

GULF OF MEXICO FISHERY MANAGEMENT COUNCIL
SHRIMP MANAGEMENT COMMITTEE

Hilton Palacio del Rico Hotel San Antonio, Texas

August 23, 2021

VOTING MEMBERS

- 10 Leann Bosarge.....Mississippi
- 11 Kevin Anson (designee for Scott Bannon).....Alabama
- 12 Patrick Banks.....Louisiana
- 13 Dale Diaz.....Mississippi
- 14 Dave Donaldson.....GSMFC
- 15 Robin Riechers.....Texas
- 16 Andy Strelcheck.....NMFS

NON-VOTING MEMBERS

- 19 Susan Boggs.....Alabama
- 20 Billy Broussard.....Louisiana
- 21 Jonathan Dugas.....Louisiana
- 22 Phil Dyskow.....Florida
- 23 Tom Frazer.....Florida
- 24 Bob Gill.....Florida
- 25 Martha Guyas (designee for Jessica McCawley).....Florida
- 26 Lisa Motoi.....USCG
- 27 Bob Shipp.....Alabama
- 28 Joe Spraggins.....Mississippi
- 29 Greg Stunz.....Texas
- 30 Troy Williamson.....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 Camilla Shireman.....Administrative & Communications Assistant
- 45 Carrie Simmons.....Executive Director
- 46 Carly Somerset.....Fisheries Outreach Specialist

OTHER PARTICIPANTS

- 49 Jennifer Lee.....NMFS

1 Alan Lowther.....NMFS
2 Kerry Marhefka.....SAFMC
3 Nathan Putnam.....LGL, TX
4 John Walter.....SEFSC

5
6
7

- - -

TABLE OF CONTENTS

1
2
3 Table of Contents.....3
4
5 Table of Motions.....4
6
7 Adoption of Agenda and Approval of Minutes and Action Guide and
8 Next Steps.....5
9
10 Update on Effort Data Collection for 2021.....6
11
12 Draft Framework Action: Modification of the Vessel Position Data
13 Collection Program for the Gulf of Mexico Shrimp Fishery.....12
14
15 Section 7 Consultation on the Shrimp Industry and Protected
16 Species.....36
17
18 Adjournment.....45
19
20
21

- - -

TABLE OF MOTIONS

PAGE 27: Motion to not incorporate Draft Options 2b and 3b in Action 1 of the draft framework action. The motion carried on page 28.

PAGE 29: Motion in Action 1 to add the following language to Alternatives 2 and 3. Alternative 2: The owner or operator of a shrimp vessel with a valid or renewable Gulf shrimp moratorium permit (SPGM) would be required to install an approved vessel monitoring system (VMS) that archives vessel position "when on a fishing trip in the Gulf of Mexico" and automatically transmits that data via cellular service to NMFS. Alternative 3: The owner or operator of a shrimp vessel with a valid or renewable SPGM would be required to install an approved electronic logbook that archives vessel position "when on a fishing trip in the Gulf of Mexico" and automatically transmits that data via cellular service to NMFS. The motion carried on page 32.

PAGE 33: Motion in Action 1, Alternative 2 to add the following language: Alternative 2: "Implement a VMS requirement for the Gulf shrimp fishery." The owner or operator of a shrimp vessel with a valid or renewable Gulf shrimp moratorium permit (SPGM) would be required to install an approved vessel monitoring system (VMS) that archives vessel position "when on a fishing trip in the Gulf of Mexico" and automatically transmits that data via cellular service to NMFS. The motion carried on page 34.

- - -

1 The Shrimp Management Committee of the Gulf of Mexico Fishery
2 Management Council convened on Monday morning, August 23, 2021,
3 and was called to order by Chairman Leann Bosarge.

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

9 **CHAIRMAN LEANN BOSARGE:** First, before we jump right into the
10 Shrimp Committee, I would like to -- On behalf of the shrimp
11 industry, I would like to congratulate Andy on his new position.
12 Andy, I think that hard work and dedication is what got you that
13 position, and we are very proud of you and very excited to have
14 you in that position, and so thank you.

15
16 I would also like to welcome the new council members around the
17 table. I know I'm not there in person, and I apologize, but, in
18 this world of COVID, we are in quarantine right now, my kids and
19 I, and so it is in our household, and so bear with me.

20
21 I also like to welcome our new council members and encourage
22 them to participate in the Shrimp Committee, to whatever extent
23 you feel comfortable, and I always welcome feedback and input
24 from both committee members and council members that may not be
25 on the committee, and so feel free to do that.

26
27 One question for Chairman Frazer, and is it possible -- I was
28 just kind of listening to how the last committee went, and is it
29 possible for staff to put the names on the board for me of not
30 only people that raise their hands on the webinar, but also
31 people that raise their hands in the meeting room, to kind of
32 make it more efficient, and is that possible?

33
34 **DR. TOM FRAZER:** Yes, we can give that a whirl, Leann. I think
35 the issue really is just I was trying to help save a little
36 time, but we can certainly do that approach, try it and see if
37 it works, and so I will identify the hands, and I will get them
38 over to Bernie, so you can see them.

39
40 **CHAIRMAN BOSARGE:** Okay. All right, and, if you think it ends
41 up being less timely, then, please, we'll go back to the way it
42 was, because, honestly, that's why I was trying to go that
43 route, was to make it more timely, because you know I always run
44 over budget on my time, and so I will follow your lead. You
45 tell me if it's not working, and we'll punt, and we'll go back
46 to the way you were doing it before. I have no problem with
47 that.

1 All right, and so, with that, I would like to call the Shrimp
2 Management Committee to order. I will remind you of the
3 membership, which is myself as Chair, Mr. Banks as Vice Chair,
4 Mr. Anson, Mr. Diaz, Mr. Donaldson, Mr. Riechers, and Mr.
5 Strelcheck.

6
7 The first item is the actual adoption of the agenda, which can
8 be found under Tab D, Number 1. Were there any additions or
9 changes to the agenda that anyone wanted to make? All right.
10 Seeing no hands on the board, and no feedback from Dr. Frazer, I
11 will assume that the agenda is adopted as presented.

12
13 The next item on our agenda is the Approval of the June 2021
14 Minutes, which can be found under Tab Dr, Number 2. Were there
15 any modifications or amendments that needed to be made from
16 those minutes from our last committee meeting?

17
18 **DR. FRAZER:** I am seeing no hands, Leann.

19
20 **CHAIRMAN BOSARGE:** Thank you. All right. Seeing no hands, the
21 minutes are adopted as presented. Next is our Action Guide and
22 Next Steps, which can be found under Tab D, Number 3, and I will
23 let Dr. Freeman go through that as we get into each agenda item,
24 and I think that would probably be the most efficient way to do
25 that, and I believe that Dr. Freeman is participating virtually
26 as well. With no further ado, the next item on our agenda is
27 the Update on Effort Data Collection for 2021, which is Tab D,
28 Number 4. Before we turn it over to Dr. Lowther, I am going to
29 turn to Dr. Freeman to just introduce that agenda item, please.

30
31 **UPDATE ON EFFORT DATA COLLECTION FOR 2021**

32
33 **DR. MATT FREEMAN:** Thank you, Madam Chair. With this agenda
34 item, the committee will be presented with an update on
35 retrieval of data from the cELB units in use aboard federally-
36 permitted Gulf shrimp vessels since 3G transmission was
37 discontinued back in December of 2020. The committee should
38 consider the presentation and ask questions. This information
39 does not require any formal committee action.

40
41 **CHAIRMAN BOSARGE:** All right. Thank you, Dr. Freeman. Dr.
42 Lowther, are you ready, sir?

43
44 **DR. ALAN LOWTHER:** Yes, I am. Thank you, Madam Chair. What I
45 will be providing is an update on how the retrieval of the
46 vessel position recorder data is going from what we're calling
47 the cellular electronic logbook, even though the cellular
48 portion of it is no longer working.

1
2 I am Alan Lowther, and I'm with the Fisheries Statistics
3 Division, and I work with Dave Gloeckner and John Walter, who
4 are also on this call, and I am new to the shrimp world, and so
5 bear with me. If I can't answer all the questions, I can at
6 least find people who can answer all the questions, and so I am
7 getting immersed in the ways of this effort collection.

8
9 What I wanted to do is just start off kind of reminding
10 everybody where we are in this process, and then we will -- I
11 will give an update on kind of how the process is going, and so,
12 first of all, the units ceased transmitting their location data
13 to us, and so we had no way to retrieve the data from the cELB
14 units. They still collect the data, but they're not
15 transmitting, and so, as a stopgap measure, it was decided that
16 what we would do is continue to use the units, but we would need
17 to actually have the SD cards, which records the location data,
18 sent back to us from the shrimpers.

19
20 In order to maintain the data collection, we worked out a
21 process where the first step was to develop the instructions for
22 the fishermen to remove the old card and install a new card and
23 then send all the fishermen a new SD card in a mailer with these
24 instructions, along with a return-address mailer for them to
25 send it back to our Galveston Lab, and so these were both --
26 This part of the work was completed in the middle of May.

27
28 We asked the Gulf States to be able to take the SD cards from us
29 and load them onto their server, in order for us to isolate
30 potentially infected cards. We had some issues with being
31 allowed to put it onto a federal government computer, due to IT
32 security restrictions, and Gulf States was able to facilitate
33 that process for us, and we really appreciate that.

34
35 They downloaded the data from the cards and then transmitted the
36 data to us, and so they developed the table, and then our IT
37 staff worked with them to be able to pull down the data that
38 they were putting onto their server and then get it into a table
39 that we could access, and that was fully tested and implemented
40 by the end of June.

41
42 Before we sent all the mailing materials to everyone, we did
43 send a postcard explaining that it would be coming, that these
44 changes would be coming, and then the letter was sent with the
45 return package, and that was sent by May. We completed all
46 these things by the schedule that we had laid out, for the most
47 part, and there were a couple of things that were maybe a couple
48 of weeks behind, but, ultimately, we sent 493 packages on June 1

1 with these that had the SD card, the return mailer, and the
2 instructions.

3
4 The text that's in black is what we had provided, and the blue
5 is just to update you, and so we did receive -- We received the
6 SD cards at Galveston and then forwarded them to Gulf States.
7 We agreed that Gulf States would try to do this procedure within
8 one month of receiving them, and they've actually been able to
9 do it much quicker than that, and so we really appreciate that.
10 They told us that the process has gone quite smoothly, and so
11 we're very appreciative of that.

12
13 Then what we are doing is then we receive data back from Gulf
14 States, and we're in the process of looking at the data we're
15 receiving and trying to identify whether we're receiving good
16 data or bad data from the units, and we did send a large number
17 of replacement units on June 7, and these were ones that were
18 identified as needing replacements before getting the data back,
19 and so, now that we have received the data back, we're examining
20 those, and we will see how many replacement antennas we
21 potentially need to send.

22
23 Then, after Gulf States downloads the data, they return the
24 batches of used chips to Galveston, and then the idea was that
25 that we would repeat this process as needed, but once in the
26 fall.

27
28 Where are we in this process? As I mentioned, 493 replacement
29 SD cards were sent out. So far, we have received -- Well, as of
30 probably a week ago, we had received 212 returns, and we have
31 probably received a few more since then, but these are ones --
32 I'm sorry, but, as of July 26, and these were sent to Gulf
33 States Marine Fisheries Commission in two batches. 103 were
34 sent on July 13, and 109 were sent on July 26.

35
36 Of the first batch, ninety-five contained data, and we were able
37 to successfully transfer the data to our cELB server in
38 Galveston, where we're in the process of analyzing the data.
39 Then, the second batch, we're currently looking at, and so I
40 think, in total, and so I have a little bit of updated numbers,
41 but we have had 212 come back, and we have 196 with data, in
42 total.

43
44 When we looked at that, and this is not on the slide, but this
45 is just some basic information, but we have 4.5 million rows of
46 data. Of that, 1.3 million rows had what appears to be bad
47 location data, and so, in other words, data where the antenna
48 seems to not be working, and so that's about 23 percent of the

1 data rows.

2
3 We just did a very quick comparison this morning, to see how
4 that compares with the electronic, when we were receiving the
5 cellular transmissions, and it's quite a bit higher, and I think
6 this makes sense, because we don't have the instantaneous
7 feedback, unfortunately. It's a slow process of sending out
8 cards and getting them back, and so we're seeing more antennas
9 that appear to not be working, and the process for replacing
10 them will take some time.

11
12 We're in the process of analyzing the data we've received so
13 far, and, like I said, that has just started, and so I gave you
14 some very preliminary numbers, but we really need to kind of
15 delve into it a lot more. One of the things that is perhaps
16 concerning is that, of the 493, we have received back 212, as of
17 the end of July, and I imagine that we have a few more that we
18 have received in the intervening weeks, but we're still looking
19 at approximately 50 percent of the SD cards have been returned,
20 and so one of the things that I would like some -- Something
21 that maybe we can have a little discussion on too is how do we
22 get the other half of the fleet, who have received these, to
23 send them back to us?

24
25 Some potential ideas would be reminder postcards for the folks
26 we haven't received, but I think we may need other methods to
27 get these back, and I know that people don't always look at
28 everything they get in the mail, and maybe we can engage with
29 the industry groups and have some better outreach, in terms of
30 that.

31
32 We do plan on sending thank-you postcards to those that have
33 returned them, and then, like I said, we need to look at the
34 data that we're receiving and provide feedback to those who did
35 return them who may have a faulty antenna, and I suspect that
36 we're going to have a few of those. I think that may have been
37 the last slide. That's what I have, in terms of an update on
38 how the process is going. Thank you very much.

39
40 **CHAIRMAN BOSARGE:** Thank you, sir. That was a very thorough
41 presentation. Did anyone have any questions or feedback?

42
43 **DR. FRAZER:** Leann, I think it is actually, if it's okay with
44 you, going to be easier if I can just identify folks.

45
46 **CHAIRMAN BOSARGE:** Sure. That's fine. Go ahead, Tom.

47
48 **DR. FRAZER:** Mr. Riechers.

1
2 **MR. ROBIN RIECHERS:** If I am reading the last update on the
3 progress so far report, and you just said it, and I want to make
4 sure that I got it correctly, but, basically, half of those that
5 were sent out have been returned back, and then, as I'm
6 understanding it, about half of the ones that we have analyzed
7 from Batch 1 -- I'm sorry. Almost 100 percent of the ones that
8 came back have data, and so is there any reason -- Dave, have
9 you all had a chance to look, and are we thinking that Batch 2
10 is going to be positive in that same rate, basically?

11
12 **MR. DAVE DONALDSON:** I don't have any indication that it
13 wouldn't, and so, no, I haven't talked to them to know for sure,
14 but I don't anticipate any issues.

15
16 **MR. RIECHERS:** Then, as a follow-up to that, and I know this was
17 -- Certainly we have talked about this when Benny has been here
18 presenting in the past, the outreach that he provided to vessels
19 and getting those cards picked up and that sort of stuff, and I
20 guess I'm -- Since we sent out 493, what was our expected rate
21 of return, and does the 493 match what we had on vessels before
22 and what we needed to collect, or is it -- Did we build in a
23 return rate inside of that already, and so how does this current
24 113 and 109, 212 cards, relate to past reporting, from a
25 numerical standpoint?

26
27 **DR. FRAZER:** Dr. Lowther.

28
29 **DR. LOWTHER:** I'm sorry. Was that a question for me?

30
31 **DR. FRAZER:** Yes, it is.

32
33 **DR. LOWTHER:** Okay, and so I'm not sure how we would compare to
34 past reporting, because I think that we were receiving data from
35 -- We were able to more quickly replace antennas, as they would
36 fail, so that we would have essentially reporting from everyone
37 when the cellular end was working, and so now the other thing is
38 that we're -- I mean, there is two issues, and maybe I'm a
39 little confused about the question.

40
41 What we're talking about is, of the cards that we sent out,
42 we've received about half of them back, and I don't know that we
43 have something to compare that to. I think this is a new
44 process, and then the other issue is trying to make sure that
45 all the cELB units have functioning antennas, and the issue
46 there is that we don't find out that it's not functioning until
47 we receive the cards back, and then, at that point, we can try
48 to send out a replacement, and I apologize if I misinterpreted

1 your question.

2

3 **DR. FRAZER:** Robin, are you all good there?

4

5 **MR. RIECHERS:** Let me try to tease out one more aspect of that,
6 and I certainly appreciate that -- Certainly we're not going to
7 know until we get those back, but I guess what I'm trying to
8 figure out is we had a rate of reporting or a number of vessels
9 that we were trying to be on, and it was stratified across the
10 Gulf, and that's the reason we quite doing ELBs in the first
11 place, in some respect, or at least that was part of the
12 discussion way back when, and the Center took that on, and then,
13 of course, we've had the 3G and 5G and all that good stuff that
14 occurred. If you're a cellphone provider, at least good stuff.
15 Now are we getting the number of reports across that
16 stratification, similar to what we got before, is my question.

17

18 **DR. LOWTHER:** So are we still getting kind of a representative
19 sample, based on what we stratified? I would say that, based on
20 what we've seen so far, we just haven't had the chance to really
21 look at that aspect of it, and so that would be something that
22 would be -- Like I said, we're just starting to look at what
23 we're getting back, and so I think that would be a next step.

24

25 **DR. FRAZER:** Leann, I'm not seeing any other hands around the
26 table at the moment.

27

28 **CHAIRMAN BOSARGE:** Okay. I have a question for Dr. Lowther.
29 Thank you, Mr. Chairman. I was wondering -- At the last council
30 meeting, we also had a briefing on this, and I had asked how
31 many of the SD cards were left in stock at NMFS, or the
32 Galveston Lab, whatever the case may be, once you mailed out
33 this first round of cards, and, if my memory serves me, I want
34 to say maybe it was like fifty-something, and so it wasn't
35 enough to do the mailout again at the end of this year, which is
36 our game plan.

37

38 I was wondering, and I'm sure you all have looked into ordering
39 some more of those SD cards, and how is that coming, with the
40 chip world the way it is today, and will we be able to get some
41 more of those, or are we going to maybe just be doing this
42 annually, instead of twice a year?

43

44 **DR. LOWTHER:** I believe our plan is still to do this twice a
45 year. We haven't placed the order yet for the next batch of SD
46 cards, and so I recognize that there have been supply problems
47 in the computer industry, and I don't know if that will affect
48 what we try to do, and that's a possibility. I know that we've

1 done some pricing on things and looked at it, but we haven't
2 actually placed the order, to my knowledge.

3
4 **CHAIRMAN BOSARGE:** All right. Thank you, sir. Maybe at our
5 next committee meeting, or even at Full Council, if we could get
6 an update on when those would be expected to arrive, so we'll
7 know, management-wise, what we can expect, as far as sending
8 them out twice a year or once a year, and possibly coming up
9 with a back-up plan, because I could see some alternatives that
10 we could switch over to, if need be, or reusing the old chips
11 that we're getting in, and, of course, the Science Center may
12 have issues with that, but, still, it's a discussion we need to
13 have.

14
15 The more data you can give us, and information you can give us
16 on that, the better, and so thank you for any update you can
17 give us, either at Full Council or at our next committee, on the
18 status of when those new SD cards would arrive. All right. Mr.
19 Chairman, if there is not any other hands up, we can move on to
20 the next agenda item.

21
22 **DR. FRAZER:** Feel free to move ahead.

23
24 **CHAIRMAN BOSARGE:** Okay, and so the next agenda item is the
25 Draft Framework Action: Modification of the Vessel Position Data
26 Collection Program for the Gulf of Mexico Shrimp Fishery, and
27 there are several sub-items under this agenda item, and so, Dr.
28 Freeman, if you would like to take us through the action guide,
29 and then I will turn it over to you for your presentation.

30
31 **DRAFT FRAMEWORK ACTION: MODIFICATION OF THE VESSEL POSITION DATA**
32 **COLLECTION PROGRAM FOR THE GULF OF MEXICO SHRIMP FISHERY**

33
34 **DR. FREEMAN:** Sounds good. Thank you, Madam Chair. The items
35 here for this particular agenda item is the committee will be
36 presented with a draft framework amendment to transition the
37 Gulf shrimp fishery from the expired 3G cELB to a new device
38 collecting vessel position data for the purpose of maintaining
39 effort estimation. Staff will review draft alternatives, as
40 well as other potential decision points.

41
42 The committee should ask questions and provide staff with
43 further direction for the draft framework amendment. The
44 committee should also discuss the comparison table of draft cELB
45 and current NOAA OLE VMS specifications, as presented by Ms.
46 Bosarge as the table relates to alternatives considered in
47 Action 1.

48

1 **CHAIRMAN BOSARGE:** Thank you, Dr. Freeman. If you want to go
2 ahead into your presentation, and, Dr. Freeman, would you like
3 us to hold our questions until the end of your presentation or
4 stop you as you go?
5

6 **DR. FREEMAN:** At your discretion. I am fine taking questions
7 during it. However, if you think it would be more conducive to
8 hold questions until the end, I'm fine with that as well.
9

10 **CHAIRMAN BOSARGE:** All right. Well, since Dr. Frazer is going
11 to be calling on people, I will leave it up to him, but just
12 proceed as you see fit, Dr. Frazer, and interrupt Matt if you
13 need to.
14

15 **DR. FREEMAN:** All right. The committee saw draft purpose and
16 need statements at the June council meeting and provided edits
17 to the purpose statement, and so I will just read these again
18 quickly, just as a reminder.
19

20 The purpose of this action is to transition from the expired 3G
21 cellular electronic logbook program to a system that would
22 maintain the council's and NMFS' scientific ability to estimate
23 and monitor fishing effort in the Gulf of Mexico shrimp fishery
24 while minimizing the economic burden on the industry to the
25 maximum extent practicable.
26

27 The need is to base conservation and management measures on the
28 best scientific information available and to minimize bycatch to
29 the extent practicable, as required by the Magnuson-Stevens
30 Fishery Conservation and Management Act, and minimize
31 interactions with protected species, as required by the
32 Endangered Species Act.
33

34 The first bit of this, Dr. Lowther took you through, and so I
35 will move down to the third bullet point. Through this
36 framework action, the council is exploring alternatives to the
37 cELB program, in other to continue the estimation of effort in
38 the shrimp fishery, which will assist in conducting annual
39 shrimp stock assessments, estimating bycatch of other species
40 for use in other species' assessments and monitoring the sea
41 turtle and juvenile red snapper bycatch thresholds.
42

43 Action 1 looks at modifying the method used to collect vessel
44 position data for the Gulf of Mexico shrimp fishery. As a note,
45 the types of data and amount/timing of data collection would not
46 vary between alternatives. Consistent with current
47 requirements, the permitted vessels selected to participate must
48 also provide NMFS with the following: the size and number of

1 shrimp trawls deployed for each set and the type of bycatch
2 reduction device and turtle excluder device used in the nets.
3 Compliance with these requirements and the requirement to submit
4 vessel position data is required for permit renewal.

5
6 The first alternative, which is our no action alternative, would
7 be to maintain the current method to collect vessel position
8 data through the cELB units supplied by NMFS. Prior to December
9 7, 2020, the owners or operators of selected vessels were
10 responsible for the cost of cellular service necessary to
11 transmit the data. As we heard from Dr. Lowther, currently,
12 because 3G cellular transmission is no longer possible, NMFS
13 will collect the memory cards from the units via mail.

14
15 Alternative 2, and you will note this looks slightly different
16 from what the committee viewed in June, in that we have two sub-
17 options, and I will get to that in just a moment. Alternative 2
18 says that the owner or operator of a shrimp vessel with a valid
19 or renewable Gulf shrimp moratorium permit would be required to
20 install an approved VMS that archives vessel position and
21 automatically transmits that data, via cellular service, to
22 NMFS.

23
24 Option 2a is, if selected by the Science and Research Director,
25 the owner or operator of a shrimp vessel with a valid or
26 renewable SPGM would be required to install an approved device,
27 as defined in the alternative.

28
29 Option 2b would say that all owners or operators of a shrimp
30 vessel with a valid or renewable SPGM would be required to
31 install an approved device, as defined in the alternative. Just
32 as a reminder, for committee members, and as background
33 information for new council members, here, with Alternative 2,
34 when this was brought to the committee in June, it provided
35 options either for cellular or satellite, and, at the June
36 meeting, the committee made a motion, which was then accepted at
37 Full Council, to only allow for cellular service.

38
39 With Alternative 2, I know there's a lot of information on this
40 slide, and so I will try to sort of piece out sort of the key
41 aspects, and the first part being that owners or operators of
42 vessels with more than one permit requiring VMS would need to
43 comply with all of the requirements for each permit, as could be
44 the case with Gulf shrimp vessels that possess permits in other
45 fisheries with VMS requirements.

46
47 As of July 21 of this year, of the 1,360 vessels with a valid or
48 renewable SPGM permit, 465 had permits in other fisheries. Of

1 those 465, an estimated 119 are required to comply with VMS
2 requirements in other fisheries, and we have a list below, and
3 it's also provided in the framework action, in terms of what
4 those additional permits would be.

5
6 I will note, for instance, that the majority have South Atlantic
7 rock shrimp limited-access permits, eighty-three of the 119, and
8 it is of note that, with that permit for the South Atlantic,
9 satellite is the only option for VMS.

10
11 In terms of the new options under Alternative 2, and you will
12 see them under Alternative 3, which was added at the June
13 meeting, and so, under Option a, program costs would be imposed
14 solely on the subset of the industry selected to participate,
15 and that is the way the program was run previously with the cELB
16 transmitting via the 3G cellular network.

17
18 Option b would provide census-level data in the EEZ, rather than
19 a subset of data, for estimating total effort and monitoring the
20 sea turtle effort threshold. Option b also avoids the
21 assumption that a representative sample of the fleet now would
22 continue to be representative of the fishery in the future,
23 without any sort of need to re-draw that sample periodically.

24
25 Alternative 3, as I mentioned, was added at the June council
26 meeting, and this says that the owner or operator of a shrimp
27 vessel with a valid or renewable SPGM would be required to
28 install an approved electronic logbook that archives vessel
29 position and automatically transmits that data, via cellular
30 service, to NMFS.

31
32 You will see the same options here as we went through for
33 Alternative 2, 3a being that, if selected by SRD, the owner or
34 operator of a shrimp vessel with a valid or renewable SPGM would
35 be required to install an approved device, as defined in the
36 alternative. Option 3b says that all owners or operators of a
37 shrimp vessel with a valid or renewable SPGM would be required
38 to install an approved device, as defined in the alternative.

39
40 One thing that I would like to note here, particularly if
41 there's discussion at the end of the presentation, is the IPT
42 that's working on this framework action has requested
43 clarification on what would be defined as an approved electronic
44 logbook, so the IPT members would know what devices we could
45 analyze within the document, as we look forward to developing
46 Chapter 3 and Chapter 4.

47
48 The next slide simply shows a range of costs for VMS units that

1 use either cellular or satellite transmission that have already
2 been approved or are undergoing approval by the VMS program, and
3 this was a slide that was presented back at the April council
4 meeting by Dr. Gloeckner. I will note that Appendix C in the
5 framework action has the list, full list, of approved VMS units
6 for the Gulf for-hire fisheries, and just noting the items that
7 will need to be further examined, as we develop the framework
8 action, include transmission costs, which would be based on the
9 ping rate, which is currently every ten minutes, and the
10 lifespan of a typical VMS unit.

11
12 Again, this is what was provided at the April council meeting,
13 and, again, looking at -- In this case, it's cellular, and it's
14 the only option being considered, and we would need to look at
15 things like a hardware costs estimate, transmission costs, and
16 so forth.

17
18 This is a draft Action 2, which is new for the committee, and I
19 have some further discussion, in terms of thinking about this
20 draft action as we proceed through the slides, and so, of note,
21 an alternative in this action would need to be selected only if
22 VMS is selected in the preferred alternative of Action 1.

23
24 Alternative 1, which would be no action, would be that no power-
25 down exemptions for the vessel position data reporting program
26 selected under Action 1 are permitted. Alternative 2 would
27 state that an owner or operator of a vessel subject to the
28 requirement to have a VMS operating at all times, as specified
29 in Action 1, can be exempted from that requirement and may
30 power-down the required VMS unit if the vessel would be
31 continuously out of the water or in port for more than 72
32 consecutive hours. For the purposes of this alternative, "in
33 port" means secured at a land-based facility or moored or
34 anchored after the return to a dock, berth, beach, seawall, or
35 ramp.

36
37 We have more alternative, and so Alternative 3 says an owner or
38 operator of a vessel subject to the requirement to have a VMS
39 operating at all times, as specified in Action 1, can be
40 exempted from that requirement and may power-down the required
41 VMS unit if the vessel would be operating outside of the U.S.
42 Gulf of Mexico waters and so, for instance, if they have moved
43 over to the South Atlantic side.

44
45 This is another example relating to when the device would be
46 powered-on, and this is within the VMS requirements for the
47 South Atlantic rock shrimp, and I just wanted to note here that
48 they state specifically when on a trip in the South Atlantic,

1 and so this is one of the other questions that we would like to
2 pose to the committee, which is should we include language in
3 Action 1 that says, quote, when on a trip in the Gulf of Mexico.
4

5 Then, from there, explore power-down exemptions that you have
6 seen in Draft Action 2, and, if so, you could certainly direct
7 staff to do that, and, if there are any other exemptions that
8 aren't mentioned in this draft action that you would like for
9 staff to explore, please also let us know.

10
11 I will pause there, Madam Chair, for any questions that you or
12 the committee have or any discussion about some of the questions
13 that we have posed to the committee.
14

15 **CHAIRMAN BOSARGE:** All right. Chairman Frazer, are there any
16 hands up in the room?
17

18 **DR. FRAZER:** Mr. Diaz.
19

20 **MR. DALE DIAZ:** Thank you, Mr. Chair. Dr. Freeman, I guess I'm
21 thinking about the purpose and need here, and so the purpose and
22 need, towards the end of it, it says the council' and National
23 Marine Fisheries' scientific ability to estimate and monitor
24 fishing effort in the Gulf shrimp fishery while minimizing the
25 economic burden to the industry to the maximum extent practical.
26

27 Now, when I read that in the purpose and need, it's hard for me,
28 when we get to Action 1, to think about anything besides the
29 Sub-Option a, where, if they would be selected by the Science
30 Research Director, we would only have it on a subset of the
31 fishery, because, to me, the purpose and need were saying that
32 we're going to minimize, to the maximum extent practical, and,
33 if there's a way to get enough people in a subset to give us the
34 information we need, then it almost seems like that's the only
35 way to go, with the way the purpose and need is written, in my
36 mind, and are you thinking about that in a different way, or
37 have you all had any discussions about that, Dr. Freeman?
38

39 **DR. FREEMAN:** There's been minor discussion. In terms of what
40 you're asking, there certainly have been some, and, at this
41 point, we were kind of looking to see if this was a
42 consideration by the council, before we explored that further,
43 in terms of what the full economic impacts would be.
44

45 Thinking about your question though, generally, it would
46 certainly reduce the economic burden, in terms of the device
47 costs and transmission, in terms of the industry as a whole,
48 although certainly there would be a subset of the industry that

1 sort of bears the full cost, in a way, and so I guess I'm
2 thinking, rather than everyone having to purchase them and pay
3 for transmission, only a subset would have to, and so there
4 could perhaps be some feelings of unfairness by members of the
5 industry, and so, again, these are just initial thoughts, but we
6 could certainly discuss that further in the IPT.

7
8 **MR. DIAZ:** Right, and I appreciate that, and I would like to
9 hear from the Science Center folks of a subset, but they would
10 have the authority to authorize it all the way up to all of the
11 folks, if they needed to.

12
13 A friend of mine has a saying that he says, and he says, you
14 know, Cadillacs are nice, but a Pontiac will get you where you
15 need to go, and that's what I am thinking about whenever I read
16 the purpose and need, and maybe, if the Pontiac will do what we
17 need, we should at least consider it. Thank you.

18
19 **DR. FRAZER:** Mr. Schieble.

20
21 **MR. CHRIS SCHIEBLE:** I would like to speak in agreement with
22 what Dale is discussing here, and I think we're looking at
23 what's the function of this, and the function is to give us
24 shrimping effort in the Gulf, and, originally, it's a subset of
25 I guess around 500 units or so, to begin with originally, and we
26 can't come up with a catch effort until we get the trip ticket
27 data anyway, and there's a delay in receiving the trip ticket
28 data to calculate that catch effort.

29
30 To me, it seems like, if we're reducing economic burden in the
31 fleet, the current system in place, with the SD cards, it would
32 seem to give us that data that we need, if we're still waiting
33 on trip ticket data to come in anyway, and so I don't see what,
34 I guess, an upgraded system would give us any benefit, unless we
35 had some sort of expedited trip ticket landings data to go with
36 it, and maybe I can get some help on that.

37
38 **DR. FRAZER:** We have Mr. Strelcheck's hand up, unless, Matt, you
39 wanted to address that, or just go ahead and move on to Andy.

40
41 **DR. FREEMAN:** Sure. I will let Andy respond first, and that's
42 fine.

43
44 **MR. ANDY STRELCHECK:** Well, I will partly respond, and I think
45 the Science Center can certainly weigh-in better. I think the
46 challenge for us, with the current approach, is it's determined
47 to be a representative sample, but that, essentially remains
48 static then through time, because those units are onboard the

1 same vessels for an extended period of time.

2
3 There is some changes, as permits transfer, but, at the end of
4 the day, those vessels are then achieving the burden of the cost
5 to then collect this effort data. If there was a system in
6 place where we're rotating, from year to year, who is
7 responsible for having those devices onboard those vessels, then
8 you're getting more into kind of a random sampling of the fleet
9 as a whole.

10
11 I am not arguing in support or opposition to whether we should
12 do census versus representative sample, but I think that's just
13 the challenge, is that it's not statistically designed in a way
14 that's flexible enough to be able to move those devices from
15 boat-to-boat, from year-to-year, to get that representative
16 sample over time.

17
18 The comment I guess I wanted to make is I wanted to go back to
19 what Matt mentioned with regard to Alternative 3, and he said
20 the IPT was looking for guidance on what's defined as an
21 approved electronic logbook, and I made the point, at the last
22 meeting, that, regardless of what you call this, by definition,
23 it still appears like Alternative 3 is meeting the definition of
24 a VMS that has been defined by National Marine Fisheries
25 Service, and so Alternative 2 and Alternative 3 are one and the
26 same with regard to what they're trying to accomplish, but we're
27 calling it something different, and potentially then adding
28 complexity with technical specifications.

29
30 I just wanted some clarity, maybe from Matt first, as to whether
31 that was the IPT's interpretation and what exactly you were
32 hoping to get from the council with regard to Alternative 3
33 clarity.

34
35 **DR. FREEMAN:** Certainly. I see that Ms. Bosarge's hand is up,
36 and I am guessing she is seeing this as a good segue for her
37 discussion items, but I will just respond, real quickly, before
38 I hand it over to Ms. Bosarge. Yes, that is the way that the
39 IPT was currently interpreting the language in Alternative 3,
40 and so we were inquiring, in essence, that, if there was a
41 different definition than what we were viewing, that sort of
42 clarification would help us, again, as we move forward into
43 Chapters 3 and 4, and so I will, at this point, turn it back
44 over to Ms. Bosarge.

45
46 **CHAIRMAN BOSARGE:** Thank you, Dr. Freeman, and I think you're
47 right. I think that, when I go through that next presentation
48 with the comparison table on the type approval specifications

1 for implementing a VMS requirement in the Gulf shrimp fishery,
2 versus type approval specifications for continuing the current
3 ELB program that we have, I think it will become more clear at
4 that point.

5
6 I will save those comments for later, but I would like to back
7 up to the conversation that we were having about the Option a
8 and b, which is in Action 1, where we're discussing whether we
9 should continue with the approach of using a sample of about 500
10 boats, and so essentially about a third of the fleet is in the
11 sample, or going to a census-level mandatory everyone has to
12 have an ELB.

13
14 We had a presentation, at our last committee meeting, from
15 staff, and staff had some extra slides in there that NMFS had
16 requested that the council consider these other topics and
17 whether we wanted to address those in the amendment or not, and
18 Dr. Freeman went through those, and we passed a motion, in
19 committee, where we added alternatives to the document, and we
20 passed motions, with Alternative 3, and then we passed a motion
21 which changed the purpose and need slightly.

22
23 We did not pass any motions to add a decision point on census
24 versus sample reporting, nor did we even actually address the
25 topic in discussion, where it could have been interpreted that
26 we wanted that added into the document, that we wanted options
27 added into the document, and it kind of speaks to a bigger point
28 about this document in general.

29
30 I have some reservations that the council's feedback is not
31 really being taken and weighed in the IPT discussions. This is
32 a document to collect effort data in the shrimp fishery, and the
33 committee was very clear that we wanted a reasonable range of
34 options for collecting -- For continuing to collect and analyze
35 effort data in the shrimp fishery, and we gave some possible
36 options that could be considered, as they are considered in
37 other commercial fisheries in the Gulf, and it's what is used in
38 the shrimp fishery in the Southeast, a different shrimp fishery.

39
40 When we received the document back from the IPT, we had status
41 quo and one alternative, to put a VMS requirement on this
42 fishery, and that's the only way that you can get effort data
43 for the shrimp fleet, is through a VMS, and I have some big
44 reservations.

45
46 I didn't say anything last time, and I let it go, and we simply
47 passed a motion to add a different alternative, to at least
48 consider continuing the program that we have, rather than

1 implement a VMS requirement, which then comes with a whole host
2 of other questions to be answered, which you saw Matt start
3 going through in this presentation, and so, Matt, I guess my
4 question to you is should this Option a and b say "draft" next
5 to it?
6

7 **DR. FREEMAN:** Yes, ma'am. As you were speaking, I was thinking
8 that was an excellent point, similar to Action 2. In theory,
9 they are drafts, where I suppose it gets a little tricky, and
10 it's certainly, at a minimum, Option b would not be a draft,
11 because that would sort of be the status quo, so to speak, and I
12 apologize if I didn't clarify that well during my presentation,
13 that we were simply bringing Option b in.
14

15 As you mentioned, unfortunately, we ran out of time, and we
16 didn't get a chance to discuss it in June, and so we were simply
17 trying to develop that more, so that the committee could have a
18 discussion of whether or not you would like an Option a and
19 Option b or if you would like us simply to go back to the
20 previous language, basically incorporating Option a directly
21 into the alternatives.
22

23 **CHAIRMAN BOSARGE:** Okay, and so we'll give you guidance on that,
24 and my guidance would be that I went back and read the committee
25 discussions the last time that the shrimp industry made a change
26 to these devices, and the council had these same discussions,
27 right, of should we go to a census rather than a sample.
28

29 What happens is you start to go down this rabbit hole, right,
30 and so the shrimp fishery has a substantial number of latent
31 permits, permits that are just sitting there that are not
32 actively being fished, and, the last time I heard the number, it
33 was somewhere around 300, and so a quarter of the permits are
34 latent, generally speaking.
35

36 Now, you're going to put that burden on this monthly fee and
37 putting a device on the boat and keeping up with it on people
38 that don't even use the permit, number one. Number two, when
39 you say that it equally spreads the burden, so that everybody
40 has to bear the burden, well, I will tell you, from my personal
41 point of view, I wouldn't be in favor of that.
42

43 Right now, we carry an ELB on two of the five boats that we
44 have. If you went down this road, then I have to bear the
45 economic burden of putting it on all five, and I'm not the only
46 one in that position. There are multitudes of fishermen in the
47 Gulf that have more than one shrimp boat.
48

1 I can't see where this fits with the purpose and need, and I
2 guess my bigger point here is we have a system that is not
3 transmitting right now. We started this document, and we're
4 behind the eight-ball already, and we need to try and solve the
5 problem that's in front of us right now, and, if the council
6 wants to come back at a later point in time and make some
7 wholesale changes and examine the relative nature of the
8 distribution of the sample, I think that's a great idea.

9
10 However, I don't think now is the place and time, and so I would
11 recommend that the document reflect that it's a sample and that
12 that sample -- That the current sample stays just as it is and,
13 at this point, we're not pursuing a census-level report. We may
14 in the future, but, at this point, we need to address the
15 pressing issue that is at hand.

16
17 **DR. FRAZER:** Ms. Bosarge, I see that Chris Schieble has his hand
18 up.

19
20 **CHAIRMAN BOSARGE:** Yes, sir. Go ahead.

21
22 **MR. SCHIEBLE:** To that point, I agree that I think -- You know,
23 Andy made a point about the cost being shared among the group,
24 but also it seems that the census level is a bit imposing, and
25 especially since the document -- I was confused by the fact that
26 these options were put in there to start with from the last
27 meeting, and I thought I missed something, and I didn't quite
28 follow how this got here in the first place.

29
30 Secondly, we're not after an in-season management on the shrimp
31 fishery during the season, and I don't see what the issue would
32 be with having these SD cards returned, with a bit of a time lag
33 that currently exists anyway, and so it seems that the current
34 program provides the data that you would need, and further
35 testing of this, as we heard in the presentation, would seem to
36 be prudent.

37
38 **DR. FRAZER:** Okay. Andy Strelcheck.

39
40 **MR. STRELCHECK:** Thanks, Tom. I guess a couple of comments.
41 One is Leann is certainly arguing the case as to why this
42 wouldn't be selected as a preferred. We can include this in the
43 document for consideration and base the rationale for whatever
44 the preferred choice is, based on comments like Leann's and
45 others during the debate, and I guess my question is, when the
46 IPT modified this, I assume Alternative 2, at one point, said if
47 selected by the Science and Research Director, without the sub-
48 options below it. If we don't consider these as new options in

1 the document, that would have to be clarified in the amendment,
2 with regard to the current selection process. Is that correct,
3 Matt?

4

5 **DR. FRAZER:** Dr. Freeman.

6

7 **DR. FREEMAN:** I apologize, and I am trying to switch back and
8 forth to write down the minutes, and could you just ask your
9 last question one more time for me?

10

11 **MR. STRELCHECK:** Option 2a, or 3a, speaks to the selection
12 process by the Science and Research Director, and I don't recall
13 what the previous version of the amendment -- If that was
14 language that was included as part of the alternatives, but,
15 essentially, Leann is commenting that options shouldn't -- They
16 don't need to be included here.

17

18 If we don't, obviously, choose to include them, then
19 Alternatives 2 and 3 need to be modified to say, "if selected by
20 the Science and Research Director", and so I just wanted to
21 provide some clarity there, in terms of how we would proceed.
22 My preference is to include the options, but the council
23 discuss, obviously, the preferred, and ultimately make their
24 decision based on that record that the council has built.

25

26 **DR. FREEMAN:** Yes, sir, and that was correct. In the previous
27 version, Alternative 2 -- Again, we didn't have Alternative 3
28 until the June meeting, and it was something that was proposed
29 by the committee, but the language of Alternative 2 began with a
30 phrasing of something along the lines of "if selected by the
31 Science and Research Director," and then it went into what's
32 remaining under the current Alternative 2.

33

34 As you stated, yes, we took that portion out and made it Option
35 2a and then developed an Option 2b as another option for further
36 consideration by the committee.

37

38 **CHAIRMAN BOSARGE:** Matt -- Can I jump in, Chairman Frazer? Is
39 there anybody else with their hand raised?

40

41 **DR. FRAZER:** Mr. Gill and then Mr. Diaz.

42

43 **CHAIRMAN BOSARGE:** Okay. Go ahead. I will wait my turn. Go
44 ahead.

45

46 **MR. BOB GILL:** Thank you, Madam Chair. I appreciate it. As you
47 know, I am not a member of this committee, and I appreciate the
48 opportunity to make comments. You all know that I'm a newbie,

1 and so I have not been privy to your prior discussions, or
2 involved with the details prior to this, and so I come at this
3 looking at what was in the briefing book and trying to get up to
4 speed as to my reactions.

5
6 I guess, coupled with that, some conversations with folks to
7 better understand what was happening here, but I come from the
8 position that the need is to collect effort data in the shrimp
9 industry and get it to the Center in a timely manner, and the
10 previous system worked very well, and the industry worked
11 closely with the agency to make that happen, and they have good
12 cooperation there, too.

13
14 Then I look at this document, since we have to do something to
15 continue that cooperation, and my immediate reaction, and I am
16 not nearly as diplomatic as Mr. Diaz, but this is massive
17 bureaucratic overkill. The whole document is focused on a VMS
18 system.

19
20 Well, the VMS system -- And, as part of that, it goes through
21 OLE, and is about enforcement, as Chris mentioned, and that's
22 not the situation here. We're trying to basically solve the
23 need of continuing to get the data from the shrimp industry on
24 effort to the Center, and no objections there, but solely
25 looking at a VMS system, which is designed for a different
26 purpose, as Dale pointed out, doesn't even comply with the
27 purpose that is stated, and so what we have is a document here
28 that is going down a different track than even stated initially.

29
30 I think that the document is massively misconstructured, and I
31 think correction is needed to get it back on track to accomplish
32 the need that is trying to be accomplished, and I think that
33 correction starts here at this committee, and so I think there
34 is a number of things that could be done, but I think, from
35 where I sit, this document is massively misdirected. Thank you,
36 Madam Chair.

37
38 **CHAIRMAN BOSARGE:** Mr. Diaz.

39
40 **MR. DIAZ:** Thank you, Mr. Gill, for your kind words. I don't
41 know if I say things good or not, but I wish I had your
42 understanding of everything, which that's where I am struggling,
43 is to understanding everything.

44
45 What I am trying to think about is the speed of this document
46 and whether things need to be in there or not. I am debating on
47 whether or not we should take Options 2b and 3b and put them
48 into Considered but Rejected or leave them in here, and I guess

1 I would like to hear maybe some other thoughts on people on the
2 committee.

3

4 I guess the only advantage I could see to really leaving it in
5 here right now is we have pointed out that, if we go with the
6 Option 2a and 3a, a sub-section of the shrimp fishery is going
7 to have to bear that economic cost that other people may not
8 have to bear. If 3b and 2b is in here, at least people can see
9 that we considered everybody having to do it and then maybe only
10 a subset having to do it, but, anyway, I am curious to see what
11 other folks' thoughts are on the committee. Thank you, Mr.
12 Chair.

13

14 **DR. FRAZER:** Leann, I see a couple of hands, and I will go in
15 order for you. I see John Walter, Dr. Froeschke, and then Robin
16 Riechers.

17

18 **CHAIRMAN BOSARGE:** Okay. Let's go to Dr. John Walter and Dr.
19 Froeschke and then Mr. Riechers, and then, if you'll circle back
20 to me, I would appreciate it.

21

22 **DR. FRAZER:** Will do.

23

24 **DR. JOHN WALTER:** Thank you, Madam Chair. Good day, everyone.
25 Part of, I think, the reason that we have got this before us is
26 the presentation we'll get next on the bi-op, and, in the bi-op,
27 it does say that effort will be at the same level or greater
28 than, effort monitoring, than in the last ten years, and so
29 we've got a requirement to at least maintain what we've got, if
30 not improve it.

31

32 At least the way the agency has gone with a lot of these other
33 effort monitoring is to improve how it's collected, in
34 particular the hardware and software combinations that are more
35 robust than even the 3G units that are there that we now are not
36 sure if they're getting us all the data we need, particularly
37 because of the antennas may be declining in performance.

38

39 That improvement -- An additional part of the improvement there
40 to monitoring bycatch is being able to get it spatially and
41 temporally and to know where it's occurring in space. We see
42 that that's particularly important, as that may be localized for
43 a number of species, and we also see the importance of the
44 spatial and temporal information for being able to inform things
45 like wind siting, and so having that kind of spatial and
46 temporal information gives a lot of options, and it means that
47 there's an incentive for improving the quality and amount of
48 effort data that is collected.

1
2 Systems such as the VMS would allow for that, and I think part
3 of the reason that it's on the discussion is because those
4 systems have been tested and shown to work in a number of other
5 fisheries, and so I look forward to continuing the conversation,
6 but I just wanted to explain and give some context to the
7 purpose and need, from the Science Center's perspective.
8 Thanks.

9
10 **DR. FRAZER:** Dr. Froeschke.

11
12 **DR. JOHN FROESCHKE:** Thanks. That's a good segue to the points
13 that I was going to make, and I just wanted to give a little
14 insight into some of the IPT discussions and things about how we
15 talked about these alternatives and why they're here, and, as
16 Dr. Walter stated, we do have an obligation to either maintain
17 or improve, and so part of the NEPA requirements for a document
18 is we're to develop a reasonable range of alternatives for the
19 council to consider.

20
21 We sort of have that bookend of what minimum things we would
22 have, and, on the other end of that, perhaps the census level is
23 commonly used in other commercial fisheries, and so does seem to
24 be within the reasonable range, as we discussed, and, in terms
25 of what are the practical benefits, there are a couple of
26 practical benefits to this, if we were to use it, and, again,
27 I'm not advocating, but I'm just providing the information on
28 things that we're discussing.

29
30 In general, the effort information is at least used for red
31 snapper management and things, and that information from the
32 sample, as we know, has to be scaled up. In order to have that
33 scaling process right, you have to assume that the sample that
34 you have is representative of the whole, and so both at the time
35 that that sample was drawn and in the future, and so, if the
36 composition of your fishery changes and things over time, you
37 may need to re-draw that sample.

38
39 In practice, I don't think that we're doing that, and I'm not
40 sure at what time the sample that we currently have was drawn,
41 and so we did have some discussions about, well, is that correct
42 now, and will that be correct X years in the future, whereas the
43 census-level collection would you get away from that particular
44 issue.

45
46 **DR. FRAZER:** Mr. Riechers.

47
48 **MR. RIECHERS:** I think it was Mr. Gill that wanted to hear some

1 of the sentiments of the committee, but I fully am in agreement
2 with both Mr. Schieble and Dale and others here who have
3 suggested that we need to take the most expedient approach to
4 solve the current problem in front of us.

5
6 This document started because of the 3G to 5G switch that then
7 had its own set of problems, when the ELBs were truly working
8 before that, and would work again, and they were always the
9 lowest-cost alternative, and, while we certainly want better
10 data as a whole, when we can get it, we also still have to
11 remember that these are actual costs to actual production units
12 who are trying to make a living in this fishery, and, when we
13 apply it to every vessel, the cost for an individual may be
14 spread out over more individuals, but it's still an overall cost
15 to that unit of production.

16
17 As far as the sampling goes, there are many ways to work towards
18 that sampling issue, if that's the problem that we're trying to
19 address, whether that's re-draw the sample every year, whether
20 it's re-draw it every three years, but there is other ways to
21 deal with that issue as well, and so I do think we just -- While
22 I appreciate the IPT thinking of all these items and ways to
23 improve the overall collection, if it is an expedient approach
24 to solving the problem at-hand, by adding more things here,
25 we're probably not going to get there quicker, is all I would
26 suggest, and it takes us a long time to get stuff through this
27 council anyhow, and, when we start adding things, it will just
28 take longer.

29
30 **DR. FRAZER:** Thank you, Mr. Riechers. Leann, I will point it
31 back to you.

32
33 **CHAIRMAN BOSARGE:** Thank you. I would like to make a motion, so
34 we can move on to some other things here. **I would make a motion**
35 **that we do not incorporate Draft Options a and b in Action 1**
36 **into the draft framework amendment.** If I can get a second, I
37 will quickly elaborate.

38
39 **DR. FRAZER:** Okay. It looks like you've got a second from Chris
40 Schieble.

41
42 **CHAIRMAN BOSARGE:** By my calculation, it's 11:17 right now, and
43 so we have thirteen minutes left in this committee to actually
44 make it through the true meat of this document, what we need to
45 be focused on, and that is how to continue collecting effort
46 data in the shrimp fishery the way that we have been and keep
47 that process moving forward and continuing.

48

1 Instead, we've spent all of our time thus far, most of it, the
2 committee discussion, around this idea of sample versus census,
3 and that's going to continue. If you put this in the document,
4 that trend is going to continue at each committee meeting, and I
5 see us going further and further down rabbit holes with this,
6 not to mention that we haven't even gotten into discussions
7 about the magnitude of that data that would be coming in and who
8 has the capacity, or does not have the capacity, to handle that
9 and what changes would have to be made to even accept that level
10 of data.

11
12 At this time, I don't think it needs to be in this document. If
13 this council wants to address that at a later point in time, I
14 think that's a discussion that should be in a separate
15 amendment, where you truly have time to flesh out all of those
16 different things and come up with a path forward that works the
17 best.

18
19 **DR. FRAZER:** Okay. I am not seeing any other hands at this
20 time. Excuse me. Mr. Strelcheck.

21
22 **MR. STRELCHECK:** I want to comment that I am supportive of
23 Leann's motion, with the caveat that we come back to this at a
24 later date, because I think this is an important discussion, in
25 terms of how this fishery might operate in the future and how we
26 collect this effort data and the number of participating
27 vessels.

28
29 **DR. FRAZER:** Thank you, Andy.

30
31 **CHAIRMAN BOSARGE:** Yes, sir, Mr. Strelcheck. I do think that,
32 eventually, at some later date, it is something that needs to be
33 looked into, but, at a later date, I don't mean in this
34 document. This document has a purpose, and we need to stick to
35 it and stay on task.

36
37 **DR. FRAZER:** Ms. Bosarge, I am not seeing any other hands.

38
39 **CHAIRMAN BOSARGE:** Mr. Chairman, I'm going to let you call for
40 the vote, since you're in the room, and I think that would be
41 the most efficient.

42
43 **DR. FRAZER:** Okay. It's a committee motion and a committee
44 vote. **Are there any members of the committee that are opposed**
45 **to the motion? Not seeing any, the motion passes.** Leann, you
46 can carry on, if you wish.

47
48 **CHAIRMAN BOSARGE:** Okay. Just to be clear, that last motion

1 will take Options a and b out from underneath both Alternative 2
2 and Alternative 3. All right. Now, I would like to come back
3 to what Matt was talking about towards the end of his
4 presentation.

5
6 There was another draft action that talked about -- There is two
7 potential paths forward here, as far as when the device needs to
8 be on and not on. That is a council decision, whether we're
9 going to require this device to be pinging 24/7/365, or whether
10 we would like to continue this program operating in the way it
11 has been operating, which is, when the vessel is on a fishing
12 trip, that's when it has to be pinging, and Matt gave us some
13 language from the South Atlantic requirements, which say just
14 that.

15
16 The device has to be pinging when on a fishing trip in the South
17 Atlantic, and so I think that's the most streamlined way to
18 approach this. I think it seems kind of like overkill and
19 redundant and extra work to say, no, we're going to make it be
20 on 365, and then we're going to start writing in exemptions for
21 that.

22
23 If you just want it to be on when the boat -- If you need effort
24 data when the boat is shrimping, then it needs to be on when
25 shrimping, and we have never had to have the device on when it's
26 port, at the dock, and it's really not conducive to the way we
27 operate. We're not putting the boat on a trailer and bringing
28 it home every day. We're out for a month at a time, and we come
29 into various docks, when we come in.

30
31 We have a couple of boats that have not been home in over a
32 year, and one that hasn't been back to our homeport in almost
33 two years, and, when we tie up in different ports, we don't
34 necessarily have shore power. Some people don't even have shore
35 power at their home dock, and so the idea of keeping this thing
36 pinging for a week or two, when you're in between trips, on some
37 sort of battery power, that, to me, it just don't seem
38 functional or feasible.

39
40 **I would like to propose another motion that, in Action 1, to add**
41 **the following language to Alternative 2 and Alternative 3.**
42 **After the verbiage that archive vessel positions -- I am going**
43 **to give staff a minute here. Okay. Put, in quotations, "when**
44 **on a fishing trip in the Gulf of Mexico".**

45
46 Once you do that, I think that provides additional streamlining
47 to this document that maintains the status quo, as far as shrimp
48 effort reporting, that we report location data when on a fishing

1 trip and not when at the dock, and it just makes common sense,
2 and then, by doing that, you don't have to add another action
3 item into this document that then goes in and tries to come up
4 with a whole list of power-down exemptions for the fishery, and
5 I think this is the most streamlined approach for that, if I can
6 get a second.

7
8 **DR. FRAZER:** It's seconded by Mr. Schieble. Leann, it looks
9 like we've got a hand up by Mr. Anson. Kevin.

10
11 **MR. KEVIN ANSON:** Thank you. I am in support of the change,
12 but, to make it consistent, I guess, with the requirements over
13 in the South Atlantic, and I think we saw something here during
14 the committee meeting about language relative to the VMS, and it
15 said they had to be on a trip, and not a fishing trip, and so
16 I'm just wondering if that is the case, if I'm remembering it
17 correctly, or if this would be in conflict or -- I know it's
18 Gulf of Mexico and the South Atlantic, but just to be
19 consistent.

20
21 **DR. FRAZER:** Ms. Levy.

22
23 **MS. MARA LEVY:** Thank you. Just to that point, in the
24 regulations, that 622.2, "trip" is defined as a fishing trip,
25 regardless of the number of days, blah, blah, blah, and so it
26 seems to be already incorporated in the definition, and we could
27 add the same language, but I think, when we write the regs, they
28 will mean the same thing.

29
30 **CHAIRMAN BOSARGE:** Mr. Chairman, if I can chime in here, and so
31 I actually changed it, Kevin, from "trip" to "fishing trip", for
32 the exact reason that Mara said. I was trying to make it
33 consistent with some of the wording that is currently in our
34 reporting and in the regulations, and, right now, it says, in
35 our regions in the Gulf, must provide information for any
36 fishing trip, which includes effort, and so I was trying to keep
37 that at least consistent.

38
39 **DR. FRAZER:** Okay. Ms. Bosarge, I have a hand up, or two hands,
40 from Mr. Riechers and then Mr. Strelcheck.

41
42 **MR. RIECHERS:** I think it still didn't solve one of the issues
43 that Kevin may have been raising, if I heard him correctly,
44 which was the conflict where we're suggesting it now, because of
45 this definition, and I think he's suggesting that it would have
46 to be on if they're in the South Atlantic fishing, as opposed to
47 what we're trying to do is think about what's going on in the
48 Gulf. I may have heard him wrong, but that's what I thought he

1 -- One of the points he was making here, and I think we still
2 may need to address that, if we want it to not apply to that
3 South Atlantic trip.

4

5 **DR. FRAZER:** To that point, Kevin?

6

7 **MR. ANSON:** Well, I mean, yes, I was bringing that up for
8 consistency purposes, but I thought that Mara had read the
9 definition, and the definition of "trip" for the South Atlantic
10 was specific to fishing trip, and so I don't see this as being
11 in conflict then, in that case, if that's how I heard Ms. Levy
12 respond to that.

13

14 **MS. LEVY:** Just that, in the 622.2 definition, it applies to
15 both the South Atlantic and Caribbean, and so, under all
16 circumstances, unless you're going to specify it differently in
17 a particular provision, "trip" means a fishing trip, and then
18 the rest of the definition.

19

20 **DR. FRAZER:** Thank you, Ms. Levy. To that point, Kevin?

21

22 **MR. ANSON:** To that point, and so I guess, as we're talking
23 about trying to trim this document and make it very specific to
24 the task at-hand, if you will, and then potentially coming back
25 later, as Andy suggested, to address these other issues, but
26 more diversity, or wider coverage and such, I mean, we do have,
27 with other fisheries that utilize VMS, that there are other
28 times when they should have the VMS operating, and it doesn't
29 pertain just to fishing trips, and it's when the vessel leaves
30 the dock, and so, although there are some differences here with
31 shrimp vessels, in that they don't necessarily tie up and stay
32 tied up to a dock, and they have larger trips, typically, where
33 they will go from one port to another, and I think that's just
34 something that we need to consider as we deal with that and VMS
35 and define what trips are or when the units should be on.

36

37 **DR. FRAZER:** Thank you, Kevin. Mr. Strelcheck.

38

39 **MR. STRELCHECK:** I am in favor of the motion, and I did want to
40 revisit the discussion that we had at the last council meeting
41 with regard to Alternative 2, and I know, Leann, you were
42 adamant to remove satellite service from Alternative 2, but I
43 would like to consider re-adding that to this alternative, so
44 that it could be a cellular or satellite service, and my
45 reasoning for that is that we have, obviously, approved VMS
46 devices, and this allows for, obviously, the maximum flexibility
47 in choices for the industry to make.

48

1 We have a number of shrimp permit holders that have, obviously,
2 satellite VMS for the rock shrimp fishery, and so this would
3 allow them to potentially use those devices to satisfy this
4 requirement, if Alternative 2 is selected as preferred.
5

6 **DR. FRAZER:** Okay. I am not seeing any other hands, Ms.
7 Bosarge, and so I will turn it back to you.
8

9 **MS. BOSARGE:** Yes, sir, Mr. Chairman. You can go ahead and put
10 it up for a vote, if you don't see any other hands.
11

12 **DR. FRAZER:** Okay, and so there's a committee motion on the
13 board. **Is there any opposition to the motion? Not seeing any,**
14 **the motion passes.** Leann. Leann, I'm sorry, but Dr. Simmons
15 would like to ask you a question pertaining to your earlier
16 motion.
17

18 **EXECUTIVE DIRECTOR CARRIE SIMMONS:** Thank you, Madam Chair.
19 Bernie, can you please go back? We thought we heard you say
20 Option a to the previous motion, and we just want to make sure
21 that's what was on the screen was correct that was voted on. Do
22 not incorporate Draft Options 2b and 3b in Action 1 of the draft
23 framework, and so we thought we heard you say 2a.
24

25 **CHAIRMAN BOSARGE:** Hold on, Dr. Simmons. Let me get to it in my
26 -- Keep that on the board, and I am turning to my paper version
27 of my document here. It's Option 2a and 2b and 3a and 3b is
28 what it is, and I think what I said is Options a and b in Action
29 1, and so you have an Option a and b under Alternative 2, and
30 you have an Option a and b under Alternative 3, and so,
31 essentially, what that motion did is reject the proposed draft
32 revisions that staff presented to us in the PowerPoint
33 presentation, and it retained -- Therefore, it retained the
34 version of the Alternative 2 and 3 that was agreed upon by the
35 committee at the last committee meeting and by the council at
36 the last council meeting.
37

38 **DR. FRAZER:** Dr. Simmons.
39

40 **EXECUTIVE DIRECTOR SIMMONS:** I think we've got it in that, is to
41 just make sure that we put that in the committee report, that,
42 essentially, the 2a and 3a would go back under the alternatives,
43 correct?
44

45 **DR. FREEMAN:** That's my understanding. The language about if
46 selected by the SRD would be reincorporated into Alternatives 2
47 and 3 itself.
48

1 **CHAIRMAN BOSARGE:** Yes, that's right, and this is confusing,
2 because we received a document that never actually presented us
3 with the changes that we made at the last committee and council
4 meeting, and we received a document that changed it further from
5 that, and that's why this is confusing, and that's why I had a
6 little bit of reservation that this didn't say "draft". We
7 should have had a document that gave us what we asked for at the
8 last council meeting and then proposed some draft revisions to
9 that, maybe in yellow or something, like we've done in other
10 documents.

11
12 Okay, and so I have one more motion, and I don't -- I guess
13 we're going to have to go through the comparison table during
14 Full Council, and so I would at least like to make another
15 motion that I think will help give some clarification to the
16 difference between Alternative 2 and Alternative 3 in the
17 document, because, to me, it's even confusing, as Mr. Gill said,
18 just to industry.

19
20 **When we just had Alternative 2, it was confusing as to what that**
21 **meant, the way it was written, in my opinion, and so I would**
22 **like to make a motion in Action 1, Alternative 2, to add the**
23 **following sentence to the beginning of Alternative 2: "Implement**
24 **a VMS requirement for the Gulf shrimp fishery", because that's**
25 **what that alternative is essentially doing.**

26
27 We don't currently have a VMS requirement in the Gulf shrimp
28 fishery, and that spells it out, in a nutshell, for any
29 bystander or stakeholder to read it and understand what that
30 does, and then you'll have your language that's currently in
31 that alternative that further fleshes out what that means, if I
32 can get a second, please, sir.

33
34 **DR. FRAZER:** It's seconded by Mr. Schieble. We have a comment
35 or a question from Mr. Strelcheck.

36
37 **MR. STRELCHECK:** In response to Leann's comment that we don't
38 have a VMS requirement in the Gulf of Mexico, I guess, by
39 definition, that would be the case, with regard to the current
40 3G units, and I think a lot of the confusion that we're
41 experiencing over this issue is VMS is being classically viewed
42 as satellite VMS units and not these new cellular devices that
43 have emerged on the market and the work that the agency has done
44 to come up with technical specifications and an approval process
45 for the cellular devices.

46
47 I do want to caution, when we say something like implement a VMS
48 requirement, because, by definition, these cellular units that

1 are now being used are considered vessel monitoring systems, and
2 it's very clear, with regard to our technical specifications and
3 definitions, that that is essentially what they're accomplishing
4 and why I made my comments earlier with regard to Alternative 2
5 and Alternative 3 really not being different with regard to the
6 definition of a cellular vessel monitoring system unit. We're
7 calling them something different, but, in reality, they are very
8 much the same thing.

9
10 **DR. FRAZER:** Thank you, Mr. Strelcheck. Dr. Freeman.

11
12 **DR. FREEMAN:** Thank you. I just wanted to make sure that, with
13 this new language in Ms. Bosarge's motion, that it reflects what
14 was just added to Alternative 2 about when on a fishing trip in
15 the Gulf of Mexico.

16
17 **DR. FRAZER:** Leann.

18
19 **DR. FREEMAN:** Because we just modified Alternative 2 in the
20 previous motion, and so we need to make sure we carry that
21 language forward.

22
23 **CHAIRMAN BOSARGE:** Correct. You would include that "when on a
24 fishing trip in the Gulf of Mexico".

25
26 **DR. FRAZER:** Okay. We can capture that language and intent in
27 the committee report moving forward, and so I'm not seeing any
28 other hands at this point, Leann, and we probably would like to
29 dispense with this motion, if you're willing, and think about
30 what our next step is with regard to the schedule.

31
32 **CHAIRMAN BOSARGE:** Yes, sir. That's fine. Go ahead, Mr.
33 Chairman.

34
35 **DR. FRAZER:** Okay, and so we have that committee motion up on
36 the board. **Is there any opposition to the motion? Seeing none,**
37 **the motion carries.** Okay, and so we are into -- Mr. Anson.

38
39 **MR. ANSON:** I apologize, because I know we're at lunchbreak,
40 but, since we have just had some discussion and some back-and-
41 forth, and Andy has commented on it, I am just wondering if we
42 ought to, and we don't need to do it right now, but maybe at
43 Full Council, in the Option 2a -- Since there are some vessels,
44 at least, that already have a VMS that might be eligible to be
45 used for this framework action, is they would be required to
46 install -- Maybe have that "would be required to install or have
47 onboard the vessel" or "in possession of an approved device",
48 because there might be a handful of folks that already have that

1 device, and so it would be, you know, understood that
2 potentially they wouldn't have to go out and get a new device,
3 and they could just use the one they're already currently using,
4 if that's the case. It's just something for consideration and
5 maybe some deliberation during Full Council. Thank you.

6
7 **DR. FRAZER:** Okay. Thank you, Kevin. Something to think about,
8 certainly, before we get there on Wednesday or Thursday. I do
9 want to keep us on track, and I realize that a number of us have
10 kind of lunchtime meetings that we're obligated to attend, and
11 so, Leann, if it's okay with you, I will allow a little extra
12 time on the backside of lunch.

13
14 I want to make sure, also, to accommodate Ms. Lee's schedule,
15 and she's going to provide the presentation on the Section 7
16 consultation, and I would like to at least keep her, if she's
17 willing to give that presentation after lunch, and so we'll go
18 ahead and take advantage of that opportunity. Let's go ahead
19 and take a break now, and I think we will come back at 1:00 as
20 planned, and I will see everybody then.

21
22 **CHAIRMAN BOSARGE:** Mr. Chairman, after lunch, will be going into
23 the comparison table discussion or straight into Ms. Lee's
24 presentation and save the comparison for Full Council?

25
26 **DR. FRAZER:** We would like to save the comparison for Full
27 Council, so we don't disrupt the schedule for the rest of the
28 afternoon. Okay?

29
30 **CHAIRMAN BOSARGE:** Understood. Thank you, sir.

31
32 (Whereupon, the meeting recessed for lunch on August 23, 2021.)

33
34 - - -

35
36 August 23, 2021

37
38 MONDAY AFTERNOON SESSION

39
40 - - -

41
42 The Shrimp Management Committee of the Gulf of Mexico Fishery
43 Management Council reconvened on Monday afternoon, August 23,
44 2021, and was called to order by Chairman Leann Bosarge.

45
46 **DR. FRAZER:** Ms. Bosarge, I think we'll go ahead and wrap up the
47 Shrimp Committee, and I will let you go ahead and introduce Ms.
48 Lee.

1 **CHAIRMAN BOSARGE:** The next agenda item is our Section 7
2 Consultation on the Shrimp Industry and Protected Species with
3 Ms. Jenny Lee, and I am going to turn it over to Dr. Freeman,
4 just very quickly, to let him give us the action guide on this,
5 and then, Ms. Lee, you're free to start after that.

6
7 **SECTION 7 CONSULTATION ON THE SHRIMP INDUSTRY AND PROTECTED**
8 **SPECIES**
9

10 **DR. FREEMAN:** Thank you, Madam Chair. For this agenda item, the
11 committee will be presented with a summary of the new ESA
12 biological opinion on implementation of the sea turtle
13 conservation regulations under the ESA and the Authorization of
14 the Southeast U.S. Shrimp Fisheries in Federal Waters Under the
15 Magnuson-Stevens Fishery Management and Conservation Act that
16 was signed on April 26, 2021.

17
18 The committee should consider the presentation and ask
19 questions. This information does not require any formal
20 committee action, and so, Ms. Lee, I will hand it over to you.

21
22 **MS. JENNIFER LEE:** Thank you, Madam Chair and committee, for the
23 opportunity to share with you a brief summary of this opinion.
24 A biological opinion, just in case anybody doesn't know, is an
25 analytical document that summarizes the effects of a federal
26 action on ESA-listed species or a designated critical habitat,
27 or both, and identifies NOAA Fisheries' conclusion whether or
28 not the action is likely to jeopardize the continued existence
29 of an ESA-listed species or destroy or adversely modify
30 designated critical habitat under the ESA. It represents the
31 opinion of NOAA Fisheries, considering technical, legal, and
32 policy issues relative to the proposed action.

33
34 Every biological opinion we write has essentially the same
35 sections, which is listed on this slide, along with the number
36 of pages in each section, just to give you a quick feel for how
37 long each section is, and so this is just a summary
38 presentation, and I know you're running late, and so I will try
39 to walk quickly, and I won't walk through all the sections, of
40 course, but I'm just going to try to touch on most of them and
41 highlight just what I think you ought to know or some key points
42 relative to the past opinions.

43
44 We have conducted numerous Section 7 consultations over the
45 years, as you know, on both our sea turtle conservation regs, in
46 other words our TED and tow time regulations, and then also the
47 authorization of our shrimp fisheries.

1 This time, we have several reasons why we reinitiated. You may
2 recall we had a May 2012 opinion that considered a proposed rule
3 amending the TED regs, and then we had an April 2014 opinion,
4 and that was the end product of a subsequent consultation
5 triggered when we withdrew those proposed changes, and you also
6 might recall that, in both the 2012 and 2014 opinions, we noted
7 it was not possible to reliably quantify the anticipated take of
8 sea turtles, and we had an explanation and a proxy.

9
10 The news here is that we reinitiated, one, because we had
11 several new listed species, and the green sea turtle DPS and
12 giant manta ray that were likely to be adversely affected, and
13 so I highlighted those, but we also had some new bycatch
14 information, which I will talk about a little bit later, that
15 was developed to better analyze the effects of shrimp fisheries
16 on the sea turtle populations, and then we have the December
17 2019 final rule, where we required TEDs for a portion of the
18 skimmer trawl fisheries. In addition, we did also have to
19 address some issues raised in an October 2020 court decision
20 that remanded that 2014 opinion back to us.

21
22 This just shares -- Let me start over here. While sea turtle
23 conservation regulations -- I am going to start over one more
24 time. Excuse me. The proposed action here is two main
25 components, authorization of the shrimp trawling in the EEZ
26 under the Gulf and South Atlantic's FMPs and then our sea turtle
27 conservation regulations under the ESA Southeast U.S. shrimp
28 fisheries extending regulatory authorization to incidentally-
29 taken sea turtles subject to specific conditions.

30
31 What I started to tell you about was the new thing is that we --
32 For this bi-op, the proposed action is limited to over the next
33 ten years, and so we have opted to limit the life span of the
34 opinion to ten years, due to a few reasons, the complexity of
35 forecasting the potential effects of climate change, the
36 potential changes to sea turtles and the effects of the
37 fisheries on those increasing and decreasing population sizes.

38
39 Just, in general, we believe that the ten years represents a
40 reasonable time period to forecast both the effects of climate
41 change and the effects of the action, and so that's something
42 new, but, despite the ten-year limitation, just so folks aren't
43 confused, our analysis of the effects does consider the effects
44 of these actions and the proposed action that occurs within the
45 ten-year timeframe over a longer period, and so it's just
46 basically truncating our proposed actions so that we can analyze
47 the effects.

1 This slide just shows you all of the species and their status
2 and critical habitats in the action area. In red are the ones
3 determined likely to be adversely affected, and so those are the
4 ones that we look at further in the biological opinion, and
5 there you can see that giant manta ray is a new listed species
6 that is considered throughout the opinion, and you can also note
7 there that we don't have any critical habitat that we are
8 concerned about, and so the rest of the biological opinion is
9 looking just at listed species.

10
11 We sometimes get questions just about like, well, what about the
12 effects of this other action that's in our area, and so I just
13 threw in this one slide here to acknowledge the environmental
14 baseline section of the opinion, which looks at the past and
15 present impacts of all state, federal, or private actions and
16 other human activities in the action area, and we can just see
17 all the different things that are going on within the action
18 area that are considered.

19
20 Here, we have the moving forward into the effects analysis, and,
21 again, we have a few different things here. We have the
22 consultation considers our exemption of sea turtle take, via the
23 sea turtle conservation regs, and the effect they have on listed
24 species.

25
26 Then we have the existing sea turtle conservation regulations
27 and their impact and then the federally-authorized shrimp
28 fisheries, and so, basically, for sea turtles, because our TED
29 regs are in state and federal waters and we conserve them
30 throughout both areas, our analyses look at both the effects for
31 state and federal waters, versus our other listed species. We
32 do not actually bear responsibility for the take in state-
33 managed fisheries, and so, there, we're just looking at the
34 federal waters, but we do consider, again, the effects of our
35 sea turtle regs and how they are applicable to the impacts for
36 those species.

37
38 In Section 5, this is one of the meatier sections of the
39 opinion, and this is where we set the effects of the action on
40 listed species that are likely adversely affected, and this
41 section forms the foundation for our jeopardy analysis, but it's
42 looking at the individual levels here, or individual species
43 effects here, in this first section, and so you can see that all
44 effects were attributed to species interactions with active
45 fishing gear, and the point there is that we don't have vessel
46 impacts, or we don't believe that there are adverse effects to
47 vessels in this bi-op, like some of our other ones, because of
48 the slow-moving movement of shrimp vessels and some other

1 details.
2
3 Really, we just, for each of the listed species that are likely
4 adversely affected, you can see they have a subsection within
5 Section 5 that summarizes the types of interactions and what we
6 think happens when they are exposed to trawl gears, and then it
7 gets to quantifying the effects to listed species, with
8 estimates of the bycatch and capture and mortality, and we do
9 that first in an annual context, just to provide consistent
10 metrics, so that we can compare.
11
12 Probably the most important thing to know is that this bi-op,
13 when it comes to our otter trawl analyses, is quite different
14 from our past ones. Due to data limitations that we have had,
15 it presented issues in calculating bycatch estimates in the
16 past, and we really explored some new methods to use with our
17 observer data for calculating bycatch in otter trawl fisheries.
18
19 In the past, we hadn't used observer data, and part of that was
20 because we didn't have the observer program, and it only became
21 mandatory -- I am forgetting what year, but, initially, we just
22 didn't feel that we had enough data to use that, but, with the
23 2014 opinion, and our inability to find a way to reliably
24 estimate impacts, we worked -- We got together and realized that
25 -- I guess there was a team put together, and, ultimately, we
26 found that a Bayesian modeling approach can effectively estimate
27 bycatch in the shrimp fishery.
28
29 It's a good tool for rare-event, data-limited fisheries, and so
30 we went ahead and employed the available shrimp data for shrimp
31 observer and effort data in the Bayesian modeling approach, and,
32 essentially, those are documented in a peer-reviewed
33 publication, Babcock et al. 2018, and so that's our primary
34 source of information.
35
36 The other thing that is new is that the Southeast Sea Turtle
37 Injury Workgroup reviewed all sea turtle interactions recorded
38 by fishery observers for the Southeast U.S. shrimp trawl
39 fisheries, to determine post-release injury and mortality
40 percentages. The workgroup first determined that each
41 interaction resulted from the current fishery and then followed
42 a procedural directive, which is a process for determining post-
43 interaction mortality of sea turtles that are caught in trawl
44 net and pot trap fisheries, and so that's something new, that
45 calculating post-interaction mortality for each species for try
46 net and standard nets to determine total bycatch mortality.
47
48 Then, for our non-otter trawl sea turtle effects, we just relied

1 on the 2019 final environmental impact statement for essentially
2 our TED rule that analyzed the alternatives to reduce incidental
3 bycatch and bycatch mortality. We did refine the post-
4 interaction mortality analysis that was in that final rulemaking
5 slightly to improve precision, and then the other thing is that
6 the rulemaking didn't look at sea turtle mortalities by species,
7 and so we looked at observer data to break them down by species.

8
9 Not too much novel for the Atlantic and Gulf sturgeon effects
10 analysis. The take is anticipated in the otter trawl, standard,
11 and try nets, but, essentially, we used observer data for those
12 estimates.

13
14 For giant manta ray and sawfish, the interactions are
15 anticipated in otter trawls only, and we have new bycatch
16 estimates based on the Carlson et al. 2020 estimate, and I did
17 want to point out, in particular, which you will see later in
18 the take estimate, that, for giant manta rays, that we only had
19 one year. Giant manta rays were recorded captured only in 2019,
20 because, prior to that, they weren't identified by species, and
21 so we just had that one year, and so that led to some very
22 highly uncertain estimates, and so I just wanted to acknowledge
23 that.

24
25 As I noted in Section 5, we outlined how the proposed action
26 would affect the species at the individual level, and Section 7
27 is the integration and synthesis of effects, and it's about
28 assessing each of the species' response to this impact, in terms
29 of the overall population effects and whether those effects of
30 the proposed action, in the context of the status of the species
31 and the environmental baseline and the cumulative effects, which
32 I didn't have a slide on, are likely to jeopardize their
33 continued existence in the wild.

34
35 The annual effects that were summarized earlier in this section
36 were extrapolated out for that ten-year time period that I
37 mentioned, and then another thing that we did that was new to
38 this opinion, although we did try in 2014, but we just didn't
39 have the data to be successful, was to project the effects of
40 the proposed action in the near future and over the ten-year
41 timeframe, and we did consider potential changes in both the
42 fishery, and so effort, and then the affected species, and so,
43 in other words, population changes, to what was estimated in
44 Section 5.

45
46 With regard to the fishery, we didn't actually expect any
47 substantial increases in participation and effort, but we did
48 acknowledge the actual near-term decrease in effort, as a result

1 of COVID-19, and that may manifest for the early data, but we
2 did find two species, green sea turtles and smalltooth sawfish,
3 for which the increased population growth could lead to a
4 greater geographic distribution over densities and areas, and so
5 we did look at the increased rate and apply that when we were
6 estimating takes in the future, and so those population
7 increases will lead to being over your incidental take
8 statement, when it really was just a factor of the population.

9
10 This brings us to our incidental take statement, which is often
11 the first part of the opinion that people really look at when a
12 new opinion is issued, and, actually, I apologize, and I skipped
13 a little ahead, and I missed the punchline, but I'm sure you're
14 all aware that we did conclude that the proposed action is not
15 likely to jeopardize the continued existence of any listed
16 species that may be adversely affected, and so my apologies for
17 missing that.

18
19 That brings us now to the incidental take statement, and so this
20 where we go ahead and specify the amount or extent of
21 anticipated take, and the ITS also defines reasonable and
22 prudent measures and then terms and conditions for implementing
23 those reasonable and prudent measures.

24
25 Again, you can see what we've done here is an anticipated total
26 take over a five-year period, and so you're not looking at
27 annually, but we're looking at a five-year static period that
28 the incidental take statement will be using, and that's, in
29 part, because of how we calculate particularly those new sea
30 turtle bycatch estimates that we're going to be looking at in
31 five-year periods, as opposed to a rolling three-year, for
32 example, like we've done before.

33
34 On this slide, it shows the total, and so this would be for all
35 gears, the otter trawl, try nets, and standard, and I will just
36 skip over to the next slide, because, here, you can see all of
37 the take estimates for otter trawls over that five-year period.
38 Skimmer trawl mortality, particularly for Kemp's estimates, are
39 actually higher than skimmer trawl estimates, but you can see
40 here that we break it down by try nets, standard nets, the otter
41 trawls.

42
43 Probably the, I guess, take-home is just that, while maybe
44 you're looking at these sea turtle numbers and thinking they are
45 significant, this is actually quite a reduction from the
46 incidental take of turtles in past bi-ops with our new methods.
47 Also, I should point out the smalltooth sawfish and giant manta
48 ray numbers, again, those numbers you can see for the giant

1 manta ray, and we only have that very small sample, and all of
2 them were non-lethal, and so that's why you see the no
3 mortalities, but, again, those estimates don't have the Bayesian
4 modeling and are pretty uncertain, and so just it's not -- I
5 guess that's all I will say for that, but, for the smalltooth
6 sawfish, if you're comparing numbers, you might think, wow, it
7 looks like suddenly we're taking more than we were last time,
8 and I would just note that it's a different estimate.

9
10 Here, I think I was just -- I don't have a good slide, I guess,
11 to represent it, and that's probably why I had my note on the
12 wrong slide, but, again, I was just going to say that the
13 skimmer trawl mortality, particular for Kemp's estimates, are
14 actually higher than the otter trawl estimates, and that's just
15 because skimmer trawls fish in shallower water, where more sea
16 turtles are present, or at least that's certainly a factor.

17
18 In terms of reasonable and prudent measures and terms and
19 conditions, there are four reasonable and prudent measures, and
20 I did not put them on here verbatim at all, and so you can find
21 this, of course, in the opinion, if you want more detail, but,
22 for monitoring, I will say --

23
24 Someone had noted, in the previous presentation, about effort,
25 and it says we must continue to monitor the Southeast U.S.
26 shrimp fisheries, in order to document and report incidental
27 bycatch and entanglement of all of our listed species that are
28 adversely affected, and we must provide an update on our bycatch
29 estimates for these species within five years of the issuance of
30 the opinion, and so that's where I was saying we are going to be
31 looking at producing new estimates every five years.

32
33 We will continue to use the records from our observer program as
34 a primary means of collecting incidental take information, but,
35 basically, we still have to maintain at least what we're doing
36 for fishing effort and observer data, so that we can continue to
37 be able to estimate the fishery, and especially now that we're
38 relying on observer data.

39
40 These should look familiar, perhaps, but we did redo our
41 handling requirements, and there was a Fishery Bulletin that
42 went out with these documents, and so you all should have those,
43 and that was one of the requirements of the biological opinion.

44
45 Then the last part of the opinion here, and, actually, usually,
46 I don't put these all down, but, since I think you would find
47 them interesting, and so conservation recommendations specify
48 actions that Sustainable Fisheries can take or request be taken

1 by our Science Center to minimize effects of the proposed action
2 on adversely-affected species, and so these are conservation
3 recommendations, and these are not requirements, but they are
4 just things that we can do, but I did want to just highlight
5 that there were gear and sea turtle investigation ones, looking
6 at still the investigating the efficacy of new TED designs for
7 small sea turtles, investigating the efficacy of TEDs in vessels
8 less than forty feet in length, and I know you know that we are
9 working on rulemaking for that. The last one is exploring some
10 in-water research.

11
12 Then monitoring and data improvements, and you can see here that
13 it's explore and support solutions and funding options to
14 improve the electronic logbook program in the Gulf of Mexico
15 shrimp fisheries and, again, some targeted electronic
16 monitoring, and so these are all just ways that we think we
17 would be beneficial to improve effort data in our observer and
18 bycatch data for furthering and improving the estimates.

19
20 The last slide is, again, this is more education, and this slide
21 is just to show you where you can get some additional
22 information, and we do have a good website now, with a lot of
23 really useful links on it, and we also developed that email,
24 ted.info@noaa.gov, and so, if you have any TED questions, that
25 goes to our Pascagoula gear team, and they forward it to whoever
26 is appropriate for that question, but that's a really good
27 resource, and I think I will conclude with that.

28
29 **CHAIRMAN BOSARGE:** All right. Thank you, Ms. Lee. Chairman
30 Frazer, are there any hands up in the room? I am not seeing any
31 on the board, but, anybody that has questions or feedback for
32 Ms. Lee, feel free to chime in.

33
34 **DR. FRAZER:** Mr. Schieble.

35
36 **MR. SCHIEBLE:** Thank you, Mr. Chair. I'm not sure if you would
37 know the answer to this, but maybe you could hypothesize a
38 little bit and try to figure out what the most recent, I guess,
39 turtle stock assessment is, as far as is the stock continually
40 declining in numbers, or has it stabilized, or is it increasing,
41 and are we seeing more gear interaction in the shrimp fishery,
42 as far as over time. I mean, you showed us the five-year
43 average on interaction and mortalities among the species there,
44 but how is that on a long-term trend, maybe more than a ten-year
45 span, and I'm curious. If you don't know, I understand that,
46 and that's fine, but maybe we could get that.

47
48 **MS. LEE:** I know, in terms of -- I mean, all of our species have

1 different -- They have different projections, and I can tell you
2 that, again, the green sea turtle, in the estimates, have a --
3 It's increasing, and that was accounted for in the estimates,
4 and I think I can double-check what was the percentage, but I
5 think it was around a 7 percent increase, but the status of the
6 species section provides our best available information, and
7 there's a particular part in there for each section that talks
8 about population trends and where we think what the trajectory
9 is of the nesting trend, and it's all based on nesting trends.

10
11 **MR. SCHIEBLE:** Thank you. I appreciate that.

12
13 **DR. FRAZER:** I have a quick question for you. Earlier in this
14 committee, there was a discussion about the amount of effort
15 that we might think about for the shrimp fishery in general, and
16 so, when I looked at the numbers that you provided in your
17 presentation, I am assuming that they're average values, but the
18 question really is what is the uncertainty in those estimates,
19 and how is the uncertainty affected by the amount of effort data
20 that you receive that are fisheries related?

21
22 **MS. LEE:** I think the best answer to that question, and I can
23 make sure it's circulated, is the Babcock publication, and it
24 goes through the data and the various assumptions, including
25 effort data, and I think that would answer your question well.
26 I mean, yes, there is certainly uncertainty in the fishing
27 effort, and our estimates are, essentially, multiplying out a
28 catch rate with effort, and so that does have an impact, but I
29 think I would recommend, and I can highlight particular parts
30 for you to share.

31
32 **DR. FRAZER:** Yes, and at your convenience, but, again, what I am
33 trying to figure out is the investment in collecting the effort
34 data extends beyond simply just telling me how many shrimp might
35 have been caught yet, and that's obviously for the policy and
36 management, as they relate to the endangered species, and so
37 okay. Thank you.

38
39 **MS. LEE:** You're welcome, and, yes, absolutely. The effort data
40 is very important and a big component of our estimates.

41
42 **DR. FRAZER:** Back to you, Ms. Bosarge.

43
44 **CHAIRMAN BOSARGE:** All right. Thank you, Ms. Lee, and I did
45 want to definitely echo what you said about the Pascagoula gear
46 team. I think that team has a long-standing relationship with
47 the industry, and I know some of them have retired over the last
48 few years, and we have some new blood in there, but I really

1 think they do a good job, and so I definitely wanted to commend
2 their efforts, and I know they work a lot on this sort of thing.

3
4 All right. If there are no other questions for Ms. Lee, then
5 we're going to punt the rest of our agenda to Full Council, and
6 so, Mr. Chairman, I will turn it over to you.

7
8 **DR. FRAZER:** All right. Thank you, Ms. Bosarge, and, again,
9 thank you, Ms. Lee, for the presentation.

10
11 (Whereupon, the meeting adjourned on August 23, 2021.)

12
13

- - -