

GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

MACKEREL MANAGEMENT COMMITTEE

Crowne Plaza @Bell Towers Shops Fort Myers, Florida

June 21, 2022

VOTING MEMBERS

- 10 Robin Riechers.....Texas
- 11 Kevin Anson (designee for Scott Bannon).....Alabama
- 12 Susan Boggs.....Alabama
- 13 Leann Bosarge.....Mississippi
- 14 Billy Broussard.....Louisiana
- 15 Jonathan Dugas.....Louisiana
- 16 Tom Frazer.....Florida
- 17 Peter Hood (designee for Andy Strelcheck).....NMFS
- 18 Bob Shipp.....Alabama
- 19 C.J. Sweetman (designee for Jessica McCawley).....Florida
- 20 Troy Williamson.....Texas

NON-VOTING MEMBERS

- 23 Patrick Banks.....Louisiana
- 24 Dale Diaz.....Mississippi
- 25 Dave Donaldson.....GSMFC
- 26 Phil Dyskow.....Florida
- 27 Bob Gill.....Florida
- 28 LCDR Lisa Motoi.....USCG
- 29 Joe Spraggins.....Mississippi
- 30 Greg Stunz.....Texas

STAFF

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

OTHER PARTICIPANTS

- 49 Jessica McCawley.....FL

1 Brandon Muffley.....MAFMC
2 Kelli O'Donnell.....NOAA
3 Jonathon Peros.....NEFMC
4 Clay Porch.....SEFSC

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TABLE OF MOTIONS

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1 The Mackerel Management Committee of the Gulf of Mexico Fishery
2 Management Council convened at the Crowne Plaza @Bell Towers
3 Shops in Fort Myers, Florida on Tuesday afternoon, June 21,
4 2022, and was called to order by Chairman Robin Riechers.

5
6 **ADOPTION OF AGENDA**
7 **APPROVAL OF MINUTES**
8 **ACTION GUIDE AND NEXT STEPS**
9

10 **CHAIRMAN ROBIN RIECHERS:** We'll first go over the roll call and
11 make sure we have a quorum. We've got Mr. Anson, and Ms. Boggs
12 is here, Ms. Bosarge is here, Mr. Broussard, Mr. Dugas, Dr.
13 Frazer, Ms. McCawley, Dr. Shipp, and we've got NMFS, Mr.
14 Strelcheck's stand-in, Mr. Hood, and Mr. Williamson. They're
15 all here and present. With that, we'll turn to the agenda, Tab
16 C-1. Are there any additions or changes to the agenda? Ms.
17 Bosarge.

18
19 **MS. LEANN BOSARGE:** I was just wondering, and I'm sorry that I
20 didn't get a chance to come talk to you about it, Robin, but
21 what do you think about moving Number VII, Draft Amendment 33,
22 just right above the research set-aside, and I will look at Mr.
23 Gill too, and I was wondering if we could knock-out both the
24 amendments, and then we'll know exactly how much time we have
25 left to -- Because I think we're going to have a lot of good
26 discussion on that research set-aside, but I just didn't want it
27 to run too far over and not get to the actual amendment, both
28 amendments, that were on the agenda, and so just a question. Do
29 you think that's feasible, or no, to switch those two items?
30

31 **CHAIRMAN RIECHERS:** I think it could be feasible, but I was just
32 informed that the gentleman who is doing the set-aside will be
33 trying to leave later this afternoon, and I don't know whether
34 it was this afternoon or tomorrow morning, but he's not going to
35 be around, and so, if we want to make sure we take advantage of
36 them being here, I would maybe suggest we keep it the way it is.
37 Any other questions about the agenda? Hearing none, then the
38 agenda is adopted as written.
39

40 Next, we'll turn to the minutes from the last meeting, approval
41 of the April 2022 Minutes, C-2, and, as I was not here, I will
42 have to rely on others, if they have any corrections. No
43 corrections, additions, or deletions? Hearing none, the minutes
44 are adopted as approved. With that, we'll turn it over to Dr.
45 Mendez-Ferrer, and we will -- I assume what we're going to do is
46 cover the action guide in concert with each item as they come
47 up, since this may be a fairly long agenda, and instead of
48 trying to cover it all at once and then try to remember it, and

1 so, for Action Item IV, can we cover that? Ryan, are you doing
2 it today? Okay.

3
4 **REVIEW OF COASTAL MIGRATORY PELAGICS LANDINGS**
5

6 **MR. RYAN RINDONE:** I will get this one. All right, and so we're
7 going to start off with the review of the CMP landings, and Ms.
8 Kelli O'Donnell is here to go through those landings with you
9 guys.

10
11 **MS. KELLI O'DONNELL:** All of our 2022 landings are preliminary,
12 but we do have final commercial and recreational 2021 landings,
13 and the recreational landings we'll be presenting are through
14 Wave 1 for this year, and commercial landings are through May
15 24. All of the ACLs for the species in CMP are still in MRIP-
16 CHTS units.

17
18 Gulf Zone commercial cobia continues to be lower landings than
19 what it has been since we've been hit with COVID, and much lower
20 than what we saw in the 2017 to 2019 fishing year average. The
21 recreational landings did increase a little bit last year,
22 compared to the dip they had in 2020, but they are still lower
23 than what they historically were for the 2017 to 2019 fishing
24 year average, and, overall, still less than half of what the
25 stock's ACT is.

26
27 For the Florida East Coast Zone, commercial landings were
28 starting out lower than what they have been in previous years,
29 but we have seen a recent uptick in those, and so it will be
30 interesting to see where they go as we progress through the rest
31 of the year. The recreational landings, we just have that Wave
32 1, and so we can just see where that little dot is. It's higher
33 than 2020, but still lower than what 2021 and the average of
34 2017 to 2019 fishing year average were.

35
36 King mackerel commercial landings, the landings have been really
37 slow this year, for some reason. We've heard some feedback from
38 stakeholders saying that they're seeing the same thing, that the
39 fish just haven't been there, or there hasn't been as many of
40 them. Gillnetters went out about a month later than what they
41 normally do, due to weather, and they did hit their quota, and
42 they went a little bit over, and so they'll have a payback again
43 next year as well, but all of the other zones are still open,
44 which is pretty late in the year for all of them, and usually at
45 least one or two of them are closed by now, but everybody except
46 for gillnet is still open.

47
48 Recreational, they have continued their trend to also be lower

1 than what they have in recent years, although we did see, in the
2 2020-2021 fishing year, that they stayed on average, pretty
3 much, for what they were with their previous three years of
4 fishing, but they went down again this year, and we'll just have
5 to see what happens in the rest of their fishing year.

6
7 Spanish mackerel has really dropped down in their landings since
8 COVID, and, again, they just finished their fishing year. We
9 don't have any of the updated landings yet for starting into
10 their next fishing year, but we haven't really heard too much
11 about that, and so I'm not really quite sure what's going on
12 with Spanish mackerel, but their landings have been lower, and
13 the same thing with the recreational sector.

14
15 Their landings have been low the past couple of fishing years,
16 compared to 2019-2020, which their fishing year would have ended
17 right at the start of COVID, and so that is still considered a,
18 quote, unquote, normal fishing year for them, but, overall,
19 still lower than what their past three years of average landings
20 have been. I think that is the last slide, and let's see if we
21 have any questions on that.

22
23 **CHAIRMAN RIECHERS:** Leann.

24
25 **MS. BOSARGE:** Are we going through that other item that's in the
26 briefing book, the one that's more of a table format, or are we
27 just doing this one?

28
29 **MS. O'DONNELL:** We've just been doing the presentations and just
30 providing the table for feedback.

31
32 **MS. BOSARGE:** Okay, and, well, then I'll ask my question now, if
33 that's okay.

34
35 **CHAIRMAN RIECHERS:** Go ahead.

36
37 **MS. BOSARGE:** In that table, I was looking at those coibia
38 landings, since we've been working on that recently, and
39 wondering, you know, how things are going with that, and I
40 noticed that the recreational landings, on that second page of
41 the other briefing book document for landings, they only landed
42 like 3,000 pounds in that first MRIP wave, and, when I looked at
43 your slide, where you put the graphs in, which I love, it looks
44 like they usually land, I don't know, somewhere around 85,000 or
45 90,000 to 120,000, in that first wave, and so I was just
46 wondering, and was there -- Did we not get any intercepts for
47 the first wave, hardly, and that's why we only have 8,000
48 pounds, or is it really, really tanking?

1
2 **MS. O'DONNELL:** I honestly -- I can't answer that question,
3 because I just get the data provided to me, and so I'm not sure,
4 as far as how much landings and intercepts have happened and are
5 different from the other years.

6
7 **CHAIRMAN RIECHERS:** Ms. Boggs, do you have a question, or a
8 follow-up?

9
10 **MS. SUSAN BOGGS:** I will answer Leann's question. It has
11 tanked. There are no cobia out there. To follow-up to that,
12 Robin, we saw two cobia come to the dock so far this year, and
13 they were small. I mean, they were just barely legal.

14
15 **MS. O'DONNELL:** I would honestly have to look back through
16 previous landings tables, to see what average landings have been
17 for Wave 1, and I can't quite remember off the top of my head.

18
19 **CHAIRMAN RIECHERS:** Dale.

20
21 **MR. DALE DIAZ:** Ms. Boggs, the Spanish mackerel, just being as
22 you're giving your perspective on cobia, are you all seeing very
23 many Spanish mackerel come into your area?

24
25 **MS. BOGGS:** There are no cobia, there are no Spanish mackerel,
26 and there are no king mackerel in our area. We ran a ten-hour
27 trip, two ten-hour trips, back-to-back, and had a drift line out
28 all day, and never had a bite on the drift line with a king,
29 which we would normally have. With the troll, nothing.

30
31 **CHAIRMAN RIECHERS:** Any other comments or questions? Hearing
32 none, Ms. O'Donnell, thank you.

33
34 **MS. O'DONNELL:** Thank you.

35
36 **CHAIRMAN RIECHERS:** We will now move on then to the next item,
37 and I assume, Ryan, that will be you? You all are playing
38 musical chairs on me. Who is on first here? I assume you're
39 going to walk through the action guide, and then also the next
40 amendment, and is that right, Ryan?

41
42 **FINAL ACTION: FRAMEWORK AMENDMENT 11: MODIFICATIONS TO THE GULF**
43 **OF MEXICO MIGRATORY GROUP KING MACKEREL CATCH LIMITS**

44
45 **MR. RINDONE:** I can do it. I am going to babble to you guys
46 about Framework Amendment 11, which is looking to modify catch
47 levels for Gulf migratory group kingfish. The SEDAR 38 update
48 assessment found that kingfish was not overfished or undergoing

1 overfishing, and so this framework action considers modifying
2 the catch limits, the overfishing limit, the acceptable
3 biological catch, the total stock ACL, and it will subsequently
4 modify the commercial and recreational ACLs.

5
6 It's important to note though that the spawning stock biomass,
7 although above the minimum stock size threshold, is estimated to
8 be below the spawning stock biomass required to achieve maximum
9 sustainable yield, and kingfish, just as a side note to this,
10 and this is in the assessment, and kingfish has experienced
11 below-average recruitment for the last about thirteen years or
12 so.

13
14 You guys should review the document and select preferred
15 alternatives and review public comments and the codified text
16 and consider approving the Framework Amendment 11 for final
17 action. Mr. Chair, anything on that?

18
19 **CHAIRMAN RIECHERS:** Any question of Ryan about any of that? If
20 not, go on to the amendment, Ryan.

21
22 **MR. RINDONE:** We covered a lot of the basics in the scope of
23 work there, and so if we just go right on down to Chapter 2, the
24 one action that we have in here. All right, and so this is the
25 action. it would modify the Gulf kingfish overfishing limit,
26 acceptable biological catch, and annual catch limit.

27
28 Alternative 1 here is the no action alternative, which would
29 retain the current catch limits for Gulf kingfish from Amendment
30 26. These numbers are -- The top row of numbers there are for
31 2019-2020 plus, and those are using the Coastal Household
32 Telephone Survey data currency for the private vessel landings.
33 The SEDAR 38 update assessment transitioned to the MRIP Fishing
34 Effort Survey, which, of course, estimates increased historical
35 recreational catch and effort from that directed fleet, and so
36 we put a second row here to show the MRIP-FES-equivalent catch
37 limit, and so basically what those catch limits presumptively
38 would have been for the 2019 and 2020 subsequent fishing years,
39 had FES been used back when those original catch limits were
40 set, just to give you some perspective when looking at
41 Alternatives 1 and 2.

42
43 Alternative 2 would revise the catch limits based on the SSC's
44 recommendations from the SEDAR 38 update assessment, and those
45 projections ran from the 2021-2022 fishing year all the way
46 through the 2023-2024 and subsequent fishing years, and those
47 are shown there in the table under Alternative 2.

1 The total ACL is being set equal to the ABC, which is customary
2 for the council in the past for dealing with CMP species that
3 are not overfished or undergoing overfishing, and an annual
4 catch target continues not to be used, as it has not been used
5 in the past for kingfish, and so you can also see the
6 recreational and commercial annual catch limits there in the
7 table, and those are based on the current sector allocation of
8 32 percent commercial and 68 percent recreational.

9
10 If you compare -- If you're looking at the table that was under
11 Alternative 1 that shows 2019-2020 plus, in FES-equivalent
12 values, and then you look at the values in Alternative 2, which
13 you can see is at the catch limits that are recommended here for
14 Alternative 2, they're actually tantamount to a decrease in the
15 overall catch limits, compared to what we currently have on the
16 books, and this is representative of the fact that, although the
17 stock is not overfished or undergoing overfishing, it does
18 remain below -- The spawning stock biomass does remain below the
19 spawning stock biomass at maximum sustainable yield, and the
20 assessment assumes that recruitment will be similar to the
21 average over the last several years and that the stock will
22 ultimately rebuild up towards maximum sustainable yield from
23 where it is currently, and so that's why those catch limits
24 increase from year to year.

25
26 Functionally, the 2023-2024 fishing year is the catch limit
27 that's likely to be implemented earliest, based on going final
28 action here and then how long it takes to get things through the
29 process, once we transmit documents to NMFS. Are there
30 questions?

31
32 **CHAIRMAN RIECHERS:** Mr. Diaz.

33
34 **MR. DIAZ:** I am going to confuse everybody. Ryan, I know we're
35 not talking about allocations here, but this page just seems
36 like it lays it out so perfectly, and so, if you look at the
37 commercial ACL column, the 2019-2020 fishing year, with the old
38 method, produced 2.7 million pounds, and, if you look at the
39 2021-2022, the new method with FES, it produces just shy of
40 three million pounds, and so, roughly, if we don't do anything,
41 commercial, just by virtue of switching over to FES, are going
42 to pick up around 260,000 pounds, and is that reading that
43 correctly, and is that an accurate depiction of the way this is
44 working?

45
46 **MR. RINDONE:** Well, to a degree, because the 2021-2022 fishing
47 year for the Western Zone handline, and, in some of these, the
48 handline ends in nine days, and so, really, you can functionally

1 ignore that particular fishing year, and the next one that you
2 would look at would be 2022-2023, and, as I mentioned before, we
3 expect the first year that management is actually going to be in
4 place is going to be that last year of projections there, and so
5 that comes about to about a 440,000-pound increase for the
6 commercial ACL from the status quo.

7
8 Not reallocating, under this scenario, is tantamount to
9 something of a reallocation to the commercial sector, because
10 it's ignoring the increased catch and effort attributed to the
11 recreational sector historically, per FES.

12
13 The recreational sector -- Just as a quick landings review,
14 typically, the recreational sector lands about 50 percent less,
15 under CHTS, of its ACL for Gulf kingfish, and the commercial
16 sector typically catches, or just barely exceeds, its ACL, and
17 the commercial sector is closed when the Southeast Regional
18 Office expects the regional catch limits to be -- Or the
19 regional quotas to be met, and so sometimes those closure
20 notices come in just a little early, and sometimes they come in
21 just a little after.

22
23 Typically, the commercial sector catches what it's given. This
24 year, like Ms. O'Donnell had mentioned, kingfish landings are
25 low. The Western Zone handline and the Southern Zone handline
26 are both still open, which is atypical compared to the last ten
27 fishing years or so.

28
29 **CHAIRMAN RIECHERS:** Any other questions about the document? We
30 didn't have a preferred when we went out, and so we probably
31 will want to go ahead and take public comment before selecting
32 that preferred, but I saw a hand down there. Leann.

33
34 **MS. BOSARGE:** I'm glad that Dale brought that up, because I
35 noticed the same thing, and I thought it was very informative,
36 and so it will show you, like you said, what the commercial
37 would get if you don't change the allocations. What I think is
38 missing though is that black box, and, if you had that black box
39 in there, it would show -- If you had a number in that black
40 box, it would show you what the commercial sector missed out on
41 in the past, right, and so we went through an exercise where, to
42 the best of our ability, we said, all right, if we put
43 everything back like it was in the last assessment, the data
44 streams, and then we drop FES in it, what would those OFLs have
45 looked like, and what level would we have been fishing at?

46
47 If you do that, and you carry that column all the way out to the
48 commercial ACL, back in 2019-2020, with our current allocation

1 on the books, we would have been able to catch almost 3.7
2 million pounds, and so that's an extra 1.2 million pounds that
3 we would have had the opportunity to catch, and we could have
4 done so sustainably. The stock is larger than what we once
5 thought.

6
7 Now, we didn't arrive at that conclusion organically, through
8 some fishery-independent go out there and count all the king-
9 mackerel-type survey, but we arrived at that conclusion because
10 we realized that we have not been capturing all the recreational
11 landings in the past, and so we rewrote those back in time, and
12 plugged it into the assessment, and then it tells us the stock
13 would have actually been larger.

14
15 That's the piece that I think is missing from this page right
16 here, and I don't understand why we don't have a number in that
17 black box right there, because there is a status quo allocation,
18 and so, if that's what the OFL would have been, to the best of
19 our ability to estimate, then the commercial sector would have
20 gotten 32 percent of it, when you put a number in that box, to
21 paint the whole picture.

22
23 **CHAIRMAN RIECHERS:** Ms. Boggs.

24
25 **MS. BOGGS:** Okay. I am going to jump into the fire. There was
26 discussion, I know in Alabama and then shifting over in
27 Mississippi and Louisiana and Texas, and we're hearing there are
28 no king mackerel, and I have thought this for several meetings,
29 and I may have asked it at the last meeting, and so I do
30 apologize if I did, and I keep looking at this Southern Zone
31 with gillnetters.

32
33 It appears that they go over every year, and I understand this
34 year -- Because I looked at that too, about they seem to have
35 fished a little bit longer this year, and so I thought, well,
36 maybe that's indicative that the fish may be in trouble, but
37 then I'm hearing it's because of weather, and so my question is,
38 for the gillnetters in the Southern Zone, what size nets are
39 they using?

40
41 I ask this question because, if they're catching all of these
42 smaller fish, and they're not able to migrate up toward the
43 northern Gulf, and on over to the western Gulf, I mean, are we -
44 - I mean, is that part of our problem, and I know -- I know that
45 I am probably going to get slain after I walk out of here, but
46 I'm just trying to get to the crux of the problem. Are there
47 other things that we can do that we might see the health of this
48 population rebound, at least when it comes up into the central,

1 northern, and western Gulf? I mean, are we stopping all the
2 fish down south, and is there maybe something we can do in that
3 respect? It's just a question.

4

5 **CHAIRMAN RIECHERS:** Ryan, do you want to take it?

6

7 **MR. RINDONE:** I will swing at it. The gillnetters have 21
8 percent of the commercial total ACL, just of the commercial
9 sector's share of the pie, and they have to use -- They are
10 allowed to use runaround gillnets only for those commercial
11 kingfish fishermen with those gillnet endorsements, and I think
12 it's fourteen boats that are actively fishing. The nets have a
13 minimum three-and-a-half-inch mesh size, if my memory is serving
14 me, but it's -- Peter, what is it?

15

16 **MR. PETER HOOD:** It's 4.75 inches.

17

18 **MR. RINDONE:** There we go. It's 4.75. Even bigger. Maybe
19 three-and-a-half was Spanish, but, anyway, it's 4.75-inch mesh,
20 which is pretty big mesh, and so your young-of-the-year kingfish
21 are going to presumably be able to get through that, especially
22 when that net is good and stretched out.

23

24 They have an accountability measure in place that is a pound-
25 for-pound payback, and the landings are reported by the day, and
26 then they're validated by seafood dealer reports, and then that
27 ultimately helps determine what the payback is going to be, if
28 any.

29

30 We probably have -- We have better resolution, at this point
31 anyway, on the gillnet kingfish landings than we've had in the
32 past, because that fishery is reporting daily to the Southeast
33 Regional Office what it's catching, and then the Southeast
34 Regional Office is able to look at those seafood dealer reports,
35 to be able to validate what they're hearing from the fishermen.

36

37 The small fish are able to get through, to address that. They
38 are going to catch the fish that are large enough to be caught
39 by that 4.75-inch mesh, but they also don't start fishing until
40 the price reaches a certain poundage, and they don't fish when
41 the weather is too rough, and there's a lot of things that will
42 keep them back. I don't know if Bill Kelly is still milling
43 around, but he knows quite a bit about the history of that
44 fishery, if you have any specific questions about any of that.

45

46 **CHAIRMAN RIECHERS:** Susan, a follow-up?

47

48 **MS. BOGGS:** I guess that would answer my question, you know, and

1 so, with the four-and-three-quarter-inch mesh, allowing the
2 smaller fish to escape, because, I mean, what few king mackerel
3 we do see, and, when I say few, I think I've seen maybe five or
4 six come to the dock this year, and, I mean, they're this big,
5 and that's probably, what, twenty-four inches, or, no, they're
6 not even that. They're probably twelve or thirteen inches. I
7 mean, they're small fish, and, you know, I just -- I am just
8 trying to see where some of the issues might be, and I am trying
9 to think outside of that box.

10

11 **CHAIRMAN RIECHERS:** Leann.

12

13 **MS. BOSARGE:** Thank you, Mr. Chairman, and so I've heard,
14 several times, about the king mackerel not being there, and I've
15 had this piece of information that I just keep sitting on,
16 because I don't want to give away all the secrets of the
17 fishermen, but I think it's time to -- I am going to spill the
18 beans a little bit, and I won't give you all the details, but so
19 the commercial guys -- You know, we're also not seeing -- The
20 northern Gulf commercial guys weren't really seeing them where
21 they had always seen them, and, one guy in particular, he says,
22 you know, it's just bothering me, and I'm going to find them.

23

24 He wracked his brain, and he thought, and he said, you know,
25 forty years ago, we found them in XYZ location, and so he went
26 out, and he made a bunch of stops, but he finally found those
27 fish, in that same spot where they were about forty years ago,
28 and so I don't know that it's -- I mean, the stock is not
29 overfished or undergoing overfishing, and I don't think we have
30 an issue with a very unhealthy stock that's about to collapse,
31 and I think you may have a migratory pattern that has changed a
32 little bit.

33

34 I don't know what is happening off of Alabama, and he's a little
35 bit further west of there, and he's been good enough to kind of,
36 you know, share with some other fishermen, you know, so that
37 everybody will kind of understand this new pattern that they're
38 seeing, and so, at least on the commercial side, I think that
39 we're starting to see the fish again, from what I can
40 understand, and we just had to find them.

41

42 **CHAIRMAN RIECHERS:** Ms. Boggs.

43

44 **MS. BOGGS:** To that point, I don't totally disagree with you,
45 Leann, because that has been some discussion that I've had with
46 some fishermen, and I think some people at this table, about the
47 cobia, you know, and where have they gone, and have they changed
48 their migration pattern, and, you know, I know climate change is

1 a factor, and I don't know how big of a factor, but I just think
2 -- I don't want to be overcautious, but, at the same time, I
3 just want to make sure that we're thinking of all the
4 possibilities of what could be causing this, and it may be a
5 migration pattern, but, you know, when I have boats that are
6 fishing forty, or forty-five, miles offshore and trolling and
7 putting out drift lines and not even getting a bite -- I know a
8 particular person, and I've heard another story of another king
9 mackerel fishermen that fishes all the king mackerel
10 tournaments, from Alabama all the way to Texas, and they're not
11 catching any fish.

12
13 Of course, I don't know where they're fishing, but I've had
14 comments from all different realms, if you will, and I'm just --
15 I don't know the answer, but I do agree, Leann, that it could be
16 that as well, and I'm just trying to make sure that we cover all
17 the possibilities.

18
19 **CHAIRMAN RIECHERS:** Tom.

20
21 **DR. TOM FRAZER:** It's an interesting comment that Leann made,
22 and I'm just trying to reconcile it with the king mackerel
23 commercial landings, right, and they're still down, but the
24 problem is we only see the cumulative, or the aggregate, catch,
25 and so, if we were able to look at the individual per capita
26 catch, what you're telling me is that we would see a lot more
27 variability in these last two years, because a few guys have
28 figured it out?

29
30 **CHAIRMAN RIECHERS:** Go ahead, Leann, but I will say, Ryan, can
31 you answer the fact -- I mean, this is simply -- I think what
32 Tom is getting at is the breakup of the different commercial
33 zones, and we've got that by zone, and so one could at least
34 look at that, as opposed to this action, and it may even be in
35 the back, in the tables, here.

36
37 **MR. RINDONE:** It's actually right here. I can describe it to
38 you anyway, and so -- This is on the Southeast Regional Office's
39 annual catch limits and accountability measures page, and we
40 sent you guys this link last time, at the request of one of the
41 committee members, I think during Reef Fish, but I will send
42 this to Bernie to send out to you again in just a second, after
43 I'm done reading to you.

44
45 Typically, we see the Western Zone and the Southern Zone
46 handline close -- The Western Zone usually closes before New
47 Year's, and the Southern Zone handline usually closes at or
48 around Lent. The Southern Zone gillnet usually closes within a

1 couple of weeks or so after opening, but when they actually
2 start fishing is variable, depending on things like weather, the
3 price of the fish, et cetera.

4
5 The Northern Zone, since it was -- Since it had its portion of
6 the commercial ACL increased, I think it closed one year, but it
7 also has a later opening, and it opens in October, and that was
8 in deference to a lot of the dually-permitted for-hire vessels
9 that operate from the Florida-Alabama line, east and south.

10
11 Right now, the Western Zone is sitting at 43 percent of its
12 quota having been landed, and the Northern Zone is at 60
13 percent, and the Southern Zone hook-and-line is at about 78
14 percent, and, again, so the Western Zone normally would have
15 closed, at the latest, by like November, if we look back, and
16 they're still quite wide open at this point. The Northern Zone
17 still has through the end of September for its fishing season,
18 and so there's time yet for that zone, and then the Southern
19 Zone, again, is fixing to close here in a few days, and they're
20 usually at, or just over, their ACL, and, right now, they're at
21 78 percent, and so if you're looking at it from a regional
22 aspect.

23
24 If we go up to Chapter 1, just to visualize, in the background -
25 - There should be a map in there, and so the Western Zone goes
26 from Brownsville to the Florida-Alabama line, and the Northern
27 Zone is from the Florida-Alabama line down to about here, and
28 then off of Lee County, and then the Southern Zone is down south
29 to Monroe, and it goes all the way through the Keys up to the
30 Dade-Monroe County line. Then the Atlantic group is north of
31 that, but we're not talking about that.

32
33 **CHAIRMAN RIECHERS:** Leann, I saw you shuffling your papers and
34 trying to get your hand up, but I wanted to turn to Ryan on
35 that.

36
37 **MS. BOSARGE:** Thank you, Mr. Chairman. So, if you think back to
38 the slide that Ms. O'Donnell showed us with the commercial king
39 mackerel landings, and, Tom, this is kind of to answer your
40 question, and, that 2019-2020 fishing year, that was about on
41 par with our three-year average landings. When it came down was
42 that 2020 year, and so 2020 to 2021, and, if you think about the
43 way that our season runs, that was really when COVID hit us,
44 okay, because of when our openings are in that particular
45 fishery.

46
47 That's also the year, 2020, that we had one hurricane after
48 another after another, which meant that the traveling fishermen

1 that come from the Atlantic, that catch part of our quota over
2 here, at some point they just kind of gave up and went home. I
3 mean, they couldn't get out on the water, because it was just
4 back-to-back, and so that part of the quota didn't get really
5 landed that year.

6
7 Then, if you come forward and look at this year, which is also
8 kind of below the average, well, I think you can just go look at
9 the price at the pump and probably explain a good bit of what --
10 I mean, I think we might see that on commercial landings in
11 general, and I know, in my world, at least in the shrimp fleet,
12 and I haven't talked to the other commercial guys, but it is
13 certainly causing us to stay at the dock, and so I think fuel
14 has got a lot to do with it at this point.

15
16 **CHAIRMAN RIECHERS:** So all of this discussion has been just
17 centered around the concern that has been brought up, and this
18 document, obviously, is not really designed to kind of address
19 those concerns, but it is raising the OFL and the ABC, and so
20 that's where the concern is embedded, as I understand it, but
21 are wanting, probably, to turn to our public comment portion
22 fairly soon, but, Ryan, do you have something more you want to
23 help us with here?

24
25 **MR. RINDONE:** Yes, sir, just real quick, and just to note that
26 the Alternative 2 is actually a decrease in the catch limits,
27 compared to the MRIP-FES equivalent of what is currently on the
28 books.

29
30 **CHAIRMAN RIECHERS:** I'm sorry. Anybody else on the topic of one
31 of the two alternatives? All right. Leann, did you have your
32 hand up again? I'm sorry.

33
34 **MS. BOSARGE:** You're wanting a preferred, right?

35
36 **CHAIRMAN RIECHERS:** I think, since we went out to public hearing
37 without a preferred, wouldn't you want to hear the public
38 hearing comments first?

39
40 **MS. BOSARGE:** I think that sounds wise.

41
42 **CHAIRMAN RIECHERS:** It may or may not change what one chooses to
43 do, but we did go out without a preferred, and so we should hear
44 that, if we can.

45
46 **MR. RINDONE:** We didn't actually take this out to public
47 hearings, because this is a framework amendment, and so it falls
48 under that part of the framework procedures, and so the council

1 meeting counts as the public hearing opportunity, and so we've
2 had written comments that Ms. Muehlstein can go through, and
3 then you guys will also hear any other public testimony the day
4 after tomorrow.

5

6 **CHAIRMAN RIECHERS:** Ms. Muehlstein.

7

8 **MS. EMILY MUEHLSTEIN:** Thank you, and I think it's a good
9 opportunity. We did go out and ask for public comment by
10 creating a public hearing video. We had 202 views of that
11 public hearing video, and we only received one comment in
12 response, and that comment said that king mackerel numbers are
13 down from 2013 to 2017, and I guess that was kind of a point to
14 note that that was a reasonable year for -- That was blamed on
15 red tides and the absence of bait, which is not encouraged them
16 to come in like they have historically, and so I think that sort
17 of points to some of the conversations that Leann and some
18 others were having about maybe a change in the migratory
19 pattern, and that's it.

20

21 **CHAIRMAN RIECHERS:** Thank you, Emily. Now I am ready to
22 entertain, or we can entertain, a motion for a preferred.
23 Leann.

24

25 **MS. BOSARGE:** I would like to make a motion that, in Action 2.1,
26 we choose Alternative 2 as the preferred alternative.

27

28 **CHAIRMAN RIECHERS:** It's seconded by Mr. Dugas. Any discussion
29 regarding the motion? I'm sure there will be. We've had some
30 discussion already on the motion, but any other discussion?
31 Okay. **Hearing none, and seeing no hands raised, all those in
32 favor of the motion, say aye; all those opposed, same sign. The
33 motion carries.** With that, I assume we now look at codified
34 text. Mara, would that be correct?

35

36 **MS. MARA LEVY:** Sure. I mean, I can note that it is in your
37 briefing book, at Tab E, Number 5, and it did use the numbers
38 from Alternative 2, since that was the only other alternative,
39 even though it wasn't preferred yet, and so it's really just
40 changing all of the quotas and applicable ACLs and such in the
41 codified text.

42

43 Right now, it does have all of the years that are in the
44 alternative, and so 2021, 2022, et cetera. I think, when we do
45 the rule, we will probably take out the numbers that are not
46 applicable, for example 2021 and 2022, and it's going to be over
47 by the time we propose anything, or it already is over, and I
48 don't know when all the fishing years are, and so that probably

1 won't be in the rule, but we put them in the codified, just so
2 we had everything in one place that mimicked the framework
3 action. If anybody has any questions, I can answer them.

4
5 **CHAIRMAN RIECHERS:** It's a fairly simplified codified text, in
6 this case, with only one option. With that, we can either have
7 a motion prior to testimony we would get later in the week, to
8 have it teed-up for submittal to the Secretary, or we can wait
9 for that until Full Council. I will pause to see if anyone
10 wants to make that motion now. Okay. It sounds like the
11 committee pleasure is to wait until we have public testimony and
12 then go to Full Council without that motion, and so that is what
13 we shall do.

14
15 That should take us, if I am keeping score correctly, Ryan, now
16 to the research set-aside discussions. The first one will be
17 presented by the New England Council, Tab C, Number 6(a), and
18 that is Mr. John Peros.

19
20 **RESEARCH SET-ASIDE (RSA) PRESENTATIONS**
21 **NEW ENGLAND COUNCIL**
22

23 **MR. JONATHON PEROS:** Good afternoon, everyone. My name is
24 Jonathon Peros, and I'm with the New England Fishery Management
25 Council. It's a pleasure to be here with the Mackerel
26 Committee, to talk a little bit about the New England Council's
27 research set-aside program. Clearly I'm from a little climate,
28 and I would have preferred a short-sleeve shirt today.

29
30 **CHAIRMAN RIECHERS:** Here, you needed a jacket earlier, and let
31 me just attest.

32
33 **MR. PEROS:** In the presentation today, I'm going to cover the
34 basics of the RSA. If you don't know a lot about a research
35 set-aside program, hopefully this presentation is for you. I'll
36 be sticking around after this report, and I would be happy to
37 answer any more detailed questions that folks may have about the
38 New England Council's RSA program. If I can't get your answer
39 today, I would be more than happy to go back to our shop and
40 make sure I can speak with someone who does have an answer for
41 you, and so we're committed to the follow-through on that.

42
43 I will talk about the RSA, what the program elements are, and
44 really the process that the New England Council is using, and I
45 will be using some examples from the scallop fishery management
46 plan. That's the one that I'm most familiar with, and I'll
47 conclude with some observations, and I think lessons learned,
48 from our program.

1
2 A research set-aside program is really a mechanism for the New
3 England Council to be able to conduct research to address
4 science and management questions, and we're looking to enhance
5 understanding of our species and try to address key bycatch
6 issues, but really support the decision-making process, and
7 what's unique about it is that the council is electing to reduce
8 the overall acceptable biological catch that would be available
9 to the full fleet for harvest and, in lieu of that, to set aside
10 a small portion that can be harvested for research.

11
12 There's a process for turning fish into research dollars that's
13 a little more complicated than just moving them across the dock,
14 and so I will talk about that a little bit more as I go through,
15 and so I'll talk about priority setting, the grant making and
16 the administration of the overall program, and then research.

17
18 A little bit of history, to set the stage, and I'm sure that
19 many of you are familiar with the story of groundfish in New
20 England. Both groundfish and scallops were considered depleted
21 in the early 1990s, in 1994. What we knew at that time though,
22 when there were substantial closures on Georges Bank, was that
23 there was also some recruitment of scallops within those closed
24 areas.

25
26 We didn't know the magnitude of that recruitment event, and we
27 didn't understand how widespread it was, but cooperative
28 surveys, and cooperative research, was really a mechanism for
29 academic institutions, with NOAA Fisheries, to get out and
30 understand the scale of this recruitment event, to understand if
31 there were fishing opportunities, and the vessels that
32 participated in that were given pounds in subsequent fishing
33 trips to offset the cost of their participation.

34
35 That led, pretty quickly, to success and the harvest for the
36 entire fleet, the entire fleet, the following year, and
37 additional pounds were set aside to cover the costs of
38 observers, because we knew there was some groundfish bycatch in
39 the area, and so that was really the springboard for RSA
40 programs in New England. I don't think you can underestimate
41 that it was a very quick win-win, and there was a lot of buy-in
42 from the industry. The industry was involved from the very
43 beginning, and I think that's a hallmark of the programs.

44
45 In 2004, the scallop program was officially established, and
46 there is actually two other RSA programs that are established
47 within the council's fishery management plans, Atlantic herring
48 and monkfish, which is jointly managed with the Mid-Atlantic

1 Council.

2
3 The programs vary widely in scale and their activity, and so the
4 frequency at which priorities are set and the frequency at which
5 specifications are evaluated and set varies between all of
6 these. There are certainly challenges that the council has
7 faced.

8
9 Herring is in a rebuilding plan right now, and it's considered
10 overfished. There is a lot of latent effort in the monkfish
11 fishery, and so there is things that the council does have to
12 work through, and these aren't perfect programs, but there is
13 certainly an opportunity to drive some research priorities that
14 may answer management questions.

15
16 Just to give you a flavor for some of the work that gets funded
17 through RSA programs, I will start with sea scallops, and it's
18 the largest research budget and the largest program overall.
19 The council, the New England Council, relies very heavily on
20 that program to supplement survey efforts that are conducted by
21 NOAA Fisheries, and so we have dredge optical surveys that are
22 being added to the annual efforts to survey the resource, gear
23 work addressing interactions with endangered species, and then
24 also life history, and so supporting the stock assessments.

25
26 For monkfish, it's a similar focus. Efforts have really been
27 about data collection to enhance the stock assessments and get a
28 better sense of the overall distribution and movement of those
29 animals between management units, and, for Atlantic herring, the
30 primary focus has been on addressing bycatch of river herring in
31 that fishery.

32
33 Program elements, who is involved in the RSA? The RSA begins
34 with the council. It began with the New England Council, but,
35 very quickly, NOAA Fisheries becomes involved, and NOAA
36 Fisheries plays a central role in the research set-aside in New
37 England.

38
39 The other groups that are involved are the academic
40 institutions, or the research institutions, and the fishing
41 industry, and so it's several groups that I think make these
42 programs go, and I will talk about each of these individually,
43 so you can kind of get a sense of the role that the New England
44 Council plays in this program, what the agency is doing, and
45 then what researchers and industry end up with.

46
47 Priority setting, and this is really -- I can't emphasize enough
48 that this is the place where the council has the most impact on

1 RSA programs, and I think that will become pretty apparent in
2 the next slide, and so, depending on the RSA program within the
3 New England Council, some -- For scallops, we set priorities on
4 an annual basis. For herring, it's a three-year timeline, and
5 it really depends on the council's interest in revisiting the
6 priorities and how often specifications are being set.

7
8 That process is driven by industry, our technical group, the
9 committee, but also research that's been funded through the
10 program, and so there's a whole lot of information that we think
11 should be funneling into the decision on what priorities will be
12 addressing management needs that the council has identified.

13
14 In terms of getting the word out about the program, this is
15 really the beginning of joint efforts with NOAA Fisheries, and
16 so the council spends a fair amount of resources, after priority
17 setting happens, to get the word out, both to academic
18 institutions, but also to the fishing industry, to announce
19 this.

20
21 At that time, NOAA Fisheries is beginning a process of taking
22 the New England Council's priorities and then moving them to a
23 federal funding opportunity, and so the agency does a lot of the
24 heavy lifting with an RSA, at least in our experience. It's
25 administering the grant process, and it's making the final
26 determination of the projects that are awarded, and it's
27 tracking the landings, the RSA usage, and it's running the
28 evaluation of the projects before a selection, and so the New
29 England Council has some role in this.

30
31 We recommend members of a management review, which is really
32 members of industry, council members, trying to review projects
33 and understand what would be useful to a certain issue, but,
34 really, the agency is driving the process, once it leaves the
35 council's priority-setting vote, and final project selections
36 live with the director of the Science Center, in our case.

37
38 Once the selection is made, it's really on the successful
39 projects, the researchers, and industry partners to make this
40 go, like I said, and we're awarding pounds of fish, and we're
41 awarding days at-sea. This isn't a simple release of dollars to
42 an organization, and so there's a lot of folks, a lot of
43 institutions, that have been involved in RSA, and there's a
44 smaller number that are really lead organizations, and what
45 we've found in New England is there's a few shops that are
46 really good at the administration of turning pounds of fish into
47 research dollars and working with industry.

48

1 We think we're doing this pretty well, like I mentioned before,
2 and the outcomes of the research that has been funded is really
3 -- It's filtering into the priority-setting processes and
4 filtering into the management process, and so there's a check,
5 on an annual basis, of how have we used these projects in
6 management, and are they answering the questions that we set out
7 to ask, and so hopefully there is a little bit of a feedback
8 loop that gets created, once the program gets up and running and
9 moving forward.

10
11 I mentioned scale, a few minutes ago, and, like I said, the New
12 England program has -- The New England Council has three
13 different programs, and the size of them vary, and the way that
14 the allocation is accounted for varies, and so, for the scallop
15 fishery, the council sets aside 1.275 million pounds of scallops
16 to support research, and that's supporting about three-and-a-
17 half million dollars of research in a year.

18
19 For monkfish, it's a little different, and that fishery operates
20 using days at-sea, and so it has identified 500 days at-sea that
21 are available, and those days are sold directly to harvesters.
22 There's a lot of latent effort in that fishery, and so raising
23 the money has been a challenge, in some years, and then, for
24 herring, there's a cap on how much of a sub-ACL can be directed
25 towards a set-aside. The council has elected not to allocate
26 any pounds to the research set-aside, given the current
27 condition of that stock.

28
29 What really makes the RSA program go is this relationship with
30 researchers and industry, and the fishing industry gets involved
31 in a couple of ways. One is that the vessels become platforms
32 for research, and the other is that they're engaging in
33 compensation fishing, the fishing of that set-aside and the
34 proceeds of which will be used to fund research. I know the
35 next presentation is going to cover that in a little more
36 detail, and so I won't belabor it here for you now.

37
38 In terms of what partnerships look like across the different RSA
39 programs, they vary by fishery, or they vary by research
40 institution, and so, as I mentioned, with monkfish, there's
41 really direct day at-sea, and that's how the proceeds are
42 raised, and so it's a phone call from a harvester to a
43 researcher saying I want ten days at-sea, and then a check ends
44 up in the mail.

45
46 For scallops, it's a little bit different. There is a bit of a
47 delay, in terms of when the pounds are generally available. The
48 folks who are involved in the research are often the ones doing

1 the compensation fishing, and there might be different
2 arrangements on how compensation dollars are raised, and so
3 there is a bit of a spectrum within the three programs on how
4 you're creating funds for research, and it depends on the
5 program.

6
7 It does take a few extra steps to move from being a scallop to a
8 research dollar, and the way this works is that the council has
9 the 1.275 million pounds carved out for a set-aside. Once the
10 awards are made, once the program is being led by -- This is the
11 point that NOAA Fisheries is leading, and each project is
12 awarded a portion of that set-aside.

13
14 The amount of pounds that a project receives is based on a
15 forecast of what we think the ex-vessel price of scallops will
16 be in the following year, and then we work backwards, through
17 the sharing arrangement that's been established, to figure out
18 how many pounds should be awarded to a particular project, and
19 so that -- There is a fair amount of autonomy that researchers
20 have in how they want to set that up, and I will try to step
21 through that in the next slide, but those funding arrangements
22 will vary, particularly in the scallop fishery.

23
24 I mentioned this forecast, and we call that the common price,
25 and that has changed over time, and that's shown on the left-
26 hand side of your screen, and so, back in 2010, it was a little
27 more than \$7.50. For this current fishing year, we called it
28 \$15.00, and we may be overly optimistic, and we may undershoot
29 it a little bit, but what I want to talk through is the table in
30 the middle of your screen, which is the process that NOAA
31 Fisheries would be using to try to understand how to turn those
32 pounds into dollars.

33
34 Someone may propose to do survey work, survey research, and they
35 have a budget of \$150,000, and they have proposed a split, to
36 split the proceeds 75 percent of it back to the vessel and 25 to
37 the research, and, when you apply the common price, that works
38 out to \$3.00 and \$9.00, and then we back-calculate how many
39 pounds the project receives. At that point, the pounds move to
40 a research institution, and then it's on them to work with
41 individual fishing businesses to get that compensation fishing
42 done.

43
44 One of the nuances of the program is that, by the time a project
45 is funded, we're saying you're funded in March, and the pounds
46 are awarded, but, often, you want to get the research going, and
47 so there can be a time lag between when compensation fishing is
48 actually happening and when you want the research to begin, and

1 that's one of the things that I think takes certain
2 organizations, and even within administration of the university,
3 to understand that I didn't get \$150,000 this year, and I got
4 50,000 pounds of scallops.

5
6 I talked a little bit about the scale of these programs, and I
7 will give the scallop example, and this is really the last
8 twelve years. When you multiply the common price with the
9 pounds that are available, there's been about \$150 million
10 raised, we think, and 165 research projects.

11
12 When you look at monkfish and herring there, they're awarding
13 two, or maybe three, projects in a given year, and the value of
14 the RSA for scallops is larger than the total revenue in the
15 monkfish fishery, and so the spreads are -- They're very
16 different, but I think they're all very effective in trying to
17 address management questions.

18
19 I wanted to break this out too and talk a little bit about
20 priority setting, because that's something that the council is
21 engaged in. That's, again, a place where the council can really
22 have an impact on the awards that get funded by ranking
23 priorities, and so, in every year, the New England Council ranks
24 survey work as the highest priority for scallops. They want
25 more data, and they want more surveys on the water, and so that
26 comes through, I think, in the funding here in this chart.

27
28 Getting to the lessons and observations, we try to start with a
29 couple of questions with this program, and we really try to
30 relate it back to the management context, and so, if the
31 research is successful, what is the council going to do with the
32 findings? Is the research even likely to be successful or have
33 utility in the management arena?

34
35 Some of the things that we found, along the way, is that, when
36 the council tries to steer research, and is perhaps too
37 prescriptive, you might not get anyone who wants to do the work,
38 and you might not get any proposals. That can cut the other
39 way, where you have a very broad topic, and a lot of people will
40 put in applications, and then you might not end up with the work
41 that you think that you're going to get, and I think that's just
42 a reality of these programs and their competitive process.

43
44 One thing that we found, lately, particularly, again, for
45 scallops, is that there are projects that are being funded, or
46 could be funded, that may have a funding source in a different
47 program, and so S-K, the BREP program, Fisheries and the
48 Environment, NOAA's Ocean Acidification Program, and, in

1 general, the committee, the scallop committee, and the council
2 has tried to steer away from getting into the business of
3 funding long-term monitoring, outside of surveys in bycatch, and
4 tried to identify other funding opportunities for questions that
5 you might want to answer, like the impact of ocean acidification
6 on a bivalve mollusk.

7
8 One thing that the council has had to deal with is, oftentimes,
9 we're setting priorities at a point when there's a real
10 management need, but the reality of this program is that you're
11 not going to see a result for three or four years, particularly
12 if you want purity of research, and so I think there has been
13 success, in terms of being able to see RSA-funded projects have
14 an impact on management, but that time scale is generally longer
15 than I think a lot of folks around the table would like.

16
17 We've tried to implement what we call a share day process, which
18 brings in research from all avenues. Anyone who is thinking
19 about scallops or monkfish to come and talk to the council about
20 that work and to really get a sense of where ongoing projects
21 are headed as it puts together the priorities.

22
23 There is a phrase that industry uses when they talk about the
24 RSA, and it's pounds out of the hold, and I think it's a good
25 one, and it's one that I think is an acknowledgement that there
26 is industry buy-in to this program, but it also creates a
27 heightened accountability for not only the council, but NOAA
28 Fisheries and researchers that there's a real feeling of
29 ownership among industry members for this program. They want
30 this program to succeed, and they are foregoing over a million
31 pounds of harvest in a given year, and they would like to see
32 particular results, and they would like to see the projects
33 finished and that sort of thing.

34
35 Within New England, like I said, there's been some institutions
36 that have been very successful, and we always think there's
37 opportunity to expand the pool of folks who participate, and the
38 status of the stock, like with herring, and the value of
39 species, and so the value of monkfish has declined in recent
40 years, and some of those have made administering the RSA program
41 more challenging.

42
43 The program requires substantial coordination across the
44 council, NOAA, researchers, and there's a fair amount of staff
45 time that gets involved, and we estimate about two months of
46 staff time gets put into supporting the scallop plan, the
47 scallop program, in a given year. There is staff at the
48 Regional Office, the Greater Atlantic Regional Office, the

1 Northeast Fisheries Science Center, and there's NOAA legal that
2 gets involved, and so it's a whole community of people who are
3 driving these programs.

4
5 I guess the final bullet here, the take-home, is that we think,
6 at least in New England, that the RSA is contributing to
7 fisheries management in a positive way, and it's not every year,
8 and it's convened in different ways. There is challenges to
9 work through, and I would just highlight that, for a while,
10 interactions with sea turtles in the Mid-Atlantic were a problem
11 for the scallop fishery, and the RSA was the mechanism to
12 address that, through redesigning the dredge, the turtle
13 deflector dredge, and there is annual monitoring of the
14 loggerhead population now.

15
16 Stock assessments addressing mortality, natural mortality,
17 fishing mortality, as well as bycatch avoidance and ways to
18 reduce that, and so we do think there's been a lot of successes
19 with the program, but it's not without some challenges, and I
20 would be happy to speak to those and take any questions. Thank
21 you.

22
23 **CHAIRMAN RIECHERS:** Any questions for John? I'm sure there are
24 some. Susan.

25
26 **MS. BOGGS:** Thank you for your presentation, and I looked at it
27 a couple of times, and what I cannot get my head wrapped around
28 is how this is paid for. The scallops that are harvested are
29 sold, and I was real confused on how that works.

30
31 **MR. PEROS:** Sure. Thanks for the question. I think it's one of
32 the most complicated parts of this program, and so an academic
33 institution will have 10,000 pounds of scallops, and they will
34 work directly with the harvester, and they will take a trip to
35 go catch those scallops. The proceeds, and the revenue, from
36 that trip will be split between the researcher and the vessel.

37
38 The example that I gave was 25/75. In practice, there are
39 settlement houses where they land, and it goes to auction, and a
40 check goes to the Virginia Institute of Marine Science and a
41 check goes to the boat, and so the money is dispersed right at
42 the time of landing in some of these arrangements.

43
44 **CHAIRMAN RIECHERS:** Tom, I'll let you go, and then I have one
45 myself.

46
47 **DR. FRAZER:** Okay. Just as a quick follow-up, because there's a
48 cost associated with administering the program, and so, when the

1 scallops are sold, right, to a dealer, is there a tax imposed on
2 the dealer, and the dealer returns that to the agency? How do
3 you pay for the program, the administration part?
4

5 **MR. PEROS:** There is no tax, and the administration is borne
6 within the agency budget, and so there is no contribution from
7 the RSA pounds to supporting the program.
8

9 **CHAIRMAN RIECHERS:** So, if I'm understanding this right then, so
10 the council and NMFS absorb the cost of establishing and running
11 the program, and I'm just making sure -- Susan asked the
12 question and you answered it, but I want to make sure that I
13 understand the mechanism, because, as you said, this is the part
14 that seems to trip people up.
15

16 Basically, it's we do an RFP process, and we give a research
17 grant, if you will, to a university, and the university then
18 contracts with whomever the participants are that are listed as
19 possible participants, and they agree on whatever price
20 arrangement that is, and that's a contractual arrangement
21 between them, when the product is sold, and let's just say
22 they've agreed to do a 50/50 split of the product, and that's
23 how -- One goes to the boat, and one goes to the researcher, and
24 is that -- Do I have the flavor it, and I'm sure there can be
25 all sorts of different contractual arrangements inside of that,
26 but is that basically the mechanism then?
27

28 **MR. PEROS:** Yes, that's exactly the flavor the for the scallop
29 fishery. Absolutely.
30

31 **CHAIRMAN RIECHERS:** So one does assume, with all this, that the
32 research is such that there is product left to be sold, and, I
33 mean, that's -- Which, often, there would be, but there could be
34 some research elements where there may not be, or the way the
35 product is treated, it may not be as good a saleable product, or
36 at least some portion of it, but, basically, you're trying to
37 get those real applied kind of questions answered, and am I
38 mostly hitting that right?
39

40 **MR. PEROS:** Yes, sir.
41

42 **CHAIRMAN RIECHERS:** Susan.
43

44 **MS. BOGGS:** A follow-up to Robin and a follow-up to my original
45 question, and so, talking about the council -- It would be a
46 part of their budget, and they would absorb the cost of that,
47 but is -- Does the council set what research questions need to
48 be answered? I don't know how to ask that question, and that's

1 my first question.

2
3 **MR. PEROS:** Yes, that's exactly right, and that's the primary
4 function of the council, is to determine what the research
5 should be before the program gets administered by NOAA
6 Fisheries.

7
8 **MS. BOGGS:** Then I think we've already answered my other
9 question, but, based on what Robin said, there's contracts and
10 things and such, and so my assumption is that, if there's a
11 50/50 split, that would be after expenses, because, I mean,
12 certainly the commercial fishermen, or whomever, is going to
13 incur their fuel, bait, ice, et cetera, but, again, that would
14 all be worked out in the contract between those participating --
15 The contractor for the council and whoever wants to participate
16 in the research set aside.

17
18 **MR. PEROS:** Yes, and that's a place that our council doesn't get
19 really involved, and so there is an evaluation of the agreement
20 between the researcher and the harvester, and to make sure that
21 it makes sense, but absolutely, and that process is really
22 handled strictly between and institution and the fishing vessel.

23
24 **MS. BOGGS:** Sorry. One more follow-up, and so what happens if a
25 contract is made, and there is a disagreement between the
26 institution and the fisherman as to what the council charge is,
27 and, I mean, who is the mediator in all of this? The council?

28
29 **MR. PEROS:** Yes, and so there is real examples of folks who have
30 agreed to work together and then maybe said, I'm not going to go
31 catch those pounds for you, and so I think -- The council
32 doesn't get involved in that until it comes back around, I think
33 in the priority setting process, and has a role to play in the
34 policy for establishing the RSA.

35
36 Really, the agency would be -- NOAA Fisheries would be the
37 organization that would be first contacted, in terms of trying
38 to understand what the issue was, and I don't know what
39 mediation steps that they might take, and the one thing with the
40 example that I gave, and I think it's probably the most -- It's
41 one of the more complicated examples, because, with monkfish,
42 you're just buying a day, and so you're not going to go fishing
43 -- You've already paid the money before you've gone, but I
44 think, with this question about what role the agency has in
45 mediating, it's one that they are tracking the RSA pounds.

46
47 There may be additional pounds available to harvest, to make
48 that research whole. I mean the ultimately goal is to complete

1 the research, and so I think there are steps that can be taken
2 to address those. The instances, I would say, are in the
3 minority, and that's not something that is regularly happening,
4 and I would be happy to give you a couple of examples offline,
5 if you want to talk about it.

6

7 **CHAIRMAN RIECHERS:** Mara.

8

9 **MS. LEVY:** Thanks. I just had a question, because we're talking
10 a lot about scallops, and I understand what you were saying
11 about going out and then you split the proceeds, but then you
12 mentioned monkfish, which is what -- That's just buying a day
13 at-sea, right, and so the person who wants to harvest pays money
14 for their day at-sea, but their day at-sea is not related to the
15 research, right, and the money is just going towards the
16 research, and am I right about that?

17

18 **MR. PEROS:** Yes, that's correct. That's correct.

19

20 **CHAIRMAN RIECHERS:** Clay.

21

22 **DR. CLAY PORCH:** Thank you for this presentation. It seems like
23 an excellent way to get some of those items on the long list of
24 items that the council has for research priorities addressed,
25 but I'm curious how this looks for funding a survey, and you
26 mentioned that was one of the primary uses, and so, with the
27 survey, of course, you want to apply the same protocols one year
28 after the next, for multiple years, and that's not normally
29 something that's easy to do through a grant process, and so I'm
30 just curious what that looks like.

31

32 **MR. PEROS:** It's an excellent point. We just formed a survey
33 working group, and we're trying to address that right now and
34 move to longer-term awards, through the grant process, and so,
35 right now, it's up to two years, and we've talked about moving
36 it to five years, and there is -- I think, in that context, the
37 survey context, the council has been, and the Science Center has
38 been, very fortunate in the continuity, in terms of the
39 institutions that are applying for those grants on an annual
40 basis, and so it's really the same mix of people who are engaged
41 in a direct survey, or an optical survey, in a given year.

42

43 The methods have all been reviewed through a research track, a
44 benchmark assessment research track assessment, and so there are
45 standards that have been set up, but I agree with you that the
46 annual, or biannual, grant-making process for long-term surveys
47 is a bit cumbersome, and it's a problem that we're trying to
48 address right now.

1
2 **CHAIRMAN RIECHERS:** Mr. Gill.

3
4 **MR. BOB GILL:** Thank you, Mr. Chairman. I'm not on your
5 committee, and so I appreciate the opportunity to ask a
6 question, and thank you for the presentation, Jonathon. I think
7 it generates as many questions as it does answers, which is
8 probably a good thing.

9
10 I guess two of the top questions are you all decided on the
11 structure of your RSA program back in the day for your
12 particular needs, but, in point of fact, an RSA could be set up
13 considerably different than yours, and, for example, I expect
14 that we'll hear from the Mid-Atlantic, and theirs is different
15 than yours, and so how it's set up originally is a function of
16 what the council perceives to be the best in its interests, and
17 is that correct?

18
19 **MR. PEROS:** That's correct, sir.

20
21 **MR. GILL:** The other question that I wanted to ask is that your
22 RSA has been very successful, and your review that you have
23 there -- The bottom line was don't mess with success, and so
24 they don't want to change it a whole lot, but, in contrast to
25 Gulf fisheries, the fisheries that you're addressing here are
26 single-use fisheries, where almost all of ours are mixed-use,
27 and so it constitutes a considerably different kind of problem
28 than you were trying to address there, and I would argue it's
29 probably more difficult, but, from your perspective, and given
30 your long-time experience with your RSA and the success that
31 you've had, are there any considerations that you would offer
32 for our use, in terms of trying to determine whether an RSA in
33 our mixed-use fisheries -- Something we ought to look out for,
34 recommendations, suggestions, any advice that you could give us
35 there?

36
37 **MR. PEROS:** I will start by saying those are excellent points
38 about the fishery components that the New England Council is
39 managing. It's strictly commercial for all three of those
40 fisheries, and it makes the job a lot easier. I know that the
41 Mid-Atlantic Council has done a lot of thinking about this, and
42 I think their situation is probably more analogous to the Gulf
43 Council's, and I think Brandon gave an excellent talk last week,
44 and the Mid-Atlantic Council.

45
46 From a New England perspective, I do think that resourcing is a
47 consideration, in terms of the scale of this program and what do
48 you think you will be able to achieve, but also the question of

1 are you able to get the research that you think you need through
2 other mechanisms, and I think, in the New England case, there's
3 been a lot of advances that probably would not have happened
4 without a large pool and this opportunity.

5
6 It can take a little while, and I think patience is the other
7 piece to this. You can identify a problem, and you can
8 prioritize the research, and you can get a good result, and I
9 think that's been true in monkfish. There's been monkfish
10 projects funded through the scallop RSA, and so there's been
11 some kind of cross-plan benefits that we've seen, and I think so
12 the council has an opportunity to really leverage its plans, and
13 the RSA, to do the most for that individual fishery, but for
14 other issues that it's trying to tackle, and I think that's been
15 a piece of the success.

16
17 **CHAIRMAN RIECHERS:** Matt, I believe I had you next.

18
19 **DR. MATT FREEMAN:** Jonathon, thank you again for coming and
20 providing this presentation. A quick question. Thinking about
21 the interactions between the researchers and harvesters, in New
22 England, have you all found, as a result, that the researchers
23 tend to work with large harvesters, as a result, thinking,
24 again, that they might want to prioritize using that poundage
25 with one person, versus perhaps multiple smaller harvesters, or
26 what have you all seen?

27
28 **MR. PEROS:** There is certainly strong relationships between
29 folks who have been successful in this program and their
30 research partners. I think it's a way -- It's a reason why we
31 often don't see issues with the compensation fishing, and the
32 question that we had before, because people are committed.

33
34 In terms of the number of vessels, and vessel size, that are
35 engaged, speaking for the scallop fishery, there's two primary
36 components, an offshore fishery and a dayboat fishery, and there
37 is members of both that participate in RSA fishing, and it might
38 depend on the research institution that's been awarded and which
39 group they may work with, but certainly there is opportunities,
40 at varying vessel sizes.

41
42 In monkfish, it's primarily the gillnet fleet that is trying to
43 lease days, and there is an offshore trawl fleet that at times
44 target monkfish, but, for the most part, that's a pretty
45 dedicated group that's trying to lease the monkfish days, for
46 that program, and then, for herring, that work -- There's also
47 different vessel sizes that participate in RSA, and so we have a
48 large mid-water trawl fleet that was active in RSA, but also

1 smaller purse seine vessels as well.

2
3 **CHAIRMAN RIECHERS:** Tom.

4
5 **DR. FRAZER:** I am going to hit the other side of Matt's
6 question, and so, from the university kind of side of things, in
7 the scallop example, again, so they're essentially going to
8 underwrite the project, right, and so I'm just curious of what
9 type of diversity you have in the institutions that participate,
10 and do you have more private institutions than you do public
11 institutions, and all of those types of demographics?

12
13 **MR. PEROS:** Thanks for that question, and so it's a mix of both
14 private and public institutions, and I would say, for the most
15 part, it's universities that are receiving these grants and have
16 had a fair amount of success, but there is a learning curve.
17 There is, absolutely, and so there is underwriting for projects
18 that want to get on the water right away, and that's true of our
19 surveys. If we're getting a notice in March, and you want to
20 throw lines in May, and you need to know that you're not going
21 to be able to get that fishing done, and so that does occur.

22
23 In terms of the number of institutions that are involved, I
24 would say there are some folks who have existing relationships
25 that are very good in managing this scallop to research dollars.
26 Oftentimes though, as the priorities get more focused, they have
27 partnered with other institutions, and I think we've seen that
28 in New England, and I will use a real example of the Virginia
29 Institute of Marine Science working with Rutgers, who might work
30 with their network, and so I think there is some sharing and
31 learning that goes on.

32
33 The program has expanded the number of people who are
34 participating in recent years, and I think that's in part -- The
35 priorities have expanded, but, also, more people are
36 understanding how to create research dollars from an award of
37 scallops.

38
39 **CHAIRMAN RIECHERS:** Any other questions of Jon? If not, he's
40 going to be around at least for a little bit here this afternoon
41 still, and certainly through the next presentation, and so, with
42 that, Jon, we certainly thank you for the presentation, and now
43 we will turn to the presentation from the Mid-Atlantic Council
44 and Mr. Muffley, I believe.

45
46 **MID-ATLANTIC COUNCIL**

47
48 **MR. BRANDON MUFFLEY:** Thank you, Mr. Chairman, and thank you to

1 the Mackerel Committee for the invitation. I appreciate the
2 opportunity to talk to you about the Mid-Atlantic Council's
3 perspective on the RSA program. I think you'll hear some common
4 themes from Jonathon's talk, and I think he set the stage really
5 well for my discussion, but you'll also hear, certainly, some
6 differences with how things went in the Mid-Atlantic.

7
8 Just some background, in regard to how the Mid-Atlantic
9 Council's RSA program got started, and so this was developed as
10 Framework 1 to nearly all of the Mid-Atlantic Council's fishery
11 management plans, and so this includes all of them except for
12 our ocean quahog and Atlantic surf clam fishery management plan,
13 and that was already managed as an ITQ fishery, and things were
14 operating differently, and so the council had decided not to
15 include the clam FMP within the RSA program, but all of its
16 other fisheries were included.

17
18 Then I have a few of our FMPs highlighted there in blue, summer
19 flounder, scup and black sea bass, and bluefish, and those are
20 jointly managed with the Atlantic States Marine Fisheries
21 Commission, and that's an important point that I will touch upon
22 throughout my presentation, is in regard to state engagement in
23 our research set-aside program.

24
25 It varies, similar to the New England Council, and, really, the
26 mission of why the council decided to set up an RSA program was
27 to meet all of these unaddressed research needs, particularly --
28 Initially, it was very focused on commercial gear-related
29 studies and looking at different mesh and gear bycatch avoidance
30 and technology, and all of those things were really sort of the
31 initial focus of the RSA program, and so to address these very
32 critical management needs, but also to -- You know, to increase
33 the science and industry collaboration and build the public
34 trust.

35
36 You know, we have, you know, in the Mid-Atlantic, a number of
37 our fishermen that don't believe, or trust, the science that
38 goes into many of our stock assessments, or they don't believe
39 the trawl survey information that we use, the Northeast
40 Fisheries Science Center trawl survey, which is our primary
41 fishery-independent piece of information, and so building a
42 program that would engage with industry and science to build a
43 collaborative science sort of enterprise and build up that trust
44 was really a primary factor to driving the RSA program. The
45 Framework 1 was approved in 2001, and the first projects were
46 actually funded then in 2002.

47
48 As Jonathon talked about, and it's even more complicated on the

1 Mid-Atlantic side, I think, in many regards, but, again, what we
2 are allocating -- We need to convert the fish that we have
3 available, and convert that into money to support research, and,
4 within the Mid-Atlantic Council side, they decided to put aside
5 anywhere from zero to 3 percent of a fishery's total allowable
6 landings, and so, on the landings side of the ledger, of the
7 ABC, that would be set aside in every specification cycle, and
8 so, each year, the council then would go through all of their
9 different FMPs and determine anywhere from zero to 3 percent of
10 the TAL would be set aside for research.

11
12 If there weren't any strong research needs, or there were
13 concerns about the stock, or they needed all of the allocation
14 to go to the actual fleets, they could adjust how much RSA they
15 wanted to put aside on an annual basis, and, again, everything
16 happens to convert those fish into funding through compensation
17 fishing, which is defined under Magnuson, but it's really just -
18 - What that means is to have fishing to offset costs of research
19 activities to support management

20
21 On the Mid-Atlantic side, most of that fishing does not occur
22 with the science, and so, unlike a lot of that research that
23 happens with the scallops in New England, those two activities
24 in the Mid-Atlantic traditionally -- It doesn't never happen,
25 but very rarely does the science and the compensation fishing
26 happen together.

27
28 How our fishermen, or why our fishermen, would decide to join,
29 or get into and pay for an RSA program, is through these
30 incentives to pay, and so what the vessels are doing are paying
31 for additional fishing opportunities, and then that would
32 support the research, and so what is happening is that fishermen
33 would pay for and buy quota, which would give them the
34 opportunity to fish during a closed season, or, in many of our
35 fisheries in the Mid-Atlantic, we have state-by-state
36 allocations, and so, if a particular state closed down its
37 fishery, because their state-specific quota was reached, if a
38 vessel had RSA quota, they could continue to fish during the
39 closed season or when a directed fishery was closed within a
40 particular state.

41
42 This allowed them to continue to fish outside of a closed
43 season, or it would also allow them to land -- You know, to have
44 higher possession or trip limits, and so those are the two
45 things that they are really paying for in the Mid-Atlantic
46 system, and, since we're giving them these incentives,
47 essentially, to go fish in a closed season or land more than the
48 designated trip limits, you need federal exempted fishing

1 permits to be issued by NOAA Fisheries, and, in many cases, you
2 need a state-equivalent exempted fishing permit, in order to
3 bring those fish back to the dock within a given state.

4
5 What happens, in the Mid-Atlantic program, is the grant
6 recipients, or the principal investigators, are awarded RSA
7 quota, and they are landed -- This is where this sort of mixed
8 fisheries come into play within the Mid-Atlantic, and it depends
9 on the type of research that a principal investigator may be
10 focused in on, and so a principal investigator, and this is just
11 a random example, may be given 10,000 pounds of summer flounder
12 RSA quota, 5,000 pounds of black sea bass quota, and 5,000
13 pounds of bluefish, and so that principal investigator then has
14 those different fisheries, and different amounts of quota, to
15 then utilize and find partners, and find vessels, to participate
16 to generate those funds.

17
18 The investigator and the vessels then work together in a few
19 different ways within the Mid-Atlantic system, and so you can
20 either have a bilateral agreement between a principal
21 investigator and a vessel, where, you know, a vessel will land a
22 few thousand pounds of summer flounder, for example, and the
23 vessel and the principal investigator will have an agreement in
24 regards to how much of that landed summer flounder would be
25 split between the vessel and the research, and the research
26 vessel, or a vessel would purchase, from the principal
27 investigator, a set-aside of pounds.

28
29 For example, if you wanted -- If a vessel wanted 5,000 pounds of
30 summer flounder from a researcher, he would pay a flat fixed fee
31 for whatever the price per pound that they had agreed to, and so
32 say \$3.00 a pound for that 5,000 pounds of summer flounder, and
33 so that vessel would then pay that money directly to the
34 researcher, and that researcher then would have that money to
35 pay for the research, and so those were the two ways that
36 bilateral agreements could take place between a principal
37 investigator or a vessel, or a principal investigator could
38 utilize a third-party auction.

39
40 What the principal investigator would do is he would give all of
41 his quota that he has available, and he would give it to this
42 third-party to auction off, and so vessels then would bid on
43 lots of summer flounder or black sea bass or bluefish or spiny
44 dogfish, whatever the species may be, and vessels would bid on
45 lots, and the proceeds raised from that auction then would then
46 be paid to the vessel to support the research.

47
48 We'll get back to this third-party auction issue, because it did

1 create a fair amount of issues within the Mid-Atlantic system,
2 but it was the way to generate much more -- You know, we
3 generated a lot more funds out of an auction system than you did
4 through bilateral agreements, and, within the sectors that would
5 actually be participating, either through these bilateral
6 agreements or through the auction system in the Mid-Atlantic, we
7 would have commercial vessels, and we would have for-hire
8 vessels, and we would have both state and federally-permitted
9 vessels that could participate.

10
11 I won't go through this, because Jonathon covered a lot of it,
12 in regard to the different roles that the council and NOAA
13 Fisheries have, and these are very similar, in regard to what
14 the council's sort of role is, in regard to how you set up the
15 program, the priority setting, in terms of the research that
16 would need to be done, and then taking those results and
17 applying them to management, where NOAA Fisheries is
18 administering the grant program, and they're monitoring RSA
19 landings and all of that sort of oversight that needs to take
20 place, but, again, the one unique component of this, within the
21 Mid-Atlantic, is that it also requires a lot of state engagement
22 here as well, partly because, again, we allocate many of our
23 fisheries on a state-by-state basis, and so then states,
24 therefore, have their own possession limits and trip limits and
25 fishing seasons that are different than what -- That are outside
26 of what a federal fishing season or trip limit may be.

27
28 The states are doing a lot of that dockside monitoring and
29 ensuring that vessels are abiding by the trip limit, or abiding
30 by the RSA quota that vessels have, and they're also keeping
31 track of all of that quota and reconciling any differences, and
32 they also need to deal with permitting of all of those vessels
33 participating, and so this is a really unique component within
34 the Mid-Atlantic, is this state engagement that's required.

35
36 This gives you a sense of what funding had looked like through
37 the inception of the Mid-Atlantic, and this also includes all of
38 the New England Council research set-aside programs. In the
39 Mid-Atlantic, this all gets wrapped up together, and I'll touch
40 upon that a little bit more, in terms of why we don't keep them
41 unique to each individual fishery, the way they do in New
42 England, but, generally, we saw anywhere from six to ten
43 proposals would be submitted in any given year, and, ultimately,
44 given the funds that were made available, we funded anywhere
45 from two to five different projects in each year.

46
47 The program generated about \$1 to \$2 million a year, depending
48 upon what dockside values were, given for a particular fishery,

1 and then, from 2002 to 2014, and that was the last year the
2 program was in place, we funded thirty-nine different projects,
3 totaling \$16 million during that time period.

4
5 The RSA program did inform -- It did have some really good
6 utility, particularly early on in the program, in regard to
7 having some science that really informed management. Again,
8 really looking at some of those gear, commercial gear,
9 application issues, and so we did a lot of vent, trap vent,
10 sizes for our commercial black sea bass and scup regulations,
11 and so we utilized the surveys that were done there to modify
12 regulations on vent sizes and the shapes of our overall pot
13 gear.

14
15 In regard to a survey that was supported, the Northeast Area
16 Monitoring and Assessment Program, or NEAMAP survey, was a
17 really critical program, a fishery-independent survey that takes
18 place -- It essentially covers the same geographic scope as the
19 Northeast Fisheries Science Center bottom trawl survey, but it
20 takes place in the inshore waters, from off of Cape Cod down to
21 Cape Hatteras, and so the RSA program supported that survey,
22 when it was first getting started back in 2007, and it supported
23 that survey for a number of years.

24
25 However, in the Mid-Atlantic, not all species have the same
26 value, and I mean value in two different ways, both in the
27 actual dockside -- You know, dockside value, we have some
28 species that are worth four or five or six or seven-dollars a
29 pound at the dock, and some that are worth, you know, a nickel
30 per pound, and so you have a wide range, in regard to the actual
31 price per pound of a particular species, but there is also
32 different incentives, in order for a vessel to want to
33 participate.

34
35 You can see here on the graph, and this is from 2014, the last
36 year the program was in place, that the majority of the funds
37 raised were through summer flounder and black sea bass, and
38 that's because, typically, we had seasons that were closed, and
39 so there were lots of opportunities for vessel to go out fishing
40 during closed seasons, and trip limits are relatively low for
41 some of our commercial fisheries, and so they had the ability to
42 go land above those commercial trip limits.

43
44 Some of our fisheries just don't have those sort of incentives.
45 If a quota is never reached, and you don't close the fishery,
46 well, the incentive to be able to land during a closed season
47 isn't there anymore, or even, if there isn't a need, or a
48 market, for really high trip limits, the ability to land greater

1 than the possession limit just really isn't there anymore, and
2 so there is very big differences in the incentives for vessels
3 to want to participate in the RSA program.

4
5 This is a sort of difference in regard to how the New England
6 program operated, given sort of the mixed-fishery nature of our
7 fisheries and that most of the funds raised were really on these
8 two species, summer flounder and black sea bass, but all of our
9 species have research needs, and it was decided that 75 percent
10 of the funds raised by a particular species would support
11 research for that one species, and the remaining 25 percent of
12 the funds raised could be used for other species research.

13
14 There were exemptions, like multispecies research, and so that
15 NEAMAP survey that I talked about on the previous slide that was
16 conducted, and that covers -- You know, that provides
17 information for almost all of our Mid-Atlantic stocks, and so
18 you could -- All of the summer flounder money that was
19 generated, for example, could be supportive of that NEAMAP
20 program, because it was a multispecies survey and supported all
21 of our different fisheries, including summer flounder.

22
23 One point I think that's really -- That I think you need to
24 think about is what might have value today, or what might not
25 have value today, may change in the future, and so one of the
26 fisheries that you don't even see on here, on this slide, is
27 illex squid, and so illex squid has been one of our sort of
28 climate winners, over the last several years, and, leading up to
29 2014, that fishery never reached its quota, or maybe one year in
30 the twenty years prior to it it reached its quota.

31
32 Beginning in 2017, through 2021, and we'll see what happens in
33 2022, we've had to close the illex fishery early, actually in
34 July or August, and the fishery has only remained open for
35 several months, because there are so many illex available, and
36 the fishery has been doing well, and prices are going really
37 well, and so maybe there are now incentives available for our
38 illex fishery that weren't in place back in 2014, when the
39 program was stopped, and so those things can change.

40
41 It's the same thing with summer flounder, and, you know, our
42 quotas have been going up, and we're still maxing out our
43 commercial fishery, still taking its entire quota, but those
44 commercial quotas have gone up, and so seasons have stayed open
45 longer, and so maybe there is less of an incentive to get summer
46 flounder quota now, because there aren't as many days of a
47 closed fishery, for example, and so those incentives can change
48 over time.

1
2 During a program review in 2010, it certainly found that there
3 were strengths to the RSA program, that we were funding research
4 without the use of any federal dollars, which was certainly
5 good, and it was all being paid for by industry paying for the
6 quota, either through these bilateral agreements or through the
7 action, and it gives the councils the ability to be in the
8 decision process, in terms of what research gets done.

9
10 There was some cooperative research in the beginning of the
11 program, but that certainly continued to decrease over time,
12 and, by the end of the program, I don't think there were any
13 cooperative research studies taking place, meaning, you know,
14 that RSA quota was being landed on the same vessel on which
15 research was being done, and that's just -- The dynamic had
16 changed over time, and so some of those benefits were lost over
17 time, the way the program was being set up and how we were
18 funding the program.

19
20 However, given those strengths, there were lots of other issues,
21 and so what we found out was that the administration and
22 enforcement costs were not considered in the program initially,
23 and this question was raised on Jonathon's question, and
24 particularly at the state level. You know, this was all being
25 done through the council process, and it really wasn't thought
26 about, with what the implications would be with working with the
27 Atlantic States Marine Fisheries Commission and what the
28 implications may mean from a state-specific -- Who is sending
29 out those law enforcement officers to monitor those things and
30 the state staff to monitor all of the quotas.

31
32 That wasn't really factored in, and I would say we still don't
33 really have a good handle on what the overall administrative
34 cost at the state level, at the council level, and at NOAA
35 Fisheries level, in regard to do those costs, the actual
36 administrative costs to run the program, do they outweigh the
37 benefits of the actual program and the research that we're
38 getting.

39
40 We never thought through the value of these different fishing
41 opportunities and how different they are across those species.
42 You saw the slide, in regard to how much more money summer
43 flounder and black sea bass raised compared to all of the other
44 ones, and so maybe you don't want an RSA program for some of
45 your low-value fisheries, or values that have very few
46 incentives, because they are very different across your
47 fisheries.

48

1 Those are some of the assorted esoteric issues that we found,
2 and we actually found some true concerns with the program, and
3 so what we uncovered was that there was really financial
4 incentives for a vessel not to report their trips, or all of
5 their RSA landings, right, and so, when a vessel bought that
6 5,000 pounds of summer flounder, for example, through the
7 auction, and that vessel had those 5,000 pounds, it was
8 advantageous for that vessel not to report all of those, so he
9 could continue to go out and fish, fish in a closed season, and
10 bring in more money, and so a federal law enforcement
11 investigation had found hundreds of dealer reports and vessel
12 trip reports that either underreported or did not report RSA
13 landings, to a tune of over 600,000 pounds of summer flounder
14 was never reported.

15
16 That leads to all sort of other issues, National Standard 1
17 issues, in regard to are we preventing overfishing, and, at that
18 time, we were having a pretty big retrospective bias in our
19 summer flounder stock assessment, and so maybe these unaccounted
20 landings may have been contributing to the impacts within the
21 stock assessment process, and so we had all of those sorts of --
22 That was this one big bust in New York, but how pervasive this
23 was throughout the RSA program, we don't know, but certainly a
24 number of folks got in trouble in New York, given the
25 underreporting, or nonreporting, of summer flounder through the
26 program.

27
28 We also, as I said, had for-hire vessels participate through the
29 RSA program, through that auction process, right, and so a for-
30 hire vessel is purchasing pounds of fish, but that RSA -- The
31 for-hire vessel is only keeping track, really, of the numbers of
32 fish that customers are taking off, and they're not really
33 keeping track of the pounds of fish that are being harvested on
34 their boat, and they're not selling those fish to a dealer, and
35 so we don't have this check-and-balance system of a vessel and
36 compared to a dealer report, and so how do we deal with an RSA
37 program that's being landed from a for-hire vessel?

38
39 Then we had a lot of vessels just participating in the program,
40 and I don't even think 2014 was our peak year. I think it was
41 more like 2012, but, just in the last year of the program, there
42 were 103 vessels that had exempted fishing permits at the state
43 or federal level, and they took more than 2,000 RSA fishing
44 trips, and so that's a lot of trips for law enforcement to be
45 monitoring, and it's a lot of trips for state and the federal
46 partners to be monitoring all of that quota, and so dealing with
47 all of those trips, and all of those vessels, made it very
48 complicated and time consuming.

1
2 Then we had a number of problems with the research, and this was
3 the whole point of the whole program, was to generate solid
4 research for management, but a number of the projects failed
5 peer review, once the science was done on them, and we had a
6 number of projects that had either limited or no utility to the
7 management process, and so I think there were failures in a
8 number of ways, in regard to the actual review of proposals and
9 the review -- You know, sort of the check-ins with project
10 investigators, to make sure things were on track, and then a
11 sort of comprehensive review, after the research was done, to
12 make sure that the program, or the research that it was going to
13 do, that it had initially laid out to do, and so there were a
14 number of failures, I think, across-the-board, in regard to why
15 the research failed in the Mid-Atlantic.

16
17 We also had a lack of principal investigator interest. I had
18 indicated, earlier, that that NEAMAP survey was really critical,
19 that we funded that survey, and that has huge industry buy-in.
20 That survey is run off of a commercial fishing vessel, and
21 people really like that survey. It's been up and running since
22 2007, and it's used in all of our stock assessments, and it's
23 now actually being funded by NOAA Fisheries, and so it's really
24 critical, and it was great that the RSA program supported that
25 project.

26
27 However, it cost about a million dollars to run that survey
28 during that time period, and you saw that we were only
29 generating a million, or a million-and-a-half, to \$2 million, on
30 an annual basis, for the RSA, and so most of the funds were
31 going to support that NEAMAP survey, and so principal
32 investigators were disinterested in applying to Mid-Atlantic
33 RSA, because they knew that most of the funds were going to go
34 support the NEAMAP survey, and so that was -- It really
35 disinterested a lot of people from actually applying and getting
36 some different research opportunities up and running.

37
38 Given all of that, all of those concerns, the Mid-Atlantic
39 Council suspended the program in 2015 and set all of the
40 following quotas, in the following year, to zero, or set all of
41 the RSA quotas to zero in the following year, and it hasn't been
42 restarted since then.

43
44 I just did want to touch upon this, before I get into some of
45 the council's reconsideration of the RSA program, but there are
46 differences between how the New England Council and the Mid-
47 Atlantic Council's program operates, and certainly the
48 foundations is very similar, but how you implement the program

1 is different, and there are different challenges because of
2 that.

3
4 I've talked a lot about all of these already, and so I won't get
5 into all of the details, but we have these -- You know, we are
6 running them across multiple FMPs, and we have multiple species
7 within one FMP, and a lot of those are mixed fisheries, and so
8 that's very different than the New England system, and we have
9 this joint management with the states, and that makes it even
10 more complicated, in terms of how those things break down.

11
12 We have a diversity within our -- Across our fishing sectors,
13 certainly within our commercial fishing sector, and we have
14 different gear types, different types of vessels. We have
15 state-only vessels, and we have federally-permitted vessels, and
16 so, you know, each state has different nuances, in terms of how
17 their fishery operates, and then we also allow both commercial
18 and for-hire boats to participate in the program, which made
19 additional administration -- It made it even additionally
20 complicated as well.

21
22 We had all of these different state permitting and
23 administrative components to be thinking about. As Jonathon had
24 indicated, two of their RSA programs are sort of a fixed -- You
25 know, either a fixed amount, or a fixed days at-sea, where,
26 within our system, the council could set anywhere from zero to 3
27 percent of the total allowable landings aside within any given
28 year, and so we wouldn't know how much would be set aside in any
29 given year until the council went through that process annually,
30 through their specification process, and that made some
31 uncertainty, in regard to how much money, or how much poundage,
32 might be available. Then we didn't have as good of a review, in
33 sort of this outreach of the results, the way that the New
34 England Council had set theirs up.

35
36 However, even with those issues that the Mid-Atlantic Council
37 system did have, we still have lots of research needs, right,
38 and we all create our research priorities document, that all
39 councils are responsible to put together, and ours is over a
40 hundred research priorities long, and we still have funding
41 needs, right, and so there's still this interest in whether or
42 not we want to have an RSA program in the Mid-Atlantic.

43
44 In 2020, the council agreed to put it on their implementation
45 plan, to at least review and consider the redevelopment of the
46 RSA program. Then, in 2020, COVID hit, and that sort of delayed
47 lots of things, but I think it actually turned out to be pretty
48 good that we delayed things off of 2020, and we really dove into

1 what the issues were with the old program, through these series
2 of four exploration workshops that we held through 2021 and
3 2022.

4
5 We really looked at the old issues and what are some potential
6 newer revised approaches that we could come up with to address
7 those old concerns, and, at the same time, our SSC had formed an
8 economic workgroup in 2020, really to try to take advantage of
9 our social and economic members on our SSC that felt like they
10 weren't engaged enough on different activities, and so they
11 formed in 2020, and this was the project that they decided to
12 get involved in first.

13
14 They provided a lot of technical information, and they looked at
15 how you might set up an auction to raise -- You know, to
16 maximize revenues, and they provided a lot of strategic advice
17 to our research steering committee on some of the economic
18 considerations that you might want to think about when you
19 develop a revised program.

20
21 The council came up with -- I won't go through these in any
22 great detail, and I just put these here to give you a flavor of
23 what our council is thinking about, in regard to revising the
24 program, and so, when the first program was set up, there was
25 one goal, and I think I talked about that on my very first
26 slide, which was really to generate funds for needed research
27 and to build sort of collaboration and trust within the public.

28
29 Well, certainly research is still the number-one goal. That's
30 the point of the whole program, is to generate research, but we
31 certainly built out what that particular research goal should
32 look like, but, given our lessons learned from the old program,
33 we also felt that enforcement and the administration of the
34 program was a really important goal that we needed to be
35 thinking about.

36
37 Certainly you need to generate funds to support the research,
38 and so that's obviously a critical goal, and we still want to
39 build a program that, you know, builds collaboration and trust
40 between the scientific and fishing communities and the general
41 public, and so those still -- Many of those that you found in
42 the original program are still here, but sort of building out
43 what those might look like.

44
45 Within those different goals, we also had a series of
46 objectives, and, again, I'm not going to go through these, but
47 these are all here. We have about twenty different objectives
48 across the four different goals that we have, and I just put the

1 goals and objectives here, because these goals and objectives
2 really help our research steering committee and the council put
3 together a framework for a potentially revised program.

4
5 If these are our goals and objectives for the program, how do we
6 structure a new program to meet all of these different goals and
7 objectives, and prioritizing them was really critical as well,
8 right, because, under Goal Number 3, we have where you may want
9 to maximize your revenue from the RSA program, and, in order to
10 do that, you may want to maximize the number of vessels that
11 participate.

12
13 However, under Goal 2, you want to minimize the law enforcement
14 and administrative burdens, and so there's a balance. If you
15 allow hundreds of vessels to participate, to maximize revenue,
16 you're also going to be compromising your ability to effectively
17 enforce and administer that program, but, since Goal 2 is a
18 higher-priority goal, you're going to sort of focus a program
19 that addresses minimizing those law enforcement and
20 administrative burdens over maximizing the revenues, and so
21 maybe you'll take a little bit of hit on your revenue, but at
22 least you can have a program that you can enforce and
23 effectively administer.

24
25 Again, I don't plan to go into detail, and I just wanted to
26 provide these to you all, so that you could have the slide and
27 see, and these are all the different things that we were trying
28 to address through a new program, and there are a lot of
29 different concerns and areas that we need to improve our RSA
30 program, and this just gives you a sense of the kinds of things
31 that we are trying to address.

32
33 Here, I will just touch upon a couple of those things, in regard
34 to what the program is thinking about doing to address some of
35 those concerns, and I won't go through, again, all of these
36 things, but I would say that, back in 2014, when the program
37 ended, electronic reporting really wasn't in place at that point
38 in time.

39
40 Now, we have, for all for-hire fisheries and our commercial
41 fisheries, it's mandatory electronic reporting for all of our
42 fisheries in the Mid-Atlantic, and so how can we capture and
43 utilize this electronic monitoring system and data reporting
44 system that we have in place that we didn't have in 2014, and so
45 it's really thinking about collecting that appropriate
46 information and reporting it on a timely basis and flagging an
47 RSA trip, so people can see what trips are being done as an RSA
48 trip versus a standard trip, and so that's just one area, for

1 example.

2
3 We're allowing -- We were thinking about requiring vessels to be
4 equipped with VMS, or AIS, to allow law enforcement to track
5 those RSA trips, and that's very different, and most vessels in
6 the Mid-Atlantic, unlike New England, do not have VMS on those
7 boats.

8
9 There are some, in some fisheries, but most of them do not, and
10 so that would be a big expense for some vessels to participate
11 in the program, but the council, and our research steering
12 committee, think that might be worth pursuing, having vessels --
13 In order to participate in the program, you're going to have to
14 put in this investment, so that we can effectively enforce and
15 monitor what's happening on an RSA trip. These are just some of
16 the things that the committee, and the council, are thinking
17 about to address some of these concerns.

18
19 This is I think my last slide, and so, two weeks, ago, I
20 presented -- When I say the council, our research steering
21 committee held a series of those four sort of scoping workshops,
22 and they've held a series of meetings in between all of those
23 workshops, to flesh out what a new program might look like, and
24 the council discussed all of those findings two weeks ago, at
25 their June council meeting, and they actually decided to
26 continue to move forward with the redevelopment of the program.

27
28 They didn't commit to actually starting the program yet, because
29 a lot of sort of details and decisions still need to be made,
30 but they felt that the work that has been done, and sort of the
31 framework that has been put in place for a new research set-
32 aside program, should be strong enough, or could be strong
33 enough, to effectively monitor all of the RSA program,
34 effectively enforce, and sort of minimize some of those
35 administrative burdens that the state and NOAA Fisheries was
36 implementing.

37
38 Since they agreed to continue to move forward, we're going to
39 have to hold some additional research steering committees, to
40 really get at some of these really bigger issues, this
41 administrative burden issue, making sure we have things aligned
42 that are effectively going to minimize those costs.

43
44 We've talked about the ability -- Not necessarily a tax, per se,
45 on research set-aside landings, but can we set aside a portion
46 of the funds raised, like through an auction, to support the
47 administrative costs of the states, and that's something we're
48 looking into, and we've talked to NOAA GC, and we've gotten some

1 mixed messages about what we may or may not be able to do under
2 something like that, and so that's something we still need to
3 look at, and we need to look at this vessel monitoring, this VMS
4 and AIS, and how do we actually want to go about doing it, and
5 what would the cost of the program be, and so looking at some of
6 those things, and, if we can't resolve some of those, then maybe
7 we can't even move forward with a program.

8
9 Assuming that we can, then we'll sort of spin up -- This is
10 going to require a framework, an amendment, to address all of
11 these issues, and we're going to need to do it jointly with the
12 Atlantic States Marine Fisheries Commission. Again, we jointly
13 manage a number of those fisheries, and both bodies are going to
14 need to agree on the amount of RSA that would be put aside in
15 any given year, and so it's going to be a joint management
16 action.

17
18 If all of that takes place, we could potentially look at an
19 implementation in 2024, and that wouldn't mean -- Research
20 probably wouldn't start until 2025, but, in 2024, the council,
21 during their specs process, would set aside maybe something for
22 an RSA program in 2024.

23
24 That's all that I have, and I am happy to -- My email and
25 telephone number are there, and I'm happy to take any questions
26 after this, if folks have any, and I'm happy to answer any
27 questions that you may have now, and I appreciate your time.

28
29 **CHAIRMAN RIECHERS:** We certainly thank you for that
30 presentation. We're having some discussions here at the table,
31 trying to manage our timeline a little bit here, and we had a
32 little bit of a technical delay earlier in the day, and is there
33 a chance that you would be available Friday morning, to be on
34 the phone, in Full Council session, in case people really want
35 to discuss this further, and I think we do have some questions
36 of you, but we're trying to manage time, but please just let us
37 know now, and that will tell us what we need to do at this
38 moment.

39
40 **MR. MUFFLEY:** Mr. Chairman, did you say Friday morning?

41
42 **CHAIRMAN RIECHERS:** Yes, sir.

43
44 **MR. MUFFLEY:** Yes, I'm free. I will be free.

45
46 **CHAIRMAN RIECHERS:** Okay. We'll make sure that staff then works
47 with you, to get you available for Friday morning, during that
48 session, to give that appropriate time, and what we're going to

1 do now is probably move on to our last presentation of the
2 committee item here, and we think we have time to get the
3 presentation in.

4
5 We may not get much discussion surrounding it, trying to keep us
6 on time, since we already have an executive session and a later
7 day ahead of us here, and so, with that, again, Brandon, we
8 thank you, but I will pause for a moment. If anyone, because of
9 Brandon's presentation, had a question of Jon, while he's still
10 here, we would go ahead and entertain that, if something came to
11 somebody that they really need to ask him before -- They could
12 email him, or if they would like to do it in-person here.

13
14 Hearing none, then we will move on. Matt, we're going to move
15 on to the next item then, and that's the presentation on Draft
16 Amendment 33.

17
18 **DRAFT AMENDMENT 33: MODIFICATIONS TO THE GULF OF MEXICO**
19 **MIGRATORY GROUP KING MACKEREL SECTOR ALLOCATION**

20
21 **DR. FREEMAN:** Thank you. I will go through the action guide,
22 very quickly. Council staff will present Draft Amendment 33,
23 which would modify sector allocations of Gulf king mackerel.
24 The committee should review and discuss the purpose and need
25 statements, draft alternatives, and the Joint CMP Fishery
26 Management Plan objectives.

27
28 The committee should then provide feedback to council staff, if
29 any revisions are needed. Next steps will be contingent upon
30 the committee's feedback, and the draft amendment may be
31 reviewed by the South Atlantic Fishery Management Council at its
32 next meeting in September.

33
34 It's then anticipated to come back to the Gulf Council in
35 October as a public hearing draft. The council should determine
36 if in-person public hearings are necessary for this action or if
37 virtual hearings and utilization of the Fish Rules app will
38 suffice. If in-person hearings are needed, staff anticipates
39 these occurring in early 2023.

40
41 You all have seen this previously, and, very briefly, the 2020
42 Gulf king mackerel update is it's not overfishing, nor is it
43 experiencing overfishing. The modifications that are proposed,
44 as you saw earlier, is catch limits were moved to Framework
45 Amendment 11, and they are currently in CHTS, and they are
46 proposed in FES in the framework, and that's not affected by
47 separate allocation, and then what is left in CMP 33 is to
48 address sector allocations, which are currently 68 percent rec

1 and 32 percent commercial.

2
3 Reallocation is being considered to address the differences in
4 sector landings relative to the sector ACL while accounting for
5 adjustments in historical rec landings from the replacement of
6 the MRIP-CHTS data with MRIP-FES data.

7
8 Here, to note the Joint CMP FMP objectives, the last time these
9 were modified was in Amendment 6, back in 1992, and the NMFS
10 procedural directive provides recommended practices during an
11 allocation review, which can include a council reassessing the
12 FMP objectives, if they are not current, clear, or measurable,
13 and, as I noted, the last time these were modified was back in
14 1992, which is part of the reason why they're in front of you
15 now, as well as it's helpful to identify the FMP objective, or
16 objectives, that CMP 33 is working to accomplish.

17
18 I won't -- For the sake of time, I won't read through each of
19 the objectives, and these are lengthy, and hopefully council
20 members have looked through them. There are a total of eight,
21 and so if we could skip to the next slide, very briefly, and
22 those are the remaining four, and then there's feedback from the
23 Gulf SSC.

24
25 Back in 2019, all of the FMP objectives for the various species
26 were presented, and the SSC did provide, at that time, some
27 comments and questions, and some of the FMP objectives did not
28 come back in front of the council until more recently, which is
29 why some of that feedback is being presented again now.

30
31 There were three items from the SSC. The first related to
32 Objective 1 and Objective 8, that they may be in conflict with
33 one another. The second was asking if Objective 1 could be
34 phrased similarly to Objective Number 6 of the Reef Fish FMP,
35 and then, lastly, if cobia should be added to Objective 7. I
36 will pause there, for just a moment, to see if any of the
37 committee members have any comments or feedback about the FMP
38 objectives or feedback from the SSC, and, if not, I will
39 proceed, but, like I said, I will wait just a moment.

40
41 **CHAIRMAN RIECHERS:** Any questions, committee members or other
42 council members? Leann.

43
44 **MS. BOSARGE:** So we skimmed through those pretty quick, and is
45 there one in there, and remind me, about data collection and
46 accountability?

47
48 **DR. FREEMAN:** Bernie, if you could show 1 through 4 and then 5

1 through 8. Okay. Bernie, could you go to the next one, the
2 next set for us? Okay. Ms. Bosarge, did you want to follow-up
3 on that?

4
5 **MS. BOSARGE:** Yes, and, I mean, that's one that probably should
6 be in all of our FMPs, and I believe it's in Reef Fish, and we
7 looked at it here a while back, and it had something to do with,
8 you know, encourage accountability and establish a data
9 collection program that met the needs of managing the fishery
10 and to encourage accountability, and so maybe, at the next
11 meeting, you could bring us back some draft language to add an
12 FMP objective that gets at that.

13
14 **DR. FREEMAN:** Just, for quick reference, the objective related
15 to that for reef fish, and I can certainly bring a draft version
16 at Full Council, but I would just read it very quickly. For the
17 Reef Fish FMP, it said to achieve robust fishery reporting and
18 data collection systems across all sectors for monitoring the
19 reef fish fishery which minimizes scientific, management, and
20 risk uncertainty.

21
22 **CHAIRMAN RIECHERS:** So Leann is at least wanting to have that
23 included in the discussion document and/or a little more
24 fleshing-out of that, and maybe come back to the Full Council
25 and/or, as you said, the next meeting, whatever works here.
26 There may also be some who want to at least look at those, and I
27 just might turn again to those SSC comments and some of the
28 tensions, or conflicts, that arise there in these eight
29 objectives. It's not unusual that we have tension, or
30 conflicts, in objectives, but you may want to look at those. Go
31 ahead, Matt.

32
33 **DR. FREEMAN:** Okay. Perfect. These are the updated purpose and
34 need statements. Obviously, the language had to be modified
35 after we split out Framework 11 from CMP 33, and so the new
36 purpose statement reads that the purpose of this amendment is to
37 revise the Gulf king mackerel allocation between the commercial
38 and recreational sectors in order to address the differences in
39 sector landings relative to sector ACL.

40
41 The need is the need for this amendment is to increase social
42 and economic benefits for the king mackerel component of the CMP
43 fishery through sustainable harvest, in accordance with
44 provisions set forth in the Magnuson-Stevens Fishery
45 Conservation and Management Act. Like I said, this is the first
46 time the committee is seeing that language, and so I will pause
47 for a moment and see if there is any feedback, and, if not,
48 we'll proceed.

1
2 **CHAIRMAN RIECHERS:** Ms. Bosarge.

3
4 **MS. BOSARGE:** On that purpose, you know, a lot of the
5 conversation that we've had surrounding -- Because this is kind
6 of an underutilized fishery right now, right, and we don't
7 typically meet the ACL, and so I think we should probably look
8 at some language there that adds something like in order to
9 achieve optimum yield, or to strive to attain optimum yield in
10 the fishery, something like that, because that's a lot of the
11 conversation that we've had, in past conversation, as far as
12 what should this allocation be, you know, and we need to get
13 somewhat closer to achieving optimum yield in this fishery,
14 obviously while still encouraging accountability.

15
16 **CHAIRMAN RIECHERS:** Any other points to Matt or discussion
17 items? Okay. Matt.

18
19 **DR. FREEMAN:** Okay. I can consult with staff, before the
20 committee report, and see if we can provide some draft language
21 on that. All right. The next shows, with the sector
22 allocations, and, in particular, the second-to-last and the
23 third-to-last column shows the percentage of the sector ACL
24 landed for the commercial and recreational sectors from the
25 2012-2013 fishing year through the 2019-2020 fishing year, again
26 noting the relative landings versus sector ACL for those two.

27
28 Alternative 1 is to maintain the sector allocation of the total
29 ACL for Gulf king mackerel between the commercial and
30 recreational sectors. The sector allocation for Gulf king
31 mackerel is 32 percent commercial and 68 percent recreational.
32 This allocation was derived from average landings using
33 available landings data from the years 1975 through 1979 and
34 established in Amendment 1 to the CMP FMP in 1985.

35
36 Alternative 2 is to modify the sector allocations for Gulf king
37 mackerel by reallocating to the commercial sector 25 percent of
38 the average difference between the total landings from the 2016-
39 2017 through 2019-2020 fishing years using MRIP-FES data and the
40 total simulated ACL for Model 2 in Appendix B for the predicted
41 total landings by sector and the total projected ACL. The
42 resulting sector allocation for Gulf king mackerel is 42 percent
43 commercial and 58 percent recreational.

44
45 For this one -- I will say, for Alternatives 1 through 3, in
46 just a moment, I will have a table that shows the finalized
47 sector percentages.

1 Alternative 3 will modify the sector allocation for Gulf king
2 mackerel by reallocating to the commercial sector 50 percent of
3 the average difference between the total landings from the 2016-
4 2017 through 2019-2020 fishing years using MRIP-FES data and the
5 total simulated ACL for Model 2 in Appendix B for the predicted
6 total landings by sector and the total projected ACL. The
7 resulting sector allocation for Gulf king mackerel is 53 percent
8 commercial and 47 percent recreational.

9
10 The first table shows, all the way in that last column, the
11 average difference for those four years, and so that's that
12 percentage that we're referring to in Alternatives 2 and 3, in
13 terms of shifting that between the commercial and recreational,
14 and then the bottom table shows the three alternatives and the
15 respective recreational and commercial sector allocation
16 percentages, as well as what the recreational ACL and commercial
17 ACL would be.

18
19 I will note too that, under Alternative 1, which is our no
20 action, as well as the other alternatives, we are basing the
21 poundage off of the council's current preferred in CMP Framework
22 11, since you all just selected Preferred Alternative 2. We
23 went ahead with the assumption, while we were working on the
24 document, that that would be a reasonable assumption for right
25 now, until you all had selected a preferred. We've got a
26 question.

27
28 **CHAIRMAN RIECHERS:** Ms. Boggs.

29
30 **MS. BOGGS:** I'm sorry, and I was trying to follow that, Matt,
31 and so you're using what was in CMP 11 here?

32
33 **DR. FREEMAN:** Yes, ma'am. If we add the rec ACL poundage with
34 the commercial ACL poundage, that is using Alternative 2 from
35 Framework 11 under the 2023-2024 fishing year, because that
36 would be the soonest that this document would be in place, and
37 then, as well, the percentages under Alternatives 2 and 3,
38 again, with the new sector percentages, splitting it out.

39
40 **CHAIRMAN RIECHERS:** Now I think I had Dale.

41
42 **MR. DIAZ:** This is -- I guess I'm pointing towards a question,
43 but, generally, the way that I have looked at these FES
44 adjustments is I've kind of looked at them like I think one of
45 the -- This is just me speaking for myself, but the fairest way
46 to do it is to look at the original years of allocation and
47 apply that to the two numbers, and then you kind of get
48 everybody back to where they would be had FES never existed, or

1 probably as close as we can get.

2
3 Matt, that's really not practical here, because the years 1974
4 through 1979, or whichever ones those were, and I did read the
5 document, and I can't remember off the top of my head, but
6 there's reasons why those -- We really can't go back and do that
7 again, and could you speak to that, real quick, about why we
8 can't go back and do that? I also want to say I recognize this
9 fishery is substantially different than most of the other ones
10 that we've had FES adjustments on, but, still, I wanted to make
11 that point.

12
13 **DR. FREEMAN:** Absolutely, and to note, as you referenced, that
14 is addressed in the document, why it would be difficult to use
15 those same years under FES and sort of derive a status quo.
16 What we have in the document is that landings prior to 1981 have
17 not been calibrated to the MRIP-FES data, and so we don't have
18 an updated alternative from the 1975 through 1979 that we could
19 speak to you about.

20
21 **CHAIRMAN RIECHERS:** Any other comments or questions? Clay.

22
23 **DR. PORCH:** I just wanted to add that it's not only that they
24 haven't been calibrated, but they're just not supported at all,
25 and so there are no recreational estimates supported in any
26 currency prior to 1981.

27
28 **CHAIRMAN RIECHERS:** Thank you for that. Matt, are you ready to
29 move on?

30
31 **CHAIRMAN RIECHERS:** Yes, sir. This table, or a version of this
32 table, was in the previous document, and so we've expanded it
33 slightly, and this is a comparison of Alternative 2 and
34 Alternative 3, the average of the sector-specific landings from
35 the last four fishing years, being the 2016-2017 fishing year
36 through the 2019-2020, and so, starting in the left-most column,
37 where we have the average rec landings in FES, at roughly 4.6
38 million pounds, carrying that over, as we move to the right, and
39 Alternative 2 would have the rec sector ACL at 5.76 million
40 pounds, and so, again, based off of average rec landings that
41 we've seen for those previous four fishing years, that would be
42 suggesting that they would land 80.2 percent of the rec sector's
43 ACL under Alternative 2.

44
45 Alternative 3, which shifts more of the rec sector to the
46 commercial, that percentage, the rec sector ACL here would be
47 4.73 million pounds, and so, again, looking over at the average
48 rec landings in FES, which is 4.62 million pounds, that would

1 suggest that, if the council went forward with Alternative 3,
2 the rec sector may wind up landing 97.6 percent of the rec
3 sector's ACL.

4
5 The next two portions of the table are focused on the commercial
6 sector, and so the next portion takes the average commercial
7 landings under Simulation 2, and so these are predicted
8 commercial landings, in essence, had the commercial sector not
9 been constrained by its ACL in those previous years, and so it
10 predicts that the commercial landings would have been roughly
11 4.11 million pounds. Carrying that over to Alternative 2, it
12 would suggest that the commercial would land 97.3 percent of its
13 sector ACL.

14
15 If we move over to Alternative 3, it would be 78.2 percent of
16 the sector ACL. This last portion, in particular, is new to the
17 table, and, here, we took the average commercial landings as
18 they are, which, again, in this case, has been historically
19 constrained, and so, there, the average for those four years has
20 been 2.84 million pounds, and so assuming that the commercial
21 did not land more than it had been historically, under
22 Alternative 2, that would be 67.3 percent of the commercial
23 sector ACL, and, under Alternative 3, it would be 54.1 percent
24 of that sector ACL. I will pause here for just a moment, if
25 there are any questions about any of those numbers.

26
27 **CHAIRMAN RIECHERS:** I would say move on to the next slide, Matt.

28
29 **DR. FREEMAN:** Okay. Perfect. This is some additional
30 information, and I have this table as well in Framework 11, and
31 I used it as part of the econ analysis, but I thought it was
32 relevant, as we look at the sector reallocation here in CMP 33.

33
34 This is the Gulf king mackerel bag limit distribution from the
35 2015-2016 through 2019-2020 fishing years, and you will remember
36 the bag limit, per person per day, increased from two to three,
37 and that was implemented in 2017, and, yet, even through this
38 range of the fishing years, we're still seeing that the bag
39 limit distribution is highly concentrated at one king mackerel
40 per person. I can pause there, for just a brief second, if
41 there's any questions. Otherwise, I will move along.

42
43 Not seeing any, and so we'll go to the next slide, and this was
44 a previous request, but I still wanted to leave it in the
45 presentation, in case folks wanted to see it, and this is
46 recreational catch versus releases, in FES, from 2016 through
47 2020. That end the presentation, and I will field any other
48 questions, or we're open to discussion.

1
2 **CHAIRMAN RIECHERS:** Any questions of Matt? Leann.

3
4 **MS. BOSARGE:** Matt, that simulation, can you tell me that one
5 more time, how they came up with those percentages simulating
6 what the commercial catch might be, if they hadn't shut us down
7 every year?

8
9 **DR. FREEMAN:** Sure. I will probably defer to Ryan for a little
10 bit more of the discussion there, but my basic understanding is
11 we've seen the commercial sector has been historically
12 constrained by their sector ACL, and so the simulation looked
13 at, had that ACL been different, what the commercial sector
14 landings may have been, and I know there's more to that, and so
15 I'm going to defer to a biologist and let him explain it.

16
17 **MS. BOSARGE:** I will get to the point, and so did you include
18 years in there where we had this COVID effect, when our landings
19 were pretty significantly down, and assume that that would be
20 the case going forward in a simulation? The 2019-2020 and 2020-
21 2021 landings?

22
23 **MR. RINDONE:** I am working on pulling that stuff up, and so this
24 is all based off of the simulation that the Science Center was
25 kind enough to drum up for us, and it was in an appendix. There
26 it is. Okay.

27
28 If you look at -- If you go all the way down to Appendix B,
29 Table 1 in Appendix B, and so this is where this all starts
30 anyway, and so this is from the analysis of the SEDAR 38 and 38
31 update models that the Science Center gave to us last March, and
32 we talked about on and off since then, and so this table shows
33 the breakdown of how this analysis worked.

34
35 The first model was the original SEDAR 38 model, which used CHTS
36 and the 2012 estimate of shrimp bycatch. Then the Science
37 Center transitioned to Model 2, which retained the 2012 terminal
38 year, but used the SEDAR 38 update model, which used MRIP-FES
39 landings for the private vessel fleet and retained the 2012
40 shrimp discard mortality.

41
42 Model 2 is most representative of what SEDAR 38 would have been
43 like had we used FES instead of CHTS, if everything else had
44 been the same, and so then Model 3 updated SEDAR 38, again
45 through 2012, and it used FES and the updated shrimp bycatch,
46 using data through 2020, and it modeled for -- It used a
47 terminal year of 2017, just like the SEDAR 38 update, with
48 everything else done the way that it had been done for the SEDAR

1 38 update, and so that was the progression there. Now, Ms.
2 Bosarge, were you asking specifically about the analysis for --

3
4 **MS. BOSARGE:** No, not these simulations. The one where, on that
5 -- Some kind of table where you said that, in the future, we
6 think, if commercial catches were not constrained, as we have
7 been constrained, they would probably land about this much, and
8 that would be this percentage of their new allocation, if we
9 increased their allocation, and do you have the page on that,
10 Matt?

11
12 **DR. FREEMAN:** Page 22.

13
14 **MS. BOSARGE:** Page 22? Okay, and page 23 has the table. Yes,
15 there we go. It's Table 2.1.5, that simulation right there.

16
17 **MR. RINDONE:** Right, and so this was based on the request that
18 you had made at a previous meeting of which model to use and to
19 make the assumption that the commercial sector, if allocated
20 those pounds in the past, would have landed it, and so the
21 percentage was based off of that, and so we used Model Number 2,
22 which the only thing that Model 2 updated was going from CHTS to
23 FES, and it left everything else, the terminal year of 2012, the
24 shrimp discard mortality from 2012, and everything else remained
25 the same, and just changing the private recreational effort.

26
27 That had all been done that way for the original SEDAR 38
28 assessment, and the average landings for the commercial fleet,
29 if Model Number 2 had been reality for SEDAR 38, it would have
30 been approximately 4.1 million pounds, and so that's where that
31 average commercial landings comes from, is the guidance from
32 that. It assumes that, if the commercial sector had been given
33 those pounds, back in 2017, that they would have caught them,
34 that that would have been the average landings.

35
36 **MS. BOSARGE:** Okay. I got you. When I read that, I guess I --
37 Maybe I need to read the discussion you have with it, because,
38 just at face value, that says, to me, if you gave the commercial
39 sector a quota of 5.2 million pounds, 5,256,499, if you gave us
40 that, we could only land 78 percent of it, and that's how it
41 reads to me, but I can tell now that's not what you are saying,
42 necessarily, and so maybe we just, I don't know, put an asterisk
43 there or something, so that we don't misinterpret that in the
44 future.

45
46 **MR. RINDONE:** The appropriate interpretation of this table is
47 that it's a comparison of the average landings that we presume
48 they -- Or what they would have been, versus what is being

1 proposed in the right column, and so, if we assume that Model
2 Number 2 had been reality back in 2017, we would have set catch
3 limits on this, and what we're saying here is that the assumed
4 average landings from the commercial fleet are equivalent to
5 about 97 percent of what's under Alternative 2, and so that
6 assumes, again, all these things being put together, that, if
7 you selected Alternative 2 as preferred, that the commercial
8 sector could be expected to land darn near all of it, but, if
9 you selected Alternative 3, then, based on the assumed average
10 landings, that they would be expected to land about 78 percent.

11
12 Likewise for the recreational sector, they would be presumed to
13 land 80 percent of it, under Alternative 2, or darn near all of
14 it under Alternative 3, and, again, there's going to be some
15 uncertainty around these, just based on -- If you look at how
16 accurate the closures have been for kingfish and the
17 recreational landings, and so please be considerate of that when
18 looking at these percentages.

19
20 **CHAIRMAN RIECHERS:** Thank you. Mara.

21
22 **MS. LEVY:** I guess that -- I mean, I hear what Leann is saying,
23 and so I'm kind of wondering, and so the average landings of
24 4.12 million pounds assumes they would have caught everything
25 they would have gotten, had that been the assessment result, but
26 then we're comparing it to Alternatives 2 and 3 and say, well,
27 we would only expect them to catch 78 percent of Alternative 3,
28 but I think what Leann is saying is you could also assume that
29 they would catch it all, right, because we don't know, and we've
30 got this average by an assumption that they caught all that they
31 would have gotten, and so I think we just need to be really
32 clear about what we're doing and how we're using it.

33
34 **MR. RINDONE:** Just in response to that, the assumption that they
35 would have caught all of that four-point-one-one-whatever was a
36 request for a caveat from the analysis from the council, that we
37 assume that the commercial sector would have caught everything
38 they were given at the time, and that assumption was validated,
39 or at least supported, by the landings trends from the
40 commercial fleet in time. Generally speaking, they have caught
41 what they have been given, and they have been closed, due to
42 quota closures, before the end of the fishing season.

43
44 Yes, we could assume that they would also catch 4.22, or we
45 could also assume that they could catch 5.25, but maybe they do
46 or maybe they don't, and we certainly can further elaborate on
47 that in the document, if it helps the committee and the council.

48

1 **CHAIRMAN RIECHERS:** Matt, you've got one last shot at this, but
2 then we're fixing to turn it over to the Chairman.

3
4 **DR. FREEMAN:** Sounds perfect, and so, again, just to sort of add
5 to what Ryan was explaining, and perhaps I didn't explain that
6 well enough, again referencing the table, this is simply a
7 comparison of either what the predicted landings were or the
8 actual historic landings are relative to what's proposed under
9 Alternative 2 and Alternative 3, assuming that is what they
10 harvest, and, as I think even Mara added, they don't increase
11 effort.

12
13 **CHAIRMAN RIECHERS:** Mara, go ahead.

14
15 **MS. LEVY:** Thanks. I mean, I want to make sure we're really
16 clear, because the recreational side is a little different,
17 right, and so, the recreational side, we're saying this is what
18 your landings would have been historically, had it been FES, and
19 we're comparing it to what they would get now, which is measured
20 in FES.

21
22 That's very different than using a comparison for the commercial
23 sector that comes up with a number that assumes they would have
24 caught everything they got, but then you're comparing it to the
25 new number and kind of saying, well, then we might expect them
26 to catch 78 percent, and I just feel like they're very
27 different, but we've kind of lumped them together, and so I can
28 see how it makes it confusing, and we just need to be careful
29 about that.

30
31 **CHAIRMAN RIECHERS:** Well, certainly, as we move forward, the
32 document needs to be really clear about those assumptions. With
33 that though, we're going to go ahead and turn it back over to
34 Dale. He and I have been discussing this, and please go ahead
35 and review -- Well, thanks to our Mid-Atlantic and our New
36 England partners, and review that presentation from the Mid-
37 Atlantic, so that, if you have any questions on Friday morning,
38 you have those prepared, and please take a look at that again,
39 and, if you have any questions of Jon, he's still here in the
40 audience, but he may be getting out pretty quickly, and so talk
41 to him as well. With that, Dale, we'll turn it over to you.

42
43 **MR. DIAZ:** Thank you, Mr. Riechers. We are running just a
44 little bit behind, but I would encourage folks -- I am not
45 trying to cut off discussion on this. Whenever we get to this
46 point of the committee report, where we're talking about Draft
47 Amendment 33, if people have any strong feelings about where we
48 need to go with this document, or things that need to be changed

1 in the alternatives, that would be very helpful. With that,
2 let's take a ten-minute break, and we're going to start back up
3 at 4:20, and we will proceed through our agenda. Thank you.

4

5 (Whereupon, the meeting adjourned on June 21, 2022.)

6

7

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