

GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

REEF FISH MANAGEMENT COMMITTEE

Hilton Palacio del Rio Hotel San Antonio, Texas

August 24, 2021

VOTING MEMBERS

- 10 Martha Guyas (designee for Jessica McCawley).....Florida
- 11 Kevin Anson (designee for Scott Bannon).....Alabama
- 12 Susan Boggs.....Alabama
- 13 Leann Bosarge.....Mississippi
- 14 Billy Broussard.....Louisiana
- 15 Dale Diaz.....Mississippi
- 16 Jonathan Dugas.....Louisiana
- 17 Phil Dyskow.....Florida
- 18 Tom Frazer.....Florida
- 19 Bob Gill.....Florida
- 20 Robin Riechers.....Texas
- 21 Chris Schieble (designee for Patrick Banks).....Louisiana
- 22 Bob Shipp.....Alabama
- 23 Joe Spraggins.....Mississippi
- 24 Andy Strelcheck.....NMFS
- 25 Greg Stunz.....Texas
- 26 Troy Williamson.....Texas

NON-VOTING MEMBERS

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

STAFF

- 33 Assane Diagne.....Economist
- 34 Matt Freeman.....Economist
- 35 John Froeschke.....Deputy Director
- 36 Beth Hager.....Administrative Officer
- 37 Lisa Hollensead.....Fishery Biologist
- 38 Ava Lasseter.....Anthropologist
- 39 Mary Levy.....NOAA General Counsel
- 40 Natasha Mendez-Ferrer.....Fishery Biologist
- 41 Emily Muehlstein.....Public Information Officer
- 42 Ryan Rindone.....Lead Fishery Biologist/SEDAR Liaison
- 43 Bernadine Roy.....Office Manager
- 44 Camilla Shireman.....Administrative & Communications Assistant
- 45 Carrie Simmons.....Executive Director
- 46 Carly Somerset.....Fisheries Outreach Specialist

OTHER PARTICIPANTS

- 49 Rick Burris.....MS

1 Richard Cody.....NMFS
2 Alisha Gray.....NMFS
3 Peter Hood.....NMFS
4 Kerry Marhefka.....SAFMC
5 Jim Nance.....SSC
6 Kelli O'Donnell.....NMFS
7 Clay Porch.....SEFSC
8 Jessica Stephen.....NMFS
9
10 - - -
11

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TABLE OF MOTIONS

1
2
3 [PAGE 64](#): Motion in Action 1 to revise Preferred Alternative 2
4 to read as follows: Modify the state-specific red snapper
5 private angling component ACLs using the ratio calibrations
6 developed by the National Oceanic and Atmospheric
7 Administration's Office of Science and Technology and the five
8 Gulf states. [The motion failed on page 80](#).
9

10 [PAGE 110](#): Motion to form a small facilitated focus group of
11 knowledgeable individuals selected by the Executive Director and
12 Council and Reef Fish Committee Chairs to provide a detailed
13 plan responding to their charge. The charge of this focus group
14 shall be to: 1)define the structure of an idealized IFQ program
15 for red snapper and grouper-tilefish; 2)detail the changes
16 needed to the current program to achieve the improved IFQ
17 program; 3)report their findings to the SSC and appropriate APs
18 for review and advice to the council. [The motion was withdrawn
19 on page 119](#).
20

21 [PAGE 125](#): The motion in Action 1 to make Alternative 2 the
22 preferred alternative. [The motion failed on page 129](#).
23

24 [PAGE 131](#): Motion to move Action 3.2, Closed Accounts, to the
25 Considered but Rejected. [The motion was withdrawn on page 134](#).
26

27 [PAGE 135](#): Motion in Action 3.2 to make Alternative 2 the
28 preferred. Alternative 2: Shareholder accounts that have been
29 closed may be reopened, but a reopened account becomes a permit-
30 required account and must be associated with a commercial reef
31 fish permit to hold shares. The time periods provided under
32 Action 2 to bring an account into compliance following
33 implementation of this amendment would apply to reopened
34 accounts, if selected. [The motion carried on page 135](#).
35

36 [PAGE 136](#): Motion in Action 3.1 to make Alternative 1 the
37 preferred. Alternative 1: No Action. There is no share limit
38 for permit-exempt shareholder accounts that do not have a
39 permit. The existing share cap for each share category that
40 applies to any U.S. citizen or permanent resident remains in
41 place. [The motion carried on page 137](#).
42

43 [PAGE 142](#): Motion in Draft Amendment 36C to move Action 3 to
44 Considered but Rejected. Action 3 - Accuracy of estimated
45 weights in advance landing notifications. [The motion carried on
46 page 143](#).
47

48 [PAGE 147](#): Motion in Amendment 36B, Action 2, to make

1 Alternative 4 and Option 4b an additional preferred.
2 Alternative 4: If shares are acquired from an inheritance or
3 other legal proceeding (e.g., divorce) and the shares are
4 transferred to a permit-required shareholder account, the
5 shareholder must divest of the account's shares as needed to
6 meet the requirements set in Action 1 or the shares will be
7 reclaimed by NMFS: Option 4b: 3 years following the date the
8 shares were transferred into the account. [The motion carried on](#)
9 [page 149](#).

10
11
12

- - -

1 The Reef Fish Management Committee of the Gulf of Mexico Fishery
2 Management Council convened on Tuesday morning, August 24, 2021,
3 and was called to order by Chairman Martha Guyas.

4
5 **ADOPTION OF AGENDA**
6 **APPROVAL OF MINUTES**
7 **ACTION GUIDE AND NEXT STEPS**
8

9 **CHAIRMAN MARTHA GUYAS:** Good morning. I think -- Well, tell me
10 if I'm wrong, but, since this is a committee of the whole, and
11 can everybody participate and make motions and stuff like that
12 today, since everybody has been inducted?
13

14 **DR. TOM FRAZER:** Yes, they can.
15

16 **CHAIRMAN GUYAS:** Perfect. Okay. I just wanted to clear that
17 up. All right. So everyone is on the committee, even if you're
18 new, and so jump right in when you feel like it. Let's go to
19 Tab B, Number 1 first. That's our agenda. Are there any
20 additions or modifications to the agenda? Kevin.
21

22 **MR. KEVIN ANSON:** Madam Chair, I would like to add, under Other
23 Business, a discussion about SEDAR 74, the stock ID workshop
24 report.
25

26 **CHAIRMAN GUYAS:** All right. Anything else? Okay. Seeing no
27 other additions, can I please get a motion to approve the agenda
28 as modified? Thank you. We have a motion and a second. Any
29 opposition to that motion? Seeing none, the motion carries.
30

31 Next, we have our June minutes. Any changes to the minutes?
32 Any opposition to approving the minutes as written? Seeing
33 none, we will approve the minutes as they are in the briefing
34 book. Okay. We'll hit up our action guide as we move through
35 our agenda items today, and so let's start with our review of
36 the reef fish landings next, and it looks like Ms. Kelli
37 O'Donnell is going to present those for us.
38

39 **REVIEW OF REEF FISH LANDINGS**
40

41 **MS. KELLI O'DONNELL:** Thank you, Madam Chair, and if we can just
42 bring up the figures, because that's all we will be going over
43 this morning. Thank you. The same as with the CMP yesterday,
44 commercial landings are through August 5, and you have a couple
45 of recreational landings on there, and we do have through Wave 2
46 for MRIP, LA Creel, and headboat, and we do not have the Texas
47 landings yet, and we are presenting only recreational gag and
48 red grouper, because that was requested at the last meeting,

1 and, at the October meeting, we will be bringing back some more
2 recreational landings.

3
4 Gag, we didn't really have much to show for the 2021 fishing
5 year, because we only have through Wave 2, and they are in a
6 seasonal closure until the end of May, and so you can't really
7 see that blue line, but it is hidden behind the 2019/2020 and
8 the fishing year average lines.

9
10 Red grouper had a pretty big jump in the Wave 2 landings that we
11 just got in, and I just wanted to remind everybody to keep in
12 mind that the 2021 landings are still preliminary, and so that
13 number may change a little bit the next time you see this, and
14 so, if you don't see such a big jump for the 2021 landings,
15 that's probably why, because landings are still adjusting for
16 2021.

17
18 Gray triggerfish commercial landings, again, as we saw with CMP,
19 the 2021 has been a little bit lower, and the 2020 as well, and,
20 again, the same thing, and we can only right now really
21 attribute that to the changes in fishing practices due to COVID,
22 and they did not have a closure in 2020, and, right now, we
23 currently do not have a projected closure for 2021, and we also
24 see the multiple lines for ACTs and ACLs, because the framework
25 was recently implemented that increased their ACL, and so you
26 can see where they have been at in previous years compared to
27 where that new increased ACL is, and so we'll see what happens
28 with the rest of this year.

29
30 The same for them, and they just came out of their seasonal
31 closure at the end of the July, and so we don't really have any
32 landings, as far as what has been happening since that has
33 reopened.

34
35 Greater amberjack has steadily been decreased landings, in the
36 past couple of years, and they had the step-down accountability
37 that was put in place, but they have not reached that percentage
38 to initiate that either in 2020 or 2021, and so, right now,
39 they're still at the full trip limit.

40
41 The rest of these pretty much are following what all the other
42 species have been, with just slightly decreased landings in 2020
43 and 2021, and we'll see that for the next -- Probably the rest
44 of the slides. The same thing with lane snapper, and they've
45 been a little bit more back on track this year, but they're
46 still a little bit lower than in previous years.

47
48 Vermilion, the same thing, and there's not much more to say.

1 There's a little bit lower landings these past couple of years.
2 For yellowtail snapper, we did see a pretty big drop in
3 landings, and they just finished their 2020/2021 fishing year
4 and are now in their 2021/2022 fishing year, and so it will be
5 interesting to see what happens with that, as we are also
6 developing a yellowtail snapper document, and I think that might
7 be the last slide. I will be here for any questions.
8

9 **CHAIRMAN GUYAS:** All right. Thanks, Kelly. Any questions?
10 Andy.
11

12 **MR. ANDY STRELCHECK:** Not a question, but a comment. We receive
13 Wave 3 landings data typically in the middle of August for MRIP,
14 and those are in FES. We're working with the Science Center to
15 convert them to the Coastal Household Telephone Survey, like is
16 typically done, and that usually takes a couple of weeks, but,
17 right now, preliminary indications is we will have some ACL
18 closures this year, likely for red grouper and gray triggerfish,
19 and so I just wanted to give the council a heads-up that we are
20 looking at the data carefully, and we'll be making
21 determinations likely in early September.
22

23 **CHAIRMAN GUYAS:** Thanks, Andy. Kevin.
24

25 **MR. ANSON:** I took a look at the landings website when they
26 posted Wave 3 information, and they have some notes on there
27 about 2020/2021 and some of the imputations that were made in
28 order to get to the estimates, and so I'm just wondering if that
29 might be something that, in a future council meeting, that we
30 could get maybe Science & Technology to give a summary as to how
31 those imputations occurred for some of our more popular species.
32

33 **CHAIRMAN GUYAS:** All right. Anything else? Kevin, can you make
34 your request again, just so we can make sure we've got it in the
35 notes?
36

37 **MR. ANSON:** I actually mentioned Science & Technology, but I
38 guess the Science Center would be appropriate for our body, is
39 to just to request that we have a presentation brought to us,
40 sometime at a future council meeting, that describes the
41 imputation methodology that was used to account for some of the
42 sampling issues related to COVID from last year and this year.
43

44 The MRIP website, when you query the recreational landings, has
45 some information about that, some caveats if you will, about
46 some of the estimates, and so if we can just have some details
47 as to how that was -- The methodology was used. Thank you.
48

1 **CHAIRMAN GUYAS:** Okay. Got it. Yes, I think that we can
2 probably -- When the time is right, it would be good to get an
3 update on that. Okay. Anything else on ACL monitoring?
4

5 **MS. LEANN BOSARGE:** Madam Chair, my hand is up, but it's not
6 showing on the board yet.
7

8 **CHAIRMAN GUYAS:** Go ahead, Leann.
9

10 **MS. BOSARGE:** Okay. I just wondered, are we having to stop any
11 of the APAIS surveys going on, the in-person surveys, here in
12 the Gulf, because of COVID, at this point, or are we still
13 rocking and rolling with that?
14

15 **CHAIRMAN GUYAS:** I guess individual states can speak for
16 themselves, but, at least in Florida, we've been rocking and
17 rolling for quite some time for those in-person surveys. Robin,
18 did you want to speak?
19

20 **MR. ROBIN RIECHERS:** Sure. Since last spring, we certainly came
21 back to normal and full practice early in the spring of last
22 spring.
23

24 **CHAIRMAN GUYAS:** I think that's the case for everybody, but, if
25 I'm mischaracterizing that, please somebody speak up. I'm
26 seeing lots of head-nods, Leann, and so everybody is doing in-
27 person.
28

29 **MS. BOSARGE:** Thank you.
30

31 **CHAIRMAN GUYAS:** All right. Let's move on then to our next
32 agenda item, which is Draft Framework Action for Modification of
33 Gulf of Mexico Red Grouper Catch Limits. It sounds like Dr.
34 Freeman is going to take us through this, and don't forget about
35 the action guide.
36

37 **DRAFT FRAMEWORK ACTION: MODIFICATION OF GULF OF MEXICO RED**
38 **GROUPE R CATCH LIMITS**
39

40 **DR. MATT FREEMAN:** Thank you, Madam Chair. For this item, staff
41 will review the proposed management alternatives in the draft
42 framework action. The council's SSC reviewed an updated interim
43 ABC analysis for Gulf red grouper, using data through 2020 and
44 updated recreational weight estimates, at its August 2021
45 meeting.
46

47 This draft framework action follows the SSC's recommendations
48 for updated catch advice for Gulf red grouper set using the

1 sector allocations established in Amendment 53. The SSC
2 representative will be on-hand to answer questions about the IA
3 and the SSC's deliberations on the subject. The committee
4 should review and provide direction to staff about the
5 appropriateness of the purpose and need and management
6 alternatives and provide any other feedback. I believe Dr.
7 Nance is up first.

8
9 **CHAIRMAN GUYAS:** All right. Great. Thanks, Dr. Freeman.
10 Welcome, Dr. Nance. Good morning.

11
12 **DR. JIM NANCE:** Good morning. Thank you, Madam Chair. I would
13 like to have Slide 14 up first. At our SSC meeting a few weeks
14 ago, we had a red grouper interim analysis presentation by the
15 Southeast Fisheries Science Center, which was an excellent
16 presentation, and I'm going to go through that presentation and
17 then give you our recommendations from the SSC.

18
19 In the presentation, it was noted that, recently, the Southeast
20 Fisheries Science Center began exploring the discrepancies
21 between the model weight estimates in the model and those
22 reported in the annual catch limit (ACL) monitoring database for
23 the recreational landings.

24
25 As you know, recreational landings are input into the stock
26 assessment models as number of fish, but they need to be
27 converted to weight to calculate catch advice. Investigations
28 into the red-grouper specific recreational landings indicated
29 that the stock assessment model underestimated the average
30 weight of an individual by approximately two pounds.

31
32 You can see this graph indicates that, and we can see the dark
33 line is the assessment-predicted values, and the dotted line
34 above is the ACL monitoring weights.

35
36 In order to correct this, you can see, in Graph Number A, you
37 can see the ACL monitoring numbers and the assessment-predicted
38 numbers, and they track fairly well together, the dark line
39 being the assessment and the dotted line being the ACL
40 monitoring numbers.

41
42 Putting a scalar on those, and, in other words, multiplying the
43 pounds, is what Graph B does, and you can see the weights, the
44 ACL weights, are the dotted line, and the assessment-predicted
45 weight -- The dark line, you can see there is a pretty good
46 difference between those two. By putting that scalar on there
47 and multiplying by about two pounds, we get that blue line,
48 which is a lot better representation of the true weights that

1 are in there, and so that's what the Science Center has done.
2
3 With that scalar, the projected 2020 to 2024 recreational
4 landings scaled up by 1.597, and that would be the multiplier.
5 The original OFL in this graph was 4.66 million pounds gutted
6 weight, and the adjustment, with the scalar, goes up to -- The
7 OFL is 5.99 million pounds gutted weight with an ABC of 5.7
8 million pounds gutted weight.
9
10 Our motion at the SSC is the SSC accepts the new mean weight
11 estimation methodology to estimate the weight of recreationally-
12 caught red grouper, and that motion carried without opposition.
13
14 The next part, the interim analysis, as you're all aware, it
15 goes on, and we have that during the year, and the Southeast
16 Fisheries Science Center introduced a proposed change to that
17 interim analysis approach for red grouper. Since the terminal
18 year that we're using in SEDAR 61 is 2017, it would be
19 advantageous to inform new projections using an index-based
20 harvest model, or control rule, rather than forecasted index
21 generated based on the inherent assumptions that are in SEDAR
22 61.
23
24 What the Center was proposing is to use an index-based harvest
25 control rule instead of the older methodology, and the Southeast
26 Fisheries Science Center proposed using the National Marine
27 Fisheries Service bottom longline survey as the index of
28 abundance and stated that the index estimates have been
29 spatially adjusted in 2020 to account for the reduced sampling
30 during that year because of COVID.
31
32 In the next graph, you can see what -- The dotted blue line is
33 the SEDAR 61 forecast stream, and the interim, the full area, is
34 the red, and the interim update is the green, and you can see
35 that they track very well in these later years.
36
37 This index-based harvest control rule has performed very well in
38 accounting for episodic natural mortality events in red snapper
39 and in gray triggerfish, and there is a published report on
40 that. The approach considers a buffer for tolerance in the
41 observed and reference index values, using either a three or a
42 five-year moving average. This calculation was performed using
43 the scenario currently selected as the preferred option in
44 Amendment 53, which is 59.3 percent commercial and 40.7 percent
45 recreational.
46
47 Here is how that buffer works. This would be the three-year
48 average, to try to adjust the ABC value, and so you can see a

1 three-year average, which is called Iref, and that would be
2 2017, 2018, and 2019, and that average would be 0.68. The
3 reference, the recent index, which is called Ik, would be taking
4 2018, 2019, and 2020, and that comes out to 0.60. The ratio
5 between those two is 0.89, and you can see how that calculation
6 occurs.

7
8 What you do with using the three-year average is take the
9 recommended ABC, which was 5.57, and times it by 0.89, and that
10 gives you a 4.96-million-pound gutted weight recommendation,
11 using the three-year average.

12
13 The five-year average is the same type of adjustment, and so the
14 ABC, which was 5.57, you multiply it, and the ration in the
15 five-year is 0.91, and so, using that five-year average, you get
16 a recommended adjustment ABC of 5.07 million pounds gutted
17 weight.

18
19 Looking at those two different scenarios, the three-year and the
20 five-year, for adjusting the ABC, we discussed the merits of
21 both of those different ways, the three and the five-year moving
22 average. While the average using more, the five years of data,
23 provides some stability in catch advice, a shorter temporal
24 focus would allow for a more real-time approach to management.

25
26 Since the council has a standing request for the annual red
27 grouper IA report from the Southeast Fisheries Science Center,
28 using a shorter-term time series could provide, and would
29 provide, a more accurate -- It would address management
30 objectives for the stock.

31
32 Here is our motion, and it was the SSC accepts the updated
33 methodology and interim analysis results for red grouper and
34 sets the OFL at 5.99 million pounds gutted weight and the ABC at
35 4.96 million pounds gutted weight using the three-year moving
36 average for setting the ABC relative to the OFL. These values
37 are in MRIP-FES units. The motion carried twenty-one to two
38 with one abstention and one absence. Madam Chair, that is the
39 end of my presentation. Thank you.

40
41 **CHAIRMAN GUYAS:** Thanks, Dr. Nance. Are there any questions
42 about the SSC's recommendations? Bob.

43
44 **MR. BOB GILL:** Thank you, Madam Chair. Thank you, Dr. Nance. I
45 appreciate that, and I am sure that you discussed this, but you
46 notice in the relative abundance from 2005 to 2020 that there's
47 this huge spike from 2010 to 2013, and the shorter moving
48 average would have far more impact, in terms of what is used as

1 the reference value than with the five, and you can carry it for
2 a longer time, if you will.

3
4 Could you, I guess, review the comments made by the SSC as to,
5 given the significant difference in relative abundance
6 magnitude, how the SSC considered that, versus the three-year
7 average rather than the five?

8
9 **DR. NANCE:** Obviously, any time you take a longer average,
10 you're going to take away from the shorter-term N, and, in our
11 discussions, we looked at both of those, because the long-term
12 average gives you a more buffered effect, I guess, where the
13 three-year average gives you more what it is right now. I think
14 that's what we're interested in, is what is it the last few
15 years, and I think that's important.

16
17 Since the council looks at this every single year, is it better
18 to do this five-year long average, or is it better to do a
19 three-year average at the end, to give you a better indication
20 for what's happening the last shorter year period, and that was
21 our discussion.

22
23 **MR. GILL:** Thank you, sir.

24
25 **CHAIRMAN GUYAS:** Any other questions for Dr. Nance?

26
27 **MS. BOSARGE:** Madam Chair, I have my hand up.

28
29 **CHAIRMAN GUYAS:** I see you hand. I even have it written down,
30 and I'm just looking around the room. Go ahead.

31
32 **MS. BOSARGE:** This is such a learning curve, trying to do all
33 this virtually, but I appreciate it. I am so glad we're doing
34 this virtually. Otherwise, I wouldn't be able to be there. A
35 question for Dr. Nance. When you went through the discussion
36 about the weight estimation for red grouper and how you used
37 that to come up with the new OFL and ABC, what the projections
38 would have been, did -- You had a motion, and so, if we can back
39 up a couple of slides to get that motion on the board, where you
40 all accepted that methodology.

41
42 There we go. The mean weight methodology to estimate the weight
43 of recreationally-caught red grouper. All right. So what I'm
44 wondering is did you all -- How deep did you all get into that
45 methodology? There is an ACL methodology that we used for MRIP,
46 and then there's the methodology that was used by the stock
47 assessment, and did you actually look at the N, at the number of
48 observations, generally speaking, for each one of those, and did

1 we look at the uncertainties around the numbers in each one of
2 those, or did we just have the graph and look at what it did to
3 total landings and projections in weight?
4

5 **DR. NANCE:** We didn't look at any deviation around the values,
6 but what we're trying to do here, Leann, is basically the weight
7 is being underestimated in the assessment, and so how do you
8 adjust for that? By using the scalar, you're just saying that
9 we're underestimating the weight in the assessment by about two
10 pounds per fish, and so how do we get that back to rectify that,
11 and you can see, by those graphs, that, by multiplying with that
12 scalar of 1.5, we get back to more of a semblance of the
13 assessment model and what's in the database matching up, and so
14 that's what they are trying to do here. As you can see, we
15 accepted that methodology and consider it an improvement.
16

17 **MS. BOSARGE:** I get that, and I think, definitely, we need to be
18 apples-to-apples, right, and we need them both to be using the
19 same methodology. Otherwise, it kind of skews things, if we use
20 one methodology for allocation decisions and another one for
21 projections and catch level recommendations.
22

23 However, I guess the flip side of it is you could say that the
24 stock assessment model was underestimating the landings in
25 weight, and the flip side to that is that you could say that
26 MRIP is overestimating landings in weight, because both of them
27 are actually estimating, or imputing, and that's what I was
28 wondering if you got into, the actual number of observations
29 that MRIP had, which we were presented with at our last council
30 meeting, or maybe two council meetings ago, and it was very few
31 some.
32

33 Some waves are zero, and so it's imputing the whole thing from
34 somewhere else, and I wondered what the observations looked like
35 in the different curves that the stock assessment is using to
36 estimate, or impute, those average weights, and so I hope you
37 all will get into that discussion, because I think it is a
38 little deeper discussion, and we need to figure out which one of
39 those methodologies is actually doing a better job and has less
40 uncertainty around it. Hopefully you can have one more
41 discussion on that, because this is probably going to carry
42 forward for most of our species, if I had to guess.
43

44 **DR. NANCE:** Thank you. We didn't get into that in our
45 discussion.
46

47 **CHAIRMAN GUYAS:** Clay, I saw your hand up.
48

1 **DR. CLAY PORCH:** Thank you. Just to be clear, this particular
2 method that was advanced using the scalar, as Dr. Nance referred
3 to it, is to accommodate the fact that, as the population grows,
4 there should be more fish in the population that are of larger
5 size, and so the average weight would go up.

6
7 If we just used fixed average weights from the recent time
8 period, it wouldn't allow that to happen, right, because it
9 would be based on the size fish that are in the population right
10 now, and so, when you're calculating the reference points, you
11 need to allow for the fact that, as the population grows, and
12 you get more older fish in the population that are bigger, then
13 the average weight should go up.

14
15 It is a vehicle for doing that, and there may be other ways that
16 we could do this more precisely, but we need to look into that,
17 and so, Leann, I think this is about the best that we could do
18 right now, and we will look into very seriously considering
19 other ways to accommodate modeling how the population would
20 increase in weight in the future, beyond where we actually have
21 data.

22
23 I would say that the average weight information we have now is
24 fairly precise, and I don't think there is high uncertainty
25 there. There is probably a few samples of recreationally-caught
26 red grouper, and so I'm not too worried about uncertainty in the
27 average weight estimates, but I do want to publicly thank Leann
28 for actually doing some diagnostic work and finding that there
29 was a problem, and I think, from now on, we're actually going to
30 include sort of a litmus test, to see how -- In cases like this,
31 with this particular type of model, to make sure that the
32 predicted average weights match up with the observed data.

33
34 There is a complicated history of why that mismatch occurred,
35 because we're not actually fitting to the average weight data in
36 that particular model, and I won't go into all the
37 technicalities, but I think we can call this the Leann Bosarge
38 Test and make sure that the predicted average weight matches up
39 with the statistics that we have actually collected. Thank you.

40
41 **MS. BOSARGE:** Well, thanks for looking into it, Clay. I know
42 you all are busy, and I appreciate you all digging a little
43 deeper on this, and I think we are doing a better job of
44 comparing apples-to-apples with this presentation that you gave.
45 Thank you.

46
47 **CHAIRMAN GUYAS:** All right. I am not seeing any more hands, and
48 so thank you, Dr. Nance. Just kidding. Kevin.

1
2 **MR. ANSON:** Sorry. Just to Dr. Porch, and you said, at the end
3 there, that, because this was a fitted model, that you -- It
4 prompted you to do the analysis, and so, in those species that
5 don't use a fitted model, or vice versa, you won't be performing
6 this, or will you be looking at the estimated weight versus the
7 observed weight for all species?

8
9 **DR. PORCH:** I think that's something we'll incorporate as our
10 standard battery of tests, just a litmus test, a check and make
11 sure that everything is performing properly, and it's something
12 that we used to do back in the day, when we had less
13 sophisticated models, and so we actually just used the observed
14 weights at-age, and then we got into trying to predict how that
15 would grow in the future, and, in this particular model, again,
16 it's a technical consideration, but we're fitting to age
17 composition data and not to size composition data, and so there
18 is some technical reasons that explain why the average weight
19 didn't end up matching up with the observed data, and now we'll
20 start looking at that explicitly, to make sure that doesn't
21 happen anymore.

22
23 **CHAIRMAN GUYAS:** Okay. All right. Thanks, Dr. Nance.

24
25 **DR. NANCE:** You're welcome. Thank you.

26
27 **CHAIRMAN GUYAS:** All right, and so our next item for this back
28 to Dr. Freeman, and I think he's going to walk us through the
29 management options in front of us.

30
31 **DR. FREEMAN:** Thank you, Madam Chair. Dr. Nance walked the
32 committee through a lot of the background, in terms of the IA
33 that was presented at the SSC's meeting and the adjustment to
34 the recreational landings in weight.

35
36 Keeping in mind that actions taken in this framework are
37 contingent upon approval of Amendment 53, I just wanted to
38 provide an update to the committee on that status. Right now,
39 Amendment 53 is with the Science Center for final certification
40 that it's based on BSIA before the council transmits the
41 document.

42
43 Just as a reminder of what the committee just saw in this last
44 presentation, there were two analyses conducted by the Science
45 Center, the first being the weight adjustment to recreational
46 landings in SEDAR 61 projections and the second being the
47 interim analysis, which used the results of that first analysis.
48 All of that, again, is going to be reliant upon the sector

1 allocations from Amendment 53.

2
3 Again, as Dr. Nance covered, the SSC accepted the new mean
4 weight estimation methodology, as well as the IA results, and so
5 they recommended an OFL of 5.99 million pounds gutted weight and
6 an ABC of 4.96 million pounds gutted weight.

7
8 Our draft purpose and need statements, the purpose is to modify
9 the OFL, ABC, ACLs, and ACTs for Gulf red grouper based on the
10 results of the new stock analyses for Gulf red grouper. The
11 need is to revise OFL, ABC, ACLs, and ACTs consistent with the
12 best available science for Gulf red grouper and to continue to
13 achieve optimum yield consistent with the requirements of the
14 Magnuson-Stevens Fishery Conservation and Management Act. Madam
15 Chair, I am going to pause for just a moment, to see if the
16 committee has any feedback on those statements before I go into
17 the action.

18
19 **CHAIRMAN GUYAS:** All right, Dr. Freeman. Thanks. I am looking
20 around the room, and I will give folks on the webinar a minute
21 to get their hands up, if they have something to say here, or
22 just jump in.

23
24 **DR. FREEMAN:** We can always revisit that at the end, and that's
25 not a problem.

26
27 **CHAIRMAN GUYAS:** Let's do that, because I think we're good at
28 the moment.

29
30 **DR. FREEMAN:** Okay. Sounds good, and so if we can go to the
31 next slide. We have one action with two alternatives, and the
32 first alternative is to retain the red grouper OFL, ABC, ACLs,
33 and ACTs established in Reef Fish Amendment 53, as shown in the
34 table below. The commercial and recreational sector allocations
35 are, respectively, 59.3 percent and 40.7 percent. The
36 commercial buffer between the ACL and ACT is 5 percent, and the
37 recreational buffer is 9 percent.

38
39 Alternative 2 would modify the OFL, ABC, ACLs, and ACTs based on
40 the recommendation of the SSC, as determined from the 2021 red
41 grouper stock analysis provided by the Southeast Fisheries
42 Science Center and using the sector allocations as well as the
43 ACL and ACT buffers for red grouper set forth in Reef Fish
44 Amendment 53.

45
46 Just of note, before we go to the next table, as I mentioned,
47 sort of the status amendment of Amendment 53, while we're close
48 to transmittal, the reason why 53 is considered the no action,

1 Alternative 1, in this case, is, again, the IA from the Science
2 Center is dependent on 53, and so, if we don't have that as our
3 no action, then we can't move forward with the document and have
4 our Alternative 2.

5
6 This shows the resulting values from Alternative 2 in comparison
7 with Alternative 1, and you see that, for all of these values,
8 they would be an increase in comparison to no action.

9
10 Again, Dr. Nance went through a fair bit of the conversation the
11 SSC had. Again, the ABC was based on the three-year moving
12 average relative to the OFL, and, from of the SSC discussion,
13 they found the three-year moving index average to be slightly
14 more conservative and thought to be more representative of
15 recent population trends, and there was also some discussion
16 regarding the uncertainty of the impacts of the 2021 red tide
17 event in Florida. That is the end of the presentation, and so I
18 can answer any questions or if the committee has further
19 discussion, either about the document or the direction of the
20 document.

21
22 **CHAIRMAN GUYAS:** Okay. Thanks, Dr. Freeman. Are there
23 questions or discussion? Go ahead, Bob.

24
25 **MR. GILL:** Thank you, Madam Chair. Thank you, Dr. Freeman. In
26 the discussion, I guess I would take the position that a three-
27 year moving average is not more conservative, and it's less
28 conservative, and so I would suggest removing that. It is
29 thought to be more representative of recent trends, but, as we
30 just discussed, just because at this moment in time it looks
31 more conservative, overall it is not.

32
33 **DR. FREEMAN:** Thank you. I will make a note of that.

34
35 **CHAIRMAN GUYAS:** Any other questions from the committee at this
36 point, or discussion? This is our first time looking at this,
37 obviously. Dr. Freeman, this would come back to us in October
38 for a final action? Is that correct?

39
40 **DR. FREEMAN:** Based on direction from the committee, we could
41 potentially bring Chapter 3 and Chapter 4 back to the committee
42 in October for final action, and certainly, if the committee
43 would like to select a preferred at this point, they could, and,
44 again, we will more than likely see it in October.

45
46 **CHAIRMAN GUYAS:** Okay. Thanks. Leann.

47
48 **MS. BOSARGE:** Thank you. I was going to ask about pretty much

1 what was addressed there, but, before we get into preferreds, I
2 was wondering, and so what -- I am trying to figure how all this
3 plays out, timing-wise, and what that means for commercial
4 quotas, because I know we have that holdback provision, which I
5 now sometimes wish we didn't have, if NMFS feels there is going
6 to be a quota reduction, and so there will be a reduction, but
7 then there will be an increase. 53 reduces it, and the interim
8 increases, and so what does our timing look like on all of this?
9 I guess the agency might have to speak to that.

10
11 **CHAIRMAN GUYAS:** Thanks for asking that, Leann. I had the same
12 question. Andy.

13
14 **MR. ANDY STRELCHECK:** Certainly Mara can jump in, and so several
15 moving parts. Leann, you're correct, in terms of the holdback,
16 and I believe the holdback provisions require us to release the
17 remaining quota by June 1, if the rulemaking hasn't been
18 completed, and so our goal would be to get the quota increase in
19 place by that timeframe. Well, I guess it could after, because
20 this would be a higher quota increase than what is currently in
21 place.

22
23 The other, I guess, factor in this is the allocation, and so we
24 would want to ensure that Amendment 53 is, obviously, going to
25 be in place at the time of the quota increase, and so we're
26 looking at probably early summer of next year, or late spring.

27
28 **MS. BOSARGE:** I didn't quite follow you, Andy. What is late
29 summer for next year?

30
31 **MR. STRELCHECK:** You asked about the release of the additional
32 quota, and so we would be looking at a late spring or early
33 summer quota release.

34
35 **MS. BOSARGE:** Okay, and, if I remember correctly, Andy, the
36 document, the amendment that we worked on, where we gave NMFS
37 the ability to hold back quota if they thought -- If there was
38 the potential for a reduction, and so does NMFS have any leeway
39 to take into account that, although there is a potential for
40 reduction, there is a potential for an offsetting increase?

41
42 I just had to see a pushout in the middle of the year of the
43 increase that we know is coming, because we held back something
44 for the first document, and so I guess I would hope that maybe
45 there is some commonsense and leniency that can be used when
46 applying that holdback if there's a potential decrease, but we
47 also know there's a potential increase coming.

48

1 **MR. STRELCHECK:** Leann, unfortunately, we don't have that
2 authority, based on the regulations, and so the council would
3 have to provide the agency that authority, in order to do what
4 you're suggesting, and so we would need to hold back the quota
5 based on what we expect will occur with the rulemaking and then
6 release the additional quota once that, obviously, quota
7 rulemaking is completed.

8
9 **CHAIRMAN GUYAS:** Andy, let me just make sure I understand how
10 this fits with 53, and so I was kind of, I guess, maybe hoping,
11 in the back of my mind, that -- Obviously, 53 is a full
12 amendment, and it's got a longer process to go through, with
13 lots of public comment periods and whatnot, and I was kind of
14 hoping that, since this is just a framework, at some point the
15 two of those would move parallel, and maybe get implemented at
16 the same time, and then we don't have this like quota drop and
17 then increase and all that. Is that off the table at this
18 point? Do you see those moving separately, or is that still to
19 be determined? Maybe that's a Mara question. I don't know.

20
21 **MS. MARA LEVY:** Well, I mean, I think the issue is, once you
22 give out the commercial quota, you can't claw it back, and so
23 the whole reason we have that provision is that, if the council
24 has approved something, and NMFS is considering it for approval
25 and implementation, it allows the agency to withhold whatever
26 that reduction would be while that's getting implemented.

27
28 I think, in this case, if we couldn't get Amendment 53 fully
29 implemented by the end of the year, if we didn't think that was
30 going to happen, then the agency would hold back the quota
31 required to implement that and then move forward with the
32 rulemaking and the approval of 53 and the framework. How those
33 jibe up in the end, I mean, I assume that they would be close
34 together, but, in terms of how that process will actually work,
35 I don't think we know, right now exactly, what the mechanism
36 would be, right, but, I mean, this is a framework. I think they
37 will end up coming together, in the end, or at least close.

38
39 **CHAIRMAN GUYAS:** Okay. Yes, that helps, and, yes, I get that
40 holdback. The holdback, I guess, is going to happen more or
41 less one way or another, because it's not going to make the
42 finish line until sometime in the spring. Okay, and so I guess
43 it really doesn't matter. Kevin.

44
45 **MR. ANSON:** Along the same vein as your line of thought, I
46 guess, just looking at this document, independent, or
47 irrespective, of Amendment 53, when would the council have to
48 approve this and send it off, in order for it to meet your late

1 spring or early summer prediction for release of the quota?
2

3 **MR. STRELCHECK:** Well, so, if you take action in October, final
4 action, then that would be the best-case scenario, and would
5 probably be even ahead of the late spring timeframe. I was
6 envisioning January, at the latest, in order to get the quota
7 increase implemented.
8

9 **CHAIRMAN GUYAS:** Okay. That's helpful, and so that brings me to
10 another question though, too. Maybe this is partly a Clay
11 question, and so we have a standing request out there to the
12 Science Center to get a new interim analysis like every January
13 for red grouper, and so I'm trying to think. If we move on this
14 in October, or even -- Hopefully not January, but, if we move on
15 this in October, and then we get another interim analysis in
16 January or February, whenever our meeting is, I just -- I am
17 just trying to figure out how this fits in here, and I see
18 Carrie has got her hand up, and so maybe I will go to her first.
19 Carrie.
20

21 **EXECUTIVE DIRECTOR CARRIE SIMMONS:** Thank you, Madam Chair. We
22 have started to think about this a little bit more as we
23 understand, roughly understand, how to use this interim analysis
24 tool, and one thing we've talked about with the SSC is should
25 this just be a health check, when we've recently implemented
26 management changes, and not be a consideration of actual changes
27 in catch, but I'm sure that Dr. Porch would like to add to that.
28

29 **CHAIRMAN GUYAS:** Go ahead, Clay.
30

31 **DR. PORCH:** Sure. Thank you. Our longline survey will go out
32 actually fairly soon, and it's conceivable that we could update
33 the data sometime in December, but I don't want to promise that,
34 and so January is the date that we typically settle on for when
35 we can have final QA/QC'd data and convert that into an index.
36

37 The thing that I want to make the council aware of is I think
38 you've all heard that many of the fishermen are saying the
39 stocks are going up, and so our longline survey does a pretty
40 good job of covering the range of red grouper, and so, if that's
41 the case, then we should see an uptick in that index.
42

43 On the other hand, you also know there's a red tide going on,
44 and our indications, at this point, is it's mostly an inshore
45 event and hasn't really drifted out into the areas where the red
46 grouper fishery operates, but we're keeping an eye on that.
47 We're doing some monitoring now, and we have a lot of partners
48 looking at that, and we are detecting some hypoxia, and we're

1 hopeful, of course, that that doesn't drift further offshore and
2 affect the red grouper and gag fisheries, as they have in the
3 past, but, in principle, our longline survey goes right through
4 all those areas, and so, if the red tide does affect red
5 grouper, we should pick it up in the survey.

6
7 **CHAIRMAN GUYAS:** Thanks. That's helpful. Dale.

8
9 **MR. DALE DIAZ:** If I'm jumping the gun, stop me, but, at this
10 time, I would be prepared to make a motion for a preferred, to
11 make Alternative 2 the preferred. If I get a second, I will
12 elaborate.

13
14 **CHAIRMAN GUYAS:** All right. Is there a second for this motion?
15 It's seconded by Kevin. Let's go ahead and get that on the
16 board. All right. The motion is on the board. In Action 1, to
17 make Alternative 2 the preferred. Dale, go ahead.

18
19 **MR. DIAZ:** I don't want to try to guess what Bob is going to
20 say, although I think I have a pretty good idea. I don't really
21 think there's another option of what to do here. I heard what
22 Mr. Gill said earlier, but I do think, in MSA, the one thing
23 that we have to go by the SSC's guidance on is when they give us
24 catch advice on ABCs, and so this is catch advice from the SSC
25 on ABCs, and I don't think we really can do anything.

26
27 On most other advice we get from the SSC, we can deviate from
28 that and look at other alternatives, if it's warranted, but, on
29 catch advice, I don't think we can, and so that's my rationale
30 for making the motion, and I want to just move this document
31 along as expediently as possible. Thank you, Madam Chair.

32
33 **CHAIRMAN GUYAS:** Thanks, Dale. Bob.

34
35 **MR. GILL:** Thank you, Madam Chair, and I agree with the thinking
36 that Dale is providing, and my heart goes there, but, in
37 reality, we have no analysis, and we don't have a Section 3 and
38 4. In my view, it's premature to pick a preferred at this time,
39 and, therefore, I will not support this motion.

40
41 **CHAIRMAN GUYAS:** Is there any other discussion on the motion? I
42 will wait and see if there's any hands online, or just speak up.
43 Okay. Let's go ahead and vote on this then. Let's try this.
44 **Is there any opposition to this motion? We've got one in the**
45 **room. Any online? Hearing none, the motion carries with one**
46 **opposed.**

47
48 All right. We only have one action here, and so I think we are

1 done, unless, Dr. Freeman, you need something else from us on
2 red grouper.

3
4 **DR. FREEMAN:** No, and I think having one action and two
5 alternatives makes it pretty easy for you all to go through, and
6 so that's all I had.

7
8 **CHAIRMAN GUYAS:** Kevin.

9
10 **MR. ANSON:** Just to follow-up on a little bit of the
11 conversation on the path forward, I guess, and, Martha, this is
12 more in your realm, this species, and so I certainly would lean
13 on you, but this idea of the interim assessment and that being
14 used, instead of a health check, as more of a management tool,
15 particularly as it relates to the species and red tide and that
16 there's that dichotomy of the longline survey and what it's
17 showing for older fish, and then you've got an inshore red tide
18 event that might be impacting juvenile fish when we know they
19 will be moving through.

20
21 I don't know, and it's more of a discussion that we can have, or
22 certainly the SSC can have, for this species when the longline
23 survey data becomes available in the interim assessment, or the
24 analysis of it.

25
26 **CHAIRMAN GUYAS:** I am going to go to Dr. Simmons, and then I
27 will weigh-in on that.

28
29 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Madam Chair, and so I
30 believe one of the things we talked about, at the SSC meeting,
31 was to not just have the one fishery-independent index of
32 abundance, the NMFS bottom longline, but to also bring I believe
33 it's the SEAMAP trawl survey, especially since it's now been
34 extended off the Florida coast. I did ask, and they do catch
35 juvenile red grouper, and so that would be another index I think
36 that we're going to ask to look at, and it seemed like the
37 Science Center lead staff indicated that that was a possibility
38 in January, and so we would be asking for multiple indices.

39
40 **MR. ANSON:** Thank you.

41
42 **CHAIRMAN GUYAS:** That all sounds good. I guess a challenge that
43 we have with red grouper, and really probably anything IFQ,
44 where we get these interim analyses, is, if we find ourselves in
45 a situation, looking at the interim analysis that we receive in
46 January, where we need to maybe consider a cut, it's too late
47 for the year, right, and the quota has been divvied out, and it
48 is what it is, but, at the same time, also recognize that

1 surveys are happening now, or in the fall, and there's just -- I
2 feel like we have a logjam, right, where like everything is kind
3 of happening at once, and so we can be somewhat responsive with
4 the interim analyses, but not at a drop of a hat let's update
5 the quota for next year.

6
7 I mean, I feel like, in this case, probably coming up for
8 January -- In my opinion, it probably is appropriate to just use
9 this as a health check. I mean, we're also considering that
10 we're already making two changes to the quota, and hopefully
11 they're just implemented as one change, but it's just a lot for
12 the industry, a lot of ups and downs and uncertainty, and we're
13 just trying to simplify things, as much as we can, to some
14 degree too, and so I'm just -- I don't know what the answer is
15 for I guess long term, moving forward, just because there is a
16 lot of pieces that come together here, and we just don't have a
17 lot of control over all of them, but that's on my mind too,
18 Kevin, and so I don't know if anybody else has thoughts on this.
19 Andy.

20
21 **MR. STRELCHECK:** Well, similar thoughts to you, in terms of
22 we're not very nimble, and, if we get the analysis in January,
23 and it indicates a decline, the quota for the commercial sector
24 has already been released, and you really can't do anything for
25 a year. I guess the question then becomes, to what Carrie was
26 saying, does it become a health check, or, if there is an
27 increase, does the council want to act on that, and is there a
28 certain amount of an increase that the council would choose to
29 act on?

30
31 We certainly could implement a quota increase later in the year,
32 but the council would have to act very quickly, in either
33 January or April, in order for us to implement that before the
34 end of the fishing season.

35
36 **CHAIRMAN GUYAS:** Thanks, Andy. Kevin.

37
38 **MR. ANSON:** I guess, just thinking in a broader context, when
39 these start rolling out for other species, that might be
40 something that you want to deliberate, and I know the council
41 can change its mind, but, in my mind, as we've heard about this,
42 I thought it would be more of a stop-gap measure, if you will,
43 when an assessment, an actual formal assessment, was done, and,
44 for whatever reason, data issues or whatever, that impacted the
45 ability for the Science Center to develop an assessment for
46 Species X within a certain period of time, then maybe those
47 health checks could be used.

48

1 Then you would have multiple years of these annual analyses,
2 these interim analyses, or health checks, done. Then that would
3 provide you much more confidence, I guess, in trying to make any
4 adjustments to ABC, or the SSC to make adjustments to the SSC
5 and such, and that's what I was thinking, and not necessarily,
6 in this case, going ahead and making a change in the ABC and
7 then, the next year, go ahead and use that health check, if you
8 will, to change it again, and that's just my opinion.

9
10 **CHAIRMAN GUYAS:** Thanks, Kevin. Dr. Freeman.

11
12 **DR. FREEMAN:** Thank you, Madam Chair. Just a clarification, as
13 far as the document. The committee would like to have this for
14 final at the October meeting, and that's with a question-mark.

15
16 **CHAIRMAN GUYAS:** I think so, but, if anybody feels otherwise,
17 let's talk about it. October it is, it looks like. Nobody is
18 itching to speak on that right now, and so I think we're good.

19
20 **DR. FREEMAN:** Okay. Perfect. That's the direction we'll take
21 then. Thank you.

22
23 **CHAIRMAN GUYAS:** All right. Thank you. Anybody else on red
24 grouper? Dr. Simmons.

25
26 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Madam Chair. Just not
27 specifically so much on red grouper, but just the interim
28 analysis tool as a whole. I mean, I think, at the SSC meetings,
29 we've tried to come up with a schedule, and we've talked about
30 to give the Science Center a heads-up of when we might request
31 these, but I do think we need to carefully think about what
32 we're asking for, and I think, if we're not really intending to
33 change the catch advice, that, when that's provided to an SSC
34 meeting, and whether the council acts upon it or not, we need to
35 think about perceptions from the public, and so, perhaps at Full
36 Council, we could get a little better understanding of what the
37 council would really like to see at that January meeting.

38
39 My feeling is it should be a health check, looking at those
40 fishery-independent indices of abundance. Should the SSC
41 decide, and the council rep, that they would really like to see
42 changes in catch advice, we could ask that at a future meeting,
43 but I feel like the constant changing and fluctuations and
44 anticipation of catch advice is causing us quite a bit of
45 confusion, not only at the public level, but I think even at the
46 SSC and council level.

47
48 I just think we need to kind of maybe perhaps more holistically,

1 again, think about this with the Regional Office and the Science
2 Center and bring something back maybe to the SSC and the
3 council, again. I mean, we've been working on it, but we're not
4 quite there yet, I don't think.

5
6 Then, again, more broadly, something that I think we should
7 consider is how to automate this. We had a request on the
8 books, but we just have not been able to figure that process
9 out, not only for red grouper, but for multiple species, and so
10 we just haven't been able to focus on that, and so I do think
11 there's some utility for us to work on that, and so thank you.

12
13 **CHAIRMAN GUYAS:** Kevin.

14
15 **MR. ANSON:** If I can offer my two-cents, I think branding is
16 certainly, as far as communicating to us and to the public at
17 large, and branding, I think, is something that ought to be
18 considered before the actual rollout of the first interim
19 analysis tool output is produced, and so maybe expressed or
20 identified as a health check, with an asterisk type of thing
21 that, again, under certain conditions, maybe that could be used
22 to help with catch advice down the road, after, again, so many
23 years since the last assessment was done, and, again, at that
24 point in time, we can look and see what the SEDAR schedule looks
25 like and see if that species is going to roll up very soon.

26
27 If not, then maybe the tool could be used to inform some catch
28 advice through the SSC. Certainly it's more work to do the
29 tool, to do those things, on the frontend, but then, also, on
30 the backend, as Andy mentioned, in order to go through the
31 rulemaking procedure, there is more work on agencies in that
32 respect too, and then the issue of the changing ACLs and ABCs
33 and the quotas and such, and I think it would be a little
34 problematic too to the public, if you're just constantly moving
35 the needle, so to speak. Anyway, it probably should be
36 discussed here at the January meeting. If we have results for
37 red grouper, that would be something for us to start looking at
38 as part of our discussion. Thank you.

39
40 **CHAIRMAN GUYAS:** Dale.

41
42 **MR. DIAZ:** I agree with what Kevin is saying, and I think it's a
43 good conversation to have, and I agree with Carrie's points. I
44 would like it to be a health check, and I'm fine with that, but,
45 at certain times, it's a tool that's in the toolbox that we
46 might need to use, and we need to be able to use it when we need
47 to.

1 What I am thinking about is, you know, sometimes we're so far
2 behind with the data that we're using to manage something that
3 things have changed out on the water, and that's why we even
4 created this Something's Fishy tool. I could name several
5 different species, but there's been times when we're using
6 outdated stuff, and what people are seeing on the water is
7 drastically different, and we know it has changed, but we can't
8 adapt to it, because we've got to wait on stock assessments and
9 other things, and so I like the discussion we're having.

10
11 I think we're going down the right road of a health check at
12 appropriate times, but the tool is there if we need it and we
13 have indications that things have drastically changed, where we
14 could update something and it would bring us more up-to-date.
15 Anyway, thank you.

16
17 **CHAIRMAN GUYAS:** Andy.

18
19 **MR. STRELCHECK:** I just wanted to thank Carrie for the points
20 she was raising, and one of the frustrations and challenges,
21 obviously, is kind of the timing of when we're able to do
22 rulemaking and when the council takes action. I know, in New
23 England, they have an annual specifications process that they
24 run at a certain time of the year, so that they can ensure that
25 catch limit changes are implemented by the start of the fishing
26 year.

27
28 The South Atlantic Council has a fairly detailed calendar of
29 when they're taking action, so that they kind of line up and
30 time up actions that kind of best meet the changes that are
31 happening with their regulations, and so I think there are some
32 opportunities here to maybe think about this and factor in,
33 obviously, the NMFS rulemaking process, to ensure that we can
34 start lining up some of these changes more with fishing years
35 and be less disruptive to the industry, wherever possible.

36
37 **CHAIRMAN GUYAS:** Clay.

38
39 **DR. PORCH:** Just following up on Andy and Carrie's points, just
40 to inform the council, as I have in the past, that we're making
41 very good progress in just automating our calculation of indices
42 of abundance from our surveys, and we're working now to get it
43 up on the website, so that, basically, we're streamlining the
44 whole process, from the point where we collect data, process it,
45 create an index of abundance, so you can see abundance trends,
46 and make it available to public. Hopefully, in most cases, that
47 will happen in a matter of months.

48

1 Even for our video surveys, we may get that, because we've made
2 big progress on our software for automatic image recognition.
3 We're not there yet, but we've made great progress, even to the
4 point where, for many species, we can do it on the vessel, as
5 we're collecting the data, and so I'm hopeful that that
6 efficiency will allow even our video surveys to be processed
7 much faster than we've been promising in the past.

8
9 I think that the machinery is very nearly there, and so, when
10 the council is ready to invoke a management procedure that is
11 also streamlined, then we could certainly conduct the interim
12 analyses based on those surveys in a very timely fashion, and,
13 that way, you're getting much closer to the real-time data, but
14 I certainly think, as Andy said, that it's quite doable to
15 develop a management procedure that just automatically updates
16 the catch advice based on index trends.

17
18 **CHAIRMAN GUYAS:** Thanks, Clay. All right. Lots to think about,
19 in terms of how we move forward with these interim analyses.
20 Anything else on this topic? I think, at this point, we are
21 scheduled for a break, and so when we would you like to come
22 back?

23
24 **DR. FRAZER:** We'll go ahead and take a fifteen-minute break, and
25 so we'll come back at 9:55.

26
27 (Whereupon, a brief recess was taken.)

28
29 **CHAIRMAN GUYAS:** We are going to pick back up with Tab B, Number
30 7, and we've got a discussion about implementation of the
31 DESCEND Act of 2020, and I think -- Susan.

32
33 **MS. SUSAN BOGGS:** Thank you, Madam Chair. I just wanted to ask
34 why the amberjack was struck from the agenda. Thank you.

35
36 **CHAIRMAN GUYAS:** Fair question. Who would like to take that
37 one? Ryan Rindone.

38
39 **DR. NANCE:** I can take it, if you want.

40
41 **MR. RYAN RINDONE:** Sure, Dr. Nance.

42
43 **CHAIRMAN GUYAS:** Come on up.

44
45 **DR. NANCE:** That's a good question, and I'm glad that you asked
46 it. At our meeting, the Southeast Fisheries Science Center came
47 and introduced a new R-based statistical software approach to
48 generate projections that had not been previously used in the

1 assessments.

2
3 Historically, we understand that the projections are estimated
4 independent of the base model. As we know, sometimes it's
5 difficult to constrain static targets, such as a certain SPR
6 value or constant removal rates and fixed sector analysis and
7 those types of things, and so they have this R-based statistical
8 software approach to be able to do that.

9
10 The projections that they have gave us looked very promising,
11 but we only had a short time to look at them, and we wanted to
12 have a full rundown of how this new projection system works, and
13 so we've asked them to come back at our September 2021 meeting
14 to present those new projections in their entirety, to show us
15 how the models are made, and, also, we requested that we review
16 SEDAR 70 again, just to make sure what was happening and to be
17 able to make sure that that was still the best available
18 science.

19
20 **CHAIRMAN GUYAS:** Thanks, Dr. Nance.

21
22 **DR. NANCE:** You're welcome.

23
24 **CHAIRMAN GUYAS:** All right. Susan, does that answer your
25 question? All set. Okay. In that case, let's move into Tab B,
26 Number 7, the DESCEND Act, and Peter Hood is going to talk to us
27 about that. Go ahead, Peter.

28
29 **DISCUSSION OF IMPLEMENTATION OF THE DESCEND ACT OF 2020**

30
31 **MR. PETER HOOD:** Thank you. If I can get the -- We did send a
32 PowerPoint presentation. If we could throw that up, that would
33 be great. What's on the screen right now is the codified text.
34 Well, I will get started and just talk about it a little bit.

35
36 Basically, this is in response to the DESCEND Act, where, from
37 Congress, we were basically given a directive to implement a
38 requirement for either having venting tools or descending
39 devices on vessels where the people onboard are fishing for reef
40 fish.

41
42 **MR. RINDONE:** Peter, can you resend that, because none of us
43 have any record of any presentation.

44
45 **MR. HOOD:** Really? Okay. I sent it earlier this week. Okay.

46
47 **MR. RINDONE:** Maybe it went to our spam or clutter or special
48 hidden Peter folder.

1
2 **EXECUTIVE DIRECTOR SIMMONS:** It might have been my fault,
3 because I didn't forward it. Sorry.
4
5 **MR. HOOD:** All right. Let me -- The joys of --
6
7 **EXECUTIVE DIRECTOR SIMMONS:** Bernie, I just sent it to Meetings.
8 Sorry about that.
9
10 **MR. HOOD:** Okay. Did you send it then?
11
12 **EXECUTIVE DIRECTOR SIMMONS:** Yes, I just sent it to Meetings.
13
14 **MR. HOOD:** Okay.
15
16 **DR. FRAZER:** Peter, if you just give us a second, we'll get it
17 up on the board.
18
19 **MR. HOOD:** Okay. It we go to the first slide, basically this
20 will appear in 622.30, which deals with required gear for reef
21 fish, and, basically, it states that a venting tool or
22 descending device must be on a vessel, and a person who is --
23 Basically, a person must use the gear as specified for each gear
24 type. The gear must be rigged and ready for use while fishing
25 is occurring, and it must be on the vessel, and then the
26 requirements will be effective through January 14, 2026. At
27 some point, if you feel that these requirements should go
28 forward, it certainly would be your option to have them extend
29 beyond that, but, in terms of the Act, it's just through January
30 14, 2026.
31
32 For venting tool, the gist of the definition is that it must be
33 capable of penetrating the abdomen of a fish to release gases in
34 the body cavity for fish that are retrieved from depth. It must
35 be a sharpened, hollow instrument that allows air to escape.
36 The minimum size hollow instrument would be a sixteen-gauge
37 needle or hollow tube, and certainly I think we have some
38 language in there that suggest that, if somebody wants to use
39 something bigger, that is actually better. Then the devices
40 that are not hollow, such as a knife or an icepick, wouldn't be
41 allowed or classified as a venting tool.
42
43 Then the other part is for descending devices, and this must be
44 an instrument capable of releasing fish at-depth. It must be a
45 weighted hook, lip clamp, or container that will hold a fish
46 while it's being lowered, and, when it says container there, I
47 think you've all seen the hooks or the lip clamp types, but
48 containers are things like people using weighted milk crates and

1 things like that to lower a fish down.

2
3 It must be capable of releasing the fish automatically by the
4 device operator or by allowing a fish to escape on its own when
5 at-depth, and so something like a SeaQualizer, and that's
6 something that would release a fish once it had a fish down to a
7 certain depth, or something like a Shelton descending device,
8 and that's one where the operator would do like a quick pullup
9 on their fishing pole, and the fish is going to slide off the
10 hook, or, with something like a weighted milk crate, when you
11 get it down to depth, the fish is able to swim out of that
12 device.

13
14 It must have a minimum of a sixteen-ounce weight and a minimum
15 sixty-foot length of line, and, where we came up with the
16 sixteen-ounce weight and sixty-foot length of line, that
17 basically comes from the South Atlantic Council's definition for
18 what they require in the snapper grouper fishery. They went
19 with a sixteen-ounce weight because that's something that they
20 felt was commonly available. You can go into any bait and
21 tackle shop and be able to find one.

22
23 Then the sixty-foot length of line, I mean, that basically gets
24 a fish down to two atmospheres, and, whatever air is trapped in
25 the abdomen, that would compress enough that the fish should be
26 able to make its way down to the bottom, and I believe that's
27 all I have.

28
29 **CHAIRMAN GUYAS:** All right. Thanks, Peter. You're just looking
30 for questions from the council and any recommendations? Mara, I
31 see your hand. Go ahead.

32
33 **MS. LEVY:** Right, and so, just to add a little bit more, the Act
34 requires this, and the Act has definitions, and it has a
35 definition of venting tool that basically says it's the
36 definition given to it by the Gulf of Mexico Fishery Management
37 Council, and so that venting tool definition comes from the Gulf
38 policies that you all put in place. It's essentially that
39 policy, and we have tweaked the language a bit for the purposes
40 of the regulations, but, if you look at the policy and that
41 definition, they are almost exactly the same.

42
43 Then the Act has a definition of descending device, which
44 includes those first three bullets, and then the agency is just
45 adding the more specificity about the minimum weight and the
46 length of line, so that people know what the minimum
47 requirements are, and we've made it consistent with the South
48 Atlantic, to try and avoid any confusion, in terms of using this

1 stuff close to the Keys or around the jurisdictional boundary,
2 and it just seemed wise to have the same definition.

3
4 I mean, if you have any comments, and there's not a whole lot of
5 latitude here, with respect to what the agency can do, but they
6 will do proposed and final rulemaking, and so there will be
7 another opportunity during the proposed rule stage for the
8 public to submit comments, and, obviously, the council can
9 submit comments too, if desired.

10
11 **CHAIRMAN GUYAS:** Thanks, Mara. I'm going to go to Greg, and
12 then I've got a couple of questions. Go ahead.

13
14 **DR. GREG STUNZ:** Thank you, Martha. I just wanted to make a
15 comment regarding the use of these devices, and, as many of us
16 know, and we've tried to do this through an amendment for a
17 while, and we never were successful, and, ultimately, it
18 resulted in a policy, and then this act now is in place, but I
19 wanted to point out that, related to the Great Red Snapper
20 Count, but it has to do with descending, because we are
21 interested in catch advice from that study, and the abundance,
22 obviously, but there's a lot more to it, where we had a massive
23 tagging study throughout the Gulf.

24
25 Part of that involved high-reward tagging, and we looked at
26 exploitation rates, but all of those thousands of fish were
27 descended using a descending device, a SeaQualizer in this case,
28 and I think what lesson we really learned from that study was we
29 got a lot of angler buy-in.

30
31 Well, number one, we paid high rewards, \$500 for a returned
32 fish, but, those fish that we put in, we saw over a 30 percent
33 return rate, and, in fact, we're getting a bunch back this
34 season, post-study, and so the point being it really works, and
35 I think, when the anglers, both commercial, for-hire, and
36 regular recreational anglers, started seeing that the fish that
37 they either helped tag or captured are really surviving, there
38 was a lot of buy-in, and so I just wanted to point out that I
39 think some of the issues we had in the past, maybe not used and
40 that sort of thing, really have gone away some, and the devices
41 really do indeed work, and we're seeing a 30 percent return
42 rate, and that's really off the charts. Typically, a good
43 return rate is about 6 percent, and so that kind of puts into
44 perspective that they do work, is what it comes down to.
45 Thanks, Madam Chair.

46
47 **CHAIRMAN GUYAS:** Thank you, Greg. Susan, go ahead, and then I
48 will go.

1
2 **MS. BOGGS:** Thank you, Madam Chair. Greg, I never got my t-
3 shirt from my tag last year.
4
5 **DR. STUNZ:** Sorry, Susan. I will make sure you get that.
6 Sorry.
7
8 **MS. BOGGS:** How does the funding that this council approved, the
9 NFWF funding, play into this for all these descending devices,
10 and now there's an article out about a Return 'Em Right program,
11 and so how will this all work with this program, to get these
12 descending devices in the hands of the fishermen, because
13 there's a lot of funding out there to do this. Either that, or
14 where will they be available for these fishermen to get?
15
16 Then I guess the last thing I would like to know is how will the
17 fishermen know that they need to do this? Will there be some
18 kind of, I guess, fishery notice when it goes into action, and
19 how are these fishermen going to know? I guess that's the
20 easiest way to ask the question. Thank you.
21
22 **CHAIRMAN GUYAS:** Thanks, Susan. I'm going to go to Dave
23 Donaldson.
24
25 **MR. DAVE DONALDSON:** Thanks, Madam Chairman. Susan, the Return
26 'Em Right is actually a program that we're coordinating with
27 NOAA Fisheries and Florida Sea Grant. Part of that is an
28 outreach component, to notify anglers that these devices are
29 available, and we're still in the planning stages of the
30 project, but that's part of it, is to get the word out, so they
31 know who to contact and where to get these devices, and so
32 that's something that we're working on, and hopefully we'll be
33 implementing here in the near future, later this year.
34
35 **CHAIRMAN GUYAS:** Emily.
36
37 **MS. EMILY MUEHLSTEIN:** Hi, y'all. Sorry I can't join you, but I
38 just wanted to add on to what Dave had said. As a part of that
39 team for the Return 'Em Right program, I think the council
40 probably remembers, a number of years ago, we considered
41 actually doing a similar action to what the South Atlantic had
42 done, with creating sort of at least some regulation that would
43 allow for the use of venting tools and descending devices, and
44 we kind of deferred action, in knowing that there was some money
45 from the oil spill to put towards this Return 'Em Right project.
46
47 Just a little bit of a timeliness update on that, especially in
48 relationship to this DESCEND Act, we worked pretty closely with

1 the folks who put together the DESCEND Act with the Return 'Em
2 Right team, to make sure that this didn't interrupt the funding
3 like a council regulation may have, and so the funding will not
4 be interrupted, sort of based on one of the clauses in the
5 DESCEND Act, and that's important to know.

6
7 Then the next thing is, timing-wise, actually in September, we
8 are preparing to launch the first portion of the Return 'Em
9 Right program, and that is going to be targeted specifically to
10 federally-permitted charter and headboat captains, permit
11 holders, and crew. In September, when that launch happens,
12 those folks will have the opportunity to do a quick online
13 module, to sort of sign a little bit of a commitment form, and
14 then they will be sent a package, which is valued at about \$100,
15 and it has all of the things that they will need to properly
16 release reef fish.

17
18 Then, the following year, in 2022, probably around the same
19 time, we will start opening up the private recreational
20 campaign, and we will be doing a similar module and commitment
21 and sending devices to private recreational anglers, and so
22 these two things, the DESCEND Act and the Return 'Em Right, and
23 are actually kind of working side-by-side. They are not
24 related, but we will be supplying both education and devices to
25 folks through that Return 'Em Right program that will be
26 compliant with the DESCEND Act requirements.

27
28 **CHAIRMAN GUYAS:** Thank you, Emily. Hang on the line, because I
29 am going to have questions for you, but I am going to go back to
30 Susan, and she's had her hand up.

31
32 **MS. BOGGS:** Thank you, Emily, and I do appreciate this, the
33 information, and I guess my question would be I understand the
34 charter fleet, and it's a smaller, confined group, and it's easy
35 to access, but I would think waiting an additional year to reach
36 out to your recreational anglers, who are pretty unlimited -- I
37 would like to see maybe that come a little bit sooner than
38 September of 2022, and is that a possibility, or a way to go
39 ahead and get some of them using the devices for earlier in
40 2022?

41
42 **MS. MUEHLSTEIN:** That's something that I can certainly bring
43 back to the team. It's a seven-year project, and I think, when
44 we were planning the rollout of the seven-year project, it was
45 not related to the DESCEND Act and their timeline, but I guess,
46 in light of the fact that this DESCEND Act -- Probably the
47 requirements will go into place before that September 2022, and
48 we would like the opportunity to get anglers equipped before

1 then -- I think it's something that I can bring back to the
2 project team, for sure, and see if it's something that they're
3 going to be able to consider.

4
5 You know, we have to look at the logistics of actually being
6 able to launch the modules and get the devices produced. One of
7 the hard things is that SeaQualizer is actually a very small
8 company, and they're going to have to ramp up production on
9 behalf of us, and so I will definitely look into it, and I will
10 get back to you, but I am not sure about the feasibility of it.

11
12 **CHAIRMAN GUYAS:** All right. Thanks, Susan, and thanks, Emily.
13 My questions, I guess, were sort of along the line of Susan's,
14 and so, if I'm remembering correctly from the DESCEND Act, and,
15 NMFS people, please correct me if I'm wrong, but this
16 requirement has to be in place by this upcoming January, right,
17 like January of 2022? Okay. Peter is nodding his head yes.

18
19 So this is going to be law on the books in early 2022, and we
20 have this RESTORE program and Return 'Em Right, I guess
21 happening in the background, and then we also have -- In this
22 rule, we have basically a sunset clause in 2026, and so it seems
23 to me that, one, first of all, Susan is right that we need to
24 tell people that this is going to be the law in January, and we
25 probably need to start telling people now, and, two, I mean, is
26 there a way now to think about all these things that are
27 happening with RESTORE, and I think the council -- It would be
28 good to get an update on what is happening with that not, and
29 not just the distribution, but, also, if I'm remembering
30 correctly, Emily, there was a bunch of research to go along with
31 this as well, right?

32
33 **MS. MUEHLSTEIN:** Yes, absolutely. There was both some
34 socioeconomic research as well as some biological research that
35 is actually being administered through the Gulf States, and I
36 bet Dave has some more specifics on that, because I am sort of
37 focused more on the outreach launch part of the project.

38
39 **CHAIRMAN GUYAS:** Okay. So what I'm getting at is now we have
40 this sunset in here, and so I guess, if the council -- It
41 probably needs to keep in mind that sunset, right, and all this
42 research that may be happening in the background, and we,
43 presumably, would want to be informed by that work moving
44 forward, if we wanted to remove the sunset or the council take
45 action to make this a long-term regulation.

46
47 I don't know that we need to get into the weeds of exactly
48 what's happening right here, but it seems like, when

1 appropriate, we probably, sooner rather than later -- It would
2 be nice to get an update at the council level about what's going
3 on, and certainly, for the RESTORE group and the Return 'Em
4 Right group, I guess just to think about the work that they are
5 doing now, in light of these new deadlines, and I think that
6 would be very helpful for the council, and those are just my
7 thoughts. Mara.

8
9 **MS. LEVY:** Well, I just want to make clear that the law itself
10 becomes effective January of 2022, regardless of what NMFS does.
11 NMFS rulemaking does not do that. The law sunsets on its own,
12 regardless of this rule, and so that's in the law. If the
13 council wanted to do some sort of framework action or something
14 to put in a regulatory requirement for the council process, that
15 would be fine, but those things are in the law itself.

16
17 **CHAIRMAN GUYAS:** Kevin and then Susan.

18
19 **MR. ANSON:** Just going back to the presentation that Peter
20 provided, the venting tool description, it says a sixteen-gauge
21 needle, and so I looked at the Act, and I didn't see anything as
22 far as specifications for any of the venting tools, and so I
23 guess this came from the agency based on prior -- Is this from
24 somewhere else?

25
26 **MS. LEVY:** That's from the Gulf policy.

27
28 **MR. ANSON:** So we had some discussion, I thought, during that
29 process of a maximum diameter, and did that ever make it into
30 the policy, the maximum diameter? Do we have one?

31
32 **MS. LEVY:** No, we don't have a maximum, but it says, "a larger
33 gauge needle is preferred, in order to allow more air to
34 escape", but you didn't set a maximum.

35
36 **MR. ANSON:** Again, I'm trying to go back to the conversations,
37 and I think Dylan Hubbard brought a sample of a homemade -- He
38 had some surgical stainless-steel tubing or something like that
39 that he did, and there was some question as to whether it was
40 worthwhile or not, the larger diameter you got, and that's all.
41 I'm just trying to think of that again. That's all. Thank you.

42
43 **CHAIRMAN GUYAS:** Thanks, Kevin. Susan.

44
45 **MS. BOGGS:** I just would like some clarification, and, Madam
46 Chair, I don't know who would answer this question, and so I'm
47 assuming -- Will Coast Guard be involved in enforcing this, as
48 well as local law enforcement? Who is going to be looking at

1 this?

2
3 **CHAIRMAN GUYAS:** I don't know who wants to answer that, but, I
4 mean, certainly I think the states could enforce this, just
5 through their JEA, and I would assume the Coast Guard would be
6 able to as well, but I see our Coast Guard rep walked away, but
7 those are just my best guesses there.

8
9 I had one more, I guess, question or comment that I've been
10 getting from folks. I have been getting questions from spear
11 fishermen about how this regulation would apply to them. At
12 least my read of the draft rule language here is that, if they
13 are fishing, whether they have hook-and-line gear onboard or
14 not, this requirement would apply to them, and is that correct,
15 Mara?

16
17 **MS. LEVY:** I mean, the Act just says it's unlawful for a person
18 onboard a commercial or recreational vessel to fish for Gulf
19 reef fish in the Gulf of Mexico Exclusive Economic Zone without
20 possessing onboard the vessel a venting tool or a descending
21 device that is rigged and ready for use while fishing is
22 occurring, and so it does not distinguish the type of fishing.

23
24 **CHAIRMAN GUYAS:** Okay. Thank you for that clarification. Tom.

25
26 **DR. FRAZER:** I was kind of waiting for some of this discussion
27 to wrap-up, because I have a couple of questions for Greg, if
28 you will indulge me for a minute. Again, I always appreciated
29 the amount of work that was done as part of the Great Red
30 Snapper Count, and the fact that you tagged thousands of fish
31 and had a 30 percent, greater than 30 percent, kind of return
32 rate.

33
34 A couple of things that I wanted to know, and, as part of that
35 study, were you able to estimate quantitatively what the discard
36 mortality rate was for those fish? That's the first one.

37
38 **DR. STUNZ:** Tom, we're working on that, and that was part of our
39 exploitation work that's going on that Matt Catalano was
40 leading, and we haven't really presented that to the SSC and
41 others, because that wasn't the focus of the meeting we had,
42 but, yes, we're working on looking at that rate, but I don't
43 have what it is right now, and they're still working through
44 that.

45
46 **DR. FRAZER:** Sure, and so, at the very least though, given those
47 preliminary numbers, that's really high exploitation rate, and
48 I'm just curious, and I will have another one after this, but,

1 with regard to the Science Center, does that jibe well with kind
2 of the F values, or the mortality rates, that you're working
3 with in the assessment models? Clay?

4
5 **DR. PORCH:** I mean, it's in the ballpark. It's a little
6 different from some of the values that we use, but those could
7 be refined, for sure.

8
9 **DR. FRAZER:** Okay. Greg.

10
11 **DR. STUNZ:** Tom, to that point also, that exploitation study,
12 and I don't want to get into the detail, into the weeds, here,
13 but the way it was designed is, yes, that's a high exploitation
14 rate, but we wanted those fish to be caught, and it wasn't just
15 randomly scattered throughout the Gulf, for a very specific
16 designed reason that we can talk about later, and Clay is
17 familiar with that, and we have plans to get with the Science
18 Center to discuss all those sort of details.

19
20 The other just brief thing that I wanted to mention, since we
21 were talking about venting, and I know I've brought this up to
22 this group, but there's a lot of new people, and maybe new
23 people in the audience, but venting does do just as well as
24 descending these fish. The key, of course, there is if it's
25 done right, and some of our SSC members, Dr. Sean Powers and
26 Steven Scyphers, did some real clever studies, where they showed
27 people pictures of fish and asked them where to vent it, and you
28 can imagine where it all came in, and many of them were not in
29 the right spot, and most people wanted it in the stomach that's
30 coming out of the mouth, which is not what you want to do. It
31 should be inserted in the abdomen.

32
33 I know that Sea Grant and other programs, and, Dave, maybe your
34 program can build that in, in terms of the proper way to vent
35 and that sort of thing, but it is effective, but it's only
36 effective because it's done properly, and so that's kind of my
37 comment there.

38
39 **DR. FRAZER:** All right. Thanks, Greg. I really appreciate you
40 filling me in on that.

41
42 **CHAIRMAN GUYAS:** I've got a couple of other hands that want to
43 jump in on that. Ryan and then Dave.

44
45 **MR. RINDONE:** Thanks, Madam Chair. Dr. Stunz, do you have a
46 timeline that you and Dr. Catalano expect that release mortality
47 information to be available? I'm just thinking about the
48 research track assessment that's getting spooled up for red

1 snapper.

2
3 **DR. STUNZ:** He is very close, Ryan, and I can follow-up and see
4 where he is with that, and that reminds me that maybe too at
5 some point that it might be good to have him come talk about
6 that exploitation and that for this council, because it's
7 another piece of the Snapper Count that is very important, but
8 it just kind of goes under the radar.

9
10 **CHAIRMAN GUYAS:** Dave.

11
12 **MR. DONALDSON:** Thanks, Madam Chair. Regarding a presentation
13 at the next meeting, we can certainly have our project
14 coordinator, who is involved in this, come talk about the
15 research. You're correct that we've started a couple of
16 research projects, and, while we probably won't have any
17 preliminary results by October, we can at least give a more in-
18 depth update on what's going on, and then maybe have Emily's
19 team on the outreach side give an update as well, or have
20 someone at NOAA, but, yes, we can certainly do that.

21
22 **CHAIRMAN GUYAS:** Okay. Great. Yes, I appreciate that. I just
23 want to make sure that we're putting all the pieces together
24 here, especially when we potentially have a decision point in
25 front of us, just in a couple of years, because it's going to
26 sneak up on us.

27
28 **MR. DONALDSON:** The DESCEND Act wasn't -- When we first started
29 developing this project, the DESCEND Act wasn't really on our
30 radar, and so that's something that we may need to adjust and
31 take into account.

32
33 **CHAIRMAN GUYAS:** Okay. Awesome. Anything else on DESCEND?
34 Peter, are you good? Do you have everything you need? Okay.
35 Awesome. All right. I think that takes us to the updates on
36 the state 2021 red snapper management programs, and so I know a
37 number of folks have sent in presentations on that, and so let's
38 go ahead and go state-by-state, and we'll start with Texas,
39 since we are here in San Antonio.

40
41 **UPDATES OF 2021 RED SNAPPER STATE MANAGEMENT PROGRAMS**

42
43 **MR. ROBIN RIECHERS:** Yes, and welcome, everyone, to San Antonio.
44 We're glad you're here. We started our season on January 1,
45 with our state-water season open, and then we continued until
46 when we opened the federal-water Gulf as well on June 1, and we
47 closed them -- That season ran through August 4.

48

1 We are currently, as of last Sunday, at 30,730 fish, two-
2 hundred-and-sixteen-thousand-and-a-little-bit-of-change in
3 pounds, and, basically, we're at 81 to eighty-one-and-a-half
4 percent of our quota, at this point in time, roughly.

5
6 **CHAIRMAN GUYAS:** Thank you, Robin. All right. Let's move to
7 the east then, unless there is any questions for Robin on that
8 quick update. It looks like everybody is good. Okay. Chris.

9
10 **MR. CHRIS SCHIEBLE:** I think you all got a copy of the
11 PowerPoint yesterday. I tried to keep this as similar as
12 possible to the one that you got last August, which was an LA
13 Creel update and a snapper season update.

14
15 Slide 2 is basically the assignment draw and compilation of LA
16 Creel to-date, and so the drawn assignments are the same, and
17 you can see the 682 on that, completed assignments in 2020
18 versus 2021, and there's a couple more, and, obviously, the
19 difference there is going to be the hurricane season last year,
20 and we know all of us got slammed pretty well, and that will
21 come into play a little bit later here, as we start talking
22 about effort.

23
24 Missed, or incomplete, assignments are very similar, and so
25 there's not much difference on that either, and then total
26 complete trips surveyed is 6,082 in 2020 and 5,014 in 2021. As
27 you know, last year, there were a lot of folks on the water,
28 because of COVID, I guess, restrictions or quarantines or
29 whatever, and so that's likely the difference in the number of
30 trips surveyed last year versus this year.

31
32 Then the average number of completed assignments is very similar
33 as well, and there's not too much difference there, and then
34 number of fish counted by staff, and, last year, we had 33,502,
35 and, this year, it's 38,946, to-date. Also, it's fairly
36 similar.

37
38 Then number of fish reported, and so that's where we interview
39 anglers, and they either don't have time to allow us to count
40 their fish, and they're kind of in a hurry, and so they report
41 what they caught, versus us actually putting eyes on the fish.
42 Last year, obviously, it's incrementally higher, at 27,784,
43 versus 11,182, because a lot of anglers didn't want to interact
44 with people at the docks, rightly so, because of COVID
45 restrictions, and so the number was higher, the reported number
46 was higher, last year than this year.

47
48 Then total red snapper counted so far, last year, it was 3,332,

1 and it's 3,031 this year, and it's fairly similar, to-date, and
2 then the red snapper -- I'm sorry. That was the counted and
3 reported combined, and then the next category is total red
4 snapper counted, hands-on, and that's 2,166 last year and 2,674
5 this year. Then total trips with red snapper harvested, we were
6 at 419 last year and 371 this year.

7
8 Moving on Slide Number 3, that is our total effort expanded out,
9 and so comparing 2020 to 2021, and, as we all know, a lot of
10 people hit the water last year, because of quarantine for COVID.
11 In Week 21 of last year, that spike that you see on the graph
12 there in the dark green line, and that is the highest weekly
13 effort we have on record for LA Creel, which is last year, and,
14 compared to this year, and that's the orange-colored line there,
15 it's significantly different. The only other week we had higher
16 than that was in 2014, Week 24.

17
18 We have the second-highest weekly effort, during Week 21, of
19 2021, which is 127,560 trips, and only to be surpassed by Week
20 24 in 2014, as I mentioned earlier. Also, the majority of the
21 effort, 96 percent, is from inshore private trips, which was
22 122,565, and the offshore private trips were 4,955, and that's
23 compared to what we've seen around the snapper opening for the
24 offshore charter trips, and that's about 229, or closer to 25
25 percent of what we typically see for an opener.

26
27 That's the private offshore effort only, in comparison to last
28 year, and you can see the difference, and so this year is the
29 lighter-colored line, the light-orange color, and there is a
30 large spike more recently, here in the past few weeks, compared
31 to last year, and I think the difference there is, obviously,
32 weather. I mean, we were dealing with quite a few tropical
33 storms and hurricanes last year that may have hampered the
34 offshore effort.

35
36 If we go to the next slide, Number 5, you can see the
37 difference, and so private inshore effort was incrementally
38 higher last year than this year, and that's -- As we all know,
39 we had record boat sales, and record boat registrations and
40 record license sales, and all of that was going on last year,
41 and it's evident by the inshore effort, and that's primarily
42 where that took place, and this year is a little bit I would say
43 higher than average, but it's more normal than what you would
44 expect from what happened last year.

45
46 Moving on, Slide 6 is this year's red snapper season. Our
47 allocation for the state and charter harvest is 832,493 pounds,
48 and we started on May 28 in both state and federal waters. We

1 run weekends only, and Friday, Saturday, and Sunday is the
2 weekend for us, and we include the Monday of Memorial Day and
3 Labor Day.

4
5 The daily bag limit is the same as last year, two fish per
6 person with a sixteen-inch size limit, and the next slide,
7 Number 7, is our to-date landings graph, which we send out
8 weekly, and so this one here is for the first week of August,
9 and that's the most recent one, and, this Thursday, we'll have
10 one that comes out again, which will be the most recent for the
11 previous weekend. We go about a week behind in our landings
12 updates, and we're well on track, as you can see by this graph,
13 to make it through Labor Day, at the current rate of extraction.

14
15 We plan to most likely shut down the season after Labor Day
16 Weekend, to get our numbers of catch up and see where we're at
17 and what allocation is remaining, and then we may go back to our
18 commission at that point and see if they want to decide on
19 changing the season structure to finish out the year. Potential
20 options could be going seven days a week, like we did in the
21 past, two years ago, to finish out our allocation, or stay where
22 we're at.

23
24 Then the final slide, Number 8, is the landings to-date table,
25 and it shows -- You can see the week structure on here, and Week
26 31 is the most recent, and Week 32 landings data will come out
27 this Thursday, and we're currently at 66 percent of our running
28 total allocation through that week. Then the update most recent
29 one will come out this week. Any questions?

30
31 **CHAIRMAN GUYAS:** Any questions for Chris? Andy.

32
33 **MR. STRELCHECK:** Thanks, Chris, for the presentation. Going
34 back to Slide 2, you indicate that approximately 400 trips for
35 red snapper -- I assume those are sampled this year, and is that
36 correct?

37
38 **MR. SCHIEBLE:** Yes, and so that's actual trips counted at
39 dockside.

40
41 **MR. STRELCHECK:** Okay. How does that compare to the number of
42 trips that would be reported for red snapper, or remind me again
43 -- You have a dockside survey, and then you're expanding that
44 based on permitted effort, and is that correct?

45
46 **MR. SCHIEBLE:** Yes, and so the effort is derived from the call
47 surveys, and that's weekly call effort that's incorporated with
48 this, and so, when you see number of trips intercepted, that's

1 coming from dockside, and that's actual trips intercepted on the
2 dock.

3
4 **MR. STRELCHECK:** Okay. Then, from a compliance standpoint, what
5 are your compliance rates these days with the offshore permits
6 that you require?

7
8 **MR. SCHIEBLE:** Our ROLP? Well, we haven't had many citations,
9 that I know of, as far as enforcement and people that are
10 fishing without the ROLP, the recreational offshore landing
11 permit, and so I would say the compliance is pretty good.

12
13 **MR. STRELCHECK:** Okay. Maybe I can ask it a different way. If
14 you intercept someone that doesn't have the permit, you make
15 adjustments though, in terms of your catch estimates, correct,
16 for expanding for the universe of non-permitted entities?

17
18 **MR. SCHIEBLE:** Yes, and so, if the dockside intercept comes
19 across an angler that doesn't have an ROLP, and they ask do you
20 have one or do you not have one, and that's one of the questions
21 that is done. Then that data is taken back and separated out.

22
23 **CHAIRMAN GUYAS:** Susan.

24
25 **MS. BOGGS:** Thank you, Madam Chair. Thank you, Chris, for the
26 information. I have two questions. One, is LA Creel -- Are you
27 required to report, all anglers, and, number two, you commented,
28 and I didn't think that I understood, and so how do you report?
29 I know, in Alabama, in Tails 'n Scales, how they report, but how
30 do you report to LA Creel if you don't do the dockside
31 intercept?

32
33 **MR. SCHIEBLE:** LA Creel is not mandatory reporting. The
34 dockside intercept takes place, obviously, at the docks when the
35 anglers come in, and there's an electronic reporting option that
36 takes place, and that goes through the ROLP app, and anglers can
37 report electronically after the fact, if they want.

38
39 **CHAIRMAN GUYAS:** Go ahead, Susan.

40
41 **MS. BOGGS:** Last question. How many -- You may or may not know
42 this answer, and you can certainly get back to me, but how many
43 anglers are registered in Louisiana with a -- Do you call it a
44 federal permit? I'm not sure what you all call it, a reef fish
45 permit, for your private recreational anglers.

46
47 **MR. SCHIEBLE:** You mean the ROLP holders? I don't know the
48 total number on that. I mean, if you're fishing for snapper,

1 you have to have it, even though it's free, and so they register
2 online and fill it out, and they don't pay a fee for it, but I
3 don't know the total number.

4
5 **CHAIRMAN GUYAS:** All right. Thank you, Chris. Let's move on to
6 Mississippi.

7
8 **GENERAL JOE SPRAGGINS:** As you can see there, the Mississippi
9 red snapper season framework, we opened on Friday, May 28, for
10 seven days a week, and we closed on Monday, July 5, 2021. We
11 reopened again on Friday, August 5, 2021, and we closed on
12 Sunday August 8, 2021. We reopened on Friday, August 13, and we
13 are open seven days a week. To date, the season has been open
14 for fifty-four days.

15
16 The reason we closed on July 5 is we do that every year, and one
17 of the things is to be able to make sure that we do a
18 reassessment at that point. If we haven't anywhere close to
19 reached our numbers -- Obviously, if we had reached them prior
20 to that, we would have closed prior to that, but we look at that
21 and then reevaluate, to make sure that we do not reach the
22 overfishing limit. We do not want to get there. We want to
23 make sure our ACT and ACL -- That we follow it 100 percent.

24
25 We close for several weeks and reassess and look at it and see
26 what will happen and if there is a feasibility to open any
27 further at that point.

28
29 As you can see here, you can look at the numbers. Obviously,
30 the first month, from 5/28 to 5/31, that weekend, it was a huge
31 weekend, and we had over a thousand trips, and that was Memorial
32 Day weekend, and everybody in the world wanted to go out, and
33 you can see the numbers that we caught here, and we reached 27.3
34 percent in that one day, or three days.

35
36 As you can see, after that, things dropped off drastically, as
37 they always do in Mississippi. We have just a small amount of
38 boats that are going out, and you can see, even up to the point
39 that we opened up that weekend on August, 8/6 through 8/8, we
40 had 579 trips during that timeframe, and that's over a several-
41 day trip now, and it's not just one day, but if you can notice
42 that we average on the weeks -- That we average a little over
43 300, around 300, trips, 250 to 300 trips a week, and not very
44 many people -- There's not that many boats.

45
46 Just to give you an idea, I was out on the Gulf of Mexico on the
47 4th of July, riding with Marine Patrol, and we went to the
48 hotspots, and I call it a hotspot, because it's where all the

1 islands -- It's where everybody is sitting and seeing what's
2 happening, and we didn't see a thousand boats on the whole Gulf,
3 and that's counting every skiff and everything else who wanted
4 to go out there, and so we didn't have a thousand boats in the
5 Gulf of Mexico, as far as Mississippi is concerned, in general,
6 overall, but we look at it very hard. We are continuing to
7 monitor where we're at.

8
9 As you can see, to today, we have an estimated harvest of
10 109,906.9 pounds. Our ACT is 136,395, and we're at 80.6 percent
11 at this point. Our ACL is 151,550, and we're at 72.5 percent of
12 that.

13
14 Our Tails 'n Scales, which is a mandatory program, and a
15 mandatory program is that you must have a Tails 'n Scales when
16 you go snapper fishing, and, if you do not, and you're
17 intercepted, you not only get a ticket for not having Tails 'n
18 Scales, but you also lose your fish.

19
20 It's a very strong issue in Mississippi, and we have a -- We're
21 pretty good with that. We only -- You know, we really have two
22 sides. If you go to the east or west of Ship Island, you can
23 pretty much -- We can stop you. We can tell whether you're
24 going out into the deep water and catching fishing, because
25 we've got kind of a little bottleneck there, and we can put
26 marine patrol there, and we can make sure that people are --
27 We're doing an average of 10 percent, a little over 10 percent,
28 of all snapper fish that are filed through the Tails 'n Scales.
29 We intercept a little over 10 percent of them, and that's a
30 pretty good look at it.

31
32 By doing that, and looking at it, and going back and
33 recalibrating, we're at over 95 percent compliance, and that's
34 pretty good, when you think about that. 95 percent of all the
35 people that are complying. It didn't take very many people very
36 long to lose their fish, because they realized that they were
37 going to fall in and do what needed to be done.

38
39 I can tell you right now that Mississippi is working as hard as
40 anything in the Gulf to make sure that we follow the rules. You
41 can go back and look, and we have never overfished, and we have
42 worked very hard to do what we need to do, and we follow ours,
43 and our Tails 'n Scales is probably one of the best programs in
44 the United States, and it is very accurate, and it's about as
45 accurate as anything could be. We will be glad to give anybody
46 data on Tails 'n Scales and explain how accurate it is, but,
47 with that, I will leave it for any questions.

48

1 **CHAIRMAN GUYAS:** Thank you, General Spraggins. Susan.

2
3 **MS. BOGGS:** Thank you, Madam Chair, and thank you, General
4 Spraggins, for the information. Would you please remind me, and
5 does Tails 'n Scales only collect data on red snapper, or are
6 there other species included?

7
8 **GENERAL SPRAGGINS:** It's only red snapper. We are looking at
9 expanding it to some others, but it's a pretty expensive project
10 to take it to that point, and it costs us quite a bit of money
11 every year just to do the red snapper itself, and we are a small
12 state, and we only have a small amount of fishermen compared to
13 the other states in the Gulf.

14
15 **CHAIRMAN GUYAS:** Dale.

16
17 **MR. DIAZ:** Can you go back a slide? Right there. I just want
18 to point something out here. I talked to Mississippi staff
19 earlier this week, and I am going to talk about some stuff
20 later, but, on the busiest time that Mississippi had, in four
21 days, the 28th, 29th, 30th, and 31st, Tails 'n Scales logged 1,027
22 boats.

23
24 They told me that the PSE for Tails 'n Scales consistently runs
25 below 5 percent, and so that's highly accurate, and so that
26 comes to 256 boats a day, during the very busiest time that
27 Mississippi has seen this year, and so I just want to make a
28 note of that, that that 256 boats a day is what they have seen
29 this year, during the time when the most fish was harvested.
30 Thank you.

31
32 **CHAIRMAN GUYAS:** Thanks, Dale. Any other questions on
33 Mississippi? All right. Let's move into Alabama then.

34
35 **MR. ANSON:** I want to provide a summary as to how we started of
36 the season, and so, for the 2020 season, we did not exceed the
37 private recreational quota, and the private recreational quota
38 that we manage includes state charter boats, state-licensed
39 only, and not federally-permitted charter boats.

40
41 No payback was needed, and we utilized the same quota that we
42 had in 2020, and so our 2021 quota was just over a million
43 pounds. The private recreational red snapper season for 2021
44 consisted of four-day weekends, which were Friday through
45 Monday, and the season began on Friday, May 28.

46
47 We continued with the two-fish per person daily bag limit and a
48 sixteen-inch total length minimum size limit, and, as Chris

1 mentioned, we also provide weekly updates, and we provide those
2 to National Marine Fisheries Service, and then we post
3 information at our department's website, and the weblink is
4 provided there.

5
6 We did, for 2021, include, for mandatory reporting, greater
7 amberjack and gray triggerfish. We had voluntary reporting for
8 those two species in 2019 and 2020.

9
10 This is the latest graphic. If you were to go to that website,
11 you would see this graphic here, and it depicts how many pounds
12 have been harvested, again, for both private recreational
13 vessels, or anglers, and those anglers on state charter boats,
14 and we have harvested 845,196 pounds, through this last previous
15 weekend, and we will also be creating updates through this last
16 weekend, probably posting them either on Thursday or on Friday,
17 but that 845,000 pounds represents about 76 percent of the quota
18 for this year, and, in the graphic, you will also see that the
19 red line depicts the 2021 season harvest, and then the light-
20 blue line that you see is the result of the 2019 season and
21 where it ended, and then the dark-blue line there depicts last
22 year's season.

23
24 You will also note, on the red line there, around Day 22,
25 Tropical Storm Claudette made landfall in Louisiana, and that
26 impacted our weather, and it impacted people's ability to go
27 fishing, and you can see, around Day 22 through Day 30, the line
28 remains relatively flat, and then Tropical Storm Fred made
29 landfall on August 16, and that impacted the tail-end, or Day
30 81, and so we didn't have as much of an increase in landings as
31 we had experienced in prior weeks.

32
33 Some statistics for the 2021 season, similar to what Louisiana
34 had provided, and so we had a landing report, and it's a
35 mandatory program. A vessel representative, which could be the
36 captain, but it's somebody just designated to be reporting for
37 the vessel, and we had 5,866 reports for private vessels
38 submitted through Snapper Check, and then 546 reports, so far,
39 submitted through the 16th of August for state-licensed charter
40 boats.

41
42 Then you can see the additional metrics there, and we require
43 anglers to be reported on those landing reports, the number of
44 landed fish to be reported, and then the number of dead discards
45 that are reported for both private vessels and state charter
46 vessels are also there.

47
48 The number of dockside assignments that have been issued, we

1 don't issue these by mode, fishing mode, or vessel type. You
2 all may recall, those that have been following this, that we get
3 our assignment draw from the National Marine Fisheries Service.
4

5 We provide the same pressure information and utilize essentially
6 the same register of sites as is used for the APAIS survey, and
7 we request that they develop the draws for our Snapper Check
8 assignments. Snapper Check assignments are conducted
9 independent from the APAIS draws, and that's the primary reason
10 why we asked them to develop the assignment draws, is to make
11 sure there's no overlap in sites selected, the same sites
12 selected on the same day and hour block, and so part of that
13 process though is that there is no differentiation between a
14 site that has private fishing vessel activity that is offshore
15 versus charter boat fishing vessel activity that is offshore.
16

17 They're both combined as an offshore site, and so we were issued
18 119 sites, of which we would be expected to find private
19 vessels, or state charter vessels, so far, through the August 16
20 time period, for red snapper, but, again, there are some sites
21 that are included in that assignment draw that are almost
22 predominantly, or exclusively, sites that have the federal
23 charter boat activity.
24

25 Anyways, the number of dockside assignments that were completed
26 were 102, and assignments can be cancelled because a sampler
27 gets sick, or, in the case of many of these, they were cancelled
28 because of weather impacts, and then, as we got into the first
29 part of August, after August 2, assignments that are drawn at
30 those sites where there is almost exclusively federal charter
31 boat activity were not sampled.
32

33 The number of vessels that were surveyed so far, 288 vessels
34 were encountered by our staff at dockside surveys, and forty-one
35 state guideboats were encountered, and you can see the number of
36 anglers that were surveyed during those interviews at dockside,
37 1,234 for private vessels, and 163 state-licensed vessels, and
38 number of landed fish that were observed at those interviews, or
39 during those interviews, for both modes of fishing. Then, at
40 the bottom, you'll see the number of fish that we weighed. So
41 far, 780 fish for private vessels, private anglers, and 152 for
42 state-licensed vessels.
43

44 To give you a little bit of background on this, in case people
45 have been watching, or looking at our website and watching the
46 weekly updates, there has been a flattening of the curve, so to
47 speak, from the start of July, and so I wanted to use this
48 opportunity to explain a little bit of that.

1
2 Estimates, for the purposes of our notifying the public, are
3 updated weekly, but the mean fish weight and the adjustment to
4 the final estimate for non-reported trips are based on the
5 results from dockside sampling that occurs within a wave, and so
6 we accumulate all of that information within a wave period, and
7 a wave, again, is the definition of a two-month sampling period,
8 and that is also used in the APAIS survey.

9
10 Essentially, you start over, if you will, within that wave, for
11 your average weight and your non-reported adjustment, trip
12 adjustment, and so estimate trend lines can vary over time,
13 depending upon several variables that occur within that wave,
14 and there can be changes in the reporting rate from the
15 beginning of the wave to the end of the wave, and/or the mean
16 fish weight and charter permit status, and so we update,
17 periodically, the federally-permitted vessels that NMFS permits.

18
19 We go to their website and download the permit information
20 there, and then we also update, from our state license charter
21 boat sales, a register of vessels that we identify as being
22 charter vessels, and that information is applied against the
23 landing report so that we can segregate those trips as to
24 whether they are private vessels or charter vessels, and so that
25 can change over time within a wave period.

26
27 The sampling weighting of the interviews and the fish weight,
28 actually, that we collect within individual weeks, based on the
29 sampling weighting that is derived from, again, the pressure
30 value that is assigned to sampling site and then the weights
31 that are then also applied based on the proportion of anglers
32 that are interviewed and not interviewed, as well as even the
33 number of fish that are weighed, versus those fish that are not
34 weighed, within an interview.

35
36 All of that, again, is to be commensurate with APAIS sample
37 weighting procedures, and that is what helped us to get the
38 program certified for the start of the 2017 season, and so, if
39 you look at these two graphics here, they're of two different
40 weeks through the latter part of the season.

41
42 The top one there is from the estimates through July 19, and the
43 bottom graphic there is from August 16, and so the Wave 4 is
44 July 1 through August 31, and so we're talking about Wave 4 and
45 this change in the trend line, or the trajectory in the
46 estimate, and so the flattening of the trend line, as you see in
47 the lower picture that is circled there by the red-dotted line,
48 is due to a reduced average weekly fish weight, and an improved,

1 albeit slightly, but improved reporting rate that was observed
2 based on our dockside sampling that occurred throughout the wave
3 period. I have summarized that in the next slide.

4
5 The cumulative weekly metrics from the dockside survey, landing
6 reports, and estimates of red snapper harvest from private
7 recreational vessels during the 2021 season, and so this does
8 not include state-licensed vessels. This is only the private
9 recreational fishery, but you can see it starts off with the
10 season, Week 1, and that's in Wave 3, and Wave 3 encompasses the
11 red snapper weeks of the season, Week 1 through Week 5, and so
12 that would be the last part, the last week, of May through the
13 end of June would be Wave 3.

14
15 Going across the top there, you see the number of matched survey
16 vessels to landing reports, and then the next column there is
17 survey vessels, and so those are the number of vessels that we
18 have encountered during Week 1, or whatever weeks of sampling
19 that occurred there, for all the assignments that were
20 completed.

21
22 Then the next column there is the reporting rate, and this is
23 the reporting rate as it's calculated based on the sampling
24 weighting and not just the straight percentage of the matched
25 vessel to the survey vessel, but it's based on the weighting of
26 those particular vessels that are interviewed and then whether
27 or not they are matched or not, and to get a matched vessel to a
28 landing report is one that has, in the landing report, the same
29 vessel registration number on the same day, the same number of
30 anglers, the same number of fish that are reported harvested
31 within a three-and-a-half-hour time block of when the actual
32 interview occurred, based on our samplers' time that is recorded
33 on the interview.

34
35 You can see, in Week 1, the 0.3825 is the reporting rate,
36 essentially of 38 percent, and so 38 percent of the trips that
37 were reported -- We estimate that, of the trips that are
38 reported, 38 percent of them were reported, and so that -- You
39 can see, from Week 1 in Wave 3, we had an improvement in
40 reporting from 38 percent to 45 percent, and then, in Wave 4,
41 you can see also that it goes from a weekly reporting rate of 45
42 percent, and it ticks up a little bit throughout the period, to
43 ending at 46 percent for that week.

44
45 You can see, the further along for the number of fish weighed,
46 the mean weight of those fish, based on all of the fish that
47 were counted, or weighed, up to that point, and then the number
48 of landing reports that were submitted, again cumulative, for

1 the period of time, number of estimated vessel trips, based on
2 the reporting rate, and then the estimated angler trips,
3 estimated landed fish, estimated dead discards, and then the
4 estimated harvest includes essentially the number of landed fish
5 and dead discards multiplied by the mean weight for that week.

6
7 You can see it tracks through the time, and the harvest estimate
8 increases, and so you get to Week 6, and Weeks 6, 7, and 8,
9 surrounded by the yellow-dashed-line box, corresponds to that
10 graphic to the prior page, where it was circled, and you can see
11 the metrics there, and you can see the biggest factor, more than
12 likely, was the increase in the average weight of red snapper.

13
14 We measured, between Weeks 6 and 7, thirty-one fish, and you can
15 see those thirty-one fish were probably quite large, and it
16 doubled, effectively, or nearly doubled, the average weight that
17 was estimated for those fish caught in that wave.

18
19 Then, the following week, we sampled another twenty-three fish,
20 and those fish were also quite large, because it really didn't
21 impact the average weight, but, as you get into Week 9, we
22 weighed an additional fifty-two fish, and then the average
23 weight drops from 12.13 pounds to 9.7 pounds, and so that's two-
24 and-a-half pounds off a twelve-pound average weight is roughly a
25 25 percent or so reduction, and so that's automatically going to
26 impact all of the trips that occurred during that wave, and
27 those average weights can automatically impact your harvest
28 estimate.

29
30 Anyway, that just gives you -- It's a lot of information, I
31 understand, but it kind of gives a good insight as to how the
32 program works and how we get the data from dockside and from
33 that information reported by the anglers. We go through the
34 weekly process to generate the graphic, but understand that,
35 essentially, we're talking about wave estimates, when we're
36 talking about the quota, and that is my last slide for the
37 presentation.

38
39 **CHAIRMAN GUYAS:** All right. Thank you, Kevin. Are there any
40 questions for Kevin? Tom.

41
42 **DR. FRAZER:** Thanks, Kevin, for going through that. I have a
43 question on this one, and I was just trying to figure it out.
44 If you take any row in that table, right, and, in the estimated
45 harvest, it's an average -- If you take the average mean weight
46 by the number of landed fish, I guess reduced by the number of
47 discards or something, right, but I just wanted to make sure
48 that the weight that you're using, when you multiply by the

1 landings, is really an average over the wave. I mean, you can't
2 make the math work when you walk through a row, and so --

3

4 **MR. ANSON:** Yes, and so it is cumulative over the time period,
5 correct, yes, and it is landed fish and dead discards. The
6 estimated dead discards goes into the harvest.

7

8 **DR. FRAZER:** Okay. Thank you.

9

10 **CHAIRMAN GUYAS:** Any other questions? Okay. I will just give a
11 quick, very quick, update on Florida and our season this year.
12 We opened on June 4 and stayed open through July 28, for
13 continuous days, a fifty-five-day season.

14

15 Our staff have been working very hard to get an estimate, and I
16 just got one in my email just a little bit ago, and it is very
17 preliminary for June, and they are projecting that we harvested
18 about just under 1.2 million pounds. However, there's a couple
19 of data issues that they're looking into, and so I suspect that
20 this estimate is going to change as they work out some issues.

21

22 We've also been, the last couple of years, using a projection
23 model, to just kind of figure out where we are relative to the
24 quota before we actually have our State Reef Fish Survey data
25 in-hand, and that model is projecting that we will be well
26 within our quota for this year, and so the data for July are
27 still coming in for the State Reef Fish Survey, and you all
28 probably know that we have a mail survey that goes out at the
29 end of the month, and so those July surveys went out in August,
30 and, since it's still -- Since we are still in August, we are
31 still getting surveys there.

32

33 We also pull from MRIP data to increase our sample size, and so,
34 as we get little bits and pieces of data, we will be updating
35 our numbers. Typically, what we'll do is we'll report to our
36 commission in the fall about where we are, and then, depending
37 on where we are, if we have some ability to reopen, that
38 potentially could be on the table.

39

40 We were able to do that last year, although, unfortunately, we
41 had a number of storms in the fall over the weekends when we
42 opened, and we had some storms, as Alabama mentioned, impact our
43 season this summer as well, Claudette, and just some not great
44 weather weekends as well, into July, and so that's where we are
45 right now. Any questions about Florida? Dale.

46

47 **MR. DIAZ:** You said you all make some projections. What do you
48 all use to make the projections, Martha?

1
2 **CHAIRMAN GUYAS:** I mean, they have basically created a
3 projection model, I think sort of like what Andy's folks used to
4 do when they would project a federal season, and so they project
5 out a season for us, and that's how we kind of figure out where
6 we want to go with our days, and then, also, looking at what
7 catches should be, and it's actually been pretty spot-on the
8 last couple of years, and so they're looking at certainly
9 effort, and they're looking at weather days and sea conditions
10 and all that stuff, and so it has worked pretty well for us.
11 Andy.

12
13 **MR. STRELCHECK:** Actually, I have a question for both you and
14 Kevin. I've gotten a lot of feedback, particularly from the
15 for-hire industry, this summer that catch rates have fallen, and
16 fishing hasn't been as good. Kevin, it seems to be borne out,
17 with regard to some of the data and trends you're seeing, in
18 terms of at least slower catch rates, or accumulation, to get to
19 the quota.

20
21 I'm a little surprised from what you just said, Martha, about
22 the preliminary estimate of landings for Florida, but I'm
23 curious if you're hearing the same thing, in getting concerned
24 calls from fishermen.

25
26 **CHAIRMAN GUYAS:** I haven't, and this is one of the reasons why
27 they're looking into these data, Andy, and there are some funky
28 things coming out of the data, and so I have heard, from
29 west/central Florida, that it was a great season. I have heard,
30 in the Panhandle, there were a lot of weather days. Not so much
31 that fishing was difficult, but just it was difficult to get out
32 on the water.

33
34 Typically, we do see effort and catch drop off in July. It's
35 usually significantly lower than June, and that's, I think,
36 typical for a lot of species that start in the summer also, and
37 so that's at least what I'm hearing. I don't know if, Kevin,
38 you have anything.

39
40 **MR. ANSON:** I was going to mention that too, that, typically, in
41 July, we do see kind of a tailing-off, for red snapper at least,
42 on average catches. There is -- We have always said that there
43 is limited habitat within about twenty or twenty-five miles of
44 off Alabama, and that's where most people go to fish, initially,
45 and it's where the catching is good and easy and cheapest, for
46 time and for fuel to put in the boat, and so they will go and
47 hit those areas at the beginning of the season, and that's both
48 charter boats and private boats, and then, as those fish get

1 knocked back, those folks that are more of, literally, the
2 weekend warriors will kind of drop off, and you probably
3 noticed, or could notice, if you look at the number of landing
4 reports, we have -- Just like Mississippi, our first two weeks
5 are the highest reports that we receive.

6
7 Then it kind of trails off, and we get more of a consistent
8 fishing effort throughout the remainder of the season, but we do
9 see a little dip in catches in July, typically, and we did
10 experience it this year.

11
12 **CHAIRMAN GUYAS:** Susan.

13
14 **MS. BOGGS:** Thank you, Madam Chair. Just one question for you.
15 I do know that you all collect data on all species, and is it
16 mandatory reporting for your anglers?

17
18 **CHAIRMAN GUYAS:** No, and we have -- Our State Reef Fish Survey
19 covers thirteen different reef fish, and we have a dockside
20 sampling program, and then we have a monthly mail survey, which
21 does not go out to every angler, but we have a pretty good
22 sample frame on that, and so chances are, if you're signed up
23 for it, you will get it at some point, and I've gotten it, and
24 so a lot of times we hear from people that you never see the
25 survey, and nobody ever comes to talk to me, but I do hear from
26 people, all the time, that they got the State Reef Fish Survey
27 in the mail, and so that's good. Anything else for Florida's
28 report? Awesome. Okay.

29
30 Let's move on to our next item, which that takes us to
31 discussion of the red snapper recreational data calibration and
32 recreational catch limits, and I don't know, Mr. Rindone, if you
33 want to do the action guide for that, and then we can kick it
34 down to Andy and friends.

35
36 **DISCUSSION OF FINAL DOCUMENT - FRAMEWORK ACTION: GULF OF MEXICO**
37 **RED SNAPPER RECREATIONAL DATA CALIBRATION AND RECREATIONAL CATCH**
38 **LIMITS**

39
40 **MR. RINDONE:** It sounds like a morning show. I will be staying
41 after to give out autographs, I'm sure. If we can pull up the
42 action guide. Okay.

43
44 So, at its April 2021 meeting, you guys took final action on the
45 framework action for Gulf of Mexico red snapper recreational
46 data calibration and recreational catch limits. This document
47 revised the calibration method to establish the individual catch
48 limits for red snapper for the private angling component for

1 each of the Gulf states, and the methods contained in the
2 framework action established a common data currency for
3 establishing and monitoring those state-specific catch limits.

4
5 As is typical when you guys send a document for final action, we
6 send that document to the Science Center for certification as
7 using the best scientific information available, and so the
8 Science Center provided three comments, which is in a memo in
9 Tab B, Number 9(b). The IPT, the interdisciplinary planning
10 team, was able to address Comments 1 and 3, but was not able to
11 address Comment 2.

12
13 The second comment referred to the implementation date in
14 Preferred Alternative 2 of Action 1, stating that implementing,
15 or not implementing, Preferred Alternative 2 until January 1 of
16 2023 would permit the ACL to be exceeded for the private angling
17 component of the recreational sector. The Science Center
18 recommended revising the implementation date to January 1, 2022,
19 which would be expected to resolve that issue.

20
21 The Science Center also recommended, alternatively, adding the
22 same implementation date to the other alternatives. However,
23 doing so does not resolve the discrepancy with the document
24 being in compliance with the Act, and so Andy and Mara will go
25 into a little bit more detail about that compliance issue with
26 the Act. So hot potato, Andy.

27
28 **MR. STRELCHECK:** I just want to know who my friends are in this
29 discussion that you referred to. I know I have heard from some
30 of you, kind of questioning, well, why is this coming back
31 before the council, and this seems a little bit unusual and not
32 standard practice, and, although I agree that it's not common,
33 it's not necessarily unprecedented. We did, back in 2014,
34 receive an adverse ruling on a rule regarding what was known as
35 30B, the restrictions with regard to charter vessels and the
36 requirements, in terms of them abiding by regulations in both
37 state and federal waters.

38
39 You had already submitted to the agency, at the time, the
40 amendment for our review and approval, but then voted, during a
41 council meeting, or agreed during a council meeting, to withdraw
42 it. In this instance, as Ryan noted, our standard practice is
43 for the council to submit, or send, to the agency the document
44 for review.

45
46 It undergoes Science Center review and then gets returned to the
47 council with comments. In nearly all instances, those comments
48 can be addressed by staff, and so staff addresses those comments

1 and then, ultimately, submits the document for agency review at
2 that point, with any sort of certification that must happen
3 through the Chair, if needed.

4
5 In this instance, because the comments couldn't be directly
6 addressed by staff, I asked Carrie to place this action back on
7 the council agenda for discussion and deliberation, given what
8 the Science Center, obviously, provided in terms of input to the
9 document, and so that is why it's here before you, and we
10 certainly can have staff walk us through the comments, if
11 needed, and you probably already looked at my memo in the
12 briefing documents, and so are well aware of those comments, but
13 we wanted, obviously, the council to review that and discuss it
14 for consideration before this is submitted to the agency.

15
16 **CHAIRMAN GUYAS:** Thanks, Andy. Ryan.

17
18 **MR. RINDONE:** Just to pile on a little bit on what Andy had
19 said, the IPT does typically just take care of those comments,
20 and normally those comments are pretty easy to address, but,
21 when it's outside the scope of the council's stated intent, as
22 is reflected in the verbatim minutes and detailed in the
23 summaries, that's kind of a hands-off moment, and it's got to
24 come back to you guys, and so that's why we're here.

25
26 **CHAIRMAN GUYAS:** Bob.

27
28 **MR. GILL:** Thank you, Madam Chair. Before we get into the weeds
29 on the discussion of the actions, I would like to bring up a
30 clarification point that I think is needed as part of this
31 discussion, and so, Bernie, if you could bring up page 7, which
32 shows Table 1.1.2 in the document, please.

33
34 Let me start talking, while Bernie is bringing that up, and so
35 Table 1.1.2 shows the ratio of state landings to the CHTS
36 landings, and it addresses the SSC's review of those landings,
37 and, just prior to that table, the paragraph reads: "The SSC
38 concluded that the methods used to generate the conversion
39 ratios between Gulf state surveys and MRIP-CHTS data are
40 appropriate for monitoring of the red snapper state-specific
41 ACLs." These ratios are shown in Table 1.1.2.

42
43 I agree with that statement. That statement is correct.
44 However, we get to Table 1.1.2, and the title says, "Calibration
45 ratios recommended by the SSC to convert state landings
46 collected in their respective state-specific data collection
47 program to MRIP-CHTS currency for monitoring the state ACLs."
48

1 I would argue that that statement is not correct. The SSC
2 concluded the methods were usable, but did not recommend them.
3 For one thing, there is other methods that could be used to
4 determine calibration ratios that may be acceptable or not, but
5 the SSC only reviewed one, and so they did not come away with a
6 recommendation, and one of the reasons I think this is important
7 is because we've had this back-and-forth discussion for quite a
8 while about whether or not the SSC recommended FES data as BSIA
9 and back and forth, and I don't think we should be in the same
10 discussion relative to the calibration ratios.

11
12 The other implication is that, because "if recommended" was
13 correct, then the implication is that that's the one that should
14 be used, and I would argue that, no, they just said that the one
15 what was proffered, the only one that was proffered, is
16 acceptable, and so I think that we need to correct the title of
17 Table 1.1.2 to reflect that, and I've had this discussion with
18 Ryan, and I would invite Dr. Nance or Ryan to comment, if they
19 so wish, but I believe that the Table 1.1.2 title is in error
20 and needs correction, so that we understand exactly what the SSC
21 did relative to calibration ratios. Thank you.

22
23 **CHAIRMAN GUYAS:** Go ahead, Ryan.

24
25 **MR. RINDONE:** Sure, and so -- Just to Mr. Gill's point, and to
26 read the motion to clarify his position, the motion by the SSC,
27 at its August 2020 meeting, was that the SSC considers the
28 methods appropriate to generate conversion ratios between the
29 Gulf state surveys and MRIP data as appropriate for quota
30 monitoring of the red snapper state-specific ACLs.
31 Specifically, these methods consist of -- Then, for each of the
32 four states to which a calibration ratio applied, it details
33 what that ratio was and then the years of data that were used to
34 generate that ratio.

35
36 I guess, just for your edification, the motion carried with one
37 abstention, and so, based on Mr. Gill's comments, the revision
38 that he and I talked about, that I will tell you guys about and
39 see what you think, is so, in Table 1.1.2, right in front of you
40 there, instead of what it says now, it could say, "Calibration
41 ratios indicated as an appropriate method for quota monitoring
42 by the SSC to convert" et cetera, et cetera.

43
44 Then, likewise, the other place that this would occur, and heads
45 up, Bernie or Camilla or whoever is piloting, is page 17,
46 underneath Table 2.1.1. The following paragraph says:
47 "Preferred Alternative 2 would modify the state-specific red
48 snapper private angling component ACLs using the conversion

1 ratios developed by the NOAA Office of Science and Technology
2 and the Gulf States and indicated as an appropriate method for
3 quota monitoring by the SSC." I have tried to use the exact
4 same language in both spots, for homogenizing the SSC's position
5 on this. Dr. Nance, how do you feel about that, representing
6 the SSC?

7

8 **DR. NANCE:** I don't have any objection to those changes.

9

10 **MR. RINDONE:** Mr. Gill, how do you feel about that?

11

12 **MR. GILL:** I believe they more properly represent what the SSC
13 stated relative to these calibration methods.

14

15 **MR. RINDONE:** Madam Chair, you can consider that edit made.

16

17 **CHAIRMAN GUYAS:** Okay. Great. Is everybody good and understand
18 what we're doing? It's probably just some really minor change,
19 in the grand scheme of things, but it's definitely an important
20 clarification. How would we like to proceed with this?

21

22 **MR. RINDONE:** I think we can start with the memo, just so that
23 everybody has a good idea of what's being discussed here, and so
24 that's Number 9(b). If we scroll down a little bit, this part
25 of the memo is from Mr. Strelcheck to Dr. Simmons, on behalf of
26 the council, detailing the problem. Andy laid this out, in a
27 little bit more of a brief fashion, already for you guys.

28

29 Essentially, the problem is that, because of the implementation
30 date for Preferred Alternative 2 being January 1 of 2023, based
31 on projections and the pace of landings that we've seen and how
32 everything shakes out math-wise, we know that, in 2022, the
33 private angling component ACL would be exceeded if nothing
34 changed.

35

36 Because we know that information, delaying implementation until
37 January 1 of 2023 would be inconsistent with the requirements of
38 the Magnuson Act, and so the Science Center made some
39 suggestions about what to do. The only viable of the two though
40 is to modify the implementation date from January 1, 2023 to
41 January 1, 2022.

42

43 Adding implementation dates to the other alternatives doesn't
44 resolve the inconsistency with the requirements of the Act, and
45 so, at this point, that's where we stand with the document, and
46 so, Andy, I don't know if you want to elaborate any more.

47

48 **MR. STRELCHECK:** No, and I think you've done a good job of

1 summarizing the document. I don't think any of this is,
2 obviously, news to folks. We had, obviously, an extensive
3 discussion back in April, when decisions were made. We have a
4 very poor history of the recreational sector exceeding the catch
5 limit over time, and we have lost several lawsuits.

6
7 The Magnuson Act does require us to constrain catch to catch
8 limits, as specified under the Magnuson Act, and so it should
9 come as no surprise, obviously, in terms of comments by the
10 Science Center with regard to how this could be remedied.

11
12 The other thing that I will point out, which is not -- I guess
13 it's discussed in here, but kind of indirectly, is, if the
14 council doesn't agree, obviously, on changing the action for
15 2023, in reviewing the document, there really is limited record
16 and rationale as to why that delay has occurred, and I know that
17 there was some discussion, back in April, of that, but, to me,
18 that really hasn't been laid out effectively in the
19 documentation and the record itself.

20
21 The agency's position certainly is to recommend that, in order
22 to address this, that we would move the implementation deadline
23 to 2022, or as soon as possible, for the rulemaking to be
24 implemented consistent with the Magnuson Act.

25
26 **CHAIRMAN GUYAS:** Dale.

27
28 **MR. DIAZ:** Thank you, Andy, for that explanation. I did just
29 want to point out, as some rationale, and I don't remember if I
30 said it on the record at the last meeting, but I've certainly
31 said it plenty of times, but I think there is serious, serious
32 data problems with how MRIP is done in small states, and, when I
33 supported the motion to move the document forward in April, one
34 reason I supported this was to give some time for the states to
35 have a chance to work on the data problems that I know are
36 perceived by the State of Mississippi, and I believe that
37 Alabama has some issues with the data, too.

38
39 As far as Magnuson goes, I mean, I understand the requirements
40 of Magnuson, but I don't feel like moving something forward that
41 I think is incorrect is in line with the Magnuson-Stevens Act
42 either, and so that's been my position on it, and we probably
43 need some other stuff on the record, if the record is light,
44 but, anyway, I wanted to make sure and say that, and there's a
45 lot of work to be done, in my opinion, to straighten out the
46 data issues. Thank you.

47
48 **CHAIRMAN GUYAS:** Kevin.

1
2 **MR. ANSON:** Andy mentioned that we had some discussion in April,
3 and I will try to recall what was discussed, and maybe, during
4 that recollection, I might add one or two new things, but, to
5 Dale's question regarding Alabama and our perception of the
6 accuracy of the federal data, as it pertains to the recreational
7 red snapper fishery, is we too feel like it is not accurate and
8 that it overrepresents the harvest that is occurring there.

9
10 We have talked about several instances in our habitat-based
11 survey that we've been conducting off of Alabama since 2012,
12 annually, and the majority of the gears that are used to
13 estimate the abundance of red snapper off of Alabama were
14 utilized in the Great Red Snapper Count. In fact, one of the
15 gears that we have not used, but was used during the Great Red
16 Snapper Count, that identified a lot of these snapper that exist
17 off of the unclassified, or uncharacterized, bottoms, those were
18 added to the number of fish that Dr. Powers estimates in the
19 annual survey.

20
21 Again, we based our EFP pounds requested on those pounds of fish
22 that are estimated through that habitat-based survey, and in
23 units of fish, and, when you take those numbers, and then apply
24 the estimates from the federal survey, as well as Snapper Check,
25 the numbers from Snapper Check more appropriately fit the
26 expectation you would have of harvest based on our current, or
27 perceived, notions of fecundity and exploitation. They match
28 more of the 0.1 exploitation rate, using Snapper Check, whereas
29 we used the federal numbers there, and you're approaching 0.2
30 and above, in some years here recently.

31
32 That is the main reason, or rationale, that we feel like the
33 data is not appropriate, and it, in fact, is not the best
34 scientific information available, and partly the reason why it's
35 not the best scientific information available is because we've
36 not had a reasonable review of the data, as it pertains to,
37 again, science and some of our understanding of some of the
38 biological metrics of the species and the Great Red Snapper
39 Count.

40
41 Until that evaluation occurs, we feel like we're still being
42 shorted, and that was part of the rationale, from our
43 perspective, of voting for the delay. In fact, we asked for
44 longer, because the process is demanding, and it requires a lot
45 of time, and there are other things going on, and it's difficult
46 to try to do such an analysis in a relatively short period of
47 time, but, you know, we still haven't got the full review, at
48 least through the SSC, of the Great Red Snapper Count. That was

1 still ongoing at the time we had the vote, but we were hoping
2 for that to occur.

3

4 We have heard of the red snapper data workshop that was to be
5 hosted by the Science & Technology group to compare and look at
6 the states' data collection programs more closely and have
7 outside statisticians look at it, and that has been talked
8 about, but it has not occurred yet, and that, I think, would be
9 an important step towards getting some more information relative
10 to what is the problem of the federal survey estimate and where
11 -- Why is it that Mississippi and Alabama, for instance, have
12 such large variations between the state survey and the federal
13 survey estimate?

14

15 I mentioned before, in a previous meeting, and I can't remember
16 if it was April or not, but, as far as the rationale for going
17 against Magnuson, we have a National Standard Guideline for
18 variations and contingencies.

19

20 The council is allowed to -- It's provided some leeway in the
21 decision-making process, based on the best information it has
22 available, and I know that the provision was, more than likely,
23 created for those instances when you have information that
24 indicates that the stock is in poorer shape than what your
25 previous assessment has shown, but, in this case, because we
26 have not only the Great Red Snapper Count Gulf-wide, as a single
27 point in time, comparing and looking at all of the states'
28 abundance of red snapper respective to their states.

29

30 In addition, for our case at least, having the history of ten
31 years' worth of sampling and estimating the abundance off of
32 Alabama, and all of that should point to a little bit more of a
33 comfort level for everyone that the stock is not in jeopardy.
34 The Great Red Snapper Count estimated that it was three-times
35 more than the assessment, but so we were hoping for a pause on
36 any further management that would negatively impact fishermen,
37 private recreational fishermen, off of Alabama, and that's why
38 we ended up voting, and it became the preferred alternative.
39 Thank you.

40

41 **CHAIRMAN GUYAS:** All right. Thanks, Kevin. We are at our
42 lunchbreak, and so we've got some food in the room at this
43 point, and we were scheduled to take that at 11:30. I do have a
44 couple of hands on my list, and so what I am going to propose we
45 do -- We've got a half-hour break to grab food, and then we'll
46 do our working lunch, and then we'll resume the queue. Is
47 everybody good? Okay. That gives us a little bit of time to
48 digest all of this too, and we'll have plenty of time after

1 lunch for discussion, or during lunch. If anybody else wants to
2 get on the list, come see me at lunch. I've got a list going.

3
4 (Whereupon, the meeting recessed for lunch on August 24, 2021.)

5
6 - - -

7
8 August 24, 2021

9
10 TUESDAY AFTERNOON SESSION

11
12 - - -

13
14 The Reef Fish Management Committee of the Gulf of Mexico Fishery
15 Management Council reconvened on Tuesday afternoon, August 24,
16 2021, and was called to order by Chairman Martha Guyas.

17
18 **CHAIRMAN GUYAS:** Okay. I've got four on my list so far, and so
19 the first person is General Spraggins.

20
21 **GENERAL SPRAGGINS:** Thank you, Madam Chair. Obviously, the
22 biggest question I've got, number one, is why we're even
23 discussing this, to a point, because we met as a council back in
24 April, and we looked hard at this, and we looked hard at what we
25 did, and we came up with an option to be able to do the 2023, to
26 give us time to look at that.

27
28 In that time, and we have been almost six months now, seven
29 months, or somewhere about five or six months, and we still have
30 not received any data from anyone to say that anybody has looked
31 at any of the points of where we have a data issue, and we have
32 data issues all over this. We know we have data issues, but no
33 one has come back and looked at anything. No one has come back
34 and given us anything to say that we see that this calibration
35 is not correct, or we see that this data issue is not correct.

36
37 I understand the Magnuson-Stevens Act, and I understand it
38 totally, and I understand that we should not ever violate
39 anything, and I'm for that. I don't think we're violating the
40 Magnuson-Stevens Act. If I did, I would have a different
41 opinion, but I do also think that the Magnuson-Steven Act asks
42 for us to get the best available science, and we are not doing
43 it.

44
45 We know that. We know that as a fact. This whole body realizes
46 that this is not the best available science, because we're using
47 two years of data that is skewed, and, if you take the data, and
48 I know that Dale has got some information that I would like for

1 him to bring up on it, but the point is, if you take that data,
2 and you look at it, and you take the situation to where you
3 count one day that the state was open to fish, and you count two
4 months' worth of data for that one day, it's not going to work.

5
6 If you say that one day equals two months of the same day,
7 that's not going to work, and it does not work. I mean, I am
8 not a scientist, but I have commonsense, and commonsense tells
9 me that this is not working, and, if you look at it -- If there
10 was anything in here that I felt that we were doing something
11 that -- If there was a chance that I thought that Mississippi
12 was overfishing, I promise you that there would be no doubt in
13 my mind that we would stop it.

14
15 We don't want to deplete our industry any more than anybody
16 else, and we don't want to take away anything anymore than
17 anyone else wants to take away, but to tell me that some of the
18 data that you're going to use says that I have to have 1,500 to
19 2,500 boats a day out there fishing, and I don't even have that
20 many even registered, and I have a little over 1,500 boats
21 registered in the State of Mississippi to be able to go snapper
22 fishing.

23
24 Do you realize what the data that you all are trying to use
25 would say that I had to have those 1,500 every day, just about,
26 to make it work? I mean, I don't know, and maybe somebody else
27 has got a better idea than I do, but I don't think the people in
28 Mississippi can afford to go fishing every day, and I don't
29 think they can go snapper fishing every day that we're open, and
30 I think they would love to if they could, but the point is, if
31 that's the case, we wouldn't go but about two weeks, and then we
32 would be out, if we put 1,500.

33
34 I just don't understand it. If somebody could give me
35 commonsense to say why we as a body, or anyone else, would want
36 to say that we're going to take data that is not accurate, and
37 we know it's not accurate, and, if we knew it was accurate, it
38 would be different, but, when you deliberately use something
39 that you know is not correct, then who is wrong?

40
41 When you take and deliberately use some wrong data, just because
42 you want to worry about a lawsuit, I really don't care about
43 those, and it doesn't bother me. I don't really care if we get
44 sued for something, as long as we're doing everything to the
45 best of our ability to do it right.

46
47 I took an oath, when I went into the United States Air Force,
48 that said that I would uphold the Constitution of the United

1 States of America, and I'm going to do it until the day I die,
2 even though I'm not Air Force anymore, but the point is that I
3 took an oath here to do the same thing. I took an oath that I
4 would stand up and I would support and do things right, and I'm
5 going to do what's right, and I am not going to do what's wrong.

6
7 I am not going to deliberately, just because it makes everybody
8 happy, do something. I am not going to deliberately take skewed
9 data and say that I agree with it, just so we'll get some
10 lawsuit off my back.

11
12 You know, if you do something, the way we're doing it now, it
13 may invoke a bunch more lawsuits, and you never know what's
14 going to happen, but think about the data. We talked about this
15 in April. We talked about what it took and what would happen
16 and then how much this was skewed out of proportion. Even Roy,
17 when he was here, and Andy, and I know that Roy mentioned, more
18 than one time, that MRIP does not work for a small state.

19
20 Whenever you take that data and try to look at it, why? If you
21 know it's wrong, why would you use it? I wish that somebody
22 could give me a good answer as to how you would openly want to
23 take wrong data, and I appreciate your time. Thank you.

24
25 **CHAIRMAN GUYAS:** All right. Thanks, Joe. Bob Shipp, I see you.
26 I'm going to work through the list, but I've got you on my list.
27 Next, I'm going to go to Bob Gill.

28
29 **MR. GILL:** Thank you, Madam Chair. I'm coming at it from a
30 slightly different perspective, I think, than Joe, and,
31 obviously, it's not my ox being gored, but I am looking at it
32 from the aspect of where we're at if we go forward. Are we
33 compliant with Magnuson? I just took an oath yesterday that
34 said that I would be.

35
36 I agree with those that are in the camp that says delaying it
37 until 2023 is not compliant, and so not only can I not support
38 it, but it seems, to me, it's my obligation to try and get it
39 back to something that I believe is compliant, and, to that
40 extent, Bernie, would you bring up the calibration motion,
41 please?

42
43 **What I have tried to do, hopefully correctly, was basically**
44 **eliminate the delay and modify Preferred Alternative 2 to start**
45 **on 1 January 2022, and I proffer that for the committee's**
46 **consideration. Thank you. That's my motion.**

47
48 **CHAIRMAN GUYAS:** Okay. I am just going to read this. **The**

1 motion, in Action 1, is to revise Preferred Alternative 2 to
2 read as follows: Modify the state-specific red snapper private
3 angling component ACLs using the ratio calibrations developed by
4 the National Oceanic and Atmospheric Administration's (NOAA)
5 Office of Science and Technology (OST) and the five Gulf states.
6 The resulting ACLs in each state's currency are as follows.

7
8 As Bob noted, the key thing here is there is no January 2023,
9 and it does not say specifically 2022, and was that your intent,
10 Bob?

11
12 **MR. GILL:** Yes, that's my intent, that it starts in 2022 and not
13 in 2023, and, basically, it's the same language that was in the
14 current preferred alternative, and I deleted all the 2023 stuff,
15 and so, if I did that correctly, that's what I am trying to get
16 to.

17
18 **CHAIRMAN GUYAS:** Okay. I see, in the table, it's 2022-plus ACL,
19 and so that's -- It's not specifically in the wording of the
20 motion itself. Okay. Is there a second to this motion?

21
22 **MR. STRELCHECK:** I will second it.

23
24 **CHAIRMAN GUYAS:** Okay. It's seconded by Andy. I think, Bob,
25 you already laid -- Did you have any follow-up to this, just
26 really quick? No? Okay. Clay, I think your hand went up in
27 response to General Spraggins, and so I'm going to jump to you,
28 real quick, and then we can discuss this motion.

29
30 **DR. PORCH:** Sure. Thank you. First of all, I just wanted to
31 make the point that no one is using data that they know is
32 wrong. There certainly is some debate about which are the
33 correct statistics, and, in fact, some have said that none of
34 them are exactly correct, and S&T, or Science & Technology,
35 Division in Headquarters is actually actively looking at this,
36 working with the states.

37
38 I expect, in the fairly near future, we should see the results
39 of some of their explorations, and I have seen some preliminary
40 information, but I would say the jury is still out, officially,
41 in terms of what are the, quote, unquote, correct statistics, if
42 there are any that are exactly correct, and, in fact, I would
43 argue that none of the statistics -- They're all surveys, and
44 they're not perfect, and they all have some uncertainty about
45 them.

46
47 Having said that, clarifying the record that no one is knowingly
48 using bad data, or incorrect data, I just wanted to explain the

1 rationale here, and this goes to Bob's point. The IPT indicated
2 that, without the calibration, there is potential for exceeding
3 the ACL, and you have to remember that the ACL is set in CHTS
4 currency, and it was based on the assessment.

5
6 If CHTS estimates are higher than some of the states, and the
7 quota is in CHTS currency, then you would have to calibrate the
8 lower estimates to the CHTS currency, because that's -- In other
9 words, if you set the quota in CHTS, you need to monitor in CHTS
10 currency.

11
12 If we had set the quota in some combination of the state
13 currencies, and the state currencies were lower, the quota would
14 have been lower, and so that's the fundamental issue here, and,
15 currently, the ACL that's on the books is in CHTS currency, and
16 we have that the SSC indicated that those calibrations are
17 appropriate for management, and so that is the Center's
18 rationale for saying it's not the best available science to
19 delay until 2023, and so I just wanted to explain the logic
20 there. Thank you.

21
22 **CHAIRMAN GUYAS:** General Spraggins.

23
24 **GENERAL SPRAGGINS:** I understand your points, but I would also
25 like to say, when you say that they're using that, tell me, when
26 a state -- Can you tell me, straight out, that you believe that
27 Mississippi has the amount of landings of what you're showing on
28 the data here, as to what they're explaining, that we're going
29 to catch 300,000 or 400,000 pounds of fish a year, which we've
30 never caught anywhere close to that, and how can you justify it
31 by saying that I believe that that's accurate data, because you
32 know it's not accurate data. If you do that, I mean, I would
33 really understand -- I would like to understand how do you
34 justify knowing, or saying, that that's accurate data?

35
36 **DR. PORCH:** Again, I would say that we don't know that one is
37 inaccurate or the other is accurate. There is uncertainty about
38 both statistics, and the jury is still out, in terms of what is
39 the most accurate.

40
41 Certainly some of the state surveys might be more precise, and
42 that's a different issue. That means that -- If you think of
43 shooting at a target, something that is precise means you hit
44 the same place all the time, and it doesn't necessarily mean you
45 hit the bullseye. Accurate means, on average, you will hit in
46 the bullseye, but it could be imprecise, in that the shots are
47 all over the target, but just, on average, they're in the
48 center, and there is considerable discussion about that, and,

1 again, I would emphasize that no one is knowingly using one
2 dataset or another and thinking that it's wrong.

3
4 **GENERAL SPRAGGINS:** Wouldn't you say, sir, that a small
5 percentage of an equation has a better chance of being less
6 accurate? In other words, when you take the State of
7 Mississippi, which is the smallest in the Gulf of Mexico, with
8 the amount of numbers that we use, and go against Florida, which
9 I think is probably the largest, which one has the greatest
10 change of being inaccurate?

11
12 If you're figuring it out, the way that you're looking at it,
13 and, if you take MRIP, and you use MRIP data against the number
14 of landings that Florida has against the number of landings that
15 Mississippi has, the odds are that Florida's numbers are going
16 to be a little bit more accurate than Mississippi's, and is that
17 not correct?

18
19 **CHAIRMAN GUYAS:** Clay or Andy?

20
21 **MR. STRELCHECK:** I will take it in a little bit different
22 direction, General Spraggins. What we're trying to accomplish
23 here isn't a debate over the accuracy of the surveys at this
24 point, and it's to make sure that we have landings and quotas in
25 the same units.

26
27 What we're doing is calibrating the quota back to the same units
28 you're surveying, and so we're essentially saying that your
29 survey is the law of the land, and we want you to use that, but
30 we need you to then have a quota that is comparable, in order to
31 monitor against that, and it's not only important then for
32 Mississippi, but it's important then for all the states, because
33 we're running five different surveys across the Gulf of Mexico
34 that right now are not comparable.

35
36 The only thing that was comparable in the Gulf of Mexico was
37 MRIP, the MRIP survey, and so that's why we're using that as the
38 method for calibrating to a common currency across all these
39 states, with the exception of Texas.

40
41 **CHAIRMAN GUYAS:** General.

42
43 **GENERAL SPRAGGINS:** I understand that, sir, but, you know, if
44 you go back -- When you take surveys -- I think MRIP is done,
45 what, two months at a time, is how you operate out of it, and is
46 that correct? Okay.

47
48 Then we open May, June, and that's -- June and July is two

1 months, and August and September is two months, or whatever,
2 but, when you're only open for one day in one of those months,
3 or one of those two or three-month periods, or a two-month
4 period, and you want to count that as a complete year, I don't
5 understand how that works, to be able to equate it.

6
7 Now, if you go back to 2018, 2019, and 2020, if you look at our
8 data on that, our data shows -- Normally, I guess, if we had
9 shut off on August 31, we probably wouldn't have had any issues,
10 because that data would have been skewed a different way, but,
11 because we opened for one day or two days or three days in the
12 month of September, we're getting counted a whole month in
13 October, and that's not correct. It's not the way to do it, and
14 it's not the way that the numbers ought to look at. I mean, I'm
15 just using logic here to try to figure it out.

16
17 If I thought, by any chance, that those numbers that you all are
18 showing there, which actually that would be 100 percent
19 weighting, but then you know, if you look at it, and look at the
20 way that things are skewed, it can't be accurate, and I would
21 just ask this body to look at it and say, do you honestly
22 believe that those numbers are correct?

23
24 **CHAIRMAN GUYAS:** Thanks. Andy, go ahead. Then I will go to
25 Mara.

26
27 **MR. STRELCHECK:** Two other comments. General Spraggins, I will
28 note that, over the last five years in which they looked at the
29 calibration, consistently, Mississippi estimated lower landings
30 than MRIP. There is variability, obviously, in terms of how
31 much lower or how much difference there was, but there was a
32 consistency to it and so the trends are there, right? You are
33 estimating lower landings than the federal survey, and we know
34 that, and so that's why we're calibrating.

35
36 I also wanted to get back to a comment you made about we're
37 responding essentially to the threat of a lawsuit, and, no,
38 we're not responding to the threat of a lawsuit, and Bob Gill
39 talked about the oath that all of us have taken on this council
40 to uphold the Magnuson Act, and, at this point, this is what
41 we're telling the council, is that this is going to be a
42 violation of the Magnuson Act, right, and so we have not
43 established a record as to why we should be doing this and
44 delaying action until 2023, consistent with the Magnuson Act.

45
46 To me, pushing it and saying, well, let someone sue us is a bad
47 way for this council to do business, and it's certainly a bad
48 way for NMFS to be able to manage this fishery going forward.

1
2 **CHAIRMAN GUYAS:** I am going to go to my list, because I've got
3 some people that have been waiting a long time, and then we can
4 spin back around, but, at some point, we've got to point back to
5 this motion. Mara, you're next.
6

7 **MS. LEVY:** Thank you. I just wanted to briefly respond to the
8 National Standard 6 comment and idea. I mean, that National
9 Standard addresses having a flexible management regime that can
10 respond to contingencies and things like that, and it is not --
11 Nowhere in the National Standard, or the National Standard
12 Guidelines, does it indicate that it's a mechanism to ignore
13 other mandates by the Magnuson Act, and so, I mean, it's getting
14 at --
15

16 The management regime that you establish should recognize that
17 there are going to be contingencies and variations, and it
18 should allow flexibility in management, which you have done, in
19 some respects, by setting up framework procedures and allowing
20 your quick responses to things that come up, but it's not a
21 mechanism to say we should disregard the other provisions of the
22 Magnuson Act because a contingency has come up.
23

24 **CHAIRMAN GUYAS:** Okay. Thanks, Mara. Dale, you're up next.
25

26 **MR. DIAZ:** Thank you, Madam Chair. I'm going to probably be a
27 little while. I'm going to speak for probably ten or so
28 minutes, but there's been a lot said, and I don't know, and I
29 might come back later and try to address some things that's been
30 said, but the main issue is MRIP in small states, and the issues
31 with MRIP in small states has not been addressed.
32

33 Dr. Cody has been in front of this body a few times and has
34 talked about forming a group that could look at that issue, and
35 that group has never been formed. What I want is I want for
36 Mississippi and Alabama to have their data concerns reviewed and
37 to show that everything is done correctly and fairly, and I
38 definitely don't think it's being done correctly, and I don't
39 feel like it's being done fairly at this point.
40

41 I want to read a couple of excerpts, and so this is the pre-
42 publication copy of the National Academy of Sciences report that
43 just came out, and this is for *Data Management Strategies for*
44 *Recreational Fisheries with Annual Catch Limits.*
45

46 On page 63, *Inclusions and Recommendations*, it says, conclusion,
47 public perceptions of differences between MRIP and alternative
48 surveys and methodology, final catch estimates, and the

1 precision of the estimates are a source of consternation among
2 anglers, fisheries managers, and other stakeholders. Then, as a
3 recommendation in this report, it says that current efforts by
4 MRIP and its partners in the area of survey and intercalibration
5 should continue, and, where significant differences between
6 surveys exist, in terms of final estimates and precision, the
7 causes of the differences should be determined and communicated
8 to the public.

9
10 Later in this report, there is some other stuff that I think
11 might be relevant. On page 111, there is some other conclusions
12 and a few recommendations. Conclusion, traditional statistical
13 methods can be used to define and identify outlier catch
14 estimates in cases in which sufficient data are available.
15 Order statistics may be useful for defining and identifying
16 outliers in data-limited situations in which it may not be
17 possible to apply traditional methods. Change detection methods
18 in time series data analysis, including Bayesian approaches, can
19 be used to help answer the question of when an outlier should
20 trigger management change.

21
22 Then it's got some recommendations. The National Marine
23 Fisheries Regional Office and state agencies should explore the
24 possibility of using the following statistical methods and
25 approaches, as appropriate for the issue at-hand, and then one
26 of the -- It's got some bulleted points under there, and some of
27 those I will read out, real quick.

28
29 Alternative statistical definitions of outlier catch estimates
30 and the adoption of standard definitions, to facilitate
31 consistency in management actions. Another bullet is changing
32 detection methods to time series data analysis, to help answer
33 the question of when an outlier should trigger management
34 change. That's just a couple of things in that report that I
35 think are relevant to at least think about.

36
37 I want to -- I spent some time last week, and I went by and saw
38 the Mississippi fisheries staff that manages Tails 'n Scales and
39 the red snapper program, and I asked them to try to help me
40 understand some of the data issues, and I want to try to relay a
41 little bit of the stuff that they told me. Bernie, could you
42 put that document up on the board that I sent you earlier?

43
44 Before I talk about this document, I want to try to explain just
45 a couple of things and talk about just a couple of things.
46 First, one of the things they told me is that, if calibration
47 was done in Mississippi, and you only used 2020 data by itself,
48 just 2020, that Mississippi's ACL would increase by 48.2

1 percent.

2
3 **MR. RINDONE:** Bernie, make that bigger, please. Sorry, Mr.
4 Diaz, but I don't think they can see that. Bernie, can we blow
5 that up some, so that everyone can see? Keep going. A little
6 more.

7
8 **MR. DIAZ:** They use the same methods that calibration used for
9 the 2018 and 2019, which was applied for Mississippi, and, had
10 they used 2020, it would have went up almost 50 percent. The
11 current situation we're in with this document is it's going down
12 by over 60 percent, and so there's a couple other things that I
13 want to explain before we talk about the document.

14
15 It's important that everybody understands how waves work, and I
16 think probably everybody does, but January and February is Wave
17 1, and March and April is Wave 2, May and June is Wave 3, July
18 and August is Wave 4, and September and October is Wave 5. In
19 the document that we're going to discuss here, bear in mind that
20 we're only discussing Wave 5 data, and nothing else, but just
21 Wave 5 that starts in September. Can you scroll down just a
22 little bit, where they can see the title of the document, if you
23 can, Bernie, or up a little bit? I'm sorry.

24
25 Explanation of Wave 5 harvest estimates of Mississippi, and the
26 information here comes from the MRIP website. At least the
27 pounds and those things come from the MRIP website.

28
29 Before I start talking about this, I want to talk about the
30 Mississippi season structure, and the General mentioned it
31 earlier, and so what Mississippi generally does is they open up
32 on Memorial Day, and they let the season run until around the 4th
33 of July, and they shut down, and they do the QA/QC that the
34 General was talking about, and they generally open back up
35 somewhere around the first of August, with the intention of, if
36 they have enough fish -- They want to try to make it through
37 Labor Day, and so that's what they have been doing,
38 consistently, since the EFPs have been in place.

39
40 What the problem -- One of the big problems with the data that I
41 want to point out is you can see, for 2018, starting in the
42 month of September, on September 1, Mississippi was only five
43 days, only in Wave 5, and now this is nothing with the rest of
44 the year, but five days, and the rest of that wave it was
45 closed. For fifty-six days, harvesting was not allowed,
46 legally.

47
48 It's showing, in those five days, that the harvest is 204,767

1 pounds, and there were two vessel trips with fish observed that
2 claimed to be harvested in MRIP interviews, and so that works
3 out to 1,437 trips per day, or 40,953 pounds per day.

4
5 If it's high, and it's consistently high, we could live with
6 that, but it's not consistent. It's very variable, and so the
7 next year is 2019, and so, in 2019, the same exact thing.
8 Starting on September 5, five days of fishing through that time,
9 and it was closed for fifty-six days, and it shows that, in
10 September, for those five days, we got 344,000 pounds. 344,984
11 pounds is the estimate in those five days, and there were six
12 vessel trips with fish observed, claiming to be harvested at
13 MRIP interviews, and that turns out to be 2,482 trips per day,
14 or 68,997 pounds per day, almost 69,000 pounds in the State of
15 Mississippi.

16
17 Just look how variable that is between 2018 and 2019, and I
18 pointed out earlier, when the General did his presentation,
19 that, in the peak of Mississippi season, when we opened up on
20 Memorial Day, Memorial Day weekend, those last four days in May,
21 Tails 'n Scales, which has a 5 percent PSE, logged 256 boats a
22 day, at the highest time of fishing we had during the year, and
23 so look how variable this is. 2,482 boats for 2019, with a
24 five-day season, and, for 2018, 1,437 boats per day, trips per
25 day, and that's per day to per day, and you're doing apples-to-
26 apples there.

27
28 If you go down a little bit, the next year is 2020, and
29 Mississippi was only open one day in 2020, and they were close
30 to their ACL, and so harvest only opened for one day in
31 September, and, that one day, there were two vessel trips
32 observed for MRIP interviews, and is this is the MRIP data, and
33 980 trips per day, 32,892. We go from 982 per day to 2,482 a
34 day to 1,437 a day.

35
36 If you scroll down a little bit more, the most trips that Tails
37 'n Scales has ever logged is 513 in one day, and so ninety-five
38 trips per day is the average trip per day over the last four
39 years, and the includes 2020 values, which were notably higher.

40
41 There are some additional things that show up in MRIP that I
42 could note, real quick, and so it's not just these things.
43 Also, in 2019, in Wave 3, 500,996 pounds was harvested, versus,
44 also in Wave 3, in different years, 213,330 and 155,891
45 harvested, and that's in 2018 and 2020, respectively, and Wave 3
46 is under an identical structure, and so what happens in Wave 3 -
47 - Let me explain the identical structure.

48

1 Mississippi opens around Memorial Day, and they run the entire
2 month of June, and then that's that Wave 3 window, May and June,
3 and so the number of days are comparable, pretty comparable,
4 across all three of those years. It's about 500,000 pounds one
5 year, and just slightly over 200,000 pounds, and 155,000 pounds,
6 and so the picture that I am trying to paint here is this is
7 highly variable.

8
9 Emily told us, and I thought it was brilliant, but Emily said
10 that, when you do a calibration, it's like a currency exchange,
11 and I agree with that. That's a great way to explain it, and,
12 if you're in a big state like Florida, you've got a lot of
13 dockside intercepts, and that currency exchange is fairly
14 stable, and it's like Florida maybe exchanging currency with a
15 stable country like Canada or France or Britain or something,
16 but Mississippi is having to exchange with -- I couldn't even
17 find a country that I could compare this to.

18
19 Mississippi is having to exchange with a bad cryptocurrency,
20 and, I mean, how many of you all would take your retirement and
21 want to exchange it on this currency exchange that Mississippi
22 is forced to use, and so that's what -- When we're saying there
23 is problems with the data, there's problems that have just got
24 to be worked out.

25
26 If this was consistently high, we could do it. If it was
27 consistently low, we could do it. When it's consistently
28 inconsistent, and you're trying to compare to something like
29 Tails 'n Scales, which is very stable, there's just no way to do
30 it, and so we've got to figure out how to do this right. That's
31 why I have been against shoving this calibration down right now.
32 We need some help.

33
34 I know Clay said that Science & Technology is working with the
35 states. I asked the folks in Mississippi if they've been able
36 to get any help working with people, and they have not had good
37 cooperation with people trying to help work on this issue. When
38 they asked the folks at MRIP why some of these discrepancies
39 are, they can't get straight answers and get them to talk to
40 them, where they could try to replicate this stuff.

41
42 We've got to get a path forward, where we work on this stuff
43 together, and I'm committed to try to help do that any way I
44 can. I've got more I could say, but I'm going to -- That's more
45 than enough for you all having to listen to me at one time, and
46 so thank you, Madam Chair.

47
48 **CHAIRMAN GUYAS:** Thank you, Dale. All right. Bob Shipp, and I

1 know you've been waiting very patiently.

2
3 **DR. BOB SHIPP:** Thank you, Madam Chair. I appreciate the time.
4 What I'm going to do is take about two minutes to report some
5 language that has come from the Appropriation Report language
6 from the Department of Commerce, Justice, and Sciences Act of
7 2021, and this is the verbiage: Therefore, before making any
8 related regulatory changes, NMFS is directed to address the
9 question of which data collection system, and that is MRIP or
10 the catch programs administered by the Gulf states, are
11 providing the best estimates of recreational red snapper catch
12 in the Gulf of Mexico. This agreement includes \$2 million from
13 within the funding provided to support state management of red
14 snapper --

15
16 **CHAIRMAN GUYAS:** Bob, can you hear me? You're cutting out a
17 little bit, and we can't hear you now. Okay. We're going to
18 come back to Bob, because I know he had some points to make
19 there. Once we get a stable connection with Bob, we will come
20 back to him. Greg.

21
22 **DR. STUNZ:** Thanks, Madam Chair. I mean, obviously, we've had a
23 lot of discussion on this, and even the last time, when we
24 actually acted on this, and so I don't want to rehash all of
25 that, and I'm certainly sensitive to Magnuson, Bob, and what you
26 bring up, but I interpreted it in a little bit different way,
27 and so, Bob, I don't support your motion, for that reason, and
28 probably Kevin, I think, said it best, about the alternative
29 options that we have within Magnuson.

30
31 I'm not sure -- Mara, you kind of gave us an interpretation on
32 that, and I'm certainly not a lawyer, but that's now how I
33 interpreted it, and I think the council could probably greatly
34 benefit, in this situation, definitely, but, in others, if we
35 had some clear guidance on when that could and couldn't be used.
36 My interpretation and read of it is that we could use these
37 alternate measures, and, if there isn't another opportune time,
38 this is certainly it.

39
40 When I raised my hand, I was going to make some of the great
41 points that Dale just made in the National Academy of Sciences
42 report, and so I don't want to go there, but I definitely agree,
43 100 percent, with what you're saying, Dale, but I would add just
44 one thing that wasn't in that National Academy of Sciences
45 report, and that was that just simple ratio estimator was not
46 recommended to be used.

47
48 When you begin to really look at everything we've been debating

1 for, whatever, the last couple of meetings, and now we're sort
2 of rehashing everything now, and it's very clear to me that we
3 need some more time to reevaluate this, and so I still support
4 where we ended up at the last meeting, of waiting until 2023,
5 when all of these things, hopefully, will start to come
6 together, between the benchmark assessment, the data from the
7 Red Snapper Count, and, of course, to that point, just to rehash
8 that one more time, in terms of the chances that we're
9 overfishing with that data, and there's something that also
10 calms my mind a little bit about violating any of the provisions
11 in the Magnuson Act. With that said, Bob, I don't support your
12 amendment, and I still feel really strongly that we need to
13 maintain where we are with the 2023 date on this.

14
15 **CHAIRMAN GUYAS:** Okay. Thanks, Greg. I think maybe we have Bob
16 Shipp back on the line. Bob, do you want to give it another
17 shot.

18
19 **DR. SHIPP:** Yes, I will try one more time. I am going to get to
20 the meat of this thing, particularly that NMFS is directed to
21 not make any regulatory changes until they have completed an
22 independent assessment of the accuracy and precision of both the
23 federal and state recreational catch data programs in the Gulf
24 of Mexico.

25
26 Number 2 is recommend improvements to be made to the federal and
27 state recreational catch data programs in the Gulf of Mexico, to
28 improve accuracy and precision, and Number 3 is an independent
29 assessment, based on the results of the two prior items, of how
30 best to calibrate the federal and state recreational catch data
31 programs in the Gulf of Mexico to a common currency.

32
33 What that tells me is that Congress is telling NMFS don't make
34 any changes until you have examined these collection methods,
35 and they have provided \$2 million for it to be done. This is in
36 the 2021 appropriations language, and I have not heard anybody
37 reference this, and maybe I'm out in left field, but it seems to
38 me that this is a pretty strong directive from Congress for NMFS
39 not to make any changes until they have completed the tasks
40 which are assigned to them. Thank you.

41
42 **CHAIRMAN GUYAS:** Thanks, Bob. Okay. We have Richard Cody's
43 hand up, but I suspect, Richard, that you are not calling in to
44 weigh-in on the motion, but probably to respond to some of the
45 comments that have been made that have been sort of related to
46 the motion, but not directly, and so I am first going to give
47 the committee an opportunity to speak to the motion, if anybody
48 has anything. General Spraggins.

1
2 **GENERAL SPRAGGINS:** First, I may have -- In the situation, Andy,
3 I didn't mean that you were bowing to a lawsuit, and that's not
4 what I meant, but you did mention lawsuit, and that's what
5 brought it up, but I guess that was about losing in the past,
6 and we have, but I just think that I would like to formally
7 apologize, if I did something wrong there, before we go
8 anywhere.

9
10 **CHAIRMAN GUYAS:** Okay. Thanks. Tom.

11
12 **DR. FRAZER:** Okay. So, a couple of things. I want to make sure
13 that we separate some of the scientific issues from the issues
14 that are being raised by the individual states with regard to
15 the value or the accuracy or the precision of their own
16 programs. I think it's important to know that, as a body, what
17 we're trying to do is manage a particular fishery, in this case
18 based on an assessment that resulted from data that were
19 collected using information that is fairly old now.

20
21 It was informed by the Coastal Household Telephone Survey, and
22 we no longer have that survey instrument in place, and so we've
23 had to calibrate our data, right, in a way that allows us to
24 make decisions that are consistent with the assessment that we
25 have in hand.

26
27 Therein lies a bit of a problem, right, and so the only way that
28 we can do that -- We don't have other data that helped with that
29 assessment. Until the state data are actually implemented into
30 the red snapper assessment, and are part of it, we're in a bit
31 of a quandary here, and so we only have one set of data that we
32 can use right now, and that is the best scientific information
33 available. That gets to the Magnuson issue.

34
35 I understand that there is legitimate concerns about whether or
36 not the MRIP-FES data are reflective of what is collected in the
37 states, and there are legitimate problems and legitimate reasons
38 to question that data, but, until we actually use it in the
39 assessment, you cannot objectively make a decision, and that
40 gets to Clay's point of which one is better, which one is more
41 accurate, which one is more precise. We need to go through that
42 exercise.

43
44 We have Mara talking with us and saying, you know what, if
45 you've got a recommendation coming from the SSC, and you choose
46 to take a different direction, you better build a record to do
47 that. I'm okay with people building a record and making an
48 argument that the data that are being used to determine how many

1 fish I catch in my state is disadvantaging my state. That's
2 counter to the Magnuson, right?

3
4 We want to manage the fishery in a way that provides the best
5 economic, or the most economic, benefit to the nation, and so,
6 if you can make an argument that you're being disadvantaged by
7 this particular approach, you should put that into the record,
8 but to simply say that the data that I have in hand is not the
9 best -- Until you have evaluated all of that data and gone
10 through that process, which I agree that we all need to do,
11 you're saying I believe my data can be used to do the job, but
12 you don't have a base, or a reference, to pin it to.

13
14 As a consequence of that, you're adopting a belief system, and a
15 belief system is not a science system, and so I don't have a
16 problem with any of the discussion around the table, but I just
17 want to make the difference between a science-based argument and
18 a belief system. They are two very different things, and, if
19 you want to challenge the recommendation coming from the SSC,
20 that's okay too, and I think you can make an argument to do
21 that, based on whether or not you're being disadvantaged by a
22 particular rule.

23
24 I am going to let people vote the way that they're going to
25 vote, but I would ask Mara, actually, in this case, if you think
26 that there's a record being developed here that can be defended
27 by this council and evaluated objectively by the agency.

28
29 **CHAIRMAN GUYAS:** Mara, do you want to respond to that, or maybe
30 you don't.

31
32 **MS. LEVY:** Well, I mean, I think I've said before that the idea
33 of having to calibrate things, to make sure that everything is
34 in the same currency and we're monitoring the quotas is
35 something that is required by the Magnuson Act. I think it was
36 very clear, in the final rule that implemented state management,
37 that this was a requirement to make sure that we don't exceed
38 the established catch limits, and so I haven't heard anything
39 that says why delaying that calibration to 2023 is appropriate
40 in that regard, but, I mean, I think Andy can also speak to --
41 The agency is the entity that is going to have to evaluate the
42 action and determine its consistency with the Act.

43
44 **CHAIRMAN GUYAS:** Okay. Kevin.

45
46 **MR. ANSON:** Thank you. I had comments to Ms. Levy, her
47 statement on National Standard 6, Guideline 6, and then I've got
48 some comments to Dr. Frazer. I certainly appreciate Mara's

1 interpretation, and she is acting as legal counsel for us at
2 this advisory body, the council, but the first line of National
3 Standard 6 is conservation and management measures shall take
4 into account and allow for variations among and contingencies in
5 fisheries, fishery resources, and catches.

6
7 It further goes on to say that each fishery exhibits unique
8 uncertainties, and the phrase "conservation and management"
9 implies the wise use of fishery resources through a management
10 regime that includes some protection against these
11 uncertainties. The particular regime chosen must be flexible
12 enough to allow timely response to resource, industry, and other
13 national and regional needs. Continual data acquisition and
14 analysis will help the development of management measures to
15 compensate for variation and to reduce the need for substantial
16 buffers. Flexibility in the management regime and the
17 regulatory process will aid in responding to contingencies.

18
19 So, I would just like to expound on that and say that we have
20 not had a venue and an avenue here for us to look at these
21 issues that are related to the problem at-hand, and the problem
22 at-hand is the recreational data, how it's applied in the
23 assessment, and how those pounds are then given back to the
24 states through Amendment 50, which is part of our regime that we
25 were under and are operating under right now.

26
27 We approved those pounds and how those pounds were distributed
28 through Amendment 50, and so we have the Great Red Snapper Count
29 that has transpired and has been delivered in that time, which
30 is the new data and the new uncertainty in all of the
31 assumptions that we made through the assessment, and so the
32 assessment came up with a number, which we're trying to manage
33 to, and that number is a third of what appears to be out there.

34
35 Now, it needs to still go through its final science project to
36 be science and not be a belief, and you have to have the
37 process, and, if you don't have the process, then you're left
38 with the belief, and this is what we've been trying to get, is a
39 process, so that we can have some analysis, thorough analysis,
40 and everybody can have a chance to question and poke and look at
41 the data and compare the data and try to find out where the
42 inconsistencies are and then make those changes appropriately in
43 our science process, but we have not had that time, been
44 afforded that time, to do so, and so this is where we are.

45
46 We're trying to thread the needle, so that we can manage the
47 fishery in a wise and responsible manner, which we have been
48 charged to do as well in this body, and this is an advisory

1 body. We advise the National Marine Fisheries Service on how
2 best to manage the nation's resources.

3
4 One more point, and that relates to what impact it has or how we
5 can further elucidate what the concerns are that we have in
6 Mississippi and Alabama relative to providing justification for
7 why we're here today and arguing this framework action.

8
9 We're going to substantially receive a negative impact, economic
10 impact, to our state, our coastline, our boats, by eliminating
11 the access that's been afforded to us through Amendment 50, as
12 it currently stands. Reducing the landings and the quota by
13 half will cut the access and cut those coastal communities off
14 to access to the resource.

15
16 That is a substantial reduction, and a substantial problem for
17 us, and why it is imperative for us to do something. Again, I
18 go back to the EFP. If we're trying to manage this fishery as a
19 whole, managing the fishery as a whole toward the management
20 target of 0.1 exploitation rate across the entire Gulf, then we
21 should have access to that 0.1 exploitation rate, whatever that
22 is, off the irrespective state, and we have demonstrated that,
23 through the EFP process, as to how that would work, using
24 Snapper Check numbers.

25
26 If you use the federal numbers, you don't get there. You end up
27 with half as much for the private recreational sector, and so I
28 don't know what else to say. We've gone through, and we've
29 talked about these issues, and we have talked and provided
30 rationale as to why you would be against this or for this, and
31 we're certainly going to be against this motion.

32
33 **CHAIRMAN GUYAS:** Okay. Thanks, Kevin. Are there any other
34 comments or discussions on this motion? I see that Richard has
35 his hand up, but Richard is not going to speak to this motion, I
36 already know, and he's not on the committee, and so we will get
37 to Richard, but we are going to deal with this motion first. I
38 will read the motion one more time, and I think we all know what
39 we're talking about here, but just to be clear.

40
41 **The motion is, in Action 1, to revise Preferred Alternative 2 to**
42 **read as follows: Modify the state-specific red snapper private**
43 **angling component ACLs using the ratio calibrations developed by**
44 **the National Oceanic and Atmospheric Administration's Office of**
45 **Science and Technology and the five Gulf states. The resulting**
46 **ACLs in each state's currency are as follows.** I am not going to
47 read off the table, but you all can see that.

1 I think we're going to need to at least raise hands for this.
2 Is that the best way to do this, given that we've got people on
3 the line and in the room? Okay. **All in support of this motion,**
4 **please raise your hand, and I think that includes the online**
5 **folks. Please raise your hand. We've got three in the room and**
6 **two online, or three online.**

7
8 **DR. SHIPP:** Martha, I don't know whether mine is coming up or
9 not, but I am voting against it.

10
11 **CHAIRMAN GUYAS:** Okay. **All those opposed to this motion, please**
12 **raise your hand. Our tally is four to eleven and two**
13 **abstentions, and so the motion fails.**

14
15 All right. Now I'm going to go back to Richard, and then we're
16 going to need to have a little talk about what are we doing
17 here, and so go ahead, Richard.

18
19 **DR. RICHARD CODY:** Thanks, Martha. I just wanted to address Dr.
20 Shipp's question on the congressional language. We have
21 provided \$1.2 million to the Gulf states to improve precision of
22 MRIP estimates, and also to assist with electronic reporting,
23 and, also, we have conducted, related to that language, two
24 studies, and one is ongoing right now, and the other was a non-
25 response. That follow-up for the FES in the second is an area
26 fished study for the FES, and so some of the funding for those
27 studies has gone toward independent consults, to assist with the
28 projects and the analysis. That was it.

29
30 **CHAIRMAN GUYAS:** Okay. Thank you, Richard. Kevin.

31
32 **MR. ANSON:** If I can ask Dr. Cody a question then. Of that \$2
33 million that was identified in the congressional language
34 funding authority, is any of that set aside for some of these
35 things we talked about, Richard, regarding having a red snapper
36 data workshop, a continuation of what we've done previously, or
37 any other new thing that would further look at the issue of
38 state and federal data?

39
40 **DR. CODY:** Well, the funding should go towards looking at
41 drivers for differences between the different surveys. I mean,
42 this year, obviously, we have used up what we have allotted to
43 address some of the FES-related questions, but it's my hope
44 that, in the future, that's what they would be used for, and we
45 can only get so far by working on just the FES itself, and we
46 would need to look at the other surveys as well, to get answers
47 to those questions.

1 You know, Kevin, that, at the last workshop, I introduced the
2 idea of a transition team working group. I felt it wasn't
3 appropriate to get that team moving on some of these questions
4 until we had some resolution at the council level for some of
5 the more pressing issued related to red snapper, but it's my
6 hope that, in the near future, we'll be able to get those
7 workshops going, although they will probably be virtual at this
8 point.

9
10 **CHAIRMAN GUYAS:** Okay. Thanks, Richard. Bob Shipp.

11
12 **DR. SHIPP:** Thank you, Madam Chair. Thank you, Richard. I
13 appreciate the comments, but I still am curious about the first
14 line of that report, where it says, "Therefore, before making
15 any regulatory changes, NMFS is directed to address the question
16 of which data collection system is best."

17
18 To me, that implies that these studies, as a result of the \$2
19 million, need to be completed, and it fits very nicely into the
20 delay that some of us are trying to get, because they are not
21 completed, and NMFS is directed to make no changes until then.
22 I appreciate it. Thank you.

23
24 **CHAIRMAN GUYAS:** Thanks, Bob. I am not seeing any NMFS people
25 wanting to respond to that right now, but I will leave that
26 opportunity open. Go ahead, Andy, and then I'm going to go to
27 Leann.

28
29 **MR. STRELCHECK:** Thanks, Bob and Richard, for the comments.
30 That is a congressional appropriations directive, and you heard,
31 obviously, what the agency is working toward. I guess I would
32 say that \$2 million -- One, it's not new money. It's money that
33 the agency is -- It's part of our budget, and so we're paying
34 for it based on existing budget. Two, in terms of addressing
35 this issue and the discrepancies, \$2 million is really a drop in
36 the bucket in comparison to what probably will be needed to
37 determine the differences.

38
39 Then the third point I wanted to make was simply that the
40 directive, and I can't, obviously, speak to the directive and
41 kind of the intent of the directive, but it kind of gets to the
42 crux of the challenge and problem that we've been discussing at
43 the council meeting, which is we're discussing data collection
44 and accuracy of data systems from a scientific standpoint, which
45 is what the directive is talking about, but what we're trying to
46 do is just implement a common currency across our quota
47 management system, to ensure, obviously, that we're comparing
48 landings to quotas in an apples-to-apples comparison. To me,

1 they're two different topics, related and important to address,
2 but two different topics.

3

4 **CHAIRMAN GUYAS:** All right. Thanks, Andy. Leann.

5

6 **MS. BOSARGE:** Thank you, Madam Chair. I wanted to say thanks to
7 Dale for bringing that data forward. I really think that that
8 is the way that we get down to the meat of the subject matter
9 and figure these types of things out. I have never been one to
10 sit around and wait on somebody else to figure it out for me,
11 and so, Dale, I would encourage you to, at some point during
12 this committee or Full Council, to float a motion that
13 essentially sends that data, along with Mississippi's supporting
14 data for those days and those waves and their intercepts and all
15 of this, to the Science Center and ask them to come back to us,
16 at a future meeting, to explain -- Give us an amount, an
17 analysis, that explains the differences in how those numbers
18 were arrived at.

19

20 I think that gets us a little further down the road in finally
21 coming to some closure one day with what Clay touched on a
22 little bit about which one is more accurate, and I think we're
23 going to have to do that for all of our species. I've been
24 trying to do it with red grouper. The council, you know, took
25 final action, and we took some huge cuts on the commercial side,
26 but I think I'm going to continue to ask for more data from the
27 Science Center, and I have to give them credit.

28

29 Every time that I have brought data forth like that, they have
30 responded to it, and they have come back and given us, either us
31 or the SSC, presentations to explain it, and sometimes they make
32 revisions based on that, and so I do have to give them credit
33 for that, but I think, unless the council, Dale, passes a motion
34 and sends a letter to whoever, and I don't know if it would be
35 OST or the Science Clay and Clay's shop, but I think that's how
36 you really start to see some results, and so I just throw that
37 out there, Dale, and thank you for bringing that forward.

38

39 **CHAIRMAN GUYAS:** Thanks, Leann. Dale.

40

41 **MR. DIAZ:** Thank you, Leann. I haven't thought about floating a
42 motion, but I was thinking about asking Andy and Clay and Dr.
43 Cody -- Because I almost hate to write a letter, because this is
44 just some issues, and there is more issues that need to be
45 worked on in small states, and I would love to leave this
46 meeting with a commitment that we can get some people in touch
47 with the State of Mississippi to start working on small-state
48 issues.

1
2 Andy, I don't know if you can give me some advice, or Clay, or
3 Dr. Cody, but, I mean, how do we get the ball rolling? I don't
4 want to come back here in October, or January, and make the same
5 thing, and nothing has been done, and I would like for some plan
6 of action for folks to work with the states, and I know the
7 congressional thing might force it, and I don't know, and the \$2
8 million grant that Dr. Shipp talked about might force it, but I
9 would love to get it started right now, where we could start
10 working on some of these issues and figure out how do we deal
11 with things that need to be dealt with for small states. It's
12 not just the stuff I showed today, and there are other issues
13 too that need to be addressed, and so I don't know if Andy or
14 Clay has any response, or Dr. Cody.

15
16 **CHAIRMAN GUYAS:** Richard, go ahead.

17
18 **DR. CODY:** Dale, I agree. We do need to start working on this
19 together, and I think that probably the best way to do this is
20 through the Gulf States Commission. I think that they have the
21 structure, or the organization, to be able to get everybody on
22 the same page, as far as what needs to occur to look at the
23 drivers for difference between the surveys, and I think we could
24 do that.

25
26 Also, I think they can provide guidance as well as far as the
27 best use of the funds, in terms of gaining precision to the
28 surveys, and so I will make a concerted effort to talk to Greg
29 Bray and Dave Donaldson about getting something moving, if not
30 at the upcoming council meeting, or commission meeting, and it
31 might be too late for that, but to get at least a webinar
32 started, where we have the transition team working group
33 assembled and start to look at those things.

34
35 **CHAIRMAN GUYAS:** Okay. Thanks, Richard. So, definitely a lot
36 of food for thought, and clearly some things that need to --
37 Some discussions that need to be had. I am going to suggest
38 that, as far as this small-state data issue goes, I think there
39 are a number of people in the room, and maybe on the webinar,
40 that could maybe think about this over the next couple of days
41 and bring some sort of path forward to the council, if we want
42 to talk about that, if it's convening a Gulf States workshop, or
43 we're going to write some letter or whatever, but I want to give
44 people some time to think through some ideas on that. I am
45 going to suggest, unless somebody is ready to drop something
46 right now, that we come back to this on Thursday. Dale.

47
48 **MR. DIAZ:** (Mr. Diaz's comment is not audible on the recording.)

1
2 **CHAIRMAN GUYAS:** I am suggesting that, as far as your issue
3 goes, that everybody takes a little bit of time, and we think
4 about what is the best path forward here, and we bring that to
5 Full Council, because I think there's a lot of -- I think we've
6 had some good discussion about what some of the issues are at
7 this meeting right now, and clearly there is some things to work
8 out, and we need to figure out what is the best way to do that,
9 and then maybe bring the ideas to Full Council, unless you've
10 got something that you want to offer right now.

11
12 **MR. DIAZ:** No, I think that's a great idea. It will give us
13 some time to think through it, and I think that's a wonderful
14 idea. Thank you.

15
16 **CHAIRMAN GUYAS:** Okay. All right. So that's that for now. We
17 will think on it, chat with other people, and then we'll come
18 back to that on Thursday. So, we still have this document in
19 front of us, and so we have voted down a motion to rework
20 Preferred Alternative 2 and to take out the 2023 date, and so I
21 just want to give the committee another opportunity to discuss
22 where do we go from here, since this has not been submitted to
23 the Fisheries Service yet, to go to the Secretary. If we need
24 to think on this one too, that's fine, but this is where we're
25 at. Andy.

26
27 **MR. STRELCHECK:** Real quick, and sorry to backtrack, but I just
28 wanted to comment about our previous discussion, and I want to
29 note that I see this, yes, as a small-state issue, but I think
30 it's broader than that, and I know we've received comments from
31 your commission with regard to MRIP and the FES survey, and so I
32 don't want to lose sight of that.

33
34 In terms of I guess direction, there's been a lot of discussion,
35 obviously, in terms of why delay until 2023, and Kevin and
36 others have, obviously, added that input. I don't know if it's
37 clear for staff, in terms of working on this amendment and what
38 information that they would incorporate as part of additional
39 record for the document, and I would want to look to Carrie and
40 team to find out if you need more from the council or if you
41 kind of heard enough from the discussion that you could add any
42 additional input to the document.

43
44 **MR. RINDONE:** One of the recommendations was to add the 2023
45 implementation date to all of the alternatives, which I think we
46 can do, and I think you guys have established why you think that
47 implementation date is appropriate, and so I'm comfortable
48 adding that into the document.

1
2 I will take it back to the IPT, and we'll beat it out, I guess,
3 and so we'll bring it back to you guys for review, to make sure
4 that the language -- That you agree that that new language
5 represents your perspective, and so --

6
7 **CHAIRMAN GUYAS:** Mara.

8
9 **MS. LEVY:** Well, I mean, I guess you have a couple of options,
10 right? So, you've already voted to approve it and submit it,
11 and so, to the extent -- If you don't do anything, that vote is
12 still on the record, right, and it what it is. You could vote
13 to change the alternatives to put an implementation date of 2023
14 into all of them, right, and resubmit it, I guess.

15
16 I guess you could decide to bring it back again for a re-look,
17 and I don't know if that's necessary, but, if you wanted to do
18 that, I guess you could do that too, and so I think you have a
19 couple of options of how to move forward that you could
20 consider.

21
22 **CHAIRMAN GUYAS:** Okay. Thanks, Mara. That's helpful. Any
23 thoughts on those ideas? Is the committee's thought just to
24 leave things as-is, or would we -- I think, if we wanted to add
25 2023 into each of the alternatives, we would probably need a
26 motion for that, just so it's clear that that's the direction we
27 want to go, and it probably would be nice to have a motion,
28 probably, either way, just so that we're clear. Robin.

29
30 **MR. RIECHERS:** Before we go down that road, just a question
31 regarding then our past motion sending it to the Secretary. If
32 we open the document up, are we going to walk our way back all
33 the way through that again, or are we going to just make what is
34 frankly an editorial change that was sent back, as far as what
35 occurred, which you've already made a couple of editorial
36 changes that staff said they could make, and even further said
37 they could make this one, and whether you prefer a motion or
38 not, and that's up to you all, but I am trying to figure out
39 then do we go back to Secretary of Commerce submission motion,
40 or does that motion still stand from the last time? I will let
41 my chief parliamentarian help me with that.

42
43 **CHAIRMAN GUYAS:** Yes. Thanks. That's a good question. I think
44 what Mara was trying to say is that we maybe don't need to do
45 another -- Bring this back for final at another meeting, or, if
46 we change it to 2023 throughout, or am I misspeaking, Mara?
47 What do we do here?

48

1 **MS. LEVY:** I think, if you change the alternatives to add that,
2 that you should probably vote to resubmit it with the changed
3 alternatives, right, and like that's a substantive change, but I
4 think we noticed it in such a way -- To put the public on notice
5 that you might be reconsidering this document, right, and I
6 think -- Is that right, Carrie? Didn't we notice it in that
7 way? So, I mean, I think we set it up such that you could make
8 a change to the alternatives and vote to resubmit it in Full
9 Council, and staff would just make those changes, and the Chair
10 could look at them, but, I mean, if you wanted to bring it back
11 again for another look, we could do that too, I guess.

12

13 **CHAIRMAN GUYAS:** Ryan.

14

15 **MR. RINDONE:** Just to that effect, if we do update the
16 implementation dates for Alternatives 3 through 5, we will have
17 to revisit the effects, because the effects for those, right
18 now, are based on an immediate implementation of those
19 alternatives, even though they're not preferred, but the way the
20 effects are discussed is based on an immediate implementation of
21 those, beginning with the implementation in the document, and so
22 there's a date that is tied to it, and those effects would
23 presumably be delayed until such a time as they would have been
24 implemented, and, in the interim, other effects would be
25 expected to occur, and so there will be some differences,
26 notably in Chapter 4 of the document.

27

28 **CHAIRMAN GUYAS:** Is that something that staff can work on on the
29 backend, after the council is done with it, or does that mean it
30 needs to come back to the council?

31

32 **MR. RINDONE:** I mean, it could be something that you guys direct
33 staff to do, but, in terms of -- I would kind of look to Mara,
34 because the nature of the effects are changing, and these are
35 changes in the perception of these effects that you guys will
36 not have seen, if it doesn't come back to you, and I'm not
37 saying that that will or should or anything about what your
38 preference for a preferred alternative is, but they would be
39 effects that you haven't seen, and so you would essentially just
40 be leaving that decision to the Chair, to deem it as
41 appropriate.

42

43 **CHAIRMAN GUYAS:** Mara.

44

45 **MS. LEVY:** Well, I mean, that's kind of what happened at the
46 last meeting, right? You added the 2023 implementation date to
47 Alternative 2, and we changed the effects analysis. I mean, I
48 think it's fairly obvious what the effects are going to be,

1 right? You're delaying everything we talked about until 2023,
2 and I'm also not sure that putting an effective date of 2023 in
3 all of the alternatives really gets you anywhere.

4
5 I mean, it doesn't change sort of the fundamental issue that
6 we've been discussing, and so, I mean, it's certainly up to you,
7 but I don't know whether it's worth your time to go through the
8 process and add all that, have staff change everything, and then
9 submit it, unless there's going to be some sort of very robust
10 discussion about why and how it complies with the Magnuson Act
11 and all that sort of stuff.

12
13 **CHAIRMAN GUYAS:** Okay. Thanks, Mara. I have Susan and then
14 Kevin.

15
16 **MS. BOGGS:** At the speed that all of this process moves, and we
17 make all these changes, are we not still looking at a 2023
18 implementation date? I mean, it sounds like, by the time we get
19 through all these processes, we'll basically be through the 2022
20 fishing season before anything is implemented, and so I'm not
21 sure what we're accomplishing.

22
23 **CHAIRMAN GUYAS:** Andy and then Kevin.

24
25 **MR. STRELCHECK:** I recognize that the Science Center recommended
26 putting the 2023 date in all the alternatives, and, as Mara just
27 pointed out, I don't think that's really a fruitful use of time.
28 I think what would be better is to give staff direction, like
29 you typically do, to make any further edits to the document, and
30 in particular the rationale for the preferred alternative, and
31 then have the Chair approve any of those changes for submission
32 to the agency, so it doesn't have to come back before the
33 council again.

34
35 **CHAIRMAN GUYAS:** Okay. Yes, that seems to be the most
36 parsimonious way. Let me go to Kevin, and then I've got you,
37 Robin.

38
39 **MR. ANSON:** To Mara's point, just some clarification then. We
40 keep the document as it is, and we send the preferred over to
41 the Regional Office for review, with the preferred alternative
42 of calibration implementation in 2023, and we have the other
43 preferred that has been tried here today to be made, the
44 preferred for 2022.

45
46 Administratively, kind of tell me, or walk me through that
47 process. If it goes through the Regional Office, and the
48 Regional Office is going to send up their recommendation, to I

1 guess Silver Spring and then over to the Secretary, and, if the
2 service doesn't choose the preferred, is the alternative action
3 that the service can do to choose one of the other alternatives
4 in the document and make that the recommendation to the
5 Secretary?
6

7 **CHAIRMAN GUYAS:** Go ahead, Andy.
8

9 **MS. LEVY:** Well, so there are a number of different avenues that
10 can be used in the Magnuson Act to do certain things. If we're
11 just looking at the strict process for looking at submission of
12 proposed regulations, which is what this does, because it's a
13 framework action, and it's not an amendment, and so we're not
14 going through that process. If we look at the part of the
15 Magnuson Act that talks about what the agency's obligation is
16 when we're looking at proposed regulations submitted by the
17 council, and they have --
18

19 **MR. RINDONE:** Mara, could you get closer to the microphone,
20 please?
21

22 **MS. LEVY:** They have to make a determination about whether the
23 proposed regulations are consistent with the fishery management
24 plan and the Act and other applicable law, and so, if they make
25 that determination in the affirmative, that's when they go ahead
26 and publish the proposed rule.
27

28 The Act says, if the determination is negative, then they have
29 to notify the council in writing of the inconsistencies and
30 provide recommendations on revisions that would make the
31 proposed regulations consistent, right, and so then the council
32 is supposed to get that noticed and potentially provide
33 revision, and so that's the process.
34

35 There are other authorities that allow the Secretary to act,
36 right, and they may or may not be applicable here. The
37 Secretary could take its own action, based on those provisions,
38 if the agency finds that that's required, right? I mean, one of
39 the things is the Secretary, or the agency, can implement
40 regulations that effectuate the plan, right, and part of the
41 plan was Amendment 50, and, in part of that rulemaking, we said
42 these calibrations need to be done, and so there may be a
43 mechanism that way.
44

45 I guess what I'm just trying to say is there are a lot of
46 different paths to take, but what I just laid out is the
47 procedure for evaluating what you're going to submit here on its
48 own, without any of those other factors at play.

1
2 **CHAIRMAN GUYAS:** Okay. Thanks, Mara. Robin.
3

4 **MR. RIECHERS:** Well so, at least through that exchange, I think
5 what I heard was, even though -- Well, I think I heard was no
6 one now believes there's a need to put 2023 in all of the other
7 alternatives, and, therefore, other than the changing and
8 shoring up and writing some of the discussion that you can get
9 from the records of both today, and actually past meetings as
10 well, of the why of the 2023, that gets added where you can in
11 the document, and then we've already given you the liberty to
12 make those changes, via motions in previous meetings, as far as
13 before going to the Secretary, and those are those other
14 editorial things that Andy or Mara mentioned, one of the two,
15 and so I guess I am seeing that there's not a need for any extra
16 motions at this time, at least from the way I see it.
17

18 **CHAIRMAN GUYAS:** Okay. Thanks, Robin. That makes sense, and so
19 we've got Bob's change that we talked about earlier today and
20 the discussion we've had about where we are at this meeting.
21 Carrie.
22

23 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Madam Chair. I mean, I
24 guess I would just encourage council members to take a close
25 look at what is written in the document currently, because we
26 did try to capture that, based on the preferred alternative, and
27 so I mean, by Full Council, if there's any other recommendations
28 or changes we need to make before we transmit the document, we
29 should discuss those at Full Council. Thank you.
30

31 **CHAIRMAN GUYAS:** Tom.
32

33 **DR. FRAZER:** I am just trying to think this through, because, as
34 I said before, there are two elements here that are problematic
35 from my perspective. The first is that we're not allowed, as a
36 council, to exceed the ABC, right, that's recommended by the SSC
37 without building a substantial record, or having a rationale,
38 compelling rationale, for doing that.
39

40 If the council chooses to move forward with a document as it
41 exists now, with a preferred alternative that is inconsistent
42 with some of the advice that was received, it needs an
43 accompanying letter, and I am asking, again, Mara that details
44 the rationale for the decision that was made by the council, I
45 guess, and that's the record that I am looking for.
46

47 The question, really, is this. Does the council take a
48 proactive approach and provide the record for the Secretary, or

1 the agency, or do they leave it to the agency and the Secretary
2 to wade through volumes and volumes of information, to determine
3 if there is a record that exists? That's a question. Andy.

4
5 **MR. STRELCHECK:** Thanks, Tom. Keep in mind that people that
6 work in the Regional Office are also writing this document, and
7 so we are preparing the record side-by-side with council staff
8 and discussions that, obviously, occur in council meetings.
9 What I was suggesting earlier is, obviously, to add to the
10 rationale within the framework action, to the extent practical,
11 and, if you want to send a cover letter or some other
12 documentation, I'm certainly not opposed to that. That's
13 certainly additional support for the record and kind of
14 captures, obviously, the discussions that have been had through
15 the many meetings that have taken place, but that information
16 should also be, in my view, captured in the framework action.

17
18 **DR. FRAZER:** Thank you.

19
20 **CHAIRMAN GUYAS:** Okay. We've talked a lot about this, and so
21 I'm going to suggest that we move on for now, but it sounds
22 like, if folks also want to think about additional rationale for
23 where we are, or maybe other places we may want to be with this
24 document by Thursday, you've got your homework assignment to
25 bring to Full Council, and so I think we've talked this one
26 through about as much as we can at this point. It's about 1:30
27 now, and we've got a break at 2:30. Tom.

28
29 **DR. FRAZER:** We're going to take a fifteen-minute break anyway.

30
31 **CHAIRMAN GUYAS:** Yes, let's do it.

32
33 (Whereupon, a brief recess was taken.)

34
35 **CHAIRMAN GUYAS:** Next on our agenda is Reef Fish Amendments 36B
36 and 36C, and I believe Dr. Lasseter is going to take us through
37 that one. Ava, are you ready to go? It looks like you are.

38
39 **REEF FISH AMENDMENTS 36B AND 36C: MODIFICATIONS TO INDIVIDUAL**
40 **FISHING QUOTA (IFQ) PROGRAMS**

41
42 **DR. AVA LASSETER:** Good afternoon, everybody. We're going to
43 talk about 36B and 36C. To just kind of summarize what we have
44 here on the action guide, I think we're going to actually start
45 with the AP recommendations, since we didn't really get into
46 those at the last meeting, and I want to use the report, which
47 is Tab B, Number 10(d), and we'll just look at the 36B
48 discussion, and then we'll come to the presentation.

1
2 Then I will go through 36B, the part of the presentation. You
3 have a new alternative and new actions that we posed to you as
4 questions at the last meeting, and then Andy suggested that we
5 go ahead and incorporate them into actions, and so we have
6 brought that to you. There is not a Chapter 4 to accompany
7 those, because it is your first time reviewing these, and so,
8 after we go through 36B, we will go through just a couple of
9 slides of 36C, just to remind you of what actions are in there,
10 because you have not looked at that document since January of
11 2020.

12
13 Then we've added in a couple of slides that look at the purpose
14 and need of both of the amendments together, and I would like to
15 stop there, and so feel free to ask questions as we're going up
16 until that point, but I'm hoping that, once we get to that
17 point, with the purpose and need of both amendments up on the
18 board, that we can kind of stop, and hopefully the committee can
19 have a broader-level discussion on what you had in mind for
20 these amendments and where you see the future of these IFQ
21 programs going.

22
23 With that, let's go ahead and take a look at the Tab B, Number
24 10(d). At the June meeting, we did get through 36B, pretty
25 much, or, actually, we got through Action 1, and I don't think
26 we finished getting through Action 2, and we had incorporated
27 the AP's recommendations into the presentation, and so, for the
28 beginning of this report, for the IFQ program review and the
29 AP's comments on Amendment 53, that was covered through separate
30 sections during June. The part I'm going to talk about begins
31 on page -- It's the last half of page 3, Amendments 36B and 36C,
32 and the first motion is at the very, very bottom.

33
34 When we were going through this amendment with the AP, the AP
35 did -- The discussion did kind of bounce back and forth between
36 Actions 1 and 2 and how they kind of work together, and an issue
37 was raised about what would happen to a deceased shareholder's
38 shares, and, currently, there are no restrictions on share
39 transfers, and so that's kind of a point that I wanted to raise
40 here.

41
42 The AP did request that staff review and make recommendations
43 based on other catch share programs, and we weren't really sure
44 what they were looking for here, and I think the main point is
45 that other councils have restrictions on the transfer of shares.
46 Thus, these other councils have provisions to allow for the
47 transfer of shares to beneficiaries.

48

1 Currently, because this IFQ -- Our IFQ programs in the Gulf do
2 not have those same kinds of restrictions, you can transfer
3 shares no problem, and we haven't needed to put those in place,
4 but, now that we're talking here about potentially putting the
5 permit requirement on shareholders, then we are considering, in
6 this section action, a provision that would give time for people
7 to get their accounts into compliance.

8
9 We have looked into this, and that's really, I think, the key
10 point, is that, currently, in the Gulf programs, there are no
11 restrictions on share transfers. Now that we're considering
12 this similar to other programs, we may want to evaluate this as
13 well, and we have provided an alternative for that.

14
15 If you scroll down a little bit to the next page, there's two
16 more motions that the AP made in regard to 36B, and they did --
17 In the motion, they went back and tweaked it again, and the main
18 point is that they recommended to add a new alternative to
19 Action 1 with the date of that AP meeting as the control date,
20 as the grandfather date. Accounts opened before that time would
21 be exempt from the permit requirement, and accounts opened after
22 would be required to have a reef fish permit.

23
24 This is similar to their previous meeting, as well as the Reef
25 Fish AP's meeting, where they are just recommending each time a
26 date, to pick a date, to pick a late date, but pick a date for
27 which people's accounts would either be grandfathered in or not,
28 and this is one point that I wanted to reiterate, is that the
29 APs, both APs, in multiple meetings, have recommended that, if
30 you're going to do this, pick a date, and please don't leave
31 this open-ended, because it allows people to try to find ways to
32 game around the system.

33
34 Then, if we scroll down just a little bit, you can see, when
35 they tweaked the motion, they added in this last part about
36 inherited shares from a death in the family, is their
37 recommendation, would be exempt from this requirement for a
38 period of three years, and so, when we go into the document, the
39 actions, you will see that this has been added as an
40 alternative, but, again, that was a question that we had posed
41 to you, and Andy had requested it to be added to the document.

42
43 The rest of the motions, recommendations, from the AP pertained
44 to 36C, and so let's come back to that after I have reminded you
45 of the actions that are in that, since it's been so long since
46 we've looked at that. Let's go ahead and take a look at the
47 presentation, which is going to be Tab B, Number 10(a). While
48 they're getting that up, if anybody has questions, go ahead and

1 speak up.

2
3 **CHAIRMAN GUYAS:** Okay. Any questions for Ava on the AP report?
4 Bob.

5
6 **MR. GILL:** Thank you, Madam Chair. The link to 10(a) in the
7 agenda, at least for me, doesn't work. It brings me back to the
8 council home site, and so I can't pull up the presentation.

9
10 **DR. LASSETER:** I have the link too, and it worked for me.
11 Anybody else having issues? The one that's actually on our
12 website. It's working for me, Bob.

13
14 **CHAIRMAN GUYAS:** We've got it. Bob has got it. Okay, Ava. I
15 think we're ready to go, whenever you're ready.

16
17 **DR. LASSETER:** A little refresh for everybody, 36B, the purpose
18 of this document currently is to limit IFQ share ownership in
19 shareholder accounts without a valid or renewable commercial
20 reef fish permit, thereby promoting share ownership by fishermen
21 who have the ability to land reef fish within the IFQ programs.
22 We are going to want to come back to this, given your current
23 preferred alternative, in terms of how your current preferred
24 would actually be limiting the share ownership, but, for right
25 now, let's focus on the actions.

26
27 Action 1 would require some or all, depending on the
28 alternative, shareholder accounts to have a commercial reef fish
29 permit, and what we have done for the Chapter 2 is added this
30 language to differentiate between permit-required and permit-
31 exempt accounts, because there was starting to be some confusion
32 with these control dates, with these grandfather dates, whatever
33 you want to call them, which accounts we're talking about, and
34 so language has been added that differentiates if you pick that
35 some shareholder accounts will be required to have a permit, all
36 those after whatever date you pick would be permit-required, and
37 all accounts created before that date would be permit-exempt.

38
39 With these little labels, we're hoping that that will clear up
40 some of the confusion when we're talking about which accounts
41 would be affected by which action.

42
43 Action 2 considers share divestment for those accounts that
44 would be permit-required. They are accounts that would be
45 required to have a permit, but that do not have a permit, and so
46 shares would only be divested from an account if that account is
47 not able to get a permit by some date that the council will
48 select.

1
2 Then, finally, in Action 3, these are the questions that we
3 posed to you in the June meeting that we have now worked into
4 draft actions here for you to take a look at, which detail what
5 permit-exempt accounts would be able to do, and so these are
6 actions that, if you do create a group of accounts that would be
7 permit-exempt, this is your opportunity to further specify what
8 these accounts are able to do.

9
10 Action 1, you've seen these before, and, essentially, this
11 account would require some or all shareholder accounts to have a
12 permit, and you would be establishing, for some of the
13 alternatives, permit-exempt accounts, and that's kind of a
14 significant part that I want to explain here.

15
16 Alternative 1 is always our no action alternative, and we would
17 not establish any new requirements for keeping one's shares,
18 obtaining more shares or keeping one's shares. All the
19 remaining alternatives stipulate the same language, that, in
20 order to obtain or maintain shares in a shareholder account, and
21 Alternative 2 would require all shareholder accounts to be
22 associated with a valid or renewable commercial reef fish
23 permit.

24
25 Alternatives 3 through 5 would create some of these permit-
26 exempt accounts. Alternative 3 would use the control date
27 that's five years after the grouper-tilefish IFQ program. All
28 accounts established after that date must be associated with a
29 reef fish permit. That means all the accounts established
30 before that date would be permit-exempt.

31
32 Alternative 4 uses the date that the Reef Fish AP -- That was
33 the first AP meeting while you were developing this whole
34 action, the AP recommendation that suggested a date that was
35 later than the five years, later than Alternative 3. Since you
36 added this Alternative 4 to the document, you have the other
37 recommendations from the AP.

38
39 The Reef Fish AP, on October 6, 2020, had recommended adding an
40 alternative with the date of October 6, 2020. Then the
41 recommendation we just saw from the Red Snapper and Grouper-
42 Tilefish IFQ AP recommended June 2, 2021, the date of their
43 meeting, and they also recommended that that be selected as
44 preferred. Now let's go back to the previous slide.

45
46 You've had three different APs recommend picking their
47 respective meeting dates, and I don't think a specific date is
48 what is important, or significant, but it's the idea of just

1 picking a date and having that basically give people notice
2 that, okay, now, if you create an account from here on out, you
3 would need to be associated with a permit, in order to keep
4 shares in that account.

5
6 Then, finally, Preferred Alternative 5, you selected this as
7 preferred at your last meeting, and this alternative would
8 affect all shareholder accounts established following
9 implementation of this amendment. All accounts up until that
10 point would be permit-exempt accounts, and that means all
11 accounts right now would be permit-exempt, and sometime into the
12 future, following when we take final action of this amendment,
13 and so we do not know how many accounts would be considered
14 permit-exempt.

15
16 I described that previous action as establishing permit-exempt
17 accounts, and so, under Alternative 1, this is what we have.
18 Shareholder accounts, amongst all the shareholder accounts, you
19 could have accounts -- There are accounts that have shares and a
20 permit, and there are accounts with shares and no permit, and
21 there are accounts with no shares, but they have a permit, and
22 there are accounts out there with no shares and no permit.

23
24 If you select Alternative 2, Alternative 2 would require all
25 accounts with shares to be associated with a permit, and so what
26 that would do is actually simplify, by removing that one option.
27 If you have shares in your account, there has to be a permit
28 associated with that account as well, or it's going to be
29 flagged. You could still have accounts with no shares and a
30 permit or no shares and no permit.

31
32 Under Alternatives 3 through 5, you're adding in quite a bit of
33 complexity to this program that NMFS is going to need to
34 monitor, because you're going to have a group of accounts that
35 are exempt from the requirement to have a permit, permit-exempt
36 shareholder accounts, and all those will look just like what we
37 have now under Alternative 1, and then you're also going to have
38 permit-required shareholder accounts, which would be the same,
39 but there would be some that would not be allowed to have
40 shares, if they do not have a permit.

41
42 Also, selecting any of Alternatives 3 through 5, different
43 actions would apply, and so, right now, under Action 1, if you
44 pick Alternative 2, you would follow the left column. If you
45 pick one of Alternatives 3 through 5, you would follow the right
46 column, and so Alternative 2 is all accounts would essentially
47 be permit-required, and we wouldn't even use that term then.
48 All accounts would be permit-required.

1
2 Action 2, share divestment for those permit-required accounts,
3 it would apply to all accounts, and, if you did pick Alternative
4 2, Action 3 would not be applicable. Now, let's take a look on
5 the right side, the right-hand column. If you pick one of
6 Alternatives 3 through 5, you are creating separate groups of
7 accounts, permit-exempt accounts and permit-required accounts.

8
9 Action 2 will only apply to the permit-required accounts, and so
10 those accounts that are permit-exempt, they are not falling
11 under the requirement to divest of their shares if they do not
12 have the permit by whatever time is specified. Action 2 only
13 applies to permit-required accounts.

14
15 Then, finally, Action 3 would apply just to those Alternatives 3
16 through 5, because Action 3 applies only to permit-exempt
17 accounts, and Action 3 proposes a share limit for those
18 accounts, and it's an opportunity for you to determine whether
19 reopened accounts are permit-exempt.

20
21 We put together these couple of slides, because we were starting
22 to see a little bit of confusion for people about their account
23 was opened at this time or this time, and which action -- How do
24 the actions apply to them, and so this is the language that we
25 came up with, is permit-exempt and permit-required, is a way to
26 differentiate. Again, any questions, go ahead and speak up.

27
28 **CHAIRMAN GUYAS:** Yes, we do have a question from Susan.'

29
30 **MS. BOGGS:** Thank you, Madam Chairman. Ava, it's been so long,
31 and this is complicated to begin with. If you can quickly
32 explain to me how can an account be permit-exempt, versus
33 permit-required? I think I lost you there.

34
35 **DR. LASSETER:** Okay. Let's go back to the Slide 3, the one with
36 all the alternatives for Action 1. Currently, of course,
37 Alternative 1 is no action. You have either Alternative 2 or
38 Alternatives 3 through 5 that are different, that do something
39 slightly different.

40
41 Under Alternative 2, all shareholder accounts would be
42 associated, must be associated, with a permit. That means that
43 all accounts are required to have a permit. Therefore,
44 Alternative 2 is only permit-required accounts. Alternatives 3
45 through 5 are specifying that accounts created before a date,
46 whatever is underlined, before that are not required to be
47 associated with a permit, but before that date would be permit-
48 exempt accounts. Accounts established after that date would be

1 the same as Alternative 2, permit-required accounts. Does that
2 help, Susan?

3

4 **MS. BOGGS:** Yes. Thank you.

5

6 **DR. LASSETER:** Okay.

7

8 **CHAIRMAN GUYAS:** Any other questions for Dr. Lasseter before she
9 moves on? Is everybody good? Okay. Go ahead, Ava.

10

11 **DR. LASSETER:** Okay. Great. Let's go back down, and I think
12 it's going to be Slide 7 for Action 2. Here, we're talking
13 about share divestment for permit-required accounts, and so this
14 action would apply only to accounts that are required to be
15 associated with a permit, and so that would be all accounts
16 under Alternative 2 of Action 1 and those accounts under
17 Alternatives 3 through 5 that are established after that
18 underlined date, whenever that is.

19

20 Of course, Alternative 1 is not taking any action, and, here,
21 how we understand Alternative 1, with this action, is dependent
22 on Action 1, where you created, established, these permit-
23 required accounts. Therefore, by taking no action, the
24 shareholders of these permit-required accounts must be in
25 compliance with the requirement at the time this is implemented,
26 immediately, essentially, is the no-action.

27

28 The idea is, in Action 1, if you go ahead and make that
29 requirement for accounts to have a commercial reef fish permit,
30 what we're saying here, in this action, is, if you take no
31 further action on this action, that requirement is effective as
32 soon as this amendment is implemented.

33

34 The alternative to that is proposed here is a grace period,
35 essentially, and so the Alternative 2 here is that NMFS will
36 reclaim all shares in a permit-required shareholder account that
37 is not associated with a permit, and you have options for either
38 one year, three years, or five years following the effective
39 date of the final rule implementing this amendment.

40

41 There is two more alternatives, but I want to talk a little bit
42 more about this one first. You saw this at the last meeting,
43 and we went over this, but I wanted to reiterate that
44 shareholders without a permit -- We would expect them to respond
45 in different ways, and so, while that action is about divesting
46 of shares, we don't expect that many shares would actually be
47 remaining in accounts to be reclaimed by NMFS, because we would
48 expect people, the holders of those accounts, would either

1 obtain a permit, sell their shares, or consolidate related
2 accounts or form new business partnerships.

3
4 A lot of these accounts, as we heard in the presentation in
5 June on the IFQ program review, are related to other accounts,
6 and people have established these separate accounts and moved
7 shares around for various business functions, accounting
8 functions, what have you, and we would expect a lot of account
9 consolidation to occur.

10
11 We really don't know who is going to do what, which response,
12 and public hearings could let us know more. Again, we were
13 proposing a mail-out and a couple of virtual meetings, and not
14 in-person, and then one more point is that accounts without
15 shares could continue to transfer allocation without a permit,
16 and we do know that dealers often use accounts, and they may not
17 have shares, but they may procure allocation, as an example, to
18 ensure vessels, if they want to land with them, would be able to
19 have allocation to fish, and so that would be one example of why
20 somebody may not have shares, but may be transferring
21 allocation.

22
23 These tables are in the document, and these numbers are valid
24 from February of 2020, and this looks at the number of accounts
25 that are active, initial, or suspended. Initial means it's been
26 created, but it hasn't been locked in yet, and suspended means
27 they need to get some paperwork, probably citizenship work or
28 whatnot, done with the NMFS office, but these are accounts with
29 and without a permit and with shares and without shares.

30
31 Circled there is 314, and that's the number of accounts with
32 shares, but without a permit, and so then, in the bottom table,
33 you can see that number under Alternative 2, and all 314 of
34 those accounts would be required to be associated with a permit,
35 and then, as you back out that grandfather date, you're
36 affecting fewer and fewer accounts.

37
38 On the right column, you can see the inverse, essentially, the
39 number of accounts that would be exempt from the permit
40 requirement, and, here, again, we are talking about open
41 accounts, all open accounts, rather than closed accounts. Keep
42 in mind that the total in all four of these cells in the top
43 table total 1,024 accounts, and we're going to come back to this
44 when we get to Action 3, but, essentially, that 314, as of
45 February 2020, would be the number of accounts that would be
46 affected under Alternative 2, and we need to do something with
47 the shares in that account.

48

1 Let's return to the rest of the alternatives in this action.
2 Action 2, the slide we saw before with the alternatives, the
3 Alternative 2 was essentially giving everybody, giving
4 shareholder accounts, from the time this is implemented, to get
5 that account in compliance by getting a permit or divesting
6 their shares, as they choose.

7
8 Alternatives 3 and 4 provide other scenarios for which an
9 account that is required to have a permit, a permit-required
10 account, may be given a grace period by the council, as
11 selected, to get a permit. I apologize, and I realize that this
12 should say "Preferred Alternative 3", and you did select this
13 one, and I neglected to put "preferred" here, and it is
14 preferred in the document. Excuse me for that.

15
16 At the last meeting, you did pick this Alternative 3 as
17 preferred. After implementation of this amendment, if a permit-
18 required account becomes unassociated with a permit, as in the
19 permit is transferred or not renewed, you gave a time period.
20 The shares will be reclaimed by NMFS, and there is the same time
21 period range of one year, three years, or five years, but this
22 is time following the transfer or termination of the permit, and
23 you had selected three years. Did I have that wrong? Was it
24 alternative -- Give me one second. No, that's correct. Yes,
25 you had Preferred Alternative 3 and Preferred Option 3b, and it
26 is correct in the document.

27
28 Then, Alternative 4, this issue was initially raised by the AP,
29 and we discussed it with you at the last meeting, and Andy
30 suggested that, if we could put it in terms of an alternative,
31 it might make it more clear and help you in discussing it.

32
33 In Alternative 4, it proposes a different type of time period,
34 grace period, and that is for instances where shares are
35 acquired from a legal proceeding, and that would be an
36 inheritance, because the shareholder has passed away, or a
37 divorce settlement. Under this kind of a situation, the new
38 shareholder would be afforded one year, three years, or five
39 years following the date the shares were transferred into the
40 account. They have that much time in order to get a permit, or
41 the shares will be reclaimed by NMFS. Let me pause there and
42 see if there's any questions.

43
44 **CHAIRMAN GUYAS:** Susan.

45
46 **MS. BOGGS:** Thank you, Madam Chairman. Ava, I know we've talked
47 about this before, but the Table 1.1.2 and 2.1.2, and they're
48 dated February 25, 2020, and has there been much of a change?

1 Do you know? I mean, it's been a little over a year-and-a-half
2 since this table was put in here.

3
4 **DR. LASSETER:** We could ask NMFS. I know that some accounts
5 have been created. I don't think it's substantial. I think I
6 saw both Alicia and Jessica on the line. I know we did not
7 request this to be updated yet, because they actually have to go
8 through -- It's quite tedious to have calculated this, and it's
9 not something that they can just check easily. Let me see if
10 one of them has raised their hand to give you any sense of how
11 many more accounts have been created. I don't see either of
12 them raising their hands. I will try to find out for you by
13 Full Council, but, I mean, it's definitely at least a handful,
14 but I don't think that they're seeing a substantial number.
15 There's Jessica.

16
17 **DR. JESSICA STEPHEN:** I don't have it right off the top of my
18 head, but I can try and see what we can calculate, and so you
19 were looking at how many new accounts were created, and do we
20 have a particular date that we're looking for from?

21
22 **DR. LASSETER:** February 25, 2020. Since February 25, 2020.

23
24 **DR. STEPHEN:** Okay. I will see if I can grab something. It
25 will take me a little bit of time to look, and so go ahead and
26 continue. If I find it, I will raise my hand again.

27
28 **DR. LASSETER:** Okay.

29
30 **CHAIRMAN GUYAS:** Thanks, Dr. Stephen. Go ahead, Susan.

31
32 **MS. BOGGS:** Just to follow-up to that, the reason I ask, that
33 I'm curious, is, I mean, we've been talking about this document
34 for several years, and I am just curious. Are there people
35 already making moves, in preparation of what actions the council
36 might take? That was the reason for my question. Thank you.

37
38 **DR. LASSETER:** I think that would be good for SERO staff to
39 reply to as well, and I see that both their hands are up, but I
40 will just speak first. I definitely have people telling me
41 that, that they're seeing this coming, and they're planning
42 ahead. I have heard some creative solutions proposed as well,
43 that we'll have to figure out if they -- Or they will have to
44 figure out if they're going to work or not, but let's see what
45 Alicia has to say.

46
47 **CHAIRMAN GUYAS:** Go ahead, Alicia.

48

1 **MS. ALICIA GRAY:** Thank you, Ava. So, I reran these numbers,
2 and I would have to look at them again, because, as you said,
3 it's very tedious. The shares with no permit box, that I think
4 we're questioning right now, went from 314 back in 2020 to 327
5 on July 8, 2021.

6
7 **DR. LASSETER:** Bernie, could you put that slide up? I think
8 it's 9.

9
10 **CHAIRMAN GUYAS:** Perfect.

11
12 **DR. LASSETER:** Okay, and so the 314 -- It sounds like 314 has
13 become 327.

14
15 **MS. GRAY:** Correct, yes.

16
17 **CHAIRMAN GUYAS:** Okay. Any further questions at this point?

18
19 **DR. LASSETER:** Okay, and so let's move on to Action 3. Action 3
20 has two sub-actions, 3.1 and 3.2. 3.1 allows you to consider a
21 share limit for permit-exempt accounts, and so, again, this
22 Action 3 is applicable to those accounts that are permit-exempt
23 only.

24
25 When we say share limit, the limit would be set at the account
26 level, and that differs from when we say share caps. Share caps
27 are in place for each share category right now, red snapper,
28 deepwater grouper, shallow-water grouper, and each share
29 category does have a share cap. A share cap is set at the
30 individual person level. Any U.S. citizen or permanent resident
31 the share cap is set for.

32
33 We are not proposing any modification to the share cap through
34 this action. They stay the same. This considers setting a
35 share limit for each one of those permit-exempt accounts. Now,
36 a permit-exempt account, even though we say it's exempt, it
37 doesn't have to have a permit, many of these accounts will have
38 a permit, because, if you're picking one of those dates of
39 Alternative 3 through 5 in Action 1, there is a lot of accounts
40 that were created before whichever date that have shares, and
41 they also have a permit, and, while they fish some of their
42 shares, they might be transferring allocation as well, but, just
43 because we say permit-exempt account, it doesn't mean that
44 accounts don't have a permit. A lot of these do. I'm going to
45 come back to that, because that makes it a little tricky.

46
47 Then one last point is that, during the first five years of each
48 program, you needed a permit to increase your shareholdings, and

1 so, during the first five years of each program, public
2 participation was not open yet, and the only people that could
3 buy shares were those who had a permit, but initial shareholders
4 who had a permit in order to receive the initial distribution of
5 shares may have let their permit lapse, or may have transferred
6 it, and they didn't have to give up their shares.

7
8 They didn't have to divest of their shares, but they couldn't
9 increase their shareholdings unless they had a permit, and so,
10 because of that, we're considering -- We're providing you the
11 consideration for establishing a share limit for these accounts.
12 Let's look at the alternatives on the next slide.

13
14 In all the alternatives, and I am going to reiterate this, the
15 existing share cap for each share category remains in place, and
16 this is not modifying the cap that is specific to any individual
17 U.S. citizen or permanent resident. This is specific for the
18 creation of these permit-exempt accounts, if you pick one of
19 those alternatives in Action 1.

20
21 If you pick Alternative 1, there is no share limit for permit-
22 exempt shareholder accounts that do not have a permit, and, of
23 course, shareholder accounts, permit-exempt shareholder
24 accounts, that have a permit -- We don't think you're probably
25 going with those anyway.

26
27 Alternatives 2 and 3 are both the same, in that they would
28 establish an account-based share limit for permit-exempt
29 shareholder accounts based on the amount of shares held in the
30 account, either -- This is a little long here, but at the time
31 the final rule implementing this amendment is effective, at the
32 time the IFQ online system first records that the account is not
33 associated with a permit, or at the time shares are transferred
34 to the account, based on an inheritance or other legal
35 proceeding.

36
37 That's a lot of words, but, simply, each one of those match up
38 with Action 2, Alternatives 2, 3, and 4. If you select --
39 Whatever time period you select for those three situations in
40 Action 2, this mirrors the language in those alternatives, and
41 so, basically, it makes it consistent, so that the share limit,
42 if you decide to create one, would apply consistently with
43 Action 2. The difference between these alternatives is on the
44 next slide.

45
46 Alternative 2 says permit-exempt shareholder accounts may retain
47 the shares held, but they cannot increase the shareholdings in
48 the account for any share category. Alternative 3 has that same

1 language, but it adds that, if shares are transferred out of the
2 account, the amount of shares held after the transfer becomes
3 the new share limit for that account. That essentially is
4 reducing the amount of shares that can be held in that account,
5 if that account transfers out shares. I am going to pause there
6 for a moment, to see if there's any questions.

7

8 **CHAIRMAN GUYAS:** Any questions for Ava? I am not seeing any.

9

10 **DR. LASSETER:** If we go to the next slide, here we have this
11 idea of closed accounts, and so, when we talked earlier about
12 the 314 accounts that could potentially be impacted, if you
13 picked Alternative 2 and required all accounts to have a permit,
14 those four cells there totaled 1,024 accounts, and those were
15 active, initial, and suspended accounts, or essentially open
16 accounts, but accounts that have now been closed.

17

18 However, the online system maintains records of accounts that
19 have been closed, and NMFS periodically does cleansing of
20 accounts that have no shares, no allocation, haven't been used
21 for some amount of time, and there's official regulations for
22 what they do. They may close accounts, or a shareholder may ask
23 for an account to be closed, if they transfer all of their
24 shares, and they're not going to ever use the account again,
25 but, at any time an account holder whose account has been
26 closed, either by NMFS or because they requested it, may request
27 that account to be reopened.

28

29 The original date that the account was established, of course,
30 remains. However, the names on the account cannot be changed,
31 and so a shareholder could ask to reopen the account, but they
32 can't just transfer that account to another person and have the
33 name on the account change. The name on the account has to stay
34 the same.

35

36 Many accounts, open or closed, are in the names of businesses,
37 and so, again, the same thing. A closed account, you can't
38 change the name of the business on the account, but the
39 ownership behind a business-named account can be changed,
40 whether it's open or closed, and, in fact, if you have an
41 account that's held in the name of a business, and it's open and
42 it's being used -- If the ownership of that business, behind
43 that business, changes, those shareholders are obligated to
44 update ownership with NMFS.

45

46 You can change the ownership behind the name of an account, but
47 you can't change the names on an account, and so, to give you an
48 idea of how many accounts we're talking about here, on that top

1 row, and the table on the bottom, there is your active, initial,
2 and suspended accounts that we looked at earlier, and there is
3 your 1,024.

4
5 Then, again, there is some counting here, on the part of Alicia,
6 but she calculated these other cells for -- There is a little
7 row on the bottom that gave us the date there, and I think it
8 was the December 31, 2019. All accounts on that date -- There
9 were 1,891 accounts at the very end of 2019. 867 of those were
10 closed, and then, if you look at the last two rows, you've got
11 the number of accounts that are closed that could potentially be
12 reopened if you were to pick one of those dates, and the January
13 of 2015 would be Action 1, Alternative 3. That's the five years
14 after the grouper-tilefish IFQ program was implemented. You've
15 got 439 accounts from the end of that date, the end of 2019, and
16 then Action 1, Alternative 4, the date from the AP, 848 closed
17 accounts.

18
19 It we go to the next slide, here's our alternatives. Does the
20 council intend to allow closed accounts to be reopened and be
21 permit-exempt? Alternative 1 is no action, and shareholder
22 accounts that have been closed can be reopened. The date the
23 account was originally established determines whether the
24 account is considered a permit-exempt account, and Alternative 2
25 proposes that shareholder accounts that have been closed may be
26 reopened, but a reopened account becomes a permit-required
27 account and must be associated with a commercial reef fish
28 permit to hold shares.

29
30 The time periods provided under Action 2 to bring an account
31 into compliance, following implementation of the amendment,
32 would apply to reopened accounts, if selected. I will pause
33 there for a moment and see if there's any questions.

34
35 **CHAIRMAN GUYAS:** Any questions? Dr. Stephen.

36
37 **DR. STEPHEN:** I just wanted to let you know that I was able to
38 calculate the number of new accounts, and these are new
39 shareholder accounts, and that means they may or may not have
40 shares within them, and we had 102 new accounts since February
41 25, 2020.

42
43 **DR. LASSETER:** I'm sorry, and so how does that differ from
44 Alicia's? Jessica, can you give that number one more time?

45
46 **DR. STEPHEN:** I had 102 new shareholder-type accounts since
47 February 25, 2020. I can't dig into who has permits and who
48 doesn't without significant more work, as well as who has shares

1 and not shares without more work.
2
3 **DR. LASSETER:** Okay, and so, of those 102, Alicia told us that
4 thirteen have shares and no permit, and so we have a large
5 number of accounts created that just don't necessarily have
6 shares in them.
7
8 **CHAIRMAN GUYAS:** Okay. Thanks. I'm going to go to Leann, and
9 then I see you, Susan.
10
11 **MS. BOSARGE:** Thank you, Madam Chair. I was just wondering why
12 does NMFS close an account? I mean, obviously, there's reasons,
13 but I don't think Ava told us why. At what point does NMFS go
14 in and close out an account?
15
16 **DR. LASSETER:** It doesn't close out. Like it would have no
17 shares and no allocation, and it doesn't owe any fees. I can
18 let Jessica or Alicia read the quote from the regs, but it's a
19 periodic just cleaning up of accounts that are completely
20 inactive but that also have no shares and no allocation.
21 Jessica, is there anything that you want to contribute?
22
23 **DR. STEPHEN:** Yes, that's correct, and so we go through,
24 according to the regulations, and change the status of the
25 accounts to closed, for those who have no shares and allocation
26 and have not been active during the required time period. We
27 can also close accounts upon request from people who have left
28 the program and just want to make sure that an account gets
29 closed out, and so we've done it in both ways. It gets the
30 status of closed, and it can always be reopened.
31
32 **MS. BOSARGE:** So what is that timeframe that it's been inactive?
33
34 **DR. STEPHEN:** I need to double-check the regs, but I think it's
35 either a year or a year-and-a-half.
36
37 **DR. LASSETER:** I think it's a year.
38
39 **DR. STEPHEN:** A year then.
40
41 **MS. BOSARGE:** Okay. Thank you.
42
43 **CHAIRMAN GUYAS:** All right. Thanks. Susan.
44
45 **MS. BOGGS:** How many active commercial reef fish permits are
46 there? I found it on the website, but I don't want to sit here
47 and count, and can you all just tell me how many there are?
48 Thank you.

1
2 **DR. LASSETER:** Martha, I apologize, and I just kind of keep
3 speaking up, and I do have that in the presentation, if we want
4 to scroll down. I think it's on Slide -- Sorry, guys. It's in
5 the document, and it's not in your presentation anymore. Let me
6 get it out of the document, real quick.

7
8 **MS. BOGGS:** I found it.

9
10 **DR. LASSETER:** It's on page 19 of the document, and so this is
11 another analysis that's quite tedious to calculate, because we
12 have to look at logbooks and the IFQ program, and it's page 19
13 of the document, the page number on the document.

14
15 We have had this analysis run twice, and for 2015 and 2018, and
16 so we've provided you both of those for comparison. The top
17 bold line for reef fish permits, those are valid or renewable
18 permits. I think it's for the end of the year for each of those
19 years, and then the vessels with reef fish landings row means,
20 looking at the coastal logbook records, if there was at least
21 one pound of any reef fish landed on that vessel with that
22 permit in the respective year, and that's how we considered it.
23 The difference then is how we're considering the latent permits.

24
25 Active permits, 2018, you've got 845, and 317 of those in that
26 year were not used to land any reef fish whatsoever, IFQ program
27 species or not.

28
29 **CHAIRMAN GUYAS:** Any other questions for Ava? Okay. I think
30 we're ready to move on then, Ava.

31
32 **DR. LASSETER:** Okay. Then let's go on to -- Before we discuss
33 36B, I want to introduce a little bit of 36C, and so let's go to
34 the next slide. We haven't talked about this in a year-and-a-
35 half, over a year-and-a-half now, and so a little reef fish
36 overview of what's in this amendment.

37
38 There is currently three actions, with Action 2 having several
39 somewhat developed, range of developed, sub-actions. Action 1
40 addresses the distribution of the reclaimed shares, and so this
41 action is set up for the shares that were reclaimed from
42 accounts that had never been activated, and you took final
43 action on that through 36A, and that was in 2017, and I think it
44 was final in 2018, and so those shares have been sitting there
45 for a while. There's not a lot in them. There's a table in
46 both the document and the PowerPoint. Further down, you can see
47 how much is in those.

1 This Action 1 considers either distributing those reclaimed
2 shares out to existing shareholders, and there is some
3 alternatives proposed there, or the final alternative is to use
4 those shares to seed a quota bank, and that leads you to Action
5 2.

6
7 The Action 2 has several sub-actions that would define the
8 amount of additional allocation to add to the quota bank,
9 because, again, those reclaimed shares aren't a lot, and the
10 eligible recipients who could get allocation from that quota
11 bank, how much allocation would be available for those eligible
12 recipients that you decide in 2.2 and then, finally, the
13 distribution method of allocation from the quota bank.

14
15 If you do go the route of a quota bank, it's highly likely that
16 you will need to develop additional actions for that, but this
17 would kind of be the general shape and form of what the quota
18 bank could look like, and then Action 3 addresses the accuracy
19 of those estimated weights and advance landing notifications,
20 and so that's what is under consideration in 36C.

21
22 Currently, the purpose statement for Amendment 36C is to assist
23 small participants and new entrants to the IFQ programs to
24 reduce discards and to increase access to shares to actively
25 fishing commercial fishermen.

26
27 Now, this purpose statement came from three separate motions
28 that you made, and those are documented in Appendix A, about
29 what you broadly wanted to do in this amendment, and we've
30 talked a lot about how we would define some of these terms, and
31 like what would it mean. What would actively fishing mean? Who
32 would new entrants be? Who would small participants be? A lot
33 of those sub-actions in Action 2 are proposing not even
34 alternatives yet, but more bulleted lists of various ways that
35 you could go about defining this. Right now, this is still
36 quite broad, and this could entail a lot of entities that are in
37 the program.

38
39 Here, this is the purpose statement for Amendment 36B at the top
40 and 36C on the bottom, and the purpose and need for just
41 Amendment 36B, or the need statement, is on the next slide, just
42 if we need that, but let's take a look here. Let's come back to
43 36B.

44
45 What you're considering there is to limit IFQ share ownership in
46 shareholder accounts without a permit, thereby promoting share
47 ownership by fishermen who have the ability to land reef fish
48 within the programs, IFQ programs, and then your 36C is to

1 assist, it sounds like, small participants and new entrants, and
2 to reduce discards, and to increase access to shares to actively
3 fishing eligible commercial fishermen, and I'm assuming that
4 there would be great overlap between actively fishing eligible
5 commercial fishermen and small participants, or new entrants,
6 and that's probably a pretty well overlapping Venn diagram
7 there.

8
9 Currently, your preferred alternative is 36B is to require
10 accounts to have a permit, but only accounts with shares that
11 have a permit that are established at some point in the future
12 from now, after you take final action at the time the amendment
13 is implemented, any account created after that.

14
15 It doesn't really seem that that action is doing much to limit
16 IFQ share ownership, and the IPT is a little -- Is struggling
17 with it a little bit. If for 36B is for some time in the
18 future, it's going to affect only accounts in the future would
19 be required to have a permit, and you're currently working on
20 36C, it might be timely to go ahead and have a conversation
21 about how you see both of these working together, because you'll
22 be working on 36C.

23
24 If you go forward with 36B right now, with your current
25 preferred, that's not even going to start to take effect until
26 sometime in the future, while we're still working on 36C, and so
27 I think perhaps a conversation here could be helpful for staff,
28 definitely, to kind of get a sense of where you're going with
29 this and what you kind of see the future of these IFQ fisheries
30 looking like, and so let me pause there.

31
32 **CHAIRMAN GUYAS:** Thanks, Ava. I talked to Ava before this
33 meeting and asked her to put this slide in here, to help us, I
34 guess, zoom out a little bit and think about the big picture,
35 about where we want to go with 36B and 36C and what are the
36 problems we're trying to solve, is this really where we want to
37 go, and I guess, if we identify problems, are we outlining the
38 way to solve them, I guess, with this purpose and need and then
39 with the subsequent actions?

40
41 I feel like, if we can have a little bit of discussion about
42 that, even if we don't get into the actions, I think that would
43 help clarify and kind of steer where we're going here and just
44 kind of think across both of these amendments, and so I know
45 that 3:10 in the afternoon is always a great time to have this
46 conversation. If you need to get a snack and go pep yourself
47 up, go for it, but let's -- This is something I think we need to
48 stop and think about, before we go further down into the weeds

1 on these very complicated amendments. Troy.

2
3 **MR. WILLIAMSON:** Thank you, Madam Chair. I am just kind of
4 giving you a stream of consciousness here, and, first off, let
5 me just say, to Ava, that she's done a wonderful job of trying
6 to put this very convoluted scenario into a system here, and,
7 when I was looking at 36B, I went back to one of the appendices,
8 and there was an AP, back in -- I think it was 2011 or 2013, but
9 Bob Gill actually chaired it, and I was on the AP, and we were
10 discussing 36B and 36C, or the elements of them.

11
12 Maybe they weren't 36B and 36C then, and maybe it was just 36A,
13 but, to get to the meat of it, I think we're going in the wrong
14 direction here. We are creating -- We've got a limited universe
15 of reef fish permits that have been artificially created for the
16 purpose of meeting the requirements, or the policy, of catch
17 shares, as set forth by NOAA.

18
19 I mean, it was to reduce overcapitalization and reduce
20 overfishing and promote safety-at-sea, and, in all of that, it
21 was to promote fishing communities and all kinds of things.
22 well, now we have these -- Just a few, and, what is it, eight-
23 hundred-and-some-odd, or 500, active reef fish permits, and
24 you're creating an artificial profit center for the people who
25 own these permits.

26
27 The price of them is going up, and we hear \$20,000 for a reef
28 fish permit now, and how is a new entrant going to come into
29 this fishery, and you see partnerships and corporations being
30 formed to circumvent this 36B requirement for permits, and
31 they're already doing it.

32
33 Someone who owns a substantial amount of -- Who has invested a
34 substantial amount of money into shares, they're going to find a
35 way, and it doesn't matter what you put under it, and so
36 limiting the number of permits is only punishing the guy who is
37 going to try to come into the system. He is going to be a
38 sharecropper.

39
40 In 36C, we're talking about half of the 36C is estate planning
41 for people who have shares already, and the goals of the catch
42 share program -- Most of the definable goals have been met, and
43 we don't talk about the other aspects that NOAA policy set out,
44 such as an auction of these shares, taking these shares back
45 from the shareholders and auctioning them off for the benefit of
46 the nation. I mean, how is twenty-five-dollar-a-pound red
47 snapper fillet benefiting the nation?

48

1 If I sound pessimistic about this, it's because I am. Taking a
2 public resource and giving it to a limited number of people, and
3 letting them pass it down to their heirs, or whatever, without
4 bringing it back in and helping new entrants, is -- It just goes
5 against my grain, and I guess I will stop there, but that -- To
6 encapsulate what I am saying, it's that we're becoming overly
7 restrictive and not helpful, and we need to consider something
8 outside the box, like recovering these shares and doing an
9 auction or some other type of resource royalty earning, just
10 like the oil and gas industry, timber, coal, you name it.

11
12 People who are using public resources, they pay for them, and
13 the fishing industry does not, and that's wrong, and so I will
14 just stop there, and I'm sure that other people have ideas, and
15 I would like to hear them.

16
17 **CHAIRMAN GUYAS:** Thanks, Troy. I've got Bob and then Joe.

18
19 **MR. GILL:** Thank you, Madam Chair. Troy, I don't share your
20 pessimism, but I would like to share with the committee my
21 approach to 36B and 36C. As I was preparing to understand where
22 the council was in this regard, and where they were going, and
23 what was getting laid out, I rapidly came to the conclusion that
24 it's kind of like a ship with no rudder and only half a sail,
25 because it's just wandering all over the map. It's like having
26 a blank sheet of paper that everybody is putting something on,
27 but it's totally uncoordinated.

28
29 Perhaps I am biased, and, as Troy mentioned, and Robin would
30 recollect, 36 was started back when I was on the council, and
31 that was some ten years ago, and so progress has not been real
32 good, and my conclusion is that, in reality, what we have here
33 is a lack of focus, that everybody is putting in their input,
34 but it's not coordinated. It's not headed in the same
35 direction, and we don't have, if you will, where are we trying
36 to go and a direction to get there.

37
38 That is what is missing, in my opinion, and so I would like to
39 proffer a motion that I think would assist us in getting there,
40 and, by doing so, Bernie, if you would bring up the IFQ motion,
41 and I think it's under the 36B email. I am not casting
42 aspersions on anybody, but, somehow, we've got to go from this
43 where we at and where are we going and finding a different
44 direction on how to get there, and that's what the purpose of my
45 motion is, and I will discuss it a little bit when we get it up.
46 Maybe it addresses Troy's thinking out-of-the-box. There you
47 go.

48

1 Part of the problem, and, right out of the box, I think the two
2 key words are "small" and "facilitated", and, when you have a
3 gazillion people trying to weigh-in on where the boatload ought
4 to go, it's hard to get it to there, and so what I think we need
5 to do is -- That's one of the problems with the AP. We've got a
6 lot of people on the AP, and a lot of knowledge, but they're not
7 all on the same plane and headed in the same direction.

8
9 Secondly, I think, to help get that focus, you need to have
10 facilitation. You need somebody that is driving them to get to
11 that answer, whatever that answer happens to be, and so I think
12 those are two key elements of this motion, to basically back up
13 and say, all right, where are we going, and what would a program
14 look like that we think is better than the current program, how
15 do we get there, and that probably means re-looking at, as Troy
16 mentioned, the goals and objectives, whether we're at the right
17 place there, whether they ought to be changed, and then take
18 that sheet of paper and put something on it that gives some
19 focus for the APs and this committee to look at, so that
20 something of substance can be dealt with.

21
22 I don't think we have that now, and I would like to think that
23 this is one way to get there, and I would be happy to entertain
24 discussion about it, but that's my thought on, with that charge,
25 on how perhaps we can move forward. Thank you, Madam Chair.

26
27 **CHAIRMAN GUYAS:** Okay. Thanks, Bob. I am going to read this
28 into the record, and then we're going to see if we have a
29 second. **The motion is to form a small facilitated focus group**
30 **of knowledgeable individuals selected by the Executive Director**
31 **and Council and Reef Fish Committee Chairs to provide a detailed**
32 **plan responding to their charge. The charge of this focus group**
33 **shall be to: 1)define the structure of an idealized IFQ program**
34 **for red snapper and grouper-tilefish; 2)detail the changes**
35 **needed to the current program to achieve the improved IFQ**
36 **program; 3)report their findings to the SSC and appropriate APs**
37 **for review and advice to the council.** Is there a second to this
38 motion?

39
40 **MR. WILLIAMSON:** I will second it for discussion.

41
42 **CHAIRMAN GUYAS:** Okay. It's seconded by Troy. Thanks, Troy.
43 All right. I've got a couple of hands. I am going to work
44 through the hands, and I will add to my list, and so I've got
45 Joe, I've got Leann, I've got Greg, and then I've got Kevin and
46 Susan and Andy. Okay.

47
48 **MS. BOSARGE:** Thank you, Madam Chair. My hand was up actually

1 for some discussion on 36B, but I guess we'll come back to that
2 when we dispense with this motion. Bob, I'm okay with your
3 motion, and I don't think it's a bad idea. However, above it,
4 it says Reef Fish Amendments 36B and 36C, and, I mean, I feel
5 like 36B has direction, and it's really taking one action, and
6 then you're determining some outcomes from that action. Do you
7 want a permit or do you not want to ask them to have a permit?
8 Do you want a permit or no permit requirement?

9
10 Then you can have a few exemptions to that, if you so choose,
11 and that's pretty much what the rest of the actions do, and so
12 it's as streamlined a document, I think, as you can get when you
13 have a document related to the IFQ, and so, as long as this
14 motion is not going to slow down 36B, that it's really more the
15 36C document, which I agree with you it's kind of all over the
16 place, and that's why we carved out the permit requirement from
17 36B and put it in its own document, then I am definitely onboard
18 with that. Thank you.

19
20 **CHAIRMAN GUYAS:** Bob, did you want to respond to that?

21
22 **MR. GILL:** Thank you, Leann, and part of my response to that is
23 I look at 36B's history, and I see all these control dates, and
24 I see all of these exemptions, and I come away with the
25 impression that, by all the actions going on with it, that we're
26 trying to make it a win-win for everybody, and you can't do
27 that. Either -- For example, either the permit system, having
28 shares without permits, is good or it's bad, and you can't turn
29 it into perfect for everybody.

30
31 Yes, this applies to 36B, but I think it's a broader discussion
32 than that. I think it's a discussion of trying to get that
33 focus on just what is it we're trying to accomplish and how do
34 we get there, and so I appreciate your comments, Leann. I am
35 not fully in agreement with them, because I think the evidence
36 shows that we're not getting anywhere very fast, and that's what
37 this is hoping to get over. Thank you.

38
39 **MS. BOSARGE:** To that point, Madam Chair?

40
41 **CHAIRMAN GUYAS:** Yes. Go ahead.

42
43 **MS. BOSARGE:** Okay. So, the 36B that we were presented with
44 today, and I guess I would hope to have some discussion on 36B
45 before we go down this road, because there are new action items
46 in there that we did not have before, and I think some of it I
47 am completely onboard with you, and I think it's
48 overcomplicating the situation, and I think some of those things

1 can be remedied without having to put them in an amendment that
2 the council takes action on, and I am with you. I am not
3 onboard with carving out an exception for every single thing out
4 there.

5
6 If we can have some discussion on 36B, I think we can streamline
7 that document and get it back down to a reasonable path forward
8 that doesn't have a million exemptions in it, but that does have
9 some leeway, and so, before we throw out 36B without any
10 discussion on what we just were presented for the first time,
11 and go to a focus group, I would rather have some discussion and
12 see if we can get back to a streamlined document.

13
14 **CHAIRMAN GUYAS:** Okay. Thanks, Leann. Phil, I see you, and I'm
15 going to go to General Spraggins.

16
17 **GENERAL SPRAGGINS:** Thank you, Madam Chair. You know, I'm kind
18 of like Mr. Williamson over there. Sometimes I have a hard time
19 giving away a federal asset of anything, and I wonder about
20 that. I wonder how we give a federal asset away, but I do
21 understand also, as I was talking to Dale earlier, that there's
22 a lot of people that probably went out here and borrowed money,
23 or did something else, to be able to buy some of these shares,
24 or whatever they did, and I don't want to hurt somebody for
25 doing something else, that they were trying to do what's right,
26 too.

27
28 I am like Leann, and I would like to see something moved forward
29 on this thing, and I'm not trying to muddy the water at all, but
30 maybe, when we do get down to something on it, Bob, if you're
31 looking at it, maybe look at the possibility of what we could do
32 with income. In other words, how might a -- If you had to have
33 a certain percentage of your income involved to be able to buy
34 into these shares.

35
36 That way, it would put some kind of buy-in from the people that
37 are doing it, and, if you had to put that 50 percent of your
38 income had to be from commercial fishing, or something to that
39 effect, and that's just a thought, and I am not trying to muddy
40 the waters, and I appreciate the time.

41
42 **CHAIRMAN GUYAS:** All right. Thanks, Joe. Next on my list is
43 Greg Stunz.

44
45 **DR. STUNZ:** Thank you, Madam Chair. Originally, I raised my
46 hand to bring up another point, but I want to speak to this
47 motion, but if you would come back to me, because that point, I
48 think, will help us avoid some of this convolution that we're

1 talking about here, and maybe streamline this document, but I
2 want to deal with the motion, obviously, and, Bob, I support
3 your motion, and I think it's a great idea to sort of define the
4 end here, so we keep that in mind.

5
6 The real challenge though that I see here -- I am going to
7 support it for sure, but what I want to make sure that the
8 council helps define -- You know, you're right about a small,
9 facilitated group, but the problem is, with a small, we want to
10 make sure it's representative, because, obviously, the people we
11 get on that committee are going to define what it looks like,
12 and so I just want to make sure that we go on the record, as we
13 start defining who that's going to be, that you certainly have
14 shareholders on there.

15
16 The real controversy we start hearing from this are folks like
17 dealing with the discard perspective, where you have the grouper
18 guys that would like to be in on this so that they don't have to
19 discard snapper when they're getting grouper, and so that's a
20 representative. Maybe the lessees that would like to eventually
21 get into this program, and I am not a proponent of expanding the
22 program, but still allowing for new entrants and not some of the
23 issues that Troy is talking about, to avoid those kind of
24 issues.

25
26 I think we need to be real careful about keeping it small, but
27 selecting the right mix of people, so we get all the input for
28 us, but I think it's a great idea, Bob, for us to really have
29 this in, so that we can begin the targeting of how do we get
30 there.

31
32 **CHAIRMAN GUYAS:** To that point?

33
34 **MR. GILL:** Thank you, Madam Chair. To that point, and I agree,
35 Greg, and that's why I chose the selection by the folks that I
36 did, because they have that perspective and can provide that
37 assemblage of the right kind of people, and you're right that
38 the right kind of people is key to get anything out of it.

39
40 I would want the folks, whoever they are, in the room to come
41 out and say we come to an agreement on a plan to make some
42 sense, but it's a plan, and it's not the plan of the council,
43 but it's the plan that's brought to the council for
44 consideration and review and modification or whatever, designed
45 to get us to an endpoint, and so it's the means to an end, if
46 you will, but my thought on the selection of the group is they
47 would provide that knowledge and base of who those folks ought
48 to be to get to that end as well as anybody in the room.

1
2 **CHAIRMAN GUYAS:** Okay. Thanks, Bob. Kevin, you're up, or did
3 you want to speak to this, or we can come back to you.

4
5 **MR. ANSON:** I want to speak to this. Is Phil up at some point?

6
7 **CHAIRMAN GUYAS:** Yes, and he's on my list, but you were on there
8 first.

9
10 **MR. ANSON:** I thought he was ahead of me. Sorry about that. As
11 far as the discussion, or the comments, regarding pessimism, I'm
12 a little pessimistic myself as to where we are, seeing how long
13 we've been discussing this issue, and I don't believe this
14 motion gets us any farther down the road, to be quite frank,
15 although I certainly have respect for the Executive Director and
16 the Council and Reef Fish Committee Chairs, but I don't know
17 that necessarily they will pick the best group that would come
18 back with an idealized IFQ program that would align kind of with
19 what the council has currently been talking about.

20
21 I think the purpose and need statements have been cleaned up
22 here, as of late, in 36B and 36B, and that, in my mind, helps
23 further clarify what the purpose and need of this action would
24 do, and it is to address the very thing, or at least one of the
25 things, that you just mentioned, Mr. Williamson, and that is
26 whether or not a public resource needs to be made available to
27 folks that they have permanent retention, and their heirs can
28 have permanent retention, of that resource, and that's the
29 biggest thing, in my mind.

30
31 Secondly to that, if you address that, and you're able to
32 utilize those shares of that resource and redistribute to those
33 who are actually fishing and going out and trying to earn a
34 living off of that resource and maximize the monetary potential
35 of that resource for them, that's another issue that we need to
36 address, and so I am -- You know, we split 36B and 36B, to split
37 it up so that it would be much easier to pass one aspect and
38 then move on to the next, and here we are talking about the same
39 documents.

40
41 As far as how long it has taken, I mean, it was a full year, a
42 year-plus, since we even took a look at these things, and so I
43 just see this as further delaying the process and that it's up
44 to the council to clarify and identify what it is they would
45 like to get, and then, through APs, and through public hearings
46 and public comment, we get to hear, as we tweak and modify that
47 program and develop it, the amendments that we modify. I am
48 just -- I am not going to support the motion.

1
2 **CHAIRMAN GUYAS:** Okay. Thanks, Kevin. I do have a number of
3 people on the list, and so I know there's a lot of people
4 waiting, and so we'll get to you. Susan is next.

5
6 **MS. BOGGS:** Thank you, Madam Chairman. Bob, I appreciate you
7 thinking outside of the box, and a lot of my sentiments are the
8 same as what Kevin said. I don't think this gets us where we
9 need to do, and, I mean, I look at this as we're going to
10 appoint the same people that we always appoint and do the same
11 thing that we currently do.

12
13 The council has these alternatives before them, and you have
14 public comment, where people can come up and provide their
15 comments, and we're already incorporating the AP chairs, and the
16 AP committees, I should say, for recommendation, and I think
17 this slows it down. I am kind of thinking along the lines of
18 Leann, and I think this council can take action and do something
19 with 36B, and, yes, maybe, if we go down the road of a quota
20 bank, then maybe we look at something like this, but I don't
21 think I can support this motion at this time. Thank you.

22
23 **CHAIRMAN GUYAS:** Thanks, Susan. Andy.

24
25 **MR. STRELCHECK:** Thank you, Martha. I am supportive of the
26 motion, and I guess I wanted to speak to it in a number of
27 regards. First, I have seen the council really struggle with
28 IFQ actions for a considerable period of time, and it's been
29 mentioned by several folks, and I think a lot of it just comes
30 down to differences in perspective and differences in terms of
31 what we're trying to accomplish, and I really don't see 36B or
32 36C right now as any different than that.

33
34 I think that we have a substantial difference in kind of what
35 we're trying to accomplish through the purpose and need and
36 whether or not those actions will actually be effective in
37 accomplishing the purpose and need, and so I have major concerns
38 with disrupting a program that is working fairly well, but
39 knowing that also it could be improved.

40
41 I like Bob's motion, from the standpoint of that it helps us
42 kind of take a step back. What I am struggling with is it's a
43 very broad charge, and I am concerned that we might get mired
44 down in thinking about this too broadly, and I spent some time,
45 before this council meeting, talking to a number of people about
46 the IFQ program.

47
48 To me, it keeps boiling down to handful of kind of issues that

1 people are concerned about with regard to how the IFQ program
2 operates, and so I would, I think, like to see a little bit more
3 specific direction built in, if we go down this path of
4 developing a committee to look into this, and have them really
5 focus on some key topics.

6
7 Just as an example, bycatch and discards keeps hitting us right
8 in the face, in terms of this program. New entrants continues
9 to be a challenge for us, and there's a whole host of things
10 that I think we could really look at, and it kind of
11 accomplishes what is being asked, in terms of 1 and 2, but it
12 provides that direction right upfront to this group of
13 individuals.

14
15 I think the other key aspect of this is the program is really
16 complicated, and we need people that work on both the backend of
17 the program as well as participate in the program, because,
18 administratively, if you think you have a solution, and you
19 think you've dealt with an issue, and the reality is that
20 there's ways around it. There is ways to essentially operate
21 within the system that ultimately will not end up with your
22 desired outcome, and so a group like this, to me, can kind of
23 help troubleshoot that and look at the pros and cons of
24 different actions or activities that could be imposed within the
25 program to make it more successful.

26
27 **CHAIRMAN GUYAS:** Thanks, Andy. I think you bring up a good
28 point. I think -- Should this motion pass, I feel like it would
29 be beneficial for this group to talk about what are the problems
30 that this group would need to focus on, and I think that's a
31 fair point. Phil, you're next on my list.

32
33 **MR. DYSKOW:** Thank you, Madam Chair. Because I've been waiting
34 so long, many of the concerns that I wanted to discuss have been
35 addressed, but I think there's a third option, which I was never
36 in favor of previously, but is another alternative that would
37 get us to a different place, and that's a sunset provision,
38 whereby, at some point down the road, we start over and draw up
39 a new program that is more succinct to what we think, or how we
40 think, this program should operate.

41
42 I would like to support this motion, but I am not going to, and
43 I am going to support the idea of continuing with 36B and hope
44 that we can at least get that behind us, but, down the road, a
45 sunset provision is another option that we need to get on the
46 table and consider if we can't address this thing. If we can't
47 work together to address it, we can certainly start over, and
48 that's all I have. Thank you.

1
2 **CHAIRMAN GUYAS:** Thanks, Phil. Carrie.

3
4 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Madam Chair. A couple
5 of things. I do think we need clear direction, at least by Full
6 Council, on where we're going with 36B, and perhaps 36C. That
7 aside, and I know we may even come back to that during
8 committee, if it's the will of the council for me to be involved
9 in the selection process, I'm fine with that, but I would just
10 note, in our SOPPs, that, typically, I am involved on the more
11 technical selection of members for technical committees, and so
12 I will leave that up to the council.

13
14 I would certainly be willing to help as a facilitator, making
15 sure we get good applicants, but just noting that I am not
16 normally involved in selecting of the individuals that would be
17 involved in a particular working group, and I would certainly
18 discuss with people the various expertise, as the council
19 members request, and so I just wanted to note that.

20
21 Then I do agree with Andy, and I really feel like this needs a
22 lot more fleshing out, and perhaps we would bring it back again
23 with what do we mean by "achieve an improved IFQ program", and
24 perhaps an ideal program for red snapper may not be the same as
25 for the grouper-tilefish. I mean, I just think there's a lot of
26 considerations and details that we would have to work on, should
27 this motion pass. Thank you.

28
29 **CHAIRMAN GUYAS:** Okay. Thanks, Dr. Simmons. I have a couple of
30 people on my list, but I think they wanted to speak specifically
31 to 36B, after we get through this, and so is there any other
32 discussion on this motion in front of us? Phil, is your hand
33 back up?

34
35 **MR. DYSKOW:** No, it is not.

36
37 **CHAIRMAN GUYAS:** Okay. Just checking. Andy.

38
39 **MR. STRELCHECK:** Given the discussion, and at least some
40 opposition that I expect from this motion, would, Bob, you be
41 willing to withdraw it, and we could maybe reconsider the motion
42 in a different form at Full Council?

43
44 **MR. GILL:** Sure. The intent is to try and get to the point
45 where, whatever we do relative to 36B and 36C, we're actually
46 making progress, and, if that's the best technique, I am for it.
47 I think you're suggesting more specificity, and that's fine, and
48 I am willing to work on that as well, and we can bring it back

1 to Full Council and go from there. **Madam Chair, if that's the**
2 **will of the committee, I will withdraw the motion.**

3
4 **CHAIRMAN GUYAS:** Kevin, is it to that?

5
6 **MR. ANSON:** To that point, yes. If you would, Mr. Gill,
7 consider possibly the length of time, or a period of time, that
8 this group would have to come back with a report, to consider
9 that as adding to your motion. Thank you.

10
11 **CHAIRMAN GUYAS:** Okay. At this point, the motion is withdrawn.
12 Ava, I saw your hand.

13
14 **DR. LASSETER:** Yes. Thank you, Madam Chair. I forgot to
15 mention that we will have this -- We intend to add this to your
16 agenda for October, because it was released after agendas were
17 finalized for this meeting, but the National Academy of Sciences
18 study on the effect of LAPPs mixed-use fisheries report -- The
19 preliminary report has come out, and hopefully the final report
20 will be out before October.

21
22 Anyway, this report has come out, and I am still working my way
23 through it, and I read like the conclusions, but I'm still kind
24 of slogging the 150 pages. It has a lot of comments and
25 discussions on the IFQ programs and kind of Gulf fisheries
26 broadly, but this will be on your agenda in October, and we want
27 to consider possibly even having one of the people on the
28 committee present it, and we're not sure. We really haven't
29 talked this out yet, but it has some interesting comments on --
30 From an outside perspective on these IFQ programs, and we'll
31 definitely distribute that to you all. If you can spend some
32 time looking through that, that may also kind of give us some
33 thoughts and ideas for ways to frame some of the problems that
34 we're facing.

35
36 **CHAIRMAN GUYAS:** Okay. Great. Yes, that sounds wonderful, Ava.
37 If we can pull that off for October, it sounds like it would be
38 pretty helpful. Ava, because I have -- I know Leann and Greg,
39 and maybe others, wanted to speak on 36B. Would you suggest
40 that we back up to 36B at this point, or do you want to continue
41 the 36C presentation first?

42
43 **DR. LASSETER:** Either, and that's really the will of the
44 council. I went over the actions in 36C, with the overview, and
45 I think that kind of gives you a sense of what's in there. I do
46 hope that, just at the very end, before we run out of time
47 today, if I could just cover the AP recommendations from 36C,
48 because those are kind of still hanging out there, but, no, I

1 would encourage any discussion. If anybody wants to talk about
2 36B, that would be great.

3
4 **CHAIRMAN GUYAS:** Okay. Let's back to up 36B then. Leann, are
5 you ready to speak on this?

6
7 **MS. BOSARGE:** Hell, yes, I am.

8
9 **CHAIRMAN GUYAS:** All right.

10
11 **MS. BOSARGE:** All right, and so let's take it action-by-action.
12 If they can pull the actual document up on the board. In Action
13 1, which is the -- I am going to address the concerns that Ava
14 had as I kind of go through each one of these actions, and so,
15 Ava, I am going to give you feedback.

16
17 Action 1 is a permit requirement in order to have shares. We
18 have a preferred on that action. We said, all right, we're
19 going to do this, and you're going to have to have a permit in
20 order to own shares, and so we're going to grandfather some
21 people in. We chose Alternative 5, which is, anybody that opens
22 an account after this amendment is implemented, they are going
23 to have to have a permit in order to have shares.

24
25 Now, Ava, IPT, Andy, I don't know, but somebody -- A host of
26 people have issues with that not seeming to line up with the
27 purpose and need. However, I think it's all in your
28 perspective. I guess the way I see this program is in the long
29 term.

30
31 Right now, initial shareholders, and that's the people that we
32 have divvied out shares to when we originally started this
33 program, and many of those people are still fishing, and some of
34 them are maybe not fishing, but they are still in the industry,
35 and they now maybe own a couple of boats and have a dock, and so
36 they have the unloading facility, but, by and large, most of
37 those people are still associated with the fishery. They are
38 still fishermen, and they're still in the fishery.

39
40 However, we're seeing some participants come in that are not
41 associated with the fishery, and call them whatever you want to
42 call them. Call them investors or call them whatever. We're
43 still in that first generation though. We're not like other
44 IFQs, where they're in the second or third generation from
45 original shareholders.

46
47 As you get further and further out, generation after generation,
48 if you look at some of these other programs, you see that divide

1 start to get larger and larger and larger between the actual
2 fishermen and people that are participating in the fishery,
3 either as dock owners or whatever, but they have some
4 involvement in commercial fishing, and shareholders that have no
5 involvement in the fishery, and so, to me, yes, you may see this
6 as implementing this -- I mean, as this having effects a year or
7 two from now, when it's actually implemented, and I think that's
8 great.

9
10 Would I like to have it retroactive? Yes, but I'm happy if we
11 can get it on the books at all, and I think the fact that we're
12 still in the first generation -- That definitely meets up with
13 the purpose and need. We're going to do this during the first
14 generation of this IFQ program and not three generations down
15 the line, and so don't look at it as, well, but we're going to
16 grandfather all these people in.

17
18 Yes, but we're doing it now, and we're not doing it three
19 generations in, where you have this huge divide already. This
20 will prevent that huge divide, help to prevent that huge divide,
21 from occurring and from the ownership of the fishery getting
22 farther and farther and farther from the actual participants in
23 the fishery landing the fish and offloading the fish and putting
24 the fish in the market, and so I don't see where this does not
25 meet up with the purpose and need, that preferred alternative.
26 The next action, Action 2, share divestment, we have a preferred
27 alternative on that as well.

28
29 **CHAIRMAN GUYAS:** Hang on. I will come back to you, but I've got
30 a couple of people that want to jump in on this action. Andy.

31
32 **MR. STRELCHECK:** Leann, I really don't like you not being in the
33 room here.

34
35 **MS. BOSARGE:** Because you can't shut me up?

36
37 **MR. STRELCHECK:** Sorry to jump in, but I guess I do want to go
38 to the comment that you just made about not aligning with the
39 purpose and need, and I guess you could argue that it does align
40 with the purpose and need, and we're limiting, obviously, the
41 shareholdings with regard to a commercial permit, to some
42 extent.

43
44 What I don't like about this is that -- I don't recall the exact
45 -- Ava or Jessica can probably tell us, but I think we're on the
46 order of about 30 percent of the accounts right now, or at least
47 shareholdings, are held in accounts that would be grandfathered
48 in, and that can just continue to go up until implementation of

1 this amendment.

2
3 The other problem that I see with this is we're now starting to
4 create kind of classes of shareholder accounts that then
5 complicates the administration of the IFQ program and tracking
6 of shareholdings based on account status, and, at the end of the
7 day, what do we really want to accomplish here, and how
8 successful are we going to be, in terms of limiting those
9 shareholders to shareholder accounts or not shareholder
10 accounts, and this is where I get back to the complexity of the
11 program, because so many of the participants in this program
12 have the accounts that are not associated with a permit and have
13 their shares in it currently, but they also have an account with
14 a permit that they can move their shareholdings in, right?

15
16 To me, it's not going to accomplish a significant amount just to
17 grandfather people in or not, or have people move shareholdings
18 around, and so that's the struggle that I am having, is that, on
19 paper, it looks like we're doing something significant, but, in
20 reality, I just don't think it's going to accomplish much.

21
22 **CHAIRMAN GUYAS:** Okay. More hands. I am assuming to Andy's
23 point. Kevin and then Susan.

24
25 **MR. ANSON:** I just would agree with Andy. If you're on the side
26 of the discussion that wants to ensure that the fish are at
27 least associated with a reef fish permit, which a reef fish
28 permit is needed to sell the fish, Preferred Alternative 5,
29 although it's better than waiting until some date in the future,
30 it really leaves the door open for a lot of folks that -- Again,
31 if your intent is to try to keep it amongst those that are
32 actively fishing, it allows a significant number of those to
33 still retain those shares.

34
35 It does affect those that have purchased those shares, General
36 Spraggins, and I do realize that, and so that's a discussion we
37 can have, but I just agree with Andy that Preferred Alternative
38 5 -- If that's where you want to be, is to try to make sure that
39 those accounts are remaining with at least the reef fish permit,
40 which then is needed to sell those fish, that doesn't do you
41 much good, Preferred Alternative 5. Thank you.

42
43 **CHAIRMAN GUYAS:** All right. I'm going to go to Susan, and then,
44 Ava, I see you. I've got you next. Susan is good. Ava, go
45 ahead.

46
47 **DR. LASSETER:** I guess why I'm struggling with Preferred
48 Alternative 5 is why you wouldn't just pick a date like today,

1 and I guess, as a social scientist, we often get teased, because
2 it's very hard to quantify human behavior, and that's really
3 because, when people know that they're being studied, they
4 respond differently, and so, when we go ahead and tell people
5 upfront that, hey, we're going to be requiring a permit, or,
6 hey, we're going to be taking this action, especially with
7 something like this follow-up implementation of this amendment,
8 we're giving people this grace period, from now until an
9 indeterminate date, and that just introduces a whole lot of
10 uncertainty, and potentially unintended consequences.

11
12 Since the analysis was presented here in the document with that
13 February 2020 date, we've already got 102 new accounts, and only
14 thirteen of those have shares, but those are potentially 102
15 additional permit-exempt accounts already, and who knows how
16 many more could happen at the time of implementing this, and I
17 am just struggling with why you --

18
19 If that's the way you're going to go, rather than like picking a
20 date like today, why you wouldn't just fold this back into 36C,
21 because you're not concerned about going ahead and stemming the
22 creation of new accounts that are permit-exempt now. If it's
23 not a timely concern, why wouldn't you just address it with the
24 actions in 36C? That seems a little more congruent.

25
26 I just wanted to point out, again, that the APs recommended, for
27 those exact reasons, to pick a date, and so I guess I just
28 wanted to kind of reiterate some of that, because that's
29 reflected in the document as well, in the analyses.

30
31 **CHAIRMAN GUYAS:** Okay. Thanks, Ava. I've got a couple of
32 hands. I am going to go to Bob and then Robin and then back to
33 Leann. Go ahead, Bob.

34
35 **MR. GILL:** Thank you, Madam Chair. In terms of Alternative 1,
36 or, excuse me, Action 1, that's one of the situations that drove
37 me to trying to think of a different way to go. My feeling,
38 part of my KISS-system thinking, I believe, is that, basically,
39 it says either we believe the holding shares without a permit is
40 okay or it's not okay, and it's as simple as that, and making
41 all these control dates and these exemptions, et cetera, doesn't
42 answer that question.

43
44 For me, it's Alternative 2, but I could see where folks could
45 say, no, it's okay, and we vote for Alternative 1, but
46 Alternatives 3, 4, and 5 beg the question, and we never answer
47 it, whether it's what we think is right or what we don't think
48 is right, and so I think Action 1 is misguided, and it doesn't

1 fundamentally get to the question that's being asked. Thank
2 you.

3

4 **CHAIRMAN GUYAS:** Thanks, Bob. Robin.

5

6 **MR. RIECHERS:** Bob will find this very ironic, that I am going
7 to agree with him about that.

8

9 **MR. GILL:** Oh my god.

10

11 **MR. RIECHERS:** No, but I do agree, and I think we are -- I mean,
12 basically, 3, 4, and 5, and really the two recommendations of
13 the AP, the different AP panels below, are control dates.
14 That's really all they are. They are establishing a control
15 date and suggesting to the individuals that, if you bought --
16 Inside of this window, you're either okay, and we may
17 grandfather you in later in the document, or we may make you
18 sell at a particular time, and you've got some amount of time to
19 take some action.

20

21 I guess the fundamental question is do we in fact want them to
22 maintain shares or not, and, in this aspect, I agree with Andy,
23 because what we found with these systems is there will be ways
24 to maneuver through the systems, and I think what everyone who
25 is attempting to really participate in this discussion, and this
26 is where it becomes that value judgement you were talking about
27 earlier, Tom, but it's a value judgment about a belief that
28 someone should not be able to make a profit off of a government
29 resource that they were gifted in some way and not be out there
30 working it and fishing it, or be somewhere in that associated
31 ownership at a level where it's close -- In our judgment,
32 somewhat close enough to the water, and what close enough is a
33 judgment, a value-based judgement.

34

35 My other side of this would be that why wouldn't we allow those
36 people to hold shares? It's a market-based system, and you
37 created a market-based system when you created an IFQ program,
38 and, if it is a market-based system, why wouldn't we just have
39 it as a market-based system and open it up, and really maybe
40 even go further than what we have it open now? Remove some of
41 those restrictions and find ways to make it a really open market
42 system.

43

44 What we now have is a market system that is only associated with
45 a couple of the sectors, and you could create a market system
46 that allows it to be more traded than it is now, and so I think
47 that may be one of the fundamental questions, when we think
48 about an ideal IFQ program and what that might look like, but I

1 do agree that we're complicating this somewhat more than it
2 needs to be, because it's really a question of do you want to
3 have a permit or not, and then that's a fundamental question
4 about your value belief about whether or not that's really going
5 to constrain people, and are they close enough to the water or
6 the production of the resource that you have allowed them to
7 have.

8
9 **CHAIRMAN GUYAS:** All right. Thanks, Robin. I am going to go
10 back to Leann.

11
12 **MS. BOSARGE:** All right, and it sounds like there is some people
13 that want it to be Alternative 2, and so, as I said, I was okay
14 with Alternative 5. I would rather have something rather than
15 nothing, but, if there's a holdup here, and a hang-up over that,
16 I will float a motion. **The motion would be to make Alternative
17 2 in Action 1 the preferred alternative.**

18
19 We'll see if that's the will of the council or not. If it
20 passes, then there we go, and we've got an answer. If it fails,
21 then we know that, no, we want some exceptions, and so we'll go
22 with the preferred that we have would stay, and we'll move
23 forward into the next couple of actions and make some decisions,
24 and I will go ahead and forecast for you here. I intend to get
25 rid of a couple of those, at least one of those actions, and
26 maybe streamline the other one, so that we could have preferreds
27 on everything.

28
29 **MR. GILL:** I second that motion.

30
31 **CHAIRMAN GUYAS:** All right, and so Leann has got a motion.
32 Let's get that up on the board. **The motion is, in Action 1, to
33 make Alternative 2 the preferred alternative.** I will give staff
34 a couple of minutes, and then, Dale, go ahead.

35
36 **MR. DIAZ:** I am struggling with this. I am listening to the
37 conversation, and we're having some great conversations today,
38 and I appreciate the things that has been brought up, especially
39 by the motion earlier, and I thought that got us to have some
40 good conversations.

41
42 I do struggle with making Alternative 2 the preferred, for this
43 one reason. General Spraggins said earlier that I think some
44 people have bought shares and had to borrow money to do that,
45 and, if we don't allow some grandfather option to do that, and
46 I'm wondering if we're going to put some people in a situation
47 where they lose a lot more.

48

1 I don't know the answer to that question, and we might not, but
2 I don't know the answer to that question, and that's the only
3 thing that gives me pause on it, and I'm trying to think through
4 that as I decide how to vote on this. Thank you, Madam Chair.

5
6 **CHAIRMAN GUYAS:** All right. Thanks, Dale. Bob Gill seconded
7 the motion. I want to get the motion on the board, just so that
8 we're looking at it. Okay. Cool. Bob and then Kevin.

9
10 **MR. GILL:** Part of my thinking about this is that, if people buy
11 shares and don't have permits, they're making an investment, and
12 it's like buying an investment in the market. You think it's
13 going to go up, and you think it's a worthwhile use of your
14 money, and there are no guarantees. The risk level is whatever
15 you think it is, but you may or may not make money. In today's
16 market, I would say that most folks that bought shares before,
17 versus the price today, are probably doing very well.

18
19 Nevertheless, as an investment, we're not obligated to guarantee
20 folks that that investment was a good one. That's the risk they
21 take when they buy it, and what we need to worry about is what
22 is right for the fishery, and so I don't get all that uptight
23 about folks that have bought shares and don't have a permit, are
24 not fishing, but have that investment, and, okay, they might
25 have to divest themselves of that investment. Fine. We do it
26 all the time, anybody that makes an investment.

27
28 If you put your money in the bank, it's the same way. You hope
29 that bank doesn't fail, but I don't share the concern on
30 protecting folks that invested their money in hopes of making a
31 profit of some sort and that we ought to be in that business of
32 ensuring it.

33
34 **CHAIRMAN GUYAS:** Thanks, Bob. Kevin and then, Leann, I see you.

35
36 **MR. ANSON:** Just ditto to Bob's statement, and I think it's been
37 discussed before that there was the fine print, so to speak,
38 when we took away the permit requirement back in 2014, I
39 believe, that this can be changed in the future, by future
40 council action, and so there was notice given to those that did
41 want to partake in it and invest.

42
43 Another way to maybe look at it is the rest of the document, I
44 believe, deals with how many years it would take before it
45 actually goes into practice, and so I think the lease price is
46 around \$25 or \$30, and they're getting about five-bucks a pound,
47 and so that's five years, in order to break even, and so, even
48 if someone just got their shares this year, assuming that the

1 lease price is still the same, they recoup their money, at
2 least, in five years, if you want to look at that and have a
3 five-year phase-in timeline, that that helps answer that
4 question. Thank you.

5
6 **CHAIRMAN GUYAS:** Leann.

7
8 **MS. BOSARGE:** I don't have anything for this. I just want to
9 have my hand up for after this motion, so that I can talk about
10 Action 2.

11
12 **CHAIRMAN GUYAS:** Okay. Sounds good. Susan and then Joe
13 Spraggins and then Troy.

14
15 **MS. BOGGS:** Thank you, Madam Chair. I really don't know if I'm
16 going to support this motion or not, because I am real concerned
17 about all the discussion around the table. I do agree, and from
18 a different perspective. My husband and I have been in the
19 charter/for-hire business since 1998, and I cannot tell you how
20 many times we have had to redo our business model because of the
21 actions taken by this council, and now here I sit, and I'm doing
22 the same thing, and I have to think, what am I about to do to
23 the livelihoods of these people?

24
25 To something that Troy said, it's not the commercial fishermen
26 on the water that are getting \$25 per pound for their fish,
27 because I hear them come to the podium all the time saying that
28 I barely break even, by the time I buy my bait and my ice and
29 all of these things, and so I don't think you're pointing the
30 finger in the right direction.

31
32 Now, I don't disagree with anybody in this room, in this
33 fishery, in making a living. I think this is a public resource
34 that some people don't have access to, because they don't own a
35 boat, because they don't live in one of the five Gulf states,
36 but they live somewhere within the fifty United States, and to
37 take that resource away from them is wrong.

38
39 When you're talking about destroying this IFQ program that has
40 done nothing but safety-at-sea, sustainability in the market, a
41 good living for most of these people, I don't think I'm going to
42 support this motion, because I don't know where I want to go
43 with this right now, but I am really appalled at some of the
44 conversation going on around this table today. Thank you.

45
46 **CHAIRMAN GUYAS:** All right. Thanks, Susan. Next, I've got Joe.

47
48 **GENERAL SPRAGGINS:** Thank you, Madam Chair. Just a quick

1 question. I wasn't on the committee in 2014, but, in 2014, the
2 number we're working off of here, the option at that point was
3 not guaranteed, like it was prior, and, I mean, is there
4 something that I am missing here? In other words, the people
5 who bought shares after 2014, and that's what we're working off,
6 and is that correct? Was there something in 2014 to where they
7 were told that, hey, this is like rolling the dice?

8

9 **CHAIRMAN GUYAS:** Andy, do you want to speak to that?

10

11 **MR. STRELCHECK:** The first five years of the program, you had to
12 have a reef fish permit, but then, after that, it went to public
13 participation being authorized, and so you no longer had to have
14 a reef fish permit, as of the end of 2014 and going into the
15 2015 fishing season, and so that was the change. It was
16 intentional on the council's part when they set up the program,
17 to allow that five-year timeframe for reef fish permit holders,
18 but then, after that, allow for public participation. Anything
19 the council does, we can come back and revisit and change, and
20 so that's why we're having the discussion today.

21

22 **GENERAL SPRAGGINS:** The reason I ask that, Madam Chair, was
23 that, you know, I'm trying to get my mind around this, as me and
24 Dale were talking, and, if we gave somebody a false impression
25 that they could go out and buy something and then maybe put a
26 mortgage on it, or whatever they had to do to borrow money -- I
27 guess, if we gave that, that's one thing. If we didn't, it's
28 entirely different, and I am trying to get knowledge, is all I'm
29 trying to do, and so I appreciate it.

30

31 **CHAIRMAN GUYAS:** All right. Thank you. Troy.

32

33 **MR. WILLIAMSON:** To the General's point, I think the Act is very
34 specific, in that there was no possessory rights given to the
35 initial recipients, nor any of the people that they transferred
36 shares to.

37

38 As far as the permit goes, what's the purpose of the reef fish
39 permit? We've got a hail-in and a hail-out requirement, and
40 they have to have certain instrumentation on the boat to do
41 various functions. I mean, to limit them to just a small
42 universe is -- Like I said before, it's an impediment to the new
43 entrants, and why not just have these permits for people who
44 have allocation? I mean, the catch limit, annual catch limit,
45 and the allocation is what limits the fishing. The permit
46 itself could just be available to those people that have
47 allocation, and I just really don't see why we're limiting the
48 permit.

1
2 **CHAIRMAN GUYAS:** Thanks, Troy. Susan, and then I think we're
3 going to vote.
4
5 **MS. BOGGS:** The issue with the permits, from what I understand,
6 and, of course, I myself hold some limited-access permits in the
7 Gulf of Mexico for reef fish, and I own CMP, and the point of
8 the permits for the commercial sector and the charter/for-hire
9 sector were to limit the number of fishermen that enter the
10 fishery, unlike the recreational fishermen. Thank you.
11
12 **CHAIRMAN GUYAS:** All right. Thanks, Susan. Andy, go ahead, and
13 then we're going to vote.
14
15 **MR. STRELCHECK:** Thanks, Martha. One other point I wanted to
16 make is that certainly Alternative 2, in my view, is better than
17 Alternative 5, and I am hesitant to support really any preferred
18 alternative in this action, largely from the standpoint of what
19 Bob brought up earlier, which is we are debating this issue
20 around this table with no agreement, in my view, in terms of how
21 to proceed, nor really a good fundamental understanding of the
22 implications of this.
23
24 Susan has kind of implied that from the standpoint of kind of
25 what's the impact to the industry and the trickle-down effect of
26 this, and so I think, from my standpoint, at this stage, yes,
27 this may be better, in terms of accomplishing the purpose and
28 need, but, once again, are we really accomplishing anything by
29 doing this?
30
31 Yes, we're limiting it to permit holders, but getting a permit
32 is the price to pay, and people that can afford to get a permit
33 will then just have a permit, but it doesn't prevent them from
34 still not fishing those shares and transferring those shares,
35 and so I'm likely to abstain on this vote.
36
37 **CHAIRMAN GUYAS:** Okay. Thanks, Andy. **Our motion is, in Action**
38 **1, to make Alternative 2 the preferred.** We're going to need to
39 raise hands for this one. **All in favor of this motion, please**
40 **raise your hand. Online folks can also raise your hand. Leann,**
41 **Phil, and Bob all voted yes, and so we've got three online, and**
42 **three in the room, and so six. All those opposed, please raise**
43 **your hand. The motion fails six to seven.** Anything else on
44 Action 1? All right. Leann, I believe you had something on
45 Action 2, and so I am going to go back to you.
46
47 **MS. BOSARGE:** Thank you, ma'am. On Action 2 -- Now we know
48 that, right now, the will of the council is to grandfather a few

1 people in, and so Action 2 does still apply. Let's see. Well,
2 it would apply either way, I guess, but we have a preferred
3 alternative, Alternative 3, where we said, hey, we'll give you
4 three years following the transfer or termination of a permit
5 associated with those shares to figure out what we're you're
6 going to do before you have to divest.

7
8 We haven't had much discussion on that, and I haven't heard a
9 lot of people wanting to change that to one of the other one-
10 year or five-year alternatives, and so I'm going to move right
11 on to this new stuff, this Action 3, which has a couple of
12 decision points in it.

13
14 I would like to actually look at Action 3.2 first, and I think
15 that's the lower-hanging fruit here, this idea that we have to
16 make a decision on closed accounts, and, personally, I don't
17 think we need to make any -- I think we're getting too far into
18 the weeds. We've said that you're going to have to have a
19 permit if you're going to hold shares.

20
21 They gave us some real big numbers, eight-hundred-and-something,
22 accounts that were currently closed that could be reopened, and
23 we don't need to get into that. I think, if your account is
24 closed, it's closed, and you can't reopen it later and then have
25 this apply. Your account is closed, and it's closed, and we're
26 not going to get into that.

27
28 NMFS can handle that on their end, and they do, it sounds like,
29 close accounts on their end, if it's inactive for a year, and so
30 that may be an internal operation that they want to look at
31 maybe being a little more lenient on that going into the future
32 and not closing accounts after one year or a year-and-a-half. I
33 don't think we need to take this up. I think we're
34 micromanaging that situation a little too far.

35
36 Ava, is this in the document, or was this draft? Is this like a
37 draft action that staff was proposing to put in the document,
38 because I don't remember it being in there last time.

39
40 **DR. LASSETER:** Okay. Can we put up the correct slide? We're in
41 Action now, and go to 3.2. Last time I brought a presentation,
42 and I had all of these as questions to you.

43
44 **MS. BOSARGE:** Right.

45
46 **DR. LASSETER:** I said I don't think these need to be actions,
47 but if you could just provide me some input, and I couldn't get
48 any input, and so then Andy spoke up and said perhaps these

1 should be added as actions, and I said okay, and nobody
2 objected, and so that's why I took the effort into crafting them
3 into actions, because I thought that would be easier to go
4 through and to work out.

5

6 **MS. BOSARGE:** All right. Madam Chair, can I follow-up then?

7

8 **CHAIRMAN GUYAS:** Yes.

9

10 **MS. BOSARGE:** Okay, and so I just needed to know if it was in
11 the document or not, so I make the motion correctly. **My motion**
12 **would be to move Action 3.2, Closed Accounts, to the Considered**
13 **but Rejected, into Considered but Rejected, which would remove**
14 **it from the document, if I can get a second.**

15

16 **CHAIRMAN GUYAS:** Give us just a second. We're going to get that
17 on the board, and then we'll see if there's a second for it.

18

19 **MR. GILL:** I will second, Madam Chair.

20

21 **CHAIRMAN GUYAS:** Okay, and so we've got a second from Bob Gill,
22 and the motion is to move Action 3.2 to Considered but Rejected.
23 Okay. Any other discussion of this motion? Mara.

24

25 **MS. LEVY:** Thank you. I don't have any objection or anything to
26 moving it to Considered but Rejected, but I think, if you do
27 that, it would be good to know that the council agrees with what
28 Leann said about if it's closed, it's closed, and you don't get
29 to reopen it and it pops back up into whatever, I don't know,
30 whatever this said, meaning the language here -- If what the
31 council wants to do is consistent with what Alternative 2 says,
32 then we should discuss that in the document, right, so it's very
33 clear what the intent is, and it doesn't necessarily need to be
34 an action with alternatives, I guess.

35

36 I just don't want this to like get put into Considered but
37 Rejected, but then it's like absent from any type of discussion
38 in the document as to what is supposed to happen with these
39 closed accounts that might get reopened.

40

41 **CHAIRMAN GUYAS:** Robin.

42

43 **MR. RIECHERS:** Well, and at least what I'm reading here, it
44 basically says they can be closed now and reopened, and they
45 only difference would be that, if you did establish a permit
46 requirement, then, to be reopened, they would have to have a
47 permit, and while, Mara, I can't suggest whether or not -- I am
48 looking at the presentation, and I haven't tried to pull back up

1 the document right now, and I can't suggest whether that's
2 clearly articulated in the document, but it does appear to be
3 that this is somewhat of an administrative function and handling
4 of the permit database, in some respects.

5
6 I agree with you that lets clearly spell it out for everyone,
7 but I also agree that I'm not certain it needs the full-blown
8 treatment of an alternative with options.

9
10 **CHAIRMAN GUYAS:** Thanks, Robin. Ava.

11
12 **DR. LASSETER:** It's administrative in the sense that SERO did
13 ask what was the council's intent, because there are these
14 accounts, and they can be reopened, and, based on what you pick
15 in Alternative 1, all of these accounts would be grandfathered
16 in, and so we just need to know.

17
18 What I would understand, if this motion passes, is I'm going to
19 interpret that as Alternative 1 is what you are selecting, and
20 so a reopened account would -- Because, essentially, you're
21 picking no action, I'm assuming, if you move it to Considered
22 but Rejected, and so shareholder accounts that have been closed
23 can be reopened, and the date then determines whether it's a
24 permit-exempt account.

25
26 This also came up with the historical captain permits, and there
27 was discussion that this is similar to that, and you had these
28 old permits out there laying around, that they could have still
29 turned in the letters, and then you guys did take an action to
30 determine that, yes, those permits could be traded in for a for-
31 hire permit, a standard permit, and so this is a similar
32 situation.

33
34 These accounts are out there, and they really were created, and
35 they were established, and I am happy to not have to expand a
36 whole action in the document and write Chapter 4 on it, but we
37 do need to incorporate some text in the document that just lets
38 NMFS know what the council's will is. If you move this to
39 Considered but Rejected, I'm going to assume it's Alternative 1,
40 because that means you're not taking any action. If I'm wrong,
41 please correct me.

42
43 **CHAIRMAN GUYAS:** Thanks, Ava. At least from my perspective, if
44 this motion passes, then, yes, the council has basically chosen
45 no action. I feel like, a lot of times -- Maybe we're just
46 doing this a little more expeditiously than we would otherwise,
47 but, if we are moving forward -- We're considering an action,
48 and we choose Preferred Alternative 1, eventually, at some

1 point, that action gets moved to Considered but Rejected anyway,
2 and so we'll just, I guess, streamline that process here.
3 Leann, is it to this, or did you want to go back to 3.1, once we
4 dispense with this?

5
6 **MS. BOSARGE:** No, that's fine. I would bring Ava back, and I
7 think that Robin said it the best. Ava, what Robin and myself
8 both said, I believe, Robin, is that, no, if you want to reopen
9 your account -- You have a closed account. If you want to
10 reopen it, after all this goes into effect, you're going to have
11 to comply with the rules at that point in time, which is you're
12 going to have to have a permit associated with that account, if
13 you're going to have shares.

14
15 It's not what -- Disregard Alternative 1 and 2, and so that's
16 what Robin said, I'm pretty sure, and that's what I said,
17 because there is eight-hundred-and-something of these closed
18 accounts, and they're going to have to be compliant and have a
19 permit to be reopened, and you're opening an account. I
20 understand that it has an original open date, when you
21 originally opened it, but it's got a closed date on it too, and
22 so, Robin, was that what you were saying as well, that you would
23 have to get a permit?

24
25 **MR. RIECHERS:** Leann, that's certainly what Alternative 2
26 suggests, but, again, even under Alternative 1, we're saying you
27 can reopen an account, and so 2 only puts the restriction on the
28 reopening, assuming we take an action in Alternative 1 that is
29 not the status quo, which is currently what we have selected,
30 but that can change as we move through the document, or as we go
31 further with this document, and let me put it that way, and
32 we're past that today, but --

33
34 **CHAIRMAN GUYAS:** Mara.

35
36 **MS. LEVY:** So I think this is exactly why Ava put this in here
37 as an action alternative, because what this is dealing with is,
38 if you make it such that you have accounts, and some are permit-
39 exempt, and some are permit-required, we need to know what
40 happens when someone closes an account that was originally
41 permit-exempt.

42
43 It gets closed, and they are going to reopen it, and does it
44 stay permit-exempt, because they originally had it as permit-
45 exempt, which is Alternative 1, or, because it closed, and they
46 want to reopen it, and is it now permit-required?

47
48 **CHAIRMAN GUYAS:** Robin.

1
2 **MS. BOSARGE:** Martha, my hand is back up, when you get ready.

3
4 **CHAIRMAN GUYAS:** Okay. Let me go to Robin and then back to you,
5 Leann.

6
7 **MR. RIECHERS:** Mara -- Maybe I am just missing something, and I
8 certainly have the tendency to do that, but, if we're going to
9 allow them to open, either way, no matter what we choose, and
10 all it really is a different way to open again, what are we
11 losing by just making that an administrative function, as
12 opposed to trying to really articulate it here and go through
13 it, because both alternatives say you're going to allow them to
14 open.

15
16 **MS. LEVY:** Right, but one is letting them keep their permit-
17 exempt status that they originally had, and one is taking that
18 away, and I'm not saying that it has to be an action with
19 alternatives, but I think it's like that, because it is a
20 decision. I mean, if the council comes to a consensus and is
21 like write it up like this, okay, but I think the problem was
22 that there are these two different outcomes, and it was more
23 difficult to articulate and get feedback on which outcome the
24 council was thinking would happen if someone actually closed an
25 account that was permit-exempt.

26
27 **CHAIRMAN GUYAS:** All right. Leann.

28
29 **MS. BOSARGE:** **I would like to withdraw this motion.** I'm going
30 to make a different motion.

31
32 **CHAIRMAN GUYAS:** **The motion is withdrawn.** Go ahead with your
33 next motion.

34
35 **MS. BOSARGE:** Okay, but keep it up on the board, so I can read
36 it, please. All right. **In Action 3.2, to make Alternative 2**
37 **the preferred.**

38
39 If we need to get in the weeds, we'll get in the weeds. There
40 you go, and so your account gets closed -- We've got eight-
41 hundred-and-something accounts that are closed right now, but
42 that were open before essentially the control date that we're
43 picking, which is implementation of this account, and so they
44 would be able to reopen those accounts and not have to have a
45 permit associated with them. If we're going to micromanage it,
46 let's do it. I'm going to say that, no, you can reopen it, but
47 you're going to have to get a permit, because it's after
48 implementation of this account.

1
2 **CHAIRMAN GUYAS:** All right, and so we've got a new motion on the
3 board, and we're looking for a second. **The motion is, in Action**
4 **3.2, to make Alternative 2 the preferred.** Is there a second to
5 this motion?
6
7 **MR. GILL:** Second, Madam Chair.
8
9 **CHAIRMAN GUYAS:** All right. It's seconded by Bob Gill. I think
10 we've already discussed this, but is there anything else that
11 anybody wants to weigh-in on here with this action? All right.
12 **Is there any opposition to this motion? Please raise your hand**
13 **if you have any opposition to this motion.** Bob Shipp opposes
14 this motion. Anyone else?
15
16 **DR. SHIPP:** No, I just --
17
18 **CHAIRMAN GUYAS:** Bob, are you opposed to this, just to be clear?
19
20 **DR. SHIPP:** I am not opposed to this motion.
21
22 **CHAIRMAN GUYAS:** All right. Thanks, Bob. Okay. **I think this**
23 **motion carries with no opposition.** If I'm wrong, please just
24 shout it out. Okay. Bob Shipp, did you want to speak? Okay.
25 We're good then. All right. Leann, I know you wanted to back
26 up to Action 3.2.
27
28 **MS. BOSARGE:** Yes. Thank you. This is the only action left, I
29 think, that we don't have a preferred on. This one, I think we
30 will have to have just a little bit of discussion, and so if we
31 could get Action 3.1, Share Limit for Permit-Exempt Shareholder
32 Accounts, on the board.
33
34 I understand Alternative 2, no action, and so there is no share
35 limit for a permit-exempt account, and that means you can add to
36 it, you can increase your holdings, and you are still
37 grandfathered. In other words, we're not grandfathering you at
38 the level that you're at when we implement this account, or the
39 number of shares that you have when we implement this account,
40 but we're just grandfathering you, period.
41
42 You can increase -- You can buy more shares, and you can
43 increase it or decrease it whatever, and Alternative 2 says, all
44 right, we're going to grandfather you, but we're grandfathering
45 you at the shareholding level that you're at right now, and you
46 don't have to have a permit as long as you stay at that level.
47 If you want to increase your shareholdings, you are -- In any
48 share category, whether it's snapper or grouper or whatever, you

1 are going to have to put a permit on your account.

2
3 Alternative 3, Ava, this is where I get a little confused. Tell
4 me what Alternative 3 -- Is it essentially the same as
5 Alternative 2, but we're picking species or something? What are
6 we doing there?

7
8 **DR. LASSETER:** They are almost exactly the same, except, in
9 Alternative 3, you get a new lower share limit if you transfer
10 shares out. Alternative 2, you have a cap, and it's that amount
11 that you have at the time that these are permit-exempt, and
12 Alternative 3 adds the part that, if shares are transferred out
13 of the account, the amount of shares held after the transfer
14 becomes the new share limit for that account, and so it just --

15
16 If you have 1 percent of the shares at the time you're
17 determined permit-exempt, 1 percent shares in gag, in
18 Alternative 2, you could sell some of those shares and then buy
19 more later to your original share limit. Alternative 3 says,
20 once you decrease your shareholdings, you decrease your gag 1
21 percent down to half, and you cannot return back up to that
22 original share limit of 1 percent.

23
24 **MS. BOSARGE:** Okay. Thank you, Ava. All right. I am going to
25 float a motion on this, to get some discussion going, so we can
26 make some progress here. **I am going to move that, in Action**
27 **3.1, we make Alternative 1 the preferred alternative.** If I can
28 get a second, I will give you my rationale, and then we can
29 debate this thing out.

30
31 **CHAIRMAN GUYAS:** All right. We are getting that on the board
32 right now. **The motion is, in Action 3.1, to make Alternative 1**
33 **the preferred.** Is there a second to this motion? It's seconded
34 by Dale. Leann, do you want to give us some rationale?

35
36 **MS. BOSARGE:** Sure. I will be quick. First off, I think, if
37 you're grandfathered, you're grandfathered. I mean, that's it.
38 We talked about not grandfathering anybody, and I didn't have
39 strong preferences either way. I could go either way, as long
40 as we get something in place, but, if you're grandfathered, I
41 don't see where we go and we start putting qualifiers on that.

42
43 The second thing is I think, logistically, from NMFS' side,
44 which usually I don't worry too much about how much it
45 complicates their life, but, in this case, that seems pretty
46 complicated, to try and follow and keep up with, especially when
47 you're buying and selling. I think, if you're grandfathered,
48 it's clean. You're just grandfathered, and that's why I said

1 Alternative 1, but I'm open, and I'm all ears for debate on
2 this.
3
4 **CHAIRMAN GUYAS:** Okay. Any discussion of this motion? Andy.
5
6 **MR. STRELCHECK:** I guess my point would be that, if we were
7 going to select no action, my preference would just be to move
8 this to Considered but Rejected, because it's adopting status
9 quo.
10
11 **CHAIRMAN GUYAS:** Fair point. Maybe at least we can vote this
12 up, and then, if it passes, then we can deal with it in Full
13 Council, or, if somebody is feeling spunky, we can deal with it
14 after this. Leann.
15
16 **MS. BOSARGE:** That was going to be my comment. If this passes,
17 then I will be happy to make another motion that moves the
18 action to Considered but Rejected, but I wanted to have some
19 conversation about it first.
20
21 **CHAIRMAN GUYAS:** Okay. Great. Any discussion on this? We're
22 wearing out. All right. **Is there any opposition to this**
23 **motion? Please raise your hand. We've got one in the room.**
24 **Any online? No go from Bernie.** Okay. **The motion carries with**
25 **one opposed.**
26
27 Okay, and so we've got preferreds now for everything in 36B, and
28 I know Greg had something on 36C. Do you want to offer that
29 now, or do we want to go through the rest of the slides that Ava
30 had, or what do you --
31
32 **DR. STUNZ:** Well, I would leave that up to you, Madam Chair.
33 It's kind of related to B and C.
34
35 **CHAIRMAN GUYAS:** Go ahead then.
36
37 **DR. STUNZ:** So one thing, just to step back a little bit,
38 regarding our conversations today, and I know it's been
39 controversial, but I wasn't appalled at all. Is it difficult
40 conversations that probably none of us want to have?
41
42 Certainly I think we would rather stick our heads in the sand
43 and move on, and that's probably what has delayed this amendment
44 as long as it's been delayed, but I feel strongly that we do
45 need to have these conversations, as awkward and as difficult as
46 they are, to make sure that all our opinions are on the table,
47 and make sure they're fully vetted, so that, in the end, we get
48 the best amendment as we can, and that's why I liked Bob's

1 motion, because that mechanism provides a way for us to get a
2 lot of these controversial ideas into the mix kind of thing, and
3 it's not as bad, but I think it's important that we have these
4 conversations, whether you like the points or not, essentially.

5
6 That's not what I wanted to talk about, Madam Chair, and what I
7 wanted to talk about is if we could go back -- Ava, you put a
8 slide up that was kind of an overview of 36C, like the main
9 components of all the alternatives. There it is.

10
11 In an effort to remove some of the convolution, Action 3 is
12 obviously the odd action out there, and I don't remember the
13 history of why that got in there, and, if some of you recall,
14 that's the, when you arrive at the dock, it's estimating your
15 weight, versus what you really have, in terms of those advance
16 notifications.

17
18 I am not going to offer a motion right now, but I probably will
19 at Full Council, and I want to do a little bit of fact-finding
20 first, to find out just -- The timing was an issue, and I don't
21 know if it's still an issue or whatever, but, to me, this is
22 going to take a while to get through.

23
24 If this is still an issue, this is something we want to deal
25 with sooner than later, probably on its own, and I don't know if
26 that's a framework or -- I'm not sure what mechanism it would be
27 to do that, but I would recommend pulling that out, and so
28 that's coming, if there's any comments or questions or whatever,
29 and I wanted to talk to some of our law enforcement folks and
30 others, to see if that's still an issue, but I think that should
31 be pulled out. That will help to streamline this.

32
33 Then, finally, Martha, the last thing, and some of you, I'm
34 sure, around the table are aware of the recent Executive Order,
35 and it was back in July sometime, and it had to deal with
36 openness in markets and market competitiveness and that sort of
37 thing, as it relates to federal issues, and certainly federal
38 fisheries would fall under that.

39
40 The whole idea of that Executive Order had to do with markets
41 and things becoming more and more consolidated and how to
42 promote that openness and promote that competitiveness, and I
43 think it's directly related to 36 in general, both B and C, and
44 I think it would be very valuable for this council -- So, Tom,
45 I'm kind of looking at you, and I don't know where that
46 Executive Order fits into this process, or how we even consider
47 that, but maybe a presentation, as it relates to us dealing with
48 market systems and federal fisheries, would be very valuable and

1 help us form our opinions as we start moving down the road,
2 especially on 36B.

3
4 I don't have a perfect idea of how to integrate that in, or even
5 who would be appropriate to do that, but it certainly has
6 relevance to what we're doing.

7
8 **CHAIRMAN GUYAS:** Thanks, Greg. Go ahead, Tom.

9
10 **DR. FRAZER:** I would think that we could certainly explore that
11 a little bit, Greg, and get a presentation, if we need to, and
12 I'm happy to explore it, and that's all I'm saying right now,
13 but what I did want to say though is today has been a bit of a
14 frustrating day, and I think, in large part, because we've been
15 online for a year, or a year-and-a-half, and we have these
16 interactions that we're not used to, and even I lost my way a
17 little bit here earlier in the day, but, you know, this
18 amendment, as Bob pointed out, has been floating around for a
19 decade.

20
21 A lot of people on this council probably don't even know why we
22 implemented the IFQ program and what the goals were, and I think
23 there's probably a time, and it might be an appropriate time,
24 and I look forward to seeing Bob's motion in the Full Council,
25 to see -- You know, how do we move forward to revisit those
26 goals and evaluate whether or not -- What effects the IFQ
27 program might have had on the resource, the resource as not just
28 the fisheries, the habitats, and the people involved, but then
29 how do those effects propagate to all the stakeholders, how were
30 their colleagues affected, how were the retailers and the
31 wholesalers affected, how might the resource have been impacted?

32
33 If those impacts were negative, do we have a plan, moving
34 forward, to fix them? I think these 36B and 36C probably have
35 lost sight of the big picture, and it's probably time that we
36 need to step back and look at where we are, and so I'm not
37 opposed to the discussion that's going on here today, but I do
38 look forward to seeing the motion in Full Council about possibly
39 moving forward, and that's all I wanted to say.

40
41 **CHAIRMAN GUYAS:** Thanks, Tom. I've got a couple more hands.
42 Dale.

43
44 **MR. DIAZ:** Tom, thank you for those comments. I think those are
45 very relevant. As far as people's position on whether this is
46 effective or not, I think we need to start talking to users, and
47 it's a point-of-view thing, and they're going to have real
48 diverse opinions on that, and, if I'm a shareholder, and I've

1 got a ton of shares, and they were gifted to me, that's the best
2 thing since sliced bread.

3
4 If I don't own any, and I've got to lease them at four-dollars a
5 pound, this is the worst thing that ever happened to me in my
6 life, and we're going to have a lot of different people, and
7 that's both ends of the spectrum, I think, and everything in
8 between, but I think you're dead on. I do think we've lost our
9 way some, and we do need to refocus, and that's why I
10 appreciated Bob making his motion earlier and trying to work
11 through that.

12
13 That's not what I wanted to speak to originally, whenever I
14 raised my hand, though. The LETC -- Greg had brought up Action
15 3 and the weight adjustments, and, whether we do it now or at
16 Full Council, but the LETC originally supported that, but, as we
17 discussed, it got watered down, and, ultimately, the LETC
18 decided that it was better to do Considered but Rejected, and
19 so, at some point in time, whenever you say it's appropriate,
20 either me or Greg will make that motion to do that. Thank you.

21
22 **CHAIRMAN GUYAS:** Thanks, Dale. Let me circle through a couple
23 of hands here. Ava, do you want to go next? Troy, I see you,
24 and I've got you on the list now, too.

25
26 **DR. LASSETER:** I think Dale pretty much covered what I was going
27 to comment on. I was going to give a specific date, and so the
28 LETC, at its October 2019 meeting, recommended Alternative 1,
29 taking no action, for that accuracy of estimated weights,
30 because they commented that the alternatives, as modified, were
31 not going to address the problem. Greg, if you wanted more of a
32 history on how that action came about in the LETC, the back-and-
33 forth, I do have all of those reports that I can provide for
34 you.

35
36 Tom, I wanted to comment that it sounds like what you're looking
37 for, in terms of an analysis on the program, overlaps quite a
38 bit with this -- The NAS report that I just commented on that
39 will be on the agenda in October, but I can go ahead and forward
40 a copy, a preliminary copy, of it to you as well.

41
42 **DR. FRAZER:** Thank you, Ava.

43
44 **CHAIRMAN GUYAS:** Okay. Let me go to Kevin. Troy.

45
46 **MR. WILLIAMSON:** Thank you. To Tom's comments about the purpose
47 and I guess need of the catch shares, there were a lot of good
48 things that came out of the catch share program. As far as

1 overview and a review of it, there's an excellent paper, the
2 NOAA Catch Share Policy, and you can find it on their web, and
3 it, amazingly, discusses a lot of the things that we're
4 referencing around the table here today, and it focuses on some
5 of the future actions that might be taken by the council, and so
6 it was helpful to me, in refreshing, and I would recommend it.
7 Thank you.

8

9 **CHAIRMAN GUYAS:** Thanks, Troy. Kevin, now you're up.

10

11 **MR. ANSON:** Thank you, and just to expound upon a comment that
12 Troy had made earlier regarding Dr. Lasseter's work on the
13 document, as well as the IPT staff, I appreciate all the work
14 that they have done to get us to where we are, but I guess, Ava,
15 if you could comment, and we had a second vote on Action 2 in
16 36B, and we ended up with Alternative 5 is still the preferred.

17

18 If that were to go as final, how does that affect, or impact,
19 all of the actions, or the two actions, that are remaining in
20 Amendment 36C if we delete Action 3, based on comments just made
21 from the LETC?

22

23 **DR. LASSETER:** I think I understood. In 36B, you mentioned, if
24 you go forward with the Preferred Alternative 5, how does that
25 affect Amendment 36C, this Action 3?

26

27 **MR. ANSON:** No. How does it affect Actions 1 and 2 that are
28 remaining if we basically set -- At whatever point that that
29 document becomes final, as the cutoff date, is there anything
30 that would be available to address distribution of reclaimed
31 shares, anything left available to do a quota bank?

32

33 **DR. LASSETER:** Okay. so, if you -- I understand what you're
34 saying. Coming out of 36B, even if you picked Alternative 2,
35 requiring all shareholder accounts to have shares, we don't
36 think that there would be any shares that you would reclaim
37 through divestment. Nobody is going to sit on those shares, or
38 it would be highly unlikely, and so, whatever alternative you
39 pick in 36B, you're really not contributing anything to this
40 pool of reclaimed shares.

41

42 Moving to 36C, you have one more recommendation from the AP to
43 consider as a method to redistribute shares that came from the
44 last AP meeting, and their recommendation -- From the AP
45 recommendations that I haven't gone through yet, they don't
46 support the quota bank anymore, and they do just support those
47 shares being distributed out to existing shareholders.

48

1 Now, the implications though, between 36B and 36C, it comes down
2 to how you're thinking of this quota bank. Originally, it was a
3 NOAA quota bank, and then, previously, Roy had talked about that
4 they just don't really have the funds for setting this up, and
5 it sounded like there wasn't a lot of interest for NMFS to do
6 it, and I believe one of your most recent motions was for a non-
7 NOAA quota bank, and that was one of the last AP motions.

8
9 Depending on how the quota bank shakes out, I guess is where I'm
10 going, if you want to use an account for shares and allocation
11 for this quota bank, you would then need to be creating an
12 additional carveout, because you have just created a requirement
13 for new accounts for 36B to have a permit, be required to have a
14 permit.

15
16 That is one of the places where there is kind of this interplay,
17 and I see it in the quota bank, and, right now, your purpose
18 statement is to help these small participants and new entrants,
19 and you're definitely -- Well, I understand it as you're
20 defining then a new entrant or a small participant as somebody
21 who does already have a permit and shares. Like you may be
22 starting to create some of those definitions for what you do in
23 36B, and so you probably just want to consider that. Did I
24 answer your question? It's real convoluted.

25
26 **MR. ANSON:** I guess enough for now. Thank you.

27
28 **DR. LASSETER:** Okay. I'm sorry.

29
30 **CHAIRMAN GUYAS:** All right. Thanks, Ava. I'm going to go to
31 Leann, and she had a question.

32
33 **MS. BOSARGE:** My question, and we went on a different path, but
34 my question was actually about what point we're at with 36B, and
35 could we have a discussion about when we intend to go out to
36 public hearings, so that -- Because I do think it's going to be
37 very important to get feedback on this and see, you know, where
38 the public stands on it.

39
40 However, before I get to that point, I heard Dale and Greg
41 essentially make motions, without making motions, about the
42 Action 3, Accuracy of Estimated Weights in Advance Landing
43 Notifications in Amendment 36B, and I have a feeling that Bob's
44 motion is going to come up again in Full Council. **I think for
45 us to have a discussion, I guess a little more organized and
46 pointed and focused, I will go ahead and make that motion to put
47 Action 3 in Amendment 36B in the Considered but Rejected.**

48

1 We've already had the discussion on why, and I think Greg is
2 right, and it is kind of the odd man out in that list of things
3 that we're looking at, and, if we are going to possibly go down
4 the path of having a focus group, I think that, by getting rid
5 of that, I think that at least begins in hone-in on a little
6 more focus, and so I will make that motion and see if we can
7 make some progress there, and then I would like to talk about
8 those public hearings. Thank you.

9
10 **CHAIRMAN GUYAS:** All right. We are getting that motion on the
11 board. **The motion is to move Action 3 to Considered but**
12 **Rejected, Action 3 in 36C, since we're kind of jumping around**
13 **between documents.** Okay. All right. **In 36C, to move Action 3**
14 **to Considered but Rejected.** Dale has seconded that motion.
15 Greg.

16
17 **DR. STUNZ:** I just have a comment to that, and I don't have a
18 problem with moving it to Considered but Rejected, but I just
19 don't want it to go away, and that's why I wanted to have a day
20 or so to figure out and talk to some folks, to see if it's still
21 an issue. If that's the case, I wanted to bring it up again, to
22 figure out how we need to address that, through some framework
23 action or something else. I don't want it just to go away.

24
25 **CHAIRMAN GUYAS:** Okay. Great. Any other comments on this
26 action or the motion? Seeing none, can we just put that motion
27 back on the board, just for a split second, and we're going to
28 vote. All right. **The motion is, in 36C, to move Action 3 to**
29 **Considered but Rejected, and that is the weights action, and so**
30 **is there any opposition to this motion? Seeing none in the room**
31 **and none online.** Okay. **The motion carries without opposition.**
32 All right. Leann, back to you on public hearings.

33
34 **MS. BOSARGE:** Thanks. I was just wondering what the schedule
35 looks like on public hearings for this document. I know staff
36 is pretty swamped, and so I didn't know if it would be soon or a
37 little later or what on 36B.

38
39 **CHAIRMAN GUYAS:** Ava, do you want to speak to that, the 36B
40 public hearings?

41
42 **DR. LASSETER:** I am going to have to talk to Carrie and John, I
43 guess. Can we get back with you at Full Council, because I also
44 wanted to -- I definitely want to have, on the October agenda,
45 the NAS report, and greater amberjack too, and can I talk with
46 Carrie and John, and then we'll get back to you?

47
48 **CHAIRMAN GUYAS:** Absolutely. All right. Mara.

1
2 **MS. LEVY:** Just, I mean, Leann is zooming through this at
3 lightning speed, and so I just wanted to make sure -- In Action
4 2 right now, there was that new alternative that dealt with like
5 inheritance, or legal proceedings, that transfer shares, and how
6 long you would have, if your account required a permit, to get a
7 permit or divest, and I didn't know if Ava needed any further
8 discussion on that, or you wanted to have further discussion on
9 that, either now or at Full Council.

10
11 **CHAIRMAN GUYAS:** What's your pleasure, folks?
12

13 **MS. BOSARGE:** Now.
14

15 **CHAIRMAN GUYAS:** Okay, Leann. Go ahead, if you've got something
16 to say.
17

18 **MS. BOSARGE:** If Ava will bring it up on the board, we'll have
19 discussion now. I'm sorry if I missed one. I thought I had
20 gotten them all. I will give staff a minute to bring it up on
21 the board.
22

23 **DR. LASSETER:** This is Action 2, and it was an alternative added
24 to Action 2, and so we'll get that back up. It's going to be
25 around Slide 6, 7, 8, 9-ish. If we go back two more up, I will
26 just remind everybody of this action. Again, this action
27 addresses only those accounts that are required to have a
28 permit, and so your Alternative 1, no action, of course, would
29 require everybody to be in compliance at the time this is
30 implemented.
31

32 This then would give you a grace period, and then the new
33 alternative is this Alternative 4. If shares are acquired from
34 a legal proceeding, the shares would be -- So you're giving
35 people a grace period, and the reason that Alternative 2 is not
36 applicable is because that is -- That would apply to accounts
37 that would be permit-required from some grandfathered date that
38 is before this is implemented. Because you're grandfathering
39 everybody in until implemented, that Alternative 2 is not
40 applicable, and, here, this Alternative 3, again, is preferred,
41 and so it's Preferred Alternative 3 and Preferred Option 3b, and
42 here is the new alternative.
43

44 If shares were acquired from a legal proceeding, such as an
45 inheritance or a divorce, a timeframe that you would allow them
46 to be grandfathered in, and we did think of this as similar to
47 Alternative 3, but the AP had discussed this as different, and
48 so we crafted it as a separate alternative, and I will pause

1 there.

2
3 **CHAIRMAN GUYAS:** Okay. Thanks, Ava. If I'm understanding, at
4 least the way we talked about the new actions before, we have
5 already, or you have already, taken the liberty of adding this
6 to the document, and so you don't need a motion to add it, but
7 it's just does the committee have anything to say about this
8 alternative right now?

9
10 **DR. LASSETER:** Again, we would not normally just add
11 alternatives, especially to a public hearing draft, but, given
12 the preferred alternative you had selected, and we were
13 developing this idea of permit-required and permit-exempt
14 accounts, we worked through, and we identified these additional
15 questions and presented them to you just as questions at the
16 June meeting.

17
18 When we didn't get any feedback, Andy had suggested that, hey,
19 let's put these in actions to facilitate discussion, and so
20 that's why we put them in this way, and there was no objection
21 to Andy recommending that, and so we did not have a formal
22 motion to have these added to the document, but we had Andy
23 recommending it, and nobody objected.

24
25 **CHAIRMAN GUYAS:** Okay, and so do you want a motion now, or are
26 we feeling good about it?

27
28 **DR. LASSETER:** If you would like, but these are in the document.
29 This alternative is in the document. If you would like to
30 select it as preferred and select a time period, you could do
31 that now.

32
33 **CHAIRMAN GUYAS:** Okey-doke. Robin.

34
35 **MR. RIECHERS:** It's inside the document with preferreds already
36 selected.

37
38 **CHAIRMAN GUYAS:** I think what Ava is saying is this could be an
39 additional preferred in this action.

40
41 **DR. LASSETER:** That is correct. At the last meeting, you
42 selected Alternative 3 as preferred, because you selected that
43 after you picked Alternative 5 as preferred in Action 1. You
44 did pick preferreds, at the June meeting, for Action 1 and
45 Action 2, and then I had additional questions to ask about this
46 inheritance and divorce issue, and I talked about how I thought
47 this could have just been reworded into Alternative 3, as an
48 example, in addition to not having a permit anymore, it could be

1 require these shares in legal proceedings, and then it was
2 suggested by Andy that we just add it as an additional
3 alternative.

4

5 **CHAIRMAN GUYAS:** I am going to go to Dr. Simmons.

6

7 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Madam Chair. I think,
8 Ava, folks are a little confused, because, in the document, in
9 the tab, it's listed as Preferred Alternative 3 with Preferred
10 Option 3b, but, in the presentation, it's not, and so should we
11 perhaps bring up the document?

12

13 **DR. LASSETER:** We could, yes. I have mentioned a couple of
14 times, and begged forgiveness, that I forgot to put it as
15 preferred in the presentation, but it is correct in the
16 document, for only that 3. Alternative 3 and Option 3b, have
17 been selected as preferred in the action, and I did forget to do
18 that in the presentation.

19

20 **CHAIRMAN GUYAS:** Mara.

21

22 **MS. LEVY:** Right, and I think this new Alternative 4 is getting
23 at a different question, right, and so it's like do you want to
24 have a time period, and what would that be, if someone gets
25 shares through some sort of legal proceeding, and then now they
26 have an account that's permit-required, but they don't have a
27 permit, right?

28

29 **CHAIRMAN GUYAS:** Right. Leann and then Dale.

30

31 **MS. BOSARGE:** On this one, I think this was -- Andy was talking
32 about this, but Andy was talking about it because the AP brought
33 it up, right, and they thought about, well, you know, what about
34 these people that might be grandfathered, and then, when they
35 die, more than likely, the name on the account is going to
36 change. Yes, it could be in a corporation, but even then, and,
37 more than likely, the name on the account is going to change.

38

39 When you change the name on an account, you have to open a new
40 account, and so then they would no longer be grandfathered, and
41 so Ava has given us the option to give a grandfathering to legal
42 proceedings, in shares acquired from an inheritance or other
43 legal proceeding, and so divorce, et cetera, et cetera.

44

45 I am not apt to carve out another exception at this point, and
46 so I am not going to float a motion on this one, and I think I
47 would just leave the preferred as Alternative 3, Option 3b, but
48 I am open to discussion on it.

1
2 **CHAIRMAN GUYAS:** Okay. Thanks. I see Dale and then Robin.
3
4 **MR. DIAZ:** I think a little bit of confusion might be -- I'm
5 going to ask a question of Ava. Should Alternative 4 also be a
6 preferred alternative in this document, in addition with other
7 alternatives?
8
9 **DR. LASSETER:** Yes.
10
11 **MR. DIAZ:** So Alternative 3 and Alternative 4 could be
12 preferred?
13
14 **DR. LASSETER:** Yes, absolutely, and you can select a different
15 time period. You could select both alternatives as preferred,
16 but you may think, well, you already get -- With a permit, it's
17 already been renewable for a year, and so we don't think that
18 needs to be -- I am not suggesting you do this, but you may have
19 a different rationale for a different time period for different
20 circumstances, or you could pick the same.
21
22 If you had a different alternative picked in Action 1, then
23 Alternative 5 and Alternative 2 in this action would be
24 applicable, and you could select that as well, and so, yes, they
25 can all be selected.
26
27 **CHAIRMAN GUYAS:** Okay. Robin.
28
29 **MR. RIECHERS:** I am going to go ahead and move to make a
30 preferred alternative also out of Alternative 4 and also out of
31 Option 4b. If I get a second, I will give the rationale.
32
33 **MR. GILL:** Second, Madam Chair.
34
35 **CHAIRMAN GUYAS:** All right, and so let's get that on the board.
36 We're back in 36B. We've got a motion from Robin and a second
37 from Bob Gill in Action 2 to make Alternative 4 and Option 4b
38 the preferred. Discussion?
39
40 **MR. RIECHERS:** Let's make sure we clarify that it's not the
41 preferred, but it's an added preferred, just to make sure. I
42 will quickly make a discussion of rationale. If we're going to
43 give this alternative to other individuals of basically the same
44 three-year period to, if you will, get their ducks in a row, we
45 should at least give that amount of time to someone who might
46 have received those shares in an inheritance or some other legal
47 proceeding.
48

1 They wouldn't really get those shares until the legal proceeding
2 concludes, and so they would have the same amount of three
3 years. I don't think they necessarily need more time, even
4 though that can be somewhat complex for people, but, until the
5 actual court delivers it to them, they would be inside of a
6 proceedings until then, which would keep those shares alive, you
7 would believe, if the executor is doing what they're supposed to
8 do, et cetera, and then they would have the same amount of time
9 as anyone else at that point.

10

11 **CHAIRMAN GUYAS:** Ava.

12

13 **DR. LASSETER:** This did get discussed a little bit, and I could
14 follow-up with SERO again, but we did couch it in terms of
15 following -- The time period of three years is following the
16 date the shares were transferred into this account, and so the
17 understanding is that the shares would be in the account of this
18 -- Whatever that legal proceeding is, whatever other person's
19 account, it would be the person that is either -- If they passed
20 away, then they would just not be used, and it wouldn't be an
21 active account, or, if it's part of a divorce proceeding, it's
22 not actually in the person's account until they have completed
23 the legal paperwork.

24

25 However you want to decide the time period, this is framed in
26 terms of the date upon which that new shareholder has obtained
27 those accounts, obtained those shares, and put them in their new
28 account.

29

30 **MR. RIECHERS:** No, and that's my intent. I mean, basically,
31 they get the same option as anyone else, once it technically is
32 in their name. They can't do anything with it until it is
33 officially in their name and then their account.

34

35 **CHAIRMAN GUYAS:** Any other discussion on this motion? Carrie.

36

37 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Madam Chair. I didn't
38 know if you wanted to add "as an additional preferred", or I
39 thought you made that clarification, and I just wanted to make
40 sure the motion reflects that.

41

42 **CHAIRMAN GUYAS:** Yes, and let's clarify that, just in case, so
43 we don't get crosswise, and so as an additional preferred.
44 Okay. Thanks. **Now we have, in Action 2, to make Alternative 4
45 and Option 4b as an additional preferred. Any other discussion
46 on this? Is there any opposition to this motion? Please raise
47 your hand. Leann is opposed. One opposed.**

48

1 **MS. BOSARGE:** No, I'm not opposed. I'm sorry.

2
3 **CHAIRMAN GUYAS:** Okay. Is it to this motion? We're voting.

4
5 **MS. BOSARGE:** I was just going to say that I was in support of
6 the motion, because now I understand it, I understand
7 Alternative 4, and I was confused about what it meant, and so
8 I'll good. I'm in favor of the motion.

9
10 **CHAIRMAN GUYAS:** Okay. Cool. All right. **Then I think we have**
11 **a motion that carries with no opposition.** All right. I am
12 going to suggest that we move on from 36B and C for right now.
13 The Chair is kind of worn out from these amendments right now,
14 and we have just under a half-an-hour to cover a couple of other
15 agenda items.

16
17 I know our next one, yellowtail, is really quick, and I am
18 hoping that Dr. Diagne can be kind of speedy in his sector
19 separation presentation, and then we might be able to get to
20 Kevin's item. Maybe. Maybe not. We'll see. If people want to
21 throw down some crazy motions, that might have to wait until
22 Full Council. Ryan, go ahead.

23
24 **DISCUSSION: DRAFT SNAPPER GROUPE AMENDMENT 44 AND REEF FISH**
25 **AMENDMENT 55: MODIFICATIONS TO SOUTHEASTERN U.S. YELLOWTAIL**
26 **SNAPPER JURISDICTIONAL ALLOCATIONS, CATCH LIMITS, AND SOUTH**
27 **ATLANTIC SECTOR ANNUAL CATCH LIMITS**

28
29 **MR. RINDONE:** You guys know that we have reviewed SEDAR 64,
30 which looked at yellowtail snapper, and it found that the
31 yellowtail snapper stock was healthy. However, the model
32 estimated that the stock was smaller than previously thought.

33
34 Because the councils share management of the stock, we're going
35 to develop a joint document to amend the Snapper Grouper FMP and
36 the Reef Fish FMP between councils, and this should expedite
37 development of the management alternatives. Most of the
38 proposed management alternatives will ultimately affect the
39 South Atlantic Council's portion of the stock.

40
41 The Reef Fish AP had met and had said that they were pretty
42 happy with how things were, and so, so long as the Gulf Council
43 could make sure that things for the Gulf remained otherwise
44 unchanged, as far as access is concerned, the Reef Fish AP would
45 be generally happy.

46
47 The next time that you guys will have the opportunity to see
48 proposed options, which are in development, and that's why we

1 don't have anything to show you yet, will be at the October 2021
2 meeting in Orange Beach. Madam Chair.

3
4 **CHAIRMAN GUYAS:** Excellent. Any questions about yellowtail?
5 Excellent. Okay. Let's move on to Dr. Diagne to give us that
6 presentation, Tab B, Number 12(a), on sector separation.

7
8 **PRESENTATION ON SECTOR SEPARATION FOR FOUR REEF FISH SPECIES**
9

10 **DR. ASSANE DIAGNE:** Thank you, Madam Chair. I will try to be
11 very quick with this. Good afternoon. Just to give you an
12 overview of the discussion paper that we prepared, this is a
13 presentation to support that discussion paper.

14
15 A general outline is we'll just provide an introduction and
16 spend most of the time looking at recreational landings and
17 effort for the four reef fish species that we are dealing with,
18 and we will conclude by looking at the potential actions and
19 discuss a few management considerations.

20
21 As you recall, the council passed a motion, and I think it was
22 in September of 2020, requesting us to prepare this paper, but
23 the presentation has been delayed a couple of times. In talking
24 about sector separation, we have a model, in the sense that we
25 have implemented sector separation for red snapper, and, to
26 define it, we did create two separate components, a federal for-
27 hire component for all owners, if you would, of a valid or
28 renewable federal reef fish for-hire permit and a private
29 angling component for the private angler, as well as the state-
30 permitted for-hire operators.

31
32 We are going to spend time just looking at the trends in
33 landings and in effort for the four reef fish species that are
34 included in this document, and we can start with red grouper,
35 and what we have provided for each one of the species, red
36 grouper included, would be for the private angling component
37 landings in CHTS, as well as FES, and we also provided the
38 landings for the for-hire sector. As expected, the FES
39 landings, looking at the private anglers, would magnify whatever
40 trends we see in the data query, if we are looking at the
41 landings expressed in CHTS units.

42
43 As far as the effort, for the effort, we only report here the
44 charter boat effort, and the reason is the charter boat effort,
45 as we know, is measured in angler trips, but the headboat effort
46 is measured in angler days, and, of course, those two metrics
47 would not allow us to add the two effort values, but, just to
48 look at the trends here, we are looking at the charter effort,

1 and we see fluctuating trends in the private angling as well as
2 a fairly stable one for the charter sector.

3
4 Now we can switch to the next species, and we can look at the
5 gag landings, and the comments that I made earlier, in the sense
6 that FES landings would magnify whatever trends we may see in
7 the data series, is applicable throughout, and we see the same
8 thing here.

9
10 In terms of effort, we see a wide fluctuation in terms of gag
11 effort for the private angling component. In the next slide, we
12 can look at greater amberjack. In terms of landings by
13 component, we see, essentially, the same thing, in terms of
14 magnifying, or amplifying, the trends that we see in let's say
15 the blue line, which is expressed in a different unit.

16
17 We can finish with gray triggerfish. In terms of the landings,
18 we see, really, wide fluctuations in the landings, and we can
19 look at the effort, if you would.

20
21 This is the last slide, in terms of looking at landings and
22 effort for gray triggerfish, and this is just looking at the
23 trends, and there is nothing stable, really. There is a lot of
24 fluctuation, in terms of the effort, for the private angling
25 component.

26
27 If the council decided to move forward and start an amendment,
28 these are some of the potential actions, perhaps, that would be
29 considered. The first one would be the decision whether or not
30 to establish sector separation, meaning whether to create two
31 separate components within the recreational sector, the private
32 angling component and the federal for-hire component, and the
33 options would be to pick the species that we would want to apply
34 this to. It could be any combination or subset, if you would,
35 of these four species, or we also could put them all together.

36
37 Some of the things that would have to be addressed -- Of course,
38 the central question would be to allocate the resource between
39 the components, and the council has typically used time series
40 to allocate, and, here, the council could consider alternative
41 allocation methods. Just as a reminder, for red snapper, the
42 council did a mix, essentially, between the longest time series
43 available, to account for the historical participation in the
44 fishery, as well as take some fairly recent years, the latest
45 years of data available at the time, to also account for current
46 trends in participation in the fishery.

47
48 Other things that would have to be considered, and that have

1 been considered, some of them in Amendment 40, which is sector
2 separation for red snapper, is we would have to consider
3 separate accountability measures that would be relevant. For
4 example, one would think also about annual catch targets, and we
5 would have to consider provisions to determine season length,
6 and maybe consider payback provisions. These are just examples
7 of essentially things that the council may think about.

8
9 I believe I have one more slide, and this really shows some
10 management considerations, and the first thing that this would
11 show is that the presentation was prepared in January, and I
12 guess today was the first opportunity to present it, and so, in
13 terms of the for-hire emphasis here, with SEFHIER, what we could
14 say now, to update the information in front of you, is that,
15 essentially, the data improvements will be coming, and,
16 essentially, the implementation is ongoing.

17
18 Of course, you have already taken final action on Amendment 53,
19 and the gag stock assessment is in its final stages, and, as far
20 as the greater amberjack status, I guess the best way to put it,
21 right now, is to say simply that it is to be determined, and an
22 amendment has been initiated and will address those things.
23 Finally, in terms of gray triggerfish, the framework action has
24 been implemented, and this was recent. Madam Chair, that is
25 what I have, in terms of a presentation, and I will try to
26 answer questions, if the committee has any. Thank you.

27
28 **CHAIRMAN GUYAS:** All right. Thanks, Dr. Diagne. Given that we
29 have fifteen minutes until the fireside chat begins, I am going
30 to suggest that we take questions for Assane now, but, if we've
31 got motions, and we want to do crazy stuff, let's do that in
32 Full Council, if we don't mind. I've got Leann, and then I see
33 you, Bob.

34
35 **MS. BOSARGE:** My hand was up from earlier. Sorry.

36
37 **CHAIRMAN GUYAS:** Okay. No problem. Bob.

38
39 **MR. GILL:** Thank you, Madam Chair. Thank you, Dr. Diagne, for
40 leading us through that, and I guess I'm not up to speed on this
41 particular category, but what I didn't see in the paper, and
42 perhaps you can direct me, if I missed it, but it seems to me
43 that this request, which I am not against, but I want to
44 understand it better, and what I missed in the paper was how
45 creation of these four species, separated out, is an improvement
46 over the current system.

47
48 One of the things we do know is that it's more complicated, and,

1 in keeping with my KISS philosophy, that's a bar that I need to
2 consider, and so I need to understand a little bit better about,
3 for each species, why this -- What this does that's better than
4 what we currently have, or perhaps it's more addressed to what's
5 wrong with the current, and I didn't get that, and perhaps, as I
6 say, I missed it.

7
8 You will recollect that this is not dissimilar from the request
9 back in 2012 to expand the IFQ to other species, and, at first
10 blush, it seems like a reasonable idea, but then, when we looked
11 at it, we couldn't describe well how that improved the current
12 situation or fit the purpose and need, and so the purpose and
13 need, for me, on this one is a big one, and where it shows
14 improvement, and, if we can document that, then I think we have
15 something to talk about, and I think we need to go through that
16 loop before we get into all the details on how this thing would
17 have to work, so that we understand where we're going on it.
18 Thank you.

19
20 **CHAIRMAN GUYAS:** Thanks, Bob. Dr. Diagne, I don't know if you
21 want to answer that question.

22
23 **DR. DIAGNE:** I will just provide a very, very short answer, and
24 I could be very brief. Yes, Mr. Gill, and you didn't miss it.
25 That is not in the paper, and that is on purpose. This is,
26 essentially, just to stimulate discussion at the council level,
27 so that, if the council has in mind a direction, in terms of a
28 purpose and need, we can take that and start from there,
29 essentially, and so we have provided, if you will, quote,
30 unquote, objectives, if there is such a thing, in a starting
31 paper, as we could, but, I mean, the initial thing one could say
32 is both sectors may benefit from separate management, and that
33 is a "may".

34
35 It depends on one's perspective, having two separate, quote,
36 unquote, management, and you have the charter/for-hire determine
37 the season that works for them, et cetera, and the same thing
38 for the private angling side. That would be, really, the main
39 benefit that one would bring forth, but, on purpose, we have
40 refrained from putting any of those arguments, to have the
41 council have discussions as far as the purpose and need that
42 they wanted for sector separation, if they decided to go to the
43 next step.

44
45 **MR. GILL:** Thank you, Dr. Diagne. It's the old chicken-and-egg
46 problem, isn't it? My reaction to your comeback is that that
47 would best come from the folks making the request. They are the
48 ones that see a rationale and a need, and I think they can

1 provide the justification as to, A, what the purpose and need
2 is, and, B, why it's better than the current, and I look forward
3 to seeing that.

4
5 **CHAIRMAN GUYAS:** You may hear that in public testimony, perhaps.
6 We'll see. Any other questions for Assane? Dale.

7
8 **MR. DIAZ:** Not a question, but, building off of what Mr. Gill
9 just said, I hope we do hear some public testimony on this, to
10 see what folks are thinking. You know, it was asked that we
11 develop a white paper, and we've done it.

12
13 When I read through it, and I look at the percentages that
14 potentially could be had on some of the species, I am not sure -
15 - I didn't think that it made sense for every species, but it
16 might for some, but I would like to hear what some of the public
17 has to say about it and what their opinions are, and so
18 hopefully we'll get some of that comment. Thank you.

19
20 **CHAIRMAN GUYAS:** Okay. Great. Anybody else? All right. We've
21 got ten minutes, Kevin. Can you cover your item in less than
22 ten minutes?

23
24 **OTHER BUSINESS**
25 **DISCUSSION OF SEDAR 74**

26
27 **MR. ANSON:** I appreciate the less than ten minutes, Madam Chair.
28 Recently, the stock ID workshop for SEDAR 74, red snapper, the
29 research track assessment, wrapped up. They wrapped up a little
30 later than what was scheduled, due to some discussion and some
31 lack of agreement amongst the various participants.

32
33 Just to inform some folks, and certainly Clay, if I say
34 something wrong, please let me know, but, the stock ID workshop,
35 their charge, basically, is to identify any information that
36 would suggest a break from the traditional splitting of the
37 Gulf. We have had, historically, two regions, east and west of
38 the Mississippi River, and that's how the assessments are
39 usually conducted, because there are some differences there in
40 the data that are generate within each of those regions.

41
42 So they looked at all the new data that's been collected since
43 the previous assessment, and, particularly, for this assessment,
44 they are looking far and wide, because it's a research track
45 assessment, but, essentially, between the three different
46 groups, and there was a life history group, which included
47 genetics and age and growth and such, and then there was a
48 recreational data group, looking at catch rates and such, and

1 then a third group, which escapes me right now, but,
2 essentially, they all looked at the data, and they came to a
3 consensus that there wasn't a definitive consensus on really
4 separating between the east/west split, but there was enough
5 differences in the data that could allow for splitting the Gulf
6 into three regions, potentially, as was kind of indicated from
7 the council and other areas, as the SSC -- As they have been
8 looking at the data and such.

9
10 They came to a consensus, amongst the group, that, based on the
11 data and the reports of each of the individual three working
12 groups, or groups within this working group, they recommended
13 that the split be still at the Mississippi River and then a
14 northern Gulf section, or region, which would be encompassed
15 between that break at the Mississippi River on the west, and
16 then to the east, basically the Big Bend of Florida. Then,
17 south of there, on the West Florida Shelf, would be the third
18 region.

19
20 I guess -- I was participating in the CPUE group, and I missed
21 the first meeting, and I was participating in the subsequent
22 meetings, and then at these meetings that they had where all of
23 the groups got together, and there was significant dissention
24 amongst the participants, to the point that they would prefer,
25 or have preferred, to have under analysis a third option, which
26 would be to have the east/west line, or the split at the
27 Mississippi River and then a line at the Alabama/Florida border,
28 basically, such that you would have west of the Mississippi
29 River as a region, Mississippi and Alabama as its own region,
30 and then Florida contained within a region.

31
32 There were various reasons for doing that, and one of the
33 reasons that was proposed is that it would most benefit
34 management. I mean, that's what the assessment is supposed to
35 give us, is management advice, and so, with the advent of
36 Amendment 50, the regional management on the private
37 recreational side, some felt that it would be beneficial to try
38 to apportion the data, or get the data aligned, such that the
39 assessment could look at those differences on a smaller scale,
40 if you will.

41
42 One of the points that -- They created a report, and it's on the
43 SEDAR website, and one of the points that they provided as a con
44 to looking at the three regions was the headboat data, and they
45 have made -- They have partitioned the data between Alabama and
46 Florida for the Panhandle region, which was originally
47 identified as the sampling region from 2013 forward, but, prior
48 to that, the data could not be partitioned, based on the

1 information at-hand, and we would have to make some assumptions
2 as to what split that would be for that historical data prior to
3 2013.

4
5 I am kind of on the same thinking, and I did not participate in
6 any of the voting, but I do think that this is the opportunity
7 for us, in the research track, to really kind of open the hood
8 and take a look at the engine, so to speak, and tinker with it,
9 and so this would be an opportune time for us to try to look at
10 that.

11
12 They selected the Cape San Blas and the Mississippi River break
13 for the second option, just because that was what they thought
14 was best of the three, of the two new options, because there was
15 a limitation on the availability of Science Center staff to
16 compile the data and to help with the assessment, the model
17 runs, associated with those.

18
19 Part of that was it would impact the SEDAR schedule to try to
20 add that third region and do the analysis associated with that,
21 and so I am just bringing this to the attention of council, at
22 this point in time. Again, I do appreciate the few minutes to
23 discuss this, and I would like to possibly investigate this
24 further at Full Council, to see if the council would be
25 interested in maybe writing a letter indicating that it is
26 important for us to try to take advantage of the research track
27 assessment process and that, if it needed to be adjusting of
28 some schedules for stock assessment, to free up some Science
29 Center staff to do that, just to maybe draft a letter, or have
30 the letter drafted, and go through a council vote to do that.

31
32 Maybe, Ryan, if you could, in preparation at Full Council, maybe
33 look at the SEDAR schedule and have that available for us, if
34 that's what the council would like to do at this point. Thank
35 you.

36
37 **CHAIRMAN GUYAS:** All right. Thanks, Kevin, for bringing that to
38 our attention. Tom.

39
40 **DR. FRAZER:** I am just going to try to keep us on schedule
41 today, right, and I think it would be informative for the
42 council to have kind of a brief overview of the SEDAR process,
43 and I think Ryan can provide that at Full Council, and what was
44 involved there.

45
46 Along the same lines, I think we should have a recap about the
47 research track assessments and the expectations surrounding
48 those assessments and how it relates to the allocation of

1 resources, and so both of those things are at play, and it's
2 like many council issues. Nothing is simple, right, but I think
3 it would be helpful for people to understand what has happened
4 to-date and what the expectations might look like moving
5 forward.

6
7 We're up against our 5:30 time, but I will throw that out to
8 both Ryan and Clay, and perhaps we can get a little bit of
9 discussion at Full Council. Kevin.

10
11 **MR. ANSON:** Just a quick comment to that, and I do appreciate
12 that, and not only are we bumping up to the time here, but this
13 is also timely, in that there is -- On this research track
14 assessment, there is a schedule, and, as I mentioned before, the
15 stock ID workshop, the final report was delayed a month or so
16 already, and so we are behind the eight-ball, and so that's why
17 I wanted to bring it to the attention of the council, that, if
18 we do want to take action, that it's put as much in advance as
19 possible, to try to keep the research track assessment on the
20 timeline. Thank you.

21
22 **CHAIRMAN GUYAS:** Okay. We'll bring that back to Full Council.
23 All right. We have made it to the end of our agenda and the
24 Other Business, and so, with that, the Reef Fish Committee is
25 adjourned.

26
27 (Whereupon, the meeting adjourned on August 24, 2021.)

28
29 - - -
30