GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

REEF FISH MANAGEMENT COMMITTEE

Courtyard Marriott Gulfport, Mississippi

April 4, 2023

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constraints, and other measures. The motion carried on page 125.

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The Reef Fish Management Committee of the Gulf of Mexico Fishery Management Council convened at the Courtyard Marriott in Gulfport, Mississippi on Tuesday morning, April 4, 2023, and was called to order by Chairman Tom Frazer.

ADOPTION OF AGENDA
APPROVAL OF MINUTES
ACTION GUIDE AND NEXT STEPS

CHAIRMAN TOM FRAZER: All right, and so I will call to order the Reef Fish Management Committee. The first item on the agenda is the Adoption of the Agenda, and that will be Tab B, Number 1 in your briefing materials. Is there any modifications or edits to the agenda? Mr. Gill.

MR. BOB GILL: Thank you, Mr. Chairman. I would like to add an item, under Other Business, of red grouper.

CHAIRMAN FRAZER: All right. Noted. Are there any other items to come under Other Business? Mr. Strelcheck.

MR. ANDY STRELCHECK: During the red snapper calibration discussion, I would like to talk about the allocation review policy, in light of red snapper.

CHAIRMAN FRAZER: Okay. Let me see where we're going to put that in the agenda. Okay. Noted. Are there any other modifications to the agenda? Are there any objections to moving forward with the agenda, as modified by Mr. Gill, and in addition to Mr. Strelcheck? Seeing none, we'll consider the modified agenda adopted.

The second item on the agenda is the Approval of the January 2023 Minutes. Is there any edits or modifications to those minutes? Is there any objection to approving the minutes then as written? Seeing none, I will consider the minutes approved, and we'll move into Item Number III, which is the Action Guide and Next Steps. Mr. Rindone.

MR. RYAN RINDONE: Thank you, sir, and so we'll go ahead and start off with the Review of the Reef Fish For-Hire and IFQ Program Landings, and, Ms. O'Donnell, are you on? All right, and so this is the standard landings updates that you guys are used to receiving. Kelli, I'm going to pull it up, and as soon as you're ready.

CHAIRMAN FRAZER: While we're getting ready for that, Ms. Boggs.

MS. SUSAN BOGGS: So, I thought we had decided, at a previous meeting, that we would only reference this and not spend our time at each meeting reviewing these numbers. Am I -- I mean, I don't care, but I'm just curious.

CHAIRMAN FRAZER: Mr. Gill.

MR. GILL: My memory is that we decided to do it twice a year, April and October, and this is the April meeting.

CHAIRMAN FRAZER: That's correct. All right, Ms. O'Donnell. Are you ready?

REVIEW OF RECENT REEF FISH, FOR-HIRE, AND INDIVIDUAL FISHING QUOTA LANDINGS

MS. KELLI O'DONNELL: As with yesterday, the landings for 2022 and 2023 are still considered preliminary. We do have the recreational landings through Wave 6 for MRIP, LA Creel, and headboat, and Texas through May 14, and commercial landings through February 2023. Now, we do have little notes at the bottom for each species, to show which units they are currently in, either CHTS, FES, or MRFSS.

Red snapper for-hire, we can see that they have had a longer season in the past couple of years, and, last year, we got pretty much right up onto the ACT with our projection for the season length, and average landings between the most recent three years and the prior three years before that have been pretty similar, and that is based on having a very similar season closure date.

Gag, there was some discussion that landings seemed to be a little bit higher in 2021 and 2022, but, overall, but the end of the year, the total landings have been pretty similar in the past six years.

Red grouper recreational landings, they've had higher landings in their most three recent years than they have prior to that, and they did exceed the ACL again last year, which means they will be monitored to their ACT this year.

Triggerfish commercial landings, as we have heard, landings have been low, and that could be, as we've also heard, due to the low number of fish trip limit, and, hopefully, with the increase in that, we will be able to see some increase in the commercial landings. Recreational gray triggerfish landings have been able to remain below the ACL the past couple of years, and they did

have a closure in 2021, but, in 2022, there was no closure for this sector.

Greater amberjack commercial landings, they have also remained below their ACT, but I wanted to remind everybody that we are currently in rulemaking for Reef Fish Amendment 54, and, when that is implemented, they are currently already at what that reduced ACT would be, and so to expect a closure to occur whenever the 54 final rule is effective, and I think that would be a good point to keep in mind as the greater amberjack management measures document moves forward. In discussing with the commercial sector, if they would rather have an extended season or be able to retain as high of a trip limit as possible, even if that means a shortened season, and they have also never triggered the step-down, currently, that was implemented in 2020, which is going from 1,000 pounds down to 250 pounds when 75 percent of the ACT has been met.

Recreational landings, it looks super low this year, but that is because we had implemented that emergency rule that only allowed the recreational season to be open September and October, and we will be keeping it closed in May, so that the stock could stay below in the new ACT that will be implemented with Reef Fish Amendment 54, and keep in mind that, currently, this is presented in CHTS units, on this slide, and so you can't compare it to what FES would be, once 54 is effective.

Gray snapper commercial landings have remained fairly similar to what they have been in the past six years, only slightly less landing, with 2022 being closer to what it was in 2017 to 2019. With the stock overall, we can see that they have remained below their ACL, even in the past six years.

Lane snapper commercial, they have also had slightly lower landings in the past three years than they have in the prior three-year average before that, and 2022 was less landings than 2021, and, so far, 2023 seems to be right in the middle of both of those, as far as where landings are currently.

Overall, as a stock, with these as well, we do see that, in 2022, they did exceed their stock ACL, even though a closure occurred on the 15th, and so they will have a projection this year, to see when the stock is projected to meet its ACL for a closure.

Mutton snapper is another species that the most recent three years landings have been lower than they were the prior three years to that, although 2023 seems to be a little bit higher, as

we started the fishing year, their landings, than 2022 and 2021 have been, and, again, overall, we can see the landings total has remained well below the stock ACL.

Vermilion is another same one where the most recent three years has been less than the three years before that, although 2023 seems to be on track for what the 2017 to 2019 landings were, and, again, as a stock overall, we can see that they have remained below their ACL for the past six years.

Yellowtail commercial, we can see, in the most recent fishing year, landings have been higher than what they were in the past couple of fishing years, although still slightly below the 2017, 2018, 2019, and 2020 average, but, overall, as a stock, they have remained well below their ACL, and, with the most recent three years, it's well below what the prior three-year average was.

Cubera is pretty similar in its prior six years of landings, and, as we can see on the next slide, they did not exceed their ACL last year, which means there would be no projection for a closure this year.

The jacks complex is a little bit less landings, so far on the commercial side, than what there was the past couple of years, and we can also see that they did not exceed their ACL either last year, which means there also will not be a projection for a closure this year.

Mid-water snapper, we did have that little jump-up in 2021, and even a little bit in 2022, and 2023 landings, so far, are looking a little bit less than what they were from those couple of years, and we can also see, with this stock, that they did not exceed their ACL in 2022, which means there also will not be a projection for a closure this year.

We wanted to provide an update of the breakdown for this species, because we had heard, and saw, that, within 2020 and 2021, that wenchman was caught as a bycatch in the butterfish fishery, and it doesn't look like that occurred in 2022. We haven't been able to have time to look into that in any more detail, except to see that the landings just weren't what they were in 2020 and 2021, and, when compared to the recreational sector, we can see that wenchman is rarely caught in this sector, and so it is mostly a commercially-harvested species, and that's the end, and I will just be here for if there's any questions, Mr. Chair.

CHAIRMAN FRAZER: Thank you, Ms. O'Donnell. Any questions regarding the landings data? I am not seeing any. Do you also have an IFQ presentation, Kelli?

MS. O'DONNELL: I do.

CHAIRMAN FRAZER: All right. Then we'll jump right into that. Okay, Kelli. It looks like we have the presentation loaded up on the screen.

MS. O'DONNELL: As with the last presentation, for 2022 and 2023, landings are considered preliminary, with commercial landings being available through February 28. These slides are going to be pretty straightforward. With being IFQ, we know that they are going to stay below their overall quota, and you can just see how some changes have occurred in there with the increase in the overall quota that occurred on January 1. Landings are a little bit higher, at the beginning of the fishing year, than what they were in 2022.

A lot happened with red grouper, and the IFQ has changed a couple -- Or the quota has changed a couple of times, and so, while it seemed like they exceeded their quota with that purple line, that was only a quota for a couple of months, before they got another increase, with their current level being at the lime green in the middle dotted line.

Gag grouper, we wanted to put these two lines on there, because they currently have a withholding that is in effect, due to the anticipation of the gag interim rule being implemented, and, once that occurs, the quota will be down at that light-green line. That's the end, and so I'll be here for questions again.

CHAIRMAN FRAZER: Thank you, Ms. O'Donnell. Are there any questions with regard to the IFQ landings? Okay. I am not seeing any questions, Kelli, and thank you again for the presentations, and we'll go ahead and move on. The next item on the agenda is the public hearing draft for Draft Amendment 56, which is modifications to the gag grouper catch limits, sector allocations, and fishing seasons, and, Mr. Rindone, do you want to walk us through the action guide on that?

PUBLIC HEARING DRAFT: DRAFT AMENDMENT 56: MODIFICATIONS TO THE GAG GROUPER CATCH LIMITS, SECTOR ALLOCATIONS, AND FISHING SEASONS

MR. RINDONE: Sure. So, we're going to start off with a brief update from SERO staff about the timeline for implementation of

the interim measures for gag, which is intended to reduce fishing mortality ahead of the development of Amendment 56, which is the rebuilding plan for gag grouper. You guys have been working on this in response to the SEDAR 72 assessment, using the State of Florida's State Reef Fish Survey landings data for private recreational vessels, which determined that gag is overfished and undergoing overfishing.

We're going to present some revised options for you guys, which will include status determination criteria, modifications to catch limits based on sector allocation and rebuilding timeline, changes to the definition of the annual catch targets and the commercial quota, and for modifying the recreational fishing season. You guys should ask questions and select preferred alternatives, as appropriate. We're trying to go out to public hearings with this next month, and so, if you guys think the document is ready for that, we certainly recommend that the document go forward to public hearings, and you guys have already selected locations for that. Right now, our plan is to bring it back for final action in June.

CHAIRMAN FRAZER: All right. Thank you, Mr. Rindone, and so we will go ahead, and it looks like we have an update on the interim rule by SERO staff, and is that you, Andy, or Peter?

MR. PETER HOOD: We had the proposed rule published, and we've got -- You know, we've had a few comments on that, and we've addressed those comments in a draft final rule, and that is -- You know, right now, we're finishing that up, and we'll be sending it up to Headquarters, and we anticipate that it will publish before May 1. Thank you.

CHAIRMAN FRAZER: Okay. Thank you, Peter. Any questions with regard to the interim rule status? Okay. I am not seeing any, and we will go ahead and move into the presentation, which is Tab B, Number 5(a) in your briefing materials. Mr. Rindone.

MR. RINDONE: Thank you, sir. Just some background again, and thank you, Ava, for putting these couple of management slides together, and so this is the commercial landings and management measures since 1990, and the bars correspond to the landings in pounds gutted weight, and then the dotted line across the top corresponds to the season duration, in days, and you can see, spread across the timeline, different management actions for the commercial sector, and so we'll go to the next slide, which is the same thing, but for the recreational sector since 1990, and so there's a lot of information contained within here, and so I'm not going to -- We went through this some last time, but I

wanted to leave it in here, just in case anybody wanted a review.

We have a little bit of a restructure for this document now, and we have four actions now, instead of two, and that was to clean up some things that we thought -- We just thought that it would be easier to map it out this way, and so, starting off with Action 1, it's modification of status determination criteria, and so this is a little bit of a glossary for you guys, as we walk through this particular action, and so we'll go to the next slide.

Right now, the status determination for gag is defined in Amendment 30B, with the maximum sustainable yield equaling the fishing mortality rate, assuming the maximum yield per recruit, or Fmax, and the maximum fishing mortality rate is set equal to that, and the minimum stock size threshold is equal to 50 percent of the biomass at Fmax, and the optimum yield is set at 75 percent of the yield at Fmax.

Now, because the SSC found Fmax to be unsustainable for gag, that's not considered to be consistent with the best scientific information available, and so you guys cannot pick Alternative 1, and so Alternative 2 would revise the status determination criteria for gag based on the SEDAR 72 stock assessment that the SSC reviewed in July of 2022.

MSY is defined as the yield when fishing at 40 percent spawning potential ratio, and the maximum fishing mortality threshold is set equal to the F at MSY, or its proxy, and, in this case, it would be 40 percent SPR. The minimum stock size threshold is still 50 percent of the biomass at MSY, or its proxy, and we've made a change here about OY, and we've defined it as conditional on rebuilding status, such that, if the stock is in a rebuilding plan, then optimum yield is equal to the stock ACL, a combination of the recreational and commercial ACLs, and, if the stock is no longer in a rebuilding plan, then optimum yield is equal to 90 percent of MSY, or its proxy. We've got a couple of hands, Mr. Chair.

CHAIRMAN FRAZER: Mr. Gill and then Mr. Dyskow.

MR. GILL: Thank you, Mr. Chairman. **Since we're looking to go out to public hearings with this document, I would like to make a no-brainer motion that, in Action 1, the preferred alternative be Alternative 2.**

MR. PHIL DYSKOW: I will second it.

CHAIRMAN FRAZER: Okay. We'll go ahead and get that motion up on the board, and so, Ryan, it looks like we'll kind of tackle these action items as you give the presentation. Okay, and so the motion on the board is, in Action 1, to make Alternative 2 the preferred. That motion came from Mr. Gill, and it was seconded by Mr. Dyskow. Is there any further discussion on the motion? Okay. I am not seeing any. **Is there any opposition to the motion? Not seeing any opposition, and so the motion carries.** Mr. Rindone.

MR. RINDONE: All right. Moving forward, Action 1 is modification of catch limits, sector allocation, and rebuilding timeline, and so we've got a couple of primer slides here for you, one about the data units, and then the next one is about reference points, and so the data used in Alternatives 2 and 3 in Action 2 uses Florida's State Reef Fish Survey for private vessel catch and effort. Shore mode and charter mode data come from MRIP-FES, and headboat still uses the Southeast Region Headboat Survey.

SRFS historic effort estimates are greater than those from MRIP-CHTS, but still much lower than those from FES, and, because of these differences in data units, we cannot directly compare what's in Alternative 1, which uses CHTS, to Alternatives 2 and 3, which use a combination of these different data units with different sector allocations.

As far as reference points are concerned, you know, we talked a little bit about Fmax being used in past assessments, and it's kind of like fishing a wide-open throttle, and it clearly it does not bode well for gag, and it's not recommended by the SSC. The SSC recommended 30 percent SPR for the MRIP-FES run of SEDAR 72, but this was due to -- This increase from Fmax to 30 percent SPR was based on using those data and considerate of things like red tide vulnerability and different presumptions about the reproductive ability of gag.

The SSC recommended F 40 percent SPR, after reviewing the SRFS run, again due to gag's demonstrated susceptibility to episodic mortality from red tide, and also after further considering gag's hermaphroditism, or its change of sex at younger ages from female to male, and based on some contemporary research.

40 percent SPR would build the stock to a more resilient biomass level that the SSC thought would help sustain the stock against future red tide events, and also in the wake of directed fishing effort. It's not that if there will be future red tide events,

but it's when, how often, how bad. Andy, I don't know when you want to start having the conversation about the --

MR. STRELCHECK: We can go through and the --

MR. RINDONE: Okay, and so Alternative 1 here shows the current catch limits and sector allocation for gag, which were set using MRIP-CHTS data units, using Fmax, which, again, the SSC doesn't support. The sector allocation is 61 percent recreational and 39 percent commercial, and that's from Amendment 30B, and the catch limits, in pounds gutted weight, are shown in the table there, and, again, Alternative 1 here is not consistent with the best scientific information available, and so this one is not viable.

The interim rule that Peter was discussing earlier for 2023 revises the current catch limits based on MRIP-FES for the recreational sector landings, using an MSY proxy of 30 percent SPR, and you guys elected not to modify the sector allocation during these interim measures, and so they were retained as the same, and those catch limits are shown there in the tables, in pounds, because that's how it was put in the regulations, and just a note that, you know, again, this is only in effect for 2023.

Alternative 2 would revise the catch limits for gag. The OFL, ABC, and ACLs would use 40 percent SPR, and the stock ACL would equal the ABC. The sector allocation would remain the same, at 61 percent recreational and 39 percent commercial, and catch limits would be set using, and monitored in, SRFS units for the private angling landings -- For the private vessel landings in FES, and the Southeast Region Headboat Survey for the other recreational landings, and it would establish a rebuilding timeline for gag using one of three options, either Tmin, which is the minimum time to rebuild, and it's assuming zero fishing mortality, which is eleven years, at 75 percent of 40 percent at SPR, or the F at MSY proxy, and that's eighteen years, or the minimum time to rebuild times two, which is twenty-two years, and these options come from the Magnuson Act.

CHAIRMAN FRAZER: We'll hold there for a minute, Ryan. Mr. Gill.

MR. GILL: Thank you, Mr. Chairman. I apologize for not catching up, but could we go back to the last slide, please? I think we need to have a discussion about the interim rule before we quietly go past it, because I have concerns about the implications of what's going to happen and what we decided, back

a year ago or so, and that's a seventy-one-day season, if I remember correctly, and the average landed recreational gag is a little over -- It's about eight-and-a-quarter pounds, and, if you look at that, in terms of the total ACL, it's about 48,000 fish, and, in a seventy-one-day season, that says that you're going to have something less than 700 fish a day.

That says, to me, that what's going to happen is we're going to grossly overrun the ACL, and, given that there's a payback in the recreational sector, it's going to be sufficiently large as to eliminate the 2024 season, and so I think we screwed up. We didn't think it through enough, and I'm one of them, on the implications of what we decided.

Now, part of that consideration, I suspect, was that the RA has the authority to close the season when he considers the ACL to be met, but, as part of that discussion, I don't see where he's got the mechanism, or the data, to do that, and so I would like to ask for Andy's comments in that regard, because it seems to me that we're already in the soup, in terms of trying to stop that large overage, which would be really deleterious to the recreational season, which we don't want to do, or at least I don't want to do, and so, Andy, could you comment on how that will all play out, in your mind, so that we could have a discussion and make everybody aware about the implications of what we've decided in the interim rule and what's going to happen in the future, as a result?

CHAIRMAN FRAZER: Mr. Strelcheck.

MR. STRELCHECK: Thanks, Bob. First, I guess, just to get everyone oriented, Peter talked about kind of where we're at with the interim rulemaking process, and we have to publish the final rule on or before May 1, so that it's effective by June 1. The main driver of that is that we withheld commercial quota, based on the interim rulemaking, and, if we do not have a rule in place by June 1, then we have to essentially revert back to the previous commercial quota that was in place, and that's part of the regulations, and that's been in effect for quite some time at the council, and so I don't see a course correction here, in terms of modifying the interim rule and our ability to make changes to it.

As Bob has noted, right, there is a season that you've recommended, under the interim rulemaking, which is September 1 through November 10, I believe it was, and so approximately seventy-one days.

At the time that we made the recommendation on the interim rule, we did not have data for the 2022 season, right, and now we have at least that information that can inform, and benefit, any decisions about whether that seventy-one-day season needs to be adjusted, or shortened, right, and so we will look to that, at least as information to inform that decision about how to set the season, as well as any other kind of prior data, in terms of trends in landings, but it will be limited, and especially knowing that we typically open on June 1, right, and we have three to four months of landings before we're actually going to get to this opening in the fall of next year, and it's very hard to predict fishing effort into the fall season.

All of these factors have to go into projections, and we document the projections and, ultimately, make a decision, in terms of whether it's going to be a seventy-one-day season or some adjustment to that season, based on the data and information we have.

CHAIRMAN FRAZER: Mr. Gill.

MR. GILL: Thank you, Mr. Chairman, and so what you're saying, in effect, is you're going to, in advance of the season, determine the season length, utilizing the current projection methodology that you have used previously.

CHAIRMAN FRAZER: Andy.

MR. STRELCHECK: I am just looking at our accountability measures, just so I can kind of clearly state them. It says, without regard to the overfished status, if gag landings, as estimated by the Science and Research Director, reach, or are projected to reach, the applicable ACL, the FA will file a notification with the Office of the Federal Register to close the recreational sector for the remainder of the fishing year, right, and so that's my authority, essentially, to project, based on data available.

CHAIRMAN FRAZER: Mr. Gill.

MR. GILL: Thank you, Mr. Chairman, but the question was when you were going to do that.

MR. STRELCHECK: It would be sometime probably this summer.

CHAIRMAN FRAZER: Bob.

MR. GILL: Thank you, Mr. Chairman, and so the issue I have is

that the methodology utilizes the daily catch -- The average daily catch rate for previous seasons, which are considerably longer than the interim rule, and which are in fact even longer than those projected in Action 4, and so utilizing the straight average daily catch rate of a typical fishing season does not account, in any fashion, for effort shift, and yet we have a very reasonable expectation that there will be considerable effort shift.

Now, granted, we have no particular data to allow us to project that. On the other hand, to ignore it suggests that utilization of the previous daily catch rate is going to lead to an overage, and, given the payback, and the low amount of fish available, that's disaster for the follow-on season, and so we've talked about -- I talked about this at the last meeting, and the issue of determining season length is not a scientific one.

It's a management issue, and I would argue that, when you make decisions from a management perspective, you don't have all the data you need, and you utilize what I would call best management judgment, just similar to the science community's best scientific judgment, and that's basically a guess wrapped in nice words, right, but that's how you do it. You make your decision based on the best information you have, to utilize your experience and expertise to fill in the gaps, and you make a decision and go with it, and we're not doing that.

What we're doing is straight mathematical calculation, which does not account for the likely events that are going to occur, and so what we're passively accepting is a rather substantial overage, and we don't know how much, and we can't project that, but a substantial overage in the fishery, which is going to result in a vastly-reduced season, at a minimum, or a shutdown of the fishery next year.

That makes no sense to me, that we're not utilizing common sense to try to maximize the fishery that we can, given the rather constrained circumstances that we're under, and I guess I do not understand, nor am I comfortable with, moving forward on not including our best estimate of what that reduction in season ought to be to accommodate the unknown.

I think we're setting ourselves up for a path to disaster. There is no fish available, and, if you take any out of next season, there's even less fish available, and we don't have -- The interim assessment is probably not going to pay back enough fish to change that, and I would be surprised if we even get to the results of the assessment in 2025, and so I'm really

concerned about this fishery, effectively mismanaging it, and so I'm not comfortable, unless the agency is willing to step up and change the technique, going forward with what's on the table.

CHAIRMAN FRAZER: Mr. Strelcheck.

MR. STRELCHECK: Well, I will disagree with your characterization of our projection and projection methodology, because it's not something that stays static. We evolve it and change it and improve it, based on lessons learned and information that has informed, obviously, prior projections.

You know, we just went through greater amberjack, this past season, and shortened that fishing season, and it's a little bit different than gag, but certainly a short season, and we hit the mark, right, and we didn't exceed the catch limit, yet we have shortened the season, right, and so did we get lucky? Was it because we did a good job projecting it?

Was it -- You know, a whole variety of reasons and circumstances could explain that, right, and, with red grouper, we improved, modified, our projections to use more recent and updated data, and we still went over last year, and we're going to continue to adjust the red grouper projections based on what we've learned the last two seasons for overages, right, and so I think it's unfair to say that the agency is just simply using data and average catch rates in order to base the decisions.

I certainly would welcome some direction and guidance, if you would like me to consider effort shifting as part of those projections, and I certainly have to document a record, and I have to build that record, and I have to get it reviewed by the attorneys, and, ultimately, at the end of the day, we have to justify whatever decision we make, in terms of setting that fishing season based on projections, and so, if the council wants to give some direction, in terms of how that is done, I am certainly willing to receive it and open to, obviously, factoring that into the work that we'll be doing on projections.

CHAIRMAN FRAZER: Okay. Thank you, Mr. Strelcheck. Mr. Gill, I think that, as we work through these alternatives and discuss Actions 3 and 4, I think there will be some relevance there, and we might circle back, at the end of this presentation, and talk about whether or not we want to provide to the agency some advice from the council, with regard to the interim rule and the projections. Okay. Mr. Rindone.

MR. RINDONE: Okay. We talked about this one a little bit, and

we can go to the next slide. Options 2a, 2b, and 2c in these tables are going to show you what the catch limits would be for the different rebuilding timelines. The important thing to remember here is that discards are scaled to the reductions in catch, and we say this in the document too, especially for the 2a and 3a options, that we can assume that zero fishing mortality is going to occur, but we know that, from a discard standpoint, that it's obviously not true, and there is still going to be other recreational fishing activity, and so the discards would never be assumed to be zero for gag in this situation.

Option 2b shows the 75 percent of F 40 percent SPR, or the eighteen-year rebuilding timeline, and, again, this is for 61 percent recreational and 39 percent commercial, and these increase with time, assuming that -- Each year, of course, is predicated on the previous year's catch limit being caught precisely, but not exceeding it, and so no more and no less.

Option 2c here shows the minimum time to rebuild times two, or twenty-two years, and these catch limits are all in pounds gutted weight, and I rounded down to the nearest thousand pounds, and do that to make sure that the sum of the sector ACLs doesn't exceed the ABC, and so there's about a thousand pounds, or less, of variability.

Alternative 3 would revise the gag catch limits for gag also, but it would change the sector allocation to 65 percent recreational and 35 percent commercial, using the SRFS-calibrated average landings from 1986 to 2005, which is where the original -- Or where the current sector allocation comes from, and you guys might remember, last August, in Corpus, we went over about six different time periods that were used for the ACL/AM Amendment and used in Amendment 53 for red grouper, and, overall, the differences in the sector allocation scenarios were -- They were all about, you know, give or take a 4 percent shift, and so what you guys are looking at now is within the range of what we explored last August, and you guys had decided that the options that we were presenting at the time were sufficient, and so that's why we haven't added in a whole bunch of different things, and we went through this exercise.

The catch limits would be set in Alternative 3 and using and monitored in SRFS units for the private angling landings, for private vessels, in FES for the other recreational landings, and then the Southeast Region Headboat Survey for the headboats.

We would establish the rebuilding timeline for gag similar to

how -- Similar to what we talked about in Alternative 2, with the same rebuilding years there, and the same options, but just with 40 percent SPR applied to the revised allocation scenario. The same tables, but, again, assuming 65 percent recreational and 35 percent commercial, instead of 61/39. Again, these continue to increase with time, as the stock is projected to rebuild. We've got some hands.

CHAIRMAN FRAZER: Mr. Dyskow and then Ms. Boggs.

MR. DYSKOW: Thank you, Mr. Chairman. **I would move that, in Action 2, Alternative 3, Option 3b be the preferred.**

CHAIRMAN FRAZER: Okay. We'll put that motion up on the board. Mr. Dyskow, can you repeat the motion?

MR. DYSKOW: Sure. **I move that, in Action 2, Alternative 3, Option 3b be the preferred.**

CHAIRMAN FRAZER: Thank you, and so the motion is, in Action 2, to make Alternative 2, Option 3b the preferred, and is there a second to that motion? It's seconded by Mr. Dugas. Mr. Dyskow, do you want to elaborate a little bit on the basis for the motion?

MR. DYSKOW: Well, the last couple of days have been topsy-turvy, for several reasons, but, the last time we got into some in-depth discussion about this, we had to pick an option, and, collectively, the group determined that that was the most appropriate form available.

CHAIRMAN FRAZER: Okay. Thank you, Phil. Is there any further discussion on this motion? Mr. Strelcheck and then Mr. McDermott.

MR. STRELCHECK: Setting aside the discussion of the allocation for this alternative, certainly I was going to encourage, and recommend, that Option 2b or 3b be selected as preferred. One of the things that we talked to the council staff about this week, and wanted to inform the council of, is, in our rebuilding projections, one of the assumptions that is not being met is that we're going to reduce discards by a commensurate amount with landed catch.

I think this is something that is an improvement that needs to happen with how we project going forward with rebuilding projections, but the reality of this is that, if we don't achieve that reduction in discards, then we are unlikely to

successfully rebuild the stock with a 50 percent probability.

With the alternative that Mr. Dyskow has just offered, it does provide a much bigger buffer between the overfishing limit and the actual catch limit being set, and so that's kind of Criteria 1, is we need to end overfishing, right, and so, the bigger the buffer, the more you can account for uncertainty in discard reduction and, ultimately, have a higher likelihood of achieving the ending of overfishing.

In terms of the actual discard reductions themselves, we aren't really considering a lot of options that reduce discards, and, in fact, most of them potentially could increase discards, and so we're really relying on angler behavior then to achieve some of those discard reductions, and so I just wanted to mention this, and this is something that I think we need to better inform the council, as well as the SSC, about when we're providing future guidance on ABC and ACL advice.

Then, when we get into the kind of annual catch limit target discussion, or, excuse me, annual catch target discussion, we should probably discuss the buffer and whether we need to increase the buffer, given that we're unlikely to achieve the reduction in discards. Thank you.

CHAIRMAN FRAZER: Thank you, Andy. Mr. McDermott.

MR. MICHAEL MCDERMOTT: Ryan, would you pull up the highlighted text? I want to speak in favor of Mr. Dyskow's motion. I was looking at Alternative 2 and Alternative 3, and, you know, like I have talked about before, this discussion about the allocations and things, and, looking at the two alternatives, they both are using State Reef Fish Survey data to determine the vessel landings, and they're both using MRIP-FES to determine the shore landings, and they're both using the 40 percent spawning potential ratio.

The difference between the two is in that highlighted section there, where Alternative 2 is going to use the MRIP-CHTS data to determine how the fish are going to be divided, and it seems unusual, to me, that we would use SRFS and MRIP-FES to determine what the landings are going to be, but yet we're going to use the MRIP-CHTS to determine how the fish will be divided amongst the user groups, and, right there in that middle passage that's highlighted, it says that the SSC finds that the MRIP-CHTS data is not consistent with the best scientific information available, and so it would seem, to me, that, you know, the alternatives -- I'm sorry.

The Alternative 3 in Action 2 is where we want to land, because it's using the SRFS data not only to determine the landings, but also to determine how they're going to be divided, and, I don't know, and, like I said, that doesn't make a whole lot of sense to use the data that we've determined is not consistent with the best scientific information available to determine how we're going to divide the fish and then use another dataset to determine the landings, and so that was my comment.

CHAIRMAN FRAZER: Okay. Thank you, Mr. McDermott. I just was talking with Carrie, and I want to go back to the motion, to make sure that we've got it properly documented, and so, Phil, in Action 2, to make Alternative -- Is it 3?

MR. DYSKOW: In Action 2, Alternative 3, Option 3c as the preferred. I got ahead of myself, and my computer is down, and I'm trying to do this through my cellphone.

CHAIRMAN FRAZER: So, I believe that it's your intention to make Alternative 3 --

MR. DYSKOW: 3c.

CHAIRMAN FRAZER: 3c or 3b?

MR. DYSKOW: Alternative 3, Option 3b. Action 2, Alternative 3, Option 3b.

CHAIRMAN FRAZER: All right. That's what I wanted to make sure was correct. J.D., you're good with that? All right. Thanks, Mr. McDermott, for your comments. Ms. Boggs.

MS. BOGGS: Well, I wasn't going to speak, but Andy kind of brought up my concern, and that's discards, and, to me, it's not just with gag grouper, but it's amberjack, red snapper, every species we manage, and we don't have a good handle on the discards, and I am not going to support this motion, but, again, I just get to the point about the discards, and, to me, the longer your fishing season is, the more probability you're going to have for the discards, and your discard numbers go up, and you get the shorter seasons, and we're staring down the barrel of what the South Atlantic is looking at, and that concerns me greatly, and I would rather have shorter seasons, with less discards, than to try to stretch this out and give optimum yield, as some people seem to refer to it, to the fishermen, because what the fishermen have to understand, and it's recreational, charter/for-hire, and commercial -- All the

sectors have to understand that, if we don't get a handle on these discards, we're going to be looking at two or three days or zero season, and that concerns me, especially for those of us in commercial fishing and the charter/for-hire fishing, that this is the way that we make our living, and this is our only income, and it's not something that we go out for enjoyment.

I think everybody needs to be very concerned about these discards and the path that we're going down. I was looking at the SEDAR report, and I am no scientist, and it's a little confusing to me, but we, as a council, have to get a handle on discards, and I don't know how we do that, but we need to really look at that, and I will speak in opposition to this motion.

CHAIRMAN FRAZER: Thank you, Ms. Boggs. Mr. Rindone.

MR. RINDONE: Thank you, Mr. Chair. I just wanted to add that the situation with gag is a little bit more dynamic, perhaps, than for some other species, as it relates to the relationship between season duration and discards, and having a shorter season duration, you know, like we saw with red snapper -- When you compress the season like that, you get effort compression, and you get a bulge of directed fishing effort, and you also get an increase in discards.

Mr. Anson has actually got a paper on this, and so you have this concentrated amount of effort, and you have a concentrated and marked increase in discards, but then you have everything that happens outside of when retention is actually allowed, and so you have a longer period of regulatory discards, where everything must be returned, or at least assumed that it is returned, and so, when you have a longer fishing season, sometimes what you can observe is you have a decrease in overall discards, because retention is allowed, and over a longer period of time, and so you decrease the probability of there being a derby, and it's going to be fluid and dependent on the species and where it occurs, and there's some qualitative factors that make it difficult to be super precise about it.

The longer the fishing season, the way the common thinking goes is the lower your discards would be for the same species, with the same effort-generating environment, and Mr. Anson might be able to speak a little bit better to that, since he and Sean wrote it, but --

CHAIRMAN FRAZER: Thank you, Mr. Rindone. Ms. Boggs.

MS. BOGGS: I do understand what you're saying, Ryan, and so,

for example, with gag grouper, you have a fishery, in June and July, for red snapper, where, with the fishermen I'm talking to, from Tampa south, they encounter the gag grouper. Those fish are going to have more of a risk of dying when you release them, because of the depths and the size of these fish that are being caught.

I understand we're pushing for this EEZ fishing season in the fall, when the waters are cooler and the mortality rate is less when you release the fish, and so, somehow, we have to come up with a balance of either having some type of retention during the June and July fishery, because, to me, you're -- I am not opposing the fall season, but we have to have -- A suggestion would be of some type of retention in those other months, when you're going to encounter these bigger fish in the warmer waters, deeper waters, that are not going to survive, and that's the fishery I'm worried about.

I'm not saying we have to open it, but, if we have some kind of retention available there, to lessen your discards, because I fear what's going to happen, and I don't think we've gotten to it in the document, and it may not be in the document, but what's going to happen, and we saw it kind of with Kelli's, is you start seeing that increase in the catch, and so now what happens to all those fish in June and July? Now they're discards, and they're probably going to be dead discards, and that's my concern.

We've got to find a balance here. You know, yes, you can have a fall season as long as you want, and you can have a greater mortality, or lessen the mortality rate, but what do we do with these fish in the June and July months?

CHAIRMAN FRAZER: Thank you, Ms. Boggs. Mr. Gill.

MR. GILL: Thank you, Mr. Chairman. I have stated, many times, that I do not believe that we provide adequate discussion about how we do allocation, and we have an allocation document that lays that out, and yet here's an example, in Alternative 3, that we haven't had that discussion, you know, and there is inclusion in the document to address it, but we've not had it here at the table.

I don't believe this is the place, nor time, to make allocation changes, and I think that ought to be a separate discussion and we go into depth about the good and the bad of whatever the allocation changes ought to be, but not willy-nilly attack it in the dire situation that we have with gag, and so, in accordance

with that, I also agree with the discard argument, by the way, but I would like to make a substitute motion.

CHAIRMAN FRAZER: Go ahead, Mr. Gill.

MR. GILL: Thank you, sir. **In Action 2, the preferred is Alternative 2, Option 2b.**

MS. BOGGS: Second.

CHAIRMAN FRAZER: It's seconded by Ms. Boggs. Okay. Mr. Diaz.

MR. DALE DIAZ: I am trying to think through what Mr. Gill just said, and I really don't know the answer to this, and so he said that I don't believe we should change allocations when we're in the middle of these type of discussions, but, if you look at it, what does that really mean? We are using SRFS data here to determine the allocations, and is that correct, Ryan?

MR. RINDONE: Yes, sir.

MR. DIAZ: So, if everything -- I am trying to bring everything back, in my mind, of what it would be had we not had to apply these SRFS data to it. When you apply the SRFS data, and you bring it to the allocations in Alternative 3, then it brings you back to where you would have been -- Do you see what I'm saying? I don't know if I'm explaining it right, but it brings you back to where you would have been had you not had to convert to that data, and so that's where I'm at, Mr. Gill. I'm trying to figure out, really, if Alternative 3 is bringing us back to where we would have been, and so thank you.

CHAIRMAN FRAZER: Mr. Gill.

MR. GILL: Thank you, Mr. Chairman, and I understand that concern, but my argument is not what data we're using, but we have an allocation policy document, which is fairly new, and we never follow the darned thing, and so, here, we're -- Mara may not agree with me, but, at any rate, we're not following that thing here at the table, and so we make the allocation decisions, ignoring what we said we were going to do, which was to have an in-depth discussion on what the allocation is all about, and the whole list of considerations to do that, and we haven't done that.

Maybe in the document, and that's well and good, and we haven't talked about it at the table, and I don't know if anybody has ever read it, and so the point is that we need to be talking

about these important decisions here, and it's not just the data, and I think that's another discussion to be had, and I understand that, but we need to do it by itself, and, if somebody wants to make a motion to start that allocation discussion, fine, have at it, and I don't think this is the place to do it, because we haven't had that discussion, and the issue is not so much allocation as it is what do we do with gag, right, and so I'm coming from a different place than you are, apparently, Dale.

CHAIRMAN FRAZER: Mr. Diaz, to that point, and then we'll have Ms. Levy jump in.

MR. DIAZ: So, I keep going back to what Dr. Stunz had brought up a couple of meetings ago, about whether these things are data adjustments or calibration discussions, and I was leaning to the way Dr. Stunz was laying it out earlier on, as data adjustments more than calibration discussions, when we implement these big changes like this from one data system to the next. I think we are in different places, Mr. Gill, but I understand your point, and I think it's a valid point. Thank you.

CHAIRMAN FRAZER: Ms. Levy.

MS. MARA LEVY: Right, and, just to the procedural point, I mean, I think you kind of jumped ahead, because I think there was a presentation, scheduled for after this, that was going through the elements of the allocation review policy and where they are and the things you're supposed to be looking at, and I think you went through that exercise with the greater amberjack amendment as well, 54, and so you may have like kind of jumped ahead of that discussion, but I agree that you have not had that discussion, and I would like to see a discussion happen, either right now, before you decide this, or maybe we can table this particular discussion and listen to that presentation, but I feel like there is valuable information at least pointing you to the places in the document as to where these things are, a guide that you should be sort of looking at the objectives of the FMP and deciding how the allocation fits into that.

CHAIRMAN FRAZER: Thank you, Ms. Levy. Ms. Boggs.

MS. BOGGS: Well, so, based on what Ms. Levy said, can we table this conversation and -- **I would like to make a motion to table this conversation, to have allocation review conversation, and then come back to this.** Then I can ask my question pertaining to this, if somebody will second that motion.

CHAIRMAN FRAZER: We would have to go through this --

MS. BOGGS: Come back to me, please.

CHAIRMAN FRAZER: Yes.

MR. DIAZ: Tom, I don't think that's correct, and a motion to table I think can be brought up, and then discussion is not brought up, and you vote on the issue to table, is the way that I understand it.

CHAIRMAN FRAZER: Ms. Levy.

MS. LEVY: I mean, I believe the motion to table is specifically to set aside a discussion, because something else has come up that takes precedence, and so you don't debate it, and you just vote it, and, if you agree to table, then you do your discussion, and then you do a motion to untable.

CHAIRMAN FRAZER: Okay, and so we have a motion to table this. Is there a second for that? It's seconded by C.J. **Any opposition to that?** Okay. **Not seeing any opposition to that motion, and so we'll go ahead and table the discussion, with the intention of hearing the subsequent presentation.** I think Dr. Lasseter is going to lead us through that, but we will then come back to these action items and alternatives, in an effort to try to pick some preferreds and advance the public hearing document, and so Dr. Lasseter.

DR. AVA LASSETER: Thank you, Mr. Chairman, and this presentation is located at Tab B, Number 5(c), and we will give admin a moment to call that up. Perfect. Thank you, and so this will actually be fairly brief, because this is very similar to the presentation that I gave for Amendment 54, greater amberjack, and I intend this to be seen as like a reference document for you.

While they're getting that together, I will just make a couple more comments, just to kind of bring us all to the same place, and so you did finalize your allocation review guidelines, and we did have a discussion that an allocation review can or cannot be done in tandem with an amendment, and so, if you have an amendment, an amendment includes all the components that we have available that would be included in an allocation review, and so it's part of it.

As I just said, an amendment includes the full analysis and evaluation of allocation options that serves to inform and

support an allocation decision, and that's taken from the NMFS' fishery allocation review policy, originally published in 2016, and so the amendment you have before you, Amendment 56, would modify the gag grouper sector allocation, and the amendment does include the analytical components appropriate and related to the action in front of you.

This passage is taken directly from your allocation review guidelines, which states that the reviews will typically be conducted based on information and data that are routinely available, and so we're not going outside and doing additional studies, research, to support an allocation decision. Reviews are expected to utilize existing ecological, biological, and socioeconomic studies relevant to the subject species, and it's expected that a subset of the list that is provided in your allocation review guidelines would be used for a particular allocation review, as in they're not all relevant, perhaps, and it also is limited by data availability.

The rest of the document, the rest of this PowerPoint, excuse me, has two sides. On the left side is the text taken straight from your allocation review guidelines, and on the right identifies where it is in the document. Now, this is the only slide that the location in the document is not actually the subject amendment that we're talking about, and so FMP objectives.

You're not required to revisit these in every amendment, but you should be consistent. Your decision should be consistent with them, and you may wish to revisit them each time. You most recently revisited your FMP objectives while you worked on Amendment 53 for red grouper in 2021, and the FMP objectives section was in the background, 1.1.

All the rest of these are going to be, again, the left-hand side is what's specified in the guidelines, and then, on the right, the location is the document at-hand, and so we have our regulatory structure located in our background section and history of management, and so that's really in Chapter 1.

Status of the stocks is extensively addressed in the background, again, 1.1, and your catch limits and accountability measures are Chapter 1 and Chapter 2, with the addition of text explaining the SRFS, and so that's specific to this amendment as well.

Landings history, ACL quota utilization rates, where they're located, Chapters 1 and 3. Then participation and effort

measures are located in different respective sections of Chapter 3. Bio-physical information, again, is in the biological environment, and the BPA will be completed and submitted as part of the appendix.

The economic factors, we have two slides here for this, because there's quite a long list laid out in the allocation review guidelines, and then the next slide lays out where they are located in 3 and 4. The next slide is the last one, I believe, and we have social factors. On the right side, these are all located in the social environment. The one thing that is additional in this document, that we did not have in 55, is the LQ has been provided, and, if you look in that section, it addresses a little bit more of the difference between gag and greater amberjack, in terms of the landings, and that is it.

Again, I would keep this as a reference. These elements are always included in these respective sections of these documents, and so, if you were looking for where to find them, this should help you, and that's all I have. Thank you.

CHAIRMAN FRAZER: All right. Thank you, Dr. Lasseter, for providing that presentation on the fly. Are there any questions regarding that presentation and allocation? Okay. I am not seeing any, and so we will turn it back to Mr. Rindone. Ms. Boggs.

MS. BOGGS: I would like to make a motion to untable our previous discussion. I don't know how to form that with the motion, and, I mean, how do you want me to -- Just to untable the conversation?

CHAIRMAN FRAZER: As simple as that. It's a motion to untable the previous motion and continue discussion, and it was seconded by Mr. Gill. **Is there any opposition? I am not seeing, and so we will go back to the discussion with regard to, in the amendment, Action 2 and discussion of the alternatives.** Mr. Rindone.

MR. RINDONE: I think you had a couple of other -- You had the substitute motion that was up, and then you had a couple of hands that were up, around the time that Ms. Boggs asked to table, and so I don't know if you want to try to revisit those, once the substitute motion is up. There you go.

CHAIRMAN FRAZER: Okay. You're exactly right, and so we have a substitute motion that is being discussed right now, and that substitute motion is, in Action 2, to make Alternative 2, Option

2b the preferred. We had Mr. Gill offer that motion, as I recall, and it was seconded by Ms. Boggs. Is there any further discussion on it? Mr. Strelcheck.

MR. STRELCHECK: I wanted to, I guess, come back to the allocation decision here, right, and so Option 2b is 61/39, and Option 3b would be 65/35. The only discussion I've heard, at least at this meeting, is what Mr. McDermott was expressing, with regard to using SRFS data and the fact that we're going to now be monitoring with SRFS data, and certainly I think that is a component to a rationale, but it shouldn't be the only rationale, obviously, the council is considering, and so, if you go back to my presentation in January, and what Ava just kind of walked through, we talked about the biological, social, and economic consequences of allocation decisions, and simply updating the landings data in the new units can't just be your only rationale here, right, and you have lots of other decisions before you.

Is the time series that was previously used relevant? If not, will we choose something else, and we've kind of gone through some of those discussions already and eliminated alternatives, and so the record isn't just standing alone based on this meeting, but I will point to Tables 4.1.3.3 and 4.1.3.4.

In that economics section, you can see the tradeoff, and I don't want to make it trivial, because it's not necessarily minor, and we're talking hundreds of thousands of dollars, but, depending on the allocation shift, you're going to either reduce the impacts, the economic impacts, or benefits, from one sector to another, based on the allocation decision, right, and there's not necessarily sweeping differences between the two, depending on how much you're shifting the allocation, and so I did want to point to that, from an economic standpoint, but I think it would be worthwhile to talk a little bit more, from a biological and socioeconomic standpoint, about the consequences of these allocation decisions, for the record.

CHAIRMAN FRAZER: Thank you, Mr. Strelcheck. Ms. Boggs.

MS. BOGGS: Andy kind of touched on something, and don't panic, Ryan, and I'm not going to ask to do this now, but that was one of my concerns, when we went down this path of using the SRFS data, and I understand that, currently, gag grouper is a Florida-centric fishery, and it could change one day.

My concern is, just like we're looking at here, okay, we're looking at SRFS, and we've got CHTS, and we've got FES, and

we've got four more state collection systems, and so where does it stop, when we pick and we choose, and I understand, and appreciate, Mr. McDermott's comments, because it's something that I didn't know how to wrap my head around, but my concern is that, moving forward, well, this is the best for this, but, over here, we're -- You know, today it's CHTS, and FES, and we have this best scientific information available, but what -- Where does it stop, I guess is my question.

That's my concern, moving forward with these fisheries, and, okay, we catch a bunch of red snapper off of Alabama, and so are we going to start using, you know, Snapper Check, because they have -- That's a big fishery for Alabama, and so that fits best now, but, oh, next week, Florida has got more fish, and so now we're going to shift back to SRFS, and that's a real concern for me, and, again, the reason that I seconded this motion is, number one, I have an issue -- Yes, I think we do have to deal with reallocation, if you will, but, when we're looking at reallocation for a species that is under an IFQ fishery -- These fishermen have been good stewards of this fish, and to penalize them, by shifting effort, because we have an issue, in the recreational sector, with discards and the overfishing and the abundance of fishermen, and I think that's an unfair reason for allocation.

I mean, it does affect them financially, but they are constrained, and they have always shown constraint under their IFQ, and I just think it's erroneous for us to make that shift, until we can get a better handle on the recreational sector of the fishing, moving forward, and deal with this discard issue. Thank you.

CHAIRMAN FRAZER: Thank you, Ms. Boggs. Mr. McDermott.

MR. MCDERMOTT: You know, I heard Ms. Boggs say we're going to penalize the commercial fishermen, and I just want to clarify my comments earlier, because the way that I understand the difference between 2 and 3 is, according to the dataset that we have chosen with the SRFS data, if we select Options 3b or 3c, we're going to maintain the historical landings between the sectors, and, if we choose an option in 2b or 2c, we're going to reduce the output of the recreational fishery by 4 percent, and we're going to increase the output of the commercial fishery by 4 percent, and so Mr. Strelcheck talked about the biological factors, the socioeconomic factors, and, if we choose the options in 3, it would be my understanding that those factors would remain unchanged.

If we choose the options in 2, there's going to be a 4 percent swing, you know, between commercial and recreational in all those factors, and so, you know, again, that's why I spoke in favor of Mr. Dyskow's motion for 3b, because we're maintaining the outputs of the fisheries according to that historical dataset.

CHAIRMAN FRAZER: Okay. Thank you, Mr. McDermott, and so, again, I don't think these discussions are unique. We've been having them for quite a while, and we've had them with Amendment 53, and we've had them as well with AJs, and so I don't necessarily think the arguments are going to change. I think there's some philosophical differences around the table about this, and so I think I'll go ahead, at this point, and take a vote on this substitute motion, and I will do it by raise of hands. **All those in favor of the substitute motion, in Action 2, to make Alternative 2, Option 2b the preferred, raise your hand, three in favor; all those opposed.** Okay. **The motion fails.**

We'll go back to the original motion, and so that motion is, in Action 2, to make Alternative 3, Option 3b, the preferred. Ms. Boggs.

MS. BOGGS: Can you do roll call votes in committee?

CHAIRMAN FRAZER: You can.

MS. BOGGS: I want a roll call vote, please.

CHAIRMAN FRAZER: We've already voted.

EXECUTIVE DIRECTOR CARRIE SIMMONS: I just want to confirm that Dr. Shipp is not on the webinar, and is that correct? Okay. Thank you.

MS. BOGGS: I'm not asking to do it on the previous motion. I just thought about it, but these issues are pretty contentious, and I want it on record, so the people in cyberworld can hear what's going -- Or understand what's happening at this table.

CHAIRMAN FRAZER: Okay, and so, moving forward, Ms. Boggs has requested a roll call vote for the original motion, and do you want to go back and redo --

MS. BOGGS: I am not asking to redo, but I'm just saying that I just thought -- If we can do roll call votes, with something as contentious as this is, I think we need to do it in committee,

as well as the Full Council, and, if I need to call for it on every vote, I will be happy to.

CHAIRMAN FRAZER: I understand what you're asking, and, moving forward, we'll go ahead and do that. With regard to the motion on the board now, Mr. Gill.

MR. GILL: A roll call vote, please.

CHAIRMAN FRAZER: I assumed that we were already going to do that. All right. **The motion on the board is, in Action 2, to make Alternative 3, Option 3b the preferred.** We will have a roll call vote. Dr. Simmons.

EXECUTIVE DIRECTOR SIMMONS: Thank you, Mr. Chair. Mr. Dyskow.

MR. DYSKOW: Yes.

EXECUTIVE DIRECTOR SIMMONS: Mr. McDermott.

MR. MCDERMOTT: Yes.

EXECUTIVE DIRECTOR SIMMONS: General Spraggins.

GENERAL JOE SPRAGGINS: Yes.

EXECUTIVE DIRECTOR SIMMONS: Mr. Gill.

MR. GILL: No.

EXECUTIVE DIRECTOR SIMMONS: Ms. Boggs.

MS. BOGGS: No.

EXECUTIVE DIRECTOR SIMMONS: Mr. Williamson.

MR. TROY WILLIAMSON: Yes.

EXECUTIVE DIRECTOR SIMMONS: Dr. Sweetman.

DR. SWEETMAN: No.

EXECUTIVE DIRECTOR SIMMONS: Mr. Anson.

MR. KEVIN ANSON: Yes.

EXECUTIVE DIRECTOR SIMMONS: Mr. Schieble.

MR. CHRIS SCHIEBLE: Yes.

EXECUTIVE DIRECTOR SIMMONS: Mr. Geeslin.

MR. DAKUS GEESLIN: Yes.

EXECUTIVE DIRECTOR SIMMONS: Mr. Diaz.

MR. DIAZ: Yes.

EXECUTIVE DIRECTOR SIMMONS: Mr. Dugas.

MR. J.D. DUGAS: Yes.

EXECUTIVE DIRECTOR SIMMONS: Mr. Broussard.

MR. BILLY BROUSSARD: Yes.

EXECUTIVE DIRECTOR SIMMONS: Mr. Strelcheck.

MR. STRELCHECK: Abstain.

EXECUTIVE DIRECTOR SIMMONS: Dr. Shipp is absent. **It's ten to three with two abstentions and one absent, three abstentions and one absent.**

CHAIRMAN FRAZER: Okay, and so the motion carries. All right. We will now -- We're back to the presentation that Mr. Rindone is leading. Ryan, if you want to move into Action 3.

MR. RINDONE: Sure thing. We toyed with how best to present this action, and we may toy with it a little further, just for the sake of clarity, but the content is there, at least to get these discussions going, and so Action 3, generally speaking, is looking at the annual catch targets for the commercial and the recreational sector and the treatment of the commercial quota for the IFQ program.

In Sub-Action 3.1, we'll focus on the recreational sector's annual catch target. Alternative 1 would retain the current buffer between the recreational sector's ACL and ACT, and the recreational sector's ACL is currently 61 percent of the ABC, and the ACT is set at the yield at 75 percent of Fmax, and so the catch limits under Alternative 1 of Action 2 are shown there in the table, and so you can see how the ACT is reduced from the ACL.

Under the interim measures, you can see essentially the table,

but revised, based on the revised stock ACL and the recreational sector's portion of that from the interim measures, just so you see what we're looking for the 2023 fishing year. Mr. Gill.

MR. GILL: Thank you, and so I would like to point out that the difference between the ACT and the ACL, in this case, is roughly 5,000 fish, and so, yes, there is some buffer, and it's not much.

CHAIRMAN FRAZER: Ms. Boggs.

MS. BOGGS: Okay. Why -- Aren't gag in FES now, and so why are we looking at this in CHTS, or am I confused again?

MR. RINDONE: So, when we were going through the process of reviewing SEDAR 72, the council had sent the letter to the Science Center asking for an alternative run using Florida's State Reef Fish Survey for the private vessels, and that letter was sent after we had received the original SEDAR 32 assessment, which used MRIP-FES, and these catch limits for 2023 come from that MRIP-FES run of SEDAR 72. Ultimately, the SSC's review of the SRFS run of SEDAR 72, which happened last July, superseded the FES run. However, you guys had already requested that NMFS work on these interim measures, and it was decided that the purpose of the interim measures was to reduce overfishing, and it wasn't to precisely end overfishing, but to take some measure to reduce the amount of overfishing occurring, which the interim measures will do.

That's why these interim measures, which, again, these are temporary, and they're only in effect for 2023, are shown in MRIP-FES. What comes next, in the next slide, is Alternative 2, which uses the council's ACL/ACT Control Rule, but this ACT would still be monitored in a combination of SRFS and FES and Southeast Region Headboat Survey, and it's detailed in Alternatives 2 and 3 of Action 2.

What Alternative 2 does is, instead of using some relationship to the FMSY proxy, or determining what the ACT should be from the ACL, it uses the council's ACL/ACT Control Rule, like we do for the rest of the species, and the reason why it wasn't done that way originally is because the difference between the ACL and the ACT for gag was determined before the Generic ACL/AM Amendment went into effect, and so this is bringing gag in line with how we typically look at the ACT for our other species, and, of course, you guys aren't obligated to stick exactly to the ACL/ACT Control Rule, and you can choose to do something else, but you need only justify what you're trying to do, but,

in this particular instance, applying the ACL/ACT Control Rule, using the landings data from 2018 to 2021, gets you a 10 percent buffer between the recreational ACL and ACT.

We had to use CHTS units to do this, because those are the units that were used for our quota monitoring, at the time, and for setting the quota, and so in order to keep everything apples-to-apples, and that's what you get for applying the control rule.

CHAIRMAN FRAZER: Thank you, Ryan, Ms. Levy.

MS. LEVY: Just for comparison, and so it's not in the slide, but it's the document, and so the current buffer is like 10.25 percent, and so it's essentially the same, and so I just wanted to make that clear, given Bob's comments and the desire to maybe have a larger buffer.

CHAIRMAN FRAZER: Thank you, Ms. Levy, for pointing that out. Mr. Strelcheck.

MR. STRELCHECK: I wanted to go back to my earlier comments about the projections and the likelihood, or the unlikelihood, of actually reducing discards, as well as Mr. Gill's comments with regard to the potential for a payback in the recreational overage, right, and so a catch target essentially helps us account for some management uncertainty, and we have at least two major forms of management uncertainty, in my view, and one is the discards, and discard reduction we would be achieving, and the second would be how we project that season and whether or not we can hit the mark or not with regard to the season projection.

I don't have a specific recommendation, but I think we would benefit ourselves to include a new alternative here that would increase the ACT buffer from 10 percent to a larger amount and have that analyzed and considered, and I would be willing to just proffer a doubling of the ACT buffer, at this point, to 20 percent, for consideration.

CHAIRMAN FRAZER: Okay.

MR. RINDONE: That sounds like motion-y.

CHAIRMAN FRAZER: Yes, it sounds very motion-y.

MR. STRELCHECK: So, I will make the motion.

CHAIRMAN FRAZER: Thank you.

MR. STRELCHECK: In Action 3, add a new alternative that specifies a 20 percent buffer between the recreational ACL and recreational ACT.

CHAIRMAN FRAZER: Okay. I am just looking at the way that the presentation is laid out, and the document is laid out, and so, in Action 3, there's a Sub-Action 3.1 that relates to the recreational ACT, and so there's an Alternative 2, if you want to have -- Would that be an alternative?

MR. STRELCHECK: It would be, in Action 3, Sub-Action 3.1.

CHAIRMAN FRAZER: Yes. In Action 3, Sub-Action 3.1. Okay.

MR. GILL: Second, Mr. Chair.

CHAIRMAN FRAZER: It's seconded by Mr. Gill. Is there any further discussion on that motion? Go ahead, Mr. Strelcheck.

MR. STRELCHECK: In addition to my comments, I know that, a lot of times, these are viewed as, you know, potential to change allocation or, you know, not allow for full utilization of the catch limit, and I don't think that's really a fair characterization, and I think this is just accounting for that management uncertainty, and the potential is still there to, you know, harvest more than the catch target, but what we're trying to avoid is exceeding that catch limit.

CHAIRMAN FRAZER: All right. Thank you, Andy, for elaborating on that. Is there any further discussion? Mr. Gill.

MR. GILL: Thank you, Mr. Chairman. I was going to bring this subject up under Action 4, but, since we're doing this, one of the drivers, prior to this meeting, was the concern that we have the January 26 implementation requirement, and, to accomplish that, we were talking about it had to go final in June, in order to make that, and, as we add alternatives and changes to the document, clearly we're not going to make June, and so -- Well, I shouldn't say "clearly", and we're raising the possibility of not making June, and, the more we add, of course, the less likely. Andy, could you talk a little bit about the implications of modifying the document, putting June in jeopardy, and what may result?

CHAIRMAN FRAZER: Andy, real quick, before you get there, I just want to make sure -- I mean, this is a relatively minor modification to the document, and I would ask Carrie if you, or

Ryan, whether or not an addition, or a modification, at this time, of this nature, will extend the development of the document.

MR. RINDONE: Well, I actually want to ask Assane and Ava, because, as it relates from a biological standpoint -- As far as the physical environment is concerned, you know, we still expect fishing to occur, and so, you know, there might be minor reductions in the amount of fishing effort tied to any changes in catch limits, but, generally speaking, whether it's recreational or commercial or for-hire, it's a multispecies, multidisciplinary fishery, and so some amount of fishing activity is expected to continue. As long as the catch limits aren't exceeded, the general expectation is that the stock will not be in any sort of biological risk.

The social and economic environments are going to be a little bit more directly affected by reductions in the catch limits, in terms of, you know, the things that pertain to those particular sciences, and so I would be more inclined to let them speak to that side of it, and so getting it turned around in time by adding this.

CHAIRMAN FRAZER: Assane.

DR. ASSANE DIAGNE: Thank you. We'll have to adjust the economic and, at the same time, the social effects, as mentioned, but we'll be able to complete that within the time that we have.

CHAIRMAN FRAZER: All right. Thank you. Mr. Strelcheck.

MR. STRELCHECK: Going back to Mr. Gill's question, we have had some new challenges arise, just simply because we're using data from the State Reef Fish Survey, right, and so that's a new data stream, and it doesn't necessarily produce the same data, or statistics, or we're having to request additional information from Florida, in order to conduct some of the analyses, and so that has slowed some of our progress on Amendment 56.

We have talked about the potential of, if the schedule slides, what does that mean, and I think, if we didn't take action in June, and did take action in August, at that point, we would have an action submitted to the agency, and we would be beginning rulemaking. Similar to what we did for the interim rule this year, we could withhold commercial quota at the start of next year, with the goal of trying to get this Amendment 56 rulemaking in place as soon as possible into 2024, and, because

the recreational season wouldn't open, or it would default back to the June 1 season, without an interim rulemaking, we would have plenty of time to implement Amendment 56.

Would we meet the two-year statutory deadline for having something in place and implemented by January of 2024? That would be at risk, depending on how quickly we could do the rulemaking and how quickly the amendment is submitted to the agency after the August meeting.

CHAIRMAN FRAZER: Mr. Dyskow.

MR. DYSKOW: Thank you, Mr. Chair. I'm trying to decide whether I support this or not. Bob, could you talk a little bit more about where that 20 percent came from?

CHAIRMAN FRAZER: It was Andy.

MR. GILL: Direct that one to Andy. I have no idea.

CHAIRMAN FRAZER: Andy.

MR. STRELCHECK: Phil, at this point, it was simply doubling the ACT Control Rule estimate for the buffer, which was 10 percent, and it was based in light of the conversations that we were having about management uncertainty and the inability to full reduce discards in the recreational sector, and I think it's appropriate for increasing the buffer for management uncertainty.

CHAIRMAN FRAZER: J.D.

MR. DUGAS: Thank you, Mr. Chair. I have two questions, and one was for Andy, but Phil asked it, and I was wondering where the 20 percent came from. My second question is for the State of Florida, and how does the State of Florida feel about the 20 percent?

CHAIRMAN FRAZER: C.J., do you care to respond?

DR. SWEETMAN: Thanks for the question, J.D. I am comfortable with, obviously, providing some buffer here, given the uncertainty that we have and how effort might shift, depending on what season we ultimately decide on. I don't think we have a firm grasp as to the specific level that that buffer should be.

As Mr. Gill pointed out, a 10 percent buffer really doesn't equate to all that much, when you have a six-hundred-some-odd-

thousand-pound quota, and so I think allowing a little bit -- A different option in there too provides some flexibility. I think I would be supportive of this motion, along those lines, just because of the uncertainty that we're operating under, specifically within these first couple of years here.

CHAIRMAN FRAZER: Thanks, J.D. All right. Is there any further discussion on this motion? Mr. Gill.

MR. GILL: Just to carry my difference on the ACL/ACT, the 5,000 fish translates to seventy fish a day over a seventy -- Roughly over a seventy-one-day season, and so, you know, we're talking absolutely nothing, and so that, to me, says the 10 percent is clearly too low, because we can't even calculate that, and we can't measure it, and so I support Andy's motion.

CHAIRMAN FRAZER: Okay, and so I certainly appreciate the discussion about management uncertainty and those two elements of it. I think one of the things that probably hasn't been discussed, with regard to the potential for increased discards, is the fact that, in the summer, there is -- Because gag is largely focused in Florida, and we can anticipate an extended red snapper season in the state as well, which will certainly put a little bit more pressure on those fish that we haven't accounted for, using kind of our traditional approach, and so that's something to think about in the discard arena, as we move forward, and so, anyway, back to the motion. I think we've had a fair amount of discussion on it. **Is there any opposition to this motion? I am not seeing any, and so the motion carries unanimously, or without opposition.** Excuse me. Okay, Ryan.

MR. RINDONE: Moving forward then to Sub-Action 3.2, Sub-Action 3.2 looks at the commercial ACT. Alternative 1 would retain the current buffer between the ACL and the ACT. The commercial ACL is presently 39 percent of the ABC, and the ACT is the yield at 75 percent of Fmax, and the commercial quota is set at 86 percent of the commercial ACT, and that's from Amendment 32.

So, essentially, what this looks like is you have -- Between the commercial ACL and ACT is about an 8.85 percent reduction, and then there's an additional 14 percent drop from that to the commercial quota, and those values are shown there in that table.

The interim measures didn't specify the ACT, and they just specified the commercial quota, which was 22.85 percent below the commercial ACL, and so the same reduction from the ACL to the quota, and just the ACT wasn't specified, and so Alternative

2 would set the commercial quota for -- One second. Let me look at something, so I can frame the discussion a little bit.

Alternative 2 sets the commercial quota for gag equal to the commercial ACT, and the ACT would be fixed at 86 percent of the commercial ACL, which is a nod-back to Amendment 32, and we'll get into the reasoning behind that in a minute, and then Alternative 3 would set the commercial quota for gag equal to the commercial ACT, but the ACT would be fixed at 95 percent of the commercial ACL.

So where does it all come from? When the IFQ program came into effect, there was a lot of uncertainty about what the commercial discards would look like, and so, in Amendment 32, what the council did was it decided to further decrement the commercial quota from the ACT to account for the unknowns related to these discards, and so that's where that additional 14 percent came from.

At the time, how discards are factored into stock assessment models was much more low-fi than it is now, and the precision of the commercial landings was also a lot less than it's presumed to be now, under the IFQ program, and so, further, we have multiuse IFQ allocation between red grouper and gag, and this allows the retention of the other species, from one program to another, to reduce discards, and the amount of multiuse allocation varies annually, based on the quotas for each of those species.

If in a rebuilding plan, the multiuse allocation for that species was zero, and so, right now, the council, with red grouper, will continue to have zero red grouper multiuse allocation for the duration of the gag rebuilding plan, and so we talked about that 14 percent buffer in discards, and contemporary stock assessments use updated methods though for accounting for discards, and especially commercial discards, in the projections, and this comes from things like having the reef fish observer program in place for the observation of fishing practices on the commercial vessels in real time, and the precision of commercial discards is now greatly improved, compared to ten-plus years ago, and the discards are much lower now than they were when the grouper-tilefish IFQ program began, and you can actually look at these in the 2022 grouper-tilefish IFQ report. You can see the time series of discard fractions by species, and that's on the SERO webpage for catch share monitoring.

The thinking, essentially, was that, with the increased

precision for how we understand the commercial landings, that this large 22.85 percent buffer that's in place now, going from the commercial ACL all the way down to the quota, was probably overkill, and no longer applicable, and, in Amendment 32, it's actually in the discussion that this is something that the council could revisit as its understanding of commercial discards in the IFQ program change with time, and so our understanding of those discards has changed with time, and we know them with much greater precision now, and we do a better job of accounting for them in the assessments, and so, as a nod to what was done before, Alternative 2 has that 14 percent reduction, and then Alternative 3 has a 5 percent reduction, which is more on par with the coefficients of variance that we presume around our commercial landings in the IFQ program, that those CVs are at 1 percent, which indicates that we have an awful lot of confidence in what those commercial landings are, and the discards.

The table here shows you what the different commercial ACT/quotas would be under the different alternatives, and also what the recreational ACT would be decremented from the recreational ACL, and so, if you guys -- If you want to do your own napkin math and consider the motion that you guys passed earlier for the 20 percent, you know, you can do the math there for the recreational ACL, also. Any questions on what we did, at least for the commercial side, since that was the most recent thing that I discussed?

CHAIRMAN FRAZER: Okay. Mr. Strelcheck.

MR. STRELCHECK: Apologies, and I'm not connecting the dots here, and so we have a 22 percent difference between the catch limit and the quota, and how are we getting to the 22 percent? 14 percent is coming from the buffer for the ACT, but where's the other 8 percent coming from?

MR. RINDONE: So, originally, the difference between the commercial ACL and ACT was set using a moving average technique, based on the yield at F at MSY, and, in this case, it was Fmax at equilibrium, and there hadn't been a change in the catch limits in some time, and then -- Mara, it escaping which amendment it was that did away with the moving averages, but there was an amendment between then and now that did away with the moving averages, and so it was just fixed at -- The commercial ACT anyway was fixed at that value that it was at, and so the difference between the commercial ACL and the ACT is 8.85 percent, and then the additional 14 percent comes from Amendment 32, which is the reduction from the commercial ACT to

the commercial quota to account for discards, based on the council's presumption of what discards might be when the IFQ program came into effect, and so that's where that sum of 22.85 percent reduction comes from.

CHAIRMAN FRAZER: Ms. Levy.

MS. LEVY: So it wasn't a moving average, and it was that the ACL and ACT came from an assessment that had increasing yields, right, or different yields over time, and the ACT was set at 75 percent Fmax, and so it changed over time, and so the most recent catch limit on the books that came from that, the difference between the ACL and the ACT, is 8.85 percent, and then the council set an additional buffer between the ACT and the quota, to account for the understanding related to discards, and so the quota was set below the ACT, and so that total means that the quota is 77 percent less than the ACL at this point.

CHAIRMAN FRAZER: Thank you, Ms. Levy. Mr. Diaz.

MR. DIAZ: I would be willing to make a motion that, in Action 3, Sub-Action 3.2, to make Alternative 3 the preferred.

MR. GILL: Seconded.

CHAIRMAN FRAZER: All right, and so we'll put that motion up on the board by Mr. Diaz, and it was seconded by Mr. Gill. We'll give Bernie a second to put it up on the screen. **The motion is, in Action 3, Sub-Action 3.2 to make Alternative 3 the preferred.** It was seconded, again, by Mr. Gill. Ms. Boggs.

MS. BOGGS: I thought we were talking about recreational, and did we skip over to commercial, because I thought 3.2 dealt with commercial.

CHAIRMAN FRAZER: It does, and we'll go back, I think, but -- We have an action item that involves both the recreational and the commercial, and I think Mr. Diaz was just making a motion to the commercial, but we'll certainly go back to the recreational. All right, and so we have a motion on the board, and a second, and is there any further discussion of this motion? Ms. Boggs.

MS. BOGGS: Well, I am going to speak in opposition, only because I haven't heard anything from the commercial sector of what they would like to see, and I would think this would be something reasonable, but, again, the fact that they have never -- I was looking back at Kelli O'Donnell's chart, and they have never overfished, and they have never even come close, but it's

because we have an issue with the fishery, and I'm not so sure that -- Alternative 1 is not viable, but I would like to hear from them, and so I'm going to oppose it, just because I really don't know where I stand, and I don't want to abstain, because I do have an opinion.

CHAIRMAN FRAZER: Mr. Gill.

MR. GILL: Thank you, Mr. Chairman, and so, as I understand this document, the one that has the least buffer, and based on the commercial history, that's exactly what has transpired, but the one that has the least buffer is Alternative 3, and all the others have the greater buffer, which is not consistent with what we've seen in the history since the formation of the program.

CHAIRMAN FRAZER: Thank you, Mr. Gill. Mr. Strelcheck.

MR. STRELCHECK: I am going to speak in opposition to the motion as well. I think, unlike the recreational sector, we've dealt with one of the two sources of management uncertainty here, right, and we can manage the commercial program very well through the IFQ system, and so we don't have the potential for a major overage of the landings themselves, but, despite efforts of trying to redirect effort and avoid gag, which I know the commercial sector is very good at, we still are looking at substantial reductions in discards that have to be achieved in order to rebuild the stock, and I think lowering the buffer considerably then increases our management uncertainty, in order to achieve, obviously, that discard reduction that's needed, that we're likely not going to achieve, and so I would recommend Alternative 2 instead of Alternative 3, but I'm not making a substitute.

CHAIRMAN FRAZER: Thank you. All right. C.J.

DR. SWEETMAN: Thank you, Mr. Chair. I am going to vote in support of this motion here. As Ms. Boggs pointed out, the commercial sector does not exceed their quota, basically, and, on top of that, at least I don't think a large buffer is really necessary here. Reporting is basically in near real-time there, and, if that quota is reached, then the fishery shuts down, and that's it. Thank you.

CHAIRMAN FRAZER: All right. Is there any further discussion on the motion? I am not seeing any, and so, Ms. Boggs, would you like a roll call vote on all of these action items in this amendment? I just want to make sure that I honor your request.

MS. BOGGS: I think we'll be okay on this one.

CHAIRMAN FRAZER: Okay. **With regard to this motion, all those in favor, raise your hand, eleven in favor; all those opposed, two opposed. The motion carries.**

All right. Before we move into Action 3, would anybody like revisit Sub-Action 3.1, to establish a preferred with regard to the recreational ACT? Mr. Gill.

MR. GILL: Thank you, Mr. Chairman, and so, given that we supported Andy's motion to change the buffer, we really haven't thought about the numbers and all that, and so it seems premature, to me, to choose a preferred, and it would be better to do that at the June meeting.

CHAIRMAN FRAZER: I am deciding whether or not I would think that we can't get those numbers prior to that. All right. Well, we can certainly defer picking a preferred at this time, and we can discuss it again at Full Council, as necessary. Mr. Gill.

MR. GILL: I guess, relative to your comment, is that, even if we get the numbers at Full Council, our ability to think it through properly, rather than on the Q.T., is a question, in my mind, and, for example, we didn't get the gag document until Friday, and so we haven't had much time to absorb a very complex and important document, and I would think the same argument would hold true for late-arriving numbers on a very new alternative.

CHAIRMAN FRAZER: Bob, certainly I understand that, and all I'm trying to do is -- I realize, you know, that we have a public hearing document, and we have public hearing meetings scheduled, and I do like to give the public an idea of at least where the council is headed, and it doesn't -- We're not obligated to retain those preferreds, but it's just -- So we will revisit this issue certainly at Full Council. All right. Ryan, if you want to go on to the next action item.

MR. RINDONE: All right. Action 4 looks at modifications to the Gulf gag recreational fishing season start date and accountability measures, and so, right now, we open recreational fishing on June 1 for gag, and NMFS closes harvest when the ACL is projected to be met, which would be true of all the alternatives.

Alternative 2 would open recreational fishing on June 1, but NMFS would close harvest when the ACT is projected to be met. Alternative 3 would open the recreational fishing on September 1, closing when the ACT is projected to be met, and then Alternative 4 would open rec fishing on October 1, with NMFS closing harvest, again, when the ACT is met.

As far as the accountability measures are concerned, under Alternative 1, if the recreational landings exceed the recreational ACL, then NMFS will maintain the recreational ACT for the following fishing year at the level of the prior year's ACT, unless the best scientific information available determines that maintaining the prior year's ACT is not necessary. If gag is overfished, then a pound-for-pound payback is applied to the ACL and the ACT.

Under Alternatives 2 through 4, the AMs would be -- The accountability measures would be modified to direct that NMFS prohibit harvest from the recreational ACT, if it's projected to be met, and, in addition, it would remove the provision that requires NMFS to maintain the prior year's ACT if the ACL is exceeded in the previous year. It does retain the payback provision, however.

Here you can see the landings by month for 2019, which is in the black, and 2020 is in the gray, and 2021 is the mustard, or however it shows up on your screen, and then the blue-dashed line is the projected mean landings for 2019 through 2021. These landings are unable to be broken down by county and region, like you guys had talked about you wanted to see, just because of the resolution of the data, and the closed season landings that you see there come from FWC's four-county spring season in the Big Bend, and so not a lot of landings, but we're not really talking about a lot of catch limit either, and so -- That red box there corresponds to the seasonal closure from January 1 through May 31 that we've historically had.

These season projections use estimated monthly landings for 2019 to 2021, and they use the data in the exact same way that the data are being proposed to be used in Action 2, Alternatives 2 and 3, and the monthly landings are divided by the number of days per month, to provide a daily catch rate to project expected closure dates, and, in this iteration, weekdays and weekends are treated equally, and so they're all just averaged across one another.

CHAIRMAN FRAZER: Hold on, Ryan. Mr. Gill.

MR. GILL: Thank you, Mr. Chairman, and so this is the point that Andy raised earlier, that, if this is the methodology the agency uses for their predictions, it says nothing in there about considerations of impacts that are not included in the daily catch rates, and so help me out here, Andy, because this seems, to me, to be the straightforward average daily catch rate from history, moving forward into the proffered season, but that's not what I heard from you, and so would you clarify that for me?

CHAIRMAN FRAZER: Go ahead, Andy.

MR. STRELCHECK: Well, we're talking about analyses that are going into an amendment, which isn't necessarily a one-to-one alignment with analyses that are used for our projection methodology, and we typically use, for projections, multiple years of data, to account for variability in the landings estimates, with high catch rates, low catch rates, and average catch rates, so we can look at the sensitivity of our decisions, and ultimately project the season based on that.

CHAIRMAN FRAZER: Thanks, Andy, for clarifying. Okay. Go ahead, Ryan.

MR. RINDONE: You guys can see, in the table here, which I only showed for 2024, and we can move to the whole document to see 2024 and beyond, and just it's kind of a big table, but you can see the projected season closure dates for the different action alternatives in Action 4.

Alternative 1 in Action 4 is based on the recreational ACL, and so it's shown just to the right of the recreational ACL, and then Alternatives 2 through 4 are based on the recreational ACT, which is reduced 10 percent from the ACL, based on the option that we currently have written in, and so we would have revised season duration projections for another option for the ACT to be 20 percent below the recreational ACL, and you can kind of see that the projected season closure dates, under a 20 percent reduced ACT from the recreational ACL, would yield closure dates that would occur earlier in the year, compared to what is shown here. Mr. Chair, if you want, we can look at the large table in the document, of we can just use this as a discussion point.

CHAIRMAN FRAZER: I will defer to my colleagues around the table. Do you guys want to see the full table? I think, Ryan, we can use this as a guide.

MR. RINDONE: Okay. If we go to the next slide, the first table

was the 39 commercial and 61 recreational version, and the second table, that you're seeing now, is the 35 commercial and 65 recreational version, and so, intuitively, as you allocate a little bit more to the recreational sector, we get about a day or two increase in the projected season closure dates, depending on the alternatives selected in Action 4.

CHAIRMAN FRAZER: Okay. Just to clarify, and so the banner there, which is Action 2, that should be Alternative 3?

MR. RINDONE: Yes, it should. Sorry.

CHAIRMAN FRAZER: All right. Okay. Action 2, Alternative 3 is where we landed on a preferred, and so I'm looking to the floor for a discussion with regard to this action item. Mr. Anson.

MR. ANSON: I am wondering, Ryan, if we can go back to Slide 26. It just has a summary of the alternatives and what they do in this particular action. Anyway, on Slide 26, it talks about the Alternative 1 and Alternatives 2 through 4 and the changes in those alternatives, and it describes, for Alternatives 2 through 4, that there will be a removal of the provision that requires NMFS to maintain the prior year's ACT and ACL, whereas, currently, it requires NMFS to use the prior year ACL and ACT, and so just what's the purpose of that, to remove that provision?

MR. RINDONE: Right, and it's just to remove that provision, and so the payback would be based on the amount of the overage, pound-for-pound, in the previous year, applied to the next year's ACL and ACT and not applied to the prior year's ACL and ACT, and so, you know, if was 100,000 pounds in the prior year, and you went over by 20,000 pounds, and then, the following year, it's supposed to be 150,000, instead of it being 80,000 in the next year, because you went over, it's 130,000.

MR. ANSON: So, we're just keeping the schedule for the rebuilding plan. Thank you.

MR. RINDONE: Yes, and you guys might remember that we have had some discussion about the differences in what we could expect from fisher behavior, based on when you actually start -- Or when you open the fishing season, and so Ms. Boggs had started talking about some of this, and I think Mr. Gill and Mr. Strelcheck had also started talking about this, and this is not so much on the accountability measures side directly, but it's more associated with the recreational fishing season opening date and that what means for discards and where those discards

occur.

Gag is more -- I don't know about more, but it is kind of more interesting, because it's more dynamic, and it's going to see a lot of fishing in very shallow waters, like nearshore, around bridges and pilings and things like that, at that June 1 opening, and also in waters that are about thirty meters deep and deeper, and there will be fishing pressure in between, but gag typically bite better when the water is cooler, and we've heard this frequently from the fishermen, and so we would expect, in the summer months, there to be a lot of associated fishing pressure with species like red snapper that are open concurrently, and, when those seasons close, then there might be a little bit of a lull in fishing effort.

Then, in the fall, once we start seeing cold fronts move in especially, then, you know, we typically see nearer to shore, in waters twenty meters and shallower -- We see more directed gag effort in nearshore and just offshore waters of the West Florida Shelf.

When the fishing activity occurs, and where it occurs, has a correlation to what kind of discard mortality that we might expect, and so, you know, if it's occurring in deeper waters, you know, we certainly hope that folks are doing things like using circle hooks and descending devices and things like that, like they're supposed to be.

When that fishing effort is occurring in shallower waters, the supposition would be that, you know, certain negative effects, like barotrauma, might be less pronounced, because those fish are being harvested from waters from which we don't see quite the negative effect of barotrauma on discard mortality, and so just some things for you guys to think about when you're looking at when you would expect regulatory discards to occur and when the fishing season is actually open.

CHAIRMAN FRAZER: Okay. Thanks, Ryan. We've got a number of hands, and I will go through them in order. We had Susan Boggs and C.J. and then Mara.

MS. BOGGS: Thank you, Mr. Chair. I have several questions, and I apologize, and so -- This one may be directed back to Andy, and so, again, my first part is I'm looking at this table on Slide 27, and I understand the peak of June 1, and you're opening the season, et cetera, et cetera, and then you have a slow decline all the way to August, and then it tapers off.

This was for 2019, but, in 2021, you still have that same peak, and so, Andy, does the 20 percent buffer -- Is that going to help the discard number, because, I mean, you're going to have a lot of discards here, and it's very obvious, and I keep hearing this, and somebody please help me understand that in the fall, the gag are easier to catch, but it sounds like they may be easier to avoid, also, because it's a very targeted species in the fall, in the shallower waters, and so I'm trying to find a balance here to deal with this discard issue, because I just feel like this June and July -- That we're going to hit our ACT, because we have all these discards, and so the next part of this question, Ryan, is you said you couldn't do the numbers showing the different areas, but I would be curious, and can we see a graph, and it may be in here, and I've been looking, and I can't find it, that these are your landings in June, July, August, September, October, and see numbers, to see what the numbers look like, because I don't know if this June and July -- If it's 10,000 fish, and, I mean, I don't know what that correlates to, and I'm just trying to get an idea of what we're getting ready to do here.

I mean, I already see the writing on the wall, and it's going to be a fall fishery, but I'm still concerned of what we're going to do with this June and July fishery, when we're going to have all these discards.

MR. RINDONE: So, I can tell you what the average discard weights are by fleet, but, if you're looking at it in terms of like what the average discard weights are, against what the discards here that are shown on the presentation, and so -- I'm sorry. These are the landings, but, if you're looking at the landings, and you assume a commensurate amount of discards to landings, which is what the projections do, then that gives you at least a starting point, and so, for the sake of say July, and we're really high-balling here, and so, you know, nobody run to the betters with this, but, you know, call it 140,000 pounds of landings in July for 2020, just because that's one that's got a little bit of an elbow in it that I can point at.

If you have -- If you're looking at your discards, and you have an average discard rate of say about three pounds for the recreational sector, then you can count out the number of fish you have, and so we would presume that the discards, you know, could be a little bit higher than that, to some degree, and it just depends on how fisher behavior changes with some of the other management changes that are being proposed.

CHAIRMAN FRAZER: To that point, Ms. Boggs, and then we'll get

back to C.J. after that.

MS. BOGGS: Okay, and so let's approach this a different way. If I am reading this right, in SEDAR 72, on Table 7, which is the Gulf of Mexico gag grouper recreational discards, in numbers, which is what I'm trying to get to, and look at it by month, which I haven't found that information, in 2019, because that's the last information available, the charter fleet had 99,177 discarded fish, the headboats had 18,297 discarded fish, and the private plus shore sector had 2,333,626 discarded fish, and so what I am trying to figure out is did that --

Whatever the total number is there, three-million pounds of fish, did that come in June and July, and was that because we had an easy fishery in the fall, and we discarded most of the fish in the fall, and the discards, in my opinion, and, if I'm wrong, somebody call me out on it, but this is a major issue, with any fishery that we've been dealing with, and that's what I am trying to get my head wrapped around is what the least impact on the discards? Is it the bigger buffer, and then it helps eliminate part of this? I just need some help.

CHAIRMAN FRAZER: Mr. Rindone.

MR. RINDONE: So, the SRFS run of SEDAR 72 -- Table 15 is actually where the characterization of the discards takes place by fleet, and it starts with the commercial vertical line. Since we're talking mostly about the recreational fleets, if we scroll down to that, and so that starts on Table 17, with the headboat fleet, and so, if you're looking at -- Bernie, it's probably better if I send this to you, since we're discussing this directly, and so coming in hot. It's Table 17. Bernie, I'm going to send it to you. These tables are even larger and more wieldy than -- I am sending you a document. While that's coming up, Mr. Chair, we have some questions.

CHAIRMAN FRAZER: All right, and so, while that's coming up, we've got questions. I mean, I don't want to try to get too far ahead, C.J., if your question is going to be different than this. We're going to have to sit tight until we can pull this up. Mr. Strelcheck.

MR. STRELCHECK: While we're waiting, would it be a good time for a break?

CHAIRMAN FRAZER: A short break, because then we're going to take a longer break in advance of the IFQ discussion. All right. We'll take an extended break, and we'll come back at

10:40.

(Whereupon, a brief recess was taken.)

CHAIRMAN FRAZER: Okay, and so we had a number of -- We are dealing -- If I could get some people to keep down back there, please. We're on Action 4, and we are having some discussion right now, and I wanted to kind of follow-up a little bit on Ms. Boggs' last question, with regard to temporal variability in discards, and particularly as they relate to released fish and dead discards, because I think it's relevant for the discussion that we had, moving forward, about what we might anticipate with a potential change in season and effort shifting and things of that nature.

I think it's a valid question, what she's trying to get at. I do not think that we have the data, the temporal resolution of the data, that she's interested in, and we had this discussion, and it's not that we don't appreciate that there's a need for it, and I think those ideas, and those thoughts, are going to factor into the agency's decisions, moving forward, and that's kind of the comments that Andy made. You know, those projections will evolve with time, and so I think we'll move on from that discussion, and then next on my list was C.J.

DR. SWEETMAN: Thank you, Mr. Chair. I've got several points that I would like to make here. Specific to Action 4, I do think just focus on the accountability measures for now, and I do think that they're appropriate, obviously, given where we're at with this fishery. However, I do think that, in the future, as we do rebuild this fishery, we need to be able to consider that, because being able to remove that accountability measure there, specifically as it relates to managing to the ACT, when we're not in an overfished mode there, and so I just wanted to bring that up, initially, and I do think it's appropriate, for the time being.

Then, okay, and so the next couple of points that I would like to make here, also specific to Action 4, and so talking about the fishing season, and I'm just going to -- FWC's preferred there is for the September 1 start date, and I think, now that we've decided on some other at least preferreds in there, we're kind of looking at a sixty-three-day season, or something along those lines, and so that would be FWC's preferred alternative, along those lines, but I also wanted to bring up something that is within the document itself, as it relates to effort estimation there.

There is some lines in -- Let's see. It's Table -- It's right below Table 3.3.2.1, under the angler effort component there, and I will just read directly from it. It says, "although the State Reef Fish Survey is the data source for private recreational vessel landings of gag in this amendment, SRFS data cannot be used to estimate private recreational vessel effort, because SRFS does not directly estimate the number of trips targeting or number of trips catching specific species."

This is -- I think there was a little bit of a miscommunication here, and so this is actually inaccurate, and SRFS definitely can be used to estimate directed trips for gag, more or less in the same way that MRIP does this, and so I think that language in there needs to be redone here, and certainly I know FWRI is working with SERO to provide sample weights that will allow them to calculate directed trips for gag in the way that they choose, and certainly I would offer Bev Sauls and Luiz Barbieri, two key points of contact that I would highly recommend that we continue having these discussions, and I know they're actively going on right now, but I kind of wanted to bring that to everyone's attention, and then also to kind of focus this on Action 4 here, just stating what the State of Florida's preferred alternatives are there.

CHAIRMAN FRAZER: Thanks, C.J., and this is a question for staff, and I think those changes can be readily accommodated, right?

MR. RINDONE: Yes. We're aware. We're on it.

CHAIRMAN FRAZER: Okay. Thanks. All right. The next person on my list is Mara, and it was a while back.

MS. LEVY: That's okay. Thank you. It does pertain to Action 4, and, I mean, Ryan had asked you about looking at the full table of the season projections, as opposed to just within the presentation, and, if you don't want to pull it up now, I suggest that you do look at it, because what the presentation does not show is how the season projections change over time as the rebuilding plan progresses, right, and so, right now, if you start on June 1, you have a very short season, compared to starting September 1, but, as you move down the rebuilding plan, those seasons actually become closer together, and, at least in the projections, by 2028, the June 1 start date would have a longer season than the September start date.

I don't want the decision to be made in a vacuum of what 2024 looks like, because 2024 is not representative of the whole

rebuilding timeframe, and I feel like what would be helpful, in considering the season start date, is a discussion of season length, but then also a discussion, and rationale, about the certainty of the projections and how that plays into it, right, because the June 1 date is going to have the least uncertainty, presumably, in terms of the projections, because that's when we've historically been starting, and so I would just like, at least as you're considering preferreds here moving on, some discussion about those different aspects of what happens with the season start date. Thanks.

CHAIRMAN FRAZER: Thanks, Mara. I think it's a good point to carry that out a bit, right, but also recognize that there will be a new assessment for gag, probably, before those two estimates converge, and so we'll have some additional information, or I anticipate some additional information, moving forward. Ms. Boggs.

MS. BOGGS: I am sorry, and which table were you referring to, Mara?

MS. LEVY: It's 2.4.1, and it's a really long table, but it does at least go through the years of the rebuilding plan and the projection in season lengths.

CHAIRMAN FRAZER: We'll go ahead and pull it up, if we can, right now, so people can get an idea of what it looks like. Ryan, do you want to go ahead and walk people through the nature of the table?

MR. RINDONE: I can do that, and so, again, noting here that you guys made a motion to add an alternative for a recreational ACT that's 20 percent below the recreational ACL, and that would have to be added to this, and so we will probably change the page orientation for this table at that point.

What you guys can see here is, as you move from the Action 2 alternatives, which are noted in the left-most column, and then you can see how those are broken out by the Action 4 alternatives that go across the rows at the top there, and so, generally speaking, as you move from 2024 through 2028 in the projections, the estimated catch limits increase with time, and, again, this is presuming that there aren't any overages, which we can't predict in the future, and then what you'll see in bold is the estimated closure date for each of the scenarios corresponding to whatever is chosen in Action 2, versus whatever is chosen in Action 4, and contingent upon the recreational ACT compared to the ACL.

Underneath those bold values, for 2024 anyway, we have listed the range, basically, that you're looking at for the variability for that estimate, and then in the parentheses is the fishing season duration, in days, and, like Ms. Levy pointed out, if you're looking at Alternative 1 in Action 4, that's going to set the fishing season against the recreational ACL, which would be the highest available amount of fish to set it against, which is going to give you the most days, as you progress further into time, and, as you move to using the recreational ACT and the June 1 opening, as you get towards 2028, you start to see that shift in fishing season duration being longest with the June 1 opening, and the reason for this because we're going out of a high-use part of the year to a lower-use part of the year, if you will, and so just the estimated daily effort in June and July is a lot higher than it is in like August and September on gag, historically, using the June 1 opening.

Some of the highest -- The next highest wave is going to be Wave 6, which is November and December, and so, when you're starting in October, you see some shorter seasons, but, you know, with time, those eventually get longer as well, as the recreational catch limits increase. If we scroll down a little bit, Alternative 3 in Action 2 and its commensurate season duration projections.

No closure doesn't mean an unlimited season. No closure just means that, if we're looking at those two right-most columns there, for 2028, under Alternative 3c, as an example, it just means that, if you started on September 1, that the fishing season wouldn't close, and, if you started on October 1, it also wouldn't -- It's not predicted to close anyway, come 2028, and so it doesn't mean it's the longest season option possible for that year, but changing things like fishing seasons is something that is in the framework procedures that you guys can also do through a framework action, and so, if you decide, at some future point, that you don't like this fishing season opening date anymore, and you want it to be something else, you can do that.

CHAIRMAN FRAZER: Okay. Thanks, Ryan. Mr. Strelcheck.

MR. STRELCHECK: As most of you, I think, have figured out, I'm pretty much an optimist, and I try to think of things as glass half-full, and I do want to be a little realistic and pessimistic here, in that I think the projections, and what we're being shown in terms of future seasons, are contingent on kind of catch rates remaining, you know, kind of at current

levels and the catch limit itself increasing, right, and I don't think that's realistic, especially if we see a rebound in the stock, in abundance, and so I just want to further emphasize that, you know, rebuilding fisheries is really challenging, and we have two major challenges with the recreational sector.

One is the discards, right, and the other is just effort, pure effort out there, with the amount of fishermen going after the amount of fish that we have available, and so I think we'll just need to keep that in mind and recognize that this might come to fruition, but it potentially won't, and that we need to continue to look at management measures to help with rebuilding this stock.

CHAIRMAN FRAZER: Thank you, Andy. Mr. Dyskow.

MR. DYSKOW: Thank you, Mr. Chairman. Andy, I agree with everything you said, and, at many points in this conversation today, and at previous meetings, we bring up recreational discards as a huge issue, which it is, and I agree with that, and I think that every measure should be taken to manage recreational discards, and I think the part that frustrates me is -- I am going to use my analogy here, and it's not appropriate, perhaps, but recreational discards, the way we collect them today, is an estimate based on a guess. We don't have good, hard data, and I know I'm oversimplifying, and I apologize for that in advance, but we're at a point where we all agree this is a very serious issue, and we all want to do something about it, and what are the alternatives measures to get better data on recreational discards?

Now, I have a motion that I want to bring up at Full Council in regard to the next step with managing red snapper data, and, again, I would like to see the states take the leadership role in this, because, if we go down the licensing and permit path, they're better resourced to do something about it, but I would like the agency to give us more insight, and at subsequent meetings, on how we should be managing and how we should be better collecting recreational discards, because nobody in this room would say that they're not critically important, and they're not perhaps one of the most important issues we face.

I would like to suggest that we have more dialogue on how to fix this and less to merely say it exists, and we all know it exists, and I'm sorry for the tirade here, but, anyway, thank you.

CHAIRMAN FRAZER: Thanks, Phil. To that point, Andy, and then

Mr. Gill.

MR. STRELCHECK: I appreciate Mr. Dyskow's comments, and part of the reason why I proffered the recreational fisheries initiative at the last meeting was to, you know, get down the path of looking at some solutions to help address this.

On the scientific side, yes, it's a challenge, and we've certainly talked about, you know, is there applications, apps, on your phone that we could use to better get discard information, and is there recreational study fleets, and is there more observer coverage, and there's a number of ways that we potentially could get better data on discards. We're embarking on a major effort, through tagging and other data in the South Atlantic right now with red snapper, to improve our discard estimates, and we're working with FWC and others closely, and so certainly there is opportunities there.

You know, the other thing I will point to is it's not just how we estimate the discards, but it's how do we manage to reduce discards as well, and that, to me, is another important component that definitely is within the purview of this council, as to how do we set management measures that are helping to avoid, or reduce, discards.

CHAIRMAN FRAZER: Thank you, Andy. Mr. Gill.

MR. GILL: Thank you, Mr. Chairman. It's clear that, relative to Action 4, that the variability in the recreational landings is high. For example, from that chart, the month of October, and it happens to be two back-to-back years, there's a six-to-one difference in the landings, and so our ability to handle that variation is not good, and, with that in mind, it suggests, to me, that the idea that we leave it up to the agency to determine the ACLs is problematic, and it's not the agency's problem, and there's no good way of knowing in advance for anybody, and none of us could make that prediction better, but, in the case of gag, as opposed to others, it's really critical, because, if we go over, we've got to pay back, and there's not many fish, and likely they will have a closed season.

I think the better way to handle Alternatives 2 through 4 are to put a date certain on there, to minimize that potential hoping for a homerun and winding up with a wipeout.

The offset to that is, and we talked about this, is that, at the very least, you will have the interim rule effect, which will give some input to that decision-making, but, it seems, to me,

that we need to have a little more certainty on when that season is going to close and hope that we don't exceed that ACL to drive us into a reduced season, or no season, the next year, but I have another thought here.

One of the factors in this discussion is that, in my mind, that payback, and that potential for no season the next year, ought to be driving our discussion and our thinking, and I don't think that Alternatives 2 through 4 do that. There's a couple of things we haven't mentioned thus far, and one of those is that apparently there was a good recruitment year, three or four years ago, and there's a lot of fish up in the northern Gulf, and the catchability is way up, and, in contrast to where we've been, back when the assessment was done, there's a lot more fish in the water that are there being landed, which says that the likelihood of trying to maintain a very low level of ACL is going to be problematic, and so we know that we have the uncertainty, and we probably have high catchability, and the other factor that we haven't talked about, and C.J. may get into this, is that we don't know whether the Florida commission is going to agree with what we do and whatever impact that might have.

Bernie, if you would pull up my gag motion, this motion is driven by -- To me, there priority one is to avoid going over the ACL, however we do that, and, well, we don't have a whole lot of room. In my opinion, Actions 2 through 4 don't get to the heart of that sensitivity that we have in the gag, that we don't have in most of the other species, and so what I'm proposing, and I would certainly love some discussion on it, is a split season, and the concept being to avoid, as best we can, going over the ACL, and we have a short front season that would close, and that September 22 is an arbitrary number, and I'm open to discussion on that as well, but the idea is that front season guesses, as best we can, that we won't go over the ACL, and then there's a second season that would be available if we happen to have enough room left after that front season.

I've talked about the sixty or seventy-day season, and, in my opinion, there is no way, despite the desire, that it will be that long, and there's just not enough fish available.

I picked September 1 because, when you get right down to it, it's the only month that's applicable. Any other month, if you go earlier, they have higher catch rates, which means the season needs to be even shorter, and any later and you don't have room for the second season.

I wouldn't expect that second season to be very long, but I think trying to achieve the ACL, without going over, is what our objective is, and I don't think that Alternatives 2 through 4 get to the heart of that, and, if we don't do that, we may have consequences that we don't like, subsequently, and so I offer this motion as an attempt to address that issue, as best we can, and hope that we hit it even on that short season, which it's twenty-two days, and it's not very long, but there aren't many fish. Thank you.

CHAIRMAN FRAZER: Thanks, Bob. Before we move on, I just want to ask -- Ryan had a specific point to this motion, before we look for a second.

MR. RINDONE: You can solicit a second, and then I will make my point.

CHAIRMAN FRAZER: Okay. Is there a second to this motion?

MS. BOGGS: I will second for conversation.

CHAIRMAN FRAZER: It's seconded by Ms. Boggs. Mr. Rindone.

MR. RINDONE: So this motion -- There's not an easy way to say this, but this motion can't work, because of the data required to monitor the stock under Action 2, and so we still need the MRIP-FES estimates for the for-hire component, which means that we wouldn't have the data for the September 1 to September 22 set fishing season until December 15, at the earliest, and so the amount of time available to then -- For the agency to then do the whole QA/QC dance and then reopen the season would be nil to none, and so --

CHAIRMAN FRAZER: Okay, and so, real quick, before we go to Mr. Dyskow, I just want to make sure, based on the discussion with the Chairman, that the motion is read into the record. **Bob, your motion is**, That was seconded by Ms. Boggs. All right. Is there any further discussion on this motion? Ms. Levy.

MS. LEVY: Well, putting aside what Ryan said, so, right now, all of the other alternatives, right, are changing the season to be set, or projected, based on the ACT, and so this is going back to the ACL, and so I'm just pointing that out, that your -- I don't know if that was the intent or not.

CHAIRMAN FRAZER: Mr. Gill.

MR. GILL: Thank you, Mr. Chairman, and thank you, Mara. So, as

I mentioned earlier, I think the ACT is -- It's so minimal that it makes no difference, and so we'll overshoot one way or the other, and so I wanted to focus on the ACL, because that's where the damage happens, and it doesn't happen at the ACT, and the difference is 5,000 fish, and that's insignificant.

Thank you, Ryan, for that point. I didn't consider that, and so the only other option to approach this would be something -- I am not quite sure how we do this, because I'm working off the -- Different months -- You can't do it later, because there's just not enough time.

Earlier, the problem is that the catch rates per month are all higher, with the exception perhaps of a late spring opening, and we don't want to run into spawning time as part of this, but I haven't looked at something like a May, for example, and whether that would work or not, but, conceptually, my concern is driven by doing what we can to not exceed the ACL, which I don't see happening in Alternatives 2 through 4, and so I throw this concept out for consideration, and smarter folks than I may have a way to wrangle this fish to the boat, but I'm not comfortable we've done all we can, and that's the intent of this motion.

CHAIRMAN FRAZER: Thanks, Bob. Mr. Dyskow.

MR. DYSKOW: Thank you, Mr. Chairman. I'm not sure that I can speak in favor of this or not. Bob and I had lengthy discussion about this prior to the meeting, and the way I left it with him then, and the way I still feel, is his idea has a lot of merit, but I would really like to know how others feel about this, particularly others in Florida, but, from my perspective, it has merit.

CHAIRMAN FRAZER: Thank you, Mr. Dyskow. Andy.

MR. STRELCHECK: The intent is great, Bob, and I really appreciate you thinking about this and providing a thoughtful alternative. Like Ryan noted, there is challenges, in terms of how we execute on this, and it's not just the for-hire data. For those that aren't aware, SRFS relies on a portion of their intercept data from MRIP, and so there's also time lags, in terms of when they receive that data.

I think, you know, maybe there is consideration of this, in talking with FWC, where you do a split season, but you have to move it to the summer to start, with the risk that you may not reopen in the fall, and, as you acknowledged, there is higher catch rates, and so you're potentially shortening the season

further if you move it into the summer months, but, in the event that we undershoot the quota and have available fish left over, then you could have that fall opening, and it would give sufficient time for FWC to analyze that data and work with the Fisheries Service to reopen it.

CHAIRMAN FRAZER: C.J.

DR. SWEETMAN: Just responding to you, Phil, and me and Bob have talked at length, several times, about various options, and, quite frankly, I appreciate the consideration here for thinking outside the box. However, from the FWC side of things, this is probably not something that we could support.

In addition to what Ryan mentioned, it also is a significant challenge to have that open-ended secondary component to this here, in terms of FWC setting the state season, and I think that's really important, that the commission plays a big role in this here, and I think 40 percent of the landings come from state waters here, and so we're really, really hoping that we can go consistent with how we've been talking about this in the past here, but, from the split season perspective, and I think the IPT even said -- They did not recommend doing a split season, and so I will just leave it at that.

CHAIRMAN FRAZER: All right. I am going to kind of step back from the role of the chair and just give a Florida perspective, and I understand, Bob, where you're going, right, and there's a high degree of uncertainty, and you're making every effort to ensure, in fact, that we are able to sustain a fishery into 2024, right, and I also recognize that the majority of the gag landings come from Florida and we want to align well and have a strong partnership with the FWC and their desire to have a September opening.

I agree with Ryan that, you know, a split season, and being able to implement that, is not feasible, given the way that we actually acquire the data and the timeframe.

My question, probably for the state here, is that this is a fairly conservative approach to deal with some of the uncertainty, and how does the state feel about a reduced season, a time certain end date, right, and knowing that the likelihood that you're going to have a season next year is greatly improved?

DR. SWEETMAN: To that point, and thanks, Mr. Chair, and having a defined end date is certainly something that FWC would

appreciate. It avoids us having to go back every year and redo our rule with what's on the books right now, and so, currently, what FWC has is -- It's the interim rule, and so having an end date is preferable, yes. As it speaks to a shortened season, it's hard for me to answer that, because the devil really is in the detail there.

Certainly the last thing I want to do is have overages in this and get into this -- Which is I think what Bob was trying to do here with this motion, is to avoid these paybacks, constant paybacks, and then eventually having the fishery shut down, and we lost data streams, and that is the worst-case scenario and not something that FWC wants, and we certainly will do everything we can to keep this fishery open. To that point, the devil will be in the details, but it's certainly something that we could consider.

CHAIRMAN FRAZER: Thanks. Mr. Dyskow.

MR. DYSKOW: Thank you, Mr. Chair. The reason I was supportive of more dialogue on Bob's motion is I don't want to be forced into a situation where I have to approve something that guarantees overfishing. This is an important species to Florida, and I respect FWC's decision, but I can guess that that decision is based on what their commission has said, and their commission is going to want the longest season possible, and I get that. I'm not -- I understand, but, at the same time, we're accountable to make every attempt to prevent overfishing.

I don't claim to be an expert on the complexities of this, but the merit of Bob's motion is that the short season that you propose has a better chance of preventing overfishing. If there are more fish available, we can open up a second season. I frankly don't think we'll even get to that point, because, if you have a short season, you're just going to increase the effort during that timeframe, but it's a short timeframe, with lots of other things going on, and so we may have an opportunity to prevent overfishing, with that short season, that we wouldn't have with any of these other proposals, and that's my position on this, and I don't know that we'll ever get agreement, but there is merit to have further discussion on Bob's idea.

CHAIRMAN FRAZER: Thank you, Phil. C.J.

DR. SWEETMAN: Just one really quick point, and so we're talking a lot of certainties here that we are going to overfish this current quota, and I don't think that is a guaranteed certainty. This option would be on the table if it was guaranteed to

overfish the stock, and so I just wanted to be careful with the language that we use in there.

CHAIRMAN FRAZER: I have a question, Andy, for the agency and how this might adversely impact your flexibility, moving forward, with regard to when you actually might project a closure.

MR. STRELCHECK: So, based on what Ryan said earlier, my comments -- We wouldn't have any in-season data to determine the second closure, or the second opening of the season here, right, and so that's the problem that I see with this option, versus setting the opening season, the starting season, earlier in the year and allowing for sufficient time to pass, so that we can actually get in-season data to then project whether or not we can reopen or not.

CHAIRMAN FRAZER: Let me clarify, I guess, what I was asking, and it's only for the first part of the motion. If you set a time certain and close after three weeks, does the agency have any latitude to act one way or another? Can they extend that season, if there was still quota available, or do they shut it off, hypothetically, and I understand there's a -- You could cut it off, maybe, before, but I'm not sure if you have the latitude to extend it.

MR. STRELCHECK: We would have to check the regulations. As they currently stand, I don't think I have the authority, because the season was going until the end of the year, but we'll double-check. If not, you could certainly provide that authority to the agency.

CHAIRMAN FRAZER: Mr. Gill.

MR. GILL: Thank you, Mr. Chairman, and so I appreciate this discussion, which I think is helpful in thinking through this concept, and I would note that I think -- I see a disconnect between this longest season possible and the reality of the number of fish that we're talking about, and I mentioned the daily numbers on, for example, the interim rule, and what was that, 700 fish a day, and the longest season is up to when the ACL is met, you know, whatever that duration is, and we can point to these numbers, but the reality is, when the ACL is met, that's as long as the season we've got.

I think it's important, and, in the normal timeframe, we're talking thirty, sixty, ninety days, whatever, and, in this particular case, we're talking a short time that we can

estimate, but we know it's not going to be very long, and I think we know it's not going to be very long, but I appreciate the discussion.

I'm going to give this some more thought and see if I can't find a better start date, maybe May or something, and bring it back to Full Council, but, given that this one won't work, I will withdraw the motion, Mr. Chair.

CHAIRMAN FRAZER: Okay, and so Mr. Gill has withdrawn the motion. Mr. Dugas.

MR. DUGAS: Thank you, Mr. Chair. In listening to the conversation, the first thing that comes to my mind is state management in Louisiana, and so my question is can the agency, or would Florida entertain, a three-day-a-week season, Friday, Saturday, and Sunday, and stretch it out, and, instead of twenty-two days, you might, you know, get almost three months out of it, if you only fish on the weekends.

CHAIRMAN FRAZER: I don't want to speak for the agency, what they may or may not be willing to do, but I would say that there is certainly a process, and I don't think that they would implement that certainly for 2023, and it's too far along. You know, whether or not they would do that for 2024, I would let C.J. weigh-in.

DR. SWEETMAN: I think that creates some significant challenges with setting the rule within state waters, and so, again, it's hard for me to answer that question without seeing projections and how that season, that option, would ultimately play out, but I do think that creates some challenges, from the rulemaking side, on the state.

CHAIRMAN FRAZER: Mr. Strelcheck.

MR. STRELCHECK: Certainly though, if the council wanted to consider other configurations of season, you could propose that at this point, but keep in mind we have not delegated authority to the states to conduct state management, and there is no sector separation here for gag grouper, but any season structure -- We would be essentially working with FWC, collaborating with FWC, and they're the experts on SRFS, but we would have to work side-by-side with them on season projections.

CHAIRMAN FRAZER: All right. Thank you, Andy. I'm just trying to keep us squared away with regard to progress, and so we have an Action 4, with several alternatives, and we've had some

discussion about whether or not we might modify or add alternatives, to have a time certain end date, and I think Bob is going to think about that a little bit more, prior to Full Council, but one of the primary elements of the alternatives in this action item is the season start date, and I am wondering, at this point, if anybody might be prepared to offer up a motion with a preferred. C.J.

DR. SWEETMAN: Okay. **I will offer up a motion in Action 4 to select Alternative 3 as the preferred.**

CHAIRMAN FRAZER: Thanks, C.J. Let's get that up on the board. All right, and so the motion is, in Action 4, to make Alternative 3 the preferred. Is there a second to that motion? It's seconded by Mr. Anson. Is there any discussion, further discussion? C.J., did you want to -- Go ahead, Bob.

MR. GILL: I would rather ask C.J. to discuss it.

CHAIRMAN FRAZER: C.J., go ahead.

DR. SWEETMAN: Sure. I appreciate it. I mean, this has been consistent with basically what FWC has advocated for all along, and it's trying to -- You know, we've been talking a lot about the uncertainty here, and certainly we are -- With what we've been working through with previous actions, we are adding some additional management uncertainty, potentially, here, and so I think -- I think we are capable of keeping this within the catch limit, but, also, putting back on the same point that I had before about the importance of state and federal consistency in the regulations here, and so that is the preference for FWC and why I offer this up as the preferred.

CHAIRMAN FRAZER: All right. Thank you. Did you want to add to that, Bob?

MR. GILL: Thank you, Mr. Chairman, and so I am not opposed to this, but one of the concerns that I have, relative to it, is it's just like the interim rule. Its start date is the same, and there's that expectation of a sixty or seventy-day season, and I think that's an expectation that will not be met.

There's just simply not enough fish there, and so it's going to be shorter, by some amount, in my opinion, and the amount we don't know, and, as we saw on the motion that I just offered, I think, and Mr. Dyskow seemed to agree, that a three-week season is iffy, and thirty days is probably going to exceed, and so I'm more of the -- I hope the expectations, if we accept this

motion, are not for a long season, that it's going to be considerably shorter, and the commission sees it that way as well, so that we're on the same page and don't expect to get several months out of this. Thank you.

CHAIRMAN FRAZER: Mr. Dyskow.

MR. DYSKOW: Thank you, Mr. Chair. I am going to address this to C.J., but, Andy, chime-in too, if you have some insight. Do we have the methodology, and the capability, to shut this season down within such a short timeframe in-season? Let's say we do hit the ACT in three or four weeks, and can we shut it down that fast?

CHAIRMAN FRAZER: Mr. Strelcheck.

MR. STRELCHECK: I thought he directed it to C.J. So, one, no, we're not going to have the data in-season to monitor, and it's not like some of these programs that the states are running right now, like Snapper Check or Tails 'n Scales, where you're getting the data within a week or two of the data collection.

If we close the fishery, and I don't know, Peter, and it's probably a week, or ten days, by the time we put together a notice and publish it in the Federal Register and send out a Fishery Bulletin and give people adequate time to know that the fishery is closing.

CHAIRMAN FRAZER: Okay. Any additional discussion on the motion?

MS. BOGGS: A roll call vote.

CHAIRMAN FRAZER: Okay, and so we'll have a roll call vote on this motion. Dr. Simmons.

EXECUTIVE DIRECTOR SIMMONS: Mr. Gill.

MR. GILL: Yes.

EXECUTIVE DIRECTOR SIMMONS: Mr. Geeslin.

MR. GEESLIN: Yes.

EXECUTIVE DIRECTOR SIMMONS: Mr. Anson.

MR. ANSON: Yes.

EXECUTIVE DIRECTOR SIMMONS: Dr. Shipp is absent. Mr. Strelcheck.

MR. STRELCHECK: Yes.

EXECUTIVE DIRECTOR SIMMONS: Ms. Boggs.

MS. BOGGS: No.

EXECUTIVE DIRECTOR SIMMONS: General Spraggins.

GENERAL SPRAGGINS: Yes.

EXECUTIVE DIRECTOR SIMMONS: Mr. Dugas.

MR. DUGAS: Yes.

EXECUTIVE DIRECTOR SIMMONS: Mr. Broussard.

MR. BROUSSARD: Yes.

EXECUTIVE DIRECTOR SIMMONS: Mr. McDermott.

MR. MCDERMOTT: Yes.

EXECUTIVE DIRECTOR SIMMONS: Mr. Dyskow.

MR. DYSKOW: Yes.

EXECUTIVE DIRECTOR SIMMONS: Mr. Schieble.

MR. SCHIEBLE: Yes.

EXECUTIVE DIRECTOR SIMMONS: Mr. Diaz.

MR. DIAZ: Yes.

EXECUTIVE DIRECTOR SIMMONS: Dr. Sweetman.

DR. SWEETMAN: Yes.

EXECUTIVE DIRECTOR SIMMONS: Mr. Williamson.

MR. WILLIAMSON: Yes.

EXECUTIVE DIRECTOR SIMMONS: It's thirteen to one with one absent and two abstentions, unless you wanted to vote, Mr. Chair.

CHAIRMAN FRAZER: Thank you, Dr. Simmons, and so the motion carried thirteen to one with two abstentions. All right. I do not think that we have any further gag-related business, and so we will now -- We're going to move into a discussion on the IFQ, and let's take a five-minute break, real quick.

(Whereupon, a brief recess was taken.)

CHAIRMAN FRAZER: Again, I want to thank everybody for the discussion as it relates to gag, and I just want to remind folks that the goal here was to try to be in a position to have a public hearing draft at the end of this council, and I recognize that there is likely to be some modifications, or changes, to some of the alternatives, and possibly the preferreds, at Full Council, but I do think we're in a good position, and I just want to let people know, again, that we've got public hearings scheduled for May, and so we should every effort to make as much progress on the document as we can.

We're going to go ahead and move into the IFQ objectives, and Dr. Lasseter will lead that discussion. I think what we have time for right now, prior to our lunchbreak, is the presentation itself, and so I would like, again, Dr. Lasseter to go through the presentation, but we may defer the questions and answer until after lunch, and so, Dr. Lasseter, the floor is yours.

IFQ OBJECTIVES

DR. LASSETER: Thank you very much. Okay. We have our action guide up here, and, actually, there is no recommendations here, and that should not be on here, and I am just going to talk about some things, pose a lot of questions to you, for you to think about, encourage discussion, and this is all a precursor for the June meeting, when you are going to really delve into your goals and objectives.

I am going to summarize the presentation a little bit more actually when we get to the cover there, and so let's go to Tab B, Number 7, and so the intent here, today, is really keep the subject fresh, and we didn't want to skip a meeting and then have you try to jump back into the IFQ material in June, and so the intent here is to stimulate discussion and to give you something to think about, many things to think about.

Here is your motion from the last meeting, which stated that, no later than June 2023, we are expecting to put this on the agenda for the next meeting. You should conduct a review of the IFQ

program goals and objectives and recommend changes. Based on these newly-updated goals and objectives, you would then initiate an amendment to address the programs changes, consistent with the outcome of the discussion, and we're expecting to correspond with the themes that Dr. Stephen presented at the last meeting as well.

Keeping this motion in mind, the presentation is going to first to through some common terms, and we're going to back up even to catch shares and LAPPs, to see how IFQ programs fit within those, and then look at goals and objectives, both here with the programs in our region and elsewhere in the U.S., and then we're going to touch on some program provisions, which is what we usually hear people from the public talking about, what a lot of the discussions around this table have centered around, and then I'm going to end with a lot of questions for you all to think about, and so let's go to the next slide.

Okay, and so catch shares, and so catch shares is a general term associated with different approaches in fisheries, but the idea is that you dedicate a secure share of the fish either to individuals, cooperatives, or fishing communities, and so it's either to an individual or groups, but it's designated for their exclusive use.

Part of the catch, or share, and this term is commonly used in all the programs, is allocated to, again, individual fishermen or groups, and each holder of a catch share must stop fishing when they reach their limit, and, in most cases, as we have here, fishermen can buy, sell, or lease shares in a given year, and this comes from NOAA's catch share webpage.

Also from NOAA's webpage, here are the current catch share programs around the country, and I believe there's sixteen. The Gulf ones are right in the middle, in terms of establishment. We were not the first, and we haven't been the most recent. The most programs are in the North Pacific.

Catch shares, catch shares are a type of LAPP, and we've heard this expression a lot, and LAPP means limited access privilege programs, and these are actually defined in Magnuson, Section 303A, and I have some of the relevant text here to talk about, and so the idea of -- I really want to emphasize "limited access", and the idea is exclusive. You are excluding some people, by nature, by definition of this, and so a limited access privilege program shall be considered a grant of permission to the holder of the limited access privilege, or quota share, to engage in activities permitted by such limited

access privilege, or quota share.

Underneath the requirements for LAPPs, in general, any LAPP to harvest fish shall, if established in a fishery that is overfished or subject to a rebuilding plan, assist in its rebuilding, and then (b) and (c), and this is where we're getting into some of these goals and objectives and what they intend to achieve.

If established in a fishery that is determined to have overcapacity, contribute to reduce capacity and to promote fishing safety, fishery conservation and management, and you could have some biological and ecological goals in there too, as well as social and economic benefits.

Here, in our Gulf programs, how do our program goals fit in with the requirements of LAPPs, and so the red snapper IFQ program, which was implemented through Amendment 26 -- I cut a short part of the longer purpose and need Gulf statement, which you can find in the appendix of Amendment 36B, but this is the crucial part that we want to focus on.

The purpose of the IFQ program is to reduce overcapacity in the commercial fishery and to eliminate, to the extent possible, the problems associated with derby fishing, and then we're getting at the issues primarily with safety, but there's also the related issues of market gluts and timing for the fishery, and part of this gets to some of these related outcomes, expected outcomes. The slower-paced fishery anticipated under such a program would support fewer fishermen operating over a longer season, and so now, when we look at the grouper-tilefish statement, it's similar.

The purpose of this amendment is to rationalize effort and reduce overcapacity in the fisheries, and rationalizing effort should mitigate some of the problems resulting from derby fishing conditions, and, again, it's similar to the red snapper program, or at least prevent the condition from becoming more severe, and we did not have the short derby seasons in the grouper-tilefish fisheries as we did with red snapper, and it was a different context.

Then I won't read through the rest of it, but the end part of the grouper-tilefish statement -- You can see some of these attending benefits, expected effects, that go alongside with them.

Now taking -- We have just reminded ourselves of our Gulf IFQ

program goals and objectives, and I took a look at all of those other programs around the country that were on that slide with the map, the sixteen other programs, and I pulled out three of them, the problem statements and the purpose and need statements, to kind of go into more depth and to look at.

The three I picked out, the first one is the Pacific Fishery Management Council's Pacific sablefish permit stacking program, which was implemented prior to our red snapper program, and, when I was reading about this, it was quite similar, the background, to red snapper, compared to some of the other programs, in that it had very short derby seasons, the sablefish popularity was very similar to red snapper, and so I thought this would be an interesting one to bring out.

The North Pacific Fishery Management Council program on halibut and sablefish IFQ program, from 1995, has been working, in recent years, to increase the active participation measures, and there's actually a lot of literature that has come out on these programs, on that particular program, that I think could inform the discussions in the future, and then the third one will be the New England FMC, the Atlantic sea scallops IFQ, and they call it general category, and, this one, they have currently -- This council has currently been exploring whether to open up leasing, days-at-sea actually, in a program that's managed alongside an IFQ program, that does allow leasing, and so that's just some current considerations, and they're grappling with the same issues, and so I thought that would be a very interesting example to bring to you.

Okay, and so let's start with the PCFM and the Pacific sablefish permit stacking, and so this is actually taken from the document that implemented the program, Amendment 14, and their purpose and need for action. The underlined are program provisions, and I'm kind of going to highlight that, and the bolded words is where we're getting more to the goals and objectives.

Here, what their goal is, it's to address concerns in the current fishery related to safety, efficiency, and equity. All three of those, you remember, being in that definition of a requirement for a LAPP.

Provisions were then put in place in support of those broader objectives, including one which is to require permit owners to be individuals and to be onboard during sablefish fishing operations, and I think this idea of owner onboard has made it into kind of the national media and popular culture, and I think we're all kind of familiar with that, the idea being that

sometimes active participation measures have unintended consequences, and this is the example that we've heard of vessels -- In order to comply with the owner onboard require, they have put elaborate accommodations down below, for the owner to be comfortable, while they're not above deck actually fishing. Things to keep in mind is that there can be unintended consequences.

The North Pacific FMC's halibut and sablefish IFQ, their problem statement, their purpose and need statement, was put in tandem with the specific key provisions of the program, and so I bolded in the top part, and you can see that they were attempting to address issues associated with a race for fish, and then we've got our derby fishing, and, down below, increased harvesting capacity, and that has been another challenge that they were trying to address with this program.

Several key provisions in the program include, as laid out, and one of them, the second one, is assignment of shares to vessel categories, and, specifically, catch, or vessel, quota share -- The program, the managers, have been transitioning, attempting to transition, to a wholly owner-operated fleet for this, and they're encountering some of the same objectives, the same problems, as well. Again, this is the program that there have been anthropologists and others, and I think there's some people actually at NOAA, that have been addressing the success and failure of these active participation measures and how effective they've been.

The last one, of the three we're going to look at, is the New England FMC, their Atlantic sea scallops IFQ, and so, for their problem statement, the first purpose of this amendment is to consider measures that will address, and there's that capacity again, and fishing mortality, and so they have highlighted -- They've put forward specifically one of the more conservation objectives, and I'm going to come back to this program when I get to provisions, a little bit later in the presentation.

Each one of these three -- You see how different each of these problem statements are, and they're also structured differently in the documents, in how they lay out their problems. I am going to talk now about the commonalities, and so each council lays it out differently, but there are similarities across all of these programs around the country.

The first thing that jumped out to me was that I could not find an example of quantified goals, and I know that Mr. Gill was interested in pursuing this, and so the National Academies of

Sciences study on LAPPs recommends that you would most likely need to collect some additional information, in order to establish a baseline against which you could measure progress of goals in the future, and so I think that's one way we could address something like that.

Another common problem, another commonality across all the programs, is the common problem, prior to implementation, is there's just too many boats chasing too small of a quota, too few fish to satisfy how many boats -- What they need.

A paper came out from a couple of staff from NOAA Fisheries Office of Science and Technology, a few years ago, that looked -- It compared the performance of federally-managed catch share fisheries in the U.S., and it does look at all the programs, except for the most recently-implemented one, which is the bluefin tuna IBQ one, and that just came out right when this paper was coming out, but, in this analysis, they found that reducing capacity was noted as a management objective, or expected effect, in all catch share programs, and we would expect that to be so, because, again, that is one of the requirements of implementing a LAPP, according to Magnuson, and so we're very consistent with that.

Also in this paper, the authors note that, while biological and socioeconomic objectives are similar across all of the programs, the program provisions, which are developed to support the goals, are tailored to each particular fishery, which would make sense, right, and so these program provisions, again, are going to be how you operationalize your goals, and so let's go to the next slide, and let's talk about that.

Currently, shares and allocation are fully transferable in our Gulf programs. Now, there are some restrictions, and we have a share cap for each of the share categories, but, beyond that, it is probably the most transferable program that I can find in the country. Amendment 26, that implemented the program, provided rationale for implementing this as fully transferable, because this was supported as a means to improve economic efficiency, and so the idea of having full transferability was to promote economic objectives.

Now, looking at some of the transfer provisions and restrictions in other programs, specifically the three that I just reviewed, some of these were restrictions on transfer of shares specifically for social objectives, and, for example, in the North Pacific FMC, shares cannot be transferred out of some of the specific communities, under a community development quota

program. Shares are tied to a community, and they cannot be transferred away.

Another example would be to require permit owners to be individuals and be onboard during fishing, as we noted with the Pacific FMC, the sablefish program, and, again, that was with the intent to achieve a social objective, and I will just note that it wasn't specific in their problem statement, but the North Pacific FMC as well, in working on these active participation measures, is also working on implementing a full -- - Executing a full owner-operated fleet.

Then other approaches are provisions would require allocation to be landed in certain areas, or for a certain number of days, and, here, this is the New England FMC, where it's not just an IFQ program, but it's also a tandem days-at-sea program, and so you have so much scallops can be harvested from certain areas, and then also only for a certain number of days per vessel.

Also, allocation could be required, in other programs, to be caught only by certain size classes of vessels, and that's in the North Pacific currently as well, the last slide that you saw, but, again, all of these provisions reflect or are in support with the broader goals of the programs.

Back to the New England example that has been exploring whether to allow leasing in one of their related programs, and I thought providing this table would be the most simple way to kind of lay this out, and so, currently, leasing is allowed in their IFQ program, but, for the whole amount of projected landings, only 5 percent, five-and-a-half percent, is actually managed under this IFQ program. The majority is actually a different type of limited access program, a days-at-sea, essentially, program, and so what they're considering is to allow -- What they were considering would be to allow leasing in the other program, the days-at-sea program, and they are currently allowing leasing, and that's not changing, for the IFQ part.

For the days-at-sea part, they are, and I'm going to comment here also that, when we were talking catch shares, catches were a type of LAPP, right, and days-at-sea are not catch shares, and it's a different type of limited access privilege program.

Last year, and this was the newest out of this council, the New England Council explored allowing leasing in that Limited Access Category A, non-IFQ harvest, and they went through scoping, and they went through a long process, and they got a lot of stakeholder comments, and they discussed it at council meetings,

and, eventually, based on stakeholder feedback, the council did decide against pursuing leasing for that part of the fishery.

Those are just kind of some little snapshots of other programs, what's going on, and so now let's come back to the Gulf, and I'm going to leave you with some things to think about, and hopefully we'll talk about after lunch as well, and so, first of all, reef fish commercial vessels, those that are actually on the water, and it's a multispecies fishery, right, and we have to keep in mind that also the IFQ programs are multispecies, although allocation is assigned separately for each of those share categories, and these are limited access programs.

Within this multispecies fishery, you have various vessel sizes, range of vessels, how far they go to fish, the gear type they use, vertical and longline, and we've got fishermen engaged in different strategies, targeting trips for what they have allocation for, or incidental catch, and, again, we're in a multispecies fishery, and they're likely to catch other species, and even in ownership in the fishery, and this goes back before the IFQ programs were implemented. You have always had single and fleet ownership that's been present in the fishery, and so it's a very diverse fishery.

Now just a couple of hypotheticals, and then we're going to look at some recent activity, and so, if we look at the red snapper allocation, red snapper quota, commercial quota, for 2023, it's a little more than seven-million pounds, and I am not proposing this, but just to give you a -- To let you think about how much fish that is and how many vessels that could support, and, again, this is just red snapper, and this is not even talking about grouper-tilefish, but dividing that seven-million-pound quota up, if you had 100,000 pounds caught, allowed to be caught, on so many vessels, you would only have seventy-one vessels, and so seventy-one vessels, catching 100,000 pounds, would catch the whole quota. 25,000 pounds, and divide that seven-million up into 25,000 pounds, and you've got 283 vessels that could catch the entire quota.

Then, to kind of put those two extremes in context, in 2021, 397 vessels, unique vessels, landed at least one pound of red snapper. 393 vessels landed at least one pound of one of the share categories of grouper-tilefish. There was an overlap of 89 percent, and so 11 percent caught only red snapper, and some vessels also caught only grouper-tilefish.

There is no vessel cap, and so, right now, there is no limit on how much allocation, how much fish, for any of the share

categories, that a vessel can catch, although there is an allocation cap, and we'll get to that on the next slide, and I will provide that. Then a little more just context perspective. In the few years prior to implementation of the red snapper IFQ program, which is 2007, there was an average of 485 vessels landings at least one pound of red snapper each year. Again, these are just some things to kind of give you the context of the vessels on the water.

Now let's look at some IFQ shareholders, and so, for red snapper -- Each of the share categories has a share cap, but, for red snapper, you have a 6 percent share cap, just slightly over 6 percent, and so your minimum possible number of entities would be seventeen, with that share cap. Currently, there is 332 red snapper shareholding entities. The smallest shareholding goes out to six decimal points, and that's as far as it goes in the IFQ program, and so I'm not going to read out all those zeroes, and then the other extreme is you have three entities that hold between 4 and four-and-a-half percent. Then all of those other 330 are between that.

I want to pose, to the body, what do you want the IFQ programs to look like, and then these are some questions that really speak, one, to the program provisions, rather than the objectives, because I think, as you kind of grapple with these, it could help us lead you to some goals and objectives, but, right now, I'm not really sure what the majority -- How the majority of this body feel about these questions.

Should shareholders be required to have a permit to lease allocation? This is kind of a question, underlying question, in 36B. Should the share caps be revised? Should vessel caps be considered? We do have allocation caps, and it's set annually at the account level, and it's across all of the grouper-tilefish species, and so it was over 400,000 pounds in 2020, and it's my understanding, from NMFS, and we can let Andy speak, but my understanding is that allocation caps are not currently constraining activity, participation.

Now more questions. Should quota increases be distributed other than to existing shareholders? We've explored the idea of quota banks, and that is one issue that has come up kind of repeatedly in this council, is, with these increases in the red snapper quota, there's been interest in doing something differently.

Should non-shareholders though receive allocation from those quota increases, rather than small shareholders? Then I'm going to revert back to the term "limited access", and so that is

really something you have to grapple with, and, if we're leading on with the small shareholders, how would small shareholders be identified, and I believe it's in Amendment 36B, and there's a very long, bulleted list of different ways that you could grapple with defining a small shareholder.

The North Pacific region, I think they use the term "more active" fisherman, and they're working on this active participation, and we've used that here too, but how are we going to define that?

These questions get to new entrants, the next generation, and so how should the next generation of fishermen, that is replacement fishermen, enter the fishery? Currently, the top two bullets, we know people enter the fishery this way, as crew, buying small amounts of shares before buying a permit, and some people buy a permit and a vessel and lease allocation, and there's other regions that permits and shares are tied together, associated together, and you buy them together, and I didn't include the federal fishery finance program here, and that, of course, is already out there.

This is the last slide, and this gets to discards, and this one also really gets to the tradeoffs, and so how can discards be reduced in a multispecies fishery? How do you avoid catching fish, if you don't have any more allocation? If more red snapper allocation is provided to the eastern Gulf, is that going to affect discards in the western Gulf?

When you're grappling with tradeoffs, be thinking about what is it that you want to prioritize, and so that's all I have for right now, and I am hoping that there will be some robust discussion, either about these questions, or if you have any questions for me, and then I also wanted to invite everybody to reach out to me before June, call me through the office, with any questions you have or the things you want to talk about, in terms of the IFQ programs. I hear from some of you, sometimes, but you kind of have a heavy load ahead of you for June, and so I'm going to stop there.

CHAIRMAN FRAZER: All right. Thank you, Dr. Lasseter, and so we are going to take our lunchbreak, and I will let the chair set the return time, but, you know, when we return, we'll take some time to ask Ava any questions that you might have and, again, try to prepare ourselves from the June meeting, when we have to revisit the IFQ goals. Go ahead, Mr. Gill.

MR. GILL: Thank you, Mr. Chairman, and, to that point, how much

time to you anticipate allowing, so that we can get our thoughts in order, given the time that you're going to allow available on this subject? Clearly there's not going to be enough time, but how much you allow is going to be significant, in terms of prioritizing the discussion.

CHAIRMAN FRAZER: I am leaning towards about thirty minutes of discussion.

MR. GILL: That's painful, Mr. Chairman.

CHAIRMAN FRAZER: Be focused, Mr. Gill.

DR. STUNZ: Mr. Gill, maybe we can carve out a little bit more time. I will look through the agenda at lunch and see what we can do. We were scheduled to meet back at 1:30, and we're running over a little bit now, and why don't we meet back at 1:45, but be prepared to start right at 1:45, and that will give us as much time as possible, and so I'll see everyone back after lunch, real soon.

(Whereupon, the meeting recessed for lunch on April 4, 2023.)

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April 4, 2023

TUESDAY AFTERNOON SESSION

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The Reef Fish Management Committee of the Gulf of Mexico Fishery Management Council reconvened at the Courtyard Marriott in Gulfport, Mississippi on Tuesday afternoon, April 4, 2023, and was called to order by Chairman Tom Frazer.

DR. STUNZ: All right. If everyone is ready, we're going to pick Reef Fish back up, on that IFQ discussion, and, Ava, are you about ready? Okay. Tom, when she's set up, and you're ready, go ahead.

CHAIRMAN FRAZER: Ava, are you ready to go, almost?

DR. LASSETER: I am ready, but I believe that I am just answering questions and taking notes.

CHAIRMAN FRAZER: Yes, that's correct, and so, all right, folks. What we'll do is we'll pick up with the IFQ, follow-up on the

presentation that Dr. Lasseter provided, and, if you can maybe, Ava, just, or Bernie, but take that presentation down to the very end.

There are a number of questions, and a number of slides, related to what you want the IFQ programs to look like, and this just happens to be the last one, but we're going to spend a little bit of time now, thirty minutes, or maybe a little bit longer, for the council members to ask Dr. Lasseter any questions that they might have, and so I'll start off with Mr. Gill.

MR. GILL: Thank you, Mr. Chairman, and so I am going to sound like a broken record. I don't believe that's the way to attack this problem. In my view, trying to tackle all the possible questions is the way we've proceeded ever since 2011, and continuing down that road, expecting a different result, is highly unlikely, as I have expressed numerous times, and the way to start this process, and let's not use elephants, and I will get accused of eating too much, is to take a little piece of the problem, and start with it, and resolve that.

It's hard for us to define what a program should look like when we don't even know what we're trying to achieve, and so I am in favor of, and I've expressed it before, that we need to define what we consider the goals and objectives for these programs, and, right now, there is one, and I don't think we even have that defined very well, and so I would start with that, and there may be others that we want to add, but to get into the details of what it would look like, without knowing where we're going, makes no sense to me, and we'll be in this mire for the next two decades, and so my suggestion is that, in fact, we don't start with the last page, and we start with page 3, or whatever it was, and my view is I would start with defining "overcapacity".

We talk about it all the time, and, as I've said before, I don't think we know what we're talking about. Your version of overcapacity is different than mine, and different than -- Everybody else at the table has a different view, and it's easy to cast the words around, but it doesn't help us get to an endpoint, and so I think we need to start off with defining where we want to go with this programs, where we think the effort ought to be considered, and then take them one at a time and see if we can come to agreement. I'm not even sure we can come to agreement, but we need to make that approach.

CHAIRMAN FRAZER: I appreciate those thoughts, and just, again, I moved to the last slide because that's where left, right, and

I realize that Ava presented a list of potential questions, right, that we might answer, and I agree with you that returning to the purpose, right, and maybe defining what overcapacity is, might be an important path forward, and so I'll keep that in mind. Ms. Boggs.

MS. BOGGS: So, I tend to agree with Mr. Gill, and what is that we're actually looking to accomplish, and I don't know that -- I mean, I think there's several things that -- What is the ultimate goal here? That's what I keep asking myself, and I don't know if -- You know, we have Amendment 36B and C that have been hanging out forever and a day, and, you know, do we start there, but I'm of the same opinion.

What is the ultimate goal here? What is the endgame? What do we want the result to be, and then maybe we can back into where we start and how we get there, but I don't think we have a clear path, and it's like we jump all over the board, and, if we do permits, are we going to require pound requirements, instead of number of fish, and are we going to deal with overcapacity, and are we -- There is so many pieces here, and I think of this kind of like Andy's amendment that he made at the last council meeting, at the last minute, and, you know, we need to take that, and prioritize that, and kind of look at the decisions, and we can't do it for everything, and so please don't misunderstand what I'm about to say, but, you know, if we require this, then we need to figure out how it's going to affect the next item on the list, because it might be that, no, we need to figure this out before we go there.

It's going to be like putting a puzzle together, I suppose, but I just don't understand what the ultimate endgame is here, and what is our ultimate goal of where we want to get with this process? Thank you.

CHAIRMAN FRAZER: Ava, do you want to take that question or not, or I'm happy to.

DR. LASSETER: I apologize, Susan, but could you repeat the question part? I caught the beginning.

CHAIRMAN FRAZER: Okay.

MS. BOGGS: Maybe five words. What is the ultimate endgame here?

DR. LASSETER: I don't think that question should be directed at me.

CHAIRMAN FRAZER: We'll take a break. No, I'm joking. Well, I mean, so the immediate goal is this, right, and, by June of 2023, that we need to conduct a review of the IFQ program goals and objectives, and so we have to do that at our next meeting, and, if the question, as I'm understanding it, Susan, is, you know, and Bob, you know, have we adequately identified the goals and objectives, right, or is the purpose clearly articulated, and that's fine, right, but I guess I would like to hear from other folks around the table, and I think Ava would as well. J.D. and then Bob.

MR. DUGAS: Thank you, Mr. Chair. I don't know if I'm qualified to answer Susan's question, but I think there are multiple goals, to multiple different individuals, that we each may have our own goals. You know, one, for me, is how do we get the fish back into the fishermen's hands, and that's a question that I ask to everyone, and not to just one person, and that's something that I would like to see, and that's just my perspective.

CHAIRMAN FRAZER: Okay. I guess I would step back, right, and say, you know, what are the goals of the program in general, and I would think, right, that what we're trying to do is optimize the value of the resource to the nation, and that's the charge here, right, and so one of the things that we've done, in a number of fisheries, obviously, is allocate a portion of the resource to the commercial sector, through an IFQ program, and so then I would think that the question would be how do we optimize the functionality, right, of that IFQ program so the harvest, right, and the beneficiaries of those benefits are maximized, and so that's it.

What I am seeing here is, to Bob Gill's point, if we go to the purpose, right, of the IFQ programs, as they're laid out, I think we have to reach some agreement. If Bob doesn't think that they're clearly articulated, then that's fine too, right, and I think we have to be prepared, certainly coming into the June meeting, to revisit the purpose.

You know, in both cases, there's an element of what's going on with regard to overcapacity, and it hasn't been adequately characterized, or defined, and people have different perspectives on that, and so, if a starting point is to determine what that means, I'm okay with that, and we just maybe have to start asking the question here, right, or at least be prepared to have a structured conversation about that in June. Bob.

MR. GILL: Thank you, Mr. Chairman. Well, let me throw a monkey-wrench into all this. Well, let me start with the backend. I will not be here at the June meeting.

CHAIRMAN FRAZER: You're disqualified.

MR. GILL: Obviously, this is a very important program to me, and I'm the only council representative from the commercial sector, and that voice needs to be at the table during this discussion, and I would like to request that, for the council discussion of this issue, that it be delayed until the August meeting, as a result.

CHAIRMAN FRAZER: So, I have a quick question then with regard to process, and so the way that Dr. Lasseter laid this out is that there's a requirement, right, to revisit these goals and objectives by June of 2023. Dr. Lasseter.

DR. LASSETER: Yes, and you passed a motion, and this was the council's motion that said that you would do so.

CHAIRMAN FRAZER: Bob.

MR. GILL: So, if it's the desire of the chair, I will make a motion to change the previous motion.

CHAIRMAN FRAZER: Let me consult with the chair of the council. Dr. Stunz.

DR. STUNZ: Yes, that's what I was about to say, Bob, and, Bob, can we -- Since we're just hearing this, and, you know, that agenda planning currently is underway, and was slated for that, can we maybe revisit this at Full Council, and let us think about it, and we'll have a little better picture of what's the best way to proceed.

MR. GILL: Absolutely. I was just trying to set the stage for the conversation, so that the conversation, going forward, is we knew where we were going on it, because the dictum was by the June council meeting, and I want to make everybody aware that, in this discussion, I can't participate.

DR. STUNZ: Yes, and that's no problem. If we could just hold that point until Full Council, then we can get back to you.

CHAIRMAN FRAZER: Andy, did you have your hand up?

MR. STRELCHECK: Yes, and so I wanted to weigh-in kind of on Susan's question, and, at least the way I've looked at, you know, her question is we've sat around this table for quite some time, spinning our wheels and trying to figure out kind of how to get common ground moving forward on, you know, potential changes to the IFQ program, and we've had several amendments that have been lingering for quite some time, and, before we kind of jump into trying to figure out what the problem is, either perceived or real, and addressing the problem, you know, have a common understanding, and kind of agreement, or at least, you know, majority agreement, in terms of what the goals and objectives are that we're trying to accomplish, and so I think Ava has done a good job of laying it out.

We have two goals and objectives for the program right now that I think are starting points, and one is, I think, self-evident, in terms of we've mitigated the derby conditions, right, and so maybe it's not even necessary as a goal for the program anymore, and the other one is overcapacity, and reducing overcapacity, and I hear Bob, and others, say, well, it may mean different things to different people, but there are definitions about capacity and overcapacity, and there's program reviews that have been conducted, and it's very clear that we're still well over capacity in this fishery, relative to at least economically what would be the most efficient utilization of the fishery.

With that said, I mean, I think the question, for today, is can we hone-in on is there anything specifically that we want to work toward, in terms of developing goals and objectives, beyond those two, and one of the things that kind of interrelates to the first one, of overcapacity, is we've heard a lot of issues with regard to participation, equity, access, right, and so those, to me, are kind of diametrically opposed to one another, right, and we want to reduce capacity in the fishery, but then we want to let more people in, right, and so how do we balance that, and is our objective truly to reduce overcapacity, versus something else at this point with this fishery, and so I think, if we could have some focused discussions around this, and really figure out truly what we want to accomplish with the program, that will help us then define kind of the tactical approach, like what J.D. was suggesting, and do we want it to be in the hands of fishermen, right, and how do we get there. That would be the next step in the process, after the goals and objectives.

CHAIRMAN FRAZER: Mr. Anson.

MR. ANSON: I agree with Andy's comments. I mean, my

perspective, based on a lot of the comments that I've heard, and that have been brought to the council, is it addresses more of the issue of, you know, access, the equity portion of the program, and how new entrants can, you know, get reasonable access to that to support their business, and so I agree with you, Tom, that there should be some analysis, as we go forward, as we look at these things, as far as identifying, you know, and measuring that benefit and how -- What constitutes maximum benefit to the nation, when we look at IFQ programs, and whether or not the current system that we have that, you know, allows folks that aren't fishermen to be left shares, that then lease them out to those that are actually -- Those folks that are, you know, going out day after day to actually catch the fish, and then what returns those folks have, and how that impacts their individual business, in order to make it more sustainable for themselves.

I think those are some of the bigger-picture issues that I'm at least concerned about as we go forward and look at this program. I mean, certainly these other issues are, you know, not important in and of themselves, but as far as, you know, the program and the overarching goals of the program and what IFQ programs do generally to support sustainable fishing practices, I think the majority of that, as the system is currently set up, do those things, and I'm not interested in those things.

I'm interested more in how we make sure that those folks that are out there who are currently engaged in fishing, and then those in the next generation, as they look at this, and look at the fishery and make those decisions as to whether or not they want to pursue that as a career, and, you know, they need to make their businesses profitable, and they need to be able to reap the rewards of the work that they're doing, and I just don't think that the current system, as it's set up, allows them the opportunity to go ahead and do that.

So, you know, specifically, as far as the questions and some of the topics that, you know, I would be interested in carrying forward in the next discussion that we have, it relates, I think, mostly to Slide 18, where, again, it talks about the next generation of fishermen and how they enter the fishery, you know, identifying those individuals as they exist now, and then, you know, trying to figure out some ways that those folks can access the fishery in potentially a different way than they're currently able to now.

As Andy mentioned before, we've already kind of brought up some amendments before, over the last several years, 36B and C, that

have some of those ideas in there, and so redistribution comes to mind as a potential avenue to go ahead and give the shares to those fishermen in a different way than they're currently receiving them, again to try to maximize the work and the efforts that they put in to help their business have a better bottom line.

CHAIRMAN FRAZER: Mr. Dyskow.

MR. DYSKOW: Thank you, Mr. Chair. Kevin articulated some good points. In multiple years on the council, all I've learned is what I don't know, and this is a complicated program, and, any time I open my mouth, there's unintended consequences, and so I'm trying to be careful, but the two things that really strike me as being a barrier to doing what you mentioned, getting the new generation in and all of this, is we, and I am going to use the term "give", these shares to individuals into perpetuity. In other words, it goes to their heirs, and it goes on and on forever.

Potentially, a thousand years from now, we might have the same shareholder entities, and so we don't allow anybody new in, because the people that have the large percentage of the shares aren't going anywhere, and, even if -- Well, eventually, we're all going to pass on, but they have a plan in place so that those shares will go to an heir, and they will continue and continue and continue, and so these young guys, that want to get in, don't have access, and so that's one issue, and the other is we allowed -- I can say this with confidence, because I wasn't on the council at the time, but the councils in the past allowed private ownership of shares to people that aren't fishermen, aren't permit holders, and are simply looking at this as a for-profit opportunity, and the profit they're looking for is such that the young entrant can't make any money, if he buys those shares, or leases those shares, and I'm not using the right terminology.

As long as we continue with a program that has no viable access for new entrants, we're not going to be able to address the needs of those people, and so, if that's one of the goals and objectives, we have some massive barriers in front of us.

CHAIRMAN FRAZER: Susan.

MS. BOGGS: I appreciate Mr. Dyskow's comments. I personally am trying to choose my words carefully, and I don't feel like the fishermen, the commercial fishermen, that were the founders of these IFQ programs, especially the red snapper IFQ program, feel

like that they were gifted these fish.

These fishermen, at the onset, and I may not be stating it right, and so maybe Andy and Mara can help me, but I believe that the Magnuson Act states that you should have access to your historical catch, and so I would like to think that those fishermen earned those fish when they developed this program, and you are correct, and I believe I have stated it many times at this council table, and I too was not on the council at the time, when the council allowed for those that don't participate in the fishery to start buying shares, but those fishermen adapted, and they're still in the fishery, but to say that they were gifted those fish I think is a very erroneous statement.

CHAIRMAN FRAZER: This is what I probably don't want to have happen, and not that the comments are wrong, right, but what I don't want to have happen, in the general discussion, because we're getting into the weeds a bit, right, and I want to be able to step back and say, all right, if the goal of the program is ultimately to provide maximum benefit to the nation, then we need to figure out how to do that, and, if part of that discussion revolves around who participates in the fishery, and there's an overcapitalization element, then maybe we need to have that discussion to start out with.

There is plenty of things to talk about, Susan, and so I'm not, you know, getting upset about the dialogue here, but I just want to try to keep it somewhat focused on those bigger issues, and so what I saw, in Ava's presentation, was some extremes, for example, with regard to maximizing the benefit.

You know, in one case, you could have, given that there are -- This is specific to red snapper, but seven-and-a-half million pounds of fish, and, if you were to give, or allocate, that, such that you had 100,000 pounds, right, and, you know, there is seventy-one fishermen, or something, that might contribute to that, and that's one extreme, right, and there's a minimum number of participants and a maximum, given that equal distribution economic benefit, maybe more efficient to -- I don't know, and that requires an economic analysis, a socioeconomic analysis, that we would benefit from.

That seems to be one extreme, as opposed to how do we provide access to as many participants in the fishery as we possibly can, and is that the best way to do it? Maybe it's not very efficient, and maybe it's not in the best interests of the nation, but we haven't done that yet, and so all I'm suggesting is that, if we call can agree that we want to maximize the

benefit of the program to the nation, right, and optimize the benefits to those that are participating in that, then we need to look at the information that would allow us to have an informed discussion, right, and I'm suggesting that might be a starting point, right, and that would keep us focused on an objective, right, an issue that we know needs to be addressed, right, and are we overcapitalized or not, you know, and what does an optimal capacity look like.

Maybe we just say we cut it off there, and that's where the discussion is going to go, so we don't get into the 36A and B and C, where we've got a long laundry list of things, but, once we have that, then we can start paying a little more attention to the weeds, right, that is some of the conversation that I've heard now. Mr. Gill.

MR. GILL: Thank you, Mr. Chairman, and I agree with you, and it's ironic that we're trying to, and have been trying to, deal with looking at a complex program, that has many different facets and many different views about those facets, and we're having trouble trying to figure out how to even get started, much less have those in-depth discussions, but, to your point, can we agree, collectively, to use that as the starting point, and so the first step will be to define goals and objectives, starting with overcapacity, and that starts the stage for further discussion on other goals and objectives that we may wish to include?

CHAIRMAN FRAZER: I think that gives us a focused, you know, point of discussion. I am happy to do that, but I would like to hear from others around the table.

MR. GILL: Do you want a motion, Mr. Chair.

CHAIRMAN FRAZER: Let's hear if we get a few more words. Mr. Williamson.

MR. WILLIAMSON: I listened to Mr. Anson and Phil, and I think they hit on a couple of good points, and one is redistribution and the problem that we have, and I've heard it from -- Every time we've had public comment, the in-perpetuity of shares, and I think overcapacity is the wrong way to go, and it reminds me of the blind guys trying to describe an elephant, and one of them has got the tail, and the other one has got the trunk, and, anyway, it's kind of a silly analogy, but I'm sitting here looking at a letter dated January of 2018.

In this letter from Roy Crabtree to Leann, back then, it says

the council asked about whether a referendum was necessary to recover the shares, the quota, if you will, from the shareholders of red snapper, and there was like 4.65 million in quota above what they were originally granted, when they got their shares, and it goes on to say that a referendum is not required, and the letter goes on to say that the council has the authority to establish an auction system or other programs to collect royalties for the initial or any subsequent distribution of allocations.

I come from a background where I dealt, and still do, in oil and gas quite a bit, and it's a natural resource, and it's leased, and it's not owned, and royalties are given to the people who own the property, and we've seen, recently, BOEM come in here and give us detailed presentations on their leasing, through auctions of tracts of land to put windmills on, or generating electricity, and my point is that, and I think I've said this before, is that, as long as the initial shareholders, and those that come after them, whether they're public participants or what, as long as they are holding the shares, we are not going to be able to develop an effective system.

The council has to reclaim these shares, and we need to do an auction system. We need to have royalties collected, and this is what will benefit the nation. The people who purchase shares, through an auction system, will be the fishermen, and we can establish caps on how much they are allowed to purchase during the auction, and we can develop the means to address overcapacity, but, that way, you know, everybody who is a fisherman, and even public participants, have an opportunity to buy into this public resource, and, to me, that's where we forget this whole thing, is this is a public resource.

It doesn't belong to the fishermen, and it doesn't belong to -- Whether they be commercial or recreational, and so that's my viewpoint on it, and I think we can't start in the middle and work our way to both ends. This program is flawed, and I will quit there.

CHAIRMAN FRAZER: Again, I have heard that perspective around the table before, but what I'm suggesting, in my previous comments, is we need to ask ourselves what's the goals and the objectives, right, and I'm not sure, Mr. Williamson, that you have identified, by that, articulating that perspective, how that bears on the goals and objectives. It's a philosophy that doesn't really address the question that we're after here, in my opinion. General Spraggins.

GENERAL SPRAGGINS: You know, I've sat here and listened to a lot of this, and, over the time, and I'll be honest with you, and I'm not about giving anything for free, but that's not what I am talking about. I think our goal now is to try to figure out how to go forward and not worry about what we've already done, but try to go forward and then set that goal, and then we can work on the next one after that, is what it seems that we might look at, and, when I say go forward, if we're going to give additional allocation, we need to look at what we're going to do.

Are we going to be able to let new fishermen come into that allocation and do it, and I think that's the biggest important step, and that's one step forward, if we do that. That's one step forward from where we're at right now.

I mean, I don't believe in giving trees away just because I cut one before, but that's all right, and that's not here or there, but the point is I think that we need to set a goal, and that's what we should do, is try to have some type of goal, between now and June, of how we're going to look at this, and I think that would be a way of doing that. What are we going to do with additional allocation, if we have it, before we worry about the other part, and that's just my thought.

CHAIRMAN FRAZER: I think that's what I was suggesting, right, and so, in my view, right, and, again, we'll have more discussions on this, but, when I'm talking about overcapacity, I'm actually talking about what's the capacity for the participation, and how do you optimize that participation and economic benefits, or socioeconomic benefits, and so part of that equation then is how many people can play, right, and how do we continue to ensure that we've got some demographic balance in the fishery, so it can sustain itself over time, without unnecessarily disadvantaging people that would want to participate, or feel that they have a right to access, but the reality is that our fisheries are not growing in numbers, right, and there is not an unlimited resource.

We have to ask ourselves how we are going to allocate that resource to a number of participants, right, so that we maximize that benefit, and that's the discussion at-hand, and I think, if we can start there, we will build on the program that we have. I don't think we want to essentially rip down a program, at this point that people have built their livelihoods around and adapted to, right, and can we help it run better? That would be a question. General Spraggins and then Mr. Diaz.

GENERAL SPRAGGINS: I agree, but I do agree with Mr. Williamson too thought, and we need to set some kind of rules, and I don't know of anything else, and maybe I'm crazy out here, but I don't know of anything else that the United States government gives away for free, unless you want to say air or something like that, you know, but, I mean, if you cut trees in the forest that's owned by the federal government, you have to pay a fee for that. If you do anything else with the federal government that you use their asset, and this is the United States government's asset that we're talking about, and a state asset, and, you know, I think we need to have some type of royalty fees that goes back to the federal government, or to the state, or to someone else, to be able to look at it, and trust me, and I hate to even talk about increases in anything, but I think fair is fair, and it needs to be that way.

CHAIRMAN FRAZER: I am not disagreeing that we need to have a discussion about how additional shares, or new shares, might be reinserted into the industry, right, or billed out to the participant, and then by what process, but I just think that's a detail, at this point, right, and we need to deal with a higher-level question first. I think what you're saying is important, moving forward, but there are some fundamental things that we can address upfront. Mr. Diaz.

MR. DIAZ: Thank you, Mr. Chair. Tom, I like where you're trying to take us, and I'm not sure that I'm going to help with that, but the word "overcapacity" keeps coming up, and I don't know if that means the same to all of us, and that's one of the problems with a lot of definitions.

Like I see the number of boats that Ava says that's in the fleet right now, but there's a whole different world than there was when this thing was first conceived, and there are a lot of charter boats that are dual-permitted now, and their business strategy is to charter fish when they can, and, when charter fishing is slow, then they fish some of the shares that they buy or lease, and so, I mean, those are small-business guys, and they might not catch a lot of fish, and they might not really want to, but their business plan might be that's just to fill a void, to keep their crew working, or pay their boat notes, or, you know, I don't know what their thing is, but that's a valid thing, and, if we count them, because we've got more boats doing that now, as overcapacity, we've got to be real careful, because they're trying to diversify, and that's probably a good thing.

I'm sure there's a lot more examples like that, and so I just wanted to bring that up. When people is thinking about

overcapacity, it's not a number of boats that is relative to overcapacity, and so I just wanted to bring that point up. Thank you.

CHAIRMAN FRAZER: That's a good point, you know, and I agree with that, right, and the world has evolved since the IFQ programs were implemented, right, and it's a different place, and it will continue to evolve, and, you know, what is a successful business model for one individual may involve only a 25 percent time of commercial fishing, and that's part of that individual's business plan, or business model, and we need to consider that, but that getting there needs a -- We need then to consider, again, what are the full range of possibilities, with regard to characterizing how you might capitalize a fishery, you know, and is it seventy-one entrants, you know, and that's the least number to maximize, you know, benefit, or is it a portfolio of these types of programs?

We're not going to answer that question here today, but we can start to answer that question, right, if we focus on the objective that we want to maximize the benefits, right, to the nation, and, as part of that, we want to be able to optimize participation, right, and benefit, and so that's something that needs to be factored into that, and I think we can have that discussion, and that can be part of our initial discussion, in fact. Mr. Strelcheck.

MR. STRELCHECK: I want to ask a question back to you and Greg, and so I am trying to figure out a path forward here, to get us to June or August, whenever we take this back up, but can you guys -- Do you have a vision for how we get there, or how -- You know, we're kind of stumbling around right now, trying to figure out that path, and so do you guys have any thoughts, in terms of how we can maybe get there, and then I can offer my idea.

DR. STUNZ: Well, Andy, one thought I have, and, you know, this came out at the last meeting, and, of course, as the chair, I'm trying to guide this, and I'm not jumping in so much on the discussion here, but it was that the amount of time that we have dedicated here, around this table, and all the other things going on, and we never have time to really delve into it, and we had talked about having, you know, some special meetings, to specifically deal with this issue, and I don't know, and that was before I was chair, I think, and we didn't get into that. You know, that's one option, where we really have some focused time to do that, and everyone is coming prepared with ideas and that sort of thing.

Now, I've thought about that. By the time we could probably get that together, I will certainly be gone from here, but that's a suggestion that I had, if we wanted to really look at it in a real in-depth, focused kind of way.

CHAIRMAN FRAZER: Go ahead, Andy.

MR. STRELCHECK: I think part of the struggle we often have is we, I think, do better at reacting to something that's provided to us than trying to kind of brainstorm and provide input on the fly during the meeting, or we have a good discussion in committee, but then kind of have the substantive outcome and input in Full Council.

One of my suggestions would be to have SERO staff working with council staff to actually lay out some objectives, based on what we're talking about during this conversation, right, and I've been just writing down words like access, equity, efficient utilization, entry replacement fishermen, eligibility, better defining overcapacity, giving us something then to react to, and we massage and wordsmith, and we strike or add, based on kind of an initial starting point for us to have a discussion, and so I just wanted to throw that out as an idea, and certainly, if we could build that list of what we would want brought back to us, if people are in agreement with that, then that might be a better use of our time, going into June or August.

CHAIRMAN FRAZER: Dr. Stunz.

DR. STUNZ: Andy, I think that's a good starting point, and we have a little bit of time, between now and Full Council, to discuss kind of maybe what that would look like. Related to that -- Well, I will comment, and I want to say something about overcapacity, but I don't want to take all the time here, Tom, but, Andy, I think that's a good way to move forward, and then we can just define if that would happen at the June or August meeting.

CHAIRMAN FRAZER: Okay, and so I also was going to say something about overcapacity. We know that we need to address the goals and objectives of the program, right, and the purpose, or goal, or objective, of both of the IFQ programs that we have in place is to reduce overcapacity, and we struggle with that, because that means a lot of different things, as we've heard, to a lot of different people, but maybe the approach is to say the goal is to optimize, you know -- Again, already the goal is to optimize the benefits to the nation, but we have to characterize what does that mean, right, and so, if our sole objective,

right, of the council in June, is to start to ground ourselves and address this common purpose in these IFQ programs, maybe we can focus the discussion in June and/or August, right, on that issue, very specifically.

I think we would be much better off than getting into all the details kind of how you achieve that, and we at least need to understand what it looks like and what we want it to be, and I think that was the point of Ava's questions at the end. Go ahead, Dr. Stunz.

DR. STUNZ: Then, Tom, maybe, with that, if you want to jump into overcapacity here, Andy, because that could be a topic, as this thing takes form, and just define that right out of the gate, for what it means to this group.

Certainly what it means to me, at least in my traditional fishery training, is there's more, you know, capacity in the fishery than the fishery can support, is its basic definition, whether that's financial, boats, people, whatever.

In this situation, overcapacity, of course, is a big deal when you have an open fishery, because, you know, you just keep getting more and more, and you're compelled to overfish. In this case, that's now -- We cap that at whatever the quota happens to be that particular year, and so, no matter what the capacity has, technically, you're not going to exceed that quota, assuming everything is enforced and all that kind of thing, and so it's a little bit of a hybrid definition of "overcapacity", and so, in my mind, if we do our job here on sort of the allocation and distribution side, and leasing, you know, how all those things would work out, the overcapacity takes care of itself on the market side of the equation that we don't control.

Overcapacity, in my mind, is a big issue when you don't -- You know, you have an unregulated fishery, in terms of how many people can enter, and, here, we fix that, and that's capped, and we know that, and then -- So, you know, it's sort of this hybrid definition of that that we need to address, and so starting with that I think would be kind of the first component of that, and then build in all these other things that would fall under that, right, like leasing and all these other issues that we are concerned about.

CHAIRMAN FRAZER: Okay, and so I am going to make a suggestion, and we can have a motion if you want, Bob, and I think you were prepared to make one, but as long as it's along the lines of

focusing our discussion, then I'm happy, and why don't you go ahead and offer up a motion?

MR. GILL: My ad hoc motion?

CHAIRMAN FRAZER: That's fine, and we'll see where it goes, but I want to limit the discussion today, because clearly, we could talk about this until five o'clock, and we've got some other things to do.

MR. GILL: The motion is to initiate the current discussion on revising the IFQ program by focusing on the goals and objectives of the program for the future. The first step would be to address the current goal of overcapacity.

CHAIRMAN FRAZER: So, essentially, you want to advance this discussion, right, the discussion we've started here, and to deal specifically with the goals and objectives of the IFQ program, but a first step, right, is to address specifically the current goal of reducing overcapacity, right, and that's the current goal stated, reducing overcapacity. Okay.

MR. GILL: I will take that as a friendly.

CHAIRMAN FRAZER: Okay. A friendly amendment. Is there a second to that motion? So, it essentially means that we're going to have a focused discussion on this topic before we go anywhere. It's seconded by C.J. Mr. Anson.

MR. ANSON: So, we've had a couple of folks that commented, prior to the motion, regarding, you know, making sure that "overcapacity" is defined appropriately, after this next round, and so I'm just wondering -- We have a current goal of reducing overcapacity, and so, relative to that discussion that we had just now, and how it's defined in the current -- As a current objective, do those align? Are we still going down the same path?

That's my concern, relative to this motion, is that we're going to be encompassing some of the things that you brought up, Tom, specific to what would be of interest regarding overcapacity, but not overcapacity simply in the amount of effort, or amount of vessels, that are available to go prosecute the resource, but in the context of making sure that it does ultimately provide maximum benefit to the nation, and that's what I would want to make sure that this motion would address.

CHAIRMAN FRAZER: Yes, and I think in this effort is that we

would -- Part of that discussion would be to converge upon a definition, an agreeable definition, of what overcapacity is, and I think that intent will be reflected in the record. Mr. Strelcheck.

MR. STRELCHECK: I appreciate the clarification that you just made, but, once again, I go back to we have published studies, and we have definitions of how "overcapacity" and "capacity" are defined for fisheries, and we've done program reviews to determine what capacity is available in this fishery, and so I don't think it's defining what "overcapacity" means, and it is defining what our goals and objectives for the program are, in light of this issue of overcapacity, right?

CHAIRMAN FRAZER: I would agree with that, but, I mean, that's part of the discussion, right, and so we've got traditional definitions of "overcapacity", you know, and we have to think about how those definitions align, again, with some of these other goals, to broaden that out a bit, and so I can see, even though we intend to focus this discussion, in June and/or August, to be decided, I guess, it may take a couple of meetings just to get through this, right, because it's the foundation, but I think it's a worthwhile endeavor, because we'll keep some guardrails on.

CHAIRMAN FRAZER: Go ahead, Greg.

DR. STUNZ: Bob, I don't not support your motion, and I complete agree, but, you know, I'm looking at the motion that we made, and Ava led this in with her presentation today, and I just had to reread it, as all this is coming to light, and we essentially made this motion in January, what you've got up here, and maybe without the word "overcapacity", but I think that you could argue that it would be implied, and so I don't know.

You know, it's sort of what Andy was saying about, you know, we're kind of spinning our wheels, and I think we've already got this on the books, and maybe that was the motion that you were going to make earlier, to just change that date from June to August, and you would have got this motion with the date change, and maybe -- Just let me tell everyone, and, Bernie, on Ava's presentation, and do you still have that up, or available quickly? It's Slide 2.

Bob, I'm just looking for a solution here, and so this was what we were talking about when we were talking about, you know, you wouldn't be at this June meeting, and the motion that I thought you were going to come in and -- We were just going to talk

about changing the date here to August, or whenever our next meeting is, but, to me, this does the exact same thing that we already have on the books, and, in fact, we had a presentation, I think in January, that had a lot of this -- In other words, we've already done this, to a large extent. Now, do we need to discuss it more? Absolutely, and have that focused time to discuss it, but I think we're already there, and so that's my point.

CHAIRMAN FRAZER: Bob.

MR. GILL: Thank you, Mr. Chairman, and so, in response to that, Greg, we just went through an hour, almost, and we didn't get much of anywhere, and we had a lot of individual suggestions on specific items within, and so the umbrella is still not well defined, but we had all this conversation on things to come, right, and so the intent of this motion, in my mind, in comparison to the other, is we're starting on overcapacity, recognizing that's the existing goal, and we're defining how we want to utilize that in the future, helping define the fishery that we're talking about, if we can get there.

I think that's going to be a tough discussion, but I don't see it the same as the other one at all. We're having trouble finding focus, just getting to a starting point to have that discussion, and my intent, with that motion, is, hey, let's pick something and go with it, to get that focus.

DR. STUNZ: Well, that's fine then, Bob, with that, and that other one, you know, was much broader. If you want to focus on overcapacity, because of all of these things that we've been discussing, and I think just what will help is what Andy was talking about earlier, is, ahead of this discussion that we're talking about here, have this group meet, where we can begin to refine this a little bit more, so that we can have some substance of really what to talk about.

CHAIRMAN FRAZER: Mr. Anson.

MR. ANSON: I don't know if I am necessarily going to support your motion, Bob, and I think what Andy said earlier, about maybe getting staff together to go ahead and kind of draft up, or craft, maybe, some ideas that could come to a semblance of some sort of goal, or new objectives, for the program might be -- Maybe I misinterpreted that, Andy, but I think that might be a better path forward, to help us.

Then I think, you know, looking at the information that's

available, relative to overcapacity, among other things, as we go forward with identifying goals and objectives, or new goals and objectives, and I think that will all come to be, and, I mean, we'll be looking at that information, and so I don't necessarily think that this would be maybe the most efficient -- I think we'll still be kind of spinning our wheels, even after we talk about overcapacity.

CHAIRMAN FRAZER: J.D. and then Ms. Boggs.

MR. DUGAS: Thank you, Mr. Chair. On Slide 2 that Bernie just had up, the way I read it is exactly what Andy mentioned, and he mentioned a couple of phrases, and jotted down some notes, and Troy had some strong points that he made, and I had a point, and I made a question of how do we get the fish back in the fishermen's hands, and all those things that are mentioned I think is what Ava is looking for, not specifically just overcapacity.

I think we're dialed-in on this motion, but we're all mentioning different things that I think Ava is looking for, and now I'm asking Ava, and is that where you want to go? Do you want our opinion on each little piece to bring back in June or August?

CHAIRMAN FRAZER: I don't think it's -- Again, I'm just going to speak on Ava's behalf, right, and I think -- Ava is not driving the bus, right, and we're driving the bus, and so we have, through Amendments 36A, B, and C, all these component parts, right, and we've not been able to do anything with them, right, because we bundle them in different ways, and we break them apart, you know, et cetera, et cetera.

At some point, we have to have a basic discussion about the purpose, right, and how to optimize the capacity, right, and, in so doing, that involves things like how do we maximize economic benefit from participants, how do we find a way to increase access to new entrants, right, and all of those things are in there, but, unless we can kind of agree on what an optimal kind of participation, or capitalization, of the industry looks like, we have to -- That has to be the foundation, and I think that's what Bob is getting at, right, and I just want to have a very focused discussion the next time.

In the background, I suspect that -- I mean, we can have the IPT, or council staff, and others, you know, maybe give us a little bit of a framework, right, to help with that discussion, but I don't think that's going to change the motion, and that should be the topic of the discussion. All right? That's my

suggestion, and so -- All right. We've allocated probably enough time on this for today, and so we're going to take a vote on this motion, and I suspect that we're going to have to have a show of hands. **All those in favor of the motion, raise your hands; all those opposed. The motion fails.**

The second course of action is to delegate, in my mind, to the SERO staff and council staff the task of essentially outlining a discussion for our next meeting. Andy, is that what you have in mind?

MR. STRELCHECK: Yes, and I guess two thoughts. One, I think it would be beneficial for the council to think about, between now and Full Council, any specific topics that you would want to ask staff to kind of address, in terms of drafting goals and objectives, but my thought was that we would get kind of draft goals and objectives provided for reaction and input, and we could then modify, edit, eliminate, add to those goals and objectives for the program, and then, given the conversation about overcapacity, I feel like we need to add on to that a discussion of overcapacity and how it's been kind of determined and some of the participation information that we have available in the program, just to get the council centered around kind of what's available already and know, to help guide that discussion further. Thoughts?

CHAIRMAN FRAZER: Dr. Stunz.

DR. STUNZ: Thanks for doing that, Andy, and, just to be clear, for the record, you know, you're getting this as the starting point that's going to open up the discussion and that kind of thing, and so it's a council-driven deal as well, but I just wanted to direct you, and your staff, or your IPT team or whoever ends up doing this, and so, in January, we had a meeting that was basically something to the effect of the IFQ program and potential changes, or sorry, Carrie, and you've got the -- Discussions of potential IFQ changes, and I will get you the tab number and all that in a minute.

Anyway, and so it pretty much gives a very good start of where we were, and I think we were all pretty much in agreement around that presentation, and so that will at least be a good start for what you're trying to do.

CHAIRMAN FRAZER: All right. We will have some discussions, prior to Full Council, and we'll come back and formalize what this path is going to look like at that time. We're going to move on.

All right, and so we've got a couple of other agenda items, and I think I'm going to make sure that we work on the actionable ones first, and so we originally had the SSC summary presentation next, but I think what we will do, is everybody is amenable to this, is to go to the draft options paper with regard to recalibration of red snapper recreational limits and modification of gray snapper catch limits, and Dr. Hollensead will lead that discussion.

As we opened up the meeting, Andy, you indicated that you wanted to provide some additional information on this topic, and do you want to do it before or after Dr. Hollensead leads us through the document?

MR. STRELCHECK: I think after will be fine.

CHAIRMAN FRAZER: Okay. Dr. Hollensead, it's all yours.

DRAFT OPTIONS: MODIFICATION OF RED SNAPPER RECREATIONAL CATCH LIMITS AND MODIFICATION OF GRAY SNAPPER CATCH LIMITS

DR. LISA HOLLENSEAD: Thank you, Mr. Chair. If you will recall, at the last meeting, there was a motion made to take up a couple of actions involving red snapper, as well as gray snapper, the thought process being that it would be advantageous to go ahead and combine them into one document, and so that's what's been done here.

The decision points are fairly straightforward, but some of the documentation and things to lead up to this, and then the fact that it's two separate species, makes it a little nuanced, and so I don't have a formalized presentation, and, like I said, the decision points are fairly straightforward, but we can sort of go through the document and see how it's structured, get the committee oriented as to how the alternatives are laid out, and then it would allow for any discussion thereafter. Bernie, if you wouldn't mind pulling up the document, and it's going to be Tab B, Number 9.

If you wouldn't mind scrolling to the intro, and so this is going to be a draft options of Chapters 1 and 2 so far, and, going into the introduction, there's some language there that, you know, indicates to the reader that this document is going to look at two different species, and so it just makes that introduction, and then it tries to break up the background and the history of management by those two species, to try to make it a little bit more readable, but I'm going to start first with

red snapper.

As you all know, we've got, you know, for the private recreational, state management for red snapper, and this requires a calibration ratio between those states to the federal management, or, excuse me, the federal FES system, or, in this case, CHTS, the federal system, to be able to directly compare those, and so we have that for Florida, Alabama, Mississippi, and Louisiana.

There was a desire to update the private recreational calibration ratios for the States of Mississippi, Florida, and Alabama, and the catch limits and state calibrations for private recreational, if you recall, had been implemented in January of this year, and so that updated those catch limits as well as the state calibration. However, this document is just going to deal with the calibrations for those three states of Mississippi, Alabama, and Florida.

This introduction language is largely borrowed from that document, that earlier document, and so, if it looks a little familiar, it's because it is. However, in this background, we also gave some information on the SSC review that those states had provided for updating their calibrations with more contemporary datasets, and so that's also captured in here and documented in the introduction.

One other thing to note, as we go through this, is you will also recall that, in October of 2022, the council had voted to modify the red snapper catch limits, and those are anticipated to be implemented in June of 2023, and you can't really talk about calibrations without talking about catch limits, and vice versa, and they're sort of inherently linked, and so I'm prepping you with all of this so that, when we get down to the action, and you see those tables in there, that's the rationale for presenting the alternative that way and so it's outlined in the introduction, sort of to give a documentation of why it's moving forward that way. Basically, we have a set of catch limits that are on the books and then one that's in the hopper, and so that's why it looks that way.

Continuing down to the introduction, if we scroll to the part about gray snapper, and so the gray snapper action in this document is going to look, you know, quite similar to other documents that the council sees regarding modifying and updating catch limits, and so a recent stock assessment has resulted in, you know, modified catch advice, as well as accounting for MRIP-FES, and so that stock assessment incorporated MRIP-FES into

that assessment, and so the stock is determined to be in good status, and not overfished or undergoing overfishing, as of 2020, and so all of that information is in there, and the SSC review is in there as well, and then the management history is in there, and so that's just a broad rundown of the introduction and what's in that initial Chapter 1. If there's no major questions about that, Mr. Chair, I would move on to the purpose and need.

CHAIRMAN FRAZER: Okay. Are there any questions on the introduction part of the document? Okay. Go ahead, Lisa, and we'll just keep moving through it.

DR. HOLLENSEAD: Okay. Again, like I said, the decision points are fairly straightforward, and the committee is sort of familiar in dealing with some of these terms right now, but, again, it's two species, and so just keep in mind that, on the purpose and need, we've got it posted up there, and I don't want to have to try to read through it, but certainly, if anybody had any initial comments, or suggestions of language, I would be happy to take that now, but certainly the purpose is to update the specific private angling component calibration ratios and ACLs, to provide more accurate estimates of state landings for red snapper management, and so that takes care of the red snapper component, and then the second would be to update gray snapper catch limits, including the OFL, ABC, ACL, and ACT, based on SEDAR 75 and approved as best scientific information available by the SSC, along with that need statement, and so, if anybody had -- If you reviewed that and had any comments, or suggestions, I would be happy to take that now, or had any questions, certainly, about the purpose and need.

CHAIRMAN FRAZER: I think we're good, and we'll just keep working.

DR. HOLLENSEAD: Okay. Yes, sir. Bernie, if you wouldn't mind going down into the actions, please, starting with Action 1. As I had mentioned previously, and I'll start with the first alternative. If you will recall, I had mentioned that the current catch limits -- The first alternative for red snapper would retain the current state private recreational data calibration ratios for Mississippi, Alabama, and Florida, and so that's the only states we're discussing in this document.

Then, in Alternative 1, you will see that table there, and this table has got -- The first column is the states that are under consideration. "Regulation" means, like we said, just what is currently on the books and then what is proposed, and so those

catch limits that are currently in the hopper, that are expected to be effective by June 1, 2023.

We've also got the ACL in those MRIP-CHTS units for this stock, and, again, the corresponding colors of those rows, and then that fourth column is the ratios that are currently on the books for those three states, along with those associated ACLs, and remember I mentioned that those calibrations and catch levels are inherently linked, and so, as nice as it would have been to put it in, you know, the alternatives, as here's the ratio numbers for these three, and do you want to do this one, or do you want to do that one, in order to codify everything in the -- To keep this codified, you have to have those ACL units in there, and so that's why they're presented as well, and so that's the orientation of the table.

If we scroll down to Alternative 2, this alternative would update those ratios, and so those last two columns are what is changing here, and so those ratios that you see for Alabama, Florida, and Mississippi would be those updated ratios, based on what the states had presented to the SSC, and they have reviewed and recommended as an alternative, and so that's how to read those tables and compare and contrast.

Again, this gives you the opportunity to see how these changes would affect what's on the books now, and it tried to be a little proactive in saying here's what was proposed in the hopper, and so this is what those numbers would look like, to provide context for the decision, for the alternative. If there's any questions about how that's organized or laid out, or any questions about the alternatives, I would be happy to take that now.

CHAIRMAN FRAZER: Are there any questions for Dr. Hollensead? I am not seeing any. Go ahead.

DR. HOLLENSEAD: Okay. Then we can move on to the next action, which is the gray snapper action, and so, again, this action sort of follows, you know, what you've seen before, in terms of modifying catch limits after a stock assessment, and so the first alternative is that no action, and so it would retain the catch limits that are currently on the books for gray snapper. Keep in mind these use that older system, and they're in the Coastal Household Telephone Survey units for the private recreational data, and, also, you know, these are older catch estimates, and we have a new stock assessment in place, and so this alternative really isn't particularly viable.

Alternative 2 is using those catch limits that resulted from SEDAR 75 and those projections and were recommended by the SSC, and the recreational catch data will be modified to the MRIP-FES units. The OFL is going to be set at a yield of fishing at -- Yield at F 26 percent SPR, and the ABC is going to be set to 75 percent of that, for a period of from 2024 to 2028, and then the ACL, which was set using the ACL/ACT Control Rule, which will put a buffer of 8 percent between the ABC and the ACL.

This is a declining yield stream, and this is what came exactly out of the stock assessment, and those are the values that you would see there for those years that the alternative is considering.

The SSC also decided to recommend a constant catch stream, which is an average, and so those numbers that you see there in that singular row are an average of those previous years from that previous table, and so that's going to be your average OFL, for those numbers that are added up in Alternative 2, and the same with the ABC and the ACL.

The buffer of 8 percent between the ABC and the ACL would also remain for that alternative, and so both of these alternatives are scientifically defensible. You know, they would achieve the management goals and, like I said, incorporate the new results from the stock assessment.

The SSC recommended both of these. You know, from a management standpoint, the decision point is, you know, would you like to take something that's directly out of the stock assessment, and, you know, these projections would be represented by Alternative 2, and, from a management standpoint, it might be desirable to have a constant catch, and that's a little bit easier for people on the water, and law enforcement, to be able to remember, and so there's a constant catch throughout that time period. As I said, both of these though are scientifically defensible, in that they would achieve the same goals, and so that's just something to keep in mind.

CHAIRMAN FRAZER: Okay. Ms. Boggs.

MS. BOGGS: Here we go again with CHTS and FES, and you have a 300 percent increase in fish, and I know we talked about this, and I do appreciate the SSC giving us a constant catch, because it just makes me so nervous to make these great increases, and I understand there's a buffer there, but your SPR is set at 26 percent, and that's always been bothersome to me, and you look at your gray snapper stock landings, and it's currently in CHTS,

and I'm aware of that, and we're not even getting close to that, and so, in theory, you would think these fish are protected, they're in good shape, we have no risk of overfishing, but my concern is, and we did this with vermilion snapper, is we set it at 75 percent of what I believe was the ABC recommended by the SSC, to kind of give us that buffer, so that, if we see that we're starting to get close, we've got room to grow, instead of taking a knee-jerk reaction, when, all of a sudden, gray snapper maybe takes off, and the landings start growing, and they're we're like, oh, crud, we've got to stop, and back up, and, no, we don't want to do that, and so we're kind of building in our own buffer.

I don't know if that's a viable option here to look at, but, any time we convert from CHTS to FES, it makes me nervous, because these numbers grow so greatly, and so I don't know if I need to make a motion to that effect or -- I mean, we can talk about it, and maybe it's not even a viable option to do something like that.

CHAIRMAN FRAZER: Okay. I'm going to take a peek over at Dr. Simmons, and so, in the action schedule that's in the document, it's final in June, right, and so we've got -- It's pretty limited, right, and we've got issues related to red snapper calibration and one related to gray snapper, and there are only two alternatives, right, in each one of them.

It would be helpful to pick some preferreds now, but I understand, right, but the reason we put these two items in the same document was to facilitate things, to try to -- Because we didn't think they were going to be that complicated, but I am happy to, again, entertain an alternative suggestion, but I'm just not sure what that would be, and maybe, before we get there -- Because your question is specific to gray snapper, right, or concern, and let's come back to this document in a minute. I would like to hear what Andy has to say on this topic, as it may influence our discussion, and I don't know that yet. Andy, is now a good time to talk about -- Or do you think we should wrap this up first? Okay. Dr. Simmons.

EXECUTIVE DIRECTOR SIMMONS: Thank you, Mr. Chair, and so I know you don't have Chapters 3 and 4, but we are trying to expedite this document, and I do think so we can develop a video and put that out for public comment, with the intention of coming back, if the council is comfortable, with taking final action in June, and that would be ideal. If you want to wait until Full Council, I understand. To Ms. Boggs, I think, if you want to look at a bigger buffer between the ABC and the ACL, we may be

able to handle that for June, but I do think a motion would be good.

MS. BOGGS: I am calculating.

CHAIRMAN FRAZER: Okay, and you don't have to do it necessarily now, right, I mean, but, if that's the intent, people know it might be coming at Full Council, and that's fine as well. C.J. and then Mr. Gill.

DR. SWEETMAN: I will try and move this forward here, and so I will make a motion in Action 1, to select Alternative 2 as the preferred.

CHAIRMAN FRAZER: Okay, and so we'll put that on the board. This is related to updating the red snapper calibrations for Mississippi, Alabama, and Florida, and the motion is, in Action 1, to make Alternative 2 the preferred. Is there a second for that motion? It's seconded by Mr. Gill. Is there any further discussion on that motion? Go ahead, C.J.

DR. SWEETMAN: I will just give some rationale, for the record here, and so, obviously, at this meeting with the SSC, each of the states presented updated information based on an updated timeframe, what the data was showing, and so it's the most up-to-date information, and I think that's more than enough justification to move forward with this.

CHAIRMAN FRAZER: Thank you, C.J. All right. Any further discussion? All right. I am not seeing any. **Is there any opposition to the motion? No opposition, and the motion carries.**

Unless there's a motion on gray snapper, we may have to revisit that in Full Council. That will give you some time to think about that, Ms. Boggs. Okay? All right, and so we will revisit the second action item at Full Council. Andy, now I'll give you the opportunity to say what's on your mind.

MR. STRELCHECK: Well, if that's the case -- So, related to this, and I'm not recommending, obviously, inclusion in this framework, but we have an allocation review policy, and that allocation review asks that we begin working on the for-hire and private allocation now, and I think it was April of this year, but then, a year from now, we're scheduled to begin work on the state-by-state allocation review.

In light of the calibrations, that we're likely not going to be

changing them any time in the near future, in light of the fact that we have a stock assessment that now is probably still several years out from informing management, I just wanted to bring up the idea, discussion, of should we be looking at the state-by-state calibrations, or, excuse me, allocations, in light of the new calibrations, sooner rather than later, and, if there is an interest in doing that, obviously, moving forward a new action to go about that review earlier than expected.

The reason I bring this up is, obviously, kind of hindsight is 20/20, and we didn't, obviously, know what the calibrations would tell us until, you know, we took action a couple of years ago, and we now have some new information, but we have states, like Louisiana and Florida, that are actually getting more than what MRIP estimated, and we have, you know, Alabama and Mississippi getting considerably less, and so, to me, there's at least an opportunity there to take a look at that.

It's not, obviously, an easy discussion, but I wanted to get a sense, from the council, if there was a willingness, and interest, in doing that, versus waiting until after the next stock assessment.

CHAIRMAN FRAZER: All right, and so feel free to weigh-in. Mr. Anson and then Mr. Gill.

MR. ANSON: Yes.

CHAIRMAN FRAZER: Thank you. Mr. Gill.

MR. GILL: I can't beat that for brevity, and so the question, in my mind, is how significant the difference is, and is it worth going through that effort for, relatively speaking, a small -- Now, I understand, from the Alabama and Mississippi position, sure, and anything they can get counts, but, on the other hand, if we're really not talking a significant amount of product here, then it's kind of academic, and so I would vote no, and I recognize that Mississippi is going the other way, and I guess I'm in the no camp.

CHAIRMAN FRAZER: We have a yes and a no. Mr. Diaz.

MR. DIAZ: I would ask Mr. Gill to keep his mind open. I would be in favor of revisiting them, for several reasons. I am going to try not to rehash stuff I've said in the past, and you all know some of the injustices that I view that MRIP has inflicted on Mississippi, and maybe I shouldn't say that, and I don't dislike MRIP. I don't, but MRIP has not been -- In a small

state, sometimes just a couple of intercepts can extrapolate some really big numbers, and those big numbers we've had to eat, and I think, around this table, we've demonstrated that a lot of things have been put out there that are not possible, and not plausible, but those all went into our calibration factors.

When I originally voted on these calibrations, I thought a pound was a pound, and so I didn't know a pound was 0.38 of a pound, and I don't think anybody at the table thought a pound was 0.38 for Mississippi, and I don't think they thought it was a half-pound for Alabama, and so I do think, when we originally did this, everybody thought a pound was a pound, and that's why I would be in favor of redoing them and looking at it again, and I would just ask folks to keep that in mind, whenever they vote, or whenever they -- I am not making a motion, but I am in favor of it, and so I would ask folks to keep that in mind. Thank you.

CHAIRMAN FRAZER: General Spraggins.

GENERAL SPRAGGINS: I am definitely in favor of this, because, if anything, it's to move forward, and, if it's not that much, Florida, just give me what you've got, okay, and then we'll see if it's that much or not. When you're talking not much, you know, 40,000 pounds is a tremendous amount to Mississippi, and it doesn't even mean a day's fishing in Florida, and so it is important.

It is important to us, and we have to find a way to be able to move forward and not wait three to four years to do it, because, if you do that, it's going to force states to do things they don't want to have to do, and they will go there, and I am one of them, and I will go there, but I don't want to. That's not what I want to do, and I would love to work the system and do it the right way, and I would rather do that than have to do what I'm going to have the alternative as, and so I think that anything -- Mr. Gill, I hope that your heart changes a little bit on this, but anything that do better, to be able to understand this, would be something, moving forward, and I think that we need to do it as quick as possible.

CHAIRMAN FRAZER: Mr. Anson.

MR. ANSON: Just to expound upon my yes earlier, I mean, Dale brought up some good points, you know, and I agree, and, I mean, MRIP hasn't been kind to Alabama, if you want to just look at the red snapper ratio, and maybe a little bit kinder than to Mississippi, but at least, you know, there is some discrepancies

there, and, you know, when you look at the Great Red Snapper Count, and the information that was gathered there, and I brought this up at the council previously, I mean, Alabama has a relatively large number of red snapper off of its coast, relative -- You know, per mile, than the rest of the Gulf, and so, you know, I think any little bit of extra pounds that we can get I think would be helpful for us.

CHAIRMAN FRAZER: Any others? General Spraggins.

GENERAL SPRAGGINS: Just one other thing too, and, you know, talking about the possibility of raising that, and, you know, this year, I don't think all the states caught their allocation, and I don't think they caught what they had, as far as the allocation to be able to be caught, and so we did not exceed the allocation in the Gulf of Mexico, by any means, and, you know, I think that's something else that could be looked at too, because it was not, and I don't think that it will be exceeded next year, under the way that it's being put out, because I think some of the states have enough opportunity to be able to fish it that I don't think they will exceed their part either, by any means, because, if gas stays the same thing, as far as diesel and everything else, the efforts of people doing it, and then the weather makes a lot of difference, but I think that that ought to be --

You know, we always look at if we're over, and, if we go over, we worry about it, but what about when we went under? Did we get any kind of thing for that? Is there anything for that?

CHAIRMAN FRAZER: Okay, and so, essentially, we have a suggestion on the table from Mr. Strelcheck, and it recognizes that there is an interest, and a commitment, to allocating red snapper amongst the states, and it sounds to me like there's an interest in moving forward to do that, and I am as well, right, because I feel like there needs to be an equitable distribution of the resource, right, and we have some new information.

We know how many fish, by nature, or virtue, of the Great Red Snapper Count, and we've got a much better spatial understanding of the population, and we also have a good idea of how many anglers are in those states, and we have an ability to equitably allocate fish across the states, and so I'm all for going through that exercise again, sooner than later, and I would certainly entertain a motion, if someone wants to move one forward. Mr. Anson.

MR. ANSON: I would like to make a motion then to direct staff

to begin work on a framework action, I guess, to look at updating the states' private recreational red snapper allocation.

CHAIRMAN FRAZER: Dr. Simmons.

EXECUTIVE DIRECTOR SIMMONS: Thank you, Mr. Chair. Just a question, maybe for Andy, and maybe Assane, and so, if we do this, it would be a framework action, or is it to move up, in our time-based allocation review triggers, that review process that we had scheduled, the allocations between the Gulf states, which was supposed to start in April of 2024, and this is just to bypass that and start an amendment, or a framework action, and I'm not sure that we can do it by framework action either.

MR. STRELCHECK: So, a plan amendment, and it can't be a framework action, and then I think, you know, my comment was just in relation to the looking at the allocation policy review, and seeing it noted as a year from now, and so I would say that we would be doing this and kind of moving it up in the order of that allocation policy review, for consideration.

CHAIRMAN FRAZER: All right. Well, we have a motion on the board. Is there a second to that motion? It's seconded by General Spraggins. All right. I am not seeing any other hands, and so is there any additional discussion on the motion? I am not seeing any, and so I will take a show of hands. **How many are in favor of the motion, twelve in favor; all those opposed, one opposed. The motion carries.**

Okay, and so we will revisit the framework action, that specially deals with the gray snapper part, in Full Council, and so I think we'll move on from this document. Mr. Chair, it might be a good time for a couple-minute break, before we get into the SSC report.

DR. STUNZ: Yes, and we'll go ahead and break for fifteen minutes, and so like 3:35, if everyone could be back in their seats, and we can finish this out.

(Whereupon, a brief recess was taken.)

CHAIRMAN FRAZER: We are going to pick back up with the SSC summary report from the March 2023 meeting, and, Dr. Nance, we'll load up your presentation and give you the microphone, sir.

SSC SUMMARY REPORT FROM THE MARCH 2023 MEETING

DR. JIM NANCE: Thank you. Okay. We have these four agenda items that we're going to cover this afternoon, and we're going to do scamp and yellowmouth grouper update projections, which we'll spend a little time on, because we have some actions on that one.

The greater amberjack discard mortality, I think that's for information, on a study that's going on, and, also, the Great Amberjack Count update is only, and they came and they came and presented that to us, and then the last one, Number 4, evaluating wenchman in the mid-water snapper landings, I think is one that, from a discussion standpoint, we'll spend a little time on.

The Southeast Fisheries Science Center, Skyler came and presented this to us, and she presented updated projections for the council's shallow-water grouper complex, which includes scamp, yellowmouth grouper, black grouper, and yellowfin grouper.

Scamp and yellowmouth grouper were recently assessed during SEDAR 68, and, in that SEDAR, we examined both species as a complex and found these species to be healthy. At the MSY proxy of 40 percent SPR, the SSB is above the MSST, but below MSY. The Center reviewed the updated projection settings for scamp and yellowmouth grouper with a version beginning in 2024 and assuming that landings in 2023 will be the same as they were in 2022, which were based on the average from 2019 through 2021, and so running the same values out.

After the presentation, the SSC discussed options of how to set an OFL and ABC while retaining all four shallow-water grouper species within the complex, and so we had discussions about the dynamic nature of the IFQ program, making modifications difficult, and we talked about maybe breaking scamp and yellowmouth grouper out of the shallow-water grouper complex, and we came to agreement -- The SSC thought that it was most appropriate to address the results of SEDAR 68 and provide an OFL and ABC to the council for scamp and yellowmouth grouper. The SSC could then discuss how to address black grouper and yellowfin grouper at a subsequent meeting, and so we talked about doing that.

There were some members of the SSC that thought that we ought to wait in addressing scamp and yellowmouth grouper and providing any context and wait until we were able to talk about black grouper and yellowfin grouper, also, and so, anyway, but the

motion is next.

We decided that a motion was given. The SSC moves to accept the updated projections for the SEDAR 68 Gulf of Mexico scamp and yellowmouth grouper operational assessment. Accordingly, the SSC recommends that catch level recommendations for OFL and ABC for the period of 2024 through 2026 be set as the yield, in millions of pounds gutted weight, at F 40 percent SPR and the ABC as the yield at 75 percent of F 40 percent SPR, and those values are in that table for each of those three years, both the OFL and the ABC. That motion carried nineteen to two with three absent.

The SSC will discuss how to address black grouper and yellowfin grouper at a subsequent meeting. I think, if I'm not mistaken, we have that set for the May meeting, and so we'll be able to then present those, our deliberation about those two species, at the June council meeting.

The SSC determined that it would need recreational and commercial catch for black grouper and yellowfin grouper, dating back to 1986, with recreational catch in MRIP-FES data units. These data would be considered under Tier 3a for establishing an OFL and ABC. For discussion, the reference points are reflective of those considered in the Generic ACL/AM Amendment and for the last ten years, 2012 through 2021, could be provided. That's the end of the presentation for scamp and yellowmouth grouper updated projections, and so I will end there, with that, Mr. Chair.

CHAIRMAN FRAZER: Thank you, Dr. Nance, and so, again, I thought the SSC did a really nice job working through the scamp information and providing some catch advice, but they recognized, pretty clearly, that they're part of the shallow-water grouper complex, and we lack assessments for both black grouper and yellowfin, and so they have identified a strategy, moving forward, that will allow us to get some catch advice for this fish, and so this is largely, and Ryan can correct me if I'm wrong, but this is largely informational for the council, but letting folks know that, pretty soon, we're going to have to decide how we want to deal with the shallow-water grouper complex and take advantage of the catch advice that's coming from the SSC. Correct, Ryan? Perfect. Are there any questions for Dr. Nance with regard to these things? Mr. Gill.

MR. GILL: Thank you, Mr. Chairman, and so I'm a little confused, and so if you could clarify for me, Dr. Nance, and so the -- Both species are below MSY, but above MSST, but we have a

declining yield stream in OFL, which suggests that the equilibrium yield is somewhere south of where it is now, correct?

DR. NANCE: That's correct, yes.

MR. GILL: Okay, and the other thought is that, when we do black grouper and yellowfin, they would be at the same reference points, the same MSY proxy for example. No?

DR. NANCE: No, and we're going to use a Tier 3a for those two species, and so then we'll have to discuss OFL and ABC recommendations for those two, using a Tier 3a process.

CHAIRMAN FRAZER: Mr. Rindone.

MR. RINDONE: Thank you, and so the SSC set the OFL based on the revised MSY proxy recommendation of 40 percent SPR, and this is in keeping with research that the SSC has been reviewing recently as it relates to appropriate settings for MSY proxies, especially for hermaphroditic species like scamp and yellowmouth.

For the ABC, the SSC was also considerate of recent lower recruitment, and the time series for scamp and yellowmouth, and so that's why you see a declining yield stream here for the OFL, but it looks like the ABC is constant, and it's not actually constant, and that ABC, over time, will start to tick back up a little bit, as will the OFL, as it approaches equilibrium and the spawning stock biomass builds towards the spawning stock biomass at maximums sustainable yield, and so it all has to do with the longer-term projections.

The SSC was also trying to be cognizant of the SEDAR schedule, and knowing that the council is likely to request an update of scamp and yellowmouth at some point in the hopefully not very distant future, and so the problem with adding black grouper and yellowfin grouper to this is we don't have stock assessments for them, and so it's not necessarily appropriate to assume that whatever the stock condition is for scamp and yellowmouth -- That it's also the same for black grouper and yellowfin, and you can't really prove that one way or another, and so the SSC thought it more appropriate to address those pairings of species independent of one another.

DR. NANCE: Bob, that was some of the discussion, is the feeling that, if we brought this here without the other two species, that would be a little bit of -- We felt like we were going to

have to do -- Since we did an assessment on scamp and yellowfin grouper, we wanted to present that, and then, at a subsequent meeting, we'll bring the other two species in, and that was our thought process.

MR. GILL: Thank you, sir.

CHAIRMAN FRAZER: All right. Thank you, Dr. Nance, and thanks, Ryan, for kind of clarifying what went on in the SSC meeting on that point. Any more questions about scamp or yellowmouth or black grouper or yellowfin? Okay. I am not seeing any, Dr. Nance, and so we can move ahead to the next item.

DR. NANCE: Perfect. Dr. Kelly Boyle, at the University of New Orleans, presented the results of a post-release mortality study for Gulf greater amberjack. They were collected on release condition, how quickly the fish were able to descend on its own, the depth, the swimming patterns, and the tagging methodology. Depredation was not incorporated, as predation events were not visibly captured. Overall survivorship was calculated at 85 percent.

No signs of barotrauma were observed during the study, and the use of descending devices did not suggest an increase in post-release mortality. The overall post-release mortality estimates are similar to those scenarios used in a stock assessment. The higher mortality rates observed for legal-sized fish may be an area for exploration in the future, and that ends that mortality information that was given to us.

CHAIRMAN FRAZER: All right. We have a couple of questions, Dr. Nance. Ms. Boggs.

MS. BOGGS: Is that report part of the SSC meeting documents, if I go back to look for it, or how do I get a copy of it?

CHAIRMAN FRAZER: Ryan.

MR. RINDONE: The manuscript is provided in the background information, and it should be in the archived materials from the meeting on the council's website.

CHAIRMAN FRAZER: Thank you, Ryan. Are there any other questions? Mr. Anson.

MR. ANSON: Just a clarification, and did we skip over a section of the -- I had, in my version, evaluating bottom fishing seasonal closures in the recreational fishery before, and that's

coming up after? Okay. Sorry.

CHAIRMAN FRAZER: It was largely an information item, and it's probably premature for this meeting. Dr. Nance, we'll go ahead and move to the next item.

DR. NANCE: Okay. Thank you. We had, also presented to us, the Great Amberjack Count update, and Dr. Sean Powers, and he's a member of our SSC, and Dr. Mark Albins, from Dauphin Island Sea Lab, provided an update on the Great Amberjack Count, which is a project that is funded by U.S. Congress.

It's different, in some ways, from the Great Red Snapper Count that we've seen at the council meetings, and that project, and this effort does account for and collaborate with some of the National Marine Fisheries' data. Sampling efforts include habitat characterization, video and acoustic data collection, environmental DNA technology, and calibration to understand potential biases with each of the data collection methods.

The project is currently at the calibration and sampling design stage. The goal is to have an even distribution of the conventional tags across all sites. Preliminary video and acoustic results indicate the presence of many mixed schools of Seriola species at all locations. Habitat synthesis includes a list of artificial reefs and scalable maps, and these will be used to extrapolate habitat-specific greater amberjack abundance estimates.

The project is expected to be completed by April/May of 2025, and it will undergo a peer review similar to what was done for the Great Red Snapper Count study, and that is the presentation that was given to us, a summary of the presentation that was given to us, by Dr. Powers and Dr. Albins.

CHAIRMAN FRAZER: Okay. Any questions for Dr. Nance with regard to the Great Amberjack Count update? Okay. I am not seeing any, Dr. Nance, and we'll keep moving.

DR. NANCE: Okay. Thank you. Wenchman, and so we had evaluation of wenchman and the mid-water snapper landings, and you had a presentation this morning on the landings, showing where wenchman are within that complex, and John Mareska and Donna Ballais presented historical wenchman state trawl landings at our meeting.

Previously, the SSC recommended removing wenchman from the mid-water snapper complex, but could not set an OFL without first

determining the magnitude of historical trawl landings. Mr. Mareska provided abundance and weight composition data from fishery-independent surveys, age composition, and reviewed commercial harvest to refine reference years for an OFL.

Wenchman appears to be caught more so as a bycatch in the butterfish fishery, and very infrequently otherwise, which can cause the landings to reach, or exceed, the ACL for the entire mid-water snapper complex. SSC members agreed that data available are unreliable for establishing catch limits for wenchman. Based on data deficiencies, life history unknowns, and outstanding questions as to the large increase in wenchman landed in 2020 and 2021, some of the SSC members contemplated if wenchman should be considered as an ecosystem component species or if it should just be removed from the FMP.

The council would need to consider how or if to manage wenchman, if there are not reliable data to set an OFL and ABC. Once the council decision is made, the SSC could reconvene to look at landings for the remaining species in the complex. The SSC reiterated their previous motion and added language regarding the lack of data.

The SSC reiterates their previous recommendation to the council that Gulf of Mexico wenchman be removed from the mid-water snapper complex. However, due to the commercial data confidentiality limits, and the near absence of recreational landings available to the SSC, the SSC currently cannot recommend catch advice for Gulf of Mexico wenchman, and that motion carried without opposition.

CHAIRMAN FRAZER: All right. Thank you, Dr. Nance. We've got a couple of questions. C.J. and then Mr. Anson.

DR. SWEETMAN: Thank you, Mr. Chair. I appreciate the presentation, Dr. Nance, and so I don't even know if you'll be able to answer this question, but I guess one of -- In light of the reiterated motion that you have on there, and it's not necessarily about the catch advice for wenchman, but I'm curious if we have any idea as to if, ultimately, the council did decide to remove wenchman from that FMP, what would the catch limits look like for the rest of that mid-water snapper complex, relative to maybe average landings, and I don't know. I don't know if --

DR. NANCE: I think Ryan probably has a better idea than I.

CHAIRMAN FRAZER: Mr. Rindone.

MR. RINDONE: I actually worked these up, just before we got going, and, if we're looking at say 2012 through 2021 for combined commercial and recreational landings for all three species, the average for all three remaining species in the mid-water snapper complex, the average is about 63,000 pounds, with a standard deviation of about 22,400 pounds, and so, under Tier 3a, if you were using an overfishing limit of two standard deviations, that would get you about just under 108,000 pounds, and this is in MRIP-FES.

An ABC at one-and-a-half standard deviations would get you about 97,000 pounds, and an ABC of one standard deviation would be about 85,500 pounds, and so, at an ABC of about 85,000 pounds, and a mean landings of about 63,000 pounds, your ACL would -- Your recent landings would be under your ABC, generally speaking.

It's important to remember that these are species that are often incidentally caught, and so there can be some variability, especially when these things are being monitored in FES, where, you know, there might be some probability of a spike. You know, in looking through the data, there was one year where the recreational landings of silk snapper crossed over 500,000 pounds, and got nowhere close to that on either side of it, and so that was interesting, and, if there's anyone from S&T listening, 2009 looks weird, and so just something to keep in mind, but, generally speaking, it looks like it should be okay.

DR. NANCE: I think we would be able to do things with -- Those species, we could look at yearly. Wenchman is -- You had to group them in five-year increments, because of the confidentiality issue, and so we were very pressed for how to even deal with that species, and it's a bycatch in the butterfish, and sometimes it bumps up against the whole complex, with those catches.

CHAIRMAN FRAZER: All right. Mr. Anson.

MR. ANSON: I am wondering if staff, or maybe someone from the agency, could respond to this question then, and that is to the comment that the SSC made relative to considering wenchman as an ecosystem component species, and I don't know what the pros and cons of that would be, relative to -- Again, we still have the same data issues, as far as confidentiality. It's tied in as a bycatch with another species, and, I mean, is that -- That might be market driven, more than anything else, and environmental, and so I'm just wondering what benefits we would have if we

identified wenchman as an ecosystem component species.

CHAIRMAN FRAZER: I think there was a bit of discussion in the SSC about that, right, and my recollection of that discussion was there wasn't consensus around doing that, and so what's the definition of an ecosystem species, and I think there was more discussion about just simply removing wenchman from the FMP, and the concern there was, well, if you do that, who is going to -- You know, how are we going to manage them, and, well, we're not anymore, right, but data would still be collected for wenchman, and recorded, and available for review, you know, just to make sure, if somebody made a request, to check the status for example, and so I think, really, the decision for the council, at this point, is to make a decision whether or not wenchman are in need of federal management, and need to be in the FMP, or should they be removed. Mr. Diaz.

MR. DIAZ: Tom, you probably just answered this, but you might have to make it in more simple terms for me, but is taking it out of the FMP and removing it from the snapper complex the same thing, or is that two separate things?

CHAIRMAN FRAZER: I think they're two separate things, right, and so you want to first remove them from the complex, and then you have to make a decision whether or not you want to consider them in need of management or not.

MR. DIAZ: So, I talked with one of the folks that was on the SSC about this, and he made a good point. I mean, we are here to manage the fisheries for the greatest good of the nation, but we don't have enough data to manage this fishery, and we can't set an OFL, and so, at a certain point, these fish come up in trawls, and they're on the deck, and we are making people throw them back, 100 percent of those fish dead, and so I can't see how that's the greatest good for the nation, and so, if there was a way that we could pull them out of the complex, and out of the FMP, and not have to waste those fish, I mean, I would -- I think that's something we should at least consider, and I think that would go a long -- At least in my mind, it's of greater good for the nation to bring those fish in and let folks harvest them.

Now, having said that, we don't have enough information to manage them, and I don't know that we can ever determine if there's a certain point at which people is taking too many of them, but we don't manage the butterfish that they're taking out there, and so what do we have to do to get those answers to move forward?

CHAIRMAN FRAZER: So I think there are a couple of things here, right, and I think what the SSC is recommending, and I think the council can act on that advice, is, one, do we want to remove wenchman from the complex, right, and, further, do we want to remove wenchman from the FMP, because we don't feel like there's enough information, right, to manage them, and I will -- I want to be careful with those words a little bit, for Ms. Levy, right, but, in my own view, what I would say is that you're exactly right.

We have very little information, right, and it's essentially a bycatch for the butterfish fishery, and, if they're captured, and they're part of the complex, and they're under some management plan, right, many of those fish will have to be discarded, and they will die, and that's clearly not in the best interest of anybody, to have that happen.

Because they're infrequently caught, and in combination with the butterfish fishery, they will -- Their catches will still be recorded, right, and there will be a record of that, and, if we have concerns, we can at least -- The data are there to check, you know, if anybody brings attention to some abnormalities in the catches, right, and we may direct effort accordingly, right, and we may have to revise what we do, but, in the short-term, you're exactly right, Dale, that we don't have enough information to really manage them properly, to set an OFL or an ABC, and so an appropriate motion, coming out of the council, would be to remove them from the complex, and actually remove them from the FMP.

MR. DIAZ: So, at this point, I think I'm -- If this is an appropriate time, I would be willing to make -- I would be willing to make that motion.

CHAIRMAN FRAZER: Okay.

MR. DIAZ: All right, and so I would make a motion that we -- Based on the SSC's advice, that we remove wenchman from the mid-water snapper complex. I will leave it at that right now, because they didn't say to take it out of the FMP, and so I will leave it at that for right now, and I may follow it up with another motion to take them out of the FMP.

CHAIRMAN FRAZER: Before we get a second for that motion, I just want to make sure we're not going down the wrong path, and so I want to hear from Ms. Levy and then Mr. Rindone.

MS. LEVY: Well, so I guess you can't just remove them from the mid-water snapper complex without then either removing them from the FMP, and going through that whole process about whether they need conservation and management, as outlined in the guidelines, or you need to set catch levels for them, and so, right now, they're covered. They have ACLs, because they're part of the complex, and they have AMs, because they're part of the complex, and so doing this just -- It alone is not going to be, you know, the final word, I guess, and you're going to have to -- We're probably going to have to develop a plan amendment or something to do this type of stuff.

We can't just remove them. We have to amend the plan to remove them, and it's not just like a motion and then it's done. You have to -- We need to look at why they're in there, why they weren't removed when you did the Generic ACL Amendment, because I think you considered removing this species, and why it's appropriate to remove it now from the complex and/or the FMP, and so that's going to amend the fishery management plan.

CHAIRMAN FRAZER: Yes. Fair deal. Mr. Rindone.

MR. RINDONE: Thank you, Mr. Chair. I was just going to add a clarifying remark about the SSC's recommendation. When the SSC was deliberating this, both myself and Dr. Frazer talked to the SSC about basically what its recommendations ought to entail, and where the prerogatives lies, and definitely the prerogative to evaluate whether or not something still requires federal conservation and management lies with the council, and that's why the SSC doesn't have a recommendation to you guys about removing it from the FMP.

The SSC's recommendation about removing it from the complex is related to its understanding of the species life history and where the landings are actually coming from, and so based on the available data, and it's not anything to do with how the species is or ought to be managed.

MR. DIAZ: Ryan, based on that, if we went forward with this motion -- Is that motion still appropriate then?

MR. RINDONE: So, I think, like Ms. Levy was saying, this is kind of a two-step process.

MR. DIAZ: That's my question, and so should that motion include remove it from the snapper complex and pass that to staff, with bringing back to us an examination of whether the species is in need of conservation and management?

MR. RINDONE: I am eyeballing Ms. Levy.

MS. LEVY: I mean, I think you need to look at both of the things, right, and like you can't make this decision to remove it from the complex, in my opinion, in a vacuum, right, because what does removing it from the complex mean? It means you either need to manage it as a species on -- A stock on its own, and not part of a complex, and it seems like you may have trouble doing that, or you need to not manage it at all, and then you need to go through the actual discussion about whether that's appropriate. I agree that it could be a two-step process, but they're sort of like intertwined.

MR. DIAZ: All right, and so help me out here, Ms. Levy. **Based on your advice, I'm going to amend my motion to say make a motion to ask the staff to bring back an evaluation to the Gulf Council about whether or not wenchman are in need of conservation and management.** I would welcome any verbiage that you think makes that a better motion, Ms. Levy.

CHAIRMAN FRAZER: Mara.

MS. LEVY: I mean, that seems appropriate. I think probably the first step is whether it's in need of conservation and management, right, and then, if so, how are you going to proceed with that management, and, if not, it comes out of the complex and the FMP right at the same time.

CHAIRMAN FRAZER: Thank you. J.D. and then Mr. Gill.

MR. DUGAS: Thank you, Mr. Chair. Since wenchman is a bycatch of the butterfish fishery, does that need to be managed as well?

CHAIRMAN FRAZER: So, before we get too far down the road here, again, we have a motion on the board, and let's get a second for that motion. Is there a second for this motion? Mr. Burris seconds. All right. J.D.

MR. DUGAS: Thank you. I guess I asked at that time because I didn't know if we wanted to add it to the same motion, if other council members thought that we needed to.

CHAIRMAN FRAZER: The short answer to that, J.D., is we don't currently manage butterfish, and they're not in the FMP, and so it's irrelevant. Mr. Gill.

MR. GILL: Thank you, Mr. Chairman. This sounds to me like déjà

vu, and there's a few of us around the table that had the same discussion back in 2011, I think it was, and the same issues, the same questions, et cetera. My recollection, when we did it then, and we had the same problems, but we had to put an ACL on the species, but what we have now is a different history on this species than we had back then, but we cobbled up whatever the heck it was, an ACL, for that complex, of which this species was one, for which we now have a different history of landings.

Part of this discussion, if this motion passes, ought to be whether the discussion really ought to be to reset the ACL for the species, based on the new landings information that we have, and that may resolve all these issues, whether or not ecosystem species is right, or keeping it in the system, outside the complex, whatever, but I think that needs to be part of that conversation, because that's pretty simplistic, right, and we don't get into those bigger and those thornier issues, and so my suggestion is that -- I think this is right. I think we have to have that discussion about wenchman, before we go forth on any of those decisions, but included in that consideration is whether the ACL perhaps ought to be changed and --

CHAIRMAN FRAZER: Okay, and so we're going to tackle this motion, and I agree that it's the first step. I am thinking that what Dr. Nance just presented, one of the statements coming from the SSC, was, even for the most recent information that they have with regard to wenchman, they weren't able to offer catch advice, an OFL or an ABC, and so I don't think their view has changed since 2011. Go ahead.

MR. GILL: Thanks, Mr. Chairman, and I wasn't going there, and so we still have to provide an ACL, right, and we had the same problem in 2011, on how we provide an ACL that we've got very little information, other than sporadic landings, but that doesn't demand that we're going to get catch advice from the SSC.

We didn't have it then, and we've still got to provide that ACL, which we did, and you can argue whether we did it properly or not, and we have a similar situation now, although we have a different landings history that is dramatically different than it was, whatever it was, twelve years ago, and so that needs to be part of the discussion, because it does not necessarily require an OFL and ABC out of the SSC.

CHAIRMAN FRAZER: Yes, and I understand that now. All right, and so, again, that depends on the outcome of the first motion, right? Okay. We will go back to the motion that Mr. Diaz made

and ask if there are any -- Is there any further discussion of this motion? Okay. I am not seeing any. **Is there any opposition to the motion? The motion carries.** All right. I think we are done with this topic, Dr. Nance. Thank you very much for your time.

DR. NANCE: Thank you. It's always good to be here.

CHAIRMAN FRAZER: All right, and so that brings us to Other Business, and that would be an other business item on red grouper that you brought up at the beginning of the committee meeting.

OTHER BUSINESS
DISCUSSION OF RED GROUPER

MR. GILL: Thank you, Mr. Chairman. Bernie, if you could bring up my motion, and so you all recall, at the last meeting, I was asleep at the wheel in the Reef Fish Committee, and I had to bring up the question about red grouper at the tail-end of Other Business at Full Council on the last day, and I apologize for not thinking that through ahead of time, but this motion is the same motion as that one.

The basis for this is that we know we have had, the last two years, significant overages in the recreational sector with red grouper, to the extent of 70 percent, albeit in different currencies, a year, significant numbers, and you're talking millions of pounds. The impact on the stock, who knows, and the system we have for this year is the same.

Now, we do have the advantage of learning from the past couple of years, but, as Andy has pointed out, sometimes the predictions work and sometimes they don't, and so we've got a fair amount of uncertainty about whether it's going to work this year, because the inputs are so variable that we don't know how to track. It's entirely possible, and it's not guaranteed, but it's entirely possible that we'll have another overage this year of some magnitude.

Mara pointed out, at the last meeting, that the guidelines to National Standard 1 say that two out of four years of overages of the ACL, that you need to take a look at what you're doing, and, well, we've already had those two, and we might have three, and so it seems prudent that we start a document that says we're going to start to look and try and figure out what the best thing to do is, given the situation with the overages in the red grouper sector.

From my perspective, and it's not a punitive thing, and it's not a commercial versus recreational thing, and it's there's likely a problem there, and we need to address it, and, if we don't start, we never will, and so, to me this is a no-brainer, and I would recommend that we have a good discussion about what it means and where to go, but I would put it forward for discussion, and hopefully passage.

MR. STRELCHECK: I will second it.

CHAIRMAN FRAZER: It's seconded by Andy, and so we've got a motion on the board, and a second, and is there further discussion of the motion? C.J.

DR. SWEETMAN: Thank you, Mr. Chair, and so I think I'm going to speak in opposition to this motion, simply from the perspective that we have a stock assessment on red grouper that will be completed later this year, and I just think this is a little premature. We can utilize that information that we get from that stock assessment to ultimately inform what we later on do with this fishery.

CHAIRMAN FRAZER: Thank you, C.J. Mr. Gill.

MR. GILL: Thank you, Mr. Chairman, and so my response to your comment, C.J., is that this is a management question, and it's not a science question, and whatever comes out of the stock assessment may change the magnitude of what we do, and this may run concurrently, but, fundamentally, the question is not one of science, and it's one of management, and that's us and not them, and so I don't see the major impact, and, yes, there may be some, but, fundamentally, the issue here is at this table.

CHAIRMAN FRAZER: Mr. Strelcheck.

MR. STRELCHECK: Separately, I was prepared to make a similar motion, and it was a little more general, in terms of evaluating, you know, new management measures for red grouper, and I'm really concerned, and, obviously, we're going from a year-round fishery, just a few years back, to nine months, to eight months, and I fully expect this year will be close to six, or maybe seven, months.

I mean, I think we're going to be closing this summer, based on the trends in landings, and, although we could get a really good stock assessment, and alleviate some of the pressure on this fishery and some of the short season closures, I think there's a

need to come in and re-look at management measures and determine whether or not we want to start the season January 1, whether we want to have the high bag limits, or figure out a longer fishing season, and so, to me, this is something we should address.

Then, as Bob and Mara previously pointed out, the National Standard Guidelines do indicate that, if a stock has exceeded the ACL more than once in the last four years, the council should be looking at the system of ACLs and AMs and reevaluating them, and so I think that's consistent with that.

CHAIRMAN FRAZER: Ms. Boggs.

MS. BOGGS: A roll call vote, please.

CHAIRMAN FRAZER: As soon as we get there, you eager beaver.

MS. BOGGS: You often forget to call on me.

CHAIRMAN FRAZER: Not on purpose. All right. Is there any further discussion on this motion? Mr. Diaz.

MR. DIAZ: I just want to say I'm going to support the motion. I think Mara made some good points, and I do think we need to try to take a good, hard look at this and see if we can't get these overruns under control. We need to do that, and so I'm going to support it.

CHAIRMAN FRAZER: Thank you, Mr. Diaz. Any further comments? All right. We will go ahead with a roll call vote. Dr. Simmons.

EXECUTIVE DIRECTOR SIMMONS: Thank you, Mr. Chair. Mr. Dugas.

MR. DUGAS: Yes.

EXECUTIVE DIRECTOR SIMMONS: Mr. Burris.

MR. RICK BURRIS: Yes.

EXECUTIVE DIRECTOR SIMMONS: Mr. Anson.

MR. ANSON: Yes.

EXECUTIVE DIRECTOR SIMMONS: Mr. Williamson.

MR. WILLIAMSON: Yes.

EXECUTIVE DIRECTOR SIMMONS: Mr. Dyskow.

MR. DYSKOW: Yes.

EXECUTIVE DIRECTOR SIMMONS: Dr. Shipp is absent. Mr. Diaz.

MR. DIAZ: Yes.

EXECUTIVE DIRECTOR SIMMONS: Mr. Broussard.

MR. BROUSSARD: Yes.

EXECUTIVE DIRECTOR SIMMONS: Dr. Sweetman.

DR. SWEETMAN: No.

EXECUTIVE DIRECTOR SIMMONS: Mr. McDermott.

MR. MCDERMOTT: Yes.

EXECUTIVE DIRECTOR SIMMONS: Mr. Strelcheck.

MR. STRELCHECK: Yes.

EXECUTIVE DIRECTOR SIMMONS: Mr. Gill.

MR. GILL: Yes.

EXECUTIVE DIRECTOR SIMMONS: Mr. Schieble.

MR. SCHIEBLE: Yes.

EXECUTIVE DIRECTOR SIMMONS: Ms. Boggs.

MS. BOGGS: Yes.

EXECUTIVE DIRECTOR SIMMONS: Mr. Geeslin.

MR. GEESLIN: No.

EXECUTIVE DIRECTOR SIMMONS: The motion carried twelve to two with three abstentions and one absent.

CHAIRMAN FRAZER: All right. Thank you, Dr. Simmons. Is there any other business to come before this committee? Ms. Boggs.

MS. BOGGS: Wouldn't it be two abstentions and one absent, because there is only seventeen voting members.

EXECUTIVE DIRECTOR SIMMONS: Yes, ma'am. Thank you.

CHAIRMAN FRAZER: For the record, the motion carried twelve to two with two abstentions and one absent. All right. Is there any additional business to come before this committee? I am not seeing any, and, Mr. Chairman, I'm going to turn it back to you.

(Whereupon, the meeting adjourned on April 4, 2023.)

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