provided their  
32 resources during the recent changes in data collection in the  
33 shrimp industry, which has aided the council in managing that  
34 fishery. The committee encouraged the Gulf State Marine  
35 Fisheries Commission to continue engaging the council and  
36 provide updates on future work.

37  
38 Update on commercial electronic reporting, Tab F, Numbers 7(a)  
39 and (b) and Tab B, Number 6(b), council staff provided a verbal  
40 update on the progress of transitioning the commercial coastal  
41 logbook program towards electronic submission. A joint document  
42 with the South Atlantic Fishery Management Council is being  
43 developed to implement this modification.

44  
45 Captain Walker reported that the Reef Fish AP received a  
46 presentation from Southeast Fishery Science Center demonstrating  
47 the reporting application and was supportive of a transition to  
48 electronic reporting.

1  
2 A committee member inquired as to whether the Southeast  
3 Fisheries Science Center had any plans to test the electronic  
4 platform before implementing the requirement. Dr. John Walter  
5 replied he would check with Southeast Fisheries Science Center  
6 staff and provide an answer at Full Council.  
7

8 The South Atlantic Fishery Management Council has convened two  
9 of its advisory panels to discuss the program modification, and  
10 Ms. Brouwer indicated there was support from those groups to  
11 integrate towards an electronic reporting platform. Council  
12 staff indicated that the Coastal Migratory AP would meet in  
13 December to discuss commercial electronic reporting and that a  
14 draft of the document would be available for review by the  
15 committee at the January 2023 meeting. Mr. Chair, this  
16 concludes my report.  
17

18 **CHAIRMAN DIAZ:** Thank you, Ms. Boggs. Dr. Walter.  
19

20 **DR. WALTER:** I did say I would get back to the Full Council on a  
21 couple of questions. On is dual-reporting possible right now,  
22 for the GARFO-permitted, and this is Atlantic-permitted boats,  
23 they are dual reporting now. Soon, it will be possible for the  
24 SERO and HMS-permitted boats to dual report, and we think that  
25 will occur sometime around November when people will be able to  
26 dual report, and that will essentially be a test of the system,  
27 so that we get everything working properly, and we think  
28 sometime in likely early 2023 will be the transition from the  
29 paper to the eTRIPS, which is the electronic reporting. Then,  
30 after that, hopefully we'll go to fully electronic reporting,  
31 and so there will be sort of a de facto phase-in period.  
32

33 **CHAIRMAN DIAZ:** Thank you, Dr. Walter. All right, and so is  
34 there any other business at this point to come before the Data  
35 Collection Committee? Mr. Strelcheck.  
36

37 **MR. STRELCHECK:** Not before Data Collection. I want to bring  
38 something else up that I forgot for Reef Fish. It will be  
39 short, I promise.  
40

41 **CHAIRMAN DIAZ:** That door closed, Mr. Strelcheck. Go ahead, and  
42 I know you've got to get out of here in a few minutes.  
43

44 **MR. STRELCHECK:** Back this summer, you recommended the emergency  
45 rule, and that will be set to expire the middle of January, and  
46 we did have some discussion about the potential to reopen in  
47 May, if we estimated that there was additional quota on the  
48 table.

1  
2 We don't, obviously, have those landings at this point, and so  
3 the Fisheries Service is going to have to make a decision before  
4 the next meeting, as to whether or not we extend that emergency  
5 rule, and so I was just looking for guidance from you in terms  
6 of the extension.

7  
8 **CHAIRMAN DIAZ:** All right, and so we'll open this up for  
9 discussion. Ms. Boggs.

10  
11 **MS. BOGGS:** Thank you for letting us know that, Andy, and I  
12 certainly think it's up to the Fisheries Service to make that  
13 ultimate decision, but, also, based on the comments that we  
14 heard yesterday, and the status of the fishery for the fishermen  
15 that are out on the water, recreational, charter/for-hire, and  
16 commercial, it would seem, to me, until we get some decisions  
17 made at this table, that it probably needs to remain closed.

18  
19 **CHAIRMAN DIAZ:** Dr. Frazer.

20  
21 **DR. FRAZER:** I was going to agree with Ms. Boggs. I mean, I  
22 think, again, moving forward, I think the sentiment was to move  
23 the open season away from that May spawning time period, and so,  
24 just for consistency, in that regard, I would also suggest that  
25 it remain closed.

26  
27 **CHAIRMAN DIAZ:** All right. This is folks' time to weigh-in. If  
28 you're interested, this is it. All right. You've got some  
29 input, Mr. Strelcheck.

30  
31 **MR. STRELCHECK:** Thank you.

32  
33 **CHAIRMAN DIAZ:** Okay, and so that does conclude Data Collection,  
34 and we're going to keep moving down our agenda. The next thing  
35 in our agenda is the South Atlantic Liaison Report. Mr. Brewer.

36  
37 **SUPPORTING AGENCIES UPDATES**  
38 **SOUTH ATLANTIC COUNCIL LIAISON**

39  
40 **MR. BREWER:** Thank you, Mr. Chairman. I am not going to get  
41 into the efforts with regard to the reef fish permit, or  
42 whatever we call it, because we've gone through that pretty well  
43 already.

44  
45 A lot of the comments that you heard yesterday, with regard to  
46 there's something going on with the fishery, there are not as  
47 many fish, there's a problem, we're hearing that in spades. I  
48 am going to touch on three of them, three of the different

1 fisheries that we hear about, and, of course, number one is red  
2 snapper.

3  
4 Red snapper is -- I don't know whether to call it anomaly or  
5 not, but it is certainly a different kind of situation. Red  
6 snapper, on the South Atlantic side, have, in essence, been --  
7 Not totally, but pretty much closed for over a decade now, and  
8 we now find ourselves in a situation in which the biomass of red  
9 snapper is greater than in anyone's memory, and, yet, the fish  
10 are considered to be overfished and undergoing overfishing.  
11 That's kind of a -- I've been involved in this stuff for a long  
12 time, and I'm not aware of that kind of situation occurring.

13  
14 The reason that the fish are, quote, overfished has to do with  
15 the model and the different ages that are built into the model,  
16 as to what we're trying to build to, and it's been assumed that  
17 -- I think the oldest red snapper is around fifty years old, and  
18 we don't know that that's 100 percent accurate, but we don't  
19 have a lot of -- Since we're been in our program now for about a  
20 decade, we don't have a lot of fifty-year-old fish out there,  
21 and we're not going to see any for years and years and years.

22  
23 With regard to the overfishing, the primary problem is, and  
24 you're going to love this, of course, and it's discards, and we  
25 have a situation in which the discard mortality is right at, or  
26 maybe a little bit below, the overall quota, and so, as the  
27 biomass has gone up, the number of available fishing days, the  
28 opportunity for the fishermen, has gone down, and it's estimated  
29 that, next year, it may be one day, in spite of the fact that  
30 you've got the highest biomass that you've probably ever seen.  
31 This is certainly a problem.

32  
33 At our last meeting, there was some talk of going forward with  
34 some time and area closures, and, when we say closures, we're  
35 not talking about a fishery. We are talking about all fish and  
36 not the highly migratory and pelagics, but the reef fish, all of  
37 them, for some period of time and for some area.

38  
39 The council pushed back on that pretty hard, and said, if we're  
40 going to do that, that's got to be absolutely the last resort,  
41 and the -- We are working on, and trying to at least, help with  
42 the problem. In Amendment 35, these are some things that were  
43 put forth by the FWC, things like no electric reels, single  
44 hooks, other things that may help, again, bring down the number  
45 of dead discards, but, until we get dead discards under control,  
46 or at least we find that they're not as bad as what they are  
47 modeled to be, or whatever the right word is, but we're never  
48 going to have -- In the South Atlantic, we're not going to have

1 a red snapper season, and it's just that simple.  
2  
3 Believe it or not, we've been working on gag, and we got our  
4 letter of overfished and undergoing overfishing in -- I believe  
5 it was in early 2021, and we've been working on Amendment 53,  
6 and that amendment has not, as yet -- I think it either has just  
7 gone out or is not yet out for public comment, but it has been  
8 put together, and preferreds have been chosen, and we are  
9 looking at -- On the recreational side, we were already at one  
10 fish per person, and so we didn't really want to deal in  
11 fractional fish, and you're allowed a half-a-fish, or a quarter-  
12 of-a-fish, and so went and we've lowered the boat limits to two  
13 fish.  
14  
15 On the commercial side, the trip limit will be cut in half, or  
16 approximately in half, and we hope to have this thing put  
17 together in December and then approved to be sent off to the  
18 Secretary of State at our March meeting.  
19  
20 We're also hearing problems, and I don't know whether -- It  
21 hasn't really been discussed here, and I thought that it might  
22 be, but we're hearing about problems with dolphin, and dolphin  
23 really, for south Florida and the Florida Keys, that's kind of  
24 your meat-and-potato fish, and so people are always very  
25 concerned about it.  
26  
27 Heretofore, we've had good luck with our dolphin, and dolphin  
28 have been plentiful, and we don't have a lot of hard information  
29 on dolphin, because, believe it or not, there's never been an  
30 assessment, and that's because of the life history of those fish  
31 that, you know, they don't live really past about five years,  
32 and they grow up fast, and they die young, and so trying to go  
33 through our standard amendment -- Not amendment, but assessment-  
34 type process, the fishery could -- Your assessment is going to  
35 be based on fish that are dead, and have been dead, and so we  
36 really are not doing anything, or have not done anything,  
37 insofar as an assessment.  
38  
39 I believe some folks at NOAA actually are trying to put together  
40 some systems whereby they are not dependent upon the traditional  
41 assessments, and perhaps have some unique management that would  
42 come into play, and I went to a listening session on that, and I  
43 was very pleased with what I heard, but what we're hearing is  
44 that, yes, there's plenty of peanuts out there, but the big fish  
45 just aren't there anymore, and it's not something that is just a  
46 one-year period, and it's been going on now for several years.  
47  
48 We don't, from what we've been able to figure out, and this is

1 very much a work in process, but, from what we've been able to  
2 figure out, it's not a problem that is coming about because of  
3 fishing taking place within our EEZ. Dolphin are highly-  
4 migratory, and they go down there off -- I don't know how far  
5 down they go, but they get off at South America and come up our  
6 coast and come out and come around and go back down into the  
7 Caribbean, and they run this big loop.

8  
9 It's not hard, hard information, but that's what we think is  
10 happening, and the problem that is manifesting itself in our  
11 waters may come about from fishing that is way outside of our  
12 waters, and so it's not something that -- If that's true, it's  
13 not something that, obviously, we can deal with as the South  
14 Atlantic Council, and it's not something that the Caribbean  
15 Council can deal with.

16  
17 I hope, and I think, that -- Actually, the State Department is  
18 beginning to do some work with regard to that problem, because  
19 that's going to come under their jurisdiction, and they're not --  
20 This probably is not in the United States' waters.

21  
22 One of the reasons that we think that is that dolphinfish are --  
23 The dolphin fishery is so robust that it's hard to fathom that  
24 hook-and-line fishermen, or even the longline fishermen,  
25 commercial, and the hook-and-line folks, could make that kind of  
26 a dent, and take that many big fish out of the water, as this  
27 thing is currently prosecuted, and so that's something that is  
28 of great concern. Where that's going to come down, I wouldn't  
29 hazard a guess, but it is something of great concern. With  
30 that, Mr. Chairman, I would be happy to entertain any questions  
31 that anybody might have.

32  
33 **CHAIRMAN DIAZ:** Okay. Any questions for Mr. Brewer? Ms. Boggs.

34  
35 **MS. BOGGS:** You touched on dolphin, and I'm curious, and what is  
36 your wahoo status, because don't you manage those together?

37  
38 **MR. BREWER:** Dolphin and wahoo are managed together, correct. I  
39 should say under the same committee.

40  
41 **MS. BOGGS:** Well, I'm sorry, and that's what I meant, and so I  
42 was just curious. What is your wahoo population like?

43  
44 **MR. BREWER:** I haven't heard any of the same things about a  
45 problem with wahoo.

46  
47 **CHAIRMAN DIAZ:** Thank you. Any other questions for Mr. Brewer?  
48 Mr. Brewer, thank you for spending the week with us.

1  
2 **MR. BREWER:** I want to thank you all. The courtesies that have  
3 been shown to me here during this meeting, it's -- I almost feel  
4 like I have a second home here, and it's actually fun for me to  
5 come and be here with you, and so thank you.  
6

7 **CHAIRMAN DIAZ:** Anytime. We're glad to have you. Okay. We're  
8 going to move down our committee reports, or our agency reports.  
9 Next up is the Mississippi Law Enforcement Efforts by Lieutenant  
10 Carron.  
11

## 12 **MISSISSIPPI LAW ENFORCEMENT EFFORTS** 13

14 **LT. PATRICK CARRON:** Mr. Diaz and council members, thank you for  
15 having me today. I'm Patrick Carron from the Mississippi  
16 Department of Marine Resources. I know I'm one of the last  
17 agenda items standing between you all and a flight home, and so  
18 I promise to keep it brief.  
19

20 This year's JEA, we have six different enforcement priorities:  
21 turtle excluder devices, reef fish, individual fisheries quota,  
22 Lacey Act/IUU, SEFHIER, and general enforcement.  
23

24 The turtle excluder devices, we have 936 hours of underway  
25 patrols and seventy-two hours of dockside patrols. Most of our  
26 non-compliance we've observed thus far has been very small  
27 items, and usually fix-its that are corrected onsite. I do  
28 believe we have one referral that we've sent off for an illegal  
29 modification to a double TED.  
30

31 Reef fish enforcement, we have 408 hours of at-sea patrols and  
32 120 hours of dockside patrols. Most of our observed violations  
33 have been undersized and over-the-limit, mostly gray snapper,  
34 and we've seen some other reef fish species, but gray snapper  
35 has been the most prevalent. Individual fishing quota priority,  
36 we have 192 hours of dockside patrols that we do. Thus far, we  
37 have not observed any violations in this particular sector of  
38 our patrols efforts.  
39

40 Lacey Act and IUU fishing, we have 240 hours of dockside  
41 patrols, and most of them we do with our partners at NOAA OLE.  
42 We inspect interstate seafood shipments as well as inspecting  
43 imported seafood down at the Port of Gulfport, coming into the  
44 country off the ships. As of today, we do not have any  
45 violations that we've detected.  
46

47 The SEFHIER, we've got 170 hours of SEFHIER patrols, and we're  
48 still getting -- This is our second year, and we're still

1 getting into the groove of exactly how we're doing things. One  
2 thing of note is we've had several complaints from our federal  
3 stakeholders regarding state for-hire guys venturing out into  
4 the federal waters, and we've documented several instances of  
5 that that we're going to be referring to NOAA for prosecution,  
6 and we've been in discussion with NOAA about possibly doing an  
7 at-sea component of our patrol, to deter that particular  
8 activity.  
9

10 General enforcement, we have 432 hours of patrols, or, excuse  
11 me, underway patrols, and 240 hours of dockside patrols.  
12 General enforcement is kind of the catchall, where we do  
13 everything, and we also partner-up and do a lot of these patrols  
14 with NOAA, and documented violations pretty much run the gamut  
15 of what we would see day-to-day, like fishing license  
16 violations, undersized, and over-the-limit, and a few prohibited  
17 species here and there. With that, if anyone has any questions,  
18 I would be happy to answer them.  
19

20 **CHAIRMAN DIAZ:** All right. Are there questions for the  
21 Lieutenant? Mr. Anson.  
22

23 **MR. ANSON:** Thank you, Mr. Chair, and thank you, Lieutenant  
24 Carron, for being here and providing your presentation. I'm  
25 curious, on that slide where you showed the mangrove snapper,  
26 the gray snapper, and you mentioned those as kind of being the  
27 predominant species which you're writing some of those citations  
28 for, and is that -- I'm putting you on the spot a little bit  
29 here, but have you seen an increase in those violations for that  
30 species in the short-term, or is it -- Do species come and go, I  
31 guess, as far as violations?  
32

33 **LT. CARRON:** Really, it comes and goes. Speaking strictly from  
34 memory, I don't -- I wouldn't say that there's been a  
35 significant increase. I can go back and look at our trends and  
36 follow-up with you.  
37

38 **MR. ANSON:** If you would like. I mean, I was just curious if  
39 you had a sense of that. Thank you.  
40

41 **LT. CARRON:** Yes, sir.  
42

43 **CHAIRMAN DIAZ:** Any other questions? I have a question, or a  
44 comment, Lieutenant Carron. Sometime back, there was a little  
45 bit of an issue where IFQ boats coming in were estimating  
46 landings before they came in, and then, just on a handful of  
47 occasions, there were some significant differences, upon  
48 officers coming to the dock, and I haven't heard that for a

1 while. Is there any issue, that you know of at this time, with  
2 any problems with the estimates and the actual amount ready to  
3 be offloaded?

4

5 **LT. CARRON:** Not presently. We did have an instance, several  
6 years ago, with an individual that is not in the fishery  
7 anymore, where we were seeing conduct similar to that.

8

9 **CHAIRMAN DIAZ:** Okay, and so I would like to make a comment,  
10 based on your presentation. I mean, 192 hours of IFQ  
11 enforcement, mostly dockside, I've got to say that I have to  
12 commend the commercial folks and the IFQ industry in  
13 Mississippi. It sounds like they're doing everything they can  
14 do to try to abide by the rules and make sure that they do  
15 everything right, and so I have to commend the IFQ fishermen in  
16 our area, and so I think that's great. Dr. Frazer.

17

18 **DR. FRAZER:** Thank you, Lieutenant Carron, and so I always  
19 appreciate and enjoy the law enforcement reports, but it just  
20 occurred to me, and so, as Dale pointed out, you showed how many  
21 hours you put into various kind of activities, and I was  
22 thinking, you know, with regard to not the IFQ stuff, but just  
23 kind of monitoring for violations, and how many encounters do  
24 you think that equates to? You can ballpark it. I mean, I  
25 guess my point is -- You don't even have to answer the question,  
26 right, but there's a number of violations, and there's a small  
27 part of that --

28

29 **LT. CARRON:** It's a very small fraction, and I believe, thinking  
30 back to past JEAs we've worked, it's typically around 2,500 to  
31 3,000 contacts, or intercepts, that we make a year, and so the  
32 amount of people that are actually violating is relatively  
33 small, compared to that number.

34

35 **DR. FRAZER:** But my point is Mississippi, like all the other  
36 states, has a ton of interaction, right, and those -- When you  
37 have an interaction like that, and let's say you come and visit  
38 my boat, and you say, what do you have, Tom, and I've got, you  
39 know, three red snapper, or whatever, and you go, wow, you look  
40 good, and you go away, and is there an opportunity here, John,  
41 or anybody, to take advantage of those interactions, and those  
42 data, that are generated by the encounters of the law  
43 enforcement to bolster our data stream? It just occurred to me  
44 today that we -- I mean, I realize there is all kinds of random  
45 issues, and sampling design issues, but that's a lot of  
46 potential there.

47

48 **DR. WALTER:** Real quick, there was a big assumption that had to

1 be made, and I will just tie it to Chester and the red snapper  
2 on what the descender device utilization rates were, and so, in  
3 that case, that was a science determination, really, an  
4 assumption that had to be made, but could potentially be  
5 informed by that kind of data. If you looked at 3,000 people,  
6 and there was no violations of that, then, you know, there is  
7 data there.

8

9 **DR. FRAZER:** But it's more than just -- I mean, that means you  
10 have confidence, right, in the reporting, probably, that people  
11 are generally, or potentially, but I guess it's just more of  
12 actually increasing the sample size. You know, we always hear,  
13 in Mississippi for example, that there is few intercepts, right,  
14 and they can get thrown out, or there's concern, because of the  
15 small sample size, but, when I heard that, I was like, that's  
16 not necessarily a small sample size, if we could tap into it,  
17 and that's all I'm suggesting, and maybe I will talk to Richard  
18 Cody and others about this.

19

20 **LT. CARRON:** Well, and we also -- We aim to intercept a certain  
21 percentage of our Tails 'n Scales trips every -- Whatever the  
22 amount is that day, we aim to intercept a certain amount, just  
23 to validate the information that we're getting is correct.

24

25 **DR. FRAZER:** I appreciate that. Thank you.

26

27 **LT. CARRON:** Yes, sir.

28

29 **CHAIRMAN DIAZ:** Thank you, Lieutenant Carron. We appreciate it.  
30 Thank you for being here with us today. I am sorry, but we have  
31 one more from General Spraggins.

32

33 **GENERAL SPRAGGINS:** I just wanted to let them know too that I  
34 think that -- What is it, 10 to 15 percent intercepts, that we  
35 had in the actual Tails 'n Scales trips this year?

36

37 **LT. CARRON:** Yes, sir, and I believe it was running closer to 15  
38 percent.

39

40 **GENERAL SPRAGGINS:** So 15 percent actually intercepted, and, you  
41 know, one other thing that they do with that is they take that  
42 and they run that data, and they look at the fish themselves,  
43 the report, and then they go back, and they go back to our Tails  
44 'n Scales and say, hey, tell me what happened on this day, this  
45 number, and that person -- If it says they said they had six  
46 fish, or whatever they had, and then they look at that against  
47 it and say which one is correct, and is it or is it not, and did  
48 they report the right thing, and so you all are doing a great

1 job with that, and it is validating our Tails 'n Scales 100  
2 percent.

3

4 **CHAIRMAN DIAZ:** One more from Ms. Boggs.

5

6 **MS. BOGGS:** Well, so the General just made a comment that I am  
7 curious. So, if it doesn't match up, do you throw that data  
8 out?

9

10 **GENERAL SPRAGGINS:** No, ma'am. We take the most data. In other  
11 words, in a situation like -- Very seldom do we have an angler  
12 report ten fish, when they only caught eight, but we have had  
13 anglers report eight fish when they caught ten, and, if we catch  
14 it, and we find that, then we update the data, and we also --  
15 It's put into the quota.

16

17 **CHAIRMAN DIAZ:** Okay. Thank you very much. We appreciate it.

18

19 **LT. CARRON:** Thank you.

20

21 **CHAIRMAN DIAZ:** Next up on the agenda, we have the NOAA Law  
22 Enforcement Report, from OLE, and Officer O'Malley.

23

24 **NOAA OFFICE OF LAW ENFORCEMENT**

25

26 **MR. MATT WALIA:** Thank you, Mr. Chairman. I am not O'Malley,  
27 and I'm Matt Walia, the Compliance Liaison. While the slides  
28 are getting pulled up, I was just going to go over a couple of  
29 items of clarification that came up during the week with public  
30 testimony, and Duane Smith is going to come up here as well.

31

32 There was a comment about landing whole amberjacks and that  
33 being illegal. I'm not sure what that was referencing. As long  
34 as they're not -- Just a reminder that, as long as they're not  
35 landed during the closure season, with head and fins intact,  
36 that's okay, and there was a comment to that. There was also  
37 confusion raised during the Reef Fish AP regarding the U.S.  
38 Coast Guard safety detail, and Duane will talk about that.

39

40 **MR. DUANE SMITH:** For you all who I haven't met yet in the  
41 margins, I'm Duane Smith, and I'm one of the three enforcement  
42 attorneys here in the Southeast, and I took over the really,  
43 really large shoes of Cindy for covering this council, and so I  
44 will try to live up to her legacy.

45

46 The Reef Fish Panel reported out, and I guess the question came  
47 up from one of the regulated community about the frequency of  
48 Coast Guard inspections, and the point was raised that the Coast

1 Guard is going to be doing mandatory five-year inspections of  
2 fishing vessels, and so you got an answer from the Coast Guard,  
3 who was at that meeting, that that's true, and that's happening,  
4 and they're going to be issuing certificates of compliance, et  
5 cetera, and all of that is accurate and fine.  
6

7 I was a little bit concerned though that they may have glossed  
8 over an issue, and that issue is the voluntary commercial  
9 fishing vessel safety inspection program that the Coast Guard  
10 runs, and continues to run, which NOAA has, in essence, made  
11 mandatory for any vessels that are carrying observers, and so,  
12 for all of your constituents who have to take observers onboard,  
13 if they're selected for observer coverage, they have to have  
14 that Coast Guard commercial fishing vessel safety inspection  
15 sticker on their boat.  
16

17 That inspection is only good for two years, and they're going to  
18 have to renew it every two years, and so, although the Coast  
19 Guard may be changing the frequency of their mandatory  
20 inspections, that is not going to affect any of the NOAA  
21 regulations, and it's not going to affect the frequency of the  
22 inspections required of the safety decals, and so your folks  
23 should still be thinking about getting that done. Any questions  
24 about that? Okay.  
25

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

28 **MR. RINDONE:** So the -- I think one of the concerns from the  
29 Reef Fish AP was the fact that the Coast Guard inspection is  
30 good for five and that the decal is good for two, and to find  
31 some way for those both to be good for five, because they're  
32 having to repeat that inspection, despite the fact that the  
33 Coast Guard portion of it, the Coast Guard certification on it,  
34 is still good, and that it takes time, and there's an added  
35 expense, and so they were looking for those things to become  
36 commensurately timed, as far as their expiration dates.  
37

38 I think -- Is Lieutenant Commander Motoi on? Maybe some  
39 feedback between you guys would probably be appropriate, so that  
40 the fishermen have a good understanding of what's required and  
41 what is anticipated.  
42

43 **MR. SMITH:** She may be on, and I will be happy to let her speak  
44 for herself, but she and I consulted yesterday, and I also spoke  
45 with the Commercial Fishing Vessel Safety Program, and I can  
46 tell you that we are all aligned on this. The fact that there's  
47 a mandatory inspection every five years does not take away from  
48 the fact that the Coast Guard would like to see inspections done

1 more frequently. There is way too much that can go wrong in  
2 five years, and so the Commercial Fishing Vessel Safety Program  
3 still strongly reports a more frequent inspection, a more  
4 frequent inspection interval, and, again, that program is  
5 continuing, and NOAA's perspective is that we want the safest  
6 platforms as possible, not just for the fishermen who are doing  
7 their job, but also for the observers that we put on the  
8 platform. From the agency's perspective, we have no intention  
9 of shifting to a five-year program at all, and so --

10  
11 **CHAIRMAN DIAZ:** Ms. Boggs.

12  
13 **MS. BOGGS:** So is it possible that that two-year inspection, and  
14 I may be wrong, because I'm not sure how the commercial fleet  
15 operates, but I know that the charter fleet -- We have an annual  
16 topside inspection, and, every two years, we have a bottom-side  
17 inspection, and, if it's the same with that, could it coincide  
18 with the bottom-side inspection? In other words, they would  
19 know, when my bottom-side inspection is due, I need to be doing  
20 this also.

21  
22 **MR. SMITH:** That really is a Coast Guard question, and so I will  
23 let them chime-in if they want. However, in our discussions, we  
24 did talk about the fact that they -- They pay attention to the  
25 fact that they've had the -- Excuse me. If they've had the  
26 compliance inspection, that factors into the inspection they're  
27 doing for the commercial fishing vessel safety sticker, and vice  
28 versa.

29  
30 If they've just done that sticker inspection, well then they  
31 know that there's a bunch of things that have just been checked  
32 already, and so it's not -- It's truly not looking to make  
33 things more onerous for the fleet. It's a matter of safety, and  
34 the Coast Guard agrees that it's much safer to do it in  
35 intervals more frequently than five, and NOAA agrees, and  
36 insists on it, for any vessels that are required to carry  
37 observers, but we'll see if -- I'm not sure, and is Lisa on?  
38 Okay. Then I will be quiet and let her comment.

39  
40 **CHAIRMAN DIAZ:** Lieutenant Commander Motoi, if you're on.

41  
42 **LCDR LISA MOTOI:** Mr. Chairman, I really don't have anything  
43 further to add. I apologize for any confusion with the Reef  
44 Fish AP, but, as of right now, there is not going to be any new  
45 regulations going into effect.

46  
47 **CHAIRMAN DIAZ:** Okay. Ms. Boggs.

1   **MS. BOGGS:** Lieutenant Commander Motoi, we're having a little  
2   bit of trouble hearing you, but, if you can hear me, if it's  
3   possible that the safety inspection coincide with a topside  
4   inspection, every other year, and, that way, it all can be done  
5   at the same time, and it's something that the vessels are  
6   already planning to do, and it's not yet another reason that the  
7   Coast Guard has to schedule to come out and the vessel has to  
8   schedule to be available, but, if there's a way the Coast Guard  
9   can work out and have it coincide with the topside inspection,  
10   every other year, I think that would be a way to alleviate some  
11   of the stress and the frustration and the memorization of doing  
12   this.

13  
14   **LCDR MOTOI:** Thank you, Ms. Boggs. That's something that I will  
15   take back with me. Absolutely. Thanks.

16  
17   **MR. SMITH:** If there are no more questions about that, there was  
18   one other issue that just came up in the report from Mississippi  
19   that I thought that I might mention, and I would just warn the  
20   council about conflating a lack of violations being detected  
21   with that equally compliance, and so I understand the desire to  
22   have additional data, but, if an officer goes onboard, and I  
23   think this applies across all of the enforcement agencies, but,  
24   if an officer goes onboard, they're not there to measure  
25   compliance. They're there to detect violations, and what you  
26   see in the reports is violations detected.

27  
28   What you don't see, necessarily, is violations detected -- I'm  
29   sorry. You see violations detected in the report, but you don't  
30   see violations that have been detected and not reported, because  
31   they were fixed on the spot, compliance assistance, and you  
32   don't necessarily have a full view of whether everything was  
33   inspected, and so the lack of a violation does not equal  
34   evidence of compliance, necessarily, not unless you have a very,  
35   very regimented checklist, and you're looking at the checklist,  
36   and so just a cautionary note. That's all I have. Thanks.

37  
38   **MR. WALIA:** Thank you, Mr. Chair. We just wanted to clarify a  
39   couple of things, and then I can get into the report here, and  
40   so I'll jump in right now. This is a summary of our effort from  
41   this past quarter, and it's from July to September.

42  
43   We have a twenty-five-page report, and I'm not going over all of  
44   that, and it's in the briefing book, but a summary, a snapshot,  
45   of what has occurred in the Gulf of Mexico is what I'm going to  
46   cover.

47  
48   Within the Gulf of Mexico, what we had going on is our officers

1 and agents opened up 221 incidents, and there's a breakdown kind  
2 of summary of what we did as well during that snapshot in the  
3 Gulf. Five cases were referred to General Counsel, and/or the  
4 U.S. Department of Justice, and one of those involved an illegal  
5 charter in the Gulf.

6  
7 We had twenty-eight summary settlements, and you see they ranged  
8 from anywhere from \$100 to \$3,000. We're seeing a lot of the  
9 smaller ones, similar to what you just heard from the  
10 Lieutenant, and a lot of it is retention, undersized possession,  
11 lack of a descender device, stuff like that that we pretty  
12 commonly see on the lower end. That higher end, the \$3,000,  
13 deals with IFQ program requirements and fishing down in the  
14 sanctuary in the Keys.

15  
16 I do want to note that a lot of these remaining, over sixty of  
17 them are unfounded, and they were closed with compliance  
18 assistance or no violation, and so that's our folks being on the  
19 water and going to the docks and doing inspections and making  
20 the rounds and talking to industry, and that's what we want to  
21 see. We want to see people understand what to do the right way,  
22 and so that's what a lot of these are.

23  
24 What I wanted to pull out here is just a couple of highlights  
25 from a section in our report, and these are a couple of the  
26 bigger ones that I wanted to show. We had a couple of recent  
27 seafood fraud cases that came to light, and I have the links  
28 that are in there so you can check them out for more detail.

29  
30 That first one, it's a case that currently sits with the U.S.  
31 Attorney's Office, and it involved importing and falsely  
32 labeling spiny lobster and shark fins into the U.S., and, again,  
33 that's imported out to China, and so that got some press  
34 release, and then the unlicensed seafood dealer link that I have  
35 there, with the undercover bust, and that is a story that we put  
36 out and pushed out to the local media in Georgia and Alabama.

37  
38 It was a culmination of a two-year investigation that we held  
39 with Alabama Marine Resources, as well as their Wildlife and  
40 Freshwater Fisheries Division. It was an undercover op we did  
41 with a guy that was essentially buying recreational fish in  
42 commercial quantities and going and then selling it back at his  
43 market, and we did uncover buys off the side of the interstate,  
44 and so he ended up getting five years of probation, a \$25,000  
45 fine, community service, and then part of his probation is he is  
46 prohibiting from dealing with seafood, or even possessing  
47 seafood over ten pounds in quantity, during the term of his  
48 probation, and so that's what that story is about.

1  
2 Then partnerships and training, and kind of hitting right off of  
3 what you just heard from Mississippi, is we pride ourselves on  
4 that, and we work a lot with our partners, and we're doing a lot  
5 of SEFHIER patrols and TED inspections. That picture in the  
6 lower-right corner, we've been doing a lot of effort on port  
7 inspections and capacity building internationally as well, and  
8 that's actually -- We held a workshop over in Thailand, and so  
9 we're working with some southeast Asia countries and teaching  
10 them how to inspect containers for fish products as well, and so  
11 we're trying to model what we do in the states and bring it out  
12 to some other countries as well.  
13

14 Partnerships, once again, obviously, you know, we rely on our  
15 JEA partnerships. It's a big coastline, and it's a lot of work  
16 to get done, and, you know, we work with everyone, and one of  
17 the things that I did want to point out is part of what came up  
18 in the Gulf States Commission meeting last week is we're  
19 standing by, and we're going to be reaching out to all of our  
20 state entities, and we're going to get more of a standardized  
21 training program going.  
22

23 We've been doing some with each partner here and there, and we  
24 go regularly to the Regional Fishing Training Centers for the  
25 Coast Guard, but we're looking to standardize it more and do a  
26 combination of virtual and going to LE academies and getting  
27 that out there, and so I think that will be really helpful.  
28 We've been doing it with our local personnel, but we're looking  
29 to step that up some more.  
30

31 As far as the JEA referrals that we get from everyone, you see  
32 down below that's 108 overall in the Southeast, and so that's  
33 the South Atlantic and the Caribbean as well, but, here in the  
34 Gulf, you see FWC, Texas, and the Coast Guard are the ones that  
35 we got referrals from this past time. Those are just some  
36 pictures of us some working some interdictions of some lanchas,  
37 and we helped out in a couple of patrols with Texas, and that  
38 was getting some gillnet off of the mouth of the Rio Grande too,  
39 as well.  
40

41 As far as special operations during this time period, the mini-  
42 season is our big one, and that's the Sanctuary Saviour that you  
43 see there, and that's pretty much all our hands-on-deck, and we  
44 have six boat crews, everywhere from the Upper Keys down through  
45 the Lower Keys, going out. We worked with a lot of partners,  
46 all the way down to the local Key West Police Department, to  
47 make it happen.  
48

1 We still encountered a fair amount of vessels, and, for any of  
2 you that were down there, it was pretty bad weather at that  
3 time, and a lot of guys were blown out and ended up going to the  
4 back country, but we did do some patrols offshore in the  
5 Atlantic as well, and the common things that you would expect to  
6 see, like small, undersized lobster taken before the season,  
7 spearfishing, and some groundings, is what we encountered.  
8

9 The other big op that we did was Operation Red Tide, and that  
10 was Operation Red Tide, and that was held in conjunction -- You  
11 can see our partners of Texas Parks and Wildlife, Customs and  
12 Border Patrol, the Coast Guard Investigative Unit, and U.S. Fish  
13 and Wildlife.

14 That was an IUU-centered op down on the border, and we did  
15 everything from vessel inspections, port-of-entry inspections of  
16 seafood coming in, and it was over 21,000 pounds of seafood that  
17 we inspected, and it was yellowfin tuna, grouper species,  
18 snapper, and crab that we came across and inspected with our  
19 partners, and we also did gear removal of gillnets and longline.  
20

21 Our current spotlight, just to give a snapshot of what we're  
22 doing now, and hopefully this isn't a surprise, and SEFHIER is  
23 up there. We've been doing a lot of SEFHIER enforcement.  
24 Weekly, our guys are on the docks trying to make sure -- Help  
25 guys get their accounts and their logbooks, and, if they need  
26 help, they can get in touch with SEFHIER staff, through our  
27 training.  
28

29 One of the things that has come up, and we're emphasizing with  
30 our partners when we do training, is we've been issuing a few  
31 fix-its, and so there seems to be some unawareness, and just a  
32 reminder for the fleet that you need to have your proper vessel  
33 ID on the vessel, and so that's on the port side, and it's by  
34 vessel size, and you've got to have -- If you're under twenty-  
35 five foot, it's three inches.  
36

37 It's ten inches if you're twenty-five to sixty-five foot, and  
38 then, from there, it's eighteen inches, and so just a reminder  
39 to have that on there, and we're trying to get notice out to the  
40 fleet that that needs to be on there. That actually helps us  
41 see who the properly-permitted vessels are, and so, if the guys  
42 do that, we can then further identify those who aren't doing it.  
43 Did you have a response?  
44

45  
46 **MS. BOGGS:** I just wanted to touch on that. I heard about this  
47 a couple of weeks ago, and so I understand that it is a law, and  
48 it's been on the books, and somehow -- I don't know where it got

1 missed, or how it got missed, and I've talked to several of the  
2 charter fleet, captains, and they, at some point, thought that  
3 it had been removed, and I know some of them are like, oh no,  
4 we've known it's been there, and so the question is, on this,  
5 and I see you have it under -- Is there going to be -- You said  
6 you're going to do some outreach, and is this something that's  
7 going to start immediately being ticketed, because you're going  
8 to be writing a lot of tickets, number one.  
9

10 Number two, especially right now, with these boats being off the  
11 water, if the outreach could be done, so that, when they come  
12 back in the spring, and start doing their boat maintenance,  
13 paint, et cetera, I think we can get this resolved pretty  
14 quickly and easily, but I understand it's a law, but since  
15 evidently it hasn't been communicated, or I'm not exactly sure  
16 how to say that, but I just want to make sure we're not getting  
17 ready to go out and write 1,300 tickets.  
18

19 **MR. WALIA:** I appreciate it. What we're doing, and the advice  
20 we're giving the JEA partners, is we're issuing what's called a  
21 fix-it notice, and so that gives you a thirty-day notice to fix  
22 it, or before prior to the next trip, and so, if you have some  
23 of these guys that are hauling out and staying out for a while,  
24 they have that time to fix it before the next time, and I  
25 actually an in plans and coms with the SEFHIER staff, and they  
26 frequently, at the end of the year, send out a frequently-asked  
27 questions and bulletin, and I'm going to be working with them to  
28 get some of that stuff out there as well to reach the fleet.  
29

30 **MS. BOGGS:** Well, and just to say that I've tried to help a  
31 little bit, and I have reached out to several fleets and  
32 associations. I have emailed them the regulations, and so  
33 hopefully that will get another way to get that information out  
34 to them. Thank you.  
35

36 **MR. WALIA:** I appreciate it, ma'am. Thank you. SEFHIER is  
37 definitely a topic that we're going to continue working on, and  
38 we still get referrals from the SEFHIER staff on -- There is  
39 still a handful of boats that aren't reporting, and so we're  
40 continuing to pass that out into the field too, and get that  
41 out.  
42

43 Unpermitted charter operations, that's tied in, and we are  
44 looking for that, and we're taking tips, and we're working on  
45 operations on that throughout the Gulf. TED requirements as  
46 well that you see on that, and seafood imports, and I touched on  
47 that, on our capacity measures, and Houston is a big port, and  
48 so we're always inspecting seafood over in Houston. Dolphin

1 feeding, just a reminder to watch your approach and leave a  
2 distance.

3  
4 This slide, we just always put up, just so you know this is  
5 where you can get resources. That first site is our website,  
6 and it has a lot of stuff on there, our priorities and the  
7 visions. We actually have our new five-year priorities that  
8 should be ready, I believe, in December for public  
9 dissemination. We already reached out to all the councils and  
10 stakeholders to get input, and so that's pending, and so keep an  
11 eye out for that.

12  
13 Meanwhile, our news stories that we get out, and our General  
14 Counsel enforcement action link, and that's as well with our  
15 partners, with Duane Smith and his cohorts, and they're in our  
16 report as well, and you see all the charging info, and that's  
17 another avenue you can go to if you need info, and I believe  
18 that concludes my report, if there's any questions. Thank you,  
19 Mr. Chair.

20  
21 **CHAIRMAN DIAZ:** All right. Any questions regarding the OLE  
22 Enforcement Report? Seeing none, thank you, Matt. Good report.  
23 Thank you very much for your hard work. Next up is Mr.  
24 Donaldson and the Gulf States Marine Fisheries Commission.

25  
26 **GULF STATES MARINE FISHERIES COMMISSION**

27  
28 **MR. DONALDSON:** Thank you, Mr. Chair. Because of the  
29 presentation that was given during Data Collection, Gregg Bray  
30 has covered pretty much what I was going to say, and so one note  
31 that we did have our annual meeting last week in San Antonio,  
32 and we had great participation and good discussion, and, with  
33 that, I will answer any questions.

34  
35 **CHAIRMAN DIAZ:** Any questions for Mr. Donaldson? Seeing none,  
36 we're going to move on. Next up is the U.S. Coast Guard and  
37 Lieutenant Commander Motoi.

38  
39 **U.S. COAST GUARD**

40  
41 **LCDR MOTOI:** Good afternoon, Mr. Chairman and members of the  
42 council. I'm Lieutenant Commander Lisa Motoi. I regret not  
43 being there in-person this week. My trip was all booked, and  
44 then COVID got me pretty good, and so I appreciate the  
45 flexibility. For today's update, I will discuss Fiscal Year  
46 2022 lancha and domestic fisheries statistics.

47  
48 For Fiscal Year 2022, we had 191 detections, 128 interceptions,

1 eighty-seven interdictions, 15,000 pounds of illegal catch, and  
2 373 Mexicans who were detained. The numbers in parentheses  
3 reflect the change from Fiscal Year 2021, and to note that an  
4 interception is the arrival of a Coast Guard surface, or their  
5 asset, in position, whereas an interdiction results in a  
6 successful endgame, such as seizing the lancha, fishing gear,  
7 and catch.

8  
9 Many times, we'll come on a scene where there are multiple  
10 lanchas, and they may scatter about, and we only end up  
11 interdicting one, and that's why you'll see a higher number with  
12 interceptions, and so Mexico -- They know they have an IUU-F  
13 problem and that they have a negative certification for being an  
14 IUU-F nation, and it's subsequent failure to take corrective  
15 action.

16  
17 Last month, I attended a meeting with other Coast Guard  
18 representatives, and NOAA Fisheries was there, and this was at  
19 the Mexican embassy in D.C., to discuss several key initiatives  
20 to reduce the number of incursions and repeat offenders, and so  
21 some of the ground work includes more joint operations and  
22 improving the process for case package submission to Mexico.

23  
24 Mexico, they are really eager to receive that positive  
25 certification, and they are making movement. However, we made  
26 it really clear to them, at this meeting, that we want to see  
27 results and not just action, and so the top-right picture is  
28 from a recent case. That lancha was located sixteen nautical  
29 miles offshore, and five nautical miles north of the maritime  
30 boundary line, and these lanchas -- They can go out twenty to  
31 thirty miles, or even more, and then the bottom-left is also  
32 from a recent case, a few weeks ago, and the majority of lanchas  
33 are initially detected by aircraft, and, as you can see in that  
34 picture, they're just so small to detect.

35  
36 For domestic fisheries, last year, we conducted a total of 956  
37 vessel boardings across the Gulf of Mexico. 286 of those  
38 vessels received one or more safety violations, and fifty-three  
39 vessels received one or more LMR fishery violations.

40  
41 For a look ahead with the Coast Guard, first is we want to  
42 optimize LMR efforts to overcome resource constraints, and I say  
43 this because there is a huge surge in both Cuban and Haitian  
44 migration, and it's certainly going to pull from our resources  
45 this year, and so it's one of the challenges that we're going to  
46 have to look at when we're executing the domestic fisheries  
47 mission.

48

1 Continue to prioritize high and medium-precedence fisheries, and  
2 so high-precedence fisheries for us are highly-migratory  
3 species, reef fish, and shrimp, and medium-precedence would be  
4 coastal migratory pelagics.

5  
6 Next is pivot fast-response cutter employment towards highly-  
7 migratory species, and so HMS has historically been a  
8 challenging metric for us, mostly due to the challenges of  
9 getting way offshore, but our fast-response cutters are -- Well,  
10 first, they're more than capable, but it's just a matter of  
11 balancing that with the maritime boundary line. Then last is  
12 strengthening relationships, both internal and external, to the  
13 Coast Guard.

14  
15 Then the pictures are from recent operations, and the top-right  
16 picture is from a forty-four-foot fishing vessel that was taking  
17 on water three miles off of Corpus Christi Bay, and so we  
18 arrived on the scene, a Coast Guard helicopter, and they lowered  
19 a de-watering pump, and then the fishing vessel's sister ship  
20 actually was able to get on the scene and then escorted that  
21 vessel back to the Corpus Christi Marina.

22  
23 Then the bottom-left picture is -- So Station Freeport in Texas,  
24 they were out doing a patrol, and they observed a sea turtle  
25 struggling in the middle of Freeport Channel, and so they  
26 brought the turtle onboard, and then they worked with the Sea  
27 Turtle Center, who took the turtle into their care, and so that  
28 was a good case. Mr. Chairman, that concludes my brief, pending  
29 any questions.

30  
31 **CHAIRMAN DIAZ:** I have a quick question for you. I had a hard  
32 time hearing you, but you said that you all are having to divert  
33 some resources because of issues with folks coming from Haiti  
34 and Cuba, and can you elaborate on that a little bit?

35  
36 **LCDR MOTOI:** Yes, sir, and so there's been an uptick in Cuban  
37 and Haitian mass migration, and so it's pulling resources really  
38 from across the Coast Guard in supporting our neighboring  
39 districts, District 7 in Miami, and I could say, like right off  
40 the bat, that we will be losing patrol days from our fast-  
41 response cutters that are scheduled to be operating in our area  
42 of responsibility, and they're going to be heading down to  
43 District 7 and supporting these migration events.

44  
45 **CHAIRMAN DIAZ:** Thank you very much, Lieutenant Commander. I  
46 appreciate you giving that explanation of that. Any other  
47 questions? Seeing none, we missed seeing you this week, and we  
48 look forward to seeing you next time, in Baton Rouge in January,

1 and so thank you very much.  
2

3 **LCDR MOTOI:** Thank you.  
4

5 **CHAIRMAN DIAZ:** That leads us to Other Business, and the first  
6 item in Other Business is an update from Ms. Levy.  
7

8                   **OTHER BUSINESS**  
9                   **LITIGATION BRIEFING**  
10

11 **MS. LEVY:** Okay. It will be a very short update, and so I'm  
12 just giving you a brief update on pending litigation. It's been  
13 a very busy month. We don't have that many cases involving  
14 council actions normally, and we have two going on, and both had  
15 hearings this month, which is quite unusual.  
16

17 We have the case that was challenging the for-hire reporting  
18 amendment and final rule, and the hearing that we had, a couple  
19 of weeks ago, was before the Fifth Circuit Court of Appeals, and  
20 so we had a favorable decision out of the District Court, and  
21 then that got appealed, and so we were in the Fifth Circuit,  
22 because this was filed in Louisiana.  
23

24 The hearing was actually -- Or the oral argument was actually  
25 held in Fort Worth, Texas, at Texas A&M Law School, which is  
26 also a little bit unusual, but apparently that appellate court  
27 goes to the law schools sometimes to have arguments, which was  
28 nice for the law students.  
29

30 It's a three-judge panel, and both sides presented their  
31 arguments. I don't think -- I think it was fairly clear that  
32 the judges were quite skeptical of the VMS requirement and the  
33 way it was -- The way it's being applied in this case, and I  
34 don't want to predict rulings, and I don't do that, but, for  
35 anyone who listened to it, I think you could just tell that they  
36 were very skeptical of that requirement, but we won't know what  
37 their decision is, or how broad or narrow it is, or what issues  
38 they actually decide, because there were a number of issues in  
39 that case beyond the VMS requirement, until they issue a  
40 decision, and I have no way to predict when the panel will do  
41 that, and so, right now, we're kind of in a holding pattern  
42 waiting for that decision.  
43

44 The other hearing we had was last week, and it was in  
45 Washington, D.C., in the District Court, which is the trial  
46 court, and that was the case challenging the Amendment 53 red  
47 grouper catch limits and allocation rule. That was a fairly  
48 good hearing. I mean, the judge clearly understood the issues,

1 and he's dealt with Magnuson cases before, and he gave both  
2 parties plenty of opportunity to make their arguments and state  
3 their positions, and he seemed to be, you know, someone who will  
4 give a well-reasoned decision, whatever that might be.  
5

6 Again, I can't predict what he's going to decide. Most of the  
7 argument, a lot of the argument, was spent on National Standard  
8 requirements and the idea that allocations have to promote  
9 conservation, but we did touch on some other things. There were  
10 also a lot of issues raised in that case, and so, again, you  
11 know, it's -- How he's going to rule and what he's going to say  
12 on each issue, I can't predict. He did say that he would try to  
13 have a decision by the end of the year, and so we have some  
14 indication, in that case, that we should be getting a decision  
15 before the next council meeting. Thanks.  
16

17 **CHAIRMAN DIAZ:** Thank you, Ms. Levy. Any questions for Ms.  
18 Levy? Dr. Frazer.  
19

20 **DR. FRAZER:** It's not necessarily a legal question, but I was  
21 just curious, because we haven't heard about -- I can't remember  
22 the name of the aquaculture company, but that was doing the  
23 almaco jack off of Sarasota, and I didn't know where their  
24 status was, and if they had anything in the water prior to this  
25 hurricane.  
26

27 **MS. LEVY:** No, they don't have anything in the water. The EPA  
28 had issued a permit, and they appealed that to the EPA Appeals  
29 Board, and so it's an administrative proceeding, and the appeals  
30 board issued a decision that basically asked the agency to  
31 clarify some of its findings related to ocean discharge  
32 criteria. The EPA went back and clarified the language in the  
33 permit, reissued the permit, and now they are appealing the  
34 permit to the circuit court, and so you can directly -- When it  
35 goes through this process, you can go to the circuit court to  
36 appeal the issuance of the permit, and so that's ongoing right  
37 now, and that just happened I want to say less than a month ago.  
38

39 **DR. FRAZER:** Thank you very much.  
40

41 **CHAIRMAN DIAZ:** Thank you, Ms. Levy. All right. I'm not seeing  
42 any other hands. We had two other items under Other Business,  
43 and so Dr. Simmons is going to give us an update on the CCC  
44 harassment policy. Dr. Simmons.  
45

#### 46 UPDATE ON CCC HARASSMENT POLICY 47

48 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair, and so, last

1 week, we received draft harassment policies for council  
2 employees and council participants, two different policies, and  
3 we will need to look at those policies, the one for employees  
4 and how we might integrate that into our admin handbook and then  
5 the one for council participants. We'll be looking at that, to  
6 see how we will need to integrate it into our SOPPs.  
7

8 There is also a training, and -- If we want to make a stand-  
9 alone policy, we could also do that, but there's also some  
10 training that's going to be required for council members,  
11 council staff, and we also think the SSC members should take the  
12 training as well.  
13

14 We don't have an unlimited number of slots, and so we don't have  
15 availability for the APs to take the training, but I believe  
16 it's about a one-hour training, for most folks. For leadership,  
17 I think it's like a two-hour training, they said, but you will  
18 be receiving an email, I believe from Headquarters, and we gave  
19 everybody's contact information, to take the training. If  
20 possible, if you could take it before the January council  
21 meeting, that would be great. We're going to be talking to the  
22 SSC about it as well.  
23

24 I do understand that probably a lot of the state directors and  
25 designees have probably already taken this type of training, but  
26 we felt, for consistency, we would just ask you to take the same  
27 training, and so I apologize if there's duplication there, but I  
28 think that's important, that we're all getting the same type of  
29 training. I will stop there and see if there's questions or  
30 concerns or anything.  
31

32 **CHAIRMAN DIAZ:** Any questions for Dr. Simmons about this web-  
33 based training? All right. Mr. Brewer.  
34

35 **MR. BREWER:** I have been through that, and it was like a virtual  
36 kind of deal, on the training, and is this something that is  
37 going to be required in addition to that prior training, or, if  
38 you've had the prior training, are you good to go?  
39

40 **EXECUTIVE DIRECTOR SIMMONS:** I am not exactly sure what training  
41 you're referring to. This is fairly new, and they just kind of  
42 rolled this out last week, and so I assume you have to take this  
43 again, I assume though.  
44

45 **CHAIRMAN DIAZ:** Okay. Seeing no questions, if you would proceed  
46 to the last item that we have, and that is some long-term  
47 planning discussion.  
48

## **LONG-TERM PLANNING DISCUSSION**

3 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair. We've been  
4 trying to come up with a draft plan, just a little bit more  
5 long-term planning process, other than just the documents that  
6 we have in our action schedule. We have our action schedule,  
7 and we have our to-do list, but we're working to see if there's  
8 a longer-term plan, perhaps that would coincide with our five-  
9 year grant, that we could work on to bring to the council, and  
10 we would like to try to do that probably early next year.

12 I don't know if we'll be ready for it in January, but hopefully  
13 by the April council meeting, and so any feedback, or  
14 suggestions, you have, please let us know, and we'll try to work  
15 it in and see if we can try to utilize it and help us with some  
16 planning and priorities. Thanks.

18 **CHAIRMAN DIAZ:** Seeing no comments, or any questions, I think  
19 that concludes our agenda. If anybody else has any other  
20 business, before we close out the meeting, this would be a good  
21 time. Mr. Anson.

## **DISCUSSION OF SECTION 102 WORKGROUP**

25 **MR. ANSON:** Thank you, Mr. Chair. Going back to the Section 102  
26 Workgroup, I feel like we probably have accomplished everything  
27 that we can accomplish, I guess, at this point, and certainly  
28 there is other workgroup members here at the table that could  
29 chime-in, but I guess my sense is that we've accomplished what  
30 we were tasked to do, and, if that is in fact the case, then do  
31 we need to have a motion to disband it, or do anything at this  
32 point to take it off the books?

34 **CHAIRMAN DIAZ:** Dr. Simmons.

36 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair. I think it  
37 would be a great idea if we just have a motion on that, just for  
38 clarity, to understand what we did, two years from now, five  
39 years from now, ten years from now.

41 **CHAIRMAN DIAZ:** If you would like to make that motion, Mr.  
42 Anson, that would be wonderful.

44 MR. ANSON: Well, I guess a motion to disband the Section 102  
45 Workgroup.

47 **CHAIRMAN DIAZ:** Motion to disband the Section 102 Workgroup. Is  
48 there a second?

1  
2 DR. SHIPP: Second.  
3  
4 **CHAIRMAN DIAZ:** Seconded by Dr. Shipp. Is there any discussion  
5 on that motion? **Is there any opposition to that motion? The**  
6 **motion carries.** Any other business before the Gulf Council?  
7 General Spraggins.  
8

9 **GENERAL SPRAGGINS:** I just wanted to thank everybody for coming  
10 to the Gulf coast of Mississippi. We thank you for being here,  
11 and we hope you enjoyed your stay, and we look forward to going  
12 to Baton Rouge and seeing everybody in January, but we hope you  
13 had a good time in south Mississippi.  
14

15 **CHAIRMAN DIAZ:** Thank you for being such a gracious host,  
16 General. We appreciate it. Okay. I would entertain a motion  
17 to adjourn. All right. I've got about four seconds to that  
18 motion. The Gulf of Mexico Fishery Management Council is  
19 adjourned, and we'll see you all in Baton Rouge. Thank you.  
20

21 (Whereupon, the meeting adjourned on October 27, 2022.)  
22  
23 - - -  
24